



EUROPEAN CENTRE  
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MINORITY ISSUES



## **EUROPEAN CENTRE FOR MINORITY ISSUES – ECMI KOSOVO**

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# Monthly Report February 2008

## **POLITICAL DEVELOPMENTS**

- I. Declaration of Independence and its Aftermath
- II. Internal and International Reactions

## **PROJECT ACTIVITIES**

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

### **Political Developments:**

#### **The Declaration of Independence and its Aftermath**

Kosovo declared itself a State on Sunday 17 February, thus bringing to an end a nine years period of undefined status. Kosovo's leadership convened an extraordinary Parliament session on Sunday 17 February to declare the independence. Prime Minister Hashim Thaçi read out the Declaration of Independence, which proclaimed the Republic of Kosovo an independent, sovereign and democratic state respecting the rights of all ethnic communities. The Members of the Parliament then approved the Declaration unanimously, with 109 votes. The move was carefully coordinated with and backed by the U.S. and key EU Member States. He promised that “Kosovo’s democracy would be built in accordance with the UN plan drawn by the former Finnish President, Martti Ahtisaari”, and that the “implementation of Ahtisaari’s plan will turn into Kosovo’s national priority”.

Meanwhile, the Serbian parliament on Monday 18 Feb. adopted a decision annulling the Declaration of Independence, considering it to violate the sovereignty and territorial integrity of the Republic of Serbia. In a converse move, the Serbian Government began its plan to strengthen its presence in Serb-populated areas of Kosovo in response to the new situation. Several cabinet ministers were present in these areas on Sunday 17 Feb. to show support for the Kosovar Serbs, who, as expected, did not welcome the move of the Kosovo Assembly. The EU’s Common Foreign and Security Policy chief, **Javier Solana**, urged restraint after Serbian nationalists stoned Western embassies in Belgrade in an expression of anger to the declaration of independence by Kosovo.

#### **Recognitions & EU Mission in Kosovo**

The EU Ministers pledged on Monday 18 Feb. that the entire Western Balkans would one day join the block and vowed to work for stability in the region while leaving each Member State free to decide on recognizing Kosovo's independence. "The EU Council noted that Member States will

decide, in accordance with national practice and international law, on their relations with Kosovo," a joint statement of the 27 Foreign Ministers said. Shortly after the EU statement of Feb. 18<sup>th</sup>, Paris was the first to announce its move and officially recognized the new state, followed by Britain, Germany, Italy, etc. The United States officially recognized Kosovo as a sovereign and independent state on Feb. 18<sup>th</sup>, in an official press release Secretary of State Condoleezza Rice said: "We congratulate the people of Kosovo on this historic occasion,". "The recognition of Kosovo is as important as the declaration of independence," Kosovo's Deputy PM Hajredin Kuqi told Reuters. "We are grateful; this is a crucial issue for the new state of Kosovo and its institutions". Up to date 24 states have officially recognized Kosovo as a Sovereign Independent State.

### **Kosovo promised to protect the Rights of Minority Communities**

Kosovo Prime Minister Thaçi promised on Friday 15 Feb. that the rights of minorities would be protected. He assured minority communities, especially the Serbs, that they would have a role in society and government after independence. "We aim to build in Kosovo a country that can accommodate all its citizens, a country of equal opportunities and of the most affirmative action possible for the minorities, primarily the Serbs," Thaçi declared. He also repeated his plans to establish a new Government Office for Minority Communities.

### **Adaptation of Ahtisaari Related legislation:**

The Assembly of Kosovo on Tuesday 19 Feb., approved in first reading ten laws foreseen by Ahtisaari's plan; the package of laws have been proceeded with a quick procedure, in conformity with the motion approved on Friday, 15 February. This package includes Laws on: the Ministry of Foreign Affairs; Citizenship; Diplomatic Immunities; Police; Police Inspectorate; Travel Documents; National Symbols; Protected Zones; Local Self-Government; and Municipal Administrative Boundaries. In its Wednesday, 20 Feb. regular session, the Assembly endorsed 9 out of 10 Laws; upon the recommendation of the Government, the Law on the Ministry for Foreign Affairs was temporarily withdrawn for some changes in the text.

On 19 Feb. President Sejdiu officially transformed the Constitutional Working Group into the Constitutional Commission of the Republic of Kosovo - CCRK. Within a month, Kosovo will have its supreme juristic state act – the Constitution. The president of CCRK, Mr. Hajredin Kuqi, has delivered the draft-Constitution to the President of Kosovo, the Prime Minister and the Assembly Speaker. This draft has been open for public debate starting from Tuesday, 19 Feb.

### **Kosovo Serb boycott of new Kosovo Institutions:**

Kosovo Serb Police Officers from Eastern Kosovo Municipalities of [Gjilan, Kamnice/a, and Viti/na] and Gračanica sub-station have refused to work under the command of the Kosovo Police Service. After negative response to work and after the failure of negotiations with KPS representatives, the Serb Police Officers claimed that they would only recognise the UNMIK Police Structure operating under the Resolution 1244. However, the KPS Commanding structure following the Rules of Procedure, which accordingly resulted with the suspension.

EU special representative Pieter Feith stated that he hopes that Serbs will return to the KPS. Feith said that if the Serbs do not return to their positions, the openings would fill up with international police officers. A similar pattern has been seen with civil service staff. A group of 73 administration employees have refused to work, as they do not recognize the institutions of independent Kosovo. At the same time, the Serbian population has continued to protest over the Unilateral Declaration of Kosovo Independence. So far, the protests are peaceful and without incidents. The Courts in the northern Municipalities of Leposavić and Zubin Potok have continued their work under the auspices of the Serbian Justice Ministry.

## **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 During the reporting period, ECMI General Director Dr. Marc Weller, and ECMI Kosovo Head of Office, Mr. Adrian Zeqiri, met with the President of Kosovo on Friday, 8 February. The meeting was used to review the issue of institutionalization of the Communities Consultative Council and its affiliation within the Office of the President. The President asked from ECMI to produce the entire legal and institutional framework for the operation of the CCC, including a research on best practices elsewhere. ECMI has commenced drafting of the full plan, which will be presented to the Office of the President soon after its completion.

I-2 ECMI was asked by ICO to provide legal assistance to the revision of the Draft Law on Communities. The draft law, among others, provides for the full mandate and operation of the Communities Consultative Council. ECMI commissioned two of its leading legal experts, Dr. Marc Weller and Zdenka Machnykova, to produce a revised version of the draft law. In cooperation with ICO and the Comprehensive Transition Group tasked with the development of the Ahtisaari related legislation, two workshops to review the revised draft law were organized on 22 Feb., and 27 Feb 2008. The draft law is expected to be submitted to the Assembly for adaptation in early March 2008.

### **II. Support to the Office of the Prime Minister**

II-1 During the reporting period, ECMI has been focused on following up the transition to the new Government community affairs. In this context, ECMI General Director Dr. Marc Weller and Kosovo/a Head of Office, Mr Zeqiri, had two separate meetings with the two Deputy Prime Ministers, Mr Hajredin Kuqi and Mr Ramë Manaj. The meetings have been focused on discussing overall position of ECMI in supporting the OPM in addressing community affairs. ECMI has offered its significant expertise and experience concerning community issues, and has offered its assistance in the process of establishing the Communities Coordination Office within the OPM. In addition, the meetings have discussed the need for an integrated strategy for communities, the Special Draft Law on Communities, the establishment of the Communities Consultative Council etc.

II-2 In addition, ECMI HO had a meeting with the Head of the Office on Good Governance, Mr Habit Hajredini. The meeting served to look after the progress concerning drafting of the *National Strategy for Human Rights and Action Plan*, and see if there is a need for a supplementary expertise that ECMI can provide pertaining to the Section on Protection of the Minority Communities in Kosovo, which it helped draft in 2007.

### **III. Other Developments**

III-1 ECMI has welcomed different guests and has held a range of meetings, both internal and with relevant stakeholders, on the issues of mutual interest. Among these were meetings with the representatives for community issues of the International Civilian Office in Kosovo, Finnish Liaison Office in Kosovo, Deputy Head of German Liaison Office in Kosovo, Head of Norwegian Liaison Office, Swiss Peace-building Advisor for Macedonia, Serbia and Kosovo/a. Furthermore, ECMI Gen. Director had a meeting with the head of US Office in Prishtina, the USAID Senior Rule of Law Advisor, and with the Head of DFID Kosovo, Ministry for Communities and Returns, UNDP, the panel of the Canadian Students from the University of Toronto, who were in Kosovo for a study visit on Minorities Issues.

Report Ends;