



**The Newsletter of the International  
Council of Voluntary Agencies**

# TALK BACK

**Volume 1, #5; August 11, 1999**

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**From the ICVA Coordinator,  
Ed Schenkenberg Van Mierop**

This special issue of Talk Back looks at the humanitarian challenge that faces the international community as it sets about the task of rebuilding Kosovo.

Three months have passed since June 12, when NATO (KFOR) troops entered Kosovo in the wake of the Serbian withdrawal. It has been a time of exhilaration and anxiety. On the one hand over 700,000 refugees have returned, and the Albanians of Kosovo now have a chance to start rebuilding their lives. On the other hand, Kosovo's minorities have been subjected to intimidation and attacks. The brutal killing of 14 Serb farmers in the village of Gracko on July 12 has been the gravest of these incidents so far.

The present developments are of great interest to ICVA. Several ICVA members have long-standing experience in the region. They worked in Kosovo before the war, set up operations in the neighbouring countries when the refugee crisis emerged and have now resumed their operations in Kosovo itself. Kosovo will continue to dominate the work of the international agencies in the coming months, particularly UNHCR, whose work is monitored closely by ICVA from Geneva.

Since early April, in addition to our participation at the regular coordination meetings of the IASC, UNHCR's Standing Committee and donor briefings, ICVA has presented positions and produced reports for its members on special meetings concerning Kosovo, including: the Humanitarian Issues Working Group (6 April); UNHCR's Briefing to NGOs on Kosovo (14 April); the High

Level Meeting convened by the UN Secretary-General (14 May); the Inter-Agency Meeting on the UN's Kosovo Humanitarian Strategy (31 May); a protection briefing for NGOs (1 June); a Meeting on the Implementation of the Peace Plan, convened by the Deputy Secretary-General (16 June); and a meeting to discuss the return plan for refugees evacuated under the Humanitarian Evacuation Programme (HEP) (12 July).

We hope to follow the process of rebuilding Kosovo on a regular basis in our newsletter "Talk Back", always remembering that there are other crises in the world that require our attention.

This issue of Talk Back is written by Iain Guest, of The Advocacy Project and Overseas Development Council (Washington DC), who visited Kosovo on behalf of ICVA between July 19 and July 26.

Guest met with a range of NGOs and aid officials. He also visited the town of Orahovac, where some 3,000 Serbs are living in isolation and fear, and a temporary compound for Roma in the town of Gjakova-Djakovica who fled their homes.

A week is certainly not long enough to do in-depth research. Instead, this report is intended to identify some of the humanitarian dilemmas and future topics for monitoring. ICVA also asked Guest (who served with the UN in Cambodia and Haiti) to reflect on how the Kosovo peace-building mission compares to previous UN missions.

One main subject of the report is humanitarian coordination. Without going into detail here, the Kosovo experience proves once again that coordination focussing on assistance and material help is key during the first six weeks of an emergency. After that, protection issues do not only (re-)emerge, they also pose difficult questions for humanitarian NGOs as to their roles and the purpose of their actions. Fortunately, a number of NGOs succeeded in re-establishing the NGO Council in Pristina, a forum to exchange views, discuss advocacy issues, to coordinate strategies and if possible, develop common positions. This report illustrates that the Council has an important task in contributing to the peace-building

efforts, including the close monitoring of the progress of the UN mission. For example, UNMIK has a crucial role in the establishment of a police force. However, the immediate signs suggest that it will be very difficult to get the planned more than 3,000 forces on the ground, to say the least.

Issues like these require a joint advocacy strategy from the NGOs. Without an impartial police force, it will be difficult, if not impossible, to create a sense of peace and security for the remaining minorities. However, in big humanitarian operations even the larger international NGOs are often too busy with their operations and advocacy becomes a second priority.

In recent weeks, it has been suggested to ICVA to examine possibilities to facilitate the work of the NGO Council, for example by providing a position that would assist in the Council's advocacy work. This indeed may be a role that ICVA can play. ICVA has experience in the region through the offices in Bosnia and Belgrade, managed by a Consortium of ICVA members. This experience includes working with national and local NGOs. ICVA Geneva could easily disseminate information coming from the region, as it has done in previous months. But, all depends on the needs of the Council. We will keep you informed about this.

All above-mentioned statements and reports and past issues of Talk Back can be found on the ICVA web site: <[www.ICVA.ch](http://www.ICVA.ch)>

(Ed Schenkenberg Van Mierop)

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## **CONCLUSIONS AND RECOMMENDATIONS**

The aim of this mission was to identify issues for ICVA to follow-up, not to investigate them in detail. It seeks to present an agenda for ICVA, its member organisations, and others with a particular interest in humanitarian issues.

ICVA's goal is to support and empower the efforts of international NGOs and local Kosovar civic organisations that are working

in Kosovo. With this in mind, the report offers the following preliminary observations.

### **THE HUMANITARIAN CHALLENGE**

1. The humanitarian challenge in Kosovo is unlike any other faced by a UN peace-building mission because it does not focus around the return of refugees. Over 700,000 have returned. They are more than capable of reintegrating themselves.

2. The humanitarian challenge is to help Kosovo develop a strong foundation for its future development, based on the rule of law. As such, it covers protection, human rights, enhancing local civil society, and the creation of key institutions - notably a police force and judiciary.

3. Of the traditional humanitarian challenges, the most alarming is posed by mines and ordnance. 179 schools were mined by the departing Serbian forces, and some 29,000 NATO cluster bombs are thought to be live and unexploded. As many as 170 Kosovars were killed or wounded in the month following June 13. NGOs are bearing the brunt of "humanitarian demining," but KFOR should lend its expertise where possible, particularly in the removal of unexploded NATO ordnance.

4. The most urgent humanitarian task is to protect and retain Kosovo's minorities. An estimated 178,000 out of a pre-war figure of 260,000 minorities (primarily Serbs and Roma) have left the province. Both minorities are under extreme pressure, as witnessed by the recent murder of 14 Serbs in Gracko.

5. The Kosovo Liberation Army is systematically interrogating Serbs and Roma for their involvement in repressive activities, with very little discouragement from KFOR. This is causing fear and insecurity and poses the greatest threat to Kosovo remaining a multiethnic state. It calls for a much tougher response from the international community.

6. Large numbers of Roma are leaving their homes. The Roma are disliked by the Albanians of Kosovo, but their isolation is also deepened by a lack of communication with the international agencies. NGOs could help by

arranging contacts with the Roma of Bosnia, who have developed an effective lobby following the war in that country.

7. NGOs can make an important contribution by monitoring violations, launching individual projects for minorities and by intervening with UNMIK. Communication is particularly important for isolated groups of Serbs. UNMIK has established an inter-agency working group on minorities. NGOs should press to be represented, possibly through the independent NGO Council in Pristina.

8. The lack of justice lies at the heart of the humanitarian challenge. It is deeply rooted because the violent events of the last year were merely the culmination of ten years of apartheid and resentment between Serbs and Albanians. This underscores the need for a comprehensive programme by UNMIK to instil a culture of respect for human rights. It goes much wider than the punishment of war criminals, important though this is.

### **THE ROLE OF THE INTERNATIONAL COMMUNITY**

9. The humanitarian "pillar" of UNMIK has assumed key tasks, such as the protection of minorities that would normally fall under the mandate of UNHCR and/or the Office of the High Commissioner for Human Rights (OHCHR). This is partly because it has absorbed UNHCR's large operation and partly because of the low profile of the OHCHR. More importantly, at present the practical task of protection falls to UNHCR officials and KFOR.

10. KFOR suffers from two problems, which appear to hamper its ability to ensure consistent and reliable security. First, it does not see itself as a police operation, and will not make a blanket commitment to intervene aggressively when minorities are threatened. Second, its different national contingents appear to interpret the rules of engagement differently according to their different military cultures. This means that humanitarian agencies cannot count on a uniform KFOR response throughout Kosovo.

11. The deployment of UN police is already behind schedule. It is critically important that the UN and donor governments meet the scheduled deployment of civilian police to take over policing functions from KFOR and train a local police force. NGOs must monitor this carefully. They must also monitor the composition of the local Kosovar police, to see that it does not recruit persons linked to acts of violence.

12. UNMIK must develop and promote a coherent policy on war crimes, the lack of which is fuelling suspicion and resentment between Albanians and Serbs who remain. This cannot be left to the International Criminal Tribunal, given its meagre resources. NGOs should monitor the work of the ICTY carefully.

### **HUMANITARIAN COORDINATION**

13. The importance of coordination increases as more agencies seek to contribute to reconstruction, and there are already cases of duplication and inappropriate aid. The challenge of coordination begins at the top of UNMIK. Two of UNMIK's "pillars" are run by the European Union and the OSCE - which are fiercely independent and may find it hard to take directions from the UN.

14. The OCHA inter-agency coordinating unit has provided a valuable forum for agencies to keep each other informed, although coordinated information does not always lead to coordinated action.

