



Resolution 1533 (2007)¹

Current situation in Kosovo

Parliamentary Assembly

1. Since Parliamentary Assembly [Resolution 1453 \(2005\)](#) on the current situation in Kosovo, several changes have affected the province. However, the disappearance of a symbolic figure such as President Ibrahim Rugova and a reshuffling in the leadership of the Provisional Institutions of Self-Government (PISG) have not impaired political continuity; in February 2006, negotiations on technical issues started under the mediation of United Nations Special Envoy Martti Ahtisaari.
2. The Parliamentary Assembly recalls that the European Union heads of state and government promised a “European perspective” to the countries of the Western Balkans at their Thessaloníki Summit on 21 June 2003, which has since been constantly reaffirmed. The perspective of joining the European integration process is a powerful incentive to undertake the necessary political and economic reforms as well as promoting regional co-operation and stability.
3. The beginning of direct status talks between Serbia and Kosovo Albanian representatives in July has marked a new stage in the search for a solution to the issue of Kosovo’s status. The Assembly reiterates its conviction that Kosovo’s status should be defined as a matter of urgency, in order to help bring stability to the people of the region; create the conditions for the development of fully responsible, accountable and representative institutions of Kosovo enjoying the trust of the population as a whole; strengthen democracy; establish the foundations for economic growth; and contribute to the further consolidation of peaceful and neighbourly relations in the Western Balkans in the perspective of their progressive European integration.
4. The Assembly is concerned about the unlikelihood of reaching an agreed solution on the status issue given the positions held by the two negotiating parties: there is no sign of willingness from Serbia to move away from the demand for Kosovo to be autonomous under Serbian sovereignty on the one hand, and from Kosovo Albanians to give up their demand for Kosovo’s full independence on the other.
5. The Assembly therefore encourages the Serbian authorities and the PISG to adopt a flexible and pragmatic approach during the status negotiations.
6. The Assembly is aware that recent months have been particularly daunting for Serbia, in view of Slobodan Milosevic’s death and the way it has been perceived by public opinion; the tense relations with the International Criminal Tribunal for the former Yugoslavia (ICTY) due to Serbia’s failure to apprehend Ratko Mladic and other war criminals, the resulting suspension of the Stabilisation Association Agreement (SAA) with the European Union and the dissolution of the state union with Montenegro. At this delicate stage of the status process, it is the responsibility of the Serbian political leadership to play an active role in preventing any further aggravation of the feeling of victimisation within public opinion as well as the spreading of anti-European attitudes.
7. A negotiated and mutually accepted solution to Kosovo’s status is the best guarantee that the outcome will not be disputed in the future. However, should a deadlock protract negotiations beyond a reasonable time frame, thus perpetuating insecurity and instability and rendering a normalisation of the lives of people in Kosovo impossible, it might be necessary to envisage the eventuality of an internationally-imposed solution as the last and extreme resort.

1. *Assembly debate* on 24 January 2007 (5th Sitting) (see [Doc. 11018](#), report of the Political Affairs Committee, rapporteur: Lord Russell-Johnston). *Text adopted by the Assembly* on 24 January 2007 (6th Sitting).



