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A photograph of a group of men in suits sitting around a large, dark wooden conference table. They are engaged in a meeting, with some looking at documents and others talking. The room has large windows with curtains and flags in the background.

Negotiations on future status of Kosovo begin

Editorial



This issue of the ASI Newsletter devotes itself to the start of the process of determining Kosovo's future status, the role of the Assembly of Kosovo and strengthening negotiations skills.

Following the Standards assessment and the comprehensive review of the situation in Kosovo by Ambassador Eide in September 2005, Kosovo has entered a historic phase. On 24 October 2005 the UN Security Council endorsed the recommendation to initiate discussion on Kosovo's future status. Former Finnish President Martti Ahtissari was appointed UN Special Envoy for the Status Talks. The Contact Group issued ten Guiding Principles for the status determination process. And on 22 November, Mr. Ahtissari, together with his Deputy Albert Rohan, arrived in Kosovo and conducted a first meeting with the Kosovo Delegation.

In previous weeks the Kosovo Delegation met several times and established the structures entrusted with generating proposals and policy options for the talks. On 17 November the Assembly of Kosovo approved a resolution outlining the principles it wants to see realized when the issue of status is decided by the UN Security Council.

Along with the political and diplomatic activity on status, intensive preparatory work, strategy development, and negotiation skills will be required. From 30 October to 30 November, Kosovo-Albanian and Kosovo-Serb politicians intensively worked on strengthening their negotiation skills. Members of the Assembly, government experts, and political party representatives engaged in a series of events, organized by the Fletcher School of Law and Diplomacy, the Public International Law and Policy Group, and the OSCE Mission in Kosovo.

The current issue of the ASI Newsletter reflects upon the diplomatic and political process surrounding the negotiations, the role of the Assembly of Kosovo, and the experiences from the support programme in preparation of the negotiations. Several key-documents have been included in this issue, as well as opinion pieces reflecting different views on the process. We hope you find them interesting and we look forward to your feed-back.

Franklin De Vrieze,
Assembly Support Initiative Coordinator.

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Franklin De Vrieze



For a period of two days in October 2005, 24 OSCE Ambassadors took part in briefings and meetings to assess the situation in Kosovo prior to the launch of status talks. The delegation met with political leaders from all communities in Kosovo and heads of several international organizations.

Kosovo: A European Challenge

Veton Surroi, member of the Assembly of Kosovo, of the Kosovo Delegation for Status Talks and head of the consultative council on minority communities

The issue of Kosovo could be a symbol of a new European foreign policy, respectively the first victory of what could become a future Foreign Ministry of the European Union.

This year, by chance, several developments in the EU have marked something that can be considered as a foreshadowing of political developments to come. Referendums on the European Constitution in France and the Netherlands showed the animosity toward the EU's accelerated enlargement. Among the items in the Constitution was to be a European Foreign Ministry that would have taken over more obligations on behalf of the 25 European countries.

Only recently, a united Europe—along with the support of the UN's mandate and with direct backing by the US and Russia—almost took the key intermediation role on determining the final status of Kosovo

In 1998-1999, Kosovo served as a perpetual example, attesting that America's lead was needed in resolving problems in Europe following wars in Croatia and Bosnia and Herzegovina. In 2005, joint Euro-American efforts proved that Kosovo was in the strategic interest of the United States, not just in dealing with "small" regional problems such as Kosovo, but also in addressing challenges faced by the continent. Of course, all this was done through an emphatic American diplomatic initiative that broke the existing status quo in elaborating the issue of Kosovo.

The substantial move from one political entity to another will



become clear to Europeans. To date, EU practice in Kosovo has been to provide funds to the UN Mission and in turn bureaucrats within the UN have spent the money. The paradox here is that although the EU was not responsible for them, it was, however, held accountable before the public. An infamous example is Kosovo Electric power Corporation (KEK). The decision for spending over half a billion Euros by UNMIK was political in nature. It was the EU's money. For the citizens who realize that even after six years they still do not have sufficient electricity supply, the EU is held accountable.

In fact, the EU does not know how to manage other countries, and it has never done it before. (It suffices to say that the UN has also proved that it doesn't

know how to manage, but that's another story). The power of the EU, during the past decades, was in transforming societies by stimulating them, not through dictating and force. This way the EU has assisted all societies, starting from those that emerged from right wing dictatorships such as Spain, Portugal, and Greece, to countries of the ex-Soviet camp which emerged from left wing dictatorships such as in Central European countries and the Baltics, by conditioning financial aid to changes in the economic and political system. This paradigm was not applied in Kosovo. The EU had been built as a non-functional UN system. Now is the time to change, by changing its entire philosophy, from management to conditioning.

In reality, this policy of

conditioning has already been done at a different level. The EU has three diverse models for the same process, known as Stabilization-Association. This can be compared to a waiting room which leads to the main room, namely to the official candidacy for EU accession. The countries of the western Balkans should go through the process of fulfilling the standards in order to become candidates. One of the models, the normal one, had been used for countries such as Croatia, Macedonia, and Albania. Another one, known as the parallel model, applied in Serbia and Montenegro's case, was done by offering two channels, one for Serbia and the other for Montenegro. The third one, known as a "tracking mechanism," was developed for Kosovo.

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Assembly Key in Negotiation and Status Talks

Ramush Tahiri, Senior political advisor to the Assembly President

What role will the Assembly of Kosovo have in the process of negotiations for defining Kosovo's future status? What will their function be in relation to the Negotiation Group? How much input will the Assembly have in the decision-making process, approving consent, preparing of platforms and other documents?

Now, after more than six years under an international administration, the process of determining the future status of Kosovo has finally begun. This, in accordance with the following international objectives of: finding a solution to the unresolved issues of Kosovo; turning Kosovo into a stabilizing factor and democratic country where the rights and freedoms of all citizens are respected equally; and, working in accord with the freely expressed will of

Kosovo's people.

There is a general consensus that Kosovo's status cannot remain in continual limbo as this cannot produce stability. Accordingly, this must change.

Now, as the task begins to bring about an agreement or a decision on status with all interested parties and negotiation teams, we need to figure out the responsibilities and obligations of Kosovo's bodies and institutions regarding this crucial issue for the future of Kosovo citizens and the region.

Taking into account some basic principles and criteria, which will determine these talks, envisaged also by the Contact Group, and taking into consideration that negotiations are to be held about the future of a territory and its citizens, it is obvious that the responsibility of the

Assembly is of a paramount importance. Namely, in the Kosovo Assembly 17 political entities are represented, including all ethnic groups.

We have never questioned the fact that the Kosovo Assembly has a great responsibility and that it will meet all its obligations in preparing the Platform for negotiations, determining the future status, appointing a Negotiation Team, as well adopting and ratifying decisions or specific agreements. Both the Assembly and the Government of Kosovo have sufficient capacities to be directly involved in status talks and provide concrete aid for all issues, which are parts of negotiations or accords.

The approval of the Negotiating Team by the Assembly, as well as the approval of Resolution on Recognition of Citizen's Will for Independent and

Sovereign State of Kosovo, are actions already undertaken by the body. The Assembly, being represented in the Negotiation Team by the Assembly Speaker, strengthens the constitutional role of the body and enables active and decisive participation in all issues as they relate to the definition of Kosovo's destiny.

It is great significant that the Negotiation Team is comprised of the President, Prime Minister and President of the Assembly, as well as representatives from two opposition parties. This ensures full compatibility between the Team and the Assembly, and it also provides the necessary votes for approving issues tabled in the Assembly by the Team, or issues being debated by Assembly members.

The Assembly shall involve in the working groups through the respective parliamentary committees or Assembly members, who are experts in certain fields. The Assembly will provide the working space, technical conditions, and staff support.

The active participation of the Legal and Legitimate Institutions of Kosovo, especially the Assembly, in the negotiation process and determination of future status is a necessity due to the fact that the Institutions represent the will of the people as decided in free and democratic elections, and provide respect for the sustainability of decisions made for Kosovo and on behalf of Kosovo.



A crucial time for Kosovo

Mark Dickinson, Head of the Liaison Office of the United Kingdom

The past two months have seen historical decisions for Kosovo, culminating in the beginning of the final status process. The next twelve months will see many more; it is now time for Kosovo's leaders to prepare themselves to take part fully in this process, a process for which many have been working for many years.

As a member of the Contact Group, the UK welcomed Kai Eide's report, which was published in October, and the subsequent recommendation by the Secretary-General to launch the process to determine the final status of Kosovo in accordance with UNSC Resolution 1244. We also warmly welcome the appointment of Martti Ahtisaari to lead this process; one could not imagine a more qualified or suitable envoy.

The Special Envoy's visit to Kosovo in mid November marked the start of the final status process. Now that this has started, it cannot be blocked and must be brought to a conclusion. The outcome of this process will have a direct impact on future generations. It is therefore important that all communities in Kosovo are fully prepared for the talks. It is especially important that Kosovo's minority communities, including the Serbian community should have the opportunity to express their views and argue for their own interests. The Contact Group has asked the authorities in Belgrade to encourage the Serbs of Kosovo to take their place in Kosovo's institutions. It is important that the dialogue within Kosovo, between Pristina and Belgrade, and between all

the communities in the region, should continue and feed into the process. The Contact Group has agreed ten broad guiding principles to shape the outcome of the Status process. These rule out a return to the pre-March 1999 situation. There can be no changes in the current territory of Kosovo, i.e. no partition of Kosovo and no union of Kosovo with any country or part of any country. The territorial integrity and internal stability of regional neighbours must be fully respected. The status settlement must ensure Kosovo's security and that Kosovo does not pose a military or security threat to its neighbors. Specific provisions on security arrangements must be included.

Furthermore, the settlement should ensure multi-ethnicity that is sustainable in Kosovo. It should provide effective constitutional guarantees and robust mechanisms to ensure the human rights of all of Kosovo's citizens. This includes the right of refugees and displaced persons to return to their homes and re-integration into the community. Mechanisms should enable all Kosovo communities to participate in both local and central government. Effective structures of local self government, established through the decentralization process, should ensure equitable and improved access to public services. In addition, the settlement of Kosovo's Status should include specific safeguards for the protection of the cultural and religious heritage in Kosovo. This should include provisions specifying the status of the Serbian Orthodox Church's institutions



and other cultural and religious sites in Kosovo.

The settlement of Kosovo's Status should look to promote effective mechanisms to enforce the rule of law, to fight organized crime and terrorism and safeguard the multiethnic character of the police and the judiciary. The rule of law is essential for Kosovo's sustainable economic and political development. Large-scale investments will only come to Kosovo if investors can be sure that it is a functioning democratic society where the rule of law applies across the board and where no one is seen to be above the law.

Furthermore, final status must also be fully compatible with international standards of human rights, democracy and international law. Adherence to European standards is essential for Kosovo to realise its ambition to join the European Union at some point in the future. As current holder of the European Union Presidency, the UK affirms the European Union's commitment to support the process, during the status discussions and beyond.

But, whatever happens, final status alone cannot bring

prosperity to Kosovo. It is vital that implementation of the standards for Kosovo continues in conjunction with the Special Envoy's work on the final status talks. Fulfilling the eight standards will help create a better society for all, but also, will affect the pace and results of the final status process. It will also determine the speed with which Kosovo is able to join the European Union. The Eide report provides a road map of the journey that Kosovo must take in fulfilling the standards.

The final decision on Kosovo's Status must be endorsed by the UN Security Council. It is not for the British government to say what Kosovo's final status should be – even if we are well aware of what the vast majority of Kosovo's citizens want. The final status process will not be an easy one. All parties will be required to prepare detailed negotiating positions and agree on issues where they can make compromises and issues where they will not. Difficult decisions will have to be made. But it is time to move away from the past and look to the future. The process of reconciliation, however painful, must start to ensure the development of a sustainable Kosovo.

Opening address by Ambassador Werner Wnendt at the negotiation skills building programme

30 October 2005 – Kosovo Police Service School, Vushtrri/Vučitrn

It's my pleasure to welcome you to this negotiation skills building programme. I am particularly honoured by the presence of the Prime Minister, Mr. Bajram Kosumi. I would also like to welcome the experts of the Public International Law and Policy Group - PILPG, Mr. Paul Williams and his team, who will spend the next week generously sharing their experience and knowledge with you.

This programme, developed by the OSCE Mission in Kosovo in co-operation with the Public International Law and Policy Group and the Fletcher School of Law and Diplomacy, represents an important contribution to our mandate of providing support and capacity building assistance to Kosovo's institutions. The programme is composed of three modules:

- A negotiation simulation,

which will focus on drafting and negotiating a constitution and deal with topics such as the role of the third party mediator or cultural sites that need protection. A drafting exercise on a specific topic will be included, so that you may gain familiarity with the difficulties which are likely to arise during the drafting of a status agreement. I would like to stress that no attempt will be made to prejudge the

outcome of the status talks through the simulations or direct participants toward any particular outcome.

- Devising a Drafter's Handbook designed to serve as a practical guide for negotiators and experts. The Handbook will be divided into a series of subject matter templates tailored to reflect those issues most likely to arise during talks. Each template will contain a brief primer





on the subject, a detailed comparative analysis of language used in other peace agreements, model language, and a brief summary of the political context of relevant previous agreements.

- Conceptualizing negotiating processes and strategy development to familiarize you with the specifically relevant aspects of the theory of negotiation. It will include topics such joint gains, analyzing interests rather than positions, working with a third party and opportunities/constraints of public opinion; working with constituents. A prominent international negotiator will come to Kosovo and provide his testimony.

It is also the OSCE's conviction that equal opportunity should be given to all parties who are involved in this process to strengthen their negotiation

skills. For this reason, a similar programme will be offered to Kosovo Serbs at the end of November.

I am confident that all of you will benefit from the expertise and experience provided by PILPG. Through this programme, you will strengthen your negotiation skills and acquire a more precise understanding of the process. This will prove especially useful for those of you who will be closely involved in the status talks.

Today, Kosovo stands at an important point in its political development, with the talks on its future status to be launched soon. Having this in mind, I would like to take this opportunity to reiterate the following points:

First, Kosovo's ability to secure its future within Europe will depend to a great extent on the capacity of its leaders to present a common

front throughout the future status determination process.

Second, the Kosovo Delegation has to prepare itself to enter the negotiations. It will need technical support from working groups which are yet to be established. Concrete action is urgently needed here.

And third, I would like to stress that non-Kosovo Albanian communities must be included in this process. A clear proposal on inclusion of their concerns has to be made by Kosovo's leaders. This is the only way to ensure ownership of Kosovo's future status by these communities.

To conclude, I hope you will find this programme useful. Please know that the OSCE remains ready to provide further capacity building programmes, should the need arise in the course of the future status determination process.

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These three models show the parallel movement between determining Kosovo's status and the speed in which it's better integrated into Europe. This can be seen also as a very symbolic gesture. The negotiation process for determining the status of Kosovo was opened, at the same time when the negotiation process for what in fact is the acceleration of Serbia's accession to EU.

But, what could be the added value for European diplomacy? To have solved the issue of status, namely to have recognized a newly created state. No. For a united Europe, the issue is how to prove it can transform countries with limited power. In order to achieve this, countries such as Kosovo, Montenegro and Serbia should first become independent, so that they could then become EU partners.

Actually, the issue of transformation of countries, from crisis point to functionality, are among the greatest challenges of the world. For the EU, it would be a great advantage to be able to prove that, vis-à-vis crises in Middle East and Central Asia, a country like Kosovo can move from the crises and war, humanitarian intervention, international protectorate to a modern European state. And, needless to say this is above all in the interest of Kosovans themselves.

This article is based upon a more elaborated speech delivered to the European Club of Harvard University on 15 November 2005.

Paradigm Shift: The Essence of Successful Change

In the framework of the Negotiations Support Program, Mr. Rolf Meyer came to Kosovo to share his experience as Chief Negotiator in South Africa. In the early 1990's a paradigm shift took place in the political reasoning of the National Party (NP) government, the ruling government of the day, which accelerated the process to transform South Africa from an apartheid state to a state espousing equal rights and opportunities for all its citizens. As a member of the government's negotiation team, Mr. Meyer experienced this shift personally, as he reveals in his below testimony.

The Negotiations Support Program was offered to Kosovo's political leadership and experts to status talks. The initiative was organized by the OSCE Mission in Kosovo and the Fletcher School for Law and Diplomacy, along with the support of the US-based Project on Justice in Times of Transition.

Roelf Meyer, Chief Negotiator in South Africa

My experience as one of the main negotiators for the NP-government is that political leaders and negotiators typically negotiate from territories and positions they know. At best they are prepared to adjust that position in order to meet demands from the opposing side. All policy changes that are made are, therefore, of a tactical nature and are, therefore, not fundamental to the sustainable resolution of conflict. Rarely do political leaders take the risk to venture into an unknown territory and seldom do they challenge themselves to define visionary and idealistic positions to work

towards a different future. Many politicians will reason that it's much safer to keep an old framework, politically and personally, than to engage in a new paradigm.

Eventually, a shift from the old to the new, from the past to the future, will have to be made. No conflict can be resolved without opposing views merging, or common new positions being developed that are a major departure from the old ones. Thus, when a state, a country, a region is involved in a protracted socio-political conflict and it is serious in its aim to come to a sustainable solution that is agreed to by all

parties, it is pertinent that the leadership of such a country espouses - and so promotes and endorses - radical change. For this to take place, the actual thinking of the leadership of the parties in such a country or region needs to change in a fundamental way. In other words, a paradigm shift is called for.

Characteristics of Transformational Leadership

The transformational leadership in South Africa was characterised by the following:

Another fresh start after the Convention for a Democratic South Africa (CODESA): The

total failure of CODESA caused a catharsis, which in turn necessitated a departure from the old way of thinking and acting.

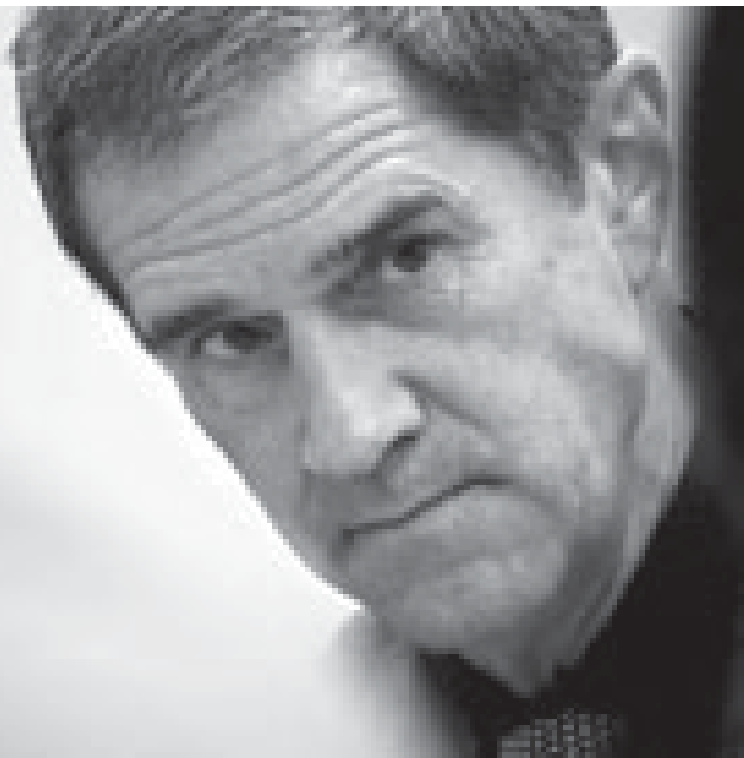
Paradigm shift: The result of the catharsis was a shift in paradigm on the personal level that informed the political and procedural levels and so created a negotiation process entirely different in quality from previous sets of negotiations.

The leadership of the African National Congress (ANC) and the NP, respectively, entrusted Cyril Ramaphosa and myself to take the process forward. In our functioning as negotiators, the paradigm shift was evident in our relationship and the negotiating process in the following:

Trust: The trust that developed between Ramaphosa and myself was essential in reaching agreement on the way forward, and also during the actual process of constitution making. We believed that as a team we would find no problem insurmountable, even where there seemed to be irresolvable issues between us.

Common belief: Both Ramaphosa and I believed in a negotiated settlement as the only sustainable solution to the conflict in South Africa.

Joint ownership of a common



vision: Even though coming from oppositional backgrounds Ramaphosa and I were committed to the vision that a constitutional state needed to be created to ensure democracy in South Africa.

Readiness to abandon previous positions: Since we had reached agreement on our ultimate goal, we abandoned previous positions and entrenched non-negotiable ideological stances.

Win/win principle: Our common vision enabled us to take joint ownership of the negotiation process and so create the foundation for a win-win solution. We developed a faith in a common solution reached through negotiations

Respect for differences in opinion: Through our mutual trust we developed a genuine desire to listen with the purpose of truly understanding each other's opinions. We developed an insight in each other's mind by visualising and respecting the other's origins.

Because of shift having taken place in us, we could give direction to the negotiating teams and motivate them. This became apparent in the following:

Faith in the attainment of the greater good: The teams worked for a common vision aimed at creating a democratic South Africa.

Credibility: Unlike in the past the teams did not go back on promises and concessions. There was a very high moral and ethical standard.

In-depth dialogues: With trust, respect, and a common vision both teams could afford to spend time on serious, in-depth dialogues instead of wasting

energy on petty differences.

Focus on finding answers to complex issues: Opposing parties would focus on finding answers to complex procedural issues regarding the negotiation process and the content of the constitution. Opportunities were created for parties to engage in thorough deliberations on the details of the interim constitution. Never before in the history of the country had black and white worked together as equals formulating a common future, a joint destiny as partners.

Positive image building: During the deliberations erstwhile adversaries met on a person-to-person basis. This meant that previous impersonalised enemy images were revisited and replaced with respect.

Inclusivity: At relevant times the multi-party negotiations consisted of more than twenty political parties, government structures and traditional leaders' groups. This ensured that no group felt excluded from the process. Smaller and larger parties had equal opportunities to participate. Although some parties, of which the Inkatha Freedom Party (IFP) was the most significant, withdrew from the multi-party forums at a certain stage of the process, bilateral interaction with them never ceased and negotiated amendments to the interim constitution were made to accommodate them. The inclusive nature of the process resulted in the extremely high level of voter and party participation in the first democratic elections and the peaceful transformation that followed.

Also in formal parts of the

process the paradigm shift was evident. Some examples are:

Principles instead of dogmas: A 'principle' must be seen as the 'establishment of common ground' established through consultation.

Target dates: As part of joint ownership it was necessary to give direction and steer the process towards a logical end so time frames played an essential role in the process. The approach to respect target dates, the election date amongst them, ensured that the negotiators worked in a committed and focused manner. Working against deadlines not only consolidated trust, but was also effective in controlling emotions amongst the black communities who grew more and more restless, especially when violent incidents like the assassination in April 1993 of Chris Hani, one of the most popular leaders, occurred.

A complete constitution: The negotiations which mainly concluded in November 1993 resulted in the establishment of a complete interim constitution, a Bill of Rights and provisions for the implementation of a constitutional court and various other institutions to uphold the new democracy.

In our relationship with the media, and through them with the country at large, the paradigm shift was apparent in:

Transparency: The multi-party negotiations were open to the media. An unforeseen effect was that because of the presence of the media we learnt to negotiate without projecting aggression. Even when tension did develop between the parties,

forcing them to resolve these on camera, the outcome would be announced in the open multi-party forum.

Information to the public: Through the media our respective constituencies remained informed. As a result of this our constituents' anxiety abated. This was one way in which support was gathered for the talks and the outcome. The media's reflections on the negotiation activities were mostly objective, their investigative journalism informed both public and negotiators and created a dynamic of interaction.

Concluding remark

Many white South Africans today deny that they ever supported apartheid; others would say that apartheid was not actually that bad. The reality is that virtually all whites supported apartheid, including myself, and it was very destructive. I mention this because it is important, I feel, not to run away from this reality. For me it is fundamental to admit that apartheid existed and that at one time I benefited from it, indeed, that I was part of the structure upholding it. I want to stress, however, that, despite this it was possible for me, and for many others, to make the shift from the old paradigm to the new, and so play an active part in the establishment of a new democratic South Africa.

My final thought then, is to say that if the will and the faith exists in the prospect of a sustainable peace, then it is possible to resolve any conflict, even one that lasted for more than three centuries.

Enhancing Negotiating Skills through Simulation, Legal Drafting

On 30-31 October and 4-5 November, more than 40 members of Kosovo's Provisional Institutions of Self-Government (PISG) and Assembly participated in Negotiation Skills Training held by the Public International Law & Policy Group (PILPG). Conducted under the auspices of the OSCE Mission in Kosovo, the training programme encouraged participants to devise innovative solutions to possible difficulties in Kosovo's future status negotiations.

