

**RETURN TO UNCERTAINTY**  
**KOSOVO'S INTERNALLY DISPLACED**  
**AND THE RETURN PROCESS**

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international  
crisis group

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## RETURN TO UNCERTAINTY

### KOSOVO'S INTERNALLY DISPLACED AND THE RETURN PROCESS

#### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The right of internally displaced people (IDPs) and refugees to return to their homes in Kosovo is indisputable, and has become a top priority of the international community, and the United Nations Interim Administrative Mission in Kosovo (UNMIK).

If handled well, return could improve relations among ethnic groups, strengthen the position of minority communities already living in the province, and contribute to a gradual denouement among previously conflicting communities. However, if returns are overly politicised and mismanaged, they have the potential to jeopardize the already precarious existence of minorities. In short, the way returns are planned and implemented is critical to the long-term sustainability of the process.

The record of the international community on the returns process has been mixed. Out of more than 230,000 displaced individuals, only 5,800 have returned. While it is still only three years after the war, Kosovo presents a very challenging environment for return. Freedom of movement, access to housing and land, employment opportunities, availability of public services for minorities, and the attitudes of the receiving community are all barriers.

To address these challenges, UNMIK's Office of Returns and Communities (ORC) has developed a new strategy and restructured the manner in which it coordinates projects. While the strategy has not been fully implemented, it is largely a step in the right direction. Now the ORC has to ensure that it avoids the bureaucratisation of the returns process and

maintains a close working relationship with its key partners – the United Nations High Commissioner for Refugees (UNHCR) and KFOR – as well as manages the tricky political dimensions caused by the shadow of final status.

The unresolved nature of Kosovo's status affects returns in two ways. First, it politicises the issue of Serb returnees. For the international community, the return of Serbs to their homes would ensure that the 1999 NATO intervention and the subsequent international presence did not lead to the creation of a mono-ethnic Kosovo. Moreover, it would help convince the Security Council that the time is ripe to begin final status discussions. Meanwhile, the Serbian government requires returns for its own political objective – the partition or cantonisation of Kosovo.

Secondly, the focus of the diplomatic community has largely been on the numbers of individuals returning, rather than ensuring that the process is conducted according to international principles. These dictate that return should be voluntary; conducted in safety, dignity, and security; and the risks be monitored.

Several incidents – although rare – are disturbing reminders that returnees are not coming back to a welcoming environment. In July 2002, a chilling poster of a young Albanian child being killed (presumably by a Serb) appeared on the streets of major cities in Kosovo with the subtitle "Don't let the criminals return". In October, Serb returnees came to Peje/Pec by bus for pension registration. This caused a protest that escalated into stone-throwing and petrol bombs. While Albanian leaders have universally condemned such events, their activities to support

returns have rarely been more than rhetorical. Although Prime Minister Rexhepi has been exemplary in support of minority communities and returnees, President Rugova has remained silent and inactive. Given the predominance of his LDK party in municipal and central structures, his leadership on this issue is sorely needed.

A multitude of actors – from international agencies to non-governmental organisations – are engaged in returns. This report outlines the extreme divergence of returns policy and methods in two regions - the Peje/Pec area and the Gjilan/Gnjilane region. While these areas are quite different, a comparison of the return process in the two provides lessons that are applicable throughout Kosovo.

While both have seen relatively equal numbers of returns, conditions are not conducive in the Peje/Pec region. In projects to date, the international community paid more attention to numbers and less to preparing the conditions for return. The villages lacked access to essential services, dialogue with the receiving community did not take place, and income generation and access to public services were not addressed until after returnees arrived. In Gjilan/Gnjilane, dialogue with the receiving community, support to income generation activities, and access to public services were dealt with as part of the overall planning for returns. The manner in which return is conducted has a huge impact on relations among communities, the conditions returnees experience, and the overall sustainability of the process.

A comparison of these two locations reveals that sustainable return requires close attention to the application of international principles, smart security, strong coordination mechanisms, and the support of the receiving community. The success of the Gjilane/Gnjilane region also demonstrates that return in conditions of safety and dignity is possible in Kosovo at this time – but there must be careful planning and thought.

The late success of the returns process in Bosnia demonstrates that progress is not necessarily linear, and time must often pass before significant advances are made. The international community must be realistic in its expectations for Kosovo. While it is unclear how many IDPs will return, it is highly unlikely that large numbers of displaced will come back in the near future. However, all must be given the opportunity to exercise this right to return in safety and in dignity.

## **RECOMMENDATIONS**

### **To the International Community:**

1. Make it a top priority that international principles governing the return of IDPs are applied in Kosovo rather than emphasising the number of returnees.
2. Provide financial support to returns, including by ensuring that minority areas receive their fair share of resources, and by giving backing to cross-boundary NGOs and projects that include dialogue and income generation components.
3. Improve the conditions for return through the creation of incentive structures, such as preferences during the tender process for companies with a multi-ethnic staff.
4. Provide donor resources early enough in the year so that individuals can return, rebuild their homes, and achieve some degree of self-sustainability before the onset of the next winter.

### **To the United Nations Mission in Kosovo:**

5. Ensure that the restructuring plan of the Office of Returns and Communities is supported and adhered to by regional and municipal levels of UNMIK.
6. Ensure that the Security Transition Strategy, and the transfer of responsibilities from KFOR to UNMIK police, does not leave returnee communities vulnerable.
7. Provide concrete incentives, such as financial benefits, for municipalities to increase reconstruction assistance levels to minority communities.
8. Document and take tough measures – including dismissal – against officials who obstruct returns.
9. Make the processing of claims at The Housing and Property Directorate (HPD) more expeditious.

### **To the Office of Returns and Communities (ORC):**

10. Create a model area for return in Gjilan/Gnjilane, where donors, NGOs, and other implementing agencies can gather experiences and lessons.

11. Ensure that assistance for returns is based on need, not ethnicity, and correct any existing inequity paid to Roma, Ashkaelie, Egyptian and Bosniak IDPs.
12. Develop an information campaign as part of the Returns Strategy to ensure that messages that reach IDPs are consistent and clear.
13. Include in the Returns Strategy initiatives to continue engagement with individuals and communities that have already returned to encourage them to stay.
14. Increase ORC staff in Serbia and Montenegro and use the UN liaison office in Skopje to ensure that the ORC message reaches the IDP and refugee communities and ORC is able to effectively coordinate the returns process.
15. Broaden efforts to inform returnees of job opportunities in the public sector, set aside for them in the law that established the civil service.
16. Monitor the extensive review process for return projects and consider reducing the number of review stages that a proposal has to pass through if the process proves too time consuming.

**To UNHCR:**

17. Provide guidance to donors by documenting and publicly voicing concerns about the return process.
18. Increase advocacy efforts on behalf of non-Serb minorities.

**To The Provisional Institutions of Self-Government (PISG):**

19. Ensure that the provision of public services and utilities is equitable, and equal opportunity and access to municipal and ministerial funds and employment extends to all communities.
20. Follow the example of Prime Minister Rexhepi and engage in activities – such as visiting returnee areas – that demonstrate commitment to the return process.
21. Dismiss officials who obstruct returns.

**To Belgrade:**

22. Coordinate efforts with UNMIK's Office of Returns and Communities, and ensure that any assistance given by the Coordination Centre for Kosovo does not exacerbate cleavages between communities.
23. Enhance freedom of movement for returnees and others by recognising the new Kosovo license plates.

**To Serb Political Parties**

24. Utilise UNMIK's public services and undertake efforts to engage with the majority community.

**Pristina/Brussels, 13 December 2002**



## RETURN TO UNCERTAINTY

### KOSOVO'S INTERNALLY DISPLACED AND THE RETURN PROCESS

#### I. INTRODUCTION: WHO ARE THE DISPLACED?

While the arrival of the United Nations Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR) enabled most of the 850,000 Albanians displaced during the fighting of 1998 and 1999 to return to their homes,<sup>1</sup> it could not prevent a second wave of displacement. Many members of minority communities left with the Yugoslav and Serbian forces, fearing revenge attacks and acts of retribution and retaliation. Others fled later, as it became obvious that the international security and civilian presence was not sufficient to protect them, their houses, or their belongings.

The precise numbers of those displaced is difficult to determine. No precise registration was conducted as these individuals left Kosovo and many have not registered with any international agency or host government. Estimates range from 230,000 to 280,000 individuals, who fall into three broad categories:

- Refugees living in the FYR of Macedonia, from the Roma, Ashkaelie, and Egyptian

communities. Approximately 3,300 individuals are currently registered with UNHCR.<sup>2</sup>

- IDPs living in Serbia-proper and Montenegro, who are predominantly Serb, Roma, Ashkaelie, Bosniak, and Gorani. In February 2002 UNHCR estimated that there were 231,100 internally displaced people from Kosovo who remained displaced in Serbia and Montenegro.<sup>3</sup>
- IDPs living outside their homes but who remained in Kosovo – which include Serb, Roma, Ashkaelie, Egyptian, Gorani, Albanian, and other minority communities. UNHCR estimates that 22,500 individuals fall into this category.<sup>4</sup> These IDPs are part of the 130,000 Serbs and the 100,000 non-Serb minorities living in Kosovo today.<sup>5</sup>

Living conditions of the displaced are often extremely difficult. In Macedonia, refugees from Kosovo enjoy only temporary humanitarian status

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<sup>2</sup> Mr. Alvaro Gil-Robles, Office of the Commissioner for Human Rights, Council of Europe, *Kosovo: The Human Rights Situation and the Fate of Persons Displaced for their Homes*, 16 October 2002.

<sup>3</sup> See UNHCR, *UNHCR Position on the Continued Protection Needs of Individuals from Kosovo, April 2002*. Available at [www.reliefweb.int](http://www.reliefweb.int). The Serbian Government estimates that the number of IDPs is 242,200 with 212,700 of these in Serbia proper. See Coordination Centre of Kosovo and Metohija, *Principles of Program of Returns of Internally Displaced Persons From Kosovo and Metohija*, Belgrade, April 2002.

<sup>4</sup> Gil-Robles, *Kosovo: The Human Rights Situation*, 16 October 2002.

<sup>5</sup> From OSCE *Municipal Profile*, August 2002. These figures are estimates from OSCE municipal profiles – a census of Kosovo has not been done since 1991. In the OSCE profiles, the total Albanian population of Kosovo is estimated to be around 2.3 million.

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<sup>1</sup> In some areas of Kosovo where the majority population is Serb, Albanians have not been able to return to their homes. This includes the municipalities of Strpce, and the three northern municipalities plus northern Mitrovica. In other areas of Kosovo, the inability of some communities to receive reconstruction assistance has meant that some families are unable to return.

that prevents them from working. Many of these refugees live in two camps, one of which is located on a former municipal waste site.<sup>6</sup>

In Serbia proper and Montenegro, the displaced from Kosovo – of all ethnicities – are often pejoratively described as 'Seljaci' or the more derogatory term 'Siptari.'<sup>7</sup> IDPs from Kosovo and refugees from the wars in Bosnia and Croatia already living in Serbia and Montenegro, make up the over 770,000 'population of concern' to UNHCR.<sup>8</sup> Residents of Serbia regard these refugees and IDPs as competition for scarce jobs and other resources.

While the governments of Serbia and Montenegro have attempted to ensure that IDPs and refugees benefit from social services such as health and education, the dire economic situation in Serbia and Montenegro and the high rate of unemployment, make it difficult for the displaced to find jobs and sources of income. For rural people whose income is from their land, displacement strips them of their livelihood. Moreover, assistance to Serbia and Montenegro is diminishing, and as a result official IDP collective centers will be gradually shut down.<sup>9</sup> While only a small percentage of IDPs still live in such centers, this process will hurt the most vulnerable – those who do not have family or friends who can accommodate them, or those who cannot afford their own accommodation.

Displaced within Kosovo cope with similarly dire conditions. Many individuals live in guarded enclaves or ghettos, lacking freedom of movement and access to essential services and employment opportunities that such freedom brings.

Of the displaced, it is unclear how many will exercise their right to return. Although many analysts quietly doubt that many will return, IDPs from Kosovo express a strong desire to return. A recent report by the Council of Europe attempts to

estimate the number of Serb IDPs who wish to come back to live in Kosovo:

Taking into account the socio-professional composition of the persons displaced out of Kosovo, their rural or urban origins in Kosovo, the length of time they or their families lived there, their age, the fact that a number of them have sold their property in Kosovo as well as the time already elapsed since their departure, a rough estimate might be: roughly one-third of the 230,000 IDPs from Kosovo prefer to integrate fully in Serbia or Montenegro (or have already done so), another third is desperate to return (mostly the elderly, rural population who cannot sell their property in Kosovo, who do not have professions that allow them much flexibility and whose attachment to their land is generally strongest, while the last third remains undecided.<sup>10</sup>

As outlined below, basic international principles guide the return of these individuals. However the issue of final status politicises the return process, and its resolution will have a significant impact on the number of individuals who decide to exercise their right to return.

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<sup>6</sup> Gil-Robles, *Kosovo: The Human Rights Situation*, 16 October 2002.

<sup>7</sup> 'Seljaci' is the Serbian word for peasants, and 'Siptari' is a derogatory term often used for Albanians, but also used for other individuals from Kosovo.

<sup>8</sup> UNHCR 2001 Population Statistics, "Total Population of Concern to UNHCR by Country of Asylum, end-2001," 7 June 2002.

<sup>9</sup> Of the 200,000 IDPs currently living in Serbia, 8 per cent have their own accommodation, 40 per cent live with family and friends, 41 per cent rent an apartment, and 7 per cent live in collective centres.

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<sup>10</sup> Gil-Robles, *Kosovo: The Human Rights Situation*, 16 October 2002.



## II. THE SHADOW OF FINAL STATUS

While independence can never be accepted as a precondition for return, the lack of clarity on the final political status of Kosovo throws a shadow over the return process.<sup>11</sup> For IDPs, particularly members of the Serbian community, it is not clear if they are returning to a future independent state where they will be a minority, or to an entity that will retain links to Serbia. Serb representatives warn that most members of their community see no future for themselves in an independent Kosovo. They predict that those who are displaced would not return and the majority of Serbs who remain in the province would leave.<sup>12</sup>

Uncertainty over final status also affects the Albanian perception of return. They see the selection of return locations – particularly in the Peje/Pec region – as working to fulfil Serbia's political objective: the partition or cantonisation of Kosovo.<sup>13</sup> Many also regard returnees as Serbia's Trojan horse – a mechanism to bring the control and influence of the Serbian government back to some parts of Kosovo.

While returns throughout the world have political dimensions, in Kosovo the returns process is even more politicised by the status issue. Against the backdrop of uncertainty over status, Serb IDPs are pawns in a political game. Some political forces in Belgrade push return for their political objective – the

partition or cantonisation of Kosovo. And Serb political leaders within the province have used progress on return as a condition for political participation in elections and overall cooperation with UNMIK. While such a strategy is quite understandable, it has heightened the politicisation of the process.

The international community also needs returns to convince the Security Council that the time is ripe to begin final status discussions – one of the benchmarks for the initiation of status talks is progress on returns. The return of Serbs to their homes would ensure that the 1999 NATO intervention and the subsequent international presence do not lead to the creation of a mono-ethnic Kosovo. Diplomats therefore tend to see return as a numbers game. As one international representative stated, “When UNMIK goes before the Security Council, what they need are concrete indications that Serbs have returned.”<sup>14</sup>

Because of the politicisation of return in Kosovo, there is a genuine risk that the focus on numbers of Serb returnees could eclipse the need to ensure that returns are carried out according to international principles. Moreover, as seen below, it has had an impact on the resources provided to non-Serb IDPs in some regions of Kosovo.

