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# **NEGOTIATING FINAL STATUS FOR KOSOVO**

## **Briefing Packet for the Serbian Team**

### **Negotiation Simulation**

**Public International Law & Policy Group**

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## OVERVIEW

Resolving the issue of Kosovo's final status will be complicated by two enduring facts: the absence of overlap between the stated objectives of the Serbs and the Albanians, the two major peoples directly involved in the disputed area; and the inability of the international community to make up its mind about its preferred outcome. If these two conditions continue to prevail, resolution of Kosovo's final status is likely to be prolonged, difficult, characterized by posturing on all sides, and marked by procedural points advanced to mask the fundamental political issues which the international community has consistently avoided facing.

Negotiations over Kosovo's future status could be almost as contentious within the international community as between the two parties themselves. It is possible that the international community will be unable to come up with a unified position, at least on some key issues. The U.S. role will be critical. Experience at Dayton, Rambouillet, Skopje and elsewhere has shown that where the United States takes the lead, it can usually bring along the internationals and the locals. When the United States hangs back, achieving agreement at anything other than the least common denominator level is difficult.

Unfortunately, Washington continues to lack a consistent policy on Kosovo. Three factors shape Washington's current approach toward Kosovo and the Balkans generally:

- Preoccupation of senior policy officials with other parts of the world;
- A shift in working-level personnel dealing with the region away from those with experience during the conflicts of the 1990s;
- Willingness in some parts of the bureaucracy to consider all options, even patently unrealistic ones such as returning Kosovo to some form of loose association with Belgrade, either out of ignorance of the region or because of new notions of U.S. security interests.

The absence of leadership in Washington has left the lead in Kosovo in recent years to the EU but Brussels, unfortunately, is just as divided and directionless about Kosovo as Washington. The new UNMIK chief, former Finnish president Harri Holkeri is said to be determined to take the lead in the upcoming talks between Belgrade and Pristina but history has shown that UN leadership is no panacea for resolving international problems. This has nothing to do with the capabilities of the individuals involved, which are sometimes quite high, but rather the lack of an institutional structure allowing decisive action within the UN itself and the inability of the UN to adopt actions without a consensus among the members of the Security Council. UNMIK under Holkeri may take the lead as long as the upcoming talks remain focused on technical issues but not once they begin to touch on vital political or security issues of the major players.

In theory, there are two ways the “gateway” issue of independence could be treated. One would be to try to resolve this difficult issue first, recognizing that once it was out of the way other issues would fall into place more easily. The other approach would be to put it off for later resolution and to begin the talks with other issues, in an effort to build a sense of confidence and momentum before tackling the hard issue of independence.

The international community has opted for the second approach—at least for now—by deciding to begin talks between Belgrade and Pristina on technical issues which, it is said, will then in some vague fashion evolve into talks on Kosovo’s future political status. The last UNMIK chief, Michael Steiner, apparently adopted the notion of beginning with talks on technical issues as a way to get the issue off square one in the absence of any effective policy leadership in either Washington or Brussels. It was also predicated on the notion that Serbian Prime Minister Zoran Djindjic was a pragmatic politician with whom it would be possible to work to achieve a realistic outcome in Kosovo. Now, with Djindjic dead and with a divided and weak leadership structure in Belgrade that seems driven by hard-line political posturing, prospects for this approach appear questionable at best. The situation in Pristina is not much better. The Kosovo Albanian leadership is united on independence as the only acceptable outcome but is internally divided on almost everything else and seems to have no concept of tactics or strategy for how to get to its goal. The surge in recent weeks of terrorist violence in Kosovo—although its origins are unclear—could also be a constraining factor on the willingness of the Kosovo Albanian leadership to compromise.

Many countries outside the region—including some leading members of the international community—fear Kosovo independence because of the potential impact on break-away regions in their own countries. These sentiments are seldom expressed openly but can have a powerful effect on the way representatives of these countries approach the issue of Kosovo's final status. “Kosovo can never be independent,” is the refrain with the unstated subtext being, “and neither can Corsica, the Basque region, Chechnya, nor Quebec.”

Regional issues are another complication. The neighbors of Kosovo have a strong interest in the outcome of the negotiations but are unlikely—at least initially—to be invited. The potential impact that changes in the political status or borders of Kosovo could have on Macedonia, Bosnia, and Albania is well understood both by regional and international players. It has always been one of the strongest arguments against major changes in Kosovo's status. If, on the other hand, the situation on the ground or the dynamics of the negotiation lead toward changes in Kosovo’s status or borders, pressure could build to broaden the agenda and the participation of the talks beyond Kosovo alone.

During the 1990s the notion of “ancient ethnic animosities” often served as an excuse for diplomatic inaction but in the case of Kosovo it is a real factor. Serbs and Albanians genuinely dislike one another—and events over the past few decades have given both groups grounds for antagonism. Good personal relations between some Serb and Albanian negotiators are possible—some of the DOS leaders and the non-KLA Albanian leaders have known each other for years, going back to the days of the old Yugoslavia, when both constituted part of the so-called “alternative” to the Communists and then to Milosevic. But the distrust between the two peoples is deep and not easily bridged. It will affect the atmosphere and the substance of the talks in a range of tangible and intangible ways. Albanians will cite Serb abuses going back to Milosevic's forcible suppression of the province’s autonomy in 1989 as a justification for independence, while Serbs will cite the post-1999 war revenge attacks on Kosovo Serbs as one reason why the Albanians cannot be trusted with independence. In a broader vein, the record of violence will lend urgency to the perceived need of both sides for firm security arrangements,

make minority rights issues more salient, and add strength to various partition options since—after the events of the past 15 years—few Serbs or Albanians can conceive of living together.

Another potential danger is that the talks could drag on indefinitely, leading to impatience and fueling extremism on both sides. The absence of high-level political engagement by the United States would make such a result almost a certainty. Even under the most optimistic scenarios—international unity and the two parties negotiating seriously—serious roadblocks can be anticipated at various points in the talks, which will require engagement at the Foreign Minister or the Chief of State level to overcome. It is also possible that one of the local parties might decide to spin out negotiations. If the Albanians, for example, became convinced that independence was genuinely off the table they might see continuation of the talks as the best way to retain KFOR in Kosovo and to buy time to prepare for resumed conflict if Belgrade were allowed to return to Kosovo.

Both Serbs and Albanians bring a lot of baggage to the talks. The emotional importance that both attach to the issue, the existence within both communities of sharp political and personality differences, and the strain of violence within both communities will make it hard for leaders on each side to compromise.

Nevertheless, the fact that all Albanians insist that Kosovo must become independent within its current borders and (virtually) all Serbs insist that Kosovo must remain part of Serbia does not mean that either side believes its professed preference is the only acceptable outcome. With enough pressure and patience some compromise is possible. Each side, however, also has red lines beyond which it will not go.

On the Albanian side, the most important red line is the return of Belgrade's rule in any real capacity. Albanians will insist on the trappings and reality of complete self-rule. They will not allow Belgrade's representatives any role in Pristina—even a symbolic one. Nor will they send their own people to any kind of common institutions in Belgrade—except perhaps in a transition arrangement. Albanians will also insist on some kind of international security guarantees against Belgrade's future return. Their demand will be a permanent NATO presence that includes U.S. troops. They might conceivably settle for some kind of European military presence, provided it was accompanied by security guarantees to which the U.S. was also a party. Albanians will initially be willing to grant Kosovo Serbs just what Belgrade says it will give them—full minority rights. But Albanians might be willing to allow Kosovo Serbs special status, including some limited territorial jurisdictions—Serb schools, health care, and police—provided these Serb “cantons” are legally part of Kosovo and report to Pristina and not to Belgrade.

