Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1375 (2004)[1]

Situation in Kosovo

Parliamentary Assembly

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 multi-ethnic and democratic.

2. Whilst the main responsibility for 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 Miloševic 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 in Kosovo.

3. The Parliamentary Assembly strongly condemns the perpetrators of the recent events which resulted in many deaths, injuries and severe damage to property including important cultural monuments and which could be characterised as ethnic cleansing of the non-Albanian population. In this respect, it is essential that the Kosovo criminal justice system is made as efficient and effective as possible, in line with Council of Europe standards in the field, including ensuring that the new criminal code and code of criminal procedure are introduced smoothly and successfully. In order to restart confidence-building among the different communities, it is of the utmost importance and urgency to investigate who was responsible for the ethnic violence and to bring the perpetrators 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 have reversed the return process of displaced persons, with 4 100 Serbs, Roma and other non- Albanians leaving Kosovo since the events. Today, reconciliation between the Albanians and the Serbs remains elusive. A Kosovo where every member of every community is able to live in a safe and stable environment and move about freely is still far away. Full respect for the rule of law and effective protection of human rights, in a context of general stability and security, are essential preconditions for the success of the returns projects and for the future survival of the Serbian, Roma and non-Albanian communities in Kosovo. The Assembly therefore considers that every effort should be made to bring all public authorities in Kosovo – whether local or international – within the jurisdiction of a judicial mechanism capable of providing effective remedies for all human rights violations, if possible subject to the supervision of the European Court of Human Rights.

5. The Assembly is aware that the Committee of Ministers is considering the applicability of Council of Europe conventions in Kosovo and emphasises the importance of arriving at a conclusion in the 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 assumed control of the province in June 1999, has made progress over the last five years but this has been insufficient to ensure the transfer of a part of its responsibilities to the Provisional Institutions of Self-Government (PISG), and especially to local politicians. Much remains to be done and without a clear plan and unconditional engagement from the international community to swiftly make local politicians fully responsible for the political future of all citizens, the desired progress cannot take place.

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1. Assembly debate on 29 April 2004 (14th Sitting) (see Doc. 10157, report of the Political Affairs Committee, rapporteur: Mr Lloyd; andDoc. 10170, opinion of the Committee on Culture, Science and Education, rapporteur: Mr O'Hara). Text adopted by the Assembly on 29 April 2004 (14th Sitting).

7. The Assembly welcomes the decision of the Kosovo authorities to accept responsibility for repairing the damage caused in the March riots and to allocate funds for this purpose. It stresses however the need for damage assessment and restoration work to be carried out by local and international experts selected without regard to ethnic or religious belonging.

8. The only legal basis for the Kosovo settlement remains the United Nations Security Council Resolution 1244, adopted on 10 June 1999, one of the key issues of which is the disarming of the extremists in Kosovo, and which 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 closer to Europe.

9. 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 reach the standards set out in the Standards for Kosovo. Care must be taken to prevent this becoming an artificial exercise and to ensure that it brings about actual fulfilment of standards through 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 the Kosovo Stabilization Force (Kfor).

10. 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.

11. 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 stifles economic growth. The international community, prominent within the European Union, therefore must review its priorities for the region in order to remedy the present critical situation.

12. The Assembly calls on Unmik to:

12.1. 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;

12.2. ensure that the Kosovo Standards Implementation Plan provides sufficient guarantees for minorities living in Kosovo and allows safe return of the displaced population;

12.3. 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;

12.4. consider why extremist forces continue to play a major role in Kosovo and take concrete measures to eradicate them and to restore confidence among the different ethnic communities;

12.5. take full responsibility, together with Kfor, to ensure the security of all ethnic groups, freedom of movement and protection of cultural property.

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

13.1. work in real partnership with Unmik to create conditions for a multi-ethnic and democratic Kosovo;

13.2. adopt a responsible attitude towards implementation of the Kosovo Standards Implementation Plan;

13.3. 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;

13.4. demonstrate clearly their genuine commitment to protecting minorities, building a multi-ethnic society where there is freedom of movement, and punishing violent extremists;

13.5. establish a comprehensive and efficient returns plan and contribute to creating conditions, including reconstruction of damaged houses, monasteries and churches, that would allow displaced persons to return to their homes;

13.6. discontinue active backing or passive support for the extremist groups inflaming ethnic violence against Serbs and other non-Albanians;

13.7. take concrete action to address the causes of the ethnically-motivated violence and bring perpetrators to justice.

14. The Assembly calls on the Government of Serbia and the Council of Ministers of Serbia and Montenegro to:

14.1. co-operate in a constructive manner with the Kosovo Standards Implementation Plan and in the process of achieving the Standards for Kosovo;

14.2. dismantle all parallel structures it supports in Kosovo, which at present impede the construction of a multi-ethnic society and the reconstruction of cultural property;

14.3. 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;

14.4. contribute to creating conditions that would allow the Serbs who fled violence to return to Kosovo.

15. The Assembly calls on the Kosovo Serb leaders to fully rejoin 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.