

## Kosovo

In March 2007, Martti Ahtisaari, the UN Special Envoy for Kosovo, completed a comprehensive proposal outlining “supervised independence” for the province. In addition to detaching Kosovo from Serbian de jure sovereignty, the plan foresaw an operational shift from the existing peacekeeping framework, centering on NATO and the UN, to a reduced but significant international presence led by the EU and NATO. The technical details of this process had been under intensive discussion since mid-2006, when European planners arrived in Kosovo. Both the UN Interim Administration Mission in Kosovo (UNMIK) and NATO’s Kosovo Force (KFOR) were committed to a smooth transition, and UN Secretary-General Ban Ki-Moon declared his full support for the Ahtisaari Plan.

A successful transition appeared important to the credibility of both UN and European peacekeeping. The deployment of NATO troops and UN police to Kosovo in 1999, following the ethnic cleansing of Albanians and NATO’s air bombardment of the rump Yugoslavia, was the first major test for peacekeeping after the failures of the 1990s. UNMIK was the UN’s most extensive executive mission to date, and was unique in including the EU and Organization for Security and Cooperation in Europe (OSCE) pillars<sup>1</sup>—dealing with economic and governance issues respectively—into an integrated mission structure under the UN Special Representative of the Secretary-General (SRSG). At its height in 1999, KFOR (institutionally separate from UNMIK) involved 50,000 personnel—nearly 10,000 more than are currently deployed under NATO command in Afghanistan.

Although the international commitment to Kosovo declined between 1999 and 2007, the province—which comprises only 4,293 square miles and a population of just over 2 million, 90 percent of it ethnically Albanian and about 5 percent ethnically Serb—has remained host to a significant peacekeeping presence. At the start of 2007, KFOR was still the third largest peace operation in the world, with over 16,000 troops. The UN had 2,000 police there (one-fifth of its global police deployments) and over 2,400 international and local civilian staff (its third biggest civilian complement after those in the Democratic Republic of Congo and Sudan).

For the EU, replacing this presence with a lighter-weight alternative looked to be an important test of the European Security and Defense Policy (ESDP), combined with its broader commitment to stabilize (and perhaps offer membership to) the entire Western Balkans. The Ahtisaari Plan foresaw two separate missions: an ESDP police operation and an international civilian office supporting a double-hatted international/EU Special Representative empowered to annul political decisions contravening the status agreement. KFOR would become the international military presence, while the OSCE would maintain an autonomous monitoring presence around Kosovo prioritizing community and minority affairs. All these international elements were expected to stay at least five years.

Transitioning from the UNMIK-KFOR system to this new model would have been difficult enough in a permissive international and domestic political environment. While a similar shift took place in Bosnia and Herzegovina,

### Box 3.3.1 Comprehensive Proposal for the Kosovo Status Settlement: The Ahtisaari Plan

After more than a year of intensive yet inconclusive status deliberations, the Secretary-General's Special Envoy, Martti Ahtisaari, presented his proposal for Kosovo's final status. The proposal delineated that the future Kosovo should be an independent state, supervised by the international community, namely the EU and NATO. In a more detailed, comprehensive proposal for the Kosovo Status Settlement, also known as the Ahtisaari Plan, the former Finnish president enumerated the settlement provisions necessary, and technical aspects of implementation of the supervised independence arrangement, in twelve annexes, each delving into the areas necessary to establish Kosovo as a sustainable member of the international community.

In more specific terms, the Ahtisaari Plan provides for the following, under international supervision:

- Kosovo shall be a multiethnic, democratically self-governing society, with full respect for the rule of law. Kosovo shall adopt a constitution to enshrine these principles. While settlement is not contingent on completion of the constitution, the plan details that several elements must be part of the constitution.
- Kosovo shall have the right to negotiate and conclude international agreements, including the right to seek membership in international organizations.
- More than forty key religious and cultural sites shall be surrounded by protective zones to prevent any disruptive commercial and industrial development or construction, and to preserve the cultural dignity of such sites. The Kosovo Status Settlement also mandates additional physical security for selected sites.
- The cultural heritage of all members of Kosovo society shall be protected, and Kosovo's governing institutions shall be multiethnic.
- Kosovo's government shall be decentralized and promote good governance, transparency, and effectiveness in public service. The decentralization elements are to include new municipal competencies for Kosovo Serb majority municipalities; extensive municipal autonomy in financial matters, including the ability to accept transparent funding from Serbia for a broad range of municipal activities and purposes; provisions on intermunicipal partnerships and cross-boundary cooperation with Serbian institutions; and the establishment of six new or significantly expanded Kosovo Serb majority municipalities.
- Kosovo shall have an inclusive and multiethnic justice system that is integrated, independent, professional, and impartial, ensuring access to all persons in Kosovo.
- All refugees and internally displaced persons from Kosovo shall have the right to return and reclaim their property and personal possessions.
- Kosovo shall create a professional, multiethnic, and democratic security sector. The Kosovo Police Force shall have a unified chain of command throughout the country, with local officers reflecting the ethnic composition of the municipality in which they serve.
- The Kosovo Protection Corps shall be dissolved, to be replaced by a new professional and multiethnic force, the Kosovo Security Force, within one year. The Kosovo Security Force shall have a maximum of 2,500 active members and 800 reserve members.
- An international civilian representative, double-hatted as the EU Special Representative, shall be appointed by an international steering group. The international civilian representative shall have ultimate supervisory authority over the implementation of the Kosovo Status Settlement, and shall be conferred the necessary powers to oversee and ensure successful implementation of the settlement. The mandate of the international civilian representative shall continue until the international steering group determines that Kosovo has implemented the terms of the settlement.
- A European Security and Defence Policy mission shall monitor, mentor, and advise on all areas related to the rule of law. It shall assist Kosovo in the development of efficient, fair, and representative police, judicial, customs, and penal institutions, and have the authority to assume other responsibilities to ensure the maintenance and promotion of the rule of law, public order, and security.
- A NATO-led international military presence shall provide a safe and secure environment throughout Kosovo, in conjunction with the international steering group and in support of Kosovo's institutions until such time as those institutions are capable of assuming the full range of security responsibilities.
- The Organization for Security and Cooperation in Europe, with an extensive field presence in Kosovo, shall assist in the monitoring necessary for successful implementation of the Kosovo Status Settlement.

On UN Security Council approval, the Ahtisaari Plan stipulates that there will be a 120-day transition period, wherein:

### Box 3.3.1 Continued

- The mandate of the UN Interim Administration Mission in Kosovo (UNMIK) shall remain in effect.
  - The international civilian representative shall possess the authority to monitor implementation of the Kosovo Status Settlement and make recommendations to UNMIK on actions to be taken to ensure compliance.
  - The Kosovo National Assembly, in consultation with the international civilian representative, shall be responsible for approving a constitution and the legislation necessary for the implementation of the Kosovo Status Settlement. The new constitution and legislation shall become effective immediately on conclusion of the transition period.
- At the end of the 120-day transition period, UNMIK's mandate will expire and all legislative and executive authority vested in UNMIK will be transferred to the authorities of Kosovo, in accordance with the status settlement. Within nine months of the entry into force of the status settlement, general and local elections are to be held.

Sources: United Nations, *Comprehensive Proposal for the Kosovo Status Settlement*, UN Doc. S/2007/168/Add.1, 26 March 2007, [http://www.unosek.org/docref/comprehensive\\_proposal-english.pdf](http://www.unosek.org/docref/comprehensive_proposal-english.pdf), <http://www.unosek.org/unosek/en/statusproposal.html>.

it took over two years to complete.<sup>2</sup> By contrast, UNMIK worked on the basis of a 120-day transition period. Within an already tight timetable, planning was thrown into confusion in mid-2007 when it became clear that Serbian opposition to Kosovo's independence, and a deep divide between Russia and the United States and European Union on the issue, meant that there would be no consensus on fulfilling the Ahtisaari Plan. Instead, Kosovo seemed ready to declare its independence unilaterally.

