

CRS Report for Congress

Kosovo and U.S. Policy: Background to Independence

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Summary

Close to nine years after NATO intervened militarily in the southern Serbian province of Kosovo, Kosovo declared itself an independent and sovereign state on February 17, 2008. A new Kosovo constitution came into force on June 15. These developments marked a new stage in, but not the end of, international concern and engagement in the western Balkan region. Serbia strenuously objects to and does not recognize Kosovo's independence.

Kosovo represented 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 engaged in collective action to end escalating violence in Kosovo. 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. Afterward, Kosovo was governed through a combination of U.N. and local Kosovar interim governing structures. Under the terms of U.N. Security Council Resolution 1244 (1999), the U.N. Interim Administration 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. The ethnic Albanian majority demanded full independence for Kosovo; Serbs insisted that Kosovo remain an integral part of Serbia. In mid-2005, the U.N. began a lengthy process to address Kosovo's status. U.N. envoy Martti Ahtisaari proposed in early 2007 that Kosovo gain supervised independence with extensive minority rights. The Ahtisaari proposal stalled in the U.N. Security Council for the rest of the year, with the United States and some European countries in the Council strongly backing it, but with Russia opposed and threatening to wield its veto. Instead, the United States and many European countries worked closely with Kosovo leaders to coordinate Kosovo's move toward independence and establish new international missions to help implement the Ahtisaari plan. Kosovo's Serbian community, Serbia, and Russia claim that Kosovo's independence is illegal and do not recognize the legitimacy of the EU-led missions. As a consequence, UNSC Resolution 1244 remains in force, leaving UNMIK and the EU-led presences in co-existence for the time being. KFOR continues to fulfill its security responsibilities under Resolution 1244.

The United States, in concert with European members of the international contact group, continues to shape international policy on Kosovo. The United States has committed peacekeeping troops to Kosovo since 1999, and currently maintains around 1,600 troops with KFOR. The Bush Administration warmly welcomed Kosovo's independence declaration in February 2008. In the 110th Congress, some introduced resolutions have addressed the prospect of Kosovo's independence. For additional information on post-independence developments in Kosovo, see CRS Report RS21721, *Kosovo's Independence and U.S. Policy*, by Steven Woehrel.

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Kosovo and U.S. Policy: Background to Independence

Introduction and Most Recent Developments

Kosovo's declaration of independence on February 17, 2008, and the entry into force of a new Kosovo constitution on June 15, have ushered in a "new reality" in the Balkans, but one still with many uncertainties. The ethnic Albanian majority in Kosovo and the Kosovo government view independence as the fulfillment of a long-held goal. The United States, France, and the United Kingdom were among the first countries to recognize Kosovo, and have since been joined by a total of over forty countries worldwide. These and other countries have pledged to support Kosovo through new international missions and financial assistance; an international donors' conference is scheduled for July 11. On the other hand, Serbia and Russia vehemently oppose Kosovo's secession, and have warned of dangerous and far-reaching consequences. The Kosovo Serb minority as well as leaders in Serbia insist that "Kosovo is Serbia" and have pledged never to recognize Kosovo's independence.

On the ground, post-independence tensions have been greatest in the northern part of Kosovo, where many ethnic Serbs are concentrated. Kosovo's Serbs have largely boycotted participation in Kosovo's institutions. Serbian protesters have frequently confronted U.N. and NATO forces on the Kosovo-Serb border and in the northern half of the town of Mitrovica. The worst clash to date took place on March 17 in the aftermath of a Serb attempt to occupy a government building in northern Mitrovica; UNMIK and NATO arrests of the occupiers prompted clashes with rioters which resulted in the death of a U.N. police officer and several dozen wounded. While no major recurrence of violence has taken place, the situation in the north remains tense. On May 11, Serbia organized and held national and municipal elections in Serb-majority municipalities throughout Kosovo. U.N. officials called the municipal vote illegal and an unacceptable extension of Serbian-controlled parallel institutions in Kosovo.

