

## **Minority Consultative Mechanisms in Kosovo**

### **Mekanizmat Konsultativ të Pakicave në Kosovë**

### **Konsultativna tela Manjinskih Zajednica na Kosovu**

### **Minoritarune Konsultativune Mehanizmya ani Kosova**

**Adem Beha / Gëzim Visoka**

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**Adem Beha and Gëzim Visoka**

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## **Roma and Ashkalia Documentation Centre**

The Roma, Ashkalia Documentation Centre (RADC) was established in 2004 as a nongovernmental initiative to improve the civic condition of Roma, Ashkalia and Egyptian communities in Kosovo through policy development and advocacy, community support and mobilization, and partnership with civil society groups.

Since its establishment, RADC has been a committed organization to promote the fundamental rights and interests of Roma, Ashkalia and Egyptian throughout Kosovo and protect the desperate socio-political needs. To fulfil this holistic mission, RADC has established sustainable partnership and cooperation with influential international organizations and has served as a reliable local partner in addressing effectively the needs and interests of most vulnerable communities in Kosovo.

Of particular importance, RADC has worked with European Roma Right Centre to address discrimination issues among Roma, Ashkalia and Egyptian communities by empowering civil society organizations, and raising the awareness among the rule of law institutions and lawyers in Kosovo. Together with Minority Rights Group International, RADC has been a watchdog entity to ensure that minority communities in Kosovo are not excluded from the EU accession process and the benefits that come from it. RADC has also worked with France NGO CCFD to support the forced repatriated families from Roma, Ashkalia and Egyptian communities. Of significant importance, RADC together with CRP/K has assisted over 10,000 Roma, Ashkalia and Egyptians in obtaining civil documents.

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### **Frequently used abbreviation**

CCC	Communities Consultative Council
CoE	Council of Europe
CRIC	Committee on Rights and Interests of Communities
CSO	Civil Society Organization
CSS	Comprehensive Status Settlement
EC	European Commission
ECMI	European Centre for Minority Issues
FCNM	Framework Convention for the Protection of National Minorities
ICO	International Civilian Office
ICR	International Civilian Representative
KDI	Kosovo Democratic Institute
KRAEF	Kosovo Roma, Ashkali, and Egyptian Forum
KTC	Kosovo Transitional Council
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OCA	Office for Community Affairs
OSCE	Organization for Security and Co-operation in Europe
RADC	Roma and Ashkali Documentation Center
RAE	Roma, Ashkali, and Egyptian
UNMIK	United Nations Interim Administration Mission in Kosovo

## ***I. Executive Summary***

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Accommodating the interests and rights of minorities is considered as one the essential prerequisites for making democracy work in Kosovo. Recently, a broad scope of consultative mechanisms are developed by different states to provide national minorities with sufficient space to participate in decision-making, contribute in reviewing legislative initiatives and coordinate development programmes. In Kosovo, since the end of conflict in 1999, promoting minority rights and ensuring their public participation has been one of the main priorities of international involvement and Kosovo authorities. The integration of minorities in society was seen as a precondition for durable peace and social stability in Kosovo. In 2008, most of the EU member states and the USA supported the 'supervised independence' of Kosovo on the bases of fulfilling the Ahtisaari's Comprehensive Status Settlement Proposal which was concerned to a large extent with the protection of national minorities and ensuring their participation in public life through various constitutional commitments and policy mechanisms. Today, Kosovo has embodied in its constitution and in various laws an extensive platform for minority rights and mechanisms that seek to ensure an enhanced role in co-decision, consultation, and coordination of policies concerning minority rights and interests. Assessing the performance and the effectiveness of these mechanisms two years after their establishment is timely and necessary. Therefore, this study will analyse the work and achievements of these minority consultative mechanism, in particular regarding Roma, Ashkali, and Egyptian communities. It seeks to provide constructive recommendations to improve performance in delivering on their mandates.

The study is organized in three parts. In the first part, the theoretical and legal framework will explore the best practices for functional operation of minority consultative bodies in different contexts. Also it discusses the mandates and organization of consultative bodies and explores the critical components that ensure the effectiveness. It also provides a comprehensive assessment of minority rights and participation before and after the independence of Kosovo which establishes the political and legal context for discussing the minority representative mechanisms

nowadays. The second part will also explore the political and societal background of Roma, Ashkali, and Egyptian communities in Kosovo. The third part explores the mandate and structure of three consultative bodies: the Communities Consultative Council based in the Kosovo President's Office; the Committee on Rights and Interests of Communities, based in the Kosovo Assembly; and the Office for Community Affairs established within the Office of Kosovo's Prime Minister. This study focuses on the Roma, Ashkali, and Egyptian communities' representation within these bodies and explores the performance and the challenges that these three consultative bodies face in addressing their respective rights, needs and interests. Accordingly, a critical assessment of the performance of these bodies during the last two years will evaluate and identify main challenges and obstacles that have constrained their effective performance.

The core finding of this study is that Roma, Ashkali, and Egyptian representatives in the co-decision, consultation, and coordination mechanisms have achieved limited success due to lack of inter-institutional cooperation and coordination; lack of meaningful engagement in reviewing and commenting on legislative and policy initiatives; political interference of government; and the lack of attention of the Kosovo Government to these communities, focusing instead on the Serb community. These shortcomings are also result of lack of human capacities and qualified members, lack of sufficient resources, and lack of commitment of Roma, Ashkalia, and Egyptian representatives to utilize meaningfully these mechanisms. The overall weakness of Roma, Ashkalia, and Egyptian representation in these consultative mechanisms is also affected by the broader dysfunctionality of Roma, Ashkalia, and Egyptian political community and civil society which reflects generally the barriers that these communities face for effective participation in Kosovo's public sphere.

As it will be explored in the study, one of the primarily functions of minority consultative mechanisms is to organize and mobilize minority communities through building the capacities of minority representative groups and coordinating activities among different groups. However, this study reveals that in Kosovo there is not sufficient cooperation and coordination of efforts between Roma, Ashkalia, and

Egyptian political representatives and Roma, Ashkalia, and Egyptian civil society organizations. In general, there is a dynamic of competition and clashes between these two sides in terms of allocating development and humanitarian assistance for the RAE population, in supporting political parties and platforms, and in terms of identity politics and cultural affiliation.

The minority consultative mechanisms are also entitled to initiate legislative process, and to review and comment on legislative initiatives to observe compliance with minority rights standards and interests. Since its establishment in 2008, the Roma, Ashkalia, and Egyptian representatives in the Communities Consultative Council have commented on a small number of laws and policies. It has managed to comment on legislation related to Roma, Ashkalia, and Egyptian education and employment; however the results of such efforts are still pending. This research reveals that generally among the Roma, Ashkalia, and Egyptian representatives in the Council there is lack of initiative beyond regular meetings, which is mainly affected by their lack of capacities, political powerlessness, and lack of financial incentives to comment on legislation and pursue institutional advocacy. Minority consultative mechanisms are also engaged in developing, implementing and evaluating governmental programmes dedicated to minority communities. In the Kosovo context, the Office of Community Affairs is in an ideal position to perform these tasks; however, so far there have been several shortcomings as a result of political interference in allocation of resources and setting of priorities, internal overlapping of activities, and unequal priority given to the Serb minority.

While the best practices of minority consultative bodies, elsewhere, stipulate that these bodies have the potential to contribute to enhancing minority rights through reporting to international human and minority rights monitoring bodies, in Kosovo the consultative bodies do not explicitly exercise this task. Despite the fact that, the International Civilian Office (ICO) has been instrumental in overseeing the establishment of a Communities Consultative Council at the President's Office, there is criticism that the International Civilian Representative (ICR) has ignored on several occasions the inquiries of some Roma, Ashkalia, and Egyptian representatives in the Council and in the CRIC for consultation and support.

The findings of this paper are the outcome of field research and interviews with Roma, Ashkalia, and Egyptian representatives in the three consultative bodies conducted during June 2010 and of a desk review of relevant academic literature, Kosovo's legislation and policies, observation of meetings, assessment reports, and regular reports from these minority consultative bodies in Kosovo. Most of the interviewees have decided to remain anonymous due to the sensitive nature of information provided and their present mandates in these consultative bodies.

## ***II. Theoretical and Legal Framework***

### ***2.1 General reference to effective political participation***

Marc Weller notes that ‘full and effective participation of national minorities in public life has established itself as a right in international documents concerning the protection of national minorities’.<sup>1</sup> Political participation in different contexts has been crucial in promoting democratic values across populations, in generating trust in political institutions, and in promoting free, competitive political behaviour.<sup>2</sup> Particularly, in post-conflict societies creating conditions for accommodating and integrating the rights and interests of minority groups is critical for transforming the conflict, regaining trust, and reconciling and normalizing social relations between different culturally distinct groups.

Effective participation of minorities is important to achieve these ends. There are three essential conditions that enable effective participation. First, authorities should establish a positive political climate across the entire society, where minority groups feel free to access public institutions, without fear, intimidation and harassment. Second, authorities should respect the linguistic, cultural and religious differences of their minority groups. Third, the rights of association should be ensured and minority groups should enjoy the right to channel their interests through political parties, social movements, and advocacy networks.

The effective participation of minorities in decision-making processes is emphasised by several regional and international organizations and codified in various political and legal documents. The Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe outlines that states parties should create:

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<sup>1</sup> Marc Weller, ‘Minority Consultative Mechanisms’, in Marc Weller and Katherine Nobbs, eds., *Political Participation of Minorities: A Commentary on International Standards and Practice*, Oxford University Press, Oxford, 2010, p. 482.

<sup>2</sup> Ian McAllister & Stephen White, ‘Conventional Citizen Participation’, in Christian W. Haerpfer, Patrick Bernhagen, Roland F. Inglehard, & Christian Welzel, eds., *Democratisation*, Oxford University Press, Oxford, 2009, p.186

*conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*<sup>3</sup>

Increasingly, the participation of minorities through consultative mechanisms is taking place as an important form of addressing minority issues. The OSCE 1999 Lund Recommendations for the Effective Participation of National Minorities in Public Life outlines that:

*States should establish advisory or consultative bodies within appropriate institutional frameworks to serve as channels for dialogue between governmental authorities and national minorities. Such bodies might also include special purpose committees for addressing such issues as housing, land, education, language, and culture. The composition of such bodies should reflect their purpose and contribute to more effective communication and advancement of minority interests.*<sup>4</sup>

However, Joseph Marko observes that Article 15 of the FCPNM with regards to 'effective participation' is vague as it does not define either 'effective' or 'participation'.<sup>5</sup> Therefore, in order to understand this Article it is necessary to take into account the spirit of FCPNM which is based upon the principles of integration of minorities into public affairs. Article 15 of the FCPNM is about integration of minorities into public affairs through 'guaranteed instruments' of representation and participation in decision-making, especially in those decisions that affect minority rights.

