



24 July 2006, Palais Niederösterreich, Vienna: Austrian Chancellor Wolfgang Schüssel and UN Special Envoy Martti Ahtisaari greet the Kosovo delegation to the high-level talks on Kosovo's status, led by President Fatmir Sejdiu and Hashim Thaçi, President of the Democratic Party of Kosovo.

UNOSSEK

INTERVIEW WITH AMBASSADOR WERNER WNENDT

Change and continuity

Helping Kosovo institutions run themselves

Since 1999, the OSCE Mission in Kosovo has been devoting its energies to building confidence in the electoral process, developing the Assembly of Kosovo, training an entirely new police force, empowering and overseeing the media, improving the efficiency of the courts, and nurturing the growth of civil society. Seven years later, says Head of Mission Werner Wnendt, the time has come for the OSCE to wind down its role of creating democratic institutions and to focus instead on addressing their inadequacies. In an interview with Senior Public Information Officer Nikola Gaon, Ambassador Wnendt explains the Mission's new strategy.

Nikola Gaon: This year is considered crucial in defining the future of Kosovo as it embarks on the next chapter in its history. What role is the OSCE playing in this process?

Ambassador Werner Wnendt: The year 2006 is indeed a crucial one for Kosovo. We have seen the beginning of talks on its future status and it is expected that towards the end of the year we will know more about the outcome of the talks.

It is also a decisive year for the international presence in Kosovo as a whole. On the one hand, we have to push even more

for the implementation of the Standards for Kosovo [see page 12]; on the other hand, we have to get ready for the international community's possible future role after Kosovo's status has been defined.

While the OSCE is not directly involved in the discussions on status, we are contributing to the two processes I have just mentioned. We will be continuing to work with the institutions of Kosovo regardless of what its status may be. Our work includes strengthening democratic institutions at the central and municipal levels, which also needs to be done regardless of status.

What have been the Mission's key priorities in 2006?

In mid-2005, when we began planning for this year, we anticipated that status talks would start in 2006.

Therefore, we started strengthening our presence in the field by turning our field offices into five Regional Centres [see map, page 10], each of which covers between five and nine municipalities. More impor-



The Serbian delegation, led by President Boris Tadić, Prime Minister Vojislav Koštunica and Foreign Minister Vuk Drašković arrive at the high-level talks under the aegis of UNOSCEK.

UNOSCEK

tantly, we established Municipal Teams and deployed them to all 30 municipalities and three pilot municipal units.

With two international and three local staff members, each Municipal Team monitors the work of local authorities, offers expert advice on good governance and human rights issues, and assists in the implementation of the Standards.

Similar efforts are occurring at the central level, where we work with, monitor and advise the Assembly of Kosovo, the Government and the judicial system.

So what we have seen in 2006 thus far is the beginning of the transition in the work of the Mission in Kosovo — from its previous role as the “Institution-Building Pillar” of the UN Interim Administration Mission in Kosovo (UNMIK), to pro-active participation in monitoring local institutions aimed at the implementation of the Standards and status.

How is the Mission going about focusing on its priorities?

Our restructured field presence is the most visible sign that we have changed the way we do our work. The concept of pro-active monitoring was introduced so that we can concentrate on institutional development and capacity-building.

This is a great change from the Mission’s previous practice in the field. We now have a team of experts responsible for one single municipality, whereas in the past, human

rights, democratization and election experts worked separately from each other in a number of municipalities.

At the central level, we also pro-actively monitor the Parliamentary Assembly and the Provisional Institutions of Self-Government (PISG). We monitor, and we report. The reporting then leads to the formulation of a response to what was observed. In some cases, the response takes the form of a capacity-building activity. In other cases, we may also help create an additional institutional body, such as an office for property issues, in municipalities where that is necessary. If our interventions are not helpful, we can call upon the remaining authority of the Special Representative of the UN Secretary-General.

What are the main obstacles to fulfilling the Mission’s priorities?

