

The OSCE Mission in Kosovo

The OSCE Mission in Kosovo (OMIK) is an integral part of the United Nations Mission in Kosovo (UNMIK), mandated by the 10 June 1999 Security Council Resolution 1244 to provide an interim international civil administration under which the people of Kosovo could enjoy substantial autonomy. This Security Council Resolution vested in UNMIK all legislative and executive powers as well as the administration of the judiciary. Amongst its key tasks, UNMIK would promote the establishment of substantial autonomy and self-government in Kosovo; perform basic civil administrative functions and facilitate the political process to determine Kosovo's future status; maintain law and order and promote human rights. While supporting reconstruction efforts, humanitarian and disaster relief programmes, the interim administration would also assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

The general strategy of UNMIK was envisaged in five integrated phases: In the first phase, the Mission would set up administrative structures, deploy international civilian police and provide emergency assistance to returning refugees. Throughout the second phase, the focus would be on the administration of social services and utilities and the consolidation of the rule of law. In the third phase, UNMIK would finalize preparations and conduct elections for a Kosovo Transitional Authority. Thereafter UNMIK would help Kosovo's elected representatives organize and set up provisional institutions for democratic and autonomous institutions. The concluding phase would depend on a final settlement of the status of Kosovo.

OMIK, in pursuit of these common objectives, has co-operated with the other UNMIK pillars to this end. For OMIK, these goals have been to help create the rule of law, to help build democratic institutions, and very importantly, to organize and execute municipal and Kosovo-wide elections. Therefore, the OSCE Mission in Kosovo is also referred to as the "Institution-Building Pillar". OMIK's overall activities fall under two main headings, namely "Democratic Governance", which encompasses the Democratization, Elections and Media Affairs Departments, as well as the OSCE-led Joint Interim Administration's Department for Democratic Governance and Civil Society, and "Human Rights/Rule of Law", which covers the Human Rights/Rule of Law Department and the Kosovo Police Service School.

While there have been many highlights in the almost two years of OMIK's presence, the municipal elections of 28 October 2000, unquestionably, crowned them all. For the first time in over ten years, the people of Kosovo went to the polls to decide their local leadership. The successful organization and conduct of the elections have been a tremendous boost for the image and self-esteem of the Kosovars, who proved their democratic credentials. Indeed the international community had repeatedly reiterated the importance of these municipal elections as a benchmark in the progress towards self-governance as defined by Security Council Resolution 1244. The organization of any election required the fulfilment of certain basic conditions applicable to every election. As there was no register from which one could begin to draw up a voters list, in April 2000, UN Civil Administration, in co-operation with OMIK, created the Joint Registration Task Force (JRT) to register Kosovo's population. Approximately one million Kosovars registered. Of these, 38,000 resided outside of Kosovo. The registration period also included the certification of 39 political parties, coalitions, citizens' initiatives and independent candidates for participation in the 2000 municipal elections.

The Central Election Commission (CEC), established to lay down the rules governing elections, was made up of nine Kosovars and chaired by the Head of the OSCE Mission. The CEC successfully delinked the technical from the political in the election preparations in the province. The CEC acted as the principal regulatory body, to oversee the conduct and supervision of the election process, whilst extensive consultations on the decisions made by the CEC took place within the newly created Political Party Consultative Forum (PPCF). The same was true for the Elections Complaints and Appeals Commission (ECAC) which ensured political violence be kept to a minimum through the issuance of stiff penalties for violations of the Electoral Code of Conduct. At the municipal level, the Municipal Election Commissions and Polling Station Committees were created. As part of OMIK's capacity-building mandate, particular emphasis has been placed on progressively transferring electoral expertise to local professionals.

Candidate training was also an essential part of election preparations by the OSCE. Political parties were coached on the necessity of conforming to the new demands for transparency, financial and programmatic accountability and electoral codes of conduct, media rules, etc. Given the requirement that every third candidate on the party list be a woman, a special focus was given to the training of women candidates. It is believed that the selection of the proportional system encouraged a more moderate political climate, prevented the formation of a bipolar political reality and assured small and minority parties of achieving some representation without needing a large share of the vote. The same reasoning applied when OMIK recommended that a system of proportional representation be incorporated in the Constitutional Frame-

work, which was, *inter alia*, to spell out the electoral formula for the Kosovo-wide elections in November 2001.

