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The OCHA Office in Belgrade issues periodic “Humanitarian Risk Analyses” which provide evaluation of specific humanitarian and related issues. Previous reports have addressed topics on health, the economic situation, impacts of international sanctions, energy, water/sanitation and specific vulnerable groups. These HRAs, along with other resources, are available on the Internet at <http://www.reliefweb.int>.

Humanitarian Situation, Protection and Assistance:

Internally Displaced Persons in Serbia and Montenegro

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Table of Contents

	page
Executive Summary	3
Introduction	5
I IDP Statistics	8
II Humanitarian Situation During the Period of Displacement	10
Accommodation	10
Income/employment	11
III Access to Services	13
Education	13
Social Welfare	13
Physical and Mental Health Conditions	15
Access to Health Services	16
IV Legal Issues	18
Lack of Access to Documents	18
Freedom of Movement	19
Access to Justice Institutions	20
Property Rights	20
Succession of Rights	21
V Special Issues	22
Roma IDPs	22
Unofficial Collective Centres	24
Families of the Missing Persons	25
VI Information Services to IDPs	27
VII IDP Returns to Kosovo	29
VIII International Assistance and Provision of Protection to IDPs	31
Table: International Assistance to IDPs	35
Conclusions	36

Executive Summary

- Almost three years after the Kosovo crisis, there are still 231,000 displaced persons from Kosovo living in the Federal Republic of Yugoslavia (FRY) in displacement with unclear prospects for their future.
- Internally displaced persons' (IDPs) living conditions are very difficult as they lack the basics: housing (7% in collective centres, 38% in rented apartments, 37% with friends/relatives) and income security (52% are unemployed while the average IDP household lives below the poverty level, spending USD 27 monthly per capita).
- IDPs' grave situation in displacement has an overall negative effect on their psychological and physical health. Contributing factors include economic instability, poor nutrition, exposure to traumatic events related to displacement, shattered families, missing relatives and impoverishment in their host community.
- The capacity of public services is severely strained after a ten-year political crisis. The condition of the public sector is aggravated in communities that host a proportionately large number of IDPs. Deteriorated and strained infrastructure and limited funding affect the capacity of education, social welfare and health services.
- IDPs face numerous legal problems such as access to documents, freedom of movement, access to the justice system, property rights and succession of rights by the families of the missing. These hardships are the result of an inadequate response from the authorities in Serbia, Montenegro and Kosovo.
- Like the general Roma population in FRY, Roma IDPs are an especially vulnerable group living in dreadful conditions. The magnitude of the Roma IDP problem is often "hidden" as many of them have not registered with the authorities. The number of registered and unregistered Roma IDPs ranges from 20,000 to an estimated 100,000. Their marginalized position limits their access to education and health services. They tend to face legal obstacles in obtaining basic documents, which hampers their access to humanitarian assistance.
- IDPs in unofficial collective centres (almost 2,000 in Serbia and 3,000 in Montenegro) are deprived of basic rights related to the legality of their accommodation, which extends to the amount of humanitarian assistance they receive, their legal status, ability to obtain residence documents and the overall uncertainty of their future prospects.
- There are about 1,500 (863 registered with ICRC) missing non-ethnic-Albanians in relation to the Kosovo crisis whose families have to cope with the traumatic uncertainty of the fate of their missing family members. These families face specific legal and administrative difficulties due to the lack of legal provisions pertaining to the status of the missing.
- IDPs lack complete and timely information about issues related to their lives in displacement as well as about the situation in Kosovo and the status of their property. Inadequate information makes it difficult for IDPs to decide on their own future.
- The politically sensitive issue of IDPs returning to Kosovo is a priority issue for the Coordination Centre of Federal Republic of Yugoslavia and Republic of Serbia for Kosovo and Metohija (Coordination Centre for Kosovo) as well as UNMIK's Office of Returns and Communities. Authorities on all sides are eager to create conditions favorable for the return of the displaced. Last year less than 300 non-ethnic-Albanian IDPs returned to Kosovo in an organized campaign, while, according to the United Nations High Commissioner for Refugees (UNHCR) estimates, 2,500 spontaneous returns occurred in 2000 and 2001.

- In response to the massive influx of IDPs from Kosovo in June 1999, international agencies launched a relief effort reaching 180,000 IDPs in Serbia and 30,000 in Montenegro. Since then, many IDPs have been able to establish coping mechanisms, and beneficiary identification has become more focused while funding for the humanitarian programme has declined (total current value estimated at USD 43 million). Today some 50,000 extremely vulnerable IDPs receive regular food and other material assistance.
- This HRA draws practical conclusions regarding how UNMIK, Serb and Montenegrin governments can help IDPs face a new reality as they make the difficult choice between returning to a “different” Kosovo and reintegration in a new society.

Introduction

Serbia and Montenegro have been host to approximately 231,000 internally displaced persons from Kosovo Since 1999, according to UNHCR, Serbian Commissioners for Refugees and Montenegrin Commissioner for Displaced Persons. The purpose of this HRA is to examine the current humanitarian and legal situation of these IDPs, with a view toward better understanding their vulnerable status. The report consolidates information on humanitarian assistance and services provided to the IDP population by the international community and FRY government, and then attempts to identify gaps in assistance as well as highlight issues of particular concern. One such example is the status of Roma IDPs, who are perhaps one of the most vulnerable groups of IDPs.

Historical and Political Background

The Socialist Federal Republic of Yugoslavia (SFRY), prior to its dissolution in 1991, was made up of six constituent republics (Serbia, Montenegro, Macedonia, Croatia, Slovenia and Bosnia and Herzegovina) and two autonomous provinces of Serbia (Kosovo and Metohija¹ — largely populated by an ethnic-Albanian majority — and Vojvodina). As an autonomous province, Kosovo had similar rights to the republics (parliamentary assemblies and seats in the Federal Parliament/Presidency), despite the fact that it was part of the Republic of Serbia. Kosovo’s autonomy was limited under the new Serbian Constitution of 1989.

As Yugoslavia began to break apart, the international community recognised only the claims to statehood of the actual republics, while Kosovo and Vojvodina remained part of the Republic of Serbia within FRY. Years of rising tensions between a majority ethnic-Albanian population and minority Serbs led to armed resistance by early 1998. Battles between Kosovo Liberation Army (UCK) guerrillas and Serb police forces claimed a steadily growing death toll. The situation put pressure on the international community to take action. A NATO cease-fire was negotiated in October 1998 and Yugoslavia was forced under pressure to partially withdraw its forces from Kosovo.

The violence continued, however, as Serbian security forces sought to re-establish control over its territory. An alleged massacre by Serb security forces at the village of Racak in January 1999 prompted increasing calls for NATO intervention. US sponsored talks in Rambouillet, France failed to reach an agreement and NATO launched air strikes against Yugoslavia in an attempt to drive Serb security forces from Kosovo. The air strikes, which began on 24 March 1999, were widely expected to achieve their goal in a few days. Instead, spiraling violence and the massive displacement of Kosovo Albanians led to a humanitarian emergency in Kosovo, neighbouring former Yugoslav Republic of Macedonia and Albania. During that period tens of thousands of Kosovo Albanians also fled to Montenegro. UN Security Council Resolution 1244, in June 1999, although recognising the sovereignty of FRY over Kosovo, placed the province under the authority of the United Nations Interim Mission in Kosovo (UNMIK). The arrival of NATO troops led to the withdrawal of Yugoslav forces from Kosovo. The majority of Kosovo Serbs and other minority groups, facing revenge attacks by ethnic-Albanians, fled the province in June 1999. However, a number of Kosovo Serbs and other non-ethnic Albanians fled Kosovo both during the NATO air-strikes,

¹ In official FRY and Serbian documents, Kosovo is still referred to by its historical and constitutional name “Kosovo and Metohija,” while UN documents simply refer to “Kosovo,” the name by which it will be referenced in this report

as well as after NATO's deployment. The minority groups who remained behind continue to live, for the most part, in enclaves guarded and protected by the UN/KFOR troops.

The post-Milosevic democratic coalition government in Belgrade, installed between October, 2000 and February, 2001, has resulted in improved relations between UNMIK and Belgrade authorities. UNMIK, FRY and Serbian authorities, on 5 November, 2001, signed the Common Document, which reaffirms the principles of UN Resolution 1244 and encourages Kosovo Serbs to adopt a constructive attitude toward participation in the political process in Kosovo. The provisions of the Common Document apply jointly to UNMIK, the FRY and Serbian governments. As a result of the agreement, the Serb community in Kosovo, including the IDPs from Kosovo in FRY, took part in Kosovo elections in November 2001.

UN SC Resolution 1244, Annex 2, states that the agreement should be reached on "safe and free return of all refugees and displaced persons under the supervision of the UNHCR and unimpeded access to Kosovo humanitarian aid and organizations. Further, the Common Document mandate that UNMIK, through its newly formed Office of Return and Communities (ORC), working closely with UNHCR, take the lead in establishing and coordinating a voluntary return process for IDPs currently living in Serbia and Montenegro. All policy-related issues and political negotiations will, in accordance with Resolution 1244, be directed through ORC on the one hand, and the FRY/Serbian government (specifically the Coordination Centre for Kosovo) and local Serbs on the other. Within Kosovo itself, a transfer of power to local governmental bodies is ongoing and minority issues remain the responsibility of the office of the Special Representative of the Secretary General for Kosovo.

Definition of IDPs as per UN Guidelines

UN defines IDPs as: persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.²

The UN Role in IDP issues

In response to growing international concern about the large number of internally displaced persons throughout the world and their need for assistance and protection, the Commission on Human Rights in 1992 requested the United Nations Secretary-General to appoint a representative on IDPs. Dr. Francis Deng of Sudan was appointed to the position and was tasked to identify existing laws and mechanisms for the protection of IDPs as well as additional measures to strengthen implementation of those laws, and alternatives for addressing protection needs not adequately covered by existing instruments. The main focus has been the development of a normative framework for addressing the protection and assistance needs of the internally displaced. The first accomplishment was the preparation of the *Guiding Principles on Internal Displacement*, developed over a period of several years and finalised in January 1998. Reflecting and consistent with international human rights and humanitarian law, and with refugee law by analogy, the *Principles* set forth the rights and guarantees involved in all phases of displacement, providing protection against arbitrary displacement and assistance during displacement and during return or resettlement and

² *Guiding Principles on Internal Displacement* (Introduction: Scope and Purpose).

reintegration.³ The *Principles* represent the fundamental human rights principles that UN, governments, intergovernmental and non-governmental organisations should adhere to when addressing the needs of displaced populations.

