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FROM: AHTISAARI, UNOSEK, VIENNA

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SUBJECT: Meeting with Security Council Mission on the
Kosovo issue in Vienna

Summary: Meeting with Security Council Mission gave broad opportunity to explain my Settlement Proposal in the light of Council's visits to Brussels, Belgrade and Kosovo. My main messages related to 1) the delicate balance of the Comprehensive Proposal and why it should not be changed and 2) the fact that Belgrade's recent status proposal offers nothing new.

1. During the evening of 28 April I met in Vienna with members of the Security Council, who were on the last leg of their mission, which had taken them to Brussels, Belgrade and Pristina.
2. In my introductory remarks I stressed that it was important for the Council to gain first-hand information on the situation in Kosovo in order to facilitate the decision-making process on the Settlement Proposal. I briefly recapitulated the reasons for my status recommendation and underscored

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once again the compromise character of the Settlement Proposal. I particularly pointed out that the proposal for substantial autonomy, which had been presented to the Security Council mission in Belgrade, was another rendition of the Belgrade platform, which had been discussed during the Vienna talks.

3. Questions from Council members coalesced around the following main topics: a) what is envisaged in the Settlement Proposal/can the Council do to facilitate IDP returns to Kosovo (US, FRA, RSA) - b) Why would the Settlement Proposal qualify as a compromise solution (US) - c) Had Belgrade's status position - substantial autonomy for Kosovo - been given sufficient hearing during the negotiations/ why only one high-level meeting (RSA) - d) why were K-Serbs not stronger represented in the negotiations (Indonesia) - e) is the Council only expected to endorse the proposal or is there a possibility to strengthen some of the key provisions (Indonesia) - f) can assurances be given that Kosovo may not be treated as a precedent (Qatar) - g) could the envisaged decentralization scheme threaten Kosovo's functionality and thus EU compatibility (UK).

4. I and members of my team answered these questions along the following lines:

- a) In addition to different perceptions of the security situation on the ground, uncertainty about status and the related economic difficulties are major obstacles to return. By clarifying Kosovo's status and setting out far-reaching minority protection mechanisms, the Settlement Proposal will significantly help the return process.

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- b) The Settlement provisions take into account the positions expressed by both parties during the 14 months of negotiations. As was explained in detail, these provisions often differ significantly from Pristina's starting point.
- c) Belgrade had presented its proposal for substantial autonomy already in early 2006. Its principal position, Serbia's sovereignty over Kosovo, had been enshrined in the Serbian Constitution. The proposal had been discussed during the Vienna talks, in particular during the two high-level meetings. Pristina had rejected the proposal. No amount of additional meetings would change this fundamental disagreement.
- d) The composition of the respective negotiation teams rested with the parties. Initially three, later two K-Serb representatives were part of the Belgrade team. In addition, representatives of the Serbian Orthodox Church in Kosovo joined the Belgrade team in the discussions on Cultural and Religious Heritage. UNOSEK stayed in touch with all layers of the K-Serb community throughout the process.
- e) The Settlement Proposal is a carefully drafted and well calibrated compromise, which was comprehensively reviewed with the parties in February/March 2007 and subsequently further refined by UNOSEK. Substantial amendments could easily disturb the balance and make provisions unimplementable.
- f) The Council may consider to explicitly state the "no precedent" character of the Kosovo Settlement in the UNSC Resolution that would supersede UNSC Resolution 1244.

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g) In some cases (e.g. decentralizing, registration and licensing of education and health care institutions to municipalities) the Settlement Proposal had approached the limits of functionality. Therefore, the provisions concerning the K-Serb community could not be further expanded without endangering the overall viability of Kosovo.

5. The Russian Representative only opined that the alleged "sui generis" case of Kosovo should convince EU and International Financial Institutions (IFIs) respectively to accept "substantial autonomy" of Kosovo as an exceptional basis for an EU accession instruments and full access to IFIs. The Chinese representative did not speak at all.
6. The exchange with the Council members was helpful. In the immediate aftermath of the Council's visits to Belgrade and Kosovo, I sensed an increased understanding of the complexities of Kosovo's realities and the status issue as well as, consequently, the rationale of my Settlement Proposal. While questions and comments were thoughtful and generally weighted towards the logic of my Proposal, it remains to be seen whether Council members who might have been undecided before, may now have moved towards a more established position. In any event, I believe that the mission will contribute to enabling the Council to act upon the Settlement Proposal on a more informed basis. I assume this will start to happen very soon now.

Best regards

[Drafted by Schlagheck]