

Negotiations between Kosovo and Serbia from Rambouillet to Independence 1999-2008

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Abstract

"We agree that we disagree" this may be the summary finding of almost the entire Kosovo-Serbia negotiating process on the final status of Kosovo. The basic purpose of this paper consists with a need that through the chronology of the Kosovo-Serbia negotiations to present some of the new experience, failures, or recommendations arising from these negotiations not only for the direct participants in the these talks but also for the international organizations and diplomacy that were the initiators, the organizers and the facilitators of the said negotiations. The paper begins with the 1999 Rambouillet Conference, continues with the elaboration of the 17 rounds of these negotiations and 25 expert level meetings initially organized by the United Nations Security Council through the Special Envoy Mr. Martti Ahtisaari and his UNOSEK office, and later by the Contact Group through "Three": Frank Vizner, as US representative, Wolfgang Ischinger as EU representative and Alexander Bocan-Harcenko as the representative of Russia. At the end of the paper, the last phase of the negotiations is reflected when the International Community in particular the United States estimated that this way of negotiations cannot bring the outlined conclusions and decided not to obstruct Kosovo through its Parliament on February 17, 2008 to unilaterally announce its Independence ...!

Keywords: Negotiation. Kosovo, Serbia, International Community, Independence

1. Introduction

Kosovo is the last state created during the process of dissolution of the former federation of Yugoslavia. It was one of the eight federal units of the federation and actually it is the last state that became independent in the mentioned process (dissolution) that was a process with the atrocities and ruining which were not seen in Europe since the Second World War. The dissolution of the former Yugoslavia was also a process in which various international factors were involved and without that involvement the consequences of the dissolution could have been much worse. The international engagement was of various types and forms as well. This international engagement related to Kosovo has initiated various academic debates about the creation of new states, self determination, etc.

By this paper author by using the qualitative methodology explains and makes analysis of the process from a conference held in France where Serb and Kosovo Albanian delegations met in order to find a peaceful solution about the future of Kosovo and relations with SRJ/Serbia.

For the needs of the paper there are used the following methods:

Method of historic analysis by which the process is explained from the historic point of view. Method of systemic analysis which explains the position of the norms (national and international) on the entire system. Method of political analysis is used to explain the meaning of the norms and the political process during the process of negotiations.

Author by the research questions strives to justify the hypothesis which goes that the independence of Kosovo would not have happened without the deep engagement of the international community.

2. The Historical Context of Kosovo-Serbia Negotiations

Kosovo-Serbia negotiations for solution of Kosovo future status were more deeply continued at the International Conference in Rambouillet, France, on February 06, 1999, where under the pressure of NATO threats with the air strikes, the delegation of Serbia was pushed to attend the Conference, initially headed by Ratko Markovic, the Deputy Prime Minister of the

Government of Serbia, followed by Serbian President Milan Milutinovic and Kosovo Albanian delegation led by KLA¹ representative Hashim Thaci.

The Conference in Rambouillet reflected intentionally at the beginning with the welcoming speech of the French President, Jacques Chirac, who among the other emphasized: "There are rare moments when history is in the hands of few people. Such a case is today for you to make decisions on the negotiating table. The framework of these talks is clearly defined by the Contact Group- the principles of substantial autonomy. We have the solution between the continuance of the tragedy from the past and hope for the future. We do not accept the cycle of violence to threaten anymore the entire stability of South East Europe"²

Regardless of such a reflection of the historic responsibility the negotiators had in this Conference, "... the beginning of the talks during the first week was almost a failure, as the Serbian delegation did not consider negotiations seriously and, of course, and it took part in the negotiations only because of the pressure and concrete international threats, whereas, Albanians on the other side, insisted on their right to hold the final referendum on independence, who was stubborn as a mule."³

