

Institute for Advanced Studies GAP

Kosovo's Foreign Policy

From February 17th 2008 until February 17th 2009

March 2009

The Table of One year Activities on Foreign Policy

	Kosovo	Serbia	Other Countries
February 2008	<ul style="list-style-type: none"> • Declaration of Independence February 17th 2008 • 21 countries recognize the Republic of Kosovo (chronologically): Costa Rica, USA, France, Afghanistan, Albania, Turkey, Great Britain, Australia, Senegal, Germany, Latvia, Denmark, Estonia, Italy, Luxembourg, Peru, Belgium, Poland, Switzerland, Austria, and Ireland. • Serbia and Kosovo equally represented at the Stability Pact Summit in Sofia. 	<ul style="list-style-type: none"> • Serbia withdraws its ambassadors from the countries which recognized Kosovo • Embassies of the countries that recognized Kosovo's independence were burned in Belgrade ; • Serbia warns that it will ask for a legal opinion about the declaration of independence by the International Court of Justice. 	<ul style="list-style-type: none"> • At the request of Serbia and Russia Security Council meets to discuss the violation of the Resolution 1244, after Kosovo's declaration of independence; • The Liaison Office of Rumania closed its office in Prishtina; • EU Mission withdraws from the north of Mitrovica ; • Germany closed the consular service in Belgrade and transformed the Liaison Office in Prishtina into an Embassy.
March	<ul style="list-style-type: none"> • 14 countries recognize Kosovo: Sweden, Holland, Island, Slovenia, Finland, Japan, Canada, Monaco, Hungary, Croatia, Bulgaria, Liechtenstein, South Korea and Norway. 		<ul style="list-style-type: none"> • EU Council of Ministers meet over Kosovo, Spain asks for UNMIK to administrate the northern Kosovo; • US President authorized military supplies for KSF needs; • NATO Chief visits Kosovo; • At the Summit of the Islamic Conference, Turkey asks for the recognition of Kosovo; • At the request of Serbia, UN Security Council holds a session;

April	<ul style="list-style-type: none"> • 3 countries recognize the Republic of Kosovo: Marshall Islands, Nauru, and Burkina Faso. 		<ul style="list-style-type: none"> • US Liaison Office becomes a US Embassy; • Prime minister Thaçi attends the UN Security Council meeting on Kosovo;
May	<ul style="list-style-type: none"> • 4 countries recognize Kosovo: Lithuania, San Marino, Czech Republic, and Liberia. • At the Southeast European Cooperation Process (SEECP), Minister Hyseni holds a speech, President Tadic walks out the summit as a sign of protest ; • In Vienna, Minister Hyseni meets the ambassadors from Central and South America (Peru, Costa Rika, Panama, Paraguay); • For the first time the Flag of the Republic of Kosovo was raised at the European Parliament building at the first inter-parliamentary meeting between EP and Kosovo Parliament; 	<ul style="list-style-type: none"> • Serbia signs the Stabilization Association Agreement; 	<ul style="list-style-type: none"> • At the Central and Southeast Europe Summit held in Ohrid, Kosovo was discussed without Kosovo's presence; • China, India and Russia requested new negotiations for Kosovo's status;
June	<ul style="list-style-type: none"> • Sierra Leone recognizes the Independence of Kosovo and raised the number of recognitions to 43; • The Constitution of the Republic of Kosovo enters into force ,more than 40 laws from the 	<ul style="list-style-type: none"> • Jeremic called on the Organization of the American States to support a resolution of Serbia at the UN against the recognition of 	<ul style="list-style-type: none"> • The UN Secretary-General Ban Ki-Moon sent a letter to Serbian president Boris Tadic and the President of Kosovo Fatmir Sejdiu explaining his plans on reconfiguration of UNMIK mission in Kosovo;

	<p>Ahtisari's Package entered into force, including two foreign affair laws;</p> <ul style="list-style-type: none"> • Sejdiu delivers ultimatum to UNMIK to leave Kosovo until autumn; • President Sejdiu attends the SC meeting and supports* the UN six point plan; 	<p>Kosovo's independence;</p> <ul style="list-style-type: none"> • UN adopts six point plan of Ban Ki-Moon. • UN Secretary warns the opening of new discussions for technical issues between Serbia and;
July	<ul style="list-style-type: none"> • Minister Hyseni attends at the SC session, Kosovo will be discussed; • President and the Prime minister of Kosovo met with President Bush, Secretary of Defense and Foreign Affairs Secretary; • Kosovo applies for membership to IMF and World Bank; • A group of Kosovo civil society experts initiated a lobbying initiative; • Prime Minister Thaci was accused in Kosovo's Parliament for announcing 100 recognitions which weren't received yet, whereas Thaci responded that Kosovo will be recognized by 193 countries, not 100. 	<ul style="list-style-type: none"> • Jeremic asks for support from the Organization of Non-Aligned countries; • In Amman, Jordan " Kosovo and the Arab world" conference was held, participants from Kosovo were a lobbying team from the civil society; • Kosovo Donors Conference organized; • UN SC Session for Kosovo, UNMIK SRSG Zannier reports over the UNMIK reconfiguration process.
August	<ul style="list-style-type: none"> • 3 countries recognize Kosovo's Independence: Columbia, Belize and Malta. 	<ul style="list-style-type: none"> • Jeremic visits the UN in New York where he presented the draft

	<ul style="list-style-type: none"> • Sejdiu and Hyseni attended the UN Security Council session; • Sejdiu requests from the Arab countries recognition of Kosovo's independence ; • Prime minister Thaçi declares that Kosovo is Western oriented; • Kosovo nominates 10 Charge d'Affaires in: USA, Great Britain, France, Germany, Italy, Turkey, Albania, Austria, Switzerland and Belgium; 	<ul style="list-style-type: none"> • resolution for ICJ; 	
September	<ul style="list-style-type: none"> • Samoa recognizes Kosovo's independence; • Minister Hyseni meets the Permanent Secretary of the Islamic Organization Conference; • Sejdiu and Hyseni holds short meetings with representatives of different countries in New York; • Hyseni after the meetings held with the representatives of Malaysia and Egypt asks for recognition of Kosovo's independence; 	<ul style="list-style-type: none"> • Jeremic lobbying in different countries for ICJ support (Athens, Berlin 	<ul style="list-style-type: none"> • President of Albania Bamir Topi addresses the UN General Assembly and requests the recognition of the Republic of Kosovo ; • Commissioner Oli Rehn declares that Serbia's EU membership doesn't depend on Kosovo's status;
October	<ul style="list-style-type: none"> • 5 countries recognize Kosovo: Portugal, Montenegro, Macedonia, United Arab 		<ul style="list-style-type: none"> • The UN General Assembly approves Serbia's request to ask the UN Court of Justice over the legitimacy of Kosovo's

	Emirates and Malaysia ;)		secession; with 77 votes in favor, six votes against, and 74 abstentions;
November	<ul style="list-style-type: none"> • Sejdiu, Thaçi and Hyseni will visit Great Britain, they will meet Prime minister Gordon Brown and Minister of Foreign Affairs Milliband; • Hyseni meets with the General Secretary of Islamic Organization Conference; • Hyseni asks for recognitions by CARICOM countries (Caribbean Community); • Skender Hyseni attends SC session where the Six point plan of Ban Ki - Moon and four points proposed by Pristina were welcomed; 	<ul style="list-style-type: none"> • Jeremic addresses to SC session and compliments SC stand regarding Ban Ki-Moon plan, considering it as a victory for Serbia; 	<ul style="list-style-type: none"> • US Secretary Robert Gates visits Kosovo, Montenegro and Macedonia; • David Miliband visits Kosovo and holds a speech at the Parliament of Kosovo; • Daniel Fried visits Kosovo to discuss about the six point plan;
December	<ul style="list-style-type: none"> • Micronesia recognizes Kosovo as an independent state; 	<ul style="list-style-type: none"> • Jeremic declares that if the Serbia's EU Integration is conditioned with the recognition Kosovo as a state, Serbia gives-up of the EU Integration 	<ul style="list-style-type: none"> • EU Mission, EULEX deploys in all the territory of Kosovo; • Turkey again declares that it will continue to lobby for new recognitions of Kosovo; • George Bush decides to enable facilitations of Kosovo's trade with US.;
January 2009	<ul style="list-style-type: none"> • Panama recognizes Kosovo as an independent state; • Minister Hyseni declares that also during the 2009 Foreign 	<ul style="list-style-type: none"> • Jeremic meets Ban Ki-Moon and asks for support from 80 countries • Jeremic declares that he has 	<ul style="list-style-type: none"> • The Albanian President visits Kosovo and promises to sign a "mini-schengen" agreement for free movement of citizens among Kosovo and Albania;

	<p>Policy won't change its strategies;</p> <ul style="list-style-type: none"> • Minister Hyseni expects new recognitions for Kosovo from a range of countries, majority of which to be declared on 17th of February 	<p>information that there is a pressure on 50 different countries to recognize Kosovo;</p>	<ul style="list-style-type: none"> • Turkish Foreign Affairs Minister visits Kosovo signs an abolition of visas agreement ; • British Foreign Affairs Minister sends letters to 30 countries for recognizing Kosovo;
<p>February 2009</p>	<ul style="list-style-type: none"> • Celebration of the 1st year of Independence; • Republic of Maldives recognizes Kosovo as an independent state, increasing the number of recognitions to 55 countries; • President Sejdiu decrees 8 new diplomatic missions and 9 new consular mission of the Republic of Kosovo; 		<ul style="list-style-type: none"> • By the invitation of the States Department, leaders of Kosovo visit US. to meet with the Foreign Affairs Secretary Mrs. Hillary Clinton.

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I. Introduction

Kosovo, after about 8 years under the UN international administration, after about 2 years of negotiations for solving the final status, with the proposal of the UN mediator Marti Ahtisaari, on 17th of February 2008 declared its independence. Kosovo, with its Independence Declaration, pledged to completely apply the “Ahtisari Package”, and as an independent country will enter the international relations, will sign international agreements, will ask for membership to international organizations, and will acquire responsibilities from bilateral and multilateral agreements that UNMIK signed on behalf of Kosovo.

