

THE CHALLENGES TO MINORITY COMMUNITIES IN KOSOVO

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED TENTH CONGRESS SECOND SESSION

JUNE 3, 2008

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**THE CHALLENGES TO MINORITY
COMMUNITIES IN KOSOVO**

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THE CHALLENGES TO MINORITY COMMUNITIES IN KOSOVO

June 3, 2008

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

[The hearing was held at 3:03 p.m. in room 318B–R House Office Building, Washington, DC, Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, presiding.]

Commissioners present: Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe and Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe.

Member present: Hon. Earl Pomeroy (D), a Member of Congress from the State of North Dakota.

Witness present: H.E. Knut Vollebaek, High Commissioner for National Minorities, Organization for Security and Cooperation in Europe.

HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. HASTINGS. Just a few minutes late. And I thank our witness and all of you for being here this afternoon.

Earlier this year, after an extensive period of talks failed to produce an agreement with Serbia, Kosovo declared its independence. Some 42 countries, including the United States, have recognized this assertion of statehood, but many other important countries, including Russia, have not.

And the plan set out by the U.N. special envoy, Mr. Ahtisaari, as the basis for moving forward has not received a formal endorsement from the United Nations.

It has been 1 year to the day since I visited Kosovo. I did so in order to decide for myself whether or not to support the Ahtisaari plan.

I met with the prime minister at the time and many other prominent Kosovo leaders, but I also traveled to Serb communities in the south and to Mitrovica in the north.

I also visited one of the U.N.-operated camps for displaced Roma in the north, which had essentially been condemned as a health hazard, as well as a temporary camp for the Roma and their rebuilt neighborhood in south Mitrovica.

I came away with the view that the Ahtisaari plan not only reflected the will of the majority in Kosovo, but also provided the best possible deal for the minorities.

While the visit gave me reason for hope, it also gave me reason for concern.

Kosovo re-affirmed its decision to implement the Ahtisaari plan when it declared independence. And the Constitution which will go into effect in June, on the 15th, I believe, as well as many other laws passed by the Kosovo assembly reflect this commitment.

The plan detailed numerous human rights protections for Kosovo's minority communities, as well as additional privileges that include guaranteed political representation, local self-government, and new municipalities which may establish direct and transparent links with Serbia. Serbian cultural ties, especially orthodox churches and monasteries, are to be protected.

We know from experience these promises are important, and the passage of laws give us hope. Without actual implementation, however, there is no improvement in the lives of the people who are the intended beneficiaries.

It remains to be seen how genuine the commitment of the Kosovar authorities to integrate and respect the rights of the Serb, Romani, and other minority communities really is.

It is the role of the Helsinki Commission, as well as other government agencies and nongovernmental organizations, to encourage this implementation.

Of course, implementation is complicated by Serbia's refusal to recognize Kosovo's independence, since the Ahtisaari plan was developed with the understanding that both Pristina and Belgrade would agree to it. We've heard reports that Belgrade has sought to ensure that Serb communities in Kosovo do not cooperate with Pristina, even if they would benefit directly from such cooperation.

We're fortunate to have as our witness this afternoon the OSCE's High Commissioner for National Minorities, Mr. Knut Vollebaek of Norway.

The Office of the High Commissioner has, for over 15 years now, been extremely effective in addressing difficult minority questions throughout Europe. And it has done so with great objectivity, nuance and innovation.

Ambassador Vollebaek is the third High Commissioner, having assumed the position in 2007, but his experience on Kosovo and the Balkans goes much further back.

Indeed, as Foreign Minister of Norway in 1999, he served as the OSCE Chair-in-Office and had to contend with the many differences within OSCE regarding what action to take in light of the Kosovo conflict.

We appreciate your appearance here before us today, Ambassador. And we understand that much of your work takes place in confidence behind the scenes.

We also understand that you represent an institution of the OSCE, and the participating States of the OSCE are almost evenly divided between those that recognize Kosovo's independence and those that do not.

Given these circumstances, your presence here today indicates the strength of your commitment to ensure that the minority communities of Kosovo do not suffer additionally as a result of international differences on status. It is a commitment which the Helsinki Commission shares.

I'd like at this time to invite my colleague, Earl Pomeroy, colleague and classmate, as a matter of fact. We came here together. And although Earl is not a Helsinki Commissioner, he is a person that has a keen interest not only in this issue, but in foreign affairs in general.

And I welcome you. And if there are any comments you wish, you may proceed.

**HON. EARL POMEROY (D), A MEMBER OF CONGRESS FROM
THE STATE OF NORTH DAKOTA**

Mr. POMEROY. Mr. Chairman, just very briefly, thank you for allowing me to participate with the commission today. I look forward to hearing from Commissioner Vollebaek, who I think of as Ambassador Vollebaek from his time representing Norway in Washington, DC.

As co-chair of the Friends of Norway caucus, I came to know the Ambassador well and admire very much his considerable skills in diplomacy.

I've had a longstanding interest, also, in the Balkans and spent a better part of a week in March in Kosovo, having a number of meetings. I think that it's an extremely interesting undertaking and a critical point of time there, perhaps almost unique in the world's experience.

We have a new country created under—fully ascribing to the Ahtisaari accords, which really, at the heart, could be a concept of supervised independence, independence with conditions. And this is an important distinction, I think, in the independence of Kosovo, which I fully support.

But I think it's important for the United States, in fully establishing our support for the Republic of Kosovo, that we also show our ongoing interest in full adherence to the Ahtisaari accords and the minority rights of those that live there.

And so this is far from the last word we're going to have in Washington, DC, on this topic. I expect this to be a matter of very close and vigorous supervision—that's the wrong word—observation going forward.

This whole venture depends upon fair treatment of all who live in that country, and we are dead serious about that, relative to every minority living there. And I very much appreciate the OSCE providing the on-the-ground observations that will basically allow us to have a comfort level, in terms of how things are proceeding.

Thank you very much for having this hearing.

Mr. HASTINGS. Thank you, Congressman.

And, Ambassador, the floor is yours.

**H.E. KNUT VOLLEBAEK, HIGH COMMISSIONER FOR NATIONAL
MINORITIES, ORGANIZATION FOR SECURITY AND COOPERATION
IN EUROPE**

Amb. VOLLEBAEK. Thank you very much, Mr. Chairman, Chairman Hastings.

Congressman Pomeroy, thank you for inviting me to addressing you today on the issue of minority protection in Kosovo.

Before I give you my assessment of the current situation and my recommendations for the improvement of the protection of Kosovo's

smaller communities, it is essential that I clarify my position on Kosovo's legal status, as you also alluded to, Mr. Chairman.

In short, I remain status-neutral. The areas that fall within the scope of my mandate—namely, the status of inter-ethnic relations and the protection of Kosovo's minority communities—are areas that need to be and can be addressed, regardless of the ongoing debate or decision on its final status.

