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Towards Sustainable Reintegration:
Impact of International Intervention on Minority Returns
in Bosnia-Herzegovina and Kosovo

Silvia Cittadini, MA,
*European Regional Master in Democracy and Human Rights
in South East Europe (ERMA)*

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Abstract

In the aftermath of the '90s wars in Bosnia-Herzegovina and Kosovo, the return of the Refugees and Internally Displaced Persons to their previous houses was listed among the main priorities of the massive international intervention that invested the two countries. Within the returns' process, particularly delicate and significant is the issue of those families that fled during the war and that in their home are part of an ethnic minority, the so-called "minority returns". Delicate because of the nature of the conflicts that in both cases divided the countries along the ethnic lines and significant because the success of these returns had the potential of bringing the countries back to the pre-war situation. The objective of this article is to compare the impact of the interventions on minority returns in Bosnia Herzegovina and Kosovo in order to assess the effectiveness of the policies implemented. The analysis focuses on two principle policies: the housing restitutions and reconstructions and the interventions for ensuring the perceived and actual security of the returnees. On the light of the results of the comparison, I argue that the housing restitutions and reconstructions policies are ineffective if not backed by proper interventions aimed at ensuring the perceived and actual security of the returnees. The argumentation therefore explains the complete failure of the minority returns policies implemented in Kosovo, where just the 6% of the Serb minority, fled after the war, returned. The lack of accountability of the perpetrators of the attacks against Serbs in 2004, and the presence of war lords in the national and local administrations, can be pointed as the main reason of the failure of the return policies implemented in the country.



Keywords

Bosnia Herzegovina, housing, international intervention, Kosovo, minority returns, post-conflict, security.

List of Abbreviations

CRPC: Commission for Real Property Claims of Displaced Persons and Refugees

DPA: Dayton Peace Accords

DPs: Displaced Persons

IDPs: Internally Displaced Persons

HPD: Housing and Property Directorate

HPCC: Housing and Property Claims Commission

KFOR: NATO's Kosovo Force

KLA: Kosovo Liberation Army

KPC: Kosovo Protection Corps

OHR: High Representative

PISG: Provisional Institutions for Self-Government

PLIP: Property Law Implementation Plan

RAE: Roma, Ashkali and Egjipitian

RRTF: Reconstruction and Return Task Force

UNGA: United Nations General Assembly

UNHCR: UN High Commissioner for Refugees

UNMIK: UN Mission in Kosovo

Introduction

In nowadays Kosovo, 15 years after the war, still most of the ethnic Serbs who were previously living throughout the region together with the Albanian majority, are confined in small villages with few contacts with the outside world or displaced in the northern part of the region or even in Serbia¹. Entering one of these enclaves, the visitor might have the perception that time after the war stopped for these people who still fear the Albanian revenge and therefore prefer to live within these open prisons rather than going back to their hometowns.² Statistics show that until today, only 6% of Serb who fled from their homes made return.³ Nevertheless, in the aftermath of the '90 conflicts in the whole region, the high number of refugees and displaced persons (DPs) and the humanitarian crisis that followed led the international community to invest many resources⁴ in the implementation of the so-called "right to return"⁵.

1 OSCE Mission in Kosovo, *An Assessment of the Voluntary Returns Process in Kosovo*, October 2014. Link: <http://www.osce.org/kosovo/129321?download=true>.

2 See: Carl T. Dahlman, Trent Williams, "Ethnic Enclavisation and State Formation in Kosovo", in *Geopolitics*, 15, (2010): 403-430.

3 Monica Kleck, "Refugee Return – Success Story or Bad Dream? A Review from Bosnia Herzegovina", in Martina Fischer (ed.) *Peacebuilding and Civil Society in Bosnia-Herzegovina, Ten Years after Dayton*, Munster: Berghof Research Center, 2006. 107-122. Accessed at the Human Rights Center, University of Sarajevo, 111.

4 The OSCE reports that the costs of the return projects in Kosovo are among the highest worldwide. As an example, in 2006 13 million Euros have been spent in return projects, without any effective result. OSCE, Mission in Kosovo, *Eight years after, Minority returns and housing and property restitution in Kosovo*, June 2007. Link: <http://www.osce.org/kosovo/26322>.

5 The "right to return" has been defined by the United Nations General Assembly (UNGA) and, although not yet binding, pushes international and local authorities to "establish conditions, as well as provide means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence". UN General Assembly, *Guiding Principles on Internal Displacement*, 2001, link: <http://www.unhcr.org/43ce1cff2.html>. UNHCR has as well affirmed the right for DPs to return in a resolution in 1998 entitled "Housing and Property restitution in the context of the return of refugees and internally displaced persons". Anneke Rachel Smit,

Despite this, in Kosovo statistics⁶ show as the implementation of this right for the Serb minority has been, till now, a failure. What are the reasons of such poor outcome?

