



SECURITY COUNCIL REPORT

UPDATE REPORT



19 July 2007 No. 3

Kosovo – Update Report

Expected Council Action

The Council now has before it the formal text of a revised draft resolution on Kosovo. (Formal circulation is commonly referred to as putting the draft in “blue” – which means that the procedural requirements for putting it formally to a vote have commenced). The co-sponsors – Belgium, France, Germany, Italy, UK and the US - now have the formal option to put it to a vote.

In practice a resolution is often put in “blue” when the sponsors wish to signal that they have come to an end of negotiations and are serious about proceeding to a vote. But there are past examples of a draft resolution in “blue” lying on the table for some time and other examples of negotiations on the text subsequently being resumed. It is still unclear whether the endgame is still at hand or whether further negotiations will follow.

Key Recent Developments

The co-sponsors circulated informally the latest draft of a resolution on Kosovo on 13 July in a final attempt to get consensus. As with previous drafts this draft provided for a 120 day period of negotiations between the parties but unlike earlier drafts it did not specify an outcome if negotiations failed. This was done to address the objections of Russia and other member states about so called “automaticity”.

On 16 July the Council held informal consultations on the informal draft but could not reach a consensus. Russia made it clear that it still saw this draft as a continuation of the Ahtisaari plan which had been presented to the Council in March. In response the draft resolution was put in blue on 17 July but included minor changes following comments from South Africa and Indonesia. Further

consultations are expected to be held on 20 July.

On 9 July the Secretary-General's Special Representative, Joachim Rucker briefed the Council on the United Nations Mission in Kosovo (UNMIK). He urged the Council to draw up a roadmap for determining the status of Kosovo and said the people of Kosovo deserve clarity on status.

In the last two weeks the Secretary-General has warned of negative consequences if there is a delay on a decision on Kosovo and urged the Council to vote quickly on a resolution on Kosovo. He has been cautioning Kosovo not to take any premature unilateral decision.

Kosovo's leaders have expressed disappointment about the Council's inability to find a solution for Kosovo's status. They have hinted more strongly that they will declare independence unilaterally if necessary - but there are also hints that they want the support of the United States and European Union and that this is a moderating factor.

Kosovo seems likely to be on the EU foreign ministers' agenda when they meet on 23 July. The Contact Group is also expected to meet to discuss their future role in Kosovo on 25 July in Berlin.

Options

The following options seem possible:

- Voting on the resolution as it is. (This option seems likely if a Russian veto can be avoided.) ;
- Leaving the draft on the table but reverting to further negotiations either in New York or in capitals; and
- Withdrawing the resolution as a prelude to further negotiations – perhaps in the Contact Group. (This seems likely if the conclusion is reached that Russia is determined to veto any resolution which it sees emerging from the Ahtisaari process.)

Following a veto or a withdrawal a possible venue for better progress might be the Contact Group (US, UK, France, Germany, Italy and Russia) and allowing the 120-day window for negotiations. However Serbia and Russia have both questioned this route.

Key Issues

The key issue for the United Nations if the resolution is either withdrawn or vetoed is the risk of violence in Kosovo. There have been raised expectations for independence among the Albanian Kosovars since the end of 2006. Radical fringe elements, like members of the former Kosovo Liberation Army, could use this opportunity to gain support from war veterans and the large numbers of unemployed and threaten UNMIK or the Serb minority. It is also possible that those who do not want Kosovo to be independent could use force to bolster their own position and slow down any attempts to declare unilateral independence.

Another key issue is the status of resolution 1244. In 1999 resolution 1244 established UNMIK. Without a new resolution UNMIK would still remain the official administering authority. UNMIK has been reduced in capacity and is not in a position to govern effectively. The Council will therefore be left with the problem of what to do with UNMIK if it is faced with the continuance of resolution 1244.

A related issue is the future security role in Kosovo. Without a UN resolution authorising the proposed EU mission in Kosovo the legal authorisation for security would remain with the NATO led Kosovo Force (KFOR) which is scheduled to be replaced by the future EU presence. The EU has said that it needs a UN resolution to start its mission in Kosovo but is now beginning to look at alternative ways of establishing legal grounds for its mission.