The United Nations Inter-Agency Standing Committee (IASC), made up of the heads of the UN Humanitarian Organisations, International Committee of the Red Cross and its Red Cross partners and NGO Consortium) on 6 December 1999 endorsed the policy paper, Protection of Internally Displaced Persons, which recognises that strategies for response must take into account the willingness of national authorities to fulfill their responsibilities toward the internally displaced and the capacities of experience of agencies on the ground. The policy paper also states that in ensuring the protection of the internally displaced, the search for durable solutions is a central concern, and, as such, recalls the importance of co-ordinated programming, monitoring and reporting. The IASC reiterated that protection and assistance to IDPs is first and foremost the duty of national authorities. In this context, IASC advises the agencies on the ground to maintain a collaborative approach adapted to the specific context of each crisis, in consultation with national and local authorities. The UN Humanitarian/Resident Co-ordinator (or, where applicable, a Lead Agency) is responsible for establishing arrangements on behalf of the war-affected population including the internally displaced. Under this leadership, the Country Team develops a joint plan for responding to the protection and assistance needs of the internally displaced. Within HQ levels, it is the Emergency Relief Co-ordinator (ERC) who acts as the inter-agency focal point on internally displaced persons.⁴

Prior to the endorsement on the IASC policy paper, the IASC in July 2000 agreed to establish an Inter-Agency Network on Internal Displacement. The network, comprised of senior focal points in all concerned organisations, was mandated to carry out reviews of selected countries with internally displaced populations, and to make proposals for an improved international response to their basic needs. Following recommendations of the Network, the IASC established an IDP Unit within the Office for the Coordination of Humanitarian Affairs, staffed by expert secondees from key agencies. The function of the unit is to cover situations of internal displacement globally. It provides a nucleus of expertise on issues of internal displacement that acts as a catalyst in guiding the response to IDP crises by monitoring situations of internal displacement, identifying and addressing gaps, and supporting the field activities of IASC members and the UN Office for the Coordination of Humanitarian Affairs.⁵

³ Note by the Secretary-General: General Assembly (A/56/168), 21 August 2001.

⁴ Protection of Internally Displaced Persons. IASC Policy Paper, 6 December 1999.

⁵ Information Note on the Internal Displacement Unit. Geneva, October 2001.

I IDP Statistics

The Commissariat for Refugees in the republics of Serbia and Montenegro, with direct UNHCR support, maintains records of IDPs through a registration process. An initial registration was completed in August 2000⁶, with updated estimates available as of February 2002. The objective of this process is to maintain a record of IDP numbers, population structure and their needs in displacement.

	August 2000	February 2002
Serbia	187,129	201,700
Montenegro	31,967	29,400
FRY Total	219,096	231,100

Source: UNHCR Statistics

Although these figures are official, the actual numbers are probably higher. Unregistered IDPs come from the pool of government, police and army employees who were most often instructed by the former government not to register in order to downplay the true dimension of the IDP tragedy. Another group of unregistered IDPs are found among the Roma, many of whom did not have proper residence documentation when they left Kosovo in 1999, and who have not come forward to be registered. Estimates of the total number of Roma IDPs vary from 26,000 (the number of those registered by UNHCR) to almost 80,000 (Serbian Academy of Arts and Sciences' *Commission for the Research of Roma Life and Customs* estimate).

Serbs are the predominant *ethnicity* among IDPs (68%), Roma are second (12%), and Montenegrins are third (8%).

	Serbs	Montenegrins	Muslims	Roma	Albanians	Egyptians	No reply	Other
Serbia*	141,396 75.5%	7,748 4.1%	4,265 2.3%	19,551 10.5%	305 0.2%	605 0.3%	9,646 5.1%	3,616 2%
Montenegro**	6,483 22%	9,858 33.5%	4,074 13.8%	6,617 22.5%	1,191 4%	983 3.3%	—	455 1.4%
FRY (ex. Kosovo)	147,879 68%	17,606 8%	8,339 4%	26,168 12%	1,496 0.7%	1,588 0.7%	9,646 4.5%	4,071 2%

* UNHCR registration in 2000

** UNHCR statistics, January 2002

Geographic Distribution of IDPs — A majority of IDPs in Serbia are accommodated in Central Serbia (80%). By district, Belgrade has the largest number of IDPs (53,000 — 28%), followed by Raska district (Kraljevo) (28,000 — 15%), Sumadijski district (Kragujevac) (16,000 — 8.5%) and Montenegro (30,000 — 13%).⁷ The number of IDPs relative to the

⁶ Registration of Internally Displaced Persons from Kosovo and Metohija, UNHCR and Commissioner for Refugees of the Republic of Serbia.

⁷ Although registration is still open, movements of IDPs within Serbia and Montenegro are not recorded. There are strong indications, however, that many IDPs have moved, especially toward urban centres in the last two years. This affects the statistics on geographic distribution.

permanent population is an important indicator of the burden exerted on municipalities where IDPs have settled. The highest concentration of IDPs as a percentage of the permanent population is found in the following municipalities in Serbia and Montenegro:

Percentage of IDPs to domicile population

Serbia	Kursumlija	Kraljevo	Vrnjacka b.	Bujanovac	Mladenovac	Prokuplje
% of IDPs	24.5%	14.5%	13%	9.6%	8.5%	8.3%
Montenegro	Andrijevica	Berane	Bar	Plav	Budva	Tivat
% of IDPs	17.5%	11.9%	11.8%	8.6%	8.5%	7.5%

Source: UNHCR Statistics

II Humanitarian Situation During the Period of Displacement⁸

A common difficulty that many IDPs from Kosovo share, besides their inability to return in safety to their homes in Kosovo, is the lack of economic opportunity in Serbia and Montenegro. Moreover, the lack of secure housing and steady income have been shown to affect both the physical and mental health of the population.

Accommodation

According to UNHCR statistics, about 7% of registered IDPs live in collective centres (CCs) and roughly 93% live in various types of private accommodation.

Collective Centres - Due to the fact that IDPs from Kosovo represented the third massive arrival of displaced persons to Serbia and Montenegro (preceded by refugees from Bosnia and Herzegovina, and Croatia), most of the suitable places for collective accommodation had already been occupied (hotels, dormitories, community centres, factory halls, schools). Consequently, IDPs with no alternatives for private accommodation were housed together with refugees where there was space available, or in collective centres of a lower standard, which are particularly unsuitable for long-term habitation (sport halls, workers' barracks, market buildings or old schools and gym halls). Several surveys and reports since 1999, issued by humanitarian organisations assisting IDPs in the field^{9 10 11} describe conditions in collective centres. Many are extremely overcrowded, depriving tenants of any privacy, and they often lack rudimentary facilities such as a kitchen, running water, reliable electricity, bathrooms, toilets and regular heating. Those that do include some basic amenities which are mostly run down, overcrowded and suffer from overburdened sanitation and electric installations. Nevertheless, IDPs in CCs are considered to have longer-term security and guaranteed assistance from humanitarian organisations. The largest concentration of IDPs in CCs is in Kraljevo (5,570) and Belgrade area (2,909).

Type of CCs for IDPs	Number of CCs			Number of IDPs		
	<i>Serbia</i>	<i>Montenegro</i>	<i>FRY</i>	<i>Serbia</i>	<i>Montenegro</i>	<i>FRY</i>
Recognized (official) CCs	191	31	222	8,684	2,763	11,447
Unofficial CCs	32	35	67	1,947	2,948	4,895
Specialized Institutions	2	6	8	7	17	24
Student Dormitories	1	-	-	6	-	6
Local Settlements	-	1	1	-	73	73
TOTAL	226	73	299	10,644	5,801	16,445

Source: UNHCR Statistics

Life is more difficult and less secure in *unofficial CCs* (i.e. those not recognized by the Commissioner for Refugees). These are usually privately or company owned, and occupied without permission of the owners. IDPs in unofficial CCs must often fight to remain in the premises they have occupied, and often have no legal access to electricity and water. The assistance they receive is on an *ad hoc* basis as they are not part of regular assistance

⁸ Section III of the *Guiding Principles on Internal Displacement*

⁹ IFRC/ICRC/YRC, *FRY: IDPs and Refugees' Living Conditions*, April/May 2000.

¹⁰ ICRC, Kerry-Jane Lowery, *A Study of IDPs of Kosovo living in Serbia and Montenegro*, February 2001.

¹¹ Group 484, Elina Multanen, *Kosovo IDPs: Situation, Problem, Solutions*, November 2001.

programmes. About 5,000 IDPs occupy unofficial CCs, which represents approximately 30% of all IDPs in CCs. A majority of IDPs accommodated in unofficial CCs are found in Montenegro (2,948), Belgrade (1,370) and Kraljevo area (577). Legal problems and problems of assistance for these IDPs are elaborated in more detail in a separate chapter of this report.

IDPs living in *private accommodation* (93%) generally have better living conditions, but face other difficulties. A great number of them (38%) live in rented dwellings where the major problem is providing money for rent and other living expenses. Hard pressed to earn an adequate living, many are forced to move to sub-standard accommodations or seek shelter in CCs when their funds run out. Similarly, those who have arranged accommodation with relatives, friends or with a host family (37%) find this solution difficult for prolonged periods due to overcrowding and the overstretched budgets of their hosts. Consequently, a majority move several times between relatives, rented apartments and CCs, looking for more semi-permanent and affordable places to live. Only some 7% of IDPs own their own private housing in Serbia outside Kosovo. The largest numbers of IDPs in private accommodation are in the Belgrade area (47,000), Kraljevo (15,000), Kragujevac (10,000), Nis (9,000), Smederevo (6,000) and Vranje, Leskovac, Kursumlija and Jagodina (approx. 4,500 in each).

Income/employment

Surveys and studies on IDP living conditions indicate that their greatest difficulty is obtaining a regular income. A survey by ICVA and NRC (November–December 2001)¹², indicated that 52% of IDPs are unemployed, 14% are employed in state-owned enterprises, 10% are employed in the private sector and 5.5% have occasional or seasonal jobs, while 11% are pensioners and 7.5% are students. The difficult economic situation in FRY and high level of unemployment among the general population (27% officially and about 45–50% by some estimates) limits the prospect of IDPs to find employment, regardless of the fact that the educational structure of IDPs is more favorable compared to the general population.

Education level of IDPs

Level of Education	Without School	Primary School	Secondary School	College/High School Skills	University/Advanced Degree	Other/Incomplete Primary School
IDPs*	9.5%	21.5%	44%	6.5%	6.5%	12 %
General Population**	9.5%	25%	32%	4%	5%	22.5%

*Source: UNHCR IDPs Registration/Serbia

**Source: FRY Statistical Yearbook 2000

It should be noted that in Montenegro 28.3% of the IDP population is without school formal schooling, mostly because of the relatively large number of Roma IDPs.

ICRC conducted a household income and expenditure survey of its IDP beneficiaries during April–June 2001¹³. The results showed that, on average, IDP households are living at or just below the poverty level, spending USD 27 monthly per capita (average IDP household including 5.5 family members). When considering income levels, a mere 40% of beneficiaries reported having a regular salary and, furthermore, these regular salaries correlated to only 60–80% (USD 51–68) of the average salary in FRY (USD 85 in 2001). Other income sources reported by beneficiaries, such as savings, food production, grey

¹² IDPs from Kosovo, ICVA/NRC, February 2002 (unpublished document).

¹³ Beneficiary Monitoring: A Sample Survey of IDP Households in FRY, ICRC, December 2001.

market activities and help from relatives, are irregular and unstable. The income levels for IDP households, as a result, are not sufficient to maintain even a modest subsistence level. Humanitarian assistance therefore provides a significant contribution to the IDP household budget, reported by 33% of the beneficiaries as the most important secondary contributor to their household budget.

Whatever the source of income, it is clear that income levels are insufficient to meet household expenses. For 50% of IDP households surveyed by ICRC, monthly expenditures are reported to be between USD 68 and 130. Of those IDPs renting private accommodation, monthly rent is the largest reported household expenditure, averaging USD 53 per month (USD 77 in Belgrade; USD 42 in Kraljevo region; USD 40 in South Serbia; USD 68 in Montenegro). Food expenses also are a great burden, costing IDP families an average of USD 44.5 per month¹⁴. These and other significant expenditures pose an extreme challenge, in light of the average monthly income levels of IDP households.

