

**KOSOVO (PROVINCE OF THE STATE UNION OF SERBIA AND MONTENEGRO) 2006
OPERATIONS PLAN**

Part I: OVERVIEW

1. Protection and socio-economic operation environment

One of the main developments in the Kosovo province of the State Union of Serbia and Montenegro (SCG) was the *Standards for Kosovo* implementation that gained momentum in early 2005 and the comprehensive review of mid-2005 that is expected to lead the way to a process of final status negotiations, which will be likely to continue in 2006. Notwithstanding and at the time of writing (March 2005), the timetable, the negotiation *modus operandi* and the desired outcome of status talks remain unclear and uncertain. The two main parties to the issue, Kosovo-Albanians and the Republic of Serbia, have diametrically opposing views – respectively, the creation of an independent state or the reintegration (albeit as a province with substantial autonomy) into the State Union of Serbia and Montenegro. There is currently no single unified international position on the direction to take nor on the way to get there. Consequently and although the end of political uncertainty could be in sight in early 2006, the road towards future status as well as its subsequent implementation could be accompanied by heightened political tensions, growing social frustration linked to poor economic prospects, a radicalisation of local/regional positions and attempts at obstruction and possibly, some inter-ethnic violence and civil unrest. All of these elements are likely to have substantial impact on the scope of minority¹ voluntary returns to the Kosovo province and on UNHCR's operational environment at large.

Through the continued transfer of power and competencies from the United Nations Interim Administration Mission in Kosovo (UNMIK) to the Provisional Institutions of Self-Government (PISG), local authorities have gradually acquired more responsibility and accountability. Most of the prioritised Standards actually concern minority issues and the PISG are expected to continue moving toward an all-inclusive and multi-ethnic environment for Kosovo through 2006 and beyond. The Ministry of Communities and Returns (MCR) is in existence since February 2005 and has progressively been taking ownership of the return process. By 2006, it is expected to be fully operational, as UNMIK/OCRM² (Office of Communities, Return and Minorities) gradually retreats, and a closer and more effective counterpart of UNHCR.

If - following a positive *Standards* review - status negotiations are concluded with all parties in agreement, minority returns to the Kosovo province could finally take off during 2006. People will know what they are returning to and will be able to assess their personal prospects for the future. On the other hand, UNHCR also expects that returns will be accompanied by departures – the composition, direction and scope of which will all depend on the (political) solution adopted or foreseen. If, on the other hand, the status issue is not resolved and uncertainty remains, returns are likely to be overshadowed by increased departures. Whichever direction the Kosovo province takes, UNHCR estimates that there is a real risk that additional people will find themselves compelled to leave, either certain areas of Kosovo or Kosovo altogether. Conversely, clarity of status will create opportunities for returns as a growing number of internally displaced persons and refugees are effectively able to exercise their right to choose to return home. Again, all of this very much depends on the final solution that will be adopted – knowing that a solution cannot satisfy everyone and will leave some communities, either majority and/or minority, in a more vulnerable environment.

Given current practice in asylum countries, the forced return of rejected asylum-seekers from Kosovo is likely to continue. Given the continued stable situation in The former Yugoslav Republic of Macedonia and barring unforeseen developments, no new influx of refugees from this neighbour is expected. The situation

¹ The term "minority" is used to describe persons belonging to a certain ethnic group who form a minority in a particular location (usually a municipality or a village) regardless of their status in the province or country.

² Formerly known as ORC – Office of Return and Communities

in Southern Serbia remains fragile and may worsen as negotiations for Kosovo move forward – this particularly if the national political context of the Republic of Serbia confirms the growing influence of radical elements. As one of the gateways to Western Europe, the number of asylum-seekers from third countries is likely to increase provided that conditions in Kosovo do not deteriorate.

