



Report of U.N. Special Envoy on Kosovo status  
Kosovo deserves clarity about its future

## EDITORIAL



Looking back over the fourteen months of negotiations one can note that Kosovo has changed dramatically.

When Special Envoy Martti Ahtisaari arrived for the first time in Prishtinë/Priština in November 2005, Kosovo had just established the Unity Team, an exercise of political unity at the highest level not practiced before. President

Ibrahim Rugova, Prime Minister Bajram Kosumi, Assembly Speaker Nexhat Daci, PDK Chairperson Hashim Thaçi and ORA Chairperson Veton Surroi set the cornerstone.

The year 2006 started with important political developments in Kosovo. The passing away of President Rugova, who was replaced by Professor Fatmir Sejdiu, and the replacements of Prime Minister Kosumi with Mr. Agim Çeku and Assembly Speaker Daci with Mr. Kolë Berisha left a mark on the negotiation process. Throughout the process, this unity had been maintained, while on several occasions the Assembly of Kosovo was informed and debated upon it. This confirmed the pivotal role that the Assembly should play during the upcoming period.

The negotiation process was complex and multilateral in its nature – an experience that Kosovo leaders will deem useful once the European perspective of Kosovo gains full speed. In the course of 2006, UNOISEK has held 15 rounds of direct talks between the Belgrade and Prishtinë/Priština negotiating teams. Fourteen of these rounds have focused on decentralization, the protection of cultural and religious heritage in Kosovo, economic issues, and the protection of community rights. Two other meetings were held with the presence of the highest officials of both sides. As of January 2006, 26 UNOISEK-led expert missions have visited Belgrade and Prishtinë/Priština to talk separately to the parties on various issues. On 26 March 2007, the recommendation for Kosovo's political status was made public by UN Secretary General Ban Ki Moon, following the exceptional work done by Special Envoy Martti Ahtisaari.

This edition of the ASI Newsletter represents a thorough overview of the negotiation process from different angles. We have made available different opinions, including the Proposal for Status Settlement, statements from some Contact Group countries after the publication of the proposal, as well as a review of the process from the Kosovo perspective. Several members of the Assembly of Kosovo and Government have contributed. We hope you find the information useful

*Franklin De Vrieze,  
Assembly Support Initiative Co-ordinator.*

## THEMATIC EDITION:

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# Report of the Special Envoy of the Secretary-General on Kosovo's future status

*Martti Ahtisaari, the Special Envoy of the Secretary-General of the United Nations for the future status process for Kosovo*

## Recommendation:

Kosovo's status should be independence, supervised by the international community

1. In November 2005, the Secretary-General appointed me as his Special Envoy for the future status process for Kosovo. According to my terms of reference, this process should culminate in a political settlement that determines the future status of Kosovo. To achieve such a political settlement, I have held intensive negotiations with the leaderships of Serbia and Kosovo over the course of the past year. My team and I have made every effort to facilitate an outcome that would be acceptable to both sides. But after more than one year of direct talks, bilateral negotiations and expert consultations, it has become clear to me that the parties are not able to reach an agreement on Kosovo's future status.

2. Throughout the process and on numerous occasions, both parties have reaffirmed their categorical, diametrically opposed positions: Belgrade demands Kosovo's autonomy within Serbia, while Prishtinë/Priština will accept nothing short of independence. Even on practical issues such as decentralization, community rights, the protection of cultural and religious heritage and economic matters, conceptual differences — almost



always related to the question of status — persist, and only modest progress could be achieved.

3. My mandate explicitly provides that I determine the pace and duration of the future status process on the basis of consultations with the Secretary-General, taking into account the cooperation of the parties and the situation on the ground. It is my firm view that the negotiations' potential to produce any mutually agreeable outcome on Kosovo's status is exhausted. No amount of additional talks, whatever the format, will overcome this impasse.

4. Nevertheless, resolution of this fundamental issue is urgently needed. Almost eight years have passed since the Security Council adopted Resolution 1244 (1999) and

Kosovo's current state of limbo cannot continue. Uncertainty over its future status has become a major obstacle to Kosovo's democratic development, accountability, economic recovery and inter-ethnic reconciliation. Such uncertainty only leads to further stagnation, polarizing its communities and resulting in social and political unrest. Pretending otherwise and denying or delaying resolution of Kosovo's status risks challenging not only its own stability but the peace and stability of the region as a whole.

5. The time has come to resolve Kosovo's status. Upon careful consideration of Kosovo's recent history, the realities of Kosovo today and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is inde-

pendence, to be supervised for an initial period by the international community. My Comprehensive Proposal for the Kosovo Status Settlement, which sets forth these international supervisory structures, provides the foundations for a future independent Kosovo that is viable, sustainable and stable, and in which all communities and their members can live a peaceful and dignified existence.

## Reintegration into Serbia is not a viable option

6. A history of enmity and mistrust has long antagonized the relationship between Kosovo Albanians and Serbs. This difficult relationship was exacerbated by the actions of the Milošević regime in the 1990s. After years of peaceful resistance to Milošević's policies of oppression — the revocation of Kosovo's autonomy, the systematic discrimination against the vast Albanian majority in Kosovo and their effective elimination from public life — Kosovo Albanians eventually responded with armed resistance. Belgrade's reinforced and brutal repression followed, involving the tragic loss of civilian lives and the displacement and expulsion on a massive scale of Kosovo Albanians from their homes, and from Kosovo. The dramatic deterioration of the situation on the ground prompted the intervention of the North Atlantic Treaty Organization (NATO),

culminating in the adoption of Resolution 1244 (1999) on 10 June 1999.

7. For the past eight years, Kosovo and Serbia have been governed in complete separation. The establishment of the United Nations Mission in Kosovo (UNMIK) pursuant to Resolution 1244 (1999), and its assumption of all legislative, executive and judicial authority throughout Kosovo, has created a situation in which Serbia has not exercised any governing authority over Kosovo. This is a reality one cannot deny; it is irreversible. A return of Serbian rule over Kosovo would not be acceptable to the overwhelming majority of the people of Kosovo. Belgrade could not regain its authority without provoking violent opposition. Autonomy of Kosovo within the borders of Serbia — however notional such autonomy may be — is simply not tenable.

#### Continued international administration is not sustainable

8. While UNMIK has made considerable achievements in Kosovo, international administration of Kosovo cannot continue. Under UNMIK authority, Kosovo institutions have been created and developed and have increasingly taken on the responsibility of managing Kosovo's affairs. This has set into motion a dynamic political process, which has reinforced the legitimate expectations of the Kosovo people for more ownership in, and responsibility for, their own affairs. These expectations cannot be real-

ized within the framework of continued international administration.

9. Further, while UNMIK has facilitated local institutions of self-government, it has not been able to develop a viable economy. Kosovo's uncertain political status has left it unable to access international financial institutions, fully integrate into the regional economy or attract the foreign capital it needs to invest in basic infrastructure and redress widespread poverty and unemployment. Unlike many of its western Balkans neighbours, Kosovo is also unable to participate effectively in any meaningful process towards the European Union — an otherwise powerful motor for reform and economic development in the region and the most effective way to continue the vital standards implementation process. Kosovo's weak economy is, in short, a source of social and political instability, and its recovery cannot be achieved under the status quo of international administration. Economic development in Kosovo requires the clarity and stability that only independence can provide.

#### Independence with international supervision is the only viable option

10. Independence is the only option for a politically stable and economically viable Kosovo. Only in an independent Kosovo will its democratic institutions be fully responsible and accountable for their actions. This will be crucial to ensure respect for the rule of law and the effec-

tive protection of minorities. With continued political ambiguity, the peace and stability of Kosovo and the region remains at risk. Independence is the best safeguard against this risk. It is also the best chance for a sustainable long-term partnership between Kosovo and Serbia.

11. While independence for Kosovo is the only realistic option, Kosovo's capacity to tackle the challenges of minority protection, democratic development, economic recovery and social reconciliation on its own is still limited. Kosovo's political and legal institutions must be further developed, with international assistance and under international supervision. This is especially important to improve the protection of Kosovo's most vulnerable populations and their participation in public life.

12. Kosovo's minority communities — in particular the Kosovo Serbs — continue to face difficult living conditions. The violence perpetrated against them in summer 1999 and in March 2004 has left a profound legacy. While Kosovo's leaders have increased their efforts to reach out to Kosovo Serbs and to improve implementation of standards, protecting the rights of minority communities requires their even greater commitment. At the same time, Kosovo Serbs need to engage actively in Kosovo's institutions. They must reverse their fundamental position of non-cooperation; only with an end to their boycott of Kosovo's institutions will they be able to

effectively protect their rights and interests.

13. I therefore propose that the exercise of Kosovo's independence, and its fulfilment of the obligations set forth in my Settlement proposal, be supervised and supported for an initial period by international civilian and military presences. Their powers should be strong — but focused — in critical areas such as community rights, decentralization, the protection of the Serbian Orthodox Church and the rule of law. These powers should be exercised to correct actions that would contravene the provisions of the Settlement proposal and the spirit in which they were crafted. Recognizing Kosovo's current weaknesses, the international community's intensive engagement should extend also to institutional capacity-building. I envisage that the supervisory role of the international community would come to an end only when Kosovo has implemented the measures set forth in the Settlement proposal.

14. Notwithstanding this strong international involvement, Kosovo's authorities are ultimately responsible and accountable for the implementation of the Settlement proposal. They will succeed in this endeavour only with the commitment and active participation of all communities, including, in particular, the Kosovo Serbs.

#### Conclusion

15. Kosovo is a unique case that demands a unique solution. It does not create a precedent for other unresolved



conflicts. In unanimously adopting Resolution 1244 (1999), the Security Council responded to Milošević's actions in Kosovo by denying Serbia a role in its governance, placing Kosovo under temporary United Nations administration and envisaging a political process designed to determine Kosovo's future. The combination of these factors makes Kosovo's circumstances extraordinary.

16. For over a year, I have led the political process envisaged in Resolution 1244 (1999), exhausting every possible avenue to achieve a negotiated settlement. The irreconcilable positions of the parties have made that goal unattainable. Nevertheless, after almost eight years of United Nations administration, Kosovo's status must be urgently resolved. My recommendation of independence, supervised initially by the international community, takes into account Kosovo's recent history, the realities of Kosovo today and the need for political and economic stability in Kosovo. My Settlement proposal, upon which such independence will be based, builds upon the positions of the parties in the negotiating process and offers compromises on many issues to achieve a durable solution. I urge the Security Council to endorse my Settlement proposal. Concluding this last episode in the dissolution of the former Yugoslavia will allow the region to begin a new chapter in its history — one that is based upon peace, stability and prosperity for all.

March 26, 2007

### *Statements after Special Envoy Ahtisaari's recommendation was published*

**Fatmir Sejdiu:** The Independence of Kosovo, which, according to Ahtisaari's plan will be internationally supervised for an initial period, will be in service of overall peace, stability and prosperity of our country. (Express, 27 March 2007)

**Agim Çeku:** The package offered by the UN Special Envoy on the Status of Kosovo, drafted with the blessing of the UN, is strongly supported by Washington, London, Paris, Brussels and many other centres. I expect that even those that are hesitant or are opposing the proposal, should understand that Ahtisaari's proposal is, if not the best, the only realistic solution; the only practical solution. (From Prime Minister's weekly speech on Radio Kosova, 26 March 2007)

**Kolë Berisha:** Kosovo has been enthusiastically waiting for this moment, which is of outstanding importance. Kosovo is becoming independent. (Media statement, 27 March 2007)

**Hashim Thaçi:** All citizens of Kosovo should feel proud as they all played a significant role in important moments of Kosovo's recent history. There are new challenges and institutional obligations ahead of us in coming weeks, both as politicians and as people. (Express, 27 March 2007)

**Veton Surroi:** President Ahtisaari recommended an independent Kosovo, equal to other countries. This result, this package, is a fruit of the sacrifices made by many Kosovan generations. (Express, 27 March 2007)

**Skender Hyseni:** The Unity Team named Monday (26 March 2007) as a historic day when Marti Ahtisaari's recommendation was presented to the UN Security Council. On this occasion it extended its profound gratitude to Ahtisaari and to UN Secretary General Ban Ki Moon. (Koha Ditore, 28 March 2007)

**Blerim Shala:** Ban Ki Moon's unreserved support to Ahtisaari's report and package can play a key role in the adoption of a new UN Security Council resolution for Kosovo. (Zëri, 27 March 2007).

### *Declaration of the Assembly of Kosovo in accordance to the Report Martti Ahtisaari*

Assembly of Kosovo, with this Declaration

Welcomes the Final Report of the UN Special Envoy for the Kosovo Status Process, presented by the Secretary General of the United Nations to the United Nations Security Council on 26 March 2007, believing that its recommendations represent a fair and balanced solution that is in accordance with the will of the people of Kosovo.

Accepts and commits to fully implement the Comprehensive Proposal for the Kosovo Status Settlement, presented by the Secretary General of United Nations in the Security Council on 26 March, and declares that assuming that the Settlement is acceptable for the Security Council, that the provisions contained in the Settlement will be legally binding for Kosovo.

Welcomes without reservation the international civil and security presence that will be established in Kosovo, as provided in the Settlement, and commits itself to cooperating with and supporting this presence in any possible way, while this international civilian and security presence will carry out the tasks assigned to them in the Settlement and complete the duties that this Agreement gives to them.



April 5, 2007, Prishtinë/Priština

# Kosovo Independence is the alpha and the omega

*Fatmir Sejdiu, President of Kosovo and Head of the Kosovo Negotiation Team*

This is the third time in nine months that I am given the opportunity and honor to address the Security Council, the highest authority of the UN. Herein, I am addressing you as the President of Kosovo and the leader of Kosovo Negotiation Team. Also known as the Unity Team, this is composed of representatives of the government and opposition political structures.

On 10 March 2007 in Vienna, Austria, a long and complex negotiation process on the resolution of Kosovo final status was concluded. Led by the former Finnish President Martti Ahtisaari, the UN Special Envoy on Kosovo Status, the process culminated in a document officially known as "the Comprehensive Proposal for the Kosovo Status Settlement" which signals the beginning of the final chapter of the resolution of Kosovo issue.

We have said from the very beginning of the process, and we now repeat it: independence for Kosovo is the alpha and the omega – it is an existential issue for our people. No kind of structural relations with the Serbian state institutions are acceptable for us. Independence for Kosovo means independence from Serbia, and this is a decisive precondition for peace and stability in the region, as well as for the beginning of a meaningful process of Kosovan and Serbian integration into the European Union and NATO.

The Proposal, drafted after 14 months of intensive talks and negotiations between Kosovo



and Serbia, contains painful compromises that the Kosovo delegation made in order to have full accommodation of the non-majority communities in Kosovo; first and foremost the Kosovo Serb community. As you might have heard, more than two thirds of the Proposal relate to the guarantee of effective participation by, and representation of, the Kosovo Serb community in Kosovo's political, economic and institutional life.

