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## SPECIAL REPORT 57

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# Balkan Returns

## *An Overview of Refugee Returns and Minority Repatriation*

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### Briefly...

- In spite of the provisions spelled out in the peace agreements that concluded the Yugoslav wars, the number of minority returns throughout the former Yugoslavia is still low, indicating that there are considerable barriers to repatriation. The failure to draw refugees back to their towns and villages threatens the reconstruction of civic life, hinders the process of reconciliation and postpones the permanent conclusion of hostilities.



A family in the Stenkovec I refugee camp.  
19 May 1999. (UN Photo #ESD247)

- The return of minorities is a regional matter. Minorities often occupy houses that belong to others (e.g., in Republika Srpska and Sarajevo) and may strain resources in the places where they have taken refuge (e.g. in Republika Srpska, Montenegro, and Serbia). Minority returns will alleviate tensions in vulnerable states that cannot properly absorb refugees (e.g. Montenegro and Bosnia).
- The most successful returns have taken place in regions where security is no longer a major issue. Removal of war criminals and paramilitary forces is a critical step toward increasing the number of minority returns.
- Unresolved property rights issues are a second major impediment to minority returns.

- To promote minority returns, local leaders and the international community must work to improve governance and accountability.
- Refugee resettlement cannot take place without reconstruction. In order to draw refugees back home, the international community must recognize the need for active reconstruction and development initiatives and act in a timely manner.
- The situation in Kosovo is unique. Kosovo has witnessed massive "spontaneous returns" of the majority Kosovar Albanians, who have come back without the assistance of the international community. These returns are largely due to the removal of Yugoslav police and military units from the province.

## Introduction

The return of refugees, especially minorities, is essential to the reconstruction of multiethnic existence and the permanent conclusion of hostilities between the republics and peoples of the former Yugoslavia. Returns also relieve a burden on host states, many of which cannot properly absorb newcomers. The degree to which refugee returns may alleviate tensions in vulnerable states, and states truly at risk of political and social unrest, such as Montenegro, is not to be underestimated. The issue of refugee repatriation thus takes on regional proportions since returns facilitate the reintegration of ethnic minorities and may prevent further conflict in neighboring areas.

Four major agreements that provide for freedom of movement and settlement spell out the legal basis for refugees to return. These include the Washington Agreement, which created the Muslim-Croat Federation in Bosnia; the Erdut Agreement on Eastern Slavonia; the Dayton Accords; and the most recent, UN Security Council Resolution 1244 on Kosovo. While these texts identify the rights of citizens of the former Yugoslavia, they have yet to be fully implemented. Consequently, few refugees have taken the bold step of returning to regions from which they were expelled or fled in anticipation of conflict. The United Nations High Commissioner for Refugees (UNHCR) estimates that more than a million refugees have returned to the region as a whole. Around 600,000 refugees and internally displaced persons have returned to Bosnia and Croatia since 1995 and 760,000 Kosovars have returned to their homes since June 1999.

This report examines the reasons why refugees choose to return and the conditions that facilitate their repatriation. The following cases present a range of accounts, from Croatia, the most successful site of minority returns, to Bosnia and the FRY and Macedonia, where the situation is much bleaker and there are still considerable refugee problems. It emphasizes the importance of security and identifies practices, both administrative and political, that have impeded the return of refugees, especially minorities. In this context, the challenge for the international community is not only to improve physical security but to provide confidence in the process. This entails working to

eliminate the climate of fear produced during the war that was not immediately corrected by the postwar settlements in some republics, especially Croatia and Bosnia. Understandably, citizens who were ethnically cleansed are unlikely to return to their towns and villages while their attackers remain on the scene and pose the threat of further acts of terror. Providing security continues to be a daunting task for the international community, in spite of the significant troop deployment in Bosnia and Kosovo and the many rhetorical statements made by political leaders in the West. With this security problem in mind, this report also evaluates the role of the international institutions that have led the law enforcement efforts in Bosnia and Kosovo and identifies mechanisms for their improvement.

