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Current situation in Kosovo

Recommendation 1780 (2007)

Reply from the Committee of Ministers
adopted at the 1002nd meeting of the Ministers' Deputies (12 July 2007)

1. The Committee of Ministers has closely followed the Parliamentary Assembly's work on the situation in Kosovo and would like to submit the following elements for a reply to Recommendation 1780 (2007).
2. Within the framework established by the United Nations Security Council Resolution No. 1244, the Committee of Ministers has ensured that the Council of Europe contributes to the effective implementation of the principles and standards concerning democracy, human rights and the rule of law in Kosovo. Particular attention has been paid to the protection of the rights of communities and their members, in particular of the Serbian community, as well as to the protection of the Orthodox heritage. Close co-operation has been established with the relevant authorities as part of the international community's overall efforts. The impact of this co-operation has been regularly reviewed, particularly during exchanges between the Ministers' Deputies and the successive special representatives of the UN Secretary General. The most recent exchange of this kind was with Mr Rücker, in the framework of the Rapporteur Group on Democracy (GR-DEM), on 30 January 2007.
3. The Committee of Ministers has fully respected the autonomy of the political and diplomatic process for the research of a sustainable settlement conducted under the aegis of the United Nations. Like the Parliamentary Assembly, the Committee of Ministers regrets that it has not yet been possible to achieve a mutually acceptable solution. It reiterates its support for a sustainable and comprehensive solution making it possible for all refugees and internally displaced persons to return home in safety and with dignity. Such a solution, facilitated by the international community, would guarantee the long-term stability of the region as well as fulfil the conditions for its unimpeded economic and social development.
4. The United Nations Security Council is considering a proposal on Kosovo status presented by Mr Ahtisaari, Special Envoy of the Secretary General of the United Nations for the future status process for Kosovo. Whilst discussions on the future status are ongoing at the United Nations, the Council of Europe is engaged in supporting important work to ensure the guarantee of the rights of everyone living in Kosovo and of those who would like to return there.
5. At the request of interested partners and international organisations, the Council of Europe's offer of help, in its spheres of competence, will be reiterated, while in due course taking account of the prospects which would be afforded by the adoption of a new legal and institutional framework. The main lines of the assistance on offer correspond on the whole to those mapped out by the Assembly. The Secretary General has made preliminary proposals to the Committee of Ministers. However, it will not be possible to fill in the details until a final settlement has been approved and in-depth consultations with all parties concerned have taken place, allowing to define the exact nature of the Organisation's contribution. This applies in particular with regard to its involvement in any future international civilian presence.

6. With regard to the specific recommendations made in Recommendation 1780 (2007), the Committee of Ministers would like to make the following preliminary comments:

- the practical implementation of human rights standards will remain a major priority. Now that agreements have been negotiated with UNMIK and NATO, with the full support of all member states, including Serbia, for the CPT's monitoring mechanisms to apply to Kosovo, the Council of Europe is supporting efforts to devise and implement a human rights strategy. It should contribute to the training of legal professionals;
- following the agreement negotiated with UNMIK, the implementation of the Framework Convention for the Protection of National Minorities is being monitored. Furthermore, substantial work will be undertaken on the involvement of civil society and support for the introduction of legislation on languages;
- through the Reconstruction Implementation Commission (RIC), which it chairs, the Council of Europe is prepared to continue to work with all partners concerned to steer projects for the reconstruction of the Orthodox religious heritage. This work could contribute to building up confidence between communities on matters relating to intercultural and inter-religious dialogue;
- while its experts have laid down the legal foundations for the functioning of the police force, the Council of Europe is working with the European Commission to implement a joint regional project to combat corruption, in co-operation with other relevant international bodies;
- assistance could also be provided regarding the fight against organised crime, money laundering and trafficking in human beings;
- substantial support has been given to efforts to increase the capacity of the judicial system. Models have been provided, on the basis of which the legal professions can attempt to organise themselves;
- work will also continue on providing assistance in setting up bodies and standards in accordance with the European Charter of Local Self-Government and organising training for local government officers;
- the Ombudsperson institution in Kosovo has always benefited from substantial support from the Council of Europe. This support could be further increased through the European initiatives taken by the Commissioner for Human Rights in this connection.