With over 90 percent of its population consisting of Kosovo Albanians, Kosovo recognises minorities' rights up to a level that minorities in Southern Eastern Europe do not generally enjoy. For example, the Serbian language has official language status in Kosovo, though it represents 5 percent of the population, and other minority languages such as Turkish, Bosnian and Roma are in official use in the municipalities where they

represent a 5-6 percent of the population.

Through the Status Proposal, Kosovo Serbs and other minorities are provided with the rights and guarantees which ensure their political representation, or more precisely their political over-representation, as well as rights for local governance. This is something that minorities in other parts of Europe would envy. We guarantee them these rights, because we want to build our future upon common happiness and not on anyone's misfortune.

During the meeting of 10 March 2007 in Vienna, the Kosovo delegation clearly declared its support for Ahtissari's Plan – allow me to use this term for the package as it has now become a popular term.

I reiterate once again that the painful compromises and all the concessions we have

made during this negotiation process have been aimed at addressing the concerns and the requests of the minorities, primarily the Serb minority. Despite the fear we expressed regarding some of the solutions offered that we thought might challenge the structural functionality of Kosovo, we have accepted them in order to preclude any dissatisfaction within the Kosovo Serb community.

We have welcomed this plan and we promise that we shall implement it as the document which provides a firm basis for the independent state of Kosovo, where the Kosovo Albanian majority and the minorities enjoy equal rights and responsibilities to govern the country, through respecting the existential needs and the cultural and ethnic sensibility of each other.

We have full trust that the UN Security Council will take a supportive position regarding President Ahtisaari's plan. This plan contains all the provisions necessary to make Kosovo an independent and functional state. We therefore appeal to the Security Council, this highest executive authority of the UN, to enable the decision through which the road towards the final definition of Kosovo status is opened as soon as possible, after eight years of UN interim administration.

This is the future Kosovo; a modern state, to be realised after a long history of resistance against foreign occupation, passing through the

storms of the war and great efforts for physical and spiritual revival since 1999.

We have enjoyed the unsparing assistance of the democratic world during these post war years. This assistance has enabled us to overcome the problems that have emerged as a consequence of war and many years of economic neglect. We are grateful to all those international countries and institutions who supported us in rebuilding Kosovo after the war. We are specially grateful to UNMIK, whose mission is being successfully concluded.

It should also be noted that during the period after NATO intervention and the settlement of UN Mission in Kosovo, many important democratic and development processes occurred. As a result of free and democratic elections, sustainable and functional institutions are now established in Kosovo at the local and central levels. The success of these institutions assist in the economic revival of Kosovo, and the beginning of the economy's transformation into a free market economy. A modern legal infrastructure is established in all areas. Kosovo has established a sustainable banking and budgeting system and is conducting a successful privatisation process. However, as a result of the lack of clarity regarding status, Kosovo's economy has not been able to realise its full potential, thus having no opportunity to access international financial institutions nor establish successful partnership with foreign investors.

For many reasons, sovereignty is a pre-condition for economic sustainability within coun-

try: long term investments ensure economic development, through exploitation of Kosovo's natural resources (such as lignite, minerals and the agricultural land) but also its human resources, found in a young and well educated population. In other words, sovereignty enables Kosovo to pursue economic prosperity in an interdependent world.

Over previous years, Kosovo has fulfilled a number of standards, known as the Standards for Kosovo, which have improved the quality of life, the level of democracy and the rights and the freedoms for its citizens. Now the time has come for Kosovo, with its special ethnic, geographic, historical and legal identity, with the support of UNMIK, to be recognised as an independent and sovereign state. Kosovo is a sui generis case. It is recognised as such by almost all. Becoming a state would mean that we eventually assume all responsibilities and obligations entitled for a country which seeks to be a constituent part of the international system.

After achieving independence, Kosovo will retain a considerable international presence, both civil and military. This presence will be there to help us in our road towards integration in the Euro-Atlantic family, which represents those values common to all free and democratic nations of this globe.

We parted ways with Serbia in 1999. Kosovo's political elite is aimed at European modern values, whereas the Serbian political elite has turned its face towards myths of the fourteenth century, pursuing a kind of mediavalization of

our lives. Now the time has come for both Kosovo and Serbia, as independent states, to integrate into the EU and NATO structures. This is the common future for all countries in this region. Our people wish to travel freely, to enjoy the same freedoms and opportunities that those who are part of Europe enjoy. We want to achieve the democratic values and legal norms that are enshrined in the European Union, and we are committed to incorporate those values into our laws and institutions.

We know this is a long, difficult and demanding road, but we are committed to achieving this vision. This should be the common ambition for our neighbours as well. When I say neighbours, I also mean Serbia: let us progress into Euro-Atlantic integrations.

I assure you once more that the future state of Kosovo shall offer the largest range of protection, both constitutional and institutional, in order to ensure the rule of law and the protection of the rights of all: of the majority Albanians, of the Serb community and other minority communities.

Independence for Kosovo and its recognition as an independent and sovereign state will mean peace and stability for the whole region. Independence would mean a final resolution of the Kosovo status; the biggest unsolved issue remaining in South Eastern Europe. Independence for Kosovo means paving the way to Euro Atlantic integration - not only for Kosovo, but for other Balkan countries too. As an independent state, our main objective would be cooperation with the neighbours in the region.

We have made it clear that we have no tendency towards others' territories, nor do we tolerate any tendency towards our territory. Most importantly, Kosovo has strongly supported the leading principles of the Contact Group since January 2006. Kosovo welcomes the day when it will be able to exercise its right to membership in all international institutions and organizations, as well as in the UN.

Allow me at the end of this long and complex process to express my appreciation on behalf of the Unity Team and Kosovo people to President Ahtisaari and UNOSEK for the great job done during the negotiation process and Ahtisaari's Plan for the definition of the political status of my country, Kosovo.

This plan provides an irreplaceable chance for the future of Kosovo and our region. This chance could be reality only if this process is concluded with the independence of Kosovo.

On behalf of the Kosovo people, I thank you for giving me the opportunity to address you on this decisive moment for Kosovo. We appreciate the good job you have done in the Security Council and in the United Nations in general to help my country, which has emerged from a destructive and imposed war by Milosevic's Serbia. The people of Kosovo are convinced that you shall take the proper decision to establish a secure and prosperous future for Kosovo and its people.

*President Fatmir Sejdiu's  
speech in the Security Council  
of United Nations in New York,  
March 19, 2007*



# “The possibilities for additional talks have not been exhausted”

*Address by Mr. Boris Tadic, President of the Republic of Serbia at Vienna Talks*



Mr. Ahtisaari's document is fundamentally not acceptable to us because it fails to reaffirm the sovereignty of the Republic of Serbia over Kosovo and Metohija and therefore brings into question the territorial integrity of our country. A number of the document's clauses open the way towards the independence of Kosovo and Metohija and thus contradict some of the fundamental principles of international law, which unequivocally protects the sovereignty and territorial integrity of internationally recognized states - in particular, documents such as the United Nations Charter and the Helsinki Final Act.

From the time of the peaceful transfer of power in October 2000, Serbia has been a trusted partner in regional cooperation, and shares the same goal with the other countries of the Western Balkans: rapid accession to the European Union. Serbia's clear foreign policy priorities, our sober propensity towards seeking compromise

and our traditional faith in the United Nations, decisively led us to take an active and constructive stance in the political talks on the future status of Kosovo and Metohija. Under circumstances that were not always favourable, our country invested enormous efforts in proposing realistic, just and viable compromise solutions to all important questions.

This can be seen foremost on the fundamental issue of these talks, the question of the status of Kosovo and Metohija. The compromise that Serbia offered to the province's Albanian community is a very broad, substantial autonomy that would be internationally guaranteed. Serbia would retain only a small number of enumerated competencies such as foreign policy, defence (under our proposal, Kosovo and Metohija would become fully demilitarized), the protection of religious and cultural heritage, etc. At the same time, the economic links between the province and the rest of Serbia would be renewed, to our mutual benefit. As we stated several times during the Vienna negotiations, we would gladly accept the participation of Kosovo and Metohija Albanians in Serbia's national institutions should they choose to do so - of course with some modifications to the existing relations between the national and provincial competencies.

I would like to reiterate that such a solution to the future status of Kosovo and Meto-

hija fully conforms to the principles of international law and contemporary European standards on minority rights. Unfortunately, the Special Envoy did not pay sufficient attention to our proposal, choosing instead to propose a solution the adoption of which could lead to long-lasting instability in the region and beyond. If Ahtisaari's proposal was to be accepted, it would be the first time in contemporary history that territory would be taken away from a democratic, peaceful country in order to satisfy the aspirations of a particular ethnic group that already has its nation-state.

Serbia has also been active and constructive in addressing all other issues at the Vienna negotiations, particularly on the questions of decentralization, the protection of Serbian religious and cultural heritage, property and financial issues. I am pleased that progress was achieved on one issue, namely the question of Kosovo and Metohija's share of our country's external debt. However, the other proposals are far from the balanced and sustainable compromise that could have been justifiably expected after more than a year of negotiations.

I must draw particular attention to the fact that all our proposals - whether they dealt with the issue of status or other issues - always conformed to United Nations Security Council Resolution 1244 (1999) and the Contact

Group's Guiding Principles, that is to say, the international community's documents that provided a sort of framework within which the talks on future status were to take place and to which the Special Envoy himself referred on several occasions. Careful analysis of the Vienna negotiations would easily demonstrate that precisely those documents could have been used to move us much closer to a solution in comparison to where we stand now. In that sense, it would not be inaccurate to say that the Vienna negotiations were only the latest in a series of missed opportunities. However, now it is important to see what can be done so that the current stage in the negotiations process can be succeeded in a way that would open the door toward a compromise, mutually-acceptable solution.

When the Special Envoy's proposal is delivered to New York, consultations within the Security Council will take place. The proposal is already known to the Contact Group and the member-states of the European Union, and we expect that a serious debate on the Ahtisaari document will soon take place. Serbia, which is not a member of the Security Council, will not directly participate in those consultations and debates, but remains ready to constructively engage in additional talks-the possibility for which, in our opinion, has not been exhausted.

*Vienna, Austria, 10 March 2007*



# The coming of Kosovo

*Agim Çeku, Prime Minister of Kosovo*



We have entered the last phase of the diplomatic process, which I am confident will deliver Kosovo's independence. Our political focus is now on New York and the Security Council process. I suspect that in the end a Security Council Resolution endorsing the Ahtisaari proposal for Kosovo – in effect, supporting the UN Secretary-General's acceptance of the recommendation for independence - will pass, enabling us to turn our focus towards Brussels and the EU. Our end game must be an independent, democratic, prosperous and EU-integrated Kosovo. I think that most Kosovars recognise that status will not bring instant economic relief and prosperity. That will take long-term planning, patience and effort. But independence is a precondition for that progress, and the first step towards Kosovo's European future. The economy and Europe are the basis of our future stability.

We are becoming independent so that we can be interdependent. This is the paradox of the modern EU. Kosovo needs a European perspective as this is the only realistic way to sustain the country's economic growth, fuel our social prosperity and safeguard our democracy. Confirmation that Kosovo is on the EU track will be an additional sign for our minorities and our neighbours that the independence of Kosovo is an extremely positive development.

Skeptics should feel reassured: an independent Kosovo is the best option for prolonged regional stability. Resolving the status limbo will allow us to progress economically and democratically, while Serbia will finally be able to focus its energies on Brussels. The future is in Europe. All eyes are on Russia now, but I think that Russia will in the end come to share our assessment – that an independent Kosovo is the best option for prolonged regional stability, which in the end is also in Russia's best interest.

The region must move towards the EU together, which means we need to stimulate regional cooperation, sustain our economic growth and empower our political institutions. Kosovo can have a bright economic future if our market is fully integrated and interoperable with our neighbors. Supply and demand must be met and controlled regionally and eventually globally, not locally. Kosovo's development strategy is not about building an island in the middle of

Southeast Europe.

Our human resource potential is high: Kosovo's population is young and growing. If properly educated, Kosovars can play an important role in helping EU economies offset gaps in labor supply. The ageing of the EU population, and sustained economic growth in Europe, is creating many uncertainties for a number of EU states. The choices which some EU politicians are being asked to make today are difficult – to increase retirement age or risk corporate flight to Asia where market incentives and labor conditions are more flexible.

But to make Kosovo's population boom work for Europe we desperately need a modified EU visa policy. Since enlarging eastward, the EU has added some 2.3 million new jobs to the market. This is impressive, and even higher than the job market growth in the US. A one-size fits all approach in terms of applying a visa policy towards this region is insufficient and it will not address Europe's main concerns – which understandably are security-driven. At the same time, it is difficult for us in the region to preach the European dream to our citizens if they are systematically denied access to it.

For us, Europe's moment has come. The criticisms of Europe's handling of the collapse of Yugoslavia have been overtaken by the EU's increasingly steady approach and growing influence in the region. The EU took over from NATO in Bosnia, and Europe

is taking over from the UN in Kosovo. Even before transition, however, the EU has the opportunity to show its determination and vision by sustaining the momentum towards Kosovo independence and offering the world a clear success this year.

The EU's political commitment to the region is hard to doubt. It was clearly spelled out in Thessaloniki back in 2003. Perhaps certain things could move faster. There is no reason why Macedonia should not get a start date to begin negotiating with the EU for membership. Macedonia will not become an EU member overnight but giving Skopje a date for the start of the negotiations will boost Europe's image in the region and help us challenge the euro-skeptics and narrow-minded nationalists.

Developing functional and efficient institutions is Kosovo's other big priority. I see the role of the OSCE as crucial in helping us achieve proficiency in our legal system. Investor confidence depends on the rule of law, and Kosovo should have no illusions about the effect of independence alone on investment. Real economic activity in Kosovo will come only after we have a legal system that works.

I'm optimistic. Kosovo is well on its way to being recognized as an independent state. Slowly but surely we are also strengthening our bonds with Europe. Independence will help Kosovo – and the region – get to the EU faster, and bring a new confidence and stability to Europe itself.

# Kosovo deserves clarity about its future

*Joachim Rucker, Special Representative of the UN Secretary-General in Kosovo (SRSG)*

Special Representative of the UN Secretary-General in Kosovo (SRSG) Joachim Rucker, in a closed session of the UN Security Council on March 19, 2007 provided an update on progress in Kosovo. President Fatmir Sejdiu accompanied the SRSG in the Security Council.

“The past few months have provided for a dynamic political period in Kosovo,” Mr. Rucker said. He observed that the UN Special Envoy’s proposal for the status of Kosovo presented on 2 February has been “generally well received” by the Kosovo Albanians and welcomed by the Kosovo Negotiation Team. “The primary focus has since been on the proposal’s decentralization provisions, granting additional competencies to future local authorities,” he said, and added: “this is generally viewed by the Kosovo Albanians as a difficult but acceptable compromise to accommodate the Kosovo Serb minority population.”