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<sup>3</sup> Council of Europe, *Framework Convention for the Protection of National Minorities*, 1995, Art. 15; Similarly, the United Nations<sup>3</sup> and the OSCE<sup>3</sup> have emphasised the right of minorities to participate effectively in decision-making on national, regional and local levels.

<sup>4</sup> OSCE, *Lund Recommendations for the Effective Participation of National Minorities in Public Life*, 1999, para.12, p.10.

<sup>5</sup> Joseph Marko, *Effective Participation of National Minorities: A Comment on Conceptual, Legal and Empirical Problem*, Committee of Experts on Issues Related to Protection of National Minorities, DH-MIN, Strasbourg, 2006, para. 1, p. 3

## **2.2 A Typology of Minority Consultative Bodies**

Weller distinguishes four types of minority consultative bodies according to the type of consultation activity: co-decision mechanisms; consultation mechanisms; coordination mechanisms; and minority self-governance mechanisms.<sup>6</sup> The co-decision mechanism is a typical form of power-sharing between different ethnic groups in multiethnic or divided societies. Accordingly, minority groups are entitled to certain legislative and executive powers when it comes to protecting their rights and interests in the policy-making and policy-implementation process. Weller distinguishes two sub-types in co-decision mechanisms: soft and hard form of co-decision.<sup>7</sup> While the former is applicable when legislation or policy cannot be approved without considering the views of minorities, the latter is when minority groups have a right to legislative initiative, and potential to block legislative and policy initiatives affecting their rights and interests.

Concerning the consultation mechanisms, there are different variations but they have in common the consultative inter-action between minority political and civil society representatives and the governmental bodies which aim to incorporate the views, concerns and interests of minorities in the process of policy planning, implementation, and evaluation. In these mechanisms, minority representatives set up themselves the conditions of membership, types of activities and division of tasks. The resources and funding come from the public budget. Concerning the third variant, Weller considers that the coordination mechanisms are not 'genuine minority consultative bodies', but mainly coordination points between different governmental sectors that address minority affairs. Nonetheless, minority representative may be consulted by these coordination mechanisms to better approach minority issues. Finally, minority self-governance mechanisms are present in situation when minority groups enjoy regional, cultural and political autonomy and the consultative mechanisms are established to maintain regular contacts with central government institutions.

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<sup>6</sup> Weller, 'Minority Consultative Mechanisms', p. 483.

<sup>7</sup> Ibid, p.483.

### **2.3 Functional performance**

Parallel to exploring the typology of minority consultative bodies, it is important to discuss what functions and activities perform, how they are organized, and what are critical issues to ensure effectiveness. One of the Lund Recommendations indicated that consultative mechanisms should be mandated with tasks that enable them to:

*...raise issues with decision makers, prepare recommendations, formulate legislative and other proposals, monitor developments and provide views on proposed governmental decisions that may directly or indirectly affect minorities.*<sup>8</sup>

The Council of Europe Advisory Committee on the FCNM has grouped four comprehensive functions of minority consultative bodies: a) organization, mobilization and coordination among minority representative organizations; b) contribution to the drafting of legislation; c) contribution to governmental programming; and d) participation in reporting to international mechanisms.<sup>9</sup>

The first function of minority consultative bodies is to organize and mobilize minority communities through building the capacities of minority representative groups and coordinating activities between different groups. Moreover, the consultative bodies are also tasked to maintain public visibility, communicate with their respective communities, and share information with general public.<sup>10</sup> While these organization, mobilization and coordination tasks to help enhance the effectiveness of these consultative mechanisms, Weller argue that ‘another benefit arising from this function is the facilitation of inter-ethnic dialogue that is particularly useful in states where

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<sup>8</sup> OSCE, *Lund Recommendations for the Effective Participation of National Minorities in Public Life*, 1999,

Section D. Advisory and Consultative Bodies, point 13, p. 8.

<sup>9</sup> Council of Europe, *Handbook on Minority Consultative Mechanisms*, Committee of Experts on Issues Related to Protection of National Minorities, DH-MIN(2006)012, Strasbourg, 20 October 2006 para.41, p.11

<sup>10</sup> CoE, *Handbook on Minority Consultative Mechanisms*, para.41, p.11

ethnic tensions persist'<sup>11</sup>. This function is often an attribute of consultative mechanisms. The second function is involvement in drafting of legislation related to national minorities. This function covers initiating a legislative process, reviewing and commenting on legislative initiatives to observe the compliance with minority rights standards, campaigning to support drafting or revising of legislation relevant to minority communities, and raising awareness on the implementation of legislation and policy relevant to minority interests.<sup>12</sup> In principle, this function of drafting legislation is often an attribute of co-decision and consultative mechanisms.

The third function of minority consultative bodies is engagement in developing, implementing and evaluating governmental programmes dedicated to minority communities. This include participating in assessing the community needs, setting policy priorities, disseminating information, fund-raising, and monitoring and evaluating the performance of programmes.<sup>13</sup> The fourth function of minority consultative bodies is establishing and maintaining relations with international organizations. These bodies have the potential to engage with donors to set priorities and collaborate in implementing programmes dedicated to minorities. Furthermore, they have the potential to contribute to enhancing minority rights through reporting to international human and minority rights monitoring bodies.<sup>14</sup>

While exploring which functions of these consultative mechanisms are essential, establishing how these mechanisms operate by looking at the membership, working methods and resources is of high importance as well. Concerning membership, it is established that all minority communities should be equally represented and they should serve the purpose of contributing to more 'effective communication and advancement of minority interests'<sup>15</sup>. In most of the cases, minority representative bodies have also representatives from government and other public institutions. The

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<sup>11</sup> Weller, 'Minority Consultative Mechanisms', p. 491.

<sup>12</sup> CoE, *Handbook on Minority Consultative Mechanisms*, para.42, p.12

<sup>13</sup> Weller, 'Minority Consultative Mechanisms', p. 492.

<sup>14</sup> CoE, *Handbook on Minority Consultative Mechanisms*, para.44, p.13

<sup>15</sup> OSCE, *Lund Recommendations for the Effective Participation of National Minorities in Public Life*, 1999, para.109, pg.10

selection of members should reflect minority ownership, and follow a democratic, accountable and transparent process. The quality of members is important as it is critical to ensure effective performance and implementation of mandates. Some of the criteria for the selection of minority representative groups and individuals reflect the ability to represent the relevant community, relevant expertise, and organizational capacities.<sup>16</sup> Working methods should also reflect minority ownership in determining the work programme. The work of consultative mechanisms should be transparent and provide information to the general public. Work programmes often prioritize which legislation needs to be reviewed, how to improve different areas, determine needs, and establish how to evaluate programmes and disseminate information about activities. It is noted that the domination of governmental representatives in determining the work programme and the rules of conduct should be avoided to reflect the minority ownership and essential internal engagement.<sup>17</sup>

The effective functioning of minority consultative bodies requires also adequate resources.<sup>18</sup> Often the funding of these bodies comes from the government public budget. Such funding must be politically unconditional and not influence in the process and outcomes of these bodies. Weller asserts that some decisions on the allocation of funds should be given to the minority bodies.<sup>19</sup> The funding should cover three areas: costs for technical and operational support of the bodies; funding projects and activities as determined in the work programme; and channeling funding through consultative bodies to support activities of minority representative groups.<sup>20</sup> Nonetheless, the minority ownership in allocating the resources should be followed by a transparent and accountable process which avoids conflict of interests and misuse of resources. Finally, the quality of results is determinant justification for their establishment and operation. The effective participation of minorities and the successful functioning of minority consultative bodies are depended on the

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<sup>16</sup> Criteria from the Finnish Advisory Board on Ethnic Relations, in Weller, 'Minority Consultative Mechanisms', p. 496.

<sup>17</sup> Weller, 'Minority Consultative Mechanisms', p. 499.

<sup>18</sup> OSCE, *Lund Recommendations for the Effective Participation of National Minorities in Public Life*, 1999, para.109, pg.10

<sup>19</sup> Weller, 'Minority Consultative Mechanisms', p.499.

<sup>20</sup> Ibid, p. 499.

commitment and dedication of government and the minority representative. The work of these bodies should be visible and inclusive for members of minorities and general public.

### ***III. Minority participation before and after Kosovo's independence***

In June 1999, NATO's military intervention was followed by a civil intervention when the UN was tasked to govern Kosovo through its Interim Administration Mission in Kosovo. UNMIK was to provide Kosovo with a 'transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.'<sup>21</sup> Hence, a non-majoritarian democracy was established based on the power-sharing arrangements that aimed at reconciling different ethnic groups through a proportional electoral system and broad mechanisms for representation in Kosovo. The proportional electoral system had a significant impact on minority representation<sup>22</sup>, and institutional arrangements were designed in such a way to represent all ethnic groups. The power-sharing arrangements were introduced initially with the Kosovo Transitional Council, and later embodied in the 2001 Constitutional Framework on Self-Government of Kosovo, and most recently with the Ahtisaari's Comprehensive Status Settlement and Kosovo Constitution.

#### ***3.1 Minority Participation under UNMIK***

Immediately after the 1999 conflict, UNMIK established the Kosovo Transitional Council (KTC) as a consultative body of the Joint Interim Administrative Structure between UNMIK and local political leaders, which aimed to bridge the communication between local representatives of different ethnic groups in Kosovo and international community. Out of eight members who were part of a working group at the KTC, only one was coming from the Roma community (Haxhi Zylfi Merxha). At that time, no

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<sup>21</sup> UNMIK, *Factsheet-June 2008*, United Nations Interim Administration Mission in Kosovo, Prishtina, 2008, p.1.

<sup>22</sup> Florian Bieber, 'Introduction: Political Parties and Minority Participation', in Florian Bieber, ed., *Political Parties and Minority Participation*, FES, Skopje, 2008, p. 23.

representative from the Ashkali and Egyptian communities were invited to join this consultative body.<sup>23</sup>

In the following years, UNMIK and the international community created legal and political mechanisms guaranteeing minorities' representation in national executive and legislative bodies. At the central and local levels, minority co-decision and consultative bodies were established to ensure broad minority participation in post-conflict Kosovo. The 2001 Constitutional Framework created a comfortable environment for minority participation, guaranteeing reserved seats in the Kosovo Assembly, where out of 120 seats, 20 were allocated for minority communities of which ten for Serbs, four for Roma, Ashkalia, and Egyptian, three for Bosniaks, two for Turks, and one for Gorans. The seats for each of these minorities were dedicated to parties, coalitions, citizens' initiatives and independent candidates representing these communities.<sup>24</sup> Within the Assembly of Kosovo, a Committee on Rights and Interests of Communities (CRIC) with co-decision powers was established. CRIC was granted with hard co-decision authority and tasked to review laws and make recommendations on draft-laws with a view to ensuring that Community rights and interests are adequately addressed and submit these recommendations to the relevant Functional Committee or to the Assembly as appropriate<sup>25</sup>.

