

COUNTRY OPERATION PLAN
Country: FYR of Macedonia
Planning Year 2003
Part 1: Executive Committee Summary

Context and Beneficiary Populations

Political Context

During the seven-month internal conflict in the former Yugoslav Republic of Macedonia in 2001, more than 170,000 people fled their homes and became displaced within Macedonia or in neighbouring countries. A peace accord, the Framework Agreement (FA), was brokered by international mediators and signed by the leaders of the four parties of the Broad Coalition Government in Ohrid in August 2001. The agreement provided an end to hostilities, pledged increased rights to the ethnic Albanian minority and prepared the ground for the return of the displaced population. The ethnic Albanian armed groups (NLA) were disarmed under the auspices of NATO on 26th September 2001.

As a result of the peace agreement, fifteen constitutional amendments were adopted, in the areas of language, education, as well as participation in public services. Towards the end of 2001, some 140,000 refugees and IDPs had returned to their homes. The question of amnesty for former members of ethnic Albanian armed groups was initially addressed through a declaration by the President in October 2001 followed by the pardoning of some former fighters, while an amnesty law was adopted in early March 2001. A new Law on Local Self Government granting more autonomy to municipalities was finally passed by the Parliament in January 2002, while several other legal amendments are expected as a result of the peace agreement. A plan for the re-installation of governmental authority in the former conflict areas began in November 2001, monitored by observers from OSCE and EU, whose security is provided by NATO troops. The re-entry was completed in April-May 2002.

Although the FA stipulated early elections in January 2002, they have not taken place and are now scheduled for September 2002. The present Government comprises the two ethnic Albanian parties DPA and PDP, and the ethnic Macedonian party VMRO-DPMNE. The public rating for the parties is generally low, and according to opinion polls only some 50% of the electorate claim that they will cast their ballots when the elections eventually take place. The low interest is perceived as a result of the electorate's disappointment about the present politicians' inability to deal with the crisis and the perception that the IC eventually is the most decisive factor in FYROM's politics. Corruption and nepotism are also factors contributing to the electorate's frustration.

As the situation in FYROM gradually stabilises, previous efforts by the Government to strengthen the linkages to Europe have been invigorated. Possibilities for becoming a member of NATO are being actively pursued (FYROM applied for membership in NATO in the mid '90s). In April 2001, the FYROM Government signed the Stabilisation and Association Agreement between the European Communities and their Member States and the former Yugoslav Republic of Macedonia, thereby making FYROM an associate member of the Union.

Several parts of the Stabilisation and Association Agreement are relevant to UNHCR mandate both in the area of asylum as well as statelessness, regulating the co-operation between the parties in the areas of visas, border control, asylum, and migration. According to the agreement, the co-operation in the area of asylum will focus in particular on the development and implementation of national legislation to meet the standards of the 1951 Geneva Convention and thereby to ensure that the principle of *non-refoulement* is respected.

Security Situation

The security situation in the country has significantly improved since the signing of the FA in August 2001, with only one serious incident in August 2002 since the killing of three members of the Macedonian security forces in November 2001. A plan to reinstall governmental authority all over the country is being implemented, but although police re-entry has taken place in a majority of the villages in the former conflict areas, governmental control of the area is still not satisfactory. The security situation, particularly in areas with ethnically mixed population, is still volatile. Measures to build confidence and promote dialogue between the parties are seen as vital to develop and maintain stability and to prevent new skirmishes in the period to come.

Protection Issues

Significant progress has been made on restoring peace and stability within the country since the signing of the Framework Agreement. Since the adoption of the Framework Agreement, more than 160,000 of the 170,000 persons displaced have returned home. The adoption of the amnesty law in March 2002 resulted in improved freedom of movement, and the return to normal life, of former NLA members. Other impediments to return, *e.g.*, damaged and destroyed housing, poor infrastructure, non-functioning basic services, mines and UXOs, are already removed or at least reduced during 2002. None-the-less, several of these obstacles will continue to impede return, in particular the continued tense security situation and the lack of trust between the communities. Return to areas with mixed population is envisaged to continue into 2003, provided that the situation continues to improve. Measures to build confidence and promote dialogue between ethnic communities are seen as vital to reinforce the progress made to date and to prevent new skirmishes in the period to come. Continued support is crucial for political, security and humanitarian efforts aimed at creating the necessary conditions to facilitate the return of the some 7000 people, who remain displaced within FYROM, Kosovo, and southern Serbia.

