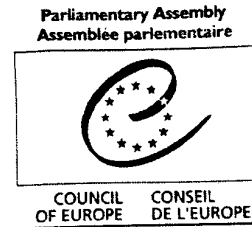


Parliamentary Assembly Assemblée parlementaire



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Current situation in Kosovo

Report
Political Affairs Committee
Rapporteur: Mrs Marianne Tritz, Germany, Socialist Group

Summary

The present undecided status of Kosovo casts uncertainty over the further political stabilisation of the entire region, including its perspectives of European integration and economic recovery. On the status issue, however, the positions of the parties concerned are polarised and no indication of a compromise is in sight. The establishment of a genuine dialogue between the parties is necessary with a view to reaching a peaceful and mutually acceptable solution which requires concessions from both sides.

Bearing in mind the role played by the Council of Europe in strengthening democracy and the rule of law and raising human rights standards in "new democracies", the Parliamentary Assembly believes that the Council of Europe should endeavour to play a similar role in the search for a durable stabilisation of Kosovo. Its action should aim, on the one hand, at facilitating the establishment of a political dialogue and on the other, at ensuring that in Kosovo, Council of Europe standards in the fields of democracy, rule of law, good governance, protection of national minorities and human rights are achieved and irreversibly secured, as well as mutual trust between individuals belonging to different ethnic groups.

I. Draft resolution

1. For the last six years, Kosovo has been subjected to an interim United Nations administration, pending a final settlement. The Parliamentary Assembly believes that the undecided status of Kosovo casts uncertainty over the further political stabilisation of the entire region, including its perspective of European integration, affects its economic recovery and prevents a number of displaced persons and refugees from Kosovo from reaching a decision whether to return to their homes.
2. Recalling its Resolutions 1375 (2004) on the situation in Kosovo and 1417 (2005) on the protection of human rights in Kosovo, the Assembly reiterates its aspiration for Kosovo to be, irrespective of its status, an area which is safe for all those who live in it, where Council of Europe standards of democracy, rule of law, protection of human rights and rights of national minorities and good governance are fully enforced, where recourse to the European Convention on Human Rights is available to everyone and where the values of democracy, tolerance and multiculturalism are shared by its people and institutions.
3. The progress achieved in the implementation of the Standards for Kosovo, as indicated by the Technical Assessment presented by the Secretary General's Special Representative (SRSG) to the UN Security Council on 27 May 2005, shows that important steps are being made in the right direction. The establishment of a climate of trust between people belonging to different ethnic groups, however, is a long-term objective which will require further attention by those having governmental authority over Kosovo as well as by the international community, in particular the Council of Europe. This process of consolidation is likely to last for years, even after the determination of a final status for Kosovo.
4. The Assembly is conscious that on the status issue, the positions of the Government of Serbia and Montenegro and Kosovo Serbs on the one hand, and of the Provisional Institutions of Self-Government (PISG) and Kosovo Albanians on the other, are polarised and regrettably no indication of a compromise is in sight. The preparedness of these actors to engage in a political dialogue is essential to reach a peaceful and mutually acceptable determination of the final status of Kosovo. It should, therefore, be encouraged and rewarded.
5. Dialogue is also necessary for the implementation of fundamental reforms. In this respect, the Assembly considers as a positive development the recent decision of Kosovo Serbs' political representatives to participate in the working groups on decentralisation. Similarly, the proposal by the SRSG to create a Political Forum should be seen as an important contribution to preparing the ground for the momentous political discussions; by including opposition parties in the political process, provided that the role of such a Forum is only consultative and that representatives of ethnic minorities are invited to participate.
6. The recent indictment of former Prime Minister Ramush Haradinaj by the International Criminal Tribunal for the former Yugoslavia (ICTY) raised fears for renewed violence in Kosovo. Even if reality proved different, the Assembly warns against underestimating the volatility of the security situation in Kosovo: whereas no serious ethnically-motivated crime against ethnic minorities has been reported in the last year, minor incidents are continuous, especially in some parts of Kosovo, which contributes to nurturing a feeling of insecurity among these minorities.
7. This climate of tension cannot but be exacerbated by politically-motivated attacks as well as by accusations of corruption and involvement in organised crime against members of the PISG. Besides, a disastrous economic situation with unemployment affecting more than half of the population, widespread poverty and lack of basic social welfare has obvious potentially destabilising effects.
8. In consideration of the fragile socio-economic environment of Kosovo, the volatility of the security situation and the risk of tension flare-ups as status talks approach, the Assembly is concerned at the intention manifested by some Council of Europe member states to increase the number of forced returns of failed asylum seekers and other people from Kosovo in the months to come. By putting additional strain on the limited resources of the Kosovo administration, this policy could concur in having destabilising effects and appears in contradiction with the considerable financial and military commitment by a number of such countries aiming at restoring sustainable living conditions and security in Kosovo.