On the other hand, the Kosovo Serb reaction to the proposal has been generally negative, in line with the views expressed by political leaders in Belgrade and largely neglecting the proposal’s comprehensive provisions to protect Kosovo Serb rights, interests and identity, such as decentralisation and protective zones for religious and cultural heritage sites.

“Not without success, the political leaders are intensifying efforts to reach out to Kosovo Serbs and reassure them that the status proposal contains a



host of arrangements carefully designed to fully protect their rights, interests and identity,” Mr. Rucker said. “The Kosovo Albanian leaders of the Pristina Negotiating Team, which includes leaders of the Opposition, have made significant efforts to encourage patience among the population, and have made consistent calls for maintaining calm and trust in the process,” he added.

The SRSG expressed his concerns about the potentially destabilising effect of any delay in the process that could make a sustainable solution impossible.

Mr. Rucker assessed sustained commitment by the Kosovo institutions to standards implementation in a range of priority areas, including in areas of vital importance to minorities. “The political will of the PISG to implement

reforms remains steady, and putting these reforms in the context of integration into the European Union has now been a powerful impetus to further progress,” he said.

However, the SRSG noted that in too many cases efforts at implementation have not been translated into improvements in the living conditions of the Kosovo Serbs. A major reason for this is the unwillingness of many Kosovo Serbs to participate in the institutions or accept the opportunities offered by the government and municipalities.

“All too often, their non-participation in the institutions appears linked to the stance of Belgrade, which has continued to threaten Kosovo Serb civil servants with cutting off their salaries if they remain on the legitimate payroll of the PISG,” Mr. Rucker said,

“Belgrade has continued to make statements discouraging returns and politicising security incidents, which creates an objectively unjustified climate of fear and demonstrates continued lack of respect for UNSCR 1244. I once again urge the Representative of the Serbian Government to support the participation of the Kosovo Serbs in the PISG.”

The SRSG stressed that everyone in Kosovo deserves clarity about the future, to have the certainty of knowing where they stand and what their position is in relation to the institutions that organise their society. “The Kosovo Serbs need this clarity in order to gather the strength to take the decision they must take: to accept the hand extended to them by the Kosovo institutions and become an engaged part of Kosovo’s society,” he said, “The Kosovo Albanians and Kosovo’s other communities also need clarity on status to feel secure that the future they and their leaders are building is permanent and is sustainable after nearly eight years of international administration.”

Mr. Rucker concluded that keeping momentum in the status process would allow the international community “to take advantage of a window of opportunity”. He expressed trust that the Security Council’s “continued engagement will ensure that this opportunity to stabilise the whole region and remove the obstacles for its journey to Europe will not be missed”.

# Three scenarios of developments in Kosovo

*Veton Surroi, member of the Kosovo Negotiation Team, Leader of ORA political party*

On 10 of March 2007 we finished the final round of consultations or negotiations in the process that was led by President Ahtisaari. This in fact was not only the final round of negotiations for Kosovo before sending Ahtisaari's proposal to the Security Council, but in a symbolic way was the final round of disintegration of the former Yugoslavia. This was the final round of a long process of discussions, which began with the Carrington Plan in the early 90's and continued through Dayton, Rambouillet and other processes that occurred later.

It was not a symbolic day only because it marked the end of a long and painful process of disintegration and negotiations, but a symbolic day due to the fact that it occurred on the first anniversary of the death of Slobodan Milosevic, a man who was closely related to the process of disintegration of the former Yugoslavia.

In fact one day while I was in the negotiation room I was saying to myself that this is a symbolic day of ending the injustice, because the anniversary of Milosevic's death was not an injustice related only to his name but was also an injustice because he was not able to live to see the deserved verdict by the Hague Tribunal for the crimes for which he was guilty.

This was also an end to injustice in the sense that the painful process of disintegration of the former Yugoslavia caused many changes to people's lives. If we would go back, we would see that the dis-



tegration of Yugoslavia was a process that could go both ways, but unfortunately went in the wrong direction and therefore, changed the lives of many people forever, in a violent way.

This is something that we should always have in our minds during the discussions in the negotiation process because it is closely linked with the way in which the lives of people could be changed dramatically. We have finished the negotiations thanks to many people who have suffered so much to come to this moment from which their lives should only change for the better.

One day while I was at the

bank I thought that the critical and the most necessary word for change is "trust". This critical word is related to banking activities but at the same time is related to the negotiation process, because it treats the issue of trust in our future, and the issue of how to establish bridges of understanding in order to enable a better future.

What we have tried to do in the last 18 months of negotiations was that we tried to tackle two of the main components of trust. The first one is how to establish trust between the majority and minority communities in Kosovo the second one is how to establish

trust between Kosovo and the International Community.

The first one is related to the creation of identity for communities in the future, because when you live in a demographic situation in which the majority population comprises 90 percent and the minorities 10 percent, and add a violent past to the situation, it becomes clear that there is a fear by minorities that their identity, their future will be eliminated by the majority. This was something that we wanted to change; we wanted to create a future for all and this is why we have spent 18 months of intensive discussion trying to regulate these issues.

The second issue that was not much discussed, but was nonetheless present as a concept in our minds, is the issue of how to create common values with the international community which is our natural habitat, as the European Union with its values is our natural living place. We are striving to preserve and further develop the international values of governance.

The near future of Kosovo which will in fact follow – because as it is stated in the Islamic tradition, depending on how the first day of Ramadan begins that is how Ramadan will end, and Bajram always follows – the negotiations which are due to happen in the coming months will most probably dictate the future, similar to the situation during Ramadan. If we follow the right path the process will develop as I mentioned, but,



if we choose the problematic path it is likely that it will lead us to a problematic process in the aspect of future status.

There are three possible scenarios of events that will determine how the process of Kosovo's status is shaped, namely, how our future will be shaped.

The First scenario is that Ahtisaari's plan will be accepted, in an explicit manner, by all the member states of the Security Council. This would be a resolution in which all the countries would say "Mr. Ahtisari you have done a great job, we accept your proposal and we recommend that Kosovo become an independent state which fully implements the protection of minorities in accordance with your proposal". From the current point of view this is the scenario that is likely to happen.

The second Scenario is the "contradiction" scenario. In the coming weeks and months, a group of strong countries (UN member states) would support Ahtisaari's proposal, whereas another group, led by Russia would object not only to the proposal, but the whole process and would require a completely new process. Such a scenario would result in a conflicting situation or clear division between states which support the process and everything done so far, on the one hand and Russia with other possible countries on the other hand. Such a situation would create new circumstances in the International Community because for the first time Serbia would be "equipped" with nuclear potential. Because nuclear power creates a veto power at the Security Council, Serbia through Russia would

use its veto on some possible UN resolution.

The third scenario would be if the member states of the Security Council would support Ahtisaari's Proposal in an implicit manner, this would create a possibility for states to individually declare how they want to see Kosovo in the future, based on the recommendations of the proposal or the proposal as a whole.

From today's perspective this scenario seems more possible than the two other scenarios. This indicates that we will be crossing a very thin line in order to determine the future Kosovo Status. This is an unprecedented ending of status therefore the whole process will be unprecedented and unique. The word "unprecedented" is becoming the second critical word because we are doing something that never occurred in the past. Resolution 1244 was unprecedented, the mission and the mandate of the UN in Kosovo was also unprecedented. There is also a tabulation of two unprecedented categories of relationships inside the country.

The first one is the new relationship foreseen in Ahtisaari's Proposal between majority and minority communities. Allow me to give some illustrations here on how things could look in the future. Our first offer to which we are deeply committed is ensuring as many rights as possible for the communities. So far we have accomplished some extraordinary achievements in this area. The Turkish minority represents 0.8% of the overall population in Kosovo and we have recognised their right for official use of the Turkish lan-

guage in the municipalities in which this community lives. For the first time we have an international document that officially recognises the Roma language as an official language in the communities where Roma live. This community was wrongfully punished not only in Kosovo but all over Europe. This position comes as a result of some sort of European racism from the past which unfortunately was shared by us as well.

Although the Serb Community represents only 5% of the population we have acknowledged their right to be represented in the Kosovo Parliament by over 10%. And in fact all the communities shall enjoy a right which is called "the clause of vital interests" which means that there shall be no change in the laws which are of interest to the communities without having procedural approval from their side. This together with all the asymmetry created in the municipalities inhabited by Serbs, in which these municipalities will have some additional rights in comparison to other municipalities, creates a sui generis situation; an unprecedented situation but within the framework of an independent state of Kosovo that we believe may function.

The second is the new dimension of involvement and presence of the EU in Kosovo, which is not called a mission but in fact is a mission. The EU mission will be, if I may use the analogy, Coca Cola Light in comparison to the mission in Bosnia, maybe even "Lighter" but it will nonetheless be a lot different from what we had so far. This is a new and unexplored relationship not only

for the EU but for the authorities in Kosovo as well.

The third element which will dictate our future to a great extent is the way in which Serbia will behave. Although we can change our policies through our own will, it is impossible to change the geography and Serbia will remain in the same place forever. Serbia today is a place that we do not consider to have positive energy.

In the coming weeks or months we will observe what will be the outcome of the processes in Kosovo. We will also be able to see how Ahtisaari's proposal will be accepted in Serbia. If Serbia makes attempts to block or to actively lobby for its objections to the package there will be negative developments in our interethnic relationships.

Otherwise, if Serbia takes a positive approach which would accept and would appeal to the implementation of Ahtisaari's proposal, we would probably have a much better situation for the rights of communities in Kosovo. What will happen in fact is a very hot debate within the Serb community in Kosovo on the issue of the identity of Serbs in Kosovo. The issue of whether the Kosovo Serbs will try to regain not only their identity but their role from the past or whether they will remain only a part of the politics led by Belgrade is not only an intellectual debate or issue but also an issue of their existence. These issues are currently evolving within the Serb community.

The fourth issue is whether the new International Presence in Kosovo will resist the



cookie; namely will it resist its powers, or to what extent will it be able to refrain from using the powers laid out in its mandate. These great powers are both too appealing and too challenging. Restraint in using this authority should in fact be developed hand in hand with an accountable system in Kosovo. What appeared as a problem during the past eight years is that the heavy international presence prevented establishment of an accountable system and thus a democratic system, in which the Kosovo Government would be accountable to Kosovar voters. The challenge for the Kosovar authorities is how to avoid the very easy tendency to throw blame to the international community for any lack of capacities or lack of success, as it was easy to do during the last eight years. The last thing I want to say is that we are aware that the independence of Kosovo will not solve all our problems. There are many expectations in our society and a part of it thinks that all problems will be automatically solved with independence. It is clear that this is not likely to happen. Without independence there will be no capacity or possibility to solve any problem. This is the distinction between having and not having status. Status as we mentioned earlier is related to trust. Once we have gained trust we will have the legal, political and financial capacity to build a society that will have a totally different appearance from the one that we have today.

*This article reflects a presentation at the Economic Initiative for Kosovo (ECIKS) in Vienna in March 2007. See: [www.eciks.org](http://www.eciks.org)*

## “Kosovo Delegation has been engaged in successful conclusion of the negotiation process”

*Interview with Mr. Lutfi Haziri,*

*Deputy Prime Minister, Minister of Local Governance Administration and member of the Kosovo Negotiation Team.*



*Mr. Haziri, could you give us your opinion on the negotiation process and the position of the Kosovar Team in general?*

Lutfi Haziri: Under the special mandate of the Security Council, through a very intensive agenda, from February 2006 through March of this year, Mr. Ahtisaari has tackled the issues which were initially

defined as technical. This journey was full of discussions, consultations and difficult negotiations; the purpose of which was to accommodate the interests of the Albanian majority population, but also to determine their responsibilities towards the minority communities. The negotiations were especially focused on decentralization, the rights

of communities at the central level (including Parliament), Government and other state institutions, the rights to religion, protection of religious and cultural heritage and economical issues. The last meeting, which took place at the highest level, clearly showed that the discussions have seen serious engagement on the part of the Kosovo Delegation, including compromise in the interests of concluding the process and providing for adequate treatment of ethnic groups. On the other hand, the role and engagement of the Serbian Delegation had its own ups and downs, but was, in essence, uncooperative and biased, with the purpose of delaying or postponing Mr. Ahtisaari's mission. However, it is now clear that the whole process depends on the Security Council.

*Do you think that the interests of other parties, namely the interests of other communities, have been taken into consideration during the negotiations?*

Lutfi Haziri: Absolutely; if we observe all the issues that have been discussed we can see that the Albanian majority population has offered protection and constitutional rights for all ethnic groups living in Kosovo, and special treatment was offered to the Serb community. The whole process in

Vienna was oriented towards accommodation of Kosovo Serbs as a minority because the other minority communities that live in Kosovo, such as Bosnians, Turks, Roma, Gorani and others, treat this as an internal part and hope therefore that everything will be covered and regulated in Ahtisaari's Proposal together with the rights of Albanian majority population. If we take only the segment of decentralisation into consideration, we can clearly see that the accommodation of the Serb community in Kosovo has been taken very seriously at the local governance level. Nevertheless, rights will also be provided for other communities in order to guarantee positive developments in Kosovo; this shall happen immediately after the settlement of status. We are interested in establishing a functional democracy in Kosovo, which will provide equality for all its citizens. The territory of Kosovo will undoubtedly remain undivided and under a unique constitutional system.

*Would you be able to distinguish any interesting moments which have occurred during the so-called 'informal negotiations' for example during lunches, coffee breaks?*

Lutfi Haziri: At this stage of the status settlement process, I would prefer to distinguish the difficult moments rather than the informal ones. There were, of course, opportunities to communicate and clarify issues from different angles during the breaks, but I would mention the occasion when Enver Hoxhaj, while addressing the member of the Parliament Randel Nojkić, mispronounced his name, instead saying Arandell (Nojkić, a member of the Kosovo parliament, was a representative of the Serbian Delegation). This mispronunciation or technical mistake, which may not have been considered as a serious one, in fact led to the absence of Mr. Nojkić from the further negotiations in Vienna.

*Mr. Haziri, you know that there are a lot of threats related to the perception of the decentralization process. Both Albanians and Serbs see this process from different perspectives and expect totally different outcomes. What is your opinion on this?*

Lutfi Haziri: Since 2002, this process was observed from different perspectives in Kosovo. It is clear that initially the biggest differences were between the majority Albanian population and the International Administration. Later on, the differences were between the Albanian majority population and the Serb minority. During the later stages, there were differences within the Albanian political arena and between Albanian political parties, and more recently, it has been seen that the Albanian majority and non-Serb minorities reached a consensus, and the differences were then expressed between the Albanian majority, Turkish, Gorani and Bosnian minorities on one hand and the Serb community on the other. These differences elevated the decentralisation issue to the international agenda, without including the possibility of presenting this process as a part of the internal interests of Kosovo, which includes the interests of the Serb community. Maybe the consensus was

reached too late, and maybe the approach was not the right one, but whatever the case, as a Minister, I inherited and resumed the process from the Government of Bajram Rexhepi and I tried to reach decisions on a consensual basis, so that the process could be considered as acceptable to all. During the Vienna process, the issue of decentralization is based on the best European principles, practices and conventions. What makes Kosovo specific in this moment is the review of concerns raised by the ethnic groups in this process.

