

Ombudsman Institutions Networking on Minority Issues

The ECMI Network of Ombudsman Institutions addressing minority issues has enjoyed an active six months, with three workshops held in Georgia, Macedonia and Germany.

As a key institution protecting human rights, proper administration and justice, ombudsman staff members are not only confronted daily with real issues faced by the public, but also have a significant role to play in minority issues, and in educating the administration and citizens about human and minority rights. ECMI's Ombudsman Network Project is based on the principle of information and experience sharing between institutions, exchanging good practice, meeting to discuss developments and methodology, and developing professional connections to support the important work that each institution carries out. Networking meetings are supported by a network website.

In September 2004, ECMI and the Office of the Public Defender of Georgia hosted a workshop for staff of the Georgian Public Defender, the Human Rights Defender of Armenia and the Ombudsman Office of Azerbaijan. Regional and international experts, including from the Organization for Security and Cooperation in Europe, the Center for the Study of Democracy (Bulgaria), UN Volunteers and the Human Rights Ombudsman in the Russian Federation led discussions on international minority protection standards, human rights implementation, terrorism, and national legislative developments. The workshop gave an exceptional opportunity for staff of the three institutions to exchange their own working experiences and facilitated open discussion about issues faced in each country and successful approaches taken.

The second workshop took place at Lake Ohrid, Macedonia in October 2004. ECMI and the Ombudsman of Macedonia hosted Ombudsmen and legal experts from institutions in Macedonia, Kosovo, Vojvodina, Montenegro, Stare Zagora (Bulgaria), Bosnia & Herzegovina and Albania. The workshop was also attended by representatives of the Ministry for Human and Minority Rights of Serbia & Montenegro, and the OSCE Spillover Mission to Skopje.



PHOTO BY D. CHRISTOPHER DECKER

Participants at Ombudsman Project workshop, Ohrid, Macedonia, October 2004

The workshop explored the role of the Ombudsman in minority protection and the implementation of international standards on a domestic level. Presenters gave insights into practical experiences in their own countries, including representatives of the Norwegian Centre Combating Ethnic Discrimination and the Greek Ombudsman Office. This was accompanied by expert presentations on legal standards by the President of the Macedonian Helsinki Committee and ECMI researchers. Rianne Letschert (Tilburg University, The Netherlands) discussed with participants the international complaints mechanisms available for minority issues and the Ombudsman's potential role within these systems.

The third workshop was a follow-up meeting and border region study tour held at ECMI headquarters in Flensburg, Germany in November 2004. Staff of network institutions from Armenia, Azerbaijan, Georgia, Kosovo, Estonia, the Russian Federation and Macedonia joined together for three days to meet with representatives of the German Federal and Regional (Schleswig-Holstein) Commissioners for National Minorities, as well as minority representatives from the region.

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Meskhetian Turkish Project Fieldwork Underway in Nine Countries

November 2004 marked the 60th anniversary of the deportation of Meskhetian Turks from Georgia to Soviet Central Asia. The population group remains the last of the peoples that were deported under Stalin's regime, and which, to date, have been denied the right to return to their place of origin. At present the bulk of the estimated 285,000-330,000 Meskhetian Turks live scattered around nine different countries and lately including the United States.

Since October ECMI's unique research project on the Meskhetian Turks has progressed into the second phase. Currently, over thirty researchers in the Ukraine, Russia, Georgia, Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan, the United States and Turkey are conducting qualitative fieldwork in over fifteen different locations. Simultaneous to the ethnographic fieldworks, the project's exceptionally qualified and diverse research team has also commenced several thematic and legal studies on various issues.

As a rule, each field study consists of two researchers, one male and one female, who live with the local Meskhetian Turkish communities over a period of six weeks while conducting the research. The core research topics for the fieldwork is the Meskhetian Turks' concepts of home and homeland, social organization and identity as well as migration processes. In a latter phase of the project, the fieldwork will be extended to almost twenty other locations. The thematic studies will cover issues such as the role of the international organizations and regional politics with regards to the case, social dynamics of the communities and human rights aspects of the issue. Also, two legal studies are being prepared in the Russian Federation and Georgia respectively.

