



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Kosovo

The State Union of Serbia & Montenegro
A province under UN Administration

Planning Year: 2005

COUNTRY OPERATIONS PLAN
2005
Narrative – Part I only

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Office of the Chief of Mission
UNHCR Prishtine/Pristina

PART I:

EXECUTIVE COMMITTEE SUMMARY

1. Introduction

(a) Context and Beneficiary Population(s)

UNHCR's mandates in Kosovo:

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, (June 1999)
- Bosnian / Croatian refugees: Dayton Agreement, Annex 7 (December 1995)
- FYR of Macedonia refugees: Framework Agreement, Annex C, para.3 (August 2001)

Political context of UNHCR's work in Kosovo:

With the United Nations Interim Administration Mission in Kosovo's (UNMIK) delegation of power and transfer of competencies, Kosovo's elected Provisional Institutions of Self-Government (PISG) are gradually gaining more responsibility and more accountability. As this trend accelerates, Kosovo's unresolved status is increasingly becoming an issue that is contributing to general frustration and tension, both in Kosovo and in the region. The complex process leading to the determination of Kosovo's future status will depend on numerous factors, including how well PISG institutions are performing against the eight benchmarks elaborated in the "Standards for Kosovo" document adopted in December 2003. Joint Implementation Working Groups focused on achieving these standards have begun to meet following the launching of the Implementation Plan (KSIP) by the SRSG in April 2004. The first Implementation Review is planned for mid-2005 and its conclusions will condition the start (or not) of final status discussions. Whereas it is accepted that full implementation of the eight standards is not a realistic expectation, the PISG will have to demonstrate progress and engagement in priority areas – notably, security, law and order, decentralisation, freedom of movement, returns and functioning institutions. UNHCR is a strong participant in the Working Groups on Freedom of Movement and Sustainable Returns and also contributes to the Working Group on Property Rights.

Given the continued tensions and hostility between the majority population and ethnic minorities (the Kosovo-Serb minority especially), contingency planning for population displacements resulting from possible renewed violence is necessary. With current levels of volatility and unpredictability in the security and political environment in Kosovo, severe social unrest could develop at any time notably when the results of the Implementation Review are announced or when discussions over the status of Kosovo take place.

The outbreak of violence in March 2004 left 20 people (12 K-Albanian and 8 K-Serb) dead, over 900 injured and some 4,000 minorities displaced. Structural damage included the destruction of some 800 houses, over 320 UN vehicles and 36 monasteries/churches and other cultural sites. The violence followed a series of inter-ethnic incidents and quickly spread throughout the province, overtaking security actors and targeting mainly the Kosovo-Serb minority as well as UNMIK. The three days of rioting are generally interpreted as an expression of deep-seated frustration with current economic conditions, the lack of clarity on final status, UNMIK policies and the various agendas of the political leadership in and around Kosovo. The violence has been condemned by local and international bodies alike as well as by the majority of the people of Kosovo but only concrete effective political, economic and legal action can resolve the deep dissatisfaction evident at all levels of the society.

This sudden escalation of violence has left all minority communities with a heightened sense of fear and isolation. Freedom of movement and access to essential services which were not guaranteed before the current outbreak of violence, have now deteriorated even further. As a result, a certain momentum behind the return process has been lost and interest in return severely eroded - many ethnic minorities in displacement have adopted a cautious "wait and see" position. Resumption of the process will largely depend on the response of the PISG and UNMIK to social frustrations; the restoration of confidence in the security environment; the improvement of living conditions for minorities notably freedom of movement, and; the speed with which reconstruction and systems of compensation can be established. Key to any formulation of an individual decision to return or not, is the issue of final status – most internally displaced persons will not make a decision until they know what they are returning to.

The persistent lack of economic opportunities continues to plague all Kosovo population and particularly affects vulnerable minority communities – this seriously undermines the sustainability of both residents and new arrivals (organised or spontaneous returns). UNMIK estimates unemployment at 60% among Albanians and 95% for minorities. Future prospects for economic growth and development are largely dependent on foreign investment and the successful privatisation of state and publicly owned property.

Notwithstanding the brief renewal of conflict in the northern parts of fYR of Macedonia in late August 2003, the situation has remained stable despite the sudden death of the Macedonian President in February 2004. The next major development that needs to be closely monitored (for a potential impact on Kosovo) is the conduct of a referendum on municipal boundaries which could have a destabilising effect on a fragile and unpredictable situation. In 2004, UNHCR Skopje and Kosovo have made particular effort to encourage assisted voluntary returns of the remaining fYR of Macedonia refugees in Kosovo. As of 2005, UNHCR Kosovo will be working on durable solutions for refugees who are not able or willing to return for protection-related reasons.

The situation in Southern Serbia has been relatively stable – continued monitoring of political developments is essential, especially if ethnic tensions in Kosovo further increase, since the two situations mutually impact on each other with possible resulting population displacement.

With progress slowly being made on the lifting of obstacles preventing return to Croatia and to Bosnia and Herzegovina, refugees located in Kosovo still require UNHCR support for the enjoyment of basic rights and the identification of appropriate durable solutions.

Although still limited in 2004, the number of individual asylum-seekers from various countries entering and staying in Kosovo is expected to increase in coming years as illegal migration channels and trafficking networks continue to develop in the region. The eastward progression of EU external borders in May 2004 and correlative tougher border management structures are also expected to lead to an increased number of individuals seeking asylum in South-Eastern Europe, including Kosovo, in the future.

Security situation:

The violence of March 2004 was directed both toward non-Albanian ethnic groups and the UNMIK. Makeshift roadblocks were set up in all regions by Kosovo Albanians and Serbs, gunfire was exchanged and hand-grenades thrown, churches, houses, schools and other infrastructure were set on fire, resulting in renewed displacement and isolation of minority groups in Kosovo. Although Kosovo Serbs were the primary target, other minorities also came under attack including Roma and Ashkaelia – others like Albanians in a minority situation who were not directly attacked, decided to move into displacement as a preventive measure. The damage to inter-community confidence as a result of the attacks has been severe. Given the context and although making due note of and supporting progress where and when it occurs, UNHCR does not promote return at this stage. Rather, the organisation encourages and assists in the provision of timely and accurate information to IDPs and to refugees so that they are able to make a free and

well-informed choice on their future. Sadly, the March violence underscores the cautious approach advocated by UNHCR in its positions “on the continued international protection needs of individuals from Kosovo”. Regularly issued and updated by UNHCR since 1999, these papers continue to oppose forced and induced returns of selected ethnic minorities to Kosovo.

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

The latest inter-ethnic clashes represent a serious set-back in the return process and have only helped to exacerbate already acute difficulties with security, freedom of movement, unresolved property claims, access to services (especially education) and employment. The willingness of displaced minority populations to return to their home communities is likely to remain low in 2005 while the sustainability of return will remain fragile until a more secure environment is in place. Secondary displacement to mono-ethnic communities is also a strong possibility if security incidents continue. UNHCR's involvement will be two-fold: focus and support unassisted individual, spontaneous/voluntary minority returns, and; contribute to creating conditions that will ensure safe and sustainable returns, such as advocacy for the rights of minorities, development of inter-ethnic dialogue activities and continued monitoring and assessment of living conditions of minorities.

With the progressive handover of responsibilities to the PISG, UNHCR will shift its focus from support/technical assistance to UNMIK's returns responsibilities to, capacity-building and assistance to the PISG and local municipalities. Given the forthcoming Implementation Review in mid-2005, it is particularly important for UNHCR to accompany and support the PISG's implementation of returns-related standards.

In view of the situation, departure of members of minority groups from Kosovo, especially Romas and Ashkaelis, is expected to continue. As international protection is now rarely granted to new asylum-seekers from Kosovo, forced returns of minority populations to Kosovo are likely to continue. UNHCR will provide updated country of origin information to inform asylum countries on the situation of minorities and will regularly review its position paper on continued need of international protection.

The adoption and implementation of a sound asylum-framework by UNMIK and the PISG will be a major challenge for the reception of individual asylum-seekers and refugee groups in the future. UNHCR's supervisory role in asylum matters will change substantially. Legal advice and capacity building activities with UNMIK and the PISG will be priorities. This will include an added focus on border monitoring and trafficking as a result of the new external EU borders.

Residual populations of refugees from the region will continue to require UNHCR's support so as to enjoy basic rights and to have access to suitable durable solutions – either voluntary repatriation or local integration in Kosovo.

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

UNHCR's main roles are the following:

- (i) Protection: UNHCR will continue to press all relevant actors to ensure that necessary protection is extended to all categories of persons displaced from Kosovo, both within and outside of Kosovo. UNHCR will continue to provide active support to UNMIK/Office of Returns and Communities (ORC) within the inter-agency coordination mechanisms in place. UNHCR will also continue to advocate for an enhanced legal, institutional and political response by UNMIK and the PISG to minority community issues and to the process of minority returns; this to improve living conditions and prevent forced displacement. Appropriate asylum-related input and expertise will be provided as the EU Association and Stabilisation Process Tracking Mechanism for Kosovo progresses together with the engagement of the PISG in these matters.

