

**"I WAS BORN IN THAT
VILLAGE"—PROSPECTS FOR
MINORITY RETURNS AND
SUSTAINABLE INTEGRATED
COMMUNITIES IN KOSOVO**

Prepared for



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EXECUTIVE SUMMARY

I. Background and Methodology

USAID/Kosovo is engaged in designing a new Mission strategy for 2003 through 2008. For the coming period, emphasis is expected to shift from post-conflict relief and establishment of a legal and policy framework to the more targeted development efforts and institution building typical of other USAID programs in the E&E region. As part of its strategic planning process, the Mission commissioned an assessment of conditions that impede or support minority returns and reintegration in post-conflict Kosovo.

The assessment, conducted from April 28 to May 16, 2003, was designed to: 1) analyze the status, perceptions, knowledge, and attitudes of groups of internally displaced persons (IDPs) that hinder or promote their successful return and reintegration in their place of origin, and 2) determine the economic, political, and social preconditions that are necessary to create sustainable multi-ethnic communities. The Urban Institute of Washington, DC was engaged to carry out this work with the assistance of two Kosovar experts.

The assessment team conducted interviews with various IDPs groups and community residents, and then analyzed the factors that go into their decision-making and attitudes with regard to return, including social conditions, demographic differences, support available from international agencies and NGOs, job opportunities, living conditions, security, public information, and media. The team also focused on institutional structures and sectors that support or impede return and reintegration, including international agencies and their policies and programs, NGOs, local government administration and services, economic conditions, the overall political context, employment, security, freedom of movement, property rights, and rule of law.

This report describes the findings of the assessment team, presents its analysis of relevant issues, and provides specific guidance and recommendations to USAID/Kosovo on how existing and future programs within the new strategic framework can best support the conditions requisite to successful returns and reintegration.

II. Principle Findings

A. The Context for Sustainable Returns and Reintegration

- *International institutions provide the architecture for returns – a complex labyrinth of agencies and procedures with UNMIK as the lead oversight agency, ORC as the lead coordinating agency, and numerous international and local implementing agencies and partners.*

Official returns policy calls for the process to be “demand driven” – return to place of origin is regarded as a fundamental human right, and the system is designed in good faith to meet the needs of beneficiaries who desire to return. In fact, however, procedures for organizing returns are slow and cumbersome, and the practical and social problems to be overcome can seem so daunting that many IDPs despair of ever being given a realistic opportunity to return. Unfortunately, international procedures and policies operate in a larger context of diminishing financial support and commitment on the part of international donors, which makes speed and flexibility ever more urgently needed if returnees are to receive meaningful assistance.

- *International NGOs provide the critical link among the international structure supporting and financing returns, the IDPs, and residents and officials of “receiving” communities.*

The NGOs are generally trusted by all parties, and the best source of information about prospects for and assistance with return. Unfortunately, their work is sometimes frustrated by the high levels of bureaucracy and inflexibility imposed by the international structures.

- *Kosovo’s long history of ethnic conflict has created deep-seated antagonisms that will take time to overcome and are exploited by political leaders in the meantime, particularly with regard to the issue of final status.*

Anger and fear run deep on all sides, and traumas and losses suffered will not easily be forgotten. Politicians exploit these feelings to one degree or another, leaving both minority and majority communities without strong leadership committed to creating a harmonious, multi-ethnic society moving toward economic integration with neighboring countries and Western Europe. The issue of sustainable returns is mired in disagreements between Albanian and Serb leaders about how to decide the status of Kosovo and how to transfer administrative responsibilities to Kosovo’s provisional institutions. Participation by Kosovar Serb leaders in parallel institutions that provide services and salaries in virtually all municipalities where Serbs reside further politicizes the returns.

- *To date, the number of minority returns to Kosovo has been modest and disappointing.*

The pace of returns increased somewhat in 2002, the first year of positive inflow, but there is no doubt that the number of Kosovar IDPs, especially in Serbia, remains very large. There are no reliable, precise figures on IDPs, however, and the numbers are often manipulated for a variety of purposes. UNHCR – whose numbers provide the basis for much of UNMIK’s planning – estimates that as many of 235,000 Kosovars remain in Serbia, and as many as 22,000 Kosovar Albanians are displaced in Kosovo. It is important to note, however, that the number of Kosovar Serbs who are the realistic target of return efforts is undoubtedly much smaller than the UNHCR estimate; other estimates go as low as 80,000. Many Kosovar Serbs have resettled in Serbia and elsewhere since their flight from Kosovo during the conflict, and other Serbs who took jobs in Kosovo during the 1990s under the Milosevic regime never considered themselves permanent residents and do not desire to return.

- *The international community expresses cautious optimism that minority returns will increase in the next several years, but many factors could belie this hope.*

Uncertain funding prospects, unmet shelter needs, and lack of jobs and other economic opportunities remain daunting obstacles for prospective returnees. For this reason, the team shares the view that USAID’s plan to shift its focus for the next strategic period – from rehabilitation of basic physical conditions to development of sustainable integrated communities and strengthened institutions, including a market-based economy – is the correct path to take.



B. Preconditions and Process for Sustainable Returns

- *Most IDPs of all categories covered in the assessment express a heartfelt desire to go home.*

Whether this is a realistic possibility depends on many factors—age, ethnicity, pre-conflict employment, family status, family health and education needs, access to reliable information, and living conditions, economic prospects, and level of security where they are displaced and in the place to which they hope to return.

- *Substantial short-term financial and social assistance is available to returnees for the return process, far above that which is available during displacement.*

Assistance available in decision-making and initial phases of resettlement includes multi-ethnic dialogue facilitation, Go and See visits, temporary shelter or home reconstruction grants, job training, and enhanced security. Return assistance packages are not standardized, however, and some NGOs offer better programs than others, with financing for agricultural or small business start-up or infrastructure improvements. Follow-through with returnee families and assistance with building sustainable multi-ethnic communities is as important as the initial work to facilitate the return.

- *Living conditions for many IDPs are at basic subsistence level, particularly in collective centers, and provide an important “push” factor for returns.*

C. Prospects for Sustainable Integrated Communities

- *Absence of economic growth and job opportunities is the biggest objective impediment to sustainable returns.*

With unemployment of the majority population above 50 percent, minority returnees face even higher hurdles to economic integration. The most viable option for sustaining returnees is farming, which essentially limits returns to rural areas, and could condemn returning IDPs to a life of poverty and little opportunity for advancement by succeeding generations.

- *While there are significant regional difference, in general inter-ethnic violence is decreasing, and levels of security and freedom of movement for minorities are slowly improving.*

Kosovo Police Service officers are generally well trained and professional, becoming ready to assume increased responsibilities as military security diminishes. It is important to ensure there is continued monitoring and training by UNIP to increase the likelihood that KPS will maintain its professionalism and effectiveness as it increasingly assumes executive authority for policing.

- *Most local officials express willingness to facilitate multi-ethnic harmony in their cities and towns.*

A few mayors are becoming proactively involved in the return process. Nevertheless, minorities experience difficulties accessing municipal services and infrastructure. Only five municipalities approached most of the

targets in financing “fair share” budget allocations for minorities, and minorities seem greatly under-represented in all municipal bodies.

- *Claims by minority owners to their illegally occupied housing are being processed more quickly and effectively, but access to agricultural land or commercial property is constrained by slow and uncertain court procedures.*

III. Recommendations to USAID

USAID can contribute substantially to the prospects for sustainable return through emphasizing programs that strengthen local institutions, promote democratic governance and citizen participation, and build a sustainable economy with improved employment opportunities.

See Section VI of report for detailed recommendations.

"I WAS BORN IN THAT VILLAGE"¹—PROSPECTS FOR MINORITY RETURNS AND SUSTAINABLE INTEGRATED COMMUNITIES IN KOSOVO

I. INTRODUCTION TO THE ASSESSMENT

A. Background

The USAID/Kosovo Mission has been providing assistance in Kosovo since 1999. The Mission's current three-year transition strategy, which will end in September 2003, had three major strategic objectives:

- Establishment of an Economic Policy and Institutional Framework that Facilitates the Recovery and Expansion of a Private Sector-Led Economy
- Accountable and Transparent Governance
- Restored Normalcy in Living Standards and Opportunities

A new Mission strategy is currently being developed to cover the five-year period from October 2003 through September 2008. It is anticipated that the strategy will shift from post-conflict relief and reconstruction to one that allows for greater emphasis on development activities more typical of transition countries in the region—strengthening local institutions, promoting democratic governance and participation, and building a sustainable market-based economy with adequate employment opportunities. Mission resources can also be invested in an area that cuts across those activities and that must be addressed for them to succeed – the development of a harmonious, multi-ethnic society.

At the present time, many thousands of Kosovars remain displaced as a result of the 1998 and 1999 conflict. Their return to pre-conflict homes and integration into sustainable multi-ethnic communities has been impeded by continuing ethnic tensions, particularly between the majority Albanian population and the largest minority group, the Kosovar Serbs. These tensions obstruct equal access by Serbs and other minorities to basic legal and human rights, economic opportunities, and democratic, political, and social institutions.

The right of internally displaced persons (IDPs) and refugees to return to their homes of origin and resume peaceful interaction with their communities is not only a fundamental principle adopted by the international community and the United Nations Interim Administration Mission in Kosovo (UNMIK), its fulfillment has become a top priority. There is growing recognition that the way returns are planned and implemented is critical to the long-term sustainability of integrated communities in Kosovo.² This report examines and analyzes many of the complex and interrelated aspects of that process, in an effort to assist

¹ Among Kosovar IDPs, this sentiment—often expressed with great passion—was the most frequently stated motivation for return. Even when the difficulties of return seemed overwhelming, the pull toward their birthplace allowed them to maintain the dream of going home. See Section III.B.

² See, e.g., ICG, *Return to Uncertainty: Kosovo's Internally Displaced and the Return Process*, Balkans Report No. 139, December 2002.

USAID/Kosovo with incorporating the issue of minority returns into the design of its future strategy and programs.

B. Purpose

This report reflects the findings, analysis, and recommendations of the Returns Assessment Team (“the team”), which was engaged by USAID to conduct a Limited Scope Assessment of Conditions that Support Minority Returns and Reintegration—Recommendations for USAID/Kosovo Strategic Plan (“the assessment”). The purpose of the assessment, as set out in the Scope of Work,³ is “to look at the economic, political, and social conditions confronting displaced persons and the factors that may be impeding return and/or reintegration. Specifically, the assessment will look at those preconditions that are necessary for sustainable return and reintegration. The assessment will provide specific guidance and recommendations to USAID/Kosovo on how existing and/or future programs within all strategic objectives can best support the preconditions identified.”

C. The Terminology of Return and Reintegration

Types of Displaced Persons—IDPs. The UNHCR defines Internally Displaced Person as “a person or group of people who have been forced to flee or leave their homes or places of habitual residence as a result of, or in order to avoid, in particular, the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border. Because the status of Kosovo vis-à-vis Serbia remains undetermined, IDPs include those individuals displaced from their homes in Kosovo who are now residing in Serbia, Montenegro, and elsewhere in Kosovo. *IIDPs.* Internal internally displaced persons are those who are living within Kosovo’s administrative boundaries but are displaced from their place of origin.⁴ *Refugees* are those residing in another country with internationally recognized borders. Refugees from the conflict in Kosovo are outside the purview of this report.

Types of Returns—Two broad categories of return are often discussed: organized and spontaneous. Because of the complexity of planning and implementing returns, these are actually different points on the same spectrum, based on the level of organization and facilitation involved,⁵ usually by members of the international community and international or local NGOs. There are occasional truly spontaneous returns, however, when an IDP family or individual returns home with no direct international assistance and resumes life in its place of origin.

The Spectrum of Relations between Minority and Majority Communities—If successful, normalization of relations between members of majority and minority ethnic groups in Kosovo can be expected to follow a progression from return to reintegration to reconciliation. True reconciliation—mutual acceptance of the fundamental rights, freedoms, and equality of all members of the community, regardless of historic tensions or positions before and during the 1998 and 1999 conflicts—will be a long-term process. Integration, in the sense of equal access of minorities to the civic, cultural, economic, educational, and

³ See Task Order 808, Contract No. LAG-I-00-99-00036-00. The complete Scope of Work is appended to this report as Annex 1.

⁴ In this report, IIDPs may be included within the term IDPs, except in cases where the distinction has particular relevance.

⁵ See Manual on Sustainable Returns, UNMIK and UNHCR, 2003.



political affairs and institutions of their communities, must precede reconciliation. This is a reasonable objective for the new USAID/Kosovo Mission strategy.

D. Characteristics of IDP Groups

Displacement has affected all of Kosovo's ethnic groups—Albanians, Serbs, Roma, Ashkali, Egyptians (RAE),⁶ Turks, Croats, Bosniacs, and Gorani. Most of Kosovo's current IDPs are Serbs, and, to a lesser extent, RAE. Locations of displacement vary from region to region and from family to family. They may be minority-populated villages or collective centers located just several kilometers from the place of origin, or collective centers or private accommodations located as far as Serbia, Macedonia, Bosnia, or Montenegro. Although primarily displaced in villages and other rural areas, Kosovar IDPs come from both urban and rural locations in Kosovo.

IDP families are often separated—In some cases, family members, usually the older first generation, stayed behind in the place of origin to protect their land and property, while younger second and third generations fled to collective centers or to areas where they have distant relatives, friends, or summer homes. In other cases, entire families fled together and now reside in the same place. Sometimes the head of the family returns to the place of origin, under conditions of secondary displacement, to wait for the family's property to be repaired or reconstructed while leaving his wife and children at the site of displacement.

IDPs live in transient conditions—A large number of Kosovar IDPs in Serbia and Kosovo live with host families that provide them with financial assistance and support. IDPs tend to jump from one host family to another as host families become fatigued and their resources run out. In Gjilan/Gnjilane, the UNMIK Community Affairs Officer reported that more than one Serbian family has moved from host family to host family seven times. With the closure of collective centers in Montenegro and Serbia, some Kosovar Roma and Serbian populations in Serbia migrate from one collective center to another, hoping for relocation assistance to their places of origin or permanent settlement in their current location.

Patterns of returns are subject to many influences, for majority as well as minority IDPs. Those experiencing extremely poor living conditions at the site of displacement might return to their property with the aim of rebuilding their lives to pre-conflict levels. Other IDPs who have found employment in their displacement area may view return as disadvantageous in either the long or short term. IDPs with children in local schools or in the local work force may be less inclined to return as a pre-war family unit. A myriad of personal situations, along with political and institutional pressures in both the areas of displacement and the return site, influence decisions on when, how, and why IDPs choose to integrate into their area of displacement or return to their pre-conflict communities.

E. IDP Groups Represented in the Study

The team conducted semi-structured interviews with the following stakeholder groups: 1) Kosovar IDPs living in Kosovo, 2) Kosovar IDPs living in Serbia, 3) Kosovar returnees, and 4) local minority and

⁶ Roma, Ashkali, and Egyptians are usually referred to collectively as "RAE."

majority Kosovar populations in place.⁷ International NGOs assured the team that these groups are representative of IDP and majority families in the respective regions. More detailed findings from the interviews are discussed later in the report in Section III.

Kosovar IDPs Living in Kosovo—In Peje/Pec region, the team interviewed Serbs displaced in Gorazdeve/Gorazdevac, the village Vitromirice/a, and Osojane Valley whose places of origin is the municipality of Peje/Pec and surrounding villages within walking distance from the site of their displacement. The team also interviewed Roma, Ashkali and Egyptians (RAE) teachers and primary school-aged pupils originally from Gorazdeve/Gorazdevac who are displaced in private accommodations in a village bordering a Serbian neighborhood in Gorazdeve/Gorazdevac. In Ferizaj/Urosevac municipality, interviews were conducted with Albanian IDPs whose places or origin are villages in Shterpce/Strpce and northern municipalities (Mitrovica/a, Zvecan, Zubin Potok and Leposavic/q), and two Albanian refugees from Macedonia. The team also interviewed Gorani IDPs whose place of origin is Dragash/Dragas, and Serb IDPs from Prizren. In Vushtrri/Vucitrn, discussions were held with Serb IDP representatives from Prelluzne who briefed the team on the conditions of 44 Serb IDP families residing in that village.

Kosovar IDPs in Serbia—Interviews focused on RAE living in a collective center in Bujanovac displaced from the village of Lablovo Kresevo in Gjilan/Gnjilane region; Serbs displaced from Viti/Vitina, Rahovec/Orahovac, Kamenice/a, Novake, and Babin Most renting private accommodations in Bujanovac and the villages of Trupale and Rudare in Vranje; and Roma and Serb families from the cities of Pristine/a and Kline/a, Kosovo Polje, and Suhareke/Suva Reka in Prizren region lodged in barracks in the isolated village of Kurusmlija. Kurusmlija is the second and sometimes third site of displacement for these Roma and Serb families.

Kosovar Returnees—In Peje/Pec region, the team interviewed Bosniac and Serb returnees. In Gjilan/Gnjilane region, the team spoke to a group of Serbs who just returned to their village of Mosgovo the previous day. In Ferizaj/Urosevac region, Albanian returnees to the villages of N. Nerodimje, Doganaj, and Babliak/Babljak were interviewed, and in Zvecan municipality, Albanian returnees to Zaza, a very remote Albanian village.

Local Minority and Majority Kosovar Populations in Place—Interviews also took place in villages whose residents never fled during the conflict, to determine their attitudes about returns to their areas. These include the Serb enclave of Drakovac in Shterpce/Strpce and the Serb and Albanian areas dividing the village Labljane in Novoberde/Novo Brdo. The team also interviewed villagers located in areas with very restricted zones of movement, such the Serb enclave in the mixed Albanian-Serb village of Upper Suvi Do in the northern part of Mitrovica/a, the Albanian village of Patina in Vushtrri/Vucitrn, the mixed Serb and Albanian village of Banjska in south Mitrovica/a, and the Serb village Ponash in Gjilan/Gnjilane region.

Gender and Age Breakdown of Interviewees—A total of 46 IDP women and 80 IDP men were interviewed in Kosovo and Serbia. In addition, two classrooms, each consisting of approximately 30 Grades 1 to 4 students, were interviewed in Gorazdeve/Gorazdevac, Peje/Pec region. See Annex 8 for more detailed breakdown of respondents by age and gender.

⁷ See Annex 7 for a breakdown of each group by place of origin and, where applicable, site of displacement.



F. Methodology of the Assessment

The Scope of Work sets out two main tasks for the assessment: 1) to analyze the status, perceptions, knowledge, and attitudes of groups of IDPs that hinder or promote their successful return and integration, and 2) to determine the preconditions (economic, political and social) that are necessary to sustainable minority return and integration.

