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**LINKING PEACE, SECURITY
AND DURABLE SOLUTIONS IN
A MULTI-ETHNIC SOCIETY:
The Case of Kosovo**

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Project on Internal Displacement

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
ACRONYMS	iii
INTRODUCTION	1
THE KOSOVO CONFLICT	2
The start of the Kosovo war	2
International response	3
Kosovo under international administration: 1999-2008	4
Unilateral Declaration of Independence: Enter EULEX	5
Kosovo in 2014	6
THE IDP SITUATION IN 2014	7
Durable solutions: What would it take in Kosovo	8
PEACEBUILDING AND CONFLICT PREVENTION	10
A Herculean task: Institutions, infrastructure and economic development	10
Kosovo Protection Corps and Kosovo Security Force	11
Police reform	12
Judiciary reform	14
Security Sector Reviews and National security strategy development	14
THE LINKAGES BETWEEN SRR AND SUSTAINABLE SOLUTIONS	17
Vetting	17

Inclusion and responsiveness	19
Property restitution:	
Access to justice and enforcement of decisions	20
CONCLUSION	22
REFERENCES	24

EXECUTIVE SUMMARY

The case of Kosovo provides many interesting insights about the linkages between Security Sector Reform (SSR) and durable solutions to displacement. Rooted in political exploitation of ethnic rivalries between Kosovo Albanians and Kosovo Serbs, the Kosovo conflict made headlines in 1998 and 1999. Some 1.9 million Kosovo Albanians (or 90 percent of the population) were displaced by targeted violence of Serbian troops and security forces of the Milosevic regime. After a North Atlantic Treaty Organization (NATO) intervention – a bombing campaign of strategic targets in Serbia – Serbia agreed to withdraw its troops in June 1999.

In the chaotic months that followed, the majority of displaced Kosovo Albanians returned, while (the threat of) reprisals displaced some 245,000 Kosovo Serbs, Roma, Egyptians and Ashkali, some of whom returned in subsequent years, but many of whom remain displaced. In 2014, 17,300 Kosovars remain internally displaced within Kosovo and some 220,000 internally displaced persons (IDPs) in Serbia and Montenegro. Some of the key ingredients for durable solutions for Kosovar IDPs include justice and security objectives, such as restitution of property, justice for abuses committed during the conflict and a justice and security system that they trust to guarantee their safety, in addition to sufficient income and access to health care, education and other social services.

United Nations Security Council Resolution 1244 of 1999 placed Kosovo under the international administration of the United Nations Interim Administration Mission in Kosovo (UNMIK), with NATO's Kosovo Force (KFOR) providing security for the territory. In 2008, after negotiations to finalize Kosovo's status failed, Kosovo unilaterally declared independence. The European Union's Rule of Law Mission subsequently took on many of UNMIK's tasks.

Given the absence of a Kosovo security and justice system after the withdrawal of Serbian troops, many SSR efforts were undertaken under UNMIK and subsequently European Union's Rule of Law Mission in Kosovo (EULEX). The Kosovo Police Service (KPS – renamed Kosovo Police (KP) after independence) was established, as well as the Kosovo Protection Corps (KPC) – a lightly armed civilian force with an emergency response and humanitarian mandate. To placate the ambitions of the Kosovo Liberation Army (KLA) to be the new security sector in Kosovo, KLA ex-combatants made up the KPC as well as approximately 50 percent of the KPS. The KPC was disbanded after independence, and the Kosovo Security Force established, which was more multi-ethnic and had a somewhat wider mandate that included international peacekeeping. In the judiciary, governance structures were established, the legal system was revised, equipment provided and infrastructure rehabilitated. Inclusion of community voices was actively sought in an internationally-driven Internal Security Sector Review process and the international community took great care to ensure that the Kosovo institutions were multi-ethnic and broadly representative of all the groups in Kosovar society. This was especially successful in the Kosovo Police, which is one of the most trusted Kosovar institutions. Programs also focused on careful vetting of security and judiciary personnel to avoid having the new security and justice apparatus tainted by the presence of perpetrators of conflict abuses.

These reforms and security and justice developments have an impact on durable solutions. Trust building elements of SSR, such as inclusiveness, multi-ethnic representation and vetting can assuage mistrust of IDPs, and begin to build legitimacy. However, such processes also lead to some issues in responsiveness to IDP security concerns, as for example when Kosovo Serbian

police officers refused to protect Kosovo Albanian IDP property from attacks by Kosovo Serbs. As such, the Kosovo case shows that to build a truly multi-ethnic security sector, filling quotas needs to be complemented by political commitment to overcome ethnic tensions, training and time to build positive experiences. Similarly, slow vetting processes in the judiciary slowed down the already back-logged justice system. This had particular consequences for those IDPs waiting for property disputes to be resolved as an essential ingredient for durable solutions. Though many disputes were handled fairly quickly and efficiently by the Kosovo Property Agency (a special body created to deal with property disputes resulting from the conflict that can be seen as a positive example of dealing with property disputes related to a conflict), those who had to go through the ordinary justice system have had to wait many years for the adjudication of their cases, further slowed down by delays in the vetting process. As such, this examination of the Kosovo case suggests that there is a need to balance the need for vetting with the need for immediate dispute resolution and service provision.

For the international community, the Kosovo case demonstrates the intrinsic link between SSR efforts and durable solutions. If SSR efforts were to include a focus on IDP security and justice needs – for example by incorporating IDPs as a disaggregated category in SSR assessments and monitoring, training development and delivery, and policy development – they could make a significant contribution to durable solutions to displacement. At the same time, humanitarian actors working with IDPs would be well-advised to pay attention to longer-term peacebuilding activities addressing justice and security challenges, to ensure that IDP concerns are taken into account. By ensuring communication and coordination between the two, durable solutions would be more achievable.

ACRONYMS

CIVPOL	International Civilian Police Officers
EU	European Union
EULEX	European Union's Rule of Law Mission in Kosovo
FRY	Federal Republic of Yugoslavia
GSV	'Go-See-Visits'
ICJ	International Court of Justice
ICR	International Civilian Representative
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
GDP	Gross Domestic Product
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IJPC	International Judicial and Prosecutorial Commission
IOM	International Organization for Migration
ISSR	Internal Security Sector Review
KDF	Kosovo Defense Force
KFOR	NATO's Kosovo Force
KLA	Kosovo Liberation Army
KP	Kosovo Police
KPA	Kosovo Property Agency
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KSF	Kosovo Security Force

NSS	Kosovo National Security Strategy
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
RAE	Romani, Ashkali and Kosovo Egyptians
SSR	Security Sector Reform
SSSR	Strategic Security Sector Review
UN	United Nations
UNDP	UN Development Programme
UNHCR	UN High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission in Kosovo
UNSC	United Nations Security Council

INTRODUCTION

Violent conflicts cause much suffering: they kill and injure, damage infrastructure and economic production, and displace large numbers of people from their homes, families, communities and employment. When conflicts end, finding solutions to repair this damage is usually a complex endeavor which takes time, while the needs of those affected by the conflict are high and urgent. Supporting durable solutions for those displaced by conflict is one of the key challenges facing post-conflict societies, while at the same time, peacebuilding activities including reform of security and justice institutions have high priority. However, there has been little convergence, collaboration, or even communication between the different communities of practice engaged in these post-conflict efforts: most of the time they have operated in separate ‘silos.’¹ This is unfortunate, given that an ineffective security sector frequently drives displacement – either by failing to protect people or in some cases by actively undermining the security of citizens including those internally displaced – and therefore, security sector reform can make an important contribution to creating durable solutions for displacement.²

This paper explores the linkages between peacebuilding and – particularly Security System Reform (SSR)³ – efforts to create durable solutions to displacement in the case of Kosovo.⁴ It does so by first examining the historical background to the Kosovo conflict, including the displacement situation and peacebuilding efforts. Subsequently, it discusses SSR efforts in more detail, followed by an exploration of the linkages between those efforts and durable solutions to displacement, focusing on what worked and what did not work, with a particular emphasis on vetting, inclusivity and representation of minorities and vulnerable groups, responsiveness and the role of the security and justice actors in property restitution. The paper ends with some recommendations, as well as some suggested avenues for future research.

¹ See: Marina Caparini (2012). ‘Ensuring Long-Term Protection: Justice-Sensitive Security Sector Reform and Displacement’. In: Duthie, R. (ed.) (2012). *Transitional Justice and Displacement*. New York: Social Science Research Council p. 281-291.

² Madeline England (2012), *Linkages between Justice-Sensitive Security Sector Reform and Displacement. Examples of Police and Justice Reform from Liberia and Kosovo*.

<http://www.brookings.edu/~media/Projects/idp/tjpercent20casepercent20studies/Englandpercent20SSRpercent20Liberiappercent20andpercent20Kosovo.pdf> p. 4.

³ Security System Reform is a holistic program aimed at improving the security system as a whole to become more effective, efficient, democratic, transparent and accountable. The security system is considered to consist of an interlinked set of sectors, such as the military, police, border agencies, national guards, presidential guards, coast guards, the judiciary, corrections, non-state actors, intelligence agencies etc. (OECD (2007); OECD (2005)). This paper will focus on the sectors most relevant to the security and justice needs of IDPs: the military, the police and the judiciary.

⁴ Though by far the largest number of Kosovo Serb displaced are located in Serbia, given the limited length of this paper as well as the complex nature of both the Serbian and Kosovar peacebuilding efforts, this study will primarily focus on the linkages between support for durable solutions and peacebuilding, conflict prevention and SSR within Kosovo only.

THE KOSOVO CONFLICT

The start of the Kosovo War

After earlier wars in the former Yugoslavia came to an end, Kosovo started to make the headlines in 1998. The Kosovo territory had long been disputed, particularly between Serb and Albanian⁵ inhabitants of the area whose feelings of nationalism and competing historical narratives⁶ have long created tensions along ethnic lines.⁷ Just before the Kosovo War broke out, approximately 2.1 million people⁸ lived in what was at that point a province of Serbia, with the majority of the population being Albanian (approximately 83 percent) and a minority of Serbs (approximately 10 percent), as well as Roma, Ashkali, Egyptians (RAE), Turks and Bosniaks.⁹ Albanians are mostly Muslim, while Serbs are Serbian Orthodox Christians. The Kosovo territory has been part of many different kingdoms and empires, including the medieval Serbian kingdom, the Ottoman Empire, and in more recent times Serbia and Montenegro, Albania (during World War II) and Yugoslavia. It holds great significance for Serbs, whose historical accounts maintain that their nation was born at the battle of Kosovo Polje (the field of the Blackbirds, in the vicinity of Pristina)¹⁰ in 1389. Moreover, the Serbian Orthodox Patriarchate was located in the Kosovo town of Peć from the fourteenth century until it was abolished by the Ottomans in the nineteenth century. Albanians, on the other hand, believe that they are the original inhabitants of the area, and feel an affinity with Albanians in the former Yugoslav Republic of Macedonia and Albania proper rather than with Serbia or Yugoslavia.

In addition, Kosovo Albanians felt repressed by Serbia, particularly after President Slobodan Milošević came to power in 1989. This became acute in 1990, after Milošević reversed the province's autonomy gained under the 1974 Constitution in an attempt to capitalize politically on Serb nationalist sentiments. Initially Kosovo Albanian resistance was peaceful, but in 1996 more radical elements decided to take an armed approach. The Kosovo Liberation Army (KLA, or Ushtria Çlirimtare e Kosovës - UÇK - in Albanian), started carrying out attacks on Serbian targets – primarily police and government officials. In 1998 armed forces of the Federal

⁵ In this paper, the designations of 'Kosovo Serb/s' and 'Kosovo Albanian/s' will be used to refer to Serb or Albanian inhabitants of Kosovo.

⁶ Ivan Briscoe & Megan Price (2012). *Kosovo's New Map of Power: Governance and Crime in the Wake of Independence*. The Hague: Clingendael.

http://www.clingendael.nl/sites/default/files/20110503_cru_publication_ibriscoe.pdf

⁷ For detailed and nuanced discussions of the history of Kosovo, see Tim Judah, T. (2008). *Kosovo. What Everyone Needs to Know*. Oxford: Oxford University Press. and: Noel Malcolm (1998). *Kosovo. A Short History*. New York: New York University Press.

⁸ These are all estimates. The last census held in Yugoslavia was boycotted by Kosovo Albanians, so no actual data is available. An International Criminal Tribunal for the former Yugoslavia (ICTY) report of 2002 estimated the total population preceding the conflict in 1998-99 at 2.1 million (Helge Brunborg, (2002). *Report on the size and ethnic composition of the population of Kosovo*.

http://www.icty.org/x/file/About/OTP/War_Demographics/en/milosevic_kosovo_020814.pdf. World Bank figures in 2013 estimate the total number of Kosovars in 2014 at 1,824,000 (World Bank (2014). *Kosovo*.

<http://databank.worldbank.org/data/views/reports/tableview.aspx>).

⁹ The same ICTY report (Brunborg, 2001) estimated that of the 2.1 million inhabitants, approximately 83 percent were Albanian, approximately 10 percent Serbs, and approximately 7 percent other ethnicities. The UNDP estimates that in 2014 Kosovo's population is composed of Kosovo Albanians (92 percent), Kosovo Serbs 4 percent, and other minorities such as Bosniaks, Gorani, Turks, Roma, Ashkali and Egyptians (4 percent). See: UNDP (2014).

¹⁰ In the interest of brevity, in this paper place names in Kosovo will be written according to their English spelling.

Republic of Yugoslavia (FRY)¹¹ and Serbian security troops (aided by Kosovo Serb paramilitary groups) started cracking down on the KLA, marking the start of the Kosovo War. Actions of the FRY military and Serbian security forces often targeted civilians, such as in the Drenica region, where one incident left 83 villagers dead, including many women and children.¹² Attacks also destroyed private property and displaced many from their homes. By March 1999 an estimated 200,000 Kosovo Albanians were internally displaced as a consequence of the violence. An additional 70,000 people had fled to neighbouring countries and another 100,000 mostly Kosovo Albanians to Western Europe.¹³

International Response

The indiscriminate and harsh retribution of the FRY, the dire humanitarian situation in which the displaced found themselves – lacking food, shelter and assistance with winter fast approaching - and the vivid recent memory of the atrocities in the earlier Balkan conflicts led to many calls for international intervention. International efforts to negotiate a peace agreement were unsuccessful. When the United Nations (UN) Security Council failed to reach an agreement on intervention, NATO decided to intervene without Security Council approval, on the grounds that the international community had a duty to prevent further atrocities. On March 24, 1999 NATO started bombing strategic targets in the FRY in an effort to force Milosevic to withdraw his troops from Kosovo.

The Milosevic regime responded by increasing the activity of military and security forces in Kosovo, using strategies of terror against the civilian population to drive Kosovo Albanians out of the province. Between March and June 1999 approximately 863,000 Kosovo Albanians fled to neighbouring countries, with another estimated 590,000 being internally displaced.¹⁴ Overall, during the conflict an estimated 90 percent of Kosovo Albanians were forced to leave their homes, some of which were damaged or destroyed,¹⁵ others of which were occupied by Kosovo Serb families, but many were simply left vacant.

On June 9, 1999, 78 days after the NATO bombardments began, an agreement was reached with the FRY, providing for the withdrawal of Serbian forces. UN Security Council Resolution 1244 (UNSCR1244), decided “on the deployment in Kosovo, under United Nations auspices, of international civil and security presences,”¹⁶ but left the final status of Kosovo undecided.

After the withdrawal of FRY forces, most of the displaced Kosovo Albanian population returned quickly to their homes. For example, in August 1999, UNHCR reported that around 750,000 Kosovar refugees and displaced people had returned to Kosovo since June 15, 1999, including

¹¹ After the dissolution of Yugoslavia, Serbia – including the province of Kosovo – and Montenegro had formed the Federal Republic of Yugoslavia.

¹² Human Rights Watch (2001). *Human Rights Watch (2001). Under Orders. War Crimes in Kosovo.* <http://www.hrw.org/reports/2001/kosovo/> Chapter 5.

¹³ There are no official numbers of displaced – especially those internally displaced - before March 1999. The numbers used here are estimates from Human Rights Watch (2001).

¹⁴ Organization for Security and Cooperation in Europe (1999). *Kosovo/Kosova: As Seen as Told. An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999.* Warsaw: OSCE Office for Democratic Institutions and Human Rights. <http://www.osce.org/odihr/17772?download=true> Chapter 14, p. 1.

¹⁵ *Ibid.* Chapter 12.

¹⁶ UN Security Council (1999). *UNSCR 1244.* Available online: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1244\(1999\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1244(1999)) art. 5.

716,400 who had gone back from neighbouring countries and 33,500 from countries outside the area.¹⁷ By June 2000 the UNHCR felt so confident that by far the majority of displaced people had returned and no longer required assistance that they wound down their large scale operations as part of UNMIK.¹⁸

However, the few months following the FRY withdrawal were chaotic, and led to a situation of lawlessness. Reprisals – and fear of them – by Kosovo Albanians against Kosovo Serbs as well as RAE (who Albanians accused of collaborating with the FRY forces) led to a new wave of displacement. Approximately 245,000 – Kosovo Serbs, as well as RAE – fled their homes, some internally to areas with a Kosovo Serb majority such as North Mitrovica or Serb enclaves in southern Kosovo such as Gračanica and Strpce, but most leaving for Serbia and Montenegro. As a result, while on the whole the displacement situation for Kosovo Albanians rapidly improved after June 15, 1999 – and by June 2000 the UNHCR wound down its large-scale humanitarian assistance operations as by far the majority of displaced.

Kosovo under International Administration: 1999-2008

UNSCR1244 placed Kosovo under governance of the United Nations Interim Administration Mission in Kosovo (UNMIK) and tasked NATO's Kosovo Force (KFOR) with maintaining security and stability. Though the international presence did much to stabilize the situation and progress was made towards establishing the conditions for self-government including maintenance of safety and security, relations between the Kosovo Serbs – supported by Belgrade – and the Kosovo Albanians remained fragile and tense. Kosovo Albanians wanted independence and were growing impatient with what they perceived to be a lack of progress under UNMIK, while Kosovo Serbs entrenched themselves, with parallel institutions being run by Belgrade¹⁹ in Serb majority areas, particularly in North Mitrovica, in Northern Kosovo. Tensions sometimes boiled over, and in March 2004 Kosovo Albanian dissatisfaction with the lack of progress led to anti-Serb and anti-UN riots. Before being brought under control by KFOR intervention, the violence left 19 people dead and displaced another 4,200 Kosovo Serbs, Roma, Ashkali and Egyptians. It also considerably slowed down the rate of return of those Kosovo Serbs and RAE who had been displaced in the second half of 1999 in the face of reprisals by the Kosovo Albanians.²⁰

The UN Secretary General appointed former Finnish President Martti Ahtisaari as Special Envoy in 2005, in order to negotiate a solution to the undecided status of Kosovo, which was causing increasing difficulties in the governance of the territory. In 2007 he presented his conclusions, recommending “internationally supervised independence” for Kosovo. A detailed account of what this should look like was presented in the Comprehensive Proposal for the Kosovo Status

¹⁷ UNHCR (1999). *Kosovo Crisis Update*. 6 August 1999. <http://www.unhcr.org/3ae6b80f30.html>.

¹⁸ UNMIK (2014). *UNMIK Background*. <http://www.un.org/en/peacekeeping/missions/unmik/background.shtml>
However they have kept a presence in Kosovo until the present.

¹⁹ See: International Crisis Group (2011). *North Kosovo: Dual Sovereignty in Practice*. Crisis Group Europe Report N°211, March 14, 2011; and Ivan Briscoe & Megan Price (2011) *Kosovo's New Map of Power*.