15. The return of refugees who benefited under the Humanitarian Evacuation Programme (HEP) must be better coordinated. Italy has ignored UNHCR-IOM guidelines by leaving returnees at the Pristina bus station late at night - without alerting UNHCR.

### **KOSOVAR CIVIL SOCIETY**

16. After ten years of developing a "parallel society" Kosovar civic organisations are well able to build a democratic foundation for the future.

17. The question is whether the international community will adapt to the obvious strengths of this civil society, or crush it with

inappropriate interventions. Such interventions could include imposing ethnic quotas on ministries; ignoring local producers and Kosovar technicians in favour of more "qualified" foreign "experts;" throwing large sums of money at groups which are short of management skills; gearing "capacity building" to the needs of donors, instead of locals.

18. UNMIK directors should remember that the most mundane actions can harm local society. This includes thoughtlessly hiring educated Kosovars as guards or drivers and offering inflated salaries and rents to beat out other international competitors.

### **INTERNATIONAL NGOS**

19. INGOs have a crucial role to play in Kosovo, acting as the bridge between the international community and Kosovar civil society. ICVA's members are playing an important role in the humanitarian field.

20. In general the assistance projects of INGOs are working smoothly and are well coordinated with UNHCR. At the same time, there are cases of inappropriate interventions and duplication. (One example is the delivery of time-expired drugs).

21. International agencies have shown some enthusiasm for psychosocial intervention, although not yet on the scale of Bosnia. The best treatment for trauma is to strengthen the ability of communities to provide support to victims and to ensure justice. Severe cases of trauma and depression will need medical care.

22. International NGOs need to carefully identify the humanitarian needs, define their role, and then act together with maximum effect. This role can range from individual projects that are targeted at Serbs and Roma populations to consistently monitoring the work of UNMIK. Such monitoring would best be done under the auspices of the independent NGO Council in Pristina. ICVA should try and support this work.

23. The kind of tasks outlined here for INGOs will require advocacy and outreach - which will mean building alliances with international coalitions like ICVA, Interaction, and the

Geneva-based Steering Committee for Humanitarian Response (SCHR). These are indispensable partners for INGOs in Kosovo and ensure that problems are brought speedily to the attention of donor governments and the UN system.

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## INTRODUCTION

Kosovo is a province of Serbia, which was the largest of the six republics of the Former Federal Republic of Yugoslavia. Until 1998, ethnic Albanians accounted for roughly 90% of the population, which is generally thought to be between 2.2 and 2.3 million (figures are imprecise because the 1991 census was boycotted by the Kosovar Albanians).

Under the 1974 Yugoslav Constitution, Kosovo was given a high degree of autonomy. This autonomy was revoked in 1989 by Serbia, whereupon Albanians resigned en masse and set up an alternative society based on non-violent opposition to Serbia.

In 1992, the people of Kosovo held elections that were not recognised by the Serbs, but allowed the Albanians to create an alternative government under the presidency of Ibrahim Rugova. The Albanians ran their own services with money raised from taxes and remittances sent from abroad.

During the late 1990s, young Albanians began to grow impatient under the restrictions and became more radicalised. The result was the emergence of the Kosovo Liberation Army (KLA, also known by its Albanian initials UCK).

In February 1998, the Serbian authorities attempted to crush the KLA with an attack on the village of Drenica, west of Pristina. Tens of thousands of Albanians were displaced in the months that followed, until Western pressure forced all sides to attend the conference at Rambouillet. This ended in failure, whereupon the Serbs massed 40,000 troops and armour at the frontier.

NATO began air strikes upon Serbia on March 24 and the Serbs launched a massive campaign of ethnic cleansing, which expelled over

800,000 Kosovars to Albania and Macedonia. After eleven weeks of bombing, the Serbs agreed to withdraw completely from Kosovo. On June 10, the UN Security Council adopted resolution 1244, establishing the UN Mission in Kosovo (UNMIK). KFOR moved in on June 12, the day that the Serbs started pulling out, and the first refugees began to return shortly afterwards.

KFOR signed two documents with the main military protagonists. One covered the modalities of the Serbian withdrawal. The Serbian authorities also agreed to hand over maps of minefields. Subsequently, the KLA agreed to a timetable of disarmament, according to which all weapons were to be handed over to KFOR within 90 days.

The civilian mission was headed initially by Under-Secretary-General Sergio Vieira de Mello, acting as Special Representative of the UN Secretary-General. Vieira de Mello set up an emergency humanitarian operation and laid the foundation for the UN Mission in Kosovo (UNMIK). Bernard Kouchner took over as Special Representative and head of UNMIK in mid-July.

## THE HUMANITARIAN CHALLENGE

The humanitarian challenge that faces the international community in Kosovo is quite unlike anything it has faced before in ten years of peace-building.

The first task in Namibia, Cambodia, Mozambique and Central America following the end of conflict was to help refugees return home and reintegrate. In some of these cases, there was already a new government in place - the refugees were strangers in their own country.

Everything was geared around this in the initial phase: roads were repaired for the returning refugees; demining began around returnee settlements; UN civilian police were brought in to protect and patrol returnees. Gradually, as more and more returned, the international actors were able to turn to other tasks, like the holding of elections.

It has been very different in Kosovo. With the end of the war, government ceased to exist,

and refugees began pouring back into Kosovo to their own homes. Over 700,000 have returned in the last eight weeks to their own villages or families.

There is very wide agreement that these refugees are capable of reintegrating themselves, with the right kind of assistance. Indeed, the Kosovars may be among the most self-sufficient former refugees in history.

In spite of this, there is still very much of an "emergency feel" to UNMIK and to UNHCR. If the return of refugees has ceased to be a major issue, then why is this?

### **Landmines**

Of course, the humanitarian challenge has its traditional side. The returning refugees need assistance - mainly food and shelter - to help them through the winter. More than 78,000 houses have been severely destroyed or damaged. Wells have been deliberately fouled with diesel, sand and even bodies. Livestock have perished. Agricultural tools have been destroyed.

Landmines and unexploded ordnance (UXOs) pose a serious threat. According to the UNMIK Mine Action Coordination Centre (MACC) in Pristina, the Yugoslav Army (VJ) laid 425 minefields. The other main threat comes from unexploded ordnance. According to UN and NATO figures, NATO planes dropped 289,000 cluster bombs on Kosovo during the campaign. The British group HALO Trust is completing a two-month survey in which all the cluster bombs they have found have passed their warranty dates (the dates are imprinted on the bombs). The result is a failure rate as high as 30% instead of the previously estimated 5% to 10%, leaving an even larger number of live bombs scattered throughout Kosovo. These bombs look like the cans that hold tennis balls and often have a parachute attached to them, and several children have been killed playing with them.

Between 140 and 170 Kosovars were killed or injured by ordnance and mines between June 13 and July 14, according to a July 14 report from the UN's World Health Organisation. This is high when one considers that 80,000 refugees returned to Cambodia without a mine accident in 1992.

UNHCR and KFOR feel that the high figure is due to the spontaneous nature of the return to Kosovo, and tell stories of refugees who simply refused to believe that their house or village was mined and paid the price. But there is clearly more to it than this. The July 14 World Health Organisation analysis was based on a sampling of 97 confirmed cases. Of these, 95% were males, 30% were less than four years old; 40% were hurt by UXOs, and 58% by mines; 19% were hurt demining and 46% were "passing by."

There are some significant conclusions to be drawn from this breakdown. It is extraordinary that almost a third of the victims were tiny children. Mines and UXOs normally take the highest toll among farmers or those seeking wood; but these two categories only accounted for only 6% of the casualties. In contrast, almost half were hurt when "passing by" - i.e. randomly. Equally notable is the high percentage of casualties from UXOs - which include NATO cluster bombs. At the very least this calls for more detailed analysis, to show exactly who is most vulnerable.

### **Minorities**

The most urgent task in Kosovo is to protect Kosovo's minority population. These are the people who never left the province before or during the recent fighting, underscoring the fact that the humanitarian challenge is not about the return of refugees.

The UN Mission in Kosovo (UNMIK) has a mandate from the UN Security Council (Resolution 1244) to create a multiethnic, multicultural and democratic society in Kosovo, based on the rule of law. If this can be done it might finally break the cycle of ethnic violence and revenge in the Balkans.

But can it in fact be done? At present, Kosovo remains a multiethnic society - but only just. Based on the last (1991) census, UNHCR reckons that there were 210,000 Serbs in Kosovo out of a population of some 2.3 million before the war and between 40,000 to 50,000 Roma. UNHCR estimates that 178,000 minorities have left Kosovo, with 155,000 fleeing to Serbia and 23,000 to Montenegro. But only 139,620 Serbs have registered at

UNHCR offices. The number of Serbs in Pristina is down to between 1,500 and 1,000. But large pockets remain in the north, near the frontier with Serbia.