The assessment team spent three weeks researching these topics in Pristine/a, in various regions and municipalities of Kosovo, and in southeastern Serbia, preparing this report, and debriefing USAID at the mid-point and end of the assessment. Scores of interviews were conducted, meetings held, and reports and other reference documents reviewed.⁸ For most of its research and analysis, the assessment team divided into two subgroups. Group One conducted interviews with IDPs and other community residents, and analyzed the factors that go into their decision-making and attitudes with regard to return, including social conditions, support systems provided by international and local agencies and NGOs, and public information and media. This group also examined views about prospects for reintegration and reconciliation from the standpoint of both prospective returnees and receiving communities. Group Two focused on institutional structures and sectors that support or impede return and reintegration, including international agencies and their policies and programs, international and local NGOs working on returns and reintegration, political issues, local government administration and services, economic conditions and employment, security, freedom of movement, property rights, and other minority rights. This report is an integrated effort resulting from the work of the two subgroups.

Five persons comprised the assessment team: three expatriates with substantial development experience in the Balkans and elsewhere in the Europe & Eurasia region,⁹ and two Kosovar experts with extensive experience in human rights, democratization, and community affairs in Kosovo.¹⁰

II. CONTEXT FOR SUSTAINABLE RETURNS AND REINTEGRATION

A. International Institutions and Framework

UNMIK has adopted an elaborate formal framework for returns and reintegration. Coordinated by the Office of Returns and Communities (ORC),¹¹ the system includes all UNMIK pillars associated with police and justice, civil administration, human rights and democratization, and economic development, as well as KFOR. It is guided by the Task Force for Returns headed by the UNMIK SRSG meets quarterly with

⁸ A complete list of meetings and interviews is appended to this report as Annex 2. A bibliography of reference materials is appended as Annex 9.

⁹ Carol Rabenhorst, Team Leader, Senior Legal Advisor, Urban Institute, Washington, DC; Kimberly Cartwright, Research Associate, Urban Institute; and Mark Baskin, an independent consultant under contract to Chemonics International, an Urban Institute subcontractor.

¹⁰ Enver Hoxhaj, Associate Professor of Balkans History and Politics at the University of Pristina and Visiting Research Fellow at the London School of Economics and Political Science; and Snezana Karadzic, Coordinator in the Office of Community Affairs, UNMIK, and member of the Municipal Assembly of Obilic/Obiliq.

¹¹ In this context, the term "community" is a euphemism or neologism for "ethnic group" or "nationality." In some places the "majority community" is Albanian and in others it is Serb.

UNHCR, KFOR, the PISG, and NGOs. Its operational arm, the Returns Coordination Group (RCG), is consulted on specific projects by a Technical Advisory Board (TAB). The process is designed for projects to come upstream after originating in local communities and passing through Municipal and Regional Working Groups (MWG/RWG). At each stage, the groups bring together relevant UNMIK pillars, international and domestic police, UNHCR, KFOR, NGOs and officials from Kosovo Provisional Institutions. At the municipality, it is meant also to include minority and IDP representatives.¹²

The system is intended to be “community owned” and “beneficiary-driven,” to elicit minority participation and also give incentives to majority communities to support minority returns. The process begins in communities and villages, where implementing partner NGOs help identify projects that would be likely to facilitate the return and reintegration of minority individuals and groups. Successful return projects are multi-sectoral in nature, emerging in response to individual or group desire to go home. The projects involve extensive planning and information dissemination in the sending community, beginning with “Go & Inform” visits by representatives from the receiving community, including security personnel, to collective centers, enclaves, and places outside of Kosovo where the relevant group is currently residing, as well as “Go & See” visits by the IDPS to the village and community of return. After a decision to return is made, returnees generally receive some or all of the following assistance: “send-off” packages (household necessities and a short-term supply of basic foods), transportation to the point of return, temporary housing and/or housing and infrastructure repair, financial and other assistance with income generation or economic sustainability. Frequent opportunities for facilitated inter-ethnic dialogue are offered, and “balancing projects” are directed at the majority community to foster integration and a sense of fairness.

A description of a current return project, how it was initiated, the roles of various stakeholders, and its current status – “Case Study – Return to Babliak/Babljak” – is attached as Annex 4.

A project presented to a MWG is given initial oversight by the RWG and then vetted by the TAB, which is made up from staff of UNHCR and technical experts from the RCG, NGOs, and the donor community. Following any necessary revision and approval, ORC markets the projects to potential donors. The coordinator NGOs and other participants are also free to seek funding on their own, and are encouraged by ORC to do so. At the time the returns assessment was conducted, ORC had a list of 16 approved priority projects worth some 14 million Euro but had received no commitments for funding any of them.

B. The Role of International NGOs

Institutional Structure—International NGOs play a major role in the returns process. As implementing partners for the overall international efforts coordinated by UNHCR and for US assistance provided through BPRM,¹³ they are the critical links between the international structure and its financial support on the one hand, and members of minority IDP and majority communities on the other.

BPRM provides oversight for US funding for returns and advice to the US Office and USAID Mission and desk officers at the State Department on returns-related issues. BPRM targets its funds to sustainable returns—primarily those that are cross-boundary or cross-border, IDP-initiated and facilitated

¹² Diagrams of the UNMIK Returns Structure are attached as Annex 3.

¹³ Bureau of Population, Refugees and Migration, US State Department.



by implementing partner NGOs. BPRM provided \$5.5 million to its implementing partners in 2002 and 2003, and will provide \$10.9 million in 2003 and 2004, for organizing and implementing returns and offer income generation assistance to returnees and their host communities. The partner NGOs are ARC, ICMC, UMCOR,¹⁴ and Mercy Corps. These NGOs and others working on returns and reintegration cooperate with each other, especially when a return involves both IIDPs and cross-boundary return, and support many local NGOs in both sending and receiving communities.

Pre-return activities implemented by NGOs with UN and BPRM funding include information dissemination through "Go & See" and "Go & Inform" visits, outreach, and drop-in visits; community profiles; assistance with identity documentation and property claims to the Housing and Property Directorate (HPD); and vocational training. Returnees are provided with a "send-off package" of basic food and household supplies. Dialogue facilitation between minority and majority communities is provided before and after return in the receiving community. After return, families receive assistance with shelter repair, income generating self-reliance grants or supplies—for example, seeds, chickens, livestock for village families, equipment for establishing a bakery or sewing shop, valued at up to 2,500 Euro, and legal assistance for civil law problems. Under some programs, small community-based projects can be funded with grants up to 80,000 Euro.

BPRM is also providing funds to support the new Rapid Response Returns Facility (RRRF) operated by UNDP and UNMIK, which has a total budget of over 7 million Euro.¹⁵ Its purpose is to provide quick and flexible support for spontaneous returns—those that may take place with or without NGO or international support for planning and implementation.

Implementation Shortcomings—Perhaps because they work most intensively and directly with returnees and potential returnees themselves, NGOs sometimes bypass municipal officials in their efforts with the displaced communities. This can present a major impediment to municipal buy-in on the process, and support from local officials is essential to sustainable results.¹⁶

The NGOs do not work from a standardized IDP database. This results in potential duplication of effort, and also allows the IDP community to solicit and possibly receive funding from more than one donor. Sharing information to create and integrated and standardized databases would insure more efficient handling of the overall IDP caseload, but this activity has not been funded or assigned to a particular NGO. At the June Gjilan/Gnjilane Regional Working Group meeting, the UNMIK Municipal Representatives noted that there is no standardized database that breaks down by sector the needs of the minority communities in their towns. In that regard, lack of standardized documentation could make it more difficult to justify financing of necessary infrastructure for returning communities from municipal budgets, Kosovo Assembly funds, or international donors.

¹⁴ ARC—American Refugee Committee; ICMC—International Catholic Migration Commission; UMCOR—United Methodist Committee for Relief.

¹⁵ According to a UN Security Council briefing on June 10, 2003, by Assistant Secretary General Hedi Annabi, there is a 72 percent gap in funding for the RRRF.

¹⁶ This complaint was recently voiced by the Gjilan/Gnjilane Regional Working Group (comprising UN representatives from Gjilan/Gnjilane, Kamenice/a, Kacanik, Shterpce/Strpce, Viti/Vitina, and Novoberde/Novo Brdo).

The NGO Perspective—In meetings with members of the assessment team, NGO program directors and experienced field staff reported they were frustrated some international community policies. In particular, the procedures for obtaining ORC/RCG approval for return projects is regarded as time consuming, inflexible, and overly bureaucratic, with uncertain prospects for obtaining funding even for approved priority projects. One NGO program coordinator reported attending 38 returns-related meetings during the month of April—all time-consuming, many not productive in moving forward returns.

When preparation of the RCG approval structure began, NGOs were told all projects must be approved before funding could be obtained. Almost a year later, they were told they could and should still attempt to obtain their own funding outside the RCG process. This resulted in loss of time during what all regard as a critical period.¹⁷ Field staff members report that minorities, including many Serbs, are willing to return individually and on their own. Although they need support, they are tired of waiting for the formal structure to provide it. They are thus stuck in a holding pattern until they can find the means to return or in some instances, to stay. The international principles recognize the right to return in all forms, but unsupported returns are less likely to occur, regardless of the IDPs wishes and intentions, and those that do are less likely to play a role in integrated, sustainable communities.

A number of NGO leaders express dissatisfaction with the lack of coordination and sensitivity in deployment of security—generally regarded as excessive for "Go & See" visits for Serb IDPs, and underused for protecting and enhancing freedom of movement in other situations and often, for other minorities. Over-deployment of KFOR and international police during "Go & See" visits may be initially reassuring to prospective returnees but it creates misperceptions about what level of security they will need when they return—perhaps discouraging more than encouraging returns. It also intimidates the receiving community, particularly in small villages, and impedes spontaneous dialog between former neighbors.¹⁸ Because local police ultimately will have full responsibility for insuring the rights of minorities in Kosovo, all parties should become accustomed to trusting and relying on them. At the same time, international police forces should continue advising and monitoring the work of local police in the coming period to make sure that confidence continues to be restored and justice is served.

NGOs also cite the problem of rigidity in requirements of returning to the place of origin to get assistance. IDPs may be willing to return to the same general area, but not necessarily to the same house, especially if it is in a particularly vulnerable area – on the main road into a village, or in the woods, for example. In addition, by setting funding criteria based on the degree of damage to the housing, the international donors exclude the bulk of the IDP caseload from being able to receive reconstruction assistance. Those whose homes are rated higher than category 3 cannot receive assistance under the USOP's BPRM program, for example. Most homes that have been vacant for four years have been fully stripped and have fallen into ruin—i.e., they meet the criteria for categories 4 and 5.

The NGOs have little confidence that the UNDP/UNMIK Rapid Response Returns Program will help solve these concerns. Aside from its long-delayed startup and the current funding gap (See Footnote 15), RRRP is not geared toward the structured returns that constitute most of their caseloads, and there is

¹⁷ One NGO director told the assessment team that the RCG procedure is not bad in itself, but it forced NGOs to shift focus from implementing returns at a critical time and went into effect too late in the process to be useful.

¹⁸ See Case Study on Return to Babliak/Babljak, Annex 4.



also substantial skepticism that any program designed and implemented through international agencies can be truly flexible and non-bureaucratic.¹⁹

Balancing Projects—Persons working with Albanian IDPs and communities insitu frequently cite the lack of resources available to them. Albanian Kosovars were the primary beneficiaries of donor-financed major reconstruction and humanitarian relief projects, the focus of international efforts in the immediate post-conflict period, but since January 2002, attention and funding have shifted to minority returns. “Balancing projects”—those directed to majority community members where returns are scheduled to take place or have occurred—lack a successful track record. They tend to be directed toward micro-businesses in urban areas, which operate in an extremely competitive arena. Businesses requiring small capital investments, such as bakeries, tailoring shops, and car washes, are already flourishing in majority communities before balancing grants go into effect.²⁰ Finding new micro-business niches has been difficult. Urban beneficiaries cannot use the types of self-reliance grants more successfully used in villages—to purchase chickens, a cow, seeds, or small farming tools and equipment.

C. Perceptions among IDPs of the Work of NGOs and Other International Institutions

The assessment team’s fieldwork determined that IDPs have good access to NGO support and good rapport with implementing NGOs. The NGOs provide hope and encouragement as well as the more practical kinds of support for return, and for the most part, have earned a large degree of trust and respect among both IDPs and receiving community members. Among prospective minority returnees, these are crucial components in the decision-making process; some expressed the belief that their very survival depends on the help of NGOs.

NGOs influence IDP decisions regarding return at each juncture of the process. Organized “Go & See” visits are a critical point in the information chain regarding conditions in points of return. Families or heads of the families are able to assess the feasibility and desirability of return through these visits and get acquainted with the realities of the current situation in their former homes, unfiltered by political and other factions that may confuse their thinking. IDPs also rely on NGOs to initiate inter-ethnic dialogue and to facilitate the process of reconciliation.

Providers of security—UNIP, KFOR, and KPS—are important actors in the return process, according to the IDPs, both for safety and as sources of information. The importance of international security differs from region to region. For example, returnees in Osojane Valley view their survival and integration as dependant upon the presence of international security forces, while returnees in the village of Babin Most report a willingness to place their trust in the KPS.

IDPs are generally aware of the MWGs and their role in the return process, but they often perceive them as causing delays and impediments to return. Deadlines are set and then ignored, and, in the meantime, conditions in the place of origin may change. If the momentum for return is lost or conditions

¹⁹ Comments in this section are not attributed to individual NGO leaders or field staff to avoid repercussions for “biting the hand that feeds them.” Similar criticism of international structures and bureaucracies was a recurrent theme in many meetings, not only with representatives of NGOs but also with field staff of international agencies.

²⁰ Meeting with NGO Regional Program Manager in Peje/Pec.

change, families give up hope or change their mind about returning, sometimes because economic opportunities once available to them no longer exist. They become frustrated and distrustful of the institutions facilitating return. In some instances, a family member will find a job in his present location and no longer places as much hope or interest in returning home. This was the case of a displaced family renting an apartment in Vranje whose place of origin was Kamenice/a. The head of the family is a pensioner who is determined to return home despite the fact that during the conflict his Albanian neighbors cut off one of his ears and partially cut off the other. His son is in his mid-40s and has two children. He filed an application with a local NGO to initiate the process for the family's return. However, after two years of waiting, the son no longer wants to return. He found a job almost comparable to the one he had in Kamenice/a, and believes he may be able to meet his family's needs, including his children's education, better in Vranje than in Kamenice/a, where the fate of the entire family would be uncertain.

Members of the Gorani and Bosniac IDP communities believe they are largely ignored by the international community. Their leaders recognize that they fall through gaps in the process.²¹

D. Political Issues and Final Status of Kosovo

Three interrelated political issues provide a broader context for the prospects of return and reintegration of refugees and IDPs: the status of Kosovo, the transfer of responsibilities to Kosovo's provisional institutions, and the functioning of parallel institutions.

UNMIK has formulated a policy of "standards before status" in which Kosovo governing institutions prepare for the resolution of the province's political status by achieving concrete benchmarks in seven areas relevant to returns—functioning democratic institutions, rule of law, freedom of movement, returns and reintegration, economy, property rights, and dialogue with Belgrade.²² UNMIK has also announced its intention to transfer further responsibilities to the Kosovo PISG.²³ This involves responsibilities in Chapter V of the Constitutional Framework so that Kosovo's Provisional Institutions become increasingly responsible for the achieving the seven benchmarks.²⁴

Albanian leaders have generally responded to UNMIK's "standards before status" policy with public efforts to hasten the transfer of authority to Kosovo's provisional institutions, and to ensure their formal independence from Serbia-Montenegro.²⁵ They also would prefer that Kosovo gain sovereignty within its current borders, i.e., without partition of the area north of the Ibar River in Mitrovica/a. Many said that a partition would force a discussion concerning the Presevo Valley in Serbia and the Western part of

²¹ Meeting with UN Municipal Administrator and UNHCR Returns Coordinator in Zvecan.

²² "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo," S/2002/1126, October 9, 2002, Paragraph 2. There are eight benchmarks in all; the eighth relates to the Kosovo Protection Corps.

²³ "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo," S/2003/421, 14 April 2003, Paragraph 2.

²⁴ UNMIK Regulation 2001/9. Chapter V contains the responsibilities of the Provisional Institutions and includes economic, fiscal, budgetary, trade, education and science, youth and sport, culture, health, environmental protection, human rights and equal opportunity, and non-resident affairs. It excludes the "reserve powers and responsibilities" that will remain in the hands of the UNMIK SRSG, which take in a wide range of important issues, such as monetary policy, the customs service, authority over law enforcement institutions, housing and property issues, and the administration of public state and socially owned property, among others.

²⁵ Early Warning Report Kosovo, Report No. 1, p. 27; Early Warning Report "Kosovo" Report No. 2. The survey reveals that it is a matter of great concern to Serbs as well.



Macedonia, both of which are majority Albanian areas.²⁶ They further believe that Provisional Institutions are incapable of meeting the benchmarks without true responsibility for government and administration and as long as the Constitutional Framework assigns the SRSG reserved power to "ensure that the rights and interests of the Communities are fully protected."²⁷ Consequently, they have supported a policy of "standards parallel to status" because they believe that the resolution of status is essential to stable institutional development in Kosovo, in that it would provide the clarity conducive to an environment in which minority refugees and IDPs could return home in peace and security.

Many Serb officials with whom the team spoke embraced the policy of "standards before status" perhaps because it seems sure to delay the decision on the ultimate status of Kosovo. They maintain that Kosovo's institutions are not adequately prepared to assume additional responsibilities and that Kosovo is an integral part of Serbia.²⁸ They frequently discussed the failures of Albanian-led administrations to achieve benchmarks. In this spirit, the adviser on Kosovo to the Serbian Premier recently stated that the UN's initiative to transfer authority to Kosovo's provisional institutions would strengthen administrative mono-ethnicity and would impede the return and reintegration of Serb refugees and IDPs in Kosovo. He added that "we have established trust between the Serbs in Kosmet and the Belgrade government."²⁹ The UN believes that parallel structures, which "exist in virtually all municipalities in Kosovo" not only provide services to Serbs in Kosovo but also hamper the "functioning of legitimate institutions."³⁰

Two different "Associations of Serb Municipalities" have been established – one based in northern Mitrovica/a and the second in eastern Kosovo. The Serbian Government in Belgrade has continued to support Serbs in Kosovo with salaries, health and social insurance, pensions, child support, ID cards, drivers' licenses, passports, license plates and other documents.³¹ The current leader of the coalition "Povratak" insisted to the team that it was time for the "massive return" of Serbs to Kosovo.³² This points to an inconsistency. The government in Belgrade appears to oppose the integration of returnees into Kosovo's PISG, although this does not serve the interest of returnees. Serbs who do not obtain the PISG's documents or participate in the legitimate political process become invisible residents who do not appear anywhere in a municipality's records. Consequently, it appears that Serbian policy promotes the "massive" return of IDPs to Kosovo at the same time that it opposes the integration of Serbs into PISG institutions.

