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SERBIA

Integration stalled

In 1999, over 245,000 members of local minority communities fled from or within Kosovo in fear of reprisals from the majority Albanian population after NATO air strikes had forced the withdrawal of Yugoslav troops and ended years of oppression of ethnic Albanians.

As of December 2012, there were an estimated 225,000 internally displaced people (IDPs) from Kosovo within Serbia, including an estimated 15,000 displaced Roma who have never been registered as displaced. In addition, around 17,000 remain displaced within Kosovo.

One in five IDPs are from minority communities. Roma are the most vulnerable IDPs.

They tend to lack documentation which then limits their access to basic services such as education, health and social security. They frequently endure extreme poverty in squalid informal settlements and have been subject to evictions.

Thirteen years after the conflict the prospects for return in Kosovo remain limited due to security concerns, discrimination and difficulties in repossessing property and obtaining legal documentation. The rate of return continued to remain very low in 2012. According to estimates by Serb IDP associations, as few as three per cent of those displaced may have actually achieved sustainable return in the decade since 1999.

The Serbian authorities have consistently emphasised return rather than explicitly seeking to provide IDPs with other durable solutions. In recent years, however, the Serbian government's position on local integration has improved. It has increased the number of projects supporting permanent housing solutions for IDPs, notably for displaced people still living in collective centres, and has further developed its national policy on displacement.

Limited resources, reduced donor interest and the intractable nature of the Serbia-Kosovo dispute continue to present obstacles to durable solutions for many IDPs.



An internally displaced family in Kraljevo built this home with materials it received in kind from UNHCR. This new housing helps them integrate in the area they were displaced to. (Photo: UNHCR, 2011)



Source: UN Cartographic Section (modified by IDMC)
 More maps are available at www.internal-displacement.org/maps

Background

In 1999, over 245,000 people fled from or within Kosovo in fear of reprisals from the majority Albanian population, after NATO air strikes had forced the withdrawal of Yugoslav troops and ended years of oppression of ethnic Albanians. UN Security Council Resolution 1244 established the United Nations Interim Administration Mission in Kosovo (UNMIK), but deferred judgement on the issue of the final status of the Serbian province (UNSC, June 1999). UNMIK's mandate was to provide a transitional administration pending a final settlement, support the development of provisional democratic self-government institutions (known as Provisional Institutions of Self-Government or PISG) and create an environment in which refugees and IDPs could return home. Kosovo's current status remains ambiguous despite the increasing number of states that have recognised it. The border between Kosovo and Serbia is therefore not considered an internationally recognised state border. As a result, persons who fled Kosovo to Serbia continue to be considered IDPs, a point highlighted by the Representative of the UN Secretary General in 2009 (UN HRC, 11 December 2009).

The main wave of displacement took place in 1999, with the overwhelming majority of those internally displaced fleeing Kosovo to central and northern Serbia (UNHCR, 2011; DRC June 2009). Two subsequent events have significantly affected rates of return. In 2004, ethnic violence in Kosovo against non-Albanians (mainly Kosovo Serbs and Roma) displaced another 4,200 people, who mostly sought refuge in mono-ethnic areas within Kosovo. The subsequent declaration of independence of Kosovo in 2008 has also contributed to a reduction in rates of return.

In October 2005, the UN special envoy, Martti Ahtisaari, opened negotiations between Pristina and Belgrade over Kosovo's final status. The 2007 Comprehensive Proposal for the Kosovo Status

Settlement (CSP), also known as the "Ahtisaari plan", proposed Kosovo's independence under international supervision and addressed a broad range of issues including the decentralisation of local government and the safeguarding of minorities' rights (UNSC, March 2007; UNSC, 26 March 2007; SofiaEcho, 7 November 2008). The Serbian government rejected the plan and the UN Security Council (UNSC) did not adopt it. Nevertheless, in February 2008 the Kosovo parliament made a unilateral declaration of independence and adopted its provisions in its new constitution.

In accordance with the Ahtisaari plan, an International Civilian Office (ICO) and the European Union Rule of Law Mission (EULEX) were established. UNMIK's role was gradually reduced as the new Kosovo authorities began to assume control of structures and functions. The NATO-led stabilisation force (KFOR), which had been deployed after the 1999 airstrikes, was charged with providing a safe and secure environment.

In July 2010, the International Court of Justice (ICJ) published an advisory opinion on the legality of Kosovo's declaration of independence, stating that it was in keeping with the general principles of international law and UNSC resolution 1244, given the territory's unique history and circumstances (ICJ, July 2010; UNGA, 9 September 2010).¹

As of January 2013 98 countries have recognised Kosovo's independence. The UNSC is yet to take a position and resolution 1244 is still officially in force (BalkanInsight, September 2012).² Backed by Russia, Serbia rejects Kosovo's independence and continues to regard the area as the Autonomous Province of Kosovo and Metohija (Republic of Serbia, November 2012). Serbia refuses to rec-

1 The ICJ ruled only over the unilateral declaration of independence and made clear that issues about secession were beyond the scope of its decision.

2 Five EU countries (Spain, Slovakia, Romania, Greece and Cyprus) have refused to recognise Kosovo, as have Serbia's two big-power allies, China and Russia.

recognise the institutions established under the Ahtisaari plan and continues to provide services in majority-Serb areas ([Office of Kosovo and Metohija](#), 11 May, 2011).³ Serbia also remains in control of parts of northern Kosovo, including the city of Mitrovica where nationalist Serbian parties have created and reinforced parallel municipal institutions directly competing with those of the Republic of Kosovo ([ICG](#), 10 September 2012; [OSCE](#), November 2011; [Office of Kosovo and Metohija](#), 2012).

This situation has led to repeated outbreaks of violence and unrest in the north, undermining the political stability needed for sustainable returns of IDPs ([UN HRC](#), 11 December 2009; [Radio Serbia](#), 21 September 2012; [Safeworld](#), October 2012). A dispute in 2011 over the control of border crossings in northern Kosovo led to a series of violent clashes between local Serb residents, Kosovo police and international forces ([ICG](#), 10 September 2012; [Republic of Serbia](#), July 2011). In June 2012, several were injured following clashes at border crossings. The security situation in the north remains fragile. Attacks on Serbs have become more frequent, particularly in the scattered returnee settlements in majority-Albanian municipalities ([ICG](#), September 2011; [OSCE](#), 7 June 2012; [UNSC](#), 21 August 2012; [B92](#), October 2012).

Negotiations brokered by the European Union have continued between Kosovo and Serbia. In September 2010, Serbia tabled jointly with 27 EU member states a UN General Assembly Resolution acknowledging the ICJ opinion, without recognising Kosovo's status, and welcomed the EU's role "to facilitate a process of dialogue" between Kosovo and Serbia ([Reuters](#), September 2010). Since March 2011, Kosovo and Serbia have been engaged in an EU-sponsored dialogue which has led to several agreements on practical issues

³ The Ministry for Kosovo and Metohija, now reestablished as the Office of Kosovo and Methoija, has since mid 2012 overseen Serbian institutions in Kosovo and Methoija and monitored the human rights of Serbian communities.

relevant to IDPs in Serbia and Kosovo, such as freedom of movement, land and civil registries ([Office of Kosovo and Metohija](#), 2012).⁴ Towards the end of 2012, the two sides also began implementing an agreement on border control opening two jointly-managed border posts, and, despite numerous remaining differing positions including on Kosovo's status, compromise appeared a real possibility ([ICG](#), 19 February 2013).

In October 2011, following Serbia's renewed initiative to negotiate with Kosovar authorities, the European Commission recommended that the European Parliament and Council accept Serbia as a candidate for EU membership, unfreezing its candidacy process ([BalkansInsight](#), 23 August 2012; [EU](#) April 2012). In March 2012, Serbia obtained EU candidate status as a precursor to membership, subject to further negotiations ([EC](#), 12 October 2011), which were to start in June 2013 ([European Parliament](#), 7 February 2013).

Negotiations between Kosovo and Serbia resumed in October 2012 after elections which brought to power the Serbian Progressive Party – a nationalist Serbian party. The new government has been careful to strike a conciliatory note with Kosovo and not alienate its allies and has reaffirmed Serbia's commitment to EU accession ([BalkanInsight](#), June 2012; [B92](#), July 2012; [SETimes](#), 12 July 2012).⁵ Nevertheless, these "technical issues" may cause tensions among Serbs in Kosovo who fear that this may lead to recognising Kosovo's independence ([BalkansInsight](#), October 2012; [SETimes](#), 9 October 2012). Kosovar Serbs have rejected parts of the Belgrade-Pristina dialogue, particularly border control procedures, arguing they violate

⁴ The agreements to date reached in Belgrade-Pristina dialogue have included arrangements regarding regional representation and cooperation; customs stamps; border management (officially known as Integrated Border Management (IBM); cadastral records; civil registry books and freedom of movement.

⁵ In July 2012, the Ministry of Kosovo and Methija was also redefined as the Office of Kosovo and Metohija though its mandate was not modified ([B92](#), July 2012; [VoS](#), July 2012)

the Serbian constitution and are tantamount to recognising Kosovo's independence.

These negotiations take place in the context of a winding down of international supervision. In September 2012, the ICO, created as part of the Ahtisaari plan, ended its mandate ([ICO](#), 10 September 2012). The KFOR peacekeeping mission and the EULEX Kosovo will both continue, but the end of the ICO marked a formal end to international supervision, a milestone in relations between Kosovo, its Serb minority and Serbia ([ICG](#), 10 September 2012).