It may well be that no amount of international "protection" will persuade the remaining Serbs and Roma to stay in Kosovo. (This is examined in more detail below.) But the effort must be made. NATO governments went to war to protect the Albanians in Kosovo, but they cannot abandon the Serbs who are now fighting for their survival.

### **The Serbs**

Just how difficult it will be to protect minorities was driven home by the massacre of fourteen Serb farmers in Gracko on July 23. But the problem is there for any visitor to see.

This consultant witnessed it first hand during a visit to Albanian friends. Across the hallway, several Albanians claiming to be KLA had just hammered on the door of a flat where a Serb family had lived for twenty-four years. When the wife answered the door, they hit her with a pistol butt, and told her and her husband to leave in thirty minutes. KFOR troops arrived soon afterwards, but the terrified Serbs left immediately, after leaving their valuables with their Albanian neighbours.

Rather stupidly, the attackers returned and were arrested by the KFOR patrol. But the damage had been done. One more corridor had been ethnically cleansed, and Kosovo's multiethnic character was a little bit weaker. Meanwhile, in the street opposite, a Serb house was on fire. Ten "house burnings" were investigated by KFOR that night.

Even if the Serbs remain, they are often too cowed and isolated to even leave their flats. As Bernard Kouchner, the UN Special Representative told a press conference during the visit of this consultant, living in deplorable conditions with the door shut for week after week is no life.

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On July 23, this consultant visited the town of Orahovac, where 3,000 Serbs are living in a small enclave, surrounded by Albanians under the protection of Dutch troops.

This is another feature of the Serbs' predicament in Kosovo. About 2,000 of the Serbs in Orahovac are still living in their original homes. Just under 800 have moved up from the lower part of town, and the remaining 200 left the nearby village of Zociste as soon as the bombing stopped. They probably knew that they would face reprisals because the Serbs had set up a checkpoint outside Zociste that Albanians described as "very tough." Several massacres took place in the region.

The villagers of Zociste have kept their tractors piled high, and are waiting for an opportunity to leave for Serbia. They have fled their own homes, and UNHCR officials accept that there is little point in trying to persuade them to stay in overcrowded Orahovac or to return to Zociste.

But the same may not be true of the Serbs from Orahovac itself, even though their current situation is extremely hazardous. Dutch KFOR troops have set up a base in the main square and patrol around the clock. But, said inhabitants, twenty Serbs had been kidnapped since KFOR arrived. Two were snatched just the day before our arrival. Four were known to have died.

These Serbs are living in a ghetto. They have no sense of security and no money. In the course of a discussion with this consultant, ten said that had worked in the lower part of the town or in other parts of Kosovo, and are now out of work. They said that the KLA has taken over key positions in the town administration and were trying to prevent them from receiving water and electricity. This use of utilities to strangle minorities was repeatedly used in Bosnia during the war.

Would the Serbs be prepared to stay in Orahovac? Their reply: "Improve our security and then we'll talk."

Like elsewhere in Kosovo, the KLA - not KFOR or UNHCR - holds the key to the fate of the Serbs of Orahovac. According to UNHCR officials in Orahovac, the KLA have been systematically interviewing all Serbs and Roma in the region. Anyone suspected of involvement with the Serb campaign is liable to be taken off for a beating and interrogation and even death. "Collaboration" is defined loosely.

Scores of Serbs and Roma are thought to be detained by the KLA in the area, and very few have been released. In one case, a wife from the village of Batusha went looking for her husband, found out where he was detained, and complained to UNHCR, which sent a note to the local KFOR commander. An Italian patrol found him in another village in a dark room. He had a broken hand and was black and blue from bruises.

The role of the KLA in the future of Kosovo needs to be addressed by the international community. The level of democracy within the KLA, its representation of civil society and its ability to work with other parties are crucial if the new Kosovo is to be based on democratic norms and values.

As in Rwanda and Bosnia, the situation in Orahovac is complicated by the presence of war criminals among the Serbs. KFOR has reportedly drawn up a list of suspects, on the advice of the International Criminal Tribunal for the former Yugoslavia. According to one Dutch KFOR officer in Orahovac, his patrol was able to identify three suspects from photos during one visit to an outlying village. The officer said that they had not been arrested because they were not causing any trouble where they were, or words to that effect. But he did say they would be arrested if they tried to leave Kosovo.

This raises many questions, some of which are examined in greater detail below. It may be that KFOR is waiting until investigators from the International Criminal Tribunal have completed their inquiries. With this in mind, it may also be the case that KFOR is actively discouraging such communities from leaving until arrests can be made.

But none of this is publicly known and the lack of a clear policy is greatly adding to the confused situation regarding the minorities. In Orahovac at least, this is obstructing the prospects for peace and the protection of the Serb minority, because it allows the KLA to justify its harassment of Serbs. The KLA is also known to possess lists of suspects and this fact alone will deter any Serb from travelling, or leaving besieged pockets.

Based on this consultant's observations, the best way for UNMIK and KFOR to ease the anxiety of minorities is to put pressure on the KLA, and develop a comprehensive policy towards war criminals.

### **The Roma**

The Roma are truly the lost people of Kosovo. For years they have lived in Kosovo without being aligned with either of the two main ethnic groups, and have suffered as a result. Until 1981, they were forced to send their children to Albanian schools, and they lived among the Albanians. But they were distrusted by the Albanians and turned to the minority Serbs for protection.

There are no precise figures for the Roma population prior to the war because many assumed Albanian names as a form of protection. But the best estimate is between 40,000 and 50,000.

It is common to hear that the Roma were recruited by the Serbs during the war, and actively took part in acts of violence against the Albanians. Indeed, it is hard to hear a good word about the Roma. One international official said casually that "they steal without a second thought," and recounted how two Roma men were almost beaten to death in one of the Macedonian camps, because one of them was found by a refugee to be wearing a locket that had belonged to his murdered father. The Roma admitted to having taken it from the body, but without any sign of remorse.

Stories like this paint an unpleasant picture of the Roma and deepen their isolation in Kosovo. Over the last few weeks, hundreds started to leave their homes in a suburb of Pristina, and encamped in a school near a KFOR base. Their numbers quickly grew to 5,000, and UNHCR decided to move them to another emergency temporary site for their safety. The move was not easy, and the buses were stoned by locals. But KFOR felt better able to patrol the new location. Besides which, the school is to be reopened.

A similar situation exists in the town of Gjakova-Djakovica, where Roma began to leave their homes recently for a piece of



ground next to the cemetery. Within days, seven hundred were camped out in very poor conditions. UNHCR offered tents, and portable toilets have been put up. Italians troops from KFOR stand guard around the clock.

In spite of this, two Roma were reportedly snatched on the bridge two days before our arrival, and another was bundled into a car as he walked outside the fence during our visit. The KFOR troops either did not notice or did not care. One man, whose baby appeared malnourished, said that a KFOR doctor had paid a visit and advised him to take the baby to hospital. This he would never do: when another Roma family had visited the hospital, he said, the father was kidnapped by the KLA from the ward.

The Roma said that none of those kidnapped have reappeared. In a nearby field, next to the old Roma cemetery, there are several fresh graves. One has been partially exhumed, and according to a UNHCR official, the body was clearly visible. The Roma fear that the bodies may be of the kidnapping victims.

These Roma of Gjakova-Djakovica present UNHCR with a dilemma. The best solution would be for them to return home, and many Roma in the town remain in their homes. But the Roma feel as insecure as the Serbs in Orahovac, and they do not want to return home.

However they could not remain in their current surroundings, which are part owned by the cemetery and part by an oxygen-making company that wants to reclaim the land and restart production. UNHCR has identified a location that is out of town and easier to protect. It also lies next to seven Roma houses whose occupants have not left. This makes it a suitable location. But it was clear that the Roma would take some convincing.

With one voice, they asked to be resettled abroad - and wondered how this could be refused when so many Albanians had been treated so generously. It was hard to explain that European governments are shutting the doors to asylum seekers, particularly those like the Roma with a reputation for being unproductive and untrustworthy.

One feature of the Roma crisis is the difficulty of communications between the Roma and international officials. This adds to their isolation. Many Europeans have difficulty understanding Roma, and find nothing attractive in their itinerant way of life. Such negative stereotypes are even more likely to flourish in a polarised context like Kosovo. Aid officials complain that they "lack a sense of responsibility, and an ability to take control. They follow orders, and don't produce leaders."

But Europe's Roma are fiercely independent and resilient. Somehow UNHCR has to find this resilience in the Roma of Kosovo, and work with it. It will take some searching, but it certainly exists.

### **Reconciliation, Revenge and Justice**

As is so often the case in war-torn societies, many international aid agencies are asking how they can promote reconciliation in Kosovo. They seem unwilling to accept that the time is not yet ripe, and that justice must precede reconciliation.

There is, at present, a profound lack of justice in Kosovo and it predates the cycle of killing that started in 1998. The assault on justice began in 1989, when Albanian autonomy was stripped away. By 1998, according to the UN, only 30 of the 756 judges and prosecutors in Kosovo were Albanian.

