Manual for Sustainable return

Doracak për kthim të qëndrueshëm

UNMIK

UNHCR
The UN Refugee Agency
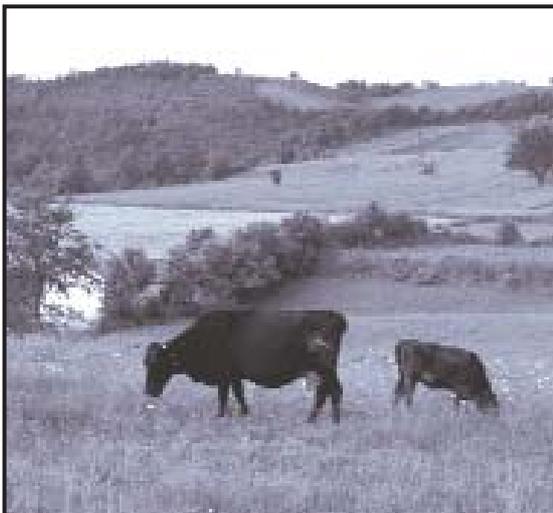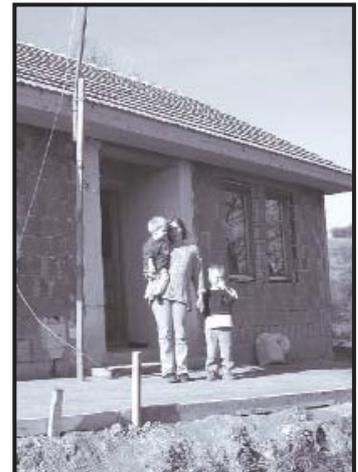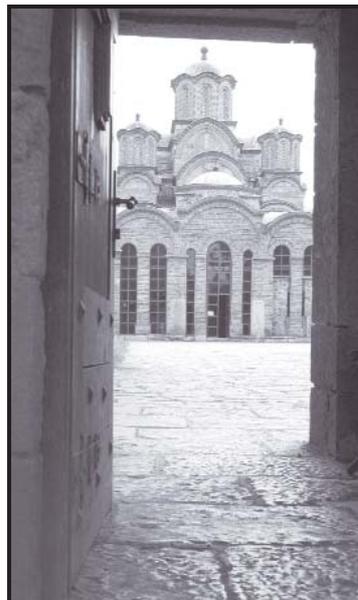
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Manual for Sustainable Return

Foreword

The need to produce a document to clarify procedures and activities related to returns arose during 2002 return season, when a number of actors involved in the emerging processes faced specific questions related to the implementation of return projects. In May 2002 UNMIK formulated its return policy with the concept paper *The Right to Sustainable Return*. It became rapidly clear that the policy needed to be supplemented with a document which could serve as a practical guide as to how to apply the principles laid out in the concept paper. It also emerged that a comprehensive framework which could not only lay out procedures for implementing principles but also enhance and formalise coordination efforts which had already emerged was needed. A demand arose from a variety of actors already engaged in the process to produce a document which could: (1) formalise coordination among actors by defining roles and responsibilities, (2) establish decision-making procedures in existing coordination bodies and (3) propose a standard process in which the relevant return projects would be developed and funded.

The *Manual for Sustainable Return* has been developed with the demand from the field workers in mind. It aims to shed light on the returns landscape further by providing detailed guidance on the roles of the Municipal and Regional Working Groups on Returns. It therefore targets a vast audience, not only the international bodies represented in Working Groups but also the PISG, Kosovo's neighbouring territories authorities, IDPs/Refugees and the donor community.

The *Manual* remains a modest attempt to address questions arising and needing clarification. It is intended to be used as a guide based on best practices which have facilitated the most sustainable results for minority returns. The *Manual* will remain a living document, subject to periodic revision, assessment and improvement. The *Manual* intends to be a guide rather than a prescription, and as such allows for flexibility and indeed encourages implementing structures to reflect local circumstances and adapt guidance as circumstances evolve. It is developed in a flexible manner to account for Kosovo's regional specificities. Problems encountered in the guidance provided and recommendations for improvement will be considered in future revisions.

The procedures outlined below for the returns process have been designed to be flexible to respond to the unpredictable environment in which the returns process takes place. To simplify the presentation of the procedures, one understood that these would apply to "facilitated" returns of groups of IDPs/refugees and to the presentation of returns projects' lists to donors to respond to identified needs of the potential returns, for which funding is being sought. However, the very nature of spontaneous individual returns, which to date represent a majority of the overall returns, may require a more accelerated response. The chapter called "The Spectrum of Returns" below addresses this situation. Furthermore, donor-funding cycles differ, and may not coincide with the procedures outlined below. Often, a donor will approach an NGO with a request for concept papers and/or proposals that they could fund. In many of these cases, there is a time constraint, and NGOs must react quickly to secure funding. Hence, MWGs should expect that concept papers could be submitted for MWG endorsement throughout the year, and that an immediate endorsement procedures must take place. The Operational Guidelines outline the streamlined approach to be used in these circumstances.

Acronyms

CIMIC — KFOR Civil Military Cooperation

CIVPOL — UNMIK Civilian Police

EU — European Union

GIV — Go and Inform Visit

GSV — Go and See Visit

HPD — Housing and Property Directorate

IAC — Interim Administration Council

IDP — Internally Displaced Person

KFOR — Kosovo Force

KPS — Kosovo Police Service

LCO — UNMIK Local Community Office(r)

MA — UNMIK Municipal Administrator

MWG — Municipal Working Group

NATO — North Atlantic Treaty Organization

NGO — Non Governmental Organisations

ORC — Office of Returns and Communities

OSCE — Organization for Security and Co-operation in Europe

OSRSG — Office of the Special Representative of the Secretary General

PISG — Provisional Institutions of Self-Government

RAE — Roma, Ashkali and Egyptian communities

RLP — Rapid Location Profile

RCG — Returns Coordination Group

RWG — Regional Working Group

SRSG — Special Representative of the Secretary General

TAB — Technical Advisory Board

TFR — Task Force on Returns

UN — United Nations

UNHCR — United Nations High Commissioner for Refugees

UNMIK — United Nations Interim Administration Mission in Kosovo

UNSCR — United Nations Security Council Resolution

UNDP — United Nations Development Programme

Introduction

When engaging actively in supporting the returns of Kosovo's internally displaced persons and refugees to their homes, it is necessary to appreciate the wider context within which the returns are taking place. In this section, the _Manual for Sustainable Return_ provides a brief introduction of the social and political environment in which returns are taking place. It also outlines the conditions which should be fostered in order to respect the right to return. This chapter also reviews the principles which should guide the activities undertaken by each actor, together with a brief analysis of the communities being targeted in the returns process. The chapter ends with a broad overview of the principal actors, including international and local institutions.
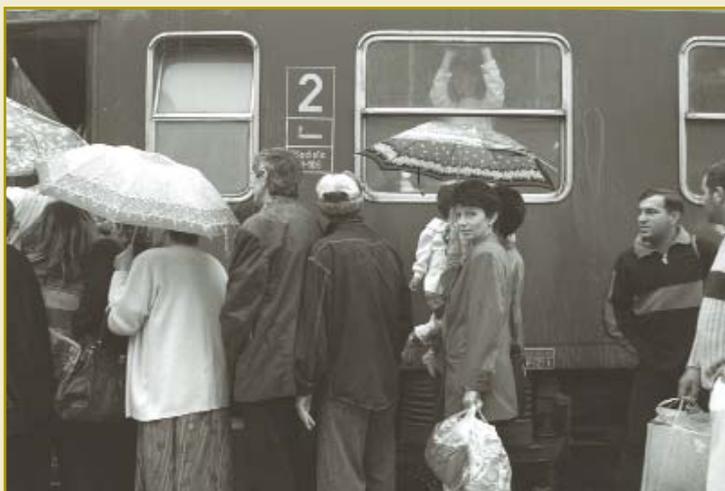
Returns Environment

An environment conducive for returns is one which allows for returns in safety and dignity, reflecting a fundamental change in the situation that originally caused the flight. For returns to occur, improvements are most important in security and minority rights, along with legal guarantees for their implementation. UNSCR's 1244 (1999) tasks the international security presence (KFOR) to provide a secure environment "in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established", until the international civilian presence can take responsibility to ensure "public safety and order". The international civilian presence (UNMIK) is not only responsible for "assuring the safe and unimpeded return of all refugees and displaced to their homes in Kosovo" but also, in more general terms, to "maintain civil law and order" and to establish a local police. Both KFOR and UNMIK therefore have key responsibilities and decisive roles to play in the context of protection of minorities in Kosovo and the safe and unimpeded return of refugees and IDPs.

The creation and maintenance of a secure environment in the context of difficult inter-ethnic relations requires responses that go beyond the provision of sufficient police and military protection. Mere containment of security threats without addressing the root causes of instability and intolerance ultimately impedes substantial returns, since such returns would challenge the precarious stability achieved. Therefore, a comprehensive and proactive approach is increasingly being applied. Improvement of inter-ethnic relations is the central part of this strategy that aims at a fundamental change in the security situation. This in turn should allow for greater numbers of minority returns.

The return of ethnic minorities is equally the responsibility of the PISG as it is of the international community, as outlined in the Constitutional Framework - "All refugees and displaced persons from Kosovo shall have the right to return to their homes, and to recover their property and personal possessions. The competent institutions and organs of Kosovo shall take all measures necessary to facilitate the safe return of refugees and displaced persons to Kosovo, and shall cooperate fully with all efforts by the UNHCR and other international and non-governmental organisations concerning the return of refugees and displaced persons."

Minority returns are also a key benchmark against which progress in Kosovo is being measured. This is recognised by the signature of the Prime Minister on the *Strategy of Joint Principles on Return* [1] and the adoption by the Kosovo Assembly of the *Resolution on Rights of Communities and their members and on the Conditions for return of IDPs and Refugees* [2]. These documents have been followed by numerous public statements of high-ranking politicians in support of returns and integration of minority communities; however, much remains to be done to translate such statements into the assumption of responsibilities and genuine acceptance of minority returns at the municipal and grassroots levels. Kosovo Albanian officials still have a clear tendency to view return as the responsibility of the international community, without assuming ownership.

The involvement of Kosovo Albanian officials requires first and foremost a recognition that IDPs/Refugees are a central part of their constituency, with whom they have an obligation to communicate. The quality and the regularity of this involvement varies widely across the regions, ranging from productive co-operation at best, to boycott and obstruction at worst. In most areas, Kosovo Albanian involvement in the returns process began only in early or mid-2002. Accordingly, engagement with majority-community authorities in returns structures is, in most places, at an early stage.

Equally important is the willingness of minorities to participate in the PISG structure and events. While Roma, Ashkali, Egyptians and Bosniaks have come forward to join the new Kosovo administration, Kosovo Serb participation has been sporadic at best. Kosovo Serbs have little confidence in the current Kosovo administration to protect their rights.

Although the security situation and efficiency of administra-

tion in protecting minority rights have improved considerably since 1999, this has only allowed for the return of a small number of displaced persons. Precarious inter-ethnic relations, insecurity and restricted freedom of movement, lack of confidence in the rule of law and in the enforcement of property rights, and lack of material and economic opportunities in the place of return continue to affect the returns process adversely. Substantial further improvements are necessary to enable return of displaced persons, irrespective of their place of origin and their ethnicity.

The prospects for returns vary considerably according to region, even within each region, and among different ethnic groups. In some locations IDPs/Refugees with a strong desire to return did do so through establishing contacts with the Municipalities and receiving communities. In other locations, such re-establishment of dialogue and obtaining support of receiving communities requires greater efforts and time.

While some Roma, Ashkali and Egyptian (RAE) populations have experienced advances in relations with the majority population, security remains a major concern, especially for Roma who are often grouped by Kosovo Albanians with Kosovo Serbs. In some cases though, opposition to return is motivated by material interests, such as the occupation of houses or land usurpation.

Opposition towards returns of Kosovo Serbs is particularly widespread and deep-seated, and is expressed in a variety of ways, ranging from demonstrations and outright hostility towards attempts to re-establish inter-ethnic relations, to simple reluctance and foot-dragging. In general, interaction at the grassroots level between different communities has sharply increased during 2002. Although this has helped to build up inter-ethnic tolerance, it does not necessarily mature into a reconcilia-

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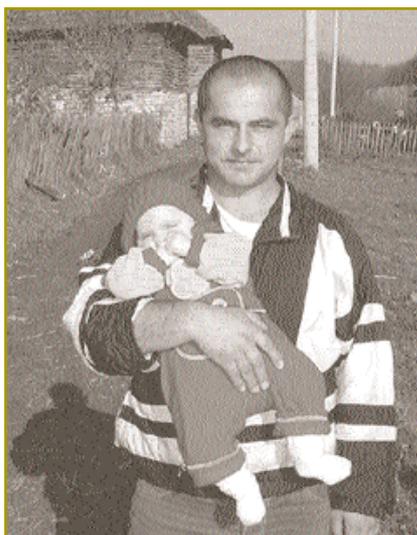
[1]The document is reproduced in the Selected Policy Framework Documents section of the Manual.

[2]Ibid.

tion process and acceptance of returns without assistance and effort.

In addition to security, minority rights and inter-ethnic relations, housing is a fundamental aspect of the return and integration process. Uninhabitable or illegally occupied housing and damaged or destroyed social infrastructure undermine the ability of IDPs/Refugees to exercise their right to return, as there are important factors facilitating self-sufficiency. Until recently, the issue of housing and reconstruction has often been secondary to IDPs/Refugees' decisions to return since the main obstacle remains security. However, the issue of reconstruction, whether housing, social infrastructure or both, is becoming an increasingly important determinant to the sustainability of return. Moreover, a great number of accommodation belonging to displaced persons is illegally occupied. Lack of housing reconstruction forces IDPs/Refugees to return to situations of internal displacement, usually to overcrowded and unsustainable host family situations. Some returnees may even go back to their place of displacement if they are unable to access assistance on their return. By the same token, fragile and unstable local communities effectively prohibit return opportunities for a larger number of IDPs/Refugees if attention is not paid to the rehabilitation or reconstruction of social infrastructure and public utilities in the return communities, in addition to housing.

While efforts must also be engaged in improving the environment to which IDPs/Refugees will potentially be returning, this manual seeks to describe how IDPs/Refugees can access return assistance and take an active part in the return process. The 2003 Return Strategy places greater emphasis on engaging all communities in the facilitation of returns rather than the existing process which is largely internationally-driven.

In this context, the facilitation of returns process warrants a situational, multi-faceted approach, taking into account the particularities of the local environment and the problems posed in each instance to ensure that the right to return of each person is respected.

Part I - Context

Guiding Principles

UNMIK has articulated its policy towards returns in a concept paper on *The Right to Sustainable Returns*"[3] dated May 2002. This concept paper lays out the basic principles that guide UNMIK's approach to the returns process. Below is a summary of the key principles guiding the returns process.

Sustainable

Ensuring social and economic sustainability of returns is crucial. IDPs/Refugees' wish to return and physical ability to do so is achieved only if they are able to live peacefully and participate actively in their community. Four basic conditions are required to ensure sustainability of the returns: (1) security and freedom of movement, (2) access to public services (public utilities, social services, education and health care), (3) access to shelter (i.e. through effective property repossession or housing reconstruction assistance where appropriate) and (4) economic viability through fair and equal access to employment opportunities.

Rights-based

Events in the Balkans have shown that a rights-based approach to returns remains the most likely to ensuring voluntary and sustainable returns. This approach de-politicises the returns issue and reduces the propensity for either government-motivated returns or conditionalities placed on the realisation of that right. This right applies to all ethnic communities and all places of displacement, be it within Kosovo, within Serbia and Montenegro, or in other countries.

Return to place of origin

The international community gives priority to assist returns to place of origin (return to pre-conflict home,) over return to displacement (return within pre-conflict boundary or municipality but not to pre-conflict home). This approach is essential for both practical and principled reasons. Prioritising return to place of origin is practical, since many may return to displacement, but justifiably maintain their hope of eventually moving again to their pre-conflict home, where they can re-establish their links with the community, and re-integrate. In an environment of limited resources, the most cost-effective and viable option should be emphasised, which is return directly to the pre-conflict home. This point also makes clear why emphasis on return to place of origin is also the best way to ensure respect for the right to return.   Once returns to places of displacement are supported, the momentum to ensure that people are given a real choice to return to their own homes is lessened, and it becomes more likely that the secondary displacement will become permanent. In addition to these arguments, the internal flight alternative has been rejected in the discussion on forced return from abroad.

Bottom-up and IDP-driven

Returns needs are identified and supported based on an expression of interest by the displaced. This approach is both principled and practical. It reflects a rights-based approach in which individuals are able to be involved in the decisions that affect their future, and to have the information necessary to make real choices. Most importantly, returns plans without a strong commitment from the IDPs will not materialise. It also reflects a pragmatic calculation that processes involving local communities, including locally based IDPs, are most likely to be sustainable. The reverse is equally true: a top-down approach to returns in the Kosovo context is likely to put political aims before individual rights and is also, for many reasons, inherently instable.

Engaging the entire community

Inter-community dialogue and community activities are key to sustainable returns. Successful returns projects include specific activities aimed at promoting inter-ethnic dialogue and encouraging tolerance and understanding. It is important to note that such initiatives take time to develop and implement, but that the effort at the early stages in the returns process can forestall difficulties later on. Returns projects that provide some level of benefit for the community as a whole are more likely to succeed.

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[3] The document is reproduced in the Selected Policy Framework Documents section of the Manual.

Displacement

Legal Framework

Under international standards, refugees and internally displaced persons have the fundamental human right to return to their homes, irrespective of their ethnicity, in either a spontaneous or an organised and assisted manner. This is in conformity with United Nations Security Council Resolution 1244 (1999), the Constitutional Framework and international human rights standards. These standards [4] form the basis for UNMIK's framework for minority rights protection and the returns policy for Kosovo.

Definitions

Internally displaced persons (IDPs) are persons or groups of persons who have been forced or obliged to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border. In Kosovo we refer to those individuals and families living within the boundaries of the Federal Republic of Yugoslavia as IDPs.

A Refugee, according to Article 1 of the 1951 Refugee Geneva Convention, is "a person who is outside of his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there, for fear of persecution."

Types of Displacement

IDPs/Refugees within and outside Kosovo live in unstable and often unacceptable conditions in locations other than their place of origin. The location of displacement of families and individuals is in large part determined by the families/individuals' perception of the location's level of security and their ability to sustain a temporary residence due to the presence of other members of the displaced community that offer support and coping mechanisms (e.g. host families).

Prior to 1999, Kosovo was comprised of both mono-ethnic and mixed villages. Although most of today's IDPs/Refugees fled Kosovo in the aftermath of the war, a large number of minority community members have remained. Some previously multi-ethnic villages have been abandoned, and many of their inhabitants have moved to neighbouring villages seeking safety in numbers. In many cases persons who lived in cities and larger multi-ethnic towns, such as Prishtinë/Priština, have left to live in mono-ethnic towns where they felt they would find a safer environment. In some cases these persons have occupied abandoned homes. This may lead to secondary displacement when the original owners wish to return, as they have no place to go. In addition, these persons were often employed in factories or government institutions in the urban areas and may not be able sustain themselves in a more agricultural setting.

The majority of IDPs/Refugees live outside Kosovo in neighbouring Serbia, Montenegro and the former Yugoslav Republic of Macedonia, while a smaller number also reside in other European countries. Depending on the absorption capacity of the host community, most IDPs/Refugees are

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[4]See Policy Framework Document section, International Standards on Minority IDP Rights.

living with host families or in camps. IDPs/Refugees' associations have sprung up providing an information and dialogue linkage for agencies engaged in facilitating and managing returns programmes.

Inside Kosovo the situation is not radically different. Host families in urban and rural locations provide accommodation to IDPs/Refugees, yet there remain significant numbers of ethnic minority families residing in managed camp facilities (e.g. Ashkali in Plementina Camp in Obiliq/c municipality and Serbs in collective centres in Brezovica, Strpce municipality). IDPs/Refugees' access to public services, freedom of movement and economic livelihood opportunities remain a challenge.

