

OCA MATRIX - MUNICIPAL LEVEL

IV. SUSTAINABLE RETURNS AND THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

A. SUSTAINABLE RETURNS AND RIGHTS OF COMMUNITIES – REVISED POST 17 MARCH 2004

1. SUSTAINABLE RETURNS

1. Municipalities and ministries are able to assume responsibility for returns within all communities in a manner consistent with European standards.

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
4.1.4 Each municipality develops a municipal returns strategy for 2004 and subsequent years, and the returns strategies are implemented effectively.			0=no strategy is in place; 4=strategy is implemented.		X			Strategy is formed but had declarative character. Action plan was added on UNMIK intervention. No actions based on strategy were initiated by municipality so far.
4.1.5 Each municipality with ingoing or projected returns has established and fulfilled a Municipal Returns Officer			Number of municipalities which have developed, endorsed and			X		Two MROs are recruited but still play very limited

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post with appropriate Terms of Reference in place.			implemented Municipal Returns Strategies and hired Municipal Returns Officers					role in organization of return process. CEO does not guide them properly so far.
4.1.7 Ensure community, returnee and IDP women representatives are involved in decision-making and planning for communities and returns issues at all levels.			Gender experts, women’s stakeholders in communities are increasingly included in the development and implementation of return strategies	X				Occasionally IDPs’ women reps. take part in MWG. None of women municipal reps. take part in the process.
4.1.8 1.8 Municipal Working Groups and Municipal Assemblies (including Municipal Directorates) provide ongoing support for returns in the municipality at a level consistent with the demand for return and including a commensurate level of resources, including ultimate assumption of responsibility for MWGs by municipality.			Please, provide inputs on support provided			X		MWG is still the key element of return process at municipal level. MA does not play any role in it. President is active and supportive. Departments are also involved in support of returns on UNMIK requests.
4.1.9 Task Forces, including representatives from the returning community, have been established and function effectively to address individual organized returns			0=no action is taken 1=task force is established		X			One TF is formed for a project of an organized return.

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projects and locations where such projects are contemplated). (Task Forces report to the Municipal Working Group).			2=TF includes representatives of returning community 3=TF functions are effective 4=TF is very well functioning according to the ToR						It meets at <i>ad hoc</i> basis.

2. The number of municipalities with sustainable returns increases, including an increase in returns to urban areas, the pace of returns overall accelerates, and the level of unmet demand for return has been substantially reduced. [Provide figures to substantiate this]

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
4.2.3 All persons displaced in March 2004 who wish to return to their homes are able to do so in safety and dignity			Number of individual spontaneous and facilitated returns in 2004 as against 2003		X				76 returnees to the municipality in 2003; 7 – in 2004 while 16 left Kosovo according

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								to MCO statistics. All IIDPs returned to their houses in Viti/na town after March 2004. But out of 10 renovated houses (IV-V Cat) 2 are sold.
4.2.4 Municipalities supporting returns through local structures wherever needs have been identified through IDP demand, and all projects described in 2004 Strategy for Sustainable Returns have been reviewed and implemented where there is IDP demand and sufficient funding.			Number of Concept Papers in development and under implementation in 2004, as against 2003			X		1 project for organized return was completed in 2003. 1 CP for another project of organized return was approved in 2004.
4.2.5 All returnees are provided with adequate identification documents in a timely manner. The responsible authorities provide, to the extent possible, returnees with any other documentation necessary in order for them to exercise their right to return.			Number of returnees who are not yet provided with IDs			X		Returnees are normally provided with needed documents on their requests, which are facilitated by MCO
4.2.6 Returns projects that are consistent with the Manual for Sustainable Return and related policy documents are developed and implemented in all locations where sufficient demand is identified.			Please provide inputs on number of projects developed and implemented			X		1 is implemented in 2003, but no real return took place, one is in

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									process of implementation now, CP for the third one just was approved by MWG
4.2.7 Returns projects in urban areas involving repossession of residential property developed and implemented, respecting the right to return in safety and dignity, wherever demand is identified.			Number of returns projects to urban areas which begin implementation	X					There is no real return to urban area. Moreover for 2003-2004 minority property transactions in town registered by UNMIK only: 48 houses/18 apartments. General tendency in Viti/na town is still selling of minority property.
4.2.8 Individual and small group returns effectively and promptly served by mechanisms to support their sustainable return (including BPRM and UNHCR programs, and the RRRF), and responsibility for those mechanisms is ultimately assumed by municipalities.			Please report on individual and small groups returns in the municipalities, and provide information on responsibilities assumed by the municipalities		X				Returns is still organized and supported mainly by international elements, while municipality takes part in dialogues, meetings with IDPs, etc.

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									Municipality has not assumed and is not ready to assume returns mechanisms.
4.2.9 When there is resistance to return at municipal or local level, it is responded to promptly and eliminated through coordinated action (including mediation/dialogue). Central returns and communities structures actively monitor progress and intervene to remove obstacles. Ethnic community leaders also contribute constructively to returns process.			Please report on response to resistance, and provide information of the initiation of the dialogue			X			UNMIK engaged MA President for dialogues with receiving community in all three return locations. It helped to different extent.
4.2.11. Revised edition of the Manual for Sustainable Return is completed and distributed. Changes reflected in the revised Manual are implemented.			1=revision of the Manual is done 4=the Manual revised is implemented		X				
4.2.12 Rate and location of returns and extent of demand closely monitored and reported in transparent manner, including information on ethnicity and gender of returnees. Improved monitoring of ongoing displacement, including property sales.			Please provide information on the report system and on ethnicity and gender of the returnees		X				Only MCO does monitoring, while municipal MROs are passive.
4.2.13 Information database regarding displaced population, demand within displaced population, and level of returns is improved.			Please provide information on the IDPs return	X					UNMIK and MCO have data base, while municipality has no.

3. Returnees to Kosovo are able to participate in the economy and job market without discrimination and limitations based on the freedom of movement

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<p>4.3.1 Minority employment in both central and municipal levels of government, civil service, and public utilities in accordance with proportional ranges and with equitable distribution of ethnic communities in senior-level positions. Full implementation of Section 10 of Administrative Direction 2003/2 implementing UNMIK Regulation 2001/36 (Fair Representation in Civil Service), UNMIK Regulation 2001/19 and UNMIK Regulation 2001/36. Civil Service Law is strictly enforced in cases of discrimination and unethical conduct.</p>			<p>Number of community members, including returnees, who are proportionally represented in the public sector Percentage of women belonging to communities employed in the Kosovo Civil Service in comparison with men belonging to communities</p>			X		<p>Quantitative requirements may be considered achieved but status of most non-majority employees tends to be on the lower salary scale side. 8 returnees are employed within municipal departments since 2000.</p>
<p>4.3.2 Continued inclusion of income generation components in concept papers supporting returns projects, and development of regional approaches to</p>			<p>Please report whether the income generating components are included</p>			X		<p>Yes, but they are small in comparison</p>

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income generation.			in the concept papers of the municipalities						with infrastructure parts, municipality insists on.
4.3.3 Identify and remove barriers to the participation of community members in the economy and job market, including those obstacles deriving from gender-biased procedures, practices and behavior. Ensure returnee and IDP participation in vocational/professional training and programs, promoting a gender-sensitive approach.			Number of community members, including returnees, and women, receiving vocational/professional training.		X				Minorities municipal employees take part in trainings, but number of employed returnees is low.

4. Health care, social services, education and public utilities are available to returnees on a level equal to that of the rest of the population

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4.4.6 Connection and supply of public utilities to returnees is provided efficiently and without discrimination.			Please indicate cases of discrimination	X					Reconnection of electricity is done on UNMIK intervention only, KEK requires paying of bills from returnees for

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								the period of illegal occupation of their houses.
4.4.7 Monitor returnee access to social services, education and public utilities, using a gender-sensitive approach, and ensure that all barriers preventing the equal access to services are effectively removed.			Please indicate cases of discrimination			X		Returnees have access to municipal services, but normally it facilitated by MCO staff

5. Returnees face no greater risk of violence than the population as a whole, and police and the judiciary respond promptly and without discrimination to crimes, irrespective of the ethnic background of the victim.

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4.5.1 Development of crime prevention councils in municipalities with significant inter-ethnic population or potential returns and effective implementation of these councils.			1=development of crime prevention council 4=effective implementation of these councils		X			LCPC functions but is still not involved in practical resolution of problems, It is at organizational stage yet.
4.5.3 Political leaders of all political parties and at all levels publicly encourage all Kosovans to cooperate with police in solving all crime,			Please provide numbers of			X		MA president or MA make

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including inter-ethnic crime.			declaration of the local leaders					declarations after serious interethnic crimes or incidents. It was done in March 2004 and in May 2005 after explosion of kS house
4.5.4 In addition to what may be accomplished through regular operational activities increase public confidence in police through community policing, proactive public information strategy and better public understanding.			Please provide information on any proactive information campaign		X			KPS is active with interethnic summer/winter camps, awareness programs. There is no public information strategy.
4.5.7 Community dialogue and response to violence are increasingly dealt with through joint initiatives, including Communities Committees and Mediation Committees, crime prevention councils and other forums, which engage discussion and negotiation to prevent and resolve security-related concerns.			Please report on the municipal initiatives as to prevention of security concerns	X				Public awareness campaign in schools on basic law, human rights proposed by LCPC for KPS.

6. Funding is allocated from the KCB to support returns projects and smaller communities.

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<p>4.6.1 Sufficient funding regularly allocated from KCB to support returns projects and communities, including the earmarking of funds to support municipalities constructively engaged in returns projects and minority integration.</p>			<p>Amount of funds allocated from KCB to support returns (2005 compared to 2004)</p>	<p>X</p>				<p>All return projects are exclusively funded by foreign donors. Moreover municipality tries to increase infrastructure part of projects within allocated funds.</p>

7. Visible support of the returns process by community leaders and public information and education efforts supported by the PISG create a climate of tolerance and support for the right to return.