*Could you describe what the relationship will be between the local and central levels in the future; will there be a level of control exercised by the central level or would it be better to say some sort of supervision by the central level?*

Lutfi Haziri: The municipal competencies have finally been clarified. There will be three categories that are well known all over Europe. The first category bestows a wide range of rights upon the municipal assemblies, which implies the exercise of their duties and responsibilities in accordance with the law, and the regulation of these responsibilities is done by the municipal assemblies themselves. The second category of rights that fall under the competencies of municipal assemblies are the rights which are delegated and exercised by the local authorities. However the regulation of these rights is done by the law and the supervision by the central authority. The third group deals with extended compe-

tencies in some municipalities in the field of education and healthcare. This is more specific and, at the same time, is an offer of the Kosovo Delegation that has been inserted as a specific competency by Mr. Ahtisaari. These are totally specific competencies and represent an exclusion of what could be otherwise known by other countries as light asymmetry. The second point I want to raise in this issue is related to inter-municipal, cross-border and inter-institutional cooperation of municipalities in the field of competencies that they exercise. We were certainly interested in regulating this field, but in addition to the rights of municipalities, we were also interested in regulating the rights of the central government to enforce the implementation of the law in local level.

Therefore, the central authority is explicit, it regulates and formalises the manner of cooperation and monitors all segments of municipal competencies. However, the central authority does not interfere in the rights of municipalities when exercising these competencies, unless they are exceeding their level of authorisation, violations of the law or incompliance of duties. The third point is related to cooperation with the institutions of Serbia and the manner in which they are financed. We can certainly recognise the right of cooperation, whether in the field of local governance, or cooperation in other forms. Serbia has the right to support Serb majority municipalities through financial donations, but this must be done through the Treasury Department and through Kosovo licensed

banks, subject to supervision by the Kosovo authorities. The destination of the money should not be allowed to change, but should instead be used for infrastructure, education, health and other issues regulating the interests of the local governance. The final part of the chapter of decentralization focused on the establishment of new municipalities. The legal authority of the central institutions in relation to all municipalities shall be equal. There is no disparity on how the municipality of Gjilan, the municipality of Gracanica, or other municipalities will be supervised. If one addresses the question of what the difference is between the current and the future legal infrastructures, I can say that now, municipalities are not controlled as far as international cooperation and cooperation with the institutions of Serbia are concerned. On the contrary, they have the right to automatically enter into any type of cooperative working arrangement with any interested party. In the future however, this shall be regulated, and the final authority for regulating and legitimising all forms of cooperation will lie with the Ministry of Local Governance.

*How would the Government react, and what kind of support will the Government anticipate from the International Community, if the Serb municipalities in the north have a negative reaction on the UN Security Councils' endorsement of Ahtisaari's status recommendation?*

Lutfi Haziri: Firstly, allow me to explain something to the

public of Kosovo; the three municipalities in the north of Kosovo, namely Zubin Potok, Leposavic and Zvecan, are legitimate institutions that have undergone the elections process in Kosovo. They are established and elected as institutions in accordance with the Kosovo legislation. Unfortunately, they are under the influence of the Government of Serbia and apply the so-called double standard when implementing the law. This is a problem that involves a part of the current municipality of Mitrovica; the northern part of the city of Mitrovica. However, the case of Mitrovica is different, since it is administered by an UNMIK representative. I believe that any tendency to hinder the implementation of the status settlement or the new resolution of the Security Council will have implications, initially in the security area, and this is part of NATO's mandate to guarantee the territorial integrity of Kosovo, and the security of its property and citizens. Concerning the rule of law, the Government will seriously engage itself in cooperating with these three municipalities and finding a fast and short way of implementing the law, and if there are further obstacles in implementing the status settlement, the role of the future international presence will come into play. The international representative in Kosovo shall maintain executive rights and should exercise its authority for all cases that are incompliant with the settlement or its implementation. I would therefore separate our engagement into three areas; the area of the solutions for Kosovo (which involves the

functionality and implementation of Kosovo laws), the implementation of the status settlement (which is the role of the international presence), and the area of security (which falls within the NATO mandate).

*Mr. Haziri, we would now like to address the relationship between the Government and the Assembly of Kosovo, with a particular focus on the legislative process. What is your opinion regarding the readiness of the Assembly for the adoption of 103 Laws in regular procedure, and around 17 other laws deriving from obligations contained in Ahtisaari's proposal? Moreover, when the current pace of the Assembly in adopting laws, is around 20-25 laws a year. Has the Government set priorities with regard to the adoption of the laws, and what areas are considered as priorities?*

Lutfi Haziri: We have approved the legislative agenda for this year, and the Government is the main sponsor of laws. We have complemented our legislative agenda with all laws and requirements for amendments of the laws derived from Ahtisaari's Package. It involves areas of decentralization, the protection of cultural heritage, protective zones, security, and the explicit requirements mentioned by Mr. Ahtisaari. We will also make amendments to two of the basic laws of Kosovo, namely the Law on Education and the Law on Secondary Healthcare. I am aware of the overload that the Kosovo Assembly will face with this legislative agenda, but our priority is to adopt all

laws deriving from the status settlement and from the continuing need determined by the Government.

*Is the Government ready for the transition period?*

Lutfi Haziri: I believe that through the new mechanism of technical groups on transition and preparations for the post-status situation, we will manage to set the schedule, the dynamic and our potential on the right track. The 120 day period following the settlement of the status, the time when all the rights and responsibilities of the international administration will be transferred and absorbed, will be a period of significant challenges. At the same time, the future international presence will be cemented in Kosovo, and this will support the Government and Kosovo's institutions in the areas of justice and security. This will offer great support in terms of human capacities and our legislative capacities.

*Finally, Mr. Haziri, where do you see Kosovo in 10 years time?*

Lutfi Haziri: I have no doubt whatsoever that the greatest challenge for Kosovo, after its recognition as an independent and sovereign state, will be European integration. It will be a difficult challenge, a difficult and clear journey requiring serious involvement in order to overcome this process. I see Kosovo as part of the great European family, as part of the sovereign families of the EU, as an equal member of the European Community with different engagements and a development agenda.



## United States support Ahtisaari's status recommendation

After over a year of negotiations, UN Special Envoy and former President of Finland Martti Ahtisaari has delivered to the UN Secretary General his proposals for Kosovo's future status. We are grateful to President Ahtisaari for his patient, skilful and balanced work leading the Kosovo status process.

The United States welcomes and supports his recommendations.

The UN Special Envoy's proposals will give the people

of Kosovo clarity about their future for the first time in many years. They contain far-reaching guarantees to protect the rights and security of Kosovo Serbs and other non-Albanian communities. President Ahtisaari has also proposed that Kosovo become independent, subject to a period of international supervision.

The Kosovo status process is entering its final and decisive phase. As the UN Security Council prepares to review President Ahtisaari's recommendations, we will be

engaged in full and intensive consultations with our Security Council partners and the parties.

The resolution of Kosovo's status should be seen in the historical context of the tragic circumstances of the break-up of Yugoslavia, which began in the 1990s. The UN Security Council, which in 1999 passed a resolution that placed Kosovo under UN administration and envisioned a political process to determine status, has long treated Kosovo as a special case.

Since the crisis in this region began sixteen years ago, President George W. Bush and his two predecessors have worked to realize a vision of a Europe, whole, free and at peace. We believe that President Ahtisaari's proposals will allow the region to move beyond the conflicts of the 1990s and towards a brighter Euro-Atlantic future.

*Statement by Tom Casey, Deputy Spokesman of US State Department, March 26, 2007*





# No Constitution without Representation

*Hajredin Kuçi, co-chair of the pre-constitutional Working Group, Member of Assembly of Kosovo, PDK*



In his Comprehensive Proposal for the Kosovo Status Settlement the Special Envoy of the Secretary-General Martti Ahtisaari outlined the constitutional process (Article 10: Constitutional Commission). The status proposal stipulates that the President of Kosovo, in consultation with the Presidency of the Assembly of Kosovo will convene a Constitutional Commission to draft a Constitution for Kosovo in consultation with the International Civilian Representative. The proposal further foresees that the Constitutional Commission will be composed of twenty-one members. Fifteen members will be appointed by the President of Kosovo in consultation with the Presidency of the Assembly of Kosovo. Three members will be appointed by the Assembly members holding seats

reserved for the Kosovo Serb Community, and three members will be appointed by those Assembly members who represent other Communities. Following the entry into force of the status proposal, the Constitution should be approved within 120 days by a two thirds majority of the Assembly. Since January 2007 the pre-Working Group on the Constitution has been establishing a constitutional framework to facilitate the work of the Constitutional Commission.

The structure of the new Constitution will need to be harmonised with Ahtisaari's status proposal. Relevant language from the status proposal has already been included in the constitutional framework drafted by the pre-Working Group on the Constitution.

In this process we had the full support of our international partners. The pre-Working Group on the Constitution hopes that our initial work will enable the Constitutional Commission to craft a Constitution that will meet Kosovo's needs. In addition, a mechanism should be established to ensure that the Assembly of Kosovo plays a role throughout the constitutional process.

There is no simple transition to a new constitution. How the constitution is drafted is just as important as what it says. The process of drafting the constitution gives legitimacy to the constitution. Modern constitutional processes are redefining the previous tradition of constitution drafting by "experts" and bringing the process into the sphere of democratic participation. Norms of democratic procedure, transparency, and accountability that are applied to daily political decision making are now also demanded for constitutional deliberations.

President Ahtisaari's status settlement allows for opportunities to develop elements of a constitutional process that are more transparent and inclusive. General Principles 10.3 from the status settlement calls for a "meaningful mechanism to inform members of the public" on the work of the Constitutional Commission. There is need for a wide political consensus on the overall constitutional process prior to the transition period, to avoid conflict at the most critical phases of the process.

Participatory constitution drafting is today a necessary part of the constitutional process. Despite challenging difficulties of definition and implementation, a democratic constitution-making process is critical to the strength, acceptability, and legitimacy of the final product. Public participation is often taken to mean voting, electing a constitutional convention or ratifying a constitutional text by referendum. However, other forms of participation gives the initiative to ordinary citizens and creates an open constitutional dialogue in which the public shares in agenda-setting, content, and ratification. One must not forget that genuine public participation requires social inclusion, personal security, and freedom of speech and assembly. A strong civil society, civic education, and good channels of communication between all levels of society facilitate this process. Only a considerable commitment of time and resources can make genuine public participation possible in Kosovo.

Participatory constitution making has become a crucial aspect of a legitimate constitutional process. Where the constitutional process is shared with the public, constitution making is no longer confined to the domain of "high politics" and negotiations among elites who draft texts behind closed doors. In the end, this leads to a representative, legitimate constitution—the only kind that is acceptable to Kosovo's citizens.

# Executive Summary of Comprehensive

## *I. General*

The aim of the Comprehensive Proposal for the Kosovo Status Settlement is to define the provisions necessary for a future Kosovo that is viable, sustainable and stable. It includes detailed measures to ensure the promotion and protection of the rights of communities and their members, the effective decentralization of government, and the preservation and protection of cultural and religious heritage. In addition, the Settlement prescribes constitutional, economic and security provisions, all of which are aimed at contributing to the development of a multi-ethnic, democratic and prosperous Kosovo. An important element of the Settlement is the mandate provided for a future international civilian and military presence in Kosovo, to supervise implementation of the Settlement and assist the competent Kosovo authorities in ensuring peace and stability throughout Kosovo. The provisions of the Settlement will take precedence over all other legal provisions in Kosovo.

## *II. Settlement Provisions*

The Settlement consists of a main body with fifteen articles that form its key principles, and twelve Annexes which elaborate upon these principles:

Kosovo shall be a multi-ethnic society, governing itself democratically and with full respect for the rule of law, the highest level of internationally recognized human rights and fundamental freedoms, and which promotes the peaceful and prosperous existence of all its inhabitants.

Kosovo shall adopt a Constitution to enshrine such principles. While the Settlement does not prescribe a complete Constitution, it defines key elements that must form part of the Constitution.

Kosovo shall have the right to negotiate and conclude international agreements, including the right to seek membership in international organizations.

The protection and promotion of the rights of members of communities is a central element of the Settlement. The Settlement addresses key aspects to be protected, including culture, language, education, and symbols. It also provides for specific representation mechanisms for Kosovo non-Albanian community members in key public institutions to safeguard and encourage their effective and active participation in public life. To protect the rights of Kosovo non-Albanian communities in the legislative process, the Settlement also provides that certain, enumerated laws may only be enacted if a majority of the Kosovo non-Albanian members of the Kosovo Assembly agree to their adoption.

The Settlement provides a wide-ranging decentralization proposal, which is extensive in scope and intended to promote good governance, transparency and effectiveness in public service. The proposal focuses in particular on the specific needs and concerns of the Kosovo Serb community, which will have a high degree of control over its own affairs. The decentralization elements include, inter

alia, new municipal competencies for Kosovo Serb majority municipalities (such as in the areas of secondary health care and higher education); extensive municipal autonomy in financial matters, including the ability to accept transparent funding from Serbia for a broad range of municipal activities and purposes; provisions on inter-municipal partnerships and cross-boundary cooperation with Serbian institutions; and the establishment of six new or significantly expanded Kosovo Serb majority municipalities (Gracanica, Novo Brdo, Klokot, Ranilug, Partes, Mitrovica-North).

The Settlement also provides for a justice system in Kosovo that is integrated, independent, professional and impartial, ensuring access of all persons in Kosovo to justice. It also provides for mechanisms to ensure that the justice system is inclusive, and that its judiciary and prosecution service reflect the multiethnic character of Kosovo.

The provisions on the protection and promotion of religious and cultural heritage will ensure the unfettered and undisturbed existence and operation of the Serbian Orthodox Church (SOC) in Kosovo. More than forty key religious and cultural sites will be surrounded by Protective Zones to prevent any disruptive commercial and industrial development or construction, and to preserve the cultural dignity of such sites. The Settlement also mandates additional physical security for selected sites. The SOC and its internal organization will be explicitly recognized by the Kosovo authorities, and will be granted inviolability of its property, freedom from taxation and customs duty privileges. The SOC in Kosovo will be also be free to maintain links with the SOC in Belgrade.

All refugees and internally displaced persons from Kosovo will have the right to return and reclaim their property and personal



# Proposal for the Kosovo Status Settlement

possessions. The Settlement also calls upon Kosovo and Serbia to cooperate fully with the International Commission of the Red Cross to resolve the fate of missing persons.

The Settlement includes specific provisions designed to promote and safeguard sustainable economic development in Kosovo. It prescribes transparent procedures to settle disputed property claims and for a continued privatization process, both with substantial international involvement. In addition, the Settlement defines mechanisms to determine Kosovo's share of Serbia's external debt, and to address the issue of property restitution.

