



290

UNHCR Position on the Continued Protection Needs of Individuals from Kosovo

March 2001

A. Introduction

1. This paper is an update of UNHCR's position with regard to the return of Kosovo Albanians and minorities as outlined in previous position papers of March 2000 and October 1999 respectively.

2. The myriad protection related challenges presented by the large-scale Kosovo Albanian returns and the almost simultaneous forced displacement (from Kosovo) of members of numeric minorities have dominated the attention and efforts of the international security and civilian presence in Kosovo since June 1999. The vast majority of Kosovo Albanians who fled during the Kosovo crisis have returned and few of them have individually faced protection problems.

3. Non-ethnic Albanian Kosovars, however, continue to endure severe security threats that have compelled many to leave the province to avoid placing their lives and fundamental freedoms at risk. The security incidents affecting numeric minorities in Kosovo form a continuum which have had a devastating effect on those that have remained and constitute an insurmountable obstacle to return in safety and dignity at the present time.

4. In considering applications for asylum from persons originating from Kosovo, asylum countries may be inclined to assess whether an internal relocation alternative is available for them in other parts of the FRY. In light of the circumstances faced in Serbia and Montenegro by internally displaced persons from Kosovo, UNHCR would advise that it is highly unlikely that such internal displacement offers an adequate or reasonable alternative to seeking asylum. Detailed information on current conditions for displaced persons from Kosovo is offered to substantiate this position.

5. UNHCR also wishes to underline that, at the time of updating this position paper, worrying developments are taking place in the region especially in the North Western part of the former Yugoslav Republic of Macedonia (FYROM) and the Presevo Valley area of Southern Serbia. In the event of a major refugee/ IDP crisis in Kosovo as a result of these events, the situation of minorities and conditions for the return of Kosovars will be deeply affected. Pressures of additional numbers of displaced persons of Albanian ethnicity would aggravate further the situation for minorities while a deteriorating internal situation in Kosovo would complicate the return of Kosovo Albanians.

B. General Guiding Principle

6. Asylum seekers from Kosovo should have access to refugee status determination procedures and their cases should be carefully considered and determined on an individual basis in accordance with the applicable criteria for refugee status. In cases where refugee claims under the 1951 Convention are rejected, but the need for protection on other grounds exist, consideration should be given to providing other available forms of protection where the merits and circumstances of the case warrant.

I. Kosovo Albanians

7. In general, the vast majority of Kosovo Albanians who originate from places in Kosovo where their ethnic group constitutes a majority can return without experiencing individual protection problems. For them the previous situation of systematic discrimination, harassment and persecution no longer exists. However, notwithstanding the positive changes, there still will be *individual* Kosovo Albanians in need of international protection because of their special circumstances or because of the prevailing precarious and volatile security situation which affects them in a particularly serious manner.

8. *Kosovo Albanians who originate from areas where they constitute an ethnic minority* face serious security problems, which lead to forceful evictions and danger to life due to their ethnicity. Their situation is as precarious as that of the Serb and other minorities in the Kosovo Albanian majority areas. Law enforcement authorities currently are not able to effectively address the security needs. UNHCR advises against the return of Kosovo Albanians from Serb-dominated areas (the area in urban Mitrovica-North of the Ibar River and the northern municipalities of Zvecan, Leposavic and Zubin Potok). They would be unable to return to their place of origin and would remain internally displaced in Kosovo, a situation that would contribute to the perpetuation of the prevailing ethnic tensions which forestall progress on security.

9. *Kosovo Albanians in mixed marriages and persons of mixed ethnicity* face serious protection problems in Kosovo, including harassment and violence, restricted freedom of movement and discrimination with regard to health care, education, access to public utilities and employment. Their protection situation is in many respects more precarious than those affecting members of homogenous minority families as they frequently end up being excluded and vulnerable to physical attack from both of the ethnic groups in which they have a lineage. Persons of mixed ethnic origin and spouses in mixed marriages face danger to their lives and fundamental freedoms in Kosovo solely on account of their background. They warrant special consideration during the status determination procedure and should not be returned to Kosovo.

10. *Persons perceived to have been associated with the Serbian Regime after 1990* requires special attention.. The fact that the grounds upon which a person may be considered a collaborator of the former regime are not necessarily based on reality should be given due weight. The simple fact that a person's house was not burned or looted by Serbian or Yugoslav forces may be enough to place them under suspicion. Substantiated arguments that the applicant may be associated or perceived as collaborator with the Serb authorities after 1990 should be given due weight. For example, Kosovo Albanians who held positions in the Serb dominated administrative and law enforcement institutions, will have a high risk profile that would warrant close attention in the status determination procedure.