9. In light of the foregoing, the Assembly:

- i. as regards the determination of Kosovo's final status, asks the Government of Serbia and Montenegro, the political forces of Kosovo Serbs and other minorities, the PISG and Kosovo Albanian political parties to engage in a genuine dialogue with a view to reaching a peaceful and mutually acceptable solution which requires concessions from both sides;
- ii. as regards the creation of an inclusive political environment in Kosovo, calls on:
 - a. all legal political parties in Kosovo to give positive consideration to the SRSG's proposal of the establishment of a Political Forum with consultative functions;
 - b. Kosovo Serbs' political representatives to fully participate in the PISG and in the political process in general;
- iii. as regards the return of failed asylum seekers and other persons from Kosovo, calls on Council of Europe member states which are host countries to:
 - a. comply with the positions of the United Nations High Commissioner for Refugees (UNHCR) on the continued international protection needs of individuals from Kosovo;
 - b. give attentive consideration to humanitarian concerns of potential returnees on a case-by-case basis, including their level of integration in the host country and their access to dignified and humane housing and social conditions upon return;
 - c. endeavour to increase the capacity of Kosovo to absorb returns by financing housing, reception structures and other basic services needed by returnees and by ensuring support to long-term integration in terms of accommodation and infrastructure, including adequate facilities for medical care;
 - d. implement programmes for voluntary assisted return to Kosovo, if appropriate in co-operation with the International Organization for Migration (IOM);
- iv. as regards the full implementation of Council of Europe instruments in the territory of Kosovo, calls on UNMIK and KFOR to remove all remaining obstacles to the full implementation of the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture, including the effective functioning of their monitoring mechanisms;
- v. as regards the role of the Council of Europe in contributing to the solution of the status issue and ensuring that Kosovo attains Council of Europe standards, asks the Secretary General of the Council of Europe to:
 - a. offer the UN Secretary-General the expertise of the Council of Europe in assisting the Special Envoy who will be responsible for conducting the Comprehensive Assessment of the implementation of the Standards for Kosovo, in the fields relating to the mandate and expertise of the Council of Europe;
 - b. establish contacts with UNMIK, the PISG and the Government of Serbia and Montenegro to explore the possibility of the Council of Europe acting as a facilitator of dialogue between the parties concerned in preparation of status talks, at formal or informal level;
 - c. propose to the UN Secretary-General to rely on the technical advice of the European Commission for Democracy through Law (Venice Commission) during the stage of status talks, with a view to identifying viable legal/constitutional arrangements for the future status of Kosovo;
 - d. continue to provide the international civil administration in Kosovo and the PISG with Council of Europe expertise in the field of decentralisation and reform of local self-government and offer to extend it to the following fields:
 - A. protection of national minorities;
 - B. use of minority languages;
 - C. inter-cultural dialogue;

- D. fight against corruption, organised crime, money-laundering and trafficking in human beings;
- E. democratisation and financing of political parties;
- F. independence and efficiency of the judiciary;

vi. finally, in consideration of the developments which can be expected to take place during the next months, asks its Political Affairs Committee to continue to be concerned with the situation in Kosovo and report to the Assembly when necessary.

