

# Sidste Nyt fra Albanien, Kosóva og Makedonien

## Serbien og Montenegro

*The Latest News from Albania, Kosóva and Macedonia*

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Et par karakteristiske citater fra Kai Eide's Kosóva-rapport

38. Corruption is a widespread phenomenon in Kosovo, but the level is difficult to assess. In selected areas, such as the customs service, serious efforts have been made to combat institutional corruption by putting effective systems for accountability in place. The Government has not taken the necessary administrative and legislative action to fight and prevent corruption in the provisional institutions. An anti-corruption law is in place, but the establishment of the anti-corruption agency is delayed. The process is slow and without a convincing sense of commitment. Over the past six years, international police, prosecutors and intelligence officials have tried - but failed - to go much beyond the surface of the corruption problem. Clan solidarity, codes of silence, language problems and inexperienced local law enforcement institutions have all contributed to this failure. A joint effort by the international community and fully committed Kosovo authorities could bring progress in this area. This could certainly have a significant impact and demonstrate a readiness to address such crimes.

46. On the ground, the situation is complex and troubling - especially for minority communities. Statistics can easily be misleading. While the level of reported inter-ethnic crime is low, there are frequent unreported cases of low-level, inter-ethnic violence and incidents. They do not appear on statistics. Harassment, looting, stealing of cattle, and other similar incidents occur very frequently. This comes in addition to widespread illegal occupancy of property, especially agricultural land, which makes it impossible to access such property and to use or cultivate it without a security risk. Kosovo is also a small place, where incidents in one part become rapidly known in others. In this situation, the minority communities - and especially the Kosovo Serbs - suffer from more than a perceived insecurity. It is indeed a mixture of reality and perception. To combat this situation, it will be important to prosecute crime more vigorously. When perpetrators remain at large, the sense of impunity prevails. Where there is freedom of movement for the perpetrators, it is hard to convince the victim that he or she enjoys the same freedom.

Kai Eide

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## Hvor uafhængig skal Kosóva være?

### Hvornår?

#### [Indholdsoversigt](#)

Den Norske Ambassadør Kai Eide blev i sommeren 2005 udpeget af FNs Generalsekretær (SG) Kofi Annan til at undersøge forholdene i Kosovo [Albansk: Kosóva]. Hovedformålet var at afklare om situationen nu var til at man kunne påbegynde dé forhandlinger om Kosovo's fremtid, der blev stillet i udsigt i sommeren 1999, dvs. da Sikkerhedsrådet vedtog [resolution # 1244](#).

Eide har besøgt Serbien og Kosóva og har netop afleveret sin rapport til Kofi Annan. Han ser fremskridt på forskellige områder og mener at der på det senere er kommet mere dynamik i udviklingen end der var i de første år efter 1999. På den anden side er der mange problemer der bør arbejdes grundigt med; på flere centrale punkter er situationen langt fra acceptabel.

Ét af problemerne er korrupsionen, som fx kommer til udtryk i at offentlige ansættelser hyppigt sker på basis af klanmæssige og politiske tilhørsforhold og ikke i tilstrækkelig grad på basis af kvalifikationer.

Et andet problem er at Kosovo Serberne ikke ønsker at blive integreret i et Kosóva Albansk domineret samfundssystem; de har etableret deres egne strukturer, deres eget sundheds- og uddannelsesvæsen, hvilket i høj grad er finansieret af den Serbiske Regering - og Kosóva Albanerne har gjort *meget* lidt for at stimulere dem til at indgå i et multi-etnisk samarbejde. Der er Kosovo Serbere der er vendt tilbage til Kosovo, men det er en udbredt opfattelse at der er flere der flytter væk end der flytter tilbage, fordi de finder at en fremtid i Kosovo/Kosóva er alt for usikker og risikabel.

Der er en meget stor arbejdsløshed, selv om der er sket visse fremskridt i økonomien. På længere sigt er der positive muligheder; fx mener Eide at Kosóva vil kunne blive energieksporør og dermed styrke handelsbalancen - og han mener også der er naturressourcer der kan udnyttes. Men hvis økonomien skal styrkes i et mere betydeligt omfang må Politikerne og Indbyggerne imidlertid indse at de selv skal »tage fra«. Hvis der skal tiltrækkes investeringer udefra skal der skabes et trygt og sikkert samfund - og det er noget som man selv er ansvarlige for; spørgsmålet om at tiltrække investeringer afhænger ikke kun, som mange Kosóva Albanere synes at mene, af en afklaring af Kosóva's fremtidige status.

Der er en omfattende organiseret kriminalitet - og der er kriminalitet som har etnisk karakter. Politiet er ikke stærkt nok til at tackle disse problemer, og det samme gælder Retssystemet. Regeringen har ikke gjort tilstrækkeligt hverken mod korrupsionen eller kriminaliteten, og der skal sættes ind med meget større kraft hvis der skal opnås resultater af betydning.

Fra alle sider regnes der med at status-forhandlingerne kommer i gang, og det er formentlig også hensigtsmæssigt at gå i gang med dem inden alt for længe, men på den anden side er der betydelig risiko for at fokus bliver flyttet væk fra at *standarderne* skal nås i langt højere grad end det er tilfældet i dag.

Det er nødvendigt at sikre at statusprocessen ikke går i stå, når den først er sat i gang, og der må derfor ikke sættes kunstige 'deadlines'. For at sikre at processen får den nødvendigt kraft, skal det være tydeligt at det Internationale Samfund understøtter processen - og også vil sikre at forhandlingsresultaterne bliver realiseret. Det Internationale Samfund har i de senere år fortrængt Kosovo-problemet og bør løfte sit ansvar mere massivt, evt. i forbindelse med at EU kommer til at spille en relativt større politisk rolle.

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Nedenfor aftrykkes et resumé fra en nylig ICG-rapport om det delte Mitrovica. Synspunktet er at man skal gøre hvad man kan for at forhindre en permanent deling og udgangspunktet er at hverken UNMIK eller KFOR har levet op til deres ansvar. Tankegangen er meget logisk, men bygger - måske i endnu højere grad end Eide's analyse - på en forestilling om at man kan skabe så sikre forhold at et multi-etnisk samfund kan udvikle sig med tiden.

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**Kommentar:** Ambassadør Eide's rapport er velfunderet og sober, og der er solide holdepunkter for hans iagttagelser. Det vil sikkert også vise sig at hans rapport vil blive taget til indtægt for at man kan iværksætte status-forhandlingerne.

Resultatet af disse forhandlinger er selv sagt usikkert.

»*More than autonomy but less than independence*«. Fra Serbisk side vil man være parat til at acceptere at Kosóva får en vidtgående autonomi, men ikke at området bliver selvstændigt - og *kun* på betingelse af at Kosovo Serberne får et vidtgående selvstyre i 'deres del af Kosovo' og af at kirker og klostre sikres. Når Serberne er parat til at indrømme Kosóva Albanerne »*more than autonomy but less than independence*«, er det fordi de forlanger præcis det samme for Kosovo Serberne.



Aktivisten Albin Kurti (tv) under en Serbisk retssag mod ham for nogle år siden

Fra Kosóva Albansk side vil man insistere på fuldstændig uafhængighed af Serbien; det er alle Albanere enige om. Autonomi vil man ikke acceptere, det vil man finde er håbløst utilstrækkeligt. Man vil heller ikke acceptere en formel deling af Kosóva i en Albansk og en Serbisk del.

Blandt dem der vil søge at få Albanerne på gaderne i protest mod de kommende statusforhandlinger er den tidligere Studenterleder Albin Kurti, der var politisk fange i den Serbiske periode - og som nu kræver »Fuld uafhængighed. Ingen forhandlinger«. Kurti's standpunkt er forståeligt - når man anlægger en Kosóva Albansk synsvinkel - men det er ikke »gratis«, hvis man tager det på ordet. Prisen for at acceptere det - som statsretligt grundlag for en endelig løsning - er nemlig en formel deling af Kosóva/Kosovo. Vil Albanerne ikke forhandle, kan man heller ikke forvente at Serberne vil, og så er der kun splittelsen og opdelingen tilbage - vel at mærke en splittelse og opdeling, som alle parter måtte acceptere. Dén pris er der trods alt ikke mange Kosóva Albanere der er parat til at betale (selv om Kosóva/Kosovo i virkeligheden er opdelt allerede, men dog inden for et formelt samlet Kosovo). Der vil være mange Albanere der vil lytte til Albin Kurti, men eftersom han er for rabiát, vil han blive overhørt og tilsidesat af det Internationale Samfund, men muligvis også af mange Kosóva Albanere.

Fra international side vil man arbejde for at Kosovo/Kosóva bevares som en formel helhed (bl.a. for at undgå at en deling skal animere til delinger andetsteds i regionen), og at det bliver et selvstændigt område, men således at selvstændigheden betinges af at minoriteterne tilgodeses - både mht fremtidsmuligheder og mht basal sikkerhed, men ikke sådan at dé får lige som meget selvstændighed som Kosovo/Kosóva under ét, men en anelse mindre.

Formentlig vil man, som Eide lægger op til, udpege en Høj Repræsentant med basis i EU og nedlægge posten som SRSG med basis i FN. Den Høje Repræsentant skal dels være en slags garant for at tingene går ordentligt til, men han (eller hun) vil også være dén der skal kanalisere EU-penge ind i området - og dermed vil den pgl. have visse muligheder for at præmiere og straffe Albanerne og Serberne.

Fra Albanien side støtter man idéen om betinget selvstændighed. Den nye Udenrigsminister, Besnik Mustafaj, mener dette er den eneste brugbare løsning, og derfor mener han noget andet end hvad mange Kosóva Albanere siger. Han har desuden opfordret Kosovo Serberne til at deltage i de kommende forhandlinger. På det seneste (dvs. omkring 18.10.) har den nye Albanske Premierminister, Sali Berisha, tilsyneladende justeret det Albanske standpunkt en hel del; han lægger op til at indbyggerne i Kosóva skal have mulighed for at bestemme status gennem en folkeafstemning. Dette standpunkt er til at tage og føle på, men er ikke i overensstemmelse med hvad de Internationale har sagt hidtil, og det indebærer et langt skridt væk fra # 1244.

Kai Eide mener givetvis hvad han skriver, men hans forestillinger er styret af de præmisser han har arbejdet under, og som han uden tvivl står inde for »på papiret« - nemlig at Kosovo/Kosóva

skal være et multietnisk samfund.

Men etableringen af et multietnisk samfund kræver langt mere end der *kan* tilvejebringes. Hverken Albanerne eller Serberne vil have med hinanden at gøre; de vil *ikke* bringes sammen; de vil *ikke* være fælles om at opbygge et multi-etnisk samfund. Og det Internationale Samfund har hverken vilje eller evne til at etablere det eller fastholde det.

Eide's rapport viser med stor tydelighed at udviklingen siden 1999 ikke har gået i retning af det multi-etniske, men i retning af det modsatte, dvs. at Albanerne har sat sig på størstedelen af Kosóva, at Serberne er flygtet eller har konsolideret sig i deres del af Kosovo - og at der ikke er noget som helst positivt samkvem mellem dem.

Serberne vil ikke være multi-etniske »forsøgskaniner«, og Albanerne vil ikke give dem mulighed for at blive integreret på en på positiv måde i et fælles Kosóva. Albanerne har i øvrigt ikke levet op til hvad de har sagt om at de støtter den multi-etniske model; tværtimod. Alt hvad de har sagt i denne henseende har været »lip-talk«.

Det er, når alt kommer til alt, meget tænkeligt at man - efter lange og tunge forhandlinger og mange af Albin Kurti's demonstrationer - kommer til at man må gennemføre »den internationale model«, dvs. en betinget selvstændighed i forening med et udstrakt lokalt selvstyre til Serberne. Det er formentlig også den mest holdbare løsning. Denne løsning vil give mulighed for, men ikke garantere, at økonomien kan blive bedre, at man kan gøre langt mere ved den organiserede kriminalitet og korrupsionen end man gør i dag, men den vil ikke føre til en højere grad af multi-etnicitet.

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## Indhold

- [Situationen nu. Oversigt](#)
- [Forhistorien](#)
- [Stor-Albanien?](#)
- [Ambassadør Kai Eide's rapport til SG Kofi Annan](#)
- [SG Kofi Annan opfordrer til drøftelser om status](#)
- [EU-Kommissær Olli Rehn's tale i Vojvodina 11.10.2005: "Building bridges across Europe"](#)
- [Det Amerikanske standpunkt. Viceminister Nicolas Burns i Beograd 14.10.2005](#)
- [UM Draskovic om Eide's rapport og om det Serbiske standpunkt](#)

## Supplerende materiale

- [Fattigdom i Kosóva. Rapport fra Verdensbanken](#)
- [ICG Rapport: Bridging Kosovo's Mitrovica Divide](#)
- [Angreb på Kosovo Serbisk Politimand](#)

## Forhistorien

**Siden Serbien i begyndelsen af 1900-tallet erobrede Kosóva (og efter 1' Verdenskrig) fik tildelt området har der været betydelige problemer mellem befolkningsgrupperne.**

Flertallet var allerede dengang Albansk, og - formentlig - er flertallet blevet procentuelt større, selv om Serbien i tiden mellem 1' og 2' Verdenskrig forsøgte sig med en 'indre kolonisering'.

Tito's kommunistiske eller socialistiske styre fastholdt Kosóva's statsretlige status. I en lang periode blev Albanerne undertrykt, men i midten af 1970'erne fik området et vidtgående selvstyre. I visse dele af Kosóva var forholdet mellem Serberne og Albanerne tåleligt, og der var adskillige Kosóva Albanske politikere som ønskede at udvikle samarbejdet. En væsentlig grund hertil var at Kosóva var et økonomisk og socialt tilbagestående område, og at det var meget vanskeligt, for ikke at sige umuligt at forestille sig en økonomisk og social udvikling uden at det skete i et tæt samarbejde med Serbien og de forskellige republikker i Jugoslavien.

Grundlæggende var forholdet mellem de etniske grupper dårligt; et udtryk for dette er at antallet af ægteskaber på tværs af grupperne var meget begrænset. Op gennem 1980'erne blev forholdet endnu dårligere, og Kosovo Serberne følte sig - med større eller mindre ret - truet.

