

UN Secretary General's High-Level Panel on Internal Displacement

- Call for Submissions and Inputs -

Information provided by Montenegro

- 1. Key issues, problems or imperative which, according to you, should be a priority of the Panel in its analysis of the internal displacement crisis today and how the prevention, border response and solutions can be efficiently improved.**

ANSWER:

Following the outbreak of the Kosovo conflict in 1998, for the first time Montenegro faced the internal displacement of persons from Kosovo, when the arrival of persons from this area to Montenegro began. During 1999, there was a rapid influx of refugees from the area, thus according to UNHCR data, there were about 65,000 of them in that period, which at that moment made up about 10% of the total population of Montenegro. Montenegro provided adequate protection to these persons. Answers to questions below are given as an example of permanent solution of the internal displacement in Montenegro.

- 2. In which way national political will, responsibility and capacity can be catalyzed and nurtured through the goals of prevention, response and resolution.**

ANSWER:

Bearing in mind the principle of the Agenda 2030 "Leaving No One", as well as the fact that IDPs who came from Kosovo to Montenegro were the most endangered category, Montenegro has in this regard implemented legal and administrative amendments to legal and strategic documents aimed at improving their position and integration into Montenegrin society. Evaluation of their legal status from IDPs, foreigners with temporary residence permits up to 3 years, status of foreigners with permanent residence until access to the Montenegrin citizenship has reduced the inequality of these persons with the rest of the population.

In this regard, Montenegro has changed the legal and strategic framework that has enabled these persons easier access to the regulation of their legal status (Law on Foreigners, the National Strategy for Durable Solutions of Issues related to Refugees and Internally Displaced Persons in Montenegro, The Strategy for the Permanent Resolution of the Status of Refugees and Internally Displaced Persons in Montenegro, with special emphasis on the Konik Area, with accompanying action plans), and concluded an agreement with the Government of the Republic of Kosovo on the subsequent registration of internally displaced persons from Kosovo residing in Montenegro in the civil registry and the registry of citizens of the Republic of Kosovo.

By adopting the Law on Changes and Amendments to the Law on non-litigious Procedure, which entered into force on May 2, 2015, Montenegro provided full legal certainty for

determining the time and place of birth of the child through the initiation of non-litigious proceeding before the competent court.

- 3. The importance and role of reducing humanitarian, development, peace, climate and disaster reduction actions, and how a more integrated approach can be encouraged in this respect. Contributions in this regard may also relate to the role of the private sector, regional or international financial institutions and other development partners and actors.**

ANSWER:

In this regard, the Ministry of the Interior, the Ministry of Labour and Social Welfare and the United Nations High Commissioner for Refugees (UNHCR) Representation in Montenegro signed the Memorandum of Cooperation on June 6, 2014 and defined a set of measures taken to deliver assistance to these persons, who live in Montenegro, in applying for solving their status. This Memorandum also established an Operational Team, which monitored the situation and took appropriate measures, all with the aim of supporting and actively integrating these persons into Montenegrin society.

In this manner, Montenegro has granted access to all rights to internally displaced persons from Kosovo and reduced the legal or factual differentiation or unequal treatment in the access to rights.

In addition to the representatives of the Ministry of the Interior, representatives of the Ministry of Labour and Social Welfare, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Justice, the Ministry of Sustainable Development and Tourism, the Police Directorate, the Employment Agency of Montenegro, Red Cross of Montenegro and UNHCR were also included in addressing this issue.

On November 4, 2013, Montenegro has signed the Framework Agreement on Implementation of the Regional Housing Programme with the Council of Europe Development Bank defining the implementation structure for Montenegro, with the Ministry of Labour and Social Welfare as a leading institution.

So far, the Ministry of Labor and Social Welfare has signed a total of 9 grant agreements for sub-projects in Montenegro, with a total value of EUR 27 million, of which EUR 22.6 million has been donated, as well as the Operating Grant Agreement signed on May 30, 2015, with a total grant value of € 304,568.

Status of approved sub-projects

The second sub-project MNE 2 – construction of 171 housing units for residents of the Camp Konik in Podgorica. Works on mne2 – second phase officially started on May 18, 2017, and were completed in August 2018, after which the procedure of technical acceptance and obtaining the operating permit was entered. All beneficiaries moved into the newly constructed apartments in December 2018. With the completion of this sub-project, the Camp Konik Collective Center was completely closed.

