

UNMIK



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Kosovo Assembly declares discriminatory laws null and void – SRSG Harri Holkeri turns down the decision (*all dailies*)

All dailies report that members of the Kosovo Assembly have declared null and void all constitutional and legal documents that were endorsed after March 1989. The decision was supported by 73, out of 90 assembly members. The representatives of Coalition Povratak opposed the decision.

The annulment came after the request of the government, which stated that these laws have presented obstacles to the economic development that is privatization.

Speaking on behalf of Prime Minister Bajram Rexhepi, Ali Jakupi, Minister of Trade and Industry, was quoted as saying, ‘These acts were endorsed by an invading state. In most cases, these legal and constitutional acts are in opposition with laws in Kosovo and UNMIK regulations. They are also in opposition with some international standards and they have become an insurmountable obstacle for the economic development of the country – privatization.’

Koha Ditore reported that the assembly committee for justice and legislation discussed the request of the government and voiced its support for it. Committee head Arsim Bajrami said that even though the UNMIK regulation leaves the possibility of post 1989 laws open, ‘there are a lot of reasons why they should not be applied’. ‘The main reason is that they don’t represent the voice of the people of Kosovo, and have never been legitimized by the people of Kosovo,’ added Bajrami.

On the other hand, Coalition Povratak representative Gojko Savic asked who was going to evaluate if these laws were discriminatory. ‘If it is assessed that these laws are discriminatory because the people of Kosovo have not endorsed them, then we can say the same about some laws, which have been adopted by this assembly and with which we did not agree with,’ Savic said.

All dailies also reported that UNMIK has issued a communiqué saying, ‘The decision of the Assembly of Kosovo on 11 December 2003 to abrogate all laws relating to

Kosovo enacted in Yugoslavia and Serbia after 22 March 1989 is beyond the competence of the Assembly of Kosovo and is without validity and effect.’

Editorial: Much ado about nothing (Kosova Sot)

Kosova Sot carries a front-page editorial about yesterday’s decision by the Kosovo assembly and SRSG’s reaction.

It is very difficult to understand the parliamentarian mentality in Kosovo. It is very clear to the ‘lawmakers’ that their hands are tied up, however, they spend energy in a very fruitless way. Certainly, the abrogation of Serb laws is rightful, but the way, in which this step was made, was almost totally wrong. Considering that UNMIK refused things, which were of less importance, for example a resolution of a more moral and political importance, it should have been understood that the history would be repeated even in yesterday’s case. The truth of all this is ‘much ado about nothing’. At the end of the day, who is the winner here? The Kosovo citizens, even after this decision made by their assembly, will continue to be under Serb laws and processes will be interrupted just because of this discriminatory legislation that is remaining in power. The justification that ‘we did our task’ is not right. The deputies should be much more clever with tactics when it comes to approve different decisions. The deputies should look beyond their armchair and should be more pragmatic. Their decision was sent to the international waste paper basket. The assembly’s conscience should be hurt by SRSG’s fist, which annulled the assembly’s decision immediately after its adoption. The decision-making process in the assembly should be more careful, it needs more analysis and suitable conditions for the achievement of the final objective should exist. Even though the relations between UNMIK and Kosovo institutions are well known, a round of negotiations between Kosovo officials and UNMIK officials should have taken place. If the situation continues like this, every battle will be lost, because on the basis of the Constitutional Framework, it is very difficult for the Assembly to adopt laws. The deputies should be convinced that they couldn’t achieve their objectives as long as they do not change the law on which the parliamentarian activity is based. Therefore, changes can start from the Constitutional Framework and then some others can come.

Shala: The end of ‘the political ceasefire’ (Zëri)

In a front-page opinion piece for Zëri, editor Blerim Shala writes:

It seems that in the current governmental vacuum in Serbia, the reality of relations between UNMIK and the Serbian regime has emerged to surface. In Belgrade, election results and the counting of votes puts all other issues in the secondary plan; therefore, with no diplomatic maturity, the likes of Covic are settling the score with Harri Holkeri and the international administration. They also strike mercilessly the Kosovar officials. Serbian authorities accuse UNMIK of using standards to pave the way towards the independence of Kosovo. It is known that these standards have been supported by the Contact Group and the UN Administration, therefore, the same accusation can be made towards the most powerful world countries and New York. But the latter are not reacting, because all this is seen to be part of a wild pre-election campaign. The disturbing part of this is that it indeed represents the true position of the majority of Serb politicians.

Therefore, the period of ‘political ceasefire’ with Belgrade has ended. As far as we recall, with Steiner the ‘peace’ had lasted a little longer. If Holkeri and UNMIK will not stick to the public promise to fulfill Standards for Kosovo, including the aim to dismantle and absorb Serb parallel structures, then the future Serbian Government isn’t going to have any second thoughts on whether or not it should continue the policy of clashes with the International Administration. Holkeri, on the other hand, has no reason to hesitate. In fact, the good part of Serbian policy is to remove all dilemmas.

Contact Group discusses implementation plan and privatization (Zëri)

Citing western diplomatic sources and those close to the international administration in Prishtina, Zëri reports that on Thursday or the latest on Friday, the United Nations Security Council will issue a statement in support of the plan of Standards for Kosovo, which was announced on December 10th by chief administrator Harri Holkeri, President Ibrahim Rugova and Prime Minister Bajram Rexhepi.

UNMIK does not expect complications as to securing support from Security Council for two reasons: first because it is known that four out of five permanent member countries of the UN Security Council (US, Britain, France and Russia) are also members of the Contact Group, which fully supports the UNMIK Plan, and second, because Holkeri has had a phone conversation with Jean Marie Guehenno, UN Deputy Secretary General for peacekeeping operations, where procedural problems of UNMIK with DPKO have been discussed. It is known there have been dissatisfactions with the decision of Holkeri to remove the wording ‘applicable laws’ in the preamble of the ‘Standards for Kosovo’. Most probably Holkeri got the consent of the deputy Secretary General for peacekeeping operations. Otherwise, the aforementioned sources claim, disagreements between DPKO and higher authorities of another UN peacekeeping mission are not unusual. But this time, these disagreements have caused tensions and frustration in UNMIK, since there is a feeling in Pristina that New York is not that clear about the Plan of Standards for Kosovo, and that problems with this plan can have unforeseen consequences for the political developments in Kosovo.

On the other hand, a meeting of the Contact Group is to be held in Berlin, on Friday 12 December, where Harri Holkeri and Carne Ross, UNMIK’s strategy coordinator for standards of Kosovo, will take part.

These sources also claim that preparing a plan for implementation of the standards is easier than operationalization of them, since the first is above all a responsibility for UNMIK and for the Kosovo Government. Because of this, supposedly the Contact Group, UN administration, and the UNSC will agree with the proposal prepared by UNMIK and the Kosovo Government without many remarks.

Another topic, which is expected to be tackled in this meeting is the issue of privatization. The international administration counts to obtain support of the Contact Group to continue with privatization, according to the plans of the KTA and Pillar 4. The stance of the Russian representative who supports the positioning of Serbia is not clear – element which may cause problems within the Contact Group. It is known that the Serbian regime categorically opposes privatization in Kosovo.

Hysa: Who is protesting over there? (Koha Ditore)

*'The citizens of Klina who protested publicly against the spontaneous return of 11 Serbs in their town, could have been thinking about a lot of things: trauma, 'patriotism', fear and even lack of tolerance and hatred. But it seems that they were not thinking about two things: standards and the favored final status of Kosovo,' writes Ylber Hysa, director of the Kosovo Action for Civic Initiatives in an opinion piece in **Koha Ditore**.*

If we judge the implementation of standards in practice, then it started off badly in the very first day of their official announcement. Klina citizens who stood up to protest publicly against the spontaneous return of 11 Serbs from their town could have had anything in their heads; trauma, 'patriotism' fear and even lack of tolerance and hatred. But it seems that they were not thinking about two things: standards and a favorable final status for Kosovo.

You do not have to be too smart to see that in this way they, apart from demonstrating a civil and political tension, have also done a good service to all in Belgrade and elsewhere through creating obstacles and barriers for Kosovo. Or plainly speaking 'they ate the bait' (provocation).

In the reaction of these people and some municipal authorities, they justify that spontaneous return can be problematic. There are arguments that could make this a watertight polemic. But, if it is just an 'argument' to oppose return in this way, then it does not take too much brain to understand who is the loser and who is the winner of this approach. If such reasoning is used to open a debate, perhaps that debate could be useful. Arguments that can be considered, which can often be heard by the Albanians in Kosovo and their representatives; that the return should be organized, that a well prepared process should be stimulated, apologizing for all the macabre crimes that Milosevic machinery committed in the name of Serbs, if they made sure they would prosecute those involved in war crimes, if they showed good will not to be against the majority population and their aspirations, and if there were economic programs that would benefit all in the community, etc. then perhaps it would be worthy.