Other than for humanitarian reasons, the promotion of the right to return of DPs is moved by the evidence that returns and inter-ethnic cohabitation, also in the immediate aftermath of a conflict, work as stabilisation forces of the inter-ethnic relations⁷ and bring the political debate to more moderate positions⁸. Nonetheless, returns after a conflict pose a series of issues that have to be tackled especially when a minority is concerned⁹ as in the cases I analyse in this paper. Therefore it is essential to understand what are the factors that bring a minority

“Housing and Property Restitution and IDP Return in Kosovo”, *International Migration*, Vol. 44 (3), (2006): 63-88. www.ebsco.com (accessed 20 January 2014).

6 Jenne Erin K., “Barriers to Reintegration after Ethnic Civil Wars: Lessons from Minority Returns and Restitution in the Balkans” in *Civil Wars*, Vol. 12, No. 4, (2010): 370-394. www.ebsco.com (accessed 20 January 2014). OSCE Mission in Kosovo, *An Assessment of the Voluntary Returns Process in Kosovo*.

7 As Amnesty International warned about Bosnia Herzegovina: “as long as territories within BiH remain ethnically exclusive the region will remain unstable, since victims of the war who were forcibly expelled from their homes, are likely to dwell upon that injustice” Amnesty International, *Bosnia-Herzegovina, All the Way Home: Safe ‘Minority Returns’ as a Just Remedy and for a Secure Future*, 1 Feb. 1998, Link: <http://web.amnesty.org/library/Index/ENGEUR630021998?open&of¼ENG-BIH>.

8 Experience in Prijedor, Bosnia, shows us as the return of Bosniac minority to the city and surrounding villages did not turned into a destabilizing force, as many international organisations feared, but revealed to be indispensable to improve inter-ethnic relations and to marginalise Bosnian Serb nationalists. In a different context, Jenne outlines as surveys of students in integrated schools in Northern Ireland revealed that friendships across confessional lines increase after attending integrated schools and in general tolerance towards the other is fostered by inter-group contacts. These examples demonstrate the importance of reintegration and reconciliation policies in the aftermath of an ethnic conflict in order to ensure a sustainable stabilisation of the peace-building process and to avoid the risk of a strengthening of the tension across the ethnic lines. Roberto Belloni, “Peacebuilding at the local level: Refugee return to Prijedor”, in *International Peacekeeping*, 12:3, (2005): 434-447. European University Institute (accessed 16 November 2013). Erin K. Jenne, “Barriers to Reintegration after Ethnic Civil Wars: Lessons from Minority Returns and Restitution in the Balkans” in *Civil Wars*, Vol. 12, No. 4, (2010): 370-394. www.ebsco.com (accessed 20 January 2014).

9 The problems that affect minority returns are different compared to those that affect majority returns. While the DPs belonging to the majority group face the normal problems connected to a post-war situation (reconstruction of infrastructures and housing, devastated economy, etc.) the DPs minority group is also victim of post-war intimidations and violence, and/or discrimination at the socio-economic level. Daniela Heimerl. “The Return of Refugees and Internally Displaced Persons: from Coercion to Sustainability?” in *International Peacekeeping*, 12:3, (2005): 377-390. European University Institute (accessed 16 November 2013). 380.

to return and to reintegrate in the region or village of origin and how the international community can support this process.

In this paper, in order to understand how the international community can support the peaceful reintegration of ethnic groups after a conflict, I analyse two variables that affect this process and that are deeply influenced by the international intervention, the housing and property restitution/reconstruction mechanisms and the level of local security, in Kosovo and Bosnia Herzegovina. The choice of these two regions is moved by the fact that they share many similarities in the return and reintegration process¹⁰ and nevertheless the results of the DPs return policies have been quite opposite. Although we cannot speak of real success for the Bosnia case, still more than half of the DPs have returned home, while in Kosovo the number of Serbian DPs returns is so marginal that it is not possible to talk of reintegration.¹¹ Considering these data, the questions that I aim to answer are: Which variable had a major impact on returns in Bosnia Herzegovina and Kosovo? And, why the returning policies did not work in Kosovo? My main claim is that, although the housing and property restitution have an essential role in ensuring sustainable returns, they are insufficient without a good level of security safeguarded. This last variable is connected with the presence in the territory of warlords and the impunity of hate crimes committed against the ethnic minorities.

In my analysis I mainly use academic researches that investigate the returns’ process and policies in the whole region and the outcomes of the international intervention in general. Another important resource are the returns policies’ assessments provided by international organisation who operated in the area such as the Organisation for Security and Cooperation in Europe, International Crisis Group, Human Right Watch and Internal Displacement Monitoring Centre. The analysis starts with an overview of the DPs in Bosnia Herzegovina and

10 Both regions have seen an important presence of the international community and a huge income of international aid. Moreover, the return process started relatively early in both areas: In Bosnia first returns’ attempts have been registered in 1997 and in Kosovo in 2001-2002. Both early returns have been followed by cases of inter-ethnic violence that have obstructed the reintegration process. Jenne, “Barriers to Reintegration after Ethnic Civil Wars”. Anneke Rachel Smit, “Housing and Property Restitution and IDP Return in Kosovo”, 76.