## **Refugee Returns in the Former Yugoslavia**

### **Croatia**

While far from perfect, Croatia's record on securing the return of refugees, primarily to the Danube region, has improved. UNHCR credits the Croatian government's political will and "actions taken to create and support a receptive and positive environment for free and unhindered return." The Croatian government's Office of Displaced Persons and Refugees reports that since 1991 approximately 27,000 Serb refugees have returned to other parts of Croatia from the Danube region, while nearly 40,000 displaced persons have returned to the Danube region. In addition, some 33,000 Croatian Serb refugees have returned from Bosnia and Herzegovina and the Federal Republic of Yugoslavia (FRY). Government estimates focus on the success of reintegrating minorities in the Danube region and put the number of Croatian Serbs who have returned at 25 per cent of the prewar population. Beyond the Danube region, the situation is normalizing and, according to UNHCR, Croatian Serbs have been returning from the FRY both in an organized manner and without the assistance of the international community. The fact that refugees have been returning in both an organized and spontaneous manner suggests that not only are the Croatian government and international community creating positive conditions for return, but refugees also feel that conditions are sufficiently safe for them to arrive on their own.

In spite of these positive developments, there are still considerable barriers to return and reconciliation. Few young Serbs have returned. UNHCR reports that more than 80 per cent of returnees are over sixty years old, which means that the prospects of sustaining a mixed community are low. For its part, the Croatian government's Commission on Return has been slow to act and has not communicated with the Return Coordination Committee and Housing Commission run by the international community to settle questions of restitution, alternative accommodation, property damage, etc. Decisions on illegal occupancy are not enforced. In addition, there are problems with the practice of clearing refugees to return. Often individual family members will receive clearance, while others who require medical treatment are not allowed to return and join their family members; there are even cases of war criminals having been cleared to return. Then, there are the bureaucratic problems: the state has been slow to issue permits and has yet to exempt refugees' personal

belongings from customs fees.

Unlike the situation in Bosnia, security is not a major problem, but isolated incidents still take place and include harassment of minorities. Many of these incidents are related to property disputes. It is discouraging to note that the Croatian government has allocated more resources to the reconstruction of homes for returning Croats than for returning Serbs. Over the next year, the increased tension in the FRY may unsettle the situation in the Danube region; there is a need for continued monitoring. There is also a need for more reconciliation efforts and the correction of Croatian voting laws that, in effect, disenfranchise Croatian Serbs.

## **Bosnia and Herzegovina**

During the war in Bosnia, over one million people were expelled or fled abroad. Bosnia's multiethnic tapestry was reconfigured after more than three years of war and ethnic cleansing. Since then, the problem of convincing refugees to return has been central to the Dayton Accords implementation effort. In addition, Bosnia has become a host state for thousands of refugees from other parts of the former Yugoslavia. The Republika Srpska currently harbors thousands of Croatian Serbs who fled following Operation Storm -- the 1995 Croatian Army offensive in the Krajina. In addition, Bosnia has received tens of thousands of refugees from Sandjak and Kosovo as a result of the 1999 crisis. The Kosovo conflict also brought an additional 30,000 Serbs to the Republika Srpska. This number includes returning Bosnian Serb refugees and Croatian Serbs who arrived following a secondary displacement from the Federal Republic of Yugoslavia.

Annex 7 of the Dayton Accords identifies conditions conducive to the return of refugees and records the importance of minority returns to the future of Bosnia. The Annex outlines various interventions, including legislative reform, the provision of multisectoral assistance to areas that are prepared to promote returns, and other initiatives aimed at the sustainable reintegration of minorities. Specific efforts by the international community include: UNHCR Open Cities Initiative, which encourages municipalities to promote minority returns by rewarding cooperating towns with aid; the Reconstruction and Return Task Forces (RRTF), which work on the national, regional, and local levels and are part of the Office of the High Representative (OHR); the Return of Qualified Nationals program, organized by the International Labor Organization; the Return Framework Group which includes the UNHCR and Organization for Security and Cooperation in Europe (OSCE) Missions in both Bosnia and Croatia; the Returnee and Displaced Persons Framework, which is designed to share agency resources in investigating and pressing return-related issues; and the Sarajevo Housing Commission, established to monitor the Sarajevo Declaration to increase the flow of minority returns to the capital. In addition, the UN agencies work with the World Bank to provide income generation grants, vocational training, and micro-credit loans to encourage returns and promote sustainable repatriation.