The beginning of the fieldwork was preceded by training seminars and workshops in Russia, Kyrgyzstan, Azerbaijan, Georgia and Turkey to ensure maximum harmonization of research methodology and techniques. The project's external expert on methodology, Viktor Voronkov, who is also the director of the St. Petersburg based research institute Centre for Independent Social Research in Russia, conducted the trainings with facilitation by the local project affiliates and the project's coordinator Oskari Pentikaeinen from ECMI. Also, in some countries, pre-



PHOTO BY GERT HOLTZE

The Meskhetian Turks were deported from Georgia in 1944 by Stalin

liminary studies were conducted in order to identify the most relevant locations for the ethnographic studies.

The training events were coupled with elaborate guidelines on methodology and research requirements for the research teams. The documents were produced by the external experts on methodology, Prof. Erhard Stolting from Potsdam University, Germany, and Mr Voronkov together with the project management team.

It is envisaged that the project's second workshop will take place in the end of May 2005 in Bishkek, where the first drafts of the country case, legal and thematic studies will be reviewed. Consequently, the ensuing months after the workshop will be utilized for further research and writing until the end of September.

In recognition of ECMI's expertise on the issue Mr Pentikaeinen, acted as an external expert for the Council of Europe Parliamentary Assembly's Committee on Migration, Refugees and Population to exchange views on the Meskhetian Turks on 5 October 2004 in Strasbourg, France.

The Meskhetian Turks project is generously funded by the Volkswagen Foundation. For further information please contact Senior Research Associate Tom Trier at trier@ecmi.de.

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Look out for the Ombudsman Network Project publication appearing soon: "Ombudsman Institutions and Minority Issues – A Guide to Good Practice. Foundational Criteria, Strategic Development and Operational Issues" authored by the Project's team of experts.

soon: "Ombudsman Institutions and Minority Issues – A Guide to Good Practice. Foundational Criteria, Strategic Development and Operational Issues" authored by the Project's team of experts. The Guide to Good Practice sets out international standards relevant to Ombudsman offices addressing minority protection issues and discusses the implementation of these standards in Europe. The Guide will be published in English and Russian and will be available on the Project's website from February 2005.

The Ombudsman Network project is supported by a team of experts and generously funded by the Royal Danish Ministry of Foreign Affairs, the German Ministry of the Interior, the Minister-President of the Land of Schleswig-Holstein and the Royal Norwegian Ministry of Foreign Affairs. For further information please contact Research Associate Marnie Lloyd at lloyd@ecmi.de.

Georgian Deputy Minister of Education takes part in ECMI conference in Javakheti

At a December conference on education organized by ECMI in the Armenian minority region of Javakheti, the Georgian Deputy Minister of Education, Bela Tsipuria, made her way to the remote and isolated region to take part in a discussion with the local population on a controversial draft law on primary education. As a result of the conference, the Javakheti Armenian population is now being directly consulted in the process of preparing a new legislative act on primary education.

In the fourth quarter of 2004, ECMI has greatly advanced its activities in Georgia and has been successful in facilitating direct consultation between regional actors and the central authorities in the field of education. ECMI implements a multi-strand programme in Georgia to promote integration and defuse ethnic tension in regions with large concentrations of minority populations. In 2004, ECMI has especially focused on the Javakheti region, where 95% of the population is ethnic Armenian. Other population groups are Greeks and Russians, while the Georgian population in the region constitutes a small “minority within the minority”.

Located on a mountain plateau and geographically isolated from the rest of the country, the Javakheti region has drawn increasing attention as a potential conflict zone. A serious decline in the population’s living standards over the past decade, combined with poorly developed legislative and administrative standards, raises concerns that popular unrest may erupt on social and economic grounds and translate into ethnic tension.

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Starting in early 2004, ECMI implemented a project in Javakheti to enhance the dialogue on policy issues between civil society and local government on the one hand and local actors and central government on the other. The project aims at advancing a constructive dialogue on matters of concern to the local population and to enhance the level of engagement of the regional population in decision making processes so as to ensure that the development of the range of new policies being drawn up in the aftermath of Georgia’s November 2003 “Rose Revolution” takes the interests and concerns of minority populations into account and enhances the Georgian authorities standards for governance on minorities.

As part of this project, ECMI has established a “Javakheti Citizens Forum”, which embraces civil society actors and authorities alike and convenes on a regular basis in conferences focusing on thematic issues of relevance to the region. In between the conferences, two working groups, respectively dealing with matters of economic development and integration and language questions and education, work on specific issues pertaining to current policy making and develop suggestions and

recommendations on improvements in legislation and governance.