Kosovo's move to declare independence after a lengthy process to achieve a negotiated settlement on Kosovo's status failed to reach agreement amongst the parties or international consensus within the U.N. Security Council. The United Nations remains neutral with respect to Kosovo's status. Nevertheless, Kosovo's leaders have pledged to implement the provisions of the Ahtisaari plan, presented by the U.N. envoy in March 2007, which outline terms for Kosovo's supervised independence with extensive rights for the Kosovo Serb minority and other minority communities. The European Union agreed to take on new civilian missions on the ground in Kosovo, while NATO pledged to maintain security through its Kosovo Force (KFOR). Not all of the EU's 27 member states support Kosovo's

independence, although a majority are expected eventually to recognize the new state and all agreed to launch the new EU-led missions. As a consequence, UNSC Resolution 1244 remains in force, with the various international missions in co-existence for the time being. U.N. Secretary-General Ban Ki-moon has called for a “reconfigured” U.N. presence, with the EU taking on enhanced responsibilities.

U.S. and European officials have emphasized their wish for friendly relations with Serbia, while appealing for restraint in Belgrade’s actions in response to Kosovo, particularly with respect to apparent Serbian efforts to harden a partition in Kosovo or engage its security personnel directly in Kosovo affairs. Most observers recognize that, for the time being, the new situation presents a serious strain in relations with Serbia, especially in the aftermath of February riots in Belgrade, in which violent demonstrators set fire to the U.S. embassy and other European embassies nearby. At the same time, the European Union has moved to advance Serbia’s track toward EU accession, in an effort to bolster support for pro-European political forces in Serbia.

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. Since 2007, President Bush and other top U.S. officials have publicly expressed U.S. 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.

Increasingly, many observers on both sides of the Atlantic emphasize 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. Some critics of U.S. engagement in the Balkans 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. Reflecting international focus on the global anti-terrorism campaign and other priorities, there has appeared 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, with an ongoing NATO and U.S. presence — including an ongoing commitment of U.S. resources — is likely to stay on for some time after independence to assist with and supervise Kosovo’s transition.

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

Kosovo at a Glance

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

Leadership: President Fatmir Sejdiu
Prime Minister Hashim Thaci

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)

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 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,

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.

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

After June 1999, Kosovo was primarily administered by the U.N. Mission in Kosovo (UNMIK). According to U.N. Security Council Resolution 1244, UNMIK 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 for a while 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 and Bajram Rexhepi of the PDK became Prime Minister. 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 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 during his short tenure. In June 2005, Haradinaj was provisionally released by the Tribunal in return for his pledge to return to The Hague for his trial. (In April 2008, ICTY acquitted and released Haradinaj after a year-long trial. His return to Kosovo may bolster his party's standing, which has suffered in recent years, especially if early elections are held.)

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

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

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 were included with the Serbian side. The Unity Team stuck together despite periodic tensions and inter-party rivalries. After the death of Rugova, no single Kosovar Albanian leader seemed to command 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.

With expectations high for imminent independence, local and international observers also warned of potential instability and mounting local frustration if the status process were to be seriously thwarted or further delayed. On both the ethnic Albanian and Serb minority side, the potential has been high for unrest and instability.⁴ Some demonstrations were held — by both Kosovar Albanian and Serbian organizers — in opposition to the Ahtisaari plan for Kosovo's status. Groups outside of the Unity Team, including the grass-roots organization "Self-Determination," were opposed to holding further talks on status with Serbia. Some also voiced concern about the re-emergence of armed groups on both sides and their potential to incite violence.

2007 Elections and New Government. 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 called for both levels of elections to be held on November 17, 2007. Over 40 political parties registered under new election rules. Prime Minister Ceku opted out of seeking re-election.

In a process with low overall voter turnout but little unrest, the opposition PDK won a plurality of the vote (34% by preliminary results). The LDK came in second with 22%. In January 2008, the PDK worked out a coalition agreement with the LDK, under which LDK leader Sejdiu remains President for a five-year term. PDK leader Hashim Thaci became Prime Minister and his government maintains a thin majority in parliament. The AAK is now in opposition, as is the Democratic League of Dardania, headed by former LDK member Nexhat Daci, and a new party, the New Kosovo Alliance (AKR), headed by Kosovo businessman Behgjet Pacolli, which came in third in the election. The Ora party did not win parliamentary representation.

⁴ The U.N. Secretary-General has reported a "discernible underlying volatility in Kosovo." Report of the Secretary-General on UNMIK, S/2007/582, September 28, 2007.

Kosovo Serb voters and the Kosovo Serb parties largely boycotted the November vote, as directed by Belgrade, although ten seats in parliament are reserved for Kosovo Serb representatives. At the local level, absent incumbent Kosovo Serb parties were defeated in five majority Serb municipalities. Governance in these areas is expected to be managed through careful coordination with international authorities.

Despite some speculation that Thaci would swiftly declare Kosovo's independence in late 2007 or early 2008, the new leadership opted for close coordination with the international community as the U.N. process played out. In addition to independence, the Thaci government will be challenged to meet elevated voter expectations on a range of issues, especially pressing economic challenges such as high levels of unemployment and poverty, poor infrastructure, and energy shortages.⁵ The current government and parliament have been working at a swift pace with UNMIK on preparing for and implementing aspects of the Ahtisaari plan. In early April, the Kosovo Assembly adopted a new constitution worked out in close coordination with international officials. The new constitution will take effect by mid-June. Another key challenge will be to engage the Kosovo Serb communities in governing institutions and decision-making across multiple levels.

UNMIK and KFOR - Pre-Status

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. interim administration 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 a political settlement took place. Among other things, it reaffirmed international commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

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

⁵ A November 2007 progress report by the European Commission highlights the problems of corruption and public administration in Kosovo. Report available at [http://ec.europa.eu/enlargement/key_documents/reports_nov_2007_en.htm].

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 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 Rücker of Germany succeeded Jessen-Petersen as SRSG in September 2006. In July 2008, Italian diplomat Lamberto Zannier will become the head of UNMIK.

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.⁶

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

⁶ 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>].

future status.⁷ In December 2003, UNMIK and the Kosovo provisional government established five joint working groups on implementing the standards. The Kosovo 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.⁸ 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, sharply 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. U.N. officials have since reported substantial progress in implementing the 13 priority standards and a strengthening of Kosovo's institutions that has resulted from standards implementation.

The U.N. mission in Kosovo was projected to terminate after the status process is completed and with the passage of a new U.N. Security Council resolution. Kosovar Albanians had little to no interest in prolonging UNMIK's tenure, and UNMIK was 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 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.

⁸ U.N. Security Council Presidential Statement, S/PRST/2004/13, April 30, 2004.

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 was expected to last 120 days. Moreover, the transition was to coincide with the standing up of the new EU-led missions. Without a new U.N. resolution to succeed Resolution 1244 or clarify the U.N. position on Kosovo's status, UNMIK's close-out process was put in limbo. Currently, UNMIK is authorized to continue its mission until the U.N. Security Council decides otherwise.

KFOR.⁹ 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.

NATO periodically reviews KFOR's mission and 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

⁹ For more information, refer to the KFOR website at [<http://www.nato.int/kfor>].

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 sizeable 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 since remained at roughly this level (just under 16,000 in mid-2008). The U.S. share of KFOR remains below 15% of the total and currently numbers about 1,600 troops, or roughly 10%. 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 in recent years, it has long been preparing for possible security challenges in relation to Kosovo’s anticipated changed status. KFOR and UNMIK have reinforced their presence in northern Kosovo to boost security in that volatile sector, which many expected would become a focal point for unrest. In mid-March 2008, KFOR coordinated its response with UNMIK to the attempted Serb takeover of a courthouse building in northern Mitrovica. KFOR asserted that it used “appropriate measures” in its response to the violent rioters.

KFOR also has at its disposal theater troops that can be called in for reinforcement. In December 2007, NATO members reaffirmed the alliance’s resoluteness to deter any renewal of violence by any parties in Kosovo, and to sustain KFOR’s force contributions at current levels. Following Kosovo’s February 2008 declaration of independence, NATO reaffirmed its commitment to upholding KFOR’s mandate to ensure a safe and secure environment in Kosovo.

The Issue of Kosovo’s Status¹⁰

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 have long appealed for full independence from Serbia. 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 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.”

¹⁰ See also CRS Report RS21721, *Kosovo’s Independence and U.S. Policy*, by Steven Woehrel.

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 did not give them enough authority to achieve the benchmarks, especially since UNMIK retained “reserved competence” in the area of law and order. Later, however, Kosovar Albanian leaders 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.¹¹ 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 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.

¹¹ For text of the Eide report, see U.N. Security Council document S/2004/932, November 30, 2004.

