

DETAILS

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Property Rights An important Standard for Kosovo

By Zenun Pajaziti, PISG's Co-ordinator for the Standards

One of the most sensitive areas in Kosovo which faces various difficult problems, definitely remains the property area. We still have not managed to ensure a proper and legal protection of property rights. Adding this to other post conflict problems, such as the issues of privatization of social and public property, it becomes clear that protection of property rights is one of our most problematic issues.

The lack of a completed database on real estate makes the process of protecting property rights even more difficult. In this field, the Provisional Institutes for Self-Government (PISG) are engaged in advancing cadastral services, to ensure a solid base of property and real estate transactions.

The existing legal framework was not sufficient to entirely prevent the phenomena that have damaged citizen's property. In Kosovo there are some unofficial settlements inhabited by communities that feel endangered. Taking all these factors into considerations, the standard on the right of property focuses on the four most important elements:

- Implementation and effective capacity building;
- Co-ordination and co-operation;

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Pristina, Kosovo's capital / PhotoHasanSopa

- Development of laws and strategic approaches and
- Completion of a data base

One of the tasks of our institutions, as well as the international institutions here, is their engagement in preventing illegal possession or expropriation of property. Yet, we have already identified a number of tasks that come from the document of Standards and which need to be implemented by the Kosovo Assembly, the PISG, the Municipalities, the Courts, and numerous other actors.

The major part of the actions which need to be taken to protect property and the respect for the right to property are to be taken by the mechanisms that have the reserved power in Kosovo. The efforts of our institutions until now have not failed, but they were limited in taking necessary decisions. Sometimes there has been the impression that their role had more to do with the awareness of the citizens rather than taking concrete measures. The document for Standards will impose a better co-operation between PISG and UNMIK so that they do more in this direction. Initially a group of experts should be formed which would include both locals and internationals. The role of this group would be to help co-ordination, development and the implementation of laws that deal with the protection of the property

rights. We have already identified most of the laws that are foreseen in the Standards document, whereas the property right group will make sure that these laws go through the necessary procedures as soon as possible.

Property is a holy thing for the citizen. We should be able to ensure the protection of their rights.

This is not an easy thing to do at present, but it is a necessity. The PISG has focused its activities in this field and soon we will be able to see concrete results. But there is a necessity in our society for a broader engagement of all the relevant bodies and a better co-ordination among them. A proper approach as well as the progression of property rights in legal and institution terms, will help the development of a future democratic Kosovo. Let us all do our best.

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Let us all do our best.



Dear Details readers,

Property rights sounds like something that you do not need to care about—it is just about what is in international conventions. It is someone else’s problem. But you probably talk about and are frustrated about property rights all the time.

You probably talk with your family and friends about buying or owning a house or apartment to raise your family. Or maybe you want to start a business to support your family and need to get a mortgage on your property. Or you could be complaining to your friends that someone has built on your land illegally and you are not able to stop them. You could also be complaining that the roads, schools, or hospitals in your community are just not adequate. If you are then you are talking about property rights.

Property rights are about everyday living. They

are about your ability to own a home for your family, or to rent a shop to run a business, or to sow your crops without someone trying to put up a fuel station.

Using your property rights—your legal right to buy, sell, and use land and buildings—is a key engine of Kosovo’s economic development, or to its prosperity.

It is also important for the government to able to give you access to the services that you need and improve your standard of living. Municipal and central government authorities need property to build schools, hospitals, and roads, amongst other things.

But in Kosovo, property rights cannot be exercised fully. One reason is that the legal documents on who holds property rights—the immoveable property rights register—are incomplete, missing, or outdated. Another reason is that currently, the government is unable to effectively protect property rights from abuse, whether through the courts, police, or through municipal administrative structures.

As a result, people’s homes are illegally occupied, agricultural land is illegally cultivated or used for non-agricultural purposes, and people build wherever they want, without construction permits, meaning that there is a lot of illegal construction on other people’s land, and that infrastructure, like sewage, water, and electricity are overloaded. It also means that municipalities cannot plan economic development of the community, because they do not have clarity of who owns

property, nor can they depend on inhabitants to respect the decisions taken. Right now in Kosovo, there is a relative sense of impunity in relation to property rights.

In fact, property rights are also very important to enable returns and the reintegration of minority communities in Kosovo.

Improving your daily lives means improving property rights protection and promoting respect for property rights amongst you, your friends and neighbors, and the government. That is what the Property Rights/Cultural Heritage Standard and its Implementation Plan wants to help you and Kosovo to do.

The Standard and its implementation plan call for actions to ensure that there is an accurate immoveable property rights register, so you can easily and securely record and transfer your property rights. They also outline actions that the courts, the Housing and Property Directorate, municipal authorities and the police should take to combat illegal occupation, cultivation, and construction on land, as well as actions that municipal authorities can take to protect the property rights of those living in informal settlements.

In order for protection of your property rights to improve, the central and municipal government needs to work together. That is why the Property Rights/Cultural Heritage Standard mandates as its first action the establishment of an expert group on property issues in order to bring together all the agencies working on the property issues that matter to you everyday. To date, this group



Property Rights

has not met. The OSCE Mission in Kosovo calls upon the Provisional Institutions of Self-government to do so without delay.