I was in Kosovo last week. During this relatively short visit, I met with the Special Representative of the Secretary General of the United Nations, the Deputy International Civil Representative, the President, the Prime Minister, staff of the OSCE mission, as well as with officials and civil society representatives from different minority communities.

This was my third official visit to Kosovo as the OSCE High Commissioner on National Minorities, having been in Kosovo in September of last year and January of this year. Kosovo is one of my top priorities, and I intend to continue to visit Kosovo on a regular basis.

During my last visit, I welcomed the calm that has prevailed in Kosovo since the declaration of independence on the 17th of February this year. There have been no real inter-ethnic incidents of any degree.

The authorities have consistently made clear that they will not tolerate such incidents, and I have commended them for their proactive and consistent approach in this matter.

The violent incidents that did occur took place mainly in the northern part of Kosovo, namely in Mitrovica, and were directed at the United Nations and other representatives of the international community.

At the same time, there have been no obvious improvements in the area of inter-ethnic relations. And the security incidents that did occur continue to keep the feelings of mistrust between communities alive.

Let me also stress that the risk of violent inter-ethnic incidents in Kosovo will continue to exist for as long as the underlying causes of the tensions between different ethnic groups remain unaddressed.

In the run-up to and after the declaration of independence, the authorities have taken important steps in putting into place a legal framework for minority protection.

The Constitution and various laws regarding the protection and promotion of minority rights—such as the law on the rights of communities and their members, the language law, and the law on the protection of cultural heritage—have been drawn up in close cooperation with the international community.

When the Constitution enters into force, as you referred to, Mr. Chairman, on June 15th, the President will promulgate all the above mentioned laws. At that stage, the basic minority rights framework will be in place.

It is of high standard and as such in compliance with the international human and minority rights standards. Their implementation will be supervised by the international civil representative, who will retain veto rights over norms or actions of the Kosovo authorities which would violate it.

Thus, many of the norms and mechanisms that are meant to protect and promote the rights of minorities exist on paper. The situation in reality, however, is quite different.

It is difficult for Kosovo's non-majority communities. For some, it remains dire, I would say, for most of the Roma population and also in some Serb enclaves. Or it is difficult for others, like the Turks, the Bosniaks, and, again, some other Serbian enclaves and areas.

Discrimination, lack of freedom of movement, economic difficulties, and potential violence are all aspects of daily life for some communities in Kosovo. This was eloquently phrased by a monitoring body of the Council of Europe, which consists of independent experts in the field of minority rights, the so-called Advisory Committee on the Framework Convention for the Protection of National Minorities.

And I quote from their report, "Various advanced norms have been introduced to tackle many of the key concerns of minority communities. However, the reality in Kosovo remains disconcertingly far from these laudable norms and plans," end of quotation.

This statement was made about 2 years ago, but remains entirely valid today. This is due to a whole host of reasons, some of which include a lack of financial means to implement some of the more meaningful measures, lack of human resources available to address certain problems, lack of full understanding of how such measures are meant to function, and, in most instances, a lack of goodwill and trust between Kosovo's communities, not least its two largest communities.

In addition, the lack of economic development, which negatively affects the lives of the entire population in Kosovo, hits the minority communities particularly hard.

With the exception of those members of minority communities who live in Pristina and Serbs living in northern Mitrovica, minorities currently tend to live in rural areas, thus adversely affecting their standard of living compared to the majority Albanian community.

Access to employment, particularly in the private sector, is affected by some minorities' restricted ability to move freely in public, their linguistic knowledge, and the direct and indirect discrimination they continue to face.

Thus, most minorities, in particular Serbs, have returned to rural environments where they feel safe and survive on subsistence farming, provided they can have access to farmland. The public sector is the largest employer of minorities, but currently employs less than 1 percent of minority community members.

Nonetheless, as I mentioned earlier, there is now a legal framework with a number of important mechanisms in place which is meant to enhance the participation of minorities in Kosovo's political, economic and social life.

Now that most governmental powers have been transferred to the Kosovo authorities, the real challenge is on implementation. The Kosovars' authorities will need to show their commitment by implementing the high standards they are committed to.

Therefore, in my meetings with the authorities, I stressed four particular points.

First, I'm somewhat concerned that it is often unclear which government institutions are responsible for the implementation of the legal provisions regarding specific minority rights, like language, education, participation, culture, special measures in employment.

The present ambiguous institutional arrangements have somewhat obscured the respective authorities' responsibilities, which may result in a lack of accountability for the implementation of minority rights. This needs to improve.

For instance, the responsibilities of the Ministry for Communities and Returns—which actually is currently led by a Kosovo Serb minister, as you know—and those of the Prime Minister, who recently created an Office for Community Affairs, they need to be clarified and clearly defined.

The second point I underlined in my meetings with the authorities is that it is now essential that the substantive minority rights are implemented. This concerns all substantive rights included in the law on the rights of communities, as well as other legislation, such as participation of the minorities and their representation in public bodies, the implementation of their language rights at central and municipal level, the right to use the personal and place names in minority languages.

Implementing these various provisions requires both political will and financial resources. Furthermore, it is important that the government conduct an information campaign to inform the different communities of their rights, as well as of the remedies against non-implementation.

Third, the government's efforts to improve the position of the Roma, Ashkali and Egyptians need to be stepped up. The situation of the approximately 35,000 to 40,000 Roma, Ashkali, and Egyptian communities in Kosovo, as you know, before the war, they said that there could be between 100,000 and 150,000 of them, but their situation today is generally appalling, as they continue to be excluded, suffer from unemployment, lack of education, discrimination, poverty, insufficient health care, and inadequate housing.

To address these problems with more vigor, the prime minister's office has been drafting a Roma strategy, with the help of international organizations and civil society, which has key components on education, health, housing, registration, anti-discrimination, and culture.

Most experts acknowledge that the strategy document in principle contains all necessary elements. However, it has not been made public yet or tabled for discussion in the assembly. I urged the government to adopt this strategy in the coming months, as well as to allocate sufficient funding for its effective implementation.

Fourth and finally, as I mentioned at the beginning of my statement, the continued security challenges have highlighted the need to prioritize confidence-building and interethnic dialogue in order to create minimum levels of stability and cohesion in a multi-ethnic Kosovo.

In addition to advising on the contents and implementation of the legal framework for the protection of minority communities in Kosovo, I have, therefore, underlined the need to move forward a

process of reconciliation for Kosovo in order to address the above-mentioned lack of goodwill and trust.

This process must be a long-term, structured and systematic approach to seeking truth, achieving reconciliation, and building trust in each other and in Kosovo's institutions.