The Settlement also provides for a professional, multi-ethnic, and democratic Kosovo security sector, encouraging significant local ownership in its development while retaining a level of international oversight necessary for ultimate success in this sensitive area. The Kosovo Police Force will have a unified chain of command throughout Kosovo, with local police officers reflecting the ethnic composition of the municipality in which they serve. In Kosovo Serb majority municipalities, the Municipal Assembly will have enhanced competencies in the selection of the local Station Commander. A new professional and multi-ethnic Kosovo Security Force (KSF) will be established within one year. It will have a maximum of 2,500 active members and 800 reserve members. The Settlement stipulates that the current Kosovo Protection Corps (KPC) will be dissolved within one year after the end of the transition period.

Recognizing that fulfilling Kosovo's responsibilities under the Settlement will require a wide range of complex and difficult activities, the Settlement provides for a future international presence to supervise and support the relevant efforts of Kosovo's authorities. This

presence consists of three principle components:

An International Civilian Representative (ICR), double-hatted as the EU Special Representative, will be appointed by an International Steering Group (ISG) comprising key international stakeholders. The ICR will have ultimate supervisory authority over the implementation of the Settlement. The ICR will have specific powers conferred upon him/her to allow him to take the actions necessary to oversee and ensure successful implementation of the Settlement. These include the authority to annul decisions or laws adopted by Kosovo authorities and sanction or remove public officials whose actions are determined by the ICR to be inconsistent with the letter or spirit of the Settlement. The ICR will also be the final authority in Kosovo regarding the civilian aspects of the Settlement.

A European Security and Defence Policy (ESDP) Mission will monitor, mentor and advise on all areas related to the rule of law. Specifically, it will assist Kosovo in the development of efficient, fair and representative police, judicial, customs and penal institutions, and have the authority to assume other responsibilities to ensure the maintenance and promotion of the rule of law, public order and security.

A NATO-led International Military Presence will provide a safe and secure environment throughout Kosovo, in conjunction with the ICR and in support of Kosovo's institutions until such time as those institutions are capable of assuming the full-range of security responsibilities.

The OSCE, with an extensive field presence in Kosovo, will be requested to assist in the monitoring necessary for successful implementation of the Settlement.

## *III. Settlement Implementation*

Upon the entry into force of the Settlement, there will be a 120 day transition period, during which UNMIK's existing mandate will remain unchanged. To ensure immediate supervision over implementation of the Settlement by Kosovo, however, the ICR will possess the authority to monitor such implementation and make recommendations to UNMIK on actions to be taken to ensure compliance.

During the transition period, the Kosovo Assembly, in consultation with the ICR, will be responsible for approving a Constitution and the legislation necessary for the implementation of the Settlement. The new Constitution and legislation will become effective immediately upon the conclusion of the transition period.

At the end of the transition period, UNMIK's mandate will expire and all legislative and executive authority vested in UNMIK will be transferred en bloc to the authorities of Kosovo, in accordance with the Settlement.

Within nine months of the entry into force of the Settlement, general and local elections are to be held.

The mandate of the ICR will continue until the ISG determines that Kosovo has implemented the terms of the Settlement.





# Steps towards the definition of Kosovo's Status

The Special Envoy of the Secretary-General of the United Nations for the future status process for Kosovo (SE) Martti Ahtisaari and the Deputy Status Envoy (DSE) Albert Rohan paid their first visit to the parties and the region in November 2005, visiting Prishtinë/Priština and Belgrade, as well as the neighbouring capitals of Tirana, Podgorica and Skopje. Since then, the Special Envoy, his Deputy and senior staff members of the United Nations Office of the Special Envoy for Kosovo (UNOSEK) have made frequent visits to the region.

In the course of 2006, UNOSEK has held 15 rounds of direct talks between the Belgrade and Prishtinë/Priština negotiating teams.

Fourteen of these rounds of talks have focused on decentralization, the protection of cultural and religious heritage in Kosovo, economic issues, and the protection of community rights.

In addition, the SE presided over direct talks with the Serbian and Kosovo leadership in Vienna on 24 July 2006. President Boris Tadić and Prime Minister Vojislav Koštunica led the delegation of Serbia, while President Fatmir Sejdiu led the Kosovo Team of Unity. The meeting gave each party the opportunity to present at the highest level its view of the future of Kosovo to the other, as well as to the international community, represented both by UNOSEK and by observers from the CG, the EU and NATO.

In addition to these direct talks between the parties, since January 2006, 26 UNOSEK-led expert missions have visited Belgrade and Prishtinë/Priština to talk separately to the parties on various issues.

Since November 2005, the SE and his Deputy have been meeting extensively with other key players in the process. These have included briefings to the Security Council of the United Nations (4 March, 13 July and 22 September 2006); meetings with the CG, EU Foreign Ministers, and other international actors, including NATO and the OSCE.

On 25 January 2007, the Special Envoy met the Secretary-General of the United Nations Ban Ki-moon in Paris to brief him on the latest developments in the status process and share with him the proposal. The next day, the Special Envoy met in Vienna

with the Contact Group (CG) members and also shared the content of his proposal, as part of the regular consultations and close cooperation process between UNOSEK and the CG.

On 2 February, the Special Envoy travelled to Belgrade and Prishtinë/Priština to present his draft Comprehensive proposal for a Kosovo Status Settlement to both parties. In Belgrade, the proposal was handed over to President Boris Tadić of Serbia. In Prishtinë/Priština, the Special Envoy presented his proposal to President Fatmir Sejdiu and the Team of Unity.

The Special Envoy then invited both parties in Vienna to a series of meetings on the draft proposal. During a first round of talks, held between 21 February and 2 March, delegations reviewed the whole document. UNOSEK

then revised its initial draft and the Special Envoy invited the highest representatives of both parties to attend a High-level meeting in Vienna on 10 March. The Belgrade delegation was led by President Boris Tadić and Prime Minister Vojislav Kostunica and Prishtinë/Priština's Team of Unity was led by President Fatmir Sejdiu. Representatives of the Contact Group, EU and NATO also participated in the meeting.

At the end of the High level meeting, the Special Envoy observed that there was no will from the parties to move away from their previously stated positions. Left with no doubt that the parties' respective positions on Kosovo's status did not contain any common ground to achieve an agreement and that no amount of additional negotiation would change that fact, the Special Envoy concluded that the potential of negotiations was exhausted. He announced his intention to finalise his proposal for submission to the UN Security Council during the month of March.

On 14 March, Deputy Special Envoy Albert Rohan went to New York to hand over to the Secretary-General the Final Comprehensive proposal for a Kosovo Status Settlement, as well as the Report of the Special Envoy of the Secretary-General on Kosovo's Future Status. The report and the Comprehensive proposals were officially delivered to the UN Security Council members on 26 March.

## Listing of Direct Talks between the Belgrade and Pristina Delegations

- Meeting of the Serbian and Kosovo leadership in Vienna (24 July 2006)
- Eight meetings related to decentralization: (20-21 February 2006, 17 March 2006, 3 April 2006, 5 May 2006, 19 July 2006, 7 August 2006, 7 September 2006 and 15 September 2006)
- Three meetings related to the protection of cultural and religious heritage in Kosovo: ( 23 May 2006, 18 July 2006 and 8 September 2006)
- Two meetings related to community rights: (8 August 2006 and 8 September 2006)
- One meeting related to economic issues: (31 May 2006)



# New EU Mission will support Kosovo's aspirations for EU and NATO membership

*Interview with Mr. Ardian Gjini, Minister of Environment and Spatial Planning and member of the Political Strategic Group of the Kosovo Negotiation Team*

*Is Kosovo really independent if it continues to have such a powerful international administration?*

Ardian Gjini: Certainly it will be independent. There are ways to understand independence. The first element that I would mention is that independence and sovereignty are not revocable. The second element is that it is going to be recognized by the rest of the world and I believe this recognition will be the most important element of sovereignty for a small country like Kosovo. And the third way is that the new mission in Kosovo is not going to decide about our future, which means that the final element is sovereignty—the fact that we are going to decide about all matters directly influencing our lives, not somebody else. This means that Kosovo is going to be independent, despite the fact that there is going to be a Mission after the status, that is going to monitor the implementation of the comprehensive proposal. But, we also hope that this new Mission is going to basically monitor our serious efforts to achieve our goals.

*In line with your statement, Kosovo made much progress since 1999, certainly more than Bosnia, according to most international observers. Yet, the new ICR is similar to the Office of the High Representative in Bosnia. ICR will have a sweeping authority to annul laws or decisions taken by Kosovo*



*authorities, remove public officials, etc. Why is ICR given such a broad authority and how can it be justified to Kosovo's people?*

Adrian Gjini: I would give two reasons that I could think of now. The first reason is simple, if you give authority to someone to monitor the status settlement, this authority will need to have a certain power to influence the implementation of the package, which also means adoption of certain laws, procedures and decisions that will have to be in full compliance with the package. And the second reason, pretty much connected with the first one, is that at this stage pending a new UN Resolution, and also when we were going through a negotiation process in Vienna, Contact Group

members were and are going through a process of soft negotiations as well. Everybody needed insurance, or at least there were certain countries that needed an insurance that Kosovo would comply with the deal. So, these are reasons why we are having this new mission, and as I said before, we would like to see this mission as a support for Kosovo aspirations towards membership in EU and NATO.

*Regarding the reform of the Judiciary, how do you think ICR can help this reform, if it would have wide range of powers such as appointing international investigators and prosecutors that can act independently?*

Ardian Gjini: I think that the most important thing is that

they are going to work within the Kosovo legal and constitutional framework. And again, if we take into account this fact then we can perceive this mission as providing support to Kosovo's judiciary. We are not at odds with EU procedures and laws; we just want to be compatible. So if we have these two things in mind: we need support and we want to be compatible with the EU at some point, then we will be able to join the EU. The mission will not be an obstacle and will provide support.

*How do you foresee the relationship between ICR and the Kosovo Government, for instance regarding accountability and reporting to the Government?*

Ardian Gjini: The EU Planning Team so far has done a very good job not only in preparing the mission and giving input to EU institutions and the international community as to how this mission would look, but also in preparing the ground for consultations with us. This means that this future partnership with Kosovo institutions and the new international mission, mainly EU mission, will have a foundation for continuous partnership. I think the fact that the mission is already started to establish itself is good and I think the mission will continue to work toward a common interest with us. And I do not see any real problem in strengthening this partnership as long as this new mission is going to be in Kosovo.

*The mandate of other international organizations such as OSCE, Council of Europe, UNDP, IMF, World Bank, etc, will change after status. How will the Kosovo Government position change towards them?*

Ardian Gjini: It was a permanent struggle, as I believe most people are aware, for Kosovo to seek independence and sovereignty, which means we were also seeking membership in all the institutions you have mentioned. And again their presence will have to mean a certain support and we have no doubts it is going to be a support. But of course it is going to be different when they will operate in an independent and sovereign country, despite the fact that it is supervised.

*Bearing in mind the ICR powers, do you believe it will be easy to reduce the power and frequency of the intervention?*

Ardian Gjini: I would say that this would certainly depend on the work that we do in Kosovo and the frequency of consultations before. Moreover it will depend if any need for taking any measure will arise. And I don't think there will be a lot of interventions, I am not supposed to say none, but I don't think there will be a lot, because the perception now in Kosovo is that we will have to and we want to implement the package. So there is a will, there is a lot of enthusiasm, so based on this I do not think the new ICR will have a lot of jobs to do.

*(interview by Nuno Luzio, OSCE Mission in Kosovo).*

## "Ahtisaari's plan will bring progress and new meaning to cohabitation in Kosovo"

*Interview with Branislav Grbic, Minister for Returns and Communities*



*Minister, are you satisfied with the returns process?*

Branislav Grbic: As the Minister for Returns and Communities and a Kosovo citizen, I have to say I am not satisfied. Unfortunately, the number of returnees is still very low, and many people still live far away from their houses. I believe this process could, and should, be faster. It is a fact that since enacting the UNSC Resolution 1244 in 1999, certain political and security conditions facilitating returns have been created in order to make the returns process more successful. Over the years, the number of returnees has changed in conjunction with

changes in the situation on the ground. In that sense, we need strong efforts and support by international community representatives and the Serbian Government in order to ensure that individuals are guaranteed the right to return to their homes.

*What are the main obstacles to the return of the displaced today?*

Branislav Grbic: Primarily, it has to do with the political and security situation. We can say that the situation is better than it used to be, and nowadays there are greater possibilities for return. Economic sustainability is the second main com-

ponent of the returns process; this essentially means what to do upon the return? This is a serious and complex issue which requires the engagement of all parties concerned, as we all know that a poor economy, with high levels of unemployment dominates life in Kosovo.

*What is the most successful return project the Ministry has undertaken?*

Branislav Grbic: Ever since the establishment of the Ministry, all projects have been undertaken in cooperation with representatives of the international community, namely UNDP and NGOs as submitters of concept papers. The Zociste Project is the only project that the Ministry of Communities and Returns has undertaken independently. We hope that it will be completed by May, when 38 sets of keys will be handed to returnees. One of the most important projects by the MCR and UNDP is the return project in Klinavac, Klinja/Klinë Municipality. Another project that was undertaken in cooperation with UNDP and European Perspective is the return of 74 families to Srpski Babuš, a remarkable project that is being completed successfully.

*What are the Ministry's plans for 2007?*

Branislav Grbic: The Ministry has resumed cooperation with international community representatives through more fre-

quent, qualitative and successful meetings. In line with the budget of €5,200,000, which the Ministry has at its disposal, we agreed to allocate €2,100,000 for the SPARK project implemented by UNDP. Funds will also be allocated to facilitate the return of Serb families to Dobri Dub, Fushë Kosovë/ Kosovo Polje Municipality and Nakarade village, Klinë/Klina Municipality. Each project will be awarded €850,000. We have also allocated €500,000 to individual projects that UNDP will carry out this year. I am happy to say that in 2007, for the first time, we ourselves will implement two returns projects: one in the town of Prizren, which will involve the reconstruction of 15 Serbian houses, and the return of 20 Roma families to Vushtrri/Vučitrn for which €504,000 was allocated. The Ministry has also allocated €2 million for community support projects, and has informed every municipality in Kosovo of the criteria required for projects to be financed by the Ministry, in order to achieve sustainability of communities.

*How would you assess Ahtisaari's proposal, which is currently being discussed by the Security Council?*

Branislav Grbic: Ahtisaari's plan is the continuation of the international community's policy to settle the issue of Kosovo's status. The Assembly of Kosovo has declared the plan as accepted. I hope that the final version of the plan will bring progress and new meaning to cohabitation in Kosovo.

*Do you think the negotiation process included all interests of minority communities in Kosovo?*

Branislav Grbic: There is no such a thing as an ideal proposal. I am of the opinion that such a proposal or settlement, in the sense of coexistence, will have a positive effect on physical and economical sustainability of all citizens in Kosovo.

*In the context of return, how would minority communities benefit from this proposal?*

Branislav Grbic: First of all, the proposal should meet the security needs of minorities, so no-one feels neglected or overlooked. Regardless of nationality, ethnicity, religion or whether a person is a member of majority or minority community, everyone in Kosovo should feel safe and secure. Kosovo's majority community should provide security. The Kosovo Government, Provisional Institutions of Self Government and the international community should guarantee security for everyone, so that people can feel safe and have a normal and civilized life like other European citizens.

*What will be the Ministry's role in the process of status settlement implementation, and do you have the necessary resources to perform that role?*

Branislav Grbic: We have proposed the budget for 2007, which has been approved regardless of status process implementation. I think this Ministry will harmonise its work with the policy of both the international community and provisional institutions, and create the conditions necessary for sustainable and qualitative return.

*Do you have a message for the displaced that plan to return to their homes?*

Branislav Grbic: My main message is that everyone who lived here and wishes to return should do so. I am aware that the main foundations for return are financial conditions and security. Since efforts to permanently resolve the political and security situation already exist, and if the economic component needed to accelerate the returns process is met through the budget of Provisional Institutions and donations, then citizens should be persistent and have hope. Everyone who wishes to return should do so.

*By Mario Maglov,  
Coordinator of the Community  
Information Centres, DPI-  
UNMIK*

## *Danas i Sutra*

UNMIK's monthly magazine in Serbian language, "Danas i Sutra" presents the most important events from the minority communities of Kosovo. "Danas i Sutra" is the main product of the Community Information Centres (CIC), a community outreach component of Division of Public Information. The magazine is distributed within Kosovo, and to the IDPs living in Serbia proper. All editions are also available online with summaries of each issue in Albanian and English languages; <http://www.unmikonline.org/cic.htm>



"On the moment that the Special representative decided to work contrary to the UN Charter, it was obvious that his aim was not to help the two sides to achieve a compromise solution. There is no doubt that Ahtisaari deliberately took one, the Albanian, side and offered the proposal that satisfies the interests of only Albanian side. The fact that Serbia unanimously rejected the plan, and Albanian side unanimously accepted it, is the best proof of that. Serbia strongly rejects the proposal presented by special UN envoy Martti Ahtisaari on the status of Kosovo as an illegal and illegitimate act on the breaking up of a state and is proposing new negotiations, based on Resolution 1244. Never and no one could have given the special envoy a mandate to violate the principle of sovereignty and territorial integrity and to change the state borders of Serbia."

*Vojislav Kostunica,  
Prime Minister of Serbia*



# Annex VIII of the Ahtisaari's Proposal – The Security Sector in Kosovo: Observation from the perspective of the Assembly security committee

*Naim Maloku, member of the Presidency of the Assembly and Chairperson of the Security Committee, AAK*



The security sector in Kosovo remains one of the most sensitive areas of democracy building in Kosovo, something reflected in the proposal presented by the Special Envoy of the Secretary-General, Marti Ahtisaari. In my assessment, Ahtisaari's proposal reflects the reality of the situation in Kosovo, as well as the needs of Kosovo society, which should be fulfilled by the Kosovo institutions in order to increase their own capacities and continue with institution building.

The security sector will continue to be supervised by the international civilian rep-

resentative, and KFOR will continue to guarantee the sovereignty and security of Kosovo. KFOR will also be responsible for building and training the proposed Kosovo Security Force, which will be composed of 2,500 members, drawn from the Kosovo Protection Corps (KPC) and the general public. Further, the provisions of the Comprehensive Proposal for the Kosovo Status Settlement envision the creation of an intelligence service, and the gradual transfer of police competencies to local authorities. The European Union (EU) will play an important role in supervising

the police service, though it is worth mentioning that its supervision will be more limited than that presently exercised by UNMIK.

Kosovo institutions are being developed, but it is my assessment that conditions for taking more competencies in the security sector have not been fulfilled yet, more than the competencies guaranteed in Annex VIII of Ahtisaari's proposal.

Considering that the field of security has been carefully controlled by UNMIK, a period of 6-7 years, or even less, is not sufficient time to build a set of independent and democratic institutions capable of overseeing a field as sensitive as security. Considering the delicacy of the issue under discussion, and the special characteristics present, Kosovo cannot easily undergo the normal democratic procedures of its own capacity building. To do so would be excruciating not only for Kosovo but for the region as a whole. Therefore, the international community perceives it to be necessary to continue in its supervision of this field.

Further, the initial stages of building a security sector is difficult; it requires great investment - financial means that cannot be provided by the limited Kosovo Consolidated Budget. There is a need

therefore for a partnership with NATO and EU, in order that we face these challenges together. Furthermore, the creation and development of these institutions requires consensus in the Kosovo political system, whether between political parties in power and opposition, or on the interethnic political spectrum. The establishment of mechanisms which guarantee impartiality, democratic functioning and building of responsible institutions can and will be achieved in partnership with our friends from NATO and the EU.

However, the Proposal has gaps in its substance and will face challenges with regard to its implementation. For example, Article 6 paragraph 1 of the Proposal envisages the dissolution of the KPC. This, I believe, will be a significant challenge, primarily facing the local institutions, though it will also be one for our international partners. Therefore, we should pay serious attention to addressing this challenge and making provisions for those members who do not meet the conditions necessary to be accepted into the Kosovo Security Force. I believe that this challenge will be satisfactorily met, especially considering that the Law on Demobilization, a law that will address the status of the members of the KPC, will soon be scru-

tinised by the Committee on Security.

The second challenge is presented by the decentralisation of the police and the extended competencies of municipalities in the selection of police commanders. Article 2 paragraph 6 of the Proposal envisages a procedure whereby the Municipal Assemblies propose a number of candidates for police commander, and the Ministry of Internal Affairs then has only 15 days to make a selection. Though this procedure may be repeated once if the Ministry considers that none of the candidates is suitable, it leaves limited scope for manoeuvre. It is therefore important that equal criteria for commanding structures are established throughout Kosovo, something not envisaged by Ahtisaari's proposal.

On the other hand, Ahtisaari's proposal has also, within the scope of regulating the security sector, increased the workload of the parliamentary Committee on Security. Of the 17 laws to be adopted during and after the transition period, as envisaged by Ahtisaari's, nearly half of them will fall under the competencies of the Committee on Security. This has placed a significant and instantaneous legislative burden on the shoulders of the Committee, but it is prepared for meeting the challenge in cooperation with local and international partners.

I can confidently state that both the substantial and procedural aspects of Annex VIII of the Comprehensive Proposal reflect the reality in Kosovo and the challenges raised by the security sector that will face Kosovo in the future

## European Parliament agrees report on Kosovo

The European Parliament gave its full support on March 29, 2007 to the Ahtisaari proposal for a status settlement, stating that "sovereignty supervised by the international community is the best option" for securing the objectives of a peaceful, self-sustaining Kosovo. The report also reaffirmed the European perspective of both Serbia and Kosovo, and called for the EU to play a central role in the current international negotiations for a settlement.

The own-initiative report by Joost Lagendijk (Greens/EFA, NL), was adopted in the Parliament's plenary session by a large majority (490 in favour to 80 against, with 87 abstentions). It said a settlement should assure access to international financial organisations; an international presence in Kosovo, with a clear definition of its role and mandate; clear provisions on decentralisation, granting substantial autonomy in key

areas; full respect for human rights; retention of Kosovo's multi-ethnic character, with protection for cultural and religious sites; the establishment of a limited, internal, multi-ethnic Kosovar Security Force; and international guarantees for the territorial integrity of all neighbouring states.

To ease concerns that any form of independence for Kosovo would exacerbate other separatist tensions, the report "underlines that the solution in Kosovo will set no precedent in international law, as Kosovo has been under UN rule since 1999 [... and] is in no way comparable to the situation in other conflict regions which are not under UN administration." In addition, Parliament said that "in the long run, the solution regarding the future status of Kosovo lies also in the fact that both Serbia and Kosovo are due to become part of the EU, together with their neighbours, since the future of the

Western Balkans lies in the European Union."

The report also emphasises that the EU Member States should speak with one voice on the Kosovo issue, by adopting a common position in the Council and maintaining it in international fora, especially the UN Security Council. It also expressed the Parliament's support for the establishment of a European Security and Defence Policy mission to Kosovo.

European Enlargement Commissioner Olli Rehn welcomed the report and congratulated the rapporteurs and members for their intensive work on it.

Doris Pack, Chairwoman of the European Parliament's Delegation for South-Eastern Europe, welcomed "without any reservation" the vote and its support for "a supervised independence" for Kosovo. "There is no other feasible way for a peaceful solution", she said.



# The EU will play a leading role in Kosovo

The report and proposal of the UN Special Envoy President Ahtisaari were handed to the Security Council on March 26, 2007. I join the UN Secretary-General and the EU Presidency in supporting the report and the proposal put forward by President Ahtisaari.

I believe we can all agree that in an ideal world the two parties would have found an acceptable compromise between themselves. Over the past 14 months of negotiations, common ground was found on several practical aspects of the settlement. Unfortunately, Belgrade and Pristina remained diametrically opposed on the core question of status.

President Ahtisaari's proposal is designed to foster the building of a democratic multi-ethnic society in Kosovo, based on the rule of law. It contains wide-ranging provisions intended to secure the future of all communities in Kosovo. It lays the foundation for economic development and political stability in Kosovo, which will enhance regional stability.

The essence of decision on Kosovo is European unity. We must continue to support President Ahtisaari and his proposal with consistent determination in the UN Security Council. There is no gain in delaying the decision. The UN has already been running Kosovo for eight years. The status quo is not sustainable.

The status process has now reached a decisive phase. I expect the Security Council will live up to its responsibilities in a spirit of responsible



multilateralism and bring the process to an early and successful closure.

Once the status issue is settled, the implementation phase will start. This phase will bring its own challenges. Here, too, the EU must work as one.

The EU will play a leading role both in the running of international civilian missions and in support of Kosovo's European perspective. This will require deployment of all our instruments and considerable resources. We have no exit strategy, only an entry strategy.

Let me be clear: local ownership and partnership with the international community is key to successful status implementation.

The EU and its international partners cannot substitute for Kosovo's own efforts, neither in terms of political will nor in terms of resources. But we can assist.

The status settlement will not come for free.

Kosovo's financial needs after status cannot yet be fully known. But early estimates suggest that international grant assistance of up to around €1.3 - 1.5 billion may be required for the first 3 years after status.

There will be four main areas to cover:

- Kosovo's share of the Yugoslav debt,
- the cost of status implementation,
- the needs of economic development; and
- the cost of the international presence, including the planned ESDP mission, which is expected to be the largest civilian crisis management mission that the EU has ever undertaken. The EU's overall presence in Kosovo is likely to run in the order of 1500-2000 international staff.

We all know that the European Union currently faces impor-

tant foreign policy challenges in other theatres, including the Middle East, Afghanistan, and Darfur. Kosovo is not the only funding priority.

But Europe has a special responsibility in Kosovo, which is in our own front yard. The EU must continue to have the means to sustain its policies and see the process through.

At the EU Foreign Ministers' Gymnich meeting on March 30, 2007 I will stress that resources cannot come from the EU budget alone. EU Member States and our international community partners must share the responsibility.

The Commission will put together a funding package that reflects the scale of our responsibility. I count on your support for this.

A final word on Serbia. Let me assure you that the EU remains fully committed to Serbia's EU perspective. We are ready to work with a new government towards this goal. It is now up to the new government of Serbia to meet the conditions for resuming the negotiations on a Stabilisation and Association Agreement.

Strong engagement with Serbia is essential to bring the status process to a successful conclusion. A Serbia that has confidence in its European future will be helped to overcome the legacy of the past.

*The speech of Commissioner for Enlargement Olli Rehn on the future of Kosovo and the role of the European Union in the European Parliament, 29 March 2007*



# Kosovo needs international engagement

*Torbjorn Sohlstrom, Head of the Preparation Team for an International Civilian Office/EU Special Representative (ICO/EUSR)*

The international community has been engaged in central and eastern Europe for the past two decades to help countries to eventually join the European Union. As the European Union, we are engaged very much in the entire Balkans to help the region to realize a European perspective. So for me it is clear that the EU and its partners will be engaged in Kosovo, even after the status settlement, until such time that Kosovo, we hope, will become part of the European mainstream, part of the European construction and eventually part of the European Union.

When we speak about future international engagement, we speak of two things. One is the kind of engagement that the EU has in all parts of this region – supporting structural reforms, helping in the adjustment to EU standards, and political engagement. That is obviously going to be there. But there is another part here. There will also be a special new international presence that will specifically be for Kosovo and that will be mandated in the status settlement to help Kosovo overcome some specific challenges over a limited period of time. The special engagements will focus on two areas; one will be the key elements of the status settlement and the other will be in the area of rule of law.

The future international engagement is composed of five components: an International Civilian Office (ICO) with a key role in overseeing the



implementation of the status settlement; a European Union mission in the area of rule of law; an OSCE mission with particular emphasis on what happens in the municipalities, through its field presence; a continued international military presence provided by NATO; and, lastly and perhaps most importantly, a major capacity building effort by the entire international community with the European Commission, the World Bank, UNDP and bilateral donors in leading roles. From the EU side, we are, together with the World Bank, preparing a donors conference that will take place shortly after the conclusion of the status process and we hope that we, together with our partners, can make an effort to help Kosovo

in a crucial period. You may be aware that, recently, the European Commission has allocated 190 million euros for the first three years as part of the EU assistance program for the western Balkans, called the Instruments for Pre-Accession program or IPA. By providing that amount, the European Commission will be providing more assistance per capita to Kosovo than to any other place in the world and I think that is a sign of our willingness to help Kosovo.

It is clear to us that the status settlement will bring a lot of new responsibilities and tasks to the institutions of Kosovo. The future international presence is not a successor organization to UNMIK. The successor to UNMIK is the institutions of

Kosovo. And that will be a political, administrative and economic challenge beyond anything these institutions have ever dealt with before. The responsibility for running the affairs of Kosovo will no longer be with the international community. We believe that this is such a major challenge that Kosovo's entire society, and in particular its institutions, must prepare extremely well for it and work hard on the preparations now, because we all want Kosovo to pass its first post-status test.

How long will the ICO stay in Kosovo depends on how well Kosovo handles these future challenges. Obviously if we have an orderly and rapid implementation of the settlement, the international community need not be here for very long. If there are more difficulties with the implementation process and less speedy reforms, the special form of international engagement will have to be here longer. But again, the nature of the international involvement will depend on the capacity of the Kosovo institutions. We certainly do not want the international community to have responsibilities in Kosovo beyond what is absolutely necessary. We want Kosovo to run its own affairs and to do this well, and eventually to move towards membership in the European Union.

*This article is been taken from an interview published in 'Focus Kosovo', No. 30, February 2007.*

# EU supports building Kosovo's future

*Eugen Wollfarth, Head of German Liaison Mission in Kosovo*



On 26 March 2007, UN Secretary-General Ban Ki Moon presented the Comprehensive Proposal for the Kosovo Status Settlement to the Security Council. This was accompanied by a letter stating that he “fully supports” Special Envoy Martti Ahtisaari’s proposal and his recommendation that “Kosovo’s Status should be independence, supervised by the international community”. The EU and Contact Group have been standing united behind Ahtisaari throughout the process, and on 26 March 2007, the German EU Presidency expressed both its strong support for the proposal and its hope that the Security Council will “endorse the proposal in a timely manner”. Since 2006, the EU member states have been preparing for an EU mission designed to assist Kosovo after the status decision. The

EU plans to deploy a European Security and Defence Policy mission that will focus on matters relating to the rule of law: EU member states will then provide the Kosovo institutions with judges, police, and experts in justice, customs, police, and security issues.

The Comprehensive Proposal for the Kosovo Status Settlement is, in our eyes, a balanced document, which will contribute towards a stable and prosperous future for Kosovo, where all citizens, regardless of their mother-tongue, will be able to live peacefully, and fully realise their personal potential. I have repeatedly stated on many occasions that the Status Settlement, which has been thoroughly developed by Martti Ahtisaari, is a win-win-option for all sides involved.

Look at decentralisation: a

decentralised system opens the door for more direct citizen participation in political decision-making, and thus to an enhanced system of democracy. It is always regarded as a “hot topic”, as it is so close to peoples everyday lives. Central governments are sometimes afraid to lose control, and local governments are often reluctant to be confronted with new tasks, especially in light of the fact that they often have inadequate human and financial resources to achieve good results. In Kosovo, the international community will support the central and local governments in order to accomplish the reforms, which are largely intended to bring people together in a more efficient manner and to create opportunities for citizens’ voices to be heard more easily, in their own language, through institutions which they trust.

Or look at community rights: all communities benefit when community rights are strengthened, such as the right to be adequately represented and to participate in political processes; the right to use the mother tongue in public life, and the right to be educated in one’s own language. It is a fact that Kosovo’s population is multi-ethnic, and this is an immense treasure. The EU, with its multi-language and multi-cultural make-up, is fully committed to encouraging sustainable cultural diversity. Kosovo has a unique cultural and religious heritage, which has grown and developed over centuries as a

result of many different influences. This multifaceted heritage, which is truly Kosovar, but is also European, must be protected.

The process of EU integration means that Kosovo needs to work hard in order to adapt its legal system to conform with EU standards. But the European idea is also much more: it is an ambitious goal and an aspiration for those living in Kosovo. We recently celebrated the 50th anniversary of the EU. The last 50 years have been a great success story, and has seen a transformation of the European continent as a result of EU enlargement, from six to 27 member states. This enlargement process, which makes our continent more peaceful and prosperous, should, and most certainly will, continue.

I am glad to see that both the government, and the overwhelming majority of the people of Kosovo, are fully aware that Kosovo’s future lies in Europe. As confirmed by the Thessaloniki Summit in June 2003, and in subsequent European Council meetings, “future integration into European structures and ultimate membership into the Union [of the Western Balkans, including Kosovo] is a high priority for the EU”:

“The Balkans will be an integral part of a unified Europe. The EU stresses that the pace of further movement of the Western Balkan countries towards the EU lies in their own hands and will depend on each country’s performance in implementing reforms,

thus respecting the criteria set by the Copenhagen European Council of 1993 and the SAP conditionality.” (The Thessaloniki Agenda for the Western Balkans, 2003)

Kosovo is performing well in the Stabilisation and Association Process through the Stabilisation and Association Tracking Mechanism. The Action Plan for the implementation of the European Partnership, which was adopted by the Kosovo Government in August 2006, helps the government to coordinate its work towards EU integration, and to explain to citizens what European integration entails.

There is a lot of progress in the field of public administration and economic reform. More needs to be done in the field of justice and protection of minority rights however, and this will be done with the help of the EU, which will stand by Kosovo as it has done in the last years. The EU will help Kosovo, through the biggest ESDP mission to date, through the expertise of individuals from EU member states, and through financial assistance. The EU will also continue to be the biggest donor to Kosovo; financial support envisaged through the Instrument for Pre-Accession from 2007 to 2009 amounts to 194,2 million Euro – more per capita than for any other region in the world.

Kosovo has entered a crucial phase. The coming weeks and months will not be easy. Preparing Kosovo for the future continues to be a complex and noble task, but I am confident that Kosovars and their government are ready to make Kosovo a better and safer place to live for all.

## Members of Parliament with their “hands tight”

*Bul Salihu, Head of Prishtinë/Priština TV Alsat Office*

During the 14 months of the internationally mediated negotiation process between Prishtinë/Priština and Belgrade, the involvement of members of the Kosovo Parliament was extremely limited, leading them to view themselves as reserve or substitute players during the historical derby that took place in Vienna, Austria. One of these individuals is Sabri Hamiti of the LDK, and a member of the Presidency of the Assembly of Kosovo, who criticises the Negotiation Team for what he perceives to be their over-generous approach from the very start; “the Kosovo team was compelled by a resolution of the Assembly of Kosovo not to negotiate the Kosovo status with Belgrade”. On the other hand, the renowned diplomat Martti Ahtisaari, while announcing that the talks were about specific fields of life, slowly created an institutional circle that incorporated a status for Kosovo, states Hamiti in an interview for the newsletter ASI.

His colleague, Xhavit Haliti, a representative of the PDK, also claims that the role of the Assembly in the negotiations for the future of Kosovo was small. “The Negotiations Team gave itself more competencies than were conferred by the Assembly, when it was initially established”. In one way or another it has shifted the decision-making from the Kosovo Assembly”, said Haliti. Neither Hamiti nor Haliti were involved in the

direct negotiations in Vienna, where the five members of the Negotiating Team chose to send members of their own parties over them. Both Members of Parliament, one from the ruling coalition and the other from the opposition, share the same opinion for the negotiations for the future of Kosovo held in Vienna. They essentially think that the Assembly was left aside.



**Sabri Hamiti:**  
The Negotiations Team was late in realizing the Ahtisaari’s diplomatic finesse...

*Mr. Hamiti, how do you evaluate the negotiation process held in Vienna, Austria, for 14 consecutive months?*

Sabri Hamiti: As far as Kosovo is concerned, the negotiation process is finished. After the

Proposal is passed to the UN Security Council, the Negotiation Team will have minimal opportunities to influence further developments. However, we are talking about a one year process of negotiations.

The Kosovo Negotiation Team was compelled by a resolution of the Kosovo Assembly not to negotiate with Belgrade on the issue of the status of Kosovo. On the other hand, the renowned diplomat Martti Ahtisaari, with a political finesse, while announcing that the talks were about specific fields of life, slowly created an institutional circle that incorporated a status for Kosovo. The Kosovo Team was late in realising this. Not only was the Kosovo Team over-generous from the beginning, but the negotiations were mainly focused on the status of minorities, more specifically, the status of the Kosovo Serb minority. This is also confirmed in the final text of Ahtisaari’s proposal, which is now in the hands of the Security Council.

Compromises were made to assure special rights to the Kosovo Serb minority, which were primarily made through the concept of “decentralization”, protected zones and of financing municipalities where Serbs are in the majority. This solution presents the risk that these special rights might slowly develop into a third authority, and raise tensions amongst the majority and other minority communities. The Kosovo Team insists that



the compromises were made in order to create an independent and sovereign Kosovo, in cooperation with the international community, under a European Union formation with a supervising role, but with powers of intervention during the first phase of the implementation. An independent Kosovo with limited (supervised) sovereignty: this is Ahtisaari's proposal.

*Do you think that the Assembly should have had a greater role in the negotiations?*

Sabri Hamiti: The initial structure or scheme of the Kosovo Negotiations Team, proposed by the late President Rugova and approved by the Assembly, was created in such a way as to reflect a unity of civic representation rather than institutional representation. In this flow of events, the Assembly was therefore left only with the role of mandating the Team, with no active participation in the negotiations. The Assembly was more active toward the end of the negotiation process, asking the Negotiation Team for more reports, or even during the final consultations of the Ahtisaari's proposal, but at this point it was already too late. The Committee for International Cooperation and EU Integration however, made an early request for reports, especially as regards the decentralization issue. So, now we are talking of a finished process. The Assembly should have had a greater role in this process, in accordance with the responsibilities it holds.

*How do you evaluate the disregard of the Assembly in transferring competencies*

*from UNMIK to PISG?*

Sabri Hamiti: Disregard of the Assembly during the process of the transfer of competencies is a mistake. Whether this is done by the Negotiating Team and its desire to have a mediation function or as a result of something else, this way of working, willingly or not, leads to a process whereby institutions are weakened. The team for the transfer of competencies should have been proposed by the Government and had the Assembly's approval.

The Kosovo Assembly is the highest body of representation in Kosovo. It mandates the Government and the Negotiations Team. The Assembly is the body responsible for evaluating their work; it is not their servant. In the end, it is the Assembly that creates the unity of citizens representation, a formula that's articulated by different political representatives in Kosovo.

*Is the Assembly prepared and does it have the capacity to approve all the laws from the Ahtisaari's proposal?*

Sabri Hamiti: First of all, Ahtisaari's Proposal will be final only after the voting takes place at the UN Security Council. Secondly, the Assembly shall implement this proposal after declaring the independence of Kosovo. Thirdly, the Assembly has a constitutional and historical duty and responsibility to establish fundamental and systematic laws for the new state, starting with the most fundamental law which is the Constitution of Kosovo.

We cannot afford to deal with the issue of capacity building. The Assembly should concentrate all of

its resources on the extensive process of creating legislative commissions and parliamentary groups, and should engage in intensive consultation with representatives of civil society, including the international consultation which was very helpful during all these years of legislative work undertaken by the Assembly. The Assembly of Kosovo is ready to perform the job required of it in order to build an independent state of Kosovo.



Xhavit Haliti:  
The Negotiation team gave itself more competencies than was given by the Assembly.

*Mr. Haliti, how do you assess the current process of negotiations?*

Xhavit Haliti: The process was conducted in conditions of which we were all aware. Besides voting for the negotiation team, the involvement of the Assembly in the process was limited. There was

also a lack of permanent communication with the public through the Assembly during the whole process. Are we satisfied or not? Well, since the result is positive, I believe that everyone is satisfied, irrespective of the work of the negotiation team.

*Was it necessary to have the Assembly more involved in the negotiations, for it to have a greater role?*

Xhavit Haliti: I think that at least some issues should have been debated. In particular, there should have been discussions regarding decentralization, restructuring or even better, the creation of a new protection force for Kosovo, following the dissolution of the KPC. Sometimes the media, willingly or not, has created confusion and uncertainty for the public regarding what is going to happen with the new and redefined municipality territories, the transfer of territory from existing municipalities to newly creates ones; this has been called territorial partition of Kosovo. Many things have been passed and left in the hands of the media instead of being directly addressed by the Assembly of Kosovo for the benefit of the public. This has lead to a situation where the concerns of the citizens were of such a proportion as we have all seen and really made the public think about what the Assembly is doing.

*According to your statement, the Assembly has been left out of the status negotiations, and there was a lack of communication between the legislators and the Negotiation Team.*

Xhavit Haliti: The Negotiation Team has given itself more



competencies than the Assembly had awarded it. In one way or another, it has assumed the power of decision-making from the Assembly. Not a single authorisation, the creation of groups participating in negotiations, nor the processes of selection and approval has been passed the Assembly and neither nor was the Negotiation Team's budget approved by the Assembly. No other names apart from the members of the Negotiation Team have passed the Assembly. All these decisions were taken by political consensus by political parties, parliamentary groups, and political leaders, which have selected people for the groups themselves. This is a reality.

*In the meantime, and in parallel with the negotiations, the Assembly has been left out of the process whereby competencies are transferred from the inter-national administration to the Kosovo institutions. None of the Assembly Commissions*

*of respective fields were included in the competency transfer groups, and these issues were exclusively dealt by people appointed by the Çeku Government.*

Xhavit Haliti: This is a specific issue. Since the Government holds the money, there was room even for misuse of the Kosovo budget, as well as opportunities for certain individuals to appoint and dismiss individuals and create different groups. These groups do not have any institutional responsibility for their actions or their financial activities. This would not normally be allowed in any country in the world. In Kosovo however, a mistaken and a misunderstood practice has been created, such as the case of creating certain Boards that are not accountable to the Assembly. We have seen now, for example, the privatization of the mobile telephone market, even though the Assembly has not been consulted, has not debated, and has not reached any decision regarding the matter.

As pertains to your question, I can say that this is a wrongly established practice, but it is currently accepted, perhaps as a result of the particular ideas of chiefs and heads of institutions in order to make problems go away, to find possibilities for covering the unjustified expenditure of the Kosovo Budget, and to conceal information from the citizens and deputies themselves, in order to avoid debate on these issues.

Now how, why, and by whom this was established, and why it was accepted by the deputies, is an issue that should be carefully examined. There are unpleasant elements, even within the caucuses. For example, the chief of a caucus stands and says "our political group", forgetting he is at the Assembly and that it is deputies there, not his party comrades. Politics is created in the party, not at the Assembly. Policies are made by the Government and then approved by the Assembly. However,

there are some people who prefer to try and exercise control over the institutions.

We have an Assembly of Kosovo Regulation, which encompasses a range of ideas and principles drawn from different countries legislation, which is adaptable to certain interests of a group or individual. We have not decided to get an original copy of a specific parliament. For example, the functioning of the Kosovo Assembly is similar to the German practice. All the problems that have been raised can be resolved by correct and proper application of the rules. We have left ourselves the room needed to interpret regulations in the appropriate manner, and we have also created the space necessary to use the budget in a flexible manner.

*Why have the opposition and the deputies been silent on this matter? Has this been only because of the status?*

Xhavit Haliti: Yes, it is true

that during the last two years, especially in the Kosovo Assembly, the debates and political discussions have stopped, because of the status process, but also because there is a perception that should the public understand the way in which politicians work, and the strategies they employ during their work in the Assembly, they would no longer be in an enviable situation. However, political, economic and strategic deals have been struck by individuals who do not deserve to be in the political sphere.

*Do you regret that now, due to the Status process, you will not be able to tell the Assembly and citizens what these Members of the Assembly, according to you, have acted in a way that has been disadvantageous to the economic and strategic processes of Kosovo?*

Xhavit Haliti: I really feel awful about this matter. There cannot be any discussions due to the sensitivities surrounding status right now,

and the debates following the status settlement will have neither value nor importance. Debate about past issues is futile. Still, I welcome the opportunities for the next elected Government to be held to account, and for the whole decision making process to be revised and controlled, especially those that have been tainted by corruption.