After more than a year from when Kosovo declared its independence, how much Kosovo was able to fulfill its promises made by the Declaration of Independence, regarding the Foreign Affairs? Did Kosovo fulfill the conditions needed to enter the international relations? How many agreements did it sign? Did Kosovo ask for membership at international organizations? In how many international organizations did Kosovo ask for membership? Did Kosovo acquire the responsibilities from bilateral and multilateral agreements signed from UNMIK on behalf of Kosovo?

To answer these questions, the Institute for Advanced Studies GAP published this document based on research and collections of the information throughout one year period of Kosovo as an independent country, by reflecting main activities of Kosovo in this field during this year. Analyzes of the GAP Institute will be focused on analyzes of internal base of legislation related to Kosovo Foreign policy, the application of this legal base, recognition process, and finally the activities Kosovo did in the international relations arena.

Related to this field, Institute for Advanced Studies GAP published 3 other analyses, that are related to Kosovo’s membership in international organizations and analyses on acquiring of the responsibilities on international agreements, such as: “Joining the International Financial Institutions - The road ahead”, “Council of Europe - membership criteria and procedures”, and “Kosovo in International Relations”, which are appended in this composition as annexes.

II. Legal base

For nine consecutive years Kosovo was governed by United Nations (UNMIK), under the highest legislative document UN *Security Council Resolution 1244* of June 10th, 1999. During this period, in the field of international relations and agreements, UNMIK had full competencies, and in the all signed agreements Kosovo was represented by UNMIK,

agreements on which unfortunately Kosovo still could not be represented as an independent state¹

After 1 year of negotiations between Kosovo and Serbia under the mediation of international community, where Kosovo was represented by the “Unity Team”, the UN mediator in negotiations Marti Ahtisari, presented the “*Comprehensive Proposal for Kosovo’s Status Settlement*” (“*Ahtisari Package*”), by which Kosovo gained monitored independence, with complete competences on its internal and external policy: “Kosovo will gain the right to negotiate and sign international agreements, and the right to ask for membership at international organizations.”²

On 17th of February 2008, Kosovo’s Parliament declared its independence, by promising that it will completely apply the “Ahtisari Package”, and as an independent country will enter into international relations, will sign international agreements, will ask for membership at international organizations, and will acquire the responsibilities from bilateral and multilateral agreements signed by UNMIK on behalf of Kosovo.³ Based on Ahtisari Package, the Constitution as well describes competencies of Kosovo as an independent state in the field of international agreements and relations.⁴

On 15th of June 2008, a range of laws came into force, which were foreseen from the Ahtisari Package, and were approved by accelerated procedures during February- June 2008 months. During this period there were also some laws approved that create the bases for functioning of Kosovo’s foreign relations, such as: Law on Ministry of Foreign Affairs and Diplomatic Services of the Republic of Kosovo; Law on Status, Immunities and Privileges of Diplomatic and Consular Missions, and Personnel in Kosovo and of the International Military Presence and its Personnel; Law on Foreign Services of the Republic of Kosovo; Law on Consular Services of Diplomatic and Consular Missions of the Republic of Kosovo; (the last 2 laws were adopted in Parliament on December).

Law on Ministry of Foreign Affairs and Diplomatic Services of the Republic of Kosovo sets the frameworks of the functions of the Ministry of Foreign Affairs (MFA). Based on this law, MFA formulates and applies Kosovo’s foreign policy (article 3.2) With this law there are also defined the competences of the President, Prime Minister and the responsibilities of the Foreign Affairs Parliamentary Committee⁵, especially the role these institutions have on the selection of diplomatic servants. With this law it is foreseen the recruitment process of the employees at the embassies in Kosovo to be hired through vacancies, just like all other civil servants are selected, and moreover in the selection there should be a coordination among the President, Prime Minister and the Parliament of Kosovo. The

¹ For international agreements of Kosovo until 17th of February 2008 you can see the publication of the Institute for Advanced Studies GAP with the title “Kosovo in International Relations” (<http://www.institutigap.org/repository/docs/shqip4.pdf>).

² Article 1.5 Overall Provisions of the Comprehensive Document to solve the status of Kosovo.

³ Point 8 and 9 of the Declaration of the Independence of Kosovo, 17th February, 2008.

⁴ Article 17, 18 and 19 of the Constitution of the Republic of Kosovo.

⁵ In the article 7.2 of this law, Commission for Foreign Relations of the Assembly of Kosovo, is wrongly written as Commission for International Relations, which in fact doesn’t exist as such at the Assembly of Kosovo.

law foresees compiling of another 8 sub-legal acts and they should be published in the official site of MFA⁶; however these sub-legal acts are not drafted yet, thus by making the law incomplete.

Law on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel. This law regulates the status of the foreign missions and foreign experts who operate in Kosovo. This category includes the diplomatic missions of foreign countries, UN mission experts and its specialized agencies, OSCE personnel, etc. Furthermore, this law also specifies the cases in which a person from these foreign missions can be classified as “*persona non grata*”.

Law on Foreign Service of Republic of Kosovo regulates the activities of the Foreign Service, the organization, cooperation and the functioning of the bodies that constitute the Foreign Service as well as regulating the status of the diplomatic personnel⁷. According to this law, the foreign missions of the Republic of Kosovo operating in foreign countries are diplomatic and consular missions, and this law defines the duties and responsibilities of these missions, always according to the Vienna Convention for Diplomatic Relations (1961) and Vienna Convention for Consular Relations (1963). In addition, this law defines the diplomatic ranks in Foreign Service (such as: ambassador, minister, advising minister, advisor, first secretary, second secretary, third secretary and attaché); as well as the consular ranks (consul general, consul, deputy consul, consular agent). This law further anticipates the drafting of the Regulation on Foreign Service, the creation of the Commission for Ranks and Discipline as well as the drafting of numerous other legal acts which should be completed within three months after the approval of this law.

Law on Consular Service of Diplomatic and Consular Missions of the Republic of Kosovo is a law which defines the duties and responsibilities of the Kosovo consular missions, based on the Vienna Convention for Consular Relations, it identifies the methods of personnel selection for consular missions, sets the types and methods through which Kosovar citizens can be offered assistance within the circle where the Kosovo consulate is accredited, etc. In order to further develop the practical aspects of this law, in a time-frame of three months from the approval of the law, new legal acts and the Regulation on Consular Service are to be drafted. This law was officially approved by the Parliament in December 2008.

III. Application of the Legislation in force

The Ministry of Foreign Affairs has officially started its work on June 16 2008, when the Constitution of the Republic of Kosovo and the Law on Ministry of Foreign Affairs officially entered into force. According to the organizational chart of the Ministry of

⁶ Article 11 for Foreign Relation Ministry and Diplomatic Services of the Republic of Kosovo. .

⁷ Article 1 of the Law on Foreign Service of the Republic of Kosovo.

Foreign Affairs, this ministry is supposed to have 80 employees. However, only 45 people have been employed so far (political and administrative staff)⁸.

In the middle of October 2008, the first ten Kosovo Embassies have opened their doors in the following cities: Washington D.C., Brussels, London, Berlin, Bern, Tirana, Paris, Roma, Vienna and Ankara. The President of the Republic of Kosovo has appointed ten individuals with a Chargé d'Affaires status, who will run these embassies. On February 10, 2009; the President has also decreed another eight new embassies and ten consular missions. The new embassies will be opened in the following countries: Slovenia, Croatia, Netherlands, Sweden, Czech Republic, Hungary, Bulgaria and Japan; whereas the first consulates will be opened in: USA, Great Britain, France, Germany, Italy, Switzerland, Austria, Belgium and Sweden. On February 13, 2009; the Ministry of Foreign Affairs (MFA) has published a vacancy announcement for the recruitment of 18 ambassadors of the Republic of Kosovo, the vacancy is open until March 13th. This vacancy announcement also includes the job positions of the current Chargé d'Affaires in the first ten Kosovo embassies, as well as the eight new embassies.

Although there is a visible progress regarding the implementation of the basic internal legislation for foreign policy, the acquirement of duties and responsibilities which are predefined by the Vienna Convention for Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963), there is still a lot of work to be done in the development of secondary legislative acts. The Ministry of Foreign Affairs is responsible for the drafting of sublegal acts, however they have managed to draft only one sub legal act so far, and, according to them they're in the process of drafting other legal sub acts.

Likewise, MFA is obliged, that within three months from the day the Law on Foreign Service, the Law on Consular Service and Diplomatic and Consular Missions, entered into force, to draft two very important legislations: The Regulation on Foreign Service and the Regulation on Consular Service. The eventual delays with the drafting of the Regulation of Foreign service, would also postpone the creation of the Ranks and Disciplinary Commission, which is one of the key institutional bodies in the completion of the legal and institutional infrastructure on Kosovo's foreign policy. The Law on Foreign Service of the Republic of Kosovo, which entered into force on January 2009, foresees the establishment of the Diplomatic Academy which should serve for diplomats' training; however this academy is not functional yet. According to this law, the foreign missions of the Republic of Kosovo are: diplomatic missions and consular missions.

IV. The recognition process

Kosovo has been recognized by 55 countries so far. Out of which, the majority are members of the European Union. Each EU Member State the decides on its own whether

⁸ MFA has published a vacancy announcement for 28 new employees, which is opened until march 9th, 2009

they will recognize a country, as EU does not have any legal instruments that would enable them to make this decision for all their member-states in a diplomatic manner. The majority of the states that have recognized Kosovo, have already established diplomatic relations with Kosovo, further strengthening their ties by opening liaison offices as well as the embassies of these countries in Kosovo.

Immediately following the declaration of independence on February 2008, 21 countries had recognized the Republic of Kosovo including the US, Great Britain and the majority of European Union Member States. The Kosovars continue to maintain strong relations with these countries, so that these countries can use their influence as superpowers, to promote the faster recognition of Kosovo as a state by those states that have not recognized Kosovo yet. During March 2008, 14 new countries have recognized Kosovo by bringing the number of recognitions to 35 within 2 months from the declaration of independence. This recognition process continued during the upcoming months as well, but with a declining intensity, leading to a total of 52 states recognizing Kosovo by the end of October 2008. During this month, two of the Kosovo neighboring countries, Macedonia and Montenegro have also recognized the independence of Kosovo, leaving Serbia as one of the main opposing countries against the Kosovo independence in Balkans.

The Republic of Kosovo was recognized by:

- 28% of the United Nations Member States (UN) (55/192)
- 81% of the European Union Member States (EU), (22/27)
- over 84% of the NATO Member States, (22/26)
- 70% of the Council of Europe Member States, (33/47)
- 60% of the permanent Member States of the UN Security Council; (3/5).

V. Kosovo vis-a-vis international institutions

The membership to international institutions and organizations remains one of the biggest challenges of Kosovo state-building process and foreign policy accomplishments. Out of many existing international organizations, Kosovo has applied only to the International Monetary Fund (IMF) and the World Bank. After fulfilling the application requirements for these two highly important international organizations, Kosovo officially handed in the membership applications on July 10, 2008⁹. As of that time, IMF has started the official membership procedures. Based on the membership requirements for IMF and WB, Kosovo has already secured the majority of the votes for

⁹ On february 19, 2008, GAP institute for Advanced Studies has published a policy brief called "Membership in International Financial Institutions – The Road Ahead". In this policy brief, GAP Institute has decribed the detailed terms and procedures for application in IMF and WB, asking from the Government of Kosovo to start the application process in these two organisations immediately. This publication can be found at:
<http://www.institutigap.org/repository/docs/Policy%20Brief%20Membership%20in%20IMF%20and%20WB.pdf>

membership and now is in the process of completing the formal procedures that will lead to the full membership status.

Except for IMF and WB, Kosovo has not applied for membership in any other international organization or institution. In many international organizations regarding economy, politics, legislation, sports etc, Kosovo's membership is limited, as a full membership in the UN is a basic condition that must be fulfilled. The Kosovo leaders have spoken four times during 2008 in the meetings of the UN Security Council, when the case of Kosovo was discussed. Kosovo has not yet taken any steps towards seeking the right for application to the Council of Europe.¹⁰

Actually, Kosovo has the status of a potential candidate regarding the relations with the European Union and it is recognized by 22 out of 27 of EU Member States. The EU is present in Kosovo in many ways, through the Liaison Office of the European Commission in Kosovo, EU Special Representative etc. From the EU side, Kosovo is covered by the Pre-Accession Instrument, furthermore, regular meetings are held between Kosovo and EU through the Stabilization-Association Tracking Mechanism (STM). STM is the main instrument for political dialogue among Kosovo Government and European Commission.

In the beginning of February 2009, the European Parliament adopted with majority of votes a Resolution which calls on EU Member States to support Kosovo's independence. Since several years regularly, the European Commission publishes the Progress Report on Kosovo, whereas for the next year the publication of the Feasibility study for Kosovo has been notified. One of the Kosovo short-term objectives is also signing of the Stabilization and Association Agreement in a maximal five years time period.

Another objective of the MFA is the endeavor to become part of NATO Peace Partnership within a five years period, including the Kosovo membership in OSCE as well. At the OSCE sessions, Serbia has declared that it will block every attempt of Kosovo to join this organization, or any other international organization where decisions are taken by consensus.

Kosovo has not achieved to establish closer relations with the Organization of the Islamic Conference. Except few meetings the Kosovo Minister of Foreign Affairs has had with the General Secretary of the OIC, no note for other concrete steps has been taken regarding the relations among Kosovo and this international organization of 57 members.

As regards the contacts with the African Union, Kosovo has not achieved to mark any success in the relations with this organization of 53 members. Serbia, which has the Observer status in the African Union, has utilized the contacts and the Observer status to ask from the members of the Union to not recognize the state of Kosovo. On July 30th 2008, the 11th Summit of the African Union held in Sharm El Sheikh, the Serb President Boris Tadic addressed a speech in which he required not to recognize "the unilateral

¹⁰ In april 2008, GAP Institute has presented in front of the Parliamentary Commission for European Integration, the document titled "Council of Europe – application terms and procedures".

declaration of Kosovo's independence"; reminding the African countries that Kosovo case may serve as precedence for other regions in the world as well.

Despite of more than a year that passed since the declaration of the independence, Kosovo onward continues to be represented by UNMIK/Kosovo at international agreements signed on behalf of Kosovo by UNMIK. Kosovo has not shown determination in getting competences on this field. As a consequence, after the change of customs stamps from UNMIK Customs to Kosovo Customs, Serbia and Bosnia have blocked the Kosovo goods, by not respecting the CEFTA Agreement for free trade, whose member is also Kosovo. In despite of Kosovo initiatives for unblocking or utilizing the measure of reciprocity, no measures has been taken for three months since Serbia and Bosnia blocked the products of Kosovo (see annex 2 - International Agreements).

Besides that no success has been marked on obtaining support by important international organizations, the Kosovo sports federations as well have not achieved any success in their membership to international federations. During 2008, only the Weightlifting Federation was admitted as a full member into the International Weightlifting Federation, and as a member with limited rights the Wrestling Federation was admitted into International Federation of this category. Representatives of the Kosovo Football Federation have held direct meetings with UEFA representatives but without any success for membership, because of one of the UEFA argumentation says that Kosovo cannot become part of this organization as it is not a UN member yet.

Up to the present historical of this organization, there were and there are members of UEFA and FIFA among the states which aren't members of UN (for example, before its membership to the UN, Switzerland was an UEFA and FIFA member). There was no success marked in the membership of Kosovo Basketball Federation into FIBA either. Before February 17th 2008, three sports federations of Kosovo have had achieved their membership into international organizations: Chess Federation, Table-tennis and Handball federation. In the sector of tourism, Kosovo has achieved its membership into the American Tourism Association only. Kosovo has not achieved to obtain a particular prefix code for its telephony and neither its membership into the International Organization for Assigning Domains (ICANN).

On agreements signed on behalf of Kosovo before February 17th 2008, Kosovo continues to be represented by UNMIK, as in all these agreements Serbia is a member, who opposes the representation of Kosovo as Republic of Kosovo.

VI. Foreign bilateral relations

The main official declaration of Kosovo on foreign policy is the North-Atlantic integration, but within this aim there is no concrete vision for its achievement. Furthermore, initiatives for better bilateral relations remain other states' initiatives and not initiatives that originate from Kosovars.

Before the declaration of independence, Kosovo (or UNMIK/Kosovo) had achieved several bilateral agreements, mainly with Albania, Turkey, USA, European Investment

Bank (EIB), with the European Bank for Reconstruction and Development (EBRD) etc. Also after the declaration of independence, the best bilateral relations have continued to remain with Albania, Turkey, and USA.

Albania, except the recognition, diplomatic support and lobbying in various organizations for recognizing Kosovo, has also promised concrete aid to the state of Kosovo. Albania has promised the creation of a “Balkanian mini-schengen area” where Kosovar citizens will be able to travel to Albania without passports. The bilateral agreements onward continue with Albania, such as: the agreement for setting aside the double tariffs, agreements for reciprocal promotion and investment protection, in the energy sector etc.

Kosovo continues sustaining the agreements signed before the declaration of independence with Turkey as well, including few other new agreements and aid by the Turkish state for Kosovo. During the visit of the Turkish Foreign Minister on January in Kosovo, two agreements were signed: for travelling of Kosovars visa-free to Turkey, as well as the Strategic Cooperation Document among Kosovo and Turkey. In the Strategic Cooperation Document closer relations among the two countries are foreseen, common endeavors for membership into international organizations, assistance to Kosovo MFA capacity building etc.

Except the diplomatic support for Kosovo’s independence, United States has also given concrete aid for the state of Kosovo. The last two American administrations, the Republican and the Democrat one, have invited the representatives of Kosovo to visit the US, where they were hosted at the highest state levels. American Administration has undertaken an initiative to provide with tax conveniences to Kosovo’s export to the US as well as providing with aid on military equipment for the Kosovo Security Force.

Kosovo has achieved to establish good bilateral relations also with Great Britain; hence there were Kosovo visits of the high state level marked in Great Britain, and vice-versa. As regards the countries that recognized Kosovo, bilateral relations have remained only in establishing of the diplomatic relations, but without any further step for closer relations. From 55 countries that recognized Kosovo, about 20 of them have opened their embassies in Prishtina, whereas a small number of countries that haven’t recognized Kosovo have opened Liaison Offices in Prishtina. Kosovo has opened its embassies in ten countries.

Most of the meetings of the Kosovo’s MFA Minister have mainly been on Ambassadorial level in third countries, mainly in Vienna and New York. The visits of the MFA Minister have mainly been to Vienna, Brussels and New York.

VII. Kosovo vis-a-vis Serbia’s initiatives

After the declaration by Kosovo of its independence on February 17th 2008, Serbia launched its offensive for cancellation of the “unilateral declaration” of Kosovo’s independence. Serbia had declared that it had prepared an action plan as a counter-

response if the Kosovo's Parliament declares the country's independence. One of the measures that Serbia proclaimed was the imposition of an economic blockade to Kosovo. This threat by Serbia wasn't ever applied; however immediately after the Kosovo's declaration of independence, crowds of revolted Serbs burned out the Customs check-points nr. 1 and nr. 31 in the north of Kosovo, resulting into the lack of Customs control for a long period in those areas.

Likewise Serbia sent notes of protest to all the countries which recognized Kosovo's independence, and withdrawn its ambassadors from the countries that recognized Kosovo. There were massive protests in Belgrade and demolition of foreign embassies; hence many diplomatic and consular representations were temporarily withdrawn from Belgrade. After the approval of the request from UN to ask for an opinion by the International Court of Justice, Serbia aggravated policies towards countries that recognize Kosovo after this date.

As the Minister Jeremic declared himself, Serbia would declare "persona non-grata" all the ambassadors of the countries that recognize Kosovo after this date.

Immediately after the declaration of independence, Serbia had forewarned that it will require from the International Court of Justice opinion on the legitimacy of the declaration of independence by Kosovo, something it finally did. On October 2008 the UN General Assembly approved the Serbian request for giving a judicial opinion over the legitimacy of the independence declaration. This request was approved by 77 votes in favor, 6 votes against and 74 abstentions.

Date	Serbia's activities in Kosovo's independence opposition
17 February	After the Declaration of Independence, Serbia requests an urgent UN Security Council meeting, OSCE's Permanent Council, EU Council of Ministers. Jeremic says that as long as Serbia is member of UN, OSCE, Council of Europe, it will block Kosovo's entry in these organizations.
20 February	Serbia sends note of protest to Latvia and Senegal.
20 February	Serbia sends note of protest to France, Costa Rica, Great Britain, Australia, and Albania and recalls its ambassadors from the respective countries.
21 February	Serbia sends protest note to Italy and Estonia.
	Serbia warns Slovenia that in case the latter recognizes Kosovo, it will break economic ties among the two countries.
	Serbia sends note of protest to Germany, Luxemburg and Denmark
26 February	Jeremic states that Serbia will be concentrated in stopping further recognitions of Kosovo's independence.
	Jeremic states that Serbia and Russia will formulate a joint plan in response to Kosovo's Independence.
28 February	Jeremic was quoted that Serbia will not block the proceedings of Regional Cooperation Council if Kosovo attends as UNMIK/Kosovo.
29 February	Jeremic sends a letter to UN General Secretary as a sign of protest for the creation of International Steering Group
29 February	Serbia sends a note of protest to Austria

4 March	Serbia sends a note of protest to Sweden and Holland
5 March	Serbia sends a note of protest to Slovenia
6 March	Serbia sends a note of protest to Island
7 March	Serbia sends a note of protest to Finland.
18 March	Serbia sends a note of protest to Monaco
19 March	Serbia sends a note of protest to Croatia
20 March	Serbia sends letter to all the major international organizations, informing them on Serbia's opposition towards the unilateral declaration of independence by Kosovo
24 March	During his visit to Vietnam, Jeremic declares Serbia's opposition to Kosovo's independence.
2 April	Government of Serbia protests against Macedonia, because of the initiation of the demarcation process between Kosovo and Macedonia
24 April	Serbia sends a note of protest to Burkina Faso
May	Serbia signs the Association and Stabilizations Agreement with the European Union
2-3 May	President Tadic attends the summit of the Central Europe Heads of States and requests them to cancel Kosovo's independence and stop further recognitions.
7 May	Jeremic attends the meeting of the Council of Europe Committee of Ministers where he requests Member States not to recognize Kosovo.
7 May	Serbia sends a note of protest to Lithuania
11 May	Serbia holds parliamentary and local elections in Kosovo's territory.
21 May	Tadic in a sign of protest leaves the South East European Cooperation Process summit since attendant was also Kosovo's Minister of Foreign Affairs. Furthermore, he sends letter of protest to Ban Ki Mun to condemn UNMIK officials who allowed Minister Hyseni to represent Kosovo in this summit.
28 May	President of the Serbian Parliament Oliver Dulic opposes Kosovo's participation in the debate over Western Balkans organized by the European Parliament. Serbia sends note of protest to the European Parliament since it allowed Kosovo to participate in this event as an independent state.
2 June	Jeremic addresses a speech in the Organization of American States in Bogota and asks for support for Serbia's resolution over the legality of Kosovo's independence declaration.
9 June	Serbian Chamber of Economy and Industry declares that it succeeded to block Kosovo's Chamber of Commerce membership into "Eurochambers" (EU Chamber of Commerce)
17 June	Serbia sends a note of protest to Liberia and Sierra Leone
30 June	Jeremic and Tadic attends the summit of the African Union where Tadic also pleas for non-recognition of Kosovo by African countries
24 July	Serbia decides to return its ambassadors in EU countries
25 July	Jeremic addresses the Security Council meeting on Kosovo
30 July	Jeremic requests from the members of Non-Aligned League of countries to support Serbia's initiative to hear the opinion of the international Court of Justice over the legality of Kosovo's independence
8 September	Jeremic attends the conference of the Arab League Ministers and asks its 22 members to support Serbia's resolution in UN over the legality of Kosovo's independence.
9 October	Serbia declares "persona non grata" the ambassadors of Montenegro and Macedonia in

	Belgrade
18 October	UN General Assembly approves by majority of votes Serbia's resolution to hear the opinion of ICJ over the legality of Kosovo's declaration of independence
2 November	Serbia declares "persona non grata" the ambassador of Malaysia after the latter recognized Kosovo.
1 December	Tadic requires the changing of the Kumanovo Agreement
9 January 2009	Jeremic promotes three major priorities of Serbia for 2009: protection of constitutional order, fastening the process of EU integration and improvement of regional relations, without mentioning Kosovo as priority.
January 2009	Jeremic meets Ban Ki Mun and sends request to 80 states on ICJ ruling over Kosovo

While Kosovo is working to establish further bilateral agreements with various countries in different sectors, something highly regarded by experts as an important fact for Kosovo's case in the ICJ, on other hand Belgrade is in the process of requiring from about 80 countries to present their legal explanations to ICJ before April 17th, regarding the unilateral declaration of independence by Kosovo.

Another disputed issue remains the Ban Ki Mun's Six Point Plan for Kosovo. Security Council in the last meeting that was held on November 18th supported the Plan of Six Points harmonized with Belgrade and which were included in the final document. In addition four points presented by Kosovo were also included in the document. From this meeting Serbia continuously presses on the implementation of Six Point Plan in the Serbian enclaves.

Serbia always warned other countries by breaking up the diplomatic relations if they recognize Kosovo. Serbia's Foreign Affairs Minister Jeremic addressed this issue in the major global institutions where he aggressively requested states not to recognize Kosovo's independence. He attended organizations such as the Islamic Conference, the summit of Non-aligned countries, organizations of the African countries, Latin America etc. Serbian foreign policy was regarded highly for the successes it achieved in pressing its own initiatives.¹

VIII. Conclusion

After one year from the declaration of independence, Republic of Kosovo established its Foreign Affairs Ministry, it nominated its first Minister and Deputy Minister, it also created first embassies in ten major cities around the world and is actually represented by 10 Charge d'Affairs. The process of opening up new embassies cannot be defined as a completed one. On February of this year, Foreign Affairs Ministry published the first vacancy announcements for 18 new ambassadors for the overall number of 18 embassies that were enacted by Kosovo President. The latter also enacted 10 consulates but up to date there were no vacancy announcements to fulfill the positions of Consulates' Charge D'Affairs.

Kosovo's Ministry of Foreign Affairs has a good legal basis to function, but Ministry did not enact important sublegal acts, including the Regulation on Foreign Service and Regulation on Consular Services. Without these sublegal acts and regulations other institutions such as the Commission on Ranks and Discipline and Diplomatic Academy were not established yet. In so far the Foreign Affairs Ministry enacted only one sublegal act, the administrative directive nr. 01/2009. It defines the application procedures, interviewing, and limiting the list of candidates for ambassadors and other heads of missions. In its capacity building the MFA was helped by countries that recognized Kosovo such as the US, United Kingdom, Turkey, Germany and Albania.

During the one year of functioning as an independent country, 55 states have recognized the Republic of Kosovo. This number of states is far from what was expected and declared publicly by the national leaders before the recognition process had started. One of the promises was that Kosovo will be recognized very soon by 100 countries. Kosovo also applied for membership into the World Bank and International Monetary Fund and there was no other activity for membership in any of the international institutions. Furthermore Kosovo continues to be represented in some international and regional agreements as UNMIK/Kosovo.

Serbia initiated an aggressive lobbying campaign in the countries and international organizations, with a request for not recognizing Kosovo. During this period Serbia successfully managed to gain majority of UN General Assembly votes which approved the resolution that requires ICJ to declare its stance over Kosovo's declaration of independence. This incited some states to halt their plans of recognition until the ICJ ruling gets over. Serbia also did not lose any possibility in pushing its agenda through major international institutions such as in the UN General Assembly, African Union, Islamic Conference, Non-Aligned States etc.

The biggest assistance in recognition of Kosovo came from US, United Kingdom, Turkey who used their diplomatic network and contacts to push other states to recognize Kosovo. Most of the states that did recognize Kosovo are part of the sphere of American and other European countries' influence.

Annex 1
Adhering to the International Financial Institutions (published on February 2008)

Annex 2
Council of Europe (published on April, 2008)

Introduction

The Council of Europe (CoE) is an international organization of European countries, founded in 1949, and is also the oldest political organization in Europe. At the start of its mandate there were only 11 member countries¹¹, whereas now the CoE has 47 member countries. The most recent inductee country, Montenegro, joined May 11, 2007. The CoE was established with the aim of achieving better cooperation and a higher level of trust between European countries, while protecting human rights, promoting democracy and the rule of law, upholding high standards of social and legal policies, as well as consciously advancing a common European identity. These goals are achieved through the work of the various CoE institutions, while striving to include as many European countries as possible that are dedicated to the development and protection of political, social and legal rights. The CoE does not have any institutional or legal relations with European Union; however each EU member country was already a member of the CoE prior to becoming a member of EU. In addition to the Secretariat, the institutions which comprise the CoE are as follows: the Parliamentary Assembly, the Committee of Ministers, the Commissioner for Human Rights, the European Court of Human Rights, the Congress of Local and Regional Authorities, and the Conference of INGOs. All CoE institutions are headquartered in Strasbourg, France. Through its institutions, the CoE has issued more than 200 conventions or treaties, which in addition to being binding for member states, have been accepted by non members as well.

The goal of this study is to clarify the Republic of Kosovo's membership process for the Council of Europe, as well as the barriers that Kosovo could face throughout said process. Moreover, this study will try to explain how Kosovo would be represented and what financial obligations it would face, if it were to gain acceptance to the CoE. Finally, it will recommend immediate steps that the government of Kosovo should follow in order to apply for membership in the CoE.

KOSOVO AND THE COUNCIL OF EUROPE

Kosovo officially declared its independence on February 17, 2008 and of the 43 countries that have formally recognized it, 27 are members of the CoE. Regarding the CoE's requirement that member states be committed to democracy and the protection of

¹¹ Belgium, Denmark, France, Ireland, Italy, Luxemburg, Netherlands, Norway, Sweden, United Kingdom and North Ireland.

human rights, Kosovo already meets the criteria. This commitment has been made on numerous occasions, such as in the Declaration of Independence where Kosovo committed to respecting human rights as defined by the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as in the Ahtisari's Proposal, which cites the European Charter of Local Self-Government and was accepted by the Assembly of Kosovo. Based on the commitments of Kosovo to these criteria, we can conclude that Kosovo fulfills all the basic norms and conditions to become a member of the CoE.

Even though it is not yet a member of the CoE, Kosovo has implemented policies which follow certain conventions of the CoE. Article 3 of the Constitutional Framework for Temporary Self- Government ("Constitutional Framework") implements policies which follow several international conventions for human rights such as:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocol¹²;
- the CoE's Framework Convention for the Protection of National Minorities;
- the European Charter for Regional or Minority Language

These Conventions are enforced in Kosovo free of any legal modifications by local legislation.¹³ Moreover, in many of the preambles of several UNMIK regulations and laws passed by the Assembly of Kosovo refer to specific conventions of the CoE, such as the European Charter of Local Self-Government. In addition, Kosovo's Constitution states that all European Conventions that were implemented throughout the Constitutional Framework shall continue to be in effect from the date of independence onwards.

The European Convention for the Protection of Human Rights and Fundamental Freedoms, the most well known convention in CoE, is based on the Universal Declaration of UN on Human Rights. All the CoE member states, as well as some non member states, have accepted this convention. Even though it is not an official prerequisite, based on the past experiences, it is an unwritten rule that countries who wish to join the CoE in the future would be wise to accept this Convention.¹⁴ Since the

¹² At the time the Kosovo Constitutional Framework was signed by the SRSG on May 15, 2001 there were 11 protocols in place, whereas at the time of writing this paper, there are 14 protocols. The Constitutional Framework leaves the issue new protocols open, which mean that Kosovo will abide by the new and old protocols, even after the entrance in to force of Constitutional Framework.

¹³ According to International Constitutional Law, there are two ways to apply international conventions within the territory of a country: 1) the direct application of conventions with modifications by local legal provisions; 2) the European Convention for the Protection of Human Rights and Fundamental Freedoms offers the opportunity for countries to not apply some conventional provisions or to apply these rights with local legislative modifications.

¹⁴ Even though Greece and Turkey had signed the Convention for the Protection of Human and Fundamental Freedoms, both countries were suspended from participation at the CoE because of violations of human rights and freedoms of their citizens. Only after these countries had improved their performance, were they again allowed to join the CoE. However, there are also examples of CoE double standards. For example in 2000 when the CoE Parliamentary Assembly recommended that Russia be excluded from voting

events of September 11, 2001, all CoE countries must have ratified the European Conventions against terrorism and cybercrime. Kosovo would be expected to sign these as well as certain other obligatory conventions.¹⁵

BENEFITS THAT KOSOVO WILL GAIN FROM JOINING THE COE

The CoE was established in the hopes of ending enmity between European countries, after two terrible World Wars in 20th century, which left behind tremendous damages and raised the level of mistrust among nations. The purpose of the CoE was the protection of human rights and freedoms, and the promotion of democracy. For this reason they established judiciary and political institutions, which reside over CoE member countries, and put pressure to comply on countries that were not yet members of CoE as well. During the following years, the CoE's presence became widespread throughout Europe. Today however, with the rapid growth of the European Union (EU), the importance of the CoE is fading. This is happening because the EU offers the much of the same benefits as the CoE, but moreover, it advances would-be member countries at a faster rate. While all EU members were CoE members before joining the EU, membership in the CoE does not necessarily guarantee membership to the EU. Many CoE members are still far from joining the EU. However, membership in the CoE does have its benefits, such as in Kosovo's case, the acknowledgement of the independent sovereignty of a country, as well as the ability to influence European policies through participation in the various CoE institutions, such as the Parliamentary Assembly, the Committee of Ministers, European Court for Human Rights, and others. Participation in these bodies would also support capacity development in the various Kosovo sectors interacting with these institutions.

Membership in the CoE provides more political benefits, than economic, legal and social ones. Kosovo's potential membership in the CoE offers the opportunity to protect the rights of its citizens not only within its borders, but also those living abroad in Europe, who have not been able to be represented in European institutions like the CoE. Moreover, citizens of Kosovo would have the right to call on the European Court of Human Rights, if they believe their rights are being violated by their own government or any other country's government that is a CoE member. It should be noted however, that citizens would have the right to call on the European Court of Human Rights, only if no other domestic legal options were available to solve their problems.

Finally, membership to CoE would raise the international prestige of the state of Kosovo and would influence the opinions of CoE member countries which have not yet recognized Kosovo as a country¹⁶.

because of its violations of human rights (mostly in Chechnya), Russia threatened to withdraw from CoE, and they allowed Russia to continue to be part of decision making process in the CoE.

¹⁵ Another important CoE Convention is the Convention on Mutual Assistance in Criminal Matters, from which the Kosovo judiciary could benefit.

¹⁶ In January 2008, the opinion of the Parliamentary Assembly of the CoE was to support the continued negotiations between Kosovo and Serbia, until a common solution could be found for both parties. The next

PROCEDURES FOR JOINING COE

Taking into account the benefits that Kosovo would receive by joining the CoE, as well membership conditions Kosovo already fulfills, the fact that a considerable number of CoE conventions are already enforced through different forms in Kosovo, and that numerous CoE members states have recognized Kosovo's independence, the government of Kosovo should seriously consider the possibility of joining the CoE. However, the CoE Statute does not provide any specific procedures for new members to follow in order to join the CoE. Neither are such procedural steps present in its basic documents, like the Work Place Policy for Committee of Ministers, Work Place Policy of deputies in Committee of Ministers, and Work Place Policy of Parliamentary Assembly of the CoE.

While applicant countries have no guidelines to follow, the Statute of the CoE provides procedures for the Parliamentary Assembly and the Committee of Ministers to follow in accepting new members.

The Committee of Ministers is a decision-making body made up of the member countries ministers of foreign affairs, while the Parliamentary Assembly is a deliberative body, and its decisions are only seen as opinions or recommendations. This means that the decisions of the Committee are enforceable, while those of the Assembly are not. The Assembly holds two sessions a year, each lasting several months¹⁷. The Committee of Ministers meets more often, but at two different levels: that of the ministers of foreign affairs and that of their appointed deputy representatives. Ministers themselves meet twice a year, usually before the regular sessions of the Assembly¹⁸. On the other hand, deputy representatives, who are also the permanent ambassadors to the CoE, meet every week.

Article 3 of the Statute states that every European country must respect human rights and the rule law. Each European country that fulfills these requirements has the right to membership to the CoE.¹⁹ The rules of procedure of the Committee of Ministers, specifically in Article 25 of the Statute, states that in order for a country to be considered for membership to the CoE, a pre-existing member state must nominate that country by placing the issue on the agenda of the next Committee meeting. Before making any membership decision, the Committee requires the opinion or recommendation of the Parliamentary Assembly.²⁰ Before giving its opinion, the Parliamentary Assembly

meeting of the Parliamentary Assembly is expected to be held shortly after publication of this paper. Although the issue of Kosovo is not in the agenda, the situation created by the February 17th declaration of independence is expected to be discussed, which will allow for a better idea of the opinions of the various member states regarding Kosovo's independence.

¹⁷ Article 32 of the CoE Statute.

¹⁸ Article 21 of the CoE Statute.

¹⁹ Article 4 CoE Statute

²⁰ Resolution of Committee of Ministers adopted in its 8th meeting in May 1951

creates a commission which closely investigates the consistency of the local legislation of the candidate country with the legal principles of the CoE.²¹ The commission then presents its findings, based on how well the candidate country meets CoE standards, to the Assembly, who then votes on whether to approve admission. To gain approval, the two thirds of the Assembly must vote in favour of accession.²² Even though it is only a consultative institution, the opinion of the Assembly has been of significant influence on the Committee of Ministers in the past. Based on the recommendation of the Assembly, the Committee then holds its own vote on accession. The same two thirds majority voting rule applies.²³ Upon approval, the Committee of Ministers, through the Secretary General, sends a membership invitation to the candidate state. The invitation also specifies the number of delegates that will be represent the country in the Parliamentary Assembly, as well as the amount of the country's annual financial contribution to the common budget of CoE.²⁴ These topics are discussed elsewhere in this report.

However, there is the possibility that Kosovo's membership application process could be blocked. While decisions at Committee meetings at the level of foreign minister are decided by said two thirds voting rule, decisions at Committee meetings at the level of *deputy representative or ambassador* are decided by a *unanimous vote*. If Kosovo's accession to the CoE is to be decided by deputy representatives (or permanent ambassadors to the CoE), and not the ministers of foreign affairs themselves, it would require a unanimous vote of approval. This is unlikely considering Russia and other countries that have not recognized Kosovo have voting privileges.

Deputy representatives have similar decision making powers to those of foreign ministers and may debate all issues brought before the Committee. While a unanimous vote on Kosovo's accession is unlikely, any Committee decision at the deputy level can be overruled by a decision on the same issue at the minister level, where the issue of Kosovo's accession would likely receive at least two thirds of votes.

KOSOVO'S CONTRIBUTION TO THE BUDGET AND THE COMPOSITION OF ITS DELEGATION

What exactly does membership in the CoE entail? This section will describe the financial contribution Kosovo will be expected to make to the CoE budget, as well as how Kosovo will be represented at the various CoE institutions.²⁵

Kosovo contribution to the CoE budget

²¹ Based on the Resolution 1115 (1997) of the Parliamentary Assembly for the creation of verifying commissions. In addition, the overseeing commissions may continue to exist even after membership of the country to the CoE is granted, depending on the level of respect for human rights, and the commission may also propose the removal of the country from the CoE.

²² Article 29 of the CoE Statute and rule 40 of the Workplace Policy of the Parliamentary Assembly.

²³ Article 20.c of the CoE Statute.

²⁴ Workplace policy of the Committee of Ministers, Article 25, Paragraph II.

²⁵ This forecast was done by comparing the representation and budgetary contributions of other members of CoE of approximately the same population, territory and national GDP.

The financial amount that each member state is required to pay to the CoE common budget is calculated based on Resolution (94)31 of the Committee of Ministers, which provides a calculation formula based on general population statistics and the national GDP of that country over the previous three years. The data is gathered from the World Bank or IMF Reviews. The minimum amount a country must contribute is 0.12% of the total CoE budget.²⁶ If the aforementioned formula produces a figure less than 0.12% of the total budget, the country is still required to pay 0.12%. Countries such as Macedonia, Albania, Montenegro, Armenia, Cyprus, Estonia, Iceland and FYR of Macedonia all contribute the minimum amount. Seeing as there is a lack of reliable information on the population and GDP of Kosovo, it is not possible at this time to predict Kosovo's budgetary contribution based on the formula. However, based on the contribution of countries of similar size and economic situation, like those mentioned above, one can safely guess that Kosovo would qualify for the minimum 0.12% payment. When converted into a monetary figure, this percentage totaled €244,199.52 for 2008.

Kosovo and Committee of Ministers of the CoE

The Committee of Ministers consists of 47 ministers of foreign affairs – each representing a member country of the CoE. Every member of the Committee of Ministers is entitled to one vote and every vote is of equal importance. In addition to each minister, as of 1951 every member state must also send a permanent deputy representative in Strasburg, who will play the role of ambassador to the CoE. Deputy representatives have their own sets of meetings, held more frequently than minister level meetings, as explained above. A deputy representative can also replace the Foreign Minister under special circumstances and thereby assume the same decision-making power. Kosovo would be represented by its Minister of Foreign Affairs, as well as by a permanent representative or ambassador to the CoE.

Kosovo and Parliamentary Assembly of CoE

The CoE Assembly is the oldest parliamentary body in Europe, and, based on its importance, power and the role it plays internationally, it is considered the second most powerful international parliamentary institution, after the European Parliament²⁷. However, the Assembly is a consultative body and has no decision-making competences, although, as mentioned, in cases of new countries applying for membership within the CoE its opinion carries a great deal of weight. Currently, the CoE Assembly consists of 318 seats. There are 318 permanent parliamentary representatives (who each get to vote), but also 318 deputy parliamentary representatives, who fill in for permanent representatives if they are unable to attend. Contrary to the Committee of Ministers, where every country has one equal vote, the

²⁶ Resolution (94)31 of the Council of Ministers on the method of calculation of the level of contribution to the Council budget that member states are obliged to pay, adopted by the Council of Ministers on November 4 1994.

²⁷ Zlatko Šabić. Building democratic and responsible global governance: The role of International Parliamentary Institutions. Parliamentary Affairs, Vol.61, No.2, 2008. p.262

Parliamentary Assembly features a proportional voting system, where different countries have different numbers of seats and therefore votes; with the number varying from 2 representatives for smaller countries to 18 for larger countries. The bigger the country, the more votes it has. The regular Assembly meetings are held annually, starting usually at the beginning of the year, and split into two sessions. If necessary, the Assembly may also call emergency sessions. Decisions are made based on a simple majority or on two thirds of total votes, depending on the issues being discussed. As mentioned, the topic of accession is decided by the two thirds voting rule.

Based on the representation of similar countries in size and economy, Kosovo will most likely be represented by 2 to 3 parliamentary representatives in the Assembly, accompanied by the same number of reserve deputy representatives²⁸. One of them must be a woman as regulations call for gender equality within the delegation, as well as by Kosovo's own national parliament. The delegates' mandates usually last the length of one regular session - one year - and they are to be selected either from the Kosovo Assembly, or by the Kosovo Assembly. The list of selected representatives must be sent to the CoE Assembly before the regular annual session begins. One of the selected representatives must be appointed as the head of the Kosovo delegation group.

Kosovo and the European Court of Human Rights

With its acceptance to the CoE, Kosovo would gain the right to send one representative to the European Court of Human Rights. The official appointment of the representing judge in this institution is made by the CoE Assembly based on three candidates, proposed by the applying country. In order to do this, the Government of Kosovo needs to establish an *ad hoc* commission which would choose the best three judges through a public vacancy announcement. Of the three finalist judges of this competition, one would be appointed as Kosovo's representative to the European Court of Human Rights.²⁹

Kosovo and the Congress of Local and Regional Authorities

The Congress of Local and Regional Authorities ("Congress") is a consultative body of the CoE and is divided into two chambers: the Chamber of Local Authorities and the Chamber of Regional Authorities. The work of the Congress is based mostly on the European Charter for Local Self-Government and promotes the development of democracy at local and regional levels as well as the capacity-development of these

²⁸ Albania has 4 representatives and 4 deputies, whereas Montenegro has 3 representatives and 3 deputies.

²⁹ Montenegro is the newest member state to the CoE. For the selection of a judge in this institution, Montenegro published a job vacancy which required that applying judges have at least 15 years work experience and speak at least one of the working languages in the EC. The selection of the candidates was conducted by an *ad hoc* commission established through a decision by the Government of Montenegro. After the selection of three best candidates by the commission, their names and resumes were sent to the Director General for the Human Rights and Legal Issues. The list with candidates' names and resumes was sent for approval to the EC Assembly and a decision will be made during one of the upcoming meetings of the EC Parliamentary Assembly.

respective domestic authorities. The Congress offers different forms of practical assistance through various organizations and also through regulative laws.³⁰ Kosovo's representation in each of the Chamber of the Congress would be equal to the number of parliamentary representatives to the CoE. That means that in the Chamber for Local Authorities there would be 2 or 3 representatives, most likely municipality directors from within Kosovo.³¹ Furthermore, Kosovo would also have 2 to 3 representatives in the Chamber of Regional Authorities, although who will fill these positions is still unclear since the territorial organization of Kosovo, based on UNMIK Regulation 2000/45 on local governance in Kosovo, did not create regional units in the Kosovo's, but only municipalities.³²

Other CoE institutions are the Secretary General, the European Commission of Human Rights, and the Conference of INGOs, which are all considered independent institutions and are not governed by a set quota system of national representatives.

CONCLUSIONS AND RECOMMENDATIONS

Since Kosovo already meets the basic requirements needed to become a member of the CoE (the commitment to democracy and human rights), Kosovo's government should immediately facilitate the process of accession to this European institution, based on the information described beforehand. The procedures that allow a new state to become a member of CoE are complex and in some cases unclear. Even after an invitation for accession is granted, the whole process can take up to one year. The speed of accession, after the CoE-driven portion of the process is finished, depends on Kosovo's willingness and preparedness to complete the process.

Economically, membership to CoE will have a cost to Kosovo's budget, while it will not receive any direct financial benefits from joining the CoE. Legally, Kosovo's Judicial system will benefit greatly from its membership into European Court of Human Rights, as will its citizens. Representation in the Congress of Local and Regional Authorities will increase the efficiency of governance in Kosovo at the local and regional levels and

³⁰ Aid for local and regional authorities are given through projects like the European Network of Training Organizations for local and regional authorities (ENTO), or the Local Democracy Agency.

³¹ One of the mayors of municipalities that will represent Kosovo, most probably will be a member of Serbian community or representative of a municipality where serbs are majority. Montenegro has 3 municipal mayors as representatives and one of them is from the Albanian minority (Gëzim Hajdinaga-President of Ulqin Municipality). Of the 6 representatives of the Macedonian delegation three are Albanian. Serbia is represented by 5 municipal presidents and also 6 regional presidents.

³² In the Chamber of Local Authorities, Albania is represented by the presidents of the following municipalities: Kavaja, Bradesh, Vore-Vranisht and Kucove; whilst in the Chamber of Regional Authorities Albania is represented by the presidents of Tirana, Durrresi, Elbasani and Fieri.

provide Kosovo officials professional assistance and trainings programmes offered by the Congress.

Participation by members of Kosovo's Assembly at the CoE's Parliamentary Assembly would be the first time MPs were integrated into an international institution and would be a valuable experience which could be used for further integration into other international parliamentary institutions such as the Inter-Parliamentary Union and the European Parliament.

The discussion organized by Kosovo's Parliamentary Committee for European integration is the first step taken in this direction, and therefore the conclusions and recommendations from this public hearing should be presented for discussion in one of the plenary session of Kosovo Assembly.

GAP Institute recommends to Kosovo's Parliamentary Commission for EU Integration the following:

- The Kosovo Assembly should discuss as soon as possible the prospect of joining the CoE;
- The Kosovo Assembly must guarantee that it will respect and implement all the relevant conventions of the CoE;
- The Kosovo Assembly should authorize the Government to start to take concrete steps with respect to the full membership to the CoE and to lobby to the member states of the CoE that have still not recognized Kosovo;
- The Government of Kosovo should create as soon as possible the Ministry of Foreign Affairs and an Inter-institutional group responsible for CoE accession;
- The Government of Kosovo should secure the assistance of one of the member states of the CoE to bring the issue of Kosovo accession to the CoE to the attention of the Committee of Ministers at a Minister level meeting;
- The Kosovo Assembly should approve the regulations regarding the selection of representatives of Kosovo to the CoE.

Annex 3

Kosovo in international agreements (published on March, 2008)

INTRODUCTION

Kosovo has declared independence on February 17th, 2008, with the commitment that it will implement the Ahtisaari plan. The Ahtisaari plan says that Kosovo is in charge of the foreign relations of Kosovo from the date it enters into force. According to the government of Kosovo, the Ahtisaari plan has entered into force on February 17th, 2008. Under resolution 1244, the United Nations Mission in Kosovo (UNMIK) has represented

Kosovo in all international forums and agreements. In that capacity, UNMIK has signed a number of multilateral and bilateral agreements. The Kosovo authorities have made a commitment that they will respect all the international agreements.

The Ahtisaari plan also specifies an internal transition period of 120 days, when responsibilities will be transferred from UNMIK to the Kosovo government. This means that by June 17th, 2008, the latest, the Kosovo authorities should assume the responsibilities of the international agreements that UNMIK has signed on its behalf. However, in the recent weeks since the declaration of independence, there has been a lot of legal uncertainty surrounding the transition.

The Institute for Advanced Studies GAP recommends that the Kosovo authorities until the end of the 120-days transition period send a letter to all the signatories of these agreements informing them that it is assuming the responsibilities of the UNMIK-signed agreements, and that from that day, the representatives of the Kosovo institutions coming out of the constitution and legislation approved after February 17th, 2008, will represent Kosovo in these agreements.

If the international community believes that there are other options to clarify the situation, those should be discussed and agreed as soon as possible to avoid further confusion.