In order to launch this process, my predecessor, Ambassador Rolf Ekeus, convened two meetings in Stockholm, Sweden, in October 2006 and February 2007 on promoting reconciliation and advancing the agenda of so-called transitional justice issues and mechanisms in Kosovo.

These meetings brought together a range of high-level political leaders, academics, journalists, civil society representatives, and members of associations of victims and their families, all from both the Kosovo Serb and Albanian communities.

During my visit, I continued to promote this process by addressing a conference on this issue at the Kosovo Institute of Journalism and Communications, a conference which was also addressed by the Prime Minister and attended by several other government officials and key opinion-makers.

I intend to further this process with the release of a discussion paper on transitional justice in Kosovo, which is now prepared by a local think-tank. Once this is completed, it is intended to have this paper serve as the basis for another meeting of those assembled by my predecessor in late July. After discussions at this forum, the paper will be finalized and launched as the basis for public debates, beginning in early autumn.

Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much.

Ambassador, I'm just coming from Vienna, where there was a rather substantial conference, as you know, dealing with a variety of subjects having to do with minorities. And it was very well-attended. And I was deeply appreciative of the opportunity to present there.

And many of your former colleagues that, when you were Chair-in-Office, were in attendance. And I had an opportunity to spend time talking with them. We were more inclined toward looking at racial discrimination than the kind of discrimination that I saw.

Let me share with you that, when I was in Kosovo, a young man that works with us here at the Helsinki Commission—I know you know from experience—Robert Hand was with me and another staff person working with me.

And we went to the camps of displaced Roma. Like you, I have seen impoverished conditions all over the world, but I agonized—your term you just used is more than apt to my concern, when you said that their conditions are generally appalling. I drop the “generally.” They're plain appalling.

And what disturbed me about it was it seems that these people are in no-man's land. They are disliked by both the sides that don't like each other. And I don't know that there's very much that can be done about it, but I sure did leave there disheartened that we are not addressing it in a fashion—not you, not the OSCE mission, which I think is one of the best—not the Kosovo U.N. mission.

Militarily, I think that they are outstanding. I've seen several around the world, more specifically Somalia and in Bosnia, but I

think this one operates better with the diversity that exists there than any that I've seen.

But having put just my feelings on the table, to what extent are your activities or those of the OSCE as a whole hampered by the fact that, as I said in my opening statement, about one-half of the participating States are on one side and the other half are on the other, having to do with recognizing independence?

And I accept and understand the fact of your status-neutral position, and I thoroughly understand that. But, still, when you go about your work, to what extent is that hampering you, if at all?

Amb. VOLLEBAEK. Thank you, Mr. Chairman.

To start with the last part of your question, and then maybe I could return to the Roma, which is also very close to my heart, I don't think, Mr. Chairman, that the situation with respect to the disagreement on status actually is hampering my work.

I have said from the very beginning, when I started working and came to Kosovo last September or in September of last year, that I was status-neutral. I mean, and I also said—and I mean that very honestly and earnestly, actually, that these issues that I deal with, which has to do with relationship between different ethnic communities in Kosovo, can not easily, because of the difficulties, but it can be dealt with, whatever status Kosovo has.

And it should be dealt with as quickly as possible, if we want to secure Kosovo as a multi-ethnic society, as I think we are all committed to, including the government of Kosovo.

And as I see the work that I'm doing now, and also after the declaration of independence, I think that we can actually address those issues that are within my mandate, and we should do that with great vigor. And it's also my understanding that we have the full support of the OSCE participating States, actually, for this particular type of work that we're doing.

Coming to what you say about Roma, I have no problem with deleting the "generally." So we can agree there. The situation is appalling for them and extremely difficult and with, I think, little hope for many of them.

At the same time, it's—you could say it's, of course, a human rights issue to address their situation. But I think it's also, actually, a conflict prevention issue, dealing actually with the society and the stability of the Kosovo society as a whole.

As you know, it is foreseen that a number of the Roma that left Kosovo are supposed to return to Kosovo. And that is something that really—it gives me great reason to be concerned, because, as far as I can see, there is actually no infrastructure. There is no facilities to receive those people, if we have a larger group of Roma or Egyptian or Ashkali returning.

I discussed this—start from a little bit of another end. As you also may know, the present Chair-in-Office, the Finnish chairmanship, has Roma as one of the highest priorities. The President of Finland, Tarja Halonen, has been actively involved in Roma issues for a number of years.

And together with the Roma focal point in ODIHR, the Human Rights Commission and the Council of Europe I have, under the Finnish chairmanship, we have actually—we are working on a kind

of overall Roma strategy. We're trying to look at what we can do in a more comprehensive way.

And in that, also, we have said that we would—we feel strongly that we should particularly look at the situation for Roma in Kosovo. And I had a delegation, in addition to my own visit then in January, we had a delegation there about a month ago, looking particularly at the situation in the number of Roma settlements.

At that time, it seemed to be a lack of, what you say, decision, where and which authorities had responsibility with respect to taking care of the Roma issues.

In my discussion last week with the President and the Prime Minister, I was given to understand that there now is a decision that it is the central authorities that have the overall responsibility for Roma issues and that also then the central budget will have to provide funds for the local communities in order to address Roma issues.

I think that is—we have to follow this up, but if this is correct—and I think this is helpful and important step in the right direction. And it would or it should, at least, provide, also, then the local communities for some kind of—hopefully some means, but also some direction and guidance with respect to how they should address this.

But I think it's clear that, without a very active and close cooperation by the international community, it will be impossible to do this, because it's such a huge task.

And so this—we are also in touch with a number of nongovernmental organizations that have projects in the Roma communities. And we hope, at least, that we can do some work, also with respect to education, which is one of the—

Mr. HASTINGS. Keys.

Amb. VOLLEBAEK [continuing]. The key issues there, in order to at least start a process that can maybe facilitate something. I don't think I should be overly optimistic, and I should be very realistic with respect to the magnitude of this problem, but at least we will try and do something.

Mr. HASTINGS. Well, I appreciate your bringing to the audience's attention and mine that Finnish Chair-in-Office is highlighting this issue as a considerable priority.

I was in Helsinki and met with the new foreign minister, 39-year-old Foreign Minister—for all you young people, there's hope out there—Mr. Stubb. And I was very impressed with our subject that we dealt with, and we had limited time and were dealing with an entirely different matter, but I think he's going to be a shining star in regards to the OSCE.

I'd like to ask you one more question, and then I have others, but I'd like to turn to my colleague to allow that he ask any questions he may wish to do.

But what more, in your opinion, Ambassador, can the United States do to encourage the protection of minorities in Kosovo? And I say that with a good deal of understanding that this is an international undertaking, but the United States has been in the forefront of this issue. And I believe we'll continue to do so.

But are there things or is there something that you think that might we do here in this country that would enhance your work?

Amb. VOLLEBAEK. Thank you, Mr. Chairman. I think the United States should continue to use its leverage at all parties in implementing the various provisions and laws that are actually decided by the Kosovo authorities.

It's my understanding that the United States has been actively involved in drafting this legislation and actively involved in drawing up government program, which I think is quite commendable.

But as I said also in my introduction and what I have said to the representatives of the government, now it's the question of implementing all this, you know, time to implement all this. And with the good legal framework that exists, there should be a possibility, also, to really show that this is seriously meant.

And in that respect, I think the United States has a very important role to play and should do so.

Mr. POMEROY. I thank the Commissioner for a very interesting report and appreciate the Chair's attention in particular to the plight of the most persecuted and desperate, the Roma. They're in a very difficult situation.

I would just say, on the Roma, in Kosovo, do you find their situation to be markedly different than elsewhere? I mean, it seems to me they are a very disadvantaged ethnic group in many places and the subject of completely unacceptable discrimination, really, throughout Europe.

Amb. VOLLEBAEK. Congressman, yes, I agree with you. That's the case.

The situation, of course, in Kosovo is that that's a society that has gone through war. And so a number of Roma have had to flee and now find themselves in a number of other European countries because of the war and because of the almost persecution, I would say.

So I think it is, actually, even more dire than in some of the other societies and other countries, where fortunately we have not had to go through war.

But economically and socially, of course, they are in a very deprived situation in many places. And that's why we, from my office, have said that we should try, in spite of the fact that the situation is different from—somewhat different, at least, from country to country, and also culturally these groups are slightly—or I guess they would say themselves they're more than slightly different, because they have different languages—

Mr. POMEROY. Of course.

Amb. VOLLEBAEK [continuing]. Different traditions, religions, different things. But in spite of these differences, I think it's important to try to see if we could have a somewhat more general and overall strategy, and particularly now in the European Union, because there is much more freedom of movement.

I mean, together with the rest of the citizens of the European Union, the Roma also can move fairly freely, which means that you have the challenges and the problems are actually also, to a certain extent, exported. So they're interlinked in even a greater way than what they used to be.

And we see that, for instance, with the Roma groups in Italy. And we are, actually, looking into particularly some of the situation that has done—that have occurred as a result of the Roma move

into new countries, to see if we can address some of these issues particularly, and maybe also look at some best practices.

And, of course, there are some countries, some societies that have taken measures and have come up with ideas and initiatives that have been interesting and useful for the Roma. And I think many Roma that I met with lately in discussing this strategy say to me that they don't need any conference or another study. There are few groups of people that have been studied more, and there have been innumerable conferences on their situation.

So what I want now is more action and activities than new studies. And one of the things or some of the things that we might then try to do is look at, are there examples from countries that could be, if not exactly copied, but could at least be inspiration to other countries in addressing this issue?

Mr. POMEROY. The Serbs are—did the Roma align themselves in the war with—

Amb. VOLLEBAEK. They would say, Congressman, that they did not. But they were—you know, they were the weak part in Kosovo and in Serbia. And I guess it would be fair that Milosevic used them and they were perceived, at least some of them were perceived by groups as siding with Milosevic, which, of course, then led to negative reaction—

Mr. POMEROY. That makes a bad situation worse.

[Crosstalk.]

Amb. VOLLEBAEK. Yes, yes.

Mr. POMEROY. But under the—

Amb. VOLLEBAEK. And then on the other side, also, actually, because it doesn't mean that they aren't loved by the other communities. So they are, to a certain extent, disliked or discarded and marginalized by all communities, which makes them, of course, very vulnerable. And there's in a very, very difficult situation.

Mr. POMEROY. Right. Under the Constitution, the emphasis on minority rights under the Ahtisaari plan to be enshrined in the Constitution will give them a formal legal status that adheres with best practices through Europe, I would expect?

Amb. VOLLEBAEK. Yes, I think it's fair to say, Congressman, that the Ahtisaari plan is an impressive plan, when it comes to most things, also to minority rights. And there are guidelines and provisions that are drawn up that could secure the minorities, including the Roma, very well.

Mr. POMEROY. And the Ahtisaari plan, which has been embraced by the leadership of Kosovo and enshrined in their—has a continued presence of many multinational associations there, monitoring all of this matter.

I mean, it would seem, hopefully, this is a—although a very seriously economically challenged place, and money is at the root of many problems, but at least they will have a legal status and independent observation, in terms of whether their rights are being met, that will, at least in one part, provide a view for the world, in terms of how Kosovo's dealing with its Roma citizens.

Amb. VOLLEBAEK. Yes, Congressman. I think it's very important that we continue to have a strong international presence. That has been my message all along.

Mr. POMEROY. You haven't found pushback on that, have you?

Amb. VOLLEBAEK. No. But I guess there is—when I discussed this both with the U.N. and the deputy international civil representative, civil representative, of course, there is some certainty with respect to what is going to happen after the 15th of June.

The prevailing view is that Security Council Resolution 1244 will still be valid and that, under that, one could continue to operate, but, of course, I guess this is not really my piece of work. This is being discussed, as far as I understand, between New York and Brussels. And it's being discussed at Vienna.

But there is some uncertainty. And I hope, my hope that it will be clarified in such a way that we can still continue to have a strong presence, and not only in Pristina.

My concern is that we end up in a situation where we are not adequately represented in the field, because that was some of the message that I got very clearly, particularly when I visited Kosovo in January, where security was an issue, but it was not the main issue, because I think people felt fairly secure as of now, and there were other issues they were addressing, like education and the court situation and things like that.

But at the same time, many of them referred to the incident that happened in 2004 and the fear they had that the OSCE would be drawn from the local communities where they are present in a way that would leave them alone, so to say.

The OSCE, as you may know, doesn't have a huge presence, but they are in a number of municipalities with the blue cars, with a label, and some people, a small team. But that means that they are present, and people know that they are there, and people know that they can address them.

And if we end up in a situation where this has to be withdrawn for one reason or the other, then I think many people will feel insecure also today.

Mr. POMEROY. But I don't think there's any anticipation that, if U.N. institutions depart, they'd do so without other multinational institutions coming in, let me—I mean, in my own business with Kosovo leaders, I never heard anything about, "OK, we're going to get this Constitution, and then you all please go home." I didn't hear that at all.

Rather, I heard that this is a constitution built upon the Ahtisaari framework, the laws relative to minority rights passed by the Parliament, incorporated into the governing documents, and the laws of the land, and the international supervision continuing to be a very substantial presence in the country.

And that doesn't make all the problems go away; I certainly know that. But the legal framework for minority protections and you've got folks there looking after it, that's not bad.

Amb. VOLLEBAEK. No. No, I agree with you. That's very good. I think there is this uncertainty with the kind of division of labor between the different international institutions.

I mean, the United Nations, the European Union, both international civilian representative, and the EULEX, the legal or the policing of the European Union, and then the OSCE.

And as you know, there were foreseen some changes in the structure. And at least some of my interlocutors, when I was in Kosovo last week, expressed concern that some of these institutions were

not in place as they were foreseen and that this could create problems within the international community in implementing what was foreseen as the international presence in Kosovo.

Mr. POMEROY. This is an extremely complex transition. I mean, and I don't know how—they don't teach this one in the political science classes. So, I mean, you just have to kind of work your way through this one, I think. And I think that's what's occurring.

I know that there's a substantial contingent of North Dakota National Guard soldiers looking at a June '09 deployment as part of a KFOR force. And it's certainly, relative to international security forces, that's going to be an ongoing presence.

There's a lot of concern in the country, there's no question about it, and the concern in the minority enclaves is very great.

But I believe that the steps taken to address those concerns are coming along about as well as could fairly be expected. You have the laws enacted. You don't have violence being perpetrated. You know, symbolic gestures are very important.

I was visiting with minority members of the Serb enclave, and they were concerned that the bilingual signs didn't have the same size font for the Albanian language as the Serbian language.

Look, you know, I think the new government has got to be terribly attentive to issues like that. If Quebec can deal with a bilingual environment, so can Kosovo. But it has to be equal.

I think that, generally speaking, though, they have—I mean, I came away fairly impressed with the early effort, emphasis on early. You know, most remains to be seen.

But as we head to an international donors conference, I would think that your views on this might be of great interest to many. How would you assess the efforts being made by the now-governing Albanian majority relative to the Kosovo Serbs?

Amb. VOLLEBAEK. As I tried to say, Congressman, I think it is quite commendable what they have done. And I've told them that, both, as I said, the legislation that has been passed, the statements made by the President, Prime Minister, the efforts that they have made also in getting out into the regions.

But still I think it's some of the—you know, this is, as you, Congressman, also referred to, this is a lot of—there are a lot of symbolism attached to this. And there is a lot of history and mistrust on both sides.

And that's why I thought it was a very significant step, also, by the Prime Minister that he attended this conference last week on transitional justice, that he was willing to address a body like that or a gathering like that with the Kosovo Serbs, the Roma, Ashkali, Egyptians, Albanians, I mean, all kind of groups.

And it was quite a vivid and active debate. And I think this is so important. And in the legislation, it's fundamental.

But I think it's—if we should have hope for a stable and positive future for Kosovo, I think the process of going through also the past and willingness to talk to each other and address what is behind in order to create the foundation for the future is fundamentally important. Otherwise, you will always have this underneath as an unease that could easily actually explode.

So there is a—it will be a difficult transition, but I'm hopeful and I'm very grateful for the efforts that, for instance, the Prime Minister has made so far in addressing those issues.

Mr. POMEROY. Lessons in political reconciliation are just urgently needed by the United States, by the world, for that matter. It's why we pay so much attention to the South African experience and to others.

I note with great interest your thoughts of having another conference, working on political reconciliation. I would hope maybe a United States Congressman would be allowed to observe that conference. It couldn't be more important. Maybe there will be lessons that we could learn there that we can take to other places, where there are, you know, warring factions that are causing all kinds of problems.

So your efforts on reconciliation—leading an effort in reconciliation, I think, would be absolutely tremendous.

Well, thank you, Mr. Chairman.

Mr. HASTINGS. To follow onto that, you do cite in your four points that give us a lot of food for thought, and also an ability to track very well what you're doing, and doubtless what we need to do to assist in those efforts.

But among them, in your fourth point that you presented, you speak to prioritizing confidence building and interethnic dialogue. And going forward on a process of reconciliation, as Mr. Pomeroy just talked about, I, too, agree that the South African model is an excellent one.

A more recent one that has good examples, too, would be Australia's dealing with Aboriginal population. It's an excellent way that they went about doing that, albeit it took them a hell of a long time. But, still, they've gotten good result.

But I'm curious, since post-status, the proposal that you make, is this process now more difficult, since the Kosovo Serbs are afraid that, as you pointed to, the dialogue implies acceptance of Kosovo's independence statehood?

Amb. VOLLEBAEK. Mr. Chairman, I don't know yet, because we are in the process. As I said, I thought it was interesting and a positive event that took place last week, where also Kosovo Serbs actually participated quite actively in the meeting then that was opened by the Prime Minister and myself.

But we saw in the process that my predecessor actually started at the last meeting, when the Ahtisaari plan and was presented, it created a very difficult atmosphere between the different groups. So it kind of—the process stopped then.

My hope is that we could, in spite of the different views on status, goad this into the public. And that's why I was very pleased with the fact that an institution dealing with journalists, the media, and training journalists, actually took this up and made this a public event, because, when we will be launching our paper in the fall after we have had one round with some of the previous participants, it is, of course, my hope that this could be a public debate, because I think that's the only way we really can address this.

And so I hope that we shall be able to do it, in spite of the differences, but it remains to be seen. I'll keep you posted.

Mr. HASTINGS. OK.

Ambassador, you can see that we've been joined by the Co-Chair, my good friend from the U.S. Senate, Senator Ben Cardin. And I'll turn to him after he gets settled for a moment.

And I do wish, before we lose any of our audience, to note that, today at 4:30, in room HC-8 of the U.S. Capitol, the Helsinki Commission is going to host a screening of the award-winning documentary, "Taxi to the Dark Side." This film recounts the story of an innocent Afghan taxi driver captured by American forces and tortured to death at the Bagram Air Force Base.

This event is open to the public, and I do hope that some of you will be able to attend.

If you don't mind, I need to participate very briefly in a phone conference. And I will return, but I hope by now the senator, who always is able to come out well on his feet, is prepared to go forward and ask a question or two.

But in leaving, maybe I'll leave with this question: Is there much day-to-day contact between the Albanians and Serbs, despite their differences over Kosovo's status? Are those Serbs in enclaves genuinely isolated from their Albanian neighbors?

Amb. VOLLEBAEK. Mr. Chairman, I think there are differences. So it may be difficult to generalize. But there seems to be some quiet contact.

But there is no doubt that both sides look upon this kind of contact with suspicion, though a lot of contact, actually, takes place quietly and not in the open, so to say, because people are concerned with the consequences.

So many Serbs, I think, feel isolated, but, again, it varies. You also need Serbs that are actively, actually, approached because they live in areas where there are Albanians, and they have jobs that actually lead them to interaction.

So it is—but we have to work still on the question of interaction and contacts. If we hope for a stable, multi-ethnic Kosovo, of course, this type of contacts will be fundamental.

Mr. HASTINGS. All right.

I'll turn to Chairman Cardin, and I'll be back in 10 minutes.

Mr. CARDIN. If we're still here in 10 minutes, we'll see.