²⁰ Internal Displacement Monitoring Centre (2005). *Serbia IDPS from Kosovo. Stuck Between Uncertain Return Prospects and Denial of Local Integration*. <http://www.internal-displacement.org/publications/2005/serbia-and-montenegro-idps-from-kosovo-stuck-between-uncertain-return-prospects-and-denial-of-local-integration-> p. 24; Vedran Džihčić & Helmut Kramer (2009). *Kosovo After Independence Is the EU's EULEX Mission Delivering on its Promises?* Friedrich Ebert Stiftung: <http://library.fes.de/pdf-files/id/ipa/06571.pdf> p. 9-10.

Settlement (or Ahtisaari Plan). The Plan required Kosovo to ensure that the rights of the Kosovo Serb minority were protected, and imposed an International Civilian Representative (ICR) to oversee the transition to self-government, with the power to revoke decisions made by the Kosovo authorities that were in contravention to the Ahtisaari Plan and a European Union (EU) mission to assist with the development of the Rule of Law. A new Security Council Resolution would be needed for the Plan to be implemented.

Unilateral Declaration of Independence: Enter EULEX

In spite of the intense diplomatic efforts undertaken by Ahtisaari to ensure all parties would accept his proposal, Serbia – backed by Russia – rejected it once it was presented. Russia also rejected all the drafts of a new Security Council Resolution to replace UNSCR1244, after which its proponents – the EU and the United States of America (USA) – discarded it in July 2007. As a result, the required new Security Council resolution never materialized. Unwilling to wait any longer, Kosovo unilaterally declared independence on February 17, 2008, promising to follow the recommendations in the Ahtisaari Plan, and accordingly inviting the ICR and EU Mission (European Rule of Law Mission in Kosovo - EULEX Kosovo). However, this unilateral declaration of independence made the legal situation and international presence complicated, as in the absence of a new Security Council mandate, UNSCR1244 remained in force and UNMIK stayed, though it reduced its strength and reconfigured its focus, working primarily on promoting human rights.²¹ Many of its responsibilities on civilian administration and rule of law were transferred to Kosovar institutions and EULEX. Serbia rejected the declaration of independence and, unsuccessfully, challenged its legality at the International Court of Justice.

EULEX was to have a maximum size of 1950 international staff – consisting of police, judiciary and customs personnel – and 1200 local staff.²² It has a mandate to Monitor, Mentor and Advise (MMA) the Kosovar Rule of Law institutions – the Kosovo Police, judges, prosecutors, and customs officials – in order to support their development, as well as an executive mandate to investigate, adjudicate and prosecute cases related to: war crimes, terrorism, organised crime and high level corruption, property and privatisation cases and other serious crimes.²³ Kosovars often refer to this as EULEX’s mandate to ‘catch the big fish.’

²¹ In 2009, UNMIK reported that the reconfiguration process involved the Mission being reduced from an overall authorized personnel strength of 4,911 to 507 personnel, comprising 491 civilians, 8 United Nations police and 8 military liaison officers. See: UN Secretary General (2009). *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*. S/2009/300.

http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2009/300 p. 4. As of June 30 2014, UNMIK reports a strength of 15 total uniformed personnel (9 military liaison officers and 6 police officers), 115 international civilian personnel, 210 local staff and 6 UN Volunteers (UN (2014). *UNMIK Facts and Figures*.

<http://www.un.org/en/peacekeeping/missions/unmik/facts.shtml>)

²² European Union – European Security and Defence Police. (2009). *EULEX KOSOVO – European Rule of Law Mission in Kosovo*.

http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/091214percent20FACTSHEETpercent20EULEXpercent20Kosovopercent20-percent20versionpercent209_EN.pdf.

²³ Council of the European Union (2008). Council of the European Union (2008). *COUNCIL JOINT ACTION 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO* http://www.eulex-kosovo.eu/en/info/docs/JointActionEULEX_EN.pdf.

Kosovo in 2014

The ICR ended its supervision of the transition to independence and the implementation of the Ahtisaari Plan on 10 September 2012. Serbia still does not recognize Kosovo, but after heavy diplomatic efforts of the EU, Kosovo and Serbia signed an agreement to begin ‘normalization of relations’ on April 19, 2013.²⁴ This normalization process includes Serbian recognition of Kosovar institutions – albeit not of Kosovo’s independence as a state – which has already allowed for Kosovar municipal elections in Kosovo Serb dominated areas (with Serbia encouraging Kosovo Serbs, including IDPs living in Serbia, to vote)²⁵ to take place in May 2014. Though voter turnout was low and violence marred the first round in northern Kosovo, this was a first step towards improved relations between Serbia and Kosovo.²⁶

The security situation has much improved. Civilian forces, particularly the Kosovo Police and EULEX, have been able to take on tasks of public safety, and KFOR presently maintains only a deterrent presence of 5,500 troops.²⁷ EULEX is still actively working in Kosovo, and in spring 2014 its mandate was extended until June 14, 2016, though with a reduced capacity of approximately 2,000 (combined international and local²⁸) personnel and with a reduced budget.²⁹ However, tensions between Kosovo Albanians and Kosovo Serbs still occasionally lead to violence, particularly in the divided town of Mitrovica. For example, on June 22, 2014, when Kosovo Albanians clashed with police in protests over Kosovo Serb-built barricades on the bridge over the river Ibar separating North Mitrovica (Kosovo Serb) and South Mitrovica (Kosovo Albanian), KFOR was called upon to support riot police.³⁰

²⁴ For a detailed account of the process and content, see: ICG (2013). International Crisis Group (2013). *Serbia and Kosovo: The Path to Normalisation*. Crisis Group Europe Report N°223, February 19, 2013.

²⁵ Internal Displacement Monitoring Centre (2014a). *IDP rights in Kosovo and Serbia should be a key consideration for EU membership talks*. <http://blog.internal-displacement.org/2014/01/24/idp-rights-in-kosovo-and-serbia-should-be-a-key-consideration-for-eu-membership-talks/>.

²⁶ Internal Displacement Monitoring Centre (2014b). *Serbia IDP Figures Analysis*. <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/serbia/figures-analysis>.

²⁷ NATO (s.d.). KFOR is mandated to be in Kosovo under UNSCR1244, and is therefore mandated until such a time that UNSCR1244 is ended.

²⁸ EULEX (s.d.). *What is EULEX?* <http://www.eulex-kosovo.eu/en/info/whatisEulex.php>.

²⁹ Valerie Hopkins & Edona Peci (2014). *EU Shrinks Kosovo Rule-of-Law Mission*. Balkan Insight, 18 July 2014. <http://www.balkaninsight.com/en/article/eu-shrinks-kosovo-rule-of-law-mission>.

³⁰ BBC (June 22, 2014). *Clashes in Kosovo's Mitrovica over bridge blockade*. <http://www.bbc.com/news/world-europe-27969297>.

THE IDP SITUATION IN 2014

In spite of the improved security situation, hundreds of thousands of Kosovo Serbs, RAE, as well as some 10,000 Kosovo Albanians still find themselves in protracted situations of displacement. According to Serbian counts, some 209,000 registered IDPs from Kosovo and Metohija (another disputed area) – including Kosovo Serbs, as well as RAE – were still residing in Serbia in late 2013,³¹ though an profiling exercise estimates that this number is 97,000 – significantly lower because it only counted those who had not returned home or moved elsewhere and were still in need of assistance.³² Many RAE do not register however, so their number is likely higher.³³ Only about 18,000 IDPs have returned from Serbia to Kosovo since 1999, and of those, only about 4,000 stayed – the rest were displaced again.³⁴ Another 11,000 people displaced from Kosovo are living in Montenegro, of whom an estimated 3,000 are Roma.³⁵ Within Kosovo, at least another 17,300³⁶ people remain in situations of displacement, of which 50 percent are Kosovo Serbs, 40 percent Kosovo Albanians, 5 percent RAE.³⁷ Most Kosovo Serbs are located in areas around North Mitrovica and Serb majority areas in Southern Kosovo, while most Kosovo Albanians are displaced from North Mitrovica and located in South Mitrovica.

Durable Solutions: What Would it Take in Kosovo?

To achieve durable solutions for protracted displacement means to support the creation of a situation where IDPs no longer require assistance due to their displacement and can enjoy full human rights, without discrimination as a result of their displacement. There are three ways this can be achieved: by reintegration at the place of origin; by local integration at place of refuge; or by integration in another part of the country. The IDPs themselves should be able to make a fully informed and voluntary choice regarding these solutions.³⁸

³¹ Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC).(2014a). *Global Overview 2014: people internally displaced by conflict and violence - Serbia*, May 14, 2014.

<http://www.refworld.org/docid/53747471d.html>

³² Internal Displacement Monitoring Centre (2014b). *Serbia IDP Figures Analysis* <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/serbia/figures-analysis>

³³ Internal Displacement Monitoring Centre (2005). *IDPs from Kosovo*. p. 9: Estimates ranged as high as 40,000 or 50,000.

³⁴ Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC).(2014a). *Global Overview 2014: people internally displaced by conflict and violence - Serbia*, May 14,2014:

<http://www.refworld.org/docid/53747471d.html>

³⁵ Dusica Tomovic (2014). *Montenegro Refugees Risk Being Declared Illegal*. Balkan Insight, June 10, 2014.

Available online: <http://www.balkaninsight.com/en/article/montenegro-refugees-risk-being-declared-illegal>

³⁶ Official numbers are not available. The first profiling exercise on IDPs in Kosovo is being undertaken in 2014.

³⁷ Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC)(2014b). *Global Overview 2014: people internally displaced by conflict and violence - Kosovo*, May 14, 2014.

<http://www.refworld.org/docid/5374747fb.html>. The source does not give an explanation for the final 5 percent; presumably they are from other ethnicities.

³⁸ See: OCHA (2004) *Guiding Principles on Internal Displacement*.

<http://www.brookings.edu/~media/Projects/idp/GPEnglish.pdf>; and The Brookings Institution/University of Bern Project on Internal Displacement (2010). *IASC Framework on Durable Solutions for Internally Displaced Persons*. http://www.brookings.edu/~media/Research/Files/Reports/2010/4/durable%20solutions/04_durable_solutions.PDF

Kosovar IDPs seem to prefer either integration in the current location or return. A study carried out by the Danish Refugee Council in 2009³⁹ found that the majority of IDPs located in Serbia – 76 percent of Kosovo Serbs and 93.9 percent of RAE – prefer integration in Serbia over returning to Kosovo, though only 54.5 percent of Kosovo Serbs and 34.7 percent of RAE felt they had sufficient information about the situation in their place of origin, making it questionable that this choice is fully informed. Kosovo Serb IDPs reported that they especially lacked information about the security situation, status related consequences for the return process– i.e. what the current status of Kosovo means for their status in the territory, access to social benefits, connections to Serbia etc. – and questions regarding the legal status of their property. RAEs, on the other hand, were somewhat concerned about the security situation and questions of Kosovo’s status, but were more concerned about missing information on the legal status of their property and access to social services and health care. Although “Go-See-Visits” (GSVs) are a great way to find this information, few IDPs have been able to go on one, with 32.2 percent of Serbs reported having participated in such a visit and only 8.1 percent of RAEs. Interest in participating is high among Serbs (41.1 percent said they would like to go on one), RAEs are less interested in this (8.1 percent said they would like to go). Moreover, most of those who said they wished to stay in Serbia cited fear for their safety after return, their property being destroyed and a worry that their freedom of movement would be restricted as reasons for not wanting to return.⁴⁰

For IDPs within Kosovo, the picture is slightly different. 92.5 percent of Kosovo Albanians prefer to return to their place of origin, whereas 65.9 percent of Serbs want to stay in their current place of residence. Kosovo RAEs were split on whether they wanted to stay or return: 47.5 percent prefer to return to their place of origin, whereas 52.5 percent would like to stay in their current place of residence. Interestingly, 79.9 percent of Kosovo Serbs felt they were well-informed about the situation in their place of origin, where only 13.3 percent of Kosovo Albanians felt they had sufficient information. Kosovo Albanians were particularly concerned about missing information on the security situation, state of their property, status related consequences, access to legal institutions and employment opportunities. Kosovo RAEs reported mostly lacking information on status-related consequences, the security situation and employment opportunities and for Serbs the only concern mentioned was the security situation. GSVs were attended by approximately 20 percent of both Kosovo Serbs and Kosovo Albanians and 16 percent of Kosovo RAEs, but only Kosovo Albanians reported an interest in participating.⁴¹

A June 2014 report by the UN Special Rapporteur on the Human Rights of IDPs emphasizes that in the Kosovo case, adequate housing and resolution of property disputes are key for achieving durable solutions.⁴² To deal with property disputes related to the conflict, Kosovo has a

³⁹ See: Slobodan Cvejic, Marija Babovic & Danish Refugee Council (2009). *IDPs from and within Kosovo. Vulnerabilities and Resources*.

http://www.drc.dk/fileadmin/uploads/pdf/IA_PDF/West%20Balkan/IDPs%20from%20and%20within%20Kosovo.pdf.

⁴⁰ See: Slobodan Cvejic, Marija Babovic and Danish Refugee Council (2009). *IDPs from and within Kosovo*.p. 28-30.

⁴¹ There was no information available that explains this difference in interest in the GSVs between the different ethnic groups.

⁴² UN General Assembly, Human Rights Council (2014). *Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani. Follow-up mission to Serbia, including Kosovo*. UN doc number: A/HRC/26/33/Add.2 ; Internal Displacement Monitoring Centre (2014b). *Serbia IDP Figures Analysis*.

designated agency established by UNMIK and heavily supported (and to a certain extent staffed) by the international community: the Kosovo Property Agency (KPA). Of the 42,729 cases filed with it, 41,448 cases (or 97 percent) have been decided.⁴³ Its decisions are enforceable by an enforcement officer of the KPA (often internationally hired), with assistance from the Kosovo Police if necessary, though enforcement is often a challenge.⁴⁴ In addition a great number of cases are not adjudicated by the KPA but in local courts, where processes take much longer and are far more complicated for the applicants.⁴⁵

Municipalities play a key role in settlement and returns of IDPs, including housing issues. The Organization for Security and Cooperation in Europe (OSCE) has worked with municipalities to create the institutional framework and capacity to manage returns and settlement of IDPs.⁴⁶ Rehabilitation of property (either full or partial reconstruction) is a primary need and the international community (for example International Organization for Migration [IOM] and UN Development Program [UNDP], with significant EU funding) has supported the construction of adequate housing and reconstruction of damaged property for some of the displaced.⁴⁷ In some cases, IDP returns and reconstruction of housing has led to increased ethnic tensions, particularly where Albanians are returning to Serb majority areas, such as in North Mitrovica. For example, reconstruction of houses for Albanian returnees and returns in the neighbourhood of Kroji Vitakut/Brdjani led to violent clashes with Kosovo Serbs in the area on more than one occasion.⁴⁸

⁴³ This high percentage has been attributed to the involvement of the international community, and the fact that a special adjudication body was established, whereas in many other post-conflict cases local courts have the jurisdiction over property disputes and this considerably slows down adjudication. Dan Bilefsky (2008). *As Kosovo Rebuilds, U.N. Hurries to Return Property*. New York Times, February 16, 2008.

<http://www.nytimes.com/2008/02/16/world/europe/16kosovo.html>.

⁴⁴ Milica, V. Matijević (2012). *Access to Justice for Internally Displaced Persons from Kosovo*.

http://www.pravnapomoc.org/web/access_to_justice.pdf p.7.

⁴⁵ Ibid. p.7.

⁴⁶ See for information on this process: OSCE (2012). *An Assessment of the Voluntary Returns Process in Kosovo*.

<http://www.osce.org/kosovo/96805>; OSCE (2011). *Assessing progress in the implementation of the policy*

framework for the reintegration of repatriated persons in Kosovo's municipalities.

<http://www.osce.org/kosovo/73854>; and OSCE (2010) *Municipal Responses to Displacement and Returns in*

Kosovo. <http://www.osce.org/kosovo/99236>.

⁴⁷ IOM (2014). *EU-Return and Reintegration IV awarded to IOM Kosovo, with the total value of 4 million Euro*

<http://kosovo.iom.int/eu-return-and-reintegration-iv-awarded-iom-kosovo-total-value-4-million-euro> ; UNDP

(2008). *Return and Reintegration in Kosovo*.

http://www.undp.org/content/dam/undp/documents/projects/KOS/00048936_RRK_FINAL_REPORT_JUNE_20111.pdf.

⁴⁸ EULEX (2009) *Head of EULEX Police Visits Kroji Vitakut / Brdjani*. 4 May 2009. [http://www.eulex-](http://www.eulex-kosovo.eu/en/news/000162.php)

[kosovo.eu/en/news/000162.php](http://www.unmikonline.org/PR/1769percent20percent20SRSGpercent20condemnspercent20yesterday'spercent20incidentspercent20inpercent20Kroipercent20Iper); UNMIK (2011) UNMIK (2011). *SRSG condemns yesterday's incidents in Kroji*

Vitakut/Brdjani. 10 November 2011. [http://www.unmikonline.org/PR/1769percent20-](http://www.unmikonline.org/PR/1769percent20percent20SRSGpercent20condemnspercent20yesterday'spercent20incidentspercent20inpercent20Kroipercent20Iper)

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[cent20Vitakutpercent20Brdjani.docx](http://www.unmikonline.org/PR/1769percent20percent20SRSGpercent20condemnspercent20yesterday'spercent20incidentspercent20inpercent20Kroipercent20Iper); Aliu, F. (2012a) *Explosion Fuels Tension in Northern Kosovo*. 21 November

2012. <http://www.balkaninsight.com/en/article/explosion-betings-rocks-kosovo-s-north> ; Aliu, F. (2012b). *Several*

Kosovo Serb Policemen Under Investigation. 23 November 2012. [http://www.balkaninsight.com/en/article/8-](http://www.balkaninsight.com/en/article/8-kosovo-serb-policemen-under-investigation)

[kosovo-serb-policemen-under-investigation](http://www.balkaninsight.com/en/article/8-kosovo-serb-policemen-under-investigation).

PEACEBUILDING AND CONFLICT PREVENTION

A Herculean Task: Institutions, Infrastructure and Economic Development

After the FRY forces and administration left Kosovo in 1999, the province was left almost entirely without administration, law enforcement and judiciary. As most administrative positions had been filled by Serbs since the province's autonomy was revoked, there were very few qualified Kosovo Albanians to fill positions. Moreover, Kosovo was one of the poorest areas in the Former Yugoslavia, and the war had damaged or destroyed much of the area's infrastructure and property. Under these circumstances building peace was an enormous challenge.

UNSCR1244 tasked UNMIK to provide civilian administrative services, set up local institutions and transfer authority when possible, maintain and develop law and order, protect and promote human rights, support infrastructure reconstruction and economic development, provide humanitarian relief and support the creation of the conditions for the return of refugees and displaced persons.⁴⁹ The UNMIK administration consisted of four pillars, each led by different international actors:

- Pillar I: Law Enforcement and Justice led by the United Nations;⁵⁰
- Pillar II: Civil Administration, under the United Nations;
- Pillar III: Democratization and Institution Building, led by the Organization for Security and Co-operation in Europe (OSCE); and
- Pillar IV: Reconstruction and Economic Development, managed by the EU.⁵¹

Initially, in the absence of existing functioning Kosovar institutions, state tasks were largely assumed by international UNMIK staff. UNMIK police (CIVPOL) provided policing services, while UNMIK Justice provided courts with judges and prosecutors to sit in panels with local judges and prosecutors. Pillars II and III worked on building Provisional Institutions of Self-Government (such as municipal administrations, a democratic Assembly and national line ministries) as well as on reforming the justice sector and building a police force. However, much of the authority for the latter two remained firmly in UNMIK's hands until after the unilateral declaration of independence in 2008.