Serbs would say that the injustice began long before 1989, with discrimination against Serbs, and that the Albanians were underrepresented in all professions at their own choosing.

But regardless of rights and wrongs, the resentment goes very deep, even between friends. The Serb family that was summarily evicted from their home in Pristina in front of this consultant, lived opposite their Albanian neighbours for twenty-four years. They considered each other friends. Yet the Serb professor earned 800 marks a month throughout the 1990s while his Albanian neighbour (also a professor) was lucky to make 250 marks. What irritated the Albanian almost as much as the disparity was the fact that his Serb friend never once showed concern for his obvious lack of resources.

These two families were able to bury any resentment, but it is hardly surprising that the Albanians feel such open hatred towards Serbs after the last eighteen months. An Albanian family has moved temporarily into the apartment vacated by the expelled Serbs. The oldest member is paralysed because Serb paramilitaries wrenched out his tongue. On the night that the Russians arrived at Pristina airport, the paramilitaries celebrated with an orgy of killing in Pristina.

Ten years of ethnic apartheid and injustice, culminating in the outrages of the past six months, have produced a complex humanitarian crisis of the broadest possible kind. Whatever KFOR troops can do to improve security - and this is reviewed below - there will be no real security until there is a government, a judiciary and a police force in Kosovo. Economic reconstruction will also play its part: the best incentive for Serbs to remain in Oraovac would be to restore their jobs and means of livelihood.

The final piece in this humanitarian puzzle lies to the north of Kosovo, in Serbia. If reports are to be believed, the mental and physical state of Serbs is precarious. The country has been bombed by NATO into a retreat from Kosovo. Utilities and infrastructure have been destroyed, on top of years of economic isolation. The country's refugee population stands at over 700,000. There is little confidence in the government, yet the opposition is divided.

## **THE INTERNATIONAL RESPONSE**

### **Background**

In many respects, while Kosovo poses an unprecedented case of peace-building for the international community, it should, at the same time, be one of the easiest operations ever conducted.

This may seem like a contradiction. It is not. On the one hand, the ethnic challenge is daunting, but nothing as complicated as Bosnia, where the Dayton peace agreement froze the battle lines between three suspicious former enemies, and then expected refugees to return to areas where they were the minority. UNMIK also has a much freer hand than UNTAC in Cambodia, where an existing

government resisted UN civil administrators every inch of the way. UNMIK has the backing of 35,000 armed KFOR troops, and the support of donors.

Above all, UNMIK has a resilient, energetic and determined local partner. Freed at last from Serbian rule, the Albanians are keen to build their own nation. If the UN cannot get it right with assets like these, there would seem to be little hope for it in the future.

Yet at the same time, the challenge facing the UN in Kosovo is also unprecedented, because the penalties of failure will be so much greater. This is not a propitious moment for innovative experiments in peace-building by the UN. The UN is under relentless pressure from its main donors, particularly the United States, and has been almost completely marginalised in the Balkans since the Dayton Conference.

The model of peace-building is also under scrutiny. With the exceptions of Namibia and El Salvador, the UN has few real successes to show for the last ten years. Bosnia in particular has raised major question marks about the traditional approach. This is particularly true of UN civilian police, who have been expected to monitor security and build a local police capacity in every UN peace-building mission since Namibia in 1989. CIVPOL, as they are known, have been consistently late in arriving and been the weakest link in the international presence.

Bosnia casts a long shadow over Kosovo. NGOs and donors in Kosovo talk of "learning the lessons of Bosnia." But some of the same mistakes are already being made, and comparisons with Bosnia can only be taken so far. The ethnic challenge is certainly different. Instead of trying to knit together three separate ethnic regions that were formerly very integrated, UNMIK is trying to protect Serb pockets in a largely Albanian country.

### **3.2 The Humanitarian Pillar of UNMIK**

UNMIK, under the direction of Bernard Kouchner, the UN Secretary-General's Special Representative, is organised under four "pillars": humanitarian, economic, institution-building and governance, and civil administration.

Six weeks after the end of the bombing, the character of UNMIK was still largely humanitarian. UNHCR was able to move its large operation in the camps quickly into Kosovo, and re-emerge as UNMIK's humanitarian pillar - while retaining its own autonomous structure (including information and external relations officers). OCHA provided the first UN chief of mission (Under-Secretary-General Vieira de Mello) and immediately set up a coordination unit to keep international players informed under Randolph Kent. UNHCR's Special Envoy Dennis McNamara took on an additional hat to also become head of the UNMIK humanitarian pillar.

The other three pillars of UNMIK look weak and inexperienced in comparison. Two are run by the European Union and OSCE, which are still relative newcomers to peace-building. The OSCE organised elections in Bosnia and deployed monitors in Kosovo for several months before the bombing began. The EU funded the reconstruction of the Bosnian town of Mostar.

Thus, almost by default, the humanitarian players - particularly UNHCR - have made all the early running in Kosovo.

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Perhaps inevitably, the humanitarian pillar has also taken the lead in protecting minorities. Early in July, Dennis McNamara, the Humanitarian Chief, established an inter-agency working group on minorities that brings together UNHCR, the OSCE, UNMIK, KFOR, the ICRC, UN Civilian Police, and a representative from the Human Rights Centre in Geneva. This group looks like the main forum for coordinated action on behalf of minorities. For the moment it is trying to define the problem and compile a registry of minorities throughout Kosovo. Once that is done, the group will look to broaden out. At that point, NGOs will have an important role to play.

It is noteworthy that UNHCR finds itself spearheading an initiative to protect Kosovars who never left the province and are not necessarily even displaced from their homes. To some extent, it reflects UNHCR's extensive

structure in Kosovo. But it also reflects the weakness, or slowness, of other players. Many officials commented on the fact that the UN Office of the High Commissioner for Human Rights has only two officials, attached to the office of the Special Representative.

Just as it found itself sucked into "development" activities by the weakness of its partners in past UN missions, so UNHCR finds itself taking the lead in human rights protection. This is another interesting extension of UNHCR's formal mandate. It needs to be carefully - and constructively - monitored in the weeks ahead.

### **KFOR**

At present, there are roughly 35,000 KFOR troops in Kosovo. This number is expected to rise to 40,000 by the end of August, bringing to 50,000 the overall force (including logistics in the Former Yugoslav Republic of Macedonia).

It is, at first sight, a huge force for such a small country. And yet the violent attacks on minorities, culminating in the massacre of fourteen Serbs, has raised major questions about KFOR's ability or desire to enforce security. It has also created tension between the humanitarian players and KFOR.

As in Bosnia, Kosovo has been divided up into several sectors, which are under the command of NATO contingents from France, Britain, the United States, Italy, Spain, and Germany. Other NATO countries have also contributed. Several hundred Russian soldiers had arrived by the end of July, and eventually Russia plans to send a force of 3,600.

To see checkpoints jointly manned by young soldiers from Russia, the Netherlands and Germany is a reminder of how the world has changed. Still, the Russian presence is deeply disturbing. The Russians have sided with Serbia from the start of the Kosovo crisis, and their unexpected arrival at Pristina airport before NATO set off a night of murder and looting by jubilant Serbs.

It took some delicate negotiations in Helsinki and Moscow to carve out a role for the Russians. NATO was determined that they

would be placed under NATO command, and not be deployed in the north, in case that encouraged the partition of Kosovo. NATO also did not want the Russians in particularly sensitive areas.

It is far from clear whether these conditions have been met. The Russians strike an independent pose, and have clearly marked off their territory at Pristina airport. In terms of their deployment, one report in Time Magazine suggested that they have in fact been allocated several extremely sensitive areas because NATO planners used old maps that failed to show where the Serbs are living.

One such place is Orahovac. If indeed this is to be allocated to Russians, the international effort to protect minorities could be greatly complicated. There is no doubt from talking to the embattled Serbs in Orahovac, that Russian patrols would make them feel safer. But when this was suggested, angry Albanians demonstrated in the streets. UNHCR officials are convinced that Russians would be fired on and have strongly advised against their deployment in Orahovac.

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In one respect KFOR appears to suffer from its diversity. All KFOR troops have the same mandate and rules of engagement, but just how these rules are interpreted depends on the sector commander. This in turn depends on the type of troops deployed, and what one official refers to as the "military culture."

The British soldiers in Pristina have the experience of Northern Ireland, and patrol aggressively. At the other extreme, the Italian soldiers in Gjakova-Djakovica were almost entirely passive for weeks, and rarely responded to UNHCR appeals to intervene when houses were set on fire. As noted above, several Roma have been seized just yards from Italian soldiers who were supposedly guarding the Roma encampment.

But even when it comes to the "interventionist" British KFOR, humanitarian agencies are never quite sure what it will take to trigger an intervention. This is because while KFOR has a clear mandate to ensure security, it also insists that it cannot possibly

assume the function of the police. "There just aren't enough troops, and it's not our job," said one KFOR officer.