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<p>4.7.4 Visible support by majority community leaders at all levels, including positive regular public declarations enhancing minority rights, and encouraging returns as well as visits to community areas and returns sites.</p>			<p>Number of public statements made by public officials and community leaders; Number of GIVs, GSVs, visits to returns sites in</p>			<p>X</p>		<p>MA President is very supportive; CEO also takes part in meetings with IDPs. MROs are passive.</p>

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			which community leaders participate.						
4.7.6 Relevant PISG authorities at both central and municipal levels in direct contact with the IDP community and its representatives, including through involvement in 'Go-and See Visits' and 'Go-and-Inform Visits' and through producing public information for the displaced.			Please provide information on the possible information campaigns	X					Facts are not known so far.
4.7.7 Community dialogue and response to violence are increasingly dealt with through joint initiatives involving all political parties.			Please provide numbers on such joint initiatives		X				All initiatives are limited to joint declaration after March 2004.
4.7.8 Civil society engagement in and support for returns and integration projects are supported politically and financially by PISG on both central and municipal level and that support extends to all qualified NGOs without discrimination.			Please provide numbers on projects politically or/and financially supported by PISG on local level		X				Minority return projects are politically supported at municipal level, while practically municipality initiated only return for majority to a remote village, which was supported by PISG at central level.

8. PISG support for returns, including financial assistance, is distributed equitably to all communities.

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<p>4.8.1 Including financial assistance, is distributed equitably to all communities. Reporting on spending (both distribution and utilization) is reviewed to ensure equitable distribution of funds to all communities, consistent with size of community, needs of community members, and demand for return.</p>			<p>Percentage allocation for returnee community from municipal PISG funds supporting return</p>	X				<p>Nil</p>

9. The laws of Kosovo provide a full range of protection for human rights and the rights of communities and their members, consistent with European standards.

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<p>4.9.5 Legislation at municipal and central level include vital interest clause that provides special provisions in the protection of immutable rights of communities</p>			<p>Please indicate the system to protect the rights of communities existing in the legislation at the local level</p>	X				<p>Does not exist.</p>

11. A comprehensive and effective structure is in place within the PISG to monitor compliance with human and community rights and to respond to violations

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<p>4.11.4 Full implementation at central and municipal level of Ministry of Public Services AI 2003/12, Implementing AD 2003/2 and Regulation 2001/36. In particular, creation of Equal Opportunities Officer and drafting of EO policy statement and EO implementation policy.</p>			<p>0=no action is taken, 1=creation of equal opportunity officer 2=drafting EO policy, 3=implementation of EO policy 4=full implementation of the legal instruments</p>	<p>X</p>				<p>No EO Offr is in place</p>

12. Mechanisms within municipalities responsible for protection of human and community rights (Municipal Community Offices, Municipal Assembly Communities and Mediation Committees) have adequate resources and staff, and are functioning effectively.

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<p>4.12.1 Municipal Community Offices fully constituted and supported by Municipal authorities leading to their ultimate integration into mainstream municipal structures, and any revisions in local self-government laws maintain MCO structure as integral part of municipal governments.</p> <p>•Specific efforts made to improve cooperation by CEOs with MCOs, and strengthen links</p>			<p>Number of municipalities in which regular Communities and Mediation Committee meetings are held; Number initiates</p>			<p>X</p>		<p>CC/MC function and have in average 1 meeting per 1-2 months. MCO has practical coordination with nearly all</p>

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between municipal structures and MCOs (potentially through recommendations to be developed by Office on Communities, with support from OCA; •Staffing and funding needs of MCOs evaluated and addressed			taken to improve the collaboration between MCO and municipal structures,					municipal structures, but a lot of disagreements occur
4.12.2 In cases where financial support for these entities is inadequate, appropriate resources are allocated promptly.			Please provide information on the funds allocated to MCOs		X			MCO has constant problems with postponing of allocations, processing is very slow, which is also a general problem. Municipality de facto reduced MCO budget the last 2 consecutive years
4.12.4 Full implementation of Pillar II Administrative Instructions on the working of the Mediation and Communities Committees and Additional Deputy Presidents. Committees meeting regularly, have access to all municipal documents and offices, are well received by CEO and Municipal President and communities address them and participate in their work.			0= no action is taken, 1=MC and CC are functional 2= MC and CC regularly meet, 3= MC and CC have access to all documents and offices 4= full			X		CC/MC function, but still press on municipal structures for their full recognition and support.

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			implementation of their mandate					
4.12.5 Municipal Officials enabled to properly acknowledge and address human rights problems			Please report on human rights issues, minority related cases and complaints	X				No info available on municipal involvement on human rights issues resolution.

13. There is fair distribution of municipal and ministerial resources to all communities

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4.13.2 KCB and Municipal budgets financing local groups' projects supporting returns, minority rights protection and tolerance building.			Please provide information on the projects financed by the local budget		X			FSF is generally respected by municipality but allocation of FSF from additional

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								funds from central level requires UNMIK interventions. No minority projects financed this year so far. Most of minority projects in previous years are also financed by int. donors.	