

21. All those fleeing the current situation into neighbouring countries are undeniably refugees under the broader UNHCR mandate, and no one would question their urgent need for international protection. Moreover, it remains clear, as already stated in the earlier UNHCR position paper on treatment of asylum-seekers from Kosovo¹⁾, that important numbers of those persons fleeing the conflict in Kosovo are victimised on account of their ethnicity, religion or imputed political opinion, that is, they are refugees in accordance with the criteria in the 1951 Convention.

22. In addition, worrying reports of the systematic destruction of documents required to prove identity and property ownership signal a burgeoning statelessness problem for Kosovars who are now being expelled. UNHCR's mandate with respect to statelessness makes it imperative that the Office ensures that registration of those arriving, whether by the Office or by Government registration clerks, be completed meticulously and promptly, and carefully preserved, to provide as much information as possible about the origin and identity of the refugees. This information will be crucial in resolving the situation when return becomes possible.

23. It is in these circumstances that UNHCR launches an appeal to all receiving countries to welcome refugees to safety, register them and to guarantee acceptable and secure conditions of stay for as long as their need for protection persists. In some places, this may be done through regular asylum procedures. However, where there are no asylum procedures in place, or where large-scale influx occurs such that asylum procedures are likely to be overwhelmed, UNHCR strongly advocates that States take all necessary protection measures to ensure the refugees' admission and immediate protection.

24. Acceptable and secure conditions of stay will normally be mandated by existing law where those arriving are treated as asylum-seekers and/or recognised as refugees. Where the admission and stay are on a temporary basis, adequate conditions must include, at a minimum, some form of legalised stay in the country of protection, protection against refoulement and the fulfilment of the basic human needs of the refugees in conditions of dignity. This means that they must be furnished with subsistence (either through providing food and non-food assistance

or allowing the refugees to work), shelter, basic medical care and education. Given the importance of family support and reassurance for those displaced in such circumstances, even where their stay is on a temporary basis, families separated in flight should be allowed to reunite.

25. It is clear that the burden of providing the needed protection on this scale will be significant. There can be little doubt that it should preferably be achieved through a concerted and coordinated effort by all States affected. UNHCR encourages States receiving large numbers of Kosovars fleeing the current conflict to act together to ensure harmonised admission to safety and secure tenure in their country of protection, in conditions which are broadly consistent and ensure the basic rights of the refugees, as described above. Despite the efforts of the international community to ensure protection and assistance to all those seeking refuge in the countries neighbouring Kosovo and the Federal Republic of Yugoslavia, there are and will likely continue to be arrivals further afield. If the international community is to succeed in the daunting task of providing the needed protection, all States must do their share in receiving and protecting those fleeing FRY/Kosovo.

26. UNHCR also stands ready to work with and support countries which may be prepared to alleviate the burden and impact on countries bordering Kosovo province, by receiving on a temporary basis persons in need of protection. While asylum must be made available, the eventual destabilizing factor of receiving large numbers of displaced persons must also be addressed.

27. In this regard, UNHCR welcomes the generous offers of States, some of whom have not yet been significantly affected by the exodus themselves, to receive, at least on a temporary basis, substantial numbers of refugees to safety. At the present moment, large-scale movements between protecting countries might be arranged bilaterally. However, in line with its protection mandate and resettlement policy and procedures, UNHCR will take immediate action to identify and resettle refugees with special protection needs, such as family reunification.

1) UNHCR Position Paper on the Treatment of Refugees and Asylum-seekers from Kosovo, first issued 25 August 1998, updated and reissued as HIWG/98/6/rev. 1 of 18 November.