

**Independent Evaluation Mission Report
(1 to 21 June 2009)**

**INTERNALLY DISPLACED PERSONS (IDPs)
and
REFUGEES' RETURNS to KOSOVO
(2005-2009)**

*An Evaluation of Past and Current Processes and
Future Return Perspectives:*

UNDP in a Changing Environment

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Foreword

The Team would like to thank all the people who made this mission possible, especially those in UNDP and UNHCR who provided, not only information and support services, but went out of their way to introduce us to the various interlocutors. Special thanks should also go to UNDP management and staff, not only for the full funding of the mission, the office space and other facilities but also for systematically endeavouring to respect the confidential character of the meetings held in the framework of the mission and for accepting the full independence of the team's views. The report is short (only 15 pages) and focuses on overall strategic issues rather than project detail and we hope, therefore, that the readers will have no need of an "executive summary". The team members, although selected by UNDP and UNHCR, are independent of these organisations and the views expressed in this report are solely those of the team.

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Glossary

AAK	Alliance for the Future of Kosovo (Political Party)
CO	Country Office
CPK	Comprehensive Proposal for the Kosovo Settlement
DRC	Danish Refugee Council
EC	European Commission
ECLO	European Commission Liaison Office (Kosovo)
ECO	A EU Institutional Support Consultancy to the MCR
EU	European Union
EULEX	European Union Rule of Law Mission (Kosovo)
FRIDOM	Functional Review and Institutional Design of Ministries (Kosovo)
FYROM	Former Yugoslavia Republic of Macedonia
GAR	Government Assistance to Returns (Kosovo project)
GoK	Government of Kosovo
GoRS	Government of the Republic of Serbia
ICO	International Civilian Office (Kosovo)
IDP	Internally Displaced Person
ILO	International Labour Office
IR	Individual Returns (Project component)
KIDP	Internally Displace Person within Kosovo
KLGI	Kosovo Local Government Institute
KPA	Kosovo Property Agency
LDK	Democratic League of Kosovo (Political Party)
MCR	Ministry for Community and Return (Kosovo)
MDG	Millennium Development Goals
MLGA	Ministry of Local Government Administration (Kosovo)
MLSW	Ministry of Labour and Social Welfare (Kosovo)
MT	Mission Team
NGO	Non Governmental Organization
PAK	Privatization Agency of Kosovo
RAE	Roma, Ashkali and Egyptian (ethnic groups)
RoS	Republic of Serbia
RRK	Return and Reintegration in Kosovo (project)
RRRF	Rapid Response Returns Facility (Kosovo project)
SPARK	Sustainable Partnerships for Assistance to Minority Returns in Kosovo (project)
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission Kosovo
US/USA	United States/United states of America

Introduction:

UNDP, with the support of UNHCR, requested a team of national and international experts to undertake an evaluation of its activities in support of the return of refugees and displaced people to Kosovo since 2005. The mission team (MT) included Alfredo Witschi Cestari, former international UNDP and UNHCR staff member and Team Leader; Glen Dunkley, former international UNHCR and ILO staff member; Sladjan Ilic, national consultant and former mayor of Strpce Municipality; and Besnik Tahiri, national consultant and Director of the Kosovo Local Government Institute (KLGİ).

Past and present UNDP returnee projects include: *Rapid Response Returns Facility (RRRF) 2003-2005*; *Government Assistant to Returns (GAR) 2003-2005*; *Sustainable Partnerships for Assistance to Minority Returns in Kosovo (SPARK) 2005*; *Support to IDP Associations 2007*; *Return and Reintegration in Kosovo (RRK) 2008*; and *IDP Regional Project on IDP Associations, 2008*.

The MT was requested to assess the general situation and challenges in Kosovo with regard to returns and reintegration; the effectiveness of past and present UNDP returnee programmes; and possible courses of action for the future.

To support the continuing partnership between UNDP and the Kosovo authorities, the MT assessed the performance and impact of UNDP (and also UNHCR) activities primarily through an analysis of the overall situation of returnees and internally displaced persons (IDPs) inside Kosovo, as well as refugee and displaced communities in Montenegro, the FYROM and Serbia as per the attached schedule (Annex 1). Meetings were held with relevant authorities and other stakeholders (Annex 2). A list of field visits is attached as Annex 3, as are two maps. The MT also examined how to strategically meet the challenges of future returns in the context of a dynamically evolving reality in Kosovo, within the full spectrum of the richness that constitutes its multi-ethnic character. The MT has tried to approach the situation from the perspective of individual refugees and IDPs who have been outside their place-of-origin for ten years.

Section I - The Issue

Background facts

Although estimates vary considerably, over two hundred thousand persons are reportedly still displaced within Kosovo and in the Balkan region. Since 2003, many thousands have returned either in a spontaneous or an assisted manner (both in organized groups and as individual families). During this period, at the request of the relevant authorities, UNHCR and UNDP have played key roles in support of the authorities in Kosovo as well as providing a link with Balkan neighbours.