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<sup>11</sup> The Council of Europe has argued that uncertainty over final status “hampers the readiness of the Serbian and Albanian communities to reconcile and to respect each other's human rights.” Mr. Alvaro Gil-Robles, Office of the Commissioner for Human Rights, Council of Europe, *Kosovo: The Human Rights Situation and the Fate of Persons Displaced for their Homes*, 16 October 2002. After an analysis of all the final status options, ICG has advocated conditional independence, with implementation dependent upon the achievement of specific benchmarks – including ensuring that minority communities are accorded equal rights and have the ability to return to their homes. See ICG Balkans Report N°124, *A Kosovo Roadmap (1): Addressing Final Status*, 1 March 2002.

<sup>12</sup> ICG interview with Milorad Todorovic, November 2002. UNHCR argues that this picture of the Serbian community is not accurate, and that it is not clear how many would react to the independence of Kosovo. It is clear that this will largely depend on progress in ensuring the rights of the Serb community are protected in this interim period.

<sup>13</sup> ICG Interview with Sonja Biserko, Helsinki Commission, October 2002.

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<sup>14</sup> ICG interview with head of a diplomatic Liaison Office in Pristina, November 2002.

### III. INTERNATIONAL PRINCIPLES GUIDING RETURN

UNSCR 1244 placed the responsibility squarely on UNMIK, assisted by UNHCR and KFOR, to assure “the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.”<sup>15</sup> Given that UNMIK administers the province, this falls in line with the *Guiding Principles on Internal Displacement*, issued by the Representative of the Secretary General on Internally Displaced Persons, Francis Deng. The principles guiding return are the following:

Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returns or resettled internally displaced persons.<sup>16</sup>

These principles are derived from the international body of law governing repatriation. In its handbook on repatriation, UNHCR has further defined these principles – as outlined below – but added an additional element: the risks of return.

*Voluntary Nature of Return:* The decision to return must be completely free of coercion. To be truly voluntary, the positive pull-factors in the place of origin should be an overriding element in the refugees’ decision to return rather than possible push factors in the host country or negative pull-factors, such as threats to property.<sup>17</sup>

*Return in Safety, Dignity, and Security:* Returnees should have protection from armed attacks, freedom from fear of persecution or punishment upon return, and material security – access to land or other means of livelihood. Return in dignity is unconditional

return, at the returnees own pace, with respect and full acceptance by local authorities, including the full restoration of their rights.<sup>18</sup> The returnees’ physical safety at all stages during and after their return needs to be respected and return must respect school and planting seasons.

*Resettlement/Relocation:* Because IDPs from Kosovo remain in their country of citizenship, they should be allowed to resettle elsewhere in that country. As discussed below, UNMIK, as well as the authorities in Belgrade, have struggled with the application of this principle. UNMIK has decided that only return to people’s homes will be financially supported. Meanwhile Belgrade has failed to undertake the necessary steps to enable residents of Kosovo to officially cancel their residency status, while at the same time pressuring UNMIK to allow individuals to relocate within Kosovo-proper.<sup>19</sup> The Council of Europe emphasized “impediments to the return to places other than the original residence raise serious problems in light of the freedom to choose one’s residence within one’s state territory.”<sup>20</sup>

*Risks of Return:* Although the risks of return were not included in the IDP principles, it is an important factor that UNHCR stresses in the process of repatriation. Early return can be destabilizing to fragile peace processes, and be dangerous for the returnees themselves. If the return of large groups threatens the absorption capacity of the receiving community, the safety of returnees is seriously threatened, or if the political consequences of return threaten a delicate political process, “it is UNHCR’s responsibility to provide guidance and make its position known.”<sup>21</sup>

It is ultimately an individual’s decision the risks that they are prepared to take, and the international community cannot prevent people from returning to their homes if they so wish. However, if conditions are dangerous for returnees, the international community must carefully consider what support it provides to the return process. The potential risk to the returnee is what largely governs the distinction

<sup>15</sup> See UNSCR 1244, 10 June 1999, 11 (k).

<sup>16</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Guiding Principles on Internal Displacement*, 1998.

<sup>17</sup> *Handbook: Voluntary Repatriation: International Protection*, Geneva: United Nations High Commissioner for Refugees, 1996.

<sup>18</sup> Ibid.

<sup>19</sup> The inability of people to cancel their registration gives a skewed picture of return because it prevents people from declaring their true intentions – whether they want to return, or to stay in Serbia or Montenegro. ICG interview with UNHCR representative, November 2002.

<sup>20</sup> Gil-Robles, *Kosovo: The Human Rights Situation*, 16 October 2002.

<sup>21</sup> Ibid.

between 'facilitation' and 'promotion' of return. The international community can facilitate return, "when refugees indicate a strong desire to return voluntarily and/or have begun to do so on their own initiative, even where UNHCR does not consider that, objectively it is safe for most refugees to return."<sup>22</sup>

For the international community to actively promote the displaced to return, there must an overall, general improvement in the situation in the country of origin so that return in safety and dignity becomes possible for the large majority of refugees.<sup>23</sup>

As seen below, UNHCR and UNMIK have struggled to ensure that these principles are respected and implemented in the complex returns environment in Kosovo.

#### IV. INITIAL EFFORTS TO RETURN IDPS

##### A. EARLY RETURNS POLICY

In late 1999 and throughout 2000, UNMIK and KFOR were intensely criticized for the exodus of minorities from Kosovo and faced heightened political pressure to facilitate their return. In early 2000, the Serbian community made progress on return a precondition for cooperation with UNMIK and participation in Kosovo's political structures.<sup>24</sup>

Because of the extremely difficult circumstances on the ground for minority communities, UNMIK and UNHCR felt it was premature for return to be assisted by the international community. They argued that the preconditions of return in safety and dignity could not be met. In March 2000, UNMIK reported to the Security Council that "The current situation for minority populations is such that their return to Kosovo cannot be promoted or facilitated by UNHCR at the present time as the necessary preconditions, in particular a safe and secure environment, are not yet in place."<sup>25</sup>

In order to respond to demands from Serb representatives to work on the return process, UNMIK initiated a task force to examine ways in which they could create the conditions for return. The then SRSG Bernard Kouchner established the "Joint Committee on Returns of Kosovo Serbs" (JCR) in May 2000. UNHCR took leadership of the JCR, whose members also included UNMIK, KFOR, and OSCE.

The mandate of the JCR was "to explore prospects for the safe, orderly and sustainable return of those displaced Kosovo Serbs wishing to come back to their homes and to coordinate all efforts and initiatives in this regard."<sup>26</sup> In January 2001, the JCR released the *Framework on Serb Return 2001*. This framework outlined the principles of return for Serb IDPs, which included the right of voluntary return of IDPs to the place of origin. The document also stressed that minimum conditions for return needed

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

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<sup>24</sup> Agence France-Presse, *Serbs end six-month boycott of Kosovo consultative forum*, 12 April 2000.

<sup>25</sup> *Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo*, 3 March 2000.

<sup>26</sup> *Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo*, 6 June 2000.

to be created, including freedom of movement, accommodation, and access to public services.<sup>27</sup>

The JCR framework highlighted twenty-five potential locations of return, outlined measures needed to sustain a returns process, and agreed upon the roles and responsibilities of major actors engaged in the return and reintegration process. On 8 June 2001, the Interim Administrative Council (IAC) endorsed the principles of the return concept and it was presented to international donors on 29 June.

A parallel process was established for displaced Roma, Ashkaelie, and Egyptians. In April 2000, representatives from these communities and Albanian political leaders endorsed the *Platform for Joint Action Regarding Roma, Ashkali, and Egyptian Communities*. The platform identified the major issues for this community, including access to education, social welfare, and other assistance, as well as assistance needed for return of the displaced to their homes.

## B. EARLY PROGRESS ON RETURNS

Despite the heightened policy discussions on return, very little progress was made in the first two years of the UN mission. Largely because of circumstances on the ground, the number of minorities leaving Kosovo continued to outweigh the number returning to the province. In 2000, only 1,800 persons returned spontaneously to Kosovo, while in 2001 that figure dropped to 500 individuals. This decline in spontaneous returnees in 2001 was partly explained by the Nis Express bombing in February of that year. Eleven Serbs were killed as their bus from Nis was attacked in a deliberate act of terrorism. This incident occurred just before the Spring – the time period when people decide to return to prepare their fields and repair their houses before Winter.<sup>28</sup> While three individuals were held in custody for this incident, one escaped, and the other two were released due to lack of evidence.

However, the bombing of the Nis Express was not an isolated act of violence. It took place in the context of

continuing hardship for minority communities. As UNHCR reported in 2001:

The lack of interest in return is not only a product of concerns over physical security, as demonstrated by the fact that even existing enclaves enjoying relatively stable security within a protected area have largely not received spontaneous returns of former inhabitants . . . IDPs increasingly view return to Kosovo as unsustainable in terms of quality of life, given the lack of freedom of movement, lack of prospects for economic survival, lack of free access to health care and education in some cases. In many areas property damage or illegal occupation of property may also provide an additional disincentive to return.<sup>29</sup>

Return for other minorities was also difficult, as their conditions within Kosovo remained precarious. Many Roma refugees in Macedonia would rather continue to be displaced than return to Kosovo: “. . . approximately 70 per cent of Kosovo's [Roma] refugees who left FYROM in 2001 actually re-located to Serbia into internal displacement, despite very difficult material conditions there, rather than returning to Kosovo under prevailing circumstances.”<sup>30</sup>

Although Kosovo experienced relatively few returns in 2000 and 2001, several trends characterized the early returns process. Returns were taking place into already established enclaves with limited freedom of movement consolidating the ‘enclavisation’ of minority life in Kosovo.<sup>31</sup> Often only part of the family returned, as push-factors more than pull factors drove the returns process. And most returnees cited difficult living conditions in their area of displacement as the main reason for their return.<sup>32</sup>

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<sup>27</sup> See Joint Committee on the Return of Kosovo Serbs, *Framework for Return 2001* 13 January 2001.

<sup>28</sup> UNHCR/OSCE, *Ninth Assessment of the Situation of Ethnic Minorities in Kosovo* Period covering September 2001 to April 2002.

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<sup>29</sup> UNHCR, *Report from UNHCR Kosovo to the Steering Committee of the Joint Committee on the Return of Kosovo Serbs (JCR)* Update on Situation, Activities and Sectoral Developments in Potential Return Locations April 1 - July 31, 2001.

<sup>30</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

<sup>31</sup> *Ibid.*

<sup>32</sup> The prevalence of push factors calls into question the voluntary principle of return particularly because the absence of alternatives to relocate elsewhere affects the ability of IDPs to exercise a truly free decision regarding return.

## V. CASE STUDIES: TWO CONTRASTING REGIONS

In 2002, the return situation had improved somewhat. The number of minorities leaving Kosovo had declined and a total of 2,467 displaced had returned to the province from January to 31 November 2002. This brought the total number of returnees to over 5,800 individuals between 2000 and 2002.

According to UNHCR, Kosovo's displaced population includes 68 per cent Serb, 13 per cent Roma, Ashkaelie, and Egyptian, four per cent Bosniak, eight per cent Montenegrin, and seven per cent other communities.<sup>33</sup>

Returns to date broadly reflect that breakdown. Fifty-eight per cent of total returnees are from the Serbian community, over 21 per cent are Ashkaelie or Egyptian, over 10 per cent are Roma, five per cent are Albanian (in areas where they constitute a minority), four per cent are Bosniak and one per cent is from the Gorani community.<sup>34</sup>

The regional breakdown of returns from 2000 until the present is the following (see annex one for a map of Kosovo).

- Pristina region: 44 per cent of total returns (with 63 per cent Serb, 10 per cent Roma, and 27 per cent Ashkaelie/Egyptian returnees);
- Peje/Pec region: 21 per cent of total returns (with 59 per cent Serb, 4.7 per cent Roma, 30.4 per cent Ashkaelie/Egyptian, and 6 per cent Bosniak returnees);
- Gjilan/Gnjilane region: 17.5 per cent of total returns (with 55.7 per cent Serb, 16.4 per cent Roma, 6.6 per cent Ashkaelie, and 21.4 per cent Albanian returnees);
- Mitrovica region: 9 per cent of total returns (with 58 per cent Serb, 1 per cent Roma, 24.7

per cent Ashkaelie, and 16 per cent Albanian returnees);

- Prizren region: 8.5 per cent of total returns (with 41 per cent Serb, 17.1 per cent Roma, 1.8 per cent Ashkaelie/Egyptians, 27 per cent Bosniak, and 13.5 per cent Gorani returnees).<sup>35</sup>

Although Pristina has the highest overall rate of return, the majority of these individuals returned spontaneously to enclaves in 2000 and 2001.

The areas with the highest number of returnees in 2002 are Peje/Pec and Gjilan/Gnjilane. While they both have had success in returns, the style of return has been dramatically different in each region. In the Peje/Pec region, emphasis was placed on return of Serbs in an organised fashion on the basis of a pre-selection of return locations, while in the Gjilan/Gnjilane area the return effort focused on less politicised community level initiatives to support spontaneous returnees through organised projects which, where possible, facilitated mixed return. As seen below, these differences in style have had ramifications for the quality and the sustainability of the process.

### A. PEJE/PEC: ORGANISED RETURN IN A DIFFICULT REGION

The Peje/Pec area – which includes the municipalities of Peje/Pec, Decan/Decani, Gjakove/Dakovica, Istog/Istok, and Kline/Klina - was the hardest hit by the war. From 1998 to 1999, over 57 per cent of housing stock was destroyed by the activities of the VJ and paramilitary units.

After 1999, most of the houses belonging to members of the Serbian community were destroyed. While a comprehensive assessment of damage to housing stock belonging to minority communities has not been done, most Serb communities in this region were flattened in the summer of 1999.

The vast majority of the Serbs in the Peje/Pec region left the area as the Yugoslav security forces withdrew.<sup>36</sup> Some 1,200 Serbs remained in the

<sup>33</sup> UNHCR January 2002 Statistic from UNMIK, *2003 Strategy for Sustainable Returns*, Donor Coordination Meeting for Kosovo 5 November 2002.

<sup>34</sup> UNHCR, "Minority Returns from Internal and External Displacement by Region – Figures and Percentages," As of 31 October 2002. While the number of returnees roughly reflects the ethnic breakdown of displacement, support for these displaced is not distributed in an equitable manner in all regions, as is clear by our discussion of Peje/Pec below.

<sup>35</sup> UNHCR, "Minority Returns" 31 October 2002.

<sup>36</sup> UNHCR/OSCE, *Preliminary Assessment of the Situation of Ethnic Minorities in Kosovo* July 1999. The 1991 census showed 7,800 Kosovo Serbs living in the Peje/Pec municipality (six per cent of the population), while there were over 4,442 Roma, and 19,000 members of other minority

region, living in monasteries as well as in two villages – Gorazdevac in Peje/Pec municipality and Crkolez in the municipality of Istog/Istok.

Gorazdevac is a completely Serb village with about 800 residents located just a few kilometers from the town of Peje/Pec. Despite the fact that the road running through Gorazdevac connects Albanian villages to Peje/Pec, its residents remain isolated from their Albanian neighbours and under KFOR protection. They are reluctant to engage with their neighbours and even refused to allow Albanian children from the neighbouring communities to use their school. While ongoing stone throwing and other minor forms of intimidation are constant, there had been few grave security incidents until late August 2002 when residents of the village came under heavy gunfire while cutting wood – even though they were under UN police escort. Although no one was injured or killed, KFOR and the police were pinned down for several hours.<sup>37</sup>

Crkolez village in Istog/Istok municipality is the only remaining mixed Serb/Albanian village in the region. The Serb population remains stable at around 85 persons. The village was the scene of high tensions in 2000, with several shooting incidents and the burning of some Serb houses.<sup>38</sup> However, security has gradually improved. Serbs are now able to travel into the Albanian part of the village and have access to more and more of their agricultural land. A Serbian representative from Crkolez participates in the Municipal Assembly, heads the municipal sub-office in the village, and interacts with his Albanian counterpart.<sup>39</sup> However, the lack of spontaneous returns to Crkolez reflects the continuing difficult conditions.