UNHCR opened its offices in the Kosovo province of the then Federal Republic of Yugoslavia (now SCG) in 1993 in response to the conflicts in Bosnia-Herzegovina and in Croatia which generated refugees living in Kosovo. As hostilities escalated in the late 1990s in Kosovo, UNHCR operations shifted to focus on the provision of humanitarian assistance to IDPs which culminated with the massive departure then repatriation programme for Kosovo Albanian refugees in 1999-2000. Since then, UNHCR activities have been aimed at implementing its SC1244 mandate (see below) by working on creating conditions for the return of ethnic minorities. From mid-2005 onward, the following evolution is expected in UNHCR's operational environment; a status agenda/timetable will be developed by 2006 with possible final status decided by year-end. As this occurs, UNMIK will have transferred most of its competencies to the PISG and the international civil administration is expected to substantially decrease. The PISG and local municipalities will have been fully empowered to deal in matters related to refugees and IDPs and conditions permitting, UNHCR would be expected to focus on voluntary repatriation efforts *per se*. It should be underlined that, at the time of writing (March 2005), the above is still rather speculative and subject to major changes depending on the evolution of the situation in Kosovo and in the region. With the continued presence of over 200,000 IDPs in Serbia and Montenegro and of thousands of refugees in the fYRoF Macedonia, UNHCR operations in the region are closely coordinated between concerned offices so as to complement and reinforce each other toward agreed objectives.

2. Operational goals and potential for durable solutions

Aside from the Overall Mandate Objective and Goal 1 of UNHCR's Global Strategic Objectives (GSO) which define the general organisational strategy within which UNHCR Kosovo operates, the following more specifically concern this context:

- Protection and assistance needs of persons displaced by conflicts in Eastern and South-Eastern Europe are met (RBE Goal 7, GSO 3 on durable solutions, 5 on collaborative efforts for IDPs and 6 on partnerships).
- Durable solutions are implemented for refugees and displaced populations and further displacement is avoided (RBE Goal 8, GSO 3 on durable solutions, 4 on preparedness and response, 5 on collaborative efforts for IDPs, 6 on partnerships and 7 on MDGs). Noteworthy is that durable solutions for IDPs as well as for refugees in Kosovo first and foremost depend on the development of a final status and on the improvement of security and living conditions for ethnic minorities (most refugees from BiH/CRO are ethnic Serbs).

Global Strategic Objectives 6 (partnerships) and 7 (MDGs) are essentially implemented through UNHCR's systematic efforts to advocate for and engage other actors in issues related to IDPs, notably the UN Civil Administration, the UN Country Team, KFOR, bilateral donors, NGOs and other organisations such as EAR, the World Bank and the EU.

In addition to UNHCR's Statute and the 1951 Convention/1967 Protocol which define UNHCR's role vis-a-vis asylum-seekers in Kosovo, the following international legal instruments are more specifically relevant to the local context:

- a) UNSC Resolution 1244, Annex 2, Section 7 (June 1999): return of Kosovo refugees/IDPs According to the above, UNMIK is entrusted with “*assuring* the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo”. The “safe and free return of all refugees and displaced persons” shall take place “under the *supervision* of the Office of the United Nations High Commissioner for Refugees”. UNHCR is unable to promote voluntary repatriation for minority IDPs/refugees until severe obstacles (to return) related to the security and basic human rights/sustainability of minorities in Kosovo are lifted. UNHCR will continue to focus on working toward creating conditions for return, assisting spontaneous returns and implementing its supervisory role. It will closely monitor developments and provide training and contribute to capacity-building where relevant and effective. Simultaneously, contingency planning for renewed population displacement will be consolidated.

- b) General Framework Agreement for Peace in Bosnia-Herzegovina (The Dayton Agreement), Annex 7, (December 1995): refugees from BiH and Croatia - UNHCR continues to pursue voluntary repatriation and local integration as a durable solution for these refugees. It is expected the repatriation option will be gradually exhausted in 2005-2006 as most refugees remaining in Kosovo are elderly and isolated. Many have already indicated their wish to locally integrate in Kosovo or be moved to the Republic of Serbia – these options can only be effectively worked upon once a final status for Kosovo is given and stability is in place.
- c) Framework Agreement (Ohrid Agreement), Annex C, para. 3 (August 2001): refugees from fYROM – following concerted efforts in 2004, the gist of the voluntary repatriation programme is considered as terminated. Although individual cases for voluntary repatriation may still occur and should be supported, UNHCR will pursue local integration as the most appropriate durable solution for those persons who cannot/will not return to fYROM and are of concern to UNHCR.