New political circumstances – Accession of Kosovo to the European Union

Since the unilateral declaration of independence on 17 February 2008, the shift of responsibilities from the UN transitional administration (UNMIK) to the Government of Kosovo (GoK) has accelerated, while new European institutions such as the ICO (International Civilian Office) and EULEX (European Rule of Law Mission) have been established to provide support and monitor new government institutions. Simultaneously, former administration roles of the UN system have phased down and specialized UN organizations are resuming activities more directly linked with their traditional mandates. In spite of the fact that the SC Resolution 1244 has not been superseded, this transition is occurring within a clear, over-riding country political and strategic goal of Kosovo accession to the European Union (EU). This core national objective, inter alia, provides EU and EU member-country representatives and agencies with a pivotal role in all matters related to international community support to Kosovo.

Leadership of the return process

Without exception, all national and international stakeholders met by the MT in Kosovo have affirmed their belief that all policies and activities related to the return of IDPs within and outside Kosovo must be led by the GoK and, in particular, coordinated by the Ministry of Communities and Returns (MCR). However, while this is a clear political framework, refugees and IDPs' right to return does not benefit from the support of pertinent legislation. In this context, all governmental partners, including the MCR, repeatedly stressed and re-affirmed their commitment to continue working closely with UNDP and UNHCR. Additionally, UNHCR can provide support to MCR on legal issues.

Sustainability

All stakeholders stressed that the return of refugees and IDPs must be seen as an integral part of the socio-economic development priorities and activities of the GoK and the international community. There is ample evidence that the long-term sustainability of returnee re-integration is linked to and, indeed, dependent upon national and local social and economic development. Thus, from both a strategic and a tactical perspective, it is imperative that all activities in support of returnees be part of an overall socio-economic development strategy. As citizens of Kosovo, IDPs must be integrated and have equal access to employment opportunities as well as national and local social and public services (education, health, electricity, etc.). IDPs and returnees are victims of the past conflict, but they are also persons who, more often than not, have lost their livelihoods and frequently seen their property occupied or lost. If they remain poor and marginalized, they will not be able to become arbiters of their own destiny and empowered citizens.

The Political and Security Environment

Most national and international interlocutors in Kosovo acknowledged that there is a declared political will to support the IDP and refugee return process as well as a reasonably good security environment (with known exceptions). While there are still problems of perceptions about security within the Serbian community, particularly

among IDPs and refugees abroad and IDPs in the north of Kosovo, there is basic freedom of movement within most parts of Kosovo.

The role of UNDP

While the role of UNHCR has clearly been within its traditional mandate, UNDP has, since 1999, responded as needed to a rapidly changing situation. Given the current reality, UNDP sees the need to re-align its role and plan a transition from current programmes towards an increasing emphasis on the longer-term socio-economic development of Kosovo. UNDP's technical expertise; the valuable experience gathered over the past nine years; and its long and positive association with the authorities in Kosovo provide a base for providing support to the GoK through relevant governmental partners (at both the central and local levels) in order to strengthen the GoK's leadership role as well as its implementation capacity. It is felt that UNDP programmes should be further expanded where there is value to be added to government social and economic development strategies addressing current and future challenges.

While adapting and responding to the new circumstances, UNDP must also recognize that they have a very important role (together with UNHCR) to remain a neutral partner of the GoK to bridge existing gaps with their Balkan neighbours. This critical role has been stressed by a majority of national and international interlocutors met by the MT.

Section II: The Findings – Kosovo

Security

There are still many thousands of refugees and IDPs whose understanding of the general security and social situation inside Kosovo is not clear. Misunderstanding is widespread, either as a result of lack of information or misinterpretation of information at hand or because their perspective of reality is still influenced by the consequences of past conflict in their lives. They are often exposed to negative messages and the failures of some returnee projects tend to be more visible than the successes. Fear is still widespread and many IDPs seem to believe that they would be at risk if they participate in returnee schemes.

This being said, there are, in addition to *Mitrovicë/Mitrovica*, still several areas in Kosovo where security is a concern, as is the case of *Gjakova/Djakovica* where local authorities confirmed to the mission that the wounds inflicted in 1999 remain very much open. However, they are conscious of their responsibilities vis-à-vis refugees and IDPs originating from their municipality. Some interlocutors reported to the MT that “Go and See” activities and returns have not been possible for Serbian IDPs and refugees to *Deçan/Decane* (however, UNDP Pristina informed the MT that, in 2008, there has been three “Go and See” and at least another three “Go and Inform” visits). Similar difficulties were also reported for *Malishevë/Malisevo* (but this could not be verified by the MT). More over, as observed in the *Peja/Pec* municipality, returnees producing agricultural products still need to sell them in *Mitrovicë/Mitrovica* rather than in local markets.