Regarding the representation in the executive branch, the Constitutional Framework ruled that at least one of the Ministers in the Kosovo Government should be from the Kosovo Serb Community and one from another Community. It was also ruled that the 'selection of these Ministers and their responsibilities shall be determined after consultation with parties, coalitions or groups representing non-majority Communities.<sup>26</sup> At the municipal level, minority communities in Kosovo also enjoyed a

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<sup>23</sup> Marcus Brand, "The Development of Kosovo Institutions and Transition of Authority from UNMIK to Local Self-Government", *Centre for Applied Studies in International Negotiations (CASIN)*, Geneva, January 2003, p. 11-20; See, in detail, the composition of the working groups of KTC: <http://www.unmikonline.org/1styear/ktc.htm>, (Accessed on 16 August 2010)

<sup>24</sup> Constitutional Framework on Interim Self-Government in Kosovo, Section 9, 2001.

<sup>25</sup> *Ibid*, Section 9, 9.1.3, 2001.

<sup>26</sup> *Ibid*, Section 9.3.4 (c), 2001.

number of mechanisms to protect their rights and interests. In the spirit of the Constitutional Framework, UNMIK Regulation 2000/45 provided legal provisions to ensure minority representation. In cases of sizable minority population at the local level, a Communities Committee, a Mediation Committee and a Communities Office were established. The purpose of these consultative mechanisms was to represent minorities and to ensure that they enjoy, on an equal basis, civil, political, economic, social and cultural rights, and fair and equal employment opportunities in municipality service at all levels<sup>27</sup>.

During the 2006-2007 negotiations to determine Kosovo's final status, a Community Consultative Council composed mainly with non-Serb minorities in Kosovo was established by Kosovo negotiation team to ensure that these communities would have an input into the Kosovo delegation and be represented by it. This Council developed 'a detailed platform on minority rights protection in the future Kosovo that was formally presented in Vienna by the Kosovo delegation'<sup>28</sup>. The Council's contribution was given consideration and accordingly incorporated in the UN Special Envoy's Comprehensive Status Settlement Proposal which formed the basis for Kosovo's 'supervised independence' declared in February 2008 and the legal and political framework for minority rights and participation afterwards.

### ***3.2 Minority participation after Kosovo's declaration of independence***

The expanded legal framework after the independence of Kosovo guarantees minority communities the right to representation, among other rights. The Constitution of Kosovo and the Law on the Protection and Promotion of the Rights of Communities are the core legal documents that provide the framework for community representation. The structure of Kosovo's political institutions seeks to reflect the ethnic diversity of Kosovo's population. Twenty out of the 120 seats of the Kosovo Assembly are guaranteed for representation of non-majority communities. A permanent Committee

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<sup>27</sup> UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo, Article. 23.4b, 2000.

<sup>28</sup> Marc Weller, *Contested Statehood: Kosovo's Struggle for Independence*, Oxford University Press, Oxford, 2008, p.197.

on Rights and Interests of Communities is inherited from the 2001 Constitutional Framework with hard decision-making power that guarantees the vital interests of communities are included in the process of law-making.

Similarly, the institutional design of Kosovo's Government reflects participation and inclusion to public institutions for communities. It is regulated that the Serb community will lead a Ministry, while two others must be led by none-majority communities. The Law on Protection and Promotion of the Rights of Communities and their Members in Kosovo adapted on 2008 is a comprehensive law which guarantees a wide scope of rights, including: cultural rights (Article 5), the right to language (Article 4), the right to identity (Article 2), the right to full and effective equality, the right to media (Article 6), and the right to education (Article 8). Article 11 promotes the right to political participation by highlighting that communities 'shall have the right to effective participation in political decision making at all levels of government'.<sup>29</sup>

Parallel to this, the right of representation of communities in Kosovo is ensured at the municipal level. The Law on Local Self-Government, adopted three days after Kosovo's declaration of independence highlights that in the case a minority community consists at least ten percent of the overall municipal population, they are entitled to have their Deputy Mayor for Communities.<sup>30</sup> This law provides, that if ten percent of the overall municipal population belongs to a non-majority community, for the post of the Chairperson of the Municipal Assembly for Communities is invoked, who is responsible for acting as a focal point in addressing non-majority communities' concerns at the municipal level.<sup>31</sup>

In 2009, the Council of Europe Commissioner for Human Rights observed that 'the Constitution provides a good legal framework for human rights protection', however he 'underlines that it is now incumbent on the authorities, including the local

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<sup>29</sup> Kosovo Assembly, *Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo*, Law No. 03/L-047, 13 March 2008, Article 11.1.

<sup>30</sup> Kosovo Assembly, *Law on Local Self government*, Law Nr. 03/L-040, 20 February 2008, Art. 60.

<sup>31</sup> *Ibid*, Art. 54

authorities, to put these commitments into practice<sup>32</sup>. Despite completion of legal framework on minority rights and participation, several actions are considered as fundamental for the integration of minorities in post-independence Kosovo including: public participation which would ensure adequate representation and association rights in the public sphere; integration in public institutions, especially in the sector of governance, rule of law and human rights protection; establishment of appropriate inclusive education and health facilities, promotion of independent media, as well as the physical security and equal human rights protections, and community identity development.<sup>33</sup>

### ***3.3 The political participation of Roma, Ashkalia, and Egyptian communities***

Although Kosovo institutions have created a comprehensive legal framework with regards to community rights and their political representation, Roma, Ashkalia, and Egyptian communities<sup>34</sup> are considered the most vulnerable communities in Kosovo<sup>35</sup>. The political position of Roma, Ashkalia, and Egyptian communities has improved since the establishment of UN transitional administration in Kosovo over a decade ago, but this is mainly limited to improved representation in central and municipal governments. Roma, Ashkalia, and Egyptian communities continue to be exposed to discrimination in all spheres of daily life: in education; access to health care; reconstruction of destroyed property; decision-making processes; participation in

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<sup>32</sup> Council of Europe, *Report of the Council of Europe Commissioner for Human Rights' Special Mission to Kosovo*, CommDH(2009)23, 23 – 27 March 2009, p.5. Text available at: <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1348690&SecMode=1&DocId=1423484&Usage=2>, (Accessed on 15 August 2010).

<sup>33</sup> KIPRED, *Integration of Minority Communities in the Post Status Kosovo*. Kosovo Institute for Policy Research and Development, Policy Research Series, Prishtina, 2006.

<sup>34</sup> For an overview of the history and identity of the Roma, Ashkalia, and Egyptian communities see: Neol Malcolm, *Kosovo, A Short History*, Oxford University Press, Oxford, 2002, p.205-9; Angus Fraser, *The Gypsies (The Peoples of Europe)*, Wiley-Blackwell, London, 1995, p.45-56.; Clive Baldwin, *Minority Rights in Kosovo under International Rule*, MRGI, 2006.; Jan Briza, *Minority Rights in Yugoslavia*, MRGI, 2000.

<sup>35</sup> HLC, *Ethnic Communities in Kosovo in 2007 and 2008*, Humanitarian Law Centre, Prishtina, 2008.; Council of Europe, *Report of the Council of Europe Commissioner for Human Rights' Special Mission to Kosovo*, CommDH(2009)23, 23 – 27 March 2009, p.23

supported return programmes. While the concerns of the Serbian community continue to attract the interest and funding of the international community, members of Kosovo's Roma, Ashkalia, and Egyptian communities receive less attention.<sup>36</sup> Indeed, the overall political emancipation of these communities in Kosovo is held hostage to several factors, including: social and political status; low level of education; high population growth; poor health conditions; lack of civil registration and basic legal documentation; discrimination; 'political pawn status' between Albanian and Serbian communities; lack of a kin state; untrained and self-appointed leadership.<sup>37</sup> These are strong obstacles to forming social cohesion, which contributes to low level of Roma, Ashkalia, and Egyptian involvement and participation in political, civil, educational and health institutions.

The Roma, Ashkali and Egyptian political parties are still organized along ethnic lines in Kosovo. As the mono-ethnic parties tend to appeal to a single community, 'their program, membership and voters thus largely hail from only one group, be it the majority or minority...often with conservative or nationalist parties, the inclusion of other groups is purely tokenistic and minimal'.<sup>38</sup> Fostered by UN administration of Kosovo, the first political parties among Roma, Ashkalia, and Egyptian communities were created after 1999. The Roma community is politically represented by the United Roma Party of Kosovo (PREBK), led by Haxhi Zylfi Merxha. The Ashkali community is represented by the Democratic Ashkali Party of Kosovo (PDAK), now led by Danush Ademi and the Egyptian community is represented by the New Democratic Initiative of Kosovo (IRDK), led by Xhevdet Neziraj. In the 2007 national elections in Kosovo, PDAK got three seats in the Kosovo Assembly with 3,433 votes, PREBK got one seat with 2,121 votes, and the Egyptian party IRDK won one seat. As the number of votes show, most of the present political leaders who are leading these political parties lack grass-root support and legitimacy from the overall population they are supposed to

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<sup>36</sup> Kosovo Government, *Strategy for the Integration of Roma, Ashkalia and Egyptian Communities in the Republic of Kosovo (2009-2015)*, 2009, p. 10.

<sup>37</sup> Gezim Visoka, 'Political Parties and Minority Participation: Case of Roma, Ashkalia and Egyptians in Kosovo', in Florian Bieber, ed., *Political Parties and Minority Participation*, FES, Skopje, 2008, p. 154.

<sup>38</sup> Bieber, 'Introduction: Political Parties and Minority Participation', p. 14.

represent. It is believed that low level of education, poverty, social vulnerability, and lack of political emancipation are some of the reasons why Roma, Ashkali, and Egyptian population cast their ballots to existing parties without seeking accountability through community pressure.

Parallel to this, the cooperation and coordination among Roma, Ashkali and Egyptian parties is low and their political agenda is quite exclusive between one another. So far, since 1999, there has been no significant mutual coordination among Roma, Ashkali and Egyptian political parties to put in the agenda of Government and Kosovo Assembly, for some examples, the issue of the camps in North Mitrovica<sup>39</sup>, the widespread discrimination against these communities especially with regards to proportional employment at Kosovo Public Enterprises<sup>40</sup>, forced deportation of Roma, Ashkalia, and Egyptian communities from western countries<sup>41</sup>, or the widespread illiteracy problem. Instead of creating a common political platform to articulate and advocate for the most necessary issues of Roma, Ashkali and Egyptians communities, most of these parties have joined parliamentary groups with predominant Albanian and Serb political parties.