This attitude has caused some tension between KFOR and the humanitarian agencies. According to reports, UNMIK asked KFOR to set up a special hotline for use in emergencies. KFOR replied that such a hotline exists by telephone - which is true, except that there are no phones in Orahovac. On one occasion, KFOR was told that some Serb refugees from Croatia who had sought shelter in a hotel in Pristina were in danger. The warning was not acted on, and two of the Serbs were kidnapped, forcing the rest to flee.

Following the recent massacre of fourteen Serbs at Gracko, it was revealed that the Serb farmers had asked for a KFOR escort before they went out to harvest. General Sir Michael Jackson told a press conference that KFOR had offered a patrol for the day after the massacre occurred, but that this had been turned down and the Serbs went ahead regardless. The bodies were discovered by a KFOR patrol that night.

Even if KFOR did make the offer, the massacre confirmed a general impression in Kosovo that KFOR is not enthusiastic about its enforcement role. This is strongly denied by KFOR.

The impression of this consultant, after watching British troops deal with the expulsion of Serbs from the Pristina apartment block, described above, is that both sides are right:

KFOR is performing a police role, at least in Pristina. But it is clearly not appropriate or enough. The four Albanians were arrested by British military police and charged under British law. If the evidence was strong, they would have been held for 48 hours and either released or handed over to the mobile court for sentencing (The implications of this for justice are examined below).

The four were arrested by soldiers not police, and as such they were handled roughly "to teach them a lesson." But in all likelihood they would also be free within weeks, if not days, harbouring new resentment against the Serbs

of Pristina. And once they returned to the street - no doubt heroes to their friends - the chances of the Serb family returning would surely be remote indeed.

As for the British soldiers, once these four arrests had been made, there were a dozen other fires to put out that night. Watching this highly trained force of British paratroopers race around Pristina trying to protect about a thousand Serbs who were afraid to leave their homes, one had to agree with KFOR: this was not the answer. For the moment, however, there is no alternative.

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The relationship between KFOR and the humanitarian agencies is important and complex. In the field there are good relations and there is cooperation. But there is also a profound difference between the two cultures.

A number of humanitarian organisations have clear positions on NATO's air campaign - instead of launching a ground invasion to expel the military and para-military troops responsible for the killing and for its huge efforts to sell their perceived humanitarian operations in Albania and Macedonia to the media and broader public mixing military and humanitarian mandates, thereby compromising the independence of relief operations.

Today in Kosovo, KFOR is seen as a force that displays its guns and tanks, but still declines to take risks. As in Bosnia, war criminals are free. The KLA intimidates on a massive scale. Thousands of houses and schools are booby-trapped - yet KFOR will only demine "militarily strategic areas." It rankles that KFOR seems to have infinite resources. According to one humanitarian official, the German Army is providing 6,000 hot meals a day in the town of Prizren, with no thought about what kind of expectations it will create.

On NATO's side, there is pride over the fact that the Serbs were forced out of Kosovo with virtually no NATO casualties - an unprecedented military achievement. There is also impatience and anger at the UN's seeming inability to move more decisively, particularly on bringing police forces.

So there is frustration on both sides. It may be understandable but it is not helpful, and at some stage the NGO community might want to provide a forum for the humanitarian and military positions to be heard.

### **Police**

The entire strategy in Kosovo hinges upon UNMIK's ability to bring in international police and rebuild the Kosovar police force. If precedent is anything to go by, this will not be easy.

According to the UNMIK spokesperson, the plan is to bring in 3,155 international civilian police, of whom half would be regular police, and the other half would be armed gendarmerie. The introduction of armed UN police would be a novelty and could give them teeth, although it remains to be seen under what circumstances arms could be used. It is said that their tasks will include "crowd control."

As of July 21, less than 200 UN police had arrived in Kosovo, on loan from the International Police Task Force (IPTF) in Bosnia. The UN has traditionally found it extremely hard to recruit police quickly and, in a press conference, Special Representative Kouchner said it would be harder still at a time when most countries take their annual holidays.

But the problem goes deeper. Some European governments have imposed a limit on the number of police they will loan to UN missions, so the number available to Kosovo could depend on who is deployed in other UN hot spots like East Timor. The United States has no federal police force from which to make an offer. Bosnia was the first UN mission in which the US government was able to surmount this obstacle by recruiting former policemen.

The Scandinavian, Canadian and Irish governments can be expected to contribute, but the number of civilian police available from Northern countries could be limited. This would force the UN to recruit from the south. Nepal, Bangladesh, and Ghana are among the countries that have contributed significant numbers in the past, while the latest news is

that the UN is said to have rejected Bangladeshi forces for reasons of incompetence.

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The second task will be to train the local Kosovar police force. The goal is a force of 4,000 and over 2,000 locals have already applied. Their applications are being considered. Their training was due to start at the beginning of August, and it is hoped to graduate the first group by the end of September.

Several different government agencies and departments (including the US Justice Department) have trained police in Haiti, El Salvador, and Bosnia, and will presumably put this experience to good use in Kosovo. They will face the dilemma of how to avoid recruiting individuals who themselves have not committed crimes, or served the last regime. Sometimes (as in Haiti) this was ignored in the rush to get police out on the streets.

Kosovo will be easier in this respect, because the former police were predominantly Serb. But many young Albanian males fought with the KLA, and may have committed acts of violence: it is not clear whether this would disbar them from serving on the new force.

Given this, it may be difficult to find qualified Serbs who will be acceptable to the Albanians, and Albanians who are acceptable to the Serbs. Yet a sizeable number of Serb police will certainly be needed to instil confidence among the remaining Serbs. Community policing will be critically important, but if it based too closely on the ethnic map of Kosovo, it could also create ethnic divisions within the Kosovo police force. It will require a delicate touch - and time - to build a civilian police force in Kosovo.

### **Judges**

Under pressure to hear cases, UNMIK has come up with a highly imaginative improvised justice system.

As of July 23, according to UNMIK, there were 19 "judicial officials" (prosecutors and

judges) hearing cases in mobile courts. The number had risen to 28 by the following day, and another seven were due to be appointed soon afterwards. All are Kosovars and come from all of Kosovo's different ethnic communities.

Under the UNMIK system, an advisory group recommends candidates for judges to the Special Representative, who then uses his prerogative to make appointments. As noted above, KFOR makes the arrests and can hold suspects for up to 48 hours before handing them over to the court. In the week of July 18 to 24, KFOR made 206 arrests. By the end of the week, the courts had heard 98 cases involving 198 persons. 95 had been released.

Many things are unclear about this makeshift system of justice, and this consultant did not have the time to probe. Clearly, it needs to be evaluated from a judicial perspective. For example, it was reported that Yugoslav law is still technically in force. But the military police from British KFOR in Pristina said that arrests were on the basis of British law. This implies that several different legal systems are being used during the arrest, and could raise questions about conformity and fairness. But at the moment, it is reassuring that UNMIK is ready to act speedily in order to fill the justice gap.

One thing is clear: in addition to addressing the immediate security needs, the system being put in place will create the foundation for a future multiethnic judiciary. As noted above, there were only thirty Albanian judges and prosecutors out of the 756 in Kosovo before the war.

### **HUMANITARIAN COORDINATION**

The first rule of peace-building is that the more agencies that are involved, the harder it is for them to work together. Given its small size, Kosovo may break all records in this respect. The international interest is huge, and the number of players is growing every day.

Already, agencies are starting to trip over each other, and offering inappropriate projects and materials that can only hinder the humanitarian programme. Unmarked boxes filled with time-expired drugs are already

beginning to show up in Kosovo hospitals. This is familiar from Bosnia. Desperate to carve out a niche, voluntary agencies collect drugs, vitamins, candy, even dog food, and send it off in unmarked boxes - not bothering to ask who will have to time to separate the usable from the unusable. (In Bosnia, the British government funded a special project simply to destroy unusable drugs brought in by aid agencies.)

The challenge of coordination is likely to start at the very top of the UNMIK structure. Two of UNMIK's "pillars" are run by the European Union and the OSCE - which are fiercely independent and may find it hard to take directions from the UN. Already there are reports of tension over which organisation was to prepare a new media law for Kosovo.

Coordination traditionally works better in the field than at headquarters, because the tasks are more concrete and the sense of mutual dependency is strong. But even here in the field, it can be difficult.

UNHCR has divided Kosovo up into seven "areas of responsibility" (AORs), and put lead agencies in charge of key sectors (health, demining, food distribution etc.). But this does not always correspond to KFOR's system of division, or even that of the NGOs.

This has complicated the humanitarian task in Oraovac. UNHCR's AOR covers the towns of Oraovac, Decan and Gjakova-Djakovica and is run from Gjakova-Djakovica. But several important NGOs that work in Oraovac are based in Prizren, and the Dutch troops patrolling Oraovac report to the German KFOR in Prizren. UNHCR officials said that this makes it harder for UNHCR protection officers in Gjakova-Djakovica to work quickly and effectively with KFOR in Oraovac.