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communities. Now there are an estimated 1,000 Serbs and 11,300 non-Serb minorities. In 1991 in Decan/Decani, there were 800 Serbs and around 800 other minorities, now there are only 20 Serbs and 472 non-Serb minorities; in 1991 Gjakova/Dakovica had a population of 3,000 Serbs, now it has 6 Serbs; Istog/Istok had 6,000 Serbs and 5,600 other minorities now it has 256 Serbs, and 1,733 non-Serb minorities, and Kline/Klina had over 5,000 Serbs and over 1,000 Roma, while now it has only the returnees in Bica and Grabac (41 families) and 1,126 non-Serb minorities. See OSCE, *Municipal Profiles* August 2002.

<sup>37</sup> BBC News, "Gunmen Attack Kosovo Peacekeepers," 29 August 2002.

<sup>38</sup> UNHCR/OSCE, *Preliminary Assessment*, July 1999.

<sup>39</sup> UNHCR, *Report from UNHCR Kosovo to the Steering Committee of the Joint Committee on the Return of Kosovo Serbs (JCR)* April 1 - July 31, 2001.

Approximately 10,000 Roma, Ashkaelie, and Egyptians live in the region, and approximately 7,500 IDPs from these communities remain in Montenegro.<sup>40</sup> There is also a significant number of Bosniak IDPs. While freedom of movement and general security has improved for these groups, access to reconstruction and other forms of assistance remains problematic.

While displaced from the Roma, Ashkaelie, and Egyptian communities returned spontaneously to the region, the Serb return has been organised, well-funded, and controversial. Although the assessment of the Joint Committee on Serb Returns in 2001 found little opportunity for Serb returns, planning proceeded. Istog/Istok municipality saw the first organised return of Serbs to Kosovo to the Osojane Valley in August 2001. Another project brought families back to the Klina area in August 2002.

Some have described return in the Peje/Pec region as an "upside-down process": instead of individuals driving the return locations, the return locations are chosen, and then there is a search for people to return.<sup>41</sup> In returns to date, projects tend to proceed in the following manner:

- A location is chosen for returns, and funding is sought for that location;
- The Coordination Centre for Kosovo (CCK) and UNMIK requests UNHCR offices in Belgrade to search for beneficiaries (former residents) who are asked if they wish to return to these areas;<sup>42</sup>
- Returnees are screened to ensure that they have property in the designated villages and that they will not pose a security risk;
- Individuals come back to Kosovo, and reconstruction on their houses begins.

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<sup>40</sup> UNHCR/UNMIK, *Donor Briefing on Returns*, 7 May 2002. Refugees International found that approximately 50 per cent of Roma IDPs are not registered, so this figure may be low. See, *Refugees International Bulletin* "The Roma: The Balkans' Most Vulnerable" 18 September 2002.

<sup>41</sup> To ensure the voluntary nature of return, particularly in a challenging security environment, returnees should first express their interest to come back, and then an organised return should take place. ICG interview, October 2002.

<sup>42</sup> ICG interview with UNHCR representative, November 2002.

The UNMIK Regional Office in Peje/Pec has been very involved in the return process. A project unit and a reconciliation unit have been set up to oversee the returns to that region. The UNMIK Office has had the best of intentions with such measures – i.e. the return of individuals to their homes – and has faced an extremely challenging implementing environment. However, there are serious questions about the way that returns were handled and the implications of that process.

### 1. The Osojane Valley: The Creation of a New Serb Enclave

Osojane is located in a valley close to the boundary with Serbia and Montenegro. Before the war, Serbs had largely populated the valley, but they all fled on 17 June 1999.<sup>43</sup> Their houses were largely destroyed after they left, and the valley lay deserted.

The plan to return Serb IDPs to Osojane was in essence a political project. The international community was desperate to bring people back to Kosovo, and Osojane valley was an attractive option. The villages are relatively isolated from populated Albanian areas, with only three Albanian families in the valley.<sup>44</sup> The area was also reasonably close to Mitrovica, so bus lines could provide a link to a Serb-dominated area where residents could shop freely and obtain secondary and tertiary health care services.

The project to return Serbs to Osojane was not without its early detractors. KFOR assessed that “returns to this area may increase tensions, especially in the neighbouring municipalities of Kline/Klina and Skenderaj/Srbica, because of the problems linked to freedom of movement and accessibility to public service.” Moreover, UNHCR warned, “returnees to these locations can expect to return to an enclave and measures to facilitate movement would be required.”<sup>45</sup>

Despite these concerns, 54 Serbs returned to Osojane valley on the 13 August 2001, under the heavy protection of Spanish KFOR. The project – funded by the French and German governments – was

criticized for the slow rate of reconstruction as well as its timing: return in August meant that individuals could not plant a garden and were dependent on assistance for the entire winter.<sup>46</sup> The first winter was an extremely difficult one, many returnees were pensioners and some spent the winter in tents. By the summer of 2002, a little over 200 individuals had returned to the valley. A total of seventy-three houses were reconstructed, with only five still lacking electricity by the fall of 2002.<sup>47</sup> However, the community still lacks a functioning telephone system. The Coordination Centre for Kosovo and Metohija has also planned to provide additional assistance to the valley in the form of prefabricated houses, some of which arrived the fall of 2002 while the others will come in the spring.

Because political objectives essentially guided the project, several key mistakes were made. The return was envisioned only as reconstruction of houses – income-generating projects were not implemented until one year later. Many of the returnees were elderly, and were therefore unable to participate in the reconstruction of their houses.<sup>48</sup> The return to Osojane created another enclave in Kosovo. The entrances and exits to the valley remain heavily guarded, the perimeter patrolled, and only residents and those who receive clearance are allowed into the valley. KFOR has pictures of all residents, and copies of these pictures are kept at the entrance.<sup>49</sup> This process does not qualify for return in safety and in dignity – unless the future goal of the return community is separation.

Little effort was made to prepare the surrounding Albanian villages for this return, as “the environment did not exist for dialogue and confidence-building between the Serb returnees and Albanians prior to return.”<sup>50</sup> Although a ‘balancing project’<sup>51</sup> was implemented – four houses were reconstructed and some social projects in

<sup>43</sup> ICG interview with Osojane residents, November 2002.

<sup>44</sup> The predominantly Serb villages in Osojane were Osojane Tucep, Zvecan, and Prepan. Mixed villages included Belice/Belica, Kac, Kosh/Kos, and Saljinovica/Shalinovc.

<sup>45</sup> Joint Committee on the Return of Kosovo Serbs, *Framework for Return 2001*, January 2001.

<sup>46</sup> UNHCR, *Osojane Valley – Fact Sheet*, 14 September 2001. Because many returnees were elderly, they could not assist in the reconstruction of their houses. ICG interview with Municipal Administrator, Istok/Istog, September 2002.

<sup>47</sup> ICG interview with Municipal Administrator, Istok/Istog, September 2002.

<sup>48</sup> *Ibid.*

<sup>49</sup> ICG interview with UNHCR, September 2002.

<sup>50</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

<sup>51</sup> UNHCR uses this term to describe projects implemented in the receiving community to ensure that returnees are not provided with unequal benefits/conditions.

neighbouring areas were undertaken – the interests and concerns of the receiving community were not taken into consideration.<sup>52</sup> Municipal leaders in Istok/Istog municipality were not consulted in the planning of the project, and this fuelled suspicion that the returnees were not all originally residents in Osojane.<sup>53</sup>

A series of protests greeted the returnees. The head of the Alliance for the Future of Kosova (AAK) Ramush Haradinaj intervened to calm the community, and the protests stopped. However, political leaders in the municipality remain lukewarm on the return. They argue that they support the return of individuals to their homes, but are against large-scale organised returns.<sup>54</sup> This is largely a mute point: with existing conditions, how can Serbs return to their homes spontaneously, in isolation of organised returns?

In the summer of 2002, UNMIK and UNHCR undertook initiatives to decrease the dependency of the community on assistance. Some small-scale self-sustaining projects were undertaken, mostly in the agricultural sector. However, much more economic stimulus is needed if the community is to remain economically viable. Fifteen young people left because they found no jobs in the valley. Unless more is done to address the economic situation of the community, its sustainability will be in question.

KFOR continues to retain a heavy presence, and residents of the valley told ICG that they have little contact with their Albanian neighbours.<sup>55</sup> As a small step to gradually open up the community, a Spanish NGO began a project to promote dialogue between children aged three to 13 from Osojane (Serb) and from the village of Kosh/Kos (Albanian). The schools have essentially been 'twinned' and will undertake excursions to neutral areas together. This has had an impact beyond the children – parents in Osojane have proposed that a party be organised so their Albanian neighbours can see where their

children are visiting.<sup>56</sup> Initiatives such as these that promote small steps towards peaceful co-existence are critical for the sustainability of the returns process.

The key problem with the project was the manner in which these returns were conducted. Conditions for return did not exist before returnees came back – the villages lacked access to essential services, the receiving community was not prepared for return, and economic opportunities and access to public services were not addressed until later.

## 2. Serb Return to Klina

Organised returns to the villages of Kline/Klina municipality began with the return Serb families to the villages of Bica/Binxhe and Grabac/Grabc in the summer and early fall of 2002.

This area is an exceptionally challenging place for return. The war began in the neighbouring Drenica valley in 1998, and quickly spread to Klina. As such, it was one of the hardest hit regions in 1998/1999. Over 300 individuals were killed, while 135 remain missing. More than 4,250 houses were destroyed, and 7 public enterprises destroyed in the municipality.<sup>57</sup> Serbs in the villages of Bica/Binxhe and Grabac/Grabc left Kosovo together on the 16 June 1999, after a similar exodus from Peje/Pec.

The municipality has also been dogged by political violence. On 23 April 2001, the president of the Municipal Assembly was murdered.<sup>58</sup> The current municipal president, who has been asked to support returns, is missing seven members of his family. He argues strongly that before the international community can expect Albanians to accept and support return, more effort must go into uncovering the fate of the missing. While political leaders in the municipality have not rejected the return project, and the president of the municipality has visited the site several times, their acceptance seems begrudging.<sup>59</sup>

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<sup>52</sup> ICG interview with Municipal Administrator, Istok/Istog, September 2002.

<sup>53</sup> ICG interview with Deputy-President, Istok/Istog Municipality, September 2002. In the Osojane return, the municipal cadastre records were not checked to ensure that individuals were returning to their homes.

<sup>54</sup> Ibid.

<sup>55</sup> ICG interview with residents of Osojane Valley, November 2002.

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<sup>56</sup> ICG interview with UNHCR representative, November 2002.

<sup>57</sup> ICG interview with President, Klina Municipality, October 2002.

<sup>58</sup> UNHCR argued that the killing not only stopped discussions on returns in Klina, it also raised tensions in Osojane. UNHCR, *Report from UNHCR Kosovo to the Steering Committee of the Joint Committee on the Return of Kosovo Serbs (JCR)* April 1 - July 31, 2001.

<sup>59</sup> ICG interview with President of Klina Municipality, October 2002.



Public protests in a nearby village demanded the international community focus more attention on the fate of the missing before focusing on return.<sup>60</sup>

The returns project – funded by the German government – enabled 41 individuals to come back to their homes to Bica/Binxhe and Grabac/Grabc. The area had been completely devastated; all houses had been levelled and the two villages had no basic infrastructure or services – such as electricity, water, a school, or a health centre.

While UNMIK argues that most lessons from Osojane were learned during the returns to Bica/Binxhe, UNHCR disagrees.<sup>61</sup> They argue that basic pre-conditions for return were not established before people came back. Particularly because this return was organised, better preparations could have been made. Individuals returned in August to find their village completely destroyed, with no utilities such as electricity or water.<sup>62</sup> When people arrived, they had chronic problems accessing water, and KFOR provided a generator for the first month to provide an emergency electricity supply.

While the 41 individuals have been housed, and the reconstruction process is expected to be finalized in December 2002, there were allegations that the municipal cadastral records were not adequately consulted during the reconstruction process. One house was illegally built on municipal land, and will be turned into a 'communal building.'<sup>63</sup>

The timing of the returns was also too late for people to plant gardens or other crops, making them dependent on assistance for the winter. The residents of these villages cite concerns with the late start of reconstruction, the lack of jobs, and their dependence on assistance for the winter. The villages are currently receiving food assistance – much coming from the monastery in Decan.<sup>64</sup> An

income generation component was added to the project – an NGO is beginning this process.

Moreover, they had little freedom of movement – while the villages are not far from Osojane, no transportation link exists to take them either to Osojane or to north Mitrovica. Villagers are totally dependent on the generosity of KFOR for their transportation needs.<sup>65</sup> This increases their isolation.

The lack of freedom of movement poses a special problem for access to public services. Public services – such as access to primary health care and a school – were addressed on an ad hoc basis after individuals had returned. Twice a week, KFOR provides an escort to the neighbouring Albanian village, where returnees receive medical attention. However, for emergencies, residents again rely on KFOR.<sup>66</sup>

Returnees have no contact with the surrounding community. While UNMIK argues that pre-return dialogue did take place – as representatives of the municipality participated in the municipal working group – this is not the same as preparing the surrounding Albanian villages for this return. Residents of the nearest village – Shtupel – state that no-one discussed the return with the community as a whole before Serbs returned – no community wide meeting or information campaign was undertaken. While UNMIK stopped some individuals in the street and asked their views on the return process, villagers complained that such an important issue should not be handled in such a casual manner.<sup>67</sup>

### 3. Planned Serb Return to Peje/Pec

Community leaders in Gorazdevac have pushed for Serb returns to neighbouring villages to decrease their isolation.<sup>68</sup> To respond to this request, the Italian government promised €3.5 million to reconstruct 90 houses in the villages of Siga, Brestovik, and Ljevosa.<sup>69</sup> These three villages were completely

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<sup>60</sup> ICG interview with UNMIK Municipal Administrator, Klina, October 2002, and UNHCR November 2002. While the UNMIK Municipal Administrator argues that the protestors were not against return, UNHCR's interpretation is somewhat different.

<sup>61</sup> ICG interview with Peggy Hicks, November 2002. Information provided by UNHCR Field Office, November 2002.

<sup>62</sup> Information provided by UNHCR Field Office, November 2002.

<sup>63</sup> Information provided by UNHCR Field Office, November 2002.

<sup>64</sup> ICG interviews with residents of Bica, November 2002.

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<sup>65</sup> Information provided by UNHCR Field Office, November 2002.

<sup>66</sup> Information provided by UNHCR Field Office, November 2002.

<sup>67</sup> Information provided by UNHCR Field Office, November 2002.

<sup>68</sup> Some Serb representatives argue that if no returns occur near Peje/Pec, the residents of Gorazdevac will likely leave. ICG interview with Milorad Todorovic, November 2002.

<sup>69</sup> UNHCR, *Report from UNHCR Kosovo to the Steering Committee of the Joint Committee on the Return of Kosovo Serbs (JCR)*, April 1 - July 31, 2001.

destroyed in the summer of 1999, and are located on a mountainside just outside of Peje/Pec. This is not an agricultural area - the villagers worked in Peje/Pec before the war. Therefore, unless freedom of movement significantly improves, the economic sustainability of the returns process is questionable.

This returns project originally had a larger budget and included a component for non-Serb minorities. However, when the Italian government decided to reduce the resources for the project, the non-Serb minority component was cut out. Bosniac IDPs were told that they would not be provided with reconstruction assistance to return, basically because they were from the wrong community.<sup>70</sup>

The Municipal Assembly of Peje/Pec came out strongly against this return project, passing a resolution stating, "we consider such a step towards the return of Serbs is hasty." While the resolution went on to acknowledge the right of return, and the need to protect property rights, they rejected the return project based on the false argument that it would create new enclaves.<sup>71</sup> The municipal president argued that the Serbs "will return and be under the direct orders of Belgrade." For him, independence is a precondition for return.<sup>72</sup>

Initially this project was to be implemented by UNMIK, who drew up a tender for NGOs and private companies to bid on. UNHCR in Belgrade, the Coordination Centre, and UNMIK were involved in a process to pre-select ninety families to return.<sup>73</sup> However, the Italian government donation was late in arriving. By fall 2002, the money had not yet been released, and house reconstruction was put off until 2003.

The capacity and expertise of UNMIK to implement such a return project had been questioned. Critics argued that the money should have been channelled through NGOs with technical expertise in return, as well as branch offices in Serbia and Montenegro to facilitate coordination. UNMIK's Office of Returns

and Communities is reviewing this project to ensure that it is in line with its new returns strategy – which focuses on NGOs as implementing partners.

#### 4. Co-existence Between Communities

In July 2001, UNHCR reported that "Staff members of an NGO working directly with UNHCR were verbally assaulted and threatened while trying to assess minority reconstruction needs, after being informed by Kosovo Albanian villagers that minority reconstruction 'stole' from needy Albanian families and that minority homes would be burnt as soon as they are reconstructed."<sup>74</sup>

The situation has improved slowly over a year and Albanian attitudes are slowly becoming more tolerant. KFOR organises 'shopping' afternoons in Peje/Pec, and NGOs are implementing inter-ethnic activities with youth, as well as some micro-credit economic projects attempting to build bridges among communities. However, the contact between the Albanian and Serb community remains extremely limited, and any initiatives to promote peaceful coexistence appear ad hoc with no over-arching UNMIK strategy to guide these contacts.<sup>75</sup> Nenad Radosavljevic, the SRSG's senior advisor on returns, argued that this was natural, as it was the manner in which these communities lived before the war.<sup>76</sup>

While more effort is needed to breakdown barriers between these communities, this has to be part of a long-term commitment, and not a one-off initiative. Relationships should be established with both the returnee communities and the receiving areas, and initiatives gradually undertaken so that these communities no longer perceive each other as enemies.<sup>77</sup>

However, an incident on 10 October illustrates how precarious the situation remains for minorities – particularly Serb returnees. Serb pensioners from Osojane travelled to the municipal building in Peje/Pec town to register for their pensions. Once

<sup>70</sup> ICG interviews with various stakeholders, September, October and November 2002.

<sup>71</sup> Municipality Peje/Pec, "Request for Considering the Enforcement of Resolution 1244 of the Security Council, on the return of all refugees and displaced people from Kosova – our Municipality," 11 February 2002.

<sup>72</sup> Meeting with Ali Lajci, President of Peje/Pec Municipality, September 2002.

<sup>73</sup> Meeting with Deputy Municipal Administrator, Peje/Pec, September 2002.

<sup>74</sup> UNHCR, *Report from UNHCR Kosovo to the Steering Committee of the Joint Committee on the Return of Kosovo Serbs (JCR)* April 1 - July 31, 2001.

<sup>75</sup> The UNMIK Regional Administrator's office has a Reconciliation Unit. While the Unit is engaged in some activities such as efforts to integrate the regional hospital, they were not able to define their over-arching strategy.

<sup>76</sup> ICG interview with Nenad Radosavljevic, October 2002.

<sup>77</sup> ICG interview with UNHCR Field Representative, November 2002.

they arrived at the municipal building, a crowd gathered outside to protest. The situation escalated and stones and petrol bombs were thrown at the bus. Police later arrested several individuals accused of instigating the attack. While no Serb pensioners were injured, the protest continued for several hours.

Several factors seemed to trigger the protest. Instead of a small, inconspicuous group arriving at the municipality, a group of 41 pensioners arrived at the municipality. The bus that they were travelling in had an old "Pec" license plates, rather than the UN issued Kosovo plates. There are also accusations that KFOR did not undertake the necessary threat-assessment exercise, as two election rallies were held the same day in the downtown area.<sup>78</sup>

## 5. Neglected Communities

Assistance to support return has been distributed extremely unevenly among returnees in this region. The reconstruction needs of the Roma, Ashkaelie, Boasniak and Egyptian returnees, as well as those who remained in Kosovo, have been largely unmet. Out of 124 Serb families who required reconstruction assistance, 116 benefited from reconstruction projects. For Roma, Egyptian, Bosniak, and Ashkaelie individuals, a total of 216 families requested reconstruction assistance, and only 22 families received it. This inequity exists in spite of the fact that approximately 40 per cent of returnees are from non-Serb communities.<sup>79</sup>

While Serb returnees were entitled to the assistance they received, such striking inequity is a demonstration of the extent that the return process is politicised, and an indictment of the donor community. However, assistance to these communities is complicated, as there is a tendency for individuals to be less educated and not aware of appropriate institutional channels for assistance.<sup>80</sup> The property rights of many members of these communities are often complicated by the lack of appropriate documentation. Moreover, most Roma are traders and residents of urban settings, and

require freedom of movement.<sup>81</sup> And while the benchmark of ten per cent municipal reconstruction assistance for minorities has been met in some of the municipalities of the region, this is often an inadequate sum given the significant needs among minorities.

## B. GJILAN/ GNJILANE: SUSTAINABLE RETURNS

The Gjilan/Gnjilane region, in the south-eastern part of the province, includes the municipalities of Gjilan/ Gnjilane, Viti/ Vitina, Kamenica, Novoerde/ Nvo Brdo, Kacanik, Ferizaj/ Urosevac, and Strpce/ Shterpce. It continues to be one of the most ethnically mixed areas in Kosovo, and minority returns to this region have been quite successful.<sup>82</sup>

Fighting in this region during the war was relatively light compared to Peje/Pec, and some observers argue that this is one of the reasons that the returns process is so advanced. However, the post-conflict period saw a spate of attacks against minorities. Unlike Peje/Pec, many members of the Serb

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<sup>81</sup> ICG interview with UNHCR representative, November 2002.

<sup>82</sup> Most municipalities in the Gjilan/Gnjilane region still retain significant minority populations, and the drop from in minority populations from 1991 levels has not been as dramatic as in the Peje/Pec region. Gjilan/Gnjilane: 1991 - 19,370 Serbs (18.7 per cent of total population) and 3,477 Roma (3.4 per cent); Current figures are estimated at 13,479 Serb (13.1 per cent) and 400 Roma (1.1 per cent); Kamenica: 1991 - 12,930 Serbs (25 per cent) and 573 Roma (0.85 per cent). Current figures are estimated at 12,000 Serb (20.5 per cent) and 500 Roma (1.1 per cent); Novoerde/Novo Brdo: 1991 - 2,676 Serbs (31 per cent). Current figures are estimated at 1,600 Serbs (41.5 per cent) - but these estimates maybe low, as Serb parties won a majority in the municipal elections. Viti/Vitina - 1991 5,259 Serbs (9 per cent), 782 Croats (1.4 per cent), and 253 Roma (0.4 per cent), Current estimates are 3,586 Serb (7.7 per cent) and 90 Roma (0.2 per cent). The population of Strpce/Shterpce has largely remained stable, although there are some areas in which a significant number of Albanians remain displaced. In 1991 the population was 8,303 Serbs (66 per cent), 4,125 Albanians (32.8 per cent) and 101 Roma, while now there are 9,099 Serbs (66.7 per cent), 4,500 Albanians (33 per cent), and 34 Roma. However, Serbs have largely left the municipalities of Ferizaj/Urosevac and Kacanik. In Ferizaj/Urosevac in 1991 there were 8,191 Serbs (8.6 per cent), and 2,081 Roma (2.2 per cent). Current figures are 7 Serbs and 3,338 Roma (2.3 per cent). In Kacanik in 1991 there were 220 Serbs and 306 Roma. They have all left. See OSCE *Municipal Profiles* August 2002.

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<sup>78</sup> ICG interviews with UNHCR Peje Field Office and UNMIK Regional Administrator, October 2002.

<sup>79</sup> UNHCR/UNMIK, *Donor Briefing on Returns* 11 October 2002.

<sup>80</sup> ICG interview with UNHCR representative, November 2002.

community did not leave with the VJ, and as a result, they became the target of revenge. While Gjilan/Gnjilane town had only one house destroyed when KFOR entered Kosovo, by October 1999 280 houses were destroyed, 150 belonging to Kosovo Serbs, and 130 to Roma families.<sup>83</sup>

Due to its location – bordering both southern Serbia and FYR Macedonia – Gjilan/Gnjilane has recently faced significant security challenges. In 2001 instability in the Presevo valley and FYR Macedonia threatened security in this area. The UCPMB (*Ushtria Clirimitare e Presheves, Bujanocit dhe Medvegjes* – The Liberation Army of Presevo, Medvedja, and Bujanovac) rebels of southern Serbia and the UCK/NLA (*Ushtria Clirimitare Kombetare* - National Liberation Army) in Macedonia used this region as a recruiting ground as well as a transit point for weapons. Fighting in the surrounding region caused a stream of Albanian refugees and IDPs to flee into this area - approximately 8,000 IDPs came from the Presevo Valley, and 65,000 from Macedonia.<sup>84</sup>

This fighting had a serious impact on the situation of minorities in the region. During the spring and summer of 2001, “an upsurge in ethnically-motivated violence during April and early May (particularly affecting Kosovo Serbs in certain municipalities) was the cause of much instability and uncertainty within Serb communities as a whole.”<sup>85</sup> The list of attacks against minority communities was long, and included thefts of cattle and agricultural machinery, mortar attacks on several Serb houses, a drive by shooting murder of a teenager, the murder of an elderly Kosovo Serb, the murder of a Serb who had returned to finalize the sale of his house, and a spate of shooting attacks in which three Serbs died.<sup>86</sup> Moreover, Serbs could no longer travel freely to Serbia through the Presevo Valley, which further constrained their freedom of movement.<sup>87</sup> The international community also feared that the refugee inflow would result in the occupation of abandoned

minority houses and increased competition for assistance and services.<sup>88</sup>

Given this precarious environment, the success in attracting returns just one year later is counterintuitive. Several factors have contributed to this success: the efforts of KFOR and the police to normalize the security environment; the political climate for return; and the way returns were implemented.

## 1. Normalisation of the Security Environment

KFOR and UNMIK police undertook specific activities to stabilize the security environment, and create a climate conducive to return. Efforts have been made to establish a multi-ethnic market in Gjilan/Gnjilane, increase freedom of movement, as well as to ensure access to health care. While not without risk, activities have been undertaken with significant planning and a seemingly thorough risk assessment.<sup>89</sup> Moreover, as KFOR slowly downsizes, this sector also stands out for its work with local communities to move the region closer towards normalisation. For example, before withdrawing security escorts to bus services for minorities, KFOR showed a video to passengers that demonstrated KFOR's ability to monitor the bus through air surveillance, even if there was no direct escort.

While the region is not without its problems, these initiatives have gradually paid off. “In Gjilan/Gnjilane town, increased mobility has been a direct result of international efforts to provide special transport to bring Serbs from surrounding areas into town for a market day three times a week. Initially, KFOR ensured a high level of presence during the period of confidence-building, but the high military presence has successfully and gradually been reduced.”<sup>90</sup>

The police have been, and will continue to be, an important component of the normalization process. They have been active in providing security for the multi-ethnic market days, and have escorted members of minority communities to health centres and the hospital. In addition, multi-ethnic patrols are a significant portion of the overall Kosovo Police

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<sup>83</sup> The Kosovo Verification Mission, OSCE, *Kosovo As Seen, As Told Part II*, A Report on the Human Rights Findings of the OSCE Mission in Kosovo, June-October 1999.

<sup>84</sup> UNMIK/UNHCR, *Donor Briefing on Returns* 11 October 2002.

<sup>85</sup> UNHCR, *Report from UNHCR Kosovo to the Steering Committee of the Joint Committee on the Return of Kosovo Serbs* April 1 - July 31, 2001.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

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<sup>88</sup> Ibid.

<sup>89</sup> ICG interview with KFOR, United States Sector, October 2002.

<sup>90</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

Service (KPS) presence in Gjilan/Gnjilane area – Serbs comprise approximately 8.5 per cent of all officers. The willingness of the police in this area to take on these community responsibilities, and the success of these initiatives, is a lesson in the importance of community policing in creating conditions for return.

Some commentators fear that as the return process takes hold, and as the number of returnees increase, the region could see an increase in ethnically motivated violence – directed at returnees.<sup>91</sup> The returns process is coinciding with planned reductions in KFOR troops. As KFOR downsizes, it will be critical that the police have the capacity to ensure that it does not create a security gap.<sup>92</sup>

## 2. Political Climate for Returns

Unlike in the Peje/Pec region, the political environment in the Gjilan/Gnjilane was conducive for returns. The President of the Gjilan/Gnjilane municipality demonstrated his commitment to the situation of minority communities and had been active in supporting their return. The municipality pays for the escort of Serb workers and has supported the renovation of schools in minority areas.<sup>93</sup>

The municipal Vice-President in the Gjilan/Gnjilane municipality is a representative of the Serbian community, and despite some differences works with the municipality to bring their services to minority communities and to eliminate parallel structures. He told ICG that only one year ago, the current climate of integration and return would have been unimaginable. However, he complained that the current problem is lack of resources. “When there were many NGOs, Serbs could not access this assistance for security reasons. Now, when Serbs can access assistance, there are not so many NGOs and even fewer resources.”<sup>94</sup>

However, the region is not without its hardline areas for return. While the leadership in some municipalities have supported return, return to other municipalities such as Ferazai/Urosevac and Kacanik remain more difficult. However, municipal working

groups on return are now operational throughout the region and UNMIK and UNHCR are utilising these working groups as a mechanism to encourage the municipalities to cooperate. Moreover, in the local elections of October 2002, Serb political parties won the majority in the municipal assembly in two municipalities – Novoberdo/Nvo Brdo and Strpce/Shtpce. This may have an impact on the returns process.

## 3. The Returns Process

Despite the precarious security environment, spontaneous returns began in small numbers in the summer of 2001. People came back to rural locations in Gjilan/Gnjilane, Novoberdo/Novo Brdo, Kamenica, and Viti/Vitina. Some of these returns were to formerly mixed communities.<sup>95</sup> UNHCR and its implementing partners – funded by the U.S. Government - built upon these spontaneous returns to facilitate organised return to the same villages. Where possible, projects have included all ethnicities, and began with extensive dialogue with the receiving community.<sup>96</sup>

While the precise implementation procedure differs from village to village, all organised returns in this region are composed of the following elements.

- IDPs state their interest in returning, the implementing NGO undertakes dialogue and confidence building measures with the receiving and the returning communities, and go-and-see as well as go-and-inform visits are organised;
- Reconstruction projects are initiated;
- Together with UNHCR and its implementing partners, KFOR undertakes a threat assessment and responds as necessary;
- Income generation projects, such as greenhouses, small stores, and bakeries, are supported; and,
- Efforts are made to ensure that public services are available. Use of a common health center and/or school is encouraged.<sup>97</sup>

<sup>91</sup> ICG interview with UNMIK Official, November 2002.

<sup>92</sup> ICG interview with U.S. KFOR, November 2002.

<sup>93</sup> ICG Interview with Lutfi Haziri, President of the Gjilan/Gnjilane Municipality, October 2002.

