

CRS Report for Congress

Kosovo and U.S. Policy: Background and Current Issues

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Committees of Congress**

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Summary

Kosovo represents the last major unfinished business from the wars of Yugoslav succession in the 1990s. In 1998 and 1999, the United States and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav/Serb forces in Yugoslavia's Kosovo province in southern Serbia. These efforts culminated in a 78-day NATO bombing campaign (Operation *Allied Force*) against Serbia from March until June 1999, when then-Yugoslav leader Slobodan Milosevic agreed to withdraw his forces from the province. Since then, Kosovo has been governed by a combination of U.N. and local Kosovar interim governing structures. Under the terms of U.N. Security Council Resolution 1244, the U.N. Mission in Kosovo (UNMIK) retained ultimate political authority in the province. A NATO-led peacekeeping force, KFOR, was charged with providing a secure environment.

UNSC Resolution 1244 did not settle Kosovo's disputed status, but called for status to be considered at an undetermined time after an autonomous government was in place. Almost all ethnic Albanians want independence for Kosovo; Serbs say Kosovo is and should remain an integral part of Serbia. In mid-2005, the U.N. began a lengthy process to address Kosovo's status. After some delays, U.N. envoy and former Finnish President Martti Ahtisaari released in early 2007 a status proposal calling for Kosovo's supervised independence with extensive minority rights. After Ahtisaari formally presented his proposal to the U.N. Security Council on March 26, the status process became stalled in the Security Council. The United States and some European countries backing the Ahtisaari plan, but Russia remained strongly opposed to it and other elements of U.S.-backed draft resolutions. Western countries withdrew the Kosovo resolution from Security Council consideration and agreed to launch four months of new talks under an international "troika" of negotiators.

The United States, in concert with European members of the international contact group, has long taken a leading role in shaping international policy on Kosovo. The United States has committed peacekeeping troops to KFOR since 1999 and has upheld an "in together, out together" policy with respect to keeping some U.S. forces in Kosovo along with the European allies. U.S. officials have frequently emphasized the desirability of a swift settlement to Kosovo's status. During his visit to Europe in mid-2007, President Bush expressed strong U.S. support for Kosovo's independence.

In Congress, U.S. involvement in the 1999 Kosovo war was controversial; after extensive debate, Congress neither explicitly approved nor blocked U.S. participation in NATO air strikes against Serbia. In the 110th Congress, some resolutions have been introduced favoring Kosovo's independence. The 110th Congress has also considered FY2007 supplemental and FY2008 budget requests that include funds to support the outcome of the Kosovo status settlement. For additional information, see CRS Report RS21721, *Kosovo's Future Status and U.S. Policy*, by Steven Woehrel. This report will be updated as events warrant.

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Kosovo and U.S. Policy: Background and Current Issues

Introduction and Most Recent Developments

In July 2007, a lengthy international process to determine a political settlement for Kosovo's disputed status reached an impasse at the U.N. Security Council, prompting a move to a new phase in the negotiation process in August. An international troika of negotiators representing the United States, Russia, and the European Union have embarked on shuttle diplomacy and will commence direct talks with the Kosovar Albanian and Serbian parties in a last-ditch attempt to foster a compromise agreement on Kosovo's status over a period of 120 days. What outcome or next steps may result after this period is not yet clear, although the troika is set to report back to the United Nations by December 10, 2007.

Most analysts agree that the failure to achieve agreement on a new U.N. Security Council resolution represents a major setback to longstanding international plans to resolve Kosovo's status. After over a year of negotiations, U.N. envoy and former Finnish President Martti Ahtisaari presented to the Security Council in March 2007 a comprehensive plan to move Kosovo toward independence under international supervision. Strong U.S. and European support for the Ahtisaari plan came up against increasingly rigid opposition by Russia, which backed Serbia's rejection of the Ahtisaari plan. Hopes for an international deal with Russia on Kosovo faded as key meetings — such as the June G8 summit in Germany and the bilateral Bush-Putin summit in early July — came and went. Finally, U.S. and other backers of draft U.N. resolutions supporting the Ahtisaari plan suspended the Security Council process on July 20.

As an alternative way forward, the international contact group (comprising the United States, United Kingdom, France, Germany, Italy, and Russia) agreed to sponsor a new round of talks with the interested parties under the lead of a troika of international negotiators. International officials say that all options are on the table; however, few observers expect further direct talks to achieve a compromise agreement in the 120-day period. At that point, many speculate that some countries, perhaps led by the United States, may opt to recognize Kosovo's independence on their own. Other options, such as the partition of Kosovo, have been unofficially floated.

Beyond not resolving Kosovo's political status, the stalled U.N. process and lack of a new U.N. resolution leaves in limbo plans to deploy new international missions to Kosovo led by the European Union and NATO. Many officials and observers are concerned about increasingly instability on the ground in Kosovo and the ongoing risk of social unrest. The U.N. and Kosovo government are planning to

go ahead with general and local elections later in the fall of 2007, irrespective of the international process on status.

U.S. Policy Overview

In 1998 and 1999, the United States and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav forces in the Federal Republic of Yugoslavia's Kosovo region. They were outraged by Serb security forces' atrocities against ethnic Albanian civilians, and feared that the conflict could drag in other countries and destabilize the region. These efforts culminated in a 78-day NATO bombing campaign against Serbia from March to June 1999. Yugoslav leader Slobodan Milosevic agreed to withdraw his forces from the province in June 1999, clearing the way for the deployment of U.S. and other NATO peacekeepers. While NATO's action ended Milosevic's depredations in Kosovo, it left U.S. and other Western policymakers with many difficult issues, including creating the conditions for the resumption of a normal life in Kosovo, setting up autonomous governing structures, and beginning reconstruction of the war-torn province. The thorny issue of Kosovo's final status also loomed as critical unfinished business, with important ramifications for stability in the entire western Balkan region.

After several years, U.S. policymakers began to emphasize the need to resolve unfinished business in the Balkans, especially with respect to a viable political settlement for Kosovo. In 2006 and 2007, U.S. officials made repeated statements against maintaining an unstable status quo and in favor of resolving Kosovo's status in order to achieve long-standing U.S. goals for a Europe whole, free, and at peace. Most recently, President Bush publicly expressed his support for Kosovo's independence (see "U.S. Policy" section, below).

Over the years, U.S. engagement in Kosovo has at times been controversial. Proponents of U.S. engagement say that instability in Kosovo could have a negative impact on the stability of the Balkans and therefore of Europe as a whole, which they view as a vital interest of the United States. They believe instability in the region could produce an environment favorable to organized crime and terrorism and undermine U.S. goals of Euro-Atlantic integration and cooperation. They say the ongoing involvement of the United States is critical to ensuring this stability, because of its resources and unrivaled political credibility in the region.

Some critics say that the situation in Kosovo does not have as large an impact on vital U.S. interests as other issues, particularly the war on terrorism in the wake of the September 11 terrorist attacks on the United States and the war in Iraq, as well as a host of other foreign policy and national security challenges. They also point out that Europe has a larger stake than the United States in stability in southeastern Europe, and that European nations should lead international efforts in Kosovo. Reflecting international focus on the global anti-terrorism campaign and other priorities, there appears to be a strong interest in "finishing the job," including an eventual "exit strategy" for the international civil and military administration of

Kosovo. However, a residual international civilian and military role, perhaps with a smaller U.S. presence, is likely to stay on for some time after status is determined.

War in Kosovo: February 1998-June 1999

Although the war in Kosovo had deep historical roots, its immediate causes can be found in the decision of Milosevic regime in Serbia to eliminate the autonomy of its Kosovo province in 1989. The regime committed widespread human rights abuses in the following decade, at first meeting only non-violent resistance from the province's ethnic Albanian majority. However, in 1998 ethnic Albanian guerrillas calling themselves the Kosovo Liberation Army (KLA) began attacks on Serbian police and Yugoslav army troops. The Milosevic regime responded with increasingly violent and indiscriminate repression. From February 1998 until March 1999, conflict between the KLA and Serb forces (as well as armed Serb attacks on ethnic Albanian civilians) drove more than 400,000 people from their homes and killed more than 2,500 people.

The United States and other Western countries used sanctions and other forms of pressure to try to persuade Milosevic to cease repression and restore autonomy to Kosovo, without success. The increasing deterioration of the situation on the ground led the international Contact Group (United States, Britain, France, Germany, Italy and Russia) to agree on January 29, 1999 on a

draft peace plan for Kosovo. They invited the two sides to Rambouillet, near Paris, to start peace talks based on the plan on February 6. As an inducement to the parties to comply, on January 30 the North Atlantic Council agreed to authorize NATO Secretary-General Javier Solana to launch NATO air strikes against targets in Serbia, after consulting with NATO members, if the Serb side rejected the peace plan. NATO said it was also studying efforts to curb the flow of arms to the rebels. The draft peace plan called for three-year interim settlement that would provide greater autonomy for Kosovo within Yugoslavia, and the deployment of a NATO-led international military force to help implement the agreement. On March 18, 1999, the ethnic Albanian delegation to the peace talks signed the plan, but the Yugoslav delegation rejected it.

NATO began air strikes on the Federal Republic of Yugoslavia on March 24, 1999. Yugoslav forces moved rapidly to expel most of Kosovo's ethnic Albanians from their homes, many of which were looted and burned. A December 1999 State Department report estimated the total number of refugees and displaced persons at over 1.5 million, over 90% of Kosovo's ethnic Albanian population. The report said that Yugoslav forces killed about 10,000 ethnic Albanians, and abused, tortured and

Kosovo at a Glance

Area: 10,849 sq.km., or slightly smaller than Connecticut

Population: 1.956 million (1991 Yugoslav census)

Ethnic Composition: 82.2% Albanian; 9.9% Serbian. Smaller groups include Muslims, Roma, Montenegrins, Turks, and others (1991 census).

raped others.¹ After 78 days of increasingly intense air strikes that inflicted damage on Yugoslavia's infrastructure and its armed forces, President Milosevic agreed on June 3 to a peace plan based on NATO demands and a proposal from the Group of Eight countries (the United States, Britain, France, Germany, Italy, Canada, Russia, and Japan). It called for the withdrawal of all Yugoslav forces from Kosovo; the deployment of an international peacekeeping force with NATO at its core; and international administration of Kosovo until elected interim institutions are set up, under which Kosovo will enjoy wide-ranging autonomy within Yugoslavia. Negotiations would be eventually opened on Kosovo's final status.

On June 9, 1999, NATO and Yugoslav military officers concluded a Military Technical Agreement governing the withdrawal of all Yugoslav forces from Kosovo. On June 10, the U.N. Security Council approved UNSC Resolution 1244, based on the international peace plan agreed to by Milosevic. KFOR began to enter Kosovo on June 11. The Yugoslav pullout was completed on schedule on June 20. On June 20, the KLA and NATO signed a document on the demilitarization of the KLA.²

Within weeks of the pullout of Yugoslav forces from Kosovo and the deployment of NATO-led peacekeeping force KFOR, the overwhelming majority of ethnic Albanian refugees returned to their homes. At the same time, more than 200,000 ethnic Serbs and other minorities living in Kosovo left the province, according to the U.N. High Commissioner for Refugees. International officials estimate the number of Serbs living in Kosovo at about 100,000. Serbs in the northern part of the province are concentrated in or near the divided town of Mitrovica. The rest are scattered in isolated enclaves in other parts of the province, protected by KFOR troops. A key reason for the departures is violence and intimidation by ethnic Albanians, although some departures have been voluntary. Meanwhile, some 15,000 so-called "minority returns" — or returns of displaced persons to their homes in which they constitute an ethnic minority — have been reported over the last several years, although even this amount has been offset by other minorities who have since left the province. Kosovo Serbs say that since the pullout of Yugoslav forces, more than 1,100 were killed and over 1,000 are missing. Hundreds of houses of Serb refugees have been looted and burned.

Post-1999 Developments in Kosovo

Kosovo's Governing Institutions

Since June 1999, Kosovo has been primarily administered by the U.N. Mission in Kosovo (UNMIK). According to U.N. Security Council Resolution 1244, UNMIK

¹ *Ethnic Cleansing in Kosovo: An Accounting*, U.S. Department of State, December 1999.

² For historical background to the conflict in Kosovo, see CRS Report RS20213, *Kosovo: Historical Background to the Current Conflict*, by Steven Woehrel. For chronologies of the conflict in Kosovo, see CRS Report 98-752, *Kosovo Conflict Chronology: January-August 1998*, by Valerie Makino and Julie Kim; CRS Report RL30127, *Kosovo Conflict Chronology: September 1998-March 1999*, by Julie Kim.

was tasked with gradually transferring its administrative responsibilities to democratically elected, interim autonomous government institutions, while retaining an oversight role. In a final stage, UNMIK was to oversee the transfer of authority from the interim autonomous institutions to permanent ones, after Kosovo's final status is determined.

Kosovo had little to no governing experience, especially after it lost autonomy under the rule of Milosevic. Kosovo's dominant political party had long been the Democratic League of Kosova (LDK), formerly headed by Ibrahim Rugova, who had led a shadow government during the Milosevic years. After the war, new parties emerged from the Kosovo Liberation Army. The biggest of these was the Democratic Party of Kosovo (PDK), headed by Hashim Thaci. Another significant, although smaller, ex-KLA group is the Alliance for the Future of Kosovo (AAK), led by Ramush Haradinaj. The LDK initially lost some ground to the newer parties but regained dominant support among the Kosovo Albanian population. Kosovo's first postwar electoral process, municipal elections held in October 2000, resulted in an LDK victory with 58% of the vote province-wide. The PDK won 27.3% and the AAK, 7.7%. Kosovo Serbs boycotted, charging that UNMIK and KFOR have been ineffective in protecting them from ethnic Albanian violence.

In May 2001, UNMIK issued a Constitutional Framework for Provisional Self-Government in Kosovo. It called for the establishment of a 120-seat legislature, which elects a President and a Prime Minister. Twenty seats were reserved for ethnic minorities, including ten for Serbs, but Serbs were not granted veto power on laws passed by the ethnic Albanian majority in the body. UNMIK retained oversight or control of policy in many areas, including law enforcement, the judiciary, protecting the rights of communities, monetary and budget policy, customs, state property and enterprises, and external relations. UNMIK could invalidate legislation passed by the parliament if in conflict with U.N. Security Council Resolution 1244. KFOR remained in charge of Kosovo's security. The Constitutional Framework did not address the question of Kosovo's final status.

The first postwar vote for Kosovo-wide institutions was held in November 2001. The moderate LDK won 47 seats in the new legislature. The PDK won 26 seats, and the AAK won 8 seats. Four small ethnic Albanian parties won one seat each. The remaining 13 seats were won by parties representing the Bosniak, Turkish and Roma communities. In contrast to their boycott of the 2000 local elections, Kosovo Serbs turned out in substantial numbers to vote in the November 2001 legislative elections. A coalition of Serbian parties called Povratak, or Return, won 22 seats. Turnout in Serb-majority areas was about 47%, according to the OSCE, while turnout in Serbia and Montenegro was about 57%. (This compared with a turnout of about 67% in Albanian-majority areas.)

After months of political wrangling, the Assembly chose a President and a government in March 2002. LDK leader Ibrahim Rugova was elected as President. Kosovo's Prime Minister is Bajram Rexhepi of the PDK. The government consisted of members of the LDK, PDK and AAK. One cabinet post was reserved for a Kosovo Serb representative and another for a member of a non-Serb minority group. The Kosovo Serbs initially refused to join the government, saying they wanted

greater representation, but finally agreed to do so in May 2002, after UNMIK agreed to appoint a Kosovo Serb as an advisor on refugee returns.

Kosovo held its second local elections on October 2002. Turnout for the vote was 54%, lower than in the previous two elections. Observers attributed the low turnout to disillusionment with the performance of the government and political parties in Kosovo. The LDK confirmed its status as the leading party in Kosovo, but lost ground compared to previous elections. The LDK won 45% of the vote, the PDK 29%, and the AAK 8.55%. Serb turnout was particularly low, at about 20%. Almost no Serbs voted in the troubled northern town of Mitrovica, where local authorities intimidated potential voters. Among those Serbs who did vote in the elections, the moderate Povratak (Return) coalition did poorly, while hard-line parties did well. These results may have reflected continuing Serb dissatisfaction with their situation in Kosovo, and with the failure of Serb moderates to improve it.

In March 2004, accusations that local Serbs were responsible for the drowning death of two ethnic Albanian boys near the divided city of Mitrovica erupted into violent demonstrations and attacks on several ethnic Serb enclaves throughout the province. Large crowds of ethnic Albanians came out in droves and set fire to Serb homes, churches and property in several cities. U.N. and NATO personnel evacuated some ethnic Serbs to protected enclaves but could not hold back the crowds or counter the destruction. The two days of violence on March 17-18, 2004, constituted the worst flare-up of inter-ethnic violence since the end of the 1999 Kosovo war. According to UNMIK, the two-day period resulted in the death of 19 civilians, injuries to more than 900 persons, including international peacekeepers, and the displacement of over 4,000 persons, mainly Serbs, from their homes. In addition, about 30 churches and monasteries, 800 houses, and 150 vehicles were destroyed or seriously damaged. U.N. and other international officials assessed that the attacks came about in part spontaneously, and in part as a result of an orchestrated campaign by extremist forces. Some referred to the attacks as "ethnic cleansing." The U.N. estimated that tens of thousands of persons participated in dozens of violent incidents in the two-day period.

Kosovo held new parliamentary elections on October 24, 2004. On the Albanian side, the results were largely in line with previous votes. The LDK won 45.4% of the vote, and 47 seats in the 120 seat legislature. The PDK won 28.9% and 30 seats. The AAK won 8.4% of the vote and nine seats. A new ethnic Albanian party, ORA, led by publisher Veton Surroi, won seven seats, while four other ethnic Albanian parties split five seats. Turnout for the election was 53.57%. Very few Kosovo Serbs voted in the elections, responding to a call by Serbian Prime Minister Vojislav Kostunica to boycott the election in the wake of the March 2004 violence. Two Serbian groups which did participate in the elections received the ten seats reserved for the Serbian community in the legislature, but it was questionable whether they genuinely represented Serbian sentiment in Kosovo. Ten other seats were set aside for other ethnic communities in Kosovo.

On December 2, 2004, AAK leader Ramush Haradinaj was elected Prime Minister of Kosovo by the new Kosovo parliament. He led a new government composed of a coalition between the AAK and LDK. The PDK, a key part of the previous government, went into opposition. Haradinaj's nomination was

controversial, due to concerns of EU and other international officials that he could be indicted by the International Criminal Tribunal for the Former Yugoslavia for war crimes allegedly committed when he was a rebel leader.

On March 8, 2005, Prime Minister Haradinaj resigned, after The Hague tribunal notified him and two of his associates that they had been indicted for crimes against humanity and war crimes allegedly committed during the 1998-1999 conflict with Serbian forces. Haradinaj and his co-indictees flew to The Hague to submit to detention. Haradinaj was succeeded as Prime Minister by a political ally, Bajram Kosumi. Haradinaj had won high marks from international officials for his energetic efforts to implement the standards. In June 2005, Haradinaj was provisionally released by the Tribunal in return for his pledge to return to The Hague for his trial. Without re-claiming a formal leadership position, Haradinaj is still thought to exercise substantial leadership in the AAK and in his home region. He recently returned to The Hague to face trial beginning on March 5, 2007.

In mid-2005, the United Nations conducted a comprehensive review of the situation in Kosovo as part of effort to determine whether to open a political process designed to determine Kosovo's future status (see section on status, below). The review, conducted by U.N. envoy Kai Eide, included some praise for progress made in the development of governing institutions (although without sufficient engagement by the Kosovo Serbs) and landmark economic structures. At the same time, the review reported that the economic situation in Kosovo remained bleak and that respect for the rule of law was a serious problem. Prospects were poor for inter-ethnic harmony and the return of significant numbers of displaced minorities.³

On January 21, 2006, Kosovo President Ibrahim Rugova died after a long bout with cancer. In February 2006, Fatmir Sejdiu, from Rugova's LDK party, was elected as President by the Kosovo parliament. Later in the year, Sejdiu ran again for President of the LDK and won the internal party vote. In March 2006, Kosovo Prime Minister Bajram Kosumi stepped down after criticism of his performance, even within his own party. He was replaced by Agim Ceku, who was formerly head of the KLA and head of the Kosovo Protection Corps. The new government pledged to implement standards set by the international community for Kosovo.

In preparation for the U.N.-led negotiation process on status, leaders of political parties both in government and in the opposition formed a Unity Team, led by President Sejdiu, to present a common front in the talks. The Kosovo negotiation team did not include minority representation from Kosovo Serbs, who have been included on the Serbian side. The Unity Team has stuck together despite periodic tensions and inter-party rivalries. Since the death of Rugova, it has been hard to point to a single Kosovar Albanian leader with comparably broad popular appeal or stature. In particular, divisions plague the leading LDK party, and some of its members recently broke away to form a new party headed by Nexhat Daci, former speaker of the Kosovo assembly. In December 2006, President Sejdiu won a contentious internal party vote to become LDK chairman.

³ The text of Eide's comprehensive review is in U.N. Security Council document S/2005/635, October 7, 2005.

Under the terms of the Ahtisaari plan (see below), new general and local elections in Kosovo were to be held within nine months of a status settlement. With the status process stalled, UNMIK has called for both levels of elections to be held in November 2007, although no final date has been set. The next Kosovar government will be challenged to meet elevated voter expectations on achieving independence, but also on addressing urgent economic challenges such as high levels of unemployment and poverty.

With expectations high for imminent independence, local and international observers have also warned of potential instability and mounting local frustration if the status process is seriously thwarted. Some analysts have referred to a concept of “double disappointment” with respect to the evident lapse of previously firm deadlines and the possibility of watering down a status settlement in order to reach an international consensus. On both the ethnic Albanian and Serb minority side, the potential is high for unrest and instability pending a status solution.⁴ Some demonstrations have been held — by both Kosovar Albanian and Serbian organizers — in response to the Ahtisaari plan for Kosovo’s status. Groups outside of the Unity Team, including the grass-roots organization “Self-Determination,” are opposed to holding further talks on status with Serbia.

UNMIK and KFOR

U.N. Security Council Resolution 1244 (June 10, 1999) has formed the basis of the international role in Kosovo since the end of the war. The resolution authorized the deployment of an international security presence in Kosovo, led by NATO, under a mission to ensure the withdrawal of Yugoslav armed forces from Kosovo, the demilitarization of the KLA, and the maintenance of the cease-fire. Resolution 1244 gave the U.N. mission in Kosovo (UNMIK) the chief role in administering Kosovo on a provisional basis. UNMIK’s duties included performing basic civil administration of the province; maintaining law and order, including setting up an international police force and creating local police forces; supporting humanitarian aid efforts; facilitating the return of refugees and displaced persons to their homes; protecting human rights; supporting the reconstruction effort; preparing the way for elections and the creation of self-government institutions; and facilitating a political process to address Kosovo’s final status. Resolution 1244 provided for an interim period of autonomy for Kosovo until negotiations on the final status of the province take place. It expressed support for the FRY’s territorial integrity.

Bernard Kouchner of France served as the first Special Representative of the U.N. Secretary-General (SRSG) to oversee UNMIK until January 2001. He was replaced by Hans Haekkerup, Denmark’s Defense Minister, whose brief term in Kosovo ended in December 2001. Michael Steiner, a German diplomat with extensive experience in the former Yugoslavia, became the third SRSG in early 2002 and completed his term in July 2003. Finnish diplomat Harri Holkeri became the fourth SRSG in August 2003. He stepped down in May 2004, citing health reasons, although some observers speculated that his resignation was also spurred by

⁴ For example, see Report of the Secretary-General on UNMIK, S/2006/906, November 20, 2006, p. 1-2.

perceptions that his credibility, as well as that of UNMIK as a whole, had been damaged by the March 2004 riots. Danish diplomat Soren Jessen-Petersen, who had been the EU's Special Representative in Macedonia, became the next SRSG in mid-August. Upon his arrival, he outlined five mission priorities: improving security, prioritizing the standards and accelerating their implementation, transferring more authority to the PISG, protecting minorities, and improving the economy. In June 2006, Jessen-Petersen announced his early departure from UNMIK as of July. Joachim Rucker of Germany succeeded Jessen-Petersen as SRSG in September 2006.

UNMIK initially had a four-pillar structure divided into humanitarian aid, civil administration, democratic institution-building, and reconstruction. UNMIK phased out the humanitarian aid pillar in mid-2000 and added a police and justice pillar in 2001. The United Nations has led the police and justice pillar as well as the one for civil administration; the Organization for Security and Cooperation has led the institution-building pillar; and the European Union the reconstruction pillar.

In April 2002, then UNMIK chief Steiner offered a "vision on how to finish our job," or an "exit strategy" for the international mission. He outlined a "standards before status" approach that included a series of benchmarks for Kosovo's institutions and society that should be achieved before addressing Kosovo's final status. The benchmarks included the following:

- the existence of effective, representative and functioning institutions;
- rule of law;
- freedom of movement;
- sustainable returns and reintegration;
- development of a sound basis for a market economy;
- clarity of property rights;
- normalized dialogue with Belgrade; and
- reduction and transformation of the Kosovo Protection Corps in line with its mandate.⁵

The international community endorsed the "standards before status" approach. However, even as UNMIK downsized and transferred a greater number of administrative competencies to Kosovo's self-governing institutions, it became clear to most observers that UNMIK's ability to "finish the job" would ultimately depend on a resolution to the question of Kosovo's final status. The standards before status approach gained new impetus in late 2003 with the Contact Group initiative, with U.N. Security Council approval, to elaborate on and "operationalize" the Standards for Kosovo and review their implementation by mid-2005 with a view to considering future status.⁶ In December 2003, UNMIK and the Kosovo provisional government established five joint working groups on implementing the standards. The Kosovo

⁵ Address to the Security Council by Michael Steiner, Special Representative of the Secretary-General, April 24, 2002, UNMIK/PR/719; [<http://www.un.org/News/Press/docs/2002/sc7375.doc.htm>].

⁶ The published text of the standards can be found at [<http://www.unmikonline.org/press/2003/pressr/pr1078.pdf>]. See also U.N. Security Council Presidential Statement, S/PRST/2003/26, December 12, 2003.

Serb community did not agree to participate in the working groups. Nevertheless, on March 31, 2004, UNMIK chief Holkeri unveiled the Kosovo Standards Implementation Plan (KSIP), a detailed road map for realizing the Kosovo Standards.

In a presidential statement, the U.N. Security Council strongly condemned the March 2004 inter-ethnic violence in Kosovo and attacks on KFOR and U.N. personnel. In view of the March events and the need to rebuild inter-ethnic cooperation, the U.N. Security Council called for urgent steps on two of the standards: sustainable returns and freedom of movement.⁷ In the aftermath of the attacks, some Serbian and European officials called for changes to the U.N. mission's mandate in order to improve security conditions in Kosovo. Some major non-governmental organizations, including Human Rights Watch and Amnesty International, strongly criticized the performance of U.N. agencies and NATO operations in Kosovo for failing to protect minority communities. Former U.N. Secretary-General Annan commissioned a U.N. team headed by Kai Eide to review the U.N. Mission. Among other things, the Eide report called for a range of policy and institutional changes to provide greater clarity and focus to the U.N. mission and future direction of the province. Eide also said that "serious exploratory discussions" on future status should begin as early as 2004 and that final status negotiations should take place by mid-2005, with the participation of the Kosovo government and Belgrade. He called for the transfer of more powers from UNMIK to the Kosovo government, with the aim of terminating the U.N. mission after final status negotiations begin. He recommended that the European Union take over as lead international agency in Kosovo. The Secretary-General endorsed some of Eide's recommendations, especially on the priority standards, but not all of them.

As the international status process progressed in 2006, UNMIK continued to work with the PISG on implementing the standards. In June 2006, the contact group presented to the PISG a list of 13 priority standards for immediate attention, with most focused on minority rights. In a report to the Security Council in November 2006, Annan reported progress in implementing the 13 priority standards and a strengthening of Kosovo's institutions that has resulted from standards implementation. He decried incidents of violence and called on local leaders to control possible discontent. He expressed continued disappointment that Kosovo Serb leaders remained outside the political process.⁸

The current U.N. mission in Kosovo is projected to terminate after the status process is completed but retains its authority until Resolution 1244 is no longer in force. There is virtually no interest among Kosovar Albanians in prolonging its tenure, and UNMIK is frequently the target of popular protests. In his comprehensive review of the standards in 2005, U.N. envoy Eide noted that the U.N.'s leverage in Kosovo was already then in decline. Among other factors, UNMIK's reputation has suffered from numerous scandals and charges of corruption involving U.N. officials. UNMIK's reputation took another hit after international police applied deadly force to Kosovar demonstrators in Pristina on February 10, 2007. Two individuals were

⁷ U.N. Security Council Presidential Statement, S/PRST/2004/13, April 30, 2004.

⁸ Report of the Secretary-General on the U.N. Interim Administration Mission in Kosovo, S/2006/906, November 20, 2006.

killed and several dozen wounded that day; UNMIK Chief Rücker subsequently dismissed the U.N. police chief over the incident. One week later, a bomb explosion hit several U.N. vehicles in Pristina.

Under the Ahtisaari plan, the post-status transition process of transferring authority and further competencies from UNMIK to the Kosovo government is outlined to last 120 days. Without a new U.N. resolution, UNMIK's close-out process is not clear. U.N. officials have raised concerns about delays; U.N. Secretary-General Ban Ki-moon recently assessed that, if Kosovo's status remains undefined, "there is a real risk that the progress achieved by the United Nations and the Provisional Institutions in Kosovo can begin to unravel." Similarly, UNMIK Chief Joachim Rücker has stated that further progress in Kosovo "depends on ensuring clarity on Kosovo's status."⁹

KFOR.¹⁰ KFOR's mission, in accordance with UNSC 1244, is to monitor, verify, and enforce the provisions of the Military Technical Agreement and the KLA demilitarization agreement. KFOR is also charged with establishing and maintaining a secure environment in Kosovo to facilitate the return of refugees, the delivery of humanitarian aid, and the operation of the international civilian administration. KFOR has actively supported UNMIK's activities, including efforts to meet benchmarks of progress and to transfer increased responsibilities, especially related to law enforcement, to Kosovo's interim civil authorities. Resolution 1244 includes a provision that says KFOR is to oversee the return of "hundreds, not thousands" of Yugoslav troops to Kosovo to liaise with the international presence, mark minefields, provide a "presence" at Serb historical monuments and "key border crossings." No troops from Serbia and Montenegro have returned to Kosovo for these purposes, although in March 2001, NATO approved the phased return of Serbia and Montenegro forces to the formerly demilitarized buffer zone between Kosovo and the rest of Serbia. NATO and U.N. officials have since determined that a return of Serbian forces to Kosovo would have a destabilizing effect in the province.

In response to the sudden and widespread ethnic Albanian attacks on Serb enclaves in March 2004, NATO swiftly made available an additional 3,000 NATO reserve forces to the former KFOR Commander, Lt. General Holger Kammerhoff. The performance of KFOR units during the violence varied widely. In the aftermath of the March incidents, NATO conducted a "lessons learned" study to evaluate KFOR's performance and identify areas for improvement. The study's recommendations reportedly included the removal of national restrictions, or caveats, on COMKFOR's ability to deploy KFOR troops; improved training and equipment; improved intelligence capabilities in order to anticipate events such as in March; and measures to maximize KFOR force presence in patrols. KFOR also created a Security Advisory Group with UNMIK and local Kosovar representatives to improve communication and coordination on security matters.

⁹ Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, June 29, 2007, S/2007/395; U.N. News press release, July 9, 2007.

¹⁰ For more information, refer to the KFOR website at [<http://www.nato.int/kfor>].

NATO reviews KFOR's mission every six months and periodically considers plans to adjust force structure, reduce force levels, and eventually to withdraw from Kosovo. From its peak strength in 1999 of nearly 50,000, KFOR steadily reduced in size in the following years. On the basis of its mid-2003 mission review and reflecting KFOR's assessment that the overall security situation remained stable, NATO agreed to continue to "regionalize and rationalize" KFOR's force structure and size, including a reduction in strength to about 17,500. Since December 2003, however, NATO members have agreed that a large NATO presence in Kosovo remains necessary and have maintained KFOR strength at about 16,000-17,000, with additional reinforcements brought in as necessary. KFOR force strength has remained at roughly this level ever since (around 15,700 in mid-2007). The U.S. share of KFOR remains below 15% of the total and currently numbers about 1,600 troops. In 2005, the former NATO SACEUR, General Jones, proposed adjustments to KFOR's structure to improve mobility and flexibility. The adjustments involved streamlining the force into a task force structure that provides greater efficiency and eliminates the need for redundant support and logistics units.

Although KFOR has generally assessed a low threat environment, it has also been preparing for possible security challenges as Kosovo's future status is deliberated. KFOR and U.N. officials have acknowledged that they were actively monitoring the activities of "armed, criminal" ethnic Albanian groups that may be seeking to destabilize the province or disrupt the status negotiation process. KFOR reinforced its presence in northern Kosovo to boost security in that volatile sector, which may become a focal point for unrest as contingencies relating to independence, partition, or population transfer unfold. At the NATO Riga summit in November 2006, alliance members declared that NATO would remain ready to respond quickly to any threats. They also pledged to play a part in the implementation of the security provisions of a status settlement. NATO foreign ministers, meeting on January 26, 2007, expressed strong support for the Ahtisaari plan on Kosovo's status. Visiting Kosovo in February, NATO Secretary-General Jaap de Hoop Scheffer warned that KFOR "will not tolerate" any violence.

The Issue of Kosovo's Future Status¹¹

Getting to a Status Process

U.N. Resolution 1244 reaffirmed the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY) and did not prescribe or prejudge a permanent political resolution to the issue of Kosovo's status. It said that Kosovo's status should be determined by an unspecified "political process." Ethnic Albanians in Kosovo strongly favor independence of the province from Serbia and its international recognition as a sovereign state as soon as possible. In the early years after 1999, the United States and other Western countries, as well as Kosovo's neighbors except Albania, opposed independence for Kosovo. They expressed concern that an independent Kosovo could destabilize the region by encouraging separatist ethnic

¹¹ See also CRS Report RS21721, *Kosovo's Future Status and U.S. Policy*, by Steven Wehrel.

Albanian forces in Macedonia, as well as Serbia's Presevo Valley, where many ethnic Albanians live.

Instead of status, international policy on Kosovo centered around "standards," as outlined above, and officials emphasized a policy of "standards before status." Kosovar Albanians initially expressed irritation with the benchmarks concept, as they believed this approach was designed to block their aspirations for independence indefinitely. Moreover, they complained that the Constitutional Framework does not give them enough authority to achieve the benchmarks, especially since UNMIK retained "reserved competence" in the area of law and order. More recently, however, Kosovar Albanian leaders have expressed greater support for the standards process, especially as it became more directly linked to the prospect of achieving status.

In November 2003, then-U.S. Under Secretary of State Marc Grossman announced, with the support of the other members of the international Contact Group, a formal review in mid-2005 on Kosovo's progress toward meeting the standards. If the Contact Group, the U.N. Security Council and other interested parties judged that progress was "sufficient," a process to determine the province's status could begin. UNMIK released a highly detailed "Standards Implementation Plan" on March 31, 2004.

The violent events of March 2004 led some to question the accepted standards policy, as well as prospects for the peaceful coexistence of Kosovo's majority ethnic Albanian and minority Serb populations. The Serbian government and parliament developed a plan to decentralize Kosovo and give the Serb minority self-governing autonomy. In July, a U.N. assessment team led by Norwegian diplomat Kai Eide recommended that the lengthy list of standards be replaced with a "dynamic, priority-based standards policy" to pave the way for status discussions and future European integration.¹² At the time, U.N. Secretary-General Annan and successive UNMIK chiefs defended the standards policy, while identifying urgent priority standards relating to security and minority rights. They and other international officials noted that standards implementation will remain important for Kosovo's development even after a status settlement is reached.

International Process on Status

In 2005, the international community established a "roadmap" toward Kosovo's future status. On May 27, 2005, the U.N. Security Council reviewed a quarterly report on UNMIK by the U.N. Secretary-General. On the basis of this report, Annan sanctioned the launch of the comprehensive review of the Kosovo standards for the summer. In June 2005, he appointed Norwegian diplomat Kai Eide, who led an earlier assessment of UNMIK, to lead the review. After several trips to the region, Ambassador Eide submitted his comprehensive review to Annan. On October 24, 2005, the U.N. Security Council endorsed the recommendation of U.N. Secretary-General Kofi Annan to launch a political process to determine Kosovo's disputed

¹² For text of the Eide report, see U.N. Security Council document S/2004/932, November 30, 2004.

status. On November 1, Annan announced his intention to name former Finnish President Martti Ahtisaari to be his U.N. Special Envoy to lead the international process. Ahtisaari began his mission with visits to Kosovo and Serbia in late November 2005. He said that he hoped that the two sides would agree to face-to-face talks in early 2006. He stressed that there was no deadline set for the completion of the negotiations.

Prior to the start of negotiations, the contact group agreed on several principles to guide the status process. With respect to the status outcome, the contact group stated that there should be no return of Kosovo to the pre-1999 situation, no partition of Kosovo, and no union of Kosovo with any or part of another country. It also called for the settlement to ensure sustainable multi-ethnicity in Kosovo, effective local self-government and multi-ethnic coexistence through the process of decentralization, and safeguards for cultural and religious sites.¹³ The Contact Group stressed that “all possible efforts should be made to achieve a negotiated settlement in the course of 2006.”

The Vienna Talks. The status talks began in Vienna in February 2006. The initial rounds of the negotiations dealt with so-called “technical issues” that were meant to prepare the way for tackling the determination of future status. These included protecting cultural and religious sites, financial issues such as deciding Kosovo’s share of Serbia’s debts, and the decentralization of Kosovo’s government, including redrawing the borders of Kosovo’s municipalities. Ahtisaari and his deputies refrained from making specific proposals, instead permitting the Serbian and Kosovar delegations to put forth and discuss their own views. The positions of the two sides remained far apart on most issues, and little movement toward compromise solutions was reported.

One of most important issue dealt with in Vienna was the decentralization of Kosovo’s government, an issue that included possible solutions to the divided northern city of Mitrovica, a key potential flashpoint. Serbs have proposed the creation of a large number of Serb-majority municipalities within Kosovo, based on the Serb population of Kosovo before most Serbs fled the province in 1999 and on the location of Serbian cultural and religious monuments. The Serbs also sought the formal division of the northern city of Mitrovica (which is already *de facto* divided), separating its Serb-majority part north of the Ibar River from the ethnic Albanian-dominated southern part. These municipalities would be controlled by local Serb authorities, with their own police, and would be closely linked with each other and with Serbia. In contrast, the Kosovar Albanians offered to permit the creation of only a handful of Serb municipalities, based on Kosovo’s current Serbian population, and have demanded that Mitrovica be at least nominally united.¹⁴

¹³ See “Guiding principles of the Contact Group for a settlement of the status of Kosovo,” S/2005/709, November 10, 2005; and “Statement by the Contact Group on the future of Kosovo,” January 31, 2006, website of the U.N. Office of the Special Envoy for Kosovo [<http://www.unosek.org>].

¹⁴ Reuters news agency dispatch, May 4, 2006.

On July 24, 2006, Kosovo President Fatmir Sejdiu and Prime Minister Agim Ceku met with their Serbian counterparts Boris Tadic and Vojislav Kostunica to discuss the status issue, in the first direct meeting between the two sides at the leadership. Both sides reiterated their long-stated views on status, and little progress toward a compromise was reached. Ahtisaari has called the positions of the two sides “as far apart as possible.”

The Ahtisaari Proposal.¹⁵ U.N. Special Envoy Martti Ahtisaari was expected to present his proposal for Kosovo’s status to the contact group and the U.N. Security Council in late 2006. After leading technical talks and status negotiations with the Kosovar Albanian and Serbian parties in Vienna since early 2006, Ahtisaari could report no major progress in reaching a negotiated settlement on status but said he was still prepared to come forward with a status proposal. The contact group and especially the United States had long emphasized a preference to conclude the Kosovo status talks in 2006. On November 10, however, Ahtisaari announced that he would postpone releasing his status proposal in order to avoid it having an adverse influence on key early elections in Serbia. He stated that he would present his proposal “without delay after the parliamentary elections in Serbia.”

Following the January 21 vote in Serbia, which produced inconclusive results, Ahtisaari presented a Comprehensive Proposal for the Kosovo Status Settlement to representatives of the contact group on January 26, in Vienna, and to the Serbian and Kosovar Albanian parties on February 2. The United States, European Union, NATO, and other organizations swiftly endorsed the proposal, although Russia called for more time to consider it. After another brief delay, Ahtisaari opened further consultations with the Serbian and Kosovar Albanian parties on February 21, in Vienna. A final Vienna meeting with the leadership in March closed out the consultation phase without coming closer to mutual agreement on Kosovo’s status.

Ahtisaari has called his status proposal a “foundation for a democratic and multi-ethnic Kosovo in which the rights and interests of all members of its communities are firmly guaranteed and protected by institutions based on the rule of law.”¹⁶ The final package aims to provide for a multi-ethnic, democratic Kosovo that is viable, sustainable, and stable. The plan’s general principles and twelve annexes outline the broad governing authority and structure of the Kosovo government. New general and municipal elections are to be held within nine months of the agreement coming into force. Special representational and voting privileges in the government and assembly would be granted to Kosovo’s minority communities.

The plan provides for extensive minority protections through stated rights, structural safeguards in governance — especially through decentralization at the local level — and through international supervisory authority. Serb municipalities in Kosovo are to have extended responsibilities and authority over local affairs, including the right to cooperate directly with and receive financial assistance from Serbia. The currently divided northern city of Mitrovica would become two

¹⁵ Text of the Comprehensive Proposal for the Kosovo Status Settlement appears as an Addendum to U.N. Security Council document S/2007/168/Add.1, March 26, 2007.

¹⁶ South East Europe Newswire, January 24, 2007.

municipalities under a joint board. The settlement proposal includes protection of religious and cultural heritage sites and reaffirms the right of return for refugees and displaced persons. The settlement calls for a revamped security sector under significant local ownership but retaining some international oversight.

The terms of the Ahtisaari plan appear to constitute somewhat of a compromise between the maximum positions of each side. The plan moves beyond the status quo with its broad provisions for self-rule in Kosovo, including the right to enter into international agreements and seek membership in international organizations, as well as the right to create symbols of statehood such as a flag, national currency, and an army. Although the terms of the comprehensive proposal do not use the term “independence,” Ahtisaari separately specified his recommendation for independence in his accompanying report to the Security Council on March 26. However, Kosovo’s sovereignty would be constrained by supervisory international civilian and military missions and by explicit power-sharing arrangements with minority communities.

Ahtisaari and U.N. Secretary-General Ban Ki-Moon presented the comprehensive proposal on Kosovo to the U.N. Security Council on March 26. With the proposal, Ahtisaari submitted a brief report on Kosovo’s future status that outlined his conclusions that “the only viable option for Kosovo is independence, to be supervised for an initial period by the international community.”¹⁷ He expressed regret that the parties were unable to reach a negotiated solution, but also discounted any value to further negotiations.

U.N. Security Council Deliberations. The Security Council began private consultations on the Ahtisaari proposal on April 3. It then agreed to send a fact-finding mission to the region from April 24 to 29 to obtain first-hand information on the situation in Kosovo from Serbia, the Kosovo government, Kosovo’s ethnic minority communities, and representatives of the international community.¹⁸ Among other things, mission representatives acknowledged that the status quo was not sustainable in Kosovo.

Preliminary drafts on a new U.N. resolution to replace Resolution 1244 were circulated in early May. According to U.S. officials, the new resolution was to lay the groundwork for Kosovo’s independence and provide mandates for new international missions in Kosovo under a Chapter VII authorization. Russia, in a competing draft, called for further negotiations between the parties. A revised U.S.-backed draft resolution circulated in late May to incorporate aspects addressing Russian and Serbian concerns, but was also rejected by Russia.

Russia’s rejections of further draft revisions brought the Security Council process to an impasse. Russian leaders made repeated statements opposing an imposed settlement for Kosovo without Serbian agreement, favoring further negotiations, and holding out the possibility of exercising a Russian veto in the Security Council. In earlier statements, some Russian officials have also warned that

¹⁷ S/2007/168, March 26, 2007.

¹⁸ See Letter from the President of the Security Council to the Secretary-General, S/2007/220, April 20, 2007.

an outcome for Kosovo could serve as a precedent for other territorial disputes, such as in the Caucasus. In contrast, U.N., U.S., and European officials contend that Kosovo's situation is unique and that a status outcome in Kosovo would not have any relevance to other parts of the world.

Successive meetings at the highest levels among U.S. and European governments did not yield any breakthrough on Kosovo, despite some expectations of an agreement. At the G8 meeting in Germany, Russian officials stated openly that Russia's position remained "diametrically opposed" to that of other G8 members. New French President Nicolas Sarkozy surprised other leaders with a proposal to postpone the Kosovo status process by six months to allow for further talks, but to set the Ahtisaari plan as a default solution. Elements of the Sarkozy initiative were later adapted in a new U.N. draft resolution that would reportedly give the parties four months to continue to negotiate. Serbian and Russian officials rejected the outlines of this new plan and have argued that new talks should not have a pre-determined outcome. And, no agreement was announced on Kosovo at an early July summit meeting between Bush and Putin in Kennebunkport, Maine. U.S. and other European Security Council members finally withdrew their latest iteration of a new resolution on July 20 in recognition of the ongoing disagreement.

Contact Group Troika. On July 25, representatives of the contact group agreed to embark on a new round of talks on the future of Kosovo, with the sanction of U.N. Secretary-General Ban Ki-moon. Representing the contact group is a "troika" of international negotiators: Wolfgang Ischinger of Germany, Frank Wisner of the United States, and Aleksandr Botsan-Kharchenko of Russia. The talks are envisioned to include rounds of shuttle diplomacy and direct talks beginning at the end of August in Vienna. Diplomats have stated that all options would be on the table and have exhorted the Kosovar and Serbian parties to approach the talks constructively. Contact group members have revealed some disagreements on possible next steps after the 120-day period, including whether the process has a firm deadline or whether it would return to the Security Council. U.N. Secretary-General Ban Ki-moon has called on the contact group to report back to the United Nations by December 10, which falls roughly at the end of the 120-day period.

This new phase of the status process appears thus far to have generated more questions than answers. Few observers expect the talks to achieve the purported goal of reaching a mutually acceptable compromise status settlement.¹⁹ Instead, less optimal choices have been floated, such as a coordinated international effort to recognize Kosovo's independence. Some countries are reportedly wary of this option since it may prove diplomatically divisive, leave open many international legal questions about Kosovo and future international missions, or raise other international implications. Some speculate that notions of a formal partition of Kosovo might be revived as part of a new status solution. The contact group had earlier explicitly ruled out partition as a status option, but that prospect could be revived in fresh talks,

¹⁹ A western diplomat is quoted as saying, "There is nothing to negotiate...there is no compromise to be found." Nicholas Wood, "Diplomats to seek new talks on Kosovo," *International Herald Tribune*, August 10, 2007.

especially if it is initiated by the parties themselves.²⁰ Further options may also emerge in the course of the talks.

Ethnic Albanian and Serbian Perspectives on Status

The negotiation approach set out by Ahtisaari back in 2006, with its initial focus on “technical aspects,” appeared to recognize the completely opposing positions of the Albanian and Serbian parties on status itself. It is the position of virtually the entire ethnic Albanian community in Kosovo that the independence of Kosovo is non-negotiable. The opening of status talks in 2006 spurred some tensions within the ethnic Albanian political community. There was jockeying for advantage among the leading parties in Kosovo over the composition of the negotiating team for the talks, perhaps signaling a struggle between the Liberal Democratic Party of Kosovo (LDK) and the main opposition party, the Democratic Party of Kosovo (PDK) and other parties over who should get credit for what they see as Kosovo’s impending independence. Despite these pressures, the Unity Team involved in status negotiations has largely stuck together. Groups outside of the established political parties have mobilized some grass-roots support in opposition to any notion of compromise or negotiation of independence. They have organized periodic rallies against UNMIK and even Kosovar Albanian leaders.

Kosovo’s leaders insist that Kosovo achieve independence and are concerned about a prolonged delay in the process as well as an unclear outcome. The government responded calmly to Ahtisaari’s news of postponing his status proposal until early 2007, but a public rally in Pristina in late November threatened to turn violent, and many observers believe that Kosovar frustrations could easily explode.²¹ A pro-independence rally against perceived concessions to the Serbs in the Ahtisaari plan turned into a violent clash with U.N. police, leaving two dead on February 10. The Kosovar leadership has accepted the Ahtisaari package and has denounced any violent provocations by pro-independence citizens but continues to warn against further delay in settling Kosovo’s status. Beyond waiting for the U.N. to take action, Kosovo’s leaders are divided on considering other options, such as a unilateral declaration of independence (and when to promote such a declaration), if the U.N./Contact Group process cannot produce agreement on Kosovo’s status. Kosovo’s leaders also appear divided on what further, if any, concessions might be considered in the context of the 120-day talks.

The Serbian government and Kosovo’s Serbian community are strongly opposed to Kosovo’s independence; this view is backed by virtually all political parties in Serbia. From the perspective of Serbia’s governing parties, it has remained politically expedient to prolong the Kosovo status process, with Russia’s ongoing support, if that means not having to bear political responsibility in Serbia for “losing” Kosovo.

²⁰ For example, see Douglas Hamilton, “Major powers nudge Serbs, Kosovo towards partition,” Reuters, July 12, 2007.

²¹ “Delay, Delay — Kosovo’s Future,” *The Economist*, December 9, 2006; “Kosovo Status: Delay Is Risky,” International Crisis Group, Europe Report No. 177, November 10, 2006.

Serbian leaders have encapsulated their broad position on status with the phrase “more than autonomy, but less than independence” and have floated varying interpretations on “maximum” autonomy for Kosovo short of full independence. Kosovo Serbs have participated in the U.N. status talks as part of the Serbian delegation. Serbian Prime Minister Kostunica has repeatedly insisted that independence for Kosovo would violate Serbia’s territorial integrity and sovereignty and lead to greater instability inside Kosovo and in the region. Serbia’s parliament, convening on February 14 for the first time after the January elections, rejected the Ahtisaari plan as a violation of Serbia’s sovereignty. At a final meeting with Ahtisaari in March, Kostunica firmly rejected his settlement proposal.

Serbia’s internal political situation has become closely intertwined with the Kosovo status process. Although long at odds with each other, President Tadic and Prime Minister Kostunica achieved an important political consensus in the fall of 2006 on preparing a new Serbian constitution and then holding long-awaited early parliamentary elections. Passed by parliament and endorsed by a public referendum, the constitution named Kosovo to be an integral part of Serbia. Early parliamentary elections were then scheduled for January 21, 2007, with a new presidential vote to be held later. In late 2006, Serbia’s leaders successfully appealed to the international community to postpone the Kosovo future status process until after the January elections, lest an unfavorable outcome fuel radical nationalist sentiment and boost the electoral fortunes of Serbia’s Radical Party. The January vote itself, which was viewed to be free and fair, produced another strong showing for the Radical Party, although most observers expected the democratic parties to form a new coalition that included Tadic’s Democratic Party. Protracted coalition talks, made more complicated by their concurrence with the international process over Kosovo, eventually led to an 11th-hour agreement to form a new government, with Kostunica remaining Prime Minister.

The new government has remained adamantly opposed to Kosovo’s independence, but has said it would enter into new negotiations, as proposed by Russia, so long as a status outcome was not pre-determined. In July 2007, the Serbian parliament passed a new resolution expressing opposition to independence for Kosovo and authorizing the Serbian government to take measures to protect Serbia’s sovereignty over Kosovo.

Some observers have speculated that Serbia may seek to secure some form of partition of Kosovo, with northern Kosovo formally becoming part of Serbia and the rest becoming independent.²² To date, the United States and other members of the contact group have explicitly ruled out a formal partition of Kosovo as an acceptable status option and Serbia’s leaders have not officially promoted this option. However, some observers are concerned that Serbia might attempt to destabilize the situation on the ground in Kosovo in a way that promotes partition. Belgrade had already discouraged the participation of Kosovo Serbs in the Kosovo central government and UNMIK. In June 2006, local Serb authorities in northern Kosovo announced they were cutting ties to UNMIK and the Kosovo government, due to violence against

²² For example, see “Serbia Plays Kosovo Partition Card,” *Balkan Insight* [<http://www.birn.eu.com>], April 19, 2007.

Serbs, and called for the deployment of police from Serbia to their region. Some analysts fear that Serbia could unilaterally attempt to partition northern Kosovo, including by introducing security forces into northern Kosovo, or encourage Serbs to leave Kosovo in large numbers. KFOR's reinforced presence in northern Kosovo reflects international concern about the possibility of the north becoming a flashpoint as the status process winds down. Similarly, by succeeding in its diplomatic goal of delaying an unfavorable decision on Kosovo, Serbia might be prepared to intervene in response to unrest triggered by impatient Kosovar Albanian militants.

Future International Missions

The current deadlock over Kosovo's status also carries implications for new international missions that were anticipated to take over for the United Nations. European officials have repeatedly emphasized the need for the U.N. Security Council to provide such new missions with a clear international mandate. It is not clear what effect major changes to the Ahtisaari plan, or significant delays in passing a new U.N. resolution, would have on operational plans. While Kosovo's government could invite the EU and NATO to deploy stabilization missions, some observers believe that the absence of a new U.N. resolution would undermine the legal basis for these missions, especially if Resolution 1244 is not terminated.

Under the Ahtisaari plan, most governing powers would be held by Kosovar authorities but an *international civilian presence* and an *international military presence* would also be present. The civilian presence is to have two components: an International Civilian Representative (ICR) and a civilian European Security and Defense Policy (ESDP) Mission. The ICR will also serve as the EU Special Representative (EUSR) to Kosovo and thus by definition be filled by an official from an EU member state. The ICR will wield "final authority" over civilian aspects of the settlement. He/she will be supported by an International Civilian Office (ICO), an international agency much smaller in size than the UNMIK and including representatives from non-EU nations such as the United States. Informal estimates suggest that the size of the ICO may equal around 70 to 100 personnel.

The planned ESDP mission in Kosovo would be a non-military EU rule of law mission involving training and developing police and judicial institutions. Plans for the ESDP mission say that it will include 1,300 to 1,500 EU and other international civilian personnel including police, judges, prosecutors, and customs police who will report to the EUSR. The new Kosovo mission would be the EU's largest civilian ESDP operation to date. In addition to these missions on the ground, the EU plans to lead international financial assistance to Kosovo following a status settlement.

The plan calls for NATO to maintain a presence in Kosovo to provide a safe and secure environment after a status settlement. NATO members have expressed readiness to assume responsibility for a new international military presence under the Ahtisaari plan. At the NATO Riga summit in November 2006, alliance members pledged to play a part in the implementation of the security provisions of a status settlement. NATO foreign ministers, meeting on January 26, 2007, expressed strong support for the Ahtisaari plan on Kosovo's status. Most observers believe that KFOR's size and composition will not change much in the immediate post-settlement

environment. Longer-term, however, NATO may look to the EU to take over military stabilization duties in Kosovo, as it did in Bosnia in 2004.

U.S. Policy

From the beginning of the conflict in Kosovo in the late 1990s, the Clinton Administration condemned Serbian human rights abuses and called for autonomy for Kosovo within Yugoslavia, while opposing independence. The Clinton Administration pushed for air strikes against Yugoslavia when Belgrade rejected the Rambouillet accords in March 1999, but refused to consider the use of ground troops to eject Yugoslav forces from Kosovo. However, even before the air strikes, the Clinton Administration said that U.S. troops would participate in a Kosovo peacekeeping force if a peace agreement were reached. After the conflict, President Clinton said that the U.S. and NATO troop commitment to Kosovo could be reduced as local autonomous institutions took hold. He said that the United States and the European Union must work together to rebuild Kosovo and the region, but that “Europe must provide most of the resources.”²³

During the 2000 presidential campaign, Condoleezza Rice, later appointed National Security Advisor in President Bush’s first term, said that U.S. military forces were overextended globally, and that peacekeeping responsibilities in the Balkans should be taken over by U.S. allies in Europe. However, after taking office, the Administration appeared to adopt a more cautious tone. In February 2001, former Secretary of State Colin Powell said that the United States had a commitment to peace in the Balkans and that NATO forces would have to remain in Bosnia and Kosovo for “years.” He said the United States would review U.S. troop levels in Bosnia and Kosovo with the objective of reducing them over time, but stressed that the United States would act in consultation with its allies and was not “cutting and running.” President Bush reiterated this position during a visit to Kosovo in July 2001, stating that U.S. and international forces “came in together” and would “go out together,” under a common goal to “hasten the day” when peace in Kosovo would be self-sustaining.

The September 11, 2001, terrorist attacks in the United States and subsequent major military operations in Afghanistan and Iraq reinforced the Administration’s desire to decrease the U.S. deployment in the Balkans. The number of troops in KFOR has declined from about 38,000 in June 2002 to under 16,000 today, with the U.S. contingent falling from 5,500 to 1,600. Although NATO terminated its Stabilization Force in Bosnia and turned over peacekeeping duties to the EU, no such transfer from NATO to the EU has been agreed to for Kosovo, reflecting the more precarious security situation in Kosovo. According to the Department of Defense Comptroller’s Office, DOD incremental costs for Kosovo through FY2005

²³ See also CRS Report RL30374, *Kosovo: Lessons Learned from Operation Allied Force*, by Paul E. Gallis, coordinator.

(estimated) were \$9.1 billion. This figure included \$1.89 billion for the 1999 NATO air war, \$7.0 billion for KFOR, and \$141.6 million in refugee aid.²⁴

From FY1999-FY2006, the United States obligated about \$865 million in bilateral aid to Kosovo.²⁵ The Administration's FY2007 request included \$79 million for Kosovo. In preparation for anticipated final action on Kosovo's status in 2007, the Administration has planned for increased aid allocations for Kosovo. In February 2007, the Administration put forward a supplemental request for Global War on Terrorism funding for FY2007, which included \$279 million for Kosovo to support the outcome of Kosovo's status settlement. For FY2008, the Administration requested \$151.2 million for Kosovo.

Position on Status

The Bush Administration supported the "standards before status" policy favored by UNMIK beginning in 2002. This approach called for the autonomous Kosovo government to achieve a number of benchmarks (including progress toward creating a functioning democratic government, free market economy, the rule of law and respect for ethnic minorities) before the issue of Kosovo's status is discussed. In November 2003, the Bush Administration launched an initiative to give greater impetus to the "standards before status" policy. Former Undersecretary of State for Political Affairs Marc Grossman, backed by other members of the Contact Group, announced a "review date" strategy for the Kosovo standards that will lead to an evaluation of the standards for Kosovo by mid-2005. Should Kosovo meet the standards, he said that the international community would be prepared "to begin a process to determine Kosovo's future status." He also said that "all options are on the table," but that the United States would not take a position on final status at this time.²⁶ On March 17, 2004, the State Department issued a statement strongly deploring the incidents of serious violence in Kosovo and calling for the restoration of calm and order and cooperation with international agencies. Since that event, senior U.S. officials continued to emphasize the standards and review date strategy, while giving particular emphasis to the priority standards relating to the treatment of ethnic minorities in Kosovo.

In May 2005, the second Bush Administration announced a new phase in U.S. policy in the Balkans. Emphasizing the need to "finish the work" in the region, Undersecretary of State for Political Affairs R. Nicholas Burns testified before Congress that the status quo of Kosovo's unresolved status was no longer sustainable or desirable. He expressed U.S. support for the standards review timetable in 2005,

²⁴ See CRS Report RL33557, *Peacekeeping and Related Stability Operations: Issues of U.S. Military Involvement*, by Nina M. Serafino.

²⁵ U.S. Agency for International Development, Overseas Loans and Grants, July 31, 1945-September 30, 2001, p. 184; annual international affairs budget requests, U.S. Department of State.

²⁶ "UNMIK Press Conference," November 5, 2003. Transcript available on the State Department website in hypertext (html) at [<http://www.state.gov/p/26032.htm>] or in a printer-friendly format (pdf) from the U.N. at [<http://www.unmikonline.org/press/2003/trans/tr051103.pdf>].

possibly leading to status negotiations later in the year. He said that a settlement could be expected to be achieved by the end of 2006 and that the United States would remain an active partner in Kosovo. In December 2005, the Administration named Ambassador Frank Wisner to be the Special Representative of the Secretary of State to the Kosovo status talks.

On February 2, 2007, the Administration expressed support for U.N. Envoy Ahtisaari's comprehensive proposal for a Kosovo status settlement. The State Department called it "fair and balanced," and a "blueprint for a stable, prosperous, and multi-ethnic Kosovo."²⁷ U.S. officials urged the Serbian and Kosovar parties to engage constructively with Ahtisaari during final consultations over the status proposal, and endorsed the final version of the plan as presented to the Security Council in March. They have also emphasized the need for international unity in supporting a future status settlement; top U.S. officials have engaged their counterparts, including those from Russia, on the Kosovo question.

At a hearing before the House Committee on Foreign Affairs on April 17, Undersecretary of State Burns expressed clear U.S. support for Kosovo's independence, calling it a "legitimate, fair, and lawful outcome." He stated that the United States fully supports Ahtisaari's recommendations on a status settlement and was working to achieve a timely and successful conclusion to the process. He warned against delay in the interest of preventing further instability and tension.

Administration officials have also expressed the need to offer Serbia's democratic leadership a clear path toward Euro-Atlantic integration, including closer association with NATO and the EU. In late 2006, the Administration supported Serbia's entry into NATO's Partnership for Peace program, long withheld over the issue of Serbia's cooperation with the international war crimes tribunal.

Following the G8 summit in Germany, President Bush made several statements on Kosovo while visiting Italy and Albania in June. Stating that "the time is now," he pledged that the United States would work to get the process moving forward. While acknowledging Russia's disagreement with his position, Bush also stated unequivocally that the end result of the status process should be independence for Kosovo based on the Ahtisaari plan.²⁸ Secretary of State Rice reiterated the Administration's support for achieving the goal of Kosovo's independence in meetings with the Kosovo Unity Team in Washington on July 23, while urging the Kosovars to engage in new stage of the diplomatic process on status.

While U.S. officials have stated that the United States was prepared to recognize Kosovo's independence following passage of a new U.N. resolution, the likely U.S. response to a unilateral declaration of independence by the Kosovar leadership has remained a point of speculation. With the U.N. process deadlocked, this contingency has gained attention.

²⁷ Department of State press statement, February 2, 2007.

²⁸ Press availability with Prime Minister of Albania, Office of the White House Press Secretary, June 10, 2007.

Congressional Response

In 1999, the 106th Congress debated whether U.S. and NATO air strikes in Kosovo were in the U.S. national interest, and whether the President could undertake them without congressional approval. In the end, Congress neither explicitly approved nor blocked the air strikes, but appropriated funds for the air campaign and the U.S. peacekeeping deployment in Kosovo after the fact. In 2000, some Members unsuccessfully attempted to condition the U.S. military deployment in Kosovo on Congressional approval and on the implementation of aid pledges made by European countries. Many Members of Congress said that they expected U.S. allies in Europe to contribute the lion's share of aid to the region and expressed concern that European countries were slow to implement their aid pledges. Congress moved to limit U.S. aid to Kosovo to 15% of the total amount pledged by all countries.²⁹

The 107th Congress focused on limiting the cost of the continuing U.S. engagement in Kosovo. For example, the FY2002 foreign aid appropriations law (P.L. 107-115) specified that aid to Kosovo "should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002." It also barred U.S. aid for "large scale physical infrastructure reconstruction" in Kosovo.

Kosovo's status has been another theme in legislation. In the 108th Congress, several resolutions were introduced that advocate U.S. support for Kosovo's independence. In the first session, H.Res. 11 and H.Res. 28 were introduced, expressing the sense of the House that the United States should declare support for Kosovo's independence. In the Senate, S.Res. 144 expressed the sense of the Senate that the United States should support the right of the people of Kosovo to determine their political future once "requisite progress" is made in achieving U.N. benchmarks in developing democratic institutions and human rights protections.

In the wake of the March 2004 violence in Kosovo, several resolutions were introduced to condemn the attacks, as well as subsequent attacks on Islamic sites in Serbia. These included H.Res. 587, introduced by Representative Christopher Smith, and H.Res. 596, introduced by Representative Burton. On April 8, the Senate agreed by unanimous consent to S.Res. 326, introduced by Senator Voinovich. The resolution, a slightly modified companion version of H.Res. 596, strongly condemned the violence; recognized the commitment of Kosovo and Serbian leaders to rebuild what had been destroyed and encourage the return of refugees; called on leaders in Kosovo to renounce violence and build a multi-ethnic society based on the standards for Kosovo; recommended the restructuring of UNMIK; and urged the reinvigoration of dialogue between Kosovo and Belgrade. S.Res. 384, offered by Senator Lugar on June 18, called on the United States to work with KFOR, UNMIK, and the Kosovo and Serbian governments to implement the Standards for Kosovo.

The 109th Congress also considered legislation on Kosovo. On January 4, 2005, Representative Lantos introduced H.Res. 24, which expressed the sense of the House

²⁹ For detailed information on the activities of the 106th Congress, see CRS Report RL30729, *Kosovo and the 106th Congress*, by Julie Kim.

that the United States should support Kosovo's independence. On October 7, 2005, the Senate passed S.Res. 237, a resolution supporting efforts to "work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo." It did not express support for any particular status option. The resolution passed without amendment by unanimous consent. An identical House resolution was introduced on December 17, 2005 (H.Res. 634).

At the start of the 110th Congress, Representative Lantos introduced H.Res. 36 on January 5, 2007, which calls on the United States to, among other things, support Kosovo's independence within its existing borders as a sovereign and democratic state. It has been referred to the Subcommittee on Europe in the House Committee on Foreign Affairs. Two identical bills, H.Res. 309 and S.Res. 135, have been introduced expressing support for Kosovo's independence. On May 24, Representative Bean introduced H.Res. 445, which states that the United States should refrain from any unilateral action, especially outside the United Nations, toward Kosovo's independence.

In a bill to provide emergency supplemental appropriations for FY2007 (H.R. 1591/S. 965), the House and Senate conference committee allotted \$229 million out of a requested \$279 million for Kosovo. After H.R. 1591 was vetoed by the President for provisions relating to Iraq, Congress approved another FY2007 supplemental funding bill, which included \$214 million in SEED funds for Kosovo and was signed by the President on May 25 (H.R. 2206, P.L. 110-28). In June, the House passed H.R. 2764, providing FY2008 appropriations for the Department of State and foreign operations. The Administration's FY2008 budget request included over \$151 million in assistance for Kosovo.

Figure 1. Map of Kosovo



Source: Map Resources. Adapted by CRS.