



Resolving the last remaining issue in the Balkans

In Kosovo's capital, a giant mural points the way towards Europe.

COURTESY OF UNMIK EU PILLAR/HAZIR BEKA

Citing the OSCE's achievements in institution-building in Kosovo, United Nations Special Envoy Martti Ahtisaari briefed the Permanent Council on 20 February for the third time within a year to update participating States on the latest developments in resolving what he called the "last outstanding open issue in the western Balkans".

On 21 February, the following day, Mr. Ahtisaari held another round of intensive consultations in Vienna on all aspects of a comprehensive proposal for the settlement of Kosovo's status to provide the parties with another opportunity to clarify their positions and narrow their differences.

This was followed, on 10 March, by a final high-level meeting on a revised overall proposal, after which he told the press: "I regret to say that, at the end of the day, there was no will by the parties to move away from their previously stated positions ... It is my firm conclusion that the potential of negotiations is exhausted."

Calling his proposal a "realistic compromise", the Special Envoy made known his plans to finalize it for submission to the UN Security Council in the course of the coming weeks.

The following excerpts from his remarks to the Permanent Council focus on the key elements of his draft proposal and the OSCE's future role in Kosovo.

My draft comprehensive proposal takes into account the outcome of the intensive work with the two parties and of the regular consultations with the Contact Group, the EU, NATO, and other international organizations conducted over more than a year.

In total, we have held 15 rounds of talks in Vienna and 26 expert missions, and visits to Belgrade and Pristina by me and my Deputy Albert Rohan. ... Despite our sustained efforts to bridge the differences between the two sides, there has been only limited agreement on specific aspects. Where no agreement has been reached, I am proposing solutions that I judge to be fair and balanced.

The aim of my proposal is to lay the foundations for a multi-ethnic and democratic society that is viable and stable, in which members of all communities — in particular the Kosovo Serbian community — can live a dignified, safe and economically more sustainable life than they have at the moment. More than two-thirds of the document is geared towards the protection of the non-majority communities, with special focus on the Kosovo Serbs:

- The settlement defines key elements that must be incorporated into a future Constitution of Kosovo. Many of these are for the protection of the Kosovo Serbian and other minority communities, in particular the double-majority voting in several areas by the future Assembly;
- It declares Serbian as an official language and contains specific provisions on the use of other minority communities' languages, as well as on the right to education in these languages;
- Six new or expanded Kosovo Serbian majority municipalities will be established and a number of them will have additional competencies, in particular for secondary health care and higher education;
- Furthermore, all Kosovo Serbian majority municipalities will have the right to co-operate with Serbian institutions and to receive funding from the Republic of Serbia, and in a more transparent manner than is happening today;
- The settlement also contains provisions designed to protect the Serbian Orthodox Church in Kosovo and to ensure that it will remain an active and sustainable religious institution.

The proposal provides for basic constitutional provisions; enhanced rights of communities and their members; principles of decentralization, with maps delineating the new Kosovo Serbian majority municipalities; [respect for] religious and cultural heritage, with maps delineating the protective zones; a Kosovo security sector; a future strong interna-

tional civilian and military presence in Kosovo; and the immediate legislative agenda for the future parliament.

The annexes on security and international presence were not negotiated directly with the parties, but were the result of intensive consultations between the UN Office of the Special Envoy of the Secretary-General for the Future Status Process for Kosovo (UNOSEK) and the international community.

What does the draft comprehensive proposal mean for the OSCE?

Firstly, let me recall that the Organization has been involved with the Kosovo issue from the beginning — for example, through the OSCE Kosovo Verification Mission that was deployed back in 1998. Now we ask that the Organization keep its comprehensive presence with a robust field mission to support the work of the International Civilian Representative (ICR) and the European Security and Defence Policy (ESDP) Mission.

I am pleased to note that the work between the OSCE and the preparation team of the International Civilian Office (ICO) on their future co-operation is on-going. An important aspect of this co-operation will be an efficient co-ordination mechanism on the ground. To facilitate this, I have proposed the establishment of a co-ordination committee to be chaired by the ICR, with the OSCE as one of its key participants.

Secondly, given the OSCE's expertise and institutional knowledge, the Organization is likely to be asked to certify the future general and municipal elections as having met international standards.

Thirdly, in co-ordination with the ESDP Mission, the Organization could also continue its work in the areas of human rights and rule of law, even though capacity-building is not part of my proposal, since it is not related to Kosovo's status.

Fourthly, it is envisaged that the OSCE will participate in monitoring the implementation of the settlement in the area of cultural and religious heritage. My proposal foresees that the OSCE, due to its extensive field presence, will be represented in the Implementation and Monitoring Council dealing with the Serbian religious and cultural heritage in Kosovo. The Organization could, for example, mediate between the Serbian Orthodox Church and municipal authorities with regard to the protective zones and bring matters to the attention of the Implementation and Monitoring Council or the ICR, as necessary.

...In this process [of consultations between the parties], there has been a lot of talk about reaching a compromise on the status issue.

However, compromise has meant that each side wanted the other one to accept its position. No amount of delays or meetings will bring about a change in this behaviour. I would have liked to sound more optimistic, but as I have said earlier, it is highly unlikely that a compromise solution on status will emerge.

It will be difficult to find a solution to Kosovo's status if one ignores what went wrong in Kosovo during the 1990s and [fails to recognize] what has happened in the society since then. My proposal is not ideal either, but it is realistic, pragmatic and viable for all the residents of Kosovo. In fact, it provides for the effective protection of the Kosovo Serbian community's rights as well as their cultural and religious heritage. However, my proposal can only provide the framework. Successful implementation will require time and cannot happen without the co-operation of all of Kosovo's communities.

Time is not on our side. I have already delayed my presentation for two months due to the recently held elections in the Republic of Serbia. Further delay would not provide any advantage, but could have a destabilizing effect on the ground. Our interest and responsibility therefore lies in solving the status issue once and for all.

To be successful, I need your support for my efforts and for the settlement. Preparatory work on the implementation of the settlement — particularly between the OSCE, UNMIK and ICR — should also continue to progress. This Permanent Council will have to approve the establishment of the future OSCE field mission to ensure the support to the ICR for the implementation of key aspects of the settlement.

I am very grateful for the encouraging stance taken so far in the preparatory work. In the weeks ahead, I will count on the continuing support of all of you as we work together to resolve this last outstanding open issue in the Western Balkans.



UN Special Envoy Martti Ahtisaari briefed participating States on Kosovo three times within the past year.

OSCE/SUSANNA LOOF