



PROFILE OF INTERNAL DISPLACEMENT : YUGOSLAVIA (FEDERAL REPUBLIC OF)

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PROFILE SUMMARY

Some 288,000 displaced people face long-term destitution in the Federal Republic of Yugoslavia, as humanitarian assistance programmes are phased out and ethnic tensions continue to block their return to Kosovo. The plight of displaced Serbs and Roma shows that the cycle of ethnic displacement that began in Kosovo in 1999 under the regime of Slobodan Milosevic has not yet ended. Persistent ethnic tensions are blocking the return of displaced people to Kosovo, where many still live in ethnic enclaves. Ethnic tensions also retain the potential to cause further displacements in southern Serbia.

Most of the displaced people in Yugoslavia are ethnic Serbs and Roma who fled Kosovo in 1999 after NATO intervention left the United Nations in charge of the ethnic Albanian majority Serbian province. Many of the IDPs are living in very precarious conditions now in Serbia and Montenegro, aggravated by a severe economic crisis and poor prospects for local integration. As aid agencies cut back humanitarian aid in Serbia, Montenegro and Kosovo, the worry is that displaced people will have to rely on Government authorities which are still unable to meet their needs.

Serbs, Roma still displaced

Few displaced Serbs and Roma are returning to Kosovo and their problems remain largely unresolved, despite increasingly constructive approaches by all parties. Only 5,400 non-Albanians have returned in the past three years to Kosovo, while more than 10,000 newly displaced non-Albanians have registered in Serbia from 2000-2002. Returnees to Kosovo did outnumber departures to Serbia or Montenegro in 2002 for the first time (UNMIK 5 November 2002, HIWG 1 June 2002), but return for the non-Albanian communities has only been possible to areas where they form a majority or to ethnic minority enclaves. Many returnees have often been unable to go back to their original homes, located in an area controlled by a hostile ethnic group and occupied by other displaced persons. As a consequence, many returnees remain displaced within Kosovo or prefer to return to Serbia or Montenegro (UNHCR 31 August 2002, UNHCR/OSCE May 2002).

On the positive side, the transition process in Yugoslavia, towards democracy and rule of law, has opened new opportunities for a peaceful dialogue between ethnic communities in Kosovo and durable solutions for the displaced. Yugoslav authorities have agreed to cooperate with the UN administration in Kosovo on the issue of return and multiethnic institutions in Kosovo. But more time is needed before IDPs in Montenegro and Serbia can envisage return to Kosovo where inter-ethnic relations remain very tense. Since the forced departure in 2000 of former president Slobodan Milosevic from power, Yugoslav authorities have engaged in a positive dialogue with their counterparts in Kosovo on the return of displaced people. Following the adoption of the Common Document in November 2001, the UN temporary administration in Kosovo and the Yugoslav government meet regularly to discuss issues of common concern, including the participation of Kosovo Serbs in public affairs and the return of displaced Kosovo Serbs (UNMIK 22 July 2002).

In Kosovo itself, the political environment has also evolved to become more favourable for non-Albanian minorities; elections for the Kosovo Assembly in November 2001 saw a significant participation of Roma and Serb communities who obtained influential positions in the government. In particular, the main Kosovo Serb Party "Return Coalition" has been allocated the position of Inter-ministerial Coordinator on Returns in the Office of the Kosovo Prime Minister (June 2002) (UN SC 22 April 2002 & 17 July 2002).

Ethnic tensions slow returns

Persistent ethnic tensions and security risks continue to dissuade displaced people from returning to their former homes in Kosovo, forcing many to live in ethnic enclaves. The situation for ethnic minorities in Kosovo remains extremely fragile and not conducive to the large-scale return of displaced people.

Persistent tensions between the Kosovar Albanian population and other ethnic groups, in particular Serbs and Roma, has forced ethnic minorities to move to enclaves where their safety can be better ensured. Life in the enclaves, however, is hardly sustainable, with no access to income-generating activities or public services. Non-Albanian communities, especially Serbs, have remained exposed to major threats to their physical safety, intimidation and harassment. On the positive side, periodic reports from international organizations on the situations of ethnic minorities in Kosovo confirm that the level of serious crimes has decreased since 2001 (UNHCR/OSCE May 2002). Also the mobility of minorities has improved, allowing KFOR to reduce direct escorts and static checkpoints (UN SC 9 October 2002).

Ethnic Albanian populations also face displacement in areas dominated by Kosovo Serbs. In northern Mitrovica city, about 1,500 ethnic Albanians continue to live in a very hostile environment. Many have left their homes and apartments, which have often been illegally occupied by ethnic Serbs displaced from elsewhere in Kosovo (U.S. DOS February 2001, UN SC 9 October 2002).

Displaced persons and returnees in Kosovo have also been denied property rights after losing their houses or seeing them occupied. The Housing and Property Directorate (HPD) and the Claims Commission created in 1999 to solve property disputes in Kosovo have been far from effective: of 20,000 property claims filed with the HPD, only 322 decisions have been implemented so far (COE 16 October 2002, UN SC 9 October 2002). There have also been reports of pressure exerted on remaining ethnic minorities in Kosovo to sell their property in order to accelerate the departure of the communities (so-called "strategic sales"). In response, the UN Special Representative issued a regulation to create a registration procedure for property sales in designated areas to protect minorities (August 2001). However, the regulation has been seen as an obstacle to the freedom of movement of minority members as the new procedure might prevent them from selling their assets and using the money to resettle elsewhere (UNHCR/OSCE May 2002, Ombudsperson Institution in Kosovo 29 October 2001).

In southern Serbia, persistent tensions may yet lead to further displacements. Efforts by the Serbian authorities to ease tensions between the Albanian and Serbian communities led to municipal elections in municipalities bordering Kosovo in July 2002, which strengthened Albanian representation in local institutions. As a result, international humanitarian agencies have phased out their permanent presence in the area, while UNDP and FAO expanded their development programmes (UN OCHA 18 November 2002). Ethnic Albanian armed groups, however, continue to spread violence in these municipalities, raising fears that more displacement may occur among both Serb and Albanian communities (IWPR 9 November 2002). Also, displaced ethnic Albanians who moved to Kosovo may have opted to stay; most have registered as residents (UN OCHA 31 August 2002).

IDPs destitute in Serbia and Montenegro

Since leaving Kosovo in 1999, displaced Serbs and Roma have lived in very precarious conditions aggravated by a severe economic crisis in Serbia and Montenegro. Worries have particularly focused on Serb IDPs living in collective centres, (about 7 per cent of the total internally displaced population), where residents live in substandard conditions, with too distant access to essential services, schools or job opportunities, lack of privacy, inadequate sanitation and water supply (Womens' Commission October 2001, UN OCHA 26 April 2002). Displaced Roma are another group causing concern; they have been often compelled to live with local destitute Roma communities by municipalities reluctant to accept them (ERRC 2001). In general, high unemployment rates, very low salaries, and the collapse of essential services, such as health care, have undermined scarce prospects for integration (UN OCHA 26 April 2002).

Displaced populations in Serbia and Montenegro face grim long-term prospects. Authorities in Serbia and Montenegro, seeing return as the main durable solution to the plight of IDPs (CCK April 2002, Government of the Republic of Serbia May 2002), have erected barriers to local integration including rules requiring IDPs to obtain personal documents from their original Kosovo municipality office "in exile" and not from their municipality of current residence. Municipalities "in exile" also deny IDPs the right to transfer their permanent address from Kosovo to Serbia or Montenegro. Such resistance by local authorities

to the long-term integration of IDPs is even more pronounced in the case of Roma, who face open discrimination from administrative authorities (UNHCR April 2002). In Montenegro, authorities, which favour more autonomy from the Yugoslav federation, have also restricted the access to the Montenegrin citizenship for the displaced persons, whom they see as favourable to the maintenance of strong links with Serbia (UN OCHA 26 April 2002).

Aid shift to hurt IDPs

As aid agencies cut back humanitarian programmes in Serbia, Montenegro and Kosovo, displaced people will have to rely on Government authorities who are still unable to meet their needs. The effects of this shifting focus are aggravated by years of isolation and a painful economic transition towards a market-oriented economy which have temporarily deprived public institutions in Serbia and Montenegro from adequate means to sustain an efficient social welfare system and address the needs of the most vulnerable.

After two years of international presence and large-scale humanitarian assistance to the internally displaced populations in Serbia and Montenegro, the focus of the international community has moved from humanitarian assistance to long-term development needs (UN November 2001). The International Committee of the Red Cross (ICRC), the main provider of food aid to IDPs in Serbia since 1999, has tightened its criteria for assistance, targeting only 50,000 beneficiaries in 2002, based on vulnerability criteria. The World Food Programme (WFP) also has reduced significantly its assistance to IDPs in Montenegro in 2002 (UN OCHA 26 April 2002). Most international humanitarian programmes are expected to phase out by the end of 2003. In a humanitarian strategy document for 2003, UN humanitarian agencies expressed their concerns about the decreasing international funding for humanitarian programmes despite the weak capacity of local authorities to address the needs of vulnerable groups. Advocacy efforts will continue to be required to ensure that development priorities also give IDPs and other vulnerable groups opportunities to strengthen their capacity to sustain their own life (UN OCHA 18 November 2002).

In Kosovo, the UN temporary administration has gradually transferred more responsibility to the local communities, leading to the adoption of a Constitutional Framework for Provisional Self-Government in May 2001. Kosovo has also entered the same phase of transition from humanitarian assistance to development support as Serbia and Montenegro (UN OCHA 31 August 2002). WFP closed down its food assistance in Kosovo in April 2002, leaving the social assistance scheme in charge for the alleviation of the needs of vulnerable groups (UN GA 2 July 2002). However, return of IDPs continues to require international support to promote inter-ethnic dialogue and confidence at the local level and address reconstruction needs of returnees. In November 2002, UNMIK submitted an appeal to international donors, requesting 37 million euros for 44 multi-sectoral projects, an Individual Return Fund, and the functioning of the Housing and Property Directorate (UN MIK 5 November 2002). Beside the considerable contribution of the international community in restoring democracy, rule of law and human rights in the province, measures have also been implemented specifically to improve the security of ethnic minorities in Kosovo, for example through the creation of bus services, the creation of legal advice centres, and the close monitoring of the minorities' situation (UN GA 2 July 2002, UNHCR/OSCE May 2002).

Ethnic displacement since 1999

Most people displaced in Yugoslavia now are Serbs and Roma who fled Kosovo in 1999, after NATO took control of the province. Some 234,000 non-Albanians, mainly Serbs and Roma, have left for Serbia and Montenegro despite the installation of a UN Interim Administration Mission in Kosovo (UNMIK). The vast majority of them left Kosovo in 1999 fearing retaliation from the Albanian majority. Sporadic departures, however, have also been registered since 1999 as a result of persisting inter-ethnic tensions in the province (UNHCR/Commissioner for Refugees 2001). UNHCR also estimates that another 22,500 persons have also been displaced by ethnic tensions within Kosovo itself (so-called minority IDPs) (UNHCR 31 August 2002).

In 2000, up to 15,000 mainly ethnic Albanian civilians were uprooted when ethnic Albanian armed groups launched attacks against Serb security forces in southern Serbia. The international community supported Yugoslav authorities in restoring order in Presevo, Bujanovac and Medvedja, allowing Yugoslav security forces to access the demilitarized Ground Safety Zone between Serbia and Kosovo. Following a peace agreement signed in May 2001 between Yugoslav authorities and Albanian armed groups, only 10,000 persons remained displaced from southern Serbia in Kosovo by August 2002 (UNHCR 31 August 2002, ICG 10 August 2001).

Previously, ethnic Albanians in Kosovo were the largest displaced group. And while most Albanians displaced by Serb attacks in 1998 and 1999 have returned to home areas, not all of them are adequately accommodated. A NATO air campaign between March and June 1999 compelled the Yugoslav authorities to hand over the military control of the province to a NATO-led military force (KFOR). The withdrawal of Serb security forces from the province enabled Albanian refugees or internally displaced to return to their villages, but many found their homes destroyed or heavily damaged. As of November 2002, there remains at least 3,650 vulnerable families (approximately 22,000 persons) for whom the Kosovo government is planning to seek reconstruction support from the international community in 2003.

Mass displacement began in Kosovo after a decade of oppressive Serb nationalist policy against the ethnic Albanian majority in the province followed the abolition of Kosovo's autonomous status within Serbia in 1989. After offering mainly passive resistance, the Albanian community supported armed rebellion led by the Kosovo Liberation Army (UCK) from 1996, following the failure of the Dayton peace talks to address the Kosovo crisis. In 1998 and again in 1999, the nationalist regime in Belgrade implemented a deliberate policy of ethnic cleansing in Kosovo, by spreading terror among the Albanian majority and forcing the Albanian population into exodus.

(Updated November 2002)

CAUSES AND BACKGROUND OF DISPLACEMENT

Background

The conflict in Kosovo (1981-1999): International community finally imposes autonomy of the province to Yugoslav authorities

- Autonomous Republic of Kosovo, populated by a large majority of ethnic Albanians, remained part of Serbia following the dissolution of the Socialist Federal Republic of Yugoslavia in 1991
- The autonomy of the province was further limited by constitutional changes in 1989 and state of emergency declared shortly afterwards
- For some years the Albanian struggle took the form of peaceful resistance that saw the creation of a parallel society
- When Kosovo's status was excluded from the agenda of the Dayton peace talks (1995), the struggle took a violent turn between the Kosovo Liberation Army (UCK) guerrillas and Serb police forces
- Yugoslavia agrees to a cease-fire and a partial pull-out of Yugoslav forces from Kosovo under the pressure of NATO following increased violence against Kosovo Albanians (October 1998)
- Following the resumption of violence during the winter of 1998, the United States sponsors talks in Rambouillet designed to get Yugoslav and Kosovo Albanian leaders to accept a peace plan (January-March 1999)
- Failure of talks in Rambouillet prompts the NATO to launch air strikes against Yugoslavia to end Serb violence in Kosovo (March-June 1999)
- UN Security Council Resolution 1244 (10 June 1999) upholds sovereignty of the Federal Republic of Yugoslavia over Kosovo but places the province under UN authority (UNMIK)

"Prior its dissolution in 1991, the Socialist Federal Republic of Yugoslavia (SFRY) was made up of six constituent republics (Serbia, Montenegro, Macedonia, Croatia, Slovenia and Bosnia and Herzegovina) and two autonomous provinces (Kosovo and Vojvodina). The SFRY Constitution of 1974 granted the two provinces very similar rights to those of the republics, providing them with their own parliamentary assemblies and seats in the collective Federal Parliament and on the Federal Presidency, despite the fact that they were considered as parts of the Republic of Serbia. However, when the SFRY broke up, the international community recognised only the claims to statehood of the republics. Kosovo and Vojvodina thus remained within Serbia, which, with Montenegro, formed a 'rump' federal State, the Federal Republic of Yugoslavia (FRY)." (ICG 2000, p. 48)

"The total population of Kosovo is difficult to assess, as the Kosovo Albanians boycotted the most recent census in 1991. According to the previous census, in 1981, of a total of 1,585,000 inhabitants, 1,227,000 were Kosovo Albanian and 210,000 Kosovo Serb. Prior to the 1998 and 1999 conflicts, it is estimated that the total population was between 1,800,000 and 2,100,000, of which around 85-90% were Kosovo Albanian." (ICG 2000, footnote 74)

"In many ways, the Kosovo conflict represents a classic secessionist struggle. The 1981 uprising of Albanians demanding the separation of the Autonomous Province of Kosovo from the Republic of Serbia was followed in 1989 by constitutional changes that limited the autonomy of the province. Shortly afterwards, the Yugoslav government declared a state of emergency and assumed direct rule. For some

years the Albanian struggle took the form of peaceful resistance that saw the creation of a parallel society, including government structures, an education system and tax collection, which unofficially existed alongside Belgrade's repressive rule.

When Kosovo's status was excluded from the agenda of the Dayton peace talks, the struggle took a violent turn and, two years later, accelerated when anarchy in neighbouring Albania gave Kosovo Albanian militants ready access to arms through a porous mountain border. Communal violence became commonplace in areas of Kosovo that harboured Kosovo Liberation Army (Ushtria Clirimtare e Kosoves – UCK) guerrillas and were targeted by police forces.

Widely publicized massacres of Kosovo Albanians in February-March 1998 led to growing international concern and pressure to regulate the conflict. Following government military operations against the guerrillas and their population base during the summer, the second half of 1998 saw NATO moving down a path of military confrontation with Belgrade. In a policy of graduated threat articulation, NATO issued progressively stronger signals to Belgrade that military force might be used to secure the withdrawal of government forces and promote a political solution.

An increasingly assertive Western policy towards the conflict was above all the result of US initiatives. Following its role in the war in Bosnia and Herzegovina and the Dayton peace process, the USA took the lead in encouraging NATO involvement and in negotiating a cease-fire, with Serb force withdrawals in October 1998 (Holbrooke-Milosevic Accord). When violence resumed during the winter months, the USA orchestrated the Rambouillet peace talks of January-March 1999 designed to get Yugoslav and Kosovo Albanian leaders to accept a peace plan promoted by the State Department. When this failed, the USA provided the core of the NATO force that carried out air strikes against Serb targets throughout Yugoslavia. The forces of NATO member countries that had earlier been deployed to the neighbouring FYR Macedonia were reinforced as the conflict escalated.

The NATO air strikes that began on 24 March 1999 were intended to end Serb violence in Kosovo and make the Yugoslav authorities accept the terms of the Rambouillet peace plan. The expectation was that this would be quickly achieved. Instead, the NATO strikes were accompanied by escalating violence on the ground and a large refugee outflow that included organized expulsions. The sequence of violence and displacement underlined the importance of the Western powers in the events that produced the refugee emergency, and made the same states take a direct interest in the humanitarian operation. At the same time, the allied campaign against Yugoslavia was premised on co-operation from Albania and FYR Macedonia, the two countries that also received most of the refugees. Humanitarian and strategic concerns thereby became further intertwined." (UNHCR February 2000, paras. 25-29)

"Kosovo, came under the authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK) in June following the NATO campaign in Kosovo, which began on March 24. U.N. Security Council Resolution 1244 upheld FRY sovereignty over Kosovo, but it also called for 'substantial autonomy and meaningful self-administration for Kosovo.' Although the peace settlement respects FRY territorial integrity, the Milosevic regime had no authority in the province after June 10. Dr. Bernard Kouchner, the Special Representative of the U.N. Secretary-General, became the chief administrator of UNMIK. Within UNMIK, the OSCE was given the responsibility for institution-building, democracy-building, and human rights. At year's end, there were also two other local ethnic Albanian established shadow governments operating in Kosovo, neither of which were recognized by the U.N. The leader of the 'provisional government' and former political head of the Kosovo Liberation Army was Hashim Thaqi; Dr. Ibrahim Rugova headed the Democratic League of Kosovo (LDK) and was named the 'President' of the self-proclaimed 'Republic of Kosova' after shadow elections in 1991." (U.S. DOS 25 February 2000, "Kosovo")

For a detailed review of the historical and political background of the conflict in Kosovo, see OSCE Kosovo/Kosova: As Seen, As Told, 2000, chapter "[Kosovo: The Historical and Political Background](#)" [Internet]

Election of a new president of the Yugoslav Federation opens new era of democracy (2000-2001)

- Dramatic political change took place in October 2001, with the ousting of Slobodan Milosevic and the election of a new President of the Federal Republic, Vojislav Kostunica
- Elections for the Republic of Serbia Parliament on 23 December 2000 led to an overwhelming victory of the Democratic Opposition of Serbia (DOS)
- The international community began to remove economic sanctions against the Federal Republic of Yugoslavia after Kostunica's election and the transfer of Milosevic to The Hague Tribunal

"The Federal Republic of Yugoslavia (Yugoslavia), a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. The new federal Government, which was formed on November 4, dropped any claim to being the sole successor state of the former Socialist Federal Republic of Yugoslavia (which dissolved in 1992), and was recognized by the international community. Vojislav Kostunica was elected President of the Federal Republic of Yugoslavia on September 24, and took office on October 7, after mass demonstrations by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and force a second election round led Milosevic to concede defeat. Prior to Kostunica's election, former Yugoslav President Milosevic had brought Serbia closer to open dictatorship than ever before. Immediately following the 1999 war in Kosovo, Milosevic moved to consolidate his weakened position in Serbia through a campaign of intimidation and violence against his political opponents, representatives of the independent media, student groups, civil society, and even, in certain cases, members of the regime. Prior to the September elections, Milosevic, who is also President of the Socialist Party of Serbia (SPS), continued to dominate all formal and informal governing institutions in the country. Although the SPS lacked majorities in both the Federal and Serbian Parliaments, it controlled key administrative positions. The SPS also controlled the governing coalition with the Yugoslav Left (JUL), controlled by Milosevic's wife, Mira Markovic, and the Serbian Radical Party (SRS), controlled by Vojislav Seselj, an extreme ultranationalist known for his radical politics during the wars in Croatia and Bosnia, who resigned from his government position in October. Milosevic also controlled the judiciary." (U.S. DOS February 2000, Introduction)

"As a key element of his hold on power, President Milosevic until his electoral defeat effectively controlled the Serbian police, a heavily armed force of some 80,000 officers that is responsible for internal security. Having been forced to withdraw from Kosovo in 1999, the police then repressed opponents of the regime in Serbia. In addition, Milosevic ignored the constitutional role of the Supreme Defense Council, essentially establishing himself as commander in chief of the Yugoslav Army (VJ), which, along with the police, was employed in the brutal campaign against the citizens of Kosovo in 1999. Several times in the past, Milosevic had purged those officers in both the police and military who either failed to follow his orders or who directly challenged his policies in Kosovo, Serbia, or Montenegro. The security forces committed numerous, serious human rights abuses." (U.S. DOS February 2001, Introduction)

"The dramatic political changes in Serbia launched with the ousting of Slobodan Milosevic in October 2000 continued into 2001. Elections for the Republic of Serbia Parliament on 23 December 2000 led to an overwhelming victory of the Democratic Opposition of Serbia (DOS) and removed Milosevic loyalists from control over the last levers of government in the Federal Republic of Yugoslavia. In February 2001, DOS formed a government of Serbia." (UN CHR 22 March 2001, para. 20)

"Financial aid for FRY from the US was made specifically conditional upon Milosevic being handed over to the Hague by 31 March. Milosevic was eventually arrested on domestic charges of corruption, fraud and embezzlement in the early hours of April 1. Although no promises were made to extradite Milosevic to the Hague, his arrest was sufficient for the US to release aid of \$50m to FRY. Milosevic was extradited to the Hague on June 28, just one day ahead of an international donors' conference in Brussels, called to raise

money for the reconstruction of FRY. Again the importance of pressure from the international community was a key factor, with the USA threatening to withhold donations unless cooperation with ICTY was forthcoming. The FRY donors' conference generated \$1,280m in pledges for aid. Milosevic was initially indicted with charges relating to his actions in Kosovo, but further charges in respect of activities in Croatia have since been added.

The decision to extradite Milosevic was taken by the Serbian government, despite a ruling by the FRY constitutional court that no such action should be taken. Milosevic's extradition highlighted the growing differences between FRY President Kostunica and Serbia Prime Minister Djindjic. Kostunica's Democratic Party of Serbia (DSS) said that it would separate from the 18 party DOS alliance and press for a reshuffle in federal and republican governments. Zoran Zizic resigned as FRY Prime Minister, and his party (SNP) ended their coalition with DOS. A few thousand Milosevic supporters demonstrated in the streets of Belgrade, but support for the former president was relatively muted, suggesting that public resistance to his extradition had faded as evidence of Serb atrocities emerged over the preceding weeks.

DOS and Montenegro's 'Together for Yugoslavia' coalition eventually reached agreement on a new government, which was formed on 24 July, with Montenegrin Dragisa Pesic as Prime Minister. However, bickering between Kostunica and Djindjic has continued, leading to concerns that this is weakening the government and distracting from the urgent need to drive forward essential reforms." (UK October 2001 paras 4.11-4.13)

"In September [2001], the United Nations Security Council lifted its embargo on the FRY's purchase of weapons, military equipment, spare parts and ammunition imports. The Security Council established the embargo in March 1998, in response to the Milosevic's regime's military and police repression in the predominately Albanian province of Kosovo. The Security Council explained that the new decision reflected its approval of the increasing cooperation of the new Belgrade authorities with the UN civilian administration in Kosovo (UNMIK). The Yugoslav Defense Ministry welcomed the decision to lift the arms embargo, noting that it provided evidence of the growing trust of the international community in FRY policies." (USAID 30 September 2001)

Towards self-governance in Kosovo: progressive transfer of responsibilities from UNMIK to the local population (2000-2002)

- Kosovo is administered by UNMIK in cooperation with the OSCE and the EU in consultation with the local population, with international force KFOR responsible for security issues
- The KLA was officially disbanded on 20 September 1999, with many former members being absorbed into the newly formed Kosovo Protection Corps (KPC/TMK) a civil emergency service
- Following municipal elections in October 2000, local politicians assumed a greater role in the administration of municipalities
- The progressive transfer of responsibilities from the UN administration to Kosovar structures and institutions culminated with the promulgation of the Constitutional Framework in May 2001
- The Framework introduces the concept of Communities defined as 'communities of inhabitants belonging to the same ethnic or religious or linguistic group' and define their rights
- Kosovo Serbs boycotted the municipal elections in October 2000 but took part to the election of the Kosovo Assembly in November 2001
- No party gained enough seats in the Assembly to govern alone, requiring a power-sharing arrangement between the three main Kosovo Albanian parties
- A multi-ethnic government was finally formed in June 2002

"On 9 June 1999, FRY signed an agreement requiring the withdrawal of all forces from Kosovo and the establishment of an international security presence under a UN mandate. An interim civil presence, the UN Interim Administration Mission in Kosovo (UNMIK) was established shortly after. Within weeks, over 800,000 of the million or so ethnic Albanians who left Kosovo had returned. Urgent work began to help hundreds of thousands of people to rebuild their homes and find access to food, water and electricity before the onset of the harsh winter. Fearing revenge attacks, more than half of the 200,000 population of Serbs and Roma left the province in the following months.

Kosovo is administered by UNMIK in cooperation with the OSCE and the EU; and in consultation with the local population via the Joint Interim Administration Structure (JIAS). Following municipal elections on 28 October 2000, local politicians have assumed a greater role in the administration of the municipalities. Elections to a Kosovo Assembly will be held on 17 November 2001. The future status of Kosovo and the eventual relationship between Kosovo and FRY remain uncertain.

Levels of violent crime have reduced considerably over the two years since the conflict ended. However, there are frequent incidents of violence, discrimination, harassment and intimidation, often directed against non-Albanians. Inter-ethnic tension remains particularly high between Serbs and ethnic Albanians in the northern town of Mitrovica. The town is divided along ethnic lines by the river Ibar, with the Serbs in the northern part and the ethnic Albanians to the south.

Much work has been done to establish the civic structures (police, judiciary, legal system etc) and to rebuild the physical infrastructure of the province. Water, electricity and heating supplies have improved greatly but are still not wholly reliable. Much reconstruction has taken place and "the emergency reconstruction phase" is now considered by UNMIK to be complete.

Under UN Security Council Resolution 1244, UNMIK, as the international civil presence, is responsible for performing basic civilian administrative functions and promoting the establishment of provisional self-government. [The international peacekeeping force known as] KFOR is responsible for security. UNMIK is led by the Special Representative of the UN Secretary General (SRSG), Hans Haekerrup, who replaced Bernard Kouchner in January 2001. The organisational structure of the administration is arranged in four distinct "pillars", run by the following organisations respectively: Law and Order - UN; Civilian Administration - UN; Institution Building - the Organisation for Security and Co-operation in Europe (OSCE); and Reconstruction - EU.

Until the municipal elections in October 2000, the involvement of the local population in the official administration was limited to their participation in various advisory bodies, the highest being the Joint Interim Administrative Structure (JIAS) and Kosovo Transitional Council (KTC).

The two main ethnic Albanian political parties in Kosovo are the Democratic Party of Kosovo (PDK) and the Democratic League of Kosovo (LDK). The PDK evolved from the political arm of the Kosovo Liberation Army (KLA/UCK) and is headed by a former KLA commander Hashim Thaqi. The KLA was officially disbanded on 20 September 1999, with many former members being absorbed into the newly formed Kosovo Protection Corps (KPC/TMK) a civil emergency service led by former KLA commander Agim Ceku.

The LDK predated the existence of the KLA and they formed the main focus for resistance to the Serb regime in the years before the conflict. Led by Ibrahim Rugova, the LDK always advocated the achievement of their aims by peaceful means. They were critical of the violence against ethnic minorities following the conflict, much of which was alleged to have been perpetrated by extremists associated with the KLA. Both parties, (as well as the third most popular ethnic Albanian party, the Alliance for the Future of Kosovo (AAK)) have independence for Kosovo as their principal policy.

There is considerable tension between the LDK and PDK and this was manifested in politically motivated violence in the run up to the municipal elections, though the elections themselves passed off peacefully.

The LDK won a resounding victory, securing approximately 58% of the vote, with the PDK gaining 27% and the AAK 8%. This outcome was seen as victory for moderation over extremism and as a rejection of the violence which had been associated with the PDK. The LDK are expected to achieve a similar result in the Assembly elections next month.

The Serb community is divided in two distinct camps. The more moderate element, based largely in Gracanica, wish to take part in the political structures to ensure that they have an influence in the way the political process evolves. The more "hard line" element, mostly based in Mitrovica, suspect UNMIK of favouring the ethnic Albanian community and of condoning what they see as the gradual drift towards an independent Kosovo. In their view, participation in the elections would be seen as endorsing a process that will inevitably lead to independence.

The Kosovo Serbs boycotted the municipal elections and the SRSG appointed members of municipal assemblies in the three Serb-majority municipalities of Leposavic, Zvecan and Zubin Potok, where no election had taken place." (UK October 2001, paras. 2.1-3.7)

The Secretary-General appointed Michael Steiner of Germany to be his Special Representative for Kosovo in replacement to Hans Haekkerup in January 2002. See [press release of the UN Secretary-General, 23 January 2002 \[Internet\]](#)

The Constitutional Framework

"The Constitutional Framework for Provisional Self-Government in Kosovo (Constitutional Framework) promulgated by the SRSG on 15 May 2001, provides the foundation for a new era of self-governance and self-administration in Kosovo. Regulation 2001/19 of 13 September on the Executive Branch of the Provisional Institutions of Self Government in Kosovo, includes more detailed provisions on the actual structures of government, including a number of annexes which outline the functions of each of the Offices and Ministries that will assume responsibilities for the day to day functioning of government in the future." (UK October 2001, para. 34)

"The Constitutional Framework provides for 120-seat Assembly based on proportional representation, with the first 120 seats going to all registered parties in Kosovo, 10 seats reserved for the Kosovo Serbs, and 10 more earmarked for other communities." (UNSC 7 June 2001, para. 23)

"The Constitutional Framework contains a number of principles which will directly impact on minority communities, and if fully implemented stand to enhance the protection of minority rights, by ensuring the participation and inclusion in the new structures. Chapter 4 introduces the concept of Communities as a mechanism to address the concerns of the various minorities living in Kosovo. Communities are defined as 'communities of inhabitants belonging to the same ethnic or religious or linguistic group.' Chapter 4 then goes on to outline in detail the rights of Communities and of their members, including such key issues as use of language and symbols and receipt of a range of services in accordance with application standards. Chapter 9.1.3 contains a non-exhaustive list of the different Communities in the context of describing the mechanism for assigning the 20 seats (of a total of 120) which shall be reserved for the additional representation of non-Albanian Kosovo Communities. Specifically mentioned are the Kosovo Serb Community, the Roma, Ashkali and Egyptian Communities, the Bosniak Community, the Turkish Community and Gorani Community." (UNHCR/OSCE 1 October 2001, para. 37)

The full text of the [Constitutional Framework](#) is available on the web site of the UN Mission in Kosovo [Internet]

The Common Document

"An important concern in preparing the Assembly election was to ensure the participation of the minority communities, especially of the Serbian community, which had boycotted the municipal election in 1999 and whose participation in the ballot remained open until the last minute. While the Kosovo Serbs generally recognized that participation in the new political institutions was the key of having a say in Kosovo's future,

they felt that the conditions for effective participation did not exist and were not confident that they could be created. On 25 October, Mr. Haekkerup, the Special Representative, met with President Kostunica in Belgrade. It was agreed to draw up a joint paper that would address these issues. After several drafts and intensive negotiations, in which both the Secretary-General and President Kostunica intervened, agreement was reached on a Common Document, which was signed in Belgrade on 5 November by Mr. Haekkerup and Dr. Covic, Deputy Prime Minister of Serbia in his capacity as the Special Representative of President Kostunica to Kosovo." (UNSC 15 January 2002, para. 16)

The Common Document "provides a framework for cooperation on a series of Kosovo Serbs. The joint UNMIK and FRY document sends a strong recommendation to the Kosovo Serbs to take an active role in the future of the multiethnic Kosovo by participating in the November 17 elections and interim self-government institutions." (UN OCHA 9 November 2001)

The election of the Kosovo Assembly (17 November 2001) and the formation of the government (2002)

"The election of the Kosovo Assembly on 17 November 2001 was generally considered a great success. [...] Notwithstanding some instances of intimidation in northern Kosovo by groups opposed to Kosovo Serb participation, the campaign and the voting itself were orderly and generally free of violence. The ballot was conducted with the extensive involvement of domestic observers as well as joint observation teams from Kosovo Albanian and Serbian non-governmental organizations." (UNSC 15 January 2001, para. 3)

"Twenty-six political parties and independent candidates, including representatives of five minority groups, were certified by the OSCE to contest the November election. These included a coalition of twenty Kosovo Serb parties and organizations, named Coalition Return, which decided to register at the last minute. In contrast with the 2000 municipal elections, Kosovo Serb and other minority voters registered in large numbers: 70,000 within the province and an additional 100,000 in Serbia and Montenegro. And in spite of the drawn-out hesitation both in Belgrade and among the Kosovo Serbs about their participation in the vote, about 46 percent of all eligible Kosovo Serb voters turned out to vote on November 17. In northern Kosovo, where Serbian extremists were responsible for widespread intimidation of voters into abstention, the participation of ethnic Serbs was considerably lower than the average." (HRW 2002)

"The most most important development during the reporting period [January-April 2002] was the formation of a Government after several months of deadlock. On 28 February the three major Kosovo Albanian parties reached agreement on forming a coalition Government to be headed by Bajram Rexhepi of the Democratic Party of Kosovo (PDK). The same agreement put forward Ibrahim Rugova of the Democratic League of Kosovo (LDK) as candidate for President of Kosovo and assigned four Ministries to LDK, and two each to PDK and the Alliance for the Future of Kosovo (AAK). In accordance with the constitutional framework, one Ministry was assigned to the Kosovo Serbs and one Ministry to a non-Serb minority community." (UN SC 22 April 2002, para. 2)

"An important development of the reporting period [April-July 2002] was the final formation of Kosovo's multi-ethnic Government, following the nomination at the end of May of Kosovo Serb representatives for the positions of Minister for Agriculture, Forestry and Rural Development and inter-ministerial Coordinator for Returns in the Office of the Prime Minister. On 12 June, all members of the Government swore an oath of office, pledging their commitment to work for the benefit of all communities." (UN SC 17 July 2002, para. 2)

Background to the conflict in Southern Serbia (2000-2001)

- The three municipalities of Presevo, Bujanovac and Medvedja in the south-east of the Republic of Serbia are inhabited by ethnic Serbs, ethnic Albanians, Roma and other groups

- The ethnic Albanian "Liberation Army of Presevo, Medvedja, and Bujanovac" (UCPMB) was formed in January 2000 and operated in the demilitarized Ground Safety Zone between Kosovo and Serbia
- The government of Serbia put forward a plan to end discrimination against ethnic Albanians through a series of confidence-building measures (the Covic Plan)
- NATO progressively allowed federal forces to reoccupy the Ground Safety zone (March-May 2001)
- Despite the agreement concluded between ethnic Albanian leaders and the Serb authorities in May 2001, there continues to be reports of sporadic violence in the area
- Municipal elections held in July 2002 in the three municipalities consolidated Albanian representation

"The three municipalities of [Presevo, Bujanovac and Medvedja] in the south-east of the Republic of Serbia are adjacent to the UN administered province of Kosovo and are inhabited by ethnic Serbs, ethnic Albanians, Roma and other groups. A majority ethnic Albanian population exists in the municipalities of Bujanovac and Presevo, whilst in Medvedja it is a minority. Exact population totals are difficult to determine, as ethnic Albanians did not fully participate in the 1991 census. Due to the economic and social dislocation caused by the break-up of the former Yugoslavia, and the policies of the former regime, the region suffers from structural underdevelopment, characterised by poverty and unemployment, poor infrastructure, and a very weak private sector that has affected all communities.

The territories lie within and outside of the current 5km wide demilitarised 'Ground Security Zone' (GSZ) in Serbian Republic territory that was established in accordance with the Military-Technical Agreement (MTA, also known as the Kumanovo Agreement) of June 1999 and which marked the end of the Kosovo war. Following the subsequent creation of the GSZ, ethnic Albanian armed groups began to appear, coalescing into an armed insurgency through the publicly announced self-styled Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB) in January 2000. Over the past 14 months, the level of insurgency has fluctuated but had recently shown signs of intensifying. This not only has affected human security, but also threatens the stability of the Southeastern Europe region." (UN OCHA 11 April 2001, sect. 1)

"In the months following the change of government in the Federal Republic of Yugoslavia in October 2000, Serb forces were widely praised by the international community for their restraint in the face of regular attacks from the UCPMB. The Deputy Prime Minister of Serbia, Mr Covic, acknowledged that ethnic Albanians in the Presevo area had some genuine grievances in relation to the discrimination they suffered and indicated that the situation could only be resolved by negotiation. Mr Covic put forward a detailed peace plan, which was welcomed by UN Security Council member states and ultimately formed the basis of a negotiated settlement with the ethnic Albanian leaders in the area.

In May 2001, the UCPMB accepted an amnesty from the Serb authorities. The organisation handed over significant quantities of weapons, disbanded and withdrew from the Presevo area. By the end of May, with the agreement of the international community and ethnic Albanian leaders, the Serb armed forces were able to complete their phased return to the GSZ.

The Serb authorities undertook to implement a series of "confidence building measures" in Southern Serbia. These included:

- Making the ethnic balance of those employed in state services, business and social activities reflect that of the population of the area.
- Guaranteeing ethnic Albanians "an appropriate level of representation" in municipal councils and assemblies, as well as Serbia's parliament.

- Making the police force in the area ethnically mixed, with one ethnic Albanian police officer for every Serb.
- Economic regeneration of the area, including the repair of all Albanian houses to accommodate displaced Albanians who wish to return to the area.

Implementation of these measures is underway. In particular, a training centre for the multi-ethnic police force has been established with the assistance of the OSCE. Ethnic Albanians who fled to Kosovo are now returning to the area, with UNHCR assisting returns and organising "go-see" visits for those considering return. A number of other international organisations including UNICEF, OCHA, ICRC, WFP and UNDP are also working in the area. The World Bank has provided a \$1million grant to a programme supporting municipal development, economic recovery and social rehabilitation.

The positive developments in the Presevo area have been hailed by the international community as a great success for the Serb administration and the local ethnic Albanian leaders. Given the recent history of the area, the potential for conflict to flare up again remains. But the willingness of all parties to engage in negotiation and the Serb authorities' commitment to addressing the needs of the local population mark a radical change of approach and give cause for optimism. However, some concern has been expressed by ethnic Albanian leaders that quicker progress needs to be made in implementing the confidence building measures to ensure that certain elements among their community do not revert back to violent tactics." (UK October 2001, paras. 7.17-7.21)

Attacks on Serbian forces continue to be reported despite the May 2001 agreement.

"At least six serious incidents occurred between August 2001 and January 2002 in which unknown persons attacked police targets of civilians, apparently with political motivation. Two new ethnic Albanian armed groups claimed to have organized in Southern Serbia or its hinterland in Kosovo. One of these groups took responsibility for the killing of two police officers in August" (UN OCHA 29 January 2002)

Municipal elections (July 2002)

"Elections in southern Serbia, held at the end of July [2002] in three ethnically mixed municipalities, have helped consolidate peace in the region. Ethnic Albanian representatives won in two municipalities, most notably in Bujanovac, where ethnic Albanian representatives won for the first time. The elections in southern Serbia added further credibility to the Serbian Government and its significant efforts in peace building and development, coupled with strong international support in that region." (UN OCHA 30 September 2002)

See also:

- ["Belgrade fears more rebel attacks in southern Serbia", AFP, 24 January 2002 \[Internet\]](#)
- ["Mortar attack on police checkpoint in southern Serbia", AFP, 18 January 2002 \[Internet\]](#)
- ["Two injured in armed incident in southern Serbia", AFP, 12 November 2001 \[Internet\]](#)

For more information on the development of the conflict, see ["Response to the crisis in the Presevo Valley \(Southern Serbia\): UN agencies support local efforts \(2001-2002\)" \[Internal link\]](#)

For more information on the peace process and its implementation, see also:

- [UN Interagency progress report and recommendations on the situation in Southern Serbia, FRY, 29 January 2002 \[Internet\]](#)
- ["Peace in Presevo: Quick Fix or Long Term Solution?", a report by the International Crisis Group, 10 August 2001 \[Internet\]](#)

The conflict in Macedonia: refugee influx in Serbia and Kosovo (2001-2002)

- About 4,500 refugees from Macedonia are still in Kosovo as of August 2002

"The conflict in the former Yugoslav Republic of Macedonia resulted in the influx of some 10,000 refugees into FRY (excluding Kosovo), mainly into Presevo in southern Serbia. Although the situation in the Former Yugoslav Republic of Macedonia has stabilised for the present, there remains a significant risk of large population movement into southern Serbia, which could create a serious strain of the weak public service infrastructure as well as efforts to strengthen social cohesion." (UN November 2001, p. 21)

"The conflict in the former Yugoslav Republic of Macedonia resulted in the arrival of over 81,000 mainly ethnic Albanian refugees in Kosovo, most of whom were accommodated with host families. The UN agencies and international and local organisations provided the refugees with humanitarian assistance as needed and helped UNMIK to integrate them into local services. Since peace talks began in July, refugees have been returning to the former Yugoslav Republic of Macedonia, but it is anticipated that up to 20,000 will remain in the province into 2002 for reasons of security and/or the destruction of their homes and infrastructure." (UN November 2001, para. 27)

"The rapid normalization in fYRoM has resulted in faster-than-expected return of refugees from Kosovo to their homes. Out of the some 80,000 refugees who fled fYRoM in the summer of 2001, less than 3,000 remained in Kosovo at the end of May and most of those remaining are expected to return by the end of the summer." (UNOCHA 7 June 2002)

According to UNHCR, there were still a total of 4,500 refugees (ethnic Albanians) from Macedonia in Kosovo as of 31 August 2002. (See map on [Estimate of Refugees and Displaced Persons Still in Need of a Durable Solution in South-Eastern Europe, 31 August 2002 \[Internet\]](#))

Challenges for Kosovo: the future status, parallel structures and the economic transition (2002)

- Yugoslavia's sovereignty on Kosovo has been confirmed, pending the determination of the province's final status
- There is no precise indication on when and how the question of Kosovo's final status should be solved
- The UN Representative in Kosovo insists that some conditions must be fulfilled in Kosovo beforehand ("standards before status")
- Kosovo Serbs maintain parallel administrative structures principally in the areas of education, health and administrative services
- The UN Representative proposed a plan to dismantle parallel structures (October 2002) and restored control in northern Mitrovica (November 2002)
- Despite economic stabilisation, unemployment and under employment remain high in the province

The final status of Kosovo

"Under Paragraph 11 (c) of [Resolution of the UN Security Council 1 (UNSCR)] 1244, one of the responsibilities assigned to UNMIK is '[f]acilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords'. No indication on the final status is given, other than the reference to Rambouillet. However, repeatedly stress is laid on continued sovereignty of the FRY over the province, pending the determination of the final status.

The Rambouillet accords, that were signed in February 1999 by Kosovo Albanian representatives, but not by Yugoslavia, state: *Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act [...]*. It is noteworthy that the three-year time frame of the Rambouillet accords is not mentioned in UNSCR 1244.

Likewise, the Constitutional Framework of May 2001, gives no indication on what Kosovo's final status will be. As to the time frame for its determination, the Preamble indicates that such '*determination [will be done] through a process at an appropriate future stage*'.

In April this year, that is almost three years after the beginning of the international administration of Kosovo, the new SRSG formulated his so-called 'benchmarks' approach to the question of the final status: A certain number of conditions must be fulfilled in Kosovo, before discussions about the final status will start. The benchmarks approach has been summarized in the slogan 'standards before status': standards of democracy, rule of law and human rights will have to be respected on the territory, by its inhabitants and the PISG, before political negotiations on the final status of the territory will take place.

The advocates of 'standards before status' recall that Kosovo is not yet ready to administer itself, in whatever form. It is therefore suggested to concentrate on improving democracy, the rule of law and the respect of human rights, because, regardless of its final status, Kosovo will have to function according to these values.

[...]

Firstly, the uncertainty over the final status hampers the readiness of the Serbian and Albanian communities to reconcile and to respect each other's human rights. Leaving the final status question open keeps everybody's hopes and frustrations alive: Albanian Kosovans still fear a return of the Serbs in one way or another, while extremist Serbs keep on fueling the hope for return to a position close to the *status quo ante*. These attitudes are detrimental to the readiness to respect the (human) rights of the other.

Secondly, uncertainty over the final status of Kosovo cannot but have a negative impact on potential investor's willingness to invest in the territory. This, in turn, is obviously not helpful for the enjoyment of economic and social rights by all inhabitants of Kosovo.

Lastly, such uncertainty does not put potential returnees in a position to make an informed, definitive choice over their future." (COE 16 October 2002, paras. 187-195)

See:

- [Resolution 1244 of the UN Security Council \[Internet\]](#)
- [The Constitutional Framework, May 2001 \[Internet\]](#)

Parallel administrative structures

"The continued existence of parallel administrative structures challenged the day-to-day operations for some of the ministries as well as municipalities, principally in the areas of education, health and administrative services. In the health sector, this came to the fore at the Gracanica Health House, where Kosovo Serb employees still refused to recognize the UNMIK-appointed director, a Kosovo-Serb, although the Ministry of Health financially supports all health-care facilities in areas inhabited by Kosovo Serbs, including in Gracanica. Problems also persisted in the education sector. Kosovo Serb civil servants have routinely taken administrative actions following instructions from Belgrade rather than those received from the Ministry of Education, Science and Technology. In the Mitrovica region, UNMIK established an ad hoc Regional Education Board, chaired by UNMIK and consisting of representatives from all communities, which will temporarily be responsible for upholding the powers and responsibilities of the Education Ministry in all schools in the northern part of the region.

During the last several months, UNMIK has exerted efforts to change the political dynamic to provide an incentive to dismantle the parallel structures and to encourage all communities to participate in joint institutions. The priority of integrating all structures under UNMIK authorities came into sharp focus in the preparations for the municipal elections. It is in this context that my Special Representative, on 1 October 2002, proposed a seven-point plan, which included commitment to no incursions from southern Mitrovica into northern Mitrovica; regular policing in the north by Kosovo Serbs as part of the Kosovo Police Service (KPS); a coalition agreement for co-governance between Kosovo Albanian and Kosovo Serb political parties in the Mitrovica Municipal Assembly; a further decentralization of responsibility to the local level across Kosovo; relocation of the Kosovo Trust Agency headquarters to northern Mitrovica; the convening of a donor conference specifically for Mitrovica; and a call on all to participate in the upcoming municipal elections." (UN SC 9 October 2002, paras. 7-8)

For more information on the benchmarks, see the text of the [address to the Security Council By Michael Steiner, Special Representative of the Secretary-General, 24 April 2002 \[Internet\]](#)

See also "[UN in Kosovo restores control over volatile northern town: Steiner](#)", AFP, 25 November 2002 [Internet]

The economic recovery

"While Kosovo's economy has continued its consolidation and stabilization under lowering inflation and a more stable monetary policy, Kosovo is still far from economic sustainability. Kosovo has a massive trade gap, with imports currently 10 times larger than exports; its public investment programme remained heavily dependent on donor funds (unlike the budget for recurrent expenditures, which is balanced); and unemployment and underemployment remained major problems as well. The main challenges are creating jobs, ensuring that the basis of a market economy takes firm root and increasing the capacity of the Kosovo workforce through education and training." (UN SC 9 October 2002, para. 30)

"The Kosovo budget bolsters each phase of the transition reform. The budget supports important initiatives to expand Kosovo's private sector towards a market-based economy in years to come. In addition, about 93 per cent of the 2002 budget is funded from local revenues. On 13 June 2002, my representative adopted two regulations that would pave the way for privatisation of socially owned and public enterprises, providing the means to move the economy of Kosovo a step closer to a free market economy. Unemployment in Kosovo continues to affect about one half of the population. On the positive side, improvements in agricultural production increased substantially in 2001. UNMIK has given high priority to efforts of fighting corruption in the public and private sectors and reducing criminal activities. Among other developments, Euro Conversion in Kosovo was completed successfully by 28 February 2002." (UN GA 2 July 2002, para. 17)

Serbia and Montenegro recover slowly from years of isolation (2002)

- Serbia and Montenegro are working towards an agreement for their future relationship
- Serbia's regional integration has improved but national positions continue to enjoy strong support in Serbia's public opinion
- Inflation and growth rate show a positive trend but the transition costs are high
- Real unemployment estimate reaches over 40% while 33% of Serbia's population lives in poverty

"Political

There were a number of positive developments in 2002 that contributed to regional stabilization: Serbia and Montenegro are working towards agreement on the basis of their future relationship. Serbia restored and strengthened ties with its neighbors, international institutions, EU/EC structures and other donors, but

continued problems with Yugoslav cooperation with the Hague tribunal threatens full integration. Progress in southern Serbia was consolidated through local elections, strong international presence, and substantial government and international development assistance, though more promotion of inter-ethnic dialogue needs to be done.

At the same time, there is continued support for extreme nationalist views as observed by the strong 23% showing of the ultra-nationalist candidate in Serbia's first round presidential election in September 2002. A political confrontation between two major democratic parties, led respectively by FRY President Vojislav Kostunica and Serbian Prime Minister Zoran Djindjic could affect the pace of reform in 2003. Analysts expect parliamentary elections to be called in 2003, with the balance of power likely to shift more towards conservative forces, the impact of which may have further impact on the reform process and support to strengthen institutions in Serbia.

Socio-Economic

Economic indicators in Serbia and Montenegro show moderately positive trends. In Serbia this is reflected in the stable national currency, an expected 4% growth in GDP in 2002, a significant drop in inflation (from 40% in 2001 to estimated 15% in 2002) and steady rise in average salaries (163 EUR in August 2002). The social cost of economic transition continues to be high. The official unemployment rate in Serbia is approximately 28%, whereas the real unemployment estimate reaches over 40%. To strengthen the economy, the government has started privatization of redundant or insolvent state-owned enterprises, which is likely to further increase unemployment rates. As political and social consensus has not yet been reached over the issue of redundancy and since investments are low, the privatization process and economic recovery is slower than planned. Meanwhile, those unemployed and redundant are trying to find coping strategies in the 'informal sector' or in jobs created by the private sector.

The number of those who have not found alternative coping strategies remains significant. Estimates indicate that 33% of Serbia's population lives in poverty, which is defined as having an income of less than USD 30 per capita/per month, while 18% live in an absolute poverty with a monthly income of less than USD 203. More precise figures of the poverty status will be available by the end December, 2002 when research will be completed within the process of preparing the PRSP (as mentioned earlier). The government intends to address general poverty issues by giving high priority to economic restructuring and the creation of new private sector jobs. The government also states that it will focus on issues of social inclusion, access to education, health, and other public services. In view of the government's limited budget for social programs, and the possibility that sharp reductions in humanitarian assistance to refugees and displaced persons could lead to a serious gap in the social welfare budget, the government has appealed to the international community not to reduce assistance too rapidly. The Ministry of Social Affairs is coping marginally with its social caseload. It states that humanitarian assistance to at-risk children and elderly in institutional facilities represents the most critical need." (UN OCHA 18 November 2002)

For more information on the relations between Montenegro and Serbia, see for example

- *"The Serbian vote and Montenegro" in: the RFE/RL Balkan Report, 4 October 2002 [Internet]*
- *"Still Buying Time: Montenegro, Serbia and the European Union", a report by the International Crisis Group, 7 May 2002 [Internet]*

Causes of displacement (1998-2002)

Displacement before and during NATO intervention (1998-1999)

- Violence during 1998 forced about 350,000 persons to internal displacement, including 180,000 Kosovo Albanians
- Only 100,000 internally displaced returned following the signature of the October 1998 Holbrooke-Milosevic agreement (as of end 1998)
- Human rights reports between October 1998 and June 1999 show a pattern of organized and systematic human rights violations perpetrated by Yugoslav and Serb forces against the Kosovo Albanian population
- Violations of human rights and humanitarian law include: summary and arbitrary killing of civilians, arbitrary arrests and detentions, torture, rape and other forms of sexual violence, forced expulsion, extortion, destruction of properties and looting
- Between March and June 1999, several hundred thousand Kosovo Albanians were displaced within the province by the conflict while 863,000 Kosovo Albanian were expelled from the province

Displacement in 1998

"In late February and early March 1998, a wave of violence swept through Kosovo [...]. The early spring violence caused about 44,000 persons to flee their homes, including about 20,000 ethnic Albanians from the Drenica area, which bore the brunt of a Serb police crack down. Fighting and displacement continued to ebb and flow throughout the year." (USCR 1999, p. 247)

"Although the numbers changed rapidly during [1998], and estimates varied widely, UNHCR estimated that some 257,000 people were displaced within Yugoslavia at the end of 1998, of whom 180,000, almost entirely ethnic Albanians, were displaced within Kosovo, 50,000, predominantly ethnic Serbs from Kosovo, were displaced into Serbia, and 27,000, both ethnic Serb and Albanian, were internally displaced from Kosovo into Montenegro. The year-end figure for internal displacement reflected the return of more than 100,000 internally displaced people after the signing of the October 13 agreement between U.S. Special Envoy Richard Holbrooke and Federal Republic of Yugoslavia (FRY) President Slobodan Milosevic and the cease-fire that shakily held through year's end." (USCR 1999, p. 247)

Causes of displacement between October 1998 and June 1999 as identified by the OSCE Kosovo Verification Mission (OSCE-KVM)

"The OSCE-KVM's findings are presented by the OSCE/ODIHR from three perspectives. Approaching this data from any of these perspectives, the analysis reveals clear patterns and strategies of human rights violations.

The first perspective is an analysis of the nature of the human rights and humanitarian law violations that were committed in Kosovo. This reveals that:

- Summary and arbitrary killing of civilian non-combatants occurred at the hands of both parties to the conflict in the period up to 20 March. On the part of the Yugoslav and Serbian forces, their intent to apply mass killing as an instrument of terror, coercion or punishment against Kosovo Albanians was already in evidence in 1998, and was shockingly demonstrated by incidents in January 1999 (including the Racak mass killing) and beyond. Arbitrary killing of civilians was both a tactic in the campaign to expel Kosovo Albanians, and an objective in itself.
- Arbitrary arrest and detention, and the violation of the right to a fair trial, became increasingly the tools of the law enforcement agencies in the suppression of Kosovo Albanian civil and political rights, and - accompanied by torture and ill-treatment - were applied as a means to intimidate the entire Kosovo Albanian society.
- Rape and other forms of sexual violence were applied sometimes as a weapon of war.
- Forced expulsion carried out by Yugoslav and Serbian forces took place on a massive scale, with evident strategic planning and in clear violation of the laws and customs of war. It was often accompanied

by deliberate destruction of property, and looting. Opportunities for extortion of money were a prime motivator for Yugoslav and Serbian perpetrators of human rights and humanitarian law violations.

The second perspective is to look at the specific and different ways in which communities and groups in Kosovo society experienced human rights violations during the conflict. Findings include:

- There was a specific focus - for killings, arbitrary detention and torture - on young Kosovo Albanian men of fighting age, every one of them apparently perceived as a potential "terrorist".
- Women were placed in positions of great vulnerability, and were specific objects of violence targeting their gender.
- There is chilling evidence of the murderous targeting of children, with the aim of terrorizing and punishing adults and communities.
- The Kosovo Serb community were victims of humanitarian law violations committed by the UCK, especially in the matter of the many Serbs missing following abduction. However, many Serb civilians were active participants in human rights violations, alongside the military and security forces, against the Kosovo Albanians. Other national communities and minorities also had specific experiences of the conflict.
- Prominent, educated, wealthy or politically or socially active Kosovo Albanians were a prime target to be killed. Local staff of the OSCE-KVM, and other people associated with the mission were harassed or forcibly expelled, and some were killed, after 20 March.

The third perspective is a geographical human rights 'map' of Kosovo. Proceeding municipality by municipality, the report presents descriptions of events in hundreds of communities across Kosovo. In some cases the descriptions are of events on a single day or within a short time period, and reveal how the most characteristic human rights violations of the entire reporting period - forced expulsion, inevitably accompanied by deliberate property destruction, and often by killings or other violence, or extortion - could be visited on a community with little or no advance indication, with great speed, and with great thoroughness. Such experiences were replicated in rural areas all across Kosovo, and would be repeated if villagers attempted to return to their homes. In other locations, particularly the towns, communities of Kosovo Albanian civilians experienced an onslaught over many days or weeks combining arbitrary violence and abuse with an overall approach that appeared highly organized and systematic. Everywhere, the attacks on communities appear to have been dictated by strategy, not by breakdown in command and control.

[...]