The goal of this discussion paper is to raise issues regarding the representation of Kosovo in bilateral and multilateral agreements and initiatives signed by UNMIK on behalf of Kosovo, as well as to inform the stakeholders, and more specifically the Kosovo government about the substance of these international agreements, so that they are better prepared, and make the necessary plans to take over the responsibilities from these agreements.

AGREEMENTS

Kosovo has been participating in a number of multilateral and bilateral agreements and initiatives in the past years. Being administered by the United Nations Mission in Kosovo (UNMIK), this institution had the power to sign and represent Kosovo in all these agreements and initiatives. Annex 1 of the discussion paper lists and briefly explains the multilateral and bilateral agreements that UNMIK has signed on behalf of Kosovo. After the declaration of independence by the Kosovo Assembly on February 17th 2008, the situation has changed.

The Declaration of Independence and Reactions in Belgrade

The Kosovo Declaration of Independence states that “(Kosovo) hereby undertake(s) the international obligations of Kosovo, including those concluded on (Kosovo’s) behalf by the United Nations Interim Administration Mission in Kosovo (UNMIK)”³³

On the other hand, the government of Serbia does not accept Kosovo’s declaration of independence, which means that Serbia will most probably not recognize Kosovo institutions, including the representation of Kosovo institutions in agreements signed by UNMIK before February 17th, 2008. The government of Serbia has constantly threatened to block Kosovo from all international organizations, including international agreements and initiatives. The secretary of the Ministry for Kosovo in the government of Serbia, Dušan Proroković has stated that Serbia will review its position in all agreements it has signed with UNMIK/Kosovo.³⁴ Furthermore, the official of the Stability Pact for South Eastern Europe, Goran Svilanović said that Serbia will accept only UNMIK representatives in multilateral agreements.³⁵

The Ahtisaari Plan started on?

After the declaration of independence by Kosovo and the approval of an EU-led mission – EULEX³⁶, and the International Civilian Representative (ICR)³⁷ – there is uncertainty with regard to the entry into force of the Ahtisaari Proposal and the beginning of the 120-day transition period as determined by this Proposal. The uncertainty lies mostly with UNMIK, since the UN Security Council did not approve the Ahtisaari Proposal, although the Secretary General and his representative in Kosovo have openly supported the plan³⁸. On the other hand, the Kosovo Declaration of Independence says that it is in full accordance with the recommendations of the Ahtisaari Proposal, making the declaration date the day when this proposal enters into force. The International Steering Group (ISG) for Kosovo which appointed the ICR, have stated that the ICR will assume its full responsibilities after the transition period and that it will immediately begin to monitor and facilitate implementation of the Ahtisaari Plan³⁹. This represents the recognition of the entry into force of this proposal.

Under the assumption that the Ahtisaari Proposal entered into force on February 17th 2008, the 120-days transition period ends on June 16th, 2008. The Ahtisaari Proposal says that UNMIK, in close cooperation with the ICR, shall ensure the orderly transition from

³³ Kosovo declaration of independence

³⁴ Mr. Prorokovic outlined his government’s position on agreements signed by Serbia and UNMIK/Kosovo in his presentation “What Kosovo Means to Serbia and the Balkans,” at the conference “Kosovo and Its Independence,” held in Bratislava, January 14 2008.

³⁵ In an interview given to the B92 (Serbian national TV station) show Poligraf, Svilanovic stated that the Serb government will in every meeting ask that an UNMIK representative should represent Kosovo, although there will be attempts by the Kosovo institutions to speak on behalf of Kosovo – see B92 website

³⁶ The European Union Rule of Law Mission in Kosovo.

³⁷ The ICR, appointed by the International Steering Group (ISG), will oversee the implementation of the Ahtisaari Plan.

³⁸ Ban Ki-moon has often stated his full support for the Ahtisaari Plan, for example in a letter to the President of the Security Council, 26 March 2007, as has Joachim Rucker, in UNMIK Press Release 1656, 26 March 2007 for example.

³⁹ See ISG Press Statement, 28 February 2008, available on the ICO’s official website: www.ico-kos.org.

the legal framework currently in force to the legal framework established under this Settlement. In this regard, the Ahtisaari Proposal also states that Kosovo should be bound, on the basis of reciprocity where appropriate, by all international agreements and other arrangements in the area of international cooperation that were concluded by UNMIK for and on behalf of Kosovo, which were in effect on the date of the entry into force of this Settlement⁴⁰.

The role of UNMIK

Under the UN Security Council Resolution 1244, UNMIK was the legal guardian of Kosovo until February 17th, 2008. As the legal guardian, UNMIK represented Kosovo in all international venues. UNMIK has participated, negotiated and entered into agreements and initiatives, both bilateral and multilateral with other countries in different sectors.

However, the government of Kosovo, has the right to argue that Kosovo should not have to apply as a new member, since UNMIK signed the agreements on their behalf. Under the Vienna Convention on Succession of States in respect of Treaties⁴¹, Kosovo as a newly independent state may, by a notification of succession, establish its status as a party to any multilateral treaty, which at the date of the succession was in force. Although Kosovo already sent letters to all countries notifying them of the declaration of independence and seeking recognition of the new country, the government of Kosovo may specifically need to notify signatory countries of each agreement or treaty that it takes over the obligations and the duties entailed by these agreements or treaties.

RECOMMENDATIONS AND CONCLUSIONS

Kosovo should take over the responsibilities from international agreements that were concluded by UNMIK, and which were in effect on the date of the entry into force of the Ahtisaari Settlement. Although these agreements were signed by UNMIK, the Kosovo Government counterparts are a part of these agreements and they were involved in implementing them on the ground.

Since Kosovo declared itself to be a state, it is only normal to seek its direct representation in the above mentioned international agreements. Serbia being a part of these agreements, it is also expected that it will not accept Kosovo to be represented by its new institutions in these agreements. On the other hand, UNMIK may also push for their continuing representation in these agreements on behalf of Kosovo, since it regards UNCSR 1244 as still being in force.

⁴⁰ See Article 15.2.2 in the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Plan).

⁴¹ This is just one of the justifications that can be used for these multilateral agreements

With regard to specifics of each international agreement, none of these agreements provide procedures or mechanisms on what steps follow and how to continue their enforcement in cases of succession of states. Since none of the agreements provide procedures or mechanisms for succession of states, Kosovo has the option of notifying its succession in respect of each treaty, in conformity with the Vienna Convention on Succession of States in respect of Treaties. The notification on succession with regard to each treaty or agreement may trigger reactions, by UNMIK, by Serbia, or even by some of the countries that are part of these agreements that have not yet recognized Kosovo as a state. However, this issue will have to be discussed sooner or later. Therefore, the government of Kosovo may need to assess the importance of each international agreement, as well as its current and prospective foreign relations with each of the signatory countries of these agreements, before it decides to take action with regard to its direct representation in these agreements.

The Institute for Advanced Studies GAP recommends that the Kosovo authorities and the international community coordinate the efforts in this direction as soon as possible. This issue will be more relevant in June, but the intentions and plans need to be clear now.

The Kosovo authorities should:

- Make all the preparations to assume responsibilities in the international agreements before the end of the 120 days transition period, as foreseen in the Ahtisaari plan.
- Before the end of the 120 days period, notify all the signatories of the international agreements that it is assuming the responsibilities of the agreements, including representation by the Kosovo authorities in the meetings of these forums

If the Kosovo authorities and the international community agree on other options that do not jeopardize the declaration of independence and the Kosovo sovereignty accepted by many countries around the world, those options should be discussed, agreed and be made public as soon as possible, to avoid further confusion over the legal basis of the different missions in Kosovo.

MULTILATERAL AND BILATERAL AGREEMENTS

MULTILATERAL AGREEMENTS

UNMIK signed and participated in several multilateral international initiatives and agreements on behalf of Kosovo. Although UNMIK legally signed these agreements on behalf of Kosovo, the Kosovo Government counterparts are actually the institutions that implement these agreements on the ground. Table 1 shows the list of multilateral international agreements that Kosovo is already a part of, as well as the Kosovo counterpart institutions.

Table 1 Multilateral Agreements and Initiatives signed by UNMIK on behalf of Kosovo

Agreement/Initiative	Abbreviation	Kosovo Counterpart
Energy Community (Athens Process)	EC	Ministry of Energy and Mining
European Common Aviation Area Agreement	ECAA	Ministry of Transport and Communication
South East Europe Transport Observatory	SEETO	Ministry of Transport and Communication
Central European Free Trade Agreement	CEFTA	Ministry of Trade and Industry
European Charter for Small Enterprises	ECSE	Ministry of Trade and Industry
Stability Pact	SP	Stability Pact Coordinator
Electronic Southeast Europe Initiative	eSEE	Ministry of Transport and Communication
Broadband Southeast Europe Initiative	bSEE	Ministry of Transport and Communication
Non-Tariff Barriers Removal Initiative	N/A	Ministry of Trade and Industry

Energy Community (Athens Process)⁴²

Signed in Athens in 2005, the Energy Community (EC) Treaty is the culmination of a process started in 2002, when the European Commission formally proposed a strategy to develop a South East Europe (SEE) regional electricity market. SEE countries have all agreed to implement European Union legislation and to create the necessary infrastructure to operate this common market. The members of the treaty are the European Community on one side and Albania, Bulgaria, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Montenegro, Romania, Serbia and UNMIK on Kosovo's behalf on the other. SEE signatory countries see this process as a way to secure a reliable energy supply, while stimulating economic development in the region, through a reasonably priced increase in availability, efficiency and dependability of their energy networks. By developing regional integration in the energy sector, SEE countries hope to create more competition and trade in the region, eventually leading to more economic integration with the European Union. In December 2005, the Ministerial Council of the EC adopted the Electricity Transition Strategy Paper, after consulting with all Athens process stakeholders. Through the adoption of this paper, all parties were able to agree on common challenges and possible solutions they could implement together.

⁴² Information on the Energy Community was taken from the following official websites: www.energy-community.org; www.seecon.org/infrastructure/sectors/energy/index.html; <http://www.stabilitypact.org/energy/default.asp>.

Regarding the validity of this treaty now that Kosovo has declared independence, there does not appear to be any mechanism or procedure included in the treaty itself concerning the change of status of a signatory. However, this treaty states that the Ministerial Council of the Energy Community may agree to the accession of a new member only “by unanimity of its Members”, although this does not apply in the case of Kosovo, since Kosovo is already a part of this treaty through UNMIK.

European Common Aviation Area Agreement⁴³

With the goal of opening air transport markets between Europe and the surrounding countries, the ECAA aims to create an international aviation treaty enforcing common standards and regulations throughout the regions in question, possibly as an extension of the Single European Sky initiative. Following the same model as the EU internal market, the ECAA was signed by the European Community on the one hand and Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, FYR of Macedonia, Norway, Serbia, Montenegro, Romania and UNMIK on behalf of Kosovo on the other.

Balkan countries have benefited greatly from the ECAA. In addition to increased air traffic between the EU and SEE (121% increase since 2001) the single market for aviation has also provided technical assistance, as well as support and monitoring of training, to the region. Full integration with the European air transport market would only further increase air travel growth (2006 ECAA Press Release).

The ECAA does not have any procedures or mechanisms regarding the succession of states. It only provides the possibility for changes in legislation, whereby the participating countries should be informed via Joint Committee not later than 1 month when the change has occurred. Serbia, in addition to likely opposing the participation of Kosovo as a new state in the agreement without the presence of an UNMIK representative, may also declare Kosovo as a ‘hostile area’, potentially leading to the increase of prices of air travel insurance for all air travel in and out of Kosovo.

South East Europe Transport Observatory⁴⁴

This Memorandum of Understanding facilitates cooperation in developing the main and auxiliary infrastructure of the multimodal South East Europe Core Regional Transport Network, including policies on its construction, operation, maintenance, reconstruction, rehabilitation and upgrading. It also provides the means for harmonization and standardization of regulatory and administrative provisions, as well as technical standards, relating to regional transportation flow. Fostering the most efficient and

⁴³ For this and other information on the ECAA, see http://ec.europa.eu/transport/air_portal/international/pillars/common_aviation_area/ecaa_en.htm.

⁴⁴This and other information on SEETO can be found on its official website: <http://www.seetoint.org/site/>.

environmentally friendly transport modes on a regional scale, the Observatory is in complete accordance with EU standards and directives, including, where possible, customs and border control harmonization.

Signatory countries of this memorandum are Albania, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Serbia, Montenegro and UNMIK on behalf of Kosovo.

The SEETO Memorandum of Understanding also does not provide any mechanism or procedure with regard to the succession of states or the change of status of a signatory.

Central European Free Trade Agreement⁴⁵

Initially an attempt by original signatories, Poland, Hungary and Czech and Slovak republics, to integrate with Western European institutions, CEFTA first went into effect in 1994. Motivated by the idea of eventually joining European political, economic, security and legal systems, these signatory countries hoped to consolidate democracy and free-market economics on a regional level. Other countries followed suit and joined CEFTA shortly thereafter: Slovenia in 1996, Romania in 1997, Bulgaria in 1998, Croatia in 2003 and the FYR of Macedonia in 2006. Since its inception, all of the original parties have left CEFTA in favor of joining the EU. For this reason, and the fact that there was already a complete matrix of bilateral free trade agreements built into the Stability Pact of SEE, CEFTA was extended to cover the rest of the Balkan states. Albania, Bosnia and Herzegovina, Serbia, Montenegro, Moldova and UNMIK on behalf of Kosovo became signatories to CEFTA in 2006. Entering into effect in 2007, the agreement aspires to establish a regional free trade zone by the end of 2010.

Because the EU recommends that candidate countries establish free trade areas, and based on the accession of former CEFTA members to the EU, CEFTA appears to be a stepping stone to full EU membership. In addition to this, the fact that a significant proportion of CEFTA foreign trade is with various EU countries supports accession aspirations of the Balkan states.

There is no provision for procedures to follow in the case of succession or change of legal status of a state in the CEFTA charter or in the amendments that followed (1995, 2003). Although there is no need for Kosovo to reapply, it is worth mentioning that in order for a new state to be admitted to CEFTA, an Accession Agreement must have the consent of all Parties involved in CEFTA.

European Charter for Small Enterprises⁴⁶

⁴⁵ This and other information on CEFTA is available at <http://www.stabilitypact.org/wt2/TradeCEFTA.asp>.

⁴⁶ For this and other information on the European Charter for Small Enterprises, see http://ec.europa.eu/enterprise/enterprise_policy/charter/index_en.htm.

First approved by EU leaders in 2000, Albania, Bosnia and Herzegovina, Croatia, the FYR of Macedonia, Serbia and Montenegro, and UNMIK on behalf of Kosovo joined the Charter in 2003, at the Thessaloniki Summit. After the first phase ended, the EU approved the request to extend the process another 3 years, and political and economic cooperation between the EU and the Western Balkans became stronger as a result.

To create a business-friendly environment for small and medium-sized enterprises (SMEs), the Charter covers ten areas, including better legislation and faster start-ups, which ensures the equal cooperation of the participating countries, and strengthens regional identity and economic links, free of all political influence.

The European Charter for Small Enterprises includes application procedures for countries that would like to join the Charter; however it does not outline procedures that would apply to succession of states, as the case of Kosovo.

Stability Pact⁴⁷

With the goal of fostering peace, democracy, respect for human rights and economic prosperity in South East Europe, the Stability Pact, which was launched in 1999, is broken down into 3 Working Tables: Table I deals with democratization and human rights, Table II with economic reconstruction, development and cooperation, and Table III with security and defense, and justice and home affairs. Regional partners in the Pact are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, Romania, Serbia, the FYR of Macedonia and UNMIK on behalf of Kosovo. Other members include all EU member states, the European Commission, Canada, Japan, Norway, Russia, Switzerland, Turkey and the USA, as well as international bodies like the UN, OSCE, NATO, the World Bank and IMF, and initiatives like the South East Europe Cooperation Process and the Central European Initiative, among others.

As well as encouraging cooperation between the countries of South East Europe, the Pact also augments regional parties' political, economic and security integration with Europe. The Pact does not itself implement projects, but instead acts, through various initiatives, as a tool to coordinate and accelerate the projects of its partners.

Electronic South East Europe Initiative (eSEE)

In order to better integrate SEE countries into the global knowledge-based economy, the eSEE supports Information Society development (including benchmarking, best practices and the transfer of knowledge) in countries in the region. In line with EU policies, the eSEE coordinates and facilitates the creation of Information and Communications Technology (ICT) projects in fields like business, governance, health

⁴⁷This and other information on the Stability Pact can be found at its official website, <http://www.stabilitypact.org/>.

and education, and promotes a suitable institutional environment for the development of Information Society, accessible to all.

Broadband South East Europe Initiative (bSEE)

Following the model of similar multilateral initiatives in the region, the bSEE facilitates cooperation between partners, including information sharing regarding broadband developments, trends and strategies in the region and regarding policies and programmes of SEE member agencies and organizations.

Non-Tariff Barriers Removal Initiative

Kosovo also participates in the Non-Tariff Barrier Removal Initiative under the auspices of the Stability Pact. This initiative will soon be integrated into the CEFTA.

The Stability Pact for South Eastern Europe or any of its initiatives does not provide specific mechanisms or procedures included in the agreement itself concerning the change of status of a signatory.

BILATERAL AGREEMENTS

Majority of bilateral initiatives and agreements signed by UNMIK/Kosovo with other countries are with Albania, as well as with Turkey and the US, and international organizations such as the European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD). Although the current political status of Kosovo has been resolved outside the auspices of the UNSC, Kosovo will not have any problems in taking over these initiatives and agreements from UNMIK, since all these countries have already recognised the statehood of Kosovo.

There are also several initiatives that were initiated but not completed, most of them with Macedonia, as well as with Turkey, Slovenia, Bulgaria and Austria. With Austria, Slovenia and Turkey recognising Kosovo's independence, and Bulgaria and Macedonia in favour of the Ahtisaari Proposal, completion and ratification of these initiatives will most likely not represent a serious problem.

Table 2 Bilateral Agreements and Initiatives (signed and initiated)

Agreements/Initiatives	Kosovo PISG Counterpart
Framework Agreement European Investment Bank	Ministry of Finance and Economy
MoU with EBRD	Ministry of Finance and Economy
Agreement with the Government of the US on Investment Support for Projects in Kosovo	Ministry of Trade and Industry
Agreement with Albania on the Avoidance of Double Taxation	Ministry of Finance and Economy
MoU with Albania in the fields of Standardization and Accreditation	Ministry of Trade and Industry
Agreement with Albania on cooperation in the field of Tourism	Ministry of Trade and Industry
Agreement with Albania on the reciprocal promotion and protection of investments	Ministry of Trade and Industry
Agreement with Turkey on the reciprocal promotion and protection of investments	Ministry of Trade and Industry
Agreement and accompanying MoU with Albania on Cooperation in the field of energy	Ministry of Energy and Mining
Agreement with Albania on cooperation of the Public Veterinary Services	Ministry of Agriculture, Food, and Rural Development
Agreement with Albania on cooperation in the field of Plant Protection	Ministry of Agriculture, Food, and Rural Development
Agreements/Initiatives (initiated, but not completed)	Kosovo PISG Counterpart
MoU with Macedonia in the fields of Standardization and Accreditation.	Ministry of Trade and Industry
Agreement with Macedonia on cooperation in the field of Tourism	Ministry of Trade and Industry
Agreement with Turkey on cooperation in the field of Tourism	Ministry of Trade and Industry
Agreement with Macedonia on the reciprocal promotion and protection of investments.	Ministry of Trade and Industry
Agreement with Slovenia on the reciprocal promotion and protection of investments	Ministry of Trade and Industry
Agreement with Austria on the reciprocal promotion and protection of investments	Ministry of Trade and Industry
Agreement with Macedonia on cooperation in the field of Transport	Ministry of Transport and Communications
Agreement with Macedonia on cooperation of the Public Veterinary Services	Ministry of Agriculture, Food, and Rural Development
Agreement with Macedonia on cooperation in the field of Plant Protection	Ministry of Agriculture, Food, and Rural Development
MoU with Bulgaria on Cooperation in the field of energy	Ministry of Energy and Mining