



Council of the
European Union

043372/EU XXVI. GP
Eingelangt am 20/11/18

Brussels, 20 November 2018
(OR. en)

8395/08
DCL 1

COPS 111
COSDP 293
PESC 415
CIVCOM 179
POLMIL 5

DECLASSIFICATION

of document:	8395/08 RESTREINT UE / RESTRICTED EU
dated:	21 April 2008
new status:	Public

Subject:	Information Exchange Requirements (IER) - Vignettes
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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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THE EUROPEAN UNION

Brussels, 21 April 2008 (21.04)

8395/08

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COPS 111
COSDP 293
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NOTE

from : Secretariat

to : Delegations

No. prev. doc. : 6374/08 COPS 49 COSDP 134 PESC 192 CIVCOM 76 POLMIL 3

Subject : Information Exchange Requirements (IER) - Vignettes

1. The Political and Security Committee on 12 December 2007 took note of the revised version of the "Global Overview on Information Exchange Requirements" and "Roadmap for Identification of Information Exchange Requirements" as set out in doc. 16222/07 COSDP 1040 CIVCOM 648.
2. The Roadmap foresees that "Step 2 will focus on the development of vignettes from Brussels to the level of Force Commander, Head of mission and below, respectively" and that "a seminar finalizes the vignettes at Brussels, OHQ, FHQ and below levels (and civilian equivalent)" during the 4th month following the establishment of the Roadmap, i.e. by 12 April 2008.
3. The European Defence Agency, in accordance with the Roadmap, has undertaken to select a consultant "to facilitate the analysis to be performed, *inter alia* via interviews, seminars, workshops and meetings" during Step 3.

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4. Possible actors in EU Crisis Management Operations have already been listed in the Global Overview.
5. Draft vignettes have therefore been developed by the Secretariat with a view to providing the consultant with an illustration based on experience of lists of actors in the Global Overview, which can then be used for identifying in detail Information Exchange Requirements. Elements not highlighted in the Global Overview but essential in operations, such as advanced and rear parties, have been emphasized.
6. In order to illustrate as much as possible the whole spectrum of EU Crisis Management Operations and Missions, draft vignettes have been developed on EUFOR RD Congo, the EU supporting action to AMIS, the Aceh Monitoring Mission and EULEX Kosovo.
7. A seminar was held on 4 April 2008, attended by representatives of Member States, with a view to finalising these vignettes.
8. The vignette set out at ANNEX reflects the outcome of this seminar for EULEX Kosovo. The vignettes for EUFOR RD Congo, the EU supporting action to AMIS and the Aceh Monitoring Mission are set out at ANNEXES to doc. 8394/08.

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Vignette on EULEX KOSOVO

1. The present vignette aims at identifying the actors currently involved with the EU Rule of Law mission in Kosovo, EULEX KOSOVO, in order to provide an illustration based on experience of lists in the Global Overview, which can then be used for identifying in detail Information Exchange Requirements. Emphasis has been put on elements not highlighted in the Global Overview.
2. This vignette reflects experience until 28 February 2008, without prejudice to any change which may occur after that date.

I. Preliminary phase

3. **10 June 1999**: The UN Security Council adopted Resolution 1244 (1999), which mandated an international civil presence in order to provide an interim administration for Kosovo. The Resolution also provided for a strong international security presence to ensure a safe and secure environment. The United Nations took on the primary role in the international civil presence with its Interim Administration Mission in Kosovo (UNMIK), and the NATO-led Kosovo Force (KFOR) took on the international security presence function.
4. **Autumn 2003**: it was decided that a comprehensive review would be carried out mid-2005 to determine if sufficient progress had been made to initiate a process to define Kosovo's status.
5. **Mid March 2004**: The violent riots that occurred against UNMIK and the Serb population underlined the necessity of a change to the status quo.

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6. **14 October 2004**: a Report was produced by the Friends of the Presidency on concrete measures to be taken to effectively enhance the fight against organised crime originating from the Western Balkans (doc. 13385/04).
7. **September 2005**: Completing the UN review, Special Envoy of the UN Secretary-General Kai Eide, concluded that the time had come to embark on a process designed to lead to a settlement of Kosovo's unresolved status, as foreseen in Resolution 1244.
8. **February 2006**: Martti Ahtisaari (appointed as UNSG Special Envoy for the Kosovo status process in November 2005) started to convene a series of meetings between the two parties both at a technical and high political level (until January 2007).
9. **March 2006**: a Report was produced following the Joint Council-Commission Fact Finding Mission to Kosovo between 19-27 February 2006 (doc 7048/ 06).