Internally, one of the difficulties we faced was how to quickly staff our Municipal Teams with qualified candidates from OSCE participating States. This is where the Mission would appeal to all delegations to put forward more candidates.

Concerning targets set externally — for example, the performance of institutions and Standards implementation — one sees a mixed picture.

Let us take the Assembly, which is the highest elected body of the PISG, as an example. After some initial teething pains,



it now holds regular plenary sessions; its committees function in a much better way than just a year ago; and the new Assembly Presidency is much better at co-ordinating and steering the Assembly sessions.

At the same time, the Assembly has only just managed, with great delay, to put the legislation and proper procedures in place for the appointment of a new local ombudsman. Developing and implementing legislation is certainly an area where more progress needs to be made in the future.

In general, some of the work is slowed down by delays in work processes — not only within the PISG structures, but also within the international administration, which, in itself, is a very complex system. Nonetheless, I am not at all disappointed by the successes we have achieved so far in implementing our priorities in 2006.

Kosovo is now entering the final phase of the assessment of Standards towards a future-status settlement. How would you assess the work of the PISG in achieving Standards?

I think that the PISG have greatly improved the way they work. The Government and the Assembly are now more comparable with their counterparts in more developed political systems.

Firstly, the Assembly has come a long way from a situation where there was no opposition; now it functions normally.

Secondly, Kosovo's institutions have become aware of the fact that implementing Standards is not just a prerequisite for the definition of status; doing so is also in the interest of the people of Kosovo and needs to continue after its status has been defined. There is also more awareness that it is one thing to agree on a piece of legislation, and another thing to be capable of implementing it and be ready to do so — that is much harder.

Thirdly, politicians are now showing greater willingness to reach out to Kosovo's minority communities.

There are still deficits of course. Not all the ministries work in the same way, and not everything is implemented properly, but there has been a tremendous change since I came to Kosovo 17 months ago.

Kosovo Institutions

The OSCE has played a leading role in establishing the following:

- Criminal Defence Resource Centre
- Central Election Commission *
- Central Election Commission Secretariat *
- Elections Complaints and Appeals Commission *
- Kosovo Judicial Institute +
- Kosovo Law Centre
- Kosovo Media Institute
- Kosovo Police Service School *+
- Kosovo Centre for Public Safety Education and Development *+
- Ombudsman Institution *+
- Police Inspectorate of Kosovo *
- Press Council *
- Radio Television Kosovo *+
- Temporary Media Commissioner (now Independent Media Commission) *+

The OSCE has been providing substantive support to the following:

- Assembly of Kosovo and its Presidency and Committees *
- Criminal and Civil Courts *
- Kosovo Institute for Public Administration *
- Kosovo Police Service *
- Municipalities (30) and Municipal Pilot Units (3) *
- Office of the Prime Minister *
- University of Pristina *

* being monitored by the OSCE

+ handover to local authorities set for 2006



You mentioned that the Mission is now focusing on institutional development and that it has introduced the concept of pro-active monitoring into its work. What brought about these developments?

The situation in Kosovo is changing, and along with it, so is the role of the international community. For the OSCE, this has meant moving on from institution-building to institutional development and capacity-building.

We also needed to monitor the work of the institutions, and not only those that the OSCE helped create, but all the institutions involving the Government, the judiciary and the police.

So these were the factors we had in mind when developing the Mission's programme for 2006, which then led to the introduction of the concept of pro-active monitoring.

This approach needs to continue into 2007 as well. We may soon see the status settlement and the whole transitional period after that. We may come to the end of UN Security Council resolution 1244 (1999), and the UN Interim Administration. There might be a new UN resolution. And there might be a new decision by the OSCE Permanent Council regarding what the Mission will be doing in Kosovo. This may all happen in 2007 or it may not, but we need to plan for 2007. We will continue to restructure the Mission and strengthen our monitoring and capacity-building position.