8. For stabilisation in the Western Balkans, regardless of the future status of Kosovo, a number of conditions should be met, including the compliance of Kosovo's constitutional framework with European standards relating to democracy, good governance, the rule of law, human rights and the protection of national minorities; special safeguards for minority communities and cultural heritage; the full applicability throughout its territory of the main international instruments in these fields, including the European Convention on Human Rights (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157); and the acceptance of an international presence. Durable solutions for refugees, displaced and stateless persons from Kosovo should be secured.
9. As regards the insufficient implementation of the Standards for Kosovo, the Assembly welcomes the progress highlighted in the last technical assessment presented by the Special Representative of the UN Secretary-General (SRSG), Joachim Rucker, and expects that the parallel process of status definition will further contribute to channelling the PISG's efforts towards the full achievement of the standards.
10. The lack of progress towards finalisation of the human rights strategy for Kosovo is unfortunate. The strategy should map out the PISG's commitment and priorities in the field of human rights in Kosovo, and the means by which they intend to implement them, based on European human rights standards and the proposals made by the Council of Europe expert. The Assembly considers that the human rights strategy should be given a high political priority.
11. The situation of Serbs living both in Kosovo and elsewhere and minority communities in Kosovo is an issue of primary concern for the Assembly, irrespective of the outcome of Kosovo's status. In this respect, it welcomes the initiative of the establishment of a communities security council as a sign of the continued attention paid by Kosovo's present institutions to inter-ethnic relations and reconciliation. The Assembly, however, urges Kosovan Serbs to participate in Kosovo's public and political life.
12. It is fundamental for the establishment of good inter-ethnic relations, the development of confidence in the institutions and the respect for the rule of law that all minority communities in Kosovo have access to effective remedies against discrimination, that ethnically-motivated crimes are properly investigated and that their alleged perpetrators are prosecuted and, if found guilty, effectively punished.
13. Finally, as regards the issue of the current applicability of Council of Europe instruments in Kosovo and the functioning of mechanisms for the protection of human rights, the Assembly, while welcoming NATO's decision to grant the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) access to KFOR detention facilities throughout Kosovo, regrets that the mandate of the Ombudsperson institution, as reformed by the United Nations Interim Administration Mission in Kosovo (UNMIK) Resolution 2006/6, has been limited and considers that the effectiveness, authority and independence of the mechanism of the Human Rights Advisory Panel should be closely monitored.
14. In light of the foregoing, the Assembly calls on the two negotiating parties to:
 - 14.1. pursue the negotiations on Kosovo's future status, having as their primary objective the attainment of fair standards for all the inhabitants of Kosovo, recognising that the maintenance of such standards may require an international presence and monitoring for some time;
 - 14.2. take careful account of the post-Dayton Bosnian experience in finalising the technical arrangements concerning decentralisation, which demonstrates that the open-ended linking of functions to ethnic origin both undermines the coherence of a state and is a long-term barrier to reconciliation, integration and the development of an exclusively citizens' polity, so that if such a course is followed to accelerate agreement and give reassurance, it should be limited in time;
 - 14.3. ensure that procedures are established to continue the technical co-operation between the parties, including on the return of refugees and internally displaced persons (IDPs), and on missing persons.
15. In addition, the Assembly calls on Serbia to encourage the active participation of Kosovo Serbs in Kosovo's public and political life after agreement on decentralisation is achieved.
16. The Assembly calls on both Serbia and the PISG to multiply their efforts aimed at raising awareness among their public at large of the country's recent history and explaining the importance and functions of the different European institutions, including that of the ICTY; as well as preparing the public for different possible outcomes of the status issue in Kosovo; it invites them to reopen a discussion within their main institutions, including the parliament, with a view to approaching the issue of Kosovo's status in a flexible and pragmatic manner and, in this context, to give appropriate consideration to the benefits of a timely agreement.

17. The Assembly also calls on UNMIK and the PISG to:

17.1. intensify their efforts towards the full implementation of the Standards for Kosovo, giving priority to the situation of all minority communities, noting the special vulnerability of the Roma, Ashkali and Egyptian (RAE) community, and in particular finalise and implement without delay the human rights strategy for Kosovo based on European human rights standards and the proposals made by the Council of Europe expert, and:

17.1.1. ensure the full and effective implementation of the anti-discrimination legislation;

17.1.2. investigate all cases of alleged ethnically-motivated crimes and fight the impunity of their perpetrators;

17.1.3. investigate all cases of abductions and disappearances against minorities occurring before or after the establishment of UNMIK in Kosovo and ensure that those responsible are brought to justice;

17.1.4. investigate and prosecute all cases of war crimes and crimes against humanity committed prior to 1999 and ensure full co-operation with the ICTY;

17.2. create conditions for the voluntary return of refugees and displaced persons in safety and dignity and ensuring their sustainable reintegration, in particular through guarantees for their security and the protection of their civil, political, social and economic rights.

18. Finally, in the prospect of its future increased responsibility in Kosovo during the stabilisation period that will follow the agreement on the province's status, the Assembly calls on the European Union to associate the Council of Europe more closely with its activities and to give due attention to Council of Europe monitoring processes, in particular to the implementation of the Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities.