



Resolution 1453 (2005)¹

Current situation in Kosovo

Parliamentary Assembly

1. For the last six years, Kosovo, a province which is part of the Republic of Serbia and the state union of Serbia and Montenegro has been under the authority of an interim United Nations administration, in compliance with the UN Security Council [Resolution 1244](#), 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 the recourse offered by 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 so far 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 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 Kosovo's future status.
4. Similarly, the Assembly believes that an international civilian presence in Kosovo will continue to be necessary despite the progressive transfer of powers and responsibilities to the Provisional Institutions of Self-Government (PISG) and the subsequent phasing out of UNMIK. In this context, it welcomes the Conclusions of the European Union General Affairs and External Relations Council of 13 June 2005, in particular as regards the future presence and role of the EU in Kosovo.
5. The Assembly is conscious that on the issue of Kosovo's status, the positions of the Government of Serbia and Montenegro and Kosovo Serbs on the one hand, and of the 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 Kosovo's future status. It should therefore be encouraged and rewarded.
6. Dialogue is also necessary for the implementation of fundamental reforms. In this respect, the Assembly considers as a positive development the recent decision of the political representatives of Kosovo Serbs to participate in the working groups on decentralisation. Similarly, the newly established 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.

1. Assembly debate on 21 June 2005 (19th Sitting) (see [Doc. 10572](#), report of the Political Affairs Committee, rapporteur: Mrs Tritz). Text adopted by the Assembly on 21 June 2005 (19th Sitting).



7. 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 the reality of the situation proved different, the Assembly warns against underestimating the volatility of the security situation in Kosovo: ethnically-motivated incidents are continuous, especially in some parts of Kosovo, which contributes to nurturing a feeling of insecurity among these minorities.

8. 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. In addition, 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.

9. In consideration of the fragile socioeconomic 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 contribute to these destabilising effects and appears in contradiction with the considerable financial and military commitments made by a number of such countries aiming at restoring sustainable living conditions and security in Kosovo.

10. In light of the foregoing, the Assembly:

- a. as regards the determination of Kosovo's future 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 will require concessions from both sides;
- b. as regards the creation of an inclusive political environment in Kosovo, calls on:
 - a. all legal political parties in Kosovo, including those from the opposition and non-Albanian parties, to participate in the newly-established Political Forum with a constructive attitude;
 - b. the political representatives of Kosovo Serbs to participate fully in the PISG and in the political process in general;
- c. 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 careful consideration to the 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, particularly with regard to access to education and to health services;
 - 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, in co-operation with the International Organization for Migration (IOM), if appropriate;
- d. 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 and Inhuman and Degrading Treatment or Punishment, including the effective functioning of their monitoring mechanisms;
- e. as regards mechanisms to ensure respect for human rights by the international authorities, calls on UNMIK to maintain the jurisdiction of the Ombudsperson Institution over international authorities for as long as they remain in Kosovo and to ensure that any supplementary bodies offer real improvements in terms of independence and effectiveness, including by giving such bodies a role in scrutinising normative acts as well as by undertaking to abide by their decisions or to justify properly any exceptional refusal to do so;

- f. as regards the role of the Council of Europe in resolving 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 has been appointed to conduct the Comprehensive Review 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 Kosovo's future status;
 - 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:
 - the protection of national minorities;*
 - the use of minority languages;*
 - intercultural dialogue;*
 - the fight against corruption, organised crime, money laundering and trafficking in human beings;*
 - democratisation and the financing of political parties;*
 - the independence and efficiency of the judiciary;*
- g. similarly, in consideration of the readiness of the European Union to assume increased responsibility in Kosovo, asks:
- a. the European Union to associate more closely the Council of Europe to its activities in Kosovo, as suggested during the EU General Affairs and External Relations Council of 13 June 2005;
 - b. the Secretary General of the Council of Europe to promptly initiate discussions with the appropriate EU instances on how to increase co-operation with respect to Kosovo;
- h. finally, in consideration of the developments which can be expected to take place over the next months, asks its Political Affairs Committee to continue to follow the situation in Kosovo closely and report to the Assembly when necessary.