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MG-S-ROM (2005) 14

SUMMARY OF THE CURRENT SITUATION IN KOSOVO, INCORPORATING:

- 1) PACE RECOMMENDATION 1708 (2005)**
- 2) FINAL REPLY TO IT FROM THE CHAIR OF THE MG-S-ROM**

1) PACE RECOMMENDATION 1708 (2005)

Parliamentary **Assembly**
Assemblée parlementaire

Current situation in Kosovo Recommendation 1708 (2005)^[1]

1. The Council of Europe has played a major role in improving good governance, strengthening democracy and the rule of law and raising human rights standards in “new democracies”, in this way contributing to laying down solid foundations for closer European political integration.
2. Referring to its Resolution 1453 (2005) on the current situation in Kosovo, the Parliamentary Assembly believes that the Council of Europe should endeavour to play a similar role in the search for a durable stabilisation of Kosovo, regardless of its future status, in co-operation and co-ordination with other international actors.
3. Its action should aim, on the one hand, at facilitating the establishment of a fruitful dialogue between the parties concerned by the status issue and; on the other hand, at ensuring that in Kosovo Council of Europe standards in the fields of democracy, rule of law, protection of national minorities and human rights are achieved and irreversibly secured.
4. Besides, the Council of Europe should contribute to the promotion of better socio-economic conditions on behalf of ethnic minorities, in particular internally displaced persons and returnees.
5. The Assembly, therefore, asks the Committee of Ministers to:
 - i. support the role of the Council of Europe as a facilitator of political dialogue between

the parties concerned, in preparation of status talks;

ii. take appropriate financial and administrative measures to increase the visibility and the impact of the Council of Europe in Kosovo, in the fields pertaining to its mandate and expertise;

iii. promote the organisation of a donors' conference to increase the sustainability of returns to Kosovo;

iv. ask the Co-ordinator on Roma activities, if necessary with the assistance of the Group of Specialists on Roma, Gypsies and Travellers (MGS-ROM), to conduct a fact-finding mission to Kosovo to collect first-hand information on the socio-economic conditions of the Roma, Ashkalia and Egyptian internally displaced population as well as of Roma, Ashkalia and Egyptian returnees, with a view to reporting back to the Committee of Ministers.

[1] Assembly debate on 21 June (19th Sitting) (see Doc. 10572, report of the Political Affairs Committee, rapporteur: Mrs Tritz). Text adopted by the Assembly on 21 June 2005 (19th Sitting).

2) FINAL REPLY TO PACE RECOMMENDATION 1708 (2005) FROM THE CHAIR OF THE MG-S-ROM

Reply to PACE recommendation 1708 (2005) on the current situation in Kosovo from the Chair of the Group of Specialists on Roma, Gypsies and Travellers (MG-S-ROM)

In reply to PACE Recommendation 1708 (2005) on the current situation in Kosovo and its point 5. iv. which requested "the Co-ordinator on Roma activities, if necessary with the assistance of the Group of Specialists on Roma, Gypsies and Travellers (MGS-ROM), to conduct a fact-finding mission to Kosovo to collect first-hand information on the socio-economic conditions of the Roma, Ashkalia and Egyptian internally displaced population as well as of Roma, Ashkalia and Egyptian returnees, with a view to reporting back to the Committee of Ministers", the following shall be underlined:

- the MG-S-ROM has been paying continuous attention to the situation of the Roma, Askalia and Egyptian minorities of Kosovo and in Kosovo province at its regular sittings;
- the Group has taken care to keep updated on the developments regarding the internally displaced RAE population inside and outside of the province;
- the Group followed the development regarding the forced return of Roma, Askalia and Egyptian refugees and IDPs to Serbia and Montenegro and to Kosovo province;
- in particular, the Group issued its opinion to Parliamentary Assembly Recommendation 1633 (2003)¹ on 29th March 2004 at its Strasbourg sitting and it reiterates the views contained in it.

PACE Recommendation 1708 should also be looked at in the light of the following developments:

- the UNHCR March 2005 Position on the Continued International Protection Needs of Individuals from Kosovo;
- correspondence from Mr. Soren Jessen-Petersen, Special Representative of the Secretary-General of UNMIK, to Mr. Marek Antoni Nowicki, Ombudsman in Kosovo, dated 15th June 2005;
- visit of Mr. Walter Kalin, UN Special Envoy on the Rights of the Displaced People, to Kosovo and his meeting with Roma, Askalia and Egyptian representatives;
- the hearing of 27th June 2005 at the European Parliament on the return of refugees to Kosovo;
- the ERRC Memorandum of 27th June 2005 on RAE in Kosovo.

Careful reading of all of these facts and documents allows me to state that there is a profound difference in the data and information on:

- whether there are safe conditions for the return to Kosovo and for which groups (Roma, Askalia and Egyptians), especially now that the status talks on the future of Kosovo are starting;
- whether there are conditions (financial, social, economic, or legal) for integrating returnees at local or municipal level, taking into consideration the tasks of the UNMIK, PISG and local authorities; and finally;
- whether the process of forced returns will not produce new IDPs in the region, taking into consideration reports that those who have been returned often leave Kosovo for Serbia and Montenegro or even plan to come back to the West.

Whilst Mr. Soren Jessen-Petersen's letter to Mr. Nowicki makes it clear that the UNMIK does not expect "immediate and massive forced returns of Kosovo-Roma from Germany or other host countries in Europe, nor has UNMIK agreed to this", the worries of those who would be affected by the forced return need to be examined and addressed. Those concerns seem to be legitimate in many respects.

Mr. Soren Jessen-Petersen himself acknowledges that Kosovo "is not in a position to absorb very high numbers (of returns)". Its "integration capacity" is yet to be developed, for example, preparing the PISG central and local administration capacity to deal with returnees' needs and working out a scheme of receiving and integrating them. All of these are currently at the planning stages (see the aforementioned letter).

The MG-S-ROM therefore agrees and supports the suggestions of the Coordinator on Roma Activities of the Council of Europe, as outlined in his reply to PACE Recommendation 1708, and stands ready to join the fact-finding mission to Kosovo. Its composition should be agreed between the Coordinator and the MG-S-ROM and shall be carried out preferably in October.

Taking also into consideration the experience of good cooperation between international organisations (for example, previous missions related to Roma in the Balkans were carried out between the Council of Europe and the OSCE), having the OSCE/ODIHR Advisor on Roma and Sinti Issues join the mission would be recommended.

Andrzej Mirga
Chair, MG-S-ROM
July 2005