I promise to move this quickly, if you don't tell my fellow Senators that I have been brief.

Mr. POMEROY. You haven't been there long. I understand.

**HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Mr. Ambassador, thank you very much for your service.

I'm going to put—without objection, I'm going to put my opening statement into the record and just make a very small comment that this Commission has consistently been interested in making sure that all communities are adequately represented by the protections of their government, including minority communities. Many of us supported the Ahtisaari plan based upon its protections of the minorities within Kosovo.

I remember during the early stages of the Bosnian conflict the hearings we had as to the fact that many of the ethnic commu-

nities within Bosnia were able to work together, if it were not for outside influences, that there was so much outside pressure being brought on the ethnic communities that it made it difficult to resolve the issue.

I would just like to get your assessment in Kosovo as to the influences that the outside communities are playing to the ethnic communities and whether that—is that a reason or factor that, if it were minimized, the ethnic communities would have a better chance of establishing a multi-ethnic community without Kosovo, in which all the communities are adequately represented by government and protected in their ethnic heritages?

Amb. VOLLEBAEK. Thank you, Senator. There's no doubt that it's legitimate for a country to be interested in the ethnic group that is has represented in another country or region or whatever.

But it is also true that this can be a problem in certain areas. And, actually, we are—the High Commissioner's Office—actually, now just got working on what we call some kin-state recommendations, because this is a problem that we meet in a number of countries and regions, where you have ethnic groups from different countries.

We have seen a need to address this more generic in general terms. And we hope that, in addressing this, we could also be helpful in the situation of Kosovo.

When I have visited Serb enclaves, I have met with people that have said that they have been under pressure. And I think it is important that, as we said or commented on before you arrived, Senator, that in order to make sure that Kosovo is a multi-ethnic society, all groups have to feel at home in Kosovo and they have to kind of be a part of Kosovo.

And in that respect, it is, of course, important both that the authorities in Pristina take the necessary steps in order that they will all feel part of Kosovo and feel included and feel addressed in a proper way and at the same time that those outside forces limit their interests in what we then would consider legitimate interest, being itself culture or in making sure that these groups are actively or as adequately integrated into their society.

Mr. CARDIN. I almost want to take issue with you as to your reference to legitimacy of outside governments taking interest in their ethnic communities in other territories. I accept that as being accurate, but I think that can be very much abused.

And we saw that in Bosnia. Bosnia had a reputation, particularly Sarajevo, as being a wonderful multi-ethnic community, and that, as explained to us way back when, at the beginning of the conflict, that if it were not for the influences of the outside countries influencing what was happening in Bosnia-Herzegovina, that it would have been a lot easier to resolve the problems.

And there was a lot of pain caused to the people of that area. And I accept the fact that a country has interests in its ethnic communities outside of its own country, but when it interferes with the legitimacy of a government trying to protect the rights of all the citizens, it goes across that line.

Currently today in Kosovo, I guess my question to you is, are the either Albanian or Serbian Governments interfering to a point with the ethnic communities within Kosovo that it made it more chal-

lenging for the ethnic communities within Kosovo to work out their arrangements with a self-governing country?

Amb. VOLLEBAEK. I think it's difficult, Senator, to criticize and I don't want to criticize the Ahtisaari plan in any way, because this is, I think, an impressive piece of work that has been negotiated. And within the Ahtisaari plan, there is room for relations between Belgrade and the Serb enclaves or the Serb population in Kosovo.

Mr. CARDIN. My question is more focused whether Belgrade is interfering with the Serbian population within Kosovo that may be interested in working under the Ahtisaari plan, but preventing them from working with Albanians within Kosovo to resolve open issues?

Amb. VOLLEBAEK. Yes, I understand, Senator. I think maybe, in view of my mandate and my work and my status neutrality, I think there are other institutions in Kosovo that deal directly, more directly with this.

My activities, I think, should be more than geared toward telling the authorities in Pristina that they have to make sure that they implement our—and carry out the good legislation that they have, in order for all the Serbs to be part of the community and in that respect, also, try to facilitate integration.

Because there is no doubt that, if you have too strong, as you referred to, Senator, interest or influence from the outside, you could hamper or create a difficult situation for integration in this society. And that's why we have then tried to or will deal with this inter-ethnic or interstate relations when it comes to ethnicity.

And I think at this stage I will limit myself to appeal to Belgrade and to others in order not to interfere in a way that would create problems for the integration of Kosovo.

Mr. CARDIN. Well, I guess I'll leave it at that. You're being very diplomatic in your response.

I just find it very frustrating when—I've been to so many parts of the world where outside governments have, in my view, overplayed their role within a sovereign country, under the guise of protecting minorities, when the minority population was prepared to move forward, but for the pressure from the outside government.

And I'm afraid that may well be true in Kosovo today. And I'm not sure how we break that without being a little bit more open to this concern and challenging the relationships, if it goes, in my view, beyond what is appropriate, in trying to protect ethnic communities in other countries.

Well, thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much, Chairman Cardin.

I was trying to think of the long name of the conference that I just attended, and the staff handed it to me. It's "The Role of National Institutions Against Discrimination and Combating Racism and Xenophobia with Special Focus on Persons Belonging to National Minorities and Migrants."

And it really was very well-attended. And participants were folks that I'm sure that you interface with regularly, Ambassador. And I would commend to you their report, once it's finalized, and I'm sure that you would see it anyway.

I was impressed. I was impressed with the number of NGOs that came from around the participating states. I was a little dis-

appointed in some groups that did not attend, but I found it helpful.

Some may have thought my remarks to be flippant, but I say to you what I said to them, particularly in light of what you said earlier about the concerns for those who feel that dialogue may very well just lead to more time.

What I said to them stems from the halcyon days of segregation here in the United States, where certainly Senator Cardin and I, as persons over the age of 40, are fully aware of the circumstances that existed in our respective jurisdictions, as well as around this country.

And the first African-American journalist to appear on the national media was a man whose niece I went to college with. His name was Mal Goode. He was from Pittsburgh, PA, and he was an ABC correspondent, having established himself with some renown after a period of time.

He was a sought-after speaker because of his ability, as well as the fact that he was first. And I heard Mal say one night what I've said many times since, and I'm sure that the Roma, the Sinti, the Egyptians, all of the minority groups and those in minority stations feel this way.

He said he was asked—and I know I was, at different times in my civil rights days—I was asked, “What do your people want?” And Mal's response became my response, which I give now attribution to him, was, “Get out a pencil and a piece of paper and write down everything you want for your family and sign my name.”

And I'm sure that that would be the case with persons that are in minority stations, not only in Kosovo, but throughout the participating States.

When we finish, I want to come down and tell you what a colleague of yours and mine said another day that was just astounding to me, and I almost walked out of a meeting because of it, but I don't care to go public with that.