But fulfilling the property rights standard is not only about what the government needs to do. It is also about what you—as a property right holder, or someone who wants to be a property right holder—must do. To move Kosovo into prosperity, each one of us must respect the other’s property rights. We must refrain from illegally occupying, using, cultivating or purchasing property. We must tell other to respect property rights; and participate in processes like spatial planning to make sure that our interests are protected.

*Sven Lindholm, Spokesperson,
OSCE Mission in Kosovo*

“The editors of Details wish to retract and apologize for a misleading photograph published in our April edition. The photo depicted a boy running with an Albanian flag in front of a burned house which the caption described as a Serb house. We have since learned that the house belonged to the family of the Albanian boy. The house was near a number of Serb houses that were also burned. The family has explained that it displayed the Albanian flag on the house in the hope of deterring further damage. We regret this error.”

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Homeless homeowners

12,000 cases of illegal occupation still unsolved



“You can’t even go and see the place where you were born and grew up” says Bekim Maxhuni, Mitrovicë/Mitrovica.
 Photo: Hasan Sopa/OSCE



“It is very difficult to stand outside your house and see people that you do not know, occupy your apartment” says Nebojša Kostić, Prishtinë/Prishtina; Photo: Hasan Sopa/OSCE

By Arni Snaevarr, OSCE

In the last five years, about 29,000 claims of illegal occupation of property have been registered at Kosovo’s Housing and Property Directorate (HPD), of which almost 60% have been successfully solved. Still, almost 12,000 cases remain unsolved which means that tens of thousands of people in Kosovo do not have access to their own property. They are homeowners without a home.

Of the 29,000 claims more than one thousand cases date back to the 1989-1999 period when property was bought and sold, though the transaction may have not been registered. But more than 27,000 are due to the 1998-1999 conflict. Although the HPD does not gather statistics on the ethnic breakdown of ownership, what is seemingly clear is that the vast majority of the newer cases involve Kosovo Serb and Roma property. Nevertheless this is not by any means a “minority issue” in Kosovo, but an issue that touches probably all ethnic groups. And all of these people suffer equally.

Watching other people in your flat

“It is very difficult to stand outside your house and see people who you do not know occupy your apartment,” says Nebojša Kostić, an engineer by trade. When he left Prishtinë / Prishtina in 1999 he had not yet moved into his brand new apartment in Dardania, built by the public construction company he worked for. “It was 95% finished, the parquet and bathroom equipment was already outside the building waiting to be installed.”

Soon after he returned back to Kosovo in late December 1999 he got KFOR to escort him to reclaim his apartment. He talked to the family living there who had recently occupied the place, standing in the doorway and asked them either to vacate the premises or buy the apartment. They promised to get back to him, but have not since. “I would like to go back but I can’t get a KFOR escort anymore” explains Nebojša Kostić.

Many people in Kosovo know Bekim Maxhuni, a professional basketball player, but

fewer know that he is among those thousands who are denied their basic rights – property rights. “Unfortunately I have an apartment in the northern part of Mitrovicë / Mitrovica” says Bekim. “I also have some land on that side but it suffered the same fate. I know who occupies my apartment but what does that matter.”

Bekim says he went to the HPD and filed a claim but had not yet received any answer. “No one has shown interest on this issue.”

When you can’t go see your birth-place

Nevertheless, for those who suffer from either their apartment being illegally occupied or one who occupies property illegally it is not primarily an abstract economic problem for the society as a whole or a financial burden, but an emotional one. “I have a roof above my head, but still I do not have it. Not to mention how you feel when you cannot even go and see the place where you were born and grew up. I do not know if you understand this.”

Asked about his feelings, Nebojša says: “It was more important to stay alive during the conflict than thinking about the flat.” Unfortunately Nebojša is no stranger to being a victim of ethnic violence since he had to escape from his apartment in the YU building in the Ulpiana area of Prishtinë / Prishtina during the March riots.

“The biggest problem is that suddenly you realize you have lost everything” explains Bekim. “You are no longer able to access your property which ownership you can legally prove. Then no one seems to think about the long-term consequences. Who is going to assess the damage that was done during this time, or compensate for it? What happens to accumulated bills, be it electricity, telephone, utilities? I do not quite believe someone takes care of this.”

Nebojša has still not lost hope of reclaiming his apartment. “I am not giving up.” Still he is clearly not very optimistic that a quick solution will be found and neither is Bekim: “As times passes hope diminishes.”



The 'right to the city' of the Roma Mahala

By Jose Maria Arraiza, OSCE

On the ground, little has changed. Five years after the old Roma neighbourhood of Mitrovicë/Mitrovica was looted and burnt, the Roma Mahala remains like some nightmare ghost town just a few meters away from the main bridge. Viewed from the northern side of the river Ibër/Ibar, the skeletons of its houses lie in perfect disorder. The walls have been ripped off its bricks little by little. Grass has grown high in the piles of mud and rubble and black birds look for something to eat in what used to be the lively streets of the largest Roma informal settlement in Kosovo.

This ghastly landscape, hidden from the main streets of Mitrovicë/Mitrovica and in general the attention of local and international media, makes it hard to imagine how was the life of the hundreds of families that used to live there. It sure must have been a pretty busy neighbourhood. And apparently, relations with their neighbours may not have been too bad.

During the last "Go and See Visit" organised by UNHCR and the Danish Refugee Council (DRC), a group of elders displaced from the neighbourhood were warmly welcomed by the municipal officials. "Will there be brotherhood between our communities if we come back?" an old Roma asked the municipal vice-president. Even more straightforward: "will we have jobs, doctors, schools for our children, will it be safe?"