As evaluated by the organizers of this Conference the "soft" approach toward the two negotiating parties would not achieve the alleged conclusions, therefore they decided to finalize the negotiations and conclude them in form of an ultimatum, for what the negotiating parties were individually informed through the US Secretary of State Ms. Madeline Albright, who had initially talked with Serbian President Milan Milutinovic. As she has written in her book, the Serbian President said: "The political solution which we had presented was good for his country. It would demilitarize the KLA, keep Kosovo within Yugoslavia, and allow its army to continue patrolling the border. The presence of the leading NATO peacekeeping force - would help and would not damage, because it would also protect the human rights of the ethnic Serb minority in Kosovo. Otherwise, I said another Chechnya would be created within your borders. At the same time, you will find yourself in an even more difficult situation facing the international community and NATO. This should not happen. By taking advantage of the opportunity given to you for peace, you have the opportunity to enter into Europe and the West."⁴

Likewise, the meetings of Ms. Albright with the Albanian delegation were also difficult ... She summarized her own talk in the autobiographical book "Secretary of the State":

My message to Albanians contained the same arguments that I had presented to Serbs: "You are the leader. You are elected to represent your people. Think well before you condemn them with a warlike future. The agreement we have proposed will give you self-government, NATO protection, economic aid, the right to educate your children in your mother tongue, and the ability to exercise control over your life. If you accept it, you will move toward a prosperous future, democracy, and European integration. If you reject it, as a consequence, you will be involved in a war which you will lose, and with it also the international support."⁵

In the other words, to the Albanian delegation there was presented in a soft form an ultimatum with this content: "If you sign the agreement, we will be with you, whereas if you reject it, you will remain alone"⁶

This was the message of Ms. Albright, so interpreted by one of the participants of the Kosovo delegation at the Rambouillet Conference, Rexhep Çosja:

"... in terms of your issue, so that you can govern yourself, we agree. I think that your issue should be viewed as a matter of human rights rather than as the independence. If the Serbs withdraw from the deal, NATO will use the air force, if you withdraw, you will lose our support. We will undertake the necessary measures so that you cannot get help from anyone. We shall conclude that you are not interested in self-government but want a war and change of boundaries and this is in contradiction with the attitudes of the international community. My message is clear: either

¹ KLA – Kosovo Liberation Army (in Albanian) UÇK – Ushtria Çlirimtare e Kosovës

² Gjeloshi, Nikë, Kosova 1999, "Si republikë e proklamuar, si autonomi e imponuar". Tiranë, 2002, pg. 274.

³ Albright, Madeleine, "Zonja Sekretare", SHB "Dudaj", Tiranë, pg. 462-464.

⁴ Ibid. pg. 462-464

⁵ Ibid. pg. 462-465.

⁶ Milo, Paskal, Ditari i një Ministri të Jashtëm. Konflikti i Kosovës 1997-2001, SHB "Toena" Tiranë, 2009, fq. 149.

fight yourself or sign the peace agreement and America will be with you¹" Albright's Presence at the Conference was first made clear by her spokesman, who stated: "She is not here to negotiate, she is here to demonstrate that we are ready to return the diplomacy by force, by participating in peace-making, if we have an agreement or by showing the NATO threats about the attack on Serbian targets, in case the Serbs are the cause of the failure of the talks."²

Since the delegation of Serbia led by Serbian President, Milan Milutinović refused to sign the offered international agreement that led to the failure of the first International Conference on resolving the Kosovo issue. With the failure of the Rambouillet Conference, the situation in Kosovo aggravated further since Serbian military, police and paramilitary forces intensified attacks against the defenseless and innocent Albanian population, at the same time commenced with ethnic cleansing of Kosovo and the deporting of nearly one million Albanians from their homelands. Such created situation in Kosovo couldn't wait and did not enable the international factor to resolve the problem of Kosovo in relation to Serbia to insist on diplomatic resolving or otherwise through negotiations, because the situation in Kosovo was heading towards a humanitarian disaster on the one hand, and on the other side it endangered the spread of conflict in almost the entire Balkans ... "Likewise, particularly after the Srebrenica Massacre, the US, in particular, did not want to let this happen again by all means. This kind of outbreak of the events on the field in Kosovo forced the International Forces to begin with 78-days NATO strikes, which resulted with the final withdrawal of Serbian military and paramilitary forces from Kosovo, which meant the end of the armed war in Kosovo.

