

Country Operations Plan For 2002

Former Yugoslav Republic of Macedonia

Executive Committee Summary

(a) Context and Beneficiary Population(s)

Political context

The change of government in FRY was widely believed to have a positive impact on two of UNHCR's key regional strategic objectives, namely return and local integration. UNHCR's overriding priority in its regional strategy has been to promote the actions that create the right conditions for return and the exercise of a free choice, and to ensure adequate support for the return process. However, the latest events in FYR Macedonia, led to an open conflict that threatened the entire region and raised questions regarding the durability of peace in the Balkans.

Since independence the trend of ethnic Macedonian and ethnic Albanian political parties rejecting overtly nationalist agendas whilst in government and forming coalitions has so far served to retain inter-communal co-operation at the highest levels. There continue to be issues of tension between the ethnic Albanian and ethnic Macedonian communities, which might lead to an open conflict and subsequent displacement of population during the year 2001. At present, the main bodies in the country are pursuing their political goals, which drew internationally attention because of the latest conflict, within the existing political system. While localised conflicts have been occurring, the issues are being debated at the internal and international highest level, engaging regional, bilateral and European institutions, including the Euro-Atlantic political and military mechanisms.

The recent crisis highlighted how the role of the international community in FYR of Macedonia still remains crucial in addressing the main areas of concern. These are seven areas in need of attention: social case assistance, humanitarian assistance, civil society capacity-building, international economic integration, financial stabilisation, legislative standardisation and political facilitation. Through these processes the financial, economic, legislative, and political mechanism in FYR of Macedonia can be enhanced and the improvement of ethnic relations can be facilitated.

The realities of this situation have allowed the international community to be actively present in the country since the early 1990's, which has played a significant facilitating role, engaging in military, political, and humanitarian-developmental assistance. Firstly, the Government has worked extensively during the last 24 months on the improvement of its diplomatic and economic relations with its neighbours i.e. Greece, Albania, Bulgaria, including FRY. They proved to be positive forces during the critical weeks of the conflict. Secondly, the Government and the ethnic minorities now benefit from provisions in the EC Stabilisation and Association Agreement, as well as initiatives offered by the UN and other bilateral/multilateral, regional and European institutions (Council of Europe, OSCE and the Stability Pact.) Thirdly, the refugee crisis of 1999 brought about a considerable level of experience among government departments, international presence and in-country stocks of food and material assistance that could be put to use in case of need.

During the crisis of February – March 2001, the Government's Humanitarian Assistance Committee called again upon UNHCR (as it did in 1999) to play a leading role in co-ordinating the humanitarian assistance in support of the government structures and IDPs. UNHCR activated all inter-agency / inter-governmental co-ordination and information –

sharing mechanisms with donors, NGOs, International Organisations and the relevant government departments, and undertook to provide and co-ordinate assistance efforts with all concerned, including the ICRC/IFRC. The UN Country Team (UNTC) prepared a joint contingency and preparedness plan for any eventuality related to further escalation of the conflict and/or displacement of population in FYROM.

Within the UN family, UNHCR, UNDP, UNICEF, WHO, WFP and IOM are all vigorously pursuing respective areas of competencies and mandates and fulfilling tasks in co-operation with one another, as well as other international organisations and NGOs present in the country, in co-operation with the relevant national institutions. FYR of Macedonia now benefits (for a decade) from a set of regional, bilateral and multilateral initiatives that seem to have worked in its favour during times of crises.

The number of refugees currently in FYR Macedonia stands at 7,300 refugees, mostly from Kosovo, down from a high point of 255,000 in June 1999 and 13,000 in December 1999. As a result of the conflict of February-March 2001, some 40,000 Macedonian citizens and residents were displaced internally and externally throughout the region. Further displacements May and June brought the number to some 115,000. As of mid-July, some 10% of the displaced population had returned home, with some 105,000 still remaining displaced.

Regarding the prospects for return of refugees from Kosovo, UNHCR will continue to explore ways to stimulate durable returns to Kosovo and step up reintegration assistance in support of return, while taking advantage of any new opportunities that may arise. As time passes, it may also be appropriate for the Office to explore local integration options for those who do not wish to return to Kosovo. The plight of the refugees and those internally displaced in the country is being addressed through the existing humanitarian assistance mechanism, in close cooperation with the government, UN and IOs.