Women/gender equality:

Addressing issues of sexual and gender based violence (SGBV) will be a priority for UNHCR Kosovo in 2006. The Office has developed the following action plan:

- Define and identify the role of UNHCR with regards to SGBV in Kosovo and the issues that UNHCR can address effectively;
- Set up a mechanism to report and monitor SGBV cases that could occur in relation with UNHCR staff and persons of concern;
- Ensure that all implementing partners are informed about UNHCR Guidelines on prevention and response to SGBV and are aware of the institutional mechanisms available;
- Identify needs, problems, services available, actors involved, etc;
- Liaise with the current local programs and initiatives and work with the UN Country Team agencies and other international organizations on addressing SGBV issues;
- Together with other actors agree upon a division of responsibilities;
- Develop monitoring and evaluation systems (including mechanisms for reporting, referrals and coordination);
- Incorporate SGBV activities in all relevant sub-agreements through participatory planning with Implementing Partners and concerned beneficiaries.

The welfare and interests of women will continue to be monitored, assessed and incorporated in all return related activities. Participation of women in all Go and See Visits/Go and Inform visit will be obligatory. The Legal Aid programme through CRP-K will also pay special attention to the rights of women in the return process. Sanitary napkins will be made available to all returnee and refugee women.

Children and adolescents:

Due to continued restrictions to freedom of movement and security obstacles, many minority students remain without secure and reliable physical access to education. This helps to perpetuate the parallel education system established in many Kosovo Serb areas and further discourages integration. In some cases IDP families are unwilling to return to their places of origin without the provision of a school in their community. The Legal Aid programme through CRP-K will also pay special attention to assist in obtaining documentation and ensure registration of children. UNHCR actively monitors and advocates that a) returnee and minority children have access to the nearest schools b) problems such as transport or supplies be resolved to increase minority attendance, or c) effective primary education structures be established in returnee areas (including schools, teachers, educational supplies etc) if such services were available prior to the conflict.

Minority children and adolescents also suffer from general isolation due to language constraints, restrictions in freedom of movement and security concerns. UNHCR through its implementing partners will strive to incorporate children in community development initiatives to cultivate an environment of relative normalcy and improved relationships between ethnic groups.

Environmental concerns:

The relatively small number and the geographical distribution of minority communities, which are almost exclusively in rural areas, limit their impact on the environment. UNHCR has provided the most vulnerable minority and refugee families with firewood for cooking and heating in the winter months in order to minimise the pressure to illegally cut down local forests. The procured firewood is certified by the competent authorities in the country of purchase, to ensure that it complies with international and national conservation standards. UNHCR remains gravely concerned by the environmental situation of Mitrovica region where high levels of pollution are recorded and affect the whole population. This particularly affects the health of some 700 Romas IDPs housed in three collective centres which are heavily contaminated by lead and which need to be evacuated. As with 2005, UNHCR will continue to actively support and assist UNMIK and local authorities to try and resolve the situation of these IDPs - this through legal coordination to resolve property issues so as to facilitate return to homes and as well as expertise on camp management and lay-out, needs assessment and targeted distribution of NFIs for the affected IDPs.

Persons with special needs:

Anecdotal evidence suggests that older minority returnees are often the first to return to their home communities. In many cases, elderly individuals return alone only to be joined by their family members in the following weeks and/or months. UNHCR, through its implementing partners and network of community volunteers has established an extensive field presence which ensures that returnees are captured immediately upon arrival. Once detected, UNHCR is able to respond to the precise needs of identified cases. When appropriate, UNHCR intervenes on behalf of older returnees directly, or ensures that any failures in the competent local structures are redressed. Supplementary assistance is often made available to ensure adequate living standards. In addition, UNHCR will have to address more systematically and more effectively, the local integration of the elderly refugees remaining in Kosovo.

HIV/AIDs:

The increase in intravenous drug use, trafficking and prostitution in Kosovo pose considerable risks particularly since little is being done in terms of HIV prevention. HIV testing facilities have recently become operational and a campaign to increase awareness among the general population, especially youth through billboards and televisions announcements has gained momentum. However, there is still no formal education programme in the schools and HIV counselling remains lacking. UNHCR will continue to support campaigns and initiatives against HIV/Aids through its participation in the UN Country Team.