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Mission in Kosovo

6

YEARS ONWARDS

Putting the Helsinki Final Act into action



HUMAN RIGHTS AND DEMOCRACY FOR ALL!

IMPRESSUM



Mission in Kosovo

6 years onwards - putting the Helsinki Final Act into action

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Editors:

Sven Lindholm, Spokesperson, and Nikola Gaon, Senior Public Affairs Officer

Photos:

OSCE Mission in Kosovo and Lubomir Kotek

Design and layout:

Shpend Kada

Contributors:

Christopher Decker, Jose Arraiza, Melissa Stone, Michael Frahm, Michael Schuetz, Radostina Nedeva, Susana Martins, Annett Gerber, Bujar Maxhuni, Jaime Valles, Mohamed Sagdati, Jonathon Milligan, Matthew Minns, Zilha Nurkollari, Ardian Spahiu, Hasan Sopa, Alexandra Simpson, Franklin DeVrieze, Katja Salsback, Angela Tenbruck, Milosava Banašević, Ženet Mujić, Nderim Pasuli, Aurelie Hugot, Mitchell Moran

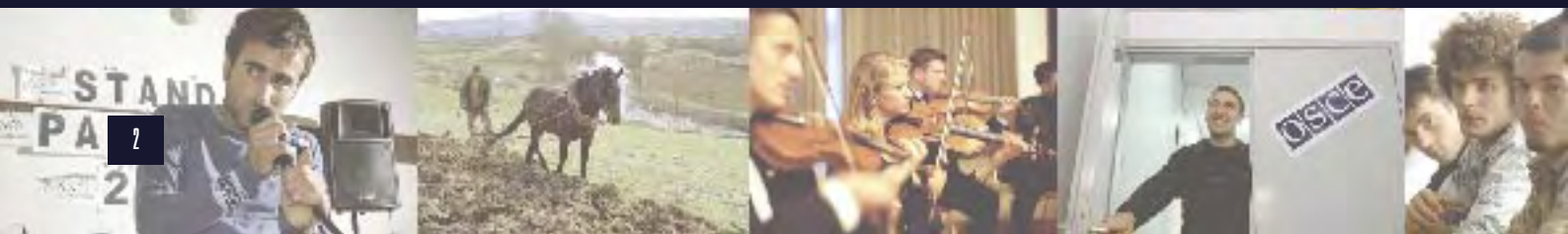
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OSCE HQ Prishtinë/Priština

Tel: +381 38 500 162 Fax: +381 38 500 188

E-mail: press.omik@osce.org

<https://www.osce.org/kosovo>



INTRODUCTION

Structure of the publication

Dear readers,

This publication provides an overview of the OSCE Mission's evolving work in Kosovo over the last six years.

It also looks into the history of the Organization for Security and Co-operation in Europe, from the adoption of the Helsinki Final Act to the establishment of the first Missions in the parts of former Yugoslavia and explains the greater context in which the Kosovo Mission functions.

Divided into eight thematic chapters it illustrates the role the Mission has in helping to normalize the situation and create conditions conducive to the social and economic well-being of the people of Kosovo.

This publication presents these developments in some detail in relation to the OSCE Mission's work. It features a number of representative programmes and projects, ranging from the creation and development of public institutions to creating a human rights curriculum for primary school students and police training.

We hope that you will enjoy reading it and get to know our Mission a bit better. If your information needs and interests extend beyond this publication, we encourage you to contact us.

*OSCE Mission in Kosovo
Press and Public Information
Office*

OSCE HQ Prishtinë/Priština

Tel: +381 38 500 162

Fax: +381 38 500 188

*E-mail: press.omik@osce.org
<https://www.osce.org/kosovo>*

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Foreword by the OSCE Head of Mission Werner Wnendt

In 2005 we marked the 30th anniversary of the Helsinki Final Act. This agreement adopted by the Conference for Security and Co-operation in Europe (CSCE) on 1 August 1975 initiated a dialogue between the East and the West; and with that alone it provided a foundation for a more united and secure Europe.

