Politikwissenschaft

"The Best Place for Refugees is Home."

Sustainable Refugee Return to Post-Conflict Societies – A Case Study of Kosovo –

Inaugural-Dissertation
zur Erlangung des Doktorgrades
im Fachbereich Erziehungswissenschaft und Sozialwissenschaften
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Abbreviations

ACT	Action by Churches Working Together
ARDP	Agriculture and Rural Development Plan
BLL	Blood Lead Level
BPHS	Basic Package of Health Services
BSDAK	Bosniak Party of Democratic Action of Kosovo Bosnian: Bošnjačka Stranka Demokratske Akcije Kosova
BSK	Bosniak Party of Kosovo Bosnian: Bošnjačka Stranka Kosova
CCK	Coordination Center for Kosovo
CEE	Central Eastern Europe
CIREFCA	International Conference on Central American Refugees Spanish: Conferencia Internacional sobre Refugiados, Desplazados y Repatriados de Centro América
CommHR	Commissioner for Human Rights
CRIP	Country of Return Information Project
CRP/K	Civil Rights Program-Kosovo
DDR	Disarmament, Demobilization and Reintegration,
DFID	Department for International Development
DRC	Danish Refugee Council
DRSM	Democratic Reform Party of Muslims Bosnian: Demokratska Reformska Stranka Muslimana
DSB	Democratic Bosniak Party Bosnian: Bošnjačka Demokratska Stranka
DSV	Democratic Party Vatan Bosnian: Demokratska Stranka Vatan
EAR	European Agency for Reconstruction
EAS	Employment Assistance Program
EC	European Commission
ECHO	European Commission Humanitarian Aid & Civil Protection
ERRC	European Roma Rights Centre
ESI	European Stability Initiative
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
EUR	Euro
FHC	Family Health Center
FMLN	Farabundo Martí National Liberation Front Spanish: Frente Farabundo Martí para la Liberación Nacional
FPRY	Federal People's Republic of Yugoslavia
GDP	Gross Domestic Product

GfbV	Society for Threatened Peoples
	German: Gesellschaft für bedrohte Völker
GIG	Gorani Citizens' Initiative
	Serbian: Građanska Inicijativa Gore
GSV	Go-and-See Visit
HCNM	High Commissioner on National Minorities
HDI	Human Development Index
HI	Horizontal Inequalities
HLC	Humanitarian Law Center
HPCC	Housing and Property Claims Commission
HPD	Housing and Property Directorate
HRW	Human Rights Watch
ICG	International Crisis Group
ICJ	International Court of Justice
ICO	International Civilian Office
ICTY	International Criminal Tribunal for the former Yugoslavia
IDMC	International Displacement Monitoring Centre
IDPs	Internally Displaced People
IIDP	Internal Internally Displaced People
ILO	International Labor Organization
IMF	International Monetary Fund
IMR	Infant Mortality Rate
IOM	International Organization for Migration
IRDK	New Democratic Initiative of Kosovo
	Albanian: Iniciativa e Re Demokratike e Kosovës
IRU	International Romani Union
ISSR	Internal Security Sector Review
JIAS	Joint Interim Administrative Structures
KEK	Kosovo Energy Corporation
	Albanian: Korporata Energjetike e Kosovës
KFOR	Kosovo Force
KIPRED	Kosovar Institute for Policy Research and Development
KMEG	Kosovo Medical Emergency Group
KP	Kosovo Police
KPA	Kosovo Property Agency
KPC	Kosovo Protection Corps
	Albanian: Trupat e Mbrojtjes së Kosovës
KPS	Kosovo Police Service
KPSS	Kosovo Police Service School
KTA	Kosovo Trust Agency

LDK	Democratic League of Kosovo
	Albanian: Lidhja Demokratike e Kosovës
LGBT	Lesbian, Gay, Bisexual, Transsexual
LSMS	Living Standards Measurement Survey
LTTE	Liberation Tigers of Tamil Eelam
MAFRD	Ministry of Agriculture, Forestry, and Rural Development
MAT	Mitrovica Action Team
MCR	Ministry for Communities and Return
MCSC	Municipal Council on Safety in Communities
MEST	Ministry of Education, Science and Technology
MIA	Ministry of Internal Affairs
MLSW	Ministry of Labour and Social Work
MMR	Maternal Mortality Rate
MOCR	Municipal Offices for Communities and Returns
MoH	Ministry of Health
MoU	Memorandum of Understanding
MP	Member of Parliament
MRO	Municipal Return Officers
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NRC	Norwegian Refugee Council
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIK	Ombudsperson Institution in Kosovo
OPM	Office of the Prime Minister
ORC	Office of Returns and Communities
OSCE	Organization for Security and Co-operation in Europe
PCR	Post-conflict Reconstruction
PHC	Primary Health Care
PISG	Provisional Institutions of Self-Government
PMU	Pilot Municipal Unit
POE	Publicly Owned Enterprises
PPP	Public Private Partnership
PTA	Parents-Teachers-Association
PTK	Post and Telecommunications Kosovo
	Albanian: Posta dhe Telekomunikacioni i Kosovës
PTSD	Posttraumatic Stress Disorder
PV	Photo-voltaic
RAD	Roma and Ashkali Documentation Center
RAE	Roma, Ashkali, and Egyptians
ROL	Rule of Law

RSD	Serbian Dinar
RSGA	Republic of Serbia Geodetic Authority
SDA	Party of Democratic Action
	Bosnian: Stranka Demokratske Akcije
SEE	South East Europe
SFRY	Socialist Federal Republic of Yugoslavia
SG	Secretary General
SMES	Serbian Ministry of Education and Sports
SMoH	Serbian Ministry of Health
SOE	Socially Owned Enterprise
SPLA	Sudan People's Liberation Army
SRC	Swiss Refugee Council
SRSG	Special Representative to the Secretary General
SWOT	Strengths, Weaknesses, Opportunities, and Threats
UÇK	Kosovo Liberation Army
	Albanian: Ushtria Çlirimtare e Kosovës
UN/UNO	United Nations/United Nations Organization
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	The United Nations Children's Fund
UNMIK	United Nations Mission in Kosovo
UNSC	United Nations Security Council
UNTAET	United Nations Transitional Administration in East Timor
USA	United States of America
USAID	United States Agency for International Development
WCED	World Commission on the Environment and Development
WHO	World Health Organization
WHO-EURO	World Health Organization Regional Office for Europe
YIHR	Youth Initiative for Human Rights

Spelling Rules

Cities, municipalities, and other geographical places are written in both official languages in Kosovo that are Albanian and Serbian. Depending on the majority ratios in this place, the name is written first in the major language and secondly in the minor language. One major exception is the name of the newly established municipality Mamuşa/Mamushë/Mamuša, which is partly Turkish and thus also consists of the Turkish name.

Declaration

Name, Vorname: Hinz, Julia
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Hiermit versichere ich zur vorliegenden Dissertation (Monographie) mit dem Titel

"The Best Place for Refugees is Home."
Sustainable Refugee Return to Post-conflict Societies – A Case Study of Kosovo,

a) dass ich diese selbstständig verfasst habe, dass ich keine unerlaubte fremde Hilfe in Anspruch genommen habe und dass ich keine anderen als die in der Dissertation aufgeführten Quellen und Hilfsmittel benutzt habe und die Stellen der Dissertation, die anderen Werken – auch elektronischen Medien – dem Wortlaut oder Sinn nach entnommen wurden, auf jeden Fall unter Angabe der Quelle als Entlehnung kenntlich gemacht habe;

b) dass ich mit dem Abgleich der Dissertation mit anderen Texten zwecks Auffindung von Übereinstimmungen sowie mit einer zu diesem Zweck vorzunehmenden Speicherung der Dissertation in einer Datenbank einverstanden bin;

c) dass ich die eingereichte Arbeit noch in keinem anderen Prüfungsverfahren vorgelegt habe, die Arbeit also noch nicht Gegenstand einer staatlichen oder akademischen Prüfung gewesen ist.

Berlin, den 30. Dezember 2013

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Julia Hinz

Acknowledgements

PART I: INTRODUCTION

1. Introduction

1.1 Introductory Remarks on this Thesis

Refugees and their escape from violent conflicts or environmental disasters play a considerable role in international politics and are a key concern in social science research. At the beginning of 2013, around 10.4 million people[1] around the globe were forced to live in exile. Photos of refugees on their escape or of refugee camps and their often disastrous conditions go around the world every day. Only very few will return to their place of origin during their lifetime. Amongst other things, social science research focuses on questions of citizenship, violence within refugee communities, and deportation. However, protracted refugee situations are often not considered in connection with the three durable solutions for their whereabouts, which are (1) the return to the home state, (2) integration into the host state, or (3) resettlement to a third state. The durable solutions remain largely neglected in the social sciences. In 1991, Sadako Ogata, the former UN High Commissioner for Refugees famously declared the 1990s as the "Decade of Repatriation." As a consequence, questions related to return and repatriation[2] gained more political attention and also scholarly acknowledgement. In 2000, the decade came to an end and refugee return vanished almost completely from the literature. In order to countervail its disappearance, this thesis addresses return as the preferred solution for protracted refugee situations. Over and above, the last decade was characterized by several new conflicts, which forced many people to leave their homes, e.g. in Afghanistan, Iraq, Syria, and Libya.

When refugees leave their home country, they surely do not do this without the wish to return one day. Dolan even supposes, "[t]heir yearning to return is not reduced by the time they spend away." (Dolan 1999: 94) However, returning is not always a feasible option, especially when the home state still struggles for peace and freedom. On that account, stakeholders and scholars agree that a return process must occur under certain conditions. At best a refugee return to their home country needs to be "sustainable." However, the adjective "sustainable" is often quite meaningless and insufficiently defined. A very small minority of stakeholders and scholars made attempts to define what it means if a return is sustainable. Thereby, most of them confuse the meaning of sustainability with a certain time period, i.e. that a return process is sustainable when the returnee stays in their return area for three, five, or ten years. (Cf. MCR 2009: 14) However, their approach seems to be flawed, as it does not consider the living conditions the returnees have upon their return. For instance, the refugees' living conditions may be equally poor in the host and in the home country, but they may decide to return because they wish to be reunited with their family and friends and to reconnect to their homeland. It is very likely that these refugees would stay in their return area for a longer time peri-

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[1] This figure stems from the UNHCR webpage: *http://www.unhcr.org/pages/49c3646c1d.html*, last retrieved on 20.12.2013.

[2] The terms "return" and "repatriation" are often used with a similar meaning. However, in a narrow sense, return refers to the spontaneous movement of refugees to their homes. Repatriation, in contrast, means the organized process of returning to one's home, usually with the help of the UNHCR. This thesis uses the term "return" to address all forms of refugee movements to their homes.

od simply for the reasons mentioned above, although their living conditions are far beyond satisfactory. In this case, return cannot be classified as sustainable.

The thesis at hand gives a more appropriate and more precise definition of a sustainable return, which focuses on sustainable livelihoods, good living conditions, and integration. In the process of defining sustainability it further identifies seven criteria that have to be met in order to ensure a sustainable return in the home country. It does not stop at this point, but also tests the definition and criteria of a sustainable return practically by analyzing six minority communities (the Roma, the Ashkali, the Egyptians, the Serbs, the Bosniaks, and the Goranis) in post-conflict Kosovo and using qualitative methods to examine whether or not their return is sustainable according to the new definition. The choice for the empirical analysis fell on Kosovo, because it is a very special and interesting case due to its unsolved legal status.[3] Beyond that, the international community strives for the establishment of a multi-ethnic society in Kosovo and tries to avoid the separation in two mono-ethnic entities, which was the result of Bosnia and Herzegovina's ethnic conflict in 1995. The return of refugees, who belong to ethnic minority communities, is one of the main preconditions to establish a multi-ethnic society. At the moment, the public perception prevails that almost no minority communities return to Kosovo. The first step is therefore to discover how many minorities returned to their homes in Kosovo. Subsequently, this thesis analyzes the return conditions of each minority community. The more sustainable the return conditions are, the more refugees who belong to an ethnic minority community may return to their homes in Kosovo. In order to test this assumption, a final comparative analysis is conducted, which shows that the concept of sustainability needs to be reviewed thoroughly again. While Kosovo and the analysis of the six minority communities provide a good example, the author finds that a post-conflict country cannot guarantee the conditions of all criteria and based on the empirical analysis in Kosovo revises her concept of a sustainable return. It can be concluded, while not all conditions must be fulfilled, minimum conditions of a sustainable return can be identified that must be met before a sustainable return can take place.

The thesis' contributions are threefold:
— It improves the definition of sustainability in refugee return research and comes up with seven criteria to be met in order to classify a return as sustainable.
— It tests the definition and the criteria empirically looking at Kosovo and six ethnic minorities within Kosovo employing qualitative methods.
— It critically revises the conceptual framework of sustainable return following discrepancies found between theory and practice and it gives focused policy recommendations to improve return to Kosovo and other post-conflict societies.

In order to achieve this, there are four core questions that lead this research:

Research Question 1:   In theory, what makes a refugee return sustainable?

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[3]   Even though several states, including Germany, already recognized Kosovo as an independent state, Kosovo is not an independent state according to international law. It lacks the recognition of the United Nations Organization. As a consequence, the author does not refer to the terms "state," "citizen," or "border." This does not reflect a lack of recognition, but follows the legal decision.

Research Question 2: *Why is the return of some ethnic minority communities to Kosovo more sustainable than others?*

Research Question 3: *Do more refugees return if the return conditions are sustainable?*

Research Question 4: *What are the minimum conditions that need to be met <u>before</u> a sustainable refugee return can take place?*

The study is structured as follows: Part I constitutes the INTRODUCTION. Chapter 1 and 2 introduce the research at hand and discuss the previous literature with regard to refugee return. The literature review depicts the main advantages and disadvantages of refugee return and identifies it as the preferred durable solution to protracted refugee situations.

Part II gives an overview of the METHODOLOGY. This research is based on a qualitative content analysis of six cases, which are ethnic minorities that return to Kosovo. Subsequently, the results of the six cases will be compared with each other and will be examined using the SWOT analysis. Both methods help to generate hypotheses, which may be tested by future research that may also apply large-N (statistical) analysis. It further presents the research questions.

Part III deals with the CONCEPTUAL FRAMEWORK. Chapter 3 and 4 present a new theoretical framework for the definition of and the preconditions for a sustainable return. It offers different meanings of a sustainable return and presents a bespoke and new definition of the concept. In Chapter 4, this thesis identifies seven criteria that are necessary to ensure a sustainable return.

Part IV conducts the EMPIRICAL ANALYSES. Chapters 5 to 11 specifically discuss the case of Kosovo. It begins with a brief introduction into the pre-war history of the country, the role of the minority communities during the war, and the post-conflict reconstruction efforts (Chapter 5). It further identifies the main stakeholders in the return process to Kosovo. In the following, Chapter 6 analyzes the return conditions of the Roma, the Ashkali, and the Egyptian communities. Chapter 7 deals with the Serbian returnees and Chapter 8 with the Bosniak and the Gorani communities. The results of the empirical analyses are subsequently compared with each other (Chapter 9). Furthermore, this thesis summarizes the strengths, weaknesses, opportunities, and threats of refugee return to Kosovo in a SWOT analysis and generates policy recommendations that aim at improving the situation of minority returnees in Kosovo (Chapter 10). Chapter 11 takes a final critical look at the theoretical framework and practical implications and wraps up the empirical findings with regard to the conceptual framework. It revises the initial assumptions based on discrepancies found between the set-out conceptual framework and the empirical analyses.

Part V concludes the final results of this thesis, demonstrates its limitations, and presents hypotheses for further research on the topic.

This thesis has several real world implications. In particular, the policy recommendations deduced from the analyses provide advice to international stakeholders on how to make the return conditions of these communities more sustainable. In addition, they focus on ways to attract more refugees to return to Kosovo. Although the analysis concentrates on the case of six ethnic minority communities in Kosovo, the results are transferable to other countries welcoming returnees.

1.2   Literature Review on Refugee Return

> "Refugees are outside the state-centered concept of international law. Indeed 'refugee' is a concept, a label, which has been created to serve the purposes and interests of states. Refugees have been defined as *non-citizens* and those who have been captured by the state – sponsored assistance programmes have been frozen in a permanent state of marginality in their host societies. As *non-persons* they are not consulted in the development of policies which affect their futures." (Emphasis added, Harrell-Bond 1988 as quoted in Harrell-Bond 1989: 59)

To begin the discussion on refugee return, Harrell-Bond's definition emphasizes the severe situation refugees are facing once they crossed the border to another state. They neither belong to their home state nor to any other state anymore: According to Harrell-Bond, these people are defined as *non-citizens* and even more *non-persons*; perceived as stateless persons. As a logical consequence, refugees have to gain citizenship to end the refugee cycle. (Cf. Kibreab 1996a: 11) By becoming citizen of a state – either their home state or any other state – they have full rights and access to social services. (Cf. Ghanem 2005: 127) Durable solutions intend to restore the lost relationship between the citizen and the state and include the returnees' opportunity to exercise power and control over their own fate, which was lost during the displacement. (Cf. Walsh, Black, Koser 1999: 113) The three durable solutions for refugees are integration into the host country, resettlement to a third country, and the return to their home country. Because of their earmarked objective, the three durable solutions are mutually exclusive: Promoting one solution means excluding the other two options. The reason is that one cannot gain multiple citizenships. (Cf. Harrell-Bond 1989: 44)

Integration into the host state means that the refugees are admitted to a wider range of rights and duties that correspond to those granted to local citizens. These rights include amongst others: the freedom of movement, access to education and to the labor market, access to public services and assistance, the ability to travel with identity documents, and family unity. Integration means gaining a permanent residence status in and acquiring citizenship of the host country. It is important to keep in mind that "… the process of local integration becomes a durable solution only at the point when a refugee becomes a naturalized citizen of his or her asylum country." (Crisp 2004: 2) Otherwise, the refugee could be deported at any time and would not have the same rights and duties other citizens have.[4]

Resettlement to a third country is the least common method to achieve a durable solution for refugees. It mostly applies when the options for voluntary repatriation or local integration do not exist or do not seem feasible. In that case, refugees are resettled to a third country that is

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[4]   Due to the limited scope of this dissertation, integration as a durable solution cannot be discussed in further detail. It should be noted that integration can be a successful durable solution in some protracted refugee situation. For instance, integration can be a safer option for the refugees as the home country often needs a considerable amount of time to grow as a peaceful society. For a detailed discussion on integration into the host state, its challenges and opportunities, please see the following articles:

Crisp, Jeff (2004): The local integration and local settlement of refugees: a conceptual and historical analysis, in: *New Issues in Refugee Research*, Working Paper No. 102. Geneva: UNHCR, pp. 1-8.

Dryden-Peterson, Sarah and Lucy Hovil (2003): Local Integration as a Durable Solution: Refugees, Host Populations and Education in Uganda, in: *New Issues in Refugee Research*, Working Paper No. 93. Geneva: UNHCR, pp. 1-27.

Jacobsen, Karen (2001): The forgotten solution: local integration for refugees in developing countries, in: *New Issues in Refugee Research*, Working Paper No. 45. Geneva: UNHCR, pp. 1-42.

not involved in any conflict and, therefore, provides a "safe haven"[5] for the refugees. Thus, in the majority of the cases, resettlement is designated as an instrument of protection rather than a durable solution. Often, resettlement is "the last resort" and thereby "… for many refugees … the best – or perhaps the *only* alternative" (Emphasis in original, Troeller 2002: 87).[6]

Return[7] – in contrast to integration and resettlement – has several advantages: The international community, home and host states, as well as refugees themselves often choose this durable solution over the other two. In the following paragraphs, the idea of refugee return is introduced.

Returning home has three meanings: returning to (a) the refugee's country of origin, (b) the refugee's region/town/village of origin, or in a narrow sense (c) the refugee's own home/house. Refugees most likely decide to return if returning means to go back to their original homes. That would include the reconstruction of destroyed houses, which often poses an insurmountable challenge to the home country that just moved into the post-war era.

Black and Gent differentiate between two types of return: a *reactive* and a *proactive* return. A reactive return process happens in response to a crisis or changes in the conditions in the host country. In a proactive return, refugees decide consciously to return by gathering free and reliable information on their home country. In practice, "[m]ost organized schemes for rehabilitation of return migrants tend to be a spontaneous response to emergency situations and are largely donor driven" (Arowolo 2000: 60).

Return is not a process that finishes at a particular point in time. It involves taking time as well as the social integration of former refugees into a changed, new home society. Moreover, return processes can include going back and forth between the host country and the home country. Nyborg Sørensen (2004) distinguishes between *staggered* and *revolving* returns. (cf. Nyborg Sørensen 2004: 15) A *staggered return* involves splitting families where usually the male family members return first and leave their wife and children behind until the conditions in the home country improve. In the case of Afghanistan, for instance, "… some 'hedged their bets' by retaining a presence at home and abroad, keeping some family members working in Pakistan while others started to rebuild homes and reinvest in the land in Afghanistan." (Marsden 1999: 62) By contrast, a *revolving return* means that refugees intended to return permanently but end up re-migrating for economic and/or security reasons. (Cf. Black, Gent 2006: 22)

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[5]   The term 'safe haven' refers to an invention from the war in Bosnia and Herzegovina at the beginning of the 1990s. In 1993, the United Nations declared six cities, amongst them Srebrenica, as safe zones for civilians to protect them from a violent conflict between Bosnian Muslims, Croats, and Serbs.

[6]   Resettlement cannot be discussed in further detail either. However, as explained earlier, resettlement is viewed as a durable solution that should not be neglected as it often functions as a last resort for refugees in protracted situations. Therefore, I suggest the following articles for a more comprehensive understanding of resettlement as a durable solution:

    Bach, Robert L. (1989): Third Country Resettlement, in: Loescher, Gil and Laila Monahan (eds.): *Refugees and International Relations.* Oxford, New York: Oxford University Press, pp. 313-331, Stein, Barry N. (1983): The commitment to refugee resettlement, in: *Annals of the American Academy of Political and Social Science* 467:1, pp. 187-201, and Troeller, Gary (2002): UNHCR resettlement: evolution and future direction, in: *International Journal of Refugee Law* 14:1, pp. 85-95.

[7]   The term return stands for refugees that go home, either with or without international assistance. It is the umbrella term for the process. Repatriation, instead, only describes the process of a national or international planned and implemented repatriation scheme and is often used for the forced return of refugees.

Most scholars agree on the fact that the state is responsible for dealing with the refugees it once produced. Gasarasi argues that the state should, if capable, be responsible for the re-integration of the refugees through repatriation programs. (Cf. Gasarasi 1996: 11) This stems from the assumption that "… a product (the refugee phenomenon) cannot be more causally related to another product (development) than it is to the producer of both (the state)." (Gasarasi 1996: 11) Moreover, "… no actor, other than the state, is equipped to implement these measures." (Gasarasi 1996: 11) Gasarasi proposes a polity primacy approach that focuses on the role of the state and the responsibilities of the state in dealing with the returning refugees and, by the same token, with the reconstruction of the entire country. Harrell-Bond agrees and clearly sees the responsibility to create conditions that are conducive to return at the state level: "Therefore, if states want their people to return, they [the states] must create conditions which are conducive." (Harrell-Bond 1989: 61)

An open question is whether the countries of origin are able to care for the refugees they once produced. Usually, countries with the lowest Human Development Index[8] (HDI) have the highest propensity to generate large movements of refugees and displaced persons. (Cf. Chimni 2004: 8) Because there is a causal coherence between the country's poverty and its propensity to produce refugee movements, it can be noticed that these countries are unlikely to be able to cover the returnees' special needs after their physical return was accomplished. According to Chimni, the minimum economic and political standards an accountable state has to take care of to guarantee a successful return process are, that it must be "… able to fulfill rudimentary functions such as control over territory, maintenance of law and order, and supply of basic services." (Chimni 2004: 71) A severe dilemma for poor countries emerges from this connection: "On the one hand it needs the human capital of the refugees … On the other hand, without international assistance, the sudden repatriation of refugees could be disastrous" (Kibreab 1996b: 59) because the state alone often provides the indispensable basic conditions.

It is out of question that refugee return has certain **advantages** over integration and re-settlement, which are explored next. On the personal level, the satisfaction of belonging to a community and to the homeland is one of the most prominent advantages of return. Voluntary return means that refugees "… *discover their social and cultural roots*, which give them the *comforting feeling of belonging*." (Emphasis in original, Ghanem 2005: 105) Belonging, however, does not only mean belonging to a people, as described with Ghanem's words, but as well to a land. Terms such as "motherland," "fatherland," or the land of one's ancestors were dropped. (Cf. Kibreab 1996b: 53) In addition, return can create the chance for family reunion, which is another emotional need.

In addition, one has to consider that those, who regain citizenship rights by returning to their own home state, adopt a sense of justice: The relationship between the citizen and the state was disrupted, because of the displacement, but it is now reestablished. Through the return to their own country, refugees can claim back those rights that were denied to them since their

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[8]   The Human Development Index (HDI) is a tool that measures social and economic development by combining indicators of life expectancy, educational attainment, and income. It is measured on a continuous scale from 0 to 1, where each country can take any value on this continuum. Higher values indicate a better outcome on the HDI scale and thus better social and economic conditions. For more information, please see the informative website of the United Nations Development Program (UNDP) which created the HDI: *http://hdr.undp.org/en/statistics/hdi/*, last retrieved on 25.11.2013.

displacement and in exile. (Cf. Chimni 2002: 163) The process of return – if it is successful – creates a sense of justice for returnees, which is unique to this particular durable solution. On that account, it involves the absolute meaning of home, but it is, for the same reason, the most difficult durable solution. (Cf. Bradley 2005: 74)

In most cases, returnees live on the subsistence level and are dependent on farming to fend for them. Through the return to their home country, most refugees have the opportunity to claim their lost property and can retain/regain land rights. (Cf. Arowolo 2000: 64; see also Peil 1995) Often, they did not have the opportunity to own land in the host country, as they are restricted to live in camps or in organized settlements.

On the national level, the re-establishment of normality is the most important factor in favor of return. The refugee return has an ideological significance. It allows the re-establishment of the natural or national order in the home country. Then, citizens are, where they belong to, and host countries do not have to define measures to integrate them. Thus, there is no need for the host countries to give them citizenship rights and to grant them access to public services. (Black, Gent 2006: 19f.)

Furthermore, refugee return is the cheaper option for the host countries and other donor states. They put a lot of effort in reducing their costs for refugees. Integration, however, would involve a long-term financial burden on host countries. Hence, especially host countries are promoting voluntary return instead of integrating refugees into their own societies. In sum, return is a "pragmatic" response of the international community in order to save money and to lose the burden of refugees in the host countries. (Cf. Dolan 1999: 89)

Although refugee return is the preferred durable solution to solve the refugee problem, there are significant **disadvantages** the refugees are facing upon return. First of all, the life in their home country has changed over the time period that the refugees spent in exile. It is widely accepted that repatriation is a return to a way of life that is familiar to the refugees. However, this does not take into accounts that, on the one hand, the society and, on the other hand, the individual have changed during the time in exile. (Cf. Harrell-Bond 1989: 42) Therefore, some scholars question whether the right term concerning returnees is *integration* or *re-integration* into the home society. Integration can be defined as a mix of persons that have been previously segregated. Re-integration, instead, is a process of integrating someone back into a well-known society. (Cf. Arowolo 2000: 62) When these terms are applied to the return of refugees, they do not relate to the same processes. According to Preston (1993), the term *re-integration* is difficult as it implies that the society has not changed since the refugees were displaced. Yet, Arowolo argues that integration as well as re-integration can take place after a change and conditions do not always have to stay the same. The fact that the society has changed leads to a so-called *reverse culture shock*. In the scientific literature, scholars also refer to the group of "re-"words, such as *re-habilitation* or *re-conciliation*, but totally neglect the fact that after a civil war and after years spent in exile, the refugee returns to a society, a place called "home" that they do not know anymore. (Cf. Ghanem 2005: 111) Hammond argues:

> "The implication of these terms is that returnees should seek to move backward in time, to recapture a quality of life that they are assumed to have enjoyed before becoming refugees or that those who remained behind currently enjoy." (Hammond 1999: 230)

Warner summarizes this difficulty nicely: Returning home includes the geographical notion of going back to the country of origin, but it denies the matter of time. The individual citizen, as well as the country of origin, has changed during exile. Thus, "[t]here is no going back to the situation as it was before the crisis that caused exile." (Warner 1994: 171) There is no *re-anything*; a refugee cannot re-integrate into the society because they were never integrated in this specific type of society that they find when they return home. "We can go back to a place, but we cannot go back in time." (Warner 1994: 171) From the author's point of view, every war-torn society changes during and after the war. Refugees return to a society and country that has changed and they have to integrate themselves within these new circumstances. In this thesis, the term *integration* is used to describe the process every returnee has to go through after the physical return to their home.

The second major disadvantage concerns the possible conflict between returnees and the so-called stayees (the people that stayed during the conflict), which can emerge.

> "Whatever the case may be, what all returnees share is the impossibility to recreate the times which preceded the events that led them to flee, as the changes that have occurred among returnees and stayees are irreversible." (Ghanem 2005: 135)

The relationship between returnees and stayees often interferes with the competition for already scarce resources. On top of that, former refugees are often perceived as the "lucky ones" who got free food and health care in the host country while the stayees dealt with dehumanizing conditions during a violent conflict. When a refugee comes back, "[h]is arrival will affect the market, fields will be further divided, he may be looked on as a traitor" (Harrell-Bond 1989: 58). Because of the competition for scarce resources – particularly houses or other dwellings and job opportunities – returnees may be perceived as a potential threat to the inner security and stability of the home country and its population. (Cf. Ghanem 2005: 132) Opondo indicates that focusing on returnees only does not promote the development of the entire society, but it creates further problems between returnees and stayees: "Isolating the returning refugees from the rest of their home societies and thereby setting them apart for special treatment even though some of the 'stayees' may be in similar, if not worse predicaments." (Opondo 1996: 25)

The integration that follows the physical relocation from point A to point B is far more important, but it seems to be neglected in worldwide repatriation programs. Typical repatriation programs have three dimensions:

(1) Logistics
(2) Direct assistance on arrival } Short-term approach
(3) Help with integration } Long-term approach

According to experience from Cambodia, the logistics of repatriation received the strongest financial and organizational emphasis. In contrast, the integration, despite being the most challenging task, attracted comparatively less attention. (Cf. Eastmond, Öjendal 1999: 42) Arowolo supports this idea by referring to repatriation programs in general: "The focus of such schemes … is on the repatriation process, and *success is measured in terms of timely provision of physical transportation and relocation of exiles rather than the subsequent pro-*

cess of reintegrating them into civil society." (Emphasis added, Arowolo 2000: 60) This is true for most of the return processes worldwide. However, as it will be pointed out later in Chapter 3.3, the integration process is the most important and most difficult dimension of the return process, especially when it comes to the question of making it sustainable. "Understandably then, the scope of returnee aid has been confined to achieving the objective of establishing minimum material and social conditions in which the return of refugees can be promoted." (Chimni 2002: 172)

The goal of the returnee's integration into their home society is that they are not dependent on development aid anymore and able to feed themselves and their family. However, in the first months after their return, refugees need a minimum level of support to rebuild their own lives. "By its very nature, the reintegration of returnees into their homeland required a developmental approach." (Kibreab 1996b: 55) Considering the experience in Cambodia, Eastmond and Öjendal describe the situation as follows:

> "Preliminary survey data of the situation of returnees at the time the four hundred days of rice rations ended showed that many had not yet begun to farm, and were still waiting for land to be allocated." (Eastmond, Öjendal 1999: 45)

Consequently, people should not be settled and receive support with food and medical aid, but they should rather receive help to help themselves. (Cf. Kibreab 1996b: 59) Development aid is supposed to support returnees to build their own lives and to be self-reliant. Besides, development aid should also support the locals and "stayees" rebuilding their own lives since their lives changed during the past, too. (Cf. Kibreab 1996b: 55) Kibreab explains the reason for his argument: "… populations in the receiving areas will also have undergone changes, and a balance needs to be struck by drawing insights from both experiences." (Kibreab 1996b: 60) Thus, a holistic development approach for both – the returnees and the receiving communities – must apply.

> "For solutions to last, assistance to refugees and returnees must aim at their participation, productivity and durable self-reliance; it should be development-orientated as soon as possible and, in least developed countries, it should take into account the needs of local people as well." (Quoted in Kibreab 1996b: 55)

The applicability of a development approach addresses two main problems:

(a) Home countries are often not well developed before hostilities and violent conflicts arise. Thus, "[i]t required not only the rebuilding or replacing of what had once existed, but in many respects actually initiating the development process for the first time." (Salih 1996: 165) Donor countries, hence, have to expand their development strategies to the needs of the returnees, which is often problematic, because they are not in the focus of the international community's attention.

(b) There is a tendency of dependency on external assistance: "The families interviewed seemed to have high expectations of outside assistance which had reduced personal initiative." (Eastmond, Öjendal 1999: 48) As it is the case in other contexts, "[a]ny displaced people in northeast Africa who become genuinely dependent on relief agencies are unlikely to survive long." (Allen, Turton 1996: 9) Allen and Turton figured out that the relief aid itself is not the only factor entailing dependency but that it is, in fact, the loss of control over the refugees' own lives. (Cf. Allen, Turton 1996: 10) Instead of asking them what

they want others to do for them, refugees and returnees should be given as much control over their own lives as possible.

Furthermore, one has to consider informal strategies of development and reconstruction. For instance, remittances help to reconstruct a country on an informal basis. However, a cut of remittances as a consequence of return would stop the informal reconstruction processes, which might be of paramount importance for the home country to develop. (Cf. Dolan 1999: 104, 106) Dolan argues that "… informal strategies of reconstruction and development … need to be seriously considered …" (Dolan 1999: 108) in a holistic development approach.

Concisely, it was explored that return is not a durable solution in itself. It is necessary to support a sustainable integration of the returnees into their home country's society and not to involve the receiving community and the returnees' special integration needs. (Cf. Dolan 1999: 89)

In addition, the international community assumed that refugee return is the most desirable and most uncomplicated solution to end the refugee cycle in the past. Recently, however, it falls into place that this assumption is false and that the integration of returnees into the home society can be more difficult than the integration into the host society or the resettlement into a third country. (Cf. Allen, Turton 1996: 1, Ghanem 2005: 110) "Even if repatriation is the end of one cycle, it is also usually the beginning of a new cycle which can challenge and expose some returnees to vulnerability." (Black, Koser 1999: 3)

PART II: METHODOLOGY

2. Methodological Approach

The ideal methodological approach for this dissertation would be to gather information from the primary and secondary literature on refugee return first and, then, to conduct interviews with national and international stakeholders as well as returnees from the selected ethnic minority communities. Through interviews, one could gain detailed insights into the stakeholders' understanding of sustainable return, including their support of and their opposition against the implementation of return processes, and institutional reforms in Kosovo. In addition, and even more important, one could gain information about the refugees' and the returnees' individual motivations for their decision to return or not to return to their home country. Furthermore, the preferences of the refugees with regard to the place of return could be determined. Without conducting interviews, this thesis cannot make a statement about the refugees' personal motivation, which plays an important role in every migration process. Nevertheless, conducting interviews per se is no guarantee that refugees and returnees really tell the truth about their personal motives. Moreover, in order to conduct interviews with refugees/returnees who belong to minority communities in an ethnic conflict, the interviewer needs a confidential access to the interviewees. This can very often only be achieved through other members of the same communities. It is also ethically difficult since the interviewees could be traumatized. Furthermore, it is likely that they give socially desirable answers or lie because of the fear of reprisals from the other ethnic communities. Thus, conducting interviews in this setting would require high costs and a lot of time, which was unattainble considering the scope of this work.

In addition, interviewing representatives of the different minority communities may be challenging in terms of language and translation. For these reasons, the author had to abstain from conducting qualitative interviews and relies on content analysis only.

The case studies' first contextual variables are presented by analyzing the conflict that allowed the displacement of Kosovo residents. Every post-conflict situation is characterized by the grievances that enabled the outbreak of a violent conflict. These grievances need to be taken into consideration in the reconstruction and in the refugee return processes. Thus, it is very important to assess the conflict and to set the scene before analyzing the refugee returns of each ethnic minority community.

Refugee return also plays a crucial role in the post-conflict reconstruction as it supports the legitimacy of new institutions. Furthermore, as the integration of refugees is one of the most important goals in a transitional state, their well-being serves as an indicator of how well these new institutions manage the development goals in the post-conflict period.

After setting the scene on the conflict assessment, post-conflict reconstruction, and providing some general remarks on refugee return to Kosovo, this study analyzes the refugee returns of six different ethnic communities to Kosovo. It gives a brief overview of the actors in the repatriation process, the time frame, as well as the relevant determinants of this specific refugee return, the sustainability of the refugee return is then reassessed for each ethnic community.

This is conducted with the help of seven criteria: physical security, economic opportunities, reparation/property restitution, education, health care, infrastructure, and legal security.

During the course of researching and writing, the question how these criteria can be analyzed and related to each other arose. At the beginning, the author sought to analyze one criterion after the other for each of the six ethnic communities and their return to Kosovo. However, the sections are interrelated and cannot be regarded separately. For instance, the access to the employment market of one ethnic community cannot be regarded separately from the educational level, as this is one important prerequisite to acquire employment. This leaves the author with three alternative ways of analyzing whether a sustainable return takes place:

(1) A systematic analysis could be conducted according to each criterion with the trade-off that the relation between the criteria could only be established *after* each chapter. One advantage is that dealing with one criterion after the other is a very structured approach. However, not every criterion is relevant to the return of every ethnic community. In addition, the correlations between two or more criteria cannot be analyzed appropriately by describing the interrelation in the summary only.

(2) Analysis could be conducted, which does not distinguish between the different criteria, but between the opportunities and the challenges that come with it. This way, there is a risk that one criterion is analyzed at a time within the opportunities and the challenges section, but the approach is less structured and it would severely interrupt the reading flow of this thesis.

(3) Analysis could be conducted according to clusters of criteria, which are interrelated. For instance, the lack of adequate education of the Roma, the Ashkali, and the Egyptians leads to unemployment and poverty. Consequently, the two criteria *education* and *economic opportunities* could be analyzed together. Following this approach would be most beneficial as it is semi-structured and does not neglect the interrelation between the criteria, which is why the author chose the third option.

The conditions of a sustainable return are analyzed in three steps. As mentioned in the introduction, countries often have insufficient capabilities to provide public services even before the conflict. Thus, the first part explores the status quo of the post-conflict state. This includes analyzing the preconditions in the respective country, which are:

— What was destroyed during the conflict?
— What are the current circumstances in each specific field with particular reference to the members of each ethnic minority community?

This study further seeks to identify the returnees' experience with regard to horizontal inequalities. "Horizontal inequalities (HIs) are inequalities between groups with shared identities." (Stewart 2005: 6)[9] Most conflicts nowadays can be characterized as ethnic conflicts, in which two or more ethnic communities (groups with shared identifies) fight against each other. Often, the returnees belong to one of the main conflict parties. Following the general analysis of the preconditions within the country, it is important to explore whether or not returnees

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[9] For further information on Horizontal Inequalities, please see Stewart, Frances (2005): Policies towards Horizontal Inequalities in Post-Conflict Reconstruction, in: CRISE Working Paper, 7. Oxford: Centre for Research on Inequality, Human Security and Ethnicity.

are worse off than their counterparts who stayed in Kosovo. Furthermore, this study identifies whether the national institutions are able to serve the returnees' special needs, especially with regard to their experiences in exile, primarily: legal safety. Returnees should not be treated differently before the law and they need to have their home country's citizenship, which is indispensable to claim public services. In addition, also special educational conditions, psychological assistance, and the treatment of illnesses must be considered.

Finally, this study compares the conditions of the six communities returning to Kosovo with each other by identifying the differences between them.

Subsequently, a SWOT analysis will uncover the main general characteristics of the return of minority refugees to Kosovo. The SWOT Analysis tool is a strategic planning method to evaluate the **S**trengths, **W**eaknesses, **O**pportunities, and **T**hreats involved in a project or in a business venture. It helps to specify the objective of a small project or of an entire company and to identify the internal and external factors, which are conducive or unfavorable to meet that objective. (Cf. UNDP 2012: 147) In the field of political science, SWOT analysis is a frequently used tool to describe the characteristics of a political phenomenon, such as the return of refugees. In case of the return of minority refugees to Kosovo, the following definitions are used:

Definition of SWOT regarding the Analysis of the Return of Minority Refugees	
Strengths	**Weaknesses**
■ Characteristics, which contribute to the development of sustainable livelihoods and foster the integration of the minority returnees into the society.	■ Characteristics that constrain sustainable livelihoods and prevent a successful integration of the minority returnees into the society.
Internal	
Opportunities	**Threats**
■ Chances to improve the situation of minority returnees in the future.	■ Elements that could cause problems for the future return of minority refugees to their homes in Kosovo.
External	

Figure 1:　Definition of SWOT regarding the Analysis of the Return of Minority Refugees
Source:　　Own compilation

This inquiry answers the question: What are the reasons for the similarities and/or differences in the return process of the six cases? Eventually, it uncovers minimum criteria to ensure a sustainable return and it generates empirically testable hypotheses for future research.

2.1 Case Studies and the Comparative Method

This study is consequently based on two complementary methods of qualitative research, which are combined with each other. The first method is case study research. The cases of six ethnic minority communities are analysed in depth, because "… the number of cases it deals with is too small to permit systematic control by means of partial correlations." (Lijphart 1971: 684) Case studies also have the advantage of depth and uniqueness, but it seems that this method was largely neglected in the past. The informational value of case studies was underestimated. A case study can be defined as "… an intensive study of a single unit for the purpose of understanding a larger class of (similar) units." (Gerring 2004: 342) In general, case studies can serve to understand causal relationships between variables. (Cf. Leuffen 2007: 206) Bennett and Elman argue that our life becomes more and more complex. Yet, case studies can unravel this kind of complexity because they allow for a detailed and holistic analysis; they facilitate the search for omitted variables, which might be hidden, and "… they allow for the study of interaction effects within one or a few cases." (Bennett, Elman 2006: 259) Since the social sciences often examine complex phenomena, case studies have a significant advantage vis à vis quantitative methods, because they do not reduce causal relations to numbers. In summary,

> "[c]ase studies can utilize within-case analysis and/or cross-case comparison of the detailed sequential events within one or a few cases to provide inferential leverage on complex causation even when only a few relevant cases are available for analysis." (Cf. Bennett, Elman 2006: 259)

Lijphart distinguishes between six types of case studies:
(1) atheoretical case studies,
(2) interpretative case studies,
(3) hypothesis-generating case studies,
(4) theory-confirming case studies,
(5) theory-infirming case studies, and
(6) deviant case studies.[10] (Cf. Lijphart 1971: 691ff.)

The dissertation at hand employs a hypothesis-generating approach, which begins "… with a more or less vague notion of possible hypotheses, and attempt[s] to formulate definite hypotheses to be tested subsequently among a larger number of cases. Their objective is to develop theoretical generalizations in areas where [almost] no theory exists yet. Such case studies are of great theoretical value." (Lijphart 1971: 692) The research method employed is a content analysis of six cases, which is based on the existing literature. Thereby, a thematic analysis of the text is conducted. This focuses in particular on the identification of major ideas in a given set of documents. One challenge of content analysis is a possible bias in the existing literature. As a consequence, researchers have to be very wary with the sampling in order to diminish the sources of bias.

In the paper at hand, the author followed two approaches to ensure that the literature was largely unbiased by the conflict parties: (1) literature neutral in tone such as official docu-

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[10] Please see Lijphart, Arend (1971): Comparative Politics and the Comparative Method, in: The American Political Science Review 65(3), pp. 691ff. for a detailed explanation of every case study type.

ments provided by the UN or the OSCE was chosen for analysis to ensure objective report.[11] (2) Biased or polemic literature by the conflict parties was read and analyzed by taking a distance strategy. Biased literature is defined as literature that showed clear elements of polemic language, over-emphasized the achievements of the conflict party, or over-emphasized the cruelty of other conflict parties. For instance,

> "However, history has played a cruel trick on Gora, making it ever the loser." (Ahmetović 2002: 56)

In this example, polemics are indicated by the phrase "cruel trick", which suggests that the other party intentionally did some bad.

> "When ethnic Albanians fled Opolje for Albania, Goranies did all in their power to protect Opolje against destruction and possible torching. And they succeeded. Opolje was the bestprotected area in Kosovo and Metohia precisely thanks to Goranies. Goranies have always wanted a multiethnic and multireligious Kosovo and Metohia, and good relations with ethnic Albanians in neighbouring Opolje and in all of Kosovo and Metohia. Through their long history, tradition and practice, they have adhered to the principle of multiethnic coexistence, working all over the world, Europe and Yugoslavia." (Ahmetović 2002: 57)

Here, the whole paragraph indicates that the good and peaceful characteristics of the Gorani were over-emphasized, whereas the negative traits of the other groups are stressed at the same time.

Furterhmore, literature is likely to be biased when the author uses the first person and describes own experiences and wishes:

> "In the final analysis of *our* origin, we have never subscribed to the notion that *our people* – Goranies – should be obliged to change their nation or creed, but only to the idea that *we* should know and remember our roots." (Emphasis added, Ahmetović 2002: 55)

Sentences that were biased, polemic, and/or positively or negatively discriminating were not included in the text analysis. The analysis focused on neutral and objective phrases, which could be evaluated on factual information and not on emotional statements.

The second method is a qualitative comparison. After the detailed analysis of six cases of refugee return to Kosovo, they are compared with each other. In order to this, the return figures of the six ethnic minority communities and the sustainability of their return are analyzed. The aim of the comparison is to identify similarities and differences and to show whether there are combining criteria that help to guarantee a sustainable return process. At the same token, the comparison enables the author to determine obstacles to a sustainable return.

Both methods help generating hypotheses, which may be the basis for further research on return movements to other countries or other settings as well as for large-N statistical analysis.

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[11] The author acknowledges that these institutions are predominantly informed by Western and industrial values and maybe even interests. With regard to this particular conflict, the author is confident that the reports were carefully documented and at least unbiased with regard to the conflict parties as none of them was involved in producing and distributing these reports.

2.2 The Selection of the Case Studies

There is no comprehensive list of case-selection methods. Thus, van Evera developed an own list of selection criteria. Among others, he recognizes data richness, extreme values of the relevant dependent, independent, or conditioning variable, appropriateness for controlled comparisons with other cases, or the resemblance of case background conditions to the conditions of current policy problems. (Cf. Van Evera 1997: 77f.) These selection criteria can also be applied to the study at hand and translate into three main selection criteria:

— recent return movements (2000 – present),

— a Human Development Index above 0.700, and

— data richness and/or high accessibility of data.

The first criterion selects countries (units) with a large population that was displaced relative to the total population and with a return movement of refugees within the recent past (2000 – present). This criterion stems from the presence of several studies on return movements and their conditions, which occurred in the 1980s and 1990s and from a lack of qualitative comparative analyses of return movements in the 2000s. Most return movements occurred in Africa, in the Middle East, and in the Western Balkans. This criterion limits the selection to 24 countries: Afghanistan, Angola, Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Ghana, Iran, Iraq, Kenya, Kosovo (Serbia), Lebanon, Liberia, Macedonia, Mauritania, Nigeria, Rwanda, Sierra Leone, Somalia, Sri Lanka, Sudan, Tajikistan, and Tanzania.

No recent returns
Recent returns
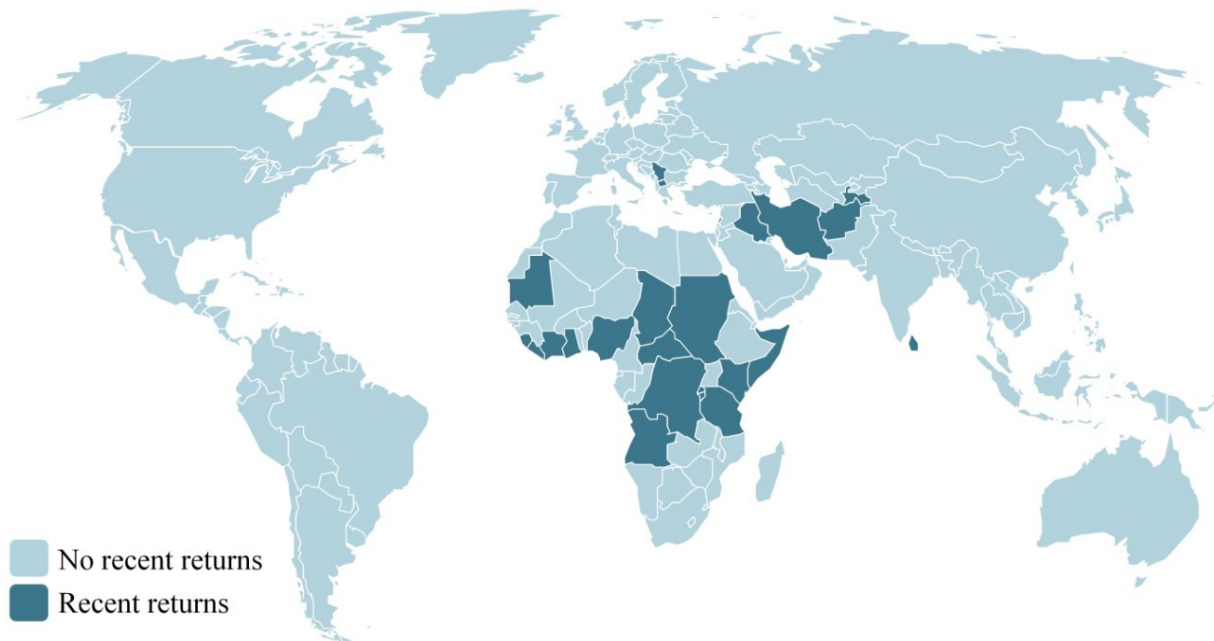
Figure 2: Geographical Distribution of Recent Return Movements
Source: Own compilation

The Human Development Index (HDI) measures the life expectancy, literacy, education, standard of living, and quality of life in a comparative perspective. It is measured on a continuous scale that ranges from 0.000 (very low) to 1.000 (very high standard of living). Sustainable return requires a certain standard of living and level of economic development (see the Chapters 3.3 and 4). Thus, a HDI of 0.700 is selected as the reference for the next selection, which describes a medium high level in the standard of living. When this criterion is applied,

the possible cases for investigation can be narrowed down to five: Iran (0.742), Kosovo (Serbia) (0.700), Lebanon (0.745), Macedonia (0.740), and Sri Lanka (0.715).[12]

The third criterion helps selecting one of these five options according to the data richness and the high accessibility of data. Due to a lack of and/or limited access to quantitative data, this research is based on qualitative primary and secondary literature. Data richness, therefore, refers to the availability and accessibility of qualitative reports by state and non-state organizations, to legal texts, and to the academic literature. With regard to the data richness, a sufficient number of reports and policy papers exist on refugee return to Kosovo, because there are plenty of international governmental and non-governmental organizations in Kosovo (Serbia) that publish on this case. Beyond that, Kosovo has a special relevance as it has an unsolved status in international politics and shows a lack of returns of refugees that belong to minority communities. This makes Kosovo a very special and a very interesting case to study and which is reason why Kosovo (Serbia) was selected as a subject for analysis.

This dissertation explores the conditions for returning refugees from six different ethnic minority communities, which leads to the question how these minority communities were selected.

Kosovo is a multi-ethnic region, where ten different ethnic communities are represented with an Albanian majority of approximately 90 % share of the total population. The Albanians are not the focus of this analysis, because the majority of the displaced Albanians returned to their homes in Kosovo immediately after the end of the violent conflict in the summer of 1999. Briefly, the ethnic majority community largely returned whereas the minority communities continue to be displaced.

This study does not take into account the Croats, the Montenegrins, and the Turks, because there is almost no record of refugee returns of these three communities: Only two Turks, three Croats, and twelve Montenegrins returned to Kosovo to date (Cf. UNHCR February 2013: 4). This is predominantly because the members of these three minorities never left Kosovo. Consequently, the study focuses on the remaining six ethnic minority communities: the Roma, the Ashkali, the Egyptians, the Serbs, the Bosniaks, and the Goranis. A significant proportion of these communities was displaced to Western European countries or neighboring countries of Kosovo because they feared revenge attacks from the Albanians[13].

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[12]   The other countries with recent return movements have the following Human Development Indices: Afghanistan (0.374), Angola (0.508), Burundi (0.355), Central African Republic (0.352), Chad (0.340), Côte d'Ivoire (0.432), Democratic Republic of the Congo (0.304), Ghana (0.558), Iraq (0.590), Kenya (0.519), Liberia (0.388), Mauritania (0.467), Nigeria (0.471), Rwanda (0.434), Sierra Leone (0.359), Somalia (0.364), Sudan (0.414), Tajikistan (0.622), and Tanzania (0.476). For a full list of countries and their ratings, please see UNDP (2013): The 2013 Human Development Report – "The Rise of the South: Human Progress in a Diverse World" in various languages, online available at: *http://hdr.undp.org/en/reports/global/hdr2013/*, last retrieved on 03.12.2013.

[13]   As will be explained later on, the members of ethnic minority communities feared attacks from the Albanian majority, who wanted to take revenge on those communities who committed the atrocities against the Albanians during the 1990s and those, who collaborated with the perpetrators.

2.3 Research Questions and Outline of the Study

The overall objectives of this inquiry are threefold: First, this study clarifies what a sustainable refugee return really stands for. More precisely, it defines sustainable return theoretically, identifies the conditions in the home country that allow a sustainable return, and works out how each of these affects sustainability in detail.

Research Question 1:   In theory, what makes a refugee return sustainable?

A second focus lies on the policy context: This thesis analyzes the return of refugees to Kosovo. Within this context, the author compares the success rate of returns across six ethnic minority communities and investigates why the return of some ethnic minority communities to Kosovo is more sustainable than the return of others. Finally, this examination gives policy recommendations to local, national, and international stakeholders in Kosovo with regard to the different conditions within the six communities and their general requirements. The policy recommendations aim at:
— identifying the general requirements that have to be met in Kosovo before a sustainable refugee return of any ethnic community can take place,
— proposing how to improve the conditions for the returnees of the six communities, and at
— providing a guideline on how to choose safe return areas.

Research Question 2:   Why is the return of some ethnic minority communities to Kosovo more sustainable than others?

Third, this thesis links the theoretical concept of sustainable return to the practical implementation thereof. Although the question is primarily of a theoretical and conceptual nature, the motivation is to improve the practical applicability of the theoretical framework of sustainable return in ongoing and future return movements. The goal is to check whether more refugees return if the conditions are sustainable and to define general minimum conditions of sustainable return. These are set out in Chapter 4.

Research Question 3:   Do more refugees return if the return conditions are sustainable?

Research Question 4:   What are the minimum conditions that need to be met <u>before</u> a sustainable refugee return can take place?

In order to achieve these goals, the study is divided into three main parts: the conceptual framework, the empirical analyses, and the conclusion.

2.4   Definition of Variables

The dependent variable or the phenomenon that is explained is the sustainability of refugee return of six ethnic communities. It is analyzed according to the characteristics outlined in Chapter 3.3.1. Sustainable refugee return can be defined as a process, in which returnees can establish sustainable livelihoods and are integrated into the home society. (Cf. Black, Gent 2006: 28; Macrae 1999: 3) In addition, a sustainable return should not create an outbreak of new violence between the returnees and the rest of the society. Also, the returnees should neither be displaced again within their home country nor to another country.

The conditions given within the return country are the independent or the explanatory variables: These can be summarized as physical security, economic opportunities, reparation/property restitution, education, health care, infrastructure, and legal security. Guided by the general post-conflict reconstruction process, the conditions for the returnees are scrutinized under the consideration that the returnees have special needs and that the institutional capacities within the home country are limited.

Several conditioning effects have to be taken into consideration, especially with regard to the context:

— The ethnic conflict, which lasted a decade and culminated in the war in 1999, and the subsequent ethnic cleansing of members of the minority communities, caused the displacement of the refugees. As a consequence, their return cannot be regarded separately from those events and the general role of the refugees during the conflict.

— Kosovo does not exist in an isolated environment, but needs to be looked at in the wider European context. Many voluntary and forced returns occur from Western European countries, such as Germany, Switzerland, Norway, and Denmark. Among others, these countries signed readmission agreements with Kosovo, but pursue different repatriation policies. Beyond that, the host countries often implement donor programs for Kosovar refugees, who return to Kosovo from exile. This can be helpful in creating conditions that are conducive to a sustainable return.

— Some ethnic minority communities have a specific status in Europe, which prevents a successful integration into the host countries. Often, those communities have no other choice than to return to their homes in Kosovo.

— Political arrangements in the Western Balkans play a crucial role in the analysis of refugee return to Kosovo. In particular, the relationship between the Republic of Serbia and its province Kosovo is important, as there is still no definite solution to the status of Kosovo despite the declaration of independence in 2008. The unsolved status question and the difficult relationship between Serbia and Kosovo influence the return of refugees from different ethnic minority communities, particularly the return of the Kosovo-Serbs. In addition, the situation is further influenced by the status of Bosnia and Herzegovina, which may be viewed as a kin state for the Kosovo-Bosniaks.

— Furthermore, it plays an important role that members of ethnic minorities emigrate from Kosovo to neighboring or Western European countries. The reason for this is that emigration works against a successful return, and depopulates and destabilizes certain regions within Kosovo.

PART III: CONCEPTUAL FRAMEWORK

3. Conceptual Approach to Post-Conflict Reconstruction and Sustainable Return

Post-conflict reconstruction and refugee return are intrinsically linked to each other. In a post-conflict society, refugee return can give rise to ethnic tensions and renewed violence because the returnees frequently compete with the locals and the so-called stayees for already scarce resources, especially if the national economic level remains marginal. Contrariwise, return can contribute positively to the reconstruction and peace process in a post-conflict society, especially in view of needed skills and personnel, if certain requirements are met.

This chapter aims at giving the theoretical background for a detailed discussion of the refugee return to the post-conflict society of Kosovo. It defines post-conflict reconstruction and the concept of sustainable return. The third chapter then explains the requirements that have to be met to guarantee a sustainable return in a post-conflict society.

3.1 Post-Conflict Reconstruction

When dealing with post-conflict reconstruction, one has to identify what needs to be reconstructed first: in this case, the state. A state is defined as a political entity with a clearly defined territory, a population that belongs to the state, and sovereign institutions of governance that exercise power. (Inter alia Hague, Harrop 2013: 21) Modern states fulfill three key functions: They protect the country and ensure that citizens can live peacefully and secure, they represent the people within their political institutions, and they provide some kind of welfare, at least since the introduction of welfare states by the end of the 19th century. During conflict, these elements of a state are challenged in various ways: (1) the previously defined territory may be in flux (e.g. paramilitary organizations or liberation fronts may challenge the power over the entire or a part of the entire territory), (2) the relationship between citizens and the state may change (e.g. citizens may be displaced to another territory and thus have left the clearly defined territory of a state), and (3) government institutions and infrastructure may be destroyed (hence, there are no sovereign institutions who can exercise power any longer). (Cf. Petrin 2002: 2) Milliken and Krause argue that the "… failure to perform these functions is a failure of the state." (Milliken, Krause 2002: 756) During or after a conflict or due to other causes, states that fail to perform their major tasks are called "weak states", "transitional states", "emerging states", or most commonly "failing/failed states"[14]. According to Petrin, the extreme case is that "… there may be no state at all" (Petrin 2002: 2) post-conflict. If this is the case, security, politics, the economy and other social circumstances are in disorder. Ta-

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[14] Milliken and Krause developed an interesting point of view: States do not actually fail, but they never really existed. "One (somewhat ironic) way to think about the contemporary anguish over state collapse is to note that what has collapsed is more the *vision* (or dream) of the progressive, developmental state that sustained generations of academics, activists and policy-makers, than any real existing state." (Emphasis in original, Milliken, Krause 2002: 762) The logic consequence for such pseudo- or quasi-states is their failure. Thus, the question is not how and why they may fail but rather how and why they exist. (Cf. Milliken, Krause 2002: 763) Due to the limited scope of this thesis, the formation of states and the differences between states that emerged from the Westphalian peace and those that claimed independence after a long history of colonial dependence cannot be explored in detail. For further reading please see Milliken, Jennifer and Keith Krause (2002): State Failure, State Collapse, and State Reconstruction. In: *Development and Change* 33:5, pp. 753-774.

ble 1 specifies the outcomes of a conflict and helps to identify the major areas where reconstruction must apply.

1 Security Circumstances	2 Political Circumstances
■ "Civil life is replaced by widespread militarization." (Holtzman, Elwan, Scott 1998: 16) ■ Illegal Paramilitary Organizations ■ Trafficking in Drugs, Women, and Weapons ■ Land Mines Preventing Access to Land ■ Organized Crime	■ (Semi-)Authoritarian Systems ■ Executive Power Concentration ■ Strong Reliance on Security Forces for Power Preservation ■ Weak Civil Society ■ Parties Organized Along Ethnic Affiliation
■ Damaged Infrastructure ■ Reduced Productivity ■ Devastated Government Revenue Base ■ Erosion of Human Capital	■ Population Displacement ■ Erosion of Social Capital ■ Increased Proportion of Population Needing Assistance
3 Economic Circumstances	Economic Circumstances 4

(Center box: Outcomes of Conflict)

Table 1: Outcomes of Conflict
Source: Own compilation according to Brzoska 2006: 4ff. and Holtzman, Elwan, Scott 1998: 15

When law and order break down, state institutions lose the monopoly of the use of force, the government has a weakened or disintegrated capacity to respond to citizens' needs, and international assistance is often absolutely necessary. (Cf. Brinkerhoff 2005: 2) However, the direction and the goal of post-conflict reconstruction are often not very well defined. This largely depends on the definition of state failure or collapse which can either be perceived as the end of state institutions or as a "… devastating birth of a genuinely post-colonial order." (Mazrui 1995: 22) Conflict transforms the society and the state itself to a large extent. Reconstruction is not and should not be the mere rebuilding of the socioeconomic framework that existed prior to the conflict. Reconstruction does not equate with construction of the past. Rather, it supports the transition from conflict to peace in an affected country. According to Coyne, the "… ultimate success in the reconstruction process is defined as the achievement of a self-sustaining liberal democratic, economic and social order that does not rely on outside assistance in terms of monetary and/or military support." (Coyne 2005: 3)

Post-conflict reconstruction mainly works in four areas, within which priority activities can be identified.

(1) Re-establishing security is indispensable because it is a "… necessary precursor to stabilisation and progress towards a return to something approaching 'normal' economic and political activity." (Brinkerhoff 2005: 4) Reestablishing security often involves an international peacekeeping operation and a disarmament, demobilization, and reintegration strategy (DDR). The latter helps to limit and to diminish the possibility of banditry and the re-emergence of conflict. (Cf. Brinkerhoff 2005: 4) Furthermore, it requires dealing with the police, military and paramilitary, civil rights, the judicial system, and the operation of courts and prisons. The lack of security, however, impedes the recreation of basic services, which is another essential part of post-conflict reconstruction.

(2) The reparation of important physical and social infrastructure, such as public transportation, communications, utility networks, education, and health care, is the second priority area of reconstruction because

"[c]onflict and wars destroy basic infrastructure, disrupt the delivery of core services (e.g. health, education, electricity, water, sanitation) and impede the day-to-day routines associated with making a living." (Brinkerhoff 2005: 4)

(3) The framework of governance must be reconstructed and, hence, legitimacy reconstituted. Strengthening government institutions creates acceptance and trust among the people. The strengthening involves reducing inequality, combating corruption, delivering services, the capacity to respond to citizens' needs, the reestablishment of the rule of law, and the development of a civil society. (Cf. Brinkerhoff 2005: 3) It also involves (re-)constructing state institutions. One should take into account that institutions and their orientation depend on the political culture of a country. First, the international community should identify what kind of institutions fit the circumstances of the post-conflict state and what will best suit the process of reconstruction. (Cf. Brinkerhoff 2005: 4) Thereby, it is useless to focus solely on a Western democratic model, as this tends to create more challenges for the government than benefits.

(4) The last priority activity in a typical reconstruction process is the jump-start of the economy through investment, resumption of trade, savings, and domestic and foreign investment, economic stabilization, the rehabilitation of financial institutions, the restitution of legal frameworks, and functioning markets. (Cf. Holtzman, Elwan, Scott 1998: 25f.) A stable and flourishing economy is also acknowledged by democratization theory as a catalyst for the development of a democratic society and a democratic state. (Cf. Lipset 1959)

While implementing these activities, it is of paramount importance to give special attention to the areas and groups of people that are most affected by the war. The most vulnerable groups, e.g. female-headed households, should receive a more reasonable share and a fairer distribution of resources. Furthermore, the first and foremost goal in the reconstruction of a state should be the restoration of the relation between the state and the society, which was disrupted during war.

Reconstruction depends largely on the political will of the government and the society. "By and large, donor agencies have cited a lack of political will as a major – if not the major – factor." (Weiss Fagen 2003: 211)[15] The lack of the political will of the parties involved is one

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[15] A good example for the positive impact of political will in the process of post-conflict reconstruction is El Salvador. (Cf. Weiss Fagen 2003: 204ff.) Weiss Fagen argues that the peace agreement in El Salvador came about thanks to the political will of both the government and the opposition forces of the Frente Farabundo Martí para la Liberación Nacional (FMLN). Both knew that no one could win this war and fostered peace negotiations at the beginning of the 1990s. In addition, "[c]entral American political leaders and opposition groups sought a comprehensive plan for regional reconstruction that envisioned peace and development." (Weiss Fagen 2003: 204) The program CIREFCA stands for the "International Conference on Central American Refugees" and was initiated after severe conflicts in seven Latin American countries during the 1970s and 1980s. There was the need for a regional solution to help the uprooted 2 million people. CIREFCA was jointly operated by UNHCR and UNDP and aimed at finding a durable solution for the refugees and IDPs, by promoting return as the ideal solution to end the refugee cycle, and by encouraging refugees to interact more with the local population in host countries where refugee return would not be a safe option. The return of the refugees to El Salvador and to other Latin American countries was part of a wider strategy of post-conflict reconstruction and was operated successfully, because of the political will of the parties involved: "The re-

challenge that should be addressed as soon as possible, at best at the beginning of the reconstruction itself. A lack of this makes the reconstruction process more difficult, when the key political actors refrain from participating in any new constitutional government, and causes it to fail right from the start. This is because the key stakeholders fear a loss of their power, leverage, and privileges within the state. A common feature to minimize this risk is to disperse constitutional authority across federal or autonomous units, who can exercise control over a rather weak central authority. The international community often creates weak structures to reduce the risk that the state will fail altogether. (Cf. Cox 2001: 6) However, this often results in a state failure to perform its major functions.

Ethnic conflicts pose another specific challenge to post-conflict reconstruction, that is, to provide a solution to diminish former inequalities in rebuilding the infrastructure and the socio-economic framework. "Reconstruction itself must take into account the dynamics of conflict and the inequities and schisms that led to breakdown in the first place." (Holtzman, Elwan, Scott 1998: 18) If former inequalities are not addressed, new violence over old disputes may break out and may hamper peace and development at the same time.

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turnees had achieved the security of *full citizen rights*, and *reestablished themselves as political and economic participants in the nation*." (Emphasis added, Weiss Fagen 2003: 205)

3.2   Where Do Post-Conflict Reconstruction and Refugee Return Meet?

Refugee return is one element of post-conflict reconstruction aiming at restoring some kind of "normality" for the society and the relationship between the state and the society. One priority activity is the well-directed assistance to the war-affected population: the *integration of displaced populations*, the demobilization and reintegration of ex-combatants, the revitalization of local communities that are most affected by war through support (e.g. credit lines for subsistence agriculture, microenterprises, and the like), and the support of vulnerable groups should be enhanced.

Since the increase of refugees signifies a breakdown in the state-citizen relationship, the fact that refugees decide to return means that they re-avail themselves of their state's protection. (Petrin 2002: 5-9) Hence, refugee return supports the legitimacy of the state with its new government institutions. Furthermore, as the integration of refugees is one of the most important goals in a transitional state, their well-being serves as an indicator of how well the government institutions manage development goals in the post-conflict period. Refugees often return to devastated areas: If a state manages to provide services to the returnees and to the rest of the society, it proves that it is able to function without external support. It also shows that it takes the next step in the period of the transition from war to peace. In addition, returnees can be viewed as human resources, who can foster economic development. They often arrive in mostly destroyed areas and they work very hard to rebuild their lives in the new communities. This is due to their capacity to adapt quickly to new and unknown situations. These efforts can have a positive impact on the community's development as a whole.

Yet, a proper management and planning of the return has to be fulfilled so that returning complements the state reconstruction rather than contradicting it and causing secondary displacement. Petrin argues that "Stein's claim that people who are physically home but are not participating in the economic and political life of their country are still uprooted persons is true" (Petrin 2002: 8). Refugee return has to meet certain criteria so that the returnees are integrated in their communities and participate in the ordinary everyday life: Otherwise, they compete with locals over scarce resources and are, in the worst case, forced to go back into exile. To sum up, "… the return of refugees is an integral aspect of state reconstruction that provides substantial benefits and poses significant challenges to the state." (Petrin 2002: 18) To diminish the challenges and to foster the positive contribution of refugee return to the state's reconstruction, refugee return has to be managed and planned properly. In this thesis, refugee return that occurs under certain positive conditions is called sustainable and is defined next.

3.3 Sustainable Return

Sustainability has recently become a buzz word, used for different political, social, and economic processes that intend to improve the living standards of the present generation without putting any future generations' at risk to meet their own needs. Originally, the word emerged in environmental studies to describe durable cultivation to use land most efficiently. "… [S]ustainable development requires meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life." (WCED 1987: Page not available) Referring to the return of refugees, the criterion of "sustainability" was not properly defined by most stakeholders and researchers. In the following section, the question is addressed what "sustainable return" actually means and how international and national stakeholders can act accordingly.

3.3.1 Definition of Sustainable Return

Black and Gent provide one of the most cited studies on sustainable return. Their first approach to define a sustainable return involves the measurement of the actual levels of re-emigration, onward displacement, and/or the returnees' desire to leave. According to them, this definition is most suitable if it is compared with the rest of the population and their levels of emigration, displacement, and/or desire to leave the home country. However, the complex decision-making process, which either leads to return or to the decision to re-emigrate again, need to be considered as well. These decisions are mainly driven by so-called push and pull factors.

Push factors are the circumstances in the host country that might motivate the refugees to leave the country and return home. In most situations, refugees are secluded in camps where dehumanizing or dangerous conditions prevail. Furthermore, the refugees often feel that "… they were languishing in a limbo that held a past and a present, but presented no future." (Ortega, Acevedo 1991: 24) In addition to this, refugees often do not have any opportunities with regard to education or sufficient health care in many host societies. They live isolated from the rest of the society and fully depend on external assistance. Frequently, the host government even pushes the refugees to leave.[16] (Cf. Cuny, Cuny 1992: 61) By contrast, pull factors attract refugees to a particular stay or to move to a particular country. Pull factors influence the decision to return as well, as they refer to the conditions prevailing in the home country that attract refugees to leave their current situation in the host society behind and to go back home. The pull factor identified as the most important one in the context of refugee return is the wish to belong to their own home country and to reconnect with their land and ancestry. In most return contexts, it can be observed that meeting this emotional need is more important than assessing the conditions in the host and in the home country: Most refugees worldwide return to their home country, even though the circumstances and reasons for their displacement were not fully rectified. They return under conditions of conflict where infrastructure is minimal and they are in danger of getting involved in the conflict.[17] In that case,

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[16] One prominent example, written down by Cuny and Cuny (1992: 61), are the Tamil refugees in India. The Indian government told them that they have to leave the camps and return home.

[17] For various case studies on refugee return to conditions of conflict and violence, please see Stein, Barry N. and Frederick C. Cuny (eds.) (1992): *Refugee Return During Conflict in Africa and Asia*. Dallas: The Center for the Study of Societies in Crisis; and Larkin, Mary Ann, Frederick C. Cuny, and Barry N. Stein (eds.) (1991): *Repatriation Under Conflict in Central* America. Washington, D.C.: Georgetown University.

refugees return to a situation, in which they lack the ability to make decisions on their own. They return to areas which were neglected and affected by long violent conflicts and lack schools, health care, and overall economic stability. They find themselves to be dependent on relief aid, and food and clothes' donations, and they lack the opportunity to support their families on their own. The question remains if such a situation can be defined as sustainable. No, it cannot. The definition clearly fits the concept of *durability*, but not of *sustainability*. A return process is durable, when the returnee is not emigrating again. However, the sole decision to re-emigrate does not tell us anything about the returnees' conditions and comprehensive decision-making processes. The return process needs to occur under certain criteria to be dignified and sustainable. Sustainable return includes durability and adds criteria that have to be met in order to re-establish the returnees' decision-making capacity and self-esteem.

In the context of refugee return, sustainability mainly embraces two elements: the re-establishment of an own life that was lost during the time in exile and the integration into the receiving community[18]. The establishment of an own life works through the development of livelihood strategies. The following definition of sustainable livelihoods by the Department for International Development (DFID) helps to approach the first part of the definition of a sustainable return:

> "Livelihoods are considered 'sustainable' if they can be maintained *without external inputs*, and are sufficiently robust to *withstand external shocks*." (Emphasis added, Black, Gent 2006: 28)

The typical situation of a returnee is characterized by initial humanitarian aid to help the returnee regaining their life immediately after the physical return. Such humanitarian assistance is often crucial since the returnees do not have access to financial resources. Nonetheless, it should be ideally limited to a short time frame so that the returnees' self-reliance can be re-established and long-term dependency is avoided. The long-term goal should be to help the returnees to re-establish their own lives, which means they need to be able to live independently without any external inputs. This certainly does not exclude "normal" governmental support. "… [P]eople should not be settled, but helped to settle themselves … ." (Kibreab 1996b: 59) Returnees should also be sufficiently stable to withstand external shocks. For instance, if a returnee cultivates a farm and the harvest holds off, this should not put their entire existence into question.

According to Macrae, the second element of sustainable return – integration – is

> "… equated with the achievement of a sustainable return – in other words the ability of returning refugees to secure the political, economic, and social conditions needed to maintain life, livelihood and dignity." (Macrae 1999: Note 2, p. 3)

In most contexts, integration that follows the physical relocation to the home area is neglected by policy makers and other stakeholders in the field. The focus remains in the organization and implementation of the physical relocation of people from their host to their home country; this is also true financially. This thesis concentrates on the integration process that takes place years after the physical relocation occurred. The long-term integration into the home society

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[18] The term 'receiving community' refers to the part of the society that lives in the geographical area of return. Mostly, the receiving community is the population in a particular return village or a neighborhood in a larger city.

includes equal access to public goods and services as well as an interethnic dialogue in the case of a previous or an ongoing ethnic conflict. Returnees, particularly those of ethnic minorities, should not be forced or encouraged to establish a parallel, detached society that exists next to the remaining and often dominant home society. Instead, returnees and the receiving community should have access to the same resources and institutions and should be able to rely on these on an equal basis. Furthermore, the refugees' ability to rely on social networks should not be underestimated.

3.3.2 Why to Promote Sustainable Return?

Sustainability as a concept seems persuasive in moral terms: It is a good way of protecting and promoting refugees and their skills and of helping them to re-establish the relationship between the state and themselves, which they lost during their displacement. Admittedly, it may be argued that a sustainable return is a too idealistic approach that cannot be fulfilled in most countries that have a large proportion of refugees. The reason for this is that it is too cost-intensive and barely implementable as most return areas were neglected and destroyed through the last years (or even decades) of violence and war. The effect of a sustainable return on a post-conflict society is explained by the disastrous outcomes of non-sustainable return on the home country and the returnees.

Black and Gent review: "If access to basic necessities is not available, the failings of reintegration can have ramifications for the wider society." (Black, Gent 2006: 31) Facing the circumstances in a post-conflict society, resources are generally scarce and the receiving community's economic situation suffers even more in the case of large return movements if the society does not have the capacity to absorb returnees. If this is the case, the returnees are forced to compete for already scarce resources with the stayees and other locals. (Cf. Petrin 2002: 3f.) This includes houses and other dwellings, and employment opportunities, which are the resources that pose the most significant challenges to the community. (Cf. Ghanem 2005: 132) Often, the houses of refugees were destroyed or occupied by Internally Displaced Persons (IDPs) or confiscated during the war. If the returnees' houses are not reconstructed or returned to them, it may threaten the local peace and intimidate the locals that occupied the refugees' former houses at the moment of the returnees' arrival.

If the labor market is not able to absorb the new arriving returnees, this can have fatal consequences for the community as well. "Where unemployment is already high and problematic, returning migrants in search of jobs exacerbate the problem." (Arowolo 2000: 69) Thus, refugee return might be delayed while economic scarcities prevail. There is no guarantee of continued peace either in the homeland or the surrounding region.

The competition over scarce resources can have severe consequences for the receiving community in general and for the returnees in particular. Due to the competition between them, returnees are perceived as a burden, or even worse, as a threat to the community's economy and security. As a result, this may either create new violence between the returnees and the stayees, who were involved in the conflict and often belong to different social or ethnic groups, or it may lead to a geographical and social separation between them. According to García Rodicio, returnees assess different options when dealing with the lack of integration they face once they return home:

> "Conflict resolution strategies developed by returnees include attitudes of keeping silent and patience, attitudes of separation and lack of interrelation with locals and *migration to returnee settlements*." (Emphasis added, García Rodicio 2006: 227)

In some cases, as García Rodicio argues, returnees have to flee again and become IDPs within their home country or they become refugees abroad for a second time. Stein goes beyond that definition of a secondary displacement and explains that the returnees' marginalization on the edge of the society can already be classified as a form of secondary displacement:

> "People who are physically home but are not participating in the economic and political life of their country are still uprooted persons. In many cases they may be back in their homeland but far from their own communities. The danger exists that repatriation alone is a relocation that converts refugees into internally displaced persons." (Stein 1997: 8)

One could also assume whenever refugees return during conflict and fail to be socially integrated, they face a lack of alternatives that can lead to precarious consequences. They may engage in criminal or paramilitary actions in order to earn money. Adelman summarizes that "… the result is the creation of a breeding ground for future violence and even recruits for a new violent uprising." (Adelman 2002: 294)

In summary, non-sustainable refugee return can lead to a competition over scarce resources, new violence between the former conflict parties, and secondary displacement for the returnees. In order to promote a positive peace and stabilize a war-torn country, refugee return should occur under certain circumstances that provide the returnees with the necessary tools and skills, and prepare the receiving community for the integration of the returnees.

Apart from the fact that an unsustainable return may have a devastating effect on the community, a sustainable return has a positive effect. As it was pointed out earlier, refugees are risk-averse. Especially in protracted refugee situations[19], they fear going back home since they were acclimatized to the circumstances in the host society and do not know what they have to expect in their home country. If a return process proves to be sustainable, new refugees will be attracted to return as well and bring their, often unsatisfactory, situation to an end.

After having returned to their home country, neither the host society nor most of the donor countries are responsible for the returnees anymore. Through sustainable return, a long-term dependency on external aid is avoided and affected institutions have less financial burden to deal with. In addition, the returnees learn to help themselves under the framework of a sustainable return and thus are not helpless.

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[19] "… [R]efugees can be regarded as being in a protracted situation when they have lived in exile for more than five years, and when they still have no immediate prospect of finding a durable solution to their plight by means of voluntary repatriation, local integration, or resettlement." (Crisp 2003: 1)

4. Criteria for Sustainable Return

As sustainable return is a buzz word that appears in almost every policy paper on return, the adjective "sustainable" is indeed applied, but it lacks a precise definition, especially in terms of conditions of a sustainable return. Although the goal might be clearly defined, such as the full integration of the returnees into the society or their full ability to maintain their own live-lihoods without external support – the way how to achieve the goal remains in the shadow. Consequently, based on a detailed literature review, the conditions that are indispensable for (1) *the full integration of returnees in their society* and (2) *the ability of returnees to maintain sustainable livelihoods without external support* are set out. This is how this chapter aims at answering the first research question.

Research Question 1:   In theory, what makes a refugee return sustainable?

Seven criteria are identified keeping in mind that they serve the two aspects of the definition of a sustainable return. These criteria are always dependent on the state's general ability, es-pecially in a post-war reconstruction process, and on the external donor support. Following the theoretical outline, the inalienability of each criterion is checked based on the real condi-tions for each of the six communities in Kosovo.

First of all, physical safety[20] and economic opportunities[21] can be identified as the two main conditions that almost every scholar and stakeholder in the field of refugee return identifies as crucial for sustainability. Physical safety, economic opportunities, property restitution, and legal security are mainly developed in the Handbook on Voluntary Repatriation (UNHCR 1996: 11). Property restitution is further described as necessary for returnees in: Leckie (2003): Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons. In addition, appropriate access and a high quality of education, health care, and in-frastructure were added by the author according to the important role they play in general. They are thus inalienable for returnees, too.

The seven criteria at hand are based on the first and second level of Maslow's hierarchy of needs (Cf. Maslow 1943). The first level refers to the physiological needs, such as food and water. The second level includes safety needs, such as the security of the body, of employ-ment, or of other resources.

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[20] Here are some of the most important sources for the inclusion of physical safety as one of the main criteria for sustainable return: Barbero, Julie (1993): *Refugee Repatriation During Conflict: A New Conventional Wisdom*; Opondo, Enoch O. (1992): *Refugee Repatriation During Conflict: Grounds for Scepticism*; Cuny, Frederick C., and Barry N. Stein (1992): *NGOs and Repatriation During Conflict*; Scott-Villiers, Alastair, Patta Scott-Villiers, and Cole P. Dodge (1993): *Repatriation of 150,000 Sudanese Refugees from Ethiopia: The Manipulation of Civilians in a Situation of Civil Conflict*; Stein, Barry N. and Frederick C. Cuny (eds.) (1992): *Refugee Return During Conflict in Africa and Asia*; Larkin, Mary Ann, Frederick C. Cuny, and Barry N. Stein (eds.) (1991): *Repatriation Under Conflict in Central America*.

[21] Economic opportunities are best described as being crucial to the sustainability of refugee return in Arowolo, Oladele O. (2000): Return Migration and the Problem of Reintegration, in: *International Migration* 38:5, pp. 59-82.
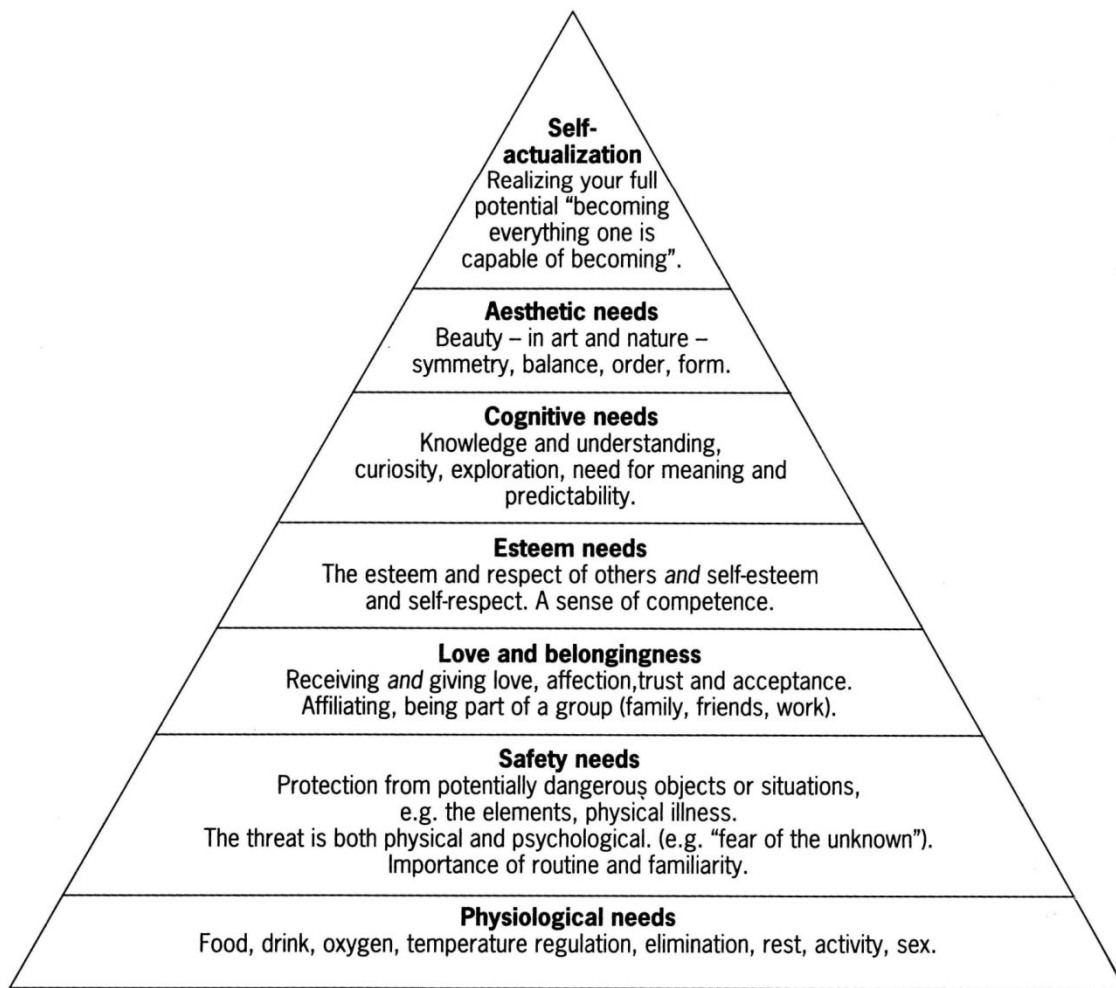
Figure 3:   Maslow's hierarchy of needs
Source: *http://physicalspace.files.wordpress.com/2010/10/maslows-hierarchy.jpg*

As resources are generally scarce in post-conflict societies, the author assumes that the first two levels of Maslow's hierarchy of needs necessarily have to be implicit in a conceptual framework of sustainable return in the first instance. A long-term framework for sustainable return should also include post-materialistic criteria such as political participation, equal participation in all public spheres, gender equality and empowerment of women, freedom of assembly as well as political education. Summing up, when developing the conceptual framework of sustainable return. The author focused on the most basic and most essential needs for survival in the home country.

The following criteria do not consider the so-called push factors, which refer to the conditions in the host country. They only take into account the conditions in the home country that the returnees have to face once they changed their place of residence. For instance, the conceptual framework at hand neglects the impact of the failure to grant or to terminate the residence status, work bans, or deportations based on the decision to return. Nevertheless, the push-factors and their effects were analyzed in different sections in this thesis. For instance, in Chapter 2.4 the forced repatriation (deportation) of Kosovar refugees from Western European countries is listed as a conditioning effect on the sustainability of refugee return. In addition, the deportation of RAE and its effects is analyzed in more detail in Chapter 6.6.2.

4.1 Physical Security

The first step in a return process is the physical relocation to the home area, which is followed by the integration into the home area. In the majority of worldwide return processes, the conflict that caused the displacement has not been solved yet. Thus, the route for the physical relocation needs to be chosen very carefully: Routes should be free of mines, rebels should not control the affected area, and a transport without military escort should be possible in the ideal case. If the latter is not possible, a military escort – most likely provided by the responsible United Nations mission – should be made available for the repatriation process. In addition, the mean by which transportation is chosen should fulfill basic criteria such as safety and availability – most likely, return processes happen by bus, car, boat, or occasionally by airplane.

The safest circumstances during the relocation and the entire return process are provided when the conflict that caused the displacement was solved and the country is now peaceful[22]. Evidence for this is the presence of armistice or a peace agreement. However, a peace accord is not always a trustworthy sign for the end of violence, as the 1987 Accord in Sri Lanka proved.[23] (Cf. Cuny, Cuny 1992: 59) Nevertheless, an armistice is often a good starting point for further discussion whether or not physical safety is guaranteed. Subsequently, it should be investigated, whether there are attacks, or a potential threat thereof in the entire country. In most return contexts, it is only measured whether there is physical safety in the particular area of return, but not in the entire country. Therein lays a particular problem which is explained next.

Hogan defines the return into a safe area as "… an expansion or opening of living space" (Hogan 1992: 385). According to his definition, refugees might only repatriate if they see a space for themselves in their country of origin. Free living space can be understood as a geographical area *and* a social space, that is safe and where refugees can find opportunities to build their individual, new life. One good example is the case of displaced persons returning to Northern Bahr el Ghazal in southern Sudan in early 1991. The return area was clearly defined and occupied by the Sudan People's Liberation Army (SPLA). Although the term occu-

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[22] In this thesis, 'peaceful' should be understood in the sense of negative peace. The concept of negative peace traces back to Johan Galtung, a Norwegian peace researcher who founded the Peace Research Institute Oslo in 1959. Negative peace refers to a climate in which there is no "direct violence," such as a fight with weapons. When someone's own means of realization are destroyed – either through a physical attack or the destruction of means of living – direct violence occurs. (Cf. Galtung 1969: 169) According to Galtung (1969: 169, 174), direct violence can be divided into physical and psychological forms. (1) Physical violence concerns the human's body and reduces somatic capabilities through all kinds of armed attacks, including the use of nuclear, biological, or chemical (ABC)-weapons. Moreover, direct violence can entail the constraint of human movements, such as imprisonment or access to public transportation. This form of violence can be either *structurally* damaging, which refers to the human's anatomy (e.g. piercing or burning), or *functionally* damaging, which refers to the human's physiology through the denial of food, clean air, clean water, or any other bodily constraints. (2) Psychological direct violence occurs against a human's mental well-being through lies, brainwashing, threats, or indoctrination. In addition, Galtung argues that the *threat of violence* equals *violence*. (Cf. Galtung 1996: 197)

[23] The accord between Sri Lanka and India aimed at restoring peace in Sri Lanka and at preventing the Tamil separatists from establishing their own state within Sri Lanka. However, the majority of Tamils, who were affected most by this agreement, opposed the accord and Tamil separatists started to fight against the Indian occupation after the accord had been agreed upon in 1987. Indians were not familiar with the Sri Lankan landscape and urban guerrilla warfare. Within three months, Tamil separatists killed some 2,000 civilians, damaged 50,000 buildings, and sent 200,000 refugees searching for shelter. For an extensive explanation of the peace accord's impact on the Tamils and Sri Lanka in general, please see Hennayake, Shantha K. (1989): The Peace Accord and the Tamils in Sri Lanka, in: *Asian Survey* 29:4, pp. 401-415.

pation may give the impression that minorities are oppressed and do not have secure living conditions, the opposite was true. There was freedom of movement and available food supplies, land was prepared for cultivation, and the security situation had improved over time. (Cf. Hogan 1992: 413f.) Hogan explains that this was a sound scenario for refugees to use the open living space and to return home. Nevertheless, he points to the continued uncertainty regarding stable peace:

> "The volatility of the overall political and military situation in the South, however, is such that favorable conditions prevailing at any one time in a localized context, as in present-day Northern Bahr el Ghazal, can quickly change for the worse and result, once again, in displacement to the North." (Hogan 1992: 426)

Opondo supports this idea by explaining that due to the fluidity of any conflict, this open space can quickly become a non-space and, consequently, be a danger rather than a safe haven for the returnees. (Cf. Opondo 1992: 360)

Repatriation projects from Pakistan to Afghanistan are a good case to illustrate this aspect of return during conflict. They took place in the aftermath of the Geneva Accords in April 1988. "Projects to assist returning refugees were to be carried out in 'zones of tranquility,' those areas that were not the site of continuing combat." (Sorensen 1992: 254) Although this may be a good strategy according to international development agencies, the risk lies, once again, in the fluidity of the conflict: Areas that are now identified as "zones of tranquility" can turn into conflict areas very quickly, and returnees may be in the center of this risk. Even if there is a peace agreement, this space can close quickly. Numerous conflicts, particularly the civil wars that occurred in the 1990s, ended without a victory for either opponent.

> "Rather, exhausted by years of inconclusive conflict and prodded by patrons whose patience and support eroded with the end of Cold War, a deal has been made by opponents who still possess formidable firepower." (Cuny, Stein 1992: 9)

This argument aggravates the risk for the returnees because the underlying causes for the conflict were not eliminated. Therefore, there is a high possibility that the absence of violence reverts to violent conflict. Even though the particular area of return might be safe in a specific period, this does not mean that the space will be open indefinitely. Rather, if violence still occurs in some parts of the country, it can spread into the return areas easily and close the open living space for refugees accordingly.

Physical safety entails the absence of attacks and harassment, including sexual violence, abductions, and the destruction of property. Apart from the general level of violence in the home country, direct violence against returnees is investigated in particular. Often, the return itself tends to breed new violence between the returning and the receiving community who most likely belong to different social or ethnic groups that were involved in the conflict causing the displacement. Although the general situation in the affected country may be calm, returnees may feel insecure and refrain from returning because of a lack of physical safety. This is especially the case when the receiving does not welcome the returning community.

Furthermore, physical safety includes ensuring full freedom of movement which is incorporated in Article 13(1) of the Universal Declaration of Human Rights: "Everyone has the right

to freedom of movement and residence within the borders of each state." For now, freedom of movement appears to be an objective criterion. It includes:

— The legal permission for every citizen – no matter what race, ethnicity, gender, or age – to go to every place in the country without any restrictions by the government,

— Access to transportation, and

— Unrestricted access to public buildings.

Beyond that, freedom of movement is predominantly a subjective criterion: Whether a person feels free to move wherever they want to move to is a subjective perception that can stand in the way of objective facts. The following statement highlights this well: "They *believe* their freedom of movement would be restricted in the place of origin." (Emphasis added, DRC 2009: 30) The presence or absence of objective and subjective freedom of movement has an impact on the access of returnees to public services. Without the freedom of movement from municipality to municipality and even within these, it is not possible to guarantee access to education, employment, health care, and other services which are the cornerstones of a sustainable return.

The question remains: What if physical safety is not guaranteed in the home country of the affected refugees? Two main arguments are explored.

First, returnees become involved in an ongoing violent conflict. "As the violence increased, it was difficult for many to avoid being drawn into the fight." (Cuny, Cuny 1992: 71) Returnees can be dragged into a conflict after their physical movement to the area of their origin. Particularly returnees from minority ethnic communities can become a fresh target for insurgent groups in an ethnic conflict. (Cf. Cuny, Cuny 1992: 86) They can be prevented access to relief aid or food, as they do not belong to the favored ethnic group in the conflict-prone country. In some cases, returnees are used for the insurgents' or government's purposes. An example is the return of refugees from Thailand to Cambodia in 1989. "The Khmer Rouge needs returnees to clear land, set up logistical bases, build roads, and clear the mine fields." (Rogge 1992: 202) The Khmer Rouge, involved in armed resistance against the intervening Vietnamese forces, manipulated the returnees and used them for their own purposes instead of strengthening their position in the society and constructively including them into development projects.

The second argument is that the state institutions in the affected country are not capable of dealing with the returnees. Primarily, refugee return puts a burden on the home country's institutions, as there is an increase of the needy population. Apart from sheer numbers, returnees often have special needs such as medical and psychological treatments. Institutions in a conflict-torn country, even in a post-war situation, are predominantly engaged with the conflict, however, and are neither capable of absorbing returnees nor to meet those needs. For instance, when Tamils returned to Sri Lanka they were promised to get cash rewards that they never received. There were delays with the payment, the cash was given to the wrong recipients, and accountability was often lax. (Cf. Cuny, Cuny 1992: 72)

> "Middle-income families appear to have been hit hardest, since they were ineligible for the grants and were required to borrow money. This would not have been a problem, except that few of the banks were open, and most of the national banks were reluctant to lend money in the prevailing climate of violence in the north and east." (Cuny, Cuny 1992: 72)

Often it is hard to provide the returnees with the necessary goods for their survival in the first weeks and months after the arrival to their home country, especially under continued threatening conditions.

The returnees can be forced to undergo the trauma of displacement a second time, which is a violation of the assumption about the return durability. Quantitative data to show how many returnees were forced to flee a second time are difficult to collect. Yet, Sri Lanka is one prominent example, where secondary displacements were quantifiable: There, many returnees – not only spontaneous returnees but also people who returned under a UNHCR-sponsored repatriation program – fled when fighting resumed on a massive scale in the summer of 1990. Two out of five former Sri Lankan returnees fled a second time.[24] (Cf. Cuny, Stein 1992: 30) Another way of dealing with renewed violence after return is described by Cuny and Cuny:

> "Most returnees were reluctant to become refugees again, and, in those areas where reconstruction activities were delayed, there were few job opportunities. Thus, some joined the ranks of the LTTE [Liberation Tigers of Tamil Eelam], which gradually returned to the pre-Accord levels, and by 1989, were even larger than before." (Cuny, Cuny 1992: 71)

Concisely, it can be argued that a return during a conflict may increase the risk for returnees to be re-involved in the conflict and to be manipulated by the conflicting parties. Moreover, returnees often live isolated in a country that is prone to conflict as humanitarian agencies and national institutions either cannot reach the refugees or they do not have the capacities to care for the returnees' needs. The example of Ethiopia accurately summarizes these threats:

> "The first and most obvious conclusion is that the people who became refugees at Itang [town in Ethiopia] and subsequently *returnees to Sudan were undermined by war, manipulated by the conflicting parties and inadequately protected and assisted by the international community.*" (Emphasis added, Scott-Villiers, Scott-Villiers, Dodge 1993: 213)

As a result, it may be feasible for the refugees to return under conditions of partial or geographically segmented negative peace, but it appears to significantly diminish their prospects of durable return. The lack of security as a consequence of ongoing hostilities and the lack of food, medical aid, and other goods, can cause secondary displacement and not sustainable return. Figure 4 summarizes this graphically.

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[24] Others argue that once people have returned, they are reluctant to leave again and often seek other ways of dealing with the threat of renewed violence against them. Usually, they will move to other areas within the country and, this time, become IDPs.

CHECKLIST	**Security for Returnees**

✔	Absence of Attacks and the Threat Thereof, Harassment, and the Destruction of Property, Particularly in Return Areas
✔	Freedom of Movement
✔	Route for relocation is safe and free of mines
✔	Preventive Actions to Avoid Conflict Between the Returning and the Receiving Community
✔	Peace Agreement

Figure 4: Checklist for Security of Returnees
Source: Own compilation

4.2 Economic Opportunities

Providing economic opportunities for the returnees is crucial for the refugees' decision making process in the country of asylum. Black argues: "If there are no jobs or economic opportunities, the incentive to return will remain low." (Black 2001: 192) This is because the refugees aim at improving their current living conditions in the country of asylum by returning to their country of origin. Without any employment opportunities they are not capable of feeding their families and regaining independence from external support, however. Furthermore, employment certainly facilitates the integration of the returnees into their home society. Consequently, most scholars and stakeholders agree that employment opportunities are essential for the success and the sustainability of any repatriation program.

Before any return program can be implemented, the local economy should have the absorptive capacity to receive and integrate arriving returnees. (Cf. Arowolo 2000: 68) Therein, two very different return contexts have to be considered: the return of refugees to <u>urban</u> settlements where the service sector provides most of the jobs and the return to <u>rural</u> settlements where agriculture is the main income producing sector.

In urban settings, the most important factor of economic integration is the availability of jobs: "Where unemployment is already high and problematic, returning migrants in search of jobs exacerbate the problem." (Arowolo 2000: 69) Thus, it is of utmost importance that jobs are available and that the returnees do not find themselves in a situation of unemployment and poverty once they return to their country of origin. In addition, available jobs must fit the returnees' skills. To be aware of this constellation, their individual characteristics, such as age, sex, education/skills acquired need to be analyzed. In addition, it is important to look at the reasons for the decision to return, the host country or place of residence, the type of work done while away, family characteristics, amount of money repatriated, the access to property at home, while finding the best strategy to integrate them into the existing labor market. If jobs are available, returnees should have access to job openings through available newspapers or other media. In some contexts, returnees may have another native language than the majority of the home society. For instance, they were born abroad or belonged to a different ethnic community. Thus, job openings should be available in the languages of the majority of the society *and* the languages of the returnees. Further, in order to be able to attend job interviews and to perform in the job, transportation means and freedom of movement have to be guaranteed. While working in a job, returnees should neither be discriminated by their employer nor by other employees because of their background as refugees, returnees, or because of their ethnic origins.

Another alternative is the creation of small businesses by the returnees. Often, they have learned the necessary skills in the refugee camps. However, in most cases, the returnees do not have the financial capability to open their own business, which requires a considerable amount of capital. Therefore, governments and non-governmental organizations should ideally support returnees financially by providing them with a loan to start their own business. With the financial support, they are able to buy or rent a room and the necessary tools. Small businesses are a good way to support the local economy and to strengthen consumption in the same area as well.

"For some returnees, their acquired skills may not match existing job opportunities at their home location." (Arowolo 2000: 69) On that account, returnees should have access to voca-

tional training, wherever it is available, in order to further develop their skills and to match them with the current requirements of the local employment market.

If returnees move to rural areas, they are effectively excluded from potential labor opportunities in the service sector. (Cf. Arowolo 2000: 68) Salih identified major reasons for a refugee return process to be successful in rural areas. One of them is the availability of fertile land in the home country to enable returnees to do agricultural work. (Cf. Salih 1996: 168) The returnees should have the necessary farming skills either because of their long-term working experience before or during exile, or through vocational training obtained in refugee camps or after their return. Furthermore, they have to be provided with agricultural tools, seeds, and cattle to start a farming business. This can be achieved through a donation by international organizations or through loans by the government or other stakeholders. (Cf. Arowolo 2000: 68) One good example is the Republic of Yemen Cooperative Agricultural Credit Bank, which gave 2,600 loans to returnees as an incentive to engage in farming in 1990. (Cf. Van Hear 1994: 30) Although only around 25 % of the 11,000 returnees, who applied for the loan, received the money, the loan program by the Yemeni government was a starting point to support returnees in their efforts to gain independence.

Employment directly influences the returnees' living conditions, ensures that they are able to feed their families, and avoids long-term dependency on the government or international organizations.

By providing the returnees with employment opportunities, it is ensured that they can support the reconstruction process of the entire post-war society. A program in Vietnam serves as a good example: The Comprehensive Plan of Action by the Geneva Conference on Indo-Chinese refugees intended to "… improve the living conditions … and infrastructure … in the communities with high returnee concentration through micro projects which also provided temporary jobs for the returnees." (Duong, Morgan 2001: 104) For this reason, returnees could be integrated into reconstruction efforts and were able to support general economic development. This possible contribution is often neglected because refugees and returnees are popularly perceived as victims of the war. Adelman supports this idea: "The key issue in maintaining the peace, then, is stopping the perpetrators of violence, not assisting the victims … ." (Adelman 2002: 278) If, however, one assumes that returnees have certain skills and resources, the following argument can be justified: It is assumed that if there are economic opportunities for returnees, they are able to help to improve the economic conditions and the overall quality of life for the entire post-conflict country. It is widely accepted that the "… reconstructtion of war-torn economies is a sine qua non for successful reintegration of returnees …" (Kibreab 1996a: 183). If those conditions are created and returnees have employment opportunities, such as e.g. farming or working in the service sector, they should not be seen as a burden to the home economy any longer, but as a resource within the reconstruction process. McSpadden supports this by adding that

> "[t]he evidence shows that there is a strong relationship between the refugees' possibility to return home (under the existing conditions of security and political stability) and national reconstruction." (As quoted by McSpadden 1999: 82)

Given that returnees are equipped with the necessary agricultural skills and tools, they can contribute to the food security of a region or an entire country. A lack of food and overall economic development are two factors many post-war societies suffer from. Returnees have often gained important skills during their displacement, either through training by international relief agencies or due to their capacities to adapt quickly to new situations; they are able to help entire communities to reestablish their livelihoods. (Cf. Petrin 2002: 6) Amongst other things, the training programs are likely to include metalworking, medical and educational training, sewing, and carpentry. Once the refugees return to their homes, whether in rural or urban settings, with the help of humanitarian agencies they can start small businesses to help boosting the economy.

Furthermore, in most cases, returnees arrive in largely destroyed areas and, hence, "[r]epatriation is perceived … as an opportunity for the development of previously neglected and war-torn areas." (Kibreab 1996a: 128) Refugee return to rural areas can have the effect that these areas become targets of development aid and thus develop faster than they would without the work force of the returnees and the additional development aid they bring with them.

Apart from the general economic contribution the returnees can make, Barbero assumes that the return of qualified nationals can have a stabilizing effect on the overall development of any post-war society:

> "Likewise, there will be inadequate medical care in Angola without the return of Angolan doctors to a country devastated by sixteen years of conflict and the University of Asmara will be insufficiently staffed without the return of Eritrean professors to their newly emerging nation." (Barbero 1993: 8)

She also refers to the case of Mozambican professionals who further assist in facilitating the return and integration of the remaining refugees. Repatriation has been perceived as a peacemaking initiative in which qualified nationals "… will be able to form a 'zone of safety'" (Barbero 1993: 9). Additionally, the qualified nationals can serve as important role models for the returnees that have difficulties in regaining their lives and in establishing new income opportunities. Figure 5 illustrates this.

