

A KOSOVO ROADMAP (I)
ADDRESSING FINAL STATUS

1 March 2002

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A KOSOVO ROADMAP (I)

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

A KOSOVO ROADMAP

Since Kosovo became an international protectorate under United Nations administration in June 1999, much has been done to stabilise the province and set up a functioning administration. Yet nothing has been done to resolve the question at the heart of the conflict in Kosovo, and which remains the issue of overriding importance for the province's inhabitants: the issue of final status.

The UN Resolution that established the interim system in Kosovo left the issue of final status open. Nor has the international community shown any appetite to address it. Yet it remains intensely controversial. The majority Albanians are unanimous that Kosovo will never again be subject to Serbian (or Yugoslav) sovereignty, while the minority Serbs, supported by Belgrade, are equally adamant that Kosovo must be restored to Serbian sovereignty, albeit with extensive political autonomy.

In order to move towards a resolution of Kosovo's final status, two distinct aspects need to be considered: an 'external' and an 'internal' dimension. The 'external' dimension involves devising a process to address final status, including all of the different actors with a stake in Kosovo's future. The 'internal' dimension concerns the development of Kosovo's own democratic institutions, the rule of law and human rights, so as to prepare Kosovo for whatever final status may eventually be agreed.

These dimensions are duly treated in a pair of reports sharing a common title, *A Kosovo Roadmap*, issued simultaneously and subtitled *I. Addressing Final Status* and *II. Internal Benchmarks*.

Together, these reports comprise a roadmap that shows two, parallel paths which need to be negotiated simultaneously in order to reach the desired destination: a stable, democratic Kosovo, standing on its own feet, peacefully integrated in its region, and with a clearly defined place in the international community.

Report II discusses benchmarks for assessing progress in Kosovo's internal development. It is often argued that, given the lack of functioning institutions and the unsatisfactory position of minorities in Kosovo, it is too soon to begin considering Kosovo's eventual status. However, while the achievement of such benchmarks must influence the *timing* of the implementation of an agreed final status, it should not determine what that status should be. This is because the decision on Kosovo's final status is itself of key importance in achieving a stable Kosovo and a stable region. The fact that much remains to be done internally is no reason to delay a formal consideration of the relative merits of different options for final status.

ADDRESSING FINAL STATUS

The refusal to address Kosovo's final status perpetuates an inherently unstable situation. As long as Albanian fears and Serb hopes of Kosovo's eventual re-incorporation into Yugoslavia are allowed to persist, efforts to develop normal relations between the two communities, either within Kosovo or between Kosovo and Serbia, are unlikely to bear fruit. While the issue remains open, each side will continue to regard the other as a threat. This puts at risk both Kosovo's fragile peace and the significant international investment in the province. It also ensures that any international hopes of withdrawing from Kosovo will be frustrated.

Serbia's fragile transition, too, requires an end to the uncertainty over Kosovo's future. Contrary to the oft-expressed fear that addressing Kosovo's status would undermine Serbia's transition, the unresolved status of Kosovo (as well as Montenegro) actually holds Serbia back. Serbia's long-term stability cannot be built by keeping Kosovo in an inherently unstable and unsustainable limbo.

Democracy in Serbia is incompatible with absorbing a province most of whose population (comprising as much as 20 per cent of Serbia's total) wants nothing to do with a Serbian or Yugoslav state. For political reasons, Belgrade's leaders feel unable to open the question of Kosovo's future status. While this reluctance is understandable, it is not an adequate reason for the international community to duck the issue.

Another reason given for deferring final status discussions is the fear of increasing regional instability. Since 1999, Kosovo has indeed been a factor of instability in the region, exporting insurrection and extremism to Macedonia and southern Serbia. It is also feared that independence for Kosovo would set a dangerous precedent for other would-be secessionist movements in the region, such as the Bosnian Serbs and Albanians in Macedonia and southern Serbia.

However, Kosovo's case is not comparable to those of Bosnia's Republika Srpska or Albanian-inhabited regions in Macedonia or southern Serbia. As a component of former Yugoslavia,

Kosovo was an autonomous unit (of Serbia), with defined boundaries and representation in federal bodies. Crucially, the establishment of a UN protectorate in Kosovo created a new situation. Under UN Security Council Resolution 1244, the question of final status was left open, and independence is one of the possible options. Any attempt by would-be separatists elsewhere to link their case with that of Kosovo could, and should, be firmly rejected.

A further argument offered for shelving the final status question is that international divisions make it too difficult to open the issue – as if the prospect of disrupting the fragile consensus on Kosovo is simply too difficult to contemplate. In this sense, the international consensus has become a recipe for inertia.

The real point, however, is that the stakes are simply too high to leave the issue unaddressed. A potential for further regional conflict exists, and the international community cannot afford to leave Kosovo or the region in a state of uneasy and potentially dangerous limbo just because the issues involved are awkward.

What is more, uncertainty over future status is itself a key source of instability. It is mistaken to imagine that the province and the surrounding region can be stabilised before the status issue has been resolved. Kosovo cannot cease to be a factor for regional instability while its long-term status remains unaddressed. Normal relations among the states and entities in the region can only be built on a foundation of clarity, and as long as outstanding territorial issues are left unresolved, there will be no sustainable peace.

The search for a solution needs to take full consideration of the reality that virtually no Albanian is prepared under any circumstances ever again to be in any form of Serbian or Yugoslav state. On the other hand, full sovereign independence for Kosovo also appears unrealistic for the time being, given the woeful conditions for minorities and the lack of functioning institutions.

Conditional independence under a form of international trusteeship offers the most appropriate solution. This would allow the international community to retain essential influence over local Albanian leaders. Having

secured independence from Belgrade, but remaining on probation, the Kosovo Albanians would have a strong incentive to ensure that Kosovo would cease to be a factor of regional instability. The international community would retain an essential role as guarantor of minority rights and external security.

If carefully managed, the opening of the final status issue would help stabilise Kosovo by removing the uncertainty that preserves the delusions of both sides that every outcome is still possible when, in fact, it is not. The purpose of international engagement is to facilitate a stable, sustainable solution for Kosovo, Serbia and the region. The purpose is not to impose a particular solution that might be preferred by any of the major powers.

To begin with, a focal point should be established to commence contacts between Belgrade and Kosovo representatives. The aims could initially be modest, concentrating on confidence building and practical issues that need to be addressed regardless of final status. It is vital that both sides should agree to the framework for such contacts.

After this preparatory phase, a meeting should be convened to negotiate final status, with international mediators – led perhaps by the G-8 – helping to reach compromises. At the outset, no options should be ruled out. A solution should if possible be reached by agreement, but neither side should be allowed an indefinite or unlimited right of veto. If necessary, the international community should discharge the responsibility it assumed in 1999, by imposing a solution based on the democratic will of the people of Kosovo.

RECOMMENDATIONS

1. A process to move towards the resolution of final status should be initiated without further delay, in parallel with – but not dependent on – efforts to build functioning institutional structures.
2. A key role in addressing final status must be played by the UN, which alone can give legitimacy to any outcome. An appropriate vehicle for mobilising the key powers to tackle the issue would be the G-8.

3. UNMIK should establish a working group, based on full participation and agreement of Kosovo representatives and representatives of Belgrade, to begin a dialogue over issues of common concern. By concentrating initially on relatively minor practical issues, this working group would build confidence and lay the foundations for eventual negotiations on final status.
4. The working group established by UNMIK and Belgrade in November 2001 is not a suitable forum for such a dialogue, and its establishment and terms of reference should be re-negotiated with the involvement of Albanian representatives.
5. Following on from a preparatory dialogue to be set in motion by UNMIK, initially focusing on practical issues and confidence-building, an international meeting should be convened, with as long a preparatory lead time as necessary, to negotiate Kosovo's final status.
6. The principles on which the international community should seek to reach consensus as the basis for such negotiations should include the following:
 - (a) The commitment to an international civilian and military presence should be maintained for as long as the internal and external situation requires.
 - (b) The purpose of international engagement should be to facilitate a stable, sustainable solution for Kosovo, Serbia and the region.
 - (c) In order to enable fruitful dialogue between Serbia and Kosovo Albanians to develop, no possible outcome should be ruled out at the outset of negotiations.
 - (d) The search for a solution should take full consideration of the reality of the situation on the ground, observing the "will of the people", to be ascertained by a referendum in Kosovo, as a crucial factor to be taken into account.
 - (e) The eventual resolution of final status should, if possible, reflect agreement between Serbia and Kosovo

representatives, but neither should be allowed an indefinite or unlimited right of veto.

7. A form of “conditional independence” is the most likely means of reconciling competing objectives. This would preclude Kosovo’s return to Yugoslav or Serbian sovereignty, while keeping it under a form of international trusteeship, albeit with substantial autonomy, with a continued international military presence, for as long as the external and internal situations demanded.
8. The international community should vigorously reject any suggestion that independence for Kosovo could set a precedent for satisfying the claims of would-be separatists elsewhere in the region, such as Macedonia or Bosnia.
9. A viable future for Kosovo has to be based on close integration with its neighbours, in a stable region. However, the international community should not seek to impose models of integration that do not enjoy the support of the countries and entities concerned.

Pristina/Brussels, 1 March 2002



A KOSOVO ROADMAP (I)

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I. INTRODUCTION

Two and a half years after the establishment of a UN protectorate in Kosovo, considerable progress has been made in stabilising the province and setting up administrative structures. Yet nothing has been done to resolve the question at the heart of the conflict that led to the UN's engagement and which remains central to building long-term stability in the province, namely the question of Kosovo's ultimate status.

This report discusses and evaluates the arguments why Kosovo's status should begin to be addressed without further delay, and also the various forms which that status might take. The report then offers a number of suggestions as to how a process might be set in train to address this difficult question. A companion report, *A Kosovo Roadmap (II): Internal Benchmarks*, identifies a number of essential measures that need to be taken to prepare Kosovo for whatever final status is eventually agreed.

Any assessment of the record of the NATO-led Kosovo Force (KFOR) and the UN Interim Administration in Kosovo (UNMIK) must begin by acknowledging the huge task that confronted them in 1999. They found a situation in which institutions of government, law and order and utilities had completely broken down.

Not surprisingly, much remains to be done. Internal security is far from satisfactory. Although the level of violence against the Serb and Roma minorities has abated, it continues to be worryingly high. Most Serbs who have remained in Kosovo

continue to live in KFOR-protected enclaves, isolated, denied freedom of movement and lacking the minimal conditions of normal life. Conditions for the safe return of those who fled continue to be unsatisfactory.

Progress has been made in "establishing and overseeing the development of provisional, democratic self-government institutions" as envisaged in UN Security Council Resolution (UNSCR) 1244, which established Kosovo's present interim system.¹ An election for a province-wide Assembly on 17 November 2001 was supposed to be a major step in carrying out this crucial aspect of UNMIK's mandate.² However, the difficulties experienced by local political leaders in forming new self-government institutions following the election demonstrated just how difficult the process of transferring powers from the UN administration to local, elected authorities is likely to be.

The wider regional environment continues to be highly volatile. While substantial progress was made during 2001 in peacefully resolving an insurrection by Albanians in the neighbouring Presevo Valley region in southern Serbia, that peace remains highly fragile. As in the Presevo Valley, so also in neighbouring Macedonia, Albanian insurgency movements were not just a product of the grievances of local Albanians, but were actively encouraged and supported by

¹ UNSCR 1244, adopted on 10 June 1999, Article 10. Full text available at www.un.org/Docs/scres/1999/99sc1244.htm.

² See ICG Balkans Report No. 120, *Kosovo: Landmark Election*, 21 November 2001.

Kosovo Albanians associated with the officially disbanded Kosovo Liberation Army (KLA). Thus, the regional environment remains unstable, and despite the efforts of KFOR to crack down on such activities, Kosovo remains one source of that instability.

For all these reasons, the time when KFOR and UNMIK will be able to bow out of Kosovo, leaving behind a functioning administration and a stable society, is some way off. It is also such outstanding matters that in part explain the international reluctance to address Kosovo's final status. It is often argued³ that there is little sense in talking about final status when there is still so much to be done in terms of building functioning institutions and the security environment and the position of minorities is still so unsatisfactory. Further, given the instability of the region and the fragility of the democratic transition in Serbia, many argue that it is not an opportune time to open such a difficult and contentious issue as the final status of Kosovo.

Another key reason why there is such reluctance to address the issue of the status of Kosovo is the difficulty of reaching an international consensus on the matter. Even among the NATO-member states it was very hard to maintain a consensus over the 1999 bombing campaign that led to the withdrawal of Yugoslav forces from Kosovo. With Russia and China adamantly opposed, it was only possible to undertake the campaign without the cover of UN Security Council approval. The necessary international consensus behind UNSCR 1244 could only be reached by recourse to a deliberate ambiguity over status; Yugoslav sovereignty over Kosovo remains intact, while the outcome of an envisaged political process to determine Kosovo's final status is left open.

The central dilemma in addressing the issue of Kosovo's final status is that while the Albanians are united in their determination that they will never again be subject to Serbian (or Yugoslav) sovereignty, the Serbs – supported by Belgrade – likewise express their determination that Kosovo must be restored to effective Serbian sovereignty.

While many in the international community initially expected that Kosovo would become independent of Yugoslavia, the picture was complicated by the end of the Milosevic regime in October 2000. With new authorities in Belgrade committed (in rhetoric, if not always in practice) to democratic reform, respect for human rights and other norms of international behaviour, the arguments of those who advocate the eventual reincorporation of Kosovo into a democratic, reconstituted Yugoslavia appeared to gain weight.⁴

Any effort to take the international consensus on Kosovo forward so as to address the question of Kosovo's status has therefore become even more complicated. Yet, given the irreconcilability of the positions of Belgrade and the Kosovo Albanians, between continuing Yugoslav sovereignty or Kosovo independence, no solution is likely without active international engagement.

There are thus several reasons for the widespread reluctance to address the status issue. Yet leaving the issue unresolved is itself an inherently unstable option for Kosovo, Serbia and the region. This report argues that the introduction of clarity would in numerous ways be beneficial, and contribute significantly to the achievement of the overriding international goal in the Balkans of a stable region.

This is not to say that a resolution can be achieved easily or immediately. Nor does ICG underestimate the necessity of preparing Kosovo, in terms of institutional development, security and minority rights, for whatever final status may eventually be decided upon. The companion report to this one discusses benchmarks for measuring Kosovo's development into a stable, functioning entity.

However, ICG argues that the achievement of such benchmarks should only affect the *timing* of the implementation of an agreed final status and should not determine what the status itself should *be*. This is because a resolution of final status is itself of key importance in achieving a stable Kosovo and a stable region. It is therefore

³ For example, by Marta Dassu, "Statehood and Sovereignty - regional and internal dynamics in Kosovo's future", in *What Status for Kosovo?*, Chaillot Paper no. 50, October 2001, Institute for Security Studies, Western European Union.

⁴ For example, following the 17 November 2001 election in Kosovo, Belgian Foreign Minister Louis Michel, speaking for the Belgian presidency of the EU, said that "We have not changed our minds. We are not in favour of independence." (*Reuters*, 19 November 2001.)

important to begin to consider the relative merits of different options for final status, even while much remains to be done internally.

In an April 2001 report,⁵ the UN Secretary-General, Kofi Annan, asserted that:

The mandated benchmark for the exit of UNMIK is tied to a determination of the final status of the territory. No agreement which would command the necessary support of the parties and the international community appears in sight on this question at this time.

If this did not present a sufficiently bleak picture of the prospects for completing UNMIK's mandate in the foreseeable future, Mr Annan went on to warn that "In the meantime, there is an unavoidable tension between the aspirations of the people of Kosovo and the mandate given by the Security Council." The Secretary-General concluded that for the present there is no alternative but for the UNMIK presence to continue in accordance with UNSCR 1244.

While that conclusion remains correct, it neither represents a sustainable solution nor excludes the opening of the final status question. ICG believes that the way to resolve the tension to which Secretary-General Annan referred between internal pressure and international reluctance, to avoid the risk of a future descent into crisis, and to transform Kosovo from a factor of instability into a factor for stability in the region, is to grasp the nettle and begin to address the issue of Kosovo's final status.

A process designed to move towards a resolution of final status should be initiated at an early stage, and should move in parallel to, but not be dependent on, continued efforts to build Kosovo internally. While any such process would of necessity have to be flexible, and any attempt to be overly precise as to its course at the outset would not be productive, this report discusses in general some steps that could be taken to initiate a process and to move it forward.

The complexity of the issues involved and the difficulty of reaching a consensus among the key international actors on how to proceed is not a reason to avoid addressing the status question. While the fact that Kosovo has largely dropped out of international headlines reflects the progress in stabilising the province, that stability is fragile and wholly dependent on a very significant international military and civilian presence.

⁵ *No exit without a strategy: Security Council decision-making and the closure or transition of UN peacekeeping operations*, report of the Secretary-General (S/2001/394, 20 April 2001).

II. FINAL STATUS OPTIONS

The responsibilities assigned to UNMIK under UNSCR 1244 include “Facilitating a political process designed to determine Kosovo’s future status, taking into account the Rambouillet accords”.⁶ The February 1999 Rambouillet accords, which were signed by Kosovo Albanian representatives but not by Yugoslavia, stated that:

Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party’s efforts regarding the implementation of this Agreement, and the Helsinki Final Act...⁷

The three-year timetable and the reference to the “will of the people” seemed to hold out the prospect to Kosovo’s Albanians that a referendum, to be held within a fixed time-frame, would bring independence. On the other hand, the “will of the people” was only one of the factors to be taken into consideration, and the reference to the Helsinki Final Act implied that any change to international borders should, if possible, be accomplished through agreement. In sum, the status issue was left open, while the UN was charged with overseeing a process to determine what final status would be.

While the question of Kosovo’s final status was, in line with the Rambouillet accords, also left open in UNSCR 1244, the UN Resolution omitted any mention of a time-table for the resolution of final status and repeatedly laid stress on the continued sovereignty of the Federal Republic of Yugoslavia (FRY) over the province.⁸ Underlining Yugoslav

sovereignty, an annex to the Resolution stated that, after the withdrawal of FRY forces, an agreed number of Yugoslav and Serbian personnel would be permitted to return to Kosovo to perform functions including liaison with international officials and a presence at Serb patrimonial sites and at the international border.⁹

That the return of Yugoslav and Serbian personnel has not been permitted has been a constant bone of contention with Belgrade, as well as with Moscow, which is determined to maintain the commitment to FRY sovereignty. In any case, despite UNSCR 1244’s stress on continuing FRY sovereignty, it is quite clear that this applies only to an interim period of UN administration of the province. As noted above, the Resolution calls for a process to determine Kosovo’s future status; on the question of what that status should be, it is silent.

The stress on continued FRY sovereignty in the interim phase, while leaving the future status of the province open, introduced a deliberate ambiguity that was necessary in order to ensure a consensus in the UN Security Council. However, a consensus built upon an ambiguity leaves the various parties to interpret the position in their different ways, making it difficult to move the consensus forward as circumstances change. All sides, from those who are steadfastly opposed to Kosovo independence to those who are convinced that FRY sovereignty over Kosovo is unsustainable, can plausibly argue that their policy line is in tune with the prevailing international consensus, as stated in UNSCR 1244.