- (ii) Monitoring and reporting: UNHCR will continue to monitor and report on the conditions of minority returnees for a period of 3-months post-arrival. Particular attention will be given to obtain a better understanding (profile) of IDPs within Kosovo and, with a view to assess possibilities of return and prevent further displacement, UNHCR will also monitor the situation of minorities-at-risk. UNHCR's grassroots monitoring network includes its Field Offices, implementing partners as well as community leaders/contacts.
- (iii) Delivery of assistance: Due to funding constraints, UNHCR will focus more stringently than before on "spontaneous" returnees. The Office will urge all actors to cover the entire range of assistance when engaged in the return of minorities, including those first-stage items which UNHCR has tended to provide in the past. Furthermore, and considering their primary responsibility in responding to needs of their population, UNHCR will gradually hand-over to the PISG and local structures, the provision of assistance to selected minority groups such as March IDPs, Plemetina camp. UNHCR will intensify its assessment and monitoring capacity – not least because of the need to maintain a humanitarian response mechanism for emergency situations. UNHCR will need to devote more attention to inter-ethnic dialogue and confidence-building activities between minorities and the majority population.
- (iv) Policy advocacy: UNHCR will continue to play an active role in the KSIP Working Groups as well as in the Returns Task Force and in the Returns Coordination Group, as is consistent with its supervisory mandate under UN Security Council 1244. With a view to supporting the creation of conditions to return, UNHCR will continue advocating for/supporting the improvement of living conditions of ethnic minorities in Kosovo in matters related to security, freedom of movement and access to rights. UNHCR will also continue advocating for 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. Finally, UNHCR will provide legal and technical advice to UNMIK and the PISG for the adoption of refugee-related regulations including a sound institutional framework – the organisation will stand ready to provide capacity-building support to the PISG for this purpose.

Overview of each beneficiary population (numbers, origin, demographic composition) and/or theme being addressed:

The expected populations of concern to UNHCR Kosovo in 2005 will be as follows:

- Minority returnees (3,000 - 5,000)
- Refugees from Croatia (320) and Bosnia and Herzegovina (70) who are displaced from the 1991-1995 conflict
- FYR of Macedonia refugees, displaced from the 2001 conflict (860)
- Mandate refugees and asylum-seekers (50)
- Minorities-at-risk in Kosovo (85,000). Among the minorities still living in Kosovo, this group is defined as persons belonging to a particular ethnic/national group who face protection-related problems such as security, freedom of movement and access to public services.
- Internally displaced persons within Kosovo who are displaced for reasons related to their ethnic origin (20,000 – 22,000).
- Continued instability in Kosovo and in neighbouring territories results in the need to maintain an active capacity to respond to population movements. Within Kosovo, UNHCR will maintain a constant contingency capacity to respond to the non-food emergency needs of 30,000 persons.

Linkages with other countries with a defined "situation":

→ Bosnia and Herzegovina – concerning Bosnian Serb refugees who remain in Kosovo in need of a durable solution

→ Croatia – concerning Croatian Serb refugees who remain in Kosovo in need of a durable solution

→ fYR of Macedonia – concerning refugees under temporary protection from fYR of Macedonia who remain in Kosovo, as well as, refugees from Kosovo who remain in fYR of Macedonia.

→ European Countries – concerning asylum-seekers (new arrivals, rejected) and refugees from Kosovo at the end of temporary protection who are in need of continued protection for reasons stated in UNHCR's position papers.

→ State Union of Serbia and Montenegro – concerning internally displaced persons who left Kosovo since 1999

Capacity and presence of implementing partners:

Over ten years of operating in Kosovo, UNHCR has developed very close partnership with many long-serving and valued non-governmental organisations (NGOs). Both local and international agencies, most are highly experienced in their respective fields of expertise and have developed a very good understanding of the context in which they operate. Local NGO partners in particular, continue to require high levels of support and guidance. UNHCR will develop a more comprehensive training plan, particularly in protection issues, to enhance the monitoring and reporting capacities of these agencies. Notwithstanding, a number of international NGOs have already left Kosovo - leaving only a few remaining with particular expertise in minority and return-related affairs. As a result, UNHCR requests for creative proposals receive limited responses, severely affecting the competitive bidding process. NGOs willing to support UNHCR projects with current cost-sharing requirements are few given their own legitimate financial constraints. They complement UNHCR's limited financial input with additional resources from donors and the decreasing involvement of these donors will negatively impact on the capacity and presence of implementing partners in 2005 and beyond. One of the more negative consequences of this, is the creation of a highly competitive environment within which NGOs strive to deliver quickly the most empirically numerous returns so as to be able to attract donors – UNHCR has expressed its concerns that this should not be done at the cost of safety and sustainability of returns.