Through the Conference, the agreement helped to ease tensions and mistrust between states and eventually played a part in ending the Cold War while substantially contributing to peace and democracy building. Thirty years later the letter and spirit of the agreement are still governing our work.

Ten years ago, the CSCE was transformed into the Organization for Security and Co-operation (OSCE). This made it more operational and able to act on the ground directly in places of conflict.

In the course of this transformation, the OSCE faced some real challenges. Most notable were the break-ups of Yugoslavia and the Soviet Union. Yet throughout this period the OSCE has helped prevent potential conflicts and worked with governments to help stabilize and democratize societies.

Unfortunately, some conflicts, like the one in Kosovo, could not be prevented using political tools. The OSCE, being committed to human security, nonetheless, worked to first ease tension and resolve the conflict and is now working on post-conflict rehabilitation.

For us, the OSCE Mission in Kosovo – the Organization's operational arm – post-conflict resolution includes building democratic institutions and promoting human rights and the rule of law. We perform these tasks under the umbrella of the United Nations Interim Administration and serve as its third Pillar.

Following the Helsinki Final Act and our Mandate, the OSCE's activities in Kosovo span from police education and development to capacity building of governmental and non-governmental sectors to media development and elections. They are all geared towards the establishment of normal living conditions for all the people in Kosovo.

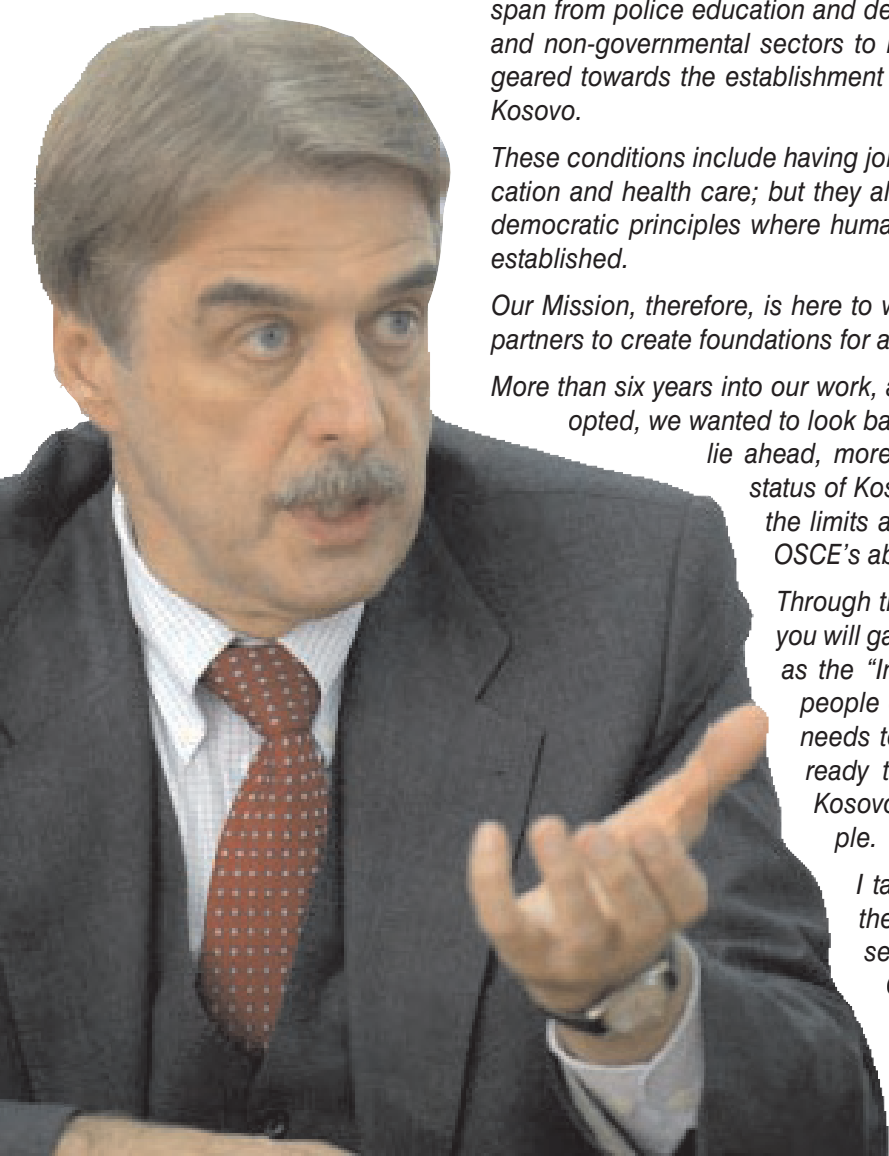
These conditions include having jobs, and access to public services including education and health care; but they all require an existence of a society that upholds democratic principles where human rights are protected and where rule of law is established.

Our Mission, therefore, is here to work with people of Kosovo and its international partners to create foundations for a prosperous society.

More than six years into our work, and 30 years after the Helsinki Final Act was adopted, we wanted to look back on what has been done and what challenges lie ahead, more so since the process to determine the future status of Kosovo has begun. This publication does so within the limits and constraints of its volume and underlines the OSCE's ability to adapt to the challenges of the day.

Through the words and pictures of this report. I hope that you will gain an appreciation for efforts taken by the OSCE, as the "Institution-Building Pillar" of UNMIK, to help the people of Kosovo secure a more peaceful future. More needs to be done to reach this goal and OSCE stands ready to support those politicians and institutions in Kosovo that are responsible for the future of the people.

I take this opportunity to thank all our partners for their support, in particular the UN Special Representative, Søren Jessen-Peterson. I also thank the OSCE Mission staff for their hard work, of which I am particularly proud.



STRUCTURE OF THE OSCE MISSION IN KOSOVO AND INTER-PILLAR CO-OPERATION

The OSCE Mission was established on 1 July 1999, through a decision of the United Nations and the OSCE, as an integral part, yet distinct component, of the United Nations Interim Administration in Kosovo (UNMIK). The four pillar operation is the first such ever established by the UN. The UN is responsible for Police and Justice, or Pillar I, and Civil Administration, which was Pillar II until recently. The OSCE, Pillar III, is responsible for Institution Building, and Economic Reconstruction, Pillar IV, is the responsibility of the European Union.

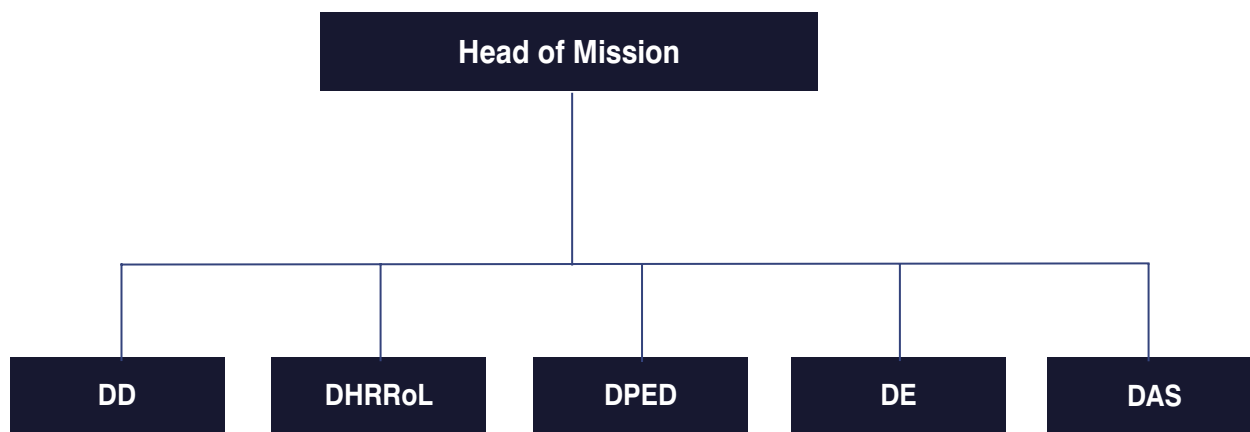
Tasked with institution and democracy building, the OSCE Mission is engaged in issues relating to development of local institutions – the Provisional Institutions of Self-Government (PISG) - at central and municipal levels; development of civil society and media sectors; overall development of the legal sector and of human rights compliant governmental practices; police education and development; and, decreasingly, election administration.

