

THE KOSOVO COMPROMISE CHARTS

CHART 02

KosovoCompromise

AHTISAARI'S DOOMED PROPOSAL

Lessons from UN envoy's failed "supervised independence" plan

FAILURES OF AHTISAARI'S PLAN

Against the will of a sovereign, democratic state

Solution tacitly predetermined from the start

Limitation of discussion options

Time limits

Controversial choice of mediator

Legitimizes post-war discrimination of minorities

Unwillingness to consider the interests of Belgrade

Lack of true compromise

Unique case, not a precedent

Provides Kosovo with prerogatives of a state: constitution, border and air traffic control, army, secret services...

No troops beyond any civilian control

LESSONS LEARNED

Must respect UN Charter, UN Resolution 1244, 1975 Helsinki Final Act on non-violability of borders, 1992 Badinter Commission (no new states within former Yugoslav republics)

No predetermined solutions, otherwise favored side has no incentive to negotiate

Open, unhindered talks

No deadlines. Talks continue until agreement is reached.

Balanced international team of moderators with no direct interest

Guarantees for return, safe movement and discrimination reversal. No declarative nor cosmetic human rights provisions

Belgrade and regional interests must be considered

Force both sides to give up something rather than one side's interests over another

Kosovo is very similar to dozens of other states. Solution must comply with comparable precedents

Restrain controversial state-building

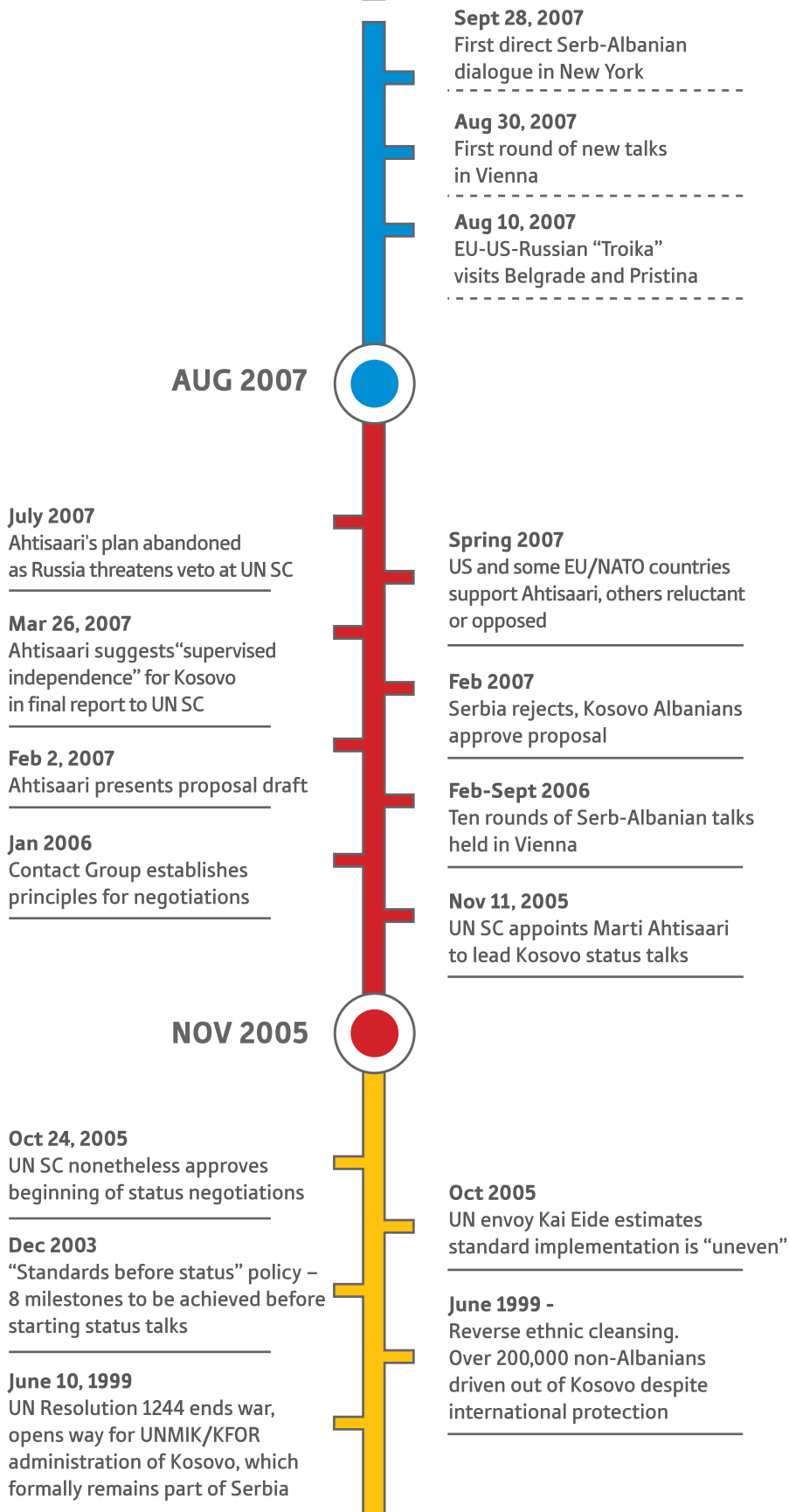
Reasonable liability and civic cooperation

