

(Un)Sustainable Returns to Kosovo and Metohija

Since June 1999 and the arrival of UNMIK, over 250,000 Serbs and other non-Albanians have left the province. Of around 40,000 Serbs who used to live in Priština prior to 1999, only 87 still remain there today.

These figures below show both the geographical and ethno-national origin of those displaced.

Displaced Persons According to Area of Origin

Area	Serbia	Montenegro	Total
Kosovo	87,420	8,135	95,555
Pec	44,986	18,180	63,266
Kosovsko-Pomoravska	32,042	245	32,287
Kosovsko -Mitrovacka	18,423	1,835	20,258
Prizrenska	29,910	1,105	31,015
Total	212,781	29,500	242,381

Displaced Persons According to Ethnic Group

Ethnic Groups	Serbia	Montenegro	Total
Serbs	207,500	18,500	226,000
Roma	30,000	7,000	37,000
Muslims	13,500	1,500	15,000
Others	6,500	2,500	9,000
Total	257,500	29,500	287,000

Source: Serbian Government

Though Serbs used to be the majority population in KiM, a dramatic demographic transformation – largely attributable to waves of emigration from Albania (a political and economic basket case during Enver Hoxha's communist rule), Albanian birth rates by far exceeding those of Serbs, and migrations before, during and after NATO's intervention – means that today Serbs constitute only 5% of KiM's total population.

According to a recent opinion poll conducted by the Mediana Adria Agency, a majority (60.8%) of the remaining Kosovo Serbs would not leave the province if it declares independence. For 38.6%, meanwhile, the most important prerequisite for the sustainable return of displaced persons is the

preservation of Kosovo as a part of Serbia.

Independence for Kosovo would create a plethora of new problems in terms of ensuring sustainable conditions exist for the return of displaced persons.

What International Guarantees?

UN Security Council Resolution 1244 and the November 2001 Joint Document between the Federal Republic of Yugoslavia and UNMIK both enshrined specific obligations related to security and the protection of human rights, including the return of all internally displaced persons (IDPs).

Fulfilling these obligations was UNMIK's prime responsibility. Eight years after their arrival, however, only a very small percent of refugees and IDPs have returned.

According to Human Rights Watch, Serbs and other non-Albanian minorities in KiM have been subjected to "persistent intimidation and harassment".

Fears of repression, a lack of security and freedom of movement, in addition to a lack of functioning judicial mechanisms and interim institutions, have created a climate which deters returnees.

As such, attempts by UNMIK and the Kosovo administration to resolve this problem have resulted in only sporadic cases of returns (of both Serbs and other non-Albanian minorities), many of which left again soon afterwards. Those who have remained live in barbed-wire protected enclaves, guarded by peacekeepers, deprived of their freedom of movement and dependent on charity to stave off the threat of humanitarian catastrophe.

In 2003, Adem Demaci, the then President of the Council for the Defence of Human Rights and Freedoms in KiM, had invited Serbs on behalf of all Kosovo Albanians to return back, saying that Albanians understand that a distinction must be made between the official Serb regime and the Serb population.

In March 2004, however, 4,000 Serbs were expelled, 550 houses and apartments burned, and more than 30 Orthodox Temples destroyed - explicitly demonstrating the near impossibility of sustainable return.

The multi-ethnicity of Kosovo, as promoted by the international community, has been brought into question. The majority of Serbs and non-Albanians refuse to return until elementary conditions – namely, security guarantees, the right to reclaim property and economic opportunities - are fulfilled, whilst many are waiting for the final resolution of Kosovo's status.

In an interview for Voice of America, the former Head of UNMIK, Soren Jesen-Petersen, stated how he believed that “a great number of displaced persons have already decided not to return to Kosovo. It is a fact, there are many of those who will make a decision on return only after the decision on the status of Kosovo. However, regardless of what status Kosovo will have, **I am convinced that a very important chapter will tackle** the issue of the protection of minorities, which will be controlled by international observers. It is also a question of interest for displaced persons, therefore I believe that the certainty which the status will imply will enable all displaced persons to decide whether they will want to return or not. At the moment, owing to uncertainty in relation to the status, people are waiting, which is not good from the aspect of return promotion”.