11. *Other residual protection related obstacles* to the return of individual Kosovo Albanians are inherently linked to the difficulties of the current law enforcement authorities in Kosovo to provide effective protection to the population in the prevailing environment of high levels of crime (some of it organised), of impunity, and of widespread lawlessness. This state of affairs is expected to continue for the near future despite efforts by UNMIK and KFOR to uphold law and order. In light of the current situation in Kosovo, it is thus incumbent upon governments to determine when, in specific individual cases, the lack of effective protection in Kosovo will warrant extending international protection to Kosovo Albanians. This will require careful examination, on an individual basis, of all the circumstances of a case bearing in mind that the reasons for a danger from violence and crime are often multifaceted.

Persons with Special Protection Needs

12. UNHCR would urge that States continue to provide international protection for Kosovars who have suffered particularly serious and traumatising experiences. The humanitarian principle that should apply in such circumstances is that enunciated by UNHCR as follows:

“The exception, (in Article 1 C (5) of the 1951 Convention) however, reflects a more general humanitarian principle, which could also be applied to refugees other than statutory refugees. It is frequently recognised that a person who-or whose family-has suffered under atrocious forms of persecution should not be expected to repatriate. Even though there may have been a change of regime in his country, this may not always produce a complete change in the attitude of the population, nor, in view of his past experiences, in the mind of the refugee.”¹

The claims of such individuals will require this special attention, in that their past experiences will be highly relevant in determining their continued protection needs.

The following groups of persons fall under this category:

- Persons who were tortured or incarcerated by the Serb regime in Kosovo during the years of crises and conflict.
- Victims or witnesses of serious violations of human rights and humanitarian law who have demonstrably been traumatised by their experience and require to remain outside Kosovo for continued attention or other valid reason
- Victims of sexual violence. Survivors of this crime who remain traumatised, including those who because of the sexual violence will be stigmatised and ostracised by the community in which they would be expected to return.

It would be inhumane to expose persons falling under these categories to an environment which is still characterised by an ongoing ethnic conflict with a high level of violence and a widespread lack of law and order.

Vulnerable Groups

¹ Office of the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, (Geneva 1979, re-edited 1992) paragraph 136

13. As returns should not only be in safety, but also under conditions of dignity, UNHCR considers that some vulnerable persons may deserve exemption from forced return on humanitarian grounds until special and co-ordinated arrangements can be put in place, on a case by case basis, to facilitate their return. The following non-exhaustive list of persons falling under this category is of particular concern:

- Chronically ill persons whose condition requires specialised medical intervention of the type not yet available in Kosovo.
- *Severely handicapped persons* (including their care givers) whose well-being depends on a specialised support system not yet available in Kosovo:
- Unaccompanied elderly persons who have no relatives or any other form of societal support in Kosovo.
- Separated children who have no relative or care-giver in Kosovo, and for whom, it is found not to be in the best interests to return to Kosovo. The return of separated children to Kosovo should only take place after appropriate notification and arrangements have been made by the repatriating State.

II. Minorities

General Policy

14. The term “minority” is used to describe groups of persons who are in a numerical minority situation in the location from where they originate, regardless of their status elsewhere in Kosovo or the Federal Republic of Yugoslavia. This situation applies also to Kosovo Albanians who originate from areas in Kosovo where they constitute a minority.

15. The predominant factor that should be borne in mind when assessing cases from Kosovo’s minority groups is the danger to their physical security in Kosovo. In addition, minorities also experience other significant limitations to their freedom of movement, access to public education, health and social services, reconstruction of residential property, property restitution, and employment and other income generating opportunities as well as severe restrictions in the use of their language.² A number of effective measures in these areas must be put in place before their situation improves and sustainable returns can occur in conditions of safety and dignity³. As the few members of some minority groups who have returned voluntarily, face serious risk to their personal security, and/or serious limitations to their rights and freedoms, as described above, when returning to the precarious situations in enclave areas.

² For more detailed background information on the current circumstances of ethnic minorities in Kosovo, see the joint *UNHCR/OSCE Assessments of the Situation of Ethnic Minorities in Kosovo*. The reports are available on the Internet: www.unhcr.ch/world/euro/seo/protect/minoritymenu, www.osce.org/kosovo/publications/pdf/minrep.pdf

³ In this regard, UNHCR has worked with other organisations on the ground to develop the Framework for (Serb) Return and the Platform for Joint Action. While neither of them constitute a return plan, both initiatives focus on the conditions in Kosovo which need to be addressed to allow the residual community to stay and the IDPs to return.