Among the elements that combine to deepen divisions within Kosovo and significantly affect return and reintegration are the mainly symbolic participation of Serb leaders in Kosovo's provisional institutions, the unresolved issue of status, the functioning of the parallel structures, and participation by Kosovar Serbs

²⁶ Interview with Mayor Faruk Spahija of Mitrovica/a.

²⁷ UNMIK Regulation 2001/09, Chapter 8.1a.

²⁸ Meeting with Nenad Radosavljevic, Advisor on Returns to SRSG Michael Steiner and member of Kosovo Assembly.

²⁹ Interview with Branko Radujko in Politika (Belgrade), 14 April 2003. The term "Kosmet" refers to Kosovo and Metohija and is Belgrade's official preference. A metohija is an Orthodox Church land holding.

³⁰ See "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2003/421, 14 April 2003, paragraph 46 and "Local Governance Assessment Report," USAID Kosovo, 15 February 2003, p. 16.

³¹ This system differs from the parallel systems operated by Kosovar Albanians in the 1990s. Albanians expelled from jobs and other posts formed parallel systems as a means to maintain identity and services. On the other hand, Kosovo's Provisional Institutions have accepted the principle of multi-ethnicity even they have not succeeded at implementing them fully.

³² Assessment team meeting in Leposavic/Leposaviq with Dragisa Krstovic, leader of Povratak – "Returns," a coalition of Serb MPs in Kosovo Assembly.

in Serbian elections. Several Serbs in enclaves pointed out that they received no concrete benefits from participating in Kosovo's provisional institutions.

E. Minority Returns 2000 to 2002

Just as there are no completely reliable figures on the number of current IDPs and IIPs (see Executive Summary), there are none for those who have returned. UNHCR reports a modest level of minority returns for the period between 2000, when it began counting minority returns, and March 2003. In this period, 6,502 IDPs returned to Kosovo, of which 3,655 (56 percent) were Serbs, 2,165 (33.3 percent) were RAE, and 360 (5.5 percent) were Bosniacs and Gorani. The pace of returns increased in 2002, when 2,756 minority IDPs returned, of which 966 were Serbs and 884 were RAE.

The relatively modest levels of minority returns from 2000 through March 2003 testifies to the absence of conditions for sustainable return and reintegration during that period. It was also the case that the "overwhelming majority of Serb returns have been to all-Serb communities of varying size, where minimal communication with neighboring communities occur," and not necessarily in the conditions considered supportive of the principle of free choice to return in peace and dignity to one's original homes.³³

F. Current Expectations of the International Community

ORC's 2003 Strategy for Sustainable Returns, presented to the Donor Coordination Meeting for Kosovo in Brussels in November 2002, stated that 2003 could represent a turning point with regard to returns, building upon the fact that in 2002, while the number of returns remained at the modest level of about 2,700, not all of them sustainable, the net inflow of minority community members was positive for the first time since 1999.³⁴ In addition, the team found encouraging trends in the security situation, freedom of movement, minority participation in political processes, and accelerated resolution of housing claims as factors to support cautious optimism for increased returns.

ORC stated that "the window of opportunity for minority returns is beginning to open" and that "prospects for minority returns in 2003 appear brighter than at any point in the past three years." Peggy Hicks, Director of ORC, stated that she regards 2003 as the year for laying the groundwork for larger numbers of returnees that should occur in 2004 through 2006.³⁵

Nevertheless, the ORC report warns, there is risk that this opportunity will be squandered as international community interest and donor investments in Kosovo diminish.³⁶ Unmet shelter needs and lack of jobs and other economic opportunities remain daunting obstacles for prospective returnees and those that support them. *No representative of any international agency or the NGO community was willing to predict to the assessment team that the numbers of returns would increase substantially this year or anytime in the near future, and several seasoned experts expressed the belief that the "window of*

³³ Information provided by UNHCR.

³⁴ Kosovo and local government officials and political leaders among the Albanian majority regard return of minority groups as the responsibility of the international community. (title) UNHCR Report, 2002.

³⁵ Meeting with Assessment Team.

³⁶ 2003 Strategy for Sustainable Returns, ORC Report to the Donor Coordination Meeting for Kosovo, Brussels, November 5, 2002.



opportunity" may close before there are large numbers of returns. The issue of status, discussed above, is inextricably intertwined with prospects for return, but a successful level of returns and reintegration is only one of eight benchmarks to be achieved for resolution of status. For this reason, the USAID strategy is correct to focus on development of sustainable integrated communities and institutions, rather than the numbers of returnees and regardless of the resolution of final status.

III. LAYING THE GROUNDWORK FOR SUSTAINABLE RETURNS: PRECONDITIONS AND PROCESS

A. Availability of Short Term Financial and Other Support during Displacement and Upon Return

An IDP family's resources are almost always depleted during displacement. Many IDPs in Serbia live in private accommodations and pay rent using social assistance payments or remittances from relatives in other locations. Some family members work odd jobs, such as manual labor or baking, while others are fully reliant on humanitarian aid and social welfare, especially those living in collective centers, those with small children, and those who cannot work due to disability or lack of jobs. IDPs who formerly worked in socially owned enterprises that continue to function receive 70 percent of their salary or pension benefits, but others whose former SOE is defunct are denied all benefits, even after years of employment.³⁷ Some Serbian IDPs receive a portion of their former salaries from Belgrade as part of the parallel structure.

International agencies and NGOs are the main providers of financial and non-cash assistance to displaced families who are waiting to return. One NGO in Nis, Serbia reported that they conduct a security assessment and housing assessment for each family prior to their return to Kosovo, coordinate with their colleagues in Kosovo to make sure that the process of housing construction or repair is scheduled or underway, allocate \$350 to every IDP during the actual return process, provide them with transportation assistance, and help assure their furniture and farm equipment receive clearance from customs authorities when they cross the border into Kosovo.³⁸

In the initial weeks following return, families that are part of an organized return receive frequent, if not daily, visits from the representatives in the receiving location of the international NGO that coordinated their return. For example, ICMC/Kosovo follows up with families returning under the auspices of ICMC/Serbia for a period of 6 weeks to assist them in adapting to their new living conditions in Kosovo and provide them with food and other short-term assistance.

Many Kosovar IDPs returning from Serbia appear disoriented and helpless, particularly those who have been residing in collective centers where meals and other necessities are provided by others. According to a UNHCR representative, 11 families who returned recently to Mosgovo in Gjilan/Gnjilane were in shock when they first saw their properties. She had to assist them with the simplest of tasks, such as unpacking and setting up their farm tools. They asked her, "So who will be bringing us lunch?" International NGOs facilitate support for such returnees by linking them with neighboring Serb community members who will help them re-learn how to be self-reliant.

³⁷ Meeting with Kosovar Serb IDP who is member of the Commissariat in Vranje, Serbia.

³⁸ Meeting with ICMC, Nis, Serbia.

B. Inputs into Perceptions and Decision Making by IDPs

[Note that much of the information in this Section, and Section III.C, D, and E that follow, is based on interviews with representatives of various minority and IDP communities, and is intended to report their attitudes and perceptions rather than hard facts. In some cases, perceptions and even experience may not reflect more general conditions or realities. Section III.F contains comments on the realism of these perceptions.]

The team's research determined that IDPs in Kosovo and Serbia of all ages and ethnicities express the desire to return to their place of origin. When asked whether they would accept being returned to another place in Kosovo, most said they would not. Primarily those who cannot return home due to lack of freedom of movement or those who have lost trust in all institutions would consider resettling in another place. One strong motivation for return is connection to one's birthplace—often the place where members of the family are buried. One elderly gentleman attending a meeting of IDPs organized for the assessment team in Ferizaj/Urosevac discussed at some length all the practical problems he was facing as well as the fears and insecurities he felt as he considered the possibility of returning. When asked why he wanted to return in the face of so many uncertainties and difficulties, he replied, "I was born in that village. It's as simple as that."³⁹ This motivation was heard repeatedly, usually expressed with great feeling, throughout the period of the assessment.

It was frequently stated among middle aged and older IDPs that they struggle in their decision to return because they want to return to the place where they lived the majority of their years. To the vast majority of IDPs, this strong personal feeling toward their home keeps them from giving up hope and starting a new life elsewhere. This pull is mediated by other push and pull factors, however, such as access to neutral and objective media, receptivity by the majority community, physical living conditions, employment prospects, security, and housing at the place of displacement and at the place of origin. Older IDPs simply have a harder time integrating into communities of their displacement.

Among push factors, many people believe that the Government of Serbia provides Kosovar IDPs there with little or no support to encourage their return to Kosovo, both to increase the numbers of Serbs in Serbia for political reasons and to avoid expenditure of Serbian resources on the transient Kosovar Serb population. Conditions in southeastern Serbia are among the most difficult faced by Kosovar Serbs.

1. Adequacy and Neutrality of Public Information and Media

Access to information to IDPs living in Serbia is an important early step in the decision making process of return. Although there have been many appeals for uniformity of information from the international community, objective information still does not reach most IDPs. Newspaper reporting in both Kosovo and Serbia is often contradictory or politicized. Reports presented in internationally based local newspapers tend to be more objective than that in the purely local press. The misinformation conveyed in the local newspapers is often polarizing, sometimes inflammatory, and it confuses and discourages potential returnees. This is why "Go & See" visits are a critical mechanism for dissemination of accurate information to IDPs, especially those living in Serbia and Serbs living in remote villages in Kosovo. In

³⁹ Meeting with Albanian IDPs living in Ferizaj/Urosevac whose place of origin was a village now occupied by Serbs in Shterpce/Strpce municipality.



addition, BPRM-funded NGOs in Serbia, Montenegro and Macedonia work extensively on information dissemination in the form of information centers, outreach services, group meetings for IDP newsletters, liaison officers who field IDPs specific questions, distribute community profiles, and provide current photos of their houses as well as "Go & See" visits.

There are a few local newspapers in Serbian language, such as *Jedinstvo* that generally report factual and unbiased information and are disseminated to IDPs by international organizations. *Jedinstvo* is the only local newspaper written in Serbian that provides information on job vacancies in Kosovo municipal institutions directed toward Kosovo Serbs, thus encouraging the return of IDPs from Serbia and their reintegration, especially those whose place of origin is within safe commuting distance to Pristina/a. Unfortunately, *Jedinstvo* is not widely available in Kosovo. It may be the case that Albanian local newspapers report information on job vacancies in Kosovo, but such newspapers are not relied upon by Serb IDPs because they do not have easy access to these newspapers and many do not read Albanian.

An example of an innovative way to disseminate information to IDPs is the new IDP Information Center in Zvecan Municipality, created under the auspices of UNMIK and UNHCR in close partnership with the Zvecan municipal authorities. The Center collects and disseminates information useful to Serb and RAE IDPs displaced in northern Kosovo and to all actors engaged in the returns planning process. The Center's clearinghouse includes information on client intake data, profiles of municipalities of origin, status of inter-ethnic dialogue by region, and NGO support and referral services of interest to IDPs communities and international agencies coordinating returns. Access to this information is a vehicle for empowering IDP communities to become more active agents in the returns process and for improving the coordination and logistics of returns.

2. Community Based Preparation for Return

One of the most important factors is the reception from former neighbors during the "Go & See" visits and through telephone contacts between potential returnees and their former neighbors, either of the same ethnicity or another. For example, the team learned of regular contacts to exchange information between IDPs living in Kosovo and IDPs living in Serbia where both groups come from Gjilan/Gnjilane. Telephone contact with former neighbors is also a fairly regular occurrence. But it is sometimes the case that IDPs living in Serbia have virtually no information about their places of origin and they have no contact with their former neighbors.⁴⁰

One Serbian displaced family living in Rudare, Serbia, whose place of origin was Obilic/Obiliq reported that their Albanian neighbors, when contacted, said, "Why did you ever leave this place?" These welcoming words were an enabling factor in their decision to return home. Conversely, a displaced family from Novake, waiting for its home to be reconstructed, reported that every time the head of the household planted trees in preparation for the family's return, Albanian children from a village 5 kilometers away destroyed the trees. Representatives of 11 returnee families from Serbia and neighboring villages in Kosovo reported that they returned back to Mosgovo village in Gjilan/Gnjilane region despite hostility from Albanian neighbors. They heard that after the "Go & See" visit, the neighbors cut their power lines. Ill will

⁴⁰ The team received this information from IDPs displaced in the collective center "Selova" in Serbia whose place of origin is the village of Suva Reka in Prizren Municipality, and from returnees who were displaced in Serbia.

from the local community is one of the factors that influence whether IDPs will return to their places of origin or sell their homes and settle elsewhere.

A second related factor is the positive role played when IDPs see other families return to their own villages. It is especially important that families hear that returnees have self-sustaining conditions. A third factor is the signals sent from local authorities in the place of origin. It is they who ultimately influence community dialogue and rapport and provide the local institutional basis for integration of returnees.

3. *Living Conditions of IDPs*

Living conditions at the site of displacement can be an important factor pushing families to return home, especially when families perceive they will have relatively better conditions and prospects for the future at the place of return. Even when it is safe to return home, and living conditions are grim at the site of displacement, many IDPs cannot return to their place of origin for the simple reason that they have no place to go. Either their homes have not been rebuilt or repaired and they cannot afford to find suitable housing for themselves, or they have not been able to establish ownership of the property.

Living conditions for minority populations in Kosovo are reportedly improving both in mono- and multi-ethnic areas, but they still far from satisfactory. Freedom of movement is still a major problem in Kosovo, and access to relevant public services as well as employment opportunities is not sufficiently developed. Members of minority communities are still being harassed and threatened on the basis of ethnicity. Egyptians and Ashkali are more accepted by majority populations than Serbs and Roma, perhaps because they are usually able to speak Albanian and almost certainly because of the limited role they and their leaders played in the conflict.

IDPs in Kosovo live under unstable and difficult conditions. Most IDPs – Serbs and RAE alike – live in collective centers. According to UNHCR, there are currently eight collective centers in Kosovo – four in Shterpce/Strpce, one in Zubin Potok, one in Leposavic/Leposaviq, one in Mitrovica/a, and one in Plemetina. The team visited also visited a group of Serbs IIDPs living in Osojane Valley in Peje/Pec region in conditions very similar to that of a collective center.

The minority enclave in Osojane Valley consists of barracks located within a 7-kilometer zone protected by KFOR. The international community had placed high hopes on creating sustainable conditions for return in Osojane, but the Serb returnees were placed in barracks protected by KFOR. These returnees consist of young families who live in cramped conditions in metal trailers that have only room for up to six bunk beds. There are no cooking, laundry, or toilet facilities, and because of the poor security situation, IDPs have virtually no access to their land or employment opportunities outside the enclave. They receive limited quantities of humanitarian aid, which supplements their main sources of income – social assistance and, in some cases, salaries paid from Belgrade. One Serb IIDP reported he has waited two years for his house to be constructed. Dialogue with the surrounding majority community has not been arranged. The returnees have no choice but to depend on the international community for subsistence. Many report they are ready to return to the *site of their first displacement*.

In some collective centers, such as the RAE collective center in Bujanovac in Serbia, IDPs made their own housing out of wool similar to the yurts found in Central Asia. While on the one hand, the housing the team saw was fully furnished with carpeting, furniture, and a refrigerator, on the other hand, the



absence of stone, brick, or even metal roofs and paved roads make these RAE IDPs more vulnerable to the elements. In the summer and winter months they suffer from extreme temperatures and in the spring they must make their way through deep mud.

IDPs living in collective centers and private accommodations in Kosovo and Serbia are both subject to restricted freedom of movement and poor access to water and municipal services, schooling, health care, and income generating activities. Physical conditions are likely to be worse in the rural and or isolated areas than in the urban areas because electricity, water, and food shortages bring added hardships. Collective centers in isolated areas also receive less humanitarian aid than those located in urban areas. One returnee to the village of Borica in Peje/Pec stated his family was cold in the winter from lack of wood, electricity, or other fuel. When asked, "Were you ever hungry?" he replied, "I was hungry a thousand times."

4. Security

IDPs in Serbia and Kosovo believe that there are few conditions for safe and sustainable return. Many report that the main obstacles to return are personal security and lack of freedom of movement. According to the team's research, 90 percent of IDPs in Serbia and Kosovo believe that the adequacy of security is closely connected to the presence of KFOR security forces. In many areas of Kosovo, however, the situation has improved, and freedom of movement and security are no longer among the highest international priorities.

IDPs regard official statements that say there are inadequate conditions for return in certain places such as Peje/Pec as a continuous refusal on the part of majority communities to accept minorities. They report that "Go & Inform" and "Go & See" visits organized by NGOs are more helpful than the earlier campaigns promoting returns organized more directly by UNMIK, OSCE, and UNHCR because they feel better able to make their own determination about the safety of their return.

There are locally determined conditionality agreements being reached between the international facilitators and the host majority communities that could effectively limit the rights of minorities to access their unoccupied properties, despite international human rights conventions.⁴¹ In addition, there is a potential gap in the legal procedure when the rights of minorities are breached. Kosovo's Constitutional Framework, its Criminal Codes, and UNMIK Regulation 2000/4, provide what appears to be a strong framework for protecting the rights of all Kosovars. In the field, however, those who violate the law by harassing or attacking minorities are seldom arrested; those few who are detained are rarely prosecuted. International police may have set precedents that could allow unacceptable or illegal behavior to continue after the initial period of intense internationally led integration mediation has ended. Continued laxity in law enforcement will adversely impact the long-term prospects for sustainable integration in Kosovo.

Rights to safety and security should be the same for everyone. Generally speaking, any Kosovar or any visitor should be able to travel freely throughout Kosovo, regardless of their ethnicity. This basic freedom should naturally extend to Kosovar minorities during this transition period.

⁴¹ See, e.g., Article 17 of the Universal Declaration of Human Rights, which insures rights to property.

5. Economic Opportunities

IDPs receive little information about job vacancies in Kosovo, although availability of such information differs from region to region. While IDPs living in the regions of Pristine/a, Gjilan/Gnjilane, and Mitrovice/a have good access to information regarding employment opportunities, such information is not available in Peje/Pec or Prizren regions. When information is available, IDPs and returnees often lack the skills to perform the services advertised in the vacancies. Sometimes, positions are described in such a way that they intimidate persons with the appropriate skills from applying. Even when Kosovo IDPs are called for an interview, those who live in remote villages, such as residents living in Labljane village in Novoberde/Novo Brdo Municipality or restricted zones of movement, often do not have the necessary transport to attend interviews or to commute to the workplace if they are offered a job. This is especially true in Osojane Valley, where KFOR conducted a test to assess IDPs' freedom of movement to attend job interviews. A young Kosovar Serb accompanied by an undercover police officer drove a car with an old Pec license plates from Osojane to a neighboring village where there were no KFOR checkpoints. The car was stopped three times by Albanians who shook the car, pelted it with rocks, and swore at the occupants. After that, most IDPs regardless of age or gender were afraid to leave Osojane without military escort.

Lack of employment prospects is one of the most important factors hindering IDPs from returning home and does not support the reintegration of those who returnees. It is the principle reason why young families, especially Bosniacs, out-migrate.⁴²

6. Access to Land

Some Serb IDP families who own land in Kosovo do not have access to it, even if they are willing to return. Lack of access to land and lack of farm equipment, tools, seeds, and fertilizer are reportedly major economic constraints to return for IDPs living in rural areas such as Borica village, Peje/Pec region, Labljane village in Novoberde/Novo Brdo, and the villages Banjska, Patina, and Prelluzne in Mitrovice/a region. In the village of Priluzje in Vushtrri/Vucitrn, income from farming accessible land supports families for only 3-4 months out of the year. Even in mixed villages such as Banjska in Vushtrri/Vucitrn Municipality, where relations among Serbs and Albanians are relatively good, Serb villagers report that they cannot access their land, their equipment and tools have been stolen, and thefts of livestock continue to be a problem. They also report that Albanian families allow their cattle to graze on their land so that even if they do have access to their land, there are not sufficient quantities of hay remaining to sell in the market.

C. Demographic Distinctions

Urban/Rural—A major reason cited by Kosovar Serbs displaced from urban areas in Pristine/a and Mitrovice/a municipalities for their inability or unwillingness to return is that their apartment is being occupied by other Kosovars, usually Albanians. Many have filed property claims with HPD and have been waiting two years for a decision to be made. Others claim that their freedom of movement and access to employment opportunities would be so limited in urban areas, particularly in Pristine/a, that they could not secure for themselves a decent standard of living. They would prefer to resettle in urban areas in Serbia, Montenegro, or Bosnia. Return of IDPs from urban areas is hampered by their lack of access to their former

⁴² Interviews with Bosniac returnees living in Vitromirca, Peje/Pec and Bosniac IDP representative, Mexhid Rexhepi.



employment in the government sector, other office work, management of enterprises, or professions, particularly in the case of Kosovar Serbs.

There are a number of IDPs from rural areas who were not employed in the agricultural sector. Since many of the old factories no longer operate at their place of origin and government positions are no longer available to them, they know they will face very limited employment prospects at their place of origin. Nevertheless, the majority of them state they still want to return and would engage in subsistence farming as their principal means of survival.

With few exceptions, in order for return to be sustainable, IDPs from rural areas will require help to farm upon their return home—access to land, tools and equipment, and transportation to markets. Some better-off agrarian families drove their tractors and brought their equipment and tools with them to their place of displacement and therefore require less assistance upon their return. IDPs from mountainous areas require water for drinking and irrigation in the summer, since they receive the last of the water flow from pipes, and new electric power lines.

Age—IDPs who are past the age at which they can find adequate employment at their place of displacement are more inclined to want to return than IDPs in their early or middle working years. They also place lower demands on the organized return process, in that they only request that their homes be reconstructed or repaired. Conversely, younger IDPs with families require many more institutional resources than older IDPs, such as access to employment, schools, health care facilities, and medicine. Hence, they tend to factor prospects for the future much more heavily in the decision making process than older IDPs or those with grown children.

Gender—The decision to return is usually made by the male head of the household, usually in consultation with other family members. Employment opportunities of working-age males appear to have greater import than employment opportunities for females. In any case, among IDPs returning to rural areas, employment prospects for minority females are few. In urban areas, on the other hand, where gender equality is more strongly encouraged, women tend to have greater economic opportunities than men do. How female employment prospects vis-à-vis the male family members factor into the decision to return to urban areas is unclear, but it is generally the case that families place more importance on the employment opportunities for men.

In the team's interviews with IDP women in Kosovo and Serbia, all able-bodied women expressed a desire to work in the labor force, primarily to keep their families out of poverty. While they would prefer to care for their children full-time, they feel compelled to find wage-based employment. Female family members with sufficient income from private agricultural work or from male family members place a higher priority on starting or maintaining the family.

Age and gender information on IDPs interviewed is included in Appendix 8.

D. Political Factors

Lack of Engagement by Municipal Officials in the Returns Process—According to UNCHR in Pristine/a, Ferizaj/Urosevac is one example where initiative for organized return came from the Municipal

Assembly, but it was “more the exception than the rule.” The overwhelming majority of IDPs report that municipal authorities play a negligible role in assisting them with the returns process.

Issue of Security Politicized by Kosovar Serbian Politicians—A representative of Kosovar Albanian IDPs working in Ferizaj/Urosevac stated that newly elected Serbs in the Municipal Assembly do not attend the meetings for reasons of safety, even though “everything is secured for them.” He claims that Serb absence from Municipal Assembly meetings serves to widen the gap between Kosovo institutions and Serbian institutions. In addition, these absences send a message to their constituents that freedom of movement is more restricted than is actually the case.

Allegiance to Belgrade—Many IDPs in Osojane Valley and at collective centers in southern Serbia pin their hopes on Serbia. Several interviewees claim they will return to Kosovo only if the Serbian army and police re-establish control over Kosovo. Albanian IDPs from Shterpce/Strpce state that one of the main underlying factors why they cannot return home is the strong influence Belgrade continues to have on Serbs living in Kosovo. Not all Serb IDPs ally with Belgrade, however. In many cases, they declared that they trust no one, neither Belgrade nor Pristine/a nor the international community. They believe that they are pawns in a political game and want to leave both Kosovo and Serbia.

Issue of Final Status—The prevailing opinion among Serb and RAE IDPs is that the issue of returns must be resolved before the issue of final status. At the same time, many IDPs question what kind of life they will have if they return to a mixed village in Kosovo. Some believe that a decision regarding final status will determine the conditions under which they would return, and ultimately the choice as to whether or not to return. Serb IDPs from high conflict villages like Upper Suvi Do in north Mitrovice/a and Bosniac representatives from Dragash/Dragas displaced in relatively peaceful regions like Gjilan/Gnjilane were asked how they see themselves in an independent Kosovo. Many responded that they would have no choice but to leave Kosovo because they have not received sufficient indication so far that majority populations want to accept them as equal members of society. The Bosniac representatives, on the other hand, assert that resolving the issue of final status would improve their security situation and “everyone wants to feel free.”

E. Access to Local Government Administration and Other Institutions

Access to Representative Bodies—In general, there is little interaction between the IDP or minority communities and local institutions. Few Municipal Assemblies hold meetings with citizens to inform them about the municipality’s working agenda or plans. According to regulations, and consistent with the discussion of government in Section IV.D, minorities should be given far more opportunity to participate in local affairs.

At least in some cases, lack of access to local officials applies even to those who represent minority communities. Serb IDPs in Osojane Valley state they have no voice in the municipal structures and little or no contact with their Serb representatives. They reported that Serbian municipal assembly members rarely come to visit them, but a delegation from Serbia comes every month.

Gorani IDP representatives state that the Albanian leadership in Dragash/Dragas does not provide Gorani with the proper institutions to keep them there, such as employment opportunities, schools, and



equal rights. There is a lack of secondary schools, and Gorani report that their children are taught in Albanian in the primary schools. The language used in public is Albanian, which older Goranis do not know. Goranis report that they are afraid to speak Gorani for fear that they will be mistaken for Serbs, and they resent that they are now being called a "national minority" by Albanian institutions when they should be called simply "citizens."

Kosovar Serb IDPs in the bordering municipality of Bujanovac, Serbia state they receive no cooperation from the Bujanovac municipal authorities and minimal support from CCK. Several of them have recently established an NGO called "IDP Association 'Kosovo,'" which disseminates information to IDPs in transit between Serbia and Kosovo.

Access to Health Care—Minorities tend to view municipal institutions as unapproachable. In Gjilan/Gnjilane, almost all official documents housed in municipal institutions, such as hospitals, are written in Albanian. Kosovar Serb IDPs in Gjilan/Gnjilane reported they do not give birth or undergo any serious operations in the local hospital but travel to Vranje, Serbia and utilize hospitals there. Kosovar Serb women residing in the Serb enclave Drakovac in Shterpce/Strpce Municipality also report that they go to Serbia to give birth.

Relations with the Kosovo Police Service—Many Kosovo Serbian IDPs do not trust the KPS even if the patrols are ethnically mixed. They believe that many incidents are not reported to KPS because perpetrators are only detained for a short time then released.

Gorani interviewees reported that the KPS does not provide them with adequate security. KPS rounds are too few and, between rounds, incidents occur between Gorani and Albanians. Gorani are afraid to report these incidents for fear of reprisals. In Osojane Valley, young Serb IDPs stated that they would rather work anywhere than work for KPS.

Access to Property Claims Procedures—Overall, IDPs report bad experiences dealing with the Housing and Property Directorate. They claim that they cannot make phone contact with HPD offices in Pristine/a; in some instances, they reach only an answering machine. The unavailability of HPD staff and lawyers who could inform them about the status of their claims result in IDPs feeling that the process is made complicated in order to discourage and obstruct them in their attempts to claim their property. Some Serb IDPs in Vranje and Kursumlija, Serbia believe that HPD is enabling Kosovar Albanians to usurp property belonging to Serbs. An IDP in Kosovo reported that the household head accepted a position with KPS in Prizren with the understanding that HPD would evict the illegal tenants residing in their apartment. HPD failed to evict the tenants and, as a result, the household head lost the job at KPS because he could not afford temporary accommodations in Prizren. The family had to remain in the collective center in Brezovica.

F. How Realistic Are IDP Perceptions and Expectations?

1. Security and Freedom of Movement

It appears that the many of the fears expressed by IDPs and residents in enclaves do not reflect the real situation in Kosovo, where reported incidents of crimes directed against minorities have

significantly decreased since 1999. This misperception among IDPs appears to emerge from two sources. First, the absence of adequate media coverage among minority communities in Kosovo and elsewhere about developments in Kosovo nurtures a culture of rumor and fear. Serbs in the enclaves and in collective centers in Serbia exclusively follow the Serbian media, which presents developments in Kosovo in a very biased manner. This may result from the modest level of mainstream media in Kosovo in the Serb language. Second, a “hunger” for objective information about Kosovo allows an isolated, violent incident to be magnified to much greater significance than would otherwise be the case. It also allows the memory of the violence to live on—especially when provocative statements from political leaders encourage these fears.

2. Economic Opportunities

IDPS are realistic in their expectations of finding employment; essentially, their economic prospects are grim, and they know it. Economic times are very difficult both in Serbia and in Kosovo, as more fully discussed in Section IV below. Displacement and minority status only add to the difficulties that almost all citizens are experiencing.

3. Property Rights

Most IDPs who left documented property in their place of origin have some hope that it will be returned, and these hopes appear to be justified, at least in the case of housing. Their expressions of frustration with lack of information about the status of housing claims through HPD may reflect the fact that they are unaware that claims are now proceeding toward speedier resolution than in the past. Claims for land and commercial property are more problematic, since they must proceed through the courts. This issue is also more fully discussed in Section IV below.

IV. PROSPECTS FOR SUSTAINABLE, INTEGRATED COMMUNITIES

A. Regional Distinctions

The conditions for sustainable return vary widely across Kosovo. In areas that saw significant violence during the war, such as in Peje/Pec, prospects for sustainable multi-ethnic institutions are considerably dimmer than in areas less affected by wartime violence, such as Gjilan/Gnjilane. Similarly, the large number of unsolved instances of missing people in municipalities such as in Kline/a could impede progress in sustainable returns—especially in the absence of comprehensive mechanisms to address the past such as “truth commissions” or criminal proceedings. Legacies of unresolved trauma from the war exacerbate efforts to nurture a social climate conducive to sustainable return.⁴³

It will also be more difficult to sustain the return of Serbs in urban areas than in villages. Adults with less formal education seek to return home to villages because they face much less inviting alternatives elsewhere. In urban areas, the majority and minority populations face high levels of unemployment. It was also the case that urban Serbs were disproportionately employed in sectors that have been substantially

⁴³ Meetings with Mayor Ali Lajqi of Peje/Pec and Mayor Rame Manaj of Kline/a.



transformed: in the police, government administration, military, and as managers in social sector firms. The team heard many reports that Serbs have sold their houses in the urban core of municipalities throughout Kosovo.⁴⁴ To take one example, although Prizren municipality experienced little violence during the war, the team found little expectation there that its relatively small Serb population will return to the urban core. It has been impossible to find a Serb willing to serve actively in the Prizren Municipal Assembly.⁴⁵ On the other hand, sustainable multi-ethnic institutions that emphasize deepening relationships among Albanians, Turks, Bosniacs, RAE and Gorani can be developed in Prizren. Non-Serb minorities from the Kosovo Assembly and municipal government revealed their commitment to Kosovo's Provisional Institutions. Programs aimed at the economic and social integration of Serbian-speaking Bosniacs and Gorani would provide a broader environment conducive to sustainable returns.

This does not appear to be the case with Serbs. Not only are some Albanian politicians wary of opening up a dialogue that could lead to enhanced return, substantial links to Belgrade color efforts at return. The team spoke with Serb officials in the north, who remain deeply committed to Serbia and who reflected the views of leading Serbian politicians. Northern municipalities house Serb IDPs seeking to return to Albanian majority areas. In north Mitrovice/a, Roma and Ashkali are waiting to return to south Mitrovice/a, which is now over 95 percent Albanian. South Mitrovice/a is the only place to house significant numbers of Albanian IDPs awaiting return to their homes in the north. Unlike the Serbs, they have not sold their property in north Mitrovice/a's urban core. The Mayor of southern Mitrovice/a insisted on Albanian IDP return to the north in order to balance future returns to the south. In the south of Kosovo – where Albanians constitute a substantial majority—Serbs have established relatively good working relations with Albanians in municipal government. However, even in these areas, such as in Rahovec/Orahovac, Shterpce/Strpce and Gjilan/Gnjilane, Belgrade's authority remains significant among the Serb population.⁴⁶

Albanian officials view Serbs differently than they do other groups. They express greater tolerance for Turks, Bosniacs, and RAE, but very little sympathy for the plight of Serbs. This is in good measure because they are almost universally seen as instruments of Belgrade's policies.

The failure of the major Albanian political parties to compromise also impedes progress in developing conditions for sustainable return. The struggle for power among the majority parties Democratic League of Kosovo (LDK) and Democratic Party of Kosovo (PDK) remains central in the calculations of national and local politicians. It has led to boycotts and to deals between the LDK with minority parties in Prizren and deals between the LDK and Serb parties in Novoberde/Novo Brdo in order to shut out the PDK. In largely mono-ethnic areas, such as Kline/a, the political compromise conducive to returns has been more difficult to achieve.

In areas, such as Ferizaj/Urosevac, the mayor and municipal assembly are taking significant initiatives to support return to villages, even when there are only 18 Serbs currently living in town (each with KFOR protection). Some majority politicians appear to believe it in their interest to take every step to support sustainable return.⁴⁷ This is especially the case when the larger factors – doubts that Kosovo will

⁴⁴ Meetings with municipal officials in Mitrovice/a, Peje/Pec, Ferizaj/Urosevac, Prizren, and Rahovec/Orahovac.

⁴⁵ Meeting with municipal officials in Prizren.

⁴⁶ Meetings with municipal officials in Rahovec/Orahovac, Shterpce/Strpce, and Gjilan/Gnjilane.

⁴⁷ Meeting with Mayor Adem Salihaj of Ferizaj/Urosevac.

remain within Serbia, the quick transfer of responsibilities, and substantial sale of Serb houses in the urban core – would not appear to favor sustainable return of Serbs. By taking all the mandated steps to encourage return, a local government also moves towards the achievement of benchmarks that are part of the “standards” essential to the achievement of an independent status for Kosovo.

B. Jobs and Economic Opportunities

The team found a general consensus that the absence of economic growth was the single biggest objective impediment to sustainable return. With the unemployment of the majority population above 50 percent, it would appear even more difficult to fashion programs of “positive discrimination” for returning minorities in any institutions other than the Kosovo Police Service. In January 2003, the Kosovo Department of Labor registered 260,848 unemployed, of which 19,941 (about 7 percent) were from minority communities.⁴⁸

The team found widespread disappointment with international efforts to transform the economy and create conditions to expand employment as one basis for sustainable return. Local leaders and NGOs throughout Kosovo noted a series of disappointments in the economic climate: failure to privatize business more quickly; failure to ensure regular supplies of electricity and water; failure to provide a coherent legal framework for the development of private business; failure to develop the means to expedite exports to Europe; high customs and tariff provisions for raw materials and semi-finished goods (at 26 percent) that penalize Kosovar producers against competitors from abroad; the apparently symbolism-driven move of the Kosovo Trust Agency (KTA) to northern Mitrovica that could impede its capacity to work efficiently. Kosovo’s economy is not yet on a sound footing to develop manufacturing and services essential to a modern, productive economy that will expand employment for members of the majority and minority communities. There was general agreement that returning minority IDPs would face far higher hurdles over the medium term than would members of the majority community.

An economy heavily dependent on the development of trade and small shops will seriously impede sustainable return of IDPs. One observer commented that Kosovo’s government finds itself in the middle of the first real business cycle since the war, brought on by the departure of international capital to other conflict zones and the general downsizing of international military and civilian operations in Kosovo.⁴⁹ These developments take place against a backdrop of a poorly defined economic environment in which many large businesses have not been able to begin working and in which there is inadequate capital. No one was optimistic about the short-to mid-term prospects for Kosovo’s economy, and there was general agreement that IDPs returning to villages would require assistance even to resume their traditional agricultural activities. However, a good many neighbors have grown dependent on farming the land of minority neighbors who are now IDPs that lay fallow over the past four years.⁵⁰ The majority neighbors will not return that land happily to returning IDPs, who are already seen to enjoy substantial privileges and international support for their return. In addition, it appears that the practice of traditional agriculture will not provide a basis for the productive agriculture essential in a modern economy. Finally, a policy of directing

⁴⁸ S/2003/421, Paragraph 36.

⁴⁹ Meeting with Debra Wahlberg, Chief of Party of Kosovo Business Support project.

⁵⁰ Meeting with Mayor Muhamed Shabani of Vushtrri/Vucitrn.



Serbs to live in villages could condemn them to a life of poverty and little opportunity for inter-generational advancement, especially in the absence of access to higher education in the Serbian language.

The fragmented character of production between the Serbian enclaves and the rest of Kosovo exacerbates these difficulties. Because businesses there have not always been registered with and do not pay taxes to Kosovo Provisional Institutions, it has been difficult to establish a basis for economic cooperation between businesses in Serbian and Albanian areas. The USAID-sponsored Kosovo Business Support project has established a series of programs to address some of the problems of business fragmentation: capacity building training (aimed at minorities), services for businesses in the enclaves and other parts of Kosovo, and business-to-business meetings between businessmen of different communities inside and outside the enclaves.⁵¹ Such programs make a very useful contribution to creating an environment conducive to sustainable return and will require additional components to ensure the full integration of the economies of the enclaves with that of the rest of Kosovo.

C. Security

Security was often cited to the assessment team as the essential precondition for the sustainable return of minorities to their communities of origin. Security provides a basis upon which individuals can re-establish themselves economically, socially, and politically. It was also commonly noted that the high frequency of inter-ethnic violence in 1999 and 2000 have been seriously reduced, although freedom of movement in Pristine/a and Mitrovice/a⁵² regions remains more limited than elsewhere. Meetings with ethnic Albanian officials, non-Serb minorities, and international officials confirmed that some areas remain potentially explosive – including Pristine/a and Mitrovice/a regions – but that the general level of security in Kosovo had significantly improved. Even Serb officials who warned about the significance of isolated incidents agreed with this assessment.⁵³

Opinion of the quality of security provided by KFOR, the UNIP, and KPS was one of the bright spots in the assessment. International police throughout Kosovo reported the increasing professionalism of the KPS officers, and no UNIP officer disputed KPS's readiness to respond to crime in minority communities. Minorities represent approximately 14.6 percent of the 5,247 KPS officers and Serbs constitute 9.24 percent.⁵⁴ They appeared well prepared to assume full command authority in those areas, such as Shterpce/Strpce, where they were deployed. In areas such as Kline/Klina, they appeared well on the way to assuming authority as soon as UNMIK decides to authorize the transfer. KPS is prepared to take steps to work in multi-ethnic patrols and to establish heightened security in the initial phases of organized returns. KPS police throughout Kosovo professed their willingness to speak a non-native language in appropriate situations. Serb police in Shterpce/Strpce and Novoberde/Novo Brdo reported that they employed their limited knowledge of Albanian in order to establish trust with crime victims and community members. Albanian police in Kline/a reported their willingness to speak Serbian in areas of return as well. Police of different ethnic communities uniformly displayed a commitment to work with each other and take obvious pride in their office.

⁵¹ Meeting with Debra Wahlberg, Chief of Party of Kosovo Business Support project.

⁵² There is a lack of security for all groups as minorities in north and south Mitrovice/a.

⁵³ Meeting in Leposavic with Dragisa Krstovic, leader of Povratak – "Returns," a coalition of Serb MPs in the Kosovo Assembly.

⁵⁴ UNMIK 2003 Strategy for Sustainable Returns, and S/2003/421.

The team would add some caution here. First, Serb KPS officers have experienced difficulties in some Serb communities for what is perceived as their loyalty to Kosovo's Provisional Institutions. Efforts to recruit and train minority police together with Albanians must include substantial components of community policing to be effective in minority communities, as the team saw in Rahovec/Orahovac. It will also be necessary for the KPS to establish itself as a multi-ethnic institution in northern Serb municipalities. Second, the KPS will require substantial additional investment in equipment and salaries in order to improve its capacity to provide security. The team heard frequently about insufficient amounts of forensic and other equipment to perform effective law enforcement. Adequate salaries will provide incentives for the police to work in the community interest and resist bribes.

Finally, as responsibility for law-enforcement increasingly passes from UNIP to KPS, continued monitoring and training by UNIP will increase the likelihood that KPS will maintain its professionalism and effectiveness. As discussed in Section III.B.4 above, it will be important to ensure that police professionalism moves beyond symbolic demonstrations of multi-ethnic police stations and joint patrols to arrests and prosecutions of people who violate the law by attacking or harassing minorities.

D. Local Governance

Since most citizens' contact with government is local, an environment of sustainable return will require well-functioning, multi-ethnic municipal administration. Local governance should deliver adequate services and be open to participation by all citizens. Minority employment should broadly reflect the population distribution in the municipality. Municipal budget expenditures should address the needs of minority populations. It should also demonstrate sufficient concern with specific issues facing minorities – in communities and mediation committees, community offices and Municipal Working Groups.⁵⁵

In many places, minorities have difficulty gaining access to municipal services and infrastructure, especially in areas outside the urban core. For example, the villages dotting the Zhupa Valley in Prizren municipality are without any telephone coverage and many of them require substantial projects in water, garbage disposal, sewage systems, and electricity to become fully functional communities within the municipality. The team encountered this lack of infrastructure development throughout Kosovo – and such projects contribute substantially to the ORC list of priority projects that await funding. There is great potential to develop a set of projects throughout Kosovo that could both benefit majority and minority communities and could encourage inter-ethnic and public-private dialogue through the planning process.

It is rarely the case that municipalities distribute their assets fairly among majority and minority communities. Under provisions for "fair-share financing," municipalities are supposed to allocate a percentage of their budget and own-source revenue to minority communities in a manner that reflects their population in the community. The budget lines are in Health, Education, Goods and Services and Own Source Revenues. Only five municipalities achieved three of four targets in "fair-share financing" allocations. Eight municipalities achieved two of the four targets, eight achieved the targets in one budget line, and two did not achieve a satisfactory level on a single budget line.⁵⁶

⁵⁵ The USAID Limited Scope Assessment of Local Governance in Kosovo provides a comprehensive survey of issues on the functioning of the municipalities.

⁵⁶ Information supplied by UNMIK.



These disappointments in achieving a policy conducive to the development of multi-ethnic communities may reflect the modest representation of minorities in local government. Only in the small municipality of Novoberde/Novo Brdo did the team find a relatively balanced representation in the Municipal Assembly.⁵⁷ There are overwhelming ethnic majorities in all other assemblies. This is also the case with important Policy and Finance Committees, which are responsible for preparing the budget and formulating the future strategic direction of the municipality.⁵⁸ The team also found that only four municipalities have achieved a "representative range" of appropriate minority employment based on results from censuses in 1981 and 1991.⁵⁹ On municipality Executive Committees, the team found a genuine effort in some places to appoint minorities as Directors (Prizren, Dragash/Dragas, and Rahovec/Orahovac), or as Deputy Directors (Gjilan/Gnjilane). UNMIK has criticized the "lack of transparency in the appointment of civil servants for Chief Executive Officers and Department Directors."⁶⁰

To balance this formal under-representation, each municipality is also served by a Communities Committee that is supposed to promote the rights and interests of the communities and by a Mediation Committee that is supposed to make recommendations on claims brought by the Communities Committee concerning discrimination.⁶¹ These committees have substantial minority representation throughout Kosovo, but they have not been formed in 11 municipalities and are not functioning in the spirit in which they are intended in over two-thirds of the municipalities where they are formed.⁶²

Similarly, UNMIK began establishing "local community offices" in each municipality's minority areas in 2000. They are now staffed by UN and local officials, who appear conscientious, very well informed about developments in the community, and diligent in representing the interests of minorities with the majority administration. These offices can provide an effective element in providing a welcoming environment to minorities in local administration. It will be important to find a way to further build the capacity of these instruments that address minority interests in local administration, especially as UNMIK downsizes and removes the international officials from their positions in municipal administrations.

Municipal Working Groups specifically address the problems facing IDPs from their respective municipalities. UNMIK reported varying levels of success in that 11 MWGs show a genuinely constructive approach, six are beset by genuine problems in their work, and the remainder falls somewhere in the middle.⁶³ The leaders in majority-led governments uniformly reported that they are doing everything in their power to prepare for returns. They generally took care to demonstrate their formal adherence to the process of return, but rarely displayed much enthusiasm for it.⁶⁴

The further evolution of municipal governance will have an impact on sustainable reintegration. Over the next year, substantial responsibility for self-government will begin to be transferred from

⁵⁷ There are 10 Serbs, 7 Albanians, and 1 RAE.

⁵⁸ UNMIK Regulation 2000/45, Section 22.1.

⁵⁹ S/2003/421, paragraph 10.

⁶⁰ S/2003/421, paragraph 6.

⁶¹ UNMIK Regulation 2000/45, sections 23.5 and 23.7.

⁶² Information provided by UNMIK. Two of the municipalities where Communities Committees have not been formed are mono-ethnic.

⁶³ Information provided by UNMIK.

⁶⁴ Meeting with Mayor Ali Lajqi of Peje/Pec.

international to local authority. It is anticipated that this process will begin in mono-ethnic municipalities and be extended to multi-ethnic ones.⁶⁵ The Council of Europe recently began a nine-month mission that will develop plans and a legal framework for further decentralization of local administration.⁶⁶ As these developments take place, steps must be taken to ensure that minority and majority politicians can adapt to the changing circumstances in a manner that will allow them to bargain more effectively and make policy that benefits the full range of their constituents.

E. Political Factors: “Politicization”

Given the history of Kosovo and the current uncertainty about its future status, it is not surprising that returns do not always follow the universal principles established by UNHCR, in which they are to occur voluntarily and in conditions of security and dignity. The issue has frequently been politicized. Some Albanian local leaders said that the current Serbian policy of return is designed to create enclaves that are more closely integrated into Belgrade’s institutions than those of the Provisional Government and saw little reason to devote much attention to the matter.⁶⁷ Other local leaders reported that they could not begin to discuss returns until the issue of missing persons could be addressed.⁶⁸ Unresolved trauma from the war can lead Albanian leaders to see all Serb activity as part of a broader strategic plan.

Similarly, the team was told that the Serb Kosovo Coordination Center (CCK) seeks to return as many people as possible to a village near Vushtrri/Vucitrn, even if they did not live there previously.⁶⁹ The representative of CCK in the town of Bujanovac, Serbia told the team that if the IDP population in southeastern Serbia does not return, their permanent humanitarian needs will be unsupportable by the government of Serbia. He disagreed strongly that security was adequate, and recited a litany of bombings, fires, looting, intimidation, and illegal occupancy of housing. The Serb coalition in the Assembly, the “Coalition for Return” demands the “massive return of Serbs” in this year at the same time that the Serb parallel system integrates itself more closely with Belgrade’s institutions. These differences illustrate how sustainable return ceases to be an end in itself and rather becomes a bargaining chip in political negotiations over the status of Kosovo.

F. Property Rights

Housing Claims—A significant impediment to return is the inability of IDPs to regain access to their houses or apartments, either because they were damaged or destroyed during the conflict or its aftermath, or because the property has been illegally occupied by others after the IDP family left. Claims to housing are handled by the Housing and Property Directorate (HPD), which is under the administrative jurisdiction of UNMIK and is funded largely by the United States.

⁶⁵ Information provided by UNMIK.

⁶⁶ S/2003/421, Paragraph 2.

⁶⁷ Meeting with Mayor Ali Lajqi of Peje/Pec

⁶⁸ Meeting with Mayor Rame Manej of Kline/a.

⁶⁹ Information provided by UNMIK.



According to the HPD director, claims for housing total some 25,500, 17,000 of which have been filed in Serbia.⁷⁰ The claims arise from loss of ownership or occupancy rights during the period of 1989-99 when Serbian policy discriminated against Albanians in Kosovo (some 1000 claims), the desire to legalize informal sales during the same period when inter-ethnic sales were banned in Kosovo⁷¹ (800 claims), and the balance—over 23,000 claims—arising from the aftermath of the 1998 and 1999 conflict. Most of the last category have been filed by Serb and RAE IDPs, with a small number filed by Albanians displaced from Serb majority communities within or outside Kosovo. HPD has offices throughout Kosovo, Serbia, Montenegro, and Macedonia. There is reported to be widespread public awareness of the HPD claims process and adequate assistance with filing claims.

HPD got off to a slow start. It still is regarded as a returns bottleneck by many, but recent overhaul of administrative procedures and change in the directorship has significantly speeded up the resolution of claims. By November 2002, over three years after it was established, HPD had resolved only 621 claims. Since then, 4,000 claims have been resolved, with a current rate of resolution of 1,000 per month. The deadline for submission of claims is June 1, 2003 (twice extended from December 1, 2001 and December 1, 2002).

HPD staff, which includes six teams of local lawyers with international oversight, reviews claim applications and the documentation submitted to support them. The reviewers then make a recommendation to the three-person Claims Commission, which meets six times a year. The Commissioners perform random quality control checks on claim files and documentation. Once the Commission has rendered a decision on a claim, reconsideration can be granted only upon submission of additional evidence. Reconsideration is rarely granted.

Once a claim is filed, a notice is posted on the building in dispute. Defenses posed by the occupants or other persons are then considered. The most common defenses are that the present residents have occupancy or ownership rights, and that occupancy rights were assigned by KFOR or other authorities. The HPD staff considers the claim, any defenses, and all documentation submitted and renders a decision.⁷² In cases of true hardship or genuine humanitarian need, the HPD has the authority to stay the eviction of current occupants for up to six months; in the meantime, HPD will attempt to locate alternative housing for the family to be evicted.⁷³ These cases are reportedly very rare. Evictions are performed under the supervision of KFOR and KPS. HPD is currently conducting an average of 60 evictions per week.

⁷⁰ The claims are distributed for housing located in the five regions as follows: approximately 9,500—Pristine/a; 7,000—Peje/Pec; 3,500—Prizren; 3,000—Gjilan/Gnjilane; 2,500—Mitrovice/a.

⁷¹ The Law on Changes and Supplements on the Limitation of Real Property Transactions (Official Gazette of the Republic of Serbia No. 22/91) limited real estate transactions between persons of different ethnic groups, regardless of their ethnicity.

⁷² Although some cadaster files were taken to Serbia during the conflict, official records of property ownership exist in many parts of Kosovo. For example, the President of Ferizaj/Urosevac Municipality stated that property claims not a problem there because Serb property is registered in municipal cadaster. He went on to state that 1600 Albanian houses were destroyed during the war and their owners are temporarily residing in Serb-owned property. In his opinion, where ownership is but there is illegal occupancy, HPD can easily resolve any disputes.

⁷³ HPD also has jurisdiction over "abandoned" houses – those for which there is no claim and no legal record of ownership. It can temporarily allocate these homes for humanitarian cases or as alternative housing following eviction. It currently manages 2500 such properties in Pristine/a alone. The plan is for this housing to go to municipalities when the HPD program ends, when it can be assigned as social housing for economically vulnerable families.

While HPD procedures are moving more quickly and providing greater certainty to claimants, the Norwegian Refugee Council, tasked to solve housing legal problems under UNHCR, reports that there is an underside to this efficiency, and that HPD concentrates on quantity – clearing cases – rather than providing good service.⁷⁴ HPD is present at the site for eviction, but there is no procedure to protect the property after the two-week notice to vacate is posted. In many cases, NRC reports, the house is so seriously damaged between the time of notice and the date of eviction that it is uninhabitable when returned to the claimant.

Claims are considered and evictions performed geographically rather than chronologically based on date of filing or decision. HPD believes this policy lends itself to more stable and efficient returns by establishing ownership rights and conducting evictions where multiple families can return to their homes at the same time.

The HPD director reports, however, that while families with established rights can move in immediately, this rarely happens because most HPD adjudications result in sales. The real estate market is not regulated, and there are no reliable figures on sales of Serb-owned houses or land, which are often conducted illegally, without formal documentation or registration in the cadaster.⁷⁵ The HPD director reported that an apartment in Pristine/a sold by a Serb might be worth 500 Euro per square meter, while the same apartment, if sold by an Albanian, would be worth 1000 Euro per square meter. Socially owned apartments are frequently sold, despite the fact that they are under the jurisdiction of UNMIK and the Kosovo Trust Agency.

Claims to Land—There is a serious gap in the protection of IDP property rights in that privately owned land used for agricultural purposes does not come under the UNMIK mandate, and claims to establish ownership and possessory rights when land is illegally occupied must be resolved in court. There is no current data available on such claims, but the expectation is that they will be lengthy procedures with uncertain outcomes.⁷⁶ Judges are often alleged to be biased against Serbian claimants, but even absent any intentional discrimination, courts are generally understaffed and administratively inefficient.⁷⁷ This could be a serious impediment to returns, since the expectation is that most Serbian returnees will be from villages where the economic basis of their sustainability will be agriculture.

Claims to Commercial Property—The Kosovo courts have jurisdiction to resolve commercial property claims.⁷⁸ There are no reliable figures on the number of such claims, and IDPs who are former owners are not optimistic about regaining their property, especially if they are displaced to locations far from their place of origin. A Serb IDP from a small town in Lipjan/Lipljan now residing in Vranje, and who is a lawyer and a member of the Commissariat of the Municipality of Vranje, reported that for many years her family owned a café with 50 square meters in Lipjan/Lipljan. It is now occupied by an Albanian who has falsified ownership papers. Her family has filed an action in court, but she expects there will be no redress

⁷⁴ Meeting with NRG Legal Aid Center, Nis, Serbia.

⁷⁵ Meeting with Denny Lane, Municipal Administrator of Peje/Pec.

⁷⁶ A very thorough report entitled *Property Rights in Kosovo*, OSCE Department of Human Rights and Rule of Law, January 2002, fails to distinguish claims to land as an issue in its general discussion of court-adjudicated property claims. The report does note the backlog of property-related court cases, and that equal access by minorities to judicial process and fair treatment once access is obtained is a serious concern of OSCE.

⁷⁷ Meeting with Director of ABA-CEELI.

⁷⁸ Residential property converted to commercial use handled by HPD.



for their loss, especially because she is unable to be present for court actions, which she reports often occur on an unscheduled basis.

Housing Reconstruction—IDPs often did not have proper documentation when they left their homes. In order to qualify for housing reconstruction assistance, they are required to rebuild in place of origin. Testimony of neighbors is not acceptable evidence of ownership. Even for IDPs formally registered properties, cadaster records are often no longer located in Kosovo but were taken to Serbia during the conflict. This delays many otherwise valid claims for reconstruction assistance.

G. Freedom of Movement

There is general agreement that freedom of movement, like the overall security situation, is improving for ethnic minorities in Kosovo.⁷⁹ Open markets with multi-ethnic customers are also reported to be working well with lower levels of security in Lipjan/Lipljan, Gjilan/Gnjilane, and Kline/a. Since spring 2002, about the same time that KFOR began the withdrawal of fixed check points in the area, UNMIK buses taking shoppers from Shterpce/Strpce to the market in Gjilan/Gnjilane were accompanied by military escorts. Now they are accompanied by KPS, with a truck following behind to bring what was bought. Discussions are now underway to initiate a UNHCR/UNMIK bus line between Shterpce/Strpce and Prizren through Zhupa Valley and between Shterpce/Strpce and Ferizaj/Urosevac—indicating there is enough demand to establish a regular route.

In all areas except Mitrovice/a, use of public transportation by members of the minority communities is increasing.⁸⁰ Even in Mitrovice/a, young people from the north are starting to attend media and computer training classes and other activities at the newly opened computer center sponsored by the Multi-ethnic Children and Youth Peace Center, which is located in the “confidence zone” on the south side of the bridge.⁸¹ Trainings are also conducted on the north side, in the OSCE Resource Center. The night before the assessment team visited Mitrovice/a, KFOR performed a concert on the bridge, with large numbers of people gathered on both sides to listen.