At the same time, UNMIK Pillar IV (the EU) worked towards rehabilitation of infrastructure and property and general economic development. Economic prosperity is one of the key ingredients for sustainable peace⁵² as well as one of the determining factors in IDPs' decisions on durable

⁴⁹ UNSCR1244 art.11.

⁵⁰ Pillar I originally focused on assistance to displaced persons, and was led by UNHCR, but when most displaced persons had returned home by June 2000, operations on assistance to IDPs were phased out and the pillar was designated to law enforcement and justice in May 2001.

⁵¹ Bernabéu, I. (2007). 'Laying the Foundations of Democracy? Reconsidering Security Sector Reform in under UN Auspices in Kosovo'. *Security Dialogue*, Vol. 38, No.1 p. 71-92. p. 73.

⁵² See: Hoogenboom, J. (2011). *The EU as a Peacebuilder in Kosovo*.
http://www.eplo.org/assets/files/2.percent20Activities/Civilpercent20Societypercent20Dialoguepercent20Network/Memberpercent20Statepercent20Meetings/Romania/EPLO_Policy_Analysis_EU_as_a_Peacebuilder_in_Kosovo_CSDN_Meeting_Romania.pdf.

solutions. This has been important, as Kosovo was – and remains, in spite of all the efforts – one of the poorest areas in Europe. According to UNDP in 2013, Kosovo’s poverty rate is 29.7 percent and the unemployment rate is 35.1 percent with youth unemployment at 60.2 percent.⁵³ Though the poverty rate is down from earlier rates which were as high as 45 percent,⁵⁴ the economic picture is still dire.

After independence, Kosovo’s new institutions assumed much of the responsibility for internal management of the state, though in the area of the Rule of Law (police, courts and customs), the EU maintained a strong role. The remainder of this section looks in more detail at some of the reforms undertaken in the security and justice sectors, in particular those that might contribute to durable solutions for IDP situations: developments in the Kosovo Protection Corps and the Kosovo Security Force, the Kosovo Police and – briefly – the justice sector.

Kosovo Protection Corps and Kosovo Security Force

When FRY and Serbian forces left Kosovo, the KLA saw itself both as the new police force for the territory⁵⁵ and the new army of an independent Kosovo.⁵⁶ However, this was problematic for the international community given the history and reputation of the KLA – which included allegations of human rights abuses; a bad reputation among Kosovo Serbs as well as among many moderate Albanians;⁵⁷ and the fact that a Kosovo army could be construed as a *de facto* recognition of independence – which UNSCR1244 had deliberately left undecided. Given these factors, the international community was reluctant to allow the KLA to claim these tasks.

Instead, it was agreed that part of the KLA would be incorporated in a new Kosovo Police Service and part would form the Kosovo Protection Corps (KPC): a lightly armed force under control of UNMIK, with non-military tasks such as disaster response, search and rescue, humanitarian assistance in isolated areas, de-mining and rebuilding infrastructure and communities.⁵⁸ The KPC was formed in September 1999⁵⁹ and the International Organization of Migration was tasked with selection, recruitment and training of the force.⁶⁰ The KPC had about

⁵³ UNDP (2014) *About Kosovo*. <http://www.ks.undp.org/content/kosovo/en/home/countryinfo/>.

⁵⁴ World Bank (2013). *Kosovo Poverty Rate*.

<http://data.worldbank.org/indicator/SI.POV.NAHC/countries/KV?display=graph>.

⁵⁵ William G. O’Neill, (2012). *Police Reform in Situations of Forced Displacement Chad, Eastern Zaire, and Kosovo*.

<http://www.brookings.edu/~media/Projects/idp/tjpercent20casepercent20studies/ONeillpercent20Policepercent20Reform.pdf>. p. 12

⁵⁶ International Crisis Group (2006).

⁵⁷ William G. O’Neill, (2012). *Police Reform in Situations of Forced Displacement* p. 12.

⁵⁸ KFOR (24 September 1999) *KFOR Press Conference by Dr Kouchner, Special Representative of the Secretary General and Lt Gen Mike Jackson – COMKFOR*, 24 September 1999.

<http://www.nato.int/kosovo/press/1999/k990921b.htm>.

⁵⁹ In fact, this transformation of the KLA into the KPC was hailed as a ‘very good example of successful Demobilization, Disarmament and Reintegration (DDR)’ at the 2009 First International Conference on DDR, held in Cartagena, Colombia, May 4-6, 2009. Author’s notes on conference.

⁶⁰ See: Anna Di Lellio, (2005) *A Civil Alternative: An Evaluation of the IOM KPC Program*. Blog, Beyond Intractability. <http://www.beyondintractability.org/casestudy/dilellio-civil>; IOM (2004) *Kosovo Protection Corps Training Program*. Pristina: IOM. Available online: http://www.iomkosovo.org/files/KPC_English.pdf. Also see: Ramadan Qehaja, Florian Qehaja . & Kosum Kosumi,. (s.d.). *The process of demobilization and integration of former Kosovo Liberation Army members – Kosovo’s perspective*. Kosovar Center for Security Studies.

3,000 active members and 2,000 reserves, though funds for the latter dried up in 2003, effectively reducing the force to 3,000 active members.⁶¹ It was to be multi-ethnic, but it was never able to recruit sufficient minorities, in particular Kosovo Serbs, who boycotted the force as they did not want to be part of an organization so closely associated with the KLA. After the unilateral declaration of independence, in accordance with the Ahtisaari Plan, the KPC was ‘stood down’⁶² and the Kosovo Security Force (KSF) established. It was to be multi-ethnic and democratically governed, with a slightly larger mandate than the KPC: in addition to disaster response, emergency relief and humanitarian tasks, it would take on security tasks for which the Kosovo Police was less suited and be prepared to take on international duties in peace operations around the world. Former KPC members were allowed to apply for the new force, but had to meet all the criteria for the KSF, including physical fitness standards. Since many of the KLA/KPC veterans were older by now, many of them did not qualify and retired instead. As such, the conversion of the KPC into the KSF allowed a rejuvenation of the force. NATO trained the KSF recruits and a Ministry of the KSF was set up for its management, with the Kosovo Assembly democratically controlling the force. Yet, many former KLA Commanders were re-appointed to high posts in the new KSF, including some accused of war crimes, corruption and connections with organized crime.

Police Reform

In the absence of a Kosovo police force after the Serbian forces left in 1999, the international community took a two track approach to deliver policing services: on the one hand, UNMIK deployed 4,500 international civilian police officers (CIVPOL) to establish law and order in the territory; and on the other hand it built the Kosovo Police Service, so as to ensure that authority for policing could be transferred from UNMIK to local police as soon as possible.⁶³

UNMIK decided that the new Kosovo Police Service (KPS) would be based on the principles of democratic policing and representational of all societal groups, with a 15 percent minority and a 20 percent female representation, and Kosovo Albanians, Serbs, Gorani, Ashkali, Turks and Bosniaks working together within one service. The OSCE was tasked with recruitment and providing eight weeks of training⁶⁴ at a new police school, while CIVPOL provided on-the-job-training. UNMIK also designed the policies, procedures and strategies of the KPS. The initial aim was for a force of 4,000 police officers, which was later increased to 6,000. About 50 percent of the police service consisted of former KLA combatants, though they had to apply and meet the same physical and psychological standards as every other recruit.⁶⁵

<http://qkss.org/web/images/content/Processpercent20ofpercent20demobilizationpercent20andpercent20integrationpercent20ofpercent20formerpercent20KLApercent20members.pdf>

⁶¹ ICG (2006). *An Army for Kosovo?* Crisis Group Europe Report N°174, July 28, 2006 p. 15.

⁶² ‘Stood down’ is the official terminology used by KFOR. It meant that the entire KPC was disbanded, and its members demobilized. Those who wished to do so could apply for a position in the new Kosovo Security Force.

⁶³ See: Peake, G. (2004). *Policing the Peace: Police Reform Experiences in Kosovo, Southern Serbia and Macedonia*, Saferworld, London <http://www.saferworld.org.uk/resources/view-resource/46-policing-the-peace> p. 16-23.

⁶⁴ This training was deliberately accelerated and hence short, due to the urgent need to deploy officers on the streets. See Peake, G. (2004), *Policing the Peace*. p.18-19.

⁶⁵ William G. O’Neill, W. (2012). *Police Reform in Situations of Forced Displacement* p. 12.

The OSCE aggressively recruited among ethnic minorities and women and was largely able to meet the ethnic and gender representation quota.⁶⁶ There is some debate as to whether this led to a truly multi-ethnic police: some report that cooperation among different ethnicities was good and ties between groups were strengthened,⁶⁷ whereas others indicate that this cooperation was superficial at best and did not work in practice – with ethnic officers only working in their own communities.⁶⁸ Democratic policing formed a large part of the training, though it was difficult to fit sufficient content into the 8 weeks available for training of new recruits and the content of follow-up training was inconsistent due to the fact that UNMIK police consisted of 50 nationalities, with a very diverse interpretation of “democratic policing.”⁶⁹

Over the years, the KPS became gradually more autonomous. For example, in 2004 KPS officers themselves were able to take on instruction tasks, mentoring new recruits⁷⁰ and as of 2007 responsibility for training was delegated to the KPS itself, though this allegedly led to a significant fall in standards.⁷¹ Throughout these years, the KPS was consistently one of the most trusted security institutions in the country, though trust among the Kosovo Serb population was generally low.⁷² Overall, however, the creation of the KPS is considered one of the SSR success-stories of UNMIK.