Many different efforts are under way to coordinate the growing international presence in Kosovo. Some of these seem to be working well. Others less so. This consultant briefly reviewed several examples that are relevant to the humanitarian work of UNMIK.

### **KFOR's Civil and Military Coordination Centre (CIMIC)**

Two hours after the first KFOR troops entered Pristina, on June 12, KFOR set up an emergency information centre in Pristina (CIMIC) where anyone could seek information on virtually anything in the capital. People enter the office through a window to the street and, according to Lt. Colonel Barry Bramwell, the CIMIC director, his team has received about a thousand inquiries a day.

CIMIC is now evolving into more of a community service. Two NGOs (ADRA and Save the Children) have teams of Albanian-speakers in the CIMIC centre receiving and giving information on shelter and children and answering relevant questions from Kosovars about KFOR. The long lines suggest this service is much appreciated.

CIMIC exudes the practical, "can do," military approach. It can get information quickly around the country between KFOR sectors, and engage KFOR in countless small but important emergency tasks - transporting flour, finding office space, reporting landmines.

At the same time, several aid officials said that CIMIC is not uniformly effective throughout the province, and that its efficiency is linked to that of the military force in the respective area. The British, who have responsibility for Pristina, are seen as proactive. Other contingents are reportedly less enthusiastic and also harder to approach.

### **The Inter-Agency Coordination Unit for Kosovo**

In the early days of the operation, Sergio Vieira De Mello, the acting Special Representative, established a coordination and information unit under the direction of Randolph Kent (OCHA).

The unit quickly began holding two meetings a day to keep the international agencies informed of each other's activities and needs. This coordination was particularly important in the early days when security was of paramount concern. The briefings provided a quick and easy way for NGOs to know which

areas to avoid and where the landmines were placed.

The unit has also provided updated information on the level of damage in hundreds of villages (so-called "village assessments") and is always willing to put NGOs in touch with each other. It has been trying to arrange for a coordinated system of radio call signs for NGOs.

Meetings are now held once a week as the need for coordination moves out of Pristina and into the regions. The unit will also evolve into more of a community centre.

If there is one criticism of this model, it is that "coordinated information" does not always lead to "coordinated action." Clearly, this will depend on the issue. Early on, NGOs began to ask for radio call signs, so that they could be integrated into the communications network. Kent's unit followed this up energetically.

But in general, proposing and pushing a common course of action does not seem to fall under the remit of the OCHA unit - particularly when it comes to the bigger policy issues. In one example, the newly-arrived head of UNMIK's economic reconstruction pillar, Jolie Dixon, talked dismissively of the technical skills of the Albanian professionals who were employed during the 1990s by Kosovo's "parallel" society.

Dixon was quickly taken to task by Mercy Corps International, which has worked with the Mother Teresa Society for several years and is committed to building the capacity of Kosovar groups. In other words, this brief exchange suggested a major difference of opinion over a key issue between NGOs and UNMIK. This might have helped to air the differences, but it did not provide a forum for their resolution.

### **Demining**

As noted above, landmines and unexploded ordnance (including unexploded NATO cluster bombs) have created a severe humanitarian problem in Kosovo and are causing injuries every day.

A formidable number of UN agencies are involved, and this means there is lots of coordination. In line with the UN's policy on landmines, the problem is dealt with under three headings, each under different agencies. The World Health Organisation collects statistics on victims and coordinates victim assistance. UNICEF coordinates mine awareness. Meanwhile, a UN Mine Action Coordination Centre has been established under the humanitarian pillar of UNMIK to coordinate "humanitarian" as opposed to "military" demining. Together, these three have established a Mine Action Programme (MAP).

The scope of these efforts show how far the UN has come since 1992, when UNTAC and UNHCR made their first tentative efforts to remove mines in Cambodia and train Cambodian deminers. Kosovo has been divided up into ten sectors, each of which is placed under one or more NGOs or private demining companies. These efforts are funded bilaterally by six different governments (UK, Canada, Germany, Switzerland, Norway and France). The NGOs are also preparing to hire 200-250 local deminers by the middle of August, although the real effort to build a local demining capacity will begin only after the winter.

MACC officials insist that this ambitious effort is decentralised, and see their own task as being one of coordination rather than implementation. In Pristina, they provide information to visitors - and help to downplay the obsession with figures. (One landmine in a strategic house or field can paralyse an entire community and prove far more threatening than a cluster of mines or UXOs in an isolated location).

The mine clearance system is clearly taking time to set up and it is probably too soon to criticise. The task, of course is enormous: as of July 15, no fewer than 179 schools were reported to have been mined by the retreating Serbs.

But success will be measured against results, and the blunt fact is that too many Kosovars have already been killed or mutilated by mines and UXOs.



In terms of coordination, this consultant noted some inconsistencies:

- Detailed casualty figures. The July 14 WHO paper worked from 97 accidents that occurred between June 13 and July 12. Of these cases, officials say that only about 40 are in the MACC data base. It is clearly important to collect accurate and coordinated data on victims. In the public mind at least, this is one of the key tests of the success of UNMIK and KFOR.

- Mine awareness. This consultant attended one UNICEF-coordinated meeting on mine awareness which discussed the marking of minefields. Should NGOs put up a sign, however makeshift, if they only suspect the presence of a mine or UXO? If so, how close should they get - given that it might be dangerous?

Posters are being given out all over Kosovo, but adherence to mine education is clearly a problem. One NGO official said that the returning refugees are among the most mine-educated populations he had seen. Mine awareness programmes were started in the refugee camps and among those refugees staying with host families. However, the number of NATO cluster bombs was not foreseen and, as a result, not included in the original education programmes. Since then, the dangers of cluster bombs have been added to the information campaigns. Yet despite the mine awareness programmes, Kosovar refugees plunged back home, disregarding warnings. They often pay a heavy price. One KFOR officer recalled warning a family not to pass a roadblock, but to no avail. They triggered a mine.

- Targeting key areas. An MACC official said that the ten designated demining sectors do not cover the western frontier with Albania, which was heavily mined by the Serbs. Many of the casualties are from families slipping across the border illegally.

- Distinguishing "military" from "humanitarian" demining. Each KFOR sector has a bomb disposal unit that clears ordnance that poses a military threat. This does not include houses, schools, or hospitals.

But both in theory and in practice, the distinction seems difficult to draw. In very broad terms, a landmine in a school threatens the entire emergency phase of reconstruction, and not simply its military component. If the phase is deemed to be a failure, then KFOR's reputation will suffer as well. One KFOR officer said that KFOR would probably intervene if someone walked into a minefield. (Indeed it would be hard not to.)

It is not clear whether KFOR accepts responsibility to clear the unexploded NATO cluster bombs that so complicate the humanitarian task. Several organisations are now being funded by the British government with the specific task of clearing NATO cluster bombs.

NGOs understand that governments are unwilling to risk the lives of their soldiers, but many also resent the fact that KFOR's formidable expertise is not automatically available to help their humanitarian work. This complaint was heard in Cambodia and Bosnia.

### **Humanitarian Evacuation Returns**

On July 15, UNHCR, in cooperation with the International Organisation of Migration (IOM) and government of the Former Yugoslav Republic of Macedonia (FYROM) started to coordinate the voluntary return of the 72,551 Kosovar refugees who had been evacuated under the UNHCR Humanitarian Evacuation Programme.

Previous issues of Talk Back have looked in some detail at the HEP, and some of the controversies surrounding it. Donors, and UNHCR, have hailed this as an exemplary case of international cooperation, and as a possible model for the future. But as the ICVA statement to the recent session of the UNHCR Standing Committee pointed out, the programme has been notable for the lack of a common approach among those countries that took in the refugees.

This looks like being the case with their return.

Under the process, refugees are flown to Skopje, and then taken by bus to Kosovo - because Pristina airport is not yet open to general flights.

Coordination is critically important, so as to ensure that vulnerable cases - elderly, orphans, torture victims, etc. - are not encouraged to return. (Indeed, UNHCR advises against their return at present). It is also important that returns be voluntary. Clearly, with murders happening every day in Kosovo, those returning must be protected and escorted to their homes once they arrive.

UNHCR, IOM and FYROM have drawn up guidelines, which require that flights should arrive in Macedonia no later than 14:00 hours in Skopje. This allows for the returnees to be bussed to Pristina before nightfall. Refugees should be given provisional documents by the asylum country, and grouped according to the limited number of destination points in Kosovo.

As of July 11, roughly 4,500 HEP refugees had returned. Some governments had followed the guidelines to the letter. The Dutch, for example, flew in a team to check which sites were safe, and to review the state of settlements.

But Italy (which has taken 4,270 refugees under the HEP) has, in the words of one UNHCR official, "ignored every single guideline." Refugees have been flown from Italy, bussed from Macedonia, and left at the Pristina bus station in the early hours of the morning - without UNHCR being informed. During this consultant's visit, one consignment of returnee luggage was dumped on the road at midnight.