This year, we restructured our field presence and next year we intend to restructure our Headquarters in Pristina. We will have a department dealing with human rights and decentralization, as well as with minority issues, cultural heritage and internally displaced persons. This department will closely follow Kosovo's status process and the implementation of the status settlement.

We will also have another department focusing on democratic institutions and democratization as a whole. It will work with central institutions such as the Parliamentary Assembly, the Government, political parties and electoral bodies.

Then we will have a department especially for security issues that are related to Kosovo's status and its implementation — and also beyond that.

So by restructuring Headquarters, we hope to strengthen the capacity of the Mission to react to the challenges that lie ahead.

How have our local partners been reacting to the change in the Mission's approach to its work?

I can confidently say that the reaction to the restructuring of our field presence has been very positive. Municipal staff now

know their counterparts at the OSCE and maintain permanent contact with them. The people in the municipalities appreciate the fact that the OSCE has become more visible and easier to approach.

The expectation among all the communities, both majority and minority, as well as among politicians, is that the OSCE will stay on after Kosovo's status has been defined. They want us to help them deal with challenges concerning human rights, democratic institutions, the judiciary and the police.

Where do you see the OSCE Mission in five years?

I think that five years from now, the OSCE will still be in Kosovo, not because we want to be, but because there is still a lot the OSCE can do as an organization responsible for co-operation and security in Europe.

How exactly our work will look like, and how much of it will be linked to status implementation and to an ongoing Standards implementation process is very difficult to say right now.

Therefore, I would not like to make speculative suggestions, but again, I think that it is almost certain that the OSCE will be in Kosovo in five years' time because all the communities want us to be here. There is still much that the OSCE can contribute to the improvement of people's lives in Kosovo.

Ambassador Werner Wnendt has been serving as Head of the OSCE Mission in Kosovo since April 2005. Within UNMIK, he also acts as Deputy Special Representative of the UN Secretary-General for Institution-Building. Earlier, he served as the Senior Deputy High Representative in Bosnia and Herzegovina and Foreign Affairs Adviser to the President of the Federal Republic of Germany.

Pristina, 3 October 2006. Ambassador Werner Wnendt, Head of the OSCE Mission in Kosovo (right), with Ambassador Joachim Rucker, Special Representative of the UN Secretary General and Head of UNMIK since 1 September 2006. Both are seasoned German diplomats.



Standards and status

The *Standards for Kosovo*, launched by the United Nations in December 2003, describe a Kosovo where:

- public institutions are representative and democratic;
- the rule of law is effective, respected and accessible to all;
- all individuals, regardless of ethnic background, can travel and work safely, and use their languages anywhere and in any institution of Kosovo;
- internally displaced persons are free and able to return to Kosovo without hindrance, threat or intimidation;
- the framework for a functioning market economy is in place;
- property rights are fairly enforced to encourage returns and the equal treatment of all ethnic communities;
- a constructive dialogue is taking place with Belgrade

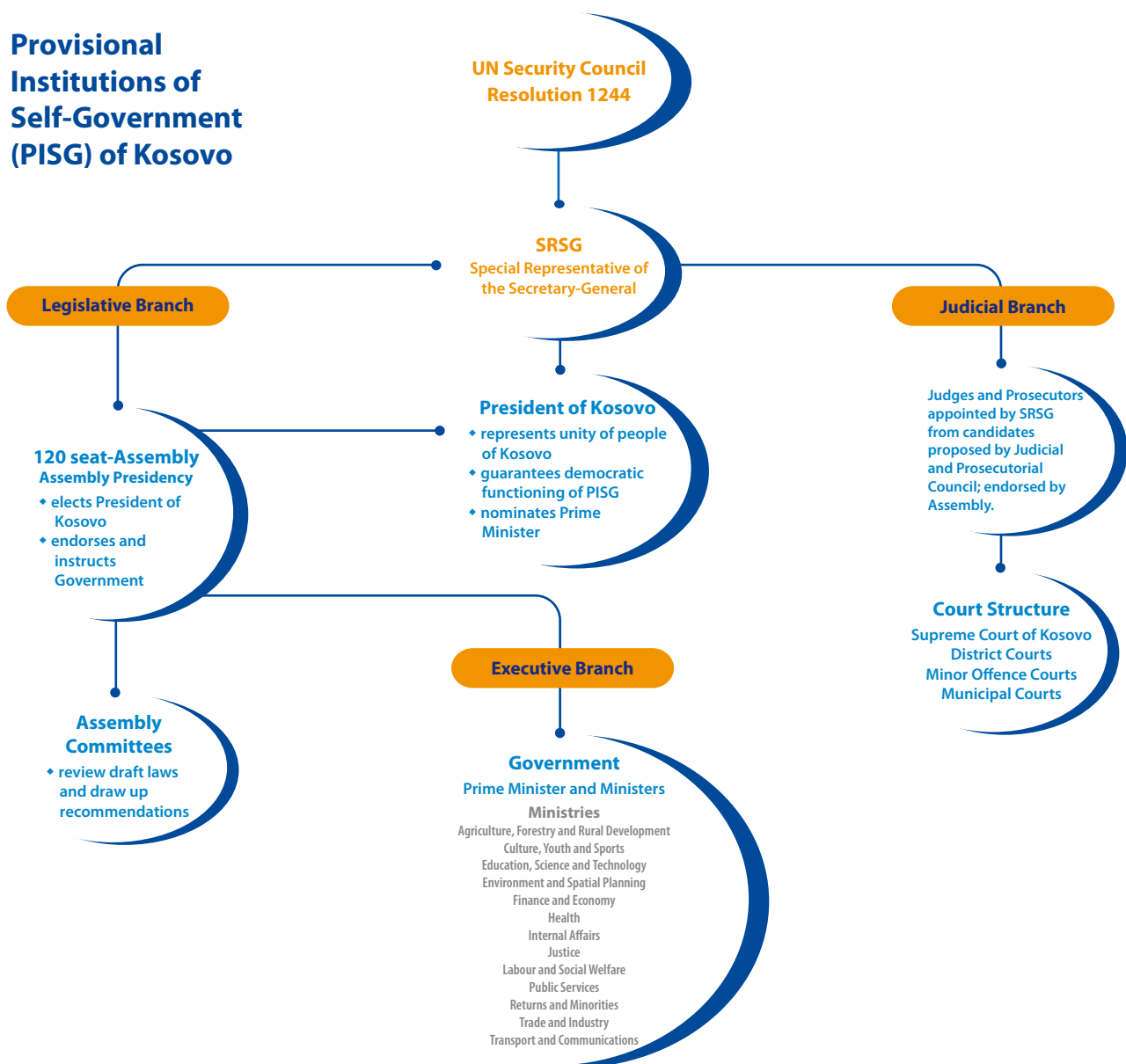
and stable and peaceful relations exist with regional neighbours; and

- the Kosovo Protection Corps operates strictly within its mandate.

In short: “A Kosovo where all — regardless of ethnic background, race and religion — are free to live, work and travel without fear, hostility or danger and where there is tolerance, justice and peace for everyone.”

The Kosovo Standards Implementation Plan, issued in March 2004, sets out in great detail measures that the Provisional Institutions of Self-Government (below) should take to meet the Standards, with the help of the OSCE and other partners. The plan, which is constantly reviewed to reflect changing realities, has received even greater attention since the start of the status talks.

Provisional Institutions of Self-Government (PISG) of Kosovo





Monitoring at the grassroots

Klinë/Klina schools get a report card

In line with the OSCE Mission's new drive to keep its ears closer to the ground, members of the Municipal Team in Klinë/Klina, one of 33 such teams throughout Kosovo, set out to see for themselves how children's basic rights were being promoted and respected within the educational system.

