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KOSOVO: Secrecy surrounds latest religion law's drafting

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The latest draft Kosovo religion law, secretly drawn up under the auspices of the Austrian Government with the involvement of only three religious communities, is causing great concern. "It is not right that a closed group should draw up a new law for Kosova outside Kosova, without all Kosovars and the whole Assembly having any opportunity to comment on the proposals," Baptist Pastor Bekim Beka told Forum 18 News Service. The Organisation for Security and Co-operation in Europe (OSCE) Mission and some religious leaders did not know about the latest draft or the Austrian discussions. Pastor Dijana Daka of the Seventh-day Adventist Church, who had been closely involved in the previous discussions, told Forum 18 that she had not heard of the latest proposals and had not been consulted.

Protestants in Kosovo have complained to Forum 18 News Service about the secrecy surrounding the latest attempt to draw up a Kosovo religion law, which involved confidential discussions last December in Pernegg in Austria between invited representatives of the Kosovo Assembly, the Kosovo Government, the Austrian Government, Muslims, Catholics and Serbian Orthodox figures from Belgrade not Kosovo. They complain that the discussions are excluding them and the Kosovo public as a whole.

Pastor Bekim Beka of New Hope Baptist Church told Forum 18 from Pristina on 14 February that "the Kosova Assembly should be the place to amend the draft law, in an open process open to all Kosova residents. It is not right that a closed group should draw up a new law for Kosova outside Kosova, without all Kosovars and the whole Assembly having any opportunity to comment on the proposals." He fears there will now be an attempt to impose the latest draft on the Assembly. (See F18News 15 February 2005 http://www.forum18.org/Archive.php?article_id=727 for details of the draft law.)

Pastor Dijana Daka of the Seventh-day Adventist Church, who had been closely involved in the previous discussions in Pristina in October 2005, told Forum 18 on 14 February from Gjakova (Djakovica in Serbian) in south-western Kosovo that Adventists had not heard of the latest proposals, nor had they been consulted.

Attempts to agree previous drafts of a Kosovo religion law have been surrounded by controversy and delays (see F18News 19 November 2004 http://www.forum18.org/Archive.php?article_id=457 and 1 July 2005 http://www.forum18.org/Archive.php?article_id=596).

Azem Hajdari, a Justice Ministry official who until last month was an advisor to Kosovo's prime minister, reported that in the wake of the Pernegg meeting – which he attended - he finalised the draft law and sent it to the Prime Minister's Legal Office. "I told them to work on this law and cooperate with the Assembly for it to go through quickly for approval," Hajdari told Forum 18 from Pristina on 14 February.

Pastor Krasniqi agreed that the new draft law must go to the Assembly for open discussion and approval quickly, without further delays. He told Forum 18 that the Muslim community in particular was trying to pressure the government into delaying the law until after negotiations on Kosovo's final status are completed. He believes that the law should form part of the package of standards to be complied with before Final Status Negotiations. UN-mediated final status talks are due to start in Vienna in Austria on Monday 20 February.

Søren Jessen-Petersen, a Dane who is the UN Secretary-General's Special Representative in Kosovo, told the UN Security Council on 14 February that the final status process could not continue Kosovo's "status quo" and he was concerned that there had been a notable slowdown in standards implementation in 2005, especially in the field of minority rights. He told the Security Council that Kosovo's leaders could "not afford to show anything less than complete commitment, sincerity and action" on minority rights.

So far the Austrian-influenced draft – drawn up with the involvement of Austrian law professor Richard Potz - has not reached the Assembly. Sherif Konjufca, Assembly spokesperson, told Forum 18 on 9 February that the current religion law draft the Assembly is considering is the 2004 version as amended by the Assembly and approved in its first reading on 20 May 2005. Minority communities had many objections to the original 2004 version, which violated many international human rights principles, but felt happier with the amended version and were eager to take part in continuing discussions about it (see F18News 1 July 2005 http://www.forum18.org/Archive.php?article_id=596).

The Legal Office within the Prime Minister's Office told Forum 18 that the government recognises the version of the draft which it approved last year and which is at the assembly for its second reading. "The Austrian version discussed at the conference in Austria is being reviewed as an option for amendment to the law which is in process in the Assembly," officials of the Legal Office told Forum 18 from Pristina on 14 February. They stressed that the first draft was already with the Assembly "when we received the second version (Austrian)". "Since the law was already in the Assembly and it was approved by the Government it is clear that the version approved will be accepted but with the possibility of amending it from the Austrian law."

Former prime ministerial advisor Hajdari said the aim of the Pernegg meeting, held from 2 to 4 December 2005, was to "find a better solution" for the planned new religion law. "The draft law which was discussed in the Assembly had many problems," he added. "We're now in a situation to do something better. In my opinion the law drawn up together with Austrian officials is much better in view of the situation in Kosovo." However, he was unable to explain who was unhappy with the Assembly's draft and in what way he believes the Austrian version is better.

Hajdari admitted that only three religious communities had been represented at Pernegg: the Muslims, Catholics and Orthodox representatives from Belgrade, not Kosovo. He could not explain why other communities had not been invited, but said the invitations had been issued by the Austrian authorities in discussion with the Kosovo government.

The Austrian Foreign Ministry failed to respond to Forum 18's questions about the Pernegg process submitted in writing on 10 February. Alexander Bayerl of the Austrian representation in Pristina, who has been closely involved in the discussions, also declined all questions and referred Forum 18 to the Foreign Ministry in Vienna.

Sven Lindholm, spokesperson for the Organisation for Security and Cooperation in Europe (OSCE) Mission in Kosovo, told Forum 18 that the only version of the proposed religion law he is familiar with is the version initially discussed by the Assembly last year. (END)

For a personal commentary by a KFOR military chaplain on the future of Kosovo, see http://www.forum18.org/Archive.php?article_id=449

For a personal commentary by an Austrian lawyer arguing (in relation to Serbia) that Austria's system of dividing religious communities into different categories with differing legal rights should not be followed, see F18News http://www.forum18.org/Archive.php?article_id=403

A printer-friendly map of Kosovo & Serbia (map title Serbia and Montenegro) is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl>. The map follows international legal usage in indicating the boundaries of territories. Kosovo is in international law part of Serbia & Montenegro, although administered by the UN.

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