11 For an overview of the returns’ statistics both in BiH and Kosovo see: www.internal-displacement.org.

of the returning plans promoted by the international organisations. The work proceed with the analysis of the main housing and property restitutions actions while the second sub-chapter deals with the main international strategies aimed at creating a safe and supportive local environment. In the second chapter the Kosovo case is developed in a specular way, starting with the housing policies, continuing with the actions against ethnic motivated attacks. The last chapter is devoted to a comparison of the two cases.

The debated success of minority returns in Bosnia Herzegovina

The 1992-1995 conflict in Bosnia Herzegovina forced around 2.2 million people to flee from their hometowns¹². Among these, 1.2 million refuged abroad, including 350.000 in Germany alone.¹³ Another million instead displaced internally, resulting in a division of the former multiethnic Bosnia into ethnically homogenized fortresses, whose borders were often drawn within the same municipality.¹⁴ Immediately after the war, in the period between 1996-1997, a main waive of returns has been recorded¹⁵, but it almost exclusively concerned the returnees that were part of the majority group in the place of return. These first years of post-war movements resulted in a further division of the country along the ethnic lines and in an empowerment of the nationalist parties and ethnic oligarchs who continued the demographic engineering by obstructing the minority

12 Monica Kleck, "Refugee Return – Success Story or Bad Dream? A Review from Bosnia Herzegovina".

13 Ibid.

14 Vanya Ivanova, "Internally Displaced Persons in Bosnia and Herzegovina: Policy Developments in Managing Displacements Waves" in Krasteva, Kasabova, Karabinova, *Migrations from and to Southeastern Europe*, Ravenna: Longo Editore, (2010): 225-235.

15 Jenne, "Barriers to Reintegration after Ethnic Civil Wars", 379.

returns and incentivizing their own Internally Displaced Persons (IDPs) to settle permanently in their ethnically homogenized territories.¹⁶

The Dayton Peace Accords (DPA) gave much importance to the returns of refugees and IDPs to their pre-war homes, hoping that the returns would have brought Bosnia Herzegovina back to the pre-war situation, avoiding the ethnical partition of the country¹⁷. After the first wave of majority returns, only from year 2000 Bosnia assisted to a sharp increase in minority returns, supported by new returns plans¹⁸. The last statistics by the UN High Commissioner for Refugees (UNHCR) of returns in Bosnia Herzegovina published in 2011 record over 1 million returns out of 2.2 million IDPs and refugees¹⁹. The peak of minority returns has been recorded in 2002, followed by a sharp drop of returns in following years.²⁰

In the following chapters I analyze the housing and property restitution /reconstruction plans and the action carried out in order to ensure a good level of security for returnees. This analysis aims to assess which of these two variables has more affected minority returns.

Housing and Property restitution plans in Bosnia: the key of success?

Within the main objective to restore the pre-war demographic structure in Bosnia Herzegovina, great importance has been reserved to the housing and property restitution and reconstruction. During the conflict many abandoned houses have been occupied by other displaced

16 Heimerl. "The Return of Refugees and Internally Displaced Persons", 379-380.

17 The Annex 7 of the DPA is specifically dedicated to this issue, stating the right to return as the right of the displaced persons to freely return to their homes of origin "without risk of harassment, intimidation, persecution, or discrimination" Dayton General Framework Agreement, Annex 7, "Agreement on Refugees and Displaced Persons". Link: <http://www1.umn.edu/humanrts/icty/dayton/daytonannex7.html>.

18 Jenne, "Barriers to Reintegration after Ethnic Civil Wars", 379-380.

19 United Nations High Commission for Refugees Representation in Bosnia Herzegovina, "Statistic Package", 31 December 2011. Link: [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/DE99CE24EEDD8BDFC1257AD2005C018C/\\$file/SP_12_2011.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/DE99CE24EEDD8BDFC1257AD2005C018C/$file/SP_12_2011.pdf).

20 Ibid.

families or even destroyed; therefore the international community, and in particular the High Representative (OHR), used its power and funds to create a restitution and reconstruction mechanism in order to facilitate returns. Whether this restitution and reconstruction plan has been a success is still a topic of debate among the scholars: according to Williams the plan represents an “unprecedented success” since more than 200.000 residential properties have been returned to those who fled them²¹, while Heimerl and Kleck presents and less optimistic overview of the process, outlining how the restitution and reconstruction plans lacked coordination and rarely brought to a real return of the whole families.²²

During the first post-conflict years, the housing and property restitution and reconstruction plans relied on the collaboration of the local authorities, whose support to minority returns was considered a condition to fulfil in order to receive international funds.²³ This strategy did not led to good results, as the statistics on minority returns show²⁴, and encouraged the Peace Implementation Council to endow the OHR with new power that enabled him to adopt a more coercive approach in dealing with property restitutions. With these new powers the OHR launched two new plans: the Property Law Implementation Plan (PLIP) and the Reconstruction and Return Task Force (RRTF). Both new entities had the task to coordinate and monitor the enforcement of the property law and the infrastructures’ reconstruction, also through forced evictions

21 Rhodri C. Williams, “The Significance of Property Restitution to Sustainable Return in Bosnia Herzegovina”, in *International Migration*, Vol. 44 (3), (2006): 39-60. 40.

22 See Kleck, “Refugee Return – Success Story or Bad Dream? A Review from Bosnia Herzegovina”, 112-115 Heimerl. “The Return of Refugees and Internally Displaced Persons: from Coercion to Sustainability?”, 386.

23 On the side of property restitution, in 1997 a Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) has been created with the aim of processing property claims. Nonetheless this commission did not have enforcement mandate and the implementation of the CRPC decisions was left to the administrative authorities. Similarly the first reconstruction attempts were based on the good will of the local authorities: with the aim of encouraging the local authorities to welcome the minority returns the UNHCR promote the “Open Cities” plan, which allocated reconstruction funds to those municipalities that showed to be “open” to returns. Williams, “The Significance of Property Restitution to Sustainable Return in Bosnia Herzegovina”, 45. Harvey, “Return Dynamics in Bosnia and Croatia: A Comparative Analysis”, 101.

24 As the UNHCR statistics or returns show the minority returns in the period 1997-1999 were very limited both in Federation and Republika Srpska. For details see United Nations High Commission for Refugees Representation in Bosnia Herzegovina, “Statistic Package”.

and removal of local officials that obstructed the returns plan.²⁵

The sharp increase in minority returns occurred in the years 2000-2002 apparently awards the international effort in enforcing returns through housing and property restitution and demonstrates that the 608 million euro spent on repairing war-damaged houses²⁶ and infrastructure had the desired impact. Nonetheless, some authors questioned the real effectiveness of these policies. Belloni, on his review of the return process in Prijedor, where over 20.000 members of the Bosniak minority returned after few years the war, highlights the fact that Prijedor has been excluded by reconstruction plans for many years.²⁷ On the other hand, less successful have been the policies of returns carried out in the Tuzla area where thousands of Bosniak IDPs, mainly from Zvornik and Srebrenica, have been forced to return through evictions of their occupied dwellings and a great number of international organisations operated to restore the houses in the villages of origin. Despite an initial enthusiasm in returning to the village of origin, most returnees faced serious problems also linked to the lack of coordination in the reconstruction process and a good part decided to go back to Tuzla to seek for other solutions.²⁸

Keeping into consideration these two cases, it is possible to conclude that housing and property restitution, although being an important factor in the return’s process, cannot be considered as the crucial one. Therefore, the elements that really encourage people to return to their hometown should be sought elsewhere. In the following sub-chapter I will analyse the weight that the perceived and actual security has in the returns process and then the role that international community has played at this regard.

25 Jenne, “Barriers to Reintegration after Ethnic Civil Wars”, 380.

26 Amount referred to the funding period 1995-2002. International Crisis Group, *The Continuing Challenge of refugees Return in Bosnia & Herzegovina*, Balkans Report n. 137, Brussels/Sarajevo: 2002. Link: <http://www.crisisgroup.org/~media/Files/europe/137%20-%20The%20Continuing%20Challenge%20Of%20Refugee%20Return%20In%20Bosnia.pdf>, 7.

27 Prijedor, being suspected of harboring war criminals, was under aid embargo and for the same reason was excluded by the “Open Cities” program. Nonetheless, after first spontaneous return attempts in 1996-1997, an important wave of returns took place in 1998, becoming the first site for significant Bosniak return in Republika Srpska. Belloni, “Peacebuilding at the Local Level”, 437-441.

28 Kleck, “Refugee Return – Success Story or Bad Dream? A Review from Bosnia Herzegovina”, 111.

No return without security: the examples of Prijedor and Zvornik

Another important factor that can deeply affect the returns' flow is the level of local security, actual or perceived. Scholars agree on the fact that, together with housing and property restitution, this is one of the most important factors affecting minority returns²⁹. In this sub-chapter I present some examples that prove that the level of local security is even more relevant than the first factor and therefore actions carried out by international community aimed at ensuring peace and stability are unavoidable in order to ensure sustainable minority returns.