The ECMI Working Group on Language Issues and Education has been especially successful in establishing a dialogue with the central authorities, i.e. the Georgian Ministry of Education. In November, members of the Working Group submitted a formal letter to the Minister of Education in response to a draft law on primary education currently being debated in parliament.

In the letter, the representatives of the working group expressed concerns that the Armenian and Russian languages under the new law might not be maintained as the languages of instruction in minority schools. The letter suggested that guarantees should be provided in the law for maintaining minority languages for instruction in schools. At the same time the letter stressed that the Armenian population in Javakheti is not opposed to the introduction of Georgian language in the region’s schools, however, Georgian should be taught as a second language. The letter also encouraged more resources for teaching in Georgian, as currently there is a great lack of Georgian language teachers and textbooks.

In response to the letter, Bela Tsipuria, Deputy Minister for Education, accepted an invitation by ECMI to take part in an ECMI organized conference on the law on education and made the eight hour drive through heavy snow to Akhalkalaki, the principal town of Javakheti, to participate in an open and transparent discussion on the implications of the proposed law. At the conference, Bela Tsipuria, after a spirited but fruitful discussion, handed over a letter from the Minister of Education, Alexander Lomaia to the members of the working group. Though the Minister and his Deputy did not approve of the suggestions made by the working group members, it was stressed that the parents and teachers at each individual school are entitled to decide on the language of instruction. The position of the Ministry has subsequently been discussed by the Working Group at a meeting in January. While the Working Group members welcome the commitments made by the Minister and Deputy Minister, there are still concerns that guarantees for instruction in minority languages are not clearly provided in the draft law. To this end, the working group is now preparing an additional letter to the Ministry of Education.

Regardless of the differences in positions, the visit of the Deputy Minister marked the first occasion in several years, where a high official from Tbilisi made the effort to travel the long distance to Javakheti to take part in direct dialogue with local stakeholders and the Deputy Minister’s appearance in the region was highly appreciated by the local authorities and civil society actors alike as a sign of good-will of the new government. Hence, the Citizens Forum conference on education was a great success in terms of initiating a direct dialogue and allowing for policy consultation with the regional stakeholders. Over the coming months, ECMI will seek to broaden the consultative process to cover other policy areas of concern to the regional popula-

ECMI Conducts Needs Assessment of Roms in Serbia and Montenegro

From September to December 2004, ECMI conducted an integrated analysis of the situation of the Romani population in the Union of Serbia and Montenegro. Designed on the basis of a needs assessment methodology developed and employed successfully in the first global assessment of the needs of the Romani population in Macedonia, which ECMI conducted in fall 2003, the analysis combined the following components:

- Capacity assessment of relevant local NGOs with activities aimed at Roms;
- Consultation with government organs, IGOs, and international NGOs;
- Focus group discussions; and
- Fact-finding visits to Romani settlements.



PHOTO BY NATASHA MARKOVSKA

Focus group meeting in Podgorica

Like the needs assessment in Macedonia, the analysis in Serbia and Montenegro was commissioned and financed by the Swedish International Cooperation Agency (Sida). The aim of the project is to provide a basis for Sida's work with Roms in Serbia and Montenegro for increasing Roms' level of integration into the society of the Union as a whole by equipping them with the resources needed for playing an effective role in a democratic society based on the rule of law as well as for participating successfully in a competitive labour market.

Taking into account recent advancements in research and policy addressing the Romani population of Serbia and Montenegro, the project was undertaken in the spirit of supporting and supplementing ongoing government efforts to raise the level of integration of the Romani population. With this in mind, the analysis focused on three core areas in particular need of attention: migration, employment, and civil rights. While each of these areas constitutes a distinct set of needs requiring consideration in its own right, the findings of the focus groups held in five cities throughout the Union point to close links among the core areas.

ECMI Hosts Seminar in Bulgaria

In October 2004 ECMI-Bulgaria began implementation of a project on "Enhancing Minority Governance in Bulgaria" supported through funding from the United Kingdom Foreign and Commonwealth Office's Global Conflict Prevention Pool. The project has brought together more than 80 institutions and organizations at national, regional and local levels.