Serbs also have some red lines in Kosovo. The first is the northern part of Kosovo, which only became part of the province in 1957, has always been predominantly Serb-inhabited, and which international inaction allowed to become a Serb fiefdom after the 1999 war. No Belgrade government will allow the north of Kosovo to return to unrestricted rule by an Albanian government in Pristina. At a minimum, Belgrade will insist on some kind of autonomous status for the north, including the northern part of the divided city of Mitrovica. In the context of an otherwise acceptable settlement, Serbs might be willing to allow Mitrovica to be united under some kind of special status under continued international control. As a practical matter,

however, the existing dividing line will probably continue for some time, even under the most optimistic scenarios.

Another Serb red line is the retention of some kind of special rights for the major Serb shrines in the southern part of Kosovo. The Pec Patriarchate and the Decani and Gracanica monasteries are the most important but the Serbs will come in with a much longer list. Serbs will insist on extraterritorial status for the shrines if Kosovo separates from Serbia and on some kind of Serb security presence at the shrines under any option. Albanians will resist extraterritoriality but might eventually agree to a symbolic Serb security presence, provided they got an acceptable deal on status and Western security guarantees. Belgrade will also insist on special rights for the population of the Serb enclaves in the south but might eventually fall off since Belgrade cares little for the Serbs of Kosovo and most Serbs in the south would, in any case, leave if they believed they were going to be ruled by Albanians.

Leaving aside “symbolic” issues such as flag, seat at the UN, and national anthem about which both sides are capable of expending endless time in arguments—two underlying issues are likely to drive the talks: security and partition. There is a dynamic at work on both issues. The more secure Kosovo Albanians feel against a return of Belgrade’s rule the more willing they will be to make concessions in other areas.

Given the separation in which the Albanian and Serb communities in Kosovo exist and the continued hostility and violence between them, some kind of separation is inevitable, although the word and the concept of “partition” will likely be anathema to Albanians and some in the international community, at least initially. The issue is whether the north separates entirely from Kosovo and rejoins Serbia or whether the north becomes some kind of autonomous “Krajina” within a separate Kosovo. Sub-sets of the partition issue are Mitrovica city and the Serb enclaves in the south, with acceptable outcomes in both areas depending on how a range of other issues are settled.

Full legal independence for Kosovo virtually guarantees a Serb effort to split the north away. Options less than full independence will increase Belgrade’s willingness to allow the north to remain part of Kosovo but, conversely, will increase Pristina’s insistence on “its” issues in the north—Trepca, return of expelled Albanians, control over Mitrovica.

### Modalities

Modalities are likely to be very important and delicate in the initial stages of Kosovo status talks. Both the Serb and the Albanian sides will try to push their long-range political objectives through ostensibly procedural issues. The auspices under which the talks will be held is likely to be the venue for the first procedural skirmish, which in reality will mask a more fundamental struggle over whether or not independence is on the table. The Serbs and their backers in the international community will insist that any agreement reached in the talks must be ratified in a UNSC Resolution and that no solution can go beyond the parameters of UNSC 1244. Albanians will insist that UNSC 1244 is not determining with respect to Kosovo’s final status and, in general, will try to keep the UN’s involvement to a minimum, recognizing that there is little chance of gaining UNSC agreement to a deal that grants independence to Kosovo.

A critical issue, which the international community and the Kosovo Albanians will have to face even before the technical talks begin, will be status and the composition of the Kosovar delegation. The current Kosovo constitutional framework allows Kosovars only limited role in foreign affairs. Efforts by the Kosovo Albanians to go beyond this have been slapped down hard by UNMIK. Up to now Kosovo delegations to international meetings, such as the recent EU summit at Thesaloniki have actually been led by UNMIK, which exercises legal sovereignty in Kosovo.

Kosovo Albanians have gone along with these arrangements in part because they had little option and in part because they recognize that little of vital importance is accomplished at these international confabs. Their attitude will be quite different toward the upcoming talks with Belgrade. Kosovo Albanians will not and should not participate in discussions which affect their vital issues without being in control of their own delegation. A structure for the current talks in which the UN heads a delegation which negotiates with Belgrade on behalf of the Kosovo Albanians would have no legitimacy in the eyes of either the Kosovo Albanian leaders or the population at large.

The notion of opening talks on technical issues, such as transportation or travel documents represents both opportunities and pitfalls. Dealing seriously and substantively with such technical issues would allow the Kosovo Albanians to demonstrate their “reasonableness” and lend weight to their pleas to be given greater control over their own destiny. On the other hand, Belgrade will seek to limit talks only to such issues, arguing that Kosovo’s political status is determined by Serbia’s new constitution and is not something for negotiation. The international community will also seek to limit initial talks to technical issues, in part because there is no consensus on what to do about the broader issues of Kosovo's future and in part because some—probably most—members of the international community support Belgrade’s position. Kosovo Albanians, by contrast, cannot afford to participate in talks expressly limited to technical issues without some guarantee that all options regarding political status will be on the table in the future.

What this means is that the Kosovo Albanians even before the technical talks begin will have to work out their own position on two difficult and complex issues, both of which threaten to bring them into a conflict with the international community. Kosovo Albanians will need to work out a position that allows them to control their own delegation and also allows technical issues to be addressed without prejudice to broader political and economic issues associated with future status. Kosovo Albanians will have to stake out their own positions on these points in the face of likely strong international pressure without entering into an open confrontation with the international community or allowing themselves to be pushed into the position of seeming to be intractable in comparison with Belgrade.

### Participants

Serbs will seek to avoid the impression of talks between two equal parties and will do as much as possible to foster the impression that the talks are between the center and one of its constituent parts. Serbs will likely seek to keep the international role limited to something like “good offices” or “facilitator,” although they would be happy to construct the talks between themselves and the international community, with the Kosovo Albanians in a subordinate status. One ply

in this direction would be to insist that Kosovo Serbs and Kosovo Albanians each participate as separate and equal sub-delegations. Belgrade might also resurrect Milosevic's old tactic of insisting on equal representation for minority "communities" in Kosovo, including Turks and the various sub-categories of Roma. The Serbs may also float their own concept of "regional" talks, which would include states sympathetic to the Serb position on Kosovo, such as Macedonia, Bulgaria, and Greece.

Kosovo Albanians, by contrast, would prefer to keep Belgrade's role in talks on future status to a minimum, arguing that the final settlement is between the people of Kosovo and the international community. Kosovo Albanians have accepted the concept of talks on technical issues but they will resist direct talks between them and Belgrade alone and insist that the international community be fully in charge of the negotiating process at all stages. Kosovo Albanians will be ambivalent on the form of Kosovo Serb participation. They will resist allowing the Kosovo Serbs to be part of the Belgrade delegation because of the implication that Belgrade has the right to represent the interests of any citizens of Kosovo. On the other hand, Kosovo Albanians would welcome anything which tends to confirm that the Kosovo Serbs are not independent actors but, in fact, are acting under the direction of Belgrade.

The history of diplomatic negotiations over the past decade in the Balkans shows that achieving an agreement requires the U.S. to take the lead role and devote major political capital to the process. Kosovo Albanians will insist that the U.S. be at least a co-chair of any negotiating process and may condition their own participation on such a U.S. role. Ironically, Belgrade may also support a strong U.S. leadership role in the talks, if it sees U.S. policy shifting away from sympathy toward the Kosovo Albanian cause.

### Venue

This is likely to be one of the earliest and most stubborn areas where procedural arguments mask deeper substantive differences. Belgrade, together with much of international community, will probably take the position that the talks should be held under UN auspices, that any agreement must be codified in a UNSC resolution, and that the task of the talks is to discuss complete implementation of UNSC 1244 but nothing more. This strategy will be facilitated by the concept of technical talks led by the UN.

Albanians will need to find a way to participate constructively in technical talks without allowing this to undermine or divert the process from broader political objectives. They will insist that UNSC 1244 only deals with interim status for Kosovo and that final status goes beyond the provisions of UNSC 1244. Once the talks go beyond strictly "technical" issues, Albanians will seek to hold them under some kind of ad hoc group which they believe that the U.S. can dominate, such as the Contact Group. The Albanians will also try to bring forward aspects of the deal they accepted—or claim they accepted—at Rambouillet and Paris, especially the concept that the "will of the people" should figure in the determination of Kosovo's final status and the notion of a three-year period for reaching a decision. They will seek to ignore aspects of Rambouillet they did not like, such as its constitutional provisions regarding minority communities.

### Timing

Kosovo Albanians seek a road map that points the way toward resolution of final status. If an agreement is reached, the international community will not be out of the woods—or out of Kosovo—yet. Implementation of any agreement will require a prolonged international civilian and military presence. Kosovo's current status as an international protectorate will be gradually reduced even before final status negotiations conclude, as more authority is transferred to democratically elected Kosovo representatives. The international community will need to come up with a mechanism to cover a continued—although diminished—role, which will likely include enforcing implementation of the terms of an agreement, monitoring political and human rights developments, and security.

Serious money will continue to be needed after an agreement for economic restructuring and investment. It would make little sense to spend the time and effort to gain some kind of agreement on final status only to see it collapse under the strain of economic difficulties in Kosovo and in Serbia.

## **SIMULATION SCHEDULE**

Location: Grand Hotel

- 9:30** Coffee and snack available for participants
- 10:00-10:10** Introduction and review of simulation schedule and procedures—Plenary Room
- 10:10-10:45** Individual team meetings to set strategy
- 1030-11:00** International Team 1 meets with Serbians  
International Team 2 meets with Albanians  
Small group meeting of some Serbian team members and Albanians if agreed to by both parties and mediated by International Team 3
- 11:00-11:45** First Plenary
- 11:45-12:30** Individual team meetings to re- focus strategy (lunch will be provided during this meeting)
- 12:30-1:15** Small Group Meetings as determined by International Team
- 1:15-2:00** Second Plenary
- 2:00-2:30** Review and Lessons Learned

## TEAM SCENE SETTER

Kosovo has been relatively quiet, until recently. Neither the post 1999 insurgency in southern Serbia nor the 2001 uprising in Macedonia had any visible destabilizing effects in Kosovo. Kosovo Albanian leaders demonstrated a high degree of caution in regard to unrest in their neighborhood, even scaling down the pace of their push for independence as a final status solution. Progress had been registered in curbing violence against Serbs but not in creating satisfactory conditions for the return of the non-Albanian refugees.

In recent months, however, developments within Serbia and Kosovo have altered the political terrain and raised questions about the long-term perspectives in Kosovo and the region. The assassination of Serbian Prime Minister Djindjic removed the figure in Belgrade whom many international representatives believed would be most able and willing to reach an eventual compromise over Kosovo at the same time that it raised serious questions about the shape of future developments in Serbia. Post-Djindjic moves against elements in the criminal, economic, and security establishments associated with the Milosevic-era criminalized state system together with a new willingness of the Serbian authorities to take action against some figures wanted by the Hague tribunal led some international players to contemplate a new opening toward Belgrade. An upsurge in violent incidents in Kosovo and the nearby Presevo region of southern Serbia which began in the spring of 2003 led many in the international community to question the prospects for reconciliation or stability in Kosovo at the same time that it emboldened some in Belgrade to adopt a more aggressive public posture with respect to the return of Kosovo to some form of association with Serbia.

As international attitudes toward Belgrade and Pristina seemed to shift, the fundamental positions of the Albanians and Serbs toward Kosovo's future have not little, if at all. Their present attitudes do not leave room for accommodation of each other's basic concerns and fears. Both sides, though for different reasons, do not consider that the time has come to try and reach a political settlement. In addition, both sides believe that time may work for them and have no real interest to engage in reaching a settlement now.

The establishment of a process ending with a political solution could only result from initiatives undertaken by the international community to provide the framework and incentives for Serbs and Albanians to participate. To achieve that, the leading players and other participants in the process would have to establish some common ground first and reach agreement on basic modalities of the final solution.

Four broad options (and numerous variations) are theoretically open for Kosovo's future:

- Solution in the form of a non-solution. That would involve continuation of the present policy but more vigorously expanding Kosovo self-governance and resolving obstacles to its economic construction and stability.
- Acknowledgement of the realities on the ground and acceptance of Kosovo's independence as the final solution, which has to be worked out with both Serbs and Albanians. This would require that Serbs and many members of the international community reverse their present positions.

- Acceptance of Kosovo's independence but with changes in its current borders to reflect the realities of ethnic division, most likely by detaching the northern part of Kosovo and joining it to Serbia. Numerous figures within Serbia have called for some form of partition and the option probably has numerous closet supporters within the international community as well.
- Coercion of the Kosovo Albanians into accepting some form of semi-independence within the legal context of full autonomy as part of Serbia. This option, long considered unrealistic, has recently begun to float toward the surface again, both in Belgrade and among some internationals.

The fundamental goal of the international community thus might be to establish the price that Belgrade would demand for engaging in negotiations leading to the independence of Kosovo, and whether the Kosovo Albanians would be willing to pay it to achieve their goal. This would include power-sharing arrangements with the minorities, protection and special status for Serbian monuments, and numerous other matters.

The international role in Kosovo is based upon the realities of NATO's military security responsibilities, the UN's responsibility for governance, and the OSCE's role in organizing and supervising elections. There is no way to end this situation without a political settlement of the issue acceptable to Albanians and Serbs. Since the international regime was established by a resolution of the Security Council, Belgrade will argue that its legal status could only be changed by additional Security Council action in the absence of compromise among Albanian and Serbian leaders.

Within the international community there are opposing approaches to Kosovo's final status. These conflicting views are reflected in all international institutions that have some impact on the Kosovo problem, including the UN, NATO, OSCE, EU, Contact Group, and G-8. Some of Kosovo's neighbors, such as Macedonia and Albania, have a vested interest in the process and its outcome but little or no leverage to affect it. These different positions and perspectives make it extraordinarily difficult to construct a common approach leading to meaningful final status negotiations.

In post-Djindjic Belgrade two trends seem to be emerging which do not bode well for talks on Kosovo's future, at least in the beginning. The first is a climate of extremism in the public statements of many Serbian leaders about Kosovo and Albanians which has not been seen since the early days of the Milosevic regime. Some of these statements may be explained as preparations for elections and as staking out tough in-going bargaining positions before the beginning of negotiations. But they will make it even more difficult for Serb leaders to compromise and will provoke similar tough rhetoric from the Albanian side. A second trend—probably not unrelated to the first—is the seemingly increased willingness of the West, including Washington, to reward Belgrade for steps taken after the Djindjic assassination to root out some of the more prominent alleged war criminals and Milosevic associates in the economy, the security services, and the military.

Nevertheless, many in Belgrade understand that only the establishment of stable democracies in Serbia and Kosovo would open the way for a permanent solution acceptable to the leadership and peoples of each side. Serbs are convinced that, for Albanians, the status of Kosovo is the

overriding national issue, the substance of which is territory. For Serbs, however, Kosovo remains an issue at the core of Serbia's post-Milosevic and post-Djindjic transformation. It is thus difficult to imagine that Serbia will successfully achieve democratization without having resolved the Kosovo issue first.

While the unresolved issue of Kosovo stands in the way of an accelerated process of democratization, at the same time the engagement of the government in any negotiations or an active pursuit of a political settlement could lead to its own demise and new elections in an electrified atmosphere. There is no coherent platform on many crucial issues, of which Kosovo is the most sensitive and potentially most dangerous. No politician in Serbia has so far spoken in public about Kosovo without ensuring that his position in defense of Serbian sovereignty is strong and well understood. Members of the elite who may have a different view are reluctant to speak about it even in private. So far there have been no indications that this situation might change soon.

## SERBIAN TEAM: NEGOTIATING THE ISSUES

### 1) KOSOVO FINAL STATUS

#### Objective:

- Retain Kosovo within Serbia and provide it with a high degree of autonomy as one of the federal units in a rearrangement of the union with Montenegro, with common defense, foreign policy and representation, monetary system, customs, basic economic laws, and human rights protection.

#### Acceptable Minimums:

- Preserve the status quo in which Kosovo remains under the *de jure* sovereignty of Serbia as enshrined in UNSC 1244's reference to the FRY.
- Continue the international protectorate.
- Seek partition of Kosovo and establishment of special protections for monuments and Serbs who remain in Kosovo.

#### Background

While it is unlikely that Albanians would accept any kind of control from Belgrade, the majority of countries involved in the implementation of the present regime do not favor independence of Kosovo, or at least not independence in the immediate future and not without conditions.

In Serbia the issue of independence for Kosovo remains a topic that the general public is unwilling to discuss. Politicians feel obliged to pay homage to the goal of preserving Kosovo as part of Serbia. When the topic ultimately reaches the top of the political agenda, pressure will rise making it virtually impossible to explore other avenues or open new options, despite the fact that Serbia lost control over Kosovo more than four years ago.

Division of Kosovo has been considered for almost a decade now in various forms and as part of different strategies. Milosevic saw war and ethnic cleansing as means to the "final solution" of the Kosovo problem. At the other end of the spectrum there was the concept of holding an international conference to rearrange borders in the Balkans including Kosovo. At this particular time the latter approach could probably gain some support in Serbia, but it is almost inconceivable that there would be a positive response from the international community due to concerns about related matters affecting Macedonia and Bosnia.

The best strategy for the Serbian delegation would be to prod the Kosovo Albanians to unequivocally reject negotiating either "technical issues" at the initiation of talks or the modalities of autonomy once final status is on the table. Then, Belgrade would be able to cite Albanian "unreasonableness" as justification either for partition or for continuation of the international administration of Kosovo in conjunction with greater efforts at protection of minorities and return of refugees and a greater political and security role for Belgrade in the interim regime.

## 2) MITROVICA AND BORDERS

### Objectives:

- In the context of pursuing full autonomy, insist on a special status preserving the position of the Serbian majority population in the Mitrovica area.
- If division is pursued, demand that the northern side of Mitrovica become part of Serbia.
- Establish a special arrangement to regulate the Trepca mines.
- No other changes of the border, and no territorial trade of northern Mitrovica for Presevo.

### Acceptable Minimum:

- In case no final settlement is sought or achieved, international guarantees for Serbs in the Mitrovica region to enable stabilization and rebuilding of the economy so more refugees can return.

### Background

Mitrovica has been partitioned on a *de facto* basis, with the northern part of Kosovo remaining under the control of Kosovo Serbs through a tacit agreement with the international forces. The massive exodus of Serbs in summer 1999 from most of Kosovo and concentration of the remaining population in enclaves, of which the Mitrovica region is the largest, coupled with the inability of KFOR and the UN-supervised police to provide security for them created the current situation. If left unattended, this may become part of a permanent solution.

Irrespective of the final status of Kosovo, Mitrovica and the northern municipalities will remain areas with a predominantly Serb population. In any final resolution, and determined by the economic needs of that particular region, Kosovo and Serbia, the Mitrovica area will have to be transformed into a link of broader cooperation. In the meantime problems of the Trepca mines will have to be solved, since this is both at the center of the economic activity there and a point of contention point between Serbs and Albanians locally and between Belgrade and Pristina. Privatization under international control would probably be the best way to solve the problem economically and defuse it politically. In any political settlement, however, the Mitrovica region remains an issue affecting the position and rights of Kosovo Serbs and has to be addressed accordingly.

If the process leads towards division of Kosovo, it is virtually certain that the Albanians will put forward a request for the Presevo valley, which Serbia will not and probably cannot accept. The issue of border changes, therefore, should be kept restricted to the Mitrovica area only.

## 3) SECURITY AND THE FUTURE OF KFOR

### Objective:

- Continued presence of KFOR for a longer period of time irrespective of the results of negotiations and the final status of Kosovo.
- Introduction of a minimal Serbian security presence in the north and the enclaves, at least up to the minimum allowed by the arrangements ending the war in 1999.

Acceptable Minimum:

- The number of KFOR troops to be gradually reduced over a period of several years, but international observers to remain along the borders and in areas where Serbs live and/or their monuments are located.

Background

KFOR's continued presence is needed as long as there is no final settlement implemented, fully accepted and supported by the governments, elites and population in the area. Prior to the stabilization not only of Kosovo but the region, including the establishment of a system of regional guarantees of borders and security linked to wider international guarantees, KFOR remains the only force capable of providing security to both Albanians and Serbs in Kosovo and preventing their inevitable disputes from escalating into conflicts.

The building of Kosovo Albanian military and police forces of any kind, including the Kosovo Protection Corps, does not present a threat to Serbia. Activities of some ex-KLA groups, large quantities of available light weapons, and inter-ethnic tensions that could be exploited by radical elements on both sides remain serious threats.

Along with the continuation of the KFOR mission Serbia will seek ways to keep improving relations with NATO, including joining the Partnership for Peace. On the ground this course is expected to contribute to the building of confidence and better cooperation between the Serbian Army and KFOR.

## 4) MINORITIES AND REFUGEES

Objective:

- Create conditions for the return of all refugees to their homes (property repossession and compensation for losses) and establish international guarantees of their security and rights.

Acceptable Minimum:

- Establish an internationally controlled process for the creation of areas (enclaves) to which refugees can return and provide necessary financial assistance so they can resolve basic problems, including housing, farming and/or employment, health protection, and education.

Background

Though they do not have the status of refugees since they were displaced within Serbia, the country of their citizenship, the nearly 200,000 displaced persons are in the position of refugees. While about 20 percent of them have some property in Serbia, the majority would return to Kosovo if their safety could be guaranteed and problems of property rights resolved.

The rights of Serbs as a minority group in Kosovo will have to become part of a final resolution of the overall problem but the problem of refugees could and should be treated separately and with the urgency it deserves.

Three options should be developed to be offered to refugees:

- Return to their former homes and restoration of property rights accompanied by compensation for losses and/or assistance to restart their lives.
- Return to Kosovo (if the former is not possible) and compensation for lost property (or creation of conditions so they can sell property) and some assistance to start fresh in a new location.
- For those not willing to return, compensation for property or permission to sell it, and provision of assistance in resettlement.

The resolution of the problem of refugees is a humanitarian issue that has larger implications for regional stabilization and democratization. The international community needs to focus more efforts on this problem and allocate substantial financial means including grants for housing and small businesses.

Minority rights, based on the EU standards, will have to include guaranteed adequate Serb representation in all elected bodies and government agencies, education in the Serbian language (elementary to degree programs), the right to use their language in communication with all state institutions, government subsidies for media in the Serbian language, bilingual signs, and other stipulations.

## 5) ECONOMIC AND PROPERTY ISSUES AND REPARATIONS

### Objectives:

- Compensation for Serbian investments in Kosovo (state or “social”) and property to be privatized (presently still “socially” owned).
- Full compensation for the private property of Serbs destroyed or not reclaimed for any reason; in the case of businesses compensation should include lost profits.
- Reparations for damages inflicted by or as a result of the NATO campaign (request to be prepared but the decision to table it to be based on the assessment of the course of the conference).

### Acceptable Minimums:

- Compensation for private property.
- International assistance to refugees (housing, relocation, property, schools, health system, and other support).
- Block any Kosovo Albanian request for reparations from Serbia.

### Background

The resolution of the economic and property issues will in the end depend on the willingness of the international community to provide necessary funding for economic reconstruction in Kosovo and for most other needs related to the settlement. Neither Kosovo nor Serbia is in a position to bear any such expenses. Their current situation requires massive international assistance to keep their economies afloat. The problem is not economic only. No progress in broader political and social transformation can be achieved without the creation of self-sustaining economies and a visible improvement in the living standard of the population. Democratization depends on the success of the economy, as does stabilization in the entire region.

The economy of Kosovo cannot be successfully reconstructed without the reestablishment of links with Serbia, and this cooperation can not be built without first resolving major economic and property issues. This can and should be disassociated from negotiations