



# **COUNTRY OPERATIONS PLAN**

**Country: Serbia & Montenegro**

**Planning Year: 2004**

## Serbia and Montenegro

### **PART I: Executive Committee Summary**

#### **(a) Context and Beneficiary Populations**

##### **▪ Political context -**

After a long gestation, the former Federal Republic of Yugoslavia has gone through the process of creating the new State Union of Serbia and Montenegro as prescribed by the Constitutional Charter adopted by the republican and federal parliaments in February 2003. The new President of Serbia and Montenegro, Svetozar Marovic, who at the same time chairs the Council of Ministers, has recently been inducted and the Council of Ministers has been formed. This has occurred despite the great challenge posed by the assassination of Serbian Prime Minister Zoran Djindjic who was so instrumental in forging this crucial agreement.

Economic progress in the country has been slower than expected. An increase in average salaries has been accompanied by an increase in the number of unemployed. Humanitarian aid is waning as development assistance increases with Serbia's emergence from international isolation. To date, development assistance has focused predominantly on the energy and infrastructure sectors and not on poverty alleviation and social welfare.

The political instability and obvious presence of organised crime can be expected to discourage foreign investors and slow economic recovery; however, the assassination of Prime Minister Djindjic should not halt the progress of economic reforms. In particular, European Union support should help to stabilise and improve the country's economic outlook. However, continued international support to the country is contingent on co-operation with the Hague Tribunal. The United States has indicated that it will suspend financial support to the Government of Serbia and Montenegro in 2003 if the Government fails to provide sufficient access to archives and extradite indictees to the Tribunal.

In May 2002, the Serbian government adopted the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons and displayed a firm commitment to addressing the needs of refugees. In Montenegro, the Office of the Montenegrin Commissioner for Displaced Persons has initiated the process of drafting a basic document to be used as a blueprint for a future National Strategy for Refugees and IDPs.

The unresolved final status of Kosovo within Serbia and Montenegro and the lack of clarity with regard to a mechanism for resolving the issue are expected to remain on the political stage. Any major developments with regard to Kosovo's final status will dramatically alter the political and operating environment. At present, the instability and uncertainty act as a deterrent for Kosovo Serbs to return.

##### **▪ Security situation -**

With the exception of three Southern Serbian municipalities Presevo, Bujanovac and Medvedja, the security situation in Serbia and Montenegro has improved significantly, permitting unhindered operations. In recognition of this fact, the UN Security Phase in the country was lowered to 'No Phase' at the beginning of 2003, but had to be raised temporarily again to Phase One in March, only in Serbia, during the state of emergency declared by the Serbian Government after the assassination of the Prime Minister Zoran Djindjic. The state of emergency did not affect UNHCR's activities. The UN Security Phase is predicted to remain at No Phase level in 2004.

The situation in Southern Serbia remains volatile. In spite of an undeniable improvement, political and inter-ethnic tensions still exist and it is not likely that the current UN Security Phase One in the area will be downgraded in 2004. Tensions may continue to be fuelled and incidents provoked by radical elements from both inside the area and from Kosovo, prompting a response by the Government's security forces. This may, in turn, lead to renewed movement of the ethnic Albanian population from the area. The only tangible risk for our possible operations in the former Ground Safety Zone is that of landmines. Security procedures for staff going on mission in the area will be fully implemented and mine awareness insisted upon. To that end,

UNHCR will co-ordinate with the UN Designated Official for Security and the Area Security Coordinator, as well as with the local authorities.

The general security situation in Montenegro can be characterised as very stable. Although Montenegrin society is sharply divided along many lines, differences are resolved through legal channels for the most part. Improved communication and relations with the Serbian Government has also had a positive impact on the overall security situation.

Security in Serbia and Montenegro is expected to see further improvement with the Government's declared commitment to deal with regional problems such as trafficking in persons, organized crime and border management, but the fight against the powerful underworld will be hard.

UNHCR will continue to adhere to the Minimum Operating Security Standards and provide basic security training for the staff. The general security environment for UNHCR's staff and property is expected to remain favourable but usual caution will have to be exercised in view of rising crime.

▪ **Protection issues -**

In this post-emergency phase, UNHCR is increasingly focusing its activities on core mandate/protection activities. These activities are addressing the three caseloads of concern to UNHCR: 1) refugees and asylum seekers from outside the region and the building of asylum in Serbia and Montenegro, 2) IDPs from Kosovo, and 3) the post-Dayton refugee caseload.

**Refugees and asylum seekers from outside the region**

In 2002, only 144 asylum seekers approached UNHCR to apply for refugee status. Of these, 16 were recognised as refugees under the Mandate. This number of applicants is presumed to be an inaccurate reflection of the volume of would-be asylum seekers in Serbia and Montenegro. The lack of a government procedure to apply for refugee status means that asylum seekers arriving at sea and airports and land borders have no opportunity to seek asylum. They are treated as illegal migrants, subject to detention and/or deportation. Those arriving in Belgrade are systematically detained there and UNHCR is informed of their presence in the detention centre by the Ministry of the Interior. It is therefore anticipated that as soon as basic structures for application for refugee status/referral of asylum claims are in place, a much higher number of asylum seekers will be able to approach the competent authorities or UNHCR if, in an interim period, no Refugee Status Determination (RSD) process is established at the government level. UNHCR in Serbia and Montenegro is working on the assumption that the number of asylum seekers in 2004 will raise to approximately 6,000 persons as the country will be sharing a common border with the EU and asylum policies will be increasingly integrated.