CHECKLIST	**Economic Opportunities for Returnees**

✓ Availability of Employment, Particularly in Return Areas

✓ Access to Job Openings, Provided in Returnees' Language

✓ Public Transportation and Freedom of Movement Available

✓ No Discrimination at Work

✓ In Rural Areas: Fertile Land, Tools, and Seeds Available

✓ *Optional:* Vocational Training

✓ *Optional:* Micro-loans to Support the Establishment of Small Businesses and/or Farming

Figure 5: Checklist for Economic Opportunities for Returnees
Source: Own compilation

4.3 Reparation and Housing

To begin with, Chimni defines sustainable return as the situation where "… a constructive relationship between returnees, civil society and the state is consolidated." (Chimni 2002: 168) This means, it is the state's responsibility to reestablish the broken relationship between the three actors in post-war societies and the important mean is reparation. The legal basis for state reparations is the Draft Articles on the Responsibility of States for Internationally Wrongful Acts that were enacted in August 2001 by the International Law Commission. Therein, Article 31, paragraph 1 on Reparations is of importance: "The responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act." Although this document is known as the only international basis for reparations, it does not solve all problems and questions. For instance, it does not address why and how to make reparations. Furthermore, the purpose of reparations is not fully defined. Scholars and policymakers do not agree on the purpose either. "One widely accepted purpose is *remedial justice*, to rectify the wrong done [sic] an injured party and correct injustice by restoring the status quo ante." (Emphasis added, Shelton 2002: 844) According to the literature, this argument is widely supported by scholars and policy makers, because it focuses on the injured party and tries to balance the internationally wrongful act with the damage the injured party had. Another argument says that reparations could be perceived as a means to punish or to deter wrongdoings. By increasing the costs for a breach of law, states are then likely to refrain from doing so. A third group claims that reparations could be perceived as restorative justice that can foster a reconciliation process and induce positive future behavior. (Cf. Shelton 2002: 844) This last understanding of reparation envisages three forms: (1) restitution, (2) compensation, or (3) satisfaction. In the following, each kind is briefly explained.

Restitution aims at restoring conditions that existed prior to the violations of human rights. It includes the reconstruction or return of homes, artifacts, and/or land. Restitution "… represents the historical bridging of animosity between enemies." (Barkan 2001: xii-xvii) The reestablishment of conditions can have two separate meanings: Restitution can either refer to the reestablishment of the status quo ante: Therein, the normative baseline is *Restitutio in integrum* (restoration to the original condition) (Cf. Bradley 2005: 83). Alternatively, it refers to the situation that would have existed if the wrongful act was not committed:

> "Reparation must, so far as possible, wipe out all the consequences of the illegal act and re-establish the situation that would, in all probability, have existed if that act had not been committed." (Shelton 2002: 835; quoted from the Chorzów Factory Judgment of the Permanent Court of International Justice)[25]

If restitution is impossible or the burden is out of proportion to the benefit of restitution, *compensation* is required, e.g. in the form of monetary payment. Compensation is limited to damages of provable and proximate losses to avoid excessive recoveries. (Cf. Shelton 2002: 838) According to the Draft Articles,

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[25] To wipe out all the consequences as the act had not been committed is nearly impossible "since the counter-factuals allow for too many alternatives." (Barkan 2001: 327) This essentially means that the value and use of land have often changed and nobody can ever predict what would have happened without the committed act. Barkan shows in his book "The Guilt of Nations" that we cannot predict, for instance, if the Indians in the United States of America would have kept their land and used it as the US-Americans did after their annexation. (Cf. Barkan 2001: 327)

> "… awards of compensation encompass material losses (loss of earnings, pensions, medical expenses, etc.) and non-material damage (pain and suffering, mental anguish, humiliation, loss of enjoyment of life and loss of companionship or consortium), the latter usually quantified on the basis of an equitable assessment." (Draft Articles 2001; Commentaries, Art. 36, para. 19)

In detail, property compensation includes the financial trade-off for capital value, loss of profits, and incidental expenses.

Satisfaction is the least common type of reparation. It addresses non-material injuries and may involve official apologies and judicial proceedings as it could be observed in Rwanda in the *Gacaca* proceedings. Satisfaction is defined as a rather exceptional remedy because of its former punitive purpose. Moreover, Barkan remarks that apologies can be a form of whitewashing the injustice. This is because no side at the negotiation table has to bargain anything. According to Barkan, the

> "… recognition of past injustices constitutes the core of restitution. It is a recognition that transforms the trauma of victimization into a process of mourning and allows for rebuilding." (Barkan 2001: 323)

Apologies do not comply with this sense of reparations.

Based on the general understanding of reparation, and restitution in particular, there is a special importance for the returnees in receiving reparations. It is "… particularly crucial because restitution helps create just conditions of return and therefore has important implications for fostering security and development in post-conflict states." (Bradley 2005: 77) One of the most important aims in a return process is the reestablishment of the relationship between the citizen – in this case a former refugee – and the state that was destroyed in times of war. Without any acknowledgement of the injustice by the state, the bond between the refugee and the state cannot be repaired. It is the country of origin that has to make these reparations. (Cf. Bradley 2005: 83) However, whenever reparations are made, proportionality should be taken into account: The returnees are one injured party that had to leave their home country due to a violent conflict or for other reasons. Nevertheless, they are not the only party that suffered from injustice and other atrocities. Nevertheless, many refugees were denied restitution because it is a challenging process for states, which is time-consuming and politically contentious. The returnees also do not have a lobby to fight for their rights and are reliant on external support to receive restitution. One particular area of restitution that is indispensable for returnees is the reconstruction of immovable property and the compensation thereof.

4.3.1 Restitution of Immovable Property and Compensation Thereof

> "The recognition of restitution rights often provides the first official pronouncement that whatever may have taken place in the past which is responsible for people being forced to vacate their homes was wrong and should not be allowed to occur again in the future." (Leckie 2003: 8)

Leckie also acknowledges that returning home does not have any positive effect for the returnees unless they have somewhere to return to. (Cf. Leckie 2003: 50) If they neither own property in their country of origin nor have anywhere else to live in, the returnees will compete for already scarce housing options in most post-conflict contexts. This creates tensions

with the receiving community and tends to create new violence, however. Moreover, the lack of housing options for the returnees probably creates further problems since the returnees are likely to occupy vacant houses that belong to other refugees or IDPs. The lack of adequate housing then deters refugees from returning home, while they are still in exile.

Property restitution is built upon the legal foundation of restoration in general. As already mentioned, the Draft Articles on State Responsibility are the main framework for reparation based on internationally wrongful acts or significant human rights violations. Many other legal documents grant the right to an effective restitution for victims of human rights violations, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on the Elimination of all Forms of Racial Discrimination. The "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" (2005: Art. 19) explains restitutions as the restoration of liberty, the enjoyment of human rights, identity, family life and citizenship, the return to one's place of residence, the restoration of employment, and the return of property. The document refers only very broadly to housing and property restitution. Recently, more documents and institutions make a more direct link between refugee return and housing and property restitution, especially in UN documents, such as General Assembly and Security Council resolutions. Furthermore, since the 1990s – the decade of voluntary repatriation – peace agreements and voluntary repatriation agreements (often in the form of tripartite agreements) acknowledge the refugees' and IDPs' rights to adequate housing.

> "In fact, it is clear that restitution programs in post-conflict environments stand a far greater chance of success when the government in question also takes the housing rights of those in need seriously." (Leckie 2003: 33)

Property restitution should also reaffirm the fact that refugees and IDPs should never be made responsible for their displacement. It is an unofficial amnesty for refugees and IDPs that they are not treated differently because of their displacement and their return. In the following section, the most important challenges in the property restitution process are explained.

4.3.2 Challenges in the Property Restitution Process

4.3.2.1 Abandonment Laws

Abandonment laws work strictly against refugees' and IDPs' rights. They claim that property that was abandoned for too long cannot be repossessed by its original owners. Following this claim, houses can be allocated to different citizens other than the original owners of the property.[26] Especially during ethnic wars, abandonment laws and the allocation of vacant houses play a significant role, as both are further possibilities to foster ethnic cleansing and to find legal mechanisms to dominate a territory and to enlarge that territory by occupying abandoned houses. The Balkans is one good example: the Republika Srpska, for instance, passed an

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[26] For instance, Ossetians fleeing the war in Georgia between 1990-1992 have been hindered from returning because of the lack of access to their property. Courts have argued that the abandonment of an apartment because of the displacement of a refugee is not a valid reason to claim property afterwards. On that account, many abandoned apartments belonging to Ossetians were allocated to the dominant group of ethnic Georgians. (Cf. Leckie 2003: 45)

Abandonment Law in 1996 after the end of violent hostilities in Bosnia and Herzegovina. Ownership rights were revoked if the owner had not used the property. It is conceivable that this law mainly applied to displace Bosnian Muslims and Croats and to establish a majority of Bosnian Serbs in the Republika Srpska. (Cf. Leckie 2003: 46) To sum up, abandonment laws prevented several ten thousands of refugees worldwide from returning to their homes because houses and apartments were allocated to other individuals or families that now legally own that property.

4.3.2.2   Secondary Occupation

One major problem in property restitution is secondary occupation, which can be understood in two different ways. The first kind is a form of occupation by individuals or families that occurs spontaneously and most likely because the new occupiers are Internally Displaced Persons themselves and had to leave their home as well. They find shelter in a vacant house and stay there because of a lack of alternative housing options. Potential problems with this kind of secondary occupations can be solved by providing adequate housing to the new occupiers. If their housing problem is solved, they are likely to vacate from the illegally occupied alien property.

The other form of occupation is directed and organized by the government. Once again, this form can also be used for ethnic cleansing. Often, governments organize the occupation of abandoned homes to occupy the territory with their most preferred ethnic community in this area. This form of secondary occupation is undesirable and must be avoided by law and implemented by authorities in order to prevent the creation of further property conflicts between the returning and the receiving community.

4.3.2.3   Damaged and Destroyed Houses

The most worrying issue is the number of houses that were destroyed during and in the aftermath of a violent conflict. Unless houses are completely destroyed, it should be in the government's interest to reconstruct them to provide the population with adequate housing. If houses are completely destroyed, solutions for the citizens' and notably the returnees' housing situation must be found. This form of restitution should include compensation for the loss of the dwelling so that the returnees are able to construct a new house on their own land. If both – the house and the land – are not available anymore, an alternative adequate housing should be found.[27] How can the term "adequate housing" be understood? The Committee on Economic, Social and Cultural Rights provides in its General Comment No. 4 on the Right to Adequate Housing (1991) a checklist including seven criteria for adequate housing (Cf. Leckie 2003: 33):

— security of tenure,
— habitability,
— affordability,
— accessibility,
— availability of materials,
— location, and

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[27]   One possible case could be if a residential place is now used for a well-established business.

— cultural adequacy.

The alternative residential place should be chosen according to these criteria. In addition, the solution should be permanent instead of short term. Facing the challenge of destroyed houses, compensation does play a significant role. Often, there is no other alternative than compensation, especially if houses are completely destroyed. Although one should not underestimate the power and importance of compensation, it should not be used to justify ethnic cleansing by "… paying off the displaced to leave for good." (Leckie 2003: 51) The reconstruction of the returnee's former house should ideally be the first priority.

4.3.2.4   Loss or Destruction of Property Records

The loss or destruction of property records plays a major role in ethnic conflicts, when records were destroyed on purpose or confiscated by the dominant ethnic community to prevent refugees and IDPs from returning to their property. Often, property records are destroyed or got lost during the war. Over the last two decades, some alternative types of evidence emerged to solve property claim cases, including the following:

> "… verified sale contracts, verified gift contracts, inheritance decisions with legal validity, court decisions on ownership, valid decisions made in administrative procedures, building permits, mortgages or credit agreements, property taxes or income taxes, construction licenses or building permits, usage permits, contracts on use of an apartment, excerpts from official records, decisions on the allocation of an apartment, decisions on apartment rent or rent levels, apartment rent slips, decisions by which apartments are declared abandoned, certificates of place of residence, bills (utility, phone, gas, etc.), eyewitnesses, personal identity cards, car registration, census records, personal contracts, dismissal records and others." (Leckie 2003: 52)

In summary, there are numerous challenges that prevent a successful property restitution process in many ways. As Leckie puts it: "The restitution story, thus, is far from over." (Leckie 2003: 56) However, reparation plays an important role in the context of return and, if successful, fosters the reconciliation process of the post-war society. This is explained in the following.

4.3.3   Consequences of the Presence or the Lack of Reparation

By providing reparation, returnees can have a remarkable impact on the development of positive peace through a national reconciliation process. As García Rodicio (2006: 209) claims: "Voluntary repatriation should be understood as an integral part of the reconciliation process in the country of origin of refugees."
While a post-conflict society might survive and progress without full refugee return, especially if remittances are provided by those living abroad, any national reconciliation process in a post-conflict society can only be achieved with the return of the displaced refugees. Particularly in ethnic conflicts, refugees mostly belong to one of the warring ethnic communities. Hence, refugees are part of the conflict itself and cannot be considered as being detached from the conflict and the reconciliation process. If a society is re-established without an ethnic community that was previously present, negative peace may be created, but the conditions for

positive peace would not be met since external groups will carry on national grievances (e.g. the Palestinian diaspora).

Either the returnees are perceived as "the lucky ones," because they did not have to suffer from the immediate consequences of the war, or as "the enemy," because they are part of one social/ethnic group that fought in the violent conflict. The returnees are an integral part of the post-conflict society and must be considered when contemplating national reconciliation or even cross-border agreements as in the case of Israel-Palestine.

Reconciliation can be defined as "… the high end of the stability-of-peace spectrum, symptomized by coexistence and later collaboration, cooperation and finally integration between segments of society." (Purdekova 2008: 8) The returnees can have a significant impact in any reconciliation process if their destroyed houses are reconstructed, and ownership claims are solved. On that account, the returnees and the stayees do not compete over immovable property, such as habitable houses and commercial/agricultural land. This gives them the opportunity to live in the neighborhood, in which they lived before the war. They are part of the restoration process of local communities that García Rodicio identifies as the key concept in the reconciliation context of post-war societies. According to her, the involvement of local leaders, the existence of shared social space, the active involvement of local populations, and common activities are the main components to approach reconciliation. (Cf. García Rodicio 2006: 226f.) The mere fact that refugees return to their home country proves that they are willing to reconcile and to live in a cooperative and integrated way in this society, in which parts of the population committed severe human rights violations. In most cases, refugee return takes place to rural areas where small neighborhoods prevail. If they are provided with the right means, they do not have to compete over immovable property and have a home to return to, they can successfully integrate into their communities and promote reconciliation.

In contrast, the absence of property restitution can lead to new violence or secondary displacement. Houses and other dwellings are resources that pose significant challenges in case of scarcity. In several cases, the houses of the refugees were destroyed through war, occupied by IDPs, or commandeered during the war. (Cf. Ghanem 2005: 132) If refugees cannot return to their former houses, they may be perceived as a burden to the local community because they challenge the current order. This either tends to breed new violence between the returnees and the stayees who often belong to different social or ethnic groups, or it leads to a geographical and social separation between them. The lack of appropriate housing options can also lead to a secondary displacement for those who have just returned. Even if they return, but they are unable to live in their former houses, returnees' marginalization can already be classified as a form of secondary displacement. (Cf. Stein 1997: 8) Figure 6 illustrates this.

CHECKLIST	Reparation for Returnees
✔	Restitution of Destroyed Property Where Possible
✔	Compensation for the Loss of Property, Profits, and Incidental Expenses
✔	Provision of Solutions of Property Disputes
✔	Provision of Adequate Housing Solutions for Secondary Occupants
✔	Absence of Abandonment Laws
✔	*Optional:* Official Apologies and Judicial Proceedings

Figure 6: Checklist for Reparation for Returnees
Source: Own compilation

4.4 Availability and Quality of Social Services

Another condition for a sustainable return is unlimited and non-restrictive access to social services. Besides education and health care, the returnees must also have access to social security services, energy and water supply, as well as transportation. Therein, it is of great importance that returnees and the rest of the society use the same institutions and do not establish parallel societies. A return process might be durable if parallel societies and institutions such as separate schools exist (e.g. Bosnia and Herzegovina), but a long-term sustainable return is impossible. A long-term sustainable return means that the returnees are confident that violent uprisings are impossible and where at least some positive interaction and cross-cutting allegiances and memberships between the respective population groups occur. Apart from the usage of the same institutions, social services should be adequate and affordable, especially considering the low economic status returnees often have.

4.4.1 Education

It is widely agreed that conflict affects education. Clark identifies three possible ways how this effect takes place. (Cf. Clark 2009: 20)
First, conflict affects children through physical violence, including torture, the loss of relatives, and forced displacement. Physical violence as well as torture in turn affect the learning attitude of children who are less capable of dealing with their situation if they have to suffer from physical violence. The loss of relatives further prevents children to attend school and they often become the heads of households as a consequence. Their first priority as the head of the household is then to earn money and to feed their families' mouths, it is not education, which is why children miss several years of schooling. Forced displacement leads to a very different situation: Children find themselves either in a new country or in a different part of their own country as an IDP. Especially in a new country, refugees are forced to adapt to new circumstances. Often, schooling is not available for the refugees' children, who live in enclosed camps. If they do have access to the educational system in the host country, classes are often taught in a different language than their own native language and there are most certainly also cultural differences. Because of language barriers and a different curriculum, the refugee children often have to go back to a grade they had already completed in their home country. This causes feeling disadvantaged and frustrated. Admittedly, the situation is worse if they do not have any access to education at all.

Secondly, the attendance drops because of a lack of security in the conflict zones and because of the worsened economic situation of most families during war. Because of the lack of appropriate jobs in times of violent conflicts, families have less income to live off. Education is in most cases the last priority and is not considered a good thing to spend money on. On that account, children do not have any chance to go to school because of financial concerns; most of the time girls are affected more severely by this attitude.

Thirdly, violent conflicts and wars often destroy the infrastructure of education and its institutions. However,

"… while education does not cause wars, nor end them, every education system has the potential either to exacerbate or to mitigate the conditions that contribute to violent conflict." (Buckland 2005: 7)

Education should enable every citizen to participate in any post-conflict society and strengthen the respect for human and civil rights. (Cf. UNIJA-Union 2008: 44) In concrete terms, this means that through education the returnees and the stayees alike can develop peaceful means of conflict resolution which prevent anew uprisings in the post-conflict society. In the case of positive interactions between students, this positive relationship could possibly shift the community as a whole. (Cf. Coles 2011: 43) Reconciliation, especially in the case of ethnic conflicts, requires the development of a shared history, which as a first step should be taught in schools. Schools are the places that must overcome ethnic divisions and hatred because the children's socialization begins in an early stage of childhood. This means that potential prejudices amongst the members of a society could be avoided if people at young age learn to live in a shared community. The divisions could be overcome by the means of mixed schools instead of separated schools for children with different religious, cultural, or ethnic backgrounds.
In addition, high-quality education helps to create an educated workforce and an elite capable of supporting economic recovery and democratization.

The lack of education opportunities or the desolate quality of an educational system in a post-war society, by contrast, can aggravate the situation and oppose positive peace and sustainable reconstruction of the country. For instance, separate schools for different societal groups enhance differences and heighten inter-group antagonism, which need to be avoided in a post-conflict context to reduce tensions and create mutual understanding. (Cf. Coles 2011: 44) One good example that illustrates the consequences of separate and desolate education is Sri Lanka: Many Tamil returnees sent their children to schools in Europe because there were better conditions and higher educational quality, which led to a mini-"brain drain." The Tamil elite are very unlikely to return to Sri Lanka after finishing their education, although they could have a positive effect on reconstruction and peace in Sri Lanka. (Cf. Cuny, Cuny 1992: 64f.)

In most post-conflict contexts, education is also a low priority because government structures are weak and economic resources scarce. Consequently, the state and international organizations focus on the general reconstruction of the country, but neglect the education sector and its importance for rebuilding the society and the country as a whole. According to Coles, the reform of the educational sector in post-conflict societies should proceed as follows: The initial step is the physical reconstruction of schools and the identification of teachers and other school staff. Afterwards, the ideological dimension of the development of education should take place – this includes democratization, peace education, and training for teachers, how to teach children a shared history, respect for diversity, and human rights. In a third step, the loss of trust and students' concerns with regard to mental health care should be addressed. (Cf. Coles 2011: 41) Buckland identifies one major problem in the educational sector reform, namely the "access first-quality later-approach." Evidence from his study suggests that it is a better strategy to focus on quality from the beginning onwards rather than solely on access. (Cf. Buckland 2005: 57)

A special challenge for education in post-conflict societies and in returnee areas in particular is the shortage of teachers. "Shortage of qualified teachers is often accompanied by oversupply of underqualified or unqualified teachers in early reconstruction." (Buckland 2005: 50) To compensate for this challenge, Sinclair proposes the following: "In general, however, schooling in returnee locations will require hiring educated local persons who have no previous teaching experience, and provision of in-service training." (Sinclair 2002: 93) She further describes that it would be more effective to hire female staff although they might have a lower educational level than their male counterparts. Women are more likely to stay in a particular area than men as men have the status as the breadwinner of the family. In addition, the return of teachers, who were displaced during the conflict should be promoted and facilitated as they experienced exile and may better understand the problems of returnees.

Summing up, governments, international, and local organizations should provide teachers with remuneration and further incentives to attract them to teach in returnee areas, which are often one of the most neglected areas in the affected country. (Cf. Sinclair 2002: 93) Remuneration should occur at a level that allows the teachers to subsist without any supplement to their income to avoid corrupt practices such as charging irregular fees for examinations. Furthermore, "ghost teachers" that only exist on the paper to embezzle money from the government must be avoided or convicted. In some countries, there are even reports of entire ghost schools, which are severely counterproductive to the re-development of the country itself. (Cf. Baxter, Bethke 2009: 4)

Another important challenge in the reconstruction of a destroyed educational system in the aftermath of a violent conflict is the re-development and adaptation of a consistent curriculum. The curriculum is at the heart of every educational system, and at the same time it often generates most problems in a post-conflict context. (Cf. Buckland 2005: 52) A good curriculum creates greater mutual understanding for diversity and cultural differences. A poor curriculum entails different stories about the same history, neglects similarities, and emphasizes differences between the former conflicting parties. Hence, it creates victims and perpetrators instead of explaining facts about the past objectively. To reform the curriculum in a post-conflict country and to adapt it to the new circumstances, a review of the textbooks is usually a good starting point for change, particularly when books reflect bias, prejudices, or distorted accounts.

When reforming the educational sector, particular disadvantaged groups must be taken into account. One of these groups is the returnees. They need rapid access to primary, secondary, and tertiary education[28] without any discrimination in order to guarantee the best possible integration into the receiving community. Therein, the inclusion of disabled children and ex-combatants as well as gender equality must be promoted. (Cf. Sinclair 2002: 92) Although families may be poor and not willing to send their children to school, they should be encouraged to do so. This is especially problematic for girls. The encouragement could be done by reducing the household costs of schooling through guaranteed free enrollment and free textbooks. "Schooling choices are highly shaped by economics." (Kirk 2009: 71) Refugee families often have less financial resources, mobility, and opportunities which make the cost-

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[28] Primary education refers to the elementary school. Secondary education means education in high schools that can lead to tertiary education in colleges and at universities.

benefit calculations for education even more critical. (Cf. Kirk 2009: 71) Reducing the costs of schooling can have a positive effect on gender equality too. If parents do not have to spend their money on uniforms, textbooks, tuition fees, or lunches, they are more willing even to send girls and boys to schools and to provide them with education. This method was successful in Timor-Leste: By reducing the household costs of schooling, a higher enrolment of girls and among rural and poorer households was reached. (Cf. Buckland 2005: 57)

The children of returnees often face particular challenges when it comes to schooling. Older children, who missed primary education due to a lack of access to education in their host country, are more likely to go to school after they return, but usually afraid of sharing the classroom with younger children. (Cf. Baxter, Bethke 2009: 1) Moreover, refugee return often occurs to rural areas, where the access to a school is difficult and children have to walk several kilometers to reach the closest school district. In these cases, alternative access programs provide an effective possibility to include children that were formerly excluded from the formal school system because of their age, gender, or geographical location. These programs refer to home-based or community-based schools that are often geared to follow the state curriculum. Other alternative programs focus on behavioral change and include classes about mine awareness or HIV/Aids. (Cf. Baxter, Bethke 2009: 2) These programs are especially important, where government structures are weak, or the government does not have control over parts of the country as in Somalia or in the Democratic Republic of the Congo. Buckland nicely summarizes the advantages of alternative education programs:

> "Significant, rapid and unpredictable population movement frequently outpaces conventional planning and school mapping techniques, and calls for more flexible approaches to planning and greater reliance on local initiative." (Buckland 2005: 58)

Another challenge in the context of refugee return is the accreditation and validation for the returnee children's education in exile because

> "… the long-term impact of even the best education programmes for refugee or displaced students is compromised when students are unable to officially 'prove' their competencies with acceptable certificates and documentation." (Kirk 2009: 41)

Certification for any completed grades, examinations, and ongoing education is required to move on to the next phase within the education cycle or to obtain employment in the home country. (Cf. Kirk 2009: 41) Frustration and disappointment evolves when schooling is not accredited by the institutions in the home country. Eventually, classes have to be repeated and children and teenagers are held back in their education. No matter what quality education has in general, the perceived quality decreases enormously when accreditation is not guaranteed. Home governments often present various reasons why they cannot acknowledge children's educational level achieved in a host country. One bureaucratic barrier that is often quoted is the language difference between the home and the host country.

To sum up, it can be argued that education is necessary to reconstruct a post-conflict state and proper education for returnees is one major part of it. "If education is successful in reducing inter-ethnic tensions, then security is enhanced and there is less chance of a return to conflict. This should encourage IDP and Refugee [sic] return." (Coles 2011: 43) Figure 7 provides a checklist that focuses on the specific needs of returnees' education.

CHECKLIST	Education for Returnees

✓ Rapid, Non-discriminatory Access to Primary and Secondary Education

✓ Qualified, Adequately Paid Teachers in Return Areas

✓ Appropriate Curriculum, incl. Non-biased Textbooks

✓ Existence of Mixed Schools

✓ Reduction of Household Costs for Education

✓ If Possible, Free Enrolment and Free Textbooks

✓ *Optional:* Alternative Education Programs Where Needed

✓ *Optional:* Access to Tertiary Education

Figure 7:   Checklist for Education of Returnees
Source: Own compilation

4.4.2 Health Care

"In many cases, conflict exacerbates poor health conditions present before the conflict." (Waters et al. 2007: 2) Therefore, the impact of conflicts on the society's health and the health care system is serious and needs to be well explored in order to rehabilitate the system and provide the civil population with basic health care.

4.4.2.1 Impact of Conflicts on Health and Health Systems

Violent conflicts influence a population's health and the health care system in the country itself in various manners. The following analysis is based upon the differentiation between direct effects on the population's health and on the health system[29] itself. In the first part, the direct effects on the population's health are explored. Examples demonstrate the severity of the consequences of conflict on health.

The extent to which civil populations are exposed to conditions that increase the risk of death, disease, and disability grows significantly during violent conflict. One of these conditions is the decrease in people's life expectancy. Ghobarah, Huth, and Russet attend to this by giving an the example of severe military conflict in sub-Saharan Africa that cut life expectancy by more than two years and raised infant mortality by 12 per 1000. (Cf. Ghobarah, Huth, Russett 2004: 2) Injuries caused by landmines and other weapons increase considerably, too. During conflict the government is often not able to protect its citizens from mortality and morbidity anymore. Apart from these direct consequences of war, general violence is likely to increase after the end of a conflict too. Homicide and other crime rates grow; also because of the availability of small arms and other weapons as well as a higher inclination towards violence. (Cf. Ghobarah, Huth, Russett 2004: 7f.)

Civil wars induce refugee movements and "displaced populations are particularly susceptible to communicable diseases – including respiratory infections, malaria, and measles." (Waters et al. 2007: 2) In addition, the transmission of HIV/AIDS increases when people move and sex-trade performs as a regular form of employment. Although the phenomenon is not well documented, scholars find that refugees, returnees, and soldiers heavily implicated in the spread of AIDS. (Cf. Waters et al. 2007: 3) A lack of appropriate and safe sanitation, clean water, and food exacerbates the fact that refugees are often exposed to communicable diseases, malnourishment, and mental diseases, because of the trauma they experience during their displacement, in refugee camps, and on their way back home.[30]

Analyzing the effects of civil war on health systems, the most important consequences are the lack of financial and human resources. In times of civil war, economic growth is significantly reduced. This means that tax revenues are lowered; governments increase their military spending and consequently their dependency on foreign aid. The government has less money to spend on public health care services. Due to weakened policy-making structures (Cf. Wa-

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[29] Health systems – as defined by the World Health Organization (WHO) – comprise the institutions, organizations, and resources to improve health. This includes formal and informal health services as well as specific health-related education. (Cf. WHO 2000: 5ff.)

[30] Mental health is of particular importance for refugees and returnees. This thesis will identify the main reasons and consequences of displacement on the mental health status of refugees and returnees respectively in the subchapter on returnees' health.

ters et al. 2007: 5), which are caused by instability and upheaval in a war-torn society, post-conflict governments often face several challenges that they are neither able to overcome politically nor financially. One of these fundamental questions is whether or not a government should spend the available resources for military purposes or other domains such as public health. Although scholars may argue that a post-conflict society needs public health care and education to rehabilitate itself, governments are often torn between interior instability (rebel groups that question sovereignty) and exterior insecurity. Therefore, post-conflict governments often decide to focus on military spending instead of health, education, or social security investments. (Cf. Ghobarah, Huth, Russett 2004: 8f.)

Besides, civil wars induce a substantial displacement of highly trained medical professionals; this can be referred to as the "loss of human capital." (Cf. Ghobarah, Huth, Russett 2004: 8) Apart from the displacement, trained medical staff is often kidnapped or killed during conflict. (Cf. Waters et al. 2007: 4) To emphasize the lack of medical staff, the example of East Timor is a good one: "In East Timor, only 20-30 of the 160 doctors working in the country before the conflict remained afterwards." (Waters et al. 2007: 8) The remaining doctors have poor training, are underpaid, or are not paid at all.

Additionally, the health care infrastructure is often either damaged or destroyed. Ruptures in the water and power system are common. Clinics, hospitals, laboratories, and health care centers are either subverted to military political use, or they are not usable anymore. Moreover, the drug and medical material supply is affected (Cf. Roberts et al. 2008: 57). Hospitals neither have enough beds nor are they equipped enough to treat their patients. Because of there appears to be a lack of everything, health care is concentrated in urban centers for a small part of the society. In most post-conflict countries, transportation systems have been destroyed and the efficient use of resources cannot be guaranteed anymore. (Cf. Ghobarah, Huth, Russett 2004: 8) Therefore, health care becomes a public good which is not publicly available, but restricted to a small part of the population, who lives in urban centers and is able to pay for the all so limited health care resources, such as medication, materials, and treatment itself.

Figure 8 demonstrates the effects of conflict on the population's health and on the health system itself.
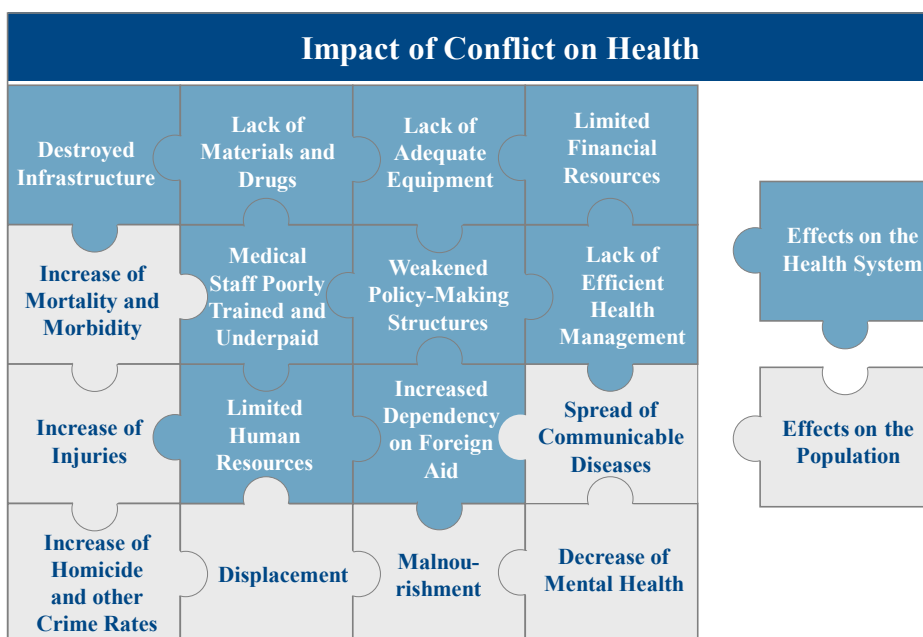
Figure 8: Impact of Health Care on the Population and on the Health System
Source: Own figure

4.4.2.2   Rehabilitation of the Health System

In a post-conflict country, the rehabilitation of the health system and the protection of the civil population's health is one of the main tasks the government has to fulfill. Post-conflict rehabilitation of the health systems means:

(1) Initial response to immediate health needs,

(2) Restoration or establishment of a package of essential health services, and

(3) Rehabilitation of the health system itself. (Cf. Waters et al. 2007: 6)

Meeting the immediate needs includes ensuring health in refugee camps, immunization campaigns, and regular health screenings to identify the most vulnerable people. Furthermore, it is essential that communicable diseases are contained, particularly in refugee camps, rural areas, and areas where the infrastructure collapsed, e.g. ruptures in the delivery of clean and safe water or a breakdown of the sanitation system.

The second step in the rehabilitation process of health care systems is the establishment of a package of essential health services, the so-called Basic Package of Health Services (BPHS).

> "The aim is to rapidly scale-up health services with proven, affordable health interventions and replace the fragmented, uncoordinated, vertically-dominant services characteristic in many post-conflict settings." (Roberts et al. 2008: 58)

They include service delivery through health posts, health centers, and district hospitals, several interventions such as maternal and newborn health, reproductive health, children's health and immunization, communicable diseases, and nutrition. Additional services can be included, such as special health care for disabled persons as provided in Afghanistan, because the people, who got injured as a consequence of land mines and other weapons. (Cf. Roberts et al. 2008: 58) The main logistical approach of Basic Packages of Health Care is the decrease in the number of NGOs that provide health care services instead of the government itself. The government, however, functions as a supervisor of the contracting and evaluates the NGOs' success in the provision of primary health care services. (Cf. Roberts et al. 2008: 58f.) In the long term, the provision of health care services must shift from the NGOs back to the government.

Long-term rehabilitation includes the allocation of financial resources, the strengthening of government structures, especially in the National Ministry of Health, the training of management staff, and the reconstruction of the infrastructure. In addition, a special focus has to be on human resources. Inputs should account for training needs at different levels, management skills, sufficient compensation, and hardship compensation for medical personnel relocating to rural, disadvantaged, and dangerous areas. (Cf. Waters et al. 2007: 8) One of the most significant challenges in the rehabilitation of health systems in post-conflict settings is the consideration of long-term sustainability. Therein, it is important to contemplate whether or not the government and local authorities do have the financial resources, not only to reconstruct the service delivery infrastructure, but also to maintain new hospitals and primary health care centers in the long-term perspective. (Cf. Waters et al. 2007: 16)[31]

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[31]   Another challenging task in a post-conflict setting can be the collaboration with remaining national authorities and/or rebel groups to provide basic health care for the population. Often, health planners cannot ignore illegal authorities because of their influence on the infrastructure and the population of the affected country. (Cf. Bornemisza, Sondorp 2006: 5) The hunger crisis in East Africa in August 2011 is a good case in point to

The long-term provision of health care is essential to ensure basic services, but also to address the health status of the society comprehensively, including the status of the most vulnerable groups. One of these vulnerable groups is the one of refugees and returnees, respectively.

4.4.2.3   Health Care for Returnees

> "The repatriation of refugees involves moving an already vulnerable, possibly trauma-tized population back to a place of distressing memories and still-unsettled conditions." (Sabin et al. 2006: 170)

In most of the cases, refugees end up in refugee camps with insufficient primary health care, little access to clean water and medication, as well as to food and appropriate sanitation. When the refugees return to their home country, they often suffer from various diseases or illness as a result.

Moreover, the refugees experience traumatic events, such as active participation in combat, accidental exposure to danger, captivity, torture, personal injury, and incapacitation and if they are not affected directly they may witness murder or torture. (Cf. Jović et al. 2005: 149) The refugees' mental health may be seriously affected, which is often a consequence of these traumas, violence, and economic ruin. (Cf. Fu, Van Landingham 2010: 163) The following quote nicely demonstrates the effect of repatriation:

> "Repatriation is often regarded as the end point of a refugee's exile and suffering. How-ever, our findings reveal that the stresses and hardships associated with repatriation have significant health consequences among Vietnamese returnees." (Fu, Van Landingham 2010: 177)[32]

Studies on the refugees' mental status worldwide demonstrated very high rates of prevalence of mental disorders, especially posttraumatic stress disorder (PTSD), depression, and other anxiety disorders. The main reasons for the refugees to suffer from mental disorders, and later also the returnees, are "acculturative stress,"[33] low self-esteem, inefficient social support, lack of control over personal choices, and the shift from the rural to the urban way of life and back in the case of return. (Cf. Jović et al. 2005: 156) Furthermore, mental disorders are further-more indirectly affected by poor physical health and by nutrition, poor perinatal care, and an increased risk of birth injuries. (Cf. Jović et al. 2005: 152) One good example to illustrate the mental health problems of the refugees and the returnees is provided by Sabin et al. (2006) in a study about mental health of the Mayan refugees after their return to Guatemala. They dis-covered that on average the returnees directly experienced 5.5 traumatic events and observed 7.3 traumatic events during the civil strife in Guatemala (before fleeing to Mexico), during their displacement, or in the refugee camps. (Cf. Sabin et al. 2006: 166) Additionally, the Ma-

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[32] For a very detailed and culturally specific study on the health of Vietnamese returnees, please see Fu, Hongyun, and Mark J. Van Landingham (2010): Mental and Physical Health Consequences of Repatriation for Vietnamese Returnees: A Natural Experiment Approach, in: *Journal of Refugee Studies* 23:2, pp. 160-182.

illustrate the problem: Somalia's rebel group Al-Shabaab controlled part of the country, including transporta-tion routes. Hence, they had the authority to control the access of NGOs to the most vulnerable population. If the international community wants to guarantee a minimum access to food, water, and medical care, they have to collaborate and integrate the rebel group in their health planning.

[33] "Acculturative stress occurs when individuals experience problems arising from the acculturation pro-cess ... . It can stem from incongruent cultural values and practices, language difficulties, and discrimina-tion ... . Immigrants are most likely to experience this form of stress ... ." (Crocket et al. 2007: 347)

yan refugees suffered from language barriers in their host country, a lack of legal status, and the dependence on individuals or organizations they did not know. With the return to their home country, the distress did not automatically end. In fact, it was the beginning of another phase in their lives that was mainly dominated by external dependencies and limited freedom of choice. Therefore, health care for returnees has to address the returnees' specific needs also with regard to their mental health, ideally before the repatriation process begins.

4.4.2.4   Health Care in the Return Process

It can be distinguished between three phases of the return process. In each phase, health issues of the returning population must be monitored and carefully addressed.

According to Médecins sans Frontières, "medical services must be available until every refugee has left." (MSF 1999: 300) In most of the cases, the last persons to leave are usually those with the greatest health needs. Special attention must be given to the health conditions that could prevent the return of refugees, such as epidemics or communicable diseases with high mortality, and to high risk groups such as pregnant women close to delivery, tuberculosis patients, very sick patients, malnourished children, and other vulnerable groups for example disabled people and persons with chronic illnesses. These groups should not leave the refugee camps until they are recovered and/or stable enough to survive the journey home. It is often the journey that puts these groups at risk, for instance it includes a long walk that may last for several days and carrying heavy luggage. In addition, "… immunization campaigns can be organized to maximize coverage before departure" (MSF 1999: 301). A health screening of all refugees, who are willing to return, should be implemented to identify the most vulnerable groups and malnourished children, to inform them about their health status, and to advise them whether or not it is risky to leave.

At the same time, contact with the National Ministry of Health in the country of origin should be established in order to provide the refugees with information about the organization of the national health care system (e.g. immunization schedules, tuberculosis treatment, etc.). It also provides an opportunity to discuss the integration of refugees, who are trained in health care into the national services. (Cf. MSF 1999: 302) Then, the refugees should also be provided with information about the health care system's benefits in their home country, for example possible treatments and the location of facilities. The latter can be a necessary pull-factor, which may help to make a decision where to return to.

If the repatriation is organized through an UNHCR convoy, medical staff with basic equipment should accompany it in order to support pregnant women, children, and the elderly. Furthermore, a health screening may be directly organized when returnees arrive (e.g. in reception or transit centers) at their destinations in order to identify sick or wounded people and special cases of diseases that require a referral to special programs (e.g. trypanosomiasis[34]), to administer compulsory vaccinations (e.g. yellow fever), and to facilitate the contact between the returnees and their nearest health care center. (Cf. MSF 1999: 303)

Return often occurs to previously neglected areas. Therefore, it is essential that the initial rehabilitation process of the health system begins before any repatriation plan is implemented. This includes that a basic infrastructure is reconstructed and some medical resources are

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[34]   Trypanosomiasis is also called African sleeping sickness and is a disease, which can cause fever, swollen lymph glands, aching muscles and joints, headaches and irritability. If not treated, the disease can lead to death.

available, such as the guaranteed supply of medication, medical materials, and basic medical equipment.

> "In any situation where there is a large and sudden influx of returnees, everyone (both residents and returnees) may be exposed to higher risks of malnutrition and transmission of infectious diseases." (MSF 1999: 304)

This can be explained by the limited availability of drinking water, food, and sanitation. Especially during the so-called "hungry seasons," there is an increased need for specific nutrition programs until agriculture is revived and the returnees are able to care for themselves. While providing basic health care to the returnees, it is important to take equality into account. The population affected by the war needs assistance and the large influx of the returnees poses a threat to the rest of the population, because the resources are scarce. Therefore, the returnees and the stayees alike must have access to primary and secondary health care. This also means that health care centers and hospitals can be accessed by public transport and patients do not have to walk for days and hours to see a doctor. Medication and treatment should also be available at no or little cost. Particularly in the direct aftermath of the physical relocation, returnees often depend on international organizations or governmental support and do not have the financial capacities to pay intensive or long-term treatments.

Because of poor mental health, special attention must be directed towards psychological assistance for the returnees. Ideally, primary health care centers should offer or refer returnees to psychologists who support them in their way back to normality. Figure 9 provides a checklist for health care requirements.

Figure 9: Checklist for Health Care for Returnees
Source: Own compilation

4.4.3   Infrastructure

"Infrastructure reconstruction is perhaps the most costly and time consuming element of any conflict resolution." (Cross 2010: 1) However, infrastructure, such as energy, water, and transportation, is important in almost every production process and almost every industrial sector and is a basic requirement for economic growth, which is a main concern in post-conflict settings. Nevertheless, infrastructure must be coupled with good economic policies such as low barriers to trade and non-corrupt services. Otherwise, the input into infrastructure reconstruction may be wasted. (Cf. Hoeffler 1998: 9) Moreover, access to water and energy increases the productivity of households and small- and medium-sized businesses. With adequate access to safe water and electricity, people spend less time on the collection of fuel goods and could potentially act day and night. In contrast, blackouts and a time-restricted access to water have negative effects on the productivity of factories and agricultural businesses.

During a conflict, a country's infrastructure can be directly damaged severely as it is often one key target during conflict and a mean to weaken the authority. It is often the infrastructure that can also be indirectly destroyed as a collateral damage. (Cf. Anand 2005: 3) Post-conflict reconstruction also needs to address infrastructure that was damaged before the conflict, which may be due to the lack of maintenance as resources were diverted to war efforts and infrastructure that did not exist before. In most post-conflict settings that take place in low-income countries, it is rather about the first time establishment of a well-functioning infrastructure instead of the reconstruction of pre-existing services. Weak states do not have the capacity to provide basic essential services to the population, such as the unrestricted access to safe and clean water. (Cf. Cross 2010: 12) When assessing whether or not projects can be referred to as construction *or* reconstruction projects, it is necessary to keep in mind that both can be money and time consuming. (Cf. Cross 2010: 12) Not only must the scope of the damage be taken into account when planning reconstruction projects, but also the type of infrastructure. The destruction of important infrastructure such as power plants or transportation networks, for example, can require more money and more time to reconstruct than other. (Cf. Cross 2010: 15)

After the (re-)construction of essential services is finished, there must be a shift from free service delivery to normal cost recovery. Taking this step means increasing the risk of social and political instability, as it is an unpopular decision for any government, but especially for governments in an unstable post-conflict environment. (Cf. Anand 2005: 13) The shift from free services to a normal cost service delivery increases the sustainability of any (re-)constructed infrastructure, however. In general, donors should enhance sustainability by effectively transferring any infrastructure system to the local population. Yet, withdrawing aid too early may create unstable conditions that the society is not ready for. Providing aid too long may create long-term dependency and helplessness. For instance, 62 % of health resources in Uganda were financed by external aid in 1990. Eight years afterwards, numbers remained unchanged. (Cf. Vaux, Visman 2005: 24)

Furthermore, infrastructure programs should address the grievances that were expressed before and during the conflict, such as an unequal distribution of power or water. One question to be addressed is: Are public services available for the poor and most vulnerable? Service delivery in a post-conflict setting can either prevent or exacerbate the conflict. "The provision

of water and sanitation to one community could lead to tensions and resentments in another." (Vaux, Visman 2005: 13)[35] Also, when water or power supplies are planned, sites must take into account cultural and social divisions, especially for women and girls. If the location of water points, for example, is well planned, this can contribute to equality within the society. However, it means taking sides: empowering the poor and thereby helping to eliminate the reasons that caused the conflict.

Infrastructure projects must be planned carefully: Too much effort with too much money may swamp a post-conflict government and even worsen the problem of corruption. Often, large-scale projects are in the center of reconstruction plans, but smaller projects that involve repairing existing structures or rapidly creating new ones are neglected. However, ideally they should be taken into consideration as a short-term solution. (Cf. Cross 2010: 16)

> "Some large water supply projects in Afghanistan, put in by agencies such as USAID, fall into this category. These large supply lines were constructed but never got connected to local residents due to inadequate local infrastructure." (Cross 2010: 16)

The government as well as locals must be involved in the planning and decision-making to increase the positive impacts of these projects. Frequently, post-conflict governments and ministries had a low absorptive capacity that led to a lack of efficient decision-making and hampered the process of infrastructure reconstruction. Cross identifies the presence of a functioning government as one of the most important criteria to shape reconstruction successfully. A functioning bureaucracy is needed to process funding for construction, repair, and maintenance of infrastructure projects. If it is not maintained properly, any reconstruction effort is wasted.

In the following section, three infrastructure sectors are explored: the access to safe and clean water and sanitation, electricity supply, and transportation. After setting the scene, the infrastructural needs of the returnees are explained.

4.4.3.1   Access to Clean Water and Sanitation

Clean water refers to treated surface water and untreated but uncontaminated water, such as from springs, sanitary wells, and protected boreholes. In urban areas, the water source may be a public fountain or standpipe no more than 200 meters away. "In rural areas the definition implies that members of the household do not have to spend a disproportionate part of the day fetching water." (Hoeffler 1998: 14) The adequate amount of water implies enough water to satisfy metabolic, hygienic, and domestic requirements which is around 100 liter per person per day. Access to clean and safe water as well as to sanitation reduces mortality and illnesses. Moreover, a large part of the population in poor countries lives in rural areas and their only basis for survival is subsistence agriculture. Yield and crop diversification can be increased through irrigation. (Hoeffler 1998: 10)

Sanitation can be defined as the share of the population "… with at least adequate excreta disposal facilities that can effectively prevent human, animal, and insect contact with excreta." (Hoeffler 1998: 14) Sanitation facilities have to be constructed and maintained properly.

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[35]   International Alert has documented a particularly stark example from Burundi where aid for education has benefited one group, creating grievances among the others and, thereby, fueling the ongoing conflict. For further details, see Jackson, Tony (2000): *Equal Access to Education – a Peace Imperative for Burundi*. London: International Alert.

Because water and sanitation represent fundamental needs in times of peace *and* war, water supply is extremely vulnerable during conflicts as it is destroyed in order to weaken the enemy. (Cf. MacDonald 2005: 9) Hence, the water supply network in most war-affected countries is either damaged or poorly maintained. One major problem is leakages. Construction workers have to deal with possible cross-contamination between sewers and water distributors, as well as mined pumping stations and other installations. Temporary storage tanks are needed to temporarily provide the population with water.

4.4.3.2   Electricity

Electricity is essential for medical needs, security, and for the reconstruction of other sectors such as schools, health care centers, roads, and water supply systems. (Cf. MacDonald 2005: 9)

During a conflict, much of the electricity-generating capacity and the distribution system were destroyed by direct attacks and looting has removed much of the distribution system. (Cf. Hoeffler 1998: 32) Before any reconstruction of the energy supply sector can begin, background information is needed. This includes energy network information, spatial distribution, records of output, performance, loads, seasonal variations of load, and whether or not apportionment of power provision along political lines exists. The latter refers to a situation in which the government discriminates a particular part of the society in the distribution of power because of their ethnic or political background.

The reconstruction of the power system often starts with the reconstruction of the main generators, as they are the main energy providers in a post-conflict country. (Cf. MacDonald 2005: 25)

A particular problem is the access to electricity in rural areas where the electricity grid is underdeveloped or non-existent. (Cf. Hoeffler 1998: 32) The majority of energy consumption in rural households is for cooking, but rural residents rarely cook with electricity. Instead, they use biofuels, such as wood, crop residues, and animal dung. The main advantages of biomass fuels are that they are available in great quantities and at no cash costs. Admittedly, there are some disadvantages: Biomass fuels cause high ecological damages, as well as indoor pollution which can lead to respiratory diseases and in the worst case to heart failure. They have very low energy efficiency and the rural population often has to spend several hours per day to collect biofuels. (Cf. Hoeffler 1998: 38f.) Poor households are deprived of a share of modern services such as electric lighting and refrigeration. "For areas in which the population is widely dispersed and the load density is low extension of the electricity grid is likely to be too expensive." (Hoeffler 1998: 37) Consequently, other, cheaper alternatives have to be found. Hoeffler analyzes three different alternative methods of an electricity grid. In micro-grids, primary sources of energy would be diesel, hydro, solar, or wind energy. Maintenance is often difficult because of the remote location and the fact that spare parts have to be imported for high prices. In micro-hydro schemes, the communities provide labor to construct the channel, install the pipe, and build the powerhouse. Costs of electricity are mainly low in these schemes. A last alternative are photo-voltaic systems (PV). They are expensive in the construction, but cheap in maintenance. One good example is Kenya, where "… about 20,000 households in rural areas had purchased PV systems by 1994." (Hoeffler 1998: 38) Neverthe-

less, the average income in any post-conflict economies is much lower than in Kenya and most rural households cannot afford PV systems.[36]

4.4.3.3   Transportation Systems

In the area of transportation systems, not only the mechanical equipment and accessibility of vehicles or public transportation means must be considered, but also land mines and unexploded ordnance, as well as factions resistant to reinstatement of transportation into the territory under their control. Transportation includes roads, railways, ports, and airports.

"Paved roads are defined as concrete or bitumen surfaced roads." (Hoeffler 1998: 20) In many countries, most roads are unpaved and not accessible, especially during the rainy season or during civil wars for safety reasons. During the war, roads are either damaged by direct hits or due to the neglect of routine maintenance. (Cf. Hoeffler 1998: 20) The extremely poor state of roads severely reduces the timeliness and quantities of agricultural in- and outputs that are moved from and to the farming communities. In addition, paved and accessible roads could encourage farmers to produce a surplus.

In most war-affected countries, railways as well as air transportation do not have a great influence on economic growth. In Africa, for instance, sea and lake ports are far more important for trade. (Cf. Hoeffler 1998: 22)

> "However, international airports are important for business travellers and for the revival or development of tourism, which could become a major earner of foreign exchange in some countries." (Hoeffler 1998: 22)

Reconstruction planners have to analyze the countries' main ways of trade in order to identify those infrastructure projects that are most important for the reestablishment of a functioning economy.

4.4.3.4   The Returnees and Infrastructure

The returnees should have equal access to infrastructure and public services as the rest of the society. Primarily, this means access to clean and safe water, to sanitation, to electricity, to roads, railways, and to public buildings. People should have access to public transportation because personal vehicles are rare.

Moreover, the returnees have special characteristics that have to be taken into account while implementing infrastructure projects, especially in return areas. First of all, return often occurs to rural and formerly neglected areas. Return areas are often characterized by a lack of infrastructure; this means that water, sanitation, and energy are scarce, and roads and railways are underdeveloped, destroyed, or poorly maintained. Therefore, infrastructure reconstruction is particularly important in return areas, because of the low standards found before, during, and after the conflict.

Furthermore, return is likely to occur to rural areas where returnees live from subsistence economy. This can be improved by an unrestricted access to water because irrigation supports

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[36]   For a more detailed analysis, please see Hoeffler, Anke (1998): Challenges of Infrastructure Rehabilitation and Reconstruction in War-affected Economies, in: *Economic Research Papers* No. 48, African Development Bank, and World Bank (1996): *Rural Energy and Development for Two Billion People*. Washington D.C.: The World Bank.

the production of agricultural products and may even encourage farmers to increase their production and sell products on local markets.

It was argued earlier that infrastructure projects should focus on encouraging the poor. Most of the time, the returnees lost everything during their displacement and the time in exile. They are a very vulnerable part of the society and should, therefore, be in the center of infrastructure reconstruction. Moreover, the returnees often belong to an ethnic minority group. Infrastructure reconstruction should address the grievances of the conflict and balance the access to infrastructure between all political, ethnic, and social groups. The returnees should not be discriminated in any way.

In general, it can be argued that the

> "… access to water, sanitation and power, can encourage the return of both internally displaced people and refugees, lessening the strain and potential for conflict in bordering nations." (MacDonald 2005: 29)

The return areas should be in the focus of the infrastructure reconstruction projects so that refugees see that sustainable conditions were created in the area they want to return to. Often, these areas are rural and many development efforts are required before a sustainable return can occur.

In the urban centers, however, the flow of the returnees can create conflict since "… existing water and sanitation facilities are now used by more people, i.e. one result of the conflicts was a deterioration of the water and sanitation access for the urban population." (Hoeffler 1998: 56) Repatriation has to be planned carefully and infrastructure must be enhanced before a sustainable return can occur to the major cities.

Figure 10 summarizes the infrastructural needs to guarantee a sustainable return.

CHECKLIST	Infrastructure for Returnees

☑ Unrestricted, Non-discriminatory Access to Water: Approx. 100 Liters per Day and Person

☑ Unrestricted, Non-discriminatory Access to Sanitation

☑ *Optional:* Availability of Storage Tanks to Solve Temporary Water Scarcity

☑ Access to Electricity

☑ *Optional:* Availability of Generators to Solve Temporary Energy Scarcity

☑ Access to Roads, Railways, and Public Buildings

☑ Access to Public Transportation

Figure 10: Checklist on Infrastructure for Returnees
Source: Own compilation

4.5 Legal Security for the Returnees within a Strengthened Rule of Law

Conflicts often arise from a failure of the judicial system and a missing or weak rule of law (ROL). Corruption, abuse, and discrimination in the justice system can worsen pre-existing tensions and give rise to violence.

> "Injustice, literally, drives people to take up arms." (OHCHR 2006: 1)

The establishment of a functioning justice sector and rule of law in the aftermath of a conflict can help to balance former disparities and acts of revenge, which were committed during the war. The rule of law may prevent a post-conflict country from re-entering a violent conflict and being trapped in a vicious cycle of war and oppression.
The rule of law is:

> "A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards." (Secretary General 2004: para. 6)

Scholars agree on the distinction between institutional goals and social goods: Social goods are the end-goals of the rule of law that can be achieved through institutional goals. Social goods may be missed because of an excessive concentration on the institutional goals. (Cf. Samuels 2006: 2) Kleinfeld Belton (2005: 27) identifies five elements of social goods that can be achieved through rule of law reforms:

— government bound by law,
— law and order,
— equality before the law,
— predictable and efficient governance, and
— human rights.

The first aspect refers to the government and its role within the justice system. A state in which law and order are at a high level, but the government does not commit to this law, is defined as a state that is dominated by the rule *by* law. A state in which citizens *and* the government are subject to the law, and therefore legally bound by law, is considered as a state with a high level of rule *of* law. (Cf. Samuels 2006: 2f.)
Law and order are often either barely or not at all existent at all in post-conflict countries. Key institutions can be characterized as dysfunctional and underdeveloped. Staff members of the judiciary have either left the country, or were been killed, and the remaining members are weak and/or biased and are not trusted by the national population. The police is often part of the conflict and has also lost trust by the population. Prisons are overcrowded, conditions are inhumane, and corruption and organized crime are prevalent. (Cf. OHCHR 2006: 5; Samuels 2006: 7f.) Additionally, the societies are highly traumatized and divided as a consequence of the war and the level of violence remains high.
Equality before the law refers to circumstances in which "… all persons are entitled to the protection of their rights by state organs, particularly the judiciary, concerned with the enforcement of the law." (Ghai, Cottrell 2009: 3) Where different ethnic or confessional groups fought against each other during the war, questions of judicial bias remain in the post-conflict

era. Frequently, marginalized groups do not have the same access to justice[37] and are disadvantaged before the law.

Stable rights and obligations may help to cut transaction costs and reduce political risks of investors. Through predictable and efficient governance, economic growth can be enhanced. Therein, particularly property rights have to be taken into account. (Anderson 1999: 2) One main feature of wars, especially civil wars, is the enormous violation of human rights. In the post-conflict period, people want justice and seek to punish the perpetrators. Often, human rights are still neglected in the post-conflict period: Particularly women, children, the elderly, prisoners, and marginalized groups live under inhumane conditions.

One main element Kleinfeld Belton did not cover is the access to justice: "Access to justice is central to the ROL." (Ghai, Cottrell 2009: 3) It can be defined in three ways: a narrow, an intermediate, and a broader sense. Table 2 illustrates its nuances.

Access to Justice		
Narrow Concept	**Intermediate Concept**	**Broad Concept**
■ Access to Courts and Other Institutions of Administering Justice	■ Access to Courts and Other Institutions of Administering Justice ■ Access to Alternative Dispute Resolution Mechanisms	■ Access to Courts and Other Institutions of Administering Justice ■ Access to Alternative Dispute Resolution Mechanisms ■ Process of Law Making ■ Content of the Law ■ Legitimacy of Courts

Table 2:   Different Concepts of Access to Justice
Source: Own compilation according to Ghai, Cottrell 2009: 3.

Even under the consideration of the narrow concept of access to justice, some groups are excluded from the justice system and have no opportunities to claim compensation for any violations of the law, not even for the severe human rights violations.

> "Bringing the courts to the people, especially marginalized groups (based on gender, ethnicity, geography, religion, race, income), so that disputes are resolved quickly, fairly and cheaply, will be a needed and revolutionary change. It will also help ensure that conflict does not reignite." (OHCHR 2006: 8)

This can occur within the framework of two different kinds of reforms of the access to the justice system. The first one is the so-called "supply side." Therein, reform projects are believed to strengthen the administrative machinery of justice, to improve the skills of judges and their working conditions, to provide them with the necessary technology, to build court houses, and to assist bar associations and law schools. Courts, the police, and prison administration are regarded separately in the following section.

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[37]   Access to justice will be further explained with a special reference to remote groups, such as returnees, in the section below.

To be able to run courts properly in a post-conflict setting, adequately trained personnel with the required qualifications and personal integrity has to be found. Judges and lawyers ideally should not have taken part in any human rights violations during the conflict. (Cf. OHCHR 2006: 6) The majority of post-conflict justice systems concentrate on criminal justice to clarify the human rights violations committed during the war and to lower the level of violence, which usually remains high even if hostile actions have officially come to an end. (Cf. OHCHR 2006: 8) Nevertheless, civil justice has to play a major role too. Property issues affect most people's everyday life; because records were lost or destroyed during the conflict; people now need new birth, marriage, or death certificates as

> "… much hinges on these records: ability to go to school, health care, especially vaccinations and status of communicable diseases in a district, eligibility to vote, access to social welfare programmes and inheritance." (OHCHR 2006: 13)

In addition, issues of citizenship have to be solved, as it can be difficult to prove that people are citizens if their records got lost or were destroyed.

During conflict, police officers use to work more like military forces than regular police units. Therefore, "… such police forces have proved difficult to transform into rights-respecting organizations that simultaneously provide protection and fight crime." (OHCHR 2006: 15) The experiences of most citizens with the police during war were negative. This is the reason why most people do not trust the police even after a cease fire was established. The presence of the police reminds the population of war, violence, and terror. The transition to a trustworthy relationship with regard to the police may consequently take years. (Cf. OHCHR 2006: 16)

Another aspect of reform towards the rule of law is the administration of prisons. They are either totally ignored or, if it is recognized, underfunded and understaffed. The most serious problems concern prisoners and their access to lawyers, family, and doctors. They are often imprisoned under the risk of torture and mistreatment, which are constantly present. (Cf. OHCHR 2006: 18f.) The following example illustrates this: "Yet the prison situation […] was a real emergency, with hundreds of prisoners at immediate risk of dying due to overcrowding, lack of food or mistreatment."[38] (OHCHR 2006: 19)

The second form of access to justice projects refers to the "demand side:" Therein, the use of courts and other complaint mechanisms by the people must be facilitated.

> "Strengthening the rule of law is not only a question of the supply side of institutions, but also depends crucially on the demand side: addressing the needs and aspirations of ordinary people, reaching out to them, giving them a stake in the law, and helping to create institutions that are responsive to their concerns and worthy of their trust and confidence." (Stromseth 2009: 416)

The ordinary population perceives the courts as a foreign institution, which often uses a language they do not speak or understand, and consider the courts as untrustworthy institutions,

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[38] In his report, the Office of the United Nations High Commissioner for Human Rights provides rule of law tools for post-conflict states. In one example, he explains that every sector has to be taken into account. He provides an example of Afghanistan where Italy took the leading role in reconstructing the judiciary and Germany was responsible for the police reform. However, nobody took care of the prisons although they were of poor quality and in bad conditions. Please see OHCHR (2006): *Rule-Of-Law Tools for Post-Conflict Countries: Mapping the Justice Sector*. New York and Geneva: United Nations.

because of their connection to the old regime and the atrocities of the war. Anderson refers to three languages as common examples for court languages, which are usually not spoken by the ordinary people: Firstly, English is the official language of the law in India, Kenya, and the Solomon Islands although only a small percentage of the population can speak English. Secondly, the same is true for French in Niger. Finally, in Mozambique only a small part of the population speaks Portuguese even though this is the judicial language. (Cf. Anderson 1999: 21) The United Nations Office of the High Commissioner for Human Rights refers to the case of Haiti where French is the language that is used in courts although the vast majority of people speaks Creole. (Cf. OHCHR 2006: 7f.) In these cases, reconstruction efforts should be directed toward the most commonly spoken language, but at the same time it should attend to minority languages and their importance for the returnees and similar vulnerable groups.

In general, it can be argued that the poor in most post-conflict countries are the victims of lawlessness: They are limited in their abilities to defend themselves and to use the judicial system. According to Anderson, poor people have less access to justice for three reasons.

(1) The lack of financial resources restricts them to hire lawyers and to use legal institutions. In addition, the time spent at a court is time away from income-generating activities.
(2) Due to the lack of institutional skills, poor and marginalized groups are not able to understand and use the system for their purposes.
(3) Because most people in post-conflict countries do not have the ability to communicate appropriately, people in rural areas are especially disadvantaged as they have even less access to laws and legal texts. Often, it is even difficult for judges and lawyers to access new laws due to a lack of academic resources and efficient management. (Cf. Anderson 1999: 18ff.)

Reforms must increase the use of interpreters and introduce common languages into the justice system. In addition, simple matters like traveling to a hearing or obtaining legal advice or legal books become a major barrier to accessing justice. (Cf. Samuels 2006: 12) Legal information must be made available to the entire society, including versions in languages, which are spoken by the native peoples. Furthermore, charges for proceedings of public interest and human rights issues should be waived. (Cf. Ghai, Cottrell 2009: 4f.) Ghai and Cottrell argue that access to justice also means "… approach[ing], entry into; accessible includes the idea of being able to influence." (Ghai, Cottrell 2009: 3) This is because justice institutions also regulate the access to resources such as social security and they underpin the forms and functions of other institutions that deliver public services. Legal education, and in particular human rights education, is one means to empower marginalized people by explaining to them what their rights and duties are and by giving them the opportunities to use the judicial system for their own purposes. (Cf. Stromseth 2009: 421f.)

All these measures aim at empowering the poor and the marginalized and at taking away their fear of the law. The OHCHR summarizes:

> "Access to justice is often limited to the wealthy, the politically connected and the urban dweller. In many post-conflict settings, the great majority of the population has never had meaningful access to the courts." (OHCHR 2006: 7)

"It is commonly noted that in many cultures there is a reluctance, particularly among the poor, to become entangled with the courts." (Anderson 1999: 20) The reasons for this were mentioned previously: foreign language, the lack of resources to use courts, and a lack of knowledge how to approach courts. If reluctance is present, international agencies and national stakeholders should refrain from sticking to their plan of establishing effective courts if nobody will approach them. Rather, the development of alternative dispute resolution mechanisms should be encouraged. Ghai and Cottrell refer to alternative dispute resolution by introducing the concept of "community justice" that describes a range of mechanisms from informal settlements, traditional or formal community tribunals, and the application of customary or religious laws to the point of hybrid tribunals, drawing on traditional systems, but expressed and modified through state mechanisms. (Ghai, Cottrell 2009: 5) Community justice is a form that the poor and uneducated feel comfortable with, it is quick and easy to access, and the primary focus is mediation and resolution through restitution. Yet, the rules are often not clearly determined, human rights issues are neglected, punishments are harsh or cruel, and the rights of some groups, particularly women and children, are disregarded. (Cf. Ghai, Cottrell 2009: 5f.) On that account, community justice mechanisms can be used complementary to the rule of law, but not as a replacement.

The returnees often belong to the group of the poor and the marginalized: They have lost most of their property due to their displacement and the time in exile. The return to their home area often occurs to rural and remote neighborhoods that are far away from bigger cities or the capital of their home country. In the analysis at hand, it is examined whether or not returnees are *de jure* and/or *de facto* discriminated either because of their status as returnees or because of the remote location of their place of return and other disadvantages. According to the United Nations Guiding Principles on Internal Displacement, principle 20 §1, "Every human being has the right to recognition everywhere as a person before the law." The returnees should have equal access to institutions. In addition, the returnees should be treated equally before the law. The returnees should also be able to approach courts in their own native language although this might not be the majority language of the society.

Because of their time abroad, the returnees face another issue in the framework of legal security: They bring documents from a foreign country that need to be recognized in their home country so that they are entitled to public services. In particular, it is necessary that school certificates are recognized so that children do not have to repeat school years. Figure 11 summarizes the checklist for the returnees' legal security.

CHECKLIST	Legal Security for Returnees

☑ No Discrimination Before the Law

☑ Non-discriminatory Dismissal of Identification Documents

☑ Non-discriminatory Access to Courts, incl. Nearby Location, Language, and Availability of Lawyers

☑ Non-discriminatory Access to Legal Information

☑ Recognition of Documents Issued in a Foreign Country

☑ *Optional:* Consideration or Development of Alternative Dispute Resolution Mechanisms

Figure 11: Checklist for Returnees' Legal Security
Source: Own compilation

PART IV: EMPIRICAL ANALYSES

5. Kosovo – Post-Conflict Reconstruction and Refugee Return

This introductory chapter intends to explain basic background information on the ethnic tensions in the 1990s that climaxed in the violent conflict from 1998 until 1999 between the Kosovo-Albanian Liberation Army UÇK (Albanian: Ushtria Çlirimtare e Kosovës), the NATO, and the Serbian forces. It is not possible to discuss the reasons, the stakeholders, and the effects of the conflict thoroughly. Nevertheless, this chapter aims at explaining:

— the conflict constellations,
— the role of the ethnic Albanians, the Kosovo-Serbs, and the ethnic minority communities,
— the reasons for the displacement of the members of minority communities,
— general refugee return aspects, including the relevant stakeholders and the legal documents, and
— Kosovo's general socio-economic situation by taking a look at the economic conditions, the educational system, and the health care system.

The correlations are not necessarily illustrated chronically, because these paragraphs aim at giving an introduction to the information, which is important to understand the analysis part of this thesis. Furthermore, the history of Kosovo cannot be explored in detail. In particular, the time before the rule of Josip Broz Tito is not essential to understand the conflict, which is the reason for the displacement of members of Kosovo minority communities and their subsequent return, which is at the heart of this thesis.

5.1 Kosovo – A Brief Overview

From a legal perspective, Kosovo belongs to the Republic of Serbia. It is located in Southeast Europe between Macedonia, Montenegro, and Albania. It covers an area of 10,908 km², which almost equals half of the size of the German federal state of Rhineland-Palatinate. According to estimations of the World Bank, Kosovo has a total population of 1,806 million (2012).[39]

The following table demonstrates the distribution of the ethnic minority communities in Kosovo, including their total population figures, the percentage relative to Kosovo's total population, and their main agglomerations.

Ethnic Community	Total population	Relative Population	Main Agglomerations
Albanian minority[40]	19,911	1.1%	Northern three municipalities, Serbian enclaves
Serbs	106,527	5.91%	Northern three municipalities, Serbian enclaves
Bosniaks	41,316	2.29%	Prizren and Pejë/Peć region
Turks	16,168	0.9%	Mamuşa/Mamushë/Mamuša
Roma	14,813	0.82%	Kosovo-wide, predominantly in Serbian dominated areas
Ashkali	14,072	0.78%	Kosovo's East
Goranis	12,006	0.66%	Dragash/Dragaš municipality
Egyptians	3,655	0.2%	Kosovo's West
Croats	350	0.02%	Gjilan/Gnjilane region

Table 3: The Ethnic Distribution in Kosovo
Source: Own compilation according to OSCE 2010 and OSCE municipal profiles (2013)

Apart from representing the majority community in Kosovo, the Albanians also constitute a minority in nine municipalities of Kosovo, which are predominantly populated by the Kosovo-Serbs: Štrpce/Shtërpcë, Novo Brdo/Novobërdë, Ranilug/Ranillug, and Klokot/Kllokot (Gjilan/Gnjilane region); Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan (Mitrovicë/Mitrovica region); Gračanica/Gracanicë (Prishtinë/Priština region); and Mamuşa/Mamushë/Mamuša (Prizren region), which is a "Turkish municipality". (Cf. OSCE 2010: 12)

The Serbs are the second largest ethnic community in Kosovo. Statistical data is difficult to derive, because most reliable national and international sources do not have secure data from the northern municipalities of Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan, and the northern part of the Mitrovicë/Mitrovica municipality.[41] Precise figures of the Montenegrins are not available. Hence, they are not included in the table above.

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[39] Source: World Bank (2013): Databank. Kosovo, online available at: *http://data.worldbank.org/country/kosovo*, last retrieved on 30.09.2013.

[40] Albanians also constitute a minority in areas, which are predominantly inhabited by Kosovo-Serbs.

[41] For OSCE estimations of the amount of Serbian residents in the North, please consult their OSCE municipal profiles (2013), which can be downloaded here: *http://www.osce.org/kosovo/43753*, last retrieved on 22.11.2013.

The following map shows Kosovo's current distribution in 37 municipalities.

Figure 12: Kosovo's Administrative Division in 37 Municipalities
Source: Population Statistics of Eastern Europe, online at: *http://pop-stat.mashke.org/kosovo.png*, last re-
                trieved on 22.11.2013.

The subsequent chapters provide a brief overview of the historical and current circumstances in Kosovo that are relevant to the discourse on return.

5.2 From Tito's Equality Concept to Milošević' Rule

Josip Broz Tito founded the Federal People's Republic of Yugoslavia (FPRY) in 1945, which was "… undeniably based on a concept of multi-ethnic coexistence" (Várady 1992: 263). On the one hand, minorities were protected and their diversity supported. For instance, Tito facilitated the publication of newspapers in different languages. "At the same time, most serious consequences awaited those who would sing a song considered as a 'nationalist song' by the Party, or by the police, or who would merely emphasize their national affiliation by words or symbols." (Várady 1992: 264) Recapitulatory, during Tito's Yugoslavia, the ideologies of nationalism and communism were classified as opposed to each other. The most important concept between this dualism was equality: Every nation or nationality[42] had an equal status. This increased to an enforced conformity of the atrocities committed during the Second World War when it was announced that "… all ethnic groups had about an equal share in the distribution of victims and villains" (Várady 1992: 265).

> "This not-too-subtle concept of equality performed the role of a civilization-shield against open animosities, and it also served the protection of ethnic minorities. With the collapse of the social system that mandated this notion, the concept of postulated equality also disappeared; and so did the confines halting the escalation of ethnic hatred, discrimination, and violence." (Várady 1992: 265)

After Tito's death in 1980, the Yugoslavian system of equality collapsed. In Kosovo, the first consequence was the Albanian separatist idea of founding its own republic with self-determination rights and duties. Their main argument was the population distribution with over 90% belonging to the ethnic Albanians and less than 10% to the Serbian minority. The Albanians strived for the replacement of the Serbian heteronomy with their own state. In 1981, the ethnic Albanians protested for their rights in Kosovo and Macedonia. The protests were curtailed by around 30,000 Serbian soldiers, who were transferred from Serbia proper to Kosovo. (Cf. Schmitt 2008: 297) The Kosovo-Albanian diaspora, which mostly lived in Western Europe, supported these separatist thoughts to a large extent. In addition, during the ethnic tensions and the violent conflict at the end of the last century, the diaspora was often more radical and in favor of an armed conflict than the population at home.

At the end of the 1980s, the protests culminated in a hunger strike of 4,000 Albanian mine workers in the Trepča/Trepçë mine in North Mitrovica/Mitrovicë. (Cf. Schmitt 2008: 309) These protests and the following events in the 1990s paved the way to the Kosovar war from 1998 until 1999 and are illustrated in the subsequent figure.

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[42] In the 1974 constitution of Yugoslavia, one differentiated between "nations" (*narodi*), which were Slavic nations who founded the Yugo-Slav state (Serbs, Croats, Slovenes, Montenegrins, Macedonians, and Moslem-Slavs – today known as Bosniaks and Goranis), and "nationalities" (*narodnosti*), which were those ethnic groups possessing a kin-state outside of Yugoslavia (Albanians, Hungarians, Slovaks, Romanians, and Italians = also called minorities). (Cf. Várady 1992: 265f.)

For further information about the differentiation between "nations" and "nationalities", please see Várady, Tibor (1997): Minorities, majorities, law, and ethnicity: Reflections of the Yugoslav case, in: *Human Rights Quarterly* 19(1), pp. 10ff.
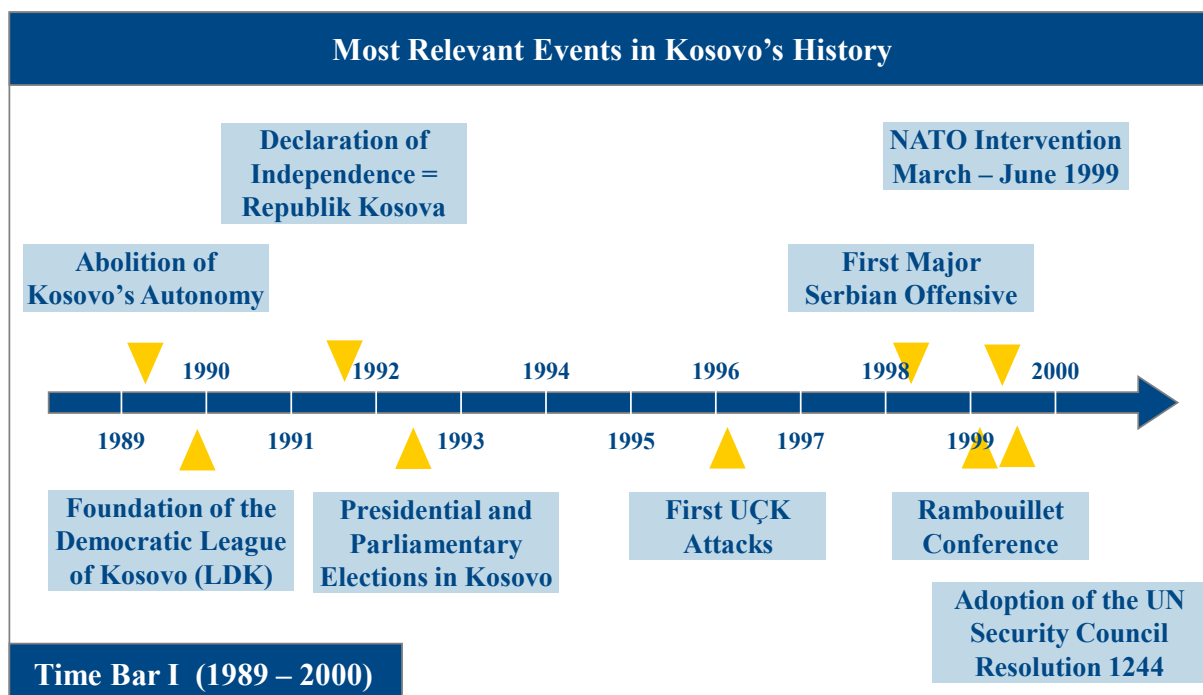
Figure 13: Kosovo's Most Relevant Events from 1989 until 2000
Source: Own illustration according to Elsie 2011: *Historical Dictionary of Kosovo*, xxix ff.

In 1989, mass arrests of Albanian protesters dominated the inter-ethnic relations between the Serbian minority and the Albanian majority. In the same year, the Democratic League of Kosovo (Albanian: Lidhja Demokratike e Kosovës, LDK) was founded and Ibrahim Rugova[43] appointed as its president. (Cf. Schmitt 2008: 317) Grievances between the Serbs and the Albanians increased at the beginning of the 1990s and ended in the abolition of Kosovo's autonomy, enforced by the Serbian leader Slobodan Milošević. He suspended the Kosovar Parliament, the Presidium, and the Kosovar Government and subsequently declared a state of "special circumstances." "This gave way to 'reorganizations' and firings without regard to the opinion of the local majority." (Vádary 1997: 24) After the abolition of all self-determination rights that Kosovo possessed due to the 1974 constitution, which declared Kosovo a province, Albanian uprisings started again immediately. The Albanians continuously asked for independence and legal rights. (Cf. Schmitt 2008: 310) On 2 July 1990, the Kosovo-Albanians declared the independent Republik Kosova. The only country, which recognized the Kosovar Republic as an independent state, was Albania. (Cf. Schmitt 2008: 313f.; Elsie 2011: xli) Rugova became the President of the newly established republic after local elections, which had been organized and implemented illegally. Yet, since the Serbian government prevented the newly elected parliament from convening, political actions had to be undertaken abroad – usually in Germany and Switzerland.[44]

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[43] Ibrahim Rugova (1944-2006) was a Kosovo-Albanian writer und politician. He became the chairperson of the LDK in 1989 and the president of the first self-proclaimed Republik Kosova. Furthermore, Rugova was the president of the Kosovo-Albanian people before and during the war. In early May 1999, he had to go into exile to Rome, but he returned after the war to resume his functions as president of Kosovo until his diagnosis of lung cancer in 2005. (Cf. Elsie 2011: 245ff.) Ibrahim Rugova is still one of the most important Kosovo-Albanians – his man-sized picture is painted on a house wall in the center of Prishtinë/Priština on the Bulevardi Nënë Tereza.

[44] Bujar Bukoshi was one of the founders and secretary-general of the LDK. In 1991, he was elected to the post of prime minister of the self-proclaimed Republik Kosova. Because he was denounced as a separatist by the Serbian government, "… he was forced to lead his government from exile, initially from Ljubljana in Slovenia and, from May 1992, in Bad Godesberg near Bonn in Germany." (Elsie 2011: 53)

During the following years, a process called *Serbianization, Serbification,* or *Serbization* began. "The Serbianization affected all areas of social life."[45] (Schmitt 2008: 314) One of the most affected parts of life was the educational system: At the beginning of the 1990s, the Serbian curriculum was introduced into primary and secondary schools area-wide in Kosovo. Any Albanian content and the Albanian language disappeared from schools and from textbooks. Not only teachers and students, but also other employees of public institutions and companies had to publicly confirm their compliance with the Serbian state. The majority of them refused to do so. As a consequence, around 90 % of the Albanian public workers lost their jobs. (Cf. Schmitt 2008: 314; Vádary 1997: 24) Some other consequences of the Serbianization included the following:

— The bilingual street signs were replaced by Serbian, monolingual street signs at the beginning of the 1990s.
— The Yugoslavian government introduced a quota for public companies: For every newly hired Albanian, the company had to employ a South-Slav.
— Beyond that, the government offered incentives to Kosovo Albanians to leave Kosovo and, at the same time, to Serbs to move from Serbia proper to Kosovo.[46]
— The regional media was forced into line, too. (Cf. Schmitt 2008: 314f.)

As a consequence of the Serbianization, the Albanians created parallel institutions to preserve their identity and fulfill necessary basic services such as education and health care. Schmitt argues that the Kosovo-Albanian society did not create parallel institutions to the Yugoslavian state institutions, but it was rather the re-activation of barely lost societal structures that were never really integrated into state structures. The Albanian extended families played a significant role in creating livelihoods and supporting each other, especially under these new circumstances where almost no Albanian had employment and children could not participate in Albanian schools anymore. (Cf. Schmitt 2008: 316) The parallel institutions, such as schools and health care centers, were largely financed by the voluntary 3 % tax of the Kosovo-Albanian diaspora in Western Europe. Nevertheless, a decline of the quality of the educational and the health care system could be identified during the times of oppression. For instance, tuberculosis, polio, and dysentery recurred in the 1990s in Kosovo. (Cf. Schmitt 2008: 317)

Due to the oppression, the Albanians were forced to integrate into the private economy. This led to an increase of small (family) businesses from 1,700 in 1989 to 18,000 in 1995. (Cf. Schmitt 2008: 319) Since Serbs were predominantly dependent on the Serbian state economy and the Socially Owned Enterprises (SOEs), Kosovo as a whole suffered from economic stagnation in the 1990s. As a result, more and more Kosovo Albanians, but also Kosovo Serbs and members of other minority communities left Kosovo for socio-economic reasons. For instance, around 400,000 young Albanian men left Kosovo at the beginning of the 1990s because of the lack of a perspective and the threat to perform services in the Serbian military. (Cf. Schmitt 2008: 317)

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[45] Original quote in German: "Die Serbisierung erfasste alle Bereiche des gesellschaftlichen Lebens." Translation made by the author.

[46] For instance, the Serbian government launched a "Program for the Attainment of Peace, Freedom and Prosperity in the Socialist Autonomous Province of Kosovo" to provide financial support to the Kosovo Serbs and to encourage the Albanians to emigrate out of Kosovo. This corresponds to typical means of ethnic cleansing. (Cf. Elsie 2011: xli)

Simultaneously, the Albanian resistance began operating. Their first years were characterized by "… the decision to clarify the legality of the Kosovo-Albanian concerns through peaceful, non-violent resistance"[47] (Schmitt 2008: 316). The parallel institutions were one means of peaceful resistance as well as non-violent protest marches and strikes. Yet, at the end of 1995, "[t]he Dayton Agreement[48] changed the attitude of the Kosovo Albanians fundamentally"[49] (Schmitt 2008: 321). The Muslim population in Yugoslavia perceived the Dayton Agreement as a victory of Slobodan Milošević and his regime. From the perspective of the Kosovo Albanians, their resistance towards the Serbian government was not supported by the international community. "Thus, the way into armed resistance was determined."[50] (Schmitt 2008: 321) The rural population in Kosovo was more willing to fight than the urban elite. This also results from Albanian traditions, where almost every Albanian man in rural areas has a gun. Their fight was further supported by the diaspora.

Despite the fact that the Kosovo Liberation Army UÇK (Albanian: Ushtria Çlirimtare e Kosovës) was already founded in 1990, they became visible first in February 1996. One of the most important political preconditions for a successful fight of the UÇK was the disintegration of Albania in 1997. Then, around one million guns were transferred from the Albanian military to the Kosovo-Albanian UÇK. The first phase of violent attacks of the UÇK began in the second half of 1997 when they started attacking several Albanian members of Miošević' party and Serbian police officers. Furthermore, they launched attacks against Serbian security agencies while sparing the civil population Kosovo-wide. (Cf. Schmitt 2008: 322f.) Until autumn 1998, the UÇK's fight against Serbia was more a guerilla fight than a regular fight of two armies. In the second phase, the UÇK was challenging Serbian security agencies without considering the civil population that suffered tremendously from these attacks. The Serbian government reacted with a massive air combat. This resulted in the fact that "… in autumn 1998, the UÇK was largely defeated …"[51] (Cf. Schmitt 2008: 325).

During the winter of 1998 and 1999, the UÇK formed new commando structures and received better weapons than before. The fight between the UÇK and the Serbian armed forces for the control of several villages and towns began in 1998 and continued in 1999.[52] The situation came to a point when another estimated 300,000 Albanians had to leave their homes. (Cf. Elsie 2011: xliv)

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[47] Original quote in German: "… der Entschluss, durch friedlichen, gewaltfreien Widerstand die Rechtmäßigkeit der Kosovo-albanischen Anliegen zu verdeutlichen." Translation made by the author.

[48] The Dayton Peace Agreement ended the conflict in Bosnia and Herzegovina. The agreement included a territorial division of Bosnia and Herzegovina into the Bosnian-Croatian Federation with 51 % of the territory and the Republika Srpska with 49 % of the Bosnian territory. The Brčko district received a special self-governing status within Bosnia and Herzegovina.

[49] Original quote in German: "Das Abkommen von Dayton veränderte die Haltung der Kosovo-Albaner grundlegend." Translation made by the author.

[50] Original quote in German: "Damit war der Weg in den bewaffneten Widerstand vorgegeben." Translation made by the author.

[51] Original quote in German: "… im Herbst 1998 war die UÇK weitgehend besiegt … ." Translation made by the author.

[52] Serbia started massive offensives. Some examples are the following: an offensive in the Drenicë/Drenica region in March 1998; an offensive near Prishtinë/Priština in June 1998; during the summer of 1998, Serbian forces recaptured several towns and villages such as the town of Rahovec/Orahovac; an offensive in Podujevë/Podujevo in December 1998. (Cf. Elsie 2011: xliv)

5.3 From Conflict Escalation to Conflict Resolution

Until 1997, the "Kosovo case" was discussed several times in international organizations such as the United Nations or NATO, but without any practical consequences. The People's Republic of China (China) and the Russian Federation (Russia) made clear that they fully supported Serbia and would block any resolution condemning the Serbian actions in Kosovo. In addition, both states prevented a UN Security Council Resolution, which would enable NATO to intervene into Kosovo. Both states struggled with their own minority issues and separatist movements, which gave and still give them a profound reason to oppose the Kosovar independence. (Cf. Schmitt 2008: 328)

"The Rambouillet Conference was a last-ditch attempt to put an end to the war that broke out in Kosovo in 1998." (Elsie 2011: 235f.) The conference took place in a castle called Rambouillet close to Paris and the negotiations were led by the contact group, consisting of the EU, Russia, and the USA. It is worth mentioning that the Yugoslavian delegation did not only include Serbian delegates, but further members of minority communities that enjoyed a special status. Although Milošević oppressed the Albanian minority in Kosovo, he supported other minorities such as the Goranis and Kosovo-Egyptians. The proposed solution of the final agreement included the following aspects:

— the withdrawal of Serbian troops from Kosovo,
— the establishment of a NATO Peace Corps in Kosovo,
— the development of democratic structures, and
— a final decision on the status of Kosovo to be made within the next three years.

The Albanian delegation signed the Rambouillet agreement while the Yugoslavian delegation refused to do so. The contact group realized that both parties had mutually exclusive, non-negotiable principles. Due to the failure of this last attempt to convince the Yugoslavian forces to withdraw from Kosovo and to bring an end to the unsolved status of Kosovo, NATO decided on 24 March 1999 to intervene in Kosovo and Serbia without a UN mandate. It started a massive bombing campaign of main Serbian sites in Kosovo and Serbia proper.
The Albanians expected the Serbian forces to immediately withdraw their troops from Kosovo after the NATO air combat had begun. Instead, fighting intensified and the civil population was caught in between. During the times of war, around 800,000 Kosovo Albanians, including some members of the minority communities, were forced to leave their homes and fled to Albania or Macedonia. (Cf. IOM 2008: 61)

5.3.1 The Political Developments under the United Nations Mission in Kosovo (UNMIK)

On 10 June 1999, the United Nations Security Council Resolution 1244 was adopted, which designated the end of the war in Kosovo and led to the full withdrawal of the Serbian troops from Kosovo. The Resolution 1244 confirmed the territorial integrity of Yugoslavia and

awarded Kosovo substantial autonomy. (Cf. Schmitt 2008: 332) The Resolution 1244 was also the first document calling upon the return of all refugees.[53]

The Resolution also established the basis for the international civil presence, the United Nations Mission in Kosovo (UNMIK), which assumed the legislative, executive, and judicial power in Kosovo. In the subsequent years, UNMIK was every now and then perceived as "colonial rule." The reasons are manifold:

— short terms of international workers (e.g., the Special Representative of the United Nations changed every six months),

— little knowledge of Kosovo, Serbia, and the Western Balkans in general, and

— the imbalance between the amount of money spent for reconstruction and the few results that could be achieved during the first years of UNMIK's history. (Cf. Schmitt 2008: 336f.)

The high presence of UNMIK, the NATO corps called KFOR (Kosovo Force), the European Union (EU), and the OSCE also created a high dependency on international decisions and decision makers. The reconstruction process under UNMIK's auspices was structured as follows:
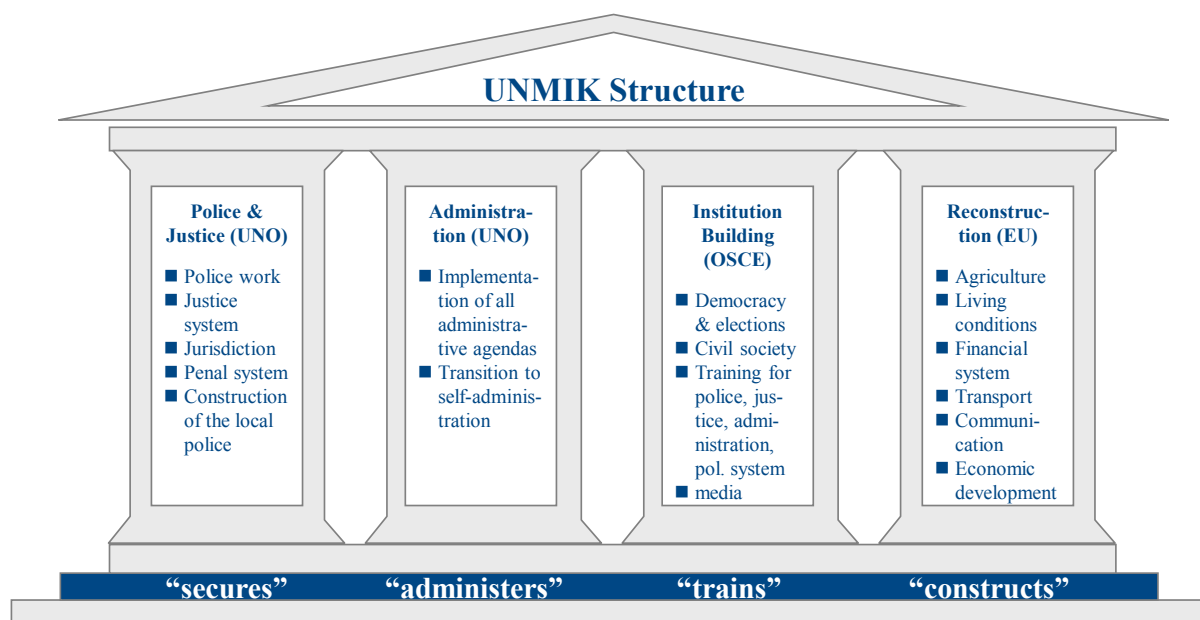
Figure 14: The UNMIK Structure
Source: Own illustration according to Schlechter, Jürgen and David Maleninsky (n.d.): *Zivile & Militarische Krisenpravention*, p. 15, available online at: *http://homepage.univie.ac.at/gernot.stimmer/php/Ziv MilKriPraevent.pdf*, last retrieved on 22.11.2013.

Until the end of June 2000, the first pillar was dedicated to immediate humanitarian assistance and was performed by the UNHCR. After this specific task was phased out, the first pillar was replaced by the police and justice.

The main tasks of UNMIK were to perform basic civilian administrative functions and to maintain civil law and order. Subsequently, it should gradually establish substantial autonomy

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[53] The preamble declares: "… to provide for the safe and free return of all refugees and displaced persons to their home, …" (UNSC Resolution 1244, p. 1). In addition, it reads: "… 9. <u>Decides</u> that the responsibilities of the international security presence to be deployed and acting in Kosovo will include: … (c) Establishing a secure environment in which refugees and displaced persons can return home in safety …" (UNSC Resolution 1244, p. 3).

and self-government in Kosovo. Therefore, the Provisional Institutions of Self-Government (PISG) were established. (Brand 2003: 8f.) In the following years, the rights and duties of UNMIK were little by little transferred to the PISG. For instance, on 28 May 2003, UNMIK transferred 19 of the 44 competencies to Kosovar institutions, including agriculture and justice. (Cf. Elsie 2011: lii) The final transfer of all competencies, including the very relevant rule of law functions, occurred in December 2008 – ten months after the Kosovar unilateral declaration of independence. (Cf. Elsie 2011: lv) "It was initially foreseen that UNMIK would withdraw from Kosovo upon the arrival of EULEX, but Russia, acting on Serbia's behalf, opposed this. As such, it remains in Kosovo at the moment in a primarily formal capacity." (Elsie 2011: 281) UNMIK's role and performance was always challenged as there was no blueprint for the development of institutions in Kosovo and the Serbian parallel structures prevented UNMIK from maintaining law and order in the entire territory. (Cf. Brand 2003: 52) Chapter 5.4.3 provides a more thorough overview of the institution-building process in Kosovo, including the challenges UNMIK faced.

The following time bar illustrates the most relevant events in Kosovo's history after the withdrawal of Yugoslavian troops from Kosovo in June 1999.
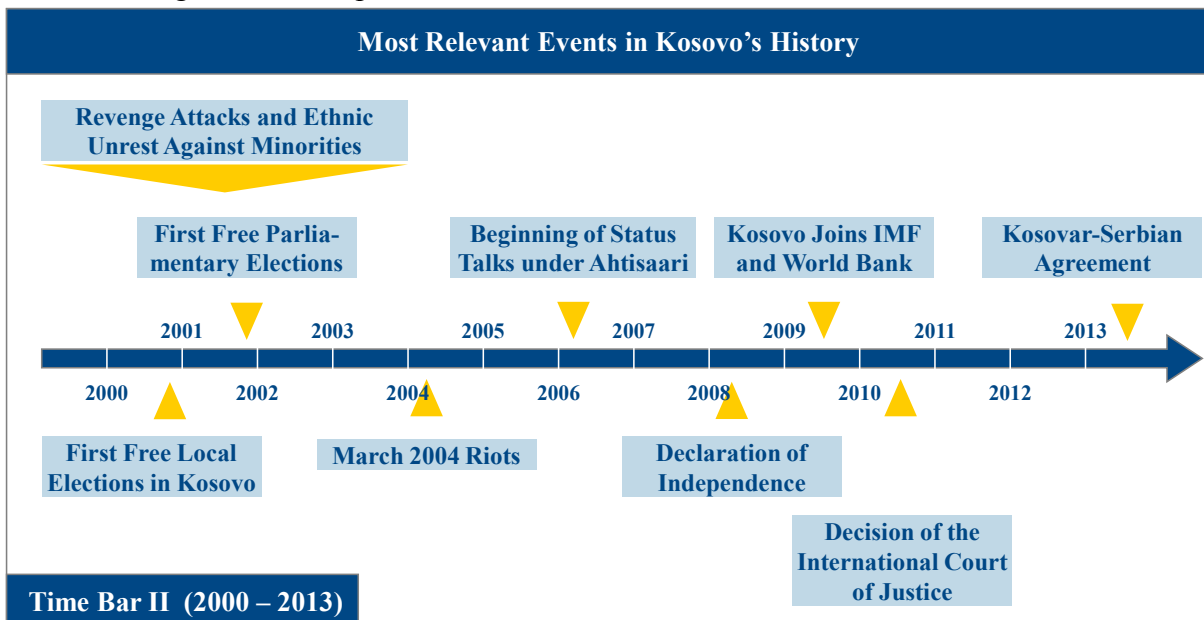
Figure 15: Kosovo's Most Relevant Events from 2000 until 2013
Source: Own illustration

On 30 July 1999, a new Serbian national assembly was founded in Zvečan/Zveçan to defend the rights of the Kosovo-Serbs. Three months later, a 49-member Serbian National Council was founded. These developments laid to the foundation of the Serbian parallel structures. (Cf. Elsie 2011: xlvii) At the same time, the first free local elections were held in Kosovo. Ibrahim Rugova's party, the LDK, won 58 % of all delivered votes. Around one year later, the Organization for Security and Cooperation in Europe (OSCE) organized the first free parliamentary elections in Kosovo. (Cf. Elsie 2011: l) Despite these favorable political developments, the first months after June 1999 were characterized by severe tensions between the Albanian majority and the minority communities.

5.3.2 Revenge Attacks against Minorities

By August 1999, "[n]early 90 percent of the more than 850,000 Kosovar [Albanian] refugees abroad have returned to Kosovo" (Elsie 2011: xlvi).

> "In need of immediate housing and material support, an increasing number of returnees resorted to violence and intimidation as a means of retrieving some semblance of their previous lives." (Strohmeyer 2001: 48)

This violence was directed against the Serbian and the other minorities, basically the Roma, the Goranis, and to some extent also the Bosniaks. The revenge attacks ended in the displacement of more than 200,000 members of ethnic minorities. During the summer of 1999, the UÇK moved quickly forward to central Kosovo and started on their part with the ethnic cleansing of these ethnic communities. (Cf. Schmitt 2008: 333) For instance, on 23 July 1999, 14 Serbian farmers were murdered in Lipljan/Lipjan by the Albanian extremists. Even the Albanians, who were supposed to have collaborated with the Serbs, were attacked. "Many flee to Serbia and Montenegro or towards mono-ethnic enclaves in the province." (IDMC 2007: 52) The attacks included killings, rape, torture, house-burnings and abductions, and denied access to public services and employment. (Cf. IDMC 2007: 52) The Albanians were convinced of the collective guilt of the Serbs, who had committed the atrocities against their people, and prosecuted every minority, who was supposed to have collaborated with the Serbs.

In consequence, around 250,000 members of the ethnic minority communities were displaced, and churches and other Serbian and Christian cultural monuments were destroyed. (Cf. Schmitt 2008: 333) Beyond that, around 1,000 Serbs and other members of minorities were killed and staying Serbs were dispersed throughout Kosovo's North and the Southern enclaves. Some Serbian cultural/religious sites are still watched by KFOR troops such as the monastery in Gračanica/Graçanicë or Visoki Dečani in Deçan/Dečani. The entire Kosovar territory was shaken by civil unrests during the years after the NATO campaign. The civil unrests basically occurred in the divided city of Mitrovicë/Mitrovica and around the closed Trepča/Trepçë mine, but they broadened to Macedonia (around Tetovo) and the Preševo/Preshevë Valley in South Serbia, where Albanians and South Slavs fought against each other, too. On that account, some ethnic Albanians from Macedonia and South Serbia even sought refuge in Kosovo. (Cf. Elsie 2011: xlix)

The ethnic tensions and violent attacks against minorities in Kosovo ended in the unrests of March 2004. The alleged murder of three Albanian children by the Kosovo Serbs on 17 March 2004 led to unpredictable mass attacks against the minorities. In the following three days, around 50,000 Albanians attacked Serbian villages and other minorities' houses and cultural sites. The so-called "March 2004 riots" were a major setback in the inter-ethnic relations. "Deliberate targeting of Kosovo Serbs sent strong message of denial of right to return." (IDMC 2007: 60) More importantly, more members of minority communities were actually displaced in 2004 than were able to successfully return to their homes. (Cf. IDMC 2007: 268)

Since the end of the war, the Serbian minority and other minority communities, in particular the Roma and the Goranis, did not feel safe in Kosovo anymore. They perceived the Kosovar

institutions as exclusively Albanian institutions. Some minorities wanted to receive education in the Serbian language and according to the Serbian curriculum, and they did not trust the Albanian health care staff, the judges, and other administrative personnel. On that account, most of the old infrastructure (such as health care institutions and schools) in the three northern municipalities Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan and the northern part of the divided city of Mitrovicë/Mitrovica were kept under the Serbian administration. Belgrade maintains and controls the parallel institutions. In addition, the parallel institutions were maintained or newly established in some southern enclaves such as Štrpce/Shtërpcë or Gračanica/Graçanicë municipality. These municipalities in the South of Kosovo often even have two different mayors – one Albanian and one Serbian. The Serbian parallel institutions significantly affect the level of integration of the Serbian community – and to a lesser extent of other communities – in Kosovo. Therefore, please consult Chapter 7.3.2.

5.4   The Reconstruction Process in Kosovo

At the beginning of UNMIK's mandate, there was no panacea for the administration of Kosovo as there was not one single case where the UN assumed responsibility for the entire legislative, executive, and judiciary of a post-conflict territory. As a consequence, the international community dealt with two main challenges in the reconstruction process in Kosovo: First, it had difficulties to recruit personnel, especially experienced personnel able and willing to stay on a long-term basis. Beyond that, it was complicated to make decisions through complex and inefficient bureaucracies. (Cf. Del Castillo 2008: 148) Secondly, "… international agencies are working in parallel on the same issues and at the same time working in different areas without involving the local community" (Earnest 2011: 31).

Nonetheless, "[i]nternational assistance for Kosovo's reconstruction proved more generous than for any earlier post-conflict response or any since." (Dobbins et al. 2003: 125) The international community spent 1.5 billion US$ on financial assistance to Kosovo in the two first years only. Moreover, one should not underestimate the financial capabilities of the community in exile, which sent around 350 million US$ to Kosovo in 1999 and 2000.

The next subchapters describe the early reconstruction efforts in the four previously mentioned reconstruction areas: re-establishing security, the restoration of basic infrastructure and social services, the reconstruction of the framework of governance, and the jump-start of the economy.

5.4.1   Re-establishing Security

In Chapter 3.1, the author identified five main aspects of the re-establishment of security in a post-conflict environment. This includes an international peacekeeping operation, a disarmament, demobilization, and reintegration strategy (DDR), dealing adequately with the police, the judicial system, and the operation of courts and prisons.

"The establishment of a functioning governmental structure, including the re-creation of the judicial branch, from 'ground zero' is a daunting task." (Strohmeyer 2001: 59) In Kosovo, this task was further complicated by several security challenges, such as:

— organized crime, including drug and human trafficking, organ theft, and banditry,
— corruption, which is anchored in administrative institutions, where high-ranking officials take bribes and engage in other unethical behavior,
— ethnic conflict, (Cf. Wilson 2006: 154)
— demilitarizing and demobilizing the Kosovo Liberation Army UÇK, and
— building a local capacity for civil policing. (Cf. Cockell 2002: 492)

These challenges were answered by the establishment of a military and a civilian international administration.

> "With the one exception of the United Nations Transitional Administration in East Timor (UNTAET), no other UN mission has ever had a mandate as extensive as this." (Bernabéu 2007: 73)

The mandates of the military international presence under the auspices of the NATO, called KFOR (Kosovo Forces), and of the civilian international presence under the auspices of the United Nations Organization, called UNMIK (United Nations Mission in Kosovo), as well as the relationship between the two are set out in the United Nations Security Council Resolution 1244. UNMIK was responsible for the provision of a wide range of essential administrative functions and services covering areas such as law and order, health and education, banking and finance, and post and telecommunications. (Cf. Bernabéu 2007: 77) The KFOR was charged with ensuring "… public safety and order until the international civil presence can take responsibility for this task" (UNSC Resolution 1244: paragraph 9d).

The main mechanism to face the security challenges is the implementation of a Disarmament, Demobilization, and Reintegration Strategy (DDR). In Kosovo, UNMIK established the Kosovo Protection Corps (Albanian: Trupat e Mbrojtjes së Kosovës, KPC), a civilian emergency services organization in order to transfer the ex-UÇK fighters into a new organization with clear structures, but without the military element. (Cf. Cockell 2002: 492) It was a compromise between the required demobilization of the UÇK fighters and their rejection to dissolve the UÇK.
The KPC was a joint initiative of UNMIK and KFOR: UNMIK was responsible for making all planning decisions concerning the KPC funding, the policies, and priority functions. KFOR, in turn, was responsible for the day-to-day supervision of the KPC. The International Organization for Migration (IOM) was in charge of screening and interviewing at least 20,000 ex-combatants of the UÇK. Furthermore, the IOM provided vocational training and emergen-

cy and disaster preparedness tasks. (Cf. Cockell 2002: 493) The UNMIK Regulation 1999/8 assigned the following tasks to the KPC:

— provide a disaster response capability to deal with major fires, industrial accidents, or toxic spills,
— conduct search and rescue operations,
— provide humanitarian assistance,
— assist in de-mining, and
— contribute to rebuilding infrastructure and communities.

The original aim of the KPC was to diminish the possibility of new violence. However, "… the KPC command structure openly regard[s] the Corps as a foundation for the future army of an independent Kosovo." (Cockell 2002: 494) Beyond that, some commanders of the KPC were directly involved in armed actions of the liberation armies in Macedonia and South Serbia.

