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## COUNTRY OPERATIONS PLAN FOR 2002

### Federal Republic of Yugoslavia - Kosovo

#### Executive Committee Summary

##### *(a) Context and Beneficiary Population(s)*

Since the end of the NATO bombing campaign in June 1999 the status and administration of Kosovo has been governed by Security Council Resolution 1244.

Under this resolution:

- Kosovo remains part of the territory of the Federal Republic of Yugoslavia (FRY)
- 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.” According to Annex 2 of the resolution this return should be “under the supervision of the Office of the United Nations High Commissioner for Refugees”.

From June 1999 the UNHCR led the Humanitarian Pillar (Pillar 1) of UNMIK, as an integral part of the administration and carried a major responsibility in the provision of basic services to the population. The setting up of the Joint Interim Administrative Structure (JIAS) in December of that year was the beginning of a normalisation of service delivery in Kosovo. During 2000, as the main JIAS departments were built up, service responsibilities were transferred to them. This process is now largely complete and departments funded by the Kosovo regular budget, mainly resourced from revenue raised within Kosovo, are providing basic services. Whilst each transition of responsibilities to a JIAS department has been to an extent unique, a common strategy has been followed in which a hand over date is agreed. However, having passed management to UNMIK, UNHCR had continued to fund the activities of Pillar I for a further 3 months, until UNMIK could directly obtain the necessary resources.

Political developments have not, however, progressed as fast as those in the administrative sectors. The Interim Administrative Council (IAC) and the Kosovo Transitional Council (KTC) were established at the end of 1999 and Municipal Elections took place in autumn 2000 giving increased responsibilities to the municipalities in the delivery of services. Despite these positive signs significant problems remain to be solved, particularly as regards the participation of the Kosovar Serb minority, before Kosovo wide elections can take place and an elected assembly formed.

As concerns the return of refugees and displaced persons to Kosovo, there has been considerable success with regard to the return of the Kosovar Albanian population to areas of Kosovo where locally they constitute a majority. There has, however, been little progress on the return of any population to areas where they locally constitute a minority. Interethnic harassment and violence, including murder, remain commonplace in Kosovo wherever ethnic communities come into contact with each other and are only limited by an active military presence in the form of KFOR. In both FRY and former Yugoslav Republic of Macedonia (fYROM), where there has been no international peace keeping presence, ethnic conflict has flared to a state of direct military confrontation in areas close to Kosovo. As a result of these conflicts, Kosovo has been receiving, and continues to host refugees and displaced persons from both locations.

Systematic discrimination both present and past has resulted in a lack of availability of basic legal advice and protection for women especially with regard to important family and property law issues. At the same time there is a lack of support for Kosovo women to take on new roles forced upon them as a result of the war.

In response to this situation, in 2002 UNHCR will have a beneficiary population consisting of:

- Minority returnees (5000).
- Croatian Serb refugees displaced from Croatia in 1985 and stranded in Kosovo at the end of the 1999 war (467).
- New arrivals from fYROM remaining displaced (74,000 arrived since February 2001, of whom 11,800 had returned by mid-July 2001. Displacement and return would be expected to continue during the remainder of 2001).
- IDPs from Southern Serbia displaced as a result of the 2001 conflicts in or near to the Ground Safety Zone (11,000).
- 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 status elsewhere in the province (85,000).
- Those who are displaced within Kosovo to a location in which they are a minority (24,533).
- Kosovo women struggling for their own empowerment (Theme).
- Those, particularly amongst the minorities who are in need of legal advice and aid (Theme).

### *Security situation*

Whilst security for the majority population is relatively good despite widespread criminality, the minorities still suffer from a very tenuous security situation with little improvement since last year. Overall the security situation in Mitrovica continues to be volatile with little hope for an early solution to the conflict which divides this city. The clearance of a great proportion of the mines and unexploded ordinance left at the end of the war has greatly reduced the risks of injury for the population at large and humanitarian workers. While the international community and those delivering humanitarian assistance have not been targeted for politically motivated violence, except in Mitrovica, burglary theft and traffic accidents remain serious hazards. It is also feared that representatives of the international community in Kosovo could become targets for extremists in the future unless the conflicts in Southern Serbia and fYROM can be brought to an end.

### *Protection issues*

With the near completion of the safe return of Kosovar Albanians, but the continued displacement of as many as some 230,000 members of ethnic minorities, mostly outside Kosovo, the numerous obstacles that prevent minority return and continue to cause displacement remain key concerns for UNHCR. In accordance with its mandate and role under UN Security Council Resolution 1244, UNHCR will continue to be a catalyst and play a key co-ordination role in support of an adequate response by the international community to the situation of minorities. The objective will remain to create conditions increasingly conducive to the return of minority refugees and IDPs to Kosovo. Thereby UNHCR will continue to promote and defend the principle of the right to return as a durable solution for minority communities and indirectly prevent further displacement. It is however expected that the return process will be slow, since it

will largely depend on an improvement in security conditions in Kosovo and inter-ethnic dialogue leading to co-existence.

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 the provisional international administration and increasingly, as of 2002, local administrative structures. UNHCR will be focusing on the identification and implementation of durable solutions for those groups in the form of voluntary repatriation and if not feasible, resettlement or local integration as may be appropriate.

#### *UNHCR's role*

The role of UNHCR in Kosovo has, since the massive returns of the second half of 1999, markedly diminished. This is clearly demonstrated by the reduction in both programme budget and staff that have taken place in 2000 and 2001. The programme budget for the second semester of 1999 was \$60 million, for the whole of 2000 \$30 million and for 2001 \$10 Million. Over the same period the staffing level has dropped from 237 to 108 by the end of 2001.

