



COUNTRY OPERATIONS PLAN

Country/Region: Kosovo

Planning Year: 2004

COUNTRY OPERATIONS PLAN**Kosovo****PART I:****EXECUTIVE COMMITTEE SUMMARY****(a) Context and Beneficiary Population(s)**

In addition to UNHCR's statute and the 1951 Geneva Convention / 1967 Protocol, UNHCR is mandated in Kosovo as per the following international instruments:

- Minority returns: UNSC Resolution 1244, Annex 2, section 7, (1999)
- Bosnian / Croatian refugees: Dayton Agreement, Annex 7 (Dec. 1995)
- FYR Macedonian refugees: Orhid Framework Agreement, Annex C, para.3 (Aug. 2001)

Political context of UNHCR's work in Kosovo:

Kosovo has been under international administration in accordance with UN Security Council Resolution 1244 since June 1999. Under this resolution:

- Kosovo remains part of the (now defunct) Federal Republic of Yugoslavia, (now the State Union of Serbia – Montenegro).
- Kosovo is administered by the United Nations Mission in Kosovo (UNMIK).
- UNMIK is charged with “promoting the establishment, pending a final settlement, of substantial and autonomous self government in Kosovo.”
- UNMIK is responsible for “Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.”
- KFOR, the international security force, is responsible for establishing a “secure environment in which refugees and displaced persons can return home in safety and dignity.”
- According to Annex 2, this return should be “under the supervision of the Office of the United Nations High Commissioner for Refugees.”

Following the promulgation of the Constitutional Framework for Provisional Self-Government on 15 May 2001, substantial progress continued to be made throughout 2001, 2002 and early 2003. After the parliamentary elections in November 2001, the Provisional Institutions of Self-Government (PISG) were established in early 2002 with the election of the Kosovo Assembly, a President and a Prime Minister, and the formation of ministries.

More recently, the third successful elections, which took place in October 2002, gave way to the first ethnically mixed representation in a few municipalities. In addition, the UNMIK hand-over of substantial legislative and executive powers to PISG was initiated in 2002 and will continue throughout 2003, while its full impact will be felt in 2004 and beyond.

Under the Constitutional Framework, the Special Representative of the Secretary General (SRSG) maintains the authority of overseeing the PISG and retains so-called “reserved powers” with regard to the protection of minority communities, security, fiscal policies, border and international relations. At the same time the Constitutional Framework reiterates the right of all refugees and IDPs to return to their homes and obligates

the PISG ‘to take all measures necessary to facilitate safe return’ and ‘to co-operate fully with all efforts by UNHCR and other international agencies and NGOs concerning the return of refugees and displaced persons.’

Accordingly, demonstrated support to sustainable returns and minority rights are among the benchmarks set out in the SRSG’s “Standards Before Status” Policy, which conditions discussions regarding Kosovo’s political status to the PISG’s progress in achieving set targets in eight areas: the functioning of the democratic institutions, the rule of law, freedom of movement, the return of refugees and internally displaced persons, the economy, property rights, dialogue with Belgrade, and the Kosovo Protection Corps.

The PISG has therefore taken important steps towards the protection of minority rights: in May 2002 the government programme included a section outlining the government’s commitment to respect and promote the rights of minorities, reintegration and the right to return. This was followed by an Assembly Resolution emphasising the right to free and unhindered movements throughout Kosovo for all communities as well as the right to return to one’s home, adopted in July 2002.

On the other hand, political stability and democratisation – as well as minority issues – in Kosovo are tightly linked to political developments in the Union of Serbia and Montenegro (formerly FRY), given Kosovo’s unresolved final status. The establishment of democratically elected governments in the former Federal Republic of Yugoslavia in 2001, led to increased interaction between UNMIK/KFOR and the FRY Government on issues of common interest. Thus, in late 2001, a Common Document was signed between UNMIK and the Co-ordination Centre for Kosovo (CCK) on behalf of FRY and Serbia, in which the situation of the Serb minority communities in Kosovo and the return of the displaced received particular attention.

