

Organization for Security and Co-operation in Europe
MISSION IN KOSOVO

Pillar III (OSCE) Programmatic Priorities for 2004

January 08, 2004

The OSCE Mission in Kosovo will continue to play its full part as the Institution Building Pillar of the unified UNMIK administration of Kosovo. A sustainable Kosovo must have institutions capable of meeting their domestic and international obligations, including the requirements of the Kosovo Standards Implementation Plan and the European Union Stabilisation and Tracking Mechanism. In order to achieve these – articulated *inter alia* through the standards process – Pillar III (OSCE) will – within its mandate – enable governance and civil society institutions to function with full respect for democratic values and standards including the interests, rights and representation of all ethnic communities in Kosovo.

In 2004, the OSCE Mission in Kosovo (OMiK)¹ – UNMIK Pillar III (OSCE) - will focus on: (1) the sustainability of institutions created; (2) developing the capacity amongst Kosovars to keep their own institutions in check and ensure they adhere to democratic standards. Rule of law and equality before the law are a fundamental pre-condition for viability and sustainability. Pillar III (OSCE) will also promote adherence to the rule of law in the practice of government at central and local level, further professional standards of public functions and encourage free and responsible media. Pillar III (OSCE) will help establish well-functioning police, justice and penal systems based on impartiality and respect for human rights. It will work with the Provisional Institutions of Self-Government (PISG) to enable the people of Kosovo to take ever-increasing responsibility for the institutions of public life, under the political guidance of the SRSG. It will ensure that such responsibility is exercised with full regard for human rights and that all communities will be able to participate in all institutions, to the full extent guaranteed in the provisions of each institution. It will continue to develop the skills and capacities of elected and public officials in Kosovo to hold public office. Pillar III (OSCE) will also work to promote the involvement of other citizens and opinion-formers in public life. In all of its programmes it will uphold the right of all citizens to live in safety and security as fully integrated members of society.

Three cross-departmental strategies, permeating all Pillar III (OSCE) activities, will continue to be a priority for 2004. (1) Securing adequate conditions for minorities to remain in Kosovo and for sustainable returns. (2) Promoting reconciliation and tolerance. (3) Promoting the Right to Return. Pillar III (OSCE) as part of UNMIK, lays the groundwork for return by: setting by setting up a legal and social institutional framework conducive to returns, Promoting inter-ethnic dialogue; correcting institutional deficiencies to ensure accountability within the Provisional Institutions, and, once returns have taken place, Pillar III (OSCE) helps to ensure minority rights are respected.

The Pillar III (OSCE) **Assembly Monitor** will continue as mandated by the SRSG to monitor the Assembly of Kosovo according to the provisions of the Constitutional Framework and the Assembly's own Rules of Procedure. The Assembly Monitor – first introduced as a confidence-building measure in December 2002 – is accepted by all political groups in the Assembly as an independent, objective and impartial observer of proceedings in the Assembly.

¹ More information about Pillar III (OSCE)'s programmes is available from OPA@omik.org and <http://www.osce.org/kosovo/>

The Mission's **Department of Democratization** will enhance the capacity and effectiveness of the Provisional Institutions of Self-government (PISG) through: hands-on capacity building programmes related to local and central governance; increasing citizen participation to enhance accountability, ethnic community participation, and transparency at the municipal and central levels; and, by supporting the emergence of free and accountable media institutions and outlets in Kosovo. DD works towards the creation of vigorous independent institutions and civil society that provide oversight on structures resilient enough to resist political pressure.

