Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1569 (2002)[1]

Situation of refugees and internally displaced persons in the Federal Republic of Yugoslavia

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Recommendation 1491 (2001) on the Federal Republic of Yugoslavia – recent developments, and Recommendation 1510 (2001) on the humanitarian situation of returnees to Kosovo.

2. The Assembly, in relation to the ongoing procedure for accession of the Federal Republic of Yugoslavia to the Council of Europe, draws attention to the still unresolved question of refugees and internally displaced persons (IDPs) in this country.

3. The Assembly notes with concern that there are still over half a million refugees and internally displaced persons in Serbia, Montenegro and Kosovo. Some of them have been in this situation for ten years now. It is specifically concerned about the plight of refugee children. The majority of IDPs have been displaced for nearly three years.

4. Lack of shelter, precarious living conditions particularly in unrecognised collective centres, and lack of income remain major concerns for both refugee and IDP groups throughout the country. The transfer of pensions and allowances between different entities encounters problems.

5. The Assembly is aware of the overall difficult economic situation in the country, and in particular of the high rate of unemployment. It recognises the need for foreign investments and assistance to revive the national economy.

6. In this context, the Assembly is concerned by the significant decrease and complete phasing out planned for the near future of international assistance to the most vulnerable groups among refugees and displaced persons without concrete projects to replace it by international development aid. Such a withdrawal may produce dramatic consequences for some categories of refugees and displaced populations.

7. The Assembly is aware of the ongoing political process to determine the future status and the relations between the different entities of the present Federal Republic of Yugoslavia. Regrettably, the uncertainty concerning the final outcome of this process has in some respects had a negative impact on the situation of the refugees and IDPs and on any action undertaken to accomplish durable solutions.

8. The Assembly expresses its concern regarding the lack of harmonisation of policies in respect of refugees and IDPs as well as insufficient co-operation in this field between the authorities of entities of the Federal Republic of Yugoslavia.

9. On the other hand, the Assembly notes with satisfaction the progress in co-operation between the authorities of the three entities and the governments of other countries of the region, as well as with the international community as a whole in respect of refugees and IDPs. Regrettably, the uncertainty over the future political status of the country seriously impedes more active involvement of the international development agencies.

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1. Assembly debate on 27 June 2002 (23rd Sitting) (see Doc. 9479, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Cilevics). Text adopted by the Assembly on 27 June 2002 (23rdSitting).

10. The Assembly notes with satisfaction the elaboration, by the Serbian authorities in co-operation with international organisations, of the National Strategy for Resolving the Problems of Refugees, Expellees and Displaced Persons. It is designed to be implemented through institutional and legislative reform as well as concrete projects and co-operation with relevant international organisations and states in the region.

11. While recognising the consistently humane and generous attitude of the Montenegrin authorities who have never prevented IDPs and refugees from entering the territory of Montenegro, or carried out forced returns, the Assembly notes with concern that no long-term strategy has been elaborated in Montenegro and no durable solutions are being considered by the Montenegrin authorities.

12. While fully aware of a complex economic and political situation combined with the burden of the influx of IDPs, the Assembly expresses its firm conviction that humanitarian questions cannot be outweighed by political considerations. Therefore the Assembly expresses its concern at the passive attitude of the Montenegrin authorities and their reluctance to face up to the problem. In particular, the Assembly is deeply concerned by the newly adopted law on citizenship which prevents refugees and IDPs from obtaining citizenship of the republic.

13. The Assembly welcomes the positive attitude of the Kosovo authorities, the good co-operation with the United Nations Interim Administration in Kosovo (Unmik), and the repeated declarations of the Provisional Government of Kosovo on a readiness to accept the return of all minorities. Although the security situation still does not allow for massive minority returns to Kosovo, all necessary measures should be undertaken and efforts continued to make such returns possible.

14. The Assembly shares the conviction expressed by Unmik and the United Nations High Commission for Refugees (UNHCR) that all repatriation to Kosovo programmes, in particular those involving so-called minority returns should be designed as co-ordinated, phased and orderly movements. This is particularly true for most vulnerable groups of IDPs, in particular Roma, Ashkali and Egyptian refugees.

