



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: State Union of Serbia and Montenegro

Planning Year: 2006

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SERBIA AND MONTENEGRO

Part I: OVERVIEW

1. Protection and socio-economic operational environment

As at 30 June 2005 there were 149,915 registered refugees in the State Union Serbia and Montenegro, originating from Bosnia and Herzegovina (BiH) and Croatia. In addition there were 225,877 registered IDPs from Kosovo. Most of the refugees and IDPs live in private accommodation, while only a small percentage remains in 112 collective centres and 74 specialised institutions.

The political context and overall working environment for UNHCR in the State Union Serbia and Montenegro remains extremely complex and unstable. The second anniversary of the State Union in February 2005 confirmed earlier expressed reservations regarding the joint future of the two republics. The State Union has so far failed to become a fully functional entity. In fact, the interest gap between Serbia and Montenegro further widened throughout 2004 and early 2005. One of major challenges is harmonization of the economic systems of Serbia and Montenegro. Montenegro's official currency is the Euro, whereas Serbia uses the Dinar. Despite an agreement to harmonize 80 percent of their tariffs, the two republics differ in foreign trade policy, particularly with respect to agricultural products. The harmonization of the two separate economic systems remains one of the deciding factors in meeting the benchmarks for the positive Feasibility Study by the EC (which the State Union received in April 2005) and commencement of the negotiations on the opening of the Stabilization and Association Process with the European Union.

In that context, consolidation of the fragmented political scene in Serbia, characterized by lack of consensus on the major issues of state importance, remains one of the crucial challenges. In March, after more than two months of negotiations, a minority coalition government (DSS/SPO/G17 plus) was formed relying on the support from Milosevic's SPS in the Parliament. An amendment of the election law has finally enabled Serbia to elect a president in June after three failed attempts over the past two years. Following his election, Boris Tadic (DS) pledged to lead the country swiftly along the path of democratic changes and European integration. However, presidential authority is rather limited while cohabitation with the Government is not always constructive. The situation in and around Kosovo, as well as the fate of the State Union of Serbia and Montenegro overshadowed Serbia's political scene.

Against this background, the political establishment of the other member of the State Union, Montenegro, became more vocal in repeatedly challenging the existence of the State Union and exploring ways to individually commence its approach to the EU and other political and economic integration processes. The Republic of Montenegro, the smaller partner in the State Union, appears to suffer less from political instability. However, the ongoing political and public debate on potential Montenegrin referendum on independence and its outcome, discloses deep differences of the society highly polarized over the country's future.

The lack of cooperation with ICTY and slow pace of reforms, including in the field of law enforcement and security, continued to undermine the State Union's international standing and credit ratings and inflow of investments. By the end of 2004, inflation reached 13% (twice the

projected rate), current deficit - 10,7 % of the GDP, there were nearly one million unemployed, while the average salary stood at 170 Euro. The above-mentioned political and economic factors resulted in further radicalization of the electorate as shown in the September municipal elections.

The March 2004 outbreak of anti-Serb violence in Kosovo and its echo in Belgrade and other cities, i.e. riots and rising of UN security phase, highlighted the difficulties with finding a solution versus maintaining the present *status quo*, as well as the direct effect of the situation in the province on Serbia proper. The already slow pace of the return of displaced non-Albanian minorities to Kosovo suffered a serious set back. The Serbian Government reacted with its plan for Kosovo proposing cantonization/decentralization of the province that received a lukewarm international reception. The October 2004 elections in Kosovo demonstrated deep divisions in the political establishment over Serbia's approach to the issue. While President Tadic encouraged Kosovo Serbs to vote, the Government called for a boycott. The latter option prevailed resulting in the absence of Serbs in the provincial parliament. The subsequent appointment of Ramush Haradinaj as the Prime Minister of Kosovo and his indictment by the ICTY further complicated the situation around Kosovo. A decision on the final status of the province will have a direct impact on the situation of IDPs in Serbia and Montenegro and the nature of UNHCR's activities targeting this particular population in 2006 and beyond.

Ongoing factors affecting UNHCR operations in SCG

- Political instability and socio-economic problems;
- Lack of national consensus over Serbia's strategic goals and growing external pressure, including on ICTY issues;
- Unresolved Kosovo issue;
- Difficulties in the functioning of the State Union;
- Downsizing of UNHCR operations and withdrawal of other humanitarian players.