**Efter nogen tid satte Serbien selvstyret, der var Albansk domineret, ud af kraft.** Albanerne protesterede højlydt, adskillige af dem blev fængslet for kortere eller længere tid, og etablerede et parallelt civilt styre.

Nogle Kosóva Albanere ønskede at fastholde og udvikle en ikke-væbnet modstand mod det Serbiske styre og håbede på at det Internationale Samfund ville støtte dem og måske sikre at Kosóva igen fik selvstyre. De forhåbninger nogle - bl.a. den nuværende Præsident Ibrahim Rugóva - havde om at »man« ville huske Kosóva under Dayton-forhandlingerne blev skuffet, hvad der dog ikke var så mærkeligt eftersom Dayton-forhandlingerne havde fokus på Bosnien-Hercegovina.

**Flere og flere Albanere fandt at den ikke-væbnede modstand var utilstrækkelig og begyndte derfor i slutningen af 1990'erne en væbnet modstandskamp,** der tog til i omfang gennem 1997 og -98; nogle Albanere blev så utilfredse at de foretog overfald på civile fx ved at angribe cafégræster. Det var en udbredt opfattelse i Serbien, men også mange andre steder, at den væbnede modstandskamp havde terroristisk karakter.

I 1998 tog kamphandlingerne til i intensitet og omfang. Serbiske enheder angreb og udslettede Jashari-familien i begyndelsen af marts, Albanske enheder foretog nålestiksaktioner, men efterhånden også mere omfattende guerillangreb på Serbiske enheder. Fra Albansk side var hensigten givetvis at tilføje Serberne mærkbare nederlag, men frem for alt at fremprovokere en bredere Albansk modstand og en indgriben fra International side. Kamphandlingerne førte til at civile Albanere (og Serbere) flygtede ud i bjergene og længere væk. I løbet af sommeren skiftede man opfattelse i det Amerikanske Udenrigsministerium - man betragtede nu ikke længere Albanerne som terrorister, men som et nyttigt redskab til - på sigt - at få væltet Milosevic, således at der kunne indledes en tilbundsående omkalfatring af det Serbiske samfund.

**I efteråret 1998 tvang USA Præsident Milosevic til at suspendere kamphandlingerne og begyndte at udvikle en kompleks strategi. På den ene side ville man forsøge sig ad forhandlingens vej, på den anden side begyndte man at gøre sig klar til en omfattende militær indgriben.** Man anså det for umuligt at FN's Sikkerhedsråd kunne enes om en militær

indgriben og besluttede derfor at satse på en NATO-baseret løsning som en logisk fortsættelse af det forventede forhandlingsmæssige sammenbrud.

Under våbenhvilen blev der indsat et hold internationale observatører under ledelse af Amerikaneren William Walker, der løbende var i forbindelse med det Amerikanske Udenrigsministerium og med Madeleine Albright. Da man i midten af januar 1999 fandt 45 dræbte Albanere ved **Raçak**, fortolkede Walker straks det skete som en Serbisk massakre på civile. Formentlig var fortolkningen rigtig, men uanset hvad der virkelig var sket, blev »Raçak« brugt som dét der skulle sikre befolkningernes accept i de mere tøvende NATO-lande af at man strammede grebet om Milosevic og Serberne.

Næste trin var forhandlingerne på Rambouillet-slottet i Paris. Både Serberne og Kosóva Albanerne deltog, selv om de aldrig havde direkte drøftelser med hinanden. Efter en tid blev der fremlagt et oplæg - dét der siden er blevet kaldt Rambouillet-aftalen. Albanerne accepterede aftalen, mens Serberne spillede højt spil ved at lægge op til fortsatte forhandlinger.

24. Marts begyndte NATO-styrker et angreb på Serbien og på Serbiske enheder i Kosóva. Det umiddelbare resultat af interventionen var ikke af militær art, men at flygtningestrømmen eskalerede. Adskillige hundredetusinder civile flygtede til Albanien og Makedonien hvor der blev opbygget flygtningelejre.

**Interventionen - der blev eskaleret med angreb på civile installationer i Serbien - førte i løbet af nogle måneder til at den Serbiske ledelse gav op og accepterede de vilkår som efterfølgende blev udtrykt i # 1244.** Milosevic havde satset på at NATO-interventionen ville blive erklæret ulovlig af Sikkerhedsrådet og at den ville brække fra hinanden på grund af uoverensstemmelser mellem NATO-landene. Ingen af tingene skete. Tværtimod måtte Milosevic - under forhandlinger til forskellig side - konstatere at han og Serberne ikke havde eller kunne skaffe den internationale støtte der var nødvendig.

I **resolution # 1244** står at alle flygtninge skal have ret til at vende tilbage til deres hjem under sikre forhold, at der senere skal iværksættes en politisk proces der skal føre til en fastlæggelse af Kosovo's fremtidige status, og at denne status skal bygge på Rambouillet-aftalerne. Der står endelig indbyggerne i Kosovo skal have mulighed for at styre sig selv (substantial autonomy and meaningful self-administration for Kosovo). Det blev derimod ikke stillet i udsigt at Kosovo skulle blive en uafhængig stat.

# 1244 byggede på de eksisterende statsgrænser, dvs. på at Kosovo var en del af Serbien. Sikkerhedsrådet besluttede imidlertid med resolutionen at suspendere, men ikke at ophæve, Kosovo's statsretlige status - og (i en ikke nærmere angivet periode) at lade Sikkerhedsrådet, Generalsekretæren og dennes særlige Repræsentant (SRSG) tage ansvaret for den overordnede administration af området.

Kosóva-Albanerne krævede i 1999 (og både før og siden) at Kosóva skulle gøres til en uafhængig stat, mens Kosovo-Serberne ville opretholde deres tilhørsforhold til Serbien, ligesom Serbien krævede sin suverænitæt (herunder mht Kosovo) respekteret. # 1244 blev et slags kompromis mellem disse uforenelige opfattelser.

Sikkerhedsrådet hverken ville eller kunne tage stilling til spørgsmålet om uafhængighed i 1999. Hvis NATO-landene med USA i spidsen havde fremsat et resolutionsforslag om at Kosóva skulle være en uafhængig stat enten med det samme eller inden for de følgende år, ville resolutionen være blevet forkastet. Rusland ville have nedlagt veto og flere andre medlemslande ville have støttet Russerne.

Om forhistorien til og med NATO's intervention i 1999 kan læses nærmere i [»Fra Kosovo til Kosóva«](#) der udkom i 1999.

**Siden sommeren 1999** har Kosóva været ledet af en SRSG - Special Representative - der har etableret en civil organisation, UNMIK (United Nations Mission in Kosovo). UNMIK støttes militært af en NATO-ledet styrke (KFOR) og råder også over en international politistyrke. UNMIK ledes for tiden af Danskeren Søren Jessen-Petersen, UNMIK-politiet af Kai Vittrup, der indtil da var Chefpolitiinspektør i København.

Der er etableret et lokalt styre. Der er fastlagt en foreløbig grundlov, der er valgt Parlament, der har udpeget en Præsident (Ibrahim Rugóva) og som har godkendt en Regering; tilsvarende er der etableret kommunalbestyrelser, og endelig er der uddannet og opbygget en politistyrke.

Som det fremgår af Kai Eide's rapport nedenfor er der sket **en række fremskridt** siden 1999, både sikkerhedsmæssigt, politisk, økonomisk, socialt og uddannelsesmæssigt, **men der er også en lang række problemer, de fleste af dem har meget stor betydning**. Sammenlagt må det konstateres at Kosóva ligger langt fra at være et normalt eller velfungerende samfund.

**Økonomien er grundlæggende helt forvredet**, og mulighederne for indbyggerne er meget begrænsede.

**Sikkerhedsforholdene er meget bedre end de var i midten af 1999 og den efterfølgende periode, men** uroen, drabene og hærværket på Serbiske Kirker og Klostre i marts 2004 viser at der ikke skal så meget til, før situationen kan komme ud af kontrol. (Se evt. nærmere i:

<http://bjoerna.net/sidste-nyt/206.htm>)

**Når det ikke kun er Kosóva Albanerne der insisterer på at udviklingen må føres videre** og at der må ske en afklaring med hensyn til Kosóva's statsretlige fremtid, men også de forskellige lande der er engageret i opretholdelsen af UNMIK og KFOR, er det fordi det ser ud til at man ikke kan komme længere inden for de nuværende rammer, men at de problematiske »traditioner« der har udviklet sig i de senere år tværtimod vil stabilisere sig. Sidst men ikke mindst bruges der fortsat mange penge som kunne være brugt bedre enten i Kosóva eller andetsteds i Verden. Endelig står det klart at den Amerikanske Regering under Bush slet ikke har den samme interesse i udviklingen i Kosóva som Clinton-Regeringen tydeligvis havde. Fokus for Amerikanerne er i øjeblikket på Irak og på Mellemøsten.

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## Stor-Albanien?

Der har jævnlig været forlydender om at dét Albanerne satsede på var at etablere et Stor-Albanien. Idéen skulle være at forene Albanerne i Albanien, Kosóva, Makedonien og Montenegro i én stat.

Der er *nogle* Albanere der går ind for denne idé, de fleste ikke. Når idéen er blevet lanceret, er det oftest fra »anden side«, og dét man har villet opnå ved at »mane spøgelset frem« var at skaffe støtte til sin egen politik.

Når idéen ikke har så meget for sig, skyldes det at den »almindelige« Albaner har svært ved at se formålet med en sammenslutning; men der er forskelle. Der er tilsyneladende flere Albanere i Albanien der kunne tænke sig en sammenslutning med andre Albanske områder, end der er Kosóva Albanere der ønsker en sammenslutning med andre.

Der er tidligere i 2005 foretaget en opinionsundersøgelse (som gengives af »*Tirana Times*« i August i år). 78 % af de adspurgte Albanere fra Kosóva ønskede at Kosóva skulle være en selvstændig stat, mens 68 % fra Albanien ønskede tilsvarende fsv angår Albanien (nogle ønskede en sammenslutning med Kosóva).



Der er flere af de fremstående Albanske Politikere der mener man skal gå en helt anden vej, og at tanken om at etablere en egentlig Albansk nation ikke alene er en provokation, men også er helt overflødig. De Albanske Politikere véd at EU-landene vil betragte et Stor-Albanien som noget der vil underminere nogle af de skrøbeligere stater (ikke mindst Makedonien), og for det andet er der ikke meget materielt at vinde ved en sammenslutning, hvis alle de involverede lande alligevel - i løbet af de næste 10-15 år bliver optaget i EU. Bortset fra dét bliver der ikke lagt mange hindringer i vejen for at de Albanere der ønsker at udbygge et kulturelt og videnskabeligt samarbejde kan gøre det.

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# A COMPREHENSIVE REVIEW OF THE SITUATION IN KOSOVO

## Ambassadør Kai Eide's rapport til SG Kofi Annan

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### EXECUTIVE SUMMARY.

This report contains a comprehensive review of the situation in Kosovo with the aim of assessing whether the conditions are now in place for initiating and conducting the future status process. The review has also been used to seek progress on the ground and to contribute to an environment conducive to taking the political process forward.

Following political stagnation and widespread frustration Kosovo has entered a new period of dynamic development. A political process is underway and is gaining momentum. It is based on a comprehensive political strategy, which includes the prospects for a future status process.

The standards implementation process is an important part of this dynamic. The record of implementation so far is uneven. Particular progress has been made in the development of new institutional frameworks. After the end of the conflict in 1999, there was a total institutional vacuum in Kosovo. Today, a comprehensive set of institutions has been established, which includes executive, legislative, and judicial bodies at the central as well as the local levels. Much progress has also been achieved in the development of a sustainable legal framework. The legislative work of the Assembly, Government and UNMIK has been ambitious and covered essential areas of public life and economy. Kosovo has also put in place systems providing public services across most of Kosovo. A civil service is taking shape. Over the last period, a significant transfer of competences has occurred. The local leaders have gradually assumed ownership of their own institutions. The development of new institutions is undermined by a strong tendency among politicians to see themselves as accountable to their political parties rather than to the public they serve. Appointments are, therefore, regularly made on the basis of political and clan affiliation rather than competence.

The Kosovo Serbs have chosen to stay outside the central political institutions and maintain parallel structures for health and educational services. The Kosovo Serbs fear that they will become a decoration to any central-level political institution with little ability to yield tangible results. The Kosovo Albanians have done little to dispel it. The interests of Kosovo Serbs would be better served if their representatives returned to the Assembly. Kosovo Albanian parties should stimulate such a process. Time has also come for Belgrade to abandon its negative position to Kosovo Serb participation.

With regard to the economy, significant progress has been made. Economic structures have

been established and modern legislation exists in many essential areas. Nevertheless, the current economic situation remains bleak. The unemployment rate is still high and poverty is widespread. Grave problems exist with regard to lack of public income as well as an antiquated energy sector. To improve the situation, serious efforts must be undertaken. There are, however, positive longer-term prospects. The privatization process is well underway. It could have a direct and positive impact on the economy in Kosovo as many of the socially-owned enterprises have been idle. However, the privatization process could lead to discrimination in employment along ethnic lines and affect the sustainability of minority communities. It is important to avoid such negative effects. Kosovo also has valuable and unexploited natural resources, which would turn Kosovo into an energy exporter in an energy-hungry region.

If a future status process is launched, this will certainly have a positive effect on Kosovo's economy. However, the Kosovo authorities must understand that they cannot depend on the international community to solve their problems. They must take steps to ensure that shortcomings are addressed. Investment and integration will depend not only on status, but also on a predictable and stable Kosovo, where rule of law is respected.

Today, rule of law is hampered by a lack of ability and readiness to enforce legislation at all levels. Respect for rule of law is inadequately entrenched and the mechanisms to enforce it are not sufficiently developed. The Kosovo Police Service is gradually taking on new and more demanding tasks. However, crimes of a more serious nature or with ethnic dimensions remain difficult for the KPS to address. The Kosovo justice system is regarded as the weakest of Kosovo's institutions. The civil justice system is of particular concern with the increasing backlog of cases, which now stands at several tens of thousands. Combating serious crime, including organized crime and corruption, has proven to be difficult for the KPS and the justice system. It is hindered by family or clan solidarity, intimidation of witnesses as well as of law enforcement and judicial officials. For inter-ethnic crime, the law enforcement mechanism is also weak.