Paul Williams, Director, Public International Law and Policy Group (PILPG)



PILPG hoped to improve both the participants' empathy for the interests held by other parties, as well as their understanding of difficult legal issues. Participants were nominated by party leaders and represented each of the four main political parties: LDK, AAK, PDK, and ORA. Participants from the PISG's ministries and the Office of the Prime Minister also attended.

The training took place in two parts. The first component was a negotiation simulation based on Iraq's Constitution. The simulation was designed according to the methodology applied by the United States Department of State's National Foreign Affairs Training Center, which uses negotiation simulations to train American diplomats prior to mediations and negotiations.

While each participant was assigned the role of a delegation to Iraq's Constitutional Congress, PILPG selected topics likely to arise during Kosovo's negotiations such as the role of the international community, new responsibilities of the (Kosovo) Government, decentralization and local government, and the protection of cultural sites and minority rights. Further, the simulation included a drafting exercise on specific topics so that participants could gain familiarity with the difficulties likely to arise during the drafting of a final status agreement. The exercise ended with all participants discussing "lessons learned" over the course of the instruction.

PILPG did not attempt to prejudge the outcome of the exercises or direct the

participants toward any particular outcome. Rather, the simulations were designed to highlight key issues that will need to be resolved to craft a durable peace in Kosovo.

For the second component of the programme, PILPG created a Briefing Book for the participants. The Briefing Book serves as a practical guide for negotiating and drafting a final status agreement. The document explains how to translate political agreements into legally binding treaty language. In small group sessions, we focused on crafting provisions in a way that might ease the task of implementation.

The Briefing Book contained templates for those issues most likely to arise during future status negotiations and paralleled issues presented in the simulation. Each template briefly summarized the subject, provided relevant language from previous peace agreements, and suggested model language.

All participants discussed the issues candidly and openly. Of course, there were disagreements, but participants displayed mediation, compromise and negotiation skills throughout the duration of the programme. Surprisingly, participants worked across party lines. They did not necessarily argue

their party's position but sought compromise with members in their delegation, shared ideas, and supported their delegation.

Participants also seemed to grasp the urgency associated with preparing for an international negotiation. Drafting a platform, and securing broad support among different interests, can be a lengthy and difficult process. PILPG asked those taking part to draft a hypothetical statement of principles. Working over two days, in small groups, the participants negotiated and drafted a 20-point platform containing provisions on future status, a continued international presence, protection of minority and human rights, and support for the rule of law. This platform was presented to the Kosovo Delegation Team.

Perhaps most importantly, the training programme generated significant momentum. The participants readily took ownership of the issues presented and developed a sense of responsibility toward resolving these issues, with many indicating that this was the first time they had an opportunity to air their opinions. Others said the programme had led them to think about other issues, related to those discussed during the project.

The Fletcher School of Law and Diplomacy Provides Negotiation Training To Both Albanian and Serb Leaders in Kosovo

Professor Eileen Babbitt, Director of the International Negotiation and Conflict Resolution Program at the Fletcher School of Law and Diplomacy (USA)

At the request of the OSCE Mission in Kosovo, the Fletcher School of Law and Diplomacy from Tufts University in the United States designed and conducted two negotiation training programs in November 2005. The purpose of these workshops was to increase the effectiveness of negotiation skills of both the Albanian and Serb political leadership in Kosovo. The reason that both communities were included was our belief that the more the leaders on all sides of a negotiation are prepared and skilled, the better the outcome will be for each side. This is because all sides will then appreciate the benefits of working from interests rather than from positions, and of pursuing creative options that meet the interests of all.

The first training program was held on 10-12 November at the Palace Hotel in Mitrovica, with a distinguished group of Kosovo-Albanian political leaders. The program was prepared in collaboration with the U.S.-based Project on Justice in Times of Transition. The trainers were Professors Eileen Babbitt and Diana Chigas from The Fletcher School, both of whom teach negotiation and have extensive experience in conducting negotiation skills training programs with political and business leaders in countries around the world. They have both also provided

trainings over many years in the countries of the former Yugoslavia.

They were joined by Mr. Roelf Meyer, former Minister of Defense of the government of South Africa, and lead negotiator for the National Party in the negotiations that resulted in the historic peace agreement in South Africa. He shared his experiences with the participants and provided important insight into how to approach the upcoming status talks. In addition, the team was joined on the third day by Mr. Wolfgang Petritsch, currently the Austrian Ambassador to the UN in Geneva and formerly the EU Envoy to Kosovo and EU mediator in the Rambouillet negotiations. Mr. Petritsch reviewed both the Contact Group's "Guiding Principles for a Settlement of Kosovo's Status" and the European Union's response to those principles.

The second training program was held on 27-28 November in Brevocica, with an equally distinguished group of Kosovo-Serb political leaders. The trainers were Professor Babbitt from the Fletcher School, and Dr. David Steele of Mercy Corps/Conflict Management Group from the U.S. They were joined by Mr. Milorad Pupovac, M.P. to the Croatian Parliament. Among many other accomplishments,



Mr. Pupovac participated in the 1997 discussions leading to the reintegration of Eastern Slavonia. In this training program, he reviewed the negotiation lessons he has learned over many years as a political leader in Croatia, and advised the Kosovo-Serb leaders on possible strategies for the current talks.

In both training programs, the emphasis was on the importance of preparation and analysis. Both the trainers and the guest speakers stressed the value of preparing ahead, rather than being caught off guard at a later point. This allows for analysis and creativity to prevail, and prevents defensive reactions that can lead to deadlock. The primary preparation is to clearly understand the core interests of one's own group, and also of the group that will be sitting

on the other side of the table. Rather than continuing to make non-negotiable demands that appear irreconcilable, effective negotiation stems from understanding the motivations, concerns, and fears that are behind such demands. This, in turn, leads to finding creative approaches that respond to the core concerns of all sides, not just one's own side. Such creative solutions are much more sustainable than outcomes that are imposed or that are perceived as benefiting one side more than another.

All of the trainers and invited speakers appreciated the opportunity to work with the communities in Kosovo at this important time in the negotiation process, and all expressed interest to the OSCE and to the participants in remaining involved as the process continues.

“Serbs are not just part of the problem, they’re also part of the solution”

On 27 and 28 November 2005, the OSCE Mission in Kosovo organized a programme on negotiation skills for Kosovo Serb political leaders. The programme was run by the Fletcher School of Law and Diplomacy (USA) and joined by Dr. Milorad Pupovac, chairperson of the Serb National Council in Croatia. Mr. Oliver Ivanović, Head of the Serbian List for Kosovo and Metohija (SLKM) and a member of the Assembly of Kosovo, participated. Below are some of his reflections on the role Kosovo-Serb politicians could play in future status talks.

Interview by Biserka Ivanović, OSCE Mission in Kosovo

ASI: How do you assess the negotiations skills programme held recently for Kosovo-Serb politicians?

Oliver Ivanović: It was an excellent opportunity for many of our people who are active in politics and didn't have an opportunity so far to learn something about negotiation techniques. It was an opportunity for all of us to better understand what is at stake in the negotiations.

The average Serb politician often knows very well what he doesn't want. However, he often doesn't manage to get what he wants. Actually, he usually thinks that clearly expressing an opinion and stand on a particular issue is sufficient. He usually neglects the perspective of the other side on a particular issue, but this is not what negotiations are about. Such an approach can only be afforded by the one who can ultimately pursue his solution. There is only one super-power in the world and they are not the Serbs!

ASI: What do you think was the greatest achievement of the programme?

Oliver Ivanović: Its success was, first of all, that so many new people came, particularly from the central part of Kosovo. They understand the significance of the negotiations

for their survival. I think that all participants were very interested and open in elaborating their positions.

ASI: What do you think is still needed?

Oliver Ivanović: I think that we missed the chance to conduct a simulation of the actual negotiations on status talks. It would have been particularly interesting if participants played different roles, such as the role of the Serbian government delegation, Kosovo-Albanian delegation, Contact Group representatives, and Marti Ahtissari. If we can't get into these roles, we won't be able to understand the positions of all with whom we will need to negotiate.

ASI: What are your expectations now at the beginning of the status talks?

Oliver Ivanović: I expect negotiations to be peaceful, without violence. I expect for the negotiations to get into the phase of direct talks soon. I also anticipate that there will be no one-sided decisions. I fully agree with the Guiding Principles of the Contact Group.

ASI: Where do you see Kosovo-Serb participation in future talks?