This is irresponsibility in the extreme. The bus station is some way out of the centre of Pristina, and anywhere after dark is still dangerous at present. The returning refugees are also letting it be known that they were kept in military camps in Sicily in poor conditions.

### **The ICTY and War Crimes**

The International Criminal Tribunal for the former Yugoslavia, based in The Hague, has played a prominent role in the aftermath of the Kosovo crisis. Already, its indictment of the FRY President Slobodan Milosevic and other senior Yugoslav figures, has served to isolate the FRY still further.

In Kosovo itself, the tribunal has a crucially important role to play in filling the justice gap referred to above. But it has to decide quickly whether this is to be limited to the narrow legal task of preparing indictments against war criminals, or will contribute to the much wider task of restoring respect for law, referred to above.

Information and outreach has traditionally been one of the tribunal's weakest points. The tribunal issues press releases from The Hague and from Arusha, where trials are taking place. But it has proved inept at identifying and promoting a clear vision of its role in the larger task of peace-building. NGOs, for their part, have not done nearly enough to press it.

There is an exciting opportunity to rectify this in Kosovo. But the tribunal needs to explain clearly its limitations, as well as its goals. It needs to explain that it has a limited capacity to investigate and prosecute cases, and its experience in Bosnia shows that one case alone can consume thousands of hours and resources.

At present, it is far from clear how many indictments the tribunal could realistically hand down in Kosovo, and in what time scale. (Aid officials said that there is only one tribunal representative for the whole of the Gjakova-Djakovica area).

Moreover, when tribunal investigators investigate a mass grave, it is unclear to all but the prosecutor whether they are seeking evidence against Milosevic or seeking to indict a soldier further down the chain.

Of course, much of this information will have to remain confidential. The point is only that the tribunal's aims may not conform with the humanitarian priorities in the field. As was noted above, Dutch soldiers have identified three suspected Serb war criminals in villages near Orahovac. Are they under instruction not to arrest, and if so why? Is there a decision not to arrest, in order to persuade the Serbs to leave? Why has KFOR been given a list of suspects, if not to arrest them? This needs to be clarified and explained.

UNHCR has been hampered by uncertainty over war criminals before, and its relations

with the tribunal in Bosnia was often strained. In the camps of Eastern Zaire, UNHCR had great trouble separating "intimidators" and war criminals. In Bosnia, the existence of long lists of suspected war criminals in all three ethnic communities proved a major obstacle to refugee returns. It is important to have a clear policy in Kosovo.

It is also important to understand that the problem of justice and revenge is much larger than war crimes. As noted above, war crimes are a crucial, but narrow, part of the bigger problem of impunity, insecurity and the desire for revenge.

Above all, the fact that the tribunal is at work must not be allowed to ease the pressure on the international community to address the much broader challenge of rebuilding respect for justice. The war in Bosnia showed how the tribunal can serve as an excuse for inaction. (The establishment of the tribunal in May 1993 was used by many governments as an excuse not to intervene and stop the attacks on civilians.) The same must not happen in Kosovo. While the punishment of war crimes can help to re-establish justice, it is far from the only component of the comprehensive programme - some of the elements of which have been laid out in this paper.

## **Conclusion**

There are some conclusions to be drawn from these examples of coordination.

The first is that as the number of international agencies grows, so does the need for sharing information. This is a form of coordination and has a role to play. But it can also turn into a talking shop that takes up time, and detracts from the tasks at hand.

It is important that coordination should lead to action and policy. Too often, agencies go to a coordination meeting to get informed, and then carry on as before.

Finally, in a situation like Kosovo, where money is no obstacle and donors are desperate to be visible, it is important to recognise that coordination can make an important contribution by imposing a certain discipline. There are no binding rules that govern the

work of NGOs in the immediate aftermath of an emergency, like the war in Kosovo - just a common sense of purpose, and a commitment to the broad task of reconstruction.

Sometimes, the best contribution an NGO can make is to say no.

## **KOSOVAR CIVIL SOCIETY**

As noted above, UNMIK in Kosovo has been presented with a unique resource in the form of Kosovar civil society. It is rare for a UN peace-building mission to have such an asset.

Modern Albanian civil society dates back to 1989, when Serbia unilaterally revoked the autonomous status of Kosovo, granted under the 1974 Yugoslav Constitution. In protest, the Albanians refused to cooperate, whereupon they were dismissed en masse. Instead of crawling back to the Serbian authorities, they began to set up a "parallel society," offering health, education and support to those who were out of work. Schools and even universities were created. Every family paid a nominal tax of 3%, although the bulk of the money came from remittances from Albanians abroad.

There were many stirring examples of this parallel society at work. The Mother Teresa Society (MTS) started out by providing emergency supplies for 14,000 families. The distribution network expanded to the point where it now comprises 44 branches and 650 sub-branches. Before the war, some 5,000 volunteers worked on the system.

Gradually, the Society also provided an alternative health system comprising 93 primary health care centres and nine polyclinics. They were staffed by doctors and nurses who had been dismissed. With help from Mercy Corps International, which began backing the Society early in the 1990s, MTS opened an obstetrics clinic in Pristina in 1995: 3,000 deliveries took place in the first month.

UN officials pay constant lip service to such efforts and to the "resilience" of Kosovars. Yet donors and the UN traditionally found it very difficult to adapt its peace-building to local civil society. Instead, they tend to go in with a mishmash of mandates, preconceptions and

bureaucratic requirements, and expect civil society to adapt.

International agencies also determine their budgets in advance and then throw money around. All too often, this crushes the initiative and spirit of local groups that enabled them to survive incredible hardship.

Very rarely do international agencies take the time or patience to understand their real needs and their real capacity - the absolute prerequisite to providing them with support.

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A surprising number of Albanian civic groups and associations have survived the tumultuous last year, and reappeared to play a role in Kosovo's reconstruction.

Their needs, obviously, will vary. The Mother Teresa Society needs to retain its number of volunteers, many of whom are leaving. Soon, its health structure will have to be merged with a new state health system. Eventually, its doctors and nurses may well need retraining.

It will take careful handling by UNMIK to draw these "parallel structures" into a new, unified multiethnic administration. The clock cannot be turned back to 1989, and the blunt application of ethnic quotas will probably backfire. For example, there are now two vice-rectors at the University under an international administrator - one Serb, the other Albanian. The Albanian previously served until he was dismissed and replaced by the Serb after the 1989 crackdown by Serbia, referred to above. The Serb is viewed as the one behind the dismissal of the Albanian rector. When KFOR came in, both rectors were barred from entering the rectorate pending a decision by UNMIK. Yet, the Serb rector and his staff have apparently been given access to the rectorate because of a friendship between the KFOR soldier in charge of guarding the rectorate and the Serb rector. While an UNMIK representative now serves above the two rectors, the preferential treatment being given to the Serb rector will undoubtedly pose difficulties.

UNMIK will also have to adopt a realistic approach to quality, and understand that while

local standards may not always be up to international levels, they are remarkably high given the isolation of Albanians over the last decade. The best proof of this lies in the very high quality English that was taught in the alternative schools. Regrettably, there is already a tendency among some to scoff at these skills.

Officials at Mercy Corps International are disappointed that UNHCR has ordered 45,000 stoves from abroad, at a high price, just when an MCI programme of local production appeared to be paying dividends. The programme began with 12 producers last year, and now works with 300 small businesses around Kosovo. Together they have produced 15,000 stoves. The decentralised production cuts transport costs, and the stoves use wood. They serve two functions - cooking and heating.

This shows local capacity at its best, and is an example of how Kosovars can contribute to rebuilding their own country. But it does not correspond to the emergency heating plan drawn up by UNHCR, USAID and ECHO (European Community Humanitarian Office). This calls for all of the destroyed or damaged houses to have at least one warm room for use through the winter. Stoves are a key part of this - and say officials, Kosovo can hardly produce 50,000 stoves in three months.

Underlying the UNHCR policy is an assumption that Kosovars cannot in fact cope. One UNHCR official said that 70% of the Kosovar contracts undertaken by UNHCR before the bombing were unfulfilled. This extremely high figure clearly needs some investigation and explanation. It is certainly not the experience of groups like Mercy Corps International.

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If the international community wants an early exit from Kosovo, it must treat civil society as the centre-piece of its peace-building, and not an awkward appendage. This must start by defining the needs carefully, before highly-paid foreigners are brought in to "train trainers" and do "capacity building."

Sometimes the best way of building capacity may be money. For instance, Mercy Corps International plans to pay the salaries of key volunteer workers in the Mother Teresa distribution network, such as managers, loaders, and warehouse workers. Any agency using the service will also be charged. This way, MCI may be able to remunerate hundreds, and possibly thousands of Kosovars, as well as keep the MTS network alive.