The scale on which human rights violations recur is staggering. It has been estimated that over 90 per cent of the Kosovo Albanian population - over 1.45 million people - were displaced by the conflict by 9 June 1999. The death toll as yet can only be guessed at, but the prevalence of confirmed reports and witness statements about individual and group killings in this report is indicative. The violence meted out to people, as recounted vividly, particularly in the statements of refugees, was extreme and appalling. The accounts of refugees also give compelling examples of the organized and systematic nature of what was being perpetrated by Yugoslav and Serbian forces, and their tolerance for and collusion in acts of extreme lawlessness by paramilitaries and armed civilians." (OSCE 1999, "Executive Summary")

Scope of displacement between March and June 1999

"Between March and June 1999 forces of the FRY and Serbia forcibly expelled some 863,000 Kosovo Albanians from Kosovo. Of these, 783,000 - the vast majority - stayed in the region - in Albania, the former Yugoslav Republic of Macedonia, Montenegro (FRY) or Bosnia-Herzegovina. More detailed figures are given in the table. As of 9 June 80,000 refugees were evacuated to 40 other countries participating in a Humanitarian Evacuation Programme (HEP), organized by the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

In addition, several hundred thousand other Kosovo Albanians were displaced within Kosovo and remained in the province throughout the conflict. [...] Figures for the numbers of internally displaced are less reliable

than those for refugees, but it is clear from refugee accounts that many convoys and groups of IDPs, often numbering several tens of thousands, were on the move throughout the conflict. The UCK gave a figure of 650,000 internally displaced hiding in the hills and 100,000 missing, but it now appears that these figures may have been exaggerated. The UNHCR estimated that as of 13 May 1999 there were 590,000 IDPs in Kosovo, although the lack of international personnel on the ground makes these figures difficult to verify." (OSCE 1999, chapter 14)

See also International Crisis group report [Reality Demands, Documenting Violations of International Humanitarian Law in Kosovo 1999, 2000 \[Internet\]](#)

Massive return of Kosovo Albanians since end of NATO intervention (from June 1999)

- By the end of June 1999, some 500,000 displaced had returned, sometimes at a daily rate of 50,000
- By mid- November 1999, 810,000 Kosovo refugees had returned but 350,000 cannot return to their inhabitable homes

"The Military Technical Agreement signed on June 9 between KFOR (a NATO-led international force) and the Yugoslav government ended open military conflict in Kosovo. Serbian forces agreed to withdraw immediately. Some 45,000 KFOR troops entered the province on June 12. UN Security Council Resolution 1244 established the UN Mission in Kosovo (UNMIK) to administer and help rebuild Kosovo. UNHCR, the OSCE, and the European Union became responsible for, respectively, humanitarian affairs, institution building, and reconstruction.

The vast majority of ethnic Albanians who had fled internally or abroad returned to their places of origin within weeks, despite warnings that their safety could not yet be guaranteed. By the end of June, some 500,000 people had returned, sometimes as many as 50,000 per day. By mid-November, 810,000 Kosovo refugees had returned, including about 60 percent of the UNHCR evacuees to third countries. However, because some 100,000 homes remained uninhabitable, many returnees became displaced within the province. About 350,000 returnees remained displaced at year's end." (USCR 2000, pp. 289-290)

Large scale displacement of ethnic minorities following the NATO intervention (1999)

- Desire for revenge among the Kosovo Albanian population against those who are believed to have actively or tacitly collaborated with the Yugoslav and Serbian security forces
- Climate conducive to human rights violations against the Kosovo Serbs, the Roma and the Muslim Slavs, forcing them into continuous exodus
- Many flee to Serbia and Montenegro or towards mono-ethnic enclaves in the province
- Violence against ethnic minorities include: killings, rape, beatings, torture, house-burning and abductions, or threats thereof, as well as denied access to public services, healthcare, education and employment
- During the first half of 2000, members of minority communities continued to be victims of intimidation, assaults and threats throughout Kosovo during first half of 2000

Findings of the OSCE Kosovo Verification Mission (KVM)(June 1998 - October 1999)

"[In the period between June and October 1999] no community has escaped breaches of human rights, including the Kosovo Albanians. Particularly in the Kosovska Mitrovica/Mitrovice area, their freedom of movement and rights of access to education and healthcare have been violated. The [OSCE KVM] report

testifies to this and does not minimise the effect on the individuals concerned. However, the overwhelming weight of evidence points to violations against non-Albanians.

One discernible leitmotif emerges from [OSCE KVM] report. Revenge. Throughout the regions the desire for revenge has created a climate in which the vast majority of human rights violations have taken place. Through the assailant's eyes, the victims had either participated, or were believed to have participated, in the large-scale human rights abuses [between October 1998 and June 1999]; or they were believed to have actively or tacitly collaborated with the Yugoslav and Serbian security forces. Within this climate of vindictiveness a third category of victims emerged: those individuals or groups who were persecuted simply because they had not been seen to suffer before.

[...]

The first, obvious, group that suffered revenge attacks are the Kosovo Serbs. Despite the generally accepted premise that many of those who had actively participated in criminal acts left along with the withdrawing Yugoslav and Serbian security forces, the assumption of collective guilt prevailed. The entire remaining Kosovo Serb population was seen as a target for Kosovo Albanians. The [OSCE KVM] report repeatedly catalogues incidents throughout the area where vulnerable, elderly Kosovo Serbs have been the victims of violence. The result of this has been a continuous exodus of Kosovo Serbs to Serbia and Montenegro and an inevitable internal displacement towards mono-ethnic enclaves, adding fuel to Serb calls for cantonisation.

Other particular victims of violence documented in the [OSCE KVM] report are the Roma and Muslim Slavs. Many Kosovo Albanians labeled the Roma as collaborators: accused of carrying out the dirty work, such as disposing of bodies, they were tainted by association with the regime in Belgrade. The [OSCE KVM] report documents the decimation of the Roma community in many parts of Kosovo/Kosova, driven from their homes in fear of their lives. The Muslim Slav community, largely concentrated in the west of Kosovo/Kosova, may share the same faith as the Kosovo Albanians, but they are separated by language. To be a Serbo-Croat speaker in Kosovo/Kosova is to be a suspect and can be enough in itself to incite violence. Other non-Albanians that feature in the report as victims of human rights violations include the Turks and Croats.

A disturbing theme that the [OSCE KVM] report uncovers is the intolerance, unknown before, that has emerged within the Kosovo Albanian community. Rights of Kosovo Albanians to freedom of association, expression, thought and religion have all been challenged by other Kosovo Albanians. The [OSCE KVM] report reveals that opposition to the new order, particularly the (former) UCK's dominance of the self-styled municipal administrations, or simply a perceived lack of commitment to the UCK cause has led to intimidation and harassment. A further aspect of inter-Kosovo Albanian intolerance has been the challenges made in the Pec/Peje area to the rights of Catholic Albanians to express their religion.

Violence has taken many forms: killings, rape, beatings, torture, house-burning and abductions. Not all violence has been physical, however, fear and terror tactics have been used as weapons of revenge. Sustained aggression, even without physical injury, exerts extreme pressure, leaving people not only unable to move outside their home, but unable to live peacefully within their home. In many instances, fear has generated silence, in turn allowing the climate of impunity to go unchecked. The [OSCE KVM] report shows that not only have communities been driven from their homes, but also that the current climate is not conducive to returns. As a result, the spiral of violence has driven a wedge between Kosovo/Kosova's communities, making ever more elusive the international community's envisioned goal of ethnic co-existence.

The [OSCE KVM] report highlights that although many incidents were disparate, individual acts of revenge, others have assumed a more systematic pattern and appear to have been organised. The evidence in part points to a careful targeting of victims and an underlying intention to expel. This leads to one of the more sensitive areas of the report, namely the extent of UCK involvement in the period from June to October 1999. A consistent reporting feature has been assumed UCK presence and control. The [OSCE KVM] report is littered with witness statements testifying to UCK involvement, both before and after the

demilitarisation deadline of 19th September ranging from reports of UCK 'police' to more recent accusations of intimidation by self-proclaimed members of the provisional Kosovo Protection Corps (TMK). It is clear that the UCK stepped in to fill a law and order void, but this 'policing' role is unrestrained by law and without legitimacy. The highest levels of the former UCK leadership and current provisional TMK hierarchy have openly distanced themselves from any connection of their members to the violence that has taken place. They highlight the ease with which criminal elements who were never part of the UCK are now exploiting the UCK umbrella for their own nefarious purposes. Close scrutiny by the international community is needed to prove, or disprove, the veracity of these claims.

The [OSCE KVM] report also highlights many instances of other human rights violations, such as denied access to public services, healthcare, education and employment which have also been used as a tool by both the Kosovo Albanians and the Kosovo Serbs to prevent the integration of traditionally mixed institutions. Restricted access to education, with its long-term implications for the life-chances of those affected; poor healthcare; limited employment opportunities – these are the emerging elements that lock segments of the population into a cycle of poverty and divide communities both on ethnic and on economic grounds. They constitute violations of civil, political, economic, social and cultural rights." (OSCE 1999, Part II, Executive Summary)

Pervasive insecurity continues to force ethnic minorities in Kosovo to leave their home areas (2000-2002)

- The pattern of ongoing displacement has continued to be small scale and low key, yet unremitting
- 'Low level' intimidation has become a feature of everyday life for many communities and continues to provoke departure
- Security concerns include not only fear for physical safety but also comprise freedom of movement restrictions and limited access to basic services and employment prospects

September 2001-April 2002

"[T]he main challenge for minorities in Kosovo continues to be the threat of physical violence which permeates their lives. This overriding concern continues to influence individual perceptions of security, and therefore the exercise of freedom of movement, which leads to limits on access to a multitude of social and economic rights, particularly health care, social services, education, employment opportunities, reconstruction of residential property and public utilities. This has undermined the ability of a large number of members of minority communities to secure the means by which they can be self-supporting. Insecurity which undermines the viability of minority communities and which corrodes the individual's will to remain not only induces ongoing displacement, but also impedes sustainable return. " (UNHCR/OSCE May 2002, para. 5)

See also:

- ***envelope on protection concerns in Southern Serbia (protection section) [Internal link]***
- ***envelope on figures on movements for displacement towards Serbia [Internal link]***

March - August 2001

"The general security situation for minorities across Kosovo stabilised noticeably during this period. The number of serious security incidents affecting minorities decreased for all minorities in almost all regions of Kosovo. As a result there have also been some improvements in freedom of movement, which may be interpreted as tentative confidence on the part of minorities in response to this relatively prolonged period largely free of serious security incidents resulting in fatalities. Additionally, information gathered on population figures shows that the overall estimated numbers of minority communities in Kosovo have remained fairly constant. Continued fears about security mean that few minorities have returned to Kosovo. At the same time the numbers of minorities leaving has tapered off. The motivation for ongoing departures

is frequently linked to quality of life issues, in particular the lack of employment prospects, rather than immediate security concerns. However, such a conclusion should not be drawn in isolation from the reality that past, continuing and anticipated, violence continues to overshadow peoples' lives. What may on the surface appear to be solely socio-economic push factors are invariably influenced by the pervading climate of insecurity that exists within minority communities.

It must be stressed that the perceived improvement in security remains extremely tentative. The negative attitudes and perceptions that continue to drive the post-conflict situation, can come to the fore and lead to a sharp deterioration at any time. A shocking reminder of the fragility of the security situation was the shooting of a family of five Kosovo Albanians in Glogoc/Glogovac on 22 August 2001 amidst allegations that one family member had collaborated with the previous Serbian regime. Such allegations, which have also been made against members of minority communities, heighten tensions and can easily trigger further violence. While there has been an improvement in the security situation, as measured by reference to the number of fatalities, lesser threats and incidents of intimidation against minorities remain far too common. Whilst provoking insecurity of a degree less obvious and measurable than the impact of recurrent murders, the cumulative effect of suffering daily harassment is extremely debilitating. For many members of minorities who live, or who are forced to live, in agricultural communities, the theft of cattle, often their only livelihood, remains a key, and frequently unresolved, concern. In areas that have been the arena of protracted tensions the negative impact of intolerance is clear. For example, the daily harassment of minorities (including Kosovo Albanians) in north Mitrovice/Mitrovica continues to provoke departures, a key sign that the situation is far from being satisfactory even when open street violence has been reigned in. 'Low level' intimidation has become such a feature of everyday life for many communities that it is common for minorities to tell OSCE and UNHCR that they no longer report such incidents to the police because, in their view, little has been done to address past incidents." (UNHCR/OSCE October 2001, para. 1-2)

October 2000-February 2001

"The pattern of ongoing displacement as noted during the reporting period has continued to be small scale and low key, yet unremitting. Minority populations are still leaving Kosovo. The primary motivation for such departures is security related. Security concerns manifest themselves not only in fear for physical safety but also in more complex ways including freedom of movement restrictions and limited access to basic services and employment prospects. On this basis recent departures may be attributed as much to the occurrence of individual incidents of violence as to resignation after prolonged periods of lesser forms of intimidation and harassment. Lack of optimism for a longer-term future in Kosovo is a major contributing factor in the decision to leave." (UNHCR/OSCE March 2001, para. 12)

"While crime in Kosovo is generally declining, attacks against individuals from ethnic minorities remain disproportionately high. For example, UNMIK police sources indicate that during the period 2 January-28 October 2000, 122 Albanians (58 per cent of the total) and 78 Serb or other ethnic minorities (37 per cent) were reportedly murdered (in the remaining cases the ethnicity was not recorded), despite the fact that, overall, ethnic minorities constitute just some 10 per cent of the total population in Kosovo." (UN CHR 29 January 2001, para. 116)

June-September 2000

"Security continues to be an issue of overriding concern for minority communities. In many respects it is the issue and is more frequently raised in discussions about minority protection than any other. The degree of security or, as is more often the case, insecurity, experienced by minority groups is the basic yardstick against which the sustainability of their communities is measured.[...] Unless security can be improved, many minority communities will be neither socially nor economically viable, dependant on humanitarian assistance for survival and faced with little option but to leave. Murder, arson and lesser forms of intimidation are still a daily reality for many minority communities whose members figure disproportionately among the victims of crime. As significant as the individual incidents of violence is their cumulative effect and the continued perception among minorities that they are not secure. The lack of security continues to restrict freedom of movement, which, for many minority communities, remains

possible only through the provision of special bus lines and escorts. As a result, minorities continue to face difficulties of access to essential services, such as secondary healthcare and education, and face a very poor quality of life.

Levels of security have fluctuated in light of local circumstances. The picture from municipality to municipality, and community to community, is diverse. Some communities have seen an easing in the level of violence while others continue to be subjected to unrelenting violent attacks. It is still not possible to say that any one ethnic group has experienced a lasting improvement in overall security; even after months of calm, violence can re-ignite and minority communities are all too conscious of the fact that the threat of violence is ever present. Indeed a recurrence of violence after periods of calm can send a community into panic, having deep and long-lasting consequences, to the detriment of any progress achieved." (UNHCR/OSCE October 2000, paras. 1-2)

Displacement caused by the armed conflict between the Serbian forces and ethnic Albanian rebels in the Presevo valley (2000-2001)

- About one third of the Albanian population of Presevo, Bujanovac and Medvedja fled at one times but many of the Albanians who fled during the last 1,5 year have returned
- Internally displaced persons have fled out of fear of being caught between firing lines, and one of a general concern about the build-up of police and military forces in Presevo Valley
- The Federal Republic of Yugoslavia and Serbian authorities have reportedly acted with restraint and there have been no reports of atrocities or property being damaged recently
- Serb communities in Southern Serbia expressed concern about an increasing number of home sales by Serbs to ethnic Albanians after the peace agreement signed in May 2001

"There has been significant population movement in Presevo, Bujanovac, and Medvedja over the last 2 years. While the three municipalities were not heavily affected by the Kosovo war, approximately one third of the ethnic Albanian population fled at that time mostly due to fear of an escalating conflict, as well as in some cases in response to treatment by State forces. Most, however, returned quickly to their homes. A smaller number of ethnic Albanians, mostly from small villages near the boundary with Kosovo, again fled in early 2000 as they feared a Government crackdown on the recently formed UCPMB. The major turning point in the region occurred in November 2000 when the UCPMB attacked several police positions and gained control of the larger villages: Veliki Trnovac, Lucane, and Koculj. It is estimated that over 10,000 ethnic Albanians fled to Kosovo as a result of the fighting and the threat that the Yugoslav Army would in response enter into the GSZ. While many of the ethnic Albanians that fled over the last 1½ years have returned, it is estimated that approximately 15,000 remain in Kosovo." (UN OCHA 11 April 2001, sect. 2)

"The Special Rapporteur remains deeply concerned about the continuing violence in the Presevo Valley region of southern Serbia. Tensions have remained high as units of the ethnic Albanian Liberation Army of Presevo, Medvedja and Bujanovic (UCPMB) have continued to engage the Federal Republic of Yugoslavia security forces in firefights in and near the Ground Safety Zone (GSZ) along the border with Kosovo. Approximately 40 deaths have now been attributed to the violence in the area since the UCPMB became active in early 2000, including the deaths in early March 2001 of three Federal Republic of Yugoslavia soldiers killed by a landmine near the GSZ. The Federal Republic of Yugoslavia and Serbian authorities have continued to act with restraint, seeking NATO, United Nations and international community assistance for a negotiated settlement to the violence. The authorities have prepared a detailed plan for addressing the structural discrimination affecting the Albanian majority in the Presevo Valley, and Albanian leaders in the region have developed their own proposal for discussion." (UN CHR 22 March 2001, para. 22)

"In mid-November [2000], there was an escalation of armed confrontation between the Serbian security forces and the self-styled Liberation Army of Presevo, Medveda and Bujanovac (UCPMB) in the group safety zone. Initially limited to harassing fire against the static Serbian Ministry of the Interior police (MUP), the attacks increased in size, duration, sophistication and aggressiveness. On 23 November, three MUP officers were killed in attacks some 5 kilometers south-west of Bujanovac. The clashes triggered an influx of almost 5,000 displaced persons from the ground safety zone and other locations into Kosovo. While the number of those displaced was relatively small, the potential implications for peace and stability in the region were quite serious.

After monitoring movements of internally displaced persons into Kosovo and speaking with ethnic Albanians in southern Serbia proper, UNHCR reported that internally displaced persons had fled out of fear of being caught between firing lines, and one of a general concern about the build-up of police and military forces in Presevo Valley. While ethnic Albanian representatives claimed not to be disturbed by local police from southern Serbia proper, they indicated that the presence of security forces previously stationed in Kosovo served as a major source of intimidation. It should be noted that there have been no reports of atrocities committed or of property being damaged recently, although some ethnic Albanians did complain of intimidation and harassment by MUP inside the ground safety zone." (UN SC 15 December 2000, paras. 21-22)

Reports of Serbs leaving the Presevo valley after the May 2001 peace agreement

"Serbs living in Presevo municipality (Southern Serbia) and the Presevo-based Serbian Council for Human Rights expressed concern about an increasing number of home sales by Serbs to ethnic Albanians. According to the Council for Human Rights, limited financial prospects and an uncertain future appear to be the main reasons for the home sales, although there is concern that Serbs feel increasingly unwelcome in the predominately ethnic Albanian municipality." (USAID 30 September 2001)

For return movements to the Presevo Valley, see "[IDPs from Southern Serbia: some have chosen to integrate in Kosovo \(2001-2002\)](#)" [Internal link]

Ethnic Albanians forced to leave Serb enclaves in Kosovo (2000-2002)

- Violence and intimidation by Kosovo Serbs in their enclaves, in particular northern Mitrovica, led to the departure of Kosovo Albanian families from June 1999
- Since March 2001, there has been no significant departure of ethnic Albanians but the situation for those still in northern Mitrovica remains precarious
- Ethnic Serbs violently oppose return of ethnic Albanians in the municipality of Strpce (January 2002)

"Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic, Zubin Potok, and Zvečan, and in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business.

In Mitrovica Serb and Albanian Kosovars restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. For

example, in April a group of Serbs set fire to 3 Albanian homes and damaged over 20 U.N. vehicles in north Mitrovica. Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians." (U.S. DOS February 2001, Kosovo, sect. 5)

"Repeated violent flare-ups in Mitrovica have provoked renewed ethnic tension and have led to additional departures of Kosovo Albanian families from the northern side of the city. In July alone, more than 20 ethnic Albanian families from northern Mitrovica registered for assistance with UNHCR on the southern side of the city. Some families have reported being verbally or physically threatened, having their homes attacked or entered by force, receiving phone calls warning them to leave, or being summarily "evicted" from their homes. This renewed displacement appears to have been sparked by fear of reprisals following the arrest by UNMIK police of a Kosovo Serb suspected of arson, theft and assault in the northern part of the city. Displaced Kosovo Albanians have been accommodated either with host families or in a temporary transit centre. UNHCR has daily contact with many ethnic Albanian families still in northern Mitrovica and continues to monitor the situation closely." (UN SC 18 September 2000, para. 34)

"[W]ithout clear orders from legal authorities to evict people, the law enforcement agencies (primarily KFOR and UNMIK Police) are unable to carry out lawful evictions. Again, there appears to be no general policy on how to address eviction issues: with local police drawing up their own policies in this area, practice varies greatly. The lack of clear and consistent policies is demonstrated most clearly by the continuing eviction of minorities (including Kosovo Albanians) from north Mitrovica. While the law enforcement authorities in July 2000 announced a co-ordinated policy for evicting recent occupants, this does not appear to have been widely or uniformly applied, and the evictions and illegal occupations have continued." (OSCE 25 September 2000)

For more information on situation in Mitrovica, see "Yugoslavia: Violence in Mitrovica shows ethnic tension still high in Kosovo", 31 January 2001 [Internet]

"In **Mitrovicë/Mitrovica north** a number of Kosovo Albanians live in isolated apartments in communities where the population is mainly elderly and live in adverse socio-economic conditions dependent on the support of humanitarian organisations. Security is precarious and freedom of movement very limited. For example on 12 January 2002, a hand grenade was thrown at a house belonging to a Kosovo Albanian in the Bosniak Mahala area and in another incident in Mitrovicë/Mitrovica north on 26 March 2002, Kosovo Serbs assaulted a Kosovo Albanian man after he crossed the bridge into the northern part of the city. On December 16 2001, during Ramadan, KFOR and UNMIK Special Police Units had to provide security to ensure that about 150 Kosovo Albanians could travel to the northern part of Mitrovicë/Mitrovica to visit a Muslim cemetery located in a predominantly Kosovo Serb area. Other attempts for displaced Albanians to visit their homes have been effectively obstructed by the Serb population, through roadblocks and protests with strong undercurrents of potential violence, in expression of clear opposition of any Albanian movement perceived as related to attempts to return.

There has been no significant new flight of Kosovo Albanians from the north since March 2001, but the situation of those few Albanian families who still live in northern urban Mitrovicë/Mitrovica remained extremely precarious. The violent upsurge of 8 April 2002 in particular raised the pressure on Albanian minorities considerably. In such a fundamentally unstable and volatile environment, intimidation of non-Serb minorities can intensify very rapidly, with potential for more serious attacks.

In another example, on 22 January 2002, 13 Kosovo Albanian Štrpce/Shtërpçë Municipal Assembly members entered **Štrpce/Shtërpçë** town to assume their duties. However, this was perceived as a provocation by some elements in the Kosovo Serb community who organised a demonstration against their presence. The protest culminated in the blocking of the main access road to the Municipal Assembly

Building and the Kosovo Albanian Municipal Assembly members seeking sanctuary from a mob at the Štrpce/Shtërpçë police station. In response, an estimated 150 Kosovo Albanians counter-demonstrated and blocked the main road into the town. To diffuse the situation KFOR and UNMIK police escorted the Kosovo Albanians out of Štrpce/Shtërpçë. The situation was such that the authorities felt compelled to apply stringent freedom of movement restrictions and a stand-off ensued that lasted for several days and led to the suspension of the bus line which runs through Štrpce/Shtërpçë to Zhupa Valley (Prizren) and transports minorities. Such a prohibitive security environment has stymied the prospects of return of displaced Albanians in many locations in the municipality. However, sustained pressure mostly by KFOR has resulted in opening up of access to the municipal building for Kosovo Albanian officials most recently." (UNHCR/OSCE May 2002, paras. 228-230)

Refugees returning to Kosovo face risk of internal displacement (2000-2002)

- Since 1999, more than 900,000 refugees have returned to Kosovo, most ethnic Albanians
- Limited absorption capacity in the province may have forced several returnees to find alternative accommodation
- Minorities returning from Macedonia also risk remaining internally displaced in Kosovo or Serbia

"Ethnic Albanian Kosovar Return After KFOR deployed to Kosovo in June 1999, a majority of ethnic Albanians who had fled abroad returned to their places of origin within weeks. By the end of 1999, about 780,000 Albanian Kosovars had repatriated. During 2000, another 101,000 Kosovars repatriated. In 2001, the number of repatriating Kosovars fell to about 19,500. Since voluntary returns to Kosovo began in 1999, more than 900,000 refugees have returned to Kosovo, including 430,000 from Albania, 224,000 from Macedonia, 90,000 from Germany, 44,000 from Switzerland, and 34,000 from Turkey. UNHCR assisted in about 207,000 returns.

Host countries also deported 8,053 Kosovars during 2001, including 4,501 deported from Germany and 1,334 from Switzerland.

An estimated 98,000 homes destroyed or damaged in 1999 remained uninhabitable in 2001. Assuming an average family size of six per household, this would mean that as many as 600,000 could still be displaced from their original homes. This rough estimate would be qualified by the possibility that some uprooted persons may have found other durable solutions and others could remain displaced because of fear of persecution but have intact homes." (USCR 2002, p. 258)

"Presently, there is a tendency in the host states to make Kosovars return to Kosovo or to other places in the FRY. Some countries, like Switzerland for example, offer financial incentives to returnees. Others return forcibly. From January to June this year, Germany has forcibly returned 1,785 individuals, the UK 648, Switzerland 425, Norway 266, Slovenia 247, Belgium 103, etc.; the total of *forced returns to Pristina* registered by UNMIK Border Police for that period of time is 3737 persons. The Norwegian Refugee Council returnee monitoring team has stated that *'79 individual cases of minority returns were recorded of which 11 were reported as having been forcibly repatriated to Kosovo'* from January to August 2002." (COE 16 October 2002, para. 216)

"Despite the limited absorption capacity and the shattered infrastructure in Kosovo, with few exceptions those who have returned this year have managed to find accommodation, if not in their original homes, with friends and relatives. Given the large number of returns since June 1999, however, shelter possibilities are now largely exhausted. UNHCR continues to advocate that countries of asylum should give preference to voluntary returns and to supporting the funding of community-based reconstruction efforts in Kosovo. As winter once again approaches, it is recommended that forced returns should be avoided to the extent possible and should take place only after due consideration has been given to existing individual

vulnerabilities. UNHCR further recommends that persons who are known to lack accommodation upon arrival should not be returned during the winter months." (HIWG 1 September 2000, para. 23)

"The housing issue is far from being resolved. With about 120.000 houses damaged or destroyed during the war, about 83.000 are still in need of renovation or reconstruction. Kosovo has a capacity of constructing approximately 7.000 housing units per year, but no more. The newly installed Housing and Property Directorate does not have the financial means to cope with a large amount of problems, ranging from reconstruction, allocation of houses and reconstruction material to the liberation of illegal occupied houses and apartments. In April 2001, approximately 3.500 persons still lived in temporary community shelters." (COE 23 April 2001, para. 19)

"While it is clear that Kosovo's **Ashkaelia and Egyptian** populations in particular enjoyed more advances in their general situation as compared to Kosovo Serbs and Roma, the return trends do not point to having yet reached the critical turning point vis-à-vis conditions for sustainable return for Albanian-speaking ethnic minorities. Very few spontaneous returns were noted during the year 2001 and during the reporting period. Return of Roma, Ashkaelia and Egyptians was largely limited to UNHCR-facilitated movements from FYROM, which continued with very low numbers, with 327 RAE refugees returning during 2001 to Kosovo. It should be noted that these returns took place mostly to six municipalities only, and that the majority (70%) of the total returns to Kosovo during the year took place during the period April-July, coinciding with the most critical periods of internal armed conflict in FYROM. 'Push factors' rather than significant qualitative improvements in conditions in Kosovo can be considered a compelling factor motivating many returns during this period. This is demonstrated by the fact that during the year, 780 Roma, Ashkaelia and Egyptian refugees in FYROM opted for return to internal displacement in Serbia proper. Thus, approximately 70% of the total number of Kosovar RAE refugees who left FYROM in 2001 actually re-located to Serbia into internal displacement, despite very difficult material conditions there, rather than returning to Kosovo under prevailing circumstances.[108]

At the same time, there were some areas with significant **Roma, Ashkaelia and Egyptian** populations, who did indeed experience notable advances in security and freedom of movement within their municipalities and regions, yet these improvements did not produce significant increases in spontaneous return. Often, one key obstacle to return could be found in the unsustainable living conditions in the potential locations for return, while another key obstacle remained the lack of significant enough Kosovo-wide improvements in security and freedom of movement as well as lack of reconstruction assistance. To cite an example, the Albanian-speaking Egyptian communities of western Kosovo enjoyed a gradual but significant reduction of insecurity, steady improvements of freedom of movement, and increased dialogue and interaction with the majority Albanian community, yet this region did not receive significant numbers of new returns. This can be partially attributed to the fact that material conditions (particularly reconstruction and income generation opportunities) were not widely available, and existing Egyptian communities had exhausted their absorption capacity given already over-burdened host family arrangements.[109] During the period there was a growing realisation within the international community that, without creating material conditions for the return of IDPs within Kosovo through reconstruction and other reintegration assistance, and the ability to reclaim their homes, existing communities will remain too fragile to generate any pull factors for further refugee and IDP return from outside of Kosovo. At the same time, the lack of return of RAE to some communities was not only a function of poor material conditions, but also often continued to be a matter of security and uncertain inter-ethnic relations. While many existing RAE communities enjoyed improvements in relations with Albanian neighbours, in some locations the majority population continued to express their opposition to return. In some cases, this opposition seemed clearly motivated by majority interests (e.g. occupation of RAE houses or land usurpation), where the return of IDPs of RAE communities would clearly threaten the status quo, creating a risk to returnees' safety. It therefore cannot be said that obstacles to return for RAE are only of a material nature."

[Footnote 108: Many of those RAE refugees who returned to internal displacement in Serbia are from municipalities in Kosovo, for example Suharekë/Suva Reka, where security conditions and the social environment are not conducive to return.]

[Footnote 109: For example, in four municipalities of western Kosovo, over 200 RAE families live in internal displacement in host family arrangements, unable to return to their own neighbourhoods and damaged or destroyed homes. A significant number of these families had previously returned from Montenegro into internal displacement in Kosovo since their own communities remained uninhabited or still destroyed.] (UNHCR/OSCE May 2002, paras. 166-167)

Forced displacement also affects other minority groups in Kosovo (2001-2002)

- Roma, Ashkaelia and Egyptian communities are confined to enclaves, often living in collective centres or camps
- Lack of reconstruction aid have forced Roma IDPs to live temporarily with host families
- Ethnic Bosniacs also face serious limitations to their freedom of movement
- The Gorani community experiences discriminatory practices and harassment even more intensely than Bosniacs

"Like most minorities, Roma, Ashkaelia and Egyptian [RAE] communities also have to face **limits to their freedom of movement** (to a greater or lesser extent which varies by community), which adversely affects their ability to exercise social and economic rights especially with regard to full access to employment opportunities, education, health, social services and utilities. The situation is especially difficult as historically the RAE have relied on freedom of movement to earn a livelihood, making confinement to enclave like locations, collective centres or 'IDP camps' such as those situated in Plemetin/Plemetina, Mitrovicë/Mitrovica, Zhitkoc/Zitkovac and Leposavië/Leposaviq particularly oppressive. The fact that hundreds of Roma, Ashkaelia and Egyptians continue to live in IDP camp situations, most of them unable to return to their own municipalities, points to the fact that insecurity is still a serious problem for RAE who originate from many municipalities in Kosovo. Outside these enclave locations RAE communities in specific municipalities enjoy varying levels of improvement to their situation. In the five municipalities of the Pejë/Peæ region, Roma have experienced modest but steady improvements in security and freedom of movement. However, there are substantial differences between the situation of Roma who speak Albanian and those who can only speak Serb, especially with regard to security and access to education, services and employment opportunities, with the latter facing more serious constraints.

The Ashkaelia population seems to have experienced significant improvements in their security situation in the Ferizaj/Uroševac area, but this is not the case with Ashkaelia in the neighbouring municipality of Viti/Vitina where they continue to suffer harassment and intimidation. The distance separating the two municipalities is not vast. At the same time within Ferizaj/Uroševac the security situation of the Roma is precarious in comparison to the Ashkaelia. Similarly, in the Gjilan/Gnjilane area it has been reported that a number of Roma can move around the town while others cannot. Such variations make it very difficult to generalise.

In this context it is important to note that RAE communities in Kosovo are **hosting substantial numbers of IDPs** who have been displaced from their own neighbourhoods/villages. In Pejë/Peæ region, for example, most Roma and Egyptian IDPs live with host families, or under temporary shelter due to the fact that their own houses are damaged or destroyed (categories 4 or 5). Furthermore, the majority of these families meet UNHCR extremely vulnerable individual (EVI) criteria. The situation for the Roma and Egyptian communities in the Pejë/Peæ region is difficult, with IDPs returning into secondary displacement to live with host families who themselves live in very difficult conditions. The principal obstacle to return to their place of origin in dignity has been the inadequate level of reconstruction assistance." (UNHCR/OSCE May 2002, paras. 207-209)

"[...] the fair assessment on the situation of Bosniacs is that the progress on security conditions does not assure reasonable safety for the community, as the root causes of fear, restrictions in the full exercise of

freedom of movement and impediments to access social and economic rights continue to prevail as there has not yet been a fundamental change in Kosovo in terms of law and order, inter-ethnic integration, mutual understanding and tolerance. As a result, many minorities, Bosniaks included, feel compelled to go into exile primarily in the former Yugoslavia, mainly Bosnia and Herzegovina or the Sandzak. Some have gone to asylum countries further afield. Indeed, many have fallen victim to human smugglers who charge exorbitant fees to facilitate travel to locations outside the region. Indeed, in some areas in Prizren and Pejë/Pea such as Nebregoshte, Grncare and Nove Selo a significant portion of the population has left. **Displacement is still an ongoing occurrence** in Kosovo even in those regions, such as Prizren and Pejë/Pea where Bosniaks appear to have stable conditions. Returns have not been sustainable. In fact, an increase in the number of Bosniaks forcibly returned in the current environment is neither safe nor sustainable and may actually de-stabilise the fragile and delicate coping strategies, thus leading to the re-emergence of serious security incidents for the community." (UNHCR/OSCE May 2002, para. 217)

"The situation of Kosovo Gorani is similar to that faced by the Bosniaks. The majority of the Gorani inhabit a clearly defined geographical area, Goran/Dragash. Kosovo Gorani are also to be found in small groups in Prishtinë/Priština and Mitrovicë/Mitrovica (in Kodra Minatoreve/Micronaselje and Bosniak Mahala). The community experiences discriminatory practices and harassment more intensely than Bosniaks, due to the perception by some sectors in the majority population that it maintains close links with the Serb community and shares the same creed. Indeed, most Gorani have friends, relatives and business contacts in Serbia and Montenegro, which are maintained through regular cross boundary travel. To facilitate commercial and social contacts, persons with these links usually retain motor vehicles with FRY registration plates. During the reporting period, the possession of these license plates became an issue of concern and demonstrated the kind of harassment that Gorani sometimes face as a minority.
[...]

As a result the community continues to experience **a crisis of confidence with regard to its future viability** in Kosovo, as its members have limited freedom of movement outside the enclave like locations where they live. In addition, they face discrimination in accessing economic opportunities and social services on account of their ethnic background and the associated issue of the language limitations which make it difficult for them to easily communicate with the majority population. These factors have compelled many Gorani to leave Kosovo." (UNHCR/OSCE May 2002, paras. 218-220)

The ethnic minorities in Kosovo

The Serbian population in Kosovo: 100,000 persons as of end of 1999

- About 190,000 ethnic Serbs were living in Kosovo prior to the conflict, together with some 19,000 Serb refugees from Croatia and Bosnia-Herzegovina
- According to KFOR estimates in September 1999 and to the Kosovo Serb National Council, about 100,000 Serbs have remained in the province
- The majority of the pre-war and the current Serb population is to be found within the Eastern Plateau from Mitrovica/Mitrovica down through Kosovo Polje/Fushe Kosove and Urosevac/Ferizaj and then further up to Gnjilane/Gjilani and Kamenica in the south-east of the province

"According to the 1991 census there were 1,954,747 people living in Kosovo, 195,301 of them Serbs. During the aftermath of the wars in Croatia and Bosnia-Herzegovina a substantial number of Serb refugees from Krajina and other parts of Croatia and from Bosnia-Herzegovina were forcibly sent to Kosovo. By the summer of 1996, there were some 19,000 Serb refugees living in Kosovo." (OSCE 1999, Part IV, Chapter 19)

Table 1 : Serb Population and Beneficiary Registration Data

Serbs	Pre-Conflict Population (UNHCR)	Remaining Popn, Sep'99 (KFOR)	No. of Beneficiaries Registered, Oct 1999	% Population remaining (based on KFOR data)
North-West (incl. M/Vice)	36,000	29,000	see table footnote[1]	80%
Eastern Plateau & bordering Forests	105,000	60,000	57,000	55%
Strpce/Shterpce	8,000	9,000[2]	9,000	115%
Elsewhere	41,000	6,000	4,000	15%
Totals:	190,000	104,000	-	55%
Totals (excl. North-West)	154,000	75,000	70,000	50%

[1] Beneficiary registration data from the north-west do not provide an indication of total population. In this area WFP currently provides assistance to the following categories of beneficiary:

- a. IDPs from Kosovo,
- b. 10% of the resident population,
- c. Krajina Serbs living in collective centres,
- d. Roma living in collective centres and 2,900 minority Albanians in northern Mitrovica/Mitrovice and Zubin Potok municipalities.

[2] Beneficiary Registration data taken for Strpce/Shterpce, rather than KFOR's estimate of 3,400, which seems rather low.

(UNHCR/WFP 5 February 2000, sect. 5)

"The numbers are disputed. The Kosovo Serb National Council claims that about 100,000 Serbs are still living in Kosovo. By some accounts, up to 25,000 Roma are still living in Kosovo. By some accounts, up to 25,000 Roma are still living in Kosovo. The sum of Serbs and Roma who reportedly have fled (230,000) and those who reportedly remain (125,000) would be a larger number than the estimated 250,000 Serbs and Roma living in Kosovo before the war, casting doubt on the accuracy either of the past-war count or of the pre-war estimate." (USCR April 2000, pp. 2-3)

"The north-west is an almost exclusively Serb area consisting of Leposavic/ Leposaviq, Zubin Potok, Zvecane and northern Mitrovica/Mitrovice municipalities, bordering Serbia to the north. There is relatively little concrete information on the current population of this area, since KFOR estimates may not include the relatively large number of IDPs from Kosovo.

The majority of the pre-war Serb population, and the bulk of the population now, is to be found within the Eastern Plateau and neighbouring Forests food economy areas (a relatively agriculturally productive corridor running south from Mitrovica/Mitrovice down through Kosovo Polje/Fushe Kosove and Urosevac/Ferizaj and then around and up to Gnjilane/Gjilani and Kamenica in the south-east of the province [...]).

Strpce/Shterpce is a municipality lying to the south of the province in the mountains bordering Macedonia. The exclusively Serb villages in the centre and west of the municipality lie within an enclosed mountain valley; they are now almost completely cut off from surrounding areas.

Outside of these three areas, the few remaining Serbs are to be found mostly within a number of very specific locations, including Prizren and Orahovac/Rahovac towns and the villages of Velica Hoca (Orahovac/Rahovac) and Gorazdevac (Pec/Peje)." (UNHCR/WFP 5 February 2000, sect. 5)

The "Gypsies" in Kosovo

- The Gypsies comprise various groups with different linguistic and religious traditions
- The ethnic Roma constitute the main group but other groups include the Ashkaelia and the Egyptians
- In the 1991 Yugoslav census, the number of Roma/"Gypsies" in Kosovo was calculated at around 45,000 but many did not register as such
- By some accounts, up to 25,000 Roma are still living in Kosovo as of end of 1999
- Roma are concentrated in the Eastern Plateau, in Pec/Peje, Djakovica/Gjakove and Prizren municipalities in the west

"The several groups generically described here as Kosovo 'Gypsies' (Maxhupet) have different allegiances and different linguistic and religious traditions. The groups identify themselves quite distinctly.

The so-called 'ethnic Roma', identify themselves as Roma and use Romani as their mother tongue, and also speak Albanian and Serbian. They have proud cultural traditions and align themselves with Roma communities in other countries (they include a small Catholic Romani community living near the Kosovo Croat communities in Lipljan/Lipjan municipality, as well as one group which has a nomadic lifestyle, known as the Cergari, who follow the Orthodox faith and speak Serbian).

The Ashkaelia are Albanian-speaking and live close to the Kosovo Albanians with whom they have always been identified.

The Egyptians, whom many consider to be Ashkaelia, speak Albanian but claim to have originally come from Egypt. They are perceived by Kosovo Albanians to be Maxhupet for whom a separate identity was created roughly 10 years ago by the Yugoslav regime in order to further the image of a multi-ethnic, rather than an Albanian-dominated Kosovo. It is also believed to be an effort of self-identification in order to escape the derogatory qualification of Maxhupet in Kosovo and to differentiate themselves from the Romani-speaking "ethnic Roma". Both the Ashkaelia and Egyptians follow the Muslim faith.

Kosovo Albanians and Kosovo Serbs alike generally treat the 'Gypsy' (Maxhupi) population and groups as separate from themselves, despite their varying levels of integration. As is the case with majority populations in other central and east European countries, the Kosovo Albanians and Kosovo Serbs consider Maxhupet/Cigani as second-class citizens." (OSCE 2000, chapter 20)

Population numbers

"Although it is difficult to assess the exact numbers of Roma/'Gypsies' living in Kosovo before the conflict and up to early June 1999, it was estimated by some Romani refugees from Kosovo and Serbia living in third countries to be around 100,000-150,000 people. In the 1991 Yugoslav census, the number of Roma/'Gypsies' in Kosovo was calculated at around 45,000. Many did not declare themselves as Roma/'Gypsies' in the census either because of a feeling of being fully integrated in the Kosovo Albanian or Serb communities, or because their registration as Romani/'Gypsy' could prevent their integration within the community and therefore deprive them of their basic rights. Based on data from the 1991 census, Romani/'Gypsy' communities could be found in almost all municipalities of Kosovo." (OSCE 2000, chapter 20)

"The numbers are disputed. The Kosovo Serb National Council claims that about 100,000 Serbs are still living in Kosovo. By some accounts, up to 25,000 Roma are still living in Kosovo. The sum of Serbs and Roma who reportedly have fled (230,000) and those who reportedly remain (125,000) would be a larger number than the estimated 250,000 Serbs and

Roma living in Kosovo before the war, casting doubt on the accuracy either of the past-war count or of the pre-war estimate." (USCR April 2000, pp. 2-3)

Geographical distribution

"Typically, the Roma have made a living as casual labourers and itinerant market traders. Geographically, they are concentrated in the Eastern Plateau and Mediterranean food economies (Pec/Peje, Djakovica/Gjakove and Prizren municipalities in the west), areas where there has traditionally been a demand for agricultural labour.

For the Roma, questions of identity, which before the war were of relatively little importance, are now paramount. This is because many Roma are believed to have sided with the Serbs during the recent conflict, taking part in the widespread looting and destruction of Albanian property (Roma communities were themselves generally spared the widespread displacement and destruction suffered by other groups).

Most of the Roma remaining within the province are recognised by their immediate neighbours as being innocent of any direct involvement in looting and destruction. However, they are likely to encounter hostility from Albanians that do not know them personally, particularly if they move outside their local area. Most identify themselves with the majority Albanian population, generally referring to themselves as 'Askali' in the east and 'Egyptians' in the west. (UNHCR/WFP 5 February 2000, sect. 6)

Other ethnic minorities in Kosovo

- In addition to the Kosovo Albanians, Kosovo Serbs and Roma, there are a number of other groups in Kosovo which had the status of "national communities" in the FRY
- There were also small ethnic groups not designated as "national communities"

"Kosovo Turks

The 1991 census in Yugoslavia put the number of Kosovo Turks at 10,833, but that figure is not thought to reflect the true size of the population. The Turks in Kosovo continue to use Turkish as their mother tongue (in the 1974 Constitution of Kosovo, repealed in 1989 by the federal government, Turkish was recognized as the third official language of Kosovo),² and there are a number of Turkish schools in the province. The Turks have traditionally taken a neutral stand between the Albanians and the Serbs and they have traditionally had good relations with both.

There are contradictory reports about how Kosovo Turks experienced the conflict up to June 1999. In the predominantly Turkish village of Mamusa/Mamushe (Prizren), which was attacked by Yugoslav and Serbian forces in late March 1999 (this is covered in more detail in the entry for Prizren municipality), people interviewed by the OSCE-KVM reported that the inhabitants of Turkish origin were allowed to stay as the Yugoslav and Serbian forces expelled the Kosovo Albanians.

In other parts of Kosovo, Turks were reportedly attacked and expelled together with Kosovo Albanians, or otherwise left the province. Many found refuge in Turkey.

Kosovo Croats

The Kosovo Croats are also known as Janjevci after the village of Janjevo/Janjeve (Lipljan), where they made up two-thirds of the population. As well as Janjevo, Lipljan/Lijpan town also had a sizeable Croat population, and four villages at the eastern end of Vitina/Viti municipality - Letnica/Letnice, Sasare/Shashare, Vrnavokolo/Vrnavokolle and Vrnez/Vernez - had Croat majority populations.

In the data collected by the OSCE-KVM there are no references to human rights violations against Kosovo Croats.

Gorani

This community consists of persons of Slav ethnicity and Islamic faith from Gora/Dragash municipality in the south of Kosovo (the term Goran roughly translates as "Highlander"). They are distinct from the group described as Muslim Slavs (see below). A survey conducted jointly by UNHCR and the OSCE found that "Despite their shared religion, their relationship with [Kosovo] Albanians is not always easy given their ethnic and linguistic links with the Serbs, as well as their political attitudes."

[...]

Muslim Slavs

This group consists of Serbian speaking Slavs who are associated with the "Muslim nationality" as classified within the former Socialist Federal Republic of Yugoslavia. Many of them describe themselves as Bosniac. In the data collected by the OSCE-KVM there are no references to human rights violations against Muslim Slavs. In Ozrim/Ozdrim (Pec/Peja) Muslim Slavs are described as having been spared when Kosovo Albanians were attacked and expelled in May [1999] [...].

Cerkezi

The Cerkezi, who are a tiny minority group not recognized as a national community in the FRY, are of the Cherkess nationality from the north Caucasus region of Russia. The Cerkezi arrived in Kosovo more than 80 years ago and settled in Milosevo/Milloshve in Obilic/Obiliq municipality. They number around 100 persons, are Muslims, and speak Albanian, Serb and Cerkess. None of the data gathered by the OSCE-KVM specifically referred to the Cerkezi of Malisevo, but it is known that at some point during the period between late March and early June 1999 they were expelled and some of their houses were burned by Serbs, and that all of them became refugees in the former Yugoslav Republic of Macedonia.

Roman Catholic Kosovo Albanians

These are a religious, not an ethnic minority, numbering an estimated 70,000 people. They live mainly in the municipalities of Djakovica/Gjakova, Klina/Klina, Prizren/Prizren and Vitina/Viti." (OSCE 1999, chapter 21)

POPULATION PROFILE AND FIGURES

Federal Republic of Yugoslavia (excluding Kosovo)

Serbia and Montenegro hosts more than 234,000 persons displaced from Kosovo as of November 2002

- Available figures show noticeable increase since 2000
- The Commissariat for Refugees in Serbia and Montenegro maintains records of IDPs through a registration process
- Yugoslav authorities claim that up to 50,000 persons have not been registered
- Serbs form the predominant group among IDPs (68%) followed by the Roma (12%)
- Belgrade is the district with the largest number of IDPs (53,000) but not all movements of IDPs within Serbia have been registered
- Figures for displaced Roma may reach 80,000 according to Roma defense groups

IDPs from Kosovo in Serbia and Montenegro (as of 1 November 2002)

Serbia	204,826 persons
Montenegro	29,435 persons
FRY Total	234,261 persons

(UNHCR 14 November 2002)

IDPs from Kosovo in Serbia and Montenegro (as of May 2002)

Serbia	202,243 persons
Montenegro	29,658 persons
FRY Total	231,901 persons

(HIWG 1 June 2002, map)

"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 2000 [6], 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.

Number of IDPs 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%).

IDPs by ethnicity

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

Source: UNHCR Statistics

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

[Footnote 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.]

(OCHA 26 April 2002, pp. 8-9)

Other figures from the Yugoslav authorities

"The UNHCR figure of 231,000 IDPs in the FRY as of February 2001 (UNHCR, UNHCR Position on the Continued Protection Needs of Individuals from Kosovo, April 2002, para. 27) may underestimate the reality. The Serbian Government figures for registered IDPs put the number at 212,700 IDPs in Serbia proper and 29,500 in Montenegro (CCK, Principles of Program of Returns of IDPs from Kosovo and Metohia, p. 3). The difficulty in arriving at precise figures results from the fact that a number IDPs have entered the FRY, without ever having asked for IDP cards or registered with the authorities or the international agencies in any way. The Serbian Government states that 'it has been estimated that there are nearly 50,000 IDPs living in Serbia and Montenegro, who have not been officially registered' and who would thus have to be added to the above number (CCK, Principles of Program of Returns of IDPs from

Kosovo and Metohia, p. 3). Indeed, UNHCR emphasises that in the absence of a complete registration process upon departure from Kosovo, numbers remain estimates. The same applies to the numbers of returnees. Only those who are assisted are properly counted, while many spontaneous returns go unregistered. This is particularly the case for Roma, who move quite easily and can count on the solidarity of their community to quietly shelter them upon return." (COE 16 October 2002, footnote 91)

For more details on statistics put forward by the Coordination Centre of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohija, consult the "[Principles of the Program for Return of Internally Displaced Persons from Kosovo and Metohija](#)", 2002 [Internet]

The displaced Roma

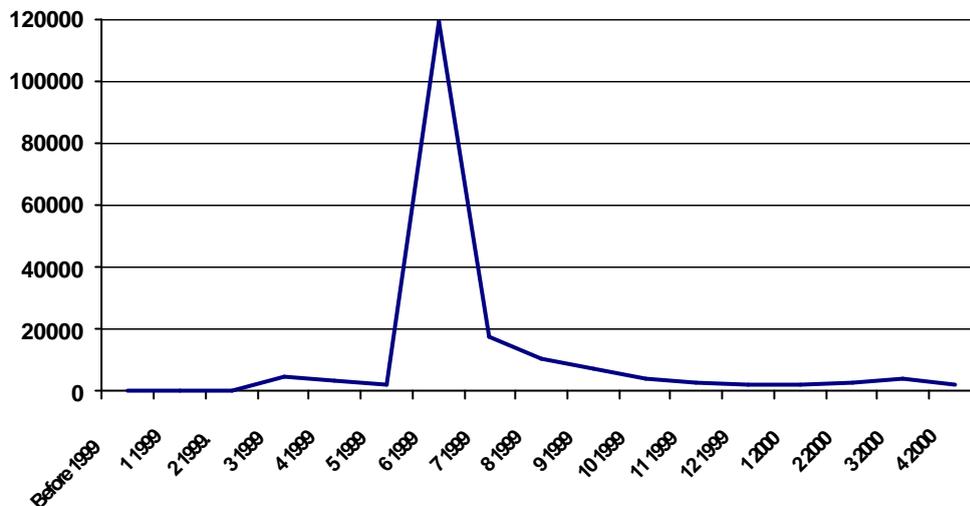
"The actual number of Roma IDPs is not clear. The Commissariat for Refugees/UNHCR registered over 20,000 Roma IDPs in Serbia and close to 8,000 in Montenegro. These numbers also include Gorans, Egyptians and Ashkalias, smaller ethnic groups perceived as similar to Roma, who share the same misery in displacement 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." (UN OCHA 26 April 2002, p. 22)

Most IDPs moved to Serbia and Montenegro in the second quarter of 1999 (2002)

- More than 10,000 newly displaced non-Albanian minorities registered in Serbia from 2000-2002

"Displacement from Kosovo and Metohija in the period prior to 1999 was sporadic. Only 449 internally displaced persons arrived during that period. Due to the well known events the year 1999 was the most striking, especially the second quarter thereof, when 125,653 persons or 67.2% were registered. The third quarter is very important as well as when 35,532 internally displaced persons or 18.9% were registered. Therefore, it is evident that the most massive displacement of population from Kosovo and Metohija took place in these two quarters of the year. In the fourth quarter, as well as in the year 2000 (until the moment when registration of the internally displaced persons was finished - in April 2000) the movement of population from Kosovo and Metohija started to decrease, although it is still continuing. Namely, in these two intervals 9,119 and 11,115 persons respectively were internally displaced, continuing almost 11%."

Graph. 1 Dynamics of displacement from Kosovo and Metohija



(UNHCR/Commissioner for Refugee of the Republic of Serbia 2001, p. 13)

"Of the 3,600 returnees [who were recorded between 2000 and March 2002], some 2,700 are Kosovo Serbs and some 900 are from the Roma, Ashkaelia or Egyptian communities. Over the same time period as these returns were taking place, more than 10,000 newly displaced non-Albanian minorities registered with the authorities in Serbia." (HIWG 1 June 2002, p. 3)

"UNHCR also reported that for various reasons some ethnic minority groups are departing from Kosovo. The departure is more prominent among the K.Serbs and some Roma/Ashkalia families as well. UNHCR reported 313 departure cases this year [2002], though the total figure is not accurately known." (UN OCHA 31 August 2002)

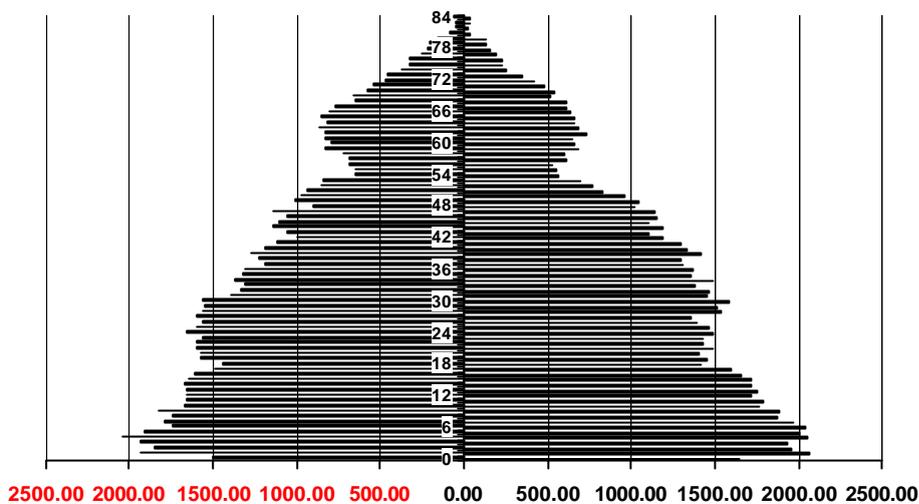
Demographic characteristics of IDPs in Serbia: Gender balance and prevalence of younger age groups (2000)

- The number of internally displaced persons according to gender is almost identical, and the structure according to functional age groups is relatively balanced
- Younger age group prevail in the age structure of the internally displaced population, while the age structure of population in Central Serbia and Vojvodina is much older
- Every tenth internally displaced person is either widowed, divorced or separated

"The gender structure of the internally displaced person is almost balanced. According to the obtained results women constitute 50.6% or 94,320 persons and men 49.4% or 92,809 persons. In comparison to the Central Serbia and Vojvodina gender breakdown this proportion is very similar. The share of women is higher by 0.6% only.

Graph 7. Age-gender pyramid of the internally displaced persons

Female Male



The age structure of the internally displaced persons is also relatively balanced. Among the internally displaced persons the highest share is that of the middle-aged population (20-59 years of age) accounting for 50.6%, or 94,616 persons. The internally displaced population of school age (7-19 years of age) occupies the second place according to its share of 23.4% or 43,728 persons. Children in the age group 0-6 years constitute 14.2% that is 26,600 persons, while the share of the elderly population (60 and over) is 11.8% or 22,185 persons.

Table 2 - Breakdown of the internally displaced population by functional age group

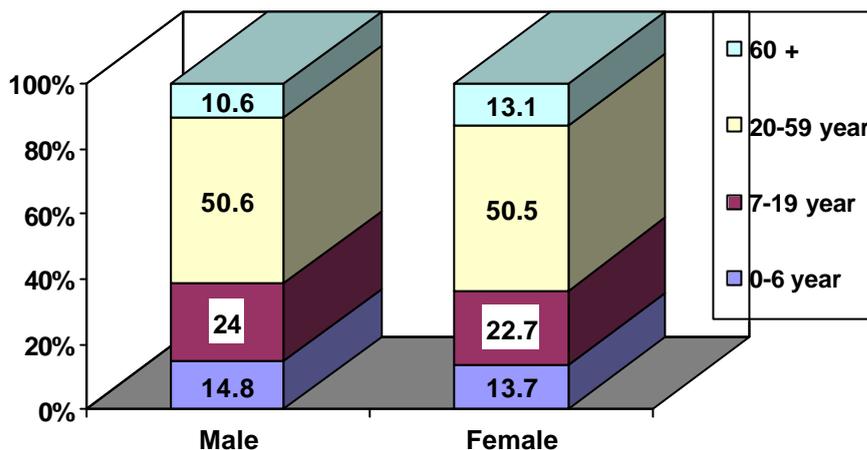
	Total	Children 0-6 years	7-19 years	20-59 years	60 + years
Total	187129	26600	43728	94616	22185
Central Serbia	176219	24773	40904	89447	21095
Vojvodina	10910	1827	2824	5169	1090

Unlike the gender structure, the age structure of the internally displaced persons differs significantly from the age structure of the population of central Serbia and Vojvodina, since among them younger population prevails. In comparison to the total population of Kosovo and Metohija the difference is somewhat smaller - the population of Kosovo and Metohija is even younger. Namely, the share of children in the structure of the internally displaced population is by 7% higher than their share in the population of Central Serbia and Vojvodina, and only 0.5% lower than the share of children in the total population of Kosovo and Metohija. Similarly, the share of school children in the structure of the internally displaced persons is by 6.5% higher compared to their share in the structure of population in Central Serbia, or by 6.3% higher in comparison with their share in the structure of population of Vojvodina, and 5.2% lower compared to the share of children in the total population of Kosovo and Metohija.

