



AN ASSESSMENT OF THE VOLUNTARY RETURNS PROCESS IN KOSOVO

OCTOBER, 2014



Organization for Security and
Co-operation in Europe
OSCE Mission in Kosovo

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LIST OF ABBREVIATIONS

CRC	Central Review Commission
DP	Displaced persons
DRC	Danish Refugee Council
GIV	Go-and-Inform Visit
GSV	Go-and-See Visit
EU	European Union
IOM	International Organization for Migration
IO	International Organization
KPA	Kosovo Property Agency
MCO	Municipal Communities Office
MCR	Ministry for Communities and Return
MCSC	Municipal Community Safety Council
MOCR	Municipal Office for Communities and Return
MRO	Municipal Returns Officer
MWGR	Municipal Working Group on Returns
OCA	Office of Communities Affairs
OSCE	Organization for Security and Co-operation in Europe Mission in Kosovo
PAK	Privatization Agency of Kosovo
PISG	Provisional Institutions of Self-Government
RRK	Return and Reintegration in Kosovo
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission in Kosovo

EXECUTIVE SUMMARY

In line with its core mandate to promote and protect human rights, the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) continues to support the returns process in Kosovo, monitoring trends and assessing institutional compliance with the applicable legal and policy framework. This report provides an overview of the current status of voluntary returns to Kosovo, including conflict-affected displacements of persons to the Western Balkans region and within Kosovo itself. Covering the period from August 2012 to September 2014, this report provides updates to the OSCE 2012 report on voluntary returns.

Since 2012, Kosovo institutions have made some progress in addressing the needs of the affected population, namely through the development of key policy documents relating to returns. Despite this positive development, the report highlights obstacles and the limited progress made on key areas that have a negative impact on those displaced, whether internally in Kosovo or outside, and their ability to find sustainable solutions.

Gaps still remain in primary legislation with a lack of specific provisions relating to displaced persons and returnees. Many of the mechanisms at the municipal level are not adequately established or are dysfunctional, and while municipal offices for communities and returns are active and provide stronger support in certain areas, this action tends to be linked to donor-funded returns programmes. At the central level, despite some improvement in information management since 2012, receiving and processing requests still remains problematic. Limited progress has been noted on the protection and promotion of property and housing rights for displaced persons and returnees, including delays in resolving conflict-related property claims and failures to enforce decisions, problems with displaced persons' property tax liability, deficiencies in the expropriation process, and poor options for landless returnees.

Security issues continue to affect both security perceptions and the returns process. A significant number of incidents are recorded each month, and while many are relatively minor, more serious incidents also occur, including arson and damage to religious heritage sites. A small number of returns sites experience recurrent incidents and ongoing tensions between receiving and returning communities. In some areas receiving communities are an additional factor preventing progress, with seven petitions against proposed returns recorded in the last two years. Municipal responses to security incidents and petitions have been helpful in some cases, but further steps are required, including from the Kosovo Police (KP) as those primarily responsible for security. Lastly, while there is recent positive progress in co-operation between relevant institutions across the Western Balkans region on the issue of displacement from Kosovo, there is a need for further action by these actors on information exchange, recognition of official documents and joint outreach to displaced persons.

The OSCE urges improved action from the relevant Kosovo institutions to take all legislative and practical measures to ensure progress on Kosovo's returns commitments. The OSCE calls for: enhanced institutional co-operation between central- and local-level administrations; improved action from relevant Kosovo ministries, the Kosovo Property Agency, the courts and the KP; and for municipalities to urgently prioritize land allocation and the use of social housing options in order to support return. The OSCE also calls for further steps to be taken by the KP and municipal leadership to address security incidents, taking into consideration the particular sensitivities of cases concerning returnees. Finally, the report highlights the need for improved co-operation between institutions in Kosovo and neighbouring authorities where persons from Kosovo are currently displaced.

1. INTRODUCTION

The OSCE undertakes regular monitoring of the situation relating to displaced persons and returns, and produces regular reports on these issues, most recently in 2012.¹ This report aims to provide an overview of the current status of voluntary returns of persons displaced from Kosovo during the 1998–1999 conflict and March 2004 riots. Through reviewing key issues affecting these persons' ability to access durable solutions, either through returning to Kosovo or through their integration in the place of displacement, the report aims to highlight remaining obstacles and present recommendations to relevant actors to support the return and reintegration of displaced persons within and outside of Kosovo.

The report presents a short overview of the situation in the subsequent background section, followed by a section reviewing the legal and policy framework in Kosovo and its implementation. This is followed by thematic sections presenting information on key issues affecting returns identified during the OSCE's regular monitoring, namely, property issues affecting displaced persons, security and perceptions of security, issues related to receiving communities and potential returnees in specific locations, and, regional co-operation on displacement from Kosovo. A final section presents conclusions and policy recommendations for key stakeholders and decision-makers.

The report is based on information gathered by the OSCE from September 2012 to August 2014, complemented by data on displaced persons provided by United Nations High Commissioner for Refugees (UNHCR) and the Kosovo Ministry for Communities and Returns (MCR). The OSCE Field Teams collected information at the local level related to municipal performance which included an analysis of quantitative data on relevant municipal offices, a qualitative assessment of certain functions related to returns and reintegration and a review of key municipal documents. Similarly, OSCE Field Teams collected quantitative data on security incidents affecting returnees and security perceptions of communities, and reviewed serious incidents and locations where problems have been recorded in relation to receiving communities. The OSCE also used regular monitoring reports of OSCE Field Teams to highlight identified property and housing rights concerns affecting the return of displaced persons. Consultation and interviews with representatives of central institutions and relevant international actors (including UNHCR and the International Organization for Migration (IOM)), combined with a review of reports by OSCE and other international actors, have been used to complement field-level information gathering, and to support the review of the legal and policy framework and a regional perspective on displacement.

2. BACKGROUND

The right of displaced persons to return to their homes in safety and dignity and to recover their properties and possessions (or receive appropriate compensation) is enshrined in international human rights standards and instruments directly applicable in Kosovo.² These

¹ OSCE Report *An Assessment of the Voluntary Returns Process in Kosovo*, October 2012. <http://www.osce.org/kosovo/96805> (accessed 30 September 2014).

² See Article 13.2 of the Universal Declaration of Human Rights; Article 12.4 of the International Covenant on Civil and Political Rights; and Article 5.d.ii of the International Convention on the Elimination of all Forms of Racial Discrimination; these commitments are directly applicable in Kosovo. (article 22 of the Kosovo Constitution) Additionally relevant are: Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), 11 February 1998; Principles on Housing and Property Restitution for Refugees and Displaced Persons

rights are closely linked to three basic human rights: freedom of movement, peaceful enjoyment of possessions, and respect for private and family life.³ Institutions have an obligation to establish the conditions and provide the necessary means to allow displaced persons to return to their homes in a safe and dignified manner, to participate fully in the planning and management of their return and reintegration, and to participate equally in public affairs and have equal access to public services.⁴

UNHCR assessments in 2012 estimate that 220,000 persons from Kosovo remain displaced as a result of the 1998–1999 conflict in Kosovo and the riots of March 2004, predominantly in central Serbia (210,146), Montenegro (8,560) and the former Yugoslav Republic of Macedonia (1,100).⁵ The process of voluntary returns of displaced persons (DPs) continues at a slow pace, with just 25,430 DPs having returned voluntarily to Kosovo by July 2014, and the numbers of returns are declining every year⁶. UNHCR data from July 2014, records 192 voluntary returns to Kosovo in 2014 from central Serbia, Montenegro and the former Yugoslav Republic of Macedonia, with most returnees coming from the Kosovo Serb community, followed by Kosovo Egyptians, Kosovo Ashkali and much smaller numbers of other communities.⁷ An average of returns over 2012, 2013 and 2014 to date sees a reasonably even gender representation, with 49.78 per cent being women returnees⁸.

In addition to those displaced outside of Kosovo, UNHCR estimates that 17,227 additional persons remain displaced within Kosovo,⁹ the majority residing in the north of Kosovo and Gračanica/Gračanicë municipality.¹⁰ Thirty-six collective centres remain in Kosovo¹¹, housing 643 individuals, the majority of whom are Kosovo Serbs (540 individuals), located

(E/CN.4/Sub.2/2005/17), 11 August 2005 (“Pinheiro Principles”); Council of Europe (CoE) Twenty Guidelines on Forced Return, September 2005 (“CoE Guidelines”).

³ See Protocol 4, Article 2; Protocol 1, Article 1; and Article 8, respectively. Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, available at: <http://www.refworld.org/docid/3ae6b3b04.html> (accessed 8 October 2014).

⁴ Economic and Social Council, E/CN.4/Sub.2/2005/17, 28 June 2005, Annex.

⁵ ‘Estimate of Refugees and Displaced Persons still seeking solutions in South-Eastern Europe’, UNHCR September 2012.

⁶ For instance in the last three years, figures have declined as follows: 2,318 in 2010; 1,192 in 2011; 1,043 in 2012; and 809 in 2013 and 234 from January to July 2014, UNHCR Statistical Overview, September 2014. UNHCR 2011 profiling conducted in co-operation with the Serbian commissariat for refugees and JIPs revealed that 97,000 displaced persons are still in need of durable solutions.

⁷ Most voluntary returnees thus far in 2014 returned from central Serbia, mainly to the Gjiilan/Gnjilane (56) and Prizren (36) regions, with returnees from Montenegro returning only to Pejë/Peć (15), from the former Yugoslav Republic of Macedonia mainly to Prishtinë/Priština (23), and within Kosovo to Gjiilan/Gnjilane (19) Prishtinë/Priština (130) and Mitrovicë/Mitrovica (13). The largest number of voluntary returnees in 2014 were Kosovo Serbs (105) returning to Kosovo from central Serbia, with smaller numbers of Kosovo Serbs returning from displacement within Kosovo. The second-largest community of returnees is Kosovo Egyptians and Kosovo Ashkali (recorded as a combined group in UNHCR statistical analysis, 74), returning from Montenegro, former Yugoslav Republic of Macedonia and central Serbia, followed by smaller numbers of Kosovo Gorani (11) and Kosovo Bosniaks (9), returning to Kosovo from central Serbia. UNHCR, *ibid*, note 6.

⁸ UNHCR, *supra*, note 6.

⁹ UNHCR, *supra*, note 6.

¹⁰ UNHCR figures indicate that 6,945 Kosovo Serbs displaced from Mitrovicë/Mitrovica South are currently based in the four northern municipalities of Zvečan/Zvečan, Zubin Potok, Leposavić/Leposaviq and Mitrovica/Mitrovicë North, and that 7,121 Kosovo Albanians displaced from these municipalities are currently in Mitrovicë/Mitrovica South. At lower levels elsewhere, Kosovo Serb DPs also reside in Gračanica/Gračanicë and the surrounding villages (1,217), and in Štrpce/Shtërpçë and other municipalities in the Gjiilan/Gnjilane region (1,144). Much smaller numbers of other communities are affected by displacement within Kosovo, including Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, currently displaced mainly in the Prishtinë/Priština and Pejë/Peć regions. UNCHR data presented at the Task Force on Durable Solutions meeting, 4 September 2014, Prishtinë/Priština.

¹¹ While there is no formal definition of “collective centres”, they are pre-existing buildings and structures used for the collective and communal settlement of displaced persons in the event of a conflict or natural disaster. See UNHCR and IOM Collective Centre Guidelines, 2010 <http://www.globalccmcluster.org/system/files/publications/doc18990-contentido.pdf> (accessed 24 October 2014).

in Štrpce/Shtërpçë and the four northern municipalities¹². The other collective centre residents, Kosovo Albanian, Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian persons displaced within Kosovo, are mainly located in Mitrovicë/Mitrovica South and Mitrovica/Mitrovicë North.¹³ Important progress was made during 2012 and 2013 on the temporary collective camps affected by lead pollution and all are now closed.¹⁴ In 2014, the MCR made commitments to closing the remaining collective centres; however, while some steps have been taken, to date further action remains largely at the planning stage and progress is affected by a number of unresolved property issues.¹⁵

Substantial funds – up to 16 million Euro for the years 2012, 2013 and 2014 – were allocated for the implementation of returns projects in Kosovo by international donors and some have been co-funded by the MCR. These projects have focused on the closure of DP camps in northern Kosovo¹⁶, on community stabilization¹⁷, and on the returns and reintegration of DPs in Kosovo, including house construction and reconstruction, distribution of emergency packages, and sustainable reintegration¹⁸.

3. IMPLEMENTATION OF THE LEGAL AND POLICY FRAMEWORK

3.1 Overview of the Kosovo legal and policy framework relating to displaced persons

3.1.1 Legal framework

The legal framework in Kosovo reaffirms the right to return in compliance with international standards and outlines comprehensive guarantees for the protection of human rights and the rights of communities. The constitution expressly states that Kosovo institutions “shall promote and facilitate the safe and dignified return of refugees and internally displaced persons and assist them in recovering their property and possession”.¹⁹ The 2006 Protocol on Voluntary and Sustainable Return confirmed the obligations of all parties to ensure the safe and unimpeded return of DPs to their places of origin, restoration of their property rights, as well as the creation of the conditions for free movement of all persons.²⁰ In 2010 Kosovo institutions adopted the Regulation for the Municipal Offices for Communities and Returns

¹² Zvečan/Zveçan, Zubin Potok, Leposavić/Leposaviq and Mitrovica/Mitrovicë North.

¹³ UNCHR figures note 92 families as currently displaced in collective centres in the Mitrovicë/Mitrovica area, of which 85 in Mitrovica/Mitrovicë North and 7 in Mitrovicë/Mitrovica South. UNHCR *ibid*, note 6.

¹⁴ The last temporary collective centre in Leposavić/Leposaviq for displaced Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian families officially closed in December 2013, however, durable solutions still have to be found for four families that are still living at the camp site. Most of the displaced persons were resettled in Mitrovicë/Mitrovica South, where latest lead blood level tests show that there are no further cases with concerning levels above 45mg/dl.

¹⁵ A main factor affecting the closure of some collective centres is the pending resolution of some residents’ property or housing issues. Some residents did not enjoy ownership or any other legally recognized tenancy right before displacement or lack property documents indicating their former tenure rights. Others are waiting for their cases to be decided upon by the Kosovo Property Agency (KPA), or in many instances, collective centre residents who have had their ownership titles confirmed by KPA still have problems accessing their properties due to continued illegal re-occupation.

¹⁶ EU-MRSI, Closing the Cesmin Lug and Osterode camps, February 2010-December 2012; EU-Mercy Corps, Returns and Reintegration of Minority Communities, 2013–2014 (component I).

¹⁷ EU-IOM, Communities Stabilization Project Phase II, 2012-2013.

¹⁸ EU-IOM, Return and Reintegration in Kosovo Phase III (RRK III); EU-UNHCR, Returns and Reintegration of Minority Communities, 2013-2014 (component II).

¹⁹ See articles 22 and 156 of Kosovo constitution, 15 June 2008.

²⁰ “Protocol on Voluntary Return and Sustainable Return between United Nations Interim Administration Mission in Kosovo and Provisional Institutions of Self-Government in Kosovo and Government of Serbia”, 6 June 2006. http://www.brookings.edu/~media/Projects/idp/Serbia_ReturnProtocol_2006.PDF (accessed 15 September 2014).

(the MOCR Regulation)²¹, which mandates the establishment of local co-ordination mechanisms for returns and communities issues in all municipalities, and represents the most detailed piece of legislation relevant to returns at the local level²². The Law on Protection and Promotion of the Rights of Communities²³, does not contain specific provisions on DPs and returnees, but does however enshrine a number of fundamental rights relevant to ensure full reintegration of returnees and DPs²⁴. Notwithstanding these commitments, there is still a lack of detailed legislation that specifically relates to returns and reintegration. To address the lack of a detailed legal framework, in 2014, the MCR established a working group to begin development of a national instrument²⁵ on persons displaced within Kosovo. The working group concluded that a profiling of persons displaced within Kosovo is a precondition to define what would be the most appropriate policy or legal instrument to address displacement in Kosovo. In co-operation with UNHCR and the Danish Refugee Council (DRC), the MCR has therefore started the process of profiling persons displaced within Kosovo (including based on their gender) and a conducting legal analysis, two steps that would provide the factual and legal needs assessment to inform the drafting of the instrument. However, the MCR has not yet taken any action to revise the legal framework on returns and reintegration, which is now guided by policy documents only (see section 3.1.2).

3.1.2 Policy guidance

Three main documents provide policy guidance on displacement and returns: the Revised Manual on Sustainable Return (2006)²⁶ (the Manual), the Guidelines for Implementation of Returns Support (2012)²⁷ (the Guidelines), and the Strategy for Communities and Returns (2014–2018) and Action Plan²⁸ (the Strategy and Action Plan).

From 2006 the main policy document on voluntary returns was the Manual, which defines the roles and responsibilities of central- and local-level institutions at each stage of the returns process and outlines the procedures and co-ordination mechanisms to address the needs and promote the rights of DPs and returnees.²⁹ The subsequently-approved Guidelines and Strategy and Action Plan are mostly in line with the procedures and mechanisms set up in the Manual for the support of the returns and reintegration of displaced persons.

²¹ Office of Prime Minister, Regulation No 02/2010 for the Municipal Offices for Communities and Return, adopted 12 August 2010; accessible at http://www.kryeministri-ks.net/repository/docs/Rregullore_per_Zyrat_komunale_per_Komunitete_dhe_Kthim.pdf (accessed 15 September 2014).

²² For an analysis of the regulation see OSCE report (2012), *supra* note 1 pp. 8–11.

²³ Law No. 03/L-047, on Protection and Promotion of the Rights of Communities and their Members in Kosovo, 13 March 2008.

²⁴ These include provisions on security, public participation, education, social and economic opportunities and language. Art. 1, 2, 4, 8, 9, 11, *supra* note 23.

²⁵ An “instrument” is any legal or policy document that addresses the problem of displaced persons according to international standards.

²⁶ United Nations Interim Administration Mission in Kosovo/Provisional Institutions of Self-Government (PISG), *Revised Manual on Sustainable Return*, July 2006. The policy framework endorsed in 2006 is based on international human rights standards, including the 1998 United Nations Guiding Principles on Internal Displacement.

²⁷ MCR, Guidelines for the Implementation of Returns Support, 27 March 2012. <http://www.mkk-ks.org/repository/docs/Guldelines%20for%20Implementation%20of%20Return%20Support2.pdf> (accessed 15 September 2014).

²⁸ Strategy for Communities and Returns and Action Plan (2014–2018), January 2014.

http://www.mkk-ks.org/repository/docs/Strategy-January_2014.pdf (accessed 15 September 2014). The 2014 Strategy was adopted upon expiration of the Strategy for Communities and Returns 2009–2014.

²⁹ In 2010, the MCR initiated a revision of the Manual with the aim of simplifying and streamlining procedures required to finalize and implement returns programmes and projects.

In March 2012 the MCR published its long-awaited Guidelines that establish standardized approval mechanisms (beneficiary selection and prioritization procedures), and define for each phase of the return process the tasks and responsibilities of the institutions involved. The Guidelines emphasize that the returns process is a joint effort of all stakeholders at the central and local levels, and that municipalities' engagement in the process is crucial. It outlines the process to submit, review and approve requests for assistance for the benefit of returnees, including housing construction, hygiene packages and other forms of humanitarian assistance. It stipulates that requests must be submitted to the MOCR and thereafter registered in the MCR database. Once the request is registered as such, the MOCR is obliged to establish a task force at the municipal level, which must assess within two weeks the potential location for return and the applicant's eligibility. Decisions are then centralized by the MCR and reviewed by a Central Review Commission (CRC); an eight-stage selection process is outlined, with three options for beneficiary support.³⁰

In February 2014, the MCR adopted the Strategy and Action Plan. The Strategy has four strategic objectives: the sustainable return of DPs within Kosovo and in the region; the empowerment and stabilization of communities in Kosovo; the drafting and amendment of the legal framework of the MCR relating to communities, return and reintegration; and, the advancement of the MCR's internal management. With regard to sustainable returns, the Strategy outlines a series of measures, including: assistance for DPs interested in returning (as per the Guidelines), particularly for certain identified groups³¹, and the closure of collective centres; establishing effective co-ordination between the MCR and relevant mechanisms, in particular for land allocation and solutions for informal settlements; and, strengthened information mechanisms and outreach to DPs and returnees. The Strategy foresees enhancement of the legal framework on communities, returns and reintegration, including the establishment of a monitoring framework. Lastly, the Strategy presents commitments to: enhance the MCR's internal management and establish internal, inter-ministerial, donor, regional and international co-ordination mechanisms; undertake advanced monitoring, reporting and evaluation of activities and projects; ensure functional and updated data management and data sharing; and, achieve increased funding for communities and returns.

The 2014 Strategy provides more coherent objectives and measures than the previous strategy which covered 2010–2013.³² It does take into account earlier criticism³³ by tackling issues such as the sustainability of returns and prospects for economic development, land allocation, selection processes, collective centre closure, as well as institutional co-ordination and data management. The Action Plan annexed to the Strategy is structured to identify the actions to be taken, indicators of success, responsible and supporting institutions, the timeline and financial costs for realization. However, there is a lack of detail on specific measures, breakdown of deadlines and the human and financial resources required for the implementation of the Action Plan.

