



EUROPEAN CENTRE FOR MINORITY ISSUES – ECMI KOSOVO

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POLITICAL DEVELOPMENTS

- I. Internal and International Political Developments
- II. Additional Recognitions of Independence
- III. Ahtisaari's Related Legislation

PROJECT ACTIVITIES

- I. Communities Consultative Council
- II. Support to the Office of the Prime Minister
- III. Support to the Decentralisation Process
- IV. Other Developments

Political Developments:

- I. Internal and International Political Developments

I-1 UNMIK Chief Unveils Reconfiguration Plans

On June 12, two days before Kosovo's Constitution went into force, the UN Secretary-General Ban Ki-Moon unveiled long-awaited plans for the reconfiguration of the UNMIK by sending two separate letters to the presidents of Kosovo and Serbia, Mr. Sejdiu and Mr. Tadić. In this plan, the Secretary-General indicates that the structure of the UNMIK will be adjusted in such a way so as to give the European Union a larger operational role in the rule of law under the umbrella of the UN, which is to be headed by a Special Representative to the Secretary General. Ban Ki-moon assured that the UN would continue to play an active role in creating and maintaining dialogue between Prishtina and Belgrade on the central issues of: police, courts, customs, transport and infrastructure, boundaries and Serbian patrimony. To spearhead this change, Ban Ki-moon appointed Lamberto Zannier of Italy. Newly appointed SRSG had a meeting with Kosovo authorities where he explained his role and the scope of activities that he would immediately engage in. Furthermore, he promised Kosovo authorities that he did not intend to open the sensitive political issues but rather concentrate on the technical matters in the discussion with Belgrade.

In a press conference on 25 June in Prishtina, UNMIK chief Lamberto Zannier stated that he would employ shuttle diplomacy between Prishtina and Belgrade to find a solution on the ground. "The moment the Serbian political situation clears up, and a new government is formed, I intend to make contact at an appropriate level, in complete transparency with the Kosovo authorities, so that we can begin talks on solutions to practical problems," Zannier said. The new UNMIK chief told a press conference, that he saw his role in Kosovo in the terms of establishing firm relations between

Prishtina and Belgrade. He added that he would act neutrally concerning Kosovo's status and repeated that UN Security Council Resolution 1244 was still in force. Zannier said that he did not see himself as a mediator, but as a man who would make talks easier, adding that before each meeting with Belgrade officials, he would consult the Kosovo authorities. He said that UNMIK had still not received the reconfiguration plan, but stressed that reconfiguration would be a radical operation that would change UNMIK's status and adjust it to the real situation on ground.

The UNMIK chief added that 120 days after the promulgation of the Kosovo constitution and the reconfiguration, UNMIK would still be able to play a certain role in Kosovo, and that the UN Security Council would decide on Kosovo leaders' calls for UNMIK to leave Kosovo. Zannier added that UNMIK was prepared to stay longer than 120 days if the situation required, and if it was so decided. "UNMIK will be restructured in such a way that it will be adjusted according to the situation on the ground, and that will be smaller operations that will, nonetheless, have a significant role on the ground" Zannier added. The UNMIK chief said that the EULEX mission would have a different role to that of the UN mission, and that the arrangement of having EULEX under an UNMIK umbrella was something that needed to be discussed carefully. "The umbrella is Security Council Resolution 1244, and EULEX needs to accept that umbrella, and I am glad that it will work under it and in a form where its work will be compatible with that of UNMIK," Zannier surmised.

Following Ban Ki-moon's letter, On June 27, New York gave the green light to go ahead with the reconfiguration process, although the exact details of reconfiguration are still a bit ambiguous. It is not clear which competencies will remain with the UNMIK and which will be handed over to the EULEX. It is also not exactly clear when the UNMIK will be removed from Kosovo altogether; however SRSZ Zannier has stated that the reconfiguration process should conclude by the end of the 120-day period

II-2 Kosovo Serbs Assembly Created

In the wake of the Serbian elections that were held this May, Kosovo Serbs established their own Assembly on June 28th, 2008. Serbs gathered around party leaders Vojislav Sešelj and Vojislav Koštunica in Mitrovica and elected Radovan Ničić as head of the assembly and Marko Jakšić as the deputy. The Assembly, which was dually set up in defiance of the UN and the Kosovo government, aims to coordinate with officials in Belgrade and help Serbia fight to keep Kosovo.

Both the UN and Kosovo's government have declared the Assembly illegal and unable to validly challenge the Independence of Kosovo. The UN maintains that the assembly is a symbolic gesture void of real power. Despite this fact, that the Serb assembly will have no actual power, it is a challenge to the Kosovo government and will strengthen Serb parallel institutions. Still, Kosovo's leaders maintain that this Assembly can not and will not be functional.

Kosovo Serbs convene parliament, rejecting new state

After the May 11 Serbian elections in Kosovo, Kosovo Serbs convened their own assembly in the city of Mitrovica on Saturday, June 28. The assembly has no executive authority, but reflects a deepening ethnic partition of Kosovo since it declared independence in February. "The Serb parliament will fight against the creation of yet another Albanian state in the Balkans," Kosovo Serb nationalist leader Marko Jakšić told Reuters. A statement read out at the session said the assembly would be the representative body of the Serbian republic in Kosovo.

Kosovo's Albanian leadership has condemned the move as an illegal provocation. However, the UN mission in Kosovo authorities noted that the assembly had no operational role and was merely symbolic.

Analysts say the assembly lacks the full backing of Serbia's pro-EU Democratic Party (DS), which is poised to lead a new coalition government in Serbia having defeated nationalists. Instead, it appeared to be an attempt by nationalist hardliners of Serbian Radical Party and Koštunicas DSS to hold onto power in Mitrovica, the hub of a parallel Serb system in Kosovo. DS delegates were not present. Rejecting independence, Kosovo Serbs are boycotting the Kosovo police force, courts and administration.

U.N. Secretary-General Ban Ki-moon has told the head of the U.N. mission in Kosovo to open dialogue with the new government in Belgrade to address the deepening divide, a reflection of Serbia's political grip on Serb areas.

II. Additional Recognitions of Independence

II-1 Sierra Leone was the only country this month to recognize Kosovo as an independent state. Despite the looks of stagnation in countries recognizing Kosovo's independence, US Deputy-Assistant Secretary, Rosemary di Carlo, has assured that international recognition of Kosovo has not waned. She states that, "The recognition is not slow. If we compare it with other situations...then we can say that the pace for the recognition of Kosovo's independence is much quicker."

III. Adoption of Ahtisaari's related legislation

III-1 Kosovo's Constitution Comes into Force

Kosovo's constitution came into force on June 15th, 2008, nearly four months after Kosovo declared independence and after nine years of UN administration. The President, Fatmir Sejdiu, signed 41 new laws which were adopted by the Kosovo parliament and were drafted in full accordance with the Status Settlement Proposal of Martti Ahtisaari, the UN Kosovo envoy. The event was marked by a subdued ceremony in Prishtina in which the new national anthem, adopted on June 11th, was officially played for the first time.

The constitution is a major step in Kosovo's sovereignty as it calls for the Kosovo authorities to take over most of the powers held by the UNMIK, including foreign and internal affairs. It also gives the government in Prishtina sole decision-making authority.

The EU is set to take over responsibilities formerly held by the UNMIK, and will supervise the transfer of authority from the UNMIK to the authorities of Kosovo. The EU is set to deploy a 2,200 strong Law and Justice Mission (EULEX) in Kosovo but is being stalled by the UN Security Council, which has not approved the Mission yet.

ECMI ACTIVITIES

During the reporting period, ECMI was engaged in advancing activities in three principal areas of its work in Kosovo.

I. Communities Consultative Council

I-1 Of the 41 laws signed into affect with the Constitution on June 15th, 2008, one law- the law on Communities- foresees the establishment of the CCC within a three month period (by September 15th). Subsequently, the ECMI and OP have agreed on a timetable of activities that would seek to

institutionalize the CCC in accordance to the legislative provisions.

I-2 On June 27, 2008, the President of Kosovo, Mr. Fatmir Sejdiu, chaired the first meeting with representatives from all communities in Kosovo to launch the Communities Consultative Council (CCC). The meeting, which was organized by the ECMI, had strong attendance by all community representatives- Serb, Bosniak, Turk and Roma, Ashkali and Egyptian- coming from community political parties and NGO's.

During this meeting, Mr. Fatmir Sejdiu stated that the CCC is a constitutionally mandated body, whose mandate is reiterated and developed in the Law on Communities. He further spoke of his intentions to establish the CCC as soon as possible with the full participation of all communities. To initiate this process, the president briefly outlined the composition of the Council, as foreseen in the Law on Communities. He also detailed the selection procedures for the Council. These proposed measures were met with optimism from the community representatives and they expressed their hopes that the Council will be an effective body to address the needs of all Kosovo communities.

I-3 ECMI is supporting the OP in providing financial analysis for the 2008 OP expenditures related to the establishment of the CCC. The financial analysis is expected to be included in the OP 2008 mid year budget review.

II. Support to the Office of the Prime Minister

II-1 ECMI has completed the first draft of a analysis of the governmental institutional framework for communities in Kosovo. This paper aims to provide a survey of the existing institutional structures that play a role in the protection of communities and to identify opportunities for institutional reform. Specifically, the proposal; identifies and assess government institutions that address communities in Kosovo; identifies structural gaps and overlaps and; identifies strengths and weaknesses in government policies dealing with the position of communities in Kosovo.

ECMI's review of institution that work for the protection of community rights was based on the analysis of various documents, including regulations, legislations, and operational documents, and on interviews with Ministry officials, civil servants, and other relevant staff. In addition to the use of documents and interviews, data collected from questionnaires distributed to various ministries was also incorporated into the report.

The initial draft of the institutional reform proposal was sent to relevant stakeholders and, after the consideration of their comments, the report will be made public.

II-2 In June, ECMI was asked to review and comment on the initial draft of the Terms of Reference for the Prime Minister's Office for Community Affairs. This document outlines the role and functions of the OCA and provides details relating to the tasks and responsibilities assumed by the OCA. The key functions of the OCA outlined by this mandate are to advise the Prime Minister on community related issues, address community needs, and pursue community related policy.

ECMI fully supported the draft mandate for the OCA and further provided comments and recommendations on a few issues, including the coordination role of the OCA b clearly indicated with respect to coordination between municipal and national levels of the government.

III. Support to the Decentralisation Process

III-1 In a move to support the Ministry of Local Government Administration (MLGA), ECMI participated throughout June in a sub-working group on the information campaign for decentralisation. ECMI will help the government ensure that all Kosovo communities are included throughout the decentralisation process and that their sensitivities are taken into account.

This sub-working group was set up as part of the Government's action plan to implement decentralisation and consists of representatives from the MLGA, ICO, OSCE, AKM, USAID, and ECMI. Five(5) sub-working group meetings were held throughout June to plan the campaign on decentralisation. Some activities that were identified include TV spots, billboards, debates with local municipal officials, debates with citizens, leaflets and brochures. It was agreed that the campaign will be Kosovo-wide. The messages will be targeted at Kosovo citizens with a universal message on the benefits of decentralisation. At the same time, the campaign will also target new and multi-ethnic municipalities with messages specific to each municipality.

It was agreed that ECMI will provide the technical expertise and advice on minority issues throughout the information campaign. ECMI will develop the agenda for debates with municipal officials and citizens, and will shape and guide all debates to meet the specific information needs of all communities. Slogans for the information campaign have now been drafted and agreed upon by the working group and will be discussed with the working-group on decentralisation.

IV. Other Developments

IV-1 Throughout June, ECMI has welcomed different guests and has held a range of meetings, both internal and with relevant stakeholders, on issues of mutual interest. ECMI met with various key actors and community representatives to establish initial contact, open discussions on possible future co-operation, discuss status of approved legislation and needs to move forward with projects, and to obtain general background information on current issues relating to minorities in Kosovo. These meetings included Mr. Armin Reiser (Swiss Federal Department of Foreign Affairs), Kaisa Rouvinen, from the Embassy of Finland, Jonathan Browning from DFID, Annelies Verstichel from the International Civilian Office, amongst others.

IV-2 ECMI welcomed three new interns this month, Kelley Thompson, Jessica Eckhardt and Arianna Rondos.

Report Ends;