After independence, Kosovar authorities decided to rename the KPS ‘Kosovo Police’ (KP). EULEX took over the task of monitoring, mentoring and advising the KP. The KP has continued to develop and reform and has recently developed strategies for Intelligence Led Policing and Community Policing⁷³, keeping a focus on serving communities and people, providing public safety and fighting and preventing crime and terrorism. The total number of people working for the KP was an estimated 9,000 in 2012.⁷⁴ Pay remains low, with consequences for security as some police officers refuse to work in protest of the low remuneration.⁷⁵ Trust remains high however – except among Kosovar Serbs – and the KP is generally perceived as much less corrupt than other Kosovar institutions.⁷⁶

⁶⁶ Ibid. p. 12-13.

⁶⁷ Ibid. p. 13.

⁶⁸ Peake, G. *Policing the Peace* p. 18.

⁶⁹ Ibid. p. 17.

⁷⁰ Ibid. p. 20.

⁷¹ IGC (2010). *The Rule of Law in Independent Kosovo*. Crisis Group Europe Report N°204, 19 May 2010 p. 8

⁷² UNDP Kosovo (2013). *Public Pulse Report 6*.

http://www.ks.undp.org/content/dam/kosovo/docs/PublicPulse/PP6/PPR6_Anglishtpercent206.pdf p. 21-24.

⁷³ Forum for Security. (2011) *Reforms in Kosovo Police*. http://www.fiq-fci.org/repository/docs/Reforms_on_Kosovo_Police.pdf

⁷⁴ William G. O’Neill (2012). *Police Reform in Situations of Forced Displacement*. The KP has no more up to date information available on their website.

⁷⁵ ICG, 2010. *The Rule of Law in Independent Kosovo*. p. 9.

⁷⁶ UNDP, 2013. *Public Pulse Report 6*. The Public Pulse reports report significantly higher trust than Saferworld, which did its own study of public perceptions of security and safety, though this could be because the questions were asked in a slightly different way. Regardless, they both find that there is a significant difference between trust in the security forces as expressed by Kosovo Serbs and Kosovo Albanians, with Kosovo Albanians expressing much higher trust than the Kosovo-Serbs. See: Saferworld (2012).

Judiciary Reform

Similar to the police, in 1999 most judges and prosecutors – almost all Serbs and Kosovo Serbs due to systemic purges of Kosovo Albanians by the Serbian government in the 1990s – left Kosovo, taking all court records with them as they moved the courts to Serbia proper. UNMIK Justice attempted to fill the void, having to determine first which law was to be applied, in the end settling on Yugoslav law from before the revocation of autonomy in 1989. With the courts that had moved to Serbia also claiming jurisdiction in the territory and using a different law system, a very complex – and duplicative – situation was created, allowing for the possibility of opportunistic ‘court shopping’ by disputants who disagreed with a verdict, the risk of double jeopardy (being tried twice for the same crime)⁷⁷ and confusion over where to go for access to justice. Bureaucratic infighting over admissibility of documents approved by one court system in the other further hampered access to justice.⁷⁸ The Kosovar justice system under UNMIK – with international and local judges sitting in courts together - was unable to process the large number of cases (many due to the conflict), creating an enormous backlog in the justice system, which neither UNMIK nor subsequently EULEX has been able to address effectively.

Reform processes have included: the establishment of the Kosovo Judicial Council and Prosecutorial Council to govern the sector; revisions of the legal system; vetting of judges and prosecutors; capacity-building programs for judges, prosecutors and court assistants; rehabilitation of courthouses; and provision of equipment (computers) and case management systems. In spite of all these reforms, the Kosovar population – across all ethnic groups – has very little confidence in its judiciary.⁷⁹

Security Sector Reviews and National Security Strategy Development

If the security sector is to be perceived as effective and legitimate, it needs to be aligned with the security and justice needs of the population. Security Sector Review processes can help ensure this, if they are inclusive and ensure that community concerns and needs are taken into account. In Kosovo, in 2006 the Internal Security Sector Review (ISSR) process mapped the security sector, security needs and required reforms. The review process was designed to be inclusive: managed by a broad based steering group consisting of relevant Kosovar authorities, political leaders and representatives of the international community, it aimed to include the perspectives of all communities, including minorities. This was to be achieved through such mechanisms as focus group discussions, visits of the “Have-Your-Say” bus in all areas of Kosovo and an ISSR ‘hotline’ where people could share their views.⁸⁰ It aimed to be holistic, by focusing not only on traditional security topics such as crime and policing, but also on the economy and health. Still, critics of the process maintained it was insufficient, as it neglected the issue of gender and did

⁷⁷ Madeline England, (2012). *Linkages between Justice-Sensitive Security Sector Reform and Displacement* p. 12-13.

⁷⁸ This has especially severe consequences for IDPs located in Serbia, who need unimpeded access to courts in order to settle property disputes. See: Milica, V. Matijević (2012). *Access to Justice for Internally Displaced Persons from Kosovo*.

⁷⁹ Saferworld (2012). *Still time to act. Rising conflict fears in Kosovo Public perceptions of safety, security, and justice providers in Kosovo at the end of 2011*. <http://www.saferworld.org.uk/resources/view-resource/696-still-time-to-act-rising-conflict-fears-in-kosovo> p.14.

⁸⁰ OECD (s.d.). *Communication and outreach on SSR in Kosovo*. http://issat.dcaf.ch/Home/Community-of-Practice/Resource-Library/Case-Studies/Communication-and-outreach-on-SSR-in-Kosovo_2

not sufficiently take into account ongoing reforms in the security sector, such as community policing programs for the KPS.⁸¹

The results of the review process were published in early 2006. Recommendations included a focus on economic development, the creation of a Kosovo Defence Force (later renamed Kosovo Security Force), the establishment of a National Security Council and revision of flawed legislation on national security. Based on the findings of the ISSR, UNDP created a follow-up programme called ‘Support to Security Sector Development,’ to support the implementation of the recommendations.⁸²

Most of the reforms proposed by the ISSR were implemented over the next six years. In 2012, the Kosovo Government announced that a new review was required and called for a Strategic Security Sector Review (SSSR). Similar to the ISSR process, this SSSR was to be inclusive and holistic as well as transparent and accountable, in order to ensure that its outcomes would focus on security and safety needs as perceived by Kosovars. Unfortunately, this ambition was not met. Due to several flaws in the design and implementation of the process – a lack of clear timelines and delays, a strong US influence focusing on defence, high influence of regional political issues and budget deficits, to name but a few – the SSSR lost its inclusive, transparent and holistic character along the way.⁸³ Although the review⁸⁴ addressed some wider security issues including the role of the police, intelligence and other security actors, the process “effectively concluded as a defence review aimed at achieving the Minister of the KSF’s desire to create a National Army.”⁸⁵

In addition, there have been two processes to develop a National Security Strategy (NSS). Initially, in 2009, the Kosovar Government started developing such a strategy in a process intended to be inclusive, locally-owned and transparent. This process was led by the Kosovo Security Council, with working groups to look at different aspects of security, inviting opinions from both local and international actors. However, along the way, the International Civilian Office (the office supporting the International Civilian Representative mandated to oversee Kosovo’s transition to independence) took on a more and more invasive role, appointing an international consultant to ‘aid in the process,’ and eventually almost single-handedly rewriting the entire document. In the end “the process took about a year and, after some bitter in-fighting with elements of the international community, led to a document that satisfied nobody.”⁸⁶

⁸¹ Saferworld/FIQ. (2007) *The Internal Security Sector Review: the future of Kosovo’s security sector?* <http://www.saferworld.org.uk/resources/view-resource/242-the-internal-security-sector-review-the-future-of-kosovos-security-sector>.

⁸² Anthony Welch (2011). *Security Sector Reform and the Confusion and Competition Nexus: the Case of Kosovo*. http://eprints.port.ac.uk/4142/1/A._Cleland_Welch_THESIS_.pdf p. 170.

⁸³ Anthony Welch (2014c). *Appraising the 2006 Kosovo Internal Security Sector Review – Part Two*. Blog, Centre for Security Governance, 11 June 2014. <http://www.ssresourcecentre.org/2014/06/11/appraising-the-2006-kosovo-internal-security-sector-review-part-two/>.

⁸⁴ See for the report: Government of the Republic of Kosovo (2014). *Analysis of the Strategic Security Sector Review of the Republic Kosovo*. http://www.kryeministri-ks.net/repository/docs/Analysis_of_Strategic_Security_Sector_Review_of_RKS_060314.pdf.

⁸⁵ Anthony Welch, A. (2014d). *Appraising the 2006 Kosovo Internal Security Sector Review – Part One*. Blog, Centre for Security Governance, 10 June 2014. <http://www.ssresourcecentre.org/2014/06/10/appraising-the-2006-kosovo-internal-security-sector-review-part-one/>.

⁸⁶ Dennis Bleas & Florian Qehaja (2013) The conundrum of local ownership in developing a security sector: the case of Kosovo.’ *New Balkan Politics*, No. 14. p. 11.

Since no one was satisfied with the NSS produced in 2010, the Kosovo Government decided to develop a new NSS concurrently with the SSSR. Unfortunately, this process was highly secretive, opaque and lacked inclusivity. In fact, even the resulting NSS has not been made public.⁸⁷ Moreover, as the SSSR was taking place at the same time as the development of the second NSS, its findings could not be included in the new security strategy. As such, in Kosovo, only the ISSR has effectively had a strong focus on inclusivity of community voices.

⁸⁷ Forum for Civic Initiatives (FIQ), GAP Institute, the Institute for Development Policy (INDEP), and Kosovo Law Institute (2013). *The new Kosovo Security Strategy formulation process. Inclusiveness and transparency.* http://www.institutigap.org/documents/45119_Thepercent20newpercent20Kosovopercent20Securitypercent20Strategypercent20developmentpercent20process.pdf.