Another significant issue is the possibility of a unilateral declaration of independence. If Kosovo declares unilateral independence and enough countries recognise it as an independent state it will achieve effective independence. However in the short term the process could create a highly unstable situation in the region. The US has made it clear that they would recognise an independent Kosovo. Unity on this issue among EU members is less clear. This could significantly slow down the establishment of an EU presence in Kosovo.

Council and Wider Dynamics

This has been a divisive issue for the Council. The gulf between those who believe that the Council should set Kosovo on the path to independence and those who do not want to make that decision without agreement from both parties has so far proved too wide to bridge. With successive draft resolutions the co-sponsors have tried to accommodate the various points made by Russia. In the last week there have been suggestions that this is as far as they can go in adjusting the text.

An indicator of the difficulty that the EU is facing in dealing with this issue is reflected in the fact that Slovakia is not one of the co-sponsors of the resolution. Slovakia has indicated that it would vote in favour of the resolution but did not sponsor the resolution as its parliament is reluctant to be closely identified with Council action promoting an independent Kosovo.

Russia has held firm to its initial position that both parties must agree to Kosovo's final status and accordingly that resolution 1244 should continue to govern the situation. It has not been willing to negotiate on any of the draft texts. After the consultations on 16 July, the Russian ambassador said that the chances of the resolution passing as it is are zero.

There is still some uncertainty about China's position. It has made it clear that it is uncomfortable with interfering with the territorial integrity of a country but it is unclear whether this would translate into a negative vote.

South Africa and Indonesia have acknowledged the various attempts to take into account concerns they and other member countries have raised. Neither has indicated their final positions. The other Council members appear likely to be able to support the resolution.

Underlying Problems

Kosovo's weak economy is of concern. UNMIK's presence has provided jobs and helped stimulate the economy. With the withdrawal or drawdown of UNMIK and without immediate assistance from international financial institutions Kosovo could face an economic crisis.

UN Documents

Security Council Resolution
<ul style="list-style-type: none">• S/2007/437 (17 July 2007) was the draft resolution on Kosovo.• 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

- A/61/927 – S/2007/312 (25 May 2007) was the letter from the Permanent Representative of Serbia to the Secretary-General containing the proposal to start a new stage of negotiations on the status of Kosovo.
- S/2007/220 (19 April 2007) was the letter from the Council president to the Secretary-General with the terms of reference and composition of the mission to Kosovo.
- S/2007/168/Add.2 (26 March 2007) was the letter from the Secretary-General to the Council president on where to view the map of cadastral zones referred to Ahtisaari's report.
- S/2007/168 and Add. 1 (26 March 2007) was the letter transmitting Ahtisaari's report on Kosovo's future status and the Comprehensive Proposal for the Kosovo Status Settlement.
- S/2007/130 (6 March 2007) was the letter reporting on the operations of the Kosovo Force from 1 to 31 December 2006.

Selected Reports

- S/2007/395 (29 June 2007) was the latest report of the Secretary-General on UNMIK.
- S/2007/256 (4 May 2007) was the report of the Security Council on the Kosovo mission.

Other Relevant Facts

Secretary-General's Special Envoy for the Future Status Process

Martti Ahtisaari (Finland)

Special Representative of the Secretary-General

Joachim Rucker (Germany)

UNMIK

- Size of UNMIK mission: 483 international, 1967 national, 142 UN volunteers as of 30 March
- Size of OSCE mission: 1300 staff (310 international and 990 local as of 30 September 2006) (Pillar 3) and 447(114 international and 333 local staff as of 31 March 2007) (Pillar 4)
- Size of EU mission: 125 international staff, 336 local staff

Cost
US\$2.17 billion for fiscal year 2006-2007 (not including OSCE, EU and NATO expenditures)
KFOR (NATO FORCE)
General Roland Kather (Germany)
Size and Composition of Mission
<ul style="list-style-type: none"> • Size: 16,000 troops • NATO countries: Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, UK, US • Non-NATO countries: Argentina, Armenia, Austria, Azerbaijan, Finland, Georgia, Ireland, Morocco, Sweden, Switzerland, Ukraine