

# Serbia and Montenegro



## Main objectives

### Serbia and Montenegro (SCG)

- Support the Government of Serbia and Montenegro (SCG - *Serbia i Crna Gora*) in achieving durable solutions for refugees according to the framework provided by the Sarajevo Declaration and the "3x3" Initiative.
- Promote and support the voluntary repatriation of refugees to Croatia and Bosnia and Herzegovina (BiH) as well as the local integration of refugees who are unable or unwilling to return.
- Provide protection and basic humanitarian assistance to refugee groups with specific needs and internally displaced persons (IDPs). Promote the rights of IDPs.

- Facilitate the voluntary return of IDPs to the Kosovo province of SCG.
- Assist the Government in building its asylum system; conduct refugee status determination (RSD) in the interim period.

### Kosovo

UNHCR operates in the Kosovo province under two broad international instruments:

Under UN Security Council Resolution 1244 the following are the main objectives:

- Contribute to creating conditions conducive to the return of refugees and internally displaced people, in concert with other international actors.
- Monitor and report on the situation of returnees and internally displaced people.
- Support the reintegration of spontaneous returnees through targeted assistance.
- Exercise a supervisory and advisory role in the process of returns.
- Strengthen emergency preparedness and response capacity.

Under the 1951 Geneva Convention relating to the Status of Refugees the main objectives are:

- Respond to the protection needs of groups of concern, with special attention given to women and children.
- Provide protection and durable solutions for some 800 refugees from The former Yugoslav Republic of Macedonia (FYR Macedonia), BiH and Croatia, as well as mandate refugees originating from outside former Yugoslavia.
- Contribute to the development of a legal framework on asylum (in line with the 1951 Convention and subsequent refugee-related legal instruments).

Planning figures: Serbia and Montenegro		
Population	Jan 2006	Dec 2006
IDPs from Kosovo	224,000	220,000
Croatia (refugees)	78,000	35,000
BiH (refugees)	36,000	15,000
Mandate refugees and asylum-seekers	210	210
<b>Total</b>	<b>338,210</b>	<b>270,210</b>

Planning figures: Kosovo		
Population	Jan 2006	Dec 2006
Minorities at risk	85,000	70,000
IDPs	22,000	20,000
Returnees (ex-refugees)	8,000	8,000
Returnees (during the year)	5,000	5,000
Refugees (FYR Macedonia, BiH and Croatia)	836	600
Mandate refugees and asylum-seekers	24	20
<b>Total</b>	<b>120,860</b>	<b>103,620</b>

**Total requirements: USD 24,918,958**

## Working environment

### Recent developments

#### Serbia and Montenegro

When at the end of April 2005 the State Union of Serbia and Montenegro received a positive feasibility study on its potential accession to the European Union it was expected that negotiations on a Stabilization and Association Agreement would commence in the autumn of 2005. The harmonization of the two separate economic systems, political stability, market economy and a functional State Union are likely to remain key factors in the negotiations. It remains possible, however, that the expiry of the EU-brokered "Belgrade Agreement" which led to the Charter of the State Union, ratified in February 2003, could mark the

end of the joint State Union and the beginning of two quite separate paths towards the European Union. If the current State Union formula is rejected or substantially rewritten, UNHCR will have to readjust its presence and activities accordingly.

In Kosovo province, the March 2004 outbreak of anti-Serb violence, and its impact in Belgrade and other cities (i.e. riots and increased UN security restrictions) underlined the difficulties involved in finding a solution, as opposed to merely maintaining the status quo. The return of displaced minorities to Kosovo, already disappointingly slow, now suffered a serious setback. The October 2004 elections in Kosovo demonstrated deep divisions in the political establishment over Serbia's approach to the issue, and resulted in the absence of Serbs in the provincial parliament. Any decision on the final status of the province will have a direct impact on the situation of internally displaced populations in Serbia and Montenegro and the nature of UNHCR's work on their behalf.

On a positive note, preliminary results from the refugee re-registration exercise carried out in Serbia and Montenegro show a substantial decrease in refugee numbers (from some 274,300 to 150,000), while the number of IDPs from Kosovo remains stable at around 224,000. The decrease can be explained in terms of voluntary repatriation and local integration. The "3x3" Initiative (bringing together UNHCR, the European Union, the Organization for Security and Cooperation in Europe (OSCE), and the Governments of the three concerned countries, SCG, BiH and Croatia) resulted in the "Sarajevo Declaration" of January 2005, whereby the Governments committed themselves to finding durable solutions for the remaining refugees and displaced by the end of 2006. Furthermore, an Asylum Framework Law was adopted at the State Union level in March 2005, but it has not yet resulted in legislation at the level of the constituent republics.

#### Kosovo

The UN Secretary-General appointed an Ambassador to undertake a comprehensive

review of standards in Kosovo (eight standards which include rule of law, freedom of movement, sustainable returns, minority and property rights, and direct dialogue) that was handed to the Secretary-General in October 2005. The Review report concluded that while standards implementation has been uneven, status negotiations should start as soon as possible and should be conducted through shuttle diplomacy. The two main parties to the issue have diametrically opposing views. Kosovo-Albanians (the majority of the Kosovo population) seek the creation of an independent state, whereas Serbs, backed by the Republic of Serbia, seek reintegration of the province, with substantial autonomy, into the State Union of Serbia and Montenegro. This situation, coupled with growing popular frustration at poor economic prospects, may lead to heightened political tensions, more deeply entrenched polarization of positions and possibly inter-ethnic violence and civil unrest. Any of these outcomes could limit minority voluntary returns to Kosovo and hamper UNHCR's operational environment.

Nonetheless, the transfer of power and competencies from the United Nations Interim Administration Mission in Kosovo (UNMIK) to the Provisional Institutions of Self-Government (PISG) is continuing and local authorities are gradually acquiring more responsibility and accountability, expected to culminate at the end of 2005 with the establishment of a Ministry of the Interior and a Ministry of Justice. Most of the prioritized standards actually concern minority issues and the PISG is expected to continue to attempt to move toward a multi-ethnic society. The Ministry of Communities and Returns (MCR), established in February 2005, is becoming increasingly involved in the return process.

In 2005 the Special Representative of the Secretary-General asked UNHCR to chair the Belgrade-Pristina Direct Dialogue Working Group (DDWG) on Returns and UNHCR appointed its Representative in Austria as Chairperson. To date, two constructive DDWG meetings have been held, focusing on property issues and on drafting a protocol on returns. The meetings take place in Belgrade and Pristina, on a rotating basis, and a third meeting was planned for October 2005.

---

## Constraints

---

### Serbia and Montenegro

At the political level, constraints include the continuing uncertainties regarding the institutional framework, particularly the future of the current constitutional set-up of the State of Union of Serbia and Montenegro and the unresolved issue of the final status of Kosovo province. Economically, the general slow pace of economic reforms and recovery and continued high unemployment (estimated at over one third of the workforce) make it difficult to achieve sustainability and self-reliance for refugees integrating locally.

The time frame foreseen by the "3x3" Initiative may prove over-optimistic. A key factor affecting voluntary repatriation to Croatia will be the unsolved issue of former tenancy rights holders, refugees who were former occupants of socially-owned apartments in Croatia. As regards minority returns to Kosovo, the continuing uncertainties and tensions in the province raise serious doubts about the possibility of large-scale returns in the near future. Finally, there is a general decrease in the availability of funds not only to UNHCR, but also to many other humanitarian actors that are continuing to withdraw.

### Kosovo

More than one year after the violent events of March 2004, the situation remains tense. A major obstacle to return is the absence of a negotiated status for Kosovo. This uncertainty does not allow minorities to make a free and informed choice about their personal future. In addition, the security environment is still a source of anxiety, with continual, largely unchecked, minor incidents against minorities. These belie the superficial stability represented by the absence of serious violent crimes for a period of one year (July 2004 - July 2005). The perception of a security threat against minorities is arguably sometimes exaggerated, but there is all too much evidence of latent violence. In addition, while some improvement in freedom of movement in various regions has been noted, low-intensity harassment and occasional violent attacks have continued. This in turn has a

drastic impact on the access of minorities to basic public services, notably education and health services. Finally, there is the issue of access to residential property, which has featured fairly prominently on the Kosovo agenda. Decisions on repossession need to be implemented, and the issue of access to commercial and agricultural property must be resolved if the minorities remaining in Kosovo, and the returnees, are to enjoy any degree of economic security.

Against this background of geopolitical instability and regional insecurity, and notwithstanding some progress made within Kosovo since 2004, the rate of voluntary minority returns to Kosovo has continued to decrease since 2003. It is assumed that the situation will remain tense after the release in October of the above-mentioned review of the Kosovo Standards Implementation Plan and throughout final status talks. This will not be conducive to large-scale returns. On the contrary, UNHCR expects to see a modest return flow to be mirrored, possibly outweighed, by departures, whose composition, direction and magnitude will depend on the final status adopted or foreseen. But if the status issue is not resolved and uncertainty remains, returns are likely to be overshadowed by increased violence. Whichever direction Kosovo takes, UNHCR estimates that there is a risk that more people may find themselves compelled to leave their homes. The uncertainty surrounding Kosovo's future status is therefore hampering the search for durable solutions, be it voluntary repatriation or the eventual local integration of internally displaced people.