On 2-3 December 2004 a major stakeholder training event took place in Borovetz on stakeholder analysis, needs assessment, participatory monitoring and evaluation was provided to the participants. The constructive dialogue between public officials and representative of the civil society led to specific recommendations that will be developed, refined and prioritised in three Working Groups focusing on priority minority areas such as education, minority access to public services, and minority participation in public, political and economic life.

The new challenge for the Working Groups is to take forward the relevant proposals of the Borovetz seminar by agreeing on specific conclusions on needs, legislative deficits, evaluation of action plans and projects, and on this basis propose standards for good governance on minority issues. Meetings of the Working Groups are planned to take place in the first part of 2005, followed by a major conference after the parliamentary elections in Bulgaria in May 2005.

ECMI's Deputy Director

Ms. Ewa Chylinski has been appointed ECMI's Deputy Director and has joined the team on 15 November 2004 directly from the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights in Warsaw, Poland where she was a project coordinator for several years. She has also spent almost three years at the OSCE Conflict Prevention Mission to Tajikistan during the civil war 1996-1997 as human rights/political officer and deputy/acting head of mission.

Ms Chylinski has an extensive background in management and development of academic and other projects and advisory experience in democratization and human rights promotion and protection programs. She also has extensive research and field experience from the Caucasus, Eastern Europe and Central Asia as a former Assistant Professor and Researcher at the Institute of East-West Studies at the University of South Jutland, Denmark.



EWA CHYLINSKI,
ECMI'S DEPUTY DIRECTOR

PHOTO BY D. CHRISTOPHER DECKER

Policy Dialogue Initiative Working Groups Recommendations

Throughout December 2004, members of the working groups in ECMI's Policy Dialogue Initiative in Macedonia have been actively engaged in lobbying members of Parliament, representatives of individual Ministries and relevant government institutions to adapt and implement their policy recommendations in the fields of education, health, economy and human rights. In addition to individual presentations targeted towards relevant government actors, a large press conference was held for members of the domestic and international press, on December 14 at the Holiday Inn Skopje, to publicise the recommendations to local citizens and members of the international community.

The recommendations of the Working Group for Education highlight the necessity of recognizing the value of multiculturalism, strengthening infrastructural needs, encouraging depoliticization in the education sector, and enhancing teacher training institutions. Separate presentations were made to the Ministry of Education, the Parliamentary Committee on Education, the Bureau for the Development of Education and also to international organizations operating in Macedonia.

The Human Rights Working Group has focused on finding ways for strengthening the capacity of institutions responsible for human rights protection, as well as the issues of citizenship and the personal right to liberty. With the aim of promoting the development of sustainable strategies in the field of health, the Working Group for Health have recommended developing a new national strategy for health care. Their recommendations in particular focus on relevant themes and prerequisites for consideration during the preparation of this new strategy as well as strategies for implementation. It is intended that



PHOTO BY VERICA GRDANOSKA

Presentation of the Policy Dialogue Initiative Working Groups Recommendations

once the new Government takes power, recommendations will be presented to the relevant Ministries and institutions.

The Working Group for Economy has adapted a dual approach toward issues in the economic sphere: macroeconomic and microeconomic policy problems. Recommendations were presented at the Economic Forum. The press coverage emphasized the indifference of the relevant institutions toward such important issue for Macedonia.

In addition to the planned events and presentations, a meeting with the Secretary of the Parliamentary Committee on Education was held to discuss future cooperation between the education working group and the Parliamentary Committee for Education in the course of 2005. This positive step was proposed by the Committee itself based on their favourable impression of the recommendations made by the Working Group on Education earlier this month.

Integrating Migrants and Promoting Interethnic Accord In Kaliningrad

The Kaliningrad region constitutes one of the most important areas of contact between the Russian Federation and the European Union. The large-scale influx of migrants from some CIS countries with negative interethnic experiences and the position of other non-dominant groups of longer standing in the region demand close attention and assistance in order to maintain stability and diminish negative developments such as illegal westward migration from the region.

ECMI has been involved in the region for a number of years which has allowed ECMI to establish strong and active ties with the local expert community, NGO sector and governmental organizations.

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included several strands of activities. An ECMI-sponsored group published a guide on national-cultural autonomies of the Kaliningrad region in December 2004.

The guide contains information on ethnic minority organizations in the region and is the first publication of its kind in Kaliningrad. ECMI has also prepared a manual for municipal officials that work with migrants and minorities. The manual contains information on federal and regional legislative acts that regulate issues of migration and nationality policies as well as provides recommendations for municipal bodies on how to address specific issues that migrants and minorities face. Other strands of activity were aimed at developing legal recommendations to help migrants to resolve their housing problems and to address difficulties in finding information on the employment situation in Kaliningrad. ECMI also supported research on the patterns of political participation and involvement of minorities and migrants in regional and local government structures in the region. The results of this research will be published in a separate brochure in the early 2005.

Major Political Developments in Kosovo during 2004

MARCH RIOTS

The significant political event of 2004 was the March riots. The violent clashes between ethnic Albanians, Serbs and international peacekeeping forces in Kosovo left 19 civilians dead, hundreds wounded, several thousand persons displaced and much damage to property. The riots indicate that much remains to be done in achieving sustainable peace and development in Kosovo.

The international community and Kosovo institutions agreed immediately after the riots to jointly launch the Standards Implementation Plan of 31 March 2004 as the way forward. The Plan can be compared to a governmental plan of programming priorities, representing the partnership between the Provisional Institutions of Self-Government (PISG) and the UN Mission in Kosovo (UNMIK).

A Norwegian diplomat, Kai Eide, was called to conduct a thorough analysis of UNMIK work with a view to restructuring the international presence in Kosovo. Shortly after the report was released, the new Special Representative of the UN Secretary-General (SRSG), Søren Jessen-Petersen, took office. Building on the momentum of the new approach, the SRSG emphasized that the points in the report would be taken into account. The report is now central to UNMIK restructuring, transfer of power and a revision of the "Standards before Status" policy. The report suggested a new strategy of four stages:

- Responding to the immediate concerns caused by the March events;
- Managing the interim before addressing the future status question;
- Preparing for and negotiating the future status;
- Overseeing and assisting in implementing the political settlement for future status.

2004 ELECTIONS

The 2004 elections saw a slight decline in support for the traditionally strong ethnic Albanian party, LDK. The gains of the Citizen's List Initiative, ORA, is a new development in the political scene. Parties attained votes as follow: LDK (45%), PDK (28%), AAK (8%), ORA (6.3%), PSHDK (2%).

SERB BOYCOTT

Coalition Povratak (KP) boycotted the work of the Assembly following the March riots despite attempts by UNMIK and PISG to include them. Endeavors to remedy the consequences of the riots, such as the allocation of 11.6 million Euro for the rebuilding of Serb property, were met with a persistent rejection of mainstream political life. The divided political scene in Belgrade contributed to this directly. The Union of Serbia and Montenegro President Kostunica and the Serb Orthodox Church opposed participation in the October elections. Meanwhile some groups close to Serbian President Tadic diverged from this position and two Serb entities took part in the elections. None of the competing Serb entities secured a place in the new Assembly, however, they will be represented via the ten seats set aside for the Serb community.



SRSG, Søren Jessen-Petersen and PM, Ramush Haradinaj (UNMIK/DPI)

FORMATION OF COALITION GOVERNMENT

The results of the October Elections in Kosovo made clear that none of the parties came close to securing the 61 seat majority in the Assembly. Parties were reportedly given a certain timeframe to reach an agreement. After that UNMIK would step into the negotiation process.

With a fast-approaching deadline, the LDK-AAK announced a coalition on 17 November. In the inaugural session of the Assembly, Mr Nexhat Daci was elected the Parliament Speaker, Mr Ibrahim Rugova President, and endorsed the new Government, including the Prime Minister, Mr Ramush Haradinaj, the AAK president. The LDK leads six Ministries, the AAK four Ministries, and, although not part of the coalition agreement, Kosovo Serb representatives will lead two ministries. The non-Serb communities will lead with one.

Reactions to the coalition agreement and the subsequent government have been overshadowed by the AAK's Ramush Haradinaj being elected Prime Minister. Amidst coalition negotiations, Haradinaj was interviewed by the Hague Tribunal (ICTY) regarding his combat activities as a commander of the KLA in 1998-99. Following this, Haradinaj stated that would not be required for further interviews. However, it is speculated that his case with the ICTY has not been concluded.