> "This brings home the lesson that demobilizing the apparent 'public' structure and membership of a militia may well leave the preexisting political forces that fostered its creation untouched. Political and legal sectors must therefore address the potential for continuing organized political (and criminal) support for armed militancy." (Cockell 2002: 494f.)

The Kosovo Protection Corps was dissolved in 2009.

Many demobilized ex-combatants of the UÇK applied for the Kosovo Police Service School (KPSS) and integrated into the Kosovo Police subsequently. The Kosovo Police Service (KPS)[54] was built from scratch. (Cf. Cockell 2002: 495) It is being run by the OSCE, and the UNMIK was in charge of running the police stations Kosovo-wide. As a consequence, the cooperation between these two organizations was necessary to provide adequate training to the new police officers. The Kosovo Police faced some challenges at the beginning of its service, in particular the high amount of new police officers: Every four to five weeks around 250 new police officers left the KPSS and had to be trained in practice. In addition, police officers received a low salary of around 350 DM[55]. This implicated the danger of corruption within the police.

When the first members of the international presences arrived in Kosovo, the security situation was very tense. The returning Albanians conducted revenge attacks against the Serbian and other minorities. Hence, the KFOR carried out large-scale arrests: In the first weeks after the peace agreement, it arrested around 200 residents, who were charged for violent assaults, murder, arson, but also grave violations of human rights. Consequently, UNMIK "… considered it particularly important to observe fair-trial standards to the maximum extent possible." (Strohmeyer 2001: 49) The international civilian presence intended to accord initial hearings to detainees within 72 hours.

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[54] The Kosovo Police Service was later renamed into Kosovo Police (KP).
[55] Until 2002, Kosovo used the Deutsche Mark = DM as their currency. In January 2002, they introduced the Euro = EUR. The conversion ratio is approximately 2 DM = 1 EUR.

To ensure fair trials, the functions of the Kosovar judiciary had to be re-established. This civilian task was not easy: Virtually no Kosovo-Albanian was left in the civil service. Only 30 out of 756 judges were Albanian. (Cf. Strohmeyer 2001: 50)

> "In view of the political and symbolic significance of such appointments in a postcrisis situation and the United Nations' desire to act in sharp contrast to the flagrant politicization of judicial appointments that had characterized the previous regimes, it was essential to proceed in a transparent and professional manner that would give legitimacy to the undertaking." (Strohmeyer 2001: 51)

UNMIK aimed at creating a political and ethnic balance between the new judges and prosecutors. To accomplish this, an independent judicial commission was set up only two weeks after the first UNMIK staff members arrived in Kosovo. Their first result was a compromise of seven lawyers, three of which were international, two Albanian, one Serbian, and one Bosniak. (Cf. Strohmeyer 2001: 51) Immediately after the selection of these lawyers, criticism against all candidates emerged: One Albanian was criticized with being too connected with the old regime, the Serbian lawyer was soon evicted from his apartment and was even forced to flee to Serbia proper and "… was threatened to death if he returned" (Strohmeyer 2001: 52), and the Bosniak was accused of having collaborated with the Serbian regime during the 1990s.

In general, the search for independent lawyers was very difficult: All Kosovo-Albanians who were still in office were supposed to have collaborated with the Serbs and "[e]ven an immediate cross-organizational effort in neighboring Macedonia and Albania to screen refugee camps for lawyers did not yield the hoped-for results" (Strohmeyer 2001: 53). Nevertheless, at the end of June 1999, UNMIK was able to appoint nine judges and prosecutors, including three Serbs. They worked as mobile units with jurisdiction throughout the territory of Kosovo. At the end of July 1999, the team grew to 28 lawyers: 21 Albanians, 4 Serbs, 1 Roma, 1 Turk, and 1 Bosniak. (Cf. Strohmeyer 2001: 53)

One crucial question for the work of the new lawyers was if the legal framework that existed prior to the war, under the Yugoslavian rule, continued to exist. Usually, the United Nations tries to keep the legal framework that existed prior to the war *if* it is not in conflict with internationally recognized human rights standards or other legal contexts. (Cf. Strohmeyer 2001: 58) This has two practical reasons:

(1) to avoid a legal vacuum and
(2) to avoid training the new legal staff in a very new system.

In Kosovo, the maintenance of the old legal framework was answered with protests by local politicians and the legal community.

> "The Yugoslav criminal laws, in particular, were considered to have been one of the most potent tools of a decade-long policy of discrimination against and repression of the Kosovar Albanian population." (Strohmeyer 2001: 58f.)

The new Albanian lawyers also opposed to legal training because of this law: They feared they were disadvantaged because of their education and/or practical experiences during the time of the parallel institutions. In addition, they feared a privilege for those, who collaborated with the Serbian regime. Due to this opposition, UNMIK changed the applicable law to the status before the abolition of Kosovo's autonomy in 1989. In effect, this was a political deci-

sion, since the law prior to 22 March 1999 was not any more democratic than the one after the abolition of autonomy. (Cf. Strohmeyer 2001: 59)

Another challenge remained in the reconstruction of the physical infrastructure: In Kosovo, all courts and other public buildings had to be cleared of mines and booby traps. Moreover, files were dislocated, official forms destroyed, and valuable office equipment was appropriated by the withdrawing Serbian security forces. (Cf. Strohmeyer 2001: 57) "The situation was so grave that the first UN-appointed judges and prosecutors had to bring their own dated type-writers to the initial hearings to be able to draft decisions and court records." (Strohmeyer 2001: 57) Over and above, many prisons were damaged or totally destroyed, and the Serbian withdrawing forces transferred the inmates to unknown places in Serbia proper. Consequently, the detainees were kept in military camps and the personnel did not know how to deal with prisoners.

Despite these efforts in re-establishing security and law of order in Kosovo,

> "… the poor record in respect for the rule of law is the main problem in Kosovo. It affects ordinary individuals in their everyday life, irrespective of the community they belong to. It also has an impact on governance, the functioning of the political system and the administration and people's trust in the institutions and the private sector. It is a hindrance to economic development, as foreign and local investors are reluctant to commit resources in these circumstances." (Von Sydow 2010: 12)

5.4.2   The Restoration of Basic Infrastructure and Social Services

> "Restoring adequate telecommunications services, energy supply, and transport capacity is a pre-requisite for economic recovery." (EU, World Bank, UNMIK 1999: 27)

At the same token, the rehabilitation of the educational and the health care system were a focus of post-conflict reconstruction initiatives in Kosovo. The reconstruction of key infrastructure was set out in paragraph 11(g) of the UN Security Council Resolution 1244/1999. The activities were subsumed under the fourth pillar of the UNMIK structure and included the modernization and incorporation of public utilities, such as Kosovo Railways, two district heating enterprises, the Prishtinë/Priština International Airport, Post and Telecommunications of Kosovo, and the Kosovo Energy Corporation (KEK). (Cf. Naegele 2010: 206)

During the five months after the end of the conflict, several institutions assessed the extent of the human and infrastructural damage in Kosovo. "It also took into account the need to undo a decade of neglect of human rights and public institutions." (EAR 2008) As a consequence, the European Union, being responsible for the implementation of pillar IV, provided 127 million EUR for reconstruction programs in Kosovo in 1999 aimed at restoring adequate living conditions before the winter, implementing urgent repairs of essential infrastructure, restarting public administration, and clearing mines. (Cf. EAR 2008) In February 2000, it further created the European Agency for Reconstruction as the implementing agency.

> "With the exception of telecommunications (and some road bridges), infrastructure networks suffered relatively little direct conflict-related damage." (EU, World Bank, UNMIK 1999: 26)

Nonetheless, the key infrastructure in Kosovo suffered from negligence during the 1990s and the emigration of large portions of qualified staff. Consequently, technical institutions and utilities were not functioning properly. UNMIK aimed at reaching the following goals:

— provide an uninterrupted supply of electric power and of clean water (around 100 liters per day per person) to all households,
— develop a primary wastewater treatment scheme in the Greater Prishtinë/Priština area,
— organize a proper garbage collection and disposal in all major cities, and
— guarantee an adequate road access to all villages in Kosovo. (Cf. EU, World Bank, UNMIK 1999: 21)

Beyond that, the management of infrastructure companies and utilities should be restructured and transferred to Kosovars, the private sector delivery supported, and a sustainable financing system developed. (Cf. EU, World Bank, UNMIK 1999: 27) The subsequent paragraphs focus on each sector of infrastructure and social services.

5.4.2.1   Energy Supply

> "Energy supply is key for the restart of economic activity in Kosovo – as well as for the Kosovars to get through the cold winter months." (EU, World Bank, UNMIK 1999: 29)

In 1999, Kosovo's energy sector was characterized as follows: Two thermal power plants suffered from a lack of maintenance; Kosovo B (providing 600 MW) was not in operation and required substantial repair and Kosovo A (providing 800 MW) was, and still is, environmen-

tally-hazardous and only one or two units out of five operated at reduced capacity. The smaller Gazivoda/Gazivodë hydro power plant was able to operate at full capacity. Around 30 % of the distribution network suffered from war-related damage. The distribution companies lacked tools, equipment, and vehicles to guarantee a proper maintenance of the distribution network. (Cf. EU, World Bank, UNMIK 1999: 29) Furthermore, the pre-conflict district heating systems were not operating due to a lack of maintenance before and during the war. Beyond that, "[t]here is no adequate institutional framework for efficient operation of either the power and district heating systems or the coal mines: no company structure, no business culture, and no functioning billing and collection service." (EU, World Bank, UNMIK 1999: 29) According to EU, World Bank, and UNMIK's estimations, a donor support of around 410 million US$ was expected to be needed to support a medium-term rehabilitation of the energy sector. (Cf. EU, World Bank, UNMIK 1999: 30)

The assistance of the European Agency for Reconstruction from July 1999 onwards was concentrated on emergency repairs and the supply of spare parts and consumables to keep the generating systems going. Moreover, an international team supported the Kosovar team in managing the electricity provider KEK. The goal was to get the power system operational, especially for the hard winter as 50 % of the heating is produced by electricity. On that account, "[t]he support of the Agency to the energy sector in Kosovo in 2000 has focussed [sic] on the production system, the coal mines, the Kosovo B power plant, imports of electricity, and – to a lesser extent – the transmission system." (EAR 2008) In detail, the EAR partially overhauled the unit Kosovo B2 for a total cost of about 40 million EUR. The unit was successfully reconnected to the grid on 5 December 2000. For a period of twelve months, the European Union supported electricity imports of power to Kosovo for an amount of about 25 million EUR covering the partial unavailability of local production. (Cf. EAR 2008) In addition, the EAR supplied specialized vehicles, repaired excavators, and rehabilitated mechanical and electrical workshops for around 18 million EUR.

"The programme to rehabilitate the energy sector is the largest component in the Agency's budget." (EAR 2008) In conclusion, the supply of energy has stabilized over the last years. Nevertheless, even in 2011, Sinani and Demi state "… power outages, an everyday occurrence in Kosovo since 1999, are one of the main obstacles to the country's economic development …" (Sinani, Demi 2011: 8). Beyond that, the management of the electricity provider KEK is not effective yet. Their main problems are the persistent low revenue collection and high commercial losses due to the theft of electricity. Consequently, the KEK is also not able to finance critical investments. (EAR 2004)[56] On that account, the general economy, businesses, and private persons are still affected by power insecurity.

5.4.2.2 Transport Networks

The conflict-related damage to the road network was relatively limited; only around a dozen bridges were destroyed on the main highways. However, the transport networks in general lacked maintenance during the 1990s and had to be rehabilitated in a significant manner. The

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[56] The information stems from the Kosovo Annual Program of 2004 and the sector called "Energy". The program is online available at: *http://ec.europa.eu/enlargement/archives/ear/kosovo/main/kos-annual_ programme_2004_energy.htm*, last retrieved on 22.11.2013.

EU, the World Bank, and the UNMIK estimated that substantial donor assistance of 165 million US$ is required. Besides, there was no functioning public transport system in Kosovo. It was partly replaced by private operators, but did not work properly in 1999. (Cf. EU, World Bank, UNMIK 1999: 30) The Agency's focus was to upgrade the road infrastructure through the repair of surfaces to guarantee free movement between the main towns of Kosovo and between Kosovo and its neighbors. The program resurfaced three of the main routes in Kosovo: the highway between Prishtinë/Priština and Skopje, the one between Doganović/Doganaj and Globočica in Macedonia, and the one between Prishtinë/Priština and Pejë/Peć for around 10 million EUR. (Cf. EAR 2008)

> "Significant progress has been achieved in the transport sector since 1999. The main roads have been resurfaced, bridges strengthened, air and rail networks have received assistance, and the capacity of the Ministry of Transport and Communications to fulfil its mandate has gradually improved." (EAR 2006b: 6)[57]

As a consequence, the Agency could reduce travel times between the urban centers of Kosovo and to the neighboring countries and, thereby, also decrease the amount of delays and the risk of accidents. Nevertheless, the management of the road network is not yet satisfactory. (Cf. EAR 2006b: 6) Further assistance in the management sphere is necessary.

5.4.2.3   Telecommunications

"During the conflict, a number of key facilities were destroyed (including the main exchange to the rest of FRY and to the international network, the two transmission stations, and a local exchange in Prishtine)." (EU, World Bank, UNMIK 1999: 28) In 1999, Kosovo had the lowest telephone penetration rate in Europe with only 130,000 telephone lines in service. In addition, international access was not available on the fixed network. Furthermore, there was no mobile service in Kosovo except in Prishtinë/Priština. UNMIK drafted five goals for the post-conflict reconstruction of the telecommunications sector:
— repairing damage to the existing network, including the restitution of long distance microwave network and the repair of the local distribution network,
— providing spares, tools, test equipment, and maintenance vehicles,
— carrying out a limited modernization and expansion of the network, in particular by establishing international access for Kosovo,
— ensuring adequate mobile coverage throughout the region, and
— providing technical support to the telecommunications operating entity, whose staff has little experience of modern technology. (Cf. EU, World Bank, UNMIK 1999: 28f.)

On an interim basis, UNMIK gave all telecommunications services to the PTK authority. The Agency and its predecessor supported the PTK in re-establishing itself, by assisting in mine clearance around the various facilities, by purchasing new equipment, which was missing in order to maintain the facilities properly, and by providing technical advice. In summary, the situation of telecommunications improved over the last years: subscriber numbers of fixed telephone lines, mobile services, and internet increased lately. However, power outages and the lack of an adequate management of the PTK remain the most important challenges.

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[57] *http://ec.europa.eu/enlargement/archives/ear/kosovo/main/documents/2006Energy.pdf*, last retrieved on 26.12.2013.

5.4.2.4 Housing

During the war of 1999, around 120,000 houses were damaged or completely destroyed. In detail, 41,000 houses were partially damaged, 32,000 were seriously damaged (walls standing but without roofs or burnt out), and 47,000 were completely destroyed, which means down to or even below the foundations. (Cf. EAR 2008) Since the winter was approaching fast, the EU Humanitarian Agency ECHO (European Commission Humanitarian Aid & Civil Protection) provided shelter for the most affected families so that they could cope with the winter conditions in 1999/2000. (Cf. Del Castillo 2008: 146) Most likely, the most affected families' houses were completely destroyed and they had no possibility to move in with their relatives or friends. "They were housed in partially repaired houses, temporary tents, pre-fabricated units, and collective centres." (EAR 2008) More importantly, grant-aided reconstruction was undertaken in 23 of 30 municipalities of Kosovo. During 2000, the Agency completed the reconstruction of 8,170 houses, which benefited around 100,000 Kosovar residents, including Albanian and other returnees. (Cf. EAR 2008)

Nonetheless, the reconstruction of houses remains one of the main challenges in Kosovo. The responsibility for the reconstruction of destroyed houses lies with the Kosovar municipalities, but these often lack financial resources and expertise in order to apply to the central institutions to get financial support for reconstruction. (Cf. OIK 2007: 8f.) The Agency and other organizations, such as the UNDP, are still actively engaged in the reconstruction of houses, a process that is still going on.

5.4.2.5 Water

In 1999, around half of the Kosovar population had access to piped water and only 20 to 30 % were connected to sewage systems. (Cf. EAR 2008) Besides, water losses in the piped systems were at around 50 % and cost recovery of delivered water was less than 15 %. (Cf. EAR 2008) The focus of assistance was emergency repairs to urban water supply systems. "Technical assistance has been provided to 13 municipalities to start a programme of water supply and wastewater system rehabilitation covering more than half of Kosovo." (EAR 2008) The EAR started to improve the management of the water systems and could reduce lengthy stoppages in water supplies because of equipment failures. (Cf. EAR 2008)

5.4.2.6 Reconstructing the Educational and the Health Care System

Post-conflict reconstruction (PCR) of the educational system and the health care system went hand in hand. Consequently, the following PCR goals of the EU, the World Bank, and the UNMIK included both systems:

— mainstream the parallel systems,
— finance operating costs (such as wages and pensions),
— restore damaged facilities and replace lost equipment,
— assist in designing and implementing specific remedial programs, and
— support the transition to modern educational and health care systems. (Cf. EU, World Bank, UNMIK 1999: 24)

The greatest need in both systems was the payment of salaries. Most donors, however, focused on the reconstruction of the facilities instead of paying salaries to professionals, which was urgently needed. (Cf. EU, World Bank, UNMIK 1999: 24) In addition, other non-wage recurrent costs such as pharmaceuticals or heating were also necessary. UNMIK decided that primary education and primary health care should be operated at the local, i.e. the municipal level, whereas the central authorities should ensure universal coverage and quality standards. (Cf. EU, World Bank, UNMIK 1999: 25) The higher level of education and of health care should be financed through central revenues, but with a higher degree of user fees for services such as drugs or dormitories for students.

Another emphasis of reconstruction activities in both systems was the rehabilitation of damaged facilities: While reconstructing them, it has to be analyzed whether or not the current facilities are still consistent with the systems' needs, especially because the furnishing and equipment of these facilities often date back to the pre-1989 period.

5.4.2.6.1   Education

The main focus of post-conflict reconstruction of the educational system was to restore adequate funding mechanisms, to redefine the roles of the central and the local administrations as well as of the teachers, and to ensure quality throughout the entire system at all levels. (Cf. EU, World Bank, UNMIK 1999: 24) Substantial support was also required towards the invisible damage, which resulted from the Serbian oppression of the Albanian population during the 1990s.

> "Because there were no innovations in schooling during the nineties, outmoded curricula and antiquated teaching methods have discouraged critical thinking, creativity and openness to cultural differences in education." (Melissen 2010: 32)

Above, young people did not have adequate access to education at the secondary and the tertiary level. The support should therefore include:

— basic literacy, skills, and job training for young people, who did not have adequate access to education and who constitute a potential source of civil unrest,
— skills upgrading for those who could not benefit from higher education, and
— the development of new skills, in particular in economic fields such as management, finance, accounting, controlling, etc. (Cf. EU, World Bank, UNMIK 1999: 25)

In order to rehabilitate and adapt the educational system to new realities, 85 million US$ were required as can be seen in Table 4.

External Financing Requirements for the Educational Sector (in million US$)			
Activity	First Phase (until 12/2000)	Second Phase (2001-2003)	Total
INVESTMENTS			
Primary schools reconstruction & refurnishing	21.0	14.0	35.0
Secondary schools reconstruction & equipping	6.0	7.0	13.0
Repair and re-equipping of university facilities	4.0	1.0	5.0

Printing of existing core books in 1999/2000	2.5	0.0	2.5
Publishing of new core books in 2001-2003	0.0	5.0	5.0
Emergency re-training funds	13.0	7.0	20.0
TECHNICAL ASSISTANCE	2.5	2.0	4.5
TOTAL	**49.0**	**36.0**	**85.0**

Table 4: External Financing Requirements for the Education Sector
Source: Own illustration according to EU, World Bank, UNMIK 1999: p. 107

In 2013, Kosovo's educational system is still a parallelism of two separate institutions: the Kosovar Ministry of Education, Science and Technology (MEST), which runs the Kosovo Albanian schools where lessons are held in Albanian, Bosnian, and Turkish and the Serbian Ministry of Education and Sports (SMES), which finances and organizes parallel Serbian schools and educational institutions for members of the Serbian, Roma and Gorani communities. (Cf. EAR 2006a: 102; OSCE 2009a: 4) In the tertiary education, a parallel institution emerged, namely the Serbian University in northern Mitrovicë/Mitrovica.[58]

So far, all attempts to establish multi-ethnic schools failed in the past. For instance, the multi-ethnic school Sveti Sava in Bresje (Fushë Kosovë/Kosovo Polje municipality) was founded in September 2004. However, the students, the teachers, and the school administrators did not engage in a multi-ethnic dialogue: Both school systems operate side by side, but not with each other. (Cf. OSCE 2009a: 15f.) It is a fact that "… in the period after the conflict, the isolation in schooling between the Serb and the Albanian community continued." (Melissen 2010: 31) Moreover, the other communities are involved in this conflict either on the one or the other side.

Despite the high investments in the reconstruction of the educational system, the Kosovar system still faces several challenges, such as:

— the fact that Kosovar school diplomas are not recognized in neighboring countries,
— the loss or disappearance of educational money because of governmental corruption, (cf. Melissen 2010: 32)
— the scarcity of school buildings and materials,
— the fact that low salaries of teachers cause poor motivation, and
— the low standard of education and the low quality of teachers.

Another main challenge concerns the integration of members of minority communities in Kosovo's educational system, which could not be properly dealt with post-1999.

> "Kosovo faces the challenge of having many but relatively small minority communities, all accorded equal rights in education and language." (Božić 2010: 286)

Consequently, most ethnic communities want their children to be taught in their native language and not in the dominant Albanian or Serbian language.

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[58] Additionally to the university in Mitrovicë/Mitrovica there is also "… a Consultative Centre of a private Faculty from Novi Sad ("Fakultet za Usluzni Biznis") operating in Štrpce/Shtërpcë. […] This Faculty offers studies in the fields of Business Management, Economics, Tourism and Public Management." (OSCE 2007: 43)

The Kosovar educational system differentiates between general subjects, such as physical education, math, and sciences, and national subjects, such as language, history, art, and music. The national subjects change according to the ethnic community – meaning that their specific historical background, traditions, and language shall be taught. However, the Kosovar system lacks adequate resources to fully implement these minority rights. For this reason, the quality of education for minority communities is below the Albanian level and substandard compared internationally. The low level of education of members of minority communities further enhances their exclusion from the wider society. (Cf. Božić 2010: 294)

The Serbian system, however, features a much higher quality. This is mainly due to the continued support from the government in Belgrade. Teachers within the Serbian system earn three to four times more than their colleagues in the Kosovar system; the salaries for the Serbian teachers in Kosovo are even higher than in Serbia proper. Belgrade aims at attracting as many good teachers as possible to move to Kosovo and teach there. Beyond that, the Serbian teachers have permanent contracts whereas the Kosovar teachers often only have temporary contracts. (Cf. Božić 2010: 294) Despite integrating some minority communities into the Serbian educational system in Kosovo, there are no specific subjects for any of them.

In conclusion, despite some post-conflict reconstruction of the educational system, including the reconstruction and refurnishing of primary and secondary schools, some major challenges have still not been resolved at this time. It is particularly devastating that there is a major quality gap between the Kosovar and the Serbian system: This gap prevents a sustainable unification of both systems.

5.4.2.6.2   Health Care

As is true for all other systems in Kosovo, the health care system is characterized by a lack of maintenance and a chronic shortage investment in new equipment, especially during the 1990s. Beyond that, the system was over-reliant on expensive hospital care rather than primary health care in community-based health clinics. (Cf. EAR 2008) This situation became even more challenging as the parallel Albanian health care system almost collapsed in June 1999. Most health care staff working for the parallel Mother Theresa's Society tried to return to the hospitals where they worked before 1990. As a consequence, the Mother Theresa's Society was almost not functioning anymore, in particular in rural areas. (Cf. EU, World Bank, UNMIK 1999: 24) "This problem has been compounded by a lack of primary health care skills amongst both doctors and nurses." (EAR 2008) A primary focus of post-conflict reconstruction in the health care sector was to provide doctors, nurses, and other health care staff with incentives to continue working in the rural areas and in primary health care clinics instead of returning to their old workplaces in over-staffed hospitals. All medical staff should receive skills training and new investments in the primary health care sector should be made, thereby establishing a better balance between primary and hospital-based health care. Besides, pharmaceuticals were urgently needed, especially at the local level. (Cf. EAR 2008)

In total, the European Agency for Reconstruction supported 350 state pharmacies to create a self-sustaining pharmacy system. Three hundred fifty family doctors and specialists as well as service managers were trained through a WHO program. In addition to that, "[t]he blood

transfusion service has been modernised through a central facility based in Pristina …" (EAR 2008). Table 5 summarizes the external financial requirements for the health sector.

External Financing Requirements for the Health Sector (in million US$)			
Activity	First Phase (until 12/2000)	Second Phase (2001-2003)	Total
INVESTMENTS			
Civil Works			
Damaged Primary Health Care (PHC) Clinics	7.0	1.0	8.0
Hospitals and other PHC Clinics	5.0	13.0	18.0
Other (Health Insurance Fund, Training Sites)	2.0	0.0	2.0
Equipment			
Damaged PHC Clinics	2.0	2.0	4.0
Hospital Equipment	14.0	13.0	27.0
Ambulance System	2.0	3.0	5.0
Priority Health Programs	3.0	6.5	9.5
TECHNICAL ASSISTANCE	5.0	6.5	11.5
TOTAL	**40.0**	**45.0**	**85.0**

Table 5:   External Financing Requirements for the Health Care Sector
Source: EU, World Bank, UNMIK 1999: p. 121

The EAR's main achievement was that in 2008, around 50 % of the patients' first contact with the health care system was at the local level. Above all, the general health conditions of the population increased, but are still unsatisfactory. The following health indicators provide an image of the current health situation in Kosovo. The life expectancy is with 70 years (2011)[59] below all neighboring countries[60]. The Maternal Mortality Rate (MMR) is considered the highest in the region: Recent research of facility-based data estimates the MMR in Kosovo at 21 per 1,000 births. The Infant Mortality Rate (IMR) is estimated at 44 per 1,000 live births, while the "under the age of 5" mortality rate is estimated at 69 per 1,000 live births. (Cf. Caritas International 2010: 96) One main reason for these low indicators is the ongoing low quality of health care institutions.

The health system in Kosovo is organized in three levels: There are primary health care centers[61] (FHC), hospitals, and a few specialized health care facilities such as the University Hospital in Prishtinë/Priština. (Cf. Mattern 2007: 3) The system is, again, divided into a Kosovar system and a Serbian system, which is maintained by the Republic of Serbia. The main

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[59]   Source for all data on life expectancy: World Bank (2013): Databank. Kosovo, online available at: *http://data.worldbank.org/country/kosovo*, last retrieved on 08.10.2013.

[60]   Serbia proper has a life expectancy of 75 years. The same applies to Macedonia and Montenegro. Albania has even a life expectancy of 77 years.

[61]   Due to the extremely high maternal and infant mortality, primary health care centers were renamed as *Family Health Centers* (FHC). They offer full-time first consultation and treatment of general practitioners. (Cf. Mattern 2007: 4)

difference between the two systems is the fact that health care services, pharmaceuticals, and treatment can be accessed free of charge in the Serbian system. (Cf. HLC 2008: 190) Within the Kosovar system, treatment, pharmaceuticals[62], and transportation have to be paid directly because Kosovo has not yet established public health insurance. (Cf. Mattern 2007: 1)

Both systems face one common challenge, which is the lack of qualified human resources: "… 1000 inhabitants are served by only 0.94 doctors, 2.61 nurses and 0.06 dentists" (Caritas International 2010: 97f.).
Notably, the Kosovar health care system still struggles to overcome the educational gap of their health care personnel during the 1990s under the Serbian oppression. Although the Albanian physicians could receive theoretical education during these times, they suffered from a lack of practical experiences due to the restricted access to patients in hospitals.

Despite the fact that health care in the Serbian parallel institutions is superior because "… these facilities are very well supplied with drugs and other materials …" (CRIP 2009: 59), they face some critical challenges, too. The Serbian health care system in Kosovo lacks secondary and tertiary health care institutions in general and primary health care institutions in remote areas in the South of the three northern Serbian municipalities. For surgeries and difficult treatments, the Serbs and members of other ethnic minority communities, such as the Roma and the Goranis, tend to drive to Serbia rather than to use the Albanian institutions in their own area. The following table illustrates several challenges of both systems.

Challenges of the Kosovar System	Challenges of the Serbian System
■ Underfunding, ■ poor infrastructure, ■ low wages, ■ lack of qualified medical personnel, ■ outdated medical equipment, ■ inadequate supplies of pharmaceuticals, and ■ poor management.	■ Unsufficient amount of secondary and tertiary health care institu-tions, ■ inadequate geographical network of facilities, particularly in remote areas, ■ inadequate transportation to the health facilities, ■ lack of adequate and modern medical equipment, and ■ inadequate facilities to deal with emergencies.

Table 6: Challenges of both Health Care Systems in Comparison
Source: Own compilation according to OSCE (2007): 49 and UNKT (2007): 1.

Another factor significantly influencing the health conditions of Kosovar residents is the polluted environment. The regions with the most polluted environments are Mitrovicë/Mitrovica – lead and zinc mines and related industry, Obiliq/Obilić – lignite mines and power plants, Gllogovc/Glogovac – ferro-nickel mines and metallurgical industry, and Hani i Elezit/Đeneral Janković – limestone quarries and cement factory. The Roma, the Ashkali, and the Egyptians

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[62] Even the pharmaceuticals on the Essential Drug List that was established in 2002 by the World Health Organization (WHO) cannot be provided free of charge due to the chronic underfunding of Kosovo's health care system. (Cf. Mattern 2007: 15)

particularly suffer from the environmental pollution in Mitrovicë/Mitrovica, where they live in shacks close to the old Trepča/Trepçë mine complex.[63] (Cf. Caritas International 2010: 101)

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[63] The Chapter 6.4 explains their situation and shows how the pollution of the environment affects their lives and even leads to the death.

5.4.3 Reconstruction of the Framework of Governance

"The first and foremost challenge for the UN was the need to exercise government functions that are normally the responsibility of national authorities." (Del Castillo 2008: 144)[64]

This challenge could only be dealt with given that the Kosovar society would participate in the democratization and institution-building process. However, the discussion and content-related input was and still is to a large extent confined to the Kosovo-Albanian population as the majority of the ethnic minority communities that was displaced to foreign countries or Serbia proper. (Cf. Del Castillo 2008: 145) "An ethnically homogenized Kosovo was certainly an easier place to govern" (Ernst 2011: 123), but also excludes a significant part of the population, especially because one conflict party was ignored most of the time in any state-building processes.

After UNMIK's establishment in 1999, the international organization was gradually transferring administrative tasks and functions to interim institutions. (Cf. Del Castillo 2008: 141) In February 2000, the Joint Interim Administrative Structures (JIAS) were established. One major precondition for the JIAS to exist was that the Kosovar leaders had to officially dissolve all parallel executive, legislative, and judicial structures by the end of January 2001, i.e. all institutions, which were established by the non-recognized Republik Kosova. (Cf. Brand 2003: 13) As demanded, the Republik Kosova ceased to exist on 1 February 2001. The participation of the Serbs was an integral element of the JIAS agreement. Nevertheless, the Serbs never formally recognized the agreement or the structures. (Cf. Brand 2003: 14) The JIAS resumed several administrative tasks, responsibilities, and functions, but "[n]o Kosovar within JIAS could take a valid decision without the approval of an international counterpart of supervisor. … [S]ome UNMIK officials merely received 'a second hat' in their function as JIAS Co-Heads." (Brand 2003: 15) The JIAS and the UNMIK existed parallel to each other, but the decision-making authority was clearly confined to the UNMIK. (Cf. Del Castillo 2008: 141) In October 2000, the first municipal elections[65] were held in 27 out of 30 municipalities. "Technically, elections were also held in the Serb dominated northern three municipalities. … Due to insignificant turnout in these municipalities, the results there were not certified by the Central Election Commission." (Brand 2003: 29) On that account, municipal assemblies could be established in 27 municipalities, which were perceived as a first step into democratic institutions.

In May 2001, the UNMIK created the Constitutional Framework for Provisional Institutions of Self-Government (PISG) in Kosovo. The framework outlined the establishment and functioning of institutions following the November 2001 parliamentary elections and recognized Kosovo's legal subjectivity, which became the basis for the declaration of independence in 2008. (Cf. Brand 2003: 33) The PISG included (1) the Assembly, which is the highest representative and legislative of the PISG, (2) the President of Kosovo, (3) the Government, (4) the

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[64] The only governing experience of the UN prior to Kosovo was that of running the central bank of Cambodia, which cannot be compared to the holistic governing task in Kosovo. (Cf. Del Castillo 2003: 17)

[65] Parliamentary elections were not possible yet, as there were no provisional institutions set in place. Beyond that, it was believed that parliamentary elections could be beneficial to radical groups such as the UÇK. (Cf. Cogen, De Brabandere 2007: 678)

Courts, and (5) other minor relevant bodies and institutions. As was true for the JIAS, the ultimate authority for decision-making was still reserved expressively for UNMIK alone. UNMIK could practically override every single decision of the elected institutions.

> "It was clear from the beginning of this post-JIAS phase that UNMIK would transfer its 'administrative (not political) responsibilities' or 'functions', but not 'authority.'" (Brand 2003: 40)

As a consequence, a dual system emerged, in which locals and internationals drifted apart from each other and aimed at reaching different goals. (Cf. Ernst 2011: 136)

On 17 November 2001, the first parliamentary elections could be held, but were boycotted by the Kosovo-Serbs. (Cf. Del Castillo 2008: 143) The LDK was the strongest party with 45.7 % of all valid votes and the PDK won 25.7 %. Several minority parties received seats, such as the Serbian Koalicija Povratak with 11.3 % of the final votes.

One challenging task for UNMIK was to find a solution to the status question. Although the UN Security Council Resolution 1244 did not foresee a specific solution, the search went on continuously after the end of the war. As a consequence, a first decentralization plan was submitted in 2002, which would provide the Serbs with their own administrative units. (Cf. Elsie 2011: li)

On 20 February 2006, status negotiations between Prishtinë/Priština (PISG) and Belgrade started in Vienna. These talks were facilitated by Martti Ahtisaari (Finnish diplomat), who had submitted the Ahtisaari proposal on the solution of the status question earlier on. It included proposals for the decentralization of the local institutions, the special protection of the Serbian and the other non-Albanian communities, and an international civilian and military presence – the so-called "internationally supervised independence." The EU, the NATO, and the United States were in favor of this plan. The Ahtisaari proposal was "… initially denounced by the Serb government as illegitimate and unacceptable, but were welcomed cautiously by the Kosovar leadership." (Elsie 2011: 20) Since the status negotiations and several attempts for a new UN Security Council Resolution, which could replace the UNSC Resolution 1244 and bring an end to the unsolved status of Kosovo, failed in the following years, the Kosovar Parliament declared the independent Republic of Kosovo on 17 February 2008.

In September 2008, the Kosovar Parliament passed the Kosovo Constitution, which is largely based on several European constitutions. In December 2008, UNMIK transferred all remaining competencies and authority to the new Kosovar institutions. However, despite these facts, Kosovo is from a legal perspective not an independent state because the United Nations Security Council did not confirm this independence. For a thorough discussion on the status question and the effects of the unresolved status of Kosovo on the return of the Serbian refugees, please see Chapter 7.4.

Having a look at the current status of the institutions in Kosovo, Ernst argues that "[t]he state-building effort, which started in 1999 and took an additional dimension with independence, has failed to achieve some basic standards." (Ernst 2011: 127) According to him, Kosovo cannot be classified as a fully functioning state. The institution-building process was complicated by two major facts:

(1) "Too many cooks spoil the broth."

Three main stakeholders were present in Kosovo and influenced the process in different ways: the international community (UNMIK), the local Kosovo-Albanian elite and society, and the Serbian government in Belgrade. Later on, the Kosovo-Serbs in the South became stakeholders themselves, "… as they have gradually started to develop a somewhat independent agenda from Belgrade's and cooperate to some extent with Pristina." (Ernst 2011: 126) Both the Kosovo-Albanian local stakeholders and UNMIK aimed at reaching completely different goals: The international community wanted to create stability whereas the local elite aimed at getting rid of the international presence and at gaining independence as soon as possible. (Cf. Ernst 2011: 128) The institution-building process was always a negotiation between different parties and was more of a political than of a technical nature. The sovereignty in Kosovo is shared among different stakeholders. This fact supports the statement that Kosovo is not an independent, sovereign state yet. Due to this shared sovereignty over years, organizations ran and still run the risk of overlapping activities in some sectors and of gaps in other. (Cf. Ernst 2011: 126)

(2) Parallel structures prevented UNMIK from establishing institutions in the North.

In Kosovo's North, competing administrative-political authorities were always present. For instance, in some municipalities, three different mayors claimed rule over the same municipal administration – one mayor was implemented by the international community, one was Albanian, and one was Serbian. The Serbian authorities, particularly in the North, were recognized by the Serbs and still benefit from significant moral and financial support from Belgrade. In reality, UNMIK did not have any executive, legislative, or judicial power over the three northern municipalities. They were absolutely excluded from any political decision-making and any institution-building process. Concluding, nation-building cannot be successful without including all members of the society, especially in the case of an ethnic conflict when one party is excluded from the process.

5.4.4   Jump-start of the Economy

> "What remained of the economy was essentially a post-conflict service-based economy, with a legacy of a centrally planned socialist economy modified in the 1990s by ethnic segregation, the banishment of the majority population from the public sector and questionable transfers of assets undertaken by the Milošević regime." (Naegele 2010: 201)

During the 1990s, Kosovo's economy was severely weakened because of the emigration of highly qualified workers and due to the fact that "[o]thers returned to rural areas within family and clan, and developed a large informal economy." (EAR 2008) After the war, the Kosovar economy was built on three main components: (1) a large number of family farms, (2) a relatively large number of privately-owned small businesses, and (3) some 300 Socially Owned Enterprises (SOEs) and 124 public or state-owned companies[66]. (Cf. EAR 2008) UNMIK's policy towards the economic reconstruction of Kosovo was a "jump-start" of the rural economy, the provision of employment, and the increase of food production, the encouragement of private enterprises, and the restart of viable public enterprises. (Cf. EAR) In general, one can claim that all economic activities were directed to support one or several of the previously mentioned three components.

(1) Agriculture

Before the conflict, around 65 % of Kosovo's population lived in rural areas and approximately 90 % of them were engaged in agricultural activities. During the conflict, many families lost their crop and livestock "… and this resulted in mere subsistence levels of farm production in 1999" (EAR 2008). Above that, many Albanians lost their urban jobs and had no other choice than to return to rural areas. The EAR provided these small family farms with essential farm inputs, such as seeds and fertilizer, and repaired necessary machines. In total, the EAR imported 37,500 tons of fertilizer (9.0 million EUR) to Kosovo and established a rural credit scheme for farmers (2.0 million EUR). "Interviews with dealers and farmers suggests [sic] that the project has helped to establish a normalised market structure and price mechanisms in Kosovo, and the credit has helped the financing and importation of other essential farm services and supplies." (EAR 2008) Today, the agricultural sector needs a lot of input to be sustainable and to increase Kosovo's food supplies. As a consequence, the Kosovar institutions implemented an Agriculture and Rural Development Plan (ARDP) to address this sector. (Cf. World Bank 2013[67])

(2) Enterprise Development

The EAR's overall strategy was to develop Kosovo towards a market economy "… by providing and expanding credit facilities and hands-on management advice for the private sector …" (EAR 2008). If one could not get a credit through their family network, there were few other credit facilities. As a consequence, the UNMIK and the EAR offered micro-loans to private people and already existing small businesses to enhance the private sector. (Cf. Del Castillo 2008: 149) The EAR extended the loans to 123 micro-enterprises from 2000 until 2008. (Cf. EAR 2008)

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[66]   Figures are from October 2000.

[67]   Source: World Bank (2013): Databank. Kosovo Overview, online available at: *http://www.worldbank. org/en/country/kosovo/overview*, last retrieved on 10.10.2013.

(3) Administration of the Socially Owned Enterprises (SOEs)

UNMIK was also responsible for the administration and the regulation of all publicly and socially owned enterprises. This task was included into the fourth pillar of the UNMIK structure. The fate of the SOEs was supposed to be resolved through privatization. (Cf. Naegele 2010: 202f.) Although UNMIK feared that the privatization of the SOEs would exceed their mandate, they dealt with this challenge. "Following a somewhat false start in 2003-04 due to inadequate legislation, privatization finally picked up momentum in 2005. All told, KTA [Kosovo Trust Agency] launched 30 waves of privatization involving 551 New Companies deriving from 313 SOEs." (Naegele 2010: 203) The KTA thereby enabled continuous production.

Beyond that, Kosovo could not administer its own customs in 1999 because it was legally a province of Serbia. As a consequence, UNMIK established the first customs administration in its history, including revenue collection to finance the province's budget since there were no other taxes paid at that time. (Cf. Del Castillo 2008: 148) Within the first year, a service tax on hotels, food, and beverages was introduced. On that account, Kosovo's budget was not relying solely on imports anymore. "Because of the absence of a banking system, Kosovo became a purely cash-based economy as of June 1999." (Del Castillo 2008: 149) UNMIK, with assistance of the International Monetary Fund (IMF), worked on a modern banking system during the first years after the end of hostilities in Kosovo.

Today, the economic situation in Kosovo is very challenging. The European Commission (EC) describes it very well:

> "The economy provides few employment opportunities. External imbalances are high and economic activities are predominantly concentrated in the services sector, in particular retail and wholesale trade. Reliance on remittances[68] and direct or indirect support of donors has been declining but remains significant." (EC 2012: 15)

Although the economy has expanded on average by 4 % during the last three years, the starting point was very low. (Cf. EC 2012: 15) The reasons for the slow development of Kosovo's economy are manifold. Subsequently, this paper refers to some of them: There are almost no Kosovo based productions; the manufacturing is limited to the extraction of raw materials, which dominate the export goods. (Cf. Schmitt 2008: 352; EC 2012: 15) In addition, energy shortages still prevent a constant economic development. Furthermore, there were very few foreign investments due to the unsolved status question of Kosovo and unsolved land tenures. (Cf. Schmitt 2008: 352)

It is also striking that Kosovo's economy is heavily dependent on the public sector despite the privatization of many SOEs. In 2009, the public investment increased by 194 % whereas the private sector investment declined by 10.2 %. This decline results from the international economic crisis and the lack of integration of Kosovo into the global economy. (Cf. Caritas International 2010: 61) This dependency is also reflected in the sources of income. The most important incomes are – in the order of their value: public wages, private wages and business-

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[68] Remittances are transfers of money by a foreign worker to his or her home country. Remittances are a major financial income for many developing countries, especially those in a transition phase.

es, and one-tenth stems from remittances sent from abroad. (Cf. Caritas International 2010: 63) Remittances remain the largest source of external financing in Kosovo. They were equivalent to just below 13 % of the GDP in 2010. (Cf. World Bank 2012: 8) "The monthly amount of remittances per household is close to the monthly average gross salary in Kosovo … and in net terms is lower than average remittances per household." (World Bank 2012: 10) In Kosovo, remittances are used to buy food and clothes, to construct or repair houses, and to invest in businesses. (Cf. World Bank 2012: 10)

Beyond that, organized crime has a significant influence on the economic development. In 2007, the earnings derived from organized crime are estimated to be at 550 million EUR. (Cf. Schmitt 2008: 352) In 1999, Kosovo's economy had to start from the scratch because the precedent 1990s had destroyed all socio-economic reforms from the 1960s and the 1970s.

One of the major challenges of Kosovo's economy is unemployment. Figures vary significantly and sources are often unreliable. The European Commission estimates that "… only about a quarter of the working age population have a job and only one woman out of eight is employed. Unemployment is above 40% and especially pronounced among the youth – more than 70% of whom are without a job." (EC 2012: 16) Under the UN rule, an illusory boom developed because of the increase of jobs in the diverse international organizations and the "inflated government." Although these jobs are better paid than regular jobs in the public administration or in private businesses, they are not sustainable because of a regular change of staff in international governmental and non-governmental organizations. Despite these new jobs, "[a] real improvement in the economic situation did not occur"[69] (Schmitt 2008: 352). Furthermore, the economic structure is based on low-skilled workers without any vocational education or training. (Cf. EC 2012: 16) One can conclude that the labor market conditions did not change over the last decade despite many efforts and projects implemented by local and international institutions.

The big picture clarifies that Kosovo's economy is very weak, based on the public sector and remittances from abroad; it lacks foreign investments and a broad export portfolio. Kosovo's population suffers expressively from high unemployment rates. Notwithstanding that all ethnic communities, including the Albanian majority, are affected comparably by these inherent socio-economic challenges. Nonetheless, there are some small differences regarding the access to employment, the conditions when performing jobs, and the general socio-economic status of members of the different ethnic communities in Kosovo, which will be included in the subsequent analysis.

<div style="text-align:center">***</div>

These four areas of reconstruction can also be found in the four pillars of the UNMIK structure. Despite being organized differently, these four areas were sufficiently covered by all involved international organizations.

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[69] Original quote in German: "Eine tatsächliche Verbesserung der Wirtschaftslage trat nicht ein." Translation made by the author.

5.5 Refugee Return to Kosovo

Refugee return is one element of post-conflict reconstruction, which aims at restoring some sort of "normality" for the society and the state-society relationship. In particular, the return of refugees belonging to minority communities, which were also involved in the war that caused their displacement, should be enforced to enable a reconciliation process and a process of coming to terms with the past. Refugee returns can occur spontaneously or in an organized manner. Organized returns follow certain rules, which are determined by national and international stakeholders. In the following chapter, the author presents the institutional framework conditions, the main documents, with a special focus on the Strategy for Communities and Return, enabling the return of refugees, and typical circumstances of the return of a refugee to Kosovo.

5.5.1   Responsible Stakeholders

Voluntary returns are managed by local institutions, notably the Ministry for Communities and Return (MCR), and supervised by the United Nations High Commissioner for Refugees (UNHCR). (Cf. OSCE 2012b: 5) All stakeholders, which are responsible for the successful management of the return process of members of minority communities in Kosovo, are illustrated in the following figure. Subsequently, each of the relevant stakeholders illustrated in the figure, their role, and their competencies will be explained individually.

International Stakeholders	**Steering Group**	**Kosovo National Institutions**
UNMIK Develop and monitor return policies and guidance for the Kosovar institutions	*Functions*: Policy Guidance Body for reviewing the return process, support the CRM, and ensure inter-ministerial coordination. *Composition*: Composed of all relevant ministries in the return process, the KP, UNDP, UNMIK, UNHCR, KFOR, OSCE.	**MCR** Coordination role to ensure a proper and timely implementation of the policies
UNHCR ▪ Capacity building ▪ Supervision of return related activities ▪ Collect, maintain, and disseminate relevant information and statistics		
UNDP Responsible for the management of the SPARK IR Facility.	**Central Review Mechanism** *Functions*: responsible for the review of Municipal Return Strategies and all voluntary return projects. *Composition*: Chaired by MCR.	
Local Institutions	**Municipal Offices for Communities and Returns** ▪ Assessing the needs of returnees ▪ Conducting outreach activities ▪ Facilitating access to public services ▪ Providing returnees with information on their rights	

Figure 16: Structure of Return-related Stakeholders
Source: Own illustration, updated version of OSCE (2007): Minority returns, p. 17.

The Steering Group and the Central Review Mechanism

The two most important organs, which were created, are the Steering Group and the Central Review Mechanism. The Steering Group is a "… policy guidance body that reviews the return process and related policies, from a macro and multi-sectoral perspective." (IOM 2008: 75) Beyond that, the group is responsible for reviewing whether or not the general guidelines on return are adhered to. Furthermore, it combines all relevant ministries in the return process and ensures an inter-ministerial co-operation.

The Steering Group controls and supports the Central Review Mechanism, which in turn, must report back to the Steering Group. The mechanism is responsible for the control of all return projects and the Municipal Return Strategies, implemented by the Municipal Offices for Communities and Returns (MOCRs). In addition, this body takes account of the relationship to the donor community. (Cf. UNMIK 2006: 17ff.; IOM 2008: 77ff.)

Municipal Offices for Communities and Returns (MOCR)

Since the municipalities are supposed to have the best and the most direct access to the returnees and the receiving community, they play a major role in the organization and implementation of return projects, the provision of information to returnees, and small-scale infrastructure projects aimed at improving the returnees' living conditions. The MOCRs replace the former Municipal Return Officers (MROs) and are responsible for:

— assessing the needs of the returnees and the repatriated persons,
— conducting outreach activities,
— facilitating the access to public services,
— developing, implementing, and monitoring projects and activities for the protection of the rights of the communities, the returnees, and the repatriated persons, and
— providing the returnees with information about their rights and available support structures and assistance. (Cf. OSCE 2012b: 9)

"The MOCR Regulation is a comparatively recent development and its full and effective implementation is still some way off." (OSCE 2012b: 10) Out of the five municipalities, which were analyzed by the OSCE in 2012, three did not implement the MOCR regulations yet.[70] However, unlike their predecessors – the MROs –, the MOCRs have significant advantages, such as the provision with comprehensive guidance for their operation, including harmonized terms of reference and job descriptions, and regional outreach activities by central institutions for awareness raising among the MOCR staff. (Cf. OSCE 2012b: 10)

United Nations Mission in Kosovo (UNMIK)

UNMIK was mainly involved in the return process through the Office of Returns and Communities (ORC), which was operational until 2006. UNMIK's main task within the return process was to develop and monitor return policies and guidance for the Kosovar institutions. As the legitimate legislative and executive power in Kosovo, UNMIK was responsible for

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[70] In August 2012, MOCRs have not been established in the municipalities of Junik, Malishevë/Mališevo and Mamuşa/Mamushë/Mamuša. (Cf. OSCE 2012b: 11)

training the Kosovar institutions to fulfill their tasks. UNMIK set three key guiding principles for the return of refugees and displaced persons to their homes in Kosovo:

(1) The refugees' individual rights need to be protected, an equal access to public services needs to be guaranteed, and freedom of movement ensured,

(2) the return to the place of origin should receive priority, and

(3) "… there can be no political or other conditionalities placed on return by receiving communities." (ICG 2002: 26)

In 2005, the Ministry for Communities and Return resumed the tasks and responsibilities of the ORC.

Ministry for Communities and Return (MCR)[71]

The MCR is responsible for the development of policies and the promotion of the application of legal regulations for the promotion and protection of community rights, including the right to return. It further promotes the establishment of favorable conditions for returns and provides access based on rights. In addition, the MCR ensures guidelines for confidence building and reconciliation. It "… enables sustainable return of displaced persons and refugees …" (MCR 2009: 7). Moreover, it protects community rights and the interests of returnees, including freedom of movement, language use, and freedom of expression, representation, education, employment, equal access to the judiciary, housing, and public utility services. (Cf. MCR 2009: 6f.)

United Nations High Commissioner for Refugees (UNHCR)

The UNHCR is dedicated to the supervision of the return process. It was originally integrated into the UNMIK structure, within the first pillar, but excluded in 2001. UNHCR coordinates go-and-see and go-and-inform visits of refugees and the receiving community[72] to prepare voluntary returns and to facilitate the relations between the receiving and the returning community. It further provides spontaneous returnees with humanitarian assistance, such as food and non-food assistance packages. The UNHCR possesses offices in all neighboring countries to provide information to the displaced persons abroad and to facilitate their return, including the bureaucratic processes between the host countries and Kosovo. (Cf. UNMIK 2006: 22)

United Nations Development Programme (UNDP)

The UNDP supports the long-term rehabilitation and recovery of the IDPs and the returnees through housing assistance, socio-economic support, and community development. It further organizes and implements housing reconstruction projects. (Cf. UNMIK 2006: 24)

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Since 1999, there are several hundreds of governmental and non-governmental organizations that help reconstructing the war-torn territory of Kosovo. The same is true for the little area of refugee return – the previously mentioned institutions are complemented by several non-

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[71] The fact that one single ministry is dedicated to the rights and interests of communities and returnees highlights the relevance of minority returns to Kosovo.

[72] Please find the definition of go-and-see and go-and-inform visits in Chapter 5.5.3.1.

governmental organizations such as the Danish Refugee Council (DRC) or the Civil Rights Program-Kosovo (CRP/K). There is a significant danger that too many stakeholders in the return process can be cumbersome towards sustainable conditions and integration prospects if responsibilities are not clearly defined and the communication between international donors, the Ministry, and municipal stakeholders is not well organized. In addition, it is of utmost importance that financial means are allocated wisely and not spread too thinly.

5.5.2   The Strategy for Communities and Returns (2009-2013)

The primary source calling upon the indispensable necessity of all refugees and displaced persons belonging to minority communities to return to their homes is the UN Security Council Resolution 1244 (1999). Apart from that, the 2006 Protocol on Voluntary and Sustainable Return[73], the Revised Manual on Sustainable Return, and the Strategy for Communities and Returns (2009-2013) provide substantial guidelines to the successful organization and implementation of returns processes to Kosovo. The thesis at hand basically explains the *Strategy for Communities and Returns (2009-2013)* in detail because it is the newest policy guideline on refugee return.

Interestingly, this strategy begins with a thorough SWOT Analysis on communities, returns, and the position of the Ministry for Communities and Return (MCR), the author thereof. The next figure[74] illustrates the main results of this analysis.

Strengths	Weaknesses
■ Good co-operation with domestic and international institutions, ■ Possession of information on the return process to Kosovo, and ■ **Decentralization**.	■ **Insufficient measures for the advancement of sustainability and reintegration of returnees**, ■ **Inability to return for displaced persons and refugees**, ■ Insufficient readiness for cooperation from some municipalities, ■ Access to legal services.
Opportunities	**Threats**
■ Stabilization of communities through MCR projects and ■ **Increased number of sustainable returns**.	■ Increased unemployment rate, ■ Decrease of funds, and ■ **Long period of time for return implementation**.

Table 7:   Shortened SWOT Analysis of Communities, Returns, and the MCR's Position
Source: MCR (2009): Strategy for Communities and Returns (2009-2013), p. 7f.

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[73]   The Protocol on Voluntary and Sustainable Return is the tripartite agreement between UNMIK, the PISG, and the Government of Serbia on the return of refugees from Serbia proper to Kosovo. Please download the full document here: *http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/5991 01B6A5D50CB1C1257225005D45D9/$file/Protocol+on+return+Serbia+2006.pdf*, last retrieved on 23.11.2013.

[74]   Bold words show the most relevant results from the SWOT analysis.

It is striking that two of the most important weaknesses identified by the MCR are the inability to return for displaced persons and refugees and insufficient measures for the advancement of the sustainability[75] and integration of returnees. The MCR argues that: "Thus, out of a potential total figure of 250,000 *no institution responsible can claim any particular success in the minority communities' returns process*." (Emphasis added, MCR 2009: 14) For this reason, the strategy aims at reaching the following three goals to realize their main vision "… to contribute towards the development of a multi ethnic prosperous, democratic society with equal opportunities" (MCR 2009: 10).

(1) Through this strategy, the MCR aims at strengthening all communities in Kosovo, in particular through social participation and access to all public services.
(2) At the core of this strategy is the goal to realize sustainable returns of displaced persons and refugees through ensuring adequate conditions in the place of return, which are favorable to sustainability and integration.
(3) The strategy further envisages the support for economic development of communities as the main precondition for the well-being of all communities and returnees.

This results in five priority areas:

(1) The establishment of an improved and simplified mechanism for returns.
(2) The introduction of a new mechanism for return and information about the conditions in Kosovo communicated to displaced persons and potential returnees.
(3) All housing and assistance for returns is delivered to the accepted standards. This includes the reconstruction of houses and the construction of new dwellings.[76]
(4) The provision of priority for the returns to urban areas: This priority should not be dealt with as contrary to the right to return to the place of origin but rather as a preferable option because urban areas often provide better infrastructure in terms of schools, health care institutions, and employment opportunities.
(5) The provision of support mechanisms for IDPs and IIDPs[77] who wish to return to their place of origin where their property is located. This included the closure of all collective centers in Kosovo.

Despite or just because of these ambitious goals, there has not been any significant progress: There is no increase in return figures and the return process itself is not any more sustainable than before. The Ministry for Communities and Return is not capable of fulfilling its task.

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[75] The MCR equalizes sustainable return with durable return: "The research also found that individual return is the most sustainable return: *94.0% of individual returnees still live in places they have returned back*." (Emphasis added, MCR 2009: 14) Furthermore, it does not refer to sustainable livelihoods or integration as major aspects of sustainable return.

[76] The Committee on Economic, Social, and Cultural Rights provides in its General Comment No. 4 on the Right to Adequate Housing (1991) a checklist including seven criteria for adequate housing: security of tenure, habitability, affordability, accessibility, availability of materials, location, and cultural adequacy. (Cf. Leckie 2003: 33)

[77] Some stakeholders or scholars define Kosovars displaced in Serbia as "IDPs" because Kosovo technically belongs to Serbia and they define Kosovars displaced within Kosovo "IIDPs", which stands for Internal Internally Displaced People. The latter abbreviation mainly exists to make a difference between the displacement to Serbia proper and within Kosovo despite belonging to the same internationally recognized state, which is the Republic of Serbia.

5.5.3   A Sample Return Process to Kosovo

This subchapter shows a sample return process to Kosovo according to the previously mentioned three dimensions of international assistance. These dimensions can be transferred to the general course of action of an organized returns process to Kosovo. The first dimension refers to the logistics of the return, including go-and-see and go-and-inform visits organized by the UNHCR, and the physical relocation to the home country. The second dimension encompasses the direct assistance upon arrival, including temporary shelter, financial aid, and food and non-food packages. The third dimension refers to the long-term integration of returnees into the society.

The long-term integration into the society largely depends on the geographical location of the return. In Kosovo, integration projects are often confined to a certain municipality or to a specific community. Consequently, long-term integration into the society is supported by several limited projects, which cannot be dealt with comprehensively in this chapter.

5.5.3.1   Logistics of an Organized Return to Kosovo

In a first step, UNHCR needs to identify the refugees and the Internally Displaced Persons, who wish to return.9
 It is necessary to discuss the wish to return thoroughly with the refugees because some just intend to sell their house after their return, take the money, and re-emigrate again.

> "Indeed … many refugees and IDPs have chosen not to return after regaining their properties; instead, they sell them, rent them, or use them only as a summer home." (Black, Eastmond, Gent 2006: 10)

This practice is contrary to the goal of the return process, determined to integrate refugees into their home territory, to rebuild the country together with them, and to attach them to their home. [78] In conclusion, the conversations with refugees must be done very carefully to figure out what are their exact motives and to avoid the difficulty outlined above. Subsequently, the refugees and the IDPs, who wish to return, have to be informed very carefully about the current situation in their municipality at home. Since 1999, the UNHCR organizes regular go-and-see and go-and-inform visits for displaced persons.
In a go-and-inform visit, local decision makers travel from their home country to the host country to speak with the refugees about a possible return and to inform them about the current situation in the home country. In a go-and-see visit, the refugees themselves have the opportunity to travel for a short time to their home in order to "… facilitate interaction between returnees and new communities and discuss with receiving communities …" (UNHCR 2004a: Four-19). Through these visits, the refugees can assess the security situation, evaluate their property, and talk with their former neighbors and their relatives. Both visits are crucial for the refugees to be properly informed and to prepare for their return.

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[78]   However, each person is free to do with their property what they want. Accordingly, neither a state, an international governmental, nor a non-governmental institution can prevent a returnee from selling their property.

The route for relocation has to be chosen carefully. In Kosovo, the return most likely occurs via bus from the neighboring countries or via airplane from Western European countries.[79] Since there are no acts of war anymore, returnees do not need a military escort on their way to Kosovo.

5.5.3.2 Direct Assistance upon Arrival

If the returnees arrive at their home, a first humanitarian assistance is necessary to enable them to enter into their new life. This primarily involves the provision of a shelter if the returnees have no home ownership and cannot stay with their relatives. The Ministry of Labour and Social Work (MLSW) provides these returnees with a temporary shelter for a maximum of seven days. In addition, employees of the MLSW work at the Prishtinë/Priština Airport to interview the returnees. If the returnee still has no place to go to after the seven days in the temporary shelter, the municipal social welfare authority is responsible for finding a proper solution for them. (Cf. Caritas International 2010: 59)

Furthermore, the returnees need food and non-food packages to start their lives in Kosovo. These packages are often provided by non-governmental organizations (NGOs) such as the Danish Refugee Council (DRC):

> "Upon return in Kosovo, mandatory returnees are offered a return package, based on the needs of the individual family, containing food and non-food items such as basic tools, firewood and furniture. The reintegration support provided by DRC also includes income generation activities, support for reconstruction of housing, special language training for children and support in accessing local authorities." (DRC 2008: 23)

Precisely this first humanitarian aid needs to be considered two-sided: On the one hand, it is imperative to ensure that the returnees have a chance to survive when they return. On the other hand, this aid should not lead to a lasting dependency on humanitarian assistance. Consequently, humanitarian aid must be regulated and limited to a certain time. (Cf. EC 2002: 248; Harrell-Bond 1989: 57)

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[79] The return can occur by land through the following border points: three official border crossing points between Kosovo and the Republic of Albania, two between Kosovo and Macedonia, and five between Kosovo and the Republic of Serbia. For further information on the border crossing points please see Caritas International (2010): Country Sheet Kosovo, p. 17f.

6. The Communities of the Roma, the Ashkali, and the Egyptians

6.1 Introduction: The Communities

6.1.1 RAE: One Community or Several Communities?

In most reports, analyses, and even laws, the Roma, the Ashkali, and the Egyptians are defined as one single community, which is abbreviated by RAE. In this chapter, the Roma, the Ashkali, and the Egyptians are introduced, and the question of whether they belong to one single community or several communities is answered. Therein, it is essential to distinguish between the external perspective *"How are they perceived from other communities and stakeholders in Kosovo?"* and the internal perspective *"How do they designate themselves?"*.

The Roma, the Ashkali, and the Egyptians do not have a historic homeland. Instead, they created an identity with an origin, history, and features distinguishing them from other communities and from each other. What all three communities have in common is their *gypsy* origin, which is mostly expressed by common symbols like the gypsy flag and the national anthem. In contrast, the Romani language – as usually argued – does not have this uniting character for the gypsy people in Kosovo. (Cf. Balcer 2007: 249) Rather, the Roma, the Ashkali, and the Egyptians speak different languages. The Roma speak a Serbian dialect whereas the Ashkali and the Egyptians use Albanian as their native language. The term "gypsy" is used by others whereas the term "Roma" or "Rroma" is used for the self-designation of communities with gypsy origin. (Cf. Lichnofsky 2009: 13f.)

There are three subgroups of gypsies, who arrived in two main waves in the contemporary territory of Kosovo:

(1) The *Arlije* have a close relation to the Arlii in Bulgaria, South Serbia, and Macedonia. They speak a South Balkan dialect and are Muslims.
(2) The *Gurbeti* came to Kosovo in the 17th and 18th century fleeing from slavery in the Wallachia (Romania). They are related to the Serbian and Bosnian Gurbeti and are called *Džambasi* (Turkish: horse trader).
(3) The *Burgudži* speak a North Balkan dialect of Romani and were by the majority blacksmiths. They are also called *Kovači* (Serbian: black smith).

Some scholars differentiate a fourth group, namely the *Đorgovci* who speak Serbian, have the Christian-orthodox religion, and are also called *Srpski Cigani* (Serbian: Serbian gypsies). (Cf. Lichnofsky 2009: 9f.) Albanian names for communities of gypsy origin are *magjupi* describing settled gypsies and *gabeli* for nomads with gypsy origin. In Serbian, gypsies are called *cigani*.

Before the war in 1999, most of the communities with gypsy origin lived in urban neighborhoods or in rural areas living from farming. (Cf. Mattern 2005: 3) There, they had a relatively good standard of living with a high degree of settledness. After Slobodan Milošević became President of the Republic of Yugoslavia, the situation of gypsies in Kosovo deteriorated. (Cf. Mattern 2005: 3) Due to the numerous changes of power positions within the territory of Kosovo and the difficult circumstances for non-majority communities, minorities were forced to change their identities – ranging from identifying themselves with the majority community to

the creation of new minority identities distancing themselves from others. (Cf. Lichnofsky 2009: 5f., Lichnofsky 2011: 26f.) This process is called "switching identities" and is very typical for the RAE communities in Kosovo. In particular, the creation of the Ashkali community at the end of the 1990s is one product of the precedent political tensions. Ever since, the Roma, the Ashkali, and the Egyptians understood themselves to be distinct communities. This is shown by several differences, mainly between the Roma on the one hand and the Ashkali and the Egyptians on the other.

One feature consulted to exemplify the distinctiveness of the Roma, the Ashkali, and the Egyptians is settledness[80]. It is believed that the Ashkali and the Egyptians are more settled than the Roma. (Cf. Lichnofsky 2009: 13) However, recent research shows that this assumption is not always sound. Roma, Ashkali, and Egyptians can be settled persons and nomads as well depending on their social and economic background. Thelen describes the economic reasons for being a nomad or for settling down as follows:

> "In densely populated areas where a craftsman was likely to find many potential customers, it may have made sense to settle down permanently … In a sparsely populated region customers would have been scattered over a wide area, so that it appeared wiser to travel around to where the customers lived. This form of economic activity is called service nomadism." (Thelen 2005: 14)

One of the most consulted characteristic for the differentiation between the three communities is language affiliation. Groups of gypsy origin can be distinguished by their language which they adopted from the language of the majority community in their neighboring region. (Cf. Lichnofsky 2009: 15f.) In Kosovo, the Roma mostly speak Serbian, whereas the Ashkali and the Egyptians speak Albanian. The Ashkali were gypsies, who settled in the region of Prizren and adopted the language and the religion from their Albanian neighbors.

The differences and the related different identification are historically and politically justifiable, too. During the political tensions in the 1990s, the Roma were blamed for their collaboration with the Serbs "… because some Roma … have taken positions from dismissed Albanians in state institutions from 1989 on and it is rumored that Roma participated in the looting on the Serbian side."[81] (Lichnofsky 2009: 22) Based on this perception as well as the linguistic and religious affiliation, it can be claimed that the Roma are closer to the Serbs, and the Ashkali and the Egyptians closer to the Albanians. This is supported by the fact that the Roma took classes in the Serbian schools, whereas the Ashkali and the Egyptians participated in the Albanian parallel school system in the 1990s. (Cf. Lichnofsky 2011: 25) This perception, derived from the positions during the war, continues until today.

The question of self-designation is difficult, especially due to the "switching identities" and the creation of new identities in the 1990s. Above all, the self-designation of the RAE often depends on the context. When it comes to the employment, for instance, minorities have to be employed to fulfill a minority quota. Thus, even Albanians often declare themselves belong-

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[80]   Settledness always played an important role in the characterization of gypsies. This is illustrated in the symbol of the wheel on the international flag of the Roma. (Cf. Lichnofsky 2009: 13)

[81]   Original quote in German: "… da einige Roma … ab 1989 Positionen von entlassenen Albanern in staatlichen Institutionen übernommen hatten und sich gerüchteweise Roma an Plünderungen auf serbischer Seite beteiligt haben." Translation by the author.

ing to an ethnic minority in order to get a permanent job. In addition, the self-designation also depends on the respondent person. Lichnofsky explains that if, for example, the interviewer is presented as being interested in the Roma in the North of Kosovo, a self-designation, as Roma seems more possible. (Cf. Lichnofsky 2011: 28) Lichnofsky aptly summarizes:

> "The question of whether one is defined as Bunjevac or Croat, Vlache or Romanian in Vojvodina, between Bosniaks or Goranis, or Serbs and Montenegrins in Kosovo, depends on strategic considerations, places of residence, and identification opportunities rather than cultural differences."[82] (Lichnofsky 2012: 69)

Furthermore, even within the groups, "… the question of whether all the three group designations are authorized and who belongs to which group is not clear"[83] (Lichnofsky 2011: 27). Lichnofsky exemplifies these difficulties of self-designation by commenting on several situations where residents themselves did not possess a clear ethnic identification and sometimes even switched from one to the other within weeks or even days.[84]

Legally, the Roma, the Ashkali, and the Egyptians each have a constitutional status as communities, including one guaranteed seat each in the parliament. (Cf. Lichnofsky 2011: 30) Mattern argues that all three terms – Roma, Ashkali, and Egyptian – have become a social and political reality. (Cf. Mattern 2005: 4) However, researchers' hands are tied due to the available figures for these communities. In 1991, when the last census was implemented in Kosovo, there was no distinction between the Roma, the Ashkali, and the Egyptians. At that time, the Ashkali did not exist as an own community yet and were hence subsumed under the categories "Roma," "Albanian," or "others." The Egyptians, however, designated themselves as Egyptians but did not have an own category in the census accepted by the government of the Socialist Federal Republic of Yugoslavia. Admittedly, most data used in social sciences is either based on this census or compares figures with those of 1991.

The public perception of the RAE is – apart from the virtual differences between the three communities and their ambitions to act as three different communities – influenced by their common gypsy origin. The "… Albanian population does not distinguish between the Roma, the Ashkali and the Egyptians and all three groups are perceived as collaborators."[85] (Lichnofsky 2011: 23) This is supported by the fact that the ability to speak the Albanian language and the proximity of the Ashkali and the Egyptians to the Albanians did not help them in the 1990s. They were, to the same extent as the Roma, expelled from their neighborhoods. (Cf. Mattern 2005: 4)

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[82] Original quote from German: "Auch die Frage, ob man sich als Bunjevac oder Kroate, Vlache oder Rumäne in der Vojvodina definiert oder zwischen Bosniaken oder Goranern, zwischen Serben oder Montenegrinern im Kosovo entscheidet, dürfte von strategischen Überlegungen, Wohnorten und Identifizierungsangeboten statt von kulturellen Unterschieden abhängen." Translation by the author.

[83] Original quote from German: "… die Frage, ob alle drei Gruppenbezeichnungen eine Berechtigung haben und wer zu welcher Gruppe gehört, nicht geklärt." Translation by the author.

[84] Please see Lichnofsky, Claudia (2011): Ashkali – nur ein anderer Name für Ägypter? In: Tsiganologische Mitteilungen 12, p. 27f. for particular examples.

[85] Original quote from German: "In der albanischen Bevölkerung wird eine Unterscheidung von Roma, Ashkali und Ägyptern jedoch nicht vorgenommen und alle drei Gruppen als Kollaborateure wahrgenommen." Translation by the author.

Summarizing this introductory chapter on the communities of the Roma, the Ashkali, and the Egyptians, *gypsies* are defined as the "… most disunited and ill-defined people, possessing a continuity, rather than a community … ." (Acton 1974: 54)

6.1.2 The Roma in Kosovo

The Roma in Kosovo are believed to originate from India and migrated between the 8th and 10th centuries to the European area. Their settlement in Kosovo took place in the 14th century. Their native language is Romani, but most of the Roma living in Kosovo today also speak Serbian and some of them even Albanian.

It is estimated that in 1991, more than 150,000 Kosovars belonged to the Roma, the Ashkali, and the Egyptian communities, but no reliable data is available. (Cf. OSCE 2010: 188) Before the conflict in 1999, many Roma lived in multi-ethnic settlements or in neighborhoods inhabited by Roma only. During the conflict and the March 2004 riots, these were often destroyed or severely damaged: "… [O]nly few projects contributed to their complete or partial reconstruction." (OSCE 2010: 188) The conflict forced most Roma to leave their homes and settle down in other regions in Kosovo or to flee to countries in Western Europe and the Balkans. Researchers estimate that there are around 15,000 Roma living in Kosovo today. (Cf. OSCE 2010: 188) By the majority, they live in the North of Kosovo, where the security situation has deteriorated since July 2011. In addition, they populate all regions throughout Kosovo but main agglomerations are in the municipalities of Pejë/Peć, Deçan/Dečani, Gjakovë/Đakovica, Istok/Istog, Klinë/Klina, Rahovac/Orahovac, Suharekë/Suva Reka, and the northern and central part of Fushë Kosovë/Kosovo Polje.
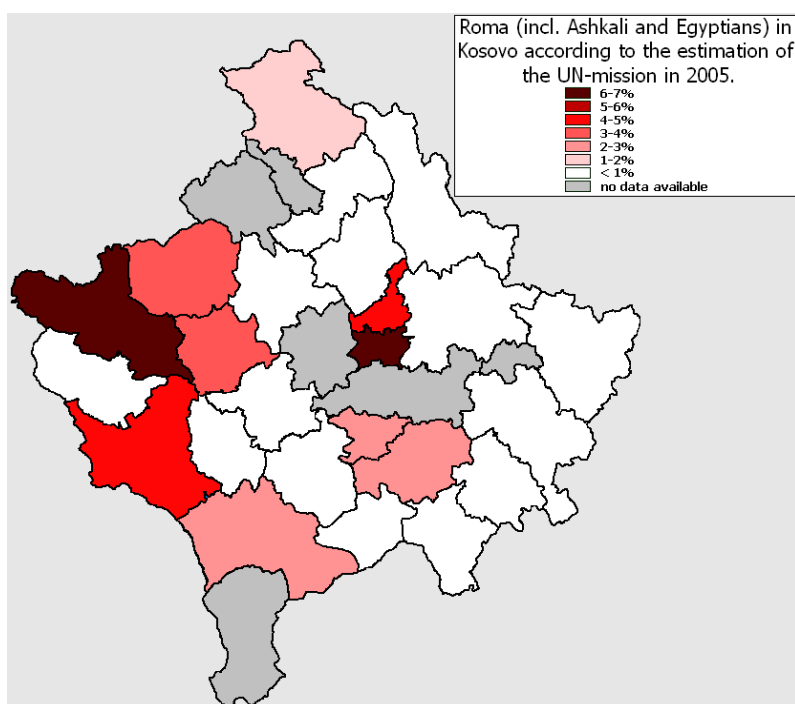
Figure 17: Main Agglomerations of the RAE in Kosovo (2005[86])
Source: *http://theredphoenix.files.wordpress.com/2011/04/kosovo_roma.png*, last retrieved on 26.12.2013.

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[86] Despite the fact that this map is from 2005, the Roma's main agglomerations are still the same.

6.1.3 The Distinction between the Ashkali and the Egyptians

This chapter aims at carving out who the Ashkali and the Egyptians in Kosovo are, how they define themselves, and what their specific characteristics are.

The Ashkali are the newest minority in Kosovo. This is why they have never been included in any census so far. Hence, there is no correct data on their figures; estimations according to their self-designation are made (e.g. by the OSCE), although self-designations are often inconsistent among the members of the Roma, the Ashkali, and the Egyptian communities. (Cf. Marušiakova et al. 2001: 23) Ashkali have a non-Romani, non-Egyptian, and non-Albanian identity although they share some common features with all three communities in Kosovo. It is worth noting that "[t]he Ashkali insisted on receiving a place in governing bodies. Over a relatively short period of time, the Ashkali succeed in establishing their own organizations, such as a political party … ." (Marušiakova et al. 2001: 24)

Until the 1990s, one cannot speak of a distinctive Ashkali community. Their ethnic identification evolved around the times of conflict when the Tito regime in Yugoslavia ended and ethnic cleansing dominated the political landscape in Kosovo.

> "With the gradual development of the Kosovo 'parallel system' in the 1990's [sic], the Romani, Egyptian, Ashkali and other related communities were caught in a gap between the (Albanian) power of numbers and the (Serb) power of government, which left hardly any choice for them but opting for one of the two societies." (Marušiakova et al. 2001: 28)

The Ashkali chose the side of the Albanians and often even designated themselves as Albanians.[87] Due to the choice they made, the Ashkali were expulsed from their office by the Serbian authorities and were often even forced to leave Kosovo. The Albanians, however, did not integrate the Ashkali into their parallel system. The Ashkali thus became isolated from both systems. In conclusion, "[a]ll these factors contributed to deep transformations among Roma, Ashkali and Egyptians. The development of Ashkali identity was the most important phenomenon." (Balcer 2007: 259)

Creating new identities often involves "rediscovering" ancient roots. (Cf. Marušiakova et al. 2001: 5) Since 1990, there are several efforts to track the Ashkali roots to other countries because "[t]hose who are declared as strangers because of their darker skin and do not count as indigenous despite their presence for centuries, are in greater pressure to point to an origin outside of the territory of Kosovo and South Eastern Europe."[88] (Lichnofsky 2012: 68)[89]

The most common explanation for the existence of the Ashkali in Kosovo is the idea that they came from Iran and arrived in the Balkans in the 4th century. Consequently, they would have

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[87] This process is called "ethnic mimicry": Ethnic mimicry is understood as the hiding of ethnic minorities behind other communities, usually the majority. (Cf. Marušiakova et al. 2001: 4)

[88] Original quote from German: "Diejenigen, die aufgrund ihrer dunkleren Hautfarbe zu Fremden erklärt werden und trotz ihrer jahrhundertelangen Präsenz nicht als autochthon gelten, sind stärker im Zugzwang, auf eine Herkunft außerhalb des kosovarischen und südosteuropäischen Territoriums zu verweisen." Translation by the author.

[89] Lichnofsky explains the efforts specifically made by Berat Qerimi to justify the Persian roots; please see Lichnofsky, Claudia (2012): Identifizierungsprozesse muslimischer Nicht-Albaner im Kosovo und ihre Strategien der politischen und sozialen Verortung seit 1999. Das Beispiel der Ashkali. In: Südosteuropäische Hefte 1(1), p. 64.

been the second oldest people in the Balkans, only the Illyrians were there before them. The Ashkali took the Illyrian's language and the Illyrians took the religion of the Ashkali – the Islam. Marušiakova explains that the religion of Islam did not appear in the Balkans until the 7th century, which would effectively counter this ethnogenesis. (Cf. Marušiakova et al. 2001: 24) Some Ashkali are looking for Persian words within the Albanian language to justify their origin from King Ashkan, who reigned in Parthia (today Iran) and fought against Alexander the Great around 300 BC. (Cf. Lichnofsky 2011: 20) However, historical testimonies for migration from Iran to the Balkans are very rare. (Cf. Balcer 2007: 251)

The second ethnogenesis indicates that the Ashkali are colonists from ancient Rome, who came from Italy to Albania and this is why the Ashkali speak Albanian. (Cf. Marušiakova et al. 2001: 24) According to the third explanation, the Ashkali originated in the town Askalon in Biblical Palestine. (Cf. Marušiakova et al. 2001: 24) These two last explanations for the roots of the Ashkali outside of Kosovo are not further accounted for. The real genesis, on the contrary, happened in the city of Prizren where gypsies worked for the Albanian majority and adopted their language and customs. (Cf. Balcer 2007: 253)

The closeness to the Albanian majority is predominant in many spheres. For instance, according to linguists, the term "Ashkali" comes from the Albanian word *eshkë/ashkë* denoting the charcoal used by the Ashkali in blacksmith work. (Cf. Balcer 2007: 250) In addition, the Ashkali are often called and perceived as "albanized Roma". (Cf. Lichnofsky 2012: 60) There are also voices that declare the Ashkali to be "the second hand of the Albanians," sometimes even interpreted as being less worth than the Albanians or "second class Albanians." (Cf. Lichnofsky 2012: 64) Apart from that, the Ashkali, the Albanians, and the Egyptians share the same belief, the same native language, and other cultural and social characteristics. The Egyptians and the Ashkali in particular are often subsumed under one category because they share common characteristics and are both perceived as gypsies. "Despite those similarities the most recent history of Kosovo decided on the construction of separate identities." (Balcer 2007: 260) The Ashkali dissociate themselves from the Egyptians due to several reasons.

When one thinks about the Egyptians, various scholars, good networking, and the organization of international conferences and round tables as well as civil society projects and well-organized public relations come to one's mind. Their advantage is the identification with the transnational category of Egypt. The Ashkali, on the other hand, are characterized by poor living conditions, poverty, the lack of school education, and discrimination. They only designate themselves with a local category of Kosovars in the East with a gypsy background. (Cf. Lichnofsky 2011: 21) The following figure summarizes the similarities and differences between the Egyptians and the Ashkali – identified by themselves and by outsiders.

Differences Between the Egyptians and the Ashkali

The Egyptians

- Ethnogenesis:
  Origin from ancient Egypt
- Main places of residence:
  Rrafshi I Dukagjini
  (West of Kosovo)
- Qerim Abazi, leader of the
  Egyptian union, took part in
  the Rambouillet conference on
  the part of the Yugoslavian
  delegation
  = collaborator of the Serbs
- Egyptian population in
  Kosovo: 3,655

Perception as GYPSIES

+ language
+ religion

The Ashkali

- Ethnogenesis:
  Origin from Iran / Persia
- Main places of residence:
  East of Kosovo
- Strong separation from the
  Kosovo-Serbs because of the
  war atrocities
- Greater pressure on Islam as
  an element of identification
- Ashkali population in
  Kosovo: 14,072

Figure 18: Differences and Similarities between Ashkali and Egyptians
Source: Own compilation

> "Both sides – Ashkali and Egyptians – accused each other of artificiality, a lack of root-edness and historical proof confirming their ethnogeneses, opportunism and the division of one group." (Balcer 2007: 251)

Notably, the Ashkali have a political reason to separate their identity from the Egyptians: Qerim Abazi, the leader of the Egyptian Union, took part in the Rambouillet conference on the part of the Yugoslavian delegation. The Egyptians were hence perceived as collaborators of the Serbs. (Cf. Lichnofsky 2012: 63, 67) Much more concrete: "Ashkali define Egyptians as 'Yugo-Egyptians' – a product of President Solobodan Milosevic's regime." (Balcer 2007: 250) The Ashkali did not participate in the conference at all. Nonetheless, it is worth noting that the Egyptians maintain a very clear distinction to the Albanians, which derives from the Serbian-Albanian conflict in the 1990s. The Egyptians gained a dominant position during this time because their activities were supported by the Serbian government. The Serbs had an interest in promoting a multi-ethnic society in Kosovo by strengthening the small minorities and weakening the position of the Albanians in the society.

Since the 1970s, the Egyptians identify themselves as Egyptians claiming ancestry in ancient Egypt. The majority of the Egyptians resides in the western part of Kosovo. Their social and political relevance was noted when, in the 1991 census in Kosovo, "… the authorities agreed to introduce an Egyptian category for the first time." (Balcer 2007: 256) In conclusion, the Egyptians have a stronger self-designation than the Ashkali. Whereas the Ashkali can only refer to Kosovars as members of their community, the Egyptians refer to their roots in Egypt – outside of the Western Balkans and even Europe which gives them a bigger dimension. As a consequence, the Ashkali have more difficulties explaining their historical roots. (Cf. Lichnofsky 2011: 30)

6.2   Displacement and the Return of the RAE to Kosovo

6.2.1   The Three Waves of Displacement

The Roma, the Ashkali, and the Egyptians, as well as most other members of minority communities and to some extent also the Albanians, left – either voluntarily or forcibly – their homes in Kosovo during one of the following stages.
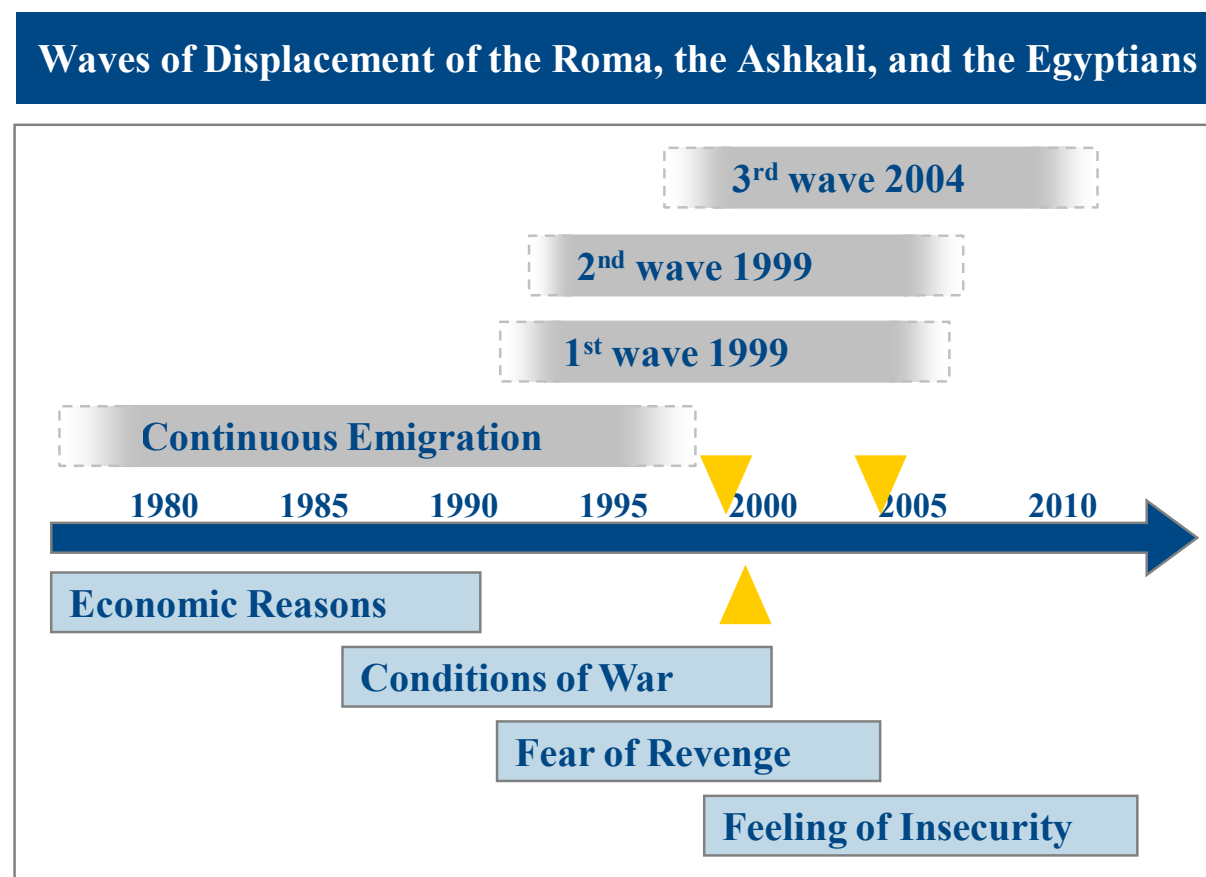
Figure 19:   Waves of Displacement of the Roma, the Ashkali, and the Egyptians
Source: Own compilation

The first displacement wave describes a voluntary decision of many Albanians, Roma, Ashkali, Egyptians, and other minorities to leave their homes during the 1980s and 1990s in search of employment opportunities and better life conditions. Then, they usually migrated to Western Europe and stayed there as a result of the poor economic conditions in Kosovo. (Cf. Balcer 2007: 257) In the majority of cases, these people fled with the intention to return as fast as the conditions in Kosovo would change and did not aim for staying there for decades.

The first real refugee wave occurred during the NATO bombing from spring until summer 1999. The Albanian population was expelled from Kosovo to Macedonia and Albania. In this wave, also many Roma, Ashkali, and Egyptians fled from Kosovo to the neighboring countries. "When [in the summer of 1999] Albanians began to return to Kosovo, Roms, Egyptians and Ashkali, fearing for their safety, refused to return." (Marušiakova et al. 2001: 29) In fact, instead of returning to Kosovo, even more members of the RAE communities started to leave the country towards Serbia proper, Macedonia, or Montenegro. Their displacement is reasoned by the role they played during the war and the perception of RAE as Serbian collaborators. (Cf. Marušiakova et al. 2001: 29) The Humanitarian Law Center reports that the RAE

often had to loot Albanian houses, and "… had to give the more valuable stolen goods [to the Serbs] and were able to keep the food and clothing."[90] (Mattern 2005: 4) The Roma were the marionettes of the Serbs during the war in 1999. However, there were times when the Serbs believed that the RAE collaborated with the Albanians and started to threaten the RAE, too. The Roma, the Ashkali, and the Egyptians were the losers of the war and, as Mattern summarizes, "[t]he Roma communities have been victims of a conflict that was not theirs."[91] (Mattern 2005: 5) This displacement wave was initiated by a comprehensive ethnic cleansing by the RAE communities, which occurred in the form of indirect and direct violence, the looting of homes, and the arson of houses and entire settlements such as the Roma Mahala[92] in South Mitrovicë/Mitrovica.

> "In the months of September and October 1999, the procedure showed a systematic approach driven by the long-term aim to displace all Roma, Ashkali, and Egyptians from Kosovo."[93] (Mattern 2005: 5)

One example is the Moravska Mahala in the municipality of Prishtinë/Priština: The neighborhood with roughly 10,000 Roma, Ashkali, and Egyptians was totally wiped out. In the meantime, the Albanians started to build houses on the site of this former RAE neighborhood. (Cf. Laederich 2006: 7)

The third wave of displacement took place in March 2004 when more than 4,000 Serbs, Roma, Ashkali, and Egyptians were forced to leave their homes in Kosovo during the ethnic riots. In addition to their displacement, they were murdered, and their houses, cultural, and religious buildings destroyed. (Cf. Mattern 2005: 6)

Between 40,000 and 50,000 RAE, mostly Roma, fled to Serbia proper during the war at the end of the 1990s and the riots in 2004. According to Müller and Jovanović (2010: 22), only 22,000 of them are officially registered as Internally Displaced Persons in Kosovo or Serbia proper.[94] They often live in camps for displaced persons under inhumane conditions. For those who are registered as IDPs, the situation is slightly better because they can access public services such as social welfare, health care, and education. The ones not registered in Serbia do not have any rights in the country. They live in a parallel world without access to social

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[90] Original quote in German: "mussten die Roma und Ashkali in der Regel die wertvolleren Güter abgeben und konnten gestohlenes Essen und Kleider behalten." Translation made by the author.

[91] Original quote in German: "Die Roma-Gemeinschaften wurden Opfer eines Konflikts, der nicht der ihre war." Translation made by the author.

[92] The term "mahala" is used in Romani, Serbian, and Albanian for settlement/neighborhood.

[93] Original quote in German: "In den Monaten September und Oktober 1999 zeigte das Vorgehen eine Systematik, nach der längerfristig gezielt alle Roma, Ashkali und ÄgypterInnen aus Kosovo vertrieben werden sollten." Translation made by the author.

[94] Displaced persons from Kosovo are classified as Internally Displaced Persons within the Republic of Serbia because Kosovo is not formally recognized as a state yet. Therefore, from an international public law perspective, Kosovo legally belongs to the Republic of Serbia and the border between them is an internal border, not a border between two states that would allow displaced persons to apply for asylum in another state. Until 2006, the same legislation applied to Montenegro which formally belonged to the Republic of Serbia until its declaration of independence.
The main disadvantage for displaced persons from Kosovo not being able to claim asylum is the fact that they are not internationally protected as refugees. Instead, their status as citizens under the protection of their state does not change. As a consequence, they are not eligible for special assistance, for instance by the United Nations High Commissioner for Refugees (UNHCR).

services and without any integration prospects into the main society. Between 5,000 and 10,000 RAE are registered as refugees in Montenegro. (Cf. Tmava, Beha 2009: 6; Müller, Jovanović 2010: 23) In addition, 2,000 are seeking refugee status in Macedonia and approximately 300 Roma, Ashkali, and Egyptians live under a temporary protection regime in Bosnia and Herzegovina. (Cf. Müller, Jovanović 2010: 23)

Another some ten thousands RAE from Kosovo live in Western Europe. They live as migrant workers who came during the 1980s or 1990s, refugees, rejected asylum seekers, or unregistered illegal immigrants who were often deported and then took illegal methods to find their way back into Western European countries. (Cf. Müller, Jovanović 2010: 23) The majority of those fleeing to Western Europe found their new home in Germany.

6.2.2   The Return of the RAE to Kosovo

According to UNHCR statistics, the majority of the RAE refugees voluntarily[95] returns from Serbia and from Montenegro. In total, between the end of the violent hostilities in 1999 and February 2013, 3,380 Roma and 6,606 Ashkali and Egyptians[96] returned voluntarily to their homes in Kosovo. (Cf. UNHCR 2013: 4) These figures must be considered in relation to the total number of displaced persons. Because there are no accurate data of displaced persons of the Roma, the Ashkali, and the Egyptian communities, the figures were calculated based on figures of the census in 1991 (Cf. OSCE 2010), current population estimations (Cf. OSCE 2010) and OSCE municipal profile estimations[97], and return figures (UNHCR February 2013) according to these formulas.

Census 1991 – Current Estimations = Current Displaced Persons
Current Displaced Persons + Returned Persons = Total Displaced Persons

To calculate the return percentage, the number of total displaced persons is compared with the number of returned persons.

$$\frac{100 \; x \; Returned \; Persons}{Total \; Displaced \; Persons} = Return \; Percentage$$

The calculations for the RAE reveal the following picture:

	Roma	**Ashkali**	**Egyptians**
Census 1991 (OSCE 2010: 65ff., 141f., and 214ff.)	45,864	14,754[98]	5,658
Total Displaced Persons	34,431	3,985	5,306
Current Displaced Persons	31,051	682	2,003
Returned Persons (UNHCR February 2013: 4)	3,380	3,303[99]	3,303
Current Estimations[100] (OSCE 2010: 65ff., 141f., and 214ff.)	14,813	14,072	3,655

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[95]   This chapter deals with the voluntary return of Roma, Ashkali, and Egyptians to Kosovo. It does not include the forced return of RAE refugees from Western Europe. Within the scope of this dissertation, forced returns of RAE from Western Europe are defined as external factors influencing the return. Therefore, Chapter 6.6.2 is devoted solely to the forced returns.

[96]   Please note that the figure refers to the return numbers for Ashkali and Egyptians together.

[97]   There is no accurate data for the Serbian municipalities of Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan, as well as the northern part of Mitrovicë/Mitrovica municipality. These figures are derived from the OSCE 2013 municipal profiles, which can be downloaded here: *http://www.osce. org/kosovo/43753*, last retrieved on 26.12.2013.

[98]   Please note that the 1991 census included Roma, but not Ashkali or Egyptian, as a community category and, as such, the given data may include Roma, Ashkali and Egyptian communities. It is also possible that some Ashkali and Egyptians were registered as beloning to different communities or under the category "others".

[99]   Please note that this figure derives from the return numbers for Ashkali and Egyptians together. Due to a lack of separated date, this number was subsequently divided by two to generate return percentages for both communities separately.

[100] The current estimations are calculated as the arithmetic average of the current municipal estimations, current communities' estimations, OSCE 2009 municipal profile estimations, and current OSCE field teams estima- tions.

Return Percentage	10.89 %	82.89 %	62.25 %

Table 8: Return and Displacement Figures of the RAE
Source: Own compilation according to OSCE (2010) and UNHCR (February 2013) data

This is compounded by the figures for the forcibly returned Roma, Ashkali, and Egyptians from Western European countries that will be dealt with in Chapter 6.6.2 on Forced Returns from Western Europe.

Forced Returned Persons (HRW 2010: 32)	1,850	250	1,300

Table 9: Figures for Forcibly Returned Persons
Source: Own compilation according to data from Human Rights Watch (2010: 32)

The Roma were the largest of the three communities before the war in 1999: around 45,000 Roma lived in Kosovo. A large proportion was displaced during 1999 and the March 2004 riots. However, only around 11 % returned to Kosovo until February 2013. One major reason is the fact that many Roma neighborhoods were completely destroyed and abandoned by their former residents. Nowadays, these settlements are often occupied by Albanians such as the Dalmatinska neighborhoods in the capital of Prishtinë/Priština. The Roma lack the ability to repossess their property and often have to live in inappropriate housing conditions with relatives and friends, they further lack civil registration documents preventing them from accessing the most basic public services, and have a general poor socio-economic status.

On the contrary, the Ashkali and the Egyptians returned in larger parts to their homeland Kosovo. Around 83 % of the displaced Ashkali and 62 % of the displaced Egyptians returned until February 2013. Although the Roma, the Ashkali, and the Egyptians share the majority of their daily challenges, the Ashkali and the Egyptians have one major advantage vis-à-vis the Kosovo Roma: Their native language is Albanian and they believe in the Islamic faith. For this reason, they maintain close relations to the majority Albanian community. Consequently, they have less fear of revenge from their Albanian neighbors.

A temporal comparison displays that the return figures for all three communities have stagnated within the last few years. This can be explained by the time period that has passed since the end of the hostilities in 1999: "The longer the displacement, the less people will be willing to return." (UNIJA-Union 2008: 33) The Roma, the Ashkali, and the Egyptians are often better integrated into their host societies than in Kosovo and, hence, do not consider returning to their homeland.
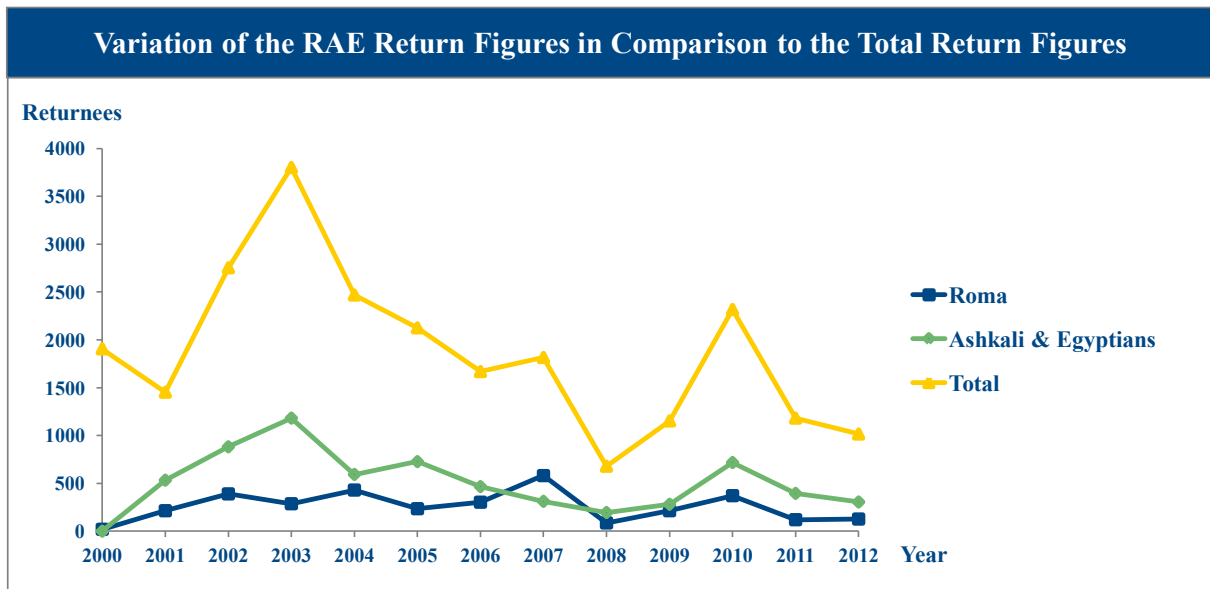
Figure 20:   Variation of the RAE Return Figures in Comparison to the Total Return Figures
Source: Own compilation based on the data presented in UNHCR February 2013: 4

Despite these general figures, it has to be noted that the RAE are often "…reluctant to return to areas where few, if any, RAE remain (particularly in Western Kosovo) because they fear becoming a social experiment … ." (HRW 2010: 26) Human Rights Watch explains that RAE fear being laboratory mice who have to undergo the experience of being isolated from the likes of them. This is why most returns of the RAE occurred to areas/neighborhoods, which are exclusively populated by the RAE leading to a situation where the RAE are excluded from the main society.

6.3 Challenges and Opportunities in their Return Process

This chapter is based on the theoretical insight at the beginning of this dissertation where criteria for sustainable refugee return are defined and their relevance as well as their value explained explicitly. The subsequent analysis aims at deconstructing the specific conditions of the Roma, the Ashkali, and the Egyptians in Kosovo, with a special focus on the particular challenges and opportunities of the RAE returnees upon their arrival in Kosovo such as the civil registration or the recognition of school certificates from abroad.

The first three subchapters illustrate the challenges the RAE returnees face in Kosovo. Another chapter elucidates the particularly devastating situation of RAE returnees and IDPs in the lead-contaminated camps in North Mitrovicë/Mitrovica. Their conditions have to be mentioned separately, because they are unique among all residents in Kosovo and illustrate their low status in the Kosovo society. The Chapter 6.5 picks up a great opportunity, namely the "Strategy on the Integration of Roma, Ashkali, and Egyptians in Kosovo." Unfortunately, this opportunity has not been used as was supposed.

Other factors influencing the return of the RAE refugees are dealt with in the subsequent chapters. The first external factor influencing the decision on return is the role of gypsies in other European countries and in the Western Balkan countries in particular. Roma face the same challenges across European borders – whether they live in Kosovo or in the United Kingdom – they face discrimination and segregation, especially in the areas of housing, employment, and education. The reasons and background conditions for this hardship will be explained in the next chapter.

The second external factor influencing the possibility of a sustainable integration of the RAE returnees into Kosovo's society is the forced repatriation of these communities from Western European countries to Kosovo. Forcibly returned RAE cannot make an informed decision about their return and cannot balance between their current situation in the host country and the conditions awaiting them upon their arrival in Kosovo. Their specific situation and the consequences of forced returns from Western Europe to Kosovo are explained in Chapter 6.6.2.

6.3.1 The RAE Return to Mono-ethnic Areas

The answer to the question of where to return to is dependent on many factors. "According to UNHCR, only 30 to 40 % of the (forcibly) returning persons can effectively return to their place of origin."[101] (Kuthan 2012: 14) One of the main reasons for the geographical decision is the security situation and freedom of movement in any given region. In general, the security situation in Kosovo, including inter-ethnic violence, has improved within the last years. This is, admittedly, due to the circumstances described below:

> "The … country is basically ethnically cleansed. Many cities, town [sic], and villages are simply devoid of any traces of their pre-war Rroma population. This is for example the case in Prishtina, one of the most obvious examples where the quarter in which Rroma had their houses was razed after the war and is now being re-settled by ethnic Albanians. *And if there are no minorities, how can there be any attacks against them?*" (Emphasis added, Laederich 2006: 3)

As a consequence, there are only a few areas where the RAE and the majority or other minority communities hit each other. In these areas, threats, intimidation, and harassment as well as smaller incidents against the RAE are still persistent.[102] (Cf. Mattern 2005: 6; Cf. Tmava, Beha 2009: 20) Among minority communities, especially the Serbs and the Roma, there is a permanent fear of revenge and of a repetition of the displacement that occurred in 1999 and in 2004.

There is a powerful gap between the official security image in Kosovo and the perceived insecurity experienced by the Roma, the Ashkali, and the Egyptians. The official security image, as stated above, is characterized by few ethnically motivated incidents. Dünnwald summarizes that "… continual and ever-present immediate threat of life and limb just because of ethnicity cannot be generally declared."[103] (Dünnwald 2009: 20) Yet, members of the RAE communities feel insecure, particularly outside of their neighborhoods. Examples include a renewed wave of attacks and harassment targeting the RAE communities: For instance, there was a reported physical assault of a Roma by the ethnic Albanians in Gjilan/Gnjilane and 20 Roma families were verbally and physically assaulted in the Halit Ibishi neighborhood in the town of Ferizaj/Uroševac. Although Human Rights Watch has observed an increase of police patrols in both regions following the incidents, no arrests have been reported which exacerbates their feeling of insecurity and powerlessness. (Cf. HRW 2009a: 1)

Furthermore, the Roma, the Ashkali, and the Egyptians mistrust the Albanian police officers and are afraid of repercussions and do not want to report incidents, even severe assaults, or rapes. On top of that, the police officers often do not take the incidents seriously. (Cf. Dünnwald 2009: 20f.) In addition to this fear, the Roma, the Ashkali, and the Egyptians are underrepresented in the Kosovo police and in the Kosovo Municipal Councils on Safety in

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[101] Original quote in French : "Selon l'UNHCR, seuls 30 à 40 % des personnes renvoyées (de force) peut effectivement rentrer dans son lieu d'origine." Translation by the author.

[102] For an exemplary list of incidents against the Roma, Ashkali, and Egyptian communities, please see Kuthan 2012: 17.

[103] Original quote in German: "Insbesondere ist eine jederzeitige und allgegenwärtige akute Gefährdung von Leib und Leben nur aufgrund der ethnischen Zugehörigkeit pauschal nicht mehr festzustellen." Translation by the author.

Communities. Because of these reasons, the dark figure of crimes against the RAE, including ethnically motivated incidents, is estimated to be much higher than the reported figure. Admittedly, there is a clear correlation between municipal responses and the communities' perceptions of their security: Where the municipality responded to serious security incidents, the affected community reported that their perception of security improved.[104] (Cf. OSCE 2011a: 26f.)

The Roma, the Ashkali, and the Egyptians often do not even have the heart to leave their direct neighborhood: "Most persons with whom we spoke … described a situation of numerous invisible barriers which RAE are afraid to cross: people do not leave their neighbourhoods in the dark; do not travel alone; fear of retaliation deters many from reporting human rights violations cases to police or other authorities." (ERRC 2005: 46; cf. Tmava, Beha 2009: 11) This situation is exacerbated when the minority community lives in a heavily majority-populated area. The Roma living in Albanian dominated areas and the Ashkali and the Egyptians living in areas dominated by the Serbs feel exceedingly insecure and hesitate leaving their safe neighborhoods, in which they are surrounded by like-minded people. If freedom of movement is compromised, as it is the case in several RAE-populated areas, this jeopardizes other human rights such as the access to health care and education. (Cf. OSCE 2011a: 5)

In general, freedom of movement is still severely restricted for the RAE communities. For example, most of them fear going to the city of Prishtinë/Priština and almost none of them can imagine themselves working or living in the town although it is Kosovo's biggest city and provides most of the workplaces countrywide.