In the absence of any likelihood of agreement between the Albanian and Serb sides, a coherent, coordinated international approach is essential to finding a stable solution for Kosovo. Yet the ambiguous international consensus has become a recipe for inertia on the issue of Kosovo’s status. While UNSCR 1244 gave responsibility for overseeing the search for a solution to UNMIK, it would be futile to wait for the Secretariat to show initiative without a lead from key capitals. It is the lack of will in those capitals to address the issue that is holding back any attempt to tackle the matter. To many international officials any move to alter the existing, hard-won, fragile international

⁶ UNSCR 1244, Article 11 (3).

⁷ Interim Agreement for Peace and Self-Government in Kosovo, Rambouillet, 23 February 1999, Chapter 8.3.

⁸ The preamble to UNSCR 1244 reaffirms “the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2.” Annex 2.5 of the Resolution calls for an interim administration under which Kosovo would

have “substantial autonomy within the Federal Republic of Yugoslavia”.

⁹ UNSCR 1244, Annex 2.6.

consensus on Kosovo simply appears too difficult to contemplate.

As is discussed below, there are arguments, above all Kosovo's unreadiness for final status and the unstable regional environment, for not addressing final status for the time being. Such arguments need to be taken seriously. But the additional argument that is often put forward for leaving the question of Kosovo's final status on the back-burner – that international divisions make it too difficult to tackle the issue – sounds increasingly like an excuse for inaction. The stakes are simply too high to leave the issue unaddressed. A potential for further regional conflict exists, and the international community cannot afford to leave Kosovo or the region in a state of uneasy and potentially dangerous limbo just because the issues involved are difficult. The remainder of this section examines in turn the various options for Kosovo's status that might be considered.

A. AN INDEFINITE PROTECTORATE

International officials have, especially since the 17 November 2001 Kosovo-wide election for a new Assembly, repeatedly urged Albanian leaders to set their independence aspiration aside and concentrate on building effective institutions.¹⁰ This is sound advice, as Kosovo leaders do indeed need to demonstrate that they can govern effectively and responsibly. The introduction in May 2001 of a Constitutional Framework for Kosovo, followed by the 17 November election were key steps in establishing interim institutions of self-government, as envisaged in UNSCR 1244.¹¹

However, the autonomy envisaged for Kosovo under the Constitutional Framework is limited, and the prerogatives of the Special Representative of the UN Secretary-General (SRSG), who leads UNMIK, remain intact.¹² Kosovo is not ready for

full autonomous self-government, let alone independence. Therefore, it is often argued, much more time is required to build functioning, democratic institutions before final status should be considered.

The delay in getting a new administration up and running after the election indicates how far Kosovo remains from building functioning state institutions. The presence and significant engagement of UNMIK and KFOR will be required for years to come. The unsatisfactory security situation for minorities and the lack of adequate conditions for the return of refugees are further reasons why a continued international presence is required. It will be some time before local institutions can be entrusted with internal security and the protection of the rights of minorities. The unstable situation in neighbouring Macedonia and southern Serbia, the fragility of Serbia's post-Milosevic transition, the unresolved relationship between Serbia and Montenegro, and fears of heightened pro-secessionism in Bosnia's Republika Srpska are all cited as further reasons for putting off discussion on Kosovo's final status.

For all these reasons, UNMIK and KFOR will be needed in Kosovo for years to come. Building democratic institutions and a robust civil society will take time. Whatever the future is to be for Kosovo, it will have to be in the context of a broader stabilisation of the region, and until that time responsibility for Kosovo's security will have to remain with KFOR. In short, whatever Kosovo's long-term status may be, in the medium term there is no alternative to a continued significant international civilian and military presence.

However, this is not an argument for leaving the issue of Kosovo's final status unaddressed. Uncertainty over future status is itself a core factor of instability. It would be mistaken to imagine that the province and the region could be stabilised first, and that the status issue could be resolved afterwards. Avoiding the underlying causes of instability, however difficult their resolution may be, is not a recipe for building stability.

In considering the consequences of indefinitely delaying addressing Kosovo's final status, it is important to consider the impact on Kosovo itself, on Serbia's transition and on wider regional stability.

¹⁰ For example, statement by former Special Representative of the Secretary-General (SRSG) Hans Haekkerup, reported by *Reuters*, 19 November 2001.

¹¹ Constitutional Framework for Provisional Self-Government, UNMIK, 15 May 2001.

¹² For a discussion of the Constitutional Framework and of the new institutions to be established under it, see ICG Balkans Report No. 120, *Kosovo: Landmark Election*, 21 November 2001.

Consequences and implications for Kosovo

The issue of Kosovo's final status hangs over the province's political agenda. Both Albanians and Serbs watch nervously for the slightest sign, be it the wording of a new UNMIK regulation or a statement by an international official, that one or other option may be gaining ground. While Kosovo's leaders do need to focus on making the new self-government institutions work, it is unrealistic to expect them to set aside the one issue that is of overriding importance to all concerned.

There is widespread understanding among Albanian leaders and the broader Albanian community that time is needed to build functioning institutions, and that patience is required. However, that patience is not inexhaustible, and it will run out if Albanians perceive that the forward momentum towards their independence goal is not being maintained. The continuation of the international protectorate depends ultimately on the consent of Kosovo's Albanian majority. That consent would wear thinner and thinner, with potentially dangerous consequences, if it were to appear that a solution to final status was being delayed indefinitely.

As long as Albanian fears and Serb hopes of Kosovo's eventual re-incorporation into Yugoslavia are left unanswered, efforts to develop normal, constructive relations between the two communities, either within Kosovo or between Kosovo and Serbia, are unlikely to bear fruit. While the issue remains open, each side will continue to regard the other as a threat. This is not to say that addressing the status issue is a magic formula for improving the dismal position of the Serb and Roma minorities in Kosovo. But, leaving the matter unresolved perpetuates mistrust between the communities and may encourage extremists who continue to see violence as a means of achieving their aims.

Kosovo Serb leaders have urged a long delay before the province's final status is addressed, arguing that rebuilding trust between the communities will require several years of calm. This position is frequently reinforced by a warning that if Kosovo were to be granted independence, then the Serb community would leave Kosovo "en

masse".¹³ The nervousness of Kosovo Serbs about addressing final status is understandable in the light of the very difficult conditions that they endure. It also reflects the fear that if Kosovo's status were addressed at an early stage, the result would likely be independence.

The threat of a mass evacuation by the Serb population if a decision on status were to go against their wishes is all too credible. Given the priority that the international community rightly attaches to the integration of the Serbs in Kosovo, such an outcome would be a major blow.

Rather than passively acknowledging the threat of a mass evacuation, however, the international community should take a strong pre-emptive position by denouncing the irresponsibility of leaders who invoke this threat. The situation is reminiscent of the action of hardline Serb leaders in Bosnia who, in 1995 and early 1996, urged thousands of Serbs to evacuate Sarajevo suburbs that were to be transferred to the Bosnian Federation under the Dayton Peace Agreement. The international officials in Bosnia did not try hard enough to prevent the Sarajevo exodus. That mistake must not be repeated.

Threats of such an evacuation from Kosovo contradict the very principle of a multiethnic society that post-Milosevic leaders in Belgrade claim to espouse. Serb leaders should rather concentrate on building a future for their community in Kosovo. As conditions for the Serb community improve (they are better now than in 1999), there is every reason to hope that many would choose to stay, the more so if they were encouraged to do so by their own leaders.

Consequences and implications for Serbia

There is a general assumption that because an early reintegration of Kosovo into the FRY is inconceivable, an early resolution of Kosovo's status would mean a decision in favour of independence. Such a step, it is argued, would be so sensitive for Serbs that it would risk strengthening nationalists at the expense of reformers in Serbia.

¹³ See comment by Rada Trajkovic, the leader of the Serb deputies in the Kosovo Assembly, for the Institute of War and Peace Reporting, *Balkan Crisis Reports*, 1 February 2002.

It is undoubtedly a sensitive issue for Serbs. While several leading figures in Belgrade say privately that Kosovo is lost, none are prepared to acknowledge it publicly. Nationalist leaders, above all Federal President Vojislav Kostunica, who cling to the hope that Kosovo can be returned to FRY jurisdiction, remain highly popular. No Serbian leader feels able to risk taking the blame for selling out Serb interests in Kosovo.¹⁴ However, the inability of Belgrade leaders to open the question of Kosovo's future status is not an adequate reason for the international community to avoid opening the issue.

Contrary to the oft-cited fear that addressing Kosovo's status at an early stage would risk undermining Serbia's transition, many leading Serbian figures argue that the unresolved status of Kosovo (as well as Montenegro) actually hampers Serbia's transition.¹⁵ As long as Serbia's borders and constitutional status are unresolved, it will remain unstable. Will Kosovo continue to be an autonomous province of Serbia, or might it become a third republic in a revamped federation? Will Serbia or will it not in future contain a significant minority of Kosovo Albanians who have no desire to be part of a common state under any terms? The development of democracy in Serbia is almost certainly incompatible with absorbing a province most of whose population (which would perhaps comprise as much as 20 per cent of Serbia's total) want nothing to do with a Serbian or Yugoslav state.¹⁶

¹⁴ On Belgrade's policy towards Kosovo, see ICG Balkan report *Kosovo: Landmark Election*, 21 November 2001. On the political struggles between reformists and their opponents in Serbia, see ICG Balkans Report No. 117, *Serbia's Transition: Reforms under Siege*, 21 September 2001.

¹⁵ For example, in interview for French radio, cited in *Glas javnosti* on 21 January 2001, Serbian Prime Minister Zoran Djindjic stated that in order for his country to fulfil its ambition of being accepted as an EU candidate in 2004, the status of Kosovo and Montenegro would have to be resolved by then. He added that any solution would be better than leaving the problem open.

¹⁶ According to *The Economist* (16 February 2001), Djindjic "wants Kosovo's future resolved within two or three years. His government, he says, should start by telling Serbs the hard truth that well over 1.5m people there are irreconcilably against being ruled from Belgrade. A debate about what to do should then ensue." Djindjic went on to argue that "all options' should be considered, with due regard for the overriding aim of getting all of the

As long as such questions remain unanswered, Serbia cannot fully put behind it the issues that led to war and embrace a peacetime agenda of reform and normal relations with its neighbours. As long as these issues are unresolved, the appeal of Great Serbian nationalism will remain a potent force on the political scene and a threat to Serbia's reformers.

Serbia's transition is fragile. Any approach to addressing such a sensitive issue as Kosovo's status must be cautious and carefully thought through. Nevertheless, Serbia's long-term stability will not be built by preserving an inherently unstable and unsustainable status quo. If Serbia is to build a brighter future, it has to come to terms with and draw a line under the past. Keeping territorial issues from the war in limbo runs against Serbia's own interest.

Consequences and implications for the region

The argument that addressing Kosovo's status at an early stage would undermine regional stability reflects first of all the role that Kosovo has played as an exporter of instability in the region. Secondly, it rests on the questionable assumption that independence for Kosovo would set a dangerous precedent for other would-be violent secessionist movements in the region.

Notwithstanding the indigenous factors that lay behind the emergence of Albanian insurgency movements in southern Serbia and Macedonia, those conflicts were fuelled by active support and participation by Kosovo Albanians associated with the officially disbanded Kosovo Liberation Army (KLA).¹⁷ Steps to prevent Kosovo from playing a destabilising role in the region must include stronger efforts to crack down on extremist elements within Kosovo. These should include more effective control of borders and more

Balkans one day into the EU. 'We must find a solution mainly by finding our place in Europe, not by seeking historical rights or national interests.'

¹⁷ On the Albanian insurgencies in southern Serbia and Macedonia, and the involvement of Albanian radicals from Kosovo, see Stefan Troebst, "From Bar to Bitola? 'Greater Kosovo', Serbia and Macedonia: The roots and implications of the concept of 'Greater Kosovo'" (*Central Europe Review*, Vol. 3, Nos. 26 & 27, 24 September 2001 and 8 October 2001). See also ICG Balkans Report No. 116, *Peace in Presevo: Quick Fix or Long-Term Solution*, 10 August 2001.

effective action against criminal elements in Kosovo, as is discussed in the companion report, *A Kosovo Roadmap (II): Internal Benchmarks*.

However, there is also a crucial political dimension to this question. Far from endangering regional stability, the resolution of Kosovo's status is an essential component in building it. Normal relations among the states and entities in the region can only be built on a foundation of clarity, and as long as outstanding territorial issues are left unresolved, there will be no sustainable peace. It is hard to see how Kosovo can cease to be a factor for regional instability while its long-term status remains unaddressed.

The alleged risk of a "domino effect", according to which even to speak of independence for Kosovo would be the cue for other would-be separatists in the region to press their claims, is often cited as a reason for not addressing final status.¹⁸ Given the continued instability in the region, international nervousness on this account is understandable. There are elements in the Albanian community that do see the creation of a 'Greater Kosovo', to include Albanian-inhabited areas of western Macedonia and southern Serbia, as a desirable goal. Hardline Bosnian Serb leaders have argued that if Kosovo could be allowed to break away from Yugoslavia, then why should the Serb-controlled entity, the Republika Srpska (RS), have to remain a part of Bosnia.

However, the reasoning behind such fears is mistaken. Firstly, any comparison between Kosovo's case and that of the RS can and should be dismissed. Before Milosevic stripped it of its autonomy, Kosovo was an autonomous unit (of Serbia) in former Yugoslavia with the attributes and prerogatives of a federal unit, and with defined boundaries. This is in contrast to the RS, a self-declared entity forged by violence ('ethnic cleansing'), whose boundaries were defined by the Dayton Peace Agreement in 1995.

Crucially, the establishment of a UN protectorate in Kosovo created a new situation. Under UNSCR 1244 and the Rambouillet accords, the question of Kosovo's final status was left open and

independence is one of the possible options. This is not the case for any region in western Macedonia, southern Serbia or Bosnia.

Thus any attempt by would-be separatists in Macedonia or southern Serbia (not to mention Bosnia) to link their case with that of Kosovo should be rejected. International officials who warn darkly of possible knock-on effects in the region if Kosovo's independence is considered are giving credence to extremist claims. In tackling Kosovo's status, which is necessary to achieving long-term regional stability, the international community should not allow extremists in Kosovo or anywhere else in the region to hijack the agenda.

This is not to under-estimate the threat posed by Albanian extremists who do see such a link. But the solution is not to cave in to such extremist pressures. Rather, as this report has argued, a continued international military presence will have to be maintained in Kosovo for as long as Albanian extremists pose a threat to regional security. Ultimately, it is for Albanians to demonstrate that Kosovo will cease to be a factor of regional instability.

Nor is it clear that independence for Kosovo would trigger organised resistance among extremists in the region. The international community has at various points confronted extremists in the RS and the Federation. Despite some rowdy and even violent reactions, the lesson has been that when it has the will, and stands up to extremists, the international community is effective and able to prevail. When it avoids confronting them, by contrast, or does so without due preparation, it has been less successful.¹⁹ So long as the international community is resolute in insisting that resolving Kosovo's status would set no precedents for other entities in the region, any claims by extremists in Macedonia or Bosnia could relatively easily be dismissed.

¹⁸ International fears of a domino effect were discussed in relation to possible Montenegrin independence moves in ICG Balkans Report No. 107, *Montenegro: Settling for Independence?*, 28 March 2001.

¹⁹ On the international confrontation with Bosnian Croat extremists, see ICG Balkans Report No. 106, *Turning Strife to Advantage: A Blueprint to Integrate the Croats in Bosnia and Herzegovina*, 15 March 2001. For an analysis of the generally supine international treatment of the Serb-controlled entity in Bosnia, see ICG Balkans Report No. 118, *The Wages of Sin: Confronting Bosnia's Republika Srpska*, 8 October 2001.

There is a pervasive conviction among Macedonians that Kosovo independence would give a boost to Albanian extremist elements in Macedonia. Given their experience in 2001 of Albanian insurrection linked to Kosovo, and the fact that until the summer of 2001 KFOR did not seriously try to keep an effective presence on the Kosovo-Macedonia border, these fears are understandable. Yet, it must be said again that Macedonian fears do not justify a refusal to contemplate valid solutions for Kosovo. Rather, the international community should increase its efforts to stabilise Macedonia by addressing Albanian minority concerns and demonstrating genuine commitment to Macedonia's integrity.²⁰ In practical terms, this entails continued efforts to implement the Framework Agreement, maintaining an international military mission in Macedonia, and redoubled efforts by KFOR to make Kosovo's southern border impassable for criminals.

As already mentioned, Kosovo was an autonomous unit in former Yugoslavia, with equal representation in the federal presidency alongside the republics although it was not itself a republic. In December 1991, the EU decided that the former Yugoslavia's six republics could be eligible for EU recognition as independent states. The EU's Arbitration Commission headed by Robert Badinter determined that the inter-republican boundaries would become internationally recognised borders.²¹ Accordingly Kosovo (unlike Montenegro) would not qualify.

Some have argued that the criteria for recognition could be stretched to include Kosovo, which, although not a full republic of Yugoslavia, was a federal unit. The Badinter Commission criteria could not, by contrast, possibly be stretched to

include the RS or any regions of western Macedonia or southern Serbia. On this basis, it has been suggested that the Badinter findings could still be invoked today as a coherent justification for an independent Kosovo, which would at the same time place limits on further Balkan disintegration.²²

However, this solution would only give additional, and doubtful, legal cover for consideration of Kosovo's independence. As already stressed, the key reason why Kosovo's case should not serve as a precedent for others is that Kosovo's interim status is underpinned by a UN Resolution that leaves the question of final status open.

B. PARTITION

The idea that Kosovo might be partitioned into Serb and Albanian entities has been circulated by nationalist groups in Belgrade since the mid 1990s at least. Serbian deputy premier Nebojsa Covic, who heads the FRY's Coordination Centre for Kosovo, floated the idea of such a solution in May 2001, but afterwards backtracked.²³ He has since adopted a strategy of seeking to re-establish Belgrade as a factor in deciding matters in Kosovo through cooperation with UNMIK.²⁴ There are different variants of this idea. One idea is for a division between a Serb-majority area in northern Kosovo, north of the Ibar River, which would remain with Serbia while the rest of Kosovo would become independent. It has also been suggested that there could be a trade-off between northern Kosovo and the Albanian-majority Presevo Valley region across the border from Kosovo in southern Serbia.

In principle, border changes by agreement can be acceptable. Such peaceful agreements are allowed for in the Helsinki Final Act. A *de facto* partition of Kosovo, which could conceivably form the basis for such an agreement, was effected in the aftermath of the Yugoslav withdrawal in 1999,

²⁰ On the Macedonian conflict, see the ICG Balkans Reports No. 109, 113 and 122, as well as Balkans Briefings published on 27 July 2001, 15 August 2001 and 8 September 2001. On the need for a clearer international commitment to Macedonia's integrity (even, or especially, when the country's elected leaders seem less than wholeheartedly committed to it themselves), see ICG Balkans Report No. 122, *Macedonia's Name: Why the Dispute Matters and How to Resolve It*, 10 December 2001.

