



MARRI - Migration, Asylum, Refugees Regional Initiative
STABILITY PACT
FOR SOUTH EASTERN EUROPE

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Friends of the Regional Forum
Vienna, 27 May 2004
Draft Minutes

Mr Soren Jessen-Petersen, Chairman of MARRI, opened the first meeting of the "Friends of the Regional Forum" which was convened as a follow-up to the Ministerial SEECF Meeting/Regional Forum of MARRI held in Herceg Novi, in Montenegro on 5 April 2004. He welcomed in particular the representative of the Government of Albania, which holds the first Presidency of the Regional Forum and of Macedonia, future host of the MARRI Centre in Skopje. He thanked the OSCE for its assistance with the arrangements for the meeting.

The participants were reminded of the four main objectives of MARRI: (1) The necessity to merge return and migration, asylum and refugee issues; (2) The focus on regional cooperation and priority requirements for European integration; (3) Support to SAP countries; and (4) Working closely with states in the region.

The chairman was pleased to report that the MARRI initiative had come a long way over the past 18 months: from the elaboration of a Programme of Action that was discussed and approved by the Steering Committee in 2003 to the present Friends of the Regional Forum meeting. There was now a clear political agreement by countries in the region to take on the regional ownership and responsibility. Therefore, MARRI was now clearly part of the European integration process and the establishment of the MARRI Regional Centre in Skopje the first concrete step towards the regional management of the process.

A number of important initiatives have been taken. With its "Access to Rights" Initiative, MARRI had taken a pioneering approach towards finding sustainable solutions to the refugees and DPs issues, with a close involvement of civil society in the management of population movements in the region. Although border management issues would not be a direct focus of MARRI, it would continue to offer its support. Migration, refugees, asylum and visa issues would remain the core issues. Visa liberalisation for example (part of the Programme of Action) falls within the mandate given to the Stability Pact in the Thessaloniki Declaration.

The Chairman wished to thank again the members of the Steering Committee for their strong support, as well as donors such as the Scandinavian countries, Ireland, Switzerland, USA, Germany among others and international organisations such as

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IOM, UNHCR, OSCE and ICMPD and States in the region: Montenegro for hosting the first Regional Forum meeting, Albania for accepting the Presidency of the Regional Forum and Macedonia for offering to host the Regional Centre. A special thank you was conveyed to Sweden for support and secondment of senior staff. The Vienna office will be closed at the end of June as the secondment of staff is coming to an end and MARRI activities will then be handled from Brussels until the 1st of October. Finally the chairman expressed his thanks to Anders Westerberg and his team in Vienna and to the team in Brussels for their active role. He indicated that he had agreed to remain chairman of MARRI until the end of the year.

Karl-Hans Schlosstein, Representative of Germany and MARRI coordinator of national action plans (NAP) expressed his satisfaction for the excellent team work that had taken place between national experts and international experts (twining approach) in Croatia, Macedonia, B&H, and Albania and was pleased to confirm that the NAP for Serbia & Montenegro is now on track. He appreciated the support, cooperation and friendship of his colleagues in Vienna. He will now return to the Federal migration and refugee office in Germany.

MARRI REGIONAL FORUM

Political direction and actions will emerge from the MARRI Regional Forum. Albania is assuring the first presidency from April 2004 to April 2005. All procedures for the establishment of Regional Centre in Skopje now need to be formalised. It was pointed out that the Regional Forum shall now assume the regional ownership on the political level. The Regional Centre will be the secretariat to the Forum. The key issue was the timely signature of the MOU providing the formal basis for cooperation between the five SAP countries. All countries in the region had agreed that it should be signed no later than the end of June 2004.

The importance of the political commitment and of the signature of the MOU should not, however, let one forget the substance in the critical phase of transition. It was essential to continue encouraging cooperation between countries and organising expert meetings on issues such as housing, resettlement centres, data information exchange etc. Once the logistics of the transfer of responsibility to the region and the difficulties linked to the signature of the MOU had been addressed, one should put all the emphasis on the substance. Hence the importance of the Regional Table meeting in Portoroz (Slovenia), at which a key topic for discussion would be a programme of capacity building and implementation. This is a process that the Stability Pact has been working on for five years combining regional responsibility with proper implementation to help countries on their way to Euro-Atlantic integration.

With the opening of the MARRI Regional Centre in Skopje, it was most important to define the remaining responsibility and task of the Stability Pact. Political responsibility will be transferred to governments in the region. It was equally important to maintain a liaison between SP and Brussels institutions and Regional Forum and Regional Centre.

The representative of UNMIK-Kosovo confirmed efforts undertaken to solve issues of minorities in Kosovo. He felt that Kosovo should be included among signatories of the MARRI MOU, being a signatory of other regional projects. Kosovo would be very happy to second one expert to the Regional Centre. The chairman reminded the participants that UNMIK- Kosovo had always been involved in MARRI. The issue of the return of refugees and displaced persons in Kosovo had been at the centre of many discussions during his chairmanship.

MARRI REGIONAL CENTRE IN SKOPJE

The representative of Macedonia indicated that the opening of the MARRI Regional Centre in Skopje meant entering into an important phase of regional cooperation being one of the main conditions for EU accession. He confirmed that following the meeting in Herceg Novi, details were discussed at an inter-ministerial group including MFA, the Ministry of Labour and Social Affairs. Premises of 600m² have been identified. There would be sufficient space to host MARRI initiatives such as “Regional Information Exchange” and “Access to Rights” etc.

There was good communication between all representatives and the draft of the MOU was submitted to the MARRI Secretariat. The existing political will to move on the MARRI themes is expressed through good cooperation between Macedonia, Albania, MARRI, and the Stability Pact. It was therefore very important for all countries to sign the MOU after discussions and “clearance” at the Regional Table meeting in Portoroz. The Centre will open on 1st of October, but the official opening will take place in November 2004 (Meeting of Stability Pact Tables).

The Chairman confirmed that the MARRI Centre will be an “activity” Centre. It was pointed out, however, that the size of the facilities might have some financial implications, which may affect the sustainability of the Centre and its activities and long-term responsibilities. Financing and staff secondments had to be considered.

The Swedish representative was pleased to report that Sweden had followed MARRI’s progress from the beginning with great interest. He wished to congratulate countries in the region for the important steps taken in moving responsibility for these issues to the region and was looking forward to the finalisation of the Serbia & Montenegro National Action Plan. He confirmed that Sweden would continue to support the Regional Centre in Skopje and second a senior Swedish official, Mr. Thomas Birath to the MARRI Regional Centre in Skopje. He pointed out; however, that responsible ownership will include all aspects, including financing, in the future.

The representative of the European Commission felt that it was crucial to maintain a good cooperation and complementarity between MARRI and the European Commission’s Regional CARDS Programme. The Chairman confirmed that the Regional Forum was constantly reminded of the importance of this cooperation. Naturally there were a number of institutional issues to be discussed with the Regional Forum, the Stability Pact and the SAP States, such as MARRI’s representation on the Advisory Board and the complementarity of activities. For

political and financial reasons, during a transitional period of one or two years, it will be important to maintain the dialogue and a strong link with the international community and the European Commission and CARDS in particular.

THE ROLE OF THE FRIENDS OF THE REGIONAL FORUM

In order to be sustainable, MARRI will have to deliver and be credible. During a transitional period of 1-2 years, it will be crucial to maintain the political and financial support of the international community, hence the role of the Friends of the Regional Forum. These should include governments from outside the region (further thought should be given to the involvement of governments in the immediate region, for example countries that have just become EU members) and/or donors, the European Commission as well as international organisations involved and engaged such as OSCE, ICMPD, UNHCR, IOM and civil society. The Friends of the Regional Forum could meet twice a year, possibly closely related to the Regional Forum meetings. Following the “Budapest process” model, a “Skopje process” towards European integration could be imagined.

Involving civil society was noted as being of particular importance by a number of participants. This could take the form of identifying key NGOs working on the ground dealing with cross border migration issues as well as involving local authorities. The Chairman pointed out that in the initiative on “access to rights”, one key element is increasing dialogue with civil society, although it had to be a gradual process. One concrete example of this involvement was the co-hosting of a conference in Bosnia on 23-24 June on “sustainable solutions and best practices” initiated by civil society and local municipalities in cooperation with MARRI. The Stability Pact Advisor to the Parliamentary Cooperation process was of the opinion that national parliaments would also play an important role and could provide an added value to the whole process.

The Norwegian representative expressed strong support for the integration of the SAp countries into Europe. He noted the importance of sustainable development of the initiative and the value of the political dimension of the Friends of the Regional Forum, without forgetting the concrete value of addressing issues such as exchange of information and access to rights. The chairman agreed that it was essential to have a “body” to support the link between States and the European Union and the Stability Pact. The composition and role of this “body” should be further discussed. The US representative confirmed the view that the priority should now be given to activities. Financing will come with work on substance (BPRM can always be approached for concrete discussions).

On the question of whether the Regional Forum had a decision making power and whether it would be useful to consider opening meetings of the Regional Forum to observers it was felt that - although there is no reference to this point in the MoU - this question would need to be discussed in more detail. It was noted that for the time being, the role of the Regional Forum is a role of discussion, consultation, cooperation etc.

MARRI INITIATIVES

1. Irregular Migration

A workshop is to take place on 23-25 June 2004 in Bosnia Herzegovina, organised by IOM, implementing partner. The strong link between SAp countries and EU will be manifest. Topics to be addressed are migration, detention, admission, integration, return. The Czech Republic, Romania, Slovenia, Hungary each will choose a subject and make a two-hour presentation. Cross borders issues will also be addressed as well as process of accession. The Background Paper includes a) facts and figures on issues to be discussed; b) broad policies issues; c) legislations of countries concerned. A paper on progress on the follow-up to the Ohrid process will also be used (Zagreb on 2 June). This workshop will constitute an intermediate between two Ohrid follow-up meetings and will also enhance cooperation with the Stability Pact. Although the role and involvement of IOM was very much appreciated, it was also noted that there is a need to increase the governments' own responsibilities and expertise and interaction. The chairman took this opportunity to thank again IOM for its logistical, political and operational support and to express his appreciation to Jose Pires, seconded by IOM, for his important involvement.

2. Access to Rights

There is no way today to resolve the outstanding issues for sustainable solutions of refugees and IDPs by continuing a humanitarian approach. More than 10 years after the end of the conflict, it was imperative to discuss the status of persons of concern. Increasingly issues other than persecution and insecurity (except for the Kosovo situation) are the cause of the non-sustainability of solutions. The reasons are of economic and social nature. Sustainability is therefore an issue of access to rights as citizens and of free choice. People who do not return continue living in limbo for the moment. Hence there is a need to move from a humanitarian approach to an economic, social and development approach.

Having still a large number of refugees and IDPs within the region would not be conducive to good relations or entry into the EU. Moreover, from a point of view of human rights, it was a most urgent matter. Return remained still the first and primary solution but the need to accept other solutions based on choice and rights and access to rights had to be recognized. In addition, the responsibility towards every displaced person implies a dialogue with international organisations, NGOs, Governments etc. It was now time for the operational launching of the "Access to Rights" Initiative, despite difficulties in finalizing the implementation framework for this highly complex undertaking. In describing the operational framework, Kilian Kleinschmidt pointed to the observation that "the devil lies in the details" as there could be a perfect legal framework in place, but implementation remained insufficient; or tools and means were existing but people were ill informed. The project was about establishing these shortcomings through an internal consultative and participatory process.

There is an ambitious implementation plan that unfortunately was still lagging behind schedule. However, the initial funding had been secured from Ireland and Denmark. The plan is still in evolution and the consultative process will continue until the summer.

A very positive session had taken place recently in Vienna involving civil society, OSCE, CoE and UNHCR, to discuss and to shape the involvement of the civil society component.

The whole concept is based on dialogue, reflection, self-monitoring, defining gaps and problems at national level and how to resolve them. Denmark (through a sub-group on legal information and issues of legal framework within the Ministry for Refugees, Immigration and integration, working also in close cooperation with UNHCR), offered to contribute to the MARRI project. Kilian Kleinschmidt confirmed the importance of a joint reflection, assessments, determination of what are all the standards and benchmarks and then jointly deciding on who would be doing what or who is the best equipped to do it.

Many initiatives and activities were already ongoing and would be entire part of the whole framework. Norway pointed to the importance of having a realistic approach and working on practical and solutions as too many projects may prove to be very expensive.

The chairman reminded the participants of the often critical situations that arise when humanitarian organisations are phasing out with problems remaining, not being addressed adequately. Again he pointed out the absolute necessity to recognize gaps, identify the right actors and try to mobilise the involvement of those who can help.

The representative of UNHCR in Belgrade confirmed the need to break up the existing vicious circle and get a clear picture of the situation. Are people in a limbo? Are people returnees or citizens? Was it not just a problem of statistics but foremost of sustainability he wondered? Are people moving back and forth? Even when they settle, access to rights is not solved, hence the importance of monitoring access to rights. The Commissioner for Refugees of the Republic of Serbia pointed out to the need of a radical new socio-economic approach. There are still a large number of refugees, around 280,000. Decreasing the number of refugees does not solve all problems. Access to citizenship is made easier, but even if not refugees, their social and economic problems remained and people were just “shifted from one category to another”. It was important not to waste any more time. After 12 years of displacement in the region, there were still enormous problems to be resolved. While there were not too many difficulties dealing with the problem in Bosnia Herzegovina, he felt that there were still problems with Croatia (for example as regards exchange of information). It is possible that there are more refugees statistically than in reality, but although people have rights, there is no way to

implement them for economic reasons and because of double beneficiaries. 40% of IDPs are not Serb, and the issue of return and solutions concerned all nationalities.

The Deputy Director of the UNMIK-Return Office, Kosovo, confirmed the right of every person from Kosovo to return to Kosovo. Unfortunately, conditions are not conducive to return and there were only a small number of returns. In order to facilitate voluntary return, it was important to create the right conditions for return.

The chairman concluded this discussion by reaffirming that above all, the persons concerned in these difficult situations are individual human beings, which should never be forgotten in identifying the right solutions.

3. Regional Information Exchange

The States concerned with refugee issues had requested assistance in the regular exchange of information and data, enhancement of capacity building and promotion of data protection already in 2001. The Regional Information Exchange initiative (MARRI-RIE), consequently established in 2003 to respond to this request and need, had received initial financial and in-kind support by the UK, Norway, Germany and the Netherlands. In light of concerns expressed by UNHCR as regards the safety of any data exchange and status questions as regards refugees the initiative had taken some delays in being able to facilitate actual exchange, but focussed on furthering the data protection aspect. The RIE strategy, as presented at the meeting, aimed at developing several modules necessary to ensure safe data management in the context of the MARRI – Regional Programme of Action.

With the transfer of the Regional Centre in Skopje, there will be a renewed commitment to support SAp countries with issues such as data management, protection of individual data, data collection processes also as regards migration management. Priorities include durable solutions for displaced populations, capacity building, extend lessons learned and identify best practices. The next steps were to establish sustainable, safe and efficient information exchange mechanisms by 2005, the endorsement of the strategy by the Regional Forum, political acceptance and obtaining urgently needed additional financial support.