Results similar to those cited above were reached in the World Food Programme (WFP)-commissioned study “Poverty in Serbia”¹⁵, according to which some 46,750 IDPs (25%) live below World Bank “lower poverty line” (WB standard: below USD 1 per capita per day).

IDPs continue to face uncertainty of their status in displacement, poor and inadequate accommodation, economic instability, poor nutrition, exposure to traumatic events related to displacement, shattered families and missing relatives, and an impoverished environment in their host community, all of which contribute to a negative impact on the health status of the IDP population. The physical and mental health condition of the IDP population and their access to health services is elaborated in the following chapter of this report.

¹⁴ Official statistics’ food basket in May 2001 was USD 163, while OCHA Shopping Basket value at that time was about USD 100.

¹⁵ *Poverty in Serbia*, CES MECON, June 2001.

III Access to Services

The overall economic and political crisis in the country over the past ten years has contributed to a drastic decline in the capacity of all public services. Additional strain has been placed on the already-deteriorated facilities in the communities that host proportionately large numbers of IDPs from Kosovo. The strained infrastructure and the lack of sufficient resources to support public services, in general, affects both the local and displaced population. Inadequate public services, however, have a greater negative impact on IDPs due to their greater overall vulnerability.

Education

In accordance with national legislation in FRY, all children are entitled to primary education. Access to secondary schools and universities of one's own choice, due to limited enrollment, is subject to competition.

The FRY educational system, in general, is challenged with many problems as a result of deficient funds for the maintenance of school infrastructure, equipment, teaching aids and teachers' salaries. The entire system, being in an advanced state of deterioration, faces many difficulties in responding to an increased number of pupils. This is especially true in municipalities with a high concentration of IDPs, where some schools were turned into collective centres. In order to accommodate displaced primary school children (12,641 in Central Serbia alone) some schools doubled the number of enrolled pupils, putting extraordinary pressure on already-overcrowded schools. The results have been predictable: an inadequate number of teachers and insufficient school materials and equipment, which have had a negative impact on the quality of educational results for all pupils, not only IDPs. Displaced school children are even more vulnerable, thus requiring more attention, as a result of the trauma they experienced in the process of displacement. The effects of displacement on children are magnified if they are accommodated in CCs. Despite almost full enrollment of IDP children in primary schools, the attendance rate for children from collective centres in 2000 was 92.3% (national average 97.4%)¹⁶. UNICEF mobile teams' assessment in 2000 was that children in some remote CCs and Roma children did not attend school at all. The main reason identified for lower school attendance is the parents' lack of funds to provide for proper clothes, school materials and sometimes transportation costs in the cases of remote living accommodation.

In addition to these impediments, the NRC/ICVA survey of IDPs in 2001 revealed that 16.5% of respondents stated numerous administrative obstacles in enrolling children to new schools, while 2.6% stated that children were humiliated in various ways, as with attempts, for example, to segregate children displaced from Kosovo into separate classes.

Social welfare

In the past ten years of economic and political crises, allocation priorities of the available funds have changed, leaving a sparse budget for the social welfare sector. The situation was much worse prior to the appointment of the new government in January 2001. Nevertheless, there is an obvious discrepancy between the number of social welfare recipients (780,000)

¹⁶ *Comprehensive Analysis of Primary Education in FRY*, UNICEF, December 2001.

and the number of poor, according to recent surveys¹⁷ (1.4 million below USD 1 per day/person, or 2.8 million below USD 2 per day/person).

According to the latest data (January 2002) obtained from the Ministry of Social Welfare in Serbia, some 780,000 recipients benefit from three categories of social welfare¹⁸:

1. **Child allowance** — 672,299 children (in 421,676 families), total monthly budget is USD 9.45 million, averaging USD 14 per child/monthly;
2. **Monthly family allowance (MOP)** — 93,959 individuals (in 40,593 families), total monthly budget is USD 950,000, on average USD 10 per person/monthly;
3. **Help and care allowance** — 18,742 beneficiaries (old/handicapped living alone and not capable takeoff taking care of themselves), total monthly budget is USD 432,652, on average USD 23 per person/monthly.

The total yearly budget for social welfare for these categories of beneficiaries adds up to approximately USD 130 million.

IDPs who are eligible for social welfare according to the legal criteria, as citizens of Serbia, receive benefits in these three categories:

Type of Assistance	Number of IDP Beneficiaries	Monthly Amount per Beneficiary (person) ¹⁹	Total Monthly Amount	Total per Year
Child Allowance	17,372	USD 14	USD 243,208	USD 2,918,496
Monthly Family Allowance	1,096	USD 10	USD 10,960	USD 131,520
Help and Care Allowance	116	USD 23	USD 2,668	USD 32,016
Total	18,548		USD 256,836	USD 3,114,048

Source: Serbian Ministry for Social Welfare

The above table indicates that less than 10% of IDPs in Serbia received social welfare benefits, which is far less than those who should likely qualify given their level of poverty indicated in the various studies cited above. The reality is that possible candidates for social welfare have “paper” employment in state companies from Kosovo and, therefore, cannot register as unemployed. Property owners from Kosovo are also ineligible for social welfare, even though they likely derive no income or benefits from their property in Kosovo. Unfortunately, social welfare payments, even if available to more IDPs, would not provide sufficient payment to maintain even a basic standard, but it could help. In short, the government’s social welfare policy regarding IDPs does not have a significant impact in improving the conditions among IDPs.

Physical and Mental Health Conditions

¹⁷ *Siromastvo u Srbiji i reforma drzavne pomoci siromasnima (Poverty in Serbia and Social Welfare Reform)*. Biljana Bogicevic, Gorana Krstic, Bosko Mijatovic (Centar za liberalno demakratske studije), Beograd, 2001.

¹⁸ Social Welfare criteria for eligible beneficiaries is a complex matter and is not the subject of this report. The purpose of this analysis is to present briefly the government budget for social welfare and the amount of assistance IDPs are getting on that basis.

¹⁹ Note that the amount per person is averaged in line with the calculation based on the total budget of the Ministry of Social Welfare of Serbia, in Yu Dinars, and the number of beneficiaries in three categories of social welfare.

The data for the *health status* of the IDP population in FRY comes from the *Registration of IDPs from Kosovo* document, and the study *State of Health, Needs and Use of Healthcare by the Population of Serbia*²⁰ conducted by the Institute of Public Health of Serbia (IPHS), based on WHO methodology, in which a special section is devoted to IDPs and refugees²¹. It should be noted that data in both reports is based on surveys completed in 2000. Meanwhile the health status of the IDP population has probably deteriorated as they have continued to endure difficult living conditions since the time the surveys were conducted.

According to the IDPs registration document, 13% of all IDPs have serious medical problems, among which the majority (74%) suffer from chronic diseases requiring long-term medical treatment, while 13% are invalids and 4.4% suffer from mental health problems.

The IPHS study also presents valuable information on the most common health conditions of IDPs and refugees, which occur at nearly the same rates as in the domicile population (high blood pressure, back pain, rheumatic diseases, heart condition). In the case of IDPs and refugees, however, these conditions are often not treated medically (exact figures are not given in the study). For example, in the case of the most frequent health condition among IDPs and refugees, high blood pressure (25%), 23% of those affected are not under medical treatment or simply do not take medications due to a lack of funds (37%).

IDPs and refugees are additionally threatened by poor nutrition. The WFP/UNHCR Joint Food Need Assessment Mission report²² concluded “of greater immediate concern are the rates of malnutrition evident in refugee and IDP children living in collective centres. Among the children measured, 8% were found moderately to severely wasted (3.7% among the general population) and 17.2% were stunted.” This needs to be compared with the WHO/UNHCR/IPH survey in 1998 that did not find protein-energy deficiency among refugee children living in CCs at that time. UNICEF²³ interpreted the startling rise in the prevalence of malnutrition among children in CCs in 2000 as reflecting a change in the population base (IDPs in addition to refugees), characteristic of IDP children from Kosovo, where child welfare indicators are known to be poor in relation to the rest of the country. UNICEF also suggested the provision of food aid should be reviewed to ensure that children and mothers who are breastfeeding are receiving adequate amounts of good quality food.

There is evidence that the consequences of displacement have seriously affected the *mental health* of the IDP population. Humanitarian organisations active in the field report IDPs being depressed and despondent. The IPHS survey revealed that 64% of respondents had psychological stress and that up to 57% of CC residents have emotional problems. There are numerous reasons for the deterioration in psychological well-being, from the actual loss of home and previous routine, to poverty, dire living environment and the resentment of vulnerable locals who see the newly arrived as competitors for scarce job opportunities and assistance. The realisation that return in the near future is unlikely makes them feel “neither here nor there.” The International Aid Network gathered a team of experts for the survey of IDPs²⁴ in 2000/2001 to research, among other aspects of IDPs’ lives, their current mental health status. Interestingly, IDPs assessed their own mental health as having deteriorated significantly. The study results noted an extremely high level of post-traumatic distress and

²⁰ *State of Health, Needs and Use of Healthcare by the Population of Serbia*, IPHS, issued in January 2002.

²¹ Refugees and IDPs are analysed within the same group, thus the given results apply to both groups equally.

²² *Joint Food Needs Assessment Mission – Final Report – FRY* (ex. Kosovo), WFP/UNHCR, July 2001.

²³ *Multiple Indicator Cluster Survey II* — Report for FRY, UNICEF, 2000.

²⁴ *Internally Displaced Persons from the Prizren Area of Kosovo*, IAN, Belgrade 2001.

current psycho-pathological symptoms, especially anxiety, psychosis and paranoid ideas, among those exposed to the cumulative effect of a large number of very stressful life events (in 66% of surveyed IDPs). Mental health problems are known to diminish coping and self-help mechanisms.

Access to Health Services

IDPs, being citizens of FRY, are given the right to access all health services within the state health care system free of charge. Moreover IDPs, among other categories, which include children, elderly over 65, social welfare beneficiaries, pregnant women, cancer patients and war invalids, do not have to pay a “contribution fee” for medical services or medicines, which is obligatory for everybody else. The only precondition is that they have been registered as IDPs and have an IDP registration card. In reality access to health care can be severely constrained for several reasons. Some affect IDPs and the rest of the population equally, while others are specific to the IDP status.

As to the latter case, the financial burden for public health care provision to IDPs and refugees has severely affected the capacity of those Health Insurance Fund Regional Offices covering the municipalities where IDPs are registered as temporary residents. As there is no political will to adjust the existing national solidarity (risk pooling) safety net, nor any specific financial mechanism in place to meet the additional needs linked to large population movements, the result has been that in those regions with a high influx of IDPs relative to the resident population (e.g., Kraljevo), per capita public spending on health is severely curtailed. In fact, this affects provision of care to vulnerable groups and contribution payers alike.

Furthermore, registration of IDPs (and refugees) with the local health authorities (e.g., Ambulantas) is not practiced. This leads to lack of appropriate medical records being kept in health institutions. This discriminatory practice prevents adequate follow up in health care and undermines the quality of health care received. Equally, IDPs registered in Montenegro face difficulties in obtaining medical services in Serbia for advanced services that are not available in Montenegro. The Serbian Health Insurance Fund will not recognize the cost of medical services given to IDPs from Montenegro nor will the Montenegrin Health Insurance Fund reimburse expenses to Serbia.