As regards the younger and middle-aged population in the structure of the internally displaced persons, it is by 3.6% lower in comparison to its share in the structure of population in Central Serbia and Vojvodina,

and 2.3% higher in comparison with its share in total population of Kosovo and Metohija. The elderly population has a significantly smaller share in the structure of the internally displaced persons - 9.9%, and 10.1% respectively compared to population in Central Serbia and Vojvodina. With respect to total population of Kosovo and Metohija, the share of elderly population share is by 3.4% higher in case of the internally displaced persons.

Graph 8. Breakdown of the internally displaced persons by functional age groups



The average age of the internally displaced persons is 30 (male 28.2, female 30.8), which means that it is by 9 and 10 years respectively lower than the average age of the population of Serbia and Vojvodina, and by 3 years higher than the average age of the total population of Kosovo and Metohija.

[...]

The average age of population, as an indicator of the age structure confirms the fact that the internally displaced persons are relatively young, especially in comparison to the population of Central Serbia and Vojvodina, but still somewhat older if compared to total population of Kosovo and Metohija which is markedly young.

The observed differences in the age structure of the internally displaced population with respect to population of Kosovo and Metohija are the result of displacement of the predominantly non-Albanian population, which, by its basic demographic characteristics differs from the Albanian population, irrespective of the fact of having inhabited the same territories.

Marital status

Almost two thirds of the internally displaced persons over fifteen years of age are married, and every third person is unmarried. Every tenth internally displaced person is either widowed, divorced or separated." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, pp. 21-24)

Level of education and employment status of the internally displaced population in Serbia (2000)

- Almost one half of all the internally displaced persons over 15 years old has secondary school education
- One third of the internally displaced persons over 15 years of age were employed prior to leaving Kosovo

Level of education

"According to the definition of ILO (International Labour Organization) the working age population is the population from 15-65 years of age. Almost one half of all the internally displaced persons over 15 years old has secondary school education. Every fifth internally displaced person completed primary education, while one in ten persons has no education. The internally displaced males have somewhat higher level of education than females, and, from the aspect of ethnic composition, the most educated are the Serbs and Montenegrins." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, p. 27)

Detailed figures of the level of education of the internally displaced persons can be found in the report of UNHCR and the Commissioner for Refugees of the Republic of Serbia, p. 27 and 28, and table 8 (appendix)

Employment status

"One third of the internally displaced persons over 15 years of age were employed prior to leaving Kosovo and Metohija, while the share of the unemployed was approximately 15%. In addition to that, more than one third were dependants - children, pupils and students, and the share of pensioners was much lower (7.3%)." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, p. 28)

Detailed figures of the employment status of the internally displaced persons can be found in the report of UNHCR and the Commissioner for Refugees of the Republic of Serbia, p. 29 to 30 and Table 10 (appendix)

Geographical origin and distribution of the internally displaced population in Serbia: From Pristina to Belgrade (2000)

- The majority of the displaced originates from the Kosovo County, especially the municipality of Pristina
- Central Serbia hosts 96% of the internally displaced while the rest has settled in Vojvodina
- In Central Serbia, the county of Serbia has been the most attractive, followed by the counties of Raska, Sumadija, Toplica, Pećin, Nisava and Podunavlje

Geographical origin of the displaced

"Observed per counties of Kosovo and Metohija, the largest number of the internally displaced persons originates from the Kosovo county - 76,881 persons (41.1%), followed by the county of Peć with 39,563 persons (21.1%), the county of Prizren with 26,304 persons (14%), the Kosovsko-Pomoravska county with 28,179 persons and finally the county of Kosovska Mitrovica with 16,202 persons (8.7%)." (UNHCR/Commissioner for Refugees for the Republic of Serbia 2001, p. 14)

Major directions of movement of the internally displaced persons

"Registration of the internally displaced persons from Kosovo and Metohija covered 187,129 persons out of which 176,219 or 94.2% were registered in Central Serbia, and 10,910 or 5.8% in Vojvodina." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, p. 13)

One out of three internally displaced persons from the county of Kosovo and Pec and one out of two internally displaced persons from the Prizren county is temporarily accommodated in the Belgrade county, followed by the county of Rafka

The majority (approximately 40% of the internally displaced from Kosovska Mitrovica county is accommodated in the county of Raska, and approximately one third of the internally displaced from Kosovsko-pomoravska county found accommodation in the county of Pcinj.

"The major directions of movement of the internally displaced persons indicate that the majority of persons who fled from the county of Kosovo were accommodated in Central Serbia. According to the results of the registration, 71,352 or 92.8% persons found shelter in Central Serbia, while in Vojvodina, only 5,529 internally displaced persons were registered. The largest number of these persons was registered in the county of Belgrade (20,936 or 29.4%), followed by the counties of Raska and Toplica where 9,870 and 9,305 persons respectively found accommodation, amounting to approximately 13%. The shares of other counties are below 10%.

Similarly, the majority of the internally displaced persons from the county of Pec, found accommodation in Central Serbia in which 38,037 persons were registered accounting for 96.2%. In Vojvodina only 1,526 internally displaced persons were registered.

The county of Belgrade is still the most attractive one, for 31.1% or 11,821 persons are accommodated in it. It is followed by the county of Raska with 22.5% or 8,564 persons and the county of Sumadija with 14.1% or 5,350 persons, while the shares of other counties are below 10%.

Out of the total number of internally displaced persons from the county of Prizren (24,919 or 94.7%) the majority registered in Central Serbia. 12,360 persons or 49.6% were registered in the Belgrade county; the county of Raska is in the second place with a total of 3,203 or 12.8% internally displaced persons registered. The shares of other counties are considerably below 10%. In Vojvodina only 1,385 persons who came from the above mentioned county were registered.

Generally speaking the internally displaced persons from the county of Prizren found somewhat different places of temporary accommodation from those who fled other counties of Kosovo and Metohija. Namely, although the highest number of them has been registered in Central Serbia, its share is below 90%, or exactly 88.7% or 14,375 persons. Consequently, the share of the internally displaced persons registered in Vojvodina is higher - 11.3% or 1,827 persons. The breakdown per counties of Central Serbia is as follows: the largest number (5,713 persons, or 39.7%) was registered in the county of Raska, followed by the county of Belgrade (3,289 persons or 22.8%), the county of Sumadija (2,319 persons or 16.1%) etc.

Out of the total number of the internally displaced persons from Kosovsko-pomoravska county 97.7% or 27,536 persons were registered in Central Serbia, in the county of Pcinj - 8,343 persons or 30.3%. The county of Belgrade, which, according to the number of the registered persons occupies the second place, has a share of 16.7% or 4,607 persons, followed by the county of Podunavlje with 12.4% or 3,427 persons and the county of Pomoravlje with 11.9% or 3,289 persons. The share of other counties is below 10%. The number of the internally displaced persons originating from the above mentioned county and registered in Vojvodina is small, only 643 persons." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, pp. 17-18)

"A comprehensive report outlining the registration process of IDPs from Kosovo and Metohija has recently been made available from UNHCR. The ECHO funded report, compiled and researched jointly by UNHCR and the Commissioner for Refugees of the Republic of Serbia provides statistical information detailing the ethnic, gender, education, age, civil status and employment compositions of the 187,129 IDPs registered in Serbia. Out of total 187,129 persons, 94.2% (176,219) are located in Central Serbia while the remaining 5.8% (10,910) are registered in Vojvodina. The Government of Switzerland provided 6 Observers to

independently oversee the regularity of the registration process, which was completed in April 2000." (UN OCHA 6 April 2001)

Detailed statistics on the geographical origin and distribution of the internally displaced population in Serbia can be found in Tables 2, 3 and 4 in the appendix to the report of UNHCR and the Commissioner for Refugees of the Republic of Serbia.

Kosovo

Available figures suggest at least 54,000 persons are internally displaced in Kosovo (November 2002)

- UNHCR estimate that 22,500 persons are still displaced as a result of ethnic tensions in Kosovo (minority IDPs)
- 10,000 persons from southern Serbia remain in Kosovo
- Figures from the Kosovo reconstruction ministry suggest at least 18,000 persons are still in need of reconstruction assistance

1. Displacement within Kosovo from June 1999

UNHCR reports a total of 22,500 "minority IDPs", ie members of "community that lives in a situation where they are a numeric minority relative to the communities surrounding them." (UNHCR 31 August 2002; OSCE/UNHCR October 2001). However, this figure is an estimate and is not based on any registration or census .

2. Displacement from Southern Serbia

"Reconciliation efforts in southern Serbia and the reconstruction of homes by UNHCR in the Presevo municipality facilitated the return of some 4,000 to 5,000 ethnic Albanians, who had fled the conflict in that region during the period from 1999 to early 2001. However, some 10,000 internally displaced persons remain displaced from southern Serbia, mostly in the Gnjilane area of Kosovo. A durable solution for this caseload is still being sought." (UN GA 2 July 2002, para. 9)

See also UNHCR map "Estimate of refugees and displaced persons still in need of a durable solution in south-eastern Europe", 31 August 2002 [Internet]

3. Estimates for the population displaced before June 1999

The Kosovo Ministry of Environment and Spatial Planning estimates that between 8,000 and 9,000 families are still not in position to rebuild their homes by themselves. As a result of limited funds, the Ministry is planning to submit a proposal for reconstruction/rehabilitation support to a minimum of 3,650 families (Ministry of Environment and Social Planning 25 November 2002). With a ratio of 6 persons per household (as established by IOM in May 2000), the total number of persons still unable to return to their pre-war homes may be of 18,000 persons.

4. Estimates by the US Committee for Refugees (as of 31 December 2001)

"The 277,000 internally displaced people in Yugoslavia at year's end included 201,641 registered persons displaced from Kosovo into Serbia-proper, 29,451 registered persons displaced from Kosovo into Montenegro, and about 46,000 displaced within Kosovo itself, including 16,000 returning refugees unable

to inhabit their original homes. [...] UNHCR regards another 85,000 persons inside Kosovo 'at risk'." (USCR 2002, p. 257)

"An estimated 98,000 homes destroyed or damaged in 1999 remained uninhabitable in 2001. Assuming an average family size of six per household, this would mean that as many as 600,000 could still be displaced from their original homes. This rough estimate would be qualified by the possibility that some uprooted persons may have found other durable solutions and that others could remain displaced because of fear of persecution but have intact homes." (USCR 2002, p. 258)

About 4,000 IDPs live in collective centres as of November 2002

- This population comprises ethnic Albanians, Serbs and Roma

A small portion of non-Albanian IDPs are currently living in collective shelters. According to data provided by UNMIK, there are at least 1,744 members of non-Albanian minorities living in collective shelters (or Temporary Collectives Shelter, TCS) as of November 2002, including 796 ethnic Serbs and 651 Romas (UNMIK 15 November 2002).

According to UNMIK figures, there are still about 2,450 ethnic Albanians residing in collective shelter (TCS) as of November 2002 (UNMIK 15 November 2002)

For more details, see also UNMIK statistical information relating to:

[Majority Albanian TCS](#) [Internal link]

[Ethnic Minority TCS](#) [Internal link]

See also [UNMIK TCS Map, January 2002](#) [Internal link]

Available figures suggest a total of nearly 100,000 persons still internally displaced in Kosovo (January 2002)

- UNHCR reports 22,500 minority IDPs and 10,000 IDPs from Southern Serbia as of mid-January 2002
- Reconstruction figures suggest that between 60,000 and 72,000 persons are still in need of reconstruction assistance

There is currently no reliable figure for the total population displaced within Kosovo. The exact size and location of the internally displaced persons in Kosovo have not been determined so far by any of the agencies present in the province. Existing statistical information on the IDPs in Kosovo concerns only specific categories among the IDPs in Kosovo, mostly compiled according to the mandate of the agencies providing the data.

1. Displacement within Kosovo from June 1999

In a map dated 15 January 2002, UNHCR reports a total of 22,500 "minority IDPs", ie members of "community that lives in a situation where they are a numeric minority relative to the communities surrounding them." (OSCE/UNHCR October 2001). However, this figure only includes IDPs currently assisted by UNHCR while the total population of minority IDPs may be higher (UNHCR 15 January 2002).

2. Displacement from Southern Serbia

UNHCR reports that up to 10,000 persons originating from Southern Serbia are still displaced in Kosovo, as of mid-January 2002 (UNHCR 15 January 2002).

3. Estimates for the population displaced before June 1999

There is no reliable figure for the population that has been displaced before June 1999 and has since remained unable to return to their destroyed or heavily damaged houses. However, UNMIK evaluation for the remaining reconstruction needs in the housing sector in Kosovo can be used to estimate the number of persons still displaced before June 1999.

Of the 40,000 remaining damaged houses, 25 percent are in need of reconstruction assistance, according to the Housing and Construction Division of the Transitional Department of Health, Environment and Spatial Planning. The Housing Division estimates that 10,000 to 12,000 vulnerable families will need reconstruction assistance before going back to their homes in 2002. With a ratio of 6 persons per household (as established by IOM in May 2000), the total number of persons still unable to return to their pre-war homes may be between 60,000 and 72,000 persons. (Transitional Department 15 February 2002)

For more detailed information on reconstruction needs in Kosovo, see:

[The housing reconstruction need assessment 2002, Department of Reconstruction Housing Directorate, 20 June 2001 \[Internal link\]](#)

[Regional Workshop, Housing Reconstruction Programme 2002, February 2002 \[Internal link\]](#)

About 36,000 persons are internally displaced in Kosovo as the result of human rights violations and conflict (UNHCR - December 2000 - February 2001)

- 10.800 internally displaced from the Presevo Valley are currently in Kosovo according to UNHCR estimates
- UNHCR also reported 25,000 internally displaced persons in Kosovo as of December 2000, mainly members of Kosovo minority groups

Displacement from the Presevo Valley

"UNHCR used an approximate figure of 15,000 persons by the end of 2000, indicating that this figure was in need of verification since due to ongoing movements across the boundary line and lack of de-registration for humanitarian assistance, double registration could not be excluded. This verification exercise took place in February 2001 in the Pristina and Gnjilane areas. Based on this, our current best estimate is some 10.800 IDPs currently in Kosovo. UNHCR highlights that this is an estimate only and it cannot be excluded that more ethnic Albanians from Southern Serbia are in Kosovo who however have not come forward for assistance and therefore are not known to the local NGOs providing assistance and/or UNHCR." (UNHCR 11 April 2001)

Other IDPs

There is no systematic registration of the IDPs in Kosovo while especially the Serb minority communities have boycotted the UNMIK civil registration. For the annual statistics UNHCR had to produce estimates for the IDP population in Kosovo and came up with the following breakdown of the 25,000 reported:

- i) ethnic Serb IDPs in North Mitrovica, Zubin Potok, Zvecan and Leposavic municipalities: 10,000 (originating from municipalities south of the river Ibar)
- ii) ethnic Serb IDPs in Strpce municipality: 2,000 (mainly originating from Prizren and Ferizaj/Urosevac municipality)
- iii) ethnic Serb/Roma IDPs in collective accommodation in various parts of Kosovo: 2,500
- iv) ethnic Alb. IDPs mainly in south Mitrovica municipality: 8,000
- v) ethnic Serb and Roma IDPs dispersed in various municipalities: 2,500. (UNHCR 11 April 2001)

Geographical distribution

"Kosovo continues to bear the scars of conflict, ethnic hatred and displacement. Across the province there are examples of all ethnic groups still unable to return to their places of origin. For Kosovo Albanians this is particularly the case for those originating from northern Mitrovica and other locations dominated by Kosovo Serbs. Relatively large numbers of Kosovo Serbs and Roma also remain in situations of displacement awaiting the possibility to return to their places of origin. Kosovo Serbs displaced from Prizren and Urosevac/Ferizai for example have concentrated in Strpce/Shterpce. Roma and Ashkaelia from various locations around the province continue to live in semi-permanent collective accommodation in Plemetina/Plementine IDP camp and in three locations north of Mitrovica/Mitrovice. The number of displaced absorbed into host family arrangements is difficult to assess but this is certainly a continuing reality." (UNHCR/OSCE October 2000, para. 114)

Displacement as the result of the Kosovo conflict (March-June 1999): no reliable estimates for the persons still unable to return to destroyed houses (2000-2001)

- 120,000 houses were destroyed or seriously damaged in the conflict
- 42,000 houses still in need of rehabilitation work as of April 2001, which suggests that about 250,000 persons may still be unable to return to their homes

"No reliable estimates of the numbers of internally displaced persons within Kosovo are available. However, given that some 120,000 houses were seriously damaged or destroyed in the conflict, there are presumed to be a significant number of people still to return to their pre-conflict homes." (UN OCHA 6 July 2000, p. 62)

Estimate as of 31 December 1999: "In Kosovo, 350,000 ethnic Albanians remained unable to return to their uninhabitable homes." (USCR 2000, p. 288)

There are no precise figures available on the number of persons who are still unable to return to their houses because of destruction or heavy damages as of April 2001. Most of them rent an accommodation, live with relatives or friends or occupy abandoned properties.

According to UNMIK department for reconstruction, 28,000 houses were rehabilitated in 2000 with the support of the international community while between 35,000 and 40,000 houses were rebuilt privately. UNMIK has also identified 10,000 houses which will be rebuilt with international support during 2001. This leaves about 42,000 houses still in need of rehabilitation work as of April 2001. With a ratio of 6 persons per house (as established by a survey conducted by IOM in May 2000), the total number of persons still unable to return to their pre-war houses may be of 250,000. (UNMIK reconstruction department, 27 April 2001)

PATTERNS OF DISPLACEMENT

Initial phases of the displacement process

Small-scale but steady displacement from and within Kosovo (2000-2001)

- The pattern of departure is more in the nature of a slow trickle rather than the massive outflow seen in 1999
- Roma or Serb minorities in rural areas tend to leave their villages and concentrate in enclaves in urban areas
- The reported increase in inter-ethnic houses sales in 2000 and 2001 may be the result of pressure to sell on ethnic minorities
- Departures of minorities can be both temporary and permanent, with Serbs traveling regularly between Kosovo and Serbia depending on security, the education cycle and agricultural seasons

"[D]iscussion about return must remain grounded in current realities, not overlooking the fact that ongoing displacement of minority communities has not ceased. Kosovo Serbs and Roma continue to leave the province for security related reasons. The current pattern of departure is more in the nature of a slow trickle rather than the massive outflow seen last summer. For other ethnic groups including Gorani, Muslim Slavs, Turks and Croats individual departures have also been noted. Some departures have been sparked by an isolated incident against members of a given group whereas others would appear to be more related to a perception that there is limited space for minorities in a Kosovo Albanian dominated society." (UNHCR/OSCE October 2000, para. 118)

Serb communities

"The pressure on minority Serb communities to sell their properties is increasing and more and more Kosovar Serbs residing in the isolated enclaves are leaving Kosovo. On February 13, in a meeting in Rahovec/Orahovac with KFOR, OSCE, UNHCR and UNMIK, the Serb leaders announced that 90% of the residents in the area wanted to leave for Serbia proper due to lack of security. KFOR made a commitment to try to improve security conditions. It was agreed that a meeting should be held fortnightly to discuss security issues.

According to local KFOR 40 Serb families in Gjilan/Gnilane are selling their properties; only about 250 Serbs still live in Gjilan/Gnilane. In Obilic town there is a strong pressure for the remaining Serb families living in a building in the centre of the town to sell their apartments following the illegal occupation of empty flats by 18 ethnic Albanian families. On 15 February, the last Serb in Podujevo town, an elderly lady, sold their property and left for Serbia proper as she could no longer cope in such isolated conditions." (UN OCHA 22 February 2001)

"In Obiliq/Obilic municipality, the situation of the Kosovo Serbs remains precarious. Numbers however are relatively stable with the exception of Obiliq/Obilic town, which has experienced a small scale but steady trend of departures, both temporary and permanent. In May four families left for Serbia proper, although one family returned to Obiliq/Obilic, due to the dire economic conditions they face there. In July [2001], another four families left for Serbia proper. Obiliq/Obilic is characterised as a predominantly Kosovo Albanian town, with the relatively small Kosovo Serb community now calculated to total no more than 650 persons comprised of; original residents, (281 families/590 individuals); and Kosovo Serb IDPs, (32 families/60 individuals), most of whom hail from nearby villages. This restricted urban community has extremely limited opportunities to buy or sell basic goods, and limited access to health care. In late 2000,

inter-ethnic houses sales began to steadily increase and in early 2001 the illegal occupation of flats temporarily or permanently abandoned by Kosovo Serbs increased dramatically, with the suspicion remaining that the pressure to sell is organised. The difficult conditions of life in town directly contribute to a continuing sense of frustration, isolation and vulnerability among the remaining Kosovo Serbs. " (UNHCR/OSCE October 2001, para. 62)

"In Gjilan/Gnjilane region, minority population levels have generally remained stable. However, considerable variations exist in the statistical information held by different organisations, which makes it difficult to draw clear conclusions. Many Kosovo Serbs travel regularly between Kosovo and Serbia proper and some maintain accommodation in both locations, alternation between one and the other depending on factors such as overall security, the education cycle and agricultural seasons. " (UNHCR/OSCE October 2001, para. 67)

The Roma and other communities

"In Gjilan/Gnjilane town the current Roma population is estimated at 320 persons. Whilst this has not decreased notably since the previous report it should be remembered that the pre-conflict population numbered several thousands and those who remain, feel an ever increasing sense of isolation and desperation. Small-scale return prompted by slight improvements in security has been offset by a roughly equivalent number of departures by those who simply see no long-term future for this decimated community." (UNHCR/OSCE October 2001, para. 111)

"Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war. Most minorities--including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma--lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement is restricted in some areas of Kosovo. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid." (U.S. DOS February 2001, Kosovo, sect. 2)

Volatility of the situation in the Presevo Valley causes repeated displacements (2000-2001)

- Reports of persons moving forth and back between southern Serbia and Kosovo according to security conditions

"Tensions have remained high in southern Serbia, which has been to scene of repeated clashes between armed ethnic Albanian militants and Yugoslav and Serbian security forces. A rise in tension last November led to the exodus of some 5,000 ethnic Albanians from southern Serbia to neighbouring Kosovo. About 4,000 of them have since gone back to their homes in southern Serbia but the situation continues to be very fragile." (UNHCR 31 March 2001, p. 2)

"The Fragile security situation in Southern Serbia deteriorated in the last two weeks of January [2001], with new clashes between Serb security forces and the so-called "Liberation Army of Presevo, Medvedja and Bujanovac" (UCPMB). These incidents follow a fresh outbreak of conflict last November [2000], which resulted in a new wave of more than 3,000 displaced persons into Kosovo. While most of those displaced in November had returned to southern Serbia following a period of relative calm, the latest clashes have

caused fresh displacement of the civilian population, with more than 50 people crossing the boundary into Kosovo." (UNHCR January 2001)

Multiple displacement

Displaced in Serbia and Montenegro change accommodation several times (1999-2000)

- Red Cross survey shows that up to 40 % of the internally displaced persons in Serbia and Montenegro have changed accommodation at least twice
- A large proportion of internally displaced now living in collective centers, were first accommodated by friends and relatives who were not able to help them for a longer period of time

"Collected data clearly show that the residence problem is the most dramatic for refugees as well as for IDPs. In Serbia only 14% of respondents did not change the place where they had first settled. In Montenegro 12%. One quarter, 25% (31% in Montenegro) changed place once, 24% (32% in [Montenegro]) two times and 19% (13% [in Montenegro]) three times. As much as one fifth or 20% (12%) changed place four or more times. This means that 86% of respondents in Serbia and 88% in Montenegro changed the place where they had first settled.

Due to the fact that IDPs left their houses some ten months ago and refugees a number of years ago, there are significant differences among them. While 9% of refugees in Serbia changed placed 6 or more times, none of the IDPs families moved more than 5 times yet.

Most of refugees respondents families in Serbia changed accommodation three (23,2%) or two times (21,4%), and most of the IDPs respondents families changed accommodation once (35,5%) or two times (27,5%). Double percentage of refugees's families changed place three times (23,2%) compared to IDP families (11,9%).

[...]

Upon arrival to Serbia or Montenegro more than one half of [Refugees and IDPs] lived with relatives or friends, one quarter lived in collective centers (13% in Montenegro) and one fifth lived in rented flats or houses in Serbia and Montenegro. Of all IDPs now living in collective centers 47% did not live in centers in the beginning (mostly lived with relatives). As much as 62% of IDPs now living individually lived with relatives or friends at the beginning. This data confirms the conclusion that, due to general poverty, relatives were not able to help them for a longer period." (ICRC/IFRC/YRC May 2000, p.11)

Displaced returning from Serbia to Kosovo to situations of internal displacement (1999-2000)

- Security concerns remain the primary factor in the decision made by people to leave or return
- Difficult economic conditions prevailing in Serbia and low level of assistance provided have resulted in the return of displaced Serbs to situations of internal displacement in Kosovo

"The mission considered the possible interaction between the provision of food assistance to minorities and population movements. Does the provision of food aid, by enabling minorities to remain within a given location, increase their exposure to insecurity (because without food aid they would have to move somewhere more secure), or decrease it (because they no longer have to take the risk of travelling to market)? Or, equally importantly, could a shortage of food and a lack of food aid be a reason for leaving?

The finding is that decisions about movements are multi-factoral, with security the primary concern and food very much a secondary issue. Where people have chosen to remain within a relatively insecure location the evidence is that this has more to do with a reluctance to abandon homes and assets than it has to do with any expectation of receiving material assistance. Equally, decisions to move out of an insecure area have primarily been made for security reasons; there is no evidence that people have so far been forced to move primarily because of a shortage of food.

Where security is less of a concern, then the availability of food seems to play a larger part in decision-making. Some of the movements between Kosovo and Serbia, particularly recent movements of IDPs back into Kosovo, may well be linked to the levels of assistance provided in the different locations. There is, however, no evidence that people are moving back to particularly insecure locations. Rather they are moving to places in Kosovo where they feel relatively safe, even if this means remaining an IDP (as in the case of returns to Strpce/Shterpce, for example)." (UNHCR/WFP 5 February 2000, paras. 10.2)

"Strpce/Shterpce continues to be divided between Kosovo Serb and Kosovo Albanian villages with four purely Kosovo Albanian villages remaining and five previously mixed villages now populated only by Kosovo Serbs, with the exception of Vica/Vice where a few Kosovo Albanians remain in a separate part of the village high on the hillside. The Kosovo Serb population by estimates calculated in November continues to stand at about 9,000 including IDPs. Some 952 IDPs are registered with the Yugoslav Red Cross (YRC) from a highpoint of 1,800 immediately after the conflict. This subsequently went down due to departures to other parts of FRY but current indications are that some people have returned (to conditions of internal displacement) citing difficult economic conditions here. Freedom of movement within the municipality is relatively easy but travel further afield requires a security escort. Regular commercial bus lines linking up with destinations in FRY and FYROM benefit from KFOR security escort. Kosovo Albanians, a minority within this municipality, also face freedom of movement constraints in certain areas." (OSCE/UNHCR February 2000, para. 87)

Refugees from Croatia and Bosnia-Herzegovina who had been settled in Kosovo forced to leave again (1999-2001)

- Serbian authorities settled 15,000 Serb refugees from Croatia and Bosnia Herzegovina in Kosovo beginning of 1998
- The refugees left Kosovo in mid-1998 when the situation of Kosovo deteriorated into armed conflict
- Other refugees left from June 1999 as a result of the human rights abuses perpetrated by ethnic Albanians against members of the minority communities
- Settlements of ethnic Serb refugees in Kosovo were particularly vulnerable to attack by the ethnic Albanian nationalists
- Many of these refugees left Kosovo without documentation supporting their previous refugee status

"Between 1991 and 1995 Serb refugees have flooded into Serbia and Montenegro from Croatia and Bosnia-Herzegovina. Some 15,000 of these people had been settled in Kosovo by the Serbian authorities as at the beginning of 1998 and the total refugee population in the FRY was 550,000. Some of these refugees and part of the indigenous Serb population started to leave Kosovo in mid-1998 when the situation in Kosovo deteriorated into armed conflict. However, from June 1999 thousands more Kosovo Serbs and Roma fled into Serbia and Montenegro as a result of the human rights abuses perpetrated by ethnic Albanians against members of the minority communities. The bulk of the refugees from Croatia and Bosnia were among those fleeing into Serbia. This month the General Assembly urged the international community to support programs which aim to ensure that the humanitarian needs of refugees and internally displaced persons in

the FRY are met and that they support durable solutions, including repatriation and reintegration." (AI January 2000)

"Many of the uprooted in Serbia have been displaced multiple times. Among the people recently displaced from Kosovo are thousands who were already refugees from Croatia or Bosnia, known locally as 'double refugees.' Many had been placed in collective centers in Kosovo, part of Belgrade's effort to alter Kosovo's ethnic demography. Ethnic Albanian nationalists saw the settlement of ethnic Serb refugees in Kosovo as a provocation; they became a target of ethnic Albanian anger. Often Serbian police or military were quartered in these same collective centers, making the refugees living in them even more vulnerable to attack." (USCR April 2000, p. 15)

"Many families have been twice displaced because, between 1992 and 1996, thousands of refugees from Croatia and Bosnia were forced by the Milosevic government to resettle in Kosovo. Their presence was expected to dilute the Albanian majority and reduce pressure for a restoration of Kosovo's autonomy. Both Serb and Roma refugees were part of this forced resettlement. Many of them subsequently fled Kosovo when the NATO bombing ended in Serbia and Kosovar Albanians returned home from their exodus. Many left Kosovo because of a perceived threat of Kosovar Albanian retaliation and others left after their houses had been burned and/or they were threatened with, or experienced, retaliatory violence. When these refugees left Kosovo, many did not come with identification or other official documents because they had been burned or there was no time to get them. Without the papers supporting their refugee status, they came to be identified as displaced people and therefore lost some possibilities afforded to them by their previous refugee status." (Women's Commission September 2001, p. 8)

Other factors

Lower living costs in Serbia have pushed several internally displaced in Montenegro to move to Serbia (June 2000)

[UNHCR] FO Belgrade random check of about 100 out of 6,000 IDPs who registered both in Montenegro and in Serbia showed that many are actually based in Serbia, primarily due to lower living costs. All of them are either Montenegrins or of Montenegro origin, all come from Pec, Istok, Klina and Decani area in Kosovo and most of them have spent some time in Montenegro after fleeing Kosovo. (UNHCR 11 June 2000)

"Ethnic concentration" process in Kosovo

- Pattern of displacement of ethnic Serbs and other minorities leaving ethnically mixed villages or urban neighbourhood to ethnically "pure" enclaves in Kosovo
- From a UNHCR protection point of view, an "enclave" is a population whose movement is limited by considerations of insecurity
- WFP questions the value of the "enclave" concept in relation to food aid planning since absence of freedom of movement may not necessarily coincide with food insecurity
- Smaller enclaves have tended to disappear, transforming Kosovo into a juxtaposition of ethnically homogeneous zones and societies (2000)

"In Gnjilane municipality there is an ongoing 'ethnic concentration process' in which Serbs and Albanians are leaving ethnically mixed villages for ethnically "pure" enclaves, adding to the new group of internally displaced persons. Even within towns, Serbs are retreating to ethnic enclaves. This is similar to the patterns observed in Prizren, Pec, Djakovica and other areas where Serbs, often elderly, are retreating to Orthodox Church institutions after harassment, looting or attempted burning of their property.

In Mitrovica, Serbs are concentrating in the northern part of town and further north towards Serbia proper in the municipality of Leposavic. All Roma are reported to have left the Albanian part of Mitrovica. Continuing tension in Mitrovica, which presents a Mostar-style divided city patrolled by French units of KFOR, has resulted in repeated confrontations between Serbs and Albanians, apparently fueled, at least in part, by excessive media presence." (UN CHR 27 September 1999, paras. 96-97)

In September 1999, WFP and UNHCR established a programme of blanket distribution for ethnic 'enclaves', defined for food aid planning and distribution purposes as 'areas within which people are living very strictly confined, with minimal access to markets or to crop or livestock production due to insecurity.' The mission reviewed the concept of ethnic 'enclaves' and concluded that it was not useful in terms of planning food assistance to minorities, since it does not simplify the process of assessing their food aid needs. It is no easier to determine whether a population is an enclave than it is to assess food needs directly. In fact, the information required (i.e. information on access to food) is the same in both cases, and the step of classifying a population as an enclave is a redundant step in the assessment process.

There are two other points in relation to enclaves. Firstly, there is a problem of definition in that the term 'enclave' is used by different organisations to mean different things. From a UNHCR protection point of view, for example, an enclave is a population whose movement is limited by considerations of insecurity. The difference is important because freedom of movement is clearly not synonymous with food security (if the population concerned has stocks, for example). Such definitional differences could easily give rise to misunderstandings over the levels of assistance that should be provided in different circumstances. This is a potential problem that can most easily be avoided by abandoning the concept of 'enclaves' altogether, at least as far as food security is concerned (this does not, of course, mean that minorities living within 'enclaves' as defined by UNHCR would not be eligible for food assistance, but that the level of assistance would depend upon the food security of the population). The second point is that defining a community as an 'enclave' can have the effect of discouraging further enquiry and analysis of the situation within the 'enclave'. (UNHCR/WFP 5 February 2000, sect. 10)

"Most of those [Gorani] working in the public sector and in the factories are no longer employed, and a number of Gorani businesses are now closed. Many Gorani are internally displaced from other parts of Kosovo to their home villages. Unless security conditions and employment opportunities improve these IDPs are likely to leave Kosovo for other parts of former Yugoslavia or to join relatives abroad. The Gorani communities visited by the mission have an appearance of relative prosperity, and it seems likely that their short-term need for food is relatively small." (UNHCR/WFP 5 February 2000, sect. 7)

"Nor are the Albanians spared who are brave enough to remain in the North of Mitrovica, in the Serbian part of the town. Lying low in their apartments, dependent on humanitarian aid, harassed every day by threats and incessant anonymous phone calls, they hold out as long as they can, live on tranquillisers, and end up by leaving. The exodus continues and the definitive splitting of the town between the north of the Ibar for the Serbs and the south for the Albanians is slowly but surely becoming a reality.

[...]

So it is that increasingly the small enclaves tend to disappear. The Serbs leave the mixed villages and districts to go to Serbia, the north of Kosovo - the Zubin Potock, Zvecan, et Leposavic regions are almost exclusively Serbian - or the big enclaves such as Gracanica. Similarly, the Albanians are increasingly leaving the north of the province. It is the same with the Gypsy populations who are fleeing to Serbia and Montenegro.

Gradually, Kosovo is becoming organised into a juxtaposition of ethnically homogeneous zones. Day after day, two ethnic entities, two parallel societies are being created, brought together in a single province. Each community has its territory, its towns, its markets, its schools, its hospitals. If a member of one community dares to cross the demarcation line, his chances of being insulted, beaten, or even killed are considerable." (MDM 20 December 2000, p. 5)

Displacement furthers migration to urban areas in Kosovo, except for the Serb minority

- Population of Pristina has at least doubled since June 1999, partly as a result of an influx of refugees and displaced from rural areas
- It was believed that many of the displaced Kosovo Albanians living in urban centres in Kosovo would go back to their rural homes in the spring, however few seem to have returned so far
- Serb population in Kosovo remain predominantly rural due to the generally better security prevailing in rural areas

Migration of the Albanian population to urban areas

"A year after war ended in Kosovo, chaos and dislocation continue, manifested in the doubling or even tripling of the population of Pristina, now home to more than half a million people, reports the New York Times. Mostly they are people from the villages, refugees who have abandoned their burned-out homes and sought work and shelter in the capital." (Refugees Daily 7 July 2000)

"Over the last year, IDPs have been one of the main groups of beneficiaries of food aid assistance, particularly throughout the winter when they were among the most vulnerable in Kosovo. In Pristina town, in March 2000, over half of the total number of food aid beneficiaries (some 90,000 people) were IDPs. It was believed that many of the ethnic Albanian IDPs living in urban centres in Kosovo would go back to their rural homes in the spring, however few seem to have returned so far. While some of the IDPs now have employment opportunities in the urban centres, others may apply for assistance provided, as of July 2000, through the UNMIK Social Welfare Scheme. (Up to June 2000, UNHCR, WFP, and Food for Peace funded targeted food assistance programmes for the more vulnerable populations in Kosovo)." (UN OCHA July 2000, p. 64)

Marked shift of the urban-rural balance of the Serb population in Kosovo

"Before the war, 60% of the [Serb] population was rural, now the figure is 80%, reflecting the generally better security prevailing in the rural areas, and the continued access that villagers have to their crop and livestock production." (UNHCR/WFP 5 February 2000, sect. 5)

"Displacement of the majority Kosovo Albanian population has generally been from rural areas to urban centres. This contrasts with the movement of minority population which has been from urban to rural areas, as well as to northern Mitrovica and Serbia proper." (UN OCHA 6 July 2000, p. 63)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Federal Republic of Yugoslavia (excluding Kosovo)

IDPs in Serbia and Montenegro face restrictions to their freedom of movement (2001-2002)

- IDPs are discouraged to transfer their permanent address from Kosovo to Serbia or Montenegro
- Citizenship legislation in Montenegro hampers integration of IDPs
- UNMIK regulation on property sales in ethnically mixed areas also interfere with the 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.

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." (UN OCHA 26 April 2002, p. 19)

About UNMIK Policy regarding property sale in Kosovo, see ["UN Representative attempts to prevent forced sale of minorities' property \(2001-2002\)"](#) [Internal link]

Human rights institutions in Kosovo are not sufficiently accessible to IDPs in Serbia and Montenegro (2001-2002)

- Filing claims for lost properties in Kosovo has been facilitated to IDPs only recently
- IDPs need to be better informed on the institution of the Ombudsperson in Kosovo

"*Effective access to the Housing and Property Directorate (HPD)*, the UNMIK-established 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. [...]

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)." (UN OCHA 26 April 2002, p. 20)

A group of special concern: displaced Roma (2001-2002)

- The Roma community faces a pattern of discrimination aggravated by the difficult economic environment
- Roma IDPs live in deplorable conditions in illegal settlements
- Their marginalisation is exacerbated by the language differences
- The magnitude of the Roma IDP problem is very often hidden as many of them have not registered with the authorities

"The [Roma, Ashkaelian, and Egyptian (RAE)] community faces complicated challenges in FRY. They are confronted with a pattern of discrimination and their situation has worsened during the last 10 years of sanctions and economic decline. In the Kosovo conflict RAE were viewed with suspicion by all sides, and accusations of collaboration with one or the other side are multiple. Many RAE IDPs live in truly deplorable conditions, often below the level of human dignity. In and around Belgrade and other towns in Serbia and Montenegro, many RAE IDPs live in illegal settlements, without access to electricity, drinking water and sewage systems. These problems are often exacerbated by communication difficulties due to language differences." (UNHCR April 2002, para. 26)

"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 general. 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." (UN OCHA 26 April 2002, p. 22)

See also:

- ["Displaced Kosovo Roma in the region: an update", ERRC, 2001 \[Internet\]](#)
- [Humanitarian Risk Analysis No. 17 - Assessing the Needs of the Roma Community in the Federal Republic of Yugoslavia \(excluding Kosovo\), UN OCHA, 26 September 2001 \[Internet\]](#)

Armed violence continues in Southern Serbia (2001-2002)

- A new insurgency movement in Southern Serbia revives insecurity and inter-ethnic tensions
- Ethnic Serbs in Presevo have been leaving the area progressively

"Former members of disbanded Albanian guerrilla groups in southern Serbia and Macedonia have regrouped to create a new insurgency movement on the border between Kosovo and Serbia. The group, named the Liberation Army of Eastern Kosovo, UCKL, comprises members of the old Liberation Army of Presevo, Medvedja and Bujanovac, UCPMB, and the National Liberation Army, NLA, from Macedonia.

[...]

Since then, there have been sporadic exchanges of gunfire with the Serbian police from its stronghold in six villages around Kosovska Kamenica, which lies just inside Kosovo, close to the Serbian border.

[...]

The Serbian authorities are confident that the new force will not derail the agreement. Goran Radosavljevic, a police official and member of the government's coordinating team for the region, says the UCKL will never achieve the strength of the old UCPMB.

But tensions among both communities is rising in the meantime. Although around 2,000 Albanian refugees returned this summer to Bujanovac from Kosovo, it would only take a small incident from them to flee back to Kosovo.

The Serbs are even more worried. The number wanting to stay in Presevo is shrinking, says Nemat Mandic, of the local branch of the Democratic Party. 'Around 50 families have stayed in the town but they all want to leave,' he said. 'The Serbian community feels insecure and sales of houses and land are up.'" (IWPR 9 November 2001)

See also:

- [AFP, "Sixteen UN police hurt in clash with Kosovo Serbs", 8 April 2002 \[Internet\]](#)
- [AFP, "Southern Serbia: Ethnic Albanian couple seriously wounded by hand grenade", 5 April 2002 \[Internet\]](#)
- [AFP, "Mortar attack on police checkpoint in southern Serbia", 18 January 2002 \[Internet\]](#)
- [AFP, "Two injured in armed incident in southern Serbia", 12 November 2001 \[Internet\]](#)

Mines in Southern Serbia: a risk for children (2001)

"Southern Serbia is regarded as a low risk mine area. There are reported to be 920 mines near settlements in the southern Serbia region, of which 70% are anti-tank and 30% are anti personnel. While data on mine incidents are unreliable, up to 70 people, mainly from the Army and Police, have been injured/killed in mine incidents in the last two years. The Yugoslav Army is responsible for mine mapping and clearance.

Children are considered to be the most vulnerable to future mine incidents and mine awareness activities are directed mainly to children." (UN November 2001, p. 26)

Kosovo

Insecurity remains a major threat for minorities in Kosovo (2001-2002)

- The progressive decline in violent physical attacks on minorities has continued in 2002
- However, instances of violence against minorities have been reported periodically
- The situation for the Albanian minority in northern Mitrovica remains particularly fragile (April 2002)
- Persistent harassment, intimidation and humiliation continues to characterise the daily lives of many minorities
- Insecurity seriously affects sustainability of minority communities and hampers return

"The trend noted in the previous report [March 2001 through August 2001] of a **progressive decline in serious physical attacks on minorities** has continued in the period under review. Despite the decrease in serious incidents of violence, harassment, intimidation and humiliation of members of minority communities in Kosovo continued to prevail as a feature of daily life. These incidents continue to have a negative effect on the security, freedom of movement, socio-economic well being and morale of minority communities. Lower level violence also serves as a reminder that more serious or fatal acts can (and do) occur, admittedly at less frequent intervals than previously, but the threat of serious violence remains ever present, making it difficult to raise minority confidence levels.

Despite the decline in the number of serious incidents of violence, the period did still see periodic instances of shootings, grenade attacks, and violent physical assaults perpetuated with an ethnic motive against minority men and women of all age groups. The following security incidents are illustrative of the seriousness of attacks which, if less frequent than previously, still threaten ethnic minorities in Kosovo today. On 4 September 2001, a Kosovo Serb farmer from Vërbovc/Vrbovac (Glllogovc/Glogovac) was fatally stabbed, while two drive-by shootings on 22 November 2001 and 22 February 2002 resulted in the deaths of two elderly Kosovo Serb women in Obiliq/Obilië and Lipjan/Lipljan municipalities respectively as they were exercising their right of freedom of movement. The firing of five shots from a pistol on 30 January 2002 by a Kosovo Albanian towards a group of Kosovo Serb children waiting for a train at Plemetina village station in Obiliq/Obilië fortunately did not result in bodily harm, but demonstrates that even minority children can still be subject to attack. On 26 December 2001, a Bosniak was killed in majority-Albanian south Mitrovicë/Mitrovica, the fatal assault apparently sparked by the fact that the victim had used the Bosniak language, which was mistaken for Serbian. In a context where minorities face regular intimidation and harassment, and where periods of calm can still be violently interrupted by serious ethnically-motivated attacks sometimes resulting in loss of life, a safe and secure environment has yet to be fully established. Despite a progressive decline in the number and frequency of serious physical attacks, **the situation is still generally characterised by inter-ethnic tensions, violence, and a high degree of impunity.**

The security situation in north Mitrovicë/Mitrovica remained extremely fragile during the period, becoming particularly volatile in April 2002. On 8 April 2002, following the arrest of a member of the Kosovo Serb 'bridge gang' at a KFOR checkpoint, a group of about 40 members of the so-called bridge

gang group, supported by about 300 other Kosovo Serb individuals, violently protested against the arrest. This led to a riot, following the intervention of UNMIK Police and a special police unit, who then had to be backed up by a KFOR anti-riot unit. At least 20 international police officers sustained non-life threatening injuries from stones and hand grenades used by the Serb rioters, with one officer seriously injured, whilst several rioters were also injured. As in previous periods, periodic upsurges of political protest and occasional violence in north Mitrovicë/Mitrovica continue to have a negative effect on ethnic minorities in the Serb-dominated north, particularly those few non-Serbs remaining in isolation in northern urban Mitrovicë/Mitrovica town, who quickly become subject to intimidation during periods of heightened tension in the northern municipalities. The few remaining ethnic Albanians (who are a minority in this Serb-majority area) continued to be house-bound and were subject to threats periodically by members of the majority Serb population, while other non-Serbs (such as some Bosniak families) also faced an increase in intimidation. Also targeted for intimidation and harassment during such periods were individuals of all ethnicities with any links (through employment) to UNMIK and the international administration. For example, on 15 April, about 30 Kosovo Serbs physically blocked access to the police station in Zubin Potok to prevent the deployment of new Kosovo Serb and Bosniak Kosovo Police Service officers, and again special police units had to be deployed to evacuate officers from the station. Such periodic upsurges of protest, often with a component of violence, continue to make the situation of non-Serb minorities in the northern municipalities highly precarious.

In addition to the more serious forms of ongoing violence described above, persistent harassment, intimidation and humiliation continues to characterise the daily lives of many minorities throughout Kosovo. Forms of harassment include persistent stone throwing at moving vehicles and at pedestrians, vandalism of minority homes, businesses, cultural/religious sites and cemeteries, setting fire to abandoned houses, and verbal abuse or spitting. As the numbers of extremely serious incidents of violence have declined, there has been an unfortunate tendency within some sectors of the international community to downplay the adverse effect of the less serious forms of violence, as instances of harassment and intimidation often do not cause serious physical injury. In those cases where perpetrators of stone-throwing and verbal harassment are children or youth, there has been a tendency by the authorities to dismiss such unacceptable conduct as childhood mischief. The law enforcement authorities rarely investigate incidents of delinquency or take action to deter or punish them, and such acts are also very rarely addressed by community leaders (such as school directors and teachers). Moreover, acts perpetrated by children are in some cases committed with the explicit participation or implicit encouragement of adults, who may be onlookers to the incidents. Despite the lack of seriousness often assigned to low-level violence against minorities, the fact remains that these incidents constitute an unlawful interference with the victims' human rights, particularly the personal integrity and security of the person. Furthermore, these incidents have an adverse effect on an individual's perception of security, negatively impacting on the enjoyment of fundamental human rights, especially of freedom of movement. The cumulative negative psychological impact on members of minority communities, who have been subject to harassment and intimidation for nearly three years, should not be underestimated. Some departures of Kosovo Serbs, especially those who are isolated and/or living in mixed areas, can be directly attributed to unrelenting harassment, such as stone throwing at windows and intimidation outside of the doors of minority homes.

In light of the above, **the main challenge for minorities in Kosovo continues to be the threat of physical violence which permeates their lives.** This overriding concern continues to influence individual perceptions of security, and therefore the exercise of freedom of movement, which leads to limits on access to a multitude of social and economic rights, particularly health care, social services, education, employment opportunities, reconstruction of residential property and public utilities. This has undermined the ability of a large number of members of minority communities to secure the means by which they can be self-supporting. Insecurity which undermines the viability of minority communities and which corrodes the individual's will to remain not only induces ongoing displacement, but also impedes sustainable return." (UNHCR/OSCE May 2002, paras. 1-5)

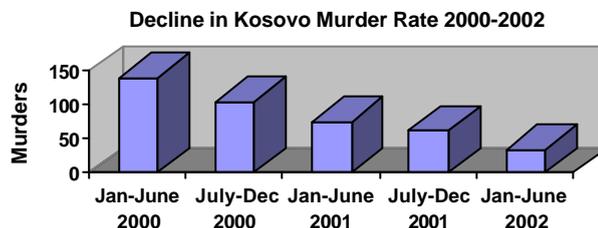
For detailed information on the security conditions faced by the different minority groups in Kosovo, see UNHCR-OSCE Ninth Assessment of the Situation of Ethnic Minorities in Kosovo (Period covering September 2001 to April 2002), May 2002 [Internet]

Recent trends

"The overall security situation in Kosovo improved during the reporting period. KFOR and UNMIK police attribute this to the consistent implementation of anti-crime initiatives and to increased reporting of crime to the police. Statistical trends now available through 11 March 2002 are positive, in particular the declining murder rate [...]. There has also been a decline in ethnic murders, arson, looting and other crimes characteristic of a post-conflict area, although this is also, unfortunately, attributable to the fact that many members of the minority communities have left Kosovo, or are living in enclaves." (UNSC 22 April 2002, para. 21)

"The general security situation remained calm during the reporting period, despite isolated incidents of civil unrest. There were again ethnically motivated crimes. In July 2002, a series of explosions destroyed homes belonging to Kosovo Serbs in the Gnjilane region. Although most of the homes were inhabited at the time, property damage was extensive, one elderly Kosovo Serb man was escorted from his house by United States KFOR soldiers just moments before it exploded, injuring the two soldiers. The incident remains under investigation. A Kosovo Serb woman was attacked in Pristina by Kosovo Albanian passers-by. In one incident during the reporting period, Kosovo Albanian gunmen targeted UNMIK Police and KFOR who were protecting Kosovo Serb woodcutters during a gunfight in the Pec region." (UNSC 9 October 2002, para. 18)

"While the security situation facing minority communities in Kosovo remains very difficult, Kosovo's crime rate has fallen dramatically since 1999, and ethnically-motivated crime has decreased in similar proportions. The table below illustrates the substantial decrease in the murder rate in Kosovo. While two murders of Kosovo Serbs occurred through July 2002, in one case both the perpetrator and victim were Serbs, ruling out an ethnic motive for the crime. The second case remains unsolved."



Source:

UNMIK Police
(UNMIK 5 November 2002)

Security concerns: overview by minority group (2001-2002)

- Ethnically-motivated violence affects the Serb community most seriously
- Despite recent improvements, the Roma are still exposed to violence and discrimination
- The situation of ethnic Bosniacs and Gorani is comparatively better but most continue to live in enclaves

"Kosovo Serbs

The Kosovo Serb community remains the primary target of ethnically motivated violent attacks, including by grenades, deliberately laid landmines and booby-traps, drive-by shootings and arson. These attacks have been targeted at all members of the community, including the elderly, women and children. Physical security remains the overriding issue of concern for Kosovo Serbs as it not only affects their lives and fundamental freedoms, but also the enjoyment of a multitude of life-sustaining economic and social rights. Many live in enclaves and require 24-hour protection from KFOR, including for any movement outside these areas. Ethnically motivated crime often appears to be directed at ensuring that Kosovo Serbs leave, or do not return to the province. Persistent violations of property rights, which include forced evictions, illegal occupation of residential property, coercion to sell property, destruction of property and attacks on religious monuments and sites and desecration of cemeteries, have all contributed to the decision of many Kosovo Serbs to leave their homes and places of origin. When taken together, all of these ethnically motivated acts pervasively affect the community's sense of security whether or not actual physical harm occurs, as well as providing a source of intimidation, humiliation and demoralisation. They engender a reasonable perception of constant threat among members of the Kosovo Serb community.

Kosovo Roma, Ashkaelia and Egyptians (RAE)

While there have been some recent improvements in their overall situation, RAE communities continue to face serious protection problems in Kosovo. General inter-ethnic tension and intolerance are compounded by particular discrimination against the RAE by almost all other ethnic groups in Kosovo, exacerbating the degree of hardship they face. Those who have been in exile and who are not familiar with the reality in the various communities where RAE reside are particularly affected.

The physical security of RAE communities remains volatile. While some communities have attained a degree of stability where violent attacks are rare, others continue to face regular violence and intimidation. However, even in areas where inter-ethnic relations appear to have improved, experience has demonstrated that the risk of attack remains, particularly from perpetrators coming from other areas.

Like all minorities, RAE communities live in enclaves or concentrated groups, and their freedom of movement is generally restricted, although this can vary according to geographic location. As RAE communities have historically relied on freedom of movement to earn a livelihood, this situation is particularly oppressive for them. The resulting restrictions on their ability to exercise basic social and economic rights also aggravates their already impoverished situation. Most RAE communities are hosting a substantial number of IDPs, which adds to the difficulty of their living conditions.

While there has been some return of RAE groups, this remains at a very low level. Despite comprehensive and cautious planning for return, incidents such as the stoning of returnee homes continue to take place. Moreover, the few spontaneous and facilitated voluntary returns that have occurred do not necessarily reflect a substantial improvement in the situation for the RAE communities in general. Most of these returns took place to specific locations only after a protracted planning and preparatory process to ensure their security and sustainability. General conclusions regarding the situation of the RAE communities should not be drawn from these returns, or from individual exceptions to the general protection situation of these communities, which remains highly precarious.

Kosovo Bosniaks

When compared to the situation of other minority groups, the security situation for Kosovo Bosniaks is relatively stable. Nonetheless, this community faces various forms of mistreatment, including intimidation, harassment, and discrimination, as well as some isolated incidents of violence. Like other minorities, Bosniaks live in concentrated communities or enclaves, and have limited freedom of movement outside their places of origin, especially into the main urban centres due to fear of attack. As a result, a KFOR security escort is required for travel beyond certain perimeters. Their inability to use their language without risking being considered as ethnic Serbs outside the enclaves and areas contiguous to them, is a source of continuous pressure and hardship. All of these limitations restrict their equal access to social services and effectively undermine the means for the community to remain self-supporting in the province. This situation is a major cause of displacement for Bosniaks.

The apparent advancement in inter-ethnic relations between Bosniaks and ethnic Albanians that has taken place in the last year should not be interpreted as having reached a level indicating a fundamental change in their general situation. Kosovo Bosniaks do not yet have full freedom of movement under secure conditions. It is therefore not possible to conclude that returns to this environment could be considered safe, dignified or sustainable in the longer term. Moreover, further concentration of Bosniaks into enclave like locations would only increase the pressure on the coping mechanisms of the community and perpetuate the causes of displacement. Voluntary returns of individuals of Bosniak ethnicity based on an informed choice, which are properly co-ordinated and supported by re-integration assistance, might result in sustainable returns. But hasty return movements which are not based on real choice could put those returned at real risk on the ground, as well as potentially destabilizing the whole return process for minorities in Kosovo.

Kosovo Gorani

The Gorani share similar protection concerns with the Bosniaks. Indeed, at times the distinction between the two minorities is blurred. However, certain sectors of the Gorani community are perceived to have closer links with the ethnic Serbs which has created stronger tensions between the Gorani and Kosovo Albanian communities.

The majority of the Gorani inhabit a clearly defined geographical area, Goran/Dragash, which, because of its isolation, is vulnerable to security-related incidents. Relative to other minority communities covered in this paper, Gorani enjoy some degree of freedom of movement within their area of origin and in Prizren. Reports continue to indicate harassment of members of this community if they travel outside this area where they face the additional risk, if they use their own language, to be mistaken for ethnic Serbs. The Gorani face discrimination in accessing economic opportunities and social services because of their ethnic background and the associated issue of the language barrier. A combination of security concerns and uncertainty over the longer-term economic and social viability has compelled many Gorani to leave Kosovo." (UNHCR April 2002, paras. 15-23)

For more detailed information on the security conditions faced by the different minority groups in Kosovo, see [UNHCR-OSCE Ninth Assessment of the Situation of Ethnic Minorities in Kosovo \(Period covering September 2001 to April 2002\), May 2002 \[Internet\]](#)

See DPA, "[Serb seeking to return stoned by ethnic Albanian teenagers](#)", 7 November 2002 [Internet]

For information on the ethnic Albanian minorities in Kosovo, see "[The divided city of Mitrovica: Serb-controlled area resists international control \(1999-2002\)](#)" [Internal link]

Minorities' movements within Kosovo still severely restricted (2001-2002)

- Harassment, protests, obstruction and violence affect mobility of the minority groups
- Exceptional measures by the international community in Kosovo still prevail to ensure the minimum of mobility for many minorities
- Movements of minorities are still restricted between locations in rural areas or in peri-urban areas
- Opening of new back-roads and widening of existing secondary country roads by KFOR have helped to increased freedom of movement

"Minorities continue to have real physical security concerns, at times life threatening, travelling within Kosovo. Violent incidents, if less frequent than before, are still common enough to be perceived as pervasive by minorities, restricting their freedom of movement. Regular reports are received of vehicles transporting minorities being pelted with stones or other objects, occasionally causing damage or injury and serving as a powerful deterrent to normal mobility. Free movement is not only prevented by harassment

such as stone throwing, but also by protest and obstruction, and even more serious instances of violence against persons trying to exercise this right. For example, on 28 September 2001, a Kosovo Serb man was shot dead while driving a van with eight passengers from the Kamenicë/Kamenica market to his village. In Viti/Vitina, on 21 October 2001, assailants shot at two Kosovo Serb males travelling on a tractor through the mixed village of Mogila. The suspects fired four shots at the victim, who nevertheless managed to escape unharmed. On 13 March 2002, in Podujevë/Podujevo, a tire was dropped from a flyover onto a mini-bus carrying Kosovo Serb passengers that was being escorted by KFOR, causing damage to the vehicle. An example of obstruction of freedom of movement was seen in late 2001, when a group of displaced Kosovo Albanians were prevented from visiting their villages of origin in majority-Serb northern Mitrovicë/Mitrovica (despite UNMIK and KFOR efforts to facilitate the visit) when Kosovo Serbs protested and set up roadblocks. Likewise, in majority-Serb Štrpce/Shtërpçë municipality, in January 2002, Kosovo Albanian Municipal Assembly members were obstructed from entering the municipality building to perform their duties. They were forced to seek refuge in the police station (being eventually evacuated by KFOR and UNMIK Police), as a result of organised roadblocks and protests by a large group of Kosovo Serbs. However, after strong pressure from KFOR, Kosovo Albanians were, in April 2002, finally able to access the municipal building to perform their functions.