Roma residents of an IDP camp in north Mitrovice/a report that they are afraid to leave their current homes and do not dare to visit their former neighborhood in south Mitrovice/a or try to reclaim their former homes for fear of attack by Albanians. Members of the community stated that they were in fact Ashkali rather than Roma, but if they acknowledged that or spoke Albanian in public they would be subject to attack by Serbs. They said they would be willing to undertake a facilitated return, but so far no assistance has been offered to them.

Serbs continue to report concern about traveling to Pristine/a. However, the impressions of representatives of two Serb NGOs from Shterpce/Strpce who attended a conference in Pristine/a earlier

⁷⁹ See, e.g., Tenth Assessment of the Situation of Ethnic Minorities in Kosovo (Period Covering May 2002 – December 2002), OSCE/UNHCR, March 2003.

⁸⁰ Ibid.

⁸¹ MCYPC is jointly sponsored by the Soros Fund and the American Jewish Joint Distribution Committee.

this year are illuminating. They acknowledge that at first they were nervous, but their stay there was uneventful, and both agree it will be easier next time. "Many barriers are in the mind," one of them stated.⁸²

H. Rule of Law; Judicial System

There are 312 judges in Kosovo, all appointed by UNMIK to serve until the end of the UNMIK mandate. Fifteen are Kosovar Serb, 17 are members of other minorities, and 78 are women. Among the 43 prosecutors, appointed in the same manner, there is one Serb, 3 other minorities, and 7 women. The Kosovo Justice Institute, under the jurisdiction of OSCE, trains judges and prosecutors. Reports of practicing lawyers are that courts are backlogged because they lack sufficient administrative support. Low salaries (set by UNMIK) impede the development of a strong work ethic, and a number of judges and prosecutors have recently left for higher paying legal jobs in the private sector. There is no question that there is inconsistency in the quality of judges, as well as in access to judicial process for members minority communities.⁸³

Since Albanians were restricted in their practice of law for 10 years, they are sometimes unfamiliar with current court procedures and, in some cases, substantive law. This is an additional factor slowing court cases, and that contributes to the perception among minorities that their access to speedy and equitable resolution of court claims is the result of bias. UNMIK has created a new Judicial Integration Section within its Department of Justice to address these concerns, and to improve the level of confidence among minorities in the Kosovo judicial and prosecutorial system.⁸⁴

ABA-CEELI, a USAID-funded program, supports the Chamber of Advocates in Kosovo, a mandatory association of lawyers that performs a licensing function. While multi-ethnicity is not a direct goal of the program, it has indirect benefits that may be substantial in improving perceptions of fairness in access to rule of law. The Chamber has 260 members, 12 of whom are Serbs; several are Turks, and a small number of members of other minorities. Between 20 and 25 are women. A Serb woman was elected as President of the Chamber. The group meets in locations that are designed to encourage full participation – in well-guarded courthouses in Pristina/a or the KPS School in Mitrovica/a, for example. At a recent meeting in Mitrovica/a, an Albanian lawyer offered to translate for his Serb colleague. He said it would be no problem and that, in fact, a number of his clients are Serbs.⁸⁵

I. Community Participation and Dialogue

While minority participation in official municipal affairs remains limited, as discussed above, international observers were encouraged by the higher level of participation in the most recent election – especially among non-Serb minorities. There is growing fragmentation in Kosovar Serb political groups, which may represent progress in growing independence from politicians in Serbia. Other minorities show

⁸² Meeting with leaders of local NGOs "Survival and Return" and "Ekocult" in Shterpce/Strpce.

⁸³ Tenth Assessment of the Situation of Ethnic Minorities in Kosovo, OSCE/UNHCR, March 2003.

⁸⁴ Ibid.

⁸⁵ Meeting with Wendy Brafman, Acting Director of ABA-CEELI.



"considerable improvement in their internal organization and their ability to mobilize their electorate, " according to the OSCE/UNHCR Tenth Assessment.⁸⁶

The team encountered instances of inter-ethnic dialogue throughout Kosovo, usually organized by NGOs and, in some case, by proactive municipal administrations. Most dialogue is pragmatic in nature: meetings of businessmen, planning infrastructure projects, go and inform visits, go and see visits, arranging for Serb access to a cemetery on the Albanian side of Rahovec/Orahovac, inter-ethnic markets in Gjilan/Gnjilane, and regular meetings of municipal working groups. It is clear that the returns process that has been undertaken has included a substantial amount of dialogue that is arranged to re-discover common interests among neighbors and former neighbors. When an Albanian printer refused to print a leaflet in Cyrillic script, UNMIK threats to revoke his business registration led the printer to reconsider his decision. On the other hand, the team did not find any efforts to establish truth commissions or other such vehicles that could resolve psychological pressure associated with the conflict.⁸⁷

V. CONCLUSIONS

The team finds that there are no easy solutions to the complex problem of sustainable return of IDPs. The short, violent war concluded a decade of political repression and several decades of open ethnic competition and conflict. Added to this background has been the predictably top-heavy institutions currently governing Kosovo, as well as continuing tensions on the ground, the increasing despair of IDPs themselves, and the broader political context in which the issue of returns and the returnees themselves become easily manipulated and politicized. Consequently, there appears to be little prospect for massive and sustainable return in the very near term.

Nonetheless, the team also found a number of positive signs throughout Kosovo that would support enhanced activity in preparing the conditions for sustainable return of IDPs. The security situation throughout Kosovo continues to improve, notwithstanding continued isolated incidents and difficulties with freedom of movement in some areas. The KPS has demonstrated its willingness to work professionally and in a non-discriminatory manner. UNMIK has committed itself to returns and to the transfer of authority to PISG institutions as top priorities in the current year. Many in the majority community have also accepted the necessity of sustainable return of minority IDPs, and this is demonstrated by improving relations among the majority community and Bosniacs, Turks, and RAE throughout Kosovo. It is significant that minorities have found good support for their efforts to improve their communities not only from international and local NGOs and municipal community officers, but also from a number of open and creative municipal officials from the majority community. Minorities are increasingly able to pursue business, to address local government, and to become integrated into Kosovo's provisional institutions. It seems that these seeds of progress can bear fruit in the medium to long term.

⁸⁶ Tenth Assessment of the Situation of Ethnic Minorities in Kosovo, OSCE/UNHCR, March 2003.

⁸⁷ A War Crimes Documentation Project, funded by the US State Department, has completed its work and issued two reports of its findings. Testimony of experts who worked on the project has been used at The Hague. Presumably, this information could be used as a start for future truth and reconciliation activity.

As a consequence of this complex reality, USAID can make a considerable contribution to sustainable returns. It can strengthen still fragile municipal institutions that are open to sustainable returns. It can help to prepare people in the majority and minority communities to increase their cooperation in achieving their common interests by developing joint infrastructure and other projects. It can confer its considerable moral authority as well as its financial resources upon constructive elements in Kosovo that seek to build a sustainable society that can look toward increasing integration with the rest of Europe. The team believes these would be investments well worth making.

VI. RECOMMENDATIONS TO USAID

A. Returns and Sustainable Communities as a Cross Cutting Theme

As stated in the Introduction, the issue of minority returns and reintegration cuts across aspects of many USAID/Kosovo programs that are already in effect as well as those that are in planning stages. The anticipated shift in Mission strategy from post-conflict relief and reconstruction to one that places greater emphasis on development activities more typical of USAID's portfolio in transition countries in the E&E region will enhance USAID's opportunity to lead and coordinate efforts to build sustainable, multi-ethnic communities in Kosovo. Programs focused on strengthening local institutions, promoting democratic governance and citizen participation, and building a sustainable economy with improved employment opportunities can all include incentives and components to encourage minority access and participation without detracting from what may be their other goals.

B. Continuing Programs

1. *NGO Support and Sustainability*

As noted in the report, international and local NGOs are critical links between international structures and the IDP communities, and have earned the trust of all stakeholders – a necessity to implementing sustainable returns to the maximum feasible extent. Programs to support NGO activities in the fields of return, reintegration, and reconciliation should continue to receive strong support. They should also be respected partners in the anticipated projects with a stronger development orientation, such as MISI and the local government program.

USAID's support programs for local NGOs would be most effective if their mandate includes explicit incentives for multi-ethnic organizations, and cooperation among local NGOs from different communities.

As noted above in Section II.B, there is need for a returns and IDP database and for better coordination of international NGO efforts to avoid redundancy and gaps and in their services. These tasks are not within the mandate of any of the existing programs, so they must be assigned and funding before they can be implemented.

Identified weaknesses in local NGOs, which could respond to additional training and capacity building, include: 1) strategic planning, including business planning, budgeting, and bookkeeping, 2)



strategic and performance management to ensure effective use of human and financial resources, including the delineation of roles and responsibilities, fundraising and proposal writing, and marketing, and 3) networking with other NGOs and community based organizations to coordinate efforts and expand existing programmatic areas.

The advice of NGO leaders should be sought on how to improve their opportunities to respond with flexibility and speed to changing conditions or opportunities "on the ground."

2. Democratic Institutions; Political Participation

Because of its extensive experience in similar programs in the region, USAID is uniquely qualified to help improve the overall capacity of municipal officials to deliver services fairly and in timely fashion, to improve the quality of "constituent politics" between elected representatives and their citizenry, and to build relationships between the assemblies and executives in the municipalities. Conditions for sustainable return will be strengthened if these programs remain sensitive to the diversity in the communities, as well as opportunities to build cross-cutting coalitions among civic groups from different communities to further common interests in infrastructure, economic development, and community life.

Programs run by the National Democratic Institute (NDI) help provide political skills necessary for a democratic system. At the central level, NDI works with central governing institutions and political parties, and encourages civic participation and good governance in the Kosovo Assembly. It also strives to enhance sustainability with political parties from all communities in 'train the trainer' programs focused on constituency politics. NDI provides training for groups in civil society to develop their capacity to advocate for their interests before political bodies. NDI has recently begun trainings with municipal representatives on constituent relations. Finally, it has been working with NGOs on how to monitor the political process in legislative and executive bodies of government so that they can play the role of an independent watchdog over government. It is very desirable to direct these programs to majority and minority populations in areas of IDP return.

3. Media

As emphasized in this report, IDPs in Kosovo and Serbia need access to objective, reliable information about the current day-to-day living conditions at their places of origin. The current USAID media program supports licensed minority-owned radio stations, 20 percent of which operate in the Serbian language. This is an important mechanism to encourage Serb families to return and to stay in Kosovo, especially since most information available in Serbian originates from Belgrade and not from Kosovo-based sources. USAID should consider increasing support to minority media, which receive only a fraction of the support made available to other local media outlets.

In addition, USAID could tie its support through incentives for broadcasting up-to-date and factual information about the security status of municipalities and regions in Kosovo and for publishing employment vacancies and new income generating activities. Increased support to NGOs which disseminate reliable and uniform information should also be considered, including support to better coordinate information dissemination to minority areas.

USAID should consider supporting programs that develop widespread media in minority languages, and encourage daily or weekly supplements in minority languages in newspapers in the majority language to present developments from a Kosovar perspective inclusive of minority interests.

USAID should also consider support of a media program specifically geared toward dissemination of information on return and reintegration of IDPs, providing accurate information to communities targeted for return.

4. Rule of Law

Programs to support building the capacity of KPS in the form of equipment for forensic investigation and other forms of investigation should be considered.

Programs currently being implemented by ABA-CEELI, such as support to the Chamber of Advocates and the Praktikant program, already have a salutary effect on integration of the legal profession, although this is not an explicit goal.

5. Business Support and Private Sector Development

The most prominent existing program for business support and private sector development is the Kosovo Business Service, which seems well on the way to commercializing its activities (through fees for services, for example), and beginning to transfer its capacities to its local staff. It operates effectively in majority and minority areas and provides a variety of business services to nascent private businesses in Kosovo. Among these services are cross-ethnic "B to B" (business to business) meetings in enclaves and in majority areas. These programs are very effective and could be expanded to include a component addressing the needs of communities that will experience return, as well as the returning population. A balancing element is essential in addressing the needs of all communities in Kosovo. USAID may consider offering KBS services without a fee for a specific period if the recipient includes a multi-ethnic component in its planning.

Since the majority of returnees plan engage in agriculture, programs could be designed to assist small farmers with modernizing their production and to target incentives to multi-ethnic cooperation.

Projects that develop infrastructure in areas of return or multi-ethnic neighborhoods would facilitate the development of businesses that serve and provide jobs for these communities. These include sewage, water, electricity, and communications.

6. Economic Policy and Restructuring

Bearing Point's program assists the Provisional Institutions with developing the capacity to effect policy. Persons embedded in these structures appear to work effectively with their Kosovar colleagues. These programs do not appear to have a great deal of direct relevance to return and reintegration but are aimed at creating a legal environment that would enable Kosovo's provisional institutions to engage in normal commerce and financial activities at home and internationally.



Among the issues that require attention are the high rate of tariffs on semi-finished goods that inhibit the development of a business climate conducive to expanding employments, a critical aspects of sustainable returns.

C. New Programs

1. Local Governance

The returns assessment team endorses the recommendations of the local government assessment report, with particular emphasis on those that enhance capacity for inter-group communication and cooperation and encourage a culture of citizen participation and professionalize administration. Such programs should include development of the capacity of Local Community Offices to address the needs of their constituents, especially with the expected departure of UNMIK Local Community Officers.

It will be important to building incentives into the program to help ensure that minorities get fair access and treatment. Specific program components could include:

- Performance management and monitoring and evaluation techniques that include criteria for minority inclusion and participation.
- Development of a fund for small infrastructure development projects in minority areas that would look especially to multi-ethnic communities and that has a dialogue component in the form of project planning and implementation.
- Multifamily housing organization and management (this has proven to be an important means of encouraging community participation and small business development in other E&E local government programs.
- Municipal asset management, to increase local revenues and improve economic development on the local level.
- Language classes—Albanian language for members of the minority communities, and classes in minority languages (especially Serbo-Croatian) for officials from the majority community.

2. Community Infrastructure

Both urban and rural areas require new and repaired infrastructure to improve living conditions and for the proper functioning of business, such as paved roads, street lights, safe drinking water, sewerage, irrigation, and power. USAID should target financial assistance to municipalities that demonstrate progress in developing accessible civic and democratic structures.

Joint municipal and NGO working groups should be established to identify community priorities, determine the economic and social feasibility of implementing projects addressing the priorities, engage and inform citizens about proposed projects through widespread media outlets, and hire contractors through a competitive process to carry out the civil works.

One important aspect in this process is the design and use of performance indicators as a mechanism to measure progress made and to empower local NGOs to make the working groups and municipal structures accountable for project implementation. Performance management gives transparency

and accountability to the process. Working groups should consist of technical experts (e.g., engineers, urban planners) and persons well-acquainted with and accepted by community leaders and residents.

The successful implementation of civil works and other economic development projects requires technical assistance and training to municipal authorities and NGO leaders.

D. Donor Coordination

The complex labyrinth of international agencies and donors make it difficult to achieve consistency and efficiency across related programs. USAID should take the lead in coordinating efforts emphasizing development of sustainable, multi-ethnic communities, such as those that strengthen local institutions, promote democratic governance and citizen participation, and aim to increase economic development and employment opportunities.



ANNEX 1

SCOPE OF WORK LIMITED SCOPE ASSESSMENT OF CONDITIONS THAT SUPPORT MINORITY RETURNS AND REINTEGRATION

RECOMMENDATIONS FOR USAID/KOSOVO STRATEGIC PLAN

Background

A. USAID Strategy

The USAID/Kosovo Mission has been providing assistance to Kosovo since 1999. The Mission is currently operating under a three-year transition strategy that will end in September 2003. Under this strategy the Mission has had three major strategic objectives:

- Establishment of an Economic Policy and Institutional Framework that Facilitates the Recovery and Expansion of a Private Sector-Led Economy
- Accountable and Transparent Governance
- Restored Normalcy in Living Standards & Opportunities

A new Mission strategy is currently being developed. It will be submitted to AID/Washington in June 2003 and will cover a five-year period from October 2003-September 2008. Substantial progress has been made over the last three years of USAID assistance, and under the proposed strategy the character of US assistance will likely shift from one of relief/reconstruction and development of a legal and policy framework to more targeted development efforts and institution building.

In October 2002, the Mission sponsored a one-week conference attended by a wide audience of partners. Working groups identified seven potential strategic objectives that distilled into three major areas impacting Kosovo's economic, political and social development. Of these objectives, a better understanding of the durable return of minority communities was determined to be a key aspect of development that must be considered in the new strategic plan and its associated programs of assistance.

B. Return of Displaced Persons

Unlike the improvement in some spheres of social and economic life in Kosovo, the relations between Albanians and Serbs, and partly Albanians and other minorities (Roma, Ashkalis and Egyptians), have not been marked by many encouraging advances. Ten years of tense inter-ethnic relations before the 1999 conflict in Kosovo created a great division and high levels of mistrust between Kosovar Albanians and Serbs along with a perception among Kosovars that these two communities are in conflict with one another. One significant and ongoing cause of this tension is the slow process of the return of displaced people.

A UNDP Early Warning Report, issued in August 2002, stated that some of the factors that are slowing returns appear to be: 1) lack of preparedness of the population's majority to accept returns; 2) poor programming to deal with bringing individuals back to their homes; 3) the strong vocabulary and threatening declarations made by some political leaders, such as the need to create a pure Albanian identity in Kosovo; and 4) the tendency of some to exaggerate or minimize the figures of persons displaced from Kosovo, depending on which group – Albanian or Serbian – is referring to them. The Report also discussed the factors that are preventing reintegration, which include: 1) lack of freedom of movement for minority population; 2) lack of minority rights; and 3) the parallel system of government in Serbia.⁸⁸

The right of internally displaced people (IDPs) and refugees to their homes of origin in Kosovo has become a top priority of the international community and the United Nations Interim Administrative Mission in Kosovo (UNMIK). A recent ICG report argued that 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 politicized and mismanaged, they have the potential to jeopardize the already precarious existence of minorities. The report concluded that in short, the way returns are planned and implemented is critical to the long-term sustainability of the process.⁸⁹

C. Definitions Used in this Scope of Work

The UNHCR defines IDP as “a person or group of people who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, in particular, the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.” The UNHCR definition of refugee is the aforementioned yet refers to those who have crossed internationally recognized borders. Thus, in the case of Kosovo because of its unresolved final status, IDPs are those individuals displaced from their homes residing in Serbia, Montenegro and within Kosovo. Refugees are those residing in another country with internationally recognized borders. In order to simplify, the term displaced person (DP) will be used to define a Kosovar who is currently displaced from his or her home as a result of the 1998-99 conflict and living within Kosovo or one of the former Yugoslav Republics.