Larger number of horizontal municipalities with possible

Maximum self-governance and maximum autonomy

Possibility of special





CHARTS,

NOT

SPEECHES

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THE STATUS TALKS TIMELINE

Oct 14, 2007 – New round of talks in Brussels
Sept 28, 2007 – First direct dialogue in New York
Aug 30, 2007 – First round of new talks in Vienna
Aug 10, 2007 – EU-US-Russian “Troika” visits Belgrade and Pristina

AUG 07

July 2007 – Ahtisaari's plan abandoned as Russia threatens veto at UN Security Council
Spring 2007 – US and some EU/NATO countries support Ahtisaari; others reluctant or opposed
Mar 26, 2007 – Ahtisaari suggests “supervised independence” for Kosovo in final report to UN Security Council
Feb 2007 – Serbia rejects; Kosovo Albanians approve proposal
Feb 2, 2007 – Ahtisaari presents proposal draft
Feb-Sept 06 – Ten rounds of talks held in Vienna
Jan 2006 – Contact Group establishes principles for negotiations
Nov 11, 2005 – UN Security Council appoints Marti Ahtisaari to lead Kosovo status talks

NOV 05

Oct 24, 2005 – UN Security Council nonetheless approves beginning of status negotiations
Oct 2005 – UN envoy Kai Eide estimates standard implementation is “uneven”
Dec 2003 – “Status before standards” policy – 8 milestones to be achieved before starting status talks
June 1999 – Reverse ethnic cleansing. Over 200,000 non-Albanians driven out of Kosovo despite international protection
June 10, 1999 – UN Resolution 1244 ends war, opens way for UNMIK/KFOR administration of Kosovo, which formally remains part of Serbia

AHTISAARI'S DOOMED PROPOSAL

Lessons from UN envoy's failed "supervised independence" plan

FAILURES OF AHTISAARI'S PLAN	LESSONS LEARNED
Against the will of a sovereign, democratic state	Must respect UN Charter, UN Resolution 1244, 1975 Helsinki Final Act on non-violability of borders, 1992 Badinter Commission (no new states within former Yugoslav republics)
Solution tacitly predetermined from the start	No predetermined solutions, otherwise favored side has no incentive to negotiate
Limitation of discussion options	Open, unhindered talks
Time limits	No deadlines. Talks continue until agreement is reached
Controversial choice of mediator	Balanced international team of moderators with no direct interest
Legitimizes post-war discrimination of minorities	Guarantees for return, safe movement and discrimination reversal. No declarative nor cosmetic human rights policy
Unwillingness to consider the interests of Belgrade	Belgrade and regional interests must be considered
Lack of true compromise	Force both sides to give up something rather than imposing one side's interests over another
Unique case, not a precedent	Kosovo is very similar to dozens of other hotspots. Solution must comply with comparable cases in past or future
Provides Kosovo with prerogatives of a state: constitution, border and air traffic control, army, secret services...	Restrain controversial state-building prerogatives
NATO troops beyond any civilian control	Reasonable liability and civic control of the international peacekeeping force
Decentralization: small number of Serbian municipalities	Larger number of horizontally connected Serbian municipalities with possible vertical links with Belgrade