In some cases, even the MPs who come from the same political party, have different political agendas and do not share the same parliamentary group. For instance, an Ashkali MP Etem Arifi and Hafize Hajdini from PDAK belong to the SLS Group, whilst Danush Ademi from the same political party is part of the Group for Integration, a group led by Numan Balic from the Bosnian SDA Party. On the other side, Haxhi Zylfi Merxha from PREBK is part of 7+Group, which is led by another Bosnian party, VAKAT of Džezair Murati, and Xhevdet Neziraj is part of the AAK Group, which is led by Ardian Gjini. Consequently, Roma, Ashkali and Egyptian political leaders do not share the same political interests, and their political cooperation remains low. Due to the fact that most

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<sup>39</sup> CDC, *'Recommendations for preventing Lead Poisoning among the Internally Displaced Roma in Kosovo'*, Center for Disease Control and Prevention, October 2007.

<sup>40</sup>See: Office for Community Affairs, *Employment of Members of Non-majority Communities within Kosovo Civil Services and Publicly Owned Enterprises*, March 2010.

<sup>41</sup> Milena Tmava and Adem Beha, *Helplessness: Roma, Ashkalia and Egyptian Forced Returnees in Kosovo*, RADC & CCFD, Prishtina, 2009.

of these political leaders generally claim to speak only for their respective community, they do not extend their political cooperation and consultations with other political parties or Government officers from their three communities.

Parallel to supporting Roma, Ashkalia, and Egyptian political parties, international organisations played a significant role in supporting RAE civil society organizations. Even though international organisations in Kosovo tried to empower newly established Roma, Ashkalia, and Egyptian civil society organisations to articulate their needs and counter-balance their political parties, still RAE civil society is far from reaching its promised goals. According to a *European Center for Minority Issues* (EMCI) database of RAE civil society organizations in Kosovo, there are 66 Roma, Ashkali and Egyptian civil society organizations (CSO's). Most of these CSO's come from the five regions of Kosovo: 23 RAE CSOs are in Prishtina, 11 in Mitrovica, 12 in Gjilan, 10 Peja, and 8 CSO's are in Prizren. Our research has found that 80% of RAE civil society organizations profiles are very vague, with no strategic plan, clear priorities and effective organizational structure. Moreover, out of 66 present Roma, Ashkalia, and Egyptian CSO's, 49 of them are inactive, lack funds or have organizational problems. Out of 66, only 9 Roma, Ashkalia, and Egyptian civil society organizations are very active and 8 active. As Roma, Ashkalia, and Egyptian civil society was very much donor and project oriented, the withdrawal of international donors from Kosovo has caused the rapid decline of these civic organizations.

In the 2007 Kosovo Progress Report, the European Commission noted that “co-operation between the authorities and civil society organization remains uneven...[with] no progress made in this area”<sup>42</sup>. The Roma, Ashkali and Egyptian CSO's remained weak as well. As SONCE Policy Brief reported, there are several cleavages which continue to challenge Roma, Ashkalia, and Egyptian civil society in Kosovo, including: ‘1) ethnicity, 2) location, 3) area of work; 4) level of development’.<sup>43</sup> Except for a few, most of the Roma, Ashkalia, and Egyptian civil society organizations work on

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<sup>42</sup> European Commission, *2007 Kosovo Progress Report*, p. 17.

<sup>43</sup> Nadir Redjepi and Aleksandra Bojadjieva, *Building Networks – Building Democracy: Kosovo's RAE Civil Society*, Roma Democratic Development Association, SONCE, Policy Brief, 2009, p. 8.

issues of one of the three communities, and civil society organization are divided upon ethnic lines. SONCE noted that, “the division across ethnic lines [of Roma, Ashkalia, and Egyptian CSO’s] is closely connected to the division across geographical lines. [F]or example, of the three communities, Prizren is mostly inhabited by Roma, Ferizaj/Urosevac is mostly inhabited by Ashkali and Gjakova/Djakovica is mostly inhabited by Egyptians. Such a geographical division comprises a reason for locally based, grassroots organizations to work on the issues of one specific community, namely the one most numerous in the geographic area where the given organization has been established”.<sup>44</sup> Another aspect which is worth mentioning is that most of the Roma, Ashkalia, and Egyptian civil society organizations work on issues related to cultural heritage, and only a few of them deal with sensitive issues, because they lack capacity, organizational structure, funds, and strategic planning, and networking.

Furthermore, networking between Roma, Ashkali and Egyptian CSOs is not common. An attempt was made in 2006 when the Kosovo Roma, Ashkali and Egyptian Forum(KRAEF) was established by Roma, Ashkalia, and Egyptian CSO’s, in order to overcome ethnic cleavages and articulate the shared priorities and needs of their communities, which might be included later on in the Strategy for Integration of Roma, Ashkalia, and Egyptian communities. Despite the positive impact that this network had with regards to policy recommendations<sup>45</sup> to Kosovo’s Government, due to internal cleavages of member CSOs this initiative failed.

In December 2008, with the initiative and support of Roma, Ashkalia, and Egyptian civil society and international organizations, the Kosovo Government developed the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo for the period 2009-2015 (hereafter, the Strategy). This strategy primarily addresses the improvement of the situation of those Roma, Ashkali and Egyptian communities, and at the same time provides solutions and recommendations

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<sup>44</sup> Redjepi & Bojadjeva, *Building Networks – Building Democracy: Kosovo’s RAE Civil Society*, p.9

<sup>45</sup> KRAEF, ‘Our Position 2006’, Kosovo Roma, Ashkalia and Egyptian Forum, Position Paper 1, 2006, Text available at: [http://www.osce.org/documents/odhr/2006/12/23321\\_en.pdf](http://www.osce.org/documents/odhr/2006/12/23321_en.pdf), (Accessed on 20 July 2010)

for the re-integration of returnees.<sup>46</sup> In particular, the Strategy addresses eleven crucial sectors: anti-discrimination; education; employment and economic empowerment; health and social issues; housing and informal settlements; return and reintegration; registration and documents; gender; culture, media and information; participation and representation; security and policing.

Accordingly, the Strategy identifies the fundamental need to improve the socio-political condition of Roma, Ashkalia, and Egyptian communities in Kosovo, the effective implementation of legislation on protecting the rights and interests of communities, to empower Roma, Ashkalia, and Egyptian communities through provision of health, education, and social welfare services, and to increase political participation and representation in the public sphere. An additional 'Action Plan' was approved to specify necessary actions with relation to ministerial lines and other public institutions, in order to increase the effectiveness of the strategy. One million euros have been pledged by the European Commission and half million by Open Society Foundation (which will be managed by the Kosovo Foundation for Open Society) for the implementation of the Strategy in the education, culture and media areas.

Even though the Strategy was adopted in late 2008, after a process of consultation which lasted almost two years, to date no component of this strategy has started to be implemented. Furthermore, at the municipal level there is a lack of Action Plans with regards to this strategy in order to address the problems and concerns of Roma, Ashkalia, and Egyptian communities in their respective municipalities. Of significant importance, the leader of the Egyptian IRDK has denounced support for the strategy claiming that Egyptians are already integrated in Kosovo's society. He further argues that 'the priority of Roma community to push forward recognizing Roma language is not the same with the Egyptian and Ashkali community who speak Albanian language and thus have different priorities'.<sup>47</sup>

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<sup>46</sup> Kosovo Government, *Strategy for the Integration of Roma, Ashkalia and Egyptian Communities in the Republic of Kosovo (2009-2015)*, p. 7.

<sup>47</sup> Interview with Xhevdet Neziraj, Egyptian MP in Kosovo Assembly, June 2010.

In making this Roma, Ashkalia, and Egyptian Strategy work, their political parties and civil society should be fully encouraged and supported to strengthen their capacity, expand their constituencies, and be fully cooperative. The presence of social capital and a synergized network between Roma, Ashkali and Egyptian CSOs might contribute significantly in the implementation of the Strategy, keeping Roma, Ashkalia, and Egyptian political parties accountable and furnishing the consultative bodies for minority protection of Kosovo institutions with qualified staff, able to adequately address the concerns of these communities.

#### ***IV. Mandate and Structure of Special Consultative Mechanisms***

Within the framework of the Kosovo Constitution, Roma, Ashkalia, and Egyptian communities in Kosovo are represented at the President's Office through the Community Consultative Council, at the Prime Minister's Office through the Office for Community Affairs, and at the Assembly of Kosovo through the Parliamentary Committee on Community Rights and Interests and the Returns. These representative mechanisms aim to provide Roma, Ashkalia, and Egyptian communities (among other community groups in Kosovo) with the opportunity to represent directly their political interests at the governance and decision-making levels. It is important to note that these three bodies are regulated and have adapted entirely the recommendations of OSCE and the Council of Europe in ensuring effective participation of minorities through consultative bodies.

##### ***4.1. Communities Consultative Council (the Council)***

Established by Presidential Decree on 15 September 2008, the Communities Consultative Council (the Council) was introduced initially in Ahtisaari's Comprehensive Status Settlement. It was envisaged that the Council would be a consultative body with no formal veto powers on legislation or policy and consisted mainly of representative from political parties and civil society organizations – a body that aims to give civil society from the communities a voice and give them access to highest governmental policy affairs. The establishment of the Council is regulated by the Kosovo Constitution, where Article 60 outlines that the Council acts under the authority of the President of the Republic of Kosovo [...] which will be composed by all Communities and their representatives of associations. The core mandate of the Council as outlined in the constitution and is to:

- a) provide a mechanism for regular exchange between the Communities and the Government of Kosovo;
- b) afford to the Communities the opportunity to comment at an early stage on legislative or policy initiatives that may be prepared by the Government, to suggest such initiatives, and to seek to have their views incorporated in the relevant projects and programs;

c) other responsibilities and functions as provided in accordance with law.<sup>48</sup>

The Council is tasked to provide an opportunity for Communities to participate in assessing needs, and designing, monitoring and evaluating programmes dedicated to their members. It is envisaged also to provide recommendations for orienting foreign aid and funds from Kosovo's consolidated budget in allocating projects that meet Communities needs and interests.

The process of establishing the Council and making it a functional body was a slow process. During 2009, the selection of representatives and the development of internal rules and working methods were the main achievements. The Council so far has managed to establish two working groups: on education and legislation review. A third working group is in the process of being established which will monitor the implementation of the Strategy for Integration of Roma, Ashkalia, and Egyptian Communities in Kosovo. These working groups are seen as instrumental to ensure that all members provide sufficient contribution in reviewing legislation, and addressing certain policy issues affecting communities. The composition of the Council is organized around the principles that all communities will have their representatives present, plus Kosovo's government representatives that come from those Ministries that affect directly communities rights and interests.