The situation for minorities in both mono-ethnic and multi-ethnic communities in Kosovo, whilst far from satisfactory, has gradually improved over the past three years. However, freedom of movement remains a substantial problem in Kosovo and access to adequate public services and job opportunities has not been fully developed. Members of minority communities continue to be targets of harassment, threats and violence based on their ethnicity.

The Spectrum of Returns

Two broad categories of returns are often discussed: "organised" and "spontaneous". In fact, these two types of returns are different points on the same spectrum, based on the level of organisation or facilitation involved. The key is for the operational framework to be sufficiently flexible to respond to every different scenario. The appropriate action is in part determined by where along this spectrum the return sits. The Manual aims to guide the relevant action, with emphasis on the steps and operational structures required by and relating to more organised returns. The multi-sectoral approach, as laid in the Manual, is critical, comprehensively covering all possible aspects of a returns project. Of course, since each situation is slightly different, many projects will follow a more abbreviated process than this. For example, in some cases there is little need for extensive inter-ethnic dialogue, since conditions are already conducive for return; the focus would then be more on support such as reconstruction assistance and income generation. On other cases, funding may already be available and NGOs may be ready to go - pending endorsement by the Municipal Working Group. None of this should discourage individual families from returning themselves, with minimal facilitation. In such cases, assistance should be available to ensure sustainability and smooth integration upon return.

In addressing the broad spectrum of returns and the many types of responses this spectrum entails, two points are central. First, the basic structures of the returns process (Municipal and Regional Working Groups, the Returns Coordination Group and the Task Force on Returns) are designed to provide support for the full range of returns activities. Accordingly, for example, Municipal Working Groups will play a role both in endorsing organised returns projects, and identifying potential beneficiaries for assistance from a flexible fund for individual returns.

Second, no location formerly inhabited by persons currently displaced should be ruled out as "not conducive to returns" on social, political or economic grounds. Possible return locations also fall along a spectrum, according to how conducive they are currently to returns. Given the broad range of potential returns activities, it is essential not only to focus on areas that are currently considered conducive to returns. In particular, there is the possibility of a "break-through" making individual locations significantly more conducive to returns. This in turn will impact upon the wide environment. As each situation varies, the multi-sectoral approach should be maintained, albeit with a different emphasis placed on each sector to reflect the different needs of local circumstances. A different level of priority can be given to each sector depending on needs: (1) inter-ethnic relations and community integration 2) economic sustainability 3) infrastructure and community services, 4) housing reconstruction, 5) security and freedom of movement. While there are many tools to begin work in areas that are less conducive to return at the present time, non-sustainable measures should not be relied upon to artificially make an environment more conducive to return. For example, taking steps to build confidence in local law enforcement (dialogue, community policing, more patrolling) is appropriate, but depending on fixed checkpoints and restrictions on freedom of movement to ensure security is not.
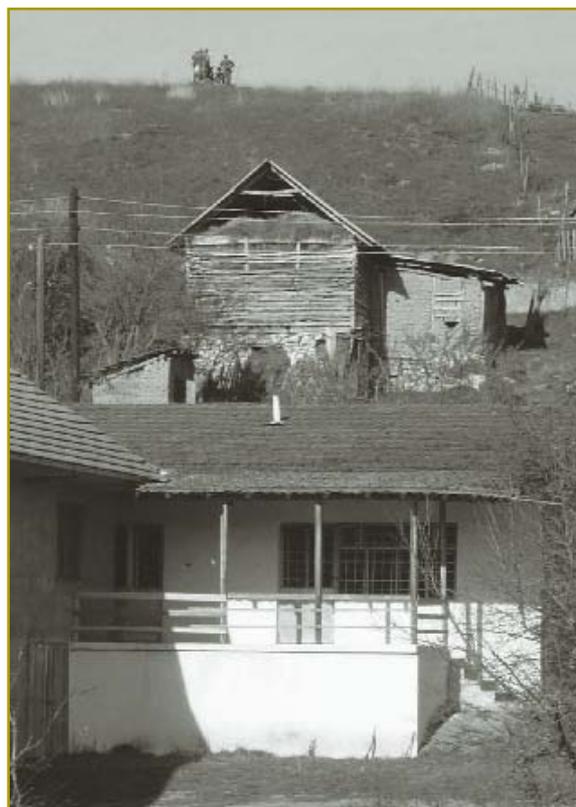
Main Actors

Donor Community

The Donor Community plays a fundamental role in realising the return and integration of minority communities in Kosovo. Based on needs identified by returns structures described in the manual, together with its major partners, donors are presented with prioritised projects relating to the return and integration of the displaced to their places of origin in Kosovo. In addition to receiving requests to fund multi-sectoral projects for funding, donors may play an active role in the process by attending the regional working groups in order to increase their familiarity with the environment which they are seeking to support.

Provisional Institutions of Self-Government

The PISG plays a fundamental role in every stage of the returns and integration process for minority communities. The future of a multi-ethnic Kosovo depends largely on the ability of local government officials to engage potential returnees in dialogue, promote tolerance and acceptance of their right to return and encourage their participation in the provisional governmental structures. Successful and sustainable returns depend on the ability of the PISG to ensure minority and returnee access to public and social services and to encourage the acceptance of returnees in their home communities. The Office of the Prime Minister, Ministries and Municipal authorities are responsible for ensuring that minority rights are respected and that all legislation, programmes and initiatives fully respect minority communities' rights.

Non-Governmental Organisations

Non-Governmental Organisations (NGOs) are key implementing partners in return and integration projects. NGOs are also key in engaging with the displaced communities across Kosovo's administrative boundary. They play a significant role in the Municipal Working Groups including defining responses to identified needs. A variety of organisations with different operational mandates engage with the returns coordination structures and the displaced communities to design and implement projects. These may focus on a range of activities: inter-ethnic dialogue and confidence building; housing reconstruction, income generation, agricultural development, infrastructure rehabilitation; support to improving public and community services.

United Nations High Commissioner for Refugees

UNHCR's general mandate is to protect refugees and to find durable solutions to refugee situations. In addition, the UN General Assembly has mandated UNHCR to deal with internally displaced persons (IDPs) in Former Yugoslavia. Under United Nations Security Council Resolution (UNSCR) 1244, Annex 2, safe and free return of all refugees and displaced persons should be conducted under the supervision of UNHCR. With UNMIK, UNHCR plays a central role in both making and implementing returns policy, and is an active player throughout all levels of the returns process.

Office of Returns and Communities

UNMIK established an Office of Returns and Communities (ORC) in late 2001 to respond to the growing focus on and opportunities for minority returns in Kosovo. ORC plays an active role in providing strategic guidance to and coordination of returns. It also supports efforts across UNMIK to improve living conditions and provide an environment sustainable for both returnees and communities remaining in Kosovo.

PILLAR I
Police and Justice

UNMIK Police is the law enforcement authority in Kosovo. Pursuant to Security Council resolution 1244, UNMIK has provided temporary law enforcement by maintaining an international police presence and establishing a professional, independent, and multi-ethnic local police force, the Kosovo Police Service (KPS). UNMIK Police focus on maintaining public order, crime prevention, border and immigration controls. UNMIK's Department of Justice administers the local courts and with the assistance of UNMIK Police, ensures unfettered and fair access to the justice system for minorities, including returnees. To ensure impartiality and independence, UNMIK has employed international judges and prosecutors to handle sensitive cases involving inter-ethnic crimes or cases in which there is a serious risk of bias.

PILLAR II
UNMIK Civil Administration

Municipal Administrations are a key organisational actor in the returns process. They play a significant role in ensuring that the process adheres to the "bottom-up" approach. International UNMIK officials working within the Municipalities are responsible for managing the Municipal Working Groups and ensuring that these bodies are inclusive, including representatives of the IDP/Refugee communities and municipal officials. In facilitating the work of the MWGs, the municipalities ensure the involvement of their departments where relevant. Municipal offices with specialised mandates, such as urban planning, cadastral, or agricultural departments are of particular relevance to returns projects and can aid their successful implementation. UNMIK Regional Administrations supervise the entire returns process, provide a link between the Municipalities and the central coordination mechanisms, and provide oversight, coordination and guidance to the Municipalities.

PILLAR III
OSCE

The Organisation for Security and Co-operation in Europe (OSCE) works actively to promote an environment in which sustainable returns can occur. As UNMIK's Institution-Building Pillar, OSCE plays a key role in the returns and integration process in Kosovo. Primarily, both the OSCE Human Rights/Rule of Law and Democratisation Departments act to ensure that the existing governmental, judicial, and democratic structures operate according to international human rights standards and legislation in place in Kosovo, allow access to services without discrimination, and promote the ability of returnees to remain in Kosovo.

PILLAR IV
European Union

The fourth UNMIK pillar, under European Union (EU) leadership, the European Union Pillar is working towards regenerating and modernising the economic structure of Kosovo. By overseeing and co-coordinating the rebuilding of the physical infrastructure and by leading the process of management change, the European Union Pillar is creating a market based economy to give Kosovo the possibility of further integration among its neighbours and within Europe.

Kosovo Force (KFOR)

KFOR is the NATO-led international force responsible for establishing and maintaining a "secure environment in which refugees and displaced persons can return home in safety" as per UN Security Council Resolution 1244, Article 9 (c). Under this mandate, KFOR has primary responsibility for all security matters which arise in the returns process. It also plays an active role within each level of the planning and coordination mechanism.

Returns Process

The Returns Process outlined in this Manual is the cornerstone for the success of the strategy for returns to Kosovo. The following section of the Manual provides a summary of the return process that should form the basis for both the development of returns projects and for their implementation in 2003 and beyond. The components outlined in this process are neither exhaustive nor necessarily sequential. In addition, the approach outlined in this Manual is only the starting point for development of returns projects, and refinements, improvements and modifications will be necessary to meet the differing needs and circumstances in which returns projects are developed. However, the Manual makes an important contribution by clarifying what is the preferred process for returns projects development and implementation, and ensuring that approaches undertaken throughout Kosovo are consistent with the fundamental principles guiding the returns process.
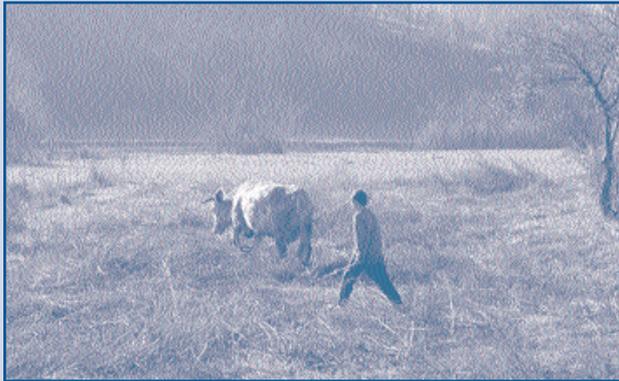
Summary Procedures

Indicating the wish to return

The returns process relies fundamentally on recognising and responding to the expressed wish of IDPs/refugees to return. The ability to respond to the expression of interest to return is the essence of the "bottom-up" approach. The identification of the desire to return arises from a variety of sources. One common way for displaced persons to learn about the process for return and conditions in their pre-conflict home and surrounding community is through remainees and IDPs who are displaced close to their original home. These IDPs, or at times the remainees, start the return process by approaching the international community, by spontaneously entering into dialogue with their former neighbours, visiting their homes and eventually involving members of their community who are displaced further away. Many IDPs and refugees learn through "Go and Inform Visits"[5] (GIV) and "Go and See Visits"[6] (GSV). Potential returnees also gather information through other channels, including the media and informal networks of word-of-mouth exchanges, as well as through the joint regional Information Framework Project.[7] Exchange of information during GIVs and GSVs provides an indication of displaced persons' wishes and returns needs. IDPs/Refugees' associations and organisations engage with international organisations to indicate the returns needs of particular communities or individuals. Non-governmental organisations working within displaced communities, whether inside or outside Kosovo, also play an important role by engaging with those interested in returning, supporting efforts in gathering information to allow potential returnees to make an informed choice and identifying needs upon return.

The return thus begins with the identification of a genuine, informed, and voluntary wish to return by the IDPs/Refugees.

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[5] Go and Inform Visits are intended to brief displaced residents, in their location of displacement, on the current situation of their municipality, village or neighbourhood of origin, enabling them to make a more informed choice on the possibility of returning.

[6] Go and See Visits provide an opportunity for displaced persons to assess their possibilities of return in light of the current situation in their municipality. Displaced persons are invited to visit their pre-conflict homes as part of an organised tour where security and transport are provided, briefings are conducted, and informal meetings with former neighbours occur.

[7] The Regional Information Initiative was established in June 2002 by UNHCR and meets quarterly to gather UNHCR offices from Serbia, Montenegro, Kosovo and Macedonia, together with a limited number of UNMIK officials to discuss information needs of IDPs in their place of dislocation. The location of the meetings varies. Strategies and practical steps are developed to improve IDP access to information and developments which take occur in their place of origin.

**Linking IDPs/Refugees with
their municipality of origin**

The first contact should be channelled through the municipal administration in the municipality of origin. This can be achieved through the participation of IDPs/Refugees representatives in the Municipal Working Groups (MWGs), through visits of municipal officials to IDPs/Refugees, organised by UNHCR or NGOs providing cross-boundary/cross-border links between displaced persons and their place of origin. In practice, this initial contact is often facilitated by remaining members of the minority community who approach the international community on behalf of their more distant neighbours. Locally based IDPs speaking on behalf of their larger group, or members of the same ethnic community, who are involved in the municipal administration exchange of information between the municipality of origin and the IDPs/Refugees, through MWGs. Obtaining official active support for entering into contact with IDPs/Refugees can ease future contacts made at the local level, in their community of origin.

**Linking IDPs/Refugees with
their community of origin**

Links between the IDPs/Refugees and their community of origin can be established in parallel with dialogue initiatives with their municipality of origin. This again also can be achieved in a variety of ways, ranging from the GSVs, which includes dialogue with Municipal authorities and local village leaders, visits to the neighbourhoods of origin and meetings with former neighbours. These mechanisms help open dialogue between the IDPs/Refugees and the receiving communities, and provide a basis for receiving communities to begin to take part in preparations for return of IDPs/Refugees. Dialogue is fundamental to building confidence for both the potential returning community and the receiving community. The GSVs and GIVs are to be understood as opportunities for initiating returns processes but are not ends in themselves. Rather, they should be viewed as tools to establish communication between the communities. Strategies to initiate low-key talks are further described in the first part of the Components of Returns Process section called Inter-ethnic dialogue and community integration.

**Identifying material and
situational challenges for returns**

Analysis of conditions for the return of IDPs/Refugees to a given location are most effective when undertaken by all major partners engaged in the returns process (both national and international).

In identifying returns needs and obstacles, IDPs/Refugees, NGOs, and all those involved in the returns process draw on profiles or assessments of villages or neighbourhoods of origin of the displaced. UNHCR village profiles are an important tool, where available. Municipal Working Groups can pull together additional profiles to supplement existing information. KFOR's security assessments regarding pre-conflict minority inhabited villages and neighbourhoods are key elements of this process.

The environment changes over time, therefore flexibility in analysis is needed. Two broad types of obstacles to returns can arise:

Material obstacles, such as lack of or poor infrastructure, housing reconstruction or rehabilitation needs, unresolved property issues, unemployment and poor opportunities for economic livelihood

Situational challenges, such as security, freedom of movement and/or possible lack of access to agricultural land, need for confidence building both for the receiving and returning communities, lack of access to public services due to a discriminating environment, among others.

The identification of obstacles at this stage in a Return Process helps devise the best strategy for a sustainable return. Municipal Working Groups provide an opportunity for all those involved in the returns process to share information regarding returns needs. Strategies should be sought within this forum in order to develop the best means for a returns process to be sustainable.

Existing tools to overcome material and situational obstacles

The appropriate tools to remove obstacles to returns depend on the type of challenges identified. Material obstacles require a different type of action than challenges related to the specific circumstances or situation facing a particular community. Situational challenges require a thorough confidence building process both within the community returning and with the receiving community. They require engaging both communities simultaneously, through dialogue. In addition to dialogue and clarification of understandings and interests, opportunities for rapprochement might be found by identifying common needs and mutual interests among both returning and receiving communities. For instance, discussion of needs might reveal a mutual interest in improvement of the water network, which services the existing community and returnees.

Material obstacles require the development of different types of projects that are addressing the needs identified. Addressing material obstacles in the return process can also be an opportunity for overcoming situational challenges. An approach that addresses material needs while also stimulating inter-ethnic dialogue and joint community (returning and receiving) activities can yield fruitful results. Obstacles may themselves provide opportunities to build confidence for the sustainable return of IDPs/Refugees, for their engagement and integration into their community of origin.

The collaborative efforts of all relevant actors in the return process (IDPs/Refugees, receiving communities, international and local actors), in the identification of challenges and of the opportunities to overcome these are a pre-requisite for the success and sustainability of the returns process.

Project Development

Once returns needs are identified, the next step in the Return Projects Process is the development of concept papers that outline return projects to meet the identified returns needs. Municipal Working Groups should encourage all interested implementing partners (NGOs/Agencies) to develop concept papers for identified return needs. In requesting concept papers, Municipal Working Groups will identify the broad needs to be met by the project (including those of the receiving community) within the following possible project "sectors": 1) housing reconstruction/repossession assistance; 2) infrastructure; 3) employment and income generation; 4) access to public and community services (e.g. health, social services, education); and 5) inter-ethnic dialogue and community integration.

The full project proposals will be prepared once funding is identified for a specific project through the submission of the concept papers to donors.

Project Implementation

The implementing partner (NGO/Agency) has primary responsibility for the implementation of the returns project. The Municipal Working Group will provide support for the project implementation process, including facilitating coordination among the parties involved in the returns process. While the donor is primarily responsible for oversight of the project, the Municipal Working Group will monitor project implementation, and support the implementing partner to address unforeseen obstacles in project implementation if necessary. Implementing partners are responsible for keeping the Municipal Working Group informed of their work through periodic reporting and participation in Municipal Working Group meetings.

Post-return socio-economic integration

The Municipal Administrations will ensure the administrative integration of the returnees into the municipality. Once displaced persons return to their municipality, they should be treated as permanent residents of the community and afforded the same rights as everyone else in the municipality, regardless of their ethnicity. Accordingly, the Municipality must ensure full implementation and enforcement of existing UNMIK legislation protecting minority rights and equal access to public and social services, as well as civil service employment opportunities.

Coordination Mechanism

Municipal Working Group

The Municipal Working Group is the local coordination forum for returns projects. The MWG: (1) provides a forum for different communities to engage in a dialogue on returns issues, (2) acts as the main mechanism through which displaced persons can access the returns process and request assistance to return, and (3) is the principal coordination body for returns projects with primary responsibility for the sustainability of the process. The MWG helps ensure that displaced persons are given a voice in shaping their own prospects for return, and allows the displaced and receiving communities to interact directly in an internationally facilitated and transparent dialogue with donors, governmental authorities, and NGOs.

Chairmanship: The Municipal Working Group (MWG) is chaired by the Municipal Administrator who is responsible for ensuring the meetings are attended by the President of the Municipal Assembly or his Vice President and by other administration officials, representatives of the Municipal Board of Directors and community representatives. The MA is responsible for calling the MWG meetings and ensuring all relevant actors are notified and invited for the meetings (in English, Albanian and Serbian languages). MWGs should meet twice a month, during working hours, in the Municipal Building.

Composition: The MWG is composed of many actors, including UNMIK Pillar II and local municipal authorities, UNHCR, KFOR, CivPol/KPS, OSCE, IDP representatives, local community representatives, and NGOs.

Decision-making: Decisions within the MWG will preferably be taken by consensus among all participants of the Group. If consensus is not reached, the MA, in the capacity of Chair of the MWG, has the power to adopt a decision for the Group that takes into account the consultations and opinions received from the MWG participants. If a participant of the MWG disagrees with the decision taken, it will be registered in writing in the minutes of the MWG meeting.

Operational planning: The MWG, through the MA, can request the creation of a Project Team (PT) in connection to a specific return project, or as considered needed by the MWG. Participation in the PT is reserved to experts - NGOs, UNHCR Local Staff, Municipal technical experts, etc. The Project Team is responsible for following the implementation of a returns project and for providing the implementing partners with the necessary technical municipal support needed. The PT shall coordinate with relevant Municipal departments (such as cadastre, education, urban planning, water sanitation, etc.) to assist implementing partners in the development and implementation of a return project. The PTs are not decision-making bodies. If need arises for decision making the PT shall request the MA to call an extraordinary MWG meeting to address a specific issue and take decision. The PTs report to the MWG only. The MA is responsible for designating a UNMIK representative to record conclusions of all PT meetings. In case the MWG fails to meet, the PT should inform the Regional Returns Unit. If issues arise within the PT or MWG that cannot be solved at the MWG level, the MWG Chair shall refer them to the Regional Working Group through the Regional Returns Unit.

Reporting: It is the responsibility of the MA to ensure that a record is kept of conclusions of all meetings of the MWG and PT. The conclusions of both MWG and PT meetings are to be distributed within a week from the day the meeting takes place. It is the responsibility of the MA to ensure that English, Albanian and Serbian versions of the minutes are available for distribution at the same time. The minutes of the meetings shall be distributed to the Regional Returns Unit, the Head of UNHCR Regional Office, the Regional Administrator, Head of OSCE Regional Office and all participants in the MWG and respective PTs participants.

Regional Working Group

The Regional Working Group (RWG) is responsible for coordinating the returns process and integration activities within each region. It also oversees the efforts of Municipal Working Groups and reviews projects endorsed at the municipal level. The RWG is responsible for making sure that the returns process within the region follows the established relevant policy on returns and communities.

Chairmanship: The RWG is chaired by the UNMIK Regional Administrator.

Membership: Members include MWGs representatives - UNMIK Pillar II and PISG Municipal representatives (2 persons), Regional Returns Unit representative, UNHCR, UNMIK Police/KPS, KFOR, Pillar III/OSCE, Pillar IV/EU, and NGO representative(s). Donors and representatives of displaced and receiving communities are welcome to participate in Regional Working Group meetings.

Roles and responsibilities: MWGs to report on their activities and developments to the RWG. Any issues on policy matters arising from the MWGs should be addressed by the MA, as chair of the relevant MWG, to the RWG and resolved either in the RWG or referred to the Returns Coordination Group. It is also the responsibility of the RWG, through the Regional Returns Unit, to make sure that MWGs within the region are operating, meeting regularly (twice a month), with full participation of relevant actors.

Reporting: It is the responsibility of the RA to ensure that minutes are taken for all meetings of the RWG and that they are distributed within a week from the day the meeting takes place. It is the responsibility of the RA to ensure that English, Albanian and Serbian versions of the minutes are available for distribution at the same time. Returns Regional Unit acts as the secretariat of the RWGs. The minutes of the meetings shall be distributed to the ORC, the Head of UNHCR Regional Office, Head of OSCE Regional Office and all participants in the RWG.

The RA is responsible for calling the RWG meetings and ensuring all relevant actors are notified and invited for the meetings (in English, Albanian and Serbian language). The RWG should meet once a month. Regional Working Groups report on return activities to the Returns Coordination Group and can refer questions or concerns to the Returns Coordination Group through the ORC for discussion and/or resolution.

Returns Coordination Group

The Returns Coordination Group is a central body intended to address operational issues that arise in the returns process and to ensure coordination of approaches between key actors on returns (UNMIK, UNHCR, PISG, KFOR). The Returns Coordination Group will meet frequently (bi-weekly during the returns season) to facilitate information exchange about the progress of returns efforts, and to provide support for Municipal and Regional Working Groups. The NGO community will also be represented within the RCG.

Technical Advisory Board

The Technical Advisory Board (TAB) provides expert support for the Returns Coordination Group. The TAB includes individuals with particular technical expertise in project design and implementation, representing the core members of the Returns Coordination Group, the donor community, and NGO implementing organisations. In addition to its role in making recommendations to the Returns Coordination Group regarding the compiled Prioritised Projects List, the TAB will provide technical guidance to the Returns Coordination Group to overcome hurdles and to build on successes within the returns process.

Task Force on Returns

The Task Force on Returns is a high-level forum chaired by the SRSG and designed to provide coordination and policy support for the return of displaced persons and refugees to Kosovo. The four core members of the Task Force on Returns are UNMIK, the PISG, UNHCR and KFOR. The Task Force also includes the Inter-Ministerial Coordinator for Returns and the SRSG's Senior Adviser on Returns, as well as high-level representatives from each of UNMIK's four pillars and the Housing and Property Directorate. Other organisations and individuals participate in the Task Force on an ad-hoc basis, including minority community representatives. The Task Force on Returns oversees the returns process, including the efforts of Regional and Municipal Working Groups, and ensures effective and consistent implementation of returns policies among key institutions and across Kosovo.

Office of Returns and Communities and Regional Returns Units

Through its central office in Pristina, its regional Units in each Region in Kosovo and its staff in the UNMIK office in Belgrade, the ORC is responsible for ensuring the overall coordination of the returns process and providing policy guidance to the returns process. Through the Return Coordination Group, ORC coordinates the issues of general operational and technical concern at the central level. The policy guidance and coordination function is translated to the Regional Level through the Regional Returns Units established to support the Regional Administrator and the Municipal Administrator to carryout their responsibilities in the process throughout the region.

Institutional Roles and Responsibilities

UNMIK Office of Returns and Communities

Through its central office in Pristina, five Regional Units in Kosovo and staff located in the UNMIK office in Belgrade, the ORC is responsible for guiding the overall coordination structures, ensuring the smooth running of the overall processes where and when required, providing support to operational structures.

**Responsibilities of the ORC offices include:**

1. Provide support and policy guidance for the returns processes at the Central, Regional and Municipal levels (including ensuring the functioning of the Task Force, Returns Coordination Group, Technical Advisory Board, Regional Working Groups, working with MAs to ensure the functioning of Municipal Working Groups and their Local Working Groups).

2. Ensure a consistent and comprehensive approach to returns.

3. Coordinate fundraising efforts and issue timely updates of prioritised funding requirements.

4. Increase cross-fertilisation between efforts from region to region.

5. Provide a contact point for donors to facilitate access to information and returns structure.

6. Support direct links across boundaries to displaced communities.

7. Participate actively in other community-related fora such as the ABC working Groups, the benchmarks process, to support efforts to improve conditions for the returns to take place.

UNHCR

UNHCR plays a central role in the returns process. Its activities are undertaken in support of returns and community stabilisation.

UNHCR Responsibilities within Kosovo include:

1. Supervise return related activities in accordance with its mandate. UNHCR is one of the Principals of the Task Force on Returns as well as of all Regional (RWG) and Municipal Working Groups (MWG).

2. Produce, in cooperation with OSCE, an analysis of the situation of minorities in Kosovo, with particular emphasis on the return related aspects.

3. UNHCR coordinates with the relevant international and national authorities, and works with NGOs to implement Go and See Visits and return movements and to ensure proper logistical and transport arrangements for cross boundary/border visits and organised return movements.

4. Maintain statistical and other information on spontaneous and organised return movements and the needs of returnees and provides regular reports.

5. Provide limited assistance in the form of non-food items and emergency shelter materials to returnees immediately upon their spontaneous or organised arrival.
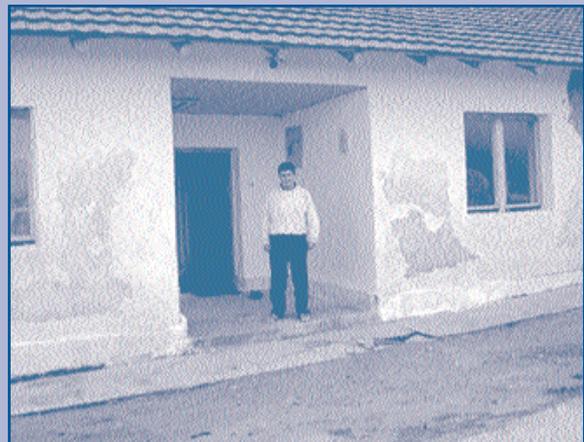
6. Through its implementing partners, distribute food to returnees in need during an initial three-month period after return.

7. Through implementing partners, provide legal assistance, advice and information to returnees and their communities on various legal issues, including property related matters.

8. Support inter-ethnic dialogue in favour of return of minority communities.

9. Within the context of the adopted Information Framework, assist in the collection and onward dissemination of information relevant to IDPs.

10. Perform returnee monitoring and follow up on protection-related concerns and problems.

UNHCR

UNHCR responsibilities within Serbia, Montenegro and Macedonia include:

1. Through its network of field offices, and contacts with IDP associations, international and local NGOs and Governmental institutions, keep contact with the IDP/Refugee population and determine the most urgent needs, not only humanitarian but also with respect to information and expectations of return.

2. Identify and assist persons who seek advice or assistance with regard to either Go and See Visits or actual return or arrange for such advice or assistance with the help of NGOs who engage in information and return-related activities.

3. Assist in the dissemination of objective information about the situation in Kosovo to the IDPs/Refugees in cooperation with other agencies including UNMIK and the hosting authorities.

4. Maintain and update registration database of IDPs/Refugees including listing by municipality of origin in Kosovo, family composition and de-registration of returnees.

5. Actively seek to provide a coordination mechanism to all international and local organisations, including Governmental ones, that are involved in the returns process to Kosovo.

6. Organise regional meetings and consultations on return with all relevant parties as may be required to enhance the progress of returns activities and to facilitate actual returns.

KFOR

KFOR is a principal member of all returns coordination structures, including the Municipal and Regional Working Groups, Returns Coordination Group and the Task Force on Returns.

Responsibilities of KFOR include:

1. Provide security assessments of potential return locations.

2. Provide security escorts and site-specific static security for GSVs where considered appropriate by the MWG.

3. Participate in GSVs, including briefing IDP participants on security issues.

4. Participate in RWGs and MWGs.

5. Ensure the safe and secure environment in and around returns locations with UNMIK Police and KPS.

6. Report ethnically motivated security incidents and investigate those incidents with UNMIK Police and KPS.

7. Provide additional technical and planning support as determined appropriate.

UNMIK Municipal Administration

UNMIK Municipal Administrations play a key role in planning and coordinating returns activities undertaken in their municipalities. The Municipal Working Group process relies on the active leadership of the UNMIK Municipal Administration for effective implementation of the IDP-driven "bottom-up" process. The UNMIK Municipal Administration is responsible for ensuring that the MWG planning, coordination and dialogue process operates effectively.

**Responsibilities of the
UNMIK Municipal Administration:**

1. Establish MWG and ensure that they convene regularly with full and active representation of all actors.

2. Chair Municipal Working Groups.

3. Ensure IDP/Refugee concerns and interests are voiced in the Municipality.

4. Ensure active participation of Municipal officials and MWG members in GIVs and GSVs.

5. Ensure Municipal Departments are invited to, and attend, MWG to be informed and consulted on returns projects affecting their area of competence.

6. Ensure MWG returns activities are reported to the Regional Working Group.

Responsibilities within the MWG:

1. Facilitate inter-ethnic dialogue, community integration and confidence building between returning and receiving communities through the participation of local PISG officials, representatives of majority, minority and IDP communities.

2. Facilitate identification of project needs, and development of operational responses resulting in return projects in the municipality.

3. Keep abreast of, and oversee where appropriate, the implementation of all return activities in the municipality.

4. Monitor and record IDP interest to return and create linkages with field research related to locations of origin (e.g. assessments/activities, Rapid Location Profiles, IDP Mapping, Security Assessments etc.).

5. Prioritise return activities.

6. Oversee concept paper development process.

7. Review Project concept presented to the MWG.

8. Prioritise, endorse and recommend projects and implementing partners to the RWG.

UNMIK Regional Administration

UNMIK Regional Administrations oversee the returns process in their area of responsibility. The Regional offices play a key role in providing a formal link between the Municipal Working Groups and the central coordination bodies, such as the Returns Coordination Group and the Task Force on Returns. Linkages are made "downward" by ensuring Municipal Administrations are kept abreast of policy developments and ensuring initiatives reflect guidelines and "upward" by ensuring prioritised returns needs and activities are communicated to relevant structures. As head of the Civil Administration in the Region, the Regional Administrator is chair of the Regional Working Group and responsible for formal oversight and coordination of the Municipal Working groups. The Regional Returns Units are primarily responsible for guiding and supporting the returns and integration efforts, while planning and operational activities are led by the Municipal Administration.

Responsibilities of the UNMIK Regional Administration:

1. Establish Regional Working Groups that convene regularly with full and active representation of all invited actors.

2. Chair the RWGs (with Regional Returns Units acting as secretariat to RWGs).

3. By receiving reports through the chairmanship, oversee and monitor the MWG to ensure they remain functioning and effective.

Responsibilities within the RWG:

1. Oversee and coordinate the work of MWGs within their Region.

2. Information-sharing forum on returns related issues.

3. Encourage active participation of all local and international actors in Municipal and Regional Working Groups, including NGOs.

4. Monitor and ensure regularity and suitability of returns activities (such as GIVs, GSVs) undertaken within each Municipality.

5. Coordinate and maintain lists of endorsed prioritised returns projects seeking support and communicate this to the central Returns Coordination Group.

6. Ensure the endorsed projects reflect the principles of the UNMIK concept paper on The Right to Sustainable Returns, the Manual on Sustainable Return, and any other document which provides guiding principles on return activities.

7. Ensure community integration and dialogue activities are undertaken to provide an environment conducive to returns.

UNMIK Regional Returns Units

The Regional Returns Units are responsible for supporting working groups and returns activities; monitoring the returns process; and providing guidance on returns activities.

Responsibilities of UNMIK RRU:

1. Support the RA in tasks related to the Regional Working Group, including but not limited to the following: providing secretariat functions of the RWG, maintaining schedule of MWG and RWG meetings throughout the region.

2. Support MAs in tasks related to the Municipal Working Groups, including but not limited to ensuring local administration, IDPs and NGOs and other partners are engaged in the process and providing assistance to MWGs (secretariat functions for the MWGs remain within the municipalities).

3. Monitor and report on all returns related activities and projects carried out in the Region.

4. Ensure that returns related activities are carried out in accordance with established guidelines.

5. Liaise with UNHCR, KFOR and other international and local organisations working on returns.

6. Support cross-fertilisation among municipalities and across regions.

7. Facilitate contacts between regional returns activities and displaced communities, and contribute to public information efforts, in conjunction with UNMIK/Belgrade ORC staff.

8. Ensure that all activities include dialogue and confidence building measures in their approach.

9. Support and monitor inter-ethnic dialogue and community relations initiatives.

UNMIK Office of Community Affairs

OCA plays a significant role in building IDP/Refugee confidence, in improving living conditions, and ensuring access to public services for all communities. Through its network of Local Community Offices in the Municipal Administration, it coordinates operational matters within central and local administration related to minority communities. It is ideally situated to advocate for the protection of minority and community interest in the civil administration and the PISG and monitor compliance with regulations relating to community interests. Through its LCOs OCA provides oversight, monitoring and reporting, acting to ensure that the rights, interests, and sustainability of communities, including returnees, are fully protected in the activities of the central and local administrations.

Responsibilities of OCA include:

1. Participate in the Returns Coordination Group.

2. Play an active role in supporting planning processes, ensuring needs are met upon return and support integration of returnees as with other members of minority communities.

3. Participate actively in the RWGs and MWGs as well as other components of the process such as GSVs and GIVs.

4. Support the returns efforts in the Municipalities.

UNMIK PILLAR I

Police
UNMIK Police and the KPS play a role in maintaining effective security for returnees and visiting IDPs/Refugees, enforcing the restitution of residential property rights, and helping to ensure freedom of movement for minorities.

Responsibilities of the police include:

1. Participate in MWG and RWGs.

2. Participate in GIVs and GSVs, including providing security for GSV participants when necessary and briefing potential returnees when necessary.

3. Provide security for returnees.

4. Provide security and enhancing community confidence in rule of law with regard to the protection of existing minority communities and returnees.

5. Support inter-community dialogue and confidence building steps where appropriate, such as including KPS involvement in returns process.

6. Enforce other existing measures protecting minority and returnee interests, such as HPD and Property Claims Commission (HPCC) decisions by carrying out evictions of illegal occupants of residential housing.

Judiciary
UNMIK's Department of Justice is responsible for the administration of Justice throughout Kosovo. Its ability to provide impartial delivery of justice is key to building community and returnee confidence in the judicial processes.

Responsibilities of the Judiciary include:

1. Ensure access to the justice system for minorities, including returnees.

2. Continue to work toward ensuring impartiality and independence in the judiciary through international judges and prosecutors to oversee sensitive cases involving inter-ethnic communities or cases in which there is a serious risk of bias.

Housing and Property Directorate
HPD also plays a pivotal role in supporting the environment for sustainable returns. As the independent administrative/adjudicative entity for resolving property disputes arising out of the conflict period in Kosovo or the pre-conflict, discriminatory property scheme, HPD's role is central to the support of returns to urban areas. UNMIK Regulations 1999/23 and 2000/60 form the basis for HPD's intervention in Kosovo.

Responsibilities of the HPD include:

1. Verify and clarify of residential property ownership issues in individual cases.
2. Enforce property ownership rights, through issuing final decisions as to property ownership and rights of possession, including issuing eviction warrants.

3. Administer and/or determine the status of abandoned or unlawfully occupied housing, including reassigning housing units for humanitarian purposes.

4. Registration of indigent individuals who meet specific criteria to receive designated alternative humanitarian accommodation.

PILLAR III - OSCE

OSCE has committed human resources to supporting community interests, including support to activities which contribute to improving environment for enabling returns. Its role of institution building, media monitoring, protecting human rights and rule of law makes it ideally situated to support efforts in the returns field, both operationally and through monitoring.

Responsibilities of OSCE include:

1. Participate in the RWGs and MWGs.

2. Support inter-ethnic dialogue and tolerance-building activities before and after actual returns take place.

3. Monitor and report on human rights violations, including acts of inter-ethnic violence, discrimination in access to public institutions and public/social services, denial of property rights, lack of freedom of movement and security.

4. Advocate equitable remedies for victims of human rights violations and greater access of vulnerable groups to public and social services.

5. Promote tolerance-building through inter-ethnic dialogue and related activities and support coordination through the chairmanship of the ABC working Group on inter-ethnic dialogue.

6. Include inter-community integration and confidence building in its governmental and social institutions building programmes and media monitoring efforts.

PILLAR IV - European Union

The fourth pillar of UNMIK, under European Union leadership, is in charge of economic reconstruction and development.

Responsibilities of Pillar IV include:

1. Coordinate reconstruction activities and ensure minority and returnee access to available reconstruction assistance and support Municipal efforts to provide equal and fair consideration of minority beneficiaries by the Municipal Housing Committee.

2. Support efforts to increase economic opportunities for minorities and returnees.

3. Ensure fair treatment of minority communities in the administration and delivery of public utilities services, the Kosovo Trust Agency, and other initiatives and services available to the majority communities.

4. Support inter-ethnic employment opportunities in the private sector and support IDP/Refugee access.

5. Participate in the Regional Working Groups and other coordination meetings as appropriate.

Provisional Institutions of Self-Government

The PISG plays a fundamental role in the returns and integration process for minority communities. The future of a multi-ethnic Kosovo depends largely on the ability of local government officials to engage potential returnees in dialogue and contribute to public recognition of their right to return and encourage participation in the provisional governmental structures. Sustainable returns depend on the ability of the PISG to ensure minority and returnee access to public and social services.

Responsibilities of PISG include:

1. Participate actively in the returns coordination mechanism, including the Task Force on Returns,RCG, RWGs and MWGs.

2. Contribute to increasing IDP/refugee confidence in the prospect of returning to live in environment respectful of human, social, civil and political rights.

3. Engage actively in direct contact with IDPs/Refugees through the GIVs and GSVs.

4. Support efforts to increase public acceptance and tolerance of minority communities, such as condemning attacks, use of non-Albanian languages, visible presence of officials in minority areas.
5. Contribute to inter-ethnic dialogue between potential returnees and receiving communities.