Teachers, students and parents in Klinë/Klina, a city of more than 32,000 in Kosovo's Peja/Peć region, cannot remember a time when their educational system received so much scrutiny. From April to June this year, the three OSCE staff members who are responsible for monitoring the municipality visited every single one of its 16 schools.

In the village of Siqevë/Sićeve, the OSCE Municipal Team heard complaints from students about their school's lack of potable water. In Shtaricë/Štarice, two 14-year-old girls had stopped coming to classes. And in more than one village, incidents of teachers slapping children as a "disciplinary measure" came to light.

Together with the Co-ordinator for Children's Rights in Klinë/Klina, the team presented a comprehensive report, including a request for concrete remedial measures, to key municipal officials.

"After receiving a response, we will follow up with more action to ensure that the problems have been addressed satisfactorily," says the Monitoring Team's Human Rights Officer, Dominique Bush. "This October, we're organizing a workshop on children's rights and education for the municipality's Education Directorate and the Ministry."

However, some situations cannot afford to wait until they get worse. As an immediate measure, the local Director of Education has barred physically abusive teachers from being part of the school faculty this coming school year.

"We're not just interested in gathering information and being an early warning system," says Jens Modvig, Deputy Head of the OSCE Mission in Kosovo. Pro-active monitoring aims at results. It's our way of helping municipal officials improve their problem-solving skills and to lead in a transparent, service-oriented and consultative manner."

Obviously, Mr. Modvig adds, there is no such thing as a universal solution. "If a deficiency in governance can't be fixed, we always go one step further. As a last resort, the OSCE Mission and the UN Department

First day of school
in Klinë/Klina.

Photo: OMIK/Hasan Sopa



OMIK/HASAN SOPA

Monitoring health issues in Klinë/Klina: On a visit of a satellite health clinic in the village of Jagodë/Jagoda, OSCE monitors Dominique Bush (left) and Astrit Muhaxhiri talk to municipal official Hatixhe Berisha (right).

of Civil Administration can recommend that the Special Representative of the Secretary-General use his reserved powers and intervene. In many cases, it is a matter of enforcing laws and executive orders.”

“Civil servants and politicians should be able to explain what they are doing to improve the lives of the people they are meant to serve,” Dominique Bush says. “Proactive monitoring fosters the principle of public accountability. Everyone should be made to feel that they are equal members of the same society.”

She cautions that this does not mean that the relationship between the OSCE and local officials should be adversarial: on the contrary, the new OSCE approach fosters a constructive partnership.

MAJOR BREAKTHROUGHS

“The presence of the OSCE Municipal Team in our midst has been making a tangible difference to the way we run our affairs,” says Prenkë Gjetaj, President of the Municipal Assembly of Klinë/Klina. “We’re being helped to interpret regulations properly and to implement laws and decisions more quickly.”

Elsewhere in Kosovo, on-site co-operation between municipalities and OSCE Municipal Teams has led to major breakthroughs in



OMIK/HASAN SOPA

Improved services for the benefit of Malishevë/Malisevo residents are the focus of discussions among Haki Krasniqi (centre), director of the municipality’s public administration, and OSCE monitors Kreshnik Basha (left) and Olivier Bricet.

the protection of cultural heritage and in the overall inter-ethnic dialogue.

Malishevë/Mališevo has adopted the municipality statement on equal employment opportunities. Ashkali refugees have been able to return to Rahovec/Orahovac. Minority languages in Suharekë/Suva Reka can now be used officially. Taken together, these individual developments represent significant progress towards the implementation of actions called for under the Standards for Kosovo [see page 12].

Still, a host of wide-ranging issues will continue to pose a challenge both to municipalities and to the OSCE’s 33 Municipal Teams throughout Kosovo for some time to come.

Bringing citizens closer to the budget process, enabling minorities to be represented on municipal bodies, and implementing the newly adopted Code of Conduct for Civil Servants are just some of the items on municipal officials’ lengthy for-action list.