FAILURES OF AHTISAARI'S PLAN

LESSONS LEARNED

Pristina retains key control over decision making and relations of K/Serbs with Belgrade, including aid money and nominations of police commanders in Serb areas	Maximum self-governance of K/Serbs inside Kosovo; maximum autonomy for K/Albanians within Serbia. Possibility of special relations with neighboring states
Possibility of readjusting municipal borders after 2008 census	Pre-war census and cadastre records must be taken into account
Privatization process doesn't take into account property rights nor indemnify Serbia and Serbian workers	Review entire privatization controversy
No restitution of state, social or church property	All property must be restored to its rightful owner, unless otherwise agreed
Protected zones guarded by Kosovo police	Serbian heritage sites and enclaves must be protected by responsible military forces, international or Serbian
Kosovo's foreign debt is calculated on the principle of successor entities of the former Yugoslavia	Kosovo is not a successor entity of Yugoslavia, Belgrade and Pristina should agree on debt
Controversial aspects hushed up between the lines	No confusing phraseology subject to multiple interpretation
Cosmetic upgrades to rejected proposals	Meaningful adjustments in case of stalemate
Proposed solution leads to further Balkan instability and away from EU integration	A true solution must pacify and accelerate EU integration of Western Balkans

THE US & THEM CHART

Albanian vs Serbian point of view

ALBANIAN POINT OF VIEW	SERBIAN POINT OF VIEW
Independence or nothing	Everything but independence
Right to self-determination	Primacy of national sovereignty, territorial integrity and internal self-determination (autonomy)
Threats of unilateral declaration and violence	Legality and diplomacy only, retaliatory measures only if international law is breached
Kosovo is a unique case	Dozens of similar cases worldwide: Kurdistan, Kashmir, Basque Country, Quebec, Taiwan, Tibet, Abkhasia...
Independence = Last step in disintegration of Yugoslavia	Independence = First step in further Balkan destabilization
"Milosevic."	"Milosevic is dead."
"1999"	"1999-2007"
Serbia "colonized" Kosovo in 1912	Kosovo is the historical and spiritual cradle of the Serbian nation
We are victims of "Russian neo-imperialism"	You are victims of "promises of independence"
<ul style="list-style-type: none"> - no negotiability on independence - no changing of Kosovo borders - no changes to Ahtisaari's package - unilateral declaration on day 121 - UNSC not needed for final decision 	<ul style="list-style-type: none"> - no independence in any form - no negotiability on Serbian integrity - no continuation based on Ahtisaari - no deadlines - final decision stays with UNSC

THE TROIKA CHART

Comparative interests of the three big players moderating the negotiations

	USA	RUSSIA	EU
RELIABLE PARTNERS	ALB	SRB	ALB+SRB
STRATEGIC MOTIVATION	Justify 1999 military intervention, present Kosovo as 'success story'	Demystify US interventionism, back to multipolar world	Assert stability in Balkans with aim of EU integration
GEOPOLITICAL MOTIVE	Confirm US supremacy & interventionism	Reemerge as world power	Assure EU's unity, CFSP credibility and proactive role
BASIS FOR ACCEPTABLE SOLUTION	Ad hoc criteria / Pax Americana	Universal principles / International Law	Anything via UNSC
SUGGESTED SOLUTION	Independence, one way or another	Everything on which both sides agree	Agreement desired, if not...
IF UNILATERAL DECLARATION OF INDEPENDENCE	Unilateral recognition	No UN approval / Unilateral reaction in other crisis regions	Internal division; pulling out from joint mission
PRECEDENT	Not a precedent	Precedent indeed	Precedent, but not a precedent
TACTICAL MISTAKE	Underestimated Russia	Late involvement in status process	Premature alignment with US
WISHFUL THINKING	<ul style="list-style-type: none"> · Close "the Albanian question" · Kosovo is "successful state-building project", an example for Iraq and Afghanistan. · Disengage US troops · Demonstrate good will towards "good Muslims" 	<ul style="list-style-type: none"> · Force US to step back from publicly stated commitment to Kosovo's independence. · Use Kosovo as model for solving ex-USSR Russian-minority issues · 'Savior of international law' image 	<ul style="list-style-type: none"> · Form common EU policy; "constructive abstentions of dissident members" · Remain neutral in US-Russian geopolitical wrestling. · Keep good relations with Serbs & Albanians at the same time
PRESSURE TOOLS	Unilateral action	Ossetia, Abkhazia, Transdniestria. Energy policy.	Blocking European integration, cutting aid funds
CATALYST FOR COMPROMISE	Pressure on Albanians	No hot stirring in ex-USSR	Conditioning EU perspective with Serb-Albanian agreement
CONSCIENCE PROBLEM	Post-war failures in Iraq, Afghanistan	Stood aside during 1999 bombing of Serbia	Chronic lack of determination
CONSISTENCY PROBLEMS	Pro-autonomy in Georgia, Western Sahara, Moldova...	Pro-independence in Russian minority areas outside Russia	Pro-autonomy for Catalonia, Basque Country, Georgia...
SECONDARY AGENDA	Tactical military presence	Energy pathways	Readmission of Kosovo refugees and organized crime members