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.¹² 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.¹³

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 called the positions of the two sides “as far apart as possible.”

¹² 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>].

¹³ Reuters news agency dispatch, May 4, 2006.

The Ahtisaari Proposal.¹⁴ 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."¹⁵ 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 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

¹⁴ 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.

¹⁵ South East Europe Newswire, January 24, 2007.

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.”¹⁶ 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, 2007. 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.¹⁷ 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. Some Russian officials have also warned that 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

¹⁶ S/2007/168, March 26, 2007.

¹⁷ See Letter from the President of the Security Council to the Secretary-General, S/2007/220, April 20, 2007.

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 and his instruction to report back to the Security Council by December 10. 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. Diplomats stated that all options were on the table and exhorted the Kosovar and Serbian parties to approach the talks constructively. The contact group's road map for Kosovo left some matters open to speculation. For example, it was not clear whether the December 10 date for reporting back to the United Nations represented a final deadline for all negotiations, or just a pause to take stock before continuing with more talks. It was also left unclear what further action, if any, the U.N. Security Council would consider.

The troika has hosted several rounds of talks, with the last talks held on November 26-27, in Austria. The parties presented further detailed proposals — for example, the Kosovar Albanians have put forward a treaty of cooperation between Kosovo and Serbia, while the Serbian side promoted detailed arrangements for Kosovo's sustainable autonomy. However, their fundamentally opposing positions on status have not changed. For its part, the troika put forward some of its own proposals. It introduced a set of 14 principles that emphasize special future relations between Belgrade and Pristina, their cooperation on issues of mutual concern, and the prospect for eventual European integration for both Kosovo and Serbia. Later, the troika floated a proposal for a cooperation agreement between Kosovo and Serbia that would remain "status-neutral," or allowing for cooperative relations underneath ongoing disagreement over status.

Despite these efforts, the troika process could not achieve the purported goal of reaching a mutually acceptable negotiated status settlement. In its final report, the troika assessed that "the parties were unable to reach an agreement on the final status of Kosovo. Neither party was willing to cede its position on the fundamental question of sovereignty over Kosovo." The troika reported some useful outcomes to the process, including a pledge from the parties to refrain from actions that might jeopardize the security situation in Kosovo, and extensive discussion about the

“European perspective” of both Kosovo and Serbia.¹⁸ Nevertheless, the troika process did not elicit any further consensus in the U.N. Security Council, with Russia calling for status talks to continue, while the United States and European members arguing against further extensions.

Kosovo’s Declaration of Independence and Aftermath

Without further action in the U.N. Security Council, Kosovo’s authorities prepared to make a declaration of independence in early 2008 as part of a process closely coordinated with the international community. At the urging of the international community, Pristina waited until Serbia completed both rounds of its direct presidential election (January 20 and February 3). Kosovo’s leaders had long expressed concerns about repeated delays in the status process, and some in Kosovo objected to the Ahtisaari plan’s perceived limits on Kosovar sovereignty; for example, a pro-independence rally in February 2007 turned into a violent clash with U.N. police, leaving two dead.

On February 17, 2008, the Kosovo assembly adopted a declaration of independence “in full accordance with the recommendations of U.N. Special Envoy Marti Ahtisaari.” It declared Kosovo to be a democratic, secular, and multi-ethnic republic, fully accepted the obligations for Kosovo under the Ahtisaari plan. On the following day, the United States, France, and the United Kingdom formally recognized Kosovo’s independence. They have been joined by several other European countries and a total of over forty countries worldwide. Among U.N. Security Council members, Russia, China, along with Serbia and some other countries denounced the declaration as a violation of international law. A majority but not all of the EU’s 27 member states support Kosovo’s independence — Spain, Cyprus, Romania, Slovakia, Bulgaria, and Greece have expressed strong reservations. At the same time, the lack of EU unity on Kosovo’s status has not prevented or held up EU joint actions on deploying new missions to Kosovo (see below). The United Nations, meanwhile, has maintained a strict “status neutral” position on Kosovo’s status.

Kosovo’s leaders have welcomed international support for Kosovo’s democratic development through international presences. The Kosovo assembly has taken swift action to enact new laws consistent with the Ahtisaari plan, including ratifying a new constitution which came into effect on June 15, 2008. The Thaci government presented its agenda to parliament in mid-April. Kosovo’s leaders have called Euro-Atlantic integration a key priority for the new country.

Post-independence tensions have been greatest in the northern part of Kosovo, where many ethnic Serbs are concentrated. The worst clash to date took place on March 17 in the aftermath of a Serb attempt to occupy a government building in

¹⁸ Full text of the troika report is available in the U.N. Secretary-General’s letter to the President of the Security Council, S/2007/723, December 10, 2007.

northern Mitrovica; UNMIK and NATO arrests of the occupiers prompted clashes with rioters which resulted in the death of a U.N. police officer and several dozen wounded. According to UNMIK and NATO officials, some Serbian government security personnel were involved in instigating this and other incidents.¹⁹ It is unclear how the Kosovo government intends in the future to assert its authority in Kosovo's northern regions.

Serbian Perspectives on Status and Response to Independence

The Serbian government and Kosovo's Serbian community have consistently insisted that Serbia retain sovereignty over Kosovo; this view is backed by nearly all political parties in Serbia. Throughout the U.N. negotiation process, Serbia's governing parties remained engaged and pressed, with strong support from Russia, for talks to continue. Serbian leaders encapsulated their broad position on status with the phrase "more than autonomy, but less than independence" and floated varying interpretations on "maximum" autonomy for Kosovo short of full independence. Kosovo Serbs participated in the status talks as part of the Serbian delegation. In advance of Kosovo's independence declaration, Belgrade determined that it would consider it invalid. Subsequently, Serbian officials and demonstrators have emphasized that "Kosovo is Serbia." Serbian President Tadic has called for a new round of internationally mediated talks on Kosovo's status.

Following Kosovo's declared independence, Serbia sponsored a large protest rally in Belgrade on February 21, which brought hundreds of thousands of peaceful demonstrators to the streets. In the evening, a few hundred persons breached the U.S. embassy compound and set fire to the chancery building, and also attacked the missions of some other countries. Serbian riot police eventually restored order, but not before the fire had claimed the life of one protest participant. Some observers claimed that security was conspicuously lax and that the police's initially passive response may have been intentional. Serbia's President and Prime Minister condemned the violence and pledged to protect foreign missions in Belgrade, although some other officials said that the United States was to blame for the violence for supporting Kosovo's independence. The U.N. Security Council and the European Union condemned the February 21 "mob attack" on U.S. and other embassies in Belgrade.

Beyond consistent opposition to Kosovo's independence, Serbia's political leadership is deeply divided. After the January 2007 parliamentary elections, President Tadic of the DS and Prime Minister Kostunica of the DSS achieved a hard-fought agreement on forming a new coalition government, with Kostunica remaining Prime Minister. President Tadic won a key electoral victory in early 2008 presidential elections over Radical Party candidate Tomislav Nikolic. However, the coalition was split on how the Kosovo situation should impact Serbia's relations with the EU, and eventually fell, with early parliamentary elections scheduled for May 11, 2008.

¹⁹ For a detailed account of the events in northern Mitrovica in mid-March, see transcript of UNMIK press briefing, March 18, 2008.

Tadic's DS party won an important victory in the vote, and may enter into a coalition with the small Socialist Party.²⁰

While Serbia's government has rejected a military solution to the Kosovo situation, observers are closely watching the extent of Serbian implementation of its "action plan" of retaliatory measures to Kosovo's declared independence. Many observers contend that Serbia is focused on hardening the already-existing soft partition of Kosovo, with the Serb-controlled northern portions of Kosovo proclaiming their own independence or appealing to become part of Serbia,²¹ and exerting pressure on all of Kosovo's Serbs not to cooperate with Pristina. Incidents at the border between Serbia and Kosovo, recurrent protests in northern Mitrovica, as well as apparent Serbian involvement in the mid-March courthouse incident in northern Mitrovica, point to this tendency.²² Belgrade's commitment to hold state and local elections in Serb-majority municipalities throughout Kosovo on May 11 has been another point of contention with international authorities. While Kosovo Serb participation in the parliamentary-level Serbian vote is allowed under the Ahtisaari plan, UNMIK viewed the intended extension of the Serbian municipal vote into Kosovo as "illegal." Many fear that the international community does not have a viable plan to reverse Serbia's moves to strengthen parallel institutions in Serb-majority areas in Kosovo.

Post-Status International Missions

The international deadlock over Kosovo's status in 2007 somewhat complicated longstanding plans to carry out new international missions to take over for the United Nations. In the early planning stages for such missions, European officials repeatedly emphasized their wish for the U.N. Security Council to provide the new missions with a clear international mandate. However, in the absence of a new U.N. Security Council resolution, international institutions considered ways to derive an international legal basis for new missions in Kosovo. For example, the EU and NATO have invoked Resolution 1244 as a legitimate framework for both a new EU-led civilian mission and the ongoing KFOR military mission in Kosovo. An EU Council meeting in December 2007 underlined the EU's readiness to play a leading role in implementing a settlement in Kosovo and in strengthening stability. In contrast, Russian officials have called the new EU mission "illegal." In June 2008, U.N. Secretary-General Ban Ki-moon announced plans to "reconfigure" UNMIK in view of significantly changed circumstances in Kosovo, without abandoning the U.N.'s "status neutral" position on Kosovo. He called for UNMIK to maintain a

²⁰ For more information on the political situation in Serbia, see CRS Report RS22601, *Serbia: Current Issues and U.S. Policy*, by Steve Woehrel.

²¹ Northern Kosovo has long been tied administratively to Serbia through so-called parallel institutions. For example, see "Serbia Plays Kosovo Partition Card," *Balkan Insight* [<http://www.birn.eu.com>], April 19, 2007.

²² See for example, International Crisis Group Europe Briefing No. 47, "Kosovo's First Month," March 18, 2008.

residual presence in Kosovo for some time.²³ UNMIK may be most visible in the north, where the local Serb authorities do not recognize the EU presences.

The Ahtisaari plan called for most governing powers to be held by Kosovar authorities, but also envisaged an *international civilian presence* and an *international military presence*. The civilian presence has two components: an International Civilian Representative (ICR) and a civilian European Security and Defense Policy (ESDP) Mission. The ICR also serves as the EU Special Representative (EUSR) to Kosovo and thus by definition can be filled by an official from an EU member state. The ICR is supposed to wield “final authority” over civilian aspects of the settlement. He is 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 a U.S. Deputy ICR. Dutch diplomat Pieter Feith has been named EUSR.

The ESDP mission in Kosovo is an EU rule of law mission involving training, monitoring, and developing police and judicial institutions. The mission, named EULEX, involves the deployment of approximately 2,000 EU and other international civilian personnel including police, judges, prosecutors, and customs police who will report to the ICR/EUSR. The EU adopted a joint action giving the go-ahead to EULEX in February. EULEX is led former French General (and former KFOR Commander) Yves de Kermabon, and was expected to become fully operational after a transition period of 120 days.

European and U.S. representatives convened the first meeting of the International Steering Group (ISG) on Kosovo on February 28, 2008, in Vienna. At this meeting, the ISG formally appointed Dutch diplomat and EUSR Pieter Feith to be the International Civilian Representative in Kosovo. It called on Kosovo’s leader to fully implement the Ahtisaari plan and urged the Kosovo Serb community to take part. The governments of Serbia and Russia have protested that the creation of the steering group is illegal. An April meeting of the ISG, chaired by ICR Feith, welcomed the progress reached to date by Kosovo’s authorities, and expressed concerns about Serbia’s efforts to hold municipal elections in Kosovo on May 11. The ISG meeting also spoke against efforts to encourage “institutional separation along ethnic lines.”²⁴

The Ahtisaari plan also called 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. NATO’s policy is that KFOR “shall remain in Kosovo on the basis of U.N. Security Council Resolution 1244, unless the Security Council decides otherwise.” NATO has pledged to maintain KFOR’s strength at

²³ Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/2008/354, June 12, 2008.

²⁴ See web page of the International Civilian Office, [<http://www.ico-kos.org>].

“current levels and with no new caveats.”²⁵ Most observers believe that KFOR’s size and composition will not change much in the near-term 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. In addition, the United States may, within a year, seek to shift its troops from Kosovo in order to meet demands for its troops in Afghanistan, or elsewhere.²⁶

Serbian and Russian opposition to the new EU-led missions has added to current complexities on the ground, especially in the north. Belgrade, for example, only recognizes UNMIK and KFOR authority in northern Kosovo. In contrast, EU officials insist that the ICO and EULEX mandates exist throughout the territory of Kosovo. Many international officials acknowledge, however, that various international missions will maintain parallel presences for the near-term.