- The *local governance programme* works at the municipal Assembly and committee level to improve functionality and adherence to relevant legislation. The programme monitors and advises on the performance of transferred competencies of local governance to ensure equitable provision of services and greater municipal interaction and accountability to all constituents. The Association of Kosovo Municipalities (AKM) will be the hand-over partner for Pillar III (OSCE) capacity building efforts.
- As regards *central governance*, DD co-ordinates assistance to the Assembly and works across party lines to improve the work of Assembly members and committees. Through the creation of parliamentary focal points in the Ministries, and the Office of the Prime Minister, it works with the PISG towards increased executive oversight. Parliamentary co-operation in SEE will also be enhanced through conferences, and dialogue with Belgrade will be facilitated through workshops and seminars in the field of negotiation and political dialogue. In addition, Pillar III (OSCE) will provide technical assistance to the Kosovo Institute for Public Administration (KIPA) CEO to assist the build-up of trainers; the formation of a training strategy, and identify needs for municipal/ ministerial staff development. Finally Pillar III (OSCE) will advise and support KIPA management and administration in techniques and standards to run a training facility.
- The *civic participation programme* fosters direct inter-action among various civic society networks, NGOs and other citizen groups. To increase public recognition of underrepresented groups, Pillar III (OSCE) offers a series of activities to support women voices and youth issues in Kosovo's media to complement governance support at the central and local level.
- *Media Support* intends to work towards the creation of a single, unified Journalists Association and a sustainable, responsible and professional media. Media training to Kosovo institutions is to take place through the establishment of a School of Journalism in Prishtinë/Priština with Pillar III (OSCE) offering advice on the curriculum. The future establishment of an independent media regulatory authority will further develop Kosovo's capacity for self-regulation. To this end, essential support will be offered through practical legal advice to produce relevant legislation including laws on broadcasting, freedom of information, libel and defamation, protection of minors, and copy right

In addition, Pillar III (OSCE) supports the Provisional Institutions by giving *in situ* advice and guidance to the Office of the Prime Minister's Advisory Offices (a) of Good Governance, Human Rights, Equal Opportunity and Gender; and (b) on Communities. **OSCE Advisors** build up capacity in the Advisory Offices working with the Prime Minister and Provisional Ministries, to oversee the Ministries' governance practices, review draft legislation, and develop guidelines for implementation.

Responsibility for ensuring that human rights are protected lies with the authorities in Kosovo including the PISG, UNMIK and KFOR. In 2004, **the Human Rights and the Rule of Law (HR/ROL) Department** will, by shifting its focus to the PISG, prepare the groundwork for a system and/or framework whereby human rights compliance of Kosovo governmental actors – in accordance with the EU standards - is enshrined in legislation and ensured through the PISG:

The Department envisages the deployment of Human Rights Experts (HRE) to each of Kosovo's 30 municipalities to partner with key actors within the municipal structures. The Department also envisages deploying a HRE to each of the five regional police headquarters. Additionally, the department envisages that Senior Human Rights Experts (SHREs) are to be deployed to selected central level ministries. OSCE will work

with the PISG to increase the awareness of human rights within the governmental structures and promote, in line with UNMIK's priorities, the right to return and the right of all ethnic communities to remain in Kosovo.

Regarding the Rule of Law programmes, there will be a shift in focus from supporting the development of institutions created by the Department in previous years, to advising these institutions, as well as other non-Pillar III (OSCE) created legal bodies, in developing future programmes to strengthen the rule of law and ensure equal access to justice. Programmes will support the chamber of advocates in building up training to promote the rule of law while increasing the professional ability/capacity of NGOs to provide civil legal aid. The Kosovo Law Centre (KLC), to whom Pillar III (OSCE) funding has been reduced by half, will, *inter alia*, continue to support the law faculty in Prishtinë/Priština and in Mitrovicë/Mitrovica. The Kosovo Judicial Institute (KJI) will continue to provide continuous legal education for all Kosovo judges and prosecutors. It will begin providing initial legal education for candidates for the office of judge or prosecutor as well as provide an overview of the legal system for lay judges and promotional training for magistrates who will be promoted within the court/prosecution system. The KJI will be funded through the Kosovo Consolidated Budget though OSCE continues to second three international staff members to aid its sustainability.

In addition, the Department will maintain three of its specialised human rights sections at Headquarters.

- The *Legal Systems Monitoring Section* will continue its work with the judiciary.
- A new and increased capacity building function will be carried out by the *Capacity Building Section* (formerly Training and Promotion Section).
- A *Trafficking Focal Point* will continue to implement projects related to victims of trafficking in human beings.

In 2004 the **Department of Elections** will undertake its election responsibilities with a significant change from previous election years. The responsibility for the conduct of the elections will be shared with the Central Election Commission's Secretariat, now legally and operationally established. The Department will retain operational responsibility for certain particularly sensitive activities as well as a strong advisory function for those functions transferred to the Secretariat. For example, the Secretariat will take over the operational tasks, which are required at the municipal level, and several at the central level. In order to achieve this handover, the Department will continue and complete in 2004 the multi-faceted professional development and training programme for the Secretariat staff, which was initiated in 2003. In order to achieve the project objective described above, the Department of Elections will be structured to carry out the four themes of its work.

