

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 147 (2004)¹ on migration flows and social cohesion in South-eastern Europe: the role of local and regional authorities

The Congress,

1. Having examined the report on migration flows and social cohesion in South-eastern Europe: the role of local and regional authorities;

2. Recalling:

a. the commitments entered into by the international community set out in Appendix VII to the Dayton Agreements concluded on 21 November 1995, aimed at guaranteeing the right to return for refugees and displaced persons after the conflict in the former Yugoslavia;

b. the activities of Working Table I on democratisation and human rights, conducted under the Stability Pact for South-East Europe, particularly the interethnic dialogue dimension;

c. the progress made in the field of restoring refugees' property, 90% of which has now been restored in Bosnia and Herzegovina;

d. the Final Declaration of the 4th Forum of Cities and Regions of South-eastern Europe – 10th Economic Forum (Prijeedor, Bosnia and Herzegovina, 22 and 23 September 2003);

e. its Recommendation 112 (2002) on the Forums of Cities and Regions of South-eastern Europe – 8th and 9th Economic Forums (Istanbul, Turkey, 2 and 3 November 2001, and Novi Sad, Federal Republic of Yugoslavia, 18 to 20 April 2002);

f. its Recommendation 91 (2001) on the Forums of Cities and Regions of South-eastern Europe – 7th Economic Forum (Skopje, 16-18 November 2000);

g. Recommendation 1588 (2003) of the Parliamentary Assembly of the Council of Europe on population displacement in South-eastern Europe: trends, problems, solutions;

h. the opinion of the Committee of the Regions of the European Union of 19 November 2003 on the role of the European Union's local and regional authorities in the democratic consolidation process in the Western Balkans;

3. Considering that:

a. the break-up of the former Socialist Federal Republic of Yugoslavia led to the largest population displacements in

Europe since the second world war, with over three million people being forced to leave their homes for a variable length of time;

b. despite the efforts of the international community and the South-eastern European countries concerned, some 950 000 refugees are currently still seeking lasting solutions for their futures, against a background of considerable reductions in the humanitarian assistance intended for them;

c. despite a considerably improved situation, and in particular the enhanced security conditions for the return of refugees and displaced persons to their countries of origin, such refugees and displaced persons are still facing many administrative obstacles set up by the national and/or local and regional authorities of their countries of origin or the countries in which they would like to settle;

d. the main reasons why refugees and displaced persons decide to return to their countries of origin or to settle in various host countries are therefore not exclusively political or security-oriented: they have more to do with housing difficulties (restoration of the real property or occupancy rights of persons applying to return home, or the fact that persons illegally occupying other persons' accommodation cannot be rehoused), problems relating to acquisition of citizenship or nationality, effective access to employment, health care, education and social services in general;

e. consequently, refugees and displaced persons should be guaranteed better conditions for returning to their countries of origin or for integrating into their chosen host countries, based on a long-term approach focusing on economic revitalisation for the whole region in question, as well as on measures to reinforce confidence and the peaceful coexistence of the various communities in the countries in question,

4. Recommends that Council of Europe member states in the region:

a. further expand their co-operation not only in the economic field but also in respect of the problems of repatriates, refugees and displaced persons in the region, particularly in the statistical field and in terms of transferring such population groups' allowances and pensions;

b. reinforce economic measures centred on employment, social policies and infrastructures, especially in underdeveloped areas affected by returning populations or by the presence of refugees or displaced persons;

c. adopt all necessary legislative and statutory measures to facilitate the return of refugees or the settlement of displaced persons who wish to dwell in the states in question;

d. adopt all appropriate legislative and statutory measures to guarantee fair representation of ethnic minorities within local and regional authorities;

e. also adopt all appropriate legislative and statutory measures to guarantee the restitution of the real property or occupancy rights of persons applying to return home;

f. provide repatriates, refugees and displaced persons with practical assistance and access to the essential social rights (employment, health, education, housing and retirement pensions) in a non-discriminatory manner;

g. pay particular attention to the situation of the Roma minority;

h. in the spirit of the European Charter of Local Self-Government, assign their local and regional authorities the requisite competences and financial resources for implementing local and regional policies to assist repatriates, refugees and displaced persons;

