



Search
News
Documents
Index A-Z

The News
Latest news
Newsletter

Meetings
The week ahead
Session calendar
Conferences and colloquies
All meetings

Documents
Adopted texts
Working documents
Reports under preparation
Verbatim records
How to search?

Functioning
PACE in brief (PDF)
- Origin
- Working structure
- Procedures
- Committees
Rules of procedure
Secretariat

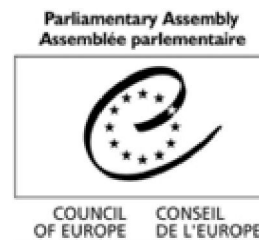
Members
List from A to Z
By political group
By national delegation
By committee
Other bodies
Members since 1949

Political groups (www)
EPP/CD
SOC
EDG
ALDE
UEL

Links
Council of Europe
National parliaments
International partners

Download
PACE's logo
Photographs

Parliamentary Assembly Assemblée parlementaire



Doc. 9479

4 June 2002

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

Report

Committee on Migration, Refugees and Demography

Rapporteur: Mr Boriss Cilevičs, Latvia, Socialist Group

Summary

There are still over half million refugees and internally displaced persons in Serbia, Montenegro and Kosovo. Some of them have been in refugee situation for ten years now. Lack of shelter, precarious living conditions particularly in so-called unrecognised collective centres, and lack of income remain their main concerns.

The democratic changes in the Federal Republic of Yugoslavia have paved the way to long-term strategy and sustainable solutions including repatriation and local integration of refugees and displaced persons. Both solutions encounter some obstacles, both need support of the international community.

The Rapporteur recommends a number of measures to be undertaken in order to achieve durable solutions, and addressed both to the authorities of the three entities, as well as to the international community.

I. Draft recommendation

1. The 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 refugee 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 prior concerns for both refugee and IDP groups throughout the country. Transfer of pensions and allowances encounters problems between different entities.

5. The Assembly is aware of the overall difficult economic situation in the country, and in particular of a high rate of unemployment. It recognizes 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 withdrawal may produce dramatic consequences for some categories of refugees and displaced populations.

7. The Assembly is aware of the ongoing political process aimed at the determination of the future status and the relations between 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 action undertaken with a view to accomplishing durable solutions.

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

9. On the other hand, the Assembly notes with satisfaction progress in cooperation 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 to refugees and IDPs. Regrettably, the uncertainty over the future political status of the country seriously impedes more active involvement of the international development agencies.

10. The Assembly notes with satisfaction the elaboration, by the Serbian authorities, in cooperation 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 cooperation with relevant international organizations 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 deprives refugees and IDPs from obtaining the citizenship of the republic.

13. The Assembly welcomes the positive attitude of the Kosovo authorities, the good cooperation with the United Nations Interim Administration in Kosovo (UNMIK), and the repetitive 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 measures should be undertaken and efforts continued to make such returns possible.

14. The Assembly shares the conviction expressed by UNMIK and UNHCR that all repatriation programmes to Kosovo, 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, Ashkaelia and Egyptian refugees.

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

i. 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-East 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.

ii. urge the Serb authorities:

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

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

c. 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);

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

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

f. to improve cooperation with Montenegrin and Kosovo authorities in respect of refugee and IDP policies;

g. to continue cooperation with the authorities of Croatia and Bosnia and Herzegovina with a view to finding satisfactory solutions in the field of housing, social protection and employment as regards those refugees who wish to return.

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

iii. 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 cooperate with the Serb and Kosovo authorities with a view to coordinating refugee and IDP policies.

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

iv. 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 cooperation with the Serb and Montenegrin authorities in respect of refugee and IDP policies.

v. urge UNMIK:

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

16. 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 in regard of refugees and IDPs in the Federal Republic of Yugoslavia and encourage the cooperation between its different entities and the countries in the region;

d. call on the Council of Europe Development Bank to step up its cooperation 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.

II. Explanatory memorandum by Mr Cilevičs

1. Introduction

1. The Committee on Migration, Refugees and Demography has been following the humanitarian situation of refugees and displaced persons in the Federal Republic of Yugoslavia since the very beginning of the armed conflict in the region. Instructed by the Assembly to "follow closely the situation of the populations displaced by the crisis, both within Yugoslavia and in the neighbouring countries, and to report back to it in due course"¹, it has prepared a number of reports on the humanitarian consequences of the armed conflicts in the Balkans, and initiated the adoption by the Parliamentary Assembly of recommendations addressed to the governments concerned and to the international community. These reports were often based on fact-finding visits to the region.