<sup>94</sup> ICG interview with Sasa Djordjevic, Vice-President of the Gjilan/Gnjilane Municipality, October 2002.

<sup>95</sup> These communities include Donji/Gornji Makresh/Makres, Leshtar, and Stara Kolonija. In 2002, UNHCR intervened to support the spontaneous return of Albanians to Donaj Bitinja in Strpce/Shtpce.

<sup>96</sup> ICG interview with UNHCR Field Office, October 2002.

<sup>97</sup> ICG interview with UNHCR, American Refugee Committee (ARC), and KFOR October 2002.

Coordination mechanisms – among UNMIK, UNHCR, KFOR, and the implementing partners – in the region are quite strong. UNHCR has developed together with KFOR a threat assessment mechanism for returnee villages.<sup>98</sup> UNMIK has ensured that all the municipal-level working groups on returns are functioning, and municipal officials participate.

In Makresh village, located just outside of Gjilane/Gnjilane town, a few Serbs returned of their own initiative in the summer of 2001. They cited the conditions in Serbia as the primary reason that they came back. This is a mixed village – with a Serb section located on the main road and the Albanian portion of the village located nearby. Most individuals from this community were displaced during the conflict – Albanians lived in Gjilane/Gnjilane because their houses were largely destroyed, and Serbs had fled to Serbia. To build on the spontaneous return of a few Serbs, UNHCR coordinated an organised return of both Serbian as well as Albanian families. The village now includes 43 Serb families and twelve Albanian families.

The organised return project began with a dialogue between the communities to discuss the return process. The reconstruction of houses then began, with 34 houses repaired or reconstructed on the Serb side and twelve repaired on the Albanian side. Income generating projects – including greenhouses, provision of livestock, and a small store – were supported. While the Serb community complained because they had no cows to give them milk and cheese, they seemed generally satisfied with the efforts of the international community. Moreover, the communities agreed to share the local health clinic, while the school remains separated, with Albanian children travelling several kilometres to a neighbouring village. There is no visible security presence at this village.

Stara Kolinja, a historic mining village located in the municipality of Novobardo/Novo Brdo, experienced a similar process but unlike in Makresh, Albanians and Serbs live side by side. UNMIK and UNHCR supported reconstruction of the houses of both communities – Albanian and Serb, and established a small bakery to provide a small amount of income. When ICG visited, the situation in this village was normalised, with no visible security presence, and Albanians were assisting Serb returnees in the

reconstruction of their houses. All members of the community worried about job opportunities, and one Serb family was waiting eagerly to see if their daughter was accepted into the KPS.

While the number of returnees per village is small, together they add up to a significant achievement. Moreover, because of the manner in which returns have been undertaken – this process is more sustainable from a security and an economic standpoint.

However, the Gjilane/Gnjilane model for return is not without its detractors. Some Serb representatives argue that the U.S. money should have gone to support larger-scale returns.<sup>99</sup> Other critics argue that such individual-oriented return is expensive, and is not feasible for all returnees.

#### 4. Neglected Communities

Although an improvement over Peje/Pec, the trend in non-Serb minorities not receiving equal attention and assistance continues in the Gjilane/Gnjilane area. Of 64 Serb families requiring reconstruction assistance, all but seven received it. Of the 98 Albanian, Roma and Ashkaelie families who requested assistance to support their return, only 28 families received the necessary support.<sup>100</sup>

UNHCR asserts that one of the key problems facing non-Serb minorities is the lack of available housing stock in urban areas. Until this is addressed, the rate of Roma and Ashkaelie return in particular will remain quite low.<sup>101</sup>

### C. COMPARING THE TWO REGIONS

These two areas are dramatically different. Peje/Pec was the region hardest hit by the war, with heavy fighting between the KLA and the VJ, extensive activity by paramilitaries, and extremely high rates of property damage. Most Serbs in Peje/Pec left with the VJ in June 1999, and the region currently has very few minorities. Gjilane/Gnjilane remains one of the most ethnically diverse areas in Kosovo. Although the Gjilane/Gnjilane area did not experience as much fighting in 1998 and 1999, the post-war

<sup>98</sup> ICG interview with UNHCR Field Office, October 2002.

<sup>99</sup> ICG interview with Nenad Radosavljevic, October 2002.

<sup>100</sup> UNMIK/UNHCR, *Donor Briefing on Return*, 11 October 2002.

<sup>101</sup> ICG interview with UNHCR, November 2002.

period saw a significant series of attacks against minorities that continued into 2001.

However, these differences alone cannot completely explain the relative success of returns in Gjilan/Gnjilane – particularly given the situation there in the summer of 2001. However, while the right to return in all areas is indisputable, the Gjilan/Gnjilane model shows that how return is conducted has a huge impact on relations among communities, the conditions for returnees, and the overall sustainability of the process.

It is beyond the scope of this report to analyse return in each region – each has its particular context and personalities. The findings of this comparison are not completely applicable to other regions, however important lessons can be learned from these two return processes. Such lessons have largely driven the restructuring of UNMIK's return strategy.

### 1. International Principles of Return

The Gjilan/Gnjilane model follows most closely the international principles that govern return. Return has been in dignity, and organised return projects have been built upon the spontaneous return of individuals to their houses. Conditions for peaceful co-existence have been created with pre-return dialogue, the establishment of income generating projects and access to public services, in parallel with the reconstruction of houses. All communities have benefited from these projects.

In the Peje/Pec area, few Serb communities are left in the region and the prevailing security and economic conditions are not conducive to spontaneous return. Therefore, if Serbs want to return, they must do so with the assistance of the international community and the close protection of KFOR – returnees in this area lack freedom of movement. If return is going to take place under such conditions, it is essential to create the conditions for peaceful coexistence with their neighbours. Over one year after returns took place to Osojane valley, the area remains a heavily guarded enclave, and the residents have little contact with their Albanian neighbours, and do not appear eager to solicit such contact.<sup>102</sup>

Organised return also signifies a commitment from the international community that conditions on the

ground – security and economic conditions – are supportive for significant numbers of people to come back, or that such conditions will be established. As we see in the case of the return to Bica/Binxhe, issues such as freedom of movement, access to public services, and dialogue with receiving communities have only been addressed after people returned. While returnees must be realistic in their expectations – they will be returning to a difficult environment – basic amenities should also be provided before they return.

### 2. Smart Security

Returns to environments where massive security resources are needed are of their very nature dependent on continued military involvement. If return relies so highly on physical protection, the planned process of KFOR downsizing will affect the sustainability of current return areas, and could undermine UNMIK's ability to undertake further returns. Therefore, early in the returns process preparation must be made for the gradual scaling down of KFOR presence and the normalisation of the security environment.

In the Gjilan/Gnjilane region, KFOR begins with a threat assessment exercise in returnee areas and a serious security presence when returnees arrive. Slowly over time, they reduce their visibility, and turn over much of the responsibility for security to UNMIK Police and the Kosovo Police Service (KPS), with its multi-ethnic units. While multi-ethnic KPS also patrol in some areas in Peje/Pec, KFOR in this region has been criticized for being risk averse, using overwhelming presence to protect minorities.<sup>103</sup>

### 3. Pre-Conditions: Dialogue and the Economy

Building tolerance between receiving communities and returnees is key to sustainable returns.<sup>104</sup> In Peje/Pec, the focus on Serb returns to a few limited locations has taken a great deal of effort and resources. As most Serbs fled the region, returns could not build on existing communities and spontaneous returns in the same way as in the Gjilan/Gnjilane area. The example of Osojane, where no pre-return dialogue took place, should not be repeated. While the UNMIK regional office in Peje/

<sup>102</sup> ICG interview with residents of Osojane Valley, November 2002.

<sup>103</sup> ICG interview with NGO "Concern" operating in the Peje/Pec region, October 2002.

<sup>104</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

Pec has a reconciliation unit, it has focused on activities after communities returned and lacks an overarching vision or strategy of how to gradually break down barriers.

In Gjilan/Gnjilane, every return was treated as if it were a mixed return.<sup>105</sup> Dialogue facilitation in Gjilan/Gnjilane prepared the receiving community for returns, managed the expectations of returnees, and provided the foundation for small steps towards peaceful coexistence at the community level.

Return is not a brick and mortar exercise, and therefore, donor funding should also encompass the provision of economic opportunities and functioning public services. While the success of the particular income generating projects funded in the Gjilan/Gnjilane area remains to be seen, NGOs recognized that they were a critical component of the returns process. And efforts at integrating public services – such as schools and ambulances – have also met with success in some return areas.

Moreover, the NGOs working in the Gjilane/Gnjilane area have offices in Serbia and contact with host communities. This enables them to provide information to IDPs on conditions in Kosovo, gain the trust of IDPs, ensure that the beneficiary selection process is fair and that the voluntary nature of return is protected, organise go-and-see visits, and undertake the pre-return dialogue facilitation. As NGOs working on return in the Peje/Pec region do not have cross-boundary representation, they have had no similar advantage.

#### **4. Working Together: Coordination**

In the Gjilan/Gnjilane region, UNMIK, UNHCR, KFOR, and NGOs working on returns meet at the regional level once per month, and all municipal working groups function and include municipal representatives. Moreover, representatives from the various returns organisations meet more frequently as part of their own strategy sessions. Both UNMIK and UNHCR exercise strong leadership in the region.

The Peje/Pec region has all of the coordination mechanisms on paper, and has been exemplary in its establishment of a reconciliation unit and projects unit. However, according to members, coordination meetings and processes have been irregular, and the

experience and expertise of key participants – such as UNHCR – has not always been incorporated. Moreover, the very creation of the projects unit and the reconciliation unit changed the role of the regional UNMIK office from overseer to implementer, a role for which they do not have the capacity or technical expertise. As described below, UNMIK's Office of Returns and Communities has recognised this issue as part of its lessons learned exercise, and is addressing the issue through the implementation of returns through NGOs and the creation of a returns manual.

#### **5. Political Support without Politicisation**

The returns process needs political support from Kosovo's leaders without politicisation of the issue. In the Peje/Pec region, each ethnic group recognises return as an absolute right for themselves, while viewing it as subject to conditions or limitations for other ethnic groups. All municipal level authorities in the region were at best luke-warm on return, with the Municipal Assembly of Peje/Pec being openly hostile to the prospect of organised return to their municipality. They view displacement and return is viewed as a political bargaining chip for independence – not as a humanitarian or human rights issue.

The importance of the mayor of Gjilan/Gnjilane's support for the return process cannot be understated. Moreover, the leadership shown by some provincial-level officials, outlined in detail below, has also been crucial for setting the tone. Individuals now have to go beyond rhetoric and take concrete measures to support the returns process.

#### **6. Continuing Challenges in Both Regions**

In both regions, support to non-Serb minorities suffers from a lack of attention and funding. Many spontaneous returnees – particularly from non-Serb minority groups – came back without international assistance. Most stay with relatives and friends, rent space, or squat in abandoned houses and apartments. Because these returns are spontaneous, access to reconstruction assistance is problematic. The ability of UNMIK and UNHCR to respond to individual

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<sup>105</sup> ICG interview with UNHCR and American Refugee Committee, October 2002.



requests for assistance is constrained by the lack of funds.<sup>106</sup>

Moreover, the inability of the Housing and Property Directorate to resolve claims in both regions, as well as to carry out evictions, was frequently cited as an obstacle to return. IDPs appeared unaware of the process to resolve the housing claims, and those who had claims were intensely frustrated with the amount of time it took to resolve those claims.

The sustainability of the return process, particularly for those without access to agricultural land, remains in question. All returnees cited the lack of jobs as the most worrying aspect of their return. The lack of progress on return to urban areas is problematic in all regions throughout Kosovo. Some IDPs argue that only when returnees are able to go back to urban areas and access jobs, will the return process be sustainable.<sup>107</sup>

## **VI. GENERAL CONDITIONS FOR RETURN THROUGHOUT KOSOVO**

The small increase in returns in 2002 is a result of a gradual improvement in conditions for minority communities, as well as specific initiatives to support returns by the international community. The key 'conditions' are security, housing, the economy, access to public services, and acceptance by the majority community. While the examination of the Peje/Pec and Gjilan/Gnjilane region shows that it is difficult to generalize, conditions have improved. However, returnees as well as existing minority communities still face serious obstacles on the ground that will need to be addressed.

### **A. SAFETY, SECURITY AND FREEDOM OF MOVEMENT**

Security is the main challenge for minorities in Kosovo. The situation has improved tremendously from the summer of 1999, and freedom of movement is much greater. Although not an exclusive indicator, the decline in murders in Kosovo is telling. In the year 2000, there were 245 murders, 40 of which were Serbs – a number extremely high considering their proportion of the overall population. In 2001 the number was reduced to 136, with thirty Serb victims. In 2002 (as of the beginning of December) there have been 64 murders, including four Serbs. In three of these cases, the victims were murdered by another Serb in personal disputes. In the remaining case, the motive has not been established.<sup>108</sup>

Although the drop in number of interethnic murders can to some degree be attributed to the creation of guarded enclaves and the substantial exodus of minorities from the province, the day to day living conditions for minorities has dramatically improved since 2000 – although it is a dismal point of comparison. Particularly in places like Gjilan/Gnjilane and Prizren, freedom of movement is much greater, and it is not uncommon to hear Serbian spoken on the streets. Much of this improvement has to do with the efforts of UNMIK police as well as KFOR (see below) to create a safe and secure environment.

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<sup>106</sup> The European Agency for Reconstruction has provided some assistance – reconstruction funds for one hundred houses – particularly for non-Serb minorities.

<sup>107</sup> ICG interviews with returnees, October and November 2002.

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<sup>108</sup> ICG Interview with Police Spokesman Barry Fletcher, December 2002.

However, UNHCR also cautions:

In a context where minorities face regular intimidation and harassment, and where periods of calm can still be violently interrupted by serious ethnically motivated attacks sometimes resulting in loss of life, a safe and secure environment has yet to be fully established. Despite a progressive decline in the number and frequency of serious physical attacks, the situation is still generally characterized by inter-ethnic tensions, violence and a high degree of impunity.”<sup>109</sup>

Indeed, the security environment remains fragile, as is clear by some recent incidents in Peje/Pec, Viti/Vitina, and Klina involving returnees. In Peje/Pec, a bus of returnees applying for their pensions was met with protests that lasted two hours and escalated into the throwing of petrol bombs. While no returnees were hurt, and several arrests were made, this severely affected the confidence of Serbs in the security environment.<sup>110</sup> In Viti/Vitina, vehicles involved in a “go-and-see” visit were stoned by children.<sup>111</sup> A Serb returnee in a village in Klina was assaulted just weeks after returning to his home.<sup>112</sup> And two Orthodox churches in the Isog/Istok were blown-up on 17 November – shortly after having KFOR protection removed, and the day before the visit of the UN Secretary General to Kosovo. No one was injured.

In response to the extremely difficult security conditions of 1999, KFOR established fixed guards near Serbian communities, and organised escorts for minorities travelling throughout Kosovo – including for school children. KFOR has now begun to unfix these positions for three reasons. First, they were under pressure from UNHCR and UNMIK to normalise the environment by providing less visible presence around minority communities. Second, fixed tasks took an enormous number of soldiers and some argued they were not an efficient use of resources – less predictable mobile patrols could better ensure overall security. And third,

contributing nations in NATO had decided to reduce their troop contributions, and KFOR had to find places to cut soldiers. The unfixing strategy began in the summer of 2002, and has been met with resistance from some Serbian communities. Some families refuse to send their children to school without a KFOR escort, fearing that their children will be attacked. In cases where there is a credible security threat, the police have taken over escorting these school children.

