



**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

**MINORITY COMMUNITIES IN KOSOVO: PROTECTING AND PROMOTING THEIR
RIGHTS**

address by

Knut Vollebaek

OSCE High Commissioner on National Minorities

to the U.S. Commission on Security and Cooperation in Europe
(the Helsinki Commission)

Check against delivery

Washington D.C., June 3, 2008

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 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 (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 led 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.