Further to the Common Document, UNMIK established the Office of Returns and Communities (ORC) within the Office of the SRSG and the inter-agency Advisory Board on Communities (ABC). The first body’s objective is to ensure a co-ordinated response. As for the second body (the ABC), it’s focus is on the continuously precarious situation of ethnic minorities in Kosovo to that of the massive displacement of over 230,000 persons in neighbouring territories and several tens of thousands of persons within Kosovo and in a number of European countries.

The above-mentioned political developments and institutional initiatives within UNMIK, have enabled the latter to focus more specifically on promoting the conditions for a multi-ethnic Kosovo throughout 2002 and early 2003. With very close UNHCR collaboration, notable efforts in that direction include the publication of the concept paper, “The Right to Sustainable Return” in May 2002, which is the conceptual frame-work within which UNMIK’s activities related to minority returns takes place.

The expected institutional and political changes in 2003 will considerably affect UNHCR’s operational environment in 2004. As the PISG (both at the central and municipal levels) plays an increasing role with regard to the reintegration and return of minorities in 2004, so will there be new responses to the causes of displacement, the situation of minorities in Kosovo and the sustainability of the displaced returning to their homes.

At the same time, a significant reduction of KFOR troop levels is expected in 2003 and in 2004. This only heightens the need for very rapid, substantial and visible progress on inter-ethnic relations, the re-integration of minority communities and the establishment of the rule of law, as pre-conditions to sustainable returns of larger numbers of IDPs. It is hoped that progress against the aforementioned benchmarks will mitigate and perhaps reverse the impact of the reduction of KFOR troops on the sense of security of minorities across Kosovo.

Continued lack of clarity about the final political status of Kosovo will undoubtedly continue to negatively impact relations between majority and minority communities. The uneven but steady progress on a variety of issues between Serbia – Montenegro and Kosovo, including on returns, is likely however to be disrupted by the assassination of the Serbian Prime Minister Zoran Djindjic in March 2003.

A separate development and a subject for concern is the expectation that an increasing number of forced minority returns will occur from a number of Western European countries. UNHCR continually makes known its opposition to such movements among the governments concerned.

The situation in both Southern Serbia and the FYR Macedonia is relatively stable and will probably allow most displaced from those territories to return in 2003, leaving small residual populations for 2004.

Security situation:

The majority population enjoys a relatively secure environment as the result of progress toward the establishment of the rule of law. Ethnic minorities on the other hand continue to suffer from a tenuous security situation, which varies widely across ethnic groups and locations, causing the continuation of minority departures from Kosovo, albeit at a lower pace. The slow improvements that have taken place so far – as evidenced by KFOR's checkpoint-removal and downsizing policy, as well as by the increase in freedom of movement – are expected to continue in 2003 and 2004. However, improvement in security conditions conducive to return will ultimately depend on whether a fundamental change can be created in the relations between ethnic communities by confidence building policies and measures.

Overall, the security situation of minorities is not yet conducive to the return of comparatively large numbers. While further improvements are expected in 2003 and 2004, it remains to be seen whether they will produce a uniformly safer environment in Kosovo as a whole.

The above assessment is reflected in a Position Paper prepared by UNHCR in late 2002, early 2003, in the context of possible forced minority returns. The relatively limited progress noted above serves only to highlight the very low level of security faced by the minorities up to 2003. Consequently, UNHCR's policy is to not promote returns, but rather to provide timely and accurate information to IDPs to make an educated choice on their future prospects.

Protection issues (including reasons for flight, prospects for return, etc.):

The continued displacement of as many as some 235,000 registered members of ethnic minorities in neighbouring territories, some 85,000 within Kosovo and an estimated 40,000-50,000 in various countries of asylum outside the region, remain a serious concern to UNHCR. In accordance with its mandate and role under UNSCR 1244, UNHCR will continue to play a key role in co-ordinating adequate responses by the international community while continuing to promote and defend the principle of the right to return as a durable solution for minority communities. UNHCR will thereby indirectly contribute to preventing new population displacement.

Residual populations of refugees and IDPs from neighbouring territories (who are in a refugee-like situation in Kosovo) will continue to require UNHCR support to ensure the protection of their basic rights through UNMIK and the PISG. UNHCR will be focusing on the identification and implementation of durable solutions in the form of voluntary repatriation, resettlement or local integration, as appropriate.

