
Resolution 1595 (2008)¹

Developments as regards the future status of Kosovo

1. The Parliamentary Assembly considers the solution of the Kosovo status process as a fundamental element for ensuring peace and long-term stability in Europe. Determining the future status of Kosovo is a highly sensitive political issue, which includes legal and human rights aspects, with serious regional and wider international implications and is a challenge for the international community. The Assembly also underlines the pressing need to ensure the full implementation of standards in the field of democracy, rule of law and human rights for all people in Kosovo, regardless of their ethnic origin.

2. More than two years have passed since the United Nations Security Council (UNSC) decided that conditions were in place for initiating the Kosovo status process. In 2005, the UNSC supported the appointment of Martti Ahtisaari, former President of Finland, as Special Envoy of the UN Secretary-General for the future status process for Kosovo. After 15 rounds of talks, Mr Ahtisaari finalised a draft Comprehensive Proposal for the Kosovo Status Settlement, which was accepted by Priština and rejected by Belgrade. In its submission to the UNSC, he added to the final comprehensive proposal a report, in which supervised independence was recommended as the future status of Kosovo.

3. In August 2007, the standstill on a new UNSC resolution, due to the diverging views held by the states with veto rights over the Ahtisaari package, led the UN Secretary-General to invest a troika emanating from the Contact Group with the task of facilitating a further period of negotiations of 120 days. After six rounds of direct talks, the troika has concluded that the parties have been unable to reach a compromise.

4. The Assembly deeply regrets that, at this stage, no mutually accepted solution has been found. The dialogue engaged over this period has been precious in clarifying to what extent there is room for an agreement, amongst others, on issues such as the protection of national minorities, the protection of cultural and religious heritage and decentralisation. However, the positions of the two sides as regards status remain unchanged.

5. The Assembly regrets that the need to find durable solutions for refugees and displaced persons from Kosovo, which was originally a precondition to the negotiations on the status of Kosovo, is no longer a priority in the current context. Despite some improvements, the security conditions remain very fragile and somewhat unpredictable, which precludes sustainable return. Only a very small number of displaced people have been able to return so far.

6. In its [Resolutions 1453 \(2005\)](#) and [1533 \(2007\)](#) on the current situation in Kosovo, the Assembly affirmed the importance of reaching a mutually accepted solution to the status issue. However, it has also been a constant preoccupation of the Assembly to stress that the undecided status of Kosovo casts uncertainty over the further political stabilisation of the entire region, including its perspective of European integration; it affects its economic recovery; it has a negative impact on the consolidation of a fully responsible and accountable political leadership and hampers the full implementation of the Standards for Kosovo, as well as individual access to the European Court of Human Rights.

7. As a consequence, the Assembly concludes that, as the most recent stage in the negotiations has not resulted in compromise, alternative ways should be envisaged to secure the continuation of the talks on the basis of the UNSC [Resolution 1244](#) and the attainment of a

compromise solution in the near future, with a view to preventing Kosovo from becoming a powder-keg and ultimately a frozen conflict in the Balkans. In this context, the Assembly calls on UNSC members to do everything in their power to overcome the differences and to find the way to reach a timely compromise as the only guaranteed basis for peace and stability in the region.

8. The failure to reach a compromise during the period of engagement of the troika opens a period of great uncertainty: amongst the possible scenarios, it is not to be excluded that the Kosovo Assembly decides to resort to a unilateral declaration of independence.

9. In this context, the Assembly is increasingly concerned by the situation of Serbs and other minority communities in Kosovo, in particular the Roma, Ashkali and Egyptian (RAE) community. It is also concerned by the situation of refugees, displaced and stateless persons from Kosovo – whose number might increase in the light of future developments related to the definition of the status – and by forced returns to Kosovo. It reiterates that durable solutions should be secured for those returning voluntarily, in safety and dignity, as well as for those who do not wish to return.

10. The Assembly urges the parties concerned to continue to act in a responsible manner, keep their pledge to preserve peace and dialogue in all circumstances, refrain from any incitement to violence and fully comply with Council of Europe standards with respect to the rule of law, human rights and rights of national minorities.

11. In addition, the Assembly urges the parties concerned, including the international community, to:

11.1. fully respect and, if and where necessary, protect the rights of Serbs and other persons in a minority situation in Kosovo, irrespective of their ethnicity;

11.2. put a renewed and resolute focus on Standards for Kosovo and, in any case, increase co-ordination between all actors involved in the implementation of the standards;

11.3. define a clear rule of law and human rights strategy and implement it without delay;

11.4. address the well-known deficiencies of the judiciary in Kosovo, as well as the issue of the Serbian parallel institutions in Kosovo, which are deeply undermining the rule of law in the region;

11.5. increase accountability for human rights violations, including by “internationals”, in Kosovo; and

11.6. strengthen human rights protection mechanisms in Kosovo, in particular the institution of the ombudsperson, which enjoys a high degree of confidence among Kosovo’s population and whose independence should be preserved.

12. Finally, the Assembly reiterates its appeal to the parties concerned to fully co-operate with the International Criminal Tribunal for the former Yugoslavia (ICTY), to ensure protection of witnesses and to ensure that all human rights violations in Kosovo – committed before and after the establishment of the United Nations Interim Administration Mission in Kosovo – are thoroughly, impartially and independently investigated and prosecuted, in order to foster truth and justice and to pave the way for reconciliation.

13. Considering that Kosovo is, and should continue to be, a political priority for Europe and in the light of the challenges that it poses for the European Union (EU) Common Foreign and Security Policy, the Assembly calls on its member states which are also members of the EU to endeavour to achieve a single position on the issue of the future status of Kosovo, as well as on the attitude towards a possible unilateral declaration of independence by the Kosovo Assembly.

14. In the course of the implementation of the readmission agreement which was signed between the European Union and the Republic of Serbia and which entered into force on 1 January 2008, between 50 000 and 100 000 people are expected to be returned, including large numbers of displaced persons from Kosovo. The Assembly recalls its opinion expressed in [Recommendation 1633](#) (2003) on the forced returns of Roma from the former Federal Republic of Yugoslavia, including Kosovo, to Serbia and Montenegro from Council of Europe member states, and in [Recommendation 1802](#) (2007) on the situation of longstanding refugees and

displaced persons in South-Eastern Europe, that EU member states should refrain from forcibly returning persons from Kosovo as long as the security situation in Kosovo does not allow for their return.

15. The Assembly also calls on its member states that are also members of the EU to maintain their position of principle by insisting on Serbia's full co-operation with the ICTY as a necessary condition of the EU pre-accession and accession process.

16. The Assembly reiterates its firm commitment to work together with Serbia in consolidating its democracy, reconciling the country with its own past, helping it to become a source of long-term stability in the region and assisting it in the path leading to EU membership.

. *Assembly debate* on 22 January 2008 (3rd and 4th Sittings) (see [Doc. 11472](#), report of the Political Affairs Committee, rapporteur: Lord Russell-Johnston, and [Doc. 11498](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Omtzigt). *Text adopted by the Assembly* on 22 January 2008 (4th Sitting).