²¹ There is a useful discussion of the Badinter Commission's work in Reneo Lukic and Allen Lynch, *Europe from the Balkans to the Urals. The Disintegration of Yugoslavia and the Soviet Union*, SIPRI/Oxford University Press, 1996, pp. 275-81.

²² Dana H. Allin, "Unintended consequences - managing Kosovo independence", in *What Status for Kosovo?*, Chaillot Paper 50, October 2001, Institute for Security Studies, Western European Union.

²³ See *The Financial Times*, 29 May 2001.

²⁴ For a discussion of Belgrade's strategy on Kosovo see ICG Balkans Report No. 120, *Kosovo: Landmark Election*, 21 November 2001.

resulting in a Serb-controlled enclave north of the Ibar. This separation of Serb and Albanian communities, including 'ethnic cleansing' of people caught on the wrong side of the new divide, was accepted by KFOR at the time as a means of subduing ethnic conflict.

But the Albanians never accepted this state of affairs, and any agreement on such a partition in the long term would be immensely difficult to achieve. The Trepca mining complex, centred north of the Ibar, is of immense political significance for both Serbs and Albanians, whatever the doubts about its potential given its run-down condition.²⁵ Kosovo's Albanians would not give it up lightly.

On balance, it is ICG's judgment that the partition option should be effectively ruled out as an acceptable outcome. One consideration is that, while agreed border changes can in principle be acceptable, this is really only the case in the context of a negotiated agreement between two stable, democratic, sovereign governments, capable of making a genuinely free choice. As an international protectorate, Kosovo does not readily satisfy that description.

A more important consideration is that any solution for Kosovo's status must take into account the possible impact on broader regional stability. The international community has, in tackling inter-ethnic disputes in Bosnia, Macedonia and elsewhere, rightly opposed carving up territories on an ethnic basis. While Kosovo is, with its overwhelming Albanian majority, relatively homogeneous by Balkan standards, it is as true of Kosovo as it is of Bosnia or Macedonia that there are no neat lines of ethnic division. Any partition would still leave people on the wrong side of the line whose rights would still need to be protected, assuming, that is, that the international community should not condone a policy of population transfers.

Having committed itself to opposing ethnic partition elsewhere in the Balkans, the international community can hardly accept such a solution for Kosovo. This report has rejected the idea that in considering independence for Kosovo

the international community would set a precedent for the division of other states in the region, such as Bosnia and Macedonia. However, to countenance the partition of Kosovo on an ethnic basis – particularly in the likely absence of complete and clear cut agreement from both the Serbian and Albanian sides – would set just such a dangerous precedent.

A variant of the partition idea is that Kosovo should be divided into self-governing cantons, with Serb areas under Serb control. However, such a solution could theoretically be applicable under whatever status might be decided for Kosovo, so need not be discussed at length here. The companion report, *Internal Benchmarks*, argues that a key part of any strategy for Kosovo should be the reintegration of the Serb enclaves. Protection of the collective as well as individual rights of minorities needs to be balanced by the need to ensure their full integration into Kosovo society.

C. AUTONOMY WITHIN THE FRY

Many of those who argue for a long-term UN protectorate, coupled with continued ambiguity over final status, hope that at some point in the future conditions may change to the point when Kosovo could be reintegrated into the FRY. In this scenario, Kosovo might accept significant autonomy within a revamped, very 'thin' federation, with very few functions being carried out at the central level. One variant of this idea, much discussed since the mid 1990s, is to promote Kosovo to the status of the FRY's third republic, rather than a province of Serbia, equal in status with Serbia and Montenegro.

However, the hope that Kosovo's Albanians might at some point come round to accepting a return to the FRY ignores the reality on the ground. No political factor is prepared even to contemplate such a prospect, which has absolutely no support among the Albanian population. No matter how democratic Serbia might become after Milosevic, virtually no Albanian appears ready to contemplate a return to the FRY. Any change in this position appears inconceivable.

To imagine that Kosovo could be reintegrated into the FRY is to ignore the extent to which the war of 1998-99, the NATO intervention, and the setting

²⁵ See ICG Balkans Report No. 82, *Trepca: Making Sense of the Labyrinth*, 26 November 1999.

up of a UN protectorate altered the whole situation. Kosovo's Albanians suffered more than a decade of abuse, discrimination and degradation at the hands of Milosevic's Serbia. This culminated in the deliberate mass expulsion of the Albanian population, accompanied by massacres and gross human rights abuses that cost thousands of lives. After all that, the arrival of KFOR and the UN was seen by Albanians as a liberation. For Albanians, the UN protectorate is an interim phase on the path to independence. Perceiving that they have already thrown off Belgrade, they have no intention of going back.

If discussion of a 'third republic' option had some marginal appeal before 1998, it has lost all relevance since 1999. To try to force Albanians back into Serbia or Yugoslavia would not only be undemocratic, but foolhardy. In that event, most Albanians would cease to look upon KFOR and the UN as friendly liberators. A backlash against the international presence could be expected. The idea of reintegrating Kosovo into the FRY should, therefore, be rejected as wholly unrealistic.

D. FULL INDEPENDENCE

Full independence has been the expressed goal of the Albanian majority since the break-up of Yugoslavia in 1991.²⁶ All Albanian political parties see the UN administration as an interim phase leading to early independence. For Albanians, the provision in the Rambouillet accords (repeated in the Constitutional Framework) for the "will of the people" to be taken into consideration in deciding final status is vitally important, as it appears to hold out the prospect of an eventual referendum.

In this scenario, the recently elected Assembly could take the initiative in organising a referendum on independence, followed by an independence declaration and negotiations with Belgrade and the international community over the details. While the UN civil administration would be phased out, an international security presence could remain until such a time as the overall regional security situation warranted a withdrawal.

Despite its theoretical attractions, this solution also seems unrealistic. Any unilateral steps by Kosovo's Albanians to establish independence would have no prospect of international recognition. The Rambouillet accords refer to the "will of the people" as only one of the factors to be taken into consideration, and the Constitutional Framework precludes the provisional institutions of self-government from taking any initiative on independence.

The reference in the Rambouillet accords to the Helsinki Final Act implies that any change in Kosovo's status should, if possible, be by agreement. Russia and China in particular, given their own concerns regarding secessionist movements on their territories, are likely to insist that any process leading to a change in Kosovo's status has Belgrade's agreement. As long as Kosovo's record on the treatment of minorities remains so poor, as long as internal and external security remain so problematic, there is no prospect of the international community accepting full independence as an option.

²⁶ A referendum organised within the Albanians' parallel society in September 1991 produced an overwhelming vote in favour of independence.

E. CONDITIONAL INDEPENDENCE

The Meaning of Conditional Independence

Having concluded that an indefinite international protectorate is unsustainable, and that neither the re-incorporation of Kosovo into the FRY nor full independence for Kosovo are realistic options, the International Independent Commission on Kosovo proposed “conditional independence” as a way out of the impasse.²⁷ The attraction of the idea is that it answers both the need to acknowledge the right of the people of Kosovo to decide their own future, and also the legitimate international concerns about Kosovo’s unreadiness for full independence.

“Conditional independence” is not an existing term of art, with an established pedigree, and its precise content would be very much subject to negotiation. As ICG argued in its earlier book-length report, *After Milosevic*, the conditionality involved could be a matter of preconditions having to be established before sovereign independence is recognised at all; or of some continuing limitations or qualifications being imposed on the extent to which sovereign independence can be enjoyed even after recognition; or both. Kosovo’s recognition as a sovereign, independent state could be made conditional in any or all of the following three ways:²⁸

- First, the international community has a profound interest in ensuring the full protection of minority rights, and it is reasonable to insist that proper standards be met for a period of

time before all the benefits of international recognition (including membership of international organisations like the UN, and access to international financial institutions and trade arrangements and the like) are awarded.

- Secondly, Kosovo could be required as a condition of recognition to permanently renounce some kinds of action which would normally be within the competence of a sovereign independent state. While ICG has described elsewhere as overstated the fears often expressed that independence for Kosovo would increase the threat of a ‘Greater Kosovo’, the international community would also be in a position to require a binding commitment that it would not seek to expand its boundaries.²⁹
- Thirdly, and most far-reachingly, a form of trusteeship could be imposed on Kosovo by the UN, under which, for the duration of that arrangement, its government – while exercising all normal day-to-day government powers, and not subject to either FRY or Serbian sovereign authority – would be subject to the exercise of veto powers by the trusteeship representative, either at large or in certain defined areas. The notion here is that such powers would be exercised with a lighter touch than under the present protectorate arrangements in both Kosovo and Bosnia, but in a way that retained ample leverage for the international community.

Any form of conditional independence would, in essence, end FRY sovereignty over Kosovo, but without giving Kosovo full, untrammelled international personality. During an interim phase of undefined duration, Kosovo would enjoy

²⁷ International Independent Commission on Kosovo (IICK), *The Kosovo Report*, Oxford University Press, 2000. The IICK returned to the theme in *The follow-up of the Kosovo Report: Why conditional independence?* (November 2001), which reiterated the Commission’s argument for an international “commitment to conditional independence for Kosovo and a process of dialogue and cooperation for the region” (pp. 38-9). Available at www.kosovocommission.org. In a complementary vein, Greek historian Evangelos Kofos has put forward the idea of international trusteeship as a way of moving Kosovo gradually towards independence under international tutelage (cited by Thanos Veremis, “The Ever-changing contours of the Kosovo issue”, in *What Status for Kosovo?*, Chaillot Paper 50, October 2001, Institute for Security Studies, Western European Union.

²⁸ From ICG Balkans Report No. 108, *After Milosevic: A Practical Agenda for Lasting Balkans Peace*, 26 April 2001, p. 128.