In view of the above described situation, the RSD process is carried out by UNHCR, although Serbia and Montenegro is a State Party to the 1951 Convention and 1967 Protocol. For mandate refugees the only possible durable solution is resettlement. In 2002 UNHCR identified resettlement solutions for 6 cases/19 Mandate refugees (11 from Afghanistan, 4 from Iraq and 4 Palestinians).

UNHCR is in the process of initiating a complex, lengthy and comprehensive process of assisting the authorities in the building of the institution of asylum in Serbia and Montenegro. This process will gain momentum in 2004, after the role and competence of the relevant governmental bodies, both at federal and republican levels are clearly established.

Building the institution of asylum in Serbia and Montenegro is an undertaking that the authorities and UNHCR cannot achieve without the political support from European Union Institutions. In this context, asylum and migration initiatives which have been initiated by the EU in Serbia and Montenegro have been put on hold with the adoption of the Constitutional Charter and subsequent dislocation of the Federal Ministry of the Interior, the main counterpart on this issue. It is crucial that the Ministries of the Interior at the Republican levels re-initiate discussions with UNHCR and the relevant EU Institutions. The CARDS initiative and the process of drafting the National Action Plan have been put on hold and UNHCR is working on the revival and finalisation of these undertakings.

### **IDPs from Kosovo**

Serbia and Montenegro host some 234,000 persons displaced from Kosovo following the NATO intervention in 1999 – 205,000 in Serbia and 29,000 in Montenegro. Over the past 3 years, less than 2% of IDPs have returned to Kosovo. The primary impediments to return are lack of security, inability to access and repossess property and the lack of economic opportunities in home communities. The UN Mission in Kosovo (UNMIK) has recently restructured its Office for Returns and Communities. However, pending a vast improvement in the security situation for minorities in Kosovo, prospects for large scale return remain limited.

IDPs, as citizens of Serbia and Montenegro, should enjoy full rights as citizens, particularly the right to freedom of movement and choice of place of residence. In displacement, IDPs have difficulty accessing documentation and registering a change of address, making everyday life more difficult. IDPs also have the right to the same social assistance as their compatriots. However, problems with documentation and other legal technicalities make accessing this support difficult for IDPs.

UNHCR's mandate with respect to IDPs is derived from the Secretary General's explicit request dating from 1991, to assist those displaced as a result of the conflict in (former) Yugoslavia. The HIWG in 2002 reiterated the importance of UNHCR's role with respect to IDPs. SC Resolution 1244 stipulates UNHCR's role as supervising the return process. Thus with respect to durable solutions, UNHCR will co-ordinate the facilitation of return of IDPs to Kosovo. Activities will focus on dissemination of information to IDPs, building capacity of IDP Associations and organising return movements. Although politically the discussion on integration is premature, UNHCR will assist IDPs on a small scale with income generating activities and small grants.

In 2003, UNHCR will participate in and fund a re-registration exercise to be carried out by the Serbian Commissioner for Refugees and the Montenegrin Commissioner for Displaced Persons. Ideally, re-registration will permit registration of those IDPs (mostly Roma) who were not registered during the initial registration exercise and will assist the authorities, in co-operation with UNHCR, to identify and address IDPs' protection needs. It will provide better data to plan for durable solutions, in particular on the extent of vulnerability and on the corresponding needs, in order to prepare a better hand-over to the Ministry of Social Affairs. Some 40,000 – 50,000 IDPs are considered as most vulnerable. Presently, a consultant hired by UN-OCHA is conducting an analysis of the legislation concerning IDPs in order to determine where there are gaps in protecting the rights of IDPs. This analysis, in addition to the re-registration, will help shape protection policy for 2004.

The strategy of UNHCR is built on the establishment of a partnership with other international and regional agencies, such as OCHA, UNHCHR, OSCE and ICRC. Within this framework, UNHCR is working on the implementation of the follow-up of the National Strategy on the Empowerment of Roma and on the provision of training on the Guiding Principles on Internal Displacement. In 2003, UNHCR Belgrade became the focal point for Roma in the region.

### **The Post-Dayton Refugee Population**

The estimated number of refugees in Serbia and Montenegro at the end of March 2003 was approximately 344,434. Some 119,264 originate from Bosnia and Herzegovina (BiH); 224,527 from Croatia; and 13 from Macedonia. The main influxes from Croatia, Slovenia, and Bosnia and Herzegovina occurred between 1991 and 1995 due to war and ethnic persecution, while the Macedonian caseload arrived in 2001 as a consequence of armed clashes between Government forces and armed ethnic Albanians. These figures are based on the refugee registration (2001) and the de-registration process undertaken by the Serbian authorities in 2002.