---

## Strategy

---

### Protection and solutions

#### Serbia and Montenegro

UNHCR's strategy in Serbia and Montenegro is linked to three major themes: 1) finding durable solutions for the remaining refugees from BiH and Croatia ("post-Dayton" beneficiaries), displaced during the crisis in the early 1990s; 2) assisting internally displaced people who fled from Kosovo

in 1999; and 3) assisting the authorities at both the republican and State Union levels in building the institutions of asylum.

The repatriation of refugees from within the region will continue to require intensive coordination with UNHCR operations in neighbouring BiH and Croatia. In addition to voluntary repatriation, UNHCR will continue to facilitate the local integration of refugees in line with the Poverty Reduction Strategy Paper and United Nations Development Assistance Framework (UNDAF) objectives. UNHCR will also further its coordination with the Council of Europe Development Bank (CEB) within the Framework Partnership Agreement signed in 2004 and will actively promote the inclusion of housing solutions for integrating refugees under the CEB credit line for Serbia.

UNHCR will continue to provide basic assistance to the most needy among the approximately 224,000 internally displaced people from Kosovo. Due to the prevailing security environment, limited freedom of movement and inadequate conditions for sustainable reintegration, UNHCR continues to facilitate individual returns and to advocate for the right to return, but does not yet encourage the return of IDPs to areas of Kosovo where they constitute a minority. UNHCR will also continue to chair and facilitate the Direct Dialogue Working Group on Returns.

In the absence of national asylum legislation and institutions, UNHCR will probably continue to conduct refugee status determination and provide basic humanitarian assistance for recognized mandate refugees. The two republics are expected to adopt national asylum legislation in 2006 (both sets of laws are currently in draft form). For the purposes of training and capacity building of the national authorities, linkages are maintained with UNHCR operations in a number of neighbouring and other European countries as well as with the European Commission and its asylum capacity- building-oriented programmes.



Many elderly refugees from Bosnia and Herzegovina and Croatia are still waiting to return home. *UNHCR / V. Winter*

## Kosovo

Owing to the obstacles to return related to the security and basic human rights of minorities in Kosovo, UNHCR is still unable to actively promote returns, but will continue to work towards creating conditions for return, assisting spontaneous returns and fulfilling its supervisory role. It will closely monitor developments and provide training and contribute to capacity-building. UNHCR will continue also to play its advocacy role in assessing the continuing protection needs of minorities. At the same time, contingency planning for possible future population displacement will be consolidated.

Regarding the refugees remaining in Kosovo, UNHCR will continue to pursue voluntary repatriation and local integration as durable solutions. It is expected however that the repatriation option will be gradually exhausted in 2005-2006 as most refugees from the region who remain in Kosovo are elderly and isolated. Many have already indicated their wish to integrate locally in Kosovo.

Addressing issues of sexual and gender-based violence (SGBV) will be a priority for UNHCR Kosovo in 2006. The welfare and interests of women will continue to be monitored, assessed and incorporated in all return-related activities. Participation of women in all "go and see" visits

will be obligatory. In 2005, an action plan was implemented which included a mechanism for monitoring, reporting and referring SGBV cases and the systematic dissemination of UNHCR's guidelines on the subject. The legal aid programme will also closely monitor the rights of women in the return process while continuing to provide free legal aid for all on issues such as property repossession and personal documentation (particularly for women and children).

Due to continued restrictions on freedom of movement and security problems, many minority students still lack secure and reliable physical access to education. This helps to perpetuate the parallel education system established in many Kosovo Serb areas and further discourages integration. In some cases, internally displaced families are unwilling to return to their places of origin if there is no school in their community. The legal aid programme will also assist in obtaining documentation and ensure the registration of children. UNHCR actively monitors and advocates that: 1) returnee and minority children have access to the nearest schools; 2) problems such as transport or supplies be resolved to increase minority attendance; or 3) effective primary education structures be established in returnee areas if such services were available prior to the conflict. Minority children and adolescents also suffer from general isolation due to language constraints, restrictions on freedom of movement and security concerns. UNHCR's implementing partners will strive to incorporate children in community development initiatives to cultivate a relatively normal environment and improved relationships between ethnic groups.

## Assistance

### Serbia and Montenegro

UNHCR will promote and organize voluntary repatriation movements for refugees and their belongings to Croatia and BiH and will provide legal advice concerning housing and property issues.

With regard to those refugees unable or unwilling to repatriate, UNHCR will maintain a focus on closing the remaining 112 collective centres and

will integrate the refugees locally by providing alternative solutions, either in the form of a package of cash and in-kind assistance, or by the provision of building materials for the construction of a new house. Greater emphasis will be placed on vocational training schemes and apprenticeships, as well as curriculum and institutional development training.

Regarding internally displaced people from Kosovo, UNHCR will continue to provide basic humanitarian assistance to those with special needs. The Office will advocate for their inclusion in self-reliance programmes. UNHCR will also support the Government in its efforts to help those with the most acute needs, especially displaced Roma, as set out in the *National Strategy for the Integration and Empowerment of the Roma* and the Roma National Action Plans. Furthermore, UNHCR will continue to facilitate returns to Kosovo on a strictly voluntary basis through "go and see" and "come and inform" visits, transport of household belongings and other assistance. UNHCR estimates that at least 50,000 refugees and internally displaced people will be in need of basic humanitarian assistance in 2006.

Community services activities will target the most needy refugee and internally displaced children, women, elderly and Roma and will include educational/vocational training and teacher-training activities for internally displaced Roma and solutions for elderly and disabled people, especially those in need of accommodation in specialized institutions. UNHCR will also support the UNAIDS Theme Group on HIV/AIDS and the Republican Aids Commission in developing strategies and plans to combat and prevent HIV/AIDS. The Office will support national institutions to adequately address sexual and gender-based violence cases among beneficiary populations. UNHCR will ensure an adequate and timely response to reported sexual and gender-based violence cases.

In the field of asylum, UNHCR will provide legal expertise for the adoption of an asylum system that will include the establishment of a competent body in charge of fair and efficient RSD procedures, including "gender-sensitive" RSD; a referral system at the border preventing instances of *refoulement*; minimum reception standards for asylum-

seekers; integration measures for recognized refugees, and direct handling of RSD under UNHCR's mandate, pending establishment of the asylum system.

## Kosovo

UNHCR will provide all spontaneous returnees (who are not targeted by other programmes) and selected groups of refugees with specific needs, internally displaced people and minorities-at-risk, with three months' basic food rations, basic domestic items (such as blankets, mattresses, stoves and hygienic kits), small-scale shelter repair assistance and access to income generation projects.

As in 2005, UNHCR will continue to actively support and assist UNMIK and local authorities to try and resolve the situation of internally displaced Roma in Mitrovica – through legal advice to resolve property issues, expertise on camp management and layout, needs assessment and targeted distribution.

Plemetina camp remains the last collective centre under direct UNHCR management in Kosovo. Although durable solutions have been identified for its residents, they remain to be implemented for lack of funds. Until this can be achieved – and pending a possible handover to local authorities – UNHCR will have to continue to support and assist the camp.

The "go and see" and "come and inform" visits programme for internally displaced people was stepped up in 2005 and will continue to be coordinated by UNHCR throughout 2006. UNHCR will continue to implement community services activities fostering inter-ethnic dialogue and reconciliation and promoting gender equality by focusing on Kosovo subregional initiatives which can underpin and support appropriate living conditions for minorities and returnees. Central to all of this is the continued role of UNHCR's lead agency programme, which was carefully reviewed and revised in the second half of 2005 so as to better identify and monitor the needs of persons of concern. UNHCR will also continue its forced returns monitoring programme.

## Desired impact

### Serbia and Montenegro

For the "Post-Dayton refugees" (from Croatia and BiH) the desired impact is that the vast majority will have found durable solutions, either through repatriation or local integration, by the end of 2006, in line with the ambitious objectives of the "3x3" Initiative. One of the main challenges will be that among the remaining refugees there is a high proportion of needy individuals, such as disabled and single elderly persons, who will not be able to achieve self-reliance but who will require assistance in specialized institutions. For internally displaced people from Kosovo, the impact will be dependent on the evolution of the situation in the province. In the field of asylum, the desired impact will be the handing over of RSD procedures to the Government and the establishment of an efficient referral and reception system.

### Kosovo

The tensions and uncertainties described above render it almost impossible to predict the timing and magnitude of returns to Kosovo, if any. The year 2006 and the years beyond could witness progressive returns, or alternatively, definitive departures from the province. At present, UNHCR must therefore retain the capacity to respond flexibly to all situations.

---

## Organization and implementation

---

### Management structure

#### Serbia and Montenegro

The operations in SCG (excluding Kosovo) will be managed from the UNHCR Representation in Belgrade, the field office in Kraljevo (covering central and southern Serbia) and the sub-office in Podgorica (covering Montenegro). In Serbia and Montenegro UNHCR will field six international and 65 national staff in total.