15. Therefore, the Assembly recommends that the Committee of Ministers:

urge the member states of the Council of Europe:

a. to encourage economic involvement and investments in the Federal Republic of Yugoslavia;

b. to ensure the continuation and development of a comprehensive economic strategy in the framework of the Stability Pact for South Eastern Europe;

c. to contribute generously to the financing of projects in the framework of the Serbian National Strategy and in particular to make special arrangements for children;

d. to respond in a positive way to possible future projects relating to refugees and IDPs elaborated by the Montenegrin authorities;

e. to continue providing humanitarian assistance to refugees and IDPs in the Federal Republic of Yugoslavia and to ensure that it will not be phased out before it is replaced by development assistance;

f. to abstain from announced massive forced deportations of rejected asylum seekers to so-called minority areas, and to carefully consider every case on an individual basis;

g. to recognise that, for asylum applicants originating from Kosovo, internal displacement in Serbia and Montenegro does not offer an acceptable relocation alternative;

urge the Serb authorities:

a. to remove obstacles preventing Roma from Kosovo who have refugee status in "the former Yugoslav Republic of Macedonia" from obtaining documents which would allow them to return to the Federal Republic of Yugoslavia;

b. to increase the involvement of relevant non-governmental organisations in the elaboration of concrete projects in the framework of the National Strategy;

c. to consult systematically representatives of refugees and IDPs and involve them in any governmental activities regarding them;

d. to review and amend all administrative practices which complicate the work of humanitarian international and local agencies (lengthy procedures for registration, visa requirements, cumbersome procedures for import of humanitarian goods, taxation, etc.);

e. to provide refugees and IDPs with comprehensive and clear information on their rights and their choice between return and integration;

f. to ensure that pensions and allowances are transferred to IDPs in Montenegro and Kosovo;

g. to improve co operation with Montenegrin and Kosovo authorities in respect of refugee and IDP policies;

h. to continue co-operation with the authorities of Croatia and Bosnia and Herzegovina with a view to finding satisfactory solutions in the fields of housing, social protection and employment as regards those refugees who wish to return;

i. to introduce legislation to implement the 1951 Geneva Convention and set up a status-determination procedure;

urge the Montenegrin authorities:

a. to elaborate a national strategy designed to find long-term solutions to the refugee and IDP problem;

b. to elaborate concrete projects for refugees and IDPs and to actively seek international funding for them;

c. to involve relevant non-governmental organisations in the elaboration of projects;

d. to consult systematically representatives of refugees and IDPs and involve them in any governmental activities regarding them;

e. not to prevent those refugees and IDPs who wish to integrate in Montenegro from doing so, and to take measures which would facilitate this process;

f. to review and amend the law on citizenship with a view to changing the provisions jeopardising the rights of refugees and IDPs;

g. to co-operate with the Serb and Kosovo authorities with a view to co-ordinating refugee and IDP policies;

h. to introduce legislation to implement the 1951 Geneva Convention and set up a status determination procedure;

urge the Kosovo authorities:

a. to continue their co-operation with the international community in order to keep up the process of minority returns to Kosovo;

b. to regard the development of an environment for a safe and voluntary minority return as one of the most urgent priorities;

c. to set the context for a constructive, participative inter-ethnic dialogue, and in particular to ensure non-discriminatory access of minorities to employment, social services and education;

d. to improve co-operation with the Serb and Montenegrin authorities in respect of refugee and IDP policies;

urge Unmik to review and reconsider certain regulations and administrative practices which may have a negative impact on returns, in particular Regulation 2001/17 and the rule that assisted returns may be made only to the places that the IDPs had fled from and not to any other place within Kosovo.

16. The Assembly recommends that the Council of Europe Commissioner for Human Rights visit the Federal Republic of Yugoslavia and Kosovo with a fact-finding mission with the aim of examining the human rights and refugee situation in Kosovo on the whole and elaborating appropriate recommendations.

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

a. ensure the continuation of the strong involvement and commitment of the Council of Europe in the process of the democratic reconstruction of a multi-ethnic society and for confidence building in the Federal Republic of Yugoslavia;

b. strengthen its concrete reconciliation programmes in particular in the field of culture and education;

c. promote the long-term solutions with regard to refugees and IDPs in the Federal Republic of Yugoslavia and encourage the co-operation between its different entities and the countries in the region;

d. call on the Council of Europe Development Bank to step up its co-operation with the Federal Republic of Yugoslavia, and in particular to react positively to possible future projects presented by the Montenegrin authorities regarding refugees and IDPs;

e. invite the Congress of Local and Regional Authorities of Europe to step up its programme for the twinning of municipalities in the regions which are hosting IDPs and refugees with municipalities in other Council of Europe member states.