6. Made official statements on ethnically motivated security incidents.

7. Improve living conditions for communities which remain in Kosovo by ensuring access of all communities and potential returnees to public and social services, including health care, public utilities, social welfare, education and timely response to security incidences.

8. Provide adequate allocation of budget resources for returns and integration.

9. Increase minority participation in the municipal and government structures.

10. Support measures to provide adequate representation of minorities on the Municipal Board of Directors and other structures.

Donors

To date fund-raising for the returns process has been channeled through pre-financed NGOs working in specific geographical areas, responses to unsolicited requests for funding of large-scale planned activities and unsolicited requests for small-scale initiatives. The donor community is called upon to support the returns process and remain responsive to needs expressed through the coordination mechanism. The coordination structure is established to ensure that proposals submitted through the channels include needs prioritised to reflect a range of interests, including 1) expressed needs of the IDPs/Refugees themselves, 2) multi-sectoral requirements, 3) cross-boundary activity to prepare the returns, 3) inter-community dialogue and needs of the entire community.

Responsibilities of donors include:

1. Engage in the returns structures where appropriate, including the Regional Working Groups and the Technical Advisory Board.

2. Provide timely response to request for funding.

3. Channel committed funds to areas identified as priorities.

4. Support the flexible funding mechanisms established to respond to needs of individual returns.

5. Encourage implementing partners to participate fully and coordinate with returns coordination mechanisms at the Municipal and Regional level.

Non-Governmental Organisations

NGOs play a key role in the planning, facilitation and implementation of the returns process. Their operational capacity, breadth of experience and ability to reach across Kosovo's administrative boundaries position them to be key partners in the process. The process in this Manual describes the project development process for activities for which funds are not readily available. It is recognised that NGOs will also seek to implement activities with their own sources of funding with pre-defined set of objectives and activities. NGOs engaged in both types of activities are encouraged to participate in the Regional and Municipal structures, as well as the Project Team to ensure that their activities are complementary to efforts being planned and to ensure that scarce resources target jointly-agreed priorities.

Responsibilities of NGOs include:

1. Target activities consistent with guiding principles outlined in the Manual.

2. Actively contribute to the design and implementation of return activities consistent with the framework for returns defined by each MWG, such as responding to calls for concept papers.

3. Provide support where appropriate to the compilation of background information supporting the planning process where appropriate (such as the Rapid Location Profiles).

4. Where possible and appropriate, provide support to cross boundary activities to help IDP communities to voice their concerns.

5. Support the identification of beneficiaries for return assistance.

6. Devise interventions which support a range of sectors to ensure sustainability of returns.

7. Provide timely updates to the MWG and RWG of their activities and impact on returns and neighbouring communities, including GSV activities, housing reconstruction and other sectoral activities.

8. Participate in GSVs and GIVs.

9. Participate actively in RWGs and MWGs.

Coordination Center for Kosovo and Metohija

The CCK is responsible for coordinating between the FRY authorities and UNMIK on matters relating to return of IDPs/Refugees to Kosovo. As a government institution, the CCK has a significant role regarding the protection of IDPs within Serbia and Montenegro, and is actively working to support the return of IDPs to Kosovo. The CCK at times is involved in returns processes in Kosovo as a donor/funder for projects or activities, and may take part in RWGs or MWGs where appropriate. The CCK may also provide technical expertise to implementing organisations regarding returns projects. The CCK can support returns efforts by facilitating links with IDPs and IDP associations, and by encouraging the involvement of IDPs within returns structures in Kosovo.

Responsibilities of the CCK include:

1. Provide support to IDPs in their place of dislocation where appropriate.

2. Within Kosovo, providing material assistance based on priorities determined by the returns process mechanism (as a donor).

3. Support community integration efforts at the municipal level and promote minority engagement in local structures.

4. Take part in the RWGs and MWGs where appropriate.

Displaced Persons and Refugee Associations

Internally Displaced Persons and Refugee Associations and local NGOs working with the displaced play an important role in voicing the concerns and interest of the displaced Kosovan communities. Associations have a capacity, though limited, to gather information from displaced persons in different locations and facilitate individual access to information on the situation in Kosovo, personal documents, the returns process. They are increasingly playing an active role in pairing with international organisations to increase information to IDPs/Refugees and link into the established mechanisms in Kosovo. Associations are invited to play a more pro-active role in the returns process by actively engaging the structures and providing support within their abilities.

Responsibilities of the IDP/Refugee representative groups include:

1. Participate, where appropriate, in the MWGs.

2. Provide active support and recommendations on methods of engaging of IDPs/Refugees and associations in the dialogue and integration initiatives with majority communities through the MWG and Local Working Groups and through other supportive initiatives and fora.

3. Where appropriate reach out to international organisations to communicate and request to participate on GIVs and GSVs.

4. Support displaced persons to access information to the returns mechanism, such as the surveys conducted on GSVs.

5. Provide accurate information on the conditions for communities in Kosovo.

6. Fairly represent the interests of their constituency in the discussions on returns.

7. Take active steps to support improving conditions for returns by working with majority community associations where appropriate to increase dialogue initiatives.

8. Provide updated information on IDP interest to return and communicate conditions of return information related to IDPs (such as the present location of IDPs/Refugees, their places of origin in Kosovo, and their current conditions in displacement).

Components of the Returns Process

The purpose of this Section is to underline main components considered fundamental to the overall return process. It is not intended to be either exhaustive or sequential. Inter-ethnic dialogue, tolerance between communities and the overall conditions for minorities in Kosovo should in this regard be seen as an integral part of the returns process.

Inter-ethnic dialogue and community relations

Although the right to return is a non-negotiable fundamental right, simply asserting this right will not inevitably create an environment conducive to returns. Efforts directed towards tolerance, co-existence and development of an integrated multi-ethnic society constitute the foundation of any returns programme. Seeking consensus for the principle of return is relatively trouble-free. There are very few majority leaders who would oppose return in principle. The challenge lies in bringing this principle to fruition in practice.

Confidence building and consensus in favour of return needs to be developed on three levels: 1) Kosovo-wide political level; 2) Municipalities; 3) The communities level, including majority communities, existing minority communities and IDPs/Refugees.

1) Kosovo-wide political level
Kosovo leaders of all ethnic groups are in a unique position to exert considerable influence over their respective communities and are therefore ideally placed to improve attitudes towards inter-ethnic tolerance and co-operation. Positive statements from leaders, followed by strong concrete actions, can have a powerful impact on marginalising negative messages from more extreme sectors of society. Substantial advances can only be expected when PISG and local civil society adopt a pivotal role in the process. Progress at this level provides the framework in which return can be pursued at the Municipal and local levels. Prominent political leaders can be drawn on to give increasing prominence to minority concerns, particularly returns.

2) The Municipal Level
Municipal Working Groups can provide an important vehicle for public discourse between the displaced and their community of origin. Consisting of local representatives of international organisations and all ethnic groups, these Working

Groups are a forum in which discussion can occur among all interested parties, including between the IDPs/Refugees and the PISG, about the right to return and the best way in which it can be implemented. The process of consensus building over returns should be as wide as possible, including a broad range of civil society initiatives as well. In addition, Municipal Assemblies have the duty to represent IDPs/Refugees and their interests, as do their specific Committees. Minority representatives in the Assemblies and in the Committees should also assume a full role in voicing the concerns of IDPs/Refugees.

Although every interaction between the majority community and IDPs/Refugees has the potential to improve reconciliation objectives, it can also reinforce division if not prepared carefully. The subject of conversation should be kept local, with an emphasis on identifying possible common interests. At the same time, if interactions between these groups are too tightly controlled, the onset of the reconciliation process may be severely hampered. If initial resistance arises, referring to progress in some Municipalities to

highlight the way forward in others can encourage further developments in the process.

3) Community level

Although influenced by developments at the political and municipal levels, engaging former neighbours within a given community has its own particular dynamics, largely dependant on the pre-war relations between ethnic groups and the experience of the community during the conflict, and demographic changes after 1999.

Local communities often have their own mechanisms for managing conflict and resolving disputes, which should be incorporated into the process where possible. Relying on village councils and involving respected families are two ways in which the community will be empowered by the returns process, rather than feeling as if it is imposed upon them.

Contact between majority community and IDPs/Refugees at the community level can be established through talks initiated simultaneously with local municipal authorities and with majority community villagers in the proposed return site. Such contacts can take place within the MWG; or within specific project teams that report to MWGs and involve representatives of local communities through such efforts. IDPs/Refugees are thereby increasingly exposed to representatives of the majority community.

The joint planning of specific returns provides a vehicle for interaction between returnees and the host community. Discussions can focus on points of connection, which emphasise common interests. This should help to lower resentment and foster an atmosphere of trust, co-operation and integration.

The way in which activities are designed can also increase long term integration by ensuring that services create links between communities. The provision of health care, primary education, social services and the distribution of humanitarian aid should all focus on creating links between communities. The way in which the activities are implemented can also provide tools for encouraging integration. For instance, making reconstruction of returnee houses a multi-ethnic endeavor - employing Kosovo-Albanian villagers to work on non-Kosovo-Albanian community returnee houses, and

returnees to work on community integration projects - is one way of improving ties between the returnees and host communities, and laying the groundwork for greater co-operation.

Overcoming obstacles to dialogue at the local level:

There are many different reasons for opposing return at the local level: some may be relatively legitimate (e.g. fear of insecurity, war-related trauma), others may not be (e.g. property usurpation). Fear of and resentment at exclusion from decision-making circles connected with return are also increasingly apparent. Similarly, a host of conditions are often attached to returns: "returns can only take place as long as…" These objections and conditions should not be legitimised, but the reasons that give rise to them must be explored and tackled as appropriate. Exploring these more complicated issues, and addressing legitimate concerns will help to smooth the process of inter-ethnic dialogue.

One of the most widely heard statements on return is anyone can return, provided that they have not committed any war crimes. It should be stressed that there is functioning law and order system in Kosovo, with the jurisdiction to try war crimes. Moreover, crimes are committed by individuals, not by ethnic groups, and innocent people cannot be punished simply because of their ethnicity. All evidence should be given to the police, who in turn will put into place a proper investigation, which if the evidence is sufficient will result in criminal trials. All actors involved in the returns process should underline their commitment to the prosecution of war crimes, and all efforts to link the two issues to prevent return must be rejected.

When unforeseen problems arise, the involvement of law and order (KPS, CIVPOL, KFOR) is appropriate should the implementation of a return project be threatened. In other circumstances, mediation and persuasion are more effective. For instance, when the return of Ashkali to Vushtrri/Vucitrn encountered difficulties, the Prime Minister, Dr Rexhepi, intervened to encourage the majority community to respond more positively to the returns. Similar initiatives can be undertaken at the Municipal level. Regular meetings should be held with all actors, especially IDPs/Refugees and the receiving communities, to tackle issues as they arise and ensure that faith in the process is maintained.

Assessment and Information Gathering

This section identifies planning tools and resources available to assist parties engaged in the returns process. These tools do not necessarily need to be taken and implemented in a sequential fashion. Rather they can be drawn upon at any stage in the process, as the local circumstances dictate. They should also be understood as actions that can be taken for the MWGs to be prepared to respond as efficiently as possible to requests arising from of IDPs/Refugees interested in returning to their places of origin and requesting assistance to do so. Possible actions are as follows:

Identification of IDP Locations of Displacement

To gather information on the current locations of displaced persons from the municipality, the MWG Chair may request UNHCR and other relevant MWG members to gather and/or share basic obtainable information relating to IDPs and refugees' displacement locations together with their pre-conflict village/neighbourhood of origin. UNHCR prepares and presents this Displacement Mapping data to the MWG.

Assessment of Pre-conflict Minority Inhabited Locations

Assessment of locations where minorities used to live prior to the conflict will provide a relatively objective basis to be used when planning a transparent and de-politicised return process, once interest on the side of IDPs/Refugees to return to a specific location is identified.

Initially, the Chair of the MWG forms a team to carry out a Rapid Location Profile (RLP - see Annex 1A and B for Format) and designates an UNMIK team leader who compiles the information. This team should consist of the main international actors involved in the MWG. Then the team should use the RLP Format to survey each village or neighbourhood where minorities have departed during or after the conflict to which an interest to return is identified. In order to assist in the compilation of the RLPs, each member of the MWG should collect and share existing information on specific locations with the team. When finalised, the team leader then presents the compiled RLP to the MWG.

Security Assessment of Potential Returns Locations

Village Security Assessments of potential returns locations provide guidance later in the process for decisions related to site prioritisation. At the request of the MWG Chair, KFOR and KPS carry out these assessments (see Annex 7 for Format) of each pre-conflict minority inhabited village and neighbourhood to which an interest to return is identified. KFOR and KPS then present their conclusions by location to the MWG. This process is undertaken with the knowledge that the relevance of a security assessment remains temporary and should be used as broad guidance only (for example a security assessment can give clearance to a GSV in a specific location, but also recommend that more work be done with the receiving community before returns can take place). The conclusions of an assessment are only one factor in the decision-making process when assessing the conditions for return to a certain area.
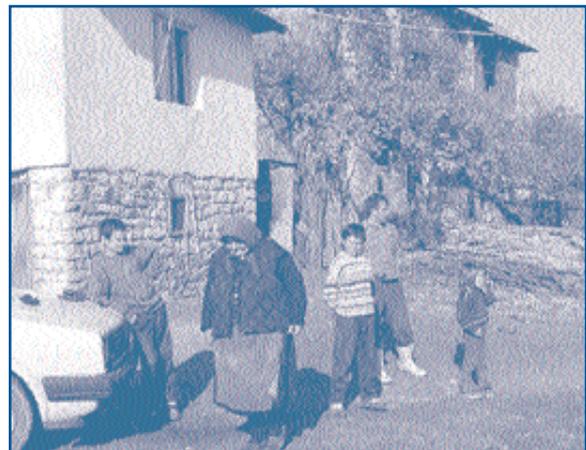
Go and Inform and Go and See Visits

Go and Inform Visits and Go and See Visits are two key ways of establishing links between majority communities and the displaced. Both kinds of initiatives must be carefully planned. Go and Inform Visits should include members of the majority community, who are prepared to speak openly and honestly with IDPs/Refugees about return. The symbolism of such visits to IDPs/Refugees can be considerable. Similarly, Go and See Visits, when carefully arranged, can make significant contributions to confidence building. They should aim to allow maximum interaction between visiting IDPs/Refugees and the majority community, incorporating at least two types of meetings: official reception of IDPs/Refugees in the Municipality, welcomed by Municipal Officials; and meetings with former neighbours in potential return locations. Majority participants in these meetings need to be carefully prepared, with full knowledge of planned visits and their objectives.

In addition, organising GSVs with the participation of KPS reinforces the perception that Kosovo's current institutions are here to protect all Kosovo's citizens, including IDPs/Refugees.
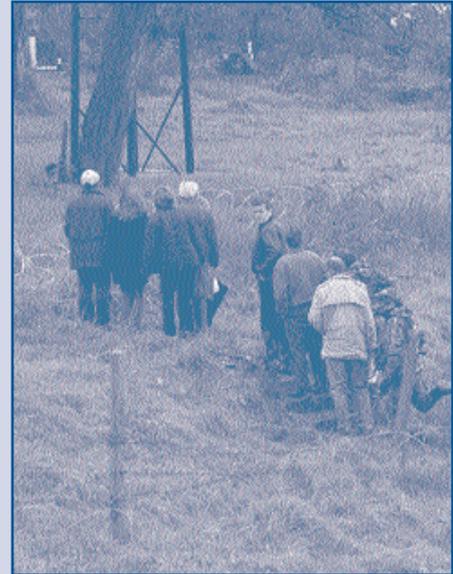
Go and Inform Visits

As key steps to respond to expressed wishes of possible return and to ensure dialogue with displaced persons, the MWG will organise "Go and Inform Visits" (GIVs). A GIV is intended to brief displaced residents, in their location of displacement, on the current situation of their municipality, village or neighbourhood of origin and hence intended to enable IDPs/Refugees to make a more informed choice on the possibility of returning.

UNHCR and its partners organise GIVs to locations where displaced communities currently reside. Usually, these visits will be conducted to locations identified by the MWGs in the steps above, or through an invitation from an IDP community itself. Due to either the volume of displacement sites or the number of requests from IDPs/Refugees, UNHCR may need to prioritise GIV locations. Prioritisation will be based on the information gathered from the RLPs, security assessments, and displacement mapping exercises, as well as on the level of interest demonstrated for the GIV by the displaced community. UNHCR will update its prioritisation of GIV locations as new requests for GIVs are identified. Once the locations for visits are determined,

UNHCR will organise and chair the meetings with displaced families and invite international and local members of the MWG to present a briefing and answer questions. Each participating MWG member should prepare a brief in advance and the presentations should be shared and discussed with the other members prior to the GIV. At the conclusion of the visit, UNHCR will offer participants the opportunity to travel to their pre-conflict homes in Kosovo as part of a Go and See Visit. UNHCR will then prepare and share a report of the GIV to the MWG at the next meeting. The Chair of the MWG will be accountable for the necessary follow-up actions that result from the GIV.

GIVs should include members of the majority community, who are prepared to speak openly and honestly with IDPs/refugees about return. It is also practical if they include members of the minority community who have remained at the concerned location, or locally based IDPs from the community of concern. They enjoy the highest degree of credibility when briefing IDPs on living conditions of their ethnic community in place of origin.

Go and See Visits

Go and See Visits (GSVs) are an essential planning tool to gauge the potential for returns in a given area. Displaced persons are invited to visit their pre-conflict homes as part of an organised tour where security and transport are provided for the time required to complete the objectives of the visit. Through this process, the displaced families will be better able to assess their possibilities to return in light of the current situation in their municipality.

GSVs to some locations still encounter a degree of hostility. The risk of hostility can be reduced through careful preparation, background knowledge on proposed visit locations, and provision of requisite security. Preparation should consider both the local community, and the IDPs/Refugees. All villagers must know of the proposed visit in advance, its objectives and the principles inspiring the visit: here village meetings can be most effective. If possible, Municipal Assembly or administrative officials should be encouraged to accompany IDPs/Refugees throughout the GSV as part of their commitment to provide IDPs/Refugees with freedom of movement, thereby underlining the legitimacy of the visits in the eyes of the local community. The involvement of KPS rather than KFOR sends out important messages to both the local communities and IDPs/Refugees about the provision of law and order, and local involvement and responsibility for the return process. KFOR, however, should be ready to step in if security problems arise.
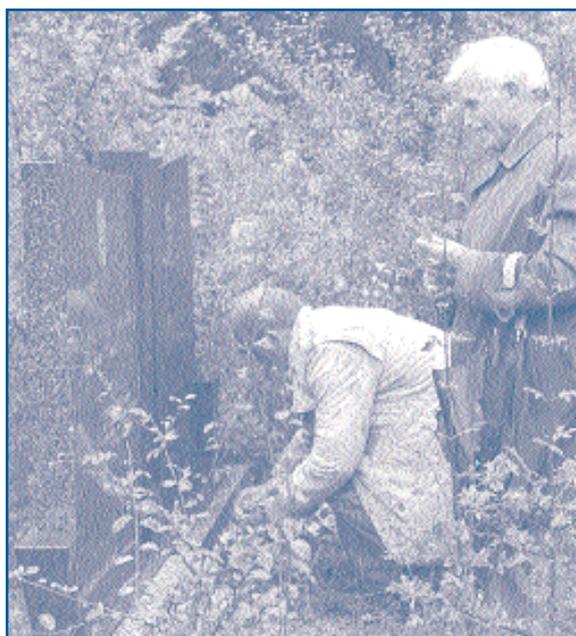
The Chair of the MWG requests UNHCR to organise GSVs for displaced families who have shown interest during GIVs or through a separate, explicit request by displaced persons for a GSV. UNHCR is responsible for the organisation but may delegate the implementation to a lead agency or another partner NGO. UNHCR is responsible for preparing a participant list. No MWG member can veto the participation of a potential returnee to take part in a GSV, however, the IDP/refugee concerned should be informed about any objections expressed by the local community in view of possible security threats. UNHCR will ensure transparency in the selection of the displaced persons taking part in the GSV as well as making sure that the group is representative of its community.