Current displacement figures and location of IDPs

According to the Serbian Commissariat for Refugees (SCR) there were 210,148 IDPs from Kosovo in Serbia in 2012 ([SCR](#), 2 February 2012; [UNHCR](#), June 2012); and a further 17,900 IDPs were still displaced in Kosovo as of September 2012 ([UNHCR](#), 8 October 2012; [IDMC](#), October 2012). Approximately three-quarters of the combined total are Serbs and 11 per cent Roma, Ashkali and Egyptian – collectively known as RAE.

Figures on IDPs in Serbia should be read with caution. There has been no re-registration of IDPs in Serbia since 2000. Returnee figures and those who have achieved durable solutions have not been deducted from the total ([Brookings and IDMC](#), June 2011; IDMC interview, October 2012).

Official estimates also exclude many displaced Roma who have been unable to obtain IDP status due to their lack of documentation and inability to access registration procedures.⁶ The total number of unregistered Roma IDPs is not known, with estimates ranging from 15,000 to 20,000

⁶ This could also arguably be the case for Ashkali and Egyptian minorities; however as they are Albanian-speaking Muslims few are likely to have fled to Serbia.

([OSCE](#), April 2010; IDMC, January 2010). If this is taken into account, the total number of people displaced from Kosovo to Serbia could be higher than 225,000.

The current figures also do not reflect the extent to which some IDPs may have achieved local integration in the decade since their displacement. Observers have noted that more than 50 per cent of IDPs can arguably be considered as integrated and no longer showing signs of displacement-related needs (IDMC interview, October 2012).

In 2011, an assessment of needs of IDPs in Serbia – conducted by the SCR with the support of the Office of the UN High Commissioner for Refugees (UNHCR) – identified over 97,000 IDPs, 45 per cent of all registered IDPs residing in Serbia, as having on-going needs related to their displacement ([UNHCR and SCR](#), February 2011). The profiling exercise did not aim to ascertain the remaining numbers of displaced people or whether IDPs had achieved durable solutions but focused on identifying the main problems faced by IDPs, vulnerable persons and households and identifying courses of action to improve their situation.

The profiling exercise indicated that roughly 83 per cent of IDPs in need were Serbian, the remaining 17 per cent were from minority groups. The gender balance within the IDP population showed an equal representation of men and women. Roma are the most vulnerable, with 75 per cent of the Roma IDP population in need ([UNHCR and SCR](#), February 2011). This does not take into account unregistered Roma IDPs.

The main concentration of IDPs in Serbia has been in the regions of Sumadija and western Serbia in cities such as Kraljevo and Niš and around Belgrade. Many have settled in central and southern areas, with a group of mostly ethnic Roma in the northern region of Vojvodina. There are also smaller internally displaced populations in the northern towns of Novi Sad and Subotica ([UNHCR](#)

[and SCR](#), February 2011; [UNDP](#), 2008; [UNHCR](#), February 2009; [Republic of Serbia](#), 2012).

Though the majority of IDPs have remained where they were initially displaced a significant number have move on from smaller to large urban areas (Baboivic, 2008). The majority of all registered IDPs currently live in urban areas – more than 165,000 compared to less than 42,000 IDPs in rural areas where most IDPs in need are located ([UNHCR and SCR](#), February 2011). Extensive needs were found particularly in housing, unemployment and access to documentation. Close to 70 per cent of IDP households in need were also identified as unwilling to return.

Inadequate housing

Over a decade after their displacement close to half of registered IDPs continue to live in precarious conditions. Nearly half of all IDPs still live in dire housing conditions with limited access to basic services. The average conditions in which these IDPs live are generally inferior to those of their host communities; the situation of Roma IDPs in particular is generally far worse than non-Roma IDPs.

The majority of IDPs in need reside in private accommodation, with approximately 14 per cent living in buildings not intended for housing. These are principally found in Vojvodina, and Belgrade. Many IDPs do not have adequate housing. Over half of IDPs highlighted the need for additional housing support such as building materials. Thirty per cent of IDPs who reside in poor housing conditions, face insecure tenure or reside in buildings not intended for housing. They require housing solutions that should include social housing.

An estimated 13,000 IDPs reside in sub-standard housing including makeshift housing, recognised and unrecognised collective centres or other sub-standard housing lacking basic amenities ([UNHCR](#)

[and SCR](#), February 2011; [SCR](#), January 2010).

About 1,860 IDPs and 490 refugees lived in 23 recognised collective centres as of September 2012, though more than 1,000 are thought to live in informal or unrecognised settlements not assisted by the government ([SCR](#), September 2012; [SCR](#), January 2010; [IDMC](#), 22 December 2010; [Praxis](#) 15 December 2009 and [May](#) 2012).⁷

The inhabitants of informal settlements – who include Roma IDPs - face ongoing risks of eviction and relocation. According to the European Roma Rights Centre (ERRC) from 2009 to mid 2012 there have been 17 major evictions from informal settlements in Belgrade, affecting nearly 2,500 persons principally Roma ([ERRC](#), July 2012; [HR Ombudsman of Republic of Serbia](#), July 2012; [Praxis](#), May 2012; [Praxis](#), 4 October 2011). According to national NGOs most of those forcibly evicted were not provided with adequate alternative accommodation. Safeguards required under international law were not observed during the evictions ([ERRC](#), July 2012). An unknown number of Roma IDPs were among the evictees.