16. UNHCR stresses that all members of ethnic minority groups should have unhindered access to asylum procedures and their refugee claims should be considered and determined on an individual basis. The security situation remains especially precarious for members of Kosovo Serb and Roma, Ashkaelia and Egyptian (RAE)⁴ minorities. They by and large would qualify for refugee status.

17. In view of the dangers they may be exposed to solely on the basis of their ethnic background, and since return in the case of all these groups is currently unsustainable, UNHCR advises that in no circumstances should members of these minorities be directly or indirectly compelled, unduly influenced, induced or encouraged to return to Kosovo. While certain minority groups are better tolerated in Kosovo than others are, there is a prevailing insecurity which affects all minority groups. In consideration of their continued need of international protection, UNHCR's position thus remains that in cases where applications for asylum are rejected, consideration should be given to providing members of minority groups other available forms of protection.

Kosovo Serbs

18. Kosovo Serbs constitute a majority in specific enclaves, in urban Mitrovica-North of the Ibar River and in the northern municipalities of Zvecan, Leposavic and Zubin Potok. In most other areas of Kosovo they are in the minority, living in isolated enclaves and often requiring 24-hour protection from KFOR for security in the enclaves and for any movement outside these areas. Kosovo Serbs remain the primary targets of ethnically motivated violent attacks and crime. As a result, physical security is the overriding issue of concern for Kosovo Serbs as it not only affects their lives and fundamental freedoms, such as freedom of movement, but also the enjoyment of a multitude of life-sustaining economic and social rights. Members of the Kosovo Serb community have been disproportionately affected by ethnically motivated crime employing: grenades, mortar bombs, newly laid landmines and booby-traps, drive-by shootings, arson attacks, abductions and enforced disappearances. Moreover, harassment and intimidation have affected everybody in the community: the elderly, women and children have not been spared from assault.

19. Ethnically motivated crime often appears to be directed at ensuring that Kosovo Serbs leave, or do not return to the province⁵. The persistent violations of property rights, which include illegal occupation of residential property, forced evictions, coercion to sell property, destruction of property and attacks on religious monuments and sites, have all contributed to the decision of many Kosovo Serbs to leave their homes and places of origin.

Kosovo Roma, Ashkaelia and Egyptian

⁴ The so-called "ethnic" Roma clearly identify themselves as Roma and use Romany as their traditional mother tongue, although they can also speak Albanian and/or Serbo Croat. The Ashkaelia are Albanian speaking and have always identified themselves as Albanian, living close to the latter community. Nevertheless, the ethnic Albanians treat them as slightly separate. The Egyptians speak Albanian but claim to have originally come from Egypt. It is thought that their ancestors may have followed Alexander the Great from India to Egypt where they settled for a period before venturing to Europe. Further details on the current situation faced by these ethnic groups can be found in the joint UNHCR/OSCE Assessments referred to above on footnote 2.

⁵ One of the latest atrocities took place on 16 February 2001 when the first of a KFOR escorted convoy of seven buses was bombed by remote control leaving ten passengers dead and dozens injured

20. The security situation of Roma, Ashkaelia and Egyptians (RAE) is variable and volatile. Some RAE communities have attained a degree of stability where violent attacks are rare whilst others continue to face unrelenting violence and intimidation. Indeed, ethnically motivated security incidents have in some cases resulted in the loss of life⁶. Furthermore, RAE communities generally suffer discrimination and ostracism from mainstream Kosovar society. While there are some indications that RAE who identify themselves more with the Kosovo Albanian community suffer fewer security incidents than those who attempt to assert their own identity, this is not a universal rule and it is not safe to make such general assumptions. RAE communities continually face fluctuations in the security situation which adversely affect their interests. Although a few spontaneous and facilitated returns have occurred to specific locations, RAE overall continue to face serious protection problems in Kosovo.