These questions have added weight to the already heavy headache of sorting out who lived where and who owned what in an area where houses were sold and inherited informally for decades, and public land was openly occupied and no urban plan was ever drawn.

The poverty of the IDPs

While DRC and the Municipality re-think the Mahala, the current living conditions of the IDPs are not so good either. A visit to the IDP camps of Žitkovac/Zhitkoc (Zvečan/Zvečan), Cesmin Lug (Mitrovicë/Mitrovica) or Leposavić/Leposaviq is like entering into another world. Not only a different cultural dimension, but entering also a space of dire poverty. In the barracks, hundreds of families live in harrowing conditions. Ventilation is poor, space is limited, and access to employment, schooling and health is dwindling. They receive local and international visitors with a touch of suspicion. UNMIK, including the OSCE, UNHCR, HPD and



Darkness on the edge of town. This ghastly landscape makes it hard to imagine how was the life of the hundreds of families that used to live in "Fabricka Street" before the war.
Photo: Hjortur Sverrisson/OSCE

a myriad of NGOs have visited them during the past five years to listen to their concerns and discuss different solutions to their problems.

In general, the different international actors have difficulties in transmitting to the Roma leaders their mandates and responsibilities. The Roma – logically – often expect assistance from institutions and agencies which do not have the mandate to do so. And when they don't get it, frustration and mistrust comes.

In this regard, the recent looting and burning of the Ashkali neighbourhood of Vushtrri/Vučitrn has further deteriorated the situation. The IDPs that visited the Mahala in June were very aware of what had happened. Back in March, the Ashkalis of Vushtrri/Vučitrn saw with astonishment how their neighbourhood went up in flames for the second time in five years. In their place of refuge – the French KFOR base of Novo Selo – they demanded asylum in a Western country as the only possible option to once again rebuild their lives. They even went on hunger strike to stress their demand. Fortunately, though no asylum was granted, the hunger strike ended.

The right to adequate housing

Thus, it is difficult for the government and the international community in Kosovo to gain the trust of the Roma, Ashkali and Egyptian inhabitants. But there are ongoing initiatives to promote

and protect their rights. Last year, the OSCE Mission in Kosovo, in co-operation with OSCE Mission in Bosnia and Herzegovina, organised a Regional Working Roundtable on Formalising Informal Settlements of Roma and other vulnerable groups (See: "Formalizing informal settlements will enhance human rights", page 7). Roma representatives, NGOs, donors, governments, and international organisations discussed different ways in which to protect the right to adequate housing and to formalise the situation of people living in slums.

The basic approach was to consider the inhabitants of the Mahalas as persons with the same 'right to the city' as anybody else.

In sum, equal access to services and employment, political representation and formal property rights. The results were released in June by the Prime Minister of Kosovo and the OSCE. A Steering Committee has now been formed at the central level to analyse in detail the situation and prepare a Kosovo wide action plan to address the problems of inhabitants and former inhabitants of places like the Roma Mahala and others.

Some things are changing. In the meantime, the ruins of the Roma Mahala lie quietly by the riverside waiting for the words and the documents of those in power to maybe give the neighbourhood back its life.

Formalizing informal settlements

OSCE and Prime Minister of Kosovo present findings of a round table

By Mevlyde Salihu, OSCE



"We engage ourselves in considering the possibilities that, when it becomes possible, to formalise i.e. to make these settlements official,"
Prime Minister Bajram Rexhepi
Photo: Hasan Sopa

The OSCE Mission in Kosovo and the Prime Minister of Kosovo, Bajram Rexhepi, presented the final document of a major regional roundtable on informal settlements of Roma and other vulnerable groups.

This document was the product of "Working Regional Roundtable in Formalizing Informal Settlements of Roma and other vulnerable groups," which was presented by the head of the OSCE Mission in Kosovo, Ambassador Pascal Fieschi and Kosovo's Prime Minister Rexhepi on 15 June 2004 in Prishtinë / Priština.

Human rights of those not fully part of society

The most acute problems inhabitants of informal settlements face are being exposed to informal or insecure tenure, inadequate access or deprivation of access to basic services, inadequate or deprivation of participation in governance and vulnerability to discrimination. Formalizing informal settlements would be very important for the protection of human rights of their inhabitants.

"We seek to protect the rights of all people in a society, so that they will all be secure and be given a chance to live in prosperity," said Ambassador Fieschi. He added that, "formalizing informal settlements will help protect the human rights of disadvantaged groups in society, but it will also help with the economic development of the region."

The document carries eight overall findings, pointing out that central and local governments have obligation under international law, particularly of the right to adequate housing, to ensure that the situation of inhabitants in informal settlements is improved.

The paper helps to set out a policy framework for the region's governments to improve the situation of those living in informal settlements. Currently, they do not fully enjoy the right to adequate housing and property; do not always have equal access to services or participation in government. They often live in makeshift houses, in areas lacking proper roads, reliable sources of electricity, clean water and sanitation.

"Bearing in mind the importance of informal residences for the existence of ethnic and racial communities, we engage our- While DRC and the Municipality re-think the Mahala, the current living conditions of the IDPs are not so good either. A visit to the IDP camps of Zitkovac (Zvečan/ Zveçan), Cesmin Lug (Mitrovicë/Mitrovica) or Leposavić/Leposaviq is like entering into another world. Not only a different cultural dimension, but entering also a space of dire poverty. In the barracks, hundreds of families live in harrowing conditions. Ventilation is poor, space is limited, and access to employment, schooling and health is dwindling. They receive local and international visitors with a touch of suspicion. UNMIK, including the OSCE, UNHCR, HPD and a

myriad of NGOs have visited them during selves in considering the possibilities that, when it becomes possible, to officially formalise these settlements," Prime Minister added.

Improving the life for a few helps all

Informal settlements are human settlements that do not enable citizens to enjoy their right to an adequate standard of living, particularly to adequate housing. People who live in informal settlements – especially those belonging to the most vulnerable groups, including Roma, Ashkali and Egyptians – are marginalized from the larger community. They are more prone to suffer violations of their human rights and are not given the opportunity to fully participate in governance.

In particular, inhabitants of informal settlements do not enjoy justiciable rights to access and use land and property, providing them protection from human rights violations such as forcible, extra-judicial evictions.

The improvement of living standard and infrastructure for all citizens of Kosovo in general, and those living in informal settlement in particular, will make Kosovo a better place to live. As the Prime Minister said, "a democratic Kosovo will have a good prospective only when the freedom, equal rights and opportunities are guaranteed for all citizens."



The ruins of the Roma Mahala lie quietly by the riverside waiting for the words and the documents of those in power to maybe give the neighbourhood back its life.

Photo: Hjortur Sverrisson/OSCE

Bosnia and Herzegovina's Experience: A Model for Kosovo

By Bernard Vrban, OSCE

After the war in Bosnia and Herzegovina, respect for Property Rights issues was important in gaining international acceptance for the country. Further integration into European and world structures depends to a good degree on the country's continued promotion and advancement of issues such as Property Rights. Though the road has been a difficult one, local institutions and the public at large have come to understand that by respecting Property Rights, they are improving their own standard of living. Kosovo cannot expect improvement in the standard of living, and certainly not European integration, without coming to the same conclusions as their neighbors to the west. Standards have been imposed, accepted and worked on elsewhere—they should be accepted and worked on here, too.

The experience of Bosnia and Herzegovina is instructive for Kosovo as *Details* discovered interviewing Elmira Bayrasli, Mission Spokesperson, OSCE Mission to Bosnia and Herzegovina

A strict rule of law approach

Details: *Kosovo has "Standards" to meet prior to discussions about final status. Included in these Standards is the issue of Property Rights. Despite the fact that in Bosnia and Herzegovina, Property Rights issues have not been treated as "Standards", were there certain requirements that had to be met?*

In Bosnia and Herzegovina, there are a number of standards against which progress towards an open, democratic society built upon respect for human rights and the rule of law is measured. Standards relating to human rights and property rights, specifically, are set out in the Annexes of the *Dayton Peace Agreement*. The principles, competences and institutions enunciated in Annexes Six and Seven of Dayton were absolutely essential to implementing the property laws.

Within this framework people had a comprehensive set of rights and remedies to pursue their claim to repossess their property thereby allowing for return, if they chose to do so. The process of implementing the property laws was not without its problems.

The international community established the Property Law Implementation



The High Representative were given sweeping powers to remove local officials who failed to comply. Lord Ashdown, here with Robert Mason Beecroft, the OSCE Head of Mission in Bosnia and Herzegovina.

Photo: OSCE

Plan (PLIP) and the PLIP Cell, comprised of the Office of the High Representative (OHR) (the equivalent of UNMIK in Bosnia and Herzegovina, though with even more far-reaching powers) and other international organizations, including the OSCE Standards to which local authorities had to adhere were clear. When and where local authorities failed to comply, the High Representative removed the obstructing local officials or disbarred local officials from participating in elections. Citizens were also obliged to adhere to the standards. They had to vacate properties which they occupied illegally within specified deadlines or face eviction. A strict rule of law approach was adopted by the international community to resolve the property situation and it has been through the strict observance of standards that Bosnia and Herzegovina has achieved nearly full completion of property repossession throughout the country."

Best results where locals embraced the property repossession regime

Details: *With relation to Property Rights issues, what form did the co-*

operation between the local authorities and the international community take across the country?

In Bosnia and Herzegovina the Republika Srpska and the Federation of Bosnia and Herzegovina have separate parliaments and government while some tasks such as defence are allocated to the central government. In this field the entity parliaments initially enacted the property laws, the High Representative subsequently imposed amendments, in consultation with the PLIP Cell, to close gaps in the laws and strengthen the protections available to people claiming property.

Local administrative bodies are responsible for implementing these laws. A focal point was appointed by the international community in each municipality to monitor compliance with the laws and to report problems.

Property Law Implementation worked best where local partners embraced the property repossession regime and worked with international partners to ensure that the rules were followed.

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Whenever disputes about the interpretation of the laws or patterns of non-compliance emerged, the PLIP Cell issued authoritative guidance either to the focal point or directly to the competent ministries. The systematic gathering and analysis of statistics relating to implementation were also essential to trouble-shooting problems and identifying areas of progress in the implementation of the Laws.

Property Law Implementation worked best where local partners embraced the property repossession regime and worked with international partners to ensure that the rules were followed.

Temporary occupants evicted

Details: What was the Property Law Implementation Plan (PLIP)? Who created it and why? Who ensured adherence?

PLIP arose from the need to coordinate the efforts of different organizations implementing property laws in the field. Several organizations were given competence by the Dayton Peace Agreement with regard to different aspects of the property laws. The OHR was given overall responsibility to supervise the process, the OSCE was involved closely with monitoring implementation in the field, the UNHCR was responsible for protecting and assisting people returning to their homes and the CRPC had a role in adjudicating property claims.

A crucial part of property law implementation, that some find odd, was the absolute insistence that temporary occupants be evicted once a valid claim was made on the house or apartment they occupied. There was enormous resistance to this initially, on the grounds that eviction would make thousands of people homeless. However, for anyone genuinely lacking another adequate housing solution, alternative accommodation was provided. In the end, people did not end up on the streets, and a critical blockage in the system - the need to move one family out in order to move the pre-war owner back in - was overcome.

Increasing the effectiveness and efficiency of the implementation process, to ensure that individual property rights were respected, depended on the above-mentioned actors working in concert. It must be stressed, however, that the imperative to create PLIP derived from the fact that, on the ground, people were attempting, en masse, to claim their property. The reality of thousands of people exercising their rights made PLIP necessary. The overwhelming pressure of citizens exercising their rights set the system of laws, institutions, civil society and international

assistance and supervision into motion and, ultimately, it was the system which assured adherence to the standards, rather than any single actor.

The breakthrough

Details: How long did it take for those responsible to understand their obligations under PLIP?

Initially there was much resistance to implementing the property laws, not least because the problem seemed utterly insoluble. However, an important breakthrough was the realisation by illegal occupants and local officials that the situation could not continue. There was a moment when people realized that damage done during the war had to be repaired and just relations restored to some degree. A second breakthrough occurred in September 2002 when the PLIP Cell issued the New Strategic Direction which recapitulated the principles of Dayton and the property laws, emphasising the right to return, the chronological processing of claims and the requirement to implement decisions on eviction, thereby denying local authorities discretion over the order of case processing. The New Strategic Direction created legal certainty, fairness and transparency for both claimants and

temporary occupants and gave new impetus to property law implementation.

Details: Did the populace accept the underlying essence of Property Rights; i.e. illegal occupation? How did the message make its way to the public?

The overwhelming majority of people had no desire to steal or occupy other people's homes. There came a moment when people said, "dosta je" – "enough" - and began to look for a way to resolve the situation.

Details: Did the acceptance of PLIP bring Bosnia and Herzegovina a step closer to Europe, in the minds of both nationals and internationals?

Bosnia and Herzegovina has made a commitment to the Council of Europe to implement the property laws. The progress that it has made has been truly remarkable, much to the credit of local authorities and, above all, the people of Bosnia and Herzegovina. Some said that it would take 40 years or more to do, but here we are eight years later, on the verge of closing a very painful chapter in the country's history. Is the country closer to Europe? Well, to speak of standards, Bosnia and Herzegovina has set the bar very high for its neighbours in South Eastern Europe and, indeed, for Europe as a whole.



When and where local authorities failed to comply, the High Representative removed the obstructing local officials or disbarred local officials from participating in elections. Sarajevo: Capital of Bosnia and Herzegovina.

Photo: OSCE

A light at the end of the tunnel

Two men from opposite sides unite in saving a world heritage site

By Arni Snaevarr, OSCE

"Kosovo's cultural heritage is respected as the common patrimony of all of Kosovo's ethnic, religious and linguistic communities." (The Standards for Kosovo)

On the surface they seem as different as two men can be. On one side Ibrahim Selmonaj sitting at his desk in his office of President of the Deçan/Deçani Municipal Assembly. Behind him the black double headed eagle on a red surface: the symbol of Albanian nationalism. On the other side a couple of kilometers away Father Sava in his black robe of an Orthodox monk, showing journalists a video on the internet of the destruction of the Orthodox Church in Podujevë/Podujevo. But appearances can be deceptive. These two men have one important thing in common: Their interest and crucial role in recently saving the 14th century Visoki Deçani monastery one of the most important cultural sites of Kosovo during the March riots.

War against the past

Burnt churches – burnt mosques; conflicts in Kosovo have traditionally not only resulted in the loss of human life. Extremists have not only targeted the lives of people of other ethnicities but also their history and cultural heritage.

Scores of Orthodox churches and other religious buildings were burnt in the March Riots, including what remains of the Monastery of the Holy Archangels near Prizren. Hopefully it will be restored to its former glory like the Red Mosque in Pejë / Peć and many of the historic buildings in Gjakova/Djakovica torched in the 1989-1999 conflict, to name but a few.

This is the fate that could have awaited the Visoki Deçani monastery, arguably Kosovo's best known historical monument, were it not for the intervention of a few men of good intentions.

"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." (The Standards for Kosovo)

Though the March events cast a dark shadow over Kosovo there may be a light at the end of the tunnel. It is hard for a journalist visiting the quiet historic monastery of Visoki Deçani in midsummer more than three months after the March events to imagine an angry mob walking on the monastery with the intention of torching the 14th century monastery –



The Visoki Deçani monastery was inscribed last month on UNESCO's World Heritage list. "An exceptional synthesis of Byzantine and Western traditions" says in UNESCO's justification.

