

K O S O V O

S T A N D A R D S

I M P L E M E N T A T I O N

P L A N

31 MARCH 2004

EXECUTIVE SUMMARY

The Kosovo Standards Implementation Plan

The Kosovo Standards Implementation Plan (KSIP) sets out the actions and policies to reach the standards set out in the document “Standards for Kosovo” published in Pristina on 10 December 2003 and subsequently endorsed by the UN Security Council in its statement of 12 December. The “Standards for Kosovo”, and in particular its introduction, establish the legal foundation and guiding principles for this implementation plan.

The “Standards for Kosovo” describe a Kosovo where public institutions are representative and democratic, where the rule of law is effective, respected and accessible to all, where those IDP’s who wish to be free and able to return to Kosovo without hindrance, threat or intimidation, where all individuals, regardless of ethnic background, can travel and work safely, and use their languages (and where that use is respected) anywhere and in any institution of Kosovo, where the framework for a functioning market economy is in place and where the Kosovo Protection Corps operates strictly within its mandate; furthermore, the standards describe a Kosovo where Pristina is participating in successful dialogue with Belgrade and where Kosovo is in stable and peaceful relationships with its regional neighbours. In short, a truly multi-ethnic, stable and democratic Kosovo which is approaching European standards. In this regard, the standards process is in harmony with Kosovo’s parallel European Union Stabilisation and Association Process Tracking Mechanism (STM). These processes are mutually reinforcing.

The “Standards for Kosovo” document describes this objective in detail. The “Standards for Kosovo” remains the target for Kosovo. Progress against this target will be the basis for any review in mid-2005 to begin consideration of Kosovo’s final status.

Achievement of the standards also requires co-operation from the government of Serbia and Montenegro in Belgrade. We urge their constructive engagement in a process designed to protect and promote the interests of all communities in Kosovo.

Structure of the KSIP

The Kosovo Standards Implementation Plan (KSIP) describes actions to be undertaken by the PISG and other institutions to achieve the standards. UNMIK’s actions, in most elements of the Plan, are in support of the PISG. In some cases, in

particular for areas of reserved competence (such as the Rule of Law), UNMIK bears the primary responsibility for action since it bears legal and functional responsibility for these standards. In some cases, actions are to be jointly undertaken by the PISG and UNMIK, but, in all respects, achievement of the standards requires cooperation and collaboration of the PISG and UNMIK.

The KSIP sets out in detail *what* actions are designed to meet the standards (“Action”), *who* is responsible for undertaking that action (“Responsible Actor”), *who* will support the principal actor (“Supported by”) and *when* the action is planned to take place (“Timeline”).

In each section of the KSIP, the introductions set out in detail the strategy and priorities to reach the standards in that area.

Immediate Priorities

In the light of the violence of 17-20 March 2004, the immediate priority is the establishment of the rule of law, prosecution of perpetrators and public respect for law and order. This is the responsibility of all the people of Kosovo. In addition, there must be rapid steps, primarily undertaken by the PISG, to rebuild damaged and destroyed property and actively to facilitate the return of those displaced from their homes. There need to be steps taken, led by political leaders, to begin to effect reconciliation between the communities.

In the longer run, it remains vital that there be progress in all areas of the standards. But within them, there are some key priorities.

It is essential that Kosovo’s institutions, including the institutions of government, the Assembly and municipal-level bodies make more progress in allowing the full participation of all communities and in producing and implementing policies that fully protect the rights and reflect the needs of all communities. Political parties, particularly in an election year, bear the same responsibility. The participation of all communities, and policies and actions to facilitate such participation, is central to the standards process.

Meanwhile, there will be a greater effort to examine new institutional arrangements to allow more effective local government, accountable to local communities, and to integrate parallel structures into Kosovo’s institutions. Both goals will be taken forward in discussion with leaders of all communities in Kosovo, with the overall aim to produce institutional arrangements that are acceptable and effective for all and which thus help lay sound foundations for

Kosovo's future. The dismantling of parallel structures will also require the cooperation of the government of Serbia and Montenegro.

An effective rule of law requires above all that every member of every community in Kosovo is able to live, work and travel in a peaceful and secure environment. Recent events have demonstrated how far there is to go in attaining this goal. Such an environment requires not only an effective and professional police service and judiciary but above all the active cooperation of every inhabitant of Kosovo. There must be coordinated action to enforce and protect property rights and end illegal occupation of property.

The standard of freedom of movement is also some way from being met. It is the responsibility of the PISG to institute policies that enable members of every community to travel, live and work freely anywhere in Kosovo. These policies are now being examined, and may be revised, to ensure that they can effectively meet this target. Likewise, it remains a standard that all those IDP's who wish to do so should be helped to return to their homes. This requires action from the PISG at central and municipal level, supported by UNMIK, and the support of all communities in Kosovo and their leaders.

There must be more dynamic action to energise Kosovo's economy. This requires that there is a clear legal framework, responsible management of the budget and transparent economic policy-making. There needs to be more rapid progress in privatisation. All these actions will facilitate investment – both internal and external - and job-creation.

Review of the KSIP

The KSIP will be reviewed in future months and revised as actions are fulfilled and new ones are identified. In particular, the section on returns and freedom of movement will be thoroughly reviewed in the light of recent events, in order to ensure that planned actions can effectively fulfill these essential standards. The purpose of future revisions will be to ensure that actions contained in the plan effect maximum progress towards the standards as set out in "Standards for Kosovo".

Assessment

Assessment of the progress of the PISG and Kosovo as a whole against the standards will be performed on a quarterly basis by the United Nations, in consultation with other key international partners (such as the Contact Group and

European Union), and will be reported to the Security Council by the UN Secretary-General.

31 March 2004

1. FUNCTIONING DEMOCRATIC INSTITUTIONS

“The Provisional Institutions of Self-Government (PISG) are freely, fairly and democratically elected. The PISG governs in an impartial, transparent and accountable manner, consistent with UNSCR 1244 and the Constitutional Framework. The interests and needs of all Kosovo communities are fully and fairly represented in all branches and institutions of government. Those communities participate fully in government. The laws and functions of the PISG approach European standards. The PISG provides services for all people of Kosovo throughout the territory of Kosovo; parallel structures have been dismantled.”

The Provisional Institutions of Self-Government (PISG), elected municipal bodies, the media and civil society are expected to play a determining role in the achievement of the Standards for Kosovo overall. The events of 17-20 March, however, indicate that the efforts by institutional and civil society actors in the Kosovan society need to be intensified to establish inter-communal tolerance, respect and co-operation. The active contribution of the PISG and civil society to the building of confidence between all communities is essential for the foundations of democracy in Kosovo and for the sustainability of its institutions.

Elections

Current Situation

Since 1999, the three election cycles in Kosovo have been almost exclusively international undertakings. From 2004 and onwards, elections will be managed to an increasing extent by a Kosovan electoral administration, a multi-ethnic Central Electoral Commission (CEC) and its Secretariat.

Challenges Ahead

The elections slated for autumn 2004 present challenges for Kosovo; the challenge of achieving inclusiveness has become more pressing after the March violence. However, they also present an opportunity to build on the legacy of free, fair, inclusive and democratic elections from the three previous cycles. To make the election processes sustainable, their cost-effectiveness shall also be ensured, without compromising the international standards for elections. The political parties participating in the Kosovo

elections have a responsibility towards the electorate to increase their internal democracy, transparency, and accountability. To achieve that aim, they should amend their statutes where necessary to bring them in harmony with relevant legal provisions, actively promote the democratisation of their structures, and comply with requirements of financial reporting, both on their electoral campaigns and on an annual basis.

Priority Actions

The following actions should be prioritized:

- CEC provides a level playing field for political entities, candidates, and eligible voters to participate in the elections without discriminating against any community.
- CEC operates a sustainable programme that allows IDPs and refugees to choose to participate in elections even if their ability to return to Kosovo is curtailed.
- Elections are held that are determined by local NGOs and international organizations, certified to observe the elections, to be free and fair and to satisfy basic standards of universality, transparency, and ballot secrecy.
- Political parties should comply fully with the legal framework for their operation and financial accountability, including amending their statutes where necessary to bring them into compliance with applicable law.
- In the run-up to the elections, the political parties encourage community reconciliation and should refrain from indulging into divisive policies that could encourage inter-ethnic hatred

PISG

Current Situation

While some progress has been made by the Provisional Institutions of Self-Government in consolidating their functioning democratic underpinnings, the PISGs still suffer from institutional, systemic and human resource capacity problems. These pose limitations to the achievement of the overall objectives of fairness, multi-ethnicity, efficiency and transparency, which are critical for the sustainability of the institutions and stability in the region.

Challenges Ahead

Recent events showed the need for the PISG to play a much more active role in fostering a multi-ethnic and inclusive society in which all communities have a sense of effective participation and none feels discriminated against. In addition, institutional mechanisms should be strengthened and human resources capacity enhanced, with a view to eliminating “ad-hocism” in policy-making, as well as corruption and inequities in service-delivery.

Priority Actions

The Standards Implementation Plan enjoins the PISG to address these challenges through:

- Involvement of all communities in a meaningful manner in decision-making, and promotion of an atmosphere of tolerance and co-operation among them;
- Adherence to the overall legal framework for their respective activities;
- Enhancement of institutional efficiency by further consolidating legal and administrative systems and procedures in governance;

- Implementation of norms and procedures in all activities and effecting service delivery in a transparent, fair, equitable and sustainable manner and without discrimination or favour;
- Playing a constructive role in addressing issues such as decentralization of local government and integration of parallel structures in the PISG structures;

Media/Civil Society

Current Situation

The media and civil society have an important part to play in monitoring and enhancing democracy in Kosovo. In particular, action needs to be taken to ensure professional, responsible, and non-discriminatory media that caters to all ethnic communities. The violence of 17-20 March and the irresponsible role played by some in the media underlines this need.

Challenges Ahead

The media should ensure access to information by all communities in their mother tongue, and education in journalism should be made available without discrimination, in order to create a firm basis for qualitative journalism in the future. Media should be ready to perform in a professional way when confronted with challenges of ethnic tension, and foster notions of ethnic tolerance and co-operation. Civil society organisations, without discrimination as to what communities they represent, should be allowed to function in Kosovo without hindrance and within the law, and their role of effectively representing their interests should be facilitated.

Priority Actions

The following actions should be prioritized:

- Put in place a comprehensive media regulatory system, including the establishment of the Independent Media Commission (IMC), in accordance with European standards.
- Create a multi-ethnic press council, to provide print media with a necessary self-regulatory system, including a system for eliminating hate speech.
- The role and functioning of the Kosovo public broadcaster should be supported and regulated by law.
- Permanent structures that would provide civil society organisations with more access to public policy making should be established and respected.

1. ELECTIONS

Standard	Action	Responsible Authority	Supported By	Timeline
1. Elections are regular, transparent, free and fair, conforming to international standards, allowing the full and peaceful participation of all communities and ethnic groups.	1.1 Certify local NGOs and international organizations to observe elections. Elections are determined by observers to be free and fair and to satisfy basic standards of universality, transparency, ballot secrecy.	CEC	Pillar III, Observers	March-November 2004 and future elections
	1.2 Organize a sustainable and cost effective field operation, including management of the budget.	CEC and Secretariat, Municipal Authorities, MECs OPM, MPS, MEST, MFE	Pillar III	March-November 2004 and future elections
	1.3 Provide adequate voting sites to all communities in Kosovo. Adequate security and other measures if freedom of movement to assigned polling stations is inadequate.	CEC and Secretariat, Municipal Authorities	Pillar III, Pillar I (Police), KFOR	March-November 2004 and future elections
	1.4 Cooperation with municipal level to dedicate local resources without delay in support of the preparation and execution of polling day activities.	CEC and Secretariat, Municipal Authorities	Pillar III	Ongoing
	1.5 Provide sufficient public information on how, what, when and where voting will take place.	CEC and Secretariat, all Media	Pillar III	March-November 2004 and future elections

<p>2. Internally-displaced persons and refugees continue to be fully included in the Kosovo election process and their ability to vote is facilitated.</p>	<p>2.1 Operate a sustainable program, to allow IDPs and refugees to choose to participate even if their ability to return to Kosovo is curtailed.</p>	CEC	Pillar III	Operation phase starts March 2004, and future elections
	<p>2.2 Conduct outreach for participation by eligible out-of-Kosovo voters.</p>	CEC and Secretariat, Media, Political Entities	Pillar III	March-November 2004 and future elections
<p>3. An independent, representative and multi-ethnic Central Election Commission administers elections.</p>	<p>3.1 Multi-ethnic and continuously operational CEC is established, as provided under electoral framework.</p>	Mandated body under electoral framework	Pillar III	March 2004
	<p>3.2 Provide a level playing field for political entities, candidates, and voters to participate in the elections. CEC decisions do not discriminate against any community in Kosovo and take into consideration specific interests of all communities and the need to build a stable multiethnic community in which the interests of all communities are clearly and equitably represented and served.</p>	CEC	Pillar III	2004 onwards
	<p>3.3 Electoral rules and procedures approved in a timely manner. Diverging political or ethnic interests are not allowed to create operational stalemate. The interests of all communities are taken into account and are specially considered when determining electoral rules and procedures. Gender equality considerations shall also be taken into account.</p>	CEC	Pillar III	March 2004
	<p>3.4 Monitor the thorough implementation of the legal dispositions regarding the participation of women in the electoral process, in line with European Standards.</p>	CEC	Pillar III	Ongoing

2. PROVISIONAL INSTITUTIONS OF SELF - GOVERNMENT

Standard	Action	Responsible Authority	Supported By	Timeline
<p>6. All communities are proportionately represented at all levels of the PISG, in accordance with applicable legislation. The PISG and local municipal government decide and enact legislation in an open, accountable and democratic manner.</p>	<p>6.1 Implementation of established administrative instruments for providing representation to communities, based on their population, in all <u>central</u> provisional government offices.</p>	PISG (MPS, Government)	Pillar II	Ongoing, administrative instruments established.
	<p>6.2 Determination of minimum representation standards, based on population criteria, for <u>municipal</u> level offices, taking into account the right and the demand of refugees and IDPs to return.</p>	MPS/ Municipalities	Pillar II	July 2004
	<p>6.3 Development and implementation of plans designed to increase and encourage participation of the communities in the civil service esp. at senior levels (e.g. outreach programs and rules for operating rosters for filling up vacancies keeping in view the legislation and standards so developed and notified). Communities participating in the civil service do so in an atmosphere of tolerance and respect for each other.</p>	MPS; Pillar II	Pillar II	September 2004 and onwards
	<p>6.4 Enhancing access to employment information by all communities, including IDPs(e.g by increased use of all communities media for vacancy announcements).</p>	All PISG	Pillar II and Pillar III	From January 2004 onwards

	6.5 Organisation of special recruitment drives for removing back-log of communities' vacancies in PISG at central and local levels.	All PISG	Pillar II	From January 2004 onwards
	6.6 Establish structure, e.g. a separate office with representation from all communities, to monitor communities' representation in the PISG.	OPM/MPS	Pillar II and Pillar III	June 2004
	6.7 Staff records maintained and statistics produced (gender, ethnicity, age, seniority) by all PISG offices.	All PISG	Pillar II	December 2004
	6.8 Rules of Procedure for the Conduct of Assembly business to be reviewed, well defined, notified and adhered to. The Rules should be in accordance with the Constitutional Framework and internationally accepted norms for legislatures.	Assembly	OLA	As soon as possible
	6.9 Rules of Procedure for Assembly incorporate provision for consultative process (public hearing of draft laws, conformity with EU <i>aquis</i> etc.) in accordance with European practices, and there is no breach of such provisions.	Assembly, OPM	Assembly Support Initiative, OLA	As soon as possible
	6.10 Rules of Procedure of the Assembly provide for debates/question time to review work of Ministries.	Assembly, OPM	Pillar II and Pillar III	As soon as possible
	6.11 Rules for conduct of Government Business to be formulated notified and adhered to. The Rules would <i>inter-alia</i> specify the class of cases that will require the approval of the Government and the procedures for inter-ministerial consultation and examination of technical issues before consideration by Government.	OPM	Pillar II	September 2004
	6.12 Rules for conduct of municipal business adopted and implemented by each municipality. The Rules should <i>inter-alia</i> provide for inter-departmental consultations, public consultations and consultation with communities' committees/ groups.	MPS/ Municipalities	Pillar II	September 2004

	6.13 Government and Municipal policy decisions are screened for compliance with equal opportunity/ human rights/ gender equality/ communities' interests.	All PISG/ AOGG (OPM)	Pillar II and Pillar III	Continuous
	6.14 Joint (UNMIK-PISG) Gazette publication to start. All PISG legislative issuances and Administrative Directions and Instructions to be notified in the Joint gazette in all official languages.	PISG(OPM) and Pillar II	Pillar II	June 2004
	6.15 Information provided in a timely and constructive manner to UNMIK personnel assigned to monitor Ministries, Assemblies and Municipalities on impending policy decisions and processes.	All PISG	Pillar II and Pillar III	Continuous
	6.16 Assembly does not recommend for promulgation any law that is inconsistent with UNSCR 1244 and the Constitutional Framework.	Assembly	O/SRSG (OLA) and Pillar III	To start immediately
7. All official languages are respected throughout the institutions of government.	7.1 Establish structure/unit, to oversee the implementation of the official language policy that adequately meets the requirements of the communities. Corrective actions to be taken on infringement of the policy.	PISG, OPM	Pillar II	June 2004
	7.2 PISG issues Executive Direction and ensures implementation of the Official Language Policy laying down mandatory norms to be followed by PISG offices.	PISG, OPM	Pillar II	June 2004
	7.3 Statistics/report on compliance with official language policy from all government Ministries and Municipalities are obtained and published.	OPM	Pillar II	December 2004
	7.4 PISG assign responsibility within each Government Office to ensure implementation of official language policy.	OPM, All Ministries	Pillar II	December 2004
	7.5 A Kosovo Assembly Committee (with requisite community participation e.g. the Committee on rights and interest of communities) is empowered to oversee the implementation of official language policy.	Kosovo Assembly	Pillar III	December 2004

	7.6 Adequate staffing and financial resources allocated to offices for ensuring that translation and interpretation facilities are available in a timely manner.	PISG, MFE	Pillar II	March 2004
	7.7 Government approves panel of translators for translating documents, together with corresponding rates, to ensure timely translations of official documents.	OPM, MFE	Pillar II	June 2004
	7.8 Legal instruments concerning names of cities, villages and municipalities etc are respected, and changes to them are addressed through appropriate legal instruments that are developed through consultation between UNMIK and the PISG.	UNMIK, PISG		Ongoing
8. PISG and Municipalities ensure the availability of basic public services such as health care, utilities and education, without discrimination to all communities in Kosovo.	8.1 Functional Joint Steering Board on Public Administration (chaired by the Prime Minister and including Heads of UNMIK Pillar II and III) to provide strategic guidance and coordination for strengthening public administration in Kosovo.	OPM	Pillar II and Pillar III	Board established.
	8.2 Development and announcement of a Public Administration Strategy by Government, with concrete objectives and a strict implementation time-table, as a follow-up of the initiatives flowing from the expert studies already conducted and a proposed workshop with local and international stakeholders.	OPM	Pillar II	February 2004-June 2004
	8.3 PISG, Ministries and Public Service providers formulate and publish standards of services they will provide to the citizens, to be measured periodically through Citizens' Report Cards. Ensure that the formulation of public services standards fully takes into consideration the specific needs and interests of women.	All PISG, AOGG (OPM)	Pillar II	December 2004
	8.4 Anti-discrimination law is adopted and enforced, in compliance with relevant European standards.	OPM, Kosovo Assembly	Pillar II and III	As soon as possible

	8.5 All PISGs, Municipalities and Public Service Providers prepare and implement annual sub-component plans (as a supplement to their detailed budgets) specifying, in physical and financial terms, the measures to be taken for addressing the needs of communities that constitute the minorities in their areas. The sub-component plans should conform to the norms of fair-share financing.	All PISG Ministries and Municipalities	Pillar II.	April 2004 for preparation-Implementation thereafter
	8.6 Report on the communities' sub-component plan to be made an integral part of the annual reports of the Ministries, Municipalities and Service Providers.	PISG Ministries, Municipalities and Service Providers.	Pillar II	Annual
	8.7 Appropriate administrative institution in PISG identified, (with adequate community representation), for evaluating service delivery to communities-including the provision of public utilities- and publication of reports by such institutions on a quarterly basis.	OPM	Pillar II	May 2004
	8.8 All PISG Ministries and municipalities establish public grievance redressal offices with adequate community representation, including a system for accepting and engaging with public utilities providers on claims of inadequate utility service provision .	All PISG Ministries and Municipalities and Public utility providers	Pillar II Pillar IV	September 2004
	8.9 PISG designate a responsible office to engage with Public Utilities to address inequalities in service provision to communities and their representation/employment within the utilities sector, particularly in customer services and technical support.	PISG, OPM	Pillar IV	May 2004
9. The civil service is professional, impartial and accountable, representative of all communities	9.1 Organisational structures in the Ministry Headquarters (Secretariat) to be standardized.	OPM with MPS and other Ministries	Pillar II	September 2004

in Kosovo and includes a significant proportion of women.	9.2 Administrative direction to be issued delegating administrative and financial responsibilities by Ministers to various civil service levels in PISG Ministries, permitting routine administrative functions to take place without political interference.	MPS, MFE	Pillar II	June 2004
	9.3 Disciplinary procedures of the civil service to be elaborated.	MPS	Pillar II	June 2004
	9.4 Comprehensive Plan to be approved, duly supported by financial resources, for capacity building of civil servants, including technical and leadership training. The plan should have at least the following: <ul style="list-style-type: none"> • Definition of KIPA's role; • Definition of professional standards for key posts (finance, personnel, legal, planning) in Ministries and Municipalities; • Assessment of capacity gaps; • Updated training needs assessment; • Training Plan for year 2004 and 2005; 	MPS	Pillar II and Pillar III	September 2004
	9.5 Recruitment procedures to be reviewed and elaborated to insulate them from political interference and to enhance transparency. Mechanisms for addressing recruitment related issues/ complaints to be strengthened by operationalising the Independent Oversight Board.	MPS	Pillar II	Ongoing
	9.6 Investigate thoroughly all incidents of discrimination and harassment in the workplace by public servants and elected officials (see also 8.4 on Anti-Discrimination law).	MPS, AOGG	Pillar II and Pillar III	Ongoing
	9.7 Performance Appraisal System for civil servants established and functional.	MPS	Pillar II	September 2004
	9.8 Produce and notify specific set of regulations for parliamentary staff, in line with Kosovo civil service provisions.	Assembly (Presidency and Secretariat)	Assembly Support Initiative	First half of 2004

	9.9 Actions for representation of communities and women in the PISG (as elaborated elsewhere in the paper)	PISG (OPM)	Pillar II	Ongoing
10. All communities have fair access to employment in public institutions.	Same as 6.1 to 6.7 and 8.4			
11. Code of conduct and enforcement procedures exist to provide for transparent and accountable government; recommendations of Ombudsperson are given full weight.	11.1 Preparation of Rules of Government, as stated above in standard 6.	OPM; MPS	Pillar II	September 2004
	11.2 Rules of Government, Rules of Procedure and Codes of Conduct adhered to by PISG in practice and action taken by Government for violations.	All PISG	Pillar II	March 2004 onwards
	11.3 Information on PISG policies and executive actions made available timely and readily by PISG to UNMIK monitors at central and municipal levels.	All PISG	Pillar II	March 2004 onwards
	11.4 Ministries, Municipalities and Public Utility Entities publish annual reports including their financial statements. The reports are provided to the Kosovo Assembly, Municipal Assemblies and UNMIK structures within three months of the closing of the year.	All PISG	Pillar II	March 2004 onwards.
	11.5 Code of Conduct (including provision for financial disclosure) for political appointees is drafted and adopted. Mechanism established for enforcement of the Code.	OPM	Pillar II and Pillar III	September 2004
12. Regular and independent audit of KCB, Assembly, government ministries and municipalities.	12.1 Audit plans drawn up by Auditor General's Office every year in advance, and notified.	Auditor General	Pillar IV	March 2004
	12.2 Auditor-Generals reports submitted to SRSG and the Assembly.	Auditor General	Pillar IV	December 2004
	12.3 Internal Audit Units established for main expenditure units of KCB, and internal audits conducted.	MFE with PISG and Auditor-General	Pillar II	June 2004
	12.4 Results on implementation of audit recommendations notified by each PISG expenditure unit.	All PISG	Pillar II	Annual

	12.5 Kosovo Assembly Budget Committee, or a functional sub-committee of it, oversees public expenditures in PISG Ministries and budget organizations.	Kosovo Assembly	Pillar II and Pillar III	Start June 2004 and onwards
13. Allegations of misconduct are thoroughly investigated, elected officials and public servants responsible for unethical, fraudulent or corrupt behaviour are effectively disciplined.	13.1 Adopt and implement Anti-Corruption Strategy for Kosovo, including an Anti-Corruption campaign.	Government, PISG	EAR/GTZ Pillar II	Adoption by April 2004 and implementation from April onwards
	13.2 Promulgation and enforcement of an Anti-corruption law.	MPS; Kosovo Assembly	Pillar II	September 2004
	13.3 Discipline and Appeal Boards established and functioning in all PISG organizations.	All PISG	Pillar II.	September 2004
	13.4 Establishment of central anti-corruption body and designation of vigilance officers in Ministries and government offices.	OPM; All Ministries	Pillar II	September 2004
	13.5 Code of conduct for elected officials and civil servants drawn up and adhered to. Codes of conduct provide that all public officials and civil servants contribute to the establishment of an atmosphere of tolerance between all communities.	OPM; Kosovo Assembly	Pillar II and III	September 2004
	13.6 Enforcement mechanism for Code of conduct for elected officials and civil servants is in place.	OPM	Pillar II and III	September 2004
	13.7 PISG identify and punish elected officials and civil servants inciting inter-ethnic violence or hatred between communities, or failing to discharge responsibilities to prevent such violence or hatred.	All PISG	UNMIK	April 2004 onwards
14. Proposed Assembly legislation is reviewed and cleared by Assembly Committee on Rights and Interests of Communities prior to adoption by the Assembly.	14.1 Amendments proposed by the Committee on Rights and Interests of Communities should be carefully reviewed and voted on. Representatives from all communities participate in the drafting of laws. The draft laws and decisions proposed by representatives of smaller communities are considered with due respect.	Kosovo Assembly	Pillar III	March 2004

<p>15. Women participate in the institutions of the PISG at rates that equal or exceed rates in the region and the interests of women are fully reflected in its policies and legislation.</p>	<p>15.1 Promulgate and disseminate widely the Law on Gender Equality.</p>	OPM, Assembly	Pillar II	March 2004
	<p>15.2 Create the Office of Gender Equality at the highest possible level of government with a clear mandate and adequate resources and create capacity that enables it to influence policies and formulate Kosovo-wide strategies.</p>	PISG	Pillar II	June 2004
	<p>15.3 Develop, disseminate and implement the Kosovo Action Programme for Gender Equality.</p>	Government, Office of Gender Equality	Pillar II	September 2004
	<p>15.4 Set up, make functional and/or strengthen mechanisms for gender mainstreaming envisaged by the Law on Gender Equality:</p> <ul style="list-style-type: none"> • Inter-ministerial Council for Gender Affairs; • Gender Affairs Officers in Ministries; • Municipal Gender Offices; • Gender Equality Attorney. 	PISG (Office of Gender Equality),	Pillar II	December 2004
	<p>15.5 Set clear targets and implement affirmative actions to substantially increase the number and enhance the position of women within PISG structures.</p>	Office of Gender Equality, PISG.	Pillar II	Ongoing
	<p>15.6 Maintain and publish statistics on positions occupied by women in PISG on an annual basis.</p>	All PISG, Office of Gender Equality	Pillar II	Ongoing
	<p>15.7 Electoral Process ensures at least the existing level of representation of women in elected positions.</p>	Political Parties	Pillar II and III	Ongoing
<p>16. The proposals of decentralization of the COE have been examined and considered with the aim to create functional structures of local government.</p>	<p>16.1 Proper examination of the CoE proposals in the Government keeping in view the European charter on local self-government and other European standards. Examination of proposals is done in co-operation with UNMIK and representatives of all communities and takes into consideration all interests.</p>	OPM; MPS; Kosovo Assembly, Municipalities	Pillar III and Pillar II, Council of Europe	September 2004

	16.2 Establishment of joint Task Force with the UNMIK and agreement on implementation modalities.	Government, UNMIK	UNMIK to coordinate functioning of the TF.	December 2004
17. Parallel structures for the provision of services have been dismantled or integrated into PISG structures.	17.1 Develop strategy to reduce demand for and dismantle parallel structures and integrate them into PISG structures.	All PISG, UNMIK		By summer 2004
	17.2 Start implementation of strategy.	PISG; UNMIK		September 2004
	17.3 Negotiation with Belgrade on technical issues.	PISG; UNMIK	O/SRSG, Pillar II	To start ASAP

3. MEDIA AND CIVIL SOCIETY

Standard	Action	Responsible Authority	Supported By	Timeline
18. A range of private, independent print and broadcast media exists, providing access to information for all communities throughout Kosovo.	18.1 Develop strategic plan for minority broadcasting that is consistent with the European Convention on Minority Rights.	Temporary Media Commissioner, PISG	Pillar III	January- March 2004 to prepare draft plan for comment
	18.2 Endorsement and implementation of plan by PISG	PISG	Pillar III	March-April 2004 and onwards
	18.3 Develop and implement a long-term licensing plan that ensures a sustainable, dual public/private broadcasting sector and serves the needs of minority communities in accordance with European standards.	Temporary Media Commissioner/Independent Media Commission, OPM	Pillar III	April-June 2004 and onwards

	18.4 <ul style="list-style-type: none"> Establish local institutions for education in journalism at undergraduate and graduate levels. Curriculum meets European standards. Establish Department of Journalism 	MEST, Universities	Pillar III, NGOs	September 2004
		MEST		October 2004
	18.5 Copyright law is passed and enforced.	Assembly, MCYS	Pillar III, Authors' Association	July 2004
	18.6 Ensure freedom of information is respected, including implementation of the Law on Access to Official Documents.	All PISG	Pillar III	June 2004
	18.7 Establish award for media outlet/journalist best promoting democratic values and reconciliation in Kosovo.	PISG, Media Associations	Pillar III, Temporary Media Commissioner	2004
	18.8 Kosovo media outlets advance democratic values and human rights issues e.g. gender equality awareness.	All Media	Pillar III	Ongoing
19. There is an independent and effective media regulatory authority, aspiring to European standards, recruited without discrimination and according to merit	19.1 Independent Media Commission law is passed. Independence of media regulator is fully safeguarded.	Assembly	Pillar III	As soon as possible
	19.2 Independent Media Commission staff recruitment is completed. Staff should be multi-ethnic. Complete development of internal policies and procedures.	Temporary Media Commissioner	Pillar III	January-April 2004
	19.3 Media comply with Temporary Media Commissioner's guidelines on copyright, until copyright law is passed. Media professionals comply with media legislation and standards	All Media	Pillar III	Start March 2004

<p>20. Hate speech, or any form of incitement, is condemned by political leaders, the media regulatory authority and media commentators.</p>	<p>20.1 Develop and adopt comprehensive new code of conduct for journalists, with the goal of, among other things, eliminating libelling and threats causing hatred.</p>	<p>Kosovo media associations, Temporary Media Commissioner</p>	<p>Pillar III, NGOs</p>	<p>January – March 2004</p>
	<p>20.2 Create self-regulatory system for print media. Press council should be multi-ethnic.</p>	<p>Kosovo media associations, Temporary Media Commissioner</p>	<p>Pillar III, NGOs</p>	<p>March- June 2004</p>
	<p>20.3 Media criticise any form of hate speech and refrain from broadcasting or printing it. Media encourage tolerance among the communities and report in an unbiased way, especially when dealing with situations of inter-ethnic tension.</p>	<p>All Media, Temporary Media Commissioner, Press Council, Independent Media Commission</p>	<p>Pillar III</p>	<p>Ongoing</p>
<p>21. Publicly-funded media devotes a full and proportionate share of its resources and output to all ethnic communities.</p>	<p>21.1 Strategic plan for minority broadcasting defines complementary roles of public and private broadcasting and scale and source of necessary resources. (same as 18.1) Endorsement and implementation of plan by PISG.</p>	<p>Temporary Media Commissioner, PISG, RTK</p>	<p>Pillar III</p>	<p>January-March to prepare draft for comment, endorsement in April, implementation to follow</p>

	21.2 Drafting, adoption, and implementation of a law establishing RTK as a public broadcaster in accord with best European practices	Temporary Media Commissioner, Government, Assembly, MFE	Pillar III	Drafting by March-April 2004 Adoption as soon as possible on completion of an acceptable draft law
	21.3 Public TV signal is received all over Kosovo.	KTTN	Pillar III	As soon as possible.
22. Non-governmental organizations, in particular those representing minorities, are able to operate freely within the law and individuals are free to join them without discrimination	22.1 Adopt Freedom of Association Law.	OPM/Assembly	Pillar III	As soon as possible
	22.2 Establish Kosovo register for NGOs with multi-ethnic staff.	PISG	Pillar III	As soon as possible
	22.3 Regulate financial transparency, government financing and tax exemptions for NGOs/non-profit activities.	OPM/Assembly	OLA Pillar IV	2004
	22.4 Adopt legislation or establish standard procedures (e.g. formation of public private commissions) enabling civil society organisations- especially those representing minority communities- get more involved in public policy making and the delivery of services. Such action might include the establishment of a Civil Society Committee at the Central Assembly.	OPM/Assembly	Pillar III & II	2004

GLOSSARY:

CEC	Central Election Commission
MEC	Municipal Election Commission
MPS	Ministry of Public Services
MCYS	Ministry of Culture, Youth and Sports
MEST	Ministry of Education, Science and Technology
MFE	Ministry of Finance and Economy
OLA	Office of The Legal Advisor
OPM	Office of the Prime Minister
O/SRSG	Office of the Special Representative of the Secretary General
KPS	Kosovo Police Service
AD	Administrative Directive
ECAC	Elections Complaints and Appeals Sub-Commission
AOGG	Advisory Office of Good Governance
KIPA	Kosovo Institute for Public Administration
KCB	Kosovo Consolidated Budget
COE	Council of Europe
RTK	Radio and Television Kosovo
KTTN	Kosovo Terrestrial Transmissions Network
EAR	European Agency for Reconstruction

2. RULE OF LAW

“There exists a sound legal framework and effective law enforcement, compliant with European standards. Police, judicial and penal systems act impartially and fully respect human rights. There is equal access to justice and no one is above the law: there is no impunity for violators. There are strong measures in place to fight ethnically-motivated crime, as well as economic and financial crime”

Current Situation

Although the overall crime rate in Kosovo has been steadily improving over the four-and-a-half years, the violent events of 17-20 March 2004 have demonstrated the fragility of the security situation for ethnic communities in areas where they are a minority.

The achievements since 1999 include:

- The establishment of a multi-ethnic Kosovo Police Service, based on respect for human rights, which has grown steadily in size to over 5,700 officers, and whose officers are now engaged in almost every sphere of police work in Kosovo;
- Over 370 local judges and prosecutors working throughout Kosovo, with increasing representation of all communities in Kosovo.

Challenges ahead

But much more remains to be done to establish the rule of law in Kosovo:

- Above all, the security environment for members of all ethnic communities must be improved.
- All communities must give unequivocal support to UNMIK and PISG’s commitment to fight crime, and in particular inter-ethnic crime, organized crime and trafficking, and terrorism;
- Kosovans must assume progressively greater functional responsibilities throughout the justice sector and in prisons and the KPS, and demonstrate their capacity to exercise those responsibilities effectively and impartially towards all ethnic communities;
- UNMIK’s justice system, both civil and criminal, must be both effective and equally accessible to both men and women and to all communities in Kosovo;
- Witnesses must be better protected from retaliation;
- Corruption must be targeted in all public institutions and offenders brought to justice;
- All residents and institutions in Kosovo must maintain a high level of commitment to security of both international and local law enforcement officials, judges and prosecutors.

Priority Actions

- As soon as possible, bringing to justice those responsible for crimes of violence during the events of 17-20 March 2004 and ensuring they are punished appropriately;
- By mid-2004, strengthening the capacities of police to investigate crimes against members of smaller ethnic groups by the establishment of a central monitoring team and the designation of police officers in all regions and stations with special responsibility for investigating such crimes;
- Improving the standards of judges and prosecutors by introducing a new compulsory judicial entrance examination, establishing a new school of magistrates which will train every new judge and prosecutor before admission to office, and establishing a full programme of compulsory continuing professional education for judges and prosecutors. These should be in place by March 2005, and will depend upon adequate funding from the Kosovo Consolidated Budget for their successful future operation;;
- Starting, by the end of 2004, the training of local judges and prosecutors to undertake organized crime, corruption and other serious crime cases, so that assignment of such cases to local prosecutors and judges steadily increases;
- Implementing, by mid-2005, an anti-corruption strategy throughout the PISG in line with the OPM/EAR strategy.
- Building and opening, by the end of 2004, a sustainable witness protection facility in Kosovo and securing arrangements for resettlement of protected witnesses outside Kosovo within the same time period.

1. EQUAL ACCESS TO JUSTICE

Standard	Action	Responsible Authority	Supported By	Timeline
1. All crime is thoroughly investigated, regardless of the ethnic background of the victim or perpetrator	1.1 UNMIK Police (both CIVPOL and KPS) investigate crimes without fear or favour and any gender bias, with special priority to the investigation of crimes of violence committed during the events of 17-20 March 2004	Pillar I (Police)	OPM (Advisory Office on GG, HR, EO and Gender)	Ongoing
	1.2 Transition of the KPS into a professional, impartial and multiethnic force, containing specialized units, and supported with adequate resources from the PISG (budget resources and administrative support)	Pillar I (Justice)	PISG	Ongoing; transition completed by end 2006 (subject to review)
	1.3 The PISG on all levels unequivocally support by public statements thorough investigations regardless of ethnic or political background of victims and will refrain from political allegations that an investigation is ethnically or politically motivated	PISG		Ongoing
	1.4 Political leaders encourage all Kosovans to cooperate with police in solving all crime, including inter-ethnic crime	PISG		Ongoing
	1.5 Increase public confidence in police by implementing proactive public information strategy leading to greater transparency and better public understanding	PISG (OPM, Assembly), Municipalities	Pillar I (Police)	Introduced in phases to mid-2005
	1.6 Draft and promulgate legislation establishing KPS	UNMIK Pillar I (Justice), OLA	PISG	Promulgation by mid-2005

Standard	Action	Responsible Authority	Supported By	Timeline
2. The prosecution and conviction of perpetrators of crime is consistent and effective, regardless of the ethnic background of victim or perpetrator	2.1 Court rulings are made, and criminal prosecutions are conducted on the basis of the applicable law, and not on the basis of ethnicity, gender, religious or political affiliation or financial considerations	PISG (Courts, Prosecutors)		Ongoing
	2.2 Develop Judicial Inspection Unit (JIU) to build capacity of Kosovan staff to analyse and evaluate functioning of courts and prosecutors' offices; and to implement conclusions of these analyses and evaluations	UNMIK Pillar I (Justice)		Ongoing
	2.3 Public prosecutor's offices (municipal and district) exercise their functions promptly, impartially and objectively, regardless of the ethnicity, gender, religious or political affiliation of the defendant	PISG (Prosecutors)	UNMIK Pillar I (Justice)	Immediate and ongoing
3. Substantial progress has been made in solving the most serious murders and assaults against members of ethnic minorities	3.1 Increasingly deploy KPS officers from all communities to police units specializing in criminal investigations, providing adequate training to enable them to perform these roles	Pillar I (Police)		Ongoing
	3.2 Deploy and train KPS officers in all regions and stations with special responsibility for investigating and monitoring crimes against members of ethnic minorities	Pillar I (Police)		Sept 2004 and ongoing thereafter
	3.3 Establish central monitoring team to review all investigations of serious crimes against members of ethnic minorities and improve coordination between investigative units	Pillar I (Police)		June 2004 and ongoing thereafter
4. Witnesses are effectively protected from intimidation and retribution	4.1 Formal or ad hoc agreements are reached with Kosovo's neighbours and other countries on the basis of which witnesses and families are relocated from Kosovo.	Pillar I (Police and Justice),	OLA	First relocations pursuant to agreements from September 2004 onwards

Standard	Action	Responsible Authority	Supported By	Timeline
	4.2 Identify or (if necessary) build, open and thereafter maintain adequate facilities in Kosovo for protection of witnesses	Pillar I (Police and Justice)		Identify: by April 2004. Open by December 2004; maintain thereafter
	4.3 Review and amend existing witness protection legislation to ensure that witnesses are informed of all available protective measures, to improve court procedures in relation to witness protection, to strengthen criminal sanctions for breach of protective orders, and to provide a statutory basis for witness relocation, and train courts and prosecutors in amended legislative provisions	Pillar I (Justice), OLA, KJI		June 2004 (review) December 2004 (promulgation); review ongoing thereafter
	4.4 Provide courts with adequate equipment to preserve anonymity of protected witnesses	PISG (MPS/DJA)	Pillar I (Justice)	Jan 2005
	4.5 Impose and enforce adequate sanctions against public servants, lawyers and others who disclose, and media who publish, confidential details about protected witnesses	UNMIK (TMC, all); PISG (all) KCA		Ongoing
	4.6 Investigate, prosecute and punish assaults against witnesses	Pillar I (Police), Courts, Prosecutors		Ongoing
5. Crime clearance rates for crimes of violence against persons of all communities are roughly equivalent	5.1 Establish monitoring of criminal cases involving minorities and treatment of minorities by justice system; ensure effective action taken to address problems identified by monitoring system	Pillar III, Pillar I (Police and Justice)	PISG (MPS/DJA)	Mid-2004 (monitoring established) and ongoing thereafter