In spite of these provisions, few Bosnians have returned to areas where they

are a minority. The OSCE estimates that in 1998 over 140,000 returns took place of which some 35,000-40,000 were to minority areas. The low number of minority returns casts doubt on the policies and procedures established with the creation of the Dayton Peace Accords. Indeed, there is little confidence in the Dayton model, which has only compounded the ethnic polarization brought on by war. According to U.S. Information Agency data, in 1998 an overwhelming percentage of Bosnian Serbs (92 percent) and Croats (74 percent) believed that Bosnia could not survive as a state and should be dismantled on ethnic lines so that the entities could join with their ethnic parents next door. Given this situation, it is understandable why many refugees would be discouraged from returning to areas where they would exist as members of a minority group and in communities that reject the ideal of multiethnicity.

The reason for so few returns is not however limited to a lack of confidence in the postwar settlement. To date, the international community's efforts have largely focused on the removal of barriers, but the sense of fear and distrust shared by most Bosnians persists. Where the international community has actively sought to protect minorities and secured the cooperation of local leaders, there has been some progress. The International Crisis Group has documented both the barriers and facilitating conditions for return in two towns that had been ethnically homogenized as a result of the expulsions and conflict between Muslims and Croats. It records that between 1996 and mid-1998 some 1,000 Croats returned to Bugojno and 140 Bosniacs to Prozor-Rama, and argues that the repatriation of these few citizens was facilitated by the presence of effective RRTF structures.

In some cases, local leaders have permitted returns in exchange for economic concessions from the international community--concessions that bolster their political standing. For example, in Zvornik, the town in Republik Srpska that has seen the largest number of returns, 1,000 Bosnian Muslims returned to its outer villages. These returns came about only when the ruling Sloga coalition distanced itself from the nationalist Serb Democratic Party (SDS). In light of this practice, and the few minority returns that have resulted from such pressure tactics, the High Representative for Bosnia issued a number of decisions to provide the authorities in both the Muslim-Croat Federation and Republika Srpska with detailed instructions on the correct implementation of property laws. On October 27, 1999, the High Representative instructed the cantonal, municipal, and city authorities in both entities to establish functioning and efficient Housing Offices, free from political manipulation.

The following problems still prevent the return of minorities.

- lack of political will and commitment by the local authorities and the international community to the idea of returns;
- continued threats to the safety of returnees by members of the ethnic majority;
- intimidation, harassment, or inaction by the local police, officials, or the

judiciary, which may lead to evictions, fines, and other disincentives to return;

- inadequate legal and administrative framework conducive to safe return, especially in the areas of citizenship and amnesty;
- major difficulties in implementing key legislation, in particular property laws;
- absence of an effective human rights protection regime;
- refusal by local authorities to issue ID cards to returning refugees so that they can claim benefits, including pensions;
- ethnicity-based discrimination in employment;
- levying of illegal war taxes at the borders of Bosnia and Herzegovina; and
- levying of residency taxes.

### **Serbia and Montenegro**

The FRY now houses more refugees and IDPs than any of the neighboring republics. UNHCR estimates that there are 480,000 from the wars in Croatia and Bosnia, as well as an additional 240,000 from Kosovo. Many of the displaced have been subject to multiple migrations and expulsions within the FRY and are undeniably victims of President Slobodan Milosevic's unsuccessful wars. In 1999, tens of thousands of Serbian refugees from the Krajina, who had been settled in Kosovo following Operation Storm, were dispersed for a second time within Serbia proper, where they received a particularly unwelcome reception. Kosovo's Serbs, currently taking refuge in Serbia, are a reminder of Serbia's defeat in Kosovo. The refugees are considered an embarrassment in the FRY. They receive poor treatment, especially regarding social services, increasing the prospect of unrest. UNHCR estimates that no more than 20 per cent of the children of Kosovo Serb refugees are now enrolled in school.

While Montenegro has not seen fighting on its territory, it has become home to tens of thousands of refugees and internally displaced persons of all ethnic backgrounds. The demographics of several towns in Montenegro have changed substantially, and this has added to the pressure faced on local authorities seeking to maintain control. For example, official Montenegrin sources claim that the populations in the city of Tivat and the towns around Bar consist of more than 25 per cent of refugees and IDPs. Although Montenegro has recently accepted refugees from Kosovo and Sandjak, Montenegrin authorities are concerned about the demographic shifts and would like to see the refugees return.

