

Minority Rights Group International

Working Group on Minorities, August 2006

Solutions to the problems of Minorities in Kosovo

Thank you.

Last year the Working Group considered the situation in Kosovo, which, as we know has been under UN administration for seven years. We regret to say that the situation of minorities in Kosovo has not improved during the last year and, is at risk of being seriously compromised by the "final status" negotiations taking place under UN auspices in Vienna. Solutions are urgently needed.

In a report we released this week on minorities in Kosovo we have found that the situation is the worst in Europe. Seven years of international rule have led to increased segregation, and the ethnic cleansing of Serbs, Albanians, Roma, Ashkalia and Egyptians that took place in 1999 and 2004 has not been reversed. Many Roma, for example, remain in camps with appalling living conditions. Many minorities lack basic security, freedom of movement and ability to practice their language and religion. There is a basic lack of rule of law for minorities with the justice system unable to address security, discrimination or property issues for the thousands of displaced.

The "final status" discussions taking place in Vienna risk compounding this. A model based on formal division into Albanian and Serbian areas is being proposed. In this all the other minorities in Kosovo are being marginalised. The very fact that the talks are taking place in Vienna rather than Kosovo means minorities have great difficulties in assessing this. The UN is in danger of leaving a legacy of entrenched segregation in Kosovo.

In looking at the reasons for this state of affairs under UN administration, one of the main causes has been the failure of UNMIK, and those who direct it from New York, to use the institutional knowledge of the UN on minorities and in particular the Declaration and the work of this Working Group.

It is vital that solutions to this state of affairs are found now, both during the final status negotiations and to ensure that the UN does not repeat these mistakes in the future. For the final status we urge the Working Group and the Independent Expert to work closely with UNOSEK, UNMIK and with minorities in Kosovo to ensure a final status based on protection for minorities, in particular

- Clear guarantees of minority rights for all communities, based on equality
- Effective mechanisms to implement these rights, including the right to live in security.
- The full participation of minorities in the decisions affecting their future, in particular any constitution for Kosovo.

Equally important, the administration of Kosovo shows the urgent need for UN peacekeepers to have a much greater understanding of minority rights and that they actually apply them. We urge the Working Group and Independent Expert to develop institutional cooperation with DPA, DPKO and others in New York, and with UN peacekeeping missions to develop an understanding of minority rights, remind them of their obligations under Article 9 of the Declaration and help minorities engage with UN peacekeeping in a much more productive relationship than has been the case to date.