The return and re-integration process

At the central government level, and within the international community, there is a reasonable general understanding of what is happening, or supposed to happen, at the municipal level but for a long time there has been neither a complete view of local realities nor a comprehensive strategic vision of how to deal with the return process in an integrated manner. The soon-to-be-released Return Strategy being formulated by MCR focuses on addressing this issue. At the municipal level, there is an understanding of local realities but, while some municipalities do their best to address the challenges, others do not. Because of a lack of policy and procedures guidance from central authorities, many municipalities have been feeling no sense of being part of an overall national strategy while, frequently, they have had none of their own. As in the case of *Prizren* and *Peja/Pec* and other municipalities observed, the participatory MCR Return Strategy formulation process has provided them with the opportunity of addressing this priority. Nevertheless, there is no evidence of a space for the return process to be part of an integrated national and/or local socio-economic development strategy.

More often than not, at both the central and local levels, the plight of IDPs and refugees contemplating the possibility of a return; or in the process of requesting return; or awaiting assistance (housing, basic domestic items, food, short-term income generation support, provision of basic services by the local municipality - electricity, water, health, education, etc.); or in the process of requesting restitution of their property, has only been considered from a limited “technical” perspective. There has been and still is a widespread problem of communication and coordination between the various governmental and international organizations managing the variety of assistance programmes and projects, both in-country and cross-border in nature. More-over, during numerous meetings and field visits, the MT also noted the absence of gender-based priorities and programmes.

The economic context

Unemployment in Kosovo, as stressed by the Minister of Labour and Social Welfare, is currently estimated at almost 40% with some 40,000 young people entering the labour force every year. The longer-term sustainability of IDP and refugee economic integration (livelihood and employment opportunities in both the formal and informal economic sectors) is almost systematically absent from current national and local development assistance programmes. This situation (inherited from the period that precedes the declaration of independence) clearly concerns not only Kosovo authorities at central and local levels, but also the international community at large. In the absence of a comprehensive and pro-active strategic approach to the return process, integrated within an overall development strategy, donors keen on allocating funds for Kosovo have often been doing so on a case-by-case basis.

“Comprehensive Proposal for the Kosovo Status Settlement” and Decentralisation

While the core political goal is Kosovo joining the EU, the basic framework for governance is the negotiated “Comprehensive Proposal for the Kosovo Status Settlement” (CPK). Within this framework, the GoK has already achieved various landmarks, such as the approval of its Constitution and the setting up of the

Constitutional Court. Among the common objectives, the promotion of the rights of refugees and IDPs are also recognized as part of the task ahead (Article 4).

There is also a requirement for strengthening local government within the comprehensive decentralization process, to which the GoK and the international community are fully committed. This includes not only creation of five new municipalities and one to be territorially enlarged, but also a transfer of sole or shared responsibilities to municipal authorities over a very broad range of service sectors including education, health and social welfare. Nearly all interlocutors stressed that this process is a critical element for successful encouragement and implementation of returns, as well as for the re-integration of returnees in the new municipal context. Unfortunately, key development projects designed to support this process do not specifically highlight the need to include the needs and role of returnees. It is also felt by many that, through decentralization, the prevailing weak representation of minorities at the local level (weaker than at the central one) should also be addressed.

Many interlocutors see a successful completion of return of refugees and IDPs, even if secondary to other key national issues, as a national priority (as stressed in the CPK), with the successful achievement of the returns used as a benchmark for the consolidation of democracy. Others stress the critical importance of successful and sustainable empowerment of local governments, with an effective transfer of responsibilities and resources from the central to the local level, and the successful launching of sustainable local economic development initiatives that in turn empower people of all ethnic origins as the key to achieving a successful reconciliation process.

Role of the MCR

The MCR is the leading institution which should ensure coordination of the returns process, develop relevant policies and ensure their implementation. It is clear that its mission is, first and foremost, to coordinate the development and implementation of a national strategy for the return and successful integration of returnees. It is also clear that they must confront this challenge in cooperation with other relevant Ministries (Labour and Social Welfare, Local Government Administration, Education, Health, Economy and Finance, etc.) as well as with the support of its international governmental (EC, EU members, US, etc.) and operational partners such as UNDP and UNHCR. The MCR is also expected to support and facilitate implementation of return programmes through the municipalities. Therefore, MCR, as part of its strategy formulation, is currently revising its procedures, tools and mechanisms (including the “Revised Manual for Sustainable Return”). It is also seeking a mechanism for the establishment of a legal framework for assisting refugees and IDPs who wish to exercise their right of return. In this context, the MT has endeavoured to understand both the current MCR mandate as well as its vision of the future. During this process, MCR strengths became apparent as well as those elements which, in the opinion of the MT, require strengthening.

It is important to ensure that the MCR establishes a comprehensive scheme that would replace the SPARK project when it is completed (but, at this stage, it is neither possible to discard the need to maintain UNDP’s implementation of this project until MCR will have set up a new effective operational mechanism nor exclude the eventual need to extend the project beyond its current deadline of 31 December 2009, if

required). To that effect, the ministry needs to identify or, as in the case of municipalities, upgrade the implementation capacity of existing or potential national implementing partners. While ensuring the overall coordination system and mainstreaming government action, MCR should continue to count on the international community support (donors, UN, international NGOs, etc.). Simultaneously, as part of its own empowerment process, MCR needs to develop dynamic, competent and accountable technical and coordination/policy systems. Meanwhile, UNDP should increase its efforts towards the strengthening of operational capacity and good governance at the municipal level.

Facilitating the return of thousand of IDPs is costly and the national and international resources at hand are currently far from sufficient to meet the already identified challenges ahead. This is particularly relevant when considering the economic development needs of local (including returnees) communities. Hence, there is need for MCR to count on adequate governmental budgetary allocations as well as on an efficient fund-raising capacity.

Civil Society

The MT met with several IDP associations who also mentioned the need to address the key challenge of sustainable economic integration but, above all, stressed the rather marginalized plight of IDPs within Kosovo (KIDPs). They also highlighted their willingness to be associated more closely with return processes, be it through working directly with IDPs within and outside Kosovo or supporting local integration efforts.

The MT has been informed that there might be Kosovo-based NGOs and civil groups which would be interested in the return process while municipalities could keep on mobilizing direct involvement of the IDPs and returnee themselves. Nevertheless, the MT notes that, thus far, not a single national NGO (other than IDP Associations) seems to have been involved as an important partner in this effort.

Impact of UNDP returnee assistance projects since 2005

Six UNDP projects (see introduction) were implemented in support of the refugee and IDP return process from 2005 to the present time. This has been a period of extreme difficulty, in terms of governance but also in terms of the evolving situation in municipalities of return and the process of decentralization. In this context, there were both successes and failures.

According to a field UNDP research undertaken in May 2009, approximately 85 % of “individual return” activities were successful as measured by house occupancy. On the other hand, “organized return” activities faced more difficulties with only 43 % of the returnee houses reported being occupied. This second figure, however, was dragged down by two group settlements (“Babush” and “FK/KP” which only had 8% and 12% occupancy respectively). It should be noted that, while visiting individual dwellings, the MT found that some houses built under the projects were occupied by Albanians who had bought or rented their houses from returnees. Of course, returnees have the right to dispose of their property as they see fit but, considering the exceptionally high

project cost *per capita*, effective project monitoring should ensure the recording of each such case, and this does not seem to be the case.

Most interlocutors felt that the distinction between ‘individual’ and ‘organized’ returns should be dropped and move towards an integrated return model that goes beyond these two terms and adapts itself to every circumstance with the intervention of MCR’s governmental and other partners, especially UNDP. During the period under study, UNDP has reported regularly and completely to the donors as required under the terms of the various project agreements, including to the OPM and MCR on their project components. Thus, the MT concludes that, in general terms UNDP has met its project objectives under often difficult circumstances that have affected results. However, the MT notes that the complex process of managing stakeholder relationships, and its impact on project implementation, particularly in relation to RRK1, a critically important flag ship returns project has impacted on perceptions, but should not detract from the overall performance of a team that has accumulated a unique experience in relation with the implementation of return programmes. Nevertheless, UNDP should put further emphasis on efforts to avoid programme implementation delays that affect the lives and state of mind of IDPs.

Considering the possibility of an urgent response to the requirement of hundreds of IDP/refugee families being currently registered for return (and keeping in mind the pressure put on stakeholders by the “sixty days rule”), the role of UNDP in the speeding up of project implementation on behalf of MCR and subject to successful mobilization of resources, remains especially important.

The immediate challenges

The UNHCR-managed registration process that is currently taking place in Serbia, Montenegro and FYROM has already identified over 500 families ready to return who need to be added to over three thousand people already expecting a green light to proceed to their communities of return. It is therefore essential that each family concerned be accurately informed about the evolution of the return process and of the actual timeframe (beyond the “sixty-day rule”) foreseen for the return process. Additionally, KIDPs require a higher level of attention from both the GoK and the international community. Indeed, the unbalanced treatment of return requirements of both displaced communities is giving disproportionate weight to IDPs and refugees in the region when compared with the comparable lack of effort devoted to IDPs within Kosovo.

In line with the concern of the MCR, the MT visited RAE (Roma, Askali and Egyptian) IDPs in Northern *Mitrovice/Mitrovica* to look into their living conditions in the highly contaminated site where they are located. It is gratifying to report that the communities visited have confirmed their intention to return to their place of origin in Southern *Mitrovice/Mitrovica*. Finally, the MT must also report that gender-related priorities are seldom assessed at the core of the returnee issues. Unfortunately, without sufficient time at hand, the MT has been unable to include this central issue in its assessment; but, considering its importance, has decided to call the attention of readers on its relevance and the need to address it at all levels.

