



SECURITY COUNCIL REPORT

UPDATE REPORT



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Kosovo

Expected Council Action

The Council is expected to meet on Thursday, 14 February, in response to a request from Serbia to discuss the situation in Kosovo. The meeting will be held as a closed session with Vuk Jeremic, Serbia's Foreign Minister, participating.

Serbia is expected to convey its concerns about Kosovo's intention to declare independence, possibly in the next few days. Russia is likely to once again convey its view that a unilateral declaration of independence from Kosovo would be in violation of resolution 1244. Both Russia and Serbia are also expected to dispute the legality of the new EU mission which is poised to move into Kosovo.

Recent Developments

Serbia wrote to the president of the Council in accordance with article 35 of the UN Charter on 12 February to request an urgent meeting of the Council to consider what it referred to as an "extremely grave situation" in Kosovo. (Under article 35, "any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly". Under article 34, in turn, the Council "may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security"...).

The letter conveys Serbia's position that a unilateral declaration of independence would constitute a violation of resolution 1244 and the territorial integrity of Serbia and that it would endanger the maintenance of peace and security. Serbia's letter also seeks the participation of Vuk Jeremic, the country's Minister of Foreign Affairs, in the meeting.

Also on 12 February Russia wrote to the Council supporting Serbia's request for a meeting of the Council. Using rule 2 of the provisional rules of procedure of the Council which states that "the president shall call a meeting of the Security Council at the request of any member of the Security Council," Russia asked for a meeting on Thursday, 14 February, to consider the "dangerous developments caused in Kosovo" by the "preparatory activities" for a unilateral declaration of independence.

Serbia's Prime Minister Vojislav Kostunica said on 12 February that Serbia intends to declare Kosovo's proclamation of independence annulled in advance "as an illegal act by terrorists to set up a fictitious state."

The EU's foreign ministers are meeting on 18 February where they are expected to complete authorisation for an EU mission for Kosovo. Observers believe that Kosovo may wish to proclaim independence on 17 February ahead of this meeting. A large majority of EU members are expected to recognise Kosovo's independence, together with the US, soon after this declaration. Among the EU countries that are unlikely to do so are Cyprus, Spain, Greece, Bulgaria, Romania and Slovakia.

On 3 February, Boris Tadic, representing the Democratic Party, defeated Tomislav Nikolic of the Radical Party in Serbian presidential elections. Serbia's electoral commission indicated that Tadic won 51 percent of the vote and Nikolic obtained 47 percent. Some observers saw this election as a referendum on Serbia's relations with the EU given the battle between pro-EU Tadic and nationalist Nikolic. The stability of the government coalition, led by Vojislav Kostunica, the nationalist-leaning prime minister, who rules jointly with the Democrats, is likely to be tested over the issue of Kosovo's independence.

Key Issues

The immediate issue is how to handle any requests Serbia might have for Council action before an actual declaration of independence.

A continuing issue is whether there needs to be a new resolution to replace resolution 1244.

Once independence is declared an issue will be what needs to be done to reconfigure UN Mission in Kosovo (UNMIK). Some believe that the Secretary-General should be able to draw down UNMIK with no authorisation from the Council while others, in particular Russia, feel changes to UNMIK need to be approved by the Council.

A significant issue is whether the very public and protracted cleavages among Council members are likely to do damage to the Council's reputation and affect public perceptions of its ability to find consensus on other issues.

A future issue is whether there will be violence when Kosovo declares independence and if more should be done to prepare for this possibility.

Options

The most likely option at this moment is for the Council to listen to Serbia and other Council members who wish to speak on the issue but to wait for further developments before discussing possible other steps. A possible option is for the Council president to make a statement to the press conveying the key points of the discussion.

The following options are possible but highly unlikely given the fundamental differences still existing among members:

- suggest that Russia develop a road map with benchmarks towards a negotiated solution;
- call for further negotiations with the parties;

- request the Secretary-General to produce a report on the likely changes to UNMIK following independence; and
- agree to start working on a resolution to replace resolution 1244 if Kosovo declares independence.

Council Dynamics

Russia has continued to argue strongly that any declaration of independence would be illegal, and that it could lead to a chain reaction in other parts of the world. Russia has, however, indicated that it would not impose sanctions on Kosovo after independence.

The US, UK and France together with the European members continue to argue that the status quo is unsustainable and that all avenues of negotiation have been exhausted. There is little desire among them to bring this issue back into the Council.

Some of the elected members of the Council, such as Indonesia, South Africa and Vietnam, have voiced concerns about the importance of adhering to international law and maintaining territorial integrity of a member state. Many of the newer members who have only been on the Council for six weeks have yet to formulate a firm position.

UN Documents

Security Council Resolution
<ul style="list-style-type: none"> • S/RES/1244 (10 June 1999) authorised NATO to secure and enforce the withdrawal of Yugoslav (FRY) forces from Kosovo and established UNMIK.
Selected Presidential Statements
<ul style="list-style-type: none"> • S/PRST/2005/51 (24 October 2005) declared it was time to begin the political process to determine the future status of Kosovo.
Selected Letters
<ul style="list-style-type: none"> • S/2008/93 (12 February 2008) was the letter from Russia supporting Serbia's request for meeting of the Council. • S/2008/92 (12 February 2008) was the letter from Serbia requesting an urgent meeting of the Council to consider the situation in Kosovo. • S/2008/7 (4 January 2008) was the letter from Serbia commenting on the Secretary-General's December UNMIK report. • S/2007/168 and Add. 1 (26 March 2007) was the letter transmitting Martti Ahtisaari's report on Kosovo's future status and the Comprehensive Proposal for the Kosovo Status Settlement.
Selected Reports
<ul style="list-style-type: none"> • S/2007/768 (3 January 2008) was the latest report of the Secretary-General on UNMIK. • S/2007/723(10 December 2007) was the report of the Troika.
Other
<ul style="list-style-type: none"> • S/PV.5821 (16 January 2008) was the latest open meeting on UNMIK. • Statement issued on 20 July 2007 by Belgium, France, Germany, Italy, UK and the US, co-sponsors of the draft resolution on Kosovo presented to the Council on 17 July. • Draft resolution on Kosovo (formally circulated on 17 July 2007 but withdrawn on 20 July 2007).