II. Draft recommendation

1. The Council of Europe has played a major role in improving good governance, strengthening democracy and the rule of law and raising human rights standards in "new democracies", in this way contributing to laying down solid foundations for closer European political integration.
2. Referring to its Resolution(2005) on the current situation in Kosovo, the Parliamentary Assembly believes that the Council of Europe should endeavour to play a similar role in the search for a durable stabilisation of Kosovo, in co-operation and coordination with other international actors.
3. Its action should aim, on the one hand, at facilitating the establishment of a fruitful dialogue between the parties concerned by the status issue and; on the other hand, at ensuring that in Kosovo Council of Europe standards in the fields of democracy, rule of law, protection of national minorities and human rights are achieved and irreversibly secured.
4. Besides, the Council of Europe should contribute to the promotion of better socio-economic conditions on behalf of ethnic minorities, in particular internally displaced persons and returnees.
5. The Assembly, therefore, asks the Committee of Ministers to:
 - i. support the role of the Council of Europe as a facilitator of political dialogue between the parties concerned, in preparation of status talks;
 - ii. take appropriate financial and administrative measures to increase the visibility and the impact of the Council of Europe in Kosovo, in the fields pertaining to its mandate and expertise;
 - iii. promote the organisation of a donors' conference to increase the sustainability of returns to Kosovo;
 - iv. ask the Co-ordinator on Roma activities, if necessary with the assistance of the Group of Specialists on Roma, Gypsies and Travellers (MGS-ROM), to conduct a fact-finding mission to Kosovo to collect first-hand information on the socio-economic conditions of the Roma internally displaced population as well as of Roma returnees, with a view to reporting back to the Committee of Ministers.

III. Explanatory memorandum by Mrs Tritz

1. Introduction

1. 2005 could be the year of Kosovo. This frequently heard statement rests on the acknowledgement that the *status quo* in Kosovo is untenable and that a solution should be found as soon as possible: the present undecided status casts uncertainty over further political stability of the entire region, including its perspectives of European integration, affecting its economic recovery, and preventing a number of displaced persons and refugees from Kosovo from reaching a decision whether to return to their homes.
2. Once acknowledged that the situation is untenable, however, it should be kept in mind that on the status issue the positions of the government of Serbia and Montenegro and Kosovo Serbs on the one hand, and of Kosovo Albanians and their political forces on the other are polarised, and regrettably no indication of a compromise is in sight.
3. In my capacity as Rapporteur on Current situation in Kosovo on behalf of the Political Affairs Committee I visited Pristina and Mitrovica from 22 to 25 May 2005. My visit took place in a period of intensive diplomatic and political activity: on 23 May 2005 the Contact Group meeting in London agreed that the status issue should be addressed at the earliest opportunity, following a positive assessment of the implementation of standards; a few days earlier the Secretary General's Special Representative (SRSG), Mr Jessen-Petersen, launched a proposal for a Political Forum, which would allow the inclusion of opposition parties in the political discussion; besides, it seemed that meetings at the highest level may soon take place between the government of Serbia and Montenegro and the Provisional Institutions of Self-Government.
4. Next months promise to continue to be as intense: following the Technical Assessment presented by the SRSG to the UN Security Council on 27 May, the UN Secretary General may appoint a Special Envoy to conduct a Comprehensive Assessment. Should this be positive, status talks may start as early as next autumn. I believe, therefore, that the Political Affairs Committee should continue to be concerned with the situation in Kosovo, and report to the Assembly when necessary.

2. A volatile situation

5. Since the outbreaks of violence of March 2004, the security situation in Kosovo has gradually improved, even if 'the already limited trust between communities was gravely shaken'¹. In March this year, the indictment of former Prime Minister Ramush Haradinaj by the International Criminal Tribunal for the former Yugoslavia (ICTY) raised fears for renewed violence in Kosovo. Even if reality proved different, the volatility of the security situation in Kosovo should not be underestimated: whereas no serious ethnically-motivated crime has been reported in the last year, minor incidents such as shootings and stoning continue. It is difficult to make an assessment of the security situation in Kosovo as a whole, as it varies according to geographical areas. All my interlocutors, however, recognised that members of minorities still nurture a sense of insecurity and that trust between different communities is very low. Besides, full reconstruction, apologies and compensation from the Kosovo Albanian side for the events of March 2004 are still outstanding, and likewise full investigation and prosecution of the offences committed.
6. This climate of tension cannot but be exacerbated by politically-motivated attacks, such as those recently made against Ibrahim Rugova, Veton Surroi and Oliver Ivanovic, as well as by accusations of corruption and involvement in organised crime against members of the Provisional Institutions of Self-Government (PISG) and rumours on the existence of parallel security and intelligence structures within legal political parties.
7. Finally, a disastrous economic situation with unemployment affecting more than half of the population, widespread poverty and lack of basic social welfare has obvious potentially destabilising effects. Unemployment is high and growing (60 to 70%). In the under-30 age group, 50% of the population in Kosovo is unemployed. Average income is in the region of 200 euros and the average age is about 22 years. The prospects for economic development are limited. There is little domestic investment and foreign investment is virtually nonexistent. The process of privatisation of property has been ruptured on several occasions. There is evident discontent with the socio-economic situation, which affects all communities living in Kosovo. It is an obvious consideration that the unresolved status of Kosovo is an obstacle to its economic recovery, as it has been confirmed by the World Bank and the International Monetary Fund.² On the other hand, I am