Standard	Action	Responsible Authority	Supported By	Timeline
	5.2 Develop and implement strategy for community safety to include joint crime prevention councils in all municipalities	Pillar II	OPM, Municipal Authorities, Pillar I (Police)	Ongoing
6. Misconduct by judges, prosecutors, attorneys, police, and penal system employees is routinely investigated and appropriately punished	6.1 Complaints against judges and prosecutors, lawyers and employees in justice, police and correctional systems are investigated promptly, appropriate action is taken and the complainant receives a written response to the complaint, regardless of the ethnicity of the complainant or the subject of the complaint	Pillar I (Police and Justice), KJPC, KCA		Immediate and ongoing
	6.2 Build capacity (especially of Kosovan staff) within Judicial Inspection Unit to investigate allegations of misconduct by judges and prosecutors and to submit their findings to KJPC, while also building capacity of Kosovan members of KJPC to conduct disciplinary hearings in appropriate cases	Pillar I (Justice),	KJPC	Ongoing
	6.3 Investigate allegations of misconduct of attorneys and conduct disciplinary hearings in appropriate cases	KCA	Pillar I (Justice)	Ongoing
	6.4 The Policy-and-Procedures-Manuals for UNMIK Police (CIVPOL and KPS) are constantly evaluated and updated, allegations of misconduct are thoroughly investigated and disciplinary hearings conducted in appropriate cases	Pillar I (Police)		Ongoing
	6.5 Investigate allegations of misconduct of penal system employees and conduct disciplinary hearings in appropriate cases	Pillar I (Justice)		Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
<p>7. There are professional codes of conduct for judges, prosecutors, lawyers and other members of the police and penal system, including a Bar Association representative of all Kosovo communities</p>	<p>7.1 Review and, as necessary, revise codes of conduct of judges, prosecutors and lawyers and police and penal employees to ensure compliance with international standards and inclusion of a gender equality approach</p>	<p>Pillar I (Police and Justice), KJPC, KCA</p>	<p>OPM (Advisory Office on GG, HR, EO and Gender)</p>	<p>September 2004</p>
	<p>7.2 ; Judges, prosecutors, lawyers and police and penal employees are trained in revised codes of conduct</p>	<p>Pillar I (Justice), KJI, PISG (MPS/DJA), KPSS, KCA</p>		<p>Ongoing after September 2004</p>
	<p>7.3 Effectively remove all obstacles to women's representation in these professions and affirmative actions are taken to promote their substantial inclusion</p>	<p>Pillar I (Police and Justice), KCA</p>	<p>OPM (Advisory Office on GG, HR, EO and Gender)</p>	<p>December 2004 and ongoing thereafter</p>
	<p>7.4 Develop and implement strategy to encourage participation by women and members of all communities in the Kosovo Chamber of Advocates, and monitor levels of participation by women and minority community members to ensure strategy is effective</p>	<p>KCA</p>	<p>OPM (Advisory Office on GG, HR, EO and Gender), Pillar III</p>	<p>Mid 2004 and ongoing thereafter</p>
	<p>7.5 Include in advocates' Code of Ethics provisions on inter-ethnic and religious tolerance, and investigate and sanction appropriately any complaints of ethnic or religious intolerance or unprofessional conduct in cases involving parties from different ethnic communities</p>	<p>KCA</p>	<p>OPM (Advisory Office on GG, HR, EO and Gender), Pillar III</p>	<p>Mid 2004 and ongoing thereafter</p>

Standard	Action	Responsible Authority	Supported By	Timeline
8. Acts of retribution against individuals involved in disciplinary processes are rare and such individuals are adequately protected	8.1 Review and amend as necessary employment conditions and disciplinary procedures for civil servants to ensure that complainants are protected from victimization	Pillar II	PISG (MPS/DCA)	Mid 2004 (further periodic reviews ongoing thereafter)
	8.2 Introduce and implement legislation to protect complainants from victimization by provision of adequate judicial or other remedies	PISG (Ministry of Labour and Social Services)		End 2004 (promulgation) mid-2005 (fully implemented) and ongoing thereafter
9. All communities are fully and fairly represented amongst judges, prosecutors and in the Kosovo Police Service (KPS) and Kosovo Corrections Service (KCS)	9.1 No discrimination against minority members applying for appointment as police and correctional officers	Pillar I (Justice)		Immediate and ongoing
	9.2 Encourage and facilitate prosecutors and judges from minority communities to join UNMIK justice system	Pillar I (Justice), PISG (OPM, Assembly, Courts)		Ongoing
	9.3 Suitable candidates for Prosecutors and Judges from minority communities recommended and approved without delay or discrimination	PISG (Assembly), KJPC		Ongoing
	9.4 Introduce and thereafter implement mandatory multi-ethnic and gender balanced recruitment policy for judges, prosecutors, KPS and KCS, requiring equitable representation at all levels, and including provisions for enforcement	Pillar I, KJPC	PISG, OPM (Advisory Office on GG, HR, EO and Gender)	Mid-2004 (introduction); implementation ongoing thereafter

Standard	Action	Responsible Authority	Supported By	Timeline
10. Institutions are functioning to train and educate the police, judges, lawyers, and penal system managers	10.1 Transformation of KPSS into sustainable future training institution(s) for police and correctional officers, involving progressive transfer of responsibilities to Kosovan staff	Pillar I (Police) and Pillar III	PISG	Ongoing, with substantial transfer of functional responsibilities by Mid 2005
	10.2 Ensure that an ethnic and gender awareness component is integrated in all training provided to police officers, judges, lawyers, prosecutors, and penal system managers, and that it is an integral part of programmes for continuing professional education	Pillar I (Police and Justice), Pillar III (KJI, KPSS), KCA	PISG, OPM (Advisory Office on GG, HR, EO and Gender)	Ongoing with a view to full integration by Early 2005
	10.3 Promulgation of new legislation to fully establish the Kosovo Judicial Institute (KJI) to provide advanced legal education for judges and prosecutors, and to introduce a new examination and pre-appointment training for judicial and prosecutorial candidates	Establishment of new KJI: PISG (Assembly), New examination and training requirements: Pillar I (Justice), Pillar III, OLA		Mid-2004

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>10.4 Implementation of new judicial examination and Compulsory pre-appointment training programme for judges and prosecutors; post-appointment vocational training system improved and expanded</p>	KJPC, KJI, PISG (MPS/DJA)		Early 2005 (new examination and training programme in force) and ongoing thereafter; improvement of vocational training ongoing
	<p>10.5 Continuous legal education programme for lawyers established within the Kosovo Chamber of Advocates</p>	KCA	Pillar III, donors	Established by Early 2005 and ongoing thereafter
<p>11. An effective and impartial system of justice in the civil law sector is accessible to members of all communities in Kosovo</p>	<p>11.1 Ensure that courts are open and functioning effectively in all municipalities, and open Court Liaison Offices in all minority communities which do not currently enjoy effective access to UNMIK justice, thereby facilitating the elimination of parallel court structures</p>	Pillar I (Justice)		Ongoing
	<p>11.2 Review salaries of judges and prosecutors to ensure adequate compensation, and implement any recommendations for increased salaries.</p>	PISG	Pillar I (Justice)	Mid-2004 (review); Jan 2005 (implementation)
	<p>11.3 Implement a sustainable system of civil legal aid, compatible with European standards and equally accessible to men and women and to all communities in</p>	Pillar I (Justice),	EAR, KCA	Early 2005 and ongoing thereafter

Standard	Action	Responsible Authority	Supported By	Timeline
	Kosovo			
12. The backlog of civil law cases in courts is steadily being reduced	12.1 Reform courts to optimize distribution of judges and prosecutors among courts, including legislative reform of court system if necessary	Pillar 1 (Justice), KJPC	PISG (MPS/DJA and Courts)	End 2004
	12.3 Implement automated case management systems in all courts	PISG (MPS/DJA and Courts)	Pillar I	Installed by end 2004 and review ongoing thereafter
13. Judgments in civil law matters are being enforced, court execution officers are functioning, and court fines are routinely being paid	13.1 Hire, train and deploy adequate numbers of court execution staff in all courts	PISG (MPS/DJA and Courts)		End 2004
	13.2 Court execution staff collect fines impartially without regard to ethnicity, gender, religious or political affiliation; complaints of misconduct against court staff are promptly investigated and disciplinary action is taken if appropriate	PISG (MPS/DJA and Courts)		Immediate and ongoing
14. Legislation in civil law matters is reviewed and developed to ensure greater conformity with European standards	14.1 Review and, as necessary, revise legislation in civil law in line with European standards, with special attention to legislation referring to gender equality and other civil rights legislation	Pillar I (Justice), OLA,	PISG (OPM/Assembly)	Mid 2005
	14.2 Train judges, court staff and lawyers in new legislation	PISG (MPS/DJA), KJI		End 2005

Standard	Action	Responsible Authority	Supported By	Timeline
15. Alternatives to litigation for resolving civil disputes are expeditiously developed and effectively used	15.1 Establish Communities Committees and Mediation Committees in all municipalities in accordance with UNMIK Regulation 2000/45 and encourage their use as an alternative to litigation for cases involving municipal decisions	Municipal Authorities	Pillar II	End 2004 and ongoing thereafter
	15.2 Conduct review of alternatives to litigation, in particular arbitration and/or mediation, and develop and implement strategy based on recommendations of review	Pillar III, II	Pillar I (Justice),	End 2004 and ongoing thereafter
16. There is effective action to eliminate violence against women and children, trafficking and other forms of exploitation, including preventative education and provision of legal and social services to victims	16.1 Cases of trafficking in persons are pursued as a priority, to include investigation by covert measures; programmes to receive, protect and repatriate victims of trafficking are enhanced; increasing numbers of KPS officers trained and deployed in anti-trafficking operations; training for local judges and prosecutors in laws against trafficking is conducted; trafficking cases in district/municipal courts are specially monitored	Pillar I (Police and Justice)	Pillar III	Ongoing
	16.2 Mechanisms are put in place for the effective implementation of UNMIK Regulation 2003/12 on Protection Against Domestic Violence, including the provision of relevant training to local judicial actors	PISG (MEST, MPS/DJA), KJI,	OPM (Advisory Office on GG, HR, EO and Gender)	December 2004 and ongoing thereafter
	16.3 Gender and human rights education incorporated as core elements in school curricula to support societal transformation of which the legal system is a reflection	PISG (MEST)	OPM (Advisory Office on GG, HR, EO and Gender)	End 2004 and ongoing thereafter
	16.4 Establish and operate fully-functional victim resource centres with 24-hour emergency management mechanisms, guaranteeing municipal coverage	Pillar I		April 2004 and ongoing thereafter

Standard	Action	Responsible Authority	Supported By	Timeline
	16.5 Promulgate and then effectively implement legislation establishing responsibilities of Victim Advocacy Coordinator (VAC), on the basis of which VAC coordinates provision of legal and social services to victims	Pillar I (Justice), OLA		June 2004 (legislation); activity of VAC ongoing thereafter
	16.6 Review and amend judicial procedures to ensure that they guarantee women effective protection against gender-based crimes and other crimes disproportionately affecting them and to ensure that women defendants, victims or witnesses are not re-victimized or discriminated against in the investigation and prosecution of crimes	UNMIK Pillar I (Justice), OLA	OPM (Advisory Office on GG, HR, EO and Gender),	End 2004 and ongoing thereafter

2. NO ONE IS ABOVE THE LAW

Standard	Action	Responsible Authority (RA)	Supported By (SB)	Timeline
17. All crimes, especially those of violence, that promote inter-ethnic hatred and fear are thoroughly investigated and resolved, and perpetrators are brought to justice	17.1 All prosecutions of violence involving inter-ethnic hatred are given priority treatment by both local and international prosecutors: prosecutions by local prosecutors are carefully monitored by international prosecutors and action taken to address any issues arising	Pillar I (Justice)		Ongoing

Standard	Action	Responsible Authority (RA)	Supported By (SB)	Timeline
and punished	through training or referral to JIU for investigation.			
18. Incidents of organized crime, trafficking, crime rooted in extremism, terrorism, and economic crime are vigorously investigated and local judges and prosecutors effectively prosecute and try perpetrators. The percentage of unsolved cases of crime rooted in extremism or terrorism is steadily declining.	18.1 Organized crime, terrorism cases are investigated by existing specialized units and, where possible, pursued by covert measures; Prosecutions in connection with organized crime and economic crime increase in proportion to number of incidents;	Pillar I (Police and Justice) Pillar IV (Customs)		Ongoing
	18.2 Public figures (both centrally and in municipalities) unequivocally condemn statements condoning or likely to incite violence, inter-ethnic hatred or any other form of extremism	PISG (All): Municipal Authorities		Ongoing
	18.3 Assignment of organized crime/trafficking/terrorism cases to local judges progressively increased	Pillar I (Justice)	PISG (Courts)	Assignment to local judges ongoing by Mid-2005 and continuing thereafter
	18.4 Establish Special Prosecutor's Unit within DOJ to coordinate prosecution of special cases by specially trained local prosecutors; international prosecutors monitor these prosecutions and address any issues arising through training, referral to JIU for investigation or other measures	Pillar I (Justice)	PISG (Courts)	End 2004(establishment); thereafter ongoing
	18.5 Intensify training for KPS, judges and prosecutors to investigate and prosecute these serious crimes	Pillar I (Justice), Pillar III (KJI, KPSS)	PISG (MPS/DJA)	End 2004 and ongoing thereafter

Standard	Action	Responsible Authority (RA)	Supported By (SB)	Timeline
	18.6 UNMIK PISG and municipal authorities to present united front in supporting full cooperation with investigations related to organized crime, trafficking, economic crime, crime rooted in extremism and terrorism, especially where public or influential figures are involved	PISG (All); Municipal Authorities	Pillar I	Ongoing
	18.7 Establish mechanism to evaluate the security needs of local judges and prosecutors who will be assuming responsibility for serious crimes, and ensure that security measures are taken in line with the assessment made	Pillar I		mid-2004 and ongoing thereafter
19. Perpetrators of assaults on judges, prosecutors, KPS officers and witnesses are fairly tried in local courts and are sentenced appropriately	19.1 Monitor each assault of judges, prosecutors and KPS officers to ensure that the case is properly investigated and prepared for prosecution	Pillar I (Justice)	Pillar III	Ongoing
	19.2 Monitor trials by local courts of assaults on judges, prosecutors, KPS officers and witnesses to ensure fairness of trial and appropriate sentence	Pillar III	PISG (Courts)	Ongoing
	19.3 Cases of unfair trials or inappropriate sentence are investigated by Judicial Inspection Unit in addition to any judicial appeal and referred, where appropriate, for disciplinary action	Pillar I (Justice),	KJPC	Ongoing
20. Mechanisms of regional and international cooperation are functioning for police and judicial authorities, including transfer of	20.1 Implementation of UNMIK Regulation No. 2003/34 as soon as possible through written agreements with European states; fugitives subject to transfer are identified, located and arrested in a coordinated round-up	Pillar I (Justice),	OLA	April 2004 and ongoing thereafter

Standard	Action	Responsible Authority (RA)	Supported By (SB)	Timeline
suspects and sentenced persons, and mutual legal assistance to jurisdictions	20.2 Continue development of police cooperation at international and regional level, by further strengthening existing cooperation with Serbia, Montenegro, FYROM and Albania, and continuing negotiations with Bosnia and Herzegovina, Slovenia, Bulgaria and Croatia, involving KPS officers as and when possible in increasingly responsible positions so as to enhance the reputation of the KPS as a recognized reliable partner in law enforcement	Pillar I	PISG (through Stability Pact initiatives)	Ongoing
21. There is full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), including arrest of indictees and provision of witnesses and information.	21.1 All UNMIK institutions fully support activities and requests of ICTY	UNMIK (All)		Ongoing
	21.2 All PISG institutions fully support activities and requests of ICTY	PISG (All)		Ongoing

Standard	Action	Responsible Authority (RA)	Supported By (SB)	Timeline
22. Those war crimes not addressed by the ICTY are prosecuted fairly in Kosovo	22.1 In coordination with ICTY-Pristina, local prosecutors are gradually recruited to assist in (and to take increasing responsibility in the prosecution of) war crime cases in Kosovo of non-ICTY war crime cases	Pillar I (Justice)		Special Prosecutor's Unit established by end-2004; Assignment to local prosecutors ongoing by Mid-2005 and continuing thereafter
	22.2 Monitor trials by local courts and/or prosecutors of war crimes cases and address any issues arising through training, referral to Judicial Investigation Unit for investigation, or other measures	Pillar I, Pillar III	PISG (Courts)	As 22.1

3. ECONOMIC AND FINANCIAL CRIME

Standard	Action	Responsible Authority (RA)	Supported By (SB)	Timeline
23. Effective legal, financial and administrative mechanisms that conform to EU standards are in place to tackle economic crime in both the public and private sectors, including seizure of illegally-acquired assets	23.1 Draft and promulgate anti-corruption legislation (including relevant recommendations of OPM/EAR Anti-Corruption Strategy), law on economic crimes and other relevant legislation	UNMIK (OLA)	PISG (OPM, Assembly), Pillar I	End 2004
	23.2 Establish and then monitor financial and administrative mechanisms necessary to ensure full implementation of laws promulgated under 23.1, including implementation of relevant recommendations of OPM/EAR Anti-Corruption Strategy	PISG (All)	Pillar I, Pillar III	Mid-2005 and ongoing thereafter
	23.3 Train police officers, customs officers, judges and prosecutors on new legislation	Police training: Pillar I (Police), KPSS. Training of judges/prosecutors: PISG (MPS/DJA), KJI. Training of customs officers: Pillar IV (Customs)		Ongoing after promulgation of legislation
	23.4 Auditors within Auditor-General's office trained and performing regular audits of financial activity of Government bodies;	AGO		Ongoing
	23.5 ; PISG bodies comply fully with audits from Auditor-General's office; PISG bodies introduce adequate internal financial controls and system of internal audits	PISG (All)		Ongoing

24. There is a clear understanding amongst the vast majority of public sector employees of ethical conduct requirements, especially regarding conflict of interest	24.1 Rules on ethical conduct enshrined in Civil Service terms and conditions, explained to all civil servants and effectively enforced	PISG (MPS/DCA)		Mid 2004 and ongoing thereafter
25. Adequate investigative mechanisms have been created and are functioning effectively	25.1 Financial Investigation Unit and Investigative Task Force fully functioning	UNMIK		Early 2004 and ongoing thereafter
	25.2 A public corruption unit within the Special Prosecutor's Office is formed, initially with the participation of (and eventually under the leadership of) local prosecutors, to prosecute at its discretion any public corruption case; local prosecutors are selected to join the unit, and trained to perform their role, their performance is monitored and issues addressed through further training or referral to JIU for disciplinary investigation	Pillar I (Justice)		December 2004 (unit formed); Dec 2005 (unit led by local prosecutors monitored by internationals) and ongoing thereafter
26. Money laundering legislation is effectively implemented and suspicious financial transaction reporting is in place	26.1 Establish and operate Financial Information Centre as provided for in Money Laundering Regulation, at first under international control but with progressive transfer of responsibilities to Kosovan staff	Pillar I (Police)		May 2004 (establishment) and ongoing thereafter
	26.2 Train financial obligors and others in reporting responsibilities under Money Laundering Regulation	Pillar IV (BPK)	Pillar I (Police)	May 2004
	26.3 Train customs officers in powers of seizure etc. under Money Laundering Regulation	Pillar IV (BPK, Customs)	Pillar I (Police)	May 2004
	26.4 Train police (including KPS) in Money Laundering Regulation	Pillar I (Police), KPSS		May 2004
	26.5 Train judges and prosecutors in Money Laundering Regulation	Pillar III, KJI	Pillar I (Police)	May 2004

GLOSSARY

AGO	Office of the Auditor-General	
BPK	Banking and Payments Authority of Kosovo	
DCA	Department of Civil Administration (Ministry of Public Services)	
DJA	Department of Judicial Administration (Ministry of Public Services)	
EAR	European Agency for Reconstruction	
KCA	Kosovo Chamber of Advocates	
KJI	Kosovo Judicial Institute	
KJPC	Kosovo Judicial and Prosecutorial Council	
KPSS	Kosovo Police Service School	
MEST	Ministry of Education, Science and Technology	
MPS	Ministry of Public Services	
OLA	Office of The Legal Adviser (UNMIK)	
OPM	Office of the Prime Minister	
-	Advisory Office on GG, HR, EO and Gender	Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender
TMC	Temporary Media Commissioner (UNMIK)	

3. FREEDOM OF MOVEMENT

“All people in Kosovo are able to travel, work and live in safety and without threat or fear of attack, harassment or intimidation, regardless of their ethnic background. They are able to use their own language freely anywhere in Kosovo, including in public places, and enjoy unimpeded access to places of employment, markets, public and social services, and utilities.”

The ability of members of ethnic communities to travel, work and live safely in Kosovo has been fundamentally undermined by the violence of 17-20 March. In addition to the reestablishment of fixed military checkpoints around enclaves and villages in which ethnic community members live, the violent attacks against Kosovo Serbs, Roma, Ashkali and minority Kosovo Albanians in Mitrovica, have greatly exacerbated already existing fears held by ethnic communities. While such fears have always been the product of both objective fact and perception, the events of March realized the worst fears of some communities, and have destroyed the small amount of confidence that had been built. Communication between communities has been silenced.

Beyond the provision of security by KFOR and police, clear and unequivocal actions by Kosovo’s leaders are essential to establishing a secure environment for all communities and addressing those fears. As described in the section “returns and the rights of communities”, the PISG will undertake an immediate and proactive campaign to reach out to the Kosovo Serb and other communities in order to rebuild trust and confidence between the communities. Much of this work must be implemented at the municipal and local levels where direct communication between the authorities and ethnic communities will yield the greatest result.

The original PISG/UNMIK implementation plan for Freedom of Movement (which is appended herein) must be fully reviewed and revised as a result of the violence of 17-20 March. While many of the actions included in the original plan may continue to be relevant, the actions identified must be thoroughly reconsidered in order to ensure that they most effectively addresses the new reality and needs of ethnic communities.

I. FREEDOM OF MOVEMENT AND FREE USE OF LANGUAGE - REVISED POST 17 MARCH 2004

<u>Standard</u>	<u>Action</u>	Responsible Authority	Supported By	Timeline
ALL STANDARDS RELATING TO FREEDOM OF MOVEMENT	1. The 5 priority actions detailed in section “returns and rights of communities” (Standard 4) of this plan must be implemented in order to build a more tolerant climate and improve freedom of movement.	See section on “returns and rights of communities” (Standard 4)	See section on “returns and rights of communities” (Standard 4)	See section on “returns and rights of communities” (Standard 4)
	2. The joint PISG-UNMIK implementation plan for the standard Freedom of Movement will be reviewed and revised on an expedited basis given the fundamentally changed environment due to the events of 17-20 March. The original UNMIK/PISG Implementation Plan for Freedom of Movement is attached as Annex 1 to this revised Implementation Plan <u>for information.</u>	Joint Implementation Working Group on Sustainable Returns, Rights of Communities and their Members and Freedom of Movement	Pillar II/OCA, ORC, Pillar I/Police	To begin on 1 April 2004 and to be completed by 1 May 2004

Annex 1
Freedom of Movement Implementation Plan (Pre-17 March 2004)

TO BE REVISED (See Action 2 above)

I. FREEDOM OF MOVEMENT

<i>Standard</i>	<i>Action</i>	<i>Responsible Authority</i>	<i>Supported By</i>	<i>Timeline</i>
<i>1. All communities are able freely to exercise rights to social, cultural and religious expression, including attending ceremonies and access to relevant sites.</i>	<i>1.1 Majority community leaders show public support for the ability of all communities to exercise these rights and actively discourage and respond to acts that are counter to social, cultural and religious expression.</i>	<i>Municipalities, Ministries, OPM, party leaders</i>	<i>Pillar I/Police, Pillar II, UNHCR</i>	<i>Ongoing</i>
	<i>1.2 Ensure the ability of all people, regardless of ethnicity, displacement, or gender, to participate in religious and cultural ceremonies through the provision of safe transport.</i>	<i>Municipalities, Ministry of Public Services, OPM, Advisory Office on GG, HRs, EO, and Gender</i>	<i>Pillar II, Pillar I/Police</i>	<i>Ongoing</i>
	<i>1.3 Municipalities exercise responsibility under Section 3, Regulation 2000/45 to maintain graveyards and draw up legislation to govern use, maintenance and procedures regarding 'Go-and-See Visits'.</i>	<i>Municipalities, Ministries, OPM</i>	<i>Pillar I/Police, Pillar II</i>	<i>Ongoing</i>
<i>2. Military and police escorts are no longer needed; members of all ethnic communities have access to safe and public transportation.</i>	<i>2.1 Humanitarian bus service operates effectively and provides service where there is both demand and need from a security standpoint.</i>	<i>Ministry of Transport</i>	<i>Pillar II (OCA)</i>	<i>Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>2.2 Attempts made to start integrated public transport. Kosovotrans should hire minority drivers and open experimental lines. Minority operators to be issued licenses without undue delay and function on equal terms.</p> <p>Support also given to private companies operated by ethnic communities.</p>	Ministry of Transport	Pillar II (OCA)	Ongoing
	<p>2.3 Incidents in which freedom of movement is obstructed or threatened are addressed effectively and promptly, including through prosecution of alleged perpetrators (see below) and proactive public awareness campaigns to support freedom of movement and tolerance.</p>	Pillar I/Police, Pillar I/Judiciary, DoJ, PISG authorities	Pillar I, DPI	Ongoing
<p>3. Public employees from minority communities are able to work in majority areas without difficulties.</p>	<p>3.1 Transport service for public employees is provided until freedom of movement is fully in place.</p>	Ministry of Public Services	Pillar II (OCA)	Ongoing
<p>4. The number of crimes specifically related to movement by minorities (e.g. stoning incidents) is significantly reduced and infrequent.</p>	<p>4.1 Such crimes at all levels of seriousness are systematically investigated and the perpetrators are sanctioned.</p>	Pillar I/Judiciary, Pillar I/Police, DoJ		Ongoing
	<p>4.2 Community policing initiatives systematically focus on such incidents.</p>	Pillar I/Police	DoJ	Ongoing
	<p>4.3 Political leaders encourage all Kosovans to cooperate with police in solving such crimes.</p>	Government offices, Kosovo Assembly, party leaders, Municipalities, OPM.	Pillar I/Police, Pillar II, ORC	Ongoing
<p>5. Political leaders, without prompting, condemn and take actions against acts of violence against ethnic communities and their members.</p>	<p>5.1 The leaders of the majority communities make timely public statements condemning such crimes. Ethnic community leaders avoid making public statements that would raise tensions and discourage other members of their communities from making such statements.</p>	Government offices, Kosovo Assembly, party leaders, Municipalities, OPM.	Pillar I/Police, Pillar II, ORC	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>5.2 Majority and ethnic community leaders proactively engage with Municipal and local authorities in responding to such incidents.</i>	<i>Government offices, Kosovo Assembly, party leaders, Municipalities, OPM</i>	<i>Pillar I/Police, Pillar II, ORC</i>	<i>Ongoing</i>

2. FREE USE OF LANGUAGE

Standard	Action	Responsible Authority	Supported By	Timeline
<i>6. Meetings of the Assembly and its Committees are conducted in all official languages.</i>	<i>6.1 Language units are established and are functioning effectively for the Assembly and all its Committees.</i>	<i>MPS, Kosovo Assembly, Ministries, Municipalities, OPM</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004 Ongoing</i>
<i>7. Official Municipal and Ministry documents are translated in a timely manner into all official languages.</i>	<i>7.1 The PISG has developed and implemented a system to monitor whether all official documents are translated in a timely manner into all official languages.</i>	<i>MPS, Ministries, Municipalities, OPM</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004 Ongoing</i>
	<i>7.2 In cases when official documents are not translated or are not translated in timely manner, the responsible authorities are identified and sanctioned.</i>	<i>MPS, Ministries, Municipalities, OPM</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004 Ongoing</i>
	<i>7.3 Adequate language units are established and are functioning effectively in all Ministries and Municipalities.</i>	<i>MPS, Ministries, Municipalities, OPM</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004 Ongoing</i>
	<i>7.4 Implementation of the findings of the Task Force on Language Standards Compliance, including allocation of sufficient resources to ensure and support language compliance</i>	<i>OPM, Ministries, Municipalities</i>	<i>Pillars II, III, ORC</i>	<i>Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
8. Municipalities and Ministries provide adequate interpretation and translation services for minorities, including translation of all official documents and interpretation for all official meetings in relevant minority languages.	8.1 <i>The PISG has developed and implemented a system to monitor whether adequate interpretation and translation services are provided.</i>	<i>MPS, Ministries, Municipalities, OPM.</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004; Ongoing</i>
	8.2 <i>In cases when official documents are not translated or are not translated in timely manner the responsible authorities are identified and remedial action is taken.</i>	<i>MPS, Ministries, Municipalities, OPM.</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004; Ongoing</i>
	8.3 <i>Adequate language units are established in all Ministries and Municipalities.</i>	<i>MPS, Ministries, Municipalities, OPM</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004</i>
9. Personal documents are issued in the native language of the recipient.	9.1 <i>Adequate staffing and resources are allocated by responsible authorities to ensure that personal documents are translated into the official languages of Kosovo, as well as into the native language of the individual belonging to any of the main ethnic groups.</i>	<i>MPS (Department of Registration Services), Ministries, Municipalities, OPM.</i>	<i>Pillars II, III, ORC</i>	<i>Ongoing</i>
10. Official signs inside and outside municipal and ministerial buildings are expressed in all official languages.	10.1 <i>The relevant authorities ensure that official signs inside and outside all public buildings are expressed in all official languages.</i>	<i>MPS, Ministries, Municipalities, Public utilities, OPM.</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004</i>
	10.2 <i>In cases when signs outside public building are not expressed in all official languages the responsible authorities are identified and remedial action is taken.</i>	<i>MPS, Ministries, Municipalities, Public utilities, OPM.</i>	<i>Pillars II, III, ORC</i>	<i>Ongoing</i>
11. Names of streets, cities, towns, villages, roads and public places are expressed in Albanian, Serbian and any other language of a community that lives there in a significant number.	11.1 <i>The relevant Ministry establishes a system where the local communities live in significant numbers in a municipality may request names of the streets, cities, towns, villages, roads and public places to be expressed in the language of these communities.</i>	<i>MPS, Ministries, Municipalities, OPM.</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004</i>
	11.2 <i>In cases of violations a system of warnings and sanctions is established and implemented.</i>	<i>MPS, Ministries, Municipalities, OPM.</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004; Ongoing</i>

4. SUSTAINABLE RETURNS AND THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

“Members of all communities must be able to participate fully in the economic, political and social life of Kosovo, and must not face threats to their security and well-being based on their ethnicity. All refugees and displaced persons who wish to return to Kosovo must be able to do so in safety and dignity.”

The violence of 17-20 March 2004 dramatically altered the existing realities for advancing the returns process and achieving greater protection of the rights of ethnic communities. These targeted attacks against communities have created a situation in which more than 4100 individuals have been displaced in a matter of a few days and the returns process involving those displaced previously has ground to a halt. Over 800 houses, public buildings, and religious sites belonging to communities have been destroyed or significantly damaged. Many communities have again become isolated enclaves, requiring a constant KFOR or UNMIK Police presence to ensure their protection.

In light of these stark changes, approaches to attaining the standards relating to sustainable returns and the rights of communities must be reviewed and fundamentally altered. In particular, the PISG’s efforts to build a “social contract” with Kosovo’s smaller communities have suffered a serious setback, and innovative approaches to creating a tolerant environment where the rights of all people are protected are needed. Before proceeding to address the standards implementation plan that existed prior to 17 March, several core activities aimed at addressing these immediate concerns must be a priority. The PISG has committed itself to a massive effort to quickly reconstruct the property damages from the recent violence. That campaign must be implemented effectively and transparently, with the involvement of the ethnic communities most affected by the violence. In addition, this effort must entail not only the reconstruction of buildings, which is a key first step, but also the rebuilding the bonds of trust and confidence between the Government and its constituents from all ethnic communities. Government officials at all levels must engage in a systematic effort to promote reconciliation, build tolerance within the Kosovo Albanian community, and condemn those that encouraged or facilitated acts of violence against members of other communities. The PISG should also demonstrate its break from the past through investigating and sanctioning those central, ministerial and municipal authorities and political party branch leaders who contributed to violence against community members through public statements and actions, or who failed to exercise their authority properly.

To reflect the fundamental changes that must follow the violence of mid-March, the implementation plan for the standard on Sustainable Returns and the Rights of Communities and their Members must be thoroughly reviewed and revised. As with the other standards, UNMIK and the PISG jointly drafted the original plan (which is appended herein) to reflect the needs of the landscape before 17 March. While many of the actions contained in that plan remain essential today, the plan should be analysed to ensure that it properly prioritises those steps that are most critical to the present environment, and that it reflects the

fundamental changes that are needed in order to create a sustainable environment in which communities and their members can return home and live in safety.

1.SUSTAINABLE RETURNS AND RIGHTS OF COMMUNITIES – REVISED POST 17 MARCH 2004

<u>Standard</u>	<u>Action</u>	<u>Responsible Authority</u>	<u>Supported By</u>	<u>Timeline</u>
ALL STANDARDS RELATING TO SUSTAINABLE RETURNS AND RIGHTS OF COMMUNITIES AND THEIR MEMBERS	1. The PISG will implement a comprehensive program to ensure full reconstruction of all property destroyed through the violent acts of 17-20 March 2004. These efforts will involve the affected ethnic communities within the assessment, procurement and implementation phases of the project, and will be undertaken in cooperation with UNMIK's Reconstruction Support Team established to provide technical support to the PISG in this effort. A program to compensate victims for loss of personal property as a result of the March violence will also be implemented. The PISG will also work with the UN Country Team to assume responsibility for humanitarian relief efforts involving those displaced as a result of the 17-20 March violence.	OPM, MFE, MPS	Pillar II/OCA, Pillar IV, ORC, OPA	Priority projects completed by 1 June 2004; Reconstruction of homes by 1 September 2004; all reconstruction by 31 December 2004
	2. The PISG will ensure that sufficient funding is set aside for both reconstruction efforts and adequate compensation for loss of personal property.	OPM, MFE	Pillar II/OCA, Pillar IV, ORC	Throughout 2004
	3. The PISG will develop and implement immediately a groundbreaking systematic program to reach out to the Kosovo Serb and other ethnic communities in order to rebuild trust and confidence between the communities. These efforts will also include planning medium and longer-term reconciliation and inter-ethnic dialogue strategies.	OPM, Ministries, Municipal Presidents, Additional Deputy Presidents, CEOs, Municipal Assemblies	Pillar II, Pillar III, ORC	To begin immediately

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>4. The PISG and party leaders will investigate and sanction central, ministerial and municipal authorities and political party branch leaders who contributed to violence against community members through public statements and actions, or who failed to exercise their authority properly from 17-20 March 2004, including by recommending to the SRSB the removal of municipal officials or dissolution of Municipal assemblies, as may be found appropriate.</p>	<p>OPM, Ministries, Municipalities, Party Leaders</p>	<p>SRSB, ORC, Pillar II, Pillar III</p>	<p>Investigations to be completed by 30 April; Recommendations made and sanctions imposed by 31 May 2004</p>
	<p>5. The PISG and party leaders will take immediate steps to publicly condemn reports by print and broadcast media that contributed to ethnic violence from 17-20 March 2004 and will support the recommendations of the Temporary Media Commissioner in relation to his investigation into these reports.</p>	<p>OPM, Ministries, Municipalities, Party Leaders</p>	<p>Pillar II, Pillar III, ORC, DPI</p>	<p>To begin immediately</p>
	<p>6. The joint PISG-UNMIK implementation plan for the standard 'Sustainable Returns and the Rights of Communities and their Members' will be reviewed and revised on an expedited basis given the fundamentally changed environment due to the events of 17-20 March.</p> <p>The original UNMIK/PISG Implementation Plan for 'Sustainable Returns and the Rights of Communities and their Members' is attached as Annex 1 to this revised Implementation Plan for information.</p>	<p>Joint Implementation Working Group on Sustainable Returns, Rights of Communities and their Members and Freedom of Movement</p>		<p>To begin on 1 April 2004 and to be completed by 1 May 2004.</p>

Annex 1

Sustainable Returns and Rights of Communities and their Members Implementation Plan (Pre-17 March 2004)

TO BE REVISED (See Action 6 above)

1.SUSTAINABLE RETURNS

Standard	Action	Responsible Authority	Supported By	Timeline
I. Municipalities and ministries are able to assume responsibility for returns within all communities in a manner consistent with European standards.	1.1 Strategy regarding central structures relating to returns, including the Office of Inter-Ministerial Coordinator for Returns, is developed by a committee. This committee should be established by the Office of the Prime Minister and include ORC, OCA, UNHCR, OSCE and OHCHR (Linked to discussion on OPM proposal for new Ministry, and to anticipated EAR consultancy on central structures).	OPM, Ministries	ORC, Pillar II, III, UNHCR, OHCHR, EAR	Immediate to September 2004
	1.2 Agreed strategy for central returns structures (which will clarify the mandates of the Inter-Ministerial Coordinator's office and define the responsibilities of the Ministries) is implemented as per the recommendations of the committee above.	OPM, Ministries	ORC, Pillar II, III, EAR, UNHCR	Immediate from development of the strategy to December 2004 Ongoing
	1.3 Office of the Inter-Ministerial Coordinator for Returns has adequate resources and staffing to fulfill its responsibilities within current mandate and mandate to be developed as part of agreed strategy for central returns structures.	OPM, Ministries	Pillar II, ORC, EAR	Ongoing Initial Assessment: 03.06.04
	1.4 Each ministry has a focal point to support returns process, and works effectively to implement its responsibilities consistent with the agreed strategy for central returns structures.	OPM, Ministries	Pillars II, III, ORC, UNHCR	Ongoing Focal Points established by: 30.04.04

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>1.5 Ensure community, returnee and IDP women representatives are involved in decision-making and planning for returns at all levels.</i>	<i>OPM, Advisory Office on GG, HRs, EO, and Gender, Ministries and Municipalities</i>	<i>Pillar II, UNHCR</i>	<i>Ongoing</i>
	<i>1.6 Each municipality (except Glogove/Glogovac) develops a municipal returns strategy for 2004 and subsequent years, and the returns strategies are implemented effectively</i>	<i>Municipal Presidents, Additional Deputy Presidents, CEOs</i>	<i>Pillar II (Municipal Representatives, Local Community Officers), Regional Returns Units, Pillar III, ORC, UNHCR</i>	<i>2004 strategy developed by June 2004 Future strategies by 31 December on a yearly basis Ongoing</i>
	<i>1.7 Each municipality with ongoing or projected returns has established and filled a Municipal Returns Officer post.</i>	<i>CEOs of Municipalities</i>	<i>Pillar II (Municipal Representatives, Local Community Officers), Regional Returns Units, ORC, UNHCR</i>	<i>June 2004</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>1.8 Municipal Working Groups and Municipal Assemblies (including Municipal Directorates) provide ongoing support for returns in the municipality at a level consistent with the demand for return and including a commensurate level of resources, including ultimate assumption of responsibility for MWGs by municipality.</i>	<i>Municipal Presidents, Additional Deputy Presidents, CEOs, Municipal Returns Officers, Municipal Assemblies (including Municipal Directorates)</i>	<i>Pillar II, Municipal Representatives, Regional Returns Units, Pillar III, ORC, UNHCR</i> <i>Joint: MWG</i>	<i>Ongoing per performance Municipality chairing pilot MWGs: 31.08.04</i>
	<i>1.9 Task Forces, including representatives from the returning community, have been established and function effectively to address individual organized returns projects, where necessary. (Task Forces report to the Municipal Working Group).</i>	<i>Municipal Presidents, Additional Deputy Presidents</i>	<i>Pillar II (Municipal Representatives, Local Community Officers), Regional Returns Units, ORC, UNHCR</i>	<i>Ongoing Task Forces established for appropriate projects on RCG List by 31.03.04</i>
<i>2. The number of municipalities with sustainable returns increases, including an increase in returns to urban areas, the pace of returns overall accelerates, and the level of unmet demand for return has been substantially reduced.</i>	<i>2.1 Municipalities supporting returns through local structures wherever needs have been identified through IDP demand.</i>	<i>Municipalities</i>	<i>Pillar II (Municipal Representatives), Regional Returns Units, ORC, UNHCR</i>	<i>Ongoing</i>
	<i>2.2 All returnees are provided with adequate identification documents in a timely manner. The responsible authorities provide, to the extent possible, returnees with any other documentation necessary in order for them to exercise their right to return.</i>	<i>Municipal MCROs</i>	<i>Pillar II (Municipal Representatives)</i>	<i>Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>2.3 Returns projects that are consistent with the Manual for Sustainable Return are developed and implemented in all locations where sufficient demand is identified.</i>	<i>Inter-Ministerial Coordinator for Returns, Municipalities, NGOs, Displaced Persons Associations</i>	<i>ORC, Regional Returns Units, Pillar II (Municipal Representatives), UNHCR Joint: MWG</i>	<i>Ongoing</i>
	<i>2.4 Returns projects in urban areas involving repossession of residential property developed and implemented. (Concept papers for at least 5 projects in addition to the 3 already underway should be developed by 15 March)</i>	<i>Inter-Ministerial Coordinator for Returns, Municipalities, HPD, NGOs, Displaced Persons Associations, Pillar I/Police</i>	<i>SB: Pillar II (Municipal Representatives), Regional Returns Units, ORC, UNHCR Joint: MWG</i>	<i>Ongoing</i>
	<i>2.5 Individual and small group returns effectively and promptly served by mechanisms to support their sustainable return (including BPRM and UNHCR programs, and the RRRF), and responsibility for those mechanism is ultimately assumed by municipalities.</i>	<i>Inter-Ministerial Coordinator for Returns, Municipalities, UNHCR, UNDP, NGOs</i>	<i>SB: Pillar II (Municipal Representatives), Regional Returns Units, ORC Joint: MWG</i>	<i>Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>2.6 When there is resistance to return at municipal or local level, it is responded to promptly and eliminated through coordinated action (including dialogue).</i>	<i>Municipal authorities, Central authorities (OPM, Presidency, Assembly, Inter-Ministerial Coordinator for Returns, Political Parties), NGOs</i>	<i>ORC, SRSG, Pillar II (Municipal Representatives, Local Community Officers, Regional Representatives), Regional Returns Units, Pillar I/Police, UNHCR</i>	<i>Ongoing</i>
	<i>2.7 Community members accurately informed through established contact with relevant PISG officials about the prospect for return.</i>	<i>Municipalities</i>	<i>Pillar II (Municipal Representatives, Local Community Officers), Regional Returns Units, ORC, UNHCR</i>	<i>Ongoing</i>
	<i>2.8 Revised edition of the Manual for Sustainable Return is completed and distributed. Changes reflected in the revised Manual are implemented.</i>	<i>ORC, UNHCR, Inter-Ministerial Coordinator for Returns, NGOs</i>		<i>Manual completion: March 2004 Distribution and Implementation: April to June 2004</i>
	<i>2.9 Rate and location of returns and extent of demand closely monitored and reported in transparent manner, including information on ethnicity and gender of returnees.</i>	<i>Current: ORC, UNHCR Mid-term: OPM, PISG central returns structures</i>	<i>Pillar II, Advisory Office on GG, HRs, EO, and Gender</i>	<i>Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	2.10 Information database regarding displaced population, demand within displaced population, and level of returns is improved.	<i>Current:</i> UNHCR, ORC, HPD <i>Mid-term:</i> PISG central returns structures	IDP Associations, NGOs, Pillar II, Pillar III	December 2004 and ongoing.
3. Returnees to Kosovo are able to participate in the economy and job market without discrimination and limitations based on the freedom of movement.	3.1 Minority employment in both central and municipal levels of government, civil service, and public utilities in accordance with proportional ranges and with equitable distribution of ethnic communities in senior-level positions. Full implementation of Section 10 of Administrative Direction 2003/2 implementing UNMIK Regulation 2001/36 (Fair Representation in Civil Service), UNMIK Regulation 2001/19 and UNMIK Regulation 2001/36. Civil Service Law is strictly enforced in cases of discrimination and unethical conduct.	MPS, MFE, MLSW; Public utilities	Pillars II, III	Ongoing
	3.2 Continued inclusion of income generation components in concept papers supporting returns projects, and development of regional approaches to income generation.	Municipalities, NGOs	Pillars II, IV, ORC, UNHCR Joint: MWG	Ongoing
	3.3 Identify and remove barriers to the participation of community members in the economy and job market, including those obstacles deriving from gender-biased procedures, practices and behavior. Ensure returnee and IDP participation in vocational/professional training and programs, promoting a gender-sensitive approach.	Municipalities	Pillars II, IV, ORC, UNHCR, Advisory Office on GG, HRs, EO, and Gender (OPM)	Ongoing
4. Health care, social services, education and public utilities are available to returnees on a level equal to that of the rest of the	4.1 Ministries develop and implement centrally coordinated measures/policies to improve communities' access to essential services.	MPS, MLSW, MEST, MH, OPM, Municipalities	Pillars II, III, ORC	Summer 2004 Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
<i>population.</i>	4.2 Education in one's own mother tongue is made available throughout Kosovo to communities that meet the criteria and the desire for such education has been expressed.	MEST	Pillars II, III	Summer 2005 Ongoing
	4.3 Minority students are able to attend mixed or shared schools.	MEST	Pillar II	Summer 2005 Ongoing
	4.4 All schools offer teaching of minority language courses where sufficient demand exists, including qualified teachers and textbooks in minority languages.	MEST	Pillar II	Summer 2005 Ongoing
	4.5 Administrative Direction on past public utilities debt relating to properties of displaced persons has been adopted and implemented.	Pillar IV, KEK	Pillar II, III, IV, ORC, OLA	March 2004 and ongoing
	4.6 Connection and supply of public utilities to returnees is provided efficiently and without discrimination.	Pillar IV, KEK	Pillar II, III, IV, ORC, OLA	June 2004, and ongoing
	4.7 Monitor returnee access to social services, education and public utilities, using a gender-sensitive approach, and ensure that all barriers preventing the equal access to services are effectively removed.	OPM, MPS, MLSW, MEST, MH, Advisory Office on GG, HRs, EO, and Gender	Pillar II, III, ORC	Summer 2004 Ongoing
	4.8 Implementation of actions undertaken to dismantle, or integrate into PISG structures, parallel structures for the provision of services according to the implementation plan on Functioning Democratic Institutions.	See Implementation Plan on Functioning Democratic Institutions	See Implementation Plan on Functioning Democratic Institutions	See Implementation Plan on Functioning Democratic Institutions
5. Returnees face no greater risk of violence than the population as a whole, and police and the judiciary respond promptly and without discrimination to crimes, irrespective of the ethnic background of the victim.	5.1 Development of crime prevention councils in municipalities with significant inter-ethnic population or potential returns and effective implementation of these councils.	Pillar II and Municipalities, Pillar I/Police		October 2004 Ongoing
	5.2 Meet standards relating to security within the transition strategy towards professional, impartial and multiethnic KPS.	Pillar I/Police, Pillar I		Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>5.3 Political leaders at all levels publicly encourage all Kosovans to cooperate with police in solving all crime, including inter-ethnic crime.</i>	<i>PISG/Municipal authorities</i>	<i>Pillar I/Police</i>	<i>Ongoing</i>
	<i>5.4 In addition to what may be accomplished through regular operational activities, increase public confidence in police through community policing, proactive public information strategy and better public understanding.</i>	<i>Pillar I/Police</i>	<i>OPM, Kosovo Assembly</i>	<i>Ongoing</i>
	<i>5.5 Judiciary provides high-level of rights protection, including equal access to justice and adherence to fair trial standards for communities and effective enforcement of laws relating to ethnic discrimination. (See Rule of Law Implementation Plan)</i>	<i>Pillar I/Judiciary, Pillar I</i>	<i>Pillar III</i>	<i>Ongoing</i>
	<i>5.6 Community members are able to travel without restriction or escort as a result of improved security environment through community policing, visible support by PISG and access to safe transportation (as per 16.1 below).</i>	<i>Pillar I/Police, All PISG</i>	<i>Pillar II</i>	<i>Ongoing</i>
<i>6. Funding is allocated from the KCB to support returns projects and smaller communities.</i>	<i>6.1 Sufficient funding regularly allocated from KCB to support returns projects and communities, including the earmarking of funds to support municipalities constructively engaged in returns projects and minority integration,</i>	<i>MFE, OPM, Kosovo Assembly</i>	<i>Pillars II, IV, ORC, UNHCR</i>	<i>Ongoing</i>
	<i>6.2 Funding is distributed fairly to address returns priorities, and projects funded through Kosovo budget are implemented effectively.</i>	<i>Current: ORC for RCG List and RRRF; Municipalities for MCF Future: Central Returns Structures, Municipalities</i>	<i>Pillar II, UNHCR</i>	<i>Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
<i>7. Visible support of the returns process by community leaders and public information and education efforts supported by the PISG create a climate of tolerance and support for the right to return.</i>	<i>7.1 PISG developed and funded public information campaigns and initiatives in support of minority rights, multi-ethnicity and tolerance, including a gender perspective, and initiatives at municipal level, are implemented.</i>	<i>OPM, Advisory Office on GG, HRs, EO, and Gender, Ministries, Municipalities</i>	<i>DPI, Pillars II, III, ORC, UNHCR</i>	<i>July 2004 – Ongoing</i>
	<i>7.2 UNMIK supported information campaign developed and implemented, including component involving local NGO initiatives in municipalities.</i>	<i>ORC, DPI</i>	<i>PISG, III, UNHCR</i>	<i>January-December 2004 Ongoing</i>
	<i>7.3 Visible support by majority community leaders at all levels, including positive regular public declarations enhancing minority rights, and encouraging returns as well as visits to community areas and returns sites.</i>	<i>Ministries, Municipalities, party leaders, OPM</i>	<i>Pillars II, III, ORC, DPI, UNHCR</i>	<i>Ongoing</i>
	<i>7.4 Visible engagement by PISG officials from all parties and both executive and legislative branches.</i>	<i>Ministries, Municipalities, party leaders, OPM</i>	<i>Pillar II, ORC, DPI, UNHCR</i>	<i>Ongoing</i>
	<i>7.5 Relevant PISG authorities in direct contact with the IDP community and its representatives, including through involvement in ‘Go-and See Visits’ and ‘Go-and-Inform Visits’ and through producing public information for the displaced.</i>	<i>Municipalities, relevant Ministries, OPM, Inter-Ministerial Coordinator for Returns, Government offices</i>	<i>Pillar II, ORC, UNHCR</i>	<i>Ongoing</i>
	<i>7.6 Successful central-level intervention in cases where municipal authorities or community leaders are obstructing the process, which leads to a removal of the obstruction or resolution of the dispute and successful advancement in the process.</i>	<i>OPM, party leaders, Ministries, Inter-Ministerial Coordinator for Returns, Municipalities</i>	<i>Pillar II, ORC, UNHCR</i>	<i>Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>7.7 Civil society engagement in and support for returns and integration projects are supported by PISG and that support extends to all qualified NGOs without discrimination.</i>	<i>OPM, Ministries, Municipalities, NGOs</i>	<i>Pillars II, III, ORC, UNHCR</i>	<i>Ongoing</i>
	<i>7.8 Civic instruction on coexistence and tolerance in mixed communities is increased and systemized in all schools.</i>	<i>OPM, Ministries, Municipalities, NGOs</i>	<i>Pillars III, II, ORC</i>	<i>Ongoing</i>
<i>8. PISG support for returns, including financial assistance, is distributed equitably to all communities.</i>	<i>8.1 Reporting on spending (both distribution and utilization) is reviewed to ensure equitable distribution of funds to all communities, consistent with size of community, needs of community members, and demand for return.</i>	<i>ORC, Inter-Ministerial Coordinator for Returns, MFE, OPM</i>	<i>Pillars II, IV, UNHCR</i>	<i>Ongoing</i>

2. RIGHTS OF COMMUNITIES

Standard	Action	Responsible Authority	Supported By	Timeline
<i>9. The laws of Kosovo provide a full range of protection for human rights and the rights of communities and their members, consistent with European standards.</i>	<i>9.1 International human rights standards, including standards relating to the rights of women and children, are incorporated into domestic legislation, including issuances and directives of the Kosovo Assembly, Ministries, and Municipalities whenever necessary, and all such legislation is implemented effectively and without discrimination.</i>	<i>Kosovo Assembly, Ministries, Municipalities, OPM, Advisory Office on GG, HRs, EO, and Gender</i>	<i>Pillars III, I, II, ORC, OLA, UNHCR</i>	<i>Ongoing</i>
	<i>9.2 Anti-Discrimination Law (ADL) consistent with European Union Directives and international standards endorsed by Kosovo Assembly for promulgation by SRSG. (Endorsed on 19.02.04)</i>	<i>Kosovo Assembly</i>	<i>Pillars III, I, II, ORC, OLA</i>	<i>15.02.04</i>
	<i>9.3 PISG endorses for promulgation regulations and administrative instructions to implement the Anti-Discrimination Law effectively.</i>	<i>Relevant Ministries</i>	<i>Pillars III, I, II, ORC, OLA</i>	<i>30.04.04 Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	9.4 Endorsement and implementation of Equal Opportunity Laws consistent with European Union Directives and international standards adopted by Kosovo Assembly, including implementation of Administrative Instruction NR MSHR/DCSA 2003/12, which establishes Equal Opportunity Officers and instructions to act without discrimination.	Kosovo Assembly, OPM	Pillars III, I, II, ORC, OLA	30.06.04 Ongoing
	9.5 Legislation at municipal and central level include vital interest clause that provides special provisions in the protection of immutable rights of communities.	Kosovo Assembly, Municipalities	Pillars II, I, III, ORC, OLA	Fall 2004 Ongoing
	9.6 Training on ADL provided to the judiciary and the legal community.	Pillar III (KJI)		Summer 2004 Ongoing
	9.7 Effective public information campaign on ADL launched.	OPM, Office of Communities, Relevant Ministry or offices (see below)	DPI, Pillar II, III	Summer 2004 Ongoing
	9.8 Gaps identified and appropriate action taken by PISG to ensure ADL provides effective remedies and sanctions for discrimination.	Relevant Ministries, Municipalities, OPM	ORC, Pillar III, II, OLA, UNHCR	Ongoing
10. Kosovo participates in the Council of Europe implementation process for the Framework Convention for the Protection of National Minorities and fully implements recommendations resulting from that process.	10.1 Council of Europe, with support from PISG and UNMIK, includes Kosovo in monitoring process for Framework Convention.	Council of Europe	OLA, ORC, Pillar III	March 2004
	10.2 Appropriate PISG staff allocated and provided with the necessary resources to prepare the reports required under the Framework Convention.	OPM, Office of Communities, Relevant Ministry or offices (see below)	Pillar II, III, ORC	Ongoing
	10.3 All PISG structures cooperate with and provide the necessary data to the drafters of the implementation status report.	OPM, Ministries, Municipalities.	Pillar II, III, ORC	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	10.4 Reports are prepared and presented to the Advisory Committee in a timely fashion.	OPM, Office of Communities, Relevant Ministry or offices (see below)	ORC, Pillar III, II	Ongoing
	10.5 Recommendations of the Advisory Committee considering and commenting on the Report are considered and implemented.	OPM, Office of Communities, Relevant Ministry or offices (see below), Ministries, Municipalities	ORC, Pillar III, II	Ongoing
11. A comprehensive and effective structure is in place within the PISG to monitor compliance with human and community rights and to respond to violations.	11.1 Strategy regarding central structures relating to human rights and rights of communities and their members is developed by a committee established by OPM and include ORC, OCA, UNHCR, OSCE and OHCHR.	OPM, Advisory Office on GG, HRs, EO, and Gender, Ministries	OHCHR, ORC, EAR, UNHCR, Pillar II, III	Immediate to September 2004
	11.2 Agreed strategy for central human rights structures is implemented as per the recommendations of the committee above.	OPM, Ministries	Pillar II, III, OHCHR, ORC, EAR	April to September 2004 Ongoing
	11.3 Full implementation at central and municipal level of Ministry of Public Services AI 2003/12, Implementing AD 2003/2 and Regulation 2001/36. In particular, creation of Equal Opportunities Officer and drafting of EO policy statement and EO implementation policy.	Ministries and Municipalities	Pillar II, III	1st quarter 2004 Ongoing
	11.4 Offices within the PISG tasked with addressing human rights, minority rights and rights of women issues are staffed properly, trained and functioning effectively.	OPM, Ministries, Municipalities	Pillars II, III, ORC, UNHCR	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	<i>11.5 The reports and the recommendations of the Ombudsperson relating to minority rights and discrimination are taken into consideration and complied with by all PISG structures and municipalities.</i>	<i>OPM, Central structures responsible for human rights, all other PISG authorities</i>	<i>Pillar II</i>	<i>Ongoing</i>
	<i>11.6 Oversight boards are established and are functioning efficiently.</i>	<i>OPM, Ministries</i>	<i>Pillars II, III, ORC</i>	<i>Summer 2004 Ongoing</i>
<i>12. Mechanisms within municipalities responsible for protection of human and community rights (Municipal Community Offices, Municipal Assembly Communities and Mediation Committees) have adequate resources and staff, and are functioning effectively.</i>	<i>12.1 Municipalities ensure the creation and functioning of the Communities and Mediation Committees and offices.</i>	<i>Municipalities, MCOs</i>	<i>Pillar II (Municipal Representative, Local Community Officers, Pillar III, ORC, UNHCR</i>	<i>December 2004 Ongoing</i>
	<i>12.2 In cases where financial support for these entities is inadequate, appropriate resources are allocated promptly.</i>	<i>Municipalities, OPM, MFE</i>	<i>Pillars II, III, IV, ORC</i>	<i>December 2004 Ongoing</i>
	<i>12.3 In cases where the staffing is insufficient, recruitment procedures are initiated and completed promptly in line with proportional representation.</i>	<i>Municipalities</i>	<i>Pillar II</i>	<i>December 2004 Ongoing</i>
	<i>12.4 In cases of insufficient expertise the persons serving in the above institution are provided with adequate training</i>	<i>Municipal Presidents, Additional Deputy Presidents, CEOs, Community Representatives</i>	<i>Pillars II, III</i>	<i>December 2004 Ongoing</i>

Standard	Action	Responsible Authority	Supported By	Timeline
	12.5 Full implementation of Pillar II Administration Instructions on the working of Mediation and Communities Committees and Additional Deputy Presidents. Committees meeting regularly, have access to all municipal documents and offices, are well received by CEO and Municipal President and communities address them and participate in their work.	Municipal Presidents, Additional Deputy Presidents, CEOs, Community Representatives	Pillars II, III	Ongoing
	12.6 Municipal Community Offices fully constituted and supported by Municipal authorities leading to their ultimate integration into mainstream municipal structures.	Municipal Presidents, Additional Deputy Presidents, CEOs, Community Representatives	Pillars II, III	December 2004 Ongoing
13. There is fair distribution of municipal and ministerial resources to all communities.	13.1 The fair share financing requirements are met at all PISG levels. Quarterly reporting requirements regarding Fair Share Financing for Municipalities are met in line with Section 4.6 of Regulation 2003/41 on the 2004 Budget.	MFE, Ministries, Municipalities	Pillars II, IV, ORC	Ongoing
	13.2 KCB and Municipal budgets financing local groups' projects supporting returns, minority rights protection and tolerance building.	Municipalities, OPM	Pillars II, IV, ORC, UNHCR	Ongoing
14. The educational curriculum encourages tolerance and respect of the contributions of all communities to the history of Kosovo.	14.1 Primary and secondary school textbooks are developed as per European standards with tolerant use of language introduced based on recommendations of multi-ethnic Textbook Review Council to be established in accordance with UNMIK Regulation 2002/19.	MEST	Pillars II, III	Ongoing
	14.2 Existing school history textbooks are screened for their factual accuracy and use of language for removal of inflammatory material and reprint of revised history textbooks	MEST	Pillar II	April 2004 August 2004 for reprint

<i>Standard</i>	<i>Action</i>	<i>Responsible Authority</i>	<i>Supported By</i>	<i>Timeline</i>
	<i>14.3 Multi-ethnic curriculum is developed with specificities of communities' education addressed, new curriculum implemented and school textbooks reflect diversity and tolerance in accordance with Council of Europe standards.</i>	<i>MEST</i>	<i>Pillars II, III</i>	<i>Ongoing</i>

5. ECONOMY

“The legal framework for a sustainable, competitive market economy is in place and implemented. The minimum essential conditions are a legal and institutional basis which functions without discrimination against any individual or company; a regulatory system conducive to business that is capable of holding Government officials and the private sector accountable; a tax regime that sustains the essential functions of Government; and infrastructure that provides basic services and facilitates investment. The goal is to move Kosovo towards the achievement of European standards.”

Current Situation

Since 1999, substantial progress has been made to lay the foundations for a market economy in Kosovo. A stable macro-economic framework has mainly been achieved through the introduction of the Euro as the currency in use, and the inability for the Kosovo Budget to run a deficit. The establishment of the Banking and Payments Authority of Kosovo (BPK) has allowed for the development of sound banking and insurance supervision, a prerequisite for a stable emerging financial sector. Basic economic legislation has been put in place, and the tax system was built in a simple and transparent way that does not put a heavy burden on enterprises. Exports are duty free, the average import tariff of 10 % is low, and amendments promoting investment are discussed. Moreover, key infrastructure has been rehabilitated, both in social facilities (housing, education and health care) and general infrastructure (roads, railways, water, waste, and energy). Local institutions have readily and effectively taken up significant responsibilities in the economy sector. The violence of recent weeks has also created an urgent need for funds for rebuilding and rehabilitation.

Challenges Ahead

For the next 16 months, the main challenges are to further develop the legal and institutional framework, to attract foreign direct investment, and to overcome the structural deficits of the Kosovo economy. The “Standards for Kosovo” do not constitute a comprehensive economic development plan for Kosovo, but rather prioritise key areas for improvement in consolidating the legal and institutional basis for sustainable economic development. Considerable progress has been made in building the necessary legal structures and developing policy initiatives, however capacity for economic policy planning, implementation and action in these areas must be strengthened. Furthermore, Kosovo institutions must follow through on political commitments and quickly allocate appropriate KCB funds for the recovery efforts in the wake of violence in March 2004, as well as immediately undertake physical reconstruction efforts.

A key role of the international community is to support Kosovo’s progress towards European standards, with an emphasis on ensuring non-discriminatory policy development and implementation. Joint UNMIK-PISG activities, such as the creation of trade policy and the establishment of the joint Energy Office, will have to be in line with recommendations of international development institutions and the Constitutional Framework. Constructive

support from Kosovo's institutions in the areas of reserved authority to UNMIK will remain critical to ensuring progress.

Priority Actions

While many issues important for Kosovo's economic development fall outside the scope of the Economy Implementation Plan, the PISG must make complementary efforts in these areas, such as local economic development planning and job creation, in parallel with work on the Kosovo Standards. Enhancing public awareness of the complex economic issues involved in these areas will be key to build public support and enable Kosovo's institutions to move forward.

Future progress for Kosovo's economy is dependent on a number of developments, including necessary improvements in the investment climate through legislative and institutional efforts, as well as fiscal and budget policies favouring investment and supporting the private sector. Improvements in the provision of public utilities, particularly electricity, and development of the financial sector are also necessary.

Accordingly, priority responsibilities and actions for the PISG over the next 16 months lie in the following areas:

- Immediate action to **establish and implement the recovery and reconstruction fund** in the aftermath of the mid-March violence. The PISG's political commitment to allocate appropriate funds from the Kosovo Consolidated Budget must be translated into concrete actions, which not only reaffirm Kosovo leaders' condemnation of violence and physical destruction but also demonstrate a commitment to a multi-ethnic future.
- **Action plans** in the fields of (i) **economic legislation**, (ii) **institution building**, and (iii) **provision of statistics**, including adequate prioritising, to demonstrate an increased capacity of the PISG to plan and implement economic policy and legislation aimed at enhancing economic growth. Important elements include promoting private sector development and attracting foreign investment. UNMIK should assist in providing complementary legislation. The Implementation Plan emphasises the urgent development of action plans, which should be finalised after three months, with implementation starting thereafter.
- **Sound management of the budget process**, drawing on lessons learned from the KCB 2004 experience, will demonstrate the PISG's increased capacity to act in the crucial area of public finances management. The Implementation Plan outlines a series of important and measurable steps in handling the budget process, such as the development of an expenditure framework and sector spending plans.
- Efforts aimed at **proceeding with privatisation and the restructuring of POEs**, carried out by UNMIK under the reserved powers, include essential support actions by the PISG and should demonstrate the PISG's cooperative approach to economic development. The

Implementation Plan focuses on joint UNMIK-PISG responsibilities in the KTA Board, the joint Energy Office, and in resource allocation for public utilities.

- Actions geared towards the **strengthening of financial sector supervision**, revenue generation and tax compliance aim at demonstrating PISG commitment to a transparent and reliable fiscal regime. The Implementation Plan outlines concrete steps towards the establishment of independent staffing, procurement and review procedures.

5. ECONOMY

Standard	Action	Responsible Authority	Supported By	Timeline
<p>1. Basic economic legislation is in place and enforced</p>	<p>1.1 Presentation of inventory and action plan for new economic legislation, as well as adoption and implementation, in the transferred areas identified through consultation with IFIs, STM, taking into account European and international standards and norms including those on gender equality, and implementation capacities in Kosovo; including legislation on:</p> <ul style="list-style-type: none"> • Domestic Trade • Competition • Employment promotion • Intellectual property • Dangerous goods • Road traffic • Spatial planning (Also covered in Property Rights section) • Use of agricultural lands (Also covered in Property Rights section) 	PISG	OLA, PIV	May 2004 or sooner, and in accordance with time frames specified in the action plan
	<p>1.2 Presentation of an action plan for the remaining new economic legislation in the reserved areas, as well as adoption and implementation, identified through consultation with IFIs, STM, taking into account European and international standards and norms including those on gender equality, and implementation capacities in Kosovo; including legislation on:</p> <ul style="list-style-type: none"> • Transfer of SOE land right titles under liquidation (privatisation) • Railways • Civil Aviation 	PIV	OLA, PISG	May 2004 or sooner, and in accordance with time frames specified in the action plan

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>1.3 Completion of the fiscal legislative framework in cooperation with other development partners, including:</p> <ul style="list-style-type: none"> • Profit Tax to be extended to cover the presumptive taxpayers; and • the adoption of a new ‘tax administration and procedures’ law consolidating all previous tax administration laws • The adoption of a comprehensive personal income tax- introducing tax on income beyond wages 	MFE	PIV-FAO, OLA	December 2004
	<p>1.4 Achievement of access to international finance through:</p> <ul style="list-style-type: none"> • The creation of a legal base for loan agreements acceptable to IFIs (EIB and others); • The finalisation of agreements with these IFIs; • The development of institutional capacity to evaluate and handle investment projects and financing sources; and • The preparation of bankable projects for co-financing 	<p>PIV, OPM, MFE, Assembly</p> <p>PIV MFE, PIV</p> <p>MFE, KTA</p>	<p>OLA</p> <p>OLA, MFE PISG, PIV</p> <p>PISG, PIV</p>	<p>August 2004</p> <p>August 2004 Ongoing</p> <p>Ongoing</p>
	<p>1.5 Drafting and establishment of a regulatory framework for the energy sector, in accordance with the Athens Memorandum, and taking part in the regional energy regulatory body.</p>	PIV-CRU, PISG, Assembly Committee on Trade and Industry, OPM Energy Office	KTA, OLA, OPM	October 2004
	<p>1.6 Drafting and establishment of a regulatory framework for Mines and Minerals, aiming to have the Kosovo mining industry approach European standards where appropriate.</p>	PIV-CRU, OPM, MTC	KTA, OLA	January 2005
	<p>1.7 The drafting and promulgation of a Kosovo Tariff.¹</p>	UNMIK Customs	MFE, MTI, PIV	January 2005

¹ The schedule classifying traded goods for customs purposes, based on the EU Combined Nomenclature.

Standard	Action	Responsible Authority	Supported By	Timeline
2. Relevant Government institutions and services are functioning	2.1 Identification of existing and planned governance structures related to economic development, and development of an action plan for the development and implementation of their institutional capacity, including: <ul style="list-style-type: none"> • Ministries • Business Registry • Investment Promotion Agency • Anti-Corruption Agency • Vocational training centres 	PISG	PIV, KTA	July 2004, and in accordance with time frames specified in the action plan
	2.2 Development and implementation of an action plan to enhance the efficiency and flexibility of a competitive domestic market, in accordance with the Constitutional Framework with particular emphasis on: <ul style="list-style-type: none"> • a regulatory framework, • market incentives, and • an investment climate 	MTI, MFE	PIV	July 2004, and in accordance with time frames specified in the action plan
	2.3 Successful establishment of the Energy Office, including an energy information system and energy inspectorate.	OPM, PIV	PIV-CRU	June 2004
	2.4 Telecommunications Regulatory Authority (TRA) established, regulating commercial operators through licensing and carry through a tender for a new mobile phone operator.	MTC, TRA	PIV, CRU-KTA	Ongoing, licensing finished and tender carried out by early 2005
	2.5 Telecommunication Regulatory Authority and UNMIK Frequency Management Unit establish joint projects for frequency management and monitoring in Kosovo.	PIV-CRU, TRA	PISG	Ongoing
	2.6 Civil society institutions of all ethnic communities, including business associations, are involved in policy advice mechanisms, such as the Private Sector Advisory Group, Advisory Council on SMEs etc.	MTI, MFE	PISG	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	2.7 Continued efforts are made to address local economic development throughout Kosovo.	Municipalities	MLSW, MFE, MTI, PIV	Ongoing
	2.8 Recovery and reconstruction assistance , including allocation of funding from the KCB and active implementation of reconstruction efforts, is undertaken in an appropriate and timely manner.	MFE, OPM, MESP	PISG, PIV, ORC	March 2004 and ongoing
3. The budget process is functioning and meeting all legal requirements	3.1 The adoption of the Kosovo Consolidated Budget (KCB) 2005 and annual budgets thereafter in full compliance with fiscal and budget regulations and the Law on Public Financial Management and Accountability, satisfying all conditions for SRSG promulgation including sufficient attention to reserved areas, taking recommendations on IMF and other development partners into due account.	MFE	PIV-FAO, EFC, Budget Commission, Grants Commission, Assembly	December 2004, and ongoing
	3.2 Development of a Medium Term Expenditure Framework, including integration of the public investment plan, which is non-discriminatory and takes into account the priorities of the Government and reserved areas.	MFE, MTI	PIV-FAO, EFC	November 2004
	3.3 Improvement of sector spending plans and dialogue between the Ministry of Finance and Economy and other Budget agencies, with due consideration given to the priorities of women.	MFE	OPM, PIV-FAO	Ongoing
	3.4 Improvement of the implementation of the budget timetable to ensure timely presentation of the Mid-Year Review.	MFE	PIV-FAO, EFC	July 2004, 2005
	3.5 Allocation of surplus funds concentrates on investment needs, considering the needs of all Budget Organisations including the reserved areas.	MFE	PIV-FAO, EFC	April 2004, 2005
	3.6 Compliance with the Law on Public Financial Management and Accounting, and the Budget 2004 and 2005 Regulations, is monitored, with reporting following the timelines set out in this legislation.	MFE	PIV-FAO	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	3.7 Strengthening of public expenditure management in maintaining fiscal discipline and efficient allocation of resources	MFE	PIV-FAO	Ongoing
4. Economic statistics are available and regularly published, including on GDP, inflation, trade and unemployment	4.1 Identification of the present system and development and implementation of action plans for: <ul style="list-style-type: none"> • Collection and distribution of vital economic statistics with efforts to incorporate gender related data; • approximation of Kosovo's statistical system with European standards; • timely publication of economic statistics and their availability to the general public; • Regular publishing, including posting on the internet, of macroeconomic bulletins and other documents 	PISG PISG PISG MFE, OPM	PIV, BPK, Customs PIV PIV PIV	October 2004 Ongoing Ongoing July 2004
	4.2 Enhancement and strengthening of the capacity of the Statistical Office of Kosovo (SOK).	PISG	PIV	Ongoing
5. Privatisation and liquidation of SOEs are well advanced; Municipal authorities and relevant governmental structures support a	5.1 Continued progress in privatisation of SOEs, demonstrated through quarterly reports which include target numbers of SOEs to be privatised, and increased numbers of SOEs ready for tender.	KTA	PISG, PIV	March 2004 and ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
smooth and reliable transfer of property rights	5.2 Full support of the privatisation process by the PISG and KTA Board members, on the basis of the existing legal framework (add footnote: The KTA Regulation and the guidance provided by UN HQ), demonstrated by: <ul style="list-style-type: none"> • Agreement on legally and commercially sound Operating Policies; • Constructive approach of KTA Board members in the decision making process; • Public awareness campaign to improve media coverage of privatisation process and ensure public support, including role of the Special Chamber as an appeal mechanism for KTA related matters. 	KTA Board	PISG, PIV, PII	February 2004 Ongoing Ongoing
	5.3 Establishment and enforcement of KTA control over SOE's, including land and non-land assets, including assets usurped by municipalities and individuals.	PISG, Municipalities	KTA	Ongoing
	5.4 Achievement of smooth land property rights transfer to owners after privatisation.	Municipalities	KTA, PISG	Ongoing
6. Restructuring of POEs, based on independent audits, is progressing and fully backed by the PISG	6.1 Endorsement and implementation of an action plan on incorporation and restructuring of POEs, taking into account audit findings and ensuring non-discriminatory hiring practices.	KTA Board	PIV, PISG	December 2004 and in accordance with time frames specified in the action plan
	6.2 Full support, in line with legal requirements, for professional, effective, and apolitical governing structures of POEs	PISG	KTA, PIV	Ongoing
7. Supervision over commercial banking, insurance and pension scheme is reliable and effective.	6.3 Adequate and planned allocation of funds from KCB for successful restructuring.	PISG-MFE	KTA, PIV-FAO, SRSG, EFC	November 2004, and ongoing
	6.4 Commitment to restructuring process and sustainability of POEs is clearly demonstrated with a particular emphasis on POEs which have received significant donor support, such as KEK.	PISG, KTA Board	PIV	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	7.1 Strengthening and further development of financial sector supervision, including aspects supporting economic development, through the creation of: (a) a Credit Information System; (b) an Insurance Communication Platform; and (c) Non-cash Payment Methods, including electronic banking and electronic bill payment	BPK	MFE	October 2004
	7.2 Develop and implement early warning mechanisms to enable pre-emptive enforcement actions.	BPK	PISG	May 2004
	7.3 Integration of BPK into economic policy analysis, including management of monetary instruments to achieve economic objectives.	BPK	MFE	Ongoing
	7.4 Full commitment to the independent role and multiethnic composition of BPK, including appointments of apolitical independent representatives to the Governing Board of BPK.	PISG	PISG	Ongoing
	7.5 Fostering development of local financial markets to allow for an increasing amount of local savings to be invested in the Kosovo economy, without posing a threat to asset security.	BPK	PISG	Ongoing
	7.6 A review of the appointment procedure to the Kosovo Pension Savings Trust and of the reporting regime is undertaken.	BPK, KPST	PISG	June 2004
8. Kosovo-wide billings approach 100% of the services provided by KEK, PTK and water sector utilities and approach the levels of neighbours	8.1 Establishment of appropriate and non-discriminatory regulatory and judicial procedures to support bill collection by public utility service providers.	PI, MPS (DJA), PIV	KTA, PIV, PISG	January 2005
	8.2 Implementation of action plan with strong PISG participation for bill collection and enforcement (<i>revenue collection strategy</i>).	PISG, OPM	KTA, PIV	April 2004, and ongoing
	8.3 Broad public awareness campaign regarding importance of paying bills.	OPM, PISG	KTA	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	8.4 Non-discriminatory provision of services and treatment by public utilities providers.	KTA	PISG, PI, PII, ORC	Ongoing
9. Tax revenue fully funds the recurrent budget, and an increasing share of the public investment	9.1 Increased percentage of the KCB 2005 investment budget funded by tax revenues compared to KCB 2004.	MFE	PIV	December 2004
	9.2 Recurrent spending trend in line with recommendations of IMF and other development partners.	MFE	PIV, PISG	Ongoing
10. Tax compliance indicators are substantially improving.	10.1 Development of a system of measuring compliance indicators with Kosovo's taxes and customs duties complemented by detailed compliance estimates produced on a semi-annual basis.	PISG, MFE	PIV-FAO, PISG	July 2004
	10.2 Implementation of property tax and profits tax, in compliance with the European Convention on Human Rights (ECHR).	MFE	PIV-FAO	Ongoing
	10.3 Effective and functioning internal excise tax and enforcement regime in place.	Customs	PISG	December 2004, and ongoing
	10.4 Internal VAT system is operating and following the EU Directive on VAT.	MFE	Customs	July 2004, and ongoing
	10.5 The operation of VAT rebate system is reviewed and improved.	MFE	PIV	July 2004
11. Revenue raising is free from political influence	11.1 Multi-ethnic and increasingly professional Customs service in place, free from political interference, demonstrated through: <ul style="list-style-type: none"> • Monitoring of appraisals and reported performance of ethnic communities monitored for discrimination; • Non-interference by political institutions in matters relating to staffing and competencies 	Customs	PIV, PISG	December 2004

Standard	Action	Responsible Authority	Supported By	Timeline
	11.2 Multi-ethnic and professional Tax Administration in place, free from political interference, demonstrated through: <ul style="list-style-type: none"> • Opening of TA offices in all ethnic areas; • Employment of all ethnic communities in TA offices 	MFE	PIV-FAO	March 2004 onwards
	11.3 Fair and equitable implementation of the tax system across business sectors, regions of Kosovo and ethnic communities.	MFE	PIV-FAO	Ongoing
	11.4 Transparent and efficient procurement processes demonstrated through independent external audits performed on a regular basis.	MPS	PIV	Ongoing
	11.5 Regular publication of public accounts including POE's.	PISG	PIV-FAO, KTA	Ongoing
	11.6 Advertisement of Government procurement processes in all official languages.	PISG-MPS	PII, PIV	January 2004, and ongoing
	11.7 Measures undertaken by the Government to fight corruption and fraud.	PISG-OPM	PIV, PI	Ongoing
	11.8 Establishment of an independent Tax and Customs Review Tribunal, to act as a second level appeals tribunal against administrative actions and decisions bearing a fiscal impact by UNMIK Customs Service and the Tax Administration of Kosovo.	PISG-MFE	PIV, OLA	July 2004

GLOSSARY:

BPK	Banking and Payments Authority of Kosovo
EFC	Economic and Fiscal Council
EIB	European Investment Bank
GDP	Gross Domestic Product
IFI	International Financial Institution
IMF	International Monetary Fund
KEK	Kosovo Electric Company
KTA	Kosovo Trust Agency
MFE	Ministry of Finance and Economy

MPS	Ministry of Public Services (DJA: Department of Judicial Administration)
MTC:	Ministry of Transport and Communications
MTI	Ministry of Trade and Industry
OLA	Office of the Legal Adviser, UNMIK
OPM	Office of the Prime Minister, PISG
ORC	Office of Returns and Communities, UNMIK
PIV-FAO	Pillar IV- Fiscal Affairs Office
PIV-CRU	Pillar IV- Central Regulatory Unit
POEs	Publicly Owned Enterprises
PTK	Post and Telecommunications Kosovo
SMEs	Small and Medium Enterprises
SOEs	Socially Owned Enterprises

6. PROPERTY RIGHTS

“The fair enforcement of property rights is essential to encourage returns and the equal treatment of all ethnic communities. This requires that there is effective legislation in place, that there are effective property dispute resolution mechanisms; that rightful owners of residential, commercial and agricultural lands are able to take effective possession of their property and that there is an accurate system for transfer, encumbrance and registration of property as well as the prevention of coerced property sales.”

In general, the respect and protection of immovable (real) property rights are fundamental not only to enable returns and to protect the rights of all ethnic communities, but also to the economic development of Kosovo.² For individuals to build sustainable lives and for entities to build successful businesses, they need to be able to enjoy their property rights---or have secure tenure--over the immovable property they rightfully inhabit, use, possess or own.

Current Situation

Currently, immovable (real) property rights in Kosovo are not sufficiently respected or protected, though efforts have been undertaken both by UNMIK and the PISG to improve this situation. Until the process to reform the immovable property rights registry and cadastre, which has been slow and complex, is complete, Kosovo remains without a consolidated and relatively accurate basis for secure tenure and property transactions. Illegal use and occupation of residential and non-residential property not only has occurred in connection with recent events, but also remains widespread across Kosovo. These phenomena, as well as destruction and vandalism of real property, continue because enforcement of laws, remedies, and sanctions designed to prevent or remedy property rights infringements for various reasons do not function, are dysfunctional or are neglected. Informal settlements, inhabited by vulnerable communities, also continue to be threatened with permanent elimination or redevelopment that would prevent communities from remaining in or returning to those sites.

Challenges Ahead

For the PISG, in co-operation with UNMIK, to make substantial progress towards creating adequate respect and protection of property rights, particularly in the areas highlighted, four underlying challenges need to be confronted:

² This standard only applies to real property. See the Economy standards for issues relating to treatment of moveable assets or intellectual property

- Effective enforcement and training. Implementation and enforcement of the legal framework is critical to ensuring property rights are protected and laws are effective. Competent authorities need to aggressively implement and enforce the legal framework. Fundamental to achieving this goal is the thorough understanding of the law by governmental authorities, the courts, and the general public. Such needs are especially prominent in the areas of illegal occupation and use of property, spatial planning and jurisdiction differences of property-related institutions.
- Co-ordination and co-operation. Better co-ordination and co-operation amongst the varied actors responsible for different aspects of property rights is needed to promote effective enforcement and legal framework.
- Developing legal clarity and a strategic approach. In order to rationalise the complex and changing legal framework related to property—including a mix of reserved and transferred powers, and the varied central and municipal level competencies clarity and a strategic approach needs to be developed.
- Creating complete records. Incomplete and inaccurate records and information on real property present another key obstacle to the full enjoyment of property rights.

Priority Actions

To successfully meet the standard, the Implementation Plan ensures that for each area the actions assigned to the PISG, and support by UNMIK, tackle these challenges.

- Expert group: The Implementation Plan calls for the PISG to immediately develop and establish an expert group to bring key actors together to ensure coherence to property rights related laws and policies. This expert group is envisaged to be integrated into the actions throughout the Implementation Plan.
- Enforcement: The immediate, aggressive, and continuing non-discriminatory enforcement of laws, regulations and decisions preventing or sanctioning illegal occupation or use of property is another key action called for in the Implementation Plan. This will require the involvement of a variety of actors, including the municipalities, the courts, and the police.
- Evaluation and Action Plans: This expert group or other responsible authorities will evaluate the current situation and draft action plans over the next 9 months for legislative reforms, for reforms to ensure effective dispute resolution for agricultural and commercial land disputes, and for handover of HPD/HPCC files. In particular, to regularise informal settlements, short, medium, and long term strategies are envisioned.
- Completing the records: The Implementation Plan requires a series of actions to be completed by the beginning of 2005 to enable a complete and functioning immovable property rights registry by providing the required technical

resources, making efforts to secure access or the return of all relevant records and data and their subsequent integration into the registry, and integrating informal settlements into cadastral surveys.

Recognizing that, in achieving some of the standards set out in this plan, the PISG is required to make a good faith effort and take demonstrable action to seek cooperation with Belgrade, attainment of those standards should be measured taking into account these efforts.

Cultural Heritage

Current Situation

The recent attacks that resulted in serious damage to cultural and religious heritage sites have highlighted the need for the PISG to address the issue of preservation of cultural heritage in cooperation with all relevant stakeholders, as an expression of their renewed commitment to a multi-ethnic Kosovo. The current situation is a product, inter-alia, of a lack of tolerance between the communities generally and the lack of respect for the cultural heritage of the different communities in Kosovo, in particular. The failure by local authorities to take responsibility to promote respect for cultural heritage, and a lack of confidence and trust at the administrative and political levels, has hampered progress in the dialogue between the communities in Kosovo on cultural heritage issues.

