

Security Insights

Research Program - College of International and Security Studies - No. 2 - July 2008

GEORGE C. MARSHALL
EUROPEAN CENTER FOR SECURITY STUDIES

Dr. Dragan Lozancic is professor of security studies at the George C. Marshall European Center for Security Studies. He is a module and seminar leader in the Program for Advanced Security Studies, and teaches in the "Southeast Europe: Security and Euro-Atlantic Integration" elective. He also lectures on transnational security, security sector reform, regional security and NATO-related issues.

The author is grateful to Dr. Sabine Collmer, John Kriendler and Askold Krushelnycky for their helpful suggestions on an earlier draft.

The Marshall Center Security Insights

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We invite comments and ask that you send them to the author or:

Director of Research
George C. Marshall Center
ECMC-CL-RP
Gernackerstrasse 2
82467 Garmisch-Partenkirchen
Germany

E-mail:
research@marshallcenter.org

Designed and produced by the Research Program Division of the College of International and Security Studies at the George C. Marshall European Center for Security Studies in Garmisch - Partenkirchen, Germany. July 2008.

This paper is also available on the Marshall Center Web Site at:

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Kosovo: Adjusting to a “New Reality”

by Dragan Lozancic

The “last episode” of the former Yugoslavia’s dissolution is how United Nations (UN) Special Envoy Martti Ahtisaari described his proposal of “supervised independence” for Kosovo, adding it would finally set the region on a new path to peace, stability and prosperity. Kosovo has been administered by a civilian UN mission (UNMIK) under Security Council Resolution 1244 following NATO intervention in 1999 to halt Belgrade’s brutal repression of ethnic Albanians. International involvement transformed Serbia’s sovereignty over Kosovo to a vaguely nominal title. Russia’s opposition to Ahtisaari’s comprehensive proposal and the consequent failure to reach an agreement in a final round of talks under a United States (US)-European Union (EU)-Russia “Troika” format led Kosovo’s predominantly Albanian government to declare independence, after protracted consultations, in February and adopt a new constitution in June 2008, both rejected by Belgrade and most Kosovo Serbs. Yet, taken together, these events have set Kosovo on an irrevocable path and represent a new, decisive moment in Kosovo’s conflict-riddled history, perhaps just as difficult and no less uncertain than ever before.

UN Secretary-General Ban Ki-moon acknowledged that these developments created a “profoundly new reality” and called for adapting international efforts to the new situation. His plan is to radically restructure UNMIK and “outsource” key responsibilities to the European Union under a rule of law mission (EULEX). While Russia and Serbia objected, the US and most EU member states accepted the plan and pledged their support. The EU, already experiencing difficulties and delays in deploying its mission, will now look to shoulder much of the institution-building responsibilities and will also have to face the daunting challenge of trying to operate in the North, an area in which most locals reluctantly accept UNMIK but say EULEX would not be welcome. In the meantime and until a clear relationship is ironed out between the UN and EU, Kosovo risks seeing the emergence of a power vacuum and a complicated patchwork of overlapping authorities.





NATO commanders have expressed concerns about possibly having to fill this vacuum and perform police duties such as crowd control, a task for which most NATO forces have not been especially trained.

The success of Kosovo's newly established status will depend on a complex array of factors in a region whose poignant memories of past conflicts are still fresh. Although heavily dependent on international actors, Kosovo's government is now poised to take on even greater responsibilities. Its declaration of independence has divided the international community and has not received the extensive recognition that was initially expected. While 43 states (at the time of this writing) have recognized Kosovo, including the US, most European countries, Canada, Australia and Japan, several countries, particularly those facing secessionist-minded groups at home, said they would not extend recognition. Most others have adopted a "wait and see" policy. Seeking further recognition, essential to laying to rest residual challenges to its legitimacy, should be one of Pristina's and its Western backers' primary international tasks. Already, opposition parties in Pristina are criticizing Prime Minister Hashim Thaci's government for not doing enough.

International recognition is also critical to Kosovo's viability as a sovereign state. Without it, Kosovo's ability to interact with other states and international institutions, a prerequisite for its social and economic development, will be significantly limited. A lack of recognition could impede access to loans, deter investment and limit international travel. Russia's opposition will likely block Kosovo's bids for membership in the UN and other international bodies. And unless the few remaining EU hold-outs, such as Cyprus, Spain, Slovakia and Romania, eventually extend recognition, it will be difficult if not impossible for Kosovo to join Euro-Atlantic structures. On July 10, Kosovo applied for membership in the World Bank and the International Monetary Fund, two important global financial institutions in which Western powers wield extensive influence. While Kosovo may have to get by with partial recognition in the near-term, down the road it could prove to be a very serious impediment to progress. