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Situation in Kosovo

Report
Political Affairs Committee
Rapporteur : Mr Lloyd, United Kingdom, Socialist Group

Summary

The upsurge of ethnic violence in March 2004 in Kosovo bluntly illustrates that, despite a multitude of efforts by the international community, Kosovo still has a long way to go before becoming a multi-ethnic and democratic territory. Whilst the main responsibility of the present situation lies with the continuing ethnic nationalism of the communities concerned, the international community is partly to be blamed for having allowed the situation in Kosovo to vanish from the international agendas in light of other world events.

The report calls *inter alia* on the Kosovo political leaders and the Provisional Institutions of Self-Government to adopt a responsible attitude towards implementation of the Kosovo Standards Implementation Plan, as well as the decentralisation process. It also urges the Kosovo Serb leaders to rejoin fully the political process and re-enter the central and municipal political institutions from which they have withdrawn.

I Draft resolution

1. The upsurge of ethnic violence in March 2004 in Kosovo bluntly illustrates that, despite a multitude of efforts by the international community, Kosovo still has a long way to go before becoming a multi-ethnic and democratic territory.

2. Whilst the main responsibility of the present situation lies with the continuing ethnic nationalism of the communities concerned, the international community is partly to be blamed. Since the overturn of the Milosevic regime in 1999, other world events have increasingly captured international attention and insufficient interest has been paid to the developments and to the lack of progress made in Kosovo.

3. The Parliamentary Assembly strongly condemns the perpetrators of the recent events which resulted in 19 deaths. In order to restart confidence-building between the different communities, it is of the utmost importance and urgency to investigate who was responsible for the riots and to bring the perpetrators of violence swiftly before a fair and impartial court of justice.

4. The March events present a tragic setback to the reconciliation process that the international community, including the Council of Europe, has been working towards over the last five years and with 4,100 persons leaving Kosovo have reversed the return process of displaced persons. Today, reconciliation between the Albanian majority and the Serb minority remains elusive. A Kosovo where every member of every community is able to live in a safe and stable environment and to move freely is still far away.

5. The Assembly is aware that the Committee of Ministers is considering the applicability of Council of Europe Conventions in Kosovo and underlines the importance of arriving at a conclusion in a near future. In the meantime, it urges the United Nations Interim Administration Mission in Kosovo (UNMIK) to apply and to promote relevant Council of Europe legal instruments.

6. UNMIK, which has assumed control of the province since June 1999, has made a considerable amount of progress during the last five years and it has been able to transfer a part of its responsibilities to local politicians in the Provisional Institutions of Self-Government (PISG). However, much remains to be done and without a clear plan and unconditional engagement from the international community to swiftly make local politicians responsible for their own political future, the desired progress cannot take place.

7. The United Nations Security Council Resolution 1244, adopted on 10 June 1999, provides a framework for the transition to self-government. Regardless of the nature of Kosovo's future status, full implementation of the "Standards for Kosovo", endorsed by the Security Council on 12 December 2003, is the key to achieving stability and drawing Kosovo nearer to Europe.

8. The Assembly welcomes the launching by UNMIK of the Kosovo Standards Implementation Plan (KSIP) on 31 March 2004. The KSIP sets out the actions and policies required to each the standards set out in the "Standards for Kosovo". Attention must be paid to avoid this exercise becoming an artificial one and to ensure that it brings about actual fulfillment of standards by concrete actions and tangible progress. Local politicians must be fully involved in its implementation, as it provides concrete means to allow various ethnic communities to live in peace without the presence of UNMIK and KFOR.

9. The Secretary General of the Council of Europe has contributed an independent expert report including detailed proposals, following a call by the United Nations for this expertise, concerning reform of local self-government and public administration in Kosovo ("the Civiletti Report", SG/Inf (2003)40, delivered to the United Nations in November 2003). It is now for UNMIK and the PISG to follow up on these recommendations. Although the March events have made it more difficult to reach consensus on a strategy of decentralisation, the Assembly believes the recommendations are still valid and considers that their implementation would make an important contribution to promoting the participation of citizens from all ethnic backgrounds in public life and to strengthening the PISG.

10. Kosovo is one of Europe's poorest regions, with an extremely high unemployment rate and more than half the population living in poverty. The combination of a young and politically restless population and high unemployment is an explosive one and provides fertile ground for violence and the development of a 'black economy' rife with economic crime and trafficking in drugs and humans. This, together with the uncertainty surrounding Kosovo's future political status, serves to discourage foreign investment and thereby stifle economic growth. The international community, prominent within it the European Union, therefore must review its priorities for the region in order to remedy the present critical situation.

11. The Assembly calls on the United Nations Interim Administration Mission in Kosovo to:

- i. make the implementation of the "Standards for Kosovo" a priority and ensure the full participation of the Provisional Institutions of Self-Government in this process;
- ii. ensure that the Kosovo Standards Implementation Plan provides sufficient guarantees for minorities living in Kosovo and allows safe return of the displaced population;
- iii. implement the reform of local self-government and public administration drawing extensively on the recommendations made by the Council of Europe ("the Civiletti report"), which are valid regardless of the final status of Kosovo;
- iv. consider why extremist forces continue to play a major role in Kosovo and take concrete measures to eradicate them and to restore confidence between the different ethnic communities;
- v. take full responsibility, together with the international security force (KFOR), to ensure the security of all ethnic groups and freedom of movement.

