



**Organization for Security and Co-operation in Europe**

**Department of Human Rights, Decentralization and Communities**

**PLANNING AND IMPLEMENTATION OF THE MUNICIPAL  
RETURN STRATEGY IN THE KOSOVO MUNICIPALITIES**

*April - May 2007*

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Glossary of Abbreviations:

ARC	American Refugee Committee
CC	Communities Committee
CRM	Central Review Mechanism
CEO	Chief Executive Officer
DMAP	Deputy Municipal Assembly Presidents
DRC	Danish Refugee Council
EPAP	European Partnership Action Plan
GIV	Go-and-Inform visit
GSV	Go-and-See visit
ICMC	International Catholic Migration Commission
IDP	Internally Displaced Person
KSIP	Kosovo Standards Implementation Plan
Manual	Manual for Sustainable Return
MA	Municipal Assembly
MAP	Municipal Assembly President
MC	Mediation Committee
MCI	Mercy Corps International
MCO	Municipal Community Officer
MCR	Ministry of Communities and Returns
MLGA	Ministry of Local Government Administration
MRO	Municipal Return Officer
MRS	Municipal Return Strategy
MT	Municipal Team

MWGR	Municipal Working Group on Return
NCA	Norwegian Church Aid
NGO	Non-governmental organization
OSCE	Organization for Security and Cooperation in Europe
OPM	Office of the Prime Minister
PMU	Pilot Municipal Unit
PISG	Provisional Institutions of Self-Government
Recommendations	Recommendations to Updating Return Policies and Procedures
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMIK DCA	UNMIK Department of Civil Administration

## 1. Background

Throughout the year 2002 the need for setting up procedures to co-ordinate and guide the multitude of actors who were working on the implementation of return projects in Kosovo became more and more evident. In response to this need, in May 2002 the United Nations Interim Administration Mission in Kosovo (UNMIK) issued its return policy document “The Right to Sustainable Return”.

In order to translate the policy principles outlined in this document into practical procedures for planning and managing the return process, to formalize co-ordination between all stakeholders, and to supplement the Annual Return Strategy, in January 2003, UNMIK and the Provisional Institutions of Self-Government (PISG) jointly developed the first Manual for Sustainable Return (Manual), which was based on best practices in the field of sustainable minority return.

The Manual outlined international standards regarding the rights of Internally Displaced Persons (IDPs), the corresponding policy framework in Kosovo, the institutional roles and responsibilities of the various stakeholders, and the operational procedures and mechanisms for managing the process of organized and individual minority return.

In response to the requirements set out in the Kosovo Standards Implementation Plan (KSIP)<sup>1</sup>, the position of the Municipal Return Officer (MRO) was created and the first MROs were recruited through a joint UNMIK-PISG decision during the second half of 2004. The KSIP also provided for the development of Municipal Returns Strategies (MRSs) to ensure that municipalities assume responsibility for the return of IDPs in accordance with international and European standards. In July 2004 UNMIK and the PISG issued a joint Municipal Returns Strategy Policy Paper, which included a proposed template and procedural recommendations regarding the drafting of the MRS.<sup>2</sup>

In March 2005 the Ministry of Communities and Returns (MCR) was established with the mandate, among others, to “monitor and support municipal efforts to address community issues and returns, including the work of Mediation Committees (MCs), Communities Committees (CCs), Municipal Community Offices, and the development and implementation of Municipal Returns Strategies.”<sup>3</sup>

In May 2006, as a result of a comprehensive consultation process which involved all relevant local and international stakeholders including IDP associations, the PISG Office of the Prime Minister (OPM) adopted the Recommendations to Updating Return Policies and Procedures (Recommendations). Based on these

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<sup>1</sup> Kosovo Standards Implementation Plan, 31 March 2004; Standard IV Sustainable Return and the Rights of Communities and their Members, 1. Sustainable Return, Standard 1. “Municipalities and ministries are able to assume responsibility for return for all communities in a manner consistent with European standards.”; Action 1.4 “Each municipality develops a municipal returns and communities strategy for 2004 and subsequent years, and the strategies are implemented effectively.”, and Action 1.5 “Each municipality with ongoing or projected returns has established and filled a Municipal Returns Officer post with appropriate Terms of Reference in place”.