Its current structure, therefore, includes four programmatic departments:

- Department of Democratization (DD);
- Department of Human Rights and Rule of Law (DHRRoL);
- Department of Police Education and Development (DPED); and
- Department of Elections (DE).

Each of the department has expertise in their particular fields and manage their own programmes. The Mission also maintains a numbers of offices throughout Kosovo to work with institutions and people at a more local level. However, the overall responsibility for the conduct and activities of the Mission lies with the Department of Head of Mission which provides direction for all activities.

The Department of Administration and Support (DAS), on the other hand, supports the functioning of the Mission and its activities.



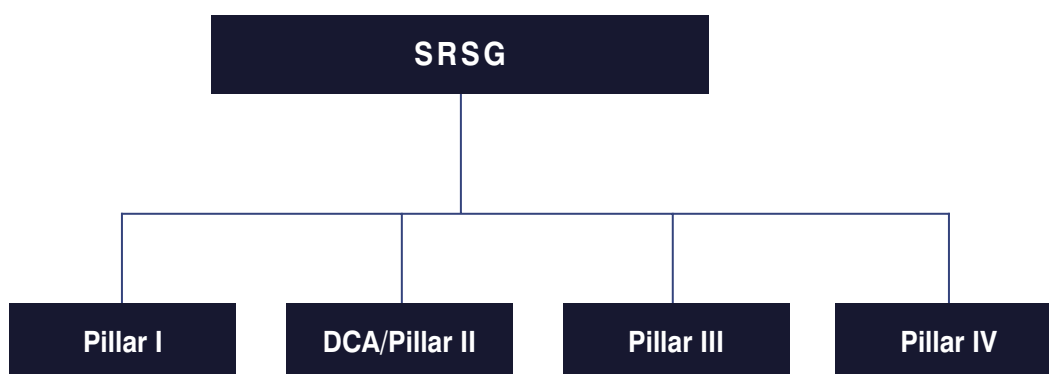
Inter-Pillar co-operation

In the Pillar structure the Mission's activities are closely co-ordinated with its partners in UNMIK. It co-operates with Pillar I on issues pertaining to policing and conduct of the courts.

Co-operation with the Department of Civil Administration - which has just recently evolved from Pillar II - focuses on good governance issues at all levels of public administration.

Pillar IV is the Mission's partner in the area of local economic development.

The office of the UN Special Representative of the Secretary General steers the co-operation between pillars ensuring that their activities are complementary and not overlapping.



30 years of the Helsinki Final Act and six years of the OSCE Mission in Kosovo

The history of and reasons for OSCE's involvement

The Helsinki Final Act, in the simplest possible terms, is an agreement that initiated the end of the Cold War and the start of a new phase in the development of a wider European region, rooted in respect for human rights and fundamental freedoms.

A Conference on Security and Co-operation in Europe (CSCE) opened in July 1973 in Helsinki. After two years of diplomatic negotiations, the CSCE Final Act was adopted on 1 August 1975 by the heads of the 35 participating states. The location of the ceremony, a bridge between the east and west, gave the Helsinki Final Act its name.

Basic principles

The Final Act opened a process that led to a phased stabilization of relations between the states that participated in the Conference and rapprochement

These basic principles included:

1. Sovereign equality, respect for the rights inherent in sovereignty;
2. Refraining from the threat or use of force;
3. Inviolability of frontiers;
4. Territorial integrity of States;
5. Peaceful settlement of disputes;
6. Non-intervention in internal affairs;
7. Respect for human rights and fundamental freedoms, including the freedom to thought, conscience, religion or belief;
8. Equal rights and self-determination of peoples;
9. Co-operation among States; and
10. Fulfillment in good faith of obligations under international law.