A statement from UNMIK SRSG Jessen-Petersen commenting on the nomination of Ramush Haradinaj for the Prime Minister post said: "If I say no to his nomination I will say no to democracy", thus making clear that he will not intervene in the process. A more critical viewpoint has come from EU Foreign Affairs Representative, Javier Solana. He was quoted on 22 November as saying: "Whoever the prime minister, he has to work on the standards issue and if in the end the prime minister is somebody who has to go to The Hague, he may not be the most appropriate person to work towards those standards."

THE WORK OF THE NEW GOVERNMENT:

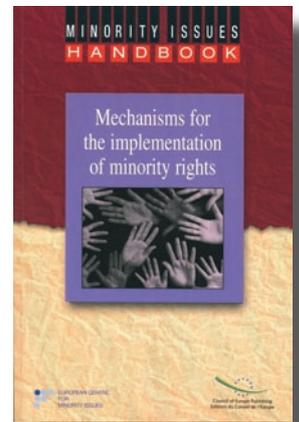
The new Prime Minister has received few visits from foreign diplomats, while at the same time being fully engaged with UNMIK and the SRSG. On his part, the new Prime Minister has stressed his full commitment to the standards implementation and to principles of human rights. Since December, he has shown considerable zeal to work on standards and accelerate the process of their implementation. However, with speculations over his indictment at the end of January, the Kosovo political scene remains tense and volatile.

Mechanisms for the implementation of minority rights

This new publication, the second in the series, offers a comprehensive and critical overview of the political and legal mechanisms that are available at both European and international levels for the implementation of minority rights standards.

Amongst the aspects covered in separate chapters are: the United Nations treaty monitoring bodies; the proceedings before the International Court of Justice; the Council of Europe's treaties and mechanisms (the European Court of Human Rights mechanism, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages); the OSCE political commitments and mechanisms in the human dimension, including the High Commissioner on National Minorities, and the EU contribution to the protection of minorities and the prevention of discrimination. For each chapter, the authors discuss prospects for the future and provide practical guidance for minority rights practitioners.

This work will be of interest to human rights scholars, students of international law and international relations, non-governmental organisations and other institutions involved in minority issues.



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New ECMI Publications

ECMI REPORT #52

Malloy, Tove H. and Tankut Soykan. Cyprus Settlement Initiative Project. Addressing the Settlement of Self-Determination conflicts through Complex Power Sharing: The Case of Cyprus. Antalya, Turkey. March 2004, 62 pp., appendix.

<http://www.ecmi.de/rubrik/57/reports/>

ECMI gratefully acknowledges the generous support from the Carnegie Foundation of New York. This project is done in collaboration with the Centre for International Studies at the University of Cambridge.

The aim of the ECMI Cyprus Settlement Initiative was to assist the authorities of Northern Cyprus in understanding the ramifications of adopting the so-called Annan Plan for Cyprus prior to becoming a member of the European Union. The project targeted members of the Northern Cypriot negotiation team, high-level policy and decision-makers in Northern Cyprus as well as opinion forming groups and individuals. Among the outputs envisaged for the project was (1) a greater overall understanding of the Annan Plan within the leadership of Northern Cyprus as early as possible in the negotiation process, (2) improved technical understanding of specific issues and aspects of the Annan plan, and (3) empowerment of the negotiation team as well as the supporting technical committees in the negotiation process, and (4) improved networking opportunities for the Northern Cypriot authorities with international experts.

ECMI BRIEF #12

Zeqiri, Adrian. A New Challenge for Kosovo's Emerging Democracy, by Adrian Zeqiri. November 2004, 7 pp.

<http://www.ecmi.de/rubrik/59/issue+briefs/>

On 23 October 2004, elections for the central institutions of Kosovo were held for the second time. According to Council of Europe and OSCE observers, the elections were held in a free and fair environment and there were no irregularities in the results. This report analyzes the election results and their implications for the formation of a Kosovo assembly, and discusses the impact of these developments in the current and upcoming intensive political period in Kosovo.

The European Centre for Minority Issues advances majority-minority relations in the wider Europe through action, research and documentation. It supports the stabilization of areas of ethno-political tension and conflict, contributes to the strengthening of relevant legislation and best practices in governance and enhances the capacity of civil society actors and governments to engage with one another in a constructive and sustainable way.

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