



BACKGROUND

February 2007

Preparing for the future international and EU presence in Kosovo

2007 will be the year of status for Kosovo, but it will also be a year of great responsibilities.

The international community and the European Union are playing important roles in the status process, and are preparing to play an important role in post-status settlement Kosovo.

Javier SOLANA, EU High Representative for the Common Foreign and Security Policy, on 2 February 2007, expressed his appreciation for the efforts of UN Special Envoy Martti Ahtisaari and welcomed the presentation of his draft comprehensive proposal for a Kosovo status settlement.

The international community's and the EU's future role are expected to be reflected in the establishment of an international civilian office and of an EU mission in the rule of law area under the European Security and Defence Policy (ESDP).

These arrangements are being prepared by two structures: the **ICO-EUSR Preparation Team** representing both the international community and the EU, and the **European Union Planning Team for Kosovo (EUPT)**, working for the EU in setting up a future ESDP rule of law mission.

The purpose of the **ICO-EUSR Preparation Team** is:

- to prepare for a future International Civilian Office (ICO), led by an International Civilian Representative, double-hatted as EU Special Representative (ICR/EUSR). The ICR would oversee implementation of the settlement, and have some clearly defined and reviewable executive powers.¹

¹ These clearly specified executive powers would include the authority: to make certain defined appointments in the economic sphere; to investigate and prosecute serious and sensitive crimes, jointly with Kosovo authorities or independently; to annul decisions taken and laws passed by governmental bodies or by Assemblies (at central and local level) which are at odds with the letter or spirit of the settlement; to sanction, or, in extremis, remove individuals, whom he/she judges to be acting in a manner designed to prevent implementation of the settlement.

- to prepare, in close cooperation with the Kosovo authorities and the transitional administration of the United Nations (UNMIK), for a transfer of authority from UNMIK towards the Kosovo authorities, and, to a limited extent, to a future international presence.

The future international presence in Kosovo after a status settlement is therefore expected to involve an International Civilian Office (ICO), an EU-led mission in the area of the rule of law, an international military presence provided by NATO, an OSCE mission, and a major capacity building effort by the European Community, the World Bank, UNDP, and others.

The ICO-EUSR Preparation Team plans for an office of around 70 international staff, based primarily in Pristina.

The “double-hatted” ICR/EUSR is expected to act

- as ICR in questions regarding the oversight of the implementation of a Kosovo status settlement.
- as European Union Special Representative regarding the anticipated EU mandate in questions regarding the area of rule of law.

The ICR is foreseen to be an EU national, appointed by an International Steering Group following consultations within the EU. The ICR would report directly to the International Steering Group which will provide guidance to the ICR.

The purpose of the **EUPT for Kosovo** is to plan for a future ESDP mission which will:

- support the Kosovo authorities by monitoring, mentoring and advising on all areas related to the rule of law, in particular in the judiciary, police, customs and correctional services.
- ensure, in close cooperation with the Kosovo authorities, that serious and sensitive crimes are properly investigated, prosecuted and that any outcome of these procedures is thereafter properly enforced.
- have some limited executive powers. These powers will be vested in the EUSR and in the area of the broader field of the rule of law carried out on the EUSR's behalf by the ESDP mission.

The EU is planning for a mission in the range of 1,300-1,500 international police, judges, prosecutors, and customs officials, placed in a HQ in Pristina as well as employed throughout the judicial- and police system in Kosovo.

The Head of the ESDP mission is to be appointed by the Council of the European Union. The EU Political and Security Committee (PSC) is foreseen to provide the

political control and strategic direction of the ESDP Mission. The Head of Mission would report to the High Representative for the Common Foreign and Security Policy through the EUSR.

Guiding principles for the envisaged international/EU presence in Kosovo:

- The EU is working on the understanding that after a status settlement, the governance of Kosovo will be in the hands of its people and their elected authorities. This implies a major shift from international governance towards Kosovo governance.
 - Via a set of clearly defined executive powers, anticipated to be subject to review, and expected to be laid out in the settlement, the future international presence will provide strong guarantees and safeguards concerning status settlement implementation and the principles of the rule of law.
 - As confirmed by the June 2003 Thessaloniki Summit, where the EU reiterated its unequivocal support to the European perspective of the Western Balkan countries, Kosovo is firmly anchored in the framework of the Stabilisation and Association Process (SAP).
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