With the signing the Final Act the participating States took on an obligation to respect and put into practice each of these ten principles.

Diplomatic negotiations that preceded and succeeded the Helsinki Final Act adoption led to the opening of the Iron Curtain, the creation a more integrated economic area, a series of disarmaments and the establishment of military co-operation and exchanges of information, joint scientific and environmental protection programmes, and greater respect for human rights.



The decision to transform the CSCE into the OSCE was reached at the Budapest Summit in December 1994 by heads of all the participating states.

Transforming the Conference into the Organization

Over the years, the work of the Conference was becoming more and more structured. In November 1990, the Paris Charter for New Europe was signed by the Participating States, calling on the CSCE to actively engage in managing post-Cold War changes.

The CSCE's main role was to serve as a conflict prevention, conflict resolution, and post-conflict rehabilitation mechanism.

To respond to these challenges, CSCE created permanent institutions and acquired operational capabilities. At the CSCE Budapest Summit in December 1994, participating states concluded that the Conference had long ago become more than a conference and that its name should be changed to reflect the present needs and reality. They decided to turn the Conference into an Organization, and the Organization for Security and Co-operation in Europe (OSCE) was born.

First missions

Responding to the breakup of Yugoslavia and conflict spreading throughout its former republics, the CSCE deployed in 1992 its first Missions of Long Duration to Kosovo, Sandzak and Vojvodina. The purpose of these Missions was to monitor security developments, seek ways to improve human rights situation and keep OSCE's Permanent Council (comprised of Participating States' Ambassadors to the OSCE) informed. This Mission closed down one year into its existence as Yugoslav authorities were not willing to agree on its extension.

Political instability and conflicts in the years to come led to OSCE field operations (missions and offices) being established in the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Croatia, Albania, Kosovo, Yugoslavia (later renamed the State Union of Serbia and Montenegro) in South-East Europe; Estonia, Latvia, Moldova, Ukraine and Belarus in Eastern Europe; Georgia, Armenia and Azerbaijan in Caucuses; and Tajikistan, Turkmenistan, Uzbekistan, Kyrgyzstan, and Kazakhstan in Central Asia.



The OSCE Spillover Monitor Mission to Skopje was the second field operation to be established under the CSCE in 1992. It monitored the borders to try and to prevent the spread of conflict.

Participating States in 1975:

Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia.

35 states in total.

New Participating States

Most of these operations were established in the newly created states – 18 of them (with the exception of the Kosovo Mission) – formed from the dissolution of the Soviet Union and Yugoslavia. All these states became OSCE Participating States, thus enabling deployment of missions or offices to their territories, as well as their adherence to OSCE principles.

With the split of Czech and Slovak Republics, the unification of Germany, and Lithuania, Albania and Andorra joining the OSCE, the Organization became 55 states large.

It is now known as the world's largest regional security organization.

The Organization's role

The aim of the organization is to prevent conflicts in the area of its participating States – an area extending from Vancouver to Vladivostok. If this turns out not to be possible and if the political will to do so is missing, the Organization engages in conflict resolution. The last step it takes is post-conflict rehabilitation.

Depending on its mandates that have to be agreed with the host country (in case of Kosovo, this was done with the United Nations in accordance with the UN Security Council Resolution 1244 that established UN's Interim Administration over the territory), the work of the OSCE missions and offices may encompass three dimensions – human dimension, economic and environmental dimension and politico-military dimension.

Institutions

To provide a know-how for the field operations and to develop expertise in specific fields of work or with specific issues, the CSCE began establishing institutions that form permanent parts of the OSCE structure: the Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Representative on Freedom of the Media, the High Commissioner on National Minorities, and a Secretariat with conflict prevention, anti-terrorism, anti-trafficking, economic and environmental activities and police matters units. The organization is politically led by the Chairman-in-Office – who is the Minister of Foreign Affairs of a country that chairs the Organization over a year-long period commencing every January.