Often, however, money is not the first requirement. Indeed, large donations may divert dedicated staff from essential work, and tie them up in writing project reports and evaluations for donors. Besides which, many contributions come with strings attached, and months late. (The EU is notorious in this regard). The needs may be as simple as the loan of an office for a few hours a week.

Many of Kosovo's civic groups could benefit from technical equipment and training, but this should be carefully tailored to their needs. Communications are important, and Bosnia showed that the Internet can help to create strong links within organisations, and even across ethnic lines.

But this, too, will have to be done with caution. In the kind of political vacuum that exists in Kosovo, access to the Internet is power: it must not fall into the wrong hands.

Many will ask whether Kosovo's users are capable of mastering the technology. But on this front they can rest assured. Kosovars are no strangers to modern technology. Once again, perhaps, they should be given the benefit of the doubt.

### **THE INTERNATIONAL NGOS**

International NGOs (INGOs) have a crucial role to play in Kosovo. As UNHCR's implementing partners, they distribute the food, the shelter and emergency supplies. They rebuild the wells and the primary health care centres. They demine the schools and houses.

But INGOs can also act as UNMIK's eyes and ears and its link to Kosovar civil society. Some, like Mercy Corps International, Oxfam and Medecins Sans Frontieres, have been

working in the province since the early 1990s and have more experience in Kosovo than the UN. They are in for the long haul, and are likely to remain in Kosovo long after UNMIK has pulled out.

It is perhaps hardly surprising that the director of one prominent NGO said: "UNHCR should start treating us as partners, not implementing partners."

At the same time, INGOs also face problems. In some respect, these are not dissimilar to those facing UNMIK.

#### **6.1 Crowds and Confusion**

The first problem comes from numbers. In the last six weeks, the number of INGOs working in Kosovo has tripled from 40 - the pre-war figure - to over 150.

This is hardly a surprise. The blunt fact is that there is money for NGOs in Kosovo. Western governments are under huge political pressure to rebuild Kosovo (perhaps driven partly by guilt that they contributed to the destruction). Much of this money is made available to national INGOs, because of their national affiliation to the donor.

This creates an obvious dilemma. On the one hand, no one wants to reject the energy and enthusiasm of an NGO when it is put to a good cause. And there are plenty of community tasks to be done in Kosovo - small projects which require persistence and dedication.

On the other hand, many NGOs arrive with money and then look for projects. Often the money is earmarked by donors for projects which are completely unsuitable. In one example, the US Senate proposed to spend \$5 million on rape counselling. The US State Department intervened, acting on advice from aid agencies, and the initiative was quietly dropped. But it is not always so.

Generally speaking, a division of labour among NGOs has been worked out in the field, thanks to the system of Areas of Responsibility and lead NGOs (even if as was noted earlier AORs do not necessarily correspond to the way each NGO organises its own operations throughout Kosovo).

But there is no single authority with the power to allocate tasks and veto NGO proposals. Inevitably, INGOs are starting to trip over each other and create confusion.

One example, referred to earlier, is the delivery of time-expired drugs. In another example related to this consultant, Oxfam and Handicap International have formed a partnership to assist an eminent local organisation for the disabled, the Association of Paraplegic Children. Oxfam has been working with the Association for some years, and is helping it to build a network of community centres throughout Kosovo. The division of labour between the two INGOs also makes sense, with Oxfam focussing on disability rights, and Handicap International providing hardware (e.g. prostheses) and rehabilitation.

Into this promising project has landed a large American INGO with lots of dollars and a mandate to fund social programmes. It is not surprising. Cynical though it may sound, disability projects are attractive to donors and there are very few Kosovar organisations with the experience or capacity to serve as partners. Organisations like the Association for Paraplegic Children will be under intense pressure in the weeks ahead.

### **Identifying the INGO Humanitarian Role**

Some of the confusion could be avoided if INGOs were to take a long hard look at their humanitarian contribution.

In addition to providing traditional assistance, like water, food, and shelter, this consultant's visit suggested that they could help the two minority groups described in this report - the Roma of Gjakova-Djakovica and the Serbs of Orahovac.

Part of the problem facing the Roma, as was explained above, is their inability to communicate with the international agencies and the inability of international agencies to appreciate their strengths.

The same happened in Bosnia. Initially in Bosnia, the Roma were denied humanitarian aid because they did not fit into any of the main religious/ethnic categories. Instead of

lapsing into despair, the Roma of Tuzla formed a council that now has several hundred members and allowed them to talk to the international community with a unified voice. They raised money from European Roma, which they used to put their children back into school. All of this was achieved without paid staff or even an office. It would be relatively easy for an INGO to bring a delegation of Bosnian Roma to Kosovo and share some of their experience with the Roma of Kosovo. They could prove invaluable as interlocutors.

As for the Serbs of Orahovac, one reason for their low morale is a lack of information. Save the Children has started to provide them with the regular use of a satellite phone, to provide links to families and friends abroad. It is an imaginative and important contribution. Surprisingly, there is no bakery in this part of town, and all bread comes in the form of aid. This would make a good micro-credit scheme. There will be many other ways in which NGOs could reassure the Serbs and encourage them to ride out their immediate crisis. But first they must find a forum for identifying the needs. The UNMIK Inter-Agency working group on minorities, referred to earlier, could be one place to start.

Obviously, there is an important role to be played by the international human rights NGOs. Many of them visited the camps in Macedonia and Albania regularly. It is hoped that they show the same level of attention to the situation in Kosovo. Once the inter-agency working group on minorities is firmly established, NGOs should discuss ways of cooperation. They should also monitor human rights regularly. There is also a wealth of experience on judicial reform among INGOs that could be put to use.

### **Coordination**

Faced by confusion and overlap, many INGOs seek refuge in coordination - rather like the UN. But this has to be carefully tailored to needs, if it is not to fall into the same traps.

The most logical INGO coordinating body is an independent NGO Council that was formed earlier this year, reconstituted in the refugee camps, and then revived again in Kosovo following the bombing. The Council has about

40 member organisations, and an executive body of about ten INGOs. Its current president, Terry Heselius of Mercy Corps International, is one of the most experienced and respected NGO heads in Kosovo. The Council is also taken seriously. Bernard Kouchner, the SG's Special Representative, met with leading members recently and announced plans for regular meetings in the future.

Should the Council attempt to coordinate the humanitarian operations? Probably not, because the need seems much greater when it comes to protection and advocacy, than assistance at this point in time. On the assistance side, the system of extensive sectoral meetings that are already under way in UNHCR's seven "areas of responsibility" (AORs) seems to be working well in most sectors, and the NGOs have no interest in trying to create a parallel system. It is here that operational disputes over the dumping of time-expired drugs or disability projects should be resolved. Anything that generates more meetings should also be avoided if possible.

This said, however, there are many issues in Kosovo that could benefit from a common NGO position and policy. On the practical side for example, everyone suffers when newcomers arrive and offer wildly inflated salaries and rents. But perhaps even more important there are the many humanitarian policy issues relating to the peace-building efforts of the international community, including demining, the creation of a police force and the prosecution of war crimes. As well as critically important long-term issues, such as relations with Kosovar civil society and the role of local NGOs. The key thing is that any NGO "coordination" should go beyond the mere exchange of information. It should develop a common position that can then be pressed vigorously through all available channels.

And, as was suggested above, given the crowd of agencies that is pressing to spend money in Kosovo, sometimes the best contribution to peace-building may be to resist the temptation - and just say no.

## **Monitoring UNMIK**

INGOs could make another important contribution by monitoring the UN Mission, and making sure that the large international presence does not damage Kosovar civil society in the way described above - with inappropriate largesse or neglect. They can also help Kosovar groups make representations to UNMIK.

It is clear from this consultant's short visit - and hopefully from this report - that UNMIK could benefit from this kind of constructive pressure and greater accountability. One example is the work of the International Criminal Tribunal. INGOs need to watch its work carefully and press for a coherent policy on war crimes from UNMIK.

INGOs also need to keep up the pressure on the UN and on governments to provide Civilian Police quickly and on schedule. They need to monitor the recruitment and training of the local Kosovar police force.

## **Advocacy**

This sort of work involves advocacy and promotion. This may be difficult for those INGOs that have close relationships with UNMIK and the agencies - particularly those that serve as implementing partners.

But the independent NGO Council, referred to above, is well placed to play such a role, without compromising the work of its individual member organisations.

Moreover, many of these organisations (OXFAM, MSF etc.) are themselves members of an international network, which gives them an ability to get the word out, and build support outside Kosovo.

The Council should exploit these contacts vigorously. If INGOs in Kosovo decide that the ICTY needs stiffening or redirection, they should use their international connections to follow-up with the tribunal's headquarters in The Hague.

They should exploit ICVA's contacts in Geneva to protest Italy's flagrant disregard of the UNHCR guidelines for the return of

refugees. This is the kind of issue that could be monitored in Kosovo and raised vigorously by ICVA at the UNHCR Executive Committee in Geneva.

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