As the settlement of Kosovo’s status approaches, the international community will be keeping track of the overall performance rating of local institutions in creating a sustainable, multi-ethnic and democratic society.



The OSCE Magazine’s special focus on Kosovo was made possible with the help of the Press and Public Information Office of the OSCE Mission in Kosovo. Members of the production team are (from left): Assistant Public Information Officer Hasan Sopa, Spokesperson Sven Lindholm, Deputy Spokesperson Florence Marchal, and Senior Public Affairs Officer Nikola Gaon, team leader.



Who's policing the Kosovo Police?

Independent watchdog is unique to the region

The OSCE Mission in Kosovo has been playing a dynamic leadership role in the shaping and forming of a professional indigenous police force — one of the most widely hailed contributions to the safety and security of citizens in post-conflict Kosovo. Seven years on, the Mission's institution-building task comes full circle as it finds itself at the forefront of a bold and radical approach to policing the Police.

Steve Bennett, a former Lieutenant-Colonel in the U.S. Marines, looks back to that auspicious day in September 1999 when, under OSCE management, the neglected facilities of Serbia's police school in Vushtri/Vučitir, 25 kilometres north of Pristina, reopened their doors to a first group of 176 cadets.

It had been a mere two months since the Permanent Council in Vienna had agreed to establish a Pristina-based OSCE Mission as an integral, but distinct, part of the United Nations Interim Administration Mission in Kosovo (UNMIK).

Inspectors Bekim Lajqi and Hysni Gashi (right) interview (from left) Officer Ejup Berisha, Lt. Col. Goran Stojanović and Captain Jeton Regjepi about road traffic performance.
Photo: OMIK/Hasan Sopa

“We've trained literally every one of the more than 7,000 officers who make up today's Kosovo Police Service (KPS) — from the newly appointed Police Commissioner down to crime investigators and patrol officers,” says Mr. Bennett. He has been serving as Director of the school from day one, and also heads the Mission's Department of Police Education and Development.

“With Kosovo moving closer towards a settlement of its final status, we started shifting our attention to the managerial capacity of the Police Service. We were concerned about how its professionalism and adherence to respect for human rights could be sustained after our departure,” Mr. Bennett says.

The key question he and his colleagues asked themselves was: “What kind of mechanism will be likely to ensure that law-enforcers are held to account for *what* they do and *how* they do it?”

This led to the creation of the Police Inspectorate of Kosovo (PIK), an independent oversight body and the Provisional Government's newest institution — and possibly the last that the OSCE would create from the ground up.

By the time the Provisional Government's Ministry of Internal Affairs was created in April this year, inheriting police oversight from UNMIK as one of its most crucial tasks, the OSCE had already done the spade-work for the Inspectorate.



OMIKH/ASANI/SCPA

“At that point we had helped draft the legislation to create the Inspectorate, designed its structure, drawn up its budget, and made sure it would have offices and equipment during its first year of operations,” says Frank Harris, Project Manager of the Police Inspectorate Implementation Programme, which has a mostly-local staff of 15.

Mr. Harris says that the Inspectorate is a “radical departure” from standard police oversight in many parts of the world, where the investigation and inspection of the police are an integral part of the police force itself.

The Police Inspectorate of Kosovo is unusual in that:

- It combines two functions: investigating complaints of serious police misconduct *and* evaluating police performance in crucial management-related areas;
- It is run by a multi-ethnic team of civil servants, not police officers; and
- It measures management performance and conducts investigations in line with the principles set out in the European Code of Police Ethics.

The inauguration of the new body on 28 June at its temporary OSCE training centre in Pristina served as the occasion to introduce its carefully chosen staff — a Chief Inspector and his inspection team of 20, all university graduates. Along with some 300 applicants, they had gone through a rigorous test, jointly designed by the OSCE and the Ministry, to reveal their potential in report-writing and analysis.

“It was the first time that an examination had ever been used in the Kosovo Civil Service,” says Mr. Harris proudly.