The Roma primarily live in the North of Kosovo – together with the Serbian minority – where the security situation worsened in July 2011 due to ethnic clashes. Because of the geographical proximity as well as the cultural and linguistic similarities mentioned above, their security situation is also dependent from the security situation of the Serbs. (Cf. OSCE 2010: 191)

In most areas, the Roma are therefore dependent on the humanitarian bus or train transportation. The humanitarian bus connects settlements and towns inhabited by the Roma and the Serbs in the region of Gjilan/Gnjilane such as the city of Štrpce/Shtërpcë. In the Prizren region, the "Freedom of Movement Train" connects the minorities living in Rahovec/Orahovac and Zvečan/Zveçan with each other. (Cf. OSCE 2010: 191) The Roma use these means of transportation because of security reasons and because they are less expensive than other means of transportation. After Kosovo's declaration of independence, the "Freedom of Movement Train" was abandoned leaving the Roma "… with more expensive transport choices, such as taxis, private buses owned by Serbs, or their own cars if they had them at all. The suspension of the 'The Freedom of Movement Train' also affected invalid Roma and those requiring regular medical treatment" (HLC 2008: 198). The effect is that Roma are marginalized, lack access to main public services, and cannot leave their neighborhoods at all.

The Ashkali and the Egyptians, on the contrary, live mainly in Albanian dominated areas. In the past, several violent assaults were reported. For instance, in the Vushtrri/Vučitrn municipality, some 70 houses belonging to the Ashkali were burned and destroyed. In Fushë Koso-

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[104] Please consult the OSCE Mission in Kosovo (2011a): Municipal Responses to Security Incidents Affecting Communities in Kosovo and the Role of Municipal Community Safety Councils for an extensive discussion.

vë/Kosovo Polje, a series of incidents targeting the homes of the third largest community in this region – the Ashkali – were reported in the village of Nakaradë/Nakarade in 2010. "The windows of four returnee houses were damaged during and after their reconstruction, with the families also reporting experiencing intimidation and pressure by Kosovo Albanian neighbours to sell their properties at low prices." (OSCE 2011a: 14) Eventually, two out of the four families targeted sold their property and moved away. Despite the facts that there is an Ashkali representative in the Municipal Council on Safety in Communities and that this incident was addressed by him, the windows were not replaced and the victims not compensated. (OSCE 2011a: 14)

In spite of these security incidents, the freedom of movement of the Ashkali and the Egyptians in Kosovo has improved in the recent past; "… greater mobility has led to increased access to public services and towards integration with the majority community." (OSCE 2010: 5, 46)

The international community as well as local and national stakeholders generally assume that the Serbian-speaking Roma are more vulnerable than the Albanian-speaking Ashkali and Egyptians due to their different language and cultural affiliations. However, in the summer 1999 and during the riots in 2004, knowledge of the Albanian language did not help protecting them from the Albanian-led violence. (Cf. Mattern 2006: 3) "Roma with a good knowledge of the Albanian in an Albanian environment may make them less likely a target of attacks, harassment or discrimination, but their appearance identifies them as members of the Roma minority."[105] (Mattern 2006: 6) The anti-gypsy sentiments among the majority are still widespread: Assaults on RAE individuals, verbal abuse, and dissemination of defamatory images are still common. (Cf. ERRC 2005: 37) In addition, there are reports of incidents of members of minority communities while speaking a non-majority language. (Cf. Tmava, Beha 2009: 10)

The real threat of the Roma, the Ashkali, and the Egyptians being attacked by members of ethnic communities, mainly Albanian, is very small. However, their situation is characterized by the perceived threat, which leads to the return to neighborhoods populated exclusively by the Roma, the Ashkali, and the Egyptians and the lack of freedom of movement shutting them into their settlements. This perceived uncertainty discourages the RAE in exile from returning to Kosovo. Dünnwald argues that due to this fear of persecution, RAE returnees choose return sites, where their ethnic community is present and they can rely on this ethnic network. (Cf. Dünnwald 2009: 21) In addition, RAE are at higher risk for experiencing violence when they are suspected of having collaborated with the Serbian administration during the 1990s and the subsequent war. They fear a backlash, violence, and even murders. Consequently, the direct involvement in the ethnic conflict in 1999 can also lead to the return to a different neighborhood than the original home.[106] (Cf. Mattern 2006: 7)

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[105] Original quote in German: "Gute Albanischkenntnisse machen die Roma in einem kosovoalbanischen Umfeld möglicherweise weniger zum Ziel von Angriffen, Bedrohung oder Diskriminierung, doch kann ihr Aussehen sie als Angehörige der Roma-Minderheit identifizierbar machen." Translation made by the author.

[106] The example of Mr. Osma Rama shows that his employment with the Serbian police in the 1990s was a repressive factor in the decision of return to his original home. Instead, he returned to Roma Mahala where he feels more secure and amongst his own kind. (Cf. Dünnwald 2009: 21)

The RAE, who do not find housing after their return to Kosovo, are more vulnerable for experiencing violence, because they have to compete over scarce rental apartments and social housing in some regions. (Cf. Mattern 2006: 6) As a result, the possession of pre-war property and its possible restitution influences the choice of the return site, too.

Frequently, the RAE are demoralized to return because they do not have any place to return to. It has to be mentioned that the Roma, the Ashkali, and the Egyptians do not have a traditional culture of establishing property rights. Most likely, these communities either did not possess any property at all before the war or they purchased their property informally and, now, cannot prove the ownership appropriately. The few who possessed property, in most of the cases residential property, lived in the so-called Mahalas that were completely destroyed and deserted during the revenge attacks in the aftermath of the NATO bombings in 1999. Their decision whether and where to return to is thus influenced by the fact that (a) their property is damaged or destroyed, (b) their houses are now illegally occupied by the ethnic Albanians, or (c) they cannot prove the ownership of their property or never possessed any at all.

(a) Destroyed or damaged property

> "The recognition of restitution rights often provides the first official pronouncement that whatever may have taken place in the past which is responsible for people being forced to vacate their homes was wrong and should not be allowed to occur again in the future." (Leckie 2003: 8)

Many houses, sometimes even entire neighborhoods, of the RAE communities have been damaged or destroyed during the revenge attacks after the NATO bombings in the summer 1999 and in March 2004. Due to the perception of the international community that the war in Kosovo only took place between Kosovo Serbs and Kosovo Albanians, the RAE communities, their integration after return, and their protection is not a main priority of the international community itself. Hence, the reconstruction of the RAE's destroyed houses is either not fully or not at all supported by the donor community. (Cf. ERRC 2005: 42) In addition, donors are not willing to finance the reconstruction of minority houses because they fear vandalization of the houses after or even during their expensive and time-consuming reconstruction. Therefore, the priority is to rebuild Albanian and, in some cases, Serbian houses in majority areas. In general, reconstruction is delayed due to bureaucratic processes, and some RAE leaders also reported the theft of construction material and corruption within the respective authorities:

> "RAE leaders from Gjilan/Gnjilane expressed the belief that there had been misuse of money and that part of the money was spent for the reconstruction of Albanian houses in neighbouring villages, despite the fact that the project was specifically meant for houses of Roma in Abdullah Presheva." (ERRC 2005: 42)

In several cases, the respective municipalities failed to allocate land for the reconstruction of houses or have other plans with the land. (Cf. ERRC 2005: 41) Nevertheless, there are positive reconstruction examples, such as the refurbishment and reconstruction for houses for approximately 160 RAE families, the delivery of support packages, and the implementation of small scale projects, which were partly financed by the Ministry for Communities and Return (MCR). Furthermore, the MCR donated 200,000 EUR for housing support in the Du-

bravë/Dubrava neighborhood in the municipality of Ferizaj/Uroševac, which is predominantly inhabited by the RAE. (Cf. OSCE 2011b: 5f.)

(b) Illegal occupation by ethnic Albanians

According to the information collected for the International Roundtable on Roma, Ashkali and Egyptians of Kosovo, around 7,000 RAE properties were still illegally occupied in 2008 (Cf. International Roundtable 2008: 8) and the situation has not changed considerably yet. In some cases, "[t]here are former neighborhoods that have been completely abandoned by their former inhabitants and are now occupied by Kosovo Albanians in need."[107] (Mattern 2005: 11) Albanians in need are internally displaced persons (IDPs) who stay in these abandoned neighborhoods, because of a lack of alternatives. The situation is particularly difficult in the Abdullah Preshevë/Abdulla Preševo neighborhood: only around 10 % of the Roma families enjoy their property rights and approximately 60 houses remain illegally occupied. (Cf. OSCE 2010: 200) During socialist times, Kosovo's housing situation was characterized by social apartments. Social housing, however, is not available anymore, and this situation leaves IDPs forced to live in temporary vacant houses belonging to currently displaced tenants who can return at any time and displace them immediately. A definite solution for the illegal occupants is missing.

The process for reinstating the legal owners after illegal occupation of vacant houses was organized by the Housing and Property Directorate (HPD) until 2006 and is now decided on and implemented by the Kosovo Property Agency (KPA). The claims under the jurisdiction of these two organizations are divided into three categories: claims of the category A[108], B[109], and C. The claims relevant for this section are the claims under category C which are claims by persons who lost their property involuntarily after 24 March 1999 – the begin of the NATO bombings against the Republic of Serbia and Serbian sites within the Kosovar territory. Although numerous Roma, Ashkali, and Egyptians have lost their property or their property is now illegally occupied by ethnic Albanians, only 3 % of successful claimants are members of the RAE communities. (Cf. HRW 2010: 49) This can be explained by their lack of knowledge and understanding of judicial processes and the legal possibilities for property restitution that exist in Kosovo. This condition becomes especially apparent when claimants have to prove that they lost their property due to war reasons and not because of other reasons whatsoever. Generally, the proceedings for reinstating the legal owners after illegal occupation of vacant houses are slow and enforcement is often missing. Sometimes, the RAE returnees are denied access to their houses by the illegal occupants and do not know how to regain the right to live there. (Cf. ERRC 2005: 43)

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[107] Original quote in German: "Es gibt ehemalige Roma-Viertel, die vollkommen von ihren früheren BewohnerInnen verlassen wurden und heute von bedürftigen Kosovo-AlbanerInnen besetzt sind." Translation made by the author.

[108] Claims under the category A are claims by persons, who lost their property after 1989 due to the discrimination in the Socialist Federal Republic of Yugoslavia. Claimants receive restitution or compensation if the apartment/house has been sold another time after the original purchase. (Cf. Dodson, Heiskanen 2003: 232f.)

[109] Claims under the category B are claims by persons, who purchased property illegally and wish to formalize it. These claims are only considered by the KPA if the purchase would have been against a discriminatory law. (Cf. Dodson, Heiskanen 2003: 233)

In most cases, they are not able to file a claim before the KPA to repossess their property. Rather, they decide not to return to their homes or to return to inappropriate housing conditions that will be explained below.

(c) The possession of property

The repossession of property is particularly difficult for the communities of the Roma, the Ashkali, and the Egyptians because they do not normally cultivate any tradition of establishing and inheriting formal property rights over land and houses. (Cf. HRW 2010: 47) In fact, the RAE rather own property informally and do not receive any legal proof that they purchase land or houses. In addition, some of the RAE who left Kosovo before the conflict due to economic reasons sold their property before their departure to be financially liquid. (Cf. Kuthan 2012: 14) This property cannot be repossessed.

Another major challenge for the RAE is the loss of the property titles during the war or displacement. However, in the case of the Roma Mahala in Mitrovicë/Mitrovica, the KPA shows flexibility when it comes to the proof for property ownership. They also accept pictures and witness testimonies as evidence material for ownership, which is not always the case, but definitely helps the RAE communities proving their ownership without legal papers. (Cf. HRW 2010: 49f.)

"Restoring property rights does not automatically lead to durable solutions, or even allow return. … It appears that many displaced persons seek to establish legal ownership of their former homes in order to rent or sell them." (Poulsen 2010: 20) Frequently, the Roma, the Ashkali, and the Egyptian returnees have to sell their property to cover other costs or because they are forced to by the Albanians who do not want them to live in their neighborhoods. In these cases, unemployment and poverty affect the housing situation of the RAE returnees and can, in the long term, breed a secondary displacement of the returnees. (Cf. HRW 2010: 52)

Concisely, the Roma, the Ashkali, and the Egyptians are most likely not able to prove and repossess the ownership of their property after their return to Kosovo. The effect is that they are homeless or live in inhumane conditions, often displaced within Kosovo – no matter if the new house/apartment is in their home municipality or somewhere else in Kosovo. This situation is exacerbated by the fact that although there are vacant apartments and houses, in most of the cases, this living space is not rentable by members of the RAE communities because they are not accepted as tenants or they pay far more than other tenants. (Cf. Dünnwald 2009: 21) Neither international organizations nor the local or federal institutions of Kosovo help returnees looking for an appropriate housing solution. The majority of the returning RAE families have no other choice than moving in with their relatives or friends. Very often, several family members have to share one single room. An example illustrates the severe conditions: "… ca. 20 people in two rooms, or in unsanitary conditions, without heating, without water inside, this, in spite of having had property in Kosovo prior to the war." (Laederich 2006: 15) With each family member returning from abroad, the housing conditions become less adequate. (Cf. Kuthan 2012: 14; Mattern 2005: 9; HRW 2010: 51ff.; Dünnwald 2009: 22) Into the bargain, in most return areas, there is no sewage system. For instance, in the municipality of Klinë/Klina, the returned Egyptians use septic tanks to dispose wastewater instead of a proper sewage system. (Cf. OSCE 2010: 8) The lack of power and an ineffective supply of

potable water further affect many RAE communities in other regions, often even exacerbated by unpaid bills by the RAE communities[110].

Certain RAE families have to live in camps for IDPs[111] or informal settlements after their return from abroad. Informal settlements are defined as "… residential areas where a group of housing units has been constructed on land to which the occupants have no legal claim, or which they occupy illegally …", or "[u]nplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorized housing)." (HRW 2010: 49) These RAE informal settlements are often located at the margins of towns, lack basic facilities, and the access to education, health care facilities, and public services is severely limited. (Cf. ERRC 2005: 38) They often even live in tents or containers while steady houses are built. In these cases, a temporary solution often turns into a durable although conditions for appropriate housing are not met. (Cf. HRW 2010: 53)

In March 2010, the drafting process for the Strategy on Identification and Regularization of Informal Settlements started. (Cf. OSCE 2011b: 5) A positive example of the regularization of informal settlements is the project in the Ali Ibra/Kolonija settlement in the municipality of Gjakovë/Đakovica, which aims at improving the living conditions of 140 Egyptian, Roma, Ashkali, Albanian, and Serbian families living there. The beneficiaries have been resettled from socially owned land to 3.85 hectares of municipal land allocated by the Gjakovë/Đakovica municipal assembly. The total project budget is 50,000 EUR. (Cf. OSCE 2011b: 5f.) Nonetheless, the general picture of the RAE's housing situation, especially after their return to Kosovo, shows a devastating picture.

The example of the families interviewed by the Swiss Refugee Council (SRC) can be transferred to the general sample. All of them claim that they have never received any assistance for housing from the Kosovo (federal or municipal) institutions or the international community. (Cf. Kuthan 2012: 15) Living at the edge of the society, they are left alone after their return and have to care for themselves despite being impecunious.

The housing question creates another severe problem for the returning RAE communities. Especially in the town of Mitrovicë/Mitrovica, there is growing resentment among the Kosovo Albanians against the returning Roma, Ashkali, and Egyptians who – to some extent – benefit from housing reconstruction projects and general support offered by local and international stakeholders. (Cf. OSCE 2010: 60, 210) This conflict between the returning and the receiving community is another obstacle for the sustainable return from the RAE communities and further encourages the RAE refugees/displaced persons to return to mono-ethnic areas.

Summarizing, the return to mono-ethnic areas occurs since "… they have no where [sic] to go because *Serbs do not want them* and *Albanians do not care about them*, they don't think about them … ." (Emphasis added, Bloom, Hoxha, et al. 2006: 433) The Ashkali and the Egyptians share common denominators such as the language and the religion with their Albanian neighbors, which enabled them to establish friendly relations with them in some regions throughout

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[110] All residents in Kosovo must pay a fixed monthly fee of 26 EUR to get electricity by the Kosovo Electricity Company (KEK). If someone does not pay this fee, KEK automatically shuts off the power.

[111] A significant number of Roma, Ashkali, and Egyptians still lives in the IDP camps in northern Mitrovicë/Mitrovica. Chapter 6.4 deals exclusively with their housing conditions and prospects of durable solutions.

Kosovo. For instance, in the municipality of Ferizaj/Uroševac, the municipality supports the Ashkali community holiday on 15 February. (Cf. OSCE 2010: 60) The Egyptian community, for example, plays a very important role in the promotion of inter-community dialogue in the region Pejë/Peć. (Cf. OSCE 2010: 136)

Nonetheless, despite these common affinities, the Ashkali and the Egyptians live marginalized at the edge of towns and are still facing widespread prejudices as well as social exclusion. Although the Ashkali and the Egyptians communicate more with the Albanian-dominated society, the three communities – the Roma, the Ashkali, and the Egyptians – are all directly and indirectly discriminated when it comes to renting an apartment, applying for a job, or going to school. (Cf. OSCE 2010: 60, 136, 210ff.)

The Roma live and share some common denominators with the Serbian minority. As the quote shows, although Serbs are also a protectable minority in Kosovo and they often share hurdles with the RAE communities, they do not accept the Roma as an equal community in their neighborhoods. The Serbs' actions are dependent on Belgrade's demands and their (sole) intention is to secure their position and power within Kosovo. This does not include the acceptance or integration of the Roma. Where the Roma and the Serbs live in the same region, they live next to each other without many points of contact. Rather, the Serbs exclude the Roma from their public life and discriminate them the same way the Albanians do it.

The widely-used discrimination of the RAE in public life is reinforced by "[p]oor self-organization and lack of effective representation in municipal bodies [that] also hampers opportunities to engage in formal dialogue." (OSCE 2010: 211) In almost all regions of Kosovo, the RAE are not included in inter-community dialogues or initiatives nor are there many outreach activities aligned to the RAE communities specifically. Due to their insecurity, the restricted freedom of movement, and the challenges regarding the repossession of their property or the search for an appropriate housing solution, the RAE returnees are often forced to live in mono-ethnic enclaves with their relatives or friends in inappropriate housing conditions. In addition, they frequently cannot return to their municipality of origin. These reasons prevent their sustainable integration into Kosovo's society and further enhance their separation from the other communities in Kosovo.

6.3.2 Low Educational Levels Impede an Integration into the Employment Market

"… education can contribute to a conflict as well as help prevent [sic] it. In Kosovo, the educational system lies at the heart of the conflict. … Schooling was sometimes used as a place to foster and spread nationalistic ideas on both sides … ." (Melissen 2010: 31)

At this point, the separation of Kosovo's educational system should be pointed out again. There are the two parallel educational systems – the Kosovo and the Serbian[112] – existing next to each other with very few contact points between the two systems. Although the Roma, the Ashkali, and the Egyptians share some characteristics concerning their education, there are main differences between the Roma on the one hand and the Ashkali and the Egyptians on the other considering that they receive education in the two different systems: The Roma go predominantly to Serbian schools with the exception of Ferizaj/Uroševac and a few places in Kamenicë/Kamenica (OSCE 2009a: 9) and the Ashkali and the Egyptians go to Kosovar schools.

In general, numerous RAE children returning to Kosovo from abroad are not able to pursue their education upon the return. According to the UNICEF, in 2011, three out of four returned RAE children are not attending school each day. (Cf. Kuthan 2012: 18) The societal long-term consequences are devastating and manifold: The RAE children returning to Kosovo end up with a very low level of education, often illiterate, and are – in the long run – not able to find employment. Some figures about the RAE children and their educational level demonstrate their status quo within the school system: Around 75 % of the RAE children are attending primary school, which is slightly worse than for the other minorities and the majority community. Most of the RAE children, however, drop out of school after having finished primary school. Consequently, only 25 % of the RAE children are attending secondary school. Regrettably, there are only 1.4 % of the RAE children who ever finish high school in Kosovo. These last two figures illustrate the low educational level of the Roma, the Ashkali, and the Egyptians in particular. For instance, in the Klinë/Klina municipality, only 8 out of approximately 200 Ashkali students are registered in primary school while none attends secondary or tertiary education. (Cf. OSCE 2010: 14) There are various reasons for these poor attendance rates. One of them is the fact that "[n]one of the educational systems contains curricula and textbooks specific or adequately tailored to the culture and history of the Roma, Ashkali, [and] Egyptian … communities." (OSCE 2009a: 2) Textbooks for the Roma are available in Serbian, textbooks for the Ashkali and the Egyptians in Albanian. Apart from the language, they do not reflect the realities of these communities at all.

Not even the OSCE takes account of their specific needs within their analysis of the Kosovo non-majority communities in the primary and secondary educational systems. (Cf. OSCE 2009a: 5ff.) This illustrates their challenges in the educational systems and gives a hint on their low status in the Kosovar society.

The Roma, the Ashkali, and the Egyptians often either left Kosovo during the 1980s and 1990s or were displaced in the aftermath of the hostilities in the summer of 1999. Their geo-

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[112] Calling of the two school systems – the Kosovo and the Serbian system – point to a discrimination of the Serbian minority. The Kosovar system should include all minorities, but excludes any contact with the Serbian parallel system itself. The same occurs on the other side by Serbian decision makers who populate the north of Kosovo that belongs to the Republic of Serbia and thus the educational system is a Serbian, too.

graphical aim was most often either the neighboring countries or countries in Western Europe. Returning children from the Roma, the Ashkali, and the Egyptian communities were often born abroad and do not speak Albanian or Serbian, which is an obligatory need to be integrated in either one or the other educational system in Kosovo. Usually, they only speak German or English, or any other Western European language. The problem is that language courses in Albanian or Serbian are not available for returnee children. In addition, *if* language courses exist, they are not free of charge and, as mentioned before, the RAE returnees lack the financial capabilities to pay for language courses when they are not even able to feed their children appropriately.

Nevertheless, when access to school is available, the non-recognition of school certificates from abroad often impedes a consistent transition from the school system abroad to one in Kosovo. Frequently, the children returning from Western Europe have to repeat grades and are learning with children far younger than themselves, or they cannot go to school at all. Both scenarios create severe social and psychological consequences for the children: "Having attended schools in Western Europe, the absence of education in Kosovo hampers the acquisition of language skills, furthers their feeling of alienation, and sometimes results in psychological problems such as depression." (HRW 2010: 56f.) The exclusion from any educational system means for most children a long-term exclusion from the entire society. They are not able to speak the official languages in Kosovo, have a very low level of education, cannot find permanent employment in the long term, and live among their communities marginalized from the rest of the society. Education itself thus becomes the key to a long-term integration into Kosovo's society.

Other reasons also play a significant role when it comes to the question why RAE children do not go to school after their return to Kosovo. Reasons are: "… traditional cultures in which education plays a limited role, the economic benefits accruing when young people work at an early age, and the lingering belief among many that education does not bring any advantage to children; …" (UNDP 2006: 44). The RAE girls are particularly affected by the traditional culture that foresees early arranged marriages for girls. (Cf. OSCE 2010: 13)

One of the most challenging parts for the returning RAE families is the financial expenditure they have to afford for the education of their children. (Cf. ERRC 2005: 45) Although there are no tuition fees in the Kosovo and in the Serbian school system, additional costs such as textbooks, other school supplies, transportation, lunch, and sometimes even uniforms are expensive. Human Rights Watch estimated that sending a child to school in Kosovo affords around 50 EUR per month. (Cf. HRW 2010: 56) With an average income of 280 EUR in Kosovo and an unemployment rate among the Roma, the Ashkali, and the Egyptians of close to 100 %, the RAE families, in most cases, cannot afford sending their children to school. (Cf. Kuthan 2012: 19) Furthermore, a great deal of the RAE families is dependent on social welfare. Access to social welfare depends on the age of the children and ends when all children are six years old – just at the age when they would enter school. With less financial abilities through the lack of social welfare, the parents are less able and less willing to send their children to school, especially when the communities have not cultivated a tradition of education so far.

Another main reason for the RAE parents not to send their children to school is the security concern. (Cf. Tmava, Beha 2009: 21) Not only the question of whether to send the children to school, but also where to, is dependent on the general security situation but more importantly the particular security situation of this community in the living area. For instance, "[a]ccording to Ms Shpresa Agushi, Romani children in Gjilan/Gnjilane, most of whom speak Serbian, are reportedly afraid to attend the Serbian school in the town fearing problems with Albanians." (ERRC 2005: 48) Although the Roma would easily be integrated in the few Serbian schools in the region because of language similarities, they are afraid of getting into trouble with their Albanian neighbors, who constitute the majority in the region. The Romani children living outside of the Abdullah Presheva/Abdula Preševo neighborhood in the municipality of Gjilan/Gnjilane are not provided with an escort to the school. As a consequence, they are not able to go to school at all.[113] In addition, the Roma, the Ashkali, and the Egyptians face discrimination at school. For instance, some Ashkali students from Ferizaj/Uroševac reported that students from their community are often placed close to the window and far away from the stove during winter times, bullied, and sometimes even beaten up by Albanian students. (Cf. OSCE 2009a: 17) Due to severe security concerns and the lack of safe escorts within the last ten years, improvised education services were set up for children from the RAE communities operating in camps, e.g. in Gjilan/Gnjilane or in Plementinë/Plementina. There, children learn under difficult environmental conditions, the teachers are unqualified, and the level and the quality of teaching and learning are very low. Furthermore, a transfer to one of the two regular school systems in Kosovo is difficult and sometimes even impossible for the RAE children living in the camps. (Cf. MEST 2007: 16)

> "The fact that most Roma students in Gjilan/Gnjilane region only complete primary education (in either Serbian or Albanian) or drop out of school before completing their education is an obstacle towards the training of qualified Roma teachers." (OSCE 2009a: 9)

The lack of school-aged children in secondary schools influences the number of teachers who are trained and work in a region populated by the RAE. In return, when there are no RAE teachers, the likelihood of the RAE children attending the school is further declining. In general, only a few RAE are employed as teachers in Kosovo or Serbian schools. In addition, RAE are insufficiently or almost not at all represented in school management positions. (Cf. OSCE 2009a: 7, 10)

As a consequence, within the last few years, one could observe a decline in the literacy rate of both RAE men and women in Kosovo. "… the literacy rate for Roma respondents (73 per cent) is far below these levels and lower even than the reported national averages for Kenya (74 per cent) … ." (UNDP 2006: 31) The literacy rate of RAE women is even lower: only around 25 % of the RAE women are literate. (Cf. Müller, Jovanović 2010: 21) Likewise, the school attendance of RAE children and particularly RAE girls has decreased.

Reasons for this decline, briefly, lie in the poor socio-economic situation of the RAE, traditional views as well as in the constant discrimination against the Roma, the Ashkali, and the Egyptians in public life and in the educational systems. (Cf. Müller, Jovanović 2010: 21) The

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[113] For further examples on security concerns among the RAE communities leading to the fact that children of these communities do not attend school, please see ERRC 2005: 48.

general low educational level has several long-term consequences. The most obvious one is the prevention of an equal access of the Roma, the Ashkali, and the Egyptians to the employment market in Kosovo.

The overall economic situation in Kosovo is disastrous, in particular the unemployment situation. Especially the political and economic isolation of Kosovo during the 1980s and 1990s, and the thereby late transition from the socialist economic system to a free market economy, led to a decrease of around 50 % of the gross domestic product (GDP) per capita between 1980 and 1995. (Cf. Dobruna 2005: 8) The conflict in 1999 further deteriorated the economy. After the end of hostilities, Kosovo's economy had to start from the scratch again. Not only were most industrial sites destroyed, but as the majority of the population died, was displaced, or lost during times of war, the small and medium-sized businesses were incapable of working. This poor economy has still not fully recovered.

This poor economic situation affects the Roma, the Ashkali, and the Egyptian communities disproportionally. (Cf. Kuthan 2012: 15) As for the entire society, the biggest challenge for the RAE communities is unemployment. In several municipalities, unemployment of members of the RAE communities, however, is almost 100 %.[114] (Cf. Mattern 2005: 14; ERRC 2005: 44; HRW 2010: 67) The dire situation is particularly dangerous for the youth: Müller and Jovanović compared the youth unemployment rates in Kosovo among the different communities: whereas the unemployment rate for non-Roma is 74 %, the one for Roma, Ashkali, and Egyptians is 86 %. (Cf. Müller, Jovanović 2010: 20)

The problem is that "[a]part from an insignificant number of individuals in the civil service and the municipal offices for communities, very few other have permanent employment" (ERRC 2005: 44). The Roma, the Ashkali, and the Egyptians are merely under-represented or absolutely absent in the public sector. The following chart illustrates the percentage of the RAE working in public companies such as the Kosovo Electricity Company (KEK) or the Post & Telecommunication Kosovo (PTK).

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[114] This (approximate) figure is supported by various other sources. Please see, for instance, O'Higgins, Niall and Andrey Ivanov (2006): Education and Employment Opportunities for the Roma, in: Comparative Economic Studies 48, pp. 6-19.

Enterprise	Total Employees	RAE employees	in percentage
Kosovo Electricity Company (KEK)	7,564	3	0.04 %
Post & Telecommunication Kosovo (PTK)	2,484	14	0.56 %
Kosovo Railroads	389	2	0.51 %
Airport Prishtinë/a	577	2	0.35 %
KosovoTrans (bus transport company)	912	30	3.29 %

Table 10: The RAE Employees in Public Companies
Source: Republic of Kosovo (2008): "Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011", p. 9.

The Roma, the Ashkali, and the Egyptians lack access to jobs in public companies and municipal offices. Despite having a 1.8 % share of the total Kosovar population, in four out of five public companies, the RAE employees make about less than 1 % of the staff. One reason is the fact that often, positions quoted for minorities are filled with the Serbs, thereby underlining the before mentioned dominance of the two former conflict parties in the Kosovar system. Frequently, stakeholders and decision makers understand the multi-ethnicity of Kosovo as encouraging Serbs to play a more important role within politics and economics, thereby forgetting about the other minority communities in Kosovo such as the RAE, the Bosniaks, and the Goranis. (Cf. ERRC 2005: 45) The major challenge for the Roma, the Ashkali, and the Egyptians is, however, not only the access to jobs in public companies or municipal offices but their employment in low level jobs such as driving or cleaning jobs. Working in these jobs means not earning enough money to properly feed their families. (Cf. HRW 2010: 68)

The situation in private companies is not much better either. The International Labor Organization (ILO) conducted a survey in 2006, which shows that only around 0.1 % of the employees in 1,547 examined enterprises, mainly private, belonged to the Roma, the Ashkali, or the Egyptian communities. (Cf. Müller, Jovanović 2010: 69) This situation deteriorated significantly with the privatization of many public companies[115]. In the past, many RAE worked for public companies in Kosovo. After the privatization waves, many of them lost their jobs. Due to the widespread discrimination the RAE were not hired again by the private companies and are now almost entirely excluded from the (private) employment market. (Cf. ERRC 2005: 38, 44; Mattern 2005: 14; Müller, Jovanović 2010: 69)

The sources of income of the RAE communities include daily work, physical work, the search for and trade with fragments of metal, and working as musicians. (Cf. Kuthan 2012: 15) Informal, low-income, manual, or unskilled work is prevalent among the RAE communities: "These jobs pay an average of €10 (US$13) per day and almost exclusively involve men."

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[115] "Privatization in Kosovo is the redistribution of socially owned assets to private individuals or enterprises." (OSCE, UNMIK 2008: 5) There are two different processes in Kosovo meant with the term "privatization": The first process was implemented between 1989 and 1999 under the rule of the Yugoslavian Republic. The second process took place between 1999 and 2008 when the privatization of socially owned enterprises was internationally managed and implemented. (Knudsen 2010: 17ff.)

(HRW 2010: 68) Hence, the absolute majority of the RAE women is completely excluded from any employment opportunities.

Because of this widespread exclusion from the employment market, the remittances from family members abroad play a significant role in supporting the livelihoods of the RAE families in Kosovo. According to the UNICEF, in November 2011, around 52 % of RAE families are dependent on remittances. Forced returns of the Roma, the Ashkali, and the Egyptians from Western European countries are destroying this often lonely source of income of many RAE families in Kosovo.[116] (Cf. Kuthan 2012: 16; Müller, Jovanović 2010: 69)

Apart from the remittances, the RAE families in Kosovo are often dependent on social welfare although this assistance is restricted to a small group of beneficiaries who are defined as follows:

(1) families in which nobody works,
(2) families in which one family member works and one child is under five years old,
(3) disabled persons,
(4) persons who take care for the aged or disabled, and
(5) persons between 15 and 18 years old, who attend secondary school. (Cf. HRW 2010: 71)

The most challenging hurdle for the RAE families is the age restriction for families, in which one family member works (2). "This creates an incentive for families to have more children, even though they struggle to support the ones they have." (HRW 2010: 71) In addition, when children have to go to school – most likely around the age of six – social welfare ends and families cannot support their children financially going to school. The families often do not enroll their children and rather engage them to work and earn money at an early age. This is particularly relevant for the RAE girls, who traditionally care for the family rather than finish school education. (Cf. HRW 2010: 71)

Several bureaucratic problems apply to the RAE returning families and the application procedures for social assistance: First of all, the Roma, the Ashkali, and the Egyptians often cannot return to their place of origin because of several barriers.[117] One criterion for eligibility is the registration in the municipality in which the family is currently living. Due to the lack of identification papers, the RAE often fail to register in the municipality they returned to. As a consequence, they are not eligible for social welfare, which is urgently needed in the majority of cases. (Cf. HRW 2010: 71) Furthermore, the returning RAE families lack an understanding of the application procedures and are often affected by illiteracy.

Even if the RAE returning families manage to apply for social assistance, the support is not enough to feed a family and care for their needs. (Cf. Kuthan 2012: 16) The basis of calculation of social welfare is the monthly minimum wage. The benefits then vary from around 35 EUR for one individual to 75 EUR for the entire family. (Cf. Arastey Sahún, Rivas Vallejo 2009: 82)

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[116] See therefore also the chapter on forced returns from Western European countries: 6.6.2.
[117] These barriers mainly comprise insecurity, the lack of property, and the poor relationship between the different communities. For more information, please see Chapter 6.3.1 on the return to monoethnic areas.

All these factors lead to widespread poverty among the Roma, the Ashkali, and the Egyptians in Kosovo. It is estimated that around 36.7 % of the Kosovo RAE even live in extreme poverty[118].[119] (Cf. Tmava, Beha 2009: 7) In comparison to the Albanians and other minorities, such as the Serbs or the Bosniaks, this percentage is extremely high. (Cf. Müller, Jovanović 2010: 19) Mr. Berisha Hajrush, a returnee from Macedonia to Fushë Kosovë/Kosovo Polje said about the situation of the RAE in Kosovo: "It is not enough to have a house to live normal [sic]. You cannot eat the house." (Quoted in ERRC 2005: 45) All three communities are largely dependent on humanitarian assistance, e.g. from the Kosovo Force (KFOR) or the Kosovo Red Cross. (Cf. OSCE 2010: 4; Singer 2010: 19)

The consequences for returnees are multifaceted: The RAE returnees have – more than the Roma, the Ashkali, and the Egyptians who stayed during the war and afterwards – no reasonable chance in finding a job. (Cf. Tmava, Beha 2009: 16) The most obvious challenge is that returnees have a smaller social network than stayees. Thus, "… nobody knows them, so they are the last ones to be hired …" in a region where social networks are essential for finding a job, said the founder of the Egyptian political party IRDK[120] in Gjakovë/Đakovica. (HRW 2010: 63) The prejudices and discrimination against the RAE in Kosovo further step up when it comes to hiring the RAE returnees in public or private companies. If, however, the RAE returnees managed to get employed "… they mostly stressed that either the Albanian employers would 'use' them for very hard physical work, or they were paid less money than their Albanian colleagues for the same work … ." (Tmava, Beha 2009: 17) Beyond that, no employment or income-generating projects are specifically designed for the RAE returning communities and their needs. (Cf. HRW 2010: 67) The devastating consequence is that many RAE decide to leave Kosovo again due to the lack of opportunities for a sustainable livelihood. (Cf. Kuthan 2012: 16)

This chapter can be summarized with a vicious circle that exists between the education and the socio-economic situation of the RAE returnees in Kosovo. First, the RAE returning children are often not sent to school or they drop out of school after a short period because of different reasons.

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[118] Extreme poverty means that a person has to live from less than 1 US$ per day.

[119] This figure is based on the UNDP Human Development Report Kosovo 2004. Despite the fact that the figure is not up to date anymore, national and international stakeholders still estimate the poverty rate among the RAE that high today.

[120] IRDK stands for New Democratic Initiative of Kosovo (Albanian: Iniciativa e Re Demokratike e Kosovës). For further information, see their webpage: *http://www.irdk-kosova.org/*, last retrieved on 26.12.2013.
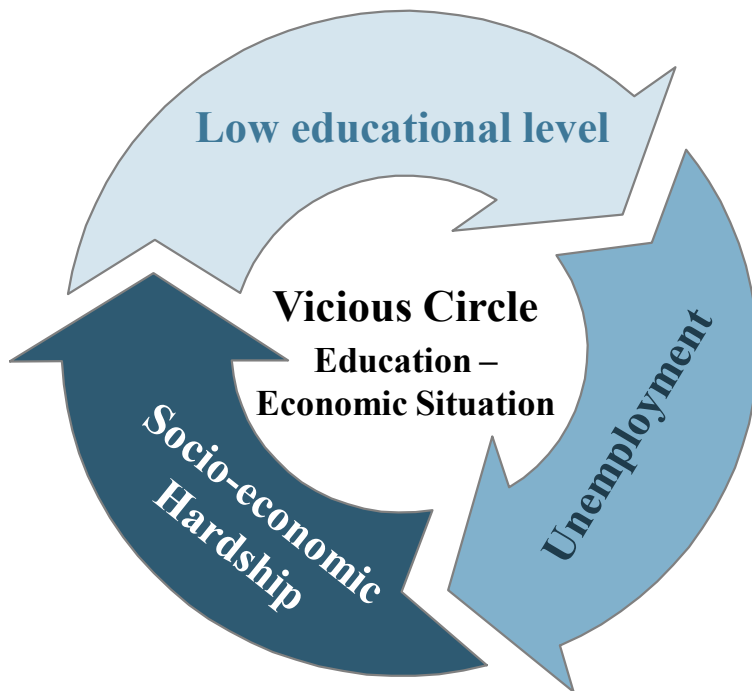
Figure 21: The Relation between Education and the Economic Situation of RAE
Source: Own compilation

One of them is the poor socio-economic situation of the Roma, Ashkali, and Egyptian communities who are dependent on remittances, social welfare, and humanitarian aid. For the RAE returning parents, it is more important to engage their children to work at an early age to support the family's economic situation than to go to school, which does not have a positive financial effect in the short run. The RAE (returning) children often only complete primary school; they lack secondary education as well as vocational education and training. When reaching the age of entering the employment market, they lack necessary skills and do not find employment. This leads to widespread unemployment, poverty, and dependency on outside assistance. Then, the RAE returnees end up in poverty and without any means to support their children to go to school and learn the necessary skills to find their place within the society.

6.3.3 The Exclusion from Public Services

The Kosovar legal system – as well as all other parts of the public life – is divided into a Kosovar and a Serbian parallel system. The Roma rather tend to approach the Serbian parallel institutions whereas the Ashkali and the Egyptians the Albanian ones. Recalling the narrow concept of access to justice – non-discriminatory access to courts and other institutions administering justice –, the Roma, the Ashkali, and the Egyptians have a de jure equal access to justice. Theoretically, these communities can approach courts and institutions administering justice without any legal restrictions in the same manner as all other communities in Kosovo. Nonetheless, there are some specific constraints derived from the social role of the RAE communities in Kosovo.

Primarily, their access to courts is restricted by a limited freedom of movement. Most often, the RAE refugees return to mono-ethnic enclaves where they live among themselves with limited or without any contact to other Kosovar communities. Their situation is characterized by "… numerous invisible barriers which RAE are afraid to cross …" (ERRC 2005: 46) that deter the RAE from leaving their neighborhoods and traveling to major cities. Yet, courts and other institutions administering justice are located in major cities such as the capital Prishtinë/Priština. Beyond that, the RAE are not represented in courts – neither as lawyers nor as judges. Because of the ethnic domination of the Albanians in these institutions, the RAE often do not file a lawsuit in case of ethnically motivated crimes, especially not against the ethnic Albanians because they fear retaliation. (Cf. OSCE 2010: 205)

Second, the RAE generally lack knowledge about their rights, the procedures in Kosovo's (or Serbia's) judicial system, and the possibility of obtaining free legal aid. (Cf. OSCE 2010: 205)

Third, the lack of financial resources hampers them from hiring lawyers and using legal institutions. The time spent at a court is time away from income-generating activities. Additionally, because RAE most often live in rural, remote areas, they have less direct access to laws and legal texts preventing them from understanding the legal system of either Kosovo and/or Serbia. (Cf. Anderson 1999: 18ff.) Furthermore, "[the] patriarchal structure predominant in this community, low level of education, and lack of familiarity with the justice system, tend to limit women's rights, which may affect their protection in cases of domestic violence." (OSCE 2010: 205) This assumption is critical due to the traditional role women play in the gypsy cultures. They are mainly excluded from public life, often marry very early, stay at home, and care for their children. The effect of further exclusion from the judicial system in Kosovo supports their traditional roles and gives them little room to take an active part in public life.

In summary, the RAE have access to justice – understandable in the narrow concept – with some considerable constraints. Ghai and Cottrell, however, argue that access to justice means *also* "… approach, entry into; accessible includes the idea of being able to influence" (Ghai, Cottrell 2009: 3). This wider concept of access to justice would include the possibility of these three communities to take part in law-making processes. The Roma, the Ashkali, and the Egyptians, however, are under- or not represented at all in executive, legislative, or judicial institutions. Therefore, they cannot shape any law or judicial process. In effect, they are passively affected by almost all laws in Kosovo but do not have any option whatsoever to influence the process before any law has been passed.

Apart from the question of whether the RAE have access to justice, another factor impedes their ability to act in the public system in Kosovo. It is estimated that around 30-40 % of the Roma, the Ashkali, and the Egyptians living in Kosovo are not registered as residents. (Cf. Kuthan 2012: 12; HRW 2010: 40) According to Dedić,

> "… we must bear in mind that the 'original sin' … primarily lies with the national authorities, which have failed to recognize the unique position of European Roma as a 'nation without a state' and have overlooked the negative 'side' effects of the conflation of the citizenship status and of ethnic belonging." (Dedić 2007: 3)

They lack identification documents, such as birth certificates, residence or citizenship certificates, national identity cards, or passports. Personal documents were often lost or destroyed because of the war and/or the displacement to another country or within Kosovo itself. After having lived in a foreign country and having returned to Kosovo, many documents from foreign countries are not recognized by Kosovar institutions. Those RAE refugees/IDPs who return via organized return schemes have a significant advantage: They find it often easier to obtain an ID card. For instance, "… in four out of five organized RAE return sites that Human Rights Watch visited, returnees had obtained their ID cards … within a few weeks of applying." (HRW 2010: 40) Nonetheless, the majority of refugees and IDPs – no matter if belonging to the RAE communities or other majority or minority communities all over the world – returns spontaneously, not being integrated in an organized return scheme of UNHCR. If, however, the necessary documentation to prove citizenship is available and the fee paid, issuing an ID card only needs a couple of days. The problem is the financial capability of the RAE returnees, who have to pay 10 EUR for a Kosovo ID card and between 15 and 25 EUR for a Kosovo passport. This equals a significant amount for members of the RAE communities who get an average monthly income of approximately 40 EUR. (Cf. HRW 2010: 41) Apart from this, some RAE returnees are even unaware of the importance of personal documents, ignoring the devastating effects the lack of personal documents can cause:

(1) Unregistered RAE children cannot be enrolled in schools. This happens often because many RAE women – registered and unregistered – give birth outside of hospitals. As a consequence, their children lack birth certificates and are not registered as Kosovar residents. (Cf. HRW 2010: 41) This fact is very disastrous for the RAE communities because the educational level is very low.

(2) The high unemployment is forcing the RAE to take care of other financing options such as social welfare. Without possessing legal residence documents, Kosovars cannot apply for social welfare.

(3) Access to secondary health care is denied to them, too. Accessing primary health care is possible without identification papers within the Kosovar system. Yet, secondary health care, i.e. small surgeries and special or longer treatments are only available to residents of Kosovo. The lack of a financial scope further deteriorates their ability to approach private health care institutions and makes them dependent on the support of relatives, neighbors, and friends.

(4) In addition, it limits the civil rights of the RAE members, for instance when it comes to the change of their civil status in case of marriages or divorces, or elections and the right to vote. In Gjakovë/Đakovica, for example, "… many members of the Egyptian communi-

ty were unable to register to vote in the Kosovo November 2009 local elections due to the lack of personal identification." (HRW 2010: 42; cf. Kuthan 2012: 12f.)

The most serious effect of the lack of personal documents is statelessness that plays a significant role in the successor countries of the former Yugoslavia.

> "Statelessness is an issue throughout the former Yugoslavia, where it was common for people in the pre-1991 state to be born at home to unregistered parents, and to live in republics other than those in which they were born." (HRW 2010: 43)

Statelessness in the case of the RAE returnees mainly affects those RAE residing in Montenegro and Macedonia prior to their return. Often, they do not have any Yugoslavian or Serbian documents establishing prior residence in Kosovo. Many spontaneous returnees from these two Western Balkan countries end up without valid documentation because the UNHCR-issued refugee or IDP card expires. They could never acquire a real status within the host countries nor do they have any other type of documents formerly issued by Yugoslavia. "When back in Kosovo, they do not immediately know whom to ask for assistance, and can remain without valid Kosovo documents for long periods of time." (HRW 2010: 45) Statelessness in general means for the affected people that they are not under the protection of any given state in the world.[121] This effectively means that they neither have any attendant rights nor any obligations as citizens. In case of human rights violations against them, they cannot file a lawsuit because their human rights are not protected by anybody. In addition, they are neither allowed to vote in national nor in municipal elections, which restricts their ability to take part in and to shape public life. In the case of war, this situation further deteriorates: The affected people are not protected by the respective national institutions and they do not even have the possibility to cross the border and seek asylum in another state. The host state would not grant the respective person asylum because this would require the citizenship of another state. The refugee, hence, would live in an undefined status, illegally in any country in the world, breeding a situation where they do not have access to education, health care, social protection, or any other public service. This also applies to the Roma, the Ashkali, and the Egyptians in Kosovo and influences the role of the RAE in the Western Balkans and in Europe, too, as described in Chapter 6.6.1.

Concisely, the RAE are de jure equal to all other communities in Kosovo before the law. Because of limited freedom of movement and the lack of knowledge as well as of the financial restrictions, their access to justice is de facto restricted. It is of particular note that the members of the Roma community do not file a lawsuit in many cases because they are afraid of reprisals by the Albanian majority population that dominates the Kosovar legal institutions. Additionally, a significant proportion of the Roma, the Ashkali, and the Egyptians "… live[s] their lives without papers, deprived of rights, dignity, everything" (HRW 2010: 40). One of the most important rights they have been deprived of is the right to health care because the only eligibility criterion to have access to secondary and tertiary health care services is the registration as a Kosovar resident. (Caritas International 2010: 111) As mentioned before, 30-

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[121] For a discussion on statelessness in international law, its presumptions and effects, please see Van Waas, Laura (2008): Nationality Matters – Statelessness under International Law, in: School of Human Rights Research Series 29, pp. 1-504.

40 % of the Roma, the Ashkali, and the Egyptians are not registered as residents in Kosovo therefore and cannot access secondary or tertiary health care services.

In addition, "[d]istrust between the ethnic groups in Kosovo has seriously affected the provision of health services to the minorities" (Caritas International 2010: 114). The ethnic minority communities mostly use the Serbian health system. This is particularly true for the Roma minority because of their cultural and linguistic proximity to the Serbs in Kosovo. Most likely, they prefer to seek health services in the 67 primary health care centers based in minority areas, which are organized by Belgrade. In contrast to the Kosovar system, they do not need to be registered in a municipality to access Serbian health care facilities. Above the 67 primary health care centers, there is one regional hospital in Mitrovicë/Mitrovica and three parallel small hospitals in the municipality of Gračanica/Graçanicë. (Cf. Caritas International 2010: 107f.) The distribution of the HCCs poses significant challenges to the Roma community as explained in the following example from the Roma in the municipality of Gjilan/Gnjilane:

> "They are about 150 meters from the (ethnic Albanian) hospital which is in the town but they prefer to go 6 km to one of the Serbian enclaves for their health care. So again in the case of emergencies it can be very complicated." (Bloom, Hoxha, et al. 2006: 433)

Beyond that, there is no tertiary health care within the Serbian system in Kosovo. In case of severe emergencies requiring tertiary health care services, the Roma have to travel to Serbia or to other neighboring countries in order to receive proper health care, which is expensive and the travel takes a long time. Yet, the Roma still prefer to seek treatment in the Serbian institutions, primarily because Serbian health care is free of charge presuming the possession of the so-called "yellow card" (health record card). In some cases, Serbian-speaking Roma possess a "yellow card" and do not have to pay for any treatment within the Serbian health care system. (Cf. HRW 2010: 61; OSCE 2010: 203)

The Ashkali and the Egyptians, in contrast, do not have any communication problems with the Albanian personnel in the hospitals and in the primary health care centers. They access health care services in the Kosovar system, but they complain about name-calling and bad treatment in the health care centers. (Cf. Singer 2010: 19) Apart from this discrimination, the biggest obstacle for the Ashkali and the Egyptians to approach the Kosovar health care institutions is the financial barrier. Health issues are often directly related to the socio-economic situation for two reasons.

(1) Caring for one's own health means spending money on the treatment, the transportation, and pharmaceuticals. Within the Kosovar system, patients have to submit a co-payment fee which is approximately an average of 2 EUR depending on the service. (Cf. Caritas International 2010: 113) With an unemployment rate of nearly 100 %, the RAE (returnees) frequently cannot afford health care services within the Kosovar system. Some groups are eligible for free health care in Kosovo. Recipients of social welfare qualify for free health care services. However, without identification documents, the RAE can neither apply for social welfare nor for free health care services within the Kosovo system. The Returnees are not among the groups eligible for free health care. (Cf. HRW 2010: 61; Caritas International 2010: 112 list on special groups eligible for health care services provided free of charge) The RAE returnees are particularly affected due to their limited financial capabilities and the lack of understanding of the Kosovar health care system. (Cf. HRW 2010: 61)

Nonetheless, there are some positive exemptions for the RAE forced returnees coming home from Western European countries:

> "Some municipalities, such as northern Mitrovica/Mitrovice, central Obiliq/Obilic, western Gjakova/Djakovica and central Fushe Kosove/Kosovo Polje, exempt them from payments for medical services." (HRW 2010: 62)

> Into the bargain, Kosovo does not possess a public health insurance system. Therefore, poor families are not protected: In case of emergencies or severe illnesses, families can be pushed into deeper poverty than before and lead them into dependencies from external financial assistance. (Cf. Caritas International 2010: 98f.)

(2) Being limited by illness can cause an inability to work. (Cf. Tmava, Beha 2009: 18) the Roma, the Ashkali, and the Egyptians – being it stayees or returnees – are often engaged in daily or seasonal work to secure some kind of income for their families. If one family member becomes ill, the entire family is at severe risk. The treatment is often expensive and the affected family member cannot generate income anymore.

The biggest health concern for the RAE communities is the lead contamination in several camps in North Kosovo such as Zhitkovc/Žitkovac, Česmin Lug/Çesmin Llug, and Kablar/Kablare. The medical shortcomings in these camps include the lack of medicines and the limited presence of medical staff, especially in the neighborhood of the Roma Mahala where the internal displaced RAE from the camps returned to. Yet, there are some positive examples when in 2011, "… basic medication was provided to the ambulanta (health centre) in the Roma Mahalla in Mitrovicë/Mitrovica and doctors have been made available three times per week." (OSCE 2011b: 8, footnote 38) An appropriate medical treatment for the former residents, however, is still missing. (Cf. OSCE 2010: 203) Their situation in the camps is very devastating. Consequently, the Chapter 6.4 deals with it separately.

Recapitulatory, "… Roma [and Ashkali and Egyptians] are usually only able to access the most basic health services …" (ERRC 2006: 15), for which they do not need any registration and which is usually available in their immediate physical environment. In some municipalities, the RAE are deprived of any health care services as most of the Kosovar health care institutions do not exist in minority areas. Nonetheless, this does not only affect minority communities. Depending on the geographical area, the majority and the other minority communities have good or bad access to health care services – in rural areas, Kosovars often have to travel to the next institution and, hence, need more time and financial abilities to make the effort to receive treatment. (Cf. Caritas International 2010: 106)

Similarly, their access to social welfare is restricted by the lack of registration documents. Hence, the RAE returnees often do not qualify for social assistance or lose the right to it when their children turn six. In the case of qualifying for assistance from a return program, these often do not last longer than six months. Consequently, "[s]everal families have left Kosovo once again"[122] (Kuthan 2012: 13).

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[122] Original quote in French: "Plusieurs familles avaient quitté à nouveau le Kosovo." Translation by the author.

6.4   Internal Displacement in Lead-contaminated Camps

The biggest settlement of the Roma, the Ashkali, and the Egyptians in Kosovo before the war was the Fabrička Mahala in South Mitrovicë/Mitrovica[123], where around 8,000 RAE lived prior to the war. During the revenge in the summer of 1999, in Fabrička Mahala, the "… Albanians are dismantling most of the RAE homes, taking doors, windows, roof tiles and beams." (KMEG 2009: 2) In total, 750 houses were destroyed. As a result, all residents of the Mahala fled: One half of its population fled to North Mitrovicë/Mitrovica, the other half to Serbia proper. From there, many found their way to Western Europe. In addition, out of the 4,000 initially fleeing to north Mitrovicë/Mitrovica some migrated later to Serbia proper or Western Europe, too. (Cf. HRW 2009b: 26) A return of the RAE IDPs to their old neighborhood in South Mitrovicë/Mitrovica was and still is only partly realizable since the Albanians do not guarantee for the safety and the survival of the RAE returnees. (Cf. KMEG 2009: 3) In addition to this fear, the houses of the Roma, the Ashkali, and the Egyptians are almost all completely destroyed.

Because of this all-embracing destruction, a long-term solution had to be found in late 1999. The international community, represented by the United Nations Interim Mission in Kosovo (UNMIK), designed this long-term solution for the accommodation of the homeless RAE: If the IDPs do not find a durable solution within Kosovo, they shall be taken abroad for resettlement. (Cf. KMEG 2009: 2) Apart from that, a short-term solution had to be found regardless of possible long-term ideas. Since accommodation was not available for the arriving RAE in north Mitrovicë/Mitrovica, they first occupied the primary school building in the town of Zvečan/Zveçan as well as some other public buildings in the Mitrovicë/Mitrovica region. However, some Mitrovicë/Mitrovica officials intended to find a solution outside of the public buildings, especially the schools, before the new school term starts. Therefore, the international community opened three temporary camps in northern Mitrovicë/Mitrovica to accommodate the RAE IDPs.

The region in northern Mitrovicë/Mitrovica is characterized by the former largest lead production in Europe which caused severe and widespread environmental pollution with heavy metals. The industrial center of the zinc and lead production was the Trepča/Trepçë combine, which started operations in 1926 and was suspended by the UNMIK due to health concerns in 2000. (Cf. Brown et al. 2009: 288) Since then, the water, the soil, and the air show a high concentration of lead. (Cf. HRW 2009b: 22) A report from the World Health Organization (WHO) claimed in 2004 that 88.23 % of the soil in North Mitrovicë/Mitrovica is not safe for human habitation or farming. (Cf. ERRC 2005: 40) This map illustrates the concentration of lead in the region of North Mitrovicë/Mitrovica.

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[123]   The city of Mitrovicë/Mitrovica in the North of Kosovo is divided by the Ibër/Ibar river. The North is dominated by the Serbs and their institutions, including schools, health care centers, and law courts. The South is populated by the ethnic Albanians and their respective institutions.
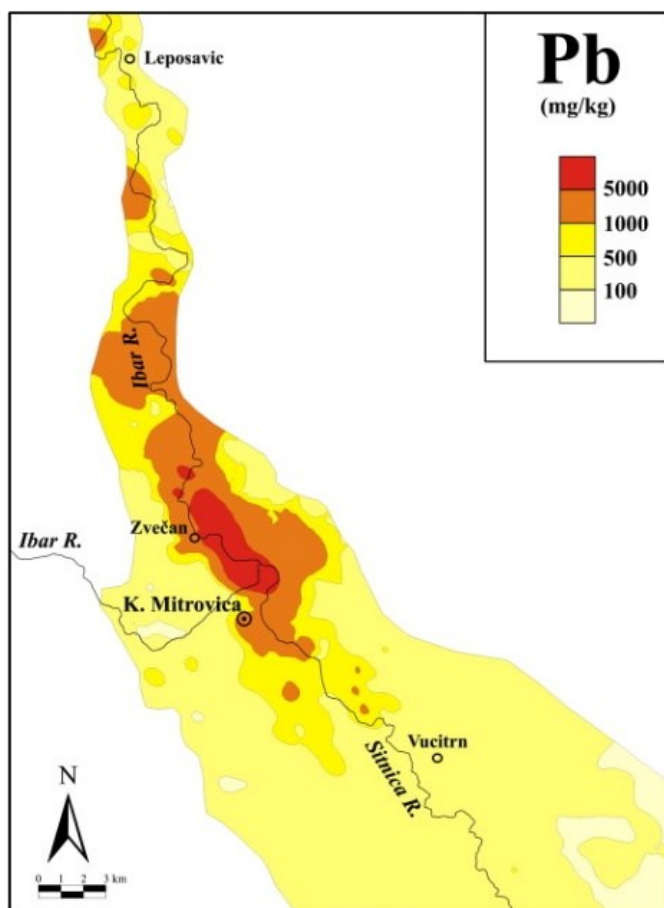
Figure 22: Spatial Distribution of Lead Concentrations in Topsoils of the Mitrovicë/Mitrovica Area
Source: Borgna, et al. (2009): The high contents of lead in soils of northern Kosovo, p. 142.

Nevertheless, the UNMIK opened three camps just across the street from the Trepča/Trepçë mine and one camp in the northern municipality of Leposavić/Leposaviq for the RAE IDPs and the returnees:

(1) Zhitkovc/Žitkovac

At the end of September 1999, the UNHCR signed a contract with the local Serbian authorities of Zhitkovc/Žitkovac to rent a plot of land for the duration of 45 days next to an abandoned lead mining site where around 800 IDPs could be housed in tents. This temporary solution was established 2 km away from the Trepča/Trepçë mine.

(2) Česmin Lug/Çesmin Llug

In November 1999, the tents in the Zhitkovc/Žitkovac camp burned down and an apartment building was constructed to house the IDPs. Because there were not enough apartments, the UNHCR contracts with the ACT (Action by Churches Working Together) to build a camp called Česmin Lug/Çesmin Llug. The shacks are 500 m away from the Trepča/Trepçë lead mines and next to railroad tracks. (Cf. KMEG 2009: 3) When these two camps were full with IDPs, who could not return to their homes in the Roma Mahala, the remaining IDPs fled to Kablar/Kablare, which is 2 km away from the lead mines.

(3) Kablar/Kablare

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"During this year [2004], many Kosovan RAE refugees return from Serbia after UNHCR says it is safe to return. When they find their homes have not been rebuilt in south Mitrovicë/Mitrovica, and that the local Albanians are still antagonistic towards them, these refugees move into abandoned shacks next to Çesmin Llug/Česmin Lug, called Kablar/Kablare." (KMEG 2009: 8) The shacks were abandoned by Serbian workers earlier on, because asbestos was discovered in the walls and roofs and high toxicity from the nearby slag heaps has been identified. (Cf. KMEG 2009: 8)

(4) Leposavić/Leposaviq

The fourth camp, located in Leposavić/Leposaviq, – the last resort for the remaining IDPs – is close to the Serbia proper, around 45 km away from the other camps in the lead-contaminated area. It was previously used as a storage facility for the Yugoslavian army. Another 300 IDPs found shelter in this camp.

The following illustration shows the approximate geographical position of the two camps Česmin Lug/Çesmin Llug and Kablar/Kablare, the Trepča/Trepçë mine, and the separating Ibër/Ibar River.
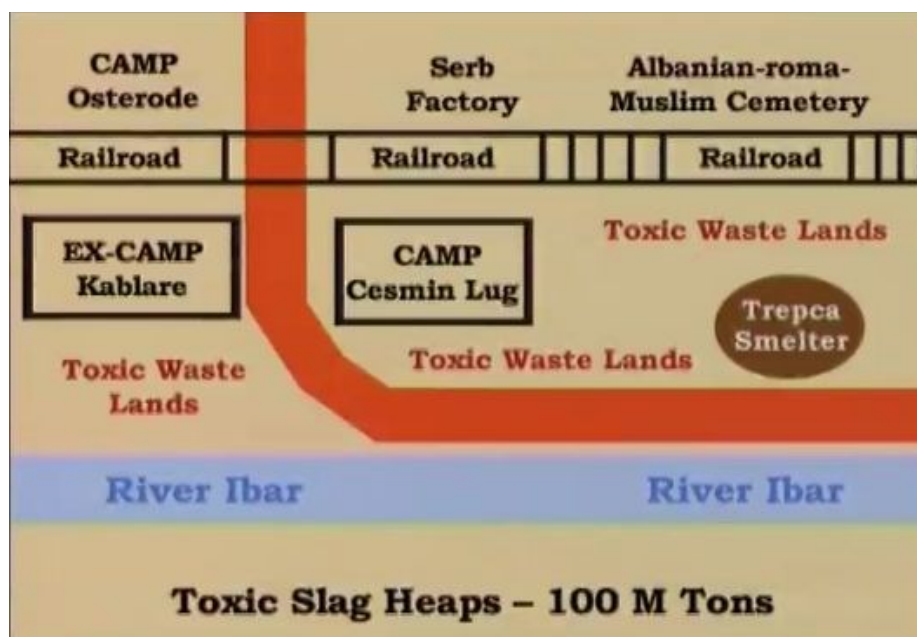
Figure 23: Geographical Position of the Lead-contaminated Camps in Relation to the Smelter and the Toxic Waste Lands
Source: Translated version of the graphics in GfbV (2006): Flüchtlingslager Osterode, online at: *http://www.gfbv.de/inhaltsDok.php?id=820&stayInsideTree=1&backlink=veroeffentlichungen_archiv_liste.php?bereich=2006*, last retrieved on 10.11.2013.

In March 2004, complaints about the children's health in the camps increased. The most complaints included daily vomiting, memory loss, poor co-ordination, getting highly nervous and then falling into a coma for several minutes. (Cf. KMEG 2009: 6) In response to these complaints, the first blood tests of the camps' children were carried out in 2004. The results were devastating: "The World Health Organization Regional Office for Europe (WHO-EURO) assessed in 2004 that 25% of children aged 2–3 years in the general population in the area had elevated ($\geq$ 10 µg/dl) BLLs[124] (WHO unpublished data)." (Brown et al. 2009: 288) These

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[124] BLL is the abbreviation for blood lead levels.

figures were even higher for the Roma, the Ashkali, and the Egyptians who lived in the three camps in northern Mitrovicë/Mitrovica – Zhitkovc/Žitkovac, Česmin Lug/Çesmin Llug, and Kablar/Kablare. (Cf. Brown et al. 2009: 288) Every child in the camps had life-threatening lead levels, frequently exceeding 65 µg/dl, which is the highest value reported by the handheld LeadCare analyzer. (Cf. Brown et al. 2009: 289) In addition, the camp residents suffered from additional health affecting problems such as poor quality food, the lack of clean and potable water, and cramped living conditions. They live in makeshift tents, huts, and metal containers (shacks), often lacking access to electricity and water within the accommodations. (Cf. HRW 2009b: 27) This increased the incidence of diseases. (Cf. KMEG 2009: 5) In 2005, hair samples of the children in the camps were taken. "Not only are some of the highest lead levels in medical history found in the children's results, but so is the presence of 36 other highly toxic elements … ." (KMEG 2009: 10)

The effects of lead contamination on the human body are multifaceted. Lead can cause damage to the nervous and reproductive systems and kidney failure. Very high levels can even cause coma and subsequently death. (Cf. HRW 2009b: 19) Furthermore, it can cause neurological and physical problems: for instance, anxiety, insomnia, anemia, memory loss, sudden behavioral changes, concentration difficulties, headaches, abdominal pains, fatigue, depression, hearing impediments, muscle spasms, disorientation, convulsions, high blood pressure, and sore or bleeding gums. (Cf. HRW 2009b: 19f.) Lead is transmitted through dust and nutrition and particularly dangerous for children and pregnant women because they can absorb lead more easily. (Cf. Mattern 2005: 13; HRW 2009b: 20) "Poor and disadvantaged populations are more vulnerable to lead poisoning because poor diet increases the amount of ingested lead the body absorbs." (HRW 2009b: 20) A favorable diet would include fresh vegetables and fruits on a daily basis – a luxury that the RAE IDPs and the returnees do not have in the contaminated camps in northern Mitrovicë/Mitrovica. Another aspect decreased the residents' health: The construction of sporting facilities next to the camps was initially meant well but turned out to be destructive for the residents, especially the children. In 2003, the UN built sporting facilities between the Česmin Lug/Çesmin Llug camp and the toxic slag heaps, including a jogging track, a basketball court, and a soccer field, called the "Alley of Health". (Cf. KMEG 2009: 6) Although the "Alley of Health" meant a good opportunity to distract children and adults and to give them something to spend their spare time with, "… exercise opens the lungs, thus allowing more toxic dust to be inhaled." (KMEG 2009: 6)

Until 2004, no medical treatment was provided to the RAE camp residents at all. From then on, they received several services, such as environmental hotspot cleanups, ongoing BLL surveillance, medical monitoring, health education campaigns on lead, improved water and sanitation, hygiene packs, and the distribution of specifically tailored food baskets. (Cf. Brown et al. 2009: 289)

> "In addition to its other benefits the education program limited the children's access to lead contaminated dust and soils which they were otherwise exposed to, as it is customary for RAE children to spend large amounts of time outside, even when they are very young. Moreover, all housing units in Cesmin Lug. [sic] Zitkovic and Kablar camps had some dirt floors which were contaminated by the adjacent mine tailings, while the Osterode facility had wood or metal floors covered with carpeting." (Brown et al. 2009: 289)

Concisely, one can record that seven years passed without any medical treatment, especially for the poisoned children in the camps. Yet, in 2006, the UN added chelation therapies[125] and an early childhood education enrichment program for all children. (Cf. Brown et al. 2009: 289) In total, 40 children were treated. All these services had a positive effect on the BLL of the children in all three camps, later on also to the children in the Osterode camp. (Cf. Brown et al. 2009: 291) Admittedly, when the medical treatment began, the chelation therapy was stopped just after its beginning because the responsible physician explained that the chelation therapy on the lead-contaminated wasteland is doing more harm than good. There were no follow-up treatments of poisoned children or adults of the camps known until today.

In 2005/2006, the international community, namely the UNHCR and the UNMIK, searched for a best short-term and a best long-term solution for the accommodation of the camp residents. The best short-term solution was the establishment of a new camp: Osterode. A few meters from the lead-contaminated camps Kablar/Kablare and Česmin Lug/Çesmin Llug, the KFOR had a French base at the Osterode camp. After the French KFOR troops abandoned their base due to health concerns, the UNMIK remodeled Osterode to house all families from Žitkovac/Zhitkovc, Kablar/Kablare, and Česmin Lug/Çesmin Llug. (Cf. KMEG 2009: 11) The Mitrovica Action Team (MAT) – a multi-stakeholder task force – developed the framework for the resettlement of the camp residents to Osterode. (Cf. HRW 2009b: 15) Osterode was intended to be another interim solution. The challenge was to persuade the residents from the other three proximate camps to move to Osterode because the camp is only 150 m away from the Česmin Lug/Çesmin Llug camp and therefore very close to the toxic slag heaps. Between March and April 2006, the camps in Žitkovac/Zhitkovc and Kablar/Kablare were closed because the residents from both camps moved to Osterode "… on the promise of better living conditions, food aid, and medical treatment." (HRW 2009b: 29) Another factor accelerating the move from Kablar/Kablare to Osterode was the fact that the shacks in this camp were burnt down so that the residents did not have any choice whether to move or not. The residents of the Česmin Lug/Çesmin Llug camp, however, refused to move to Osterode "… not believing that this temporary shift to such a close location would be advantageous from the medical point of view or otherwise." (HRW 2009b: 30) In addition to these health concerns, there are no heating facilities in the Osterode camp – contrary to the Česmin Lug/Çesmin Llug camp –, because families are not allowed to have wood burning stoves in their accommodations. This causes many children to fall sick during the winter. (Cf. KMEG 2009: 14)

The first assumptions, also made by officials, to explain the necessity of the move to the Osterode camp, state that: (1) Osterode is "lead-safer" than the other three camps because of concrete surfacing in external areas of the camp which reduces the exposure to contaminated soil found in the other camps. (2) In addition, water inside the housing facilitates regular washing. (Cf. HRW 2009b: 29)

It is quite striking that contrary to the previous assumptions, the average BLL in the Osterode camp is de facto higher than the average BLL in the camp in Česmin Lug/Çesmin Llug. (Cf. KMEG 2009: 13)

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[125] Chelation therapy is used to treat acute mercury, iron, arsenic, lead and other forms of toxic metal poisoning. Its aim is to fully remove the toxic metals from the body by administering the chelating agent intravenously, intramuscularly, or orally, depending on the agent and type of poisoning.

The best long-term solution for the displaced Roma, Ashkali, and Egyptians was and still is their return to the Roma Mahala in the south of Mitrovicë/Mitrovica. In May 2006, the Roma Mahala reconstruction project begun: Two apartment buildings with 48 apartments were constructed for those IDPs and returnees who cannot prove the ownership of property or never possessed any property in Kosovo. Furthermore, the reconstruction project included the construction of 54 single houses for those IDPs and returnees from the RAE communities who could prove the ownership of property. (Cf. HRW 2009b: 16; KMEG 2009: 13) In June 2007, around 90 families (ca. 450 individuals) returned to the Roma Mahala from all open camps, Serbia proper, and from Montenegro, but "[m]any of those who returned did not remain … ." (HRW 2009b: 30) This is because the returning Roma, Ashkali, and Egyptians are afraid to live and work there. The camp and the mahala population are transient – moving among Osterode, Česmin Lug/Çesmin Llug, and the Roma Mahala. (Cf. Brown et al. 2009: 291) Their motivation is reasonable: In the camps, they have better access to food, education, health care, and to the Serbian institutions and public services, such as Serbian social welfare, which is higher and easier to receive than the Kosovar counterpart. However, all residents wish for the return to their old homes and to their old life which is not ruled by somebody else, as is the case in the camps. In addition, in the Roma Mahala, the RAE residents are no longer exposed to the high lead concentration anymore.

Summing up, the temporary solution to accommodate hundreds of IDPs and returnees in Mitrovicë/Mitrovica, contemplated for 45 days only, became a durable solution for the Roma, the Ashkali, and the Egyptians who could not return home anymore. In 2011, the camp Česmin Lug/Çesmin Llug was finally closed. (Cf. OSCE 2011b: 10f.) The camp in Osterode was finally closed in December 2012. The remaining residents were resettled either to the Roma Mahala in Southern Mitrovicë/Mitrovica or to multi-ethnic neighborhoods in the northern part of the city. (Cf. Secretary General 2013-02: 8)

Nonetheless, by the end of 2008, 78 Roma, Ashkali, and Egyptians had died in the camps[126] "… their lives foreshortened by the severe damage caused to their health by toxic conditions in the camps." (KMEG 2009: 15)

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[126] No official data exists, there are only estimates made by Paul Polansky (representative of the Society for Threatened Peoples – GfbV) who advocates the camp residents since their establishment at the end of 1999. (Cf. KMEG 2009: 15)

6.5 The Strategy for Integration of Roma, Ashkali and Egyptians

Summarizing the precedent chapters, it becomes apparent that major challenges in the integration of the Roma, the Ashkali, and the Egyptians, particularly after their return from abroad, still prevail. Yet, the Kosovar institutions realized these challenges and worked out the "Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo". On 24 December 2008, this Strategy was approved by the Kosovar institutions, covering the period between 2009 and 2015. Its aim is to foster the integration of three of the most vulnerable peoples in Kosovo. The main responsibility of its implementation has the Office of the Prime Minister (OPM). A further responsibility has the Working Group which is meant to co-ordinate governmental/donor investments. The political body – the Committee – is supposed to ensure the co-ordination between governmental and non-governmental activities. In this Strategy, the authors identified sectors, which need special attention dealing with the social, economic, and political integration of the RAE.

Two years after its adoption, the Strategy gained support by the Action Plan that specifies the sectors and defines measurements and indicators to analyze the success or failure in a particular area. In 2010, however, the Action Plan could not start appropriately due to the late application for funding and the late appointment of representatives which did not occur until mid-2010. (Cf. OSCE 2011b: 2f.)

The Strategy and the Action Plan are divided into eleven sectors: anti-discrimination, education, employment and economic empowerment, health and social issues, housing and informal settlements, return and re-integration, registration and documents, gender issues, culture, media and information, political participation and representation, and security (policing). This chapter aims at showing the common grounds between the findings of the Chapters 6.3 and 6.4, thereby focusing on selected sectors.[127] As the return of refugees is the main topic of this paper, it is the first sector analyzed within the Strategy and the corresponding Action Plan. Afterwards, the order of the Chapter 6.3 will be followed within the analysis of the Strategy.

6.5.1 Return and Re-Integration

The first priority within the Strategy's sector on return and re-integration is the collection and the procession of information on voluntarily and forcibly returned Roma, Ashkali, and Egyptians. (Cf. Action Plan 2010: 78f.) According to information of the OSCE, the Ministry for Communities and Return (MCR) and the Ministry of Internal Affairs (MIA) collect data on voluntary returnees and repatriated persons from these three communities. (Cf. OSCE 2012a: 25)

Beyond this data collection, the Action Plan foresees the establishment of a working group who reviews the funds allocated for returnees and ensures the accomplishment of the needs of repatriated individuals from the RAE communities. (Cf. Action Plan 2010: 80f.) Unfortunately, no body dedicated to the return policies and to the support of the returning RAE communities has been established so far. (Cf. OSCE 2012a: 26)

The institutions of Kosovo want to further guarantee that refugees and IDPs can return to their place of origin by organizing ad-hoc reception and accommodation for forced returnees, using

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[127] The sectors anti-discrimination, gender issues, culture, media and information, and political participation and representation were not analyzed thoroughly in this dissertation. These areas can be understood as background factors that play a role in each relevant sector, but cannot be explicitly discussed in this paper.

property of the Kosovo Property Agency (KPA). (Cf. Strategy 2008: 53) In addition, the "… KPA in cooperation with Kosovo Police undertakes steps to free properties, from illegal occupants, which belong to Roma, Ashkali and Egyptian families communities [sic] when these are illegally occupied" (Action Plan 2010: 85) so that refugees have a place to return to. So far, the implementation of judgments of property claims is not successful. It is not known whether there have been any improvements due to the Strategy or the Action Plan.

The OSCE states that the "… lack of *de facto* assistance in the areas of housing, schooling, and economic opportunities …" (OSCE 2012a: 28) did not change within the recent past and still has serious consequences on the sustainable integration of the RAE refugees into Kosovo's society.

Regardless, there are some remarkable positive developments within this sector: The MCR contributed to the refurbishment and reconstruction of houses for approximately 160 RAE families, the delivery of support packages, and the implementation of small scale projects. The MCR further donated 200,000 EUR for housing support in the Dubravë/Dubrava neighborhood in Ferizaj/Uroševac and provided an accommodation for a week to 47 RAE returnees as well as transportation to the municipality of origin to 74 RAE persons, who were forcibly repatriated. (Cf. OSCE 2011b: 5f.)

6.5.2 Security and Police Services

In order to increase the effectiveness of the Kosovo Police (KP) in preventing and addressing crime and conflict within and against the Roma, the Ashkali, and the Egyptian communities, the Action Plan proposes to conduct a study on the typology of crimes and conflicts in the three communities as well as the percentage of crimes addressed and resolved. "While the OSCE is not aware of any survey undertaken to assess how crime affects Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in particular, or any specific needs of the three communities in relation to addressing crime-related problems, a basis for data analysis does exist" (OSCE 2012a: 38), because the Kosovo Police database segregates cases by community and by crime.

In 2011, the Kosovo Police adopted a new "community policing concept", in which each police station is divided into geographical sectors to build close relationships with the communities in this area and to increase their safety and their safety perception. (Cf. OSCE 2012a: 39) Apart from this new concept, there are no concrete response mechanisms to violence within and against the RAE communities.

The two papers further envisage the encouragement of the Roma, the Ashkali, and the Egyptians to apply to serve in the Kosovo Police, especially in the areas where a large proportion of the RAE lives. (Cf. Strategy 2008: 75) The number of police officers from the RAE communities is currently extremely low at around 1 %. Until 2015, 3 % of the newly recruited officers should belong to these three communities. (Cf. Action Plan 2010: 111) Despite several information campaigns on the application procedures and the encouragement of members of the RAE communities, the success in hiring them as police officers remains very limited. This is mainly due to the lack of candidates, who graduated from secondary school, which is one of the most important conditions of employment. (Cf. OSCE 2012a: 40)

Briefly, there is no remarkable progress related to the security situation of the Roma, the Ashkali, and the Egyptians. Refugees, hence, cannot freely decide where to return to because of-

ten their municipalities of origin seem to be too insecure for them. If the new "community policing concept" will succeed in considerably changing this situation, it will only show up in the next years. Nonetheless, it needs stronger support from the Kosovar institutions and especially far more concrete measures that go beyond the implementation of this concept.

6.5.3 Housing and Informal Settlements

The first objective within this sector targets the housing situation of the Roma, the Ashkali, and the Egyptians living in collective centers and inappropriate housing conditions. The first priority of the Strategy and the Action Plan is to find a sustainable housing solution for families living in the camps of Česmin Lug/Çesmin Llug, Leposavić/Leposaviq, and Osterode. This is consistent with the closure of all three camps until the end of 2012. According to information from the OSCE Mission in Kosovo, Leposavić/Leposaviq is still open and a handful of families are still in need of a sustainable housing solution. The Action Plan further plans to conduct a study on the housing conditions and the socio-economic state of the Roma, the Ashkali, and the Egyptian communities, especially in the informal settlements. Until today, no study has been conducted on this matter.

Due to the lead-contaminated camps in the municipality of Mitrovicë/Mitrovica, the construction of social housing is particularly necessary in this municipality. The municipality is responsible for the allocation of land for social housing. The Ministry for Communities and Return encouraged this municipality to grant a 99-year land allocation in the Roma Mahala in South Mitrovicë/Mitrovica to the Roma and the Ashkali in the lead-contaminated camps in the North. "However, the municipality failed to make the commitment." (OSCE 2011b: 6) Nonetheless, there are some improvements of the housing situations of residents in informal settlements. In the Ali Ibra/Kolinija settlement in the Gjakovë/Đakovica municipality, 140 Roma, Ashkali, and Egyptians were resettled from socially owned land to 3.85 hectares of municipal land allocated by the Gjakovë/Đakovica municipal assembly worth 50,000 EUR. (Cf. OSCE 2011b: 5f.)

The Strategy further intends to regulate informal settlements. In the past, activities such as a conference on informal settlements, a public awareness campaign, and the creation of a common "Working Group on Informal Settlements" dominated the regularization debate. Admittedly, only two informal settlements in the municipalities of Mitrovicë/Mitrovica and Vushtrri/Vučitrn could be actually regularized in 2003. Since then, no progress could be assessed. The new initiative, a "Strategy on Identification and Regularization of Informal Settlements", started in March 2010. (Cf. OSCE 2011b: 5) The study focuses on the regularization of settlements in case where they occupy public, state, or socially-owned land. (Cf. Strategy 2008: 40ff.) This is particularly important when the land is not hazardous and can be easily connected to the municipal infrastructure. In these cases, affirmative measures should be used to provide the residents with an appropriate housing solution. These are, among others, land use allocation, land swaps, de facto recognitions, and the provision of infrastructure. (Cf. Strategy 2008: 43)

In addition, the refugees and the IDPs, who lived in now destroyed settlements, shall be entitled to some of these affirmative measures because "[c]onflict related destruction of informal settlements shall in no case lead to further segregation of Kosovo Roma, Ashkali and Egyptian communities. … the relevant authorities shall always respect former inhabitants [sic] *right to return home as a priority*." (Emphasis added, Strategy 2008: 43) If the reconstruction

of informal settlements is not possible, former residents shall be entitled to compensation or alternative housing. Anyway, as of September 2012, the "Strategy on Prevention and Regularization of Informal Settlements has still not been approved …" (Cf. OSCE 2012a: 24). The Kosovar institutions did not carry out any housing needs assessments either. "At the local level, by the end of 2011 18 municipalities had provided positive examples of ongoing regularization of informal settlements." (OSCE 2012a: 24) Nonetheless, the other 20 Kosovar municipalities have either not even started or are still in the drafting process of regularization initiatives.

In conclusion, there is a modest progress in the field of the regularization of informal settlements, particularly at the municipal level. In addition, the most inhumane and devastating situation of the Roma, the Ashkali, and the Egyptians living in lead-contaminated camps has not been solved yet.

6.5.4 Education

The Kosovar institutions are well aware of the grievances related to the access to and the quality of education for the RAE children. In consequence, the Strategy includes an education component with four main objectives illustrated in this figure.

Education Objectives	Indicators of Measurement
Improvement of participation in & quality of education	■ Inclusion of staff and children in pre-school and primary school, increased number of children completing school, training of teachers ■ Assistance for children receiving aid from welfare schemes ■ Instruction carried out in Romani language
Prevention of discrimination and segregation	■ Cases of discrimination and segregation are reported and made public ■ Number of cases of discrimination is significantly reduced ■ Educational staff is familiar with the importance of preventing discrimination and segregation of the RAE communities
High quality & efficient cooperation between institutions	■ Cooperation between schools and their communities and parents respectively, incl. educational and cultural events to preserve the communities' various cultures ■ Adequate representation of RAE communities in the school boards and in the PTA[1]
Increasing awareness	■ Reducing cases of unfair treatment ■ Awareness raising of the importance of education ■ Increased activities in the school-community relation

[1] PTA = Parents-Teachers Association

Figure 24: Education Objectives and Indicators of Measurement from the Strategy for the Integration of the RAE Communities into the Educational System
Source: Own compilation according to MEST (2007): Strategy for Integration of Roma, Ashkali, and Egyptian Communities in Kosovo – Education Component 2007-2017, pp. 22-38.

Scholars and stakeholders concluded that low levels of education and illiteracy among the RAE communities are one of the key reasons for their inadequate inclusion into the society. Thus, the first objective of the Strategy's education component aims at *improving the participation in and the quality of education for members of the RAE communities*. One specific program aims at reaching a better integration of the RAE children returnees from the diaspora by offering different activities. These include intensive six month-courses organized for children who have lived abroad offered in the language of instruction chosen for further education in Kosovo. These courses will not only serve language purposes but in fact help the children

getting familiar with the culture and the traditions of the country that they only know from the distance. According to OSCE information, five municipalities have carried out ad-hoc initiatives, but there is no "… systematic or widespread use of 'catch up' or intensive classes aimed at assisting Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities children's participation in the education system." (OSCE 2012a: 12)

The activities carried out within this special program further include the identification of the families, which returned from abroad, the design of integration programs, and the recognition of school documents. In addition, an organized system is set up for their inclusion into the regular schooling after the transition phase within the six month special program. Furthermore, the RAE children shall receive free textbooks and other didactic resources. (Cf. MEST 2007: 39) According to Human Rights Watch, "[t]he pilot phase of this nationwide initiative began in September 2010." (HRW 2010: 58) Until 2011, there are some observable improvements, e.g. free textbooks were provided to 3,399 Ashkali, 1,067 Egyptian, and 941 Roma primary school pupils in the school year of 2009/2010, (Cf. OSCE 2011b: 4) but the full implementation of all activities related to the integration of returnee children is still pending.

One major drawback for the Roma children is the fact that there are no classes in the Romani language. The MEST wants to include the Romani language as a subject in primary and secondary schools. In June 2010, the MEST endorsed a Roma curriculum including selective classes on the Romani language (grammar), the culture of the Roma, the Ashkali, and the Egyptians, and their history in the school year of 2010/2011. On 2 July 2010, the MEST launched a tender for the development of relevant textbooks to teach these subjects and furthermore identified 25 teachers for these optional subjects. Yet, they did not receive any training in preparation for the classes they are obliged to teach. (Cf. OSCE 2011b: 4) In summary, "… while a Romani language curriculum has been developed, children are still without these classes, lacking trained teachers or textbooks" (OSCE 2012a: 5).

In addition, the Strategy aims at setting up grant schemes for the RAE children. The MEST currently funds books for children of the families, which are eligible for social welfare, organizes catch-up classes for the RAE students in 9 out of 30 municipalities, and gives monthly stipends to 75 RAE primary school students and 25 high school students with good academic results. (Cf. HRW 2010: 59) For the school year 2009/2010, 158 students and 44 college students from the RAE communities received scholarships in the amount of 150 EUR from a return project. (Cf. OSCE 2011b: 4)

The second objective implies the prevention of discrimination and segregation in the system of education. Therein, educators and education officers will be trained to eliminate prejudices against the RAE in the school system.

The third objective deals with the assurance of high quality and efficient cooperation between the relevant institutions and organizations for the benefit of better education for the RAE. One activity is, for instance, the engagement of the police in creating a safe environment for the RAE communities because the parents often hesitate sending their children to school due to a lack of safe conditions on their way to and from the school as well as within the school itself. Furthermore, various programs are offered to reduce illiteracy through institutional support.

The last and fourth objective is increased awareness among the RAE communities about education. Awareness-raising is one of the municipalities' main tasks within the education component. As of 2011, however, only 4 out of 38 municipalities in Kosovo organized awareness-raising meetings. They took place in the municipalities of Prizren, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, and Gjilan/Gnjilane to encourage the parents to enroll their children in school. (Cf. OSCE 2011b: 4) Other activities that are planned to fulfill this objective include the organization of extracurricular sports and cultural activities, the review and writing of school textbooks, and the promotion of values, heritage, and the identity of the RAE communities. Although the MEST states: "There is a positive climate for affirmation of cultural values of the communities" (MEST 2007: 38), the awareness-raising among the RAE communities is one of the most neglected challenges and leads to the fact that the RAE returnee children often drop out of school and sometimes do not even finish the primary school.

6.5.5 Employment

The Strategy wants to "… create strong linkages between school education and employment possibilities for the three communities, including measures to facilitate transfer from school to work." (Strategy 2008: 29) This assumption supports the Chapter 6.3.2 of this dissertation on the strong linkages between school education and employment. Despite creating these linkages, there are no concrete suggestions within the Strategy of how to implement this objective. Furthermore, the Action Plan does not even pick it up anymore.

The primary focus of the Strategy's and the Action Plan's employment component is the increase of employees from the RAE communities in the private economy through different policies that promote employment and self-employment. Accordingly, the Strategy proposes to establish a framework for the integration of the RAE in the private sector. (Cf. Strategy 2008: 30) This study on fiscal incentives for private enterprises to employ the RAE was supposed to be finished in 2010. (Cf. Action Plan 2010: 46ff.) Yet, "… from the information available to the OSCE, none of these studies or assessments have been undertaken" (OSCE 2012a: 18). Despite the unfinished study, the Strategy expresses some concrete measures to increase the number of the employed RAE in the private sector such as tax incentives, wage subsidies for companies employing the RAE, and contract compliance. (Cf. Strategy 2008: 30f.) Contract compliance means that public contracts are only given to private enterprises that employ a fair share of members of the RAE communities. The Strategy, however, only refers to "a fair share" or "x-percentage" not naming a definite percentage yet. The Action Plan foresees a time span of five years to establish specific rules, such as this definite proportion, but nothing is known about any progress yet.

The Strategy and the Action Plan further suggest creating measures to facilitate the transfer from informal to formal work as many RAE are currently working in the informal sector without a contract or any other protection mechanisms. (Cf. Strategy 2008: 32; Action Plan 2010: 51) This transition is particularly difficult since 40 % of the RAE are not registered in Kosovo and, for this reason, do not have a permit to officially work in Kosovo. On that account, the Action Plan asks to conduct a study on the informal economy of the RAE communities, including the review of possibilities of its transformation to the formal economy. This

study was supposed to be finished in 2011. According to OSCE information, no study has been undertaken yet.

In fact, in July 2011, the OPM published a three-year strategy on economic development without referring to the different circumstances and needs of the different Kosovar communities. In addition, the Ministry of Labour and Social Welfare (MLSW) adopted an Action Plan for the implementation of its Sectoral Strategy (2011-2013) in February 2011 without addressing the communities either. (Cf. OSCE 2012a: 18) In short, the MLSW has not drafted a specific employment study as it was supposed to foster the economic integration of the Roma, the Ashkali, and the Egyptians in Kosovo. Instead, it has enacted some mitigating measures to facilitate the employment of RAE individuals. (Cf. SOROS 2011: 44)

Another well-constructed idea is to "… support/encourage Micro Finance Institutions to create micro-credit schemes or grant programmes specifically for Roma, Ashkali and Egyptian communities …" (Strategy 2008: 31) or to integrate the RAE communities into existing programs taking into account their specific needs. The Action Plan suggests undertaking concrete measures to decrease taxes and duties to the RAE businesses. One specific proposal is to release the RAE entrepreneurs from taxes in the initial years of business. (Action Plan 2010: 48) All these measures were supposed to be implemented by 2010, but there is no information on any progress yet.

The second objective of the employment sector deals with the encouragement, preparation, and support of the RAE for their inclusion in agricultural activities. This objective is further specified in the Action Plan, proposing to "[i]dentify and select individuals from the three communities interested to benefit from the MAFRD [Ministry of Agriculture, Forestry, and Rural Development] project fund in the following areas: Agriculture; Livestock; Beekeeping, etc." (Action Plan 2010: 51) Additionally, members of the RAE communities shall be included in seasonal projects, forestation, or as forest guards. All these measures were supposed to be implemented in 2010. Yet, there are only some minor improvements such as the seasonal employment of 50 RAE from the Ali Ibra/Kolonija settlement in Rahovec/Orahovac. (Cf. OSCE 2011b: 8)

The third objective aims at increasing the level of employment of some RAE individuals in public works. The goal is to employ no less than 3 % of the Roma, the Ashkali, and the Egyptians in public companies throughout Kosovo. In addition, exclusive employment for members of the RAE communities such as in the construction of sewage, sanitary knots, roads, irrigation systems, and for the improvement of housing conditions shall be developed. (Cf. Action Plan 2010: 58) Positive examples are the municipalities of Fushë Kosovë/Kosovo Polje, Obiliq/Obilic, Novo Brdo/Novobërdë, and Istog/Istok where the Roma, the Ashkali, and the Egyptians are engaged in the reconstruction work of houses in the RAE settlements. In addition, in Prizren, some RAE are employed in a cleaning company. Some RAE are further employed in public utility companies where their salaries are jointly paid by the municipality and external donors. For instance, the public utility company "Uniteti" from Mitrovicë/Mitrovica employed 20 Roma and Ashkali residing in the Roma Mahala. (Cf. OSCE 2011b: 8)

Summarizing, this is a small progress in some advanced municipalities, but the OSCE Mission in Kosovo claims, "… such initiatives were largely sporadic and short-term, and the efforts were not concerted or sustainable." (OSCE 2012a: 18) The MLSW did not manage to establish a Kosovo-wide program, which defines measurements and incentives for the Roma, the Ashkali, and the Egyptians as well as potential employers to integrate them into the economy.

6.5.6 Registration and Documents

The lack of registration documents is a particularly devastating problem for the RAE returnees. It is therefore of utmost importance to strengthen the cooperation among the institutions of Kosovo and the institutions of the host countries to enable an easy registration of returnees and repatriated persons immediately after their arrival in Kosovo. (Cf. Strategy 2008: 60) The Kosovar institutions commit to recognize the following documents from foreign states to facilitate the registration process: school certificates and diplomas, birth certificates, health certificates, and employment and pension certificates. (Cf. Action Plan 2010: 88)

In order to improve the legal situation of the three communities, the Strategy recommends to introduce "flexible measures" and "windows of opportunities", in which standard procedures are replaced by flexible mechanisms to help the returnees getting ad-hoc access to public services when they need them most. (Cf. Strategy 2008: 59) Another idea to register the RAE in Kosovo is the use of witness procedures for identity (Cf. Strategy 2008: 59) and "home-to-home" awareness campaigns (Cf. Strategy 2008: 60; Action Plan 2010: 90). A more prevalent approach is the following one: "All municipalities declare once a year the free of charge civil registration month, for unregistered persons and children born outside the health care system." (Action Plan 2010: 89)

A common problem within the sector of registration and documentation is that every municipality within Kosovo can decide on the registration regulations and in particular the registration fees. On that account, the relevant authorities shall define "… a modest and harmonised range of minimum and maximum rates …" (Strategy 2008: 59) for each registration process such as the change of the civil status to avoid disproportionate fees in different municipalities.

One can positively summarize that there are improvements in the registration sector. The Civil Rights Program Kosovo (CRP/K)[128] provides free legal assistance to the members of the RAE communities, who lack – more than any other community in Kosovo –personal documents because they have less contact to local authorities and face bureaucratic barriers in the application process. Until 2010, the CRP/K has helped over 5,000 displaced persons to register themselves in Kosovo. (Cf. HRW 2010: 42f.) In August 2012, the UNHCR through the CRP/K, launched a six-month awareness campaign regarding the importance of the registration of newly born babies. A number of municipalities[129] have further taken steps to facilitate

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[128] The Civil Rights Program Kosovo was founded by the Norwegian Refugee Council (NRC) in 1999. It now functions as an independent non-governmental organization and is an implementation partner of the UNHCR. CRP/K provides free legal assistance and counseling for returnees, asylum seekers, displaced persons in Kosovo, and persons at risk of statelessness. For further information, please see their web site: *http://www.crp kosovo.org/,* last retrieved on 26.12.2013.

[129] These are, for instance, Mitrovicë/Mitrovica, Skenderaj/Srbica, Kamenicë/Kamenica, Štrpce/Shtërpcë, Prizren, Klinë/Klina, Istog/Istok, Gračanica/Graçanicë, and Lipjan/Lipljan.

civil registration processes, especially for the members of the RAE communities. (Cf. OSCE 2012a: 30)

At the national level, a positive development was the "… issuing of Circular No.123 on 15 March 2012 by the MIA instructing the waiving of late birth or death registration fees for members of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities for a period of up to one year" (OSCE 2012a: 30). Nonetheless, apart from the few municipal activities[130], which are merely sporadic and geographically restricted, and the work of the CRP/K, the relevant national authorities did not harmonize the municipal registration regulations yet.

6.5.7   Health and Social Issues

"In practical terms, the OSCE is not aware of any co-ordinated measures to undertake health care outreach for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, or to raise awareness of health and social rights and entitlements among these communities …" (OSCE 2012a: 19) despite the objectives the Strategy and the Action Plan have set out.

The first objective aims at assessing the health conditions of the three communities through the collection and the analysis of data. To reach this objective, a working group has been established who, unfortunately, only met once since its establishment and "… none of the activities … have been implemented, including the publication of a survey and the creation of a database of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' needs …" (OSCE 2012a: 19). However, the ongoing preparation of the Health Information System database on persons in Kosovo will help cover this lack of data because it takes into account the different ethnic communities and their needs. This database is supposed to be completed in 2014. (Cf. OSCE 2012a: 19)

The Strategy further suggests conducting health care education about all relevant topics, including the preparation of food and the quality of water in the settlements. (Cf. Strategy 2008: 36f.) In the recent past, the Ministry of Health (MoH) in cooperation with UNICEF prepared "… two sets of educational materials containing information on healthcare in the Roma language." (SOROS 2011: 41) In addition, a few health and vaccination campaigns and several other outreach activities targeting the RAE communities were conducted at the municipal level.[131] These are, again, only sporadic efforts but there is no Kosovo-wide sustainable program that includes all members of the RAE communities as well as all relevant topics to improve their health holistically.

The second objective is the improvement of the quality of health services for mothers and children. The Action Plan suggests establishing a basic service package for pregnant women, which includes antenatal care, tetanus immunization, folic acid and iron treatment, treatment of anemia, treatment of intestinal parasites as well as supplement of vitamin A, the delivery, and the postnatal care. (Cf. Action Plan 2010: 62) So far, this basic service package for preg-

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[130]   For an extensive list of the municipal activities, please see the OSCE Mission in Kosovo (2012c): Access to civil registration in Kosovo, p. 8f.

[131]   For examples please see OSCE (2012a): Contribution to the Progress Review of the Action Plan of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in Kosovo, 2009–2015, p. 19, footnote 58.

nant women has not been implemented. In fact, there are no specific activities to support mother and child health or reproductive health aimed specifically at the RAE women and children yet. The only improvement can be found regarding the registration of newly born infants. Through registration, the babies have access to key health care services such as vaccinations. (Cf. OSCE 2012a: 20)

In order to create quality and sustainable hygiene and sanitary conditions and a healthy environment in the housing of the RAE families, the RAE settlements should have access to potable drinking water, a sewage network, and waste disposal mechanisms. (Cf. Strategy 2008: 35) Moreover, "[t]he Ministry of Health, within its competencies, shall wherever it deems to be necessary ensure that the land on which the settlements of the communities are located are not polluted and hazardous." (Strategy 2008: 36) As mentioned above, several RAE families still live in lead-contaminated settlements in the North of Mitrovicë/Mitrovica. The MoH should start an immunization campaign and periodically control the health status of the current and the former residents of the lead-contaminated camps as well as the quality of the drinking water in all settlements. (Cf. Strategy 2008: 36; Action Plan 2010: 68) The "… OSCE is only aware of regular checks being undertaken in Mitrovicë/Mitrovica, where specific challenges are faced" (OSCE 2012a: 21). In this municipality, due to the special circumstances, a lot has been done regarding health care. For instance, a health clinic was opened in the Roma Mahala in South Mitrovicë/Mitrovica and two Roma and Ashkali residents are trained as health facilitators to support their communities. (Cf. OSCE 2012a: 21f.) Yet, no specific resources were allocated to offer medical treatment to the former camp residents. (Cf. OSCE 2011b: 6) In addition, there were no regular checks of the quality of drinking water and the health status in the other RAE settlements throughout Kosovo. Hence, the goal to increase the number of visits of medical personnel in the RAE settlements (Cf. Strategy 2008: 37) could not be reached either.

The last objective within this sector deals with the provision of social services and aims at incorporating members of the RAE communities into social services through the distribution of information as well as the inclusion in the social assistance scheme and other service schemes. The Action Plan sets the goal of 2,075 RAE families to be provided with social assistance by 2015. (Cf. Action Plan 2010: 69) According to OSCE information, this goal was already reached in 2010: "As of July 2010, the MLSW provided social assistance support to 2,252 Roma, Ashkali and Egyptian families, including an exemption from paying electricity bills up to a certain amount." (OSCE 2011b: 5) In addition, between January and June 2010, 20 RAE families benefited from an emergency social assistance worth 100 – 300 EUR per year for families living in especially deteriorating conditions. (Cf. OSCE 2011b: 5)
Apart from the direct social assistance, the relevant authorities were asked to reconsider the definitions of eligibility criteria for social assistance with the objective of including the RAE communities more than before into the social schemes and evaluating the allocation procedures. (Cf. Strategy 2008: 38) This approach has not been taken up again in the Action Plan and nothing has been done so far in this direction.

6.5.8   Summary and Preliminary Conclusion on the Strategy

Summarizing, the Strategy and the corresponding Action Plan are a try to meet the challenges the Roma, the Ashkali, and the Egyptians face in their daily lives. It aims at establishing a multi-cultural society, where every member of the society has equal opportunities. It is outstanding that the Strategy considers all relevant policies that have been identified in this paper as fundamental challenges to a sustainable integration of the RAE returnees into the Kosovar society. For instance, the Strategy highlights the strong correlation between school education and employment as carved out in Chapter 6.3.2.

Yet, Sigona argues that the "… strategy … is essentially detached from reality." (Sigona 2012: 1228) Admittedly, the Roma, the Ashkali, and the Egyptians were neither included in the creation of the Strategy nor of the Action Plan. Nevertheless, the Strategy reveals the major challenges such as the feeling of insecurity, the lack of property and hence appropriate housing solutions, especially after the return to Kosovo, the lack of interethnic relations, a low level of education, high unemployment and poverty, the lack of ID documents, and the lack of access to health and social services. These challenges actually reflect the reality of the Roma, the Ashkali, and the Egyptians in Kosovo.

However, the Strategy and the Action Plan miss concrete goals as well as reasonable timeframes and budgets in order to fulfill their strategic and operative objectives. For instance, a high percentage of requirements need to be fulfilled within the timeframe of the entire Strategy – 2009 until 2015 – without any specific deadlines. Getting back to the strong linkages between school education and employment that need to be created, neither the Strategy nor the Action Plan give any concrete advice on the creation of these linkages or on how to breathe life into these linkages. Without requesting the relevant authorities to create these linkages by providing them with specific tasks, no Kosovar institution will become active. One can even go as far as saying that no institution in Kosovo really feels responsible for the implementation of the Strategy and the Action Plan. The Working Group, established to supervise the implementation, only met once since its establishment, and did not provide the necessary reports as was supposed in the Strategy.

In addition, the Strategy lacks implementation on the national and the municipal level. The most obvious gap between a goal and its implementation can be monitored in the 15 studies that were planned to be conducted on different specific items. These studies were supposed to be the basic concept for further policies as well as initiatives for a better integration of the RAE. The fact that none of these studies has been conducted so far (OSCE 2012a: 41f.) – three years after the Strategy's adoption and three years before the end of the timeframe – shows that there is no fundament for further action. The Strategy and the Action Plan provide the authorities with some ideas but lack concrete suggestions as to how to reach the goals. According to the information collected by the OSCE Mission in Kosovo (2011b; 2012a) and SOROS (2011), there is modest progress in the sectors of return, the regularization of informal settlements, culture, and education. Anyway, there is almost no progress at all in the sectors of employment, participation and representation, and security and police services. (Cf. OSCE 2012a: 41) Thus, Sigona therefore even argues that the Strategy "… seem[s] like 'window-dressing exercises' aimed at pleasing the international community" (Sigona 2012: 1225).

In conclusion, the Strategy and the corresponding Action Plan created hope that the relevant challenges are dealt with at the highest possible level since the Office of the Prime Minister has the main responsibility. Indeed, the main challenges are addressed within the Strategy but apart from sporadic, short-term, and geographically restricted activities, the goals and objectives in the Strategy have not been reached yet. In general, "Kosovo institutions had fallen short of fulfilling their commitments, and the action of many municipalities remained marginal." (OSCE 2012a: 41) The level of integration of the returned Roma, Ashkali, and Egyptians largely depends on the municipality they return to. Some municipalities have initiated contracts with enterprises to employ members of the RAE communities seasonally or have implemented educational programs for the RAE such as catch-up classes. Nonetheless, the majority of the municipalities as well as the national authorities did not implement the activities set out in the Strategy and the Action Plan yet.

6.6   Other Factors Influencing the Return of the RAE

Apart from the specific conditions existing within Kosovo, supporting or hampering a sustainable integration of the RAE returnees, there are several other factors that significantly influence the decision on return. This decision is dependent on factors at different levels. The basic precondition for a rational decision on return is the comparison between the conditions in the home region (pull factor) – please see Chapter 6.3 on the opportunities and challenges within the return process to Kosovo – and the conditions in the host country (push factors).

The first external factor is not directly related to the conditions in the host or home country influencing the decision on return: the role of the Roma and other gypsies such as the Ashkali and the Egyptians in Europe and in the Western Balkans in particular. The Roma face the same challenges across European borders: Whether they live in Kosovo or in the United Kingdom, they face discrimination and segregation, especially in the areas of housing, employment, and education. After they were forced to leave their homes and family members, they arrived in countries in Western Europe or in the Western Balkans realizing that they had no prospects for the granting of a wider range of rights and duties that are commensurate with those enjoyed by local citizens such as freedom of movement, the access to education and the labor market, the access to public services and assistance, and family unity, among others. The long-term acquisition of citizenship in any European state seems unreachable for the RAE refugees. The reasons and background conditions for this hardship are explained in the next chapter.

The second external factor influencing the possibility of a sustainable integration of the RAE returnees into the Kosovar society is the forced repatriation of these communities from Western European countries to Kosovo. The forcibly returned RAE cannot make an informed decision about their return and cannot balance between the push factors in the host country and the pull factors in Kosovo. On top of that, they often have a smaller social network they can rely on and do not receive social assistance from (non-)governmental institutions. Their specific situation and the consequences of forced returns from Western Europe to Kosovo are explained in Chapter 6.6.2.

6.6.1 The Role of the Roma in Europe

The enlargement of the European Union (EU), especially the 2004 and 2007 Eastern enlargements, brought a large Romani population into the territory of the EU. Uncertainty persists about the current figures of the Roma living in Europe. This is because of a lack of data and the fact that many Roma do (and in the past did) not want to claim their ethnic origin since "… people are finding it wiser not to declare their membership of this minority" (Cf. Thelen 2005: 8f.) *or* they even constitute new ethnic belongings due to the predominant prejudices against the Roma within Europe. Yet, estimates range from around 2 up to 12 million. Take the lowest current estimate of two million and compare this figure with the population of the EU member states, it is apparent that 4 out of 27 current member states have less than two million inhabitants.[132] This comparison demonstrates that the Roma people accounts for a significant population within the European borders that cannot be ignored. A further issue is the high birth rate among the Roma population. Thelen claims that the birth rate is even higher than the birth rate of the lowest classes of the mainstream population in all European countries[133] (Cf. Thelen 2005: 8), thereby increasing the current figures of the Romani population in Europe. This increase would on a long-term aggravate the current, urgent challenges the Roma face in Europe.

Throughout the European history, the Roma lived separated from the rest of the society. Most likely, they were nomads, who had to travel around to look for their scattered customers in a sparsely populated region. (Cf. Thelen 2005: 14) Nonetheless, "… Roma's nomadism can *also* be understood as a permanent escape from varying intensities of persecution in the various regions." (Emphasis in original, Thelen 2005: 15f.) The insularity of some Romani communities has been a way to escape from discrimination and violence from the mainstream population and of preserving their Romani identity. Cultural differences between the Roma and the non-Roma population have prompted voluntary separation and sometimes even conflict. (Cf. Guglielmo, Waters 2005: 765)

There is an intense discussion about the status of the Roma within the EU and the wider European territory. One can differentiate between three approaches, partially complementing each other:

(1) An *ethnic minority* in each European country

Minorities within a state can be divided between national and ethnic minorities: The national minorities are minorities who have a kin state while living in another state where they form a minority, e.g. Pakistani in the United Kingdom. In contrast, the ethnic minorities do not have a kin state in support of the minorities' interests, e.g. the Sorbs or Frisians in Germany. The Romani people is not a national minority because "[i]t has no native country which feels re-

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[132] The four member states are: Malta with 416,110, Luxembourg with 524,853, Cyprus with 862,011, and Estonia with 1,339,662 inhabitants. (Cf. EuroStat 2012: Population at 1 January, online at: *http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00001&tableSelection=1 &footnotes=yes&labeling=labels&plugin=1*, last retrieved on 11.01.2013)

[133] He thereby argues that there is a correlation between the birth rate and social status among the peoples in Europe. The less the social status is, the more children are born in these families. This correlation cannot be further examined within this paper.

sponsible for it, except for some tentative steps in that direction by India under Indira Gandhi" (Thelen 2005: 36). Occasionally, they tried to become a "people with Indian origin" and discussed with Indian leaders the possibility to receive an Indian passport. Although the argument of an Indian citizenship would be very tempting, the risk of being expelled from other states as foreign citizens would be comparably dangerous. (Cf. Marušiakova, Popov 2005: 13) Differences to national minorities in European countries are threefold: The Roma are present in *all* European countries, they constitute the most disadvantaged group in all countries, and they have no territory or kin state that might support their interests beyond their host state. (Cf. Thelen 2005: 12) In the past, they were always perceived as an "ethnic" rather than a "national" minority from the mainstream population.

The political elite gave them a secondary minority status and treated them differently within the borders of their host state. (Cf. Guglielmo, Waters 2005: 765) Consequently, only a minority of the Roma outside of the borders of their country of origin could receive an official refugee status. Most likely, host states perceived the arriving Roma as stateless people, who represent a danger to their inner security. However, not possessing a legal refugee status means not being able to receive the most basic needs – from either the host state or the UN-HCR, who both almost exclusively deal with recognized refugees. Thelen therefore claims that the Roma are a *twofold minority*: an ethnic minority *and* deprived of any rights. (Cf. Thelen 2005: 28) "In the absence of a state to protect Roma rights bilaterally, the European and international level has come to be particularly important for them." (Thelen 2005: 37) This is where the second status option arises.

(2) A *transnational minority* within Europe

A transnational minority would require that the Roma in all European countries share common features and face similar challenges across borders. This is supported by the anti-Gypsyism that the Roma experience throughout Europe. The term "anti-Gypsyism" was created in the 1980s: that late because "… being prejudiced against the Roma has been accepted as normal by a large majority of the population, so that the lack of a term to cover the phenomenon went unnoticed." (Thelen 2005: 22) Thelen even argues that anti-Gypsyism – in contrast to anti-Semitism – is increasing within Europe. In addition, the Roma people are segregated and disadvantaged in most parts of public life throughout Europe. This marginalization is prevalent in all European countries and especially applies to education, employment, and housing – the same challenges the Kosovo Roma, Ashkali, and Egyptians have to face. (Cf. Thelen 2005: 27ff.)

For instance, the employment situation of most Roma is comparable across borders: Most European Roma are residents in former socialist countries and worked for public companies. With the break-up of the Soviet and the Yugoslav Republic, their work was no longer in demand. In consequence, many Roma were moved to industrial sites (such as the Roma Mahala in South Mitrovicë/Mitrovica) where "… ghetto-like housing estates emerged in industrial population centres." (Thelen 2005: 29) They were employed in the construction, civil engineering, and in the production sector. After the privatization and industrialization, many Roma did not possess the necessary qualifications to be integrated in another economic sector and became unemployed.

Another feature supporting the term "transnational minority" for the Roma is the European-wide policies that have been promoted and implemented in the past. Policies towards the Ro-

ma in Europe have long been defined by the majority population's perception of Roma as outsiders. (Cf. Guglielmo, Waters 2005: 763) They revealed a strong security-oriented bias and started as a project in order to confine the migration of the Roma from Central Eastern Europe (CEE) to the EU member states in Western Europe. The first report on the Roma from the High Commissioner on National Minorities (HCNM) of the OSCE from 1993 claimed that the aim of the Roma policies should be "… to improve the 'quality of life' in migration-producing countries … for the sake of such improvement, *but also for the reduction in pressures on international migration.*" (Emphasis in original, Guglielmo, Waters 2005: 768) Thereby, the member states of the European Union created a reasoning to establish minority protection outside of their borders although a considerable Roma minority has been already living within the borders of the EU at that time.

The Decade of Roma Inclusion was adopted for the time period between 2005 and 2015 "… to speed up the process of social inclusion and improve the economic and social situation of Roma." (Thelen 2005: 57) The four top priorities therein are education, employment, health care, and housing. Although the rhetoric and the political measurements have improved substantially in recent years, the implementation of concrete initiatives to improve the living conditions of the Roma in Europe is still falling behind. The Roma do not have a significant impact on the political stakeholders and they are not efficiently equipped to change their status and to fight against the discrimination. Müller and Jovanović argue that the underrepresentation of an estimated ten million Roma in Europe is a serious failure of democracies and that the lack of implementation of Roma policies creates a "vicious circle of exclusion", in which the Roma do not gain access to public services necessary to meet their basic needs. (Cf. Müller, Jovanović 2010: 25) Despite these common characteristics of the Roma in Europe and the common activities within European borders to change the status of the Roma and to improve their living conditions, the Roma themselves perceive them as a "nation without a state".

(3) A *"nation without a state"*

The concept of the "nation without a state" derives from the International Romani Union (IRU), which has this concept in its title. (Cf. Marušiakova, Popov 2005: 12; Thelen 2005: 42) According to Thelen and other scholars, the first criterion of a nation is the self-perception of its people, demonstrated by emotions, convictions, and values. A nation is an "imagined community", true to the motto: *What perceives itself as a nation, is a nation*. The Romani people shares a common language, history, culture, and religion; in particular the shared experience of anti-Gypsyism including the denial of fundamental rights, persecution, and displacement brought about a sense of identity and nationality among the European Roma. Admittedly, the question arises whether harmful experiences are a sufficient basis to form a nation among the Roma in Europe. Is it not also necessary for other events and identity creating commonalities such as cultural rites before a people is connected by a national feeling? Apart from these shared experiences, one of the main features characterizing the Roma in Europe is the fact that they are widely dispersed throughout the entire continent. Therefore, it is very difficult for the Roma in one country to know in detail about the circumstances, lobby groups, and political participation of the Roma in another country. The lack of media coverage about the Roma and their circumstances has a supporting impact.

In general, the goal of a nation is ultimately to form a state, except for the Roma. They never attempted to conquer a territory for them. This is partly because the Roma have a culture

without weapons[134], partly because the Roma always migrated in small groups unable to conquer a territory. (Cf. Thelen 2005: 14) Yet, there were several small attempts to found a state, too. For instance, several ideas to create an own independent state for the Roma, either in Poland (Kaliningrad), in the borderland between Romania and Bulgaria, or somewhere else emerged at the beginning of the 1990s. The most realistic and well-formed concept is a future state in Macedonia, in which long-term strategies for the future geo-political development of the Balkans are integrated as well. Another idea – apart from the state – is to gain the status of a native people (*aborigines*) in Europe. The Roma, who developed and/or supported this concept, gained much support from overseas in the USA and in Latin America. (Cf. Marušiakova, Popov 2005: 13f.) Nonetheless, none of these ideas has ever been thought out in all possible details.

It is remarkable to note that Thelen perceives the lack of willingness to found a Roma state as a step into the direction of "politics without borders". According to his assumptions, "… the Roma have already moved one step further, at least as far as it concerns their concept of a nation without a state." (Thelen 2005: 46) He calls the Roma the most European people of all who overcame the concept of nation states and feel themselves as an independent people within the borders of Europe. In contradiction to Thelen's assumptions, this paper argues that the decision not to found a Romani state was not a conscious decision made in order to overcome the concept of nation states in Europe. In contrast, the Roma were not capable of founding a Romani state because they did not have sufficient capabilities to organize themselves, they lack lobby groups supporting this idea among European political stakeholders, and there was no geographical solution where to found a Romani state without effectively changing the borders of any other European state.

Although each approach has its place, the most convincing status of the Roma in Europe related to the circumstances they are living in and the challenges they are facing in their everyday life is to see Roma as an *ethnic minority* in each European state. This becomes particularly crucial when one wants to explain their status as refugees and returnees in Europe. As an ethnic minority, the Roma do not have a state supporting their interests or accepting them into their territory in case of conflict. Rather, they are treated as non-citizens excluded from the employment market, from appropriate housing options, and from access to education and health care. The Roma, the Ashkali, and the Egyptians in Kosovo are not excluded from these challenges. In fact, the general economic situation and the socio-economic circumstances of the RAE in Kosovo are much worse than in the other Western Balkan and European countries. (Cf. Müller, Jovanović 2010: 68) In addition, the Roma fear backlash and violence because of their imagined role in the 1990s conflict. When they are living as refugees in exile, they have almost no prospects for full integration into their host country. The full integration would only be possible when a RAE refugee "… becomes a naturalized citizen of his or her asylum country" (Crisp 2004: 2). The lack thereof means that they can be deported at any time to their home region where violence and inhumane living conditions await them.

Consequently, the RAE refugees have two different options. Their first option is to return home where worse socio-economic conditions than in the rest of Europe await them. In addition, they most often have no place where to return to due to the lack of property (titles) and

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[134] In India, the precedents of the Roma people belonged to the third caste – the craftsmen and traders – who did not possess any weapons. (Cf. Thelen 2005: 12)

the lack of further housing options such as socially owned housing. In Kosovo, the RAE and the Roma in particular because of their close relations to the Serbs, have to fear backlash and violence. The second option is to stay in exile facing severe challenges in the access to basic public services, not possessing any integration prospects, and fearing to be deported at any time. Many have chosen the second option and had to deal with the consequence of being forcefully deported from Western European countries, such as Germany and the United Kingdom, to Kosovo.

6.6.2 Forced Returns from Western Europe

From January 2003 until September 2012, around 1,200 Roma, 1,800 Ashkali, and 250 Egyptians were forcibly returned from Western Europe to Kosovo. This was made possible due to readmission agreements between Kosovo and 15 European states about the repatriation of the Kosovo RAE to their home region. (Cf. Kuthan 2012: 1; Tmava, Beha 2009: 8) The countries repatriating the most Roma, Ashkali, and Egyptians are Germany, Switzerland, and Sweden. Italy, Denmark, and the Netherlands repatriated very small numbers of the RAE to Kosovo. (Cf. HRW 2010: 31)

Ethnicity	Forced Returns
Roma	1,219
Ashkali	1,802
Egyptians	256
Total	3,277

Table 11:   The RAE Forced Returns from January 2003 – September 2012
Source: Data collected from HRW (2010): Rights Displaced – Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo, p. 32.

The forced returns of the RAE began in 2003, reasoning from domestic political concerns about asylum and immigration policies as well as a lack of voluntary returns.

At the same time, the UNHCR issued the first "Eligibility Guidelines for Assessing the International Protection Needs of Individuals from Kosovo" stating that the Ashkali and the Egyptians – in contrast to Serbian- and Romani-speaking Roma – do not need general protection in Kosovo. (Cf. HRW 2010: 28) Yet, each case of forced repatriation of the Ashkali and the Egyptians from Western Europe should be decided on after a screening of the individual circumstances and the municipality of origin. Additionally, the repatriation should only take place to locations mutually agreed on. The Roma, however, were and still are considered an ethnic community in need of protection in Kosovo. Therefore, from 1999 onwards, UNMIK blocked all deportations of the Roma to Kosovo despite strong pressure from Western European countries "… except for a limited number of Roma 'males with a serious criminal record' who were allowed to be returned from 2005." (HRW 2010: 28) The figures, however, show a different picture. Some countries deported the Roma despite their need for protection claimed in the Egibility Guidelines.

From 2003 until 2008, the UNMIK screened forced returns and, to some extent, also rejected entire planes since the affected RAE returnees would not be safe in Kosovo. The Kosovo Provisional Institutions of Self-Government (PISG) adopted a readmission policy in November 2007, namely the "Strategy for Reintegration of Repatriated Persons". The Strategy enumerated necessary steps to successfully integrate the forced returnees from Western Europe into Kosovo's society. This includes assistance upon arrival, particularly temporary accommodation for up to seven days, a medical check, and the provision of further information on public services. Despite being a good guidance document, the initiatives and measurements proposed

in this Strategy have not been implemented yet due to a lack of funding and political will (Cf. HHRW 2010: 34) and "… local authorities are still sorely uninformed about their responsibilities *vis-à-vis* repatriated persons …" (Emphasis in original, OSCE 2009b: 11). Consequently, none of Kosovo's municipalities, which are responsible for the local implementation of the Strategy's envisaged policies, has established procedures to support the repatriated persons upon their return in the municipalities of origin. (Cf. OSCE 2009b: 12)

After the declaration of independence on 17 February 2008 and the adoption of the before mentioned Strategy and the corresponding Action Plan, Kosovo's new institutions took the responsibility over the forced returns. Western European countries could now repatriate RAE individuals from Kosovo without the individual screening process despite numerous concerns about mass returns. Human Rights Watch speculated, "… screening and potentially excluding people from being return to Kosovo would … 'give a bad image to Kosovo, which is something that the Kosovo authorities would not be happy about.'" (Cf. HRW 2010: 36) The Kosovar authorities therefore simplified the repatriation of the RAE to Kosovo.
Simultaneously, the Western European countries claimed that after the declaration of independence, the newly established Republic is able to care on its own for its refugees and IDPs. As a consequence, they agreed on readmission agreements on the forced return of the RAE, ignoring the precarious situation of these minorities in Kosovo. The result is a vicious circle: On the one hand, Kosovo wants to demonstrate its sovereignty and independence and, hence, accepts the repatriation of the RAE refugees from Western European countries. On the other hand, Kosovo is not able to deal with all forcibly returned refugees and cannot support them to successfully integrate them into the Kosovar society. (Cf. Kuthan 2012: 4f.)

Often, the Roma, the Ashkali, and the Egyptians living in Western European countries as asylum claimants or under a toleration permit[135] are well integrated into their host societies. The RAE children from Kosovo often do not even know their home country and attend Western European schools during their time in exile. When the Ashkali or the Egyptians are forcibly returned to Kosovo, the circumstances awaiting them are appalling: They often have neither access to appropriate accommodation or property nor can they rely on an expanded social network in Kosovo. (Cf. Tmava, Beha 2009: 7) Many repatriated RAE live in sub-standard housing with no running water and no electricity, which means they cannot heat their homes during winter times. (Cf. HRW 2010: 53) Most likely, they have less access to proper documentation than voluntary returnees who are often assisted by the UNHCR and its implementing partners. In addition, the forced returnees find it difficult to find a job in Kosovo: "Human Rights Watch did not meet a single forced returnee in formal employment … ." (HRW 2010: 69)

The background is that the vast majority of assistance is aimed at supporting the voluntary returnees. The repatriated persons, on the contrary, often remain without any assistance upon their arrival. Neither international nor Kosovar institutions support them to find their way back into the home society. (Cf. OSCE 2009b: 12) Exceptions are the Roma and Ashkali Documentation Center (RAD), which provides some basic information and assistance with

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[135] In Germany, the toleration permit is called *Duldung*, and refers to a temporary suspension of deportation according to German law.

contacting families, the URA 2 program[136] from Germany, and the Employment Assistance Program (EAS)[137] from Switzerland. (Cf. Tmava, Beha 2009: 28) Nevertheless, all these programs are not able to fill the gap created by the lack of governmental support for the forced returnees, especially due to their small budgets and limited scopes. (Cf. HRW 2010: 37) In addition, the "Strategy for the Integration of Roma, Ashkali, and Egyptians" provides some financial resources for the forcibly returned RAE. However, in most of the cases, the forced returnees do not receive any assistance at all. The reason is that the application mechanism seems to be that complex that, effectively, nobody applied for financial support in 2010. Above all, it is estimated that only 10% of the 3.4 million EUR designated for 2011 have been actually spent. (Cf. Kuthan 2012: 11)

The forcibly returned Roma, Ashkali, and Egyptians await worse conditions in Kosovo than the voluntarily returned RAE refugees. This is because at the best, the refugees or the IDPs who return voluntarily to their homes make an informed decision comparing the push and the pull factors. This means that they can balance between the conditions in the host and in the home country. This includes the possibility of reaching a better status in the host country as, for instance, an accepted asylum claim, an indefinite residence permit, or the citizenship with full access to all public services. Voluntary return means, over and above, that refugees "… *discover their social and cultural roots*, which give them the *comforting feeling of belonging*." (Emphasis in original, Ghanem 2005: 105) The return to one's own homeland meets an emotional need, which comes on top of the rational comparison between the push and the pull factors.

The forced returnees, in contrast, are deprived of an informed decision. The host government often concedes only one day to the refugees to prepare their departure. Consequently, they neither can contact relatives nor organize an apartment for their arrival in Kosovo. Their *will* to integrate themselves in the Kosovar society as well as the *likelihood* to be fully integrated decline substantially. The dependence on external assistance, which already determined their lives in exile, is reinforced, because the deported RAE returnees cannot fall back on any resources.

To sum up, the refugees who are forcibly returned – in this case from the Roma, the Ashkali, and the Egyptian communities – cannot make an informed decision about their return. They are not able to decide on whether the stay or the return is the better option for their future. In most cases, staying in exile would have been more sustainable than being repatriated to Kosovo where unfavorable conditions are awaiting them.

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[136] The URA 2 project (ura means "bridge" in Albanian) offers comprehensive return counseling and measures for the integration, care, and support of Kosovar returnees in its Return Center in Prishtinë/ Priština. This program is particularly designed for repatriates from the *Länder* Baden-Wuerttemberg, Lower Saxony, North Rhine-Westphalia, Saxony, and Saxony-Anhalt. Since 2013, voluntary returnees from Thuringia can also approach the Return Center and receive support within the URA 2 program. For more information, please see: *http://www.bamf.de/EN/Rueckkehrfoerderung/Projekt Kosovo/projektkosovo.html*, last retrieved on 10.11.2013.

[137] The EAS focuses on measures to improve the economic prospects for the returnees from Switzerland but also for stayees. Special attention is paid to the communities of the Roma, the Ashkali, and the Egyptians who suffer from their minority positions in the Kosovar society. For further information, please see: *http://www.swissinfo.ch/eng/specials/kosovo/Returning_home_to_Kosovo_with_Swiss_ help_.html?cid=29527942*, last retrieved on 10.11.2013.

> "… [I]n reality, the deportees are forced to get along on their own after their arrival in Kosovo. Besides a reliable social network (of relatives and former neighbours/friends) and financial resources, they need a pragmatic sense for reality to tackle all the problems they are confronted with." (Tmava, Beha 2009: 28)

The forcibly returned Ashkali and Egyptians are left alone in a miserable economic and social situation. Most likely, they are worse off than their voluntary returning counterparts resulting in this:

> "Most alarming was the statistic that 90 percent of forcibly returned Roma [and Ashkali and Egyptians] left Kosovo shortly after their return, as reported by UNHCR." (International Roundtable 2008: 12)

The forcibly returned persons, who decide to leave Kosovo again, have to do so through organized crime networks because they cannot immigrate legally a second time into the Schengen area[138]. Secondary displacement absolutely contradicts the conceptual framework of a sustainable return of refugees to their home country.

On top of that, forced returns create a socio-economic crisis for the RAE communities in Kosovo because they cannot access remittances sent by the RAE refugees abroad. (Cf. Strategy 2008: 48) Additionally, forced returnees challenge the often already scarce resources in the return communities in Kosovo. Into the bargain, "[r]eturning people from western countries makes [sic] the situation for the domestic RAE population worse and jeopardizes the stability of Kosovo." (Tmava, Beha 2009: 29)

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[138] The Schengen Area comprises 26 European states. It operates as a single international travel and immigration area with no border controls between these states.

6.7   Preliminary Conclusion and Policy Recommendations

Keeping in mind the definition of sustainable return, i.e. that returnees can establish sustainable livelihoods, which can be maintained without external inputs and are sufficiently robust to withstand external shocks, and that returnees are well integrated into the entire society, the return of the Roma, the Ashkali, and the Egyptians to Kosovo cannot be identified as sustainable. This illustrates the following figure.
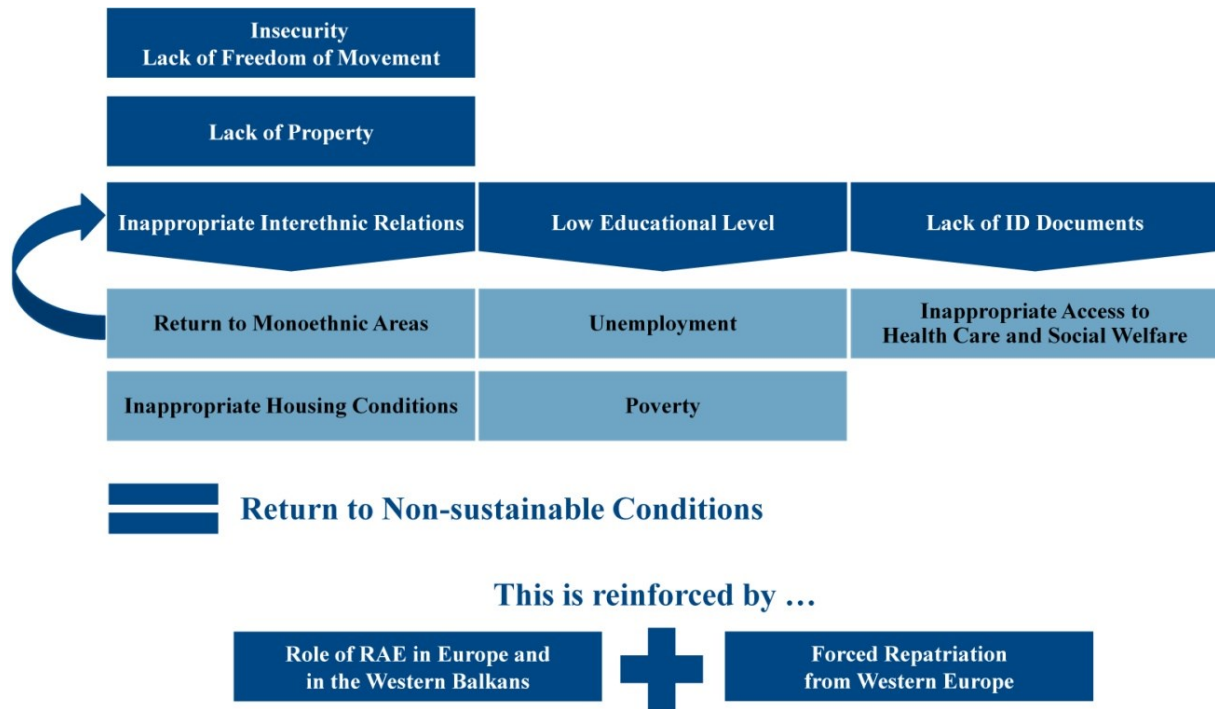
Figure 25: The Relation between the Conditions and the External Factors of the RAE Return to Kosovo
Source: Own illustration

The first subchapter reveals that the Roma, the Ashkali, and the Egyptians by the majority return to mono-ethnic areas that are not their places of origin. The feeling of insecurity, the occupation of entire former RAE neighborhoods by ethnic Albanians, the lack of property and appropriate accommodations, and poor inter-ethnic relations force the RAE refugees to return to areas solely populated by people like them. Even if it allows them to live with their relatives and friends, it excludes them from the general society and marginalizes them considerably.

The second subchapter deals with the correlation between school education and the integration into the employment market. One of the biggest obstacles to a sustainable integration of the RAE returnees into the society is the lack of education. Most RAE children only finish primary school and start working at a very early age because every hand is needed to feed the family and education is not traditionally anchored in the RAE communities. The severe consequences are that as a consequence of their low educational level, most RAE work in low-paying jobs such as drivers or cleaners, if they are employed at all. As a result, these families do not encourage their children to go to school.

The third subchapter tackled the lack of civil registration documents that disproportionally applies to the Roma, the Ashkali, and the Egyptian communities in Kosovo. Around 40 % of the RAE is not registered as residents in Kosovo. Consequently, the unregistered Roma, Ashkali, and Egyptians are deprived of the access to public goods and services such as health care

and education. The returning RAE are excessively deprived thereof because upon their arrival in Kosovo they cannot access the most basic needs.

The situation of the RAE IDPs and returnees in the lead-contaminated camps in the North of Mitrovicë/Mitrovica is particularly devastating and was explored in the fourth subchapter distinctively. Their situation is characterized by the lack of self-determination: They are forced to live in inhumane conditions with a daily aggravation of their health conditions. This is mainly because they have nowhere to go to and do not feel safe in their old neighborhood in the Roma Mahala in the South of Mitrovicë/Mitrovica.

Due to their marginalization and the poor representation in return-related institutions, the Kosovar institutions support the integration of the RAE with the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo. It is encouraging that their poor socio-economic situation has been acknowledged. However, the resulting opportunities are marginal because only a few initiatives were implemented due to a lack of budget and of political will.

The situation of the RAE returnees is further dependent on two external factors, namely the role of the Roma (and the Ashkali and the Egyptians) in the rest of Europe and the forced returns of the RAE from Western European countries. The gypsies are marginalized in all European countries. As a Europe-wide ethnic minority, they have no lobby representing their rights. As a result, the RAE refugees have almost no possibility of being integrated into their host state and society respectively.

A further issue is the forced returns of the Roma, the Ashkali, and the Egyptians from Western European countries to Kosovo. These forcibly returned RAE cannot make an informed decision about their return. They are forced to get along on their own because almost all national and international assistance is dedicated to voluntary returnees.

In conclusion, the return of the Roma, the Ashkali, and the Egyptians to Kosovo is not sustainable. Upon their arrival in Kosovo, the RAE returnees are deprived of the most basic needs such as an appropriate health care. Most likely, the RAE returnees do not find permanent employment due to their low level of education and the widespread prejudices against gypsies. This does not allow them to establish sustainable livelihoods they could maintain without external inputs. Rather, they are dependent on daily or seasonal work that rarely covers the costs to feed their families. These conditions are equal for all three communities.

Regardless, recalling the return figures of these three communities, the following picture emerges. Only approximately 11 % of the displaced Roma returned to their homes so far. Their return behavior is characterized by the relations to the Serbian community. Due to the shared language, religion, and to some extent cultural background, as well as their (imagined) role as collaborators of the Serbs during the hostilities in the 1990s, they are more vulnerable for ethnically motivated harassment and attacks. It seems that this fear dominates the basis for their decision-making. Despite the lack of integration opportunities in the host states, the absolute majority of the Roma decided against a return to Kosovo.

In contrast, despite the lack of accurate and separated data for each of the two communities, it can be estimated that around 83 % of the displaced Ashkali and around 62 % of the displaced Egyptians returned to their homes in Kosovo so far. In comparison to the Roma, this large figure leads to the conclusion that the discrimination and above all the fear thereof is less pre-

dominant among Ashkali and Egyptians than among the Roma community. As Sigona summarizes:

> "Within what a respondent termed 'a planned scenario', in which the smaller minorities do not seem to have the power and resources to challenge the rules of the game and have to play along if they want a share of the limited resources available, Albanian-speaking Ashkali and Egyptian minorities seem better positioned and more positive than the Roma – traditionally closer to the Serbian community." (Sigona 2012: 1221)

Apart from this specific challenge for the Roma community, all three communities generally have a very low reputation in the society of Kosovo.

At large, the Roma, the Ashkali, and the Egyptians play a predominantly passive role in Kosovo. They are recipients of public services, if registered as residents, and have to accept every law and decision that is being made about their lives. Accordingly, they cannot shape any law, character of an institution, or even a curriculum of a class in school. The little political participation they perform and the lack of a lobby cause them to be the forgotten communities. As Sigona puts it:

> "The 'forgotten victims' of the 1999 war … have become the forgotten citizens of the newly independent Kosovo." (Sigona 2012: 1216)

This is supported by the following argument:

> "A corollary to the compartmentalisation of RAE in a human- and minority-rights discursive and policy frame is their *de facto* exclusion from citizenry, with the Kosovo authorities feeling legitimised in not treating RAE as Kosovo citizens and political subjects, but rather as an issue for the international community to deal with." (Sigona 2012: 1223)

This argument also explains the lack of implementation of the Strategy for the integration of the RAE.

One could even argue that the Roma, the Ashkali, and the Egyptians are structurally excluded from the Kosovar society by applying the concept of "structural violence" that was developed by Johan Galtung at the end of the 1960s. Structural violence "… is built into the structure and shows up as unequal power and consequently as unequal life chances." (Galtung 1969: 171) The power to decide over the distribution of resources is unevenly distributed and some people are totally excluded from these possibilities. The extreme circumstances of the Roma, the Ashkali, and the Egyptians in the lead-contaminated camps in North Mitrovicë/Mitrovica illustrate this construct. The temporary accommodation was a humanitarian action implemented by the international community so as to protect those who did not have a home to return to. The fact that this developed into a durable solution although it was known right from the beginning that the lead contamination causes severe health issues is a first evidence for structural violence against the RAE in Kosovo. The RAE camp residents did not have the opportunity to leave the camps because neither the Serbs nor the Albanians in North Kosovo created conditions conducive to their return or to resettlement. Consequently, the RAE IDPs and returnees live for more than a decade on soil, 88.23 % of which is not safe for human habitation or farming. The lack of efforts to resettle the RAE shortened their lifespan significantly

and brought them into a dependent situation constantly exposed to a considerable risk to their health and ultimately to their lives.

In addition, the RAE are also discriminated outside Kosovo by the international community. Western European countries, which are potential third countries for the reception of refugees from Kosovo, are increasingly unwilling to accept and to integrate members of these minority groups into their societies. One famous example is the so-called *Abschiebungen*[139] of RAE from Germany[140], where many children, who only know German schools, neither speak Albanian nor Serbian, and who take part in the social life in Germany, are sent back. Please see also Chapter 6.6.2 on "Forced Returns from Western Europe" with regard to these issues. The lack of readiness to accept refugees is deeply rooted in the fact that the acceptance of the own population towards refugees decreases. In addition, as described in Chapter 6.6.1, the Roma (and also the Ashkali and the Egyptians), are discriminated and structurally disadvantaged throughout Europe. Refugees and returnees from these minority communities are particularly vulnerable, because they have even less resources and less leverage in policy-making institutions than any other member of their communities.

Yet, even outside the camps, the Roma, the Ashkali, and the Egyptians are the most disadvantaged and most vulnerable communities in Kosovo. In addition, they are sitting on the fence – being neither integrated in the Kosovar nor the Serbian system. The choice for one or the other system would cause tensions with the opposing community.

> "I believe neutrality does not exist. You have to take a side whether you want to or not, indirectly or directly. The Roma MP [Member of Parliament] took the decision to declare that Kosovo Roma support the independence of Kosovo. Such a display of loyalty contributes to earning points for the Roma who live with the Albanians. But Kosovo is a mixed community; we also have Roma living with Serbs. It is an obvious question to ask: What will happen to those Roma who live with Serbs in the enclaves or in the north of Kosovo? You get the opposite position, so neutrality does not exist." (Interview quoted in Sigona 2012: 1221)

Consequently, the Roma, the Ashkali, and the Egyptians remain the forgotten communities that live outside of both systems. This applies equally to the remaining and to the returning members of the RAE communities. In 2005, the European Roma Rights Centre (ERRC) already argued that "[t]he answer to the question whether Kosovo is prepared to accept people is 'no'" (ERRC 2005: 49). Kosovo's institutions, as well as non-governmental and international organizations, should first strengthen the population that is currently living in Kosovo and strengthen their absorption capacities before the return of more Roma, Ashkali, and Egyptians is possible. This is also because "… the continuous return of RAE refugees increases the number of persons depending on social assistance dramatically, which is already very high among RAE communities in Kosovo." (Tmava, Beha 2009: 15) The following policy recommendations are intended to improve the living conditions of the already returned Roma, Ashkali, and Egyptians in Kosovo and directed to possible returnees.

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[139] This is the German word for deportations.

[140] For further information, please see: UNICEF Kosovo and the German Committee for UNICEF (2011): *No place to call home. Repatriation from Germany to Kosovo as seen and experienced by Roma, Ashkali and Egyptian children*, Pristina, pp. ff. 18, online available at: *http://www.unicef.org/kosovoprogramme/No_ Place_to_Call_Home_English_2011.pdf*, last retrieved on 07.07.2014.

PR 1:   *Expand the focus from promoting the integration of the Serbs to the integration of the Roma, the Ashkali, and the Egyptians into the Kosovar society.*

Addressee: Kosovar governmental institutions, in particular the government, the parliament, and the Office of the Prime Minister (OPM)

It can be observed that although (inter-)national stakeholders and organizations representing the Roma (and the Ashkali and the Egyptians) have different approaches to deal with the specific challenges the RAE are facing in Kosovo, the "… common element … is that both recognize the need for a specific approach towards the Gypsies, different from approach towards the members of the majority population and even from other minorities." (Marušiakova, Popov 2005: 15) As a result, it is critical that decision makers in Kosovo recognize this fact and expand their focus from promoting the integration of the Serbs to the integration of the Roma, the Ashkali, and the Egyptians into Kosovo's society. This includes the expansion of the public debate on the integration of the Serbian minority by the other minorities as well as the acknowledgement their needs.

PR 2:   *Strengthen the RAE's political position in Kosovo.*

Addressee: Kosovar governmental institutions, in particular the Kosovar parliament

One suggestion made by an interviewee of Sigona (2012: 1222) is "… an agenda focused on rights and achieving 'better living conditions' and 'normal standards', rather than political participation, may allow RAE to maintain a certain distance from Albanian and Serbian sides, ensure the protective backing of the international community and bring some advantages in the short term." Nonetheless, without being able to influence policies and politics in Kosovo, it is nearly impossible for the RAE to change their situation. The Kosovar institutions should undertake more initiatives to strengthen the RAE's political position in order to codetermine decisions and laws that tackle their daily lives directly or indirectly. Despite the fact that all three ethnic communities are unified in different political parties, these do not have significant leverage to improve their communities' lives. The introduction of a Qualified Majority Voting similar to the system applied by the Council of the European Union could be one mean by which this could be implemented. Decisions made by the council have to be taken by 55 % of member states and to represent at least 65 % of the EU's population.

PR 3:   *Raise the representation of the RAE communities in the Kosovo Police and in the Municipal Council on Safety in Communities (MCSC).*

Addressee: Kosovo Ministry for Internal Affairs

If Kosovo wants to be a multi-ethnic society, it should create safe conditions for all ethnic communities so that they can freely choose where to live and where to move to. This goal can be reached through the raise of representation of the Roma, the Ashkali, and the Egyptians in (1) the Kosovo Police and in (2) the Municipal Councils on Safety in Communities. More importantly, incidents – whether physical or psychological – should be punished by the respective institutions to show that there is no place for ethnically motivated violence in Kosovo anymore. At the moment, the institutions are not able to pass this idea on to their residents. In order to raise the representation of the RAE in the Kosovo Police, the RAE have to have a higher level of education because in the past, RAE have failed to pass qualifying examina-

tions due to their low educational level. Please see the policy recommendations related to education (PR 6 – 7). The Kosovar Ministry of Internal Affairs could enable the RAE to take the respective exams or courses retrospectively. This is especially relevant for those, who apply for a position within the Kosovoar Police.

PR 4:   Provide the RAE returnees with legal aid for the repossession of their property.

Addressee: Municipalities, in particular the Municipal Offices for Communities and Returns (MOCR)

One of the main challenges in the return process of the RAE refugees and displaced persons is the illegal occupation of their property by displaced ethnic Albanians. By establishing the HPCC and its successor the KPA, there are legal mechanisms implemented that help the returning refugees to regain their property rights. However, due to the RAE's low legal education, they lack information on how to approach this institution. Without any financial means, they cannot get legal support from lawyers who could file a claim before the KPA. Kosovo's municipalities, i.e. the Municipal Offices for Communities and Returns (MOCR), should provide the RAE returnees with legal aid for the repossession of their property. They could further establish a free consultation-hour for judicial questions.

PR 5:   Investigate cases properly when RAE returnees sell their property immediately after the repossession thereof.

Addressee: Kosovo Police

There is one particular threat for the Roma, the Ashkali, and the Egyptians whose property has been reconstructed or their property rights reestablished. As has been explained above, a few RAE returnees have to sell their property either because they have to cover other costs or because they are forced to by their Albanian or Serbian neighbors who intent to keep their neighborhoods "ethnically clean." In order to find a solution for this imminent threat, special attention should be given to those RAE who recently repossessed their property and sell it immediately. It is indispensable to investigate these cases properly and to find out whether neighboring residents forced them to sell the property. Furthermore, the Kosovar Police could establish a sub-unit, which exclusively deals with the unlawful sale of property.

PR 6:   Organize free of charge language courses for the RAE returned children.

Addressee: Municipalities

Language is the key to education and education the key to social integration. Mattern argues that language affiliation is the most important feature for the (dis-)functioning of integration into the Kosovo society. (Cf. Mattern 2006: 3f.)

The returning children belonging to the Roma, the Ashkali, or the Egyptian community should be given the opportunity to learn one or both of the official languages of Kosovo: Albanian and/or Serbian. It is important to preserve the heritage of the Romani language in Kosovo. However, the long-term effect of not being able to speak either Albanian or Serbian means the exclusion from the employment market. In order to be able to work in a public or private enterprise in Kosovo, the RAE returnees have to be able to speak the official language(s) depending on where they live.

It is the municipalities' responsibility to develop and offer language courses for the RAE returned children from abroad, especially for those returned from Western European countries. These language courses serve manifold purposes: First, the RAE children learn Albanian and/or Serbian, which is their entry ticket into the school system and into the employment market. Second, the courses can also be a first contact point to their origins and to their new lives. Children can learn about Kosovo, about their own community's heritage and past, and get to know other children, who are in a comparable situation. Third, organizing the language courses in a public school would create first contact points to the rest of the society. The returned RAE children can get to know children belonging to other communities who have lived their entire life in Kosovo and can learn how things work in their new home.

PR 7: Launch awareness-raising meetings to teach parents about the importance of education for their children.

Addressee: Municipalities

The municipalities have to get more involved in the re-integration of the Roma, the Ashkali, and the Egyptian returnees by implementing awareness-raising meetings to teach parents how important the education of their children is and to break traditions impeding the children from going to school and building their own prosperous future.

PR 8: Launch awareness campaigns about civil registration in combination with the registration of the previously unregistered RAE in Kosovo.

Addressee: Municipalities

One specific and utterly devastating reason for their low and passive status in Kosovo is the lack of personal documentation. Without proving residency in Kosovo, they are not able to apply for social welfare and do not have access to education and health care. The first step to increase the RAE's participation in public life is to launch awareness campaigns in a combination with the registration of previously unregistered RAE in Kosovo. According to the subsidiarity principle, it is the municipalities' responsibility to provide the unregistered RAE with legal aid to guarantee lower prices, especially for the returnees without any financial capabilities, and to increase the number of registered RAE in Kosovo.

In this case, it would be a good idea to educate the RAE leaders in each municipality about the necessity of and the procedure of applying for personal documentation in Kosovo. They could then function as disseminators and help their community registering. In addition, a "free-of-charge registration month" could be established to help reaching those people with specific need.

PR 9: Foster the return of the RAE to urban instead of rural areas to increase access to health care institutions.

Addressee: Municipalities, UNHCR

Roma in particular face one major challenge accessing health care services in Kosovo. Frequently, they do not find adequate primary or secondary health care institutions in their immediate environment. Consequently, they have to travel to city centers in the Serbian domi-

nated municipalities either in the North of Kosovo or in the Serbian enclaves in the East or South such as Gračanica/Graçanicë or Štrpce/Shtërpcë. These travels are often long and expensive, encouraging them to delay their illnesses because of a lack of money to travel and to receive proper treatment. In case of emergencies, these circumstances can be fatal if there is no health care provider close to the patient. The Roma returnees are particularly affected because they most likely return to rural areas and not to the city centers where primary and secondary health care institutions are often located. A first instrument to increase the Roma's access to health care services is to foster the return to urban instead of rural areas. This has also the effect that the RAE returnees have access to other public services such as education, courts, and public transportation means. In order to reach that more refugees return to urban than to rural areas, UNHCR could also start a dialogue with the refugees before they decide, where they want to return to.

PR 10:   Promotion of better living conditions and more political participation for the Roma within the European Union.

Addressee: European decision making institutions, such as the national parliaments, but also the Council of the European Union and other EU institutions

The situation of the Roma within the European Union is very much linked to the situation in Kosovo. This is partly because Kosovo – more than any other Western Balkan country – orientates its politics towards the European politics framework and European standards. For instance, Kosovo's Anti-discrimination Law derives from comparable laws in the EU and contains all relevant aspects. As a result, one can observe that Kosovo takes into account what the EU does, also when it comes to the protection of minorities. In addition, the ultimate goal of Kosovo is to become a fully recognized state and a member of the European Union – integrated into the monetary union and benefiting from visa liberty and economic growth.

Keeping this in mind, the promotion of better living conditions and political participation of the Roma within the European Union would not only improve the Roma's situation within the EU, but also affects Kosovo and the other Western Balkan countries in their actions. Political stakeholders of the EU should create more forums for the Roma to actively participate in public life, strengthen their rights, and integrate them into the European societies.

PR 11:   Give direct instructions to the municipalities about their priorities in the implementation of the Strategy and the corresponding Action Plan.

Addressee: Office of the Prime Minister (OPM)

It is encouraging that the Kosovar institutions discovered that the Roma, the Ashkali, and the Egyptians are not very well integrated into Kosovo's society. The Strategy and the corresponding Action Plan serve as instruments showing the reasons behind the unsuccessful integration and define measures towards their social, economic, cultural, and political integration. To sum it up, the Strategy is necessary, has an important reason behind it, and deals with the right policies that have also been identified in this dissertation.

Nonetheless, the Action Plan does not refer to some major aspects in the Strategy such as the correlation between school education and employment possibilities and lacks concrete measurements and indicators that would help implementing the relevant goals. Most alarming is

that none of the 15 studies planned for in the Strategy/Action Plan have been conducted so far. Thus, there is no basis for the development of concrete steps such as incentives for the integration of the RAE into the employment market.

In addition, the actions already pointed out in the Action Plan have not been implemented yet due to a lack of budget and political will. For this reason, the Office of the Prime Minister (OPM) should start implementing the Strategy and the corresponding Action Plan. This mainly includes the accomplishment of the foreseen studies in order to develop concrete steps aiming at the integration of the RAE into the society. In addition, the OPM should give direct instructions to the municipalities about their priorities in this matter. It would be helpful to provide them with a plan highlighting the short-term, the medium-term, and the long-term goals and the corresponding actions for their implementation. Examples for these goals could be:

(1) *Short-term goal*: The establishment of a yearly "free of charge registration month" aimed at reaching the RAE, who are not registered in Kosovo and thereby lacking access to basic public services.

(2) *Medium-term goal*: The identification of private companies that can employ RAE, fully or on a seasonal basis, the conclusion of a contract with these companies, and the employment of the Roma, the Ashkali, and the Egyptians.

(3) *Long-term goal*: The improvement of the security situation – also the subjective feeling of (in-)security – in the municipalities of origin where the RAE lived before their displacement.

PR 12:   The RAE should not be repatriated from Western European countries without a comprehensive individual screening.

Addressee: Western European governments with the support of the UNHCR

Recalling the conditions of the forced returnees from the RAE communities in Kosovo, it is of utmost importance that the countries hosting the most Roma, Ashkali, and Egyptian refugees from Kosovo do not repatriate them without a comprehensive individual screening. This screening should, in contrast to the screening of the UNHCR until 2008, include the following:

— the analysis of the municipality of origin, including
  ▪ the security situation for the RAE communities,
  ▪ access to education (at the best with specific subjects for the RAE communities),
  ▪ access to health care services and social assistance,
  ▪ employment opportunities for the RAE in public and private enterprises, e.g. existing co-operations between the municipality and private employers about the seasonal employment of the RAE, and
  ▪ access to property or appropriate housing and
— the existence of support mechanisms by the Municipal Communities and Return Officer (MCRO).

If the conditions in the municipality of origin are not favorable to a sustainable integration of the RAE returnees, it should be analyzed whether there are other municipalities conducive to a return of the Roma, the Ashkali, and the Egyptians from abroad. The before mentioned con-

ditions and the existence of a social network should be taken into account while searching for a sustainable alternative to the municipality of origin.

PR 13:   *The municipalities receiving the forcibly returned RAE should benefit from external assistance programs and should get more financial aid from the Kosovar institutions.*

Addressee: Kosovo Ministry for Internal Affairs

The municipalities receiving the forcibly returned Roma, Ashkali, and Egyptians should get more assistance from the Kosovo institutions, namely the Ministry of Internal Affairs being responsible for the administration of forced returnees. Additionally, these municipalities should explicitly benefit from the external assistance programs for forced returnees such as the URA 2 program operated by Germany.

7. The Serbian Community

7.1 Introduction

The Serbs are the second largest ethnic community in Kosovo, belonging to the Orthodox Christian religion. The Serbs have lived in Kosovo since 1000 AD, around the same length of time as Albanians. In the early 1980s, the Kosovo Serbs complained about increasing discrimination in public life when the Kosovo Albanians began asking for their own independent state, detached from the Socialist Federal Republic of Yugoslavia (SFRY). During Slobodan Milošević' regime, beginning in 1989, the tide turned, and the Serbs dominated public life while simultaneously and forcefully dispossessing the Albanians from the same. (Cf. Stevens 2009: 10) The Serbian oppression of the Albanians came to an end with the NATO bombing of Yugoslavia.[141] To sum up, the Serb's role in Kosovo has significantly changed over the past 30 years. During the early days of the Socialist Federal Republic of Yugoslavia, the Serbs held key posts in the administration of the then Serbian province Kosovo. (Cf. OSCE 2010: 228) Today, their (political) influence is confined to the municipalities where they form the numerical majority.

"Today, the position of Kosovo Serbs is dependent on Serbia, both in terms of security and political power to oppose and boycott Kosovo institutions. … Whatever Serbia agrees, Kosovo Serbs will have to accept, or leave." (Stevens 2009: 10) The Kosovo Serbs constitute the majority in nine municipalities: three of them are in the North of Kosovo close to Serbia proper, namely Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan, as well as the northern part of the city of Mitrovicë/Mitrovica. Belgrade perceives Kosovo's northern region as the most viable to uphold Kosovo's status as a province. Therefore, these municipalities are analyzed thoroughly in Chapter 7.3 on the challenges and opportunities in the return process. Furthermore, Kosovo Serbs are the largest ethnic community in the southern enclave of Štrpce/Shtërpcë, the four Serbian municipalities created after the 2009 elections, namely Ranilug/Ranillug, Klokot/Kllokot, Gračanica/Graçanicë, and Parteš/Partesh, and in the now enlarged and Serbian dominated municipality of Novo Brdo/Novobërdë. (Cf. OSCE 2010: 228) Subsequently, this chapter will give a brief overview of the non-northern Serbian municipalities, among them the municipalities that have been newly established after the 2009 local elections[142]. The following map shows the location of the municipalities with a Serbian majority. Please note that the enlarged municipality of Novo Brdo/Novobërdë is misleadingly not badged as a Serbian municipality.

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[141] A greater historical overview is given in Chapter 5.

[142] These local elections were the first elections after Kosovo declared its independence from the Republic of Serbia in February 2008. The majority of the Kosovo Serbs, particularly those living in the North, boycotted these elections.

11 Leposavić/Leposaviq
26 Zubin Potok
27 Zvečan/Zveçan
*30 Mitrovica/Mitrovicë
North*

35 Gračanica/Graçanicë
36 Ranilug/Ranillug
37 Parteš/Partesh
38 Klokot/Kllokot
21 Štrpce/Shtërpcë
29 Novo Brdo/Novobërdë
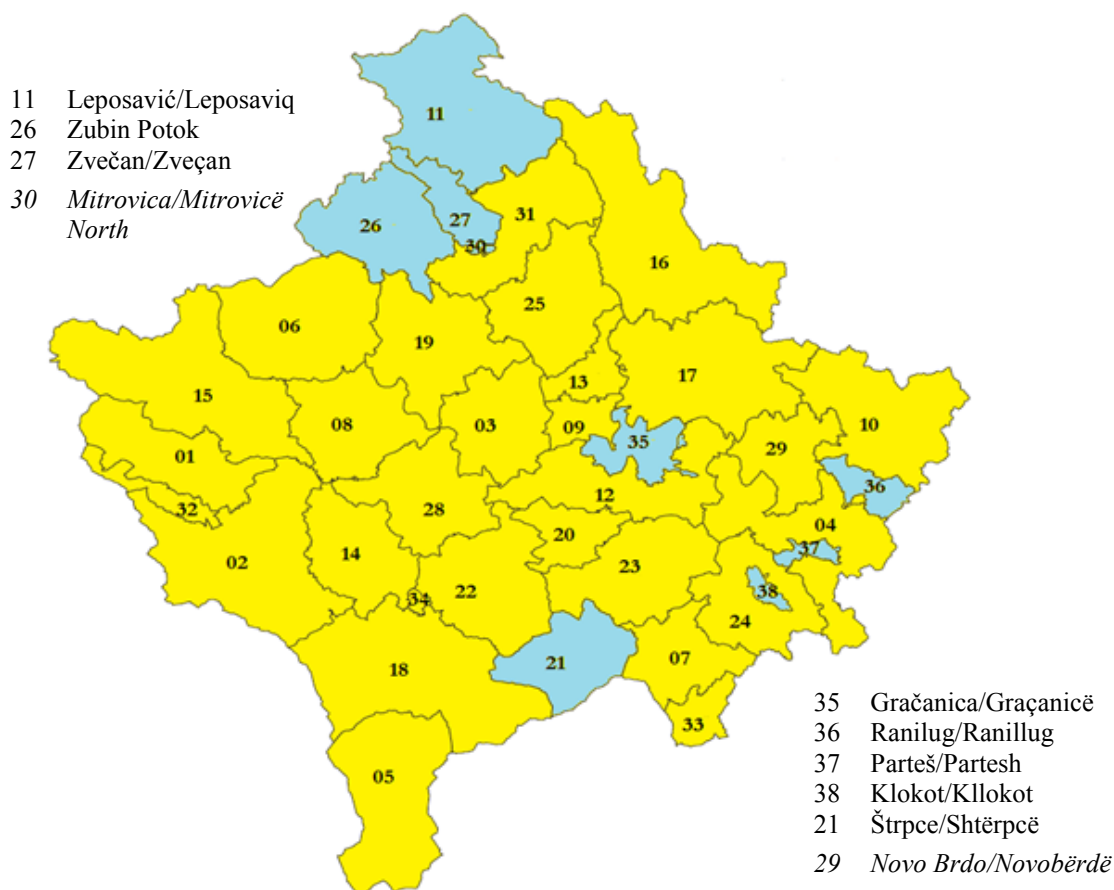
Figure 26: The Albanian and the Serbian Dominated Municipalities in Kosovo
Source: New Policy Centre, online at: *http://www.cnp.rs/resources/images/sl.png*

(1) Gračanica/Graçanicë

The Gračanica/Graçanicë municipality was established in 2009; prior to that, the territory belonged to the municipalities of Prishtinë/Priština, Lipjan/Lipljan, and Fushë Kosovë/Kosovo Polje. Approximately 19,200 Kosovo Serbs (83 % of the total municipality's population) reside in the town and in all 16 villages. "Gračanica/Graçanicë is the cultural centre for Kosovo Serbs living in the central part of Kosovo and hosts a historic 13th century Serbian Orthodox monastery, which was included on the UNESCO World Heritage List in 2006. The municipality has 12 Serbian Orthodox churches which are in use." (Cf. OSCE 2011d: 78) Gračanica/Graçanicë has another special relevance since it is located just a few kilometers from downtown Prishtinë/Priština and is nevertheless a total different world.

(2) Ranilug/Ranillug

The small municipality of Ranilug/Ranillug in eastern Kosovo, south of Kamenicë/Kamenica, was established on 5 January 2010. Until then, the area was part of Gjilan/Gnjilane municipality. (Cf. OSCE 2011d: 35) Ranilug/Ranillug is almost exclusively populated by Kosovo Serbs. In total, 5,718 Serbs reside in the town and in all twelve villages. Beyond that, according to the Municipal Return and Community Officer and Information Officer, there are 82 Kosovo Albanians residing in the Veliko Ropotovo/ Ropotovë e Madhe and Donje Korminjane/Korminjani i Poshtëm villages. Since the Ranilug/Ranillug municipality does not have a minority with more than 10 % share of the whole population, there is no legal requirement to have a deputy municipal assembly chairperson for communities. "Nonetheless, Ranilug/Rani-

llug municipal assembly appointed Kosovo Albanian, Lulzim Canaj (not affiliated) as its deputy chairperson for communities." (OSCE 2011d: 35) This was an ambitious undertaking since there is only a very small percentage of Albanians living in this eastern Kosovo municipality.

(3) Parteš/Partesh

The Parteš/Partesh municipality is very comparable to the Ranilug/Ranillug municipality. Both are located in the East of Kosovo and formerly belonged to the Gjilan/Gnjilane municipality before it became its own municipality with a Serbian majority on 19 August 2010. In Parteš/Partesh, 5,217 Kosovo Serbs reside in the town and in the villages of Pasjane/Pasjan and Donja Budriga/Budrigë e Poshtme. (Cf. OSCE 2011d: 33) There are no other ethnic communities living in this municipality.

(4) Klokot/Kllokot

The municipality of Klokot/Kllokot is located in southeastern Kosovo, totally surrounded by the Viti/Vitina municipality. The municipality belonged to Viti/Vitina before it became an independent municipality with a Serbian majority on 8 January 2010. The municipality is ethnically mixed with a majority of 3,350 Kosovo Serbs residing in the town and in all four villages. In addition, around 1,700 Albanians live in the town and in Mogillë/Mogila village and 10 Roma live in the Serbian village of Vrbovac/Vërboc. (Cf. OSCE 2011d: 29)

(5) Štrpce/Shtërpcë

The municipality of Štrpce/Shtërpcë is located in southeastern Kosovo and includes Štrpce/Shtërpcë town and 16 villages. In total, 9,100 Serbs live in the town and in eleven villages. This municipality has a specific relevance for this thesis' topic since after the 1999 conflict, around 900 displaced Kosovo Serbs and refugees from Croatia arrived and stayed long term. "Out of that number, 400 live in the collective shelters in Brezovica/Brezovicë while the rest live in private houses." (OSCE 2011d: 37) Despite the amount of time that has passed since their displacement, their situation has not improved and refugees as well as IDPs continue to live in shelters instead of their homes in other parts of Kosovo, mainly Albanian populated villages and cities.

One important aspect to note is the fact that the Štrpce/Shtërpcë municipality has two local governments operating parallel to each other: "… the municipal administration operating under Kosovo system and the structure elected in 11 May 2008 Serbian local elections that consists of seven (7) municipal council members." (OSCE 2011d: 37)

(6) Novo Brdo/Novobërdë

The ethnically mixed municipality of Novo Brdo/Novobërdë is located in the East of Kosovo with a total population of 9,670 residents. In total, 5,802 Serbs reside in the town of Novo Brdo/Novobërdë and in 24 villages, 3,771 Albanians live in the town and in 14 villages, and 97 Kosovo Roma mainly reside in the village of Bostan. (Cf. OSCE 2011d: 31) One of the main challenges the enlarged municipality of Novo Brdo/Novobërdë faces is the poor infrastructure. "Novo Brdo/Novobërdë town and ten (10) out of 24 villages are connected to water

supply and sewage systems; five (5) out of 24 are connected only to sewage system, and two (2) only to water supply." (OSCE 2011d: 32)

7.2   The Displacement and the Return of the Serbs to Kosovo

7.2.1   The Displacement of the Serbs and their Conditions in Exile

The Kosovo Serbs – comparable to the RAE as illustrated in Chapter 6.2.1 – left their homes in Kosovo either voluntarily or forcibly during one of the following stages.

Waves of Displacement of Kosovo Serbs
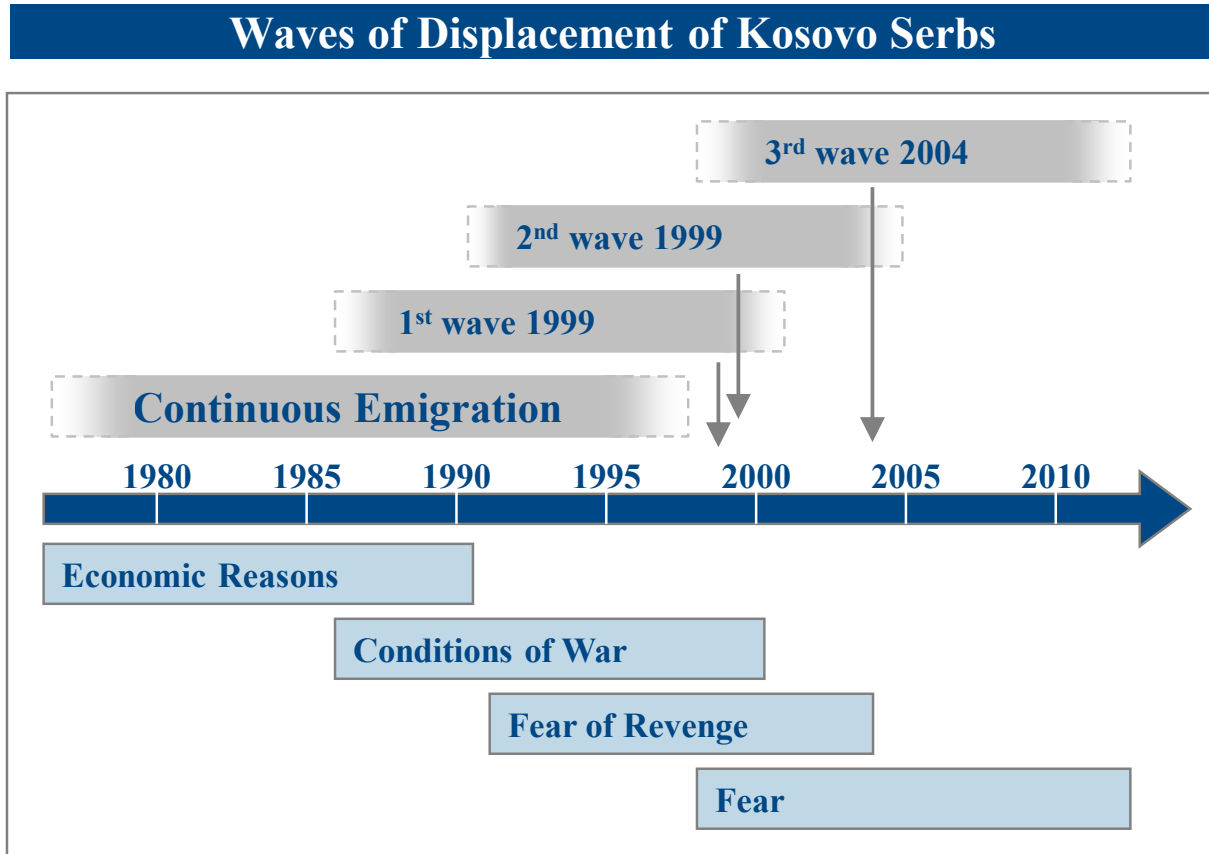
Figure 27:   Waves of Displacement of Kosovo Serbs
Source: Own compilation

The Kosovo Serbs were not displaced in large numbers during the war in the spring of 1999. On the contrary, the second displacement involved more than 250,000 members of ethnic minority communities, most of them Serbs. Fearing revenge, the Serbs and other minorities left Kosovo after the end of the NATO bombing of Yugoslavia on 10 June 1999. (Cf. i.a. IOM 2008: 61f.; IDMC 2007: 11) "Many members of minority communities left with the Yugoslav and Serbian forces, fearing revenge attacks and acts of retribution and retaliation." (ICG 2002: 1) The Internal Displacement Monitoring Centre (IDMC) also speaks of the leitmotif "revenge," which led to flight to mono-ethnic areas within Kosovo or to the countries in the region. Especially for the Kosovo Serbs, this motif had become the reason for their flight, because:

> "Despite the generally accepted premise that many of those who had actively participated in criminal acts left along with the withdrawing Yugoslav and Serbian security forces, the assumption of collective guilt prevailed." (IDMC 2007: 52)

This flight generated the first enclaves within Kosovo, as more and more Serbs did not feel safe anymore in ethnically mixed villages and suffered from a lack of freedom of movement.

In early 2004, Kosovo experienced a considerable setback: The security situation rapidly deteriorated, violent riots between the Albanian majority and the ethnic minorities broke out and thus prevented a progress of the multi-ethnic coexistence in Kosovo. (Cf. IDMC 2007: 268)

> "Although limited in number, the 2004 events had a lasting and damaging impact on the confidence of non-Albanians in the capacity of the international community and the PISG to protect them." (IDMC 2007: 12)

Apart from the destruction of homes, religious sites, and the killing of civilians, over 4,000 members of the Kosovar minorities fled during and after the riots into mono-ethnic areas in Kosovo or to Serbia proper. This third wave had the following consequences for the future return process: It acted (1) as a negative signal for the IDPs who were about to decide for a return, and (2) complicated the return of the newly displaced. More Serbs had been displaced during this turmoil than had returned up to this date. To sum it up, the balance of the Serbs' return process deteriorated since the March 2004 riots.

The largest group of Kosovo Serbian IDPs[143] was displaced within Serbia proper: According to the Kosovo Ministry for Communities and Return (MCR), in 2009, 205,940 Serbs from Kosovo lived in Serbia proper. (Cf. MCR 2009: 8) The Kosovo IDPs in Serbia are mostly ethnic Serbs, who represent a total of 75 % of the refugees in Serbia. (Cf. UNHCR 2007: 10) The majority of the Kosovo Serbs live in the region around Kraljevo, in Belgrade, in the Southeast of Serbia, and in the northern areas of Novi Sad and Subotica. (Cf. IDMC 2007: 12) According to the Danish Refugee Council (DRC), the Kosovo Serbs in Serbia have a similar level of education compared to the locals, but are rarely in permanent employment and less active than the native Serbs. A large number of Kosovo Serbs in Serbia "… receive[s] transfers from the Serbian state …" (DRC 2009: 48) due to widespread unemployment[144]. In addition to the lack of integration into the labor market in Serbia, their main challenges are:

(a) the lack of adequate accommodation,
(b) the lack of registration and the lack of personal documents, and
(c) the lack of access to social and public services.

These three deficiencies are causally connected with each other: Where there is no permanent place of residency, the Kosovo Serbian IDPs cannot register themselves in Serbia proper, and consequently cannot receive a permanent residence status. Lacking a permanent residence status, Kosovo Serbs do not have the right or the opportunity to use social/public services either.

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[143] The Kosovar residents fleeing to Serbia proper are legally not called refugees since there is no internationally recognized border between Kosovo and Serbia as Kosovo is not an independent state. Therefore, Kosovo Serbs (and other Kosovo residents) living in Serbia proper are referred to as IDPs leading to the fact that they are not internationally protected by UNHCR. People, who are displaced within Kosovo itself, are sometimes called IIDPs – Internal Internally Displaced People.

[144] Based on a study conducted by the DRC, it can be shown that unemployment among Kosovo Serbs in Serbia proper is relatively high: "In Serbia, 41% of the surveyed households are jobless and 71% have at least one unemployed member (Serbs 69%; RAE 83%)." (DRC 2009: 5)

Lack of accommodation	Lack of permanent residence status	No access to social services

Figure 28: Challenges for the Kosovo Serbian IDPs without Permanent Accommodation
Source: Own compilation based on IDMC 2007: p. 279f.

This chain leads to a situation, in which "[s]ome local authorities try to use such regulations to hinder the access of refugees and IDPs to social welfare" (IDMC 2007: 280). According to the IDMC, it has been shown in recent years that the Serbian government considers the stay of the IDPs as temporary, and hence does not provide a permanent accommodation. As a consequence, the chain presented above comes into effect excluding the Kosovar IDPs in Serbia proper from social and public services and preventing a permanent integration into Serbia's society.[145] Generally speaking, many international organizations determine that the Kosovo Serbian IDPs in Serbia live under inhumane conditions. For instance, the International Organization for Migration (IOM) wrote in 2008:

> "Refugees and IDPs in Serbia are among the poorest of the poor. The most recent figures indicate that approximately 120,000 to 140,000 or 25 per cent of the total number of refugees and IDPs live below the poverty level." (IOM 2008: 53)

Most of the IDPs living in Serbia – even more than a decade after their displacement – reside in refugee camps or private accommodations with relatives and friends. Around 4,600 Kosovo Serbs and members of other ethnic minority communities live in 56 refugee camps. (Cf. DRC 2009: 9) They are heavily dependent on humanitarian aid. In addition, approximately 25 % of the Kosovo Serbs in Serbia have the feeling that the locals are intolerant towards them. The ICG notes that the refugees from Kosovo are perceived as competitors for scarce resources and jobs in particular. (Cf. ICG 2002: 2)

The number of IDPs in Kosovo itself is specified with 20,235. (Cf. MCR 2009: 8) The majority of the IDPs within Kosovo are the Serbs who fled from multi-ethnic into mono-ethnic areas such as to the Štrpce/Shtërpcë municipality due to their fear of revenge. (Cf. DCR 2009: 9)

Beyond that, the displaced Kosovo Serbs also fled to Macedonia and Montenegro.[146] In Macedonia, there are approximately 1,700 refugees, and some 16,000 Kosovars remain in Montenegro.[147] (Cf. MCR 2009: 8) According to the MCR, there is a particular difficulty in these two countries:

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[145] The IDMC also explains the difference between the general refugees and the IDPs from Kosovo within the Republic of Serbia: "In contrast to the government programme which facilitates local integration of refugees through rent-free or subsidised housing or cash grants, IDPs do not benefit from such programmes and are usually simply relocated to collective centres which still remain open." (IDMC 2007: 280)

[146] The other third countries can be ignored, since they are dealing with very small numbers of refugees from Kosovo.

[147] For a full discussion of the problems the Kosovo Serbian refugees face in Macedonia and Montenegro, please see Them 2008: By force, if necessary. Minority returns to Kosovo after independence, in: *Chachipe – Rights & Justice*, pp. 6ff., online available at: *http://kosovoroma.files.wordpress.com/2008/02/romano-them-forced-returns.pdf*, last retrieved on 26.12.2013.

> "Displaced persons from Kosovo in Macedonia and Montenegro do not have official status of refugees although they are displaced across the border. They are commonly called Displaced Persons." (MCR 2009: 8)

Even the IDMC and the UNHCR have reported that the status of the Kosovo refugees in Macedonia and Montenegro is not clear. Yet, both organizations do not explain why these two states do not recognize the Kosovar refugees as such. In addition, in both countries, the refugees from Kosovo have no access to political and social rights, which means that the possibility of durable integration is denied to them. (Cf. IDMC 2007: 287)[148]

2002, three years after the displacement, one could assert that

> "… roughly one-third of the 230,000 IDPs from Kosovo prefer to integrate fully in Serbia or Montenegro (or have already done so), another third is desperate to return (mostly the elderly, rural population who cannot sell their property in Kosovo, who do not have professions that allow them much flexibility and whose attachment to their land is generally strongest, while the last third remains undecided." (ICG 2002: 2)

After more than ten years since the first displacement of the Kosovo Serbs in 1999, the same refugees have "… uncertain return prospects and lack local integration opportunities." (DRC 2009: 9) One main reason is the social isolation resulting from the living conditions in refugee camps or in cramped housing with relatives and/or friends. Often, permanent residency is not a real option.

The trilateral agreement between the UNMIK, the Provisional Institutions of Self-Government in Kosovo (PISG), and Serbia specifies that the IDPs can decide for themselves which of the three durable solutions they prefer.

However, this option for a free decision does not exist in reality. Consequently, many ethnic minorities, Serbs in the frontline, have adopted a "… cautious 'wait and see' position …" (IDMC 2007: 267), which is reflected in the return figures.

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[148] For the thesis at hand, the refugees in Macedonia and Montenegro are of secondary importance, since only a small number of them lives displaced in these two countries.

7.2.2 The Slow Return of the Serbs to Kosovo

According to statistics of the UNHCR, the majority of the Serbian refugees and IDPs voluntarily returns from Serbia proper. In total, between the end of the violent hostilities in 1999 and February 2013, 10,153 Serbs returned voluntarily to their homes in Kosovo. (Cf. UNHCR 2013: 4) These figures must be considered in relation to the number of displaced persons. Because there is no accurate data of the displaced persons of the Serbian community, the figures have been calculated based on the figures of the census in 1991 (Cf. OSCE 2010), the current population estimations (Cf. OSCE 2010) and the OSCE municipal profile estimations[149] as well as the return figures (UNHCR February 2013) according to these formulas.

Census 1991 – Current Estimations = Current Displaced Persons
Current Displaced Persons + Returned Persons = Total Displaced Persons

To calculate the return percentage, the number of total displaced persons is compared with the number of returned persons.

$$\frac{100 \times Returned\ Persons}{Total\ Displaced\ Persons} = Return\ Percentage$$

The calculations for the Kosovo Serbs reveal the following picture:

	Serbs	
	in Kosovo	in the North
Census 1991 (OSCE 2010: 275ff.)	139,499	
Total Displaced Persons	43,125	
Current Displaced Persons	32,972	
Returned Persons (UNHCR February 2013: 4)	10,153	
Current Estimations (OSCE 2010: 275ff.)	36,097[150]	70,430
Return Percentage	**23.54 %**	

Table 12: The Return and the Displacement Figures of the Kosovo Serbs
Source: Own compilation according to OSCE (2010) and UNHCR (February 2013) data

In the first years after the NATO bombing of Yugoslavia and the associated displacement of thousands of Kosovo Serbs, the return to their homes was small but consistent. The Serbian refugees and IDPs returned mainly from Serbia and Montenegro[151] and from within Kosovo itself back to their homeland. After the March 2004 riots, there were renewed displacements

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[149] There is no accurate data for the Serbian municipalities of Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan, as well as the northern part of the Mitrovicë/Mitrovica municipality. These figures are derived from the OSCE 2013 municipal profiles, which can be downloaded here: *http://www.osce.org/kosovo/43753*, last retrieved on 26.12.2013.

[150] The current estimations are calculated as the arithmetic average of the current municipal estimations, current communities' estimations, OSCE 2009 municipal profile estimations, and current OSCE field teams estimations. This figure does not incorporate the three northern municipalities of Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan and the northern part of the municipality of Mitrovicë/Mitrovica.

[151] Montenegro belonged to Serbia until 2006 when it declared its independence and became a fully recognized state.

and the return figures decreased significantly as can be seen in the following chart. (Cf. IDMC 2007: 61) The March 2004 riots "… regressed conditions for ethnic minorities to a state they had not been at in years and brought back inhibiting factors including unstable security conditions and a sharply decreased freedom of movement …" (IOM 2008: 88), which are two important factors influencing a refugee's decision to return.
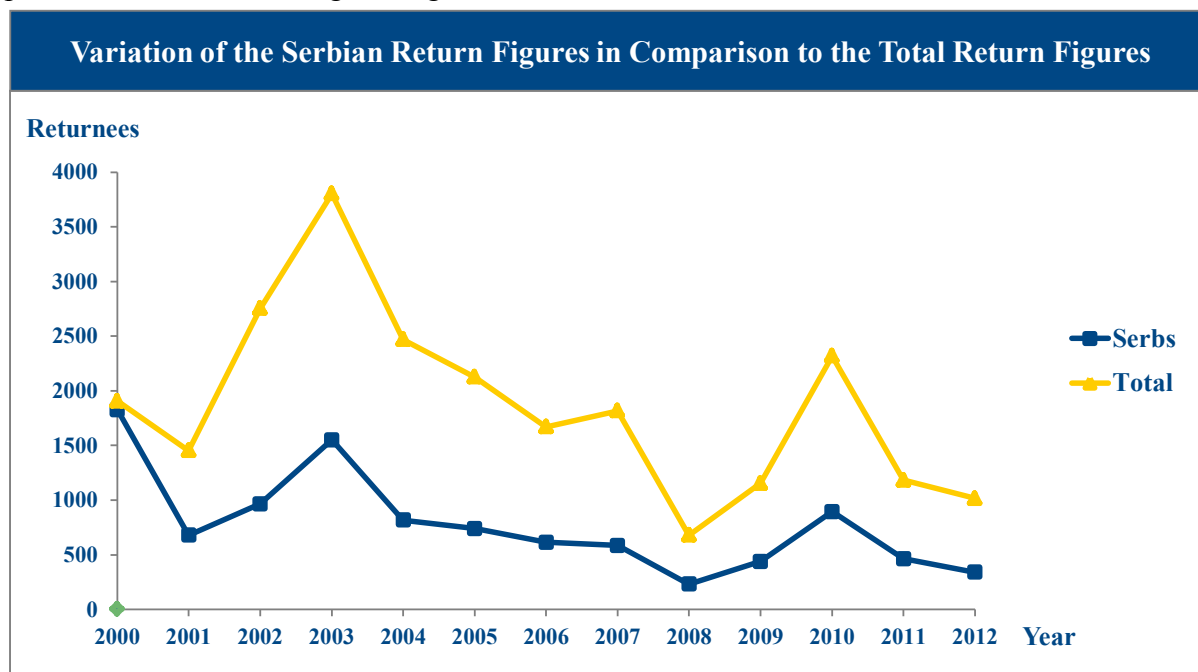
Figure 29: Variation of the Serbian Return Figures
Source: Own compilation based on the data presented in UNHCR 2013: 4

From March 2004 to February 2008, there was uncertainty over the status of Kosovo: "The unresolved status of Kosovo encourages departures from Kosovo and acts as a deterrent to return … ." (IDMC 2007: 34) Many displaced members of the Serbian minority saw no future for themselves in an independent Kosovo. There was the fear that the declaration of independence "… would certainly increase the fears of Kosovo's minority communities." (IDMC 2007: 13) Due to the uncertainty of the future status of Kosovo, the displaced Serbs could not make an informed decision, as there was no objective information on the upcoming political and legal design of Kosovo available to them.

With the declaration of independence on 17 February 2008, the number of returns fell sharply as particularly the Serbian minority did not feel safe anymore and hence refrained from returning to their homes. Most refugees waited to evaluate the treatment of Kosovo authorities towards the minority communities, thereunder especially the Serbs.

Although there are returns from internally and externally displaced Serbs to their pre-conflict homes, figures remain very low – approximately 23.5 % have returned yet – and returns predominantly occur to Serbian populated areas. (Cf. OSCE 2010: 242ff.; IDMC 2007; UNMIK 2006: 10) This prevents almost entirely any exchange between the Albanian majority and the Serbian minority. Through the displacement and exclusive return to mono-ethnic areas, the establishment of Serbian enclaves is further promoted. These mono-ethnic areas "… have a very limited absorption capacity due to their remote locations and disadvantaged socio-economic conditions, with limited possibilities for income generation." (IOM 2008: 88) More often than not, the return occurs to rural areas since "[t]he lack of finding any other occupa-

tion other than working in agriculture affects decisions on return …" (UNIJA-Union 2008: 37). The infrastructure in most rural areas in Kosovo is poorly developed. Consequently, the MCR aims at encouraging "… where possible that displaced people return to areas where there is already some infrastructure, in terms of schooling, health facilities and so on." (MCR 2009: 15f.)

The following chapter analyzes the challenges and opportunities within the return process of the Serbs focusing on the conditions awaiting them after their return to Kosovo and influencing their social, economic, cultural, and legal integration into the Kosovar society.

7.3   The Challenges and the Opportunities in their Return Process

As the largest ethnic minority in Kosovo and the war opponent to the ethnic community currently in charge of institutional affairs, the Serbs are discriminated in public life and do not have the same access to public services as the Kosovo Albanians and other ethnic minorities such as the Bosniaks and the Turks. Their discrimination can be shown exemplary by the use of the Serbian language, which is regulated by law. The Law on the Use of Languages arranges that

> "… minorities have the right to receive all information, documents and other services in any of the Kosovo's official languages or in the language which has the status of a language spoken in that specific municipality." (UNIJA-Union 2008: 17)

Several international organizations determined that the law's implementation is still inadequate, and all public services in Kosovo provide little information in Serbian or other minority languages; electricity bills, bank statements, or leaflets are written and distributed in Albanian or in English. (Cf. UNIJA-Union 2008: 17, HLC 2008: 267) The names of non-Albanian customers are often written incorrectly, e.g. with the Albanian "ç" instead of the Serbian "č" or the Albanian "q" instead of the Serbian "ć". This limits the equal access of the ethnic minorities, particularly the Serbs who most likely do not speak Albanian, to public services significantly. The only recognizable progress is the supply of contracts for minorities in minority languages. (Cf. HLC 2008: 268)

All following subchapters deal with the conflict between the Albanians and the Serbs and the unresolved status of Kosovo. Nonetheless, this chapter aims at dividing the different ideas and argumentations, such as the relevance of parallel structures in the North and the eastern enclaves, into pieces in order to show the circumstances of the Serbs upon their return to Kosovo.

7.3.1 The Conflict between the Albanians and the Serbs

"… [M]any Balkan self-identities have been constructed in direct opposition to an actual oriental other … ." (Bakić-Hayden 1995: 920) In the case of Kosovo, the Albanians and the Serbs constructed their ongoing patterns of identity in direct opposition to each other.

The relations between the Albanians and the Serbs can be regarded as relatively harmonious during medieval times. They were characterized by alleged blood ties. (Cf. Horvat 1988: 84; Vickers 1998: 13) Hondus confirms these harmonious relations by explaining that the mother of tsar Dušan[152] was Albanian and Skenderbeg's[153] mother was Serbian. Beyond that, the Serbs and the Albanians fought together against the Ottoman Empire prior to the highly celebrated Battle of Kosovo. (Cf. Hondus 2007: 5f.) The positive relations continued to persist in the aftermath of the Serbian defeat. Hondus provides supportive evidence for this positive relationship in the ethnic composition of the borderland population of the neighboring countries, which are also of an ethnically mixed nature between Slavs and Albanians, such as in Montenegro and Albania. (Cf. Hondus 2007: 6) Numerous blood links between the Albanians and the Serbs among local tribes as well as ethnically mixed neighborhoods in medieval times support the symbiosis and peaceful co-existence between the Serbs and the Albanians, too. (Cf. Daskalovski 1999: 485)

The root of the Albanian-Serbian conflict can be seen in the rise of European nationalism. In Yugoslav times, "bratstvo i jedinstvo" (brotherhood and unity) determined the political landscape, in which all nations and nationalities were equally represented in governing institutions. After Tito's death in 1980, Albanian nationalism manifested and "… the centres of political … power had tried to eradicate these forms of ethno-religious mixture, in order to press for clear-cut identities." (Hondus 2007: 6) The autonomy of Kosovo was prevented through the approval of several amendments on 28 March 1989 by the Assembly of Kosovo, which effectively replaced the Albanian governmental institutions with Serbian. (Cf. Daskalovski 1999: 499) During these times, both identities were reinforced in opposition to the relevant other. Both ethnic communities started to justify their claim on Kosovo's territory and people. The following figure illustrates the different claims and reasons for both communities to populate and rule Kosovo.

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[152] Tsar Dušan was the King of Serbia (from 1331) and Emperor of the Serbs and the Greeks (from 1346) until his death in 1355. He was one of the most powerful monarchs in his time because he managed to conquer a large part of Southeast Europe. (Cf. Schmitt 2008: 57f.)

[153] George Kastrioti Skanderbeg (1405-1468) was a 15th-century Albanian lord who was appointed governor of the Sanjak of Dibra by the Ottoman Turks in 1440. Because of the defense of Albania against the Ottoman Empire for more than two decades, he received the title of the Chief of the League of the Albanian people. (Cf. Schmitt 2008: 61f.)

The Serbian and the Albanian Reasoning for their Claim on Kosovo

Serbian

- "We were here first."
  The Serbs migrated to Kosovo in the 10th century.
- Kosovo = cultural center of Serbia
  - Foundation of the Serbian Orthodox Church
- Battle of Kosovo (Polje) underlining the political relevance of Kosovo
- Kosovo = internal affair as a province of Serbia

Both argue they populated Kosovo first.

Albanian

- The Illyrians (Albanian ancestors) populated Kosovo before Serbs.
- The Albanians always had the numerical majority.
- Self-determination as a counter movement to the Serbian oppression in the 1990s

Figure 30: The Serbian and the Albanian Reasoning for their Claim on Kosovo[154]
Source: Own illustration

Both the Albanians and the Serbs argue that they were first in Kosovo. The Serbs migrated to Kosovo in the 10th century. The Albanians migrated to Kosovo later than that but they claim that the Illyrians[155] populated Kosovo before the Serbs. More importantly, the Serbs claim that

> "Kosovo and Metohija are as much the home and promised land of the Serbs as Jerusalem is of the Jews." (James 2003 quoted in Dahlman, Williams 2010: 420)

This is substantiated in the founding of the Serbian Orthodox Church and the construction of several monasteries on Kosovo's territory such as the Gračanica monastery or Visoki Dečani. In summary, Kosovo is considered to be the cultural center of Serbia.

The Albanian reasoning for their claim on Kosovo is associated with the ancient and simultaneously contemporary paradox between the Serbs and the Albanians in Kosovo. The Serbs possess many Serbian monuments in Kosovo indicating their medieval presence, but only a few Serbian speaking inhabitants lived in Kosovo during this time. (Cf. Hondus 2007: 8; Daskalovski 1999: 492) In contrast, there is hardly any material evidence supporting the earlier presence of the Albanians, such as religious or cultural sites. Yet, this fact is counteracted by the sheer number of the population that speaks Albanian. The following chart demonstrates the development of population trends in Kosovo between 1948 and 1991. It is remarkable that the Serbian population remained approximately stable over 40 years whereas the Albanian population tripled over the same period.

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[154] Marković provides a historical overview of stereotypes that the Serbs use regarding the Albanians and vice versa. Please see Marković, Predrag (2003): *Ethnic Stereotypes: Ubiquitous, Local or Migrating Phenomena: The Serbian-Albanian Case*. Michael Zikic Stiftung.

[155] The Illyrians are a group of Indo-European tribes who populated the Balkans and the south-eastern coasts of the Italian peninsula. All Illyrian tribes were Slavicized in the course of the middle ages. In addition, the modern Albanian language might have descended from a southern Illyrian dialect. (Cf. Ceka 2005: 40ff., 59)

Population trends in Kosovo by ethnicity according to censuses of Yugoslavia 1948-1991
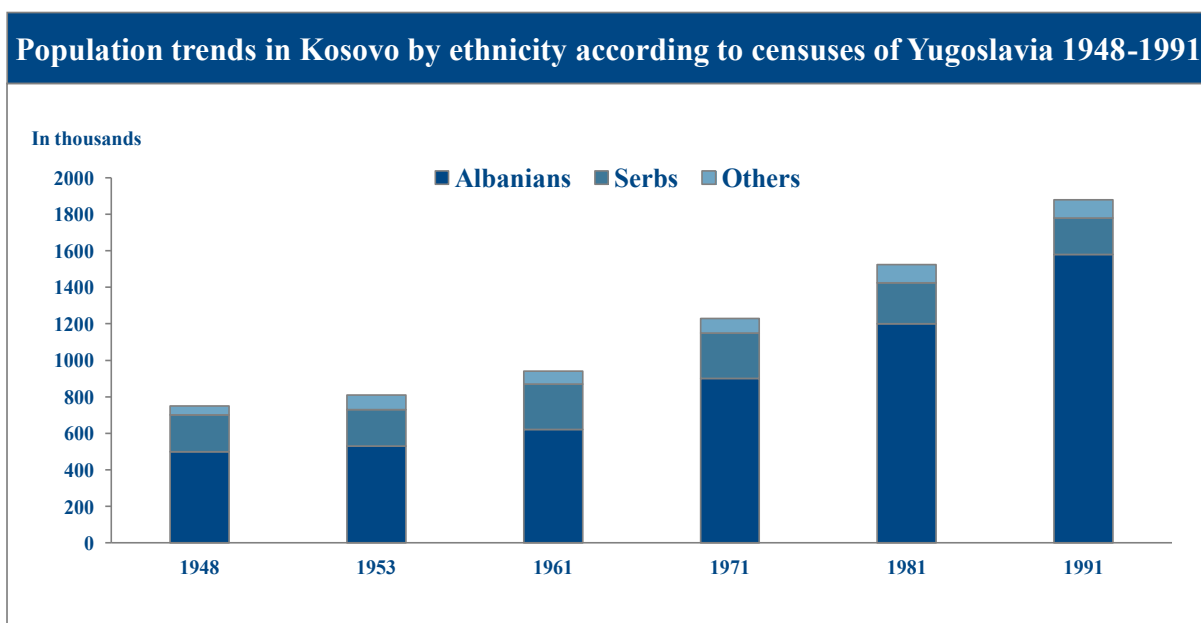
Figure 31: Population Trends by Ethnicity (Based on the Yugoslavian censuses 1948-1991)
Source: Dahlman, Williams (2010): Ethnic Enclavisation and State Formation in Kosovo, p. 416.

Keeping these population trends in mind, "… Muslims continued to play the role of the radical, indisputable Other in the Serbian collective imagery" (Petrović 2008: 73). Apart from that, both ethnic communities elaborated theses demonstrating that the majority of their "enemies" are not real Serbs or Albanians respectively. The Arnautaši thesis, for instance, indicates that many Serbs converted to Islam, could keep their language and heritage for a long time, but eventually had to adopt the Albanian identity. Hence, many Albanians are "not real" Albanians and, at the same token, many Serbs are "not real" Serbs because they were Albanians who converted to Orthodox Christianity in the Serbian medieval kingdom and eventually adopted a Serbian identity. (Both cf. Petrović 2008: 74)[156]

The ultimate goal of the Albanians was and – in a different form still is – the independence from the Republic of Serbia and self-determination of their own people, territory, and eventually to form a proper state. On the contrary, the Serbs see Kosovo as an internal affair of the Republic of Serbia. An internal affair would eventually prevent the international community from intervening in this matter. Summarizing, "… both Albanians and Serbs *dreamed about their own nation-state*." (Emphasis added, Hondus 2007: 8)

> "When it became apparent that neither Serbs nor Albanians would settle their claims over Kosovo on terms acceptable to both sides, the two nationalisms were poised to clash." (Hondus 2007: 9)

The unilateral declaration of independence by the Kosovo Albanians in 2008 further aggravated this situation and created political uncertainty and continued inter-ethnic tensions. Although the general security situation in Kosovo has greatly improved, the Serbs still feel insecure in Kosovo.

International governmental and non-governmental organizations assess the security in Kosovo to be stable but fragile, so does the Secretary General (SG) of the United Nations (UN) in his report in April 2010. (Cf. Secretary General 2010-04: 4) Ethnically motivated violent inci-

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[156] There are some reasons behind these two claims – they are not conjecture. For further information and reasoning, please see Duijzings, Ger (2005): *Religija i identitet na Kosovu*. Beograd: XX vek, pp. 33f.

dents affecting the Serbian minority have also decreased in 2012 in comparison to 2011. The overall number of incidents against minority communities decreased from 406 (2011) to 361 (2012). (Cf. Secretary General 2013-02: 4) This statement is also supported by the International Crisis Group (ICG): "… [I]nter-ethnic crime has remained constant at 9 to 10 per cent of all crime since 2002 and that its proportion of property-related crime and theft has risen … ." (ICG 2006: 8) Ethnically motivated violence has basically switched from physical attacks to other crimes affecting the minorities' property instead of their personal integrity, such as arson committed on unoccupied properties and land, the illegal occupation of houses, and vandalism at religious sites. (Cf. Secretary General 2013-02: 4) The menace of property is an obstacle to the refugees' return: Due to a perceived lack of security and the fear of destruction of their residential property, many Serbs are forced to sell their property to the Albanians and to stay in exile rather than to return. (Cf. ICG 2006: 8) If returnees do not have a place to come back to, the return process will be less effective and returnees are likely to fail in the integration process because they have to start anew in a different place. This significantly reduces the chances of integration and of a sustainable return. Apart from the socioeconomic problems, that force many Serbian returnees to sell their property, recurring security incidents in several return areas further contribute to fear among the Serbian returnees.

There are still civil disturbances, riots, and ethnically motivated violence against Kosovo Serbs, most notably the March 2004 riots, in which ethnic Albanians banished the Serbian and other minority returnees from their homes again, destroyed religious and cultural property, and killed many Serbs and other members of minority communities in Kosovo. Despite the fact that it occurred a long time ago, it still influences the inter-ethnic relations between the Albanians and the Serbs in Kosovo. Even today, the security situation in Kosovo is characterized by smaller revolts, (Cf. Secretary General 2010-04: 4f.) in particular in North Mitrovicë/Mitrovica as e.g. in the summer of 2011. In December 2012, three private vehicles belonging to Serbian police officers were set on fire. "On the night of 9-10 January, an unknown perpetrator opened automatic fire on a bakery in northern Mitrovica belonging to a Kosovo Serb member of the Advisory Board of the UNMIK Administration Mitrovica." (Secretary General 2013-02: 4) In addition, there is an increasing number of reported incidents against the Kosovo Serb community in the municipalities of Klinë/Klina and Istog/Istok.

> "During 2012, 73 incidents, or 20 per cent of all incidents reported, occurred in those two municipalities. There is a perception among the local Kosovo Serbs that the intention behind the crimes was to force them to leave." (Secretary General 2013-02: 4f.)

Apart from these security incidents against the Serbian population, some Serbian returnees were directly affected. "The most serious incident occurred on 6 July 2012, when a Kosovo Serb returnee couple were [sic] shot to death in their home in the mixed village of Muhaxher Talinovc/Muhadžer Talinovac." (OSCE 2012b: 14) In addition, Serbian returns sites were also affected by repeated burglaries: "… in 2011, approximately 80 per cent of all uninhabited Kosovo Serb returnee houses were looted in each of the villages of Doganaj/Doganovic, Muhaxher Talinovc/Muhadžer Talinovac and Srpski Babuš/Srpski Babush." (OSCE 2012b: 14) Beyond this, the Kosovo Serbs suppose that the Kosovo Police is not responding appropriately to these security incidents. When looking at the previously mentioned incidents against Serbian returnees, no perpetrators were identified, with the exception of Srpski Babuš/Srpski Babush, where nine individuals were detained for one month. (Cf. OSCE 2012b: 14) As a

consequence, the Serbs boycotted the meetings of the local community safety council in the Istog/Istok municipality. Beyond that, the declaration of independence renewed tensions and contributed to an increasing sense of insecurity and ethnic violence. Although the legal and the de facto status of the Serbs in Kosovo did not change due to the declaration of independence, they feel less safe than before. (Cf. HLC 2008: 192; CRIP 2009: 16)

Freedom of movement of the Serbian minority is still limited in some municipalities. This element is supported by the desire of the Kosovo Serbs to be accompanied by an escort while traveling through some Albanian dominated municipalities. They call upon the Humanitarian Bus Transportation, which is escorted by the Kosovo Police or KFOR. (Cf. CRIP 2009: 15) For instance, "Serbs from Banje/Banjë conduct all administrative affairs through the Office of Communities, but if they wish to go to Skënderaj/Srbica, then they need to be escorted by KPS [Kosovo Police Service]." (HLC 2008: 192) The service has proven to be a success due to the high numbers of users, the quality of services, the passenger satisfaction levels, and the access to basic rights.[157]

Also, traveling with Serbian license plates is still a barrier for members of the Serbian minority: Thereby, they are recognizable as Kosovo Serbs and have to be aware that they may have to face police controls and "[s]ometimes their driving licences are confiscated by the KP and they are required to pay a fine to get the licence back …" (CommHR 2009: 21).

Furthermore, ensuring access to public buildings for ethnic minorities depends on the freedom of movement. There are some negative examples from Kosovar municipalities – notably, Obiliq/Obilić, Klinë/Klina and Skënderaj/Srbica – where members of the Serbian minority feel insecure and refrain from using Albanian restaurants or shops. (Cf. HLC 2008: 192) Therefore, with limited access to public buildings, Serbs – and other minorities accordingly – have a limited access to public services and goods, which are, for returnees in particular, essential for survival.

In order to assure thorough freedom of movement, Serbs have to be able to freely use their native language in public. However, ethnic minorities fear the unrestricted use of their native language in public in Kosovo. This is particularly evident for the capital of Prishtinë/Priština, which is almost exclusively populated by the Albanians. In 2006, the President of the Advisory Committee on the Council of Europe's Framework Convention for the Protection of National Minorities Asbjørn Eide noted that "… speaking a minority language, in particular Serb, means running the risk of incurring harassment or violence" (EAR 2006a: 99). Positive examples of areas where freedom of movement and security is guaranteed for the Serbian returnees are mono-ethnic villages such as Srpski Babuš/Babushi i Sërbve in the municipality of Ferizaj/Uroševac or Belo Polje/Bellopojë in the municipality of Pejë/Peć. The returnees indicate that they are completely free to move and do not feel restricted at all. (Cf. KIPRED 2006b: 16) Multi-ethnic areas, on the contrary, are rarely evaluated to ensure full freedom of movement and security.

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[157] The Organization for Security and Cooperation in Europe (OSCE) published a report on the situation of the Humanitarian Bus Transportation, including a poll with users, in 2008. Please see OSCE (2008d): Humanitarian Minority Bus Transportation in Kosovo after Transfer to Kosovo Institutions. Monitoring Findings. Report No. 4.

In summary, the general security situation has improved enormously over the last decade, even for the members of the Serbian minority. Nevertheless, "… perceived insecurity and lack of freedom of movement continue to influence the decision to return" (Halili 2007: 7). These inter-ethnic tensions constrain the Kosovo Serbs to return to the Serbian enclaves or to the northern municipalities. This further encourages the accumulation of enclaves and prevents the establishment of a multi-ethnic society in Kosovo. Due to the (perceived) insecurity and the limited freedom of movement, the Serbian returnees are not integrated into Kosovo's society but drawn back into Serbian enclaves with almost no contact points to the rest of the society. These enclaves are an attempt by the Serbian population to create localized majority territories in Kosovo (Cf. Dahlman, Williams 2010: 408), which ignore the Albanian attempts to create an own state.

"The cultural landscape in the enclaves circulates a *Serbian 'state idea'* … ." (Emphasis added, Dahlman, Williams 2010: 410) Within the borders of the Serbian enclaves, there is an exclusive usage of the Serbian language and Cyrillic letters, the currency is the Serbian dinar (RSD) despite paying with the Euro (EUR) in the rest of the country. Above all, the Kosovo Serbs use their parallel institutions in the areas of education, health care, administration, justice, etc., which are operated and financed by Belgrade. It has to be noted that these enclaves were not solely established and maintained either by the Serbian population or the Serbian government, but the international community accelerated the existence of these enclaves by its decentralization policies aimed at giving more power and resources to the Serbs in their majority areas.

> "Decentralization is defined as a process by which central state power is devolved to sub-national units to broaden access to political decision making and localize provision of public goods and services … ." (Gjoni et al. 2010: 291)

Its aim is to accommodate the interests and concerns of different ethnic, religious, political, or cultural groups in post-conflict states. An asymmetric decentralization exists when only one community is treated preferentially while other communities cannot gain more power at the local level. With the exception of the municipality of Mamuşa/Mamushë/Mamuša where the majority belongs to the Turkish community, the Kosovo Serbs are favored disproportionally by any decentralization efforts. (Cf. Gjoni et al. 2010) Apart from the expected positive effects of the empowerment of disadvantaged groups and the decrease of inter-ethnic tensions, there is one particular risk of decentralization in post-conflict states. When the central government provides local governments with power and resources, they can easily use the power and resources for new attacks against the central government that is still too weak to hold off the attack.

Decentralization Risks

Central Government

Provides local governments with **power** and **resources**

Uses power and resources for **new attacks** against the central government

Local Governments
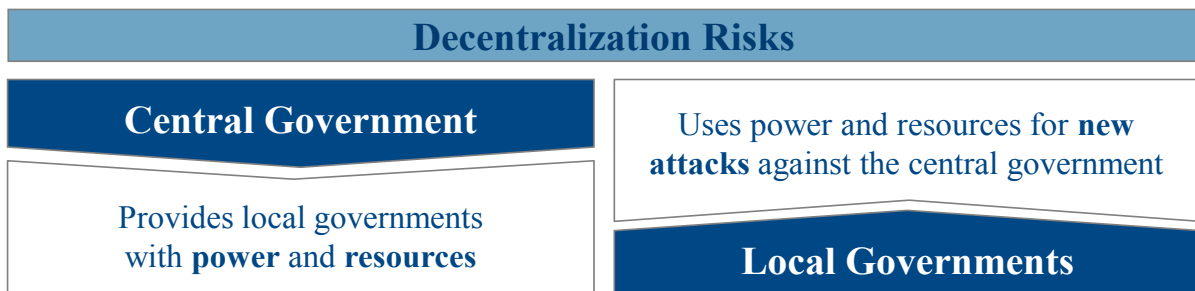
Figure 32: Risks of Decentralization Processes
Source: Own figure according to Gjoni et al. (2010): 292f.

The decentralization mechanisms were implemented only in relatively small areas in the South of Kosovo. Power and resources given to these newly established municipalities are most likely not sufficient to attack the central institutions in Kosovo. There is a set of decentralization efforts and mechanisms that have been partly implemented since the end of the conflict between the Albanians and the Serbs in 1999.[158] It is worth mentioning that the expected effects of most decentralization efforts during the 2000s have not come into force. The main reason is the link between decentralization and the status of Kosovo, i.e. Kosovo's unilateral declaration of independence from Serbia.

One proposed mechanism was the Framework Document for the Reform of Local Self-government in Kosovo (2004), which established five Pilot Municipal Units (PMUs) that "… after a testing period [of 18 months], would convert into full-fledged municipalities." (Gjoni et al. 2010: 302) The two possible new Serbian municipalities, Gračanica/Graçanicë and Parteš/Partesh, continued to refuse to co-operate and consequently did not gain official status as a municipality in the mid of the 2000s. The municipalities of Mamuşa/Mamushë/Mamuša (Turkish majority) and Hani I Elezit/Đeneral Janković and Junik (both Albanian), in contrast, gained official status as a municipality after a testing period of 18 months. (Cf. Gjoni et al. 2010: 301ff.)

The Eide Report (2005) actually suggested that "… new municipalities maintain special ties with the Republic of Serbia, if such links did not weaken the authority of Kosovo's central government" (Gjoni et al. 2010: 301) and "… cooperation with and funding from Serbian institutions would be permitted." (ICG 2009: 25) According to the Eide Report, education and health care, as well as other public services and goods, would still be run by Serbs for Serbs with Belgrade's support. (Cf. ICG 2009: 25)

Decentralization efforts have been perceived very differently by the various stakeholders in Kosovo. The Kosovo Albanians principally wanted independence: "Decentralization was a concession to Serbs, but a reasonable price to pay for statehood." (Gjoni et al. 2010: 302) Ultimately, this strategy led to the failure of decentralization in Kosovo, which is explained later on. The Kosovo Serbs wanted to maximize their autonomy in Kosovo. Some Serbs perceived decentralization as a means to gain more power and to maintain links with Serbia without accepting Kosovo's independence. Apart from that, "[i]nterest in reaching some form of pragmatic accommodation with Kosovo institutions, while avoiding acknowledging the country's independence, is high" (ICG 2009: 22). Many Serbs South of the Ibër/Ibar River felt that decentralization is an attractive way to simplify their daily lives in Kosovo. The government of Serbia perceived decentralization as a means to strengthen the political influence of the Kosovo Albanians over the Kosovo Serbs and to cut ties with Serbia itself. The international community intended to establish a multi-ethnic Kosovo society[159] and decentralization was one of their main instruments. (Cf. Gjoni et al. 2010: 302) "Forming new municipal territories became a means for the international community to manage community relations (read ethnic conflict) in Kosovo." (Dahlman, Williams 2010: 420)

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[158] For a detailed analysis of the different decentralization mechanisms, please see Gjoni, Roland, et al. (2010): Decentralization as a conflict transformation tool: The challenge in Kosovo, in: *Public Administration and Development* 30(5), p. 298ff.

[159] This has been laid down in Kosovo's constitution in Article 3,1 which reads "The Republic of Kosovo is a multi-ethnic society consisting of Albanian and other Communities, governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions."

On 15 November 2009, Kosovo held its first post-independence municipal elections. Apart from the announcements of the Government of the Republic of Serbia and Serbian politicians in Kosovo, a significant part of the Serbian population in Kosovo, particularly in the southern and eastern municipalities, voted. (Cf. Gjoni et al. 2010: 305f.) This proves to be true especially for the new municipalities of Klokot/Kllokot, Gračanica/Graçanicë, Ranilug/Ranillug, and Novo Brdo/Novobërdë. In evaluation of this election turnout, it can be argued that there is a big difference between the behavior of Serbs in the South and in the North: "In northern enclaves … K-Serbs have continued to reject participation in Kosovo's decentralization reforms. The situation in this part of the country thus continues to fit with the predictions of the decentralization skeptics." (Gjoni et al. 2010: 306)

The same can be asserted referring to the municipal elections, which were held on 3 November 2013 in all Kosovar municipalities. The voter turnout in the three northern Serbian municipalities was very low: According to OSCE's information, the turnout was 22 % in Leposavić/Leposaviq, 22 % in Zubin Potok, and 11.21 % in Zvečan/Zveçan whereas the voter turnout in the southern and eastern Serbian municipalities was much higher.[160] Although the Serbian government supported the Kosovar municipal elections, also in the northern Serbian municipalities, the voter turnout did not change significantly.

Above all, the decentralization efforts in Kosovo did not reach the desired degree of conversion because of the inevitable link between decentralization and the independence of Kosovo from Serbia. At several times, the Kosovo Serbs opposed the decentralization efforts despite expecting short-term positive effects on their daily lives because they felt that accepting decentralization would also mean slowly accepting the independent Kosovar institutions. Concluding, "[it] shows that the devolution of authority can help to integrate minorities in post-conflict states *if the status of the state itself is clarified*" (Emphasis added, Gjoni et al. 2010: 308).

Gjoni et al. claim that the positive developments in southern Kosovo have shown that decentralization can be effective in Kosovo. They further argue that decentralization "… remains the best available plan for integrating minority communities by offering enhanced competencies and funding to the K-Serb majority municipalities" (Gjoni et al. 2010: 310). That claim cannot be confirmed by the author of this paper, because decentralization did not create a multi-ethnic society in Kosovo, it only consolidated Albanian and Serbian majority areas. Decentralization created compartmentalization in Kosovo, i.e. a society in which the Albanians and the Serbs do not live together and actively interact with each other, but live in (peaceful) co-existence with hardly any points of contact. (Cf. Monteux 2006: 178) Dahlman and Williams even emphasize that:

> "The enclaves not only confound post-war state-building tasks, such as the return of displaced persons, economic development, and public service provision, they *risk a new conflict* over enclave borders, property, and access." (Emphasis added, Dahlman, Williams 2010: 408)

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[160] Source: B92 (2013): Ballots from three polling stations annulled, published on 4 November 2013, online available at: *http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=11&dd=04&nav_id=88229*, last retrieved on 08.11.2013.

The majority of the Serbs did not return to their homes yet but if they return, they do so invariably to mono-ethnic areas. "These return dynamics have contributed to the growing numerical and political marginalisation of the Serb community." (Dahlman, Williams 2010: 418) It will be a challenge to break the vicious circle of insecurity, the uncertain status of Kosovo, inter-ethnic tensions between the Albanians and the Serbs, enclaves, and decentralization efforts. In the future, more and more Serbs will either refuse to return to their homes in Kosovo, sell their property in Kosovo, or return to mono-ethnic areas and, consequently, contribute to the marginalization of their own ethnic community in Kosovo. This compartmentalization is best reflected in the parallel institutions organized, equipped, and financially maintained by Belgrade, which will be analyzed next.