¹ UN Secretary General, Report to the UN Security Council, 30 July 2004.

² World Bank, Kosovo Economic Memorandum, 17 May 2004.

afraid that even after the solution of the status issue, the authorities who will have governmental authority over Kosovo will have to introduce fundamental legislative and economic reforms to create the premises for stable economic development. 'Final status' does not necessarily equal 'political stability' nor an environment conducive to foreign investment, and I believe that Kosovo political forces should make additional effort to acknowledge this.

3. Standards: progress and durable implementation

8. The 'Standards for Kosovo', introduced after the outbreak of violence of March 2004, describe a Kosovo where public institutions are representative and democratic, the rule of law is effective, where displaced persons who wish to return can do so without fear, where all individuals, regardless of their ethnic background, can live in safety. They remain the target for Kosovo. Progress towards this target is the basis from which to begin consideration of Kosovo's final status.

9. According to the latest technical report of the SRSG on the implementation of the Standards (27 May 2005), progress can be seen in the implementation of all the eight priority standards. Though recognising that this is a remarkable achievement, I wish to recall that 'progress in the implementation' does not mean that Kosovo has attained satisfactory and durable standards of democracy, rule of law, protection of human rights and national minorities comparable to Council of Europe standards. Similarly, the establishment of a climate of trust between people belonging to different ethnic groups is a long-term objective which will require further attention by those having government authority over Kosovo as well as by the international community, in particular the Council of Europe. This process of consolidation, effective legislative implementation, institution and confidence-building is likely to last for years, even after the determination of Kosovo's final status.

4. Decentralisation

10. Decentralisation is not a Standard in itself but is a key instrument for the implementation of a number of standards and for providing institutional scope for the participation of minorities in the administration and the political process. In February 2005, with the expert advice of the Council of Europe³, the Kosovo Government approved a decentralisation plan: five pilot-projects would be launched to assess the viability of the plan; in two of the municipalities concerned, Serbs represent the majority of the population (Gracanica and Partesh).

11. Regrettably, there is no political consensus on the reform: the main ethnic Albanian opposition parties oppose it on the grounds that any step towards greater autonomy carries the risk of encouraging Serbs to seek the division of Kosovo along ethnic lines. On the other hand, Kosovo Serbs criticize the government plan for two reasons: 1) it ignores the decentralisation plan approved by Belgrade in 2004⁴; 2) it is premature; because of the large number of Kosovo Serbs who are still displaced in Serbia proper, the demographic picture of Kosovo is skewed and decentralisation would not reflect the real ethnic composition of some districts.

12. In my opinion, reaching consensus over the reform of the system of local self-government is a fundamental step towards guaranteeing good governance and empowering minorities and an important indication of the maturity of the political forces. According to Lutfi Haziri, Minister of Local Authorities, provided that the pilot-projects are successful, the reform could be finalised by mid-2006 or 2007. It is important that the Council of Europe continues to provide advice and assistance in this field.

5. The situation of minorities

13. Freedom of movement still poses challenges: minorities, especially Kosovo Serbs in predominantly Albanian areas, but also Kosovo Albanians in northern municipalities, do not feel safe travelling through areas inhabited by the majority. Kosovo Serb children in rural north Pristina and Obilic travel to school under military escort and would otherwise be unlikely to attend.⁵ In the mono-ethnic enclaves especially, people are even afraid to venture beyond their immediate surroundings. This is inadmissible for Europe.

³ In 2003 the Secretary General of the Council of Europe commissioned an expert report on the reform of local self-government and public administration in Kosovo ('the Civiletti report', SG/inf (2003) 40).

⁴ Plan for the political solution of the situation in Kosovo and Metohija ('Kosmet') adopted by the Serbian Parliament in April 2004.