Photo: Hjortur Sverrisson/OSCE

which was inscribed recently on the exclusive UNESCO World Heritage list. At that moment Mr Ibrahim Selmonaj, President of Deçan / Deçani Municipal Assembly was in his office only a few kilometers away from the monastery. No stranger to conflict Mr Selmonaj the only Municipal Assembly President from the radical nationalist party AAK was in no doubt that the mob's intention was to burn down the historic monastery and there would be casualties on all sides: Albanian, Serbian and Italian KFOR guarding the holy site.

Back from the edge

During the 1999 conflict, Deçan/Deçani was one of the strongholds of the Kosovo Liberation Army (UCK). Mr. Selmonaj was KLA commander in the municipality, serving under Mr. Ramush Haradinaj, the regional KLA leader and now AAK president. By the time the NATO bombing campaign started in the spring of 1999 most of the inhabitants had already fled and an estimated 65 % of buildings being totally destroyed.

Mr. Selmonaj knew that many people had a grudge against the few Kosovo Serbs remaining in the municipality. But they were also angry and frustrated because of the news of the Ibar/Iber River drownings. He was not the only one worried about the

volatile and dangerous situation. The outside world was watching and foreign representatives were concerned about the fate of the monastery. All were urging him to guarantee the safety of the monastery. Mr. Selmonaj was also in direct contact with the monastery itself, talking with Father Sava among others.

"I was not surprised that the Municipal president and his colleagues intervened., I had already talked to the NATO commander Admiral Johnson" comments Father Sava "The Americans were in contact with Mr Selmonaj and his colleagues and so was Mr Haradinaj. I would have been surprised if he had acted differently."

Turning an angry mob away is no easy matter. "It was a physical confrontation" acknowledges Mr Selmonaj. The Municipal president flanked by several ex-KLA fighters, among them Abdul Mushkolh, a leader of the war veterans in Deçan/Deçani. Using a megaphone and sticks to literally beat the angriest protesters, Mr Selmonaj managed to steer off the mob. He praises the controversial Mr Mushkolh (later arrested by KFOR for inciting violence) and not least Ramush Haradinaj whose messages by mobile phone the Municipal president relayed to the demonstrators.

“Didn’t want it burnt then and not now...”

*“There shall be neither discrimination nor preferential treatment of cultural heritage properties of any community”.
(The Standards for Kosovo)*

Both Municipal Assembly President Selmonaj and Father Sava agree that without this intervention the monastery would have been destroyed. Mr Selmonaj points out that if he or the KLA leadership would have liked to burn down the monastery they could have done that easily in June 1999 when they occupied the Municipality. “I did not think it was in the interest of Kosovo to harm this historic monument then, and I do not think that know,” Mr Selmonaj says, adding: “Dečani without the monastery is nothing, and the monastery without Dečani is nothing at all either.” He expresses his support for the standards on cultural heritage and his wish that the monks of the monastery will be integrated into Kosovo’s society. Father Sava says that no matter what the final status of the province it is important to guarantee the future of Visoki Dečani : “Provided it is accepted as a fact that the monastery was built by Serbs and that our identity is preserved, I have nothing against it being a part of Kosovo’s cultural heritage, as well as the Balkan’s and Europe’s - as it is in Kosovo.”

Whatever the nuances in their conclusions, these two men are united in their interest in safeguarding the future of the monastery. Kosovo is richer. So is the world.



*Above: Dečani Monastery the lower picture, could have met the same fate as the Monastery of the Holy Archangels, upper picture - Dečani’s famous frescos
Bottom right: Ibrahim Selmonaj, here with ex-SRSG Mr Harri Holkeri
Bottom left: Father Sava shows visitors the monastery
Photo:OSCE/UNMIK*



We Need support for reconstruction

An interview with Mr. Behxhet Brajshori, Minister of Culture, Youth and Sports

By Arni Snaevarr, OSCE

Details: *How is the PISG going to implement the standard on cultural heritage?*

Mr. Brajshori: "From the very beginning we have paid a lot of attention to cultural heritage. Unfortunately, there has been considerable damage to cultural heritage sites during the last conflict in Kosovo. All which has been damaged or gradually deteriorated should be repaired. The cultural heritage of Kosovo is valuable and should be preserved regardless of which culture or civilization it belongs to. We have had very close co-operation with the Council of Europe in drafting a law on cultural heritage, which is in its final stages. I would like to point out the serious state of cultural heritage sites in Kosovo. At this moment there is hardly a possibility to experience them. Therefore we need assistance from the international community."

Details: *How can you make the Kosovo Albanians believe that Kosovo Serb heritage is their common heritage and vice versa?*

Mr. Brajshori: "If we look at history, Kosovo Albanians have throughout the centuries looked after historical monuments, Orthodox and others. Albanians have considered it necessary to preserve cultural heritage even of other religions. I want to emphasize that Albanians have participated in building these sites, reconstructing and preserving them through the ages which proves that they considered them a part

of their cultural heritage. If you go to Deçan/Deçani you will find out that the local population there has always taken care of and protected the monastery. I don't know if you can say if other populations have done the same with Islamic monuments. Religious sites are considered a part of a common cultural heritage, not only of Kosovo but a universal and European heritage. Efforts have to be made to enable access for all to the monuments, whatever religion they belong to. No one should



be denied the right to enjoy the cultural heritage."