²⁹ An intriguing parallel has been drawn here with Austria’s commitment under the Austrian State Treaty of 1955 not to enter a union with Germany, and Cyprus’s under the Treaty of Guarantee of 1959 not to engage in any activity promoting either union with another country or partition of the island. See Nicholas Whyte, “Three Thoughts on Kosovo”, Centre for European Policy Studies, paper delivered at ICG Roundtable discussion of Kosovo Commission Report, 17 January 2001. Evangelos Kofos, cited by Veremis (op. cit.), has suggested that unification with other countries without the consent of the signatories of a Kosovo Trusteeship Accord could be banned. These signatories should presumably include all of the states in the region.

substantial self-government. This could include, in addition to the powers already devolved under the Constitutional Framework, responsibility for foreign policy, the budget and law and order (subject to international oversight in cases where minority rights are at stake).

An international military presence would remain in place, and be fully responsible for external security. As regards internal security, the locally recruited Kosovo Police Service (KPS) should gradually take over responsibility for policing under the elected Kosovo authorities, subject to veto powers by a UN Special Representative in matters touching the rights of minorities. There could be a place for an armed civil defence force that would be small in size, its role limited to backing up the civil police, and under the control of the international military force.

A form of international trusteeship would be exercised by the UN Special Representative, with veto powers in areas concerning the protection of minority rights and external borders. The UN representative would, in coordination with the international military force, oversee the protection of minorities. This would include ensuring the fair representation of minorities in the KPS, proportionate to the minority population in individual areas. The UN Special Representative's oversight of minority protection could include an international police monitoring mission, perhaps under the auspices of the OSCE, which has acquired relevant experience elsewhere in the region.

Fair representation of minorities in the judiciary would also need to be ensured. However, as is argued in the companion report, *Internal Benchmarks*, concerns about the impartiality of the judiciary are likely to persist for a long time. It is desirable that the separation of powers between the executive and the judiciary should be applied to the UN Special Representative as well. Therefore, international oversight over the judiciary should be exercised by international judges and prosecutors, rather than by the UN Special Representative. These judges and prosecutors should continue to be available to try sensitive cases involving minorities and an all-international court should continue to be the highest court in Kosovo, with precedence over every other court, including the Supreme Court.

The limitations on the local authorities, in the areas of internal security, the judiciary, minorities protection and eventually also external security could gradually be lifted as Kosovo institutions proved themselves able to govern effectively and fairly. Similarly, the international military presence could, all being well, gradually be reduced. But until Kosovo Albanians satisfactorily demonstrate their commitment to regional peace and stability, responsibility for external security would have to remain with the international military force. Over time, Kosovo could, as it demonstrates the will to abide by international standards, acquire the benefits of international recognition and legal personality, including membership of international organisations, access to international financial institutions and trade arrangements and the like.

The Case for Conditional Independence

While it is wholly unrealistic to expect Albanians to accept a return to the FRY, Kosovo is not in a position to be entrusted with maintaining internal or external security or guaranteeing the rights of minorities. Some form of conditional independence would have the benefit of clarifying the essentials of the status issue – namely, guaranteeing that Kosovo would never return to the FRY – while allowing for continued international supervision.

Conditional independence is the only solution that meets all the key criteria for ensuring internal and regional stability simultaneously. With its assurance of independence from the FRY, it would enjoy legitimacy with the majority Albanian population. Economic development and foreign investment, currently hampered by the lack of a resolution of status, could proceed.³⁰ With the removal of doubts – and the accompanying hopes and fears – over future status, it could be hoped that, despite the warnings of Kosovo Serb leaders, the chances for Albanians and Serbs to normalise their relations would be greater, improving the environment for return and minority rights.

³⁰ For a discussion of the negative impact of Kosovo's unresolved status on its economic development, see ICG Balkans Report No. 123, *Kosovo: A Strategy for Economic Development*, 19 December 2001. Lack of clarity over final status and the future jurisdiction over Kosovo is an important factor deterring potential foreign investors. From an economic perspective, any solution that would provide such clarity would be preferable to leaving the status issue unaddressed.

Clarifying Kosovo's status would enable Serbia to proceed with its transition unencumbered by the unresolved status of Kosovo. Having achieved independence, but remaining on probation, Kosovo Albanians would have a strong incentive to ensure that Kosovo would cease to be a factor of regional instability. The international community would retain a key role as guarantor of minority rights and external security.

Thus conditional independence should envisage gradual lifting of the restrictions placed on Kosovo's sovereignty as an incentive for good behaviour in line with international standards. The ultimate goal of full international subjectivity should only be envisaged within a broader framework of regional stabilisation and integration in European institutions.

For the sake of regional stability, the guarantee that Kosovo would never be forced to return to rule from Belgrade should be matched by an explicit commitment by Kosovo to the territorial integrity of neighbouring states. The onus will be on Kosovo leaders to demonstrate that the province would not in future threaten its neighbours, would not be a springboard for Albanian insurgencies in neighbouring states, and would play a constructive role in the region.

III. REGIONAL INTEGRATION

Whatever Kosovo's future status might be, a sustainable solution can only be achieved within a broader stabilisation of the region. This is one key reason why the international commitment to Kosovo, including a military presence, will have to last for as long as regional stability continues to be fragile. Just as addressing the causes of instability within Kosovo is vital to building stability in the region, so Kosovo's long-term stability depends on building a stable regional environment.

A viable future for Kosovo has to be based on close integration with its neighbours. This does not mean that a viable future can only be found in a single-state union with Serbia or another neighbouring state. It does mean that any form of final status will only be viable in the context of close cooperation and integration within the region. The small economies of the southern Balkans can only be viable as open economies, closely integrated, trading among themselves.

Enduring political stability can only be built on such close cooperation. It must also be based upon mutual trust, which will only be possible in an environment of shared respect for borders; respect for the individual and collective rights of minorities; and respect by minorities for the laws and identities of the states of which they are citizens.

In practical terms, Kosovo's leaders must establish constructive relations with all the province's neighbours, including Serbia. Final status cannot be resolved without Kosovo representatives engaging in direct discussions with Belgrade. These discussions should commence by tackling a whole range of practical issues, including trade, travel, pension rights, property rights, education in minority languages, utilities, infrastructure, and organised crime, which need to be addressed between Kosovo and Serbia and its other neighbours.

Political cooperation has to be based on an acknowledgement of the real aspirations of the states and entities in the region. Broadly, all of them see their future in integration into European institutions, above all the EU. There is, however, little appetite for political integration at a region-wide level. In particular, states are wary of

appearing to be quarantined within a bloc of problematic Balkan countries, their progress towards integration with the EU limited to that of their slowest neighbour in the region. The near-universal condemnation in the region that greeted the suggestion by former UN Special Envoy Carl Bildt that the countries of the so-called Western Balkans should approach the EU as a bloc illustrated the level of resistance.³¹

Any attempt by outside powers to impose models of political integration which do not have the support of the countries and entities concerned are doomed to failure, and will not advance the cause of regional integration and stabilisation. However, despite the wariness in the region about political integration, the need for integration in a range of spheres is widely appreciated, including by Kosovo Albanians.

Despite the bitter legacy of conflict, there is considerable scope for encouraging further integration in such areas as infrastructure, the economy and fighting crime. The EU's Stability and Association Process (SAP) appears to strike a commendable balance between allowing individual states to approach the EU at their own pace, while encouraging good neighbourly relations and insisting that states play a constructive role in promoting regional stability.

In the case of Kosovo and Serbia, however, there is little prospect of an initiative such as the SAP, or any other initiative directed at regional integration, having fruitful results unless the EU is prepared to adopt a policy towards the future of the FRY that acknowledges the realities on the ground and the aspirations of the peoples of the region. The FRY has for some time been a husk of a state with little meaningful substance, in effect representing only the Republic of Serbia.

A crucial element of achieving long-term stability between the states and entities in the region, including Serbia, Kosovo and Montenegro is to include them in the process of regional integration and integration into the EU. However, their inclusion in structures such as the SAP is only meaningful if it reflects a genuine commitment by the people of each entity. The integration of the

FRY into structures such as the SAP before the status of the entities that make up the FRY has been determined would make no contribution to lasting stability. Rather, it would fuel the feeling among Kosovo Albanians (as well as independence-minded Montenegrins) that they are being ignored and left out of the process of European integration.

It is a precondition for fruitful, long-term regional cooperation and integration that the status of the entities that make up the FRY should be resolved on the basis of the democratic will of the peoples of those entities.

In contrast to this approach, the EU has pursued a policy of trying to maintain and revive the FRY, in spite of the wishes of Kosovo Albanians. This has entailed vigorous efforts to stave off moves by Montenegro towards independence.³² A key reason for this determination to prevent Montenegrin independence is, by preserving the FRY, to hold out the future prospect of Kosovo being reincorporated into the FRY.

This strategy reflects, among other things, the fact that UNSCR 1244 refers to Kosovo's continuing place in the FRY, but not in Serbia. It is often argued that a final dissolution of the federation between Serbia and Montenegro would mean the end of the FRY, with the consequence that Kosovo would be cast adrift. There is no basis to this argument. Even if the FRY ceased to exist, the applicability of UNSCR 1244 would not be altered. The 1991 UN arms embargo which was imposed on former Yugoslavia continued to apply to each of the successor states after that country's dissolution. Similarly UNSCR 1244 would continue to have effect and to create binding obligations even in the event that the FRY as such no longer existed.

For Kosovo, the dissolution of the FRY would clearly be of political importance, especially as

³¹ Carl Bildt, "A Second Chance in the Balkans", *Foreign Affairs*, January/February 2001.

³² In November 2001 the EU High Representative for Common Foreign and Security Policy, Javier Solana, initiated a process of dialogue between Serbia and Montenegro aimed at finding a basis for the preservation of the common state. In undertaking this initiative, the EU supported the position of Belgrade and the pro-Yugoslav Montenegrin opposition in a policy aimed at pressurising the Montenegrin government to abandon independence plans, or shelve them for several years.