The initial results of the 2001 refugee registration in comparison to the 1996 refugee census showed that some 30% of refugees have found durable solutions. A further de-registration effort as at the end March 2003 led to the conclusion that an additional 44,799 refugees have found durable solutions. There has been a significant decrease in the number of refugees from BiH – 43.4% between 1996 and 2001 and a 11 %

decrease between 2001 and March 2003 – while the number of refugees from Croatia decreased by 17.4% between 1996 and 2001 and a 7.5 % decrease between 2001 and March 2003. A portion of former refugees have been resettled and a smaller number have received assistance to integrate locally.

Although ultimate responsibility for the cessation of individual refugee status rests with the Serbian authorities, UNHCR has offered its good offices to assist the Serbian Commissioner for Refugees (the responsible body) to establish which categories have either returned to their country of origin or have locally integrated in Serbia (through local integration programmes). Montenegro has yet to begin a de-registration exercise and UNHCR is exploring avenues to address this issue.

In 2003, UNHCR endeavoured to develop *de-registration benchmarks* – a set of indicators as to when a refugee in the post-Dayton context can be considered to have found a durable solution and should therefore be *ex officio* de-registered by the relevant authorities. These benchmarks will be shared with Serbian and Montenegrin authorities and their wide application is anticipated in 2003/2004.

The adoption of the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons by the Serbian Government in May 2002 indicates the Government's resolve to address the needs of refugees in their search for durable solutions. UNHCR will devote considerable energy to supporting the Government in its implementation of the National Strategy through 2004 and beyond. The Office of the Montenegrin Commissioner for Displaced Persons (MCDP) has initiated a process for the creation of a National Strategy for Refugees and IDPs. Input should be sought from other government organs, academics, external experts and UNHCR. The Government of Montenegro, supported by UNDP and the World Bank, has embarked on the drafting of a Poverty Reduction Strategy Paper (PRSP) which should be finalised by the end of 2003. Serbia is also developing a PRSP which is scheduled to be finalised in mid 2003. UNHCR is lobbying for the inclusion of refugee/IDP issues. The implementation phase is expected to begin in 2004.

Property repossession is the key to finding durable solutions. Refugees who regain possession of their property can either return home or can sell it and settle in Serbia and Montenegro without requiring further assistance. In BiH, a comprehensive legal regime for property repossession has been implemented (beginning in 1998) and to date, some 86% of claims have been resolved. Tenancy rights were included in the regime, thus enabling repossession of urban property. Reconstruction assistance in BiH has not been as successful an endeavor for refugees displaced in Serbia; however, it will continue on a small scale for those who return.

In Croatia, no effective property repossession process has been implemented. New laws designed to govern the process in the Areas of Special State Concern are inadequate. They fail to restore property to owners immediately following a successful claim and owners must wait for the temporary occupant to find alternative accommodation and vacate the property. In other areas of Croatia, refugees have recourse only through a long judicial process. Moreover, tenancy rights will not be restored, leaving at least 17,000 refugee families without homes to return to. The Croatian government is proposing to provide alternative accommodation for former tenancy right holders who return, but it has not developed implementation mechanisms. To date, little progress has been made by the Croatian Government with regard reconstruction applications submitted by some 57,000 refugees in Serbia and Montenegro. It is expected that these refugees will benefit from reconstruction assistance in 2004. Failure to resolve these problems prevents the return of a large part of the refugee population from Croatia.

Despite continuing repatriation efforts and depending on acceleration of the naturalization process, it is expected that, in the course of 2004, efforts will be concentrated on addressing the protection needs of the most vulnerable population. In Serbia and Montenegro, 60,000-80,000 may be in this category and the BO is initiating a comprehensive survey with clear benchmarks on vulnerability. On one hand it is expected that the bulk would need to be assisted in terms of access to services in Serbia and Montenegro and assistance to the Ministry of Social Affairs/Social Welfare in the initial phase of integration and pending implementation of the PRSP. On the other hand it cannot be excluded that some will still require protection and assistance as repatriation nor integration is possible. Again, in this regard, UNHCR will support the government in implementing the National Strategy.

▪ **UNHCR's role**

The amount of humanitarian assistance from all agencies has been reduced drastically – to approximately one-third of the level available in 2000. The World Food Programme, ICRC, and ECHO are all phasing down or out in the course of 2003. In 2004, with the exception of smaller NGOs, UNHCR is likely to be the sole remaining provider of humanitarian aid.

In view of the evolution of the situation in the region, the HIWG endorsed a strategy which foresaw UNHCR phasing down activities on behalf of refugees and displaced persons from the wars in Bosnia and Herzegovina and Croatia; maintaining activities on behalf of IDPs from Kosovo with an increased focus on durable solutions; and increasing activities on behalf of core mandate asylum seekers.

In 2004, UNHCR will hand over more responsibilities to the Government with respect to refugees and IDPs. In this vein, UNHCR will assist the Government to work towards the goals it set for itself when it adopted the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons. This transition will involve ensuring that refugees and IDPs are included in other government initiatives such as the Poverty Reduction Strategy Paper (PRSP), currently being drafted with the aim of providing solutions for the poorest amongst the local population. UNHCR is working to encourage the authorities to include refugees and IDPs in this strategy, especially in light of the results of the ICRC and WFP Needs Assessment (March 2003) which indicated that by the end of 2003 there will remain a large caseload of extremely vulnerable and poor refugees and IDPs. UNHCR will cover assistance to only the most needy refugees and IDPs in collective centres, social institutions and in extremely poor private accommodation.