2. The most recent texts on the subject prepared by the Committee were presented by Mr Iwiński (Opinion on the Situation in the Federal Republic of Yugoslavia – recent developments ²) and debated in the Assembly in January 2001, and by Mr Connor (Report on the humanitarian situation of returnees to Kosovo³), debated in the Assembly in April 2001.

3. The present report stems from the Motion for a recommendation presented by Lord Judd and others following the parliamentary Conference on the situation of refugees and displaced persons in the Federal Republic of Yugoslavia, organized by the Sub-Committee on refugees in cooperation with the Yugoslav Parliament in Belgrade on 5-6 June 2001. It is based on the conclusions of the Conference as well as on a number of other sources including a fact-finding visit by the Rapporteur (see attached Programme), and updated information received from relevant non-governmental and intergovernmental organisations and associations.

4. The Committee is currently working on another report closely related to the subject, namely on the displacement of populations in the Balkans (Rapporteur: Mrs Zwerver). In order to avoid repetition the Rapporteurs have agreed on a division of labour and on the criteria used for the preparation of each report. The present report will focus on the solutions to be implemented for the displaced persons within the Federal Republic of Yugoslavia (including Kosovo), and for those refugees residing in Yugoslavia who wish to stay and to be integrated within the country.

5. The situation of refugees and displaced persons in the Federal Republic of Yugoslavia is also examined in the framework of the accession procedure by the Rapporteurs of the Political Affairs Committee (Mr Frey), and of the Committee on Legal Affairs and Human Rights (Mr Lippelt). Your Rapporteur very much hopes that the conclusions of the present report, as well as recommendations which will result from them will be taken into account by Mr Frey and Mr Lippelt when they establish a list of commitments to be undertaken upon the accession.

6. The Rapporteur is fully aware of the important political developments which are currently underway in the Federal Republic of Yugoslavia and which may result in a new legal status of the entities composing the state at present. Nevertheless he is convinced that the importance and urgency of the humanitarian problems do not allow for waiting for the outcome of the political process. Moreover, he considers it essential that the Committee follows closely the situation of refugees and displaced persons in the area in the future.

2. General overview

7. As of February 2001, there were 377 431 registered refugees in Serbia, and 14 400 in Montenegro. Further to that there are 197 700 internally displaced persons (IDPs) in Serbia, 32 200 IDPs in Montenegro and about 36 000 IDPs in Kosovo⁴. The total number of refugees and IDPs amounts to nearly 700 000 persons which makes up nearly 10% of population as a whole and makes Yugoslavia the country with the largest per capita refugee and displaced person burden in Europe.

8. Refugees residing in the Federal Republic of Yugoslavia (Serbia and Montenegro)

originate mainly from Bosnia and Herzegovina (143 500), and arrived in several waves between 1991 and 1995, and from Croatia (245 800 persons), in particular from the western Slavonia and Krajina regions (1992-3) and following the Croatian military operations "Flash" and "Storm" in Summer 1995. Thus all of them have been in the refugee situation for many years now.

9. It should be noted that around 15 000 refugees who had fled Croatia and Bosnia and Herzegovina between 1991 and 1995, and had been settled by the Yugoslav authorities in Kosovo in the beginning of 1998, had to flee once again between mid-1998 and 1999.

10. In mid-2001, a sizeable influx of ethnic Albanian refugees from the neighbouring former Yugoslav Republic of Macedonia took place. In reaction to the deteriorating security conditions in their residence areas, over 80 000 entered Kosovo in search of protection. This number has subsequently dropped following the arrival to "the former Republic of Macedonia" of a NATO contingent with the task of a weapons collection programme (Operation Essential Harvest) in late August 2001. There remain 10 850 Albanian refugees from Macedonia in Kosovo⁵.

11. Internally displaced persons residing in Serbia and Montenegro come mainly from Kosovo (in particular the municipality of Pristina) and from Metohija. They are Kosovar Serbs and left their homes during or after NATO strikes in 1999. It is acknowledged by the authorities of both republics that there are also unregistered internally displaced persons.

12. In Kosovo, according to UNHCR estimates, 10 800 from the Presevo Valley are currently in Pristina and Gnjilane areas, the other 25 000 being mainly Serbs and Roma displaced within Kosovo. Out of this figure, around 8 000 ethnic Albanians are displaced in South Mitrovica municipality.

13. Central Serbia hosts over 90% of the internally displaced persons and refugees while the rest has settled in Vojvodina. The largest number is registered in Belgrade (20 936 or 29,4%). Furthermore, approximately 45 000 displaced Roma (included in the overall figure of displaced population) are scattered all over the Federal Republic of Yugoslavia.

14. It should be noted that the present numbers of refugees and displaced persons in Serbia, Montenegro and Kosovo are lower than during the peak of the crisis. The Federal Republic of Yugoslavia has been a scene of several waves of mass displacement during the last decade. For example, at the end of 1999, the number of IDPs in Montenegro exceeded 120 000 persons.

3. Situation of refugees and displaced persons within the Federal Republic of Yugoslavia

a. Living conditions

15. The overwhelming majority of refugees and internally displaced persons in Serbia and Montenegro (about 90%) live in private accommodations either with family or friends, or paying rent. A relatively small but not insignificant portion of refugees and displaced people (estimated at 7,5%) have constructed or bought themselves houses or apartments. In the case of the internally displaced from Kosovo, some have built homes in Serbia proper prior to their displacement.

16. In both Serbia and Montenegro, some 30 000 persons including over 10 500 IDPs and over 21 700 refugees from Croatia and Bosnia and Herzegovina (in total accounting for 7% of IDPs and refugees in the Federal Republic of Yugoslavia) live in some 200 former municipal and collective centres.

17. The number of refugees and IDPs living in collective accommodation increased in 2000 by some 3000 persons. Economic hardship was obviously the main cause that made people move from private to collective accommodation. A Red Cross survey of May 2000 shows that up to 40% of the internally displaced persons in Serbia and Montenegro have changed accommodation at least twice.

18. Living conditions in collective centres differ from one place to another but in general they tend to be unsatisfactory, overcrowded with poor access to clean water and sanitary services. In all collective centres visited by the Rapporteur, the inhabitants complained of unsatisfactory living conditions, no adequate food, in particular for children, no income and no prospects for the future.

19. An additional 6 000 internally displaced persons have found accommodation in so-called "unrecognised collective centres", meaning that they have squatted unoccupied buildings, in which they receive no assistance from the state authorities. Sometimes this difficult situation releases invention and initiative and helps to avoid "dependency syndrome" common in recognised collective centres. However, living conditions are sometimes very precarious and may be even dangerous. The Rapporteur visited the place where illegally connected electricity had caused the fire, and although this time there had been no casualties, the problem remained unsolved.

20. Living conditions for Roma in Serbia and Montenegro are extremely poor. Local municipalities are often reluctant to accept Roma who are confronted with a pattern of subtle discrimination in the entire region. In and around Belgrade and other towns in Serbia and Montenegro many Roma IDPs live in illegal settlements, without access to electricity, drinking water or sewage system. Occasionally, local authorities evict Roma from such illegal settlements.

21. In Kosovo, the number of displaced absorbed into host family arrangements is difficult to assess, but according to estimates it is even higher than in other parts of the Federal Republic of Yugoslavia.

b. Economic and social rights

22. The humanitarian situation of IDPs and refugees cannot be considered in abstraction from the situation of the population as a whole. The Yugoslav economy is severely depressed. State welfare system is lacking, health institutions are run-down, unemployment is very high (estimated at more than 30%), pensions are extremely low, insufficient to cover living expenses and paid irregularly. Vulnerability levels are alarming, not only for the displaced but also for the average citizens, with children and the elderly disproportionately bearing the burden. According to estimates over a million people in the Federal Republic of Yugoslavia live below the poverty line.

23. The most common problem of refugees and displaced persons in Serbia and Montenegro is lack of income. Though it is difficult to obtain any reliable data, particularly regarding activity in the grey economy, it appears that only a very small proportion can rely on regular income sufficient to meet basic needs. Over 60% of those living in collective centres have no income at all and they rely entirely on humanitarian assistance.

24. Massive unemployment remains a crucial problem in Kosovo for the whole population, but displaced persons (as well as minorities) are affected to an even higher degree: up to 90% remain unemployed without any regular income.

25. The elderly displaced are especially affected by the irregular payments of their low pensions (an average 70 Euros a month). Another problem concerns transfer of pensions between different entities. Although people usually manage to get their money, it implies a lot of arrangements including travel. The plight of the elderly, combined with a lack of facilities or programmes to assist them, is becoming alarming.

