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Swedish plan for an EU-coordinated independence of Kosovo

KosovoCompromise Staff

Swedish Foreign Minister Carl Bildt has presented to EU foreign ministers and heads of state a non-paper suggesting the way for a “coordinated” imposition of Kosovo’s independence.

The eight-page paper, called “A European Strategy for Kosovo”, was obtained by KosovoCompromise.

Here are some of its key details:

KEY OBJECTIVES:

“Trying to settle the question of the status of Kosovo without being able to anchor this process in the UN Security Council will be a most challenging task both in terms of respect for international law and handling the different challenges on the ground in Kosovo, the wider Balkan region as well as elsewhere.

The process of negotiations between Pristina and Belgrade has now come to its end. With neither an agreement between the parties nor a resolution by the UN Security Council possible, the responsibility rests with the European Union to develop the appropriate policies both for the status of Kosovo and for the stability and integration perspective of the entire region.

It is important that the European Council on 14 December, as it recognizes that the process of negotiations has come to its end, sets in motion a process in this direction (...)

With UNSCR1244 continuing to be in force, and used to authorize the continued international presence, a full recognition of an independent state of Kosovo hardly seems possible. With the status quo clearly unsustainable, we must seek to develop a European Union policy that can satisfy basic demands for independence and sovereignty while keeping a semblance of respect for international law.

(...)

Although the form of recognition is a decision taken by the member states themselves, we should aim at as coordinated a response as possible. The experience of the early 1990's should be vividly present in our discussions.

In the one form or the other, we will seek to base the coming international presence in Kosovo - military as well as civilian - on UNSCR1244. As-long as 1244 remains in



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force, the status of Kosovo will be one of less than complete independence and sovereignty.

In this context we must acknowledge that continued disagreement in the international community will prevent Kosovo from becoming a member of important international organisations for the time being. This applies in particular to the United Nations, the OSCE and the Council of Europe. These circumstances could be used when it comes to shaping a balanced policy on the issue.

(...)

Although the member states of the European Union should be ready to recognize Kosovo as being independent from Serbia de jure as well as de facto, and commit itself both to a European integration process for Kosovo and its membership in the latter category of international organisations, it should acknowledge that membership in the UN, OSCE and the Council of Europe is not possible as long as UNSCR1244 remains in force.

Nevertheless, and provided that Kosovo takes the required decisions on constitutional and related institutional arrangements derived from the Ahtisaari package of proposals, the member states of the European Union should declare their readiness to recognize the thus defined sovereignty/independence of Kosovo. There will in essence be a recognition of a Kosovo with limited or qualified independence.

This critically important stage of recognition should - provided the relevant decisions are taken by Kosovo - happen in the period between the adoption by a GAERC of a policy package along the lines envisaged here and April 1st 2008.

Such a policy package, which should include express the readiness of the member states to extend such recognition, should define the conditions under which these recognitions will be granted.

The European Union should transform the relevant parts of the Ahtisaari package into a Settlements Implementation Package, the adoption of which should be coordinated with the granting of a recognition of the sort indicated here.

ON GOOD-NEIGHBOURLY RELATIONS:

Based also on the ideas of the 14 points presented during the Troika talks, the European Union should offer to conclude agreements with Kosovo and Serbia respectively concerning their relationship with each other during the Interim Period leading up to the review that should/could lead to full membership in international organisations as well as reduction/abolition of the ICR.



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Such agreements on their "good neighbour"-relations could be linked directly to the SAA process for both Serbia and Kosovo.

(...)

ON NORTHERN KOSOVO:

Special attention must be given to northern Kosovo. In all probability, it will declare its de facto independence from the Kosovo authorities and reinforce the present de facto integration of the area in Serbia. It is likely to seek to close the dividing line along the Ibar river.

Such a situation might well lead to armed confrontations, primarily as a result of armed Albanian groups trying to attack the area. Such attacks might in its turn cause more or less massive refugee flows both from enclaves in the rest of Kosovo and from northern Kosovo to Serbia itself.

(...)

In the absence of a mutual agreement, a possibility would be to declare that full UNMIK authority under 1244 remains in northern Kosovo. Thus, the area would not be under Prishtina, although the declared aim of UN authority in the area must be to facilitate the integration of the area with the rest of Kosovo.

Such an arrangement could follow the model of the UNTAES arrangement for Eastern Slavonia in Croatia - respecting all the differences - although it would in all probability have to apply for a longer period than two years.

It should be possible for the UNSG to declare the retention of UNMIK competencies for this area in the same way and at the same time as he grants authority to the suggested ESDP mission in Kosovo.

(...)

ON THE MESSAGE TO SERBIA:

As it takes its decision on Kosovo, the European Union should jointly be prepared to take decisions on a wider regional package of incentives and disincentives.

A clear message to Serbia is of critical importance. The same applies to FYR Macedonia. Mechanisms should be sought so that we can hold out the prospect of candidate status for Serbia during 2008. A possibility could be to ask the Commission to present an updated assessment of progress for both of these countries already in May 2008, thus creating the possibility for decisions at the June European Council.



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(...)

ON THE STEPS TO TAKE:

Provided that the presidential elections in Serbia are held within a reasonable timeframe it seems wise for the European Union to wait with the decision that will pave the way for the recognition processes indicated above until after them. To do otherwise would be to expose those that might favour a more moderate approach by Serbia to an almost impossible situation.

If the 2nd round of the election are held February 3 an extraordinary GAERC in mid-February could then take the necessary decisions.

The time until should be used to prepare the policy package indicated above. Discreet discussions on the coordinated steps that should be taken after it has been endorsed by the GAERC could be held. These discussions should include the sequencing of the different decisions in Pristina and by the European Union between mid-February and April 1st.”