In Montenegro, UNHCR will also work to support the adoption of a National Strategy for Refugees and IDPs and Poverty Reduction Strategy Paper.

UNHCR will provide logistics assistance for return to BiH and Croatia to only the most vulnerable individuals and concentrate its activities on information and advocacy for return. Integration assistance will be limited to finding alternative solutions for residents of collective centres.

UNHCR will continue to provide material, legal, and social assistance to IDPs, with special focus on the distinct needs of the Roma, Ashkaelia and Egyptian populations. Commensurate with the role delineated for it in SC Resolution 1244, UNHCR's IDP Unit will supervise and co-ordinate the process of return of IDPs to Kosovo where it is appropriate and feasible to do so. Emphasis will be placed on co-ordination and advocacy, and will intensify information and return co-ordination activities, including Go and See Visits and Come and Inform Visits.

As Serbia and Montenegro emerges from isolation and seeks to bring its laws in line with EU standards, UNHCR will place considerable focus on core mandate activities.

UNHCR will continue to work intensively with national and international media outlets in order to gain public support for its global and country goals, for the refugee cause, and to maintain the positive image and credibility of the Office. In order to ensure continued and reliable information to the donors and their uninterrupted support to UNHCR programmes, the office will provide timely and accurate information to the donor community. Information activities will be crucial in the phase of gradual transition from the post-emergency to full normalisation. In particular, in this period of disengagement and closure of the post-Dayton operations UNHCR must not be seen as deserting its "clientele".

There are a number of external factors, outside of UNHCR's scope of influence, which are and will considerably affect the role of the office as well as its activities and goals. In light of the most recent political changes and developments, UNHCR is technically operating in an institutional environment which, although having the characteristics of a State Union possesses the elements of two different states with some of their attributes (use of different currencies, republican jurisdiction over citizenship issues, separate treasuries, etc.). For these reasons UNHCR develops relations with the relevant authorities in both Belgrade and Podgorica and supports the capacity of all three governments (the Serbian, the Montenegrin and the Union).

Another factor, aggravating the already complex environment is the open-ended state of emergency which, by the time of writing of this plan, has already significantly delayed or postponed several key UNHCR initiatives. In addition, one of the consequences of the assassination of Prime Minister Djindjic is the loss of his initiative to open direct talks with UNMIK and the Albanian authorities in Kosovo regarding the final status of the province.

The fight against organised crime will also result in further delays on the economic reform process and diversion of international systems from an already timid economic recovery plan from which integrating refugees were expected to benefit.

- **Overview of each beneficiary population and/or theme being addressed**

#### **Refugees from Former Yugoslavia**

As of March 2003, there are some **344,380** refugees (with those from Macedonia and Slovenia) in Serbia and Montenegro (including **13,340** in Montenegro). In Serbia, the vast majority of refugees are housed in private accommodation in the Vojvodina and Belgrade areas. In Montenegro, the major concentration of refugees is in the municipalities of Bar, Herceg Novi, Niksic and Podgorica. Among them, some 19,220 (5.6%) vulnerable refugees are accommodated in collective centres and specialised health care institutions in Serbia and Montenegro. An estimated 15,000 to 20,000 refugees will return to BiH and Croatia respectively and 60,000 – 80,000 are estimated to remain in the category of extremely vulnerable.

#### **IDPs from Kosovo**

According to the updates to the registration, as of March 2003, some 205,391 internally displaced persons are residing in Serbia and 29,435 in Montenegro. In Serbia, a large majority of IDPs are concentrated in central and southern Serbia, while in Montenegro, the majority of IDPs are concentrated in the municipalities of Podgorica, Bar, and Berane. Like refugees, most IDPs reside in private accommodation, while some 14,478 (6.2%) are accommodated in collective centres and specialised health care institutions. The Roma are among the most vulnerable of the IDPs. Many have found shelter with local Roma communities. Although no accurate figures exist of their number, UNHCR estimates that around 50,000 Roma from Kosovo are displaced in Serbia and Montenegro. UNHCR does not anticipate an increase in numbers returning to Kosovo (2,000 per year) barring a dramatic change in the security situation. Between 40,000 and 50,000 are anticipated to remain in the category of the most vulnerable.

#### **Asylum Seekers/Mandate Refugees from Outside the Region**

In 2002, 144 asylum seekers reached UNHCR Belgrade for determination of their refugee status. UNHCR Belgrade anticipates that with the establishment of asylum institutions and development of positive practices addressing the issue of refoulement amongst police and border guards, 6,000 asylum seekers will approach Serbia and Montenegro. Most of these asylum seekers/mandate refugees will be accommodated in Belgrade while awaiting their durable solutions. Some will be accommodated in a reception centre.

- **Policy issues**

One of the key policy issues UNHCR must address is the pace and manner of disengagement from refugee (post Dayton caseload) issues. The de-registration of refugees (i.e. cessation of refugee status, either as returnees or naturalised citizens) and closure of collective centres are the Government's principal priorities in 2003 and 2004. As a result of this exercise, many individuals will no longer conform to the statutory definition of "refugee". Nonetheless, many will have continuing humanitarian and legal needs related to their continued displacement. In order to support individuals in their decision to finalise their status (and prevent them from being penalised for doing so), UNHCR should oversee a progressive phase out of assistance, which will be limited to the most vulnerable individuals.

