



Kosovo

Expected Council Action

The Council is expecting a briefing from the Secretary-General on 20 June on his plans to reconfigure the United Nations in Kosovo. His report on the situation and proposed changes was circulated to Council members on 12 June.

No Council decision is required at this time. However, a lively discussion is expected. European Council members would probably prefer some form of Council endorsement (perhaps a letter from the president taking note of the Secretary-General's intention). For its part, Russia is likely to be against changes to UNMIK and to insist on strict adherence to resolution 1244.

Key Recent Developments

The Secretary-General wrote to Boris Tadic, president of Serbia and Fatmir Sejdiu, Kosovo's president, on 12 June informing them of the changes he intends to make to the UN presence as a result of the evolving situation in Kosovo. The Secretary-General is expected to send instructions to his special representative in Kosovo to reconfigure UNMIK following the Council briefing.

On 9 April, the Assembly of Kosovo enacted a new constitution which will come into force on 15 June. Pursuant to resolution 1244, UNMIK has been performing a number of roles in Kosovo, including acting as the interim civil administration. The government of Kosovo has advised the Secretary-General that a continued UN presence to carry out limited, residual tasks would be welcomed.

In his report the Secretary-General outlines the situation on the ground in Kosovo and the impact for UNMIK's transitional role as the interim administrative authority. He emphasises, with respect to the dispute about Kosovo's status following its declaration of independence on 17 February, that the UN remains status-neutral. Nevertheless the entry into force of the constitution creates a new reality on the ground. He therefore concludes that UNMIK must make some adaptations to its role in Kosovo. He notes that the agreement between Kosovo and the EU is an "enhanced operational role" for the EU in the field of rule of law but

suggests that this should be under a UN “umbrella” headed by the Secretary-General’s special representative for Kosovo. Under this arrangement, the EU will perform various operational roles in areas dealing with rule of law, but it will all come under the framework of resolution 1244 which will remain the legal framework for the UN’s mandate until the Council decides otherwise. The EU would probably take on greater responsibilities in the areas of international policing, justice and customs. The UN would continue in the following functions:

- monitoring and reporting;
- facilitating arrangements for Kosovo’s engagement in international agreements; and
- facilitating dialogue between Pristina and Belgrade on issues of practical concern.

The Secretary-General has tasked his special representative in Kosovo to negotiate the practical arrangements in police, justice, customs, transportation and infrastructure areas. NATO would continue to fulfill its current security mandate in border areas. The Serbian Orthodox Church, which remains under the authority of its religious seat in Belgrade, will be given international protection and the sole right to preserve and reconstruct historical, religious and cultural sites in Kosovo in close cooperation with Serbia and the UN.

As part of the reconfiguration, the Secretary-General will be appointing a new special representative.

Russia has responded to the Secretary-General’s report by calling for the dismissal of Joachim Rucker, the Special Representative of the Secretary-General, over what it labeled as serious concerns about Rucker’s arbitrary steps to reduce the UN mission.

At a NATO defence ministers meeting on 12 June, agreement was reached to launch and train a civilian-controlled Kosovo security force (although states that have not recognised Kosovo will not participate in this). KFOR, the NATO-led peacekeeping force in Kosovo, will continue under the basis of resolution 1244 until the Council decides otherwise. It has however made it clear that KFOR is not a police force and should not be expected to play a policing role such as riot control.

Since Kosovo declared its independence in February 2008, Belgrade has strengthened its connections with the Serbian dominated areas of Kosovo, particularly in the north. It held local elections on 11 May. UNMIK called the elections illegitimate but did not stop them.

Slobodan Samardzic, Serbia’s Kosovo minister, in early June gave Kosovo Serbs a deadline to form parallel municipal councils based on the local elections held in May. Kosovo’s president, Fatmir Sejdiu, said that these parallel structures are illegal and must be stopped.

Legal and technical issues have delayed the setting up of the EU Rule of Law (EULEX) mission. At present, only 300 members of an anticipated 2000 strong EU justice and police mission are in place. (The EU established the EULEX mission on 4 February). The US has announced that it plans to be a part of EULEX but details are still being negotiated.

So far 42 countries have recognised Kosovo, among them eight members of the Council and twenty of the EU's 27 members.

On 9 June, Russian foreign minister Sergei Lavrov called for fresh talks between Serbian and Kosovo leaders.