II. Establishment of the EU Planning Team (EUPT Kosovo)

10. **4 April 2006**: The SRSG sent a letter to the SG/HR inviting an EU Planning Team.
11. **10 April 2006**: The Council adopted the Joint Action 2006/304/CFSP setting up an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo.
12. **12 May 2006**: an Action Oriented Paper was produced on Improving Cooperation, on Organised Crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries (doc. 9272/06).
13. **July 2006**: the European Union Planning Team for Kosovo (EUPT Kosovo) produced an Assessment Report (doc. 11736/06 RESTREINT UE).
14. CIVCOM issued its advice on the July 2006 Assessment report by the European Union Planning Team for Kosovo (EUPT Kosovo) (doc. 12025/06 RESTREINT UE).

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15. **July 2006:** Javier Solana, EU High Representative for the CFSP, and Olli Rehn, EU Commissioner for Enlargement, prepared a Joint Report on the future EU Role and Contribution in Kosovo.
16. **EUPT Kosovo "September Assessment Report" contained options and proposals for the possible tasks, mandate, and staffing implications for the future EULEX Kosovo (doc.13206/06 RESTREINT UE).**
17. **CivCom issued its advice on the September Assessment Report by the European Union Planning Team for Kosovo (EUPT Kosovo) (doc. 13728/06 RESTREINT UE).**
18. **Council approved the Crisis Management Concept concerning the future EU crisis management operation in Kosovo (doc. 16145/06 RESTREINT UE).**
19. **March 2007:** Martti Ahtisaari (having concluded a series of meetings between the two parties both at a technical and high political level that had started in February 2006) submitted to the UN Secretary General his Comprehensive Proposal for the Kosovo Status Settlement containing his recommendation for independence, initially supervised by the International Community, including an ESDP mission and an International Civilian Representative, double-hatted as EU Special Representative. The Kosovo Albanian leadership accepted the proposal as put forward, and has continued to express its commitment to the full implementation of the proposal ever since, while the Government of Serbia rejected the proposal.
20. **March 2007:** Javier Solana, EU High Representative for the CFSP, and Olli Rehn, EU Commissioner for Enlargement, prepared a Joint Report on the future EU Role and Contribution in Kosovo.
21. **August 2007:** Following the protracted stalemate in the UNSC over the possible adoption of a new UNSC resolution on the basis of this proposal, the UN Secretary General welcomed the proposal of the Contact Group to appoint an international Troika representing the EU, US and Russia that would engage in a final, last-ditch attempt to reach a negotiated settlement between the two parties. During this period of engagement, there were ten sessions of direct talks between the two parties, during which a wide variety of options were explored.

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22. **EUPT Kosovo produced its "September 2007 Report" (doc. 13255/07 RESTREINT UE).**
23. **CivCom issued its advice on the September Report by the European Union Planning Team for Kosovo (EUPT Kosovo) (doc. 13747/07 RESTREINT UE).**
24. **29 November 2007: Council Joint Action 2007/778/CFSP amending and extending Joint Action 2006/304/CFSP on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of the rule of law and possible other areas in Kosovo was approved.**
25. **Early December 2007**: The Troika completed its mission in early December concluding that, although throughout the negotiations both parties were fully engaged, they were unable to reach agreement on the Kosovo status.
26. **14 December 2007**: The **European Council** underlined that the negotiating process facilitated by the Troika between the parties on Kosovo's future status had been exhausted. In this context, it deeply regretted that the two parties were unable to reach a mutually acceptable agreement. The **European Council** underlined that the EU stood ready to play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status. It stated the EU's readiness to assist Kosovo in the path towards sustainable stability, including by intensifying its preparations for an ESDP mission and for a contribution to an international civilian office as part of the international presences. The EU also expressed its readiness to assist economic and political development through a clear European perspective. (*European Council Conclusions*)
27. **19 December 2007**: the UN Security Council held a debate in response to the Troika report, which failed to reach a consensus on the way forward.

