Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1404 (1999)[1]

Humanitarian situation of the Kosovo refugees and displaced persons

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Recommendations 1376 (1998), 1397 (1999), 1400 (1999) and 1403 (1999), and Resolution 1182 (1999) on the crisis in Kosovo and situation in the Federal Republic of Yugoslavia, and to its Recommendation 1385 (1998) on the situation of the Kosovo refugees, asylum seekers and displaced persons. It emphasises that the current humanitarian tragedy in the region is inextricably linked to the political causes of the crisis and requires an urgent political solution.

2. The Parliamentary Assembly is deeply alarmed by the plight of the displaced persons trapped in Kosovo reportedly with little or no shelter, protection or assistance, and considers that priority should be given to getting relief to them. Given the ever-increasing vulnerability of these people, urgent consideration should be given to the feasibility of carrying out air drops in Kosovo and even of ensuring the military protection of humanitarian convoys.

3. The Assembly underlines that according to the United Nations High Commissioner for Refugees (UNHCR) those fleeing Kosovo for neighbouring countries are refugees within the 1951 Geneva Convention definition and should be given unimpeded access to those countries, protected and treated accordingly.

4. The Assembly is gravely concerned by the situation of the Kosovo refugees and displaced persons in neighbouring regions and countries, in particular in Albania, "the former Yugoslav Republic of Macedonia" and Montenegro, where their overwhelming numbers (about 10% of the population) constitute a serious threat to political, economic and social stability. Everything must be done to ensure that the presence of the refugees and provision of relief to them do not create tensions with the local inhabitants.

5. The Assembly expresses its appreciation for the efforts undertaken by the governments and relief organisations of these countries and regions in providing protection and assistance, and considers that those Council of Europe member states which have not yet done so should, as a matter of urgency, announce and fully implement, in co-ordination with the UNHCR, commitments to receive Kosovo refugees on their territory.

6. The Assembly expresses its full support for the efforts by the national and international organisations involved in protection and relief work on behalf of the Kosovo refugees and displaced persons, and recognises their urgent need for adequate funding for this purpose. The Assembly believes that the North Atlantic Treaty Organisation (Nato) should step up its valued contribution to the relief effort in terms of logistical support and that assistance and regular press briefings should be provided on Nato's humanitarian work. Nevertheless, it is essential that the humanitarian operation remain firmly under civilian control, and that the UNHCR maintain the role of lead co-ordinating agency, without prejudice to the particular situation of the International Movement of the Red Cross and Red Crescent.

1. Assembly debate on 28 April 1999 (12th and 13th Sittings) (see Doc. 8392, report by the Committee on Migration, Refugees and Demography, rapporteurs: MM. Iwinski and Dinçer). Text adopted by the Assembly on 28 April 1999 (13th Sitting).

7. The Assembly welcomes the announcement by the Social Development Fund that it will make a donation to United Nations agencies providing relief for the Kosovo refugees and displaced persons and encourages it to do more along these lines pending the identification and implementation of projects for loans. Member states which have not yet done so should now join the Fund to demonstrate solidarity as it begins to play a part in meeting the crisis.

8. The Assembly also welcomes the appeal by the Congress of Local and Regional Authorities of Europe for support to Kosovo refugees through partnerships between European towns and the municipalities hosting refugees in Albania and "the former Yugoslav Republic of Macedonia".

9. The Assembly underscores that emergency relief should be followed up by financial assistance from the international community on a huge scale for reconstruction and rehabilitation in Kosovo, one of the primary conditions for the return of refugees, and the rest of the region. The Council of Europe should contribute to the elaboration of a comprehensive multi-sectoral plan to this end.

10. The Assembly recommends that the Committee of Ministers:

10.1. urge the Serb and Yugoslav authorities:

a. to fully respect humanitarian law with regard to the civilian population in general and to persons deprived of liberty;

b. to provide unimpeded access for humanitarian organisations to all areas of Kosovo, and to guarantee the safety of all aid workers in the field;

c. to keep their borders open and to create the necessary conditions for the safe return of refugees.

10.2. urge the Montenegrin authorities: to continue to assist the displaced population from Kosovo and to guarantee its safety;

10.3. urge the governments of Albania and of "the former Yugoslav Republic of Macedonia":

a. to fully comply with the principles of the 1951 Geneva Convention and UNHCR guidelines in respect of refugees from Kosovo, and in particular to admit them in safety;

b. to speed up the registration and documentation of refugees in co-operation with the UNHCR, the International Organisation for Migration (IOM) and the Council of Europe;

c. to make arrangements for refugees' subsequent transfer from border areas, as appropriate, in co-ordination with the UNHCR and other humanitarian agencies, and to ensure that evacuation is voluntary and respects the principle of family unity;

d. to facilitate the work of the humanitarian organisations, in particular with regard to family reunification, tracing, registration and humanitarian evacuation.

10.4. urge the member states of the Council of Europe, and in particular Nato countries:

a. to step up their support for the governments of the neighbouring countries, especially Albania and "the former Yugoslav Republic of Macedonia" in their efforts to provide assistance and protection to the refugees and displaced persons from Kosovo, in particular by offering to set up, supply and manage refugee camps and by increasing financial and material assistance for families hosting refugees;

b. to step up donor funding in response to the Consolidated Interagency Appeal and to the Donor Alert launched by the United Nations, and to the integrated appeal of the International Movement of the Red Cross and Red Crescent for the victims of the Balkan crisis;

c. to respond generously to the appeal by the UNHCR to provide temporary protection to Kosovo refugees by developing a comprehensive burden-sharing plan and to speed up admissions to their territory by fulfilling, and where appropriate increasing, their commitments;

d. to comply with UNHCR Guidelines on Temporary Protection of Displaced Persons, taking into account also the Assembly's Recommendation 1348 (1997) on the temporary protection of persons forced to flee their country;

e. to ensure that humanitarian evacuation from the region is carried out on a voluntary basis, after proper registration, and with due regard for family unity, under sound medical conditions;

f. to recognise the indefeasible right of women who have been raped to undergo, if they so wish, a voluntary termination of pregnancy, this right arising automatically from their being raped;

g. without forgetting the other victims of the conflict, to do everything possible to ensure that women refugees, many of whom have suffered violations of their physical integrity during their flight and in the places of asylum, and been subjected to rape, violence and torture, receive special support, such as the right to safety, medical care, psychological follow-up, priority access to food and proper shelter.

11. The Assembly further recommends that the Committee of Ministers:

a. set in motion the elaboration of a comprehensive multi-sectoral plan for the future reconstruction of Kosovo in co-operation with relevant financial institutions and international organisations;

b. step up its contribution, in co-operation with other international organisations concerned, to the identification, registration, and documentation of refugees, the collection of evidence of crimes against humanity committed in Kosovo, and assistance in the fields of health, education, recreation and sport for children and young people, who constitute a high proportion of the population in the refugee camps;

c. consider ways in which the property of Kosovo refugees and displaced persons could be identified and registered;

d. reinforce its office in Albania and assist the country to cope with the great economic and social problems through loans from the Social Development Fund;

e. give substantial assistance to the Government of "the former Yugoslav Republic of Macedonia" for combating the emerging humanitarian, economic and social disaster, including urgent loans from the Social Development Fund, and intensify intergovernmental co-operation with this country in all relevant fields related to the present difficulties;

f. develop a wide-ranging, concrete programme designed to build inter-communal confidence, strengthen civil society and combat prejudice and intolerance in the region, among other things through legal assistance and support for non-governmental organisations and local democracy.