THE COMPROMISE SCOREBOARD CHART

4 proposed solutions related to parameters defining successful compromise

ELEMENTS DEFINING A SUCCESSFUL COMPROMISE	AUTONOMY	INDEPENDENCE
LONG TERM SOLUTION	✓	X
COMPLIANCE WITH INTERNATIONAL LAW	✓	X
BOTH SIDES AGREE	X	X
BOTH MAKE CONCESSIONS	✓	X
ACCEPTABLE FOR INTERNATIONAL COMMUNITY	✓	X
COMPROMISE FACTOR :	80	0
BEST CASE	International law and order maintained	Everybody accepts except Serbia
WORST CASE	Albanian violence	Domino effect, chaos worldwide
MOST PROBABLE CASE	International law and order maintained Albanian dissent calmed	No pasaran at UN Security Council Kosovo remains frozen conflict

CONFEDERATION	PARTITION
X	✓
✓	X (unless both sides agree)
X	X
X	✓
✓	X (unless both sides agree)
40	40
Functioning union until EU entry	Durable settlement
Domestic unrest, domino effect	Fighting, domino effect
Quick separation	Redrawing of Balkan, African & Asian borders along ethnic lines

PRO & CONS – INDEPENDENCE

Criticism and dismissed arguments

TOP 10 ANTI-INDEPENDENCE ARGUMENTS

Why should one side get it all and the other side lose it all?

Why consider independence the only possible solution for Kosovo?

Why endanger international law?

Why would Kosovo be an exception in the world?

Why punish democratic Serbia?

Why reward Albanian violence?

Why create a second Albanian state?

Why give Kosovo state prerogatives when it can function normally as an entity within Serbia?

Why risk new instability that blocks a EU perspective?

Why did NATO intervene in 1999?
For human rights or protectorate-building?

TOP 10 PRO-INDEPENDENCE BLUFFS

Serbia has lost Kosovo in 1999

Everything is already decided:
Kosovo will be independent one way or another

International law is passé

Kosovo is “unique” because of civil war,
foreign intervention and international administration

Serbia’s “progressive elite” wants to cut off
“the cancer of Kosovo”

If they do not get what they want, Albanians
will explode in even more violence

“Border drawing wrongdoings of 1913 at the expense
of ethnic Albanians” must be corrected today

There can be no economic progress in Kosovo
without independence

Serbia should choose between Kosovo and the EU

Human rights standards will be guaranteed only if
and when Kosovo becomes independent

PRO & CONS – AUTONOMY

Arguments and dismissed criticism

TOP 10 PRO-AUTONOMY ARGUMENTS

Sustainable and in line with international law

Kosovo Albanians would get full control of their daily lives, except in certain matters of international representation

Kosovo Serbs and other non-Albanians would enjoy wide-scale decentralization

Serbia will not have its borders changed and its historical cradle amputated; it could finally focus on future and reforms

Macedonia and Bosnia-Herzegovina will receive guarantees that changes of borders in the Balkans are no longer tolerated

European Union will obtain regional stability and take fully in charge the European perspective for Kosovo

United States would be able to finally disengage their troops from Kosovo

China, Russia, Spain, India, Moldova, Georgia and many other countries facing separatism would appreciate not having to deal with a dangerous precedent.