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III. Establishment of the EU Rule of Law mission in Kosovo (EULEX KOSOVO)

28. **3 January 2008:** The UN Secretary General noted the EU's readiness to assist Kosovo in his report S/2007/768 to the UNSC.
29. **4 February 2008.** The Council adopted the Joint Action on the EU Rule of Law mission in Kosovo, EULEX KOSOVO and approved the CONOPS. The Joint Action on EULEX KOSOVO (Article 4) foresees that during the planning and preparation phase of the mission, EUPT Kosovo shall act as the main planning and preparation element for EULEX KOSOVO. The Head of EUPT Kosovo shall act under the authority of the Head of EULEX KOSOVO. During the transition period, the HoM may direct EUPT Kosovo to undertake the necessary activities in order for EULEX KOSOVO to be fully operational on the day of transfer of authority.
30. **14 February 2008.** The Council approved the OPLAN for the European Union rule of law mission in Kosovo.

IV. Other EU and international presence in Kosovo

31. The EU Special Representative (EUSR) in Kosovo. On 4th February 2008 the Council appointed Pieter Feith as EUSR until 28 February 2009, with the following mandate:
- To promote the overall EU political coordination in support of the political process in Kosovo;
 - To provide local political guidance to the Head of the EULEX KOSOVO, including on the political aspects of issues relating to executive responsibilities;
 - To contribute to the development and consolidation of respect for human rights.

On 28 February, P. Feith was also appointed **International Civilian Representative** by an International Steering Group.

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32. The European Commission. The Commission's activities, including those under the Stabilisation and Association Process, are consistent with a Council Decision of 30 January 2006 on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo as defined by UNSCR 1244 of 10 June 1999. A key aim of these activities is to ensure that the legal framework which is being established in full accord with the *acquis communautaire*, is in line with the European perspective of the region. Additionally, the Commission provides assistance to strengthen administrative capacity at all levels, enhance the rule of law, human rights and good governance, improve socio-economic conditions for all communities, and develop regional cooperation.

The programming of the Instrument for Pre-accession Assistance (IPA) for 2008 has started and is in good progress. The programme amounts to EUR124 million. Full use will be made of other appropriate IPA programmes (e.g. Multi-beneficiary Programme) and other European Commission instruments (in particular instruments like EIDHR, Stability Instrument, etc).

33. UNMIK. UNMIK, established by UNSC Resolution 1244(1999), is likely to stay at full operational strength until the end of the transition period. At that point, it is expected that UNMIK will be reconfigured by the UN to adapt to the new circumstances. This should include a transfer of legislative and executive power to the authorities in charge of Kosovo, and a transfer of certain specific powers to the future international presence. It is not excluded that UNMIK will retain certain residual powers following the transition period, though these are expected to be very limited in number and scope. It is also expected that these powers will be defined in consultation with the authorities in charge of Kosovo and the future international presence.

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34. The OSCE Mission in Kosovo. OMiK forms the institutions building component of UNMIK and was established in July 1999. It is mandated with institution and democracy building and promoting human rights and the rule of law.

It is to be noted that the Decision No. 835 of the Permanent Council of the OSCE of 21 December 2007 extended the mandate of OMiK until 31 January 2008 and that at the end of this period the mandate will be extended month by month unless a participating State objects in writing to the Chairperson of the Permanent Council.

35. The NATO-led Kosovo Force. KFOR's mandate, derived from UN Security Council Resolution 1244, includes deterrence of hostility and threats; establishment of a secure environment; public safety and order; demilitarisation of the Kosovo Liberation Army; support to the international humanitarian effort; and coordination with and support to the international civil presence.

NATO maintains an over-the-horizon Operational Reserve Force (ORF) with three battalions earmarked for rapid deployment in the Balkans (notice-to-move of one/two weeks). Specific arrangements with EUFOR (Operation Althea, BiH) allow for temporary reinforcement of KFOR with EUFOR tactical reserve¹.

36. Other International Actors. The international community is heavily engaged in Kosovo. In addition to the actors previously mentioned, the UN plays a significant role through the activities of, *inter alia*, UNHCR, UNDP, UNOPS, UNIFEM and the World Food Programme. There is an extensive engagement by the World Bank, the IMF and the EBRD a wide range of international NGOs, as well as bilateral donors and the Council of Europe (CoE). Many of their activities impact to a greater or lesser extent on the rule of law sector, therefore continuing coordination with them will be required.

¹ One rapid reaction force (1 company size unit) and one IPU company on a 48 hours notice-to-move.