

7. DIALOGUE

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

Current Situation

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

Challenges Ahead

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

Priority Actions

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

Regional Cooperation

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

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

1.DIALOGUE

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

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

2. REGIONAL COOPERATION

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

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

GLOSSARY:

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

1. THE KOSOVO PROTECTION CORPS

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

Current Situation

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

Challenges Ahead

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

Priority Actions

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

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

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

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

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

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

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

GLOSSARY:

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