Challenges Ahead:

For the PISG to achieve the objective of promoting respect for the cultural heritage of all communities in Kosovo and managing the protection, conservation and restoration of cultural heritage in an effective and fair manner, it will be necessary to address the following areas of concern:

- Political and Executive. The political and executive leadership of Kosovo must condemn acts of violence and destruction of cultural and religious sites, take steps for the reconstruction of the sites and take exemplary action against offenders.
- Education and awareness: In order to promote respect towards Kosovo's common cultural heritage, the PISG should issue a clear integrated conservation policy and education awareness campaign targeted at the general public and government officials.
- Developing legislation and policy: The current legislation needs to be replaced by a new law that meets European standards and provides effective protection and remedies. A clear policy setting out priorities and responsibilities in the conservation and preservation of cultural heritage needs to be developed.

- Capacity building: In order to effectively implement the law and policy relating to cultural heritage, the expertise of staff in heritage institutions needs to be further developed.
- Participation and confidence building: In order to respect and uphold the rights of the different communities in Kosovo, representatives of all communities should be included in cultural heritage institutions and should be consulted in relation to key issues concerning cultural heritage.

Priority Actions:

To successfully meet the standard, the Implementation Plan provides for the following responses to address these challenges:

- Restoration and reconstruction: The restoration and reconstruction of the damaged sites must be undertaken earnestly with the involvement of the affected communities and the owners of the properties.
- Education and Policy: In order to address the problems of indifference and lack of respect, the Implementation Plan provides that the PISG shall develop an integrated conservation approach, which shall then be disseminated to the general public, government officials, and heritage possessors via education and awareness campaigns.
- Drafting and implementing legislation: The Implementation Plans stipulates that the PISG shall, with the assistance of the Council of Europe and in consultation with all communities in Kosovo, draft and implement legislation on cultural heritage that meets European standards.
- Preparation of an Inventory and restoration of sites: The Implementation Plan calls for the preparation of an inventory of all cultural heritage sites in Kosovo, which shall be endorsed by a multi-ethnic commission.
- Enforcement: Immediate and continuing non-discriminatory enforcement of the laws, regulations and decisions, preventing or sanctioning unauthorised interference or destruction of built cultural heritage.

1. Property Rights

Standard	Action	Responsible Authority	Supported By	Timeline
1. Legislation is in place that is consistent with European standards.	1.1 PISG establish an expert group, including the municipalities and UNMIK agencies, to help co-ordinate development and effective implementation and enforcement of legislation related to the protection of property rights.	PISG (Government), Municipalities	Pillar I, Pillar II, Pillar III, Pillar IV (KTA), OLA	April 2004
	1.2 Compile inventory of central and municipal level real property rights related legislation currently in place and in the drafting process. Disseminate compendium of the active laws.	PISG (Government, Courts) Municipalities,	OLA, PISG (MESP, MAFRD, MPS), Pillar I (Justice) Pillar II (DAA) Pillar III, Pillar IV (KTA)	May 2004, with dissemination by September 2004

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>1.3 Based on the inventory in 1.2, complete assessment and action plan of legislative reform required to safeguard property rights, such as ownership, possession, occupancy and cultivation rights, to residential and non-residential property. This assessment and action plan should include reforms required to:</p> <ul style="list-style-type: none"> (a) address issues related to socially-owned property, (b) address land use, (c) ensure equal access to real property without discrimination on any ground and in full equality, including for women, complying with international human rights standards; (d) ensure the protection of unregistered real property rights or alternative tenure arrangements such as those required to enable the regularisation of informal settlements;³ (e) ensure effective remedies, sanctions, and accountability for infringements of property rights, such as unlawful destruction of property and illegal occupation and use. <p>[This will be done through expert body established in 1.1]</p>	PISG (Government), Municipalities	OLA, PISG (MESP, MAFRD, MPS), Pillar II, Pillar III, Pillar IV (KTA)	July 2004

³ Informal settlements are human settlements that do not enable inhabitants to enjoy their right to an adequate standard of living, particularly to adequate housing. As such, informal settlements may possess the following characteristics: (a) informal or insecure tenure over property; (b) inadequate access or deprivation of access to basic services; (c) inadequate or deprivation of participation in governance; (d) vulnerability to discrimination. Illegal constructions do not necessarily qualify as part of informal settlements, nor do government-sponsored housing.

Standard	Action	Responsible Authority	Supported By	Timeline
	1.4 Passage of relevant real property legislation according to action plan.	PISG (Assembly), Municipalities	OLA, PISG (MESP, MAFRD, MPS), Pillar II, Pillar III, Pillar IV (KTA)	Late 2005
	1.5 Implement and enforce real property legislation, consistently and with respect to human rights standards, such as due process, access to justice, and non-discrimination. This includes enforcement and remedy mechanisms required by law.	PISG (Courts), Ministries, Municipalities,	Pillar I (justice and Police), Pillar II, and Pillar III, Pillar IV (KTA)	Ongoing
	1.6 Complete adoption of and implement a non-discriminatory and gender-sensitive regulatory framework for spatial planning at central and municipal levels, which adequately takes into account regularisation of informal settlements and includes dealing with illegal constructions.	PISG (Government, MESP), Municipalities	PISG (All other ministries), Pillar II, OLA, Pillar IV (KTA)	End 2005 for adoption, Ongoing for implementation
	1.7 Establish surveying, valuation and compensation mechanisms to define the value of properties to enable property compensation in cases of property rights infringements by authorities.	PISG (Government, MESP, MPS/KCA, MAFRD, MFE)	Pillar II (DAA and HPD), Pillar IV (KTA)	Mid-2005 for establishment, ongoing for implementation
	1.8 Train and raise awareness of general public and governmental officials (central and municipal) on real property rights legislation, including a gender equality approach. (See also 2.5, 3.1, 6.6).	PISG, Municipalities	KJI, Pillar II, Pillar I, Pillar IV (KTA)	Ongoing
2. Illegal occupants have been evicted from properties and the property is returned to its rightful owner.	2.1 HPD administrative decisions and HPCC decisions enforced (see 5.1-5.4. below), and properties have been returned to the effective control of the rightful possessor.	Pillar II (HPD)	Municipalities, Pillar I (Police and Justice), PISG (Courts)	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
owner.	2.2 Municipal courts resolve claims and enforce decisions against illegal occupants not under HPD or HPCC jurisdiction, observing due process safeguards (See 3 below).	PISG (Courts)	Pillar I (Justice), KJI, Pillar II(HPD)	Ongoing
	2.3 Municipal authorities sanction and prevent illegal occupation and use of residential and non-residential property by enforcing regulations at their disposal without discrimination, such as those regulating construction.	Municipalities	PISG (MESP, MAFRD), Pillar II	Ongoing
	2.4 Public prosecutors and courts follow-up on and prosecute criminal cases related to illegal or unlawful occupation and use of property, as defined by the law.	PISG (Courts, Public Prosecutors)	Pillar I (Police and Justice)	Ongoing
	2.5 Within their competency, police proactively enforce trespass and other relevant laws related to illegal occupation and use of property.	Pillar I (Police and Justice)	Municipalities , Pillar II	Ongoing
	2.6 Develop, implement, and use in a non-discriminatory fashion social and alternative public housing schemes for those who are economically and socially vulnerable, including those evicted from residential properties and women.	Municipalities, PISG (MESP, MLSW)	Pillar II (incl. HPD)	November 2004 and ongoing
	2.7 Publicly speak out against illegal occupation and use of property and promote enforcement of relevant laws.	OPM, Municipalities , Political parties		April 2004 and ongoing
	2.8 Develop and implement public information campaign on consequences of illegal occupation and use of residential, agricultural and commercial property.	Municipalities, PISG (MESP, MAFRD)	OPM	June 2004 and ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
3. Municipal courts resolve property issues without discrimination against minority communities and do so at a rate comparable to European systems.	3.1 Design and implement effective training of municipal court judges on jurisdiction of property-related institutions.	PISG (Courts), KJI	Pillar I (Justice), Pillar II (HPD), Pillar III, Pillar IV (KTA)	May 2004 for design and ongoing
	3.2 Judgements for backlogged property-related cases issued. Judgments in all other property related cases in general are issued consistently and in a timely manner.	PISG (Courts)	PISG (MPS/DJA), Pillar I (Justice)	Ongoing
	3.3 Publish and disseminate laws and court decisions, including the creation of a decision/case law database (see also Functioning Democratic Institutions Standard, 16.14).	PISG (MPS/DJA)	PISG (Courts), Pillar I (Justice), Pillar II (Gazette)	Ongoing, April 2005 for creation of database
	3.4 Undertake assessment and then allocate adequate resources to adjudicate and enforce property-related cases.	PISG (MPS/DJA and Courts)	Pillar I (Police)	September 2004
	3.5 Municipal courts do not verify illegal sales.	PISG (Courts, MPS/KCA)	Pillar I (Justice), OLA	Ongoing
	3.6 Courts and public prosecutors follow-up on and prosecute criminal cases relating to property rights infringements, including related to property damage.	PISG (Courts, Public Prosecutors)	Pillar I (Police and Justice)	Ongoing
4. The Police enforce these decisions routinely and without discrimination.	4.1 Conclude inter-agency or other agreements required to enforce property related decisions of municipalities, HPD/CC, etc..	Pillar I (Police), Municipalities	Pillar I, Pillar II	Mid 2004
	4.2 Adequate police resources, including training, directed towards enforcing these decisions efficiently.	Pillar I (Police)		Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	4.3 Police establish other systems, such as those to monitor enforcement, collect statistics, and provide redress as required to ensure timely, non-discriminatory, ⁴ and gender-sensitive enforcement.	Pillar I (Police)	Pillar III (capacity building)	Ongoing
5. The HPD and the HPCC have effectively resolved their backlog of cases.	5.1 Adequate resources (funding—including KCB funds—and otherwise) allocated to HPD and HPCC.	PISG (Assembly)	Pillar II, O/SRSG	May 2004 and ongoing
	5.2 The relevant authorities throughout Kosovo co-operate and co-ordinate with the HPD/HPCC and respect the rights confirmed by HPCC decisions (including ownership and occupancy rights). In particular, the police provide HPD adequate support when the HPD is enforcing evictions.	Municipalities, PISG (Courts, MPS/DJA), Pillar I (Police)	Pillar II (HPD), Pillar I	July 2004 and ongoing
	5.3 Establish a claims notification system between HPD/HPCC and regular courts (See also 3 above).	PISG (MPS/DJA)	Pillar II (HPD)	July 2004 and ongoing
	5.4 HPD and HPCC complete adjudication of claims with respect to due process and in a non-discriminatory fashion.	Pillar II (HPD)		Early 2005
	5.5 HPD and HPCC implement their decisions with respect to due process and in a non-discriminatory fashion.	Pillar II (HPD)	Pillar I (Police)	End 2005
	5.6 Devise action plan for Kosovo institutions to accept the handover of HPD/HPCC files and properties under HPD administration.	Municipalities, Courts, MPS/KCA	Pillar I (Justice), Pillar II (HPD), Pillar IV (KTA)	January 2005

⁴ Throughout this standard, the term “non-discriminatory” refers to discrimination as defined in international conventions. Of particular interest, discrimination based on race, ethnicity, gender, property, religion.

Standard	Action	Responsible Authority	Supported By	Timeline
6. There is an effective system to remedy disputes over agricultural and commercial property.	6.1 Evaluate effectiveness of existing implementing and enforcement structures/mechanisms related to regulating use of agricultural and commercial property, including their compliance with European human rights and regulatory standards, especially related to non-discrimination and gender equality. Finalise and implement an action plan for strengthening them, including enacting necessary legislation.	PISG (Government, MESP, MPS (KCA), MAFRD, Municipalities, Courts, Assembly)	Pillar I (Police and Justice), Pillar IV (KTA)	May 2004 and continuing
	6.2 Enforce vigorously and without discrimination existing laws regulating unauthorized use, illegal occupation, and/or illegal cultivation of agricultural and commercial land, including remedies mechanisms (see also 2, 3,4).	Municipalities, PISG (Courts), Pillar I (Police)	Pillar II, PISG (MPS/DJA, MESP, MAFRD), Pillar IV (KTA)	Ongoing
	6.3 Municipal authorities, police, and courts coordinate amongst themselves as necessary.	Municipalities, PISG (MPS/DJA)	Pillar I (Police), Pillar II, Pillar IV (KTA)	May 2004 and ongoing
	6.4 Mediation bodies with guarantees to protect against discrimination on the basis of ethnicity, gender, etc, such as Mediation Committees, are used to resolve disputes and their decisions implemented accordingly (See also Rule of Law standard, 15.1 for establishment).	Municipalities, PISG (Courts)	Pillar II	Ongoing
7. A property rights registry has been established and is functioning and municipal cadastral surveys have been completed.	7.1 Compile inventory of subsidiary instruments required to implement the property rights registry system, including those required to ensure effective remedies and accountability mechanisms.	PISG (MPS (KCA))	PISG (MAFRD), OLA, Pillar IV (KTA)	April 2004
	7.2 Adopt and implement without discrimination required subsidiary instruments, ensuring that effective remedies (such as review and appeal) and accountability mechanisms are functioning. Disseminate to relevant authorities, such as Municipal Cadastral Offices (MCOs).	PISG (MPS(KCA))	OLA, Pillar IV (KTA), Pillar II	June 2004 and ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	7.3 Provide each Municipal Cadastral Offices (MCO) with adequate technical, human and physical resources to provide effective, transparent and non-discriminatory access to services to the public.	PISG (MPS(KCA), MFE)	Pillar II	August 2004 and ongoing
	7.4 Technical and legal training of Municipal Cadastral Offices and Kosovo Cadastral Agency staff established and running.	PISG (MPS(KCA))		Mid-2005 and ongoing
	7.5 Active requests undertaken to gain access to all relevant property records, including cadastral and judicial records, present outside Kosovo.	UNMIK, PISG	PISG (MPS/KCA)	May 2004 and ongoing
	7.6 Compare the newly accessed data from property records with those fully accessible and in use in Kosovo. In cooperation with UNMIK, establish criteria on determining the legal validity of any relevant changes and additions made to these records.	PISG (MPS/KCA), MCOs	OLA, Pillar II (HPD)	Early 2005 or upon gaining access to data
	7.7 Building upon existing records, design and undertake cadastral surveys—aerial and land—in a non-discriminatory and transparent manner which protects the property rights of all property right holders equally. This also requires the inclusion of informal settlements and unfinished constructions in municipal cadastral surveys.	PISG (MPS/KCA), MCOs	Pillar IV (KTA)?	Early-2005 and ongoing
8. Municipal authorities cease unlawful or unjustified attempts to develop public lands that have long-established informal	8.1 Municipal authorities actively consider alternatives to spatial planning options or expropriations which would impinge on informal settlements ⁵ and provide effective mechanisms for review and appeal of decisions.	Municipalities, PISG (Government)	PISG (MESP, MAFRD)	Ongoing

⁵ Informal settlements are human settlements that do not enable inhabitants to enjoy their right to an adequate standard of living, particularly to adequate housing. As such, informal settlements may possess the following characteristics: (a) informal or insecure tenure over property; (b) inadequate access or deprivation of access to basic services; (c) Inadequate or deprivation of participation in governance; (d) vulnerability to discrimination. Illegal constructions do not necessarily qualify as part of informal settlements, nor do government-sponsored housing.

Standard	Action	Responsible Authority	Supported By	Timeline
settlements by minority communities or other vulnerable groups.	8.2 When lawfully impinging on rights of inhabitants of informal settlements, municipalities provide compensation to inhabitants, including those who remain displaced, that is adequate, non-discriminatory, and not gender-biased and with the ability for reconsideration.	Municipalities, PISG (Government)	Pillar II	Ongoing
	8.3 Based on legislation and regulations, draft and implement spatial planning guidelines on how to take into account the presence of informal settlements and the rights of their inhabitants without discrimination, or any gender bias, and within accepted international standards.	PISG (MESP), Municipalities	PISG (MAFRD), Pillar III, OLA	October 2004 and ongoing
	8.4 Training for spatial planning and other relevant authorities instituted based on guidelines.	PISG (MESP)	Municipalities	Late 2004 to begin and ongoing
	8.5 Public recognition by central and municipal authorities that inhabitants of informal settlements are integral members of the community.	Municipalities, PISG	OPM, PISG (Assembly)	Ongoing
9. Informal settlements of vulnerable minority groups have been legalised and regularized.	9.1 Publicly commit to improving the conditions of informal settlements and speak out against those who seek to remove them.	OPM, Municipalities, Political parties		April 2004 and ongoing
	9.2 Constitute a multi-stake holder group to design and oversee the implementation of a Kosovo-wide medium and long-term strategy and action plan (including implementing legislation) on regularising informal settlements based on the assessment done in 9.3.	PISG (Government)	Municipalities, Pillar III, ORC	May 2004 and ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	9.3 Complete assessment of the current situation of informal settlements and their inhabitants for Kosovo with local and international experts and submit to the group established in 9.2.	PISG (MESP, Government), Municipalities	Pillar II, ORC, Pillar III (?)	December 2004
	9.4 PISG authorities in co-operation with UNMIK develop and implement short-term measures to facilitate current and displaced inhabitants of informal settlements to return to and live in their homes without discrimination. [These measures will support the medium and long-term strategy drafted in 9.2.]	PISG (MESP, MPS, MAFRD), Municipalities	ORC, OLA, Pillar III	Ongoing in the short-term (i.e. until medium term strategy implemented)
	9.5 Implement awareness raising campaign on benefits of integrating informal settlements into urban development plans and the mainstream community which will be targeted at both government officials and general public.	PISG (MESP)	Pillar II, ORC	October 2004 to begin, and continuous
	9.6 Pending formal regularisation of informal settlements, municipal authorities provide non-discriminatory access to essential services to their inhabitants.	Municipalities	Pillar II	Ongoing

1. Preservation of Cultural Heritage

Standard	Action	Responsible Authority	Supported By	Timeline
10. Kosovo's cultural heritage is respected as the common patrimony of all of Kosovo's ethnic, religious and linguistic communities.	1.1 Develop an integrated conservation policy, supported by the Council of Europe, to the preservation of cultural heritage, which includes architectural heritage, archaeological heritage, and moveable heritage. Such an approach should include action plans for education on, awareness raising about, restoration of, and conservation of cultural heritage in Kosovo.	PISG (MCYS)	Pillar II, CoE, PISG (MESP, MPS, MAFRD), Municipalities, UNESCO	June 2004

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>10.2 Develop and implement a general educational campaign and awareness raising strategy targeted at youth and school children. The strategy will focus on promoting the following concepts:</p> <ul style="list-style-type: none"> • That each item of the cultural and natural heritage is unique and that the disappearance of any one item constitutes a definite loss and an irreversible impoverishment of the heritage of Kosovo; • That cultural heritage is universal property, that should be enjoyed by all and protected so that it can be handed down to future generations; • That the study, knowledge and protection of the cultural and natural heritage in Kosovo is conducive to mutual understanding amongst communities in Kosovo.⁶ 	PISG (MCYS, MEST)	Pillar II, CoE, UNESCO	End 2004 and ongoing
	10.3 Develop and implement a specific awareness raising campaign targeted at government officials and owners/possessors of property holding cultural heritage.	PISG (MCYS)	Pillar II, CoE, UNESCO	End 2004 and ongoing
	10.4 Revision of school textbooks to incorporate Kosovo's contribution to world heritage through architectural and archeological heritage and remove any elements of communal hatred in the context of cultural heritage.	PISG (MEST), Municipalities	Pillar II, CoE	TBD by MEST
	10.5 Political leaders publicly encourage respect for the cultural heritage of Kosovo and condemn acts of vandalism, damage, or destruction to cultural heritage sites/items.	All PISG, Political Parties, Civil Society, Media		Ongoing

⁶ These concepts are derived from the UNESCO Recommendation Concerning the Protection at National level of the Cultural and Natural Heritage, UNESCO Document 17 C/107, 15 November 1972.