- *UNHCR's role (protection, assistance, monitoring, co-ordination):*

The protection role of UNHCR in Kosovo remains fundamental to the return of minorities, refugees and IDPs to their homes. While there were no large-scale minority returns in 2002, returnee numbers are expected to remain modest in 2003. UNHCR has and will continue to lend active support to ORC in the establishment of effective inter-agency co-ordination mechanisms, an enhanced institutional and political response by UNMIK to minority community issues and to the process of minority returns.

UNHCR will continue to play a similar role vis-à-vis international and local actors at all levels of planning and co-ordination (municipal / regional / central). The involvement and capacity building of the PISG is of central importance, especially in view of the continued hand-over of competencies. Increased PISG

involvement in returns co-ordination mechanisms is expected, including the creation of new structures at the municipal level to address minority returns issues during 2003 and 2004.

The Office will continue to strengthen the links between displaced populations and their community of origin, in preparation for their eventual return, so as to lay the basis for future peaceful coexistence as a first step towards longer term reconciliation. In addition, UNHCR will focus its efforts on the monitoring and analysis of the situation of ethnic minorities and returnees, their humanitarian needs as well as the prospects for inter-ethnic dialogue.

The very real prospect for continued forced minority returns from Western European countries in 2003 and 2004 emphasises the need for continued monitoring and reporting of the situation of ethnic minorities, as well as of the actual forced and voluntary returnees. As long as the security conditions on the ground do not significantly change, UNHCR will continue advocating the extension of applicable international protection regimes in Western European countries and elsewhere, in close collaboration with other human-rights agencies and with UNHCR Offices in Europe.

Through its Field Offices and its implementing partners, UNHCR will also continue to provide an extensive network of field staff to monitor the conditions of minorities and to evaluate the prospects for return in specific communities. Up to the time of writing, this network has proved critical in identifying problems that hinder dialogue and inter-ethnic co-existence in specific returns communities and working towards their resolution, either through direct action, or by referring them to the competent Kosovan and/or international organs. UNHCR's comparative advantage over other agencies in Kosovo is indeed the combination of extensive field presence and direct access to the highest policy-making bodies in UNMIK. UNHCR will be expected to play a similar role in 2004, though the expected increased role of the PISG will entail a correspondingly higher engagement with the local authorities than has been the case to date. This monitoring and advocacy role will be combined with the implementation of targeted assistance programmes to vulnerable minorities who have little or no access to other coping mechanisms.

- *Beneficiary populations*

The expected populations of concern to UNHCR in Kosovo will be as follows:

- Minority returnees (estimated 6,000).
- Croatian Serb refugees displaced from Croatia in 1995 and stranded in Kosovo at the end of the 1999 war (419 persons).
- Displaced from FYR of Macedonia as a result of previous conflict (1,000 persons).
- IDPs from Southern Serbia displaced as a result of the conflict in or near to the former so-called Ground Safety Zone (2,000 persons) along the boundary-line to Serbia.
- Local Residents at risk. These are defined as a group of persons belonging to a certain ethnic/national group who form a minority in a particular location (usually municipality or village), regardless of their majority or minority status elsewhere in the province (85,000).
- Those who are displaced within Kosovo to a location in which they are a minority (20,000).
- The possible continuation of instability in the territories surrounding Kosovo results in the need to maintain an active capacity to respond to a movement of up to 30,000 individuals into Kosovo.

- *Policy issues:*

Four major policy issues are being currently addressed by UNHCR:

- minimal conditions required for return of minorities to Kosovo;
- movement out of Kosovo of those displaced as a result of other conflicts;
- the maintenance or otherwise, of protection policies in countries that have accepted refugees from Kosovo, particularly the minorities; and

- maintaining the increased facilitation of voluntary minority return from countries outside the region, while promoting its position on the continued need for international protection among specific groups.

Women/gender equality:

The main carrier of UNHCR's policy priorities on women is Kosovo Women's Initiative, a programme aiming to enhance the role of women in their society. Through this programme, 6 Local Women's Councils from all parts of Kosovo will continue to operate as regional fora in which women discuss projects, which their agencies then implement. KWI constitutes a considerable success for UNHCR Kosovo, since it has formalised its structures and is registered as a local NGO with the right to solicit funds and implement projects on its own. KWI has received enough training from UNHCR Kosovo and the International Rescue Committee (IRC), UNHCR's implementing partner on capacity building of KWI up to early 2003, to allow UNHCR to invite KWI to become a direct implementing partner. In view of this transition, while expected standards on their performance are higher, their activities have been redefined to support minority returns and inter-ethnic reconciliation.

In addition, all returnee and refugee women will be provided with sanitary napkins, as per UNHCR's guidelines.

Children and adolescents:

Refugee and IDP children should have full access to schools and health structures in Kosovo. UNHCR will continue advocating a) that returnee and minority children have access to the nearest schools b) that problems such as transport or supplies be resolved to increase minority attendance, and c) that effective primary education structures be established in returnee areas (including schools, teachers, educational supplies etc). It is worth noting that UNICEF and NGOs provide children with clothing and educational supplies, as well as with baby food and napkins.

Unaccompanied minors are being monitored by UNHCR and ICRC.

Sports and cultural activities for youth throughout Kosovo are being developed, in collaboration with agencies implementing youth programmes, such as the OSCE and the Boy Scouts of Kosovo. UNHCR will advocate with relevant authorities to ensure that minority youths are included.

Environmental concerns:

UNHCR has and funding permitting will continue to minimise the pressure to illegally cut down local forests by providing all refugees and the most vulnerable minority families with firewood for heating in the winter months. The procured firewood has been and will continue to be certified by the competent authorities in the country of purchase, to ensure that it complies with international and national conservation standards.

Persons with special needs:

UNHCR's monitoring activities will also focus on the most vulnerable minorities. UNHCR has developed flexible protection and assistance programmes that offer the possibility of responding to the precise needs of identified cases. It is encouraging that more and more agencies are including minorities in their activities, thus relieving the pressure on UNHCR's resources. UNHCR will intervene whenever the needs of vulnerable beneficiaries cannot be met by the competent local and/or international structures.

- *Linkages to other UNHCR Programmes within a defined "situation":*

Croatia	Regarding the residual population of Croatian Serbs in Kosovo
FYR of Macedonia	Regarding those displaced into Kosovo by the conflict and refugees belonging to minority groups from Kosovo currently in FYR of Macedonia
European Countries	Regarding Kosovan refugees accepted under temporary protection.
Serbia & Montenegro	Regarding Serbs and other minorities who left Kosovo since 1999 and the return of ethnic Albanians currently in Kosovo.

- *Capacity and presence of implementing partners:*

Most of UNHCR's partners in Kosovo are experienced in their fields of expertise and have developed a good understanding of the context in which they operate. The present eleven partners have been selected as a result of a screening process that reduced the number of implementing partners from almost fifty in 1999. The emphasis of UNHCR's programmes in 2002 and 2003 on protection and assistance monitoring and reporting for a wider audience has prompted UNHCR to train these agencies continuously. As a result, their capacity has improved and is expected to continue to do so into 2004. That includes UNHCR's local NGO partners, particularly the Centre for Defence of Human Rights and Freedom (CDHRF), whose expertise on inter-ethnic dialogue is widely respected in Kosovo.

- *Presence and roles of other UN agencies and international organisations, efforts made to co-ordinate activities for the implementation of protection and assistance activities for populations of concern:*

UNHCR's collaboration with UNMIK (including ORC), KFOR, OSCE, NGOs and donors is very close, both at the field and central levels.

UNHCR has worked very closely with the ORC towards the joint production of UNMIK's Manual for Sustainable Returns, which establishes policy and key processes (most notably that of beneficiary-driven returns and the project development process), to enable the return of displaced minorities from 2003 onwards, based on the principles set out in the UNMIK Strategy for Sustainable Returns. As a result of UNMIK's and UNHCR's returns policy, a number of returns co-ordination bodies were established at the municipal, regional, and Kosovo-wide level with the participation and inclusion of all relevant actors. Notably, by the end of 2002 there were municipal working groups in all but three of the 30 municipalities in Kosovo. Although the working groups vary widely in terms of their efficiency they are key since they are the most operational co-ordination mechanisms in place, and are expected to become the main fora for discussion on minority returns among international agencies, local authorities and IDP representatives.

At present, UNHCR intends to continue working closely with ORC and other actors on similar initiatives in 2004, which will aim to improve policy application and programme delivery to UNHCR's persons of concern.

UNHCR ensures co-ordination of its activities through a variety of different fora, both at the central and the regional / local levels. The most significant are:

- The Task Force on Returns, chaired by the SRSB with participation of several sections of UNMIK (ORC, Pillars and special agencies), KFOR, UNHCR, OSCE and the PISG. This is the highest policy level body, addressing exclusively issues related to returns.
- The Returns Co-ordination Group (chaired by ORC) who reports to the Task Force on operational issues that arise in the returns process.
- The Technical Advisory Board (chaired by UNHCR), that operates as a mechanism for quality control for projects developed by NGOs at the municipal level.
- In the 5 regions of Kosovo, the above-mentioned Municipal Working Groups (MWG) report to the Regional Working Groups (RWG) who in turn report to the RCG.

UNHCR's collaboration with other UN agencies is defined by the relatively limited interfaces between our respective programmes. Budgetary constraints oblige most other agencies to handle broader, Kosovo-wide developmental activities and have little in common with the labour- and capital-intensive programmes on minorities. Joint efforts do take place however, where interfacing between programmes could be mutually beneficial, such as on youth and children and on housing reconstruction. In addition, administrative matters are being co-ordinated between all UN agencies.

Finally, a number of different sectoral co-ordination meetings, under the aegis of various UNMIK offices/PISG Ministries, ensure issue-specific co-ordination on issues such as administrative issues, donor co-ordination, housing reconstruction, winterisation and social assistance.

b) Selected Programme Goals and Objectives

<i>Name of Beneficiary Population:</i> Minority communities and minority returnees	
<i>Main Goals:</i> 1. Together with others, contribute towards the creation of conditions to prevent further displacement from Kosovo and allow for the return and sustainable integration of minority IDPs in their home communities. 2. Monitor the prospects for return and sustainable reintegration of ethnic minorities in Kosovo with safety and dignity, to allow concerned IDPs to make an informed decision on their right to return to their homes.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Kosovans enjoy increasing levels of freedom of movement regardless of their ethnic background. • Returnees and IDPs have accurate and timely information, to make an informed and free choice on return to their homes. • Returnees and minorities enjoy increasing levels of access to income generation opportunities and become economically more self-sustainable. • Returnees, minorities and IDPs have free and equal access to all facets of public life, including participation in social fora and political representative bodies at all levels. 	<ul style="list-style-type: none"> • Monitor and report on levels of violence against minorities and freedom of movement • Initiate and support confidence-building measures in minority areas, in close cooperation with UNMIK and PISG local authorities. • Participate in the formulation / implementation of the policy framework on returns. • Support UNMIK, PISG and other actors to develop effective channels of information to IDPs. • Provide policy support and guidance to efforts to reinvigorate minority economies • Ensure that return projects by NGOs have a solid self-sustainability component. • Monitor/report on and advocate access of IDPs, returnees and other members of minority communities to public services and life.

<i>Name of Beneficiary Population:</i> Refugees from Croatia/ Bosnia Herzegovina, IDPs from Southern Serbia and persons of concern from FYR of Macedonia.	
<i>Main Goal:</i> 1. Identify and facilitate the attainment of the most appropriate durable solutions for the residual population of refugees from Croatia and Bosnia & Herzegovina.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Refugees from FYR of Macedonia, Croatia, and Bosnia & Herzegovina and IDPs from Southern Serbia have their basic needs met and are not exposed to circumstances that threaten the ability to stay in Kosovo in safety and dignity, pending return to their homes. • Refugees from FYR of Macedonia, Croatia, and Bosnia & Herzegovina and IDPs from Southern Serbia receive accurate and timely information, to make an informed and free choice on return to their homes, be locally integrated or be resettled (only for refugees from Croatia, and Bosnia & Herzegovina). 	<ul style="list-style-type: none"> • Provide basic humanitarian aid of cash grants for food and domestic items to most vulnerable refugee families without other managing mechanisms. • Undertake information campaign targeting refugees and IDPs, which expressed interest in returning, including Go-and-See Visits, Go-and-Inform Visit, meeting with village representatives.