Despite these continuing serious problems affecting the day to day lives of minorities, **there has been a progressive rise in the mobility of minorities**. It must be understood from the outset that this progressive rise in *mobility* is not entirely equivalent to a fundamental improvement in normalised *freedom of movement*. The increased mobility and travel of minorities have mostly been achieved in spite of ever-present security risks, through the active involvement of the international civil and security presence in Kosovo to provide more frequent, flexible and varied escort arrangements for individual travellers, commercial buses and internationally-sponsored collective transport initiatives. KFOR has also engaged in creative initiatives, such as the creation or rehabilitation of alternative secondary routes bypassing normal roadways and avoiding majority areas in order to allow minorities to travel more freely (along some routes even in private vehicles without escorts). It is through these special and exceptional arrangements that minorities have achieved significant improvements in mobility, rather than through a significant and durable change in security and inter-ethnic relations which would allow for *genuine* freedom of movement. The increase in mobility must be qualified by the fact that minorities, with only a few exceptions in some regions, still have not increased movements into urban centres, and increases in movement in or through ethnically-mixed areas has been limited according to local circumstances. Also, transport services accessible to minorities continue to be mostly UNMIK-sponsored initiatives (rather than commercial bus services) with KFOR military escort, pointing to the fact that exceptional measures still prevail to ensure the minimum of mobility for many minorities.

While the efforts of the international civilian and military agencies has positively favoured greater mobility, increases in mobility are also linked to improved perceptions of localised security as the rate of extremist violence has declined, as well as being a testament to the determination of the minorities to venture out and the high threshold of forbearance towards insults, intimidation, humiliation and harassment which they have adopted as a coping mechanism. In early 2002, a Kosovo Serb woman in Lipjan/Lipljan poignantly expressed the daily experience of traversing majority neighbourhoods, describing that she has learned to passively ignore verbal harassment or spitting while walking to work, only reacting (by beginning to run) on the days when stones are thrown. Another classic demonstration of the ordeal that persons in minority situations have to regularly endure is an incident in Mitrovicë/Mitrovica municipality, on 3 December 2001, when several Kosovo Albanians stoned a bus providing daily transport for Kosovo Serbs in the vicinity of the ethnically-mixed village of Suvî Do/Suvidoll. Several of the bus windows were broken and a Kosovo Serb passenger sustained injuries. At the same time, Kosovo Albanians cannot move in northern Mitrovicë/Mitrovica without an extreme risk to their physical safety.

It is worth noting that in some areas not only has the increased movement of minorities been accompanied with a rise in the number of security incidents such as stone throwing, but that most minority travel is still restricted between locations in rural areas or in peri-urban areas. There is very limited movement by minorities from rural areas to the main urban centres. For example, in Prishtinë/Priština region the opening

of new back-roads and widening of existing secondary country roads by KFOR has created a dense network of roads centring around Gracanica/Graçanicë and linking up with Obiliq/Obilic and Fushë Kosovë/Kosovo Polje. This has reduced the need for minorities to travel through majority populated areas considered potentially hazardous thereby enhancing their sense of security when travelling on these roads, thus indirectly preventing displacement as a result of the increased sense of freedom of movement. This is viewed by all stakeholders to be a temporary solution until the fundamental problem of security is resolved. Also, the increase in the use of UNMIK-issued 'KS' motor vehicle registration plates by minorities has contributed to the ease in freedom of movement without escorts, though it must be noted that they still cannot legally travel to Serbia proper, where many maintain family, social and commercial contacts, with vehicles registered in Kosovo." (UNHCR/OSCE May 2002, paras. 6-10)

KFOR and UNMIK modify security arrangements (2001-2002)

- KFOR has decided to remove or reduce static security arrangements
- Escorts have also been reduced and replaced with less visible forms of security where possible
- These measures have not led to any immediate increase in ethnically-motivated violence
- The distribution to the Kosovo Serb community of Kosovo license plates allows the freer circulation of cars
- Agreements with Belgrade allow for the resumption of train connections between Belgrade and Pristina and the free circulation of cars with Kosovo license plates throughout Yugoslavia

"The main developments in the response of the authorities during the period [September 2001-April 2002] were linked to a **decision by KFOR to change its approach**, and thus adjust its security mechanisms, across Kosovo. The stated objective behind the approach which emerged during the period was to avoid any situation where security measures could, indirectly, perpetuate the perception of threat, increase barriers between ethnic communities, discourage inter-ethnic contacts, or reinforce the isolation of minority communities. A key element of the new strategy was the objective to remove or reduce static security arrangements (e.g. guard towers/checkpoints) in favour of wider area security through an increase of mobile patrols and other less visible security measures. Various KFOR contingents expressed the views that mobile patrols are a more effective deterrent to ethnically motivated crime and allow a quicker response to incidents wherever they occur in enclave or mixed areas. With regard to freedom of movement, KFOR on the one hand continued to support minority transport initiatives with security escorts (even in some areas providing new escorts for new transport initiatives). On the other hand, in other areas KFOR began to reduce escorts (with some escorts taken over by UNMIK Police), or replace direct and high-profile escorts with less visible and distant forms of security. The different types of security measures put into place by KFOR have, in some locations, shown signs of helping to achieve the objective of removing artificial barriers between communities, in some cases positively influencing increased mobility of minorities. In other locations, the results have been less favourable, although there are no indications that objective safety has been compromised as a result. The immediate (short-term) results of the implementation of new security mechanisms, both in terms of reducing static checkpoints as well as in changing or reducing close escort arrangements, follow. Several locations in which KFOR implemented a removal of static security measures were assessed in depth." (UNHCR/OSCE May 2002, para. 14)

"In the locations assessed in depth, the removal by KFOR of static measures has not led to any immediate increase in ethnically-motivated violence. The levels of positive psychological impact on the minority communities seem to vary by location and particular situation, and very importantly, on whether KFOR had clearly communicated to the community (and the police) to explain their actions (and the reasons for the actions) in advance. Highly visible barriers, which reinforce tendencies of communities to avoid or minimise contact, as in Osojane/Osojan, are impossible to sustain in the long-term and are undesirable in themselves. In all cases where security mechanisms are changed, the enhancement of the role of UNMIK

Police and KPS as well as complementary initiatives by international and local civilian authorities to promote dialogue and confidence building are of critical importance" (UNHCR/OSCE May 2002, para. 19)

"Despite KFOR's strategy to reduce direct escorts in favour of area security, security escorts are unfortunately still a necessity and other arrangements such as the provision of secure transportation to and from work for minority workers are still the norm rather than the exception. Indeed, UNMIK has acknowledged that it has considerable difficulties retaining the services of a number of minority staff employed in the civil service, as the minority staff often do not turn up for work or simply resign due to lack of secure transportation. This has particularly been noted with regard to urban centres where most administrative hubs are located. To address this issue, in February 2002 the UNMIK Directorate of Infrastructure Affairs initiated a pilot project with four **civil service bus lines** from the regions to Prishtinë/Priština, at an estimated cost, until May 2002, of Euro 360,000. Many minorities continue to rely on such measures, while others are increasingly taking the decision to exercise mobility with a resolute personal forbearance in the face of risk. The authorities have a clear duty to take measures to improve security so that freedom of movement is assured everywhere; to provide temporary measures to increase general mobility; and to provide special measures to ensure that freedom of movement restrictions do not prevent access to key services. Often, the responsibilities in these three areas are viewed strictly within the purview of KFOR and/or the international civilian authorities. However, it is becoming increasingly clear that international actors need to take steps, not only to contain conflict through special measures such as special bus lines and military security measures, but also by fostering inter-ethnic relations which will contribute to a transformation of the security environment. This latter responsibility can only be realized through the active engagement and commitment of local authorities and community leaders, with the support of the international community." (UNHCR/OSCE May 2002, para. 23)

"Freedom of movement has also improved owing in part to the removal of KFOR fixed checkpoints and the resulting diminishing mental reliance on static security. Increasingly, Kosovo Serbs now drive unescorted through Kosovo Albanian areas, although there are still cases of Kosovo Serb cars being stoned. In line with this positive trend, KFOR and UNMIK planned the continuing transfer of civilian responsibilities from KFOR to UNMIK police." (UNSC 17 July 2002, para. 23)

"KFOR has almost completed its 'unfixing' strategy with the further dismantling of fixed checkpoints in all regions except the northern part of Mitrovica region. In the areas where security remains a concern, particularly where returns are occurring, KFOR has increased its foot patrols and there has been an increase in joint patrols of UNMIK Police and KPS." (UNSC 9 October 2002, para. 23)

"Improved freedom of movement was visible during the reporting period. This was, in part, attributable to the gratis distribution to the Kosovo Serb community by UNMIK of Kosovo license plates to allow the freer circulation of cars. The Mission's continuing dialogue with the authorities of the Federal Republic of Yugoslavia was a further contributing factor. At a meeting of the High-ranking Working Group in Belgrade on 31 May, a Technical Agreement between UNMIK and Serbian Railways was signed that led to the resumption on 4 July of the train service between Belgrade and the Pristina region. On 6 July, agreement was reached on the text of a Protocol on the Movement of Registered Vehicles and the Issuance of License Plates and Vehicle Registration Documents, which will allow cars with Kosovo license plates to circulate freely throughout the Federal Republic of Yugoslavia." (UNSC 17 July 2002, para. 38)

"The first UNMIK-produced driving licences were handed out on 22 July 2002. The same day, 37,000 applications for renewal of driving licences were received and 21,000 licences were produced for distribution. These licences replaced those issued by the Federal Republic of Yugoslavia, some of which had expired. The UNMIK-issued licences fulfil all European standards and can be used throughout Europe. Both the Yugoslav and Serbian Parliaments have approved the text of the Joint Protocol on the movement of registered vehicles and on the issuance of licence plates and vehicle registration documents. UNMIK-issued Kosovo licence plates and registration are now recognized by the former Yugoslav Republic of Macedonia. The issuance of free UNMIK licence plates to Kosovo Serbs, in line with the Common Document, began on 17 September 2002." (UNSC 9 October 2002, para. 40)

Access of ethnic minorities to the judicial system remains problematic (2001-2002)

- Minorities, especially the Serbs and also Albanians in northern Kosovo, need assistance to access the court buildings
- The low number of minorities working within the judicial system results from the lack of freedom of movement, the continued parallel Serbian court system, and discrimination
- There have been an increasing number of successful prosecutions in serious cases of ethnically-based violence
- However, continued under-investigation and failure to prosecute less serious crimes further strengthens the conviction that impunity prevails
- Minorities still rarely use the civil justice system

"The biggest problem of access to court for certain minority groups is **physical access**. In civil cases, minorities must be able to access the court to lodge their claims and to appear as claimants, while in criminal matters, minorities need to be present in court as witnesses or defendants. All minorities using the justice system need to have access to lawyers and minority court staff. The key issue affecting physical access is freedom of movement, which varies from group to group and region to region. For example, some minority groups, such as Ashkaelia and Egyptians in Prizren and Pejë/Pec regions, and members of all minorities in Kamenicë/Kamenica, have experienced improvements in their ability to move freely within the municipal town centres and thus have been able to physically access the courts. Other groups such as Kosovo Serbs in Rahovec/Orahovac and in the small enclaves in central Kosovo, and Kosovo Albanians in northern Kosovo, have only limited freedom of movement and therefore need assistance (e.g. escorts) to get to the court buildings." (UNHCR/OSCE May 2002, para. 26)

"One indicator of how minorities are able to access courts in general is **how many are willing and able to work in the courts**. As of April 2002, there were 343 judges and prosecutors and 456 lay judges appointed to the 55 courts in Kosovo. Out of the 343 judges and prosecutors, 16 (4.71%) were Kosovo Serbs (only four of whom were actually working), seven (2.06%) Turks, 12 (3.53%) Bosniaks (of whom only 10 were working) and two (0.59%) Roma. Albanian judges represent 89.11% of judges and prosecutors. However, given that only four Serbs and 10 Bosniaks actually assumed their appointments, the percentages for these two ethnic groups can be more accurately expressed as 1.18% Serb and 2.9% Bosniak.

The relatively low number of minorities working within the judicial system, and the fact that some appointees are actually not performing their functions, can be attributed to several problems. The main problems are the lack of physical access and freedom of movement, the continued parallel Serbian court system, and discrimination, including the general perception that minority judges are only needed for cases involving members of minorities. One example of the last-mentioned cause is the case of two Kosovo Serb lay-judges in Rahovec/Orahovac. Appointed in 2001, they have never been asked to sit on a panel. Court staff stated that the lay-judges had not yet been called because there had been no cases involving Kosovo Serbs in the court." (UNHCR/OSCE May 2002, paras. 28-29)

"**One of the key problems that particularly affects Kosovo Serbs remains the existence of parallel courts**, which are widespread. For example there are parallel courts for Mitrovicë/Mitrovica and the northern Serb municipalities, there is the 'Municipal Court of Uroševac' based in Leskovac, Serbia proper, (which also nominally covers Štrpce/Shtërpçë), and the 'Municipal Court of Lipjan/Lipljan,' located in Niš, Serbia proper, but with a judge based in Lipjan/Lipljan municipality itself. The staff, including the judges, of such courts are still paid by the Belgrade authorities, who are said to have put pressure on the Serb judges initially appointed to the UNMIK Kosovo courts to resign. Such courts are still used by Serbs to attempt to resolve disputes including property, registration and, in the north, criminal cases. They can, in theory, attempt to deal with both criminal and civil matters, although the courts outside the northern

municipalities do not address criminal issues, having no actual power of enforcement. The parallel courts themselves are not legitimate in Kosovo, not being recognized by UNMIK, but UNMIK has not taken any action to end their activities.

These **parallel courts are very problematic** for several reasons. Their existence, and continued use, is a sign that Serbs in Kosovo and Belgrade do not accept, trust or use the UNMIK courts (which do have enforcement powers). Moreover, the parallel courts themselves do not bring any benefit to the Kosovo Serb community, because, having no power of enforcement, they can not provide any effective remedy to any dispute, and can merely complicate matters such as property disputes. In criminal cases, Serbs in the northern municipalities run the risk of suffering double jeopardy, if they are tried for the same offence both by a parallel court, and then by an UNMIK court that will not recognise the decision of the parallel court. This has in fact happened to a Kosovo Serb from Zubin Potok, who was detained for 16 months in Serbia proper, tried and acquitted for murder by the parallel court for Mitrovicë/Mitrovica, and then arrested and tried again by the UNMIK Mitrovicë/Mitrovica District Court. By not using the UNMIK courts, which have the power of enforcement, Kosovo Serbs are harming their own interests in relation to the proper administration of justice." (UNHCR/OSCE May 2002, paras. 30-31)

"During the reporting period, UNMIK Police and KPS made important and notable advances in law enforcement and fighting crime, most specifically in combating illegal activities such as evasion of customs duties, smuggling, illegal possession of weapons, burglary, theft of vehicles and other goods, and assaults linked to personal or family disputes between persons of the same ethnicity. UNMIK Police has found that reporting of 'normal' crimes has increased, as has the ability of the law enforcement and judicial officials in identifying, arresting and trying perpetrators of these crimes. There have been relatively fewer improvements in the case of ethnically-motivated crime, although there has been progress. It is widely accepted that the vast majority of serious inter-ethnic crimes which have taken place over the last two and a half years have resulted neither in identification nor arrest of suspected perpetrators, and that most ethnic crimes committed in 1999 and 2000 have not been prosecuted. But focusing on the most recent period, there have been improvements in arrest and prosecutions of ethnically-motivated crimes perpetrated in 2001. As a result, there have been a number of successful **prosecutions in serious cases of ethnically-based violence**, including murder. For example, on 12 December 2001 a Kosovo Albanian was convicted of illegal possession of weapons and causing general danger in connection with the planting of a bomb in a store in Gjilan/Gnjilane in March 2001 (the store was owned by an Albanian, but results of the police investigation suggest that the victim was targeted because the storekeeper did business with Serbs). Similarly, three Kosovo Albanians were convicted of murder on 4 February 2002, for the drive-by shooting of a Serb near Kamenicë/Kamenica in June 2001. During this period, the trial was also ongoing of two Kosovo Albanians for a shooting incident in Viti/Vitina on 30 April 2001, in which a Serb was killed. On 12 April 2002, the defendants were convicted of both the murder of the Serb, and grave bodily injury of an Albanian bystander. In all these cases the court panels consisted of two international and one local judge.

Despite this, given the perceived poor record of arrests and prosecutions during the bulk of the previous two years, the belief among the minority population that few perpetrators of ethnically-motivated attacks are ever apprehended persists, which continues to reinforce the fears of minorities for their personal security. Continued under-investigation and failure to prosecute less serious crimes further strengthens the conviction that impunity prevails in Kosovo for inter-ethnic violence, resulting in many minorities feeling unmotivated to report ongoing incidents. Members of minority communities have told that they "do not see the point" in continuing to report to law enforcement authorities the less serious but unrelenting forms of harassment suffered, especially in the case where stone-throwing or other harassment is perpetrated by children and young people.

Any ethnic bias in the criminal justice system, whether intended or not, means that minorities accused of crimes will not receive a fair trial. As stated above, in 2000 there were many concerns about the fairness of the trials of war crimes and other serious crimes alleged against Kosovo Serbs for incidents in 1998-1999. These **concerns regarding fair trials have largely been addressed** by the greater involvement of international judges in such cases, both in conducting current trials, and reviewing past cases where there

are allegations of bias. However, particular problems remain. For example, Serbs in Gracanica/Gracanice, facing trials in Prishtinë/Priština, are still having problems in accessing legal advice, in securing escorts to the Minor Offences Court and in security inside this Court." (UNHCR/OSCE May 2002, paras. 35-37)

"Civil justice can resolve some of the most serious problems affecting minorities, in particular discrimination, access to essential services and property issues. However, when looking at the use of civil justice, it has been found that **minorities still rarely use the civil justice system**, although the numbers may be increasing from a very low base. Minorities have stated that this is due to a variety of reasons. Importantly, very few are aware or believe that the justice system can meet their needs. This can be due to lack of knowledge of the system, or the success it can have, or a belief, justified or not, that the system can never provide any effective remedies, either because it is unable, or that the persons within it will not assist minorities. Another reason is actual physical restrictions on access to courts. A final reason is the continued existence of parallel court structures, which are used by Kosovo Serbs despite their lack of capacity to enforce effective remedies, and the fact that, in using illegitimate structures, minorities effectively decrease direct pressure on the UNMIK judicial structures to accommodate their needs." (UNHCR/OSCE May 2002, para. 41)

The divided city of Mitrovica: international control in Serb-controlled north slowly restored (1999-2002)

- Northern Mitrovica has become the main area of concentration of Serbs in Kosovo, some of them living in Albanian-owned properties
- Minority communities in the southern part of Mitrovica are relatively well integrated with the rest of the population
- Ethnic Serbs stationed near the bridge between northern and southern Mitrovica prevent movements of Albanians into the Serb-controlled area ("The bridgeworkers")
- The situation has shown signs of improvement in 2002, with UNMIK slowly extending its services in the northern part

"In Mitrovica Serb and Albanian Kosovars harassed each other and restricted each other's freedom of movement. After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. Serbs in the northern part of the city continued to seize Albanian property resulting in numerous illegal house occupations. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians." (U.S. DOS 4 March 2002, Kosovo, sect. 5)

"In the southern part where the majority is Albanian, minority communities are mainly Serb, living in nine enclaves, one of which includes a Roma community.

Ashkalli and Turkish populations are mainly located in Vushtrri/Vucitrn and Mitrovicë/Mitrovica urban centre. Owing to near-normal relationships with the majority population these communities are relatively well integrated, making a significant number of spontaneous and organised returns possible.

In the northern part, mainly inhabited by Serbs, are located several Albanian villages/areas and two Roma camps. Furthermore one small Bosnian village is located close to the limit with Serbia. In addition about 13000 Serbian IDPs are living in that area.

At the core of the partition, Mitrovicë/Mitrovica's urban centre is an unique area where eight different ethnicities are living in seven different quarters and one Roma camp. Furthermore, 4000 Serbian IDPs from Kosovo are living either in collective centres or in private accommodations (usually in former Albanian or Bosnian flats). Its demographic composition complicates the understanding of the situation and makes difficult the life of [Extremely Vulnerable Individuals (EVIs)] usually isolated within majority areas." (ACTED September 2002, p.2)

"In Mitrovica there were restrictions on freedom of movement due to ethnically-based harassment. Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. In August [2001] bridgewatchers reportedly attacked an Albanian Kosovar escorted by a KFOR soldier, throwing rocks at the latter." (U.S. DOS 4 March 2002, Kosovo, sect. 2d)

Recent developments

"Mitrovica remains the most contentious and unstable area in Kosovo. UNMIK, aided by a lately more engaged KFOR presence, has slowly extended its influence in the northern part of the city. The municipality is opening a sub-office in the north of the city to enable easy access for residents to UNMIK services. UNMIK police undertake regular patrols in north Mitrovica and appear to be slowly gaining the trust of the population. The police are beginning to crack down on the 'Bridge Watchers', and have arrested some of their members. While such positive moves should be extended, continuity of UNMIK leadership remains problematic. UNMIK continues to move from one regional administrator to another, all of whom cite frustration with their limited authority and the lack of engagement of UNMIK headquarters in Prishtina/Pristina." (ICG 1 March 2002, p. 22)

"Overall the security situation has improved over the last six months, particularly in June and July. Regarding freedom of movement, minority communities members move more freely than before mainly owing to the fact that political leaders, in particular new government members, have proclaimed that returns and the re-integration of minorities have to be accepted by the majority.

New inter-ethnic relationships have been established as well in the northern part of the AOR (for Albanian minority) as in the southern part in term of access to the public services, talks with municipality representatives and the organization of common activities." (ACTED September 2002, p. 2)

"The security situation in Mitrovica remained relatively calm during the reporting period. On a few occasions, Kosovo Albanian youth attempted to cause unrest, although there have been no major incidents to report. Small-scale demonstrations continued outside the UNMIK Local Community Office. In line with the overall downsizing of the military presence throughout Kosovo, KFOR is gradually reducing its permanent presence in the city." (UNSC 9 October 2002, para. 20)

In an effort to dismantle all parallel structures in Mitrovica, the Special Representative of the UN Secretary-General in Kosovo, Michael Steiner, proposed a seven-point plan on 1 October 2002. For more details, see "[A choice for Mitrovica - The Seven Point Plan](#)", UNMIK [Internet]. On 25 November 2002, the UNMIK established control over the northern Mitrovica. See "[UN in Kosovo restores control over volatile northern town: Steiner](#)", AFP, 25 November 2002 [Internet]

See also:

- ***"Ethnic Albanians forced to leave Serb enclaves in Kosovo (2000-2002)" [Internal link]***
- ***Challenges for Kosovo: the future status, parallel structures and the economic transition (2002) [Internal link]***
- ***"Kosovo's Linchpin: Overcoming Division in Mitrovica", International Crisis Group, 31 May 2000 [Internet]***

SUBSISTENCE NEEDS (HEALTH NUTRITION AND SHELTER)

Federal Republic of Yugoslavia (excluding Kosovo)

Health status of the displaced is deteriorating (2000-2002)

- According to a 2000 survey, 13 percent of the IDPs have serious medical problems
- The main problem is the lack of treatment as a result of lack of funds
- 2001 survey shows high malnutrition among IDPs and refugees in collective centres
- Displacement have seriously affected the mental health of the IDP population

"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 refugees [21]. 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 report [22] 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. UNICEF [23] 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 IDPs [24] 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 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."

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

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

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

[Footnote 23: Multiple Indicator Cluster Survey II — Report for FRY, UNICEF, 2000.]

[Footnote 24: Internally Displaced Persons from the Prizren Area of Kosovo, IAN, Belgrade 2001.] (UN OCHA 26 April 2002, pp. 15-16)

See also:

- *Institute of Public Health of Serbia "Dr. Milan Jovanovic Batut", 31 December 2001, [Health Status, Health Needs and Utilisation of Health Services in 2000 - Report on the Analysis for Adult Population in Serbia: Differences Between Domicile Population, Refugees and Internally Displaced Persons](#) [Internal link]*
- *Refugee International, "Yugoslav refugees and internally displaced need continuing aid", 7 August 2001 [Internet]*

Despite various special social benefits, IDPs have no adequate access to health care (2001-2002)

- Regions with a large IDP population have not been given adequate financial means to face the induced additional costs
- Poor registration of IDPs with the local health authorities prevents adequate medical follow up
- State spending on health care has constantly declined since 1989
- Private medical practices have developed and IDPs are left with no choice but to rely on the dysfunctional public system

"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 2000. 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 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 Private Accommodation	IDPs (refugees) in CC
	No	96.4%	99.1%
General Practitioner	Yes	3.5%	0.9%
	No	83.2%	93.2%
Dentist	Yes	16.7%	6.8%
	No	94.3%	99.0%
Gynecologist	Yes	5.7%	1%
	No	95.7%	98.5%
Others	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." (UNOCHA 26 April 2002, pp. 16-17)

See also

- *Institute of Public Health of Serbia "Dr. Milan Jovanovic Batut", 31 December 2001, [Health Status, Health Needs and Utilisation of Health Services in 2000 - Report on the Analysis for Adult Population in Serbia: Differences Between Domicile Population, Refugees and Internally Displaced Persons](#) [Internal link]*
- *UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 13 November 2000, [Humanitarian Risk Analysis No. 14 Federal Republic of Yugoslavia, Health Status in FRY - Part II - Trends in Health Indicators](#) [Internet]*

Low health standards among the displaced Roma communities (2000-2002)

- Available data show a very limited approach to the health care system
- The lack of basic hygiene in the Roma's settlements gives rise to serious sanitary and epidemiological concerns
- Discrimination discourages Roma in seeking medical assistance

"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 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."

[Footnote 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).]

[Footnote 39: *Assessing the Needs of the Roma Community in FRY (ex. Kosovo)* HRA 17, UN OCHA Office in Belgrade, September 2001.] (UN OCHA 26 April 2002, pp. 23-24)

No secure shelter options for the displaced population (2000-2002)

- Arrived after the refugees, IDPs could only find accommodation in collective centres of lower standard

- Many collective centres are overcrowded and lack rudimentary facilities
- IDPs living in unofficial collective centres are not part of a regular assistance programme and face uncertainty
- IDPs living in private accommodation generally have better living conditions, but are often forced to seek shelter in collective centres
- The Serbian Refugee Commissioner announced that collective centres in Serbia should be closed in 2005

"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).

[...]

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 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). [...]

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)." (UN OCHA 26 April 2002, pp. 10-11)

Collective accommodation of refugees and IDPs in FRY, as at 1 November 2002

Type of accommodation	Locations	IDPs	Refugees	TOTAL Beneficiaries
Recognized Collective Centres	30	2,208	601	2,809
Unrecognized Collective Centres	47	996	742	1,738

Specialised Institutions	7	20	89	109
Student Dormitories	5		393	393
Local Settlements	9	75	1,723	1,798
TOTAL	98	3,299	3,548	6,847

SERBIA Summary				
Type of accommodation	Locations	IDPs	Refugees	TOTAL Beneficiaries
Recognized Collective Centres	311	8,704	13,654	22,358
Unrecognized Collective Centres	62	1,812	1,752	3,564
Specialised Institutions	98	7	1,570	1,577
Student Dormitories	37	6	341	347
TOTAL	508	10,529	17,317	27,846

FRY Summary				
Type of accommodation	Locations	IDPs	Refugees	TOTAL Beneficiaries
Recognized Collective Centres	341	10,912	14,255	25,167
Unrecognized Collective Centres	109	2,808	2,494	5,302
Specialised Institutions	105	27	1,659	1,686
Student Dormitories	42	6	734	740
Local Settlements (Montenegro)	9	75	1,723	1,798
TOTAL	606	13,828	20,865	34,693

(UNHCR 14 November 2002)

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

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

[Footnote 11: Group 484, Elina Multanen, *Kosovo IDPs: Situation, Problems, Solutions*, November 2001]

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.

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 Montenegro, 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." (UN OCHA 26 April 2002, pp. 24-25)

See also "Searching for durable solutions for IDPs in the FR Yugoslavia", Refugees International, 26 August 2002 [Internet]

"Serbian Refugee Commissioner (SRC) announced that collective centres in Serbia should be closed in 2005. The criterion for residents' eligibility to live in CCs is being reviewed and the permission for continued stay in a CCs will be given on an annual basis. Durable accommodation for targeted beneficiaries would be in privately owned housing units and in social welfare institutions. The SRC office has proposed initially finding solutions for the 977 residents of the smallest CCs and for an approximately equal number of residents of an additional 20 CCs, which are privately owned and where the owners do not plan to renew leases in 2003. The joint SCR/UNHCR public information campaign about phasing out of CCs to in Serbia and informing the CCs tenants in Serbia about the options and assistance offered to those who opt to leave the CCs voluntarily, is planned after the October 2002 presidential elections in Serbia and local elections in Kosovo." (UN OCHA September 2002)

Substandard shelter conditions for the Roma displaced (2001-2002)

- Most Roma displaced have found shelter within existing Roma settlements, usually using premises illegally
- Shelters are degraded and lack all facilities
- Camps are overcrowded and unsafe, and fire accidents are common

"According to surveys completed in several Roma settlements, both in Serbia [35] and Montenegro [36], 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 representative to one of the Roma settlements in Belgrade housing more than 2,000 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." (UN OCHA 26 April 2002, pp. 22-23)

"An unspecified majority of Kosovo Roma are hosted by relatives who are Montenegrin residents. As a result, high numbers of people now share rooms in highly substandard housing. As for Kosovo Roma accommodated in official camps, the living conditions there are also for the most part inadequate: the camps are overcrowded and unsafe, and fire accidents are common. According to the Montenegrin press, a fire broke out in the Konik I camp in the outskirts of Podgorica on June 19, 2001, and completely destroyed three prefabricated houses and rendered homeless as many as one hundred Roma. This was the fourth fire in the camp in the last two years. On July 23, 2001, the Podgorica-based daily Pobjeda reported that the entry to the Konik I camp was fully covered with garbage, disposed of the overfilled garbage containers, as

the municipal waste disposal services had not taken away the waste for several days. The daily also noted that the dump, located only a few metres from the closest shacks, constituted a constant threat of disease for the Romani children who plays in the immediate vicinity. Additionally, the official camps are outnumbered by unofficial camps, self-made temporary shelters that no agency is providing with any form of assistance. According to the Montenegrin non-governmental organisation MARGO (Association for Help and Support to Marginal Society Groups), several unofficial Kosovo Romani settlements are under threat of having the electricity and water supply cut off, as the communities cannot pay for the bills. The UNHCR office covers only the utilities of the official camps, which are only large enough to accommodate only a very small portion of Kosovo Roma in Montenegro."

[Footnote 35: The Roma from Belgrade Settlements, OXFAM, April 2001]

[Footnote 36: Life of Displaced Kosovo Roma in Montenegro (Podgorica and Niksic) and Possibilities for Integration, Dr. Bozidar Jaksic, SDR/SDC, June 2000] (ERRC 2001)

Elderly IDPs in collective centres: HelpAge report suggests need for humanitarian and developmental assistance (2000-2001)

- A third of the displaced population in collective centers are aged 65 and over
- Many older Serb refugees and displaced people in collective centres are effectively destitute
- HelpAge reports that older people in collective centers live in basic conditions, often with poor food, facilities and inadequate clothing
- Poor sanitation, difficult access to health care and inadequate food in collective centers increase health risks for older displaced
- Suicide rates among older people in collective centres are worryingly high over 200 older people killed themselves in one recent year alone, according to HelpAge research
- The longer-term prospects for older people in collective centres remain confused and uncertain
- The elderly displaced are especially affected by the irregular payments of their meager pension

"Half a million Bosnian, Croatian and Kosovan Serbs were displaced by war over the last decade. Refugees and internally displaced people now make up 7 per cent of the total population of the Federal Republic of Yugoslavia. HelpAge International was told that 100,000 out of a total refugee population of 750,000 still live in collective centres – a third of them aged 65 and over.

The public and voluntary sectors face huge challenges in ensuring adequate living standards for such significant numbers of refugees. The Red Cross, for example, says that a large proportion of those who fled Kosovo live in rented accommodation they simply cannot afford.

HelpAge International's experience worldwide has shown that older refugees are among those who find it hardest to recover from the disruption and trauma of conflict, and as a group tend to suffer from its effects longer. In Serbia, older people typically form a disproportionate share of those in collective centres, and face significant barriers to re-establishing themselves economically and socially.

We visited three collective centres, in Belgrade, Smederevo, and Vrsac. Older people in the centres told us that, without pensions or some other source of income, they could imagine how they would rebuild their lives in Serbia. Those who wished to return home remained profoundly uncertain about their safety and status, and in many cases had lost their homes and villages in the fighting.

The National Commissariat for Refugees, a government body, formally appoints management boards for registered collective centres, but funding and running them to consistent standards is extremely difficult.

International agencies have proved an important source of short-term support, supplying food and non-food items, but in longer-term strategies must help older people help themselves.

At HelpAge International's workshop, there was a clear consensus that older refugees form a substantial and highly vulnerable group, requiring both humanitarian and developmental assistance.

Economic issues

HelpAge International found that many older Serb refugees and displaced people in collective centres are effectively destitute. Unable to claim pensions in their country of origin or host country, and with little likelihood of finding work, they face a daily struggle to meet basic costs such as medicines.

[...]

Many older people told us they longed to have a home of their own again – 'Nothing else really matters!' said one. Above all, they want to live independently, be secure, and enjoy a clear legal status. Many said that they would be happy to continue to live within Serbia, rather than return home, if housing or help with loans could be provided.

Their chances of finding work, in the context of high unemployment and few job opportunities even for younger people, are slim. High unemployment levels amongst younger people were a major cause of concern.

In the collective centres we visited, older people appeared to be living in basic conditions, often with poor food, facilities and inadequate clothing. Questions about coping mechanisms were largely irrelevant – it was clear that, for most older people, the issue was basic survival.

Many of the collective centres are industrial or prefabricated buildings remote from centres of population, so that contact with the local community is difficult. They are often unhygienic and in poor repair, due to lack of funds. In one centre, where families or groups sleep and eat together in large rooms, often damp in the winter, some residents told us they had left and moved into private accommodation. But they could not earn enough to pay the rent, and had been forced to come back.

During one visit, older people told us there were often few clothes suitable for them in the care packages they received. One older woman said she did not know the last time she had something new to wear; another pointed to her ill-fitting shoes.

Workshop participants felt that the government needed urgently to identify ways of addressing older refugees' almost complete lack of resources by providing them with clear legal entitlements and status. They should either be made eligible for state pensions, or offered short-term loans to help them get re-established. Those in collective centres should be allocated pieces of land to grow food and generate a source of income.

Health issues

In the collective centres we visited, older people spoke of a high incidence of health problems, coupled with difficulties in accessing adequate healthcare. Chronic conditions associated with age included diabetes and cardiac conditions.

Poor sanitation emerged as a recurrent issue. In one centre, where there were two showers and four lavatories to each 'barrack' of 15 and 20 people, older people told us that the system didn't work properly, and were worried about disease. In the summer, the sewage sits in pools under the buildings – 'We sleep on top of it,' said one. So far, no repairs had been done. There had also been problems with electricity – for example, during the previous winter, had been no heat or lighting for a fortnight.

While older refugees and displaced people are in theory eligible for free healthcare, in practice necessary medications are often not available and difficult to access treatment. At one centre we visited, for example,

older people had the right to emergency treatment in hospital, but first had to written referral from the doctor 3km away, then find their way to the town 13km away. They had no money for bus fares, and little contact with anyone outside the centre who could help.

Most of the older people we talked to ate in central canteen facilities, and many said they would like to be able to cook their own food. In one centre, international aid agency provided fresh food and other items, all much appreciated. In another, older people were concerned that the sort of food they were given – for example, fatty foods, with few fresh fruit and vegetables would increase their rates of heart disease.

Workshop participants felt there was an urgent for regular medical check-for older people in refugee camps, to identify diseases such as tuberculosis and cancer, and what kinds of medicines should be supplied on a regular basis. Older people's nutritional needs should be systematically researched and planned for.

Social issues

HelpAge International's visits suggested that older people in collective centers felt isolated and invisible, both within the local community, and to policy makers. They wanted to be seen, heard and understood.

They had few contacts with local people and felt their presence was sometimes resented, given levels of hardship in the wider community. In the district surrounding one of collective centres we visited, for example, many ex-farmers were struggling to make ends meet on low-level pensions, and there were levels of unemployment. In another centre, there was no public telephone, adding to residents' feeling of being cut off from the wider world.

There were few organised social or other activities. Many older refugees from rural areas, where they led active lives as part of the community. In centre, a 75-year-old older woman had managed to get work helping out local farm. In another, residents were beginning to set up individual vegetable gardens, in order to grow their own food, generate income, and get back work. A staff member commented: 'Older people have been very shaken their experiences as refugees. I think the gardens are really important for they help them feel part of a community, and keep them busy. When they active, they are not so sad.'

Older people in one centre said they felt the government didn't really understand their situation or care about it. 'They could ask us more about what we need,' says one. 'Really, we need several different organisations donors and government – to get together and look at our problems.'

Non-government organisations spoke of a culture of disempowerment in collective centres, which can be particularly acute among older people. Some of the older residents we met were worried about being evicted, though was not a real danger. Others feared they would die in the camps.

Suicide rates among older people in collective centres are worryingly high over 200 older people killed themselves in one recent year alone, according research commissioned by HelpAge International from Dr Irena Grozdanic.

Legal and political issues

The longer-term prospects for older people in collective centres remain confused and uncertain.

Non-government organisations working in the centres point out that the exact numbers of those wishing to leave or remain in Serbia has never been established. Without this information, it will be difficult to plan realistic solutions.

Many of the older people we talked to felt they were too old to make a new life, and wanted to be buried in the place they originally came from. But feared they would not be able to claim pensions or property at home, and would not be welcome. Croatian refugees in one collective centre, for example, told us they no longer had rights to benefits or land there, but want to go to a Croatian transit centre because they would not be safe there.

For those who wanted to stay, lack of money was perceived to present an impossible obstacle to setting up a new home. Some older people worried that the centre they were in would close down, and they would be homeless.

In general, older people felt they did not know what the future would bring. Those who wanted to go home were worried about getting the right documents, feared their families would not be able to find work, and said it was difficult to get visas. Others wanted to get Yugoslav citizenship, but knew it was a complex process. The future of family units was a key consideration. 'Our children and grandchildren are what we care most about,' said one person. 'What they do will affect whether we go home.'

HelpAge International's needs assessment found that there was a lack of or legal aid available to older people trying to work out their options. Many did not know if they had a right to reclaim property in their country of origin, or whether they could get their pensions restored on the basis of past contributions. Efforts to provide legal advice are now beginning.

In some collective centres, residents receive money from donors, and can save for the future. Older people told us that they would find this very helpful. They said they did not want gifts, but a way of getting life back to normal. 'We want to work with others to sort things out.'" (HelpAge November 2001, pp. 12-15)

"The elderly are a particularly impoverished sector of society, with their coping mechanisms having been eroded over the past decade. They often live in appalling conditions. While the 1.5 million pensioners of Serbia and Montenegro receive an average DEM 37 a month, payments remain irregular with the elderly refugee and IDP populations more often than not. Receiving nothing at all. The plight of the elderly, combined with a lack of facilities or programmes to assist them, will become more alarming as their numbers increase." (IFRC 20 October 2000)

Kosovo

Minorities have not received reconstruction assistance in proportion to their needs (2001-2002)

- This situation hampers the return of minorities displaced within Kosovo
- In 2001, minorities received about 4.2% of the total reconstruction aid in Kosovo.
- Municipal Housing Commissions (MHCs) have failed to provide minorities an allocation of aid proportional to their vulnerability or need
- This may be the result in part from the lack of adequate representation of minorities in the MHCs
- There is a lack of accountability and transparency in the distribution of assistance
- Roma, Ashkaelia and Egyptians cannot take full advantage of reconstruction aid due to their lack of documentation establishing their property rights

"Previous assessments have highlighted various problems that minorities have faced in accessing reconstruction assistance. Minorities have not received reconstruction assistance in proportion to their need or with due attention to their particular predicament of displacement. This situation creates particular hardships for large numbers of minorities displaced within Kosovo who due to lack of reconstruction assistance remain unable to solve their problem of displacement. Minorities' lack of economic resources, freedom of movement, and their under-representation in municipal structures present obstacles to their

receiving reconstruction aid, and the first two factors are precisely the ones which make minorities particularly needy when it comes to reconstruction assistance.

In general, minority communities are well-informed about reconstruction assistance, and the mechanisms through which to acquire such assistance, with the notable exception of IDPs outside of Kosovo who have virtually no access to information. The primary source of the problems faced by minorities in Kosovo to access reconstruction is not lack of information. Instead, problems are derived from three main factors: the UNMIK guidelines that govern reconstruction allocation; the functioning of the Municipal Housing Committees; and in some cases the actual implementation by international NGOs. These problems, combined, amount to a systemic deficiency which can produce a discriminatory effect on minority applicants for reconstruction. Moreover, minorities have no effective remedies against discrimination since there is not a sufficient oversight or enforcement mechanism and no effective mechanism to contest their exclusion.

The UNMIK Guidelines for Housing Reconstruction stipulated a set-aside percentage of 5-10% in 2000. In 2001, the guidelines did not stipulate a minority set-aside *per se*, but stated that 10% must be set aside as a contingency fund for vulnerable returnees while another 5% should be set aside for valid claims following the public posting of the beneficiary list (which could benefit any vulnerable person). Results achieved were, however, quite low. In 2000, the actual allocation of available reconstruction assistance to minorities was in the region of 2%. In 2001, minorities received about 4.2% of the total.

Municipal Housing Commissions (MHCs), the ultimate conduit of reconstruction benefits, play a decisive role in the accessibility of such assistance. Six MHCs did provide the mandated 5-10% of aid mandated for minority communities, indeed in all six cases providing more than the target. The remaining fell far short, for example: Ferizaj/Uroševac (where no houses were reconstructed for minorities); Lipjan/Lipljan (where only 1%, constituting 2 families, benefited), and Prizren municipality (where only 1 house out of 142 was reconstructed for a minority). In Rahovec/Orahovac, only 3.4% went to Serbs, Ashkaelia and Egyptian beneficiaries. Where minority houses have been reconstructed, most **MHCs have failed to provide minorities an allocation of aid proportional to their vulnerability or need**. The actual proportion of Category IV and V houses reconstructed within the minority communities is far less than that of the majority communities, who possess better access to and greater financial resources as well as full freedom of movement in the current Kosovo context.

[Houses are categorised by UNHCR according to levels of damages. Category IV corresponds to serious (40–60 %) requiring major repair/reconstruction while category V designates destroyed houses (60–100%), which require full reconstruction.]

Lack of access appears to result in part from the **lack of adequate representation of minorities in the MHCs**. To date, representation of minority interests in many municipalities has largely been left to the UNMIK Local Communities Officer (LCO), who normally sits on the MHC. The advocacy role of the LCO could be strengthened, however, with more strategic co-operation between the LCO and other organisations who work in minority communities. International involvement in the MHCs has not always ensured minority access. For example, in April/May 2001, the Obiliq/Obilic MHC, composed of Kosovo Albanians and UNMIK international staff, refused to increase the number of houses for minorities. Some MHCs, such as those in Pejë/Pec and Klinë/Klina have included minority communities' representatives, as suggested in Article 2.3.1 of the 2001 Housing Reconstruction Guidelines, but this does not appear to have resulted in any improvement of minorities' access to assistance.

Yet indeed, adequate representation and advocacy adds little value when **the mechanism itself is not effective**. Fundamentally, there is a lack of accountability and transparency in the distribution of assistance, which produces discriminatory effects. The lack of accountability and transparency often even prejudices the majority community, since in many cases it has been noted that the designated beneficiaries of housing units are not the most vulnerable applicants, whilst extremely vulnerable Albanian families do not receive assistance. The Housing Reconstruction Guidelines, which are not legally binding, do not mandate an

oversight/enforcement mechanism to ensure that municipalities are not discriminating, except the possible withholding and withdrawal of future aid. MHC members may not wish to provide assistance to minorities unless it is mandated, as is seen in Pejë/Pec. No required allocation for minorities is established by the 2002 Housing Reconstruction Guidelines, and municipalities may designate a quota or target indiscriminately, or may not do so at all. For example, in Pejë/Pec, the MHC Chair has stated that the allocation of aid for minorities will be halved to 3.5% this year, providing no legitimate reason. That some municipalities did not allocate any assistance to minorities in 2001 is also illustrative of this point. Furthermore, no formal appeal mechanism to question these decisions exists for reconstruction aid.

In addition to the MHC, NGOs exercise wide discretion, which can result either in special attention to minorities, or to inattention to or marginalisation of them. If an NGO refuses to include a minority community into their beneficiary assessment, as European Perspective did with the Kosovo Serb community in Fushë Kosovë/Kosovo Polje, then the minority community is not included in the list for consideration by the MHC (unless the LCO puts the applicant forward) and possesses no option for appeal. No formalised mechanism exists for UNMIK to hold NGOs accountable or ensure sufficient transparency.

It also should be noted that other provisions of the Guidelines impede the ability of minorities from equally realising their property rights. **Roma, Ashkaelia and Egyptians have particular difficulty taking advantage of reconstruction aid** due to their lack of documentation establishing their property rights." (UNHCR/OSCE May 2002, paras. 112-119)

Healthcare services not sufficiently accessible to the minority communities (2001-2002)

- Minorities often face problems to access to a pharmacy or medical staff
- The hospital in northern Mitrovica remains the nearest one for ethnic Serbs within Kosovo
- An integrated healthcare system in Kosovo that is able to serve members of minority communities does not yet exist
- Members of the Roma, Ashkaeli and Egyptian communities have complained of being charged high fees for healthcare services and medicines normally free of charge

"The right to adequate health care is a right that many who are members of minority communities do not enjoy. Often hygienic conditions are poor in health care facilities, and standards of sanitation are low, due to a lack of equipment for sterilisation. Although enforcement of sanitation standards in healthcare facilities can be problematic for members of all communities in Kosovo, they are a particular problem for members of **minority communities who cannot search for more hygienic facilities** (such as larger regional facilities including regional hospitals) if the small, local facility that they use is substandard.

Also, members of minority communities **may not have access to a pharmacy** in their communities where they can purchase medicine, and the delivery of drugs to health facilities is irregular. While primary care within minority communities is less dependent on the service of mobile teams of KFOR doctors, there have still been problems with local doctors seeking transport to the minority enclaves. In general, the overall question of how minorities may be served by medical staff of the majority community, either within minority communities or at healthcare facilities in majority areas, has not been addressed in a comprehensive and coordinated manner by UNMIK or healthcare providers.

The ever-recurrent issues of a lack of freedom of movement and security impede members of minority communities from seeking proper healthcare in majority areas. It becomes even more evident when in need of **secondary and tertiary care**: the hospital in Mitrovicë/Mitrovica north remains the nearest accessible location within Kosovo – either by train or by KFOR escort. Additionally, some members of minority

communities (e.g. the Roma and Turkish) do not feel comfortable in seeking health care in the Mitrovicë/Mitrovica hospital: they fear mistreatment because their first language is not Serbian.

Although the international community has attempted to supplement the healthcare system in Kosovo for members of minority communities, much needs to be done to ensure that, when the international community reduces its presence, that **there is an integrated healthcare system in Kosovo that is able to serve members of minority communities**. For example, Roma, Ashkaelia and Egyptians living in Plemetin/Plemetina Camp have access to the Kosovo Albanian ambulanta in Obiliq/Obilic town only because the NGO managing the camp (Italian Consortium of Solidarity) provides transportation whenever needed. Solutions such as this are far from being sustainable. The capacity of ambulantas which serve mixed communities should be increased in terms of facilities so that they are better able to serve minorities living in these areas. This increase in capacity can have a positive spill-over effect, for example, in the Kosovo Serb ambulanta in Plemetina village, that could also serve Babin Most and Obiliq/Obilic town. Further, KFOR should have a concrete plan for the gradual hand-over of security measures related to access to KPS. At the same time and most importantly, all health facilities must be, and must also be perceived to be, accessible to all communities, and minority communities should not be provided with an unsustainable parallel system of healthcare, whilst the main problem of discrimination in the main health care system remains unaddressed.

Finally, members of the Roma, Ashkaeli and Egyptian communities in Prizren have complained of being charged **high fees** for healthcare services and medicines despite their right to such services and medications at no charge as part of the healthcare system in Kosovo. An awareness campaign on the right to health services will target this minority community living in Prizren municipality." (UNHCR/OSCE May 2002, paras. 82-86)

Only a small number of vulnerable persons still require food assistance (2002)

- They are supported through a three months food package (WFP-UNHCR)

"WFP concluded the food assistance program from Kosovo and closed down its office on 30 June. UNHCR/WFP conducted two joint assessment on food security in minority areas in Dec'01 and majority areas in March 2002. Findings from both the assessment indicated a small number of extremely vulnerable groups/individual will still require assistance. These identified cases were supported through the food safety net – A three months food package." (UN OCHA 30 June 2002)

"There has been a reduction of direct humanitarian assistance provided by the international community as most of the vulnerable population in Kosovo (ethnic Albanian and minorities) are now enrolled in the social assistance scheme of the UNMIK Department of the Labour and Social Welfare. Other vulnerable persons that are unable to qualify for the social assistance scheme (approximately 53,000 individuals) are assisted by a World Food Programme (WFP)/UNHCR food safety net programme." (UN GA 2 July 2002, para. 13)

Collective shelters in Kosovo accommodate displaced with heavily damaged homes or coming from mined border villages (2000)

- Spontaneous collective settlements also receive winterization assistance from international agencies
- UNMIK has taken over the responsibility for collective shelters from UNHCR as of June 2000 but has not secured enough funds for their maintenance

"According to UNHCR/Pristina, as of February 17, some 563 people were living in the eight UNHCR-sponsored community shelters in the Pristina region, which have a total capacity of 2,245 spaces.

UNHCR reports that those beneficiaries living in temporary community shelters (TCS) in the Pristina region come from homes that have significant damage, and would otherwise be supported by the social welfare system.

There are five unfinished buildings in the Pristina area where some 3,000 people are squatting. These buildings are not sponsored by UNHCR, however, UNHCR is coordinating with UNMIK to provide winterization assistance, such as provisional roofing, doors and stoves.

In the Peja region, approximately 1,000 people are currently living in community shelters, occupying roughly 50% of the total capacity. In addition, there are three self-managed facilities in Peja that are being occupied by squatters.

Prizren is housing nearly 2,000 people in TCS. Most of the occupants have houses with category five damage and are from border villages that are heavily mined.

The majority of TCS occupants report that they have no means to rebuild their homes and are counting on international assistance." (USAID 7 April 2000)

"The last resort for Kosovars is community collective centres. UNMIK assumed responsibility for 40 centres with 6,000 residents and 70 unoccupied sites from UNHCR at the end of June [2000]. UNMIK has not, however, secured and allocated to its municipalities adequate funds for their maintenance." (RI 10 July 2000)

High level of destruction and population influx leave many without proper shelter in Kosovo (1999-2000)

- 49,000 houses damaged beyond repair as a result of the conflict
- Shortage of shelter throughout the province triggers migration to urban areas where housing capacities are equally insufficient
- Returning refugees force families occupying their premises to leave for more precarious shelters

"The pre-conflict housing stock of Kosovo was approximately 365,000 dwelling units. Of these, approximately 125,000 houses were damaged, according to estimates from UNHCR and the International Management Group (IMG).

49,000 houses were damaged beyond repair. The remaining 76,000 houses are repairable.

The fact that approximately 49,000 dwellings sustained serious structural damage and are uninhabitable and beyond repair means that 49,000 families - some 294,000 people, given an estimated average family size of six, must have alternate means of shelter this winter." (USAID 9 December 1999)

"A year after war ended in Kosovo, chaos and dislocation continue, manifested in the doubling or even tripling of the population of Pristina, now home to more than half a million people, reports the New York Times. Mostly they are people from the villages, refugees who have abandoned their burned and sought work and shelter in the capital.

As more than 700,000 Kosovo flocked from refugee camps last summer, or came down from the hills, many seized Serbian houses in Pristina, forcing Serbs and Gypsy residents to flee. The Kosovo war forced

about two-thirds of the province's two million people from their homes. Hundreds of thousands remain displaced, living in tents and shacks in villages, in drab refugee centres, or doubled up with relatives in the cities, as many as 30 to an apartment. Only a few thousand mostly old and sick refugees remain in Macedonia and Albania.

In Kosovo, people are still returning every day. In front of Pristina airport stand two large white tents where local officials register the hundreds of refugees returning on daily flights from Western Europe or further afield. As many as 140,000 people will be returning to Kosovo this summer.

Despite the enormous building activity obvious in every corner of Kosovo, UN officials are growing concerned that Kosovo simply does not have enough housing. 'Capacity is limited,' said Gottfried Koefner assistant chief of UNHCR in Kosovo. 'People are squeezing, and we are already seeing secondary displacement. People are ending up in tents.' Some of those returning are forcing other families out on the streets.'" [based on "In the Hundreds of Thousands, Kosovo Homeless Feel Forsaken", The New York Times] (Refugee Daily 7 July 2000)

See also Refugees International "Ensure Shelter for the Most Vulnerable in Kosovo this Winter", 10 July 2000 [Internet]

ACCESS TO EDUCATION

Federal Republic of Yugoslavia (excluding Kosovo)

Influx of IDPs have put extraordinary pressure on already deteriorated school system (2000-2002)

- However, displaced children are fully enrolled in primary schools
- Attendance rate for children in collective centres in 2002 was 92 percent

"In accordance with national legislation in FRY, all children are entitled to primary education. Access to secondary schools and university 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 in 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 schools 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%). 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." (UN OCHA 26 April 2002, p. 13)

Education of Roma displaced children: Cultural, practical and psychological barriers to school attendance (2001)

- None of the children living in one Roma collective center visited by international advocacy group attend school
- It is hard to get Roma children to attend school due to chronic illnesses, lack of proper clothing, prejudice from local children, language barrier, and cultural attitudes among the Roma communities
- There have been reports of discrimination against displaced Roma children in Montenegro

"In theory, education is free for all, including refugees and IDPs, but due to lack of resources there is no money for school necessities or a hot meal for children. In some cases, collective centers are far from schools, making it difficult for children to attend. Finally, language is a barrier for Albanian- or Roma-speaking IDPs.

None of the children living in the Roma collective center Stari Aerodrom outside of Kraljevo attend school, and many never have. When interviewed by a Women's Commission delegate, they unanimously stated that they wanted to go to school but could not because they did not have enough clothes or shoes to wear. Later, a UNHCR community services field officer in Kraljevo, revealed that all the children in the settlement had been given clothes, new shoes and book bags by an international NGO, but that there was no sign of these commodities one week later, and no children had entered school. Some agencies are helping to set up some play activities and Save the Children has created a playground for all to share – refugees, IDPs and local children – in this area, and it is the one bright spot in the camp.

It is very hard to get the Roma children to attend school due to chronic illnesses, lack of proper clothing and prejudice from local children. Many of the children's parents are illiterate, especially the women. Traditionally the Roma have not valued education, and most of the IDP children from Kosovo have either never been to school or had dropped out before completing the fourth year. Even when the children show an interest in school, cultural attitudes to education compound the practical and psychological barriers to school attendance.

In the electric company collective center of Kalanic [...], all the approximately 50 primary school-age IDPs are bused six kilometers to the nearest school. The younger ones get out one-and-a-half hours before the older ones but must wait for the same bus that takes them all back to the collective center at 3:00 p.m. During this 90-minute wait, the younger students are unsupervised while they play outside the school between a railroad track and a busy highway." (Women's Commission September 2001, p. 15)

See also "Assessing the Needs of the Roma Community in the Federal Republic of Yugoslavia (excluding Kosovo)", a Humanitarian Risk Analysis by the UN Office for the Coordination of Humanitarian Affairs, 26 September 2001 [Internet]

"Education of Roma IDPs children is yet another pressing issue of Roma IDPs and the Roma community in general. Aside from the small capacity of 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)." (UN OCHA 26 April 2002, p. 23)

"Many members of the local non-Romani population object to the inclusion of Kosovo Romani children into Montenegrin schools. The Belgrade-based non-governmental organisation Humanitarian Law Centre (HLC) reported on 13 September 13, 2002, a case in which ten displaced Romani children from Kosovo who were not allowed enrolment in a primary school in Niksic, despite the fact that the children had successfully completed preparatory classes organised by a local non-governmental organisation. The HLC investigation pointed to racial discrimination on the part of school authorities. As of September 24, 2001, the children were enrolled, but only after the Humanitarian Law Centre and the Open Society Institute, Montenegro publicised the case and appealed with the Ministry of Education. Difficulties with enrolment of Kosovo Romani children into primary schools have also been reported in Podgorica." (ERRC 2001)

Lack of attention given to displaced adolescents (2001)

- Many refugee and IDP adolescents are not in school because secondary school is not compulsory for children who have reached their 15th birthday
- Problems include distance to secondary schools, inadequate clothing or lack of money for school supplies
- In spite of programs that target refugee and IDP youth, adolescents continue to be perceived as particularly underserved

"Adolescents affected by war and displacement are as a group at particular risk for poor adjustment. They are often underserved by humanitarian assistance programs. Many refugee adolescents have been displaced for up to nine years and have spent much of their childhood and teenage years with little autonomy over their lives.