<sup>2</sup> UNMIK-PISG Municipal Returns Strategy Policy Paper, July 2004, attached as Annex 1.

<sup>3</sup> UNMIK Regulation No. 2005/15, Amending UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, Annex XII, para. (viii).

Recommendations, the Manual was amended, and the new Revised Manual for Sustainable Return, endorsed by the OPM, was presented in July 2006. Herein the MRS is described as “a proactive tool to analyse the return environment/situation, identify the challenges, determine areas of focus, propose actions, and allocate or seek requisite resources to effectively facilitate and implement returns.”<sup>4</sup>

## **2. Methodology**

This report is based on an evaluation conducted by the OSCE Municipal Teams (MTs) in April and May 2007 (hereinafter referred to as “the survey”). Information was gathered partially through interviewing the relevant municipal actors and partially through the MTs’ monitoring and direct involvement. In several municipalities MTs were directly engaged in a working process with the municipal representatives advising them on concrete activities and procedures regarding the work of the MWGRs, the development of the MRS and other issues. This survey has enabled the OSCE to analyse the processes through which the MRSs were planned and implemented in 30 Kosovo municipalities.<sup>5</sup> The Pilot Municipal Units (PMUs) are not included in this report as they have not established the respective structures for managing the return process to date. No return management mechanism exists in the municipality of Glllogoc/Glogovac.

## **3. The process of drafting the Municipal Return Strategy**

The UNMIK-PISG MRS Policy Paper recommends that the MRS be reviewed in October of each year and the MRS for the subsequent year be endorsed by the Municipal Working Group on Return (MWGR) by 31 December. The survey results show that at the time of the publishing of this report MRSs for 2007 were adopted in 22 municipalities in Kosovo. Seven municipalities, namely Mitrovicë/Mitrovica, Leposavić/Leposaviq, Zubin Potok, Zvečan/Zveçan, Gjilan/Gnjilane, Kaçanik/Kaçanik and Malishevë/Mališevo, failed to adopt the MRS within this time for various reasons.

In Mitrovicë/Mitrovica as well as in the three northern municipalities of Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan no MRS is in place due to the specific political situation, whereby the northern, Kosovo Serb dominated municipalities are refusing any co-operation with PISG and compliance with policy guidelines issued by them.

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<sup>4</sup> Revised Manual for Sustainable Return, July 2006, page 37, section “Municipal Return Strategy”.

<sup>5</sup> Deçan/Deçani, Gjakovë/Đakovica, Glllogoc/Glogovac, Gjilan/Gnjilane, Dragash/Dragaš, Istog/Istok, Kaçanik/Kaçanik, Klinë/Klina, Fushë Kosovë/Kosovo Polje, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Lipjan/Lipljan, Novobërdë/Novo Brdo, Obiliq/Obilić, Rahovec/Orahovac, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Prizren, Skenderaj/Srbica, Shtime/Štimlje, Suharekë/Suva Reka, Ferizaj/Uroševac, Viti/Vitina, Vushtrri/Vučitrn, Malishevë/Mališevo, Leposavić/Leposaviq, Štrpce/Shtërpçë, Zubin Potok and Zvečan/Zveçan.

However, there is still a number of Kosovo Albanian IDPs from the municipality of Leposavić/Leposaviq that have not returned to their homes, whereas the municipality of Zvečan/Zveçan is hosting about 4,000 Kosovo Serb IDPs.<sup>6</sup> Channels of communication and ways of co-operation must be opened between municipal authorities to assist those who wish to exercise the right to return to their place of origin.

The Municipal Assembly (MA) in Mitrovicë/Mitrovica did not approve the MRS as a result of internal disagreements between different political factions and the impossible task of implementing the strategy in the Kosovo Serb-dominated northern part of the city which is outside the control of the Municipality.