In close coordination with several actors, including OSCE, ICRC and IOM, UNHCR will facilitate the return of FYROM citizens and residents who were displaced due to the conflict which occurred in early to mid-2001. This will entail collecting and disseminating relevant area of origin information and ensuring that the displaced can safely return. Procedures will need to be in place to facilitate their return especially for those with incomplete documentation, particularly those of women and children who may be lacking birth, identification and residency documents. UNHCR will advocate for the provision of reintegration assistance. Proper monitoring mechanisms are being established in co-ordination with other organisations, such as EUMM and OSCE.

Security situation

The security and safety situation in Macedonia has deteriorated during the period January to June 2001, after a long period of relative calm. The first 6 months of 2001 have seen open conflict in four regions of the North and West of Macedonia, along the Kosovo and FYROM borders, between armed groups and the state security forces. During this period of the conflict some 115,000 persons were displaced internally and throughout the region. The situation is still in constant evolution and will remain the subject of close monitoring by international observers, including UNHCR.

Protection Issues

Strategizing and developing durable solutions for targeted groups of refugees will continue to remain a priority for 2002. The facilitation of minority returns to Kosovo and southern Serbia will be carried out in close cooperation with UNHCR offices in these locations. Local integration opportunities will continue to be explored with the Government with the corresponding formulation of integration packages, if appropriate. The possibility of expanding the resettlement programme to include the residual caseload should be assessed if safe and sustainable return is not feasible and local settlement is not foreseeable.

Emphasis will continue to be placed on the development of a national asylum protection system including the promotion of the adoption of the Asylum Law. Further proposals concerning the Draft Law on Asylum will be made to the Ministry of Interior (MOI) in order to ensure its compliance with regional and international standards. Efforts will be also be made to promote the incorporation of refugee protection standards into relevant complementary legislation and negotiations will be initiated with the drafters amending the Law on General Administrative Procedure (LGAP). The Section for Asylum within the Department for Foreigners and Immigration Issues of the Ministry of Interior will continue to be supported by the Office through transfer of know-how, technical support and training in order to establish a fair and efficient first instance refugee status determination procedure. Additional support will be provided to the second instance body within the refugee status determination procedure by promoting the establishment of an advisory expert group to the present Government Commission which is neither independent nor qualified pending the revision of the LGAP. UNHCR will also provide refugee law training to the Supreme Court. Persons enjoying the status of temporary humanitarian assisted person (THAP) can apply for asylum only once their temporary protection has been lifted by the Government, which is already the case with ethnic Albanians from Kosovo who may opt for voluntary repatriation or apply for asylum. As the Asylum Law is not yet adopted, all asylum applications are now examined pursuant to the current Law on Movement and Residence of Foreigners. The Office will also undertake various promotional activities and campaigns for more respect and tolerance towards refugees. Together with the authorities, an updated assessment of needs and gap analyses will be carried out to ensure that FYR of Macedonia benefits from Stability Pact initiatives on Asylum and Migration.

The current Legal NGO Network will continue to provide free legal counselling to asylum-seekers, refugees and persons of concern with unregulated citizenship status. However the main objective will be to improve the professional capacity of the Network and to encourage its local and regional networking. In addition, UNHCR will identify Albanian legal NGOs/lawyers given the considerable number of ethnic Albanians with unregulated citizenship status. Faculty of Law graduates will be also engaged as interns in the network. The establishment of a Legal Refugee Law Clinic will be supported within the Faculty of Law at the University in Skopje. UNHCR will continue to encourage the University to include components of refugee law in its curriculum.