Many argue that minority communities exaggerate the security risk. This perception is fuelled by accounts in the Serbian media closely documenting each security incident, and in some cases, fabricating attacks against Serbs.<sup>113</sup> However, ethnically motivated crimes committed between 1999 and 2001 largely went unpunished. This has understandably weakened the confidence of minority populations in the judicial process and the security environment. For example, the two worst attacks against Kosovo Serbs have never been solved. On 23 July 1999 in Gracko, a small village south of Pristina, fourteen Serb farmers were gunned down with AK-47s. No charges have been brought in this crime. On 16 February 2001, a KFOR-escorted convoy of civilian buses from Nis to Gracanica was attacked. Eleven were killed and 40 others injured. Despite the arrest of three individuals – one of whom later escaped from the U.S. military base, Camp Bondsteel – they were eventually released due to lack of evidence.<sup>114</sup> The police and judicial systems are gradually building their capacity and clear up rate for all crimes, but it will take some time to regain the confidence and trust of these communities.

Therefore, many minority communities have grown psychologically dependent on KFOR. Measures such as the provision of free “Kosovo” license plates to returnees and the recently announced train link from Fushe Kosovo/Kosovo Polje to Belgrade enhances freedom of movement. The refusal of Serbia to recognise these license plates complicates travel to Serbia. However, returnees must also have the confidence to take advantage of such opportunities.

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<sup>109</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

<sup>110</sup> Agence France-Presse, “UN police, ethnic Albanians clash in western Kosovo,” 10 October 2002.

<sup>111</sup> See Kosova Live, “Germova under Curfew Following the Incident,” 12 November 2002.

<sup>112</sup> ICG interview with Serb returnees and with UNHCR, November 2002.

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<sup>113</sup> ICG interview with UNMIK Police Spokespersons Derrick Chappell and Barry Fletcher, December 2002.

<sup>114</sup> See ICG Balkans Report N°134, *Finding the Balance: The Scales of Justice in Kosovo*, 12 September 2002.

## B. HOUSING

After IDPs fled their homes, much of their property was seized and occupied, while other property was damaged or destroyed. The Housing and Property Directorate (HPD) was created to provide an independent, internationally supervised legal mechanism to resolve residential property disputes, and to protect the legal status of the owners of abandoned properties. The Housing and Property Claims Commission (HPCC) is the quasi-judicial body of the HPD that rules on claims. The HPD and the HPCC have jurisdiction to resolve the following types of claims:

- Individuals who lost their rights to property subsequent to 23 March 1989 on the basis of discriminatory legislation. As of October, this represented 3.6 per cent of all claims.
- Property owners who engaged in informal but non-coercive transactions of residential property after 1989, and would like these transactions legalised. This represents 1.6 per cent of all claims.
- Claims by IDPs, who owned residential property prior to 24 March 1999, left this property involuntarily, and are no longer in possession of this property. This currently represents 94.8 per cent of all claims.
- As of 20 October 2002, the total number of claims filed to the HPD was 21,360, while the number of cases resolved was 835.<sup>115</sup>

The HPD plays down its importance to the returns process emphasising that their principal task is private property adjudication that in some cases facilitates conditions for return on the ground.<sup>116</sup> However, given the centrality of property issues to the return process and the fact that IDPs represent 95 per cent of claims, a well functioning HPD is critical for returns.<sup>117</sup> In a recent return of Ashkaelie families to the Vushtri/Vicitrn region, the HPD demonstrated its constructive potential in the returns process by

utilising their humanitarian housing mandate<sup>118</sup> to provide accommodation for Roma returnees.

However, the HPD suffers from several weaknesses which impact on the returns process. The organisation has been criticised for its painstakingly slow process of adjudication of claims, and the failure to undertake even one eviction in some parts of Kosovo. The Adjudication Panel sits only once every two months, which seriously limits the efficiency of the process. Some Serbs, angry at the slow nature of the process, accuse the HPD as operating more like a real estate agency – facilitating property sales rather than return.<sup>119</sup>

Given the scarcity of funds, the HPD made a conscious decision to focus its resources on the intake of claims rather than their resolution. This process ensured that individuals were provided with the opportunity to file their claims, thus putting it on the official record. However, as resources were not available for claims processing, it slowed down the resolution of these claims. To process these claims expeditiously, the HPD argues that they require more funds to prepare cases for adjudication.<sup>120</sup> Donors have been reluctant to disperse those funds without signs of a more efficient process.

Awareness of the HPD claims mechanism among minority communities is also limited. “Outside Kosovo, IDPs in Serbia proper appeared to possess only basic knowledge, if any, of the responsibility of the HPD to administer occupied property or how to access mechanisms to legally recover and physically repossess property.”<sup>121</sup> Awareness in Montenegro and Macedonia is also problematic. An information campaign was held in Kosovo and Serbia in the fall of 2002, and UNMIK and the HPD hope that it has provided more information to educate IDPs as well as the general public about the HPD and the claims process. Claimants have until June 2003 to file their claims.

Roma and Ashkaelie have particular ownership problems as many did not have documents for the houses in which they were living. This further

<sup>115</sup> Housing and Property Directorate, “Statistics, 29 September 2002”.

<sup>116</sup> ICG interview with the Housing and Property Directorate, September 2002.

<sup>117</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

<sup>118</sup> HPD can use abandoned property to house individuals with no other alternative housing – humanitarian cases.

<sup>119</sup> ICG interview with Serb representative, November 2002.

<sup>120</sup> ICG interview with Housing and Property Directorate, October 2002.

<sup>121</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

complicates the delicate task of clarifying property title. Moreover, no HPD office operates in Macedonia, which complicates access to the claim mechanism for refugees residing there.

The lack of assistance to reconstruct damaged houses has also emerged as an obstacle to return. Of the funds allocated by UNMIK for reconstruction to each municipality, 10 per cent as an average should be devoted to minority populations. However, in 2000 minority communities received only 2 per cent of reconstruction assistance, while in 2001 minorities received 4.2 per cent of the total. UNHCR confirms that most Municipal Housing Commissions have failed to provide minorities an allocation of aid proportional to vulnerability or need.<sup>122</sup> Moreover, returnees have to be physically in Kosovo before they will be provided with assistance to rebuild their homes.<sup>123</sup>

An incentive structure – with both carrots and sticks – needs to be put in place for municipalities to reconstruct minority and returnee houses. A benchmark of 10 per cent is not sufficient; municipalities regard that as a ceiling for minority communities instead of a minimum funding level. Therefore, tough measures should be introduced, i.e. municipalities should be penalised for not allocating a sufficient share of their resources to minority communities. Moreover, the amount of assistance allocated to minorities should reflect an accurate assessment of the needs on the ground.

### C. THE ECONOMY

All residents of Kosovo worry about the economy, and returnees in all communities that ICG visited repeatedly discussed the lack of jobs and economic opportunities. High unemployment is a Kosovo-wide phenomenon. While the economy has grown considerably since 1999, much of this economic growth was a result of remittances from the Kosovo Diaspora and foreign assistance.<sup>124</sup> The economy

remains weak and highly susceptible to the substantial drop in foreign aid that is foreseen for 2003 and particularly for 2004. All communities in Kosovo currently suffer from desperately high unemployment, with estimates ranging from a 29 to 57 per cent jobless rate.<sup>125</sup>

Among minorities, the unemployment rate is even higher – approximately 85 per cent do not have jobs. Moreover, employment opportunities for minority communities are limited by the lack of freedom of movement and the systematic discrimination that exists in the job market. Unless returnees have agricultural land, the few job opportunities for them tend to be in the public sector.

Although the vast majority of minorities remain unemployed, of those who are working, 70 per cent are employed in the public sector. The regulation governing the civil service states the “recruitment at all levels shall reflect the multi-ethnic character of Kosovo and the need for equitable representation of all the communities of Kosovo.”<sup>126</sup> UNMIK would like 8 to 18 per cent of positions to be filled by minorities. While this remains an overarching objective, positions in each Ministry have not been formally set aside for members of minority communities. At the central level, minorities currently occupy less than 8 per cent of positions in Ministries, an even lower percentage of positions in mixed municipalities, and under 1 per cent of jobs in public utilities and services.<sup>127</sup>

Barriers for these job opportunities exist. For example, job vacancies are often not translated into other languages, and are not advertised widely in minority areas.<sup>128</sup> To rectify this, UNMIK is advertising positions directly in the Serbian media, and local community officers are speaking directly to community leaders about job opportunities.

<sup>122</sup> Ibid.

<sup>123</sup> ICG interviews with UNHCR, UNMIK municipal administrators and non-governmental organisations working on the return issue, October 2002.

<sup>124</sup> Kosovo's estimated gross domestic product grew from a level of €1.4 billion to nearly €2 billion in 2002. European Office, *Progress Report on Kosovo* 25 October 2002. The lack of economic opportunities in Kosovo is an important push factor in the decision to leave as minorities and Albanians alike seek opportunities in other countries.

<sup>125</sup> European Office, *Progress Report on Kosovo* 25 October 2002.

<sup>126</sup> See Regulation N°2001/36, “On the Kosovo Civil Service,” 22 December 2001. The regulation on the Executive Branch of government also highlights this principle by stating “The non-majority community representation in the composition of the Civil Service at all levels shall be closely proportionate to the representation of non-majority communities in the Assembly.” Regulation N°2001/19, “On the Executive Branch of the Provisional Institutions of Self-Government in Kosovo,” 13 September 2001.

<sup>127</sup> ICG interview with UNMIK Official, November 2002.

<sup>128</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

However, the returnees that ICG interviewed were only aware of job opportunities with the Kosovo Police Service, and claimed that they were not informed not about jobs available in the civil service – either centrally or in the municipalities. There are obstacles that also exist within minority communities: individuals can be chastised for working for UNMIK, and some do not believe that it is 'worth it' to work for the PISG as the salaries are too low.<sup>129</sup>

Bringing majority and minority communities together around common economic interests can be an effective way to build bridges between communities while providing economic benefits to both. However, this approach has been under utilised in Kosovo. Most projects have not incorporated inter-ethnic objectives and few donors have adopted the use of conditionality – i.e. in mixed areas, projects have to include minorities before they are supported. One private businessperson in Pristina advocates positive discrimination in the tender process – i.e. if companies have a multi-ethnic workforce, they will be granted an advantage over their competitors. If applied, this approach could create an incentive for businesses to hire minorities, and would also provide entrepreneurs with a degree of protection. If businesses owned by Albanians were admonished for hiring minorities, they could cite the need for competitive advantage.<sup>130</sup> Given the declining assistance levels in Kosovo,<sup>131</sup> it will become ever more important to use innovative mechanisms to ensure that economic assistance builds bridges between communities.

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<sup>129</sup> ICG interview with UNMIK official, November 2002.

<sup>130</sup> Lance Johnston, the owner of *Balkan International*, a security firm operating in Pristina, has lobbied UNMIK to adopt this strategy. Some individuals that ICG spoke to felt that such affirmative action would not work in Kosovo, and would cause a backlash. However, ICG recommends that such innovative mechanisms should be tested in some areas to test their impact.

<sup>131</sup> All donors are reducing their funding. The European Agency for Reconstruction (EAR) was once Kosovo's largest bilateral donor. From 1999 to 2001, EAR committed €689 million, and in 2002 it committed €135 million. EAR will most likely be reducing its budget dramatically in 2003 – although it is not yet public, EAR's budget will likely drop to as low as €49 million.

## D. PUBLIC SERVICES

Returnee locations often lack adequate infrastructure such as roads, and services like sewage, water, electricity and telephone, which impacts on the willingness of people to come back to these communities. Access to public services remains problematic for many minority communities already living in Kosovo as quiet discrimination governs access to and quality of these services.<sup>132</sup> While all communities must understand the necessity to pay bills,<sup>133</sup> the Albanian majority needs to recognise the responsibility that accompanies control over these services.

Health services are of particular importance to returning communities. While many communities have rudimentary primary health care facilities, access to secondary is intermittent, and Serbs have no tertiary care facilities in central Kosovo – they must travel to the hospital in north Mitrovica, or to Serbia proper. Most primary care facilities in Serb communities report to and are paid by Belgrade rather than UNMIK, and many people go to north Mitrovica or Serbia for hospital care.

The lack of freedom of movement also prevents the operation of an efficient educational system for minorities at all levels. While many Serb enclaves have schools, they are predominantly for the primary level. The facilities that do exist are under the authority of Belgrade with an uneasy relationship with UNMIK. Roma and Ashkaelie children also have varying difficulty accessing schools, depending on whether they speak Albanian or Serbian. In some areas, schools are integrated on shifts, and there are plans to begin mixed classes in areas such as art and physical education.<sup>134</sup>

More needs to be done to ensure that the international community is able to leave behind integrated healthcare and education systems in Kosovo.<sup>135</sup> Some returnees that ICG talked to had left their children in Serbia because of the lack of education facilities in their villages.<sup>136</sup> However, efforts to

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<sup>132</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

<sup>133</sup> ICG Interview with Deputy Municipal Administrator, Peje/Pec, September 2002.

<sup>134</sup> UNHCR/OSCE, *Ninth Assessment* September 2001 to April 2002.

<sup>135</sup> Ibid.

<sup>136</sup> ICG interviews in the village of Bica, November 2002.

integrate these facilities (on a shared basis due to language differences) are not without their difficulties. Contentious issues include whether teachers remain on both UNMIK and Belgrade payrolls, where the school will be located, and generally shedding Belgrade's influence over these institutions. Moreover, UNMIK needs to exercise its authority in minority areas to both provide these services and prevent parallel structures from Belgrade from operating. Ensuring that public services are provided equitably will require leadership by UNMIK and the PISG, as well as the creation of incentives to reward public departments that meet the needs of all communities.

### E. ACCEPTANCE BY THE MAJORITY COMMUNITY

Most return projects, as well as 'go-and-see' visits by potential returnees, proceed without any security incident. However, the majority community continues to be less than enthusiastic about the returns process. While there can be no preconditions for return, the attitude of the majority community will be critical for the sustainability of the returns process. Albanian political parties, and leaders of civil society, cite several contentious issues when discussing the return issue, including the fate of the missing persons; the fear that criminals who committed atrocities in 1998 and 1999 will return, accusations that those returning will just sell their property, and the need for returnees to accept the 'new reality' of Kosovo. While the receiving community should not be able to veto return efforts, there concerns must be taken into consideration and addressed through pre-return discussions with UNHCR and UNMIK.

In many return areas, the fate of individuals who went missing in the 1998 and 1999 period remains unknown. There are roughly 3,400 Albanians who remain unaccounted for.<sup>137</sup> While UNMIK and members of the government have publicly stated that the missing are probably deceased, families of the missing argue that UNMIK is not taking this issue seriously. They strongly believe that some individuals may still be alive – a belief fuelled by frequent 'messages' from individuals who claim that they have seen some missing individuals and state that they are being 'held' in secret prisons in

Serbia.<sup>138</sup> Such messages are most probably fake, and are used to generate money from people's suffering.

The fate of missing is a problem for all ethnicities. Approximately 1,300 non-Albanians are also missing – many who disappeared after the arrival of UNMIK and KFOR.<sup>139</sup> While it affects the receptiveness of Albanians to return, it also has an important impact on the confidence of the returnees in the security environment.

Albanians also fear that suspected war criminals will return. Given the involvement of some civilians in Serb paramilitary units that conducted attacks against Albanians, this fear is understandable. However, individuals are innocent until proven guilty. A judicial system, however weak, does exist in Kosovo.<sup>140</sup> Those suspected of crimes can and should be turned over to the justice system.