³⁰ These options include: projects implemented by the MCR in co-ordination with municipalities, a wide spectrum of assistance; the contracted, multi-sector returns projects implemented through a partner agency; and, smaller-scale assistance to support beneficiaries with minor accommodation renovation or repair. Guidelines, *supra*, note 27.

³¹ Namely, displaced families living in collective centres or private accommodation, for NGOs and disadvantaged groups of DPs, as well as for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.

³² The Office of Prime Minister of Kosovo, Strategy for Communities and Returns 2009–2013, http://www.kryeministri-ks.net/zck/repository/docs/Strategy_for_Communities_and>Returns_2009–2013.pdf (accessed 15 September 2014).

³³ See for instance “Preliminary findings of the assessment of communities and returns 2009–2013”, ECMI, 11 September 2013, <http://www.ecmikosovo.org/?p=4990> (accessed 15 September 2014).

3.2 Review of implementation of action to support sustainable returns

The sub-sections below review the establishment and functioning of the mechanisms responsible for the implementation of returns and reintegration assistance at the local level, namely the MOCRs, working groups and task forces on returns. The sub-sections also review the development and use of municipal strategies on returns, and the work of the primary actor at the central level, the MCR.

3.2.1 Municipal Offices for Communities and Returns (MOCRs)

As the main mechanisms responsible for practical implementation of returns support³⁴, MOCRs are crucial bodies. Municipalities have an obligation to formally establish these offices, and to ensure that they are properly staffed and functional³⁵. OSCE field assessments noted that as of the end of June 2014, MOCRs had been established in 34 municipalities³⁶.

OSCE monitoring data was used to review MOCRs functionality during the reporting period in relation to four main tasks: i) outreach and needs assessment, ii) facilitation of Go and See Visits (GSV) and Go and Inform Visits (GIV), iii) attendance at returns-related activities, and, iv) implementation of activities to support returns (also referencing activities undertaken by other organizations). A table presenting the findings per municipality is presented in Annex I.

An important responsibility of MOCRs is to monitor the situation of both DPs and returnees resident in their municipality by undertaking outreach and needs assessments and on this basis providing assistance as appropriate³⁷. Of the 34 MOCRs assessed, only 11³⁸ undertook outreach visits to returnees or DPs to assess needs and provide information, and of these 11, these visits occurred less than once in the reporting period or only with the support of international organizations or local NGOs.

According to OSCE findings, MOCRs, together with other relevant municipal offices took part in almost all returns-related activities organized by other actors, such as GIVs and GSVs (usually organized by UNHCR, IOM or DRC), meetings of municipal mechanisms on returns, communities meetings to discuss returns, or other activities to support to implementation of returns projects. Given that one of the MOCR's key duties is to develop, implement and monitor projects³⁹ to advance communities' rights to access public services and support conditions for sustainable return and reintegration, it appears that few actually undertake such activities on their own initiative. OSCE field monitoring found that none of the MOCRs undertook project activities beyond their routine support to implementation of MCR and donor-led returns projects, which mostly consisted of small donations or infrastructure work.

³⁴ MOCRs are "the main entity for support to persons returning to Kosovo", the Guidelines, *supra* note 27.

³⁵ Regulation 2010/02 art. 1, 5, and 10, *supra*, note 21.

³⁶ MOCR has not been established in Malishevë/Mališevo, however the municipality has appointed one officer to perform MOCR duties. MOCR has not been established in the four northern municipalities of Leposavić/Leposaviq, Zvečan/Zveçan, Zubin Potok, and Mitrovica/Mitrovicë North, however they have maintained the UNMIK structures for communities, the Municipal Office for Communities (MCO), which performs some of the MOCR duties, including those related to returns. Whilst MOCR has not been established, the assessment covers also these municipalities with regard to key functions in support of returns.

³⁷ Regulation 2010/02 Articles 7 and 9, *supra*, note 21; Guidelines, par. 4, *supra*, note 27.

³⁸ Ferizaj/Uroševac, Gjilan/Gnjilane, Kamenicë/Kamenica, Novo Brdo/Novobërdë, Parteš/Partesh, Ranilug/Ranillug, Podujevë/Podujevo, Klinë/Klina, Gračanica/Gračanicë, Lipjan/Lipljan, Prizren.

³⁹ Regulation 2010/02 art. 7(1.7), *supra*, note 21.

MOCRs are required to report regularly to the mayor, the municipal assembly, and central-level government institutions on the progress achieved in the field of returns, repatriation and reintegration, as well as on more general communities' rights issues⁴⁰. Central-level institutions have informally instructed the MOCR to produce monthly, quarterly, semi-annual and annual reports, and have provided them with a specific template for reporting⁴¹. According to OSCE data, MOCR compliance with their reporting obligations improved significantly over the last 18 months, rising from 11 to 27 compliant MOCRs in July 2014⁴². While this is very positive, a small sample of these reports reviewed by the OSCE proved to be rather limited in detail, comprising little more than a list of numbers of returnees and assisted persons.

3.2.2 Municipal Working Groups on Returns (MWGR)

The MWGR's primary responsibility is to co-ordinate and implement all returns-related activities in the municipality and to promote communication between DPs and their community of origin⁴³. The MWGR is chaired by the mayor and should meet once a month. It comprises members of the receiving and returning communities, relevant institutions and international organizations. To date, OSCE field assessments note that MWGRs have been established in 28 out of 38 municipalities; only 10 are functional, meaning they meet to decide on assistance to returnees and discuss their reintegration. However some of the functional MWGRs are not in compliance with the requirement to hold monthly meetings, in accordance with the Manual. For example, out of the ten functional MWGRs, only three held at least one meeting in a three month period.⁴⁴ In addition, while MWGR official composition is, in general, in line with the Manual⁴⁵, in practice, OSCE monitoring noted many cases where representatives of receiving communities and potential returnees did not attend or were not represented.

3.2.3 Municipal Task Forces for Returns

Municipal task forces for returns (Task Forces) are organized and led by the MOCR, and have the primary role of supporting the work of the MWGR with the assessment and review of individual DPs' requests for assistance⁴⁶. According to OSCE monitoring, Task Forces have been established in 21 municipalities out of 38 and are composed of municipal returns co-ordinators and returns officers, the MCR representative, UNHCR and any relevant international organization or NGO partners in line with the Guidelines⁴⁷. The work of the Task Forces is mostly project driven and includes pre-returns assessments and implementation of assistance. Task Forces are generally assessed as functional by relevant

⁴⁰ Regulation 2010/02 art. 9(1.6), *supra*, note 21.

⁴¹ This template is relatively simple, and is designed to provide for MOCR reporting to the MCR, the Ministry of Local Government Administration, and the Office for Communities Affairs within the Office of the Prime Minister.

⁴² The comparative period was from January 2013 to July 2014. The three municipalities not reporting regularly are Parteš/Partesh, Vushtrri/Vučitrn and Gračanica/Gračanicë. Whilst Mamuşa/Mamushë/Mamuša, Malishevë/Mališevo, Deçan/Dečane and Junik did not report at all.

⁴³ See Manual, *supra*, note 26.

⁴⁴ The ten functional MWGRs are Ferizaj/Uroševac, Novo Brdo/Novobërdë, Parteš/Partesh, Štrpce/Shtërpçë, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Obiliq/Obilić, Shtime/Štimlje, Prishtinë/Priština, Prizren. The three municipalities that held a meeting in the three-month period of April-June 2014 are: Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić.

⁴⁵ See Manual, *supra*, note 26.

⁴⁶ Guidelines, par 4, 5, *supra*, note 27.

⁴⁷ Guidelines, par 5, *supra*, note 27.

local stakeholders and international returns project implementers such as IOM, UNHCR, and DRC⁴⁸.

3.2.4 *Municipal Strategies on Returns*

Based on the 2006 Manual on Returns, municipalities are required to adopt and implement a municipal returns strategy in order to set clear objectives and activities to support DPs' return and reintegration in the municipality⁴⁹. MOCRs co-ordinate the drafting of the strategies, involving relevant municipal departments and MWGR members. The strategies are then endorsed by the MWGR. Thus far in 2014, only five municipalities⁵⁰ have adopted municipal strategies and/or action plans for returns activities, while three additional municipalities⁵¹ have produced drafts (yet to be adopted), none with an accompanying budget allocation. Municipalities did not produce or make available specific progress reports on the implementation of the five municipal strategies and/or action plans and therefore there is no clear information on the rate of implementation and the impact of the strategies on returns and the reintegration of displaced persons. However, MOCRs report on the strategy's activities as part of their regular reporting to the municipal assembly, the mayor and central-level institutions. Implementation of the adopted strategies tends to be limited to co-operation with donor-funded returns projects, and to the participation of municipalities in externally-organised returns-related activities, such as GSVs or GIVs.

3.2.5 *Overall functioning of municipal mechanisms*

To summarise, OSCE field assessments indicate that although the mechanisms are designed to work together to provide effective support for returnees and DPs at the local level, in reality this is often not the case. In nine municipalities the Task Force is the only functioning mechanism, either because the MWGR is not established or is dysfunctional⁵². While the Task Forces in these municipalities perform MWGR duties in relation to the processing of requests for assistance, they do not provide a forum for dialogue and reconciliation between returnees and receiving communities, which is a crucial task of the MWGR to ensure sustainable returns. Under half of the established MWGRs (10 of 28) are functioning and are supported by a Task Force⁵³. Fifteen municipalities have only the MOCR working on returns⁵⁴. Of these, eight municipalities have over 100 DPs and individuals interested to return (ITR)⁵⁵. Annex II provides a table presenting an overview of the different mechanisms functioning in each municipality.

⁴⁸ At the time of writing, the OSCE does not have the necessary information required to assess whether the Task Forces were reviewing requests and determining a potential returns location within the two-week timeframe, as stipulated in the Guidelines.

⁴⁹ See Manual, *supra*, note 26.

⁵⁰ Gjilan/Gnjilane (2012–2014), Parteš/Partesh (2012–2014), Lipjan/Lipljan (2014), Obiliq/Obilić (2014), Prizren (2012–2015).

⁵¹ Ferizaj/Uroševac (2014), Ranilug/Ranillug (Action Plan, 2014–2016), Novo Brdo/Novobërdë (2014–2018).

⁵² Klokot/Klllokot, Ranilug/Ranillug, Deçan/Deçane, Gjakovë/Dakovica, Klinë/Klina, Pejë/Pecë, Gračanica/Gračanicë, Dragash/Dragaš, Rahovec/Orahovac.