Kosovo Muslim Slavs

21. A significant population belonging to this group can be found both in Kosovo Albanian dominated areas such as Pristina and South Mitrovica, and in Serb dominated areas such as urban Mitrovica-North of the Ibar river. While in general terms the security situation of Muslim Slavs in Kosovo can be described as relatively stable, at least in comparison to other minority groups, their situation nevertheless remains hazardous. They currently appear to be *tolerated* by both the Kosovo Albanian and Serb communities. However, they have had to develop various security conscious coping mechanisms according to locality and exigencies of the situation. For example, in Kosovo Albanian dominated areas they tend to keep a low profile and hardly use their language in public for fear of adverse reaction. They are underrepresented in public institutions and claim that they experience discrimination in access to social services and employment opportunities. They face restrictions on their freedom of movement outside their places of origin and periodically experience violence, intimidation and harassment. This has included ethnically motivated crimes resulting in serious injury. Language limitations act as an impediment to full freedom of movement and access to services. Return into this situation is neither necessarily safe nor sustainable.

Kosovo Gorani

22. The overall situation of Gorani is similar to that affecting Muslim Slavs. Indeed, at times the distinction between Gorani and Muslim Slav is blurred. However, the protection problems related to the Gorani are significantly more severe from those faced by the Muslim Slavs, mainly because certain sectors of their community may be perceived to maintain closer links with the Serbs and share many perceptions and attitudes. This has created some tension between the Gorani and Kosovo Albanians. In addition, the majority of the Gorani inhabit a clearly defined geographical area, Goran/Dragash, which because of its isolation, is vulnerable to security related incidents. More recently these included a number of explosions affecting the persons and property of Gorani. Despite the fact that the community enjoys a degree of freedom of movement, recent reports indicate harassment of Gorani travelling in private and public vehicles in and out of Kosovo. The Gorani also face discrimination in accessing economic opportunities and social services because of their ethnic background and the associated issue of language barrier. A combination of security

⁶ For example in November 2000 four Ashkaelia who had returned to their place of origin were shot dead within 48 hours upon their return.

concerns and uncertainty over their longer-term economic and social viability has compelled many Gorani to leave.

Kosovo Croats

23. The remaining population of Kosovo Croats is very small and it continues to dwindle due to departures prompted by the volatile security situation. As for the other minority groups, lack of fluency in Albanian is an obvious disadvantage as it isolates the community, limits their access to services and may even put their personal security at risk. There are also some reports of illegal occupation of property belonging to Croats who have left Kosovo. No major security incidents affecting Kosovo Croats have been reported recently, although those who remain experience an increasing feeling of isolation and concern about their long-term future in Kosovo. The overall security situation can deteriorate without warning.

Kosovo Turks

24. The situation of Kosovo Turks in the province is relatively stable, with few reported incidents affecting their physical security as a group. They enjoy reasonable freedom of movement. The generally insecure and lawless situation in Kosovo affects them in the same way as it affects the general population. However, as a minority community they face discrimination in securing access to social and economic services, especially including education and employment opportunities. The major concern preoccupying the Turkish community is their long-term viability in Kosovo as an ethnic group. In this respect, use of their language and participation in public affairs are major concerns for them. It would seem that Kosovo Turks do not suffer treatment that would, *de facto*, place the group in need of international protection. However, careful examination of individual claims, particularly if substantiated in individual circumstances, is necessary on account of the generally unstable security situation in Kosovo.

III. Ethnic Albanians from Southern Serbia

25. Periodic clashes between ethnic Albanian armed factions, the so-called "Liberation Army of Presevo, Medveja and Bujanovac"(UCPMB) and Serb security forces have continued to result in the forced displacement of the civilian population. There are two factors relevant to the question as to whether ethnic Albanians from southern Serbia may reasonably relocate to safety in Kosovo.

26. First, there is the issue of admission for stay. UNMIK has taken the position that pursuant to the administrative capabilities conferred on it by Security Council Resolution 1244/99, it only has competence to conclude agreements regarding the return of Yugoslav nationals originating from Kosovo, and not from other parts of the Federal Republic of Yugoslavia.

27. Second, there is the issue of whether this option would be reasonable. UNHCR's position is that it would not be so. Of particular concern is the impact that such new arrivals would have on the situation of ethnic minorities within Kosovo. The arrival of persons who do not originate from Kosovo would unquestionably place additional pressure on an already strained situation for

minorities, risking further ethnic violence and possible forcible displacement.⁷ Furthermore, the absorption capacity of Kosovo with regard of IDPs from Southern Serbia is already overburdened.

IV. FRY AS AN "INTERNAL FLIGHT ALTERNATIVE" FOR INDIVIDUALS FROM KOSOVO?

A. Introduction

1. The so-called internal flight/relocation alternative -the idea that refugees should first try to find a place within the country of origin where they would be safe, before seeking asylum outside the country- rests on understandings which are basically at odds with fundamental refugee protection principles. These principles include the right to leave one's own country,, the right to seek asylum and the right not to be returned to a place where life or freedom would be threatened. UNHCR thus believes that the notion does not amount to a "principle" of refugee law. Rather, it represents an element to be considered, in appropriate cases, during the refugee status determination procedure.

