



# **COUNTRY OPERATIONS PLAN**

**Country: fYR of Macedonia**

**Planning Year: 2004**

## FYR Macedonia

### I. Executive Committee Summary

#### a. Context (Beneficiary Populations and Themes)

- Political Context

During the seven-month internal conflict (February-August 2001) in the Former Yugoslav Republic (FYR) of Macedonia, between ethnic Albanian armed groups (the National Liberation Army – NLA) and Macedonian Security Forces, more than 170,000 people fled their homes. Peace was established following negotiations between the leaders of the four main political parties, facilitated by international mediators. The Framework Agreement (FA) was signed in Ohrid on 13 August 2001. Since then, fifteen constitutional amendments were adopted addressing additional minority rights in language, education, public services. Through the FA a combined EU, OSCE, and NATO monitoring mechanism was put in place and ethnically mixed police deployed in all conflict affected villages.

Despite a delay, 15 September 2002 saw general elections and a new Government, comprising former opposition parties SDSM (Social Democratic Union of Macedonia) and LDP (Liberal Democratic Party), and the new ethnic Albanian party DUI (Democratic Union for Integration) led by the former political leader of the NLA. High hopes were raised with continued implementation of the FA; an anti-corruption programme has seen several former ministers and public figures of the previous administration under investigation, and in some cases, judicial prosecution. However, some elements of the public are increasingly disgruntled on perceived inactivity; both manifested by harsh criticism of the former administration and an increased activity in the movements of armed groups in the north of the country. An EU force named *Concordia* has taken over the joint EU-NATO force, as of 31 March, 2003. The Government adopted a comprehensive Action Plan in February 2003 delineating the cost and completion of the implementation of the FA, with the assessment that the implementation of the agreement will require €70 million

In the meantime, FYR Macedonia has been increasingly moving towards the EU and other regional structures, notably FYR Macedonia's signature of the EU Association Agreement and closer EU co-operation, towards integration. It is a member, along with other regional partners, of the reconstruction and developmental aggregation, the Stability Pact, as well as participating in several other regional initiatives. Restructuring of Macedonian armed forces (ARM) is underway aimed at NATO standards in national defence. Meanwhile, the twin social evils of unemployment and poverty exert a growing influence on the population, with 32% of the workforce unemployed and relative decrease in the earnings of about \$200 a month.

- Security Situation

The security situation in FYR Macedonia improved progressively throughout 2002 and early 2003. The redeployment of the NATO force, OSCE monitoring team and EUMM have all helped in this. The UN Mine Action Service co-ordinated activities addressing the problem of mines and UXOs. Multi-ethnic police forces were also established in some 138 villages in and around the conflict zone and almost all police checkpoints had been removed by January 2002. However large amounts of weaponry in the hands of criminals and alleged rebel groups contribute much uneasiness, while around 600,000 illegal weapons are speculated to remain

in the country. Criminal incidents are predominantly centred either on human and drug trafficking rings or on political discord.

- Protection Issues

The Law on Asylum and Temporary Protection was adopted by the government in August 2003. The drafting and adoption of the appropriate by-laws for implementation and the development of reception policies and facilities will be the focus of the Office's work in 2004. Further, capacity-building activities targeting the first, second, and third instances in the asylum procedure, in the form of seminars, workshops, on-the-job training will be initiated. UNHCR will continue efforts to improve territorial access and asylum procedures at the borders, as well as promoting a refugee protection module, through regular visits and training of the border police. UNHCR will moreover monitor and participate in the gradual harmonisation of asylum procedures at EU standards, within the framework of national and regional CARDS funded projects as well as within the context of the Migration Asylum and Regional Return Initiatives (MARRI). In 2004, regional co-operation in the area of asylum is expected to increase.