During the first term of the Council, the Communities representatives were selected from political parties and civil society. In the statute of the Council 70% of members are to come from civil society groups and the rest remains optional for political parties (30%). The idea for having political representation was seen as an added value to have someone to lobby on behalf of Council to other institutions. However, there have been counter-arguments that the political representative might have different political agendas and priorities.<sup>49</sup> In the second mandate that started its functional operation in April 2010, the Council is largely represented by civil society members from all

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<sup>48</sup> The Constitution of the Republic of Kosovo, Article 60, 15 June 2008. Text available at: <http://www.kushtetutakosoves.info/?cid=2,258>; The Statute and Regulation of the Council provide a detailed outline of the functions.

<sup>49</sup> Interview with Katherine Nobbs, ECMI, Prishtina, June 2010

minority communities. While the Serb community has five seats on the Council, the representatives of Roma, Ashkali, and Egyptian communities have two members each. Similarly, Bosnian and Turkish communities have two seats. In the last two mandates the chair of the Council was elected from the Serb community.

#### ***4.2 Committee of Rights and Interests of Communities (CRIC)***

The Committee on Rights and Interests of Communities (CRIC) is a hard co-decision mechanism based at the Kosovo Assembly that provides legislative oversight of community rights and interests as envisaged in the Article 78 of Kosovo's Constitution. Parallel to this, CRIC plays a significant role with regards to protection of the so called 'vital interests' of minority communities in Kosovo, as highlighted in the Article 81 of the Constitution.<sup>50</sup> The mandate of CRIC is a continuation from the previous Constitutional Framework of 2001. The overall mission of CRIC is to act as a legislative catalyst for minority rights in Kosovo. Accordingly, the Kosovo constitution entitles CRIC to ensure that all legislative initiatives promote and respect the rights and interests of communities, reflected in the respective Law on Promotion of Rights and Interests of Communities, Anti-discrimination Law, and other adapted international human rights law. In performing this mandate, CRIC has an ideal position to enhance and protect community rights through 'its own initiative, propose laws and other measures within the responsibilities of the Assembly as it deems appropriate to address the concerns of Communities'<sup>51</sup>

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<sup>50</sup> The Constitution of the Republic of Kosovo, Article 81 [Legislation of Vital Interest]

1. The following laws shall require for their adoption, amendment or repeal both the majority of the Assembly deputies present and voting and the majority of the Assembly deputies present and voting holding seats reserved or guaranteed for representatives of Communities that are not in the majority: (1) Laws changing municipal boundaries, establishing or abolishing municipalities, defining the scope of powers of municipalities and their participation in inter-municipal and cross-border relations; (2) Laws implementing the rights of Communities and their members, other than those set forth in the Constitution; (3) Laws on the use of language; (4) Laws on local elections; (5) Laws on protection of cultural heritage; (6) Laws on religious freedom or on agreements with religious communities; (7) Laws on education; (8) Laws on the use of symbols, including Community symbols and on public holidays.

<sup>51</sup> Constitution of the Republic of Kosovo, Art. 78, para. 4.

In terms of structure, the constitution regulates CRIC as a permanent committee within Kosovo Assembly which is 'composed of one-third of members who represent the group of deputies of the Assembly holding seats reserved or guaranteed for the Serbian Community, one third of members who represent the group of deputies of the Assembly holding seats reserved or guaranteed for other communities that are not in the majority and one third of members from the majority community represented in the Assembly'.<sup>52</sup> In the current legislative mandate, CRIC has two Ashkali representatives, one from the Roma community, and one from the Egyptian community. In the November 2009 elections, among the reserved seats for communities at the Assembly of Kosovo, the Ashkali community represented by PDAK (Democratic Party of Kosovo Ashkali) has gained three seats, the Roma community represented by the PREBK (New United Roma Party of Kosovo) has gained one seat, and the Egyptian community represented by IRDK (New Democratic Initiative of Kosovo) has gained one seat as well.

#### ***4.3 The Office for Community Affairs (OCA)***

The Office for Community Affairs (OCA) based at the Prime Minister Office has been established on May 2008 to advise the Prime Minister of Kosovo on all communities' related issues, and coordinate policy and practical issues related to all communities in Kosovo. Within these tasks, OCA is in an important position to coordinate and harmonize governmental bodies, independent agencies and institutions, ministries and municipalities, as well as work with donors and international organisations to ensure that communities' issues are being effectively addressed throughout Kosovo. As an office within the Prime Minister's Office, the OCA has the opportunity to contribute to, analyse and provide advice regarding governmental policy affecting communities' rights and interests, develop and monitor the implementation of Government strategies related to communities, as well as monitor the implementation of laws and policies on a community level.<sup>53</sup> Furthermore, the OCA will be able to use available funds strategically to positively impact and create change in people's lives, and what is

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<sup>52</sup> Ibid, Art. 78, para. 4.

<sup>53</sup> Prime Minister's Office for Community Affairs Briefing Document, August 2008, Prishtina.

significant become directly involved as needed in resolving high profile minority related cases.

In terms of structure, the OCA currently has only three staff members based at the Prime Minister's Office. As in the case of the Council, the Office is chaired by a political representative of the Serb community. In the planning process, it was suggested that twelve staff members would be able sufficiently cover the mandate of OCA.<sup>54</sup> However, it was justified by the Kosovo Government that due to lack of resources, and constraints put by IMF in employing new civil servants, the OCA operates with a deficit in the number of trained and experienced staff. Of relevant importance, the OCA is also tasked to monitor the implementation of the Roma, Ashkalia, and Egyptian Integration Strategy. In the same time, there appears to be a confusion of mandates between OCA and the Office of Good Governance within the Prime Minister's Office which also claims authority to implement the same Strategy.

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<sup>54</sup> Interview with a Roma Civil Society Activist who decided to remain confidential, June

2010.

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## ***V. Assessing Performance and Achievements***

Good practices from different States and the recommendations of the OSCE and the CoE identify four core functions of minority consultative mechanisms which provide national minorities with sufficient space to participate in decision making, contribute in reviewing legislative initiatives, and coordinating development programmes. This section will provide a critical assessment of the performance of the RAE representation in these three minority consultative bodies in Kosovo during the last two years and identify accordingly the main challenges and obstacles that have constrained effective performance of these bodies.

The effective performance of these mechanisms may be measured qualitatively by examining four aspects:

- organization, mobilization and coordination
- contribution to the drafting and reviewing of legislation;
- contribution to governmental programming; and
- participation in reporting to international mechanisms

### ***5.1 Organization, mobilization and coordination***

One of the primary functions of minority consultative bodies is to organize and mobilize minority communities through building the capacities of minority representative groups and coordinating activities among different groups. In Kosovo, there is no sufficient cooperation and coordination of efforts between Roma, Ashkalia, and Egyptian political representatives and civil society organizations. In general, there is a negative dynamic of competition and clashes between these two sides in terms of allocating development and humanitarian assistance for Roma, Ashkalia, and Egyptian population, in supporting political parties and platforms, and in terms of identity politics and cultural affiliation.

This is also reflected on the performance of minority consultative bodies in Kosovo. Despite extensive support from European Centre for Minority Issues (ECMI) to establish a sustainable representation system, the Council still lacks an established practice of organizing, mobilizing and coordinating activities with representative NGO's and local Roma, Ashkalia, and Egyptian population. Though in the current term most of the members are from representative NGO's of communities, there are still challenges in communicating and coordinating the working local NGO's and bridging the communal problems through the Council to higher decision-making levels.<sup>55</sup> For each community represented in the Council there is an NGO that is supposed to coordinate the communication with other local NGO's. However, in the current situation the channels of communication are not as effective as they are supposed to be. These representative NGO's are supposed to have a budget line to support their administrative and operational costs, but yet there is no budget allocated within the Kosovo President's Office for such activity. It is evident that even in the second term of the Council, there are still unspoken tensions between political parties and civil society representatives.

A major weakness of these consultative bodies is the lack of inter-institutional cooperation and coordination. This lack of inter-institutional cooperation is a result of a perceived competition and overlap of mandates between political leaders and civil society representatives. In the Council, a representative of OCA regularly attends meetings, but beyond that there is no coordination of efforts and activities<sup>56</sup>. Similarly, representative of different Ministries attend the meetings in the Council, but there is not sufficient coordination and cooperation afterwards. On several occasions, members of the Council have invited Ministers to discuss specific policy issues; however, random officers were sent who did not know well the area of work and did not follow-up accordingly.<sup>57</sup> 'Whenever governmental representatives were invited in the meetings

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<sup>55</sup> Interview with Muhamet Arifi, Ashkalia Civil Society Representative in the Council, June 2010.

<sup>56</sup> Interview with a Roma Civil Society Activist who decided to remain confidential, June 2010.

<sup>57</sup> Interview with Bashkim Kurti, Egyptian Civil Society Representative in the Council, 23 June 2010.

they recorded the Councils inquires, without proceeding afterwards in practice'<sup>58</sup>, said a former member of the Council.

On the other side, an Ashkali member of CRIC declared that 'CRIC has never had a meeting with the Council'. Similarly, they do not have any official cooperation with the OCA. An Ashkali member of CRIC declared that 'the tension of non-cooperation between OCA and CRIC came when a Roma member of OCA was allocating the majority of funding to the Roma community, excluding two other sister communities.'<sup>59</sup> An Ashkali who knows well the political circumstances declared that OCA has not collaborated with CRIC, and there have been cases when the individual members of CRIC have approached OCA with projects attempting to fund projects for their narrow interests.<sup>60</sup>

Moreover, a current member of CRIC that was part of the Council during the first mandate observed that 'the entire work of the Council remains in paper...so far they not accomplished anything.'<sup>61</sup> Another Ashkali MP part of CRIC declared that 'they have not met with Council so far and it is them who should come and approach CRIC.'<sup>62</sup> The same MP goes further by saying that 'we are not united...members of the Council seek to address their communities (local community) interests and needs, and we try to channel our own community's interests.'<sup>63</sup> This reflects how within the same community there is tension of addressing the interests of particular region they represent, without attempting to unify the efforts and present a common platform. There are also cases where MPs from a same community coordinate and cooperate with the civil society representatives in the Council. An Egyptian MP and member of

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<sup>58</sup> Interview with Muhamet Arifi, Ashkalia Civil Society Representative in the Council, 22 June 2010.

<sup>59</sup> Interview with Ethem Arifi, Ashkalia MP in Kosovo Assembly, Member of CRIC, June 2010.

<sup>60</sup> Interview with a Ashkali civil society activist who decided to remain confidential, June 2010.

<sup>61</sup> Interview with Ethem Arifi, Ashkalia MP in Kosovo Assembly, Member of CRIC, June 2010.

<sup>62</sup> Interview with an Ashkalia MP who decided to remain confidential, June 2010.

<sup>63</sup> Interview with an Ashkalia MP who decided to remain confidential, June 2010.

CRIC asserted that the only cooperation he has with the Egyptian representatives in the Council where they coordinate what issues to raise.<sup>64</sup>

It is worth noting that Roma, Ashkalia, and Egyptian representatives in these three bodies are aware of the necessity to collaborate, but their narrow interests and disunited positions on allocation of resources and political support for a certain policy are the main sources of tension between these groups. Certainly, lack of cooperation and coordination of efforts indicates that the Roma, Ashkalia, and Egyptian communities are not yet ready to make use of these available mechanisms that ensure effective participation.

### ***5.2 Contribution to the drafting and reviewing of legislation***

The minority consultative bodies are also entitled to initiate a legislative process, review and comment on legislative initiatives, and to observe compliance with minority rights standards and interests. The quality of members is important as it is critical to ensure effective performance and implementation of the mandate. The effective participation of minorities and the successful functioning of minority consultative bodies are dependent on both the commitment and dedication of government, and of the minority representatives. The work of these bodies should be visible and inclusive for members of minorities and the general public. Furthermore, the selection of members should reflect minority ownership, and democratic, accountable and transparent process.

Since its establishment in 2008, the Roma, Ashkalia, and Egyptian representatives in the Council have commented only to a small number of laws and government policies that affects Roma, Ashkali, and Egyptian communities, such as on legislation related to Roma, Ashkalia, and Egyptian education and employment. However, the results of such efforts are still pending. This research reveals that generally among the Roma, Ashkalia, and Egyptian representatives in the Council there is lack of initiative which is mainly affected by their lack of capacities, political weaknesses, and the lack of

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<sup>64</sup> Interview with Xhevdet Neziraj, Egyptian MP in Kosovo Assembly, June 2010.

financial incentives to take legislation commenting and advocacy tasks, beyond regular meetings.

Despite the attempt to select particular laws that affect directly the rights and interests of communities in Kosovo, the Council has spent most of the time on internal consolidation. A review of meeting agendas and the issues discussed in the Council, shows that most of the time was spent on drafting the statute, internal operational rules, and a working plan. In the first year the mandate of the Council appears to be difficult due to the shortage of budget and staff. In most of the meetings, the Council discussed technical and administrative issues, mainly struggling to develop standard rules of procedure. The Council spent several meetings trying develop an annual working plan. As an ECMI consultant reported, 'by the end of first mandate, members of Council had noticed that they had not delivered on the issues that were important, eg. education and language'.<sup>65</sup>

The Council so far has established two working groups: on education and legislation review. A third working group is in the process of being established which will monitor the implementation of the Strategy for Integration of Roma, Ashkalia, and Egyptian Communities in Kosovo. These working groups are seen as instrumental to ensure that all members provide sufficient contribution in reviewing legislation, and addressing certain policy issues affecting communities. The Working Group on Education during 2009 has recommended changes on the high education curricula to reflect more to the Kosovo's ethnic, cultural and linguistic diversity. In the capacity of deputy-chair of the Working Group on Education, Bashkim Kurti, representing the Egyptian community, has raised remarks on the new Kosovo educational curricula and commented the revision of Draft-Law on Pre-University Education.<sup>66</sup> Furthermore, this Working Group has also made concerns on the hate speech in one of the primary education history textbooks. To address this matter, Working Group on Education has appealed to the Ministry of Education to establish a special commission which would revise this particular textbook.

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<sup>65</sup> Interview with Katherine Nobbs, ECMI, June 2010.

<sup>66</sup> Interview with Bashkim Kurti, Egyptian Civil Society Representative in the Council, June 2010.

In terms of performance in the co-decision procedures of CRIC, The Roma, Ashkalia, and Egyptian representatives in the Kosovo Assembly have one of the lowest participation in parliamentary discussions. Within the Committee for Community Rights and Interests, Roma, Ashkalia, and Egyptian representatives are in the shadow of the political and financial priority given to Serb community. Most of the MP's coming from Roma, Ashkalia, and Egyptian communities pursue a political servilism strategy where in exchange of small donations they do not criticize government, and thus in most of the cases follow the majority's decisions. Between 2004 and 2007 the Committee on Rights and Interests of Communities held 102 meetings and reviewed 148 draft laws<sup>67</sup> In general, the performance and the effectiveness of Parliamentary committees are considered weak due to lack capacities, expertise and political activism to handling draft-laws within their field of work. A recent monitoring report of Kosovo Democratic Institute (KDI) describes the weaknesses of Parliamentary Committees in terms of handling draft-laws, slow legislative review progression, lack of coordination, efficiency, and communication concerning legislative reviews, work plans and monitoring of the implementation of laws.<sup>68</sup> EU 2009 Progress Report for Kosovo also notes that the Kosovo Assembly needs to improve its 'capacity to scrutinise draft legislation and monitor its implementation after adoption' as well as 'enhance the parliamentary oversight of government work'.<sup>69</sup>

The CRIC is no exception to this general parliamentary trend. KDI assesses the activism of MP's by measuring how often MP's participate in discussions, raising issues, initiate urgent issues, propose agenda, and raise parliamentary questions.<sup>70</sup> Thus, as the table compiled by the authors shows, a summarized KDI Scorecard for 2008 and 2009, the Roma, Ashkali and Egyptian MP's have performed at a very low level of parliamentary activism. The highest percentage of participation can be noticed with the Egyptian

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<sup>67</sup> KDI, *Report on the work of Kosova Parliament during mandate 2004-2007*, Kosovo Democratic Institute, 2007, p.15, Text available at: <http://www.kdi-kosova.org/publications/analizaNED2007.pdf>, (Accessed on 03 August 2010).

<sup>68</sup> KDI, *Scorecard of Kosovo Assembly July-December 2009*, Kosovo Democratic Institute, 2009, p. 27, Text available at: <http://www.kdi-kosova.org/publications/Fletnotimit7-12-2009.pdf>, (Accessed on 28 July 2010)

<sup>69</sup> European Commission, *2009 Progress Report for Kosovo*, p. 7

<sup>70</sup> See: KDI Scorecard measuring system.

political representative Xhevdet Neziraj from IRDK with 12 %. The worst cases are of Ashkali representatives where we can observe no participation at all in fulfilling the parliamentary mandate.

The percentage of fulfilment of parliamentary mandate among Roma, Ashkalia, and Egyptian members of Kosovo Assembly 2008-2009		Jan-June 2008	July-Dec 2008	Jan-June 2009	July-Dec 2009
<i>Members of parliament</i>	<i>Political Party</i>	%	%	%	%
Xhevdet Neziraj	IRDK	0.32 %	2.68%	5.78%	12.1%
Zylfi Merxha	PREBK	0.24%	4.76%	0.79%	3%
Danush Ademi	PDAK	/	/	0.95%	1.6%
Etem Arifi	PDAK	0.00%	1.21%	0.00%	1.5%
Hafize Hajdini	PDAK	0.00%	0.00%	0.00%	1.5%

Source: Table compiled by authors to summarize KDI Scorecard, 2008-2009, Available at: <http://www.kdi-kosova.org/alb/publications.php>

Some RAE MP's with the lowest parliamentary participation have chosen intentionally the strategy of silence and compliance. By remaining silent in parliamentary sessions, some MP's increase the potential for any political trade-off in terms prioritizing governmental investment and donation to their respective community and region. In the words of an Ashkali MP, he justifies this approach by arguing that:

*Very rarely do we make parliamentary questions. Most of the time we raise issues at Committee level and there our requests are considered; therefore we do not see it as necessary to raise further questions in the open session<sup>71</sup>.*

<sup>71</sup> Interview with Ethem Arifi, Ashkali MP in Kosovo Assembly, Member of CRIC, June 2010.

Another member of CRIC from the Ashkali community declared that because of her political affiliation with the party in government, they refrain from parliamentary questions:

*I must admit that I am supporter of PDK, and SLS also supports PDK, nevertheless, whenever we have official meetings, I always speak up and say what I want and what is in the interest of my community.<sup>72</sup>*

However, the real intention behind this 'parliamentary silence' has been uncovered by the same Ashkali MP's which declared that as result of their particular way of behaving in the parliament they have succeeded to convince the Ministry for Return and Communities to allocate 200,000 Euros in building houses for the Ashkali community in Dubrava, a village in Ferizaj. Similarly, the Office of Prime Minister has dedicated 200,000 Euros and the Ministry of Labour and Social Welfare has promised 40,000 Euros to the same housing project.<sup>73</sup> In a broader exploration of this housing project, we realized that rebuilding of houses in that region has been pending since 2006. Recently, despite the committed funds by these three agencies, it appears that there is a property problem with the local municipal authorities. On the same matter, the Ashkali MP expressed satisfaction with the work of the current government, as they have managed to allocate these resources for rebuilding these houses which previous governments had not.

This clearly reflects how parliamentary mechanisms and participation for communities are exchanged with commitment of social reconstruction funding which in any case are obligations of respective governmental agencies. Nonetheless, one could perceive as an effective strategy the exchanging of political power (votes, coalitions) for building funds for their communities, however, this undermines their democratic mandate and affects the long-term parliamentary practices and the entire political empowerment of these minority communities.

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<sup>72</sup> Interview with an Ashkalia MP who decided to remain confidential, June 2010.

<sup>73</sup> Ibid, June 2010.

The second factor that obstructs Roma, Ashkalia, and Egyptian parliamentary activism is related to the overall environment in which the Serb community is given priority from Kosovo institutions and international actors. Before explaining the implication this has for Roma, Ashkalia, and Egyptian parliamentary activism, it is important to note that this priority given to Serbs comes from three inter-related factors. First, Serbia as a kin-state is making extensive pressure and is closely involved in protecting the Serb community in Kosovo; thus, in order to respond to this pressure and the continuous criticism on Serb community conditions in Kosovo, most investments and donations are directed to them. Second, as part of 'international supervised independence', the Kosovo government together with the International presence want to show progress and results concerning minority rights, their integration and accommodation to Kosovo's public life. Here again the target is the Serb community. Third, in order to reduce the operation of Serb parallel structures, the Kosovo government is proactively encouraging the Serb community to shift their loyalty towards legitimate Kosovo institutions, which in return enables the exercise of authority all over Kosovo territory.

Despite this complex situation, such priority given to the Serb community is directly affecting other smaller communities, especially Roma, Ashkalia, and Egyptian communities. It is evident that in all political mechanisms dedicated to communities in Kosovo, Serb community members are elected as chairs and they control the agenda of activities and funding. Also most of the budget dedicated to communities in Kosovo, goes to the Serb community. An MP from the Egyptian community is not satisfied that the chair of CRIC so far comes from the Serb community. Such a situation, he claims, creates obstacles for other smaller communities to raise issues in protection of their rights and interests for instance in public investment and employment, allocation of funds, and so on.<sup>74</sup>

Furthermore, Roma, Ashkalia, and Egyptian political representatives consider that the Serb community, despite chairing all mechanisms developed for communities, utilize also other political channels to reach their goals. However, on the other side, if the non-Serb communities work closely and are united they can change this trend. For instance,

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<sup>74</sup> Interview with Xhevdet Neziraj, Egyptian MP in Kosovo Assembly, June 2010.

if there would have been consensus among these communities, they could block voting or over-rule in a coordinated manner. But, in practice there is no consensus among other communities. Internal organization and cooperation with other communities is not sufficient.

### ***5.3 Contribution to governmental programming***

Minority consultative mechanisms are also engaged in developing, implementing and evaluating governmental programmes dedicated to minority communities. This includes participating in assessing community needs, setting policy priorities, disseminating information, fund-raising, and monitoring and evaluating the performance of programmes. In the Kosovo context, the OCA is in an ideal position to perform these tasks, however so far there have been several shortcomings as a result of political interference in allocation of resources and setting of priorities, internal overlapping of activities, and unequal priority given to the Serb minority.

A Roma civil society activist noted that there is continuous political interference from the Government and the International donors.<sup>75</sup> The same person, speaking in confidence, declared that 'within OCA there is nepotism, favouring of certain people, and political trade-offs'<sup>76</sup>. Moreover, the OCA has failed to be an inclusive body and create space for all communities, especially the non-Serb community needs and interests. In addition, OCA does not have sufficient human capacities and lacks resources.

The OCA is tasked to monitor the implementation of Roma, Ashkalia, and Egyptian Integration Strategy. However, since a member of OCA from the Roma community resigned from the Office there has hardly been any activity in support of this strategy. At the same time, there is also confusion of mandate with the Office of Good Governance within the Prime Minister's Office which was initially tasked to implement the Roma, Ashkalia, and Egyptian integration Strategy.

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<sup>75</sup> Interview with a Roma Civil Society Activist who decided to remain confidential, June 2010.

<sup>76</sup> Ibid, June 2010.

#### ***5.4 Participation in reporting to international mechanisms***

While international best practices of minority consultative bodies show that these bodies contribute to enhancing minority rights through reporting to international human and minority rights monitoring bodies, in Kosovo the consultative mechanisms do not explicitly exercise this task. In principle, the presence of multiple international organizations together with local NGOs seek to monitor and report on the situation of minority rights in Kosovo. According to Ahtisaari's CSS, the International Civilian Office and Representative (ICO/ICR) is charged with the responsibility to supervise the implementation of provisions on minority affairs, including decentralization.<sup>77</sup> Despite that the ICO has been instrumental in overseeing the establishment of a Communities Consultative Council at the President's Office, there is criticism that the international Civilian Representative has ignored the inquiries of some Roma, Ashkalia, and Egyptian representatives in the Council and in the CRIC for consultation and support. An Ashkali MP declared that 'in several cases we have sent requests to ICO for communal issues (eg. Lipjan), however, they did not provide any response', claiming 'simply, they are interested only for Serb interests'.<sup>78</sup>

On another occasion, an Egyptian MP and member of CRIC has approached ICO on matters of discrimination in employment in public institutions, but the ICO has not agreed to meet with the Egyptian MP and has given a vague response. In general, it seems that Kosovo's supervised and conditional independence is focused in enhancing Serb minority rights and interests, leaving aside other smaller minorities.

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<sup>77</sup> UN Security Council, *Report of the Special Envoy of the Secretary-General on Kosovo's future status*, S/2007/168 (2007), 26 March 2007.

<sup>78</sup> Interview with Ethem Arifi, Ashkalia MP in Kosovo Assembly, Member of CRIC, June 2010.

## ***VI. Conclusion: Towards Effective Participation and Performance***

The establishment of the minority consultative bodies in Kosovo is a positive development; however their performance in the last two years has not been as satisfactory as it was expected. In general, there was lack of sufficient institutional cooperation and coordination among these bodies, Kosovo Government and international presence. Internally, these bodies lack initiative of their members, as well as resources and human capacities and experiences. Externally, the dominant attention given to Serb community due to broader political developments and the political interference has undermined the chance of Roma, Ashkalia, and Egyptian representatives in these bodies to deliver properly on their mission to improve the political, and socio-economic condition of Roma, Ashkali and Egyptian population in Kosovo. To a large extent, the weaknesses of minority consultative bodies identified in this study are also result of divided Roma, Ashkalia, and Egyptian political communities and their disorganized civil society. As explored here these negative attributes affect significantly the work and performance of these consultative mechanisms in Kosovo.

If the goal of these minority consultative bodies is to increase the effective participation of minorities as is proclaimed in their founding documents and international standards, then a set of actions is necessary to increase the effectiveness of these bodies.

The future performance of the Council is conditional on two issues: a separate and sustainable budget line, and improved quality of members. Members of the Council with the support of ECMI have submitted the budget proposal for 2011 which seeks to secure a separate budget line part of the overall President's Office budget that would fund secretariat staff, pay members for their engagement in working groups, and have available resources to cover workshops and other necessary administrative expenditures. After overcoming this technical aspect, the performance of the Council will also depend on the quality of members with extensive support of and contacts with CSOs to make sure that the broader community is involved in the nomination and selection process. Creating umbrella organization would enhance effective

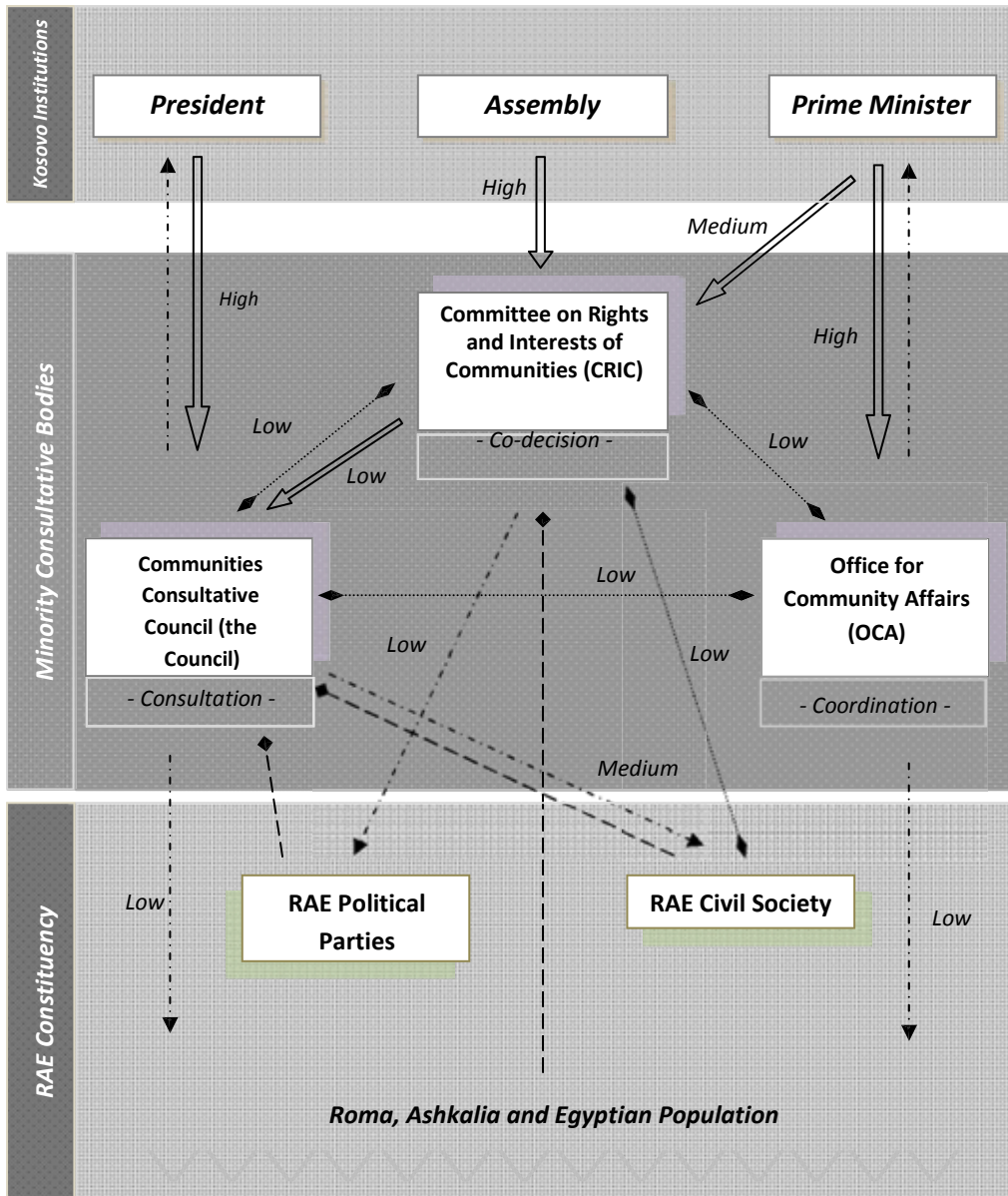
representation of communities. Compensation for the Council member's engagement in working groups should be included in the budget. The Council Secretariat needs better working conditions and the recently established working groups require technical assistance and external expertise. Kosovo Government should give more consideration to the Council and create optimal space to comment on legislation and relevant programmes affecting minority rights and interests. Roma, Ashkalia, and Egyptian political and civil society representatives should leave aside political interests and inter-personal tension, and commit to a common platform of action to increase the effectiveness of channelling of Roma, Ashkalia, and Egyptian communities interests in the Council.

The effective performance of Roma, Ashkalia, and Egyptian MP's in the Kosovo Assembly is conditional on commitment and independent representation of Roma, Ashkalia, and Egyptian population interests in the law-making processes and overseeing work of the Executive. The Roma, Ashkalia, and Egyptian MP's should not continue serving as instrument of majority and Serb representatives, but instead they should pursue a straightforward strategy of channelling the interests and rights of Roma, Ashkalia, and Egyptian communities as it is regulated by the Kosovo constitution and applicable laws. It is of crucial importance that Kosovo Government does not interfere in the work of Roma, Ashkalia, and Egyptian MP's, but instead support their meaningful contribution in the legislative work. Certainly, better representation of Roma, Ashkalia, and Egyptian communities' interests would increase the legitimacy and the popular support of Roma, Ashkalia, and Egyptian MP's to continue serving the seats for future mandates. There is an immediate need that Roma, Ashkalia, and Egyptian MP's return to their local electorate and their civil society organizations and reorganize the efforts and commit to a common platform for action.

The Office for Community Affairs should be free from political interference and more space should be given to non-Serb communities to ensure equal access and fair share of resources and investments. Special and regular financial auditing of OCA is necessary to ensure accountability and transparency of managing with public funds and international donations.

The mandate and scope of work of these bodies is inter-twinned and mutually depended, therefore the intern-institutional cooperation and coordination of activities it is of critical importance to ensure effective performance of these bodies. Regular and institutionalized contacts should be established to ensure the collaboration of these bodies. Across these three bodies explored here, there is a need to increase their capacities through special trainings, exchange visits and external technical assistance and expertise.

In concluding this study, the chart and the table below illustrates the points discussed above on the functioning of the minority consultative bodies in Kosovo and the the inter-action of various factors such as: political influence, political legitimacy, inter-institutional coordination and cooperation, and the political accountability.



**Functioning of Minority Consultative Mechanisms**



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## The Performance of Minority Consultative Mechanisms in Kosovo 2008-2010

	Communities Consultative Council (CCC)	Office for Community Affairs (OCA)	Committee for Rights and Interest of Communities (CRIC)
Functions	<i>Consultation</i>	<i>Coordination</i>	<i>Co-decision</i>
Organization, mobilization and coordination among minority representative organizations	<ul style="list-style-type: none"> <li>- Satisfactory coordination in selection of civil society representatives</li> <li>- No sufficient internal share of information</li> <li>- Lack of public visibility,</li> <li>- Lack of communication with respective communities, and general public.</li> <li>- Lack of cooperation and coordination with the OCA and CRIC</li> </ul>	<ul style="list-style-type: none"> <li>- Satisfactory results in coordinating funding and investment priorities with donor community</li> <li>- Lack of cooperation and coordination with the Council and CRIC</li> <li>- Misbalanced focus in allocation of resources and projects</li> <li>- Political interference from Government</li> </ul>	<ul style="list-style-type: none"> <li>- Lack of sufficient cooperation and coordination with civil society and representative communities</li> <li>- Materialist driven partnerships</li> </ul>
Contribution to the drafting of legislation	<ul style="list-style-type: none"> <li>- Slow process in reviewing and commenting draft legislative and policy initiatives</li> <li>- No sufficient commitment from Kosovo Government to consult the Council in policy-making processes</li> </ul>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>	<ul style="list-style-type: none"> <li>- 'Confirmationist' approach to the Government legislative initiatives</li> </ul>
Contribution to governmental programming	<ul style="list-style-type: none"> <li>- N/A</li> </ul>	<ul style="list-style-type: none"> <li>- Satisfactory coordination and harmonization of activities with central and local governmental bodies</li> <li>- Confusion on monitoring of RAE Integration Strategy</li> </ul>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>
Participation in reporting to international mechanisms	<ul style="list-style-type: none"> <li>- No clear mandate in reporting to international mechanism</li> <li>- ICO ignored the inquiries of RAE representatives in the Council</li> <li>- Technical support from ECMI</li> </ul>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>	<ul style="list-style-type: none"> <li>- ICO ignored the inquiries of Roma, Ashkalia, and Egyptian representatives in the CRIC</li> </ul>

## VII. Bibliography

- Angus Fraser, *The Gypsies (The Peoples of Europe)*, Wiley-Blackwell, London, 1995.
- CDC, 'Recommendations for preventing Lead Poisoning among the Internally Displaced Roma in Kosovo', Center for Disease Control and Prevention, October 2007.
- Clive Baldwin, *Minority Rights in Kosovo under International Rule*, MRGI, 2006.
- Constitution of the Republic of Kosovo, 15 June 2008.
- Council of Europe, *Framework Convention for the Protection of National Minorities*, 1995.
- Council of Europe, *Report of the Council of Europe Commissioner for Human Rights' Special Mission to Kosovo*, CommDH(2009)23, 23 – 27 March 2009. Text available at:  
<https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1348690&SecMode=1&DocId=1423484&Usage=2>, (Accessed on 15 August 2010).
- Council of Europe, *Handbook on Minority Consultative Mechanisms*, Committee of Experts on Issues Related to Protection of National Minorities, DH-MIN(2006)012, Strasbourg, 20 October 2006.
- European Commission, *2009 Progress Report for Kosovo*, 2009.
- Florian Bieber, 'Introduction: Political Parties and Minority Participation', in Florian Bieber, ed., *Political Parties and Minority Participation*, FES, Skopje, 2008.
- Gezim Visoka, 'Political Parties and Minority Participation: Case of Roma, Ashkali and Egyptians in Kosovo', in Florian Bieber, ed., *Political Parties and Minority Participation*, FES, Skopje, 2008.
- HLC, *Ethnic Communities in Kosovo in 2007 and 2008*, Humanitarian Law Centre, Prishtina, 2008.
- Ian McAllister & Stephen White, 'Conventional Citizen Participation', in Christian W. Haerpfer, Patrick Bernhagen, Roland F. Inglehard, & Christian Welzel, eds., *Democratisation*, Oxford University Press, Oxford, 2009.
- Jan Briza, *Minority Rights in Yugoslavia*, MRGI, 2000.

- Joseph Marko, *Effective Participation of National Minorities: A Comment on Conceptual, Legal and Empirical Problem*, Committee of Experts on Issues Related to Protection of National Minorities, DH-MIN, Strasbourg, 2006.
- KDI, *Report on the work of Kosova Parliament during mandate 2004-2007*, Kosovo Democratic Institute, 2007, p.15, Text available at: <http://www.kdi-kosova.org/publications/analizaNED2007.pdf>, (Accessed on 03 August 2010).
- KDI, *Scorecard of Kosovo Assembly July-December 2009*, Kosovo Democratic Institute, 2009, p. 27, Text available at: <http://www.kdi-kosova.org/publications/Fletnotimit7-12-2009.pdf>, (Accessed on 28 July 2010).
- KIPRED, *Integration of Minority Communities in the Post Status Kosovo*. Kosovo Institute for Policy Research and Development, Policy Research Series, Prishtina, 2006.
- Kosovo Assembly, *Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo*, Law No. 03/L-047, 13 March 2008.
- Kosovo Government, *Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo (2009-2015)*, 2009.
- KRAEF, 'Our Position 2006', Kosovo Roma, Ashkali and Egyptian Forum, Position Paper 1, 2006, Text available at: [http://www.osce.org/documents/odihr/2006/12/23321\\_en.pdf](http://www.osce.org/documents/odihr/2006/12/23321_en.pdf), (Accessed on 20 July 2010).
- Marc Weller, 'Minority Consultative Mechanisms', in Marc Weller and Katherine Nobbs, eds., *Political Participation of Minorities: A Commentary on International Standards and Practice*, Oxford University Press, Oxford, 2010.
- Marc Weller, *Contested Statehood: Kosovo's Struggle for Independency*, Oxford University Press, Oxford, 2008
- Marcus Brand, 'The Development of Kosovo Institutions and Transition of Authority from UNMIK to Local Self-Government', *Centre for Applied Studies in International Negotiations (CASIN)*, Geneva, 2003.
- Milena Tmava and Adem Beha, *Helplessness: Roma, Ashkali and Egyptian Forced Returnees in Kosovo*, RADC & CCFD, Prishtina, 2009.
- Nadir Redjepi and Aleksandra Bojadjieva, *Building Networks – Building Democracy: Kosovo's RAE Civil Society*, Roma Democratic Development Association, SONCE, Policy Brief, 2009.
- Noel Malcolm, *Kosovo, A Short History*, Oxford University Press, Oxford, 2002.

- OSCE, *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 1990.*
- OSCE, *Lund Recommendations for the Effective Participation of National Minorities in Public Life, 1999.*
- UN General Assembly, *Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, UNGA Resolution 47/135, 1992.*
- UN General Assembly, *International Covenant on Civil and Political Rights, 1966.*
- UN Security Council, '*Report of the Special Envoy of the Secretary-General on Kosovo's future status*', S/2007/168 (2007), 26 March 2007.
- UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo, 2000.
- UNMIK, *Constitutional Framework on Interim Self-Government in Kosovo, 2001.*
- UNMIK, *Factsheet - June 2008, United Nations Interim Administration Mission in Kosovo, Prishtina, 2008.*

## **Minority Consultative Mechanisms in Kosovo**

Today, Kosovo has embodied in its constitution and in various laws an extensive platform for minority rights and mechanisms that seek to ensure an enhanced role in co-decision, consultation, and coordination of policies concerning minority rights and interests. Assessing the performance and the effectiveness of these mechanisms two years after their establishment is timely and necessary. Therefore, this study analyzes the work and achievements of these minority consultative mechanism, in particular regarding Roma, Ashkali, and Egyptian communities. It seeks to provide constructive recommendations to improve performance in delivering on their mandates.

## **Mekanizmat Konsultativ të Pakicave në Kosovë**

Sot, Kosova ka mishëruar në kushtetutën e saj dhe në ligje të ndryshme një platformë të gjerë për të drejtat e pakicave dhe mekanizma që sigurojnë një rol të shtuar në bashkëvendosje, konsultim dhe bashkërendim të politikave që kanë të bëjnë me të drejtat dhe interesat e pakicave. Tani, dy vite pas krijimit të tyre është koha e duhur dhe është e nevojshme që të bëhet vlerësimi i performancës dhe efektshmërisë së këtyre mekanizmave. Prandaj, ky studim analizon punën dhe të arriturat e këtyre mekanizmave konsultative të pakicave, në veçanti sa i përket komuniteteve romë, ashkali dhe egjiptas. Ai mëton që të ofrojë rekomandime konstruktive për përmirësimin e performancës në zbatimin e mandatit të tyre.

## **Konsultativna tela Manjinskih Zajednica na Kosovu**

Danas je Kosovo uključilo u svoj Ustav i u različite zakone obimnu platformu manjinskih prava i mehanizama koji imaju za cilj da obezbede veću ulogu u ko-odlučivanju, konsultacijama i koordinaciji politika o manjinskim pravima i interesima. Ocena učinka i delotvornosti ovih mehanizama dve godine nakon njihovog uspostavljanja je blagovremena i neophodna. Shodno tome, ovaj rad analizira rad i dostignuća ovih konsultativnih mehanizama manjinskih zajednica, posebno onih namenjenih zajednicama Roma, Aškalijska i Egipćana. Isti želi da pruži konstruktivne preporuke za poboljšavanje učinka u ispunjavanju njihovih mandata.

## **Minoritarune Konsultativune Mehanizmya ani Kosova**

Adivë, e Kosova diklargya pe olaki Konstitucia thay but yaver krisya ververutne platforme vash minoriterune hakaya thay mehanizmya kola rodna te sigurunen zorali rola pe yekhutno decisipe, konsultipe thay politikengo ledeipe kola lenape minoritetyenge puqipyenca thay interesenca. Akale mehanizmengo performipasko thay efektivitetesko lekanipe duy bersh palo olengo zorali si vahtuno thay manglo. Odoleske, akava rodlaripe analizine akale minoritarune Konsultativune mehanizmengo resipe thay buti, maybut vash Romane Ashkalyune thay Egipqanyune komunitetya. Rodla te del Konstruktivune rekomandipyta te laqharel olengi performansa pe olengo mandati.