Livelihoods insecurity

Almost half of all registered IDPs continue to face major socio-economic difficulties. Displacement has resulted in a significant drop in means of livelihood, continued unemployment and commensurate increase in needs for social welfare and assistance. IDPs suffer from a higher rate of unem-

⁷ In 1996 there were approximately 700 collective centres in Serbia. In January 2002, the number of collective centres was 388, accommodating 26,863 IDPs. By 2012, this number had fallen to 23 in Serbia and 13 collective centres in Kosovo and Metohija accommodating in total about 2,328 IDPs and 547 refugees ([SCR](#), September 2012). These figures do not include informal collective centres. In Serbia, there are an estimated 500-600, principally Roma, informal settlements. Some of the non-recognised collective centres were formerly official centres but despite their formal closure continue to be occupied by people unable to move elsewhere; these centres are no longer assisted.

ployment than the general population with 32 per cent unemployed compared to 19 per cent across Serbia; around 23 per cent of those displaced have remained unemployed since displacement ([SCR and UNHCR](#), February 2011). IDPs are also more generally at higher risk of exposure to health-related problems due to poor living conditions, with an estimated 24 per cent suffering from chronic disease and 8.5 per cent of IDPs identified as severely handicapped ([SCR and UNHCR](#), February 2011).

The profile survey published in 2011 indicated that an estimated 41 per cent of households are classified as 'vulnerable' (including single parents with minor children, children without parental care, single elderly households and elderly households with minor children) ([SCR and UNHCR](#), February 2011). Surveys have also indicated that displaced Roma and Serb women tend to be disadvantaged when looking for employment. According to surveys, an estimated 38 per cent of IDPs face difficulties acquiring social assistance. They do not know how to apply or believe the procedures to be far too complicated ([SCR and UNHCR](#), February 2011).

Lack of documentation

Lack of documentation is a recurring issue for IDPs. It greatly restricts IDPs' access to various political, civil, economic, social and cultural rights limiting, for instance access to employment, education, assistance and social benefits ([Praxis](#), 4 October 2011; [Praxis](#), 2 June 2009). Though there has been notable progress reported since 2008, it is estimated that 12 per cent of IDPs still face difficulties due to lack of documentation ([SCR and UNHCR](#), February 2011).⁸ This figure is even higher for Roma, almost 18 per cent of whom lack documentation ([SCR and UNHCR](#), February 2011). In some cases, some Roma

⁸ For instance, access to health has improved since July 2010 when procedural rules on health insurance were amended to allow issuance of health booklets to Roma even when they did not fulfil residential requirements.

have not been registered for several generations and establishing identity is difficult as most births and marriages are not registered. Highly complex procedures to identify and verify parentage, and general prejudice, make it difficult for Roma to obtain basic personal documentation without legal assistance ([Praxis](#), June 2011, March 2009 and October 2008). A UNHCR study undertaken on statelessness indicated that close to seven per cent of Roma are at risk of statelessness due to lack of documentation which predominately affects Roma who were displaced from Kosovo ([UNHCR](#), June 2012; [Praxis](#), January 2011).

Bureaucratic complexities and inconsistencies make it difficult for IDPs, particularly those from RAE communities, to obtain civil documents (IDMC field visit, May 2009; [Praxis](#), March 2009). To obtain documentation many IDPs whose documents were destroyed or went missing in the conflict have to prove their identity, civil status or citizenship ([Praxis](#), July 2010). Even following lengthy and complex processes, applications are often turned down because of failure to follow procedures. Decisions can be appealed through the courts but can take significant time ([UNHCR and Praxis](#), March 2007; [SCR and UNHCR](#), March 2011).

Vulnerability of displaced Roma, Ashkali and Egyptians

IDPs belonging to RAE communities are particularly vulnerable as the challenges they share with other IDPs are compounded by deep-rooted discrimination and marginalisation ([UN HRC](#), 11 December 2009; [UNHCR](#), June 2012). In February 2002, the Roma community in Serbia secured the status of a national minority through a new federal Law on the Protection of the Rights and Liberties of National Minorities ([ERRC](#), February 2002). While most reports tend to refer to Roma communities, similar marginalisation of persons of Ashkali and Egyptian ethnicity is likely to be heightened by their added linguistic and religious differences.

Roma IDPs are most affected by problems of unemployment, inadequate housing, limited education and lack of documentation. While all IDPs are affected by high unemployment, the situation is worse for Roma IDPs who are often informal street traders. Many lack basic welfare rights and are unable to access the formal labour market ([UNDP](#), 2008; [SCR and UNHCR](#), February 2011). Their access to social welfare and health care continue to be laborious ([Praxis](#) August 2011).