They still have strong memories of their old lives, which can keep them focused on their loss instead of moving forward. Often family roles have disintegrated as a result of long-term displacement, and parents are not able to provide normal boundaries and role models for their adolescent children. When fathers are present, they have lost their roles as family providers and protectors, and this has affected their self-esteem. Often the fathers turn to alcohol, which causes or adds to family violence and dysfunction.

Youth in such situations are understandably angry and have feelings of helplessness. Peers are the most important relations for this age group and with anger and lack of direction, they are prone to turn together to destructive behavior. If they remain without good role models and opportunities to constructively be involved in creating a more positive future for themselves, they are at risk of growing into angry young people who perpetuate the circle of violence and retaliation.

Many refugee and IDP adolescents are not in school because secondary school is not compulsory for children who have reached their 15th birthday. [...] It is common for those who do to attend classes with over 50 children per classroom. Many areas where refugees and IDPs live are far from secondary schools. Others miss school because they don't have adequate clothing or money for school supplies.

The Women's Commission had a chance to meet such youth living in the electric company collective center of Kalanic. The approximately 50 primary school-aged children are bused six kilometers to primary school, but there is no secondary school in the area and no transportation to any secondary school.

The Women's Commission interviewed several adolescent girls who live at the Roma collective center Stari Aerodrum, near Kraljevo. Ana, 12, and Shameila, 13, are from the Klina area of Kosovo. Shameila completed four years of primary school, but Ana has never been to school. They speak a Roma language with their families and are not fluent in Serbo-Croatian. Both say they would like to go to school but cannot because they do not have appropriate shoes, clothes, books or supplies such as book bags and pencils. Although clean, their clothes look tattered, and their shoes are in such bad condition that they hardly manage to cover their feet.

When asked what they dreamed of for the future, Ana said she would like to be able to buy makeup and pretty clothes. Shameila agreed with Ana and added she also would like to have a boyfriend. When asked if they wanted to get married and have their own children when they grow up, both girls vigorously shook their heads, 'no.' When asked what they would do instead, they said they would like to work. When asked if they would like to work outside of the family or in the family like their mothers do, they replied that they wanted to work like their mothers do.

During the interview, which was conducted by the only running water source, community women were scrubbing clothes by hand with cold water. At this point, one of the women interrupted to say that the girls would be better off working for money outside of the community so that they would be able to buy what they wanted.

The women and an older girl started talking about the fact that it was important to go to school and learn to read and write. 'At least to be able to write your own name,' added a middle-aged woman. One went on to say that the only way that could happen would be if a school was started in their settlement. The Women's Commission delegate asked a 17-year-old girl if she would attend a school if it was in their settlement. She answered that she would not be able to because she had to care for her one-and-a-half-year-old baby.

A few local and international NGOs have programs that specifically target youth. The Novi Sad Humanitarian Center (NSHC), a local implementing partner of UNHCR, has a program providing education to Roma youth. A Women's Commission delegate visited an NSHC class in Novi Sad. Fifteen youth between the ages of 13 and 19 were drawing pictures and sharing stories about the pictures. Because their Roma community does not emphasize activities such as drawing and coloring when children are young, these youth were drawing pictures with images more typical of much younger children. They were enthusiastic about this activity and eager to share their pictures and stories with the psychosocial worker leading the class. These same youth also participate in another NSHC class that is teaching them beginning reading and writing skills which help prepare them to enter a special government school for youth who have not finished primary school. Because these 15 youth are not literate, they need special catch-up activities in order to have a chance of succeeding in the special government school.

The local NGO, Group 484, also has psychosocial workshops for adolescent refugees. These workshops have the stated goal of promoting civil society values by supporting cultural activities and educating youth about principles of democracy and respect for differences. Many more local NGOs have programs promoting the development of civil society through activities with children and youth but do not target refugee and IDP youth. Many international NGOs have psychosocial programs that target refugee and/or IDP children and youth together.

In spite of programs that target refugee and IDP youth, either separately or more commonly as part of a larger children's program, adolescents continue to be perceived as particularly underserved. UNICEF's Project Officer, Svetlana Marojevic, sums it up well: 'Adolescent refugees and IDPs are especially affected by the wars and displacement and remain the most neglected group. They need to feel useful and included and to get some qualifications. They are in need of psychosocial support and interventions, educational encouragement, counseling and clubs where they can talk about their animosity and how they can work through it to help in the process of building civil society.'" (Women's Commission September 2001, pp. 16-17)

Montenegro:

"The Women's Commission found few programs that focused specifically on refugee and internally displaced adolescents. UNICEF noted that the lack of attention to adolescent concerns was a problem. 'Children 15 and older cannot go back to primary school officially,' noted one aid worker. The Montenegrin Ministry for Refugees observed that refugee and internally displaced youth faced similar problems to Montenegrin youth in that there were few employment opportunities.

Among the few agencies targeting adolescents and young adults are the Red Cross, which runs youth clubs with education projects on drug prevention and HIV/AIDS, and the Danish Refugee Council, which has developed a youth partnership program on the coast." (Women's Commission September 2001, p. 25)

Kosovo

Ethnic minority children face very difficult schooling conditions (2001-2002)

- The lack of freedom of movement prevents the efficient operation of the educational system for minorities
- Many minority children depend on escort to attend school
- Qualified Kosovo Serb teachers are reluctant to apply for posts in enclaves
- Minority children must travel outside their enclaves to attend secondary school
- The Kosovo Ministry of Education has planned to create school buses for Kosovo minorities and other vulnerable communities
- The full integration of Roma children into the educational system has been hampered by the language barrier and discriminatory practices

"In the sphere of education, the issues of the lack of freedom of movement and security for minority communities prevent the operation of an efficient educational system at all levels which is in compliance with international human rights standards for minority education. These factors manifest themselves in areas such as the hiring of qualified teachers to teach in minority languages, access to higher education, and transportation to and from school for minority students. In the Mitrovicë/Mitrovica region for example, transport is a major issue for the Serb community living in the enclaves in southern Mitrovicë/Mitrovica municipality, in Vushtrri/Vucitrn and in Skenderaj/Srbica, who remain completely dependent on KFOR's daily escorts. Should these cease or decrease, there is currently no contingency on which to fall back.

Many of the Serb enclaves have newly reconstructed elementary schools. However, qualified Kosovo Serbs teachers who live within the region and who would have to commute are not applying for the posts in the enclaves mostly because of security concerns and problems with transport (KFOR escorts) that they would have to face every day. Consequently, the schools are very frequently forced to employ people from the villages who have lesser qualifications for teaching.

Also, a general problem for most Serb enclaves throughout Kosovo is that many can only provide elementary education, thus requiring secondary students from these enclaves to travel outside of their enclaves in order to attend secondary schools. Without an integrated education system and freedom of movement, this causes severe problems. For example, for security reasons, the Serb pupils in Vushtrri/Vucitrn can only attend secondary schools located in Mitrovicë/Mitrovica north and not the secondary school in their municipality. Usually, the escorts from many of the villages are not provided every day so the children attending secondary schools have to go to Mitrovicë/Mitrovica north and stay there the whole week. The difficulty in finding and paying for accommodation in Mitrovicë/Mitrovica has been frequently emphasised by the parents.

Compounding the difficulties is the fact that security escorts are being cut back in certain locations, and parents are being asked to assume responsibility for transporting their children to schools, often without consultation. In some cases, such as the Prishtinë/Priština region, students are being asked to take unescorted transportation to school with soldiers being stationed at 'sensitive' points along the route. When this measure was imposed by KFOR in Prishtinë/Priština region without consultation, the parents stopped their children attending school from 14 January to 4 February 2002. After discussion with KFOR, the children returned to school, but with continued grave misgivings from the parents. It remains the case that over 200 Serb children in Prishtinë/Priština rural north, of secondary school age or over, have either no or inadequate access to education.

The PISG Ministry of Education, Science, and Technology (MEST) has developed a project document entitled 'School Buses for Kosovo Minority and Vulnerable Communities School Children'. The project, which is still contingent on obtaining international funding, will attempt to address school transportation for minority and vulnerable children but lacks a plan for the participation of the security forces in its implementation. The project document also mentions that 'the school administrations reported a significant increase in the number of minority school age children attending schools regularly or newly enrolling schools for the first time in all municipalities where the school bus transport had been introduced under the

[previous] school bus project' and supplies statistics to substantiate this claim." (UNHCR/OSCE May 2002, paras. 45-49)

"In considering the educational needs of the Roma, Ashkaelia, and Egyptian communities, it must be noted first that the Roma, Ashkaelia, and Egyptian communities have **varying degrees of access to education depending upon whether they predominantly speak Albanian or Serbian**. Generally, the Ashkaelia and Egyptian communities tend to speak Albanian while the Roma tend more to speak Serbian. The language that is spoken can have an effect on the freedom of movement of members of each community thus impacting adversely, for example, on their ability to travel freely to school.

The **number of Roma children attending school is particularly low**. Particular reasons are that the children are not encouraged by their parents to attend classes nor do they appear to be enthusiastic about school, due in part to their lack of ability to communicate as effectively in the Serb language as they do in their mother tongue. The Roma community living in the northern municipalities does not have the opportunity for education in their mother tongue. For example, Roma children from the collective camp in Mitrovicë/Mitrovica north attend classes in Serb language in the school located in the vicinity of the camp. The fact that Roma children's only option is to receive education in their second language may discourage their participation, however, when asked, Roma parents state that they prefer that their children attend classes in the Serb language, emphasising that improvement of their language skills will make the integration easier. The lack of options, combined with the pressure to assimilate to the local majority, results in a less than satisfactory end result.

In the Mitrovicë/Mitrovica region, the international community through various NGOs has attempted to **facilitate Roma integration into the educational system** by providing classes focused on the development of learning techniques, and by offering assistance with lessons and improvement of language skills. The purpose of these 'catch up' classes is to put them on an 'equal skills' level with other students when they enter school. CARITAS France is also trying to integrate parents into the project they are currently running in the Mitrovicë/Mitrovica camp, thus attempting to change parents' attitude toward education and its importance.

Another factor that influences Roma children's attendance at school is whether they are **accepted by other students, teachers and school administrators**. In Leposavic/Leposaviq, the school refused to accept Roma children residing in the collective camp in Mitrovicë/Mitrovica, as they supposedly did not meet the school's proficiency requirements for the Serbian language in violation of the children's right to have adequate opportunities for being taught their minority language or for receiving instruction in this language. The children were required to attend school in Mitrovicë/Mitrovica north for a certain period of time. Only after long negotiations, was the situation resolved at the end of 2001, and Roma children were admitted to the school. In the case of Roma children, though, such discrimination is not merely the result of post-conflict conditions and lack of resources; rather it is the result of a systemic racism against Roma, which relegates them to the status of a minority among minorities in almost all societies where they live.

In the small community of nine Ashkaelia families who returned from displacement to Vranjevac/Kodra e Trimave (urban Prishtinë/Priština) in late 2001, **Ashkaelia children were not able to attend the nearest Albanian primary school**, due to the effective opposition of the school director to the integration of the students. In their nearby school, the staff expressed the opinion that the Ashkaelia children would have to endure problems (taunting, harassment, stone throwing from other students) and did not express willingness to take measures to ensure the smooth reintegration of the returnee children. However, the Ashkaelia returnee children were welcomed at another Albanian school in the area, whose school director made special efforts to introduce the children to the other students and ensure their dignified integration by taking steps such as holding meetings with teachers." (UNHCR/OSCE May 2002, paras. 64-68)

Creation of a separate university structure for Kosovo Serb students (2001-2002)

- Pristina university remains inaccessible to the Kosovo Serbs
- UNMIK approved the restoration of faculties in northern Mitrovica for Kosovo Serb students

"**Access to university education** for Serbian-speaking students did improve during the period [September 2001-April 2002], albeit through the establishment of a parallel structure in northern Mitrovicë/Mitrovica, sanctioned by UNMIK. Until October 2001, Kosovo Serb and other minority students using the Serbian language effectively had no access to university education within Kosovo since the sole institution, Prishtinë/Priština University, was inaccessible due to security problems and used almost exclusively by Albanian-speaking students. After June 1999, Kosovo Serb university students, most of them displaced outside of Kosovo or in northern municipalities, resumed classes in 're-located' faculties re-established under the same administration as the pre-conflict Prishtinë/Priština University (1991-1998) in various cities in Serbia proper (e.g. Niš, Krusevac, Vranje). In 2001, UNMIK agreed with the Belgrade authorities on the restoration of these faculties to Kosovo, albeit in northern Mitrovicë/Mitrovica, therefore still representing a separate and parallel structure. In autumn 2001, some students began attending classes in northern Mitrovicë/Mitrovica, and in early 2002, a branch of the northern university system was also opened in Gračanica/Graçanicë, offering Serbian and English language and literature studies. While it is still discouraging that university education for Albanian and Serbian speaking students continues to be divided (with no indications on when it may be possible to bring them together in the future), it is nonetheless very important that Serbian-speaking students do now have access to an institution for higher education within Kosovo. Indeed, the lack of university education opportunities was often cited as one key factor why return of young IDPs was considered to be non-viable. However, the main problems of the Serbian-speaking students (Kosovo Serbs, Bosniaks and others) living in locations other than the northern municipalities [...] continues to be inadequate freedom of movement making access difficult. Discrimination is also an issue that must be addressed with a view to achieving equality in access and integration in the long-term. While the principle obstacles to most non-Albanian speaking students at the moment to the university faculties Prishtinë/Priština remain insecurity and lack of freedom of movement, the few contacts Kosovo Serbs in particular have had with the institution (e.g. in obtaining educational documents) have indicated that discrimination is an issue that must be tackled." (UNHCR/OSCE May 2002, para. 50)

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Federal Republic of Yugoslavia (excluding Kosovo)

Income sources of displaced households are insufficient to meet basic expenditures (2001-2002)

- 2001 survey indicates that 52 percent of the displaced are unemployed
- 25 percent of the IDPs live below the World Bank lower poverty line
- Humanitarian assistance therefore provides a significant contribution to the IDP household budget

"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), 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 2001. 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 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 month. 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', 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." (UN OCHA 26 April 2002, pp. 11-12)

"Approximately one-fourth of IDPs live below the lower poverty line and, along with refugees, are hit harder than the local population by the economic crisis. In 2000, between 80 and 95 percent of IDP households did not have sufficient income for food, clothes, and shoes." (ACF May 2002, p. 12)

Social welfare in Serbia: low impact on the condition of IDPs (2001-2002)

- Less than 10 percent of IDPs in Serbia receive social welfare benefits
- IDPs who have documents showing their employment with state companies in Kosovo or who own property are not entitled to social assistance
- Social welfare payments are not sufficient to meet basic needs
- IDPs in Montenegro face problems in accessing their rights to pension and health insurance in Serbia

"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) and the number of poor, according to recent surveys [17] (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 welfare [18]:

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 by 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." (UN OCHA 26 April 2002, pp. 13-14)

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

[Footnote 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.]

[Footnote 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.]

"IDPs may experience some additional disadvantages in Montenegro in as far as salaries, and pensions, that are still being paid to IDPs in Serbia in dinars, are inaccessible to IDPs in Montenegro without travelling to Serbia. Similarly, while the Montenegrin Health Insurance Fund covers primary health care for IDPs, payments between the health insurance funds of Serbia and Montenegro have stopped." (UNHCR April 2002, para. 29)

Survival strategies of the displaced Roma (2001-2002)

- Displaced Roma have almost no chance to find employment
- Survival strategies include marginal physical labour, collection of materials for recycling, selling of humanitarian assistance

"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." (UN OCHA 26 April 2002, p. 23)

"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 [See "Social welfare in Serbia: low impact on the condition of IDPs (2001-2002)" (internal link)]. According to the latest survey performed for OXFAM [40], 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*)."
(UN OCHA 26 April 2002, p. 24)

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

See also:

Action Contre la Faim, 'Vulnerability assessment in Serbia (excluding Kosovo) – Identification of vulnerable socio-economic categories with special needs', May 2002 [Internet]

Need to improve dissemination of information among the displaced community (2001-2002)

- IDPs lack comprehensive and timely information about their rights as IDPs, the situation in Kosovo, and NGO activities
- There is also a lack of data regarding the intention of the displaced with respect to return
- Several international and local agencies have developed information services, but their impact remains limited
- UNHCR organizes "go and see" and "go and inform" visits to disseminate information on areas for potential return
- UNHCR and UNMIK have formed a joint Document and Information Working Group (July 2002)

"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 Assistance [*Refugees and IDPs-Between the Rights and Reality*, Belgrade 21-22 January 2002] 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. RC 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 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." (UN OCHA 26 April 2002, pp. 27-28)

"UNHCR and UNMIK have formed a joint Document and Information Working Group which met on July 30 and 31 in Podgorica and Belgrade respectively. A document Information Framework was endorsed by the Working Group. A separate Working Group exists in Prishtina, which is also supposed to adopt the document. Findings include the now well-established fact that information for IDPs does not reach the target groups and that a general lack of coordination mechanisms has led to an enormous duplication of effort as many agencies are searching translating identical pieces of information. As a result of the first meeting, UNHCR and UNMIK will intensify PI work in and Serbian/Montenegrin media, UNOCHA will produce a Who's Who of organizations which are active in the field of return information, agencies will make use of this bulletin for information sharing, UNHCR will look into creating a new website that will contain information relevant to IDPs, UNMIK will continue its policy to bring Serb journalists to Kosovo and ethnic -Albanian journalists to Serbia to increase the information flow." (UN OCHA 23 August 2002)

"OCHA's contribution to information efforts is the regular IDP Bulletin (three bulletins have been issued since July 2002) offering information on new and ongoing IDP related activities. The bulletin is distributed

in English, Serbian and Albanian language to IDP communities and associations in Serbia, Montenegro and Kosovo and to organizations targeting IDPs in their programmes. OCHA has also committed to produce in November 2002 a Who is Who directory of all organizations offering services to IDPs." (UN OCHA 30 September 2002)

Selected information services for IDPs:

- *Kosovo Info (IAN)* [Internet: <http://www.ian.org.yu/kosovo-info/eng/index.asp>]
- *UN OCHA IDP Bulletins: see issue No. 4, 12 November 2002* [Internet]

Parliamentary elections 23 December 2000: participation of the displaced from Kosovo

- The total number of voters included about 150,000 persons registered in Kosovo, some of whom were ethnic -Albanians
- Many entries in the voter lists from Kosovo lack personal ID numbers
- Neither the failure to prepare a national computerised register fully, nor inaccurate registers prevented voters from exercising their right to vote on election day

"The Election Law stipulates that voter lists will be 'extracted from a national computerised voter register, run as an integrated system with a breakdown by municipality'. The Law however fails to specify how this national register is to be created and maintained, and which body or bodies are responsible for this task. At present, voter registers are maintained and updated by the municipal authorities, some manually, others by computer, using different software programs. Given the short timeframe and the current status of the voter registers, it was clearly impossible to implement the legal requirement of having a unique centralised voter register on time for 23 December. As some municipalities provided incomplete information, the REC postponed the announcement of the final number of registered voters until after the legal deadline to ensure that data was as accurate as possible.

On 11 December, the REC approved a total of 6,500,831 voters. This figure included some 150,000 registered in Kosovo, some of whom were ethnic-Albanians. [20] However as one district in Kosovo was omitted, some Serbs were excluded. On 22 December, the total number of voters was corrected to 6,508,856 to take into account court decisions and the inclusion of some military voters, who are registered in polling stations close to their barracks.

Authorities exhibited a high degree of goodwill and transparency in updating the registers. Although voter lists used in polling stations on election day were in fact drawn from municipal voter register extracts, a serious effort undertaken in good faith was made to comply with the legal requirement and compile a national voter register. [21] However, registers continue to have errors and omissions including some missing personal identity numbers, errors in spelling of names, and some anomalous entries. [22] The REC reported that many entries in the voter lists from Kosovo also lack personal ID numbers. Nevertheless, neither the failure to prepare a national computerised register fully, nor inaccurate registers prevented voters from exercising their right to vote on election day.

Endnote 20: Some 200,000 persons displaced from the conflict in Kosovo into Serbia were entitled to registration as voters at the place of their temporary residence.

Endnote 21: The Belgrade Institute of Informatics and Statistics and a private company from Novi Sad were contracted to computerise the registers kept manually in smaller municipalities. On 26 December, a CD-ROM was presented in the REC as a compilation of all voter register extracts used for the 23 December elections.

Endnote 22: The registers in Bor contained some 2,000 former citizens of Former Yugoslav Republic of Macedonia, mainly Roma, whose citizenship status is unclear. In Sremska Mitrovica, some 30 percent of entries in the registers have incorrect ID numbers." (OSCE ODIHR 20 February 2000, sect. V)

Kosovo

Lack of access to the labour market deters return and prompt departure within minority communities (2001)

- Unemployment rates in minority communities can be nearly 100%
- Continued security concerns, lack of freedom of movement and discrimination are the main obstacles faced by minorities
- The Roma communities face the additional barrier of the lack of formal education and qualifications
- There is a general lack of proactive and effective action to promote minority employment, either in the private or the public sector, aggravated by the absence of effective remedies

"The improvement in the security situation for some minorities allows greater attention to be focused on public employment, a key problem area where there has been little positive progress. While security and freedom of movement concerns continue to limit the employment possibilities of many minority communities, it can no longer be stated that security concerns constitute *the sole reason* for low employment rates of certain minorities. This is manifestly no longer the case, for all locations and all minority groups, so the full explanation must lie elsewhere. As stated in previous assessments, there are no comprehensive figures for unemployment in Kosovo but anecdotal evidence continues to suggest that unemployment amongst minorities remains exceptionally high. In Ferizaj/Urosevac municipality, minority representatives estimate unemployment to be nearly 100%, while in Kamenice/Kamanica it remains above 80%. The reasons why minority unemployment appears to outstrip unemployment in the majority community is due to a combination of factors, including, continued security fears and the lack of freedom of movement as previously mentioned, compounded in turn by high levels of discrimination. Many RAE face the additional barrier of the lack of formal education and qualifications. As minority communities gradually appreciate that the degree of security threat against them has diminished and/or can be overcome with the implementation of special support measures, they have been disappointed to find that employment prospects have not correspondingly improved. Increasingly the lack of employment becomes a major factor of instability within their communities threatening their viability through the combined effect of deterring return and prompting further departures.

There are regrettable few indications of proactive and effective action to promote minority employment, either in the private or the public sector. In the public sector, both UNMIK central authorities and the local municipalities continue to employ some members of minority groups and this is often the only source of income to minority communities. However, UNMIK Municipal Administrators, often find themselves imposing the employment of minorities upon municipalities, in the face of opposition from the municipal assemblies. Under such circumstances the sustainability of employment is questionable. In the private sector, the influence of UNMIK is obviously less strongly felt and although, some efforts have been made to encourage employers to engage minority staff, as occurred in the Bentakos quarry in Viti/Vitina, such efforts are extremely limited in their overall impact.

Discrimination remains prevalent, even in the public sector. In Prizren, for example, of 40 municipal civil servants made redundant in February and March this year, 10 were Muslim Slavs, and 14 were Turks, figures disproportionate to their overall representation within the population. Despite this, most of the

affected persons have not been able to take any effective action to address the discrimination, given the lack of effective remedies." (UNHCR/OSCE 1 October 2001, paras. 29-31)

See also "JIAS Employment Survey: Results Report", OSCE Mission in Kosovo, 12 November 2001 [Internet]

Access to public utilities for minorities: reports of discriminatory practices (2001-2002)

- Essential services and utilities are not available to minority communities
- Unsolved disputes between companies deprive minorities in northern Mitrovica from proper access to telephone services
- Minority communities complain about arbitrary disconnections from the phone network and overestimated bills
- Similar problems have been reported regarding access to the electrical network

"Access to public services such as sewage, water, electricity and telephone service still remains as another problem for members of Kosovo's minority communities. Additionally, many minority villages have limited means of public transport, and often no post office. Further, unsanitary living conditions are a problem in some villages where there is no sewage system, and raw sewage is discharged directly into rivers. Also, public waste collection continues to be a problem in minority villages, as well as the quality of the drinking water.

There is often a problem in the areas where minority community members live in **the maintenance of telephone systems**. For example, phone lines and telephone poles are old and often in a state of decay or disrepair, and network coverage for mobile telephones is inadequate. Minority consumers are often caught in the middle of disputes between two companies operating in the same area, due to the parallel systems that exist in some areas for telephone services. In the northern part of Mitrovicë/Mitrovica region, for example, only a few Kosovo Albanian customers are connected to the Kosovar PTK system in Mitrovicë/Mitrovica south. The rest of the network, as of the end of March 2002, is covered by PTT and is therefore run by the telecommunications authority in Serbia proper. It is still unclear if, when and how minority communities living in Mitrovicë/Mitrovica north will have access to the Kosovo telephone service.

In some villages, members of minority communities complain that their phone line has been cut after receiving a warning to pay a bill that they never received. Others in such areas as Gracanica/Gracanice and Obiliq/Obilic complain of overestimated bills, arbitrary cuts in service and the lack of a transparent billing process generally.

The complaints of minority community members on electrical service are similar to those with the telephones. There are frequent complaints that the **billing procedures of KEK, the Kosovo electric company, are arbitrary and lacking in transparency**. A recurrent complaint is that because of security concerns, KEK meter-readers cannot access minority houses and flats to take meter readings. Instead, KEK uses a variety of methods of assessment of electricity consumption, depending on the municipality. For example, in Fushe Kosovë/Kosovo Polje, KEK designated three categories of charges for electrical consumption: 20 Euros for low consumption, 35 Euro for normal consumption, and 50 Euros for high consumption. This was based solely on an estimation of the size of the house or flat, not on actual consumption." (UNHCR/OSCE May 2002, paras. 87-90)

Social services lack the capacity to reach the minorities (2001-2002)

- Minorities in enclaves continue to rely upon outreach or mobile services to access social assistance
- Stringent re-application requirements have had a tendency to result in the de-registration of minority beneficiaries
- Access to social assistance for members of the Roma communities appears to be a particular problem

"The people of Kosovo suffer from a barely functioning social services system. The lack of capacity to carry out vocational community-based social work affects minority and majority communities alike. But for members of minority communities there is the added hardship of a lack of freedom of movement which interferes with their ability to access basic social services, particularly when it comes to the Social Assistance Scheme (SAS). For this reason, most minorities who live in enclave like situations or are isolated continue to rely upon outreach and mobile services to obtain information about social assistance, to register themselves, and to receive their welfare benefits. During the first half of 2001, the social assistance authorities (through the Centres for Social Welfare) took over implementation of the social assistance scheme (SAS) to minorities, in part through hiring of minority staff with the purpose of ensuring that the CSWs could perform the functions which, in 2000, had largely been performed by international NGOs on behalf of the social welfare authorities.[49] However, stringent re-application requirements [50] have had a tendency to result in the de-registration of minority SAS beneficiaries, sometimes without prior notification, while effectively offering them limited opportunities to re-register due to their dependency on mobile and outreach services. The previous OSCE/UNHCR minority assessment stated that minorities 'are being punished by the system' and that responsible authorities 'failed to take adequate action...instead [shifting] the responsibility to those least able to overcome discrimination, the beneficiaries themselves.' This statement, unfortunately, has continued to hold true.

In early 2001, minorities were effectively exempted from re-application requirements since the CSWs had not yet built the capacity to ensure outreach, and most minorities could not reach CSW premises on their own owing to security. In July and August 2001, humanitarian NGOs as well as agencies such as OSCE and UNHCR began to receive complaints while visiting many minority communities in various regions of Kosovo that they had stopped receiving SAS benefits. In a few cases, minorities who had been able to approach the CSW reported that had been told they were no longer registered on the beneficiary roll. Upon inquiry, it was established that some minorities had been de-registered because they had missed the deadline for re-registration (previously not enforced). Most minorities were not made aware of the re-registration deadline, nor had many received a visit from a CSW worker to re-register. For example, an elderly disabled Kosovo Albanian woman living in Leposavic/Leposaviq, dependent upon house-visits, had received neither her assistance nor any visit by CSW. Dozens of Kosovo Serb families in Lipjan/Lipljan similarly complained about the unanticipated discontinuation of benefits, and in other municipalities, other minorities experienced the same problems.[51]

The ability of the CSWs to improve their performance vis-à-vis minorities still depends upon increasing not only capacity to ensure adequate flow of information to minority communities, but also available resources for mobile outreach services. During the period, social assistance officers posted to minority areas continued to suffer from a lack of material supplies to perform their functions.

Access to social assistance (SAS) for members of the Roma communities appears to be a particular problem. In Prizren, a RAE Community Advocate [52] interviewed approximately fifteen families to investigate why they were not eligible for social assistance. The Community Advocate found that when the families visited the CSW and requested social assistance, they were told orally that they were not eligible for social assistance, and either were not informed of the criteria for eligibility, or given false information (such as that they had to produce a card that showed they received food aid). After OSCE informed the

CSW that the majority of these refused persons appeared to meet the requirements of Category II for social assistance claims, the CSW agreed to again interview the families in order to re-evaluate their eligibility for social assistance.

To cite a more positive development, a previous obstacle to minority access to SAS was removed when a policy was put into place giving CSW directors the discretion to exempt applicants from some documentation requirements on the basis of lack of access to such documentation, as is often the case for some minorities, particularly Roma, Ashkaelia and Egyptian." (UNHCR/OSCE May 2002, paras. 77-81)

[Footnote 49: As of early 2001, the CSWs assumed responsibility for delivery of assistance, and international NGOs ceased to perform this function, although in some areas NGOs continued to provide crucial support to bolster the capacity of the CSWs, such as in Prizren where ICMC continued to provide vital transport assistance for social assistance officers to be able to access isolated minority communities.]

[Footnote 50: Beneficiaries of category I assistance must re-register (and re-qualify) for assistance every six months, while for category II recipients, the re-registration requirement is every three months.]

[Footnote 51: Concerned international agencies had increasing difficulties monitoring the process as 2001 came to a close, due to the decision of the then-transitional Department of Health and Social Welfare to discontinue sharing global statistics on SAS beneficiary numbers.]

[Footnote 52: The RAE Community Advocates are part of a pilot project instituted by the OSCE in October 2000 that trains selected members of the Roma, Ashkaelia and Egyptian communities to become Community Advocates. As Community Advocates they are trained in the functioning of basic democratic institutions and in practical human rights awareness so that they can serve as a liaison between their communities and the majority population, and so that they can transfer such skills to other members of their communities.]

Remaining obstacles to enforce the right of the displaced to vote in elections in Serbia-Montenegro (2002)

- The right to vote in local elections outside Kosovo depends on the deregistration from one's previous residence in Kosovo
- IDPs in Serbia were able to vote in the September 2002 presidential election in Serbia
- However IDPs in Montenegro could only vote if they returned to Kosovo

"Documentation problems are not restricted to Roma IDPs. Registration and documentation difficulties have resulted from the transfer of official state documents in the final days of the conflict from Kosovo to a number of locations in Southern Serbia. In order to register somewhere in Serbia, and thereby enjoy the right to vote in local elections and enjoy local social benefits, it is necessary first to deregister from one's previous place of residence. This is, inevitably, a rather difficult procedure if one's previous residence was in Kosovo and the relevant papers, if they exist at all, are currently to be found somewhere in Southern Serbia. Such bureaucratic obstacles to local integration ought not, however, with the necessary will of the FRY authorities, to be insurmountable." (COE 16 October 2002, para. 210)

Presidential election (Republic of Serbia – Federal Republic of Yugoslavia), 29 September 2002

"Polling was organized in Kosovo, with 107,999 voters registered in some 268 polling places across 19 municipalities. Initially, the Government of Serbia suggested that all residents of Kosovo be included in the voter lists. However, the UN Mission in Kosovo (UNMIK) declined a request by the Government of Serbia to hand over the voter lists that are to be used for the 26 October 2002 municipal elections in Kosovo, organised by UNMIK and the OSCE Mission in Kosovo (OMIK). Consequently, in the absence of reliable data on registered voters, and mindful of fraud in Kosovo in the context of Federal and Republic of Serbia elections prior to October 2000, the Serbian authorities decided to compile voter lists containing predominantly, but not exclusively, ethnic Serb voters in Kosovo. The criteria for compiling this register

and the data included were less than reliable. On 17 September, the EOM deployed three observers to Kosovo and monitored proceedings there on election day.

Internally Displaced Persons (IDPs) are entitled to participate in voting on the territory of Serbia in the place of their temporary residence. However, some 18,000 IDPs from Kosovo in Montenegro could only vote if they returned to Kosovo.

UNMiK decided that campaigning by presidential candidates would not be permitted in Kosovo, leading to protests from some candidates. Nonetheless, voters in Kosovo were able to access political information through the Belgrade-based electronic media." (OSCE 30 September 2002)

59 IDP associations create a common organisation (November 2002)

- They formed the Union of Associations of Kosovo and Metohije
- The objective is to coordinate their approach with regard to Kosovo and IDPs

"59 IDP associations and Serb associations from Kosovo last month formed a Union of Association of Kosovo and Metohije as a non-political and non-profit organizations. The Union of Association works closely with the [Coordination Centre for Kosovo (CCK)]. The purpose of this organization, according to its statutes, is joint action and a coordinated approach in dealing with the international community, state institutions, as well as organizations that deal with problems related to Kosovo and IDPs. The programme of this Union includes the reintegration of Kosovo in the constitutional legal system of Serbia and Yugoslavia and the return of IDPs to Kosovo. Other goals include: cooperation with state institutions, humanitarian organizations and others who work with IDPs and vulnerable groups in Kosovo; legal protection and assisting IDP in the areas of social, health, and retirement insurance, as well as protection of other rights; protection of human rights and the development of civil society.

The Union of Associations hopes to synchronize its activity towards local and international organizations, the formation of a media campaign regarding the state of affairs in Kosovo, development and implementation of return programmes, discovering the fate of the kidnapped and missing, creation of a comprehensive database of all Kosovo IDPs." (UN OCHA 12 November 2002)

Minority and returnee farmers continue to need assistance (2002)

"Following the provision in 1999 and 2000 of emergency assistance to the Kosovo agricultural sector, agricultural production was quickly restored to near pre-conflict levels. [...] However, the need for continued donor assistance persists to support minority farmers and returnees to rural areas, in order to create conditions that will lead to sustainable returns." (UN GA 2 July 2002, para. 46)

Deficient minority representation and participation in municipal structures (2001-2002)

- Kosovo Serbs often chose not to participate in municipal structures and oppose the Kosovo Albanian presence in the Serb-dominated municipalities
- Lack of freedom of movement is another major obstacle to the minorities' participation
- They also demand to have separate and exclusively Kosovo Serb administration structure
- Only three out of the 24 municipalities with a minority population allocated a fair share of their finances for minority community (October 2002)

"The situation of **Kosovo Serbs and municipalities remains difficult in many areas**, with Serbs often expressing deep political opposition to the existence of the municipal organisation in which they are supposedly to participate. Often, where opportunities exist for participation, Kosovo Serbs opt not to participate or engage in municipal structures. In Štrpce/Shtërpçë municipality, the majority Serb leaders oppose participation in UNMIK-established municipal structures, and indeed their opposition to the structures has also impacted on the opportunities for Albanians (in the minority) to participate. The Kosovo Serb community protesting forcefully against the increased presence of Kosovo Albanian municipal officials in the municipal building, since the appearance of Kosovo Albanian municipal employees is perceived as a take over of the municipality. In Fushë Kosovë/Kosovo Polje the appointed Kosovo Serb representatives face rejection from the Serb community which opposes their participation. In Rahovec/Orahovac, restricted freedom of movement makes it almost impossible for Kosovo Serbs to participate in the municipal bodies. In locations where Serbs lack opportunities to participate due to freedom of movement, where they are numerically dominant or where they oppose the existing structures, they have often demanded to have separate and exclusively Kosovo Serb administrative structures. (In some cases this demand has been presented as a pre-condition for Kosovo Serbs to participate in the coming Municipal elections of autumn 2002.) In some instances, participation can be disrupted and improving relations soured due to particular incidents affecting majority-minority dialogue and co-operation in municipal structures. For example, in November 2001, a Kosovo Serb, appointed as a member of the Prishtinë/Priština Municipal Assembly, left Kosovo for Serbia proper, after he was forced to abandon his seat following unsubstantiated allegations of his being a war criminal made against him in the press and by Kosovo Albanian colleagues in the Municipal Assembly. In other areas, participation has produced positive results. For example, in Kamenicë/Kamenica municipality there is a Kosovo Serb vice-president of the Municipal Assembly as well as 11 Serb members and one Roma who have been very active and in good co-operation with their Albanian colleagues." (UNHCR/OSCE May 2002, para. 141)

"The participation of Kosovo Serbs in the municipal structures as appointed members of the municipal assemblies has, in some places, yielded some results for the Kosovo Serb communities on employment in the municipal civil service, the distribution of municipal revenue, the joint use of municipal facilities, the determination of street names and municipal return plans. However, most municipalities remained in a stalemate on such issues. During the first half of the year, only three out of the 24 municipalities with a minority population allocated a fair share of their finances for minority community." (UNSC 9 October 2002, para. 6)

Low participation of IDPs in Serbia and Montenegro to the municipal elections in Kosovo (October 2002)

- UNMIK officials involved in the process emphasised on the participation of all ethnic groups
- Only 14 percent of the displaced voters in Serbia-Montenegro took part to the election
- Four municipalities in northern Kosovo remain under political control of the Kosovo Serbs

"Background: After the first successful municipal election in October 2000 for two years term, Kosovo voters went to the polling station on 26 October 2002 to elect their municipal assembly representatives for a four-year term. The Constitution Framework necessitates democratisation of Kosovo and handing over UNMIK's administrative responsibilities to the local bodies. Needless to mention that the framework also paved way for establishment of the Provisional Institutions of Self-Government (PISG) through November 2001 general election.

[...]

Election Campaign: A 43 days election campaign begun on 13 September, which ended on 25 October. During the campaign period, series of political rallies and meetings took place by different participating parties and groups throughout Kosovo. Colourful posters, often with slogans were posted everywhere. SRSG and other UNMIK officials involved in the process emphasise on the participation of all ethnic

groups though K. Serbs expressed reluctant and often critical about the voter friendly condition that prevails in Kosovo. K. Serbs were confined to their five constituencies predominantly populated by K. Serbs. Despite all these differences, there has not been any major cases of campaign related violence reported in the media.

[...]

Participation: According to the OSCE report, 68 political parties/groups take part in the election. Approximately 1.3 million Kosovans were eligible for voting of which 1.2 million resides within Kosovo, while 120,000 Kosovo IDP voters are displaced in Serbia and Montenegro in addition to the voters living abroad. OSCE provided the registration services organized their voting. The preliminary result shows that voter turnout inside Kosovo was 58% while it was only 14% in Serbia and Montenegro. The lower percentage of voters turnout in FRY brought down the overall average to 54%. The highest turnout in Peja/Pec and Prishtine/Pristina recorded 60% vote casting. In favour of minority participation in the democratic process through election, senior officials including SRSG and OSCE Ambassador visited enclaves and pockets where minority community especially K. Serbs are living.

[...]

Results: The unofficial preliminary result indicated that LDK (Democratic League of Kosova) got the majority of votes with 920 deputy seats in 30 municipalities in Kosovo. LDK won in 12 municipalities, Democratic Party of Kosova (PDK) got majority seats in 7 municipalities and Alliance for Future of Kosova (AAK) place third in ranking with majority seats in one municipality. The same ethnic group in the northern Kosovo won the four K. Serb majority municipalities. Based on last local election results PDK, AAK marked an increase percentage of votes while LDK lost the aggregate votes though still leading. According to the preliminary results, none of the parties will be able to form the municipal assembly without having a coalition with other political entities. Publication of the official election results is expected on October 31st, 2002." (UN OCHA 30 October 2002)

Efforts to increase minority presence in public services have limited impact (2002)

- Insecurity and limited freedom of movement hampers minority representation in the civil service
- The education and health ministries are the most notable exceptions

"Although efforts to increase minority representation throughout the civil service continued, obstacles remained, such as security concerns, interethnic tension in the workplace and limitations on the freedom of movement as well as the limited pool of minority applicants with the required qualifications willing to work within these institutions. The Ministry of Education, Science and Technology remained the most ethnically mixed, with 27 per cent minority employees at the central level, and the Ministry of Health was second, with 12 per cent minority representatives. There has been an increase of Kosovo Serb and Turkish community representatives in both the Office of the Prime Minister and the Assembly Secretariat to the extent that each now has 16 per cent minority staff. Minority employees in the Ministries of Labour and Social Welfare, Culture, Youth and Sports, and Environment and Spatial Planning have increased to levels of 11 per cent. At the municipal level, numbers have increased but have yet to reach desired levels. A fair proportion of minorities have been employed in only eight out of the 24 ethnically mixed municipalities, if compared to the present ethnic composition of the municipalities." (UNSC 9 October 2002, para. 10)

For more details on minorities' access to public sector employment, see [UNHCR/OSCE Ninth Assessment of the Situation of Ethnic Minorities in Kosovo \(period covering September 2001 to April 2002\)](#), paras. 69-76 [Internet]

Assembly of Kosovo: a breakthrough for the political participation of ethnic minorities? (November 2001)

- Special efforts have been made to encourage the participation of all minorities through support to the registration of voters and minority parties
- 47 percent of the Serbs in Kosovo and 57 percent of the Serb displaced in Serbia voted
- The Kosovo Serb entity Coalition Return has won a total of 22 seats, including the ten seats set aside for Kosovo's Serbian community

"An important event that will shape the future of Kosovo and have far reaching effect for all citizens, not least of which minorities, is the **election for an Assembly of Kosovo** that will take place on 17 November 2001. The Constitutional Framework for Provisional Self-Government in Kosovo (Constitutional Framework) promulgated by the SRSG on 15 May 2001, provides the foundation for a new era of self-governance and self-administration in Kosovo. Regulation 2001/19 of 13 September on the Executive Branch of the Provisional Institutions of Self Government in Kosovo, includes more detailed provisions on the actual structures of government, including a number of annexes which outline the functions of each of the Offices and Ministries that will assume responsibilities for the day to day functioning of government in the future. A major role for the international community as a whole, and particularly for the OSCE, which is charged with organising the elections, is to advocate for an inclusive electoral process. Therefore, special efforts have been made to encourage the participation of all minorities by offering support for the registration of minority voters and of parties representing minorities." (UNHCR/OSCE 1 October 2001, para. 34)

"A key element in the preparations for Kosovo-wide elections continues to be sustained efforts to encourage the participation of all of Kosovo's communities not only in registration but also in the elections themselves and the ensuing institutions of provisional self-government. To support this effort, the institution-building pillar established a special task group with five mobile teams to reach out to Kosovo Serbs and communities of internally displaced persons currently living in and outside Kosovo to inform them of the electoral system and the ethnic representation in the new Assembly, and to lobby for Kosovo Serb political entities and voters to participate in both registration and the elections. The public information effort has been crucial to the outreach to the Kosovo Serb community. With the assistance of the UNMIK Office in Belgrade, communication links with the main media outlets in that city have facilitated radio and television interviews and stories using UNMIK resources to obtain information these media could not otherwise obtain. Early in September, UNMIK also hosted an inaugural visit of 13 senior Belgrade media representatives on a five-day Kosovo familiarization tour in order to increase the level of information in Serbia proper about the situation in Kosovo of internally displaced persons.

To facilitate the registration of Kosovo Serb internally displaced persons in the Federal Republic of Yugoslavia, the institution-building pillar sub-contracted voter registration to the International Organization for Migration in conjunction with the Serbian and Montenegrin Commissariat for Refugees. Although slow to produce results both in and outside Kosovo, a call to register by the President of the Federal Republic of Yugoslavia, Vojislav Kostunica, and the Prime Minister of Serbia, Zoran Djindjic, at the end of August 2001 gave a most welcome momentum to the process, triggering an average daily registration of Kosovo Serbs of 3,000 to 4,000. In view of this increase, my Special Representative decided to extend voter registration by two weeks, until 22 September." (UNSC 2 October 2001, paras. 30-31)

Serb participation: of those residing in Kosovo 46 percent voted, among those displaced to Serbia and Montenegro, 57 percent voted. (OSCE Mission 19 November 2001)

"Seven entities were certified to contest the 20 seats set aside for Kosovo's smaller communities in addition to the 100 multi-ethnic seats. The Kosovo Serb entity Coalition Return has won a total of 22 seats, including the ten seats set aside for Kosovo's Serbian community. The Bosniak/Gorani entity, Vatan, has taken four seats, including three set aside seats. The Bosniac Party of Democratic Action of Kosovo (BSDAK) has taken the other seat set-aside for the Bosniak community. The Kosovo Turkish Democratic Party (KDTP) has won a total of three seats, including the two seats set aside for their community. The Ashkali Albanian Democratic Party (PDASHK) has taken two of the four seats reserved for the Roma,

Ashkali and Egyptian communities. The New Initiative for a Democratic Kosovo (IRDK) – which has also won one of the 100 seats – and the United Roma Party of Kosovo (PREBK) will share the other two." (OSCE 26 November 2001)

See also :

"Head of Mission welcomes certification of Kosovo Serb citizens' initiative", OSCE Mission in Kosovo, 24 September 2001 [Internet]

Discrimination of minorities on the labour market, including the public sector (2000)

- Massive unemployment remains a crucial problem in Kosovo but particularly affects minority communities
- Minority members are often unable to access their former employment due to security concern
- Minority members are also affected by discrimination, including by public authorities, a situation further aggravated for the Roma communities which lack education
- Illegal dismissals by public agencies have continued during 2000, disproportionately affecting members of the minorities
- The adoption of quotas and flexible working and security arrangements for minorities in the public sector have been recommended by international agencies

"One of the crucial issues to ensure the long-term sustainability of the minority communities in Kosovo is access to employment. Massive unemployment remains a key problem for all communities across Kosovo, but particularly affects minorities, with, for example unemployment amongst Serbs in Vitina/Viti being estimated at 99%. Minority communities are often unable to access their former employment due to security concerns, particularly when they have very limited freedom of movement, but added to this is the difficulty many have in accessing any employment due to discrimination, including discrimination by public authorities. For the Roma, Ashkali and Egyptian communities, lack of education is often another key problem minimising their chances of finding employment. Therefore, the creation of a Kosovo-wide policy on employment by UNMIK is essential. As part of this policy UNMIK should ensure that the existing employment laws are implemented, and that a comprehensive employment code is passed. It is particularly important to ensure that all authorities set a clear example by ensuring fair access to employment in public bodies.

There are examples from the field where security concerns have been addressed by KFOR, allowing minorities secure employment. In Gnjilane/Gjilan, for example, Kosovo Serbs have been re-employed in the Morava and Paralovo quarries as a result of a consistent policy both to recruit minorities and to provide security for them. The last figures obtained by OSCE indicate that over 60 Kosovo Serbs were working in these quarries, and that they were escorted to and from work by KFOR.

Several examples illustrating the need for a clear employment policy to ensure access to public employment were noted in Prizren. During 1999, many Turks, Muslim Slavs and Roma were illegally dismissed from their jobs. At the same time, many Kosovo Albanians were employed in an irregular fashion by self-styled mayors and administrators. Since that time, very few of the cases of illegal dismissal have been remedied, although they have been brought to the attention of UNMIK and the courts. The judges claim they are uncertain how to deal with the cases. This lack of a remedy has further demoralised the minority communities, putting further pressures on them to leave and acting as a brake on returns. IDPs are aware that it would be very difficult for them to regain their former jobs. Indeed, it is clear that rather than receiving support to reintegrate, the few returning IDPs have been discriminated against for having

left. For example a Muslim Slav who fled from Prizren to Montenegro in June 1999 after being threatened and beaten by KLA members while working in the hospital has not been able to resume his position despite never having been officially dismissed. Problems of this type have been attended to on a case by case basis by services such as the UNHCR funded Civil Rights Project, implemented by the Norwegian Refugee Council. There has been some success in resolving individual cases but the problem can only be truly tackled on the basis of clear and non-discriminatory employment policies.

Illegal dismissals by public agencies have continued, albeit in lesser numbers than in 1999, with these dismissals disproportionately affecting members of the minorities. For example, on 31 May 2000, 12 employees of the SDK/SHKSH, of which 4 were Turks and one was a Kosovo Serb, were informed that they would not be able to work for BPK, the agency that replaced SDK/SHKSH. The Prizren Director of BPK stated to UNMIK that BPK was not a successor to SDK/SHKSH and therefore has no obligation towards its employees.

Many members of minority communities (as well as Kosovo Albanians) have complained that lack of respect for legally established procedures is not only manifested in illegal dismissals but also in irregular hiring practices, promotions and assignments within public institutions. For example, when a public competition was held for 12 positions in the Prizren Regional Institute for Employment, four long-term employees, of which two were Turks, applied, but were not called for interviews. The four former employees have launched a case in the Municipal Court against the Department of Labour and Employment. Minority members continued to complain that when public agencies such as the Postal Service were being gradually reactivated, they were not being called to resume their former positions. This and other similar experiences demonstrate that public competitions for employment are important for guaranteeing non-discrimination only where they are organised in a transparent manner and where sufficient weight is given to seniority and education. Transparency is not only crucial to guaranteeing the fairness of any selection process, it is also required to guarantee the perception of fairness. At present, minorities have reason to believe they are not competing on a level playing field.

There is a powerful argument for temporary special measures to foster access to training and employment opportunities for minorities, especially the Roma community, the most disadvantaged in these areas. Such measures should include reserving quotas for minority applicants and ensuring flexible working and security arrangements that encourage minorities to accept, and continue in, employment in public bodies. There are examples from the field where such measures have been implemented, albeit in an ad hoc fashion. In Gnjilane/Gjilan, for example, the Municipal Administration has reserved a quota of 20% of positions for Kosovo Serbs in the municipal administration. However, the Municipal Administrator has stated that it has been difficult to find sufficient Kosovo Serb applicants for the jobs, as many qualified individuals have left the province. The same problem has been identified in the other municipalities. The Kosovo Protection Corps has similarly reserved a 10% quota for minority members (some 500 places with the KPC of which only 106 have as yet been filled). There is an urgent need for a Kosovo-wide policy on this issue. If some of the barriers preventing minorities from access employment could be removed by the implementation of special measures, the prospects for identifying and retaining minority staff would improve." (UNHCR/OSCE October 2000, paras. 90-95)

For more information on access of minorities to employment in the public sector in Kosovo, see UNHCR/OSCE Assessment of the Situation of Ethnic Minorities in Kosovo, March 2001, paras. 76-87 [Internet]

DOCUMENTATION NEEDS AND CITIZENSHIP

Federal Republic of Yugoslavia (excluding Kosovo)

Bureaucratic obstacles complicate issuance of documents to the displaced outside Kosovo (2001-2002)

- IDPs can only obtain official documents from Kosovo municipalities "in exile"
- Municipalities of temporary residence should be responsible for issuing documents to the displaced, international NGO suggests
- IDPs previously employed in Kosovo-based companies face problem when claiming pensions or unemployment benefits or obtaining new employment
- UNMIK regulations limit the issuance of identity documents to the persons physically present in Kosovo
- Also IDPs outside Kosovo are in principle not eligible to apply for jobs within the new Kosovo Civil Service as they must be registered as 'habitual resident' in the province

"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 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 general. 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." (UN OCHA 26 April 2002, pp. 18-19)

Displaced Roma are denied documents and cannot register as IDPs (2001-2002)

- Many displaced Roma are still without basic documents
- They also face problems in obtaining birth certificates for their children born in displacement

"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 [...] 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." (UN OCHA 26 April 2002, p. 24)

"I should like to stress the fact that the living conditions and respect for the human of Roma IDPs are generally lower than other IDPs in Montenegro and Serbia. In this context, my attention was drawn to the fact that Roma in several countries of the former Yugoslavia face significant difficulties in obtaining basic documents, such as birth certificates, personal identity documents, local residence permits, documents related to (in most cases, state-provided) health insurance, marriage certificates, work booklets, death certificates, passports, IDP and refugee registration documents. *'Exclusionary obstacles created by a lack of documents can be daunting and in many instances, the lack of one document can lead to a 'chain reaction', in which the individual at issue is unable to secure a number of such documents. In the extreme case, a Romani child without a birth certificate may wind up in a situation of complete paralysis with respect to the exercise of basic rights: precluded access to basic health care, effectively hindered freedom of movement (including the right to leave one's own country), denial of the right to vote, exclusion from state housing provided to persons from socially weak groups, as well as the inability to have real access to other rights and services crucial for basic human dignity.'* [156]

[Footnote 156: See the information on a workshop that was organised by European Roma Rights Center (ERRC) in Igalo, Montenegro, in September 2002, on the theme of Personal Documents and Threats to the Exercise of Fundamental Rights among Roma in the FRY (<http://www.errc.org>). The MARGO Group

reckons that almost half of the Roma in Montenegro do not possess a complete set of the personal documents necessary to live and work in the country. "*Conflicting Federal and Republican laws and administrative procedures*", "*bureaucratic and unclear policies*" are cited as reasons. MARGO also states that "*the Montenegro authorities have refused to register new settlers who came from different towns within FRY*" (A Survey of the Issues Affecting Roma Documentation and a Call to Action, UNHCR, Belgrade, 1 July 2002, p. 6.) (COE 16 October 2002, para. 209)

Montenegro: 1999 law bars the displaced from citizenship (1999-2002)

- By requiring 10 years continuous residence in Montenegro, new citizenship laws effectively prevents refugees and internally displaced from obtaining Montenegrin citizenship

"After protracted debate, the assembly of the Republic of Montenegro adopted a law on Montenegrin citizenship. The law gives primacy to internal republic citizenship over federal Yugoslav citizenship. By requiring 10 years' continuous residence in Montenegro, the law effectively prevents refugees and displaced persons from obtaining Montenegrin citizenship and those who do not, even though all have the citizenship of FRY. Thus, it creates conditions for discriminating against those persons who, although permanent residents of Montenegro and Yugoslav citizens, do not have republican citizenship; potential areas of discrimination are tax obligations, right to work in public enterprises and political rights, such as the right to vote for local political bodies." (UN CHR 28 December 1999, sect. III H)

"[...] IDPs from Kosovo, who retain certain legal rights as citizens of the FRY, have only limited access to important political rights conferred by the Republic of Montenegro [155]. Here, the IDPs are the victims of the difficulties between the Serbian and Montenegrin governments, concerning the question of the relations between the two entities. Perceived by the present Government, which is in favour of independence of Montenegro, as being potentially in favour of Montenegro remaining linked to Serbia, IDPs from Kosovo are not offered the possibility to fully integrate in this part of their country (the FRY). The concern would appear to be to prevent them from formally establishing residence in municipalities in Montenegro and applying for Montenegrin citizenship, and the voting rights that go with it. This is certainly regrettable from a human rights point of view."

[Footnote 155: "While IDPs are being accorded social rights and limited benefits in Montenegro, there is no willingness to extend political rights out of concern for the ethnic balance and political stability of Montenegro. Although it is recognised by nearly all the authorities in Montenegro that the majority of IDPs will likely not return to Kosovo, it is still [felt to be] too early to consider local integration." Briefing Note, UNHCR, 18 July 2002, para. 208] (COE 16 October 2002, para. 208)

Kosovo

Access to civil documents should be made easier for ethnic minorities (2000)

"Even when confined to enclaves, the normal cycle of life events goes on for minorities and needs to be formally documented by the relevant authorities. Birth, marriage and death certificates are required and the service of provision of **civil documents** needs to be sufficiently flexible so that minority populations can avail of them without putting themselves at risk. If such services are centralised in inaccessible locations, minorities will not be able to access them. A more flexible approach, using mobile teams needs to be considered as an alternative means of providing this service." (UNHCR/OSCE June 2000, para. 58)

See also "Social services lack the capacity to reach the minorities (2001-2002)" [Internal link]

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Missing persons and the detained: towards a solution (2000-2002)

- Last Kosovo Albanians detainees held in Serbia since 1999 were transferred in Kosovo in March 2002
- Families of missing persons from Kosovo face legal and administrative difficulties regarding property, pension, etc.
- According to the ICRC, about 3,700 persons are still missing in relation to the Kosovo crisis, including 860 non-ethnic Albanians
- Yugoslav-Serbian authorities and the UNMIK administration signed three protocols which provide common rules and procedures relative to the issue
- The Office on Missing Persons and Forensics was created in June 2002 in Kosovo but still needs more financial support

"SRSG Michael Steiner announced today that all Kosovo Albanians remaining in Serbian prisons who so wished have been returned to Kosovo.

These were the last known Kosovo Albanians held in Serbia, since Yugoslav forces in June 1999 moved approximately 2,000 prisoners from Kosovo to other facilities in Serbia following the NATO airstrikes.

Securing the return of the prisoners has been a top priority for UNMIK since the mission began. Since then, most of the Kosovo Albanian detainees had either been amnestied or released following the expiry of sentences or after charges were dropped.

With the Common Document of 5 November, 2001, Yugoslavia and Serbia committed to returning all remaining Kosovo Albanian detainees." (UNMIK 26 March 2002)

"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 crisis [42] . 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 Gračanica 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 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 co-operation 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." (UN OCHA 26 April 2002, pp. 25-26)

[Footnote 42: ICRC also registered 2,907 Kosovo Albanians as missing]

"Sensitive to these concerns, the SRSG created a new Office on Missing Persons and Forensics in June this year, with the instruction to carry out the exhumation of all the remaining identified gravesites (some 270) by the end of the year. The full scale of the office's tasks, however, is easily told in figures: since 1999, some 4600 bodies have been exhumed, of which only 2100 have been identified. 2500 remain, therefore, to be DNA tested, leaving a further 1200 still to be located and exhumed. Whilst the full resolution of all these cases will undoubtedly take some time, it is of the utmost importance that progress should begin, and be seen, to be made.

The resources, both human and material, available to the Office on Missing Persons and Forensic are, however, manifestly incommensurate with the task of rapidly resolving all these cases. The Office estimated at 300,000 euros the sum required to complete the task it was set by the SRSG and to continue the process of the identification of the remaining corpses. This sum would contribute to the contracting of the necessary technical personnel and the purchase of basic equipment.

The paucity of the sum in relation to the importance of the issue has encouraged me to appeal to member States of the Council of Europe to contribute urgently to the resolution of this problem. A document entitled 'Missing Persons in Kosovo, Note by the Commissioner for Human Rights' was presented to the Committee of Ministers of the Council of Europe on 18 th September 2002." (COE 16 October 2002, paras. 58-60)

For more information on missing persons in connection with the Kosovo crisis, consult ICRC Family News Network [Internet: <http://www.familylinks.icrc.org/>]

Concerns over the safety of Orthodox priests (2001-2002)

- UNMIK deployed extra security measures at Orthodox religious sites
- Vandalism against religious buildings continues (2002)

"Religion in Kosovo is often inextricably linked to ethnicity. Most ethnic Albanians are Sunni Muslims, but there is a Catholic minority who live mostly in the Southern and Western parts of the province. Serbs are almost exclusively Serbian Orthodox Christians.

Most ethnic Albanians are not strongly identified with their religion and their animosity against Serbs is essentially on the basis of ethnicity, with the difference in religion a coincidental factor. However, Serbian Orthodox churches hold symbolic significance and over 100 have been destroyed in retaliation for the mosques destroyed by the Serbs. UNMIK have taken steps to ensure that all religious communities could worship safely and deployed extra security at Orthodox religious sites. Nevertheless, there have been concerns for the safety of Orthodox priests and many have been forced to relocate." (UK October 2001, paras. 6.24-6.25)

See also: "Visiting damaged Serbian church in Kosovo, UN envoy pledges action against religious vandalism", UN News Service, 17 November 2002 [Internet]

The problem of minority languages in Kosovo (2000)

- Public usage of Serbo-Croatian can put one's safety at risk
- 1977 Kosovo Language Law guarantees the equality of Albanian and Serbo-Croatian languages, as well as Turkish language in areas populated by Turks
- Inconsistent language usage within the public services throughout the province leads to confusion
- The Turkish minority refused to participate in the registration campaign requiring the use of Turkish on equal footing with Albanian and Serbian in Turkish-populated areas (August 2000)
- UNMIK Regulation 2000/45 on Municipalities grants the right to communicate in their own language to minorities where they form a "substantial part of the population"
- According to instructions to Kosovo administration (July 2000), official documents issued to the public at large must be printed in English, Albanian and Serbian

"The question of use of official languages is one example of the complexity of the task facing the international community in terms of guaranteeing mutual respect for the different languages used by minority groups in Kosovo. Public usage of Serbo-Croatian and to a lesser degree other minority languages continues to be a risky venture. UN security officers still advise incoming international staff not to speak Serbo-Croatian or other Slavic languages on the street for their own safety.

At an official level, the 1977 Kosovo **Law on the realisation of the equality of languages and alphabets'** (currently considered as applicable, based on UNMIK Regulations No. 1999/24 and 1999/25), guarantees the equality of Albanian and Serbo-Croatian languages, as well as Turkish language in areas populated by Turks. The law provides that official decisions and announcements, education and public signs should be in Albanian and Serbo-Croatian, and in Turkish in areas of Turkish population. In addition, judgements, decisions, and other written documents of the courts and public prosecutors' offices are to be delivered in the mother tongue of the concerned party. Written requests and complaints to state organs, as well as replies thereto, are to be in the mother tongue of the citizen concerned, be that Albanian, Serbian-Croatian or Turkish.

In practice, however, **language policy is far from uniform**. UNMIK Regulation No. 1999/1 states that all regulations shall be issued in Albanian, Serbian, and English. Within the sphere of education, the policy tends towards the recognition of five languages: Albanian, Serbian, 'Bosniac', Turkish and Roma. The practice within the sphere of public utilities is contradictory: the Post and Telecommunications Section of the Department of Economic Affairs and Natural Resources opts for a trilingual English/Albanian/Serbian system for their official documents, while KEK, the electricity company, favours a separate

English/Albanian and English/Serbian billing system. Similar confusion and lack of consistency has cropped up in other areas, with reports received of court documents, including summonses, being issued only in Albanian.

The question of language usage is far from simple. The acceptance of a number of official languages is one tangible means of evidencing the acceptance of the majority population of the rights of minority populations. Moreover, UNMIK has an obligation to endeavour to accept multiple official languages not only under the applicable Kosovo law, but also under the applicable international law. The practicalities of multi-language use, however, are fraught with difficulties. **There is an urgent need for UNMIK to adopt a formal position on the question of official language and to take practical steps to ensure that a standard and workable policy is applied province-wide.** This has cost implications which donors must be made fully aware of and requested to support." (UNHCR/OSCE June 2000, paras. 38-41)

Situation as of March 2001

"The fifth OSCE/UNHCR assessment highlighted problems caused by the lack of uniformity in UNMIK policy on the use of languages. Despite some limited progress in developing and issuing clearer instructions on language use for specific purposes, the lack of a comprehensive policy applied province-wide continues to be detrimental to the needs of non Albanian speaking minorities.

The predominant use of Albanian to the exclusion of other languages, often in contravention of UNMIK instructions that certain public documents must be issued in all three official languages (English, Albanian and Serbian), continues to send a loaded message to minority communities that they had better adapt to the system rather than expect it to be adaptable to their needs. As a result speakers of the lesser-used languages have either opted to keep quiet (quite literally) or alternatively to lobby strenuously for public recognition of their language. This latter approach was clearly evidenced when the majority of the Turkish community refused to participate in the registration, arguing that the applicable law, which they stated requires the use of Turkish on an equal footing with Serbian and Albanian in certain areas populated by Turks, was not being applied. After lengthy negotiation a compromise position was worked out between the Turkish representatives and UNMIK, including for those municipalities where the Turkish community lives, the right to use their own language in relations with municipal authorities, issuing of official documents (birth, death and marriage certificates, etc) in the Turkish language and alphabet, official signs in the Turkish language and alphabet. This compromise is considered by the Turkish political parties as an acceptable interim framework pending a more definitive agreement. In the meantime, comparable progress on the protection of other minority languages has been made by the inclusion in Regulation 2000/45 on Self-Government of Municipalities in Kosovo, of a similar model, granting these rights in areas where an identifiable minority forms a 'substantial part of the population'.

In a welcome, but limited development, the SRSG sent a memorandum on 26 July 2000 to the Co-Heads of the JIAS Departments of Public Utilities, Health and Social Welfare and Justice, stating that official documents (including bills) issued to the public at large must be printed in English, Albanian and Serbian, with all three 'official' languages appearing together on the document. It is clear that the problem of the language used in official documents is not as widespread as previously. However, some problems remain, particularly in Dragas/Gora, with documents being issued only in Albanian or in English and Albanian. The issuing of the 26 July instruction to other JIAS Departments, a reiteration of this policy for UNMIK, and dissemination of the precise requirements of Regulation 2000/45, would be useful to further clarify UNMIK' position on language policy.

Clear policy on other issues with language implications is also needed. For example, for authorities whose function is to serve the entire community, such as the local police service, current deployment focuses on having police of the same ethnicity as those in the communities they serve - Kosovo Albanians in Kosovo Albanian areas, and so on." (UNHCR/OSCE March 2001, paras. 63-66)

[Regulation No. 1999/01, on the authority of the Interim Administration in Kosovo, 23 July 1999](#)
[Internet]

Regulation No. 1999/24, on the law applicable in Kosovo, 12 December 1999 [Internet]

Regulation No. 1999/25, Amending UNMIK regulation No. 1999/1 on the authority of the Interim Administration in Kosovo, 12 December 1999 [Internet]

Regulation No. 2000/45, on Self-Government of Municipalities in Kosovo, 11 August 2000 [Internet]

PROPERTY ISSUES

Kosovo

The Housing and Property Directorate and Claims Commission: current mechanisms leave most property claims unresolved (2002)

- UNMIK set up the Housing and Property Directorate (HPD) and the Housing and Property Claims Commission (HPCC) to clarify and restore property rights
- They have exclusive jurisdiction over claims generated by the discriminatory laws under the Milosevic regime or resulting from the conflict in Kosovo
- The HPD has never fully functioned since its establishment three years ago, also as a result of lack of financial resources
- A total of 19,862 claims were filed with the HPD, of which 644 have been resolved (September 2002)
- Of these decisions, 322 have been implemented, 241 through forced evictions

"There is a profound housing problem in Kosovo. Several factors explain the situation. An estimated 100,000 housing units (almost half of the stock) were destroyed during the conflict, plus many more since then. Partly as a result of such destructions and of the departure of many inhabitants of Kosovo, unlawful occupations, by all kinds of persons ranging from IIDPs (see below) to international personnel unaware of the identity of the real owners, have occurred in large numbers.

Indeed, the establishment of property rights over real estate is highly problematic in Kosovo. In 1990, the Serbian authorities restricted the autonomy of Kosovo and adopted so-called 'provisional measures'. This led to a general strike by the ethnic Albanians, many of whom were subsequently dismissed from their jobs and lost the apartments that had been allocated to them by their employers. Their apartments were reallocated to Serbian employees and later privatised and bought by these or other Serbs. In addition, in 1991, the Serbian Parliament enacted legislation that restricted the sale of property between ethnic groups. However, sales continued to take place through informal contracts, which were not recorded by a court official, as required by Yugoslav law, and therefore could not be registered in the cadastre records. To complicate things further, documents have been destroyed or removed from Kosovo. As a consequence, there are many contradictory claims pertaining to property in Kosovo. Also, property transactions go on, including sales from Serbs to Albanians, often rapidly and quite informally, without adequate documentation. Which means that future problems are still being created.

At the end of 1999, UNMIK set up the Housing and Property Directorate (HPD, run by UN- HABITAT) and a Housing and Property Claims Commission (HPCC) as an interim measure to clarify and restore property rights and resolve long-standing claims [66]. Both institutions have broadly defined functions [67], that are bound to be progressively handed over to local authorities. For the time being they have '*exclusive jurisdiction to receive and settle*' three specific categories of claims involving residential property disputes in Kosovo [68]. These are claims by individuals who lost property as a result of discriminatory laws of the Milosevic era ('Category A Claims'), claims by individuals who entered into informal transactions on the basis of free will of the parties during that era and until October 1999 ('Category B') as well as claims by refugees and IDPs who have lost possession of their property after 24 March 1999, as a result of the conflict ('Category C').

However, due to the absence of rules of procedure for a long period, the fact that the applicable law on property has still not been officially compiled and published and an authoritative interpretation of it been made [69], and also due to its blatant lack of resources, the HPD has never fully functioned since its establishment three years ago. A Contingency Plan adopted by HPD's management in November 2001, in reaction to dwindling resources, even foresaw that the institution would gradually close down programmes and cease all activities by the summer of the current year [70].

This situation undermines both the respect for the right to the enjoyment of private property, and the international presence's declared ambitions with respect to return [...].

The Government of Serbia is of the view that the unresolved property issue is an "*enormous problem for all those who left their homes*" [71]. It "*insist[s] on repossession of movables and real estate [which] the IDPs left behind. Where this is not possible, adequate compensation must be ensured*" [72]. OMIK underlines that the success of HPD in fulfilling its mandate is essential to the return and reintegration process for Kosovo's minorities [73].

These assessments were confirmed by the results of HPD's claims intake until June 2002. With offices opened also in Serbia proper and Montenegro (and one to come, in 'the Former Yugoslav Republic of Macedonia') HPD has collected some 5,000 additional claims in April and June 2002, bringing the total of claims to some 17,785 – 95 % of which are C Claims concerning loss of property by Serbs and Roma having left Kosovo [74].

As the deadline for submitting claims to the HPD has been set for 1 December 2002, and HPD is pursuing an active campaign for claims intake until then, the likely final caseload of claims will be out of all proportion to the means available to the HPD. Considering that up to 23 June 2002, the HPD and HPCC had resolved only 644 claims altogether, and these the least complicated, several decades seem to be necessary in order to cope with the present workload, with the present means. This has given rise to anger on the side of the Serbs and worry on the side of the internationals whom we met.

In 2002, the HPD has so far operated with approximately 30 % of the budget it estimates is required to carry out its functions; 2,4 million USD are needed for the remainder of the year [75], more than 8 million to finish its caseload." (COE 16 October 2002, paras. 109-117)

[Footnote 66: UNMIK Regulation 1999/23, 15 November 1999.]

[Footnote 67: HPD is also in charge of, inter alia, the organisation of evictions in execution of its own eviction orders, the administration (and rental) of vacant and abandoned property, the provision of guidance on property and housing issues to UNMIK and other international actors, etc.]

[Footnote 68: Periodic Report April-June 2002, HPD, p. 8.]

[Footnote 69: Property Rights in Kosovo (January 2002), OMIK, Department of Human Rights and the Rule of Law, p. 6.]

[Footnote 70: *Ibid*, p. 6.]

[Footnote 71: Government of the Republic of Serbia, National Strategy for Resolving the Problems of Refugees and IDPs, Belgrade, 30 May 2002, p. 9.]

[Footnote 72: *Ibid*, p.10.]

[Footnote 73: Property Rights in Kosovo (January 2002), OMIK, Department of Human Rights and the Rule of Law, p. 7.]

[Footnote 74: Periodic Report April-June 2002, HPD, p. 2.]

"Efforts were also undertaken to bolster the capacity of the Housing and Property Directorate (HPD) to process housing claims through increased personnel and restructuring the HPD under UNMIK management. By the end of September 2002, a total of 19,862 claims were filed with the HPD, of which 644 have been resolved. Of these decisions, 322 have been implemented, 241 through forced evictions. A total of 3,785 properties have now been placed under HPD administration." (UN SC 9 October 2002, para 41)

For more information you can consult the website of the Housing and Property Directorate:
<http://www.hpdkosovo.org/>

See also: "Property Rights in Kosovo", January 2002, a report by the OSCE and UNMIK [Internet]

Lack of information: a major obstacle to the implementation of property rights (2002)

- Minority communities lack information on the property claim mechanisms
- This situation results mainly from the lack of freedom of movement and the lack of resources available to the housing and property directorate
- The directorate has positioned teams in Serbia proper but has no presence in Montenegro

"Minority communities' level of awareness of the HPD mechanism varies greatly but overall is inadequate. Within the Pejë/Pec region, awareness of HPD amongst the minority communities is severely limited, especially amongst the Roma/Ashkaeli/Egyptian (RAE) and Bosniak communities, the former of which had very little awareness of the mechanism. In Prizren region, where HPD does not have a permanent presence, awareness amongst minority communities is limited.

This lack of knowledge and awareness is connected largely to **the level of physical presence and resources available to offices**. During the reporting period, HPD had four offices in Kosovo: Prishtinë/Priština, Mitrovicë/Mitrovica, Pejë/Pec and Gjilan/Gnjilane. Only one under-resourced office continued during the period to service both the Pejë/Pec and Prizren region as well as internally displaced persons (IDPs) in Montenegro. With a severe lack of resources, HPD mobile teams are extremely rare in the Pejë/Pec region, and no sustained public information campaign or other outreach has occurred. As a result, minority communities do not lodge claims. To cite only one illustrative example of problems created by a lack of information and access during the period, in Pejë/Pec municipality, a Bosniak, unaware of the HPD mechanism, attempted to repossess his house, which was illegally occupied, through informal means. Once he finally repossessed the house he found that the illegal occupant had severely damaged the residence and left large unpaid utility bills, from which he has no clear legal protection. Numerous similar cases have been reported in other regions, such as a recent case of an Ashkaelia in south Mitrovicë/Mitrovica. A greater awareness of HPD exists amongst minorities in Gjilan/Gnjilane, Prishtinë/Priština and Mitrovicë/Mitrovica regions. HPD's presence and attention to the Pejë/Pec and Prizren regions is inadequate, resulting in deprivation of minorities' property rights. It is imperative that appropriate resources are allocated to ensure that this situation is addressed.

Limited resources affect not only awareness of rights, but also **physical access** to realising these rights. Generally, minorities do not enjoy full freedom of movement in Kosovo and the lack of HPD resources severely limits the agency's ability to access minorities living in enclaves, who require servicing by HPD mobile teams as they cannot travel to HPD offices located in major, largely Kosovo Albanian city centres. While Mitrovicë/Mitrovica's HPD office is located in an area accessible by all ethnicities, the Prishtinë/Priština office is not necessarily accessible to all ethnicities. Neither a satellite office nor adequate mobile teams exist to service enclaves in the remaining three regions. Minorities in the Prizren region have no office in the area to access. Thus, unless able to travel to Pejë/Pec town, minorities residing within both Prizren and the Pejë/Pec regions have severely limited physical access to HPD, as the Pejë/Pec office possesses only one vehicle. This office is also designated to service IDPs in Montenegro, but this has been placed on 'hold' indefinitely due to budgetary constraints.

Outside Kosovo, IDPs in Serbia proper appeared to possess only basic knowledge, if any, of the responsibility of HPD to administer occupied property or how to access mechanisms to legally recover and physically repossess property. Some progress was made during the period in enhancing minority IDP and refugee access to HPD, namely through enhanced HPD activities outside of Kosovo. During the period,

HPD began to participate in some UNHCR-organised Go-and-see Visits (IDPs visiting Kosovo) and Go-and-Inform Visits (international and local organisations visiting IDPs and refugees in Serbia proper, Montenegro and FYROM), in an attempt to disseminate more information to displaced minorities about property rights in Kosovo. HPD has also positioned teams in Serbia proper. HPD has taken 6950 claims in Kosovo, and 6726 outside of Kosovo. The taking of claims outside Kosovo represents 49% of the total claims, only six months after it began (the first office outside Kosovo opened in November 2002). A large number of claims came from Gracanica/Gračanice and Mitrovicë/Mitrovica, but other HPD operations in other areas of Kosovo went down dramatically when some of the vehicles were taken for use in Serbia proper.

Although HPD offices within Serbia proper appear to provide reasonable access to displaced Kosovo minorities, the **lack of presence in Montenegro** severely limits the ability of IDPs from Pejë/Pec region especially, to exercise their right to file claims and to return to their homes. HPD also still has not established any presence in FYROM in order to provide access for the refugee caseload, mostly Roma, Ashkaelia and Egyptian, displaced there. Overall, physical access to HPD for minorities inside and outside Kosovo is inadequate and prevents them from filing timely claims, and interferes with minorities' ability to exercise their property rights. It is imperative that appropriate resources are allocated to ensure that this situation is addressed." (UNHCR/OSCE May 2002, paras. 94-98)

UN Representative attempts to prevent forced sale of minorities' property (2001-2002)

- 2001 Regulation aims to prevent forced sale of minority property to the majority in certain areas ("strategic sales")
- There are concerns that the regulation itself effectively violates individual rights to engage in transactions of private property
- It also hampers the IDPs' right to freely decide to depart Kosovo
- The implementation of the regulation also lacks consistency

"On 22 August 2001, the SRSG signed UNMIK Regulation 2001/17 'On the registration of contracts for the sale of real property in specific geographical areas of Kosovo'. On 19 October 2001, almost two months later, Administrative Direction 2001/16 was endorsed, designating specific areas in Prishtinë/Priština, Fushe Kosovë/Kosovo Polje, Lipjan/Lipljan, Obiliq/Obilic, Pejë/Pec, Rahovec/Orahovac, and Dragash/Dragaš municipalities. On 28 February 2002, under Administrative Direction 2002/4, the SRSG designated further specific geographical areas in the municipalities of Gjilan/Gnjilane, Novobërdë/Novo Brdo, Kamenicë/Kamenica and Viti/Vitina. The issuance of these directions allowed the regulation to become operational in the respective municipalities. The list of specific geographical areas designated in the four municipalities corresponds *de facto* to the list of minorities' areas in these municipalities. The location of the property is the main criteria to register sales of real estate according to UNMIK Regulation 2001/17." (UNHCR/OSCE May 2002, footnote 86)

"During 2001, UNMIK passed a **new law to prevent the strategic purchases of minority property by members of the majority**. The term 'strategic purchase' (or 'strategic sale') refers to a strategy aimed at driving out members of minority communities in certain areas of Kosovo by purchasing their property, often using threats and intimidation, or in some cases simply an inducement through the offering of a price much higher than the market value. Regulation 2001/17 empowers the SRSG to designate special geographic areas of Kosovo in which 'all contracts for the sale of residential property located in the designated area shall be registered with the Municipal Administrator prior to court verification.' The UNMIK Municipal Administrator is then under a duty to examine the terms and circumstances of the deal to determine whether it is indicative of a strategic purchase or an induced sale. If it does not bear the traits of such a transaction, the UNMIK Municipal Administrator will register the contract. This contract may

then be presented to a court for verification, which is required for the contract to be given legal effect in a future cadastre system.

Many concerns exist about the human rights implications of any restriction of property sales between members of different ethnic groups. The regulation itself effectively violates individual rights of both the minority and the majority to engage in transactions of private property. It is a stop-gap measure which was seen by its proponents to be necessary due to the fact that the authorities have been unable to address the fundamental causes (namely, insecurity and impunity), behind the phenomenon of strategic purchases and induced sales which place pressure on minorities to leave Kosovo. But notwithstanding the legitimate and serious problems created for minorities subject to pressures to sell property, the particular impact of the regulation on the individual minority owner is the de facto creation of an obstacle to the exercise of a personal decision to depart Kosovo, which in turn compromises the right to choose one's place residence and the right to seek asylum. The curtailing of an individual's ability to depart Kosovo has the potential to have a particularly detrimental effect on those minorities who face insecurity or threats to their person or livelihood assets and who wish to leave a generally hostile environment in order to improve their circumstances and safeguard their rights. In addition to the problematic nature of the regulation from a human rights perspective, the major concern we address below is the improper application of the regulation, resulting in a **lack of uniformity and arbitrariness in implementation** manifested both by the courts and the municipalities during the reporting period.

In Gjilan/Gnjilane region, the publication of the UNMIK Regulation 2001/17 in August 2001 created confusion, and as a result the Gjilan/Gnjilane Court stopped registering inter-ethnic sales although no specific geographical areas had yet been designated and therefore the Regulation should not yet have been put into practice. Eventually, the UNMIK Municipal Administrator officially rectified the mistake by informing the Court, which thereafter started again to register inter-ethnic sales. OSCE explained the mechanism to local communities, in particular to minorities. In Viti/Vitina, a similar situation arose in September 2001 when the UNMIK Municipal Administrator decided to register inter-ethnic sales, arbitrarily, since the SRSG had not designated any specific area; indeed, the administration went one step further and arbitrarily imposed minimum prices for each minority property to be sold. Similarly to Viti/Vitina, UNMIK Municipal Administrators in Prizren and Shtime/Štimlje instituted their own versions of the regulation, even though the towns were not designated by the SRSG. These municipalities have no legal basis to impose a condition on registration of contracts.

In Mitrovicë/Mitrovica, Vushtrri/Vucitrn, and Gjilan/Gnjilane, the municipal courts ceased to verify contracts for the inter-ethnic sale of property after the Regulation was passed, but prior to the SRSG designating any geographic areas where the registration is required. The judges in Mitrovicë/Mitrovica stated they had received instructions from the Department of Justice to cease verification of inter-ethnic contracts until further notice. Eventually the UNMIK Municipal Administrators were able to convince the courts to resume the verification of contracts pending an SRSG designation. The misinterpretation of the statute by these courts temporarily curtailed individual property rights without a legal basis.

The SRSG designated Pejë/Pec, Fushë Kosovë/Kosovo Polje, and Obiliq/Obilic as areas that require contracts for the inter-ethnic sale of property to be registered. Through the Administrative Direction 2001/16 of 19 October 2001, in Pejë/Pec only nine contracts had been submitted to the UNMIK Municipal Administrator by the 7 March 2002, while the court president commented that 'a lot' of interethnic sales had taken place. In Fushë Kosovë/Kosovo Polje and Obiliq/Obilic, numbers concerning the departure of Kosovo Serbs indicates a greater number of properties were exchanged than contracts submitted for registration. It is possible that the courts are unaware, or choosing not to follow the regulation's directives. It is also possible that individuals are participating in so-called 'informal transactions' outside the state system.

[...]

According to recent statistics cited by UNMIK Pillar II, since the passage of the Regulation, 193 applications for registration of an inter-ethnic sale have been received by UNMIK Municipal Administrators Kosovo-wide, while 25 (13%) of these were rejected (e.g. sales were not authorised for

registration). Of the 25 rejected applications, 6 sales were not registered because the sale price offered was well below market value, while 19 sales were not registered on the grounds that sale would significantly compromise minority security in the area. While these figures give a sense of the characteristics of those sales registered, the improper and sometimes arbitrary implementation (or non-implementation) of the regulation makes it difficult to assess the net effects on minorities." (UNHCR/OSCE May 2002, paras. 123-129)

The full text of [Regulation 2001/17](#) is available on the website of the UN Interim Administrative Mission in Kosovo [Internet]

See also [Special Report No. 5 of the Ombudsperson Institution in Kosovo On Certain Aspects of UNMIK Regulation No. 2001/17 on the Registration of Contracts for the Sale of Real Property in Specific Geographical Areas of Kosovo \(22 August 2001\) dated 29 October 2001](#) [Internet]

Reports of international agencies in Kosovo illegally occupying private property (2001-2002)

- Several international agencies do not bother to identify displaced owners

"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." (UN OCHA 26 April 2002, p. 21)

See also, [Council of Europe's Commissioner for Human Rights, "Kosovo: The Human Rights Situation and the Fate of Persons Displaced from Their Homes", 16 October 2002, paras. 120-126](#) [Internet]

Arson, looting and occupation of Serb- and Roma-owned properties (June 1999-2000)

- Orthodox religious sites also targeted
- Arson attacks against minority-owned properties includes grenade attacks and shooting
- A pattern emerged in some areas of arson and demolition of previously abandoned properties to clear the way for construction of new homes

"The extensive destruction of civilian property in Kosovo began with the 1998 spring offensive in the Drenica region, when Serbian security forces deliberately targeted homes, schools, and mosques for destruction. The rampage continued at an accelerated pace following the departure of OSCE verifiers from the province in early 1999. Looting and arson has continued since the withdrawal of Serbian military and police units in early June. However, it is now Serb and Roma homes that are the targets. Orthodox religious sites have also been targeted, with monasteries in Vucitrn and Musutiste destroyed and a church demolished by explosives.

[...]

The takeover of Serb homes by Albanian families, many of whom lost their own homes during the conflict, has also been reported throughout Kosovo. In Prizren, for example, the historically Serb neighborhood of Pantelija is now nearly empty of its previous residents, with many formerly Serb homes currently being occupied by ethnic Albanian returnees.

According to Roma interviewed in Djakovica, about thirty Roma homes in the Brekoc neighborhood were burned within three hours on July 12. Men in KLA uniform told them to leave their homes a few days before the burning took place. Human Rights Watch visited the Roma neighborhood on July 24 and saw the charred remains. Approximately 600 Roma from Brekoc and other areas in Djakovica are currently in a UNHCR camp in the city guarded by Italian KFOR troops. The Roma are free to leave the camp, but told Human Rights Watch that they fear to do so because of retaliatory attacks by the KLA. 'All of the Rom who worked with the Serbs have left,' said one man in the camp.' And we are trapped here even though we did nothing." None of the Roma interviewed wanted their names to be published." (HRW August 1999, "Arson, looting, destruction of property, and takeover of homes")

"In terms of the types of major crimes affecting minority communities during the reporting period, arson was by far the most frequent. Arson attacks committed against minorities were mostly carried out in the Pristina region and to a lesser extent in the Gnjilane region. Serb-owned properties were the hardest hit, representing 46 per cent of victims (83 properties burned out of a total of 179 incidents registered province-wide from 27 February to 20 May). A pattern emerged in some areas of arson and demolition of previously abandoned properties to clear the way for construction of new homes." (UNSC 6 June 2000, para. 40)

"Crime related to property particularly affects minorities. Arson, and the destruction of property, often appears to be directed at ensuring that members of minorities leave, or do not return to, the province. Arsons have taken place across the province, with a series of attacks in Orahovac/Rahovec at the start of June [2000]. Repeated incidents, including grenade attacks and shootings at Kosovo Serb-owned property took place in Kosovo Polje/Fushe Kosove, a Kosovo Serb community often described as "under siege" by its residents and international actors. Other significant events include destruction of churches, which took place in Vitina/Viti on 30 June, and Kosovo Polje/Fushe Kosove on 16 July 2000." (UNHCR/OSCE October 2000, para. 8)

Large-scale destruction and confiscation of Kosovo Albanian property by Serb forces (until June 1999)

- Reports of systematic burning of Albanian-owned houses or villages with predominantly Albanian populations
- Destruction and looting of livestock, barns, tractors and other agricultural equipment
- Confiscation of Albanian properties and possessions by Serb forces
- Destruction of property not solely an act of vandalism but an attempt at wiping out signs of the presence of the Albanian population in Kosovo

Situation prior to the withdrawal of Serb forces from Kosovo on 10 June 1999, as documented through testimonies collected by the UN Office of the High Commissioner for Human Rights from refugees in Albania and Macedonia

"About half of the refugees interviewed reported large-scale destruction of property at the hands of Serb forces, especially burning of Albanian-owned houses. Towns and cities were not heavily affected by the destruction, although Albanian neighbourhoods were in some instances attacked and houses burned down. More often, premises and properties of intellectuals, political activists and suspected KLA collaborators were preferred targets, as well as houses and apartments which had been rented by officers of the OSCE Kosovo Verification Mission.

Following military offensives, villages with predominantly Albanian populations were systematically burnt down by Serb troops. In many cases interviewees observed from hiding places in the hills Serb troops entering villages and setting houses on fire. Along with houses, barns with hay, remaining tractors and agricultural equipment were burnt as well. Villagers who returned after the withdrawal of Serb forces found

livestock killed or disappeared, while corpses were sometimes thrown into wells to contaminate drinking water.

Many Kosovo Albanians had their personal documents torn apart by Serb troops during the eviction, at police checkpoints, at the border or elsewhere in the course of searches by police, army or paramilitary forces. It appears that all of these acts of destruction were aimed at preventing Albanians from returning to and resuming life in their places of residence. The destruction of property was apparently not solely an act of vandalism but an attempt at wiping out signs of the presence of the Albanian population in Kosovo, as well as its national and cultural identity.

The majority of interviewees also reported confiscation of property by Serb forces. Confiscation took place during raids into Albanian homes: Serb troops went from house to house in villages and towns, people present in the houses were searched and deprived of money and other valuables, and cars and tractors were confiscated.

Serb police and paramilitary groups intercepted large groups of IDPs and forced them to surrender money, jewellery, cars, tractors and other valuables at gunpoint. Paramilitary groups occasionally stabbed or shot IDPs who failed to meet their demands and threatened to kill hostages captured on the spot if family members could not pay the demanded amount of money. / IDP convoys targeted by paramilitary groups in Grastica were brutally robbed and many persons allegedly killed or injured because they failed to provide the demanded amount, which in some cases was as high as DM 1,000./

A few cases of extortion of money from Albanians at border crossing points were also reported. Furthermore, IDPs were often ordered to abandon their vehicles before they were allowed across the border. Car documents and license plates were in some cases confiscated. Numerous cars were allegedly stripped and parts transported away in trucks to be sold elsewhere. Personal documents were also confiscated at border crossing points.

Abandoned Albanian houses were systematically and extensively looted for movable property. As the Albanian population fled their villages, Serb infantry systematically loaded goods onto trucks before setting houses on fire. In some instances Roma civilians allegedly assisted Serb forces in transporting confiscated goods." (UN CHR 27 September 1999, paras. 68-74)

Federal Republic of Yugoslavia (excluding Kosovo)

Sorting property claims may facilitate resettlement of IDPs in Serbia (2001)

- Many IDPs are attempting to sell their property in Kosovo, both because they need the money to resettle in Serbia and because they have no plans to return to Kosovo, according to Refugees International

"It is not clear how many of the IDPs want to return. A survey by the International Rescue Committee found that 20% of the IDPs own their own houses in Serbia. Many of the IDPs are attempting to sell their property in Kosovo, both because they need the money to resettle in Serbia and because they have no plans to return to Kosovo.

Sorting out property claims so that refugees and IDPs can either reclaim or sell houses and farms is a fundamental first step to resolving the displacement problem for both refugees and IDPs. "If people stand a

chance of regaining control of their property, they regain control of their lives. It's their equity," explains an official at the U.S. embassy in Belgrade." (RI 24 August 2001)

See also [IRC/ECHO IDP Shelter Assessment Report, January 2001 \[Internal link\]](#)

PATTERNS OF RETURN AND RESETTLEMENT

Return movements

Only 5,400 members of minority communities returned to Kosovo since 1999 (2002)

- The net outflow of displaced persons from minority communities stopped in 2002
- Some 2,000 persons returned from Serbia and Montenegro in 2002

"In the past three years, some 5,400 members of Kosovo's minority communities have returned to their homes. Until this year, however, the number of minority residents who left Kosovo outstripped the number of displaced persons from minority communities who returned. While the net outflow of minority community members has been stopped, the number of minority returns in 2002 remained modest, with some 2,069 returns recorded through September of this year." (UNMIK 5 November 2002)

"The returns of internally displaced persons from Kosovo have been very few. During this reporting period [July 2001-July 2002], about 270 were able to return to Kosovo through the UNHCR return programme, while another 1,800 returned spontaneously." (UNSC 2 July 2002, para. 49)

"Of the 3,600 returnees [between 2000 and March 2002] 2,700 are Kosovo Serbs and some 900 are from the Roma, Ashkaelia or Egyptian communities. Over the same time period as these returns were taking place, more than 10,000 newly displaced non-Albanian minorities registered with the authorities in Serbia." (HIWG 1 June 2002, para. 12)

"A total of 1,698 persons from minority communities have returned so far this year, of whom 727 were Roma/Ashkali/Egyptian, 604 were Kosovo Serbs and 110 were of Bosniac/Gorani origin. The previous trend of net outflow of minorities has stopped." (UNSC 9 October 2002, para. 37)

For detailed figures on minority return, see:

[Minority Returns from internal displacement and external displacement by region - figures and percentages, UNHCR, as of 31 October 2002 \[Internal link\]](#)

[Minority returns by municipality of return, UNHCR, as of 31 October 2002 \[Internal link\]](#)

[Minority returns to Kosovo from internal and external displacement, by community of return, UNHCR, as of 31 October 2002 \[Internal link\]](#)

Return movements tend to strengthen a process of enclavisation of minorities (2001-2002)

- Return of displaced Kosovo Serbs is not necessarily be motivated by a fundamental change in the environment (2000-2002)
- Many ethnic Serb displaced had the opportunity to return to their homes in a select few enclaves in 2000
- In general, there were more departures from the Kosovo Serb Communities than returns in 2001
- This was especially the cases in semi-urban and ethnically mixed, areas or in rural, ethnically-mixed communities
- The population in larger mono-ethnic enclaves tended to stabilize

- The organised return to Osojane (summer 2002) led to the creation of a new Serbian enclave in Kosovo
- A mass return of Kosovo Serbs displaced in Serbia was planned in September 2002 by the Committee for Serb returns to Kosovo, but was averted

"**Kosovo Serb spontaneous returns** in 2000 numbered a little over 1,800 persons, while spontaneous return of Serbs to Kosovo in 2001 reached only a little more than 500 persons. [106] These downward trends might be explained by several factors. Perhaps most importantly, the *relatively* larger numbers of return in 2000 largely reflected return to large enclaves (such as Gorazdevac) by IDPs who had fled temporarily during the height of violence against minorities in summer and fall of 1999; thus, the returns in 2000 were not necessarily return motivated by a fundamental change in the environment. Thus, those who had the opportunity to return to their homes in a select few enclaves had already returned in 2000. Furthermore, the late winter of 2001 was marked by the Niš Express bombing which resulted in the death of 11 Serbs, dealing a massive blow to minority confidence and marking the height of a period of upsurge in violence against minorities precisely before the opening of spring, [107] the season when refugees and IDPs may be considering the prospects for return. Certain regions, in particular Gjilan/Gnjilane, also experienced instability related to the conflicts in FYROM and Southern Serbia proper during the first half of the year, reducing confidence and return opportunities. But perhaps most significantly, the situation in 2001 increasingly consolidated the reasoned perception amongst IDPs and refugees that, notwithstanding marginal and relative improvements in local security in their immediate places of origin, the overall situation did not warrant the belief that, upon return, their families would enjoy any positive long-term perspective or future in Kosovo. The example of Slivovë/Slivovo in Prishtinë/Priština rural south clearly demonstrates the fact that, notwithstanding a stable and relatively secure local environment for the remaining Serb inhabitants, return of significant numbers will not take place whilst freedom of movement is still highly restricted to circumscribed locations and constrained by special collective transport arrangements, without confidence in rule of law including enforcement of property rights, without economic perspectives, without social, educational and job opportunities for youth, and without full and guaranteed support for reintegration such as reconstruction aid."

[Footnote 106: It should be noted that over half of those spontaneous returns of Kosovo Serbs in 2000 were to fortified enclaves (such as Gračanica, Upper Rahovec/Orahovac, Gorazdevac, etc.) by IDPs who, after a brief period of refuge outside of Kosovo, returned to the largest enclaves. Spontaneous returns in 2001, in contrast, took place to a wider variety of locations but in smaller numbers, pointing to the fact that the generalised situation outside of the fortified enclaves is still largely prohibitive of return for the vast majority of displaced persons.]

[Footnote 107: Trends in ethnically-motivated violence during the period referred to are reviewed in the 7th Minorities Assessment which covers the period October 2000 – February 2001.] (UNHCR/OSCE May 2002, para. 164)

"In **Prishtinë/Priština** region, **Kosovo Serbs** departed Kosovo in larger numbers than they returned. During the period May 2001 to March 2002, more than 500 persons departed, while about 385 persons returned. While Kosovo Serb departures outnumbered returns from a quantitative perspective, the numbers alone do not tell the whole story. Particularly vulnerable Kosovo Serb communities, especially those in semi-urban and ethnically mixed areas such as Lipjan/Lipljan and Fushë Kosovë/Kosovo Polje experienced large outflows and very few if any returns. This phenomenon in specific semi-urban and mixed areas is explained by the fact that Serbs tended to be scattered in mixed neighbourhoods and therefore more exposed to threat and the impact of restricted freedom of movement, combined with the fact that Kosovo Serbs in Fushë Kosovë/Kosovo Polje tended to own strategically important properties on the main thoroughfares (resulting in high levels of property sales to Kosovo Albanians). Return and departure in rural areas varied, depending on the level of isolation and the particular security situation, with the most isolated and rural villages often experiencing more departures, and less isolated and more stable villages receiving more returns. This is simply explained by the fact that the most rural and isolated of Kosovo Serb communities, while often experiencing security threats or low-level intimidation ranging from the

occasional to the unremitting, tended to enjoy the least amount of freedom of movement and less access to services and goods than larger and less isolated minority communities, translating into greater push factors to depart than pull factors to return. In contrast to the rural areas, the larger, fortified semi-urban minority enclaves such as Gračanica/Gračanice received many more spontaneous returns than new departures. **The contrasting return and departure trends in different types of areas inhabited by Kosovo Serbs tended to support the consolidation of the 'enclavisation' of minority life in Kosovo.** Many smaller, rural minority communities or semi-urban communities in more mixed areas tended to experience drops in their minority population ranging from small to highly significant, while the population of larger mono-ethnic enclaves (whether semi-urban or rural) tended to remain more stable." (UNHCR/OSCE May 2002, para. 169)

"The return generating the most political interest and general debate was the return of Kosovo Serbs to the **Osojane Valley** in Istog/Istok municipality. The return of a group of IDPs representing more than 65 families to four hamlets in the Osojane Valley took place during the August/September period, into an area which suffered massive property destruction after the flight of the entire Serb population in the summer of 1999 and had been deserted since then. The return to an empty and destroyed area required a large-scale reconstruction effort; reconstruction assistance was provided for 55 households. KFOR undertook a highly resource-intensive exercise to seal and secure the valley to ensure returnee security. Pre-return discussions were undertaken between the international community, Albanian leadership at the central and municipal levels as well as surrounding communities, but the environment did not exist for dialogue and confidence-building between the Serb returnees and the Albanians prior to the return. Infrastructure and community development projects were implemented in the Albanian communities immediately neighbouring Osojane in order to try to balance attention to majority community needs (for this reason, termed 'balancing projects'). Although one peaceful public demonstration occurred in Istog/k to protest against the return, security remained stable. However, the relations between returnees and the majority population remained virtually 'untested' given the security mechanisms which, while necessary to ensure immediate security during the early phases of return, did have the unfortunate side-effect of entrenching separation between the returnee community and the Albanian population. Reducing barriers by normalising preventive security measures, by ensuring the delivery of municipal services to the returnee community, and by enhancing inter-ethnic contact through dialogue, economic interaction and returnee participation in municipal structures remain perhaps the most important challenges in the consolidation of the return process. The pre-return and immediate post-return phases of the Osojane Valley return were co-ordinated by UNHCR. With the consolidation of the returnee group and attention on the priority issues of reintegration, the UNMIK Regional Office assumed the lead co-ordination function, in particular, overseeing reconstruction, infrastructure recovery and municipal services issues, while UNHCR continued to support the return process with particular attention to humanitarian needs and co-ordination with IDPs in Serbia. During early 2002, UNMIK, UNHCR and KFOR along with a range of partners began planning for a second phase of return to Osojane, given high levels of interest amongst Osojane IDPs in Serbia to return to their community." (UNHCR/OSCE May 2002, para. 177)

"The organised return to Osojane led to the creation of a new Serbian enclave in Kosovo, and there is a general agreement among the international community that future organised return movements should avoid the creation of further enclaves. Future return will have to include elements of reintegration of the returnees into wider communities." (UN OCHA 26 April 2002, p. 29)

"A mass return of K. Serbs displaced in Serbia was planned in September 2002 by Committee for Serb returns to Kosovo, but did not receive UNMIK support and was later postponed. At Merdare border crossing point between Kosovo and Serbia, 40 K. Serb IDPs held a peaceful protest demanding their unconditional return rights to Kosovo." (UN OCHA 31 October 2002)

"A possible mass return, which could have led to serious disruption and violence, from Serbia proper was averted in September 2002 after contacts between UNMIK and the Belgrade activities." (UN SC 9 October 2002, para. 37)

Return of non-Serb displaced remains limited and aggravates the displacement crisis in Kosovo (2002)

- Most Ashkaelia and Egyptian refugees in Macedonia returned to situations of internal displacement in Kosovo or Serbia
- One key obstacle to return remains the unsustainable living conditions even in areas where security has improved
- The limited absorption capacity of hosting communities, inadequate living conditions and occupation of homes by other Roma IDPs resulted in the departure of returnees back to Serbia or Macedonia (2001)
- There are no indications of aspirations amongst Bosniac IDPs and refugees to return to Kosovo in the foreseeable future

"Trends in **Kosovo Roma and Ashkaelia** return and departure in the Prishtinë/Priština region differed substantially from that of the Kosovo Serbs in the same region. During the period May 2001 to March 2002, a total of about 225 persons departed the region while almost 500 returned (of which 63% were Ashkaelia) mostly from FYROM. The ratio between returns and departures heavily favoured return from the quantitative perspective. Qualitatively, returns of RAE to Prishtinë/Priština region from FYROM tended to have one primary characteristic: most Roma and Ashkaelia families tended to return into displacement (usually with hosting relatives in a house, village or town other than the place of origin), due to the fact that their own villages or neighbourhoods were deserted, security conditions did not exist, their properties were destroyed, they could not access reconstruction assistance in the foreseeable future, or their own properties were occupied by displaced Albanians, Serbs or even other displaced RAE families. Return into internal displacement to a very limited number of locations contributed to the further over-burdening of existing communities. Patterns of Roma return differed from Ashkaelia return. Roma tended to return to the Kosovo Serb villages of Prishtinë/Priština rural south only into very overburdened Roma communities. Kosovo Roma return most often occurred into displacement. Ashkaelia return was limited almost entirely to Fushë Kosovë/Kosovo Polje, also usually into displacement in host family arrangements, contributing to further saturation of the community. A second trend seen, most commonly amongst Serb-speaking Roma, was that of refugee families returning for a transitory period and departing again after a period of only a few weeks. In 2001, of 15 Roma families who returned to Gracanica/Gračanicë, only 1 family remained while the other 14 departed again for FYROM or Serbia. The extremely limited absorption capacity of hosting communities, inadequate living conditions and occupation of returnees' homes by other Roma IDPs contributed to this phenomenon. New departures of long-time RAE community members from the Prishtinë/Priština region were not noted.

Virtually no returns of members of the **Kosovo Bosniak** minority to Kosovo were recorded during the period, except for a few individual or exceptional cases (including a few cases of forced return/deportation). Although the overall security situation for Bosniaks has stabilised considerably and mobility and confidence continues to slowly improve, ongoing individual departures continue on a very slow but steady basis from Bosniak communities in many regions. The most significant departures during the period occurred in the Podgor area (Prizren region), where approximately 20 Bosniak families left the village of Grncare/Granqar during a three-month period. Most Bosniaks displaced outside of Kosovo since 1999 have found refuge in Montenegro or Bosnia & Herzegovina, but new departures appear to be largely destined for other European asylum countries. The primary reasons for departure are not direct security threats per se, but rather a function of the inability of Bosniaks to confidently use their own language in public outside their very small communities without facing a security risk, which effectively creates social and economic isolation, pressure to assimilate, and an environment of discrimination. There are no significant indications of aspirations amongst Bosniak IDPs and refugees to return to Kosovo in the foreseeable future." (UNHCR/OSCE May 2002, paras. 171-172)

Very slow return of Albanian displaced to Serb-dominated municipalities (2001-2002)

- Ethnic Albanian displaced persons have asked increasingly the international community for return assistance
- Prospects for a potential return of ethnic Albanians to the northern part of Mitrovica remain extremely remote
- There have been some return movements of ethnic Albanians to other northern municipalities
- More confidence-building work needs to be done to allow more ethnic Albanian to return to Štrpce

September 2001-April 2002

"No significant progress was made on laying the groundwork for returns of displaced Kosovo Albanians where they constitute a minority. There was, however, a notable increase in expression of aspirations to return among Kosovo Albanians displaced from majority Kosovo Serb areas, demonstrated by increasing demands to the international community to facilitate return and reconstruction, requests to visit villages of origin, and attempts to exercise freedom of movement. Realistic potential for return of Albanians to the northern parts of Mitrovicë/Mitrovica municipality remained extremely remote, hindered by the tense political environment and ever-present uncertainty about the security situation. Pointing to this is the fact that none of the Albanian families forcibly evicted from apartments in North Mitrovicë/Mitrovica in 2000 and 2001 (which KFOR and UNMIK Police were unable to prevent) have been able to reclaim or re-inhabit their properties to date. Another indicator is the fact that a few Go-and-See Visits of Kosovo Albanians to their villages of origin within northern Mitrovicë/Mitrovica which were organised by UNMIK and KFOR at the request of the Albanian IDPs generated protests, roadblocks from Serbs in the north, highlighting the potential for violent backlash. The situation in north Mitrovicë/Mitrovica remains fundamentally unstable, and risks to remaining (mostly housebound) non-Serb minorities continue to be ever-present. The scenario is generally less dramatic in the other Serb-dominated municipalities of the north, outside of northern Mitrovicë/Mitrovica. The Kosovo Albanian enclaves in the majority Serb municipalities of Leposavië/Leposaviq, Zubin Potok and Zvečan/Zveçan continued to receive small and incremental spontaneous returns of Albanian IDPs from the south. Indeed, return is expected to increase in part due to the establishment of a new school, ambulanta, shop, UNMIK community office and a mini-bus shuttle which will connect the three principal Albanian villages in Leposavië/Leposaviq. Unlike in north Mitrovicë/Mitrovica, the low-key and gradual small-scale return of non-Serbs in these other northern areas is not as strongly obstructed by the same political obstacles, although conditions for more significant numbers of ethnic Albanian returns are still tenuous.

No tangible progress was made on the return of **Kosovo Albanians** displaced from their homes in majority-Serb municipality of **Štrpce/Shtërpçë**. However, Albanian access to the municipality saw slight improvements toward the end of the period following the highly contentious incidents surrounding the issue of lack of access of the Albanian Municipal Assembly members to the municipal building in Štrpce/Shtërpçë town in January and February. The recent development of Kosovo Albanians accessing and working in the municipal building, if sustained, will mark a first step towards increasing interaction with the Serb population. The situation continues to be quite fragile, and confidence-building measures must bear fruit before the contentious issue of return will realistically be able to be added to the agenda." (UNHCR/OSCE May 2002, paras. 173-174)

IDPs from Southern Serbia: some have chosen to integrate in Kosovo (2001-2002)

- Restoration of Serb control in Southern Serbia and the implementation of confidence building measures have made return possible for at least half of the displaced in Kosovo

- Return of displaced to Southern Serbia eased the pressure on minority communities close to IDP concentrations
- A significant proportion of the returnees has come back to Kosovo for the winter
- IDPs from southern Serbia still in Kosovo in August 2002 have registered as residents with UNMIK (2002)

"A second major population movement relevant to the interests of minority communities commenced during the summer with the **return of ethnic Albanian IDPs** to their homes in southern Serbia. Tensions in southern Serbia over the course of the past year had provoked a sizeable outflow of ethnic Albanians, many of whom sought temporary refuge in Kosovo. These were estimated to number just under 20,000 persons as of early June 2001. The smooth relaxation of the Ground Safety Zone which resulted in the return of Yugoslav forces to the 5 km stretch along the boundary line from which they had previously been excluded, paved the way for the initiation of confidence building measures and the possibility of return. Between those who have opted to return on their own initiative and those who have sought UNHCR assistance to do so, it is estimated that the current IDP population in Kosovo, originating from southern Serbia, has dropped by half. This has eased the pressure on a number of minority communities living in close proximity to concentrations of IDPs. In the longer term, it may even open up return possibilities for displaced minorities as the departing Albanian IDPs vacate minority properties that they had illegally occupied during their stay in Kosovo." (UNHCR/OSCE October 2001, para. 18)

"The return of IDPs to the region has been viewed as a success. Through their statements and actions the authorities and UN and other international agencies and the European Community Monitoring Mission (EUMM) encouraged some 5,300 IDPs in Kosovo to return to South Serbia during the summer. However, some returnees complained of a lack of infrastructure, inadequate assistance to repair houses and too little food aid in many villages. A significant proportion – between one third and one-half – have returned to Kosovo for the winter. There is optimism that the bulk of these will return again and be joined by new returnees in the spring, assuming that the other issues identified in this paper are addressed." (UNOCHA 29 January 2002)

"With its implementing partners, UNHCR Kosovo conducted a sample survey of the ethnic Albanian IDPs from Southern Serbia. The survey covered 681 families with 4,500 members, which represent 50% of the estimated ethnic Albanian IDPs from Southern Serbia, accommodated in Kosovo. The survey results indicated that these IDPs have already integrated with the local communities and registered themselves with UNMIK as residents of Kosovo." (UN OCHA 31 August 2002, p. 3)

As concerns ethnic Albanian IDPs from Southern Serbia in Kosovo, UNHCR estimates that there are about 10,000 of these IDPs in the province. (UNHCR 31 August 2002)

High level of destruction hampers return of displaced Kosovars to rural areas (2000)

- Over 60% of internally displaced persons in the urban areas have not yet returned to their homes
- Most cannot return as their house is destroyed or because of the presence of land mines or lack of economic incentives in their home area

"During the conflict there were mass displacements of the population in Kosovo both externally (e.g. to Macedonia, Albania, Montenegro, Bosnia-Herzegovina, as well as other western countries) and internally. During the conflict there was also significant destruction and looting of houses, property, livestock, agricultural machinery and household assets. This placed many people in an extremely insecure situation. Relief operations helped many people return to their villages and cities by September 1999. Programming meeting the shelter needs of refugees, returnees and displaced populations was a major focus of the international aid community in Kosovo and many people were provided with kits to repair their houses for

winter. Yet in the meantime many had to live in tents. As the hard winter approached many people, especially from the mountainous regions, left these temporary structures and moved to shelters in the cities for heating and to access to other relief services. Family networks also played a determining role concerning the internal movement of people.

During this period, Pristina became over-crowded because of better access to accommodation, relief assistance and the expectation of better employment and income earning opportunities. Over 60% of internally displaced persons in the urban areas have not yet returned to their homes as they are currently occupying temporary accommodation whilst their own is destroyed and many have found alternative income earning opportunities in the interim.

With the approach of spring some farmers returned to their villages to plant crops from seeds supplied largely by the international aid community. These back and forth movements from villages to cities and from higher to lower elevations during the conflict and in the winter of 1999 have also weakened households' traditional livelihood security, especially of those households with livestock as their main source of livelihood.

Several factors create barriers to clear identification of the population living in poverty. (a) Although 90% of the people who were displaced either externally or internally have returned, there is still considerable internal movement within Kosovo. (b) It is estimated that between one-third to one-half of households receive remittances from abroad with more than 98% of these remittances provinces through informal channels (RIINVEST 1999). (c) the near collapse of statistical services in Kosovo and the non-availability of past documents due to destruction of the archives. (d) A considerable number of internally displaced persons who cannot return or do not want to return to their original areas of residence, either due to presence of land mines or lack of economic incentives. (e) A steadily increasing migration into Kosovo of those residing abroad." (Inter-Agency Sub-Group on Poverty November 2000, pp. 5-6)

Return policy

UNMIK creates an operational framework to maximize return in 2003 (2002)

- A "Manual for Sustainable Return" is in preparation by UNMIK (November 2002)
- The Office for Returns and Communities (ORC) has been established within UNMIK
- The Task Force on Returns ensures coordination among international and national actors in Kosovo
- UNMIK and UNHCR will cooperate closely at the operational level
- Municipal Working Groups on Returns play a key role in supporting and planning return
- The 2003 return strategy is based on a bottom-up, multi-sectoral approach

"[...] an operational framework has been established to maximize the opportunities for minority returns in the coming year. The framework clearly delineates roles and responsibilities for the many actors involved in the returns process, in an effort to ensure a coordinated, non-duplicative approach. Key elements in the operational framework include:

Manual for Sustainable Returns

UNMIK has prepared and distributed a draft for comments of a 'Manual for Sustainable Returns' that is intended to provide a step-by-step guide to the returns process. The Manual is designed to clarify the roles and expectations of all the organizations involved in returns efforts. In addition, the Manual will help

ensure a consistent and transparent approach to steps such as prioritising returns projects, by providing detailed guidance and criteria for returns-related activities.

Office of Returns and Communities

UNMIK established the Office of Returns and Communities in late 2001 to respond to the growing focus on and opportunities for minority returns in Kosovo. This year, UNMIK has undertaken a restructuring of the ORC to allow it to continue to respond effectively to this burgeoning field of work. In particular, the ORC is in the process of establishing regional teams that will provide additional support and guidance for returns processes at the municipal and regional levels. The enhanced ORC will help ensure a consistent and comprehensive approach to returns, and will increase cross-fertilisation between efforts from region to region. In addition, an expanded Pristina office of the ORC will provide a contact point for donors to facilitate access to information and returns structures, and for information on returns projects priorities. Finally, the ORC will create a more direct link to displaced communities and to relevant authorities in Serbia through placing staff within UNMIK's Belgrade office.

Returns Coordination Mechanisms

In addition, the **Task Force on Returns** will play a crucial role in ensuring coordination and support for returns efforts among UNMIK, the PISG, UNHCR and KFOR. The Task Force will also provide an important forum for discussion and endorsement of returns policy and processes. Given the many challenges facing minority returns, the Task Force can also be essential in ensuring that the returns process receives the priority and political backing it deserves.

At a more operational level, UNMIK will continue to work closely with UNHCR to support day-to-day returns work. In particular, UNMIK and UNHCR will hold frequent returns coordination meetings with a broad range of returns partners, including KFOR, UNMIK Police, the PISG and relevant Serbian authorities, to address problems that arise in ongoing operations that cannot be resolved in the field, and to allow for continuing review and revision of returns strategies.

Municipal Working Groups

Municipal Working Groups on Returns are the key building block of the returns process. They have a central role in developing and prioritising returns projects, and in supporting ongoing minority returns. Municipal Working Groups have been established in 24 of 30 municipalities, and ensuring that these bodies are established and fully functioning throughout Kosovo during 2003 will be a core UNMIK priority. Municipal Working Groups are composed of many actors, including UNMIK and local municipal authorities, UNHCR, KFOR, members of the displaced community, local (receiving) community representatives, and NGOs.

The Municipal Working Group acts as the main mechanism through which displaced persons can access the returns process and request support to return, and is the principal executive and coordination body for returns projects with primary responsibility for ensuring the sustainability of returns efforts. Municipal Working Groups also provide a forum for displaced and receiving communities to engage in an internationally-facilitated dialogue on returns issues. Municipal Working Groups facilitate development of returns projects, and then prioritise efforts based on a confluence of return opportunities and identified needs of the displaced community." (UNMIK 5 November 2002, paras. 30-36)

See also "Task Force on returns launched", press release from the UN Interim Administration Mission in Kosovo, 1 November 2002 [Internet]

See also the following UNMIK documents:

- ***Coordination structure (chart) [Internal link]***

- [Coordination mechanisms \(The municipal Working Groups\) \(chart\) \[Internal link\]](#)
- [Returns to Kosovo: a New Approach \(map\) \[Internal link\]](#)

"ORC's new direction is explained in a document entitled '2003 Strategy for Sustainable Returns', which was presented at the November 5 donor's conference in Brussels. The ORC asked for 37 million Euro for returns, a cost that included holdover costs from 2002 as well as funding for the Housing and Property Directorate, the agency responsible for returning Kosovo property to the rightful owners.