Through a Government Conclusion passed on 3 March 2003, the Temporary Humanitarian Assisted Persons (THAP) status has been extended until 28 September, 2003 for the Kosovo ethnic minorities remaining in FYR Macedonia since 1999. The Government has decided to terminate the THAP regime at the next expiration. Individual access to the asylum procedure will be granted to the ex-THAPs who do not repatriate, in line with the new Law on Asylum. Cross-border co-operation with UNHCR Kosovo in voluntary repatriation will continue throughout the course of 2004. This will include exchange of information, go and see visits, come and inform visits, as well as organising special events such as Municipal Working group meetings. A substantial number of returns is anticipated during the year resulting from the recent re-establishment of contacts between the THAPs and the representatives of their areas of origin and the improved data on refugee profile and return-matrix on obstacles to return. UNHCR will continue to assist and monitor the process of local integration of recognised refugees on the basis of the progress made by the Inter-Ministerial Working Group on Local Integration established within the framework of the Migration and Asylum Initiatives (MAI) and the National Action Plan (NAP) as well as the Section for reception and local integration under the Ministry of Labour & Social Policy (MLSP). On the assumption that a substantial number of the current beneficiaries of the THAP regime will be granted asylum in 2004, the number of recognised refugees in need of local integration support will increase. UNHCR expects to submit a limited number of cases for resettlement in 2004 depending on the provisions offered to the THAPs in the new Law on Asylum. UNHCR may consider referring a group for resettlement in case local integration option is not feasible. Alternately, a burden-sharing agreement within the framework of Convention Plus with one of the MAI Country Team member states might be considered to alleviate the burden on FYR Macedonia. In the meantime UNHCR will continue its advocacy role and maintain regular contacts with development agencies and financial institutions, in view of the need for integration assistance and economic revitalisation programmes to benefit the refugees. Moreover, the office will continue to provide its expertise in support to the Government's effort in addressing legal and administrative solutions to the long-term habitual residents (stateless population) who are adversely affected by the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

- UNHCR's Role

UNHCR expects to phase down returnee monitoring and related activities under the Ohrid Framework Agreement by the end of 2003 and thereafter to focus towards core protection obligations in building asylum-systems, facilitation of voluntary repatriation and reduction of statelessness. Under its mandate UNHCR will continue to provide protection and material assistance to asylum seekers and refugees, most of whom were under the THAP regime. Its role also includes a pro-active approach and demarches with the authorities on issues ranging from right to asylum and protection to assistance and durable solutions. It is foreseen that in 2004 even a greater number of persons of concern to UNHCR will be in need of the legal and social assistance through the legal NGO network. As a phase out strategy, the office will work in close collaboration with development agencies, bilateral partners and through international funding initiatives, ensuring the resources are directed towards finding sustainable solutions for refugees and the returnee populations.

- Overview of Each Beneficiary Population

In 2004 it is estimated that some 2,500 persons will remain as persons of concern to UNHCR, including 1,900 ex-THAPs in private or host accommodations and one collective centre, 50 recognised refugees, and about 100 asylum seekers.

An estimated 1,000 people from FYR Macedonia are expected to remain in early 2004 as refugees in Kosovo as a result of the 2001 crisis, out of whom around 900 people are expected to return to FYR Macedonia during the year. Hence, UNHCR efforts will be geared towards their return and re-integration in their places of origin. Meanwhile, the Office anticipates that at least 600 ex-THAPs residing in FYR Macedonia would repatriate to Kosovo during the year.

Lastly, the number of the *de facto* stateless population of the country remains unknown. The preliminary results of a survey conducted in 2003 revealed that about 2.2% of the persons interviewed were in the situation of *de facto* stateless. On this basis, it is anticipated that some 3,500 such individuals will need legal assistance from UNHCR during the course of 2003, out of whom around 500 individuals should be able to resolve their problems during 2004 owing to UNHCR intervention.

- Policy Issues

- Women/Gender Equality*

Training programmes targeting asylum adjudicators will include modules on special needs of women asylum seekers in interviews as well as in application of gender-related persecution. Reception Centre (RC) staff will also be trained on the special needs of women asylum seekers and in particular the victims of violence and trafficking. Adequate support will be given to the staff and officials in crafting guidelines and internal reporting systems to enhance the ability to respond to Sexual and Gender Based Violence (SGBV) as well as domestic violence. Various community-service activities will be organised to ensure involvement of refugee women and girls in various empowerment activities such as education, vocational training, counselling, health and hygiene education with special emphasis on mother and child health, immunisation, family planning issues, and reproductive health. Literacy programmes for adult refugee women will continue, also raising awareness on the importance of education for girls. The role of refugee women will be enhanced, especially their active participation in the distribution of humanitarian assistance.. Regular distribution of sanitary napkins for women, infant starter kits, hygiene parcels and diapers will also be arranged on a need basis.

