



EUROPEAN CENTRE
FOR
MINORITY ISSUES



EUROPEAN CENTRE FOR MINORITY ISSUES – ECMI KOSOVO

Str. Rexhep Luci, No. 16/3 Prishtina, Kosovo, Tel. +381-(0) 38 224 161

Web: www.ecmikosovo.org

Monthly Newsletter **MAY 2008**

POLITICAL DEVELOPMENTS

- I. Internal and International Political Developments – Transitional Period
- 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 – Transitional Period

I-1 Challenges ahead of the end of the Transitional Period

EULEX in two-month delay, will there be coexistence between two missions?

The fate of the EULEX mission remains unclear. It is believed that the mission would be delayed for six to eight weeks and that the EU and UN will reach an agreement in the meantime. As UNSC Resolution 1244 regulates the international presence in Kosovo and under it, EULEX needs an invitation from UN Secretary-General Ban Ki-moon in order to deploy in Kosovo. To date, the UN's role also remains unclear. In early June, the UN Secretary General Ban Ki-moon is expected to announce plans for UNMIK's reconfiguration and to clarify its future role in Kosovo.

The issue this month has been on resolving the status and role of both the EULEX and UNMIK missions and how they will coexist if at all. Since the adoption of a new resolution is impossible, the only option is for UN and EU officials to find a solution based on Resolution 1244. Negotiations between the EU and UN have not led to an agreement that could define relations between UNMIK, the International Civilian Office and the EU mission in Kosovo, once the Kosovo constitution comes into effect on June 15. Moscow has made it clear that they will not agree to the establishment of an EU mission without a corresponding UN resolution. As such, both the UN and EU agree that any solution should not lead to conflict with officials in Moscow, however, the EU believes that the UN's plans to reach an agreement with Belgrade over practical arrangements in six fields, including the judiciary, police, customs and border controls, are problematic and disputable.

Possible Scenarios

Several scenarios are now possible, in connection to the future international presence in Kosovo. One of these, reportedly advocated by Russia, is to have EULEX established as one of UNMIK pillars, but the EU apparently does not agree with this. Another scenario would have EULEX and UNMIK coexist, with the latter deployed in the northern, Serb-inhabited areas. Again, the EU does not agree with this as it aims be operational in the whole territory of Kosovo, not only in the south. Delay of the mission is therefore expected. However, even if UNMIK and EULEX coexist for several months this does not change the state agenda in Kosovo as regardless of events, on June 15, Kosovo will adopt the new constitutional order.

Reactions

All scenarios have evoked different reactions. Opposition parties insist that UNMIK should leave Kosovo as soon as possible and be replaced with EULEX. Russia has repeated her firm position that EULEX has no basis in international law, although the EU refers to parts of 1244 to prove otherwise. According to these sources, Foreign Minister Sergei Lavrov in London, in a Contact Group meeting, spoke about Moscow's readiness to help find a solution for EULEX through a UNSC deal, which would respect the provisions of 1244, since that would be the only option acceptable for Serbia. On the other hand, Condoleezza Rice demanded in a very strong manner that the reality of an independent Kosovo has to be recognized, and that EULEX takes over from the UN.

I-2 Serbian Elections and its afterwards

Serbian Elections

On May 11, Serbia held local and parliamentary elections. According to the Republican Election Commission –RIK, preliminary results, the coalition formed around the Democratic Party (DS) won the parliamentary elections. The “For a European Serbia” list will have 103 seats in the new parliament. The Serb Radical Party (SRS- Vojislav Šešelj’s party), will have 77. The Liberal Democratic Party (LDP-pro European party who recognises the reality in Kosovo) will have 13 seats. According to these results, the DSS-NS (Koštunica’s Party) coalition will have 30 seats, while the Socialist Party of Serbia (SPS-Ex Serbian President’s Milošević party)-Associated Pensioners’ Party (PUPS)-United Serbia (JS) will have 20 seats. The Hungarian coalition received 1.24 percent of the vote, while the Bosniak list for a European Sandžak led by Sulejman Ugljanin received 1.15 percent of the vote, giving then three seats each. Albanian list will have one seat in the upcoming Serbian Assembly. According to RIK, turnout was 62.48 percent.

Coalition talks still ongoing

Even now when we report there has been no coalition agreement neither in the local nor in central level between parties, even though according to both camps the DS,G17+ and DSS-NS,SRS they both claim to have reached an agreement with the SPS. Speaking about potential next steps from DS headquarters, party leader and President Boris Tadić said that the "For a European Serbia" coalition would be the lynchpin of the future government. Tadić added that talks on the new government would not be easy. However, the election results have not come as a surprise to serving Prime Minister and Democratic Party of Serbia (DSS) leader Vojislav Koštunica, who said that the results were to be expected. Koštunica, however, did not want to speculate as to the make-up of the future government. SRS deputy leader Tomislav Nikolić said that either Serbia would have an SRS-DSS-SPS government, with some minority parties, or there would be new elections. Unlike the SRS, the SPS-PUPS-United Serbia was satisfied with the election results. SPS leader Ivica Dačić said that the coalition was the only real election winner, adding that no governing coalition could be formed without Socialists.

Serbian Elections in Kosovo

Despite the words of warning coming from both UNMIK and Kosovo institutions who have asked Serbs not to vote for the Serbian elections, however, the elections were held in Kosovo took place at 279 polling stations, as well as at a further 16 where displaced persons living in Kosovo could vote. The security situation in Kosovo was mostly peaceful and completely under control, reported members of the Kosovo Police Service and KFOR. International police and KFOR troops were patrolling and monitoring polling stations in their usual numbers. According to the Serbian Election Commission certified results, the SRS (the Serbian Radical Party) have won the majority of votes in Kosovo.

Kosovo Reactions for the Serbian Elections

UNMIK Reaction to Kosovo Serb Elections

UNMIK chief Joachim Ruecker on Friday, May 11, announced that the parliamentary and local votes in Kosovo are unacceptable, contrary to Resolution 1244, with the goal of creating parallel, illegal and illegitimate structures of Serbia in Kosovo. Thus, UNMIK has declared the following: "Local elections are illegal and will not be valid, as under Resolution 1244, only the UN mission in Kosovo can organize local elections. We've put our position across to the Serbian government very clearly, but they have gone ahead and organized elections, and so breached Resolution 1244, that they say they support," the UNMIK chief said.

Prime Minister Thaçi: Tadić should concentrate on Brussels rather than Kosovo

Kosovo Prime Minister, Hashim Thaçi declared on Monday, 12 May, that the win of the pro-democratic forces in Serbia forecasts the stability in Balkans, but he has warned Serbia not interfering in Kosovo. "My message for president Tadić would be that he should more concentrate on Brussels and NATO, rather than Kosovo," Prime Minister Thaçi said in the interview given for Associated Press-AP, adding, "Mr Tadić knows that Kosovo is an independent and sovereign democratic country".

President Sejdiu welcomed Mr. Ruecker's decision to annul the elections

Commenting on the 11 May elections in Serbia, Kosovo's President Fatmir Sejdiu, emphasized that Kosovo institutions are widely interested to establish good neighbourly with all its neighbours including Serbia". Sejdiu continued saying that "Kosovo would welcome the democratic developments going on the right path." President Sejdiu welcomed UNMIK decision to annul these elections as far as Kosovo is concerned, saying, "Kosovo does not see their validity of these people in the electoral processes but Kosovo sees the Serbian people who would meaningfully engage to equal contribution for country's democratic process", encouraging Kosovo Serbs to get involved and integrated in the decision making process.

I-3 International Steering Group vows further support to Kosovo's Independence

The International Steering Group has pledged to continue supporting the implementation of the Martti Ahtisaari plan for the independence of Kosovo. The group met for the first time in Prishtina on Thursday, 22 May under the auspices of the body head and acting EU special representative Pieter Feith, as well as US Deputy Secretary of State, Rosemary DiCarlo. "After June 15, the International Civilian Office will start supervising the implementation of the Ahtisaari package in Kosovo," Feith said after the meeting. Seven more countries joined the International Steering Group, Bulgaria, Estonia, Ireland, Latvia, Luxembourg, Netherlands and Poland. 22-twenty two countries, mostly EU countries, but also the US, Turkey and Switzerland - make up the ISG.

II. Additional Recognitions of Independence

II-1 Lithuania, Czech Republic, San Marino, Liberia and Sierra Leone recognized Kosovo

The Czech foreign minister has on 21 of May, announced that his country has recognised the Republic of Kosovo. Miroslav Topolánek made the announcement in a news conference in Prague. In addition, the Parliament of the Republic of Lithuania has decided on Tuesday, 06 May, to recognize Republic of Kosovo and has advised the Lithuanian government to start the procedure for the establishment of full diplomatic relations with Kosovo. Lithuania was one of the first countries to initiate the recognition process for independent Kosovo however; internal politics in the country delayed the conclusion of this process. San Marino, Liberia and Sierra Leone have also recognised the newest Balkans Republic of Kosovo. Thus far, the number of states that have recognised the Republic of Kosovo has reached the number of 43 states.

III. Adoption of Ahtisaari's related legislation

III-1 Kosovo assembly adopts constitution

The Kosovo assembly on Wednesday, 21 May, adopted after the second reading 6-six Laws as foreseen with the *Ahtisaari's Comprehensive Proposal*. These have included: the Law on Official Holidays, the Law on the Education System throughout Kosovo Municipalities, the Law on Kosovo Intelligence Agency, the Law on Kosovo Privatisation Agency, the Law on Integrated Management and State Border Controlling, and the Law on Asylum. So far, the Assembly of Kosovo has adopted 19-nineteen law emerging from the *Ahtisaari's Comprehensive Proposal*, all these laws will come into effect after the end of the transitional period on June 15.

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 Throughout the reporting period, ECMI Country Director, conducted several meetings with staff from the Office of the President (OP). The purpose of these meetings was to discuss the proposed steps for the establishment of the Communities Consultative Council within the OP. Following a meeting of OSCE HCNM with the President of Kosovo, on Tuesday, May 27, ECMI HO met with OP's Legal Advisor Ms. Vjosa Osmani who has informed ECMI that President has given the green light to commence the practical establishment of the CCC and she reiterated again the need for the ECMI's comprehensive and long term support in the process. Different options were discussed and ECMI is now setting up an agenda of activities that will be conducted towards the setting up of the CCC with the Office of the President. Being that the ECMI institutional support to the CCC is funded by UK Government, a tripartite meeting between ECMI, OP and DFID is expected to take place in the first weeks of June. Ms. Vjosa Osmani will be now replacing Mr. Muhamet Hamiti as the principal focal point on the CCC.

II. Support to the Office of the Prime Minister

II-1 In order to continue its involvement in the Community Rights Chapter within the Kosovo Human Rights Strategy and Action Plan (HRSAP), ECMI Head of Office meet with the several stakeholders. These meetings involved discussions on the latest developments regarding the finalisation of the HR Strategy. The Office of Good Governance within the PM's Office has called for a meeting of the HR Strategy for 10th of June which ECMI will attend.

II-2 Head of ECMI Kosovo Office, Mr. Adrian Zeqiri and Project manager Virginia Stephens met with Kim Perlow of AED (Academy for Educational Development). The aim of the meeting was to discuss ECMI's work with the CCC and within the Office of the Prime Minister, as well as to

gather information about the Office of Community Affairs (OCA) that USAID, through its contracted organisation AED, is supporting. As the Office of Community Affairs is focused primarily on advocacy, coordination and projects, ECMI indicated its readiness to support the process and further a need for establishment of a framework of institutional cooperation between the CCC and the OCA and the Ministry of Returns and Communities was discussed.

III. Support to the Decentralisation Process

III-1 During the reporting period, ECMI has undertaken several meetings and research in response to a direct request by the Ministry of Local Government Administration (MLGA) to support the organisation of an information campaign on decentralisation. With the aim of establishing first contact and discussing future activities, ECMI project manager Virginia Stephens met with members of the sub-group for the Awareness Campaign on Decentralisation including Karin Marmsoler and Sasa Stamenkovic from the ICO, Burim Ramadani (MLGA), and Barry Reed of RTI. ECMI is also in the process of becoming an observer in the two of the Government working group on decentralisation, the Working Group on Establishment of New Municipalities and the Working Group on the Reform of Legislation. It has now been agreed that ECMI will be organising debates with all Kosovo communities to raise awareness on decentralisation. These debates will target local government officials as well as citizens from mother municipalities and new municipalities from June.

III-2 ECMI conducted an initial research in the field with its partners on the existing situation with the Serb community regarding decentralisation. According to an initial evaluation of the situation in the field, ECMI has reported that the meetings with the Serbian Community dealing with decentralisation are difficult to organize and only possible under specific conditions. After further discussions with the MLGA, ECMI will prepare a full report with a timeframe and action strategy for each of the Kosovo regions, including the implementing partners of ECMI.

IV. Other Developments

IV-1 Throughout May, 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 DiFID, Ardita Metaj (HLC), Annelies Verstichel and Christophe Pradier from the International Civilian Office, Fernando Mora (Community Affairs Advisor) amongst others.

IV-2 During the reporting period, ECMI staff attended several roundtables; ECMI Programme Officer Virginia Stephens attended the Humanitarian Law Centre roundtable on security issues, employment and the application of law on the use of Languages and the Anti-Discrimination Law in Kosovo, which analyzed the implementation of both these Laws. Furthermore, ECMI also participated in the one-day seminar co-organized by the OSCE High Commissariat for Minorities and the Kosovo Initiative for Journalism and Communications –KIJAC on the issues of Transitional Justice in Kosovo. Furthermore, during the reporting period ECMI Head of the Kosovo Office participated in the two-day workshop “Ethnic Stability-Ethnic Change” in Budapest, Hungary organized by the Research Institute of Slovaks in Hungary the workshop covered the following topics: Effective Political, Economic & Social Participation of Minorities Conceptual questions, case studies from the southern part of the CEE region

Report Ends;