OMIK officially launched the electoral campaign on 13 September 2000. By the end of the campaign, more than a thousand properly notified rallies had taken place throughout Kosovo. However, a common denominator during the campaign was that every political entity, both in the party programmes and at the rallies, focused, at least initially, on the loftier rhetoric of independence and general economic development rather than concentrating on municipal issues. Anticipating that "central themes" would dominate political platforms, the OSCE conceived the "Voters Voices: Community Concerns" project, designed to encourage the political parties and candidates to focus on concrete and specific issues. It also gave the electorate a tool with which to engage political candidates in discussions and debates. The "Voters Voices" informed the Kosovar electorate of the issues of importance in a municipal election, while the Voter Education Campaign informed the population on the electoral system.

During the run-up to the elections and throughout the campaign period, OMIK ensured equitable access to the media by all political entities. All media were required to provide time for political spots and debates. Donor support allowed OMIK to create a media fund to support the production of these political advertisements. A network of regionally based teams monitored compliance with the media access election rules; panels of local citizens and international experts investigated and referred complaints to the CEC or the Temporary Media Commissioner. OMIK ran its own media training for editors and journalists and for the three regional television stations broadcasting by satellite during campaign period. The result of these efforts was a steady and equitable flow of information about the candidates' platforms and information to all the voters throughout Kosovo. During the electoral campaign, OMIK successfully monitored the media and provided both the quantitative and qualitative analysis that was crucial in allowing assessments on compliance with the Rules and Regulations governing the media prior to Election Day to be made.

On Election Day, turnout was almost 80 per cent, and the percentage of invalid votes was extremely low (3.4 per cent). Remarkably, the day was virtually free of security incidents. The Council of Europe, who were invited to observe the electoral process, declared the elections free and fair. Significantly, all political parties accepted the results, in which the Democratic League of Kosovo (LDK) gained an overwhelming majority. This facilitated the implementation of election results at the municipal level.

While the municipal elections marked a benchmark in the progress towards self-government as defined by UN Security Council Resolution 1244, they were marred by the non-participation of the Kosovo Serb minority. Intensive efforts had been undertaken, in the run-up to the elections, to persuade the community leaders that participation in registration and elections would be

important for the community, as it would affirm their legitimate position and role in Kosovo. In the absence of freedom of movement within Kosovo and in the absence of virtually any return of internally displaced persons (IDPs) from Serbia, Kosovo Serb politicians opted for a boycott but were, after the political changes in Belgrade took root, appointed into various municipal assemblies. However, the process of appointing protective bodies in political structures at the municipal level such as the Communities and Mediation Committees must, however, still continue. With regard to the upcoming central level elections, OMIK is actively pursuing the inclusion of those communities that boycotted, or only partially engaged in the 2000 municipal elections. To this end, OMIK has been investing considerable resources to registering these communities residing both inside and outside Kosovo and on convincing them to participate in the electoral process.

Great strides have been made working with political parties. In all cases, the main target was the development of internal party structure to ensure sustainability. As only four out of the 39 competing political entities received more than one per cent of the total number of votes, since the municipal elections, OMIK has adjusted its post-election activities to reflect the political landscape. For those parties who managed to gain limited representation at the municipal level, political party capacity building and councillor support are being provided. While intensive party development programmes - tailored to the specific needs of the three largest entities - are currently being developed on topics ranging from party consolidation to governance issues, OMIK also continues to provide services to political parties representing minority communities regardless of their level of support at the municipal elections. To allow for the sustainability of party activities, OMIK Service Centres, which have since their inauguration provided services and space to political parties to conduct their activities, will be phased out and handed over to Kosovars.

During the 2000 municipal elections and the preparations for the Kosovo-wide elections of November 2001, OMIK has also concentrated on fostering a transparent civil administration. A major initiative in the promotion of democratic governance and the mainstreaming of these principles into the administration's policy and decision-making process was the creation of the Institute for Civil Administration (ICA). The Institute works to create a professional, apolitical civil service, a formidable task in Kosovo where, until now, the administration has always been highly politicized. The Institute offers short- and medium-term courses that directly benefit the emerging civil service. In the immediate aftermath of municipal elections, OMIK prioritized local governance training for newly elected municipal assembly members and civil administrators. The ICA proved its potential by conducting crash courses for some 600-newly elected municipal assembly members. Such training proved crucial, as, in most cases, the governing party has no well-developed programme of policy action for specific areas of municipal governance.

However, even in May 2001, more than six months after the elections, the two largest parties, the LDK and PDK (Kosovo Democratic Party), have failed to take a co-operative approach to municipal governance, and, in most municipalities, instead see the municipal assembly as an arena for political manoeuvring and partisan confrontation. Polarization between the LDK and the PDK, and even a degree of factionalism within the LDK, have also led to the widespread politicization of municipal civil administration appointments, especially when it comes to the appointment of the chief executive officer and director positions. Not surprisingly, political parties continue to show a certain lack of ability to organize their legislative activities. This clearly inhibits the emergence of coherent planning for municipal governance or the development of substantive policy content necessary for effective self-governance of municipal affairs. Lack of both experience and proper rules of procedure, as well as a communist-era tendency to expect continuing rule from above have been other general problems slowing the pace. Most boards also have yet to get down to serious work, having been only recently established. Serious capacity questions at the political party level must be addressed for the progress towards substantive self-governance to be sustainable. While these challenges are considerable, many of them can be addressed through the provision of timely capacity-building programmes targeted at both political parties and civil administration. Hence, OMIK provides continuous training to local councillors on local municipal issues.

Developments in civil society are just as essential benchmarks as political participation in ensuring democratic governance. To promote third sector actors, OMIK is engaged in promoting an active civil society. With hundreds of NGOs vying for recognition, tasks and support, OMIK has played a key co-ordinating role. At the central level, an NGO Forum has been created. Likewise, OMIK has worked to substantially restructure the NGO Association of Kosovo. Within the field of civil society support, attention and resources continue to be concentrated on viable NGOs working in the field of human rights, reconciliation, empowerment of ethnic communities and women. Several NGO Resource Centres have been created in different towns to offer communication and meeting facilities to local NGOs. In the minority communities, this civil society structure continues to play an essential role, even more so due to the absence of strong state. The opening of Community Centres in mixed and minority areas has provided an incentive for those communities to further participate in the civil society process. To promote transparency, popular participation, respect for human rights and equal opportunity at both the political and administrative level, OMIK also created the Department for Democratic Governance and Civil Society within the Joint Interim Administrative Structure. This Department plays an active role mainstreaming these principles into the administration's policy and decision-making processes.

OMIK concentrated on media development to promote the development of a free, fair and pluralistic media landscape in Kosovo as an essential institution in a democratic society and especially so in Kosovo. Since 1999, Kosovo's media scene has changed from barren to fertile, with many new media competing for the public's attention. OMIK's involvement has been threefold. First it has facilitated - using core resources as well as special donor funds - the independence, freedom and professionalism of the various media outlets. Second, OMIK has put in place a frequency plan that rationalized the previous chaos across the broadcasting transmission band. Finally, it established a system of regulations that carefully balanced the need for sanctions against defamation and hate speech with international standards of media independence.

Crucial to a functioning democratic process was the development of journalistic standards and legislation to outlaw hate speech and to promote a journalistic code of conduct. To support the improvement and professionalism of existing media outlets with market viability, OMIK has encouraged both Albanian and other ethnic community language media through a comprehensive programme of donor supported training and small grants. Since 1999, tens of newspapers, weeklies and magazines have sprung up; dozens of radio stations and no less than three Kosovo-wide TV stations existed by mid-2001. As part of OMIK's capacity-building mandate, between 1999 and 2000, the Institution-Building Pillar trained more than 720 Kosovar journalists. OMIK has also begun to collaborate with the University of Priština to develop a journalism degree programme, which would create both graduate-level training and academic research opportunities for people wishing to enter the professional media community.

To support the broadcast media in Kosovo, OMIK co-ordinated efforts of all partners to manage the frequency spectrum in the restoration of the terrestrial transmission network largely destroyed during the war. The Kosovo Terrestrial Transmission Network (KTTN) now reaches out to approximately 90 per cent of Kosovo households. OMIK also actively promoted the renaissance of Radio Television Kosovo (RTK) as a public and independent broadcaster. To this end, OMIK has been actively involved in the recast of the Broadcasting Regulation into two draft regulations. The first regulation, currently under final review, will establish an Interim Media Commission to replace the Temporary Media Commissioner (TMC) to provide greater local input into licensing, funding and monitoring of broadcasters. As part of the endeavours to develop self-sustainable institutions, the OSCE established the TMC as an independent body, whose main task is to introduce and uphold journalistic standards. In accordance with UNMIK Regulation 2000/36 on the licensing and regulation of the broadcast media in Kosovo and UNMIK Regulation 2000/37 on the conduct of the print media in Kosovo, the TMC is entitled to take action against violations of the media regulations and/or the associated codes of conduct for broadcast and print media. The second regulation will

establish a legal and funding structure for the public broadcaster RTK. It will establish a Board composed of both internationals and Kosovars to oversee the operation of RTK. OMIK is committed to ensuring that both RTK as a public broadcaster and the private, commercial broadcasters have a level playing field on which to compete.

In line with UNMIK 2001 priorities, a special focus has been made on supporting ethnic communities' access to media in their own languages. With donor support, OMIK has also launched the distribution of Serbian and Montenegrin print media to the Kosovo Serb enclaves. As throughout the 2000 municipal elections, OMIK has endeavoured to ensure fair and equitable access to the media for all ethnic communities and has monitored the conduct of both print and broadcast media during the run-up to the 2001 central elections to ensure compliance with the electoral rules.

Promotion of Respect for Human Rights and the Rule of Law

OMIK's role with regard to human rights and rule of law activities are an integral part of its institution-building mandate. Indeed, since the inception of OMIK, the rule of law has been one of the major problems in Kosovo. While UNMIK is responsible for establishing and administering the judiciary, OMIK is the lead agency responsible for monitoring human rights, as well as assisting in building local capacity for undertaking human rights advocacy. OMIK monitoring activities permit the identification of areas where local legislation and weaknesses within the judicial system are a disadvantage. OMIK also regularly reports on general concerns such as the right to the security of the person, the right to peaceful enjoyment of home and possessions, freedom of movement, and freedom from discrimination and trafficking among others. To build sustainable local capacity for the protection of human rights, OMIK has conducted a number of training sessions on specific issues to facilitate the work of human rights NGOs and to assist NGOs in using the appropriate mechanisms to seek redress for violations.

Ethnic minorities especially have reason to feel less than secure, hence OMIK has set great emphasis in not just monitoring their situation but also actively working on concrete measures to improve their working and living conditions. As indicated in the various *Joint OSCE-UNHCR Assessments of the Situation of Minorities*, the situation of ethnic communities in Kosovo remains deplorable. The combination of a lack of effective policing, the climate of impunity and inadequate detention facilities have all led to significant problems in creating rule of law. Indeed, within the international Mission, the continuing waves of violence highlight the urgent need for a strategic review of security for non-Albanian Kosovars as well as of UNMIK's law enforcement mechanisms. The organization, sophistication and possible premeditation of attacks upon minorities have put into question the efficacy of the in-

stitutional measures put in place to uphold the rule of law. Specifically, the inability of the law enforcement and judicial system to investigate, prosecute and convict perpetrators remains a primary concern since the number of persons convicted for attacks on non-Albanian Kosovars remains negligible.

Of all the many human rights issues in Kosovo, one of the most important in the long-term may well be property rights. This issue is especially important with regard to inter-ethnic relations and the returns of the thousands of displaced Kosovars. The level of destruction, both of property and of records, the years of discriminatory legislation, and the mass movements of persons out of Kosovo (and back) since 1989 have led to a near total collapse in any structure that previously existed for their protection. It has therefore been the responsibility of UNMIK, together with the wider international community, to ensure that a fair and effective system to protect property rights is restored as quickly as possible in order to ensure the rule of law. OMIK, together with its partners, have developed a more focused strategy to address the security and property issues of minorities.

One of OMIK's major successes in the area of human rights was facilitating the creation of Standard Operating Procedures for a co-ordinated inter-agency response to trafficking in human beings. With procedures in place, OMIK focused on legal reform advice. In January 2001, the Regulation on the Prohibition of Trafficking in Persons in Kosovo was promulgated. While application of the law has been slow - due in part to inadequate translation and new legal concepts without accompanying interpretative instructions - OMIK has held various regional round tables to offer an initial background on the Regulation for the judges and prosecutors. Another significant challenge lies in the inherent difficulties in the creation of an effective witness protection programme without which the efficacy of the Regulation is being severely limited. Despite these difficulties, OMIK continues to play a central role in providing direct assistance to victims. The Mission has set up both a shelter and a referral system to ensure a co-ordinated approach by key agencies including the International Organization for Migration (IOM) and the UNMIK Police Trafficking and Prostitution Investigation Unit. Lessons learned from these Procedures are essential in guiding OMIK's work to protect the rights of victims of sexual and domestic violence. OMIK is also training victim advocates and defence counsel to provide support and advice to victims of trafficking, of sexual offences and domestic violence, leading to a co-ordinated, integrated and sustainable system that addresses prevention, protection and prosecution.