*Let us return to the Assembly work once more. Is the Assembly prepared and capable of approving all the laws contained in Ahtisaari's package?*

Xhavit Haliti: Our Assembly and its institutions have difficulties as a result of insufficient experience and a lack of professional capabilities, but I still believe that we will be able to approve all laws deriving from the Ahtisaari's package. During a meeting of the Presidency, we decided that the Assembly shall not take its usual break during the summer, and will instead meet as often as is necessary in order to approve the laws

that derive from the Status Settlement. This is our duty and obligation not only to the citizens who have elected us, but also to our international partners. The Presidency shall exhibit a higher level of commitment during this period, but the Government must also be active in drafting the laws.

*Is there a risk that these laws may not be approved as a result of the recent wavering within the Negotiation Team, the division of the LDK, and the establishment of the LDD?*

Xhavit Haliti: Kosovo/Kosova has accountable politicians, and this leads me to believe that there will not be any obstacles in approving these laws. I am convinced that the Assembly will not face any obstacles during the approval and adoption of these laws, despite the problems you mentioned. The PDK Caucus shall be accountable and committed to approving the laws deriving from the Ahtisaari's package.

*Mahir Yagcilar,  
a Kosovo Assembly member from KDPT*

For a long number of years Kosovo has been a focus of interest by the world's political and public circles, related to conflicts, human rights violations, trust among the communities and the issue of future building. Nevertheless, these days Kosovo has a chance to be the focus of interest of the world public as an example of how problems can be solved peacefully and with an agreement, how Kosovo may be and can become a place of hope and modern life. A place of prosperity and coexistence. A place of stability and sustainable peace. Still, the creation of sustainable peace and stability is a very significant fact for economic and social development of any society. In multiethnic and post conflict societies, this fact is gaining more and more importance, since there are many potential factors which are jeopardizing the peace and stability. Regardless of their respective ethnic background, in any society, all citizens have the need for a normal and safe life and for the hope of a better future. However, in the absence of adequately functioning state apparatus and with an undefined economic-political situation regarding the future, this gives rise to potential triggers of situation destabilization. Thus, every society needs mechanisms for building sustainable peace and stability, such as economic-political determination of the society.

In every society, each community and each individual has their respective role in the peace-building and the creation of stability, i.e. the conditions for a





## Kosovo is offered a chance



normal life. The State, primarily with its majority community, has the role to create a legislative mechanism and other prerequisites to build the peace and stability, to create prerequisites of equality in all spheres of society, the rights for minority communities, freedom of movement, use of language, access to media, an educational system that respects and promotes communities through the Constitution and the legal system. On the other hand, the minority communities and their members have the role to, while requesting their rights, also assume responsibilities, such as active participation in the political life, the economic buildup, social welfare, educational system and the creation of a democratic and free society, in other words, integration and participation in the creation of their society.

Kosovo certainly is one example where a real democratic system and rule of law should exist, and where sustainable peace and stability can be created. Kosovo, with its dynamics and young generations requires this and any delays with identifying the Kosovo status settlement,

will create new problems and a loss of citizens' confidence and patience. Therefore, regardless of its shortcomings and tough requirements for implementation, the Comprehensive Proposal for the Kosovo Status Settlement, presented by president Ahtisaari offers a chance for implementation of this sustainable peace and stability in Kosovo and in this part of the Balkans. It offers hope for the future and opens a new page for relationships among Kosovo's citizens, among Kosovo's communities; provides a chance to the majority to administer, but also for minority communities to be respected. Ahtisaari's proposal creates a new concept of governance, of activities by communities and within the new status of Kosovo. This concept is based on clear mechanisms for protection and action, which requires an active society, active community, active political parties and active civil society. It is a concept that demands mutual trust and interaction, but also offers mechanisms for protection, in case this trust gets misused.

From the aspect of minority communities, the proposal offers cer-

tain guarantees for protection of community identity expressed through language, culture, education and political representation and local self-government. The proposal offers opportunities for communities to be a decisive factor when passing laws of special interest for the community, but at the same time it encourages the communities to be politically united and politically active. It offers the possibility of representation in the most important state institutions, such as the Parliament, Government, the Constitutional Commission and the Constitutional Court, judicial system, municipalities, state committees and agencies. In other words, the Proposal for status offers a certain power to the communities that they should use in a wise and constructive manner.

The proposed settlement may be not the most ideal, but it is at present the only possible solution, as it opens the road to European integration for Kosovo, and also to the club of the world's modern states. Therefore all Kosovo communities and all citizens, in the name of their future, should accept the proposal of President Ahtisaari and actively participate in the implementation of this proposed solution. The proposed solution offers only the prerequisites and provides the minimal guarantees, while the new Kosovo Constitution and basic laws should create a new political-economic system in Kosovo that should be functional and that will create trust among the communities and will give hope for a better life to all of Kosovo's citizens.

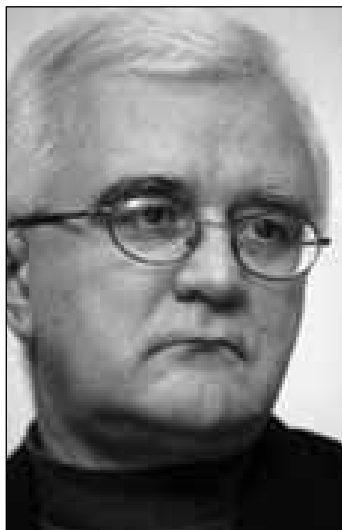
In this particular case, the majority Albanian community should be fully engaged during this period so that the provisions from the proposal will be reflected in the new Kosovo Constitution, the basic laws and in the implementation of the settlement in daily life. Acting in this manner will create trust in the international community and demonstrate permanent partnership with the international community.

On the other hand, the role of minority communities is to be active, constructive and to cooperate with the majority and the international community in the implementation of the proposal for settlement.

During the past year of the negotiation process, the Turkish community has been actively and constructively participating, and following the consideration of all the basic requests from the Turkish community related to language, education and the existing inherent rights under the applicable Kosovo legislation. The Turkish community and the party I represent, having realized the importance of the situation and their role during this critical period, has accepted the proposed settlement of President Ahtisaari and we are ready, with active participation in the process, to also assume the burden and responsibilities, jointly with all the others, since Kosovo is a place where we live and a homeland in which we see our personal and common future.

## On Kosovo status after Ahtisaari

Dušan Janjić, PhD President of Forum for Ethnic Relations, Belgrade



Despite the fact that Ahtisaari's mission in general enjoys support from the EU and the USA, there is no agreement with every his move made or proposed detail.

One of the frequent comments on Ahtisaari's approach was the fact that the talks about the future status of Kosovo were unsuccessful due to the fact that he didn't accept enough the fact that Serbia is an independent and democratic state and that he separately dealt with the issues of settlement and Kosovo's territory and the issues of settlement and the territory of Serbia. Ahtisaari's reply to these comments was that he didn't want to keep on persuading Serbia, but to resolve the issue of Kosovo. In fact, Ahtisaari failed to define the future status of Kosovo as the future relations between Kosovo and Serbia, and in that regard Vienna talks could be considered as a "missed chance."

Ahtisaari's Comprehensive proposal for the Kosovo status Settlement, particularly

some solutions deriving from annexes, could be accepted as a good "starting position" for the continuance of the process. However this should be agreed upon within the Contact Group. In order to reach this agreement, the Contact Group framework was temporarily given away and help was requested from the UN Security Council.

After the discussion at the UN Security Council session, held on 3 April 2007, and a proposal from Russia, it was decided to establish a UN Security Council Mission that would "verify" the implementation of Standards for Kosovo. Actually, "technical consultations" of the UN Security Council have begun aiming to ratify possible compliance of the Contact Group position with the UN Security Council Resolution.

A new Resolution serves to the fact that there are not many of those who are happy with UNMIK's performance and with the Mission itself, which was in general evaluated as a "missed chance." It is a general understanding that present status quo is bad, but also the understanding that a unilateral solution will only deepen the crisis.

Since the engagement of the European Union as a part of UNMIK has been without any clear strategy so far, and political unity of EU members was on case to case basis, it is obvious that the EU is too profoundly involved in Kosovo to easily pull out, and it is a mutually accepted position that a new Resolution is required to enable EU take over the Mis-

sion in Kosovo, and to clearly define the mandate.

In this case, the Ahtisaari proposal and the Kai Aide report could be very helpful in order to clearly define the mandate of International civil presence.

Regarding the international military presence, the second dimension of an international presence in accordance with Resolution 1244, there is general consent that it is necessary, that has to be continued and that NATO should also exercise it in the future. This presence certainly has to be made capable to face challenges of organized crime and terrorism more efficiently, which includes the reform of security system in Kosovo. Since Serbian authorities have also agreed with the NATO role, and Serbia itself is a member of Partnership for Peace, this problem should be solved within the NATO system.

To Serbia's public and Kosovo Serbs, the April debate at the Security Council has been presented as a victory of Belgrade's Negotiation Team. President Kostunica was the first one who, from UN HQ, said: Ahtisaari's plan failed! This means that Serbia public will continue to be not well informed about the process and there will be no changes in Belgrade policy towards Kosovo. This policy has been led with a We will not recognize Kosovo independence mantra! In addition, official Belgrade cherishes a hope that there will be a new, "real", negotiation. However, there is a little hope that Belgrade will productively use the

forthcoming Security Council consultations to improve its positions. Belgrade is not fully aware that Ahtisaari's proposal is still on the table, and this fact makes situation more difficult.

And while further processes are being discussed, there is a risk that the situation in Kosovo itself may spin out of control, although it is being dealt with successfully in some way. There are several risks:

- The weakness of UNMIK – and the evident resignation of international diplomats and bureaucrats, which encourage various ideas of "end of agony" with additional "pressure" on Serbs and Belgrade.
- Weakening of Ceku's government, after Ramush Haradinaj's departure for The Hague, as well as Hasim Thaci's whetted political appetite and hesitation of the SRSG to initiate a reorganization of the Kosovo Government, encourages inter-Albanian political clashes to break out as well as the dissatisfaction of Albanians to be directed towards the Serbian community.
- Within Serbs in Kosovo, it is easy to note a "strange dynamic" which could easily and very quickly spin out of control and turn into self-defence or an exodus. It has to do with the anxiety, uncertainty and fear of what will happen after "acceptance of Ahtisaari's plan".

# The Process of the Settlement of the Kosovo Status: Achievements And Deficiencies

*Emrush Xhemajli, Member of the Assembly of Kosovo, People's Movement of Kosovo (LPK)*



People's Movement of Kosovo did not participate in the Vienna Talks. We have, nonetheless, followed closely the process of these talks, from which President Ahtisaari's Plan on Kosovo emerged.

A fact of special importance is that the associated recommendation of President Ahtisaari's Package of 26th of March 2007, addressed to the members of the Security Council of the UN, explicitly clarifies the future status of Kosovo, an independence, initially supervised by a future international mission with the aim of ensuring the implementation of the plan for Kosovo. This document and the associated note of the UNSG Mr. Ban Ki-moon, are great achievements for Kosovo and for peaceful and democratic developments in the region.

A success story for Kosovo is the increasing confidence in the world that Kosovo can and must be governed

by its citizens, although this confidence must be further increased and built in the future. Another achievement is that the world has understood that the current status-quo in Kosovo is unsustainable and dangerous, that the people have rights to a better future and that a normal development should be possible.

Thereupon, in our point of view, President Ahtisaari's comprehensive proposal on Kosovo is a determinative step forward. However, we believe that this document does not provide everything the majority population of Kosovo is entitled to, in line with the measures and the rights of the people and countries in the region. Therefore, there is a long journey and work ahead, towards the settlement of a final status of Kosovo.

We believe that several parts and specific details of Ahtisaari's plan will be difficult to implement in practice since they are not in line with the general situation and developments on the ground.

In our opinion, Kosovo should be a unitary country, with full respect to the Serbian minority, since there is a clear majority (90%) and some minorities that comprise the other part (10%). Ahtisaari's document does not follow the same criteria

used in the European countries with a population structure similar to Kosovo. This encumbers and complicates the unified and democratic functioning of the country in the field of education, health, financing, cultural heritage and security and equal rule of law for all citizens.

The most noticeable deficiency of this plan is the double majority voting in the central Kosovo Assembly, by not explicitly determining the fields of its applicability and the possible cases where such voting may occur. In practice, this may lead to difficulties and may stop the work of the Assembly.

Although affirmative discrimination for the Serbian minority was placed in the Package with a well-meaning intent, we believe that in the course of time this may appear as a deficiency of this project because it creates an imbalance in the regional level and may be followed by problems in other countries such as Macedonia, Serbia and Montenegro (the minorities in those countries may ask for the same rights of affirmative discrimination without high hopes of achievement). These issues, as such, will arouse dissatisfaction and will have a negative reflection in Kosovo.

The biggest deficiency in the field of decentralization is that by not making decen-

tralization comprehensive in the whole territory of Kosovo, decentralization has remained on ethnic grounds. The criteria of providing faster, more efficient and closer services to the citizen was not taken into consideration. Among others, difficulties will appear in implementing this form in practice and disproportion in the sizes of municipal grants and funding per capita may occur.

We believe that there are deficiencies in the Plan with regard to the manner of the placement and settlement of the future international mission. The indeterminate timeframe of the ending of the mission, based on the experience of the current mission, is a deficiency of the plan. The plan does not include details that would functionalize the two parallel powers, which shall exist in Kosovo in relative areas. This allows for mutual obstacles, frictions and perhaps even objections that may hinder the normal development of the country.

Closure. Eight years have elapsed since the end of the liberation war. The time lost must be compensated now, with concentrated work of the institutions of Kosovo and in cooperation with the international community, and we have reasons to believe that our country shall prove itself successful.





## ASI Mission Statement

The Assembly Support Initiative (ASI) is the inter-agency co-ordination mechanism of democratization programmes in support of the Assembly of Kosovo, seeking to strengthen and professionalize the Assembly of Kosovo. The work of ASI focuses on a democratic political culture based upon acknowledge of and respect for democratic rules of procedure, transparency and accountability to the public, developing and implementing a legislative agenda, oversight over the Executive, respect for the multi-linguality and participation in regional and inter-parliamentary contacts.

ASI partners work to bring resources together, share information and coordinate programs while identifying needs in direct interaction with the Assembly. As coordinator of the ASI, the OSCE Mission in Kosovo liaises with all ASI partners and calls regular coordination meetings in consultation with Assembly representatives. A regular ASI Newsletter informs a broad domestic and international public on the developments in the Assembly of Kosovo as well as the ASI support programmes.

### *Currently participating in ASI:*

*Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNSt.), Konrad Adenauer Stiftung (KAS), East West Parliamentary Practice Project (EWPPP), European Agency for Reconstruction (EAR) in cooperation with the Consortium of the parliaments of France, Germany, Belgium, Slovenia and the Institut International de Paris la Defense, United States Agency for International Development (USAID) in cooperation with the National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), OSCE Mission in Kosovo and the Assembly of Kosovo*



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### Pictures in this Newsletter:

OSCE: 2, 5, 6, 9, 13, 17, 21, 24, 27, 31, 32, 33, 34;

UNOSEK: 3, 18; UNMIK: 10, 22; Koha Ditore 11