Additional/possible developments that can affect UNHCR operations in 2005-2006

- Advance toward a final solution for Kosovo;
- Adoption and implementation of the regional 3x3 Road Map;
- Results of the refugee re-registration;
- Decision on the fate of the State Union;
- Parliamentary elections;
- Tensions in Southern Serbia;
- Progress vis-à-vis ICTY;
- Progress in negotiations with EU;
- Significant increase in investments and development projects.

The rationale of UNHCR presence in Serbia and Montenegro is threefold and linked to three major themes: a) finding durable solutions for the remaining refugees from Bosnia and Herzegovina and the Republic of Croatia (post Dayton caseload) displaced during the crisis in early 1990s, b) assisting internally displaced persons who fled from Kosovo in 1999 and c) assisting the authorities at both the republican and at the State Union level in building the institution of asylum. All these activities have strong regional character and linkages with the UNHCR operations in the neighbouring countries/territories.

a) The process of regional return of refugees, promoting repatriation as the preferred durable solution, continues to require frequent and intensive cooperation and coordination with UNHCR operations in neighboring Bosnia and Herzegovina and Republic of Croatia. The trilateral ministerial declaration signed in Sarajevo in January 2005, in which the governments committed themselves to close the refugee file by the end of 2006 gave an additional impetus to the process. As one of the pivotal players, UNHCR will continue to assist and facilitate the search for durable solutions, primarily through repatriation and local integration.

b) With regard to Kosovo, UNHCR provides basic assistance to the most vulnerable of the over 220,000 IDPs. Due to prevailing security environment, lack of freedom of movement and inadequate conditions for sustainable reintegration, UNHCR facilitates individual returns and continues to advocate the right to return, at the same time ready to make a shift towards promotion and full support of more intense return of IDPs. Any Kosovo related activity is subject to close coordination with the UNHCR operation in the province.

c) In the field of asylum, due to the absence of the national asylum institutions, the Refugee Status Determination procedure as well as care and maintenance for recognized mandate refugees are being carried out by UNHCR. In the course of 2004 intensified UNHCR effort resulted in concrete drafts of national asylum legislation both at the republican and the State Union level, expected to enter parliamentary procedure in the course of 2005. For the purpose of training and capacity building of the national authorities, linkages are maintained with UNHCR operations in a number of neighbouring and other European countries.

2. Operational goals and potential for durable solutions

- Provide support to the Government of SCG in achieving durable solutions for refugees as per 3X3 commitment and National Strategies endorsed.
- Provide support to repatriation of refugees/return of IDPs.
- Provide support for local integration to those refugees /IDPs who are unable or unwilling to return.
- Provide assistance to most vulnerable refugees/IDPs and other marginalized groups.
- Advocate and promote IDP rights in line with international standards and assist the Government in achieving these standards.
- Continue assisting the Government in building the asylum system in harmony with international standards. Implement RSD procedures, ad interim.

Achieving durable solutions for the remaining Post-Dayton refugee caseload by end of 2006 within the framework of the “3x3” Initiative, shall be one of UNHCR priority directions in SCG and the region. UNHCR will be closely participating and assisting the authorities to ensure regular monitoring and co-ordination mechanisms to reflect the progress achieved and durable solutions attained. In a Declaration signed at the Regional Conference in Sarajevo, the ministers of the countries in the region committed themselves to establishing a Task Force to unite individual action plans in a joint implementation matrix and review the remaining challenges to durable solutions, *inter alia*. Further to the completion of the refugee registration exercise in Serbia, UNHCR will be assisting the SCG Government in establishing and maintaining a regular database on refugees. As part of the “3x3” process, UNHCR will technically facilitate the exchange of data on durable solutions among the three governments.

With regards to the **voluntary repatriation process**, UNHCR will:

- Ensure that refugees in SCG have access to different property restoration schemes in their countries of origin;
- Provide administrative processing assistance to refugees who have applied for property reconstruction, repossession or housing care for former tenancy rights holders;
- Provide legal assistance to refugees;
- Assist voluntary repatriation of refugees and transportation of their belongings.

For the refugees who wish to **locally integrate**, UNHCR will:

- Ensure that they will be able to exercise their property rights in the countries of origin;

- Ensure access to naturalization process and that they are fully informed about their rights and procedures;
- Facilitate full and effective local integration of the most vulnerable refugees;
- In the housing sector, UNHCR will continue with further downsizing of construction/housing for refugees, but increase its involvement in providing targeted shelter assistance to refugees in private accommodation, mostly through highly demanded distribution of construction materials;
- UNHCR and its Implementing Partners shall continue providing various types of in-kind assistance which may include cash, household items, agricultural inputs (in possible cooperation with FAO), tools for different crafts and similar. The planned activities will have to be considered in a broader view than the assistance to residents of CC and therefore refugees in extremely poor private accommodation will be targeted as well;
- More focus shall be placed on the different Vocational Training schemes and apprenticeship, curriculum and institutional trainings. Following the recommendations of the 2004 assessment of the LS programme, UNCHR will seek for possibilities to include small percentage of local population in these activities.

Resettlement shall remain an instrument of protection and a durable solution for a very limited number of the most vulnerable refugees from former Yugoslavia and for a number UNHCR Mandate Refugees that have no prospects of local integration in SCG.

In respect of **IDPs return to Kosovo**, UNHCR will:

- Continue with its activities aimed at enabling and supporting safe and sustainable return;
- Liaise with the relevant SCG authorities, UNMIK, IDP associations;
- Pursue cross-boundary activities – GSVs, GIVs, meetings of municipal working groups;
- Assist with swift access to documentation.

Developments in and around Kosovo in the course of 2005/06, especially progress towards a final solution of the province's status, may affect the scope, pace and forms of these activities.

For **IDPs remaining in Serbia**, UNHCR will:

- Assist the most vulnerable individuals;
- Advocate for inclusion of IDPs into self-reliance programmes: PIKAP, loans for provision of building materials, micro-credits, housing programmes, vocational training;
- Coordinate assistance with other stakeholders;
- Focus on building the capacity of the Government to address the needs of the most vulnerable (IDPs), particularly of the Roma; assist in the implementation of the "National Strategy for Integration and Empowerment of the Roma" and the Roma National Action Plans;
- Assist the Government in addressing the legal and institutional gaps identified in the UNHCR-led IDP Gap Analysis;
- Support NGO legal assistance/information dissemination projects targeting IDPs;
- Enhance and promote integration and inclusion of IDPs into existing schemes and strategies;
- Advocate against the forcible return of Roma and other minority populations originating from Kosovo to Serbia proper, and monitor the process of return and absorption in Serbia of these groups.

Community services activities will target the most vulnerable, mainly refugee and IDP children, women, elderly and Roma and will include:

- Educational, vocational training and teacher training activities for Roma IDPs;

- Durable solutions for elderly and disabled especially those in need of accommodation in specialized institutions; the most vulnerable will be supported with life-saving medical devices;
- Support to initiatives and joint ventures with other agencies on environmental concerns especially in and around CCs and Roma settlements;
- Support to the UNAIDS Theme Group on HIV/AIDS and the Republican Aids Commission in developing strategies and plans to combat and prevent HIV/AIDS;
- Support national institutions to adequately respond and address SGBV cases among beneficiary populations and advocate for designing and implementation of co-ordinated SGBV prevention and redress mechanism and strategies. UNHCR will ensure that adequate and timely response to reported SGBV cases is rendered and addressed.

In the field of asylum UNHCR will:

- Assist the State Union and republican authorities in building of the institution of asylum, in particular:
- Provide legal expertise/technical assistance for the adoption of asylum implementing legislation/by-laws and operational guidelines;
- Assist in establishing asylum competent bodies and fair and efficient RSD procedures, including procedural guarantees and a “gender-sensitive” RSD process;
- Assist in establishing referral systems at the border and prevention of instances of refoulement;
- Ensure the implementation of minimum standards of reception and treatment of asylum seekers and refugees; enhancing the operational capacity of Reception Centres; establishment of registration and documentation/identification mechanisms;
- Assist in the establishment of legal clinics and enhancing NGO capacity to provide legal aid to asylum-seekers and recognized refugees;
- Assist in identifying durable solutions and promoting the adoption of integration measures and co-ordination mechanisms for recognized refugees in order to guarantee the full access to rights and local integration;
- Engage in capacity building through lobbying and advocacy, promotion of refugee law, providing technical and legal expertise and trainings;
- Promote participation of SCG in the international and regional fora in the field of asylum;
- Conduct RSD under its Mandate, pending establishment of the asylum system.

In Montenegro, UNHCR will:

- Provide support to the most vulnerable refugees/IDPs;
- Assist and monitor the implementation of the recently adopted National Strategy for Refugees and IDPs;
- Advocate with the authorities for granting the right to employment and other fundamental rights of refugees and IDPs;
- Advocate for the inclusion of the vulnerable refugees and IDPs in the social welfare network;
- Monitor political developments and potential implications of possible changes in the State Union status on UNHCR beneficiaries.