As part of OMIK's activities designed to strengthen the independence of the judiciary and rule of law in Kosovo, the Mission focuses on legal community support, for instance through the institutionalization of legal aid in civil matters. The justice system itself is, however, still hampered by a myriad of problems. Among the most critical and long-standing is the absence of a *habeas corpus* remedy by which a detainee may challenge the lawfulness of his/

her detention and continued executive detention. Other problems include the continued lack of procedures to ensure effective access to defence counsel by detainees and the continued concerns of bias in criminal proceedings. The lack of alternatives to detention for juvenile offenders and the lack of a mechanism to ensure appropriate treatment of the mentally ill are further issues of concern. While significant progress has been made in approaching the structural problems facing the legal system in Kosovo, the necessity for inter-organizational co-operation remains an issue in order to develop a coherent overall strategy to address the problems identified and the immediate, medium- and long-term needs within Kosovo's justice system.

OMIK has contributed to the promotion of the rule of law through the establishment of several institutions. First, the Kosovo Law Centre (KLC) was set up to engage in, and encourage, research into the applicable law in Kosovo. The primary goal of the KLC is to cultivate the professional skills of local legal talent within the Centre in order to establish a professional, locally run, independent and sustainable NGO that embodies and promotes democratic principles, high ethic standards, the rule of law and respect for human rights. Among other major achievements, the KLC has also helped in putting the Law Faculty of Priština University on a firm footing. Secondly, in February 2000, OMIK, in conjunction with the legal community in Kosovo, established the Kosovo Judicial Institute (KJI), which aims at enhancing the legal education of judges and prosecutors along with implementing democratic principles and the observance of the rule of law in Kosovo. The KJI conducts courses for new judges and prosecutors and is engaged in the regular review of judiciary affairs. The Institute has carried out several legal education programmes to familiarize the local judiciary with domestic laws and international human rights standards and instruments. Training and workshops on topics such as the European Convention on Human Rights, pre-trial criminal procedure, criminal investigation, juvenile justice, international humanitarian law, alternative measures to detention, violence against women and property issues have been held. The Council of Europe and the United States Department of Justice have been co-operating on a regular basis with the KJI. OMIK recently published a six-month assessment of judicial proceedings contributing to the further improvement of the judicial system. This report is a critical review of the judicial proceedings of the past six months, tracks progress made since October 2000 and outlines continued problems with the justice system and legal framework.

The Ombudsperson Institution (OI), created by the OSCE on 21 November 2000, holds great promise for assisting vulnerable groups. The OI, operating independently of the OSCE and other UNMIK pillars, is to assure the transparency in Kosovo's administration. The OI's mandate is to accept and investigate complaints against authorities concerning alleged abuses of power and human rights violations by individuals, groups or organizations. Since its opening, the OI has received several hundred cases, of which a majority re-

late to alleged violations of property rights and discrimination in the area of employment. Since November 2000, OMIK has undertaken a large public awareness campaign through the distribution of public information materials to encourage individuals, groups or legal entities to file complaints pertaining to alleged human rights violations or abuses of authority.

In all instances, the transfer of OMIK-created institutions to the Kosovo consolidated budget and thus the Kosovar public requires the gradual reduction of external and financial resources to ensure sustainability.

Finally, OMIK created the Criminal Defence Resource Centre (CDRC) to address the continued investigation and fair prosecution of alleged violations of international humanitarian law as well as ethnically and politically motivated crimes. The CDRC aims to provide national defence counsel with access to international instruments and research material relating to the rights of the accused in criminal proceedings. It assists them with research, case preparation and strategy for cases where the persons are accused of international humanitarian law offences and/or serious ethnic or politically motivated crimes as well as involving breaches of international standards. The CDRC also assists national defence counsel in opposing the application of existing provisions in domestic law or UNMIK Regulations that violate international human rights laws and to challenge arbitrary arrests and detentions under relevant international standards.

As a member of the Joint Advisory Council on Legislative Matters, set up by the Special Representative of the UN Secretary-General (SRSG) in August 1999, OMIK participates in the revision of the local legislation to review the applicable law, identify areas, which require legal reform, and to draft regulations. OMIK is notably involved in the drafting of a new Criminal Code and a new Code of Criminal Procedures.