The international presence's capacity to respond to such an outcome was complicated by the fact that the majority of transition planning had been conducted on the assumption that there would be a Security Council resolution. As this possibility receded, it seemed likely that a unilateral declaration of independence by the Kosovo Albanians (even if combined with a commitment to observe the substance of the Ahtisaari Plan) would not only split the Security Council, but also create divisions within the EU. Rather than base a smooth handover on unquestioned legal foundations, UNMIK, KFOR, and the EU now had to confront the possibility of devising a new peacekeeping framework for Kosovo in the face of Serbian opposition, a fiercely divided international community, an uncertain legal framework, and potential violence.

### Status Negotiations

Although Kosovo, under UN administration, had remained Serbian sovereign territory since 1999 under Security Council Resolution 1244,



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### UN Interim Administration in Kosovo (UNMIK)

- Authorization and Start Date 10 June 1999 (UNSC Res. 1244)  
(note: paragraph 19 of the resolution states that international and civil and security presences are established for an initial period of twelve months, to continue thereafter until the Security Council decides otherwise)
- SRSG and Head of Mission Joachim Rücker (Germany)
- Chief Military Liaison Officer Major-General Raul Cunha (Portugal)
- Police Commissioner Richard Monk (United Kingdom)
- Budget \$210.7 million (1 July 2007–30 June 2008)
- Strength as of 31 October 2007 Military Observers: 40  
Police: 1,966  
International Civilian Staff: 473  
Local Civilian Staff: 1,957  
UN Volunteers: 135

*For detailed mission information see p. 288.*

### NATO Kosovo Force (KFOR)

- Authorization Date 10 June 1999 (UNSC Res. 1244)
- Start Date June 1999
- Head of Mission Lieutenant-General Xavier de Marnhac (France)
- Budget \$35.5 million  
(October 2006–September 2007)
- Strength as of 30 September 2007 Troops: 15,109  
Civilian Staff: 35

### OSCE Mission in Kosovo (OMIK)

- Authorization and Start Date 1 July 1999 (PC.DEC/305)
- Head of Mission Ambassador Werner Wnendt (Germany)
- Budget \$43.1 million  
(October 2006–September 2007)
- Strength as of 30 September 2007 Civilian Staff: 207

the Yugoslav and Serbian governments consistently restated their rights over the province. But the Kosovo Albanians' desire for independence was not in doubt: a survey in the second quarter of 2007 found 95 percent support among them for a break with Serbia.<sup>3</sup> In this context, UNMIK, mandated under Resolution 1244 to build up local governance institutions, was widely perceived as building the institutional basis for a new state. Although a gradual transfer of competencies to local politicians began in 2000, particularly significant advances were made in 2005, when the first elements of Ministries of Justice and Interior were put in place.

In October 2005, the Security Council approved talks on Kosovo's future, to be led by the UN Special Envoy. The decision stimulated an unusual degree of cohesion among the often fragmented Kosovo Albanian political leadership, who formed the Unity Team, comprising negotiators who represented all the main political parties. After the death of popular president Ibrahim Rugova in January 2006, the role of unifier passed to Agim Çeku, a former guerrilla with good ties to the UN who became prime minister in March 2006. However, Ramush Haradinaj, an ex-prime minister on trial for war crimes in The Hague since 2005, has maintained significant influence over Kosovo Albanian decisions.

From the start, discussions over the province's future were characterized by intransigence on both sides. Martti Ahtisaari and his team (the UN Office of the Special Envoy for Kosovo [UNOSEK], a Vienna-based political office distinct from UNMIK) began negotiations between Serbia and the Kosovo Albanian leadership in January 2006, with the goal of concluding them in a year. He postponed publishing his proposals until after Serbian national elections in January 2007, but after consultations on draft proposals, he declared on 10 March 2007 that there was no basis for a negotiated agreement and that the Security Council must decide Kosovo's future.

The United States and the EU's members aimed to win a Security Council resolution

granting Kosovo supervised independence on the basis of the Ahtisaari Plan, and the Kosovo Albanian leadership declared its backing for this option. UNMIK saw a need for rapid progress toward a resolution, as it faced independence protests and sporadic violence in the winter of 2006–2007. In November 2006, UNMIK's headquarters were attacked by a mob, and in January 2007 UN police fired rubber bullets at protesters, killing two (leading to the resignation of UNMIK's police commissioner). Although senior Kosovo Albanian leaders were united in calling for calm, Çeku and others warned that they could not guarantee order if Kosovo's future remained in limbo much longer.

However, Serbia continued to oppose any formulas for Kosovo involving de jure independence (especially as symbolized by an army or seat at the UN). In this it had the support not only of the majority ethnic Serbs in Kosovo, many of them reliant on wages paid from Belgrade, but also of Russia. From March to July 2007, the United States and European Union pushed for an independence resolution at the UN, but Russia insisted that further negotiation was necessary. Fearing a Russian veto, the European Union and the United States eventually acquiesced to a further consultation period, with a UN deadline for negotiated settlement of 10 December. The resulting efforts at negotiation were marked by a lack of common ground, and concluded in late November with no progress made.

### Local Political Environment

Even prior to the breakdown over Kosovo's future, UNMIK had concerns about how to manage the proposed transition. This was partly for operational reasons: as of early 2006, there were significant concerns that the mission would hemorrhage civilian staff as its closure approached, constraining its ability to carry out its final duties. Anticipating this, a retention package was designed for UNMIK staff—including generous exit payments and relocation options to other missions—that proved effective. By September 2007, UNMIK had a 20



Special Envoy Martti Ahtisaari (center) presents the *Comprehensive Proposal for the Kosovo Status Settlement* at UNMIK Headquarters in Pristina, 2 February 2007.

percent civilian staff vacancy rate, well below the percentages for missions likely to stay in place for far longer, such as the UN Mission in Sudan (UNMIS) and the UN Integrated Mission in Timor-Leste (UNMIT) (although specialized posts, like international prosecutors, proved increasingly difficult to fill).

In reality, UNMIK's major problem was one of political credibility, not operational viability. With Kosovo's status a matter of inter-governmental negotiation, UNMIK's leverage was significantly eroded—a problem that some observers believed to be exacerbated by the mission leadership's explicit desire to promptly transfer operational responsibility to the EU.

During the 2006 status negotiations, the willingness of Kosovo Serb politicians to cooperate with the international presence, always limited, dwindled to nothing (although some Serb business and community leaders appeared ready to work with the Albanians). After the Ahtisaari Plan was published, UN staff also noted a decline in Kosovo Albanian readiness to discuss issues such as minority rights, presumably because UNMIK was no longer seen as having a say over the province's fate. Similarly, international officials

involved in economic issues were skeptical that commitments by their domestic counterparts would be kept once UNMIK had departed. But the top-level UNMIK leadership were relieved that their domestic political counterparts continued to urge moderation after July, as they had feared a worse deterioration in relations at this stage.

The maintenance of good relations had been partially secured by engaging the Kosovo Albanian politicians in a transition planning and implementation process involving multiple committees convening representatives of the current international presence (UNMIK and KFOR), the proposed post-status presence (European officials), and domestic politicians. These committees covered issues ranging from security to drafting a constitution—although the latter could not be approved before Kosovo’s status was decided. Although the transition planning and implementation discussions began in 2005, well before Ahtisaari’s proposals were developed, its work program was adjusted to match his plan in 2007.

After the July failure to reach a status resolution, UNMIK launched a “reconfiguration” process on the basis of the transition planning and implementation process, aimed at demonstrating that political progress was still possible. But this consisted of relatively minor gestures—such as reducing the residual presence of UN civil affairs officers at the municipal level and handing over civil registration responsibilities to local officials—and UN officials admitted that they had already made virtually all the major concessions they could prior to a final status deal.

UNMIK’s loss of leverage was partially offset by the establishment of the Preparation Team for the International Civilian Office, as proposed by Ahtisaari. This was approved by the European Council in September 2006, and deployed in October that year—although the intended Special Representative (Peter Feith, who had previously led the EU mission to Aceh, Indonesia) was not authorized to deploy without a status deal. The Preparation Team worked closely with the Kosovo Albanian government on legislation to complement

the Ahtisaari Plan, enjoying influence UNMIK had lost. Additional political support for UNMIK came from the US office (its de facto embassy) in Pristina, which often proved to be the most efficient “fixer” with the Kosovo Albanians, especially at a local level—a role also played, to a lesser extent, by the British office.

A further political complication centered on elections to Kosovo’s National Assembly—as well as municipal and mayoral contests—scheduled to take place later in 2007. UNMIK had originally expected these to take place during or after a transition process, and both international officials and many Kosovo Albanian politicians felt that it might be better to declare a postponement until after a status decision. But pressure from those politicians likely to gain in the elections resulted in the Unity Team requesting that voting should go ahead—a decision approved by UNMIK in late August. Although the OSCE pillar argued that it would take a minimum of four months to make the necessary arrangements, 17 November was chosen as polling day, as any later date would be too close to the 10 December talks deadline. Nonetheless, the November elections that installed former Kosovo Liberation Army commander Hashim Thaci and his Democratic Party of Kosovo as leaders of the province reflected the ambivalence of both the voting public, who turned out in record low numbers, and the Serbian minority, who boycotted the elections altogether.

In political terms, UNMIK had been left adrift by the intergovernmental failure to agree on Kosovo’s future, demonstrating the limits of the peace operation. Ban Ki-Moon told the Security Council in September that the mission had “largely achieved what is achievable under 1244”—going on to warn that “a further prolongation of the future-status process puts at risk the achievements of the United Nations in Kosovo since June of 1999.”<sup>4</sup>

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### Security Situation

If UNMIK could not shape Kosovo’s politics, both it and KFOR still had responsibility for Kosovo’s security. While the winter’s violence

was not repeated as negotiations dragged on (the fall of 2007 did not see a spike in interethnic attacks, as had been the case in 2005 and 2006), the fear of a breakdown continued to haunt both UNMIK and KFOR. Memories of March 2004, when three days of rioting targeted at ethnic Serbs and the UN erupted without warning, increased the level of concern. But a majority of Kosovo Albanians had positive perceptions of both KFOR and UNMIK police by the summer of 2007: among Serbs, KFOR's trust rating had risen from just over 10 percent in 2004 to over 50 percent by June 2007, while UNMIK police's rating had leapt from under 5 percent to over 40 percent in the same period.<sup>5</sup> If the international presence had lost much of its political leverage, its provision of security continued to confer a degree of legitimacy on its role.

In this context, UNMIK and KFOR had to plan for any immediate flareup of violence and continue to build up sustainable security mechanisms that would evolve beyond transition—while the EU needed to ensure the credibility of its future police role. The EU Planning Team, preparing for the ESDP mission, had originally foreseen a force of fewer than 1,000 officers, but this figure was revised upward through 2007—by September the target was 1,825, some of them to be taken directly from UNMIK. It was assumed that the ESDP mission could reach 90 percent of this strength in four months.

UNMIK itself aimed to maintain its police presence at roughly 2,000 officers until transition. However, it continued to emphasize the need for the domestic Kosovo Police Service (KPS) to take primary responsibility for public order—a strategy adopted soon after the 2004 riots. By early 2007, the KPS had some 7,500 officers (although international officials argued that its target size should be nearer 5,000), but was still very weak in terms of planning. UNMIK officials prioritized resolving this shortfall through the year, creating new planning units across the KPS through the summer of 2007, but predicted that the EU would need to continue to play a proactive role in capacity building in this specific area.

In the short term, the KPS was also likely to be of limited utility in the most likely site for any flareup: the ethnically divided city of Mitrovica in northern Kosovo, where UNMIK police have continued to provide direct security. The KPS also appeared unreliable in three Serb municipalities to the northwest of Mitrovica, where Serb security services have run “parallel structures” since 1999. KFOR and UNMIK officials had long feared that this region would declare its secession from an independent Kosovo, even with a UN resolution. In the case of a unilateral declaration, this seemed a certainty—complicated by the fact that the Kosovo Serbs could argue that international law was on their side.

The possibility of formal partition—previously a taboo for US and EU negotiators, who feared its ramifications for Bosnia and Macedonia—was increasingly widely discussed at the international level through 2007. But KFOR and UNMIK had to decide how they would respond to secession in the north on the day after a contested declaration of independence. French KFOR troops reopened a base in the area, and the United States and Germany sent additional troops there in the winter of 2007–2008. The situation was complicated by the possibility that militias from Serbia proper might try to cross into northern Kosovo in a crisis, daring KFOR to use significant force against them (despite belligerent comments in Belgrade, an incursion by the Serb army itself was ruled out by the defense minister).

While a flareup of Serb-led violence in the north might test NATO, it would stretch it less than more widespread Albanian-led violence throughout Kosovo—especially if, as in 2004, this involved attacks on the 40,000–50,000 Serbs living in enclaves across the province and at Orthodox religious sites. UNMIK and other international officials remained optimistic that the Kosovo Albanian leadership, realizing the effect of such violence on their international reputations, would be able to prevent this scenario. A survey in the second quarter of the year found that only 3 percent of Albanian respondents would “pick up weapons” if the Ahtisaari Plan were

vetoed in the Security Council, and 2 percent would resort to street violence (although a third would protest peacefully).<sup>6</sup> But if the immediate risk seemed low, the impact of events in the north could not be predicted.

Moreover, both KFOR and the projected ESDP police mission were overshadowed by questions about their coherence in the case of a unilateral declaration of independence. It was widely believed that a number of European countries might refuse to deploy police, or even allow their units in KFOR to use force, without a new Security Council mandate.

It was even possible that the deployment of the ESDP police mission could be blocked by a single dissenting government in the European Council, which requires unanimity on foreign policy and security issues. By the last quarter of 2007, diplomats in Brussels had found a formula offering the dissenters the option of “constructive abstention” to circumvent this worst-case scenario, but planners in Kosovo found it very hard to develop sound operational plans when there was uncertainty over the personnel available to them. Again, there were strong memories of 2004, when some KFOR units were restrained by caveats on their use. Attempting to provide reassurance, NATO conducted a large-scale exercise on the Croatian coast in October 2007, to demonstrate its resources and determination.

The need to handle potential short-term challenges distracted KFOR from focusing on its proposed post-transition duties as the international military presence. However, these in-

cluded one particularly sensitive task: the development of the Kosovo Security Force (KSF). This was intended to be an alternative to the Kosovo Protection Corps (KPC), a civil defense organization largely staffed by former Kosovo Albanian guerrillas. While the KPC had long been perceived as an “army in waiting” by much of the population, its personnel are of mixed quality, many have engaged in criminal activity, and a good number are now too old for military service. The future of the KPC, and even its funding, were a matter of political friction through the year.

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## Conclusion

Regardless of how or when Kosovo’s final status is resolved, it is certain that the province will remain host to a complex set of multidimensional peace operations for some time to come. The transition from UN and NATO-led to EU and NATO-led peace operations will present its own challenges, and how those challenges are handled will shape the future of Kosovo. A proper response to the challenges of the planned transition partly rests on the international community’s ability to overcome political differences over Kosovo’s final status. As the year drew to a close, Kosovo’s status remained contested as the United States and some EU members favored the province’s independence, while Russia, Serbia, and other EU members remained opposed, in the face of indications that the province might declare independence in early 2008.

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## Notes

1. Initially, the first of UNMIK’s four “pillars” was led by the UN High Commissioner for Refugees (UNHCR), responsible for the return of all refugees and displaced persons to their homes in Kosovo. Once the UNHCR’s function was complete, this pillar was phased out. See <http://www.unmikonline.org/intro.htm>.

2. The Bosnian transition consisted of the double-hatting of Lord Paddy Ashdown as High Representative and EU Special Representative in May 2002; the transfer of policing duties from the UN to EU in January 2003; and finally the handover of military responsibilities from NATO to the EU in December 2004.

3. US Agency for International Development and UN Development Programme, *Kosovo*, Early Warning Report no. 17 (April–June 2007), p. 13.

4. United Nations, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, UN Doc. S/2007/582, 28 September 2007, p. 7.

5. USAID and UNDP, *Kosovo*, p. 45.

6. *Ibid.*, p. 22.