UNHCR's protection role in Kosovo remains fundamental in terms of minority return and return of ethnic Albanians from Southern Serbia and FYROM. Yet, the promotion of conditions that would enable the return of minority populations to Kosovo through such initiatives as the "Roma Round Table" and the "Framework for Return of Serbs to Kosovo" has, so far, met with little success. UNHCR's involvement in a regional context is therefore important in achieving durable solutions for refugees and internally displaced persons of concern to UNHCR.

As the head of Pillar I of UNMIK, UNHCR co-ordinated the humanitarian community in Kosovo from June 1999 to June 2000, aided by a number of seconded OCHA personnel. With the phase-out of Pillar I, overall co-ordination of humanitarian activities in Kosovo was passed to the Humanitarian Co-ordinator and an OCHA team based in Pristina. UNHCR continues to co-ordinate protection and assistance to refugees, returnees and displaced persons.

#### *Policy issues*

The major policy issues being currently addressed by UNHCR are the nature and conditions under which the return of minorities will be possible in Kosovo and the possibilities for return of those arriving in Kosovo from the surrounding conflicts. UNHCR is also advising on the maintenance of protection policies in countries that have accepted refugees from Kosovo particularly in the case of those refugees who, if they were to return, would be in a minority situation.

#### *Linkages to other UNHCR Programmes within a defined "situation"*

Croatia	Regarding the residual caseload of Croatian Serbs in Kosovo
FYROM	Regarding those displaced by the conflict into Kosovo and refugees belonging to minority groups from Kosovo currently in FYROM
European Countries	Regarding Kosovar 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*

The massive presence of the NGO community that was evident in the period immediately following the end of the war is now considerably reduced. The unstable nature of both the immediate external and internal environment of Kosovo gives cause for concern that this

reduced level would no longer have the emergency response capacity to cope with the needs of any very large population movement with the resources available in theatre.

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

One of the main thrusts of UNHCR's programme over the past 18 months has been the transition of activities carried out under the general humanitarian umbrella to other agencies who have more specialised capacity for their longer term sustainability. Much of this transition has taken place to UNMIK established JIAS departments, but OCHA, UNFPA, UNDP, FAO and UNICEF have also been involved. A biweekly meeting of heads of UN agencies under the chairmanship of the Humanitarian Co-ordinator ensures an ongoing co-ordination and information exchange between agencies.

The contingency planning and emergency preparedness for the possible arrival of refugees and displaced persons into Kosovo has been carried out, and is maintained by, a representative group of agencies including ICRC, WFP, UNICEF, KFOR, UNMIK and WHO working under the co-ordination of UNHCR.

**(b) Selected Programme goals and Objectives**

<i>Name of Beneficiary Population: Minority returnees</i>	
<b>Main Goal: Create conditions conducive for safe and sustainable return of the minorities including the stabilisation of receiving residual minority communities</b>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• participation in the creation of conditions conducive to safe, dignified and sustainable return of minorities</li> </ul>	<ul style="list-style-type: none"> <li>• Secure environment</li> <li>• Reconstruction assistance</li> <li>• Returnee assistance</li> <li>• Free and equal access to public services</li> <li>• Property restitution</li> <li>• Tolerance building</li> <li>• Economic opportunity</li> <li>• Management of the process</li> <li>• Current minority communities are able to remain in their homes in safety and dignity and no outflow</li> </ul>

**Name of Beneficiary Population: Refugees from Croatia/ Bosnia Herzegovina, the IDPs from Southern Serbia and persons of concern from FYROM.**

**Main Goal: Ensure that refugees from Croatia/ Bosnia Herzegovina, the IDPs from Southern Serbia and persons of concern from FYROM have access to basic needs as well as information allowing them a free and informed choice to return.**

<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Find durable solution for the refugees from Croatia/BiH</li> <li>• Maintain detailed information on the persons of concern from Southern Serbia and FYROM.</li> <li>• Ensure basic protection and assistance needs are met</li> <li>• Ensure that persons of concern to UNHCR are not forced to return.</li> </ul>	<ul style="list-style-type: none"> <li>• Refugees returned</li> <li>• Refugees resettled</li> <li>• Refugees locally integrated</li> <li>• Detailed and accurate information available</li> <li>• All persons of concern have a place to live and have access to basic assistance and services.</li> <li>• All persons have informed choice whether to return and refugees in need of international protection are not refouled</li> </ul>

**Theme: Respond capacity to sudden movement of population**

**Main Goal: To cope effectively with an emergency influx**

<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Maintain emergency capacity for an influx up to 30,000 persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Constantly update and revise emergency contingency plan</li> <li>• Co-ordinate with all the actors involved</li> <li>• Ensure that a sufficient stock of NFIs is available.</li> <li>• Intervene and provide direct assistance if needed</li> </ul>

**Theme: Equal rights and non-discrimination irrespective of gender/ethnicity**

**Main Goal: Ensure that persons of concern to UNHCR can exercise their rights on an equal and non-discriminatory basis irrespective of gender/ethnicity. Continue strengthening position of women within Kosovo society.**

<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Provide free legal advice and assistance to persons of concern</li> <li>• Empower local women's group</li> </ul>	<ul style="list-style-type: none"> <li>• Free access of minority communities, IDPs and women to personal documents, public services and civil administration, property restitution procedures.</li> <li>• Complete hand over of management to ethnically mixed Local Women's Councils (LWCs)</li> <li>• LWCs take full charge of reconciliation and advocacy of women's rights</li> </ul>