### **Macedonia**

While Macedonia has been able to avoid being drawn into conflict with its neighbors, it has not escaped the influx of 244,500 refugees, who arrived following the Kosovo crisis of 1998-99. According to UNHCR, 3,000 Roma arrived in Macedonia in August and an additional 15,000 are expected by December, 1999. This is in addition to the 20,000 Kosovars who remain.

## **Majority Returns and Minority Flight**

### **Kosovo**

There are now two immediate problems in Kosovo: 1) how to provide shelter to hundreds of thousands of Kosovars who are not minorities, but who have returned to their homeland as refugees; 2) how to protect the Serbian and other non-Albanian minorities who are under threat from vengeful Kosovars.

Just ninety days after the conclusion of fighting, some 800,000 Kosovar Albanians had returned home. At the peak of repatriation, 50,000 were returning each day, before the international community could set up its operations, clear landmines, and deliver critical supplies. At first sight, Pristina appears to offer the trappings of "normal life." Cafes and shops are full; people gather in the streets and marketplaces. However, these images do not reflect the reality of daily existence in Kosovo and mask the great challenge facing hundreds of thousands of Kosovars: the race against winter and the struggle for tolerance in the recently liberated province.

In the aftermath of Milosevic's campaign in Kosovo, over 100,000 homes are seriously damaged and 50,000 are uninhabitable. An extensive survey conducted by humanitarian agencies in Kosovo estimated damage in categories ranging from one--not damaged--to five, which translates to no roof and structural damage to remaining walls. The UNHCR estimates that up to 350,000 people will need alternative accommodation as winter approaches. It should be noted that the damage is not comprehensive but dispersed through the province. Some districts in cities like Pec and the Old Town of Djakovica were almost completely destroyed as a result of shelling, tank fire, grenades, gas explosions, and fire. Others, including Pristina and Prizren, suffered limited structural damage even though vandalism and looting were prevalent. In addition to the damage to housing, thousands of wells were contaminated, affecting hundreds of thousands of Kosovars who live in rural areas.

In light of this situation, the provision of shelter and proper winterization remains the major preoccupation for the UN Interim Mission in Kosovo (UNMIK) and the international community in Kosovo. Expectations are high among the local population and international media about the speed of the reconstruction process, but humanitarian agencies on the ground note that there is not sufficient time for a major rebuilding program before winter sets in. Consequently, UNHCR and other agencies are setting up temporary shelters and supporting host families. The reconnection of electricity is crucial to get people through the winter. Even though a British energy consortium has been contracted to repair Kosovo's energy sector, alternative fuel systems will be

necessary. Some humanitarian agencies argue that the strategy for shelter was not adequately prepared. It was not until June that the main humanitarian agencies understood the scope of the emergency--shelter needed for nearly one million refugees. At the time of writing, the United Nations and its implementing agencies have been working to place Kosovar refugees in a combination of all-weather tents and basic shelters.

In addition to the material destruction, lawlessness and violence against minority groups have accompanied the end of the Kosovo crisis. In spite of KFOR's efforts and achievements, the security situation within Kosovo remains precarious. Revenge attacks, murders, abductions and other acts of violence continue with remarkable frequency. Returning refugees, angered by mass killings and expulsions conducted by Milosevic's forces, have sought retribution for the crimes of the Yugoslav regime by attacking individual Kosovar Serbs. The Serbian Orthodox Church reports that over 350 Serbs have been killed since the end of the war, and more than 450 have been abducted. On top of this, churches and other religious sites have been attacked, increasing the tension between the two main ethnic communities. These attacks have precipitated a new refugee exodus and left thousands of elderly Serbs without effective community support in Kosovo while their houses were looted, occupied, and often burned. Most distressing is that in some cases, children unconstrained by their elders have been the perpetrators. The Albanian leadership has not yet sufficiently pressured its citizens to resist committing acts of revenge and lawlessness.