There are many accusations that returnees will accept international assistance, only to sell their property at a later date. Therefore, many Albanians argue that reconstruction assistance to returnees is "a waste of money."<sup>141</sup> If the return process is well-managed, those who are truly committed to return to stay will be supported. However, people have the right to their property and there is no way to judge the intentions of returnees. It would be unethical for the international community to prejudice its assistance on the risk that people will sell their homes.<sup>142</sup>

Politicians and leaders of civil society also stress that returnees must recognise that this is a new Kosovo, where the Serbian government is no longer in charge. Moreover, they argue that the wrongs committed by the Serbian authorities must be acknowledged.

While all sides need to recognise that the situation in Kosovo has changed, acknowledge past human rights abuses, and undertake efforts to punish the perpetrators, the attitude of the majority community

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<sup>138</sup> ICG interview with various municipal officials, September and October 2002.

<sup>139</sup> Numbers provided by the Department of Justice, November 2002.

<sup>140</sup> See ICG Balkans Report N°134, *Finding the Balance: The Scales of Justice in Kosovo* 12 September 2002.

<sup>141</sup> ICG interviews with representatives of the Albanian community, September and October 2002.

<sup>142</sup> The international community prioritises assistance to those who want to stay – i.e. if a returnee expresses the intention to sell their property, they are not likely to receive reconstruction assistance.

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<sup>137</sup> Figures from the UNMIK Department of Justice.

towards returnees is a barrier to the return process. Although Albanians criticise the Serb minority for maintaining their parallel services, there is discrimination in the provision of Kosovo's public benefits. They see no benefit from return, and fear that returnees will take away scarce resources.<sup>143</sup> These attitudes are a legacy of the last decade of discrimination, and the historical tensions and division between Albanians and Serbs that pre-dated the 1990s. However, Albanians are quick to publicly express to internationals a vision of a multi-ethnic Kosovo. Sadly their actions often do not support this vision.

## **VII. MAKING RETURN POSSIBLE: POLICY AND PLAYERS IN THE RETURN PROCESS**

Along with law and order, privatisation, and bringing UNMIK rule to north Mitrovica, return of displaced people is one of UNMIK's top priorities. Progress on returns is one of the 'standards' that must be met before final status discussions can begin. UNMIK has developed a specific set of benchmarks relating to return, which are the following:

- ❑ the creation of conditions for safe and sustainable returns and reintegration;
- ❑ all IDPs and refugees should have the necessary information for decisions on returns;
- ❑ returns to urban areas need to have started; and
- ❑ adequate budget resources must be allocated by the PISG for returns and reintegration.

To demonstrate their commitment to these benchmarks, local entities must undertake the following activities:

- ❑ undertake active advocacy for returns and reintegration, for example, host "go-and-see visits";
- ❑ key Albanian leaders should participate in 'go-and-inform' visits to IDPs in Serbia, Montenegro, and Macedonia; and
- ❑ the PISG should allocate a portion of its budget for spontaneous returns and reintegration activities.<sup>144</sup>

The ability of UNMIK to meet these benchmarks will be affected not only by the conditions on the ground, but also by the manner in which the returns process is coordinated and managed. Returns projects to date have been characterised by a confusing array of actors and different approaches in different regions. As described above, coordination – both in the host region as well as the receiving area – is ad hoc and dependent on personalities rather than established mechanisms.

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<sup>143</sup> ICG interview with UNMIK official, Gjilan/Gnjilane, November 2002.

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<sup>144</sup> UNMIK, *Standards before Status*, May 2002.

Moreover, the benchmarks tend to focus on the central levels of government, rather than the municipal level that has the most impact on returns. The municipality must ensure that a fair share of the financing of municipal budgets is for minority communities, and if necessary, UNMIK must get tough with these municipalities.

## A. MAIN ACTORS AND THEIR POSITIONS

### 1. UNMIK: The Office of Returns and Communities (ORC)

With the signing of the "Common Document" on November 5<sup>th</sup> 2001 UNMIK took responsibility for the returns process: "Honouring the indisputable right of displaced persons and refugees to return to their homes, UNMIK will establish as a priority an Office of Return under the direct supervision of the SRSG, acting as the operative, coordinating body for the furtherance of the process, including by suggesting a new plan for returns covering 2002 – 2003."<sup>145</sup>

As a result, UNMIK established the Office of Returns and Communities (ORC) in December 2001. Its mandate is to outline guidelines for the return process, provide policy advice to the SRSG, coordinate UNMIK's regional and municipal level working groups on returns, undertake dialogue with the Serbian government, and liaise with the donor community with the objective of promoting the returns process and enhancing the conditions for communities already living in Kosovo.<sup>146</sup>

ORC released its first enunciation of UNMIK's returns policy in May 2002. Beyond highlighting the need for returns to be voluntary, it provided three key guiding principles for return in Kosovo.

First, the returns process should be sustainable. Individual rights to public and social services, including equal access to education, health care, social security, and public utilities must be protected. UNMIK and KFOR will undertake all efforts to ensure freedom of movement.

Second, priority will be given to returns to the place of origin. The ORC rejected potential relocation of

minorities as not conducive to the long-term goal of a multi-ethnic Kosovo. Organised returns will be discussed at the local level with Municipal and Regional Working Groups who report to the Task Force on Returns. For such returns, adequate reconstruction assistance must be provided to rebuild destroyed or damaged homes. The individuals' right to private property must be addressed, including effective remedies for unlawful deprivation through the Housing and Property Directorate.

And third, there can be no political or other conditionalities placed on return by receiving communities. Returns cannot be contingent upon the resolution of political, social or humanitarian issues. Moreover, return of one community cannot be conditioned upon reciprocal return of another one. And no time limit can be placed on the right of return.<sup>147</sup>

The Office of Returns and Communities is now under new leadership. Peggy Hicks, a veteran from Bosnia, arrived in early August tasked to re-haul the ORC and provide it with clarity and renewed energy. She quickly engaged in a process of restructuring to learn lessons from the returns processes within the various regions – particularly in Gjilan/Gnjilane and Peje/Pec. This review generated the following conclusions.<sup>148</sup>

*Need for Clarity of Roles.* Various actors implementing different policies in the different regions of Kosovo have characterised the returns process. With the restructuring process, the official policy making body will be the ORC, and the office will also be the central contact point for donors and NGOs on the returns process.

*Bottom up Approach.* Responsibility for oversight of returns projects has in some cases been top-down. To avoid politicisation, planning for returns should start at the municipal level to bring together demand and opportunities for return. To provide a mechanism for this bottom up approach, the ORC will encourage cross-boundary NGO implementing partners as well as involve displaced in municipal working groups. To increase the receptivity of the majority community to the returns process, the ORC plans to

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<sup>145</sup> "Agreement On Cooperation Between Yugoslavia and UNMIK" 5 November 2001.

<sup>146</sup> ICG Meeting with ORC, August 2002.

<sup>147</sup> Office of Returns and Communities, *Right to Sustainable Return: Concept Paper*, 17 May 2002.

<sup>148</sup> ICG interview with Peggy Hicks, Director of the Office on Returns and Communities, October 2002.



engage with stakeholders and media at the central, municipal, and community level.

*Sustainability.* As is evident in the Peje/Pec region, the long-term future of the returns process was questionable. To increase the sustainability of the returns process, the ORC will encourage the development of multi-sectoral returns projects that include housing, infrastructure, public service access, income generation, and inter-ethnic dialogue and community activities are implemented.

*Professional Standards:* To ensure that all returns processes meet certain standards and the approach is consistent throughout Kosovo, UNMIK is developing a step-by-step guide for the return process with a manual for sustainable returns. The manual provides parameters to increase coordination and reduce the risks of significant regional differences. According to the manual, returns will begin with an identification of return needs, a preparation of concept papers, regional reviews, and the establishment of a Prioritised Project list to be shared with donors.<sup>149</sup> ORC does not support UNMIK implementing projects and is therefore encouraging NGO's with expertise in the area of returns to act as implementing partners.<sup>150</sup>

The ORC reports directly to the SRSG. While its staff is predominantly international, a Serbian representative, Nenad Radosavljevic, sits as a high-level advisor. Efforts are underway to recruit other local professionals, and this recruitment will ensure representation of Albanians and other non-Serb minorities in the ORC.

## 2. UNHCR

Initially Pillar One in the UNMIK structure, UNHCR was responsible for the overall coordination of the return process as well as the delivery of humanitarian assistance. In the summer of 2001, 'Police and Justice' replaced the Humanitarian Pillar, and UNHCR left the UNMIK structure. They now describe their role as supervising the returns processes to ensure that it follows international principles throughout Kosovo, and undertaking advocacy for the rights of the

displaced.<sup>151</sup> They retain a significant presence in Kosovo with a network of regional offices and staff.

Although UNHCR participated in the planning and implementation of the Osojane Valley project, described below, the organisation was uncomfortable with the extreme politicisation of this project and the difficult security and economic conditions of returnees.<sup>152</sup> At one point they came close to stopping the project from going ahead. Such organised return ran contrary to the principles underlying UNHCR's mandate - it was not return in safety and dignity. UNHCR's unease with the process of returns continues in some regions.

UNHCR participates in the Task Force on Returns, as well as the municipal and regional working groups. It retains offices in each region, charged with advising UNMIK on returns, monitoring returns processes, responding to the needs of spontaneous returnees, and being a general advocate for the rights and needs of returnees. While in some regions, UNHCR is able to play a critical role in guiding the returns process and ensuring that principles of repatriation are respected, they have had less success in others.

In Belgrade, UNHCR maintains linkages with the IDP community and is relied on to identify and screen beneficiaries in organised return projects. However, it does not have the capacity to be the lead agency coordinating potential returnees from Serbia and Montenegro. This lack of capacity may be particularly problematic if the number of organised returns increases over the next year.

## 3. KFOR

KFOR has been essential to the stabilisation of minority communities, and their continued robust presence will be crucial for the returns process. However, the 6 June 2002 statement of the North Atlantic Council stressed that the security environment had changed sufficiently to justify troop reductions in both Bosnia and Kosovo. The current levels of approximately 32,000 troops in Kosovo will be reduced dramatically – some unofficial estimates place the number at 15,000 troops. The British will

<sup>149</sup> Draft Manual on Sustainable Returns.

<sup>150</sup> Office of Returns and Communities, *2003 Strategy for Sustainable Returns, Donor Coordination, Meeting for Kosovo*, Brussels 5 November 2002.

<sup>151</sup> ICG interview with UNHCR Chief of Mission, November 2002.

<sup>152</sup> ICG interview with UNHCR Representatives, July and October 2002.

have the most serious cuts, with reductions to about 900 soldiers from the current level of 2,800.<sup>153</sup>

As part of its downsizing process, KFOR is moving away from fixed checkpoints. To ensure that this process will not jeopardise security, KFOR is counting on transferring responsibility for some fixed sites to UNMIK police, as well as the Kosovo Police Service. The transformation from KFOR protection to community policing will be an important signal of a normalised security environment. However, questions remain about the current capacity of the Kosovo Police Service to undertake such duties. There is a need to maintain close coordination between the police and KFOR in the event of a security incident and to avoid creating security gaps during the KFOR-UNMIK police 'unfixing strategy.'

#### 4. The Police

CivPol officers, as well as members of the KPS, are critical to the sustainability of the returns process. The police are active members of working groups on returns at both the municipal and regional level. Particularly as the KFOR reduces its soldiers, the police will play an important role in ensuring a safe and security environment. Police have taken over escorts of minorities where KFOR and the police have assessed that credible threats exist.

The philosophy of "community policing" that underlies the development of the Kosovo Police Service is extremely helpful for building the confidence of minority communities and returnees in the police themselves, as well as in their environment. Police officers are trained to identify issues or problems that are the root causes of crime and formulate a plan to address those problems. For example, the police provide escorts and transportation to minorities where required, assist with the distribution of assistance to needy families, facilitate dialogue between communities, and have even sheltered families in police stations until accommodation could be found.<sup>154</sup> The multi-ethnic nature of the KPS is critical for community policing to be successful throughout Kosovo – almost 15 per cent of police officers are from minority communities.

#### 5. The Coordination Centre for Kosovo and Metohija:

The Coordination Centre for Kosovo and Metohija (CCK) is a joint Serbia and Federal Republic of Yugoslavia entity under the leadership of Deputy Premier Nebosja Covic. The Centre is an advocate of large-scale return, as quickly as possible, to designated locations.<sup>155</sup> Sceptics worry that such large-scale return fulfils the political objective of partition or cantonisation of Kosovo.<sup>156</sup>

In April the Centre released its returns plan, *Principles of the Program for Return of Internally Displaced Persons from Kosovo and Metohija*. This program focused on the inability of the Osojane returns project to establish a secure environment for returnees. To provide this security, the Centre argued that existing enclaves needed to be replaced by organised groups of settlements. They identified 24 such "groups of settlements" for return that would replace existing enclaves. The settlements were chosen for security conditions, potential for freedom of movement, ability to protect cultural heritage, and the ease of identification and reinforcement of land and property rights. The CCK argued that with these settlements, it would be easier to provide basic human rights, security, needs, freedom of movement, medical care, education, and jobs.

UNMIK has rejected the CCK's plan as not promoting return in dignity and not establishing conditions for sustainable return. The strategic interests of CCK rather than the wishes of returnees guide their approach. Moreover, the plan does not replace enclaves, as it does not address the security reasons for their existence.<sup>157</sup>

The role of the CCK in the returns process has not always been helpful to a smooth returns process. In a return village in Kamenica, the EAR supported reconstruction for the return of both Albanian and Serb families. However, the reconstruction was not finished, and after some months, the CCK stepped in to announce their intention to complete these houses for the Serbs. UNMIK and UNHCR pressed the CCK to include houses within the Albanian community, and SRS Steiner followed with a letter

<sup>153</sup> Agence France-Presse, "Britain to pull 2,000 troops out of the Balkans," 20 September 2002.

<sup>154</sup> UNMIK Police, *Police in Kosovo 2001*. Available at [www.unmikonline.org/civpol](http://www.unmikonline.org/civpol).

<sup>155</sup> ICG interview with Nenad Radosavljevic, July 2002.

<sup>156</sup> ICG interview with Sonja Biserko, Helsinki Commission, October 2002.

<sup>157</sup> ICG interview with Peggy Hicks, Head of the ORC, November 2002.

to the Mr. Covic pressing this issue. Although the CCK eventually agreed, some members of the Albanian community were reluctant to accept this assistance.<sup>158</sup>

Moreover, the CCK ensures that parallel structures are maintained, impacting on the ability of UNMIK to deliver services to minority communities. One disgruntled Serb told ICG, "The CCK has done only 10 per cent of what they have promised. Everything is connected to Covic's game in Belgrade. They want to promote chaos rather than to cooperate."<sup>159</sup>

However, the international community needs the help from Belgrade – particularly the CCK - to facilitate the extension of UNMIK authority into Serb areas, particularly north Mitrovica and assist with the returns process. While it is also clear that within Serbia proper, coordination on the returns process needs to be improved, due to the extremely political role of the CCK, the Albanian community regards its initiatives on returns tend with suspicion and hostility.

## **6. The Provisional Institutions of Self Government (PISG):**

The involvement of the Provisional Institutions of Self-Government will be crucial for the return process, particularly to provide leadership to the municipalities to support returns. However, such leadership has been intermittent, and has been mostly confined to the activities of Prime Minister Rexhepi. In May, Prime Minister Rexhepi visited Osojane Valley, and on 18 September he visited Plementina Camp – a predominantly Roma area in Obiliq/Obilic.

President Rugova, who is President of all of the communities in Kosovo, has not engaged in the issue of return. Given the predominance of the LDK at the central and municipal levels, and given his moral authority among Albanians, statements and gestures akin to those made by Prime Minister Rexhepi would help to encourage individuals and politicians to accept return.