Section III: The Findings – Beyond Kosovo Boundaries

Former Yugoslav Republic of Macedonia (FYROM)

The Head of UNHCR FYROM travelled to Pristina to brief the MT. There are still 1,715 refugees in FYROM (95% from Kosovo), the majority of whom are of RAE ethnic origin. Despite the fact that, since December 2008, there are local settlement possibilities, the vast majority depend on assistance provided by UNHCR because there are few employment opportunities in FYROM (35% unemployment rate) and the national welfare safety net is very weak. Given these circumstances, UNHCR has adopted a “Solutions Exit Strategy” that foresees achievement of a durable solution for the vast majority of refugees from Kosovo within thirty months. In 2009, the Country Office (CO) foresees the return of approximately 250 people, with some 1,000 persons returning in 2010 and 2011. It is projected that the remaining 500 persons will choose a local settlement option by the end of 2011.

The FYROM UNHCR team proposes the establishment of a joint “Regional Return and Local Settlement Solutions Strategy” that would include the COs in Montenegro and Serbia. They also felt that the establishment of a formal “Tripartite Commission” between the governments of Pristina and Skopje and UNHCR and possibly UNDP Kosovo would facilitate the process of returns to Kosovo. They highlighted that the main condition stressed by the refugees is the provision of a house for each family.

The Republic of Montenegro

UNHCR Montenegro estimates that there are little over 16,000 refugees from Kosovo (called “IDPs” by the Montenegrin Government). They do not benefit of any legal status in Montenegro and they do not have full access to basic rights usually granted to refugees or IDPs. The authorities in Podgorica officially foresee only one solution - their return to Kosovo - hence legalized local integration is excluded at this time. The mayor of Podgorica is reported as ready to provide financial support for the return to Kosovo of some 4,500 RAE refugees currently located in his city. RAE refugees interviewed by the MT emphasized that, as a condition for return, family houses must be provided in Kosovo. Other ethnic groups interviewed by the MT focussed their concern on the need to access sustainable livelihoods and social services if they were to return, but most expressed their wish to remain in Montenegro.

All interlocutors felt that there was a strong need to develop more satisfactory communication and coordination relationships with the MCR and also the UNDP office in Pristina. Both UNHCR and the NGOs stressed that they are not sufficiently consulted or kept duly informed on developments in Kosovo, including a lack of feedback on the overall status of the SPARK and RRK1 projects, and that decisions relating to the identification of programme beneficiaries were being made in Pristina without requesting their input.

In the absence of consistent and coordinated cross-border lists of beneficiaries, cases approved in Kosovo, for example, have on occasion included families who have already returned to Kosovo in previous operations, or are known to have sold their property in Kosovo and returned to Montenegro, or who have subsequently applied to

move to third countries via Montenegro. Both UNHCR and DRC Montenegro have comprehensive data-bases that include almost the entire refugee community in the country and consider that they are in a unique position to establish beneficiary lists for return operations. Furthermore, they need to receive feedback according to the original lists prepared in Montenegro (acceptance, rejection, requests for further information, etc.) rather than re-constructed and re-formulated lists which bear no resemblance to the original lists submitted from Podgorica. Additionally, they would appreciate if both national (MCR) and local Municipal authorities in Kosovo would use the same lists since direct cross-border coordination with the respective Municipalities is required.

Moreover, while access to housing is central to RAE refugees' decision to return, interlocutors, including government officials, stress the broad negative impact of problems caused by complex procedures and bureaucratic demands, and the lack of detailed information on the MCR criteria applied for the allocation of houses. They noted that repetitive delays and confusing messages generate a lack of trust among refugees wishing to return.

The MT visit to refugee camps and discussions with the Red Cross field team in charge of these centres, confirmed that there is both anxiety and resentment on the part of refugees but that a majority of RAE (but almost no Serbs) are still ready to return to Kosovo. The MT did not meet with any Montenegrin refugee whose wish to return to Kosovo was reported during meetings with national authorities. Finally, there was emphasis on the very limited numbers of urban returns that have taken place throughout the period under review, as well as numerous property claims reported as unresolved.

The Republic of Serbia

According to UNHCR, IDPs from Kosovo in Serbia are estimated at some 199,000 persons, all ethnic groups included. The vast majority is currently living in private accommodation, with only 4,300 remaining in 59 IDP collective centres. 18,232 persons were reported to have returned to Kosovo as of June 2008. According to government officials met, a large number of IDPs are ready to return but, thus far, only some 500 families, most of them living in private dwellings, have participated in the ongoing UNHCR-managed registration process. This trend seems to confirm the opinion expressed by various MT interlocutors that most IDPs from Kosovo do not envisage a return. In this regard, the MT regrets not having been able to meet with any individual family registered.