2. UNHCR has elaborated its generic position on the so-called "Internal Flight Alternative" in the **Position Paper on Relocating Internally as an Alternative to Seeking Asylum** (February 1999). This paper focuses, therefore, on providing relevant information to enable Governments to determine whether it is a reasonable alternative to seeking asylum.

B. The Factual Situation in Serbia and Montenegro

Numbers

3. As at 1 February 2001, 228,500 persons had been registered as internally displaced from Kosovo in FR Yugoslavia. Of these, 196,300 had been registered in Serbia and 32,200 in Montenegro. There is agreement, however, that there are also unregistered internally displaced persons from Kosovo in both republics. The process of departures of non-ethnic Albanians from Kosovo has not yet stopped, but is continuing at a slow pace.

Security

4. Persons of non-Albanian ethnicity who have left Kosovo for fear of their lives and personal security will not face the same security problems in Serbia or Montenegro as they faced in Kosovo. As citizens of FRY, they enjoy in principle the same level of protection as all other citizens. However, as protection should be meaningful, the limitations on the enjoyment of civil, economic and social rights for IDPs from Kosovo must be considered when analysing whether an internal flight alternative exists in Serbia and Montenegro.

5. Persons of Albanian ethnicity from Kosovo coming to FRY, while not having to fear persecution on the parts of the present authorities of the Federal Republic of Yugoslavia and the

⁷ The OSCE / UNHCR sixth joint "Assessment of the Situation of Ethnic Minorities in Kosovo" (23 October 2000) outlines how ethnic tensions have been exacerbated by competition for limited resources in Kosovo

Republics of Serbia and Montenegro, would nevertheless have to reckon with negative attitudes of the majority populations of these two republics.

Access to accommodation, education, medical care, social benefits, employment, and humanitarian assistance

6. **General.** Despite the recent political changes in the FRY in the fall of 2000, the economic situation in the country remains extremely unstable, with refugees and internally displaced persons from Kosovo finding themselves among the most vulnerable population groups. The economy, already suffering from years of mismanagement and international sanctions, suffered a further blow during the NATO campaign against FRY, during which many industrial plants were damaged (estimated damage to industrial plants alone amounts to USD 2,762 million⁸).

7. In January 2001, the average salary in Serbia dropped by 5.9% as compared to December 2000,⁹ with average salaries varying between 3,739 dinars (DM 125) in the industrial sector, and 4,107 dinars (DM 136) in the public sector. The average costs of living for a family of four persons amounted to 6,093 dinars in November 2000.¹⁰ The official unemployment rate is around 30%, whereas the real one, taking into account workers on unpaid holidays, should be higher. It is to be expected that any forthcoming economic assistance to FRY will be conditioned to economic reforms, which may, in the short run, lead to even higher unemployment rates, and therefore to increased hardship for large sections of the population.

8. The social security system no longer functions as a survival mechanism for the unemployed, having by and large ceased to pay any benefits, however small, those persons meeting the vulnerability criteria are entitled to.

9. **Accommodation.** The Serbian or Montenegrin Commissioners have provided 10,517 Internally displaced persons (in addition to 21,704 refugees from Croatia and Bosnia and Herzegovina) with (collective) accommodation for Refugees. An additional 5,932 internally displaced persons have found accommodation in so-called "unrecognised collective centres", meaning that they have squatted unoccupied buildings, in which they receive no assistance from the state authorities. All other internally displaced persons have had to find their own individual accommodation throughout the country. Many did so by renting accommodation.

10. The number of refugees and IDPs living in collective accommodation increased in 2000 by some 3,000 persons. Economic hardship was obviously the main cause that made people move from private to collective accommodation. Many IDPs have after over one year in displacement spent whatever savings they managed to take with them from Kosovo, while many host families could no longer bear the costs of providing hospitality.

11. At present, it can be said that the reception capacity in Serbia and Montenegro is stretched to the utmost, and not capable of providing accommodation to many new arrivals, be it directly from Kosovo, or from third countries.

⁸ G17: Economic Consequences of NATO Bombing, June 1999.

⁹ Serbian Bureau for Statistics. VIP News Digest, 22 February 2001.

¹⁰ OCHA Humanitarian Risk Analysis No. 15, 9 January 2001.

12. **Education.** IDPs, being citizens of the FRY, have access to education. The educational system is in dire straits, though. Classes of over 50 pupils are no exception, and all schools work in two shifts per day. Access to primary education is guaranteed, but access to secondary and higher education is limited to the availability of places. Some IDP children miss school, due to lack of proper clothing or school materials which have to be provided at the parents' cost. Especially Roma children are having difficulty in attending the educational system, due to a variety of factors, including lack of funds to buy the necessary school materials.

13. **Medical care.** IDPs, being citizens of FRY, have access to medical services. However, anything beyond basic or emergency medical services requires payment at the time of treatment (with post-facto reimbursement by the republican Health Insurance Fund), which obviously limits access to treatment. During 2000, UNHCR and its implementing partners provided different medical services to around 20,000 refugees and IDPs.

C. Special Group: the Roma

14. The Roma community faces a far more complicated challenge in FRY. The Roma community is confronted with a pattern of subtle discrimination in the entire region, and the situation of Roma in FRY has worsened during the last 10 years of sanctions and economic decline. Many Roma in displacement live in truly deplorable conditions, often below the level of human dignity. In the Kosovo conflict Roma are viewed with suspicion by all sides, and accusations of collaboration with one or other side are multiple. Of particular concern is the situation of Albanian speaking Ashkalija. Not only is this group likely to have more difficulties in integrating and being accepted by the majority Serb community but a stay in other parts of the FRY may increase suspicions of collaboration by the majority Albanian population of Kosovo jeopardising further their eventual return to the province.

15. In and around Belgrade and other towns in Serbia and Montenegro many Roma IDPs live in illegal settlements, without access to electricity, drinking water or sewage systems. Occasionally, local authorities evict Roma from such illegal settlements. Registration and attendance of Roma children at schools is very low. Lack of familiarity with the Serb language will add to the obstacles faced by Roma children for their success in the school.

D. Special Considerations Relating to Montenegro

16. There have been some specific developments in Montenegro that affect IDPs in a particular manner. A specific aspect of the Montenegrin situation is its separate citizenship legislation. Obtaining Montenegrin citizenship requires a 10-year prior residence. This means that IDPs, given that they are usually citizens of the Federal Republic of Yugoslavia (Republic of Serbia), may not be able to regularise their stay in Montenegro as ordinary citizens even if they so desire.

17. The non-functioning of federal structures in Montenegro, and in particular the fact that the German Mark is the only legal currency in Montenegro and that in consequence there was until recently (March 2001) no inter-republic financial traffic possible, implies additional disadvantage for IDPs. Salaries, and pensions, in so far as these are still being paid to IDPs in Serbia in dinars, are inaccessible to IDPs in Montenegro without travelling to Serbia. Similarly, while the

Montenegrin Health Insurance Fund covers primary health care for IDPs, inter-republic payments have stopped, and specialised treatment is no longer available to IDPs, as both the Montenegrin and Serbian Health Insurance Funds refuse to cover such treatment.

E. Condoning Ethnic Cleansing

18. When assessing whether any fear of persecution being experienced by these groups could be reasonably and successfully avoided by moving to other parts of the FRY, decision makers should not risk the danger of assisting campaigns of forceful displacement by failing to recognise victims of such displacement as refugees when their fundamental rights are violated for any of the 1951 Convention reasons.

F. Burden and Responsibility Sharing

19. The FRY is already hosting a large number of refugees from Croatia and Bosnia. The country is economically exhausted after ten years of warfare, isolation and sanctions. The collapse of the medical and social structures in the FRY and the consequent disappearance of a safety net for the most vulnerable sections of the population mean that a large percentage of the refugee and IDP population of this country is dependent on humanitarian assistance for survival. While international efforts have begun to be put in place to improve the situation, it will take some time before these measures are filtered to the population at large. The return of people to internal displacement will only contribute to add to the challenges faced by the FRY and to enlarge the ranks of the hundreds of thousands of refugees and IDPs who are faced with psychosocial hardships and a lack of opportunities in an economically devastated country.

G. Conclusion

18. It is obvious from a review of the prevailing situation in Serbia and Montenegro for internally displaced persons from Kosovo as described throughout this paper that the applicability of the so-called « internal flight alternative » in these circumstances is extremely limited. In many cases it would not be relevant, as such a relocation would not result in adequate protection from feared persecution ; in others, it would simply not be reasonable to expect such a relocation, considering all the factors cited above.