THE LINKAGES BETWEEN SSR AND SUSTAINABLE SOLUTIONS

When displaced people trust that the security and justice institutions guarantee their safety and access to justice, these institutions contribute to durable solutions for their displacement.⁸⁸ In addition to other measures, such as restitution of property, conflict resolution, justice mechanisms, access to employment, income and social services, they are more likely to return to their original communities or to integrate into the communities in which they have settled when they feel confident not only that they will be safe but that there are effective institutions that guarantee their safety. Therefore, to the extent that SSR contributes to the creation of trust in and legitimacy of the security and justice sectors among the entire population, including IDPs, it can also be considered as a contribution to durable solutions to situations of displacement. Such trust and legitimacy derives from justice and security institutions' effectiveness and efficiency in maintaining public safety, addressing crime and resolving disputes, as well as from their inclusivity, responsiveness to all societal groups and accountability (for future as well as past wrongs).⁸⁹

This section looks at some of the specific ways in which SSR efforts have attempted to increase trust and legitimacy, thereby contributing to durable solutions in Kosovo. It will focus on lessons of what went well, what could have been improved and what needs to be done to strengthen the linkages between SSR and efforts to support durable solutions for IDPs.

Vetting

As both England⁹⁰ and Caparini⁹¹ point out, one of the ways in which integrity, legitimacy and thereby trust in security and justice institutions can be built, is by vetting of security personnel. Weeding out those responsible for past abuses and crimes, including those committed during conflict, allows citizens to see that perpetrators are held accountable for their actions. It also provides a basis for building trust that abuses are less likely to occur in the future.

Vetting has been a key feature of much of the reform efforts in Kosovo. For the KPS, the vetting process was rigorous from the outset. Though there was an agreement that 50 percent of the new police force would be made up of ex-KLA combatants, they had to follow the same application process as any other aspiring police officer, which included stringent standards and testing on both physical and psychological fitness, including background checks on past behaviour. This did much to ensure the legitimacy of the KPS/KP – which has consistently reported high levels of trust – and prevented the inclusion of abusive, criminal and corrupt elements to a large degree.

⁸⁸ See: Marina Caparini (2012) 'Ensuring Long-Term Protection'; Madeline England (2012) *Linkages between Justice-Sensitive Security Sector Reform and Displacement*; and William O'Neill *Police Reform in Situations of Forced Displacement* (2012).

⁸⁹ Caparini, (2012) 'Ensuring Long-Term Protection'.

⁹⁰ England (2012),) *Linkages between Justice-Sensitive Security Sector Reform and Displacement* p. 7.

⁹¹ Caparini (2012). 'Ensuring Long-Term Protection' p. 283.

For the Kosovo Protection Corps, the picture was different. It was intended to have an application and vetting process very similar to the KPS.⁹² Members were selected from those who had registered with the demobilization program run by the International Organization for Migration.⁹³ Due to the fact that it was very much the result of a political compromise between the international community and the KLA leadership's aspirations to dominate security institutions in Kosovo, the KPC membership still held strong ties to the KLA, including to its history of violence and connections to crime, which some KPC members maintained even after the disbandment of the KLA.⁹⁴ The KPC was never accepted among the entire population: it was popular among Kosovo Albanians – some of whom, including many in the KPC, believed it was the army of Kosovo⁹⁵ – but mistrusted by the Kosovo Serbs.⁹⁶ When the KSF was established in 2010, all applicants – including former KPC members – had to meet the regulatory requirements (physical, medical, knowledge and interview), as well as pass a vetting process.⁹⁷ Those former KPC members who did not pass the recruitment criteria were resettled, reintegrated, or retired in dignity.⁹⁸ In spite of this renewed vetting process, the KSF is trusted by the Kosovo Albanians, but mistrusted by the Kosovo Serbs,⁹⁹ presumably because it is still seen as a successor to the KLA and its reputation as Kosovo's army which signals independence.¹⁰⁰

In the justice sector, the International Judicial and Prosecutorial Commission (IJPC) undertook two rigorous vetting and re-appointment processes, one for judges and one for prosecutors, in 2009. After the process, 60 percent of the judges and prosecutor positions were filled by new people – ‘a significant rejuvenation of the Kosovo Judiciary.’¹⁰¹ Unfortunately, the process was cumbersome and slowed down the already backlogged system as judges and prosecutors under review were not allowed to work. By extension this had a significant effect on the adjudication of IDPs' cases related to property disputes. There was also resistance to take part in the process,¹⁰² and minorities, in particular Kosovo Serbs refused to participate in it.¹⁰³ As a result, a recent EU report notes that there are still insufficient judges and prosecutors, and that minorities in particular are underrepresented.¹⁰⁴

⁹² KFOR (1999). *KFOR Press Conference by Dr Kouchner, Special Representative of the Secretary General and Lt Gen Mike Jackson – COMKFOR*, 24 September 1999.

⁹³ ICG (2006). *An Army for Kosovo?*, p. 3.

⁹⁴ Emma Skeppström & Anna Weibull (2012). *Security Force in the Making: Capacity building in Kosovo*. FOI, Swedish Defence Research Agency. http://www.foi.se/ReportFiles/foir_3276.pdf, p. 23.

⁹⁵ Anna Di Lellio (2005). *A Civil Alternative*.

⁹⁶ *Ibid*, p. 3.

⁹⁷ M-KSF (2010). *Vetting process at KSF is legal obligation*. 18 February 2010. <http://mksf-ks.org/?page=2,24,133>.

⁹⁸ NATO (s.d. b) *NATO's role in Kosovo*. http://www.nato.int/cps/en/natolive/topics_48818.htm.

⁹⁹ UNDP (2013) *Public Pulse Report 6*, p. 21-22 & Saferworld (2012) *Still time to act*, p. 13-24.

¹⁰⁰ In fact, the Ministry of the KSF was renamed ‘Ministry of Defense and Armed Forces’ in early 2014, and on the 21st of February, Prime Minister Hashim Thaci announced that the KSF would soon be renamed ‘Kosovo Armed Forces’, actions which he hailed as “the closing segments of the institutions that complete Kosovo's statehood.” (Hashim Thaci, (2014). *Speech of Prime Minister of the Republic of Kosovo to commanders and officers of Kosovo Security Force held at Pristina, 21 February 2014*. <http://www.kryeministri-ks.net/?page=2,9,4047>.

¹⁰¹ European Commission (2011). *Overview of the EC assistance in the Rule of Law Sector in Kosovo*. http://eeas.europa.eu/delegations/kosovo/documents/press_corner/eu_assistance_in_the_judiciary_en.doc

¹⁰² Author interview with representative of the international community, Pristina, 2010.

¹⁰³ European Commission (2012) *Kosovo. Progress Report 2012*.

http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf p. 9.

¹⁰⁴ *Idid*, p. 9.

Thus, the case of Kosovo demonstrates that although vetting is important to ensure that people with a history of abuse or ties to crime do not get reappointed in the new security and justice structures, in a situation where ethnic tensions and unresolved political questions continue to play a role, vetting is not necessarily sufficient to increase trust across all ethnic groups. Furthermore, the Kosovo case shows that there is a need to carefully balance the needs for vetting and for a functional justice and security sector. This is particularly important in durable solutions since there is a trade-off between vetting processes and IDPs' needs for prompt adjudication and enforcement on property disputes. While vetting processes are undoubtedly necessary to ensure legitimacy, they need to have clear and short timelines and ensure buy-in and cooperation, in order to minimize disruption to delivery of justice and security services.

Inclusion and Responsiveness

Representation of all groups in SSR processes and security and justice institutions can make a significant contribution to ensuring that the security and justice sectors are sensitive towards the needs of the most vulnerable, including minorities and IDPs.¹⁰⁵ In the case of Kosovo, the international community was particularly careful to ensure that SSR efforts were inclusive. For example, the Internal Security Sector Review process reached out to all communities in Kosovo, including those in minority areas, though the subsequent SSSR and the development of the National Security Strategies¹⁰⁶ were less successful at being inclusive. For the police, the KPC and later KSF, as well as the justice sector, quotas for minority representation were set to ensure inclusivity. The OSCE actively recruited minorities for the police service and managed to fill 15 percent of positions with people from minority ethnic backgrounds. It also filled about 20 percent of positions with female candidates and emphasized ethnic collaboration during its trainings.¹⁰⁷ Though the KPC had trouble recruiting minorities into its ranks due to its linkages with the former KLA, the KSF was able to recruit minorities – including Kosovar Serbs – and 179 of the KSF's personnel comes from minority groups, which comes to approximately 8.2 percent of the total force.¹⁰⁸ The justice sector has had the biggest difficulty ensuring multi-ethnic representation, in particular because Kosovo Serb judges and prosecutors are reluctant to work within the Kosovar institutions. Nevertheless, the Kosovar case gives several good examples of a focus on representation and inclusion in justice and security sector reform.

However, it also demonstrates that creating a multi-ethnic security and justice system that is responsive to the needs of all, requires more than filling minority quotas. For example, though the KP includes all ethnic groups, most officers work within their own ethnic communities. It is particularly difficult for Kosovo Albanian officers to serve in majority Kosovo Serb areas and vice versa. With specific respect to the IDP situation this has reportedly led to at least one case in

¹⁰⁵ Marina Caparini (2012) *Ensuring Long-Term Protection*; Marina Caparini (2013). *Ensuring Long-Term Protection: Justice-Sensitive Security Sector Reform and Displacement*. Available online: <http://ictj.org/publication/ensuring-long-term-protection-justice-sensitive-security-sector-reform-and-displacement>.

¹⁰⁶ For a detailed account of how the development of a National Security Strategy can be sensitive to IDP needs and concerns, see: Madeline England (2012). *Linkages between Justice-Sensitive Security Sector Reform and Displacement*.

¹⁰⁷ William O'Neill (2012). *Police Reform in Situations of Forced Displacement* p. 12-13.

¹⁰⁸ Comprised of: 30 Ashkali, 49 Bosniaks, 5 Croats, 20 Egyptians, 2 Gorans, 3 Romani, 16 Serbs and 54 Turks Ministry for the Kosovo Security Force (2013). *Ministry for the Kosovo Security Force Newsletter*. April 2013. http://www.mksf-ks.org/repository/docs/Newsletter_APRIL.pdf.

the mixed neighbourhood of Kroi i Vitakut / Brdjani, in northern Mitrovica - where several Kosovo Serb KP officers refused to intervene when IDP properties were being damaged and construction workers repairing homes for Kosovo Albanian returnees were harassed.¹⁰⁹ Though the involved officers were suspended and the incident investigated, this goes to show that ensuring inclusiveness and ensuring multi-ethnic representation is a good first step, but does not guarantee that the security and justice institutions will be equally responsive to every group.