Kosovo

History

The deteriorating security situation in the former Yugoslavia called for the CSCE's involvement in line with the obligations given to it at the Paris Summit (1990). The CSCE moved to stop further spreading of conflict using all political means at its disposal.

Flags of the 55 Participating States are displayed at the entrance to the Hofburg conference center, Vienna, home to the OSCE Permanent Council.



HISTORY

The reluctance of the Yugoslav authorities to co-operate with the CSCE led to the suspension of its membership in the Conference on 8 July 1992 (the suspension lasted longer than initially expected and ended on 7 November 2000).

In September 1992 the Missions of Long Duration to Kosovo, Sandzak and Vojvodina were deployed, as was the Spillover Monitoring Mission to Skopje.

The Yugoslav regime, in 1992, reluctantly agreed to have impartial CSCE observers on its territory. Their task was to examine the human rights situation and provide suggestions on its improvement. They were also to help establish dialogue between populations from these three regions with the governmental bodies. Once Yugoslavia refused to extend the Missions, they were pulled out in June 1993.

From that time until the establishment of the Kosovo Verification Mission (KVM) in October 1998, the OSCE was engaged in a number of diplomatic negotiations geared towards lessening tensions and improving living conditions for the local population.

Notably, in March 1998, the OSCE Permanent Council in its decision to support a new mission by Mr. Felipe Gonzales, as the Personal Representative of Chairman-in-Office for the Federal Republic of Yugoslavia, stated that crisis in Kosovo was not solely an internal affair because of violations of the OSCE's human rights principles and commitments and its serious affects towards regional security. The Permanent Council also called for the return of Long Duration Missions to Kosovo, Sandzak and Vojvodina.

Mr. Gonzales had had one mission in Yugoslavia before to assess election related matters, such as legitimacy of elections and media conduct.

KVM – the first OSCE Mission established in support of a UN Security Council Resolution – was to verify compliance with a cease-fire, monitor movement of forces and promote human rights.

The OSCE once again had an operational hand in Kosovo and its unarmed verifiers were very active, to bring an end to the conflict and ensuring that human rights were being respected. The daily work of KVM included activities such as monitoring movement of troops, assisting refugees and wounded and negotiating cease-fires and releases of hostages.

Oftentimes the sides in conflict were not happy with uncompromising positions on human rights violations the Mission was frequently voicing. The OSCE was also insisting on full implementation of the agreements Yugoslav authorities had signed with the OSCE. As a result, the Mission

During its brief existence, KVM took efforts to speak out against human rights abuses of the Yugoslav military and police forces, as well as the Kosovo Liberation Army. Such abuses included harassment, intimidation, destruction of property, abductions and hostage taking and expulsion.

Due to these efforts, in January 1999, the OSCE Chairmanship found the declaration of the KVM Head of Mission as “persona non grata” by Yugoslav authorities unacceptable and extended its full support to the Mission together with the OSCE Permanent Council of 54 Participating States (Yugoslavia's membership in the OSCE was still suspended at the time).

Nonetheless, with the deteriorating security situation and the end of peace talks in Rambouillet, in March 1999, the OSCE Chairman-in-Office, Norwegian Foreign Minister Knut Vollebaek, decided to withdraw OSCE international verifiers from Kosovo.

The KVM continued to function for a while from locations in the former Yugoslav Republic of Macedonia and Albania, as hundreds of thousands of people were expelled from Kosovo. From KVM's work and interviews with refugees, ODIHR published a two-volume report, *As Seen, As Told*, which presented an extensive and systematic survey of human rights in Kosovo. Volume I examined actions of both sides to Kosovo's internal conflict in the first half of 1999; Volume II examined human rights violations in the latter half of 1999 following the return of refugees.

In June 1999, OSCE's Transitional Task Force for Kosovo was created to help with planning and preparing for a new mission in Kosovo and to co-operate with the UN and other international organizations while continuing to assess the human rights situation in Kosovo and register and document the movement of refugees.