## Kosovo

UNHCR will continue to be headed by the Chief of Mission and will comprise 82 staff members (17 international and 64 national). Besides Pristina, UNHCR will retain its presence in Mitrovica, Peja/Pec, Prizren and Gjilan/Gnjilane.

## Coordination

### Serbia and Montenegro

UNHCR's main government counterparts are the Serbian Commissioner for Refugees and the Montenegrin Commissioner for Displaced Persons, the Ministry of Labour, Employment and Social Policy, the Ministries of the Interior of both Republics and the Ministry for Human and Minority Rights. The Office maintains close coordination with other UN agencies implementing its mandate through the UNDAF framework and advocates the inclusion of refugees and internally displaced people in the projects implemented by bilateral development agencies, with the CEB and with the European Commission, including the European Agency for Reconstruction. It cooperates with a number of local NGOs and legal networks in the protection of and assistance to refugees and internally displaced people.

## Kosovo

As the role of the international community in Kosovo evolves from direct management to broad supervision, UNHCR's main counterparts are increasingly the central and local authorities of Kosovo. The Ministry of Communities and Returns, the Ministry of Local Government Administration and municipal structures are all key actors in the returns and reintegration process and coordination with these actors will be strengthened as their commitment and involvement progress. UNMIK's Office for Communities, Returns and Minorities (OCRM) is expected to remain an important counterpart, particularly with regard to the coordination of return-related issues and of responses of the international community. In 2005, UNHCR took on chairmanship of the Direct Dialogue Working Group on Returns which brings together return experts

from UNMIK, the PISG and the Serbian government. The Working Group is expected to continue through to 2006. UNHCR's Global Strategic Objectives concerning partnerships and Millennium Development Goals will be implemented through UNHCR's systematic efforts to engage other actors in issues related to IDPs, notably the UN Civil Administration, the UN Country Team (UNCT), the Kosovo Force (KFOR), bilateral donors, NGOs and other organizations such as the World Bank and the European Union.

UNHCR will also continue its proactive engagement with the UNCT. It is a member of the UNCT theme groups on protection issues and human rights and on Millennium Development Goals. It also actively participates in the UN Network on Sexual Exploitation and Abuse. The Office also provides important input in security-related meetings and includes 12 of the 14 UN Agencies in its Telecom/VHF system. In 2005, input was provided to the World Bank Poverty Assessment and it is expected that cooperation with Poverty Reduction Strategies will be intensified as the final status of Kosovo nears resolution. UNHCR will also continue its close cooperation with OSCE in strengthening democratic institutions and promoting human rights, notably in matters related to the protection of minorities.

## Offices

### Serbia and Montenegro

#### Belgrade

Kraljevo  
Podgorica

### Kosovo

#### Pristina

Gjilan/Gnjilane  
Mitrovice/a  
Peja/Pec  
Prizren



Partners
<b>Serbia and Montenegro</b>
<b>Government agencies</b>
Ministry of Internal Affairs of the Republic of Montenegro
Ministry of Labour, Employment and Social Affairs of the Republic of Serbia
Ministry of Social Welfare of the Republic of Montenegro
Montenegrin Commissioner for Displaced persons
Serbian Commissioner for Refugees
<b>NGOs</b>
American Refugee Committee
Amity
Community Development Centre
Danish Refugee Council
German HELP
Humanitarian Centre for International Tolerance
International Consortium of Solidarity
Intersos
Micro Development Fund
Microfins
Network of Humanitarian Legal Offices
Praxis
Red Cross of Montenegro
Serbian Democratic Forum (SDF Serbia)
UNION
<b>Others</b>
UNV
<b>Kosovo</b>
<b>NGOs</b>
American Refugee Committee
Centre for Protection of Women and Children
Civil Rights Project – Kosovo
Danish Refugee Council
Developing Together
International Catholic Migration Commission
<i>Malteser Hilfsdienst</i>
Mercy Corps
Mother Teresa Society
Norwegian Church Aid

Budget (USD)	
Activities and services	Annual Programme Budget
Protection, monitoring and coordination	5,963,886
Community services	2,343,142
Domestic needs	1,269,390
Education	508,920
Food	111,914
Health	210,556
Income generation	67,371
Legal assistance	3,269,103
Operational support (to agencies)	1,770,796
Sanitation	10,568
Shelter/other infrastructure	3,179,308
Transport/logistics	1,428,931
<b>Total operations</b>	<b>20,133,886</b>
Programme support	4,785,072
<b>Total</b>	<b>24,918,958</b>