The Strategy and donor's conference represents a new focus as well as the first real effort to engage the donor community in the returns process. The ORC warned donors that 'failure to address the issue of minority returns would leave the seeds of potential future conflict'.

[...]

The 2003 returns concept is guided by the following principles: a bottom-up approach based on the work of the Municipal Working Groups, multi-sectoral approach, cross-boundary efforts and benefits for the entire community. (To paraphrase, this means that returns must be discussed at the community level, that return projects should take into account income generation, inter-ethnic dialogue and activities, and other components if they are to be successful, and that the receiving or neighboring community should also get something so everyone benefits.)" (UN OCHA 12 November 2002)

See [UNMIK 2003 Strategy for Sustainable Return, 5 November 2002 \[Internal link\]](#)

UNMIK promotes the principle of return to places of origin (2002)

- The political climate seems to be more conducive to promoting inter-ethnic dialogue and the possibility of return
- There are also indications that inter-communal relations are slowly improving at the local level
- In this context, the UNMIK launched its 'concept paper on the right to sustainable returns' based on the principle of the individual right to return to the place of origin
- 30 return projects have been approved by the municipal and regional working groups and have received financing from a number of Member States (October 2002)
- UNMIK opposes the return of minorities to new settlements as advocated by Yugoslavia's Coordination Center for Kosovo (April-May 2002)

"Over the past few months, a climate has been created that, for the first time since the arrival of UNMIK, appeared conducive to promoting inter-ethnic dialogue and the possibility of return. An important development in this regard was the inclusion of both the majority and minority communities as an integral part of the return process. The Government followed up previous statements on its commitment to the return and reconciliation process with concrete action: the Prime Minister, Bajram Rexhep attended the opening of a multi-ethnic youth centre in Kamenica and delivered part of his speech in Serbia; he also attended the Orthodox Easter ceremony at the Pec Patriarchate; and several ministers visited mixed municipalities to meet with representatives of the minority communities. On 28 June, all the municipal assemblies agreed to a Strategy of Joint Principles affirming the right to return. Also in June, the Kosovo Serb Senior Adviser on Returns joined the Office of my Special Representative.

On 4 July, the Assembly adopted a resolution on rights of communities and their members and on the conditions for return of internally displaced persons and refugees proposed by the Government. It underlined the right to return, repossess property and enjoy freedom of movement, and called on the competent institutions to facilitate return. The resolution was subsequently endorsed by Mr. Covic, who called it a very significant, positive step.

[...]

Although progress remained mixed, there are indications that inter-communal relations are slowly improving. Grass-roots reconciliation projects have begun in several areas, such as a milk-sharing project in Novo Brdo, and there have been several multi-ethnic cultural and sporting events. For the time being, it is these smaller-scale, trade-based and cultural projects, which break the enclave mentality and improve freedom of movement, that hold out the best hope for success. More ambitious projects, such as a multiethnic market in Lipljan, have not been so successful, but remain an important target.

An important factor in building inter-communal trust was that Kosovo Albanians began to be sentenced for crimes committed against minority communities following the arrival of the international presence in June 1999. In May 2002, for example, a panel of international judges handed down a 15-year sentence to a Kosovo Albanian male for the murder of an elderly Kosovo Serb woman in Prizren.

UNMIK sought to capitalize on these positive developments, which it also helped to bring about. In May 2002, my Special Representative briefed donors on the financial requirements of the returns process, which amount to over 16 million euros. Shortly thereafter the Mission launched its 'concept paper on the right to sustainable returns' based on the principle of the individual right to return to the place of origin. The key principles were supported by Mrc. Covic and the Coordinating Centre at a meeting of the High-Ranking Working Group on 31 May. The aim is to achieve increasing returns this year so as to create the momentum for more significant numbers in 2003 and 2004. UNMIK has increased its grass-roots efforts to support minority returns: there are now 5 regional working groups on return, 24 municipal working groups, and 12 small task forces to address specific aspects of returns in particular locations. In addition, UNMIK continued to address remaining obstacles to return, including freedom of movement, providing internally displaced persons with accurate information about the situation in Kosovo, determining the fate of the missing of all communities, and the question of property." (UNSC 17 July 2002, paras. 32-37)

"Thirty projects have been approved by the municipal and regional working groups and have received financing from a number of Member States. For example, in the Klina municipality, a group of 44 Kosovo Serbs returned to the villages of Bica and Grabac in two stages during July and early September 2002. In the Lipljan municipality, 26 Ashkali families returned to two villages. Signals from government officials at the central political level also continued to be positive on returns. However, more substantial and regular engagement from all local participants is required and the many positive statements have yet to be turned into concrete action. A broad range of activities continued to promote inter-ethnic dialogue and reconciliation. For example, a number of football and boxing clubs representing minority communities joined the respective Kosovo Sports federations and will now participate in Kosovo-wide league matches in the upcoming season- Additionally, a number of cultural events took place in the northern region of Kosovo and brought different ethnic groups together." (UNSC 9 October 2002, para. 39)

"In April and May, the Coordination Center for Kosovo (CCK) and UNMIK released documents which underscore different strategies on return of IDPs to Kosovo. The CCK plan specifies certain towns and 24 localities all over Kosovo suggesting that returns could be most successful if they are organized primarily toward clusters and specified localities. The approach also includes the elements of security, economy, health services and decentralization of local government. The UNMIK concept paper 'The Right to Sustainable Return' outlines a rights based approach to IDP return founded on individual voluntary choice. It includes the goal of creating a multi-ethnic Kosovo, preference for return to place of origin, creation of suitable return conditions in advance of returns and does not support relocation or mono-ethnic clusters. So far in 2002, UNHCR estimates approximately 700 spontaneous returns of IDPs to Kosovo from Serbia and Montenegro." (UN OCHA 31 May 2002)

"The Serbian parliament has endorsed 'Principles of Programme of Returns of IDPs from Kosovo and Metohija', which was prepared by the CCK and completed in April, 2002." (UN OCHA 11 July 2002)

"New papers released by UNMIK and Yugoslavia's Coordination Center for Kosovo show different philosophies on returns, but Kosovo leader makes new overtures

UNMIK and the Yugoslav/Serb government's Coordination Center for Kosovo (CCK), the two bodies charged with coordinating minority returns to Kosovo, last month outlined their respective views regarding minority returns to Kosovo.

The Office of the SRSG released a concept paper entitled 'The Right to Sustainable Return' in which basic humanitarian principles are outlined, including the goal of creating a multi-ethnic Kosovo. The paper, however, takes exception with the CCK's detailed plan for returns 'in clusters'. The CCK, led by Serbian Deputy Prime Minister Mr. Nebojsa Covic, advocates clustered returns to Kosovo for reasons of safety, economy, and community.

The UNMIK paper notes: 'In general the concept of relocation, including proposals for clusters of new settlements, is not conducive to the long-term goal of promoting a multi-ethnic society in Kosovo.' The difference in philosophy between the two bodies has prompted discussions within the humanitarian community. The issues were discussed at a recent meeting of the UNHCHR (Human Rights) Contact Group on IDPs, which was attended by UN agencies, NGOs and others." (UN OCHA 7 June 2002)

See also:

- [UNMIK, "The right to sustainable return – Concept paper", 17 May 2002 \[Link\]](#)
- [CCK, Principles of the Program for Return of Internally Displaced Persons from Kosovo and Metohija, April 2002 \[Link\]](#)

On the right to return home and its implementation, see "Kosovo: The Human Rights Situation and the Fate of Persons Displaced from their Homes" (16 April 2002), by Mr Alvaro Gil-Robles, Council of Europe Commissioner for Human Rights, paras. 163ff [Internet]

Authorities in Serbia and Montenegro give priority to return to Kosovo (2001-2002)

- The Coordination Centre for Kosovo (CCK) has been created as a joint Yugoslav-Serbian body to promote the return of IDPs to Kosovo
- It also coordinates assistance to IDPs in Serbia and Montenegro
- The Government of Serbia released its "National Strategy" which identifies the return of IDPs to Kosovo as the main solution
- Local integration is mainly considered in regard to refugees
- Authorities in Montenegro are not willing to integrate IDPs out of concern for the ethnic balance and political stability

Serbia

The Coordination Centre for Kosovo (FRY)

"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 [Office of Return and Communities].

[...]

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 monitor the humanitarian community's activities with regard to IDPs." (UN OCHA 26 April 2002, pp. 29-30)

"In Serbia, the Government has formulated and published a [National Strategy For Resolving the Problems of Refugees and IDPs](#) [Internal link] (hereafter: National Strategy). The National Strategy addresses the options of both '*repatriation*' and '*local integration*', by identifying difficulties and proposing ways forward. Although, on various occasions, the text underlines that both options are equally open to IDPs, there is a clear tendency to consider local integration to be the likely solution for refugees from the former republics, and return the solution for IDP's from Kosovo (and Metohija) [143].

The Implementation Programme that goes with the National Strategy, follows the same line and its title worryingly makes no mention of IDPs [144]. Indeed, in the substantive parts in which the various programmes for '*Ensuring Conditions for Local Integration*' are set out, only refugees are mentioned as the beneficiaries, not IDPs. As the IDPs from Kosovo, from what I have seen, live in a comparably difficult situation in Serbia, I strongly hope that IDPs will be able to benefit just like refugees from these programmes [145] which are aimed at addressing such vital issues as housing, the gradual closing down of collective centres and employment."

[Footnote 143: *«The main strategic orientation of Serbia in respect of 230,000 IDPs from Kosovo and Metohija is provision of assistance and necessary guarantees for return and life in safety. This situation clearly suggests two main, parallel directions of implementation of the National Strategy, giving the possibility to refugees and the IDPs to choose the most favourable durable solution freely. The first group of activities is aimed at ensuring conditions for repatriation of refugees and IDPs [...] This refers especially to voluntary and safe return of IDPs to Kosovo and Metohija to the places of their habitual residence. The second direction of activities relates to the provision of conditions for local integration, meaning the durable resolution of the essential existential problems of refugees and IDPs as well as their families. The basic aim of local integration is helping refugees achieve self-sufficiency, a financially and socially equal positions as that of the other citizens of the country.»* (National Strategy For Resolving the Problems of Refugees and IDPs, Government of Serbia, Belgrade, 30 May 2002, p. 4.)]

[Footnote 144: Government of the Republic of Serbia, National Strategy For Resolving the Problems of Refugees [!]: Implementation Programme, Belgrade, 30 May 2002, (Basic Objectives and Plan of Action): *"The Strategy primarily refers to refugees and other war-affected persons. As regards the nearly 230,000 displaced persons from Kosovo and Metohija, the basic strategic commitment of Serbia and the FRY, supported by encouraging arrangements and the Plan of Returns endorsed by the Republican and Federal Assembly, by the UNMIK-FRY Common Document, as well as by the Serbs' participation in the elections for the Assembly of Kosovo and Metohija, is to provide each returnee the assistance and necessary guarantees for a safe life in Kosovo. At the same time, IDPs can also benefit the integration programs formulated in the National Strategy, as a way for building their self-sustenance and reducing their dependence on humanitarian aid."*]

[Footnote 145: If I understood well the Deputy Prime Minister of Serbia, Dr. Covic, then this will be the case.] (COE 16 October 2002, paras. 198-199)

Montenegro

"[...] IDPs from Kosovo, who retain certain legal rights as citizens of the FRY, have only limited access to important political rights conferred by the Republic of Montenegro [155]. Here, the IDPs are the victims of the difficulties between the Serbian and Montenegrin governments, concerning the question of the relations between the two entities. Perceived by the present Government, which is in favour of independence of Montenegro, as being potentially in favour of Montenegro remaining linked to Serbia, IDPs from Kosovo are not offered the possibility to fully integrate in this part of their country (the FRY). The concern would appear to be to prevent them from formally establishing residence in municipalities in Montenegro and applying for Montenegrin citizenship, and the voting rights that go with it. This is certainly regrettable from a human rights point of view."

[Footnote 155: "While IDPs are being accorded social rights and limited benefits in Montenegro, there is no willingness to extend political rights out of concern for the ethnic balance and political stability of

Montenegro. Although it is recognised by nearly all the authorities in Montenegro that the majority of IDPs will likely not return to Kosovo, it is still [felt to be] too early to consider local integration.” Briefing Note, UNHCR, 18 July 2002, p. 2.] (COE 16 October 2002, para. 208)

Lack of information on real intention of the displaced (2002)

- A third of the displaced in Serbia would like to return, according to one survey, while the Serbian government claims they may be the majority
- There is a need for more reliable data concerning the true intention of IDPs with respect to return and their level of integration in areas of displacement
- Also more information should be provided to IDPs regarding existing conditions for return

"Clearly, not all the IDPs from Kosovo will eventually decide to return. Taking into account the socio-professional composition of the persons displaced out of Kosovo [107], their rural or urban origins in Kosovo, the length of time they or their families lived there, their age, the fact that a number of them have sold their property in Kosovo as well as the time already elapsed since their departure, a rough estimate might be: roughly one third of the 230,000 IDPs from Kosovo prefer to integrate fully in Serbia or Montenegro (or have already succeeded to do so), another third is desperate to return (mostly the elderly, rural population who cannot not sell their property in Kosovo, who do not have professions that allow them much flexibility and whose attachment to their land is generally strongest), while the last third remains undecided [108]." (COE 16 October 2002, para. 161)

[Footnote 107: See International Council of Voluntary Agencies (Belgrade) and the Norwegian Refugee Council, [The Right to Choose: IDPs in the FRY](#), March 2002.][Internal link]

[Footnote 108: The Government of Serbia thinks that “*the majority of the 230,000 IDPs who have been living in Serbia and Montenegro for three years now wish to return to their homes*” ([National Strategy for Resolving the Problems of Refugees and IDPs](#), Belgrade, 30 May 2002, p. 8).][Internal link]

"[L]ocal 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 should help the government and relief agencies coordinate and plan policy." (UN OCHA 26 April 2002, p. 37)

"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." (UN OCHA 26 April 2002, p. 30)

KFOR releases its policy paper on the feasibility to accommodate returns in Kosovo (May 2002)

- KFOR will move away from overly restrictive security measures in order to facilitate inter-ethnic interaction
- It is also planning to play a less prominent role and to transfer tasks to UNMIK and the Kosovo authorities

"In the light of the improved security situation in certain areas, and the political imperative to stimulate return, KFOR has considered that the correct approach should be flexible and decentralised and follow on a case by case basis, whilst avoiding the creation of new isolated enclaves. This means that KFOR moves away from *'impos[ing] conditions on visits and returns, which were in many instances overly restrictive'* [HQ Policy Paper on the Feasibility to Accommodate Returns in Kosovo, 21 May 2002]. Rather, it is acknowledged that *'[s]ecurity measures need to facilitate and make inter-ethnic interaction possible instead of creating barriers that entrench separation and impact on the chances of realising other rights [...]. Efforts will be undertaken to scale down the level and visibility of area-specific security measures in order to avoid perceptions of continued separation between minority and majority communities.'* In the same vein, KFOR considers that *'[a]s soon as the situation allows [it] should play a less prominent role in Kosovo security matters handing over as many tasks as possible to UNMIK Police and the KPS'*. In other words, KFOR is ready to take some risks, and the ongoing process of removal of escorts and checkpoints is conducive to the idea of removing barriers between the different communities." (COE 16 October 2002, para. 178)

"An important shift in KFOR strategy toward minority return was noted during the reporting period. KFOR's active participation in return planning and implementation, as well as their general experience on the ground in minority communities, prompted analysis of the most appropriate security responses in the context of return. Moving a step beyond an exclusive focus on deployment of military assets to address inadequate security environments, KFOR began to foresee the need to take a more comprehensive, developmental approach to transforming the local environments where inadequate security exists (and not only pursuing the 'containment' of conflict), in order to more fully comply with the mandate to ensure a safe and secure environment under UN Security Council Resolution 1244. In this regard, KFOR increasingly noted the need to ensure that regional security planning is designed to assist minorities and surrounding majority populations to overcome psychological barriers (rather than reinforcing subjective fears and an 'enclave mentality') and complement confidence-building activities. While the majority of contingents in the regions have embraced their responsibilities for enhancing, to the extent possible, freedom of movement, and assisting in the return planning process (by developing security plans and providing support for Go-and-See Visits, for example), there have been some notable exceptions which are also problematic from the human rights perspective. **KFOR MNB (S) [Multinational Brigade South] in particular continues to place restrictions on free movement for Kosovo Serbs in the Prizren region** which have curtailed a potential increase in normalisation of movement of displaced Serbs to visit their properties and undertake social visits in Zhupa Valley, or to spontaneously return. Often, **MNB (S)'s positions on return issues have been seen as incompatible with the overall KFOR strategy of reducing barriers between ethnic groups**, in fact, often giving the opposite impression that complete restriction of contacts between minority and majority communities is a necessity for preventive security reasons. MNB (S) positions sometimes also give the troubling impression that the majority community should de facto be given a veto on the right to return. However, despite some inconsistencies on the ground, KFOR's overall strategic approach towards return for 2002 and beyond is being developed in a very positive and forward-looking direction. The overarching strategy foresees the need to enhance troop presence in potential areas of return, but also foresees the importance of incrementally reducing presence as confidence is established between communities, in part so as to ensure that security measures do not have a negative impact on inter-ethnic contacts and confidence-building measures. These developments are welcome and it is hoped that this strategic direction will be consistently reflected in the security planning of each Multi-National Brigade." (UNHCR/OSCE May 2002, para. 188)

The support to return: a resource-intensive process (2001-2002)

- Confidence-building projects are underway in mixed municipalities, as part of the planning process for return
- UNMIK has also intensified its outreach to the IDPs in Serbia and to minorities in Kosovo
- Joint UNMIK-Yugoslav campaigns have led to an increasing number of go-and-see visits to possible return sites in Kosovo
- Go-and-inform visits to IDP communities in Serbia proper have also been organised

"The inter-agency planning activities undertaken in 2001 to enable organised minority returns to take place to Osojane Valley, Gornji Makres/Makresh e Ultë, Ljestar/Leshtar and Vranjevac/Kodra e Trimave brought into focus for the principal agencies and organisations involved some key lessons learned. Most importantly, the highly complex, time-consuming, resource-intensive and multi-sectoral nature of facilitating a safe and sustainable return became absolutely evident. It was increasingly understood that, **under prevailing circumstances, which continue for the most part to prohibit spontaneous return, opportunities for replicating return successes are directly proportionate to limited human resources.** Resources and efforts must be mobilised among a multitude of agencies in order to build confidence and create a minimum level of area stability to responsibly allow returns to take place; even the return of a very small number of minority families requires a disproportionately large level of resources, especially human resources. If we compare the social environments of the four organised return locations in 2001, it also becomes evident that, even with a massive commitment of resources, creating an environment which ensures at least some contacts between ethnic groups and no inter-ethnic violence requires a fundamental qualitative change in the political and social relations between Kosovo's ethnic groups. Returns to environments where stringent security measures are required to ensure returnee safety are ultimately much less sustainable. An approach based on ensuring returnee security primarily or exclusively through preventive deployment of military assets ensures that return will only occur in very small numbers as determined by military asset levels. This approach to return also fails to provide guarantees of returnee security when military assets in the region are reduced. For these reasons among others, building tolerance was recognised to be one of the key factors necessary to create safe conditions for returns." (UNHCR/OSCE May 2002, para. 180)

"An important part of the planning process for returns are confidence-building measures aimed at promoting reconciliation and a climate conducive to return. Several reconciliation projects are under way in mixed municipalities, such as Kamenica, where a multi-ethnic youth project has been launched. UNMIK's institution-building pillar has also brought together Kosovo Albanian civil society representatives and non-governmental organizations from Serbia proper to develop civic dialogue and build trust. A similar exercise was carried out by bringing Kosovo Albanian journalists to visit Belgrade media outlets with a view to promoting understanding and cooperation.

Another important part is demystifying the situation in Kosovo in the minds of many internally displaced persons and those who live in the enclaves and have little contact with the outside world. UNMIK has stepped up its outreach to the internally displaced persons themselves. The Department of Non-Resident Affairs in the Ministry of Culture, Youth and Sports of the provisional institutions of self-government publishes a monthly magazine in Serbian entitled *Most* (Bridge), which keeps internally displaced persons informed of UNMIK policy and the situation on the ground in Kosovo. This, together with joint UNMIK-[Kosovo] Coordination Centre public information campaign, has led to an increase in 'go-and-see' visits to possible return sites in Kosovo. As for the Kosovo Serbs isolated in enclaves, new community information centres are playing a key role in keeping them informed of events. So far, UNMIK has set up three of these centres in Gracanica, Slivovo (both in the Pristina region) and Mitrovica. They distribute UNMIK factsheets and other sources of information. In February, the centres launched a newsletter on developments in neighbouring communities. This newsletter is also distributed to internally displaced persons." (UN SC 22 April 2002, paras. 34-35)

"An important innovation was the beginning of 'go and inform' visits to communities of internally displaced persons in Serbia proper, which included, on at least one occasion, a member of the Kosovo Albanian community. The resulting town meetings with the internally displaced communities are now run jointly by UNMIK and the Coordinating Centre for Kosovo. On 5 July, my Special Representative visited the Smederevo Collective Centre in Serbia proper to exchange information with the internally displaced persons there.

UNMIK also worked to reach internally displaced persons through Internet-based information systems and cross-boundary media projects. The Serbian daily *Danas* began printing supplements on Kosovo issues, for example; and Radio Television Kosovo agreed to air children's programmes in Serbian. UNMIK worked to integrate its outreach approach to the internally displaced community, both with the Coordinating Centre for Kosovo and other actors involved in the process. The use of the media for outreach purposes was facilitated by agreements reached during a conference on bridging the information gap, held at in Pristina at the end of May, with media representatives from Kosovo, Serbia proper, Montenegro and other parts of the region. (UNSC 17 July 2002, paras. 39-40)

UNHCR is in the process of gathering 167 minority village profiles in Kosovo. The village profiles provide valuable and timely information on security issues, infrastructure, housing, health services, economic activities, education services as well as a summary of key problems in the area. The problem is that they are presently only available in English. If translated these profiles could be a valuable asset for IDPs wanting to know more about specific villages. OCHA Belgrade is currently discussing with UNHCR Prishtina/Pristina and Belgrade the possibility of translating the village profiles. (UN OCHA 11 July 2002)

"During the reporting period, **UNMIK also began to develop a more robust information outreach policy** vis-à-vis minority communities and IDPs, also at least in part as a result of the experience of outreach to IDPs mainly in Serbia in the pre-election period. UNMIK Department of Public Information began to intensify consultations with several agency partners, including UNHCR, to discuss strategies for outreach to IDPs through the mass media in FRY, production of written materials about the situation in Kosovo and other initiatives. Implementation will require attention in the coming months. During the period, UNMIK established three Community Information Centres in Gracanica/Graçanicë (Prishtinë/Priština), Silovo/Shillovë (Gjilan/Gnjilane) and north Mitrovicë/Mitrovica. Similar centres are also planned to open in the Prizren and Pejë/Pec regions, in Upper Orahovac/Rahovec and Gorazdevac/Gorazhdevc respectively. These offices were designed in order to increase information flow between UNMIK and minority communities, and as the centres develop, will hopefully engage in information outreach to minorities displaced outside of Kosovo as well. (UNHCR/OSCE May 2002, para. 187)

For more details on international return assistance, see [UNMIK map 2002 return activities \(as of October 2002\)](#) [Internal link]

Return policy: cautious approach of the international community (2000-2002)

- UNHCR was originally tasked with the overall supervision of the safe and voluntary return of all refugees and IDPs to their homes in Kosovo
- The Joint Committee on Returns of Kosovo Serbs (JCR) was established in May 2000 coordinates return policy in consultation with representative of the Kosovo Serb community
- A Framework on Serb Return 2001 (January 2001) defines principles for the return of Kosovo Serbs
- The Principles were endorsed by the Interim Council Administrative Council for Kosovo in June 2001

- An Action Plan for some ten initial return locations was produced by Local and Regional Working Groups and presented to donors in June 2001
- International agencies also supported Go-and-See visits to Kosovo and information initiatives among IDP communities in Serbia
- Following the signing of the Common Document with Belgrade (November 2001), the Special Representative established the Office of Returns and Communities
- The Joint Committee on Returns was discontinued in December 2001, following the transfer of the supervision of return from UNHCR to UNMIK in 2002

"Security Council Resolution 1244 (1999) tasks the UN Mission in Kosovo through its international security presence (KFOR) and its civil presence (UNMIK) to establish a secure environment and to enable all refugees and internally displaced persons (IDP) to return, in safety and unimpeded, to their homes. UNHCR is tasked with the overall supervision of the safe and free voluntary return of all refugees and IDPs to their homes in Kosovo.

In May 2000 the SRSG established a the *Joint Committee on Returns of Kosovo Serbs (JCR)* consisting of the principals of UNMIK, KFOR, OSCE and UNHCR and the Commissioner of Police and the heads of key units of the UNMIK with the task 'to explore ways and means of the safe and sustainable return of Kosovo Serbs'. The JCR pursues its aim through a Steering Committee under the Chairmanship of UNHCR which again includes besides Serb representatives all members of the JCR to ensure coordination between those who are responsible for security or the provision of various public services.

During the last months of 2000 a small planning group with the help of five Regional Working Groups drafted a comprehensive analysis of the obstacles to return and a broad and balanced concept for ways and means by which the conditions could be changed so that they became more conducive to the return of Kosovo Serbs to their homes. The efforts led to the adoption of a *Framework on Serb Return 2001* on 13 January 2001 by the JCR.

The Framework lays out (i) the agreed-upon principles of return for Kosovo Serb IDPs; (ii) the current situation in Kosovo and (iii) analyses as examples 25 potential locations of potential return and identifies (iv) in general and for the concrete locations the measures which would be required to sustain a returns process and contains (v) the agreed on roles and responsibilities of the major actors who would be engaged in the return and reintegration processes.

In early June 2001 the **Principles** of this return concept have been endorsed by the Interim Administrative Council (IAC) for Kosovo which besides international and Serb representatives includes the three main Kosovo Albanian political leaders. The overriding principle guiding the JCR strategy is the fundamental right of all displaced to return to their places of origin in conditions of safety and dignity which ensures also adequate freedom of movement. The return planning which is carried out through Local and Regional Working Groups foresees return to multiple geographic areas in an incremental, low-profile and orderly fashion. Return planning should be undertaken in a transparent fashion. This includes the maximum consultations with the displaced and with local community representatives and the promotion of inter-ethnic dialogue and confidence-building measures whenever possible. Finally return planning is to be undertaken on the basis of comprehensive assessments of individual potential return locations, in order to identify the necessary measures required to create appropriate conditions for safe and sustainable return.

The required **measures for the creation of minimum conditions of return** concern the areas of security, freedom of movement, property, housing, infrastructure, public utilities, health and social services, education, employment and income generation, and humanitarian assistance. Emphasis is also placed on the importance of tolerance-building and creation of inter-ethnic dialogue on the local community, regional and provincial levels on the issue of Kosovo Serb return and co-existence. The participation of the Serb community in the central and local governing and administrative structures and in the democratic political

process in Kosovo has increasingly emerged as an important element for co-existence and the potential improvement of the conditions for sustainable return.

The aim is to facilitate some return as part of a more long term process in a responsible manner without prejudicing the security of the persons concerned and without creating additional tensions in the communities to where return takes place. Return must be voluntary and based on an informed decisions about the conditions prevailing in Kosovo including remaining risks and prevailing substantial shortcomings.

While conditions of minority, including Serb communities in Kosovo are generally difficult, they differ substantially from one location to the other. Therefore, on 11 May 2001 the JCR tasked the Steering Committee to identify those locations within Kosovo as to which the conditions favouring return were relatively more advanced and return was probably possible still in 2001. It was acknowledged that conditions would not allow the return of large numbers at the moment. Conditions facilitated initial returns to rural rather than urban areas. Such progress at a small scale is, however, considered crucial for the mid- and long-term progress on return for the large number of other displaced over time.

With the help of the LWG and RWG, the SC produced an **Action Plan** for some ten initial, most advanced return locations and on 29 June the international donor community was briefed about expected resource requirements by the SRSB and UNHCR to ensure that in case of return appropriate assistance can be made available in support of the re-integration and the stabilisation of the returnee populations in their communities. UNMIK, KFOR, OSCE, UNHCR, UNMIK Police and their regional and local representatives besides representatives of the Serb communities and of the displaced were all part of the preparatory process and will be so for the implementation. Since July 2001 representatives of the FRY Federal Government Committee for Kosovo have been participating in this planning work at all levels side beside with the other members of the JCR and the R/LWG on return. In addition efforts were made together with other UN and NGO partners to improve the information flow on the conditions and activities in the specific locations to the displaced outside Kosovo. A series of Go -and-See visits have been organised to the home communities. On other occasions several representatives of UNMIK, KFOR, UNHCR, OSCE and local Kosovo Serbs went to Serbia and Montenegro and visited IDPs and briefed them and answered questions. The aim is to enable the displaced to take an informed decision about their future. The idea of improving the conditions in the home communities is, to give IDPs a realistic choice, an alternative option to remaining displaced. The final decision about return rests, however, always with the IDPs themselves and for that they need all the information and be fully aware about the prevailing conditions and remaining risks at home." (UNHCR 2001)

See the full text of the [Return Principles](#) [Internal link]

"One of the most important concerns of the Kosovo Serb community and a key objective of UNMIK is the creation of conditions for the sustainable return of internally displaced persons and refugees. Following the signing of the Common Document, the Special Representative established within his own office the Office of Returns and Communities, to coordinate UNMIK's work on community issues, maintain close links with all key stakeholders, including the Governments of the Federal Republic of Yugoslavia and Serbia, and the donor community, and provide strategic advice to the Special Representative on ways to advance the return and reintegration of displaced persons. Work has begun on a framework for 2002/2003, which will combine economic incentives and other measures in order to offer longer-term prospects to returnees and internally displaced persons. " (UN SC 15 January 2002, para. 18)

"With the creation of the [Office of Returns and Communities (ORC), return co-ordination mechanisms were restructured to reflect an enhanced role of UNMIK on the return issue. [...] The Steering Committee of the JCR (chaired by UNHCR) as well as the JCR itself, which existed as the primary central-level fora for return planning in 2000 and 2001, were discontinued in December 2001 and is to be replaced by a Task Force on Return and Reintegration (TFR)." (UNHCR/OSCE May 2002, para. 186)

See "[UNMIK creates an operational framework to maximise return in 2003 \(2002\)](#)" [Internal link]

Return of Roma communities: wide consultations contribute to the search for joint solutions (2000-2001)

- A Declaration and a Platform for Joint Action were adopted in April 2000 by leaders of the Roma communities and Albanian representatives
- A Statement of Principles relating to return of Roma communities were adopted in May 2001 by all relevant actors in the province

"Concurrent to the joint efforts regarding Serb, activities have also been undertaken to address the specific situation of the Roma/Ashkalija/Egyptian (RAE) communities and to explore ways and means for their sustainable return. A series of Humanitarian Round Tables were initiated by UNHCR in early 2000. These meetings brought together RAE representatives and international actors to discuss the humanitarian needs faced by RAE communities. The discussion process resulted in an April, 2000 meeting between RAE leaders and leading Kosovo Albanian political leaders which endorsed two basic working documents: Declaration from Humanitarian Round Table and Platform for Joint Action. The Platform for Joint Action was subsequently endorsed by both the IAC and the Kosovo Transitional Council (KTC) during a special joint session held on the occasion of the visit of Security Council members to Kosovo in late April 2000.

The Platform for Joint Action identifies the major issues facing RAE communities, both those who remain in Kosovo and those who would like to return, and suggests ways to address these. It serves as a frame of reference for numerous activities such as the two consultative sessions between RAE community leaders and JIAS officials (Sept. 2000 and Jan. 2001). They allowed for open discussions and contributed to a constructive search for joint solutions. On 7 May 2001 RAE community leaders, Kosovo Albanian political leaders and international actors, including the Commander of KFOR and the UNMIK Police Commissioner were brought together in a meeting on return, security and reconstruction. This meeting endorsed the Statement of Principles related to return. It also reviewed the progress made vis-a-vis small scale individual and group return during the course of the preceding year. Also RAE return continues to be hampered by outstanding security concerns and humanitarian need." (UNHCR 2001)

See also:

- [Platform For Joint Action - Regarding Kosovar Roma, Ashkalija and Egyptian Communities \[Internal link\]](#)
- [Statement Of Principles \[Internal link\]](#)
- [Declaration From Humanitarian Round Table 12 April 2000, Pristina \[Internal link\]](#)

HUMANITARIAN ACCESS

Federal Republic of Yugoslavia (excluding Kosovo)

Legislation and administrative practices in Serbia and Montenegro complicate the work of humanitarian agencies (2000-2002)

- NGO legislation from the Milosevic era remains in effect
- NGOs are implicitly allowed to operate in Serbia but still encounter day-to-day difficulties which should be addressed in pending NGO legislation
- NGO legislation in Montenegro has not solved all the practical problems facing humanitarian agencies
- Problems encountered by humanitarian agencies include inconsistent practices for registration and issuance of visas, lengthy procedures for import of humanitarian aid, inefficient banking and financial systems, heavy taxation on local staff's salaries, difficult registration of NGO vehicles

"A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases; however, there was one case of police intimidation of an NGO activist. Government officials were somewhat cooperative and responsive to their views; however, with the exception of the transfer of Slobodan Milosevic and a few other war criminals, the Government's cooperation with the ICTY decreased significantly during the year.
[...]

Legislation that governed NGO's under Milosevic remained in effect. A draft law was circulating for comment which, if passed, would subject NGO's to greater scrutiny and some form of taxation; but it had not yet been introduced by year's end." (U.S. DOS 4 March 2002, Serbia, sect. 4)

"[...] NGOs, though implicitly 'allowed' to operate in Serbia (some for as long as 10 years), encounter day-to-day operational difficulties, which make their work difficult and sometimes more costly. Some of the major problems facing NGOs in Serbia are listed below, which the international humanitarian community hopes will be addressed favorably in the pending NGO legislation.

Also in Montenegro, though the NGO legislation does exist, it is generally felt that more practical, operational matters, including some listed below, have not been adequately addressed, raising a need for an additional regulation covering them.

a) Registration -- The previous section [See section 2.1 in original document] described the difficulties in registering international NGOs due to the lack of legislation, pointing out that the establishment of simple and efficient registration procedures would create a supportive environment for NGOs. The ambiguity in NGOs' legal status carries risks. For example, their operations may be arbitrarily banned or terminated, without prior notice or explanation. Another important issue related to registration is the level of the registration fee, which, if set too high, could disable many NGOs from operating in FRY.

b) Visa -- Currently, there are no standard procedures for the issuance of visas and temporary residence, applicable to all humanitarian NGO workers. Many foreign NGO staff enter FRY on a short-term (often tourist and single entry) visa. After expiration, this can mostly be converted into a temporary residence permit for 3-6 months, which needs to be renewed regularly. However, their status (i.e., visa and residence permits) is dependant on the discretion of the FRY Government.

c) Import of humanitarian aid -- There is a concern that import procedures are cumbersome and require layers of intermediaries in the process. A guideline on the import of international humanitarian aid (covering food, clothing, hygiene kits, etc.) was issued in December 1999 by the Federal Ministry for Refugees, Displaced Persons and Humanitarian Assistance. Prior agreement of this Ministry must be obtained, based on an application requiring numerous documents, in order to import goods free of import duties. NGOs (unless independently registered) need to go through intermediaries to receive shipments, such as UNHCR (for its implementing partners) and YRC (for other NGOs). In case of medicines and medical supplies, the Federal Ministry for Labor, Health and Social Policy issued a guideline in November 1999. Upon entering the country, medicines are placed under surveillance in specialized customs storage for a considerable length of time, until necessary procedures are completed for quality certificate and approval for distribution. In addition to being time-consuming, these procedures tend to be subject to frequent revision, making operational planning difficult.

d) Taxation - There are no clear guidelines concerning tax exemption privileges. The Montenegrin Law on NGOs, for example, stipulates that 'the Government shall provide tax and other exemptions and privileges for non-governmental organizations (Article 27),' while providing no further details. In Serbia, though duly-approved humanitarian goods are imported duty-free in principle, the December 1999 guidelines do not specifically mention such privileges.

e) Financial and Banking – In the environment where sanctions are in place and the banking system is under duress, even a simple transfer of operating funds causes a serious headache for NGOs operating in FRY. The existence of the large disparity between the official and market exchange rates is another difficult factor, which could significantly increase the operating costs of NGOs.

f) Employment of National Staff -- In FRY, employers are required to pay to the Government taxes and other contributions (such as social, retirement, and health benefits). It is estimated that for international NGOs such payments to the Government could amount to as much as 120 percent of the salaries of local employees. This would substantially augment their operating costs and pose a significant financial difficulty to many NGOs.

g) Vehicle - NGOs in FRY, due to ambiguity of their status, are currently not able to register their vehicles on their own. Most of them opted to use UNHCR vehicle registration plates for their vehicles, which UNHCR issues to its partner NGOs, though this has caused difficulties [see also section 2.1 (b) in original document]. Similarly, the procedure for NGOs to import vehicles is also unclear and needs to be regulated in favorable terms." (UN OCHA 20 March 2000)

Humanitarian impact of sanctions and blockades on vulnerable populations in Serbia and Montenegro (2000)

- Concrete humanitarian impact of sanctions against the Federal Republic of Yugoslavia cannot be measured due to lack of information
- Since the political changes in October 2000, the international community has lifted the oil embargo and the flight ban against FR, which has facilitated humanitarian operations
- Remaining international restrictions on foreign investment will continue to have a negative impact on the economy
- Internal blockade between Montenegro and Serbia hampers humanitarian activities in Montenegro

International sanctions against FRY

"Although the flight ban imposed on Serbia has been lifted for a six-month period, sanctions and international isolation continue, creating further hardship to vulnerable people." (IFRC 19 June 2000)

"On 7 July, OCHA issued the Humanitarian Risk Analysis No. 11, focusing on the sanctions against FRY. It aimed to provide background information on the history of the sanctions against FRY, their enforcement and implementation, and an overview of ongoing debate on sanctions. It concluded that currently the humanitarian community lacks information on concrete, measurable impact of sanctions on the humanitarian situation in FRY, which needs to be carried out to further evaluate additional humanitarian needs and vulnerability." (UN OCHA 7 July 2000)

"In response to leadership changes in FRY in October, the international political community has begun to ease FRY's isolation and constraints on international trade and assistance. The international community has lifted the oil embargo and flight ban against FRY, and donors are eager to provide the new government with support for stabilisation and development programmes. These changes bring a very welcome improvement to the climate of humanitarian operations in FRY, and are likely to have a positive impact on humanitarian response. However, international restrictions on foreign investment and other related sanctions still in effect have a negative impact on the economy, and may not be lifted in the near term." (UN November 2000, p. 29)

See OCHA Humanitarian Risk Analysis No. 11, 7 July 2000 [Internet]

Trade blockade between Serbia and Montenegro

"The four month internal trade blockade between Serbia and Montenegro, while easing somewhat, still caused problems. An increase in rhetoric between the Yugoslav Army and Montenegrin government was noted, however tension remained low. (IFRC 19 June 2000)

The Government of FRY's cessation of cross border trade to Montenegro has now begun to impact negatively on NGO activities in Montenegro. Agencies working on improving shelter for IDPs and refugees have had to postpone deadlines due to a lack of construction materials and NGOs are increasingly looking for materials and contractors that are exclusively Montenegrins." (UN OCHA 13 April 2000)

"According to statements of senior Montenegrins officials and media reports, the border between Serbia and Montenegro is now completely blocked. In addition to the previously-imposed ban on food products, the Serbian authorities broadened the range of controlled goods and have even prohibited the export of medicines into Montenegro. As for the Montenegrin -produced goods, only aluminium and steel are allowed into Serbia. While the Montenegrin Government describes the blockade as Belgrade's attempt to destabilize Montenegro, the opposition SNP (pro-Belgrade) claims that the blockade was induced by the introduction of the parallel currency in Montenegro." (UN OCHA 9 March 2000)

UN Administered Province of Kosovo

Kosovo: international staff members become the targets of criminal activities (2000-2002)

- International staff members are increasingly the targets of premeditated rather than random criminal activities, in particular theft of cars and other equipment
- Security of UN staff members requires a network of security officers which extends Kosovo wide
- A trend of openly aggressive behaviour towards international law enforcement and security personnel has become common place in 2001

"Trends show that internationals are becoming the targets of premeditated rather than random criminal activities, especially in the Pristina and Peja/Pec Regions. The majority of incidents involving internationals are crimes against property - mainly theft of safes, computer equipment, radios and vehicles. Residences of international staff members are lucrative targets, especially when empty.

Between 4th and 16th November [2000], three vehicles were stolen from NGOs and one from UNHCR, three vehicles belonging to international organisations were broken into and had documents, equipment and a radio stolen, the windscreen of an NGO's vehicle was smashed; Medecins Sans Frontières offices in Pristina were broken into and a safe, a mobile phone, cash and 420 DM in postage stamps stolen, and various items were stolen from the INTERSOS warehouse in Peja/Pec." (UN OCHA 23 November 2000)

"Over the past three months, there has been a shift in criminal patterns in Kosovo, with a disturbing increase in violence against the international community. While the overall level of crime remains uneven (with 89 incidents in March and 114 in April), the number of incidents against the international community has risen and now accounts for 1.5 per cent of major crime statistics. In addition, a trend of openly aggressive behaviour towards law enforcement and security personnel has become more commonplace. This has resulted in assaults and threats against members of the Kosovo Police Service (KPS), UNMIK police and KFOR, including the fatal shooting of a Russian KFOR soldier in the Kamenica area on 11 April." (UNSC 7 June 2001, para. 7)

"There continue to be numerous attacks against members of the international security presence, including the use of automatic weapons by Kosovo Albanians against UNMIK police in the Pek region in August. The Kosovo Police Service has also been the target of attacks: an officer was murdered in the line of duty at the beginning of September in the Kamenica area (Gnjilane region), and another came under fire in his private car on 15 September, again the Gnjilane area. As a result of this rise in violence, UNMIK police have called on community leaders in Kosovo to actively voice their support for the Kosovo Police Service, and to condemn anyone who threatens these police officers." (UNSC 2 October 2001, para. 10)

"In the period covered by the report, KFOR was the target of several grenade attacks and shots fired on its troops in northern Mitrovica." (UNSC 15 January 2002, para. 23)

"A disturbing new development has been a continued increase in violence against KFOR and UNMIK police, as well as other members of UNMIK, and officers of the Kosovo Police Service. One of the worst incidents of such violence came following the arrest at the end of January of three former members of the Kosovo Liberation Army (KLA) on charges of war crimes against fellow Kosovo Albanians during 1998 and 1999. Angry protests culminated in the injury of several UNMIK police and Kosovo Police Service officers in Pristina on 8 February, as well as in damage to several UNMIK vehicles and an anti-UNIMK media campaign. UNMIK countered the accusations made in the local press, resulting in editorials in local papers that condemned violence and promoted the rule of law." (UNSC 22 April 2002, para. 23)

NATIONAL AND INTERNATIONAL RESPONSES

Federal Republic of Yugoslavia (excluding Kosovo)

International coordination mechanisms and humanitarian priorities for 2003 (2002)

- Humanitarian coordination has been transferred to the UN Resident Coordinator (2002)
- An IDP Working Group has been created to promote a co-ordinated and effective approach towards policy development,
- In a context of decreasing funding for humanitarian activities, efforts will be pursued in 2003 to ensure that current development activities benefit vulnerable groups such as IDPs
- Support and capacity building will be provided to local human rights and humanitarian institutions that serve IDPs
- Most UN agencies are planning to significantly reduce their activities in the course of 2003

"The United Nations Humanitarian Coordinator for the Federal Republic of Yugoslavia (excluding Kosovo), with support from the Office for the Coordination of Humanitarian Affairs, was responsible for coordination until March 2002, when that responsibility was transferred to the United Nations Resident Coordinator.

The appointment of a United Nations resident coordinator for the first time in a decade reflected the changed relations between the Federal Republic of Yugoslavia and the international community, as well as the clear commitment to a development agenda both within and outside the Federal Republic of Yugoslavia. To coordinate and link the breadth of relief and development issues, the Resident Coordinator initiated a series of thematic groups, including human security, poverty, governance and the millennium development goals. The inclusion of humanitarian coordination under the resident coordinator function also strengthens links with national authorities and relevant regional and international development structures. Under the auspices of the Resident Coordinator, the Office for the Coordination of Humanitarian Affairs continues to lead support to the overall coordination of humanitarian affairs through the human security thematic group, while operational agencies lead sectoral relief coordination. United Nations agencies also lead specific subgroups focusing on internally displaced person and Roma communities." (UN GA 2 July 2002, paras. 22-23)

"UNHCR, UNMIK, UNHCHR, UNDP, ICRC, ICVA and OCHA established an IDP Working Group to promote a co-ordinated and effective approach towards policy development, advocacy, donor attention as well as improving information flow to and about IDPs." (UN OCHA 31 May 2002)

For information on national structures, see ["Authorities in Serbia and Montenegro give priority to return to Kosovo \(2001-2002\)"](#) [Internal link]

Priorities for 2003

"The United Nations will not issue a Consolidated Humanitarian Appeal for the Federal Republic of Yugoslavia (FRY) and the SEE Europe Region for 2003. This decision reflects a wide consensus that, after ten years, the region is in a post-conflict phase of increasing stability with an accompanying transition to development priorities and a shifting of donors' emergency support to other parts of the world. Significant

humanitarian and human rights concerns remain, however, that require continued international community attention in 2003.

This document [Humanitarian situation and strategy for 2003 – Federal Republic of Yugoslavia (excluding Kosovo)] has been prepared by the UN OCHA Office in Belgrade in view that no Consolidated Appeal will be issued for 2003. It is based on consultations and inputs from the UN Country Team, NGOs, and other international and bi-lateral organizations and government officials.

Three major concerns were identified in reviewing the current humanitarian situation in FRY. First, though significant progress has been made on seeking durable solutions and human rights for refugees, the same cannot be said for IDPs. More attention is necessary to comprehensively address the special situation of IDPs in 2003. Secondly, funding for humanitarian programs for all vulnerable groups will continue to decrease in 2003. This will require the dual response of maximizing the use of donor funds to increase self-sufficiency of vulnerable populations, while ensuring through advocacy that solutions for refugees, IDPs and other marginalized groups are sought within broad community development, livelihood, poverty reduction programs and social assistance schemes. Current development activities, which focus heavily on energy and infrastructure, are not likely to significantly benefit the poorest and most marginalized groups, including the former beneficiaries of humanitarian assistance, without proactive policies on the part of the government and development actors. Thirdly, government at the central, regional and local levels is presently unable to cope with major humanitarian and human rights protection needs within the country. Vigorous support to and capacity building of social services, health systems and institutions that serve refugees, IDPs and other vulnerable groups, including local non-governmental institutions, will be necessary in order for government and civil society to effectively assume a greater share of this burden by 2004.

To address these concerns, six priorities were identified requiring action and support by the government and international community, and continued external donor funding. These priorities are to:

1. Advocate for and support development of a more comprehensive IDP strategy, including durable solutions for IDPs using the UN Guiding Principles for Displaced Persons as a framework.
2. Continue to support durable solutions for refugees.
3. Ensure basic assistance to extremely vulnerable IDPs and refugees.
4. Continue legal assistance and human rights protection for IDPs and refugees.
5. Advocate on behalf of other vulnerable groups.
6. Continue to build capacity for national institutions, especially health and social services, and strengthen civil society to support and protect vulnerable populations." (UN OCHA 18 November 2002)

"In 2003 the principle humanitarian actors in the UNCT will be UNHCR, OHCA, OHCHR and WFP, bearing in mind that there is a substantial reduction in humanitarian assistance programming and funding. UNDP's work in southern Serbia and other areas, as well as FAO's agricultural income generation programming will target vulnerable populations, and will continue to strongly support the reconciliation process in southern Serbia. An expansion of FAO's 'Refugee Integration Programme through the Adoption of Agricultural Activities' to a wider array of farming oriented refugees is strongly anticipated. UNICEF's 'life cycle' approach will bridge humanitarian and development priorities, also advocating for the rights of children. OHCHR, UNHCR, OCHA and WHO, who will provide technical support to the government in their respective areas, will also play advocacy roles. WFP, WHO, OCHA and IOM have already reduced their presence in FRY. UNHCR, which reduced staffing levels earlier in 2002, will maintain its current staffing levels through 2003 with an expected significant phase down in 2004. UNICEF will have a reduced direct humanitarian assistance component, and emphasis in 2003 will be placed on contingency planning.

Specific UNCT programmes, along with those of other organizations that address the humanitarian priorities set out in this document are detailed in Annex II. Carry-over of funds for humanitarian activities of the UN agencies/programmes from 2002 to 2003 are expected to be minimal, and therefore strong donor commitment to individual funding requests to address the above noted priorities in 2003 will be essential if continued progress is to be made and a smooth transition possible." (UN OCHA 18 November 2002)

Yugoslav government plays the central role in coordinating IDP policy (November 2001)

- UN country team will ensure that humanitarian considerations and durable solutions are included in developmental policies

"The overall context of transition to development has involved an expansion in the amount of resources, scope of programmes and number of actors operation in FRY (ex-K). This increases the need for, as well as the challenges to, effective coordination. The FRY Government now plays the central role in co-ordinating the formulation and implementation of policy with regard to refugees, IDPs and other vulnerable groups. In addition to strengthening the Government coordination capacity, the UN country team will advocate with the European Union, World Bank, and others to ensure that humanitarian considerations and durable solution are included in developmental policies and programmes.

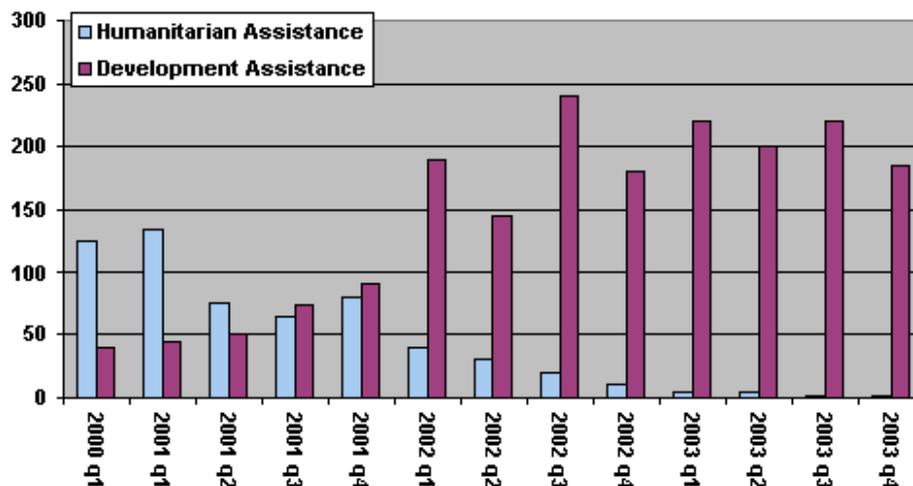
The UN Humanitarian Coordinator Function will be transitioned to a Resident Coordinator. OCHA will continue to support overall coordination of the humanitarian effort, with lead sector agencies guiding sectoral coordination in close co-operation with Government ministries. In south Serbia the UNIASCO will continue to coordinate UN activities." (UN November 2001, pp. 25-26)

See also "[Authorities in Serbia and Montenegro give priority to return to Kosovo \(2001-2002\)](#)" [[Internal link](#)]

From humanitarian aid to development: a delicate transition phase for IDPs (2002)

- UN humanitarian programmes in Serbia and Montenegro only received half of the requested donors' support in 2002
- There is concern that development programmes may not adequately include needs of persons still in the humanitarian caseload
- Additional efforts may be necessary in some cases to ensure equal opportunity for IDPs to participate

"The United Nations Humanitarian Appeal for 2002 requested US\$ 76 million of which only about US\$ 37 million was pledged and received by the end of October 2002 (see Annex I [of '[Humanitarian Situation and Strategy for 2003 – Federal Republic of Yugoslavia \(excluding Kosovo\)](#)'], 18 November 2002)). The Serbian Republic Ministry of Foreign Economic Relations (MIER) expects that about US\$ 100 million will be made available to Serbia from all external sources for humanitarian assistance and protection to Serbia by the end of 2002, and considerably less in 2003. As shown in the graph below, development assistance has increased significantly since 2000, with a levelling off expected in 2003. As humanitarian funding decreases, there is concern that development programs may not adequately address the longer-term needs of persons now within the humanitarian case-load, since they are often least able to lobby for their own inclusion in broader development activities."



Source: Ministry of International Economic Relations/Development Assistance Coordination Unit (UN OCHA 18 November 2002)

"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.

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." (UN OCHA 26 April 2002, pp. 32-33)

"In this environment, the priority for the humanitarian community is to establish linkages with the development agenda and, in particular, the formulation of policies that take account of the needs and structural problems of refugees, internally displaced persons and the most vulnerable persons in society. As the transition continues — with new opportunities for durable solutions being provided, capacity of State basic services being increased and the need for humanitarian assistance being reduced — the country still hosts more than 600,000 refugees and internally displaced persons, and specific vulnerable groups remain dependent on humanitarian assistance to meet their basic needs and help them to rebuild their lives." (UN GA 2 July 2002, para. 70)

Overview of IDP-focused activities in 2002

- ICRC has reduced its food assistance to include only the most vulnerable IDPs
- UNHCR budget for 2002 largely covers assistance programmes benefiting IDPs in collective centres
- Of the total USD 43.3 million in international assistance (as of April 2002), 33% consists of basic food and non-food aid delivered directly to the most vulnerable IDPs
- Protection and community-based programmes amount to 5% of total reported assistance, while only 3% is designed to help IDPs develop a livelihood
- Legal assistance to both refugees and IDPs has been an important focus of UNHCR

"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-focused 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 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."

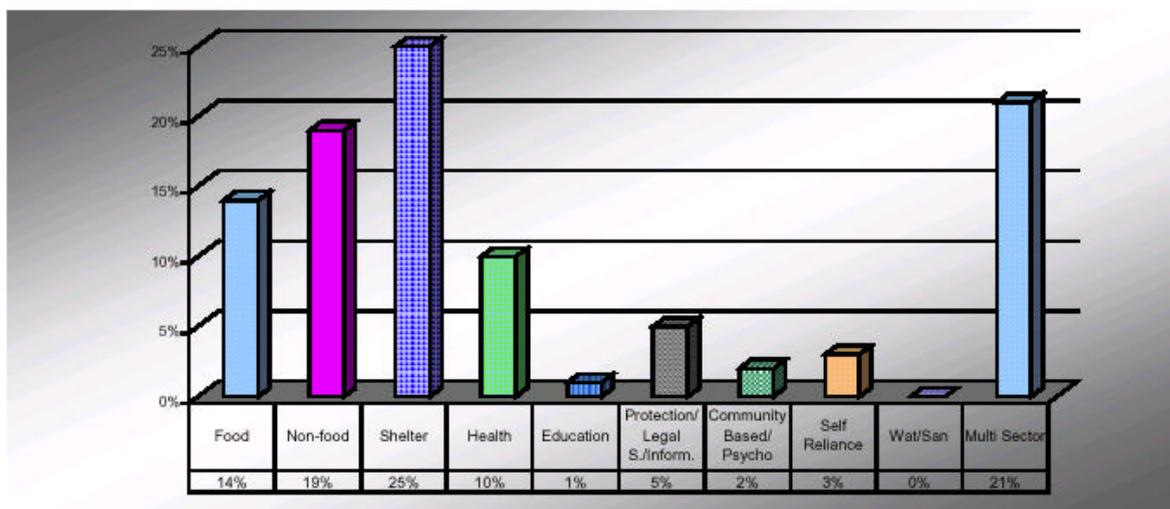


Chart: International Assistance to IDPs by Sector

(UN OCHA 26 April 2002, pp. 31-33)

"The largest percentage of funding for refugees and IDPs in 2002 went towards food and non-food assistance (WFP, UNHCR and ICRC principally) and towards support in running collective centres. Legal assistance to both refugees and IDPs was an important focus of UNHCR, with support from the Swiss Agency for Development and Cooperation (SDC) Network of Humanitarian Legal Offices." (UN OCHA 18 November 2002)

For more detailed information on UN humanitarian activities implemented in Yugoslavia from July 2001-July 2002, see [Humanitarian Assistance to the Federal Republic of Yugoslavia, A report of the UN Secretary-General, 2 July 2002 \[Internet\]](#)

WFP and ICRC scale down food assistance in Serbia and Montenegro (2002)

- In Montenegro, WFP coordinate food assistance to an average 9,000 IDPs in 2001
- In Serbia, ICRC reduced its food aid from 116,000 to 50,000 IDPs as of April 2002

- ICRC is planning to phase out its food assistance in 2003 and to concentrate on post-conflict activities

"WFP is the main agency responsible for providing food aid to vulnerable groups and, together with the International Committee of the Red Cross (ICRC) and non-governmental organization partners, assists refugees, internally displaced persons and social cases. With the improvement of the economic situation, WFP concluded its assistance to social cases and pensioners in June 2002, and as of 1 July 2002, continued to assist 170,000 vulnerable refugees in Serbia and 4,000 in Montenegro. Assistance will gradually decrease and will eventually be discontinued in December 2003. WFP has identified international non-governmental organizations as implementing partners and is working towards integrating food aid within the social policy reform matrix of the Ministry of Social Welfare.