Oliver Ivanović: Our participation will be the most



fruitful if we get involved in the discussion on decentralisation. We know what we expect from this process. Our direct involvement has to be linked with the improvement of security situation. The question of return will not be possible to solve if we don't bring several relevant factors together: the Serbian State, the PISG, the Kosovo-Albanians, UNMIK and the international community. Until now this issue was approached in the wrong way, without good cooperation with the PISG and UNMIK and with no significant influence by Kosovo-Serbs.

A particular task for the Kosovo-Serbs will be to suggest changes to the Constitutional Framework on how instruments protecting minorities and preventing out-voting are most vital or of particular significance in protecting the constitutional

rights of Kosovo Serbs.

ASI: What do you think Kosovo Serbs could offer to Kosovo Albanians to make Kosovo a modern European society?

Oliver Ivanović: Serbs are a minority in Kosovo. As a minority community they're not just part of the problem, they're also part of the solution. Kosovo today, more than ever, needs political stability and security in all aspects, meaning rule of law. There is a need for a historical agreement between one majority and one minority community. Kosovo Albanians still don't sense this. Kosovo-Serbs could play a stabilising role and a hand in establishing a climate of general confidence. I expect that they understand their responsibility as a majority, especially when it come to protecting Serbs.

Our Aim: To Return Kosovo's Cultural Heritage

By: Astrit Haraqija, Minister of Culture, Youth and Sport

In September 2005, I met at the invitation of my Serbian counterpart, Mr. Kojadinovic. The meeting was held in a constructive atmosphere, aimed at increasing mutual cooperation between two neighboring governments.

The gathering was of great interest to the media and general public as it was the first of this type, between two high officials, after the conflict in Kosovo. However, comments later made in the media would lead one to think that it wasn't even worth discussing at further length. In spite of this, it suffices to say that at the international level it was seen as a milestone in cooperation. Accordingly, the Belgrade meeting contributed to regional dialogue, which is of paramount importance in achieving regional stability.

On the other hand, it is important to note that the gathering was not political in nature and hence it did not interfere in the political status of Kosovo, as we don't have the mandate to discuss it. So, what was the motive behind the meeting and what was its aim? It was simply a working meeting, focused solely on issues that fall under the cultural scope of activities. According to the

agenda it was also envisaged to discuss the reconstruction of Serb churches, the implementation of which had already begun. This was due in part to the fact that I was then the chair of the Interministerial Committee for Reconstruction.

The primary topic of discussion focused on the return of documentation and various Kosovo cultural heritage artifacts seized by the Serbian regime during the conflict, as well as a call to exchange information related to cultural activities and appointing coordinators to represent the two ministries. Both parties agreed on these issues and we were under the

impression that the Serbian party was ready to accept our request for returning of all valuables removed from Kosovo in recent years. Hence, we agreed that the working groups for returning of documentation, artifacts, archeological issues, cultural exchange and others, to report to the respective ministers for all issues discussed on the ministerial level.


We also agreed that UNMIK facilitate the process and that it partner with the Council of Europe, UNESCO and other similar international institutions dealing with cultural issues. During the gathering, I invited my counterpart to

meet in Prishtina/Pristina, and Minister Kojadinovic agreed.

A second meeting has not yet been held, but I expect and hope this to happen soon, as cooperation would be in the interest of both parties. In our case, after all that has happened, it would also go a long way in smoothing out a troubled relationship. Personally, I would be very happy if I have managed to at least give my humble contribution to overcome the barriers that history has so often imposed upon us. I believe that it was absolutely right to request the return of artifacts as they belong to all citizens of Kosovo, regardless of their ethnicity.



The Contact Group's Guiding Principles for a Settlement of Kosovo's Status



Nicholas Burns, Under Secretary for Political Affairs, U.S. Department of State.

Contact Group countries include United States, United Kingdom, Russia, Germany, France and Italy.

The Contact Group has considered UN Secretary-General's letter and Ambassador Kai Eide's report on the comprehensive review of the situation in Kosovo contained therein that were submitted to the UN Security Council on 7 October 2005.

The Contact Group supports the recommendation by the Secretary-General to the UN Security Council based on this report to launch a process to

determine the future status of Kosovo in accordance with UNSC Res 1244. It welcomes the intention of the Secretary-General to appoint a Special Envoy to lead this process. The Contact Group looks forward to supporting the efforts of the Special Envoy and his team.

A negotiated solution should be an international priority. Once the process has started, it cannot be blocked and must be brought to a conclusion.

The Contact Group calls on the parties to engage in good faith and constructively, to refrain from unilateral steps and to reject any form of violence. Those advocating violence will have no role. The Special Envoy can take appropriate action within his UUN mandate to suspend or exclude any individual or group, if he judges that their actions are not conducive to progress.

The Contact Group calls on all parties to establish unified negotiating teams and agree on common positions.

The process should provide for the effective participation of the Kosovo Serbs and other Kosovo citizens and communities. Regional neighbors and other interested parties should also be consulted as necessary.

The progress of the status

process will depend not only on the level of engagement by the parties but also on the conditions on the ground. The implementation of the standards laid down by the United Nations must continue during the status process and will be a factor in determining progress.

The Contact Group reaffirms the importance which it attaches to constructive and sustained dialogue at all levels between Belgrade and Pristina and between the different communities in Kosovo. It asks the authorities in Belgrade to actively encourage the Serbs of Kosovo to take their place in Kosovo's institutions.

The UN Security Council will remain actively seized of the matter. The final decision on Kosovo's Status should be endorsed by the UN Security Council.

The Contact Group therefore informs all the involved parties that the outcome of the Status process should be based on the principles set out below:

1. The settlement of the Kosovo issue should be frilly compatible with international standards of human rights, democracy and international law and contribute to regional security.

2. The settlement of the Kosovo's status should conform with democratic values and European standards and contribute to realizing the European perspective of Kosovo, in particular, Kosovo's progress in the Stabilization and Association Process, as well as the integration of the

entire region in Euro-Atlantic institutions.

3. The settlement should ensure multi-ethnicity that is sustainable in Kosovo. It should provide effective constitutional guarantees and appropriate mechanisms to ensure the implementation of human rights for all citizens in Kosovo and of the rights of members of all Kosovo communities, including the right of refugees and displaced persons to return to their homes in safety.

4. The settlement should provide mechanisms to ensure the participation of all Kosovo communities in government, both on the central and on the local level. Effective structures of local self government established through the decentralization process should facilitate the coexistence of different communities and ensure equitable and improved access to public services.

5. The settlement of Kosovo's status should include specific safeguards for the protection of the cultural and religious heritage in Kosovo. This should include provisions specifying the status of the Serbian Orthodox Church's institutions and sites and other patrimony in Kosovo.

6. The settlement of Kosovo's status should strengthen regional security and stability. Thus, it will ensure that Kosovo does not return to the pre-March 1999 situation. Any solution that is unilateral or results from the use of force would be unacceptable. There will be no changes in the current territory of Kosovo,

i.e. no partition of Kosovo and no union of Kosovo with any country or part of any country. The territorial integrity and internal stability of regional neighbors will be fully respected.

7. The status settlement will ensure Kosovo's security. It will also ensure that Kosovo does not pose a military or security threat to its neighbors. Specific provisions on security arrangements will be included.

8. The settlement of Kosovo's status should promote effective mechanisms to strengthen Kosovo's ability to enforce the rule of law, to fight organized crime and terrorism and safeguard the multiethnic character of the police and the

judiciary.

9. The settlement should ensure that Kosovo can develop in a sustainable way both economically and politically and that it can cooperate effectively with international organizations and international financial institutions.

10. For some time Kosovo will continue to need an international civilian and military presence to exercise appropriate supervision of compliance of the provisions of the status settlement, to ensure security and, in particular, protection for minorities as well as to monitor and support the authorities in the continued implementation of standards.



2687th Council Meeting

The council of EU foreign ministers conclusions on Kosovo

Brussels, 7 November 2005

Chaired by Mr Jack Straw, secretary of State for Foreign and Commonwealth Affairs of the United Kingdom

WESTERN BALKANS -
Council conclusions

The Council adopted the following conclusions:.....

.....

5. The Council welcomed Ambassador Kai Eide's Comprehensive Review of the situation in Kosovo and expressed its full support for the UN Secretary General's intention to start a political process to determine Kosovo's future status.

6. The Council welcomed the UN Secretary General's

intention to appoint Mr Martti Ahtisaari as UN Status Envoy, and Mr Albert Rohan as his deputy, and underlined the EU's support for his mandate and its intention to work closely with him.