Recently, the OSCE sharply criticised KiM's interim institutions for a lack of progress in several key areas, including the return of displaced persons, greater transparency in policy making, respect of ownership rights, plus improvements in the very process of return - considered the main challenge for the institutions of the province and the greatest hindrance to successful reconciliation between Serbs and Albanians.

As Markku Laamanen, Deputy Head of the OSCE Mission in KiM, asserted, "return is a huge challenge, but also a necessary aspect on the road of Kosovo to sustainable peace and democracy”.

According to the OSCE's latest Strategy of Return for KiM, the ten most significant factors negatively impacting the process of return are:

1. A lack of financing for returnee-related projects;
2. A political situation in municipalities unfavourable for returns or perception of insufficient security for returnees.
3. A lack of political will or engagement of municipal officials in the returns process.
4. A lack of access to municipal administrations.
5. A lack of access to education.
6. Limited opportunities for employment because of poor economic development.
7. A lack of access to property, primarily because of unresolved property claims.

8. A lack of co-ordination between actors involved in the returns process.
9. A lack of possibilities for translation into the Serbian language within municipalities.
10. A lack of financing of municipal administrative staff dealing with the issue of returns.

With few of the standards for the return of Serbs and non-Albanians having been fulfilled, questions over the feasibility of return will remain even after the final decision on KiM's status.

Sergey Lavrov, the Russian Minister of Foreign Affairs, in an interview to 'Spiegel' in February 2007, voiced concerns over the failure to ensure the return of displaced persons; “The plan to return Serb refugees and other displaced Serbs was never implemented. This is a disgrace for Europe. The Serbs are now the largest group of refugees on the continent. Our Western partners consistently argued that certain standards would have to be put in place before clarifying the status issue”.

In Serbia today, there are over 700,000 Serb refugees from Croatia, Bosnia-Herzegovina and KiM who are either unwilling or unable to return to their previous homes.

Were KiM to become independent, the hope for those aspiring to return would be face its severest of challenges.



TABLE 1- VOLUNTARY MINORITY RETURNS FROM INTERNAL AND EXTERNAL DISPLACEMENT BY REGION- FIGURES AND PERCENTAGES

Ethnic Group	AOR PRIZREN										AOR GJILAN/ GNJILANE										AOR MITROVICA									
	Returns 2000	Returns 2001	Returns 2002	Returns 2003	Returns 2004	Returns 2005	Returns 2006	Returns 2007	Total Returns	%	Returns 2000	Returns 2001	Returns 2002	Returns 2003	pleurat	Returns 2005	Returns 2006	Returns 2007	Total Returns	%	Returns 2000	Returns 2001	Returns 2002	Returns 2003	Returns 2004	Returns 2005	Returns 2006	Returns 2007	Total Returns	%
Serbs	70	45	92	223	62	82	39	13	626	26.72	189	88	304	558	289	131	128	38	1725	62.14	201	37	69	85	131	22	11	2	558	39.55
Roma	20	25	40	42	5	19	8	0	159	6.79	0	32	141	41	172	35	25	15	461	16.61	0	0	14	17	19	7	2	205	264	18.71
Ashkalia/ Egypt	0	0	11	17	8	34	29	0	99	4.23	0	49	19	42	16	19	16	0	161	5.80	0	6	133	68	31	26	17	24	305	21.62
Bosniak	57	0	80	209	247	124	37	4	758	32.35	0	0	0	0	0	0	0	0	0	0.00	0	0	17	9	7	0	0	33	2.34	
Gorani	3	0	73	144	141	125	127	88	701	29.92	0	0	0	0	0	0	2	0	2	0.07	0	0	0	1	0	0	0	1	0.07	
Albanian	0	0	0	0	0	0	0	0	0	0	0	0	221	194	0	0	0	0	427	15.38	0	27	73	51	8	49	34	8	250	17.72
Total	150	70	296	635	463	384	240	105	2343	100.00	189	169	685	835	477	185	183	53	2776	100.00	201	70	289	239	198	111	64	239	1411	100.00