UNHCR will continue to lobby for the adoption and implementation of the new Asylum Law. The draft asylum law was evaluated as being in full conformity with the EU *acquis*. UNHCR has nevertheless identified a number of gaps in the draft law in relation to international protection standards and will recommend that the government address these concerns. UNHCR will offer its support in helping the Ministry of Interior draft by-laws to the new Asylum Law and submit its comments to legislative proposals in the field of asylum and social integration. Asylum claims continue to be processed under the terms of the Law on Movement and Residence of Aliens. UNHCR will actively supervise the authorities' implementation of the 1951 Convention to promote a full and inclusive application. Interventions in individual cases will be made when necessary and continuous training will be carried out for the asylum authorities in order to raise their competence and capacity.

UNHCR is continuing its work to find durable solutions for the residual caseload of refugees from the Kosovo 1999 crisis. Most of these IC's have been under the Temporary Humanitarian Assisted Persons (THAP) regime for three years. The residual caseload of THAP beneficiaries, some 3,500 individuals, are primarily members of Roma, Ashkalija and Egyptian (RAE) minority groups. At the time of writing, UNHCR has received indications that the THAP status will be extended again, until 28 September 2002. Access to the national asylum procedure is therefore likely to be suspended for at least another six months. THAP beneficiaries will continue to find themselves in a situation where their prospects for a durable solution (long-term local integration) is limited due to the restricted rights afforded under the THAP regime. Voluntary repatriation is still seen as the preferred solution, although those prospects are few due to the difficult security and human rights situation in Kosovo for minorities.

None-the-less, UNHCR will work with the Ministry of Interior and Ministry of Labour and Social Policy to design a comprehensive integration programme, ranging from the right to receive identification and travel documents to developing income generating projects to help refugees enter the Macedonian labour market. UNHCR is expecting to maintain a small resettlement programme in 2003.

UNHCR will continue to address the issues of unresolved citizenship, residence and personal documentation for those habitual residents who were adversely affected by the dissolution of the former Yugoslavia. Measures will include advocating for the ratification of the 1961 Convention, the amendments to the Citizenship Act, the identification of the true extent of *de jure* and *de facto* statelessness, and the provision of legal assistance by the Legal NGO Network.

UNHCR's Role in the Framework Agreement (FA)

Under Annex C of the FA, UNHCR was tasked as the lead agency for the return of people uprooted as a result of the 2001 crisis, and co-ordinated assistance in all sectors related to return. This responsibility will have been largely concluded at the end of 2002.

Overview of Each Beneficiary Population

Due to the Kosovo crisis of 1999 and its aftermath, a substantial number of refugees, mainly belonging to minority groups in Kosovo and southern Serbia, sought refuge in FYROM. As of March 2002, the refugee population stands at 3,472. 1,720 of them are in collective centres; (figures provided by UNHCR field staff). 1,752 are accommodated with Host Families (figures from MOI). It is estimated that some 3,000 refugees will remain in FYROM in 2003.

Of the more than 170,000 people who fled their homes during the 2001 conflict, some 7,000 persons are still displaced, as of August 2002. Some 4,000 remain refugees in Kosovo. In southern Serbia, less than 100 refugees remain, most of them with a family link to Serbia. It is estimated that the number of returnee beneficiaries in 2003 will be some 7000.

Policy Issues

Women/Gender Equality

UNHCR will continue to involve refugee women in various activities and to provide assistance including legal counselling, reproductive health education, mother and child care, psycho-social support, literacy programmes and vocational training, despite of the fact that Roma women, by tradition and culture, are limited in their participation in community activities. Unregulated citizenship and domicile of women in unregistered marriages with Macedonian citizens, and the non-registration of the births of their children, are problems that have become more acute during the displacement of people in 2001. Efforts will be made to engage the Government to identify the extent of the problem and positively resolve it. Public awareness campaigns for the target population will be carried out and free legal advice will be made available.

Children & Adolescents

Refugee children's right to education has been given high priority since the 1999 emergency. The main difficulty encountered in education has been the low attendance at schools by children of Roma refugees, mainly due to lack of education and enthusiasm on behalf of their parents and insufficient mobilisation. Efforts will continue to encourage refugee children to attend primary and secondary school and to motivate their parents to support regular attendance of their children.

Refugees, Returnees, and IDPs with Special Needs, including elderly persons

UNHCR will seek to ensure access for disabled refugees, refugees with other special needs, and for elderly refugees to existing national institutions as well as to alternative forms of care.

Meeting the needs of the above-mentioned vulnerable groups will be the principle objective of the Community Services network. The main actors involved are the Ministry of Labour and Social Policy, international NGOs, and local partners.

Linkages to Other Countries

Linkages will be maintained with regional UNHCR offices on issues related to the remaining refugee population from 1999, as well as the refugee and returnee population from the 2001 crisis. Exchanges of country-of-origin information and organisation of Go-and-See and Come-and-Inform visits will continue.

Capacity and Presence of Implementing Partners

In 2003, the programme will continue with the phasing out of international NGOs and increasing the capacity building of local partners, mainly Ministry of Interior, Ministry of Labour and Social Policy, and Macedonian Red Cross. Various workshops and training programmes have been designed and organised for major UNHCR partners in 2003.

Presence and Role of Other UN Agencies and IOs

UNHCR is working with her UN sister agencies in various sectors of the humanitarian operation, related to the refugee programme as well as to the returnee programme. With the phasing out of WFP in 2002, UNHCR has also taken on the responsibility to provide food assistance to refugees, while IFRC/ICRC are providing food to IDPs and returnees.

a. Main Programme Goals and Principle Objectives

Theme: Strengthening Asylum	
Main Goals:	
<ol style="list-style-type: none"> 1. Persons in need of international protection have access to the territory of FYROM; 2. Asylum seekers have access to fair, efficient and effective asylum procedure and are treated in accordance with international protection standards; 3. The rights of refugees are respected, and effective durable solutions are found for them; 4. Public opinion is receptive to the protection and solution needs of refugees. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Legal frameworks for asylum are established in line with international standards and practice • Asylum-seekers have access to procedures in which their claims are heard fairly and promptly 	<ul style="list-style-type: none"> • UNHCR takes appropriate steps to ensure its involvement in the drafting of and commenting on implementing draft by-laws to the new Asylum Law. • Police at the borders are further trained by UNHCR and the MOI on international protection principles and provisions introduced by new Asylum Law.

Beneficiary Population: Refugees from the 1999 Kosovo Crisis holding the Temporary Humanitarian Assisted Persons (THAP) status	
Goal:	
<ul style="list-style-type: none"> • To find durable solutions for the remaining THAP caseload 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • THAP beneficiaries wishing to do so have a real opportunity to return to their homes <p>THAP and ex-THAP beneficiaries have access</p>	<ul style="list-style-type: none"> • UNHCR facilitates safe returns of ethnic minorities to Kosovo. • UNHCR lobbies for THAP beneficiaries' access to the FYROM asylum procedure if

to the FYROM asylum procedure in which their claims are heard fairly and promptly.	this has not been granted by the end of 2002.
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Beneficiary Population: Refugees, Returnees, and IDPs from the 2001 crisis (FYROM situation)	
Goals:	
<ul style="list-style-type: none"> • The response to address the protection and assistance needs of returnees is timely and effective; • The protection and assistance needs of returnees are met; • Durable solutions for the displaced are actively sought and included in the peace-building process, and implemented by parties to the conflict and international and local partners; • Sustainable solutions are ensured for the longer term and further displacement is prevented; • Public opinion be receptive and supportive of the assistance to, and solutions of, refugees, returnees, regardless of their respective ethnic background. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • To ensure that the right to return is respected and to facilitate the removal of obstacles to return 	<ul style="list-style-type: none"> • Maintain dialogue with government, local leaders, donors and other international organisations regarding obstacles to return, particularly in areas of mixed-ethnicity and in sensitive areas.

Beneficiary /Theme: Reducing Statelessness	
Goals:	
<ul style="list-style-type: none"> • Statelessness will decrease in the region; • Stateless people will enjoy, at a minimum, a status consonant with 1954 Convention standards. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Legal Frameworks to address statelessness are established in line with international standards 	<ul style="list-style-type: none"> • Relevant actors lobbied to support ratification of 1961 Convention. • UNHCR expertise provided to the Ministry of Interior on statelessness and citizenship.