Along with WFP, ICRC also introduced revised beneficiary selection criteria to more precisely identify the most vulnerable persons by taking into account household vulnerability and poverty levels rather than beneficiary classification. Food assistance delivered by ICRC decreased from 116,000 beneficiaries in July 2001, to 50,000 as of April 2002. In Montenegro, WFP co-coordinated food assistance to internally displaced persons (an average 9,000 beneficiaries for the latter half of 2001). Furthermore, UNHCR provided fresh food to collective centres." (UN GA 2 July 2002, paras. 28-29)

"ICRC has been the principal provider of food and non-food assistance to IDPs since 1999 and will continue such assistance through March 2003 (with a budget of SFr. 4 million, funded by ECHO), after which time ICRC wishes to phase out as the implementer for this activity to concentrate on other areas such as tracing missing persons from Kosovo, and supporting IDPs with income generation, community based projects and basic health services. (UN OCHA 18 November 2002)

For more details on ICRC activities in Serbia and Montenegro, see [ICRC Federal Republic of Yugoslavia: facts and figures on recent ICRC action \(April-June 2002\), 7 August 2002 \[Internet\]](#)

For more detailed information on UN humanitarian activities implemented in Yugoslavia from July 2001-July 2002, see, [Humanitarian Assistance to the Federal Republic of Yugoslavia, A report of the UN Secretary-General, 2 July 2002 \[Internet\]](#)

Women's organizations provide significant assistance to displaced in Serbia (2001)

- Women's organizations, such as Women in Black, were originally formed to oppose the mobilization for war
- Mandates are diverse, with programmes ranging from social and political activism, research, advocacy, humanitarian assistance, education and health services
- Many groups serve refugees and IDPs as well as the larger population, often with international financial support

"Numerous independent women's and feminist groups provide assistance to refugee and internally displaced populations. At the outbreak of conflict in Croatia and Bosnia, women formed organizations to oppose the mobilization for war. One of the most inspirational is **Women in Black**, an anti-war group, whose members have demonstrated every week in Belgrade's Republic Square for most of the past decade against war and violence. They also distribute relief supplies to refugees, work with women refugees and hold classes to educate people about how to combat racism and violence. The group, which was nominated for a Nobel Peace Prize in 2000, describes its mission as 'to transform women's powerlessness and despair into a feminist women's movement of resistance to nationalism, militarism and sexism.'

Yugoslav-based women's groups are diverse in their mandates, with programs ranging from activism on behalf of women's political, legal and social rights, to research and advocacy, humanitarian assistance, education and health services. Many groups serve refugees and IDPs as well as the larger population. Some of the major women's organizations assisting refugee and IDP women are:

◦ **The Autonomous Women's Center Against Sexual Violence**, Belgrade: Started in 1990 with the SOS Hotline (see below) to provide a safe environment for women survivors of all forms of sexual violence. It started providing support and counseling to women rape victims fleeing from Croatia and Bosnia in 1992 and continues to provide psychotherapy to those from that exodus who still need it today. It holds workshops for women on overcoming trauma, as well as workshops on human rights for Roma women. It does outreach to Roma settlements, as the Roma women find it hard to get to them in Belgrade. It has provided care and counseling to both Roma and Serbian IDPs from Kosovo who have been victims of rape used as a weapon of war.

◦ **The Association for Women's Initiatives (AWIN)**: An umbrella NGO established in December 1998. Its core activity is feminist activism, forming new women's initiatives and networking. It provides small grants to rural women's groups trying to start income generating projects. It gives free computer and English language courses for women to help them get employment. AWIN has capacity building workshops for smaller groups of women. Because Serbia is a major country of transition for trafficking of women from East Europe and the countries that comprised the Soviet Union on their way to Bosnia and Herzegovina, Kosovo and Montenegro, for the use of troops stationed there, AWIN has launched ASTRA (Anti-Sex Trafficking Action) to educate Serbian communities about the trafficking of women and girls and to help prevent trafficking. Serbia is a major transit point for the trafficking of women for sexual purposes from Eastern Europe and the countries that comprised the Soviet Union to Bosnia and Herzegovina, Kosovo and Montenegro. AWIN will collect data and make contacts with social work centers, health care providers and the police. AWIN holds anti-trafficking education campaigns in schools and community centers.

◦ **Group 484**: A women's NGO founded in 1995 by beloved peace activist, choreographer, artist and refugee Jelena Santic, who died tragically last year. Santic's original vision was to organize the 484 families who had arrived with the 1995 exodus of 250,000 refugees from Knin and Eastern Slavonia, to unite and work together to advocate for their own needs. Since its founding, Group 484 has expanded its scope of work and currently has 200 female refugee activists. Its mission is "to help people in need, to spread the culture of peace, dialogue, agreement, cooperation and nonviolent conflict resolution as the basis for the development of civil society." Its motto is that life is in your own hands. Its main work is to promote self organization and advocacy among refugees and IDPs. They stimulate social activism by educating refugees in human rights and children's rights through interactive workshops and classes. Group 484 gives help and support to refugees wanting to return to their homes in Bosnia and Croatia. It also provides humanitarian aid, psychosocial programs and legal advice to IDPs and refugees in private accommodations and collective centers.

◦ **Lastavica Women's Safe House**: A safe house for 115 women and children since the early 1990s. It helps the victims of domestic violence resolve psychological issues and adjust their legal status and undertakes legal advocacy. The Lastavica (Serbo-Croatian for swallow) initiative of refugee women's houses was started in Surcin, a town outside of Belgrade. The Autonomous Women's Center and Oxfam-UK established the first collective house for refugee women in 1996. Originally, there were ten women living together in a small brick house. A second house was opened in Pancevo in 1997. The majority of refugee women supported in these houses are from Krajina and are either single or without support from their families. They organize themselves and share duties, which include cooking, gardening and raising chickens. The houses also serve as open centers for all refugee women in the area to visit and take classes. Educational and other activities benefit more than 100 refugees every month. Skills development is offered through computer, English language and catering courses. Training is also offered in hairdressing, sewing and weaving. Legal support is organized once a week to help refugees with issues regarding refugee status, obtaining documents and claiming property. Some women leave the house when they obtain skills and find

employment or marry. The vacancies are filled by other refugee and internally displaced women. Many of the women find work through the Lastavica catering business, which produces food that is popular with local people and expatriates living in the area.

◦ **The SOS Hotline for Women and Children Victims of Violence:** SOS Hotline is an NGO that has been assisting women and children victims of violence since 1991. One SOS worker described the program: "Since the beginning of the Balkan wars, family violence has escalated. We have to deal with all kinds of situations, including women who are trafficked, as well as incest cases. Some of the cases are refugees and IDPs, as well as local women. SOS has had to keep in touch with social welfare institutions that are, themselves, in bad shape. Some of their staff come to work with us because people really want to help, but the state institutions delay assistance because of procedures."

◦ **Hi Neighbor:** The founder of Hi Neighbor is the energetic and highly motivated Vesna Ognjenovic, a university professor who left her teaching position in 1991 to start psychosocial outreach support to refugee women and children living in collective centers. By 2000, Hi Neighbor had 120 part-time professionals providing psychosocial support to refugees and IDPs in 25 Serbian municipalities.

Hi Neighbor, an implementing partner of UNHCR, has separate programs for preschool children, school children and adolescents with the main goal of cultural and social integration in local communities through activities that promote the development of age-appropriate developmental skills, including social competence and cognition, literacy and numeracy through process-oriented programs. Hi Neighbor also has programs for adults and elderly and, as with their child programs, they promote self-reliance. Activities for adults include projects promoting traditional handicrafts which also provide modest incomes for the participants.

Hi Neighbor Helps Provide a Living

At a shop in Belgrade, traditional clothes and other handicrafts sell at a brisk pace. The shop's merchandise is produced by refugee women, who are using their sewing and embroidery skills to make high-quality materials. Some have learned weaving in recent years or months, as part of the Hi Neighbor training program. More than 240 refugee women earn some income from this work.

These organizations are just some of the dozens of impressive local women's organizations formed in Serbia to address the unique needs and crises generated by the past decade of conflict and political repression. The majority of these organizations receive international monetary support, which has allowed them to provide not only aid but a breath of humanity and civil society into a country ravaged by totalitarian nationalism. To maintain their valuable work, these organizations will continue to need international funds until their work can be integrated into the emerging social infrastructure. Continued funding will ensure that their voices and actions promoting civil society will not be silenced or stopped." (Women's Commission September 2001, pp. 11-13)

More information on above mentioned organizations can be found on the web:

Women in Black: <http://www.igc.org/balkans/wib/index.html> [Internet]

Group 484: <http://www.xs4all.nl/~freeserb/ngo/e-g484.html> [Internet]

Lastavica

Women's

Safe

House:

http://www.womenngo.org.yu/sajt/english/sajt/women_directories/lastavica/index.htm [Internet]

ICRC assistance to IDPs from Kosovo (2001-2002)

- Aid includes food, hygiene, baby parcel and other basic necessities to a large portion of the IDPs in Serbia
- Criteria for assistance have been streamlined in the fall of 2001 but still covers 70,000 beneficiaries in Serbia

- ICRC has also developed income-generating projects in the agricultural sector to move away from direct assistance
- A agreement has been concluded with the Ministry of Health on a three-year integrated basic health services pilot project in Kraljevo municipality, with particular focus on IDP's basic health needs

Assisting the displaced

"Since June 1999, the ICRC and the YRC have regularly been bringing significant amounts of aid to a large portion of the 228,500 internally displaced people (IDPs) from Kosovo. The aid has included food, hygiene and baby parcels, and other basic necessities. Although the criteria for assistance were streamlined last fall, the programme still covers 70,000 beneficiaries in Serbia – old-age pensioners eligible for social benefits, the disabled, single parent families and low-income families with children under 15.

Community-based projects

Projects designed to encourage social interaction between IDPs and the resident population have been implemented to avoid situations where IDPs feel isolated or left on the sidelines of society. Planned activities will be carried out through the existing YRC network of youth and old-people's clubs and community centers. It is hoped that they will be extended to areas with high concentrations of IDPs.

Income-generating projects

In a move away from mere aid handouts, which can create dependency, other forms of support have been developed to enhance coping mechanisms that promote self-sustainability and encourage beneficiaries to become actively involved in improving their own circumstances. Pilot projects have been set up in the agricultural sector (farming/livestock/fisheries) and in small-scale agro industries (e.g. workshops for farm machinery). IDPs with agricultural backgrounds who have access to arable land but no means of starting an income-generating activity are encouraged to take part in these projects to stimulate their own food production and boost household income. All these projects are supported by the local Red Cross and the Serbian Ministry of Agriculture.

Basic health services pilot project in Kraljevo

Last year, agreement was reached with the Ministry of Health on a three-year integrated basic health services pilot project designed to meet primary health-care needs in Kraljevo municipality. The project focuses on meeting the IDP's basic health needs through the existing health system by means of an integrated and non-discriminatory approach.

Kraljevo municipality has the country's highest number of IDPs (25,700), refugees, and social cases (6,269) relative to its population of 150,000 in which almost one in every four is vulnerable. The project, which is designed in a way that will benefit the entire resident population, is going to support:

- a. Improvement of local capacity to manage health programmes.
- b. Development of a sustainable primary health-care system based on cost-effective treatment and priority public health programmes specifically emphasizing the needs of IDPs and vulnerable groups.
- c. Reduction of the burden of disease and disability among target beneficiaries and the rest of the resident population.

Local ownership and the active participation of key members of the local community will also be fostered through a process that involves a steering group, peer-group work, workshops, study tours, surveys, an Internet-based peer network and the development of a social marketing and communication component." (ICRC 8 February 2002)

Response to the crisis in the Presevo Valley (Southern Serbia): UN agencies support local efforts (2001-2002)

- The agreement signed between the Serbian Government and the Albanian armed groups promotes minority rights of the Albanian community
- The UN system opened a joint office in the area to support confidence-building measures
- Ethnic Albanians have complained about the slowness of economic and social investments and expressed resentment over perceived priority given to Serb-populated areas
- International donors have committed some US\$ 24 million to projects covering mainly infrastructure, health and shelter in the wider Southern Serbia region in 2001
- In 2002, UNDP expanded development programs along with FAO, while UN humanitarian agencies phased out their permanent presence

"In southern Serbia, the Government and ethnic Albanian armed groups negotiated a peace agreement in the Spring, paving the way for return of 5,500 ethnic Albanians to their homes in the Ground Safety Zone on the boundary with Kosovo. The agreement, which was backed by the international community, promotes minority rights through greater political, economic and social participation on the part of the ethnic Albanian population. The region suffers from structural underdevelopment, characterised by poverty and low employment, poor infrastructure, and a weak private sector. The UN system, which has been actively involved in the area throughout 2001, opened a joint office (UNIASO) at mid-year. Together with other members of the international community plus national and municipal authorities, it contributes to a range of confidence building measures. However important political and administrative reforms to improve local governance have not yet been realized, raising concern over a possible return to conflict.

Significant funds have been committed and/or spent by the government and international donors in support of the Plan, although the available information is not detailed enough yet to indicate exactly how much has been disbursed for projects. According to the JCB, some US\$13.2 million have been spent in or committed to the three municipalities during 2001. Much or all of these funds have been disbursed through municipal budgets. However, ethnic Albanians in the municipalities have complained about the slowness of economic and social investments and expressed resentment over the perception that a disproportionate amount of the arriving funds have been spent in areas populated by ethnic Serbs. These complaints and resentments grow out of both a lack of transparency in and public information about the process by which funds are committed, allocated and spent, and the lack of ethnic Albanian representation on the municipal councils that discuss spending priorities.

Initial figures gathered from international donors show that some US\$ 24 million have been committed to projects covering mainly infrastructure, health and shelter in the wider Southern Serbia region (most apparently in Presevo, Bujanovac and Medvedja municipalities) in the past year, although the total amounts spent to date cannot yet be confirmed. Most agencies have confirmed the needs of economic and social improvements to be greatest among the ethnic Albanian and Roma communities with the need to achieve some equalization. Special needs also exist to maintain social cohesion and improve contacts between the Serbian, Albanian and Roma communities, particularly through the NGO sector. Within this context work also needs to be sustained with particular target groups such as youth and women. However, the overall needs are huge. Both government and international donors need to sustain and better coordinate their commitments in order to maintain the impact. To overcome public scepticism, it is recommended that a coordinated and transparent mechanism be established through which the true extent of combined financial support can be publicly and regularly disclosed to affected communities and amongst donors." (UN OCHA 29 January 2002)

For more details on the response to the conflict in Southern Serbia, see:

· [Report of the United Nations Inter-Agency Assessment Mission to Southern Serbia \(March 2001\) \[Internet\]](#)

· [UN Interagency progress report and recommendations on the situation in Southern Serbia, FRY, UNOCHA 29 January 2002 \[Internet\]](#)

· [Peace in Presevo: Quick Fix or Long-Term Solution, International Crisis Group, 10 August 2001 \[Internet\]](#)

See also ICRC activities in the FR of Yugoslavia, Update January 2002 (8 February 2002) [Internet]

"The region of southern Serbia contiguous with Kosovo and the former Yugoslav Republic of Macedonia is among the poorest and least developed in the country and includes a significant ethnic Albanian minority. For these reasons, it has been a particular focus of United Nations humanitarian and development efforts, which have included the establishment of a United Nations System Inter-Agency Support Office in Vranje. The peace agreement of May 2001 is fragile but holding, and has allowed the Government of the Federal Republic of Yugoslavia and the international community to initiate a series of peace-building activities. The Organization for Security and Cooperation in Europe (OSCE) has also played a key role in the area, bringing community leaders together and training a multi-ethnic police force." (UN SC 2 July 2002, para. 7)

"Southern Serbia. Progress included assistance, protection and advocacy for targeted beneficiaries, and support to confidence building, economic development and employment programmes in southern Serbia. The situation in southern Serbia has stabilised and a new phase will consolidate and expand economic recovery, using targeted employment programmes and other measures following the successful local elections in July, 2002. UNDP increased its capacity to support government co-ordination efforts and expanded development programs along with FAO, while other humanitarian organisations, including UNHCR, OCHA, UNICEF and OHCHR have phased out their permanent presence." (UN OCHA 18 November 2002)

UN consolidated appeal for 2002: humanitarian operations complement Government effort towards economic reform and development (November 2001)

- UN strategy will ensure that development policies and programmes meet standards for durable solutions for refugees and IDPs
- Short-term goals includes the assistance and protection to and advocacy on behalf of targeted beneficiaries, including IDPs
- Confidence building measures will also be supported in southern Serbia

"UN humanitarian operations in FRY [excluding Kosovo] in 2002 complement a major Government effort, with significant international donor support, toward economic reform and development. Therefore, advocacy to ensure that development policies and programmes promote durable solutions and develop national capacity to meet the basic needs of the vulnerable will be a significant component of the UN humanitarian strategy, while material assistance programmes will be tightly focused on the essential needs of those who have no other means of basic support.

The goals of the 2002 CAP in FRY (excluding Kosovo) are:

Strategic Goals:

1. Promote the implementation of a national strategy in line with human rights standards toward durable solutions for refugees and IDPs, both for returns to places of origin and for local integration;
2. Advocate and support social ministries with a view to their progressively assuming full responsibility for beneficiaries of the humanitarian caseload;

3. Advocate for a strong development agenda that promotes policies and programmes to strengthen the national capacity to deliver basic services;
4. Ensure human rights policies are incorporated at all levels of Government reform.

Short-term Goals:

- Provide assistance and protection to and advocacy on behalf of targeted beneficiaries (refugees, IDPs and other vulnerable groups), especially during the winter period. *Indicators: Number of beneficiaries actually served and assistance delivered.*
- Encourage and support confidence building measures for post-conflict programmes in southern Serbia, including providing assistance to returnees to the region. *Indicators: tangible changes in relations between government and ethnic Albanian residents, numbers of representatives in local government, implementation of governance and other reforms promised, investments made on behalf of returnees.*
- Provide assistance and protection to the Former Yugoslav Republic of Macedonia refugees and develop emergency preparedness response for possible further influx of refugees. *Indicators: assistance actually delivered and number of refugees served, incidences of violation of rights, assessment of level of preparedness.*
- Develop risk analysis and early warning system reporting mechanisms for advocacy. *Indicators: Risks analysis assessments, early warning reports completed, and linkages established with UNDP Early Warning reports and other UN agency assessments.*" (UN November 2001, p. 23)

UN Administered Province of Kosovo

Gradual transfer of humanitarian coordination role to local actors (2000-2001)

- Up to June 2000, the Deputy Special Representative of the Secretary General for Humanitarian Affairs headed UNMIK's Humanitarian Pillar in charge of humanitarian assistance to the displaced
- In June 2000, the Humanitarian Pillar was phased out and replaced by a Humanitarian Coordinator provided by UNHCR, until September 2001
- In 2002, UNHCR remains the lead agency for emergency preparedness and contingency planning, in support to the new Ministry of Public Services

"Up to June 2000, the Deputy Special Representative of the Secretary General for Humanitarian Affairs (DSRSG-HA), heading UNMIK's Humanitarian Pillar (Pillar One), was responsible for coordinating humanitarian activities to facilitate the re-integration of refugees, to ensure basic living conditions for all persons in need, including IDPs, and to provide humanitarian protection and relief to threatened minority populations. An OCHA Unit supported the Office of the DSRSG-HA, and UNHCR was the lead agency under the Pillar. Under this overall coordination structure, various coordination mechanisms had been established both at the capital and field level. A Humanitarian Community Information Centre had also been set up to facilitate information sharing.

The Humanitarian Pillar was phased-out at the end of June 2000, and replaced by a Humanitarian Coordinator (HC), provided by UNHCR. Several coordination mechanisms that were under the auspices of Pillar One are being redefined or transferred to other UNMIK Pillars. An UNMIK Inter-Agency Coordination Meeting has been established. This new structure includes both humanitarian and development agenda items and will serve as a forum for the UN Agencies, NGO community and Red Cross missions to work more closely with the other Pillars of UNMIK and the SRSG's office. The Donor Meeting has been changed to include the DSRSG of Pillar Four as co-chair and increasingly focuses on reconstruction issues. The Humanitarian Community Information Centre will continue to facilitate

information sharing in support of ongoing humanitarian efforts, as well as reconstruction and development efforts.

In addition, the UNDP Representative in Kosovo has been named the UN Development Coordinator in order to facilitate rehabilitation and development activities that will further contribute to sustainable reintegration." (UN OCHA 6 July 2000, pp. 62-63)

"Until the function ended on 30 September, the Humanitarian Coordinator, supported by OCHA, was responsible for coordinating humanitarian and emergency response in Kosovo. This was done through regular inter-agency meetings that included the wider international and local communities, collaborative planning and exchanges of information. With support from OCHA, UNHCR, with its refugee mandate is responsible for leading inter-agency emergency preparedness and contingency planning and ensuring an appropriate response to refugee influx. In 2002 UNHCR will continue in this role to ensure preparedness is maintained. The new Ministry of Public Services will have responsibility for civil security and emergency preparedness. WHO will continue to coordinate the health sector. On 1 January 2002, the Humanitarian Community Information Centre will move from OCHA trusteeship to the umbrella of the Office of the United Nations Development Coordinator, a reflection of the shift to a predominantly development-oriented programme environment. A reduced OCHA presence will remain in the province till the end of 2002 to support inter-agency coordination and monitor any other residual or emerging humanitarian needs." (UN November 2001, p. 31)

Funding requirements (US\$) by agency for coordination and support services

Agency	Coordination and Support Services
UNHCR	1,800,736
OCHA	342,236
UNICEF	925,000
TOTAL	3,067,972

(UN November 2001, p. 32)

See also [UNMIK Presentation \[Internet\]](#)

For coordination structures with regard to return, see "[UNMIK creates an operational framework to maximize return in 2003 \(2002\)](#)" [\[Internal link\]](#)

Transitional phase in a context of decreasing donors' support (2002)

- UN agencies have readjusted their programmes due to poor donor funding in 2002
- UNMIK is also downsizing its presence, both as a result of the gradual transfer to local institutions and poor funding

"Kosovo is considered in transitional phase between emergency and development. Remaining humanitarian needs specifically for the returnees, minorities, IDPs and local vulnerable population has to be addressed. Agencies have already readjusted their activities for the remaining part of the year 2002 due to poor (Unicef, FAO) and some instance (WHO) donor funding and concern about programs for the next year. Under the food safety net WFP provided three months (Apr-Jun) ration. Yet a limited number of vulnerable persons still require food assistance. UNHCR provided a list vulnerable cases to ICRC to be included in their 4,000 parcels (both food and non-food) distribution scheduled in September. Organized returnees will receive food package from WFP Belgrade while UNMIK is soliciting funds from the Ministry of Labor and Social Welfare for food assistance for the spontaneous returnees. Most of the UN agencies, including UNMIK, are downsizing their operations and personnel as well. UNMIK will gradually reduced the staff

not only as part of the transition of responsibilities to the Provisional Institute of Self-Government (PISG) but largely due to funding. The Italian government has committed 3.5 million Euro to support the return process in Peje/Pec region, while the German government has allocated 0.5 million Euro to the Kline/Klina municipality. The UNMIK/UN-HABITAT/HPD contingency plan for reducing activities of the HPD continues due to lack of funds, in spite of a donor meeting held in June in Brussels, and attended by all major donors in Kosovo. Conditional funding by the [European Agency for Reconstruction (EAR)] may assist HPD to continue into 2003, but without significant and consistent donor support, the resolution of residential property disputes will fail, preventing further returns of IDP's and refugees to Kosovo.

A recent World Bank/European Agency for Reconstruction (WB/EAR) publication indicated that during the 1999-2001 period 1.3 billion US Dollars has received from the donors for reconstruction and recover programs (excluding humanitarian assistance). According to the draft law for the fiscal year 2002 prepared by the US Senate, the USA will give \$100 million, dedicated for reconstruction, reforms and reconciliation in Kosovo. The World Bank has approved a grant worth \$15 million to support continued reconstruction in Kosovo through the year 2003. The International Development Agency (IDA) has earmarked funds for the development of war affected areas, vulnerable groups and increase enrolment in elementary and secondary school." (UN OCHA 31 August 2002)

2003 support to return in Kosovo: UNMIK's appeal to the international community (November 2002)

- The support to returnees in Kosovo requires 37 million euros for 2003
- This should help more than 1,300 families to return, including 563 families who have already returned in 2002

"A donor's coordination meeting for Kosovo was held on November 5 in Brussels. Representatives from 34 countries and 13 international organizations met to take stock of accomplishments during the past three years of post-conflict reconstruction and economic recovery and to discuss medium-term prospects and priorities. In this meeting, sponsored by the EC and the World Bank, key addresses were made by Prime Minister of the PISG, Bajram Rexhepi and the SRSG, Mr. Michael Steiner. The need to achieve sustainable returns was a key point in remarks by most speakers and the need for donor funding to achieve this. The Prime Minister stated his support to achieving the return of IDPs and refugees. Donors indicated their continued support to the economic recovery process in 2003 and most pledged support to the process of return of minorities to their homes. The Office for Returns and Communities asked for a total of EURO 37 million to support returns in 2003. Other priorities were stressed, including the fight against organized crime and corruption, establishing the rule of law and improving security, speedy privatization, continued development assistance, access by all to public services including health and education. Even though the meeting did not aim at collecting donor pledges, donor plans for future funding indicate that the external financing requirements of EURO 200 million are likely to be met." (UN OCHA 12 November 2002)

Excerpts from the UNMIK appeal document "2003 Strategy for sustainable return"

"In May 2002, UNMIK and UNHCR estimated that 16 million Euro would be needed to support minority returns in this year. In October, UNHCR reviewed funding provided for minority returns and assessed existing needs. It concluded that 7,746,000 Euro were required to provide urgent assistance for minority community members who have already returned to Kosovo.

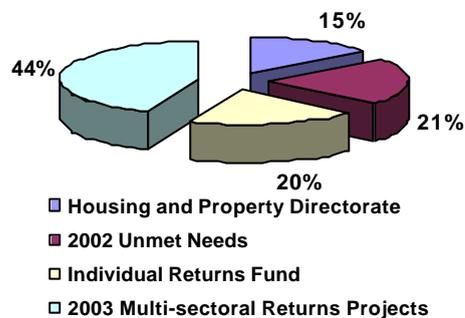
Of course, just as expectations for the 2003 returns season eclipse those for 2002, projected funding requirements for the coming year substantially exceed 2002. An estimated 16,617,000 Euro is needed in the coming year for the development and implementation of some 44 multi-sectoral returns projects, including projects focusing on both reconstruction and repossession of pre-conflict homes.

In addition, support is sought for the creation of a flexible fund to respond to the important challenge of individual, or “spontaneous” returns. A fund of 7,550,000 Euro would provide assistance for some 800 returning families. Funding required to implement the 2003 returns strategy thus totals approximately 24,167,000 Euro.

50. Finally, the returns funding request for the coming year includes the 5,500,000 Euro that are needed to ensure full and stable funding of the Housing and Property Directorate.

In sum, the funding request for 2003 totals 37,413,000 Euro, and includes four components:

- 1) 2002 Unmet Needs (7,746,000 Euro);
- 2) Housing and Property Directorate (5,500,000 Euro);
- 3) 2003 Multi-sectoral returns projects (16,617,000 Euro) and;
- 4) Individual Returns Fund (7,550,000 Euro).



The table below provides further detail regarding returns-related resource needs in 2003.

Type of Project	Number of Projects / Families	Total Cost (Euro)
Multi-sectoral projects with full housing reconstruction	17 projects	9,690,000
Multi-sectoral projects with limited housing reconstruction	13 projects	3,315,000
Multi-sectoral projects involving repossession of property and providing for alternative accommodation for humanitarian cases ¹	14 projects	3,612,000
Individual returns fund 2 (full reconstruction)	300 families	4,800,000
Individual returns fund 2 (limited reconstruction)	500 families	2,750,000
2002 Unmet Needs 3	563 families	7,746,000
Housing and Property Directorate	—	5,500,000
SUMMARY		
Multi-sectoral projects	44 projects	16,617,000
Individual returns fund	800 families	7,550,000
2002 Unmet Needs	563 families	7,746,000
Housing and Property Directorate	--	5,500,000

TOTAL:		37,413,000
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Notes:

1. Multi-sectoral projects involving repossession should include a component for housing assistance for a small number (an estimated 20%) of current occupant families who have no alternative accommodation available and who qualify for humanitarian assistance.

2. The Individual Returns Fund is a flexible funding mechanism intended to support "spontaneous" returns. The Individual Returns Fund will provide a mechanism for responding to these urgent needs with flexible initiatives on a family-by-family basis.

3. "2002 Unmet Needs" refers to the funding needed to provide support for displaced persons who returned during 2002 but who have not yet been assisted. These needs have been documented in detail by UNHCR."

(UNMIK 5 November 2002, paras. 47-51)

From direct food aid to cash assistance scheme (2001-2002)

- UNMIK has established a social assistance scheme, based on cash assistance to vulnerable households
- WFP closed down its food assistance in April 2002
- UNHCR provided complementary food assistance to vulnerable communities in the first half of 2002

"The UNMIK through its Department of Health and Social Welfare (DHSW) is establishing a permanent social assistance scheme, which, through its network of Centres for Social Work (CSW) provides cash assistance to essentially the same vulnerable groups covered by food aid. Between January and April 2001, WFP, DHSW, international NGOs and Local Distribution Partners (LDPs) will collaborate to support the transition from food aid to full implementation of the social assistance scheme of the DHSW. Expected benefits are: accuracy of targeting the most vulnerable, a rational and responsible phase-out for food aid, support to consolidating the CSW role in Kosovo." (UN November 2000, p. 123)

"Under the food Safety Net programme, WFP assisted 196,300 social cases in Kosovo, thus supplementing the cash-based UNMIK social assistance scheme. Working closely with UNHCR, WFP also assisted refugees from the former Yugoslav Republic of Macedonia. Based on its exit strategy, WFP reduced its caseload from 106,300 beneficiaries (July 2001) to 53, 626 (January 2002). The reports emanating from two United Nations-supported food assessment studies suggested that food distribution should no longer be considered as the most appropriate means of assistance for poor households. WFP phased out its food assistance in April 2002, concentrating in its last three months on the distribution of both 'safety net' and refugee beneficiaries. WFP also drew up a contingency plan to provide returnees to Kosovo with a three-month food package which it provided in Serbia after June 2002. (UN GA 2 July 2002, para. 30)

"Special delivery programmes, targeting local residents-at-risk such as minorities and extremely vulnerable persons to ensure they receive adequate food aid, has continued despite the reduction of food aid. For the period of January to June 2002, bi-monthly fresh food was provided, primarily for protection related reasons, to some 2,100 isolated and dispersed minorities in urban centres and enclaves throughout Kosovo. Complementary food was also distributed to some 534 beneficiaries, mainly those suffering extreme isolation, according to assessed needs. (UNHCR September 2002, p. 200)

"Bi-monthly fresh food and complimentary food has been provided to more than 2100 isolated/dispersed minority community throughout Kosovo including 670 ethnic minority IDP who are accommodated in various temporarily collective centres." (UNHCR September 2002, p. 202)

For more details on the Social Assistance Scheme, see paragraphs 78 to 86 of [UNHCR/OSCE Assessment of the Situation of Ethnic Minorities in Kosovo, October 2000 \[Internet\]](#)

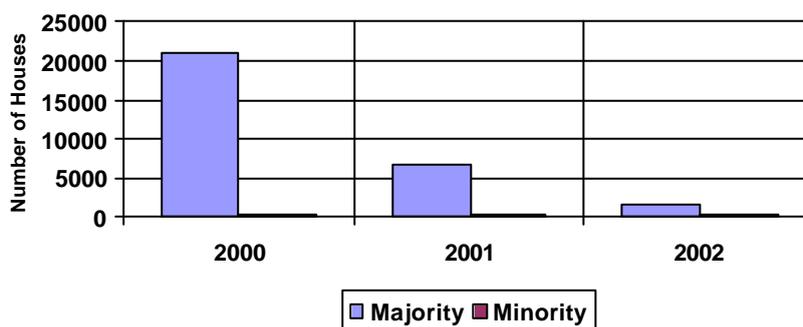
Shelter aid: Minorities and returnees need more attention (2002)

- International donor commitment for 2002 cover only 2,500 houses, not including returnee families
- Minorities and returnees have not received reconstruction assistance in proportion to their needs

"During the Kosovo programme of 2001, international donors supported the rehabilitation and reconstruction of 8,800 houses (360 for minorities). An assessment in June 2001 showed that 10,000 to 12,000 families are in need of reconstruction and rehabilitation assistance for 2002. This figure does not include returnee families. International donor commitment for 2002 will only cover 2,500 houses. Of this commitment, 10 per cent is reserved for minorities and funding for additional houses will be held as a reserve for minority return. During the winter, UNHCR provided a total of 2,115 warm rooms as basic shelter for the former Yugoslav Republic of Macedonia refugees and internally displaced persons from southern Serbia and a total of 247 minority and returnee families were assisted with rigid shelters." (UN GA 2 July 2002, para. 32)

"Most accommodation belonging to displaced members of Kosovo's minority communities is either illegally occupied or uninhabitable. Achieving substantial returns of minority communities to Kosovo will therefore depend on addressing these two issues successfully. Successful operation of the Housing and Property Directorate is an essential precondition not only for clarifying the property rights of thousands of Kosovans, but also for achieving substantial returns to Kosovo. An equally important precondition for achieving substantial returns to Kosovo is the provision of adequate reconstruction assistance. Minorities and returnees have not received reconstruction assistance in proportion to their need or with due attention to their particular predicament of displacement, as the chart below reflects. "

Housing Reconstruction 2000-2001



Sources: Ministry of Spatial Planning and Environment; Office of Community Affairs, UNMIK Pillar II; Office of Returns & Communities, UNMIK O/SRSG (UNMIK 5 November 2002, para. 21)

See also "[Minorities have not received reconstruction assistance in proportion to their needs \(2001-2002\)](#)" [Internal link]

The Kosovo Women's Initiative: a major contribution to mobilize women in vulnerable communities (1999-2002)

- The KWI program has now a Minority Component Team that works directly with minority, IDP and returnee women

"During the 1990s, grassroots women's networks throughout the Balkans had been found to be effective in reducing conflict-induced trauma amongst women, many of whom found themselves heading households for the first time or had suffered personal atrocities, such as rape. The Kosovo Women's Initiative (KWI) was established in July 1999 in the wake of a peace agreement that included provision for the withdrawal of all Serb forces from Kosovo and the safe and free return of all refugees and displaced people. Initial funding for the KWI, amounting to US\$10 million, came in the form of a grant to UNHCR from the Bureau of Population, Refugees and Migration (PRM) in the U.S. Department of State.

Project documents relating to KWI covering 1999 and 2001 actually describe a diverse range of goals and objectives, but the Terms of Reference relevant to this study refers a 2001 UNHCR document that describes two over-arching goals for KWI as follows:

- To help mobilize women throughout Kosovo, with a specific focus on returnee, displaced and war affected women, to assist them and their families in rebuilding their lives and livelihood; and
- To empower women to become agents of change and solidarity through raising awareness, fostering the development of women's networks and enhancing the principles of gender equity at all levels of government and civil society." (UNHCR 28 October 2002)

"Efforts to empower Kosovar women of all ethnicities to become self-sufficient and to form a Kosovo-wide network of women to establish inter-ethnic dialogue and collaboration together continued under the Kosovo Women's Initiative (KWI). The process of 'localising' the KWI commenced in 2001 when it was placed under the co-ordination of Local Women's Councils (LWCs). In 2002, the LWCs commenced the process of registering the Kosovo Women's Initiative as Kosovo NGO. After the first round of two review sessions this year, the LWCs reviewed well over 100 project proposals, of which 48 projects were approved. Some 42 per cent of these mostly income-generating projects were minority or inter-ethnic projects. The KWI program has now a Minority Component Team that has worked directly and exclusively with minority, IDP and returnee women by assisting them with project proposals and training." (UNHCR September 2002, p. 201)

For a comprehensive assessment of the Kosovo Women's Initiative, see 'Final Report: Independent evaluation of the Kosovo Women's Initiative', 28 October 2002 [Internet]

UNMIK and EU lead reconstruction efforts (2000-2001)

- Emergency reconstruction needs of Kosovo have been largely met, with 40,000 housing units reconstructed in 2000, half of them with international assistance
- Nearly half of all families whose houses had been damaged or destroyed are now in decent accommodation in 2001 (October 2001)
- 2001 reconstruction figures show that 7,878 houses are under construction or completed Kosovo

"UNMIK believe that the emergency reconstruction needs of Kosovo have now largely been met, with the emphasis shifting to economic sustainability and capacity building. Reliance on donor support has

decreased as regulated and revenue generating commercial economy has begun to take root. The capital budget for 2001 still anticipates donor contributions of DM 1.346 billion, principally from the EU and US. However, UNMIK expects to raise about 70% of the total consolidated budget via revenue collection. During the period August 20-27 alone, UNMIK collected DM14 million at its collection point.

[...]

An estimated 83,000 residential units were in need of essential repairs or reconstruction at the beginning of 2000. With donor support, UNMIK met its target of reconstructing 20,000 housing units in 2000. A similar number were rebuilt by members of the local population themselves. Nearly half of all families whose houses had been damaged or destroyed are now in decent accommodation. UNMIK provides temporary community shelters for those with no alternative accommodation." (UK October 2001, paras. 5.3-5.6)

"On November 21, the Central Housing Committee meeting was held with the Donor Community. To date, 7,878 houses are under construction or completed Kosovo wide (4,441 are under construction and 3,437 are completed),

92% of the houses committed are under construction/completed and 86% of the beneficiaries are approved compared to the commitments.

Figures are encouraging with regard to the donor housing reconstruction assistance and is more important compared to the expectations of the Housing Directorate for the 2001 programme" (UNMIK EU Pillar 27 November 2001)

For more information on reconstruction efforts in Kosovo, see the website of the [European Union in Kosovo](http://www.euinkosovo.org/) [Internet: <http://www.euinkosovo.org/>]

The Minorities Alliance Working Group: an alliance of international NGOs for protection issues in Kosovo (2000-2001)

- The MAWG issued a statement against ethnic violence which was signed by 84 international NGOs
- International consultant identified ways of providing assistance that ease rather than exacerbate intercommunal tensions

"The Minority Alliance Working Group (MAWG) was formed by international NGOs in September 2000 in response to the level of ethnically motivated violence and intolerance in Kosovo.

In September, members of the MAWG issued a "Statement Against Ethnic Violence" that was signed by 84 international NGOs and broadly disseminated throughout the province. This was followed up in October/November 2000, by a MAWG supported assessment by Mr. Greg Hansen, experienced in the "Do No Harm"/Local Capacities for Peace methodology, to review conditions in Kosovo as they relate to minority and ethnic issues.

Through a broad consultative process, Mr. Hansen identified a number of concerns related to intercommunal relations and how these interact with aid programming and with the work of UNMIK, KFOR and donors. He also developed a training and programming framework to provoke discussion and to help identify ways of providing assistance that ease rather than exacerbate - as can inadvertently happen - intercommunal tensions.

In February 2001, as a follow-up to this initial assessment, the MAWG will support a series of next steps that will combine training, diagnostic and prescriptive activities in a highly consultative and participatory process. Obstacles that impede the international community in its efforts to promote and facilitate improved intercommunal relations in Kosovo will be defined and removed." (UNOCHA 30 January 2001)

See the report prepared by Greg Hansen for the Minorities Alliance Working Group 360-Degree Do No Harm Assessment -- Phase 1, 20 November 2000 [Internet]

UN 2002 consolidated appeal: more focused humanitarian assistance (November 2001)

- UN and other organisations are increasingly focusing on long-term sustainable development projects
- 2002 humanitarian assistance will continue to be provided to address the residual humanitarian needs, including among minority returnees and communities

"The UN Interim Administration Mission in Kosovo (UNMIK) continues to form the Government of the province. However, in May 2001, the SRSG signed the Regulation on a Constitutional Framework for Provisional Self-government laying the basis for self-government after elections to be held on 17th November. With certain exceptions, such as fiscal powers and justice, power will be transferred from the internationals to Kosovars, although the SRSG will remain in place.

While in general the situation in Kosovo has stabilised, tension and inter-ethnic violence continue. Due to the security situation, minority communities have limited freedom of movement, and consequently restricted access to basic services or markets, resulting in very few economic opportunities. Many are bowing to pressure to sell their homes and leave the province. Others, in remote areas, are becoming increasingly isolated. Yet, in August 2001, the first organised Serb returns to Kosovo took place, co-ordinated by UNHCR under the auspices of the Joint Committee for Return. It is anticipated that these limited returns will continue and increase during 2002.

The position of women has seen little change in 2001 and they continue to be largely excluded from positions of power, decision-making and economic opportunities. Although some advances have been made in the formulation of legislation on domestic violence and the trafficking of women, the need for greatly increased awareness of human rights in general, and women's rights in particular, remains.

The conflict in the former Yugoslav Republic of Macedonia resulted in the arrival of over 81,000 mainly ethnic Albanian refugees in Kosovo, most of whom were accommodated with host families. The UN agencies and international and local organisations provided the refugees with humanitarian assistance as needed and helped UNMIK to integrate them into local services. Since peace talks began in July, refugees have been returning to the former Yugoslav Republic of Macedonia, but it is anticipated that up to 20,000 will remain in the province into 2002 for reasons of security and/or the destruction of their homes and infrastructure.

While there has been an overall improvement in the humanitarian situation in Kosovo, unemployment remains high. Official statistics put the figure at 53% for women and 48% for men in the province as a whole: higher among minority populations. Poor infrastructure, high crime and lack of respect for the rule of law, coupled with the volatility of the region in general, means that high unemployment and related pressure for labour migration are likely to continue. Additionally, much of Kosovo's economy is geared towards and dependent on the presence of the international community and is therefore unsustainable. Consequently the UN and other organisations, such as IOM, are increasingly focusing on long-term sustainable projects to develop Kosovo's institutions and economy. However, there are still residual

humanitarian needs, particularly related to the former Yugoslav Republic of Macedonia refugees and host families, minority returnees and isolated minority communities. The Agencies, through the CAP 2002, will implement strictly focused projects to provide humanitarian assistance to these extremely vulnerable groups in 2002, in addition to their developmental activities." (UN November 2001, p. 27)

Protection/Human Rights/Rule of Law: UN agencies give special attention to returnees and minorities (2001-2002)

- UNHCR plans to continue its support to legal aid centres and extensive outreach programme
- OHCHR will continue advocating with UN administration to ensure that returns occur in line with human rights standards
- Some local human rights organisations have widened the scope of activity and have started to reach out non-Albanian communities
- UNICEF, in collaboration with other international and local agencies, will monitor the availability of social services to returnee community
- The Civil Rights Project of the Norwegian Refugee Council provides legal aid to minorities at risk of displacement

"International human rights norms provide the standards for UN humanitarian assistance policy and programmes for refugees and minority populations seeking return and reintegration in Kosovo. With the establishment of functioning local administrative structures, it became apparent that minorities have difficulties accessing local administrative services and structures and obtaining their rights, for example, to reclaim their property, on an equal basis with other residents in Kosovo. Their limited freedom of movement, due to the prevailing security situation, often does not allow them to approach the service providers. In general, policies and/or their implementation do not always respect the principle of equal and non-discriminatory treatment for all. While some improvements have been made, there is a continued need for legal aid and information centres with a focus on minority communities, both returnee and residual. UNHCR will continue to support these centres and an extensive outreach programme, ensuring access of minority communities to these services. OHCHR will continue advocating with UNMIK to ensure that returns occur only under conditions where human rights are guaranteed and that all basic government services are provided to minority communities, particularly those targeted for returns, in a non-discriminatory manner.

Local Human Rights NGOs remain mainly ethnic Albanian and do not necessarily address the human rights situation of non-Albanian communities in Kosovo. However, some have widened the scope of their activities and have started to reach out to minority communities. These encouraging practices facilitate greatly inter-ethnic dialogue and reconciliation, essential for a safe and sustainable return of all communities to Kosovo.

Trafficking of women is increasing in Kosovo. Targeting vulnerable young women refugees and minority returnees, IOM will organise public awareness campaigns on the dangers of trafficking of women." (UN November 2001, pp. 30-31)

UNICEF:

"Child Protection

The availability of social services, particularly child protection services, is another key problem in returnee communities. The security situation means that the provision of flexible outreach services by Centres for Social Welfare will be central to ensure access to social services - which have so far been provided almost exclusively by NGOs. UNICEF, in collaboration with UNHCR, local communities, government bodies, municipal staff and Centres for Social Welfare will monitor the situation of families in these communities

and provide information on the types of services that can be provided by Centres for Social Welfare. Efforts to ensure non-discriminatory access to social services will be made, including the recruitment of non-ethnic Albanian staff." (UN November 2001, p. 89)

Funding requirements (US\$) by agency for protection, human rights and rule of law

Agency	Protection/Human rights/Rule of law
UNHCR	2,400,000
IOM	530,000
OHCHR	871,680
UNICEF	400,000
TOTAL	2,400,000

(UN November 2001, p. 32)

"The Norwegian Refugee Council, with its Civil Rights Projects, continues to provide free legal aid to minorities, internally displaced persons and refugees. Of the more than 6,000 clients received in 2001, 48 per cent belonged to minority groups (Serbs, Ashkaelia, Roma, Egyptian and Bosniak) at risk of displacement. A small number of refugees from the former Yugoslav Republic of Macedonia were assisted in cases related to documents and social assistance. The Civil Rights Project maintained good working relationships with the Ombudsperson's Office and the Housing and Property Directorate and was able to refer large numbers of cases to these institutions." (UN GA 2 July 2002, para. 63)

Reference to the Guiding Principles on Internal Displacement

Known references to the Guiding Principles (as of November 2002)

Reference to the Guiding Principles in the national legislation

None

Other References to the Guiding Principles (in chronological order)

Dissemination of the Guiding Principles: UN OCHA reports that Serbian and Albanian translations of the Guiding Principles on Internal Displacement have been distributed to relevant government and non-governmental organizations in FRY.
Source: UN OCHA
Date: 2002
Documents:
<ul style="list-style-type: none"> • UNOCHA, Humanitarian situation and issues in South Eastern Europe, Jan-Feb 2002 [Internet]

<p>Training on internal displacement: An IDP training workshop was organized, in collaboration with OCHA Belgrade and OHCHR, in Belgrade on 9-11 September 2002. Participants included federal and republic level (Serbia and Montenegro) government authorities, UNMIK, UN agencies from Serbia, Montenegro and Kosovo, national and international NGOs and IDP associations. Recommendations stemming from the training session were presented at senior policy forum on internal displacement held on 13 September 2002. As a result of this process, authorities agreed on the need for a federal declaration of support of the Guiding Principles as well as the need for policy</p>

setting on internal displacement.
Source: UN OCHA - Internal Displacement Unit
Date: September 2002
Documents:
<ul style="list-style-type: none"> • IDPs Guiding Principles Workshop Report [Internet]

Availability of the Guiding Principles in local languages

The Guiding Principles have been translated into the Serbian and Albanian.
Date: 2000
Documents:
<ul style="list-style-type: none"> • GP in Serbian (not yet available electronically) and Albanian [Internet]

General

Federal Government opens dialogue with UN mission in Kosovo (2001-2002)

- New head of the Federal Republic of Yugoslavia Government Committee on Kosovo stated his willingness to cooperate with UN authorities in Kosovo
- Preparations for the establishment of an UNMIK office in Belgrade near completion
- Issues such as the participation of the Serb minority in Kosovo's administration, the Presevo Valley, the return of the Serb displaced and the fate of missing persons remain to be addressed

"The Federal Republic of Yugoslavia Government has appointed Mr. Momlino Trajkovic as the new head of the Federal Republic of Yugoslavia Government Committee on Kosovo. In his meeting with my Special Representative, Mr. Trajkovic has stated his willingness to cooperate with UNMIK and KFOR in key areas such as civil registration, the return of Kosovo Serb internally displaced persons, and advocating Kosovo Serb registration and participation in future elections. This signifies a readiness on the part of the Government of the Federal Republic of Yugoslavia to engage UNMIK in a constructive relationship within the broader framework of Security Council resolution 1244 (1999). The establishment of an UNMIK office in Belgrade, for which preparations are nearing completion, will facilitate resolution of key issues affecting the Mission's activities in Kosovo. Issues such as Kosovo Serb participation in the public administration process, Kosovo Serbs and the consequences of problems in the Presevo Valley have provided challenges, as well as opportunities, for improving dialogue with Belgrade in the interests of both the Mission and the communities of Kosovo." (UN SC 13 March 2001, para. 59)

"A key provision of the Common Document is the establishment of a High-ranking Working Group as the official forum for dialogue and cooperation between UNMIK and the provisional institutions of self-government on the one hand, and the Yugoslav authorities on the other. Although the initial reactions of the Kosovo Albanians leaders were critical, it is hoped that the Working Group will in time contribute to a process of normalization and promote direct dialogue between the democratically elected leaders in Pristina and Belgrade. (UNSC 15 January 2002, para. 17)

Acting SRSB Charles Brayshaw chaired the second session of the High Level Working Group, which met yesterday in Belgrade to begin its substantive work as outlined by the Common Document of 5 November, 2001.

Mr. Brayshaw described the meeting as positive and constructive in terms of laying out the priorities for the work ahead on issues of mutual concern identified by the Common Document, which was signed by former SRSB Hans Haekkerup and FRY/Serbia Coordination Center President Nebojsa Covic.

Most of those priorities were on yesterday's agenda, including how to improve cooperation on establishing the fate of the missing from all communities; resolving issues of detainees; promoting returns of displaced persons to Kosovo; and improving freedom of movement by road and railway.

UNMIK introduced three proposed protocols - on the exchange of forensics expertise in work on the missing; on joint verification of allegations on hidden prisons; and on the cross-boundary returns of remains. The protocols should be taken up at the next meeting to be held in Pristina in approximately one month.

The Working Group also agreed to establish sub-groups on returns, the judiciary and police cooperation.

Contrary to reports on the meeting in the Belgrade press, the issue of Serbian Ministry of Interior participation in the organization or work of the Kosovo Police Service was not discussed and no such involvement would be acceptable to UNMIK, Mr. Brayshaw said.

Mr. Brayshaw introduced the meeting by reviewing the progress toward the establishment of Provisional Institutions of Self-Government. He noted the tragic loss of Kosovo Assembly member Ismael Hajdaraj, who was murdered on 17 January near Peja/Pec, and affirmed UNMIK's commitment to identify and bring to justice the perpetrators." (UNMIK 22 January 2002)

"Regular contacts between UNMIK and authorities of the Federal Republic of Yugoslavia as well as the Republics of Serbia and Montenegro continued. The High-level Working Group meeting of 3 October 2002 focused on returns, the Mitrovica strategy and crime." (UN SC 9 October 2002, para. 43)

See also "Top UN official in Kosovo and Yugoslav President agree on further cooperation", UN press release, 5 April 2001 [Internet]

The Council of Europe monitors the situation of IDPs (2002)

- The Parliamentary Assembly urges member states to support the reconstruction process and to continue to provide adequate humanitarian aid to the displaced population (June 2002)
- It also urges Serb and Montenegrin authorities to fulfill their responsibility towards IDPs in collaboration with all relevant actors

Recommendation 1569 (2002) of the Parliamentary Assembly of the Council of Europe, 27 June 2002

"[...] the Assembly recommends that the Committee of Ministers:

i. urge the member states of the Council of Europe:

- a. to encourage economic involvement and investments in the Federal Republic of Yugoslavia;
- b. to ensure the continuation and development of a comprehensive economic strategy in the framework of the Stability Pact for South Eastern Europe;
- c. to contribute generously to the financing of projects in the framework of the Serbian National Strategy and in particular to make special arrangements for children;

- d.* to respond in a positive way to possible future projects relating to refugees and IDPs elaborated by the Montenegrin authorities;
- e.* to continue providing humanitarian assistance to refugees and IDPs in the Federal Republic of Yugoslavia and to ensure that it will not be phased out before it is replaced by development assistance;
- f.* to abstain from announced massive forced deportations of rejected asylum seekers to so-called minority areas, and to carefully consider every case on an individual basis;
- g.* to recognise that, for asylum applicants originating from Kosovo, internal displacement in Serbia and Montenegro does not offer an acceptable relocation alternative;

ii. urge the Serb authorities:

- a.* to remove obstacles preventing Roma from Kosovo who have refugee status in “the former Yugoslav Republic of Macedonia” from obtaining documents which would allow them to return to the Federal Republic of Yugoslavia;
- b.* to increase the involvement of relevant non-governmental organisations in the elaboration of concrete projects in the framework of the National Strategy;
- c.* to consult systematically representatives of refugees and IDPs and involve them in any governmental activities regarding them;
- d.* to review and amend all administrative practices which complicate the work of humanitarian international and local agencies (lengthy procedures for registration, visa requirements, cumbersome procedures for import of humanitarian goods, taxation, etc.);
- e.* to provide refugees and IDPs with comprehensive and clear information on their rights and their choice between return and integration;
- f.* to ensure that pensions and allowances are transferred to IDPs in Montenegro and Kosovo;
- g.* to improve co-operation with Montenegrin and Kosovo authorities in respect of refugee and IDP policies;
- h.* to continue co-operation with the authorities of Croatia and Bosnia and Herzegovina with a view to finding satisfactory solutions in the fields of housing, social protection and employment as regards those refugees who wish to return;
- i.* to introduce legislation to implement the 1951 Geneva Convention and set up a status-determination procedure;

iii. urge the Montenegrin authorities:

- a.* to elaborate a national strategy designed to find long-term solutions to the refugee and IDP problem;
- b.* to elaborate concrete projects for refugees and IDPs and to actively seek international funding for them;
- c.* to involve relevant non-governmental organisations in the elaboration of projects;
- d.* to consult systematically representatives of refugees and IDPs and involve them in any governmental activities regarding them;
- e.* not to prevent those refugees and IDPs who wish to integrate in Montenegro from doing so, and to take measures which would facilitate this process;
- f.* to review and amend the law on citizenship with a view to changing the provisions jeopardising the rights of refugees and IDPs;
- g.* to co-operate with the Serb and Kosovo authorities with a view to co-ordinating refugee and IDP policies;
- h.* to introduce legislation to implement the 1951 Geneva Convention and set up a status determination procedure;

iv. urge the Kosovo authorities:

- a.* to continue their co-operation with the international community in order to keep up the process of minority returns to Kosovo;
- b.* to regard the development of an environment for a safe and voluntary minority return as one of the most urgent priorities;

c. to set the context for a constructive, participative inter-ethnic dialogue, and in particular to ensure non-discriminatory access of minorities to employment, social services and education;

d. to improve co-operation with the Serb and Montenegrin authorities in respect of refugee and IDP policies;

v. urge Unmik to review and reconsider certain regulations and administrative practices which may have a negative impact on returns, in particular Regulation 2001/17 and the rule that assisted returns may be made only to the places that the IDPs had fled from and not to any other place within Kosovo.” (COE 27 June 2002)

See also:

- *The report by the Rapporteur of the Committee on Migration, Refugees and Demography, “Situation of Refugees and Internally Displaced Persons in the Federal Republic of Yugoslavia”, 4 June 2002, which served as a basis for the recommendation adopted by the Parliamentary Assembly [Internet]*
The report by the Council of Europe Commissioner for Human Rights: “Kosovo: the Human Rights Situation and the Fate of the Persons Displaced from their Homes”, 16 October 2002 [Internet]

ABBREVIATIONS AND ACRONYMS

AAH	Action Against Hunger
AAR	Association for Aid and Relief
ACT	Action by Churches Together
ADRA	Adventist Development and Relief Agency
ARC	American Refugee Committee
CC	Collective Centre
COOPI	Cooperazione Internazionale
CRS	Catholic Relief Services
DEM	German Mark
DPKO	Department of Peace-Keeping Operations
DRC	Danish Refugee Council
DSRSG HA	Deputy Special Representative of the Secretary General for Humanitarian Affairs
ECHO	European Community Humanitarian Office
ECRE	European Council on Refugees and Exiles
EIU	Economist Intelligence Unit
EMOP	Emergency Operation
EU	European Union
FAO	Food and Agriculture Organization
FFH	Food for the Hungry
FO	Field Office
FRY	Federal Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
GDP	Gross Domestic Product
HC	Humanitarian Coordinator
HEP	Humanitarian Evacuation Programme
IAC	Interim Administrative Council
ICRC	International Committee of the Red Cross
ICVA	International Council of Voluntary Agencies
IDP	Internally displaced person
IGO	Inter-Governmental Organisations
IMC	International Medical Corps
IMG	International Management Group
IOM	International Organization for Migration
IRC	International Rescue Committee
JCR	Joint Committee on Return
JIAS	Joint Interim Administrative Structure
KFOR	Kosovo Force
KLA/UCK	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service

KTC	Kosovo Transitional Council
KVM	Kosovo Verification Mission
LDK	Democratic League of Kosovo
MACC	Mine Action Coordination Centre
MCDP	Commissioner for Displaced Persons in Montenegro
MCI	Mercy Corps International
MHIF	Montenegrin Health Insurance Fund
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NPA	Norwegian People's Aid
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
ODHIR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
ORC	Office of Returns and Communities
OSCE	Organization for Security and Co-operation in Europe
PISG	Provisional Institutions of Self-Government
PPDK	Party for Democratic Progress of Kosovo
RC	Resident Coordinator
SC	Save the Children
SDR	Swiss Disaster Relief
SFRY	Socialist Federal Republic of Yugoslavia
SNC	Serb National Council
SO	Sub-Office
SRSG	Special Representative of the Secretary General
SWC	Social Welfare Centres
TCS	Temporary Community Shelter
UCPMB	Liberation Army of Presevo, Medvedja and Bujanovac
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations Interim Administration Mission in Kosovo
UNOPS	United Nations Office for Project Services
USCR	U.S. Committee for Refugees
USD	US Dollar
UXO	Unexploded Ordnance
WFP	World Food Programme
WHO	World Health Organisation
WVI	World Vision International
YRC	Yugoslav Red Cross

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