In addition to these missions on the ground, the EU plans to lead international financial assistance to Kosovo following a status settlement, and will be hosting an international donors conference on July 11, 2008.

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.”²⁷

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

²⁵ Final communiqué, North Atlantic Council ministerial meeting, December 7, 2007.

²⁶ “U.S. pins Kosovo force on NATO’s Afghan commitment,” New York Times on the Web, October 21, 2007.

²⁷ See also CRS Report RL30374, *Kosovo: Lessons Learned from Operation Allied Force*, by Paul E. Gallis, coordinator.

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, respectively. 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.

From FY1999-FY2007, the United States obligated about \$943 million in bilateral aid to Kosovo.²⁸ Supplemental funding for Kosovo in FY2007 added \$189,000 in FY2007 funding. For FY2008, the United States provided an estimated \$146.8 million for Kosovo. The FY2009 request also includes over \$125 million in U.S. assistance to Kosovo to support implementation of the Ahtisaari plan.

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.²⁹ 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. After that event, senior U.S. officials continued to emphasize the standards and review date strategy,

²⁸ 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.

²⁹ “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>].

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, 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.”³⁰ 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.

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.³¹ The Administration pursued agreement on Kosovo in the U.N. Security Council throughout 2007. The Administration strongly supported the troika process, although it did not support an extension to this process beyond the December 10 deadline.

Absent a new resolution or a diplomatic breakthrough, the Administration was widely expected to support a coordinated international effort to recognize a unilateral declaration of independence by the Kosovar leadership sometime in early 2008. On February 18, 2008, one day after Kosovo declared independence, Secretary of State Rice announced formal U.S. recognition of Kosovo as a sovereign and independent

³⁰ Department of State press statement, February 2, 2007.

³¹ Press availability with Prime Minister of Albania, Office of the White House Press Secretary, June 10, 2007.

state, and President Bush accepted Kosovo President's Sejdiu's request for full diplomatic relations with the United States. In response, Serbia recalled its Ambassador to the United States; the U.S. Ambassador to Serbia remains in Belgrade.

Following the February 21 attack on the U.S. embassy in Belgrade, Administration officials sharply condemned the violence and breach in security, pinning responsibility for foreign mission security on the Serbian government. Secretary Rice called Serbia's police presence "inadequate or unresponsive." The Administration thereafter ordered the withdrawal of non-essential U.S. personnel and dependents from Serbia.

The Administration has pledged to support Kosovo's independence and implementation of the Ahtisaari plan through participation in EU-led and NATO missions in Kosovo and economic assistance. It asserts that Kosovo's situation is unique and does not represent any precedent for other international circumstances. U.S. officials have also spoken against any effort to partition Kosovo along ethnic lines.

On March 19, President Bush issued a Presidential Determination to authorize the furnishing of defense articles and defense services to Kosovo "to strengthen the security of the United States and promote world peace."³²

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.³³

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.

³² Presidential Determination No. 2008-15, March 19, 2008.

³³ For detailed information on the activities of the 106th Congress, see CRS Report RL30729, *Kosovo and the 106th Congress*, by Julie Kim.

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 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, 2007, 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 the 109th Congress, Congress approved FY2007 supplemental funding for Kosovo. The Administration reports that FY2007 funding for Kosovo included \$77.8 million in regular appropriations and \$189 million in supplemental funding. The Administration's FY2008 budget request included over \$151 million in bilateral assistance for Kosovo; FY2008 foreign aid appropriations became part of the Consolidated Appropriations Act, P.L. 110-161, and FY2008 estimated funding levels for Kosovo are about \$147 million. The second session of the 110th Congress will consider the Administration's FY2009 budget request, which includes \$128

million in assistance for Kosovo. The Senate Foreign Relations Committee held a hearing on Kosovo on March 4, 2008; the House Foreign Affairs Committee held a hearing on Kosovo and the Balkans on March 12.

Figure 1. Map of Kosovo



Source: Map Resources. Adapted by CRS.