For political reasons, the Government of Serbia and Montenegro is extremely reluctant to consider any alternative solution to the displacement of IDPs other than return to Kosovo. This policy results in the creation of obstacles for some IDPs who seek to integrate locally, even though they are citizens of Serbia and Montenegro. This policy also makes it difficult for UNHCR to actively promote local integration as a viable

durable solution. No house-building projects will be undertaken for IDPs; however, working to promote the inclusion of IDPs in existing income generation projects and other skills training should be part of UNHCR's efforts to find durable solutions for IDPs in 2004.

In light of the prevailing security conditions in Kosovo at the time of writing, UNHCR cannot pursue a policy of promoting return. Should conditions change in favour of return, UNHCR will shift from a policy of facilitating return to a policy of promoting return. Programmes will reflect the change in policy.

Besides protection activities related to the Post-Dayton refugee population and IDPs, the focus of attention of protection activities in 2004 will be assistance to government authorities in the building of the institutions of asylum in the country in accordance with international standards and obligations arising from the 1951 Convention and its 1967 Protocol to which Serbia and Montenegro is a State Party. This includes the adoption of relevant refugee legislation, the establishment of a central competent organ in charge of refugee issues and RSD process, and the establishment of reception centres (both in Serbia and Montenegro) for asylum seekers and refugees in accordance with minimum international standards. These activities will be implemented through training, lobbying, advocacy, public information campaigns and provision of technical assistance and legal expertise. The actors that will be covered by these activities will include government officials at federal and republican levels and major segments of the civil society.

▪ **Linkages to other countries within a defined “situation”**

A regional approach in identifying durable solutions for the post Dayton refugee population has been pursued by UNHCR with the governments in the region. Contact between the three concerned governments – Bosnia and Herzegovina, Croatia, and Serbia and Montenegro – has been increasing gradually. Practical results of this contact include a protocol on return and a dual citizenship agreement between BiH and SM and an agreement for paying outstanding pensions to displaced persons between Croatia and SM. UNHCR will continue to encourage closer contact with the BiH and Croatian governments in 2004 through bilateral and tri-lateral meetings. Co-operation between all three governments will be of utmost importance as international humanitarian assistance in the region diminishes.

Co-operation between the three UNHCR offices will continue in 2004, especially with respect to PI campaigns, the deregistration process and issues related to tenancy rights. By 2004, a comprehensive system of information sharing, registering and de-registering of refugees/returnees will have been put in place with UNHCR's assistance, allowing for a clear picture of achieved durable solutions in the region. All three UNHCR offices will cooperate on the implementation and monitoring of the de-registration benchmarks. UNHCR Belgrade shall also initiate dialogue with these offices on the issue of an eventual cessation clause for the post-Dayton refugee population.

As focal point for Roma issues in the region, UNHCR will maintain close links with countries in the region in order to ensure a consistent approach and policy implementation as well as rationalisation of resources.

Both UNHCR Serbia and Montenegro and UNHCR Kosovo are guided by the role accorded to UNHCR in UNSC Resolution 1244 to supervise the return process, which can only take place with a very high level of cross-boundary co-ordination, both with the Pristina Office and the Field Offices. UNHCR also aims to stay abreast of developments concerning return to Kosovo from FYROM and western European countries.

In the field of asylum building, UNHCR shall promote the participation of the relevant authorities of Serbia and Montenegro in regional fora on asylum issues. UNHCR shall in particular encourage dialogue and co-operation with Central European countries on the issue, especially with countries which have already established an asylum system and/or with common border (Romania, Bulgaria, Hungary and the Czech Republic). UNHCR will also strengthen co-ordination and co-operation in the field of asylum with countries in the Balkans (in particular Croatia, BiH and FYROM) in order to ensure coherence and consistency in the development of asylum policies and to exchange best practices.

▪ **Capacity and presence of implementing partners**



UNHCR protection and durable solution related activities in Serbia and Montenegro are implemented through three government partners: the Serbian Commissioner for Refugees, the Serbian Ministry of Social Welfare and the Montenegrin Commissioner for Displaced Persons, and 15 GO/ NGO implementing partners.

According to the new Constitutional Charter of Serbia and Montenegro and its Implementing Law, refugee and asylum issues shall fall under the competence of the Federal Ministry on Human Rights and National and Ethnic Minorities, as the Ministry of Interior (which has up to now been the key Ministry for UNHCR in terms of asylum and refugee polices) has ceased to exist. It is unclear whether the Federal Ministry on Human Rights and National and Ethnic Minorities has the managerial and the technical ability to assume the asylum building up responsibilities. The role that the Serbian Commissioner for Refugees will play with respect to asylum issues and the question of whether it will take up responsibility for IDP issues is also unclear. The Union MFA will continue to maintain a role vis a vis treaty responsibilities.

Humanitarian assistance and durable solutions programmes for refugees are phasing out. As development agencies are moving in many international NGOs are phasing out their programmes in Serbia and Montenegro. While UNHCR will continue to support its Government partners, the number of direct implementing partners will decrease. It is expected that following several years of building the capacity of local institutions and NGOs, local partners will implement many of UNHCR 2004 programme activities.

