



Are the Conditions Necessary for the Protection of the Rights of Minorities Present in Kosovo?

Background of the Decani Cadastre Case

In 2001 the Decani municipal authorities altered the Decani monastery cadastre records in order to take away the monastery title to its lands. No due process was followed and this act was illegal. In May of this year the KFOR authorities ruled that the municipality had to restore the monastery cadastral records to *status quo ante* by May 27th. The municipality did not restore the cadastral records but instead defied both its own government's and the UN's authority, by unanimously rejecting the ruling on June 4th and voting two UN Decani authorities *personas non-grata*, threatening and beating them. US government and UN officials as well as Decani monastery representatives have held discussions with the municipal authorities but they continue to defy the order with no consequences. This situation begs the following questions regarding whether the conditions necessary for the protection of the rights of minorities exist in Kosovo.

Hierarchy of Authority in Kosovo

- Who is the ultimate authority in Kosovo, the UN or the Pristina government?
- If the Pristina government does not hold the Decani municipality accountable for these violations, will the UN? How?
- Is the Pristina government responsible for seeing that the UN ruling that the Decani municipality restore the cadastre be carried out? If they fail to do so who will hold them accountable? How?
- What power does the UN have and what methods are at its disposal to enforce its ruling other than verbal reprimand?

Monitoring and Compliance Tracking Mechanisms

- Are there milestones and timelines defined that must be achieved? What are they? Where are they laid out?
- Are parties/institutions that are responsible for their achievement identified? Who are they?
- To whom is compliance or lack thereof reported and which authority is responsible to deal with noncompliance and how?
- Have all of the above been clearly communicated to the Kosovo people -- how, where and by whom?

Accountability Rules and Mechanisms

- Who is accountable for such illegal acts? Have they been identified and by whom?
- To whom are the violators accountable? Where is this specified, and how?
- Are consequences for these illegal acts clearly defined, where and how?
- Do municipality officials swear/agree to abide by the laws of the land? Is it clear that they are laid by and can be enforced by ultimate authorities?
- How is accountability judged, where and by whom?

Enforcement of the Rule of Law

- Who will enforce the UN ruling that the cadastral records be restored? How?
- Who will hold violators who illegally changed the cadastres responsible? How?
- If violators defy enforcement and Pristina fails to enforce the rule of law, will the international community do so and how?
- If Pristina leaders fail to enforce the rule of law, what consequences will they and Kosovo face for not doing so?
- If violators defy enforcement with the threat of violence and Pristina fails to enforce the law/ruling, will the international community allow them to get away with it? If not, what are they willing to do not to allow such illegal acts to prevail?