As to the former, reasons that have an impact on the entire population relate to the erosion of the government’s ability to provide for basic health care needs. In 1989 state spending for health in Yugoslavia was estimated at USD 240 per capita per year. This has declined to USD 40 in 1999 and USD 59 in 2000²⁵. According to the Ministry of Health, 57% of expenditures go for salaries, 15% for drugs, 10% for medical consumables and equipment maintenance, and 18% on food and utilities.

Findings show that more than ten years without any capital investment or adequate level of funding for recurrent costs have resulted in a chronic shortage of essential drugs and consumables as well as more than 60% of the medical equipment being out of order while the one-third still in working condition is mostly obsolete. Basic services such as water and heating need to be repaired in many places, essential drugs and disposables are in short supply and, most importantly, the lack of management and organisational resources create a state of apathy, paralysis and poor resource mobilisation in the public health sector. This has

²⁵ Breaking with the Past. *The Path to Stability and Growth*. Vol.2: Assistance Priorities and Sectoral Analyses. FRY/World Bank 2001. (2000 per capita = USD 59 excludes Kosovo and Montenegro)

generated a greater shift to private and “grey” provision of health care services. Private medical practices have flourished in recent years as an alternative to the state health system. Patients at private clinics are entirely responsible for the costs of private health services as well as medications obtained under the table from the public sector through private pharmacies, which are not covered by the state health insurance fund.

This has created a two-tier system, where only those with high incomes can afford effective private health services, while vulnerable locals and IDPs/refugees are left with no choice but to rely on the state system, however dysfunctional. Due to high costs, only a small percentage of IDPs/refugees have reported using the services of the private health care sector.

IDPs use of health services

Use of Private Health Services		IDPs (refugees) in PA	IDPs (refugees) in CC
General Practitioner	No	96.4 %	99.1 %
	Yes	3.5 %	0.9 %
Dentist	No	83.2 %	93.2 %
	Yes	16.7 %	6.8 %
Gynecologist	No	94.3 %	99.0 %
	Yes	5.7 %	1 %
Others	No	95.7 %	98.5 %
	Yes	4.2 %	1.5 %

Source: IPHS State of Health, Needs and Use of Healthcare by the Population of Serbia

According to the IPHS study, in 46% of cases IDPs obtain medicines through the system of the state health care system (39% for the permanent resident population). Approximately, 50% of IDPs in private accommodation and 36.6% of IDPs from CCs buy medicines in private pharmacies, while only 0.8% of those in PA and 8.5% of those in CCs get medicines from Humanitarian Pharmacies through a project supported since 1999 by ICRC in collaboration with State Pharmacies and the Serbia Red Cross.

IV Legal Issues

Principle 1 of the *UN Guiding Principles on Internal Displacement* stipulates: “Internally Displaced Persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.”

Though more than two and half years have passed since IDPs left Kosovo, they still face numerous legal problems, in Serbia and Montenegro, where the national authorities are responsible for protection of their rights, and in Kosovo, where UNMIK is tasked with creating conditions to allow returns to occur and protecting property and other rights of the displaced. The Norwegian Refugee Council (NRC) has been active in providing legal assistance to IDPs (financially supported by UNHCR) currently residing in Serbia and addressing legal issues and concerns of IDPs. The analysis presented in this chapter relies heavily on the NRC’s findings during their work on legal assistance to IDPs²⁶ and ICRC findings on the issue of missing. We focus on several issues of overriding concern, including: (1) access to legal documents; (2) freedom of movement; (3) access to the justice system and institutions; (4) property rights; and (5) succession of rights by the families of the missing.

Lack of Access to Documents

- When Serbian authorities left Kosovo in June 1999, they moved status and property registry books, as well as court documents, to numerous locations in central and southern Serbia where administrative offices “in exile” were established. Current procedures require that IDPs, regardless of their place of temporary residence, submit requests for the issuance of documents, (birth certificates, citizenship certificates, etc.) to their original residence municipality office from Kosovo “in exile,” wherever it may have been re-located. That creates logistical and financial problems for IDPs who are often temporarily residing in locations far removed from the office “in exile.” The NRC has advocated that the government change its procedure to allow IDPs to submit requests in the municipalities of their temporary residence, which would then officially transfer the request to the relevant office “in exile.” Also, the Serbian Commissioner for Refugees has taken steps to suggest an alternative of the procedure to obtain documents through easing burden of proof of previous residence in Kosovo and through the registration of descriptive addresses.
- *Roma IDPs* have a specific problem related to the access to documents, particularly in the numerous cases of those who have never even been registered in offices in Kosovo and now need to register for the first time. They must register in order to obtain IDP status and thus become eligible for assistance.
- *Access to “working booklets”* (personal employment record document, kept in the company of current employment until the termination of employment), where they were left behind in Kosovo companies, presents a problem for many IDPs. This document is important for claiming pensions, obtaining new regular employment (in contrast to unofficial employment), or registering at the Bureau of Unemployment.
- In Serbia, only those IDPs who were employed in the Kosovo branches of the state companies from Serbia before their displacement have been able to obtain their working booklets with valid termination of employment, and thus register at the unemployment bureau

²⁶ NRC Representative Presentation at the Conference, *Refugees and IDPs – Between Rights and Reality*, Belgrade, January 2002.

and claim unemployment benefits. For the majority of IDPs who were employed in Kosovo-based companies, obtaining “working booklets” has proved up to now to be an insurmountable obstacle that has prevented registration at the Unemployment Bureau, and ultimately denies them their right to receive unemployment benefits. In Montenegro the *right to register at the unemployment bureau is denied* to IDPs from Kosovo in general²⁷. This is an important issue of discrimination based on IDP status.

- UNMIK regulations limit the issuance of identity documents to those physically present in Kosovo. IDPs in Serbia and Montenegro are therefore not eligible for UNMIK identity documents. This reflects on IDPs employment opportunities in Kosovo. IDPs in Serbia and Montenegro are in principle eligible to apply for jobs within the new Kosovo Civil Service, but they must be a registered “habitual resident” in order to become employed in the civil service. Despite UNMIK’s stated desire that IDPs return to Kosovo, UNMIK regulations do not allow an IDP to first find employment with Kosovo’s government and then move back to Kosovo.

- Former Serb civil servants have refused to take posts in UNMIK structures or Provisional Institutions of Self Government (PISG) due to Belgrade authorities’ alleged threats to cut pension and other entitlement benefits to those individuals who accept an UNMIK post. Such threats have been made in an attempt to maintain parallel Serb government structures; they are not in IDPs’ best interests.

Freedom of Movement

- IDPs have reported cases in which Kosovo police officers “in exile” have refused to grant a de-registration document for a transfer of an IDP’s permanent address from Kosovo to a location elsewhere in Serbia. In such cases, IDPs who want to change their permanent address to Serbia proper or Montenegro are unable to do so. Such practices violates the *right of IDPs to freely move within their own state* and to *choose their place of residence*, a right internationally recognized by Principle 14 of the *UN Guiding Principles on Internal Displacement*, Article 2 of the Protocol of European Convention of Human Rights and Article 12 of the International Covenants of Civil and Political Rights. Following this principle, Serbian authorities should permit IDPs from Kosovo to de-register and change their permanent residence upon their request.

- Some specific aspects of *Montenegrin citizenship* legislation should also be noted. IDPs from Kosovo, being citizens of FRY and the Republic of Serbia, are not permitted to apply for Montenegrin citizenship. Legislation requires a ten-year period of prior permanent residence before being able to become a citizen of Montenegro.²⁸

- The *UN Guiding principles* emphasize the basic rights of IDPs *to return to their place of origin*. Nevertheless, it is important that such decisions be made *voluntarily* by individual IDPs and not forced by authorities in Serbia/Montenegro or Kosovo. Certain actions undertaken by authorities (UNMIK in some cases, and Serbian and Montenegrin authorities in others) directly or indirectly affect the ability to make this choice and therefore affects freedom of movement. Obstructing the change of permanent residence (Serbian and Montenegrin authorities) and UNMIK regulations pertaining to property sales in ethnically mixed areas, though well-intentioned, are two examples that interfere with this choice making.

²⁷ Information obtained in a telephone interview with UNHCR, Office in Podgorica, 5 March 2002.

²⁸ UNHCR *Position on the Protection Needs of Individuals from Kosovo*, March 2001.

Access to Justice/Institutions

- *Effective access to the Housing and Property Directorate (HPD)*, the UNMIK-established²⁹ body mandated to deal with Kosovo property repossession, is essential to IDPs. A shortage of funds has prevented the HPD from effectively fulfilling its mandate. HPD opened offices in central (Nis, Kraljevo) and southern Serbia (Kursumlija, Vranje) in November 2001, and in January 2002 HPD offices opened in Belgrade and, recently, in Novi Sad, and plans to open an office in Podgorica. The new offices have enabled IDPs to more easily file claims for repossession of their property in Kosovo. The deadline for filing claims has been prolonged until 1 December 2002. These changes should make the process more efficient compared to the situation when all claims were submitted through a single office in Kosovo. This situation created obvious problems for IDPs, who were unwilling to take the safety risk that traveling to Kosovo presents. We will return to the HPD issue below.
- The *Ombudsperson* of Kosovo is a human rights institution empowered to extend services to Kosovo residents, including IDPs from Kosovo. To have effective access to its services, IDPs need to be informed and become familiar with its mandate. Until now the Ombudsperson Institution's procedures combined with communication difficulties have presented serious obstacles for IDPs. NRC plans to work jointly with the Ombudsperson Institution, IDP organisations and NGOs on facilitating training/information sessions in order to make the work and access to this institution more efficient.
- Kosovo IDPs residing outside of Kosovo are not eligible for UNMIK/EU reconstruction assistance unless they are part of an organized and officially approved group return project. This is an important problem that could continue to deter returns even if security conditions improve.
- There are *no legal remedies against UNMIK* for damages incurred (use of property, personal injury, etc.) as the result of UNMIK actions. This applies to IDPs as well as all residents of Kosovo.
- KFOR established a damage claims process, but there is *no consistent policy* as claims are resolved according to the individual policies of the various national peacekeeping contingents (the French resolve claims in one fashion, Germans in another).

Property Rights

- The issue of property, being among the most important human rights issues, is decisive for IDPs from Kosovo, as *repossession of property* is of paramount importance if the displaced are to return to their homes. UNCHS (Habitat) estimated there are some 30–35,000 families among the displaced who are eligible to claim repossession of property in Kosovo³⁰. In November 1999 UNMIK established the Housing and Property Directorate (HPD) to address property issues in Kosovo and the Housing and Property Claims Commission (HPCC) as a quasi-judicial body to deal with the property disputes. The collection of property claims began in June 2000, but *processing, decision-making and the actual execution of decisions i.e., return of the possession is very slow*, and regulations do not specify a time limit in which HPD/HPCC has to make a decision. According to HPD statistics April, 2002, out of a total of approximately 15,000 claims for property repossession that have been filed, 502 were resolved (decisions were issued), while actual repossession has been executed in 138 cases, as of 21 April, 2002. The rate of concrete return, in which the property owner actually moves

²⁹ UNMIK Regulation 1999/23.

³⁰ UN Center for Human Settlements (Habitat), HPD and HPCC, Belgrade/Podgorica Regional Offices, Kosovo Programme Project Proposal, May 2001.

into his/her home, is also low due to the fact that in many cases the occupants are permitted³¹ to remain in the property based on their humanitarian need for housing, thus preventing the owner in repossessing the property. The burden is shouldered by the displaced individuals who do not receive compensation from HPD for the use of their property, while at the same time they usually pay rent for their own accommodation in displacement. HPD has planned a “rental scheme” whereby homeowners would be compensated for the occupation of their home, but the implementation of the plan is contingent on HPD funding, which is, at the moment, precarious.

Illegal occupation of IDP-owned properties by international organizations is especially scandalous. There are, according to the HPD, many cases in which international agencies have either not paid rent to IDP home-owners or paid rent to individuals who claimed to own a property, but did not. This situation was allowed to continue because international agencies did not bother to verify who owned properties which they rented. A regulation in Bosnia, for instance, stipulates that international agencies must pay rent to verified property owners.

- In order to stop the existing pattern of systematic sales of minority-owned property in certain areas of Kosovo, sometimes under duress, UNMIK enacted a Regulation³² specifying that *sale of private property can be denied in designated areas* where the sale could result in a change in ethnic balance of the community, and in practice it is being applied in sensitive multi-ethnic areas where property is being sold at unrealistically low prices. Nonetheless, the Ombudsperson has determined that application of this regulation violates international human rights standards stipulated in the European Convention of Human Rights (ECHR) guaranteeing the right to enjoy possessions and the freedom of movement within one’s country³³.

Succession of Rights

- The families of the missing experience specific legal problems. Up to 90% of missing persons are male, often heads of families. Due to legal provisions pertaining to the status of a missing person, as well as the lack of access to justice/institutions, family members are not in a position to solve the issue of property, inheritance or marriage, or to receive the salary or pension of the missing person.

Finally, all of these legal issues related to IDPs’ legal rights call for attention, consideration and action by both FRY/Serbian/Montenegrin governments and UNMIK/Kosovo government, within their authorities.

³¹ UNMIK Regulation 2000/60.

³² UNMIK Regulation 2001/17.

³³ ECHR Article 1 Protocol 1 and Article 2, paragraph 1, Protocol 4.

V Special Issues

Roma IDPs

Roma IDPs from Kosovo differ very much greatly from other IDP groups in FRY due to their ethnic background and the marginalized position of Roma within FRY society in general³⁴. Roma are an especially vulnerable group; thus the issue of Roma IDPs deserves special attention, both from the aspect of displacement and in general.

The influx of Roma IDPs from Kosovo, together with Serbs and other non-ethnic Albanians, has drawn the attention of a number of international humanitarian organisations, which have conducted field assessments documenting the dreadful living conditions of Roma IDPs and local Roma host communities. Unfortunately, the magnitude of the Roma IDP problem is very often “hidden,” as many of them have not registered with the authorities, but simply mingle with the locals in Roma settlements. As a result, they are forgotten and marginalized, many living in truly appalling conditions.

The actual number of Roma IDPs is not clear. The Commissariat for Refugees/UNHCR registered over 20,000 Roma IDPs in Serbia and close to 8,000 in Montenegro. These numbers also include Gorans, Egyptians and Ashkalias, smaller ethnic groups perceived as similar to Roma, who share the same misery in displacement as Roma. Other estimates on the actual number of Roma IDPs range from 50,000 (Commissariat for Refugees of Serbia) to 80,000–100,000 (Roma associations, Serbian Academy of Arts and Science). A majority (13,000) of all registered Roma IDPs in Serbia live in Belgrade, scattered among 150 Roma settlements and some in CCs. Central and southern Serbian municipalities (Pozarevac, Kragujevac, Nis, Bujanovac and Kursumlija) also host a large number of Roma IDPs. In Montenegro, a large number of Roma IDPs are densely settled in Podgorica suburb camps, and in the municipalities Niksic, Bar, Tivat and Berane. The pattern of settling in and around large towns is a part of a tradition and the conviction that the cities offer better opportunities for acquiring income. Therefore, it is safe to assume that a majority of those unregistered Roma IDPs have also settled in larger towns.

According to surveys completed in several Roma settlements, both in Serbia³⁵ and Montenegro³⁶, finding adequate accommodation and living conditions are identified as the most pressing needs in these settlements. Given the few available openings in CCs and the reluctance of local authorities to find suitable accommodation for Roma IDPs, most of them have found shelter within existing Roma settlements. These are usually makeshift scrap-metal and cardboard shacks, run-down and deserted barracks or storage houses, containers and junk car bodies in locations within or next to garbage dumps, under bridges or in open fields. Usually they occupy premises illegally, creating unofficial CCs. In cases where the premises may have been in reasonable condition when Roma IDPs arrived, they are often degraded after two years of use. Their shelter usually lacks sanitation facilities, water supply, electricity and heating. In a statement issued following the recent visit of the UN High Commissioner for Human Rights Office representative to one of the Roma settlements in Belgrade housing

³⁴ See *Assessing the Needs of the Roma Community in FRY* (ex. Kosovo), HRA 17, OCHA Office in Belgrade, September 2001.

³⁵ *The Roma from Belgrade Settlements*, OXFAM, April 2001.

³⁶ *Life of Displaced Kosovo Roma in Montenegro* (Podgorica and Niksic) and *Possibilities for Integration*», Dr. Bozidar Jaksic, SDR/SDC, June 2000.

more than 2,000³⁷ Roma, of whom one third are Roma IDPs from Kosovo, the settlement was described as: “overrun with rats, mountains of rubbish and the people live in some of the most squalid and degrading conditions imaginable, and the overall level of health hygiene and sanitation fell well below acceptable standards.” Similar conditions are seen [heard] in most locations where Roma IDPs live.

Living in the margins of society, generally with little or no education, Roma IDPs as well as other Roma have almost no chance to find employment, but instead rely on *survival strategies*. Roma IDPs, unlike other IDPs, have managed to integrate well within the resident Roma community and are used to doing marginal physical labor, collecting glass and paper for recycling, even selling the aid they get like hygiene parcels or new beds and stoves, and finding old ones from dumps.

Education of Roma IDPs children is yet another pressing issue of Roma IDPs and the Roma community in general. Aside from the small capacity and scarce resources of the education system, regular school attendance of Roma IDPs children is very low and constrained by overall poverty, lack of clothes, school material, transportation, uneducated parents who give little value to learning and language difficulties. The language problem affects a majority of Roma IDP children who do not speak Serbian, especially those from Ashkalia and Egyptian ethnic group who speak the Albanian language only. (In Montenegro 58% of Roma IDPs speak Albanian.)

Similar to education, hygiene and *health care*³⁸ standards are low among the Roma IDPs. A poor understanding of health and hygiene issues among Roma in general is compounded with a limited approach to the health care system and little or no knowledge of their rights in accessing public health care services. Very often Roma children are not immunized (9% were never vaccinated and for 27% vaccination status is not known while only a small percentage received all three doses of Oral Polio Vaccine (19%) and Di-Te-Per (27%). Most Roma women do not visit a gynecologist for regular check-ups (80%) except for child birth (68%). In the case of sickness or injury, Roma most often visit primary care physicians (62%), while 14% treat themselves, and in the majority of cases some serious health conditions were not treated when diagnosed. In 80% of cases a dentist is visited for a tooth extraction only. Despite a lack of adequate data about the health status of the Roma population, some broad conclusions can be drawn based on the demographic features of the Roma (young/average age, low education level), as well as their overall living conditions, which apply to Roma IDPs too. Serious sanitary and epidemiological concerns directly arise from lack of basic hygiene in the settlements. The inadequate manner of food preservation, an unsafe water supply, open sewage and improper waste disposal all create an increased risk for diseases. The presence of rodents, scabies and lice, along with the crowded nature of the settlements, facilitates the spread of contagious diseases. Much of the population suffers from so-called “poverty diseases” such as malnutrition, lung and intestinal diseases, skeletal diseases and alcoholism. There has also been a reported rise in Roma children suffering from tuberculosis.³⁹ In conclusion, it should be indicated that Roma IDPs officially have access to public health care, but due to the lack of information, personal documents, language barrier, a

³⁷ Number of Roma in Deponija settlement based on the survey performed by DURN (National NGO Association for the Improvement of Roma Settlements) in 2000 is 850; latest UNHCR estimate is 1,200.

³⁸ Source: *Health Status, Health Needs and Utilisation of Health Services of Roma Population in 2001*, Report on the analysis for Roma children and adult population in Belgrade and Kragujevac, OXFAM GB, Office in Belgrade (The sample encompassed nearly 75% of Roma IDPs from Kosovo).

³⁹ *Assessing the Needs of the Roma Community in FRY (ex. Kosovo)* HRA 17, UN OCHA Office in Belgrade, September 2001.

discriminatory attitude in society, and difficulties in the functioning of the public health sector, they are discouraged in seeking medical assistance and are marginalized in this respect as well.

The social welfare system recognizes the right of eligible Roma IDPs to collect *social welfare* benefits according to legal criteria elaborated in chapter 3, Access to Services, of this report. According to the latest survey performed for OXFAM⁴⁰, more than 30% of Roma are recipients of Monthly Family Allowance and 17% receive Child Allowance. There is no figure on the number of Roma IDPs receiving this assistance (*the sample included 75% of Roma IDPs, so we are taking all results as equally representing Roma IDPs*).

There is evidence that a large number of *Roma IDPs lack identity documents*. This situation hampers their access to humanitarian assistance based on their IDP status. NRC, as mentioned earlier, is involved in assisting IDPs in solving some of the basic legal problems. In practice, NRC recognized the complexity of Roma IDPs documentation issue and identified the following:

- Many Roma IDPs are still without basic documents (birth certificate, citizenship certificates and ID cards), which they either lost in displacement or have never had. Regardless of the NRC assistance in filing requests for the issuance of documents with the authorities, there is high rate of non response from the offices in charge, particularly in the case of Roma IDPs;
- Roma IDP children born in displacement have problems in obtaining birth certificates if their parents lack personal documents or an official (recognized) address;
- These above-mentioned problems consequently restrict the possibility of Roma IDPs to register as IDPs with the Commissariat for Refugees, obtain IDP cards and become eligible for humanitarian assistance.

As already mentioned, many humanitarian agencies recognize the dire humanitarian situation of Roma IDPs and have managed to provide periodic assistance ranging from settlement improvements, sanitation programmes, vocational training, school preparations and kindergartens, and some food and non-food distributions. All these efforts are welcomed, but have proved to be insufficient to achieve the necessary longer-term effect, especially when considering the complexity in justifying assistance only to Roma IDPs when their neighbors, local Roma, share similar living conditions.

Unofficial Collective Centres

Unofficial CCs are not recognized by the Commissariat for Refugees (both Serbian and Montenegrin), but function as do other CCs. The explanation is usually legal. The owner of the premises may not want, for a variety of reasons, to sign a contract with the Commissariat for Refugees permitting the use of the premises as a CC, or the Commissariat may not be eager to fight legal obstacles and include the CC as an official CC site due to lack of funds to maintain the facility. Tenants of unofficial CCs are therefore uncertain of the prospects, rent for the premises is not paid, nor is electricity, communal and heating expenses, putting IDPs who live in such centres into a highly unstable environment. This fact also influences their legal status for obtaining residence documents as well as the amount of humanitarian assistance they receive.

⁴⁰ *The Roma Livelihood in Belgrade Settlements*, OXFAM (performed by ARGUMENT Agency for Applied Sociological and Political Research), Belgrade, December 2001.