26. The health and social welfare system in the FR of Yugoslavia is under tremendous strain. Internally displaced persons have access to medical services, but anything beyond emergency medical services requires payment at the time of treatment which obviously limits access to treatment. And yet an estimated 13% of the IDPs have a serious medical status (chronic disease requiring permanent medical treatment or infirmity). IDPs are also exposed to psychological troubles.

27. The non-functioning of federal structures in Montenegro, and in particular the fact that the German mark is the only legal currency and that in consequence there was until recently (March 2001) no inter-republic financial traffic possible, implies additional disadvantages for IDPs. Pensions paid to IDPs in Serbia in dinars are inaccessible to IDPs in Montenegro without travelling to Serbia.

28. In Kosovo, the inadequacy of the health care system is aggravated by specific local problems: whereas most Kosovo Albanians displaced within Kosovo have been integrated in the general health care system, minority populations continue to experience difficulties in accessing the health care system as a result of insecurity and discrimination on ethnic grounds.

29. The displaced Roma community, in particular the Ashkaelians, have difficulties in accessing public services. Registration and attendance of Roma children at schools is very low.

30. The most marginalized and vulnerable groups are further disadvantaged because of lack of sufficient information on their rights and services available to them from governmental, intergovernmental and nongovernmental sectors, local and international.

4. Long-term solutions

31. The results of the presidential elections in September 2000 and the victory of the democratic forces in the Serbian parliamentary elections followed by the progressive reintegration of Yugoslavia into the international community have opened a new chapter in relations between the FRY on the one hand and Croatia and Bosnia and Herzegovina on the other. Similarly, relations between the various entities of the Federation, namely Serbia, Montenegro and the UN administered Kosovo have entered a new phase, in particular, after the EU-sponsored agreement between Serbia and Montenegro has been signed on March 14, 2002. These political developments have obviously had an important impact on the humanitarian situation of refugees and

displaced persons in the whole region and, particularly in the Federal Republic of Yugoslavia.

32. The Serbian authorities, in cooperation with UNHCR, OCHA and UNDP have elaborated the National Strategy for Resolving the Problems of Refugees, Expellees and Displaced Persons. It constitutes a comprehensive, multi-sectoral, integral programme for long-term state policy and development strategy. 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.

33. The primary aim of the National Strategy is to assist refugees in freely making a decision on whether to return to their homes or to integrate locally through a coordinated programme of policy measures. The strategy will include a package of co-ordinated measures and concrete programmes for local integration on the one hand and the promotion of repatriation on the other that will be submitted for funding to international organisations and donors.

34. Government's efforts towards economic reform and development are supported by the international community which also tries to ensure that development policies and programmes meet standards for durable solutions for refugees and IDPs.

35. Unfortunately, no long-term strategy has been elaborated in Montenegro and no durable solutions are being considered by the Montenegrin authorities. The Rapporteur is well acquainted with a complex economic and political situation combined with the burden of the influx of IDPs. The Rapporteur is also aware of the fact that the Montenegrin authorities have always shown the consistently humane and generous attitude never preventing IDPs and refugees from entering the territory of Montenegro. However, in the Rapporteur's opinion, the Montenegrin authorities will have to face the problem sooner or later. Therefore instead of wasting time, concrete projects should be submitted for international funding, and international development agencies should be encouraged to assist in solving the humanitarian problems.

a. Promotion of repatriation

36. An important number of Bosniak refugees have already returned to their homes. The presence of the international community in Bosnia and Herzegovina has helped create more favourable conditions for return. It resulted in the reduction of Bosniak refugees by 43% in the past five years.

37. On the other hand, the legal framework regulating the return to Croatia is based on internal legislation and bilateral agreements with Croatia, which, to date, have not yielded satisfactory results. In the period 1996- 2001, the number of refugees in FRY from Croatia has been reduced from 297 000 to 245 800 i.e. by 17% only. Moreover, according to estimates, around 30 000 of returnees have reappeared again in Yugoslavia as refugees. This phenomenon obviously raises the question of sustainability of returns.

38. On the other hand, as living costs are lower in the FRY as compared to Croatia and Bosnia and Herzegovina, some refugees, in particular pensioners prefer to live here on their pensions transferred from their countries of origin. Similarly, many young people return to these countries only in order to sell their property, and they settle down in the FRY, not always giving up their refugee status.