The International Steering Group (ISG) on Kosovo met on 7 and 22 May to discuss developments in Kosovo. (The ISG was part of the blueprint for supervised independence under Ahtisaari's plan and is made up of 15 countries that support Kosovo independence.)

Options

The most likely option is for the Council to have a vigorous debate but, at this stage, not take any action.

A possible option over time, if there is a willingness to negotiate middle ground might be for the Council to address the Secretary-General's reconfiguration of UNMIK through a presidential statement.

Other options are:

- requesting a detailed follow-up in the next UNMIK report (due on 30 June) on the details of the Secretary-General's plans to operationalise the suggested changes; and
- calling for UN facilitated talks between Kosovo and Serbia on areas of common interest.

A possible but highly unlikely option is to agree to start discussions on a possible resolution to adjust resolution 1244.

Key Issues

The key issue for the Council is how to view the Secretary-General's reconfiguration of UNMIK. Most members see it as within the Secretary-General's purview to adapt the operational activities under any peacekeeping mandate in response to new realities on the ground provided it does not invoke new activities outside the mandate and the Council is briefed. The alternate view, held by Russia, is that the changes to UNMIK are so substantial as to constitute a contradiction with resolution 1244.

A related issue is whether it is necessary to clearly define the roles of the international players under the reconfigured UNMIK. There is concern that mandate ambiguity could result in a security vacuum in the next few months.

A further issue is how rapidly the Secretary-General's suggested changes can be implemented. His report is hazy on the details of how he will operationalise the reconfiguration, making it difficult to determine the possible time-line.

Another issue is how in practice the Kosovo government will relate to UNMIK's continued presence, once its constitution enters into force.

A connected issue is Serbia's reaction, particularly in its current post-election phase. Samardzic had proposed shortly after the February declaration of independence a partnership with UNMIK, giving Belgrade the rights to run vital services in Serb dominated areas. Serbia may still be inclined to push for greater control in these areas.

There are a number of key security issues:

- How will the Serbs react to the EU operating in Serb dominated areas, even under a UN umbrella?
- Is a soft partition being entrenched as a result of the strengthening of parallel institutions in the Serb-dominated areas?
- Will there be unrest if the pace of recognition of Kosovo's independence does not pick up and the EU's mission continues to be delayed?

A future issue is whether the suggested changes to UNMIK will create greater stability and lead to a positive legacy for the UN in Kosovo.

Council and Larger Dynamics

The Secretary-General has consulted closely and widely with all stakeholders, including members of the Council, the Contact Group on Kosovo, the EU, Belgrade and Pristina on his plans to reconfigure UNMIK. Although some members still have some concerns, overall there appears to be wide acceptance—with the exception of Russia—for what the Secretary-General is proposing.

Russia continues to argue that such significant changes in the format of the international civilian presence in Kosovo are inconsistent with resolution 1244 and require a decision from the Council. The European members, while accepting the changes suggested by the Secretary-General, are concerned about the risk of future ambiguity especially as to the way it will be operationalised and whether on a practical level it will allow for EULEX to operate as they would prefer.

The Secretary-General's report indicates that he believes that Serbia would not object to an "enhanced operational role" for the EU as long as it is done under the overall status-neutral umbrella of the UN. However, despite this, the Serbian government criticised the reconfiguration plan shortly after Serbia received the Secretary-General's letter.

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/2008/260 (18 April 2008) was Serbia's comments on the March UNMIK report.• A/62/703-S/2008/111 (17 February 2008) was the letter from Serbia on its position on Kosovo's declaration of independence.• A/62/700-S/2008/108 (17 February 2008) was the letter from Russia transmitting its Foreign Ministry's statement on Kosovo following the declaration of independence and calling for an immediate emergency meeting of the Council.• S/2008/104 (17 February 2008) was the letter from Russia supporting Serbia's request for a meeting.• S/2007/168 and Add. 1 (26 March 2007) was the letter transmitting UN Special Envoy 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/2008/354 (12 June 2008) was the Secretary-General's report on how he plans to reconfigure UNMIK.• S/2008/211 (28 March 2008) was the last 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.5839 (18 February 2008) was the open meeting following Kosovo's independence declaration.• Statement issued on 17 February 2008 by the UK, France, Croatia, Belgium, Italy, Germany and the US.• 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).