7. The Council called on both Pristina and Belgrade to engage in good faith and constructively in this process to determine Kosovo's future status. All communities in Kosovo, including minorities notably Serbs, should play their part in this process.

8. The Council underlined

the paramount importance of the ongoing implementation of Standards now and in the future. Of particular importance is the protection of minorities. The Council expressed its appreciation for the work of Mr Søren Jessen-Petersen, the Special Representative of the UN Secretary General.

9. Recalling the EU's Thessaloniki agenda and the European Council's Declaration on Kosovo of 17 June 2005, the Council reaffirmed the European

Union's determination to participate fully in the definition of the status of Kosovo and readiness to be closely involved in the negotiations and implementation of its future status. In this context, the Council reaffirmed its willingness to cooperate closely with relevant partners and other international organisations, including the OSCE which through its field presence plays an important role in Kosovo.

10. The Council welcomed Mr Martti Ahtisaari's readiness to cooperate closely with the EU. The Council endorsed the SG/HR's nomination of Mr Stefan Lehne as EU representative to the Kosovo future status process. Under the guidance of the SG/HR and the Council, the EU representative will support the UN Status Envoy in the implementation of his mandate and will provide regular and timely reports to the SG/HR and the relevant bodies of the Council. He will also contribute, under guidance of the Council and in close cooperation with the Commission, to preparations for the EU's future role in Kosovo.



Resolution of the Assembly of Kosovo

Prishtinë / Priština, 17 November 2005

Pursuant to the Charter of United Nations Organization on the Rights of People to Self-Determination and other international treaties;

Considering the legitimate aspirations of the people of Kosovo to live in freedom and peace with other nations;

Taking into consideration the historic, legal and constitutional developments of Kosovo, particularly the Bujan Conference (1943-1944), the Constitutional Declaration of 02 July 1990, the Referendum of 1991, and the Resolution of the Assembly of Kosovo for Kosovo as an Independent and Sovereign State of 1991;

Based on the long struggle of the people of Kosovo for freedom and independence;

Based on the general resistance against the occupation and in the armed struggle of the Kosovo Liberation Army;

Confirming guaranties for the protection of rights of all communities in Kosovo according to international standards;

Based on the programs of political parties with regard to the political status of Kosovo;

Highly appreciating the NATO intervention to stop Serbia's genocide and ethnic cleansing in Kosovo, and [highly appreciating] the international assistance given to Kosovo;

The Assembly of Kosovo issues the following:



Resolution

To reconfirm the political will of the people of Kosovo for an Independent and sovereign State of Kosovo

- 1) The Assembly of Kosovo reconfirms the will of the people of Kosovo for an independent and sovereign state of Kosovo;
- 2) The Assembly of Kosovo guarantees the reconfirmation of the political will of the people of Kosovo for independence through a referendum;
- 3) The Assembly of Kosovo takes on the obligation to issue a Constitution of Kosovo in compliance with standards of the European Union;
- 4) The Assembly of Kosovo seeks international support for the Independent and Sovereign State of Kosovo by the United Nations Organization, United States of America, European

Union and other countries;

- 5) The Assembly of Kosovo expresses its readiness to ratify all conventions and internationally recognized treaties on human rights and on the rights of communities, which derive from the United Nations Organization, European Union, Council of Europe and the Organization for Security and Cooperation in Europe;
- 6) The Assembly of Kosovo is committed to respect and guarantee the human rights and freedoms for all people of Kosovo and the rights of minority communities in full compliance with the international standards;
- 7) The Assembly of Kosovo will be committed for the integration of Kosovo in Euro Atlantic structures, welcomes the continued engagement

of these structures in Kosovo and will be engaged for good relations with neighboring countries and will contribute to the stability in the region;

- 8) Assembly of Kosovo guarantees the territorial integrity of Kosovo and inviolability of its borders;
- 9) The Assembly of Kosovo confirms that the will of the people of Kosovo for independence is non-negotiable;
- 10) The Assembly of Kosovo, supporting the delegation of Kosovo, will follow the work of the delegation, and each decision for the future of Kosovo will be ratified in the Assembly or through a referendum.

This Resolution constitutes the legal and political basis for the platform of the Delegation of Kosovo for the Independence of Kosovo.

The Document of the Kosovo Delegation for Martti Ahtisaari, Special Envoy of the UN Secretary General on the final status of Kosovo

Introduction

1. This document comprises a short summary of the positions of the Kosovo Delegation on both the process and the outcome of the final status determination process which began with the UN Security Council Presidential Statement on 24 October 2005.

The positions of the Kosovo Delegation are based on the Kosovo Assembly Resolution on the Reconfirmation of the political will of the Kosovo people for Kosovo as an independent and sovereign state, adopted on November 17th, 2005.

Process

2. The Kosovo Delegation welcomes the process of final status determination. It

commits itself to a constructive role in this process and remains open to discussions with all parties, in particular with the UN Special Envoy and the Contact Group. The Kosovo Delegation is ready to discuss all relevant issues in an open and constructive manner. We commit ourselves to a peaceful, comprehensive process which will address all the issues of Kosovo related to this process, and we reject, without exemption, all those who promote or use violence for political or any other ends.

2.1 The Kosovo Delegation welcomes an active and affirmative engagement of representatives of all minority communities in this process through intensive cooperation with the Kosovo Delegation.

As to it, the Kosovo Delegation has proposed establishment of a Council of Minority Communities.

2.2 The Kosovo Delegation strongly believes that the process of the Kosovo status resolution must be open and transparent with both the people of Kosovo and with the international public. After years of interim status and interim institutions, both Kosovo and the region need full clarity of Kosovo's status.

Timetable

3. The Kosovo Delegation believes that this process should have a clear time framework. The UN Special Envoy, UN Security Council and Contact Group should make sure that the process is brought to a conclusion

by mid2006, the latest. The Kosovo Delegation will fully respect this timetable.

Final Status: The State of Kosovo

4. The emphatic and strong will of the people of Kosovo is for Kosovo to be finally recognized as an independent and a sovereign state, within its recognized borders. The borders of the state of Kosovo cannot be changed in any way. The Kosovo government must exercise its sovereignty

throughout the whole territory of Kosovo.

4.1 The future democratic state of Kosovo will be a democracy with the rule of law, effective and accessible for all its citizens. All Kosovo citizens have equal rights to living in peace and security, and to have their individual and political rights respected. Kosovo's future constitution and structures of government will provide all Kosovo citizens with full protection, regardless of their ethnic background.

The State of Kosovo guarantees further building and functioning of democratic institutions

4.2 The Kosovo Delegation is committed to organizing the governance, at both central and local levels, in such a way that would enable all communities of Kosovo to have a fair participation in governance. The Kosovo



Delegation is aware of the importance decentralization has in providing this right.

Kosovo Delegation and Kosovo institutions will outline the required legal framework for the reform of local administration. Kosovo will create efficient democratic structures of local administration which will serve and facilitate coexistence of different communities providing fair access to public services.

4.3 Kosovo will be a secular state which respects the religions, languages and cultural traditions of all of its citizens. In particular, it will ensure that the religious and cultural heritage of all communities is legally fully protected. The Delegation of Kosovo pledges that this will be one of the comprising elements of the Agreement on the status of Kosovo.

4.4 The state Constitution of Kosovo will incorporate respective international legislation on the protection of minorities' and women's rights including the Universal Declaration of Human Rights, the European Convention on Human Rights, the UN Declaration on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of all Forms of Discrimination against Women.

4.5 Kosovo guarantees the right of all displaced persons and refugees to return to their properties, houses, apartments with all the rights as Kosovo citizens.

4.6. The Kosovo Delegation and Kosovo institutions will guarantee the rights of the

minority communities in accordance with international standards. These rights will be guaranteed by the Constitution and respective laws.

4.7. Kosovo will remain fully committed to the implementation of standards - in the rule of law, minority protection and functioning of institutions etc.- until those standards have become inseparable part of institutional and civic life in Kosovo.

4.8. On the bases of the international law and universal democratic values, Kosovo will guarantee free movement of people, goods, ideas and information. Kosovo will give its contribution in fighting terrorism and other negative phenomena which threaten international justice system, regional stability, societies, mankind and human values.

Kosovo will fully cooperate with Interpol and Europol and other similar international organizations.

Kosovo's Economy

5. Unclear status of Kosovo, as well as the disputes related to partition of the former Yugoslav state-owned property and businesses in Kosovo have obstructed economic development.