The UN will have the basis of international law system respected

Multiethnicity would finally win.
Human and minority rights will be respected,
200.000+ non-Albanian IDPs could return

TOP 10 ANTI-AUTONOMY BLUFFS

Not sustainable. Albanians wouldn't settle for anything less than independence, regardless of international law

Impossible economic (Taiwan? Catalonia?) or political (Aland Islands?) progress without independence

Autonomy is a hidden plan for the secession of Kosovo Serbs from Kosovo

Serbia should stop looking up to its past; it could handle reforms much more easily without Kosovo

Only an independent Kosovo can guarantee regional stability

Kosovo can bypass Serbia on the road to the EU

US will never back down from the publicly stated commitment to independence

Kosovo is more "unique" than any other independence-seeking minority issue in the world

R.I.P. UN

All would be best in the best of possible worlds... but only in case of independence

THE UNIQUE CASE CHART

Why Kosovo is NOT a unique case

KOSOVO IS UNIQUE AND MUST BECOME INDEPENDENT BECAUSE OF...

DISCLAIMER

Moral reasons, i.e. Slobodan Milosevic

Milosevic era is over. Given their postwar treatment of Kosovo Serbs and other minorities (235.000 IDPs, 2000+ killed or kidnapped, 4600 armed attacks, 176 churches demolished, 20.000 homes usurped...), Kosovo Albanians have lost all moral credit

Majority wants

Right to self-determination does not precede territorial integrity

Ten years of institutional discrimination

Kosovo Albanians have demanded independence even during Tito's golden age period

1998-99 conflict and 6000 victims

In 1998-99, 40 conflicts worldwide were reported with at least 1000 victims each

NATO intervention

NATO intervention was illegal from the point of view of international law

Presence of peacekeepers and transitional international administration

Dozens of UN missions in crisis regions, none has brought about a new state

Fear of violence

US, NATO and EU have all the instruments to prevent any such violence

Urgency

No violation of human rights, no armed conflict, therefore no urgency, compared to other hotspots

THE DAILY LIFE CHART

Everyday problems in Kosovo in case of autonomy/independence

THEME	AUTONOMY	INDEPENDENCE
Electricity	Restoration of the old common electricity network, no more shortages, much cheaper electricity	Kosovo's electricity imports must bypass Serbia, prices soar
Telephony	Free competition: at least 3 Serbian and 2 Kosovo-based mobile operators	Higher roaming costs
Travel by road / train / air	Access to Trans-European corridors through Serbian network, especially Corridor 10	No go for KS license plates in Serbia No northbound train travel No passing through Serbian airspace
Employment	Job market, renewal of pre-war cooperation	No perspective, grey market
Health care / Higher education	Unhindered access to Serbian hospitals and universities	Limited options and lack of quality of health service and education opportunities
Administrative paperwork	Albanophone administrative offices in major Serbian cities	Document jam
Pensions	Gradually refunded to all Kosovo Albanian workers	No refund
Diplomatic help abroad	Through Serbian consular and diplomatic offices. Personal documents recognized internationally	Travel documents not recognized in many countries
Cultural life	Access to Serbian funds + international projects Guest visits through offshoots of Serbian festivals	Restricted funding Dependence on international donations
Cultural heritage sites	Protected, tourist-ready	Neglected; historical revisionism.
Sports	Clubs could join euro-competitions through playoffs with Serbian clubs	Serbia challenges Kosovo's access to international sports associations and competitions
Ecology	Common eco-standards policy	Pollution war
Organized crime	Joint combat	Kosovo remains criminal nursery

THE DAY AFTER TOMORROW CHART

Serb-Albanian relations in the aftermath of the status talks

THEME	AUTONOMY	INDEPENDENCE
General type of relations	Clearly defined procedural mechanisms	No formal contact between Kosovo and Serbia Procedural dead-end
Freedom of movement	Free movement of people	No right of passage to anyone holding documents issued in Kosovo or entering central Serbia from Kosovo
Freedom of capital	Increased domestic and international trade, no obstacle to investments	Possible trade embargo against Kosovo, against countries which recognize its independence and against any company which operates in Kosovo
Economic growth	Serbia can help bring FDI by extending Kosovo's market; it can boost Kosovo's exports thanks to its trade preferences with Russia	Negative
Foreign investment	Clean transparent mechanisms	Risky business
Taxes / Free trade	Own taxation system	Double taxation and customs
Market	Single market with preferences going to the Kosovo side	Rupture between two naturally interconnected markets
Privatization	Review of privatization process clears legal obstacles to investments	International legal challenge to controversial privatization measures
Fiscal policy	Harmonization on state level as part of EU-preparation	Complete separation
Parliamentary representation of K/Albanians in Belgrade	Full participation in Serbian parliament	No Kosovo Albanians in Serbian parliament