While most internally displaced children generally have access to education most Roma children face obstacles to public education and many who can enrol subsequently drop out. The number of Roma children attending primary school is 66 per cent, while only 16 per cent of Roma enrol in secondary school ([CHR](#), 11 September 2011; [UN CRC](#), June 2008; [Praxis](#), 2 June 2009). Lack of documentation, prejudice against Roma and cultural marginalisation (there are no provisions for teaching in the Roma language) continue to be key obstacles to Roma children accessing education ([Praxis](#), November 2011, [Praxis](#), 2 June 2009, [UN CRC](#), June 2008).

Seeking durable solutions: return and settlement elsewhere

The return of IDPs to their place of origin has long been the preferred settlement option of the Serbian government ([Republic of Serbia](#), March 2009; [Brookings-IDMC](#), June 2011). Serbia has been reluctant to encourage integration of IDPs in host communities, or, until the last few years, to engage with Kosovo authorities to find durable solutions for the displaced. Return in such a context has, directly or indirectly, been associated with broader questions of sovereignty over Kosovo.⁹ This has had several impacts on the

situation of IDPs. With the emphasis on return, Serbian authorities have thus been distracted from explicitly providing IDPs the choice of other settlement options. They have not addressed the situation of IDPs in Serbia nor been effective advocates for them with Kosovo's de facto authorities ([Brookings-IDMC](#), June 2011).

Since 2002 the Serbian government's National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons has identified return of IDPs to Kosovo and Metohija as a priority with little consideration for other settlement options. In 2006 the Protocol for the Voluntary and Sustainable Return of IDPs to Kosovo envisaged support for resettlement in areas within Kosovo other than original places of residence. However it was neither recognised nor implemented by the Kosovo authorities. In April 2010, Serbia adopted the Sustainable Return and Subsistence in Kosovo and Methoija Strategy ([Republic of Serbia](#), April 2010) which aims to support the sustainable return of IDPs as well as resettlement elsewhere.¹⁰

Voluntary returns to places of origin or resettlement elsewhere in Kosovo have been negligible. At the end of 2012, over a decade after the conflict, some 18,400 IDPs had returned to their place of origin in Kosovo, including about 14,800 from Serbia and some 4,380 from other areas within Kosovo ([UNHCR](#), 8 October 2012). Around half of all returnees are Serbs. After a series of riots targeting minority communities in March 2004, rates of return of IDPs and refugees to Kosovo continued to fall, reaching their lowest level in 2008, after Kosovo's declaration of independence ([UNHCR](#), 31 October 2009; [UNHCR](#), 8 October 2012). In the first nine months of 2012 only 556 IDPs were recorded to have returned, 285 of them from Serbia ([UNHCR correspondence](#), November 2012).

⁹ Noteworthy is that the *Guiding Principles on Internal Displacement*, (Principle 2(1)) highlights the obligations of parties to address the needs of persons displaced under their authority. Such assistance does not confer or have any bearing on legal status but remains an obligation for

the party concerned.

¹⁰ The strategy aimed to facilitate visits to Kosovo, provide social assistance, strengthen institutional mechanisms and implement various long-term projects for housing, income generation and social services.

There are no estimates of the number of those returns that have achieved sustainability.¹¹ The sustainability of returns, and hence the validity of the overall return figures to date, has been contested ([OSCE](#), October 2012; [OSCE](#), 19 June 2009; [OSCE](#), 16 April 2011). Even if all returns are said to have been sustainable, the total number of sustainable returns in the decade since the end of the conflict would amount to seven per cent, or approximately three per cent if considering Serbian IDPs only.

This has corresponded with an overall decline in the number of IDPs in Serbia expressing willingness to return. In 2011, less than a quarter of IDPs expressed a willingness to return to Kosovo, with the overwhelming majority of IDPs wishing to stay in Serbia. This is a significantly smaller percentage compared to the Living Standards Measurement Survey conducted in 2007, which found that over 50 per cent of IDPs had expressed a desire to return ([UNDP](#), 2008; [Statistics Office of Serbia](#), September 2011; [SCR and UNHCR](#), February 2011).

The main reasons behind the low return figure include the volatile security situation in Kosovo, limited freedom of movement there, widespread discrimination, restricted access of minorities to public services and school facilities, lack of economic prospects in the area of return and difficulties in repossessing property or rebuilding houses ([OSCE](#), October 2012; [OSCE](#), 16 April 2010; [UN HRC](#), 11 December 2009, [UN HRC](#), 7 July 2009; [UNSC](#), 10 June 2009). The Kosovo institutions, though nominally committed to facilitating return, have been poorly resourced and coordinated. They have been criticised for being ineffective in implementing return programmes or ensuring consistency among municipal centres for returnees ([OSCE Mission to Kosovo](#), November 2010; [Brookings-IDMC](#), June 2011; [OSCE](#), October 2012).¹²

Property issues are among the key obstacles to return. IDPs face significant obstacles to restitution of land and property, both residential and agricultural, in Kosovo ([Brookings-IDMC](#), June 2011). There has been widespread illegal occupation and expropriation of houses and land of IDPs, mainly Kosovo Serbs. The restitution process for those seeking to return has been slow. The Kosovo Property Agency (KPA) took over from the Housing and Property Directorate (HPD) in 2006 as the main body mandated to address property claims dating back to the 1999 conflict and before. It works with enforcement agencies to enforce claims and to evict secondary occupants when necessary. To date it has processed over 34,000 claims from over 42,000 received; more than 85 per cent of these relate to agricultural or business properties ([KPA](#), September 2012). Local courts are also processing some property claims.

Observers note that mandated evictions have often not been carried out, or that properties have often been looted and rendered uninhabitable by those leaving. In other instances, properties have been re-occupied or illegally expropriated and demolished, forcing the owner to embark on time-consuming litigation (IDMC interviews, October 2012; [Praxis](#), 2 June 2009). Monitoring of property cases in Kosovo courts has revealed numerous procedural weaknesses, which have threatened the property rights of IDPs. Ethnic bias against Kosovo Serbs, limited access of judicial officials to property registries in Serbia and destruction of some registries held in Kosovo have resulted in multiple abuses.¹³

11 In many cases, Kosovo Serbs previously living in areas where they constituted a minority expressed a preference for return to Kosovo but only to areas mainly inhabited by Serbs (IDMC interviews with Kosovo Serb IDPs, May 2009).

12 Donors have often been reluctant to provide funds for re-

turn and reconstruction due to prolonged non-occupation and the sale of reconstructed houses by beneficiaries (IDMC interviews with UNDP and UNHCR Kosovo, May 2009).

13 For more information on property issues and situation of returnees and IDPs in Kosovo, see the Kosovo overview published in October 2012.

National responses

The Serbian government has in recent years focused attention on identifying the needs of IDPs in displacement, closing collective centres and providing alternative housing through the extension of programmes initially designed for the integration of refugees from Croatia and Bosnia. In the last four years progressive steps to address the situation of those displaced have been put in place.

The Serbian Commissariat for Refugees (SCR) and the Office for Kosovo and Metohija are the two Serbian government institutions responsible for IDPs from Kosovo. In 2012, the Ministry of Kosovo and Metohija was restructured as the Office of Kosovo and Metohija, mandated to address questions of IDPs and returnees in northern Kosovo and other Serbian enclaves where Serbian institutions operate in parallel with Kosovo institutions. The SCR focuses on the problems of IDPs in displacement in Serbia and has also been restructured to meet requirements for Serbian accession to the European Union.

A new Migration Management Strategy was adopted in July 2009, covering economic and conflict induced migration in light of Serbian accession obligations. In May 2011, an Action Plan was elaborated in which SCR's role in addressing IDP issues was highlighted ([Republic of Serbia](#), July 2009; [Republic of Serbia](#), May 2011). In November 2012, the SCR was renamed as the Serbian Commissariat for Refugees and Migration (SCRM). It is responsible for the oversight of the Migration Management Strategy and its implementation in conjunction with local migration councils ([CBMM](#), November 2012; [Republic of Serbia](#), July 2009).

In 2011, Serbia revised its National Strategy, placing greater emphasis on mechanisms to "improve living conditions" of those displaced. Yet despite considerable progress there continues to be discrepancy between the situation of many IDPs

and their host communities ([Brookings and IDMC](#), June 2011). Though the Serbian government policy has been principally to promote return it has undertaken and enacted various strategies to address the situation of IDPs in protracted displacement. The National Strategy for Resolving the Problems of Refugees and Internally Displaced in 2002, while placing emphasis on return, highlighted the need for voluntary choice of durable solutions. Local integration programming has been essentially oriented towards refugees rather than IDPs ([RSG](#), January 2006). It has, nonetheless, addressed situations of displacement as have various other policies including the Poverty Reduction Strategy (2003), the National Strategy for Sustainable Development (2008) and the Migration Management Strategy (2009). These have progressively addressed the situation of employment, access to health services, education, social welfare and services as well as improving access to documentation.

These initiatives, however, have had modest impacts. While they have not discouraged integration *per se*, efforts have often been belated and hesitant, emphasising the need, as state policy describes it, to improve living conditions, and avoiding any reference to integration whether temporary or permanent ([Brookings and IDMC](#), June 2011). This terminology has often obscured important distinctions, for example between the urgent need for permanent local integration of particularly vulnerable IDPs – those who are unlikely to return under any circumstances – and interim measures to increase the self-reliance and sustainable return prospects of other IDPs should the circumstances later permit (UN HRC, 11 December 2009; [Brookings and IDMC](#), June 2011).

In recent years local authorities and the international community have been more supportive of local integration though the "improvement of living conditions" ([SCR](#), 3 March 2011). In cooperation with local municipalities the national government has supported and implemented

projects aimed at improving living conditions of IDPs. Since 2008 this has also been done through adoption of local actions plans financed by the Serbian government as well as UNHCR. By the end of 2011, most municipalities (114 out of 150) had adopted local action plans to provide solutions to IDPs and refugees under their jurisdiction, with over 80 per cent having allocated some funds for their implementation. ([SCR](#), 2 February 2012; [CHR](#), 11 September 2011). The implementation of such action plans has been slow: in some cases this is because local municipalities have lacked adequate funding and resources but also because certain communities in informal settlements have sometimes been neglected by state institutions.

Support to IDPs in collective centres has included assistance in construction of houses, livelihood support including vocational training and income-generating activities. ([UNHCR and Intersos](#), November 2011; [UNHCR](#), December 2010; [SCR](#), January 2010; [UN HRC](#), 11 December 2009; [COE](#), 26 October 2009). Since 2005 the SCR and UNHCR have worked together to close collective centres and move their residents into supported social housing, including prefabricated housing or village houses for vulnerable households ([UNHCR and Intersos](#), November 2011; [Divac](#), January 2012; [Divac](#), January 2012). The Serbian government has also worked with UN-HABITAT, the UN Development Programme (UNDP), UNHCR and the EU to provide social housing for refugees, IDPs and vulnerable non-displaced people. ([Ministry of Labour and Social Affairs and Housing Centre](#), January 2010). The process has been complicated by the fact that most remaining residents of collective centres are extremely vulnerable (many are elderly or have disabilities or post-traumatic stress disorders) and require specific assistance ([UNHCR](#), 21 August 2009; [UN HRC](#), 9 January 2006).

The revised National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, adopted in March 2011, took heed of these concerns ([SCR](#), 3 March 2011; [UNHCR](#), June

2012). Though prioritising return as the preferable durable solution it emphasises the need for “improving living conditions of IDPs” in protracted displacement. Its implementation, however, has been delayed. Despite the adoption of the strategy Serbia has yet to adopt an implementation plan, although this was supposed to be undertaken within six months of its adoption ([SCR](#), 3 March 2011; [UNHCR](#), June 2012). Funding for implementation has also been lacking ([UNHCR](#), June 2012). Regrettably this has also coincided with a downsizing of UNHCR’s operations, which has affected its operational capacity to assist IDPs in protracted displacement (IDMC interviews, March and November 2012).

National non-governmental organisations have also highlighted concerns over the continued lack of political will to address integration of IDPs (IDMC interviews, September 2012) and expressed regret that the question of “integration” continues to be highly politicised as focus is on ongoing Serbia-Kosovo negotiations at the expense of vulnerable IDP households. The preferable solution to address the displacement-induced vulnerabilities of those unwilling or unable to return would be for the authorities to continue facilitating local integration. The profile survey undertaken in 2010-2011 also suggests that most IDPs who do not require assistance are unwilling to return, implying integration may have already occurred.

Lingering gaps in addressing rights of RAE minorities

Around 20 per cent of IDPs are minorities, approximately half of them Roma. This does not include unregistered Roma IDPs whose numbers are estimated by some to be as high as 20,000. The Serbian government, as well as the international community, have pledged to facilitate the social inclusion of RAE minorities. In April 2009, a Roma National Strategy (RNS) was adopted as Serbia chaired a meeting of the Decade for Roma

Inclusion, a commitment by European governments to improve the socio-economic status and social inclusion of Roma people. It includes recommendations on Roma IDPs, forced returnees and personal documentation but lacks a clear time frame and benchmarks.

The RNS looks at social inclusion of Roma in various fields including employment, education, housing and access to personal documentation. There is particular emphasis on IDPs and returnees ([Republic of Serbia](#), March 2010). It has highlighted concerns of Roma IDPs lacking adequate housing, facing arbitrary evictions and lacking adequate documentation.

While the adoption of the RNS and its implementation marked a very positive development, NGOs and UN bodies have called on the Serbian government to hasten implementation of its recommendations, laws and policies which would enhance social inclusion of Roma communities including IDPs. Human rights organisations have also highlighted the continual widespread discrimination against RAE communities, including Roma IDPs who continue to be evicted from informal settlements in Belgrade ([AI](#), October 2012; October 2010 and April 2009; [HRW](#) May 2010).

International organisations and NGOs have run a variety of projects promoting the social inclusion of members of RAE communities and other marginalised groups particularly through access to documentation ([Praxis](#), January 2011). Several national NGOs – including Praxis and the Centre for Advanced Legal Studies – and UNHCR (supported by the Serbian Ombudsman) and the EU have called on the Serbian government to address the issue of documentation for unregistered persons. In 2011 and 2012, Serbia enacted several laws – including the Law on Amending the Law on Administrative Taxes, the Law on Permanent and Temporary Residence and the Law on Amending Law on Non-Contentious Procedures – and has signed a memorandum of understanding

between the Ministry for Public Administration and Serbia's Ombudsman and UNHCR to systematically address the needs of undocumented and "legally invisible" Roma ([UNHCR](#), June 2012; Correspondence with UNHCR, November 2012). These laws will ensure IDPs who lack all the necessary documentation (birth certificates along with proof of citizenship and registration of residence) are able to obtain identity cards.