12. The Assembly calls on the Kosovo political leaders and the *Provisional Institutions of Self-Government* to:

- i. work in real partnership with UNMIK to create conditions for a multi-ethnic and democratic Kosovo;
- ii. adopt a responsible attitude towards implementation of the Kosovo Standards Implementation Plan;
- iii. make the reform of local self-government and public administration a priority and explain in a positive manner the importance of this task to the population;
- iv. demonstrate clearly their genuine commitment to protecting minorities, building a multi-ethnic society, where there is freedom of movement, and punishing violent extremists;
- v. establish a comprehensive returns plan and contribute to creating conditions, including reconstruction of damaged houses and religious buildings, that would allow displaced persons to return to their homes;
- vi. discontinue active backing and passive support for the extremist groups inflaming ethnic violence;
- vii. take concrete action to address the causes of the ethnically motivated violence.

13. The Assembly calls on the government of Serbia and Montenegro to:

- i. co-operate in a constructive manner with the *Kosovo Standards Implementation Plan* and in the process of achieving the "*Standards for Kosovo*";
- ii. dismantle all parallel structures it supports in Kosovo, which at present impede the construction of a multi-ethnic society;

- iii. implement in an efficient manner the Council of Europe legal instruments that it has ratified, notably in the field of the protection of human rights, including protection of minorities and prevention of torture;
 - iv. contribute to creating conditions that would allow the Serbs who fled violence to return to Kosovo.
14. The Assembly calls on the Kosovo Serb leaders to rejoin fully the political process and re-enter the central and municipal political institutions from which they have withdrawn and thus contribute to achieving the "*Standards for Kosovo*".

II. Draft r commendation

1. The Parliamentary Assembly refers to its Resolution (2004) on the Situation in Kosovo.
2. The Assembly notes that the United Nations Interim Administration Mission in Kosovo (UNMIK) has requested the Council of Europe to accept the responsibility for international observation of the forthcoming Kosovo Assembly elections (23 October 2004). These will be the first elections administered largely by the Kosovars themselves, assisted by the OSCE Mission in Kosovo and UNMIK. The Assembly considers that it is of utmost importance that the Council of Europe does accept this request to ensure impartiality of the observation.
3. The Assembly therefore recommends that the Committee of Ministers:
 - i. respond favorably, as has been proposed by the Secretary General of the Council of Europe and as was already done during the last three election cycles in Kosovo, to the request made by UNMIK to be responsible for international observation of the Kosovo Assembly elections of 23 October 2004;
 - ii. allocate necessary resources to allow the Council of Europe to put at the disposal of UNMIK and the Provisional Institutions of SelfGovernment its experience in implementing the reform of local self-government and public administration.

III. Explanatory memorandum

1. The March events with the upsurge of ethnic violence served as a wake-up call for the Kosovo's local politicians and to the international community. While the main responsibility of the present situation lies with the continuing ethnic nationalism of the communities concerned, the international community is also to be blamed for having allowed the issue to vanish from the international agendas in light of other world events.

2. I will not go into details of the March events, as they have been largely reported on and the details are well known for all. I simply regret the fact that the events present a tragic setback to the reconciliation process and stabilisation that the international community, including the Council of Europe, has been working towards over the last five years. With 4,100 persons leaving Kosovo, the events reversed the return process of the displaced and threatened the international presence in Kosovo.

3. What is important though with the March events, is that the perpetrators of violence be brought as a matter of urgency before a fair and impartial justice. It is a prerequisite for restarting confidence-building and reconciliation with concrete results and full engagement of different sides.

4. I do regret that the leadership of the Kosovo *Provisional Institutions of Self-Government* (PISG) initially responded to the events in an ambivalent manner. At the same time, I would like to welcome the constructive way in which the government of Serbia and Montenegro tried to stem the violence. The PISG have to engage in concrete actions to address the causes of the ethnically-motivated violence and to ensure that it will not be repeated. The PISG have to act in a way that leaves no doubt about their commitment to protecting minorities and building a multi-ethnic society. Also, in order to restart confidence-building between the different communities, it is of utmost importance that the perpetrators of violence be swiftly brought before justice.

5. Your Rapporteur welcomes the decision of the United Nations to set up a review body to study the response of the *United Nations Interim Administration Mission in Kosovo* (UNMIK) to the March events with the aim of making recommendations on how it can better react in future crises, notably how to better mobilize the police to control the situation, maximise co-ordination between security agencies and improve action to protect minority communities and cultural and religious site.

6. Stability in Kosovo is important for the stability in the region. Kosovo will achieve stability and a multi-ethnic society by implementing the '*Standards for Kosovo*', published in Pristina on 10 December 2003 and subsequently endorsed by the UN Security Council in its statement of 12 December 2003. The "*Standards for Kosovo*" remains the target for Kosovo and it describe a truly multi-ethnic, stable and democratic Kosovo, which is approaching European standards. It sets as an aim a Kosovo where public institutions are representative and democratic, where the rule of law is effective, respected and accessible to all. Also, it sets a foundation for a Kosovo where those internally displaced persons who wish to be free and able to return to Kosovo without hindrance and where all individuals, regardless of ethnic background, can travel and work safely. Progress on achieving the "*Standards for Kosovo*" will be the basis for any review in mid-2005 to begin consideration of Kosovo's final status. Table indicating the main components of the *Standards* appears in the Appendix.

7. Your Rapporteur welcomes launching on 31 March 2004 of the "*Kosovo Standards Implementation Plan*" (KSIP) which sets out the action and policies to reach the '*Standards for Kosovo*'. It describes in detail the action to be undertaken by the PISG and other institutions, including UNMIK. UNMIK is primarily responsible for the Rule of Law, as it bears legal and functional responsibility for these standards. Certain actions require joint action by PISG and UNMIK. The KSIP sets out in detail what actions are designed to meet the standards, who is responsible for undertaking that action, who will support the principal actor and when the action is planned to take place.

8. It is of utmost importance that the implementation of the *Standards* does not become an artificial exercise and that the Kosovo political leaders and the PISG play a constructive and responsible role in implementing the KSIP. They must explain to the population in a positive manner the importance of this exercise. The KSIP should be revised, if need be, to ensure that planned actions can effectively fulfill the essential standards.

9. Besides the *Standards*, the decentralisation process is also a prerequisite for a stable and multi-ethnic Kosovo. Following a call by the United Nations for expertise, the Secretary General of the Council of Europe has contributed an independent expert report including detailed proposals concerning a reform of local self-government and public administration in Kosovo. The expert report ("*Civiletti* report"), was handed over to the current UN SRSG, Mr Holkeri, in November 2003.

10. The final recommendations of the "*Civiletti* report" propose that local government be reorganized in compliance with the standards of the Council of Europe. They also propose that sub-municipal units be established within existing municipalities, with clear powers and responsibilities, with the view to granting local communities a greater role in the management of local affairs. Naturally, it is not easy to reach consensus on a strategy of decentralization. However, the decentralisation process should be seen by the Kosovo political leaders as a tool to give more power to the PISG. The Kosovo political leaders should adopt a positive and constructive attitude towards it and to explain in a positive manner the importance of this task to the population.

11. Moreover, for Kosovo to be achieve stability, the Kosovo Serb leaders should fully rejoin the political process and re-enter the central and municipal political institutions from which they have withdrawn. Regardless of the final status of Kosovo, it would be in their own interest to participate in the institutions officially established by the international community in Kosovo.

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Draft Resolution adopted by the Committee with one vote against on 27 April 2004

Draft Recommendation adopted by the Committee with one vote against on 27 April 2004

Members of the Committee: *Jakic* (Chairman), *Margelov* (Vice-Chairman), *Spindelegger* (Vice-Chairman), *Ates* (Vice-Chairman), *Aguiar*, *Akhvlediani*, *de Aristegui*, *Arzilli*, *Atkinson*, *Azzolini*, *Banáš*, *Berceanu*, *Bianco*, *Blankenborg*, *Van den Brande*, *Cekuolis*, *Davern*, *Dreyfus-Schmidt*, *Druviete*, *Duivesteyn*, *Durrieu*, *Elo*, *Glesener*, *Goulet*, *Gross*, *Hedrich*, *Henry*, *Hörster*, *lwinski*, *Jahic*, *Jovašević*, *Judd*, *Kalezic*, *Karpov*, *Klich*, *Koçi*, *Kosachev* (*alternate: Kolesnikov*), *Kostenko*, *Lindblad*, *van der Linden*, *Lloyd*, *Loutfi*, *Magnusson*, *Martinez-Casan*, *Marty* (*alternate: Reimann*), *Matu šic*, *Medeiros Ferreira*, *Meimarakis*, *Mercan*, *Mignon*, *Mihkelson*, *Narochnitskaya*, *Nemcova*, *Nemeth*, *Oliynyk*, *Ouzky*, *Pangalos* (*alternate: Vrettos*), *Petrova-Mitevka*, *Petursdottir*, *Pintat Rossell*, *Pourgourides*, *Prentice*, *Prijmireanu*, *Prisacaru*, *de Puig*, *Pullicino Orlando*, *Ranieri* (*alternate : de Zulueta*), *Roth*, *Severin*, *Severinsen*, *Seyidov*, *Slutsky*, *Tabajdi*, *Tekelioglu*, *Torosyan*, *Toshev*, *Tritz*, *Vakilov*, *Wielowieyski*, *Wohlwend*, *Wurm*, *Zacchera* (*alternate: Malgieri*).

Ex-officio: *Davis*, *Eörsi*, *Einarsson*, *Russell-Johnston*

N.B. : The names of the members who took part in the meeting are printed in italics

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mrs Ruotanen, Mr Chevtchenko, Mr Dossow