

Contents

*Table of Cases*

*Table of International Instruments and Domestic Legislation*

*List of Abbreviations*

*Chronology*

## **1. Introduction**

- I. The Meaning of the Kosovo Episode
  - A. A return to the 19th century?
  - B. An emerging international constitutional order
  - C. Fragmentation and chaos
- II. The Concept of the State
- III. Governance
- IV. Human and Minority Rights
- V. Forcible Humanitarian Action
- VI. The Issue of Secession
- VII. Competences and Hierarchies among International Actors
- VIII. The Issue of Consent

## **2. Background to the Crisis**

- I. Distant History with Modern Consequences
- II. Modern Developments
- III. Constitutional Developments up to 1990
- IV. The Purported Removal of Kosovo's Federal Status
- V. The Response in Kosovo
- VI. Conclusion

### **3. Initial Settlement Attempts**

- I. The Carrington Plan and the London Conference
- II. The Special Group
- III. CSCE Monitoring
- IV. Conclusion

### **4. Dealing with Human Rights Violations**

- I. Standards and International Interest
- II. Access
- III. Substantive Findings
- IV. Conclusion

### **5. The Developing Humanitarian Emergency**

- I. The Spread of Armed Conflict and the Humanitarian Consequences
- II. The Humanitarian Response
- III. UN and EC Sanctions
- IV. Conclusion

### **6. The Outbreak of Violence and the Hill Negotiations**

- I. The Move Towards Military Confrontation
- II. Attempts to Isolate the Conflict
- III. Demands for Negotiation and the Kosovo Diplomatic Observer Mission
- IV. The Hill Negotiations
- V. Conclusion

## **7. The Holbrooke Agreement and the OSCE Verification Mission**

- I. Preparatory Moves for the Use of Force
- II. The Holbrooke Mission
- III. The OSCE Verification Mission
- IV. Conclusion

## **8. The Rambouillet Conference**

- I. The Summons to the Conference and the Renewed Threat of Force
  - A. The impetus for the Rambouillet process
  - B. The Contact Group and NATO decisions
  - C. Justification for the threat of the use of force
  - D. Absence of an express Security Council mandate to threaten or use force
  - E. No express retroactive approval from the Security Council for regional action
  - F. No implied enforcement authority for NATO
  - G. Forcible humanitarian action
  - H. Preventative humanitarian action
  - I. Authoritative determination of an actual or imminent humanitarian emergency
  - J. Appropriate, necessary, and proportionate action
  - K. A political settlement as a humanitarian necessity?
- II. The Conference Process
  - A. Enforced negotiations
  - B. Structural inequality
  - C. Procedure
  - D. The initial phase of negotiations
  - E. The second phase of negotiations: the draft of 18 February and proximity talks

### III. The Political Interim Settlement

- A. The issue of status and the basic distribution of powers
- B. The Kosovo institutions and their powers
- C. Human rights and additional rights of national communities
- D. Final status

### IV. Implementation

- A. Confidence building
- B. NATO-led implementation and the withdrawal of forces
- C. Civilian implementation

### V. Conclusion

## **9. The Initiation of the NATO Aerial Campaign and the International Response**

- I. The Paris Conference
- II. The Initiation of Hostilities
- III. The International Response to the Use of Force
- IV. Action in the International Court of Justice
- V. Commissions of Enquiry
- VI. Conclusion

## **10. The Conduct and Termination of Hostilities**

- I. The Conduct of Hostilities
- II. The Indictment by the ICTY
- III. Moves towards a Settlement
- IV. Conclusion

## **11. International Administration and Moves Towards Final Status**

- I. Interim Administration under Resolution 1244 (1999)
- II. The Constitutional Framework
- III. Standards Before Status
- IV. The March Riots and the Eide Reports
- V. Conclusion

## **12. The Vienna Final Status Negotiations**

- I. Structural Factors Shaping Negotiations
- II. The Format of Discussions
- III. Basic Positions
- IV. Content of the Negotiations
- V. Putting the Package Together
- VI. Content of the Ahtisaari Comprehensive Proposal
  - A. Status
  - B. Basic construction of the polity
  - C. Community rights
  - D. International presence
  - E. The recommendation of the Special Envoy
- VII. Conclusions

## **13. Further Negotiations and Unilateral Independence**

- I. Further Negotiations
- II. Independence
- III. Conclusions

## **14. The Drafting of the Kosovo Constitution and Special Provision for Minorities in Kosovo**

- I. Background to the Constitutional Drafting
- II. The Ahtisaari Comprehensive Proposal and Its Impact on the Constitution
- III. The Constitutional Drafting Process
- IV. Basic Constitutional Structures
- V. Special Arrangements for the Protection of Communities 251
- VI. Conclusion 257

## **15. Conclusion**

- I. Changing Perceptions of Sovereignty
- II. Issues of Governance
- III. Human Rights
- IV. Forcible Humanitarian Action
- V. Self-determination and Secession
- VI. Hierarchies Among International Actors
- VII. Conference Diplomacy and Consent
- VIII. Outlook

### *Bibliography*

### *Appendices*

1. United Nations Security Council Resolution S/RES/1244 (1999)
2. Kosovo Declaration of Independence, 17 February 2008

### *Index*