Details: *How is the reconstruction of the sites damaged in the March riots progressing?*

Mr. Brajshori: "In the first days after the riots experts from the Council of Europe and UNESCO assessed the damage. A group of experts was created, including two representatives nominated by the Ministry of Culture and the Serbian community with a chairperson from the Council of Europe. As you know 3.7 million Euros were allocated to reconstruction from the limited resources of the Kosovo Consolidated Budget. As of now we are assessing the needs and we hope that some restoration can start this year. A list of sites in need is being prepared under the guidance of the Council of Europe and then a final bill of the cost of damages can be established. It is clear that the costs will exceed the possibilities of the Kosovo budget. We have to plead to the international community to support us in restoring the monuments. We can take the first steps but we will soon need help. I hope our calls will be heard."

"The culture heritage of Kosovo is valuable and should be preserved regardless of which culture or civilization it belongs to" says Behxhet Brajshori, the PISG's Minister of Culture, Youth and Sports.

Prizren campaign

By Kreshnik Basha, OSCE

Twenty-two NGO's in Prizren launched a campaign on March 26th in order to prevent a repetition of the March riots. The ongoing campaign "Kosovo is Our Home" is the civil society's response in Prizren to the mid-March violent events that caused both human and material losses and affected the image of Kosovo in the world.

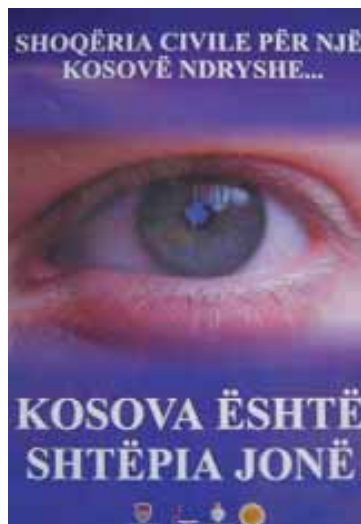
"We hope that this campaign will grow into a structured movement, which will work for a better future of our youth regardless of ethnic background," said Bari Zenelaj the representatives of the International Rescue Committee (IRC) youth centre in Prizren.

This authentic local initiative found a very strong supporter in the Department of Youth within the Ministry for Youth Culture and Sport. Skender Boshtrakaj, a representative of the department praised the initiative, underlining "the need for demystification of the Standards which will benefit the whole of Kosovo."

The National Democratic Institute (NDI) representative for Prizren, Ismet Kryeziu

stressed that "the events of March 17 and 18 put in danger all communities living in Kosovo, and violence toward Kosovo is violence toward our families."

As part of this campaign a civil society con-



ference on 'youth engagement for democratic society' was organized on May 29th. Representatives of almost 70 NGO's from different towns of Kosovo brought up many crucial issues facing youth in Kosovo. They were unanimous in pointing out that only by working together could existing problems be solved.

The main recommendations from the conference focused on working to prevent a repetition of ethnic violence. Working group established were: reforming the education system, fighting youth unemployment, establishing youth centres, involving young people in public policy making and increasing production of youth-dedicated programmes on local radio and television.

The next step in the ongoing campaign will be the organization of a Regional Youth Conference on "What kind of Kosovo the region needs?" with the participation of youth organizations from throughout the Balkans. The main aim of this regional conference will be to promote tolerance, understanding and peace.

Reaching out to the people

Ferizaj / Uroševac Municipal Assembly members discover the bitter reality of common people

By Marc Kalmbach, OSCE

The prefaceto Standard 1 of the Kosovo Standard Implementation Plan states that, the interests and needs of all Kosovo communities are fully and fairly represented in all branches and institutions of government and 'the PISG provides services for all people of Kosovo throughout the territory of Kosovo.

As part of this ongoing process, the OSCE Office in Štrpce/Shtërpçë organized a field trip for Ferizaj/Uroševac Municipal representatives on 24 June. Municipal Assembly members, UNMIK officials, and the local media visited the villages of Dubrave/Dubrava and Babljak/Bablak in order to see first hand the local standard of living and to give citizens the opportunity to express their concerns directly to their local leadership.

The first stop on the trip was a public meeting at the Bablijak/Bablak school. Due to the good weather, however, the majority of the villagers were working in their fields and only a small number of residents participated in the discussion. Representatives of the NGO United Methodist Committee on Relief (UMCOR) informed the group about the current status of reconstruction activities for Kosovo Serb returnees and their Kosovo Albanian neighbors. The UMCOR representative expressed his gratitude to the Ferizaj/Uroševac Municipality for their dedication and involvement throughout the community rehabilitation project. Although

plenty of concerns were voiced, the Babljak/Bablak village leader emphasized the positive and supportive role of KFOR and the volunteer work provided by TMK. He also thanked the Kosovo Government for funding the project.

The outreach participants shared the village leader's optimistic impression and stressed the symbolic nature of the visit as a positive sign for Kosovo Serb IDP return to municipality. The Ferizaj/Uroševac UN Municipal Representative, Mr. Dharam Pal, echoed the feeling of many participants, including Mrs. Mira Petrovic, a Municipal Assembly member, that Bablijak/Bablak should be considered as a model for Kosovo.

Despite these positive developments, it was very clear that difficult times still lay ahead for the Bablijak/Bablak citizen as the economic situation is disastrous as, for example, the sewage system and the water supply like in many other places needed major investments.

The second half of the Ferizaj/Uroševac Outreach brought Municipal leaders to the upper part of Dubrave/Dubrava, where many Kosovo Ashkali live. The villagers gave a warm welcome to the Outreach participants and invited them into their homes.