Above I already mentioned the case of Prijedor. Belloni reports that, after first return's attempts in 1996 were blocked by serious attacks against the houses owned by returnees, a more assertive international military presence and the removal of police officers involved in war time atrocities, together with the arrest of other warlords, have been crucial in changing the local political attitude towards returns and to increase confidence on returnees.³⁰ On the other part of the country, Eastern Bosnia, Kleck reports that one of the main reasons why Bosniak minority was reluctant to return in the area around Srebrenica and Zvornik was the fear of being subject of attacks: 66% of the returnees interviewed by the author said they have been physically threatened during the return process.³¹ The author points out as main factor affecting the security of returnees the presence inside the territory concerned of the most and less notorious war criminals,

29 As Heimerl efficaciously highlights, already the difference between "minority" and "majority" returns reveals the different challenges encountered by the two groups, being the second one faced with other issues other than the material ones (property restitution, housing reconstruction), such as discriminations, intimidations and violence perpetrated by the majority group. Heimerl, "The Return of Refugees and Internally Displaced Persons: from Coercion to Sustainability?" 380-381. The role of discriminations and violence at the local level against minority returnees in obstructing the returns' process is well argued also by International Crisis Group in his report of Returns, dated 2002. International Crisis Group, *The Continuing Challenge of refugees Return in Bosnia & Herzegovina*. 14-19. See also:

Belloni, "Peacebuilding at the Local Level".

Kleck, "Refugee Return – Success Story or Bad Dream? A Review from Bosnia Herzegovina".

30 Belloni, "Peacebuilding at the Local Level", 440-441.

31 Kleck, "Refugee Return – Success Story or Bad Dream? A Review from Bosnia Herzegovina", 111.

often protected by the local authorities.³² These last are indicated by both the authors as the main responsible of the lack of security, being often promoters of nationalistic policies, while the relationships with the neighbourhood appear to function quite well. Nonetheless, as Belloni showed, a great role can be played by International community in making pressure on local administrations in order to adopt more moderate approach.³³

Minority returns in Kosovo: overview of a failure

The minority return's case in Kosovo differs from the minority return in Bosnia for one important aspect: the minorities concerned in the Kosovo's case, the Serbs together with the Roma, Ashkali and Egjipitian (RAE), fled from their hometown not during the war, but after the adoption of the UN Resolution 1244 that set out the terms of peace. During the conflict the more than 800.000 Kosovar refugees and IDPs were ethnic Albanians who were escaping from the Serbian ethnic cleansing.³⁴ Immediately after the end of the conflict almost all the Albanian refugees returned to their homes, while the Serbs start fleeing because of the threats and intimidations by Albanian extremists. In 1999 around 245.000 Serbs and RAE escaped, some seek refuge in Serbia, others in Northern Kosovo in the area where they represent the majority.³⁵

32 Ibid. 117.

33 In Prijedor after the arrest of important war criminals by NATO, the radical mayor Stakić, fearing to be as well object of a secret indictment by the International Criminal Tribunal for Former Yugoslavia, went on "permanent vacation" and the ruling party endorsed more moderate policies. Belloni, "Peacebuilding at the Local Level", 440-441.

34 Jenne, "Barriers to Reintegration After Ethnic Civil Wars", 381-382.

35 Internal Displacement Monitoring Centre, *Durable Solutions still Elusive 13 Years After the Conflict*, 12 October 2012, [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/059256A33883575EC1257A93003F6A18/\\$file/kosovo-overview-oct2012.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/059256A33883575EC1257A93003F6A18/$file/kosovo-overview-oct2012.pdf).

The right to return is foreseen by the UN Resolution 1244³⁶. From the beginning of the international community's involvement in Kosovo, the issue of refugees and IPDs' returns has been tackle focusing especially on the question of housing and property restitution. After a slowly start, minority returns increased from 2000, with a peak of 3.801 returns in 2003,³⁷ the process dramatically stopped in 2004 when in few days Albanian hatred against remaining Serbs erupted in violent riots, resulting in 19 deaths, 900 injured, 993 residential properties and 34 religious sites damaged or destroyed. These events not only stopped the returning process but also drove other 3.000 ethnic Serb to escape from their houses.³⁸ From 2004 on few progresses have been made and minority returns have been irrelevant. From June 2000 to June 2006 only 15.280 returns have been registered, representing the 6% or the total minority refugees and IDPs³⁹.

The housing restitution plan: a merely bureaucratic mechanism?

As already mentioned above, the issue of the housing and property restitution was high on the UN Mission in Kosovo (UNMIK)⁴⁰ Agenda during the first years after the end of the conflict. Many ethnic Albanians during and after the conflict fled from Pristina and occupied abandoned Serb houses, likewise ethnic Serbs occupied Albanian-owned houses in the northern part of the region.⁴¹ In order to solve the issue, the UN Interim Administration created two bodies: the Housing and Property Directorate (HPD) and the Housing and Property Claims

36 In art. 11 (k) it commits to assure "the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo" UN Security Council, Resolution 1244, 1999, Art. 11 (k) Link: <http://www.nato.int/kosovo/docu/u990610a.htm>.