Standard	Action	Responsible Authority	Supported By	Timeline
<p>11. All communities are entitled to preserve, restore and protect sites important to their cultural, historical and religious heritage with the assistance of relevant authorities (PISG), in accordance with European standards.</p>	<p>11.1 Complete draft of and adopt the Law on Protection and Preservation of Cultural Heritage, with the participation of all of Kosovo's ethnic, religious and linguistic communities. This law shall set out the duty of the government to ensure that the cultural heritage of all communities receive appropriate preservation, conservation and protection in accordance with applicable international standards. (See 12.1 below as well).</p>	<p>PISG (MCYS), Assembly</p>	<p>Pillar II, OLA, CoE</p>	<p>October 2004</p>
	<p>11.2 Identify, prepare and implement subordinate legislation needed for the government to assist in effectively preserve cultural heritage sites and items of all communities. This legislation should set out the responsibility of government institutions and municipalities to facilitate the right of communities in Kosovo to have sites of fundamental importance to their cultural, historical and religious [sacred] heritage preserved, restored and protected. (See Property Rights, 1.4 and 1.5; and 12.1 below).</p>	<p>PISG (MCYS, MESP, MAFRD) Municipalities,</p>	<p>Pillar II, OLA</p>	<p>End 2004</p>
	<p>11.3 Establish mechanisms mandated by the laws, passed in 2.1 and 2.2, including those providing remedies (such as those for review and appeal mechanisms)</p>	<p>PISG (MCYS), Institutes for the Protection of Monuments, Institute of Archaeology</p>	<p>Pillar II, CoE, Municipalities</p>	<p>Mid 2005</p>

Standard	Action	Responsible Authority	Supported By	Timeline
	11.4 Prepare an inventory of heritage sites, which shall take into consideration all sites of fundamental importance to cultural, historical and religious [sacred] heritage of all communities in Kosovo. The inventory shall be endorsed by a multi-ethnic commission, which is mandated by the law in 2.1, and shall hear appeals against decisions to exclude sites from the inventory.	PISG (MCYS), Institutes for the Protection of Monuments, Institute of Archaeology,	Pillar II, CoE, Municipalities, UNESCO	Mid 2005
	11.5. Develop a policy regarding the allocation of funding within the available budget to support the preservation of cultural heritage sites.	PISG (MCYS), Municipalities,	Pillar II, Donors, NGOs	March 2004
	11.6 PISG actively facilitates, in cooperation with the property owners, the reconstruction of cultural , religious and historical monuments and sites of all communities in the territory of Kosovo, which are intentionally damaged or destroyed during and after armed conflicts.	PISG (MCYS), Institutes for the Protection of Monuments	Pillar II, CoE, UNESCO	April 2004 onwards
	11.7 Ensure that the legislative, quasi-legislative and executive actions of the central PISG institutions and of the municipalities, relating to spatial planning and urbanism, are consistent with the concepts of protection of cultural heritage, as outlined above (See also Property Rights, 1.5)	PISG (MESP), Municipalities	PISG (MCYS, MAFRD)	Mid-2005
	11.8 Implement a capacity building programme on the legislation and policy for (a) staff and heritage experts in Institutes for the Protection of Monuments (IPMs), archaeological institutions, museums, and other related heritage institutions, and (b) municipal authorities.	MCYS, Institutes for the Protection of Monuments, Institute of Archaeology Municipalities	Pillar II, CoE, UNESCO	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	11.9 Include all communities in the cultural heritage division of the Department of Culture, IPMs, archaeological institutions, museums, and other related heritage institutions.	MCYS, Institutes for the Protection of Monuments, Institute of Archaeology	Pillar II	End 2004
	11.10 Law enforcement agencies, working with communities, provide protection required to ensure cultural heritage sites are protected adequately.	Pillar I (Police)	Municipalities, Pillar II	
12. There shall be neither discrimination nor preferential treatment of cultural heritage properties of any community.	12.1 Relevant authorities shall ensure that all persons and communities in Kosovo shall have equal access to the law on cultural heritage, and that there shall be no discrimination in the application of the law.	PISG (MCYS, Assembly)	Pillar II, OLA, CoE	
	12.2 Adequate remedies (including review and appeal mechanisms) and sanctions against discrimination or preferential treatment are provided for in the legal framework related to the preservation of cultural heritage sites and items (See 2.1 and 2.2 above).	PISG (MCYS, Assembly), Municipalities	Pillar I, Pillar II,	End 2004
	12.3. Mandated remedies and sanctions should be implemented and enforced effectively by central and municipal authorities, the police and courts without discrimination.	Municipalities, PISG (Courts), Pillar I (Police)	Pillar I, Pillar II	Mid-2005
	12.4 Develop policies and guidelines on non-discrimination in relation to cultural heritage (see also Rule of Law standard).	PISG (MCYS), Institutes for the Protection of Monuments, Institute of Archaeology, Municipalities	Pillar II, UNESCO	Late 2004

Standard	Action	Responsible Authority	Supported By	Timeline
	12.4 Municipal and central authorities prevent and not engage in arbitrary or discriminatory expropriations of property which holds cultural heritage.	Municipalities, PISG (MPS)	Pillar II , CoE, UNESCO	Ongoing
	12.5 Intentional destruction and vandalism of cultural heritage sites or items are investigated effectively and sanctioned in accordance with the law.	Pillar I (Police), PISG (Courts, MCYS)	Pillar I, Pillar II, OLA	Ongoing

Glossary of terms:

CoE	Council of Europe
HPCC	Housing and Property Claims Commission
HPD	Housing and Property Directorate
KJI	Kosovo Judicial Institute
KTA	Kosovo Trust Agency
MAFRD	Ministry of Agriculture, Forestry, and Rural Development
MCYS	Ministry of Culture, Youth and Sports
MESP	Ministry of Environment and Spatial Planning
MEST	Ministry of Education, Science and Technology
MLSW	Ministry of Labour and Social Welfare
MPS	Ministry of Public Services
DJA	Department of Judicial Administration
KCA	Kosovo Cadastral Agency
MCOs	Municipal Cadastral Offices
OLA	Office of The Legal Advisor
OPM	Office of the Prime Minister
ORC	Office of Returns and Communities
O/SRSG	Office of the SRSG

PM Prime Minister
SRSG Special Representative of the Secretary General
UNESCO United Nations Educational, Scientific and Cultural Organisation

7. DIALOGUE

“There is a constructive and continuing dialogue between the PISG and their counterparts in Belgrade over practical issues. Kosovo’s cooperation within the region is developed.”

Current Situation

In the wake of the mid-2003 EU Summit, the Dialogue was launched at a plenary meeting in Vienna on 14 October 2003, which set up initially four Working Groups. The first two Working Groups met in Pristina on 4 and 9 March 2004 respectively. Further meetings are planned of these two and the other two Working groups in Pristina and Belgrade. In the light of the violence of 17-20 March, Direct Dialogue remains important to overcome mutual mistrust and resolve practical issues.

Challenges Ahead

The main challenge is to restart the dialogue. The violence of 17-20 March has inevitably destroyed trust. But it remains important for Belgrade and Pristina to talk to another, both to rebuild trust and to address once more a series of issues where progress will benefit the populations of both sides. The constructive cooperation of the government of Serbia and Montenegro is essential.

Priority Actions

- The PISG should reaffirm commitment to engage, with UNMIK’s support, in a constructive, serious, and continuing dialogue with their counterparts in Belgrade on pre-agreed, basic, technical issues of practical significance to both sides.
- The Working Group meetings should be held on a regular basis in Pristina and Belgrade without obstruction. These meetings should constitute a confidence building measure as well as a demonstration of good will.
- Initially, four basic issues: Energy, Missing Persons, Returns, and Transportation & Telecommunications, will be handled by four Working Groups, consisting of delegations from Pristina and Belgrade.
- As the four initial Working Groups demonstrate tangible progress in their respective areas, additional Working Groups could be established by mutual consent of UNMIK, the PISG and the Belgrade authorities.

Regional Cooperation

Although UNMIK will retain the lead and responsibility for Kosovo’s regional relations, the PISG will gradually increase its functional involvement without challenging reserved competencies. The PISG should make substantive proposals and together with UNMIK

should constructively engage in bilateral and multilateral cooperation within the region in accordance with existing procedures for international cooperation

1. DIALOGUE

Standard	Action	Responsible Authority	Supported By	Timeline
1. Regular meetings of the working groups and all working groups are multi-ethnic.	1.1 Prime Minister, backed by President and Assembly issues clear political guidance on dialogue in a constructive spirit	PM, President, Assembly	OSRSG (OPA)	February 2004
	1.2 PISG and UNMIK compose their delegations to the initial four working groups for direct dialogue with Belgrade and coordinate the agenda, ensuring equitable representation of women	OSRSG, OPM, relevant ministries and UNMIK Pillars	OSRSG, OPM, relevant ministries and UNMIK Pillars	February 2004
	1.3 In the interest of confidence building and good will, WG meetings start in Pristina and Belgrade.	OSRSG, OPM, relevant ministries and UNMIK Pillars	OSRSG, OPM, relevant ministries and UNMIK Pillars	Ongoing from March 2004
2. Meetings take place in atmosphere of constructive cooperation, respecting the rules of procedure and utilizing available international expertise	2.1 PISG gathers local and international expertise (e.g. independent experts, working committees) on dialogue topics	PISG relevant ministries	OSRSG	Ongoing from February 2004
	2.2 Rules of Procedure and Terms of Reference are consistently adhered to	OPM/PISG	OSRSG (OLA)	Ongoing
	2.3 PISG continues participating in training activities on negotiation skills	OPM	Pillar III	Ongoing
3. The working groups make progress in resolving practical issues of mutual concern	3.1 Practical issues are addressed and resolved through dialogue, direct contact and correspondence on a regular and ongoing basis.	PISG Working Group members, all supporting structures of PISG	OSRSG, relevant Pillars	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	3.2 Pristina delegations to WGs act in good faith and make every effort to achieve tangible progress resulting in the conclusion of agreements	PISG Working Group members, all supporting structures of PISG	OSRSG, relevant Pillars	Ongoing
	3.3 Agreements are effectively and consistently implemented in good faith	PISG	UNMIK	Ongoing

2. REGIONAL COOPERATION

Standard	Action	Responsible Authority	Supported By	Timeline
4. Working arrangements are in place to provide advanced bilateral and multilateral regional cooperation in the fields of freedom of movement, trade and economy, police and justice, public administration, regional parliamentary exchanges	4.1 PISG elaborates concrete proposals for relevant bilateral and multilateral arrangements; Responsibility for foreign relations, including conclusion of international agreements, as all reserved competencies, remains the domain of UNMIK. Participation in bilateral and multilateral arrangements is in accordance with the respective areas of competence	PISG relevant ministries, OPM, Assembly	OSRSG, relevant Pillars	Ongoing
	4.2 Relevant EU-compatible legislation is put in place to allow for advanced cooperation in areas where competencies have been transferred	OPM, relevant ministries, Assembly	OSRSG, relevant Pillars	Ongoing
5. Participation in bilateral and multilateral arrangements to benefit stability in the region	5.1 UNMIK/PISG continue to participate in regular multilateral meetings of Stability Pact, EU Western Balkans Forum/Summit, etc., while promoting active participation by women	OSRSG, relevant Pillars, PISG relevant ministries,	OSRSG, relevant Pillars, PISG relevant ministries,	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	5.2 UNMIK/PISG continue to maintain bilateral relations with regional neighbors and hold regular working level meetings on relevant topics	OSRSG/relevant Pillars, PISG relevant ministries	OSRSG/relevant Pillars, PISG relevant ministries	Ongoing

GLOSSARY:

OPM Office of the Prime Minister
PM Prime Minister
OSRSG Office of the Special Representative of the UN Secretary-General
OPA Office of Political Affairs
OLA Office of Legal Affairs
PISG Provisional Institutions of Self-Government

8. THE KOSOVO PROTECTION CORPS

“The Kosovo Protection Corps (KPC) complies thoroughly with its mandate, as stated in the Constitutional Framework, as ‘a civilian emergency organisation, which carries out in Kosovo rapid disaster response tasks for public safety in times of emergency and humanitarian assistance.’ The KPC operates in a transparent, accountable, disciplined and professional manner and is representative of the entire population of Kosovo. The KPC is capable of enforcing discipline and is fully funded in a transparent way.”

Current Situation

The KPC has made progress in its development as a civilian emergency organisation. However, the bulk of this training has been confined to the more specialist units within its overall structure. They have, however, acquitted themselves well both on overseas training and in international competitions where the emphasis has been on fire fighting, search and rescue, and the provision of basic medical care. In addition, the KPC conducts, under international oversight, unexploded ordnance (UXO) and mine clearance operations. Over the past two years, the KPC has collaborated with other organizations to clear 20 out of 120 identified dangerous areas in Kosovo. Last year, the KPC collaborated with KFOR and various NGOs to locate and destroy over 4,000 items of unexploded ordinance and mines. The KPC has also deployed members in response to natural and manmade disasters. Notably, the KPC was involved in emergency responses to an earthquake in Gjilan/Gnjilane in April 2002 and a fire in the Kosovo Power Plant in July 2002. At various times, the KPC has also participated in a variety of emergency responses throughout Kosovo. During the recent violence from 17 – 20 March 2004, KPC members provided emergency relief services and, in some instances, served as static guards at the request of KFOR.

Challenges Ahead

Under the Constitutional Framework, the Kosovo Protection Corps (KPC) is being developed as a civilian emergency organisation that is capable of carrying out rapid disaster response tasks in Kosovo. To achieve this, the KPC needs to be well-trained and the organisation must develop its internal command and control structures in order to operate in a transparent, accountable, disciplined, and professional manner. In addition the KPC must actively seek to recruit and retain members of all ethnic communities within Kosovo as well as ensuring that KPC members who violate the KPC Disciplinary Code are disciplined in a fair and consistent manner. Furthermore it is important that funding for the KPC and internal decision-making processes are transparent.

Priority Actions

While the KPC has made progress, it is not yet fully developed. Certain areas require priority action:

- Steps must be taken to ensure that a greater number of KPC members receive specialist training.
- An objective evaluation of the KPC's command and control structures must occur, with particular scrutiny of the relationship between Headquarters KPC and the Protection Zone Headquarters.
- The KPC must devise and implement a strategy to recruit, integrate, and retain members of all communities present in Kosovo.
- Steps must be taken to acquire funding for training, equipment, and infrastructure.

Standard	Action	Responsible Authority	Supported By	Timeline
1. The KPC performs its mandated functions in full compliance with the rule of law.	1.1 All members of the KPC act in full conformity with UNMIK Regulation 1999/8, and respect that the KPC is a reserved power under the SRSG with KFOR providing day-to-day supervision.	KPC	O/KPCC KFOR	Ongoing
	1.2 The KPC demonstrates that it operates in accordance with commonly accepted European legal and professional standards. No member advocates a role for the KPC beyond that provided for in the Constitutional Framework.	KPC	O/KPCC KFOR	From Now
	1.3 All public office holders of the PISG actively endorse reduced KPC numbers in line with UNMIK Regulation 1999/8. Such office holders further endorse the participation of all Kosovo communities in the KPC and request the KPC's unqualified compliance with its legal mandate.	PISG	O/KPCC	From Now
	1.4 The KPC and its members do not participate in proscribed political activities, groups, or movements.	KPC	O/KPCC KFOR	Ongoing
	1.5 All KPC members exercise their duties in full conformity with the rule of law.	KPC	O/KPCC	Ongoing
	1.6 Nominated specialist units within the KPC receive ongoing emergency response training in areas such as Search and Rescue, Fire Fighting, De-Mining, Extrication Techniques, and Emergency Medicine.	KPC	O/KPCC	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	1.7 The KPC, in partnership with O/KPCC and KFOR, seeks to participate in training to help it fulfill its legal mandate.	KPC	O/KPCC KFOR	Ongoing
	1.8 The KPC uses the latest Kosovo Risk Assessment and Kosovo Emergency Preparedness Response Plan, in close coordination with other emergency services, to develop operational plans and standard operational procedures.	KPC	O/KPCC PISG	By Fall 2004
	1.9 The KPC conducts regular field training exercises to assess and enhance its emergency response capabilities.	KPC	O/KPCC KFOR	Ongoing
	1.10 Contingent upon additional funding, the KPC de-mining capacity is increased. KPC de-miners train other KPC members in de-mining techniques.	KPC	O/KPCC	From Now
	1.11 The KPC EOD teams are certified to international mine action standards.	O/KPCC KPC	O/KPCC	Annually
	1.12 The KPC develops the capacity to train its own members in the KPC's mandated core competencies.	KPC	O/KPCC	Ongoing
	1.13 The KPC conducts a review of all equipment to ensure its proportionate distribution unit-wise, and in accordance with the Kosovo Risk Assessment.	KPC	O/KPCC KFOR	By November 2004
	1.14 The KPC identifies equipment and other material necessary to carry out its mandated operations.	KPC	O/KPCC	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
2. All Kosovo communities are fully and fairly represented in the KPC without being subject to discrimination.	2.1 KPC ensures that no current or potential KPC member is discriminated against on account of his or her race, ethnicity, gender, or sexual orientation.	KPC	O/KPCC	From now
	2.2 All KPC members are required to be knowledgeable of and adhere to the anti-discrimination policy.	KPC	O/KPCC OGA	Ongoing
	2.3 KPC leadership takes steps to ensure compliance with the anti-discrimination policy.	KPC	O/KPCC OGA	From Now
	2.4 The KPC will begin a comprehensive, long-term campaign to recruit members of all ethnic communities and achieve gender balance.	KPC	O/KPCC PISG	From July 2004
3. Funding is transparent and independently audited.	3.1 Kosovo Consolidated Budget (KCB) for the KPC is delivered on time and is able to match the requirements of the KPC.	MFE	O/KPCC KPC	January of each year
	3.2 The KPC's portion of the KCB is audited annually.	Auditor General	O/KPCC KPC	As defined by AG
	3.3 International donors are sought to enable the KPC to carry out its mandated role through the purchase of mission- essential equipment.	KPC	O/KPCC	Ongoing
	3.4 KPC fully discloses the source and amount all donations that it receives, including but not limited to donations from "Friends of the KPC." The KPC specifies precisely how such funds are spent and submits to audits and/or inspections of its accounts as required.	KPC	O/KPCC	From Now
4. The number of KPC installations has been reduced by at least one third; contingent size is reduced to 3052 active members and 2000	4.1 Active element of the KPC is 3052	KPC	O/KPCC	Achieved
	4.2 Reserve element of the KPC is 2000.	KPC	O/KPCC	Achieved

Standard	Action	Responsible Authority	Supported By	Timeline
3052 active members and 2000 reserve members.	4.3 KPC sites will be reduced by at least one third, commensurate with the active and reserve strength of the KPC and in line with UNMIK Regulation 1999/8.	KPC	O/KPCC	By end 2004
5. All misconduct is punished, under a rigorous Disciplinary Code and Performance Review system.	5.1 KPC adheres to a disciplinary system, endorsed by JSEC, which complies strictly with the extant KPC Disciplinary Code	KPC	O/KPCC KFOR JSEC	Ongoing
	5.2 The procedure for reviewing non-compliance cases is reviewed to ensure that it is efficient, fair, and complies with international norms of due process. A revised review procedure is adopted and implemented.	O/KPCC KFOR JSEC KPC	OLA O/KPCC KFOR	By May 2004
	5.3 The substantive provisions of the KPC Disciplinary Code are reviewed.	O/KPCC KFOR KPC	O/KPCC KFOR JSEC	By July 2004
	5.4 Measures are implemented to ensure that disciplinary action against a KPC member is not taken in a discriminatory manner.	O/KPCC KFOR JSEC KPC	O/KPCC KFOR	Ongoing
	5.5 Revised and enhanced KPC Disciplinary Code is adopted.	O/KPCC KFOR JSEC KPC	OLA O/KPCC KFOR	August 2004
	5.6 KPC adopts and implements a Performance Review policy.	KPC	O/KPCC KFOR	By Fall 2004
6. The KPC has engaged in a comprehensive campaign to	6.1 KPC produces a written plan for a new campaign to recruit members of all ethnic communities.	KPC	O/KPCC	By June 2004

Standard	Action	Responsible Authority	Supported By	Timeline
comprehensive campaign to recruit in ethnic minority communities.	6.2 KPC secures posts for members of all ethnic communities in both its active and reserve components.	KPC	O/KPCC	Ongoing
	6.3 The KPC conducts a new Kosovo-wide recruitment campaign to recruit members of all ethnic communities.	KPC	O/KPCC	From July 2004
	6.4 In accordance with Regulation 1999/8, the KPC takes active steps to increase its smaller communities membership to 10 per cent of its total ranks. The KPC ensures that all its minority members participate meaningfully in KPC activities and that they are not discriminated against.	KPC	O/KPCC	Ongoing
7. The KPC has devoted a proportionate share of reconstruction activities to ethnic minority communities.	7.1 New reconstruction project plans in minority areas to be developed in conjunction with UNMIK ORCA and the PISG. Funding sought from donors and/or KCB. Reconstruction activities should not only include infrastructure repair, but also evacuation assistance, food distribution, firewood distribution, and other related activities.	KPC	O/KPCC ORCA IC Donors PISG	By June 2004
	7.2 Projects referenced in 7.1 are implemented and similar projects are developed on an ongoing basis.	KPC	O/KPCC IC Donors	From June 2004
8. A Terms of Service Law for active and reserve members of the KPC has been adopted and implemented.	8.1 Terms of Service Law is promulgated.	O/KPCC KPC	OLA	By June 2004
	8.2 The Terms of Service Law includes provisions to ensure gender balance and non-discrimination in accordance with international standards.	O/KPCC KPC	OLA OGA	By June 2004
	8.3 Implementing provisions promulgated and mechanisms for redress created as necessary.	O/KPCC KPC	OLA	From June 2004

GLOSSARY:

AG	Auditor-General
EOD	Explosive Ordinance Disposal
IC	International Community
JSEC	Joint Security Executive Committee
KCB	Kosovo Consolidated Budget
KFOR	NATO Kosovo Force
KPC	Kosovo Protection Corps
MFE	Ministry of Finance and Economy
OGA	UNMIK Office of Gender Affairs
O/KPCC	Office of the KPC Coordinator, UNMIK Office of PDSRSG
OLA	UNMIK Office of Legal Advisor
ORCA	UNMIK Office of Returns and Community Affairs
PISG	Provisional Institutions of Self-Government
SRSRSG	Special Representative of the Secretary General