It was immediately clear that many of the MA members and the majority of the civil servants had never before seen such miserable living conditions. It was shocking for all to see the

large number of people – from newborn babies to the elderly – living in abject poverty and squalor. Common building materials from old car tires to cardboard and scrap metal were used to build makeshift houses.

Yet, in spite of the poor conditions, the Dubrave/Dubrava inhabitants did not hesitate to present themselves and their modest homes to the visitors. It seems that they were almost happy to be in the public spotlight, probably for the first time in their lives.

The Local Communities Office in Sallahana served as the assembly area for a public meeting that followed the visit. A group of approximately 50 anxiously waited for the arrival of Mr. Adem Salihaj, the Ferizaj/Uroševac Municipal President, and his delegation. In, at times, highly emotional statements the citizens present confronted the politicians with their concerns.

As the day concluded, it was encouraging to see that the municipal leaders had already started to discuss how to improve the conditions in the visited areas. Mr. Salihaj immediately requested that Municipal Directorates investigate whether there is public land and available funding for possible housing solutions. Just this simple action of institutional acknowledgement, and the Ferizaj/Uroševac Municipal Outreach project could initially be considered a success.



Mr Faik Grainca, the Ferizaj/Uroševač Deputy Municipal President, speaks openly with a Bablijak/Bablak resident; Photo:Mark Klambach

The KPSS is working hard to restore trust and confidence in law enforcement

The Kosovo Police Service School (KPSS) has developed a "Cops for Kids" programme to establish trust between society and the police from an early age. 'Details' learned that these efforts are already paying off.

By Hasan Sopa, OSCE

In a modern police force, public relations are an important element in winning the hearts and minds of the people and, as such, a key to success. In Kosovo this is arguably even more important and maybe more difficult than in many other places, given the region's tumultuous past.

The KPSS Community Liaison Section has the task of breaking down barriers and educating the public about the role of the police in a democratic society and while encouraging interaction between KPS officers and the public.

The KPSS was established in order to develop the educational foundation upon which a community-based police service would be built. A key goal of the school is to change existing perceptions of the police by placing a great focus on children. "The Cops for Kids" programme is an important part in the KPSS efforts to increase trust in the police. It has been running for the last four years and is actively supported by the OSCE Mission in Kosovo.

School children visit KPSS

"Oh, this is really nice...Look at these roses they are so beautiful!" Those were the first whispering words of Tahire Rexha visiting the KPSS in Vushtrri / Vuçitrm during an organized visit of 70 students from different primary schools in the Shtime / Štimlje municipality. The eleven year old schoolgirl from the mountainous village of Petrovë / Petrovo kept looking around, perhaps seeing such an environment for the first time in her life.

The children walked through the Police School yard with smiling faces and full of joy. Yet, only a few years ago children would have been afraid just meeting a policeman in the street. Trying to change such conceptions of the police is what such visits are about. "Not only do they have the opportunity to learn more about the police who serve their communities, they are also able to safely and comfortably mix with each other and to personally interact with the police officers," says Tamara Duffey, the School's Special Projects Coordinator. "Experiences during the youth's visit to the Police School promote co-operation and trust which will provide the foundation for a more peaceful society."

The 'Cops for Kids' programme

After a presentation and a short background of the KPSS by Dale Samuels, head of the Community Liaison Section, the kids started their visit through the campus. The first place they visited was the little "Cops for Kids" store. "All the money that we

make with this programme we donate to the schools all over Kosovo," says Mr. Samuels.

According to Samuels, from September 2000 to June 2004, 16,793 children visited the Police School in Vushtrri/Vuçitrm, including 485 Kosovo Serb kids. They come from different ethnic backgrounds and all parts of Kosovo. Most are from isolated villages. Officers have also visited 1,272 towns and villages, talked to 38,793 children and donated 189,000 Euro to schools. "The visits to the schools have helped the kids to understand that the KPS are their friends," reflected Samuels.

Building trust and relationship

There are thousands of community police officers that help the people in need. "When they are up in the mountainous villages, distributing winter jackets to the kids in need, it is the best way you can imagine for building relationships and trust," says Samuels. "We talk to the kids about a lot of subjects – traffic, theft crimes, and damage to property."

KPSS has tried to help children, especially in remote Kosovo villages, who have stopped going to school because of poverty. "We helped them to go back to school simply by buying a pair of new shoes, which they couldn't afford," added Samuels. "These are little things we do, but they do make a difference."

The visit of the kids continued in other parts of the School grounds. Unsurprisingly the gym was a popular destination and the kids



A joint photograph kids with KPS Officers.
Photo:Hasan Sopa

had the opportunity to watch the exercises which every KPSS student has to go through.

After lunch, the kids lined-up for the last time to do the KPS march. Everyone joined in the march and the kids had a great time with the "cops".

At the end of the visit a joint photograph with the kids in front of the main building of the Police School. The photograph, together with two souvenir pictures painted by the kids will be displayed for all the police and the visitors to look at.

Addressing his young visitors, Mr. Samuels concluded that he hoped that when the international community was gone, the police would continue this programme supported by the community. "In any country in the world the children are the future. What you teach them today they will learn and do tomorrow."



Kids doing the KPS march and they had a great time with the "cops".
Photo:Hasan Sopa