The end of the war imposed on the United Nations, respectively the UN Security Council, the adoption of the Resolution 1244³ by which Kosovo was put under United Nations interim administration through the United Nations Interim Administration Mission (UNMIK).⁴ UN Secretary-General Ban Ki-Moon thus defined the mandate of UNMIK as: "it is understandable that the responsibility of the United Nations International will be limited to an extent of an operational control".⁵ Since UNMIK was not sufficiently efficient in carrying out the duties and responsibilities set out under Resolution 1244⁶, Kofi Annan, UN Secretary-General, that on April 24, 2002, requested from SECG⁷ Mr. Steiner to develop referral points where the measure would be the progress achieved by the UNMIK mission in Kosovo. Based on this request, Mr. Steiner SRSG in his presentation to the Security Council concludes as follows: "I offer you this as an exit strategy, which in reality is an entry strategy for the European integration process."⁸

All of these international commitments about Kosovo did not offer clear solution to the Kosovo problem, but only hold an unstable "status quo" that reflected with mass protests or riots on March 16, 2004...! These disturbances were the result of the accumulation of major economic, social and inter-ethnic problems from which only the moment was expected to break out. This cause for March riots⁹ came with the death of three Albanian children who died in the Ibër River in Mitrovica as a result of the violence and prosecution by several groups of Serbs, three Albanian children who from the threat and fear escaped from Serbs entered into the river where they were found dead ...! After these events in March 2004, the International Community began to understand that the reluctant and irreconcilable approach to finding the final status solution for Kosovo should be changed. Regarding this aim, the UN Secretary-General appointed the Permanent Norwegian Ambassador to NATO, Kai Aide, as his Envoy for assessing the standards that were installed by the UN as a condition for starting the process of resolving the political status of Kosovo.¹⁰

¹ Qosja, Rexhep, "Paqja e Përgjakshme", Toena, Tiranë 1999, pg.158 - 159

² Albright arrives in Paris with direct message for Kosovo negotiators," *International News Section, Agence France Presse*, 14 February 1999.

³ Approved by the Security Council at its 4011 meeting on 10 June 1999

⁴ *United Nations Mission in Kosovo*

⁵ UN-Secretary-General's, Report on UNMIK, S / 1999/799, 12 July 2008, p. 15. www.unmikonline.org/SGR_Reports/S1999/799-.pdf

⁶ This resolution was appreciated by the good acquaintance of the circumstances with these words: „This was not a document designed to outline the long-term future of Kosovo but was a diplomatic deal struck to end the bombing campaign.“ Tim Judah: *Kosovo and its Status*, in: Dimitrios Trintaphyllou (Eds.): *What status for Kosovo? Chailot Paper Nr.50, Institute for Security Studies, Paris October 2001*, p. 55

⁷ *Special Representative of the United Nations Secretary-General for Kosovo*

⁸ Steiner, Michael, *Speech to the Security Council, 24 April 2002, Press release SC / 7375, 24 April 2002. Security Council*

⁹ According to OSCE Mission in Kosovo, *Human Rights Challenges Following the March Riots in 2004*, p.4 of these riots, more than 51,000 people were involved in 33 different incidents throughout Kosovo, with 19 defected (11 Albanians and 8 Serbs) 954 wounded people, 4,100 displaced persons, 550 homes and 27 bumished churches.

¹⁰ Weller, Marc "Shtetësia e kontestuar", *Koha*, 2009, Prishtina, pg. 309

Ambassador Aide reported in the mid of 2005 to the UN Security Council and among the other stressed that despite all the obstacles to meeting some of the standards, the status quo is unacceptable, so the talks on resolving the final status should be started carefully.¹

The report of Kai Aide, with his recommendations and findings, has pushed Secretary-General Ban Ki-Moon to express and declare that he has ordered the beginning of negotiations on the final status of Kosovo². This seems to be a moment when the status quo, created a few years in Kosovo, is also unlocked.

The process of negotiations between Kosovo and Serbia on its final status we can say that it began on October 31, 2005 with the appointment of the former President of Finland, Mr. Martti Ahtisaari as the UN Special Envoy for finding and recommending the final Status of Kosovo.³

Mr. Ahtisaari in this mission claimed not to prejudice the final status without making the utmost effort to reach a compromise agreement between the two negotiating parties: Kosovo and Serbia on this issue⁴.

Therefore, on November 21, 2005, Special Envoy Martti Ahtisaari and his Deputy, Alber Rohan conducted their first visit on the region. They visited Prishtina and Belgrade, as well as Tirana, Podgorica, and Skopje. Subsequently, the Special Envoy and his Deputy with his technical staff many times visited the region to carry out the negotiations and to assist on technical issues of the dialogue. In January 2006, the Kosovo Contact Group⁵ established the general principles of the Kosovo - Serbia dialogue, which were based on:

- a. No return to status before 1999⁶
- b. There is no division of Kosovo
- c. There is no accession of Kosovo to any third country.

On January 31, 2006, the Contact Group met in London, where they were more closely assigned to Kosovo's future status, pointing out that *"all possible efforts must be made to reach an agreement negotiated during 2006 and that agreement should be acceptable for the people of Kosovo..."*⁷

In 2006, UNOSEK⁸ held 15 rounds of direct talks with the negotiating teams of Prishtina and Belgrade⁹, and that: On February 20, 2006 formal negotiations between Kosovo and Serbia began on the first topic of decentralization of the power in Kosovo and the transfer of competences from various fields of the daily life and so on. During the period February-September 2006, Ahtisaari and his team organized 17 rounds of high-level meetings that imply meetings at the level of presidents and prime ministers and 24 expert level meetings and many other meetings at the level of international diplomats involved or interested in these negotiations¹⁰..! The dialogue ended without a concrete agreement.

Appreciating that this way of dialogue is not bringing the expected results, the Contact Group on September 20, 2006 authorizes Mr. Martti Ahtisaari to draft a proposal for the solution of the future status of Kosovo and for that reason, on October 19, 2006, the UN Security Council¹¹ continues mandate to their envoy Martti Ahtisaari by June 2007. The reporting of Kosovo status proposal foreseen at the end of 2006 was postponed to February 2007 due to Elections in Serbia. On February 2, 2007 Martti Ahtisaari handed over his 63-page proposal to the leaders of Serbia (Boris Tadic - President of

¹ www.unosek.org. - Report Kai Aide, October 2005

² *Ibid.*

³ For more information, see UNOSEK. Source: www.unosek.org

⁴ Gerard M. Malluci. *Plani i Ahtisaarit dhe Veriu i Kosovës/Ahtisaari Plan and the North of Kosovo Burimi:* <http://www.transconflict.com/approach/think/policy/ahtisaari-plan-north-kosovo/plani-i-ahtisaarit-dhe-veriu-i-kosoves/>

⁵ The Contact Group was initially formed due to the war in Bosnia and consisted of representatives of the United States, Great Britain, France, Germany, Italy and Russia

⁶ Contact Group Statement September 22, 2004; <http://2001-2009.state.gov/j/eur/rls/or/37535.htm>

⁷ Kosovo Contact Group Statement, London, January 31, 2006. <http://www.consilium.europa.eu/ueDocs/pressdata/en/declarations/88236.pdf>

⁸ UNOSEK – United Nations office of Special Envoy Martti Ahtisaari

⁹ UNOSEK - [unosek.org](http://www.unosek.org)

¹⁰ For more see UNOSEK - www.unosek.org

¹¹ United Nations Security Council

Vojislav Kostunica - Prime Minister and Kosovo (Fatmir Sejdiu-President and Agim Çeku-prime minister) in which the proposal explicitly does not mention its independence, but in its content has the attributes of an independent state and its attachment to International Organizations.

Regarding the proposal – Comprehensive Proposal for Solution of Kosovo Status (known as Ahtisaari Plan) of the UN Special Envoy, Martti Ahtisaari about the final status of Kosovo, and UNOSEK organized a new two-weeks round of additional negotiations in February 2007. From the conclusions of these negotiations, Martti Ahtisaari completed with his team the initial version of the proposal and submitted them for evaluation and approval to the leaders of Kosovo and Serbia, who at the next meeting of 10 March 2007 were informed that this process of negotiations ends that day with the acceptance or rejection of the proposed Proposal for the Kosovo Final Status Settlement.

Since Kosovo and Serbia could not reach any compromise on this issue, Martti Ahtisaari sent the proposal to the Secretary-General of the United Nations, Ban Ki-Moon together with a four-page report reflecting on its views on the dialogue process and the final status of Kosovo. On March 26, 2007, Ban Ki-Moon sent for the review both Ahtisaari's documents to the Security Council by expressing his full support to Martti Ahtisaari's proposal and report.

On April 3, 2007 Martti Ahtisaari presented his Plan for the final status of Kosovo in presence of the Security Council, but this report was not voted for approval either for its rejection.¹ Even after this unsuccessful negotiating process, as Russia rejected the adoption of the Resolution on Kosovo's Supervised Independence, the Odyssey of these negotiations continued, as the UN Security Council authorized the Contact Group to engage in Kosovo's affair. The Contact Group immediately appointed Frank Wisner (US representative) Wolfgang Ischinger (EU representative) and Aleksandar Bocan-Harcenko (Russia's representative) as a mediator for new Kosovo-Serbia negotiations regarding the final status of Kosovo.

Prior to the beginning of direct negotiations between Kosovo and Serbia, these mediators, named by the media and international diplomacy as "trio", organized two separate meetings with representatives of Kosovo and Serbia, and on August 31, 2007, in Vienna, Austria and September 18-19 in London. Understandably, no compromise agreement was reached even though the delegation of Serbia proposed autonomy for Kosovo, whereas the "three-way" negotiator in Prishtina delegation submitted a proposal for a good neighborly relations agreement between two independent states: Kosovo and Serbia.

The highest-level direct talks led by the presidents and prime ministers of Kosovo and Serbia continued on September 28, 2007 at EU offices in New York, where Serbia insisted on their vision for a Kosovo with broad autonomy within Serbia, whereas Kosovo, on the other hand, continued to maintain its position on cooperation and good neighbourhood relations, between two independent states! On this occasion, in this meeting both Kosovo and Serbia accepted the so-called "New York Decalogue", according to which both parties are obliged that during the negotiation process will refrain from any provocative acts that could endanger stability and security of the region ...

Negotiations continued with the second round of talks on October 14th in Brussels, where both delegations continue to reflect the same views and attitudes as at almost all previous meetings, Serbia offered autonomy within Serbia, Kosovo offered its proposal for good interstate relations as two independent states guaranteeing the full rights for minorities in Kosovo.

Not only the organizers but also the negotiating parties began to realize that these talks were lose of time and that they were being held only because of the pressure and persistent insistence of the international factor, particularly the US. In Vienna, on September 22, they continued the third round of talks where the Serbian side presented its proposal with 14 principles for the continuation of talks where the Kosovo status issue should be the dominant topic of the talks from now on. These rounds of talks were tense and very difficult to be facilitated by the organizer.

Noting that this way of conversation is not yielding results, the international "trio" of the two parties presents their 14-point proposal in which, according to previous talks, it was considered that Kosovo and Serbia could agree. But in this international proposal, both negotiating parties found many issues which were unacceptable to them.

On November 5, the fourth round of facilitated talks by the international "trio" was held in Vienna, Serbia's negotiating team led by the mayor and their prime minister proposed that the final status of Kosovo be discussed, the model of Hong Kong,

¹ *Yearbook of the United Nations, 2007. Volume 61. United Nations Publications, 2007.p/398 - 401*

which was refused by the Kosovo team immediately. Even in the fifth round of talks held on 20 November, the Serbian side came with their proposal from the previous round but with some additional inputs to which they had also offered the Overseas Water Option in Finland, so this agreement could be in force for 20 years whereas, afterwards other forms of the solution for solving the final status of Kosovo could be found. Again, Serbia's proposals rejected the Kosovo side and reflected its view that Kosovo agrees only with Kosovo's internationally supervised independence, as Martti Ahtisaari proposed.