Ethnic Group	AOR PEJE/ PEC										AOR PRISHTINE/ PRISTINA										TOTAL KOSOVO									
	Returns 2000	Returns 2001	Returns 2002	Returns 2003	Returns 2004	Returns 2005	Returns 2006	Returns 2007	Total Returns	%	Returns 2000	Returns 2001	Returns 2002	Returns 2003	Returns 2004	Returns 2005	Returns 2006	Returns 2007	Total Returns	%	Returns 2000	Returns 2001	Returns 2002	Returns 2003	Returns 2004	Returns 2005	Returns 2006	Returns 2007	Total Returns	%
Serbs	407	137	177	128	107	407	381	49	1793	41.15	959	372	324	555	229	98	42	7	2586	44.79	1826	679	966	1549	818	740	601	109	7288	43.74
Roma	0	0	79	78	83	56	69	5	370	8.49	0	157	116	109	151	118	191	17	859	14.88	20	214	390	287	430	235	295	242	2113	12.68
Ashkalia/ Egypt	0	26	362	352	296	264	210	24	1534	35.21	0	452	357	703	242	384	184	7	2329	40.34	0	533	882	1182	593	727	456	55	4428	26.58
Bosniak	0	0	69	167	223	119	54	24	656	15.06	0	0	0	0	0	0	0	0	0	0.00	57	0	149	393	479	250	91	28	1447	8.68
Gorani	0	0	0	0	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	0.00	3	0	73	145	141	125	133	88	708	4.25
Albanian	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0	27	294	245	8	49	46	8	677	4.06
Total	407	163	687	725	709	846	718	102	4357	99.91	959	981	797	1367	622	600	417	31	5774	100.00	1906	1453	2754	3801	2469	2126	1622	530	16661	100.00