UNHCR in Montenegro is operating in close co-ordination with government institutions such as the Montenegrin Commissioner for Displaced Persons and the Ministry of Health as well as authorities at the municipal level. In 2004 it is expected that two NGOs (one international and one local) and two international agencies will continue to be engaged in implementation of various activities. UNHCR will continue to have a co-ordinating role with respect to other NGOs assisting refugees and IDPs from their own resources. In 2004, UNHCR will work on developing co-operation and partnership with the Ministry of Social Welfare, the Ministry of the Interior and the municipal authorities of Podgorica.

▪ **Presence and roles of other UN Agencies and IOs, and efforts made to co-ordinate activities for the implementation of protection and assistance activities for populations of concern**

UNHCR, as an active member of the UN country team, collaborates extensively with other UN Agencies in Serbia and Montenegro. In particular, UNHCR works closely with UNOCHA on IDPs (protection issues, information dissemination, and property restitution), with UNDP on housing and micro-finance (development of a housing fund within the Serbian Government and drafting of Micro-finance legislation), with UNAIDS, UNICEF and UNDP on AIDS, and with many UN Agencies on the development of the Poverty Reduction Strategy Paper.

UNHCR will continue to work with other UN agencies to ensure that refugees and IDPs are incorporated in activities targeted at achieving the Millennium Development Goals. In particular, UNHCR will strive to include to refugees and IDPs in the Common Country Assessment and the resulting UNDAF Programme for 2004-2006. UNHCR will also strive to co-operate with relevant agencies in the implementation stage of the National Strategy on the Integration and Empowerment of Roma. UNHCR has established a fruitful co-operation with OCHA related to training on the Guiding Principles on Internal Displacement and the carrying out of a gap analysis on the legal and protection situation of IDPs in Serbia and Montenegro.

UNHCR co-ordinates closely with UNMIK on IDP issues, particularly with the Office of Returns and Communities. With ICRC, UNHCR undertook a joint needs assessment mission in March 2003 to determine the assistance needs of IDPs and to begin to create an exit strategy. UNHCR works closely with WFP regarding assistance for refugees, having undertaken a parallel needs assessment mission for refugees. UNHCR also co-ordinates with the Serbian Red Cross in the provision of assistance to refugees. UNHCR will continue its regular co-ordination meetings regarding repatriation, NGO co-ordination co-chaired with the Serbian Commissioner for Refugees, and sectoral meetings. For IDPs, UNHCR chairs cross-boundary meetings to co-ordinate return and information activities.

In the field of asylum building, UNHCR is promoting and facilitating the participation of Serbia and Montenegro in international fora and structured discussion on issues relating to refugee protection and migration. Particular emphasis is put on the EU standards, "acquis communautaires", and the Schengen agreement. It is believed that enhanced exposure to on-going discussions and debate on asylum and strengthening of bilateral and multilateral cooperation shall contribute to putting refugee issues higher on the political agenda.

UNHCR is concerned that so far the level of involvement and interest for Serbia and Montenegro by the EU Institutions has not been sufficient and in particular, has not permitted to raise the level of interest, and the capacity, of the Serbia and Montenegro authorities to embark actively in a process of building the institution of asylum. The EU CARDS report for Serbia and Montenegro has been finalized and UNHCR has provided extensive comments to it. UNHCR is now promoting a dialogue with the EU on these comments and cooperation on capacity and institution building activities in the field of asylum. UNHCR was represented at the HLWG meeting on Serbia and Montenegro in March 2003 and promoted extended cooperation.

UNHCR is also co-operating with the Stability Pact, under its regional initiative Working Table III, Migration and Asylum Initiative (now called MARRI). A partnership agreement was concluded between the Federal Ministry of Internal affairs of FRY and the corresponding Ministries in France and Hungary, together with the Federal Office for Refugees within the Ministry of Justice and Police of Switzerland. The aim of the agreement was to draw up a National Action Plan based on contributions from the partners as well as UNHCR, and which was to have been compiled and finalised by the Ministry of Internal Affairs by mid-December 2002. Political obstacles and the process of re- composition of the Yugoslav Federation put finalisation of the Plan on hold. UNHCR was called upon in consultative capacity and participated in the working group on asylum by providing legal expertise and technical support to the authorities.

OSCE is a key regional partner of UNHCR in the field of protection of refugees and IDPs. UNHCR has identified 5 areas of co-operation with the OSCE for 2003 and onwards. These are: partnership in the implementation of the Roma Strategy (in an interagency framework); co-operation on legal protection of IDPs, including advocacy for a declaration on the rights of IDPs (in the UNHCR-UNOCHA IDP Working Group); co-operation for a training programme for border guards and police for migration management (with IOM); co-operation on promoting property restitution issues (with the Council of Europe). UNHCR seeks to establish co-operation with OSCE to promote the realisation of the right to citizenship for refugees in displacement in Montenegro.

Under the ADACS programme a number of joint activities have been identified by UNHCR and the Council of Europe. Such activities shall in particular include streamlined co-operation in the field of citizenship and the reduction of statelessness, with a particular focus on Montenegro.