Step 1: UNHCR (or its delegate) is responsible for contacting the individual participants taking part in the GSV and for organising their transport from the place of displacement to Kosovo. KFOR and/or UNMIK Police are responsible for providing escorts for the participants within Kosovo when necessary. On arrival in the municipality, the President of the Municipal Assembly and the MA should greet the potential returnees and then provide a briefing. In this meeting, chaired by UNHCR, members of MWG inform the GSV participants of the current situation in their pre-conflict place of residence. Issues of particular interest to the IDPs/Refugees, such as housing reconstruction opportunities, HPD, former employment and income generating opportunities, security and freedom of movement, social welfare and pensions, education and the structure and management of the Municipality, should be covered as part of the briefings. As with the GIV briefings, all presentations should be prepared before the GSV and discussed with the MWG members.

Step 2: With the support of UNMIK Police and UNMIK, UNHCR (or its delegate) is responsible for the visits to individual participants' homes. This is an opportunity for IDPs/Refugees/Refugees to visit former neighbours and re-establish links with their old community. To reduce the potential for public disturbances and/or destabilising community relations, MWG members should be in contact with the host community prior to re-introducing the displaced persons to their former neighbours. Additionally, the emotional stress of visiting homes of origin should not be underestimated. Accordingly, MWG members participating in the GSV should give special attention to the sensitivities of the displaced persons. NGOs, UNMIK, UNHCR should accompany displaced persons, in addition to the Civilian Police if escorts are required.

Step 3: After the "home visits", UNHCR (or its delegate) conducts one-on-one interviews with the GSV participants (see Annex 3 for interviews suggestions) with the assistance of UNMIK, potential implementing partners or other MWG members. These sessions must be voluntary and should attempt to collect relevant information on participant IDPs/Refugees and their condition in displacement. Data regarding the individual's current status, former employment background and other skills, potential livelihood upon return, and former relations with neighbours is useful input for developing projects and planning for a potential return. At the conclusion of the GSV, UNHCR collects all survey information and presents it to the MWG at its next session.

Returns Projects Process

The Returns Projects Process describes the tools available to develop and implement the facilitated return of group of displaced persons to a particular location. The process fundamentally depends on indications of demand to return and on matching resources to priorities set within the Returns Projects Process. The central goal of this process is to ensure that returns projects are prepared and prioritised, and that they are funded. A credible and transparent process for project development and prioritisation is a crucial tool to securing donor support for returns efforts.

From the identification of a "returns need"[8] to the implementation of a returns project, there are various possible elements in the Returns Projects Process. It must be emphasised, however, that these elements can and should be occurring simultaneously with regard to the development of different projects - in other words, there is not a single point in time in which gaps are identified, and concept papers are prepared. Instead, the Returns Projects Process is available and should respond at all moments to newly identified returns needs.

Projects Where Funding Is Already Secured

As noted above, in some cases donors will have already identified projects and NGO implementing partners, eliminating the need for the early stages of the process outlined below. Such projects are fast-tracked and need only to be presented to the Municipal Working Group for endorsement before the donor makes a final decision on project funding and implementation. This step is critical, since involvement by the participants in the Municipal Working Group will be essential for successful implementation of virtually any return initiative.

Recognition of Displaced Persons' Expressed Wish and Identification of Returns Needs

The Returns Projects Process relies fundamentally on recognising and responding to the expressed wishes of displaced persons to return. The process of identifying returns needs occurs in a variety of ways, and draws on a number of sources of information. Displaced persons learn about the process to be assisted to return and conditions in their pre-conflict home communities from members of their community residing in Kosovo, other members of their ethnic community from the immediate area, IDPs displaced in the municipality or immediate area of origin, NGOs, through "Go and Inform Visits" and "Go and See Visits", and through other informal ways (e.g.

media or personal visits to their places of origin, or the joint Information Framework project). Non-Governmental Organisations working within displaced communities also play an important role by meeting with those interested in returning, and by identifying return needs. Exchange of information during Go and See Visits provides a further indication of displaced persons wishes and returns needs. Displaced persons associations and organisations engage with international organisations and MWGs to indicate the return needs of particular communities or individuals.

In identifying return needs, displaced persons, NGOs, and all those involved in the returns process can draw on assessments and information gathered, such as profiles or assessments of villages or neighbourhoods from which people have been displaced, Returns Location Profiles, where available; Municipal Working Groups can also pull together additional profiles where information is considered insufficient. KFOR/KPS security assessments regarding pre-conflict minority inhabited villages and neighbourhoods are key elements of this process.

Municipal Working Groups provide an opportunity for all those involved in the returns process to share information regarding return needs, and to discuss areas in which returns needs have been identified.

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[8] The term "return need" is used to describe in the most general terms a gap where displaced persons' demands to return have not yet been met.

Preparation of Concept Papers

Once returns needs are identified, the next step in the Returns Projects Process is the development of concept papers that outline returns projects to meet the identified returns needs. Municipal Working Groups will encourage all interested parties to develop concept papers for identified returns needs. In requesting concept papers, Municipal Working Groups are recommended to design a Framework identifying the broad needs to be met by the project (including those of the receiving community) within four possible project "sectors": 1) housing reconstruction/repossession assistance; 2) infrastructure; 3) employment and income generation programme; and 4) interethnic dialogue, integration and community activities.
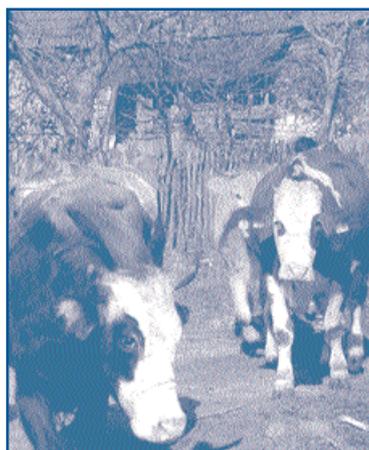
The Chair of the MWG can appoint a member of the MWG to draft the Framework for Concept Papers. Assistance from the Regional Returns Unit can be requested if needed. The Chair of the MWG will distribute the Framework and the Concept Paper Outline (see Annex) to all partners interested in developing and presenting Concept Papers. Concept papers will most commonly be developed by NGOs who have an interest in implementing the proposed project. However, concept papers may also be developed by Municipal Working Group members (UNMIK, UNHCR, KFOR, Municipal Authorities, etc.), or by displaced persons or their representatives. The Chair of the MWG will set a deadline for interested NGOs, members of the MWG as well as others, to develop concept papers in response to the Framework for Concept Papers. Municipal structures, through the MWG, will be available to provide NGOs and others with information considered relevant to contribute to the compilation of a concept paper for the proposed project.

Concept papers reviewed and prioritised by Municipal Working Groups

The MWG is responsible for reviewing Concept Papers submitted by partners based on the Criteria for Considering Concept Papers by MWGs (see Annex 5). Particular focus will be given to assess if a demonstrated (and informed) willingness of displaced persons to return is reflected and if the returns process proposed in the Concept Paper is sustainable. Concept papers also describe a project in sufficient detail for the MWG to evaluate the sustainability and cost of the proposed project, and to evaluate the implementing organisation's capacity and relevant expertise

Preference will be given during the review of concept papers to implementing organisations that propose a multi-sectoral approach covering all relevant sectors. At the same time, not all implementing organisations have the capacity or expertise to undertake multi-sectoral projects. In such cases, implementing organisations are encouraged to join with other NGOs (particularly national NGO's) and to submit concept papers reflecting a "consortium" approach to the project. Finally, implementing partners that are unable to submit concept papers addressing a full project, or to join in a consortium that does so, should submit a concept paper that describes the component of the project the NGO would be prepared to implement. In such cases, MWGs may consider linking partial submissions to arrive at a comprehensive, multi-sectoral approach to the proposed project.

As described in further detail in the Concept Paper Outline, concept papers that demonstrate the strategic use of the components of the proj-

ect to enhance the sustainability of the project are encouraged (e.g. efforts to involve the whole community in the programme through including infrastructure components that benefit both the returning and the receiving community). In addition, concept papers must clearly demonstrate a "demand-driven" approach by articulating the methods that will be used to determine the level of interest within the displaced persons community in the proposed location, and to engage the displaced persons community in the project's development and implementation. Concept papers should be formatted in accordance with the "Concept Paper Outline", and should include the following components: objectives, outputs, indicators, activities, and finally an estimated budget and timeline.

The MWG participants will then endorse Concept Papers. As set forth, MWGs will preferably decide by consensus. In case this is not reached, the final authority relies on the Chair of the MWG (Municipal Administrator). Furthermore, NGOs or others submitting concept papers will have a role in the MWGs discussion of the paper, but will remain observers during the endorsement and prioritisation process, based on the potential for conflicts of interest.

Municipal Working Groups will review concept papers on a rolling basis (as they come in) to determine whether a proposed project addresses an identified need in a manner consistent with returns policies articulated in the May 2002 Concept Paper for Sustainable Returns. In particular, concept papers should discuss the demand for the project from potential beneficiaries, as well as the process that will be used for selection of beneficiaries. Based on the review of the concept papers, Municipal Working Groups endorse possible projects. Where multiple concept papers are submitted within a municipality or for a single location, the Municipal Working Group prioritises the proposed projects to reflect the Guiding Principles stated above. Again, this process occurs on a rolling basis, as new concept papers are received. In evaluating differing concepts for the same locations, preference will be given to concept papers that propose a multi-sectoral approach covering all relevant sectors.

Regional review and prioritisation
Municipal Working Groups will compile a list of municipal level prioritised concept papers. The list of prioritised municipal concept papers will be forwarded to the regional level, where the list is discussed and reviewed by the Regional Working Group.

Regional Working Groups compile a prioritised regional list of proposed projects based on the input from Municipal Working Groups and on specific criteria: ethnic proportionality, geographic proportionality, vulnerability, sustainability, and efficiency (cost per beneficiary). In preparing the projects list, the Regional Working Group focuses on the extent to which the proposed project is consistent with returns policies and principles, and in particular on the extent to which the project responds to demand from displaced persons.

**Preparation of
the Kosovo Prioritised Projects List**
The regional projects lists are forwarded to the Returns Coordination Group. The Returns Coordination Group has responsibility for developing (and updating) an overall, Kosovo-wide Prioritised Projects List. To achieve that objective, the Returns Coordination Group will rely on a Technical Advisory Board (TAB). The TAB's membership includes, in addition to the members of the Returns Coordination Group, representatives from NGO implementing organisations and the donor community. Members of the TAB will include individuals with particular technical expertise in project design and implementation. The Returns Coordination Group will establish criteria for project review to be applied by the TAB[9]. The TAB will review concept papers and regional projects lists, and will make recommendations to the Returns Coordination Group regarding the compiled Prioritised Projects List. The Returns Coordination Group compiles and updates the Prioritised Projects List, based on recommendations from the TAB.

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[9]The same criteria will apply: ethnic proportionality, geographic proportionality, vulnerability, sustainability, and efficiency (cost per beneficiary).

Circulation of the Prioritised Project List

The Prioritised Projects List is the primary tool for soliciting donor funding for returns projects. ORC, UNHCR, and other members of the Returns Coordination Group, circulate the Prioritised Projects List to potential donors and implementing organisations. Efforts by all those involved in the returns process regarding solicitation of returns-related funds should be consistent with the Prioritised Projects List, and should be coordinated with ORC.

Solicitation and preparation of full proposals

Donors interested in projects included on the Prioritised Projects List will solicit full proposals in accordance with their own requirements. Where the concept paper for a project on the prioritised list has been developed by an implementing organisation, donors will be encouraged to work through the organisation that submitted the endorsed concept paper. Full project proposals should be consistent with the concept paper approved by the Municipal Working Group, and with the returns policies set forth in the Concept Paper for Sustainable Return.

Development of Multi-Sectoral Project Proposals

Full project proposals will be solicited and developed only after a project concept has been endorsed by the MWG, and a donor has indicated interest in funding the project. In instances where implementing organisations already have funding, they will be requested to submit directly a detailed multi-sectoral project proposal to the MWG and RWG. Full project proposals must be in accordance with the Return Beneficiary Assistance Criteria and the guidelines for multi-sectoral projects which highlight the requirements for the housing reconstruction assistance, the construction of infrastructure programme, the employment or income generation programme, and the interethnic dialogue or community activities. IP's are encouraged to work with other national and international NGO's who have particular expertise in one sector. They should also work in consultation with local administration.

Final review of full proposals

Once a full proposal has been prepared and has been preliminarily selected by a donor, donors and implementing partners will be asked to submit the proposal for a final review by the relevant Municipal Working Group before the donor gives its final approval and provides funding for the project. This step will help ensure that the final proposal is consistent with the guidelines developed for returns projects, and will be essential to ensure the Municipal Working Group's involvement and assistance in implementation of the project. The MWG's role at this stage, however, is only to review the proposal, and to raise questions or make suggestions that the donor may want to address with the implementing partner, not to provide a detailed evaluation of the project. If the proposal raises substantial concerns, these should be referred to the Returns Coordination Group and ORC for discussion with the donor.

Proposal is funded

Following the final review of the full proposal by the Municipal Working Group, the donor selects an implementing partner and provides funding for the returns project.

Returns Project Implementation

The implementing partner has primary responsibility for the implementation of the returns project. The Municipal Working Group will provide support for the project implementation process, including through coordination of the parties involved in the return process. The donor is primarily responsible for oversight of the project. The Municipal Working Group will monitor project implementation, and may be called upon to assist the implementing partner in overcoming obstacles to project implementation. Implementing partners are responsible for keeping the Municipal Working Group informed of their work by participating in Municipal Working Group meetings at least once a month, and providing copies of reporting prepared for the donor.

Implementation of
Multi-Sectoral Return Projects

Once a donor has agreed to finance a returns project (or in cases where a project is self-funded) and the project has received a final review and endorsement by the MWG and RWG, the MWG assumes a monitoring and coordination role during implementation. The MWG safeguards UNMIK's returns policy. Within the MWG structure, primary responsibility for project implementation monitoring rests with the MWG Chair. Monitoring is facilitated through regular participation and reporting from implementing partners at MWG sessions. If more than one NGO is involved in the process a MOU should be agreed upon and signed by all parties describing roles and responsibilities.

As a monitor of project implementation, especially when there are several implementing partners involved in a single return project, the MWG should facilitate and provide support to execution of the project. To ensure effective coordination, the MWG may set up a smaller committee (Local Working Group) composed of the actors involved in the project.

Members of the MWG are also expected to take a supporting role within their respective fields. For instance, where appropriate, MWG Chairs (MAs) will work to ensure that the local administration provides municipal services in support of returns locations and project implementation.

If the MWG encounters substantial problems in its monitoring of the work of an implementing partner which cannot be resolved directly with the implementing partner, the MWG should refer the problem to the RWG chair. At the RWG Chair's discretion, the problem can be additionally referred to the ORC if it is believed the donor should be informed and asked to intervene.
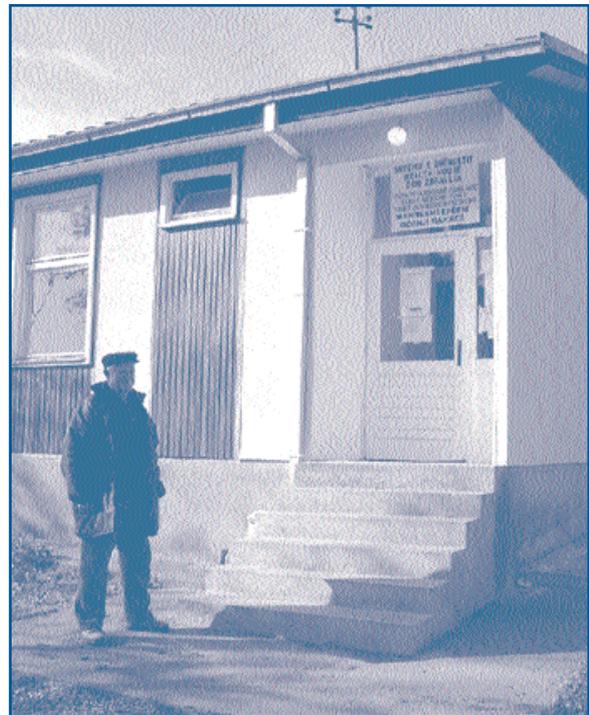
Return of the Displaced

Implementing partners have responsibility for selecting the potential returnees and, ensuring that returns are sustainable in the long term. "Bottom-up" project formulation and the project prioritisation process act as safeguards against the implementation of projects without strong commitments from IDP beneficiaries to return. IDPs/refugees who are envisaged as beneficiaries of the approved project must be on site for the implementation to start. At least one member of each beneficiary family needs to participate in the reconstruction or at least be present on site for the family to benefit from the project.

In cases where the conditions surrounding project implementation change dramatically, returns may have to be postponed or temporarily suspended. ORC, through recommendations from RWG Chair, may halt implementation of returns projects. Should such exceptional circumstances occur, ORC will ensure that its basis for suspension of the project is clearly articulated and will consult with all involved actors regarding the conditions needed for the project to be resumed.

Responsibility for ensuring the physical transport of the displaced is shared. UNHCR has the responsibility for assisting with the logistical transportation of the IDPs and refugees. KFOR, UNMIK Police and KPS should provide escort if considered necessary.

UNMIK will take all necessary steps to ensure that Municipal officials (international and local where available) are present to receive the returnees on the day of their return. A short briefing should be prepared as part of the welcoming ceremony to answer any questions that the returnees may have and as a first step to assist them in integrating into their new environment. Basic information regarding the municipality and the municipal structures and its governing parties should be provided. Where possible, receiving and surrounding communities should be included in the reception.

UNHCR will provide elementary humanitarian assistance, such as food and basic non-food items, including blankets and mattresses to support returnees in the first three months of their return. Thereafter, implementing partners will have either ensured that the means for self-sufficiency exist in the project design or that the NGO itself will take over the provision of food and non-food humanitarian assistance needs beyond the first three-month period. The need for such assistance should be an element of the project framework included in the Request for Projects.

Individual Returns

The term individual returns (also referred to as "spontaneous" returns) is used here to refer to the many different types of returns other than the facilitated movement of a group of displaced persons to a particular location. In some cases, families give no advance warning of returning to their original home. In other cases, individual families receive differing types of assistance to return. Individual returns of all types are to be supported as they demonstrate a high level of confidence, independence and commitment on behalf of the returnee. They should be encouraged as they represent a greater likelihood of the returnee successfully integrating back into the receiving community. Like families returning through organised returns projects, families returning individually generally require assistance upon return. Yet providing assistance is often more challenging due to the unpredictable nature of their arrival and geographic spread of the locations to which they return. For example, infrastructure projects can generally only be undertaken on a community basis, not in response to a single family's return.

In order to respond to demands for assistance to this type of returnee, UNMIK is working with UNDP and UNHCR to establish a flexible facility that would provide funding to assist individual returns. The specific requirements and structure of that fund are yet to be determined, and the extent of donor support and the requirements donors might impose on this mechanism will need to be taken into account. Depending on the resolution of those issues, UNMIK's intention is for the flexible fund to be available for use by MWG's in responding to individual returns.

The specific process for such support will need to be developed as the structure of the flexible fund is determined. One possible approach, however, would be for MWG participants to notify the MWG of the individual return of a minority family. The MWG could then request a pre-determined NGO to assess the returnee family in light of the return assistance beneficiary criteria. If the returnee family is eligible for assistance, the MWG would then request the implementing partner managing the flexible fund to provide assistance in accordance with the fund's procedures. Support for individual returns could include housing reconstruction, income-generation/economic support assistance and, if the return occurs in a context where such options are available, incorporation of the family into an ongoing return project that involves infrastructure and community programmes. [10]

Reporting on return activities

During the implementation process, MWGs report to RWGs concerning return activities and the progress of returns projects. When a returns project comes to an end it is important the MWG produces a thorough report on the project, including a "lessons learned" section. The RWGs, on the basis of different Completed Returns Project Reports, will also prepare Regional Comparative Returns Projects Reports at the end of each return season. These documents should consist not only of lessons learned, but also expectations for the next year (projected financial needs.) Based on this information, the ORC will compile reports on returns activities, completed returns projects, and highlight remaining needs.