The Kosovo Delegation expects that all the disputes and issues arising from dissolution of former SFRY and from 1998, 1999 war in Kosovo will be resolved during negotiations.

The people of Kosovo are entitled to this property and the democratic government of

Kosovo remains committed to ensuring a just arbitration and protection of property rights. We seek an open and lightly-regulated economic structure for Kosovo aimed at a rapid and sustainable economic growth. Given our close proximity to our neighbors and the interdependence of our economies, Kosovo will seek open borders and free trade within the region.

Kosovo's regional relations

6. Kosovo pledges to have peaceful and open relations with all neighbors. It claims no territory beyond its borders and will entertain no claim to its own territory. An independent Kosovo will be fully committed to international law and the principles of the UN Charter.

6.1 After independence, Kosovo looks forward to developing closer relations with all neighbors. It would welcome and encourage regional economic cooperation and promotion of free trade and economic development in South East Europe.

Kosovo's international relations

7. The independent and sovereign state of Kosovo aspires to membership in the United Nations and other international institutions, such as the IMF, World Bank and World Trade Organization.

7.1 Kosovo looks forward to an early integration into Euro-Atlantic structures. It remains particularly committed to pursuing the Stabilization and Association process up to the membership in the European Union. In the security field, the state of Kosovo will

pursue partnership with and ultimate membership in NATO.

7.2 An independent Kosovo welcomes close engagement of the EU and NATO, as well as the OSCE, Council of Europe and others in ensuring the security of the state and the rule of law for all its citizens.

7.3. Kosovo Delegation invites NATO and the EU to contribute to the further strengthening of the Kosovo institutions with their presence in the independent Kosovo, following the settlement of the final status. Kosovo Delegation will welcome such a presence as a contribution to the stability of Kosovo, and in the institution building process.

7.4. The independent and sovereign state of Kosovo, in cooperation with NATO, will have its defense force which will guarantee the borders and the security of its citizens, and will contribute to security and stability of the region.

Conclusion

8. The Kosovo Delegation notes that this document does make up the bases of the stance of Kosovo on key issues, and in particular it expresses our will for the establishment of a democratic, law-abiding and peaceful state of Kosovo.

An independent and sovereign state of Kosovo will calm down the people of Kosovo. It will bring stability in Kosovo and will guarantee lasting stability and security in this part of Europe and the World.

*The Kosovo Delegation,
Prishtinë / Priština,
22 November 2005*

Negotiations against Self-Determination

Albin Kurti, member of SELF DETERMINATION! Movement



Self-determination is the collective right without which no individual right is possible. Self-determination is not only the freedom to choose our fate but it is the freedom to develop as well. Even though its realization is not a guarantee for progress, certainly it is precondition for it. At present, we are deprived of the opportunity for progress. The political, social and economic trends are generally negative. While we were wandering towards “standards before status,” the standard of living was declining. This is no surprise.

Without freedom, slowly but surely, you will lack food.

It is always more crucial for people to have jobs and food than the right to vote. This is even more evident in Kosovo where one votes to legitimize the political system rather than actually choosing something. The Assembly of Kosovo is trapped in a fight between political parties. These parties don't have a cause, they are factions. They have strong leaders because they are weak. They have no vision or ideology, and are mainly comprised of people

whose hunger for luxury and privileges is a narcissistic neurosis. These politicians continuously claim that Kosovo will gain independence. They say this because they do not have any strategy for other alternatives which have become increasingly likely and in which they participate. A lot of people trust them as they refuse to believe in the humiliation and indignity, which they are going through. Pluralism without a state has been shown to be neither constructive nor productive. On the contrary, it only creates an illusion of a normal

situation. After all, Slobodan Milošević also allowed political parties to operate in Kosovo.

We still lack the government we deserve. Because, we lack the true self-government to which we are entitled. Kosovo politicians are responsible to UNMIK, whereas UNMIK is accountable to New York. Kosovo Serbs are in a bad position too: their leaders answer to Belgrade. The UNMIK structure itself is not democratic: it's a political authoritative pyramid where orders move from the top to the

bottom without any internal democracy in decision making. UNMIK is not democratic in Kosovo either, as all locals are subordinates to UNMIK, as coded in Resolution 1244 and the Constitutional Framework. On behalf of building democracy, we are governed undemocratically. One fact is avoided: precisely that self-determination is the beginning of democracy, and its foundation.

On the other hand, self-determination affirms citizens as the source of sovereignty. We also lack this in Kosovo. At the same time, the right to self-determination is the principle of the unfinished process of disintegration of the former-Yugoslavia. Kosovo was unjustly deprived of this right. Without the right to self-determination in Kosovo, it cannot be said that Milosevic's project has failed and the process of terminating fascism and truthful democratization of Serbia cannot start. The right to self-determination is the minimum moral compensation for a century of injustice, losses and damage that they have inflicted upon us.

Consequently, the right to self-determination for Kosovo should be realized in two spheres: external self-determination towards the Union of Serbia and Montenegro, and internal self-determination in relation to UNMIK.

For the time being, Kosovo cannot represent itself. Yet, it is more essential to define the representation according to what and what for? The entire current investment has been

Self-determination is the collective right without which no individual right is possible. Self-determination is not only the freedom to choose our fate but it is the freedom to develop as well. Even though its realization is not a guarantee for progress, certainly it is precondition for it. At present, we are deprived of the opportunity for progress. The political, social and economic trends are generally negative. While we were wandering towards "standards before status," the standard of living was declining. This is no surprise. Without freedom, slowly but surely, you will lack food.

focused on being represented best IN negotiations with Serbia; and to be as much as possible represented FOR a compromise. Kosovo politicians claim there are no negotiations with Serbia, just with the International Community, and that there will be no compromise regarding Kosovo's status. They are lying to us twice, since they speak of only two things.

Negotiations are negotiations with Serbia on Kosovo. This is a concept and political project in full contradiction with the self-determination of the people of Kosovo. The process of negotiations, which is being prepared, disregards the will of people and it is disdainful as well as disparaging to the people.

Negotiations make sense only when they develop between equal parties. Kosovo is not a state as is Serbia and it does not have a real government as has Serbia, but it has a fictitious one. The Government of Kosovo is doubly deprived from real content: it does not have the essential ministries—Defense, Internal and External Affairs, Justice, and Information. Further, none of the current Ministries have full powers (e.g. Et'hem Çeku, the Minister of Energy, has no control over KEK and

Trepça, which are publicly and socially owned enterprises under the competencies of the KTA). Kosovo cannot negotiate with Serbia because its structures in Kosovo have not been dissolved. Besides having UNMIK over our head we have Serbia at our throat as well. And now, we are supposed to negotiate with Serbia about our country, our home, our freedom! In fact, Kosovo does not lack status, but the Kosovo people lack freedom. A prisoner cannot negotiate. Negotiations in any case lead toward a compromise because they imply a readiness for it.

Serbia does not regret nor has it remorse for the crimes it committed here. In addition, there was no justice provided for the victims. Furthermore, Serbia wants to regain Kosovo, but this time by dividing it, first of all through decentralization. Serbia, in the best case scenario, is offering to us now what it took away from us: autonomy! The only Serbia one can negotiate with is one that accepts self-determination for Kosovo. We have lots of things to negotiate with Serbia but only then, when we are free and are equal parties.

Only Self-determination provides the proper

conditions for good relations between Albanians and Serbs in Kosovo. 80 percent of political prisoners in Former Yugoslavia in the 1980's were Albanians, because the Albanian people had the least freedom of all other people in Yugoslavia and because Kosovo was not a Republic, like the other units which later became states. Despite this, the culmination of positive relations between the Albanians and Serbs was reached after the fragile autonomy of 1974, because Kosovo was far from Belgrade's control then. Hereupon, these relations deteriorated rapidly during Milosevic's regime, when Kosovo was under the oppression of his forces and terrorized. The best relationship will be reached only when external self-determination is achieved. The Albanian-Serbian relations in Kosovo are measured by the distance of Kosovo from Belgrade.

THE SELF-DETERMINATION! Movement initially aims that the totalization of the UNMIK regime is replaced with polarization. A new partition, not into political parties, but into the unjust regime on the one hand and the people who seek their rights, justice, freedom and equality, on the other hand, is being built up. This new partition is necessary for real dialectics and fundamental, and therefore proper, problematization. We, as other people, do need land and bread. And for these we need self-determination, we need realization of ourselves.