UNHCR will also continue to be involved in the citizenship/statelessness debate with the Government by requesting it to assume a more proactive approach to resolving the issues of unregulated citizenship and domicile. This would include the promotion of the adoption of draft amendments to the Citizenship Law meeting regional and international standards, and possible amendments to the Law on Movement and Residence of Foreigners and other relevant complementary legislation. Public information campaigns will be carried out in the language of beneficiaries targeting vulnerable groups (women in particular). In co-operation with its NGO partners UNHCR will continue to attend to individual cases, strengthening simultaneously the knowledge and capacity of the legal community. Once the law is amended, UNHCR will organise workshops for Government officials on the implementation of the law. A comprehensive survey will be undertaken to discern the true extent of the problem of unregulated citizenship, and if cases of *de facto* and *de jure stateless* persons are found, UNHCR will devise an operational strategy on their integration with EU, CoE, OSCE and the World Bank. UNHCR will also continue to promote the ratification of the 1961 Convention on the Reduction of Statelessness.

With respect to the Roma issues, UNHCR will continue to contribute to the implementation of the conclusions of the Roma Workshop held in Skopje in September 2000. UNHCR, through its legal NGO network, will continue to play a leading role in the co-ordination of the legal component of the conclusions.

UNHCR's role

UNHCR has assumed the role of the lead agency since the 1999 emergency humanitarian operation. This has included co-ordination of relief assistance in all sectors, re-orientation of the operation according to changing circumstances and information sharing with all partners. UNHCR's role also includes a pro-active approach and demarches with the authorities on various issues, from the right to asylum, protection and assistance, to issues concerning all humanitarian organisations and international community. The UNHCR Representative has continued his role as UN Co-ordinator for security, inter-agency co-ordination and undertaking administrative activities related to the UN common system.

Overview of beneficiary populations

Due to the Kosovo crisis of 1999 and its aftermath, a substantial number of refugees, mainly belonging to minority groups in Kosovo and S. Serbia, sought refuge in FYROM. As of April 2001, the refugee population stands at 7,314, out of which 2,065 are accommodated in four collective centres and 3,033 stay with host families. Furthermore, there are 2,216 Persons of Concern to UNHCR (1,400 displaced Macedonian citizens of various ethnicities who were working/living in Kosovo and Serbia, 116 Bosnians refugees, and 700 officially undocumented refugees). Moreover, some 115,000 persons (FYROM citizens and residents) left their homes and became internally displaced persons (IDPs) or refugees in the region.

Policy issues

UNHCR will continue to involve refugee women in various activities and to provide assistance including legal counselling, health education and child care, psychosocial support and 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 FYROM citizens, and the non-registration of the births of their children is an issue that must be resolved in FYROM. 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.

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 in 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.

UNHCR will seek to ensure access by disabled and elderly refugees to existing national institutions, as well as to alternative forms of care.

The above mentioned vulnerable groups will be the principle target of the Community Services network, co-ordinated jointly by UNHCR and UNICEF. The main actors involved are the Ministry of Labour and Social Policy, international NGOs and local partners.

Linkages to other countries

Linkages will also be further developed with regional UNHCR offices on issues such as the exchange of country of origin information, Go-and-See and Come-and-Inform visits, documentation issues, promoting resettlement of protection/security cases evacuated from Kosovo and repatriation vis-à-vis shelter concerns. In this process the main focus will be placed on the UNHCR offices in Albania, FRY and Kosovo.

Capacity and presence of implementing partners

UNHCR has worked closely with international and national NGOs since the beginning of the Kosovo emergency in 1999. Regular co-ordination mechanism has been established and maintained at both inter-agency and sectoral levels. The number of international NGO partners have been drastically reduced, in line with the overall reduction and changing composition of the refugee caseload. 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. Capacity building of national institutions and NGOs has become a top priority linked to long-term solutions. In addition to financial and material support, various workshops and training programmes have been designed and organised for major UNHCR partners and their programmes will be further enhanced in 2002.

Presence and roles of other UN agencies and international organisations

In various sectors of the humanitarian operation, UNHCR has worked with UN sister agencies and will strengthen the co-operation. The co-operation ranged from food assistance to refugees with WFP and IFRC, to education, community services and health care with UNICEF and WHO targeting refugee children and women and other vulnerable refugees. A UN Theme Group on HIV/AIDS has been established with members of UNDP, UNICEF, WHO, UNHCR, World Bank and IOM. UNHCR has also taken the co-ordination role in the UN Inter-Agency Consolidated Appeal Process for south-eastern Europe (CAP) in FYROM.