39. The Yugoslav authorities should be supported in their efforts to negotiate the conditions for the return of refugees with the neighbouring countries concerned with a view to facilitating procedures and creating the most favourable conditions possible, in particular in the field of housing, restitution and reconstruction of property, social services, access to employment etc. It should be assured that exhaustive information on these conditions reach all those concerned.

40. The specific problems related to the return of refugees from Bosnia and Herzegovina and from Croatia to their countries of origin is examined more closely in the report on the population displacement in south-eastern Europe: trends, problems, solutions which is currently prepared by Mrs Zwerver.

41. As to the return of the displaced persons to Kosovo, security concerns remain the primary factor in the decision made by people to leave or return. While there has been some improvement in the security situation, as measured by reference to the number of fatalities during 2001, threats and incidents of intimidation against minorities remain far too common. Violence against minorities takes the form of intimidation, harassment, assault, arson and murder.

42. High level of destruction, the presence of landmines and lack of economic incentives in their home area hamper return of displaced Kosovars. On the other hand difficult economic conditions prevailing in Serbia and low level of assistance provided have resulted in the return of displaced Serbs to situations of internal displacement in Kosovo.

43. The Joint Committee on Returns for Kosovo Serbs (JCR) was established in 2000

including representatives of international organisations and of the Kosovo-Serb community to provide a forum to discuss the practical realities of Serb return. Among its main achievements is assessment of areas of return, organization of go-and-see visits, and coordinated support to spontaneous returnees. The international community promotes the creation of conditions conducive to return as opposed to promoting the return itself. Framework for return.

44. Those who return are supplied with humanitarian assistance by UNHCR and other humanitarian agencies. The security of recent returnees is generally reliant on high levels of military presence.

45. As many as 2000 Kosovo Serbs returned to their places of origin during 2000, primarily to rural areas. This figure was much lower (amounting to approximately 700) in 2001, while more displacements within and from Kosovo have been reported. The assisted returns are carried out only to the places of origin. During his visit, the Rapporteur encountered certain criticism of that policy on the part of some non-governmental organisations. In particular it was argued that such policy prevents many potential returnees from return; they would be prepared to settle down in Kosovo, but not necessarily in the place that they fled from. On the other hand, according to the representative of the Office of Returns and Communities (UNMIK), choice of the place of return might result in further creation of ethnic enclaves. The Rapporteur understands the complexity of this question which in his opinion should be given particular consideration.

46. Another controversial issue concerns Regulation 2001/17 adopted by UNMIK and imposing some restraints on selling and buying housing property between different ethnic communities. The idea behind this regulation was to prevent forced sales and promote multiethnic society; however, according to the evidence gathered by the Rapporteur, the implementation of this law leaves much to be desired.

47. The crucial importance of inter-ethnic dialogue seems to be beyond any doubt. The Council of Europe might also here play an important role in this regard.

48. Among other issues which need urgent solutions are security, property rights, access to services, transfer of pensions and other allowances, need for IDP self-reliance programmes such as access to agricultural land or the provision of gardening of livestock grants to generate a means of food or income support. The Rapporteur notes with satisfaction the clear commitment of the provisional government to continue the return process, to encourage the multi-ethnic Kosovo and to cooperate with the UNMIK and UNHCR in this respect.

b. Promotion of local integration

49. The policies in this respect are quite different in Serbia and in Montenegro. Out of 377 000 registered refugees in Serbia, 227 500 (60%) opted for local integration⁶. Local integration constitutes a main element of the National Strategy for Resolving the Problems of Refugees, Expellees and Displaced Persons elaborated in Serbia. The main objective of local integration is to enable refugees and their households to live an independent life, socially and economically comparable to the life of other citizens.

50. Local population, especially the socially disadvantaged should benefit from the integration projects in order to avoid social tensions. These should be developed and implemented in close co-operation with municipal authorities.

51. The solutions offered should encourage refugees to become FRY citizens as quickly as possible. The present law simplifies the procedures, and in practice all refugees can acquire Yugoslav citizenship without any problem. However, obtaining the Yugoslav citizenship should in no way jeopardise both their access to necessary aid and their rights in their countries of origin. Promotion of acquisition of FRY citizenship should include clear and transparent procedures, concrete deadlines, and reasonable timeframes. Encouraging dual citizenship is one of the ways for resolving refugee problems. Certain questions should be regulated through bilateral agreements (military service obligations, recognition of diplomas and legalization of other documents, participation in privatisation processes, etc).