Purpose of Assessment

The purpose of this assessment is to look at the economic, political, and social conditions confronting displaced persons and the factors that may be impeding return and/or reintegration. Specifically the assessment will look at those preconditions that are necessary for sustainable return and reintegration. The assessment will provide specific guidance and recommendations to USAID/Kosovo on how existing and/or future programs within all strategic objectives can best support the preconditions identified.

The guidance and recommendations will be based on the team's assessment of three distinct groups of individuals. They include: 1) displaced persons living outside of Kosovo, such as those living in Serbia or Montenegro; 2) displaced persons living within Kosovo; and 3) formerly displaced persons currently residing in Kosovo.

⁸⁸ UNDP, *Early Warning Report, Kosovo*, Report #1, May – August 2002, pp 16-21.

⁸⁹ ICG, *Return to Uncertainty: Kosovo's Internally Displaced and the Return Process*, Balkans Report Number 139, December 2002



Detailed Statement of Work

- A. Analyze the current status, perceptions, knowledge, and attitudes of the three aforementioned groups of DPs that hinder or promote their successful return and/or reintegration.
 1. Conduct detailed interviews with DPs living within and outside of Kosovo. Develop a detailed questionnaire for DPs along with interview questions. Questions should consider:
 - What are the major criteria needed for DPs to return?
 - Why are DPs remaining in enclaves? Consider reasons of self-sustainability and security.
 - Do DPs have sufficient access to information regarding the prospects of returning to their homes in Kosovo?
 - Are DPs able to make informed decisions about whether or not to return? Consider security and economic aspects.
 - Of the former DPs that have returned, are they reintegrating with their communities? If not, what is hindering them? If so, what is motivating them to do so? Are they acting like citizens of Kosovo? What types of things are they doing to integrate?
 - Do the DPs know their rights? Consider property laws.
 2. Other issues to consider throughout the assessment:
 - How does Kosovo's unresolved final status affect DPs?
 - Make distinctions between DPs living in rural areas versus urban areas.
 - What are the existing channels that assist DPs in their decision to return home (or remain outside of Kosovo)?
 - What are the existing channels that assist DPs in the actual move back to their homes of origin? Consider the work of PRM.
 - What is UNMIK, the Kosovar government, the Serbian government and the international community doing to help provide assistance? Where has there been success? Failure?
 - What has been the donor community's role in supporting sustainable minority return?
- B. Determine the preconditions (economic, political, and social) that are necessary for sustainable minority return and reintegration. Some questions and issues to consider include the following:
 1. How well developed are municipal services and infrastructure and will they be adequate?
 2. How do municipal governments facilitate and/or hinder returns and reintegration?
 3. Are the current property laws adequately addressing the needs of DPs? Do the municipal governments have the capacity to execute property laws?
 4. What does the situation look like for employment opportunities in the communities where the DPs are likely to resettle?
 5. Define any specific areas or issues that could evolve as serious impediments to the sustainable return and reintegration of minority communities in keeping with their human and legal rights at the municipal, regional and provincial levels in Kosovo during the Strategy Plan Period.
 6. Highlight any donor assistance that has been effective in addressing the needs of DPs.
 7. To the extent that the team is able to make actionable observations, the team's review and recommendations should include crosscutting themes of security, freedom of movement, access to effective and impartial justice, regional approaches, gender, youth, and property rights.

Deliverables

- A. An Outline (Table of Contents) of the report is to be submitted within three working days after arrival in Kosovo.
- B. Two debriefings for Mission staff: one at the half-way point of the assessment and a second before leaving Kosovo.
- C. A draft of the final report, of not more than 30 pages in length, shall be submitted to the Mission for review before the team leaves Kosovo. The final report should contain an Executive Summary and should clearly identify the team's findings, conclusions, and recommendations. Appendices should, at a minimum, list the people and organizations interviewed. The Mission will provide written comments to the team within five working days of receiving the final draft. The final report is due to the Mission no later than ten days thereafter. The final report should be submitted electronically (in PDF format) along with 10 bound copies.

Other

A. Team Composition and Roles

The team will be composed of three expatriate experts:

- Senior-level Local Government Management Specialist
- Mid-level Urban Policy Specialist
- Mid-level Local Government Legal Specialist

All specialists must have substantial background in the complexity of issues related to return and reintegration. The contracting team must also have demonstrated experience in conducting field assessments; experience in the Balkans is desirable. The Contractor may propose a different team composition if it is deemed appropriate.

The team leader has the ultimate responsibility for overall team coordination and development of the final report. The Team Leader is also responsible for ensuring that team members adequately understand their roles and responsibility and for assigning individual data/information collection and reporting responsibilities. The team leader must not only have subject matter expertise, but also must have experience in conducting assessments and evaluations for USAID.

It is assumed the team will conduct the site visits in a manner that all regions and a maximum number of municipalities can be visited.

To Mission will supplement this three-person team with an additional two team members procured through a separate mechanism. The Mission will procure the services of two local Kosovars – one Kosovar Albanian and one Kosovar Serb. The biodata for these individuals will be provided prior to the team's arrival in Kosovo. These local individuals will be professionals familiar with the issues of return and



reintegration. They are not expected to be used as interpreters; interpretation services should be procured by the Contractor.

B. Illustrative Schedule – A six-day workweek is authorized.

March 27-28	2 days	Team preparation and organization
March 28-30		Travel to Kosovo
Week One	2 days	Initial meetings with Mission, USOP, UNMIK, etc.
	2 days	Field visits in Kosovo
	2 days	Meetings in Pristina
Week Two	3 days	Travel to/in Serbia
	3 days	Field visits in Kosovo; writing
Week Three	2-3 days	Field visits; meetings
	2-3 days	Writing

C. Reports and Reference Material

The following documents will be made available to the contracting team before prior to the start of work in Kosovo.

- Annotated list of current Mission initiatives
- USAID/Kosovo Strategic Plan Concept Paper
- Report on Returns, International Crisis Group, December 2002

Other reference material will be provided to the contracting team upon their arrival in Kosovo.

D. Relationship to USAID/Kosovo

- The Assessment Team Leader reports to David Black, Democracy Officer, USAID/Kosovo.
- Logistical Support - USAID/Kosovo will provide transportation for all field visits within Kosovo and Serbia. All other logistical support should be provided by the Contractor.

E. Performance Period

The team members will initiate work in Kosovo no later than March 31, 2003. It is expected that the entire team will remain in Kosovo for three weeks. Two preparation days are anticipated for the team prior to arrival in Kosovo; an additional five workdays are anticipated in order to complete the final report.

ANNEX 2

LIST OF MEETINGS

USAID

Dale B. Pfeiffer, Mission Director

Judith Schumacher, Program Officer

David Black, Democracy Officer

Michael Maturo, Municipal Infrastructure Program Manager

Urim Ahmeti, Grants Manager

Perihane Ymeri, Program Engineer, Community Development

Tina Grazhdani, ALT

US OFFICE, PRISTINA (USOP)

Brett Jones, Refugee Officer, Bureau of Population, Refugees and Migration

Alec Mally, Deputy Principal Officer

Eugenia M. Sidereas, Political Officer

UNMIK

Peggy L Hicks, Director, Office of Returns and Communities (ORC)

Herve Morin, Donor Coordinator and Information Officer, ORC

Nenad Radisavkjevic, Sr. Advisor to SRSG on Returns

Martin Drake, Executive Director, Housing and Property Protectorate

Office of Community Affairs:

J. F. Carter, Chief

Almaz Zerihun, CA Officer, Gjilan/Gnjilane

Svjetlana Jovic, Community Affairs Coordinator



Denny Lane, UNMIK Municipal Representative, Reje/Pec

J. Patrick Folliard-O'Mahony, UNMIK Municipal Administrator, Zvecan

Anthony Thompson, UNMIK Municipal Representative, Rahovec/Orahovac

Manoj Saunik, UNMIK Municipal Administrator, Vushtrri/Vucitrn

Heather Felsing, UNMIK Regional Communities Officer, Zvecan

Minna Jarvenpaa, UNMIK Municipal Administrator, Mitrovice/a

Samba Sane, Returns Officer, Mitrovice/a

OSCE

Gregory Faibian, Sr. Legal Advisor on Non-Discrimination
Dept. of Human Rights and Rule of Law, Human Rights Division

Oliver McCoy, Democratization Officer, Shterpce/Strpce

Jonathan Browning, Democratization Officer, Leposavic/Leposaviq

Ewa Sitkowska, Democratization Officer, Mitrovice/a

UNHCR

Anne Christine Eriksson, Deputy Chief of Mission

Filippo Papafilippou, Senior Program Manager

Takayuki Ueno, Protection Officer

Marie Whalen, Protection Officer, Gjilan/Gnjilane

Ignazio Matteini, Head of Field Office, Gjilan/Gnjilane

Tracy Buckenmeyer, Head of Field Office, Mitrovice/a

Sean Robertson, Program Manager, Prizren

Provisional Institutions of Self-Government, Office of the Prime Minister

Besim Beqaj, Coordinator for Stability Pact Matters

Kosovo Trust Agency

Ahmet Shala, Deputy Managing Director

Kosovo Assembly

Dragisa Krstovic, Leader of Coalition "Povratak" [Return]

Mahir Yagcilar, President, Kosovo Turkish Democratic Party and MP

Sadik Idrizi, Vatan MP from Dragash

Haxhi Zulfi Merxha, President of the Party of Roma Union of Kosovo

Xhezair Murati, President of Muslim Democratic Reform Party and MP

UN International Police (UNIP), Kosovo Police Service (KPS)

Hakim Khan, Station Commander, UNIP, Kline/a

V. V. Singh, UNIP, Kline/a

Mike Hearty, UNIP, Community Police Section in Rahovec/Orahovac

Robert Bearden, Chief of Operations, UNIP, Ferazaj/Urosevac

Sgt. Kryeziu Xhevdet, KSP, Kline/a

Sgt. Emet Kastrati, KPS, Gjilan/Gnjilane

KFOR

Capt. Maggio, Italian-KFOR, Peje/Pec and Kline/a

LTC Mike Herchmer, TF CDR/G-5, 415th Civil Affairs Battalion in Gjilan/Gnjilane



USAID Contractors

Debra Wahlberg, Chief of Party, KBS (Chemonics)

John R. Johnson, Bearing Point KTA Project

Wendy Brafman, Acting Project Director, ABA-CEELI

MUNICIPALITY AND LOCAL GOVERNMENTS

Municipality of Kline/Klina

Rame Manaj, President of Municipal Assembly

Prenke Gjetaj, Deputy President of Municipal Assembly

Chief Executive Officer

Municipality of Novoberde/Novo Brdo

Verka Sentic, President of Municipal Assembly

Svetislav Ivanovic, Deputy President

Shaban Vllasaliu, Deputy President

Petar Vasic, Member of Assembly

Municipality of Ferazaj/Urosevac

Adem Salihaj, President of Municipal Assembly

Faik Grajnca, Deputy President of the Municipal Assembly

Municipality of Peje/Pec

Rustem Nurkovic, Vice President, Municipal Assembly

Members of Municipal Assembly (5)

Mihailo Lazovic, Member of Municipal Assembly

Municipality of Shterpce/Strpce

Sladjan Ilic, President of Municipal Assembly

Municipality of Gjilan/Gnjilane

Xhemajil Hyseni, Deputy President of the Municipal Assembly

Bozidar Peric, Deputy President of the Municipal Assembly

Municipality of Rahovec/Orahovac

Esad Haxhijaha, Municipal President

Nahit Elshani, Vice President of Municipal Assembly

Ljubisa Djuriscic, Vice President of Municipal Assembly

Jovan Djuriscic, Local Community Office in Velika Hoca

Dejan Balosevic, Local Community Office in Orahovec/Rahovec

Municipality of Vushtrri/Vucitrn

Muharrem Shabani, Mayor

Shemsi Hajrizi, Deputy Mayor

Esret Uka, Chief Executive Officer

Municipality of Mitrovice/a

Faruk Spahija, Mayor

Mustafe Pllana, Chief Executive Officer

Municipal Working Group on Returns

Municipality of Prizren

Ergjan Shpat, Vice President

Bedrija Ejupagic, Local Community Officer

Ridvan Hoxha, Municipality Working Group Representative



Besa Krajku, Municipal Court President

Cemajl Ismaili, Former Deputy Director of Economy (now private businessman)

Ismael Karodollami, former VP Prizren Administrative Board

Catholic Bishop Father Mark Sopi

Municipality of Leposavic/Leposaviq

Velimir Bojovic, Mayor

Miroslav Vucek, Municipal Working Group for Returns

Town of Gracanica (Pristine/a Municipality)

Viktor Djokic, Head of Local Community Office

Vranje, Serbia

Ceda Manasijevic, Member of Commissariat

Mrs. Peric, Member of Commissariat

Voja Djordjevic, Member of Commissariat

Bujanovac, Serbia CCK

Milisav Markovic

Milan Subutic

INTERNATIONAL NGOS

Mercy Corps

Don Boring, Mission Director

NDI

Tim Baker, Senior Program Officer

ICMC

Dominic E. Parker, Program Manager, Peje/Pec
Zoran Bozovic, IMRA Caseworker, Nis, Serbia
Nevena Slovic, Grant Caseworker, Nis, Serbia
Miroslav Krajnovic, Grant Caseworker, Nis, Serbia

ARC

Markus Huet, Mission Director
Birame Sarr, Deputy Mission Director
Igor Radonjic, Deputy Country Director, Serbia
Jehanne Henry, Legal Program Manager, Gjilan/Gnjilane
Vesel Gagica, Liaison Officer, Gjilan/Gnjilane

UMCOR

Thomas P. Dwyer, Head of Mission
Holly Van Buren, ICBMR Program Coordinator
Kelly Miles, Information Program Manager, Gjilan/Gjilane
Kimberley Jutze, Grants Coordinator

IOM-KTI

Lorena Lando, Head of Gjilan/Gnjilane Sub-Office
Stephanie Burth-Levetto, Program Officer, Prizren
Haki Abazi, Project Assistant, Ferazaj/Urosevac
Haki Tigani, Program Assistant, Peje/Pec
Adelina Sylaj, Program Assistant, Gjilan/Gnjilane
Isak Bilalli, Gjilan/Gnjilane