Organized crime and corruption has been characterised as the biggest threats to Kosovo's stability and the sustainability of its institutions. These are widespread phenomena, but the level is difficult to assess. The Government has not taken the necessary administrative and legislative action to fight organized crime and prevent corruption in provisional institutions.

The Kosovo police and judiciary are fragile institutions. Further transfer of competences in these areas should be considered with great caution. In a deeply divided society, which is still recovering from the post-conflict trauma, the establishment of Ministries of Justice and Interior could lead to the impression that they have fallen under the control of one political party or one ethnic group. Transfer of competencies in such sensitive areas cannot work without a firm oversight, intervention and sanctioning policy. In light of the limitations of the police and judicial systems, there will be a need for a continued presence of international police with executive powers in sensitive areas. The current ongoing reduction of international judges and prosecutors is premature and should be urgently reconsidered.

With regard to the foundation for a multi-ethnic society, the situation is grim. Kosovo's leaders and the international community should take urgent steps in order to correct this picture. The overall security situation is stable, but fragile. The level of reported crime, including inter-ethnic crime, is low. However, on the ground, the situation is complex and troubling, especially for minority communities. There are frequently unreported cases of low-level, inter-ethnic violence and incidents. This affects the freedom of movement in a negative way. To correct this situation, it will be important to prosecute crime more vigorously. When perpetrators remain at large, a sense of impunity prevails. Belgrade should abstain from inflammatory comments, which could contribute to an insecure environment.

Respecting property rights is one of the most urgent challenges with regard to ensuring a truly multi-ethnic society. At present, property rights are neither respected nor ensured. A great number of agricultural and commercial properties remain illegally occupied. This represents a

serious obstacle to returns and sustainable livelihoods.

The overall return process has virtually come to a halt. A general atmosphere in many places is not conducive to return. Multi-ethnicity is often not seen as a goal. While overall statistics are hard to find, it is a widespread view that currently as many or more Kosovo Serbs are leaving Kosovo than returning. A viable return process will require support and attention over a longer period of time, in particular to facilitate access to services and repossession of land. Greater attention will also be needed to those who have remained.

The return process is hampered by the fact that assistance is only provided to those who return to their home of origin. A more flexible policy of assistance should be considered to support return of people to where they can live and not only where they have lived. However, it must be ensured that a more flexible policy is not misused for political manipulation.

A continued existence of camps inside Kosovo is a disgrace for the governing structures and for the international community. The Roma camps in Plementina and Zitkovac are particularly distressing. They should be dealt with on an emergency basis.

The Serbian Orthodox religious sites and institutions represent a particularly element of the spiritual fabric of Kosovo Serbs. They are also part of the world cultural heritage. There is a need to create a "protective space" around these sites, with the involvement of the international community, in order to make them less vulnerable to political manipulation.

To achieve sustainable return and viable minority communities, a wider decentralization process will be required. It could envisage enhanced competencies in areas such as police, justice, education, culture, media and the economy. It could allow for horizontal links between Kosovo Serb majority municipalities. This would also facilitate the absorption of parallel structures into legitimate entities. However, it should not endanger central institutions in Kosovo or weaken Pristina's authority. The international community must stand ready to assist in the establishment of arrangements for wider decentralization.

There will not be any good moment for addressing Kosovo's future status. It will continue to be a highly sensitive political issue. Nevertheless, an overall assessment leads to the conclusion that the time has come to commence this process. The political process, which is now underway, must continue. Based on a comprehensive strategy, it has provided Kosovo with a political perspective. Having moved from stagnation to expectation, stagnation cannot again be allowed to take hold.

Further progress in standards implementation is urgently required. It is unlikely that postponing the future status process will lead to further and tangible results. However, moving into the future status process entails a risk that attention will be focused on status to the detriment of standards. It will require great effort to keep the standards implementation process on track. The international community will during the future status process have a strong leverage to move standards implementation forward. That leverage must be fully exploited. Provided the future status process is properly handled, it can bring about further progress.

There is now a shared expectation in Kosovo, in Belgrade as well as in the region that the future status process will start. During this comprehensive review, there has been a gradual shift in the preparedness for such a process among the interlocutors. Furthermore, all sides need clarity with regard to Kosovo's future status. It is of great importance that the future status process takes place at a time when the international community is still present in Kosovo in sufficient strength.

The future status process must be moved forward with caution. All the parties must be brought together - and kept together - throughout the status process. The end result must be stable and sustainable. Artificial deadlines should not be set. Once the process has started, it cannot be

blocked and must be brought to a conclusion.

The international community will need strength to carry the future status process forward. The UN has done a credible and impressive job in fulfilling its mandate in difficult circumstances. But, its leverage in Kosovo is diminishing. Kosovo is located in Europe, where strong regional organizations exist. In the future, they - and in particular the EU - will have to play the most prominent role in Kosovo. They will have the leverage required and will be able to offer prospects in the framework of the European integration process.

A future status process should be accompanied by a clear expression by the international community that it is determined to stay and support this process as well as its outcome. The EU should in the near term consider stepping up its presence on the ground. When status has been determined, the EU will be expected to play a more prominent role in particular with regard to police and justice and in monitoring and supporting the standards process. NATO will also have to continue its presence. A US contribution to KFOR is essential in order to provide a visible expression of continued engagement. The OSCE has a valuable asset in its field experience and expertise. This presence will continue to be required. A High Representative or a similar arrangement should be considered, firmly anchored in the EU, and with the continued involvement from the broader international community. A Bonn powers arrangement could be envisaged within areas related to inter-ethnic issues.

A roadmap for integration into international structures would provide Kosovo with real prospects for the future. Belgrade will also need incentives for integration into Euro-Atlantic frameworks of cooperation. The EU decision to start negotiations with Serbia and Montenegro for a Stabilisation and Association Agreement represents a milestone in this respect.

To determine Kosovo's future status will in itself be a demanding challenge. The international community must do the utmost to ensure that whatever the status becomes it does not become a failed status. Entering the future status process does not mean entering the last stage, but the next stage of the international presence.

## A COMPREHENSIVE REVIEW OF THE SITUATION IN KOSOVO

### INTRODUCTION.

1. Following your report on the United Nations Interim Administration Mission in Kosovo (UNMIK) of 23 May 2005 (S/2005/335), you asked me to undertake a comprehensive review of the situation in Kosovo based on the attached terms of reference. The review had a broad scope with particular attention paid to whether the conditions were now in place for initiating and conducting the future status process. I also sought to use the leverage provided by the comprehensive review to promote progress on the ground and to contribute to an environment conducive to take the political process forward.

2. Among all our experiences, I would in particular highlight the ten days spent travelling all around Kosovo meeting with as many people as possible in numerous towns, villages and hamlets. This trip showed us what meetings in Pristina could not; how people live throughout Kosovo, the hardships they face and the hopes and fears they have for their future. In order to obtain an adequate understanding of the situation on the ground and the complex political environment, my team and I held extensive consultations with political leaders in Belgrade and Pristina; leaders of all communities in Kosovo; high-level representatives of Security Council members, key Member States, particularly those of the Contact Group and regional neighbours, and with regional organizations (EU, OSCE, NATO and Council of Europe); UNMIK and other United Nations representatives in the field; and United Nations Headquarters. I would like to express my great appreciation for the openness and generosity with which we were received by all our interlocutors and the support provided to us by UNMIK.

3. The considerations and recommendations below represent my best judgment of where we stand and how we should now proceed in accordance with Security Council resolution 1244 (1999).

## THE CONTEXT.

4. The current political landscape must, of course, be seen in light of the dramatic changes, which have taken place following the end of the conflict in 1999. At that time, hundreds of thousands of Kosovo Albanians had returned to Kosovo and started to rebuild their lives. Most of the Kosovo Serbs had fled their homes. Kosovo was a society of widespread suffering and destruction for all communities. The economy lay in ruins. No democratic institutions existed. The province was placed under international administration, in accordance with resolution 1244 (1999).

5. Since then, a comprehensive process of rebuilding has taken place. Homes have been reconstructed. New institutions have been established covering all aspects of the society. Under difficult circumstances, the rebuilding of the economy has started. A new democracy is being built from the ground in a province without solid democratic traditions. Kosovo's fledgling institutions are struggling with the challenges of developing a sound legal framework and of providing services and security to the entire population. In order to guide and assist the rebuilding and development of Kosovo, the standards review mechanism was launched in 2003. This initiative was intended to help Kosovo achieve progress, which would allow a future status process to begin. However, the international community was increasingly being seen as engaged in a holding operation, unwilling to address this crucial issue. There was a growing sense of frustration and stagnation.

6. The conflict ending in 1999 did have profound implications for the relationship between the various communities in Kosovo and, in particular, between Kosovo Albanians and Kosovo Serbs. From 1989, the authorities in Belgrade had controlled the instruments of power. The Kosovo Serbs had lived under the umbrella of Belgrade's rule over the province. Following 1999, the Kosovo Serbs saw the instruments of power gradually transferred to the majority-dominated provisional institutions (Provisional Institutions of Self-Government - PISG). This dramatic change has had a strong impact - psychologically and politically - on the majority as well as the minority communities.

7. Today, the Kosovo Albanians demonstrate a stronger self-confidence and assertiveness. They are - understandably ~ shaping their identity as a ruling majority population. This identity is - to a large extent - built on controversial events, personalities and symbols and often in opposition to the identities of Kosovo Serbs and other communities. Of course, this is a phenomenon seen in many societies in post-conflict situations. Mixed with this new assertiveness of the Kosovo Albanians is a lingering feeling of uncertainty over what Belgrade may do to prevent them from fulfilling their political aspirations. They see the Kosovo Serbs as instruments of Belgrade and therefore as part of a remaining threat to their future.

8. In contrast, the Kosovo Serbs are struggling to preserve their identity. They experience pressure against important elements of this identity, such as language, culture and religious heritage, as well as their economic survival. Other smaller communities are being further marginalized - politically, economically and culturally. In some cases, they are being assimilated.

9. The sense of stagnation and the tense relationship between the Kosovo Albanians and Kosovo Serbs led to the outbreak of violence in March 2004. It reflected the fact that inter-ethnic relations had to be seriously addressed and that a stronger sense of political perspective was urgently required. The international community could not live with a policy, which was perceived

as a policy of status quo.

10. In the report submitted to you on 6 August 2004 (S/2004/932 of 30 November 2004), a roadmap was presented in order to move out of a period of political stagnation and into a more dynamic political process. This roadmap contained an outline of a comprehensive strategy aimed at gaining political momentum leading to the opening of a future status process. It was based on the conviction that addressing the question of Kosovo's future status should not be delayed much longer. The risks that would follow from a continued "wait and see" policy - in terms of increasing political, economic and social frustration - could soon be far greater than the risks related to a future status process.

11. This report seeks to provide a comprehensive assessment of the political situation one year later and looks closely at the prospects for a future status process, in order to determine whether time has come to launch this process, a broad assessment of the situation in Kosovo must be made - going much beyond the implementation of the standards. It must include considerations relating to the more general developments in Kosovo, to the region as such and to the work of the international community. The key question is whether sufficient political maturity and preparedness exist to initiate this process or if such a decision is still premature.

12. There are today new and dynamic developments in Kosovo. The process of implementing standards is an important part of this dynamic. It has provided a sense of momentum, which for years had been lacking. But, the goals of the standards process are ambitious. They cannot be met over a short period of time. This was emphasized in the report of 6 August 2004 referred to above. The standards process will require constant and determined efforts, stretching into and beyond the process of defining Kosovo's future status. Rather than producing progress, unrealistic expectations could reinforce a sense of stagnation in the society. It could enhance the temptation to turn the standards process into an exercise of "window dressing" to the detriment of results on the ground.

13. At the same time, a future status process without adequate progress in the standards could damage efforts to enhance respect for rule of law, which would affect all the people of Kosovo - irrespective of ethnic belonging. Such a process could put Kosovo's minority communities at greater risk and endanger the multi-ethnic character of Kosovo. An internally unstable Kosovo would make it even more difficult to define and implement a viable future status.

14. The international community has put tremendous energy into the process of implementing standards. It has engaged the leaders of Kosovo in a broadly-based and common effort. Structures have been set up in the Kosovo Government to facilitate the standards process, which has become a centrepiece of its activities and has led to an improved bureaucratic culture. The process has itself been a major achievement.

15. Many of those involved - from all communities ~ are committed to the success of the process. They have the ambition to create a society with a European perspective based on good governance and rule of law. Kosovo Albanians are also generally motivated by the desire to enter the future status process. However, among Kosovo Albanians there is also a tendency to see standards implementation as an exercise imposed from outside and that they have to go through it in order to reach the status process. Genuine support for its underlying principles and objectives is often lacking. The strong verbal support for the standards process has therefore not been adequately translated into a profound commitment to concrete results. This applies to political leaders both inside and outside of government. The lack of unambiguous impulses from Pristina is reflected at the municipal level. Progress has often been a result of international pressure rather than local engagement.

16. Standards implementation is complex and multifaceted. In last year's report, it was underlined that it must not become a technical and bureaucratic process, but a political and impact-oriented exercise. This is still a concern. It is important to ensure that the process itself

does not absorb so much attention and energy that it diverts attention from the impact it should have on people where they live. It must also permit attention to be directed to critical areas where bottlenecks may exist at any stage of the process. An overarching approach is required, where each standard supports the others and where they are all measured in this broader context.

## THE CHALLENGES.

### Building the institutional foundation

17. Well-functioning institutions are a prerequisite for the development of a democratic society, a healthy economy and respect for rule of law. After the end of the conflict in 1999, there was a total institutional vacuum in Kosovo. Today, a comprehensive set of new institutions has been established. This represents a tremendous achievement. Executive, legislative, judicial and other institutions have been set up at the central as well as the local level. New ministries are planned for later this year. A civil service is gradually taking shape. Over the last period, a significant transfer of competences has taken place. The local leaders are gradually taking ownership of their own institutions. The level of democracy has improved over a short period of time. Furthermore, much progress has been achieved in the development of a sustainable legal framework. The legislative work of the Assembly, Government and UNMIK has been ambitious and covered essential areas of public life and economy.

18. The Assembly elections in October 2004 were also a significant success. They were free, fair and transparent and the first to be largely organized by Kosovo authorities. Following the elections, the maturity of the Assembly was faced with a new test of a strong opposition confronting the governing coalition. Both sides, as well as the Assembly leadership, had to learn their new roles, an exercise which has proven to be difficult. Parliamentary culture has not yet firmly taken root. Nevertheless, the work of the Kosovo Assembly has steadily improved.