7.3.2   The Parallel Institutions Funded and Organized by Belgrade

After the NATO bombing, the remaining Serbs in Kosovo did not accept the legislation of UNMIK. "Different factors such as limitations on lack of freedom of movement contributed to the de facto perpetuation of the Serbian administration." (Emphasis in original, OSCE 2007: 5) These Serbian institutions ran parallel first to UNMIK institutions and afterwards to Kosovo institutions. According to OSCE, the term "… *parallel structures* is used to define bodies and institutions that have been or still are operational in Kosovo after 10 June 1999 and that are not mandated for under the United Nations Security Council Resolution 1244" (Emphasis in original, OSCE 2007: 5). Sometimes, these institutions function next to the institutions of Kosovo or even under the same roof.

The Serbian parallel institutions are most relevant in the northern municipalities of Zvečan/Zveçan, Zubin Potok, Leposavić/Leposaviq, and the northern part of Mitrovicë/Mitrovica. These municipalities have "… not been under effective control from Pristina for two decades …" (ICG 2011: i). According to the International Crisis Group (ICG), the term "parallel institutions" is even misleading when referring to Serbian institutions in the North, since the Serbian institutions financing and organizing public services for their residents are the only institutions available to the population. This is partly true since on the one hand, civil administration, education, health care, public services, and land use regulation are all run by Serbian rules. On the other hand, the police wear Kosovar uniforms and report to Prishtinë/Priština. (Cf. ICG 2011: 2f.) In the area of power supply, there is a parallelism of the institutions observable: Kosovar and Serbian power utilities provide electricity to the northern municipalities.

The Serbian rule in the North has a special relevance to the Republic of Serbia because Belgrade aims at "… regaining the region [North Kosovo] as a limited victory to compensate for losing the rest of its former province." (ICG 2011: i) After the declaration of independence by Kosovo's institutions, this relevance increased significantly: "Serbia allocated €500 million in support of parallel structures for the Serb community in 2008 … This is a significant sum given that the total annual budget of Kosovo is about €1.4 billion." (Gjoni et al. 2010: 304)

Despite the fact that one could think that Kosovo wants to have nonrestrictive sovereignty in the North, Kosovo "… expressly permits Serbian funding for education, medical care and municipal services, *provided it is coordinated with Prishtina*, which is currently not." (Emphasis added, ICG 2011: i) The Serbian parallel institutions are not forbidden under Kosovo's law; their operation only has to be in accordance with Prishtinë/Priština and not organized without consultation. The Ahtisaari plan even explicitly allows for the Serbian funding to cover education, health care, pensions, and other public services. The Kosovar law requires Belgrade to declare its aid to Prishtinë/Priština and to use Kosovo banks for the transfer of money to northern Kosovo.

In February 2013, Belgrade and Prishtinë/Priština started negotiations regarding the parallel institutions in northern Kosovo. Despite the fact that "Belgrade says these will only be withdrawn if its people are granted a broad degree of self-determination …"[161], it is a large step

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[161] Maguire, Helen (2013): Serbia, Kosovo premiers seek breakthrough in Brussels, in: *europe online magazine*, issued on 4 March 2013, online available at: *http://en.europeonline-magazine.eu/serbia-kosovo-premiers-seek-breakthrough-in-brussels_268038.html*, last retrieved on 08.03.2013.

for the relationship between Belgrade and Prishtinë/Priština to even begin negotiations concerning the parallel institutions in northern Kosovo with a positive agreement. In the future, all institutions shall be in accordance with the Serbian and the Kosovar constitution.

For the moment, the Serbian parallel institutions in northern Kosovo are most prevalent in the areas of education, health care, justice, public administration, and administration related to property. Subsequently, these areas are explained and their consequences for the Serbian returnees elaborated specifically.

Education is organized in two parallel systems in Kosovo: the Kosovo Ministry of Education, Science and Technology (MEST) runs the Kosovo Albanian schools where lessons are held in Albanian, Bosnian, and Turkish and the Serbian Ministry of Education and Sports (SMES) finances and organizes the parallel Serbian schools and educational institutions for members of the Serbian, the Roma, the Kosovo Croatian, the Bosniak and the Gorani community. (Cf. EAR 2006a: 102; OSCE 2009a: 4)

> "Following recent statements from the Serbian Ministry of Education and Sport, there are an additional 80 Serbian education facilities in Kosovo, representing 1,054 classrooms and an estimated 30,000 students in the pre-university system." (UNICEF Kosovo 2011: 3)

In the Serbian schools[162], the curricula and the textbooks are directly imported from Belgrade but not adapted to Kosovo realities. Usually, the Serbian students study Serbia as a whole and then Kosovo as a separate part, disconnected from the whole story. The textbooks reflect a one-sided perspective of their history, which favors their ethnic origin. (Cf. OSCE 2009a: 18; KIPRED 2006a: 22) Contemporary history is most likely not dealt with. At most, it covers the events of 1998/1999 through a presentation of specific facts lacking a comprehensive analysis of the same. (Cf. OSCE 2009a: 19)

The Serbian parents send their children to Serbian schools for three reasons:

(1) Higher quality in Serbian schools than in schools run by the MEST (Kosovo)

The quality of teaching and learning in the Kosovar educational system is very low. This can be explained as follows: During the Serbian domination of public life in the 1980s and 1990s, the Albanians were forced to resign from their offices, among them also teachers. The Serbs banned secondary and tertiary education in Albanian; only primary schools could continue teaching in the majority's language. For this reason, the former Albanian teachers established parallel secondary schools in the underground, where they did not have access to a budget, new literature, new research results, or even textbooks in general. Consequently, the quality of education among the Albanians decreased during this time. The Serbs, in juxtaposition had full access to all necessary resources and requirements through Belgrade's aid. The Schools and the universities were financed and provided with extensive curricula, textbooks, and supplies by Serbia proper. The teachers were also paid and trained by the kin state.

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[162] A detailed compilation of the primary and secondary Serbian education facilities in selected municipalities can be found in OSCE 2007: 33.

Even today, the fact that the parallel Serbian schools and the university in North Mitrovicë/Mitrovica is paid and equipped by Belgrade increases the quality of Serbian education in Kosovo significantly. Despite the fact that "[e]ducation is the single-largest programme of public expenditure [in Kosovo], as reflected by the Government of Kosovo's increased budget allocation for education … the actual amount allocated to education is insufficient considering the sector's needs" (UNICEF Kosovo 2011: 3f.). This fact is also reflected by the teachers' salaries in the Serbian system that are approximately twice as high as in the Kosovar system. Although the following figures are from 2006 and 2008, recent estimations support the high quality of education of the Serbian community in Kosovo. For instance, an above-average share of the Serbian population in Kosovo has secondary education: 65% in contrast to 46% of Kosovo Albanians.
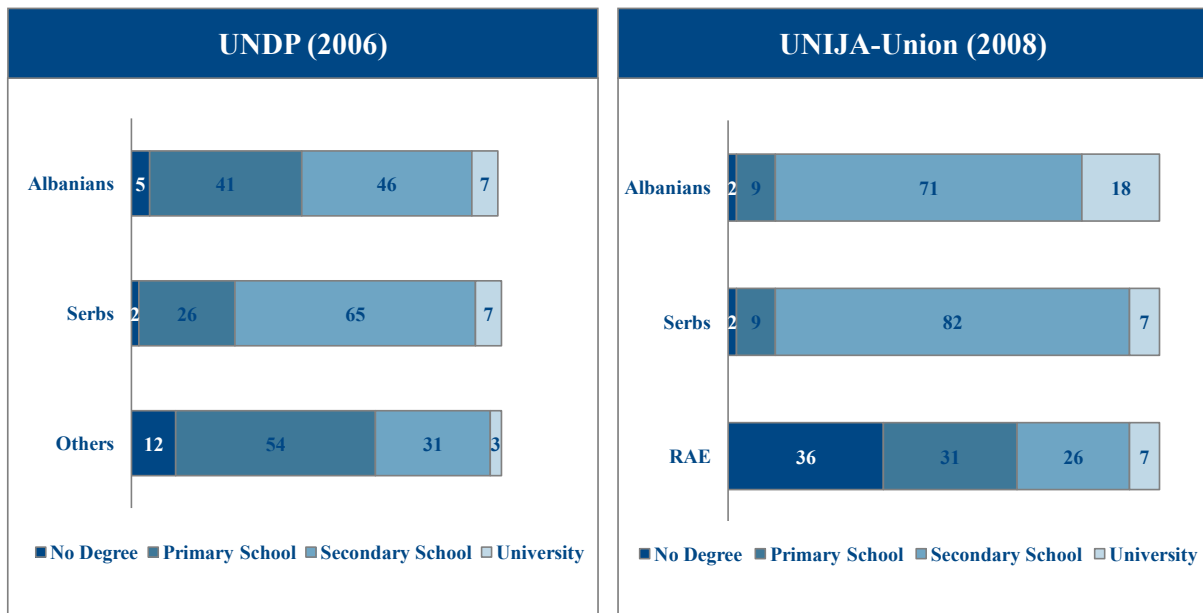
Figure 33: The Serbian Educational Level According to the Highest Degree
Source: Own illustration according to UNDP (2006): Kosovo Mosaic, p. 24 and UNIJA-Union 2008: KOSOVO, p. 46.

The report "Non-majority communities in the primary and secondary educational systems" by the OSCE supports the high quality of Serbian education:

> "In general, Kosovo Serbs do not face difficulties in accessing curricula and textbooks for primary and secondary education. Serbian curriculum schools are generally in a comparatively good condition, school transport is provided, and, with the exception of Roma pupils, the drop-out rate is very low. University students commute to northern Mitrovica/Mitrovicë (mainly through the humanitarian bus transportation provided by the Kosovo Ministry of Transport and Communications) or to universities in Serbia." (OSCE 2009a: 4)[163]

The qualification of teachers is assessed as satisfactory. (Cf. OSCE 2009a: 4f.) This overall positive assessment is supported by the fact that the Serbian minority has the lowest illiteracy

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[163] Admittedly, there are also contrary voices, such as the Humanitarian Law Center which assessed the following: "Since Serbs generally do not have normal conditions to obtain education and to go to school, there are ever fewer Serbian students in the Serbian enclaves." (HLC 2008: 262) Joseph Marko also sees significant weaknesses in the Serbian education system: "… the lack of freedom of movement and security for non-majority communities is still a major obstacle for the establishment of an efficient educational and training system." (Marko 2005: 14) Nonetheless, these voices are in the minority.

rate, "… followed by Albanians, Others with RAE communities ranking lowest, and the same trend is for secondary education. Only in primary education, Albanians rank higher …" (KIPRED 2007a: 57).

(2) The Serbian language and the Serbian national subjects

As there is no mutual understanding between the Albanians and the Serbs in their daily life, this attitude can be transferred to the educational system. The Serbian parents want their children to be taught in Serbian, in literature, art, music, and in religion. In the Serbian parallel educational system, these subjects – also referred to as so-called national subjects – comprise 50 % of the total classes in primary school. In addition, the Serbian parents want their children to be taught by Serbian teachers who teach history in the "right way." This primarily includes the contemporary history of the war at the end of the 1990s but also the population of Kosovo in the past[164]. History is added in grade 5 in the Serbian schools. In the secondary school, 10 out of 30 hours still remain dedicated to the national subjects. (Cf. OSCE 2009a: 19)

(3) Safety concerns on the journey to the Albanian schools and in the schools

The Serbian parents perceive the situation for their children in multi-ethnic schools as unsafe because "… harassment, intimidation and provocation is often a regular concern for Kosovo Serbs …" (OSCE 2007: 33). Even the way to school is often not safe for the Serbian students. Consequently, in the Albanian dominated areas, either transport to schools in Serbian enclaves is organized, such as from the Ferizaj/Uroševac municipality to the Štrpce/Shtërpcë municipality, or Serbian schools are established in private facilities[165]. (Cf. KIPRED 2006a: 22) Even though "[p]arallel Schools operate in all regions of Kosovo" (OSCE 2007: 33), adequate transportation is for most Serbian students a necessary prerequisite to education since schools are usually located in Serbian dominated areas.

> "For example, the closest school that Serb students from Mušnikovo/Mushnikovë can attend and be taught in their mother tongue is in Štrpce/Shtërpc [sic], which is 30 km from their village." (HLC 2008: 194)

The municipalities Vushtrri/Vučitrn, Fushë Kosovë/Kosovo Polje and Lipjan/Lipljan allow a free transportation for the Serbian children to the nearby Serbian enclaves. (Cf. OSCE 2009a: 12f.) In the municipality of Viti/Vitina, the feeling of insecurity rose to the point that the parents accompany their children to school because they do not want them to walk alone. (Cf. OSCE 2009a: 4)

Even in big cities such as in the capital Prishtinë/Priština, there are not any schools that teach in the Serbian language. The Serbian children from the capital go to schools in the Serbian enclave of Gračanica/Graçanicë a few kilometers away. (Cf. KIPRED 2006b: 17) In this regard, the access to transportation, mobility, and the security, especially protection from ethnically motivated attacks are basic requirements to guarantee the right to education for ethnic minorities in Kosovo.

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[164] For a detailed analysis of the perceptions of Kosovo's history as well as different understandings of the current roles of Albanians and Serbs in Kosovo, please see Chapter 7.3.1.

[165] Paradoxically, these Serbian private educational facilities resemble the Albanian schools in the underground during the 1990s.

Although the educational level of the Serbian minority in Kosovo is quite high, the parallelism of the Kosovo Albanian and the Serbian educational system fosters a disintegration of the Serbian stayees and returnees in Kosovo. The pursued multi-ethnic society is rather avoided than aspired for. (Cf. OSCE 2009a: 15; KIPRED 2006a: 32) In addition, children and adolescents have few opportunities to learn the other official language in Kosovo, which is a prerequisite for multi-ethnic tolerance and mutual trust. As a consequence, Kosovo suffers from internal communication deficiencies that will likely intensify in the future.

> "In the future the Kosovo civil service is likely to be composed of civil servants unable to speak both official languages." (OSCE 2009a: 23)

Furthermore, any attempt to set up multi-ethnic schools has failed in the past. For instance, in September 2004, the former Albanian school was changed into a multi-ethnic school called "Sveti Sava" in Bresje, located in Fushë Kosovë/Kosovo Polje municipality, because "… the school was not used in its full capacity, while the municipality had a deficit of classrooms space." (OSCE 2009a: 15) Students, teachers, and administrators did not hold a multi-ethnic dialogue with each other: Hence, both school systems work *next to* each other but *not with* each other. That basically means that students who are integrated in the Kosovar and in the Serbian system have different hours and learn on different floors.

Another example is a school in Poneš/Ponesh, which was constructed with financial support from the British Embassy aimed at establishing a multi-ethnic school, in which "national subjects" are taught in their own system but classes such as physical education are shared. "However, the setup of a sign naming the school after a Kosovo Liberation Army member and a 'Republic of Kosovo' sign proved too divisive and ran counter to the spirit of the project … ." (OSCE 2009a: 16) One further example is the primary school in Janjevë/Janjevo, which has three directors from three different communities and each of them refers to the school in a different name. (Cf. OSCE 2009a: 17)

The Serbian returnees are particularly impacted by an educational dilemma that prevents families with children from returning to their home in Kosovo. The Kosovo Serb displaced families with school-aged children deem lack of access to school facilities at their place of origin a major obstacle to return as has been observed in the municipality of Ferizaj/Uroševac. (Cf. Hinz 2009: 64) Since 1999, only elderly couples, individuals, and families without school-aged children returned to this municipality. Due to the low return rate of non-Albanian speaking minorities, there is no single school in the municipality of Ferizaj/Uroševac that offers classes in Serbian. The municipality is obliged to and has several times announced that they will either organize transportation to schools in Štrpce/Shtërpcë or in Gračanica/Graçanicë, or to build an own school providing education in Serbian. (Cf. Hinz 2009: 64) Regardless, if there are no school-aged children, there will be no Serbian schools in Ferizaj/Uroševac. Possibly, there are families with school-aged children who lived in this municipality prior to the war and *would* return to their home if there were Serbian schools. This vicious circle is a major obstacle to the return process to Ferizaj/Uroševac and fosters the return of families from Ferizaj/Uroševac to Serbian near enclaves such as Štrpce/Shtërpcë.

Due to the lack of educational facilities, the Serbian refugees and the IDPs are deprived of a free decision regarding return. They would have to choose a Serbian enclave instead of their municipality of origin if they want to guarantee their children free access to Serbian educa-

tion. Consequently, the development of mono-ethnic areas is strengthened and the number of multi-ethnic areas continues to decrease.

Among the youths in Kosovo, there are more Serbian graduates from high schools than Albanians, but less Serbian graduates from university than Albanians. The background is the parallel tertiary education:

> "Indeed, the University of Prishtinë/Priština does not offer any courses in languages different from Albanian, but only the University in Prishtinë/Priština has been accredited by virtue of the Law on Higher Education enacted in 2003 by the Kosovo Assembly, whereas the University in Mitrovicë/Mitrovica was granted only temporary license by SRSG [Special Representative to the Secretary General] which was renewed every year." (UNIJA-Union 2008: 44)

Even in higher education, a parallel educational system emerged. The Serbian University in Mitrovicë/Mitrovica North, hosting around 9,000 students (Cf. ICG 2011: 4), is financed[166] and organized by Belgrade. Besides this parallel university, there are also "… a Consultative Centre of a private Faculty from Novi Sad ("Fakultet za Usluzni Biznis") operating in Štrpce/Shtërpcë … . This Faculty offers studies in the fields of Business Management, Economics, Tourism and Public Management." (OSCE 2007: 43)

Hence, members of the non-Albanian speaking minorities, who want to study at a university, have to move either to North Mitrovicë/Mitrovica or to Serbia proper since there are only a few transport options from different municipalities to the North. For instance, UN transports are only twice a week at the minorities' disposal. (Cf. UNIJA-Union 2008: 45) Financial constraints may, particularly for the returnees who are usually not permanently employed, be a barrier to tertiary education. Furthermore, the exclusive university locations in Mitrovicë/Mitrovica and in Serbia proper may be a criterion for the refugees to return to the northern municipalities in Kosovo and not to their hometown where tertiary educational facilities are unavailable. In the big picture, one should keep in mind the importance of the university in the North which "… is also a symbol of Serbia's commitment to staying in the North – the whole campus was built from scratch." (ICG 2011: 5)

Education can create opportunities through which the returnees and the stayees alike can develop peaceful means of conflict resolution, which prevents a renewal of violence in a post-conflict society. In the case of positive intellectual interactions between students, this positive, enlightened attitude could possibly cause a ripple effect on the whole community. (Cf. Coles 2011: 43) Schools are the places that ideally should overcome ethnic divisions because socialization begins at an early stage of childhood. Prejudices can be avoided when children learn in school how to live in a shared community. In Kosovo, one can observe that education is the area where the parallelism of the Serbian and the Kosovo Albanian system damages most.

> "The two educational systems have, in fact, contributed to entrench the chasm which divides communities in Kosovo." (OSCE 2009a: 18)

The Serbian and the Albanian children and youths go to school without having contact with the other ethnic community. They sometimes even go to the same school building but receive

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[166] The University of Mitrovica/Mitrovicë costs Belgrade between 30 and 35 million EUR annually. (Cf. ICG 2011: 4)

instruction on different floors and in different shifts with a 45 minute break in between so that physical interaction becomes unlikely. Any attempts to combine the teaching at least in non-national subjects such as physical education or math did not succeed.

The Serbian returnees are among the ones who suffer disproportionally from the separation of the two educational systems. In summary, the non-Albanian speaking refugee families with school-aged children who are willing to return cannot chose freely where to return to but have to return to the Serbian dominated areas where their children can go to a Serbian school. The same occurs with individuals who want to study at a university being that the only one existing is in North Mitrovicë/Mitrovica as previously mentioned. This leads to the following assessment:

> "Displaced Serbs rank education second only to employment as the primary reason why they will not return to areas dominated by Albanians." (Dahlman, Williams 2010: 421)

"In this way, education perpetrates and reinforces separation." (OSCE 2009a: 15) It reinforces the establishment of Serbian enclaves and the compartmentalization of the Serbs from the rest of the society, including the return of Serbs to Serbian dominated areas and the dissolution of multi-ethnic areas. Similar occurrences in the health care sector will be considered below.

"In many return areas, the provision of health care facilities is intrinsically linked to the success of Kosovo Serbs returns." (OSCE 2007: 53) The Government of the Republic of Serbia established parallel health care facilities for the Serbian minority in Kosovo.[167] The reasons for rejecting Kosovo's institutions and the use of the parallel health care services are manifold:
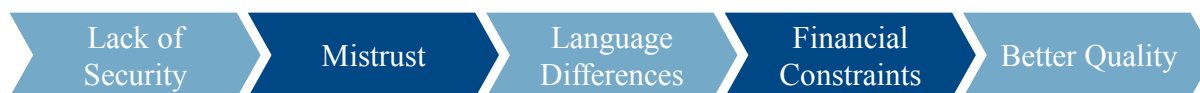
Figure 34: Reasons for frequenting the Serbian Health Care Facilities
Source: Own compilation

The lack of security and of freedom of movement of Kosovo Serbs, particularly in the aftermath of the declaration of independence in 2008 gives rise to the fact that the Serbian residents and in particular the returnees feel more comfortable using their own health care system in their areas. (Cf. EAR 2006a: 103; OSCE 2007: 44) Also in the Serbian health system, there are only a few secondary and almost no tertiary institutions.[168] This can have the effect that

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[167] In the World Bank report of 2006, the parallel institutions in the municipality of Štrpce/Shtërpcë are very well explained: "In fact 195 health workers (including 37 doctors) are receiving salaries from Belgrade, and an entire parallel health system functions within the municipality. All hospital accounts paid from Belgrade, and supplies including drugs are provided free from North Mitrovica. Medical installations are not billed for utilities. The municipal health authorities argue that more health services are required since patients with serious conditions have to be transported to Mitrovica (rather than the local referral hospital in the neighboring municipality of Gjilan). The health facilities in the municipality report to Belgrade. It is recognized that there is an excessive number of doctors given the population of the municipality, but the perceived security situation, together with the financing from Belgrade make the transfer of staff to other municipalities impossible. As a solution, the health authorities have proposed that a new hospital be built (as a secondary health care institution) financed by the central Ministry of Health." (World Bank 2006: 151)

[168] Health care systems are usually divided into three levels: primary health care includes first aid for minor illnesses and injuries, secondary health care for more severe injuries and illnesses is provided by hospitals, while the tertiary health care encompasses cardiology, oncology, trauma, transplantations, and mental illnesses. (Cf. UNMIK 2007: 14)

diagnoses are confirmed too late and treatments begin too late. The lack of freedom of move-ment – whether de facto existent or subjectively perceived – and the mistrust towards Kosovo Albanian institutions despite being geographically closer than the Serbian institutions can lead to delays with severe health consequences. (Cf. Bloom, Hoxha et al. 2006: 432)

This lack of trust is especially evident when referring to the training and qualification of the Albanian doctors and the other medical staff. The Kosovo Serbs doubt that the Albanians pos-sess "… the same level of professional skills as Kosovo Serb medical professionals." (OSCE 2007: 44; cf. HLC 2008: 208) This mistrust is not unfounded as Albanian doctors, nurses, and other hospital personnel were excluded from medical institutions in the 1990s. Although the dismissed staff was still able to acquire theoretical knowledge in their parallel environments, they lack practical experience.

It is also reasonable that the Kosovo Serbs are provided with health care in the parallel system because "… the services at a Serbian healthcare institution are free of charge" (HLC 2008: 190). Due to the limited financial resources that are available to the returnees, they are often not able to pay the price for transportation, treatment, and medication – albeit being small. Consequently, it seems logical that the Serbian returnees frequent the parallel institutions in-stead of the Kosovar institutions. In addition, the Serbian system is attributed to have a higher quality than the Kosovar system. (Cf. OSCE 2008a: 11) This is mainly due to the better edu-cation of the Serbian physicians and comprehensive financing by the Serbian government. In summary, it can be argued, "[a]s a result, nearly all Serbs stay away from most of the health care facilities administrated by ethnic Albanians" (Bloom, Hoxha et al. 2006: 431).

The Serbian health care system consists of several institutions[169] most of which are located in the Serbian enclaves and in northern Kosovo. Often, the health care facilities that were used before the war remained open and have been continuously used by the Serbian government. (Cf. Bloom, Hoxha et al. 2006: 431) In the North of the Ibër/Ibar River are better health care institutions than in the rest of the country: In addition to the local fixed health facilities, there are some mobile teams that travel once or twice a week to the Albanian-dominated municipal-ities in order to ensure primary health care for the Serbian residents living there. (Cf. OSCE 2007: 51) This statement was also confirmed by a Serbian returnee who was interviewed in the town of Ferizaj/Uroševac:

> "Every Tuesday and one other day during the week, there is a doctor coming to Talino-vac either from Štrpce/Shtërpcë or from Gračanica/Graçanicë. The doctor has some medicines, others we have to buy on our own. When we need special medicines, we can prescribe it for the next week and then the doctor is bringing it during his next visit." (Hinz 2009: 68)

The quality of health care in the Serbian parallel institutions is good because "… these facili-ties are supplied very well with drugs and other materials" (CRIP 2009: 59). It only lacks ter-tiary institutions, which are only available in the Kosovo university hospital in Prisht-inë/Priština. However, the Serbian returnees and the other Serbian residents only use these institutions in case of extreme emergency. For surgeries and difficult treatments, they tend to drive to Serbia to seek treatment instead of approaching the university hospital. According to

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[169] For a detailed list of all parallel health facilities of the Serbian government in Kosovo please see OSCE 2007: Annex II – Parallel Healthcare Facilities in Kosovo, p. 59 ff.

the OSCE (2007: 49), the other challenges within the Serbian health care system in Kosovo are:

— the insufficient network of health care facilities in remote areas,
— the lack of transportation to the health care facilities in Serbian areas,
— the lack of adequate and modern medical equipment,
— the lack of opportunities to treat emergencies, and
— inadequate secondary health care facilities.

In a few cases, Serbian institutions are frequented by the Kosovo Albanians and vice versa, but these are isolated cases, which are often related to the fact that the patient was already treated by the individual physician before the war. (Cf. Bloom, Hoxha et al. 2006: 431) There are also a small number of multi-ethnic institutions "… even though it is sometimes in different areas of the same building or in different shifts from one another" (Bloom, Hoxha et al. 2006: 431).[170] Nonetheless, it can be generalized that the Serbian residents of Kosovo, including the returnees, almost exclusively use the parallel institutions.

Overall, the quality of the Serbian health care in Kosovo can be rated as sufficient despite the previously mentioned shortcomings. The most grievous difficulties the Serbian returnees face in the field of health care are the long transportation distances to the health care facilities in the North and in the southern enclaves in Kosovo, and the lack of tertiary health care in the parallel system. The returnees usually cannot afford a transport to Belgrade due to their financial constraints. Similar to the two co-existing educational systems in Kosovo is the situation in the health sector: the Serbian parallel system does not promote the integration of the Serbian returnees into Kosovo's society but leads to an ethnic segregation. As a consequence, health care in Kosovo does not contribute to sustainability in the return process of the Serbs. The same occurs when considering judicial and public administration in northern Kosovo and the southern Serbian-dominated enclaves.

UNIJA-Union argues (2008: 18) that "[t]he goal of establishing a multiethnic judiciary system was not accomplished". This can be mainly explained by the existence of a parallel Serbian judicial system. Nowadays, there are parallel courts maintained by Belgrade within the territory of Kosovo and in towns in Serbia proper that are connected to Kosovo by liaison offices in the Serbian enclaves such as the liaison office in Gračanica/Graçanicë of the parallel court in Niš, Serbia.[171] It has to be noted that most courts existed before the war in 1999 and could not continue working afterwards because of the jurisdiction created by the Security Council Resolution 1244. Since then, some courts operate from Serbia proper dealing with the payment of alimony, loans, the transfer of property, marriage, and divorce, among others. (Cf. OSCE 2007: 20) "According to OSCE information, Serbian courts currently attempt to cover, juris-

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[170] The OSCE observed in 2007 that in some municipalities, particularly in Štrpce/ Shtërpcë, Kosovar institutions were used by the Serbs and vice versa: "The clinic in the village of Drajkovce/Drajkofc (Štrpce/Shtërpcë Municipality) is sometimes used by Kosovo Serbs for the medical services of MoH paid doctors. There are even more frequent cases of Kosovo Albanians using the medical services in the Štrpce/Shtërpcë health house, which operates completely under the Serbian Ministry of Health (SMoH). According to the Deputy Director of the Štrpce/Shtërpcë Municipal Health Department, all patients are treated equally and free of charge." (OSCE 2007: 44)

[171] See a detailed list of the parallel courts in Kosovo as well as the courts in Serbia that are dealing with Kosovo in OSCE 2007: Parallel Structures in Kosovo, pp. 16ff.

dictionally, every municipality and district of Kosovo." (OSCE 2007: 16) Parallel courts are, for instance, the parallel District Court of Mitrovicë/Mitrovica – the Kosovska Mitrovica District Court – in the Zvečan/Zveçan municipality. In the majority of cases, the parallel courts deal with administrative issues such as the verification of documents and signatures of contracts.

The Kosovo Serbs and the Serbian returnees approach the Serbian parallel courts in Kosovo and in Serbia because of three main reasons. First, they mistrust the Kosovar justice system and "… often do not report crimes committed against them, although they are often targets of the theft of agricultural tools and machines …" (UNIJA-Union 2008: 18). Second, the Serbs use these institutions because the security situation sometimes does not allow them to travel to courts operated by Kosovo, which are most likely located outside of the northern municipalities and the Serbian enclaves in the rest of Kosovo. Thus, filing a lawsuit at a Serbian parallel court is usually the most accessible option for most Kosovo Serbs. (Cf. OSCE 2007: 15) Third, all communities, including the Serbs and notably the Serbian returnees, approach these courts when they are in need of documents that are recognized in Serbia proper. Since the relatives of the returnees are often left behind in exile, it is essential for the Serbian returnees to approach the Serbian courts in case of family law judgments or civil status changes that have to be recognized in Serbia proper, too.

The Serbian courts only apply the current applicable law in Serbia, which differs severely from the law in Kosovo. Due to the non-applicability of Kosovar laws, the Serbian parallel courts prevent an equal access of all communities in Kosovo to justice. (Cf. OSCE 2007: 15) A further risk is double jeopardy, which can create a situation where "… a defendant can be prosecuted and sentenced twice for the same crime." (OSCE 2007: 16, 20) According to several Human Rights Conventions, double jeopardy is prohibited. The criminal procedure law applicable in Serbia until 2004 acknowledged, "… a court shall reject a case 'if the accused has already been validly convicted of the same crime or acquitted of the charge …'" (OSCE 2007: 22). The problem is that neither judicial system recognizes the other. Therefore, the accused has *not been validly convicted of the crime*. This is problematic in criminal law, due to

> "[t]he effect on defendants, particularly Kosovo Serbs who have endured trials in Serbia proper and then return to Kosovo, has been troubling since they are not immune from a second trial on the same charges in an UNMIK court …" (OSCE 2007: 16).[172]

Consequently, the Kosovo Serbs can be charged and convicted for the same offence twice as the courts do not recognize each other. This possibility is not conducive to a sustainable return and integration of the Serbian returnees into the Kosovar society. "These parallel courts, which operate both in Kosovo and in Serbia proper, prevent an environment in which all ethnicities may live with equal access to justice *under the same law*." (Emphasis added, OSCE 2007: 15)

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[172] This situation has not changed since the declaration of independence except for the fact that the courts operate under Kosovo's jurisdiction and not under UNMIK anymore.

In addition, the parallel courts create challenges in the validity and recognition of judgments, confusion, and additional costs resulting from overlapping jurisdiction. In some cases, resources are doubled and the legal outcomes were conflicting with each other.[173] (Cf. OSCE 2007: 20) "It creates confusion for people who do not understand which court to approach and want decisions recognized in both Serbia proper and Kosovo." (OSCE 2007: 22) The returnees are among the people who often cannot rely on a social network of relatives and friends who can assist them in approaching the right court.

The situation in the Mitrovicë/Mitrovica region is eminently devastating for the returning and the remaining Serbs. In February 2008, just after the declaration of independence, a group of 50 to 200 protestors, among them mostly pre-war judicial staff, gathered in order to get entry into a building to return it to the Serbian court system. After they entered the building forcefully on 14 March 2008, a joint operation by UNMIK and KFOR arrested the occupants on 17 March 2008. Serious civil unrest followed this operation. (Cf. OSCE 2008b: 2) By 2011, "… neither the court nor the prosecution offices have been able to resume their work." (OSCE 2008b: 2) As a result, the residents of the northern Kosovar municipalities do not possess an equal access to justice. The continuously operating courts only dealt with urgent cases and only functioned in a limited capacity. (Cf. OSCE 2011c: 6) In 2008, a considerable number of civil cases, including inter-ethnic property cases, were already pending when the courts in the Mitrovicë/Mitrovica region were suspended. According to OSCE information, these cases remain stalled (Cf. OSCE 2011c: 8) and usually affect the returnees who are attempting to retrieve the right to their property. Once the Serbian returnees are deprived of this right, one can no longer speak of a sustainable return since they cannot return to their original homes. Instead, they rely on social housing and the favor of their relatives or friends.

Property related challenges are of utmost importance for the Serbian refugees who intend to return to their homes in Kosovo. Hence, the parallel administrative structures with property related competencies have a special relevance and influence on the Serbian refugees and the returnees.

The Serbian administrative institutions are the only local government bodies existing in northern Kosovo. Although Kosovo's municipalities have responsibility in land use, spatial planning, construction, and social housing, "… parallel administrative structures continue to make reference to non-applicable law and to provide inaccurate information to citizens regarding available legal remedies" (OSCE 2007: 28). Beyond that, the implementation of the Republic of Serbia framework on Construction and Social Planning is "… inadequate, creates legal uncertainty and leaves individual rights unprotected" (OSCE 2007: 31). When, for instance, a Serbian refugee returns from Serbia proper to Kosovo and intends to repossess his/her property, which is currently occupied by ethnic Albanian IDPs, he/she would first approach the Serbian parallel administrative institutions. Even though they might decide in favor of the returnee, these institutions do not have the legislative rights to decide on property on the territory of Kosovo. Consequently, no legal decision could be implemented and the status quo would not change. This would effectively create a new conflict between the Serbian returnee and the Albanian IDP occupying his/her house.

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[173] For specific examples, please see OSCE (2007): Parallel Structures in Kosovo, p. 21.

In addition, two separate cadastral records are maintained pertaining to the same properties: This can lead to a situation where an individual transfers the same immovable property twice to different persons. (Cf. OSCE 2007: 31) Additionally, the Republic of Serbia Geodetic Authority (RSGA) offices continue to be dislocated after the end of the conflict within Serbia proper, mainly in Kruševac, Leskovac, and Niš. The RSGA issues documents that are "… utilized on different occasions by NGOs and/or implementing agencies to support the reconstruction of houses for displaced persons and potential returnees." (OSCE 2007: 32) Since these documents are not considered valid and these institutions are generally not recognized in Kosovo, the Kosovar residents and potential returnees are the victims because they will not be granted the right they deserve. (Cf. OSCE 2007: 32) Admittedly, there are also positive examples of de facto recognition of parallel structures in Serbia that helped the individual Serb returning to his/her home in Kosovo:

> "In other instances, local authorities have found *ad hoc* solutions. Apart from the cooperation observed in the Mitrovicë/Mitrovica Roma Mahala reconstruction process described earlier, the Municipal Cadastre Office in Ferizaj/Uroševac has on one occasion cross-checked documents submitted by displaced persons and issued by the displaced cadastral office in Kruševac despite the availability of records in the Municipality. The Municipal Cadastre Office then updated its own records to issue cadastral certificates necessary for the reconstruction process." (OSCE 2007: 32)

Yet, these cases are the exception: Property and housing are one of the most intense and complicated challenges the refugees are facing upon their return. Because of the existence of parallel administrative institutions with property related competencies that are not recognized in Kosovo, the returnees face difficulties deciding what institution to approach. In the worst case scenario, the returnees approach the Serbian institutions, awaiting a decision that cannot be legally implemented because these institutions are not recognized within Kosovo. Consequently, this parallelism again increases the segregation of the Serbs within their municipalities instead of creating mutual understanding and fostering an integration of the Serbian returnees into Kosovo's society.

The same dilemma occurs in the public transportation sector. Most of Kosovo's residents, regardless of ethnicity, use their own car for transportation. "However, public transportation by bus is functioning optimally at both levels – interurban and within the cities." (CRIP 2009: 15)[174] Also in the area of public short- and long-distance transportation, there is a Serbian parallel system:

> "In order to get to Gračanica/Graçanicë, Mitrovicë/Mitrovica or Serbia, Serbs mainly use services of Serb transport companies, taxis driven by Serbs, UNMIK vehicles, or they use their own cars with 'KS' [Kosovo] license plates." (HLC 2008: 192)

One reason for transportation by Serbian means of public transport is mainly the fact that there is no Kosovo public transportation in or to the Serbian enclaves. The Humanitarian Law Center (HLC) argues that there was never a Kosovo transport to Gračanica/Graçanicë, within the enclaves in the municipality of Obiliq/Obilić, to Mitrovicë/Mitrovica North or the other northern municipalities. (Cf. HLC 2008: 192) The result was the private organization of the

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[174] The price of a bus ride from one city to another within Kosovo is between 1 and 5 EUR. Within cities, a bus ride costs 40 to 50 cents. (Cf. CRIP 2009: 15)

transport to schools or to hospitals in the Serbian enclaves. Yet, many Serbian returnees do not have the financial ability to take a taxi and often do not have a car either. Due to the lack of public transportation, many Serbian returnees could not return to their municipalities of origin, but chose to return to Serbian enclaves where education and health care facilities were available on site. In contrast, in their municipalities of origin, they would have to rely exclusively on primary health care facilities and would not be able to send their children to the school of their choice.

Public transportation also does not support a sustainable return of the Kosovo Serbs to their homes because Kosovo's public transportation does not allow the residents to drive to Serbian enclaves or to the North of Kosovo. Instead, as in many other sectors too, a parallel system was created that provides the Kosovo Serbs with an inexpensive option to undertake the often necessary drives.

Concluding, the parallel institutions play a significant role in the return process of the Serbs to Kosovo, particularly because most Serbian refugees return to the northern municipalities. Three main correlations between the parallel institutions and the situation of the Serbian returnees can be summarized:

(1) The Serbian returnees are better off than returnees of other communities due to the parallel institutions.

The Republic of Serbia spends around 200 million EUR annually for the support of all Serbian institutions Kosovo-wide. This equals around 3,636 EUR per person in contrast to the EU support for the rest of Kosovo which amounts to 37.29 EUR per person. (Cf. ICG 2011: 4) This has a significant impact on the lives of the Serbian returnees who can easily access education, health care, pensions, and social welfare in the Serbian majority areas. The following question arises: What if this financial support decreases or even ceases to exist in the near future. Although this cash infusion is solely available to the Serbian population in Kosovo, it simultaneously releases Kosovo's social system from providing services and financial support to one part of the population. By a significant decrease of this financial support or the final dismissal of the cash flow, the Serbian returnees and the stayees would have to be integrated into Kosovo's education, health care, and social welfare systems immediately, which are already overwhelmed with their current responsibilities.

Due to this financial support, the Serbian returnees are better off than the returnees belonging to other communities in Kosovo, notably in the areas of education and health care, which are two cornerstones for a sustainable return to Kosovo. The Serbs in the North feel that their system is superior to Kosovo's institutions and it is true that the system is better organized and the services are superior to those in the Kosovar system. Reasons exist in the much higher budget provided by the Republic of Serbia and the continuous education and equipment of teachers and health care staff during the past 30 years. As a consequence, the Serbs in the North ask themselves the following question: "Who … 'wants to integrate into an inferior system'?" (ICG 2011: 8)

(2) Parallelism leads to a segregation between the Albanians and the Serbs

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The current parallel Serbian institutions can be compared to the Albanian parallel institutions that established in the underground during the 1990s. The reasons for the parallel institutions can be traced back to the oppression by the majority community, a lack of trust, and a lack of safety. The current situation is characterized by inter-ethnic tensions, the lack of mutual understanding and trust as well as insurmountable language differences. This parallelism is exceptionally fostered through the division of the educational system: The Serbs and the Albanians learn apart from each other, including the different languages and a different version of history. Multi-ethnic schools do not exist and the few attempts to establish schools in which both communities can learn together ended in a situation in which all learn under the same roof but in different time shifts and on different floors. "The language barrier reinforces division. … younger Albanians and Serbs communicate in English." (ICG 2011: 7)

(3) Uncertainties and inconveniencies for the returnees

The returnees suffer greatly and are further vulnerable from uncertainties and inconveniencies that exist because of the parallelism, especially in the northern Kosovo municipalities. For instance, the Serbian schools are not located in every municipality throughout Kosovo. On that account, the families with school-aged children are forced to either immediately return to areas where Serbian schools exist or to move to those areas when their children are at the age of entering primary school. Because of this limitation, the Serbian returnees are not free to decide where to return and often cannot return to their municipality of origin.

In addition, the Serbian returnees are often deprived of the possibility to make use of tertiary education since the only location of a Serbian university is in Mitrovicë/Mitrovica North (or in Serbia proper). Long travel distances to health care centers and the lack of tertiary health care at all are two of the most grievous obstacles for a sustainable Serbian return. Their financial constraints can lead to a lag in a diagnosis or sometimes receiving any treatment at all.

7.3.3 The Discrimination in Public Life

Before the discrimination against the Serbs in general and the Serbian returnees in particular can be addressed properly, the legal basis of discrimination in Kosovo must be elaborated on. In September 2004, the "Anti-Discrimination Law" entered into force in Kosovo, being one of the first countries in South East Europe (SEE) adopting an anti-discrimination law. The law is largely based on EU legislative acts, dealing primarily with "… the equal treatment directives in relation to race and equal treatment in employment and occupation." (Cf. YIHR 2011: 1) It covers sixteen grounds of discrimination including sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property or any other status. The phrase "any other status" allows for superior protection in regards to new grounds of discrimination. (Cf. YIHR 2011: 2)

To sum up the general perception of this law, it is "… one of the worlds [sic] most comprehensive and detailed domestic laws banning discrimination" (Cahn 2007: 92). Comparing similar laws, few go beyond what is determined in Kosovo's Anti-discrimination Law, not even the anti-discrimination regulations by the EU. Regardless,

> "… the Anti-Discrimination Law provides '*protections only on paper*', which creates a myth that the law protects all against discrimination and in practice there are 'other reasons' for lacking effectiveness." (Emphasis added, YIHR 2011: 2)

The process of implementation of the law is at the beginning, creating a huge gap between theory and practice although the law was adopted in 2004. For instance, several public bodies were established to evaluate discrimination in Kosovo. Yet, these institutions created unnecessary bureaucracy, which has a serious impact on their effectiveness and they do not protect the most marginalized groups such as ethnic minorities, women, and the LGBT community[175]. (Cf. YIHR 2012: 19) Beyond that, it is embarrassing and unacceptable that the law itself contains significant translation deficiencies and even errors in the Serbian version. (Cf. Matijević 2007: 33f.)

The two articles relevant for this particular section on the discrimination in public life are Article 4a) and 4i):

Articles 4 – Implementation Scope

This Law shall apply to all natural and legal persons as regards both the public and private sectors, including public bodies, in relation to any action or inaction which violates the right or rights of any natural or legal person or persons, to:

a) conditions for access to employment, self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;

…

(i) access to and supply of goods and services which are available to the public;[176]

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[175] LGBT is the abbreviation for Lesbian, Gay, Bisexual, and Transsexual.

[176] The Kosovar Anti-discrimination Law can be downloaded here: *http://www.assembly-kosova.org/ common/docs/ligjet/2004_3_en.pdf*, last retrieved on 18.11.2013.

The first section of this chapter deals with the predominant integration of the Serbian returnees in Serbia's employment market, the lack of job opportunities in Kosovo's private and public institutions and the discrimination against the Serbs in Kosovo's employment market.

The general macro-economic situation in Kosovo is disastrous: the GDP per capita was around 1,760 EUR in 2009 and remains the lowest in Europe. (Cf. World Bank 2011: 1) One of the biggest challenges of Kosovo's economy is unemployment; figures range between 40 and 70 % of the population of working age. (Cf. i.a. CRIP 2009: 34) The employment status of many Serbs[177] changed during the 2000s: "Prior to the conflict in 1999, many Kosovo Serbs were employed in both the public sector and in socially owned enterprises. Today, many remain unemployed or informally employed." (OSCE 2010: 231) Only a few Serbs work permanently and the unemployment figure of the Kosovo Serbs is higher than for the Albanian community. (Cf. UNIJA-Union 2008: 21) That does not take into account the employment in parallel institutions[178], particularly in the northern municipalities. For instance, "[i]n the Vushtrri/Vučitrn and the Skenderaj/Srbica municipalities, in the Mitrovicë/Mitrovica region, the socio-economic situation of Kosovo Serbs remains dire. Most residents are unemployed and rely on social assistance, minimum wages deriving from previous public employment or pensions from Serbia-run institutions." (OSCE 2010: 232)

In fact, the Serbs in the northern municipalities as well as in the southern/eastern enclaves around Kosovo prefer to work in the Serbian parallel institutions funded and organized by the Serbian government. (Cf. ICG 2009: 6; Kita 2008: 17) For this reason, the unemployment rate in the three northern Serbian dominated municipalities is relatively low (Cf. UNDP 2006: 26) and the parallel institutions pay better wages (often double) than the Kosovar institutions.[179]
The employment situation in the North, where most Serbian returnees live, is characterized by public companies and the lack of private companies. "Northern reliance on the public sector is in stark contrast to the rest of Kosovo, where the private sector is developing." (ICG 2011: 6) In addition, the Serbian Chamber of Commerce does not offer any projects or incentives for business people to establish private companies. A further issue is the fact that salaries in public companies are generally higher than in private companies. The International Crisis Group therefore argues that "… Serbian state funding undermines private sector growth and economic development." (ICG 2011: 6) Reviewing this particular supremacy of the public institutions, the following question arises: What if public companies and parallel institutions cease to exist in the North? Many Serbs would be left without any employment opportunities because of a lack of private job alternatives. Regardless, the Kosovar system would then be more stressed since more people would apply for the already scarce vacancies.

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[177] It is difficult to assess data on the socio-economic situation of Serbs. On that account, many figures are based upon estimations and outdated statistics such as the Living Standards Measurement Survey (LSMS) conducted by the World Bank in 2000. No update has been published since then. However, the statements of national and international stakeholders suggest that the situation since the end of the war, especially as regards to the situation of minorities, has not changed significantly.

[178] Generally speaking, Kosovo and international institutions do not have access to data related to Kosovo Serbs, their employment figures, or any other information about their parallel institutions.

[179] In most cases, the Serbian parallel institutions and public companies working in Kosovo pay better wages because they aim at attracting workers from Serbia proper to work in the undesirable North of Kosovo.

Most returnees, however, do not even have access to these public employment opportunities as they return to rural and very remote areas. Kosovo's North is mainly rural "… with North Mitrovica now the last remaining urban outpost …" (ESI 2004: 2). As UNDP (2006: 26) claims, in Kosovo's rural areas, there are almost no employment opportunities at all. The reason for the Serbs to return to rural areas, however, is their feeling of insecurity in their original urban neighborhoods. They consequently return to the villages, which are only populated by the Serbs "… where they feel safe, and survive on subsistence farming, provided they can have access to farmland … ." (EAR 2006a: 102) One prominent example is the village of Srpski Babuš/Babushë i Sërbëve in the Ferizaj/Uroševac municipality, a village that is exclusively populated by Serbian returnees, which is far away from Ferizaj/Uroševac town and from any store where they could buy groceries. Subsistence farming and NATO food donations are their only means to survive. Therefore, many Serbian returnees depend on informal, seasonal work or the black market. (Cf. UNIJA-Union 2008: 21) Alternatively, the Serbian returnees could engage in self-employment. Yet, this is not a viable option because the initial financial support of 2,000 EUR by the donor community is not enough to create sustainable livelihoods.

> "The income generation assistance … usually is not sufficient to restart activities that would have more serious economic impact (i.e [sic] relaunch of agricultural activities) as returnees are lacking expensive yet essential agricultural tools like tractors, etc." (UNIJA-Union 2008: 37)

There are a few employees in Kosovo municipalities, such as in the Office for Communities or in public companies such as "… KEK, PTK, *Kosovo Railways*, or *Prishtinë Airport*, Kosovo Correctional Service, or UNMIK Customs Service" (Emphasis in original, HLC 2008: 195).[180] The following table illustrates these few employees. Special relevance lies in the difference between employees before and after Kosovo's declaration of independence.

Enterprise	Total Employees	Serbian employees before 2008	Serbian employees after 2008	in percentage (after 2008)
Kosovo Electricity Company (KEK)	7,564	28	28	0.37 %
Post & Telecommunication Kosovo (PTK)	2,484	41	41	1.65 %
Kosovo Railroads	389	41	22	5.66 %
Airport Prishtinë/a	577	5	5	0.87 %
Kosovo Police	7,119	710	296	4.16 %

Table 13:   The Serbian Employees in Kosovo Public Companies
Source: Own graphics according to HLC 2008: p. 196f. and Strategy (2008): p. 9.

Some Serbs decided not to work in Kosovo public companies or institutions anymore after the unilateral declaration of independence by Kosovo. For instance,

> "[o]n March 3 2008 [sic], the *Serbian Railways Company* usurped the entire infrastructure of *Kosovo Railways* in the municipalities of northern Kosovo. Since then, 19 Serbi-

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[180] A detailed list of the Kosovo Serbs employed in public institutions can be found in HLC 2008: p. 197.

an employees have said that they do not want to work for *Kosovo Railways.* Instead, they would make themselves available to the *Serbian Railways Company.*" (Emphasis in original, HLC 2008: 197)

In general, one can argue that employment in Kosovar public companies is very limited to a small percentage of Serbs. Comparing the five before mentioned companies there is an average of 2.54 % Serbs employed compared to the total employees despite the reality that Serbs comprise a 7 % share of the total population in Kosovo. The Serbian returnees have even less of a chance to be hired by Kosovo's public companies and municipal institutions because of their previous absence in which they could not learn how to apply for these open vacancies or how to even find job vacancies. When it comes to Kosovo's private employment market, the Serbian returnees are mostly not aware of open vacancies and ongoing competitions, basically due to a lack of job announcements in the Serbian language. Admittedly, examples do not only relate to private companies, but also include Publicly Owned Enterprises (POE), the public administration of the municipalities, and public companies. If announcements are written in Serbian and/or English, they are usually published in Albanian newspapers, thereby excluding the Serbian readers. This represents a new dimension of indirect discrimination against the Serbs in the labor market (Cf. UNIJA-Union 2008: 18), thereby acting against Article 4a) of Kosovo's Anti-discrimination Law which says that access to employment, self-employment and to occupation, including selection criteria and recruitment conditions, should be equal for all members of the society.

If the Serbian returnees get the opportunity to apply for a job in Kosovar institutions or private companies, they most likely fail in the application process anyhow because of their lack of Albanian language skills. In the future, this language deficit will increase as both educational systems – the Kosovar and the Serbian – function separately from each other, leading to a society in which the largest communities in Kosovo do not understand each other anymore and cannot communicate effectively.

Moreover, the European Agency for Reconstruction (EAR) notes that "[w]orkplace democracy allowing for safe and secure work environments for all employees (and communities) can not [sic] be assured – the *level of risk for Serb* and Rom *communities is particularly high …*" (Emphasis added, EAR 2006a: 102). It cannot be guaranteed that the Kosovo Serbs are not discriminated at their workplace.

Unemployment, the dependency on social assistance and remittances from abroad, low-income jobs, and general poverty are closely linked to each other. It is not surprising that "[i]t is estimated that 90 % of Kosovo IDPs/returnees live under the poverty line …" (UNIJA-Union 2008: 22).[181] The World Bank argues, "[t]he estimated poverty incidence for Serb heads of households has increased over time …" (World Bank 2007: iii). The 2007 Poverty Assessment remarks that the poverty rate among Serbian households rose from 9 to 44 % between 2003 and 2005. (Cf. World Bank 2007: 9)

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[181] The *poverty line* is considered as adequate to meet basic needs = 1.55 EUR per adult per day and the lower *extreme poverty line* equals 1.02 EUR per adult per day (using 2009 prices to calculate the poverty line). (Cf. World Bank 2011: iii)

Percentage of per capita poverty by ethnicity				
	2002/03	2003/04	2004/05	2005/06
Kosovo Albanians	38.4 %	43.6 %	32.1 %	42.5 %
Kosovo Serbs	30 %	34.7 %	34.3 %	81.8 %
Other	58.7 %	54.3 %	67 %	51.8 %

Table 14: Poverty Headcount by Household Head Ethnicity
Source: World Bank (2007): Kosovo Poverty Assessment, p. 46.

"With that background the results indicate that the poverty headcount for Serb areas and Serb-headed households seems to have skyrocketed between 2003 and 2005 … ." (World Bank 2007: 18) The World Bank identifies three hypotheses for this increase:

H1: "… Serb areas have become enclaves, isolated economies, which are experiencing gloomier economic prospects within a largely stagnant Kosovo economy."

H2: "… many better off Serbian households have left for the Republic of Serbia and those left behind are mostly the very poor."

H3: "… data quality from mostly Serb statistical areas are [sic] poor because the Statistical office does not have much control over the enumerators in the Serbian areas." (World Bank 2007: 19)

It is most likely that all three hypotheses apply to the case at hand, especially the hypotheses 1 and 3. (Cf. World Bank 2007: 19) However, in this area, it is very important to note that there is a significant lack of accurate data. The Statistical Office of Kosovo does not maintain data on the Serbs in Kosovo. In order to estimate figures, the Statistical Office separated Kosovo into Serbian and Albanian dominated regions and then collected data in this regard. The World Bank, however, claims that this data often does not appear to be very realistic. (Cf. World Bank 2007: 19) The results of their analysis are shown below.

	Full Poverty Line			Extreme Poverty Line	
	Headcount	Poverty Gap		Headcount	Poverty Gap
Ferizaj/Uroševac	53.8	14.6	Ferizaj/Uroševac	17.7	3.7
Gjakovë/Đakovica	54.0	16.3	Gjakovë/Đakovica	22.4	5.9
Gnjilane/Gjilan	18.0	3.8	Gnjilane/Gjilan	3.6	0.9
Mitrovicë/Mitrovica	38.0	12.2	Mitrovicë/Mitrovica	17.0	4.2
Pejë/Peć	37.2	10.9	Pejë/Peć	13.1	3.8
Prishtinë/Priština	21.8	6.2	Prishtinë/Priština	9.0	1.3
Prizren	33.9	7.6	Prizren	6.8	1.0
Overall	34.5	9.6	Overall	12.1	2.7

Table 15: Poverty and Extreme Poverty by Region in 2009
Source: World Bank 2011: Consumption Poverty in the Republic of Kosovo, p. 6.

The region Mitrovicë/Mitrovica, including the three northern Serbian municipalities, is slightly above the average when comparing poverty headcounts between the six regions in Kosovo: 38 % of this region's population lives below the formal poverty line, living on less than 1.55 EUR per person per day. The same applies to extreme poverty in this region: 17 % of the population lives below the extreme poverty line, i.e. living from less than 1.02 EUR per day. (Cf. World Bank 2011: 6) Poverty, as mentioned above, is closely related to the economic activities of a household, especially the employment status, and if employed, the sector and type of employment. (Cf. World Bank 2011: 11)

The Serbian returnees are not integrated in the Kosovar employment market. In addition, they are affected disproportionally by the lack of employment opportunities and discrimination in the Kosovar employment market due to various reasons. The Serbs often refuse to return to their municipalities of origin because of safety concerns. Consequently, they return to rural, remote, mono-ethnic areas in which they are excluded from the main employment opportunities. Furthermore, the Serbian returnees have less knowledge of the employment markets and the different methods and opportunities to even find open vacancies. In several cases, the returnees can no longer rely on a social network in Kosovo and do not know how to apply for a job in this newly established economy. The following example illustrates the difficult situation of the Serbian returnees:

> "Of five women who returned to Deçan/Dečane [sic] in 2008 and actively searched for a job, only one of them was able to find employment as advisor to the municipal community office, on a short-term contract. The woman, who is the first and only Kosovo Serb employed in Deçan/Dečane since 1999, worked in the municipality on a voluntary basis without the legal and social protection of a contract until June 2010." (OSCE 2010: 232)

Additionally, "[r]eturnees in Zallq/Žac and Dragolevc/Dragolevac in Istog/Istok municipality are supported by humanitarian assistance and do not have any means of employment" (OSCE 2011: 233). The lack of employment opportunities and ergo the lack of income continues to be a major obstacle for the Serbian returnees in Kosovo.

A further concern is the lack of a continuous power supply, which fosters the inability of Kosovo's economy to fully recover from the war and further influences the decision of the Serbian refugees whether or not to return to their homes. "… Power outages, an everyday occurrence in Kosovo since 1999, are one of the main obstacles to the country's economic development …" (Sinani, Demi 2011: 8) and prevent the Serbian returnees from establishing sustainable livelihoods.

First, it can be observed that "… energy is a hot topic in Kosovo, as it is understood as the basis for any further economic development." (KIPRED 2007b: 4) Kosovo's general development and the economic security of every returnee depend upon a stable supply of energy and future energy security. Currently, the situation is characterized by "… rolling power failures and black-outs …" (Kumkar 2003: 102). In some areas, power is regularly switched off for several hours a day; even the capital is no exception. The energy interruptions have severe implications on households and also on agricultural and industrial enterprises alike. (Cf. Džihić, Kramer 2008: 12)

> "The World Bank estimates that businesses lose an average of 5 percent of sales due to electricity challenges." (ISSR 2006: 12)

The reason for the energy shortages is the low capacity of the two power plants Kosovo A and Kosovo B, both constructed between the 1960s and the 1980s, which produce a total amount of only about 560 MW whereas the national consumption stands at around 800 MW. (Cf. EU, UNMIK 2007: 4; KIPRED 2006a: 39) Thus, the demands – particularly during the winter months – cannot be covered. Furthermore, the power plants lack modernization and the Kosovo energy company KEK[182] is without an effective management, which is particularly evident in the fact that "… only one of its five units [is] in operation …" (KIPRED 2006a: 39).[183] Whether systematic discrimination against the Serbian minority in the energy supply sector is present will be analyzed subsequently.

Due to many unpaid bills in recent years, the KEK decided in 2004 to divide the whole Kosovar territory in three categories:

> "The so-called 'ABC policy' guarantees approximately 24 hours electricity supply for customers residing in areas with a very good bills payment record (zone A), while zone B and C, where customers have a poor and poorer payment record, will experience reductions." (UNIJA-Union 2008: 40 f.).

The ABC policy achieved its primary objective: More and more Kosovar residents now pay their bills although "… a financially self-sustaining Kosovo Electricity Company … appears to be pie in the sky … ." (Kukmar 2003: 103)[184] A major problem of zoning is that individual households can be essentially punished if they are the only ones paying in their village because if the majority does not pay their electricity bills the whole village will be categorized in C. This can have the opposite effect, because residents thereby can be encouraged to cease paying their bills, too, if they realize that their individual payment does not lead to an improvement in categorization.

All Serbian enclaves in Kosovo are classified in category C. (Cf. UNIJA-Union 2008: 40f.) This results from the fact that the majority of the Kosovo Serbs, including the returnees, is not able to afford the payment of electricity bills: electricity in Kosovo costs 26 EUR per month compared to an average income of around 280 EUR (cf. Eurofound 2012: 3; Shaipi 2012: 7). The economic situation of the Serbian returnees forces them to accept significant limitations in power consumption, which does not only restrict their private activities but also any farming efforts, which are often essential for their survival.

As a result of the renewed power cuts in 2009[185], there were numerous protests in several Serbian villages, because the population perceived these shutdowns as politically and ethnically

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[182] The Albanian term is: *Korporata ElektroEnergjetike e Kosoves* (KEK). The abbreviation KEK is also used in English literature.

[183] "… [T]he current management of the Kosovo Electricity Company (KEK, Korporata ElektroEnergjetike e Kosovës) includes many individuals who had been out of the system for the 10-year period of exclusion up to 1999 (the period of 'emergency measures' by the Serbian regime)." (Kukmar 2003: 103)

[184] In comparison to 2004, the percentage of paid bills could be increased from 38% to 42% in 2007. (Cf. EU, UNMIK 2007: 5)

[185] The villages Plementina/Pelmetin and Miloševo/Millosheve had no electricity for over a week. Through the electrically operated water pumps, the two villages had no water supply either. (Cf. KFOR 2009a: 1) The same occurred in the village Dobrotin/Dobratin, which was four days without electricity, and Donja Gušteri-

motivated. In the villages Shillovë/Šilovo and Pasjane/Pasjan, the cuts even led to violent up-risings. (Cf. Secretary General 2009-06: 6) In most cases, particularly in the Serbian enclaves in the South of Kosovo, agreements could be reached after the protests. (Cf. CommHR 2009: 21) In some cases, the Belgrade authorities intervened in the attempt to achieve an agreement between the KEK and the Serbian villagers. The following interview was held by the ICG in December 2005 with the then KEK Commercial Director Sean McGoldrick:

> "We would virtually reach local agreement. Then Belgrade's CCK [Coordination Center for Kosovo] would always step in and intimidate them, saying they would stop their welfare payments from Serbia, they would be bad Serbs etc." (ICG 2006: 28).

Some Kosovo Serbs rejected a contractual agreement with KEK, because a contract with a Kosovar institution would indirectly recognize the existence of a Kosovar state and, hence, the independence of Kosovo itself. (Cf. Secretary General 2009-06: 7) For the several reasons mentioned, in four eastern municipalities, no agreement could be found. (Cf. ICG 2009: 22)

The Serbian residents in the North of Kosovo are in a unique situation: Because of its geographical proximity to the Serbian territory, Belgrade is increasingly committed to supply the Serb-dominated North with electricity from Serbia. KFOR argued that "[i]n 2009, Serbia will be heavily investing in North Kosovo with new electricity and independent water systems." (KFOR 2009b: 1) In addition, the municipalities in the North – unlike the rest of the country – are not divided into the categories A-C by KEK. This is the reason why "… electricity is less of a problem" (UNDP 2006: 38) for the North and the Serbs living there.

In the rest of the territory, however, the Serbian returnees are affected monumentally by the unreliable power supply and the lack of agreements with KEK. Not only are the invoices often exceeding their monthly disposable financial resources, the required payments often include the time period that the Kosovo Serbs spent in exile. (Cf. HLC 2008: 214) During their flight, and their stay in exile, the houses of the Serbian refugees were often occupied by IDPs. If the Serbian returnees were not able to claim their property at the KPA after their return (due to restrictions in the suitability of ownership conflicts), KEK now demands payments of the Serbian returnees relating to the power consumption in their absence, used by other residents. This exceeds their already scarce financial resources and creates new tensions within Kosovo's population, particularly between the Serbs and the Albanians, the latter often being the persons who occupied the vacant houses. (Cf. OSCE 2008a: 13; UNIJA-Union 2008: 41)

To summarize, the Serbian returnees face many difficulties: Financial hardships, high unemployment, and the remaining invoices from the period in which their homes were occupied by others often prevent the returnees from paying the utility bill in the amount of 26 EUR per month. These factors determine that they fall into the last category within the ABC policy and receive power only when there is sufficient power available for the whole country. This policy is discriminatory and bans the Serbian returnees from a continuous power supply, which prevents them from establishing sustainable livelihoods. Once again, this is a direct contradiction to the provisions pointed out in Article 4i) of Kosovo's Anti-discrimination Law, which ensures that every person has access to goods and services which are available to the public.

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ca/Gushtoricë e Ulët and Gornja Gušterica/Gushtericë e Epërme that had already spent three days without power supply at the time the KFOR report was written. (Cf. KFOR 2009b: 1)

In conclusion, the correlation between power supply and sustainable returns becomes particularly obvious during hard times, such as bitter winters as the following example illustrates. "Six Kosovo Serb families in Ferizaj/Uroševac Municipality left for Serbia, reportedly because of electricity and water shortages." (Secretary General 2012-04: 8)

Finally, the Kosovar Anti-discrimination Law plays a significant role: Despite being one of the most advanced anti-discrimination laws worldwide, it lacks concrete implementation. By examining the employment situation of the Kosovo Serbs and their access to power supply, this chapter could illustrate that the Kosovo Serbs are discriminated against in public life in Kosovo. The Anti-discrimination Law provides a de jure framework for the protection of marginalized groups and encourages inclusion and inter-ethnic tolerance. In practice, however, it does not provide any de facto means to protect the marginalized groups from discrimination in public life. For instance, the Kosovo Serbs are often afraid of using their native language in public because they are running the risk of harassment or even direct violence. The Kosovo Serbs and the Serbian returnees especially have almost no chance of being hired by Kosovo public or private institutions/companies due to language barriers and the fact that they most likely are not even aware of open vacancies because these are published in the Albanian language and in Albanian newspapers, thereby excluding Serbian possible applicants.

In the energy supply sector, the Kosovo Serbs living in the southern/eastern enclaves are all in category C, deprived of a continuous power supply. Consequently, the Serbian returnees in these neighborhoods are challenged to build sustainable livelihoods under these conditions. Furthermore, these enclaves have few chances to change their category. Any attempt by the population to negotiate with KEK was further negatively influenced by Belgrade because any agreement with a Kosovar institution would indirectly recognize the Kosovo state as such, even though an agreement with KEK is essential for the survival of most Serbian returnees in these areas.

7.4   The Unsolved Status of Kosovo Influences the Return of Kosovo Serbs

The United Nations Security Council Resolution 1244 marked the end of hostilities in Kosovo by establishing the United Nations Mission in Kosovo (UNMIK) as the legal administration, thereby combining all legislative, executive, and judicial rights and duties under an international roof. UNMIK had three main tasks:

— the establishment of a transitional government,
— the establishment of a final Kosovar administration/governmental institutions, and
— the finding of a final solution to Kosovo's status. (Cf. Schmitt 2008: 336)

Since 2005, different compositions of international stakeholders (such as the UN itself or the troika of the Kosovo Contact Group consisting of the EU, the USA, and the Russian Federation) have negotiated the terms of the future status of Kosovo. Two main positions can be identified in these negotiations: Most western states supported the independence of Kosovo under the condition that Kosovo will not be separated anyhow, which means that Kosovo is not separated into a Serbian North and an Albanian South. The other position being that Serbia (with the support of the Russian Federation) claims that Kosovo belongs to Serbia and its status cannot be changed. (Cf. Schmitt 2008: 366) Both parties could not find a compromise and held very strong positions. This is also the reason why the last negotiation led by former Finnish President Martti Ahtisaari in 2007 failed. He designed the scenario of an internationally observed independence with comprehensive minority rights for the Serbian population. (Cf. i.a. Badger 2012: 5; Schmitt 2008: 366f.) Whereas the Kosovo Albanians accepted, Serbia argued that Kosovo is an internal affair and will not be separated from the Serbian territory.

Due to the hardening of the positions and the situation as such, Kosovo – with the support of mainly Western states – unilaterally declared its independence from the Republic of Serbia on 17 February 2008. Until November 2013, 108 out of 193 (54.9%) United Nations member states recognized Kosovo as an independent state. "In the opinion of these states, Kosovo was a *sui generis* case whose independence was vital for maintaining regional peace and security." (Emphasis in original, Economides et al. 2010: 99) Yet, from an international law perspective, Kosovo is not an independent state[186]. It is still a province of the Republic of Serbia and not a fully recognized member of the United Nations. [187] The following map shows the states that have recognized Kosovo as an independent state until November 2013.

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[186] This is the reason why in this thesis, Kosovo residents are not called citizens, there is no legal border between Serbia and Kosovo, and Kosovo is not called a state but it is referred to as a country or a region.

[187] In international public law, four requirements are necessary to be recognized as a fully independent state: a territory, a population within this territory, the sole power over this population on this territory, and the recognition by others. This most likely occurs through the membership in the United Nations Organization (UNO). In order to become a full UN-member, one has to get a two-thirds majority in the UN General Assembly, including the majority of the Security Council and, hence, the five veto powers. The Russian Federation, however, always supports Serbia in their position and uses its veto. The same occurs with the People's Republic of China, which uses its veto power, too, since they fear that Chinese provinces could separate themselves from China, such as Tibet.

Kosovo
States that recognize Kosovo as independent
States that have not recognized Kosovo as independent
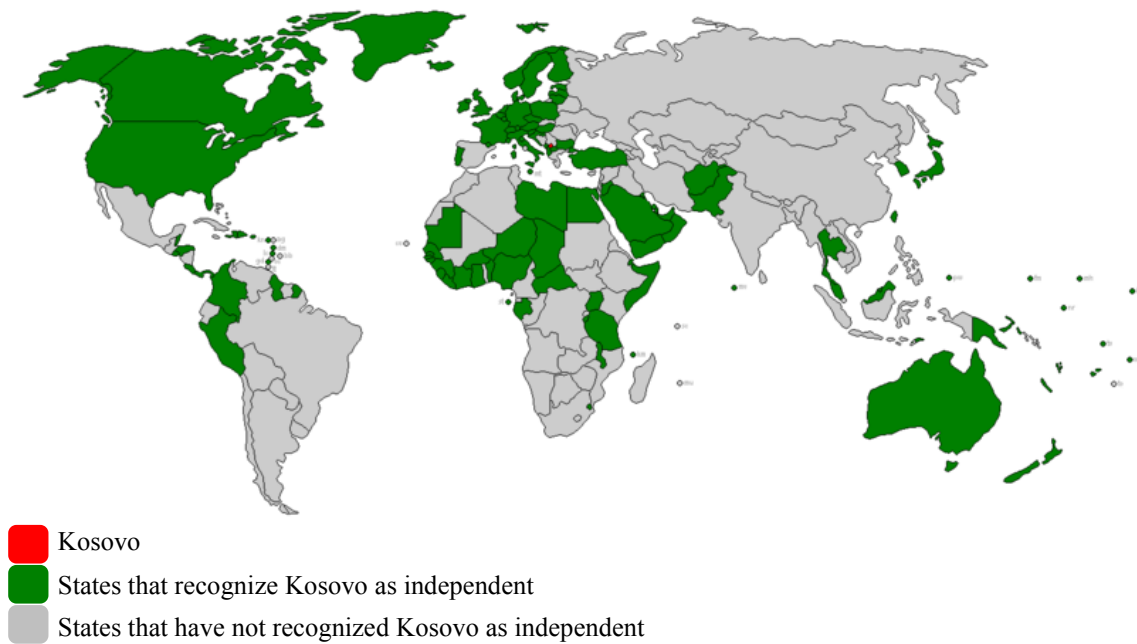
Figure 35: Countries Recognizing Kosovo as of November 2013
Source: *http://en.wikipedia.org/wiki/File:CountriesRecognizingKosovo.png*

Economides et al. claimed in 2010 that due to the lack of recognition by the United Nations Organization, Kosovo was left in limbo despite having hoped for a quick international recognition. In 2013, the same situation remains. After its declaration of independence "… Serbia quickly announced that it would not oppose Kosovo's secession through violence. Instead it confined its campaign to political, diplomatic, and judicial avenues. Belgrade began an intensive lobbying campaign against recognition." (Economides et al. 2010: 99f.) Consequently, the Serbian residents in northern Kosovo became the cue ball of Belgrade. The Serbian government started to fulminate against Kosovo by using the Kosovo Serbs in the North to implement Belgrade's policies by ignoring any Kosovar institution whatsoever. For instance, with the help of pressure from Belgrade, the Serbian residents in the North boycotted the Kosovar parliamentary and municipal elections.

In 2008, Serbia filed an application before the United Nations General Assembly to bring the Kosovo question before the International Court of Justice (ICJ). The UN General Assembly Resolution A/63/L.2 (2008) posed the following question to the ICJ: "Is the Unilateral Declaration of Independence Proclaimed by the Provisional Institutions of Self-Government of Kosovo in Accordance with International Law?" The resolution was passed 77 votes in favor, 6 against, and 74 abstentions. (Cf. Economides et al. 2010: 112 en. 2) Thereupon, many states waited to make their decision on the recognition of Kosovo after the ICJ's judgment. In conclusion, "… the judges decided to opt for a very narrow reading of the question posed to them, concluding that 'general international law contains no applicable prohibition of declarations of independence ... the declaration of independence of 17 February 2008 did not violate general international law' … ." (Economides et al. 2010: 101) Yet, the ICJ did not answer the question of whether the unilateral declaration of independence was legal and if Kosovo should be recognized by other states. Nonetheless, the ICJ dealt with this question and explicitly stated that this was not the General Assembly's question:

> "In the present case, the question posed by the General Assembly is clearly formulated. The question is narrow and specific; it asks for the Court's opinion on whether or not

the declaration of independence is in accordance with international law. *It does not ask about the legal consequences of that declaration.* In particular, *it does not ask whether or not Kosovo has achieved statehood.* Nor does it ask about the validity or legal effects of the recognition of Kosovo by those States which have recognized it as an independent State … ."[188] (Emphasis added)

As a result, the ICJ's decision did not change anything and gave a green light to those states that oppose Kosovo's independence <u>and</u> to those states supporting Kosovo's independence to continue doing so. (Cf. Economides et al. 2010: 101)

The Kosovo Serbian returnees are basically affected by the unsolved status in two ways, which are to be elaborated upon subsequently. Primarily, most Kosovo Serbs return to the northern municipalities of Kosovo, namely Zubin Potok, Leposavć/Leposaviq, and Zvečan/Zveçan and the northern part of the city of Mitrovicë/Mitrovica, which is the Serbian center of Kosovo. In a future ultimate solution for Kosovo, the North will be a corner post of any negotiations. For these reasons, the next subchapter deals with possible solutions for Kosovo with a special focus on the question of northern Kosovo (solutions 2 and 3). Secondly, because of the non-recognition of Kosovo by Serbia proper, there are no diplomatic relations between the two whatsoever. Nonetheless, there are thousands of Kosovo Serbs still displaced in Serbia proper. In some sectors, such as property repossession, the Kosovo Serbs suffer from the lack of diplomatic relations because it directly inhibits their sustainable return to Kosovo.

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[188] International Court of Justice (2010): Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo', online at: *http://www.icj-cij.org/docket/files/141/15987.pdf*, last retrieved on 26.12.2013.

7.4.1   A Long-term Solution for Kosovo?

The following chapter takes a closer look at three possible long-term solutions for Kosovo. The first one is remaining the status quo without significantly changing Kosovo's legal status. The second and third scenarios deal with the special relevance of northern Kosovo and examine whether the partition from or the integration in Kosovo would be a solution to strive for. Subsequently, each scenario is evaluated according to the consequences for the Serbian returnees.

Scenario 1:   Maintenance of the Status Quo

This scenario might be called "maintained independence," in which the current status of Kosovo is not changed significantly. This scenario can already be considered reality because for five years on, Kosovo's status has not changed. It is true that this maintained independence "… is only feasible because of the *political and economic largesse of Kosovo's Western backers*" (Emphasis added, Economides et al. 2010: 101). Without the support of the USA and the large member states of the European Union such as Germany, France, the United Kingdom, and Italy, Kosovo would not be able to maintain its independence. Nonetheless, this specific status quo has also some negative consequences: It is excluded from any possible UN or EU membership despite being a full member of the International Monetary Fund (IMF) and the World Bank since 29 June 2009. Economides et al. fear that the continuation of the current status quo might increase frustration among the Albanians.

> "At best, Kosovo would remain a *frozen conflict*. At worst, it could become a *failed state*." (Emphasis added, Economides et al. 2010: 102)

For Serbia, this future scenario is not the worst case because Belgrade can still claim that Kosovo is a Serbian province and that any discussion about Kosovo's status would affect Serbia's integrity, thereby violating the United Nations Charter Article 2(4)[189].

The maintenance of this current form of independence would not have many additional consequences affecting the existing challenges either in a positive or in a negative sense. The return figures would probably remain constant, but low. Since 2000, approximately 700 Serbian refugees return to their homeland every year. Comparing to the still displaced, this is a drop in the bucket. The already ongoing return to mono-ethnic areas would continue because the Serbs do not feel safe in the rest of Kosovo, which is under Albanian rule.
More importantly, the Serbian politicians influence the Serbian refugees not to return or to exclusively return to the northern municipalities to stay under the guardianship of Belgrade. The result is, in some cases, that the Serbian refugees are not able to return to their municipalities of origin but are forced to return to the North. Hence, they are not at home and do not even live in Kosovo proper. In addition, if the Serbian refugees need a judicial decision before their return (e.g. a property repossession claim or a civil status change), it is a challenge for them to find the right court. The Serbian courts are not recognized in Kosovo and vice versa.

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[189]   Chapter 1, Article 2(4) of the United Nations Charter says: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." The UN Charter is online available at: *http://www.un.org/en/documents/charter/*, last retrieved on 18.11.2013.

Since there are no diplomatic relations between the two entities, the return can only be facilitated and supported by the UNHCR. This is particularly damaging for the Serbian minority.

Scenario 2:   Partition of Mitrovicë/Mitrovica along the Ibër/Ibar River

"Up until the 90s, Mitrovica was a multiethnic one-company town built around the Trepca mining and metallurgy complex. Generally, there was peaceful co-existence and tolerance, with some degree of ethnic interaction." (Jackson 2011: 8) During the war, the city of Mitrovicë/Mitrovica was hammered by ethnic cleansing of the Albanians and later, the Albanian mobs torched the homes of the few remaining Serbs in the South of the city. Nowadays, tit for tat violence dominates the cityscape. Main challenges in the city are inter-communal violence, political contestation, and poverty and social instability. Jackson even argues that "Mitrovica is a dying town" (Jackson 2011: 10). He explains this by the two main problems that plague the city: a dysfunctional government and economic underdevelopment.

In Mitrovicë/Mitrovica, no state has the monopoly of violence. The so-called "bridge watchers", the Serbian police, and a few brave Kosovar police officers compete to provide security in the North of the town. On that account, statehood is fundamentally contested, i.e. that there are "… profound differences about what should constitute the polity and which demos or demoi shall be members of the political community …" (Linz, Stepan 1996: 16). Beyond that, the city has the highest unemployment rate and the lowest employment rate in Kosovo. Social transfers and illegal employment comprised around 60 % of the residents' total income in 2008. (Cf. World Bank 2007)

Jackson finalized a comprehensive risk analysis for the two possible solutions for Mitrovicë/Mitrovica.[190] Subsequently, these two solutions will be presented and their risks briefly explained.

Partition can be defined as cutting a new border through at least one community's homeland, creating a minimum of two separate political units. (Cf. Jackson 2011: 14) One argument in favor of dividing Kosovo: "Kosovo was created because the region is populated by a different ethnicity threatened by the ruling majority. If this is a reason for granting independence for Kosovo, then the lines ought to be drawn in accordance to the ethnicities." (Badger 2012: 7) A new border would separate the South and the North of Mitrovicë/Mitrovica from each other; it could look like these two maps illustrate:

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[190] For the full analysis, please see Jackson, David (2011): Resolving northern Kosovo: Partition or Integration? In: *Hertie School of Governance – Working Papers* 58.

Figure 36: Possible New Border after the Partition of Mitrovicë/Mitrovica
Source: Jackson (2011): Resolving northern Kosovo: Partition or Integration?, p. 14.

Kosovo would in all probability reject the idea of separating the North from the rest of its territory: "Suspecting this, Belgrade has begun to float the idea, though not yet in public, of trading a large part of the Preševo Valley for the North of Kosovo, coupled with mutual recognition." (Jackson 2011: 15) Admittedly, it is not known whether Kosovo would accept this trade of land.

Partition would mean an official divorce between the Serbs and the Albanians in Kosovo enabling two states to function separately and next to each other. This divorce can only be successful if there is a mutual desire for partition, which is not the case since the Albanians are not in favor of this solution. Partition would also involve high costs to the economic development: "Markets will not be entirely cut off, but costs of access will be higher due to tax revenues demanded by border custom regimes." (Jackson 2011: 16) The Serbs in the North will lose easy access to 2 million Kosovar customers and the nearest market in Serbia will then be Novi Pazar, which is a 90 minute drive from the center of Mitrovicë/Mitrovica North. Jackson identifies three main risks resulting from a possible partition of the North from the rest of Kosovo.

(1)   There are 2,000 Albanians living north of the Ibër/Ibar River in the three tower blocks, in the Bosniak Mahala, and in a remote village in the West, which would potentially feel insecure after the partition and demand relocation to another area in Kosovo. "However, relocation in this context is only small scale involving around 500 families, and the costs of relocation are less than the potential costs of an uprising or persecution." (Jackson 2011: 17) The relocation of 2,000 Albanians would cost around 60m EUR[191]. Then remains the question – who pays this amount of money – especially since the reconstruction of houses that had been destroyed during the war has not been finished yet, also because of financial constraints. Many refugees are still waiting for their houses to be reconstructed so that they have a place to return to.

(2)   Partition would send a signal to secessionist groups in the region, which could trigger a domino effect in South East Europe. Special attention needs to be placed at the Preševo Valley in South Serbia and at Macedonia where the Albanians and the Slavs converge. "As a result, Mitrovica could revert to low-intensity warfare in which reintroduced Serbi-

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[191]   The cost to build a house in Kosovo is approximately 60,000 EUR including the construction and land. Furthermore, the Albanians would receive compensation for loss of business and other losses, which is estimated at another 60,000 EUR per family = 120,000 EUR x 500 = 60,000,000 EUR (60m EUR).

an security forces would regularly clash with Albanians across the river." (Jackson 2011: 18)

(3) According to Jackson, the Albanians in the South of the city will lose access to welfare provisions, such as vital educational and health facilities, as most of the schools, the hospital, and the university reside in the North of the city.[192] (Cf. Jackson 2011: 18f.) However, as explained above, the Albanians do not use Serbian parallel institutions and would consequently not realize a loss of public services.

Recapitulating, partition has its reasoning in the ethnic division of peoples in Kosovo. Nonetheless, this divorce could only work if there is a mutual desire for it, which is not the case. The total costs emerging out of the risk mitigation policies would be at around 72m EUR for the relocation of 2,000 Albanians, the maintenance of security, and the development of a welfare perspective for the population in the South of the city.

In the case of partition of northern Kosovo from the rest of the land, the returnees would have some significant advantages. They could return to their homes in the North without changing jurisdiction: Property conflicts would be solved more easily, and responsibilities and competencies would be clarified. For instance, the returnees would only have to approach Serbian courts, whether in Serbia or in northern Kosovo.

However, partition would be a significant symbol against the concept of multi-ethnicity in Kosovo. One of the first principles in the Ahtisaari plan was: "Kosovo shall be a multi-ethnic society." (Cf. Dahlman, Williams 2010: 407) This principle was always at strife for the international community, in particular, for the United States and several important EU member states. "Minority rights are certainly a principle that the Republic of Kosovo must uphold but this assumes that the new state governs these spaces." (Dahlman, Williams 2010: 407) It should include a society in which the minority communities have comprehensive rights and duties. By separating the North from the rest of Kosovo, this principle would be ignored. The few Serbs living in the southern enclaves and the other minority communities such as the Roma, the Ashkali, the Egyptians, the Goranis, the Bosniaks, the Montenegrins, the Croats, and the Turks, would be vanishing.

Consequently, the Serbian returnees would not be integrated into Kosovo's multi-ethnic society, but they would return to a different country instead, being exclusively among their own ethnic community and not together with all the peoples that once were combined in the territory of Kosovo. Nonetheless, the separation of Mitrovicë/Mitrovica from the rest of Kosovo would also create clear circumstances for the Serbian returnees: They know what courts and other public institutions to approach, they have a functional government with clearly defined competencies, and access to schools and health care services under the administration of their government. Beyond that, the physical relocation from the exile to the home area would be easy.

Scenario 3: Full Integration of Mitrovicë/Mitrovica into Kosovo[193]

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[192] Jackson develops a policy that would include building a new hospital, a new university, and three new schools in South Mitrovicë/Mitrovica to offer the Albanian residents a welfare perspective after the separation of the North. All in all, this would afford 12m EUR.

[193] Jackson gives the positive example of Brčko in Bosnia and Herzegovina where integration worked well: "Brcko represents a striking example because this integration formula aimed at resolving a situation very

According to Jackson, the full integration of Mitrovicë/Mitrovica into Kosovo would include dissolving the parallel structures and re-orientating the Serbs in the North towards Kosovo and its institutions. (Cf. Jackson 2011: 20) Yet, at the beginning of the year 2013, there were negotiations between Serbian and Kosovar diplomats about maintaining the parallel structures and legalizing them under Kosovo's constitution. Full integration would also need to give substantial political autonomy to the Serbs and establish local power sharing through an internationally mediated "Joint Board". (Cf. Jackson 2011: 20) In addition, the integration of the North of Mitrovicë/Mitrovica into Kosovo would also mean that Kosovo becomes a fully recognized state by the international community.

When these two principles are to be implemented as outlined in the Ahtisaari plan, substantial political autonomy would be given to the Kosovo Serbs "… which go *far beyond* European standards" (Emphasis in original, Jackson 2011: 20), including the creation of more and expanded Serb-majority municipalities, extended competencies and the right to benefit from financial support by the Republic of Serbia, and special protective zones and prerogatives for the Serbian Orthodox Church. (Cf. Badger 2012: 5) Most likely, integration would foster the town's economic development because a functioning statehood would improve property rights and micro economic governance, and market access will be enhanced since integration will reopen the markets now closed by ethnic division.

The three risks that could emerge after the full integration of Mitrovicë/Mitrovica are a Serbian exodus, spoilers attempting to destroy this agreement, and political polarization through the lack of social interaction.

One major risk is the "brain drain" of the Serbs in the North of Mitrovicë/Mitrovica as they have better economic prospects in Serbia proper than in the three northern municipalities in Kosovo. This risk is very likely to become a reality as many Serbs from the North are already migrating out of Kosovo. (Cf. Jackson 2011: 22) However, Jackson identifies a strong correlation between economic advantage and the desire to join other or form new states: "This finding is not only convincing from a theoretical perspective, as evidence from the Serbia [sic] enclaves suggests that *the less money being paid by Belgrade to Serb public workers, the more likely they are to co-operate with the Kosovan state*." (Emphasis added, Jackson 2011: 22) On that account, this risk can be contained by either reactivating the Trepča/Trepçë mining complex through a Public Private Partnership (PPP) or by transforming Mitrovicë/Mitrovica into a regional "center of excellence" for service provision. Through the reactivation of the Trepča/Trepçë mining complex, around 7,000 – 10,000 jobs would be created.[194] Costs would be at around 100 m EUR because the site would have to be cleaned to match European standards. (Cf. Jackson 2011: 23) Admittedly, Jackson does not bear in mind that the Trepča/Trepçë mine has left a high-polluted area, which is no longer inhabitable.[195]

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similar to Mitrovica. Both Brcko and Mitrovica suffered from bitter ethnic divisions in the 1990s; both have a similar population, with similar ethnic proportions; and both suffered from post war economic decline and the absence of a functioning state. Integration has been particularly successful in Brcko where, once considered a "black hole of chauvinism, intransigence, criminality and despair," there is now even a multi ethnic police force, a clear sense of security and relative economic prosperity." (Jackson 2011: 21)

[194] "In Mostar, the re-start of the aluminium manufacturing plant, which now enjoys a major contract with automobile manufacturer Daimler-Benz, significantly boosted the local economy." (Jackson 2011: 23, fn 24)

[195] For further information on the pollution of the Trepča/Trepçë mining complex, please see Chapter 6.4 on the construction of temporary IDP/returnee camps for members of the Roma, the Ashkali, and the Egyptian communities on the grounds of the former Trepča/Trepçë mine.

For this reason, it should be reassessed carefully before investors are approached. The transformation of the city into a regional "center of excellence" for service provision would include modernizing the hospital and the university with costs of around 50 m EUR in total. (Cf. Jackson 2011: 22f.)

The second risk refers to so-called spoilers who could attempt to destroy any integration agreement, e.g. the "Kolasin group" from a village deep in northern Kosovo. In order to mitigate this risk, an interim "European Administration Mitrovica" should be instituted, which would cost around 6 m EUR to secure law and order during and after the process of integrating Kosovo's North into the rest of the territory. (Cf. Jackson 2011: 23f.)

Thirdly, with the integration of Mitrovicë/Mitrovica, political positions could be hardened and political polarization enhanced. "Given the ethnic divide in Mitrovica it is necessary to create 'bridging social capital' which spans different identities, histories and viewpoints." (Jackson 2011: 25) That would help to dismantle exaggerated and exclusionary ethnic identities. To reach this goal, Jackson suggests building a university based on the Tetovo model.[196]

In the short run, the integration of North Mitrovicë/Mitrovica will create insecurity among the Serbian refugees who opt for return. The uncertainty of the success of the integration of the divided city and the rest of North Kosovo will overshadow any return prospects of the Serbian returnees. The returns will most likely decrease in the first months after the full integration of Mitrovicë/Mitrovica. In the end, the Serbian refugees will have the chance of returning to an area where they can live among their peers as well as being fully integrated into Kosovo.

The subsequent table illustrates the results generated from the analysis of the two possible solutions for Kosovo's North.

	GOAL ANALYSIS		RISK ANALYSIS		RETURNEES
	Functioning State	Economic Development	Risk Identification & Assessment	Risk Mitigation Policy & Cost	Consequences for the Returnees
Option 1 PARTITION	HIGH	LOW	1. Albanian relocation 2. Regional instability 3. Albanian exodus	**Total:** **72m EUR** Albanian Relocation: 60m EUR Welfare prospective: 12m EUR	— Separation from former neighbors (and from relatives) — Clear responsibilities — Integration into all Serbian institutions
Option 2 INTE-GRATION	HIGH	HIGH	1. Serbian exodus 2. "Spoilers" attempt to destroy agreement 3. Political polarization	**Total:** **156m EUR** Trepča reactivation: 100m EUR Hospital renovation: 10m EUR University renovation: 40m EUR EU Administration: 6m EUR	— Clear responsibilities — Integration into Kosovo as a whole

Table 16:   Analysis of the Two Possible Comprehensive Solutions for Mitrovica
Source: Jackson (2011): Resolving northern Kosovo: Partition or Integration? P. 27.

The partition option would cost 84 m EUR less than the integration option "… which could prove an attractive saving in today's budgetary climate." (Jackson 2011: 27) However, partition will probably lead to an economic decline, directly threatening the stability of this solu-

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[196] Jackson provides the example of the South East European University in Tetovo, Macedonia, which opened in 2001, helped to stabilize the town, and provided much-needed jobs and capital. The institution is now self-financing. (Cf. Jackson 2011: 23)

tion. Additionally, it might involve ethnic cleansing of Albanians, which will raise the human cost factor of this solution, too. (Cf. Jackson 2011: 28) Beyond that, the risk mitigation policies are "damaging limitations" whereas the risk mitigation policies within the integration solution are positive investments in the future of Kosovo. The author of this thesis supports an integration of Mitrovicë/Mitrovica's North into Kosovo: although the costs are higher, the outcome is more stable and includes a long-term perspective in which the Albanian and the Serbian community have a place to live and can exist peacefully with each other.

The returnees would benefit in both cases because of clear responsibilities on the institutional level: The double existence of courts, administrative, educational, and health care institutions would be abolished. When Mitrovicë/Mitrovica is disconnected from the rest of Kosovo, the Serbian returnees could be easily integrated into the North's society whereas in the integration scenario, the Serbian returnees would be integrated into the Kosovar society as a whole. Yet, when dividing Kosovo, the Serbian returnees could be separated from their former neighbors, relatives, and friends despite having returned home.

As a consequence, the integration scenario is conducive to a sustainable return of Serbian returnees and would be beneficial to the political and economic development of Kosovo as such.

7.4.2   The Unsolved Status Derogates the Likelihood of Property Repossessions

Between the establishment of the KPA in March 2006 and December 2007, a total of 40,000 lawsuits were filed: "The majority of these claims concern agricultural land belonging to Kosovo Serbs …" (OSCE 2008a: 15) since before their establishment, there was no possibility to file a lawsuit related to agricultural land. Only 11,000 of these cases were decided by 2008, none of these decisions, however, have been implemented so far. The KPA has neither the financial nor the human resources to be able to perform these duties. In general, the property restitution mechanisms lack effective enforcement and a suitable institution. (Cf. OSCE 2008a: 15)

Property restitution claims can only be successful if the claimant can prove that the respective property belongs to him/her. Many of the property titles, which clarified property ownership before the refugee movements at the end of the conflict, have been lost during and after the war. Roughly half of them are estimated to be missing. (Cf. UNHCR et al. 2007: 76)
In addition, due to the non-recognition of Kosovo and the non-acceptance of Kosovar legal decisions in Serbia and vice versa, the Kosovo Serbian refugees in Serbia are not able to resolve their property issues prior to their departure to Kosovo.

One major obstacle to the unambiguous clarification of many property disputes, especially between the Kosovo Serbs and the Kosovo Albanians is "… the removal to Serbia of cadastral and judicial records by withdrawing Serbian authorities" (Kretsi 2007: 666). The situation is exacerbated by the fact that in June 2008, the responsibilities of the KPA were transferred from UNMIK to the International Civilian Office (ICO). Consequently, the Serbian authorities did not recognize the KPA anymore because its patron belongs to the Kosovar institutions and that recognition would imply acknowledging Kosovo as a state. As early as 19 June 2008, the KPA offices in Belgrade and other Serbian cities were closed. (Cf. OSCE 2008a: 14) These closures affect the property restitution process of the KPA, it "… does not have access to displaced cadastral records …" anymore and that it is increasingly difficult to verify ownership claims.[197]

> "In addition, the Kosovo Property Agency will face obstacles in delivering decisions to displaced persons concerning their property claims, due to the closure of the agency's offices in Serbian cities." (OSCE 2008a: 14)

Nonetheless, the KPA's operations in Serbia are now being undertaken by the UNHCR Property Offices. A Memorandum of Understanding (MoU) between the KPA and UNHCR Prishtinë/Priština on 19 August 2009 closed the gap. (Cf. KPA 2012: 15) "On 22 November 2011 the MoU between KPA and UNHCR was extended for a further period of one year." (KPA 2012: 9) As a result, the access to dislocated property archives has been restored. However, "[a]ccess to the historiats of parcels held in Krusevac is still being sought." (KPA 2012: 15)

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[197] The same challenge occurred in the field of legal security when it comes to civil registry books. After Kosovo's unilateral declaration of independence in 2008, Belgrade did not provide access to civil registry books located in Serbia proper for Kosovo institutions. Recently, a pilot project has been completed, which included the handing over of 359 copies of civil registry books. In Lipjan/Lipljan municipality, "… image taking/recording, printing and verification of religious, birth and marriage registry books … has been completed" (Secretary General 2012-11: 4).

> "In all, only in 5,199 cases (17.8 per cent) implementation has resulted in a request for repossession by the property right holder, which often signifies the sale of the residence to either the current occupant or otherwise a new buyer." (OSCE 2008c: 61)

The sale of property most likely occurs when the Kosovo Serbs feel that their return to Kosovo is an unlikely scenario. For them, the sale is the only way to draw a profit from their refugee situation, which simultaneously means relinquishing their home and old life. Although "[a]ny refugee or displaced person who lost possession of property has *the right* to return to the property or *to sell it*" (Emphasis added, Eyre, Wittkowsky 2002: 8), the sale of residential property prevents a sustainable return process. The sale of their property takes away the refugee's chance of ever returning to their home. (Cf. Smit 2006: 75) The sale of the property also affects the ethnic composition of Kosovo, because "… many only return to sell their property and subsequently relocate to an area where they belong to the majority group." (Von Carlowitz 2005: 554) The Secretary General explained in his report in November 2012 the following:

> "During the reporting period, sales by Kosovo Serbs of their properties and their relocation to Serbia proper stimulated renewed debate over the progress of sustainable returns. Socioeconomic problems continue to be cited among the underlying factors prompting Kosovo Serbs to sell houses and land. Recurring security incidents in several returnee areas have, however, further contributed to perceptions of insecurity among potential returnees." (Secretary General 2012-11: 7f.)

The uncertain status of Kosovo complicates the process of property repossession severely. It is not sure whether the KPA as such will be consequently recognized by Serbia. Without Serbia's support, however, is the KPA often incapable of action. Beyond that, some Kosovo Serbs feel unsafe in the current Kosovar environment and sell their property rather than return to their municipalities of origin.

7.5 Preliminary Conclusion and Policy Recommendations

The conditions for Serbian returnees are non-sustainable. As described above, the first criterion of a sustainable return is the establishment of sustainable livelihoods, which can be maintained without external inputs and that are sufficiently robust to withstand external shocks. This criterion is partly fulfilled for the Serbian return process in the North because these Serbian returnees are better off than their counterparts of other ethnic communities. They work for and approach the Serbian parallel institutions in the North. Belgrade's support is specifically evident in the areas of education and health care, which have a better quality and are less expensive than the Kosovar services. At the moment, the Serbian returnees in the North have good employment opportunities in Serbian public institutions and companies. Nevertheless, if these institutions cease to exist, there is almost no private economy to absorb the unemployed. In the South or the other parts of Kosovo, however, employment opportunities for the Serbian returnees are less good. Most likely, the Serbs return to rural, remote, mono-ethnic areas where their only income generation is subsistence farming.

Beyond that, the returning Kosovo Serbs often face challenges related to the reconstruction and repossession of their property in cases of illegal occupations by Albanian IDPs who also had to flee. If the returnees are able to repossess their property, the sale of the property is a big risk in the return process. In addition, the Serbs feel insecure and not able to freely move within Kosovo. Consequently, the Serbs are almost exclusively returning to the North or other mono-ethnic areas no matter where their municipality of origin is located.

The second criterion for a sustainable return is the returnees' integration into the whole society. The question here is whether the Serbian returnees have a chance of being fully integrated into the Kosovar society. The argument is that the Serbian returnees only have a chance of being fully integrated when they return to the southern enclaves where the situation and the attitude of the Serbs towards the Kosovar institutions are slightly changing. This can be illustrated by the parliamentary elections in 2009 and the municipal elections in 2013 when the Serbs in the enclaves voted to some extent.

Nonetheless, the economic and social situation of the Serbs in the enclaves or in the surrounding municipalities is not as good as in the North where the Serbian returnees would be absolutely isolated from the rest of the country, living solely among their peers without any possibilities of integration into the society as a whole. In the enclaves, the Serbs have poor employment opportunities – apart from the few Serbian parallel institutions that provide limited vacancies –, face power outages on a daily/weekly basis, and have less access to Serbian public institutions and services than in the North. These conditions are reflected in the fact that the absolute majority of Serbian refugees return to the northern municipalities of Zvečan/Zveçan, Leposavić/Leposaviq, Zubin Potok, and North Mitrovicë/Mitrovica.

Kosovo's society is divided along the Ibër/Ibar River between the Albanians and the Serbs. One could even venture to argue that the society is still divided between the Albanian victims and the Serbian perpetrators. Although more than a decade passed since the end of the violent conflict, the Albanians continue to see themselves solely as victims of the war and the Serbs as their oppressors. Any attempts to discuss the role of the Albanians in the conflict are highly controversial and condemned by the Albanian population. For instance, the well-known journalist Jeta Xharra, who moderates one of the most famous TV shows in Kosovo, namely "Life

in Kosovo," got several e-mail death threats in 2009 after she discussed war crimes committed by ethnic Albanians. Following the transmission, she was even accused of being "an Agent of the Serbian Secret Police".[198] This division of the country leads to a de facto exclusion of the Serbian residents from the rest of the society because the entire people is still perceived as the perpetrating people. The Anti-discrimination Law, despite giving the right legal protection mechanisms, cannot change this status quo because it lacks the political will and implementation by governing bodies.

The Serbian returnees have no other choice than to go along with this ethnic division. They almost exclusively approach the Serbian parallel institutions, have no contact with the Albanians, and, most often, also not with the other ethnic communities. They live in mono-ethnic areas, where they are surrounded by their peers and do not take part in public life. In conclusion, the return of the Kosovo Serbs can consequently not be classified as being sustainable. Furthermore, it can be argued that the situation of the Kosovo Serbs and of the Serbian returnees respectively is dependent on Belgrade's attitude towards Kosovo and the resulting decisions. Even though Kosovo can try to improve the situation of the Kosovo Serbs, there will not be any significant change unless Serbia accepts Kosovo as an independent state. By recognizing Kosovo, it would open the door for an improvement of the situation and an actual integration of the Kosovo Serbs into the whole Kosovar society. Although Kosovo has in many ways created supportive realities when it comes to the integration of the Serbs into Kosovo's public and political life, e.g. the commitment to Serbian parliamentary seats and Serbian ministers as well as the whole decentralization process. Nonetheless, the discourse among the Serbs does not change significantly unless Belgrade changes its attitude towards Kosovo. Belgrade still influences the Kosovo Serbs in many ways, either through their nationalistic campaigns or through the indirect dependency on the parallel institutions and the financial support, which would cease to exist when the Serbs in Kosovo start to fully cooperate with Kosovar institutions on a large scale. Figure 37 shows the prospects of the Serbian returnees when returning to the North or to the southern enclaves and the role of Belgrade influencing the sustainability of the return of the Serbs.

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[198] Cf. Balkan Insight (2009): Albania Journalists Condemn BIRN Kosovo Threats, online at: *http://www.balkaninsight.com/en/article/albania-journalists-condemn-birn-kosovo-threats*, last retrieved on 18.11.2013.

The same occurred to Carla del Ponte. The book "Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity" by the former Chief Prosecutor of the International Criminal Tribunal of the Former Yugoslavia Carla del Ponte received a lot of negative attention because del Ponte brought up the issue that the Albanians dealt with the organs of Serbian residents. The sole mentioning of Albanians as perpetrators in the 1999 conflict led to many threats against her life after publishing the book. Please see the chapter "Confronting Kosovo: 1999-2007", pp. 273-304.

Most Returns to the North	**Less Returns to Enclaves in the South and East of Kosovo**
Good Employment Opportunities	**Less Access to Public Services and Goods from Belgrade**
Good Education	**Almost no Employment Opportunities**
Good + Free of Charge Health Care	**Power Outages on a Daily/Weekly Basis**
Positive Chances for Sustainable Livelihoods	**Poor Chances for Sustainable Livelihoods**

+

Feeling of Insecurity and Lack of Freedom of Movement

Inappropriate Inter-ethnic Relations

Serbia's Non-recognition of Kosovo

Parallel Institutions

Separation in Education, Health Care, and Administration

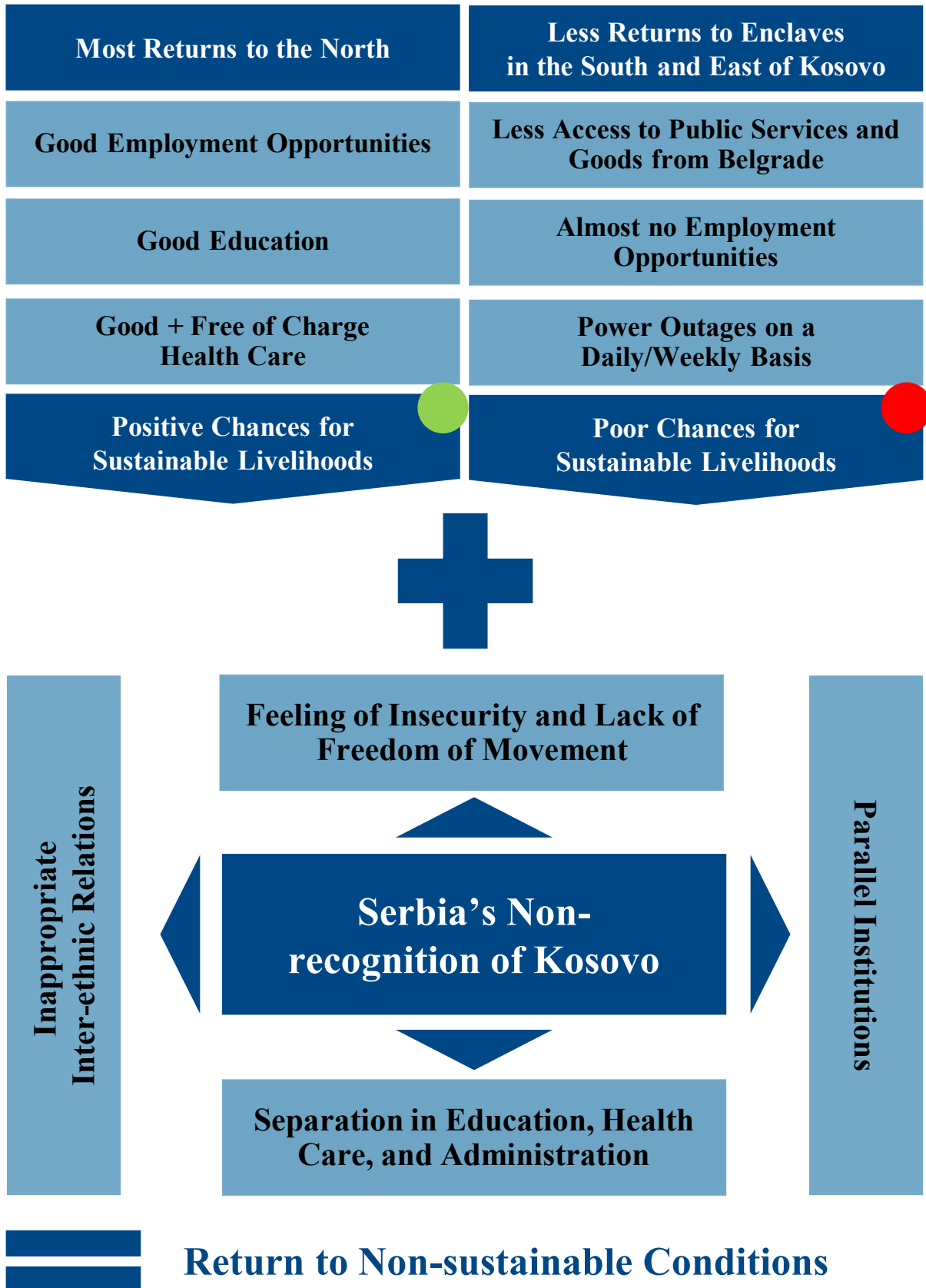**Return to Non-sustainable Conditions**

Figure 37: The Return of the Serbs to Kosovo – Return to Non-sustainable Conditions
Source: Own illustration

The conclusion that the return of Serbs to Kosovo is not sustainable can be supported by the statistic that only 23.54 % of the displaced Serbs returned to Kosovo since 1999. In fact, more Kosovo Serbs are leaving their homes than returning from exile:

"Yet, many leave each year due to the economic uncertainty in Kosovo and their per-
ceptions that a more sustainable future is available outside of Kosovo." (OSCE 2010:
241)

The following policy recommendations intend to improve the living conditions of the already
returned Serbs in Kosovo, to prevent them from leaving Kosovo again, and to attract future
returnees if they see that the conditions in Kosovo are sustainable.

PR 1:   Solve Kosovo's status question.

Addressee: Government of the Republic of Serbia

Kosovo as such and the situation of the Serbian returnees cannot make any significant im-
provement unless the Republic of Serbia recognizes Kosovo as a legally independent state and
abstains from keeping Kosovo under its jurisdiction as a Serbian province. For different op-
tions, especially referring to the specific situation of the city of Mitrovicë/Mitrovica, please
see Chapter 7.4.1. If Serbia recognizes Kosovo, the Serbian returnees would benefit in multi-
ple ways: First, the two cadastral records in Kosovo and Serbia could ultimately be adjusted
to each other, thereby simplifying ownership conflicts of the returning Kosovo Serbs. Second,
judicial decisions of Kosovo courts would be recognized in Serbia and vice versa. This recog-
nition is of utmost importance for the Kosovo Serbs who have to clarify legal issues before
their departure from Serbia, especially in case they leave relatives behind in Serbia and need a
legal decision to be valid in Kosovo and in Serbia such as a civil status change. A first step
that was taken in order to implement this recommendation is the "First Agreement on Princi-
ples Governing the Normalization of Relations", but it needs to be taken seriously and to be
reinforced. A successful implementation of the dismissal of the Serbian police in the North of
Kosovo is inevitable.

*PR 1a: Provide incentives for the Kosovo Serbs in the southern/eastern enclaves for their
          integration into Kosovo.*

Addressee: Serbian-dominated municipalities in the South and East of Kosovo

Belgrade's influence in the non-northern municipalities is less ostensible than in the North.
The Kosovo Serbs realize that the co-operation with Kosovar institutions can simplify their
daily lives. One should keep in mind Jackson's argumentation (2011: 22) that there is a strong
correlation between economic advantage and the desire to join other or form new states: the
less money Serbs in the enclaves receive from Belgrade and the more incentives they are of-
fered by Kosovar institutions, the more likely they are to co-operate with Kosovo as can be
illustrated in the voter turnouts at the end of 2009. In order to further integrate the Serbs into
the non-northern municipalities in the Kosovar institutions would be a free health care system
within the Kosovar health care system.

At the same time, it is advisable that the municipalities with a Serbian majority are further
promoted. Thereby, decentralization mechanisms should be fostered so that the Serbs have
more power within Kosovo and feel more accepted and politically represented.

PR 1b: Integrate the Serbian parallel institutions into Kosovo's jurisdiction.

Addressee: Kosovo, Serbia, and the EU as the negotiation's facilitator

It is not advisable to dissolve the parallel institutions despite the popular belief that they are harmful for Kosovo's political and economic development. This is because of the immense financial support by Belgrade and the fact that the Kosovo Serbs would not immediately integrate into Kosovo's institutions. Hence, they would be left without any appropriate alternative to the Serbian parallel institutions such as schools and health care centers. The Serbian parallel institutions absorb – to some extent – the deficiencies in the Kosovar system, such as in the Kosovo health care system, which is still dilapidated and lacks modernization in all respects. The advice would be to harmonize the parallel institutions with Kosovo's jurisdiction so that the institutions are legal; the money is transferred through Kosovar banks but at the same time these institutions are maintained because they fulfill a very important need in Kosovo. This need can be accounted for with Belgrade's financial support of around 200 million EUR annually for the support of all Serbian parallel institutions. In comparison to the GDP of Kosovo in 2012, which amounts to 4.82 billion EUR, this is a significant sum, which should not cease to exist.

The on-going existence of the parallel institutions, but under the jurisdiction of Kosovo's constitution would create a win-win situation for all – Kosovo, Serbia, and the Kosovo Serbs themselves, primarily the Serbian returnees will benefit the most since they are one of the most vulnerable groups of the Serbian community in Kosovo.

PR 2:   Focus any police and other security efforts on appeasing Mitrovicë/Mitrovica North.

Addressee: Kosovo Police, Kosovo Ministry for Internal Affairs

The inter-ethnic communication is predominantly overshadowed by the continued inter-ethnic tensions and ethnically motivated security incidents in the divided city of Mitrovicë/Mitrovica, particularly in the North. Therefore, the focus of any police and other security efforts should be on appeasing Mitrovicë/Mitrovica so that the focus shifts away from inter-ethnic tensions to positive examples of inter-community life, e.g. in the southern and eastern enclaves.

Ultimately, there is the risk that the currently open living space[199] in Mitrovicë/Mitrovica turns into a violent and hostile area where the Serbs are not safe anymore. Hogan (1992: 413f.) argues that although the return of refugees to one area might be a sound and comprehensible idea at one time because it is peaceful, the continuous existence of the underlying causes for war – as can be observed in Mitrovicë/Mitrovica North where both parties are still as antagonized as before the violent conflict in 1999 – can turn a peaceful environment into a violent one. The open living space for the Serbian returnees would hence be closed.

PR 3a: In a short-term vision, legalize the Serbian educational system and establish more and regular transportation between the Albanian and the Serbian dominated municipalities.

Addressee: Kosovar governmental institutions, particularly Kosovo MEST, the government of the Republic of Serbia, the EU as the negotiation facilitator

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[199] For more details on the concept of open living spaces, please see Chapter 4.1.

"Education does not cause wars, nor does it end them. It does, however, frequently contribute to the factors that are underlie conflict [sic], but it also has the potential to play a significant role both directly and indirectly in building peace, restoring countries to a positive development path, and reversing the damage wrought by civil war. (Buckland 2005: 86)

In this regard, education is a very sensitive issue, especially in an inter-ethnic conflict where the conflict parties both have their own view of the atrocities that occurred and of the path to peace. Despite the many voices – such as Buckland's quote – that education can create mutual understanding and help overcoming antagonism, there is no way out to avoid the two parallel educational systems in Kosovo in the short term. Neither the Kosovo Albanians, the Kosovo Serbs, or Serbia are able to establish one system in which the Albanian and the Serbian children learn one history, one culture of their common homeland Kosovo, and both languages equally. Therefore, it would be advisable to maintain both systems, legalize the Serbian system under Kosovo's jurisdiction, and begin with a regular communication between the two systems on a higher level, such as the ministers of both Ministries of Education, and also on the lower level between teachers, students, and administrators.

Beyond that, it is important to create more and regular transportation to the Serbian enclaves from Albanian municipalities and between the enclaves. This would have the effect that the Serbian returnees with school-aged children would have the free choice where to return to regardless if there is a Serbian school located nearby or not because they would make sure that their children are transported to the closest school.

PR 3b: In a long-term vision, combine both educational systems in one.

Addressee: Kosovar governmental institutions, particularly Kosovo MEST, the government of the Republic of Serbia, the EU as the negotiation's facilitator

Nonetheless, combining the two separate systems into one should be the long-term goal in Kosovo. One could begin with combined and separated subjects. The Serbs and the Albanians could learn non-national subjects together such as natural sciences and physical education. National subjects, such as history or music, should be taught separately in the beginning with the long-term goal of combining them and teaching both kinds of music and one common history of their shared homeland Kosovo. It should be a precondition that in the combined system, all students learn together the Albanian and the Serbian language.

PR 4:   Integrate Serbian classes in the University of Prishtinë/Priština.

Addressee: Kosovo Ministry for Education, Science, and Technology (MEST)

Since the tertiary educational system is also divided between the University of Prishtinë/Priština and the University of Mitrovicë/Mitrovica, an initial harmonization should take place through the integration of Serbian classes into the University of Prishtinë/Priština. The Serbian returnees would have the choice to return to the capital or to other surrounding areas and would not be confined to the North or to stay in Serbia proper when they aim at studying at a university.

PR 5:   Provide health care free of charge in the Kosovar system.

Addressee: Kosovo Ministry of Health (MoH)

There are two parallel health care systems in Kosovo. The predominant reason for the maintenance of both systems is the fact that the Serbian system is free of charge. Although the Serbian system also has a better quality and both peoples are still afraid of using the institutions of the respective other, the main cause for the lack of maintenance and the inability to combine both systems is money. Meaning in effect that despite any efforts Kosovo could make in order to attract the Serbs to use their system instead of the parallel institutions (as e.g. in the Serbian enclaves), the lack of money, especially in the case of the Serbian returnees, would adumbrate their decision and always force them to use the Serbian parallel institutions. If Kosovo plans to combine these two health care systems in the near future, the system would have to be free of charge. An alternative would be the establishment/modernization of the current social security system to provide free health care to those who are in need such as the returnees who recently returned to their homes and did not establish sustainable livelihoods yet.

PR 6:   Implement the Anti-discrimination Law in Kosovo to protect minority communities and other vulnerable groups.

Addressee: All relevant Kosovar governmental institutions, in particular the government and the Office of the Prime Minister (OPM)

Despite being one of the most advanced anti-discrimination laws worldwide, it lacks concrete implementation. It mentions all thinkable reasons for discrimination and provides a basis for tolerance and respect among all communities in Kosovo. However, all institutions in Kosovo should breathe life into the law by exercising it in daily practice to protect the most vulnerable. One could start with the discrimination of the Serbs in the employment market as described in Policy Recommendation No. 8.

PR 7:   Create employment opportunities in Serbian mono-ethnic areas with a special focus on rural areas and provide Serbian returnees with microloans.

Addressee: International (non-)governmental organizations, which are involved in the reconstruction process of Kosovo

If the returnees move to rural areas, they are effectively excluded from major towns and thus potential job markets. (Cf. Arowolo 2000: 68) One proposal to create employment opportunities for the returnees in remote, rural areas would be the creation of small-scale reconstruction projects, which basically employ the returnees. It would support both at the same time, the returnees can create sustainable livelihoods, and the infrastructure of the war-damaged area benefits from these projects. A positive example is the Indo-Chinese refugees returning to Vietnam who were supported by micro projects, which provided temporary jobs for the returnees and improved the living conditions and infrastructure in the communities with high returnee concentration. (Cf. Duong, Morgan 2001: 104) Particularly, the reconstruction of houses is still a major obstacle for return. The returnees, who reconstruct the houses of their potential new neighbors also returning from abroad, would help solving this problem.

At the same token, the Serbian returnees should be provided with microloans instead of or additional to the initial financial support they receive upon their return. These 2,000 EUR are not sufficient to buy all the agricultural machines that are necessary to start an agricultural business apart from subsistence farming. Microloans would be an alternative for the returnees to get more money than the initial financial support.

PR 8:   *Abolish the discrimination against the Serbian speaking minority in the process of job applications and at work.*

Addressee: Public institutions in Kosovo

According to the Anti-discrimination law of Kosovo, there should be no discrimination related to the conditions for access to employment. The Serbs do not have the same access to employment due to the lack of open vacancies published in the Serbian language and in Serbian newspapers. Subsequently, the Serbs do not know of open vacancies. This policy recommendation suggests beginning with public institutions, which by law should publish their open vacancies also in the Serbian language and in Serbian media. Private companies should follow suit.

PR 9:   *Exempt the Serbian (and other) returnees from paying electricity bills right after their return. The Serbian returnees should not be billed for the power that had been consumed by illegal occupiers of their property when they were in exile.*

Addressee: KEK, municipalities

Energy supply is a very hot topic in Kosovo. The ABC-policy is discriminatory against the Serbian population, and among them the most vulnerable are the returnees. Even if it is not intentional against the Serbian population, it still creates an image of a "class society," in which not everybody has the same access to public services such as power. The Serbian returnees are among those who most likely cannot afford the sum of 26 EUR per month to pay the electricity bill. Upon their arrival in Kosovo, they usually do not have a regular income and should therefore be exempted from the monthly bill until they have established a sustainable livelihood.

Furthermore, the returnees are burdened by electricity bills, which refer to the time they spent in exile and illegal occupants, who used power in their homes. One of the most important principles of the refugee law is that refugees should not be disadvantaged or discriminated because they were displaced. Charging the returnees for the power consumption of the illegal occupiers of their property while they spent time in exile puts the refugees and the IDPs in a difficult position and does not foster a society in which all share the same rights and duties.
In order to charge the right persons, who actually consumed the power, a closer co-operation between the Kosovar institutions is necessary.

8. The Bosniak and the Gorani Community

Preface to the Existing Material

This chapter investigates the return conditions of the Bosniak and Gorani community. The topic appears to be largely unexplored.

There is only little research dedicated specifically to the Bosniak community in Kosovo. Exceptions include:

— Božić, Gordana (2010): The Ethnic Division of Education and the Relations among Non-Serb Minorities in Kosovo, in: *Canadian Slavonic Papers* 52(3/4), pp. 273-298.
— Maglajlić, Munib (2003): Bosniaks and Bosnia, in: *DIWAN Special*, pp. 1-4.

The conditions upon return for the Bosniak community are extracted from various reports, mostly from international organizations, and papers dealing with (the return of) all ethnic minority communities in Kosovo. While the author sought to give an important insight to the return conditions of refugees, she does not claim to have drawn a full picture.

The challenge regarding the resources on the return of the Gorani community is a different one: By the end of the twentieth century, after the breakup of Tito's Yugoslavia, Gora/Gorë and the Gorani community has become an object of research for several Serbian scholars. The first results were presented at the interdisciplinary round table in 2000 in Belgrade and collected in an edited volume issued two years later. This volume and another edited book published in 2007 are among the best resources to study the Gorani community in Kosovo and beyond:

— Serbian Academy of Sciences and Arts (2002): *Goranies, Muslims and Turks in the Šar (Shar) Mountain Župas (Parishes) of Serbia: Problems of the Actual Living and Survival Conditions*.
— Serbian Academy of Sciences and Arts (2007): *Kosovo and Metohija. Living in the Enclave*.[200]

Both volumes are highly politicized. They glorify the Serbian government and its politics and at the same time demonize nearly almost every political or societal decision that was taken in Kosovo. On this account, information was carefully selected after thorough review.

One exception from this biased research is:

— Müller, S. (2004): *Gutachten zur Situation der Gorani (Goranci) im Kosovo unter besonderer Berücksichtigung der Situation ehemaliger Angehöriger der Jugoslawischen Armee*, online available at: European Country of Origin Information Network, *http://www.ecoi.net /file_upload/1329_1202899680_sh37-041129gakosovogoranijnaupdate.pdf*, last retrieved on 26.12.2013.

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[200] Both volumes do not appear separately in the bibliography because the author only used certain papers and not the volumes as a whole.

8.1 Introduction: Muslim Slavs in Kosovo – the Bosniaks and the Gorani

8.1.1 The Bosniaks and their Identity

The Bosniaks are Muslims and speakers of the Slavic languages, who adopted Islam during the Ottoman Empire (1453-1912)[201]. (Cf. Stevens 2009: 8) Historically, the term "Bosniak" was associated with the religion of Islam on the territory of Bosnia and Herzegovina. Later on, it was their languages (Bosnian, Croatian, and Serbian), which distinguished Bosniaks from other people (late 1980s).

> "Finally, Bosniaks made the crucial reversal to their historical ethnic name during the aggression against the Republic of Bosnia and Herzegovina, and the decision was made official at the First Assembly of Bosniaks, in the Autumn of 1993." (Maglajlić 2003: 1)

Following the Bosnian war, the Bosnian language was recognized as an own language, distinct from Croatian and Serbian. By 1999, Muslims speaking the Bosnian language in Kosovo called themselves "Bosniaks." (Cf. Stevens 2009: 8) Nowadays, the term "Bosnian" refers to the entire population of Bosnia and Herzegovina, whereas a "Bosniak" is a Bosnian/Serbian/Croatian-speaking Muslim Slav. (Cf. Cocozzelli 2008: 291)

There are around 40,000 Bosniaks currently living in Kosovo, which represent the second largest minority community after the Kosovo Serbs. (Cf. OSCE 2010: 96ff.) They predominantly live in the municipalities of Prizren, Pejë/Peć, Istog/Istok, and Dragash/Dragaš. In Mitrovicë/Mitrovica, Bosniaks constitute roughly 1.1% of the total population. Most of them live in the Bosniak Mahala in the North of the divided city. A limited number also lives in the South of Mitrovicë/Mitrovica. (Cf. OSCE 2010: 76) Although Kosovo Bosniaks also appear in the other regions, this is an exception.

As previously mentioned, the Bosnian language plays a significant role for the identity of the Bosniaks in Kosovo. During Tito's era, all Yugoslavian peoples were equal. This is also reflected in the fact that officially no distinction was made between the Bosnian, Croatian, Serbian, or Macedonian languages. Due to the ethnic cleansing in the mid-1990s in Bosnia and Herzegovina, these peoples sought for ethnic partition. This separation is still manifested in the administrative division of Bosnia and Herzegovina in the two autonomous entities: the Federation of Bosnia and Herzegovina and the Republika Srpska, with a third region, the Brčko District, administered under local government. Consequently, Bosnians wanted to be recognized as an own, distinct people with a distinct language. As a consequence, the Bosnian language was recognized as an own separate language at the end of the Bosnian War in 1995. The problem remains that apart from a different caption – Serbs write with Cyrillic letters whereas Bosnians and Croats use the Latin alphabet – both languages sound very similar. Often, Albanians in Kosovo associate Bosniaks with Serbs and think that they were collaborators of Milošević during the oppression of Albanians in the 1990s. (Cf. Stevens 2009: 8) It

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[201] The Ottoman Empire was a transcontinental empire, which was originally founded as the Ottoman state by Turkish tribes under Osman Bey in north-western Anatolia in 1299. In 1453, with the conquest of Constantinople by Mehmed II, the Ottoman state was transformed into an empire. During the 16th and 17th centuries, the Ottoman Empire was one of the most powerful states in the world. At the beginning of the 17th century, it contained 32 provinces, there under also some Balkan territories, which were lost during the Balkan Wars between 1912 and 1913. (Encyclopaedia Britannica 2013, online available at: *http://www.britannica.com/ EBchecked/topic/434996/Ottoman-Empire*, last retrieved on 23.11.2013)

leads to irritation, which can have severe consequences as illustrated by the following state-ment:

> "The risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities." (UK Border Agency 2008: 14)

For this reason, the Bosnian language and its differences from the Serbian language is a sig-nificant factor for generating a Bosniak identity in Kosovo. Beyond that, they face limited recognition of their own language in Kosovo, which is comparable to the situation of the Turkish language in Kosovo. (Cf. Stevens 2009: 8) Bosnian was recognized as one of the lan-guages of legislative and legal documents as well as a "language in official use"[202] (according to the Law on the Use of Languages) in the municipalities of Prizren and Pejë/Peć (cf. Diz-darević 2002: 2), in Dragash/Dragaš (cf. Stevens 2009: 8), and in Istog/Istok (cf. OSCE 2010: 89). This includes the obligation to provide interpretations when accessing municipal services and translations of municipal documents into Bosnian *upon request*. Nonetheless, the number of translated documents and the quality thereof is not satisfactory. (Cf. OSCE 2010: 89f.) In South Mitrovicë/Mitrovica and in Dragash/Dragaš, information on the municipal notice board is posted in Albanian although the Bosnian language is an official language in Dra-gash/Dragaš municipality. "Furthermore, Dragash/ Dragaš outpatient clinic, where Bosniaks and Goranis are treated and employed, issues all documents and medical files in Albanian." (HLC 2008: 202) In areas where the Bosniaks constitute a significant minority, the Bosnian language has also become a teaching language at all levels of education.[203] (Cf. Dizdarević 2002: 2)

The larger community of the Bosniaks can also be considered as a mixture of different sub-communities with at least two sub-groups. The first sub-group encompasses Macedonian Muslims, who are located in the Zhupë/Župa Valley[204] and in the Podgor area[205]. The Mace-donian Muslims have not fully established an own identity, but they are part of the larger Bosniak identity. The second sub-group is the Goranis, a Balkan minority that has become politically active in Kosovo. Gorani are predominantly located in the municipality of Dra-gash/Dragaš, south of Prizren. The characteristics of the Gorani identity and the friction be-tween fraternization with the Kosovo Bosniaks and separation from them are discussed in further detail in the Chapter 8.1.2.

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[202] According to the *Law on the Use of Languages*, a language becomes an "official language" when the respec-tive minority constitutes more than 5 % and a "language in official use" when more than 3 % of the popula-tion in this municipality speak this language. (Cf. i.a. Božić 2010: 285)

[203] For more information on the educational conditions for Bosniaks in Kosovo, please see the Chapter 8.3.2.

[204] The Zhupe/Župa Valley is located between the cities of Shtime/Štimlje and Prizren in Kosovo.

[205] The Podgor area is located between the cities of Istog/Istok and Pejë/Peć.

8.1.2   The Goranis – Separation from the Bosniaks

The Goranis are the "inhabitants of Gora/Gorë,"[206] which means translated into English the "inhabitants of the mountains". (Cf. Dragaš 2002: 71; Müller 2004: 3) Around 12,000 Goranis live in a relatively isolated community in Kosovo's south-west, the Gora/Gorë region. The Gora community inhabits three areas: (1) Kosovo (Prizren Gora), (2) Albania (Kukës Gora) with nine neighborhoods solely inhabited by the Goranis, and (3) two villages in Macedonia (Urvich and Jelovene). (Cf. Koleva 2012: 135). This region is naturally isolated, as it provides no access to the sea. It is also "… surrounded by the high mountain ranges of Shar Planina, Vratsa, Korab and Koritnik." (Koleva 2012: 135; cf. Hasani 2007: 144)

Figure 38:   The region of Gora/Gorë[207]
Source: Online at wikimedia[208]

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[206] For a historical overview of the region, please see Dragaš, Orhan (2002): The story about Goranies, in: *Journal of the Geographical Institute Jovan Cvijic*, SASA 51, pp. 71-74. It is important to note that Gora/Gorë and the entire Sharr/Šar Mountains (local name: Šar-Planina) have frequently changed rulers. (Cf. Dragaš 2002: 71) Their districts underwent significant changes through medieval times.

[207] The dashed line signifies the municipal border of Dragash/Dragaš.

[208] The complete link is the following: *http://upload.wikimedia.org/wikipedia/commons/3/39/Gora_ Region_between_Kosovo_and_Albania.png*, last retrieved on 19.12.2013.
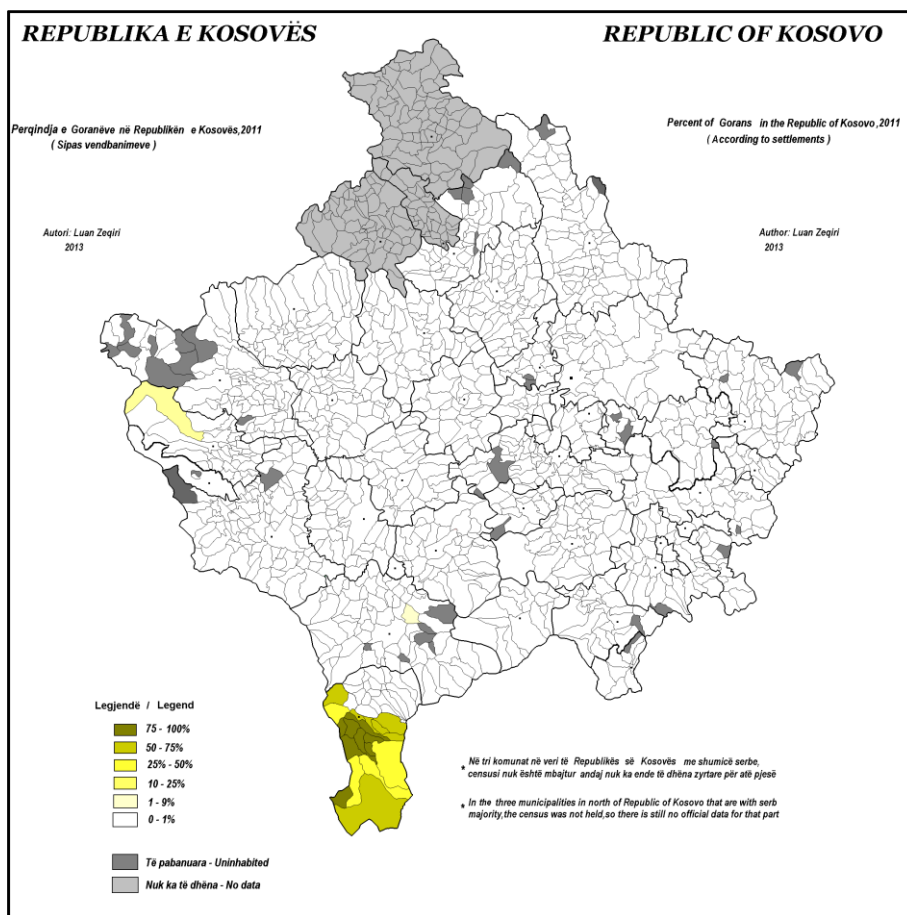
Figure 39: Distribution of Goranis in Kosovo (2011)
Source: Online at wikimedia[209]

The majority of the Gorani community lives in the municipality of Dragash/Dragaš, which is divided into two parts: The upper Dragash/Dragaš, called Opojë/Opolje, which is dominated by Albanian settlers, whereas the native Goranis have remained to reside in the lower Dragash/Dragaš called Gora/Gorë. (Cf. Hasani 2007: 149; Müller 2004: 2) In this municipality, the Goranis make up around one third of the total population and form an important block in municipal politics, which is discussed in Chapter 8.1.3. Dragash/Dragaš is a site of local ethnic dispute and focus of the international community because of its ethnic variety.

> "Dragash/Dragaš municipality is probably unique in Kosovo for the tolerance between the communities living there. Incidents of ethnic violence occurred after the 1999 conflict but the situation has been calm since mid-2001." (OSCE 2009c: 1)

The Goranis' ethnic origins are not clear, as the following quote from Müller shows:

> "Macedonians, Serbs, and even Bulgarians claim the Goranis as part of their nation or ethnic community, but who converted to Islam. Also the Bosniaks (Muslim Slavs), who live mainly in Bosnia and Herzegovina and Sandžak, and in some areas in Kosovo, see the Goranis as part of their community."[210] (Müller 2004: 3)

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[209] The complete link is the following: *http://upload.wikimedia.org/wikipedia/commons/0/05/Gorani_in_Kosovo_2011_census.GIF*, last retrieved on 19.12.2013.

[210] Original quote in German: "Makedonier, Serben, und sogar Bulgaren reklamieren die Gorani als Teil ihrer Nation bzw. Ethnie, die allerdings zum Islam konvertierten. Auch die Bosniaken (Muslimische Slawen), die

A widely held view is that the Goranis descend from Orthodox Christian Slavs who came from Bulgaria in the 13th century and stopped in the Gora/Gorë region on their way to the current territory of Bosnia and Herzegovina.

The Gorani community often uses the phrase *star nash jezik* ("our old language") in communication with other communities. The name *nàshinski* or *nàshinci* derives from this phrase, referring to the name the Gorani community itself wants to call their native language. (Cf. Koleva 2012: 138) The Gorani language is part of the Bulgarian-Macedonian dialect located in the contact zone between the Albanian and the Slavic languages. (Cf. Koleva 2012: 137) Their language "… is the strongest factor of identity." (Antonijević 2002: 226) For Goranis, it is therefore of importance that their names are not changed into Albanian ones, which has often happened in the past, particularly in Kosovo. Mladenović even goes as far as claiming that: "As soon as they break connection with their Gorany speech they become ethnically assimilated." (Mladenović 2002: 49) Thus, ethnic identification is strongly connected to the language nàshinski.

"… [T]he constitutional status for both the Goranis and the Bosniaks has been confirmed through the recognition of each group as a distinct 'community' and through the corresponding acknowledgment of their equal claims to minority rights." (Božić 2010: 275) The thesis at hand analyzes the role and the challenges of the Bosniak and the Gorani returnees separately, particularly because of their distinct self-perception and their position within the Kosovar society. However, the Bosniaks and the Goranis share the same religion and, to some extent, also the same language. In addition, both peoples have been categorized as Slavic Muslims for centuries. For instance, in the 1991 census, only one category was provided for both, the Bosniaks and the Goranis – called "Muslim Slavs". As a consequence, they share some challenges within Kosovo.

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hauptsächlich in Bosnien-Herzegowina und im Sandschak leben, und in einigen Gebieten im Kosovo sehen die Gorani als Bestandteil ihrer Gemeinschaft an." Translation by the author.

8.1.3 Political Engagement and the Differentiation between the Bosniaks and the Goranis

As explained above, while the Bosniaks and the Goranis share some key characteristics, such as their religion and language, one of the main distinguishing features between the two is their political affiliation. (Cf. OSCE 2010: 76) "… [M]embers of both groups like to emphasize that the division between them is more political in nature than genuinely cultural." (Božić 2010: 292) Both communities, especially the Bosniaks, are fairly well-represented in public life compared to other non-majority communities such as the Roma, the Ashkali, and the Egyptians.

The Bosniak and the Gorani communities provide a deputy municipal president each and are represented in the municipal executive boards in the municipalities of Prizren, Pejë/Peć, and Dragash/Dragaš. Beyond that, "… the Bosniak political parties were a deciding factor for the formation of the local or municipal government through coalition with Albanian political parties" (UNHCR 2004b: 25, fn. 79) in the regions of Prizren and Pejë/Peć. Despite their considerable influence in Kosovo's municipal and parliamentary elections, the Bosniaks and the Goranis diminish their own potential: "Factionalism has weakened the community's political presence on both the provincial level and the municipal level." (Cocozzelli 2008: 291)

Figure 40 and the brief explanation of power suspensions between the different political parties demonstrate the factionalism and illustrate the missed potential in parliamentary and municipal elections.

The most prominent Bosniak party in Yugoslavia before 1999 was the Party of Democratic Action (Stranka Demokratske Akcije, SDA) in Bosnia and Herzegovina, with some branches in Kosovo. (Cf. Cocozzelli 2008: 291) In the aftermath of the NATO intervention, the SDA was a small political power. One reason for this is that they were unable to find the right candidate for the first post-war elections in 2000. The party rather competed on an ad hoc basis in specific municipalities. It won two seats in the municipal assembly in Dragash/Dragaš, one in Istog/Istok, and one in Pejë/Peć. The Bosniak Party of Democratic Action of Kosovo (Bošnjačka Stranka Demokratske Akcije Kosova, BSDAK) gathered more votes in 2000, but only managed to get two seats in the municipal assembly of Prizren. (Cf. Cocozzelli 2008: 291) The Democratic Reform Party of Muslims (Demokratska Reformska Stranka Muslimana, DRSM) also won one seat in Prizren's municipal assembly. It was renamed after its first participation in the local elections in 2001 into Democratic Bosniak Party (Bošnjačka Demokratska Stranka, DSB). The three parties – SDA, DRSM, and DSB – later formed a coalition called VATAN[211], which separated in 2004 and was replaced by a new coalition party called VAKAT[212] (Koalicija VAKAT). The VAKAT "… supports the full integration of the community into Kosovo's public institutions coupled with the promotion of Bosniak identity, and education in Bosnian in accordance with the Kosovo curriculum" (OSCE 2010: 88). The VAKAT coalition did not include the Gorani Citizens' Initiative (Građanska Inicijativa Gore,

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[211] The word vatan appears to derive from the Turkish or Ottoman word for fatherland or homeland. Although it is not an acronym it is usually presented in full capitals as "VATAN."

[212] Similar to vatan, the word vakat appears to derive from the Turkish or Ottoman language. The root word in Turkish would be vakit, which means "time." Like VATAN, the political coalition generally uses full capitals, "VAKAT." Although both words, vatan and vakat, would have been common in the larger Ottoman Balkans at one point, they now have come to be associated with the Bosniak community.

GIG) anymore, but the DSB, the Democratic Party Vatan (Demokratska Stranka Vatan, DSV), and the Bosniak Party of Kosovo (Bošnjačka Stranka Kosova, BSK).

The Goranis, who identify themselves as an own ethnic community, are politically organized under the GIG. Because the Goranis are recognized as an own ethnic community and GIG is the only political party representing them, GIG always receives one seat in the Kosovo Assembly.[213] (Cf. Cocozzelli 2008: 292) GIG perceives itself as the only legitimate representative of the Gorani community. Most Goranis reject the Bosniak VAKAT coalition because they feel that VAKAT aims at assimilating Goranis into the Bosniak community. GIG supports this idea and wants to preserve the Gorani cultural heritage.

The Goranis, who are not aligned with GIG, support the Democratic Party Vatan (Demokratska Stranka Vatan, DSV). The DSV views the Goranis as a part of the larger Bosniak community.

> "From this position, the term *Gorani is primarily a geographic designation* derived from the community's location in the high mountains, or gora in various Slavic languages." (Emphasis added, Cocozzelli 2008: 293)

According to the DSV, GIG supports the political and social parallel structures of Belgrade in Kosovo. The question of whether or not the Goranis belong to the Bosniak community is the main reason for the political division within the Gorani community.

Nowadays, the SDA and VAKAT are regionally based parties, which do not challenge each other directly as they compete in different municipalities. Both parties are the biggest representatives of the Bosniak community. (Cf. Cocozzelli 2008: 294) However, by splitting the number of representatives "… between two political entities, Kosovo Bosniaks are reducing their level of representation, but potentially increasing the level of democracy practiced within the community." (Cocozzelli 2008: 294)

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[213] This is regularized in the Kosovo constitution, article 14 on "Transitional Provisions for the Assembly of Kosovo" that reads as follows: "… Ten (10) seats shall be allocated to the parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community and ten (10) seats shall be allocated to other Communities as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the *Bosniak community, three (3) seats*; the Turkish community, two (2) seats; and *the Gorani community, one (1) seat*." (Emphasis added)

The Kosovar constitution can be downloaded here: *http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf*, last retrieved on 23.11.2013.
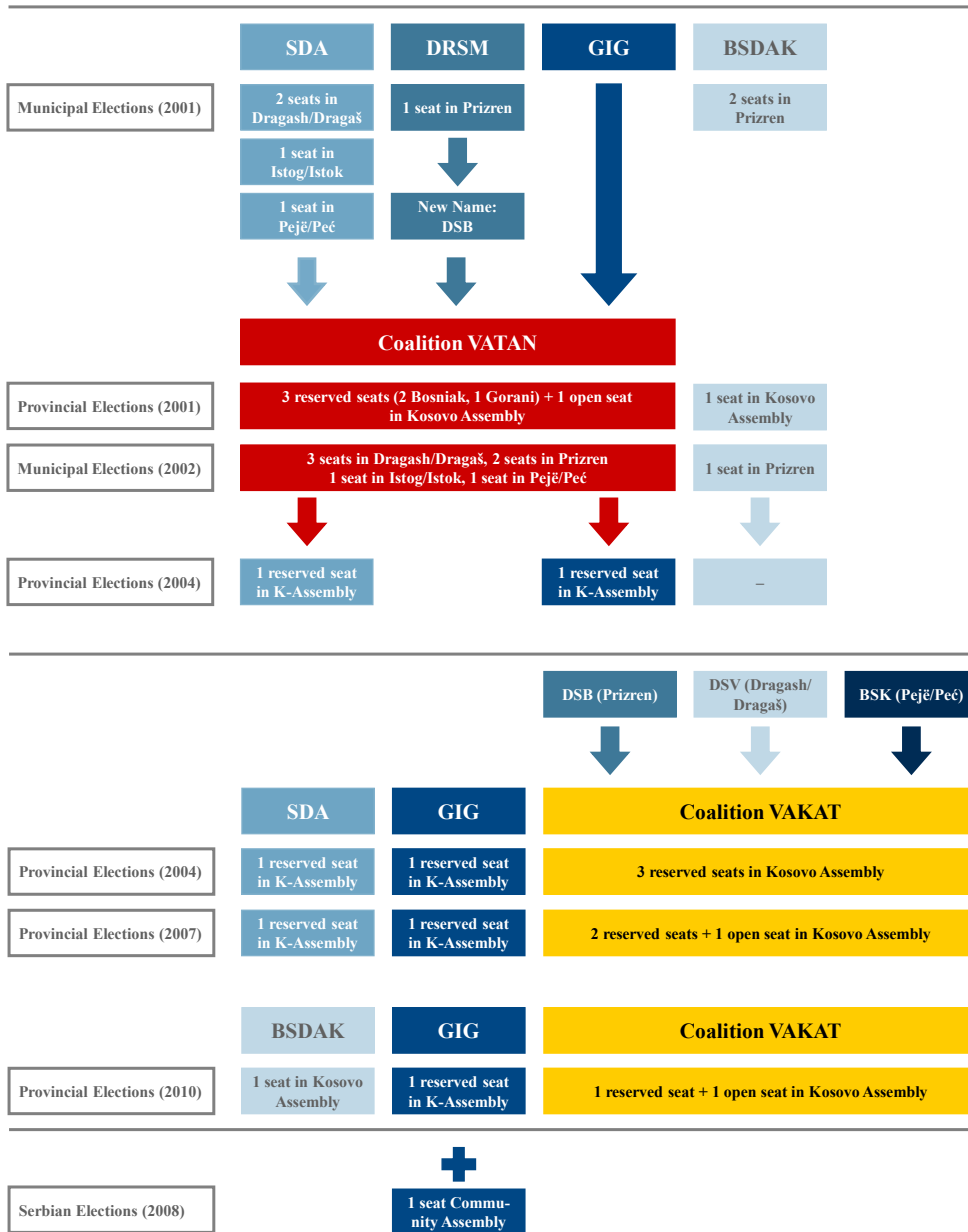
Figure 40: Bosniak and Gorani Political Parties and Their Election Results (2001-10)
Source: Own compilation according to Cocozzelli 2008: Small Minorities in a Divided Polity: Turks, Bosniaks, Muslim Slavs and Roms, Ashkalis and Egyptians in Post-conflict Kosovo, p. 291f.

On the one hand, the stability of the Bosniak community – and to some extent also the Gorani community – was achieved by the political parties. (Cf. UNHCR 2004b: 25) On the other hand, the previously described ongoing rift between the political elites of the Bosniaks and the Goranis and within both ethnic communities continues minimizing their political influences on the national, and especially on the local level. One example for this is the Prizren area. (Cf. OSCE 2010: 87) The gap is exceptionally obvious with regard to the local school curriculum, which is dealt with in Chapter 8.3.2 and 8.4.1. (Cf. Cocozzelli 2008: 293)

8.2   The Displacement and the Return of the Bosniaks and the Goranis

Figures for displaced persons and returnees from the Gorani and Bosniak communities may vary from source to source. Where possible, this thesis is based on and refers to data from the Organization for Security and Co-operation in Europe (OSCE) and the United Nations High Commissioner for Refugees (UNHCR)[214] as there is no official data from Kosovar or Serbian authorities.[215]

8.2.1   Displacement

The displacement waves of Bosniaks and Goranis are comparable to those of other non-majority communities in Kosovo. All in all, around 23,000 Bosniaks and around 6,000 Goranis were displaced in 1999 and in 2004.

Shortly after the war, around 60 Bosniaks were killed and thousands were forced out of their apartments and houses as a consequence of the revenge attacks by the ethnic Albanians. (Cf. Dizdarević 2002: 3) Following the riots in March 2004, another 75 Bosniaks were killed and more displaced. Most likely, the displaced Bosniaks fled to Bosnia and Herzegovina and to Western European countries. (Cf. Ward 2000: 42) There are several reasons explaining the attacks and harassment against members of minority communities, such as the Bosniaks and the Goranis, who have not committed crimes against Albanians:

(1) the minority's general association with Yugoslavia and Serbia, in particular due to their Slavic language and

(2) "… other Slavic-speaking minorities may also be perceived to have had a privileged status in Kosovo …" (Ward 2000: 41) when Albanians were forced out of public life in the 1990s.

Today, around 40,000 Bosniaks are left in Kosovo.

The Goranis, who stayed in Kosovo during the NATO intervention, were ill-fated: They assumed that Gora/Gorë would always be their homeland. However, the ethnic Albanians attacked the Goranis because they considered them to be collaborators of the Serbs. This forced the Goranis to leave their homes. "Their private property, including houses, apartments and shops, was often plundered, destroyed, or, in many cases, usurped, mostly by Albanians from the neighbouring Opolje area." (Hasani 2007: 148) In most of the cases, Goranis were displaced to central Serbia, Belgrade, or to the Vojvodina (one of the two provinces of Serbia).

Hasani's figures are based on a survey conducted by the National Community of Goranis of Kosovo and Metohija. The temporarily displaced persons have found shelter in eighty different towns in central Serbia and twenty towns in the northern province of the Vojvodina. (Cf. Hasani 2007: 152) In addition, a considerable number of Goranis moved to the area of Gračanica/Graçanicë, which has gained the status of a municipality in Kosovo recently. (Cf. OSCE 2010: 152)

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[214]   These figures are illustrated in Table 17.

[215]   In some cases, such as the table on the distribution of displaced Goranis in Serbia, figures may deviate from the data generally used.

To recap, one can assume that the Bosniaks and the Goranis were displaced because they were perceived as collaborators of the Serbs and associated with the atrocities the Serbs committed during the 1990s. "… [S]ignificant numbers of minority populations not associated with abuses against Albanians, including Gorani, Muslim Slavs (Bosniaks), and Croats have been displaced from their homes by harassment and intimidation, including violent attacks." (Ward 2000: 41) Most of them have not returned to their homes yet, which is next.

8.2.2 Return of the Bosniaks and the Goranis to Kosovo

According to UNHCR statistics, the majority of Bosniak refugees voluntarily return to Kosovo from Serbia, Montenegro, and Western European countries. In total, between the end of the violent hostilities in 1999 and February 2013, 1,789 Bosniaks returned to their homes in Kosovo. (Cf. UNHCR 2013: 4) Beyond that, 1,412 Goranis returned during the same time, predominantly from Serbia proper. These figures must be considered in relation to the number of displaced persons. As there are no accurate data of Bosniaks and Goranis, who were displaced, the figures are based on the population census in 1991 (Cf. OSCE 2010), on current population estimations (Cf. OSCE 2010) and on OSCE municipal profile estimations[216], and on return figures (UNHCR February 2013) according to these formulas.

Census 1991 – Current Estimations = Current Displaced Persons
Current Displaced Persons + Returned Persons = Total Displaced Persons

To calculate the return percentage, the number of total displaced persons is compared with the number of returned persons.

$$\frac{100 \ x \ Returned \ Persons}{Total \ Displaced \ Persons} = Return \ Percentage$$

The calculations for the Bosniaks and the Goranis are revealed in Table 17:

	Bosniaks	**Goranis**
Census 1991 (OSCE 2010: 96ff. and 165ff.)	62,450[217]	16,168[217]
Total Displaced Persons	22,923	5,574
Current Displaced Persons	21,134	4,162
Returned Persons (UNHCR February 2013: 4)	1,789	1,412
Current Estimations[218] (OSCE 2010: 96ff. and 165ff.)	41,316	12,006
Return Percentage	**7.8 %**	**25.33 %**

Table 17: Return and Displacement Figures of the Bosniaks and the Goranis
Source: Own compilation according to OSCE (2010) and UNHCR (February 2013) data

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[216] There is no accurate data for the Serbian municipalities of Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan, as well as the northern part of Mitrovicë/Mitrovica municipality. These figures are derived from the OSCE 2013 municipal profiles, which can be downloaded here: *http://www.osce. org/kosovo/43753*, last retrieved on 26.12.2013.

[217] The data collected for the 1991 census is contested as there was neither a specific category for the Bosniaks nor for the Goranis. Both were subsumed under the ethnic category of "Muslims." The presented data is therefore estimated by the OSCE according to the existing information.

The figure for Gorani living in Kosovo in 1991 is often estimated much higher. Some sources even suggest that around 30,000 Gorani lived in Kosovo before the war.

[218] The current estimations are calculated as the arithmetic average of the current municipal estimations, current communities' estimations, OSCE 2009 municipal profile estimations, and current OSCE field teams estimations.

The figures display that only a very small percentage of the Bosniaks and the Goranis returned to their homes in Kosovo to date. They further show that more Goranis (25%) than Bosniaks (8%) returned to Kosovo. The motives for their non-return are similar to those of the other minority communities: a combination of fear of revenge, mistrust in the ability and willingness of local and national authorities to protect them, and the lack of any economic prospects in Kosovo. (Cf. Stevens 2009: 8) The UNHCR and the OSCE claimed in 2002 that there are "[v]irtually no returns of members of the Kosovo Bosniak [and Gorani] minority to Kosovo …" (UNHCR, OSCE 2002: 171). In 2002, the return figures should have been higher than today as it is assumed that a longer displacement decreases the likelihood of return. Nevertheless, almost none of the Gorani or the Bosniak refugees returned to Kosovo in the first years after their displacement.[219] The largest return figures were measured in 2004 but due to the riots and the following new displacement of many members of minority communities, the return figures for the Bosniaks and the Goranis decreased dramatically in the following years and remained low since then. This is illustrated in Figure 41.
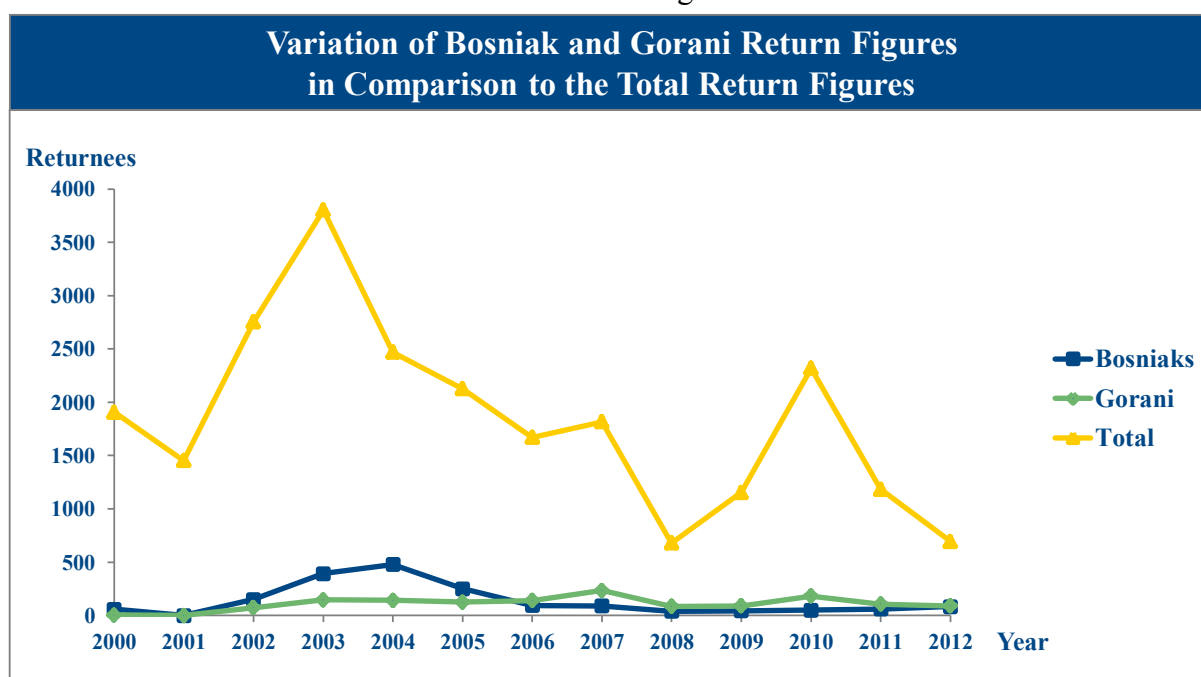
Figure 41: Variation of Bosniak and Gorani Return Figures
Source: Own compilation based on the data presented in UNHCR 2013: 4

First of all, there is not a single specific return program designed for the Bosniak or for the Gorani community. (Cf. OSCE 2010: 81) Beyond that, the return figures and the return conditions for the Goranis and the Bosniaks largely depend on the region, to which they return. The Bosniak and Gorani returnees in the Prizren region get considerable support from various organizations.[220]

Within the administrative region of Prizren, the Bosniaks mostly return to the Zhupë/Župa Valley, to Prizren town, and to the Podgor area and the returns usually occur to their places of origin. (Cf. UNHCR 2004b: 26) The ability to return to the place of origin is not very com-

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[219] Between the years 2000 and 2002, only 206 Bosniaks and 76 Goranis returned to Kosovo. (Cf. UNHCR 2013: 4)

[220] Chapter 8.3 on the "Challenges and Opportunities in the Return Process of the Bosniaks" analyzes whether or not the general conditions for the returning Bosniaks are better in Prizren than in other Kosovar regions.

mon in Kosovo, because of the severe ethnic divisions. However, the Bosniaks always lived in some small, mono-ethnic areas, and were not widely dispersed throughout the country. Therefore, they can return to the places of their origin without any difficulty. In addition, they enjoy full freedom of movement in the Prizren region.

The Gorani refugees mainly return to the municipality of Dragash/Dragaš. One third of Dragash/Dragaš' population belongs to this community. In Dragash/Dragaš, the reconstruction of eight Gorani houses, which were destroyed during the war, was completed in 2009. Moreover, reconstruction material for an additional 19 houses was provided by international non-governmental organizations and the municipality. On top of this, 27 Gorani returnees received food and furniture donations as well as small-scale financial support to generate income and to buy tools in 2009. Nevertheless, the Goranis are not involved in the municipal return working groups in Dragash/Dragaš. Hence, they cannot take part in any decision-making processes related to return issues. (Cf. OSCE 2010: 152)
It is not known whether the Goranis also return to other regions. According to the available information, they only return to Prizren, which is the only region in Kosovo, where they constitute a significant minority.

Some of the Bosniaks return to Mitrovicë/Mitrovica, usually to the Bosniak Mahala. Despite the fact that there was no security incident directly targeted at the Kosovo Bosniaks since 2004, this community is trapped in the intense and unpredictable environment of this particular region. "Some Bosniaks in north Mitrovice/a sold their properties and departed Kosovo. To further attest the precarious situation of Bosniaks, several returns, whether forced or voluntary also resulted in secondary displacement." (UNHCR 2004b: 27)

Neither the Bosniaks, nor the Goranis usually return to the Prishtinë/Priština or to the Gjilan/Gnjilane region, because of the low numbers of Bosniaks and Goranis living there and their isolation. "Unlike the communities in Peje/Pec and Prizren regions, the Bosniak communities in this region have lost the critical mass in the recent period to anchor their community, making it extremely difficult to return to the pre-war conditions." (UNHCR 2004b: 26)
To give a picture of the small Bosniak population in the Prishtinë/Priština region: in 2004, only four to five Bosniak families lived relatively isolated within this region. Instead of returning to these regions, the Bosniaks usually sell their property and relocate to Bosnia and Herzegovina or Sandžak[221] in Serbia proper. (Cf. UNHCR 2004b: 26) This situation is exacerbated by socio-economic factors such as the lack of job opportunities, vocational training, and support for starting up an own business. (Cf. OSCE 2010: 82)

The return of the Bosniaks to the Pejë/Peć region is facilitated by bilingualism. The ability to speak Albanian affects their mobility within this region positively. Bosniak returnees enjoy freedom of movement, not only within the Pejë/Peć region, but also on the way to and within the neighboring Montenegro. Nevertheless, the migration to countries in Western Europe and Bosnia and Herzegovina pose a serious challenge to the Bosniak community. For instance, in

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[221] Sandžak is a region between the borders of Serbia and Montenegro where many Bosniaks settled down in the past centuries.

2004, 43 Bosniak families from the Pejë/Peć region left Kosovo, which represents 46 % of the total number of recorded departures in the region. (Cf. UNHCR 2004b: 27)

The return of former Gorani members of the Yugoslavian army remains especially challenging. Around 2,200 Goranis were compelled to or voluntarily served in the Yugoslavian army at the end of the 20th century. One reason for this is that the Yugoslavian government feared an invasion of NATO ground forces from Macedonia or Albania. The Gora/Gorë region is close to Albania and Macedonia, so they recruited Goranis for defending Yugoslavia at this front. This enduring recruitment was a sign for the Albanians that the Goranis were actively taking part in the oppression and persecution of Albanians. (Cf. Müller 2004: 5) According to UNHCR assessment, former members of the Yugoslavian army should not return to Kosovo yet, because they are still connected with the Serbian regime and the atrocities committed during the war. These Gorani men are not allowed to return to their homes in the municipality of Dragash/Dragaš, because of the position they held in the Yugoslavian army. It is unlikely that they can return to Prizren either, since Prizren's residents know about their specific past to the same extent as their neighbors in Dragash/Dragaš. Nonetheless, the Prizren region is the only return alternative where the Goranis can use their own language in everyday life. A return to other areas of Kosovo is also difficult, because most Goranis are unlikely to speak Albanian and therefore cannot be integrated. Neither is it a feasible option to return to Serbia, with the exception of the Sandžak region, because the Goranis' Muslim faith and their Albanian names. (Cf. Müller 2004: 9)

8.3   Challenges and Opportunities in the Return Process of the Bosniaks

8.3.1   The Bosniaks' Role in Kosovo

The role of the Bosniaks in Kosovo can be described as a situation between two fronts. On the one hand, the Bosniaks share their religious views with the Albanians. On the other hand, there is a linguistic resemblance of the Bosnian and the Serbian language[222], which creates a common ground with the Serbs. In most of the cases, this "bi-ethnic role" has a positive effect. For instance, the Bosniaks do not exclusively approach Kosovo or Serbian institutions, but rationally choose whether to approach a Serbian or an Albanian institution in Kosovo. It is neither a linguistic, nor an ideological decision they make, but rather a matter of their place of residence, the availability, and the physical accessibility of services. Their bilingualism makes this switch possible and easily applicable.

Some argue that it is exactly this position that can also be very threatening:

> "The criticism is directed against nationalistic actions of Serbs in Kosovo, particularly on the example of Mitrovica as a divided town, where Bosniaks (from Bosniak Mahala [Quarter]) are placed in an [sic] highly thankless position, standing on the way both to Serbian and Albanian extremists – either for their nationality and religion, or for their language." (Dizdarević 2002: 3)

At the same token, the Kosovo Bosniak magazine *Alem*[223] accuses both Serbs and Albanians for their aspirations to assimilate the Bosniaks and for ignoring the Bosniaks' individual identity. (Cf. Dizdarević 2002: 3) One example for the fact that the Bosniaks are not perceived as a distinct, relevant ethnic community in Kosovo is the exclusion of them from all decentralization processes: Apart from the fact that there are areas with a Bosniak majority and the Bosniak community is the second largest ethnic minority community in Kosovo, there is not a single Bosniak municipality predominantly ruled by Bosniak politicians. (Cf. OSCE 2010: 87) Even the Turks, who rank third among the ethnic minorities in Kosovo, have a majority municipality (Mamuşa/Mamushë/Mamuša). Nevertheless, the "… Bosniaks feel that for cultural survival, they need decentralization as much as Serbs do" (Stevens 2009: 8).

Although the Bosniaks' stance in Kosovo is positive, they fear assimilation and refusal of their distinctive ethnic identity. In the conflict between the Albanians and the Serbs, the Bosniaks are often left out.

> "… Bosniaks feel that in the newly independent Kosovo their options are to assimilate, or leave for countries such as Bosnia and Herzegovina." (Stevens 2009: 8)

This situation in between the main two ethnic communities rather deters the Bosniaks from returning to Kosovo. The Bosniak refugees do not necessarily see a place for their ethnic community in newly independent Kosovo, especially when they sought asylum in Bosnia and Herzegovina.

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[222] All three languages – Bosnian, Croatian, and Serbian – share the same grammar and to a large extent the vocabulary. The major difference is that whereas Bosnian and Croatian use Latin characters, Serbs write in Cyrillic letters.

[223] Alem is a weekly magazine in the Bosnian language. "Alem provides information on current developments in Kosova and the re-integration of the Bosniac community into a post-war Kosovar society." (Berisha 2004: 236) In 2004, Alem was distributed in Bosnia and Herzegovina, Montenegro, Serbia, Turkey, Italy, Germany, and Switzerland.

When it comes to the employment situation, the Bosniaks benefit from their position between Albanians and Serbs. Some of the Bosniaks who were employed by SOEs still receive pensions from Serbia-funded institutions. In northern Kosovo, around 100 Bosniaks work in Serbia-financed educational, health care, and civil service institutions. (Cf. OSCE 2010: 82) Therefore, in some areas, the Bosniaks are "… comparatively better off than other non-majority communities." (OSCE 2010: 77) In Pejë/Peć, for example, there are qualified doctors, engineers, teachers, nurses, and civil servants among the Kosovo Bosniak community. Nevertheless, unemployment affects the community in the same way as it affects other minority communities and the Albanians in Kosovo. The Bosniaks further claim that they are underrepresented in the Kosovar public institutions.

In addition, there are two smaller challenges affecting these two minority communities in particular:

(1) The Bosniak and the Gorani residents of the Dragash/Dragaš municipality are unable to access information on job vacancies because there is no media coverage in their languages, so no information is directed specifically at these two groups. (Cf. HLC 2008: 204)

(2) Because of the status as a minority and their bilingualism, "[t]here are cases when some Albanians present themselves as Bosniaks in order to get jobs that are supposed to be for Bosniaks" (HLC 2008: 203).

Both challenges decrease the Bosniaks' employability. Since the Bosniak refugees are often well integrated in their countries of asylum, such as Bosnia and Herzegovina, the lack of employment opportunities especially hampers their return to Kosovo.

The Bosniaks are still victims of mistreatment, including intimidation, harassment, and discrimination. They predominantly live in isolated, protected neighborhoods, which are exclusively populated by members of their own ethnic community, and to some extent of the Gorani community. When leaving their own neighborhoods, they are afraid to use their native language in public as it has similarities with the spoken Serbian, which is almost not distinct from the sound of the Bosnian language. (Cf. IDMC 2012: 115) Admittedly, the ability to speak Albanian, which is widely spread among the Kosovo Bosniaks, "… remained a determinant factor for the sense of security and for the level of freedom of movement exercised by an individual" (UNHCR 2004b: 25). In general, the Bosniaks can move throughout Kosovo without any major constraints when they speak Albanian. However, the fear of harassment and the restriction on the use of their own language often imposes the decision to return to the areas with a Bosniak majority, where the Bosniak returnees feel safe and unrestricted to move.

A factor conducive for the Bosniaks' feeling of security and freedom of movement is their great trust in the Kosovo Police. The Bosniak community is relatively well represented in this institution; "… with 185 male and 37 female officers Kosovo-wide, [it is] the *second largest non-Albanian community presence in the service*" (Emphasis added, OSCE 2010: 79). In comparison to other ethnic minority communities in Kosovo, such as the RAE and the Serbs, the Bosniaks are most likely to report security incidents to the Kosovo Police because of their great trust in this institution.

Nonetheless, the Bosniaks are still involved in sporadic security incidents, especially in Mitrovicë/Mitrovica North. They are occasionally caught up in the tensions between the Albanians and the Serbs. The situation aggravated after the EU-led dialogue between Belgrade and Prishtinë/Priština in spring 2013. Following the agreement between both delegations, the Serbs in northern Mitrovicë/Mitrovica denounced the compromise and started small attacks, especially on offices of international organizations in the northern part of the town. This included some attacks on the Kosovo Bosniaks, mostly living in the Bosniak Mahala in northern Mitrovicë/Mitrovica. On 4 February 2013, an explosion was recorded in the neighborhood of Bosniak Mahala, injuring two children. "… on 28 February a hand grenade was thrown at the house of a Kosovo Bosniak whose son works for the Office." (Secretary General 2013-04: 5) Another incident happened on 19 February 2013, an explosive device detonated in the yard of a Kosovo Bosniak police officer. (Cf. Secretary General 2013-04: 5)

In addition, Bosniaks also continue to be the target of security incidents in the municipality of Pejë/Peć, namely harassment and assault. (Cf. OSCE 2010: 80) For instance, "[on] 29 March [2011], in the ethnically mixed village of Vitomiricë/Vitomirica (Pejë/Peć municipality), a Kosovo Bosniak male was severely injured when he was shot by three unknown males" (Secretary General 2011-05: 6).

Despite some smaller security incidents, the Bosniak community in Kosovo is not classified as a minority at risk of persecution according to the assessment of the UNHCR. (2006: 1f.) The UK Border Agency further summarized in 2008:

> "Although Bosniaks may be subject to discrimination and/or harassment in Kosovo this does not generally reach the level of persecution. Considering the sufficiency of protection available and the option of internal relocation, in the majority of cases it is unlikely that a claim based solely on a fear of persecution because of Bosniak ethnicity will qualify for a grant of asylum or Humanitarian Protection and cases from this category of claim are likely to be clearly unfounded." (UK Border Agency 2008: 15)

One could argue that the Bosniaks are not persecuted because of their ethnicity, but that they are rather randomly a subject to violence by accident. Further, this is a geographical problem; the inter-ethnic tensions that prevail in the northern part of the divided city of Mitrovicë/Mitrovica and the other northern Serbian dominated municipalities. Yet, the occasional occurrence of violence in northern Mitrovicë/Mitrovica prevents the Bosniak refugees from making a free decision, where to return to. The Bosniak refugees, originally from the Bosniak Mahala, may be forced to return to other regions than their home towns; because of the fear of becoming a subject of violence at home is too high. Some even decide not to return at all.

To sum up, " … the Kosovo Bosniak community … has managed, unlike many other communities in Kosovo, to live peacefully alongside both the Kosovo Albanian and Kosovo Serb communities" (OSCE 2010: 76). In some areas, they are better off than their counterparts from other ethnic communities due to their special role, the cultural closeness to the Albanians and the Serbs, and especially the Bosniaks' ability to communicate with both of them easily and equally. However, this positive may also lead to an uncertain position of the Bosniaks and their fear of assimilation by the Albanians and/or the Serbs. Furthermore, the Bosniaks have a latent feeling of insecurity when speaking their native language in public. As a consequence, they are best integrated when speaking the majority Albanian language in public.

8.3.2   Access to Education for the Bosniak Community

The access to and the quality of education is a highly political topic for the Bosniak community. This is partly due to the decision to choose one or the other educational system in Kosovo, but it is also visible in comparison to the Gorani community, which deals with education for their children in a very different manner. Beyond that, education is a relevant condition influencing the sustainability of refugee returns of families with children at school age.

One would assume that the Bosniaks attend the Serbian educational system in Kosovo, because there is a strong resemblance between the Bosnian and the Serbian language. However, the Bosniaks attend ethnically mixed or Albanian schools within the Kosovar system[224], where they learn with their own distinct curriculum in the Bosnian language and where national subjects, such as language, history, art, and music, are separately taught as well. In Kosovo, an own curriculum is otherwise only available to the Turks and to the Serbs within the Serbian system. (Cf. UNHCR 2004b: 25) Božić explains that the reason for establishing a separate Bosnian curriculum is the Bosnian language: "Because the Bosniaks use ethnolinguistic criteria for defining their identity, it is necessary to ensure education in Bosnian for the Bosniaks … ." (Božić 2010: 279) Consequently,

> "[i]n nearly every town where Bosniaks live, they can attend elementary and high schools and be taught in their mother tongue …" (HLC 2008: 203).

This implies a significant advantage vis-à-vis the other non-majority communities in Kosovo, such as Roma, Ashkali, and Egyptians. One can only speculate that the Bosniaks have an own curriculum due to their political influence[225], particularly on the municipal level, and the fact that they constitute the second largest minority community (the third largest community in general) in Kosovo after the Serbs. This special role can also be emphasized by an example from the teachers' representation in the southern part of Mitrovicë/Mitrovica: There are several Bosniak teachers employed in this region, despite the fact that there is only a very low enrolment of Bosniak children. (Cf. OSCE 2010: 84) Even higher education is available in Kosovo. For instance, there is a business school in Pejë/Peć, an education facility in Prizren, a Bosnian language department in the University of Prishtinë/Priština, and the private AAB University in Prishtinë/Priština that organizes education in Bosnian, too. (Cf. Stevens 2009: 8; UNHCR 2004b: 25; HLC 2008: 203)

Although education is one of the key issues, it is also one of the most relevant obstacles to a sustainable return of the Bosniaks to Kosovo. This privileged role within the Kosovar educational system is confined to the areas, in which the Bosniaks represent a significant minority. Thus, it is most likely to be established in the south-western part of Kosovo. In Gjilan/Gnjilane, for instance, there are no schools that offer education in Bosnian and according to the Bosniak curriculum. In some municipalities, the Bosniak children have to attend schools in another municipality, where the Bosniak community represents a larger part of the population. Hence, transport for students of these schools is required. (Cf. OSCE 2010: 85)

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[224]   To some extent, Bosniaks also attend schools within the Serbian curriculum, particularly in the Serbian northern municipalities where there are no schools teaching with a Bosnian curriculum. (Cf. OSCE 2009a)

[225]   For more information on the Bosniaks' political influence and role in Kosovo, please see Chapter 8.1.3.

Admittedly, transportation is often not funded by the municipality as the following example shows:

> "For instance, in Prapaqan/Prapaćane (Deçan/Dečane), a Kosovo Bosniak family rely-ing on social welfare assistance pays Euro 50 per month[226] for transport of two chil-dren to the closest Bosnian language secondary school in Pejë/Peć, as they cannot re-ceive education in Bosnian in Deçan/Dečane." (OSCE 2009a: 12, fn. 50)

As a consequence, the Bosniak refugee families with children at school age are restricted in their freedom of choice: They cannot freely decide where to return to without bearing in mind the location of schools that offer Bosniak education.

A significant part of forcibly and voluntarily returned children from Western European coun-tries have difficulties to integrate because they neither speak Bosnian nor Albanian. In their Western European host countries, they learned the national language and often neglected their native languages, which would fundamentally facilitate their integration in Kosovo. (Cf. OSCE 2010: 82) This is one of the major reasons that prevent the Bosniaks from returning to their homes in Kosovo. Most Kosovar schools do not offer extracurricular language classes for returnee children, who were not raised in Kosovo but in Western European or other West-ern Balkan countries.

Beyond that, the Kosovo Bosniaks still face some challenges with regard to textbooks and to representation within school management. One of the most serious issues is the lack of school books: "… [T]here are no books in their languages [Bosnian and Turkish] for secondary and, in some cases, primary education." (OSCE 2009a: 3) In 2009, no Bosnian textbooks for sec-ondary higher education (grades 10-13) existed and there were only few Bosnian textbooks for secondary lower education (grades 6-9). The provision of textbooks is limited by "… the small number of qualified authors and the low profit or even economic loss related to the pub-lication of limited-number copies. Publishing houses incur losses when issuing less than 1,000 copies per book, while – Kosovo-wide – no grade has more than 200 Kosovo Bosniak stu-dents" (OSCE 2009a: 6). Equally important, authors from minority communities have to in-vest around 3,000 EUR for a textbook on top of a 20 % tax – no matter how many copies are sold afterwards. (Cf. Božić 2010: 287)

In order to get a better idea of the shortage of textbooks: In Prizren, as of October 2008, the following books providing material for national subjects were not available:

— the Bosnian alphabet (grade 1),
— Bosnian language readers (grades 4-5),
— Bosnian art (grades 3 and 5), and
— Bosnian music (grades 3-5). (OSCE 2009a: 6, fn. 25)

Most national subject textbooks are imported from Bosnia and Herzegovina, which fulfill the necessary language requirements, but not reflect the Bosniaks' way of life in Kosovo or their historical background. (Cf. OSCE 2009a: 7) In addition, the curricula and textbooks for the general subjects are created by Kosovo Albanian experts and are then translated into Bosnian. The "… translation is often considered poor" (OSCE 2009a: 5). On that account, the Bosniak

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[226] This sum has to be set in comparison to the average monthly income of 280 EUR in Kosovo. (Eurofound 2012: 3; Shaipi 2012: 7)

refugee families with children at school age often tend to stay in exile in Bosnia and Herze-govina rather than to return to their homes in Kosovo, where education fulfills higher quality standards.

The second challenge concerns the representation in school management positions. In general, the Bosniaks lack sufficient management representation within ethnically mixed schools. Yet, where education is conducted in non-official languages such as Bosnian, they tend to be rep-resented in the school management. For instance in the mono-ethnic Bosnian schools in the Zhupë/Župa valley (Prizren) and in Vitomiricë/Vitomirica (Pejë/Peć), teachers and principals are Kosovo Bosniaks. (OSCE 2009a: 10)

8.4 Challenges and Opportunities in the Return Process of Goranis

8.4.1 The Goranis' Role in the Society

The Gorani ethnic community is very close to the Serbian community in Kosovo and to Serbia proper. According to Ahmetović, the Goranis have always been devoted to their state Serbia and to Yugoslavia in general. (Cf. Ahmetović 2002: 55) The reasons for this relationship are twofold: (1) The Našinski dialect is close to the Serbian language, and (2) "[t]he ethnic self-identification is also associated with a certain political and/or ideological orientation"[227] (Müller 2004: 4), which serves as the background for their contemporary close relationship with the Serbs in Kosovo and beyond.

Their relationship peaked in the 1990s when the Goranis benefited from the Serbian/Yugoslavian policy which favored small minorities, while excluding the Albanians from public life. This also led to the short-term political independence of the Gora/Gorë region between 1990 and 1999.[228] (Cf. Müller 2004: 4) Today, in Dragash/Dragaš municipality, the Serbian institutions are not directly administered by the Serbian government, but by the municipality of Gora i Opolje[229], which belongs to the territory of the Republic of Serbia. The municipality of Gora i Opolje was re-established after the Serbian local elections in April 2008. This municipal distribution illustrates the close connection between Serbia proper and the Gorani people.

> "The Serbia-funded health and education services are administered by the Serbia-administered Gora municipality, which – although not able to provide much needed infrastructural investment – exercises a great deal of political influence over the community's choices regarding integration with the majority population … ." (OSCE 2010: 153)

Maintaining close relations with the Serbian population in Kosovo automatically results in poor relations with the Albanians.

Regardless of whether the Goranis joined the army voluntarily or were forced to,[230] it is a fact that approximately 2,200 Goranis served in the Yugoslavian army. This was another sign for the Albanians that the Goranis were part of the oppression and persecution of the Albanians in the last century.

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[227] Original quote in German: "Die ethnische Selbst-Identifizierung ist auch mit einer gewissen politischen und/oder ideologischen Ausrichtung verbunden." Translation by the author.

[228] The Gora/Gor region was and still is partly populated by Albanians in Opojë/Opolje. In 1991, the Serbian assembly promulgated a law deciding that the municipality Gora is set up. (Cf. Ahmetović 2002: 57) Thereby, Albanians in this region could be isolated and excluded from public life and employment opportunities.

[229] The Republic of Serbia has its own territorial division into municipalities, which encompasses Kosovo due to its continuing legal status as a Serbian province. Within the Prizren district, there exists the municipality of *Gora i Opolje*. See the information on districts and municipalities in Serbia on the webpage of the Serbian government, at: *http://www.srbija.gov.rs/cinjenice_o_srbiji/okrug.php?id=303*, last retrieved on 24.11.2013.

[230] At this point, it should be noted that both opinions prevail. On the one hand, a Serbian researcher glorified the serving of Goranis in the Yugoslavian army by stating that: "Goranies, however, whether in a separate municipality or not, have always protected with honour their ethnic individuality, Serbia and Yugoslavia, whenever there was a need." (Ahmetović 2002: 57) On the other hand, Müller claims that Goranis had to serve in the Yugoslavian army, especially because of the geographically strategic location of the Gora region between Macedonia and Albania. (Cf. Müller 2004: 5)

"The peak of this association with Belgrade was the presence of a Gorani representative as part of the Federal Republic of Yugoslavia delegation to the February 1999 Rambouillet conference." (Cocozzelli 2008: 292) Mr. Ibro Vait was the representative of the Gorani people within the Yugoslavian delegation at the time and, fully supported the point of view of this delegation. (Cf. Vait 2002: 46) Since the Rambouillet conference was one of the triggers for the NATO intervention in March 1999, the Albanians perceived the participation of an ethnic minority in the Yugoslavian delegation as a direct threat to their people.

One result of the positive relations between the Goranis and the Serbs is the fact that "… most Gorani have friends, relatives and business contacts in Serbia and Montenegro, which are maintained through regular cross boundary travel" (IDMC 2007: 60). Another result is that the Gorani almost exclusively use Serbian institutions in Kosovo. In some cases, however, the decision between the Kosovar system and the Serbian system depends on other, non-ideological reasons. For instance, "… the free provision of health care by the former [Serbia-supported institutions] remains an attractive incentive over Kosovo facilities." (OSCE 2010: 153) In addition, within the Serbian system, families can get a children's allowance for every child at school age. (OSCE 2010: 154) This is a crucial factor for many families, especially returnees, since sending children to school costs approximately 50 EUR per month. (Cf. HRW 2010: 56) Within the Kosovar social security system, families only get support for their children up to the age of six although this is exactly the time when families are in need of financial aid for textbooks, warm meals in school, and sometimes even school uniforms.

Moreover, Goranis often do not speak Albanian and, consequently, do not have access to the labor market in Kosovo. (Cf. Stevens 2009: 10) Hence, they remain disintegrated from the Kosovar society, but they are integrated into the parallel Serbian structures. According to information from the journalistic network B92, the Gorani community wants to belong to the community of Serbian municipalities.[231] For emphasis, the Serbian municipality of Gora is located in Kosovo but administered through the government of Serbia and, thus, has a separate administrative structure, including a parallel municipal president, the Gorani Murselj Huseini. Accordingly, the municipality of Gora wants to be a part of the community of Serbian municipalities which was negotiated between the representatives of Serbia proper and Kosovo under the supervision of the European Union's High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton. The community of Serbian municipalities will "… have 'full overview' on 'economic development, education, health, urban and rural planning'."[232]

What would integration into the community of Serbian municipalities mean for the Gorani returnees? The Gorani returnees are not integrated into the Kosovar society, but rely on the parallel Serbian society. The Serbian government – through the municipality of Gora i Opolje supports the Goranis financially and morally. Nevertheless, the Goranis live relatively isolated in the South of Kosovo. By contrast, the Serbs predominantly live together in the North, where they have a strong voice because of their large number. They also benefit from the im-

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[231] Gorani want to join community of Serb municipalities, in: *B92* on 8 March 2013, online available at: *http://www.b92.net/eng/news/politics-article.php?yyyy=2013&mm=03&dd=08&nav_id=85060*, last retrieved on 19.12.2013.

[232] Kosovo-Serbia deal: partial self-governing status agreed for Kosovo Serb municipalities, in: *Nationalia* on 22 April 2013, online available at: *http://www.nationalia.info/en/news/1419*, last retrieved on 24.11.2013.

mediate vicinity to Serbia. This is particularly advantageous when it comes to the provision of water and electricity, which can be accessed through Serbia, the short distance to the next hospital for tertiary health care, the University of North Mitrovicë/Mitrovica, and full access to social services and public goods.

The majority of the Gorani refugees lives in Serbia proper. The prospect to return to their homes in the Dragash/Dragaš municipality, where they would live isolated with their peers, where they would suffer from a lack of contact to other parts in Kosovo, and where they would be far away from Serbia proper, which they are still connected to through family and friends, is not appealing. In most of the cases, the Goranis opt to stay in exile rather than to return to their homes in the Gora/Gorë region, which is supported by the low return percentage of 25 %.

> "The popular perception of the Goranis as pro-Serb and thus, disloyal, not only remained but actually was consolidated when they opted to follow education in Serbian." (Božić 2010: 291)

One prominent feature illustrating the position of the Gorani community, which is between the Albanian-Serbian tensions, is the access to education within the Serbian educational system. In the municipality of Dragash/Dragaš, most Gorani students are enrolled in Serbian schools. This has various, especially practical, reasons. Gorani students want to receive education in the Serbian language, which is closer to their own dialect than Albanian. Furthermore, receiving education in Serbian is a tradition within the Gorani community, which participates in Serbian education since the 1930s. (Cf. Božić 2010: 279) However, there is no Serbian curriculum within the Kosovar educational system. In addition, "… Serbian helps increase [sic] opportunities for quality education, employment, and consequently for regional integration" (Božić 2010: 279). Since Kosovar diplomas are not recognized by universities in Serbia and other Western Balkan countries, the Goranis choose the Serbian system. Beyond that, the Gorani students receive free textbooks in good quality from Belgrade, the Gorani teachers receive higher salaries within the Serbian system, and the Gorani parents receive a monthly allowance for every child in Serbian schools[233]. (Cf. Božić 2010: 294f.)

The Gorani teachers and students

> "… have increasingly become the subject of an escalating struggle for authority which prevails between the two school systems maintained in Kosovo, specifically the push by Kosovo institutions to integrate Gorani pupils and teaching staff into the Kosovo educational system." (OSCE 2010: 155)

At the beginning of 2008, a conflict over Gorani teachers' contracts and common school space in the primary school of Nezim Berati/Nebojša Jerković in the Dragash/Dragaš municipality erupted. Over a couple of months, two conflict parties struggled over the access to the primary school: On the one hand, the Gorani teachers and the Gorani students with the support of the GIG and the government of Serbia[234] tried to uphold their right to use the school premises of Nezim Berati/Nebojša Jerković and to continue education within the Serbian sys-

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[233] Gorani parents receive 20 EUR for every child enrolled in a primary school and 50 EUR for every child enrolled in a secondary Serbian school.

[234] The government of Serbia is represented through the Mayor of the Serbian municipality of Gora.

tem. On the other hand, the Kosovar municipal government of Dragash/Dragaš aimed at integrating the Gorani community in their educational system with the support of the Bosniak community and the DSV.
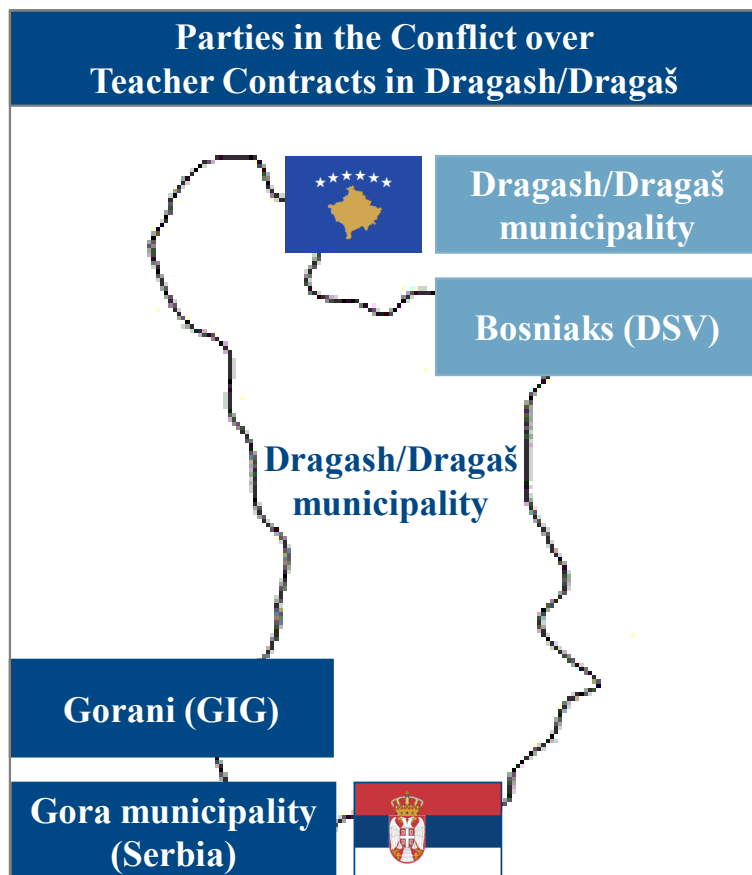
Figure 42: Parties in the Conflict over Teacher Contracts in Dragash/Dragaš
Source: Own compilation

It is important to note that until 2005 dual contracts from Belgrade and Prishtinë/Priština were possible. The political reasons for Belgrade and Prishtinë/Priština to maintain this flexibility until 2005 were twofold: "Belgrade used contracts as proof that it *still* exercised authority in Kosovo, while for Priština they served as evidence that there *was* 'integration' of the Serbs in Kosovo." (Emphasis in original, Božić 2010: 295) The Gorani teachers signed contracts with the Serbian Ministry of Education (SMES) in 2006. Since the municipal institutions are responsible for the administration of primary schools in Kosovo, Dragash/Dragaš forced the Gorani teachers to sign contracts with their municipal institutions. Otherwise, they would be banned from the primary school "Nezim Berati/Nebojša Jerković" in Dragash/Dragaš town in autumn 2008.[235] The Gorani teachers denied signing these contracts with the Kosovar institutions as it was no option to receive education in the Kosovar system in Bosnian either. The GIG explains the conscious decision against the Bosniak curriculum as follows:

(1) Education within the Kosovar institutions using the Bosniak curriculum would lead to a process of assimilation to the Bosniak community and would ultimately destroy the Gorani identity.

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[235] This is one example of a school, in which Albanians, Bosniaks, and Goranis share the same premises and it is possible to receive education in two different educational systems.

(2) The Kosovar school diplomas would not be recognized by Serbian universities and most universities within the region. Thus, Gorani students would be denied admission.

(3) Lastly, the Bosnian-language materials are below the average of Serbian textbooks. (Cf. Cocozzelli 2008: 293)

Following this decision, the Gorani teachers were banned to enter the Kosovar primary school in Dragash/Dragaš town.

> "As a result, Gorani children became unable to share the school premises with Kosovo Albanian and Kosovo Bosniak students, as they had done since before 1999, and could not receive Serbian language education in the school." (OSCE 2009a: 4)

School was interrupted for four months for Gorani children, until the Gorani students from the "Nezim Berati/Nebojša Jerković" school resumed their education in Serbian schools in the neighboring villages of Lubivshtë/Ljubovište and Kukajan/Kukuljanje. These schools already struggled with inadequate space for all their students. Obviously, this problem aggravated when the students from the Nezim Berati/Nebojša Jerković School were relocated to these two facilities. (Cf. Božić 2010: 293ff.) Although there was an agreement between the conflict parties in March 2009, the Gorani teachers withdrew from their positions in the primary school and it was never reopened. (Cf. OSCE 2009a: 4)

From the perspective of the Bosniak DSV, the entire dispute was highly influenced by Belgrade. Many Goranis in Dragash/Dragaš still receive "salaries" from the former SOEs. "These families were told that the salaries would cease to be paid if their children continued to attend schools using the standard Kosovo curriculum." (Cocozzelli 2008: 293) Likewise, the Gorani teachers were put under intense pressure from Belgrade that they would not receive their double salary[236] from Belgrade anymore if they relied on the Kosovar instead of the Serbian curriculum. (Cf. Cocozzelli 2008: 293)

> "From the DSV perspective, Belgrade was effectively blackmailing Gorani families into an unnecessary confrontation with the Kosovo authorities." (Cocozzelli 2008: 293)

In conclusion, the OSCE Mission in Kosovo is still involved in mediating between the conflicting parties, as Cocozzelli summarizes: "Resolution of the conflict has been an ongoing process." (Cocozzelli 2008: 293)

Apart from the ongoing dispute, which dominates the discourse on the Goranis' access to education, there is another challenge directly related to the situation of the Gorani returnees. This challenge concerns the geographical location of the community, which is located in the mountains and has many remote villages and only one major town.

> "… [O]n the one hand, long ways to school, and on the other hand that, in winter many of the villages are cut off from the outside world. This also means that a large part of the

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[236] Belgrade pays a salary twice as high as the salary for teachers within the Kosovo system. This salary works as an incentive for teachers to teach within the Serbian educational system.

salary of teachers (180 Euros) [and of parents] are consumed for transportation costs."[237] (Müller 2004: 8f.)

In most of the settlements, students are able to walk to their schools, even if they are in neighboring settlements. However, "[t]his is not possible at Secondary [sic] school level due to the schools' locations in Dragash/Dragaš and Mlike/Mlikë … Costs for this transportation must be paid by the families" (UNDP 2012: 93). As a result, the Gorani refugees choose areas, in which there is a Serbian school, so that their children can receive education in the Serbian language. It becomes particularly relevant for the Gorani returnees to have a Serbian school nearby as they often do not have any money to spend on transportation to school for their children. Their preference for the Serbian system also has a practical reason. Kosovar diplomas are not recognized at Serbian or other regional universities. The return to Kosovo is often restricted by the lack of appropriate return areas with Serbian schools nearby.

Another factor influencing the return of the Goranis to their homes in Kosovo is the security situation. Until July 2001, there were numerous attacks on the Gorani population in Kosovo. In the following years, the Goranis were partly victims of harassment and intimidation such as threats, looting, and racketeering. (Cf. Müller 2004: 6) After the declaration of independence in 2008, "[s]hops owned by members of the Gorani community were devastated. Only a few perpetrators were brought to justice."[238] Today, the lack of freedom of movement is more menacing for the Gorani community than actual security threats such as in the aftermath of the declaration of independence in 2008. The Goranis are restricted, because they do not speak Albanian. The majority of Goranis only speaks the Gorani dialect Našinski, Serbian, or Bosnian. (Cf. Müller 2004: 6) Thus, "… those with limited knowledge of the Albanian language are reluctant to venture in rural areas inhabited by Kosovo Albanians" (OSCE 2010: 151). This poses a direct challenge for the Gorani stayees and returnees in Dragash/Dragaš because of the division of the municipality into a Gorani-inhabited and an Albanian-inhabited territory.

The lack of freedom of movement supports the hypothesis that the return of a Gorani refugee results in a confinement into the Gora/Gorë region. In the theoretical chapter of this dissertation, it was discussed that a sustainable return process needs to occur under certain conditions that allow the refugee to reestablish their decision-making capacity and self-esteem. Without the ability to move freely from one part of the municipality to the other – not to mention to other municipalities in Kosovo – the Gorani returnees are not able to fully access all social services and public goods to establish a good life standard.

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[237] Original quote in German: "Dies bedeutet zum einen lange Schulwege und zum anderen, dass im Winter viele der Dörfer von der Außenwelt abgeschnitten sind. Dies bedeutet auch, dass ein Großteil des Gehaltes der Lehrkräfte (180 Euro) für Transportkosten verbraucht werden." Translation by the author.

[238] Original quote in German: "Läden im Besitz von Angehörigen der Goranen-Gemeinschaft wurden verwüstet. Nur wenige Täter wurden zur Rechenschaft gezogen." Translation by the author. Source: N.N. (2009): Situation von Goranern in Dragasch (Dorf Lubovica) - sozioökonmische Lage, Diskriminierung, ärztliche Versorgung, psychiatrische Behandlung, Anfragebeantwortung a-7013 (ACC-KOS-7013), online available at: *http://www.ecoi.net/file_upload/response_en_130963.html*, last retrieved on 24.11.2013.

8.4.2 Emigration as a Survival Strategy or Depopulation of Dragash/Dragaš?

Returning refugees are often struggling with the poor conditions in their home country. Therefore, they look for alternative livelihood strategies. One alternative is migration. The following chapter deals with the question whether or not the traditional migration of the Goranis to other cities in Kosovo or even abroad – now relevant for the Gorani returnees – can be perceived as contributing to or impeding a sustainable return. On the one hand,

> "[e]migration may be seen as an indicator of strength of a community that is capable of bringing up and sending 'into the world' dynamic individuals. … The members of the diaspora are trend scouts and change agents. In their respective environments in diverse countries and capacities, they learn about new trends in markets, production techniques and business concepts. They can bring this information back to Dragash/Dragaš and help local actors to innovate and perform better." (UNDP 2012: 110)

On the other hand, emigration often entails a brain-drain[239] of individuals with technical skills or knowledge, who do not use their knowledge anymore for the development of their home country. In large numbers, brain-drain can be a significant obstacle to the reconstruction of post-war countries.

8.4.2.1 Migration as a Survival Strategy?

The municipality of Dragash/Dragaš is characterized by very poor economic conditions and a general lack of employment opportunities. This poor economic situation is particularly severe for the Gorani population: Those who served in the Yugoslavian/Serbian military or worked for Serbian institutions and/or companies before the war, were left alone without employment after the NATO intervention and the subsequent UNMIK operation. "Until 1999, there were some industrial enterprises, but these are now mostly closed or predominantly employ Albanians."[240] (Müller 2004: 3)

The Goranis, who have their own businesses in Dragash/Dragaš or in other parts of Kosovo, have difficulties keeping them alive due to the discrimination from the Albanians, who would, according to Müller and Stevens, never walk into the Gorani shops. (Cf. Müller 2004: 7; Stevens 2009: 9) On top of that, some businesses and shops that belonged to the Goranis were illegally occupied. "According to information from the Norwegian Refugee Council (NRC), nearly 100 shops belonging to Gorani are unlawfully occupied."[241] (Müller 2004: 7) The main employers in the Dragash/Dragaš municipality are: the municipality itself, UNMIK police, private companies such as "KUK Commerc" – a medium-sized enterprise producing electric heaters and manufacturing iron, "Meka" – a small-sized meat factory, and some former SOEs. (Cf. OSCE 2008e: 2) When seeking employment, the Goranis claim that they are discriminated against by Albanian employers. (Cf. OSCE 2010: 149) Beyond that, agricultural activities are quite limited, because the Dragash/Dragaš municipality and notably the Gora/Gorë region

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[239] Brain-drain can be defined as the departure of educated or professional people from one country, economic sector, or field for another; usually for better pay or living conditions. (Merriam Webster, online available at: *http://www.merriam-webster.com/dictionary/brain+drain*, last retrieved on 19.12.2013.)

[240] Original quote in German: "Bis 1999 gab es einige Industriebetriebe, die jetzt allerdings zumeist geschlossen sind oder überwiegend Albaner beschäftigen." Translation by the author.

[241] Original quote in German: "Nach Angaben des Norwegischen Flüchtlingsrates (NRC) sind knapp 100 Geschäftslokale, die Gorani gehören widerrechtlich besetzt." Translation by the author.

are located in the mountains. Concisely, Dragash/Dragaš is among the most underdeveloped Kosovar municipalities. As a result of these poor economic conditions, "… many now live and work abroad for 11 months of the year" (Stevens 2009: 9).

Why do people in post-conflict countries migrate? First of all, livelihood options are generally scarce in post-conflict countries. (Cf. Stepputat 2004: 12) In particular in remote areas, people lack employment opportunities. Beyond that, they are often unable to engage in agricultural production for various reasons related to unwillingness and distress, such as crowded markets, high competition, the lack of access to land, the dislocation and/or abandonment of previous assets, or natural or civil disasters. (Cf. Ellis 2000: 55) People are then forced to diversify their livelihood strategies[242]. "Poor or vulnerable people have complex strategies for diversifying their sources of income and to minimize risk … ." (Einarsdottir 2007: 42) Returnees opt for alternative livelihood strategies in order to spread risks and try to be detached from any income opportunity that is prone to loss.

Migration is the most common response to the need of diversifying livelihood strategies:

> "Migration means that one or more family members leave the resident household for varying periods of time, and in so doing are able to make new and different contributions to its welfare, although such contributions are not guaranteed by the mere fact of migration." (Ellis 2000: 70)

One can distinguish between seasonal, circular, and permanent migration. Seasonal migration refers to farmers who leave their households to emigrate when labor is not needed for land preparation or harvesting and who return during peak times. As Ellis describes it: "All rural households confront seasonality as an inherent feature of their livelihoods." (Ellis 2000: 58) The seasonality of agricultural work results in varying income per week/month and even in a lack of income out of season. Therefore, individuals migrate seasonally to other regions (e.g. urban areas) or even to other countries in order to offer their labor to balance the lack of work and of income in the agricultural sector.

By contrast, circular migration is defined as temporary migration that is not directly linked to agricultural production and cyclical needs.

> "Circular migration implies that migrants routinely return to the resident household and regard that as their principal place of domicile; in other words, they do not set up permanent living arrangements in the places they go for temporary work." (Ellis 2000: 71; cf. also Stigter 2006: 112)

Permanent migration refers to a process that is distinct from the other two forms of migration, because it implies that individuals or entire households relocate to a new place instead of moving between the original dwelling and a temporary place of residence. Permanent migration mostly occurs from rural to urban areas since urban areas often provide more opportunities to generate income for poorer households. In most cases, one male individual per family

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[242] The concept of "livelihood strategies" derives from the livelihood framework of the British Department for International Development (DFID). It refers to what people actually do to generate income and guarantee food security for themselves and their families. (Cf. Einarsdottir 2007: 41)

or household would migrate permanently, and would send the remittances to support the rest of the family. (Cf. Ellis 2000: 71)

Migration always played a significant role in the lives of the Gorani community in Kosovo, Albania, and Macedonia. After the Islamization in South East Europe (SEE), the Goranis moved to two main locations:

(1) Either to the prosperous town of Prizren, which is the commercial center of the region or (2) to Tetovo in Macedonia. (Cf. Hasani 2007: 145)

"Another larger migration of Goranies occurred after the First Balkan War, i.e. after the liberation from the Ottomans in late 1912." (Hasani 2007: 145) On that account, many Goranis left their homes for political and socio-economic reasons and settled down in Turkey. Following World War II, many Goranis relocated again and settled down in Prizren or Tetovo – the closest towns to the Gora/Gorë region. The reasons for migration included hunger and poverty. Another reason for this large migration wave was the imposed ideological framework, "… i.e. political circumstances marked by Soviet-type collectivization and forced expropriation of crops by the communist authorities in their villages." (Hasani 2007: 146) Since the 1950s, the Goranis largely migrated to Kosovo's neighboring countries and to Western Europe for socio-economic reasons. "Migratory processes have continually been going on in Gora for more than fifty years." (Hasani 2007: 147) The Goranis were often *gastarbeiter*[243] in the second generation in Western Europe[244] and succeeded in creating more favorable living conditions there in comparison to their home in Kosovo. As a consequence, they decided to bring over their family members. Until today, most emigrants temporarily return to Kosovo either during the summer to spend their holidays in the Gora/Gorë region or during the St. George's Day festivities that last six days in spring. (Cf. Hasani 2007: 147)

As explained in Chapter 8.2.1, several thousands of Goranis were displaced after the NATO intervention in the summer of 1999. They were displaced to central Serbia or to the Vojvodina in Serbia, but 34 % of the Goranis were displaced to Belgrade. (Cf. Hasani 2007: 148)

Nowadays, the reasons for the migration of the Goranis are: "Economic reasons, better salaries and improved living conditions were of crucial importance for the choice of their residence." (Hasani 2007: 147) On that account, the Gorani villages – and to some extent also the Bosniak villages – continue to empty out. "The aim of the residents is that at least one part of the family emigrates and supports those left behind with their income."[245] (Mattern 2008: 20)

The previous paragraphs illustrated that migration in general is very typical for the Goranis: "For example, over 72 percent of the inhabitants of the village Mlike [Dragash/Dragaš municipality] reside and work in places beyond the boundaries of their native region, 85.4 percent of them in Belgrade." (Hasani 2007: 148) Looking at the figures from the former Yugoslavia, a

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[243] *Gastarbeiter* is a German term for guest workers who were invited to work in Germany during the 1960s and 1970s.

[244] Hasani even claims that Gorani were the Yugoslavian people that emigrated mostly to Western European countries in the 1960s and 1970s. (Cf. Hasani 2007: 149)

[245] Original quote in German: "Ziel der BewohnerInnen ist, dass zumindest Teile der Familien auswandern und die Zurückgebliebenen mit ihren Einkünften unterstützen." Translation by the author.

similar picture is drawn: About 12,000 Goranis in 234 settlements migrated. (Cf. Hasani 2007: 148) "Therefore, probably more Goranis live outside their actual home than in their home region."[246] (Müller 2004: 3)

The nature of the Gorani migration changed in comparison to earlier ages: Previously, migration was characterized by "… working-age men [who] migrated in several stages, a process known as *gurbetchijstvo* ('leaving in order to earn') with their sons …" (Koleva 2012: 135). The connection to the home village and one's kin was still existing and often supported by newly built houses as a sign of prosperity. Today, however, whole families migrate. (Cf. Koleva 2012: 135) For this reason, the Gorani migration transformed from circular migration into permanent migration.

In earlier ages, men and their sons regularly spend eleven months in another country to work and send remittances to the rest of the family, while the family's center of life was still in the Gora/Gorë region. Several Gorani returnees also migrated in search for better living conditions and sustainable livelihoods. When returnees migrate seasonally or circularly, these forms of migration *can* be an alternative livelihood strategy in itself, which is not opposing but *contributing to sustainable return*:

> "It can be argued that continued mobility could be a prerequisite for sustainable reintegration, in which the migration of some allow others to remain stable … ." (Stigter 2006: 120)

It enables returnees to diminish their risks of economic loss and make them less vulnerable to civil or natural disasters as well as economic trends.[247] Today, whole Gorani returnee families migrate for eleven months into foreign countries, leave their houses unoccupied during this time, and lose the link to their homeland Gora/Gorë. As a consequence, the current form of Gorani migration can be classified as a permanent migration, which equals *full emigration* and hampers a sustainable return. Individuals or even entire households neither establish any means of living in their return areas anymore nor are they integrated in their home society. "… [T]he link between the diaspora and the home community is severed and the return of human or financial resources to the home community is interrupted." (UNDP 2012: 110)

To sum up, despite the fact that migration was and still is a survival strategy for the Gorani community, which can be found in one of the most underdeveloped areas in Kosovo, conditions for the Goranis in Kosovo worsened within the last decade, so that migration is likely to be permanent. Migration movements usually do not include any prospects for return.

"Under conditions of typical economic underdevelopment and poverty the work abroad seemed to be a specific way to preserve both the distinct character of Gora and its traditions." (Hasani 2007: 148) Nevertheless, the contemporary permanent form of the Gorani migration does not support a sustainable integration of returnees into their original society, but disconnects them again from their home society.

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[246] Original quote in German: "Daher leben wohl mehr Gorani außerhalb ihrer eigentlichen Heimat als in ihrer Heimatregion." Translation by the author.

[247] Stepputat refers to an example from Guatemala where returnees hoped to engage in the agricultural production of goods whereas they realized that competition is high and they cannot sustain on this livelihood strategy. Consequently, they adopted the strategies that the "locals" had developed over the past years and engaged in seasonal labor migration to Mexico and the US. In combination with subsistence agriculture, they could survive and feed their children. This mobility actually helped them to reintegrate into their home society and ensured a sustainable return. (Cf. Stepputat 2004: 13)

8.4.2.2   Emigration Reduces the Chances for Sustainable Integration

Apart from the lack of integration,

> "[t]he considerable amount of emigration also reveals and exasperates weaknesses of the communities of origin: while the capacity to send young people to the world is a strength, the incapacity to provide them opportunities for the subsequent phases of their personal and family projects is a weakness of the community of origin" (UNDP 2012: 110).

This also applies to young returnees and returnee families. One example of the very high emigration from the Gora/Gorë region to foreign countries is the Dikance/Dikanc settlement: Out of 912 registered inhabitants, only 133 are permanent residents (data from 2007; cf. UNDP 2012: 35). This means that only about one seventh of its population permanently lives and works in the settlement of Dikance/Dikanc. In addition, 53 % of the dwellings in this settlement are unoccupied most of the year. The diaspora populates these dwellings only during the holiday season as previously explained. In summary, this settlement – as well as many other in the Gora/Gorë region – is abandoned.

In total, only 38 % of all registered residents in the Gora/Gorë region are permanent residents. (Cf. UNDP 2012: 35) The population in the majority of the Gora/Gorë settlements decreases: out of 16 settlements in total, 3 establishments note an increase in their population, 5 are stable, and 8 denote a decrease. (Cf. UNDP 2012: 37) "The consequences for depopulated settlements include a reduction in farmed arable land due to a lack of labour force or market opportunities, migration of the young labour force and educated persons, a reduction in marriages and births, and an ageing population." (UNDP 2012: 36) On that account, the living conditions for younger people are especially difficult in the Gora/Gorë region. The rural and mountainous territory, the poorly developed infrastructure, and the hard winters do not attract young people or returnees. By contrast, the Opojë/Opolje (upper) part of the Dragash/Dragaš municipality, which is largely populated by ethnic Albanians, is three times more densely populated than Gora/Gorë and the distances between settlements are 1.6 times shorter. (Cf. UNDP 2012: 57) In addition, accessing education is more problematic in the Gora/Gorë region, because of the longer distances between the settlements and thus the longer distances from home to school. The effect is that only 55.2 % of children at secondary school age are enrolled in school in Gora/Gorë.

In general, younger Gorani refugees and families with children (in particular at school age) are hesitant to return to the Gora/Gorë region because of economic underdevelopment, insufficient provision of education in Serbian, a lack of economic opportunities, and a decreasing population. This worsens the previously mentioned challenges. Especially young returnees fear another displacement, because they are not able to find the satisfactory conditions for a sustainable integration into Gora/Gorë.

8.5   Preliminary Conclusion and Policy Recommendations

The chapters on the return conditions of Bosniak and Gorani refugees are merely based on a few reports and papers. This is due to a general lack of literature on the Bosniaks' and Goranis' return to Kosovo. This research can only approximate the reasons for the shortage of returns. The following preliminary conclusions aim at showing the complex decision-making processes of those Bosniak and Gorani refugees, who are expelled to Bosnia and Herzegovina, to Western European countries, and to Serbia proper and now have to decide whether or not to return to Kosovo.

8.5.1   Preliminary Conclusion on the Bosniak Returnees

The majority of Bosniaks were either displaced to Bosnia and Herzegovina or to Western Europe. Although the return conditions for the Bosniaks in Kosovo are partly sustainable, they have to decide whether they prefer their integration into the exile society or if they want to return to Kosovo. This has a significant influence on the return figures of the Bosniaks. The following paragraphs illustrate the decision-making process and its consequences for the sustainability of the Bosniaks' return. One can identify two options: (1) the return to Kosovo, and (2a) the integration into Bosnia and Herzegovina or (2b) the integration into a Western European country.

(1)   Return to Kosovo

One of the most important aspects for returnees is their possible integration into the Kosovar society. It is remarkable that the Bosniaks play an important role within the Kosovar society. Although the Bosniaks are a small minority of approximately 2 % of the overall population in Kosovo and the Bosniaks have a kin-state, they are politically active and involved in many decision-making processes, especially at the municipal level. With regard to education, the Bosniaks have their own curriculum in primary and secondary schools as well as the option to take the tertiary educational level in Bosnian in comparison to other minority communities, who do not have these opportunities. Further, the Bosniaks are well represented in public institutions such as the Kosovo Police. Both, the Bosniak stayees as well as the returnees have the possibility to choose between the two dominant systems – the Kosovar or the Serbian – according to vicinity, availability, and quality. These are the pull factors that attract the Bosniak refugees in exile as they make a full integration of Bosniak returnees into the Kosovar society very likely. The positive aspects multiply when they return to a site where the Bosniaks constitute a considerable minority such as the municipalities of Prizren, Pejë/Peć, Istog/Istok, or Dragash/Dragaš. In these municipalities, the Bosniak returnees have very good chances of establishing sustainable livelihoods and of being integrated into the Kosovar society. For instance, "[i]n the Pejë/Peć region, there are qualified doctors, engineers, teachers, nurses, and civil servants among Kosovo Bosniaks …" (OSCE 2010: 78). In Prizren, the employment situation of the Bosniaks is relatively good: "… many have their own commercial activities or engage in construction and seasonal work in Montenegro." (OSCE 2010: 78) In addition, "[i]n Dragash/Dragaš, out of 110 civil servants working in the municipal administration, 36 are Kosovo Bosniaks. This number amounts to 30% of the administration …" (OSCE 2010: 79). This positive situation in the Dragash/Dragaš municipality is supported by existing

vocational trainings; there is a permanent vocational training center located in Prizren and several mobile centers in Dragash/Dragaš.

Challenges include the fear of assimilation by the ethnic Albanians because of their small share of the population and the fact that the Albanians sometimes present themselves as Bosniaks in order to get jobs that are supposed to be for the Bosniaks. Furthermore, returning Bosniak children have difficulties integrating into the Kosovar educational system. Most Bosniaks returning from Western European countries do not speak Bosnian or Albanian and no language classes for returnees are offered to catch up on these skills. In addition, the lack or poor quality of Bosnian textbooks and the underrepresentation of the Bosniaks in school management positions play a significant role for the Bosniak returnee families with children at school age. Schools teaching according to the Bosniak curriculum and in the Bosnian language are only available in the areas with a significant proportion of a Bosniak population. Consequently, returns mostly take place to these sites and do not support the establishment or the maintenance of multi-ethnic areas.

In conclusion, there is a difference between the returns of the Bosniaks to the Prizren and Pejë/Peć regions and to the rest of Kosovo. Returns to the former two areas can be classified as sustainable. Returns to the other regions in Kosovo can be rated as partly sustainable due to the previously mentioned challenges.