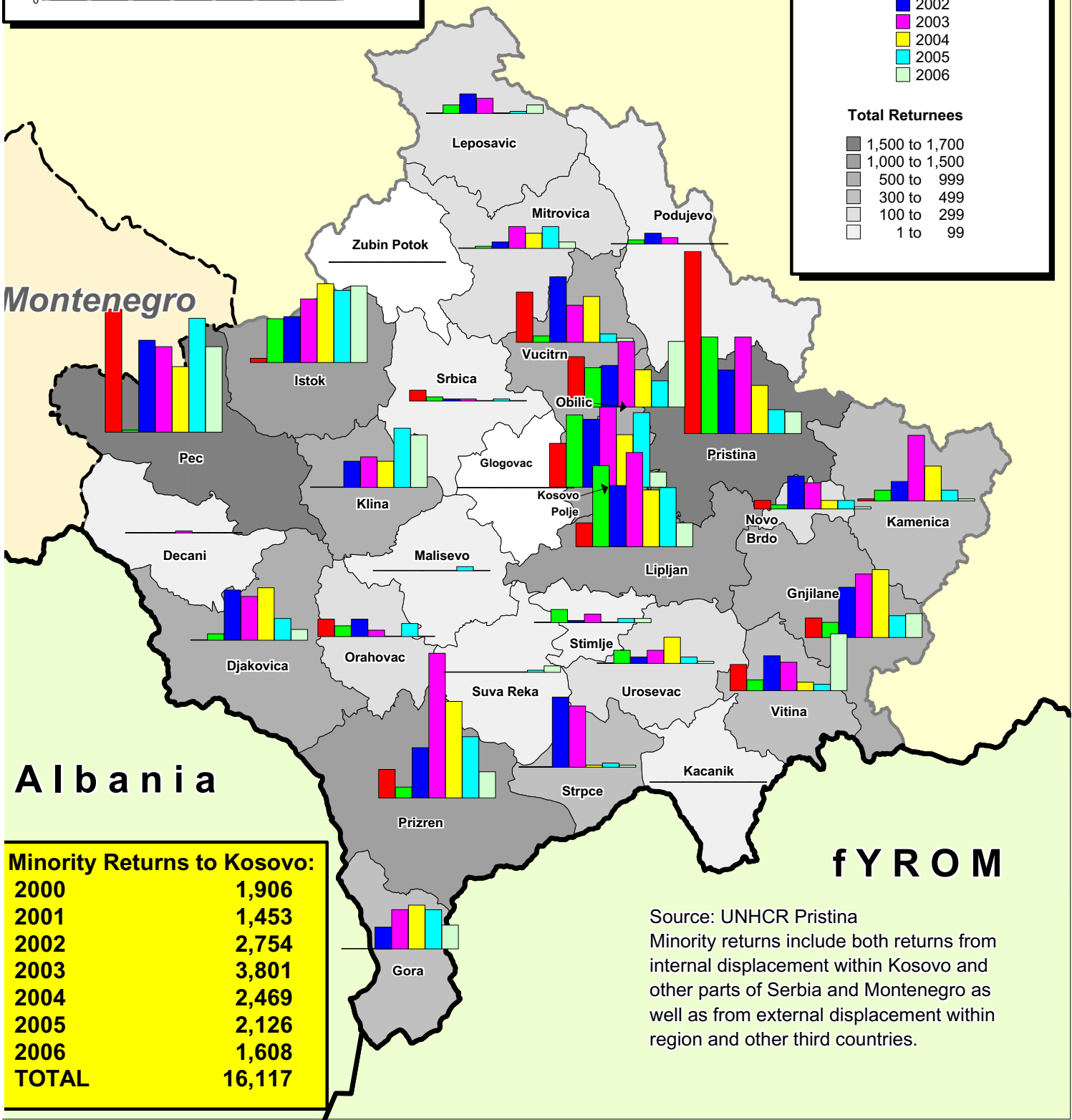
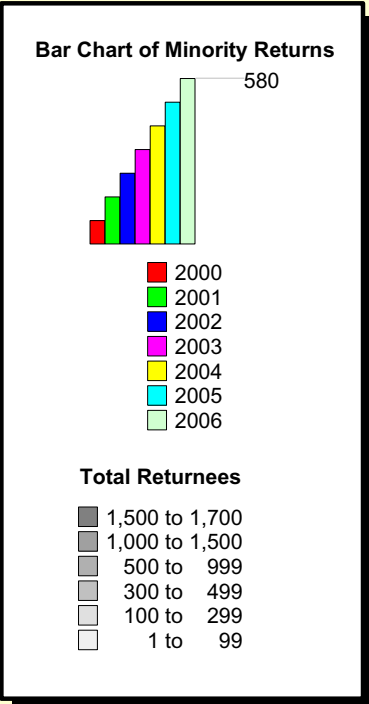
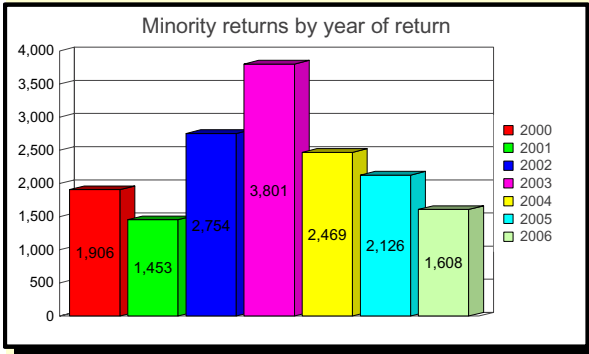
NOTE: All presented figures are based on the information collected monthly from the field, received from various and credible sources. Information is updated accordingly. Due to complexity of information gathering, this set of information does not necessarily reflect all return movements at the time of reporting.

Please note that relatively large proportion of Serb returns (each year and for the reporting period) are not to areas requiring significant interaction w/ Albanian communities. Overwhelming majority of Serb returns have been to all-Serb communities of varying sizes, where minimal communication with neighboring communities occurs. The Communities include villages (Grace, Priluzje and Velika Hoca), relatively large communities (Gracanica, Laplje Selo, Caglavica, Gorazdevac) and municipality of Strpce.

Minority Return Tables include persons who have received support from International Community, those who have returned hoping to receive such support, as well as those who have not received any assistance.



Minority Returns to Kosovo 2000-2006



Minority Returns to Kosovo:

2000	1,906
2001	1,453
2002	2,754
2003	3,801
2004	2,469
2005	2,126
2006	1,608
TOTAL	16,117

Source: UNHCR Pristina
 Minority returns include both returns from internal displacement within Kosovo and other parts of Serbia and Montenegro as well as from external displacement within region and other third countries.

Extracts from the Serbian Government's Response to the UN Secretary General's Report on Kosovo

3. Freedom of Movement

Members of ethnically discriminated communities in Kosovo and Metohija are deprived of the basic right to freedom of movement.

The fact is that one of the basic human rights, which is in the UN member countries denied only to imprisoned persons, is denied to a significant population of Kosovo and Metohija only for ethnic reasons.

4. Sustainable Return and the Rights of Discriminated Communities

The return process is a field in which neither PISG nor UNMIK have achieved any results. This is the basic parameter that no multiethnic society is being built in Kosovo and Metohija.

According to UNHCR data, eight years after UNMIK came to Kosovo and Metohija there are 207.000 internally displaced persons (IDP) expelled to Serbia, and 18,000 IDPs expelled to Montenegro. In Kosovo and Metohija there are some 22,000 persons expelled from their own settlements to some other places within the province, which have the status of internally-internally displaced persons (I-IDP).

The right to return is based upon international principles of protection of basic human rights and freedoms and upon humanitarian standards defined in the **UN Guiding Principles on Internal Displacement**.

4.1. Return under UNMIK Administration

The UNMIK-FRY/Serbia Common Document laid the foundation for cooperation in implementing Resolution 1244 and it represented the framework for the elaboration of numerous programs for return of expelled and displaced persons from Kosovo and Metohija – *Framework for Return 2001*; *Concept of Rights to Sustainable Return 2002*; *Foundations for Return 2002*, etc. **None of these programs was implemented.**

The subsequent *Revised Manual on Sustainable Return* did not include procedures for return into urban settlements, return to a settlement which was not the previous address of expelled persons in Kosovo, nor the provisions on integration of internally internally displaced persons (I-IRL). It did include, however, the right of “taxation” of the return of IDPs through the so-called “balance-projects” of municipalities which were to receive the returnees – the unwritten rule by which the so-called “receiving community” gets significant funds (in some cases more than 50%) from each return-related project with the aim to “mollify” them to accept the returnees. In this way the return of IDPs declined, because part of the return funds was spent for the “balance projects”. Despite the fact that some isolated individuals from the international community opposed to such practice, the majority accepted the described conditionality of the return process as completely normal and desirable.

If all the funds allocated in 2007 to “balance components” were put together, they would equal or exceed the total sum planned for the return. It becomes clearer why PISG and UNMIK keep stating that they lack funds for the return of IDPs. Return under UNMIK administration was insignificant, and not even the obligations to annul damage and to help return of IDPs expelled after the pogrom on March 17, 2004, were fulfilled.

Municipal strategies for return, which in UNMIK reports are evaluated as contribution to the process of return, do not deserve this name. They lack elaboration of the three basic components:

1. insight into the desire of IDPs to return and into their needs;
2. procedures for the integration of returnees into the local societies in Kosovo and Metohija;
3. activities which will lead to their implementation.

The Working Group for Direct Dialogue and Return, composed of representatives of Belgrade, Pristina and UNMIK, which was established pursuant to the Common Document signed in 2001, managed only in **2006** to formulate the ***Protocol on Voluntary and Sustainable Return, by which the procedures were simplified and return was allowed to a place of choice (seven years after UNMIK came to Kosovo and Metohija!!!)***. This document partly neutralized the negative consequences created by the *Revised Manual for Sustainable Return*. However, due to obstruction of PISG, and the absence of reaction on part of UNMIK, the Protocol has not been implemented, nor did the Working Group hold sessions.

Pursuant to the Resolution 1244 there are separate UNMIK competences related to return, so they cannot be completely transferred to the PISG. However, by its Regulations, UNMIK did transfer them to PISG (Ministry for Return).

The UNMIK announcement on December 12, 2007, that the competences pertaining to the return of internally displaced persons will be fully transferred from UNMIK and UNDP to PISG is completely contrary to Resolution 1244. Paradoxically the same announcement mentions that “humanitarian transports should remain due to security reasons”.

In regard to return, the work of UNMIK is best illustrated by the words of one of the GS Special Representatives, Soren Jesen-Petersen, who said that the “return should be measured by numbers of returnees, rather than by fulfilled conditions”.

4.2 Conditions for return created under UNMIK administration

According to UNHCR data, after eight years only 16,452 persons returned (7,231 Serbs, 4,415 Ashkalia and Egyptians, 2,038 Romas and 1,425 Bosniaks). However, according to the data of the Ministry for Kosovo and Metohija only 3,000 IDPs out of the 16,452 nominal returnees really remained in Kosovo and Metohija. For administrative reasons they remained only formally registered in the settlements from which they were displaced.

Returns to Kosovo – Ethnicity	Year	Serbs	Roma	Ashkalia/	Egyptian	Bosniak	Gorani	Alban.	Total
	2000	1,826	20	0	57	3	0	1,906	
	2001	679	214	533	0	0	27	1,453	
	2002	966	390	882	149	73	294	2,754	
	2003	1,549	287	1,182	393	145	245	3,801	
	2004	818	430	593	479	141	8	2,469	
	2005	738	235	727	246	125	49	2,120	
	2006	601	295	456	91	133	46	1,622	
	2007	54	167	42	10	54	0	327	
	Total	7,231	2,038	4,415	1,425	674	669	16,452	

Source: *UNHCR 2007* web-site

The number of emigrants from Kosovo and Metohija is constantly rising. Having in mind that in **2000 there were 187.129 registered IDPs in Serbia** (data of UNHCR and the Commissariat for Refugees of the Republic of Serbia), and the most **recent UNHCR data showing that 207.000 IDPs are in Serbia, it can be concluded that since the arrival of UNMIK additional twenty thousand persons emigrated from Kosovo and Metohija.**

The basic reasons for such a situation are the following:

- 1) **Disrespect for human rights** in Kosovo and Metohija – bad security situation, no free movement (life in enclaves, under protection of KFOR), discrimination regarding access to basic public services, impossibility to find employment and freely engage in economic activities due to discrimination, usurpation of property and fear for life, particularly of those working in agriculture;
- 2) **Ethnic violence in March 2004** against members of ethnically discriminated communities, which gave a serious blow to the process of return. **Since then, return stagnates.** Crimes in the presence of UNMIK and KFOR represent evidence of a hostile attitude as regards others, who are not of Albanian origin, and show that **low intensity terror**, as a historically known practice of the Albanian population in occupying land/space in Serbia and in the Balkans, is still alive.
- 3) **prohibiting IDPs to return to other settlements in the province which was in force until mid-2005.** The position of UNMIK and the international community was that the expelled Serbs and other non-Albanians can return only to places from which they fled, although the demographic picture of the province has already been substantially changed because this principle was not applied to Albanian returnees, nor was the mass immigration of Albanian population from neighboring countries controlled;
- 4) **Complicated procedures for return, which are in force even today, whilst those in charge of their implementation are not prepared, and not qualified.** The planning, conceptualizing and approval of complex projects for the return of

- IDPs was entrusted also to persons who have neither adequate knowledge nor relevant experience. Those who decide on projects for the return of IDPs, and in that way, on their future and their fate, are insufficiently informed as regards to both the procedures or the positive practice of return. Local authorities and PISG administration are incompetent, unprepared and corrupt, whilst the UNMIK administration has proven to be uninterested and inefficient;
- 5) **Lack of UNMIK interest for return and the illegal transfer of competences to Provisional Institutions of Self-government.** The return procedure is not transparent, **misuse and conditioning** are frequent, particularly on the part of municipal authorities. In order to give assent on return of refugees and to issue licenses for building the houses for returnees they demand in return construction of infrastructural objects, which they see as significant. In many return projects, which are nominally in the phase of realization, the “balance component” for infrastructure is twice as much as the component for the construction of houses for returnees. PISG administration is the one to approve these projects violating, in this way, the conditions established;
 - 6) **Limited financial funds for return,** because the number of donors is declining and the financial means from PISG budget are symbolic. Demands of local authorities are megalomaniac compared to the real needs related to return. The monitoring over return procedures and funds allocated is weak. The misuse of funds for return increases the mistrust of IDPs, and of donors as well.
 - 7) **Inefficient mechanisms for return of property.** Evidences that prove the property right, issued by the Housing and Property Directorate (HPO) and the Kosovo Trust Agency (KTA), are insufficient to enable a real return of usurped property. Judicial proceedings, as the second instance in a process of property return are lengthy and are carried out in Albanian, accompanied with mainly bad translation and are proven to be discriminatory as regards members of ethnically discriminated communities;

On the other hand, Serbia is facing new demands and an extremely difficult socioeconomic situation (unemployment is 26,7%). Nevertheless, it accommodates some 207.000 IDPs, majority of them are not in collective centers, still living in difficult conditions. Recently, the international community requested from Serbia to integrate the IDPs (207.000) and refugees (around 500.000), justifying it as a method to increase the level of respect for their human rights. However, in the past eight years the international community did almost nothing to bring the IDPs back to Kosovo and Metohija, nor to return the refugees to former SFRY republics from which they fled.

We also remind that the engagement of this very same international community resulted in the return of six hundred thousands of Albanians to Kosovo and Metohija in only three months. Should it be understood that the UN **and other actors in the international relations justify ethnic cleansing only if the victims are Serbs?**

4.3 Consequences of neglecting the return process Districts in Kosovo and

**Metohija
Municipalities in
Kosovo and
Metohija**

**No. of settlements
in which Serbs
lived before June
1999**

**No. of settlements
ethnically
cleansed after
June 1999**

Djakovica **8 8**

Dečane **13 13**

Klina **24 24**

Peć **38 37**

Peć

(West of Province)

Istok **36 35**

Vučitrn **27 24**

Kosovska

Mitrovica **12 9**

Kosovska

Mitrovica (North

of Province) Srbica **11 9**

Priština **19 7**

Kosovo Polje **11 7**

Lipljan **23 12**

Podujevo **28 27**

Obilić **10 5**

Štimlje **4 4**

Uroševac **23 23**

Kosovo

(Centre-East of

Province)

Kaçanik **3 3**

Gnjilane **23 7**

Vitina **19 12**

Kosovska

Kamenica **41 5**

Kosovsko

Pomoravlje

(South-East of

Province)

Novo Brdo **10 1**

Suva Reka **10 10**

Prizren Orahovac **8 6**
(South of Province) Prizren **26 23**
Total **427 311**