52. A media campaign in the FRY is needed in the form of a series of special programmes that would inform refugees on procedures for applying for Yugoslav citizenship, de-registration as refugee, duration of the grace period and other relevant information. Non-governmental organisations should be widely involved in such promotion.

53. The grace period would allow refugees in the process of acquisition of ownership and construction of houses in FRY to benefit from the integration programmes.

54. Promotion of employment of refugees is another important step to be taken. The unemployment figure among refugees is significantly higher than for the domicile population in Serbia and the FRY. The employment programmes should include income-generating projects, projects facilitating access to soft loans, reduction of fiscal obligations and programmes for additional training and re-training. The

programmes should be directed at refugees, employers and local communities.

55. The housing sector is another crucial area of integration. The key method of supporting the housing sector is through the provision of loans and fiscal benefits for refugees, as well as through providing incentives to local communities for construction of the necessary infrastructure. Laws have to be adopted to provide concrete fiscal and other measures.

56. Resolving the problem of collective centres remains an important task to be completed. The number of refugees in collective centres has been significantly reduced – from 54 000 in 1996 to 22 000 (5% of the refugee population). However, the remaining inhabitants of collective centres are mostly elderly, the poor, the unemployed, orphans or children with a single parent, ill people etc. The ultimate aim should be to phase down and gradually close the collective centres, coupled with finding acceptable, alternative solutions for their current inhabitants.

57. Vulnerable persons who cannot take care of themselves would be transferred to social welfare institutions, complemented with additional arrangements for their support. Persons with health problems should be placed in adequate medical institutions, with financial support from competent institutions, based on the same principles as for the socially vulnerable. Economically and socially vulnerable should be placed in the newly built housing units and supported by social programmes.

58. The strategy should include a package of co-ordinated measures and concrete programmes for local integration that will be submitted for funding to international organisations and donors.

59. The strategy even designed in a perfect way, will not give satisfactory results until it is not sufficiently financed. Therefore, the Rapporteur considers it crucial to call on Council of Europe member states and other donor countries to show generosity in financing the future projects submitted by the Yugoslav authorities in the framework of the National Strategy, as long as they receive the approval of the international relevant organisations.

60. The Council of Europe member States should keep in mind the fact that in the foreseeable future, the Federal Republic of Yugoslavia, given its geographical situation, will most probably become a host country for asylum seekers from outside Europe. In order to enable the Yugoslav authorities to comply with its obligations originating from the 1951 Geneva Convention on the Protection of refugees and asylum seekers and its additional Protocols, the international community should assist them to resolve a long-standing existing humanitarian problem within the boundaries of their country.

61. In Montenegro, the question of integration is not on the political agenda. No comprehensive strategy has been elaborated, and no concrete projects have been submitted for financing by the international community. Anxious about complicated ethnic structure of the Montenegrin society as well as its complex economic and political situation, the authorities would wish all refugees and displaced persons to return to their places of origin. This solution seems to be, however, totally unrealistic.

62. The Rapporteur was assured that there will be no forced deportations. On the other hand, no measures facilitating integration will be undertaken. To the contrary, recently, a controversial law on the citizenship of republic has been adopted (see below).

63. The ambiguous position of the authorities along with the political uncertainty about the future status of the republic, has got a negative impact on the scale of humanitarian and development assistance. In particular, while relief agencies are phasing down their activities, no replacement by development agencies is foreseen. This might result in dramatic consequences for the most vulnerable part of displaced and refugee population.

5. Problems and obstacles to long-term solutions

64. The main obstacles for return to Croatia are related to return of property or tenancy rights. The existing law does not allow returnees who own a house or an apartment in Croatia to repossess their property before the temporary occupants are provided with alternative accommodation. Furthermore an estimated 50 000–60 000 tenants lost their rights due to implementation of new laws. New tenants have started, and in many cases completed, the procedure of buying the apartments.

65. Another obstacle to return relates to legal security of potential returnees. A lack of reliable information coupled with poorly understood legal procedures contribute to a fear to return.