IDPs are reported to be concerned by two major problems: the restitution of their property and their fears as regards the rule-of-law in their communities of origin, as in the case of *Gjakova/Djakovica* (see "Security" Section II above), *Deçan/Decane* (see above), *Peja/Pec* (the MT visited this municipality, including the areas in the ancient city from where IDPs met come from. Evidence was given of a number of "Go and See" and "Go and Inform" visits that have included the IDP cases interviewed in Serbia. There are already over 240 Serb former IDPs residing in town, and the authorities are ready to review all pending cases, noting that the homes concerned are mansions belonging to a city quarter belonging to its cultural heritage) and *Rudice/Rudice* (there was no time for the MT visit this village). Many interlocutors also mentioned the ease of access to education and health services in the Republic of Serbia

when compared to Kosovo. Additionally, employment opportunities (even though most are in the informal sector) were reported as much better than in Kosovo.

Given the long time elapsed since the departure of IDPs from Kosovo, numerous difficulties with the official return process have been encountered, with complex procedures and numerous delays as is the case, for instance, for the 120 families who have received no information for over a year in relation to their expected return to *Laplje Selo*. (Upon its return to Kosovo, the MT was informed that this case has now been resolved). These problems have seriously affected the credibility of return programmes. More-over, the lack of utilization of the framework provided in the “Protocol on Voluntary and Sustainable Returns” of June 2006 is seen as contributing to this situation, although all interlocutors consulted in Kosovo consider that this document has lost relevance.

Another issue of concern is again the limited number of IDPs who have been able to return to urban areas in Kosovo. Insufficient and often conflicting information that IDPs receive on the situation prevailing in their towns of origin, combined with a lack of comprehensive urban returns, seem to have seriously affected the trust-building that such a process requires. As previously mentioned, for the vast majority of IDPs, the lack of sustainable livelihoods is a strong barrier to return. Hence, in addition to a repeatedly-expressed fear of returning to what is perceived as an insecure environment, the lack of economic development opportunities in their Municipalities-of-origin in Kosovo seems to contribute to a IDPs’ very cautious approach to the registration exercise being undertaken.

As a consequence of these factors, it is generally felt that, even if IDP desires to return are reported as genuine, most families who have registered in the past weeks have serious doubts about the possibility of a sustained return in the short to medium term. Should this new attempt fail to achieve concrete results at a reasonable speed, many might feel constrained to remain in places, although difficult, where they have been able to educate their children, access health care, and find some sort of employment. In this context, it is important to note that for the vast majority of IDP cases observed by the MT, the most likely returnees are the elderly, especially in the case of the Serb community.

Section IV: Conclusions and Recommendations

Key issues affecting the return process

Several key problems identified during the MT visits to Serbia and Montenegro impact directly upon the lives of IDPs: (1) The need for a comprehensive common, regional strategic vision on the part of all Governments, UN agencies and NGOs faced with the challenge of the return of IDPs and refugees to Kosovo; (2) The need for proactive initiatives and less reliance on a reactive case-by-case approach; (3) The need for a simple, effective, joint cross-border coordination and communication system among all concerned actors; (4) The need for a straight-forward operational mechanism with a compatible regional data-base as well as of common regional registration forms and clear, simple procedures; and (5) The need for accurate information about and

access to “delicate” security areas in Kosovo, to address negative security perceptions among IDPs.

A Shift of Responsibilities and Roles

Kosovo is undergoing a rapid process of change, following the framework outlined in the CPK and Constitution. The international community supporting Kosovo is also endeavouring to comply with this new political framework, including UNDP. Capacity building of relevant government institutions and municipalities is a top priority. With this in mind, UNDP should consider expanding programmes within its traditional development mandate.

Meanwhile, MCR, UNDP’s leading partner in the returns process, needs strong technical support from its international partners to strengthen its working capacity. While the Ministry pursues its partnerships with key international governmental actors such as the EC and US Government, it is clear that UNDP should endeavour to transfer its operational skills to the MCR while aligning its own direct returnee programmes, such as SPARK and RRK1, within MCR’s overall forthcoming strategy.

Recommendations:

- 1) In coordination with MCR, UNDP should plan a phased transition to gradually hand-over activities in direct support of returns over the next 18-24 months to MCR while reinforcing its support to municipalities’ good governance skills and general operational capacity over the longer-term. MCR and UNDP should decide on the length and starting date of this transition period, while avoiding delays to the return operations already in the pipeline.
- 2) During this transition period, UNDP should increasingly engage in developing programmes in support of Kosovo’s national and local development and the key process of decentralization, through a focus on UNDP’s core gender-based Poverty Alleviation, Human Development, Environment, MDGs and Good Governance mandates, while ensuring that the sustainability of returns-related priorities are included in these core activities.
- 3) UNDP and MCR should consider, as part of the transition and capacity-building process, to make use of UNDP-based SPARK “Individual Returns” (IR) staff to more directly in support of the MCR management of return projects until the ministry will be in a position to implement these programmes on its own. Resources earmarked in the RRK1 project for staff development purposes should be utilized for MCR and municipal capacity-building. The recommendations of the Functional Review and Institutional Design of Ministries (FRIDOM) and forthcoming ECO reports should be considered in this process.
- 4) Eventual new UNDP core development projects should offer space for the continuous involvement of its experienced national staff, ensuring that their invaluable know-how remain at the service of the socio-economic development of Kosovo, through enhancing the capacity of its national and local public institutions.