On November 28, 2007, the negotiations continued. These were the recent talks between Kosovo and Serbia since the Kosovo delegation warned that it would no longer continue the talks and that it would soon declare Kosovo's independence on the other hand. Serbia's delegation obviously opposed to the announcement of Kosovo Independence and expressed the willingness and interest that negotiations to continue so after December 10, to find a solution to the Kosovo status choice accepted by both negotiating parties, even though they themselves and the Kosovar side, especially the international ones were aware that a compromise or joint agreement is impossible.

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Not only the organizers but also the negotiating parties began to realize that these negotiations were of no result and that they are being held only because of the pressure and persistent insistence of the International Community, particularly the US. In Vienna, on September 22, they continued the third round of talks where the Serbian side presented its proposal with 14 principles for the continuation of talks where the Kosovo status issue should be the dominant topic of the talks from now on. These rounds of talks were tense and very difficult to be facilitated by the organizer.

Noting that this way of conversation is not bringing any results, the international "trio" of the two parties presents their 14-point proposal in which, according to previous talks, it was considered that Kosovo and Serbia could agree. But in this international proposal, both negotiating parties found many issues which were more than unacceptable to them...

On November 5, the fourth round of the facilitated talks by the international "trio" was held in Vienna. Serbia's negotiating team was led by President and Prime Minister and they proposed that the final status of Kosovo should be further discussed, offering the model of Hong Kong, which was immediately refused by Kosovo delegation. Even in the fifth round of talks held on 20 November, the Serbian side came with their proposal from the previous round but with some additional additions to which they had also offered the option of Oland Islands in Finland, and this agreement would last for 20 years afterwards to look at other forms to resolve the final status of Kosovo. Again, Serbia's proposals were rejected again from the Kosovo side and reflected its view that Kosovo agrees only with internationally supervised Independence of Kosovo as Martti Ahtisaari had proposed.

On 28 November 2007, the negotiations continued ... These were the recent talks between Kosovo and Serbia since the Kosovo delegation warned that it would no longer continue the talks and that it would soon declare the Independence of Kosovo. On the other hand the delegation from Serbia was obviously opposed to the announcement of independent Kosovo and expressed the willingness and interest that such talks continue after December 10 to find a solution to the Kosovo status choice accepted by both negotiating parties, even though the Kosovar side they, particularly the international ones were aware that such a compromise or joint agreement is impossible.

On June 10, 2007, was published the report of US Representatives-Frank Wisner, EU - Wolfgang Ischinger and Russia-Aleksandar Bocan-Hrcenko, which report were previously submitted to UN Secretary-General Ban Ki-moon earlier that week. In this report, the international mediation dialogue between Kosovo and Serbia concluded that the negotiating parties Kosovo and Serbia have not reached compromise agreements on the future status of Kosovo but consider the talks as

useful and successful since both sides have presented their views to resolve the issue and what was more important to the "trio", both Kosovo and Serbia have declared and warrant that they will refrain from any kind of violence or provocation that can lead to violence between these two countries and not just only between them ..

The Odyssey of these negotiations continued in 2008, respectively on 17 January of that year the UN SC held its session, where the report of UNMIK on the situation in Kosovo was reviewed. The members of the KS addressed one word the case in the first part, in that open part of the KS summit, Serbian President Boris Tadić asked the UNSC to take a decision on continuing the dialogue between Kosovo and Serbia regarding finding a solution to the final status of Kosovo, for which Serbia expresses its readiness to find a lasting compromise solution. In the continuation of this international engagement to find a solution to the Kosovo issue on January 22, the Council of Europe Parliament also discussed and approved the Resolution on the developments of the process of resolving the Kosovo status without specifying, offering or imposing any concrete solution on its part which money is virtually expected and requested by the EC. The resolution as such was presented by Lord Russel Johnston as the EU Parliament rapporteur for Kosovo. The resolution was approved but was not approved unanimously, but only by the majority of votes and that of 96 votes in favor, 48 against 24, with which at the European level reflected with different views and interests for resolving the status of Kosovo ...! The engagement of EU continued by deciding, respectively allowing on February 16, 2008 a new Mission in Kosovo with 1800 person - judges and the police experts who would replace the ongoing Mission of UNMIK in Kosovo. All this commitment and substantial interest of the highest international levels, especially of Kosovo, to find a compromise solution for Kosovo's final status, was estimated that it cannot be achieved through talks, even by the fact that Serbia 30 September 30, 2006 at a special session of the Assembly of Serbia¹ where were present the President of Boris Tadić and Prime Minister Vojislav Kostunica once approved the new Constitution of Serbia where in the Preamble of the Constitution, Kosovo is considered as an integral and inseparable part of Serbia. Also, this official position of Serbia on the part of the Serbian side that participated in on the day talks, whereas at "night" planned the actions that had previously determined the failure of those talks and in more institutional forms such as the organization of a Referendum to support this new Constitution, as an inseparable part of Serbia on October 28 and 29, 2006, therefore, on February 17, 2008, the Kosovo Assembly declared the Independence of Kosovo. With this action and decision Kosovo, it is understandable by the International support and in the first place of the United States, ends the non-productive dialogue - and pro forma Kosovo- Serbia-for the status of Kosovo.

3. Conclusions/Recommendations

Kosovo-Serbia talks on the final status of one country or province are the best case to understand how important or improbable such talks are, or similar, particularly when they are imposed and organized by the International Community and where the USA expresses its direct interest.

Such talks indicate that the accusing or the stronger party in those talks, in this case, Serbia, as early as possible the compromise would have been achieved, the more it would have agreed, since the international community initially required some institutional and legal advancement of human rights for Albanians ... When they were rejected with indifference, provocation and using state violence against civilians, the demands for compromise increase and arrive at that stage when almost everyone has estimated that cohabitation in the same state is impossible. If Serbia had accepted in the early stages numerous international diplomacy proposals of the Great Powers, the Kosovo issue would certainly have a diametrically opposite end to the one achieved!

Serbian President Slobodan Milosević has lost international and diplomatic support and friendship for hundreds of years.

Once, the case of Kosovo, although considered and treated as a "sui generis" case, imposes review, internationally reviewing the International Law and the United Nations Charter on sovereignty on human rights, humanitarian intervention, etc.

International mediators have given little importance to the national cultures of the parties in the talks.

The indecision of the international factor on time has resulted in tens of thousands of casualties in people and large refugee convoys around the world, the Srebrenica massacre, the responsibility, the lesson and the failure of the International Community.

¹ [www. Narodna Skupstina Srbije](http://www.NarodnaSkupstinaSrbije)

The unification of world-influenced media in creating a pro or against opinion to particular issue is irreplaceable.

The case of Kosovo better than any other case testified that human rights are no longer internal issues that belong exclusively to the local legal system of any country, but they are global responsibility.

The Kosovo issue has initiated a debate over the question or dilemma of reviewing and supplementing the UN Charter and other stereotypical international justice rules with the most concrete, clear and adequate ones for the world society.

The Kosovo case has proven that in such talks the mediator should be extremely influential or otherwise the results will be missing or postponed to infinity. Definitely, The Independence of Kosovo is a story of the success of unity and International Cooperation.