Creating a truly multi-ethnic security and justice system – where ethnic background no longer plays a factor determining whose needs will be addressed and who will receive service – takes time: by nature, SSR is a long-haul effort.¹¹⁰ Building inclusive, effective, responsive and accountable security institutions takes decades. In the meantime, training should continue to emphasize security and justice providers' duty to deliver effective services to *all* citizens regardless of status or background. Investigating and disciplining cases of police officers who do not act to protect specific ethnic groups – as was done with the KP officers who refused to protect the property of Albanians – can serve as a method to prevent future occurrences of this kind and contribute to trust. Building stronger ties to communities can also promote better service delivery. The KP seems to be doing just that, by having developed a 'community policing strategy and action plan,' setting up municipal community safety councils and becoming more proactive in creating and maintaining partnerships with all communities.¹¹¹

Property Restitution: Access to Justice and Enforcement of Decisions

One of the main concerns for sustainable solutions for Kosovar IDPs is property restitution and compensation. SSR efforts can assist in this, by ensuring that IDPs have easy and affordable access to justice mechanisms to address property disputes and by ensuring that decisions are effectively enforced.

In Kosovo, the Kosovo Property Agency (KPA) is a good example of a mechanism designed to allow easy access to justice mechanisms on conflict-related property disputes. Established by UNMIK in 2006, it was set up to deal with claims related to immovable property resulting from the conflict between February 27, 1998 and 20 June 20, 1999. The KPA ensured that it was accessible and transparent by having multiple offices around Kosovo and specifically in areas where there were many property disputes, such as Pec, Gjilan, Pristina and Mitrovica. In addition, the KPA worked in both Serbian and Albanian languages and operated a website¹¹² where claimants could check the status of their claims, download decisions and find information about procedures and statistics.¹¹³ The KPA could also assist in the rental of a property should an IDP who won a claim wish to do this rather than returning to the property. This allowed IDPs to reclaim property without forcing them to return to it, allowing IDPs an avenue for making a fully free and informed decision on a durable solution to their displacement. As such, the KPA's

¹⁰⁹ Fatmir Aliu (2012b) *Several Kosovo Serb Policemen Under Investigation*.

¹¹⁰ OECD (2007). *OECD-DAC Handbook on Security Sector Reform. Supporting Security and Justice*.
<http://www.oecd.org/development/incaf/38406485.pdf>

¹¹¹ European Commission (2013). *Kosovo. Progress Report 2013*.

http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf p. 49.

¹¹² In a country like Kosovo, where internet access is fairly easily obtained and literacy is high, a website is a good communication tool.

¹¹³ See: <http://www.kpaonline.org/default.asp>.

working methods are examples of how a justice mechanism can positively contribute to durable solutions for displacement.

However, claims can take a long time to be adjudicated by the KPA, decisions have sometimes proven hard to enforce¹¹⁴ and implementation of decisions is not always achieved. There have been cases, for example, where evictees move back in as soon as the KPA and law enforcement leave, leading to situations where evictions have to be carried out multiple times.¹¹⁵ Evictees – themselves often poor and unemployed – resented being evicted and claimed they had no alternatives.¹¹⁶ Evictions have also led to difficult and tense situations, especially since most claims are from Kosovo Serbs whose property has been illegally occupied by Kosovo Albanians, in some cases former KLA members, who will (forcefully) resist eviction.¹¹⁷

Moreover, for various legal reasons, many property disputes related to the conflict are adjudicated in local courts, rather than by the KPA.¹¹⁸ Access to these courts is much less easy – due to high court fees, bureaucratic obstacles resulting from the difficult relationship between Serbia and Kosovo, and jurisdiction disputes.¹¹⁹ In short, “for various reasons the legislative and institution-building processes undertaken in Kosovo [...] did not recognize the specific needs of IDPs in relation to their access to justice or did not provide for an adequate institutional response.”¹²⁰

The EU’s efforts to normalize relations between Serbia and Kosovo may serve to address some of these issues, as it focuses on working out many of the bureaucratic hurdles that Kosovars – and IDPs in particular – experience when trying to get access to justice as a result of the unresolved disputes over the status of the territory. An EU sponsored program on access to justice for IDPs from Kosovo by providing legal aid and involving law enforcement agencies including the KP and EULEX when necessary to ensure the safety of the claimants,¹²¹ is also a good example of a program that links justice and security work to the needs of IDPs.

¹¹⁴ Milica Matijević (2012), *Access to Justice for Internally Displaced Persons from Kosovo*, p. 7.

¹¹⁵ *Ibid.*, p. 7.

¹¹⁶ Dan Bilefski, *As Kosovo Rebuilds, U.N. Hurries to Return Property*.

¹¹⁷ <http://www.nytimes.com/2008/02/16/world/europe/16kosovo.html>.

¹¹⁸ *Ibid.* p. 7-8.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*, p. 41.

¹²¹ Pravnapomoc (s.d. b) *Success Stories 2013*. <http://www.pravnapomoc.org/web/index.php/en/project-success-stories.html>.

CONCLUSION

Though in general the communities of practice working on durable solutions for displacement and peacebuilding/SSR have operated separately, the Kosovo example actually points to many positive linkages between peacebuilding, SSR and the creation of durable solutions for protracted IDP situations. The representation of minority communities and vulnerable groups in security and justice institutions, vetting of security and justice actors, setting up and implementing accountability mechanisms for abuses or failure to protect, and the establishment of specific and accessible justice mechanisms for property disputes resulting from the conflict are examples of SSR efforts that were sensitive to the needs and concerns of IDPs.

The case of Kosovo demonstrates that although representation of minorities and vulnerable groups is a necessary condition, in itself it is not sufficient to create a truly multi-ethnic security and justice system which provides effective security and justice services to all citizens, regardless of their ethnic background and status. As such, creating a multi-ethnic justice and security system also requires other inputs; notably it requires political commitment and above all time, since legitimacy and trust grow from experience and are built from recurring positive interactions between society and the security sector as well as discipline and accountability when these interactions are negative. In addition, SSR efforts –and especially training – should continue to emphasize the importance of service delivery to all citizens, regardless of status or background and community policing efforts can facilitate trust building.

This study also suggests the importance of vetting for engendering legitimacy of security forces, especially among minority groups, including IDPs. Trust in those institutions where vetting was made a priority from the start, such as the police, was higher than for institutions where vetting was more difficult, or took a back seat to other peacebuilding needs (such as the need to appease former combatants – as in the case of the KLA’s incorporation into the KPC). Similarly, institutions where multi-ethnic representation was successfully made a priority, such as the police, were perceived as more legitimate – including among minority groups – than those where multi-ethnic representation failed, such as the KPC and the judiciary. As such, the evidence in this deskstudy seems to support the thesis that for SSR to effectively support durable solutions, vetting and multi-ethnic representation are recommended.

However, this demonstrates a correlation rather than a causal relationship. More research is required in order to understand if, in fact, and if so how, representation, vetting and representation were key determining factors for the legitimacy of security and justice institutions, including among IDPs, and whether and how this contributed to durable solutions. For example, explicitly including IDPs in perception surveys on the security sector – such as the UNDP’s *Public Pulse* – would allow for a disaggregated and more rigorous tracking of the legitimacy of security actors among IDPs, which could provide more insight into the linkages between SSR efforts, legitimacy of and trust in the security sector, and IDPs’ sense of security. Alternatively, needs assessments and profiling exercises of IDPs could include questions on security and justice needs, as well as topics of legitimacy and trust. More qualitative research would also be needed to tease out the exact mechanisms that drive changes in perceived security or insecurity and the role that security and justice programming plays in this, as well as how this contributes to achieving durable solutions. In addition, it would be interesting to see how other trust-building

mechanisms, such as community policing, contribute to trust and legitimacy of the security and justice system among IDPs and thereby durable solutions.

Finally, this study highlights the importance of access to justice – particularly on property disputes – for sustainable solutions to displacement in Kosovo. At the moment, this is hampered by backlogs and bureaucratic hurdles resulting from the continuing strained relations between Serbia and Kosovo. The efforts to normalize relations can contribute to access to justice, if they include a focus on IDP needs, including determining jurisdiction of courts and admissibility of documentation. Secondly, prioritization of conflict-related property cases in the backlogged justice system could expedite the facilitation of durable solutions.

Overall, the task of finding durable solutions to displacement requires efforts to meet the security and justice needs of IDPs, who want safety, a reliable and accessible security and justice system, and justice, reparations and restitution of property as preconditions for their sustainable settlement. As such, SSR programs focused on developing mechanisms and institutions to meet society's justice and security needs and work on achieving durable solutions are intrinsically linked. EU support programs to improve the access of IDPs to justice mechanisms are one way in which this linkage has been recognized explicitly in programming for Kosovo's IDPs. However, such a program is more an exception than the rule, as international humanitarian actors more often than not have focused solely on humanitarian requirements to achieve durable solutions for IDPs and ignored longer-term security (and to a lesser extent justice) issues, while international peacebuilding and development actors working on SSR have not considered the specific needs and concerns of IDPs in their programming. Coordination between humanitarian and SSR actors – in particular those working on the police and military – is one part of the answer to ensure that programs are better linked. In addition, SSR programs need to become more sensitive to the particular issues and challenges in supporting durable solutions, particularly areas where they are well-placed to contribute. This could be done by incorporating IDPs as a disaggregated category in SSR assessments and monitoring, training development and delivery, and policy development, to address the context-specific IDP needs. At the same time, humanitarian actors working with IDPs would be well advised to take note of longer-term peacebuilding activities addressing justice and security challenges, to ensure that IDP concerns are taken into account.

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