Linkages will be further pursued with regional European institutions, international organisations and Government bodies on issues such as asylum procedure, repatriation issues, integration assistance, Roma initiatives and the enhancement of relevant national academic research institutions. In particular, UNHCR will further develop existing relations with the European Commission, ECHO, Council of Europe, OSCE, ODIHR, UNICEF, UNMIK, IOM, FRESTA (Danish Stability Fund for South-eastern Europe), Stability Pact, SOROS and the network created by the Regional Roma Conference Initiative under UNHCR auspices.

(b) Selected Programme Goals and Objectives

Beneficiary Population: Refugees mainly from Kosovo, Serbia Proper and limited number of third country nationals	
Main goals: Strategize and develop durable solutions for different target groups of refugees	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Develop tailored durable solutions for different groups of refugees through resettlement, voluntary repatriation or local integration. 	<ul style="list-style-type: none"> Safe return of Albanians to Southern Serbia and ethnic minorities to Kosovo is facilitated. Resettlement for those fulfilling criteria is promoted. Agreement from the government to locally integrate the residual caseload is sought/ obtained. The possibility of resettling the remaining caseload without any prospect of return/local integration is explored. Agreement from the government to locally integrate the residual caseload is sought/ obtained.

Beneficiary Population: Asylum seekers and refugees mainly from Kosovo and Serbia proper and a limited number of third country nationals.	
Main goals: Continued protection and assistance, particularly to those asylum seekers/refugees whose degree of vulnerability requires a tailored answer to their needs such as illiterate refugee women, disabled children, adolescents with behavioural problems and elderly alone.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Refugees benefit from civil, economic 	<ul style="list-style-type: none"> Initiatives undertaken with the

<p>and social rights as prescribed by the 1951 Convention/ Draft Law on Asylum.</p> <ul style="list-style-type: none"> Secure the means to support local actors to provide adequate care and maintenance to refugees. 	<p>Government to implement the standards of treatment foreseen in the 1951 Convention.</p> <ul style="list-style-type: none"> Proper accommodation and assistance package established fulfils basic living requirements.
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Beneficiary Theme: Legal and institutional asylum framework	
Main goals: To develop a fair and efficient Refugee Status Determination procedure and Asylum Section.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Draft Law on Asylum fully compatible with international human rights standards is adopted Asylum seekers enjoy unhindered access to territory and RSD procedure. 	<ul style="list-style-type: none"> Support to the development of an efficient Asylum Section extended. Intensive lobbying maintained with relevant actors

Beneficiary Theme: Statelessness and citizenship issues	
Main goals: To identify, reduce and prevent the problem of statelessness	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Adoption of the Law on Citizenship and other relevant legislative acts and proper/efficient implementation Amendments to the Law on Movement and Residence of Foreigners (LMRF) and relevant complementary legislation 	<ul style="list-style-type: none"> UNHCR expertise provided to MOI Strategic partners for lobbying efforts are identified and engaged

Beneficiary Theme: National capacity-building	
Main goals: Strengthen national protection system by upgrading training and capacity-building strategy for governmental and non-governmental partners to consolidate their structures as well as enhance co-ordination with national /international institutions/initiatives to lay the ground for gradual phasing down of UNHCR activities.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Consolidation of a competent civil society network capable of advocating on behalf of asylum seekers and refugees and promoting protection principles Support the Government and NGOs to consolidate partnerships with European institutions/initiatives on issues such as asylum/migration, human rights, including right to return and right to a nationality Continue to formulate and enhance an 	<ul style="list-style-type: none"> Asylum seekers and refugees benefit from competent legal assistance during all stages of the process. Lobbying with relevant actors to secure that capacity building activities are consolidated to lay the ground for UNHCR gradual phase down (EU Commission/ Odysseus, CoE, FRESTA, York University etc).

<p>external relation/public information strategy with the aim of complementing key UNHCR objectives, promote the organisation's mandate and image in FYROM and ensure that institutions and the public at large understand the scope of UNHCR's mandate and its role in the country.</p>	<ul style="list-style-type: none">• Develop initiatives, explain UNHCR's mandate and position to relevant institutions, public opinion makers and public and to strengthen relations with the media
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