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[10] Other programme supporting individual returns such as UNHCR's minor repair and QIPs, BPRM's KCRS, IMRA as well as others. The presented mechanism is to fill the current gaps.

UNITED NATIONS
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Administraation Mission
in Kosovo

UNMIK

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Intérimaire des Nations
Unies au Kosovo

THE RIGHT TO SUSTAINABLE RETURN - 17 May 2002

Concept Paper

I.   INTRODUCTION

This concept paper aims at laying out the basic principles that should guide UNMIK's approach to the returns process of internally displaced persons (IDP) and refugees. The paper does not attempt to provide a detailed operational plan for organised returns nor does it undertake to describe in full the operational response to spontaneous returns. The principles contained herein apply equally to all returns whether spontaneous or assisted.

Given that the returns process differs from region to region, each Regional Administration will, based on the approach spelled out in this paper, develop a regional implementation plan. Because returns are not a linear process, these regional plans will always be working-documents. However, the core principles guiding the returns process in Kosovo will remain the same.

As UNMIK's approach to returns emphasises the individual in the process, this paper recommends a rights-based approach. Accordingly, the guiding principles proposed are based upon international human rights and humanitarian standards and have been developed in consultation with UNHCR.

II.   OBJECTIVES

Returns and integration are key mid-term priorities for UNMIK. Security conditions for minorities continue to improve and freedom of movement has gradually increased. KFOR and UNMIK Police are shifting to a flexible, threat assessment-based approach in order to achieve the gradual dismantling of protected enclaves, and to promote local-level integration and reconciliation. With the beginning of these important and promising developments and with the successful establishment of a multi-ethnic government, there are emerging opportunities for returns. As a result, returns are at the heart of the Kosovo political agenda.

A unified mission-wide approach is needed to achieve breakthroughs in minority returns during the summer and autumn of 2002 to effect a change in climate and to build momentum for more significant numbers of returns during 2003 and 2004.

It should be stressed, however, that there is no time limit on the right to return. Returns are not a politically driven process but primarily dependent upon the choice of the individual to come back. This principle of individual decision is enshrined both in the right to return and in human rights principles in general.

UNMIK, in partnership with UNHCR and other key actors, must act by facilitating the returns process and creating the conditions conducive for the sustainability of this process. This implies a two-pronged approach whereby UNMIK and its partners will:

- Reach out to the IDPs and refugees with appropriate and realistic information about the conditions in Kosovo while improving these conditions in order to enable the IDPs to come back.

- Work to ensure that the conditions on the ground for returnees are sustainable, including by promoting their integration into Kosovo society.

Such an approach will be guided by a respect for fundamental human rights principles, which can be best characterised as the right to sustainable return. This concept, in turn, implies a series of guiding principles for the different actors involved in the implementation of the returns and integration process.

UNMIK will continue to welcome Belgrade's general involvement in the returns process, being the host area authority of the majority of Kosovo IDPs. It must be stressed, however, that any involvement will be guided by the principles announced herein to avoid politicising the returns process and to ensure that the rights of the displaced are given primacy.

Returns in greater numbers can only happen if effective mechanisms are in place for minorities to be integrated into the structures of Kosovo society. Active advocacy and support for returns and integration of minorities by all political and community leaders, especially by elected local officials, are an important benchmark for the development of Kosovo society.

III. PRINCIPLES

The basic principles for returns are set out in the Statement of Principles, which was agreed within UNMIK, as well as with UNHCR and KFOR, and endorsed by the IAC in 2001 (Annex A). Key concepts in this statement are the notion of voluntary, individual choice and sustainability. These concepts manifest themselves in the right to sustainable return. Building upon this rights-based approach to the returns process, UNMIK should be guided by the following core operational principles:

Right to Return

- **The right to return applies equally to** members of **all communities** regardless of their ethnicity, cultural, religious or linguistic belonging.

- All **returns must be voluntary** based upon a free and informed choice by the individual.

- The priority is to **support returns to the places of origin**.

- In general the **concept of relocation**, including proposals for clusters of new settlements, is not conducive to the long-term goal of promoting a multi-ethnic society in Kosovo, and will not be endorsed by UNMIK.

- Strategically or state motivated returns are not in the best interest of the returnees as they are likely to backfire on them by increasing their isolation and undermining their freedom of movement. Therefore, the **selection of return locations** must be based on the **expressed wishes of IDPs** to return to their places of origin, rather than on political considerations.

- There can be **no political or other conditionalities** placed on returns by the receiving communities. Returns cannot be linked or made contingent upon the resolution of political, social or humanitarian issues. Likewise, return of one community cannot be conditioned upon reciprocal return of another community.

- While it may be understandable that Western host countries continue the gradual repatriation of members of the majority population to Kosovo, they will be asked to **refrain from forced returns of minorities**. Host countries will be encouraged to develop reintegration packages that will contribute to the sustainability of voluntary returns.

Sustainability

- Realistically, IDPs and refugees will only want to return if they can live in peace and participate fully in society. Therefore **any returns process must be sustainable** to succeed.

- Sustainability presupposes the individual **rights to access public and social services**. In the Kosovo context these rights require that minority communities and returnees have **equal access** to education (in their own language whenever possible), to health care and medical services, social security or poverty-assistance payments, and public utilities.

- Creation of sustainability will require the active involvement of the Government and its Ministries, particularly those institutions that provide access to the relevant services. The Government has recognised the necessity for supporting the returns process and indicated that it intends to take on this obligation in its policy programme that will be launched soon. Accordingly, the Government will need to **set aside sufficient funds** within their budgetary allowances to guarantee the extension of these services to minority communities and returnees.

- Just as it is essential in the short term to guarantee returning minorities access to social assistance schemes, it is equally crucial for their long-term sustainability and development to have **fair and equal employment opportunities** in the public and private sector. UNMIK and the governmental authorities have the responsibility to ensure equitable representation of all communities in the public sector and provide effective remedies for discrimination both in the workplace and in the hiring process.

- Another key aspect of the right to sustainable development is an **individual's right to private property.** This right manifests itself not only in the **basic right to shelter**, but also in the need for the government to provide **effective remedies for the unlawful deprivation of property**. As many displaced minorities have had their homes illegally occupied by members of the majority community, UNMIK will ensure the effective functioning of the HPD mechanisms for filing claims, resolving property disputes and ensuring the expeditious return of the property concerned to its rightful owner.

- An important aspect of property rights under international humanitarian standards is the provision of **adequate reconstruction assistance** that would allow potentially vulnerable returnees to begin rebuilding destroyed or damaged homes. Assistance of this type is needed for those minorities whose homes have been damaged or destroyed.

- Fundamental to the full enjoyment of these rights and the degree to which minority communities can integrate into and participate in society is their **freedom of movement**. UNMIK and KFOR will undertake all necessary efforts to ensure liberty of movement for all returnees and communities in Kosovo.

- In order to ensure the **sustainability of freedom of movement**, however, it is vital that the majority community rejects violence and the tactics of intimidation that frequently restrict minorities' ability to move freely. The Government and all levels of political and community leaders must also work with the majority community in returns locations to create an enabling social and political environment for the returnees.

IV. PROCESS

As an integrated and unified approach to the returns process is likely to provide more confidence among potential returnees, active involvement and cooperation are required not only of UNHCR, UNMIK Pillars, the regional and municipal administrations, UNMIK Police and KPS, KFOR, the international agencies and NGOs, but also representatives from the majority and minority communities. Additionally, the multi-ethnic government and the creation of two key positions for Koalicija Povratak, an Inter-Ministerial Coordinator on Returns in the Office of the Prime Minister and a Senior Adviser on Returns in the Office of the SRSG, will make of an integrated and inclusive strategy possible.

The PISG at all levels must actively engage the majority community where returns take place in order to facilitate integration and reconciliation. These efforts should actively be supported by UNMIK. While full reconciliation cannot take place in the absence of accountability for past crimes, first steps can be taken to facilitate serious dialogues at the local level. Such initiatives should be the precursor to returns and then accompany the process along its course.

As sustainable returns are a bottom-up process starting with the expressed wishes of the IDPs UNMIK, in cooperation with UNHCR, must develop a clear picture of the intentions of potential returnees through increased engagement and direct contact with the IDP Associations and the IDPs themselves. Based on these findings, the initial planning of organised returns will begin at the local level in the Municipal and Regional Working Groups on Returns. These coordination and planning bodies report to the Task Force on Returns (TFR), which is chaired by the SRSG at the central level. The TFR has the authority to approve recommended returns projects and allocate resources accordingly.

As a principle, donor funding should be prioritised to support minority returns and integration projects and follow the returnees. The latter will require flexibility in the planning and resource allocation.

V. CONCLUSION

The role of UNMIK or any governmental authority is neither to mandate return locations nor to dictate to IDPs and refugees how and when they may return, but to facilitate the improvement of conditions so that IDPs and refugees have the opportunity to exercise the individual decision to return.

Regardless of whether IDPs and refugees decide to return to Kosovo or to integrate in their place of refuge, the process itself must ensure that the rights of the individual are respected and that they have the choice to come back to their homes in dignity. This rights-based approach provides a formula to make certain that the returns process in Kosovo meets those standards. In the end, the principles outlined here help ensure that those individuals that do return are able to safely and sustainably remain here.

<div align="right">

Office of Returns & Communities
Office of the SRSG
17 May 2002

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STATEMENT OF PRINCIPLES

1. The **right to return** in either a spontaneous or organised (assisted) fashion is a fundamental human right which must be respected.

2. Return must be **voluntary**, and must be based upon a free and informed choice. The decision to return is both an individual and a family decision, and therefore all IDPs, including women, must be provided with accurate information on the situation in their place of origin in order to make an informed choice. Special attention should be paid to the concerns of female IDPs to ensure that they are afforded access to information on the criteria they deem important.

3. Security Council Resolution 1244 makes UNMIK responsible to assure 'the safe and unimpeded return of all refugees and displaced persons **to their homes** in Kosovo' and requires KFOR to establish a 'secure environment in which refugees and displaced persons can return **home** in safety and dignity'. Therefore, organised return will be **to the place of origin** constituting the optimal durable solution to the current displacement. Resources are to be focused on the conditions at the location of origin.

4. IDP return must be conducted in conditions of **safety and dignity**, requiring the strengthening of efforts to ensure the physical security of Kosovo's minority communities in the locations of return. Beyond security measures this requires dialogue with the majority community as well as a situational approach as to assistance.

5. The **sustainability** of IDP return must be ensured by measures aiming at the creation of minimum conditions in the areas of accommodation, access to public services including health and education and to public utilities and to enhance social and economic opportunities to enable returnees to reconstruct a stable community life. In order to foster co-existence and avoid undesirable resentments against returnee communities, considerations of sustainability require a situational approach which pays due attention to the assistance needs of neighbouring majority and other minorit y communities.

6. Returnees and their home community need to be afforded adequate **freedom of movement**, at a minimum allowing access to their lands and essential services (health, education and employment) and for the maintenance of social and family links also outside their village/enclave. Efforts and measures need to be undertaken, including dialogue with the majority community, to over time break through the enclave situation and create conditions of coexistence.

7. Joint planning for return shall be conducted for **multiple geographic areas** throughout Kosovo, not limited to exclusively one location or area. The speed of return to each area will wholly depend upon the circumstances and conditions in each particular location which will be considered by the members of the Regional and Local Working Groups on Returns in their activities and the determination of the exact timeframe for measures and organised movements.

8. Return operations must be conducted in a **low-profile, incremental, and orderly** fashion. Organised returns must be facilitated in a prudent manner, taking into account the particular security situation in the specific place of origin. This includes that returns take place in a phased manner in pursuance of a step-by-step approach. The process needs to allow for flexibility, the time necessary for pre-return planning without creating undue delays and needs to avoid the creation of tensions which will impact negatively on actual returns. The timing of measures and of organised return movements are crucial and will be finally determined by the Regional and Local Working Groups on Returns in consideration of all relevant factors. The return of specific families or groups will wholly depend upon the creation and prevalence of acceptable conditions in the particular return location.

9. The return process should be **inclusive and transparent** requiring frequent consultations with the representatives of all communities concerned, including neighbouring populations and should preferably be accompanied by inter-community dialogue and by supporting confidence-building measures between all minority communities and Kosovo Albanians. This includes that due attention is paid to the situation and concerns of all communities including in the immediate neighbourhood.

10. Return must be conducted in a humane fashion, requiring the provision of **basic humanitarian assistance** to ensure the sustenance of returnee communities during the initial reintegration period, with particular attention to vulnerable individuals and families. A **situational approach** will be adopted for the planning of such assistance to take into account the humanitarian needs of neighbouring communities, to ensure that humanitarian aid serves to foster co-existence rather than to reinforce divisions or to generate new resentments between neighbouring minority and majority communities.

11. The organisation of safe, orderly and sustainable returns requires a **comprehensive assessment of potential return locations**, performed jointly by representatives of OSRSG, UNHCR, KFOR, OSCE, UNMIK Police, UNMIK municipal and regional administrations, municipal representatives and representatives of the IDP populations.

12. The measures aiming at the creation of conditions which are conductive to return and at providing the required support and assistance to returnees upon return apply irrespectively of whether they returned on their own or in an organised manner.

UNMIK

INSTITUCIONET E PËRKOHSHME TE VETQEVERISJES **ASOCIACIONI I KOMUNAVE TË KOSOVËS**
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT **ASSOCIATION OF KOSOVO MUNICIPALITIES**
PRIVREMENE INSTITUCJE SAMOUPRAVLANJA **ASOCIACIJA KOSOVSKIH OPŠTINA**

Government Programme, section on Communities

Section 8. INTEGRATION OF ALL ETHNIC COMMUNITIES INTO KOSOVAR SOCIETY

The people of Kosovo should have equal access to, and be full participants in, all levels of the Government of Kosovo. The Government of Kosovo should be the Government of all Kosovars and should serve as a model in reweaving the multi-ethnic fabric of Kosovo. To do this, the Government should ensure that the hiring targets for ministries mandated by the Constitutional Framework are met for all ethnic communities. The Government should ensure that communities are active participants in the Government at all levels and in every sector.

The Government should set an example by openly supporting initiatives to improve inter-ethnic cooperation - from publicly supporting the activities of non-Governmental organisations, to patronising businesses that intentionally hire from all communities. The Government should reach out to displaced Kosovars, initiating a dialogue at a working level on the issue of returns, and should openly support projects that facilitate minority returns. The Government should assure minorities that displaced people will not return to enclaves but to their homes. The Ministry should ensure that minorities have a voice in defining the priorities of the Government.

The Rights of Minorities, Reintegration and Returns

Minority Rights

The Government will ensure that its principles, laws and implementing measures will protect and promote the rights and interests of all communities as guaranteed in Chapters 3 and 4 of the Constitutional Framework. Support for the coexistence of all communities and the promotion of their full economic, social and political participation are all equal imperative objectives of the Government.

The ministries will ensure and promote the proportional participation of all communities in all levels of the executive branch of the Government. The civil service should conduct the hiring of civil service staff in a manner that reflects real professional standards; affirmative action based on well-known international and European standards will ensure that the process increases the participation of all communities and women in all levels mandated by the Constitutional Framework.

As an integral part of these efforts, ministries should actively work to find and implement solutions for many practical problems - including security and transportation - that are currently preventing the full participation of minority members in the civil service.

The Government, in collaboration with local and international organisations, will develop and implement programmes promoting cooperation with, and the tolerance and reintegration of, the minority communities. In this context, the office of the Prime Minister will work to ensure the fair functioning of the municipalities and mediation councils.

The Government, and especially the office of the Prime Minister, will collaborate and coordinate with municipalities to ensure that all Government regulations are being implemented at the municipal level. To be more specific, the Government will consult with the mayors to help achieve their agreement with and implementation of such regulations within municipal structures. The Advisory Office for Communities and the Inter-Ministerial Coordinator for Returns and Communities will ensure the inter-departmental coordination of all efforts to achieve the above-mentioned objectives. Both offices will also collaborate with the international and regional levels (including the Stability Pact) to reach a better understanding of the situation of communities in Kosovo, exchange views and experience, and learn best practices from regional counterparts.

Returns

While the issue of returns remains a reserved power of the SRSG, the Government recognises that its resolution will depend on the full support and agreement of Government structures. This requires that the existing communities and the returning communities have full and equal access to services provided by the ministries. In addition, the return process should involve the active participation of the majority communities; however, their permission cannot be a condition for returns.

The Government recognises that, in accordance with the coalition agreement of 28 February 2002, regaining confidence of refugees and internally displaced persons (IDP's) is of high priority and is a key factor in achieving the social and political consolidation in the society of Kosovo. In addition, the acceptance of Kosovo in the region and the political and financial support of the international community will depend greatly on the progress made on these issues.

The Government remains ready to help UNMIK, UNHCR, KFOR and all other relevant agencies promoting and enabling the return of the minority communities. In order for the resettlement process to be peaceful, the Government believes that all returns should be voluntary and not subject to any political manipulation or any other motive. The returnees should be resettled in locations where they previously resided. This will promote coexistence, tolerance and reintegration between the existing and returning communities. For this to be implemented, the locations were the returns are occurring should be prepared so as to facilitate the ability of the returnees to rebuild a good life and to participate in Kosovar society. The returns should be continuous for all of those that possess assets with the purpose of preventing future migration or any other problems.

The Government, together with the IDP's and the refugees, will actively demonstrate its commitment to the resettlement process and the reintegration of the returnees, and its will to address their concerns and wishes. The Government will organise activities, including information campaigns promoting tolerance and cooperation, and will call on all Kosovars to respect democracy and the rule of law.

In consultation with UNMIK, the Government will contact donors to co-sponsor projects with the Government to improve the conditions of displaced persons and the return of refugees. The office of the Prime Minister will lead the process using the coordination function and the office of the Coordinator for Returns and Communities.

Prishtina 02.05.2002

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Statement by the Association
of Municipal Assemblies on Integration and Return

On the Association of the Municipal Assemblies meeting that took place today 12/04/2002, an understanding for the strategy of Joint Principles when dealing with minority issues such as integration and return, between the local authorities and the Government.

We should follow-up those principles:

1. The right of all minorities in all municipalities to be reassured about their future prospect. The principle also applies to displaced Albanians, particularly in north Mitrovica and Shterpce who equally deserve to be reassured about their safety and future prospects.

2. That all displaced persons within or outside Kosovo, should be given the choice to return to their homes in Kosovo, if they so wish. This must voluntary act of individuals, not a new colonisation.

3. That all returnees must have a real chance to rebuild there lives and contribute to our collective society.

4. The right of all Kosovars, regardless of their ethnicity, to possess their properties legally.

We have also reached an understanding about cooperation:

1. The issue of Minority returning to be treated as an issue of a big Interest for Kosovo, while the assessment of a returnees personal files' to be handed at the competent authorities

2. Coordination between the Government and the Municipal bodies on the issues pertaining Community issues.

3. The Government will be the carrier of the activities of voluntary integration and returning of the Communities on their properties.

4. The municipalities will respect the decisions taken by the Government consulting al the interested regarding those issues.