Property questions are central to the issue of minority returns in Kosovo. It is unclear who owns major production facilities as well as many apartments. It may take years to answer these questions. How they are settled in the interim will affect economic development, demographic patterns, and political relations among Kosovo's ethnic groups.

### **Improving Security**

Security is the primary determining factor influencing minority returns. As the above report from Croatia demonstrates, where the situation is secure, refugees will return, even to areas under the control of different ethnic groups. However, the international military's role in the protection of refugees has been mixed. Institutions such as SFOR and KFOR have only been indirectly involved in the return of refugees in Bosnia and Kosovo. They have relied on patrols and an increased presence to promote security, but overall they have refused to implement critical provisions of the Dayton and Kosovo agreements regarding security. SFOR has not arrested the most prominent indicted war criminals, including Radovan Karadzic, and instead has promoted a "soft approach" to refugee returns based on improved public relations and the use of targeted aid. SFOR has tried to increase contacts with village heads and cantonal leaders to encourage a more positive atmosphere conducive to returns within Bosnia and has channeled foreign aid through commanders on the ground. The military's efforts have been linked to the "Open Cities" initiatives, where funds are used to repair schools, build health clinics, and rehabilitate community structures.



The role of police training is a complicated matter. Training has been entrusted to the United Nations, which is responsible for the International Police Task Force (IPTF) in Bosnia and the International Police Force (IPF) in Kosovo. U.S. participation in the police program is coordinated by the U.S. Department of Justice, which organizes training of local police, and the State Department, which is responsible for recruiting the U.S. contingents of the IPTF and IPF and interfacing with the United Nations. Since there was initially no indigenous police force in Kosovo, the United Nations employed the IPF to implement a modified version of Yugoslav law until a police force is established. Through the OSCE, U.S. Department of Justice officials have recently begun training officers of the new Kosovo Police Service and have created a new police academy in Kosovo. The aim is to create an effective multiethnic police force that will protect minorities. In October, the first class of the Kosovo Police Service graduated from the new police academy.

In spite of the presence of the military and various peace-implementing agencies, considerable problems resulting from insufficient security arrangements still exist. In Bosnia, citizens distrust the repatriation process and are wary of returning to regions under the control of ethnic purists. In Kosovo, KFOR has been unable to address the latest violence directed against Serbian individuals and has yet to stabilize the situation. In response to the violence, the military has argued that it is not trained to deal with refugee returns and is hesitant to broaden its mission. For their part, the civilian agencies overseeing the IPF, which will consist of 3,000 armed members with full executive authority, have yet to use their enforcement capacity to deter further acts of violence with any degree of success. The IPF's incomplete deployment, in addition to the multiple levels of bureaucracy between the UN, UNMIK, OSCE, and KFOR, has frustrated the task of improving security and rooting out lawlessness in Kosovo.

### **The Way Forward: Security, Governance, Accountability**

The task for the international community and the local authorities in the Yugoslav republics is threefold. To promote minority returns, they must work to improve security, governance, and accountability. The most significant effort the international community could undertake to improve security and promote minority returns is the arrest of people indicted for war crimes. Radovan Karadzic must be tried at The Hague and, if convicted, permanently removed from Bosnian life if the politics of ethnic purity and the seeds of the last war are to be finally laid to rest and some reconciliation found for Bosnia's citizens. The inherently corrupt political and economic systems that Karadzic continues to administer at the local level prevent citizens from participating in any form of democratic political system.

In addition, the international community should:

- recognize that the returns are pivotal to the reconciliation process;
- hold local leaders accountable for acts of vengeance within their

locality;

- monitor the local police, officials, and the judiciary and insist that they implement the law to build citizens' confidence in the return process;
- provide adequate legal and administrative frameworks for all citizens to exercise their rights equally;
- implement key legislation, in particular property laws; and
- criminalize discrimination used to deny minorities employment, social benefits, and settlement in certain areas.

Finally, it is important to note that the international community must prepare in advance of conflicts if it is to be in a position to assist refugees and facilitate their eventual return. Experts record that the political backing for NATO's action in Kosovo was not matched by a commitment to support humanitarian and UN-implementing agencies working to rebuild civic institutions. While the situation in Kosovo is far better than that in Bosnia in terms of the immediate postwar physical infrastructure, it is important that Kosovo not fall victim to the practices that have prevented the prompt reconstruction of Bosnian life. Humanitarian assistance and economic reconstruction are different services, and resettlement cannot take place without reconstruction. To draw refugees back home, the international community must recognize the need for active reconstruction and development initiatives and act in a timely manner.