⁵³ Ferizaj/Uroševac, Novo Brdo/Novobërdë, Parteš/Partesh, Štrpce/Shtërpçë, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Shtime/Štimlje, Prishtinë/Priština, Obiliq/Obilić, Prizren.

⁵⁴ Hani i Elezit/Elez Han, Kaçanik/Kaçanik, Kamenicë/Kamenica, Viti/Vitina, Leposavić/Leposaviq, Mitrovicë/Mitrovica South, Mitrovica/Mitrovicë North, Zubin Potok, Skenderaj/Srbica, Vushtrri/Vučitrn, Zvečan/Zveçan, Gillogoc/Glogovac, Podujevë/Podujevo, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuša.

⁵⁵ Mitrovicë/Mitrovica South, Mitrovica/Mitrovicë North, Leposavić/Leposaviq, Vushtrri/Vučitrn, Zubin Potok, Zvečan/Zveçan, Rahovec/Orahovac, Suharekë/Suva Reka.

3.2.6 Ministry and central-level mechanisms

The MCR, while not formally appointed as the Kosovo institutional focal point on displacement, has the primary mandate for returns of displaced persons. The Ministry is responsible for the development, promotion and implementation of the legal framework providing for the protection of returnees' rights, the promotion of favourable conditions for returns, leadership of confidence-building and promotion of inter-community dialogue, the development and management of programmes and mechanisms to facilitate communities' integration, and co-ordination of planning and assistance in these areas.

In relation to returns, the MCR does support municipalities in assessing requests for returns assistance and in submitting requests to the central commissions which operate as part of the decision-making process for large donor-run projects. However, the lack of clear monitoring and weak data collection hampers the MCR's capacity to evaluate and report on the implementation of Kosovo policies and returns projects. There is a need for centralised data management led by the MCR, and collection and analysis of information from the local level and MOCRs. An MCR-managed system could provide for a detailed overview of needs and profiles (including gender disaggregation), as well as a linked and centralized case management system fed with local- and central-level information. While municipalities declare they do report regularly to the MCR as required, it is unclear how the MCR processes these reports in relation to evaluation and policy development.

Since its adoption earlier this year, implementation of the Strategy has mainly focussed on the realisation of donor-supported returns projects, namely the EU-funded project for returns and reintegration (RRK III), and communities' stabilization⁵⁶. As mentioned above, the MCR has also taken steps to enhance the legal framework on internal displacement by establishing a working group for the drafting of a legal/policy instrument for displaced persons within Kosovo. Based on the recommendation of the working group, the MCR has begun a profiling exercise in co-operation with UNHCR and DRC. Profiling will provide disaggregated data on the displaced population within Kosovo, including data on their gender, needs and vulnerabilities, and will be accompanied by a legal analysis. Aside from the establishment of this working group, the MCR has not yet taken any step to improve the legal framework on returns and integration, or to create a framework for monitoring the implementation of relevant legislation⁵⁷. No initiative has been launched to improve internal MCR management, and other Strategy measures, including improved co-ordination with other Kosovo institutions through an inter-ministerial co-ordination committee⁵⁸, improvement of monitoring and evaluation mechanisms, and the development of a central database on returns, have yet to be undertaken.

⁵⁶ See *supra*, notes 18, 17, 16.

⁵⁷ See Strategy, *supra*, note 28, measure 3.2.

⁵⁸ In the absence of formal mechanisms to co-ordinate inter-institutional action on returns, the MCR is reliant on ad hoc initiatives. The Office of Community Affairs (OCA) within the Prime Minister's Office has also implemented a few small projects that have assisted returnees, and has undertaken some joint co-ordination with the MCR in relation to donor support, including through a meeting held on 14 March 2014. The MCR, OCA, Communities Consultative Council and Ministry for Local Government Administration developed and signed a joint document on support to communities in general, part of an initiative undertaken in 2013: the "Commitment to Enhanced Co-operation and Communication Among Central-level Institutions Serving Kosovo Communities", June 2013; http://kryeministri-ks.net/zck/repository/docs/Joint_document_final.pdf (accessed 15 September 2014).

4. PROPERTY ISSUES

Limited progress has been noted in the protection and promotion of property and housing rights for DPs, despite the enactment of primary and secondary legal framework and policies and the efforts of central- and local-level institutions to improve the protection of property and housing rights through compliance with international human rights standards.

OSCE field monitoring identifies the main issues affecting the property rights of DPs and their decision to return as follows: the pending resolution of conflict-related property claims; accumulated immovable property tax; expropriation; land allocation for DPs who did not enjoy ownership or any other legally recognized tenancy right before displacement; failure to recognize the rights of those who lived in informal settlements prior to the displacement; regularization of informal settlements; and access to social housing.

The Kosovo Property Agency (KPA) was mandated⁵⁹ to receive, register and resolve certain categories of conflict-related property claims for the period between 27 February 1998 and 20 June 1999. By 31 August 2014 the KPA had resolved over 96 per cent of these claims⁶⁰; however, the KPA faces various difficulties in the implementation of its decisions on these claims, including a lack of police support, and the interference of Kosovo courts with KPA jurisdiction⁶¹. In some cases, even when there is a decision from the KPA and the illegal occupant is evicted, illegal re-occupation occurs.⁶² Delays in the implementation of KPA decisions prevent DPs from repossessing their properties and consequently from free and peaceful enjoyment of their property.⁶³

On a related note, most of the illegally occupied properties belonging to DPs continue to be charged with immovable property tax, and place the burden on potential returnees to prove that they are not liable to pay such accumulated tax.⁶⁴ This is of crucial importance as without the payment of property tax, Kosovo institutions will not issue key documents such as property certificates and building permits, which limit returnees' economic opportunities.

⁵⁹ Section 3, UNMIK Regulation No. 2006/50 as amended by the Law No. 03/L – 079 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property, 15 June 2008.

⁶⁰ Kosovo Property Agency, <http://www.kpaonline.org/default.asp> (accessed on 1 September 2014).

⁶¹ In a number of instances, the courts have dealt with cases which were specifically under the jurisdiction of the KPA. In February 2008, the Basic Court of Viti/Vitina ruled a decision on case no. 274/06, which was decided previously by KPA (case no. 306347).

⁶² In such cases, the KPA initiates re-eviction procedures which often prove hard to exercise due to inadequate support from Kosovo Police and Prosecution Office or due to procedural deficiencies in KPA itself (e.g. KPA does not send cases of illegal re-occupation to the KP for enforcement of the initial eviction notice and immediate re-eviction), although OSCE monitoring indicates that co-operation among the police, judiciary and central- and local-level officials has improved somewhat recently. Monitoring has also identified deficiencies in the processing and enforcement of illegal re-occupation cases. The prosecution uniformly fails to raise the inter-ethnic nature of these cases and seek penalties which would deter future conduct. In addition, despite the inter-ethnic element and the straightforward nature of the illegal re-occupation cases, the courts do not process them with any urgency and punishments often fail to reflect the severity of the crime. According to OSCE monitoring, a total of 326 cases of re-occupation of properties under the administration of the Kosovo Property Agency (KPA) were submitted by the KPA to the prosecution authorities between 2008 and 2013.

⁶³ Article 1, Protocol 1, European Convention on Human Rights and Fundamental Freedoms which is directly applicable in Kosovo by virtue of Article 22 of the constitution, *supra* note 2.

⁶⁴ EU Project, Further support to refugees and IDPs: Taxation of Immovable Property of Internally Displaced Persons in Kosovo, available at http://www.pravnapomoc.org/web/analysis_of_gaps_5.pdf (accessed on 10 October 2014).

Expropriation of DPs' property is another concerning issue identified, particularly during the construction of the highway Vermicë/Vrmica-Merdarë/Merdare. During this process the rights of non-Albanian communities, especially those who have been displaced, have been undermined. The Ministry of Environment and Spatial Planning did not notify DPs whose property was affected by expropriation, official decisions were not delivered to them personally and translated into their language as required by Kosovo legal framework,⁶⁵ and DPs were not informed of available legal remedies.⁶⁶

Municipal land allocation initiatives for DPs continued in 2013 and 2014, mainly as part of international donor-run projects or (re)construction of houses. OSCE field monitoring notes, however, that a number of municipalities fail to comply with the law⁶⁷ in circumstances where they are reluctant (or at least are not proactive) to allocate municipal land for returns-related projects, despite this being a key precondition for most international donor-funded projects. In certain cases, land allocation has not been possible due to lack of municipal owned land, and municipalities face significant delays when they initiate procedures to either exchange land with the Privatization Agency of Kosovo or to request land from the Kosovo government⁶⁸. In addition, most municipalities still lack precise data on their holdings and a complete inventory of municipal owned properties⁶⁹, or face problems from receiving communities. On a number of occasions the petitions submitted by receiving communities against planned land allocation (discussed below in Section 6) have severely affected the returns of displaced persons, not least due to the lengthy procedures required to identify alternative land for allocation.

Many displaced Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians lived in informal settlements prior to their displacement, and therefore face problems in demonstrating any occupancy rights in relation to their return.⁷⁰ In addition, OSCE monitoring records little progress in the regularization (legalization) of informal settlements, and the majority of municipalities lack approved spatial plans, which should include informal settlements, as

⁶⁵ Law No. 02/L-37 on Use of Languages, 27 July 2006.

⁶⁶ As per the Law on Expropriation No. 03/L-205 with amendments and additions to Law No. 03/L-139 on Expropriation of Immovable Property, 10 December 2010.

⁶⁷ See Article 10, Law No. 04/L-144 on Allocation for Use and Exchange of Immovable Property of the Municipality, 22 November 2012.

⁶⁸ In order to alleviate the problem of lack of municipal owned land, many municipalities have initiated procedures to either exchange land with the PAK or have requested the Kosovo government to reinstate ownership over social owned enterprise assets as per Article 12 and 13 of the Law No. 04/L-144 on Allocation for Use and Exchange of Immovable Property of the Municipality, 22 November 2012.

⁶⁹ Regular monitoring notes that municipalities which have completed inventories of municipal property have taken affirmative steps in addressing the housing needs of landless displaced and repatriated persons through land allocation. Pejë/Peć and Istog/Istok municipalities (with USAID support) were able to respond to land allocation requests made by landless DPs in Montenegro, with timely allocations of land parcels recorded as municipal owned by the inventory. Conversely, Gjakovë/Đakovica and Klinë/Klina municipalities did not complete an inventory process and were not able to give timely responses to land allocation requests for returns-related projects due to problems in identifying suitable municipal owned land for allocation.