References

- [1] Albright, Madeleine. (2004) *"Zonja Sekretare"*, Tiranë,:Dudaj
- [2] Boshkovich, Ivan. "Peace Conference; Road to the Conference and Results", HIST 7602, Pierre Aselin,
- [3] Buja, Ramë. (2007) *"Çështja e Kosovës dhe shkatërimi i Jugosllavisë"*, Prishtinë, Univerziteti AAB
- [4] Council of the European Union, Press Release 2851st Council meeting, General Affairs and External Relations, Brussels, 18 February, 2008 - 6496/08 (Presse41)
- [5] Debora Garcia - Orrico, "Kosovo",
- [6] Deklarata e Pavarësisë e 17 shkurt-it 2008,
- [7] Development Group, Dialogu Kosovë – Serbi, Larg qytetarit afër BE-së, Prishtinë 2012,
- [8] Fischer, Joschka (2008) *"Vitet kuq-gjellbër"*, Prishtinë,: Koha
- [9] Forum 2015, Kosovo-EU Relations: The history of unfulfilled Aspirations? Kosovo Foundation for Open Society, Prishtina 2013,
- [10] International Crisis Group, Kosova dhe Serbia pas mendimit të GJND-së, Raporti për Evropë, nr. 206, i datës 26 gusht 2010,
- [11] Ivan Boshkovich "Peace Conference; Road to the Conference and Results", HIST 7602, Pierre Aselin,
- [12] Jolyon Nyagele, "The Case of United Nations Mission in Kosovo",
- [13] Joschka Fischer "Vitet kuq-gjellbër", "KOHA", Prishtinë, 2008,
- [14] KIPRED, Analizë e Propozimit Gjithëpërfshirës për Marrëveshjen për Statusin e Kosovës, 2007,
- [15] Kosovo Declaration of Independence on accepting the Comprehensive Plan for the Solution of Kosovo Status-adopted by Kosovo Parliament on April 5, 2007.
- [16] Kosovo: No good alternatives to the Ahtisaari Plan, ICG – International Crisis Group, Europe Report nr.182, Prishtinë (Beograd) New York (Brussels), 2007,
- [17] Malcolm Noel (2001) *"Kosova në histori e shkurtër"*, Prishtinë,: Koha
- [18] Malnar, Dario. (2013) *"SHBA-ja dhe Kosova"*, Prishtinë,: Koha
- [19] Marti Ahtisaari, "Detyra në Beograd", Prishtinë, 2008,
- [20] Milo, Paskal. *"Kosova nga Rambuje në pavarësi"*, Tiranë,:Botimet Toena
- [21] Milo, Paskal. (2009) "Ditari i një Ministri të Jashtëm-Konflikti i Kosovës 1997-2001", Tiranë,:Botimet Toena
- [22] Pierre Dufour "Kosova - Paqja e shpërfillur", "Rozafa", Prishtinë, 2010,
- [23] Pierre Dufour "Kosova -paqja e shpërfillur", "Rozafa", Prishtinë 2010,
- [24] Predrag Simić "Put u Rambuje: Kosovska kriza 1995-2000", "Nea", Beograd, 2000,
- [25] Principles of the Contact Group on solving the Kosovo Status-http://www.unosek.org/docref/2005-10-07_-_Contact_Group_Ten_Guiding_principles_for_Ahtisaari_-_albanian.pdf
- [26] Qosja Rexhep, *"Paqja e Përgjakshme"*, Toena, Tiranë 1999
- [27] Report on a Comprehensive Review, UN documents S/2005/635,
- [28] Resolution A/RES/63/3 e datës 30 shtator 2008
- [29] Shala Blerim (1990) *"Ç'thonë dhe ç'kërkojnë kosovarët I, II, dhe III"*. Tiranë,:8 Nëntori
- [30] Shala, Blerim. (2001) *"Vitet e Kosovës 1998-1999"*. Prishtinë,: Gama
- [31] Susan L. Woodward, Does Kosovo's Status Matter "On the International
- [32] United Nations Security Council Resolution 1244,
- [33] Weller, Marc. (2009) *"Shtetësia e kontestuar"*, Prishtinë,: Koha
- [34] Weller, Marc. The crisis in Kosovo 1989 – 1999. Documents and Analysis, 1999
- [35] www.UNOSEK, dhe <http://www.unosek.org/docref/report-english.pdf>

- [36] Yearbook of the United Nations, 2007. Volume 61. United Nations Publications, 2007
[37] Zimmermann Warren (1996)“Burimet e një katastrofe” , Tiranë,:Besa