In Serbia, 32 (14%) of all CCs are unofficial, accommodating 1,947 IDPs. The majority (14) are in the Belgrade area where as many as 1,300 IDPs find shelter. Though the Commissariat for Refugees does not recognize these CCs as official, they make an effort to provide one hot meal a day for beneficiaries in the Belgrade area. In many cases IDPs opt to stay in unofficial CCs within the larger city area in order to pursue job opportunities, rather than move to a vacated place in an official CC in a remote region.

In Montenegro, 53% of all CCs are unofficial. Almost 3,000 IDPs are accommodated in 35 unofficial CCs, compared to 2,700 IDPs in 31 official ones. The unofficial CCs in Montenegro are mostly located in the tourist resorts, hotels and summerhouses owned by Serbian and Montenegrin companies, which built them for employees' vacations. IDPs, having no other place to go, occupied those premises. Thus, during the summer tourist season, IDPs in unofficial CCs are under additional pressure to leave their accommodation. According to Commissioner for Displaced Persons of Montenegro⁴¹, IDPs accommodated in unofficial CCs receive an equal amount of assistance as IDPs accommodated elsewhere, aside from the fact that rent, electricity and other communal expenses are not paid for. Therefore, the uncertainty of their stay is one of the most critical problems.

Families of the Missing Persons

For hundreds of families of missing persons from Kosovo, who often live as displaced persons in Serbia or Montenegro, life has become a permanent nightmare. In addition to the difficulties faced by all IDPs, they have to cope with the drama of absence of their beloved ones, of the traumatic uncertainty about their fate. They also face specific legal and administrative difficulties due to the lack of legal provisions pertaining to the status of a missing person. The question of status then prevents them from resolving issues related to property, inheritance, marriage, adoption, or to receiving the salary or pension of the missing person.

According to ICRC records, 863 non-ethnic-Albanians (Serbs, Romas, Montenegrins, Bosniaks and others) are registered as missing in relation to the Kosovo crisis⁴². According to the Coordination Centre for Kosovo, 1,518 non-ethnic-Albanians are missing. The discrepancy in numbers is because ICRC reports as missing only those persons whose families have approached ICRC for help. Ninety percent of the missing persons are men, who were very often breadwinners in their families.

The lack of access to Kosovo and freedom of movement inside Kosovo exacerbate their frustrations and anger over not being able to deal with their situation themselves. In response, the families have constituted themselves in the Association of Kidnapped and Missing Persons in Kosovo and Metohija, with its main office in Belgrade, and regional branches in Nis and Kraljevo in central Serbia, and Gracanica in Kosovo.

The Office for Refugees, Displaced and Missing Persons, under the President of FRY and the Coordination Centre for Kosovo, have set up structures pertaining to this issue to deal with the UNMIK administration. The Coordination Centre for Kosovo has established the bureau for kidnapped and missing persons, and the bureau for exhumation and identification, working in close co-operation with representatives of the Family Association. After long

⁴¹ OCHA representative telephone interview with Montenegrin Commissioner for Displaced Persons, 11 March 2002.

⁴² ICRC also registered 2,907 Kosovo Albanians as missing.

months of negotiations, the FRY/Serbian authorities and the UNMIK administration signed three protocols which provide common rules and procedures relative to joint identification work, cross-boundary transfers of mortal remains and joint verification of illegal detention places. Under these protocols, two initial joint exhumations have been carried out and several identifications made.

On behalf of the families of the missing, the ICRC has been lobbying at all authority levels for the clarification of the fates of the missing and provision of answers to their families. It has been submitting to them detailed confidential reports about the disappearances, urging them to investigate these cases. In collaboration with the Yugoslav Red Cross, it has also supported the work of the experts in charge of the exhumation/identification process, collecting information from the families, transporting family members for identification purposes, making available books of personal belongings found during exhumations. It has also been supporting the family association morally, financially and logistically. In cooperation with experts from the Belgrade Institute of Mental Health and others throughout Serbia and Montenegro, it has been providing counseling and psycho-social support to those in need among the family members.

VI Information Services to IDPs

There is a consensus among UN agencies, international and national NGOs active in the field that IDPs lack complete and timely information about issues that are important and relate to their lives in displacement, as well as regarding the situation in Kosovo. This lack of information may prevent IDPs from understanding what their options are for return. Several conclusions derived at the recent Conference of the Regional Network of NGOs for Refugee and IDP Assistance⁴³ also emphasize the need and importance of providing information, especially on significant issues such as property claims, for which a concerted media campaign was suggested.

There is also a lack of information *about* IDPs, especially their intentions with respect to return. A recent American Refugee Committee study showed that 67% of IDPs in Southern Serbia intend to return, but the data may not be representative of the entire IDP population. ORC is planning to support an IDP survey to evaluate the views of the displaced toward returns as well as an assessment of IDP skills to help locate professionals and skilled laborers among the IDP population to potential employment-based return initiatives.

In addition, international and national NGOs do not voluntarily report their programme activities to the International Council of Voluntary Agencies, creating yet another information gap. IDPs often call looking for information about programmes or legal services, but often they don't know where to turn.

Serbia's Commissariat for Refugees is planning to open five information centres across Serbia, which will also be open to IDPs, by the end of May, 2002. Still, such a centre will not include information about NGO activities.

In order to compile findings about information services to IDPs, OCHA gathered information from relevant UN agencies and involved NGOs, and assessed that generally there is a lack of coordination and effort in this sector.

Currently, *the following information services are available to IDPs:*

- *Focus Kosovo* published bimonthly by UNMIK Division of Public Information, reporting on Kosovo's daily affairs;
- *Most*, published monthly by Department for Non-Resident Affairs (initiated by UNMIK), with the aim to inform about Kosovo-related issues those currently residing outside of Kosovo;
- *Ad hoc* leaflets aimed at informing IDPs on particular topics, such as a HPD leaflet on the conditions for filing property claims, or the UNMIK/KFOR/OSCE leaflet *Okvir za povratak* ("Framework for Return") on the issues related to return such as the Constitutional Framework, security, the missing and property issues.

National NGOs' efforts to provide information on issues of relevance to IDPs are limited to a few publications including *Informativni bilten* ("Information Bulletin") prepared and issued monthly by HUMANA (financially supported by ECHO, DRC and IRD) and a number of regional publications such as *Informator* or *Vrela* in Montenegro. A bi-weekly magazine entitled *Pravi Odgovor* (*The Right Answer*), is a more professional endeavor as it is published by journalists under the auspices of the national NGO Centre for Information Support and

⁴³ *Refugees and IDPs – Between the Rights and Reality*, Belgrade 21–22 January 2002.

partly financed by UNHCR. The magazine focuses on a wide range of refugee and IDP issues and is not limited to IDPs from Kosovo.

These means of information services to IDPs are usually limited by a small number of copies printed and distributed to a small number of IDPs.

Other means of information activities aimed at IDPs:

- UNHCR organizes “go and see” visits to selected potential return areas only.
- UNHCR also organizes “go and inform” visits, whereby officials from Kosovo come to FRY and talk to IDPs directly.
- UNMIK production of TV coverage on different themes is useful, but gaps are noted between offered themes and the priority concerns of IDPs. Another impediment is very limited TV broadcasting.
- A number of shows on electronic media focus attention on IDPs, including: *Putokaz* on B92 (Sundays at 9:30); *Raskrsce Zivota* (“Life Crossroad”) on Radio Novosti (Sundays, 9-10), and *Povratak* (“Return”) on RTS 1 (Sundays at 11:00). In Montenegro radio “Svetigora” has special programmes for refugees and IDPs.

Expectations are that UNMIK/ORC and the FRY Government/Coordination Centre for Kosovo will take a more active role in identifying and coordinating the information sector aimed at IDPs upon finalisation of the two-year return strategy.

VII IDP Returns to Kosovo

The low rate of minority returns to Kosovo since non-ethnic-Albanians fled in June 1999 has prompted the international community to consider a more pro-active approach on this issue in 2002. Initially, the UN Interim Administration in Kosovo and the activities of UNHCR and other agencies focused on providing assistance to returning ethnic Kosovo Albanian refugees, and, in as far as possible, stabilising minority communities.

UNHCR Kosovo, in May 2000, established a Joint Committee on Returns that consisted of UNMIK, KFOR, UNHCR, OSCE and the Serbian National Council. This body began addressing the issue of returns and, in January 2001, produced the Framework for Return 2001, a policy document that outlined key issues related to returns. Under the framework, a system of local working groups was set up in Kosovo to develop measures that would facilitate returns to specific areas.

Following adoption of the Framework document, UNHCR initiated “go-and-see” visits (visits to potential return areas) in the spring of 2001. Later that year, UNMIK and KFOR officials began “go-and-inform” visits, in which officials from Kosovo come to Serbia and Montenegro to inform IDPs on the situation in their places of origin.

The first organised returns of non-ethnic-Albanians to Kosovo occurred in August 2001 when 80 individuals returned to the village of Osojane in the Istok municipality, while smaller numbers returned to villages in the Gnjilane area. In all, 300 individuals from Serbia and Montenegro were assisted in returning to Kosovo since autumn of 2001.

The organised return to Osojane led to the creation of a new Serbian enclave in Kosovo, and there is general agreement among the international community that future organised return movements should avoid the creation of further enclaves. Future returns will have to include elements of reintegration of the returnees into wider communities.

SC Resolution 1244, the Constitutional Framework for Kosovo and the Joint Document all reiterate the right of displaced persons and refugees to return to their homes. The Joint Document, signed on 5 November 2001 by UNMIK and Yugoslav and Serb officials, mandates UNMIK to take the lead in establishing a coordinated returns process to Kosovo. As a result, UNMIK created the ORC to establish and implement a comprehensive return policy.

The Coordination Centre for Kosovo, created at the end of 2001 as the joint body of the Yugoslav and Republic of Serbia governments, has the return of IDPs to Kosovo as one of its main goals and functions as the Yugoslav/Serb Governmental interlocutor with the ORC.

The ORC and Coordination Centre for Kosovo, at the time of publication of this HRA, are collaborating on the development of a strategy and joint two-year program on returns, while each body is also separately forming long-term policies. The UNHCR office in Kosovo has provided key input to the development of the strategy and plan, whereas UNHCR in Belgrade will be closely involved in the implementation of the strategy and plan.

It is planned that by June 2002 UNMIK takes over responsibility from UNHCR in the operation of various return-oriented working groups that were established under the Framework for Return 2001 at the regional and municipal levels. UNHCR offices in Kosovo

and Serbia/Montenegro will be closely engaged in implementing measures decided upon by the various working groups to facilitate the return of IDPs.

The Coordination Centre for Kosovo is presently divided into seven sectors of responsibility which include: return; care for the displaced; care for the Serbs who remained in Kosovo; protection of cultural monuments; the judicial system and security; civil administration; economy, reconstruction and development; and a secretariat that oversees the work of all sectors. In addition to focusing on returns, the Coordination Centre for Kosovo within its capacity intends to assist those persons who return to Kosovo as well as IDPs in Serbia and Montenegro while they wait to return, and to monitor the humanitarian community's activities with regard to IDPs.

Using the Framework for Return 2001, UNMIK has identified specific rural and semi-rural areas as enjoying the most favorable security situation for potential returnees. UNHCR is currently reviewing data on areas where returns have already taken place to determine critical needs of returnees that might be addressed by joint efforts of UN agencies and partners in the coming months. Thus far only a few donors have committed funds to support returns in 2002 (see the international assistance section).

