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## **BALKAN REGIONAL COOPERATION AND THE RETURN OF REFUGEES**

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Paper presented at the conference on "Regional Cooperation and Reconstruction in South-East Europe"  
*Rome, 29-30 October 1999*

IAI9923

**ISTITUTO AFFARI INTERNAZIONALI**

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## **Introduction**

Since early 1991, South-Eastern Europe has been the scene of some of the largest and most brutal forced displacement anywhere in the world. During this period, five million people have been forced to flee for their lives. Only in Kosovo have we witnessed the almost instant reversal of ethnic cleansing, with the swift return of over 800,000 refugees and displaced persons, In stark contrast, return has been painfully slow in other parts of the region. In all, close to 1.5 million people remain displaced away from their homes of origin.

Will open this session focussing on Kosovo, given that it represents the most recent and most dramatic repatriation in the Balkans, and given my brief in Pristina. Will then turn to the broader question of refugee return in the Balkans region.

Complexity of Kosovo Crisis: Kosovo was NATO's first war in Europe, whose main objective was the return of refugees. The Kosovo refugee crisis was one of the most complex emergencies in UNHCR's history. Noone was prepared for such a large-scale and rapid exodus: only days before the international community was banking on peace and preparing for the early implementation of the Rambouillet accords. Managing the crisis in a highly politicised context was extremely difficult. There were serious problems in providing adequate assistance and equally serious problems of protection. Among these were admission to safety; the logistical problems in setting up camps rapidly in Albania and FYROM; and security problems in Montenegro, where the government was ready to provide asylum but the Yugoslav security forces were a real threat.

Dramatic Repatriation to Kosovo: Perhaps the most remarkable aspect of the Kosovo crisis after the Croatian and Bosnian experience, was that this time international revulsion and determination not only halted, but reversed, ethnic cleansing. Forceful intervention enabled more than 800,000 refugees and other victims to return home, almost as swiftly as they had been driven out. The first 2,000 refugees from Macedonia returned 3 days after the arrival of KFOR and humanitarian agencies in Pristina. Within 3 weeks, half a million people returned; at its peak, nearly 50,000 people a day were returning, even before landmines were cleared or supply lines could bring in shelter materials. People voted with their feet, despite the risks.

## **Overview of current situation in Kosovo**

Improvements in Kosovo do not mean that all is well: Although the Kosovo refugee crisis is over, the challenges of its aftermath are still daunting. Many visitors to Pristina today comment on how "normal" the city seems, with bustling cafes, markets, streets congested with traffic, and trucks bringing in commercial goods. But these images of normality mask the reality that Kosovo remains very precarious and politically fragile. Pending a

political solution, it must start from scratch. Under UNMIK's umbrella, the international community is making unprecedented efforts to restore normalcy, and progress is being achieved. The two immediate humanitarian challenges are the race against winter and the struggle for tolerance.

**Race against winter:** The immediate humanitarian priority is to help nearly a million people who returned to destroyed or damaged homes through the winter. The war in Kosovo was vicious, systematic and very personalised, targeting families and their homes, rather than infrastructure or military installations. Some 50,000 homes are destroyed, with another 50,000 damaged. Large quantities of basic shelter materials, stoves and fuel, as well as food and other relief items, continue to flood into Kosovo to meet these needs.

**No reconstruction before winter:** Expectations among the local population and the media are often unrealistically high about the speed of the reconstruction process, and the capacity of international agencies to respond. Time and resources will not permit a major house rebuilding programme before winter sets in. The solidarity of host families in taking in relatives, friends and neighbours will once again play a crucial role, with collective accommodation being a last resort option.

Reconnection of basic utilities, especially electricity, will also be crucial to get people through the winter. Recent assessments indicate that urgent repairs to the present system are necessary. Major investment to rebuild the infrastructure for essential utilities is essential to avoid new humanitarian consequences.

**Struggle for tolerance:** The basis for rebuilding Kosovo is the reestablishment of law and order. While KFOR has done an extraordinary job in this area, the security situation in Kosovo remains volatile and precarious. Intimidation and attacks against the remaining Serbs, Roma, and other minority populations occur on a daily basis. The fury of returning refugees, understandable at a personal level – (between one and three alleged mass grave sites were being found every day in Kosovo in June and July) – has tragically created a new refugee exodus (especially in the immediate aftermath of the Yugoslav forces' withdrawal). The number of Serbs and Roma now remaining in Kosovo is less than half of the original population.

**Attacks against minorities:** Many Serbs and Roma live in constant fear, some physically protected by KFOR on a 24-hour basis, in groups around the province. In mid-July, between four to six Serbs were being killed every day. Some three months later, there has been some reduction in crime rates, but the violence and attacks continue. Houses of minorities continue to be forcibly occupied or burned, even as we push to bring in temporary shelter and house-building materials to these same areas. Until this violence ceases, it is too early to talk of reconciliation and large-scale return of Serbs and other minorities to Kosovo.

**Cycle of violence and revenge must be stemmed,** if any longer-term rebuilding and reconstruction process in Kosovo is to be effective. Some Serbs and Roma who have fled Kosovo took part in the atrocities, for which they should be held accountable. But others – even those who were silent witnesses – should not become the new refugees of the Balkans and a new burden on the region and the international community. International

action is part of the necessary response to this problem – but also need to engage the responsibility of local leaders to stop the violence. They must be persuaded to understand that the suffering of the Albanian people is no justification for renewed ethnic cleansing, that the key to a stable society is tolerance and non-discrimination, and that failure to speak out and to act will lessen international sympathy and support in future.

### **Regional aspects of Kosovo crisis:**

Displaced and Refugees in FRY: Another priority in the Kosovo context is to ensure adequate protection and assistance to the displaced and refugees in Serbia and Montenegro. Their number, over 700,000, is the largest in Europe. Coming from Croatia, Bosnia and now Kosovo, their plight is dire, in a country crippled by war, economic decline and isolation. In the initial stages of the establishment of the NATO and international presence in Kosovo, the large number of Serbs who left were encouraged to return, despite the absence of adequate conditions for return, and their basic rights in Serbia, such as to education, were not fully recognised. While the authorities now seem resigned to the fact that the vast majority cannot yet go home, and are preparing for their stay through the winter, pressure for their return to Kosovo continues.

Return of minorities to Kosovo: Until the current violence against minorities ceases, and a climate of tolerance and non-discrimination is established, the prospects for return of those Serbs and Roma who have left remains remote. The question of minority return to Bosnia-Herzegovina, to Croatia, and now to Kosovo is one of the key challenges in the Balkans today.

Minority return in the Balkans: Minority return throughout the Balkans involves reversal of the objectives of conflict or campaigns of terror where forced displacement was the central objective. In Kosovo, the hatred and violence is so fresh, that it is not realistic to talk of return and reconciliation of most minority populations at this stage. In Bosnia and Herzegovina, the challenge of minority return is complicated by the fact that those responsible for the war are those who negotiated the peace and remain in positions of power today. This is exacerbated by the inherent contradiction in the constitutional and legal arrangements under the Dayton agreement which in fact consolidate ethnic partition, rather than provide a vehicle for ethnic integration. Similarly in Kosovo, SCR 1244 has a built-in tension and considerable ambiguity; on the one-hand it requires the UN to administer Kosovo as a part of FRY, while on the other those who are being administered are clamouring for independence (which would effectively stifle the possibility of minority return). In Croatia, the lack of political will and the erection of administrative barriers hamper the return of minorities from Serbia and elsewhere.

Regional Roma return problem: The situation of the displaced Roma in the Balkans is a pressing challenge. While return may promote stability, it should not go ahead of the political/security environment or problems and insecurity may be exacerbated. For the majority of Roma who have been displaced from Kosovo and elsewhere, the conditions for their return do not exist, either nationally or regionally. This is a pressing regional problem which requires regional cooperation in order for it to be resolved.

Link between refugee return and regional stability: Unless population stability can be achieved, there is little chance of overall political stability in the Balkans. Today, some 1.5 million people remain displaced in the Balkans. Unless a concerted effort is made to “stabilise” this large population through a variety of approaches, including return, it will be extremely difficult to achieve sustainable overall political stability in South-Eastern Europe. The Stability Pact provides an international political and economic framework which recognises the links between economic development, respect for human rights, peace and political stability. The region’s displaced must become beneficiaries of the international community’s efforts to foster a climate of peace and stability. The Stability Pact should provide a context within which feasible and long-term resolution of the problem of uprooted populations in the Balkans can be pursued.

Resolving displacement: For this to happen, all States in the region must first allow minority returns to occur. An enforceable mechanism is needed to overcome one of the major obstacles standing in the way of return: lack of political will. Second, states in the region must make progress to resolve property issues, since issues of ownership or tenancy are often invoked to block return. Finally, the displaced must benefit from non-discriminatory access to education, employment and other pursuits which are essential to building lives and restoring confidence in the future.

UNHCR is also advocating new approaches to resolve refugee problems in the region. Since the end of 1995, UNHCR’s emphasis has been on trying to support minority returns, with only limited success. While the peace agreements have confirmed the right of return, there has been an absence of international commitment to actively enforce this. Four years down the road, many refugees cannot or do not wish to return to their place of origin. While still pressing for minority return, UNHCR has reviewed its overall approach, in order to “break the deadlock”. While still pressing for minority returns, other solutions, such as local integration and relocation, are now being pursued in parallel, based on an assessment of the wishes of the people themselves. This strategy will be pursued through the Stability Pact process.

### **Concluding thoughts about regional cooperation and the return of refugees:**

The need for sustained political determination and leadership for return to be successful: in the case of Kosovo, political leadership, fed by collective revulsion, made it possible for the first time in the region, to effectively reverse ethnic cleansing. Humanitarian action alone, without adequate security and political support, cannot create the conditions for return, as in Bosnia and Croatia.

The importance of asylum and burden-sharing: Asylum, at least on a temporary basis, has proved to be vital in the Kosovo crisis, as has burden sharing in the form of the humanitarian evacuation programme to keep admission to safety in Macedonia a reality. Temporary protection in the Kosovo context worked better than in Bosnia because it was accompanied by early international action to create the conditions for refugee return.

Nonetheless, return is a long-term process: Return is linked to stability and tolerance. Ending the conflict is only the first step if return is to be sustainable – hence the wider

economic, political and security framework provided for under the Stability Pact is crucial if return to the Balkans is going to work. This involves regional cooperation, international support and, perhaps most importantly, positive national action.