*The specific situation of children & adolescents*

Capacity-building activities targeting asylum adjudicators will also include modules on the special needs of children during the asylum procedure and support will be provided to the authorities in setting up a functional guardianship system. The RC staff will likewise be trained on reception of children. Tracing activities for separated children will be carried out in co-operation with UNICEF and ICRC. Psychosocial activities will continue to target this group to minimise the long-term effects of the former conflicts. The refugee youth will be assisted to gain access into the education system and to acquire certificates that will ensure their return to the education system of their country of origin. In addition to the in-kind assistance in the form of snacks and free transport to school, in close collaboration with UNICEF, education and public awareness campaigns will continue. The legal NGO network will continue to assist children in the former conflict areas as well as returnees from Kosovo to register their births. Emphasis will also be placed on key concerns such as lobbying for access of minors to refugee status determination procedures and guardianship, and against sexual exploitation and military conscriptions.

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

Capacity-building activities targeting asylum adjudicators will emphasise the special considerations to be addressed in this category of beneficiaries. Guidelines for RC staff will include reference to treatment and special needs of vulnerable and elderly asylum seekers/refugees. Special care will be taken during the voluntary repatriation of vulnerables, including elderly refugees to ensure that adequate medical, reception and re-integration facilities are available upon return. UNHCR will continue its collaboration with the concerned ministries and the Centres for Social Work (CSW) to ensure the resolution of documentation issues preventing participation in social welfare schemes, and that special needs of the refugees are cared for. UNHCR will seek to ensure that the elderly persons become the responsibility of competent government bodies and are included in existing programmes for the elderly.

*Environmental Concerns*

The residual returnee and refugee groups being small (reduced further in 2004) are not expected to impact significantly on the environment. However, environmental concerns will be taken into account while designing assistance programmes. Budgetary provisions will be maintained to promote acceptable sanitary and hygienic conditions around the main refugee settlements.

*HIV/AIDS*

The Office will continue to work in close collaboration with WHO in HIV/AIDS education and support a nation-wide strategy on the preventive education of STDs in addition to awareness campaigns organised under the CS activities.

• Linkages to Other Countries Within a Defined “Situation”

Linkages with UNHCR offices in the region on issues related to the remaining refugee population from 1999 Kosovo crisis will continue, while those related to the IDP population from the 2001 crisis will be phased out in 2003. Linkages will embrace the exchange of country of origin information (COI), go-and-see and come-and-inform visits, documentation issues, statelessness, resettlement, and return in relation to human rights and other concerns with main focus on UNHCR offices in Kosovo and Serbia-Montenegro (SCG). The office will continue to work closely with other international organisations in the region in relation to the management of trans-border mixed flows for those in need of international protection.

- Capacity and Presence of Implementing Partners

During 2003 UNHCR has established implementing arrangements with two international NGOs, two ministries: MOI and MLSP as well as six local NGOs under the umbrella of Civil Society Resource Centre (CSRC), as well as the Institute for Social, Political, and Juridical Research (ISPJR) and a NGO of the Rosh community. It has been planned to phase out two NGOs in mid-2003 and to continue with the implementing arrangements with the other six partners during 2004 in vital sectoral activities. IFRC will continue to handle food and health sectors, while MLSP will continue to manage the Katlanovo collective centre (KCC), administrative assistance to the refugees as well as Community Services through their CSW unit at a reduced level. Three partners will continue their activities in the field of Legal Assistance, Protection, and capacity building.

- Presence and Role of Other UN Agencies and IOs

UNHCR will continue to work with other UN agencies within the UN Country Team (UNCT) as well as with other international organisations. From 2004, humanitarian co-ordination functions will be handed over from the regional OCHA office to UNDP. The governmental ministries are expected to assume greater roles in activities currently handled by UN agencies. UNHCR's co-operation within the UNCT includes security monitoring, education, community services, health-care for refugees with UNICEF and efforts by WHO to assist in reinforcing the country's health-care system for vulnerable refugees and IDPs. A UN Theme Group on HIV/AIDS has been established with members of UNDP, UNICEF, WHO, UNHCR, the World Bank, and IOM in late 2003. UNSECOORD will continue to share office space with UNHCR in 2004 and strengthen the collaboration. UNHCHR assists the Government to develop a comprehensive National Human Rights Action Plan and works on capacity building of civil society to promote human rights. FAO will continue its work on the agricultural sector, in the former crisis area and the IOM in assisting the Government in addressing the trafficking of human beings, in addition to support to community-based projects. The Office will try to draw on the development assistance for durable solutions of the refugees in co-ordination with the World Bank. ICRC will phase out its responsibility for food and humanitarian assistance to IDPs in 2003. The International NGO Council will increasingly aim to include national NGOs in its co-ordination work, and advocate for the needs of vulnerable groups. Together with the new EU force, OSCE and EUMM will continue to monitor the security situation in the former crisis areas. The European Agency for Reconstruction (EAR) assumed the responsibility for the management of EC's CARDS programme in FYR Macedonia from 2002. Other organisations of relevance to UNHCR are the EC, EU, COE, ODIHR, UNMIK, the Stability Pact, and the Centre for Refugees and Forced Migration Studies (CRFMS).