In other words, if those people who in the name of the majority of Kosovars are throwing stones or who are protesting publicly against a spontaneous return, are ready to take responsibility to be part of the constructive debate on the returns, with their conditions and arguments they might have, then let it be so. But if they are throwing stones in the name of Kosovo Albanians, at least let them not do it in the name of the majority. Or at least let them not throw a stone for me, since those who will throw, will throw anyway more for Civic than for Kosovo.

Kosovo Bosniaks, Turks and Roma support standards (Koha Ditore)

***Koha Ditore** reports that the political parties of Bosniaks, Turks and Roma have voiced their support for the plan for the implementation of standards, launched by UNMIK chief Holkeri on Wednesday.*

Sadik Idrizi, representative of the Bosniak coalition Vatan said that Standards for Kosovo were a very important step. Idrizi also said that standards would be very valuable for the Bosniak community and would improve their overall situation.

‘We find extremely important particularly the standards, which involve freedom of movement, which we partly have, the return of property and IDPs and integration in all institutions,’ added Idrizi. ‘Standards mark a step forward in the development of Kosovo. After four and a half years, something concrete has been put in paper and needs to be fulfilled.’

Mahir Jagdilar, chairman of the Turkish Democratic Party, said that the Turkish community supports ‘Standards for Kosovo’ and added that the Turkish community is an integral part of Kosovo and that it respects the will of the majority.

‘I believe that these standards will be an impetus for Kosovo’s more rapid development,’ Jagdilar was quoted as saying.

Koha Ditore also quoted Zylfi Merxha, chairman of the Kosovo Roma Party and member of the Kosovo Assembly Presidency, as saying that standards would contribute to the equality of all in Kosovo.

Serb opposition and church oppose standards, demand Holkeri’s resignation

Koha Ditore reports that the leaders of opposition parties in Serbia and the heads of the Serb Orthodox Church in Kosovo have harshly criticized the Standards for Kosovo presented by SRSG Holkeri. Some have even called for Holkeri’s resignation.

Vojislav Kostunica, leader of the Serb Democratic Party (DSS) said he didn’t agree with Holkeri’s proposal, ‘because I don’t believe that the situation in Kosovo can change in two years.’

Borislav Pelevic, leader of the Serb Union Party, claimed that the proposal of the UNMIK chief leads towards the independence of Kosovo, and he made an appeal for a stronger opposition by the Serbian state.

‘The new Government of Serbia should send a harsh note to the United Nations, demanding for this document to be annulled and for Holkeri to resign. He has not only failed to cease the anti-Serb policy of his predecessor but he has also directly violated UN documents and Resolution 1244,’ Pelevic was quoted as saying.

Koha Ditore reports that Holkeri’s proposal was also criticized by the Socialist Party of Serbia (SPS) during a press briefing. SPS senior official Branko Ruzic stated that UNSC Resolution 1244 gives enough room for a righteous solution for the problem of Kosovo.

KFOR knows of groups which plan incidents aiming to hinder the fulfillment of standards (Koha Ditore)

Koha Ditore carries a report from the press briefing of the new commander of KFOR Multinational Brigade Center, General Anders Brannstrom.

‘The Standards for Kosovo present a clear path that leads towards creating conditions for building a stable and democratic environment for all Kosovar citizens. MNB Center is going to support UNMIK in fulfilling these standards, but real peace can be

established only by the citizens of Kosovo, therefore, peace should come from each citizen,' said Brannstrom.

Brannstrom also said that several groups, both local and international, have been identified in Kosovo and that they plan incidents aimed at hindering the fulfillment of standards.

'We are here. KFOR, in cooperation with the police, will do everything to prevent these criminal groups from reaching their goal,' added Brannstrom.

K-Albanian members of KTA Board send letters to UNMIK Legal Office (Koha)
Koha Ditore reports that the K-Albanian members of the Kosovo Trust Agency (KTA) Board, Ali Jakupi, Ali Sadriu and Bahri Shabani, have sent letters to the Legal Office of UNMIK asking for the legal and procedural audit of the latest decisions made by KTA Board chief Nikolaus Lambsdorff and KTA Director Marie Fucci.

Through their letters, sent also to SRSG Holkeri and PM Rexhepi, the Albanian members of the board opposed Lambsdorff's decision to stop privatization and the appointment of Fucci as general manager of KTA.

'There was no urgent case to stop the process. No Board member was consulted or informed, at least not the local members,' reads the letter.

The K-Albanian KTA Board members have concluded that the appointment of the KTA general director was made in an illegal manner since the Board was not informed 72 hours in advance about the selection of Andreas Wittkowsky as internal KTA director. They claim, Wittkowsky had no right to vote in this quality.

Moreover, the three K-Albanian Board members said that no interview panel was established for interviewing candidates for the position of KTA's general director, and reminded that they had stated that Fucci is not a suitable candidate for the position.

'The issue becomes even more scandalous when Fucci, who is selected in an illegal way, starts to put in place a new organizational structure for KTA without consulting the Board or obtaining its approval. This act comprises a violation of KTA Regulation, Section 15.2, Article A,' reads the letter.

They also stated that Paul Csiszar, head of KTA Legal Office, should be held responsible for not respecting KTA regulations and for providing biased comments.

The paper further says that 'these and other actions of Lambsdorff, Fucci and other responsible persons have damages severely KTA's, UNMIK's and even Kosovo's image'.

Status of enterprises certified, Lambsdorff can sign 23 contracts with buyers

Zëri reports that the KTA has been claiming that the 23 privatized enterprises have a clear status.

The KTA sources confirmed that 23 privatized enterprises appeared to have a clear status, therefore they denied the claims made by UNMIK Pillar IV head Lambsdorff that 3 of 23 privatized enterprises have no clear legal status and their contract cannot be endorsed.

The same sources confirmed that the status of these enterprises has been evaluated again. Despite opposes from the Kosovo government, UNMIK Pillar IV head Lambsdorff and the KTA head Marie Fucci demanded the review of the enterprises status.

Zëri reports that the 23 privatized enterprises have a clear status, while UNMIK Pillar IV and the KTA do not make this fact public. The paper further reports that Lambsdorff and Fucci should at last sign contracts with purchasers of 23 enterprises, thus they will become a legitimate owner and to invest the capital they planed to.

The decision of endorsing these contracts is due to be taken in the next KTA board meeting, which is planed to take place on December 16. The government sources claimed that the endorsement of contracts will enable the owner to have access to enterprises, but this doesn't mean that the privatization process is unblocked. The biggest obstacles are still the Serbian applicable laws and the transactions, which have been made during '89-90 and which mustn't be accepted by the KTA, the paper concludes.

Ibrahim Rexhepi: Nikki wasn't right (Koha Ditore)

Koha Ditore carries an editorial by Ibrahim Rexhepi who claims that the Kosovo Government should review its relations with UNMIK Pillar IV, until the latter corrects the mistakes it has made in the process of privatization.

Finally good news from KTA though not yet confirmed officially. There is no dispute related to 23 enterprises. They were socially owned and as such KTA had the right to offer them for sale and privatise them. The same is concluded for the enterprises tendered in the third wave, which was then suspended by the KTA Board.

Though the source of these information is accurate, it is the KTA Board that gives the final stamp. The Board can question the status of an SOE, for example Hotel Adriatiku in Mitrovica, but only to justify the actions of Pillar IV head.

All these are indications that Lambsdorff had no right to stop the privatization process. All the sold enterprises were socially owned property. Now we see that Lambsdorff's hastiness or fear have caused all the confusion and put quite a heavy mortgage on the privatization process.

But there are also other issues that will for sure be clarified in the meantime.

FIRST, the way in which Marie Fucci was appointed as KTA general director. The Board did not agree to this and there are disputed votes. Also her arrival to Prishtina is enigmatic, though she had made such attempts before. First, when she applied for the post of privatization director, and the other time when she expressed her willingness to manage the KTA regional office in Prizren.

SECOND, disrespect for KTA normative acts while they are still in force. Operational policies are a document on which all developments in privatization were based. Now the documents are not respected, though the changes are not discussed by the Board of Directors. Therefore, work is based on a document known only to a close circle of people, or only to Lambsdorff.

THIRD, again the issue of KTA Regulation. Now the institution is being re-organized, respectively a new organizational structure and allocation of competences without the support of any document. This means that the KTA Board is surpassed again or that they will discuss the issue after everything is over. So they face a fait accompli.

FOURTH, all these together have damaged the privatization process severely, and the image of Kosovo, therefore someone should be held responsible.

The Government is now looking into ways in which its demands will be met.

It would not be a mistaken move, if it reviews its relations with UNMIK Pillar IV, whose offices became the source of all decisions that pushed privatization backwards.

It is up to the Government to determine ways of concrete action. But the silence, after the demands were put forward, leaves the impression that they were only a 'lip service' and not actually aimed at unblocking the process and demanding responsibility for the created situation. Therefore, it (Government) should create the impression that it undertakes serious actions and that each step is well analysed and backed. Otherwise, it should be held responsible for taking actions which it cannot support.

In the meantime, such pressure on Pillar IV can bring better effects than it has so far. And not only on the privatization issue, but also on a number of issues in the area of economy. Especially in relation to SOEs, such as PTK and KEK, where the irregularities are numerous.