However, only 7.8 % of the displaced Bosniaks returned to their homes in Kosovo to date. One possible explanation includes the lack of stable prospects as a minority in the post-declaration of independence in Kosovo and the related fear of assimilation by ethnic Albanians.

> "The primary reasons … are not direct security threats per se, but rather a function of the inability of Bosniaks to confidently use their own language in public outside their very small communities without facing a security risk, which effectively creates social and economic isolation, pressure to assimilate, and an environment of discrimination. There are no significant indications of aspirations amongst Bosniak IDPs and refugees to return to Kosovo in the foreseeable future." (UNHCR, OSCE 2002: 171f.)

Most Bosniaks are displaced to Bosnia and Herzegovina and tend to stay there when it comes to the decision of whether or not to return to Kosovo. The Bosniak refugees perceive their future in Bosnia and Herzegovina as more prosperous than in Kosovo.

(2a)   Integration into Bosnia and Herzegovina

Bosnia and Herzegovina is the kin state of the Bosniaks in Kosovo. Despite the fact that the Bosniaks in Kosovo do not trace their origins back to Bosnia and Herzegovina, "… the cultural and religious connection to the country is present among them" (OSCE 2010: 76). This manifests itself particularly in the fact that Bosnia and Herzegovina is the most favorable asylum country for the Bosniak refugees. Moreover, the integration into Bosnia and Herzegovina is simple due to the linguistic, the cultural, and the religious similarities with the native population. Although being from Kosovo, the Bosniaks do not perceive themselves as a minority in Bosnia and Herzegovina, but rather as a part of the country.

In particular, the integration into the school system is much easier in Bosnia and Herzegovina. This is one of the strongest incentives for Bosniak refugee families with children at school age

to stay in Bosnia and Herzegovina. (Cf. KIPRED 2006b: 18; Božić 2010: 287) Apart from that, the living conditions in Bosnia and Herzegovina are much better than in Kosovo. On that account, many of the Bosniak refugees opted to stay in exile in Bosnia and Herzegovina rather than to return to their home in Kosovo.

(2b)   Integration into Western European Countries

One does not have to mention that the living conditions in Western European countries are better than in Kosovo. To illustrate the difference, one can consult the data of the Human Development Index (HDI)[248] for Kosovo (0.700), which is ranked 91st worldwide. This is fairly low in comparison to countries such as Norway (0.955), the Netherlands (0.921), Germany (0.920), Switzerland (0.913), and Denmark (0.901). Apart from that, many Bosniak children were born in Western European countries, they went to school there, and are now very well integrated into the Western societies. Returning to Kosovo without any language skills would be hazardous. Therefore, many displaced Bosniak families tend to stay in exile. In fact, even stayees or recently returned Bosniaks attempt to depart again and the "… new departures appear to be largely destined for other European asylum countries" (UNHCR, OSCE 2002: 171).

The following figure illustrates these three options; the opportunities and the challenges inherited to these options, and it rates them accordingly. A picture emerges, in which the Bosniaks prefer staying in exile rather than returning to their homes in Kosovo. The main deterrent aspects of return are the fear of assimilation by Albanians and the difficult integration into schools. The better living conditions in Bosnia and Herzegovina and Western European countries are also among the most prominent factors facilitating the integration into the exile societies. These living conditions further influence the Bosniaks' future prospects, which include more options and sustainable livelihoods in exile than in Kosovo.

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[248] For a full list of countries and their ratings, please see UNDP (2013): The 2013 Human Development Report – "The Rise of the South: Human Progress in a Diverse World" in various languages, online available at: *http://hdr.undp.org/en/reports/global/hdr2013/*, last retrieved on 24.11.2013.
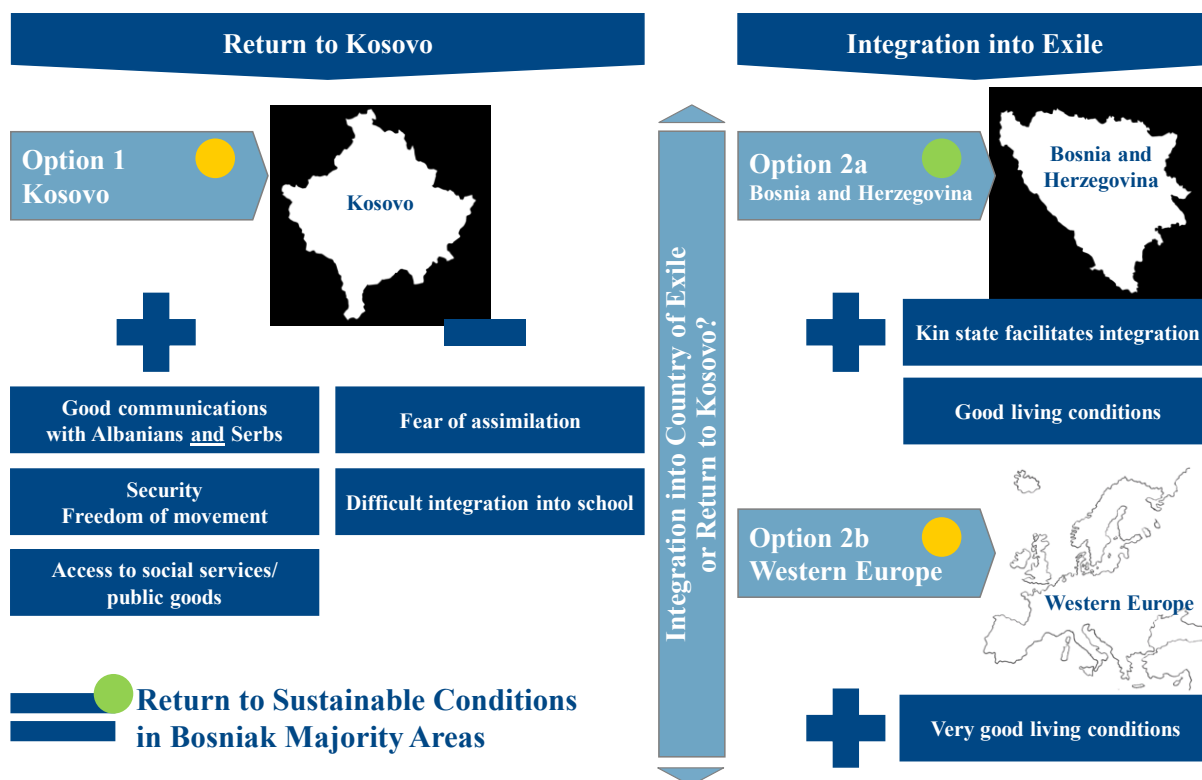
Figure 43: Bosniaks' Decision Making Regarding the Return to Kosovo
Source: Own illustration

As one can see in the figure, the return to Bosniak majority areas and the integration into Bosnia and Herzegovina are the best options for Bosniak refugees (green dots), the return to non-Bosniak majority areas or the integration into Western European countries are less better options (yellow dots). The Bosniak refugees have some significant advantages as they have four options, which are all more or less conducive to a long-term integration into the society (no red dot).

In conclusion, "[t]here are no significant indications of aspirations amongst Bosniak IDPs and refugees to return to Kosovo in the foreseeable future." (IDMC 2012: 297) In order to increase the return percentage of the Kosovo Bosniaks, the Kosovar institutions must facilitate the integration of Bosniak returnee children into school and diminish the Bosniaks' fear of assimilation in the Kosovar society.

PR 1:   Facilitate the integration of the Bosniak returnee children into the Kosovar educational system by offering language classes and by increasing the quantity and quality of Bosnian textbooks for general and national subjects.

Addressee: Kosovo Ministry of Education, Science and Technology (MEST)

The most important challenge for returning families is the complicated integration of their children into school. Often, Bosniak returnee children do not speak Albanian or Bosnian because a great part of them was born and lived in a Western European country for a significant period of time. Hence, they do not speak any of the languages, Albanian, Bosnian, and Turkish, in which classes are offered. Consequently, those Bosniak returnee children cannot attend school at the same level as their classmates, who did not leave Kosovo during or after the war.

This lowers the motivation and the self-esteem among Bosniak returnee children. The Kosovo Ministry of Education, Science and Technology (MEST) should provide Bosniak returnee children with extracurricular language classes in Albanian and Bosnian, not only to facilitate their integration into school, but also their integration into the Kosovar society.

Apart from that, Bosnian national-subject textbooks are often imported from Bosnia and Herzegovina. They neither reflect the reality of Kosovo Bosniaks nor do they include the history of Kosovo in general. This should be corrected in the future. Many translations of general-subject textbooks into Bosnian have a poor quality. The translation of general-subject textbooks and the quantity and quality of national-subject textbooks must be improved to ensure integration and a sustainable return.

PR 2:   *Implement minority regulations so that the Bosniaks do not fear assimilation, but see a future for them in a multi-ethnic state.*

Addressee: Kosovar governmental institutions

After the declaration of independence, most members of ethnic minorities did not feel represented in the Kosovar society and in the political system anymore. Although several political rights and minority representation regulations were released, Kosovar minorities perceived the declaration of independence as a step towards a mono-ethnic, Albanian state. This discrimination in public life is especially visible in the field of employment and economic opportunities. By implementing the Anti-Discrimination Law and employing members of minority communities in public institutions, many Kosovar residents would be successfully integrated into the society.

8.5.2 Preliminary Conclusion on the Gorani Community's Returns

The Goranis' situation is, apart from some similarities, mostly different from the situation of the Bosniaks. Within the Kosovar society, both communities are located between the Albanians and the Serbs. However, the relationship of the Goranis to the Serbs is much closer than the one between the Bosniaks and the Serbs. The latter relation is almost exclusively defined by the similarities of their language. In addition, the Goranis maintain poor relations to the Albanians, predominantly because of their participation at the Rambouillet Conference in 1999 and their close relations to the Serbs. These relationships have a significant influence on the Goranis' choice of whether to return to their homes in Gora/Gorë region in Kosovo (1) or to stay in Serbia (2). These two options will be explained next.

(1)   Return to Kosovo

Gorani refugees almost exclusively return to their homeland Gora/Gorë, where the Goranis lived for hundreds of years. They have a strong connection to their homeland, are bound by a long history, and defended their territory during the NATO intervention in 1999. On the one hand, the return to their homeland is conducive to sustainable return because the wish to belong to their own homeland and to reconnect with their people as well as their ancestry are very important for the refugees' emotional need, which will be met in this way. On the other hand, the likelihood of establishing sustainable livelihoods in the Gora/Gorë region is quite limited because the Dragash/Dragaš municipality is one of the most underdeveloped municipalities in Kosovo.

In addition, the Goranis are generally not fully integrated into the Kosovar society. Instead, they feel discriminated by the Albanian population. One example is provided by Mattern whose interviewee's friend worked for an electric company. "He was asked to cut an Albanian village from the power supply. Out of fear of revenge acts, he rejected that and was discharged because of it."[249] (Mattern 2008: 20) Furthermore, since there is no Serbian curriculum within the Kosovar educational system, the Goranis rely on Serbian schools, which are rarely found in the Dragash/Dragaš municipality. The returnee families have to carefully choose their return site according to the availability of Serbian schools. This restriction contradicts a sustainable return and does not allow returnee families to reconnect with their former neighborhoods.

(2)   Integration into Serbia

The Goranis have a very strong connection to Serbia and often perceive Serbia proper as their home country. "The ethnic community of Goranies is today fully integrated into the socioeconomic and political life of the Republic of Serbia. The fact of integration is reflected in the continuation of a separate territorial unity – the municipality of Gora." (Vait 2002: 45) By contrast to the Albanians, the Goranis were and are always integrated and supported in their ethnic identity in Yugoslavia and Serbia. They can even be called "role models" for the integration of minorities in Serbia.

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[249] Original quote in German: "Ein Freund arbeitete für eine elektrische Gesellschaft. Er wurde aufgefordert, ein albanisches Dorf von der Stromversorgung abzuschneiden. Aus Furcht vor Revancheakten lehnte er das ab und wurde deswegen entlassen." Translation made by the author.

Beyond that, the Goranis feel more safe in Serbia proper than in Kosovo because they speak a Serbian-like dialect. (Cf. Hasani 2007: 149) The continuous voluntary migration to Serbia over centuries facilitates the integration of the Goranis in Serbia proper because they have established social networks with their peers. To some extent, the Goranis often have friends and family in Serbia, who can support them.

The only two challenges for the Gorani refugees in Serbia proper are that their names were albanized and that their Muslim faith creates a feeling of insecurity in some areas of Serbia.

The following figure illustrates the two options, including their opportunities and challenges, and comes to this conclusion:
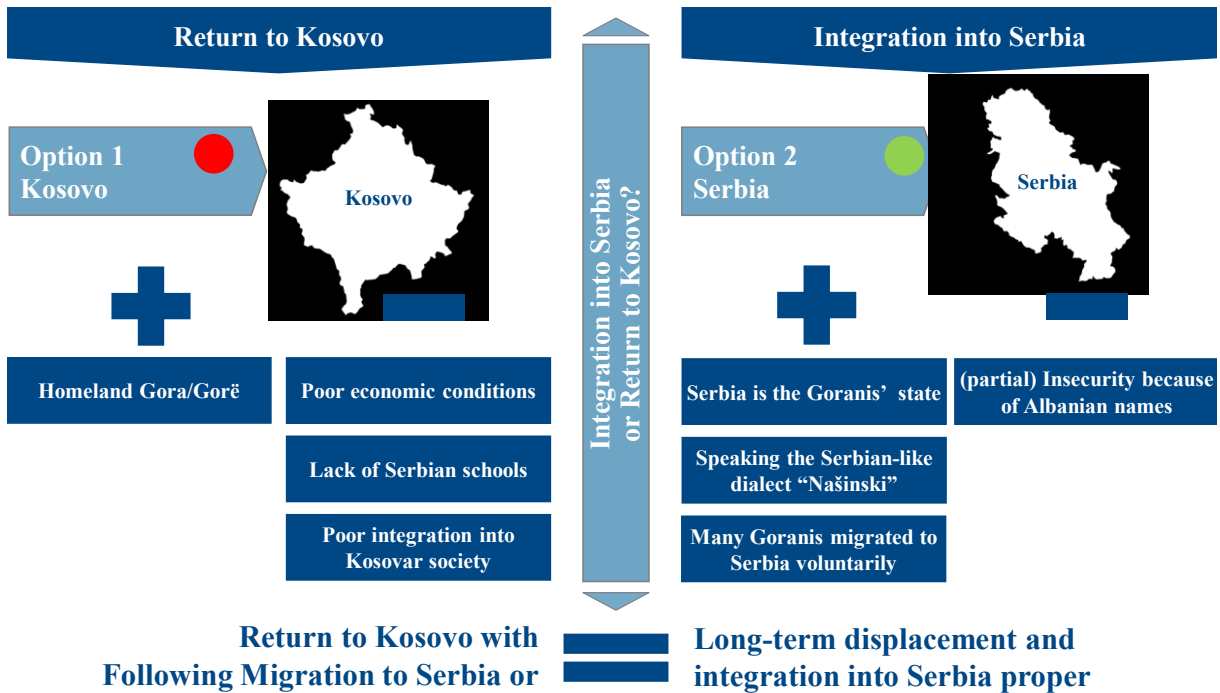
Figure 44: Goranis' Decision Making Regarding the Return to Kosovo
Source: Own illustration

As can be clearly seen in the figure is the fact that the return to Gora/Gorë is not a sustainable option for the Goranis (red dot) whereas the integration into Serbia is a very good option (green dot). Around 25 % of the Gorani refugees returned to their homes in Kosovo since 1999. The emotional need to return to their homeland seems to be a significant pull factor towards Kosovo. Nevertheless, this paper argues that both the return to Kosovo and the continuity of the Goranis in Serbia will in most cases eventually lead to integration into Serbia proper. Due to the poor economic conditions in the Gora/Gorë region and the particular migration tradition, many of the returned Goranis opt for migrating to Serbia after their return to Kosovo. This process often includes selling their property in Gora/Gorë.

The Goranis could be integrated into the Dragash/Dragaš municipality through the revitalization of the economy and a Serbian curriculum within the Kosovar educational system.

PR 1:   Revitalize the economy in the Dragash/Dragaš municipality.

Addressee: Kosovar governmental institutions, i.a. the Kosovo Ministry of Agriculture, Forestry, and Rural Development (MAFRD) and the Kosovo Ministry of Labour and Social Work (MLSW)

One if not THE most important criterion to establish sustainable livelihoods after returning home is a vibrant economy, which includes employment opportunities, a functioning industry, a lively service sector, and arable land for agricultural production at the return site. "Due to poor agricultural resources and geographical isolation Dragash/Dragaš is among the most underdeveloped regions in Kosovo." (OSCE 2009c: 2) The Gorani returnees have very limited possibilities to establish any form of long-term livelihoods to feed their children and to pay the bills. There are only few large companies in Dragash/Dragaš and agricultural activities are only possible in non-mountainous regions, such as in Opojë/Opolje.

In order to support a long-term integration of the Gorani returnees into the Kosovar society after their return to Dragash/Dragaš as well as to prevent that large numbers of the Gorani returnees or stayees emigrate to Serbia, Kosovar institutions and international stakeholders should focus on revitalizing Dragash/Dragaš' economy. The instruments to enhance the economy could include small loans to residents in order to establish their own businesses, regional infrastructure projects, and any other step to develop a tourist industry in Dragash/Dragaš. The region has a beautiful landscape and a lot of potential to attract national and international tourists. (Cf. OSCE 2013: 72)

PR 2:   Integrate the Goranis into the Kosovar educational system by developing and introducing a Serbian curriculum and negotiate the recognition of Kosovar diplomas in universities in Serbia and other Western Balkan states.

Addressee: MEST, Kosovo governmental institutions in negotiations with Southeast European governments, with the support of OSCE and UNESCO

The Gorani families are forced to choose their return site according to the availability of Serbian schools, which significantly prevents the Gorani refugees from making free decisions, where to return to and, in some cases, even to return to their previous home as the preferred return site. Since the Republic of Serbia maintains most schools in the Serbian-dominated North, schools in Dragash/Dragaš and the municipalities nearby are rather rare. In some cases, the lack of Serbian schools even prevents Gorani refugee families from returning at all.

Moreover, the enrolment of Gorani students into Serbian schools supports integration into the parallel Serbian world and contradicts any chances of a unified Kosovar society encompassing all ethnic communities. It is therefore advisable to develop and implement a Serbian curriculum within the Kosovar educational system. Such a system can only integrate the Goranis and the Serbs if Kosovar diplomas are recognized in Serbia and abroad. Most of the Gorani and the Serbian students seek to study at universities at the Western Balkans, which requires that their high school diplomas are recognized. Kosovar institutions must start negotiations with governments in South East Europe regarding the recognition of Kosovo high school/university diplomas with the support of international stakeholders such as OSCE and UNESCO.

9. Summary of the Communities' Returns

The following section aims at presenting a comparative summary of the results. It gives a brief overview over each returnee community, their return figures, and the conditions awaiting them upon their return. This section also answers the question of sustainability. The main questions deriving the summary are:
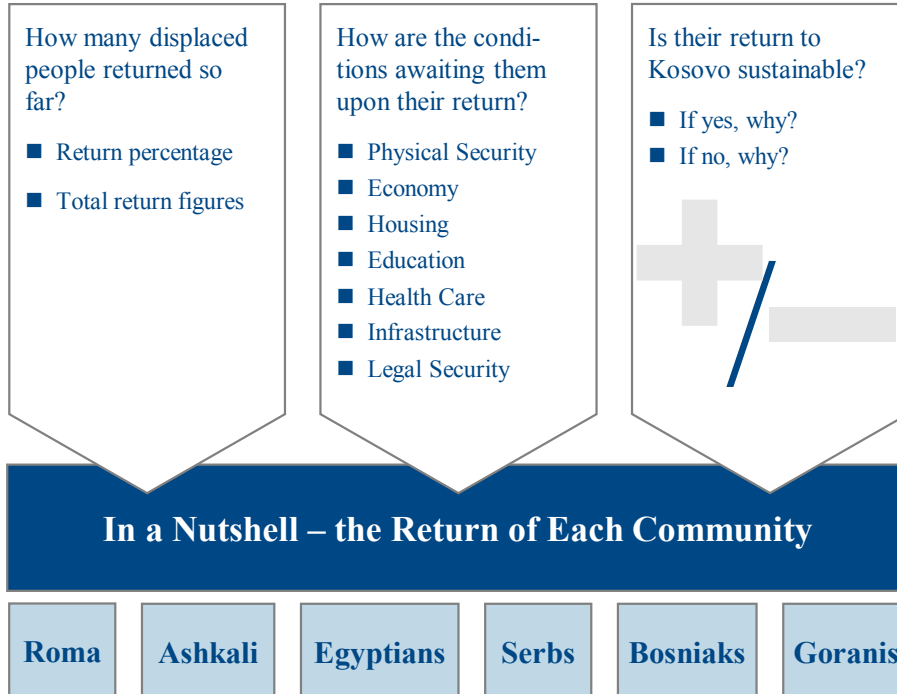
How many displaced people returned so far?	How are the conditions awaiting them upon their return?	Is their return to Kosovo sustainable?
■ Return percentage ■ Total return figures	■ Physical Security ■ Economy ■ Housing ■ Education ■ Health Care ■ Infrastructure ■ Legal Security	■ If yes, why? ■ If no, why?

In a Nutshell – the Return of Each Community

Roma	Ashkali	Egyptians	Serbs	Bosniaks	Goranis

Figure 45: Summary of Every Community
Source: Own compilation

9.1 The Roma, the Ashkali, and the Egyptian Communities

Until February 2013, **10.89 %** of the displaced **Roma** returned to their homes in Kosovo. In total, **3,380** displaced Roma returned in this period, but their return can**not** be classified as **sustainable**. Members of the Roma community often have nowhere to return to. Most Roma neighborhoods were completely destroyed during the revenge attacks in 1999 and 2004 and are now occupied by ethnic Albanian IDPs. The UNHCR even classifies the Roma community as a "community at risk." (Cf. UNHCR 2009: 17f.) They have to face security threats and have limited freedom of movement, especially because they share many characteristics with the Serbs. Above that, many believe that the Roma collaborated with the Serbs and committed crimes against the Albanians in the 1990s. This perception prevents a successful integration into the society and seems to be the basis for their decision against a return to Kosovo. Due to their widespread social marginalization, the Romas' sources of income are limited to daily work, hard physical work, as well as the search for and trade with metal. As a consequence, the Roma are not able to establish sustainable livelihoods. As their prospects of economic and social integration into Kosovo are very low, they tend to stay in exile rather than returning to Kosovo.

Although the **Ashkali** and the **Egyptians** share some relevant challenges with the Roma community, they returned in larger numbers: Until February 2013, **82.89 %** of the displaced

Ashkali and **62.25 %** of the displaced Egyptians returned to their homes in Kosovo. In total, these are **3,303**[250] Ashkali and **3,303** Egyptians returnees. Despite the relatively high return figures, the returns are **not sustainable**. The Ashkali and the Egyptians' situation are characterized by a low level of education and high illiteracy, which lead to unemployment and poverty. A significant part of the RAE IDPs and returnees lived in lead-contaminated camps for years, where they suffered from inhumane living conditions and severe health issues. One major concern is that 30 % to 40 % within these communities are not registered as Kosovar residents and lack identification papers. These people consequently live in fear of statelessness. Their prospects of economic and social integration into Kosovo are small. One could even argue that the Ashkali and the Egyptians, but also the Roma, are structurally excluded from the Kosovar society. However, the Albanian-speaking Ashkali and Egyptian minority communities seem to be better positioned than the Serbian-speaking Roma. They share the Muslim faith and the language with the Albanian majority. As a consequence, they feel save to move around Kosovo and are more accepted by the Albanian community.

9.2 The Serbian Community

Until February 2013, **23.54 %** of the displaced **Serbs**, that is **10,153** in total figures, returned to their homes in Kosovo and their return can also be classified as **un-sustainable**. Usually, the Serbs return to rural and mono-ethnic areas, such as the northern municipalities Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan. On the one hand, their return preferences stem from the general feeling of insecurity, the limited freedom of movement, and the lack of perspective after Kosovo's declaration of independence in 2008. On the other hand, the access to employment, education, health care, and other public services within the Serbian system is better in the North than in the rest of Kosovo. The existence of parallel institutions prevents the Serbs from integrating into the Kosovar society. In addition, the Serbian returnees find it challenging to repossess their former property, because illegal occupations, the destruction of their property, or destroyed/relocated cadastral records prevent them to do so. On that account, many Serbian refugees stay in Serbia. At the moment, more Kosovo Serbs leave their homes than return from exile.

9.3 The Bosniak and the Gorani Community

Until February 2013, only **7.8 %** of the displaced **Bosniaks** returned to their homes in Kosovo. In total, 1,789 Bosniaks returned to their place of origin, which are mono-ethnic neighborhoods, in which they had always lived. Although this is the lowest return percentage among the six communities, the Bosniaks' return is **partly sustainable**. The Bosniaks maintain good relations to the Albanians *and* to the Serbs; predominantly because most of them are able to speak both official languages and they have no direct link to Milošević' regime. The Bosniaks do not decide to approach institutions of one system according to their ethnic preferences, but according to vicinity, availability, and quality. The integration into the Kosovar society is thus very likely, as the selection of public services is broader. These positive effects even multiply, when they return to a site, where the Bosniaks constitute a considerable minor-

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[250] Please note that this figure derives from the return numbers for Ashkali and Egyptians together. Due to a lack of separated data, this number was subsequently divided by two to generate return percentages for both communities separately.

ity, for instance in Pejë/Peć and Prizren. However, the returnees' children find it more difficult to integrate into the Kosovar educational system, as there are no language classes for them and the textbooks are poorly translated or often not even available. On the negative side, the Bosniak community fears assimilation by the Albanians. They also have better prospect to be integrated within their kin state, Bosnia and Herzegovina, and in Western European states. The reasons mentioned above and better living conditions seem to be the basis for their decision to integrate into the host society and against the return to Kosovo.

By contrast, **25.33 %**, i.e. in total numbers **1,412**, of the displaced **Goranis** returned to their homes, which are usually located in the municipality of Dragash/Dragaš. On the one hand, the return to the Gora/Gorë region can revitalize the strong connection to their homeland. On the other hand, the Gorani returnees face severe challenges in establishing sustainable livelihoods, as Dragash/Dragaš is one of the most underdeveloped municipalities in Kosovo. Because of the poor economic conditions, many Gorani returnees sell their property and migrate to Serbia. Since their center of life shifted completely to the new place, this process is not sustainable. Beyond that, the Goranis maintain very good relations to the Serbs and many have friends and family in Serbia. Thus, the Goranis are often linked to the Serbian role during the war and have poor chances of being integrated into the Kosovar society. They usually approach the Serbian institutions only and lack unlimited freedom of movement. The economic and social integration into Serbia proper is an easier and more sustainable option for the Goranis than the return to Kosovo. This is further reinforced by the lack of Serbian schools in Dragash/Dragaš and the discrimination of Goranis by the Albanian majority. On that account, their return conditions are **not sustainable**.

10. SWOT Analysis and Policy Recommendations

SWOT Analysis is a strategic planning method to evaluate the **S**trengths, **W**eaknesses, **O**pportunities, and **T**hreats involved in a specific process. The analysis at hand gives a more abstract account of the results. This allows drawing conclusions about the return of minority refugees to Kosovo in general. The method helps to identify the processes that work very well and the ones that do not work at all. The strengths, weaknesses, opportunities, and threats are presented in more detail. The chapter closes by formulating policy recommendations for national and international stakeholders in Kosovo.

10.1 Strengths

In the following, the SWOT analysis is conducted in more detail. The initials S W O T are indicated in the text to refer to the respective criteria it was assigned to. The first initial S stands for the strengths. These are characteristics, which contribute to the development of sustainable livelihoods and foster the integration of the minority returnees into the society. Following the individual minority groups' analyses, it is imaginable that there are only a few strengths in the return process to Kosovo.

At the institutional level, the principle of subsidiarity is the main strength of the return process in Kosovo. The municipalities are responsible for the management of minority returns as they are the smallest and closest entity to the returnees. Constant and thoughtful communication between the national and the local level is required. The return to some municipalities can be classified as partly sustainable, because these municipalities support the returnees significantly. Hence, the principle of subsidiarity seems to work almost perfectly for those role model municipalities.

Another significant strength is the general security situation in Kosovo, which is stable, also with regard to inter-ethnic violence. The overall number of incidents against minority communities decreased from 406 in 2011 to 361 in 2012. (Cf. Secretary General 2013-02: 4) Moreover, the returnees, who speak Albanian, also benefit from a very secure and mostly free movement within Kosovo.

In education, the quality of education is much better in the Serbian system than in Kosovar schools. However, the availability of a Turkish and a Bosniak curriculum for two of the biggest minority communities in Kosovo is a major strength of the Kosovar system. In addition, no tuition fees apply in Kosovo.
A similar assumption can be made about the Serbian health care institutions. The Serbian system is free of charge and the service quality is better than in the Kosovar institutions.
The last major strength is the legal protection of minority communities in Kosovo. Above all, the comprehensive Anti-Discrimination Law provides a detailed theoretical basis for the avoidance of discrimination. Beyond that, several minority rights are established in Kosovo, e.g. guaranteed parliamentary seat(s) for every minority community, an employment-quota for minority communities, or the local status of minority communities that represent more than 10 % of the local population.

10.2 Weaknesses

The second initial W stands for the weaknesses. These are characteristics that constrain sustainable livelihoods and prevent a successful integration of the minority returnees into the society. It is striking that there are a lot more weaknesses than strengths, which significantly confine a sustainable return of minority refugees to Kosovo.

The return of ethnic minority communities to Kosovo predominantly occurs to rural, remote, and mono-ethnic areas. The refugees decide to return to those areas, where their minority community is a significant part of the population, such as the Dragash/Dragaš municipality for the Goranis or the municipalities Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan for the Serbs. Often, their old neighborhoods have a different ethnic composition today than before the war. "Experience from elsewhere in the former Yugoslavia indicates that displaced persons rarely return to their former areas of residence, especially if they will be in a minority." (Ward 2000: 37) Refugee families with children at school age choose those areas, where they find schools that teach in their preferred language and according to their preferred curriculum. As a consequence, the refugees cannot freely decide where to return to and the creation of enclaves is enhanced.

The Ministry of Communities and Return claims, "… no institution responsible can claim any particular success in the minority communities' returns process." (MCR 2009: 10) There are several different governmental and non-governmental stakeholders dealing with return to Kosovo, but their rights and duties overlap, and their tasks are not clearly defined. The saying "too many cooks spoil the broth" perfectly applies here. Another consequence of the overlapping competencies is the lack of appropriate communication between the national and the local level in Kosovo. On that account, the majority of the Kosovar municipalities does not know about their duties and cannot implement the necessary steps to integrate the returnees into the society and to help them to establish sustainable livelihoods.

When the refugees return to their new place of residence, they often have to deal with a new form of ethnically motivated violence that is now directed at the minority communities' property, e.g. malicious arson of unoccupied properties and land, illegal occupation of houses, and vandalism at religious sites. In some restricted return areas, the security situation is even more fragile. This is often the case, because the Albanian community does not welcome the minority returnees, because the Albanians accuse the minorities of collaboration with Milošević' regime during the war. In some cases, resulting insecurity has severe consequences, such as in the village of Nerodimja e Epërme/Gornje Nerodimlje (Ferizaj/Uroševac municipality), where 100 protesters prevented Serbian displaced persons from entering the village during a go-and-see visit (GSV). (Cf. OSCE 2012b: 23) Another example is Zojić/Zojiq in Prizren municipality, where the participants of a GSV were physically attacked with guns. (Cf. OSCE 2012b: 28) The security situation in Mitrovicë/Mitrovica needs special attention. At the moment, many minority returnees are caught up in ethnic tensions and general violence in this ethnically divided town.

In addition, *all* ethnic minority communities suffer from insufficient freedom of movement in Kosovo to a certain extent. Minority refugees consequently return to their majority areas and

are afraid of leaving those for any purposes. Those, who speak Serbian or a dialect thereof (e.g. the Goranis, the Roma, and the Bosniaks), are identified as former perpetrators or their collaborators. This intensifies feelings of insecurity, marginalization, and a lack of freedom of movement.

Apart from the security situation, there are other factors that negatively influence the decision to return and where to return to; for instance, Kosovo's economic situation, which is not very prospective. High unemployment challenges *every* ethnic community. Within the Kosovar economic system, the ethnic minority communities face discrimination on the labor market and at work. This is manifested in the fact that not all minorities have access to open vacancies, because advertisements are neither published in all minority languages nor all minority newspapers, radio channels, or other media.

Another factor is the lack of satisfaction. There is no national jurisdiction that deals with reconciliation, such as the *Gacaca courts* in Rwanda. In Kosovo, the International Criminal Tribunal for the former Yugoslavia (ICTY)[251] is the only judicial institution that hears cases of human rights' violations during the war in Kosovo. Moreover, the Serbian government has never apologized for the violence and outrages. As a consequence, the society is still divided between victims and perpetrators and the affected minority communities are not rehabilitated yet. This significantly prevents a return, as many minorities do not want to return, because they still fear revenge.

Many weaknesses can also be identified in the housing sector: Houses are still fully or partly destroyed. The political will and the financial resources are not sufficient to reconstruct the destroyed houses. This affects many refugees, who are willing to return, but lost their homes. In addition, the Kosovar institutions are not able to deal with property conflicts appropriately. Often, there are conflicts between the original owners and illegal occupiers, usually Albanian IDPs, whose properties were destroyed or are occupied too. As there is no social housing program in Kosovo, the returnees and the IDPs have no adequate[252] alternative to their own currently destroyed property. Rental apartments are scarce and only available to the urban population.

In Kosovo, there are parallel Serbian institutions in almost all areas of social life: These institutions create a parallel society in Kosovo as the Serbian and the Kosovar systems are incompatible with each other. All ethnic minority communities have to decide whether to approach the Kosovar or the Serbian institutions. This fuels ethnic differences and creates a significant gap within the society. A further challenge is that parallel institutions are not legal under Kosovo's jurisdiction and the probability is high that they will not last forever.

Minority returnees and especially their children face additional challenges related to the access to and the quality of education in Kosovo. More than a decade after the war, many returnee children at school age were born abroad and are not able to speak either Albanian or

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[251] The same tribunal also deals with the cases from Bosnia and Herzegovina.

[252] The Committee on Economic, Social and Cultural Rights provides in its General Comment No. 4 on the Right to Adequate Housing (1991) a checklist including seven criteria for adequate housing (Cf. Leckie 2003: 33): security of tenure, habitability, affordability, accessibility, availability of materials, location, and cultural adequacy.

Serbian, which are the two official languages in Kosovo. Yet, there are no specific language classes for these children after their return to Kosovo.

Even though the Kosovar educational system has a separate curriculum for the Turkish and for the Bosniak community, the textbooks for their curricula are rarely available. If there are any, the quality and the translation thereof are very poor. Many refugee children and teenagers also have to deal with a difficult recognition process of their school certificates from abroad and vice versa. Although there is no tuition fee in Kosovo, going to school is expensive: It costs around 50 EUR per month. The quality of education in the Serbian schools is much better than in the Kosovar schools, but the realities of ethnic minorities are not reflected at all. Yet a handful of minority communities join the Serbian system, they are educated under the same curriculum and use the same textbooks, which are imported from Serbia proper. The existence of two parallel educational systems separates the society. This is also visible in the failure and the absence of multi-ethnic schools.

The same is true for the health care sector: Two systems exist parallel to each other. Health care services in the Kosovar system are expensive, because the patients have to pay for treatments, medication, and transportation to health care centers or hospitals by themselves. The quality in the Kosovar system is also worse than in the Serbian system. Apart from that, one major weakness of the Serbian system is the lack of tertiary health care services. Patients consequently have to drive to Belgrade to receive tertiary care.

Infrastructure is a general problem in Kosovo as it was neglected during the 1990s by Yugoslavia. Today, Kosovo has to deal with regular power outages, which affect every Kosovar resident, including the returnees. However, the returnees have to face two particular challenges when it comes to power supply:

First, many members of ethnic minority communities are classified in category C of the ABC energy policy. As a consequence, they only get electricity when every other resident was provided with power. The problem is that Kosovo's two power plants are unable to cover the needs of the entire population.

Secondly, the electricity company KEK demands from the returnees to pay the electricity bills that occurred when the returnees were absent. Consequently, the returnees are forced to pay for the illegal occupants' power consumption. This tightens the conflict, as the illegal occupants are often Albanians and new ethnic tensions can arise.

The public transportation by bus works well within and between different municipalities, but there is no public transportation to the North or to the Serbian enclaves in the South and East of Kosovo, which weakens the overall impression of the public transportation system. Besides, some minority communities still depend on the Humanitarian Bus Transportation.

Kosovar returnees are also negatively affected by the parallelism of two judicial systems in Kosovo, because the legal decisions from Kosovar courts are not recognized by the Republic of Serbia and vice versa. In addition, the communities that approach the Serbian courts run the risk of double jeopardy: They can be prosecuted twice for the same crime, because the two systems do not acknowledge each other's verdicts.

Another major weakness regarding legal security is that minority communities are almost absolutely excluded from any law-making processes. Furthermore, around 30 % to 40 % of the RAE communities do not own identification documents and risk statelessness in Kosovo.

Generally, the Anti-discrimination Law aims at protecting the minority communities, including their returnees. However, neither the Anti-discrimination Law nor the minority rights are fully implemented and/or do not serve their purposes. For instance, despite the de jure guarantee of minority seats in the Kosovar Assembly, the minorities have no political influence as the Albanian majority controls 80% of the seats and does not need the votes of any other community to pass a law. "As long as voting follows ethnic lines, minorities may have representation but little or no real political influence." (Simonsen 2005: 300)

In addition, communities that are dispersed across Kosovo do not have the chance to be represented at the municipal level or to take part in policy-making institutions. (Cf. Volčić, Erjavec 2011: 127) This is particularly true for the non-Serbian minority communities as national and international stakeholders always focus on political representation and positive discrimination of the Serbs. For instance, the Serbs gained a considerable amount of self-determination rights through decentralization mechanisms, whereas all other minority communities are excluded from those.[253] In Kosovo, there is a "… problem of guaranteeing the rights of Kosovo Serbs only, *as if only Albanians and Serbs live in Kosovo.*" (Emphasis added, Volčić, Erjavec 2011: 124) Consequently, the minority communities do not feel well represented in Kosovo. Some scholars call the non-Serbian minority communities the "hidden minorities," who are "… institutionally unrecognized, publicly invisible and absent from policy-making institutions" (Volčić, Erjavec 2011: 126).

10.3 Opportunities

Opportunities are chances the Kosovar context entails to improve the situation of minority returnees in the future. They form the basis for the policy recommendation in Chapter 10.5.

One of the main post-war goals for Kosovo is the creation of an ethnically mixed society, in which every ethnic community has the same rights and duties. The return of minority refugees could play an important role in achieving this goal: When minority refugees return to their pre-war ethnically mixed neighborhoods or to other safe areas, where they are not only surrounded by their peers, Kosovo could be mixed up again without changing the location of the current residents. The city of Mitrovicë/Mitrovica could be a role model for inter-ethnic tolerance and co-operation. "Up until the 90s, Mitrovica was a multiethnic one-company town built around the Trepca mining and metallurgy complex. Generally, there was peaceful co-existence and tolerance, with some degree of ethnic interaction. Mitrovica had a multiethnic football team … ." (Jackson 2011: 8) When refugees, who belong to different ethnic communities, return to their hometown Mitrovicë/Mitrovica, this would create contact points between the communities and enable them to get to know each other again. Beyond that, if this example is transferred to other regions or particular cities, a multi-ethnic society could be established.

The opportunities and threats related to the economic conditions of returnees are located on a continuum: "returnees as a burden" versus "returnees as an economic force." By engaging in

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[253] The only exception is the Turkish community that got their own municipality Mamuşa/Mamushë/Mamuša in the South West of Kosovo.

farming, the returnees could help to establish food security in Kosovo as they have the skills to do so. Currently, Kosovo heavily relies on agricultural and food imports. "Domestic agriculture satisfies 25 to 35 percent of local demand for agricultural and food products … ." (World Bank 2007: 4)[254] The rest must be imported from abroad. As refugees usually return to rural areas, they must be supported to establish sustainable agriculture that exceeds the subsistence level and enables them to sell their products on a Kosovar market. The returnees could also be integrated in reconstruction projects, such as the reconstruction of destroyed houses or the reconstruction of the infrastructure, e.g. schools, roads, or health care centers. The skills the returnees bring into the Kosovar society with regard to farming and handicraft work can been seen as an opportunity for the society as a whole.

A major opportunity is the legal basis for the protection of minority communities, the Anti-Discrimination Law. It includes every reason for discrimination and is very specific with regard to how discrimination can be prevented. In the future, it is necessary to fully implement this law. Consequently, the minority communities would feel more integrated if they know the law applies to them and is more than just mere theory. This may attract refugees, who see a future in Kosovo.

The relationship between Kosovo and Serbia has significant consequences on the sustainability of refugee return, because most minority refugees were displaced to Serbia proper.[255] During the course of writing this thesis, a rapprochement between the two regions takes place. The clearest sign is the "First Agreement on Principles Governing the Normalization of Relations," which was reached on 19 April 2013.[256] Therein, Kosovo and Serbia agreed on the establishment of the Association of Serb majority municipalities in Kosovo. The Serbian municipalities have legal guarantees by Kosovo and Serbia, and an initial authority on economic development, education, health, urban, and rural planning. This rapprochement is a great achievement and notably an opportunity for the refugees, who are still in Serbia proper and want to return to their homes in Kosovo.

10.4 Threats

The fourth initial T stands for threats, which are elements that could cause problems for the future return of minority refugees to their homes in Kosovo.

The main threat regarding the return of minority refugees to Kosovo is the fact that every returnee stretches the already strained economy and the social system disproportionally. Kosovo is not able to provide the basic needs to the current residents, as there are already not enough jobs for even half of Kosovo's population. It becomes obvious that every additional returnee worsens rather than improves the social and economic conditions in Kosovo. As the returnees

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[254] World Bank (2007): Integrating Environment into Agriculture and Forestry Progress and Prospects in Eastern Europe and Central Asia. Volume II KOSOVO Review, online available at: *http://www.worldbank.org/eca/ pubs/envint/Volume%20II/English/Review%20KOS-final.pdf*, last retrieved on 07.12.2013.

[255] This is the reason why this chapter deals with their relationship although the SWOT analysis scrapes through the specific conditions for sustainable return.

[256] The text of this agreement can be downloaded here: *http://www.rts.rs/upload/storyBoxFileData/2013/ 04/20/3224318/Originalni%20tekst%20Predloga%20sporazuma.pdf*, last retrieved on 17.12.2013.

face severe challenges regarding the establishment of sustainable livelihoods in Kosovo, it is likely that they emigrate.[257] This exit strategy implicates a brain-drain of knowledge and competencies and initiates the depopulation of entire neighborhoods. As a consequence, this may further discourage refugees to return to those neighborhoods.

An additional threat is the continuous return to mono-ethnic areas, which fosters the absolute division of the society into different ethnic communities.

Although it was known as one of the most ethnic diverse areas before the war, the security situation in Mitrovicë/Mitrovica today is very fragile. When the security situation worsens, Mitrovicë/Mitrovica may collapse and the open space for the refugees, which attracted them to return to this city, closes. If this happens, the returnees, who belong to minority communities, could become a fresh target to insurgent groups.

The parallel institutions are currently a major threat for sustainable return to Kosovo. They create parallel societies, fuel ethnic differences, and complicate the integration of returnees in Kosovo. If both systems continue to exist parallel to each other, this creates multiple long-term consequences. In the education sector, the durable parallel existence can create a situation, in which the different communities literally do not understand each other anymore linguistically and culturally.

Despite the fact that Kosovo established some minority rights that were supposed to protect the minority communities, the enforcement of those rights is too lax to confidently conclude that they are an opportunity. Things may also tip back and can also have negative consequences. Various minority rights consolidate the differences between the minorities in the long-run. For instance, "… the electoral system implies that a party that wishes to benefit from the overrepresentation of Serb (or other minority) parties in the assembly has to pre-register as an ethnically Serb (or other minority) party – a system that is clearly not conducive to cross-ethnic appeals." (Simonsen 2005: 302) Some minority rights reinforce these ethnic differences and do not help to establish a multi-ethnic society, but achieve the opposite.

The last threat is the fraught relationship between Kosovo and Serbia that negatively influences the return of refugees to Kosovo. The two entities are divided through the question of Kosovo's independence and the human rights violations, which were committed during the 1990s, for which Serbia never apologized. In the long-term, a deterioration of the relations could even lead to the partition of the northern municipalities plus Mitrovicë/Mitrovica from the rest of Kosovo. Should this happen, the idea of a Kosovar multi-ethnic society would have failed. It would further mean the ultimate separation between Kosovo and Serbia and entail a deterioration of their relations.

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[257] The Goranis in Dragash/Dragaš already use this exit strategy and permanently migrate to Serbia and other neighboring countries. For further information, please see Chapter 8.4.2.

AREA	STRENGTHS *Characteristics, which contribute to the development of sustainable livelihoods and foster the integration of the returnees into the society*	WEAKNESSES *Characteristics that constrain sustainable livelihoods and prevent a successful integration of the minority returnees into the society*
RETURN	+ The return of minority refugees to some municipalities in Kosovo is (partly) sustainable, e.g. the return of Bosniaks to Prizren.	— No particular success in the minority return to Kosovo — Return often occurs to rural and mono-ethnic areas. — Minority refugees are not able to freely decide where to return to. ➢ Separated society
	+ Principle of subsidiarity	— "Too many cooks spoil the broth." – no clear task sharing
PHYSICAL SECURITY	+ Stable security situation in Kosovo, also concerning violence against the personal integrity of minorities.	— Inter-ethnic violence against minority returnees' property — Insecurity in some return areas
	+ Albanian speakers among the returnees feel secure moving around.	— Freedom of movement for <u>all</u> ethnic minority communities restricted to a certain extent.
		— Minority returnees are caught up in ethnic tensions in Mitrovicë/Mitrovica.
ECONOMY	+ Parallel institutions partly cushion unemployment and the lack of social services.	— A high unemployment rate is challenging for every ethnic community. — Discrimination against the minority communities in the labor market and at work.
RECON-CILIATION		— No satisfaction, no reconciliation ➢ Continuous division between victims and perpetrators
HOUSING		— Still many fully or partly destroyed houses. — No social housing program in Kosovo. — Inadequate handling of property conflicts. — Lack of housing solutions for illegal occupiers (Albanian IDPs).
PARALLEL INSTITU-TIONS	+ Parallel institutions absorb parts of the population. + Sound financial/technical support of parallel institutions by Belgrade = annual expenditure of 500mio. EUR	— Parallel institutions are unlikely to remain or sustain. — Parallel institutions are illegal under Kosovo's jurisdiction ➢ parallel institutions = parallel society
EDUCA-TION	+ Bosniak and Turkish curriculum. + No tuition fees.	— No language catch-up classes for children after their return. — Lack or poor quality of textbooks. — Recognition of European school certificates in Kosovo and vice versa is difficult. — Schooling is expensive = 50 EUR children/month

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AREA	STRENGTHS *Characteristics, which contribute to the development of sustainable livelihoods and foster the integration of the returnees into the society*	WEAKNESSES *Characteristics that constrain sustainable livelihoods and prevent a successful integration of the minority returnees into the society*
	+ Good quality of education in Serbian schools.	— Separation of the society through two distinct educational systems. — Minority realities are not reflected appropriately in both systems.
HEALTH CARE	+ Good quality of Serbian health care provision. + Free health care provision in the Serbian system.	— No tertiary health care in the Serbian system.
		— Expensive health care services (treatment, medication, transportation) in the Kosovar system.
INFRA-STRUCTURE		— Regular power outages — Discriminatory classification of minorities within the ABC policy. — Conflicts over power consumption between KEK and returnees.
	+ Public transportation by bus works well within and between the municipalities.	— No public transportation to the North nor to the Serbian enclaves. — Dependency of some minorities on the Humanitarian Bus Transportation.
LEGAL SECURITY		— Kosovar legal decisions are not recognized by Serbia and vice versa. — Risk of double jeopardy: twofold prosecution for the same crime. — Minority communities are almost absolutely excluded from any law-making processes.
MINORITY RIGHTS	+ The comprehensive Anti-discrimination Law aims at protecting the ethnic minority communities.	— The Anti-discrimination Law is not fully implemented.
	+ Several minority rights, such as guaranteed parliamentary seat(s) for every minority community.	— Despite a legal guarantee of minority seats, the Albanian majority can pass laws without the consent of the minority communities.
	+ Decentralization provides the Serbs with considerable self-determination rights.	— In Kosovo, there is a "… problem of guaranteeing the rights of Kosovo Serbs only, as if only Albanians and Serbs live in Kosovo."

Table 18: Strengths and Weaknesses of the Refugee Return to Kosovo
Source: Own compilation

AREA	OPPORTUNITIES *Chances to improve the situation of minority returnees in the future*	THREATS *Elements that could cause problems for the future return of minority refugees to their homes in Kosovo*
RETURN	+ Creation of a multi-ethnic society through the return of minority refugees to mixed areas.	— Returns to mono-ethnic areas increase and support an ethnic separation of the society. — More returns of minority refugees exhaust the economy and the social security system disproportionally.
PHYSICAL SECURITY	+ The divided city of Mitrovicë/Mitrovica, where many ethnic communities live together in one city, can become the "role model" for inter-ethnic tolerance and co-operation.	— Mitrovicë/Mitrovica collapses = the open space for refugees closes — Returnees from ethnic minority communities can become a fresh target for insurgent groups, e.g. in Mitrovicë/Mitrovica
ECONOMY		— Emigration (exit strategy) due to very poor economic conditions ➢ Brain-drain and depopulation of entire neighborhoods
	+ By engaging in farming, returnees could help to establish food security or they could help to reconstruct Kosovo's infrastructure.	— Returnees exhaust the economy and the employment capacities. — Increasing unemployment.
HOUSING	+ The reconstruction of destroyed property attracts refugees to return.	
PARALLEL INSTIT.		— Parallel institutions fuel ethnic differences & create a parallel society.
EDU-CATION	+ The combination of the two educational systems could create mutual understanding and multi-ethnic tolerance in Kosovo.	— In the long-term, the parallel existence of two educational systems creates a situation, where the ethnic communities misunderstand each other linguistically and culturally.
MINORITY RIGHTS	+ Full implementation of the Anti-discrimination Law. ➢ Minorities would feel more integrated than today.	— The minority rights consolidate the differences between the minorities in the long-run.
KOSOVO SERBIA	+ The "First Agreement on Principles Governing the Normalization of Relations" between Kosovo and Serbia (19 April 2013) facilitates the return of minority refugees from Serbia.	— The relationship between Kosovo and Serbia worsens. — Partition of the northern municipalities plus Mitrovicë/Mitrovica North from the rest of Kosovo. ➢ Failure of the idea of a multi-ethnic state.

Table 19: Opportunities and Threats of the Refugee Return to Kosovo
Source: Own compilation

10.5 Policy Recommendations

The following policy recommendations were derived based on the opportunities and threats' analyses above. They are directed towards the improvement of the return of all minority communities to Kosovo and aim at avoiding that potential threats become reality. Their order is based on the seven criteria for sustainable return. The list begins with the recommendations related to general return issues, the process itself, and the organizational procedure.

The following policy recommendations require a significant financial input by Kosovo or by the international stakeholders. Kosovo on its own lacks these financial means. However, Kosovo is one of the biggest recipients of development aid by the international community. The author therefore suggests to reassign development aid and to focus more on the minority communities and their return conditions, if possible. This is important, because the returnees' well-being serves as an indicator of how well the government institutions manage development goals in the post-conflict period. (Cf. Chapter 3.2) The recommendations' addressees are either the Kosovar governmental institutions, including the relevant ministries (top down) or the municipalities (bottom up) – both with the support of international (non-)governmental organizations.

PR 1a: *Launch programs that provide incentives to move back to the returnees' pre-war areas whenever possible.*

Addressee: Municipalities, Kosovo Ministry for Communities and Return

Since the feeling of insecurity still influences the refugees' decision where to return to, return predominantly occurs to mono-ethnic areas. To avoid this, incentives for the return to pre-war areas should be established. These programs could solve two problems at the same time:

(1) The return to the place of origin creates a mixture of ethnic communities instead of separate, mono-ethnic enclaves.
(2) It further supports the return to the place of origin, which meets the emotional need of belonging to a homeland and facilitates family reunions.

When promoting the return to the place of origin, the responsible stakeholders must take into account that these regions are safe and that the necessary infrastructure is available. Please see therefore the Policy Recommendation No. 1b. They may also want to consider promoting the return to role model municipalities, where the returnees are supported with regard to the access to social services or finding employment. Amongst other things, the incentives could include financial benefits, the reconstruction of the returnees' houses before they physically move back, and other non-financial benefits such as clothes, furniture, or medication.

PR 1b: *Choose the return site carefully according to set criteria and give preference to the place of origin.*

Addressee: Municipalities according to the principle of subsidiarity

Apart from the decision for or against the return to the place of origin, other set criteria should be taken into account when choosing a return site:

— The infrastructure must be well-developed and access to employment, adequate housing, and health care services must be available.

— The security situation must be stable. The chances that an open space for refugees closes must be avoided.

— Preparatory negotiations with the receiving community must be completed, especially when the returnees were believed to be involved in crimes during the war. The ICG argues, "[t]here can be no political or other conditionalities placed on return by receiving communities" (ICG 2002: 26). However, if the receiving community is not prepared to accommodate the returnees and even prevents their return to a neighborhood, a conflict between both communities can arise quickly and may prevent a sustainable return.

— In the best case, the existence of social networks (of relatives and friends) must be considered, too. A social network facilitates the returnees' integration into the society. Family and friends can explain to the returnees, how to apply for public services and advise them with regard to finding an employment, etc.

PR 1c: *Teach the Kosovar refugees Albanian before they return.*

Addressee: (Non-)governmental organizations/UNHCR in the host societies

The ability to speak Albanian seems to be a significant advantage in the return process to Kosovo. If the refugees have at least basic knowledge of Albanian, they feel safer and experience a more secure freedom of movement upon their return. They have greater chances to be integrated into the society, and they fear less discrimination on the employment market and when approaching public institutions. As a consequence, it would be advisable to teach the refugees, who are willing and able to return to Kosovo, the basics of the Albanian language. This is of special importance for those returnees, who were born abroad (e.g. in countries of Western Europe). This task can be fulfilled by governmental institutions or non-governmental organizations in the host countries.

PR 1d: *Promote the reconciliation process[258] in Kosovo.*

Addressee: Serbian government, Kosovar governmental institutions

This policy recommendation is rooted in the continuous societal division between victims and perpetrators in Kosovo. The fear of revenge resulting from the (perceived) support of Milošević' regime is one of the main reasons why refugees decide against the return to Kosovo. Reconciliation has not yet taken place in Kosovo, because "… the local population in Serbia and Kosovo are not ready 'to forgive and be forgiven' today because 'civil society… has not had the strength to face the darkest parts of the past' …" (Guisan 2011: 24). Until today, there are only small, regional projects in some municipalities that deal with inter-community dialogue, but no national initiatives focus on the reconciliation between the Albanians and the Serbs. The following solutions could help to address this topic holistically:

(1) One first step must be an apology from the Serbian government for the atrocities that were committed during the 1990s under Milošević. This also includes "… that Serbs must first

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[258] Reconciliation is a very comprehensive topic that cannot be addressed in detail in this thesis. However, it needs to be dealt with; as one of the main results of this analysis is that a negative role of certain ethnic communities during the war prevents them from returning to their homes in Kosovo.

of all transform their imperial mind-set, just as the Germans did after 1945." (Guisan 2011: 24)

(2) A mid-term solution could be the formation of an own national jurisdiction that exclusively deals with cases from Kosovo, but not with cases that are generally related to former Yugoslavia.

(3) The last step concerning the reconciliation process could be the establishment of a reconciliation commission following the example of the South African "Truth and Reconciliation Commission," which was established to give the victims of gross human rights violations a voice. For the same reason, perpetrators could give testimony and request amnesty. The South African Commission was divided into three committees: The Human Rights Violations Committee investigated human rights abuses, which were committed between 1960 and 1994. The Reparation and Rehabilitation Committee was responsible for formulating rehabilitation proposals and for helping to restore the victims' dignity. The Amnesty Committee dealt with applications for amnesty from perpetrators. This Commission is a very progressive institution dealing with reconciliation and can serve as a good example for Kosovo.

PR 2: Appease Mitrovicë/Mitrovica.[259]

Addressee: Kosovo Police with the support of international observes, such as the OSCE

Ultimately, there is the risk that the currently open living space in Mitrovicë/Mitrovica turns into a violent and hostile area, where the Serbs and other minority communities are not safe anymore. Hogan (1992: 413f.) argues that although the return of refugees to one area might be a sound and comprehensible idea at a time, the area can turn into a violent environment. The continuous existence of the underlying causes for war, as it can be observed in Mitrovicë/Mitrovica, where both parties are still as antagonized as before the violent conflict in 1999, is the major reason for this threat. The returnees' open living space may be closed if no appeasing measures are taken. As a consequence, the city must be appeased and observed thoroughly. International observers could supervise the work of the Kosovar Police and support it with the establishment of a peaceful co-existence of all communities in Mitrovicë/Mitrovica.

PR 3: Use the returnees' workforce to create food security in Kosovo through farming activities or to reconstruct the infrastructure.

Addressee: Kosovo Ministry of Agriculture, Forestry and Rural Development (MAFRD)

Some scholars and several stakeholders argue that the Kosovar refugees, who are still displaced in neighboring countries or Western Europe, should not return to Kosovo *before* the economy is stable and enough employment opportunities are available in the return areas. However, as it was pointed out in Chapter 3.2, refugee return supports the legitimacy of the state with its new institutions. In an ethnic conflict, the return of minority refugees signifies a major step towards the establishment of a multi-ethnic society. The return of minority refu-

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[259] This policy recommendation is derived from the policy recommendations for the Serbian returnees. As it has a general relevance for the sustainability of the return of all ethnic minority communities, the policy recommendation is mentioned a second time in this chapter.

gees is a necessary condition to reconciliation between the conflict parties. As a consequence, this paper recommends that the potential of the returnees should be deployed to enhance economic development.

The Kosovar economy is currently not prepared to accommodate more returnees and to provide appropriate livelihood opportunities. The social security system cannot absorb more needy people either. Hence, refugee return must not occur spontaneously to areas that do not provide the means for the establishment of sustainable livelihoods. The relevant stakeholders must account for Policy Recommendation No. 1b. The returnees must be integrated into a farming program, where they receive the necessary tools, knowledge, seeds, and arable land to start agricultural activities. One example is the Twinning-Program between the German Federal Ministry of Food, Agriculture, and Consumer Protection and Kosovo. Such projects seek to improve Kosovo's agricultural sector and general rural development.[260]

Alternatively, they must be integrated into reconstruction projects. Returnees often gained the necessary skills during their displacement, either through training provided by international relief agencies or due to their capacities to adapt quickly to new situations. This means that they are able to not only help themselves, but to help entire communities to re-establish their livelihoods. (Cf. Petrin 2002: 6)

PR 4a: Establish a social housing program for those who do not own property or whose property is still destroyed.

Addressee: Kosovo Ministry for Internal Affairs

Social housing refers to tenements, which are owned and managed by the state and aim at providing affordable housing for those in need. In socialist times, the state absorbed those people, who could not afford own property. Today, the returning refugees are left alone with the search for adequate housing solutions. Some minority returnees additionally face discrimination as tenants, and category C claims can only be successfully implemented by the KPA, if there are adequate housing solutions for the current (illegal) occupants. Kosovo's institutions should therefore consider establishing a social housing program, which helps the entire society to find adequate housing, but especially for those refugees who tend to decide against a return to Kosovo for reasons related to the poor housing situation. The establishment of a social housing program requires money, which is currently not available at the national level. However, Kosovo is one of the biggest recipients of financial support from the European Union and various other international organizations. The existing financial means should consequently focus on the reconstruction of destroyed houses and support the establishment of a social housing program.

PR 4b: Foster the reconstruction of non-Serbian minority communities' houses.

Addressee: Donor countries and those (non-)governmental international organizations that are responsible for the reconstruction of houses in Kosovo

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[260] More information can be found at: *http://www.bmelv.de/DE/Ministerium/IntZusammenarbeit/Twinning/_Texte/TwinningKosovo.html*, last retrieved on 13.12.2013.

Donors and stakeholders in Kosovo must put more effort in reconstructing destroyed houses, especially those of the non-Serbian minority communities, as they are currently not in the focus of reconstruction projects. By reconstructing the refugees' property, they have a place to return to and do not have to return to a randomly chosen place.

PR 5:   *Partly integrate the minorities into the Kosovar society before the parallel institutions are completely dissolved or integrated into the Kosovar system.*

Addressee: Kosovar and Serbian governmental institutions

This paper suggests that the Serbs and any other affected minority community have to be partly integrated into the Kosovar society *before* the integration of Serbian and Kosovar institution can be implemented. First steps are already taken with the first Kosovo-Serbian agreement of April 2013 that schedules the dismissal of all Serbian police officers in Kosovo by Belgrade in December 2013, which was successfully implemented. Premier Hashim Thaçi thereupon announced the recruitment of police officers that previously worked for the parallel institutions.[261] This is one specific form of integrating the Serbian minority into the Kosovar society.

PR 6a: *Combine the two educational systems with each other.*

Addressee: Kosovo Ministry for Education, Science and Technology (MEST), Serbian Ministry of Education and Science (SMES)

"Overall, smaller communities tend to gravitate towards either curricula depending chiefly on their geographical location and, to a lesser extent, on language and/or religion." (OSCE 2009a: 18) Whether this choice is geographically or ethnically motivated, it creates separatism within the society. As a consequence, the goal should be to unite the two systems and create one for all ethnic communities. They could be educated together in the main subjects and separated in the national subjects, e.g. art, music, and history. Since the minorities' choice merely depends on the geographical location and other rational factors, it should be easy for them to be integrated into a unified system if the schools are also available in the most neglected, rural, and remote (return) areas. In addition, both educational systems can only be united if the quality gap between them diminishes. The improvement of the quality needs additional financial efforts. Belgrade currently spends a significant amount of money into the maintenance of the Serbian schools in Kosovo. This money could be rededicated to establish a joint system.

PR 6b: *Ensure that every Kosovar resident is able to speak basic Albanian and Serbian.*

Addressee: Kosovo Ministry for Education, Science and Technology (MEST)

Language is the key to education and education the key to social integration. Mattern argues that language affiliation is the most important feature for the (dis-)functioning of integration into the Kosovar society. (Cf. Mattern 2006: 3f.) In the near future, there will be a generation that literally does not understand its vis-à-vis any longer. Albanians do not understand Serbian and vice versa as they grew up in different educational systems. When returnees speak a min-

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[261] N.N. (2013): Belgrad entlässt seine Polizisten im Kosovo, in: *Kleine Zeitung*, 10.12.2013, online available at: *http://www.kleinezeitung.at/nachrichten/politik/3490661/belgrad-entlaesst-seine-polizisten-kosovo.story*, last retrieved on 12.12.2013.

imum level of Albanian and Serbian, they have the best chances to be integrated into the society, to communicate with each other, to find employment, and to get access to various social services. A combined educational system must have obligatory Albanian and Serbian language classes for every student at every level.

PR 7:   *Exempt the returnees from the co-payment for health care services within the Kosovar system.*

Addressee: Ministry of Health (MoH)

As the returnees do not have any substantial financial means after their return to Kosovo, they should be exempted from the co-payment for health care services within the Kosovar system, at least in the first year of their return. Since health is a basic condition for life – as codified in the Universal Declaration of Human Rights, article 25.1 – the health and life of returnees must be especially protected by the respective institutions. Returnees, who are ill and do not have the money for the treatment and the medication, are eventually unable to establish sustainable livelihoods.

PR 8:   *Exempt the returnees from paying electricity bills that charge the power consumption in their absence.*

Addressee: KPA, KEK

This paper recommends exempting the returnees from paying electricity bills that charge the power consumption in their absence. The question of electricity bills must be included in any property repossession claim directed at the KPA. Until there is no solution to the property dispute, these electricity bills must be put on hold. Please see the Policy Recommendation No. 9 in Chapter 7.5.

PR 9:   *Provide all returnees with a definite legal status.*

Addressee: Ministry for Internal Affairs (MIA)

All returnees must be provided with a definite legal status and identification papers, as the legal status is a precondition for employment, property restitution, education, health care, and social welfare. One possible initiative would be to launch awareness campaigns about civil registration in combination with the registration of previously unregistered residents in Kosovo. For further information, please see the Policy Recommendation No. 8 for the Roma, the Ashkali, and the Egyptians in Chapter 6.7.

11. Wrapping Up: Evaluation of the Research Questions

This evaluation and discussion chapter summarizes and reviews the main results of this thesis. Chapter 2.3 presented four research questions that are answered in the following. The first research questions deals with the theoretical foundation of this paper. The other three research question with the empirical findings.

Research Question 1:   In theory, what makes a refugee return sustainable?

A sustainable return enables the returnee to establish sustainable livelihoods, which they can maintain without extraordinary external input and where they are able to withstand external shocks, such as a crop failure. In addition, a sustainable return supports the full social integration of the returnee into the home society. In Chapter 4, seven specific criteria were derived from the conceptual framework, which have to be met, so that a sustainable return can be fully implemented. These are physical security, economic conditions, reparation and housing, education, health care, infrastructure, and legal security. In theory, return should be sustainable if all conditions are fulfilled. However, the author acknowledges that these are ideal conditions and that the full establishment of *all* conditions requires a huge financial effort and may not be realistic in practice. The discrepancies between theory and practice are addressed by the fourth research question, which asks whether or not every single condition is required to ensure a sustainable return. Even though post-conflict societies often do not have the financial and institutional capacities to fulfill the criteria that were developed theoretically, a sustainable return may still be possible if the core criteria are met and the policy recommendations in Chapter 10.5 are followed carefully and are implemented wisely.

Research Question 2:   Why is the return of some ethnic minority communities to Kosovo more sustainable than others?

The individual analyses of the six ethnic minority communities showed that there is only one community, whose return to Kosovo can be classified as (partly) sustainable: the Bosniak community.

A full integration of the Bosniak returnees into the Kosovar society is very likely, because the Bosniaks take on a positive role in Kosovo. Although the Bosniak community represents only 2% of the population, they have a major political impact, particularly on the local level. The Bosniak community maintains positive relations to the Albanian *and* to the Serbian community, which is underlined by their ability to speak both languages fluently. Within the Kosovar educational system, they have their own curriculum, which highlights their prominent position in Kosovo and provides them with an additional mean that supports their integration. The Bosniaks are also well represented in public institutions, such as the Kosovo Police. They have full access to social and other public services. Due to this positive position, they can decide freely, which institutions they want to approach according to vicinity, availability, and quality. They do not have to take into account ethnical preferences. This factor differentiates them to a large extent from the other five communities. These positive conditions even multiply when they return to the municipalities Prizren, Pejë/Peć, Istog/Istok, and Dragash/Dragaš, where they are a considerable minority. Apart from these positive integration prospects, the Bosniaks can also establish sustainable livelihoods.

The other five ethnic minority communities face particular challenges that neither support a full integration into the society nor the establishment of sustainable livelihoods. As the Serbs usually return to the northern municipalities, which are close to Serbia proper and predominantly occupied by other Serbs, the returnees are dependent on parallel Serbian institutions. Even though these may provide them with the necessary public services and workplaces, the Serbian returnees cannot be integrated into a multi-ethnic Kosovar society. Furthermore, these institutions are not stable, because they are illegal under Kosovo's jurisdiction.

A similar situation applies to the Gorani returnees, but in addition, their return area, Dragash/Dragaš municipality, does not provide many employment opportunities, which tightens their situation. As a consequence, the Gorani rather emigrate than stay.

The Roma, the Ashkali, and the Egyptians suffer from structural violations in Kosovo. Unemployment amongst these groups is close to 100 %, the lack of identification documents prevents a full access to public services, and the discrimination against gypsies is still prevalent and does not allow their integration into the society. The returning Roma additionally fear revenge from Albanians because of their (perceived) role as collaborators during the war in Kosovo.

Research Question 3: Do more refugees return if the return conditions are sustainable?

In order to find out whether or not sustainable conditions attract more refugees to return to Kosovo, the following two aspects must be analyzed: First, how many refugees returned from each ethnic minority community? Second, are the conditions of the respective communities sustainable? Subsequently, the comparison of both answers will show if more refugees return if the conditions are sustainable. Figure 46 compares the return figures and the sustainability of the conditions upon return with each other.
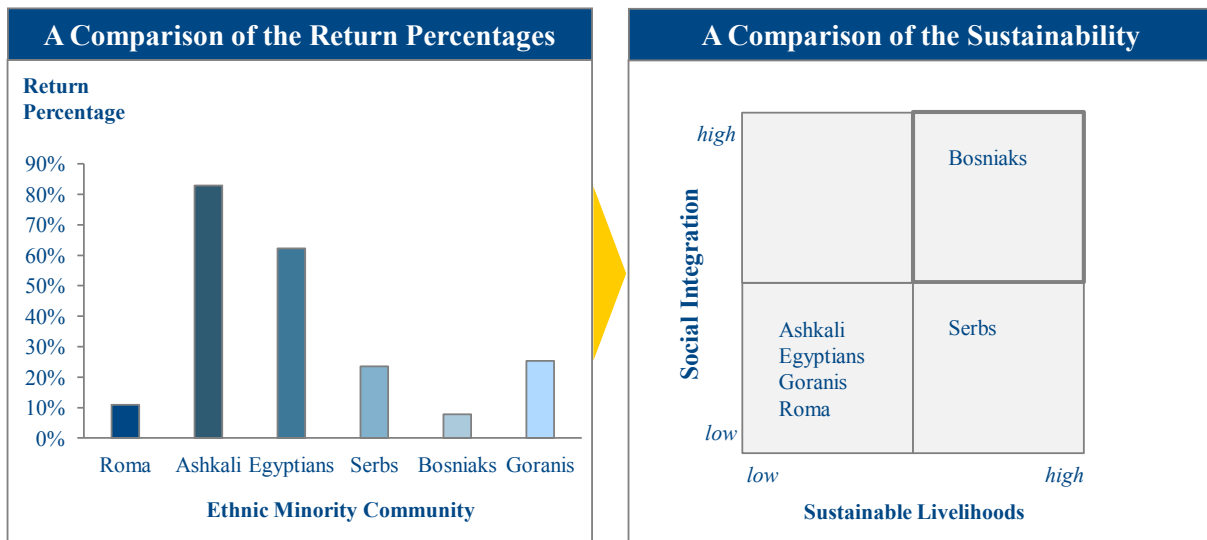

Figure 46: A Comparison of the Return Percentages and the Sustainability
Source: Own compilation

The left chart shows the return percentages of each minority community in Kosovo, whereas the right matrix illustrates the two levels of a sustainable return, which are social integration and the establishment of sustainable livelihoods. Those returning minority communities that are located in the lower left square cannot integrate into the Kosovar society and have low

chances to establish sustainable livelihoods. Those returning minority communities that are located in the upper right square have high integration prospects and are likely to establish sustainable livelihoods.

The result is obvious: The only ethnic minority community that is located in the upper right square (sustainable), has the lowest return percentage. On the contrary, the two communities with the highest return percentage, the Ashkali and the Egyptians, are located in the lower left square and their return is not sustainable. The answer to this research question must therefore be no, *sustainable conditions do not automatically lead to an increase in return figures in Kosovo.* It may well be that there are particular characteristics of one return group that influence the refugees' decision to return to Kosovo. This is addressed by Research Question 3a.

Research Question 3a: What are the characteristics that influence the refugees' decision to return to Kosovo?

At first sight, the following picture is drawn, when comparing the characteristics of the return movements of the six minority communities:

Those ethnic minority communities, which are believed to be collaborators of Milošević' regime and probably participated in the human rights violations against the Albanian majority, hesitate to return. This applies to the Serbs, the Roma, and the Goranis. All three communities still fear revenge attacks and do not feel that they can move freely within Kosovo. In addition, they do not usually speak Albanian. By contrast, the Ashkali and the Egyptians return to Kosovo, although their integration perspectives are low and they may be severely discriminated when accessing public services in Kosovo. However, they speak Albanian, maintain close relations to the Albanian majority, and are not believed to be connected to the atrocities in the 1990s. On that account, the following three characteristics seem to support the return to Kosovo (see Figure 47):

Figure 47: Three Characteristics Promoting the Return to Kosovo
Source: Own compilation

Unfortunately and surprisingly, these return characteristics do not apply to the Bosniaks. Even though they speak Albanian, did not take part in the atrocities against the Albanian majority during the 1990s, and maintain good relations to the Albanians, they seem not to return to Kosovo. So far, only 7.8 % Bosniak refugees returned to their homes in Kosovo. One possible reason is that the Bosniak community does not see a positive future for their ethnic community in Kosovo. They are not included in the decentralization process, they fear assimilation by the Albanians, and their language is not recognized as a minority language in some municipalities. Outside of their preferred areas, the Bosniaks "… have lost the critical mass in the recent period to anchor their community, making it extremely difficult to return to the pre-war conditions" (UNHCR 2004b: 26).

Another reason why the Bosniak community does not confirm the three supportive characteristics is the existence of a kin state, Bosnia and Herzegovina, which provides the Bosniak ref-

ugees with a good integration perspective. This factor seems to be relevant for the other ethnic communities too. Figure 48 illustrates for every minority community whether the integration into the host society or the return to Kosovo was more attractive. The thick arrows demonstrate that most refugees belonging to this community opt for this durable solution. In contrast, the thin arrows show that this option was less favorable for the refugees of this community.
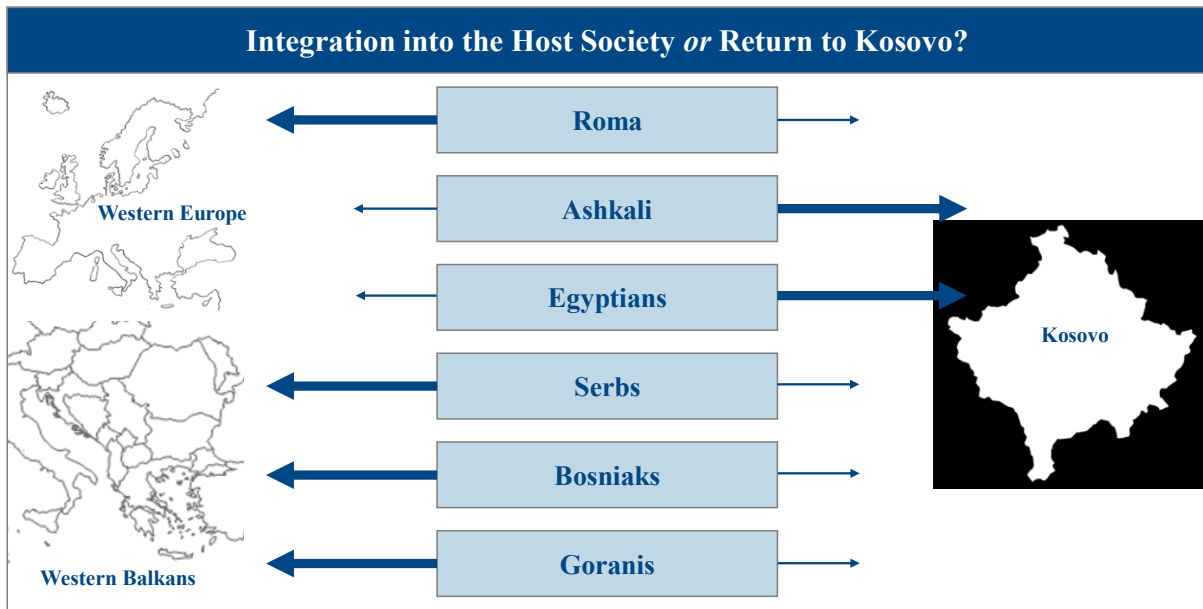

Figure 48: Integration into the Host Society *or* Return to Kosovo?
Source: Own compilation

In most cases, the Bosniak refugees are displaced to Bosnia and Herzegovina. Not only the living conditions are far better in Bosnia and Herzegovina than in Kosovo, but there is also a strong cultural, historical, and linguistic connection between the Bosniaks and their kin state. As a consequence, they have good integration perspectives and often decide to stay there instead of returning to Kosovo. A similar situation applies to the Serbs and the Goranis. Both are usually displaced to Serbia proper. Both communities have a strong connection to Serbia and call it their home country. "The ethnic community of Goranies is today fully integrated into the socioeconomic and political life of the Republic of Serbia." (Vait 2002: 45) Consequently, both ethnic communities often decide against the return to Kosovo, because they have better living conditions in Serbia proper.

Finally, this chapter, especially Research Question 4, evaluates whether the theoretical concept of sustainable return is implementable. The concept implies two elements: (1) the re-establishment of the returnees' own life, which they lost during the time in exile and (2) the integration into the receiving community. In order to achieve these two goals, seven criteria were developed theoretically in Chapter 4. They describe an ideal situation, in which a sustainable refugee return can take place. However, the reality in post-conflict settings looks different: Often, these conditions cannot be guaranteed to a full extent due to small financial capacities or for other reasons. There appears to be a discrepancy between the ideal conditions and what is actually achievable in practice.

Research Question 4:   What are the minimum conditions that need to be met before a sustainable refugee return can take place?

The review of Research Question 4 considers three main aspects to identify the absolute minimum conditions of a sustainable refugee return:

(1) Does the criterion serve to achieve the two main goals of a sustainable return, i.e. the reestablishment of an own life and the integration into the society?

(2) Does the lack of a criterion entail the threat of a secondary displacement or the renewal of violence?

(3) Is the criterion inalienable for *every* returnee or only for a specific group?

The first condition "**Physical Security and Freedom of Movement**" essentially includes the absence of attacks and the threat thereof, the absence of harassment and of the destruction of property in return areas. Beyond that, freedom of movement means that the returnees are able to move freely within and beyond their return area. The lack of physical security contradicts a sustainable return, as it increases the likelihood that refugees decide not to return.

In the case of Kosovo, particularly the Roma and the Serbs refrain from returning to Kosovo, as they still fear revenge from the Albanian majority. Threats of attacks and harassment are consistently present for these two ethnic communities. Additionally, the Roma, the Serbs, the Bosniaks, and the Goranis all fear to use their native languages in public as their spoken languages are similar to and thus considered to be Serbian. This restricts their freedom of movement. As a consequence, "… perceived insecurity and lack of freedom of movement continue to influence the decision to return" (Halili 2007: 7) or force them to return to mono-ethnic areas. Recurring security incidents against the Serbian minority and its property in return areas further contribute to fear and to a secondary displacement of the Serbian returnees.

To sum up, physical security and freedom of movement are *inalienable conditions* and *necessary* to guarantee a sustainable return of *all* refugees.

The second condition "**Economic Opportunities**" mainly deals with employment opportunities for the returnees in two different return areas. Firstly, the refugees who return to urban areas must have access to employment and should neither be discriminated in the application process for open vacancies nor at work. As an alternative livelihood strategy, the returnees should have access to loans in order to start their own business. Secondly, in rural areas, they must have access to fertile land, seeds, and the necessary farming equipment. In Chapter 3.2, it was argued that employment opportunities help the returnees to establish sustainable livelihoods. The lack thereof, on the contrary, fosters the competition for scarce resources and can create new violence.

In the case of Kosovo, the Serbian community is a good example to illustrate the different consequences of the access to employment opportunities and of the lack thereof. The Serbian refugees, who return to the northern municipalities, are able to find employment in the Serbian public institutions. The returnees in the southern and eastern Serbian enclaves are mainly excluded from any employment opportunities, because they are discriminated on the Kosovar market and there are less Serbian public and private companies than in the North. The latter are dependent on social assistance and have no chance to create any livelihood means whereas the former can establish sustainable livelihoods.

Another supporting case is provided by the Bosniak community, which has good employment opportunities in the regions of Prizren and Pejë/Peć. The few Bosniak refugees, who return to other regions in Kosovo, have less opportunities and their return is not classified as sustainable.

To provide the returnees with employment opportunities is *inalienable* for the sustainability of a return process. The lack of economic opportunities can lead to a *secondary displacement* or *permanent migration*, as has been shown for the Gorani community, whose economic opportunities in Dragash/Dragaš are rather scarce.

The third condition "**Reparation and Housing**" includes the reconstruction of destroyed property or the compensation for the loss of property, profits, and incidental expenses. As the residents of houses often change during war, the provision of solutions to property disputes is important.

Many members of the Roma, the Ashkali, the Egyptian, and the Serbian communities, who are displaced, refuse to return to Kosovo until now, because their houses are destroyed or illegally occupied by ethnic Albanian IDPs. The refugees, who returned but did not own property, are more vulnerable to poverty and violence, because they have to compete over scarce rental apartments. "Extreme cases have also been reported in Istog/Istok municipality, where repatriated persons became homeless, and … were temporarily accommodated in an informal camp in Gurakoc/Djurakovac." (Caritas International 2010: 59) This fact emphasizes the importance of this condition.

However, there is one specific limitation to this criterion that can be derived from the experiences in Kosovo. Indeed, the lack of reconstructed property and of solutions to property conflicts has severe consequences for the Kosovar refugees, usually up to the point that they cannot return to Kosovo at all. This is because housing in Kosovo is almost exclusively built on residential property instead of rental apartments. As a consequence, the refugees, whose property is either destroyed or illegally occupied, have no alternative where to stay upon their return to Kosovo. The criterion "Reparation and Housing" in the form outlined in Chapter 4.3 is thus only partly necessary to guarantee a sustainable return. If there are alternative housing solutions available, the lack of reconstructed property and of solutions to property disputes would not create new violence or a secondary displacement of the refugees. In addition, it would not automatically deter the refugees from returning at all. In summary, to reconstruct the refugees' houses and to provide solutions to property disputes is only *partly required* to guarantee a sustainable return *if* there is another housing solution.

In essence, the condition "**Access to and Quality of Education**" refers to a non-discriminatory access to primary and secondary education, close-by or within the return areas. Slightly less important are appropriate curricula, the existence of ethnically mixed schools, and low educational costs.

What can be observed in Kosovo is that the access to education in the preferred system is a decisive factor for refugee families with children at school age. There is the example of displaced families from Ferizaj/Uroševac, who would like to return but cannot do so because there are no Serbian schools in this municipality. Beyond that, there are a few families, who returned to Ferizaj/Uroševac with their toddlers, but now have to move to another area, as their children grow up and they look for an appropriate school close-by. However, this exam-

ple shows the limitation of this criterion: If the access to and the quality of education are not secured, *families with children at school age* cannot return to their preferred area or are discouraged to return at all. As a consequence, this criterion does *not apply to all refugees*, their prospects to return, and the conditions awaiting them upon their physical movement. In addition, the fact that returnee children have to choose between two different educational systems, do not learn to be tolerant towards other ethnic communities, and do not even learn the two official languages in Kosovo is not conducive to a sustainable return. However, *adults without children at school age* and especially *the elderly* can return without facing these obstacles and this criterion does not affect the sustainability of their return. Consequently, this criterion is only inalienable for a certain group, but *not for all returnees*.

The criterion "**Health Care**" means the access to health care in the return areas, in particular the provision of basic health care services, and the availability of treatment and medication at little or no cost. The analysis of the six communities in Kosovo has shown, that it can neither be confirmed that the provision of health care supports the establishment of sustainable livelihoods and the integration of the returnees into the society nor that the lack thereof entails secondary displacement or new violence. Regardless, health care is a human right, as defined in the Universal Declaration of Human Rights in article 25.1: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including … medical care and necessary social services … ."[262] If the returnees do not have access to basic medical care, it is possible that they become ill over a short or even a long time period. In the worst case, the illness prevents them from establishing sustainable livelihoods and from contributing to the Kosovar society and economy. Apart from that, if their life is threatened due to the lack of appropriate care and medication, one cannot speak of a sustainable return anymore. In summary, this criterion is *inalienable* for a sustainable return.

The criterion "**Infrastructure**" encompasses three areas: the unrestricted and non-discriminatory access to water and to sanitation, the access to electricity, and the access to roads, bridges, railways, and to transportation.
Again, the cases of the six returning communities do not give any proof for the necessity of the first sector, which is water. Nonetheless, two reasons support the *necessity* of the access to water as a criterion for sustainable return: First, the large amount of returnees, who are engaged in farming, benefit from the unrestricted access to water that they need for irrigation. Secondly, the access to water is also included in the Millennium Development Goals as the Target 7C, which supports the meaning of it: "Halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation."[263]
The lack of access to electricity plays a crucial role for the Serbian returnees in Kosovo. Power outages are still an everyday challenge for every Kosovar resident, but the Serbian returnees face two additional problems: Serbian returnee villages are often classified as C in the ABC policy from KEK. In addition, the Serbian returnees are charged for the electricity that

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[262] The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948. It was the first written expression of rights every person is entitled to. The declaration can be looked at online: *http://www.un.org/en/documents/udhr/index.shtml*, last retrieved on 16.12.2013.

[263] The Millennium Development Goals (MDGs) are eight international development goals that should be achieved by 2015. They can be downloaded online at: *http://siteresources.worldbank.org/DATA-STATISTICS/Resources/MDGsOfficialList2008.pdf*, last retrieved on 16.12.2013.

was consumed during their displacement. Both problems prevent them from establishing sustainable livelihoods and marginalize them from the rest of the society.

In most areas, the Roma and the Serbs are dependent on the humanitarian bus transportation, which connects settlements and towns populated by the Roma and the Serbs in the region of Gjilan/Gnjilane. They use this transportation means, because the buses are less expensive and more secure than the Kosovo-Albanian public transportation means. However, this prevents their integration into the Kosovar society.

In summary, all three areas – water, electricity, and transportation – are *inalienable* for a sustainable return.

The condition "**Legal Security**" refers to the non-discriminatory provision of identification documents, no discrimination before the law, and a non-discriminatory access to courts. Legal security is the precondition for the returnees to be integrated into the society. The example of the Roma, the Ashkali, and the Egyptians illustrates what happens with those returnees without legal security. It is estimated that around 30 to 40 % of the RAE communities are not registered as Kosovar residents. In addition, many documents from returnees, who were displaced abroad, cannot be recognized by Kosovo. This has severe consequences: Unregistered RAE children cannot be enrolled in schools, the affected RAE returnees cannot apply for social welfare, the access to secondary health care is denied, and they fear statelessness.

Providing the returnees with a legal status is *the precondition* for the full re-establishment of their lives in the homeland and of the relationship between the citizen and the state. Otherwise, they are denied the most basic public services, can neither establish sustainable livelihoods nor integrate into the society. As a consequence, many RAE returnees are forced to flee again. This criterion is *inalienable* for a sustainable return.

The evaluation has shown that not every criterion, which was included in the theoretical and ideal typical conceptualization of a sustainable return, bears up against the practical circumstances in post-conflict societies. Yet, no criterion can be completely excluded, but the reconstruction of property and the solution of property disputes are not inalienable, if there are alternative housing solutions. In addition, the access to schooling is not necessary for every returnee, but only for those returnee families with children at school age. On that account, the author suggests establishing a two-level-concept. The first level includes the minimum conditions that have to be met to create a sustainable return to a post-conflict country. These are physical security, economic opportunities, health care, infrastructure, and legal security. On the second level are the less important criteria, which are reparation and housing as well as education. The results are summarized in Figure 49.

Sustainable Return – a Concept Revised ?

What are the minimum conditions that have to be met before a sustainable refugee return can take place?

Physical Security	Economic Opportunities	Reparation/ Housing	Education	Health Care	Infrastructure	Legal Security
The lack of physical security **prevents** refugees from returning home. The lack of physical security can cause the returnees to be **displaced a second time**. The lack of physical security and freedom of movement supports the **return to mono-ethnic areas**.	Through employment and other economic opportunities, the **returnees can establish sustainable livelihoods**. The lack of economic opportunities can lead to **secondary displacement** or **permanent voluntary migration**.	The reconstruction of property and the provision of solutions to property disputes ▪ prevent the return of refugees ▪ lead to violence and/or secondary displacement **if there are no other housing options available**.	Education can create a multi-ethnic society and support the integration of returnees. If education is not secured, the return of **families with children at school age** is **not sustainable**. ➢ **It does not affect families without children or the elderly.**	Universal Declaration of Human Rights, article 25.1: "Everyone has the right to a **standard of living adequate for the health** and well-being of himself and of his family, including … medical care and necessary social services."	Returnees need water to irrigate. MDG 7C = **Access to water** The lack of access to power prevents sustainable livelihoods and integration. The lack of access to public transportation supports the **return to mono-ethnic areas**.	Legal security is *the* precondition for the **re-establishment** of the **previous life** and of the **state-citizen relation**. The lack of identification documents **prevents** the returnees **from accessing the most basic public services** and sometimes leads to a **secondary displacement**.

Minimum Conditions for Sustainable Return are:

Physical Security, Economic Opportunities, Health Care, Infrastructure, and Legal Security

Additional Conditions for Sustainable Return are:

Reparation/Housing, Education

Figure 49: Sustainable Return – A Concept Revised?
Source: Own compilation

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PART V: CONCLUSION AND DISCUSSION

12. Conclusion

This thesis explored the conditions that enable a sustainable refugee return by looking at the example of Kosovo. It was pointed out in the review of the literature that there is no universal definition of the term "sustainable return" and that no one so far has explored under what conditions a return is sustainable studying a particular case. This thesis contributed both. It provided a definition and set out criteria that could be used to evaluate refugee return as sustainable (Chapter 3 – 4). It also tested the newly defined concept empirically by qualitatively analyzing minority return to Kosovo (Chapter 6 – 11). Beyond this, the thesis at hand also critically revised the theoretical framework it set out by discussing the discrepancies between the newly defined concept of sustainable return and practical obstacles. It yet came up with a minimum definition of sustainable return. This concluding chapter seeks to discuss the main results and to point to the strengths and the limitations of this research.

According to the definition that was given in this thesis, a refugee return is sustainable when two goals are fulfilled: (1) The returnee is able to maintain sustainable livelihoods without significant external support and which can withstand external shocks. (2) The returnee is integrated into the society. The author theoretically developed seven criteria that need to be met in order to achieve these goals. These are: (1) physical security, (2) economic conditions, (3) reparation and housing, (4) education, (5) health care, (6) infrastructure, and (7) legal security.

The seven criteria formed the basis of the subsequent analysis of the six communities. Only a small amount of the Roma returned to Kosovo. They are a marginalized community that lives at the edge of the society and faces severe challenges in finding employment, in obtaining identification documents, and in finishing secondary education. In contrast, the Ashkali and the Egyptians returned to a large extent to their homes in Kosovo. They are as excluded from the Kosovar society as the Roma, but they maintain good relations to the Albanians, which they benefit from. Only a small amount of the Serbs returned to their homes in Kosovo. The Serbs are not integrated into the Kosovar society, but established a parallel society with their own institutions and their own administration. However, the parallel Serbian institutions are illegal under Kosovar law and are unlikely to last forever. The majority of the Goranis did not return to Kosovo. They maintain close relations to the Serbs and consequently integrate into the Serbian parallel institutions. Even though only a very little percentage of the Bosniak refugees returned to their homes in Kosovo, they have good opportunities to establish sustainable livelihoods. In fact, they appear to be the most successful minority group when it comes to sustainable return to Kosovo. The Bosniak community has a high political influence, especially on the local level. They maintain good relations to the Albanians and to the Serbs, which is their major benefit.

The analysis of the six ethnic minority communities and their return to Kosovo revealed an interesting picture. The refugees of four communities stay in exile rather than returning to Kosovo. Two communities, namely the Ashkali and the Egyptians, return to Kosovo in large numbers. However, this does not mean that their returns are particularly sustainable. In fact, it indicates that sustainability as it was previously defined was misunderstood and frankly incor-

rect. *Sustainable return conditions are not a per se guarantor for returns to Kosovo*. By contrast, the return conditions for the Bosniak community are sustainable, but only a very small amount of the Bosniak refugees returned to Kosovo so far.

The sustainability of the return conditions does not have a significant influence on the return figures in Kosovo. It is rather crucial, which role the minorities played during the 1990s, whether they are able to speak Albanian, and if they maintain good relations to the Albanian majority. The likelihood of refugee return is less dependent on the country-wide living conditions and on the community-specific conditions, but might be enhanced if the local level is particularly involved and the principle of subsidiarity is implemented.

The latter applies to five communities. Even though the Bosniak community maintains good relations to the Albanians, speaks Albanian fluently, and did not commit any human rights violations during the 1990s, their return figures are very low. There are two possible explanations: Either the Bosniak community does not see a future within the independent Kosovo, because they are not included in any decentralization developments and fear assimilation by the Albanians, or their integration prospects in their host society in Bosnia and Herzegovina are better than in Kosovo. The latter could also apply to the Serbs and to the Goranis, who await better living conditions in Serbia proper than in Kosovo. It is up to further research to investigate, which of these explanations is true.

The analysis also revealed that the seven conditions ensuring a sustainable return, as defined in Chapter 4, are not fully applicable in a post-conflict environment. On that account, Chapter 11 revised the theoretical concept by identifying if every condition is inalienable for a sustainable return. The revision considered three aspects:

(1) Does the criterion serve to achieve the two main goals of a sustainable return, i.e. the reestablishment of an own life and the integration into the society?
(2) Does the lack of a criterion entail the threat of a secondary displacement or the renewal of violence?
(3) Is the criterion inalienable for *every* returnee or only for a specific group?

The revision showed that not every condition is inalienable to ensure a sustainable return to a post-conflict country. Consequently, the author suggests a two-level-concept. The first level includes the absolute minimum conditions. These are physical security, economic conditions, health care, infrastructure, and legal security. The second level includes the two additional criteria reparation/housing as well as education.

The thesis' contributions are threefold:

— It improves the definition of sustainability in refugee return research and comes up with seven criteria to be met in order to classify a return as sustainable.
— It tests the definition and the criteria empirically looking at Kosovo and six ethnic minorities within Kosovo employing qualitative methods.
— It critically revises the conceptual framework of sustainable return following discrepancies found between theory and practice and it gives focused policy recommendations to improve return to Kosovo and other post-conflict societies.

While this thesis' contributions are significant, it also has several limitations. The main assumption that the likelihood of returns to Kosovo is supported by three characteristics does not apply to the Bosniak community. Even though the author provided some alternative explanations, new research on the Bosniak returnees is required to give a final judgment. The author suggests using a different method. It would be advisable to conduct interviews with Bosniak returnees and refugees to ask them about their personal decision-making processes. In general, one can claim that this thesis lacks the perspective of the refugees and their integration prospects in the host societies, which it was unable to achieve due to the high financial cost, time and labor related to this. However, such research is especially relevant for the Serbian, the Bosniak, and the Gorani communities.

In addition, quantitative and descriptive figures on the Kosovar minority communities are difficult to obtain. Some ethnic communities did not exist before the last census in 1991, as e.g. the Ashkali. As a consequence, comparative figures are hardly available or rely on estimates, but no factual data. Furthermore, figures from the Serbian community, especially of those living in the North, are hard to find or collect, because the Kosovar institutions and international organization have no access to those people. They rely heavily on parallelism within society.

One major criticism may bet the implementation of the policy recommendations presented in Chapter 10.5. They require a significant financial input by Kosovo or international stakeholders. Kosovo on its own lacks these financial means. However, Kosovo is one of the biggest recipients of development aid. The author therefore suggests to rededicate the development aid and to focus more on the minority communities and their return conditions if possible. This thesis provided the basic ideas and recommendations to achieve a sustainable return, but it cannot give specific recommendations about the financing. This is beyond its scope and should be achieved by future research. Moreover, this thesis cannot test the effectiveness of the proposed policy recommendations. In order to do so, the recommendations need to be implemented and evaluated. Hopefully, this can be achieved by future research as well.

As Lijphart argues, the most fruitful approach is to regard a qualitative comparative analysis as the first stage of research and to formulate hypotheses as a result of this kind of research, which can be tested (statistically) in further research. (Cf. Lijphart 1971: 685) This last section summarizes some questions that future research must address. It formulates specific hypotheses, which may be tested using quantitative large N comparative analysis. Testing these hypotheses is an appropriate method to find out whether the conclusions of this thesis reflect the special case of Kosovo only or whether they are applicable to other countries.

H1:   *In ethnic conflicts, refugees, who belong to those communities sympathizing with the winning party, are more likely to return than their counterparts.*

The case of Kosovo revealed that those refugees, who belong to minorities that maintain close relations to the Albanian majority, are more likely to return. A future statistical test could compare the return figures of ethnic minority communities in countries that recently struggled with an ethnic conflict.

H2:   *Refugees who speak the majorities' language(s) are more likely to return than their counterparts.*

In Kosovo, language seems to be one of the first means of identification. It was shown that those refugees that speak Albanian feel more free to move around Kosovo and more comfortable to do so. By contrast, those refugees speaking Serbian or a dialect thereof fear using their native language in public.

H3:   The return of refugees is less likely when the refugees are displaced in their kin state.

This thesis demonstrated that the Serbs, the Goranis, and the Bosniaks are often displaced to their kin states or homelands. Due to the close cultural, linguistic, and religious ties to these states, they have better integration prospects there compared to Kosovo. New research should address the role of kin states when deciding, which is the most durable solution.
Beyond that, new research could focus on the refugees' individual decision-making processes and their life in displacement.

In summary, this study showed that if the concept of a sustainable return is defined more precisely and criteria in the home countries meet minimum standards, refugee return is more successful and can contribute positively to post-conflict reconstruction and to the way towards peace.

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German Summary

Viele Flüchtlinge verharren seit Jahren und u. U. sogar Jahrzehnten in Flüchtlingslagern oder in beengten Wohnsituationen unter unwürdigen Lebensbedingungen. Zwar können einige Flüchtlinge nie in ihre Heimatländer zurückkehren, besteht aber die Möglichkeit einer Rückkehr, geschieht dies meist unter nicht zufriedenstellenden Bedingungen und kann sogar zu einer erneuten Vertreibung oder Gewalt im Heimatland führen. Um dies zu vermeiden, wird eine nachhaltige Flüchtlingsrückkehr angestrebt.

Obwohl sich der Begriff *nachhaltige Rückkehr* großer Beliebtheit erfreut, wurde er weder von wissenschaftlichen noch von politischen Akteuren hinreichend definiert. Diese Dissertation befasst sich mit nachhaltiger Rückkehr und stellt vier grundlegende Forschungsfragen, die sie anhand der Fallstudie des Kosovo untersucht und beantwortet:

Frage 1:   *Was bedingt eine nachhaltige Flüchtlingsrückkehr in der Theorie?*

Frage 2:   *Warum ist die Rückkehr von einigen Minderheitenflüchtlingen in den Kosovo nachhaltiger als von anderen?*

Frage 3:   *Kehren mehr Flüchtlinge zurück, wenn die Rückkehrbedingungen nachhaltig sind?*

Frage 4:   *Was sind die Minimalbedingungen, die eine nachhaltige Rückkehr ermöglichen?*

Die vorliegende Dissertation leistet folgenden Forschungsbeitrag:

— Sie präsentiert eine verbesserte und präzisere Definition nachhaltiger Rückkehr in der Flüchtlingsforschung und entwickelt sieben Kriterien, die eine Rückkehr nachhaltig gestalten.
— Mit Hilfe qualitativer Methoden testet sie diese Definition und die Kriterien anhand des Fallbeispiels Kosovo und vergleicht sechs in den Kosovo zurückkehrende Minderheiten.
— Aufgrund einer identifizierten Diskrepanz zwischen Theorie und Praxis liefert diese Dissertation einen überarbeiteten theoretischen Rahmen von nachhaltiger Rückkehr und gibt Politikempfehlungen, um eine Rückkehr in den Kosovo, aber auch in andere Nachkriegsgesellschaften, zu verbessern.

Kapitel 1 leistet einen Überblick über den Forschungsstand nachhaltiger Rückkehr und arbeitet die Forschungslücken systematisch heraus. In Kapitel 2 wird die methodische Vorgehensweise erläutert. Anschließend präsentieren Kapitel 3 und 4 eine verbesserte und genauere Definition und empfiehlt sieben Kriterien, die erfüllt sein müssen, um eine nachhaltige Rückkehr zu ermöglichen. Kapitel 5-11 präsentieren die empirische Analyse. Mit Hilfe einer qualitativen Inhaltsanalyse der Literatur über sechs Minderheiten (Roma, Ashkali, Ägypter, Serben, Bosniaken und Goranen) im Kosovo, sowie einer vergleichenden Inhaltsanalyse dieser, und auf Basis einer SWOT Analyse wird das neue Konzept der nachhaltigen Rückkehr untersucht und Politikempfehlungen an internationale und nationale Akteure formuliert. Der Vergleich von Theorie und Wirklichkeit gibt Anlass, das Konzept final zu überprüfen und anzupassen.

Kapitel 12 fasst die Ergebnisse der Dissertation zusammen und präsentiert darüber hinaus ihre Stärken und Schwächen.

Die Ergebnisse aus den empirischen Analysen lassen sich wie folgt zusammenfassen:

(1) Eine Rückkehr ist dann nachhaltig, wenn die Rückkehrer in der Lage sind, sich eine nachhaltige Lebensgrundlage zu schaffen, die sie ohne externe Hilfe und auch nach externen Schocks (wie z. B. einem Ernteausfall) aufrechterhalten können. Eine nachhaltige Rückkehr erfordert die vollständige Integration der Rückkehrer in die Heimatgesellschaft. Es wurden sieben Kriterien entwickelt, die eine nachhaltige Rückkehr ermöglichen. Diese sind:
— physische Sicherheit,
— wirtschaftliche Sicherheit,
— Entschädigung und Wohnraum,
— Bildung,
— Gesundheitsversorgung,
— Entwickelte Infrastruktur und
— Rechtssicherheit.

(2) Die empirische Analyse hat gezeigt, dass nur die Rückkehr der Bosniaken als nachhaltig eingestuft werden kann, sofern sie stattfindet (siehe Frage 3). Dies liegt scheinbar an ihrem großen politischen Einfluss sowie an den positiven Beziehungen zur albanischen und zur serbischen Gemeinschaft. Die Bosniaken sprechen zudem beide kosovarischen Amtssprachen. Die anderen fünf ethnischen Minderheiten stehen unterschiedlichen Herausforderungen gegenüber, die weder die vollständige Integration in die Gesellschaft noch den Aufbau nachhaltiger Lebensgrundlagen ermöglichen.

(3) Die Untersuchungen zeigen, dass die Bosniaken trotz ihrer nachhaltigen Rückkehrbedingungen nicht in den Kosovo zurückkehren. Gleichzeitig finden die zwei Minderheiten mit den höchsten Rückkehrerzahlen (Ashkali und Ägypter) keine nachhaltigen Bedingungen vor. Hieraus lässt sich schließen, dass nachhaltige Bedingungen *nicht* automatisch zu einer vermehrten Rückkehr in den Kosovo führen. Vermutlich ist es entscheidender, dass die Mitglieder ihrer Minderheit
— nicht an den serbischen Kriegsverbrechen beteiligt waren,
— die albanische Sprache sprechen und
— gute Beziehungen zu den Albanern aufrechterhalten.

Ein Grund, der Flüchtlinge von einer Rückkehr in den Kosovo abhalten kann, ist der Aufenthalt in ihrem Patronagestaat[264], der ihnen bessere Bedingungen für eine Integration in dessen Gesellschaft bietet. Dies betrifft vor allem die Bosniaken, die Serben und die Goranen.

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[264] Als Patronagestaat wird der Staat bezeichnet, aus dem eine ethnische Minderheit ursprünglich hervorgegangen ist. In den meisten Fällen bestehen nach wie vor kulturelle, historische und linguistische Beziehungen zwischen der Minderheit und dem Patronagestaat. In dem vorliegenden Beispiel ist Serbien der Patronagestaat der Serben und Bosnien-Herzegowina der Bosniaken.

(4) Schlussendlich stellt sich hier eine Diskrepanz zwischen dem theoretisch entwickelten Konzept nachhaltiger Rückkehr und der Praxis dar. Es zeigte sich, dass nicht alle Kriterien zugleich und in vollem Ausmaß in Nachkriegsgesellschaften umgesetzt werden können. Vielmehr ist ein zweistufiges Konzept nachhaltiger Rückkehr anwendbar. Die erste Stufe beinhaltet die unabdingbaren Minimalkriterien. Diese sind physische Sicherheit, wirtschaftliche Sicherheit, Gesundheitsversorgung, Infrastruktur und Rechtssicherheit. Die zweite Stufe benennt zwei zusätzliche Bedingungen, die erfüllt werden können. Diese sind Entschädigung/Wohnraum sowie Bildung.

Abschließend stellt sich die Frage, ob man die Rückkehrsituation im Kosovo als *causa sui generis* bezeichnen kann oder die hier präsentierten Ergebnisse auf andere Länder übertragen werden können. Diese Dissertation schließt daher mit drei Hypothesen, die zukünftig qualitativ, wie auch quantitativ erforscht werden sollten, um das neue Konzept nachhaltiger Rückkehr systematisch und anhand anderer Konflikte zu untersuchen.

Zusammenfassend zeigt diese Arbeit, dass Flüchtlingsrückkehr erfolgreicher ist und positiv zum Aufbau von Nachkriegsgesellschaften und Frieden beitragen kann, wenn das Konzept der nachhaltigen Rückkehr genauer definiert ist und die Kriterien im Heimatland den definierten Standards entsprechen.

Lebenslauf