## Appendices

### Country Profile of Federal Republic of Yugoslavia (Serbia and Montenegro)

The situation of refugees and IDPs in the Federal Republic of Yugoslavia (FRY) has radically deteriorated during the first half of 1999. The population of concern to UNHCR as of 30 June 1999 was:

- 508,000 refugees from Bosnia and Herzegovina and Croatia
- 770,000 returnees to Kosovo plus an estimated 500,000 affected "remainees"
- 200,000 mostly Serb, Montenegrin and Roma IDPs from Kosovo in the rest of FRY
- 7,700 mostly ethnic Albanian IDPs from Kosovo in Montenegro (down from a peak figure of 69,700)
- 30 mandate refugees from countries outside former Yugoslavia

Source: UNHCR Country Profiles, World Map: Federal Republic of Yugoslavia (Serbia and Montenegro), UNHCR, September 1999

<http://www.unhcr.ch/world/euro/fryugo.htm>

## OHR Press Release (excerpt)

### A Comprehensive Strategy for a Just and Efficient Returns Process in Bosnia and Herzegovina

Sarajevo, 27 October 1999 • <http://www.ohr.int/press/p991027a.htm>

Today, the High Representative, Wolfgang Petritsch, has issued Decisions that amend in both Entities the laws that deal with property rights, and provide instructions on their application.

These Decisions harmonize the RS legislation with the Federation legislation and thus create equal rights and remedies for all refugees and displaced persons across Bosnia and Herzegovina in accordance with Annex 7 of the Dayton Peace Agreement. The Decisions also provide the authorities in both Entities with detailed instructions on the application of the property and housing legislation, removing ambiguities in the laws and making them workable in practice.

Four years after the Dayton Peace Agreement, hundreds of thousands of refugees and displaced persons still do not have access to their apartments, houses, business premises and land. The implementation of the property and housing laws has not produced the desired results in either Entity. Today's Decisions create a consistent and fully applicable legal framework in the two Entities. It is now the duty of the authorities at all levels to provide their citizens with the service of governance to which they are entitled under every democratic and lawful administration, and to actively implement their rights to their homes and property. These rights are individual, fundamental and universal. They are enshrined in the Dayton Peace Agreement, the Constitution of Bosnia and Herzegovina and many international declarations, such as the European Convention on Human Rights, which applies in Bosnia and Herzegovina.

Today's legislative reform package will allow both the leaders and the citizens of Bosnia and Herzegovina to take ownership of the democratization process in the field of return and property rights. It provides the authorities - the housing administrations and judiciaries - with clear legal guidelines on how to protect and implement these rights. At the same time, the new legal provisions specify for the refugees and displaced people which rights they have and can demand from their authorities.

Table 1

**Refugees Remaining Abroad in 1998**

Country Number of Refugees

Table 2

**IDPS in 1998**

Country Number of IDPS

Bosnia	424,000	Bosnia	836,000
Croatia	309,000	Croatia	61,000
FRY	145,000	FRY	257,000

Source: US Committee for Refugees, World Refugee Survey, 1999.

## **USIP Library Resources**

### **Minorities and Refugees Web Links**

[www.usip.org/library/topics/refugees.html](http://www.usip.org/library/topics/refugees.html)

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## **About the Report**

This report focuses on the question of refugee and in particular minority returns in the former Yugoslavia. Minority returns are described as the return of refugees and displaced persons to areas currently under control of a different ethnic group. Minority returns are a regional issue: Croatia, Bosnia and Kosovo are the principal recipients of minority returns; Serbia, Bosnia, Montenegro, and Macedonia are harboring minorities from elsewhere.

This report, written by Program Officer Brad K. Blitz, is based on information presented at two meetings of the Balkans Working Group in September 1999. The Balkans Working Group is a policy forum convened by the United States Institute of Peace to facilitate discussion between regional specialists, government agencies, and nongovernmental organizations (NGOs) working on the Balkans.

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December 21, 1999

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