⁵ Technical assessment of progress in the implementation of the standards for Kosovo, prepared by the Special Representative of the Secretary General for Kosovo, 24 January 2005.

14. The events of March 2004 have had an impact on the behaviour of many displaced persons: Since then, the decline in the return of displaced persons to their homes has been around 40%: 1,864 people remain displaced and do not seem to be willing to return.⁶ To this number, should be added individuals and families from Kosovo who fled to other European countries and live there, legally or illegally.
15. Former Prime Minister Haradinaj made forceful efforts to press ahead with the implementation of standards concerning minorities, by calling upon municipal representatives to apply the standards speedily at local level and allow the return of refugees; urging Kosovo Serb refugees to return; setting up the above-mentioned pilot-projects for decentralisation; and virtually completing the reconstruction of dwellings destroyed in March 2004.
16. One year after March 2004, in the absence of similar outbreaks of violence, there is a clear intention by some host countries to increase the number of forced returns of failed asylum seekers and other people from Kosovo in the months to come.
17. I believe that, in addition to complying strictly with the principle of *non-refoulement* and the position of the High Commissioner for Refugees (UNHCR), any decision to return ethnic minorities to Kosovo should be taken with special cautiousness, both on security and humanitarian grounds. Considering the fragile socio-economic environment of Kosovo, the volatility of the security situation, and the risk that political and ethnic tension flares up as status talks approach, an increased number of returns may contribute to having destabilising effects. In addition, it would put additional strain on the limited resources of the Kosovo administration. In a sense, a policy of forced return is also in contradiction with the considerable financial and military commitment by a number of European countries aimed at restoring sustainable living conditions and security in Kosovo.
18. Once ascertained that return would not be in contravention of the principle of *non-refoulement*, host countries should give attentive consideration to humanitarian concerns of potential returnees on a case-by-case basis, including their level of integration in the host country and their access to dignified and humane housing and social conditions upon return. UNMIK, the civil administration in Kosovo, faces increasing pressures to accept forced returns, at a time where it is reducing its personnel. I was even told that sometimes host countries fail to notify the return of some individuals to UNMIK, including vulnerable cases who are then sent back despite a lack of basic services to meet their needs.
19. Finally, given the economic situation in Kosovo and lack of social welfare, concerned Council of Europe member states should support reintegration schemes for those who are forcibly returned, especially vulnerable cases.
- 6. The PISG and Kosovo Albanian political parties**
20. Following the resignation of Ramush Haradinaj, a new government was formed by the same ruling coalition LDK – AAK, with Bajram Kosumi as Prime Minister. Amongst others, PDK – the second largest party in the Kosovo Assembly – is in the opposition. Reportedly, the EU and the US administration would have favoured an enlargement of the government coalition to include some opposition parties and political forces of Kosovo Serbs. Recently, the SRSG proposed the creation of a Political Forum, which would prepare grounds for future momentous political discussions. This proposal, however, is still under discussion and has been received with mixed feelings: the issue of whether it should have consultative or decision-making powers is a bone of contention.
21. On the status issue, no Kosovo Albanian political party is ready to accept less than independence. Despite this uniform approach, the political climate is tense and stained by accusations of corruption and involvement in organised crime. In this respect, my attention has been drawn to the lack of internal democracy of political parties and to the fact that political allegiance is strongly linked with clan affiliation.
- 7. Participation of Kosovo Serbs in the political process**
22. During the last elections to the Kosovo Assembly (October 2004), 99% of Kosovo Serbs abstained: out of 96,000 Serbs living in Kosovo only 300 voted, plus another 523 Kosovo Serbs residing outside Kosovo (out of 108,000). This was a very meaningful sign: in the three previous elections in the province (2000,

⁶ *Ibid.*

2001 and 2002, the full participation of the Kosovo Serbs was also in doubt, although in the end the decision proved positive⁷.

23. Among the reasons for non-participation were dissatisfaction with the absence of a positive response to Belgrade's proposals for decentralisation, a perception that voting would condone institutions which had failed to guarantee Serb security, and the impact of the March riots, taken by the Serb community as a sign of the incapacity of the Provisional Institutions of Self-Government and the international community to protect minorities.⁸

24. Kosovo Serb leaders, with the notable exception of Oliver Ivanovic, called for a boycott of the election process. Belgrade, on the other hand, had an ambivalent attitude, with some prominent politicians supporting the boycott strategy (Prime Minister Kostunica) while others were against it (President Tadic).