37 Jenne, "Barriers to Reintegration After Ethnic Civil Wars", 382.

38 Franklin De Vrieze, "Kosovo After the March 2004 Crisis", in *Helsinki Monitor* 2004, no. 3, 148-159 www.ebsco.com (accessed 28 January 2014), 148, OSCE, *Eight years after*, 34

39 Jenne, "Barriers to Reintegration After Ethnic Civil Wars", 383.

40 UNMIK was established by United Nations Security Council in 1999 with Resolution 1244 in order to ensure peace and stability in Kosovo. Link: <http://www.unmikonline.org/pages/default.aspx>.

41 Smit, "Housing and Property Restitution and IDP Return in Kosovo", 66.

Commission (HPCC). The first had the task to managing the process and collecting the claims, while the HPCC was a quasi-judicial body with the task to adjudicate them.⁴² According to the OSCE Mission in Kosovo, HPD/HPCC largely fulfilled their duties, having implemented the 98,9% of the 29.160 cases received.⁴³ Nonetheless, returns' statistics shows that this mechanism did not have a great impact on returns, being the number of returnees very marginal, even before the 2004 riots. Some scholars, as Smit and Jenne, have moved criticisms against the process, pointing out the initial lack of funds and trained staff obstructed its functioning and the lack of coordination with other bodies led the mechanism just to provide ownership attestations without real repossession of the property.⁴⁴

On the other side, the issue of housing reconstruction has become particularly relevant after the 2004 riots as almost 1000 residential building belonging to minorities have been damaged or destroyed. In addition, in the years 2005-2006 the international community increased pressure on Kosovo institutions on the issues of minority returns, including it in the *Standards before Status*⁴⁵. The reconstruction process has been entrusted to the Provisional Institutions for Self-Government (PISG) that, with the collaboration of the Kosovo Protection Corps (KPC), managed the full reconstruction of 897 residential properties out of the 993 targeted.⁴⁶ Despite the apparent success of the reconstruction programme, unfortunately the results achieved in terms of returns are marginal and most of the repaired houses have been destroyed or damaged or looted again after few months.⁴⁷ Nonetheless, we cannot blame the housing and

42 OSCE, *Eight years after*, 25.

43 Ibid.

44 Jenne, "Barriers to Reintegration After Ethnic Civil Wars", 384, Smit, "Housing and Property Restitution and IDP Return in Kosovo"

45 A UN document providing standards of good governance to be fulfilled by the Kosovar authorities before addressing the Kosovo's status. Much emphasis is given to the returns process with the final aim of creating "a multi-ethnic society where there is democracy, tolerance, freedom of movement and equal access to justice for all people in Kosovo, regardless of their ethnic background". UNMIK, *Standards for Kosovo*, 10 December 2003. Link: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20Standards.pdf>.

46 OSCE, *Eight years after*, 34-35.

47 In Kosovo Polje 65 cases of criminal acts against houses, mainly Serb properties

property restitution process of the failure in improving the minority returns, since, despite all the weaknesses of the mechanism that have been highlighted, they are not enough to justify such shortcomings.

Impunity for warlords and hate crimes in Kosovo

The almost complete lack of minority returns in Kosovo, despite the implementation of housing and property restitution mechanisms and the reconstruction of damaged properties, may then be provoked by a lack of security for the Serb and RAE minorities and a weak collaboration of local authorities in promoting returns. Unfortunately, even after 2004 riots and still nowadays attacks against ethnic Serbs or simple discriminations and hatred manifestation are not rare. Many returnees after few months go back to Serbia because of unemployment or security reasons. In May 2012 two houses were burnt in the Western village of Drenovac, the 5 returnees' families living there considered it as a warning after the approval of 12 more returnee house constructions.⁴⁸ The Kosovo police is perceived as impartial in dealing with these cases and it has even been accused of perpetrating actions against the Serbs, as happened during the 5 May 2012 Serbian elections, when several Serbs have been arrested on charges related to those elections; the moderate Serb representative at the Kosovo Parliament condemned the arrests as a well-planned strategy to spread fear among the Serbs.⁴⁹ The local administration, as well, does not often show much collaboration. An example is the case of Klina, where in 2007 the administration decided to demolish an entire building, although it was under the Property Agency in charge of managing the abandoned properties that still have to be attributed, and despite the clear request by the Agency to stop the demolition.⁵⁰

that have been repaired after 2004, have been reported to the Police in 2005. Other similar cases have been reported throughout Kosovo. In Klina Municipality in 2006 a reconstructed house belonging to a Kosovo Serb has been severely damaged by an explosion. Few days earlier another incident concerned a reconstructed house in a nearby village. OSCE, *Eight years after*, 33-34.

48 Andersen, Uffe, "Can We Stay or Must We Go?", in *Transitions Online*, 6/2012. www.ebsco.com (accessed 26 January 2014).

49 Ibid.

50 OSCE, *Eight years after*, 33.

The reasons of these continuous waves of attacks against Serb minority cannot be attributed to a general attitude of the Kosovo Albanian population towards this minority: several examples of good relationships between Serbs and Albanian can be quoted, as the success of creating multi-ethnic police forces.⁵¹ Instead, convincing reasons can be found in the almost total impunity of the responsible of 2004 riots and the general lack of attention on ethnic motivated attacks by the Kosovo authorities. Regarding the 2004 riots' legal proceedings, many International Organisations have denounced the delays in starting the trials, the lenient sentencing, the disregard of ethnic motives, despite the general consensus on the duty of the Court "to send a strong message to the Kosovo population that such incidents will not be tolerated"⁵². Such impunity is reinforced by the attitude of the Kosovo authorities towards these events: immediately after the destruction of the two Serb houses in Drenovac in 2012, Thaci, the Kosovo Prime Minister, defined the attacks as "an isolated case that is not going to influence the positive process of the return of all Serb citizens"⁵³.

The general attitude of the authorities against the Serb minority finds a simple explanation in the fact that the current ruling elite is composed of former exponents of the Kosovo Liberation Army (KLA) that during the war fought against the Serbian Army and in some cases have been protagonists of riots after the war. Nowadays, not only they manage to maintain the political power over the country, but also to keep influence on the Kosovo Police System.⁵⁴ It is clear,

51 In 2010 ethnic integration of police has been experimented with good success and did not lead to ethnic divisions as was feared. Jenne, "Barriers to Reintegration After Ethnic Civil Wars", 384. See also International Crisis Group, *Serb Integration in Kosovo: Taking the Plunge*, Europe Report No 200, 12 May 2009. Link: http://www.crisisgroup.org/~media/Files/europe/200_serb_integration_in_kosovo_taking_the_plunge.pdf. Another good example of Albanian-Serb relationship is the case of Strpce, where the two ethnic group peacefully live together and manage the Brezovica sky resort. See: International Crisis Group, *Kosovo: Strpce, a Model Serb Enclave?*, Europe Briefing No 56, 2009. Link: http://www.crisisgroup.org/~media/Files/europe/b56_kosovo_strpce_a_model_serb_enclave.pdf.

52 OSCE Mission in Kosovo, *Four Years Later; Follow Up of March 2004 Riots Cases before the Kosovo Criminal Justice System*, July 2008. Link: <http://www.osce.org/kosovo/32700>, 12. See also: Human Right Watch, *Not on the Agenda, The Continuing Failure to Address Accountability in Kosovo Post-March 2004*, 2009. Link: <http://www.hrw.org/reports/2006/05/29/not-agenda>.

53 Andersen, Uffe, "Can We Stay or Must We Go?", 3.

54 Mark A Wolfgram, "When the Men with Guns Rule: Explaining Human Rights Failure

Wolfgram denounces, that the lack of accountability of the warlords and of the perpetrators of ethnic motivated attacks and the presence of those in position of power endanger seriously the protection of the human rights, and in particular of the minority rights, in Kosovo. Wolfgram efficaciously explains that the reason of this shortcoming may be found in “the inability and lack of will of NATO’s Kosovo Force (KFOR) to confront the KLA in the postwar setting”, that allow them not only to maintain the power, but also to avoid the disarmament, that, although promised, has never been really completed.⁵⁵

Comparison of the two cases

As I mentioned in the introduction, the minority returns in Bosnia Herzegovina and Kosovo share many similarities, especially for the size of international presence in the aftermath of the conflict. Therefore, comparing the impact of policies in support of minority returns carried out by international community can be helpful to better understand the phenomenon and to draw possible solutions in case of other similar crisis. As I have shown, in both cases the international community has mainly focused on housing restitution and reconstruction, creating mechanisms in order to enforce the restitution of property in case of occupation and providing funds to repair the damaged houses. In both cases the mechanism has been lauded by some, like Williams for the Bosnian case and the OSCE for Kosovo⁵⁶, and criticised by others, like Smit and Jenne in the case of Kosovo and Kleck and Heimerl for Bosnia⁵⁷, and, although in the latter the housing restitution policies in Kosovo Since 1999”, in *Political Science Quarterly*, Vol. 13, No 3, (2008): 461-483. 466.

55 Ibid.

56 Williams, “The Significance of Property Restitution to Sustainable Return in Bosnia Herzegovina”, 40, OSCE, *Eight years after*, 25.