The government has made other symbolic gestures. On 28 June, with the involvement of Dr. Rexhepi, the Kosovo Municipal Assembly Association adopted a Strategy of Joint Principles affirming the right to return. This strategy has been widely cited as

changing the atmosphere in some municipalities for the return process. And on 4 July, the Kosovo Assembly adopted a resolution supporting the right of individuals to return to their homes.

UNMIK has made an effort to institutionalise the issue of returns and communities within high levels of the government. The Office of the Prime Minister has an Advisory Office on Communities that works to ensure that the rights of minority communities are respected in legislation. Prime Minister Rexhepi also appointed Dr. Milorad Todorovic as an inter-ministerial coordinator on returns.

However, other activities of the legislative branch of government have sent less positive signals to the Serbian community. On 14 November, they delayed the nomination of Serb judges to the Kosovo judiciary, a measure critical to ensuring that the judiciary is multi-ethnic. In a vote on the education law in June, the Assembly refused to recognise the Serb university in Mitrovica. These activities send a signal to minority communities that their rights are not automatically recognised and protected by the democratic process. Moreover, they call into question whether the resolution on return passed by the Assembly was an empty gesture.

## **7. Albanian Political Parties**

All three parties support return publicly, however this support is based on the understanding that this will help Kosovo's image before final status talks begin rather than any deep-rooted desire to have Serbs return. The three major Albanian parties all support return only to place of origin, and do not support the return of individuals that have participated in the Yugoslav Army, Serbian security and paramilitary forces. They oppose the creation of new settlements, and interpret the CCK involvement in the returns process as interference from Serbia.

## **8. Serb Political Parties in Kosovo:**

The issue of return is of utmost significance to Serbian political leadership in Kosovo, as is evident by the name of the main Serbian political entity - Coalition Povratak, or 'Return.' The issue of return has often been at the heart of discussions with UNMIK over their participation in the province's institutions. The Common Document, which brought Serb participation in the provincial elections of November 2001, highlighted the issue of return and established the Office of Returns and Communities.

<sup>158</sup> ICG interview with UNHCR Field Office, October 2002.

<sup>159</sup> ICG interview with Serbian representative, October 2002.

Before agreeing to participate in the Provisional Institutions of Self-Government, Coalition Povratak demanded two senior positions in the government focusing on the returns issue.

Serb representatives argue that if progress is not made on return, the Serb population in Kosovo will become radicalised and the position of moderates weakened.<sup>160</sup> In the first and second rounds of the Serbian presidential elections, more than 60 per cent of Kosovo Serbs voted for the Presidential Candidate of the Radical Party (SRS) Vojislav Seselj.

However, Serb political parties must also take some responsibility for return. Coalition Povratak could change the atmosphere for return by participating more fully in the PISG, support UNMIK public service structures in minority areas, and send a clear signal to the Serb population that Kosovo's institutions are their institutions.<sup>161</sup> Instead of working with UNMIK or the PISG to improve the conditions of Serb communities, Coalition Povratak has been preoccupied with supporting parallel systems. In many ways, their failure to exercise leadership has prompted the Serbian community to look towards Belgrade.<sup>162</sup> The recent poor voter turnout in local elections demonstrates that Serbs feel no real connection to Kosovo's institutions, and look to leaders in Belgrade, not leaders in Kosovo for their guidance and direction.

## **B. UNMIK'S STRATEGY FOR RETURNS**

### **1. Coordination Structure and Financing:**

The ORC presented its strategy for the returns process to the Donor Coordination meeting in Brussels 5 November 2002. The strategy was developed to meet the three challenges of a safe and secure environment, access to jobs and public services, and reconstruction and repossession of housing.

To avoid repeating the mistakes of the past – some of which were identified above – the ORC is in the process of restructuring the manner in which UNMIK approaches returns. They have developed a manual for sustainable returns to provide a step-by-

step guide for the returns process. Moreover, they tightened the coordination mechanisms to provide more central oversight of the returns process.

*Municipal-level Working Groups.* These are the descendants of UNHCR working groups and are the principal coordination bodies for returns. Now chaired by UNMIK, the municipal level groups provide a forum for local coordination on return projects as they include local municipal authorities, UNHCR, KFOR, IDP representatives, local community representatives, and NGOs. They provide a forum for different communities to engage in a dialogue on return issues.

Concept papers for return are reviewed and prioritised by the Municipal Working Groups. The group is the main mechanism through which displaced persons can access the returns process and request assistance for return. However, their utility for IDPs is questionable, as it remains difficult for individuals residing in Serbia and Montenegro to access groups meeting in Kosovo.

*Regional Working Groups.* These groups operate in the five regions of Kosovo, and oversee the municipal working groups, as well as review projects endorsed by local level. UNMIK, UNHCR, UNMIK police, KFOR, OSCE, and the EU all participate in these groups. The regional groups review and prioritise the concept papers from the municipalities.

*Returns Coordination Group.* This central level group is an operational body to address implementation issues during the returns process. A "Technical Advisory Board," composed of experts on returns, supports the coordination group. This group reviews the concept papers from the region, and prepares and updates a Kosovo-wide prioritised projects list. The technical board will assist them in this review process. After the projects are reviewed, donors are approached for funding, and this group reviews the full project proposals of NGOs to donors.

*Task Force on Returns.* This group oversees the returns process, provides high-level coordination and policy support for returns, and ensures consistent implementation of returns policies throughout Kosovo. It is chaired by the SRS, and includes the Prime Minister, other PISG officials, as well as high-level officials from UNMIK, UNHCR, the HPD, and KFOR. While initially announced in May 2002, the Task Force did not meet until 1 November.

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<sup>160</sup> ICG interview with Milorad Todorovic, November 2002.

<sup>161</sup> ICG interview with OSCE Democratisation Department, October 2002.

<sup>162</sup> ICG interview with UNMIK Official, November 2002.

The ORC strategy focuses on the need to support spontaneous returnees, as well as 'organised' returns projects. To provide support for spontaneous returns, UNDP will be establishing a flexible funding mechanism whereby NGOs can access low levels of assistance needed for the reconstruction or repair of a small number of houses. To identify needs on the ground, UNHCR will be an integral part of this process. Concerns have been raised about the capacity of UNDP to undertake this initiative given their lack of experience in the returns process.<sup>163</sup>

For organised returns projects, the ORC strategy focuses on the need for both repossession and reconstruction of homes, the need to include both rural and urban areas, and the necessity of multi-sectoral projects. UNMIK has asked for support to 44 organised returns projects. While specific projects were not presented at the donor's meeting, the ORC put the price tag for these returns at €37 million for 2003. Approximately €7.75 million is to respond to unmet needs for those individuals who have already returned to Kosovo. Another €5.5 million is to support the work of the Housing and Property Directorate. And for its 44 returns projects, UNMIK is requesting €6.6 million.

## 2. Supporting the Strategy: Remaining Issues

As part of the strategy, the ORC reflected on past successes and failures and evaluated the returns process. The ORC reform and restructuring is an important step in the right direction that should be supported. However, this must be turned from a strategy on paper into an operational reality. In some of the regions ICG visited, officials told us that planning for 2003 returns is proceeding apace, and the proposed changes of the ORC have had little impact on the municipal and regional 2003 programs. The key question remains: Does the ORC have the administrative capacity to implement this strategy and manage cumbersome coordination procedures? Below, we highlight some issues that need to be addressed to ensure that the 2003 returns process leads to stable and sustainable returns.

*Monitoring the Risks of Return:* Depending on the number of beneficiaries, 44 returns projects in one year is a significant increase over the number of return projects in 2002, and could fragment resources. If the returns are planned according to the

principles outlined by the ORC and the UNHCR, they will generate opportunities for future returnees and could contribute to an improvement in inter-ethnic relations. However, if the ORC is not able to ensure that the returns meet those principles, they could setback future returns.

The sustainability of these returns, as well as the potential risks that returns may pose to stability, will depend on two key factors. First, as we emphasise in this report, how returns are implemented is important. If returns do not include dialogue with the receiving community and income generation elements, they will not be sustainable. If police and KFOR are not part of the initial planning stages, the security of the returnees is potentially undermined. Second, the success on returns depends on continuing political stability in Kosovo. If the International Criminal Tribunal for the Former Yugoslavia (ICTY) issues indictments for war crimes committed by members of the former Kosovo Liberation Army (KLA), there is a risk that ensuing instability could affect the returns process. If sufficient evidence exists, fear of instability should not prevent ICTY from indicting suspected war criminals. However, the international community should be prepared for its the potential consequences on stability and minority communities.

*What are the roles of various actors in returns process?:* While the ORC has outlined the various municipal, regional and central arrangements and how they relate to one another, they have not defined the roles of the various actors. UNHCR has an advocacy and supervisory role, however the role of other participants is not so clear. While this will develop and become clear over time, some important issues need to be addressed. What is the process of decision making on concept papers? If a key actor – i.e. UNHCR or KFOR – objects, will the project go ahead?

*Top-down approach for bottom up model:* Although the ORC is placing staff in the regions and emphasises a bottom-up approach, the strategy appears to ensure that the main decisions are made in Pristina. While this will ensure that there are no returns projects that do not conform to international principles, it could be a cumbersome procedure. Concept papers are reviewed three times before ORC approaches donors, and the proposal between donors and NGOs is also reviewed. ORC has recognised this

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<sup>163</sup> ICG interview with NGO official, December 2002.

risk – and has attempted to address it by creating a timeline for the 2003 concept papers.<sup>164</sup>

*Donor's Willingness to Engage in Returns.* While all donors acknowledge the importance of return, they need to go beyond lip service and provide funding to support the return process. So far, the main donors for return have been the United States with €6.8 million, Italy with €3.5 million, and Germany. Few cheques were written during the donor's meeting in Brussels. The level of international assistance is declining gradually, and return is only one of many needs. Therefore, donors must utilise their scarce resources to support return projects, focusing their resources on sustainable projects. Moreover, to enhance conditions for return, donors can use innovative incentive structures in their existing programs to ensure that international assistance builds bridges among communities.

*Get Tough with Uncooperative Local Institutions.* While donors can provide 'carrots' in the form of incentives to local-level institutions to support returns, some 'sticks' or strong disincentives need to also be deployed. UNMIK has not used its sweeping powers to ensure that municipalities fall into line – under the regulation on local government, UNMIK can take measures such as dismissing municipal councils. In Bosnia, the Office of the High Representative (OHR) has removed local representatives who have been uncooperative. Similar measures should be taken against Kosovo officials. UNMIK could also redirect or withhold funds from municipalities who are obstructing progress on returns.<sup>165</sup>

*Continuing Work on Returned Communities.* While the ORC strategy focuses on return, equally important is the need to enhance the conditions for communities that have already returned to Kosovo. Many of the returnees that ICG talked to were unsure of their long-term future, particularly if they did not secure a job. As part of the work to enhance the conditions of communities, initiating dialogue between returnees and their Albanian neighbours is needed – particularly in the Peje/Pec region. ORC is currently working on a strategic framework for minority communities.

*Addressing Inequity.* One issue that the ORC strategy did not address was the inequity that exists in the

support for return. While there is no question that the Serb community needed the financial assistance that it received, other communities received comparatively far less assistance. Support for return must be based on need, not ethnicity. The ORC argues that the restructuring of the coordination mechanism, the insertion of a review process and the creation of a manual for sustainable returns will ensure that assistance for returns is distributed more equitably.

*Interacting with IDPs and Refugees.* Although the ORC strategy emphasises a bottom-up approach that includes dialogue with IDPs and refugees, it will remain difficult for the ORC to play this role with its limited presence in Serbia and Montenegro, and its lack of presence in Macedonia. ORC is hoping that the emphasis they place on cross-boundary NGOs and cooperation with UNHCR addresses this issue, but these organisations must be willing and able to take on these tasks. The ORC should develop an information campaign to ensure that returnees receive a consistent and clear message about the returns process.

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<sup>164</sup> ICG interview with Peggy Hicks, November 2002.

<sup>165</sup> ICG interview with UNMIK official, November 2002.

**VIII. CONCLUSION:  
OVERCOMING THE  
CHALLENGES OF RETURN**

This report stresses that although the international community and Kosovo's political leaders have the obligation to support the right of return, the focus of the international community must shift from numbers of returnees to ensuring that returns are conducted according to international principles.

The support of the international community and Kosovo's political leaders should go beyond rhetoric to specific actions ensuring that returnees, and minority communities living in Kosovo, are treated as equal citizens. While Prime Minister Rexhepi has been exemplary in his commitment, Ibrahim Rugova, the President of Kosovo and most Albanian members of the PISG have been equivocal, inactive, and silent.

Where conditions allow, the donor community should provide the funds to facilitate this return and ensure that their money is utilised wisely. As we see from our examination of returns to the Gjilan/Gnjilane region, strong coordination, smart security, the political support of local leaders, and the local community are key. Moreover, funds should be given to cross-boundary and cross-border agencies and organisations with the technical expertise to implement return projects. All return initiatives must include dialogue between returnees and receiving communities as well as income generating activities.

Where conditions do not allow for immediate return, the donor community should fund activities that lay the groundwork for return and reintegration. These

activities should be focused on areas that also benefit the majority community, for example, wide-scale economic development and institution building.

The ORC restructuring plan and its new strategy for returns attempts to address the problems in the return process, and is a step in the right direction. However, UNMIK, UNHCR, and the international community will continue to face serious challenges. How can the ORC ensure return principles and best practices are applied to projects throughout Kosovo, without creating an overly bureaucratic and centralised process? How can UNMIK respect the donor-implementing agency relationship while ensuring that the priorities of Kosovo are met and the returns are funded on the basis of need? To facilitate returns, UNMIK and UNHCR need constructive relations with the government in Belgrade. However, this engagement risks politicising the return process and negatively affecting the receiving community's perception of return.

As the international community witnessed in Bosnia, return is not a predictable process. It is ultimately the choice of each individual to return to Kosovo. It is highly unlikely that significant numbers will come back in the near future. There is a danger that the international community – including UNMIK – is placing too much emphasis on the rate of return, and not enough emphasis on improving the general conditions for return, such as freedom of movement, the economy, access to public services for minority communities, as well as the attitude of the receiving community.

**Pristina/Brussels, 13 December 2002**

## APPENDIX A

### MAP OF KOSOVO





## **APPENDIX B**

### **GLOSSARY OF TERMS AND ABBREVIATIONS**

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AAK:	The Alliance for the Future of Kosovo
CCK:	The Coordination Centre for Kosovo and Metohija
FYROM:	Former Yugoslav Republic of Macedonia
HPCC:	The Housing and Property Claims Commission
HPD:	The Housing and Property Directorate
IAC:	Interim Administrative Council
IDPs:	Internally Displaced Persons
JCR:	Joint Committee on Returns
KFOR:	The Kosovo Force
KLA:	Kosovo Liberation Army
KPS:	Kosovo Police Service
NATO:	North Atlantic Treaty Organisation
NLA:	National Liberation Army
NGOs:	Non-Governmental Organisations
OHR:	Office of the High Representative
ORC:	The Office for Returns and Communities
OSCE:	Organisation for Security and Cooperation in Europe
PISG:	The Provisional Institutions of Self-Government
UCPMB:	The Liberation Army of Presevo, Medvedja, and Bujanovac
SRSB:	Special Representative of the Secretary General
UNHCR:	The United Nations High Commissioner for Refugees
UNMIK:	The United Nations Interim Administrative Mission in Kosovo

## APPENDIX C

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 80 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices

(in Amman, Belgrade, Bogotá, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include The Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, The Henry Luce Foundation, Inc., John D. & Catherine T. MacArthur Foundation, The John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, The Ruben & Elisabeth Rausing Trust, the Sasakawa Peace Foundation and the United States Institute of Peace.

**December 2002**

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\* The Algeria project was transferred from the Africa Program in January 2002.

## APPENDIX E

### ICG BOARD MEMBERS

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