Returns: A Part of the Kosovo Political Agenda

The plight of IDPs and refugees from Kosovo is not only a humanitarian and human rights priority but also an important political issue. Their presence across the region is one of the key unresolved consequences of the war. As human beings who fled their homes, many have decided to build new lives in their communities of refuge, but they retain their central right to return home if they choose to do so. This is recognised in the CPK and is a key component of the political framework within which Kosovo is being rebuilt. The consolidation of peace in Kosovo and the region is tightly linked to a comprehensive reconciliation and integration process that includes the granting of dignified solutions to the problems confronted by IDPs and refugees. To consolidate this process in Kosovo, there is need of a pertinent legal framework that ensures respect of the inalienable right of refugees and IDPs to return.

Recommendations:

- 5) The GoK and the members of Parliament should consider the formulation and enactment of legislation focused on full and unlimited respect for free exercise of voluntary return without time limit.
- 6) The GoK and international organization development strategies, at both national and municipal levels, should systematically include returnees within their socio-economic development plans, to ensure that they quickly become an integrated part of local communities, independently of their respective ethnic origins or past status.
- 7) To ensure effective coordination between Ministries, the GoK should consider the possibility of strengthening MCR by upgrading the Minister to Deputy Prime Minister for a temporary period of two years, renewable until returns cease to be an overall national priority.
- 8) The GoK should fully support the ongoing MCR strengthening of its core operational role (responsibility for facilitating return requests with the relevant municipalities and coordinating organizations which provide assistance upon arrival, etc.), while building coordination links to other ministries who will be supporting municipal provision of returnee services in line with their mandates (Labour and Social Welfare; Local Government Administration, Education, Health, Economy and Finance, etc.).
- 9) The GoK should consider allocating sufficient budgetary resources to MCR and municipalities commensurate with the importance of their mandates.

Sustainable Returns as Part of an Economic and Social Development Process

The provision of housing is a key need for IDPs and refugees when they return. However, equally important is the need for access to local social services and opportunities for sustainable livelihoods. While a majority (but not all) of RAE families is reportedly ready to return if housing is provided, the vast majority of other ethnic groups are equally concerned for availability of employment opportunities in Kosovo. They are also concerned with access to social services (education, health, restoration of graveyards, cultural events, etc.). Given this situation, the MT noted that the elderly

constitute the majority of current Serb returnees and potential returnees. Most of them survive on their pensions and social entitlements provided by the Government of the Republic of Serbia but often still wish to return to their place-of-origin, while, in most cases, their children do not wish to return. Meanwhile, municipalities do not seem to involve civil society organizations among its partners and the plight of KIDPs is inadequately addressed.

Recommendations

10) Socio-economic development of Municipalities is at the heart of the returns process and the GoK (especially the Ministry of Economy and Finance) should ensure that they allocate sufficient human and financial resources at that level, compatible with a sustained development policy that will benefit all citizens, including returnees.

11) UNDP should devote special attention, through its poverty alleviation and human development programmes and resources, to long-term support of municipalities where there are significant numbers of returnees.

12) MCR should consider setting up a comprehensive dialogue with KIDPs associations and community leaders in order to jointly look into possible ways of addressing the priorities of this community. The return of the *Mitrovice/Mitrovica* Roma IDPs is a key opportunity to enforce this policy

Security and IDP/ Refugee Property Restitution Claims

It is clear that there are currently several areas in Kosovo where tensions remain and where the return of non-Albanian IDPs and refugees, especially Serbs, are not welcomed. This situation strengthens negative perceptions of security among refugees and IDPs (see “Access to Information” below). Also, primarily in urban areas, jobs formerly held by persons who fled the conflict are now either non-existent (eg. former state enterprises) or have been given to other people (eg. civil service positions). Many IDPs and refugees own property in these areas but cannot or do not wish to return. They do, however, have a clear legal and human right to reclaim their property and dispose of it as they wish. Additionally, of course, there are IDPs and refugees who wish to reclaim their property and also return to Kosovo, be it in the short, medium or long term.

Recommendations

13) Strategically and operationally de-link the issue and process of property claims from the return process. In so doing, many claims will be solved directly by IDP and refugee families themselves, with support from relevant institutions in Kosovo (primarily KPA) and in their country of residence.

14) In Serbia, conduct a comprehensive assessment of IDPs having property in Kosovo as well as undertake an intensive information campaign about the process for reclaiming property. Praxis, a Human Rights NGO and close partner of UNHCR is already intimately involved in the process and may be able to undertake this task, given adequate financial and operational support from UNHCR and interested donors, in cooperation with KPA.