**(b) Selected (Main) Programme Goals and (Principal) Objectives**

**Name of Beneficiary Population/Theme: Refugees from Bosnia and Herzegovina and Croatia**

- Goal(s):**
1. Ensure that the limited funds are used to assist the most vulnerable and needy refugees and with maximum efficiency.
  2. Ensure that vulnerable and poor refugees are assisted under the PRSP and national schemes.
  3. Provide timely and accurate information and provide all necessary legal assistance to refugees to enable them to make an informed choice of seeking a durable solution.
  4. Strengthen national capacity and collaborate with the government on seeking support for the National Strategy thereby ensuring that refugees have a definite opportunity to seek durable solutions.
  5. Facilitate greater co-operation between the SM, BiH and Croatia to tackle issues such as de-registration as well as on issues which will improve conditions for refugees to return to their country of origin.

Principal Objectives	Related Outputs
<ul style="list-style-type: none"> <li>• To provide limited assistance to the most vulnerable refugees, who live in poor private and collective accommodation, in harmony with the Ministry of Social Affairs criteria for vulnerable nationals as well as to the most vulnerable refugees in specialised institutions and in converted collective centres (elderly homes) and to those who are transferred from these centres to specialised institutions.</li> <li>• To provide limited integration assistance to current residents of collective centres to enable them to move out and thus decrease the number of collective centres.</li> <li>• To provide assistance through community services activities for refugees in collective centres and private accommodation.</li> <li>• To ensure that the 5 commitments</li> </ul>	<ul style="list-style-type: none"> <li>• Provided support to SCR and MCDP towards the running cost of collective centres for refugees unable to support themselves and found eligible according to the established criteria.</li> <li>• Distributed WFP food to the most vulnerable refugees in private accommodation until end-March 2004.</li> <li>• Distributed a one-time assistance grant to cover some of the most immediate needs of the most vulnerable refugees.</li> <li>• Most vulnerable medical cases in Montenegro assisted.</li> <li>• Provided sanitary napkins to women and girls.</li> <li>• Financially supported the Ministry of Social Affairs in Serbia and the Ministry of Social Welfare in Montenegro to cover basic costs of accommodation and care of refugees in specialised institutions and converted collective centres (elderly homes).</li> <li>• CCCP/PIKAP assistance provided to the eligible refugees residing in CCs planned for closure.</li> <li>• Only the most vulnerable were hosted in CCs.</li> <li>• Basic community services activities to help those most in need (mainly in remote areas and very vulnerable) implemented by national partners.</li> <li>• Supported local women's groups and</li> </ul>

<p>to women have been met.</p> <ul style="list-style-type: none"> <li>• To provide legal assistance to refugees with respect to issues faced in displacement.</li> <li>• To reduce statelessness among the refugee population, with a specific focus on the situation in Montenegro.</li> <li>• To inform refugees on specific issues facilitating achievement of durable solution.</li> <li>• To promote and facilitate voluntary repatriation and provide transport assistance only to the most vulnerable refugees who will repatriate to BiH and Croatia.</li> <li>• To resettle a very limited number of extremely vulnerable refugees.</li> </ul>	<p>provided educational and income generation activities to women through the community services programme.</p> <ul style="list-style-type: none"> <li>• Legal counselling and assistance provided with respect to citizenship, documentation and other needs.</li> <li>• Lobbied with authorities for the ratification and implementation of the Convention on the Reduction of Statelessness.</li> <li>• Provided legal assistance to refugees in Montenegro who receive Federal Citizenship in order for them to receive the Republican citizenship, in line with the relevant provision of the Constitutional Charter.</li> <li>• Information campaigns organised on completion of reconstruction applications in Croatia.</li> <li>• Information campaigns organised on available housing solutions for the former tenancy right holders opting for return to Croatia.</li> <li>• Information campaigns organised on gradual closure of collective centres and different options available under assistance schemes aiding the process.</li> <li>• Information campaigns organised on options, benefits, rights and obligations for refugees opting for local integration i.e. citizenship of Serbia/Montenegro.</li> <li>• Information campaigns organised on de-registration exercise and cessation of refugee status for categories defined by 2003 regional de-registration benchmarks.</li> <li>• Organised Return Procedure to Croatia was implemented and most vulnerable refugees were transported</li> <li>• Most vulnerable refugees were assisted in transporting household belongings and tractors to BiH.</li> <li>• Continued co-ordination mechanism with NGOs active in repatriation of the post-Dayton caseload.</li> <li>• Co-ordination with sub-region strengthened.</li> <li>• A durable solution is identified in at least one country.</li> <li>• Co-ordinated approach with field offices</li> </ul>
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<ul style="list-style-type: none"> <li>• To advocate with the Government to continue using the de-registration benchmarks so as to de-register those refugees who have managed to find a durable solution.</li> <li>• To encourage and facilitate bi- and tri-lateral Government co-operation aimed at facilitating durable solutions.</li> <li>• To ensure that refugees are integrated in bilateral and multilateral development initiatives</li> <li>• To ensure that vulnerable and poor refugees included in assistance and economic schemes under the PRSP.</li> </ul>	<p>and implementing partners in identifying vulnerable resettlement cases.</p> <ul style="list-style-type: none"> <li>• Deregistration benchmarks were consistently applied and refugees who have found durable solutions were de-registered.</li> <li>• Meetings between the SM, BiH and Croatian governments organised at all levels aimed at enhancing co-operation, exchanging information and confidence building.</li> <li>• Initiated discussion on the cessation clause with strong regional co-ordination.</li> <li>• Co-ordinated activities of other agencies and provide support to the relevant Ministries in the Government of Serbia and Montenegro</li> <li>• Set up partnership with development actors, focusing on activities that could lead to durable solutions for refugees</li> <li>• LS programme merged with a durable and sustainable housing scheme that will include refugees and ex-refugees.</li> <li>• Co-ordinated with Governments of Serbia and Montenegro to ensure that vulnerable and poor refugees are included under economic schemes under the PRSP.</li> </ul>
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<p><b>Name of Beneficiary Population/ Theme: IDPs from Kosovo</b></p>
<p>Goal(s):</p> <ol style="list-style-type: none"> <li>1. Ensure that the limited funds are used to assist the most vulnerable and needy refugees and with maximum efficiency.</li> <li>2. Ensure that vulnerable and poor IDPs are assisted under the PRSP and national schemes.</li> <li>3. Ensure that special consideration is given to the situation of Roma IDPs.</li> <li>4. Ensure that the Government is aware of its responsibility to respect the rights of IDPs as citizens.</li> <li>5. Ensure that durable solutions available to IDPs are real options and a result of a voluntary choice, rather than compelled by circumstances.</li> </ol>