THEME	AUTONOMY	INDEPENDENCE
Parliamentary representation of K/Serbs in Pristina	Full participation in Kosovo parliament	Total boycott of parliamentary life
Access to international institutions	Independent access to certain economic, cultural and sports institutions	Serbia will challenge Kosovo's access to any international institution
Access to international sports scene	International participation of clubs regulated through playoff schemes, right of team Kosovo to play non-competitive games	Challenged by Serbia and countries opposed to Kosovo's independence
European integration	Accelerated. Can fully take control of EU integration. EU CFSP maintained in face of difficult issue. Stable EU front yard. Influence on both Belgrade and Pristina maintained	Blocked. Instability in EU front yard. Problems with EU unity. Belgrade as most important player in region angry and frustrated
Regional integration	Fluid	Blocked
Return of IDPs	Remaining non-Albanians stay at home in Kosovo. 235.000 IDPs return. Multiethnicity of Kosovo guaranteed.	None. On the contrary, mass exodus of remaining K/Serbs. No return. Ethnically pure state.
Decentralization	No interference from Belgrade	Ethnic division
Border control	International troops + multiethnic police	Borders sealed

THE COMPROMISE PROPOSAL CHART

What each side would get

PRISTINA

Full control in everyday life ("95% independence") and normalized relations with Belgrade

Executive power
Judicial power
Legislative power
Economic policy and budget
Full financial autonomy meaning conducting its own public finances (taxation, public revenues and expenditures, including investments)

Significant international representation in economy, sports and certain regional institutions

BELGRADE

Territorial integrity respected and normalized relations with Pristina

Foreign policy
Monetary policy
Border control
Protection of heritage sites
Customs policy
Last resort protection of human rights
(all in coordination with Pristina)

Consultative factor in Kosovo's external relations

Clear European perspective

THE FAST-TRACK TO EUROPE CHART

Responses to EU requirements

EU REQUIREMENTS	AUTONOMY	INDEPENDENCE
Stability of institutions guaranteeing democracy, rule of law, human rights, respect and protection of minorities	Sustainable cooperation between existing institutions in Serbia and developing institutions in Kosovo assures continuous and progressive development	Kosovo institutions are weak and underdeveloped, burdened with ethnic issues undermining their legitimacy; Great risk of radicalization of political and social life in Serbia
Functioning market economy	Much bigger market, easier mobility of people, goods and services	Weak economy, high unemployment rate, divided market, high level of corruption and organized crime
Ability to take on the obligations of membership (adherence to the aims of political, economic and monetary union)	Possibility of continuous and uninterrupted adoption of legislation both in Pristina and Belgrade (in their spheres of competence)	Adoption of many laws in Serbia would be disabled as a consequence of Serbia's repudiation of the independence of Kosovo
Administrative capacities to secure the adoption and implementation of the Acquis Communautaire	Serbia already has good administrative capacities that are recognized by the European Commission as such and that could be available for exchange and assistance to Kosovo's institutions	Kosovo's administrative capacities are underdeveloped and it would take too much time to enable them to cope with the complicated tasks that association encompasses
Obligation to peacefully solve inner conflicts before joining the EU	✓	X
Regional cooperation and good neighborly relations	✓	Serbia would have tense or non-existing relations with an independent Kosovo as well as with countries that would eventually recognize its independence
Efficient fight against terrorism and organized crime	✓	"Transborder" organized crime and illegal trafficking would prosper in atmosphere of tension and crisis
The EU negotiates and can have contractual relations only with sovereign and recognized states	Kosovo would be part of the Stabilization and Association Process and would have distinct representation in the Committee of Regions	Due to non-recognition, the two countries would obstruct each other's process. Both of them would be hindered by other countries, depending on whether they have recognized Kosovo or not

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This chartbook is part of the Kosovo Compromise Project,
an initiative directed by Aleksandar Mitić on behalf of the Brussels-based think-tank Institute 4S.

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