Training Manager Steve Smith also has his own reasons to be pleased. An entirely new curriculum, tailor-made by the OSCE to go right through the core of the Inspectorate’s mission, is off to a flying start.

Training in **management inspection**, the focus of the programme’s first phase, has been under way since July and will last eight months.



OSCE/LUBOMIR KOTEK

Continuing training and education offered by the Kosovo Police Academy (above) and an emphasis on professionalism (top photo) have helped make the Kosovo Police Service one of the best models of democratic policing in the region. In June 2006, the 32nd class of police cadets graduated from the Academy, with members of minority communities making up 24 per cent — the highest percentage so far.

Meting out justice, fairly

Any member of the public can file a complaint of police misconduct to a police station, the Ministry of Internal Affairs, the office of the Special Representative of the UN Secretary-General, or directly to the Inspectorate.

Offences committed by uniformed and civilian police officers that are deemed “serious” by the Inspectorate — as defined by law — are referred to the Senior Police Appointments and

Discipline Committee, which conducts a hearing to determine whether or not the accused is guilty as charged.

The Committee, which is multi-ethnic and completely independent of the Police Service, comprises senior civil servants and senior municipal representatives.

The Police Commissioner, in close consultation with the Minister for Internal Affairs, determines the level of punishment.





Some 15 per cent of the Kosovo Police Service are female graduates of the Police Academy.



28 June 2006: Minister for Internal Affairs Fatmir Rexhepi (left) and Deputy Police Commissioner S. Ahmeti address the press at the launching of the Police Inspectorate of Kosovo.

“Inspectors will alternate between the classroom and the field,” says Mr. Smith. “They will learn to gather and analyse answers to such questions as: Are the police investigating crime properly? Are they proactively ensuring that every one — including members of minorities — is enjoying safety, security and freedom of movement? Are they developing and implementing strategies to reduce deaths and injuries on Kosovo’s roads?”

By the end of this year, he expects the inspectors to have applied some of their freshly acquired skills towards the production of the first *Annual Report on Kosovo Police Service Performance*, which will include recommendations for improvement.

Training in **investigating allegations of serious police misconduct**, the programme’s second phase, will start early next year and will last five months.

“Aside from case-file preparation, we will be placing a great deal of emphasis on ethical behaviour during interviews and investigations,” says Mr. Smith. “By June 2007, the Inspectorate should be ready and able to handle serious complaints from the public.”

Inspectors have the right to enter and inspect police stations and offices, interview officers regardless of rank, and seize police documents. “This bold approach to police oversight obviously carries risks,” Mr. Harris cautions.

“We remind inspectors that they should always try to strike just the right balance: they should recognize the strengths as well as the weaknesses of the police. The Inspectorate’s interim and annual reports will make a point of giving due recognition

to outstanding management performance and best practices.”

At the inaugural event, Interior Minister Fatmir Rexhepi urged police officers to consider the Inspectorate not as an “unwanted intrusion” into their work but as a “valuable advantage” in ongoing efforts to improve the efficiency and effectiveness of police operations and their compliance with the law.

“It’s going to be a challenging year ahead but I’m confident we’ll get there,” Frank Harris says. He is currently writing a book reflecting on the strategy behind the Police Inspectorate, following a first book on the OSCE’s experience in the role of capacity-building in police reform (www.osce.org/kosovo).

“We hope that, just like the Police Academy, the Inspectorate will serve as living proof of Kosovo’s ability to meet the expectations of the international community at this crucial time. We hope too that, just like the Academy, this final OSCE-initiated capacity-building institution will figure prominently in the ongoing debate about the nature of police reform in post-conflict societies.”

May 2006: UNMIK Police Commissioner Kai Vittrup (centre) pledged full support for the work of the independent police oversight organization at a meeting with Frank Harris, Manager of the Police Inspectorate project (right), and Steve Smith, Training Manager (left).