19. The development of new institutions is undermined by a strong tendency among politicians to see themselves as accountable to their political parties rather than to the public they serve. Political parties tend to consider new institutions and the civil service as "their" domains. Appointments are, therefore, regularly made on the basis of political or clan affiliation rather than competence. Many civil servants are concerned about this inability to distinguish between political authorities and civil service and the effect it has on hampering the development of a durable and stable administration. Accountability mechanisms have largely been put in place to address irregularities and to ensure that established legislation and procedures are followed. However, they do not offer adequate protection. There is also ample evidence of insufficient respect for the Serbian language as the second official language of the provisional institutions.

20. Over the last five years, Kosovo has also established comprehensive educational and health care systems as well as other public services. There are serious shortcomings in the quality of the services provided. The level of medical services is low and in some cases close to the standards of developing countries. In the educational system, modernisation and de-politisation is urgently needed. However, the fact that services are now provided across most of Kosovo represents a significant achievement.

21. The Kosovo Serbs have chosen to stay outside of the central political institutions and maintain parallel structures for health and educational services. Many appeals have - without results - been directed to Kosovo Serb representatives to re-enter central political institutions. This relates first and foremost to the Assembly, since participation in a government formed by two Kosovo Albanian parties, with the declared objective of independence for Kosovo, would be even more controversial. The Kosovo Serbs fear that they would become a decoration to any central level political institution with little ability to yield tangible results. This fear is understandable and the Kosovo Albanians have done little to dispel it. However, the overall



interests of Kosovo Serbs would be better served if their representatives returned to the Assembly. Kosovo Albanian parties could stimulate such a process by making it clear that they will respect the Kosovo Serbs and other minority communities as voices with legitimate concerns rather than a limited number of votes that can easily be outnumbered. The negative attitude of the authorities in Belgrade - including failure to support Kosovo Serb participation in the 2004 elections ~ has contributed significantly to the absence of the Kosovo Serbs in central political institutions. Time has come for Belgrade to abandon this position. In fact, had the Kosovo Serbs participated, they would ~ with reserved and elected seats together ~ have been able to influence the debates of the Assembly and even the formation of a Government.

22. The number of Kosovo Serbs and other minority communities in the bureaucratic structures of the provisional institutions is also low. That is particularly the case in senior management positions. The recruitment of minorities has too often been seen as a question of filling a quota than providing meaningful participation. Clearly, the Kosovo Albanians should increase their efforts to create a multi-ethnic civil service. However, the Kosovo Serbs and other minorities must also demonstrate an interest in applying for positions in the governmental structures and be prepared to take active part.

23. The parallel structures for health and educational services located in Kosovo Serb populated areas are mainly financed by the Serbian Government. The continued existence of these structures is a political demonstration as well as a reflection of mistrust between the two communities. For Belgrade, it is an element of political influence. The current problem with regard to parallel structures is in many ways similar to the Kosovo Albanian parallel structures prior to 1999. Today, the parallel structures are probably the only realistic way to ensure the provision of adequate services to Kosovo Serbs. Solving the problem of parallel structures would require serious and practical incentives from the Government and a de-politicisation of the issue by all sides. It is a problem, which can most likely only be solved during a future status process.

24. The functioning of the new Kosovo institutions is very uneven. There is a significant lack of experience and expertise. Building new institutions and transferring competences must therefore go hand-in-hand with a focused international support to capacity-building. International efforts have - as so often in post-conflict situations ~ been sporadic and driven by short-term initiatives from the outside rather than long-term requirements inside the institutions. The Government has now elaborated its own program for capacity-building in an effort to take greater ownership of this process. Nevertheless, an emerging sense of local ownership will not reduce the need for international support. Capacity-building will require a longer time perspective. A better run and de-politicised university would also give a valuable and long-term contribution to capacity-building.

25. During the course of its evolution from a controversial past, the Kosovo Protection Corps (KPC) has continued to improve in the performance of its mandate as a civil emergency organization. The efforts of the KPC towards fulfilling its standard are to a large extent due to its leadership. Recently, the KPC has become more professional. It provides assistance in reconstruction efforts and has started to recruit minority members, which is a difficult undertaking. There remains a deep mistrust of the KPC, particularly on the part of the Kosovo Serbs. The underlying issue related to the KPC is its origins and the aspirations among many of a possible future role. Given the sensitivity of this issue, it will need to be addressed in connection with the future status process and in light of Kosovo's future requirements.

#### The economic challenge

26. The development of viable institutions and the quality of services are strongly and negatively affected by the current economic situation in Kosovo. Today, this economic situation remains precarious. In spite of some progress, many live in poverty and the unemployment rate is high.

The situation is felt by most of Kosovo's population. Minority communities and especially vulnerable groups are affected in a disproportionate way.

27. One of the most worrying aspects is the forecast for public income for 2006. According to current estimates, public income would be far from adequate in order to cover recurrent costs and the need for investments. A serious budget deficit can be expected. The Government must now take action to develop an improved system for collection of taxes and utility bills and to bring the grey economy into legality. Such efforts would increase public income and reduce dependence on international assistance.

28. The energy sector is one of Kosovo's most promising long-term assets. It is also one of its most troubling challenges. Kosovo's electricity company (KEK) suffers from antiquated technology, power outages and a dramatic lack of income from its customers. Last winter, a number of villages were disconnected due to lack of payment by customers. This winter, we could experience similar disconnections. However, they should not be portrayed as an inter-ethnic problem. All communities are affected.

29. There are also important positive developments. When the armed conflict ended in 1999, there was an almost complete lack of economic structures and legislation. Today, such structures have been established and modern legislation exists in many essential areas. The establishment of regulators and the continuing development of the banking sector are among the achievements contributing to potential economic development. A well-functioning Ministry of Finance and Economy has - in cooperation between international and local experts - developed a framework for the management of a modern economy. The Kosovo Development Plan will also - when it is ready - give the province a valuable instrument to guide its economic future.

30. Today, the privatisation process is well underway after long delays. The Kosovo Trust Agency expects that 90 per cent of the value of the socially-owned enterprises will be privatized by next spring. This process could have a direct and positive impact on the economy in Kosovo, as many of the socially-owned enterprises have been idle. Most of the privatized enterprises are taken over by Kosovo Albanians in Kosovo or residing abroad. High-level government officials are concerned that many of the investments will not lead to productive business activity. There is a potential for using the privatization process for money laundering purposes. Furthermore, it is important to take into account the effects of this process on the different ethnic groups. The privatization process could lead to discrimination in employment along ethnic lines and affect the economic sustainability of minority communities. This process must move forward, but in a way which safeguards the interests of the minority population during and after privatisation. A more constructive engagement of Belgrade in the privatization process would promote this aim.

31. Kosovo also has valuable and unexploited natural resources, in particular lignite and other mining reserves, as well as important agricultural potential. With improved technologies and infrastructure, the lignite reserves could turn Kosovo into an energy exporter in an energy-hungry region. Solving questions related to property rights would facilitate the productive use of uncultivated land, enabling Kosovo to reduce its current and unacceptably high import of agricultural products.

32. Altogether, the economic situation is characterized by serious short-term problems, but also positive longer-term prospects. If a future status process is launched, this will certainly have a positive effect on Kosovo's economy. It would create new optimism and confidence in the future. With future status determined, a firmer basis for investments, loans and cooperation with international actors will be in place. The Kosovo authorities should, however, understand that they cannot depend on the international community to solve their problems. They must themselves take steps to ensure that shortcomings are addressed, for instance with regard to strengthening public income. Furthermore, investments and integration will not only depend on status. It will also depend on a predictable and stable Kosovo, which respects rule of law.

## Enhancing respect for rule of law

33. Rule of law is affected by the strength of institutions and the viability of the economy. It also depends on the development of a legal framework, where significant progress has been made. The main challenge today is the lack of ability and readiness to enforce legislation at all levels. Respect for rule of law is inadequately entrenched and the mechanisms to enforce it are not sufficiently developed.

34. The Kosovo Police Service (KPS) - the most multi-ethnic of Kosovo's institutions - is gradually taking on new and more demanding tasks, including riot control. Across Kosovo, the responsibility for its operations has been transferred to the KPS, with the international police in a monitoring role. The work it has undertaken in relation to common offences within one ethnic community is increasingly respected by the population. Crimes of a more severe nature or with ethnic dimensions remain difficult for the KPS to address.

35. The Kosovo justice system is generally regarded as the weakest of Kosovo's institutions. The civil justice system is of particular concern, with an increasing backlog of cases which now stands at several tens of thousand. This affects everyone in Kosovo, lowering respect for rule of law and contributing to a climate of impunity. Many of the cases pending are property claims by minorities.

36. Combating serious crime, including organized crime and corruption, has proven to be difficult for the KPS and justice system. It is hindered by family or clan solidarity, intimidation of witnesses as well as of law enforcement and judicial officials. For serious inter-ethnic crime, the law enforcement record is also weak. Far too few perpetrators of serious crimes are ever brought to justice. Other crimes — such as theft of livestock and agricultural equipment belonging to minorities and illegal use of agricultural land - are also rarely prosecuted. This reinforces the sense that criminals can operate with impunity.

37. Organized crime and corruption has been characterized as the biggest threats to Kosovo's stability and to the sustainability of its institutions. Some high profile cases related to organized crime, including human and drug trafficking, have been properly investigated by the international community and the perpetrators have been brought to justice. These individual cases confirm that organized crime represents a serious threat to Kosovo.

38. Corruption is a widespread phenomenon in Kosovo, but the level is difficult to assess. In selected areas, such as the customs service, serious efforts have been made to combat institutional corruption by putting effective systems for accountability in place. The Government has not taken the necessary administrative and legislative action to fight and prevent corruption in the provisional institutions. An anti-corruption law is in place, but the establishment of the anti-corruption agency is delayed. The process is slow and without a convincing sense of commitment. Over the past six years, international police, prosecutors and intelligence officials have tried - but failed - to go much beyond the surface of the corruption problem. Clan solidarity, codes of silence, language problems and inexperienced local law enforcement institutions have all contributed to this failure. A joint effort by the international community and fully committed Kosovo authorities could bring progress in this area. This could certainly have a significant impact and demonstrate a readiness to address such crimes.

39. The Kosovo police and judiciary are fragile institutions. Further transfer of competences in these areas should, therefore, be considered with great caution. New Ministries of Justice and Interior should be placed under the leadership of individuals enjoying a high degree of confidence in all communities and in all political parties. Such individuals will be hard to find. In a deeply divided society, which is still recovering from the post-conflict trauma, these two ministries could easily be regarded as having fallen under the control of one political party or one ethnic group. Transfer of competences in such sensitive areas cannot work without a firm

oversight, intervention and sanctioning policy. The multi-ethnic composition of the KPS and the trust it enjoys is fragile. Transfer of competences in this area could have a centrifugal effect on the KPS, making it difficult to maintain its multi-ethnic composition. This challenge will be even greater in a period where possible future status talks would place its multi-ethnic character under pressure.

40. In light of the limitations of the police and judicial system, there will be a need for a continued presence of international police with executive powers in sensitive areas. A continued presence of international judges and prosecutors will also be required to handle cases related to war crimes, organized crime and corruption as well as difficult inter-ethnic cases. The currently ongoing reduction of international judges and prosecutors is premature and should urgently be reconsidered. The result of such reductions would be a further loss of credibility of the justice system and of confidence among the population in general and the minority communities in particular. There is little reason to believe that local judges and prosecutors will be able to fill the functions carried out by international personnel in the near future.

41. Caution is also required with regard to the future of the Kosovo Police Service School. This is one of the most successful endeavours of the international community in Kosovo. Time has not yet come to replace the international management of this school. The police force must be, and seem to be, trained in a politically-neutral environment. Only then will the multi-ethnic composition of the KPS be ensured, and the level of acceptance by all communities be enhanced.

42. Improving respect for rule of law will also require a strengthening of human rights instruments. The current plan to establish a Human Rights Advisory Panel to the Special Representative of the Secretary-General could contribute to a greater protection of human rights. The creation of a Special Panel on Human Rights of the Supreme Court should also be considered.

43. Furthermore, the Ombudsperson's Institution is one of the main human rights instruments in Kosovo today. In the current human rights climate, it will be important to avoid a weakening of this Institution when it is transferred to local ownership. The international community must ensure that its current powers and competencies are not diluted and that the credibility of the office is ensured.

### The inter-ethnic challenge

44. In resolution 1244 (1999), emphasis is placed on maintaining Kosovo as a multi-ethnic society. The inter-ethnic challenge has a number of components - providing security, ensuring property rights, promoting return, and protecting the identity of minority communities. Regrettably, little has been achieved to create a foundation for a multi-ethnic society. Kosovo's leaders and the international community should take urgent steps in order to correct this grim picture.

45. With regard to security, the overall situation is stable. The level of reported crime - including inter-ethnic crime — is low. In general, the political leaders attach great importance to maintaining stability and security. They understand that any outbreak of violence would seriously damage Kosovo's international reputation and their political ambitions. KFOR has - in its task of providing overall security - become more efficient and able to react quickly throughout Kosovo. The KPS is better trained and equipped. Nevertheless, the situation remains fragile - as illustrated by events over the last weeks.

46. On the ground, the situation is complex and troubling - especially for minority communities. Statistics can easily be misleading. While the level of reported inter-ethnic crime is low, there are frequent unreported cases of low-level, inter-ethnic violence and incidents. They do not

appear on statistics. Harassment, looting, stealing of cattle, and other similar incidents occur very frequently. This comes in addition to widespread illegal occupancy of property, especially agricultural land, which makes it impossible to access such property and to use or cultivate it without a security risk. Kosovo is also a small place, where incidents in one part become rapidly known in others. In this situation, the minority communities - and especially the Kosovo Serbs - suffer from more than a perceived insecurity. It is indeed a mixture of reality and perception. To combat this situation, it will be important to prosecute crime more vigorously. When perpetrators remain at large, the sense of impunity prevails. Where there is freedom of movement for the perpetrators, it is hard to convince the victim that he or she enjoys the same freedom.