Conflict in Kosovo left many properties destroyed. Hundreds of families lost all their homes and were forced to become refugees.



In the most extreme situations, military actions in 1999 ended with civilian life lost.

OSCE Mission in Kosovo

Following NATO's military intervention in 1999, the UN Security Council adopted Resolution 1244. It called for the establishment of an interim international administration in Kosovo that would stay in place until a future status for Kosovo was determined. The administration was given responsibility to re-establish a judicial system, civil administration, build democratic institutions and support reconstruction and economic revitalization in Kosovo.

The OSCE was called upon to assist with the institution building efforts as well as with human rights and rule of law promotion.

On 1 July 1999, the OSCE's Permanent Council decided (Decision 305) to establish the OSCE Mission in Kosovo. Its primary tasks included development of a new and democratic police force, organization of free and fair elections, development of responsible and professional media, development of functioning governmental institutions at municipal and central levels, development of political and non-governmental sectors, monitoring the judicial system and professional development of legal professionals, promotion of democratic and human rights values, and improving position on ethnic minorities, and other disadvantaged groups including women and youth.

In practical terms, for Kosovo's population this meant:

- **enjoying greater public safety;**

The OSCE established the Kosovo Police Service School and has trained 7,500 police officers of all ranks to support the rule of law.

- **being represented by officials placed in power through free and fair elections;**

The OSCE ran four elections and has established and trained a local Central Election Commission and its Secretariat that are now close to being ready to administer elections on their own, including developing a legal framework for elections.

- **receiving information from a number of media houses that strive to be professional and responsible;**

The OSCE established, trained and equipped Radio Television of Kosovo (RTK), the public broadcaster that now enjoys public trust and continuous OSCE's support. The OSCE is also helping professional development of local media. It has also established and supports the functioning of the Temporary Media Commissioner's Office that will soon become the Independent Media Commission.

- **being served by a public administration that is becoming more effective and efficient;**

The OSCE provides extensive training to appointed and elected officials both in the executive and legislative branches to improve their performance. Furthermore, it coordinates international assistance to the Assembly of Kosovo, and is helping to build the capacity of the Kosovo Institute for Public Administration.

- **having more mature political entities and NGOs to represent their interests;**

The OSCE has assisted political party development, as well as the establishment and functioning of domestic non-governmental organizations. It is also facilitating citizens' participation in work of the governing authorities.

- **counting on a justice system that will protect their rights;**

The OSCE monitors the conduct of law-enforcement and judiciary sectors for human rights compliance and reports on observations. It trains legal professionals and has established the Kosovo Judicial Institute, the Kosovo Law Center, the Criminal Defense Resource Center, as well as the Ombudsperson Institution. All these institutions have either become, or are in the process of becoming, independent domestic bodies.

- **living in a society that is starting to implement principles of equality; and**

The OSCE works with local institutions to ensure that their practices are human rights compliant and take into consideration specific needs of minority and disempowered groups. The OSCE assists minorities in gaining access to public services, primarily education and health care, and helps develop their own organizations that would provide for their needs, including information sources. Helping women and youth participate in public life is also one of the OSCE's priorities.

- **ensuring that future generations are well aware of the meaning and impact human rights and democracy have on their lives.**

The OSCE supports inclusion of human rights and democratic principles in formal and informal education.

All of the above activities fall under the rubric of post-conflict rehabilitation, but at the same time work towards preventing future conflict, as well as economic development. However, the size of change that is needed in Kosovo, in comparison to the pre-1999 period, is tremendous. Six years of international presence in Kosovo has brought it to the beginning of the status discussions. Once the status is decided Kosovo may well need further assistance that will help its people become fully-fledged members of a European society.

The Organization for Security and Co-operation in Europe is likely to be one of the agencies to continue providing support to the people of Kosovo.



The end of conflict and beginning of post conflict rehabilitation activities yielded results. People were able to start exercising their traditions.