The third sub-project of MNE 3 is the construction of a Home for Elderly in Pljevlja, worth EUR 2,812,816, of which grant funds are EUR 1,918,000. The facility was completed and moved in in April 2018. A total of 40 users have been accommodated so far, and it is planned that the full capacity of the home will be filled by spring 2019. Currently, 54 users are staying in the Home.

The fourth sub-project of MNE 4 - Construction of 94 housing units in Berane municipality, with a total value of € 3,990,647.48, of which donor funds are € 3,575,779. In February 2019, it is planned to move in the buildings and ceremonially hand over the keys to 94 families from the Rudeš I and Rudeš II settlements. The Ministry of Labor and Social Welfare, in cooperation with partners, has selected beneficiaries. The construction of 94 residential units in Berane will completely close two collective centers - Rudeš I and Rudeš II. In March 2019, keys were officially handed over to beneficiaries. Total savings on this sub-project were € 920,000.00.

MNE 6 Reconstruction of existing military facilities - Trebjesa military complex for the construction of a home for the elderly and adults with disabilities in the municipality of Niksic, total value of which is 5,178,743.7 euros, out of which donor funds are 2,317,274.7 euros. The building permit was issued in January 2019. The works officially began on September 16, 2019.

MNE 7 The purchase of apartments in Herceg Novi for 36 socially endangered families, the value of which is EUR 953,470.41, of which the grant funds are EUR 918,007.46 and the state contribution is EUR 147,297.56.

An Implementation Agreement was signed with the Municipality of Herceg Novi, the Ministry of Labor and Social Welfare and the Directorate of Public Works. The final list of users was released on March 26, 2018. During the first phase, 22 apartments were purchased and a public invitation for purchase of the remaining 14 apartments will be re-called.

MNE 8 Construction of 50 houses across Montenegro for persons owning land and building permits, the value of donor funds is EUR 1,254,000 and the state contribution is EUR 120,000.00. Technical documentation is in the final stage. The technical documentation has been completed and the procedure for issuing building approvals by the competent municipal secretariats is ongoing. Until now, the municipalities of Niksic, Danilovgrad and Berane have issued approvals.

MNE 9 Construction of 96 apartments in Vrela Ribnička - the total value of the project is EUR 4,002,061, of which donor funds amount to EUR 3,229,964. The Grant Agreement was signed with the CEB, after which the preparation of the tender documentation began. The main construction project has been completed and we are expecting initiation of the tender procedure.

- 4. By focusing on solutions, what are your perspectives on what has led to many internally displaced situations being stopped for many years and how effective solutions can be catalyzed, implemented and supported.**

ANSWER:

This was realised by the Government of Montenegro having established a Coordination Body with the task of managing, organising and coordinating the activities of the state administration

bodies and other competent organisations in the implementation of the Strategy and of the Action Plan for its implementation.

The Government of Montenegro has implemented this initiative through the adoption of a Strategy for the Permanent Resolution of the Issue of Displaced Persons and Internally Displaced Persons from Kosovo, with particular reference to the Konik area with annual Action Plans. The objective of the Strategy was to address internally displaced persons in a lasting and sustainable way, through local integration or voluntary return, in cooperation with the international community, the civil sector, in accordance with international standards and principles.

The main objectives of the Action Plans were: addressing the legal status of displaced and internally displaced persons, exercising their right to education, health care, social and child protection, inclusion in the labour market, improving housing conditions, providing assistance for voluntary and permanent return, and strengthening the security model and improving compliance with legislative deadlines.

5. New or creative financing solutions that can be built upon or better utilized in enabling more effective responses to displacement and achieving durable solutions.

ANSWER:

Through the Regional Housing Programme (RSP), Montenegro has provided permanent housing solutions for the most vulnerable displaced and internally displaced persons through local integration or within the social protection system.

Over the past years, the Government of Montenegro, with the support of international donors, has built around 1,300 housing units for the most vulnerable population, which has been integrated into the local community, making this project sustainable even in the sense of economics.

6. Critical issues as seen in terms of data and evidence in response to internal displacement, including gaps and challenges in access or application, and how these problems can be addressed.