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

UNHCR's main counterparts in UNMIK are the Office for Returns and Communities (ORC), the Regional structures and the Municipalities, all of whom are intricately involved in the returns process. The ORC, but also the OMIK (OSCE Mission in Kosovo/Pillar on Democratisation and Human Rights) and the UNMIK Pillar on Civil Administration will remain key interlocutors for UNHCR and key players with regard to the reintegration of minorities and for the co-ordination of return related issues. An inter-agency Task Force on Return and Reintegration has been established by UNMIK, chaired by the SRSG, in which UNHCR also participates.

UNHCR also participates in the Regional and Municipal Working Groups on Return and Reintegration. The RWG and the MWG report to the Returns Co-ordination Group (RCG) based in Pristine/Pristina and chaired by the Director of the ORC. The RCG performs an oversight

function in the application of policy set by ORC and UNHCR. It is envisaged that all these coordination fora will continue operating in 2005.

The events of March 2004 led to greater collaboration between UN agencies under the auspices of the UN Country Team (UNCT). Given the medium to long-term nature of the UNCT handover of assistance to various UN Agencies and the good level of cooperation to date, it is expected that the UNCT will continue to convene and join forces to address the needs of the most recently displaced.

UNHCR will support OSCE in strengthening democratic institutions, promoting human rights and ensuring democratic and free elections. The already close co-operation between UNHCR and OSCE in terms of protection of minorities will continue in 2005.

Last but not least, cooperation, coordination and regular information-exchange with the security agencies in Kosovo, KFOR (NATO Kosovo Force), the UNMIK Police and especially the Kosovo Police Service (KPS) are essential elements for the attainment of a peaceful security situation that needs to underpin a successful return process.

b) Selected Programme Goals and Objectives

<i>Name of Beneficiary Population: IDPs within Kosovo and Minorities-at-risk</i>	
<i>Main Goal: With a view to protect, to prevent further displacement and to create conditions conducive to return, ensure the most basic needs and rights are met</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Minority groups are protected by military and civil authorities against forced displacement • Minority groups enjoy fundamental civil, political, economic, social and cultural rights in their home communities • IDPs are protected by authorities in their place of displacement against direct or indiscriminate attacks or other acts of violence • IDPs enjoy freedom of movement and equal access to services • Especially vulnerable individuals benefit from specific protection mechanisms targeted to their protection needs • IDPs have accurate and timely information, to make an informed and free choice on return to their homes. 	<ul style="list-style-type: none"> • Monitor the security situation of minority communities and ensure that KFOR and KPS intervene • Monitor and report on the enjoyment of human rights in minority areas, and elaborate comprehensive situation reports and position papers • Provide policy support and guidance to UNMIK, PISG and other actors for the establishment and management of IDP transit centres and camps • Monitor/report on access of IDPs and minority communities to public services • Improve the security situation of especially vulnerable individuals through targeted ad-hoc interventions in coordination with other actors • Support UNMIK, PISG and other actors to develop effective channels of information to IDPs.

<i>Name of Beneficiary Population:</i> Minority Returnees	
<i>Main Goal:</i> <u>In cooperation with above-mentioned partners, work towards the full reintegration of minority returnees in safety and dignity</u>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Minority returnees are integrated in their places of origin and have free and equal access to all facets of public life. • The immediate and sustainability needs of returnees are addressed. • Returnees enjoy increasing levels of access to income generation opportunities and become economically more self-sustainable. 	<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. • 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. • Disseminate the Guiding Principles on Internal Displacement and advocate authorities' primary responsibility to implement them.

<i>Name of Beneficiary Population:</i> Refugees from Croatia, Bosnia Herzegovina and FYR of Macedonia, Mandate Refugees and Asylum seekers	
<i>Main Goals:</i> <u>Provide international protection, durable solutions and targeted assistance to refugees. Ensure that the treatment of asylum seekers is done according to the relevant international refugee instruments.</u>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Legislative and institutional asylum framework is established. • Fair and efficient RSD procedures are implemented • Refugees from Croatia and BiH and FYROM receive accurate and timely information and make informed choices to voluntarily repatriate or locally integrate. • Protection procedures are elaborated/updated in the framework of emergency preparedness activities. 	<ul style="list-style-type: none"> • Provide legal and technical advise for the adoption of the UNMIK asylum regulation, the setting up of an eligibility committee and the establishment of RSD procedures • Provide systematic training to military and civil authorities • Enshrine temporary protection schemes with clear links to regular RSD procedures in contingency plans • Undertake information campaigns targeting long standing refugee caseloads through Go-and See Visits, Go-and-Inform Visits and meetings with village representatives • Promote and support voluntary repatriation for all refugees whenever appropriate and feasible. • Take appropriate action with PISG and UNMIK to ensure that those refugees who cannot return are provided with continued protection and local integration opportunities.