But too often we make these meaningful dialogues and substantive undertakings, and we don't have the persons who we're directing our concerns to participate in. And this conference in Vienna would be a classic example of that.

Outstanding people, knowledgeable, know the subject, well-meaning, and good-at-heart, but at the same time nobody thought to have somebody that was from a minority actually present and participate in a meaningful way. That was pointed out, I might add, by a young lady at the conference.

And I just hope that, when we are planning, that we plan with and not for. And no assertion toward your office's inclusiveness—I recognize that fully—but just in the broader sense, too often, that is what takes place.

We've taken a lot of your time. I deeply appreciate it. I am grateful to our colleague, Mr. Pomeroy, for attending. Your keen and fine remarks and any addition that you wish will be pushed up on our Web site and publicized in our reporting, as well.

I really, really genuinely appreciate you coming. Thank you, Ambassador, and the hearing is now closed.

[Whereupon, at 4:11 p.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Earlier this year, after an extensive period of talks failed to produce an agreement with Serbia, Kosovo declared its independence. Some forty-two countries, including the United States, have recognized this assertion of statehood, but many other important countries, including Russia, have not, and the plan set out by UN Special Envoy Martti Ahtisaari as the basis for moving forward has not received a formal endorsement from the United Nations.

It has been one year to the day since I first visited Kosovo. I did so in order to decide for myself whether or not to support the Ahtisaari plan. I met with the Prime Minister at the time and many other prominent Kosovo leaders, but I also traveled to Serb communities in the south and to Mitrovica in the north. I also visited one of the UN-operated camps for displaced Roma in the north, which had essentially been condemned as a health hazard, as well as a temporary camp for the Roma and their rebuilt neighborhood in south Mitrovica. I came away with the view that the Ahtisaari plan not only reflected the will of the majority in Kosovo, but also provided the best possible deal for the minorities. While the visit gave me reason for hope, it also gave me reason for concern.

Kosovo reaffirmed its decision to implement the Ahtisaari plan when it declared independence, and the constitution which will go into effect on June 15 as well as many other laws passed by the Kosovo Assembly reflect this commitment. The plan detailed numerous human rights protections for Kosovo's minority communities, as well as additional privileges that include guaranteed political representation, local self-government and new municipalities which may establish direct and transparent links with Serbia. Serbian cultural sites, especially Orthodox churches and monasteries, are to be protected.

We know from experience, these promises are important, and the passage of laws give us hope. Without actual implementation, however, there is no improvement in the lives of the people who are the intended beneficiaries. It remains to be seen how genuine the commitment of the Kosovar authorities to integrate and respect the rights of the Serb, Romani and other minority communities really is. It is the role of the Helsinki Commission, as well as other government agencies and non-governmental organizations, to encourage this implementation.

Of course, implementation is complicated by Serbia's refusal to recognize Kosovo's independence, since the Ahtisaari plan was developed with the understanding that both Pristina and Belgrade would agree to it. We have heard reports that Belgrade has sought to ensure that Serb communities in Kosovo do not cooperate with Pristina, even if they would benefit directly from such cooperation.

We are fortunate to have as our witness this afternoon the OSCE's High Commissioner for National Minorities, Knut Vollebaek of Norway. The office of the High Commissioner has, for

over 15 years now, been extremely effective in addressing difficult minority questions throughout Europe, and it has done so with great objectivity, nuance and innovation. Ambassador Vollebaek is the third High Commissioner, having assumed the position in 2007, but his experience on Kosovo and the Balkans goes much further back. Indeed, as Foreign Minister of Norway in 1999 he served as the OSCE Chair-in-Office and had to contend with the many differences within OSCE regarding what action to take in light of the Kosovo conflict.

We appreciate your appearance before the Commission today, Ambassador Vollebaek. We understand that much of your work takes place in confidence or behind the scenes. We also understand that you represent an institution of the OSCE, and the participating States of the OSCE are almost evenly divided between those that recognize Kosovo's independence and those that do not. Given these circumstances, your presence here today indicates the strength of your commitment to ensure that the minority communities of Kosovo do not suffer additionally as a result of international differences on status. It is a commitment which the Helsinki Commission shares.

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The traditional emphasis of the Helsinki Commission has always been on promoting respect for human rights in Kosovo. This was the case during the dark days before 1999 when the forces of Slobodan Milosevic terrorized the Kosovar Albanian population. It has been the case since 1999, while Kosovo has been under UN administration.

We have always tried to focus on standards in Kosovo regardless of the status of Kosovo.

In the last year, from the unveiling of the Ahtisaari plan through Kosovo's declaration of independence in February, we were compelled to focus on status. Like the international community, there are differing views here within the U.S. Congress.

It is my hope, however, that with this hearing we can return to our focus on standards, and specifically the rights and privileges for minority communities in Kosovo. Even for those of us who have supported the recognition of Kosovo's independence, implementation of the Ahtisaari provisions regarding minorities was part of the package.

Given the dismal situation for minorities in Kosovo, especially from 1999 to 2004, there is reason to be concerned about the prospects for these communities in an independent Kosovo. The efforts of Kosovo leaders in more recent years to reach out to these communities, however, give hope that the prospects may improve. It is mostly a question of whether the status question, as it has played out internationally as well as within Serbia and within Kosovo, will undermine efforts to establish trust between the majority and the minorities in Kosovo.

As I am sure the High Commissioner knows too well, it is difficult to establish trust between communities that have significant differences and a history of hostility between them. There is probably no better person than the High Commissioner, however, to provide insights on how to overcome this difficulty, and I look forward to his remarks.

H.E. KNUT VOLLEBAEK, HIGH COMMISSIONER FOR NATIONAL MINORITIES, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Distinguished Members of the Congressional Helsinki Commission, Ladies and Gentlemen,

Good afternoon. Let me begin by thanking you for the invitation to address you today on the issue of minority protection in Kosovo.

Before I give you my assessment of the current situation and my recommendations for the improvement of the protection of Kosovo's smaller communities, it is essential that I clarify my position on Kosovo's legal status. In short, I remain status neutral. The areas that fall within the scope of my mandate—namely the status of inter-ethnic relations and the protection of Kosovo's minority communities—are areas that need to be addressed regardless of the ongoing debate or decision on its final status.

I was in Kosovo last week. During my (short) visit I met with the Special Representative of the Secretary-General of the United Nations, the Deputy International Civil Representative, the President, the Prime Minister, staff of the OSCE Mission as well as with officials and civil society representatives from different minority communities. This was my third official visit to Kosovo as OSCE High Commissioner on National Minorities, having been in Kosovo in September of last year and January of this year. Kosovo is one of my top priorities and I intend to continue to visit Kosovo on a regular basis.