There has been discussion, and even initial planning, for an international donor conference to support the return process (an ORC initiative), but the conference has been indefinitely postponed, pending finalisation of the return strategy and comprehensive programme development. Returns have so far proven costly and major returns are not yet happening. There are already signs of donor fatigue.

It should be noted that there is no reliable data regarding how many IDPs from Kosovo intend to return. The American Refugee Committee, in a February 2002 study of 1,268 IDP families in Southern Serbia, found that 67% have an interest in return, 17% are unsure and 16% have no interest in returning to Kosovo. The study admits, however, that "the majority of IDPs who are interested in return currently reside in the south, while those who are interested in local integration are moving toward the larger centres in the north..." The numbers cited, therefore, are likely not representative of the entire IDP population.

VIII International Assistance and Provision of Protection to IDPs

Large-scale international assistance programmes have been addressing the needs of populations displaced by violence in Kosovo since 1998. This report focuses on the IDP influx from Kosovo dating from June 1999. In the initial phase, approximately 180,000 IDPs in Serbia and 30,000 in Montenegro received material assistance from the International Committee of the Red Cross (ICRC) including regular food packages, hygiene items, baby parcels, winter clothing and bedding. Over time, beneficiary selection criteria have been introduced to identify the most vulnerable and, as of April 2002, the ICRC basic food and non-food items assistance programme is delivered to 50,000 IDPs on the following criteria:

- Old age pensioners;
- Disabled;
- Single parent families without extended family support;
- Low-income families with children under 10.

In addition to directly delivered material assistance, basic support is provided for essential public services, such as health and education, to which IDPs have access. Other important components include protection activities, tracing the missing, legal advice and information dissemination.

It should be noted that the largest part of UNHCR's USD 6,000,000 budget allocated for IDPs in 2002, is dedicated to the running cost of Collective Centres. IDPs living in CCs receive the same benefits as refugees (from Bosnia and Herzegovina and Croatia) living there. IDPs living in unofficial CCs also receive some assistance from UNHCR.

The attached table (at the end of this section) of international assistance provides an overview of the actors, scale and direction of programmes currently addressing the IDP population in FRY (ex-K). The total USD 43.3 million assistance reported represents a very significant international commitment to the well-being of IDPs. (Note: This figure does not include a 455,000 Euro grant from the German government that was announced just before publication of this HRA).

The table includes all reported programmes active or committed in March/April 2002. Not all programmes or budgets are annual (e.g., ICRC reported food assistance budget is for the period January to September 2002). Apart from food assistance, very few projects were identified in Montenegro. Though it is our understanding that there are fewer humanitarian assistance projects active in Montenegro, there may also be some under-reporting for the Republic.

The table does not include macro-recovery or development programmes addressing society at large, or assistance provided by the Serbian or Montenegrin governments. The Office of the Serbian Commissioner for Refugees reports assistance of approximately USD 3 million for food and basic services to 10,000 IDPs residing in official collective centres in 2002, paid from Serbia's annual budget. However, the allocated amount covers the cost of CCs operations for only ten months in 2002 alone, based on the cost of USD 1.5 per person/per day. Note also USD 3 million for the Social Welfare assistance provided to IDPs' social cases from the regular Serbia's annual budget for social welfare (Chapter III of this report).

Of the total USD 43.3 million in international assistance, 33% consists of basic food rations and non-food items (hygiene, baby kits) delivered directly to the most vulnerable IDPs, while another 25% aims at improving shelter conditions, including a significant component providing materials and technical assistance for renovation of IDP accommodation with host families.

Together, protection and community-based programmes amount to 5% of total reported assistance. Protection services (including missing persons, family tracing and reunion, prisoner welfare), information dissemination and legal advice are also highly valued by IDPs. Since 1999 some 470 vulnerable persons (children, single mothers, serious medical cases and elderly) have been reunited with their families.

Community-based programmes are useful in helping IDPs overcome a sense of isolation and those having difficulty adapting in host communities. These programmes aim to assist in particular those residing in collective centres as well as those whose low economic status hampers full participation in local community activities.

A very small proportion of total reported assistance (3%) is designed to help IDPs develop a livelihood. Income Generation projects consist of small agricultural grants in the form of livestock, greenhouses, seeds and tools. The ICRC also plans non-agricultural training and assistance for the development of small businesses among capable members of the IDP community.

The multi-sector column of the table includes return-focussed projects funded by the US Government Bureau of Population, Refugees and Migration (BPRM). These projects, which will be implemented by four international NGOs on both sides of the Kosovo administrative boundary, involve a range of interventions to promote return including information, go-and-see visits, relocation assistance and reintegration work in the form of dialogue with nearby Kosovo-Albanian communities and development of economic opportunities in Kosovo. Multi-sector funding (21% of total) also includes in-kind grants, shelter rehabilitation and essential drugs distribution projects.

Some of the programmes in public service sectors (11% of total) such as health and education consist of assistance, which benefits all users of those services including IDPs, refugees and the general public. Projects in the health sector include a capacity-building project providing

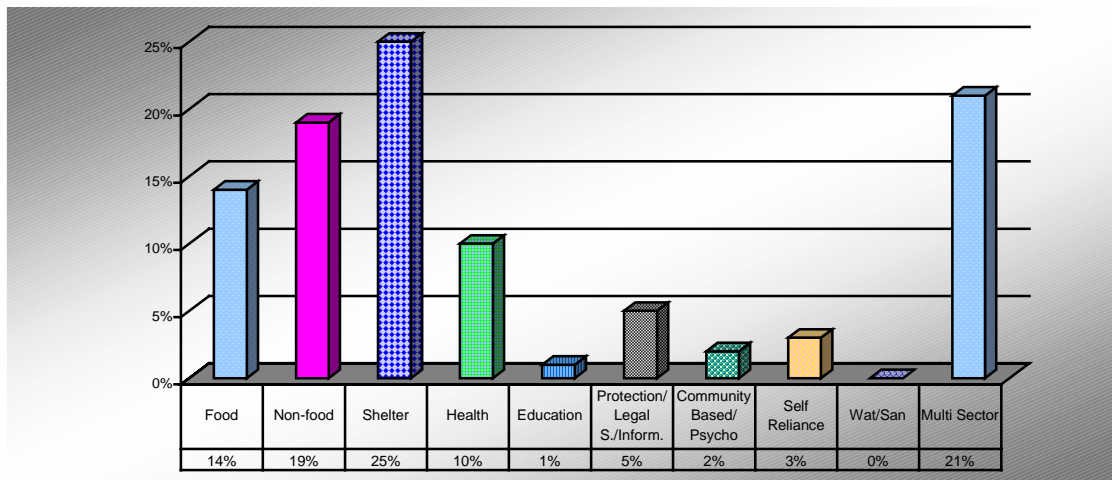


Chart: International Assistance to IDPs by Sector

integrated support to primary health care services in Kraljevo Municipality (chosen because of the large IDP population). The three-year transitional project, which is supported by the ICRC and World Bank, includes financial, managerial and technical assistance. Inputs include partial funding of variable costs such as essential drugs and consumables, assistance in developing improved service delivery and sustainable funding systems, and technical support from international experts such as the London School of Hygiene and Tropical Medicine.

In addition to assistance programmes presented in this table, there are a number of international and national NGOs assisting IDP caseload on an *ad hoc* basis which may have significant impact on the particular caseload where the assistance is implemented. For example, Catholic Relief Service plans to assist up to 11 local IDP associations in building their organisational capacity and establishing partnerships with other agencies dealing with IDPs in Serbia and Kosovo.

In this survey most agencies reported a decline in the scale of humanitarian assistance funding/activities in 2002 and expected this trend to continue in the future. Budgets for external relief assistance and the number of IDPs reliant on such assistance have been declining steadily, primarily as a result of the following factors:

- Some IDPs have managed to become self-sufficient and no longer require aid;
- Tighter focussing and application of beneficiary identification criteria;
- The expectation that the Federal and Republican governments must take up more responsibility for internally displaced citizens;
- Some projects (e.g., shelter renovation, bedding, winter clothing) do not require repetition each year.

IDPs fled their homes and livelihoods in Kosovo in fear of ethnic violence, and many still struggle to adapt to this abrupt change in their lives and new environment. It is important to note that the environment in Kosovo has also changed. Nevertheless, security of non-ethnic-Albanian minorities, especially Serbs, continues to remain a problem. Most still live in enclaves and protected areas with limited movement. Non-Serb minorities have greater freedom of movement and the distribution of Kosovo license plates have made a positive difference. Whether IDPs eventually choose permanent residence within or outside Kosovo, in all but a few cases IDPs must adjust to changed circumstances. Many are demonstrating great resilience and adaptability, and this should be further promoted.

Until the Milosevic government was replaced at the end of 2000, the relief effort took place in the context of extremely poor relations between FRY and the international community. During this period, international advocacy and fund-raising for humanitarian assistance programmes in FRY (ex-K) was sometimes difficult, co-operation between international agencies and national authorities within FRY (ex-K) was restricted and the scope of assistance was limited to core relief programmes.

Since the change of government in FRY, the scale and scope of international assistance has been expanded greatly to include recovery and development objectives, and providing new opportunities to pursue durable solutions for the displaced. As the transition to development programming proceeds and relief budgets decline, humanitarian agencies seek to ensure that

IDPs fully participate in a development process in a way which allows them to rebuild their lives and livelihoods, and contribute to their local communities wherever they eventually settle.

Programmes which help to develop livelihoods by offering skills training and assistance to start up income-generating activities are crucial, both in the interim period while conditions in Kosovo for large-scale return are not in place, and for the long term well-being of IDPs whether they eventually to return to Kosovo or settle in other parts of Serbia or Montenegro.

Such programmes need not necessarily be separated from the range of current and planned efforts at building the skills and resources of other segments of the population. As the transition takes place, significant resources are being applied toward macro-sector/societal programmes designed to improve public services and generate increased civic and economic opportunities to local communities or the population in general.

While development programmes and policies do not specifically exclude IDPs, in practice many of the displaced face particular constraints (the same factors which place them among the most vulnerable: loss or no access to property; livelihood; community networks; and discrimination in some cases), which put them at a disadvantage.

Therefore additional efforts may be necessary in some cases to ensure equal opportunity for IDPs to participate. Any such programme would need to take into account at least the following factors:

- Current and likely future economic development trends in both Serbia/Montenegro and Kosovo (eg. analysis by sector, planned Govt./international investment, credit opportunities etc.);
- Existing skills base and material resources (including resources in Kosovo) of each potential beneficiary, and identifying persons interested in retraining programs in context of possible returns;
- Expressed preference of each potential beneficiary;
- Recruitment outreach programme being organised by International Organization for Migrations.