In order to promote law enforcement, OMIK, in conjunction with international partners, and under the auspices of UNMIK, has also been mandated to recruit, select and train police officers in order to establish an indigenous police capability within Kosovo. The chief objective is to establish the Kosovo Police Service (KPS), which will be organized and function in a manner consistent with the principles of democratic policing. In 1999, the OSCE established the Kosovo Police Service School (KPSS) to develop the educational foundation upon which a community-based police service will be built. The KPSS endeavours to restore trust and confidence in law enforcement through a training philosophy, which is based on the international standards of human rights. The OSCE's training mandate is to develop and deliver democratically oriented basic police training for approximately 6,000 locally recruited police officers by June 2002. To date, 19 per cent of the cadets who graduated were women and nine per cent Kosovo Serbs. The average percentage of non-Albanians who graduated, including the Kosovo Serbs, is 17 per cent. In the wider context of the new law enforcement priorities spelled out by the SRSG, the OSCE shifted the focus of training activities from basic training to more

supervisory and specialist training, which anticipates the hand-over strategy of supervisory responsibility by UNMIK Police to Kosovo Police Service officers. The KPSS is currently considered one of the most successful capacity-building projects in South-eastern Europe. Its graduates are clearly well respected in the local community and have already added to more effective law enforcement. This is likely to become more pertinent as more of them are deployed on their own, doing full-fledged police work.

The Way Forward

As in the year 2000, elections remain a key event in accordance with the third phase of UNMIK's strategy as envisaged by Security Council Resolution 1244: to finalize preparations and conduct elections for a Kosovo Transitional Authority. Following the Special Representative's address to the OSCE Permanent Council in Vienna on 1 March 2001, preparations began for central elections on 17 November 2001. The Working Group on the Principles for Provisional Self-Governing Institutions in Kosovo (the Constitutional Framework) began formal consultations on 6 March 2001. The Constitutional Framework, which was promulgated on 15 May 2001, covers powers and responsibilities of the provisional institutions of self-government, powers and responsibilities reserved for the SRSG, and details of the institutions of an Assembly, an executive and a judicial system while it leaves the final political status of Kosovo unresolved.

Kosovo Albanian political representatives have said they would participate in the democratic process outlined by the Constitutional Framework. Kosovo Serb leaders, however, have argued that the Framework would give *de facto* independence to Kosovo while infringing upon their vital interests. As a mediatory solution, UNMIK has with the participation of the OSCE Mission developed an arbitration mechanism, which makes it possible for the representatives of all ethnic groups, in particular those of the Kosovo Serbs, to ensure a second reading of legislative proposals which could affect their "vital interests". If the legislative proposal is not changed in accordance with the wishes of the minority committee through this means, the Constitutional Framework calls upon the SRSG as the last instance to decide upon the issue.

Strategies to ensure the participation and representation of all ethnic communities, in particular the Kosovo Serbs, are being formulated by OMIK. Yet the continued attacks against members of minority groups, the hard-line partitionist tendencies in northern Kosovo and the lack of tangible results in the return of IDPs have also made it more difficult for the international community to come to terms with the Kosovo Serb community. Given the imperative to hold genuinely inclusive elections, meetings have been held in both Belgrade and the northern municipalities of Kosovo where Serbs constitute a majority, to convey the message that participation is a prerequisite for Kosovo-

vo Serbs to safeguard their interests and co-determine the course of events in Kosovo. Kosovo Serb political leaders' cautious stance with regard to participation leaves some room for cautious optimism. However, it would appear that the key to their participation continues to lie in Belgrade. Only a strong message from Serb/FRY authorities can ultimately help overcome the prevalent reservations. Furthermore, it is clear that mutually positive steps to create confidence between the majority and minority communities are needed and that progress on the issue of return and missing persons must be made. In this respect, the need for a proper return strategy, which would by necessity include low profile returns to areas where Kosovo Serbs already live, is imperative.

Conclusion

Two years after OMIK began building institutions, it is now consolidating the progress made. OMIK has thus shifted its emphasis to focusing on ensuring that the newly created institutions are sustainable in the long term. In this task, two key notions underlie all of OMIK's programmes. All newly created structures have a built-in "Kosovarization" policy, aimed at a gradual hand-over strategy and management responsibilities to Kosovars of all ethnic communities rather than a continued reliance on international staff. The second principle is that of depoliticization. After a decade of thoroughly politicized governance, OMIK wants to contribute to depoliticizing Kosovo's public institutions, such as the civil service, the police, the judiciary, the public media and the education system. This has implied introduction of new merit and performance-based standards for recruitment and dismissal, promotion, incentive systems and training.