57 Jenne, “Barriers to Reintegration After Ethnic Civil Wars”, 384. Smit, “Housing and

have been more coercive, it is not possible to state that the poor outcomes in Kosovo are only due to the “soft” housing restitution policies.⁵⁸ In addition, the Bosnian example alone shows that in some cases returns occurred without housing reconstruction plans, like in Prijedor, and in others, despite a stronger international intervention, the number of returns have been inferior.

On the side of securing a safe and supportive local environment, the actions carried out in the two regions have been quite different and with different outcomes. In Bosnia Herzegovina, especially in some areas as Prijedor, the international military presence and the enforced powers of the OHR allowed the sanctioning or removal of officials that were blocking the returns’ process and the arrest of warlords, leading also the political debate to more moderate positions. In Kosovo, instead, warlords belonging to the KLA and responsible for actions against the Serb minority are now ruling the new-born country from the local to the national level⁵⁹. In addition, serious lack of accountability for the 2004 riots has been denounced by several International Organisations.⁶⁰ This difference leads to conclude that the crucial element that obstructed the minority returns in Kosovo is the lack of security that could be guaranteed by ensuring adequate sentences to those who have been protagonists of actions against the Serb minority and by sanctioning the local authorities that did not act in favour of returns.

Property Restitution and IDP Return in Kosovo”. Kleck, “Refugee Return – Success Story or Bad Dream? A Review from Bosnia Herzegovina”, 112-115 Heimerl. “The Return of Refugees and Internally Displaced Persons: from Coercion to Sustainability?”, 386.

58 It is useful to remind that in any case the HPD/HPCC mechanism has solved around 20.000 and after the 2004 riots over 900 damaged or destroyed houses have been repaired. See chapter 2.1.

59 Mark A Wolfgram, “When the Men with Guns Rule: Explaining Human Rights Failure in Kosovo Since 1999”, in *Political Science Quarterly*, Vol. 13, No 3, (2008): 461-483. 466.

60 Human Right Watch and OSCE among the others. See chapter “Impunity for warlords and hate crimes in Kosovo”.



Conclusions

Minority returns represent a crucial element for the stabilisation and democratisation of a country in the aftermath of a conflict, especially in case of a civil conflict. The wars that broke out in the Balkans in the '90s have seen millions of people fleeing from their homes and seeking refuge in Western Europe or in other areas of the region where they represented a majority, resulting in a partition of the region along the ethnic lines. Therefore, the returns in general, but in particular the minority returns, have been a priority of the international intervention in the whole region from the beginning. In this paper I analysed the actions that the international community has carried out to support minority returns in Bosnia Herzegovina and Kosovo in order to assess which policy has a major impact on this phenomenon. In both cases great attention has been paid to housing and property restitution/reconstruction and minor attention to the creation of a safe and supportive environment for returns through ensuring a good level of security.

In Bosnia Herzegovina minority returns started to increase after 2000 when the OHR has been endowed with new coercive powers in order to enforce returns through sanctioning or even removal of non-supportive local authorities and the evictions of occupied houses. The examples of Prijedor and Zvornik showed that the level of security ensured by local and international authorities has been essential for creating a more supportive environment for minority returns and, where this security has not been guaranteed, DPs did not feel comfortable to return, although almost enforced through housing policies by the international community. The example in Kosovo confirms this theory. The failure of Serb minority return can be explained by the lack of accountability for the several acts against the Serbs after the war, as it happened during the March 2004 riots, by the presence in the ruling party of some of the main KLA warlords, by the complete failure of the international community to impose disarmament.

In conclusion, in the aftermath of a civil conflict in order to support minority returns and to bring the concerned country close to the pre-war situation, it is essential to ensure a good level of security and a supportive local environment. In order to achieve this objective is necessary to sentence all those who committed war crimes or hate crimes during or after the conflict from both sides, to ensure the full disarmament of all military or para-military groups and to sanction or remove the non-supportive authorities. These actions require a strong presence, military and civil, of the international community that can mediate among the parts and enforce minority returns, but can lead in few years to an alleviation of the inter-ethnic tension and to a moderation of the political debate.

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Author

Silvia Cittadini, born in Torino, is currently living in Sarajevo and conducting a research on the integration of the Romani minority in the education system of Bosnia and Herzegovina. Always in Sarajevo, Silvia graduated at the European Regional Master in Democracy and Human Rights in South East Europe, where she defended a thesis on the housing issue of the Romani minority in the country. The thesis has been awarded among the best of the year and published in the Master's annual publication. Prior to this, Silvia worked in the NGO sector both in Torino and Brussels and obtained her bachelor and MA in International Relations at the University of Torino. Here, she focused on the South East Europe region and wrote two dissertations on the area: the first one on the privatisation process in post-war Kosovo and the second one on the link between State and Church in the Serb-Orthodox tradition. She intends to continue her career in the academia and she will start a Phd in Human Rights in October 2015.

e-mail: cittadini.silvia@yahoo.it

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