⁷⁰ The Special Rapporteur on Internally Displaced Persons highlighted this problem in his June 2014 report on Kosovo: "Although most Roma, Ashkali and Egyptian IDPs had a private house, their land occupancy rights were never registered and they lack personal documentation and title records for their homes. The vast majority of property-less returnees belong to the Roma, Ashkali and Egyptian communities, and they find it increasingly difficult to be included in house reconstruction projects. About 30 per cent of Roma, Ashkali and Egyptian returnees end up in secondary displacement." UN General Assembly, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons: Follow up Mission to Serbia, including Kosovo*, 5 June 2014. See also OSCE Report, *Assessment of municipal responses to informal settlements in Kosovo*, December 2011, available at <http://www.osce.org/kosovo/86273> (accessed on 10 October 2014).

required by the Law on Spatial Planning⁷¹. The Office of the Prime Minister has not yet approved the Strategy for Regularization of Informal Settlements 2011–2015, and all DPs wanting to return to these settlements continue to face issues of property title registration, building permits, legalization of constructions, property tax, etc.

Finally, the Law on Housing Financing Specific Programs⁷² includes provisions that families which are homeless as a result of house destruction during the conflict can benefit from social housing. However, the provisions of the law have yet to be used to address urgent housing needs of displaced persons, for instance in cases where they face eviction.⁷³

5. SECURITY ISSUES

5.1. Security for returnees and in returns sites

The OSCE monitors and records⁷⁴ incidents affecting communities' security in Kosovo. In the August 2012 to July 2014 period examined for security analysis, the OSCE recorded 1,181 security incidents which potentially affected the security perceptions of communities in a numerical minority at municipal level. Out of these incidents, 232 cases (nearly 20 per cent of the total number of incidents) affected returns sites and mainly Kosovo Serb returnees.

In general, incidents affecting returns sites tend to be more frequently recorded at locations in the Pejë/Peć region, while fewer incidents are recorded in the Prizren, Ferizaj/Uroševac and Mitrovicë/Mitrovica regions. Incidents affecting returnees and returns sites vary from petty thefts and minor damage to property to the more serious cases of burglary, often targeting tractors, agricultural machinery and livestock, break-ins to inhabited and uninhabited houses of returnees or in returns areas, the illegal occupation or usurpation of housing and land, verbal and physical harassment of returnees, shooting incidents, and returnee houses being set on fire.

OSCE monitoring registers the most frequent type of incident affecting returnees and returns sites as burglaries targeting uninhabited Kosovo Serb houses.⁷⁵ Properties left empty for long periods can provide easy targets, so while such thefts may have a purely economic motive, community reactions indicate that such incidents discourage returns, particularly when perpetrators remain unidentified. Returnee communities are also affected by repeated petty

⁷¹ Law No. 04/L-174 on Spatial Planning, 7 September 2013, Article 15 and 16. See also MESP, *Manual on Regularization of Informal Settlements in Kosovo*, October 2012. While few municipalities previously had approved spatial plans, in August 2013 changes were made to the terminology and format of municipal spatial planning documents and the majority of municipalities have not yet met the new requirements.

⁷² Law No. 03/L-164 on Housing Financing Specific Programs, 25 February 2010.

⁷³ For example, the cases of imminent closure of collective centres in Gjilan/Gnjilane and Štrpce/Shtërpce municipalities: following privatization the collective centre 'refrigerator plant' in Gjilan/Gnjilane municipality has been closed and the collective centre 'Junik' in Štrpce/Shtërpce is expected to close in October 2014. Although agreements were reached between the municipalities and the MCR in these two cases, durable solutions for the DPs residing the collective centres have yet to be found and implemented.

⁷⁴ OSCE monitoring records incidents which are considered to potentially affect communities who are in a numerical minority at the municipal level, including Kosovo Albanian communities in Serb-majority municipalities. Information is collected from various sources, such as OSCE staff interviews with community members and municipal officials, reports from other international organizations, Kosovo Police reports, and media reports.

⁷⁵ Damage to doors and windows, stolen household appliances and furniture, as well as food supplies, are frequently reported. On a few occasions, the destruction of wells, yard fences and other objects in the vicinity of houses have been registered. Such incidents have mostly occurred in Klinë/Klina, Pejë/Peć, Ferizaj/Uroševac, and Istog/Istok municipalities.

thefts and property damage in continuously inhabited areas.⁷⁶ Illegal logging of privately-owned forests at return sites has been recorded, mostly in Pejë/Peć and Istog/Istok municipalities,⁷⁷ and usually during the summer months when wood-cutting for winter fuel begins. Incidents related to these activities cause concern among the local population and can be difficult for the police to deal with as they often appear to involve armed criminal groups.

Churches and objects of religious heritage, including graveyards at returns sites, have also been targeted,⁷⁸ and visits to Serbian Orthodox religious sites have also been affected by security incidents, most recently in August 2014.⁷⁹ More serious incidents include cases of harassment of returnees, including verbal abuse and stoning of houses by groups or individuals from other communities in the towns of Klinë/Klina and Pejë/Peć and nearby villages.⁸⁰ Thirteen arson incidents saw the burning of uninhabited Kosovo Serb houses between August 2012 and July 2014.⁸¹ As discussed in Section 6, in certain returns locations inter-community tensions are particularly high: incidents including protests and road blocks have been recorded in Mitrovica/Mitrovicë North and Suharekë/Suva Reka municipalities.⁸²

5.2 Kosovo institutions responses to security incidents

In most cases, returnees report incidents at returns sites to the KP, as well as incidents affecting religious sites. In these cases, OSCE field monitoring shows that KP opens an investigation. However, at times, community members state that they feel discouraged to report as they do not expect the perpetrators to be identified and have little confidence in the KP to inform them of any further investigation and whether these cases reach prosecution. This lack of trust between returnees and the KP directly affects the security perception of returnees and can hinder the process of return.

Most of the serious incidents discussed above, such as arson, shooting incidents or assaults, have been condemned by mayors or other senior municipal officials. The Minister of Communities and Return regularly issues timely public condemnations of such incidents and undertakes outreach visits in some cases. However, OSCE monitoring indicates that not all of these condemnations reach the affected communities or the majority population in the area. Condemnation statements are usually published on municipal websites or information

⁷⁶ For example, a water pump used by Kosovo Serb returnees in Grabac/Grape village in Klinë/Klina was stolen eight times between 2004 and 2013. The last pump was stolen in December 2013, and replaced through a donation by the MCR in July 2014. The perpetrators of these thefts have not yet been identified.

⁷⁷ Reports usually involve the areas around the villages of Lëvoshë/Ljevoša Tuqep/Tučep, Kosh/Koš, Osojan/Osojane and Gurrakoc/Durakovac.

⁷⁸ The windows of the Bablak/Babljak Orthodox Church in Ferizaj/Uroševac were broken in January 2013 and three times in three consecutive months in 2014, including a burglary in May 2014. Damage to tombstones was reported in Istog/Istok town and nearby villages (Oprashkë/Opraške, Zallq/Žaç, and Koš/Kosh villages).

⁷⁹ OSCE monitoring also notes that returnees visiting places of origin for funeral ceremonies have also faced security concerns. A recent case saw around 300 Kosovo Albanians blocking the road when pilgrims (including potential returnees) attempted to visit the destroyed monastery in Mushtiste/Mušutište village, Suharekë/Suva Reka municipality on 28 August, a location which has experienced security incidents in the past.

⁸⁰ Osojan/Osojane, Žaç/Zaç and Gremnik/Grebnik villages. The most recent stoning incident was reported in Klinë/Klina municipality, targeting the same family twice within a ten-day period in July 2014.

⁸¹ Incidents were reported in: Dugajevë/Dugenjive, 3 December 2012; Rahovec/Orahovac town, 29 November 2012; Fushë Kosova/Kosovo Polje, 14 November 2012; Pejë/Peć town, 9 October 2012; Belopojë/Belo Polje, 16 and 21 January 2013, and 7 October 2013; Dresnik/Drnsnik, 6 January 2013 and 9 February 2014; Klinafë/Klinavac, 21 January 2013 and 31 January 2014; and Binxhë/Biča on 23 and 24 May 2013.

⁸² Since late 2012, protests and road blocks prevented new construction in Mitrovica/Mitrovicë North, as competing house-building processes for Kosovo Albanian and Kosovo Serb communities in Brđani/Kroi i Vitakut caused tension; repeated protests were organized by both sides in 2013 and 2014. Mushtiste/Mušutište village in Suharekë/Suva Reka municipality is another returns location affected by regular security incidents and protests; see 28 August 2014 incident, *supra*, note 79.

billboards and not through local (broadcast) media. In general, prompt condemnations and outreach visits by senior officials are crucial in addressing the negative impacts on returnees' safety perceptions caused by security incidents.

In March 2013, the KP established a specialized unit for the protection of cultural heritage and religious sites, with four sub-units providing 24-hour protection to 24 Serbian Orthodox Church heritage sites, and regularly patrolling and visiting 169 sites in Prishtinë/Priština, Mitrovicë/Mitrovica, Pejë/Peć and Prizren regions. A further positive development has been the recent improvement in communities and religious groups' representation in Municipal Community Safety Councils (MCSCs). OSCE monitoring notes some helpful, though limited, steps forward with regard to MCSCs discussing security issues affecting communities in a numerical minority at the municipal level⁸³ and taking action to help address these concerns.

6. CONCERNS RELATING TO RECEIVING COMMUNITIES

The OSCE's 2012 report on voluntary returns⁸⁴ highlighted that inter-ethnic tensions led to a stalling of the returns process in several areas and concluded that greater effort was needed from all actors, in particular Kosovo institutions, to address these issues and reinvigorate dwindling political support to the returns process. The 2012 report's conclusions remain relevant.

6.1 *Receiving community opposition to returns*

The situation in the 'difficult returns locations' identified in the 2012 OSCE report⁸⁵, covering Prizren, Pejë/Peć, Ferizaj/Uroševac and Prishtinë/Priština regions, has not improved significantly in this reporting period-August 2012 to July 2014 period, with cases of public protests against returns as recent as August 2014⁸⁶. Additional difficult locations have been identified, predominantly in Mitrovicë/Mitrovica region⁸⁷, where the returns process for both Kosovo Serbs to the south and Kosovo Albanians to the north is highly politicized and exacerbated by security incidents⁸⁸. In other regions, receiving communities in Pejë/Peć and

⁸³ Positive examples where the security concerns of communities in a numerical minority at the municipal level were discussed at MCSC meetings were noted in Pejë/Peć and Dragash/Dragaš municipalities. In general, other municipalities' MCSC meetings include a report of relevant security incidents provided by the police, but lack any joint community action to address concerns.

⁸⁴ *Supra*, note 1.

⁸⁵ The following were identified as 'difficult returns locations': Kijevo/Kijevë and Mleçane/Mleqan, Malishevë/Mališevo municipality Dvoran/Dvorane, Lešane/Leshan, Mushtishtë/Mušutište and Sopina/Sopin (Suharekë/Suva Reka municipality).

in Prizren region. Gjakovë/Đakovica municipality, Drenovc/Drenovac, Dush/Duševići (Klinë/Klina municipality), Ljubenit/Lubeni (Pejë/Peć municipality), and Loçane/Loqan (Deçan/Dečane) in Pejë/Peć region. Slovinje/Sillovi (Prishtinë/Priština municipality and region). Neredime e Epërme/Gornje Neredime (Ferizaj/Uroševac municipality and region). See OSCE report (2012), *supra*, note 1.

⁸⁶ Public protests occurred in Mushutishtë/Mušutište (Suharekë/Suva Reka municipality) in August 2014.

⁸⁷ The locations recorded are: Vrnica (Vushtri/Vucitrn municipality), Kroj Vitakut/Brdjani (Mitrovicë/Mitrovica municipality), and Runik/Rudnik and Kuqice/Kucica villages (Skenderaj Serbica municipality).

⁸⁸ In Brđani/Kroi i Vitakut in Mitrovica/Mitrovicë North, where a returns process was initiated by the southern Mitrovica municipality in late 2012, tensions raised during the reporting period. The construction of houses for Kosovo Albanian families commenced, which was not accepted by the receiving Kosovo Serb community, who protested, placed road blocks and obstructed the construction of houses in various ways. At the same time, construction buildings for Kosovo Serbs began with funds from the Serbian government. Several incidents such as damage to new and still unfinished houses, took place.

Prizren expressed strong opposition to the return of Kosovo Serbs⁸⁹, refusing to have any contact with potential returnees and opposing the organization of any returns initiatives, including GSVs or GIVs.

Furthermore, during the reporting period receiving communities in six municipalities⁹⁰ actively petitioned against the return of displaced persons. In one case the petition justification was alleged war crimes committed by the potential returnees⁹¹. Other petitions⁹² cited security concerns, or included objections that the proposed returnees did not originate from the precise location where land was allocated for their return (the latter cases concerned landless Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians displaced in Montenegro and the former Yugoslav Republic of Macedonia).

6.2 Municipal responses to receiving communities' opposition to returns

While, municipalities are required to ensure conditions for sustainable return and communities stabilization⁹³, their responses to receiving communities' opposition varied greatly from case to case. In the majority of difficult returns locations, municipalities took no action to mediate with receiving communities in support of the returns process⁹⁴, and in some cases officials refused to engage in any reconciliation activity even when support was offered by the OSCE or other organizations⁹⁵. However, some municipalities have taken positive steps and made important progress, even where past opposition to returns has been significant.⁹⁶ Equally, there are also cases where municipal efforts to facilitate dialogue between receiving communities and potential returnees failed due to continued opposition to returns⁹⁷. In one case, the municipality took action to facilitate dialogue⁹⁸, in four others

⁸⁹ Cases include: Korishë/Koriša (Prizren municipality), Talinoc i Muhaxherëve/Muhadher Talinovac (Ferizaj/Uroševac municipality), and Opterushë/Opteršua (Rahovec/Orahovac municipality) and Shtupel/Štupelj (Klinë/Klina municipality).

⁹⁰ Istog/Istok (Muzhevinë/Muzevine), Gjakovë/Đakovica, Pejë/Peć, Obiliq/Obilić (Plementinë/Plementina), Klinë/Klina (Dresnik/Dresnik) and Istog/Istok municipalities.

⁹¹ This was the case in Muzhevinë/Muzevine village (Istog/Istok municipality): in November 2012 the receiving community petitioned against the return of four Kosovo Serbs in their village, alleging criminal activities during the 1999 conflict.

⁹² The five other petition cases occurred in Gjakovë/Đakovica, Pejë/Peć, Obiliq/Obilić (Plementinë/Plementina), Klinë/Klina (Dresnik/Dresnik) and Istog/Istok municipalities.

⁹³ See the Manual par. 19, *supra*, note 26.

⁹⁴ No such action was taken in: Kijevo/Kijevë and Mlećane/Mleqan, Malishevë/Mališevo municipality Dvoran/Dvorane, Lešane/Leshan, Mushtishtë/Mušutište and Sopina/Sopin (Suharekë/Suva Reka municipality), Gjakovë/Đakovica municipality, Drenovë/Drenovac, Dush/Duševići (Klinë/Klina municipality), or in Ljubenić/Lubeniq (Pejë/Peć municipality).

⁹⁵ For example, in Korishë/Koriša and Drenovë/Drenovac villages (Klinë/Klina municipality).

⁹⁶ Nerodime e Epërme/Gornje Nerodimlje in Ferizaj/Uroševac municipality and Mushutishtë/Mušutište in Suharekë/Suva Reka are examples of municipal support for returns leading to important progress. The returns process to Nerodime e Epërme/Gornje Nerodimlje came to a halt in early November 2010 when the receiving Kosovo Albanian community prevented a GSV of displaced Kosovo Serbs by staging a protest over war crimes allegations. The Mushutishtë/Mušutište village council also opposes returns, arguing that the receiving Kosovo Albanian community is not ready yet to accept this.

⁹⁷ Two such examples are Lloqan/Loçane and Slovinje/Slovi villages in Lipjan/Lipljan municipality where with OSCE support the MOCR facilitated two separate meetings with the receiving communities and potential returnees without success.

⁹⁸ In Plementinë/Plementina village, Obiliq/Obilić municipality (with external support) organized meetings in 2014 with potential returnees and the receiving community: the initiative is ongoing, and has not so far been able to address persistent opposition from the receiving communities to potential returnees, both groups from the Kosovo Roma community.

municipalities responded by identifying alternative land allocation sites⁹⁹, and in one case the municipality has taken no action at all in response to the petition¹⁰⁰.

There have been instances where the MOCR, alongside mayors and deputy mayors, engaged in confidence-building initiatives and facilitated mediation between receiving communities and (potential) returnees, such as in Plementinë/Plementina village, in Obiliq/Obilić municipality. However, other municipal mechanisms for communities such as the MWGR, the deputy municipal assembly chairpersons for communities, the communities committees, or municipal community safety councils were not involved, even though it is within their respective mandates to ensure communities' integration and they could substantially contribute to the mediation process.

7. REGIONAL ASPECTS

Displacement resulting from the Western Balkans conflicts of the 1990s has seen a number of international and regional efforts, but none focus on displacement from Kosovo¹⁰¹. Although some bi-lateral co-operation has been achieved, no comprehensive agreement among governments has been agreed: co-operation at a regional level is still not systematic and gaps continue to affect progress on returns. The Kosovo Strategy for Communities and Returns 2014–2018 includes the strategic objective to establish co-ordination mechanisms with donors and regional and international stakeholders, but does not list specific actions to establish those mechanisms.¹⁰²

7.1 Key areas affected by regional co-operation

There are a number of issues at the regional level that need added attention and co-operation. Data gathering and management, official documentation and co-ordination on outreach and engagement with displaced groups and individuals are three key areas that require regional engagement. In the Western Balkans there is weak co-operation at the regional level with regards to data gathering and management. Poor co-ordination and information-sharing means that even 15 years after the 1999 conflict in Kosovo, a comprehensive profiling of DPs is unavailable. This impedes the development of more tailored assistance programmes and proper beneficiary selection, including the risk of misdirected assistance¹⁰³. Equally, weak information exchange on numbers of DPs and potential returnees also presents a barrier to effective planning, both in terms of institutions' ability to anticipate the returns assistance that is likely to be required or the supportive measures necessary for integration in place of displacement.¹⁰⁴

Official documentation is another key area requiring regional attention and co-operation. Procedures for obtaining documentation remain complex and inconsistent, especially those related to the issuing of documents, and institutional mechanisms to address contentious

⁹⁹ Notably in Gjakovë/Djakovica, Pejë/Peć, Klinë/Klina (Dresnik/Dresnik village) and Istog/Istok municipalities.

¹⁰⁰ Muzhevinë/Muževine village, Istog/Istok municipality.

¹⁰¹ Montenegro is however the only country that included persons displaced from Kosovo in the Regional Housing Programme, established through the Sarajevo Process for 1991–1995 displacement.

¹⁰² See Strategy, measure 4. 2, *supra*, note 28.

¹⁰³ For example, when DPs apply for assistance in the country of origin and the country of displacement or seek assistance several times over.

¹⁰⁴ However there are some data areas that should be kept within institutions, for instance data related to potential individual asylum claims.

issues (such as validity) largely do not exist. As a result, problematic access to and use of official documents issued either by the institutions in places of origin or of displacement leads to legal uncertainty for those who try to register, prove their civil status, property titles or educational qualifications, or who try to comply with administrative procedures and procedural requirements for returns or social assistance. Co-operation between institutions is also crucial for those DPs who wish to integrate locally in the places of displacement: the process requires numerous documents which can only be obtained from government institutions¹⁰⁵. Such situations pose real challenges, particularly for those DPs who lost all documents and are without any title to prove their legal existence. The establishment of systematic regional co-operation and mechanisms to facilitate these administrative processes, including mutual recognition of official documents from all institutions involved, are greatly needed.

Institutionalized procedures or mechanisms to provide DPs with information on issues of their concern are also lacking. This is particularly important in relation to property rights, with most DPs still unable to get updated information on the status of their property, having to enquire through non-institutional, informal channels and contacts with international organizations, non-governmental organizations or DP associations. The MCR intends to strengthen its public information team, and plans publication and distribution of brochures to DPs outside of Kosovo¹⁰⁶, as well as outreach activities via the media, steps which should help to address these needs once implemented.

In general, there is a great need for enhanced information and outreach to DPs, who often appear to be unaware of their rights and opportunities for assistance, and who require information from both the institutions in their place of displacement and in their place of origin. GIVs and GSVs are, for example, very important tools to support DPs in making important choices, and require co-operation between respective institutions.

7.2. The current situation with regard to regional co-operation

Regional co-operation is improving and institutions have shown increasing commitment towards their regional counterparts in recent years. Co-operation between Kosovo and Montenegro, and between Kosovo and the former Yugoslav Republic of Macedonia, does take place regularly at the ministerial level with regards to assistance, e.g. to access civil registration and exchange information on individuals interested to return to Kosovo. The technical bilateral memorandums of understanding signed on the implementation of EU-funded assistance projects are also important indications of commitment and co-operation from the two countries of displacement.

In Kosovo, the MCR and the MOCRs undertake outreach to DPs in Montenegro and the former Yugoslav Republic of Macedonia, in co-operation with respective institutions, to provide information directly or through the competent institutions in places of displacement to ensure that DPs are informed of conditions for returns¹⁰⁷, through GSVs and GIVs. The Kosovo institutions also receive and register requests for returns assistance through MOCRs; however, in the absence of any centrally co-ordinated institutional mechanism to receive

¹⁰⁵ For example: civil status documents, official confirmation of former employment status, education qualifications, etc.

¹⁰⁶ See Strategy, 1.4.1, *supra*, note 28.

¹⁰⁷ Such as the socio-economic situation, security, perceptions of the receiving community, etc. to inform DPs' decisions on application for return or alternatives, such as local integration in the place of displacement or resettlement in a third country.

requests, this functions through various channels, involving the individuals themselves, UNHCR branch offices, NGOs or DP associations, which forward DPs' requests to the relevant MOCR. Kosovo institutions are also responsible for assessing applicants' living conditions and property ownership as part of the decision-making process on returns assistance. This requires official information from the institutions in the place of displacement. Inter-governmental co-operation on civil registration, involving mobile teams comprising Kosovo and Montenegrin officials conducting field visits in Montenegro¹⁰⁸ proved to be very effective and a positive example of regional co-operation bringing direct and practical benefits to displaced persons.

Without co-operation between institutions in both the place of displacement and the place of potential return, important obstacles remain to the full implementation of durable solutions. While many of the practical needs should be addressed at the technical level, inter-governmental commitments to co-operation at the political level can prove very valuable in facilitating working level progress.¹⁰⁹

8. CONCLUSION AND RECOMMENDATIONS

In summary, 15 years after the 1999 conflict, despite substantial international assistance and targeted programmes, large numbers of persons displaced both within and outside of Kosovo remain without durable solutions. The number of returns to Kosovo is decreasing every year. This area remains an important challenge for Kosovo's institutions and a priority for European integration efforts.¹¹⁰

Important steps have been taken to address the problem of conflict-affected displacement from Kosovo, through institutional, legal and policy development, and progress has been made on returns. However, a review of the legal and policy framework identifies important gaps in primary legislation and shortcomings in key policy documents. A review of implemented actions to support returns concludes that municipalities are failing to comply with their obligations, with many local mechanisms not functioning adequately or regularly. Equally, the MCR needs to improve performance in a number of areas, in particular data collection and management, communication and co-ordination with municipalities and other central-level bodies. Property issues impede progress on returns in a number of significant ways, with many displaced persons affected either by obstacles to exercising or confirming their ownership of property in their places of origin or by obstacles to land allocation for housing assistance programmes. Security incidents continue to affect returnees and returns sites and communities' perceptions of security, ranging from petty incidents to more serious burglaries, assaults and arson. Returns are also affected by resistance from receiving communities, who have blocked potential returns in a number of locations across Kosovo.

¹⁰⁸ This joint visit was undertaken in May 2014 and resulted in the registration of 135 individuals.

¹⁰⁹ The 'Sarajevo Process' for example, saw a high-level political commitment followed by technical meetings to develop a solution for enhanced co-operation to address displacement. Technical meetings resulted in a donor-funded regional housing programme, jointly managed by the four countries involved (Croatia, Serbia, Bosnia and Herzegovina and Montenegro).

¹¹⁰ The European Partnership Action Plan (EPAP) 2012 for Kosovo outlines measures and a positive obligation for Kosovo institutions to "facilitate and promote the return of refugees and displaced persons from all communities". EPAP 2012, adopted on 9 August 2006, p. 57. http://www.mei-ks.net/repository/docs/European_Partnership_Action_Plan_2012.pdf (accessed 15 September 2014).

Lastly, there is still limited co-operation between institutions in Kosovo and in the region where persons displaced from Kosovo currently reside. While co-operation has improved in recent years, further progress would bring a range of practical and strategic benefits for the returns process.

Recommendations

To institutions in the Western Balkans region, in particular Serbia, Montenegro and the former Yugoslav Republic of Macedonia, with responsibilities for displaced persons and returnees:

- The relevant central-level institutions should improve co-ordination in a number of ways. Information exchange and data sharing is particularly important, especially to inform the strategic planning of assistance programmes. Communication is another key area, which could be improved through appointing focal points in the respective ministries or agencies and holding technical co-ordination meetings.
- The relevant institutions should reach agreements on recognition of official documents issued by institutions in the region in order to facilitate the processing of displaced persons' requests for returns assistance, integration in place of displacement, civil registration and social assistance.
- The relevant institutions should co-operate on improving the information provided and outreach to displaced persons, potential returnees and receiving communities, building on positive examples such as the joint mobile outreach teams from Kosovo and Montenegro used for civil registration in Montenegro in 2014.
- The relevant institutions should expand formal commitments of co-operation beyond existing project-related MoUs, and conclude agreements covering a wider range of co-operation, including the areas noted above, in particular on regular communication, information- and data-sharing, recognition of documents, and outreach to displaced persons.

To central-level Kosovo institutions:

- Institutional co-operation, at the central level and between central and local levels, should be enhanced to ensure progress on implementation of Kosovo's returns commitments, including through the establishment of formal co-ordination mechanisms as anticipated in the MCR Strategy. Strong political leadership will be important to ensure that commitments are followed through and lead to practical progress.
- The KPA and law enforcement institutions need to improve co-operation to promptly and effectively address cases of illegal re-occupation of properties. Namely, the KPA should immediately file a report with the KP, as well as the Prosecution Office, to ensure prompt eviction of illegal occupiers.
- The Kosovo Ministry of Environment and Spatial Planning should amend the Law on Expropriation of Immovable Property in order to address the shortcomings in the notification process, particularly in relation to displaced property owners, and should adopt the Strategy for Regularization of Informal Settlements.

- The Kosovo Ministry of Finance should amend the Law on Taxes on Immovable Property to address the issue of displaced persons' liability for payment of accumulated property tax for their occupied properties.
- The Kosovo Police need to ensure the security of all communities and react quickly and effectively to incidents affecting communities in numerical minority at municipal level, acknowledging the particular sensitivities of cases concerning returnees, including through community liaison to reassure affected communities and share appropriate information on case follow up.
- The Privatization Agency of Kosovo should ease procedures for land exchange with municipalities according to the law, particularly in cases when land is needed for returns-related projects.

To the Kosovo Ministry of Communities and Returns (MCR):

- The MCR should take steps to strengthen the legal framework on returns to provide detailed guidance on Kosovo institutions' obligations. While the initiative to develop a law on internally displaced persons is welcome, primary legislation is also required to provide a clear framework and define responsibilities in relation to displaced persons currently outside of Kosovo, and to establish procedures and mechanisms to ensure that their right to return can be exercised.
- The commitments made in the MCR Strategy for Communities and Returns (2014–2018) should be implemented, the accompanying Action Plan strengthened with additional details on timeframes and budget, and annual progress reports published and disseminated.
- The MCR should establish formal, centrally-managed institutional mechanisms for receiving and processing requests to return (and for GSVs and GIVs).
- The MCR should improve public information and outreach to displaced persons both in and outside of Kosovo to ensure that displaced persons have access to available assistance and are able to make informed choices, through for instance information campaigns, mobile teams, establishment of focal points or other good measures.
- The MCR needs to strengthen data collection and management, including an emphasis on profiling and the use of gender disaggregated data to provide a clear picture of the different needs and issues of displaced men, women, boys and girls. The MCR should lead the development of integrated and central-level systems to collect, analyse and follow up on MOCR reports, producing periodic combined Kosovo-wide progress reports. The MCR should develop and manage a centralized case management system, fed with information from the local level. The MCR should also take steps to ensure that the data collected is used to feed strategic planning and policy-making.
- The MCR should strengthen its co-ordination with MOCRs, including the provision of advice and guidance, and of oversight and relevant follow-up action with municipalities where MOCR performance is identified as lacking.

To Kosovo municipalities:

- Municipal leadership should take steps to ensure that all municipal-level mechanisms to support displaced persons function effectively, in particular, that: MOCRs fulfil all

obligations outlined in the Kosovo legal framework and policy guidance, and play a more proactive role in supporting displaced persons and returnees; municipal working groups on returns and Task Forces function properly, and that their meetings include relevant community and returnee representatives; and, that municipal strategies and action plans on returns are developed, approved and reported on, including information sharing to relevant local stakeholders.

- Municipalities must pursue all available options for land allocation for returns-related projects, including exchange of land with the PAK and reinstatement of ownership over specific land parcels of PAK-administered socially owned enterprises.
- Municipalities should include displaced persons' and returnees' housing needs in municipal housing needs assessments and should better utilize social housing schemes to help meet the needs of these groups through better planning, information campaigns and allocation of adequate funds.
- Municipalities need to take steps to promptly address security incidents affecting communities, including through public condemnations and outreach to the affected communities and publishing their statements using broadcast media (making sure they reach both communities in the numerical majority and minority in the municipality), and by addressing issues through relevant community security forums.
- Municipalities should engage more proactively to address returns-related concerns or resistance from receiving communities, and to facilitate dialogue and problem-solving initiatives in these cases. Such initiatives should involve relevant municipal bodies and community stakeholders, including the MOCRs and MWGR and Task Forces, and, where relevant, mayors, deputy mayors for communities, deputy municipal assembly chairpersons for communities, communities committees, municipal community safety councils, etc.

ANNEX I TABLE 1: TABLE OF FUNCTIONS UNDERTAKEN BY MOCRS, BY MUNICIPALITY

The reporting period used to collect data for this table was September 2012 to June 2014.

Note that the statistics used for the table below of returnees, IDPs and individuals interested to return (ITRs) were provided by UNHCR, with breakdown by municipality as of June 2014. ¹¹¹

Region	Municipality	No. Returnees Aug 2012 to Aug 2014	No. DPs	No. ITRs	MOCR undertakes regular ¹¹² outreach, conducts visits, needs assessments, and/or collects information on entitlements for returnees	MOCR/ municipality facilitated GSVs or GIVs	Non-MOCR municipal officers attending any returns-related activities in the municipality (e.g. mayor, directorate staff, CC member, etc.)	MOCR or municipality implemented activities to support returns	Activities undertaken by other organisations to support returns ¹¹³
Gjilan/Gnjilane	Ferizaj/Uroševac	0	101	448	Yes	Yes (IO-led)	Yes	The municipality distributed food/non -food items to Kosovo Serb returnees in co-operation with MCR and NGOs.	MCR
	Gjilan/Gnjilane	14	39	274	Yes	Yes (IO-led)	Yes	No	DRC, Mercy Corps, Arbeiter-Samariter-Bund Deutschland.
	Hani i Elezit/Elez han	0	0	0	No	No	No	No	No
	Kaçanik/Kaçanik	2	0	13	No	No	No	No	No
	Kamenicë/Kamenica	50	15	75	Yes	Yes (IO-led)	Yes	The municipality distributed food/non -food items to Kosovo Serb returnees in co-operation with MCR and NGOs.	DRC, Mercy Corps, MCR, Kosovo Red Cross.
	Klokot/Klllokot	17	130	74	No	No	No	No	Mercy Corps

¹¹¹ 'Estimated Number of Internally Displaced Number of Persons in Kosovo', UNHCR, June 2014.

¹¹² For example, visits to families every two months, or more than 10 times during the reporting period.

¹¹³ The information provided on the activities undertaken by other organizations to support returns is not exhaustive, and represents what information was readily available at field level, to provide a comparative level of activity to that of the municipality.

	Novo Brdo/Novobërdë	85	60	135	Yes	Yes (IO-led)	Yes	The municipality distributed food/non -food items to Kosovo Serb returnees in co-operation with MCR and NGOs.	Bureau of Population, Refugees, and Migration with Arbeiter-Samariter-Bund Deutschland, Mercy Corps, MCR, EU/IOM RRK Phase III project, Mercy Corps, DRC
	Parteš/Partesh	0	283	16	Yes	Yes (IO-led)	Yes	The municipality allocated land plots to displaced persons and contributed 20% of co-funding to IOM's return programme.	EU/IOM (RRKIII), EU/UNHCR
	Ranilug/Ranillug	45	15	8	Yes	No	No	No	DRC, Mercy Corps
	Štrpce/Shtërpçë	131	634	69	No	No	No	No	EU/IOM RRK Phase III, MCR
	Viti/Vitina	1	27	61	No	No	No	No	No
Mitrovicë /Mitrovica	Leposavić/Leposaviq	5	2120	62	No information available	No information available	No	The MCO engaged with UNHCR in needs assessment activities.	EU/Mercy Corps
	Mitrovicë/Mitrovica South	322	7087	389	No	Yes (IO-led)	No	No	UNHCR, DRC, EU/Mercy Corps
	Mitrovica/Mitrovicë North		1952	0	No	Yes	No	No	UNHCR
	Skenderaj/Srbica	4	28	50	No	Yes (IO-led)	Yes	No	No
	Vushtrri/Vuçitrn	13	92	84	No	Yes (IO-led)	No	The municipality co-operated in an OSCE-led dialogue initiative for the potential returns to Vernicë/Vernica.	No
	Zubin Potok	0	1563	30	No	No	No	No	No
	Zvečan/Zveçan	0	1290	26	No	No	No	The MCO engaged with UHHCR in needs assessment activities.	No
	Glogoc/Glogovac	0	0	5	No	No	No	No	No
	Podujevë/Podujevo	0	0	73	Yes	No	No	No	No
Pej/Peć	Deçan/Dečane	8	7	36	No	Yes (IO-led)	Yes	No	EU-CS II
	Gjakovë/Đakovica	38	104	1009	No	No	No	No	EU-CS II
	Istog/Istok	91	0	1229	No	Yes (IO-led)	Yes	No	EU-CS II

	Junik	0	0	0	No information available	No information available	No information available	No information available	No information available
	Klinë/Klina	40	1	1231	Yes	Yes	No	No	Serbian Commissariat for Refugees, EU/IOM, MCR
	Pejë/Peć	0	127	941	No	Yes	No	No	EU RRK Phase II
Prishtinë /Priština	Fushë Kosovë/Kosovo Polje	0	143	280	No	Yes	No	No	Arbeiter-Samariter-Bund Deutschland
	Gračanica/Gračanicë	146	1143	299	Yes (during 2013)	No	No	The municipality co-operated in an OSCE-led dialogue initiative for the potential returns.	MCR
	Lipjan/Lipljan	55	78	172	Yes	Yes	Yes	No	MCR/EU
	Obiliq/Obilić	10	76	292	No	Yes	Yes	No	No
	Shtime/Štimlje	16	0	49	No	No	No	No	No
	Prishtinë/Priština	0	37	258	No	No	No	No	No
Prizren	Dragash/Dragaš	29	0	484	No	No	No	No	No
	Malishevë/Mališevo	1	0	3	No	No	No	No	No
	Mamuša/Mamushë/Mamuša	0	0	0	No	No	No	No	No
	Prizren	0	52	479	Yes	Yes	No	Municipality initiated a project for sustainable returns and reintegration.	EU/IOM RRK III, DRC
	Rahovec/Orahovac	0	66	180	No	No	No	No	No
	Suharekë/Suva Reka	0	0	350	No	Yes	No	Mayor established task force to discuss potential return to Mushutishtë/Mušutište, involving the MCR, the MOCR, UNHCR, the IOM, three DPs and a village representative; three meetings organized to date.	No
Total		1,123	17,270	9,184	10 do undertake regular outreach and assessment	18 undertook GSVs/GIVs	10 municipalities involved non-MOCR officials in returns activities	10 municipalities implemented activities to support returns	n/a

ANNEX II TABLE 2: MUNICIPAL MECHANISMS ESTABLISHED AND FUNCTIONING, BY MUNICIPALITY

The reporting period used to collect data for this table was September 2012 to June 2014.

Note that the statistics used for the table below of returnees, IDPs and individuals interested to return (ITRs) were provided by UNHCR, with breakdown by municipality as of June 2014.¹¹⁴

Region	Municipality	No. Returnees in the Aug 2012 to Aug 2014 period	No. DP	No. ITRs	MOCR established / functioning	MWGR established / functioning	Municipal strategy on returns adopted	Task force established	Any other municipal body working on returns (eg DMC, CC, DCMAC)
Gjilan/Gnjilane	Ferizaj/Uroševac	0	101	448	Yes/Yes	Yes established / Yes functioning	No, strategy drafted but not yet adopted	Yes	Communities Committee
	Gjilan/Gnjilane	14	39	274	Yes/Yes	Yes/Yes	Yes (May 2012)	Yes	No
	Hani i Elezit/Elez Han	0	0	0	Yes/Yes	No	No	No	No
	Kaçanik/Kaçanik	2	0	13	Yes/Yes	No	No	No	No
	Kamenicë/Kamenica	50	15	75	Yes/Yes	Yes/No	No	No	Deputy mayor for communities
	Klokot/Klllokot	17	130	74	Yes/Yes	Yes/No	No	Yes	No
	Novo Brdo/Novobërdë	85	60	135	Yes/Yes	Yes/Yes	No, strategy drafted but not yet adopted	Yes	Communities Committee
	Partesh/Partesh	0	283	16	Yes/Yes	Yes/Yes	Yes (July 2012)	Yes	No
	Ranilug/Ranillug	45	15	8	Yes/Yes	Yes/No	No, strategy drafted but not yet adopted	Yes	No
	Štrpce/Shtërpce	131	634	69	Yes/Yes	Yes/Yes	No	Yes	No
	Viti/Vitina	1	27	61	Yes/Yes	Yes/No	No	No	No
Mitrovicë/Mitrovica	Leposavić/Leposaviq	5	2120	62	No/'municipal communities office' operating but not on returns	Yes/No	No	No	No
	Mitrovicë/Mitrovica South	322	7087	389	Yes/Yes	Yes/No	No	No	No

¹¹⁴ 'Estimated Number of Internally Displaced Number of Persons in Kosovo', UNHCR, June 2014.

	Mitrovica/Mitrovicë North		1952	0	No/Mitrovica/Mitorvicë North Administrative Office covering various competencies.	Yes/Yes	No	No	No
	Skenderaj/Srbica	4	28	50	Yes/Yes	Yes/No	No	No	No
	Vushtrri/Vučitrn	13	92	84	Yes/Yes	Yes/No	No	No	No
	Zubin Potok	0	1563	30	No/'municipal communities office' operating but not on returns	No	No	No	No
	Zvečan/Zveçan	0	1290	26	No/'municipal communities office' operating but not on returns	Yes/No	No	No	No
	Glogoc/Glogovac	0	0	5	Yes/Yes	No	No	No	No
	Podujevë/Podujevo	0	0	73	Yes/Yes	Yes/No	No	No	No
Pej/Peć	Deçan/Dečane	8	7	36	Yes/Yes	Yes/No	No	Yes	No
	Gjakovë/Đakovica	38	104	1009	Yes/Yes	No	No	Yes	No
	Istog/Istok	91	0	1229	Yes/Yes	Yes/No	No	Yes	Deputy mayor for communities
	Junik	0	0	0	No/Two officers have been appointed to perform relevant tasks.	No	No	No	No
	Klinë/Klina	40	1	1231	Yes/Yes	Yes/ No	No	Yes	No
	Pejë/Peć	0	127	941	Yes/Yes	No	No	Yes	Deputy municipal assembly chairperson for communities
Prishtinë/Priština	Fushë Kosovë/Kosovo Polje	0	143	280	Yes/Yes	Yes/Yes	No	Yes	No
	Gračanica/Gračanicë	146	1143	299	Yes/Yes	Yes/ No	No	Yes	Deputy mayor for communities
	Lipjan/Lipljan	55	78	172	Yes/Yes	Yes/Yes	Yes (May 2014)	Yes	Deputy mayor for communities
	Obiliq/Obilić	10	76	292	Yes/Yes	Yes/Yes	Yes (April 2014)	Yes	No
	Shtime/Štimlje	16	0	49	Yes/Yes	Yes/Yes	No	Yes	No
	Prishtinë/Priština	0	37	258	Yes/Yes	Yes/Yes	No	Yes	No
Prizren	Dragash/Dragaš	29	0	484	Yes/Yes	Yes/No	No	Yes	No
	Malishevë/Mališevo	1	0	3	Yes/Yes	No	No	No	No
	Mamuša/Mamushë/Mamuša	0	0	0	Yes/Yes	No	No	No	No
	Prizren	0	52	479	Yes/Yes	Yes/Yes	Yes (May 2013)	Yes	No

	Rahovec/Orahovac	0	66	180	Yes/Yes	Yes/No	No	Yes (not functioning)	No
	Suharekë/Suva Reka	0	0	350	Yes/Yes	Yes/No	No	Yes (not functioning)	No
Totals		1,123	17,270	9,184	33 established and functioning 5 not established, with some functionality	12 established and functioning 17 established but not functioning 9 not established	5 adopted	22 (2 not functioning)	7 cases



RECONSTRUCTED, EMPTY HOUSES FOR KOSOVO SERB RETURNEES IN ZOQISHTË/ZOČIŠTE VILLAGE, RAHOVEC/ORAHOVAC MUNICIPALITY, 24 OCTOBER 2014, OSCE PHOTO/MARIYA STOYANOVA.