66. All these questions will be dealt with in detail in the report currently prepared by Mrs Zwerver.

67. As already mentioned above, there have been some specific developments in Montenegro that affect IDPs in a particular manner. A specific aspect of the

Montenegrin situation is its separate citizenship legislation. The law gives primacy to internal republic citizenship over federal Yugoslav citizenship. Obtaining Montenegrin citizenship requires a ten-year prior residence. This means that IDPs given that they are usually citizens of the Federal Republic of Yugoslavia (Republic of Serbia) may not be able to regularise their stay in Montenegro as ordinary citizens even if they so desire. Thus, it creates conditions for discriminating against those persons who, although permanent residents of Montenegro and Yugoslav citizens, do not have republican citizenship; potential areas of discrimination are tax obligations, right to work in public enterprises and political rights such as the right to vote for local political bodies. These problems could be resolved within the framework of the newly established state union of Serbia and Montenegro.

68. Legislation and administrative practices in Serbia and Montenegro complicate the work of humanitarian agencies. The following problems have been reported: lengthy procedures for registration, visa requirements, cumbersome procedures for import of humanitarian goods, no clear guidelines concerning taxation and exemption for humanitarian goods, financial and banking difficulties, employment of national staff.

69. Specific problems in Kosovo have already been referred to in the present report. It should be added that international staff members are increasingly the targets of premeditated rather than random criminal activities, in particular theft of cars and other equipment.

70. Furthermore, specific and serious problems relate to the situation of the Roma population, the most disadvantaged and facing widespread discrimination. Moreover, the way of life of Roma often does not facilitate their integration. Specific programmes targeted at this group of displaced population should be elaborated and temporary measures fostering their access to training and employment opportunities should be examined.

6. Conclusions and recommendations

71. One of the most crucial issues to ensure the long-term sustainability is access to employment. Temporary measures fostering this access for IDPs and refugees (or at least the most disadvantaged groups between them) should be considered and possibly implemented.

72. Local and international agencies should ensure that refugees and internally displaced persons are properly informed about their rights and the services available to them.

73. Regardless of their eventual citizenship and location, the most vulnerable among the displaced will continue to require assistance in order to meet their basic needs. In the longer term it has to be foreseen that many of these people will have to be transferred to the social welfare system in whichever place they settle permanently.

74. The Montenegrin authorities should be encouraged to elaborate a long-term strategy comprising concrete projects and to submit it for international funding without further delay. The new law on citizenship in Montenegro should be reviewed and amended so that it does not jeopardize the rights of IDPs.

75. The Council of Europe Development Bank should step up its cooperation with different entities of the Federal Republic of Yugoslavia, and the member states should contribute generously to the funding of the National Strategy and possible forthcoming projects submitted by the Montenegrin authorities.

APPENDIX

PROGRAMME

for the visit by Mr Cilevičs

Thursday, 4 April 2002

Evening Arrival in Belgrade

Friday, 5 April 2002

08.30 Meeting with UNHCR

10.00 Meeting with Helsinki Human Rights Association

11.00 Meeting with the delegation of the Federal Assembly, the Committee of the Chamber of Citizens for Labour, Health and Environmental Protection and the Committee of the Chamber of Republics for Labour, Health, Social Security and Environmental Protection

12.15 Meeting with Ms Sanda Rašković, Commissioner for Refugees of the Republic of Serbia

13.30 Meeting with Ms Gordana Matković, Minister for Social Affairs of the Republic of Serbia

14.45 Lunch at the Deputies' Club hosted by the Head of the Federal Assembly's delegation

16.15 Meeting with Dr Miodrag Kovač, Federal Secretary for Labour, Health and Social Welfare

Saturday, 6 April 2002

Field visits to collective centres organised by UNHCR

Sunday, 7 April 2002

13.00 Round Table with NGOs (Srpski Demokratski Forum, Grupa 484, IAN, Norwegian Refugee Council)

19.00 Transfer to Podgorica (Montenegro)

Monday, 8 April 2002

Meetings in Podgorica:

09.00 Meeting with Mr Djordjije SCEPANOVIC, Commissioner for Refugees and Displaced People

10.30 Meeting with Mr Ranko KRIVOKAPIC, President of the Montenegro Parliament's Committee for Human Rights and Freedoms

12.00 Meeting with Mr Dragisa BURZAN, Minister for Labour and Social Affairs

14.30 Round table with UNHCR, ICRC, WFP, IFRC, IOM (Council of Europe Office)

Overnight Podgorica (Hotel Europa)

Tuesday, 9 April 2002

08.00 Pick up from the hotel

08.30 Visit Vrela Ribinica (settlement for refugees from Bosnia and Croatia) and Konik (settlement for Roma IDPs from Kosovo)