## b. Main Programme Goals and Principle Objectives

### *Selected Programme Goals and Objectives*

<b>Theme #1: Strengthening Asylum</b>	
<b>Beneficiary Population #1:</b> Asylum seekers including THAPs and refugees	
<b>Goals:</b> Persons in need of international protection have access to the territory of FYR Macedonia and to a fair, efficient and effective asylum procedure; they are treated in accordance with international protection standards and provided with material assistance according to the principles of human rights.	
<b>Principal Objectives</b>	<b>Related Outputs</b>

<ul style="list-style-type: none"> <li>Asylum seekers are admitted at borders and a fair and prompt asylum procedure is followed.</li> <li>Legal frameworks for asylum are established in line with international standards and practices.</li> <li>Asylum seekers are treated in accordance with international human rights standards; humane measures are adopted to return rejected asylum seekers.</li> </ul>	<ul style="list-style-type: none"> <li>Applications for asylum are registered and forwarded to the Section for Asylum for granting asylum within a reasonable time.</li> <li>The new law on Asylum and its secondary legislation with related working instructions are implemented; the competence of the first, second, and third instance adjudicators as well as reception staff is strengthened; and the second instance Government Commission is improved.</li> <li>Asylum seekers are provided with accommodation, basic assistance and health care. Within framework of MAI/MARRI, and co-operation with IOM, humane procedures are developed for voluntary and forced returns of rejected asylum seekers.</li> </ul>
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**Theme #2: Durable Solutions and Assistance**

**Beneficiary Population #2:** Refugees from Kosovo in FYR Macedonia from 1999 crisis and Refugees from FYR Macedonia in Kosovo from 2001 crisis.

**Goals:**

The rights of the refugees are respected, and effective durable solutions are found.

<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Voluntary repatriation of refugees hosted in Kosovo takes place in safety and dignity to areas of origin where sustainable re-integration can take place.</li> <li>Remaining refugees hosted in FYR Macedonia return in safety and dignity and sustainable re-integration is made possible.</li> <li>Refugees have real possibilities to locally integrate.</li> <li>Mandate refugees who cannot avail protection or local integration possibilities in FYR Macedonia are resettled.</li> </ul>	<ul style="list-style-type: none"> <li>Voluntary repatriation of individuals whose return has been cleared by UNHCR Kosovo is organised and facilitated effectively and refugees return in safety and dignity.</li> <li>Repatriation is promoted to places of origin where basic returnee assistance is provided and limited protection monitoring takes place in co-operation with international and local organisations and authorities.</li> <li>Legal and institutional integration mechanisms are developed to facilitate local integration..</li> <li>Mandate refugees fulfilling the criteria are accepted for resettlement and depart in a safe and timely manner.</li> </ul>

**Theme #3: Stateless Population: Reduction and Prevention of Statelessness**

**Beneficiary Population #3:** Stateless Persons/ Persons Lacking Effective Citizenship

**Goals:** To reduce, possibly eliminate and prevent the situations of *de facto* statelessness of long-term habitual residents in FYR Macedonia, affected by the dissolution of former SFRY, in line with UNHCR mandate so that they can enjoy, a status in line with standards outlined in the 1954 Convention relating to the Status of Stateless persons.

<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>A comprehensive legal and</li> </ul>	<ul style="list-style-type: none"> <li>Citizenship Act amended incorporating</li> </ul>

<p>administrative framework is implemented in line with international standards, to prevent and reduce statelessness and facilitate the acquisition of an effective citizenship and personal documentation of long-term habitual residence.</p>	<p>UNHCR's position by introducing specific provisions to facilitate acquisition of effective citizenship for long-term habitual residents; 1961 Convention is acceded to and the 1954 Convention is implemented.</p>
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