Table: International Assistance to IDPs

Agency	Donors	Food	Non-Food Items	Shelter	Health	Education	Protection/ Legal Services/ Information	Community based/ Psycho-social	Self Reliance Sector	Wat/ San.	Multi sector
ACTED	ECHO		614,035								
ALISEI	ECHO				Planned						
CARE Yugoslavia	UNHCR, CIDA, ECHO		49,048	368,421					392,404		
CESVI	ECHO, CAFOD			Planned		Planned				Planned	
UNHCR, NGOs	UNHCR,	1,133,904	567,473	1,976,088	337,830		375,467	513,198		29,673	1,024,324
UNHCR	ECHO		19,138								
COOPI				570,175							
CORDAID	CORDAID, ECHO		526,315			114,765		264,360			
CORDAID	Dutch Gov't		1,885,660								
COSV	ECHO				513,158						
CRS	CRS					290,000	5,600				
DPA	ECHO, Danish MFA	714,286		421,053							
DRC	ECHO			1,754,386							
HI	ECHO				?						
HRT	ECHO				?						
ICRC	ICRC	2,400,000	600,000		1,320,000		240,000		360,000		600,000
ICS	ECHO, UNHCR										417,428
IISA	ECHO				438,596						
IRC	ECHO, Dutch Gov't, BPRM			4,282,143	438,596						1,500,000
IRD	USAID, BPRM, NWMT	470,000	3,200,000		300,000				320,000		
MDM Gr	ECHO				570,175						
Merlin	ECHO				?						
MOVIMONDO	ECHO										307,017
MSF Belgium											214,286
NRC	ECHO, Norwegian Gov'y			1,096,491			1,228,070				
OXFAM GB	Oxfam GB		175,000	?	?						
Premiere Urgence	ECHO		614,035								
PSF	ECHO				438,596						
Save the Children	ECHO					?					
TEARFUND	ECHO			350,877							
UMCOR	BPRM CBIE/ACT 18						122,000				
UNDP									400,000		
WHO	ECHO				?						
WFP Montenegro	WFP	1,234,000									
TOTAL BY SECTORS: 43,273,753		5,952,190	8,250,704	10,819,634	4,356,951	404,765	1,971,137	777,558	1,472,404	29,679	9,238,731

Notes:

1. At the time of reporting the US Bureau of Population, Refugees and Migration is considering future funding several programmes addressing IDPs. These will be included when confirmed.
2. Shaded boxes represent programmes which address IDPs together with other groups. Question marks represent programmes reported by agencies but for which budgets were not specified.
3. If you are aware of any errors or omissions in the table, or would like further analysis/reports of the information in the IDP assistance database, please contact Jelena Vladicic at OCHA (e-mail: vladicic@un.org)

Conclusions

The sheer scope of the IDP in FRY evades any easy solutions.

Many problems that IDPs might identify as most pressing, such as economic hardship, are shared by the entire society and therefore can't necessarily be addressed in a narrow context.

At the same time, the difficulties faced by IDPs are often a tangle of inter-related issues that are specific to their displaced situation. Some of these difficulties have yet to be addressed by Serb, Montenegrin or UNMIK/Kosovo authorities. The delay in finding workable solutions, however, is a result of the charged political atmosphere surrounding IDP issues. This fact must be acknowledged in order to solve practical problems that IDPs face.

The Politics of Return

The key obstacle preventing longer-term policy planning for IDPs is the highly charged issue of "return." The Serbian government has modeled its IDP strategy on the assumption that the vast majority of IDPs will return to Kosovo. The idea has strong political and emotional appeal as Kosovo is where Serbian culture began and flourished in the Middle Ages.

Belgrade officials have a stake in maintaining the status quo of UN Resolution 1244, which placed Kosovo under UN administration while at the same time defining Kosovo as part of FRY. The Yugoslav government's territorial claim to Kosovo is bolstered by the publicly stated assumption that more than 200,000 citizens who fled Kosovo in June 1999 will one day return.

The government, understandably, does not have a political interest for IDPs to integrate outside of Kosovo. In addition, Belgrade authorities feel the international community bears a large share of responsibility for the IDP situation. It was the international community that failed to protect Kosovo Serbs after a peace deal was signed in 1999.

In Kosovo itself, the question is charged because ethnic Kosovo-Albanians, who constitute a strong majority, want complete independence from Yugoslavia. For most ethnic-Albanians in Kosovo, UN Resolution 1244, which confirms Kosovo as part of FRY and Serbia, is an affront.

Serbs who fled their homes, on the other hand, have generally refused to accept returns to locations other than their original homes, many of which have been destroyed or occupied by ethnic Kosovo Albanians.

The IDP issue, then, has a political meaning beyond the daily reality of being a displaced person.

Lack of Information

This report, which is a comprehensive synthesis of available information on IDPs from Kosovo, also sheds light on information gaps to and about IDPs which, if filled, could

undoubtedly help IDPs make a decision regarding their future and would inform policy makers.

There is a consensus among organisations that work with IDPs on the lack of information available to IDPs on a large number of issues, including security conditions in Kosovo, the status of their property and political issues. These uncertainties make it difficult for IDPs to come to an informed decision regarding their own futures.

On a related point, local and international bodies lack information about IDPs, which hinders them from planning longer-term policies. Among the most pressing questions is: “How many IDPs from Kosovo truly intend to return to Kosovo as it is today?” Moreover, how many have already successfully integrated into Serbian or Montenegrin society? Arriving at these figures is impossible without a comprehensive study.

There is a need for more reliable data concerning the intention of IDPs with respect to return, and more information should be provided to IDPs that will help them in their decision making. Such information would help the government and relief agencies coordinate and plan policy.

Until the administrative, legal and information issues are resolved by appropriate authorities, IDPs will continue to live in a “legal purgatory,” between the promise of return and the reality of making a life right now.

Legal Issues

Among the most frustrating tasks confronting IDPs is simply organising one’s documents, which is the foundation for a functional life. IDPs face unnecessary hardships in obtaining work booklets, identity cards, enrolling children in schools or changing one’s official place of residency.

The Norwegian Refugee Council is advocating with the Ministry of Justice and the Interior Ministry that the government change administrative procedures to enable IDPs to more easily obtain ID cards and other relevant documents. Government officials have been invited to the Human Rights Contact Group, held under the auspices of UNHCHR, to address these issues. *This report affirms NRC and UNHCHR’s efforts in this respect and urges local authorities to take action in this matter.*

UNMIK has not done enough to address the extension of civil registration to IDPs temporarily residing in Serbia or Montenegro. It is usual for people to find employment before moving to a new location. Due to UNMIK’s registration requirements, IDPs cannot apply for employment unless they are habitual residents of Kosovo in possession of Kosovo documents. Such requirements cast a disingenuous light on UNMIK’s stated policy that non-ethnic-Albanian minorities are welcome to return to Kosovo.

The Serbian government should state clearly to IDPs and to Serbs presently residing in Kosovo that accepting a post in a Kosovo government structure will not affect pension or other entitlements of former Serb civil servants.

Recognising the larger political questions surrounding IDP-related issues, OCHA supports the general principle that authorities, whether Serb, Montenegrin, UNMIK or the newly

formed Kosovo government, should wherever possible remove administrative obstacles that add an unnecessary burden to the already difficult situation faced by the IDP population.

Social Welfare

IDPs from Kosovo who are otherwise eligible for social welfare should not be excluded from the social welfare caseload, despite the fact that they may have property or “paper” employment (companies that aren’t operating) in Kosovo.

The Serbian government simply lacks funds for this additional caseload. Many IDPs who are truly in need are being neglected by the social welfare system. International assistance to the government’s social welfare budget for this expanded caseload could alleviate some of the economic hardship faced by the most hard-pressed in the IDP community.

More Help for Impacted Communities

Additional aid needs to be micro-targeted to communities that have been heavily affected by IDPs. Kraljevo’s infrastructure, for instance, has been hard-pressed to meet the demands placed by so many thousands of IDPs. The ICRC assistance program for health care services in Kraljevo is a good example of micro-targeting services. Development funds represent a far greater portion of aid than humanitarian aid, and therefore donors of development aid need to be informed of the communities that have been most impacted by the arrival of IDPs.

Such communities need more assistance for infrastructure revitalisation and community development, such as improvement of schools and health care centres. Classroom overcrowding and a shortage of teachers have affected the education being delivered to students in IDP-impacted communities. Additional funding must be sought for temporary classrooms and additional teachers who could be recruited from the IDP community.

According to OCHA’s survey of international assistance to IDPs, less than 5% of total aid, or about USD 1.5 million, was allocated for income-generating projects that aim toward self-sustainability rather than beneficiary aid. Since the change of government in FRY, the scale and scope of international assistance has expanded greatly to include recovery and development objectives (USD 1.2 billion pledged in June 2001). *We urge national and international development actors to ensure that the IDP population is included in their programmes and policies.* For example, to enable them to fully participate in society, wherever they settle, IDPs should be encouraged and if necessary assisted to participate in activities which build skills and develop livelihoods (e.g., vocational training, business development, access to credit). While promoting greater self-reliance among the IDP population, *we urge caution against further scaling back humanitarian assistance to the most vulnerable among them until national capacity recovers in essential public service sectors (social welfare, health, education).*

UNMIK’s Housing Property Directorate

For many IDPs, property claim is a cornerstone for solving their problems. The pace at which HPD is processing, handling and executing property claims for IDPs from Kosovo is frustrating for IDPs. If HPD continues at its present pace, it will take many years for IDPs to find resolution. A more efficient pace is, of course, dependent on additional funding for HPD.

Discussions are underway to establish HPD as a self-managed body with independent funding, a move that would provide more flexibility, efficiency and better funding. Some donors have already said they would support HPD if it was a self-managed organisation.

The HPD has planned a “rental scheme” to compensate IDP property owners, but realisation of the plan is contingent on adequate HPD funding.

Many IDPs’ hardships would be partially alleviated if such a plan could be put into practice. IDP homeowners often pay rent in displacement without receiving economic benefit from their property where others now live.

In the meantime, international agencies and their staff in Kosovo should take immediate action to ascertain that they are paying rent to real property owners.

Roma and Collective Centres

Some 16,000 IDPs live in official or unofficial collective centres. This population represents the most hard-pressed group of IDPs. Among this group, the Roma community, with its specific cultural and historical background, is especially in need of services and innovative approaches on issues of health, education and self-reliance.

Serbian authorities, with the assistance of the international community, should focus more attention on improving living conditions at unofficial collective centres and resolving the status of such centres whenever possible. One possible solution is to prioritize return programmes for IDPs living in unofficial collective centres, if they in fact wish to return. The IDP population in all collective centres also needs improved delivery of primary health care. Creative solutions, such as mobile health units, should be sought by IDP advocates.

More Attention Needed on IDP Issues

It is the conclusion of this report that many practical issues can and should be addressed by responsible parties. The specific hardships of this population are to some degree bypassed as IDPs represent a marginalised political constituency who were strong supporters of the previous regime. In Kosovo, ethnic-Albanians often feel that those Serbs who left did so for some reason, that they are guilty by implication in “crimes against humanity.” Their return to Kosovo, consequently, is sometimes met with anger or violence.

In addition, this HRA urges that a vigorous effort be made by the government, with substantial support by the international community in Serbia and Montenegro and in close cooperation with UNMIK, to address in a comprehensive way practical solutions to IDPs’ many hardships. IDP prospects will grow increasingly bleak as donor fatigue sets in. Durable solutions must also be timely if significant funds are to be raised. Donors should either actively engage in a return process, or opt for supporting settlement with a clear recognition that those who wish to return should be helped to do so.

In order to reduce the risk of politisation of IDP issues, particularly their return to Kosovo, and to enhance the objectivity and transparency of all policies, strategies and programmes being developed for IDPs in Serbia and Montenegro should use the *Guiding Principles* as a framework within which all collective and individual actions are undertaken.

Bearing in mind the copious amounts of information that are related to issues of policy and strategic planning in this report, the OCHA Office in Belgrade together with the FRY Country Team urges that, as a first step, a framework be established where information, reporting and monitoring of the displaced population from Kosovo can be consolidated and coordinated.