09.30 Departure

10.30 Visit Kolasin refugee settlement Smailagica Polje and IDP collective centre Dom Ucenika

11.30 Departure

13.00 Lunch in Berane

14.00 Visit Riverside (Roma IDPs) and Hotel Lokve (IDPs mixed)

15.00 Departure for border

16.30 Arrival at crossing point, change of the car

19.00 Arrival in Pristina

19.30 Round Table with representatives of UNHCR, OSCE, Office of Returns and Communities (UNMIK), UNDP, IOM, OCHA and the Head of the Council of Europe Office

Overnight Pristina (Grand Hotel)

Wednesday, 10 April 2002

08.30 Mr Birame Sarr, Deputy Director, ARC International and Ms Dawn Wadlow, Deputy Director, Care International Kosovo (at Council of Europe office)

09.30 Mr Bajram Rexhepi, Prime Minister and Mr Baki Svirca, Acting Head of Community Office, Office of the Prime Minister

10.45-12.00 Visit of Plementina camp, accompanied by Mr Guy Edmunds, UNHCR

12.00 Departure for Pristina airport

Reporting committee: Committee on Migration, Refugees and Demography.

Reference to committee: [Doc. 9152](#), Reference No. 2633 of 25 September 2001.

Draft recommendation unanimously adopted by the committee on 27 May 2002.

Members of the committee: Mr *Iwiński* (Chairperson), Mr *Einarsson* (1st Vice-Chairperson), Mrs *Vermot-Mangold* (2nd Vice-Chairperson), Mrs *Bušić* (3rd Vice-Chairperson), Mrs *Aguiar*, MM. *Akhvlediani*, *Aliyev G.*, Mrs *van Ardenne-van der Hoeven*, MM. *de Arístegui* (alternate: *Agramunt*), *Arzilli*, *Bernik*, Mrs *Björnemalm*, MM. *Van den Brande*, *Branger*, *Brînzan*, *Brunhart*, *Christodoulides*, *Cilevičs*, *Connor*, *Danieli*, *Debarge*, *Dedja*, *Díaz de Mera* (alternate: *Fernández-Aguilar*), *Dmitrijevas*, *Ehrmann*, Mrs *Err* (alternate: Mr *Glesener*), Mrs *Fehr*, Mrs *Frimannsdóttir*, MM. *Grzesik*, *Grzyb* (alternate: *Gadzinowski*), *Hancock*, *Hordies*, *Hovhannisyán*, *Ilaşcu*, *Ivanov*, *Jařab*, Lord *Judd*, MM. *Karpov*, *Kirilov* (alternate: *Toshev*), *Kolb* (alternate: *Zierer*), *Koulouris* (alternate: Mrs *Katseli*), *Kulikov* (alternate: *Rogozin*), *Kvakkestad*, *Laakso*, *Le Guen*, *Liapis*, Mrs *Lörcher*, MM. *Loutfi*, *Luís*, Mrs *Markovska* (alternate: Mr *Gligoroski*), MM. *Mutman*, *Naro* (alternate: *Rivolta*), *Nessa*, *Oliynyk*, Mrs *Onur*, MM. *Ouzký*, *Popa*, *Prijmireanu*, *Pullicino Orlando*, *Saglam*, *von Schmude*, *Schweitzer*, Mrs *Shakhtakhtinskaya* (alternate: Mr *Seyidov*), MM. *Slutsky*, *Soendergaard*, Mrs *Stoisits* (alternate: Mr *Gatterer*), MM. *Szinyei*, *Tabajdi*, *Telek*, *Tkáč*, *Udoenko*, *Wilkinson*, *Wray*, *Yáñez-Barnuevo*, *Zavgayev*, *Zhirinovskiy* (alternate: Mrs *Gamzatova*), Mrs *de Zulueta*, Mrs *Zwerver*.

N.B. The names of those members present at the meeting are printed in italics.

Secretariat of the committee: Mr *Lervik*, Mrs *Nachilo*, Ms *Sirtori*.

¹ Order No. 466 (1991).

² See [Doc 8942](#).

³ See [Doc 9007](#).

⁴ There is no systematic registration of the IDPs in Kosovo as some groups, in particular the Serb minority communities have boycotted the UNMIK civil registration. The above figures come from UNHCR verification exercise which took place in February 2001.

⁵ As of 15 January 2002.

⁶ Source: UNHCR.