5. Recommends that the Committee of Ministers of the Council of Europe:

a. continue to pay particular attention to the issue of refugees and displaced persons in South-eastern Europe as part of the Council of Europe's effective involvement in the process of democratic reconstruction of a multiethnic society and confidence-building in the countries of the region;

b. promote interethnic dialogue, reconciliation and tolerance (especially in the educational field), notably through its "Confidence-Building Measures" Programme;

c. invite all the member states of the Council of Europe to increase their investments in the countries of the region, especially in underdeveloped areas affected by returning populations or by the presence of refugees or displaced persons;

d. invite the relevant member states in South-eastern Europe to delete from their respective legislation any element liable to encourage discrimination vis-à-vis refugees and/or displaced persons living in their territory and to introduce legal assistance measures for such populations;

e. in the spirit of the Chişinău Political Declaration on transfrontier and inter-territorial co-operation among states in South-eastern Europe, adopted at the 113th Session of the Committee of Ministers on 6 November 2003, including the Appendix thereto, provide the relevant member states in South-eastern Europe with effective assistance in acceding to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106) and its two additional protocols, as well as any necessary help in concluding inter-state agreements aimed at reinforcing transfrontier and/or inter-territorial co-operation, with reference to the model agreements appended to the above-mentioned Outline Convention;

f. support and develop the various initiatives aimed at promoting transfrontier co-operation among local and regional authorities in the countries in question, for example, the Drina Sava Majevisa (Bosnia and

Herzegovina/Serbia and Montenegro), Sofia-Nis-Skopje (Bulgaria/Serbia and Montenegro/"the former Yugoslav Republic of Macedonia"), and Duna-Drava-Sava (Croatia/Bosnia and Herzegovina/Serbia and Montenegro) Euroregions, and encourage the creation of new Euroregions in the Gjilane, Kumanovo and Presevo area (Kosovo/Serbia and Montenegro/"the former Yugoslav Republic of Macedonia"/Southern Serbia);

g. provide practical assistance in defining and establishing new Euroregions in South-eastern Europe, given that such arrangements provide for environments conducive to the integration of refugees wishing to return to their towns or regions of origin;

h. continue, within its Committee of Experts on Transfrontier Co-operation (LR-CT), its work on a standardised definition of Euroregions in Greater Europe, in liaison with the new legal instruments established by the European Commission;

i. also invite the relevant member states in South-eastern Europe to conclude agreements with a view to abolishing visa requirements, which hamper the movement of populations, and replacing passports with identity cards;

j. encourage the Council of Europe Development Bank to establish programmes and activities aimed at helping local and regional authorities in the countries in question to improve their response to the return and/or integration of refugees and displaced persons, for instance by holding national seminars on the funding mechanisms provided by the Development Bank;

k. instruct the European Committee on Migration (CDMG) to consider which new activities could potentially promote the permanent return of displaced persons, particularly through training programmes for public service staff aimed at improving understanding and enhancement of ethnic and cultural diversity, or programmes to promote fair access to public services and employment;

l. provide reinforced support, notably in budgetary terms and by means of an appeal to member states for voluntary contributions, for such existing Congress programmes as the Local Democracy Agencies (LDAs) and the Network of National Associations of Local Authorities in South-eastern Europe (NALAS), which have demonstrated their practical value in promoting local democracy, transfrontier and regional co-operation, intercultural dialogue, respect for human rights and local economic development in South-eastern European countries;

6. Invites the European Union to grant financial support to the initiatives of local and regional authorities and non-governmental organisations in the region with a view to encouraging the permanent return of refugees, particularly under its CARDS and Interreg programmes.

1. Debated and adopted by the Congress on 27 May 2004, 3rd Sitting (see Document CG (11) 9, draft recommendation presented by M. Nazir (United Kingdom, R, SOC), rapporteur).