Albanians would regard it as strengthening their independence cause. However, it would have no legal impact, and the process of resolving the future status of Kosovo would still have to be gone through, just the same.³³ The dissolution of the FRY could hardly radicalise the population against reintegration with Serbia, given that the population is already unanimously opposed to that option.

While the dissolution of the union between Serbia and Montenegro would not in itself alter the question of Kosovo's final status, the EU's efforts to preserve the FRY appear misguided. Attempts to hold the FRY together against the wishes of Kosovo's Albanians make no contribution to lasting stability.

The Montenegrin government in December 2000 proposed an alternative model for integration with Serbia.³⁴ This proposal was for a loose association between fully independent states, each with its own, separate international subjectivity. It suggests that there could be cooperation in fields such as foreign affairs and defence, a common currency and joint institutions. Citizens of both republics should have equal rights in the other, including employment rights, property rights and passport-free travel.

The proposal was rejected by Belgrade, which offered instead a revived, "functional" federation, with limited central powers within a single state.³⁵ Belgrade leaders have sought to present the choice facing Montenegrins as a stark one between accepting a continued federation or a severance of ties, meaning in practical terms no special relationship, a 'hard' border, and so forth.

The international community has stuck to its preference for Montenegro to remain in a federation with Serbia, and shown no interest in the type of solution put forward by Montenegro. EU officials have sought to present Montenegrin independence moves as running against the European trend of integration, a regressive step that would not find favour with the EU.³⁶ This is in any case a dubious argument, given that the EU is itself a union of independent, sovereign states. There is no firm basis for arguing, as EU officials have been doing, that the Montenegrin proposal of a loose association of independent states is less 'European' than the single-state option favoured by Belgrade. The more flexible, nuanced understanding of sovereignty, independence and association proposed by the Montenegrin government is if anything in step with the current trend of integration.

In as much as international efforts to discourage Montenegrin independence are based on the hope that Kosovo could eventually be fitted back into some form of Yugoslav union, the policy is misconceived. A continued form of federal union between Serbia and Montenegro, within a single state, would have no prospect of being seen by Albanians as an attractive model for the future relationship between Kosovo and Serbia.

However, a loose association between independent, sovereign states as envisaged by the Montenegrin government, with members cooperating as much as they perceived to be in their common interest, is a model that might well be of greater interest for Kosovo.³⁷ The EU should

³³ On the implications of FRY dissolution for Kosovo, see ICG Balkans Report No. 108, *After Milosevic: a Practical Agenda for lasting Peace in the Balkans*, April 2001, pp. 36-7.

³⁴ "Platform of the Government of Montenegro for Talks with the Government of Serbia on New Relations Between Two States." English-language version published in *Europa South-East Monitor*, No. 19, January 2001, published by the Centre for European Policy Studies (CEPS).

³⁵ "Yugoslav President's Proposal for the Reconstruction of Yugoslavia." English-language version published in *Europa South-East Monitor*, No. 19, January 2001, published by the Centre for European Policy Studies (CEPS).

³⁶ See for example the statement issued by Solana's office following talks with Serbian and Montenegrin representatives on 4 February 2002. The statement said that "further fragmentation in the region would not only be contrary to the process of European integration, but would carry significant economic costs. The benefits of the bigger market will be lost, foreign investment will be discouraged and the lack of a common trade policy would be an obstacle to EU and WTO integration." It went on to say that "The FRY has made a good start in the Stabilisation and Association Process. A reform of the federation would further facilitate early progress on the way to a Stabilisation and Association Agreement. Separation, however, would create uncertainties and might lead to serious delay."

³⁷ The ICG argued this point in ICG Balkans Report No. 107, *Montenegro: Settling for Independence?*, 28 March 2001. It was also taken up by Franz-Lothar Altmann, "The Status of Kosovo", in *What Status for Kosovo?*, Chaillot

look seriously at this option. At the very least, it should urge Belgrade to adopt a more constructive approach to future relations in the region, and to allow for closely integrated relations with Montenegro and Kosovo in the event that either or both of them should eventually be independent.

IV. A ROADMAP TO FINAL STATUS

Having considered the relative merits of various solutions to Kosovo's final status and concluded that a strategy for tackling the issue of status needs to be devised, it remains to identify a way of initiating a process. While there are too many variables in play to allow for great precision at this stage, the necessary elements and general principles can certainly be indicated.

A. INTERNATIONAL ENGAGEMENT

Given the gulf between Albanians and Serbs, the international community will have to play a key role in facilitating dialogue and providing a calm environment in which progress can become possible. Despite all the difficulties involved, the international community must reach a consensus on the principles to be observed in seeking a resolution of final status.

A key role in addressing final status must be taken by the UN. The UN Security Council alone can give legitimacy to any outcome, while UNMIK should fulfil its responsibility under UNSCR 1244 to prepare the ground for taking the process forward. Steps that could be taken in this regard are discussed below.

Nevertheless, the will of the main powers to address final status is the indispensable element in starting a process and moving it forward. An appropriate body to take the lead in the process is the G-8, which played a key role in the international response to the mounting crisis over Kosovo in the late 1990s, and whose initiatives led to the Rambouillet accords and subsequently helped to achieve Milosevic's withdrawal from Kosovo.³⁸ As the views of the other states in the

³⁸ The suitability of the G-8 for this role was elaborated in ICG Balkans Report No. 108, *After Milosevic: A Practical Agenda for Lasting Balkans Peace*, 26 April 2001, p. 125: "Given its membership, it is unlikely any agreement this group could reach on final status issues would be blocked at the level of the Security Council (China is the only Security Council member who is not a G-8 member as well). Because the Russian Federation is a member of the G-8, Belgrade would likely feel that its interests were well defended... Given the rather elite basis of its membership, the G-8 would allow for a unique mix of international authority on a small enough scale to avoid making

region should also be taken into consideration, the involvement of the OSCE could also be envisaged.

1. Key principles

The key principles underpinning an international consensus would be as follows:

- *The commitment to an international civilian and military presence should be maintained for as long as the internal and external security situation requires.*
- *The purpose of international engagement is to facilitate a stable, sustainable solution for Kosovo, Serbia and the region. The purpose is not to impose a particular solution that might be preferred by any of the major powers.*

The international community, above all Russia and the EU, should give up its preference for preserving the FRY, a policy that discourages any thought of compromise on the part of Belgrade. Rather it should concentrate on facilitating a calm environment in which dialogue can take place. Russia is better placed than anyone else to help Serbia to face up publicly to the reality that many of its leading figures already recognise in private, that Kosovo will not remain in the same state with Serbia.

While Kosovo's future status is highly sensitive for Serbia, many leading Serbian figures have already privately acknowledged that Kosovo is 'lost', and that the success of Serbia's democratic transition depends upon releasing Kosovo. Some non-governmental groups and commentators have openly acknowledged this for many years. There is thus scope for compromise on the Serbian side. On the key issue of status, there is no scope for basic compromise by the Albanian side. Simply, the issue of whether or not Kosovo will be independent matters much more to the people who

representation at the talks unduly cumbersome. Because the G-8 represents the major industrialised economies, it would also be in a key position to wield a sound balance of 'carrots and sticks'. (This last consideration gives the G-8 a plain advantage over the Contact Group.) In addition, there is a formal G-8 Balkans working group. Canada will host a G-8 meeting at political director level in Pristina in May 2002, which might present a good opportunity for the G-8 to initiate a process of addressing final status.

live there, most of whom are Albanians, than it does to most people in Serbia.

- *In order to enable fruitful dialogue between Serbia and Kosovo Albanians to develop, no possible outcome should be ruled out at the outset.*

While ICG believes that only "conditional independence" meets the criteria for enhancing stability, all outcomes should be open to discussion at the outset. This is for two reasons. Fruitful dialogue cannot begin if any potential solution is excluded at the outset; and if either side's position is favoured by the international community, then that side has no incentive to talk seriously or to make compromises. (The position adopted by the international community in relation to Montenegro, of backing Belgrade's position, should not be repeated in relation to Kosovo.)

- *The search for a solution should take full consideration of the reality of the situation on the ground, observing the "will of the people", to be ascertained by a referendum in Kosovo, as a crucial factor.*

Marrying the two principles that the "will of the people" should be taken into consideration and that any solution should be by mutual agreement will clearly be a significant challenge. The will of the majority in Kosovo will certainly be overwhelmingly in favour of independence, which Belgrade would find difficult to swallow. Compromise will need to be sought, and if that is to be possible, the stance of the international community will be of critical importance.

- *The eventual resolution of final status should, if possible, be by agreement between Serbia and Kosovo representatives, but neither should be allowed a final veto.*

Respect for Helsinki principles should not entail granting Belgrade an indefinite or unlimited right to block an agreement. There are ten Helsinki principles, among them the right to self-determination and respect for human rights, as well as the stipulation that border changes should be by agreement. A balance always needs to be struck among these principles. In the case of a state which lost control of a part of its territory through its own gross misuse and abuse of the human rights of the population, it is senseless to insist that the principle

of respecting borders should take absolute primacy over the principles of self-determination and human rights. While the preference is always, if possible, to settle inter-ethnic disputes within the framework of existing borders, sometimes (as was, for example, the case with the break-up of former Yugoslavia in 1991-92) the circumstances are such that this is simply untenable.

Moreover it must never be forgotten that the adoption of UNSCR 1244 fundamentally altered the situation. Ratifying Kosovo's *de facto* separation from Serbia – if that were to be the outcome – would not involve changing the border between two states, such as the Helsinki principles were primarily intended to address. It concerns a territory for which the UN was obliged to assume responsibility as a result of the gross misrule by the state to which it belongs.

It is, therefore, not a situation which is comparable to other intra-state disputes such as Chechnya, and the resolution of Kosovo's final status in line with UNSCR 1244 would not create any precedents for other cases. If a negotiated agreement could not be reached, Belgrade should not be allowed a veto over a settlement, and the G-8 powers should, if need be, be ready to impose a solution based on the reality on the ground and the democratic will of the people of Kosovo.

2. The Role of Russia

If space for compromise is to be found, the international community must play its role very delicately. The role of Russia is likely to be vital. Russia's view is critical, as without Moscow's agreement, no outcome will pass the UN Security Council. So long as Russia is content, it could be hoped that China, which has similar reservations about Kosovo, would not stand in the way of any new international consensus on the province.

Moscow strongly opposed the 1999 NATO bombing campaign of the FRY, and continues to champion the cause of the FRY's sovereignty over Kosovo. Among Moscow's key concerns was that in bypassing the UN, NATO's operation in 1999 violated international law and set a dangerous precedent of marginalising Russia at the highest level of international decision-making.

Anxious to see an end to the NATO action and to play itself back into the game, Moscow played a

key role in bringing an end to the conflict. Russia's envoy, Viktor Chernomyrdin, pressured Belgrade into accepting a peace plan that involved the withdrawal of FRY forces from Kosovo. Some in Russia criticised the Chernomyrdin initiative, claiming that Moscow had merely served NATO's policy. Certainly Russia will expect its views to be taken more seriously in any future development of international policy on Kosovo. It will also insist upon the UN's role as the key forum for deciding vital issues.³⁹

Russia's concern regarding the preservation of the FRY's sovereignty over Kosovo also reflects its own problems in Chechnya. Moscow is concerned that granting independence to Kosovo could set a precedent for other violent secessionist movements to be rewarded. Given the extreme improbability that any Russian territory might be taken into international stewardship, as Kosovo has been, the Western capitals should be able to reassure Moscow on this point. Such worries could be further allayed by emphasising the international community's *existing* obligation (under UNSCR 1244) to resolve Kosovo's status, and ensuring that a serious effort is made to reach agreement in line with Helsinki Final Act principles.

So long as Russia is treated with respect as a partner in international policy, there is every reason to hope that Moscow could again play a vital role in resolving the issue of Kosovo's status. Such hopes have been given a boost in the aftermath of the 11 September 2001 attacks in the United States, since when President Vladimir Putin has stressed Russia's desire for fruitful cooperation with the Western powers. In this context, there is reason to believe that Moscow would help to facilitate a sustainable solution.

B. THE PROCESS

In order to initiate a process leading to a resolution of Kosovo's status, a great deal of mistrust between Serbs and Albanians will need to be overcome. The international community must provide a calm environment in which neither side

³⁹ On Russia's policy on Kosovo, see Andrei P. Tsygankov, "The final triumph of Pax Americana? Western intervention in Yugoslavia and Russia's debate on the post-cold war order", in *Communist and Post-Communist Studies*, 34/2. June 2001.

feels that it is treated disadvantageously. In the initial stages, confidence-building will be key, and the aims of initial contacts could be modest.

Initial steps could be envisaged as follows:

- Since Kosovo now has an elected Assembly, the elected representatives should establish a mechanism for conducting discussions with Belgrade. Kosovo's Constitutional Framework forbids the new Assembly to take any steps concerning final status. Albanian leaders should avoid futile gestures on status, such as a declaration of independence in the Assembly, which would only irritate the international community. They should, instead, adopt a constructive approach towards contacts with Belgrade, perhaps through a committee under the Assembly that would consider options for addressing the relationship with Belgrade. The international community should encourage such a constructive approach.
- A focal point should be established within which contacts can be commenced. This could initially be in the form of a working group whose aims could at first be modest, and could concentrate on practical issues that need to be addressed whatever the final status. These could include communications; infrastructure; utilities; trade; the environment; pensions; property issues; cooperation over security; tackling organised crime; and education in minority languages. Other issues that need to be addressed include missing persons; Albanian prisoners in Serbian gaols; refugee return; and minority rights. Such contacts would accustom Albanian and Serbian representatives to dealing with each other, and hence contribute to raising mutual confidence.

Such a working group was formed under an agreement reached between Covic and former SRSG Hans Haekkerup just before the 17 November 2001 election. It was envisaged that the working group would be under the SRSG, and would include representatives of the FRY and of Kosovo's provisional institutions of self-government. It has met a number of times, but without Albanian participation. Albanian leaders reacted with fury to the agreement, objecting that they had not been consulted and that it introduced Belgrade as a key factor in deciding matters in Kosovo. Two of the main

Albanian parties, the Democratic Party of Kosova (PDK) and the Alliance for the Future of Kosova (AAK), declared that they would not recognise the new working group.⁴⁰

For discussions between Belgrade and Kosovo's representatives to be fruitful, it is vital that both sides should accept the framework for such talks. Both sides need to be involved in agreeing the framework. Haekkerup signed the agreement with Covic as the price for securing Serb participation in the election, but the utility of the new working group is clearly in doubt if Albanian representatives do not participate in it. The situation was aggravated when Covic presented the agreement as a step to returning Belgrade's control to Kosovo. If dialogue is to commence, no side must see that it has gained an advantage. Therefore, the working group's establishment and terms of reference will have to be re-negotiated to involve Kosovo's representatives.

- Moving beyond this initial preparatory phase, with its focus on confidence building and practical issues, an international meeting of the kind contemplated in the Rambouillet accords should be convened to negotiate final status. International meetings of this kind do not normally open until there is some prospect of a useful purpose being served but the setting of even a notional date, and the process of even very preliminary preparation, can be a very useful way of concentrating attention on issues that otherwise tend to continue to drift, with the urgent always driving out the important. A high powered working group representing the participants at Rambouillet itself – the Contact Group states, Prishtina/Pristina and Belgrade – could certainly do much to explore and clarify the issues, including identifying the principles that will need to constitute the foundations for a final political settlement.

A pre-condition for the success of such a meeting is a unified international stance based on the kind of principles outlined earlier in this report. As a starting point, Kosovo's

⁴⁰ For an analysis of the Covic-Haekkerup agreement, see ICG Balkans Report No. 120, *Kosovo: Landmark Election*, 21 November 2001.

representatives (perhaps drawing on the work of an Assembly committee of the type recommended above) and Belgrade should define their key interests. On that basis, dialogue could proceed, with international mediators helping to find common ground where possible, and pushing the sides to make compromises, always taking into account the realities on the ground. Neighbouring states should also be represented.

- At some point in the proceedings, when the options have been defined, a referendum should be organised in Kosovo as a means of determining the “will of the people” referred to in the Rambouillet accords. A way should be found of allowing voters to express preferences between multiple choices, including autonomy in the FRY and some form of conditional independence under international trusteeship.

V. CONCLUSION

This is one of two companion reports under the common title, *A Kosovo Roadmap*. Together, they identify parallel paths which need be negotiated simultaneously in order to reach the desired destination: a stable, democratic Kosovo, standing on its own feet, peacefully integrated in its region, and with a clearly defined place in the international community.

As the international community has shied away from tackling the key issue of Kosovo’s final status, an anomaly has arisen between UNMIK’s mandate to build autonomous institutions on the ground and the continued hope in many capitals that Kosovo could be fitted back into the FRY. With the help of donor assistance, Kosovo institutions have been rebuilt and reformed. The emerging institutions are designed to be completely autonomous, and they bear little resemblance to counterpart institutions in Serbia. The international community may hold firm to the notion that Kosovo remains a part of the FRY but that is not where its efforts in Kosovo have been leading.

The parallel threads of international engagement in Kosovo need to be synchronised again. As this report has argued, the international community should overcome its divisions and begin to address the question of Kosovo’s future status on the basis of a realistic appraisal of the situation. Belgrade and Kosovo’s Albanians need to begin a dialogue, preferably over relatively modest issues to begin with, but leading to fully fledged negotiations. The role of the international community in providing an environment conducive to fruitful dialogue will be critical.

Having considered the relative merits of various options for Kosovo, ICG concludes that conditional independence under some form of international trusteeship is the most realistic solution. If adopted, this would mean acknowledging that Kosovo will not remain part of Serbia or the FRY and should enjoy a much greater degree of self-government, while it strives to meet all the benchmarks for full sovereignty to be contemplated.

Pristina/Brussels, 1 March 2002

APPENDIX A

MAP OF KOSOVO



APPENDIX B

GLOSSARY

AAK	Alliance for the Future of Kosova
CFA	Central Fiscal Authority
EU	European Union
FRY	Federal Republic of Yugoslavia
G-8	Informal grouping of major industrialised countries: U.S.A., United Kingdom, France, Germany, Italy, Canada, Japan, Russia
HPCC	Housing and Property Claims Commission
HPD	Housing and Property Directorate
IAC	Interim Administrative Council
IDP	Internally displaced person
JIAS	Joint Interim Administrative Structure
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
LCO	Local Community Office
LDK	Democratic League of Kosova
NATO	North Atlantic Treaty Organisation
NDI	National Democratic Institute
OSCE	Organisation for Security and Cooperation in Europe
PDK	Democratic Party of Kosova
PIO	Principal International Officer
SAP	Stabilisation and Association Process
SRSG	Special Representative of the [UN] Secretary-General
UNMIK	UN Interim Administration in Kosovo
UNSCR	United Nations Security Council Resolution
WTO	World Trade Organisation

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in more than a score of crisis-affected countries and regions across four continents, including Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office in Amman) and Pakistan/Afghanistan (with a field office in Islamabad). The new offices became operational in December 2001.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

March 2002

APPENDIX D

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APPENDIX E

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