Shkumbin Hasani, Program Assistant, Mitrovice/a

Norwegian Refugee Council, Nis, Serbia

Milena Nikolic, Legal Assistant

Finnish Refugee Council, Mitrovice/a

Hasime Tahiri, Project Coordinator

Multiethnic Children and Youth Peace Center in Mitrovice/a

Miranda Hochberg

LOCAL NGOS AND OTHER ORGANIZATIONS

Protekta, Nis, Serbia

Nenad Dimitrijevic, Head of Office

Dejan Milosevic, Financial Director

"Survival and Return" and "Ekocult" – Shterpce/Strpce

Srdjan Vojnovic, President, IDP Association "Kosovo" – Bujanovac, Serbia

SVIDA (Multi-Ethnic NGO) – Prizren

Opstanak I Povratak – Shterpce/Strpce

Zarko Redzic

Roma Citizen's Initiative – Peje/Pec

Gani Toska

Radio and TV-Mitrovica

Nexmedin Spahiu, Director

Bosniac Women's Club, Mitrovice/a

Hajrija Mahmutovic

Center for Democratization of Civil Society

Drita Kadriu

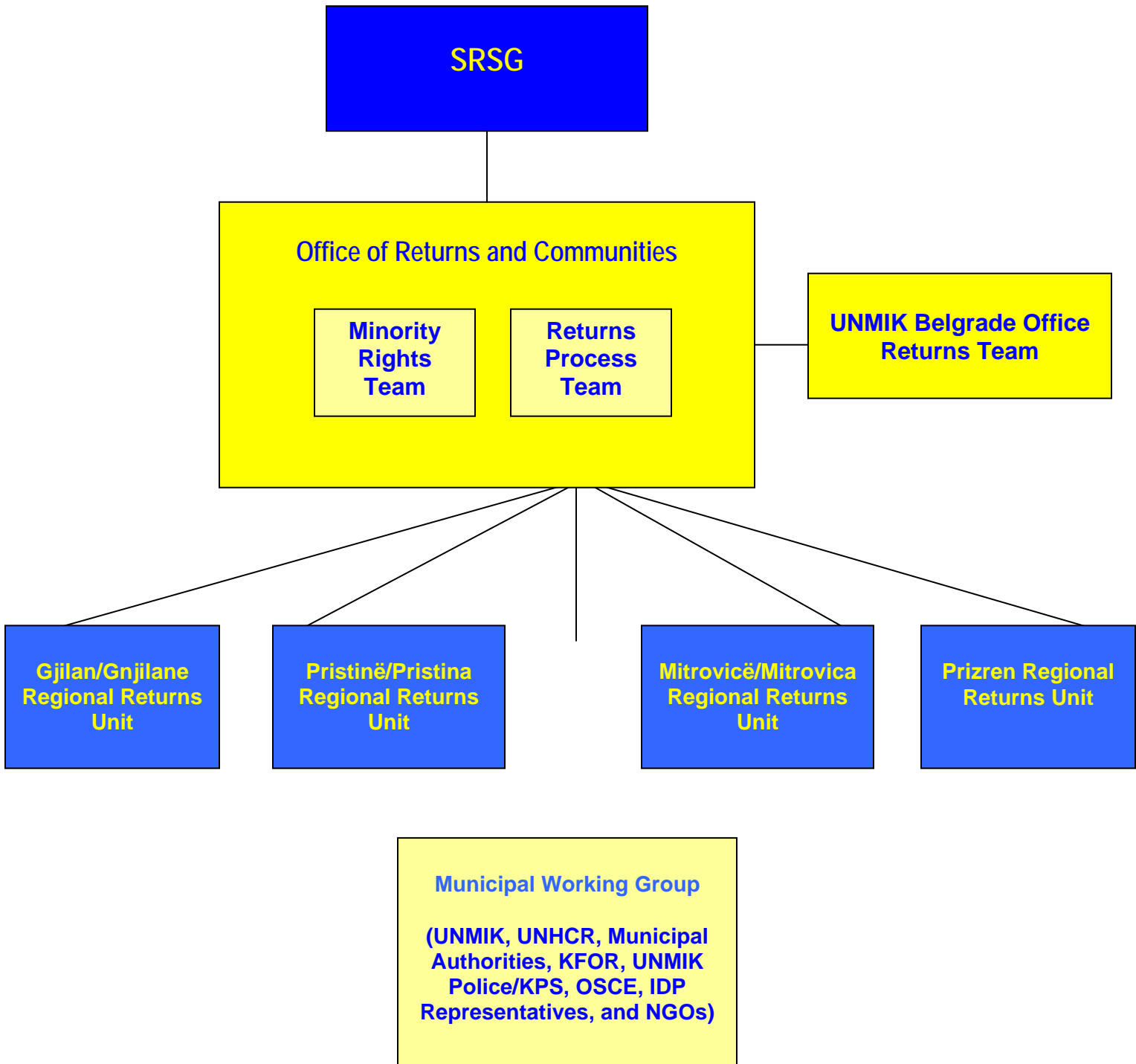
Roma Organization in north Mitrovica

Skender Busani



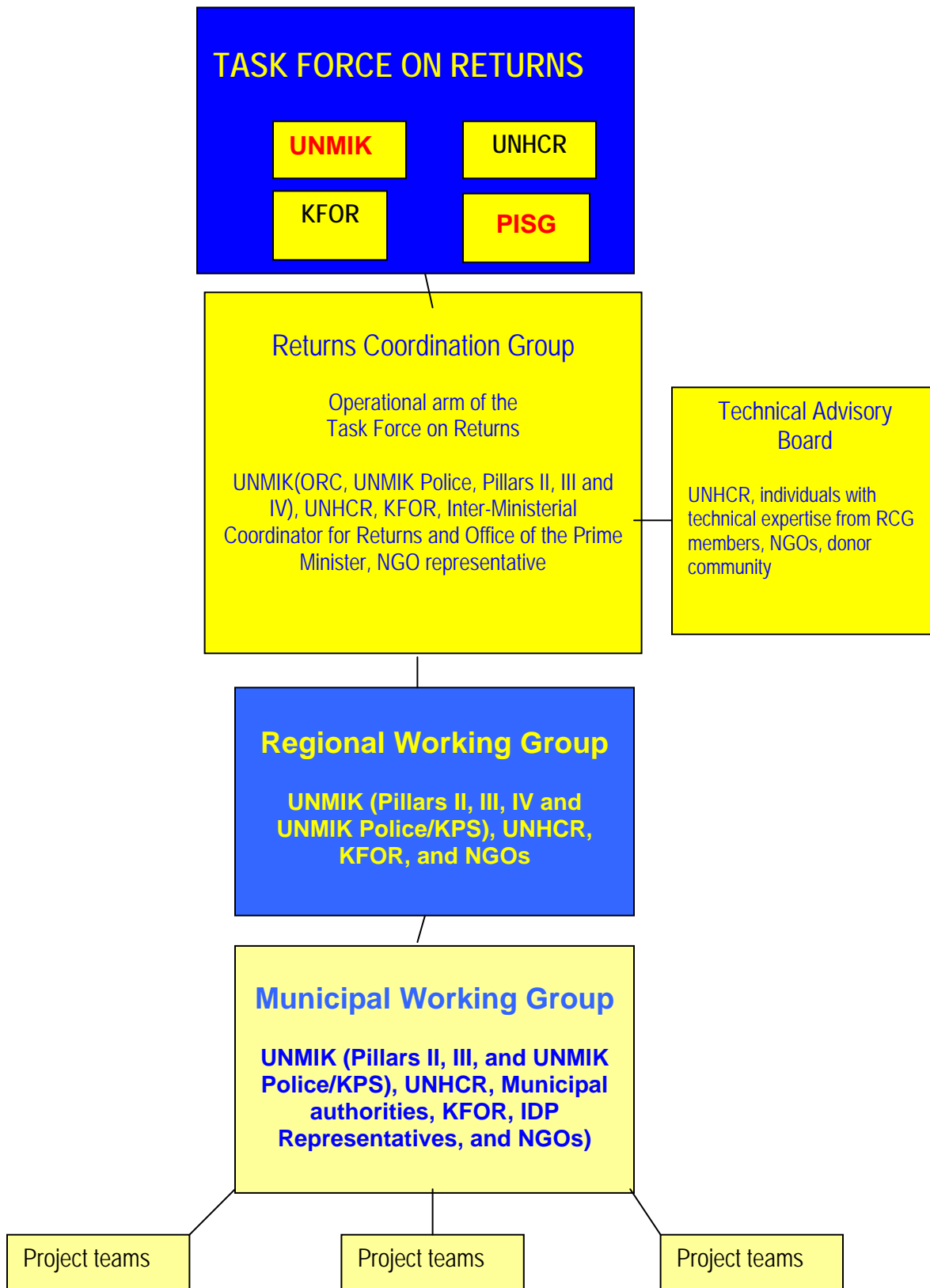
ANNEX 3

UNMIK RETURNS STRUCTURE



ANNEX 3A

KEY RETURNS STRUCTURES





ANNEX 4

CASE STUDY – RETURN TO BABLIAK/BABLJAK

The Assessment Team had the opportunity to learn about many aspects of potential return of Serb IDP families to Babliak/Babljak, a village in Ferizaj/Urosevac Municipality 12 kilometers north of Ferizaj/Urosevac town. Residents of the village live within an 800-meter diameter, making the village compact and densely populated.

All parties believe Babliak/Babljak has good potential for a successful return. Some Serb families who wish to return to Babliak/Babljak are IIDs now living in Pristina Region in the villages of Dobrotin, Gusterica, and Lipljan; many of the others live outside of Kosovo in Kragulevac, Nis, and Mladenovac in Serbia. Prior to the conflict, the population consisted of 18 Albanian families with approximately 90 members and 58 Serbian families with approximately 250 members. Post conflict, the Serb families left the village after the Albanian families returned. Interest in return was first raised by some of the IDP families. At the present time, representatives of 51 Serb families have expressed a desire to return.

A Task Force on Babliak/Babljak has been set up by the respective stakeholders from the Ferizaj/Urosevac Municipal Working Group, including a representative of Serb IDPs, the Serb Municipal Assembly member from Ferizaj/Urosevac, and members of the majority community. UNHCR and KFOR have prepared assessments of the site, and found return to be feasible. UMCOR is coordinating the cross-boundary aspects of the return, and, in conjunction with the local NGO "Protekta" located in Nis, Serbia providing ongoing support and facilitation for the prospective returns. UMCOR is also working with current village residents to build acceptance of the prospective return.

The assessment team attended a MWG meeting in Ferizaj/Urosevac on May 2 where Babliak/Babljak was the principal item on the agenda. A Concept Paper on Babliak/Babljak, to be circulated to donors, was discussed by the UMCOR representative for the Ferizaj/Urosevac region. She reported that all but one house in the Serb area of the village has been severely damaged (Category V). The prospective returnees are willing to live in tents or other temporary shelters. The one remaining house, which can be serviced with water and electricity, will serve as a center for the community until other structures are built or repaired. Ownership of the returnees' land is clear and documented, and is not being farmed by current residents.

UMCOR reports that several "Go & See" visits have been conducted, the first in November 2002, and the latest in February 2003. Because the families seem eager to return, project preparation and physical movement may occur simultaneously. While some families will need or want the support structure of an organized return, others seem ready to return on their own or will minimal assistance; the structured return process may take many months, and funding is uncertain, so self-initiated returns may occur. There is a reasonable possibility that the settlement could be self-sustaining with family farms and livestock, especially if there is donor investment in the return. The land is very fertile.

KFOR has conducted a field visit and GPS vector study of the condition and ownership of structures. It found the infrastructure to be generally adequate and the property lines consistent with former residents' claims to ownership. Water supply is the major concern – there is only one uncontaminated water source in the village, and there is no sewage or garbage collection system. Electricity is reportedly adequate,

although the transformer is overloaded and voltage is low. Access to schools and health care are other concerns. The main road is paved and in good condition.

The President of the Municipal Assembly, who stated to the assessment team that he was pro-actively in favor of returns, expressed strong support for return to Babliak/Babljak. In his opinion, the potential returnees to Babliak/Babljak are not under influence of Belgrade to the same extent as other Serb IDPs from neighboring villages. He is ready to meet with representatives of the community.

The UNMIK Community Officer stated that potential returnees got in touch with neighbors directly and were not rejected – he believes this is a good sign of intention to return. The elected IDP representative in the Municipal Assembly also believes says there is genuine interest in return.

The Team interviewed a family from the Albanian community in Babliak/Babljak. They themselves went to Albania during the conflict, and returned in July 1999. They reported their willingness to have their former neighbors return. They expect interaction with returnees to be peaceful, but not warm – similar to pre-conflict relationships. One family reported that there was no interaction during the "Go & See" visit because they felt intimidated by the security surrounding the Serb IDPs. This is consistent with the opinion of the UNIP Director of Operations for the municipality, who stated that KFOR security was excessive for the visit: "Everyone wanted to get in on the act."

The community primary school, with two rooms for grades 1-4 was formerly used by Serb children and is now used by Albanian children in two shifts per day. Some members of the majority community expressed reservations about allowing the school to be integrated. The school building needs repairs and enlarging, and there is no athletic field. These improvements could be accomplished as multi-ethnic projects, which could help attract funding and ameliorate some of the majority community's concerns about integrating the school.

During the February "Go & See", 15 members of the Albanian community attended a meeting at the school with representatives of the IDPs in Serbia and 11 IIDPs. An additional dialogue facilitation was held in mid-May for representatives of all groups in the village – not about ethnic issues, but to discuss infrastructure and other village-wide concerns. This was to assure that all persons got the same information on what to expect if the return occurs, with regard to the school, road, electricity, and other services. The meeting was reportedly useful and harmonious.

The assessment team also met with the local NGO Protekta while in Nis, Serbia. They, too expect families or heads of families to return to Babliak/Babljak within a short time.

UMCOR provided an update to the assessment team just before this report was prepared. After the last meeting, the IDPs were told to select one of two options. Either some heads of families may return soon, live in temporary shelters, and receive subsistence packages and necessities through UNMIK, UNHCR, and UMCOR resources. Possible assistance for housing reconstruction and other types of support can be explored after the return. Alternatively, they can await the preparation of a full concept paper, and for additional certainty on assistance, including housing reconstruction. The second option could take many months, with the results uncertain. UMCOR expects that there may be returns very soon. UMCOR would



coordinate the actual return with the Municipality, and UMCOR and Protekta will be prepared to transport the cross-boundary IDPs, with a low-key security arrangement.

ANNEX 5

EXAMPLES OF MUNICIPAL EFFORTS

It is instructive to assess prospects for sustainable return in selected, less well-known municipalities. Return is most sustainable where it results from individual choice rather than the result of political calculation in the name of a nation. Sustainability also benefits from cooperation and assistance of the majority population. It is ensured when the majority community makes a genuine effort to integrate the population socially, economically and politically into municipal institutions.

Peje/Pec. The return of Serbs is politicized from both sides, a result, in part, of legacies of violence and destruction during the war. Belgrade's policy is to return people to specific villages in the absence of sustainable conditions. Local leaders see this return as highly politicized and give it no genuine support. International organizations fill the gap created by the absence of support from local institutions and focus on the number of people returning. Further integration of returnees is not possible because the Municipal Working Group appears to work in a ritualistic manner. Serbs do not yet enjoy complete freedom of movement in part because they do not buy Kosovo license plates. Officials say that Bosniacs, Turks and RAE are well-integrated into the community.

Vushtrri/Vucitrn. The urban core of Vushtrri remained largely intact but its rural periphery experienced tremendous violence during the war. Consequently, the return of Roma has been successfully accomplished because it is a bottom-up process that enjoyed the support of local leaders and representatives of Kosovar Albanian civil society. However Roma living conditions continue to be very bad. Vushtrri has also experienced some Serb returns to Serb majority villages in the municipality, and the Serb Coordinating Center Chief has said that Serbs not from those villages should be able to "return" there as well because there are appropriate conditions for more returnees. UNMIK opposes this approach. The Mayor said that in the absence of significant economic development, return will not be possible and ethnic Albanians will seek to emigrate abroad, as well.

Mitrovice/Mitrovica. Serb and Albanian leaders link minority return of partition of the city and final status of Kosovo. Mitrovice/a is the only place where Albanian IDPs await a return to their homes in the north. On the other hand, Serbs have sold a good deal of their property in the urban core of the south. The southern Mayor indicated that the partition of the city worsens the social climate facing returning Serbs. Romas in northern Mitrovica have waited 4 years in flimsy barracks to return to their neighborhood in the south, with no imminent prospect of return. The Municipal Working Group appears to be well-organized and pragmatic, but prospects to address the larger problems of return remain hostage to the broader political dilemmas surrounding Mitrovica/a.

Novoberde/Novo Brdo. There was minimal violence during the war in this underdeveloped and pastoral municipality in the shadow of Gjilan/Gnjilane and where the mine that dominated economic life for the past century has not re-opened after the war. The population remains evenly split among Serbs and Albanians and ethnic relations appear to be very peaceful. The Serb Mayor formed a coalition government with the Albanian LDK but there is no final agreement with PDK. IDPs from Novoberde/Novo Brdo are currently living in Serbia. The chief impediment to return and reintegration is economic.

Rahovec/Orahovac. Rahovec/Orahovac experienced some of the worst violence during the war, which shattered the previously harmonious ethnic relations among Albanians, Serbs and RAE. The 1,200 Serbs in upper Rahovec/Orahovac and Velika Hoce-Hoce e Madhe have been relatively isolated since 1999 and continue to be fearful, although the sporadic violence that prevented Serb farmers from working in the fields has largely ceased. The municipal administration appears already to have quietly passed from international to local leadership. This local leadership has expressed a deep commitment to dialogue and cooperative projects with the Serb community. Serb officials have begun working each day in the municipality and the courts. It appears that substantial Serb freedom of



movement into southern Rahovec/Orahovac could begin soon with appropriate levels of dialogue on infrastructure to benefit both communities. However, Serb leaders from the two small enclaves appear to have good links to institutions in Serbia.

ANNEX 6

QUESTIONNAIRE TOPICS

The topics below present the parameters of the semi-structured interviews the team conducted with Kosovar IDPs living in Kosovo and Serbia, returnee families, and majority/minority populations. They were used as a guide for the team to refer to during the interviews. In most instances, the team focused on issues that particularly pertained to the individual circumstances of the informants and remained open to discuss topics as they arose in the particular conversation.

- Family composition at present site, location of other family members
- Date and conditions of arrival to the present site
- Name and region of place of origin
- Knowledge about conditions at place of origin (security, property, land)
- Dialogue with former neighbors and family
- Participation in the returns process – contact with agencies, Go and See Visits, spontaneous visits
- Perceptions of willingness of community at place of origin to welcome them back
- Perceptions of relationships at present site
- Living conditions at site of displacement – access to municipal institutions, jobs and other income earning activities, role of humanitarian aid, physical conditions
- Security and freedom of movement at present site and place of origin
- Employment/income-earning opportunities and constraints in finding employment
- Future economic prospects at place of origin vis-à-vis displacement site
- Willingness to accept majority/minority communities
- Willingness to participate in and integrate with majority/minority communities
- Conditions needed for sustainable return



ANNEX 7 STAKEHOLDER GROUPS

- 1- KOSOVAR IDPS IN KOSOVO (IIDPS)
- 2- KOSOVAR RETURNEES
- 3- LOCAL POPULATIONS IN KOSOVO
- 4- KOSOVAR IDPS IN SERBIA

1 – KOSOVO IDPS IN KOSOVO

REGION	Group	Site of (Last) Displacement	Majority Population of Neighboring Community at Site of Displacement	Place of Origin
<i>Peje/Pec</i>	Serb	Grazhdevac	Albanian	Peje/Pec and surrounding villages
	Serb	v. Vitomirca	Bosniac/Albanian	Surrounding environs
	Serb	v. Borica	Albanian	Surrounding environs
		Osojane Valley	Albanian	Osojane Valley
	Roma and Turk	Village near Grazhdevac	Serb	Grazhdevac proper
<i>Ferizaj/Urosevac</i>	Albanian	Brod	Serb	v. Kostanjevo, Shterpce/Strpce
	Albanian	Ferezaj/Urosevac	Serb	N. Mitrovica/a
	Albanian (refugee)	Ferezaj/Urosevac	Serb	Macedonia
	Albanian	Ferezaj/Urosevac	Serb	Shterpce/Strpcevillages:
				Upper Betina
				Susice
				Kostanjevo
	Gorani/Bosniac	Shterpce/Strpce	Albanian	Dragash/Dragas
	Serb	Shterpce/Strpce	Albanian	Prizren
<i>Mitrovica/a</i>	Serb	v. Priluzje	Albanian	Novo Selo
				Obiliq/Oblic
				Voken
				Prishtine/a

2 - KOSOVAR RETURNEES

GROUP	Place of Origin (Return Site)	Former Site of Displacement
<i>Bosniac</i>	v. Vitomirce/a, Peje/Pec	Montenegro
Serb	v. Vitomirce/a, Peje/Pec	Montenegro
Albanian	N. Nerodimlje, Ferezaj/Urosevac	Germany and areas surrounding Ferezaj/Urosevac
Albanian	v. Droganaj, Ferezaj/Urosevac	Macedonia
Albanian	Babljak/Babliak, Ferezaj/Urosevac	Albania
<i>Serbian</i>	Mosgovo, Gjilan/Gnjilane	Serbia
Albanian	v. Zaza, Zvecan	Mitrovice/a and Vushtri/Vucitrn

3 - LOCAL POPULATIONS IN KOSOVO

Groups that never left Kosovo	Place of Origin
Serb	v. Drakovc, Serb enclave near checkpoint in Shterpce/Strpce
Albanian	v. Labljane in Albanian zone called Salkij, Novoberde/Novo Brde
Serb	v. Labljane in Serbian zone called Stojkovic, Novoberde/Novo Brde
Groups with unknown histories	
Serb village	v. Ponash in Serbian zone, Gjilan/Gnjilane
Serb and Albanian village	v. Banjska, S. Mitrovice/a
Albanian	v. Patina, S. Mitrovice/a
Serb	v. Upper Suvi Do, N. Mitrovice/a



4 –KOSOVAR IDPS IN SERBIA

Group	Site of Displacement	Place of Origin
Roma	Collective center in Bujanovac	Lablovo Kresevo, Gjilan/Gnjilane
Serb	Bujanovac	v. Trpeza, Viti/Vitina
		Rahovec/Orahovac
	v. Trupale, Vranya	Kamenice/a
		Novake
	v. Rudare, Vranya	Babin Most
Roma and Serb families, some purely Serb, some with Roma and Serb family members	Collective center in Kurusmlija (isolated area)	Prishtine/a, Suhareke/Suka Reka, Prizren, Fushe Kosove/Kosovo Polje, Kline/a

ANNEX 8

AGE/GENDER BREAKDOWN OF IIDPS AND IDPS INTERVIEWED

IIDPs:

Working Aged Women (18-54):	24
Pension Aged Women (55+):	6
Working Aged Men (18-59):	32
Pension Aged Men (60+):	18
Children Grades 1-4:	60

IDPs:

Working Aged Women (18-54):	15
Pension Aged Women (55+):	1
Working Aged Men (18-59):	28
Pension Aged Men (60+):	2



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