- (i) **Retained Operations.** OSCE itself will be responsible for the preparation of the voters' list, a modified version of the voting program for out of Kosovo voters, the planning and running of the count and results centre. In addition, OSCE will maintain a political party registration and financial audit office and the appellate body to adjudicate complaints filed in connection with election preparations and election day activities. Finally, OSCE will maintain a small antifraud unit to investigate suspected cases of fraud or intimidation.
- (ii) **Training and Advisory Functions.** The Department of Elections (DE) training staff and the relevant functional expert or advisor will be working through this ambitious training programme. These teams will remain active throughout the election-run up period to provide advice and guidance to the Secretariat staff.
- (iii) **Continuing Legal Oversight and Regulatory duties** OSCE will continue to play a significant role in preparing or consolidating the elements of the electoral regulatory framework by working with the CEC, and UN. Both the OSCE and the Secretariat of the Central Election Commission (CEC) will operate formally under the direction of the CEC. However, the Office of the SRSB remains the final authority under the terms of UN Security Council Resolution 1244 and the Constitutional Framework.

The CEC Secretariat, funded by the Kosovo Consolidated Budget (KCB), will plan and execute, in their entirety, certain specified tasks and create the related infrastructure. Examples of these specific tasks are: political entity and candidate certification, observer certification, ballot design and printing, public information, training of all municipal staff having responsibilities at polling stations, polling centre management, all storage, distribution and collection of materials.

The aim of the **Department of Police Education and Development** is to promote the development of an institution that provides Kosovo with a sustainable, community-based law enforcement service: a law enforcement service dedicated to maintaining civil law and order, promoting the rule of law, respect for human rights for all the people of Kosovo, and based on international standards and practices. To this end, the Department acts as a supporting partner with the institutions of the UNMIK Police and Justice Pillar (Pillar I) and assists in the development of a legally sound and efficient justice system. The programme objectives are formulated around the following activities:

- (i) Develop a sustainable, representative, community-based, professional law enforcement service;
- (ii) Develop a legal framework defining and maintaining minimum levels of professional law enforcement competence;
- (iii) Build local capacity for maintaining professional law enforcement standards and training;
- (iv) Facilitate effective hand-over of these institutional responsibilities.

The Police School will continue with its Basic training programme for new recruits to the KPS and is planning to train 700 entry-level KPS officers in 2004. Significant attention has shifted from basic training to advanced and specialised training. This training directly relates to capacity building of KPS to assume greater responsibility for day to day police operations and compliments transition from UNMIK Police to the KPS.

Contemporary European police training requires continuing professional development. Similar requirements have been developed for KPS and are managed and delivered by the KPSS. Supporting an emphasis on continuing transition, a significant number of this year's programmes are dedicated to local capacity building. This will enable local staff to replace international staff in selected institutional functions. Penal Codes, Criminal Procedure Codes, and Traffic Codes have been revised or are under revision and will be promulgated in 2004, which will require extensive remedial training of all police and justice system employees. During 2004 approximately 300 KPS Officers will be trained in supervision and management courses. By December 2003 2,220 KPS Officers will have participated in the basic drivers' programme with approximately 2,500 yet to be trained.

DPED has developed a unique capacity to deal with professional training, development and delivery within the government service institutions. The DPED envisions changing the name of the KPSS to reflect the broader public safety training capacity currently taking place. Dialogue is continuing to identify the School's position within the professional training arena and the PISG.

As of May 2003, Pillar III (OSCE) established an **Extra Budgetary Operations Office (EBOO)**. The Office is responsible for consolidating funding for Departments and OSCE-created Institutional programming from external sources. As such, the EBO Office is the focal point for the Mission with the donor community (i. e. Governments, participating States, Donor Agencies, external institutions, organisations and individual). Information on projects for which the OSCE Mission in Kosovo is currently soliciting funding is available on www.osce.org/osceprojects/index.php or from eboo@omik.org. **ENDS**