ANSWER:

Considering that Montenegro has resolved the legal status and housing of IDPs, thus enabling them to access the labour market and satisfy a range of basic social and economic rights and needs, which also affects access to education, which ultimately leads to economic independence and permanently solves the problem, which required the cooperation of different levels-government sector/non-governmental sector/international entities, participation of even the targeted population, this resulted in an integrated approach and a comprehensive understanding of their needs.

Montenegro will continue to work to provide these persons with social and economic integration, legal expertise, i.e., to provide them with guaranteed rights, the resolution of legal status,

documents and anti-discrimination, and the protection of these persons in need, as well as the provision of accommodation, which has been the focus so far.

By adopting a series of legislative changes, Montenegro has encouraged and facilitated easier integration, as well as easier functioning to this category of persons and, as before, it will enable the exercise of the right to work, employment, education, professional development, recognition of diplomas and certificates, social aid, health and pension insurance, tax reliefs, access to the labour and services market, freedom of association and membership in organisations representing the interests of workers or employers.

7. What steps can be taken to strengthen the effectiveness of response management, coordination and accountability at all levels in the context of internal displacement?

ANSWER:

Following the outbreak of the Kosovo conflict in 1998, the arrival of persons from this area to Montenegro begins. During 1999, there was a rapid influx of refugees from the area, thus according to UNHCR data, there were about 65,000 of them in that period, which at that moment made up about 10% of the total population of Montenegro. Montenegro provided adequate protection to these persons.

Montenegro has enabled these persons through the Law on Foreigners to acquire the status of a foreigner with long-term residence in Montenegro, on preferential terms, as a measure for the permanent resolution of their status. In this way, inequalities between internally displaced persons and Montenegrin citizens were reduced.

Internally displaced persons, through obtaining the status of foreigner with long-term residence, are enabled to integrate into Montenegrin society and exercise their rights to work and employment, education, professional development, recognition of diplomas and certificates, social aid, health and pension insurance, tax reliefs, access to the labour and services market, freedom of association and membership of organisations representing the interests of workers or employers.

In order to establish mechanisms for cooperation in resolving the status issues of internally displaced persons from Kosovo residing in Montenegro, in the part of late registration in the basic registers (births, marriages and deaths) and the register of citizens of the Republic of Kosovo, in 2013 an Agreement was signed between the Government of Montenegro and the Government of the Republic of Kosovo on the late registration of internally displaced persons from Kosovo residing in Montenegro in the basic registers and the register of citizens of the Republic of Kosovo.

In accordance with this document, the combined mobile biometric teams of the Montenegrin MoI, Kosovan MoI-Civil Registration Agency, UNHCR and NGO “Legal Center” are intensively providing legal and practical assistance to IDPs from Kosovo residing in Montenegro. 22 visits of the Kosovan MoI mobile team to Montenegro have been organised.

Due to the specific nature of this sensitive social group, Montenegro has additionally provided facilitated procedures, i.e. privileged access to rights, including multiple reduction of administrative fees, applying only on the basis of IDP identification documents in the offices opened for these purposes in the settlements where these persons resided, obtaining documents ex officio. Many of these persons were not registered in the basic registers in their home countries (birth registers and registers of citizens).

In this regard, the Ministry of the Interior, the Ministry of Labour and Social Welfare and the United Nations High Commissioner for Refugees (UNHCR) Representation in Montenegro signed the Memorandum of Cooperation on June 6, 2014 and defined a set of measures taken to deliver assistance to these persons, who live in Montenegro, in applying for solving their status. This Memorandum also established an Operational Team, which monitored the situation and took appropriate measures, all with the aim of supporting and actively integrating these persons into Montenegrin society.

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This was realised by the Government of Montenegro having established a Coordination Body with the task of managing, organising and coordinating the activities of the state administration bodies and other competent organisations in the implementation of the Strategy and of the Action Plan for its implementation; identifying and monitoring priorities, dynamics and deadlines, evaluating the results achieved in the implementation of the Action Plan for the implementation of the Strategy.

The Government of Montenegro has implemented this initiative through the adoption of a Strategy for the Permanent Resolution of the Issue of Displaced Persons and Internally Displaced Persons from Kosovo, with particular reference to the Konik area with annual Action Plans. The objective of the Strategy was to address internally displaced persons in a lasting and sustainable way, through local integration or voluntary return, in cooperation with the international community, the civil sector, in accordance with international standards and principles.

The main objectives of the Action Plans were: addressing the legal status of displaced and internally displaced persons, exercising their right to education, health care, social and child protection, inclusion in the labour market, improving housing conditions, providing assistance for voluntary and permanent return, and strengthening the security model and improving compliance with legislative deadlines.

When it comes to vertical co-operation, the establishment of a verification team for internally displaced persons from Kosovo, which aimed to make direct individual visits to these persons,

whose coordination was carried out by the central authorities from Podgorica, is of particular importance.

Bearing in mind that innovation is an indispensable factor in the development of every society, Montenegro is the first of the countries in the region to address this issue in the first place by adopting strategic documents, changing the legislative framework, signing bilateral cooperation agreements and signing memoranda of cooperation with international and non-governmental organisations. All this is of even greater importance given that the activities were carried out in specific circumstances, with creativity, openness to cooperation, adaptability, through practical work and engagement in the field, and especially given that persons belonging to vulnerable categories were treated.

Recognising the particularity of this social group and Montenegro's efforts to assist them in the field of emancipation and integration, as equal citizens in the Montenegrin society, a Verification Team for Internally Displaced Persons from Kosovo was formed, between the Ministry of the Interior, the Ministry of Labour and Social Welfare and the United Nations High Commissioner for Refugees (UNHCR) - Representation in Montenegro, In November 2017, aimed at making direct individual visits to these persons and providing additional information in the field in order to complete the process of resolving their legal status in Montenegro.

A foreigner is granted permanent residence in Montenegro for an indefinite period of time, which guarantees him the above mentioned rights (right to work, employment, education, professional development, recognition of diplomas and certificates, social aid, health and pension insurance, tax reliefs, access to the labour and services market, freedom of association and membership in organisations representing the interests of workers or employers), and after 10 years of lawful and uninterrupted residence of a person in Montenegro, or 5 years of the mentioned residence, if the person has married a Montenegrin citizen, in accordance with the Law on Montenegrin Citizenship this person shall acquire the possibility of admission to Montenegrin citizenship.

The Government of Montenegro has initiated the evaluation process of this initiative as an obligation, but this process was not seen as a constraint or burden but as a useful tool for improving the quality of participation of all participants in the initiative, as well as for evaluating the current phase of the project, including implementation and results .

The UNHCR and the European Commission have continuously implemented the project evaluation process in order to provide an evaluation of the initiative in an objective manner during its implementation, as well as the deliverables. The aim of this process was to measure the relevance of the objectives achieved, including the effectiveness, efficiency and sustainability of the initiative.

Both internal and external evaluation entailed the collection, analysis, statistical indicators and use of information on the progress of the initiative with the ultimate outcome of the permanent resolution of the legal status of IDPs and their local integration into Montenegrin society.

8. Through the above questions and elements, we would appreciate if the contributions can:

I highlight the needs for protection, vulnerability and unique experiences and the impact of displacement on persons of different gender, age, ability and diversity.

ANSWER:

Internally displaced persons, that included a large number of vulnerable categories and persons without education, most often members of the RAE population, were subject to the constitutional principle of "affirmative action", i.e. provision of equal opportunities to those who from the starting position are not in the same position as the majority in the process of exercising status rights in Montenegro.

II Address issues of meaningful participation and inclusion of internally displaced and vulnerable communities in appropriate responses.

ANSWER:

Bearing in mind the principle of the Agenda 2030 "Leaving No One", as well as the fact that IDPs who came from Kosovo to Montenegro were the most endangered category, Montenegro has in this regard implemented legal and administrative amendments to legal and strategic documents aimed at improving their position and integration into Montenegrin society. Evaluation of their legal status from IDPs, foreigners with temporary residence permits up to 3 years, status of foreigners with permanent residence until access to the Montenegrin citizenship has reduced the inequality of these persons with the rest of the population.

III Include examples, practices, or experiences that help illustrate the questions asked, and in particular lessons to be learned or conclusions.

ANSWER:

We have learned that we need to have special access to vulnerable categories through the principle of "affirmative action" and that it can be implemented in collaboration with other entities, though combining expertise to make it easier to reach this population, which required a comprehensive approach, starting with modification and adoption of new normative acts, fieldwork, practical cooperation and opening of mobile offices in the field.