Serbian NGOs have been encouraged by these steps. However they have called on the Serbian government to continue its commitment to address the risks of statelessness and the vulnerabilities of the legally invisible ([Praxis](#), September 2012; IDMC interview, October 2012).

Regional and international responses

Requirements for Serbian accession to the European Union together with Council of Europe monitoring have also impacted Serbia's policies in addressing IDPs and returnees, as have visits and recommendations made by UN bodies.

The European Commission's Stabilisation and Association Agreement with Serbia has reiterated the need to uphold the human rights of IDPs. The European Council (EC) Decision in 2008 included Serbia's need to address displacement related issues among preconditions for European Partnership ([EC](#), February 2008; [EC](#), April 2008). The Human Rights Commissioner of the Council of Europe (CoE) has also repeatedly highlighted issues concerning IDPs and Roma, particularly in relation to housing in several visits undertaken to Serbia and Kosovo ([CHR](#), 22 September 2011; [CHR](#), 11 March 2009). The European Commission recently commended Serbia's progress in addressing displacement related issues but reiterated concern about Serbia's shortcomings, particularly in relation to IDPs needs for adequate housing, livelihoods and documentation ([EC](#) October 2012; [EC](#) October 2012).

The EU has also pressed Serbia to normalise relations with Kosovo and has commended and encouraged the Belgrade-Pristina dialogue. The situation of displaced communities in Serbia as well as Kosovo weighs heavily on progress in ongoing negotiations. Lack of progress is preventing the establishment of coordinated mechanisms that would support the achievement of durable solutions in facilitating return, resettlement or integration of IDPs in Serbia as well as in Kosovo. Efforts to promote IDP integration in Serbia are significantly stymied by the ongoing negotiations and unresolved issues of Kosovo's status. Concerns over Kosovo's unresolved status is preventing pragmatic coordination between Kosovo and Serbia to ensure the resolution of displacement related IDP issues in both Kosovo and in Serbia ([Brookings and IDMC](#), June 2011).

The eventual resolution of Kosovo's status will have consequences for returnees and IDPs in both Kosovo and Serbia. There has been relative calm since Kosovo's declaration of independence. However clashes in northern Kosovo, threats, harassment and violence (suffered particularly by Serb Kosovars) continue to affect the actual and perceived safety of IDPs and returnees. These are proving an obstacle to durable solutions for IDPs in Serbia. (UNSC, [31 October 2011](#) and [9 May 2012](#); [OSCE](#), 10 December 2011). Since Kosovo declared independence, Serbia has taken several steps to bolster its municipal institutions and presence in northern Mitrovica and other northern municipalities of Kosovo ([ICG](#), 10 September 2012). The situation has had different implications for Serb Kosovars in different parts of the country (IDMC, October 2012).

Serbia's revision of the National Strategy also coincided with regional initiatives supported by the international community to address protracted refugee and internal displacement in the Balkans. In November 2011, Bosnia-Herzegovina, Croatia, Montenegro and Serbia signed a joint declaration in Belgrade, committing to attaining

durable solutions for victims of forced displacement in the region ([B92](#), November 2011). The regional initiative known as the "Sarajevo Process" or "Belgrade Initiative" has been supported by the European Commission, the [Organization for Security and Co-operation in Europe](#) (OSCE) and UNHCR. Within the framework of the initiative, a Regional Housing Programme was launched to provide housing for 74,000 highly vulnerable persons across the region, including refugees and IDPs ([CEB](#), April 2012).

The Regional Initiative is placing greater emphasis on the situation of refugees in Serbia and not sufficiently addressing the needs of other vulnerable people, including IDPs in collective centres ([RHP](#), April 2012). This region-wide initiative, which is currently only half funded following a donor conference in April 2012, should not overlook the significant needs of IDPs ([B92](#), April 2012). In Serbia alone, over 85,000 IDPs have been identified as facing inadequate housing. The Serbian government has highlighted and appealed to the donor community for assistance in solving the housing needs of both IDPs and refugees ([Republic of Serbia](#), October 2012).

The Serbian government needs to address the needs of these vulnerable IDP households. With the right strategy, systems and structures, as well as ongoing support from the international community, Serbia will be able to find durable solutions for all remaining IDPs. However, there are challenges ahead. Serbia is facing an ongoing financial crisis and downscaling of the operations of UNHCR, its most significant partner in addressing displacement issues. However the greatest obstacle to addressing the ongoing problem of displacement in Serbia remains the lack of sufficient political will at all levels of government.

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org

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