5. A close cooperation with UNMIK Community Offices as well as the Advisory Office for Communities to be established.

6. In the Municipal Bodies the Equal Opportunity model to be applied for all.

7. No coming out with attitudes pertaining the returning and integration without prior consulting to Kosovo Government.

8. The public funds will be distributed in an equal and proportional manner to all Communities in Kosovo municipalities.

9. In cooperation with Kosovo Government, office for Returning and Communities and Community Advisory Office the public information campaign will be undertaken regarding this issue to coordinated

10. Time after time, in the Association meetings all interested actors will be invited to discus elaboration of a strategy for Community Issues treating

On behalf of the Government   On behalf of the Association

Dr.Bajram Rexhepi   Mr. Lutfi Haziri
Prime Minister   President

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PROPOSAL FOR A RESOLUTION ON RIGHTS OF COMMUNITIES AND THEIR MEMBERS
AND ON THE CONDITIONS FOR RETURN OF IDPs AND REFUGEES

Adopted July 2002

The Government:

- Considering the basic principals of UN Security Council Resolution 1244 (1999), in particular relating to the creation of security conditions for everyone,

- Considering the basic principles of the Constitutional Framework (UNMIK Regulation 2001/9) in particular relating to the Rights and Communities and Their Members (Chapter 4),

- Considering the provisions of the Geneva Convention on Refugees (1951) as updated by the UN Guiding Principles on Internal Displacement,

- Expressing its hope and commitment that multi-ethnicity and the prevention of repression is the goal of the people and democratic institutions of Kosovo,

- Confirming the right to freedom of movement,

- Convinced that compliance with international policies on the rights and interests of refugees and displaced persons, is a basic condition for the development of Kosovar society,

- Taking into account the current situation in Kosovo in the area of ethnic community rights, especially the right to freedom of movement and the right to return,

- For the purpose of decreasing the inter ethnic conflicts and contributing to a safe and secure environment for all,

Based on Section 9.1.26 (a),
proposes the following resolution to the Assembly of Kosovo for its approval:

RESOLUTION XX/2002

RIGHTS OF COMMUNITIES AND THEIR MEMBERS AND ON THE CONDITIONS FOR RETURN OF IDPs AND REFUGEES

I.   All citizens of Kosovo, regardless of their race, gender, religion or ethnicity, have the right to enjoy private property,

II.   The competent institutions of Kosovo and UNMIK and KFOR are strongly called upon to implement the legal provisions ensuring the freedom of movement without discrimination,

III.   All communities regardless of their ethnic, cultural, religious or linguistic group, have the right to free and unhindered movement throughout the whole of Kosovo,

IV.   The competent institutions of Kosovo and UNMIK and KFOR are strongly called upon to implement the legal provisions ensuring equality in exercising the right to freedom of movement throughout the whole of Kosovo,

V.   The majority of Kosovars, living in freedom, commit themselves to contributing actively to establish equal conditions for those not able to enjoy their rights freely and fully, including the right to return to their homes,

VI.   The Government calls upon the Assembly of Kosovo to collaborate closely with all of the administrative structures with a purpose of creating the conditions for the implementation of the goals of this resolution,

VII. The Government calls upon the Assembly of Kosovo to mandate the Assembly Committee on the Rights and Interests of Communities, to work for the creation of pre-conditions for the return of refugees and displaced persons in order to implement article VI of this resolution and the relevant provisions in UNSC 1244, the Constitutional Framework and the commitment of the people of Kosovo for a multi-ethnic society in a free and democratic Kosovo.

International Standards on Minority and IDP Rights

Under international standards, refugees and internally displaced persons have the fundamental human right to return to their homes, irrespective of their ethnicity, in either a spontaneous or an organised and assisted manner. These standards form the basis for UNMIK's minority rights protections and the return policies for Kosovo.

UNMIK looks to several key documents to determine applicable standards for minorities, returnees, and IDPs. UN human rights instruments, guiding principles on the treatment of IDPs, General Assembly Declarations, and the regional European standards all apply under UNMIK regulations and under the Constitutional Framework. Below is a list of the major documents that guide the returns and reintegration process. Each document is accompanied with a description of relevant provisions and applications.

International "Bill of Human Rights"

Each of the three documents that make up the international Bill of Human Rights stresses that the rights contained therein are to be enjoyed equally without discrimination. Article 2 of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) each contain a general prohibition against distinctions made on the basis of several factors, including race, colour, sex, national origin, religion, language, property, social origin, or birth. Additionally, the ICCPR (article 27) makes special provision for the protection of minorities' rights to enjoy their culture, to profess and practice their own religion and use their own language. These standards have been interpreted to require governments to take active steps to guarantee and facilitate the equal enjoyment of these rights.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

ICERD sets out the wide-ranging obligation of states to eradicate discrimination in all of its forms that occurs within society or that manifests itself as part of governmental policy. Under the Convention, states must take steps both to eliminate discriminatory practices, and policies. Article 2 envisages that governments must review their own policies and legislation to ensure that it complies with the general principle of anti-discrimination and equal enjoyment of human rights. Additionally, ICERD obliges states to protect the right of minorities to access public services and institutions as well as to promote their equality in private organisations. In order to achieve or develop any of these goals or to develop, special measures such as affirmative action programmes are to be taken to ensure adherence to the principle of non-discrimination.

Article 5(d),(e), and (f) of ICERD elaborates on the nature of the rights guaranteed (political or economic, social, and cultural) and enumerates essential services to which minorities must have access. Among these itemisations, the rights to freedom of movement, return, nationality, property, housing, free choice of employment, education and public/social services most closely relate to the needs of Kosovo's minority communities and potential returnees. Enjoyment of these particular liberties also forms the core concept of sustainability and how to judge an acceptable return environment. The expert Committee on the Elimination of Racial Discrimination has issued a clarification of Article 5, noting that minority IDPs and refugees in particular must have the right to return freely, under conditions of safety, and with equitable access to public services, including property reclamation and rehabilitation assistance (General Recommendation XXII, 1996).

UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities

This General Assembly declaration calls upon states to take affirmative steps to protect the existence and identities of minorities and their ability to exercise effectively their rights. It is a useful mechanism to justify creation of vigorous government programmes and legislative mechanisms to facilitate equal enjoyment of rights. Considering the situation of minorities in Kosovo, Article 2 most notably protects the rights of minorities to participate effectively in society, public and cultural life, policy-making on minority issues, and inter-ethnic/intra-ethnic relations. Article 4 states that appropriate measures must be enacted to allow

minorities to participate fully in economic progress and development. Such guarantees are the benchmarks for the successful reintegration of Kosovo communities into society as a whole.

States also have an obligation to create the environment through which ethnic, religious and linguistic minorities can express their distinctive characteristics to the extent allowed by international law. Facilitation of this principle includes the provision of an educational curriculum that teaches minority-specific history, cultural traditions, and languages.

European Convention on Human Rights and
Fundamental Freedoms (ECHR) and other European anti-discrimination standards
In much the same way as the UDHR and ICCPR, the ECHR guarantees minorities' equal enjoyment of rights through a general non-discrimination provision (Article 14) and through the recently adopted Protocol 12. Where the European minority rights standards differ from those provided under UN human right instruments is in the promulgation of European Union directives that clarify what obligations exist under those general provisions. In particular, Council Directive 2000/43/EC on implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin mandates several expansive protections for minorities, including requirements for the adoption of remedial and enforcement mechanisms.

Of the concepts advanced by this Directive, equal treatment within society extends to indirect discrimination that may occur in the public or private sectors. Among the areas that this definition affects are procedures of the government and private enterprise for access to employment, hiring practices, business ventures, employment conditions, vocational training, retraining, education, health care, housing, and social security.

UN Guiding International Principles on Internal Displacement
These principles act as the UN's guide to governments for the provision of humanitarian assistance, development aid, and protection to the internally displaced. Based on international humanitarian law and human rights standards and endorsed by the Commission on Human Rights, these principles entitle IDPs to the assistance needed for them to return, resettle and reintegrate safely in their communities of origin. Furthermore, these principles enunciate the key elements that will allow for sustainable returns and a humane standard of life while they remain displaced.

As regards minorities, the principles place the onus on state authorities to provide equitable humanitarian and protective assistance to IDPs without discrimination of any kind, including on the basis of race, ethnic, national, linguistic, religious, gender or political identity (Principle 4). This non-discrimination principle is especially important in terms of the obligation of states to facilitate the freedom of movement of IDPs (Principle 14) and safe access to sustenance, shelter, appropriate clothing, health care, and sanitation services [Principle 18(2)]. Principle 25 clearly indicates that it is the Government that must take responsibility for the provision of such humanitarian assistance.

Section V of the Guiding Principles deals specifically with the obligation of government authorities to establish the conditions for safe and voluntary returns. This obligation requires that special efforts (Principle 28) be made to reintegrate resettled IDPs into society without discrimination (Principle 29). Such efforts at resettlement must include aid to returnees to regain their property lost during the displacement [Principle 29(2)].

UN Convention Against Discrimination in Education
As guaranteed in other international instruments, this Convention seeks to ensure that education remains accessible to all children regardless of minority status or gender. It protects not only the rights of minorities to maintain separate educational facilities or curricula; it also permits equal access to public funding, scholarships, educational standards, and national education policy initiatives. This Convention supplements and supports provisions laid out in the Convention on the Rights of the Child, Article 28, which also stipulates that education should be accessible equally to all children.

Annex 1A: Return Location Profile Format Summary
Return Location Profile

(Return Location Name with PCode) Profile Summary
Municipality/Region
Month/Year

Population	Pre-Conflict/ Post-Conflict Population*	Majority/Minority Population*	IDPs numbers by locations	Minority departure by Year	Minority Returns by Year	
	300/250	200/50	100 Belgrade 200 Podgorica	5- 2000 10-2001	0-2000 49-2001	
Security	Ethnically motivated crimes reported during 2000-1-2	KFOR Presence	Police station	KPS:Mix Patrols Number of mino	KFOR Security Assessment	
	10-2000 2-2001 0-2002	2 Static check-points 2 Foot Patrol routes	1 Sub-police station	Yes 10	Cat 1	
Freedom of Movement	Availability of Public Transport	Escorted Transport Available if needed	KS License Plates Available	Access to Town Market	Access to Municipal Building	Free usage of Mino Language in Public places
	Yes	No need	Yes	Yes	Yes	Yes
Housing	Pre-Conflict/ Post-Conflict Total of Houses*	Majority/Minority Number of Houses*	Majority/Minority Damaged Number of Houses*	Majority/Minority Occupied Number of Houses*	Majority/Minority Reconstructed Houses Through Donor Ass.	Majority/Minority empty Housing
	235/156	200/100	23/15	0/15	20/10	0/0
Infrastructure	Prim and Second Schools	Hospital/ Ambulanta	Phone lines	Electricity lines	Water/Sewage Canalisation	Roads
	2 High Schools 3 Primary Schools	Yes	Yes	No	No	Yes
Mino Public Services Access	Prim and Second Education	Health	Social Assistance	Humanitarian Assistance	KEK	PTK
	2 High Schools 3 Primary Schools	1 Ambulanta	Yes	Yes	Yes	Yes
Minority Employment	Public Institutions	State-Owned Ent.	Int Org and NGOs	Total Employed	Total Unemployed	
	5	12	X	7	32	
Completed Projects Financed by the IC	House reconstruction by NGOs	Infrastructure projects by NGOs	Economic/Income Generation Projects	Capacity Building Projects	Interethnic Dialog Activities	
	24 SIDA 69 THW	Sewage SDA	Micro Grant Care	HR Training OSCE	Multi-ethnic Market day	

Annexes

Annex 1B: Return Location Profile Format
UNHCR has a lead agency that carries-out this task in each region

Community Profile: AT A GLANCE

Village:

I.Municipality:

Pcode: [refer to Kosovo Atlas, published by HCIC]

Situational overview: [rural/urban, small/large, isolated etc]

FoM / security situation: [heavy/light restrictions, free movement]

Ec.situation: [% of families with income, asset stocks]

Social integration: [very good / good / poor / high risk]

Access to services: [very good / good / poor]

Population profile: Alb   Serb   Roma   Eg/Ashk   Other

Total:

Pre-war:

2002:

new arrivals:

new departures:

Vulnerability analysis (risk of minority community to depart]:
[expanding / stable / vulnerable / contracting]

Publication:
[Date]
[Version #]

1. OVERVIEW / HIGHLIGHTS

1.1 Location / Situational Overview

In this section talk/write to the pre-war and post war conditions. Provide an overview with regards to the area including all ethnic groups. This will allow the reader to gain a holistic overview. Points to cover:
- *Location within AOR*
- *Overview of area: mountainous, hilly, flat plans, arid, soil rich, isolated during winter.*
- *Ethnic groups within the community, pre-post war and location within the region.*

1.2 Overview / Highlights

Capture the main issues pre-occupying the community,
its robustness / vulnerability of minority members to be compelled to depart to displacement,
prevailing trends, opportunities and risks.

1.3 Problems / opportunities

- *General population displacement*
- *Destruction of housing*
- *Public infrastructure is inadequate*
- *More medical supplies are needed*
- *Problems communicating with the municipality offices*
- *Women are underemployed*
- *Lack of youth activities*
- *Security for Serbian community*
- *Water well quality test*
- *Public infrastructure (sewage, water system, phone lines and new electric lines)*
- *Agricultural infrastructure*

1.4 Possible Solutions

- *Active Solutions*
- *Short-Term Solutions*
- *Long-Term Solutions*

2.   DEMOGRAPHICS

2.1   Returns/Departures

- *Profile of age, children, adolescents, aging population*
- *Men v's women*

2.2   Returns

Common sense is to prevail in this section. This information is only to be included if relevant. Ensure to highlight obstacles for return.

Note:
- *No:'s of people wanting to return*
- *Where are they currently situated?*
- *What are the demographics of those people wanting to return age etc, family units?]*
- *Reason for wanting to return; to live or renovate fix home and return to new residence*
- *Ability to work or locate work*

2.3   Departures

Note:
- *No:'s of people departing*
- *Where are they currently situated?*
- *Where are they departing to?*
- *What are the demographics of those people departing age etc, family units?*
- *Reason for wanting to depart; have they sold their home, no work opportunities*
- *Ability to work or locate work in new location?*

2.4   Go See Visits

- *When are visits planned?*
- *Who, what, when, where, how?*
- *Consensus of local community?*
- *Perceive problems*
- *Possible Solutions*

Synopsis of the factors that influence movement, be it to 'go or not to go'.

2.5   Recommendation with regards to returns

3.   FACTORS THAT INFLUENCE DISPLACEMENT

3.1   Freedom of Movement & Security

Provide qualitative analysis on why there is an issue on freedom of movement.

Note:
- *Location of nearest Checkpoints:*
- *Designated KFOR:*
- *Available escorted transport by International Organisations: (runs from where - to, how often, cost, number of passengers)*
- *Assistance being provided influencing perceived freedom of movement.*
- *Available private transport: (runs from where - to, how often, cost, number of passengers)*
- *Predominate form of transportation:*
- *Access to fuel:*
- *Villages travel from - to: (reason)*
- *Areas of concern during travel: (regions of concern, i.e. pass through several Albanian villages).*
- *Mixed ethnicity patrols*
- *Police Station Locations*
- *Interethnic violence statistics*

3.2   Social Integration

Degree of integration of minorities in the society, politics, and economic life of the surrounding area.

Inter-ethnic relations, feelings, past events that could influence future returns. Position of relevant authorities (both minorities as well as majority) on acceptance of each other.
Perception/actual cases were Social Integration between multiethnic communities is visible, emphasis on Return populations interaction with local and extended communities.

3.3   Housing / Accommodation

Serbian houses that were in significant disrepair have been reconstructed by IRC. Doors and windows have also been distributed for minor repairs. Each family owns between 5 - 10 hectares of farmland (yet as noted above, is only able to cultivate 0.5 hectares). There a are total of two tractors and two private cars (but with no petrol/fuel access) and one combine in the Serbian hamlets of Slivovo. There is no local mill. However, in previous years, international agencies have helped transport grain to Laplje selo (near Pristina) for milling. Each family currently owns a cow for the subsistence production of milk.

Note:
- *Damage to housing*
- *Activities past/present as to reconstruction (types of repairs, windows, doors, livable areas)*
- *Agencies providing housing assistance*
- *Occupied houses and land*
- *Sale of houses*
- *European Construction Reports*
- *Known Claims/Mediation in Progress/Court in Progress/Solution*

Information within this section is to be used with discretion only point of relevance to be included.

3.4 Economic Analysis

Capture land owned, vehicles, tractors (communal) & livestock.

Main sources of income [look at employment, remittances from abroad, pensions/salaries from Serbia, intra-community support etc]

Main occupations / skills of inhabitants.

Cargo Movement Analysis (Look at consumer difficulties in getting bulk items in areas where bus escort does not allow, what goods are moving from one place to another, sources of supply with an eye to local production replacing imports, inter-ethnic trade, access to nearby markets etc).

Agriculture (Look into how to capture land farmed, location of land inaccessible due to security/squatters, production, sales volume)

Business/Banking/Credit (Address the issue of access, credit sources, what currencies are currently being used: Euro, Drachma)

Employers (former employees number, receiving remittance, Administration minority/majority employees or other indicative info..)

Cost of living

4. ACCESS TO PUBLIC SERVICES

4.1 Social Assistance

Trends - Gaps - Obstacles to be highlighted

Analysis of Trends (Change deregistration, applications, verification of problems, distance to SAS office, access to office location)

There are approximately 14 families, both Roma and Serbian, currently receiving UNMIK social assistance. Another 30 families, mostly IDPs are the vulnerable, are receiving Food Aid (WFP). Preoce has furthermore received the same humanitarian assistance as has Caglavica and Laplje Selo.

Note changes in provision of assistance being provided and soon to be deleted and the impact of such on the community i.e. the ending of the Safety Net Programme and the impact on the community/coping mechanisms.

4.1.1 Humanitarian Assistance

Date:				
Assistance Provided	Assisting Agency	Description of Assistance	Areas being Assisted	Ethnicity of those being assisted
June 2001	Save the Children	Food Items	Preoce, Caglavica	Romas 12 Families, Serbian 14 Families

4.2 Health

Health (Medical) Facility Use Matrix (New Suggestion Add Location Map with area served)

Analysis of Health Facilities (location of services, X-ray, Labs, Ultrasound etc, distance from clients, emergency service/ambulance coverage, health care workers to client rations, gaps..)

4.3 Education

Details pertaining to the school:
- Location
- Description of the premises
- Accessibility of for the children
- Are all children attending?
- Grades covered
- Hours open
- Teachers
- Levels covered
- What/where schools are located if requiring higher education

Analysis of Map [Student escort changes, shifts/crowding, mixed facilities]

4.4   Utilities

Water/Sewage (Source piped/well/other, working/not, last quality test, piped sewage or latrine, septic system or to river, working or not, proximity to wells...)

Garbage Disposal/Collection Matrix (Collected or not, disposed where)

Electricity on average being received, supplied from where, are people paying their bills?

4.5   Public communications

Comments relating to the degree of integration or isolation of the community with their neighbouring areas, the rest of Kosovo / Serbia & Montenegro / fYROM, further abroad.

telephone connections
internet
newspapers read in community / frequency of delivery
TV / radio
Publications specifically targeting minorities / IDPs / returnees

4.6   Information / Documentation / Legal Aid

Identify gaps, problem areas (where minority people are not getting information about government services/utilities, deadlines, info about changes in escort or other things - in past was utility bills, currency change…)

5.   GENERAL COMMENTS / IMPRESSIONS

Anything the lead agency may wish to add that is relevant but has not been captured elsewhere.

Annex 2
Village Security Assessment (VSA)

1. **Introduction**. The Village Security Assessment (VSA) is a written report prepared for a Municipal Working Group (MWG) by KFOR operating in that municipality. The report is a comprehensive assessment of the security situation for a specific village (or collection of closely associated villages) being discussed at MWG sessions. When completed, the KFOR maneuver battalion presents the VSA along with a recommendation on whether the local security environment will support the proposed return. Together with the VSA, other important assessments led by various members of the MWG are part of the MWG's overall evaluation.

2. **General**. The KFOR maneuver battalion has the lead for preparing the final report, with support from CIVPOL. The KFOR maneuver unit will request the assistance of additional MWG assets (e.g. UNHCR, NGOs) and KFOR general support (GS) assets (e.g. Civil Affairs, Military Police, Psychological Operations, Mine Action Center, and brigade-level intelligence and analytical capabilities). Conducting VSA is a 3-step process, Planning, Research, and Final Preparation:

- The Planning Phase begins when the MWG requests the KFOR maneuver battalion to prepare a VSA for a specific village. KFOR MNB headquarters "endorses" the MWG's request by formally tasking the appropriate maneuver battalion and supporting assets using a fragmentary order (FRAGO). As necessary, the MWG directs appropriate MWG participants (UNHCR, NGOs, IDP representatives, etc.) to provide assistance upon request by the KFOR maneuver unit. During the planning phase the maneuver battalion, CIVPOL, and supporting assets cooperate to develop a timeline and a plan for report preparation. Stated differently, all parties involved in the VSA process collaborate to determine what work needs to be done, to decide who is responsible for doing it, and to agree upon deadlines and milestones for completion. This phase ends when the maneuver battalion notifies the MWG (or the Municipal Administrator) and they accept the date when the report will be complete.

- The Research Phase begins when the maneuver battalion, CIVPOL, and supporting assets begin to gather information to support the report. Throughout the research phase, all parties meet as necessary to ensure unit of effort and share information. This phase ends when all necessary data has been gathered.

- The Final Preparation Phase begins when the maneuver battalion begins work on the final version of the VSA. It ends when the maneuver battalion delivers the completed VSA to the MWG (or Municipal Administrator).

3. **Report Format**: The completed VSA consists of 8 parts as described below. The intent is NOT to dictate the actual "format" for the report (e.g. a narrative, powerpoint presentation, or an appropriate combination of both); rather, the intent is to provide a standardised set of "baseline questions and issues" that should be considered and evaluated.

A. **Executive Summary.** Co-authored by the KFOR maneuver battalion and CIVPOL.

- Provides an overview of the significant findings and recommendations covered in the VSA.

- Provides an answer to the question: "What are the major reasons people left the village." Details are covered in the Receptiveness section of the report.

- Also, the Executive Summary addresses the existence (or lack thereof) of other written sources of information and their current relevance to aspects of security in the village (e.g. KFOR "battle book", UNHCR village profiles, "KVM" reports, or reports from NGOs and other organisations).

- Finally, the Executive Summary "rates" the village with regard to whether it will support returns from the standpoint of security:

  o **Green:** Minor security issues exist, but they are not expected to significantly impact the return. The return can happen as envisioned by the MWG.

  o **Amber:** Significant security issues exist that are likely to impact the ideal timeline and process for returns, but the issues have a reasonable chance of being resolved within an acceptable period of time.

  o **Red:** Major issues exist that are not likely to be resolved in time for returns to occur as foreseen by the MWG. Another reason for a "red" rating could be when security for the returnees is likely to require use of significant KFOR and/or CIVPOL assets to keep the peace.

B. Geographic Factors. Completed by the KFOR maneuver battalion, with assistance from other organisations as coordinated by the KFOR battalion through the MWG or KFOR MNB headquarters.

- Describes how various aspects of geography could affect security in the village. Not all factors described below apply, and others may exist.

- Examines the village's proximity to the Border or ABL, and whether this impacts security of the village.

- Assesses whether major smuggling or criminal routes pass through or near the village.

- Assessment of the Mine / UXO threat: Are there any known mine/UXO threats in or near the village? Threats could take the form of known active minefields, uncleared or partially-cleared UXO concentrations, and areas that have had frequent incidents of booby traps or other explosive devices. Provide details as given by the KFOR Mine Action Center (MAC) and the G-2. The MAC and G-2 will also know whether there is any mine/UXO clearance work scheduled during the next 6 months.

- Include a "vector map" of the village as prepared by the KFOR topographic team.

C. Receptiveness. This portion of the report is completed by the KFOR maneuver battalion, but the majority of the contributions to this section will come from UNHCR, NGOs, and KFOR civil affairs and intelligence assets working in the targeted area. It is a portion of the VSA process in which the MWG should direct UNHCR and applicable NGOs to assist KFOR. The other major source of "historical" information will be the KFOR G-2 office. The assessment of receptiveness includes:

- Identification of potential "flashpoints" among the receiving community that may impact security when returns occur. Critical to this process is identifying the reasons why people left the village … and how those reasons may impact security for returnees. This is likely to involve talking to both the receiving and returning communities. When the returnees do not currently reside within the KFOR sector, the process of talking to them is complicated. This is where the good offices of UNHCR and other NGOs can be of tremendous assistance.

- An evaluation of the attitude of the receiving population toward returns. How will their perceptions impact returns to the village? Highlight any particularly "negative" or "positive" attitudes among the public or any specific groups of people in the village (e.g. another minority, other IDPs, specific people or political parties, etc).

- Does the local village leadership support returns? In word only, or through their actions?

- The names of key players in Municipal Assembly and their individual stances with regard to returns. A key player is any member of the Municipal Assembly who appears to have an interest in the planned return.

- Not only answer as to "why" people left, but "when" they departed.

D. Crime & Violence Factors. Completed by CIVPOL and KPS with assistance from the KFOR Military Police operating in the municipality, the KFOR maneuver unit, and the KFOR G-2.

- Identifies and describes crime trends or extremist activity in the village-and the potential impacts of such activities upon returns.
- If minority returns have already been occurring, or in places where minorities already live in the village, this section addresses existing inter-ethnic tension as indicated by violence and crime … as well as any evidence of violence/crime related to returns (e.g. ethnic intimidation …).
- The report will note whether there are any particularly noteworthy villagers involved in crime or extremism, what activities in which they are involved, and how their activities could affect returns. Names will not be published in the VSA.

E. Status of Police Forces and other Security Assets. Completed by CIVPOL, the Military Police, and the maneuver battalion.

- What is the typical "police presence" in the village? For example … is there a substation? Is police presence created through patrols? Do walking patrols operate in the village? How frequent are the patrols? Do patrolmen/women engage the populace? Is police presence rare, routine, or only when needed?

  o Are patrols multiethnic (and containing the ethnicity of returnees)?

  o What is the attitude of villagers toward the police - do they generally help or hinder the ability of the police to provide law and order? Any trends?

  o Does CIVPOL have any future plans that may impact the way in which policing is conducted in the village (i.e., changes in station locations, creation or loss of a substation, more multiethnic police)?

- What is the KFOR presence in the village? Is there any permanent KFOR presence, or is presence created through patrols? Do walking patrols operate in the village? What is the frequency of patrols? Do soldiers engage the populace? Is the presence of soldiers rare, routine, or only when needed?

  o What is the attitude of villagers toward KFOR - do the people generally help or hinder KFOR? Any trends?

      o Does KFOR have any future plans that may impact the way in which security operations are conducted in the village (i.e., un-fixing of checkpoints, closeout of a permanent presence, fewer patrols, change or permanent departure of units)?

F. Freedom of Movement (FOM). Completed by the maneuver battalion. In areas where a minority population already exists FOM can be evaluated by talking to the member of the minority community. However, in places where minorities have not yet returned, assessing FOM will be more problematic and projected based on the assessment of the "receptiveness" of the receiving community as discussed in paragraph 3c above. The issues assessed under FOM include:

- Will returnees have access to public services, goods, mass transit, schools, etc. in the village?

- Can they walk the streets or drive their vehicles through the village without fear of intimidation or other reprisal?

- Describe known or potential problems.

G. Other Issues. The KFOR maneuver battalion has the responsibility for pulling together this section based on inputs from any party involved in the VSA process.

- Use this section to identify any other issues you believe may impact returns to this village.

H. Conclusions & Recommendations. Co-authored by the maneuver battalion and CIVPOL, with inputs from other parties participating in the VSA process.

- This section highlights the major security issues identified during the conduct of the VSA. MOST IMPORTANT--it provides recommendations on how each security issue should be addressed.

- Conclusions and recommendations must agree with the information given in the Executive Summary of the report.

<div align="right">Prepared By MNB(E)</div>

Annex 3

Go and See Visit INTERVIEWS SUGGESTIONS

The Objective of the GSV Interviews is to collect information on IDP background as well as the Local infrastructure needs in order to identify development projects and planning needs for potential return.

In order to achieve its objective the GSV questionnaires requested will be based on the following four parts:

1. Social Assessment of the potential returnee which includes the following information:
- Social Assessment form for housing reconstruction
- Household Composition
- Present Accommodation
- Household Assets
- Total Household income per month
- Preliminary House Damage assessment

2. Assessment on the conditions of displacement:
- Household status (Family members, age, vulnerability etc.)
- Residency status
- Employment Status (For all the Family Members)
- Education (Linguistic issue, children participation in school)
- Health
- Integration to the Local Community (Participation in Social Life, Linguistic and Religious issues etc.)
- Total Household income per month

3. Livelihood Sustainability Questionnaire which includes the following information:
- Current living and dwelling conditions
- Financial situation (Income)
- General Education / Training Qualifications (independently from current job)
- Receiving Humanitarian Aid
- Employment sheets (Income Generation activities for starting up and strengthening business)

4. Local infrastructure (Damage Assessment)
- Location General Information collection
- Information per village: (Damaged Houses, Road, Water supply / Sewage, Electricity, Health and education facilities)
- Location Summary (Damage and reconstruction cost identification)

5. Displaced minority Beneficiary sheet
- Personal and Location Data
- Section 1: Feasibility of Return
- 1.A: Security Issues
- 1.B: Sustainable return
- 1.C: Housing
- Section 2: Housing Reconstruction

Annex 4

CONCEPT PAPER OUTLINE
Return Projects

I. BASIC INFORMATION

The summary page should include the following information:

- Name of the applicant organisation
- Project title
- Identification of area of intervention: Municipality, village/neighbourhood
- Contact information (name, address, phone, fax, e-mail)
- Date of submission
- Total amount of funding requested.

II.   PROBLEM DESCRIPTION (1 page)

The focus of this section is on the situation that activities will address rather than the organisation's own internal institutional capacity and activities.
Describe:

- The specific problems the project will address;
- The causes of the problems;
- Who is affected (including targeted beneficiaries) and how;
- Relevant policy and operating environment issues; existing programmes, activities, organisations contributing to address the problem;
- Provide analysis of strengths, weaknesses, and/or gaps in existing initiatives;
- Identify challenges the project will address;
- Indicate who was consulted in the development of the concept paper (e.g. Municipal structures/relevant departments, IDPs/Refugees, etc.); and
- Include information on previous discussions undertaken within the MWG that led to the design of the concept paper.

III.   PROJECT DESCRIPTION (3-5 pages)

Project Goal and Objectives

Goal and Objectives: These should be a statement of impact that will be achieved (e.g. explain what the end state/status/impact will be at the conclusion of this project, not the process/steps/activities that will be undertaken). These should directly connect to the specific problems identified and prioritised in Section II above.

Beneficiaries: This section should describe which activities led to the identification of the genuine wish to return of the concerned potential beneficiaries (e.g. GIVs and GSVs undertaken, cross-boundary work done by the NGO, contact established with IDP community concerned). It should describe who the target group (e.g. beneficiaries) is that will be benefiting/participating in the project, and the anticipated number. Organisations should include in their description the target group's characteristics such as: gender, ethnicity, place of origin, place of displacement, date and environment (e.g. during or after the conflict) of departure, and other relevant characteristics.

Project Strategy

Describe the project's overall strategy and approach. This should clarify how project implementation will address key constraints identified in the problem analysis. Provide a thorough justification of the choice of interventions and strategies, including identification and analysis of alternative approaches.

The project strategy should reflect the assessment made of the security situation and freedom of movement in the potential return location, how it will affect the return process and what measures are anticipated to be taken to overcome those obstacles, if identified. It should also take into consideration needs that might be in place when return actually happens for temporary/emergency assistance to returnees.

Present the project strategy for each objective listed in Section III A above. This should include a discussion of the project's strategy, approach/methodology and essential activities of each intervention. In particular, the strategy should describe the approach that will be used to identify beneficiaries.

When describing the projects strategy, you should integrate the following three elements.

Multi-sectoral approach: It is not expected that one NGO should address all of these aspects in one single project, but in the presentation of the concept paper, the NGO should state who or how the other aspects could be addressed by other partners. (See the box to the right.)

Partnerships: Describe anticipated partnerships with the MWG, other NGOs, organisations, associations, private sector businesses and/or governmental institutions. This should include the rationale for the relationship, activities to be carried out with the partner (or solely by another partner- e.g. a collaborating NGO implementing partner).

Timeframe: In a concept paper it is not necessary to provide a detailed implementation plan. However, when preparing the Project Strategy section of the Concept Paper, you should already have some general idea of what activities will be undertaken, timeframe, and by whom

Multi-sectoral project components

Housing/Accommodation.

Infrastructure - if not sufficient, what temporary measures will be needed.

Economic Livelihood - employment, income generation, subsistence measures.

Health, Education and Community Services - availability and access to Health assistance and Education, as well as access to Municipal civil services, existence/need for community centers

Inter-ethnic Dialogue, Community Relations and Balancing Projects - activities that engage both local returning and receiving communities in the return process.

Sustainability

Describe what the project will leave in place at the conclusion of implementation, and how the project will demonstrate this is achieved. Describe how the proposed project addresses the multi-sectoral needs of a return population in order to achieve sustainability. For example, an NGO may select to partner with another NGO to provide the range of assistance needs required. Describe the financial or other support required to sustain project-related activities or benefits after the end of the project.

IV. Organisational Capacity (maximum 1 page)

Briefly describe your organisation's expertise and experience in the proposed areas/sectors of intervention. This should include your experience in Kosovo and with the targeted beneficiaries.

V. Financial Resources (maximum 1 paragraph)

Briefly state the financial and other resources that will be required to undertake this project. It is not necessary to provide a detailed budget, but an indication of the level of funding required. In this section it is important to indicate the funding requirements for each of the sectors the return project aims to address and its justification.

Annexes

Annex 5

Criteria for Considering Concept Papers by MWGs

Check List

All concept papers endorsed by MWGs must clearly demonstrate:

- That the project responds to an identified demand by displaced persons (a demand-driven process);

- That the return process proposed in the Concept Paper is sustainable.

Problem Identification and Demonstration of Knowledge

- ✓ Basis for assessing IDP demand is credible and convincing.
- ✓ Prior engagement with beneficiaries is described.
- ✓ Problem is described accurately: who, what, how, why.
- ✓ Measures to ensure sustainability are clearly reflected.
- ✓ Priority needs are defined and justified.
- ✓ Knowledge of programming environment is demonstrated: understanding and analysis of return and integration (e.g. pre-conflict/pre-departure situation, local environment for returns, material and situational obstacles, tools to overcome identified challenges).
- ✓ Prior consultations with local administration and relevant partners involved are outlined.
- ✓ Knowledge of other related activities affecting the outcome of the project.

Project Description

- ✓ The proposed Concept Paper is in accordance with UNMIK Concept Paper on the Right to Sustainable Returns and with the Manual for Sustainable Returns.
- ✓ Clear demonstration that the Concept Paper is developed taking into consideration the full engagement of the beneficiaries of the return process.
- ✓ The proposed strategy and approach(es) directly address the needs of the target population (the returning and receiving communities).
- ✓ The activities to implement the strategy are well designed and targeted to meet the projected objectives.
- ✓ A credible approach to beneficiary identification and selection is described.
- ✓ The objectives are appropriate to the needs of the target population.
- ✓ Expected results and the anticipated impact are clearly described.
- ✓ A credible strategy for engaging the surrounding community in inter-ethnic dialogue is included.
- ✓ Demonstration of an effective approach to achieving a sustainable return.

Organisational Capacity

- ✓ The implementing NGO (agency) has experience in the areas of intervention proposed in the concept paper (not necessarily in Kosovo, but in similar circumstances, e.g. Bosnia, etc.).
- ✓ The status/relationship of the organisation in Kosovo is deemed positive and effective, and it is capable of starting project activities in a timely manner.

Financial Requirements

✓ The proposed budget proves to be cost effective in relation to the outcomes of the proposed activities. The following estimates will be used to measure cost-effectiveness. Significant deviation from estimated costs requires a convincing justification.

- Housing reconstruction cost per family no more than 14,000 Euro (average cost for total reconstruction ranging between 10,000-14,000 Euro)
- Standards of houses reconstructed comply with Housing Reconstruction Guidelines
- Income generation project per family cost no more than 2,000 Euro

✓ Estimates for infrastructure and community relations project components should also be included. Cost effectiveness for these inputs will be measured against an average made between the total number of beneficiaries and the total project cost.

Annex 6

**Visit Risk Assessment
to Support a Go and See Visit or Freedom of Movement Visit**

1. **Introduction.** The Visit Risk Assessment (VRA) is short, written report prepared for a Municipal Working Group (WMG) by KFOR with support from CIVPOL and other organisations as necessary. The VRA is limited to the specific date or dates on which the I DPs will visit their former homes-this is the most significant difference between the VRA and the more comprehensive Village Security Assessment. The time required to conduct necessary research and prepare a Visit Risk Assessment is generally 1-3 days. KFOR has the lead for preparing the VRA.

2. **Report Format:** Using the format outlined below, the completed VRA consists of seven parts. It is prepared as a narrative, or in "question-and-answer" form.

   a. Header Information
      • Date(s) of the visit and name(s) of location(s) to be visited.
      • Designation and phone number of the KFOR unit preparing the VRA.
      • Name of the NGO sponsoring the visit. Provide a name and phone of the principal person from the NGO that is involved in the visit.
      • Names, ethnicity, and ages of persons participating in the visit.
      • Level of risk after all mitigating factors are applied-high, medium, low

   b. Location(s) to be Visited
      • What are the specific locations to be visited (name of town, checkpoint number, center of mass UTM grid coordinate)?
      • How far away (in kilometers) does the IDP population live from the place being visited?
      • Did anything significant occur in or near the village/mahala during the conflict?
      • What specifically occurred (mass grave, church burned, people missing)?
      • Are there any known mine or UXO hazards (cleared or uncleared) within 500 meters of the places being visited? Request this information from the KFOR Mine Action Center.
         ➢ If yes, where were/are they located?
         ➢ If no, state "no known mine or UXO threat

   c. Travel Arrangements for the IDPs
      • Starting from (town name), departing at (date/time), traveling by (mode of travel), arriving at about (time). Staying on site for (number of hours or days).
      • Who is escorting the IDPs to the site (name of organisation).

   d. Communications during the Visit
      • What will be the primary and backup means of communication between all vehicles participating in the visit (radio, cell phone, etc.)? Tip: If radios are used, all vehicles should be able to communicate with one another.

   e. Events (for each event, provide a description as well as a start and finish time)
      • Is there a market day in the village/mahala?
      • Is there a sporting event in the village/mahala?
      • Is there a political/cultural event occurring in the village/mahala that day?
      • Any other known events?

f. Attitude of the Local Population. Before people who are helping prepare or gather information for the Risk Assessment directly engage the population of the receiving community (e.g. through interviews), please check with the Municipal Working Group or the NGO sponsoring the visit to determine any particular sensitivities or restrictions that may exist. Restrictions, if any, should be kept to a minimum as they may directly impact the validity of the information being gather to support the risk assessment process.

- Does UNHCR or the NGO know whether the local population had any contact with any former residents of the ethnic group participating in the visit?
  - ➤ What has been the method and nature of the contact (e.g. friendly phone calls, or hostile GSV)?
  - ➤ When was the last contact and what organisation "sponsored" it?

- Has any of the local or municipal leadership been in direct contact with the people scheduled to be on this visit (yes or no)?
  - ➤ What has been the nature of the contact (e.g. friendly or hostile)?
  - ➤ How was contact made (e.g. phone, Go-and-inform visit)?
  - ➤ When was the last contact made and who "sponsored" it?

- What is the attitude of the local people toward returns of the visiting ethnic group (for, against, improving, degrading, neutral, split along party lines, etc.)

- Is the town significantly divided along party lines (e.g. PDK & LDK)? If yes, does the division have the potential to result in violence or intimidation during the IDP visit?

- Do the local people indicate any specific person or persons who should not return? If yes, who and for what reasons.

- What are the nearest villages/mahalas to the visit site and their ethnicity? (Note: If the distance is less than 1 km, then these villages/mahalas should be included in the assessment).

- What is the attitude of people living in nearby villages/mahalas to returns?

g. Other Issues or Concerns. List and discuss any additional issues or concerns not covered elsewhere in the Visit Risk Assessment. For each item, provide recommendations on how it can be resolved entirely or the risks mitigated.

3. **Risk Assessment:** After gathering and assessing all necessary information, and after applying solutions or mitigating measures to problem areas, the preparer provides an overall assessment of the level of residual risk.[11]

Prepared By MNB(E)

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[11] If GSVs are occurring on a regular basis, KFOR and CivPol/KPS should be notified only, new VRA should be expected only if the situation is though to have changed.