Prishtinë / Priština,
15 November 2005

Recent Developments in the Assembly

Franklin De Vrieze, OSCE Mission in Kosovo

Assembly adopts resolution reaffirming will of the people

On 17 November 2005, the Assembly of Kosovo adopted a resolution, reaffirming the will of the people for an independent and sovereign state, which will serve as the legal and political platform for the Kosovo delegation to status talks.

On 29 September, the opposition party PDK had submitted an initial draft resolution. The proposal was referred to a multi-party working group tasked with drafting a final proposal, acceptable to all political parties. The Committee on Legal, Judicial, and Constitutional Framework Matters, as well as the chairperson of the Committee on International Cooperation and EU Integration each came up with a draft text. The challenge for all caucus leaders and the heads of the two Committees was to agree on a single draft text, while taking into account the Guiding Principles of the Contact Group which excludes unilateral steps in the status determination process. Conveying the message of the Contact Group, the SRSG and Head of US Office intervened to prevent a potential clash between the PISG and the International Community just before the start of the talks. Following several hours of consultation between the parliamentary groups on 17 November, the plenary session endorsed the text of a resolution, which will serve as the platform for the Kosovo delegation to address the issue of status, and as such was not objected by UNMIK. (The full text of the resolution is included in this publication)

Stability Pact to address regional ownership

The Stability Pact for South Eastern Europe (SEE) bi-annual Regional Table and theme-focussed Working Table meetings met in Prague on 15 – 16 November 2005 to discuss the issue of regional ownership. About 200 participants representing 80 countries and organizations debated opportunities and challenges for regional co-operation in SEE. Representatives from the PISG were among the participants. The main topic of discussion in Working Table I (Democracy) was regional parliamentary cooperation. The importance of SEE parliaments in the common perspective of EU accession was cited as a primary source of development in stronger regional cooperation. Parliamentarians from six parliaments from SEE developed a consensus on the need for future capacity building to prioritize on effective parliamentary oversight in the field of legislation implementation, empowerment of Committee work dealing with EU integration, democratic control of the security sector, budgetary control, and judiciary reform.



Formation of Assembly Committee on Security delayed

On 10 October, the Committee on Emergency Preparedness submitted to the Presidency a request to “accelerate the procedure of the formation of a parliamentary committee that would be engaged in the field of security and clarify whether the Committee on Emergency Preparedness should continue to exist.” During the 17-21 November plenary session, it became clear that parliamentary groups had different views. The concern was whether a new Committee on Security should be formed or if the existing Committee on Emergency Preparedness would be responsible for covering security issues. The chairperson of the session concluded the item be postponed until an agreement had been reached between the Presidency and the parliamentary groups.

On 10 November the first meeting of the Internal Security Sector Review’s Consultative Group (ISSR/CG) was launched by the SRSG. Approximately 50 representatives from the PISG, the international community, political parties, communities, civil society, and other interest groups met to exchange views and opinions on security matters.

On 18 November, the OSCE professional development program on parliamentary security oversight started. The first roundtable was attended by 28 participants, including 16 Assembly members. The Geneva-based Democratic Control with Armed Forces (DCAF) facilitated the session and invited three guests: members of Parliament from Slovenia and Romania, as well as the Oversight Commissioner of Policing Reform from Northern Ireland. The OSCE Mission in Kosovo provided a reference

reader with relevant recent legislation on police reform, from Bosnia and Herzegovina, Serbia, and Albania.

Assembly moves forward on IMC-formation, adopts draft laws

During the 17-21 November session, the Assembly approved the proposal to form an ad-hoc parliamentary committee to recommend to the Assembly the appointment of members to the Independent Media Commission Council. The Assembly adopted in a first reading the Draft Food Law and in a second reading, approved laws on Foreign Investment, Industrial Design, and Accreditation.

Legal programme for Assembly concludes

A six months OSCE project in support to the Legal Department of the Assembly of Kosovo concluded at the end of October 2005. The project, implemented by the Institut International de Paris La Defense, provided legal expertise and legal translation capacities to the Assembly in a follow-up to a temporarily discontinued EAR-project.

The programme assisted several Committees to develop working plans and supported the establishment of specialized sub-committees. The initiative contributed to improved communication and cooperation of the relevant Committees with the international Community on the transfer of competencies in justice and security by organizing several consultations with Pillar I and the UNMIK Office of Legal Affairs.

Further, the project developed a draft law on the status of the personnel of the Assembly, a draft regulation on the organization of the Assembly Secretariat and a draft statute of the Assembly Secretariat.

Assembly approves initiative to draft new constitution

On 21 October 2005, the AAK parliamentary group submitted to the Assembly Presidency a proposal to draft a new constitution. AAK asked that the working group responsible for drafting the constitution be composed of parliamentary group leaders; the Committee on Judicial, Legislative, and Constitutional Framework Matters; and, the Committee on Rights and Interests of Communities. The proposal was

widely discussed at the 17/21 November plenary session, with the LDK proposing that a new Committee be formed to draft the Constitution. Finally, it was agreed to vote on the initiative to draw up a constitution, and that the Assembly Presidency should reach an agreement at a later time with the parliamentary group leaders as to the composition of the working group. The proposal was unanimously approved.



“Policy Strategy Group”, from left Jakup Krasniqi, Ylber Hysa, Skender Hyseni, Blerim Shala, Kolë Berisha, Ardian Gjini.

Kosovo Delegation prepares platform, strategy for status talks

With a first meeting on 6 October 2005, the Kosovo Delegation for Status Talks held several meetings to prepare its platform and strategy for status talks. Members of the Delegation are Kosovo President Dr. Ibrahim Rugova, Kosovo Assembly President Nexhat Daci, Kosovo Prime Minister Bajram Kosumi, opposition leaders Hashim Thaçi (PDK) and Veton Surroi (ORA), and Blerim Shala, coordinator of the planned working groups. At the meeting, the Delegation created a “Policy Strategy Group,” composed of the vice presidents of the four major Kosovo Albanian political parties—Kole Berisha (LDK), Jakup Krasniqi (PDK), Ardian Gjini (AAK), and Ylber Hysa (ORA)—along with Blerim Shala.

The Policy Strategy Group was authorised to start work “drafting the political platform for the independent and sovereign state of Kosovo based on the proposals that have been made so far.” The fifth meeting of the Kosovo Delegation took place on 18 November, after which the office of President Rugova released a statement announcing that a “Consultative Committee” of minority communities was created to advise the Team on minority issues. A proposal for establishing “expert working groups” was also approved. The Kosovo Delegation met on 21 November and approved a platform paper on Kosovo’s status to be presented to the Special Envoy Martti Ahtisaari on 22 November.

(The full text of the Platform is included in this publication)



ASI Mission Statement

The Assembly Support Initiative (ASI) is the inter-agency co-ordination mechanism of democratization programmes in support of the Assembly of Kosovo, seeking to strengthen and professionalize the Assembly of Kosovo. The work of ASI focuses on a democratic political culture based upon acknowledge of and respect for democratic rules of procedure, transparency and accountability to the public, developing and implementing a legislative agenda, oversight over the Executive, respect for the multi-linguality and participation in regional and inter-parliamentary contacts.

ASI partners work to bring resources together, share information and coordinate programs while identifying needs in direct interaction with the Assembly. As coordinator of the ASI, the OSCE Mission in Kosovo liaises with all ASI partners and calls regular coordination meetings in consultation with Assembly representatives. A regular ASI Newsletter informs a broad domestic and international public on the developments in the Assembly of Kosovo as well as the ASI support programmes.

Currently participating in ASI:

Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNS), Konrad Adenauer Stiftung (KAS), East West Parliamentary Practice Project (EWPPP), European Agency for Reconstruction (EAR), United States Agency for International Development (USAID), National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), OSCE Mission in Kosovo and the Assembly of Kosovo.



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The views expressed by the contributors to this Newsletter are their own and do not necessarily represent the views of the Assembly, OSCE Mission in Kosovo or the ASI partner organisations.

Pictures in this Newsletter: Daily Newspaper Express: pg. 1, 12 (Ferdinand Limani) / pg. 3 (Flaka Kuqi) / pg. 4, 13, 14, 20, 23 (Astrit Ibrahim) / pg. 5, 8, 11 (Fisnik Dobreci) / pg. 15, 18 (Ermal Meta) / pg. 24 (Atdhe Mulla) / OSCE: pg. 2, 6, 7, 10, 17, 22.