In Gjilan/Gnjilane, Kaçanik/Kaçanik and Malishevë/Mališevo the failure to approve an MRS suggests the lack of political will among the municipal authorities to create conditions for the return of IDPs from minority communities. Both in the Gjilan/Gnjilane and Kaçanik/Kaçanik municipality an MRS had been approved in 2004 which is supposed to cover a three-year period from 2005 to 2007. In both cases no implementation plan or update of the strategy has been developed since, which is another indicative of the lack of commitment to the return process. The model of a three-years strategy was also used in other municipalities. However, in those cases the strategy was updated and reviewed each year.

The information gathered by the OSCE MTs revealed that the importance of an inclusive consultative planning process, which unites the ideas and contributions of all stakeholders, was understood and duly considered by various municipal authorities.

The municipalities of Podujevë/Podujevo, Istog/Istok, Pejë/Peć and Suharekë/Suva Reka serve as positive examples for an MRS developed through an open consultative process and an active involvement and contributions of a variety of actors, including the IDPs and their representatives. The latter were also actively engaged in drafting the MRS in the Obiliq/Obilić municipality; and the MRO of Deçan/Deçani explicitly encouraged IDP participation in the drafting process. In Rahovec/Orahovac, however, IDPs and their representatives were involved only upon advice or request from international actors such as the United Nations High Commissioner for Refugees (UNHCR), the OSCE, and the UNMIK Department of Civil Administration (UNMIK DCA).

A similarly interactive drafting process took place in Dragash/Dragaš and Prizren, although in these municipalities the important factor of IDP participation and contribution was lacking. IDP representatives from Prizren drafted their recommendations during an IDP workshop organized by the Danish Refugee Council (DRC) that was also attended by central and local level PISG. Those recommendations and comments were presented to the Acting MRO, who refused to include them in the draft MRS. In the two mentioned municipalities, like in a number of others, there is room for improvement in the communication between municipal authorities and the IDP communities. The key role and responsibility of the MROs, with the support of other municipal actors, is to actively establish contacts with these communities and reach out to them.

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<sup>6</sup> Information provided by the OSCE Regional Centre Mitrovicë/Mitrovica.

In some municipalities, e.g. in Prishtinë/Priština and Pejë/Peć, the participation of IDPs was obstructed by the failure of the municipal institutions to ensure timely translation into the Serbian language and to deliver the draft document to the IDPs to allow for sufficient time to review it and provide comments.

The results of the survey are showing a generally modest level of involvement by municipal actors in the drafting process. As recommended in the joint UNMIK-PISG Strategy Development Guidelines distributed in June 2004, the Municipal Assembly President (MAP) and the Chief Executive Officer (CEO) should take the lead in the strategy development process.

Notably, the Municipal Community Officers (MCOs) were the most involved municipal representatives, together with the MROs, who contributed to the MRS development in half of the municipalities (11 out of 22). The MAPs and CEOs contributed only in seven municipalities. CCs, local non-governmental organizations (NGOs) and civil society actors were consulted in four municipalities, while Deputy Municipal Assembly Presidents (DMAPs) and Directors of Municipal Departments and Municipal Standards Co-ordinators contributed in three municipalities. Municipal Officers for Gender Equality and MCs were the least consulted municipal bodies (only once each).

With regard to gender, it is worth mentioning that gender aspects such as equal representation of IDPs' interests by women and men pursuant to the Kosovo Standards Implementation Plan<sup>7</sup> and the European Partnership Action Plan (EPAP)<sup>8</sup>, were considered in just four out of the 22 MRSs.

In an exceptional case (Mitrovicë/Mitrovica), the Kosovo Police Service (KPS), the Kosovo Protection Corps (KPC), and village and neighbourhood leaders were consulted, which illustrates a good understanding of the purpose and aim of the strategic planning concept and the proactive approach of the municipal authorities.

It is reported that in two municipalities, Prishtinë/Priština and Mitrovicë/Mitrovica, the MCR was involved in drafting the MRS. With the municipalities increasingly requesting advice and guidance on issues of return policy development, implementation, and review, a strong need is evident to further strengthen the links between the municipal and central level PISG and particularly to strengthen the Ministry's capacities to play a more active role in this process, if requested by the municipalities. The MCR could add great value to the process by identifying and multiplying successful practices and weaknesses and promoting the exchange of experiences and information between municipal officials.

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<sup>7</sup> Kosovo Standards Implementation Plan, 31 March 2004; Standard IV Sustainable Return and the Rights of Communities and their Members, 1. Sustainable Return, Standard 1. "Municipalities and ministries are able to assume responsibility for return for all communities in a manner consistent with European standards."; Action 1.7 "Ensure community, returnee and IDP women representatives are involved in decision making and planning for communities and returns issues at all levels".

<sup>8</sup> Kosovo Action Plan for the Implementation of European Partnership 2006, August 2006, Priority No. 28, Action No. 9 "Inclusion of communities, returnees, women representatives in decision-making and planning of return issues".

It has to be highlighted that IDP organizations and representatives, one of the most crucial factors in the return process and main target group of the MRS, have been involved in the drafting process in merely nine (out of 22) municipalities with an MRS adopted. Not only is this contradictory to the spirit and principles set out in the Revised Manual for Sustainable Return, it also indicates a lack of awareness and understanding of the roles and responsibilities of MROs and MAPs to establish contacts with IDP communities originating from their municipality, to provide them with relevant information and to ensure that their concerns are heard and duly considered in the MWGR. Hence, the strengthening of IDP participation in return policy planning and implementation should become another area of intervention for the MCR.

The example of the municipality of Fushë Kosovë/Kosovo Polje, however, illustrates how, even without direct participation of IDPs in the drafting process, alternative ways can be found by municipal institutions to reach out to these communities and to involve them. In this case, municipal authorities used a Go-and-Inform visit (GIV) to Serbia proper to present the draft MRS to the IDP community there. As a result, the IDPs were able to submit comments to the MWGR.

Considerable support and guidance, both on procedural and content issues, were given by international actors at all stages of the strategy development process, be it through the organisation of regional thematic workshops, through their membership in the Municipal Strategy Development Committees or Task Forces, or by commenting on the draft documents presented. International NGOs are an important factor in the return process, due to their capacity to facilitate contacts between the IDPs and the PISG and to distribute information to IDP communities, but also through their expertise in project planning and management and through financial contribution or funding of entire return projects. They have provided important inputs to the MRSs in ten municipalities.

The UNMIK-PISG MRS Policy Paper recommends that the establishment of MRS Committees/Task Forces, chaired by the MAP, with the CEO and the MRO as members, be considered. In nine out of 22 municipalities the recommendation was followed and a Municipal Committee or Task Force was established. Different compositions were chosen, with the UNHCR, the UNMIK DCA and the OSCE as members in six out of the nine Committees/Task Forces.

In the municipality of Suharekë/Suva Reka, a Municipal MRS Drafting Committee was established that did not involve any of the recommended actors, but consisted of one Municipal Director, one economist employed with the municipality and one lawyer. Nevertheless, the municipality succeeded in conducting an inclusive consultative process and in building consensus of all relevant actors from both inside and outside the municipal institutions, including IDP representatives, for its 2007 MRS.

A Municipal Committee or Task Force can be an effective tool in the strategic planning process, when bringing together those actors with the most thorough knowledge of the conditions relevant to return to the municipality and with the greatest experience in policy and procedural issues to guide the process and to produce a high quality draft document that can be further elaborated and

supplemented by other stakeholders. Nonetheless this is not the only option available to develop a viable strategy, as the results of the exercise are showing. The UNMIK-PISG Policy Paper recommends this option, while leaving the identification of other ways and means at the discretion of the municipal authorities, based on the specific situation in each municipality. This once again confirms the need for the central level PISG to establish and maintain regular contacts with the municipalities and establish mechanisms that ensure co-ordination, information, and best practices-sharing between municipalities.

In 12 municipalities<sup>9</sup> a public consultation process took place, whereby the draft strategy document was presented to the public. In 11 cases there were comments received following this presentation, proving the high level of interest in return and in strategy development processes.

In 21 municipalities the MROs were aware of the PISG-UNMIK MRS guidelines and of the template proposed for the MRS and made use of it. In eight municipalities,<sup>10</sup> the MROs were not familiar with the guidelines and the template, whereas in three out of these eight municipalities the MRO was provided with the guidelines by the OSCE MT or the UN DCA representative during the drafting process.

A single case was reported, namely from the municipality of Prizren, where the Acting MRO confirmed to be aware of the guidelines and the template, however chose not to use them, but to introduce a different structure for the MRS instead. Different templates than the one proposed in the UNMIK-PISG guidelines were used in four municipalities.

The analysis of the MRS in these municipalities shows that in principle the main components like the description of the situation in the municipality regarding returns, focuses, objectives, and challenges were covered in one way or another. All of those strategies, however, were missing an overview of resources required for implementation of the suggested activities and specific budgetary projections. Moreover, in some of the MRSs, which had followed the recommended template, the information provided under the resources component was very general, sometimes limited to complaining about or stressing the lack of financial means available in the municipality. A detailed outline of financial and other resources required to meet the proposed objectives is one basic element of a viable strategy and a precondition for its successful implementation. This suggests that special attention should be dedicated to providing stronger guidance on issues of resource planning to municipal actors in charge of leading the MRS drafting process.

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<sup>9</sup> Deçan/Deçani, Istog/Istok, Fushë Kosovë/Kosovo Polje, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Obiliq/Obilić, Podujevë/Podujevo, Prishtinë/Priština, Skenderaj/Srbica, Shtime/Štimlje, Ferizaj/Uroševac, and Vushtrri/Vučitrn.

<sup>10</sup> Gjilan/Gnjilane, Kaçanik/Kaçanik, Novobërdë/Novo Brdo, Rahovec/Orahovac, Viti/Vitina, Vushtrri/Vučitrn, Zubin Potok, and Zvečan/Zveçan.

#### **4. The process of implementation of the 2006 Municipal Return Strategy**

The evaluation of the implementation of the 2006 MRSs shows that none of the municipalities managed to fully achieve the projected goals set out in the MRS. This evaluation was carried out by looking at the five components of the strategy (current situation, areas of focus, challenges, proposed actions, resource requirements) as proposed in the UNMIK-PISG Strategy Paper, and by applying the three-level-rating scale “Fully implemented/Partially implemented/Not at all implemented.” The highest level of implementation was assessed in the municipality of Istog/Istok, where three out of five components were fully and two components partially implemented. In 16 municipalities the MRS was assessed as partially implemented whereby at least three of the five components were assessed as partially implemented.

In three municipalities the assessment indicates that the MRS for 2006 was not implemented (Obiliq/Obilić, Pejë/Peć and Shtime/Štimlje). In the municipality of Obiliq/Obilić no MRS had been officially endorsed in 2006. In the case of the Pejë/Peć municipality a realistic assessment of the level of implementation was impossible due to the poor quality of the strategy and due to the fact that parts of the strategy were cut and pasted from a number of different documents from various directorates, many of which were only peripherally related to return. The Shtime/Štimlje MRS was assessed as not implemented because the only return project that was considered to be the core activity of the MRS and that had already been approved by the Central Review Mechanism (CRM) could not be implemented due to the lack of funding.

To a certain degree these results are reflecting the gaps of the planning phase; they are illustrating the need to improve the quality of strategic planning in the municipalities and the need for focused guidance by the central PISG. A solid planning process, including a thorough analysis of threats and challenges, based on a realistic assessment of the factors impacting on returns in the municipality, and on a well-balanced proportion between available resources and projected results, will allow a more successful implementation of the MRS. An accurate evaluation of all components will help to reduce the discrepancies between projected goals, objectives and actual achievements. Furthermore, it may be worthwhile to reconsider the one-year strategic planning cycle, having in mind the specific dynamics of the return process and related aspects.

Looking at the main obstacles and constraints faced by the municipalities during the implementation process, the most frequently quoted factors include the:

- lack of funding for return projects;
- political situation in the municipality not being conducive to return or perceived insufficient security for returnees;
- lack of political will or commitment of municipal officials to the return process;
- lack of access to municipal services;
- lack of access to education;
- lack of employment/economic opportunities;
- lack of access to property/unsolved property claims;

- lack of co-ordination among the actors involved in the return process;
- lack of Serbian language translation capacities in the municipality; and
- lack of funding for the MRO.

It is important to note that, although only in a few cases, the lack of participation and constructive approach by the IDPs and their representatives or returnees was also quoted as an obstacle. Therefore, the importance that the IDP communities themselves show interest and take active part in all available return management mechanisms at all levels and contribute to return planning and implementation in a constructive manner, cannot be over-emphasized.

Responses to a question on stakeholders, who have been particularly supportive to the implementation of the MRS, highlighted that within the municipal institutions, MAPs and their Deputies, CEOs, MROs, and MCOs had been the most active supporters. In the municipality of Prizren, the CC and the Board of Directors displayed particular commitment. Municipal actors were reported as particularly supportive in 12 municipalities.<sup>11</sup> These results indicate that fundamental roles and responsibilities for the implementation of returns are well understood and exercised by the key municipal actors. However, in more than half of the municipalities this was not the case, and the efforts of all the PISG actors need to be intensified to improve this situation.

The facilitating role of other actors in the municipality should not be underestimated, as the example of Runik/Rudnik in the municipality of Skenderaj/Srbica shows. In this case, the village leader played an outstanding role in sustaining relations between IDPs and the receiving community. In two municipalities, Istog/Istok and Kamenicë/Kamenica, the financial support by the Ministry of Communities and Returns was highlighted.

International NGOs active in the respective regions such as the Danish Refugee Council (DRC), the Norwegian Church Aid (NCA), the American Refugee Committee (ARC), Mercy Corps International (MCI), CARE and the International Catholic Migration Commission (ICMC) continue to make important contributions to the implementation of return projects through funding, technical advice, facilitation of Go-and-See visits (GSVs)<sup>12</sup>, etc. This is also true for various international governmental organizations and agencies. The United Nations Development Program (UNDP) was particularly active in the Gjilan/Gnjilane region (municipalities of Shtime/Štimlje, Gjilan/Gnjilane, Kamenicë/Kamenica and Štrpce/Shtërpçë). The UNHCR, the UNMIK DCA and the OSCE continue to play a strong advisory role in the process of MRS implementation.

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<sup>11</sup> Mitrovicë/Mitrovica, Zvečan/Zveçan, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Ferizaj/Uroševac, Viti/Vitina, Prizren, Rahovec/Orahovac, Istog/Istok and Klinë/Klina.

<sup>12</sup> 'Go-and-See visits are trips for refugees or IDPs to their places of origin to visit their properties, to meet with former neighbours and to be informed by representatives of local authorities about the current situation in the communities. The GSVs are organized by UNHCR and/or one of its partner agencies in co-operation and co-ordination with the municipalities of origin, local authorities and communities. The aim is to enable refugees and IDPs to take an informed decision as to their return to the place of origin.

The survey results indicate that in some municipalities IDP representatives, IDP organizations, or returnees have been furthering the MRS implementation process through their involvement (e.g. the municipality of Suharekë/Suva Reka), whereas in others they were obstructing the process through their non-co-operation and destructive attitude. For instance, the Kosovo Albanian returnees in Štrpce/Shtërpçë withdrew from previously agreed joint initiatives, claiming that the Kosovo Serb community would unduly benefit from them. The Kosovo Serb IDP representative in Skenderaj/Srbica appeared rather orientated in prioritizing personal interests over the general interest of the entire IDP community.

## **5. The review of the 2006 Municipal Return Strategy**

According to the UNMIK-PISG Policy Paper, the annual review of the MRS should take place every year in October. If conducted thoroughly and in a timely manner, the review results may serve as a good basis to design the MRS for the following year, and may provide information on successes and failures, obstacles faced, etc.

Unfortunately the 2006 MRS review was conducted only in six municipalities.<sup>13</sup> In all of these cases the conclusions and recommendations that resulted from the review were incorporated in the 2007 MRS, making it a more realistic and sustainable document.

In two municipalities different reviewing systems were used. In Fushë Kosovë/Kosovo Polje no annual review was conducted, but the MRO and community representatives reported to the MWGR on a regular basis. Based on these reports, the conclusions were drawn for adjustments and changes, and were consequently included in the 2007 MRS.

In Shtime/Štimlje the municipality organized a workshop on MRS development, where the MRSs of previous years were analysed. The recommendations from the workshop were included in an improved 2007 MRS. However, it took an additional intervention by the UNHCR for the municipality to set up realistic and achievable MRS objectives.

Notably, in 13 municipalities<sup>14</sup> the MRS became part of the Municipal Development Strategy in accordance with the guidelines set out in the Revised Manual for Sustainable Return, which states that the process of drafting the MRS should “be effectively linked with the Municipal Development Strategy as many integrated needs require long term and structural intervention.”<sup>15</sup>

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<sup>13</sup> Gjakovë/Đakovica, Dragash/Dragaš, Istog/Istok, Rahovec/Orahovac, Podujevë/Podujevo and Suharekë/Suva Reka.

<sup>14</sup> Deçan/Deçani, Gjakovë/Đakovica, Dragash/Dragaš, Istog/Istok, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Lipjan/Lipljan, Novobërdë/Novo Brdo, Obiliq/Obilić, Podujevë/Podujevo, Suharekë/Suva Reka, Ferizaj/Uroševac and Vushtrri/Vučitër.

<sup>15</sup> Revised Manual for Sustainable Return, July 2006, page 37, section “Municipal Return Strategy”.

## **6. The joint MRO/MCO reporting system**

In October/November 2006, based on a Letter of Intent signed between the two ministries that had been signed one month earlier, a new joint reporting system for MROs and MCOs was introduced as a result of an intensified co-ordination and co-operation between the Ministry of Local Government Administration (MLGA) and the Ministry of Communities and Returns (MCR).

Under paragraph 7 of the reporting template, the MROs are required to report on implementation of the MRS, while the other paragraphs of the template cover important aspects impacting on the situation of minority communities and directly or indirectly affecting the conditions for return. Therefore, on the one hand, these reports are a valuable tool enabling the MCOs and MROs to highlight positive developments and challenges faced during the MRS implementation. On the other hand, they provide the recipient ministries with regular updated information, and enable them to respond to any issues addressed to them and to provide targeted assistance, as necessary.

The assessment of the reports revealed that in three municipalities (Vushtrri/Vučitrn, Kamenicë/Kamenica and Štrpce/Shtërpçë) the information provided on MRS implementation was of high quality, in 12 municipalities satisfactory, and in four municipalities of poor quality. In the majority of the assessed municipalities, except for one, the reports are submitted regularly and in a timely manner. The assessment, however, is incomplete because the MTs of seven municipalities have had no access to the reports and therefore were not able to assess them.

## **7. Conclusions**

The UNMIK-PISG Policy Paper was issued in the summer of 2004. Since then, important changes have taken place; a new ministry, the Ministry of Communities and Returns, has been established, and a number of competences have been transferred from UNMIK to the PISG. The Policy Paper is a working document and the recommendations made therein for the MRS structure, development, and review should be used; especially by municipalities that have not succeeded in developing, endorsing and successfully implementing their MRS. In addition to the procedural aspect, it will take greater political will and commitment from the PISG at all levels to facilitate the return of IDPs to their municipalities of origin in a safe and dignified manner. From the survey results, alternative models to the recommended one exist that can be equally successful. There is a need for the MCR to further develop the Policy Paper and to amend it with successful examples of good practices established in the municipalities.

## **8. Recommendations**

The success in implementing any strategy or policy depends on the level of acceptance and ownership on the part of the actors involved. In terms of the MRS this means that the acceptance and ownership of the IDPs and the receiving communities is necessary in the first place, but also the contribution of other relevant stakeholders

such as municipal representatives, civil society actors, and community leaders from the earliest stage of the planning phase on. A high level of transparency and an inclusive, consultative planning process are indispensable preconditions for a true commitment of all parties to the return process in the municipalities. Proceeding on these principles, the following recommendations are made:

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

- In co-operation and co-ordination with the MLGA, develop a central strategy on return, guide and advise municipalities in the process of harmonising the MRSs with this central strategy, as stipulated in the EPAP;<sup>16</sup>
- Strengthen inter-ministerial co-operation and co-ordination with the MLGA;
- Systematic gathering, analysing and sharing of information with municipalities on successful practices and identification of gaps in the field of return policies planning and implementation;
- Increase efficiency of joint MCO-MRO-Ministries meetings; systematically review and process the information provided by the joint MRO-MCO reports and address the issues raised in such reports in co-operation and co-ordination with the MLGA, as stipulated in the EPAP;<sup>17</sup> and
- Facilitate regular exchange of experiences and information between the respective municipal officials, combined with targeted capacity building; and provide guidance and advice to municipalities on how to strengthen IDP participation in return policy planning and implementation.

**To the Ministry of Local Government Administration (MLGA):**

- In co-operation and co-ordination with the MLGA, develop a central strategy on return, guide and advice municipalities on harmonisation of the MRSs with this central strategy, as stipulated in the EPAP (see footnote No. 8);
- Strengthen inter-ministerial co-operation and co-ordination with the MCR;
- Increase efficiency of joint MCO-MRO-Ministries meetings; systematic reviewing and processing of the information provided by the joint MRO-MCO reports and addressing the issues raised in the reports (in co-operation and co-ordination with the MCR);
- Facilitate regular exchange of experiences and information between the respective municipal officials, supplemented by targeted capacity building; and
- Ensure, in co-operation and co-ordination with the MCR, that MROs and other municipal actors are aware of and making use of the UNMIK-PISG procedural guidelines and recommendations on MRS developing and revise these guidelines on an as-needed basis.

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<sup>16</sup> Kosovo Action Plan for the Implementation of European Partnership 2006, August 2006, Priority No. 28, Action No. 4 “Harmonization of municipal strategies for sustainable returns with the Central Strategy on Returns”.

<sup>17</sup> Kosovo Action Plan for the Implementation of European Partnership 2006, August 2006, European Partnership Priority No. 28, Action No. 3 “Strengthen co-ordination between MCR, MLGA and Municipal Community Office (MCO’s) and Municipal Return Officers (MRO’s) by introducing regular six weekly meetings to facilitate and encourage the return of communities”.

**To the Municipalities:**

- Focus on strengthening of IDP participation in return policy planning and implementation;
- Strengthen the consultative element of the strategy development process by presenting the draft strategy to a wide range of municipal actors (local communities and their leaders, civil society organizations etc.) and encourage their contribution; and
- Reach out more actively to IDP communities and facilitate contacts between them and the receiving communities in the municipality through organizing GSVs and GIVs, in accordance with the EPAP.<sup>18</sup>

**To the IDP communities, representatives and organizations:**

- Seek contact with local and central level PISG, in particular with municipal representatives in IDPs municipalities of origin;
- Participate actively and more constructively in return mechanisms such as MWGR;
- Stronger accountability of IDP representatives and IDP organizations to IDP communities on one hand, stronger involvement and consultation of IDP representatives and IDP organizations by PISG and international organizations in all return related matters on the other hand; and
- Ensure equal participation and representation of the interests and concerns of women and young IDPs.

**To the international organizations:**

- Focus advice and support to municipal actors on their stronger engagement in outreach activities to all IDP communities, wherever they are currently living, to enhance the information flow and increase the level of IDP involvement in the return planning and implementation process; and
- Ensure involvement and consultation of IDP representatives and IDP organizations in all return related matters.

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<sup>18</sup> Kosovo Action Plan for the Implementation of European Partnership 2006, August 2006, European Partnership Priority No. 28, Action No. 8 “Organize Go-and-See and Go-and-Inform visits to build contacts between local population and displaced ones prior to the commencement of returns”.

**9. Annex**

- 1. UNMIK-PISG Municipal Returns Strategy Policy Paper, July 2004**