Access to Information and Flow of Information

Throughout the mission, it became evident that both the quality and flow of information was less than satisfactory. Indeed, it is a core problem which affects almost all aspects of the management of IDP and refugee returns. Information about developments in Kosovo does not systematically reach UN, Government and other partners in FYROM, Montenegro and Serbia in a timely and effective manner. Information flow within Kosovo is also deficient, particularly between the central government and municipalities and between operational partners.

Additionally, there have been no timely feedback loops to inform IDPs and refugees about the status of their requests to return home or the status of their property claims, although the recently introduced UNHCR standard regional individual application procedure and the new UNHCR/MCR data-base due to be operational by the end of August, should alleviate this problem. The lack of (or conflicting or simply unclear) information contributes to confusion and ineffective management of operations. The main victims of this situation are IDPs and refugees who end up misinterpreting information received and often become victims of unsubstantiated fears and anxiety. This being said, the MT welcomes the forthcoming release of a MCR communications strategy, although it did not have time to review the content. It also recognizes the value of efforts such as the Serbian language television talk-show “*Sve je Moguce*”, which is jointly funded by MCR, UNDP and other donors.

Recommendations

15) UNHCR in Kosovo, FYROM, Montenegro, Serbia and the MCR, along with UNDP Kosovo, should accelerate current initiatives to craft a common regional communication strategy. A series of action-oriented technical meetings and workshops with all concerned should be held to formulate a regional strategy that would integrate existing national information strategies and focus on the effective use of information technology. The strategy should favour access to IDPs and refugees and increased involvement of members of civil society as well as effective management and dissemination of information by all actors concerned and the media in each country concerned. It should also include a gender-based approach to information management.

16) UNHCR and MCR should build upon the ongoing process of developing a common data-base, which will be managed by MCR, and ensure that all UNHCR offices in the sub-region as well as UNDP Kosovo and municipalities use the system. The data-base should be capable of providing clear, up-to-date information on the current status of all formal requests for return to Kosovo. The resultant data base should be an operational tool for the effective implementation of return programmes.

A Regional Return and Local Solutions Strategy

The MT believes that the return programme has suffered from an *ad hoc*, case-by-case approach whereby organizational units (even within the same organization) are frequently operating semi-independently with a lack of coordination. Inter-organizational and cross-border coordination is often weak, except between Kosovo and FYROM. Additionally, the programme has suffered from an over-emphasis on the strictly technical aspects of returns (constructing houses, providing furniture, etc.) with

a resultant lack of action within the overall socio-economic-political context in which the returns take place and its significance for reconciliation. This has led to a situation where serious gaps have occurred, with IDPs and refugees facing many obstacles and delays in their return with a resultant lack of trust in the process.

The MT believes the way-forward is to develop a UNHCR/UNDP regional durable solutions strategy which will holistically address the needs and priorities of returnees, refugees and IDPs in all countries concerned. The formulation of a regional strategy should centre its efforts on identifying and achieving solutions (voluntary return or local settlement that does not exclude an eventual return in the medium or long term) as well as inclusion of IDPs and returnees in integrated economic and social development schemes. This strategy should be developed from a regional socio-economic development perspective that would help all countries and organizations concerned to effectively address the consequences of war, fight poverty and prepare the ground for accession to EU membership. It should be compatible with national strategies in a process of mutual reinforcement. The political support of the EU, its member countries, other donor countries and of the USA is indispensable for the success of this proposed strategic process. The final strategy also needs the support of governments concerned in the region.

Recommendation

17) UNHCR and UNDP should jointly lead a process of developing a “Regional Return and Local Solutions Strategy”. The strategy should be formulated in stages: Initially, UNHCR (from all concerned offices) and UNDP Kosovo should establish a working framework and draft a tentative regional strategy, which is consistent with the Kosovo strategic planning process being led by MCR. Depending upon circumstances, other organizational partners (NGOs, donors, etc.) could join the process. The final stage would involve concerned governmental authorities, perhaps starting with FYROM, Montenegro and Kosovo. The Republic of Serbia, a key and indispensable actor would need to be kept in the loop, while trying to find an effective way for its Government to become a full participant in the exercise.

Final remarks

Finally, the MT wishes to flag a few important issues that require attention but, as it did not have the opportunity of assessing them properly, it cannot include them in this set of recommendations. **Education**, a high priority for encouraging the return of young families, is also critical for bright and empowered future generations. **Privatization** of public enterprises, an issue that is directly linked with countless IDPs and refugees who used to work for former state enterprises, was discussed with the Privatization Agency of Kosovo (PAK), but it is too complex an issue for a sound assessment within the timeframe of the Evaluation Mission. Finally, the role of the **private sector** in the economic development of Kosovo is a key issue that, surprisingly, has never been raised by the MT’s interlocutors and, unfortunately, time constraints did not allow for grasping its complexity.

Pristina, 20 June 2009