47. The low number of reported inter-ethnic incidents partly also stems from the fact that the minorities tend to avoid or reduce to a minimum their contacts with the majority population. It is difficult to expect that people from minority communities should take risks in order to verify whether freedom of movement and security are perceptions or facts of life. That being said, the authorities in Belgrade should abstain from inflammatory comments or premature reactions to incidents of violence when they occur. Statements of this nature also contribute to an insecure environment.

48. Ensuring property rights is one of the most urgent challenges with regard to ensuring a truly multi-ethnic society. It is a general rule of law question affecting all communities. However, it is crucial for the minority communities - particularly the Kosovo Serbs - and for their prospects for return and survival. At present, property rights are neither respected nor ensured. Illegal construction and occupation of homes, agricultural and commercial property is a widespread phenomenon.

49. A great number of agricultural and commercial properties remain illegally occupied. This represents a serious obstacle to returns and sustainable livelihood. Most residential property claims have been adjudicated. However, less than half of the decisions have been implemented. Local courts have a serious backlog of property-related cases amounting to tens of thousands. It is a situation that cannot be allowed to continue. The Government and the international community must urgently address this issue and find alternative ways to solve outstanding cases and implement the decisions, which have been made.

50. Lack of security and respect for property rights as well as uncertainty about the future contribute heavily to the fact that the overall return process has virtually come to a halt. There is a strong feeling that those who commit crimes enjoy impunity and that the possibility for establishing viable livelihoods is very limited. The great majority of the people who left Kosovo after June 1999 have not come back. Most of those who left after the violence of March 2004 have returned, although a number have again abandoned their homes. Even if houses and many of the secondary buildings have now been reconstructed, returnees find the start-up compensation of €2000 as insufficient to cover the loss of movable property. A viable return process will require support and attention over a longer period of time, in particular to facilitate access to services and repossession of land. Greater attention will also be needed to those who have remained. The sustainability of the existing communities must become an integral part of the return strategy. For every family leaving, the prospect of returns to their village or town will diminish.

51. Kosovo Albanian leaders have committed themselves to the return process. However, this is the "Pristina reality". The reality on the ground is different. The security situation, insufficient access to justice, lack of protection of property rights, and uncertain political and economic prospects discourage returns. Furthermore, the general atmosphere in many places is not conducive for returns. Multi-ethnicity is often not seen as a goal. With some exceptions, Kosovo Serbs will therefore only return to places where they can find safety in numbers with access to their own services. Few Kosovo Serbs still live in urban areas with the Kosovo Albanian population and returns there are more difficult as the pressure from the majority community is greater and the means of economic survival are limited.

52. While reliable, overall statistics are hard to find, it is a wide-spread view - also in the international community - that currently as many or more Kosovo Serbs are leaving Kosovo than returning. There are reports that an increasing number of returnees sell their property and leave again.

53. The return process is also hampered by the fact that assistance is only provided to those who return to their home of origin. It is, for instance, unlikely that those who fled Pristina in 1999 will return to their home of origin in the foreseeable future. They may, however, wish to establish a home elsewhere in Kosovo. A more flexible policy of assistance to enable returnees to resettle in the area of their choice should be considered. This would allow returnees to create more viable communities in Kosovo. Support would thereby be provided to people where they can live and not only to where they have lived. This is a complex matter, since a more flexible policy could also be misused for political manipulation and for pursuing political goals. It cannot mean giving up commitments to those who wish to return to their homes and who need support to fulfil their aspirations. It cannot be a substitute for current policies, but a supplement to them.

54. The situation for internally displaced persons inside Kosovo is frequently neglected. The continued existence of camps inside Kosovo is a disgrace for the governing structures and for the international community. The Roma camps in Plementina and Zitkovac are particularly distressing and made worse by serious health hazards. They should be dealt with on an emergency basis.

55. The Serbian Orthodox religious sites and institutions represent a critical element of the spiritual fabric of Kosovo Serb society. The sustainability of the Kosovo Serb community in Kosovo is related to the preservation of its cultural and religious heritage. However, the Serbian Orthodox sites also represent more than an important part of Serb identity. They are a part of the world cultural heritage. Many of these sites have been seriously damaged or destroyed since 1999. Finally, the reconstruction is now about to start. However, they will still continue to need protection. While KFOR's readiness to maintain its protection of religious sites is essential, a durable solution cannot be built on military forces.

56. There is a need to create a "protective space" around these sites in order to make them less vulnerable to political manipulation. Arrangements should be found that would place Serbian Orthodox sites in Kosovo under a form of international protection. This would need to include guarantee of access, property rights, and community sustainability. It is important not only to protect individual sites as cultural and religious monuments, but also as living communities. The Council of Europe and UNESCO have particular expertise in this area and should be invited to play a role in such arrangements.

57. The Serbian Orthodox Church is experiencing a pressure against its identity. In addition to intimidation and threats, there are attempts to rewrite the history and origin of their heritage. They see uncontroversial and neutral names of streets in the vicinity of their sites are being changed and "albanised". Kosovo Albanian leaders should react and bring a halt to these activities.

58. To achieve sustainable return and viable minority communities, a process of decentralisation will be required. It will improve the ability of non-Albanian communities in Kosovo to protect their identity and livelihood, build confidence in the future and encourage them to take a more active part in Kosovo's governing institutions.

59. Already in 2002, decentralisation was promised to the Kosovo Serbs in return for their participation in the elections and the provisional institutions. However, until recently real efforts and political will have been lacking. During the summer of 2005, a desire to achieve quick results led to a less ambitious approach and insufficient consultations with those involved. The result has been "too little, too late". Progress has been made on pilot projects for non-Serb pilot

projects. However, the current stalemate with regard to those in Kosovo Serb majority areas is unlikely to be solved.

60. Decentralization should now be seriously addressed in a wider framework, resulting in a meaningful devolution of powers and enhanced competencies at the local level. Such a framework could include a number of new municipalities where in particular the Kosovo Serbs would have a comfortable majority. It could envisage enhanced competences in areas such as police, justice, education, culture, media and the economy, including the appointment of key officials. It could allow for horizontal links between Kosovo Serb majority municipalities. Arrangements could also be considered for special ties to Belgrade, without giving Belgrade any authority in such communities. An ambitious decentralization plan, with special competences going beyond those given to all other municipalities, should not endanger central institutions in Kosovo or weaken Pristina's authority. It would establish effective institutional guarantees for the minorities, increase confidence in Kosovo's central institutions and contribute to a situation where such municipalities are under Pristina's authority. Furthermore, it would also facilitate the absorption of parallel structures into legitimate entities.

61. The international community must stand ready to assist in the establishment of arrangements for wider decentralization. Lessons should be drawn from similar - albeit not identical - processes in the former Yugoslav Republic of Macedonia and in southern Serbia. In both cases, the international community contributed with significant effort to give the local Albanian populations the breathing space required to protect their interests and maintain their identity in a multi-ethnic environment. The international community should now be prepared to act with the same determination to protect the interests of Kosovo Serb and other minority communities.

## THE WAY FORWARD.

### The future status process

62. There will - as stated in last year's report - not be any good moment for addressing Kosovo's future status. Determining Kosovo's future status remains - and will continue to be - a highly sensitive political issue with serious regional and wider international implications. Nevertheless, an overall assessment leads to the conclusion that time has come to commence this process.

63. Since last year, a political process has been underway in Kosovo driven by a more dynamic international engagement. It has been based on a comprehensive strategy that provided Kosovo with a political perspective. This process should continue. It cannot be interrupted or brought to a halt. Kosovo will either move forwards or slide backwards. Having moved from stagnation to expectation, stagnation cannot again be allowed to take hold.

64. Progress with regard to standards implementation is very mixed. Further progress is urgently required. However, it is unlikely that postponing the future status process will lead to further and tangible results in the implementation of standards. Progress can only be achieved if the sense of a political perspective is maintained and if the international community is ready and able to mobilize greater energy and pressure than it is today. Provided the future status process is properly handled, this framework can be used to make further progress.

65. There is now a shared expectation in Kosovo, in Belgrade as well as in the region that the future status process will start. During this comprehensive review, there has been a gradual shift in the preparedness for a future status process among the interlocutors. There had been a tendency among the leaders in Pristina to fight each other rather than to prepare for the next steps. Recently, a negotiating team, consisting of the five most prominent Kosovo Albanian leaders, has been appointed under the leadership of the Kosovo President. There had been a strong tendency among leaders in Belgrade to look at each other rather than to look forward.

Today, there is a greater sense of preparedness and unity. There had been reluctance among Kosovo Serbs to come together and discuss the challenges facing them. Kosovo Serbs of all factions have now been brought together around one table. The work on this comprehensive review has stimulated these developments. However, all these trends are fragile. Great efforts will be required in Pristina and in Belgrade - as well as among Kosovo Serbs - to prepare for a future status process in a coherent and unified manner.

66. Furthermore, all sides need clarity with regard to Kosovo's future status. The Kosovo Albanians have expectations that the political process will move forward and that determining Kosovo's future status will bring greater clarity with regard to Kosovo's political as well as economic development. Kosovo Serbs need such clarity in order to make informed decisions about their future lives. For Belgrade, determining Kosovo's future status will remove an important source of internal political instability and facilitate the realization of Serbia's European perspective. The region is also better served by putting the question of Kosovo's future on the agenda. Clarity will stimulate regional political and economic cooperation and remove an element of instability, which today hampers the development of the region.

67. It is of great importance that the future status process takes place at a time when the international community is still present in Kosovo in sufficient strength. There is today a growing "Kosovo fatigue" in the international community. Postponing the future status process will reinforce this fatigue and weaken the ability of the international community to conduct this process. Commencing the future status process will create a basis for a re-energised international engagement, requiring countries and organizations to place Kosovo squarely back on the agenda.

68. The international community is committed to ensure that the future Kosovo respects the political, social and economic respects the rights of all ethnic groups, in accordance with resolution 1244 (1999). This must also be reflected in an effort to bring the minority communities into the process. In addition to Belgrade and Pristina, the Kosovo Serbs will have to be addressed as a party to this process. Mechanisms must also be found to involve the smaller communities. They often declare their readiness to contribute to Kosovo's future status. But, they also expect that this process will address their own rights and role in the future Kosovo.

69. The future status process for Kosovo will be very different from peace processes in other parts of the former Yugoslavia. In contrast to those processes, there is in Kosovo little to build on in terms of previous peace plans. Little preparation has taken place by the international community and the parties. Furthermore, the negotiations concern a territory, which is still a part of a sovereign state, but temporarily administered by the UN through provisional self-governing institutions.

70. Hence, the importance of moving forward with caution. Every effort must be made to bring all the parties together - and keep them together - throughout the status process. This broad participation must be respected by all. The process must not be rushed forward - but brought forward with a clear and common picture of the agenda and the implications. This clear picture of the agenda is still lacking. The end result must be stable and sustainable. Artificial deadlines should therefore not be set. However, once the process has started, it cannot be blocked and must be brought to a conclusion.

71. As already mentioned, much energy has been spent - as part of the consultations for the comprehensive review - to build an environment conducive to possible future status discussions. An important element in this respect has been to bring Belgrade and Pristina together in direct informal talks at the Ministerial level. These meetings, between Ministers of Local Government and Ministers of Culture, respectively, were the first direct talks at a political level for two years. Decentralisation, as well as cultural and religious matters, represents essential elements in any future status process. Continuing these discussions into the early stages of the process would serve as a confidence-building measure and as a signal of



readiness by all to contribute to a stable and multi-ethnic Kosovo - irrespective of the outcome of the future status process. They should form building blocks for subsequent phases of the process.

72. The future status process must also seek to involve the neighbouring states in a meaningful way. They will need to understand the process, support it and be reassured by the way it is conducted. This will be important to ensure that stability is maintained throughout the process and that the end result contributes to regional stability. The demarcation of the border to the former Yugoslav Republic of Macedonia will be of particular significance and should be solved before this process ends.

#### Keeping standards implementation on track

73. It will require great effort to keep the standards implementation process on track. There will be a risk that attention will be focussed on status to the detriment of standards. However, it is of crucial importance that sufficient resources are mobilized to ensure that the implementation of standards continues with undiminished energy and with a stronger sense of commitment. The international community will, during the future status process, have a stronger leverage to move standards implementation forward. That leverage must be fully exploited. Enhanced implementation of standards will be essential to foster the confidence of Kosovo Serbs and other minorities during a period of increased political tension. And, it will be essential to achieve the confidence of the region and the international community.

74. In order to stimulate the standards process, the international community should intensify its efforts in critical areas and review some current practices. There is a need to speed up work with regard to property rights, strengthen return policies, improve human rights instruments, enhance law enforcement efforts in general and ensure that privatisation does not affect minorities in a discriminatory way. Progress in these areas would provide a more solid basis for the process to unfold and enhance the likelihood of a sustainable and stable status.

#### The challenge of reconciliation

75. Reconciliation must now get underway. The main burden will fall on the shoulders of the leaders of the majority population. Those who are eager to obtain recognition, integration and investment must also demonstrate generosity. The Kosovo Albanians must seek to define their identity in a way, which is not at the expense of others. They must understand the pressure felt by minorities against their identity, their culture and their livelihood. Kosovo Serbs and Belgrade must also acknowledge such initiatives and take active part in a reconciliation process. They must accept that remaining outside the Kosovo institutions will not in the end bring them the protection they seek. Kosovo Albanians must start looking towards the other Kosovo communities and Kosovo Serbs must in return start looking towards Pristina. All communities must make an effort to base their future on inclusiveness, modernisation and democracy rather than separation and ethnic belonging.

76. Further progress to find and identify missing persons would give an important contribution to a process of reconciliation. Those who have lost their loved ones need and deserve clarity. Enhanced political efforts must be undertaken to meet their legitimate demands. The possibility of dedicating greater resources to resolving outstanding cases of identification should also be urgently considered.

77. Kosovo will not in the foreseeable future become a place where Kosovo Albanians and Kosovo Serbs are integrated. They probably never were. Nevertheless, the reconciliation process should start. It must come from inside Kosovo and be embraced by all communities. The international community must encourage reconciliation and provide active support.

## The roles and responsibilities of the international community

78. A decision to start the future status process will take Kosovo - and the region - into a new and difficult phase. The international community will need strength to carry the status process forward. Once the future status has been determined, an international presence - military and civilian - will need the resources necessary to manage the implementation of the settlement in a stable and orderly way.

79. The UN has done a credible and impressive job in fulfilling its mandate in difficult circumstances. But, its leverage in Kosovo is diminishing. Kosovo is located in Europe, where strong regional organisations exist. In the future, these regional organisations - and in particular the EU - will have to play the most prominent role in Kosovo. They will have the leverage and will be able to offer prospects in the framework of the European integration process. However, any reconfiguration of the international presence in Kosovo must take place in a coordinated manner in order to ensure that current and future requirements are met and the credibility of the international community is maintained.

80. A future status process should be accompanied by a clear expression by the international community that it is determined to stay and support this process as well as its outcome. The EU should in the near term consider stepping up its presence on the ground in order to play an enhanced role in the standards process, prepare for a longer term engagement and provide visible evidence of Europe's commitment to Kosovo. When status has been determined, the EU will be expected to take on a more prominent role. This relates to police and justice where a continued presence will be required, albeit smaller and more specialized; to monitoring and supporting the standards process, which will gradually be merged with the EU's own established processes; and to a focused capacity-building effort.

81. NATO will also have to continue its presence. A restructuring is taking place, which will allow the NATO-led KFOR to maintain its credibility and efficiency, while reducing its overall number of personnel. No other organisation can currently provide the same basis of stability. A US contribution to KFOR is essential. This will provide a visible expression of continued US engagement.

82. The OSCE has a valuable asset in its field experience and expertise. This presence will be required to enable the international community to monitor and support standards implementation, promote confidence between ethnic communities and identify needs for capacity-building.

83. With the UN eventually stepping down from its current role, the lead role should also be taken over by others. A High Representative - or a similar arrangement - will have to be considered. Such arrangements should be firmly anchored in the EU, while at the same time ensuring continued commitment by the broader international community, in particular the US. However, the international presence must be developed in a spirit of partnership and local ownership. Each post-conflict situation has its own specific character. To copy the experience of Bosnia and Herzegovina would therefore be a simplistic approach. However, a "Bonn powers" arrangement could be envisaged within areas relating to inter-ethnic issues, in order to promote confidence and reconciliation.

84. A roadmap for integration into international structures would provide Kosovo real prospects for the future. The incentives must be clear and visible. An enhanced EU presence in Kosovo would provide visible evidence of a stronger European commitment.

85. Belgrade will also need clear incentives for integration into Euro-Atlantic frameworks for cooperation. The EU decision to open negotiations for a Stabilisation and Association

Agreement represents a milestone in this respect. The most important incentive for Belgrade, however, will not be outside the context of Kosovo, but inside it. Arrangements for wider decentralization will be the most essential part.

86. To determine Kosovo's future status will in itself be a demanding challenge. The international community must do the utmost to ensure that whatever the status becomes, it does not become a "failed" status. Kosovo cannot remain indefinitely under international administration. However, it will continue to depend on a significant international presence on the ground. The support required in so many areas cannot be provided by remote control. The international community must have the stamina required. Entering the future status process does not mean entering the last stage, but the next stage of the international presence.

#### Terms of Reference

Special Envoy of the Secretary-General for the Comprehensive Review of Kosovo Purpose: The comprehensive review is in furtherance of the UN's responsibility in Kosovo according to resolution 1244 (1999), which includes facilitating a political process designed to determine Kosovo's future status. The review will provide a basis for the Secretary-General's political judgment on whether the situation is conducive to the initiation of the future status process.

Framework for the review: The review will be carried out in the context of resolution 1244 (1999) and the relevant Presidential Statements of the Security Council.

Methodology and scope: The comprehensive review will consist of consultations with the parties and with the major actors on the ground, as well as with the international community with a broad scope in order to assess the current situation and the conditions for the possible next steps in the process. It will look at the actual political realities as well as the formal preconditions for launching the future status process on the basis of continued and effective progress towards implementation of the standards. The review will also take into account issues related to the sustainability of governance, including rule of law and security. The review will include an exploration of modalities for initiating and conducting the future status process.

The Special Envoy will consult closely with the Special Representative of the Secretary-General in Kosovo. He will furthermore consult with inter alia Security Council members, the Contact Group, relevant regional organizations, the parties, relevant regional actors and other key players. Upon the request of the Special Envoy, UNMIK will provide necessary support and access to information and analyses in its possession.

Time frame: The initiation, pace and duration of the comprehensive review will be determined by the Secretary-General on the basis of consultations held by the Special Envoy, taking into account the situation on the ground. It is hoped that the review can be completed in September.

Findings and Reporting: The Special Envoy will report directly to the Secretary-General. The Special Envoy will provide the Secretary-General with a comprehensive report on the implementation of standards as well as on the overall situation in and relating to Kosovo.

New York, 13 June 2005

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## **SG Kofi Annan opfordrer til drøftelser om status**

7 October 2005 – Secretary-General Kofi Annan said today talks should now begin on the final status of ethnically-divided Kosovo, which the United Nations has run ever since the North Atlantic Treaty Organization (NATO) drove out Yugoslav troops amid grave human rights abuses in fighting between the province's Albanians and Serbs in 1999.

Mr. Annan, who on Monday received a report from his Special Envoy for the Comprehensive Review of Kosovo, Ambassador Kai Eide of Norway, told reporters in Bern he would inform the Security Council today of his decision, adding that status options could include independence or autonomy for the Serbian province.

Stressing the need to begin the discussions, the Secretary-General said he would appoint a special envoy to direct the talks.

During his official visit to the Swiss capital, he also discussed UN reform and the outcome of last month's World Summit with President Samuel Schmid and Foreign Minister Micheline Calmy-Rey.

In July, Mr. Annan's Special Representative for Kosovo, Søren Jessen-Petersen, said there had been a slowdown in meeting the standards required for starting final status talks in the province

where ethnic Albanians outnumber other communities, mainly Serbs, by about 9 to 1. These cover eight targets in such areas as building democratic institutions, enforcing minority rights, creating a functioning economy and establishing an impartial legal system.

Among reasons he cited was the need for stronger commitment by Kosovo Albanian leaders to move forward on the return of Serbs who fled their homes, as well as on freedom of movement and decentralization, and the need for Serbia's leaders to encourage Kosovo Serbs to participate in the province's political process.

In Pristina, Mr. Jessen-Petersen welcomed Mr. Annan's decision. "The road ahead is clear," he said, stressing that the provisional Albanian-majority local government known as PISG must work hard to ensure that Kosovo makes further and faster progress in implementing Standards.

"The Kosovo that moves towards the decision on status should be a truly multi-ethnic society. We in UNMIK remain ready to support fully the PISG and all the people of Kosovo in every way we can," he added, referring to UN Interim Administration Mission in Kosovo (UNMIK).

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## **EU-Kommissær Olli Rehn's tale i Vojvodina 11.10.2005: "Building bridges across Europe"**

Address to the Vojvodina Assembly, Novi Sad, 11 October 2005

Speaker, Parliamentarians and distinguished guests,

I am delighted to be here in Novi Sad the day after opening negotiations for a Stabilisation and Association Agreement. This is the start of the European road for Serbia and Montenegro.

Let me start with a few thoughts on the future of EU enlargement. I know that people in the Western Balkans have been worried by the debate in the EU about enlargement this year. But I can assure you that the door to Europe is still open to you. The EU last week opened negotiations for accession with Croatia and Turkey, proving that it is ready to move forward with each country once it is fully prepared for the next stage in the accession process. There is no question of any country moving before it is ready, but the EU is committed to progress once the conditions are met.

The EU's activities in this region have a sound base in the commitments made by the European Council in Thessaloniki two years ago. The EU's heads of state and government have repeatedly confirmed that all of the Western Balkans has the prospect of eventual EU membership.

Later this morning, I will inaugurate the Sloboda Bridge. This bridge carries the road to Europe, in both a physical and a metaphorical sense. It is the link in a vital road transport corridor, and the removal of the pontoon bridge later today will open the Danube fully to river traffic. The bridge project is also an example of successful multi-national cooperation, between the EU and this country, and between contractors of different nationalities. The bridge will help to realise this region's potential as a successful model of economic development, environmental protection, tolerance and cultural diversity.

### **The bridge to the EU**

Now Serbia and Montenegro has many other bridges to build, even more important ones. We laid the foundation stone for a bridge to the EU yesterday in Belgrade, when we opened

negotiations on a Stabilisation and Association Agreement. This agreement will prepare the ground for Serbia and Montenegro to move towards European norms and standards. It will help your country to develop the administrative capacity to apply EU rules properly. The trade provisions will start to open up markets, and help Serbia to develop a functioning market economy that has the capacity to cope with competitive pressures within the EU's internal market.

It will bring important benefits to ordinary citizens: the Stabilisation and Association Agreement will allow an expansion of trade with the EU, attracting investment to Serbia and Montenegro. That will create jobs because companies will seek to expand their activities in response to the removal of obstacles to the movement of goods. People here will also see more high-quality goods in the shops at better prices, and enjoy better consumer protection. In addition to the economic side, the people of this country will benefit from wide-ranging cooperation with the EU in many policy areas where there are serious problems - for example, to tackle organised crime and trafficking across borders, as well as to improve environmental standards.

### **The bridge between Serbia and Montenegro**

However, to achieve this agreement in good time, the bridge between Serbia and Montenegro needs to be reinforced. The State Union institutions need to be strong and function well, so that the EU has a reliable negotiating partner. The negotiations could falter or even fail if there is insufficient political will from all sides to make the State Union work properly.

Over the next year we are likely to confront a number of difficult political issues, including possible discussions on the status of Kosovo and the future of the State Union. It is in everyone's interest not to allow these discussions to obstruct the negotiations of the SAA. We all share a common concern that the negotiations should run smoothly and efficiently. If other factors make the negotiations more complicated, we need to mobilise the political will to ensure that they do not disrupt progress.

One of those factors is the possibility of a referendum on independence in Montenegro. Any such referendum must be conducted according to the highest international standards to ensure full democratic representation of the people and a valid outcome. And even if it met such standards, the referendum would be most unlikely to move Montenegro faster towards a Stabilisation and Association Agreement.

### **A bridge to Kosovo**

A very important political process over the next year will be the UN-led status process for Kosovo. You need a solid bridge with Kosovo, because a constructive and open dialogue during the coming phase is the only way to ensure a good future relationship.

### **Bridges between communities**

This region is the most multi-cultural of any in the Balkans. It is a very special part of Europe. Communities here showed impressive resilience against becoming involved in the ethnic conflicts of the 1990s. Given the tensions, Vojvodina has been a remarkable example of peaceful co-existence. That means it is all the more important that people here now eschew violence of any kind. Violence – whether ethnically motivated or not – is not an acceptable way to end any dispute in a civilised society in Europe.

I appreciate that the authorities have been condemning violent incidents. I urge them to investigate thoroughly all incidents, and to promote better inter-ethnic relations. In particular, there is a need for specific measures in the fields of education, and reform of the police and judiciary. I recommend to you the constructive recommendations made in the excellent report of Mrs Pack after the European Parliament's fact-finding mission here last January. You need to

take concrete steps to remedy the problems identified in that report.

In order to build confidence between communities, the authorities need to act in a transparent manner. They should be pro-active in resolving problems, not defensive. Regular updates on the situation will do much to dispel fear and misunderstanding. It is also important for Serbia and Montenegro to intensify its cooperation with neighbouring countries in the context of their bilateral agreements.

High standards of minority protection are a guarantee of democracy for all citizens. The quality of justice in a society is determined by the way it treats its most vulnerable members. For that reason, respect for human rights and protection of minorities are a vital part of the EU's political criteria. They are an essential element of the Stabilisation and Association Agreement .

The agreement contains a clause that would cause it to be suspended if violations of human and minority rights occur. A country aspiring to come closer to the EU needs to show democratic maturity, and the quality of the relationship between ethnic groups is an important indicator of this maturity. We will pay attention to all minorities, and particularly to the most vulnerable ones, such as the Roma.

Education is a particularly important area to ensure that future generations understand the importance of mutual tolerance. Later today I shall be speaking at the University of Novi Sad. This university is rightly renowned for the emphasis it puts on education aimed at all minority groups in Vojvodina. In addition to the classes in Hungarian and Romanian, the university runs a course in Ruthenian studies and one in Romology – a unique achievement among universities. I hope that this imaginative and energetic approach can be copied across the education sector. It is a model not just for Serbia, but for all of Europe.

### **Bridges between Belgrade and the regions**

The process of European integration has a regional as well as a national dimension. Integration with the EU goes hand in hand with the development of an effective regional policy. Regional entities have a special place in the European construction. Countries in the EU have found many different solutions to the question of regional-centre relations, offering a rich variety of examples for discussion in the debate here.

Vojvodina's historic model of inter-ethnic and inter-cultural dialogue and mutual tolerance needs to be preserved and strengthened. Serbia's constitutional reform is an opportunity to ensure that this model is consolidated. It is a sound basis for building a multi-ethnic Serbia in which cultural diversity is celebrated as an asset.

To achieve that kind of Serbia, and to move forward into European integration, this Assembly in Vojvodina needs to build bridges of its own: in particular, a bridge across the democratic forces, so that politicians of all parties participate properly in the debate here. Nobody should feel excluded or be excluded, provided that they work in accordance with democratic principles.

### **Bridges between political forces**

The pro-European forces in Serbia need to work together to move to the next stage of having an association agreement with the EU. We are opening a new stage in our relationship with the SAA negotiations. It will require unity of purpose and unity of action. Political quarrels should be put aside in order to achieve the objective of rapid progress. We need to make up lost time, to the benefit of the population.

## Conclusion

Let me conclude by saying that Serbia as a whole needs a stronger bridge between the government and the opposition. All those people who share European values should work together towards the European goal. Sharing of values is demonstrated by both word and deed. The lesson of over 50 years of European integration is that political problems must be worked out within democratic institutions. Parties which leave the institutions weaken both their own position and the institutions themselves.

I look forward to the opportunity of repeating this message to the State Union Parliament and the parliaments of Serbia and Montenegro. I am pleased to have had the opportunity to raise these issues with you here in Vojvodina today, and to see Novi Sad's famous model of multiculturalism. Let us make this Assembly a model for all of Europe by making ethnic nationalism a force of the past. It should be water under the bridge between Serbia and the EU.

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## Det Amerikanske standpunkt. Viceminister Nicolas Burns i Beograd 14.10.2005

KiM Info Newsletter 15-10-05

### Burns: Solution To Kosovo Issue Must Insure Rights Of Serbs

"We have now found ourselves in a position where in essence we are protectors of the Serbian community in Kosovo. We do not want to do anything that would scare them or make them leave. We want to make them feel as if they can stay," said the American diplomat. "There cannot be a solution if Kosovo Serbs do not have the right to live here. Future solutions must enable them to live in peace", emphasized Burns, in his interview for American agency "Associated Press".

Pristina, 13 Oct (RTS, B92) – Nicolas Burns, the American Undersecretary for Political Affairs, stated that whatever the solution for the Kosovo issue, it must ensure the right of the Kosovo Serbs to live in the province which they consider theirs. "There cannot be a solution if Kosovo Serbs do not have the right to live here. Future solutions must enable them to live in peace", emphasized Burns, in his interview for American agency "Associated Press".

"We have now found ourselves in a position where in essence we are protectors of the Serbian community in Kosovo. We do not want to do anything that would scare them or make them leave. We want to make them feel as if they can stay," said the American diplomat.

After the talks with Kosovo president Ibrahim Rugova, Burns announced that the US will name a special envoy for the upcoming talks on the Kosovo and Metohija future status, and that in those talks the America side will not conspire to any solution. Burns said that when it comes to the resolving of the Kosovo issue "there are plenty of options on the table". "There is independence as one options... there are also other solutions," added Burns.

"None of the participants will have the right to a veto, and it is also certain that the organizers will not have the right to a veto," said Burns, and added "compromise will be the foundation in finding solution". Burns pointed out that negotiation process will continues even if someone leaves the negotiation table. He also said that during the talks the opinion of the Kosovo Albanians "will bear great importance", but that the desires of the Serbs in the province must also be respected. Burns stated talks on Kosovo status will begin in three to four weeks and that the citizens of the province have the right to know what their future will be.

This American diplomat said that Kosovo Serbs must as soon as possible decide in which negotiation team they will participate: "There is also the option that during the negotiations they compile a separate delegation.

Bajram Kosumi, premier of Kosovo, warned the American diplomat that for Kosovo it would be very risky if negotiations for the final status go on forever. Rugova informed undersecretary Burns on the forming of the Kosovo negotiation team, and repeated the request that Kosovo independence be immediately recognized. "I insist that the EU and US directly recognize the independence, because this will bring peace to this part of Europe and the world".

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## **UM Draskovic om Eide's rapport og om det Serbiske standpunkt**

### **DRASKOVIC CALLS EIDE'S REPORT ON KOSOVO OBJECTIVE**

PARIS, Oct 8 (Beta)- Serbia-Montenegro Foreign Minister Vuk Draskovic said in Paris on Oct. 8 that U.N. envoy Kai Eide's report on democratic standards in Kosovo reflects actual conditions in the province, adding that Eide believes that negotiations on Kosovo's final status should not begin before all standards are in place [Det sidste er ikke helt rigtigt, BA]

In a statement to BETA, Draskovic added that Eide's report "features criticism when it comes to the standards, their implementation, and the overall situation in Kosovo and Metohija, especially when it comes to the endangerment of Serbs and other ethnic minorities."

"We are asking for two things: maximum protection for our people in Kosovo and Metohija, minorities, and churches and monasteries, and the retention of our name on the border with Albania and Macedonia. I believe that our views are in line with the conclusions of the Contact Group."

Draskovic also stressed the importance of drawing up a national strategy and creating a Serb team for the status talks, warning that failure to participate on the part of Belgrade can only do more damage.

"All the facts are on our side given that our proposal calling for more than autonomy and less than independence is based on compromise, unlike the extreme position of the Albanian side," said Draskovic.

A day earlier, Draskovic told a plenary session of the UNESCO General Assembly in Paris that "in Kosovo and Metohija ethnic hatred and terrorism want to achieve two goals, an independent Albanian state and the expulsion of all Serbs and the destruction of their religious and cultural heritage."

He thanked UNESCO for organizing a donor conference in May to collect money for repairs to destroy and razed Serb churches and monasteries, adding that he hopes that "everything that has been destroyed will be rebuilt and protected to the greatest extent possible."

"I am also convinced that the U.N., EU, and international peacekeeping forces will not allow the creation of an independent Kosovo because the U.N. Charter must be respected and because ethnic cleansing and terrorism must not be condoned," Draskovic added.

"The situation is a specific one, which is why the solution for Kosovo must also be specific, yet reached through consensus and while paying attention to the interests of everyone in the



region," Draskovic concluded.

## DRASKOVIC ON SERBIA'S POSITION IN KOSOVO STATUS TALKS

PARIS, Oct 8 (Tanjug) - Serbia's position in the forthcoming talks on the future of Kosovo depends on whether General Ratko Mladic will go to The Hague in the next two months, Serbia-Montenegro (SCG) Foreign Minister Vuk Draskovic told Tanjug in Paris on Saturday following the decision of UN Secretary General Kofi Annan to recommend to the Security Council to open talks on the future status of Kosovo. "I am certain that Mladic is aware that all doors are shut to Serbia and that the country and its people will be facing the biggest possible threat if he continues to run from the Hague indictment," Draskovic said adding that Mladic's arrest over the next two months is a condition for the country's political and economic stability. Draskovic described Annan's decision as "expected," adding that "we no longer have neither the right nor the time to enter disputes about our state strategy and whether we will take part in such talks. Serbia should form a negotiating team, with full representation of the Kosovo Serbs, and develop all stages of our negotiating position, contained in the formula more than autonomy, less than independence." The SCG foreign minister said that the formula proposed by the Serb side "has a huge advantage, because it represents a compromise, as opposed to the hardcore ethnic Albanian position which is based solely on independence with ultimative tones that there can be no mention of anything other than independence."

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## SUPPLERENDE MATERIALE

### Fattigdom i Kosóva. Rapport fra Verdensbanken

Verdensbanken har udsendt en rapport om fattigdomsproblemerne i Kosóva. Se nærmere på [Verdensbankens internetsted](#). Nedenfor følger de første sider af rapporten:

1. The population of Kosovo has suffered substantially over the past decade from deep economic, social and political turmoil. During the 1990s, Kosovars were subject to the shock of transition, the neglect and exclusion of the Albanian community during the Milosevic era, and the ensuing armed conflict in 1999. Existing studies indicate that by the end of the decade, output had more than halved, income had collapsed, less than half of the population was employed, and half was in poverty.
2. The reconstruction efforts since the end of the conflict have succeeded in putting the Kosovo economy on a growth path, but little progress was made with the clarification of Kosovo's political status. The province has benefited greatly from the restoration of peace and stability, and from massive inflows of donor assistance. There is still some uncertainty on economic data, but these suggest that progress with reconstruction, macroeconomic stability and the establishment of public institutions have led to a recovery of economic activity since 2000. GDP growth reached 21 percent in 2001 and has since averaged 4.3 percent. GDP per capita increased from about US\$400 in 1995 to US\$790 in 2003. Gross National Disposable Income (GNI) per capita was even higher at about US\$975 in 2002 and US\$1170 in 2003, reflecting the importance of remittances.
3. Despite considerable progress with reconstruction, the challenge of poverty reduction in the years to come remains enormous. The recent growth performance has been driven by a post-conflict boom financed by official development aid flows, but it has not led to a significant

creation of jobs and it is unlikely to be sustainable without a clarification of Kosovo's political status and the maintenance of peace and security for all. While recent growth and moderate consumption inequality have most likely led to a reduction in poverty between 2000 and 2003, still about 37 percent of the population was estimated to live in poverty according to the 2002/03 Household Budget Survey (HBS) data. A fragile social cohesion, poor environmental conditions, and deficient industrial and basic infrastructures could further undermine the sustainability of economic growth and its impact on poverty reduction. There are additional concerns that the pro-poor potential of public social service delivery could be jeopardized by weak governance, a low level of administrative capacity and inadequate resources. Last, but not least, the lack of a comprehensive and integrated social statistics system in Kosovo could limit the ability of Government to formulate pro-poor policies and plan future investments.

4. The aim of this report is to contribute to the on-going policy dialogue on poverty reduction in Kosovo and to support the formulation and prioritization of well-informed public policies. Specifically, the report has been prepared as an input toward the gradual building of a donor-supported, home-grown, comprehensive poverty reduction strategy. It is articulated around the following key questions: (i) To what extent does the social statistic system in Kosovo allow policy makers to form an accurate picture of the poverty situation and hence to formulate well-informed pro-poor policies? (ii) What is the true extent and nature of poverty? (iii) Who are the poorest groups? (iv) How cohesive is the Kosovo society? (iv) Is public social service delivery sufficient, effective and equitable? This report has been produced as a result of working collaboratively with SOK and UNDP. In addition, nine background papers on various aspects of poverty were commissioned and their findings have been incorporated selectively in the main report

5. Substantial progress has been made by SOK in the collection of household level data on consumption and income, but the lack of a recent population census remains a major impediment. SOK is conducting an increasing number of surveys that are meant to be representative at national level and for urban/rural and the Serb/non-Serbs sub populations. The current fielding of the HBS represents a substantial progress with the collection of household level data on consumption and income necessary for monitoring income poverty. However, Kosovo lacks a recent population census to assess the accuracy of existing data and improve the quality of sampling designs. Without a population census that provides up-to-date population estimates, not only is it almost impossible to assess whether the estimates generated from various surveys are representative at national level and for sub groups, but it is also very difficult to improve the quality of sampling designs.

6. The current household survey system does not allow the comparison of critical income and non-income poverty estimates across surveys and over time for the period 2000-2003. The investigation conducted in this report shows that there are some methodological differences between the Living Standards Measurement Survey (LSMS) and the HBS in the collection of data on consumption and income which make the comparison of income poverty estimates problematic. Previous World Bank poverty estimates were based on the 2000 LSMS. The new estimates reported in this report are based on the 2002/03 HBS. The 2000 LSMS and the 2002/03 HBS are not entirely comparable, mainly due to differences in consumption modules and the use of survey-specific poverty lines. Only after future rounds of the HBS have been undertaken and analyzed, can one make more definite statements about the trends in poverty and extreme poverty. There are other inconsistencies in the household survey system that make the comparison of non-income indicators of poverty such as educational achievements and health outcomes across surveys and over time most difficult.

7. The data necessary to measure non-income dimensions of poverty is still insufficient. Critical gaps in data collection further undermine Kosovo's capacity to measure the multidimensional aspects of poverty, including several indicators necessary to monitor the Millennium Development Goals (MDGs), and to analyze the poverty linkages and the causes of poverty.

8. Access to SOK data remains a problem. The Statistics Office maintains a comprehensive and up-to-date website of the office's most recent publications and statistics generated from its survey system. Unfortunately, only published data is available for public use. The statistics office enforces a strict policy on data access. No data is ostensibly allowed to leave the premises of the office. As a result, much of the data is under-utilized and the monitoring and analysis of poverty is made more difficult. Data access policies vary across the region. In eastern Europe and central Asia, countries with an open access to survey data include Albania, Bosnia and Herzegovina, Estonia, Georgia, Hungary, the Kyrgyz Republic, and Moldova. Consistent with international standards, the sharing of household level data can improve poverty monitoring program capacity and lead to efficiency gains in poverty analysis.

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ICG / International Crisis Group har i midten af September 2005 udsendt en rapport med overskriften:

### **Bridging Kosovo's Mitrovica Divide.**

Den kan downloades som PDF fra: <http://www.crisisgroup.org/home/getfile.cfm?id=1958&tid=3650&type=pdf&l=1>. Analysen - og forslagene - tager udgangspunkt i UNMIK og KFOR ikke har gjort hvad de skulle, og at Mitrovica derfor fortsat er en delt by. ICG har udarbejdet flg. sammendrag:

#### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

The international community has properly decreed that Kosovo's final status must not involve division of its territory. But this declaration has not been followed by sufficient action. Belgrade's policy of pursuing some form of partition is far advanced in the restive northern city of Mitrovica and its hinterland, and a major security, political and financial effort is required to save the situation. Capacity should be built immediately, and its implementation should begin once the Contact Group has declared its support for Kosovo's future as a functional, conditionally independent state within its present borders.

Territorial integrity is the correct policy because partition could provoke further population exchanges inside Kosovo and instability elsewhere in the Balkans, especially in neighbouring Macedonia. But division remains a live issue, not least because in Mitrovica, where Kosovo is increasingly divided at the Ibar River, the UN mission (UNMIK) and NATO-led security forces (KFOR) have failed to carry out their mandates. In north Mitrovica and the neighbouring communities up to the border, an area that contains perhaps a third of all Kosovo's remaining Serbs, Belgrade exerts its influence through parallel government structures, including a police presence that contravenes UN Security Council Resolution 1244.

Settling Mitrovica early in the final status process pre-supposes foreknowledge of Kosovo's overall destination. But it is time for Contact Group member states to stop talking of final status as a process open to a wide range of results. In fact, behind closed doors international consensus is taking shape. Making that manifest near the outset, and cementing it in Mitrovica, would contribute to a virtuous circle of stability and predictability. Letting Mitrovica drift would risk making realisation of that consensus unlikely.

Despite the six-year standoff, Mitrovica is not impenetrable to transformation that would increase the chances for a unified Kosovo. The international community should put more resources and energy behind a clear, articulated program of compromise between each side's maximum demands. A first step should be the appointment of a Special Commissioner for Mitrovica for the status determination period, with the rank of Deputy Special Representative of the Secretary-General and power to coordinate the effort.

UNMIK and KFOR must quickly regain the security initiative north of the Ibar by increasing force levels and assertiveness, under the Special Commissioner's direction. KFOR should explicitly make Mitrovica and the north its primary operational focus and restructure accordingly. Belgrade's illegal police stations should be removed from north Kosovo, and the Special Commissioner should negotiate the replacement of the obstructive hardliners who head the regional hospital and university there. Plans for devolving the brittle, ethnically divided Mitrovica regional police command to local control should be delayed until the Special Commissioner can secure a viable Albanian-Serb security consensus for the north that squares territorial integrity with Serb fears of being overwhelmed.

With the security situation under better control, the framework of a solution that needs to be pursued with greater commitment and sense of urgency could include creation of a new municipal authority for north Mitrovica, which should furnish both the security and accountability for addressing Albanian returns, and creation of a central administrative district shared between the current Mitrovica municipality and the new north Mitrovica unit that could house a common city board to receive donor funding for the city's development.

The strategic need is to encourage the Serbs of north Kosovo -- and Belgrade -- to think increasingly of north Mitrovica becoming the hub of an effort to provide services for all Kosovo's Serbs. The central district's broader uniting purpose could be reflected by hosting two or three ministries relocated from the capital; the similarly relocated Supreme Court; possibly a Kosovo-wide Serbian-language television station; and some elements of Kosovo central government that would accommodate an autonomous, Kosovo-wide system of education, healthcare, and other social services for Serbs. Both the international community and Kosovo's government should aim to incorporate Belgrade's parallel structures into this system within a specified time frame by offering matching funds and a guaranteed cooperative role for the Serbian government.

Without conceding it formal entity status on the Bosnia-Herzegovina model, the Serb north should be offered the substance of autonomy, including devolved powers for municipalities, freedom for municipalities to associate on a voluntary basis, and the coordination and resource role made possible through the proposed Serb units of Kosovo's government ministries. Albanians should be persuaded that support for participation in these initiatives by viable new Serb-majority municipalities elsewhere in Kosovo would dampen pressure for division on the Ibar line.

In short, if facts on the ground in Mitrovica and even new violence are not to destroy the prospect of a stable final status settlement for Kosovo, the international community needs to work harder and creatively to change Serb strategic thinking and get Albanians to recognise the need to participate in a constructive offer. The no-partition dictum is, unfortunately, not self-executing.

## RECOMMENDATIONS

Preliminary steps, by end October 2005

To the Contact Group and its Member States and the UN Secretary-General:

1. Appoint a Special Commissioner for Mitrovica, with the rank of Deputy Special Representative of the UN Secretary-General, preferably someone with a military background and experience of civilian implementation, to hold office until at least the end of 2006.
2. Reinforce and reconfigure international security forces in Mitrovica and north Kosovo by replacing KFOR's French-commanded Multinational Brigade North-East with a force designed to closely support the Special Commissioner, and by introducing a special international

paramilitary police unit such as the new European Gendarmerie Force, under the Special Commissioner's direct control.

3. Set the stage for a Mitrovica settlement by stating clearly and publicly that the Contact Group's preferred outcome for Kosovo is as a functional, conditionally independent state.

4. Invite Belgrade to participate in Kosovo Albanian-Kosovo Serb negotiations on decentralisation under the aegis of the Special Representative of the Secretary-General, conditional on its acceptance of the foregoing Contact Group statement.

5. Allocate, together with the EU, funds for a multifaceted Mitrovica investment program.

To UNMIK:

6. Take a more cautious approach to devolving police commands to the Kosovo Police Service in the Mitrovica region pending the final status settlement, deploy international police and customs officers to the Leposavic and Zubin Potok boundary crossings, and develop a modified chain of command, giving the Special Commissioner control over new international paramilitary police forces to be deployed into the Mitrovica region.

7. Energise the Kosovo Albanian cross-party final status working groups to begin developing a framework for resolving the problem of Mitrovica and the north within parameters that rule out partition, stipulate substantial decentralisation and encourage secure returns of former residents to their homes on both sides of the Ibar, and do the same in parallel with the Serbs through the mayors of the three northern municipalities, the leadership of the Serb List for Kosovo and Metohija, and (perhaps indirectly) the Serbian National Council.

8. Make a more determined effort to educate Serbs and Albanians in Mitrovica about developments and conditions on the other side of the Ibar divide by supporting new public information programs and encouraging relevant news about the other in their respective media.

To the Provisional Institutions of Government (PISG) in Pristina:

9. Using the final status working groups, explore and prepare public opinion in Mitrovica and throughout Kosovo for various options of re-organising Mitrovica and giving it a constructive mission.

10. Enable creation of more Serb-majority municipal units south of the Ibar, in particular a greater Gračanica municipality, to act as counterweights to Serbian pressures for partition.

To Belgrade:

11. Cooperate with the Special Commissioner in identifying credible candidates to lead Mitrovica's university and regional hospital.

12. Prepare to close down parallel police stations and courts in north Kosovo, including by negotiating with the Special Commissioner for credible security provision to fill gaps their removal may leave.

13. Begin designing an outreach structure to assume joint responsibility with the PISG for supporting a non-territorial scheme of autonomous healthcare, education, and social services for all Kosovo Serbs.

Negotiation steps, from November 2005

To the PISG/Kosovo Final Status Working Groups:

14. Make a generous offer to Serbs, including:

(a) willingness to negotiate mechanisms for demilitarisation and joint security oversight with the Serbs of the Mitrovica region and acceptance that Serb municipalities will have the final say in appointment of their police chiefs;

(b) willingness to accept a Serb municipality in Mitrovica that subscribes to a common city coordinating board and a unifying role for the city in Kosovo, and works to accommodate the rights of Albanian Internally Displaced Persons (IDPs);

(c) willingness to give Serbs space in central government and institutions, such as by relocating some of them to Mitrovica (and Gračanica), and offering Serbs a deputy prime minister post; and

(d) guarantees such as dual citizenship, an open border with Serbia, and national-rate telephone connections to Serbia.

To the Special Commissioner:

15. Consult widely in Mitrovica on models for the city's future administration and role and decide by the end of 2005:

(a) whether north Mitrovica should be a stand-alone municipality or combined with Zvečan;

(b) the territory of any central inter-municipal district; and

(c) the electoral rights of its inhabitants, and the shape of any common city board.

16. Found a joint Serb-Albanian-international security coordination body, seated in central Mitrovica, to seek consensus on a security concept for the Mitrovica region and eventually oversee its demilitarisation.

17. Oversee and, if necessary, determine and (with KFOR assistance) enforce the selection by November 2005 of new heads for the regional hospital and university.

Implementation steps, from early to late 2006

To the Special Commissioner:

18. Design the new Serb-majority municipality in north Mitrovica, the central inter-municipal district and the city coordinating board; establish automatic funding for administration and projects of the common board in the budgets of the north and south Mitrovica municipalities; and decide whether initially to appoint councillors or go straight to a municipal election in the north.

19. Oversee Albanian returns to north Mitrovica.

20. Oversee establishment of revolving funds for Mitrovica-based service institutions, including the regional hospital, university, a new Serbian-language public television channel (RTK-2), and a new shared Coordination Centre/Kosovo Ministry of Economy and Finance unit for regularising Serb parallel structures throughout Kosovo as a non-territorial autonomous system to provide education, healthcare, and social services for Serbs.

21. Lay the groundwork for a Kosovo Albanian-Kosovo Serb agreement on security management of the north by overseeing the obligatory disbandment of Belgrade's police (MUP)

stations in north Kosovo and implementation of any decision reached by the joint security coordination body on the regional Kosovo Protection Corps command in south Mitrovica.

22. Oversee introduction and enforcement of Kosovo car licence plates north of the Ibar.

To the PISG/Kosovo Final Status Working Groups:

23. Seek Serb partners in Mitrovica and north Kosovo with whom to agree on security management of the north, and consider such mechanisms and techniques as joint oversight bodies, regular rotation schedules, and sub-contracting some responsibilities to international personnel so that Kosovo's sovereignty can be exercised consistent with its Serbs' concerns about Albanian domination.

24. Establish new, largely Serb-staffed units of ministries -- in Mitrovica, Gračanica and Pristina -- to administer the new autonomous system of education, healthcare and social services for Serbs throughout Kosovo and offer the Serbian government opportunities to cooperate in this service system.

25. Transfer some Kosovo central institutions to Mitrovica's central district, such as two or three ministries and the Supreme Court, and support establishment of a Serbian-language television channel (RTK-2) there and facilitate its Kosovo-wide transmission.

26. Offer constitutional provisions that, without conceding formal entity status, would allow Serb areas to construct de facto autonomy, including significant devolution of powers to municipalities; freedom for municipalities to associate on a voluntary basis; and the coordination and resource role offered by the new Serb units of government ministries established to administer education, healthcare and social services.

Pristina/Belgrade/Brussels, 13 September 2005

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## **Angreb på Kosovo Serbisk Politimand**

Serbiske »B92« skriver i begyndelsen af Oktober 2005:

UROSEVAC - Tuesday – A senior officer in the Kosovo Police Service said today that he doubts the authenticity of a claim that a Serbian extremist group calling itself the Tigers was responsible for an attack on him last week.

Colonel Dejan Jankovic said that the document which has appeared in public claiming that the "Tigers" were responsible for shooting him in the arm during an attack on his vehicle last week was an attempt to mislead investigators.

Jankovic says he does not believe that a Serbian group was responsible for the attack.

"The document is full of grammatical and spelling errors," he said, adding that he believed it had been written by an Albanian. In addition, said Jankovic, the document put quoted the date of the attack as September 29 when in fact it had occurred a day earlier.

Jankovic says that he believes that he had been targeted for the attack as the only senior Serb officer in the Kosovo Police Service.

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## Xhemil Zeqiri: Hvem bestemmer fremtiden for Kosova? Åbent brev til Per Stig Møller

Xhemil Zeqiri, der er Formand for »Rådet til forsvar af menneskerettigheder og frihed i Kosova« har 5.10.2005 rundsendt flg. åbne brev til Udenrigsminister Per Stig Møller

Om få dage forventes det at der foreligger en rapport om situationen i Kosova, udarbejdet af Kai Aide efter opdrag fra Koffi Annan. Rapporten vil undersøge hvorvidt albanerne har opfyldt kravene til de såkaldte standarder omkring demokrati og menneskerettigheder, som FN har besluttet at knytte direkte til spørgsmålet om Kosovos fremtidige status. Jeg frygter at denne rapport blot vil give anledning til endnu en udskydelse af en varig og retfærdig løsning på Kosovos problemer.

Det er nu 6 år siden at aftalen i Rambouie blev underskrevet, hen over hovedet på den albanske befolkning og uden nogen folkelig debat. De albanske repræsentanter på mødet blev tvunget til at underskrive denne aftale og fortalte efterfølgende befolkningen at Kosovos fremtidige status blev løst.

I stedet for løsningen kom fordrivelsen af 1 million albanere og den efterfølgende krig på Balkan. 120.000 huse blev brændt af serbisk militær. 20.000 kvinder blev voldtaget. 12.000 blev dræbt. Efter krigen blev UNMIK de virkelige magthavere i Kosova. Ingen af løfterne til albanerne er blevet opfyldt. I stedet vantrives Kosova under UNMIKs kontrol. 3.000 savnede albanere er stadig ikke fundet.

Idag er arbejdsløsheden i Kosova på 60 pct. Det er langt højere end noget andet sted i Europa. I følge Verdensbanken er Kosova idag det eneste sted i Europa, som ikke har noget økonomisk vægst. Uddannelsessystemet forfalder. På trods af at der er flere unge idag er der færre studenter tilmeldt en højere uddannelse i Kosova i skolerået 2004/2005 end der var i 1998/1999, hvor det serbiske politi var i daglige slagsmål med albanske lærere og studenter. Samtidigt betyder den økonomiske kollaps at organiseret kriminalitet breder sig for øjnene af UNMIK.



Xhemil Zeqiri. Photo: Bjoern Andersen, 2005

Udviklingen i Kosova går den helt forkerte vej. Jeg har et omfattende kendskab til Kosova, og kan ikke nævne et eneste område, hvor albanerne har fået bedre forhold. Frustrationen breder sig og det kan hurtigt igen komme til store demonstrationer, som i 2004, hvor mange albanere mistede livet.

Lad mig minde om at UNMIKs daværende leder Hari Holkeri efter de blodige sammenstød, lovede albanerne at nedsætte en uvildig undersøgelse af befolkningens anklager mod politiet og militæret for at have optrådt med stor brutalitet mod fredelige demonstranter. Heller ikke dette løfte fra UNMIK er blevet opfyldt.

I en lang række tilfælde har UNMIK faret meget hårdt frem mod albanernes fredelige aktioner og demonstrationer. Mange er blevet anholdt af UNMIK blot for at afholde demonstrationer eller udtrykke deres mening. Ting der i Danmark er beskyttet af grundloven. Men hvem beskytter albanerne i Kosova.?

Det store spørgsmål, som verdenssamfundet mangler at besvare er stadig, hvem skal



bestemme Kosovas fremtid? Hver gang Balkans grænser er blevet ændret, har man nægtet at spørge det albanske folk. De øvrige folk i det tidligere Jugoslavien fik ret til at afgøre deres egen skæbne ved en folkeafstemning.

Albanerne krævede også deres frihed efter en næsten enstemmig folkeafstemning i Kosova, men stormagterne nægtede at anderkende resultatet.

Siden har udviklingen gået sin skæve gang og forholdene i Kosova er blevet værre og værre. Hvorfor støtter Danmark ikke at albanerne selv bliver hørt og gennem en folkeafstemning kan tilkendegive hvordan de ønsker Kosovas fremtid skal forme sig? Det er det eneste grundlag for en varig og retfærdig løsning.

Ved valget i Kosova deltog under 50 % i en valghandling, som af mange er anklaget for at være udemokratisk, fordi man ikke selv kunne afgøre hvilke kandidater man ønskede at stemme på, man kunne alene stemme på partier. Det var aldrig gået i Danmark.

Som resultat af den nuværende situation er der blevet dannet en bevægelse for selvbestemmelse i Kosova under ledelse af den daværende albanske studenterbevægelse i 1997/98 Albin Kurti. Han blev bortført af det serbiske politi under NATOs bombninger, men løsladt efter krigen. Albin Kurti og den bevægelse han leder udtrykker uden tvivl flertallet af den albanske befolknings ønsker for Kosova. Der er ikke brug for flere forhandlinger i snævre kredse af udvalgte politikere, men for at befolkningen i Kosova for første gang bliver hørt om hvordan de ønsker at forme deres egen fremtid.

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## Security Council

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(1999)  
10 June 1999

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### RESOLUTION 1244 (1999)

Adopted by the Security Council at its 4011th meeting  
on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;

5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;

7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;

8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of

Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the

fast and effective delivery of international aid;

13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;

17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

#### Annex 1

Statement by the Chairman on the conclusion of the meeting

of the G-8 Foreign Ministers held at the Petersberg Centre

on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;
- Comprehensive approach to the economic development and stabilization of the crisis region.

## Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
  - Liaison with the international civil mission and the international security presence;
  - Marking/clearing minefields;
  - Maintaining a presence at Serb patrimonial sites;
  - Maintaining a presence at key border crossings.
7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.
8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other



countries of the region, and the demilitarization of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.

9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.

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