Principal Objectives	Related Outputs
<ul style="list-style-type: none"> <li>• To provide limited assistance to the most vulnerable IDPs, who live in poor private and collective accommodation, in harmony with the Ministry of Social Affairs criteria for vulnerable nationals</li>   <li>• To provide accommodation to a limited number of vulnerable IDPs in specialised institutions in Montenegro.</li>   <li>• To ensure that the 5 commitments to women have been met.</li>   <li>• To advocate for the full realisation of the rights of IDP's as citizens.</li>   <li>• To act as regional focal point for issues related to the Roma, with the aim to ensure a consistent approach and policy implementation.</li>   <li>• To follow-up of the implementation of the "National Strategy for the Integration and Empowerment of Roma".</li>   <li>• To provide objective information to IDPs on the situation in Kosovo, with an aim to assist them making an informed choice about their durable solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Provided support to SCR and MCDP towards the running cost of collective centres for IDPs unable to support themselves and found eligible according to the established criteria</li> <li>• Distributed a one-time assistance grant to cover some of the most immediate needs of the most vulnerable IDPs.</li> <li>• Most vulnerable medical cases in Montenegro assisted.</li> <li>• Provided sanitary napkins to women and girls.</li>   <li>• IDPs in Montenegro in need of specialised institution gain access.</li>   <li>• Supported local women's groups and provided educational and income generation activities to women through the community services programme.</li>   <li>• Followed-up the gap analysis within the framework of the inter-agency co-operation to draft and implement a strategy which addresses identified problem areas.</li> <li>• Supported training on UN IDP Guiding Principles and assisting NGO legal assistance projects with particular emphasis on Roma IDPs.</li> <li>• Provided legal assistance, through NGO partners, to ensure the realisation of their rights, including through courts.</li>   <li>• Enhanced co-operation with regional partners to ensure consistency of approaches and rationalisation of resources on Roma issues.</li> <li>• Attended regional meetings on Roma and presented UNHCR views.</li>   <li>• Lobbied with relevant authorities to address provision of documentation and citizenship status of Roma IDPs and strengthening inter-agency co-operation.</li>   <li>• In the context of the Information Framework, co-ordinated and facilitated the dissemination of objective and updated information to the IDPs on Kosovo and return conditions, through means of TV,</li> </ul>

<ul style="list-style-type: none"> <li>• To timely and accurately inform IDPs from Kosovo regarding the situation inside Kosovo and ongoing activities of UNHCR, its partners and the international community. Depending on circumstances in Kosovo - shift from facilitation to active promotion of return to Kosovo.</li> <li>• To facilitate return to Kosovo within the framework established by UNMIK, in co-ordination with all agencies operating to support the return process.</li> </ul>	<p>printed material, regular meetings and assistance to IDP Associations.</p> <ul style="list-style-type: none"> <li>• Paid special attention to the particular situation of Roma IDP and devised activities of community outreach, such as radio programmes, translation of relevant documents into Romani language and collaborate with community outreach officers.</li> <li>• Continued regular weekly TV broadcast for IDPs “The Return” aired on the 1<sup>st</sup> channel of RTS, which provided information and insight into situation in Kosovo and focussed primarily on security, freedom of movement, available assistance, etc.</li> <li>• In co-ordination with UNHCR Kosovo – developed publication informing IDPs regarding the new reality inside Kosovo;</li> <li>• Information campaign on re-registration exercise for Kosovo IDPs.</li> <li>• Co-ordinated return related activities with all relevant actors.</li> <li>• Disseminated among agencies updated information and policy development. Maintain a database of NGO activities, in Serbia, Montenegro and Kosovo.</li> <li>• Worked closely with IDPs and IDP associations in order to respond to expressed return wishes and advocate on their behalf. Support IDP Associations through capacity building activities.</li> <li>• Organised the safe transportation of persons, goods and livestock.</li> </ul>
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