During my last visit, I welcomed the calm that has prevailed in Kosovo since the declaration of independence on 17 February 2008. There have been no real inter-ethnic incidents of any degree. The authorities have consistently made clear that they will not tolerate such incidents, and I have commended them for their proactive and consistent approach in this matter. The violent incidents that did occur took place mainly in the Northern part of Kosovo/Mitrovica and were directed at the United Nations and other representatives of the international community. At the same time, there have been no obvious improvements in the area of inter-ethnic relations, and the security incidents that did occur continue to keep the feelings of mistrust between communities alive. Let me also stress that the risk of violent inter-ethnic incidents in Kosovo continues to exist for as long as the underlying causes of the tensions between different ethnic groups remain unaddressed.

In the run-up to and after the declaration of independence, the authorities have taken important steps in putting into place a legal framework for minority protection. The Constitution and various laws regarding the protection and promotion of minority rights—such as the Law on the Rights of Communities and their Members, the Language Law and the Law on the Protection of Cultural Heritage—have been drawn up in close cooperation with the international community. When the Constitution enters into force on June 15, the President will promulgate all the above mentioned laws. At that stage, the basic minority rights framework will be in place. It is of high standard and as such in compliance with the international human and minority rights standards. Their implementation will be supervised by the International Civil Representa-

tive who will retain veto-rights over norms or actions of the Kosovo authorities which would violate it.

Thus, many of the norms and mechanisms that are meant to protect and promote the rights of minorities exist on paper. The situation in reality, however, is quite different. It is difficult for Kosovo's non-majority communities. For some, it remains dire (most Roma and for some Serbian enclaves) or difficult for others (Turks, Bosniaks, some Serbian enclaves and areas). Discrimination, lack of freedom of movement, economic difficulties and potential violence are all aspects of daily life for some communities in Kosovo. This was eloquently phrased by a monitoring body of the Council of Europe which consists of independent experts in the field of minority rights (the Advisory Committee on the Framework Convention for the Protection of National Minorities):

“Various advanced norms . . . have been introduced to tackle many of the key concerns of minority communities. However, the reality in Kosovo remains disconcertingly far from these laudable norms and plans.”

This statement was made about two years ago but remains entirely valid today. This is due to a whole host of reasons, some of which include a lack of financial means to implement some of the more meaningful measures, lack of human resources available to address certain problems, lack of full understanding of how such measures are meant to function, and, in most instances, a lack of goodwill and trust between Kosovo's communities, not least its two largest communities. In addition, the lack of economic development, which negatively affects the lives of the entire population in Kosovo, hits the minority communities particularly hard. With the exception of those members of minority communities who live in Pristina, and Serbs living in northern Mitrovica, minorities currently tend to live in rural areas, thus adversely affecting their standard of living compared to the majority Albanian community. Access to employment, particularly in the private sector, is affected by some minorities' restricted ability to move freely in public, their linguistic knowledge and the direct and indirect discrimination they continue to face. Thus, most minorities, in particular Serbs, have returned to rural environments where they feel safe, and survive on subsistence farming, provided they can have access to farmland. The public sector is the largest employer of minorities, but currently employs less than 1% of minority community members.

Nonetheless, as I mentioned earlier, there is now a legal framework with a number of important mechanisms, in place which is meant to enhance the participation of minorities in Kosovo's political, economic and social life. Now that most governmental powers have been transferred to the Kosovo authorities, the real challenge is on implementation. The Kosovo authorities will need to show their commitment by implementing the high standards they are committed to. Therefore, in my meetings with the authorities, I stressed four particular points:

First, I am somewhat concerned that it is often unclear which government institutions are responsible for the implementation of the legal provisions regarding specific minority rights (language, education, participation, culture, and special measures in employment). The present ambiguous institutional arrangements have

somewhat obscured the respective authorities' responsibilities which may result in a lack of accountability for the implementation of minority rights. This needs to improve. E.g. the responsibilities of the Ministry for Communities and Returns (currently lead by a Kosovo Serb Minister) and those of the Prime Minister, who recently created an Office for Community Affairs, need to be clearly defined.

The second point I underlined in my meetings with the authorities is that it is now essential that the substantive minority rights are implemented. This concerns all substantive rights included in the Law on the Rights of Communities as well as other legislation such as participation of the minorities and their representation in public bodies, the implementation of their language rights at central and municipal level, the right to use their personal and place names in minority languages. Implementing these various provisions requires both political will and financial resources. Furthermore, it is important that the Government conduct an information campaign to inform the different communities of their rights as well as of the remedies against non-implementation.

Third, the Government's efforts to improve the position of the Roma, Ashkali and Egyptians need to be stepped up. The situation of the approximately 35,000-40,000 Roma, Ashkali and Egyptian Communities in Kosovo (RAE) (pre-war 100-150,000) generally continues to be appalling, as they continue to be excluded, suffer from unemployment, lack of education, discrimination, poverty, insufficient health care and inadequate housing. To address these problems with more vigour the Prime Minister's Office has been drafting a Roma Strategy with the help of international organizations and civil society, which has key components on education, health, housing, registration, anti-discrimination, and culture. Most experts acknowledge that the strategy document in principle contains all necessary elements. However, it has not been made public yet or tabled for discussion in the Assembly. I urged the Government to adopt this strategy in the coming months as well as to allocate sufficient funding for its effective implementation.

Fourth and finally, as I mentioned at the beginning of my statement, the continued security challenges have highlighted the need to prioritize confidence-building and interethnic dialogue in order to create minimum levels of stability and cohesion in a multi-ethnic Kosovo. In addition to advising on the contents and implementation of the legal framework for the protection of minority communities in Kosovo, I have, therefore, underlined the need to move forward a process of reconciliation for Kosovo in order to address the above-mentioned lack of goodwill and trust. This process must be a long-term, structured and systematic approach to seeking truth, achieving reconciliation and building trust in each other and Kosovo's institutions. In order to launch this process, my predecessor, Ambassador Rolf Ekéus, convened two meetings in Stockholm, Sweden in October 2006 and February 2007 on promoting reconciliation and advancing the agenda of so-called transitional justice issues and mechanisms in Kosovo. These meetings brought together a range of high-level political leaders, academics, journalists, civil society representatives and members of associations of victims and their families, all from both the Kosovo Serb and Albanian communities.

During my visit, I continued to promote this process by addressing a conference on this issue at the Kosovo Institute of Journalism and Communications, a conference which was also addressed by the Prime Minister and attended by several other Government officials and key opinion makers. I intend to further this process with the release of a discussion paper on transitional justice in Kosovo, which is now prepared by a local think tank. Once this is completed, it is intended to have this paper serve as the basis for another meeting of the those assembled by my predecessor in late July. After discussions at this forum, the paper will be finalized and launched as the basis for public debates, beginning in early autumn.



This is an official publication of the
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