25. The poor participation of Kosovo Serbs in the elections undermines the representativeness of the Kosovo Assembly, where 10 seats are set aside for the Serb community. As to participation in the government, however, Mr Slavisa Petkovic, leader of the Serbian Civic Initiative, has accepted the office of Minister for Return and Communities.

26. Needless to say, the continued unwillingness of Kosovo Serbs to engage in dialogue and support the implementation of the standards has hampered the ability to move forward.⁹ Besides, the absence of democratically elected representatives of the Kosovo Serbs in the Kosovo Assembly means that Belgrade is now the only actor with a "mandate" to represent their interests and the only interlocutor of the international community and the Kosovo institutions on all the important issues that will be decided starting from this year.¹⁰

27. During my visit to Kosovo, however, an important change occurred: Oliver Ivanovic informed me of the decision of Kosovo Serbs to attend the working groups on decentralisation. I hope that this decision is a sign from the Kosovo Serbs of their readiness to be involved in a genuine dialogue. As far as I was told, the position of Kosovo Serbs is 'less than independence, more than autonomy'. Independence of Kosovo is for them unacceptable.

8. Dialogue with Belgrade

28. There is no question that Belgrade's legitimate interests in the settlement of Kosovo's status will have to be considered. An essential precondition, however, is the readiness of the Serbia and Montenegro government to engage in a dialogue.

29. UNMIK has repeatedly stressed the need for improving dialogue with Belgrade at various levels. When the SRSG went to Belgrade in January 2005 to discuss substantive issues such as decentralisation and the reactivation of dialogue concerning missing persons, his interlocutors chose to talk about power cuts in Kosovo affecting Serb households, to the exclusion of any other issue. The nature of this exchange raised the question of Belgrade's apparent unwillingness to establish a dialogue on crucial questions. Some observers have even spoken of a "process of regression" in Belgrade, as the political elites are no longer willing to address the issue of Kosovo¹¹.

30. Recent positive developments, however, should be noted where specific aspects are concerned: Belgrade has agreed to engage in a dialogue on the issue of missing persons, energy and transport. Its position on the status issue is 'less than independence, more than autonomy'. No political force in Serbia and Montenegro is prepared to declare publicly that anything else would be acceptable.

⁷ The overall turnout was 53%. In 2000 Kosovo Serbs represented 7% of the population in Kosovo while other minorities were 5% (source: Statistical Office of Kosovo (SOK)).

⁸ Report on the Elections of the Kosovo Assembly, 23 October 2004, Rapporteur: Guenther Krug (Germany, R, SOC), Congress of Local and Regional Authorities of the Council of Europe (document adopted by the Bureau of the Congress on 10 December 2004).

⁹ Report of the UN Secretary General to the Security Council on UNMIK, February 2005.

¹⁰ House of Commons, Select Committee on Foreign Affairs, Third Report on western Balkans, 2004-2005, paragraph 109.

¹¹ Professor Jacques Rupnik, of the Centre d'Etudes et de Recherches Internationales (CERI) in Paris, at the hearing on 'Kosovo: five years on' organised by the Foreign Affairs Committee of the European Parliament (26 January 2005).

9. The international community

31. After 6 years of presence in Kosovo UNMIK's public approval rating is not at its highest.¹² The riots of March 2004 raised serious doubts about UNMIK's administrative effectiveness and ability to provide security.

32. As the International Crisis Group has put it, "the international community entered Kosovo in June 1999 without an exit strategy and has taken only a few uncertain steps towards defining one".¹³ With the future status question looming ever closer, UNMIK has already started to reduce its presence, possibly to be paralleled by an increased role for other international organisations such as the European Union¹⁴. I was told that a detailed proposal on the future role of the European Union in Kosovo may be put forward by Javier Solana in mid-June.

33. I believe that the political process to resolve the issue of Kosovo's status is necessarily closely bound to the European outlook for the region as a whole. The prospect of drawing closer to the EU provides a basis in Kosovo for consolidating political stability and economic development. It should also be the chief incentive for Belgrade to participate constructively in seeking a solution for Kosovo.

34. The transfer of responsibilities from UNMIK to the Kosovo Police (KPS) is progressing and by mid-2005 all 33 UNMIK police stations should be handed over to the KPS. This transfer, however, is problematic. The KPS still lacks experience and doubts have been expressed as to its capability of being completely self-reliant without international support and supervision. In this respect, I believe that – in case of an increased involvement of the European Union – Europol should play an important role.

10. The role of the Council of Europe

35. Democracy, rule of law, human rights and rights of national minorities, good governance: these are the subjects of expertise and competence of the Council of Europe; these are also the main targets that Kosovo should achieve. I was surprised, therefore, to see that the Council of Europe office in Pristina counts only 3 international staff in addition to an expert consultant on decentralisation.

36. I believe that the Council of Europe should do more, to increase its visibility and its impact in Kosovo. The aim should be that Kosovo, irrespective of its status, reaches standards comparable to those of the Council of Europe and that this achievement is durable. The Secretary General should, therefore, offer the current and future civil administration in Kosovo Council of Europe expertise also in the fields of: protection of national minorities; use of minority languages; inter-cultural dialogue; fight against corruption, organised crime, money-laundering and trafficking in human beings; democratisation and financing of political parties; and independence and efficiency of the judiciary.

37. Besides, as far as the status issue is concerned, the Council of Europe could act as a facilitator of dialogue between the parties, at a formal or informal level; and could make available the expertise of the European Commission for Democracy through Law (Venice Commission) during the stage of status talks, with a view to identifying viable legal/constitutional arrangements for the future status of Kosovo.

11. Conclusions

38. '2005 will be the year of Kosovo'; 'Standards before Status'; 'Less than independence, more than autonomy'... A lot of slogans have been invented for Kosovo. In reality, none of them can capture such a complex situation, nor provide a ready-made solution. I believe that the issue of status has become urgent and that it should be addressed by all the parties concerned with a realistic approach and readiness to compromise. Both sides have to make additional efforts in this respect. The Council of Europe should play a role in helping them establish a fruitful political dialogue.

39. The current situation in Kosovo is improving, but motives for concern remain: effective protection of minorities and human rights, decentralisation, corruption, organised crime and inter-ethnic dialogue are issues which will have to be addressed with a long-term strategy which goes beyond the status issue. The Council of Europe should support the elaboration and implementation of this strategy, with the aim of rendering Kosovo an area where Council of Europe standards and values are fully applicable.

¹² ICG, Kosovo: Towards Final Status, 2005, page 4. This statement is based on regular quarterly opinion polling sponsored by UNDP/Riinvest.

¹³ *Idem*, page 2.

¹⁴ This opinion is shared by UNMIK and by Kai Eide.

Appendix

Programme**Sunday, 22 May 2005**

- 14:30 Arrival at the airport and transport to Hotel PRISHTINA
- 17:30 Meeting with Zurab Katchkatchishvili, Head of the Council of Europe Office, Pristina

Monday 23 May 2005

- 09:30 Lutfi Haziri, Minister of Local Authorities, building of the Ombudsperson, 2nd floor
- 11:00 Adem Salihaj, Deputy Prime Minister, Government Building, second floor
- 12:00 Fatmir Sejdiu, Member of the Assembly Leadership, Government building, 1st floor North Wing
- 13:00 President Ibrahim Rugova, (President's residence)-Velania street
- 14:00 Ambassador Werner Wrendt, Head of OSCE Mission, OSCE HQ
- 15:00 Meeting with EU country mission representatives, EAR building 8th floor
- 16:00 Hashim Thaqi, President of PDK Party, building of Economic chamber, 3rd floor
- 17:00 Slavisa Petkovic, Minister for Return and Communities, Ex-private business Bank
- 18:00 Bujar Bukoshi, President of the New Party, meeting at the CoE Office

Tuesday, 24 May 2005

- 08:00 Craig Jenness, Senior Adviser to SRSG on Minority Issues, UNMIK HQ, 4th floor, room 406
- 09:00 Pascale Moreau, Head of UNHCR Mission in Kosovo, UNHCR building 2nd floor
- 10:00 Briefing with Roman Flevak, Political Adviser, KFOR Film City
- 11:00 Veton Surroi, President of "ORA" Party, Government Building, 2nd floor, M 210
- 12:30 Major Wolf Wewers, Chief of Section Support & Service, Directorate of Organized Crime, UNMIK-CIVPOL
- 16:00 departure for Mitrovica
- 17:00 NGO Nansen Dialogue
- 18.00 Oliver Ivanovic

Wednesday, 24 May 2005

- 09:00 Kilian Kleinschmidt, Deputy Director, Office of Returns and Communities, UNMIK
- 15.15 Departure for Berlin

Reporting Committee: Political Affairs Committee.

Reference to Committee: Ref. 2907, 29.09.03

Draft Resolution unanimously adopted by the Committee on 31.05.05

Draft Recommendation unanimously adopted by the Committee on 31.05.05

Members of the Committee: Mr Abdülkadir **Ateş** (Chairperson), Mr Latchezar Toshev (Vice-Chairperson), Mr Dick Marty (Vice-Chairperson), Mr Konstantin **Kosachev** (Vice-Chairperson), Mrs Manuela Aguiar, Mr. Giuseppe Arzilli, Mr David **Atkinson**, Mr Claudio Azzolini, Mr Miroslav **Beneš**, Mr Radu-Mircea Berceanu, Mr Gerardo Bianco, Mr Haakon Blankenborg, Mr Giorgi Bokeria, Mrs Beáta **Brestenká**, Mr Doros Christodoulides, Mrs Anna Čurdová, Mr Noel Davern, Mr Michel Dreyfus-Schmidt, Mr Adri Duivesteijn, Mrs Josette **Durrieu**, Mr Mikko **Elo**, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Daniel Goulet, Mr Andreas **Gross**, Mr Klaus-Jürgen Hedrich, Mr Jean-Pol **Henry**, Mr Joachim Hörster, Mr Tadeusz **Iwiński**, Mr Elmira Jahić (alternate: Mr Sead **Avdjić**), Mr Ljubiša **Jovašević**, Lord Frank Judd (alternate: Lord John **Tomlinson**), Mr Ivan **Kalezić**, Mr Oleksandr Karpov, Mr Oskars Kastēns, Mr Petro Koçi, Mr Yuriy Kostenko, Mrs Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Tony Lloyd (alternate: Ms Jane **Griffiths**), Mr Younal Loutfi, Mr Mikhail **Margelov**, Mr Frano Matušić, Mr José Medeiros Ferreira, Mr Evangelos Meimarakis (alternate: Mrs Elsa **Papadimitriou**), Mr Murat **Mercan**, Mr Jean-Claude Mignon, Mr Marko **Mihkelson**, Mrs Natalia Narochitskaya (alternate: Mr Ilyas **Umakhanov**), Mr Zsolt Németh, Mrs Carina Ohlsson, Mr Boris Oliynyk, Mr Algirdas Paleckis (alternate: Mr Jonas **Čekuolis**), Mr Theodoros **Pangalos**, Mrs Eleonora Petrova-Mitevskaja, Mrs Sólveig Pétursdóttir, Mrs Clara Pintat Rossell, Mr Gordon Prentice (alternate: Sir Sydney **Chapman**), Mr Dumitru Prijmireanu, Mr Gabino **Puche**, Mr Lluís Maria de Puig, Mr Jeffrey Pullicino Orlando (alternate: Mr Leo **Brincat**), Mr Umberto Ranieri, Mr Michael Roth (alternate: Mr Rudolf **Bindig**), Mr Jan **Rzymelka**, Mr Peter **Schieder**, Mrs Juana Serna (alternate: Mr Julio **Padilla**), Mr Adrian **Severin**, Mrs Hanne **Severinsen**, Mr Samad **Seyidov**, Mr Leonid **Slutsky**, Mr Michael Spindelegger, Mr Zoltán **Szabó**, Mr Mehmet Tekelioğlu, Mr Tigran Torosyan, Mrs Marianne **Tritz**, Mr Vagif Vakilov (alternate: Mr Azim **Mollazade**), Mr Luc **Van den Brande**, Mr Varujan **Vosganian**, Mr Andrzej Wielowieyski, Mr Bart van Winsen, Mrs Renate Wohlwend, Mr Marco **Zacchera**

Ex-officio: MM. Mátyás **Eörsi**, Mats Einarsson,

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

Head of the Secretariat: Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner