

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/unosek/en/statusproposal.html>.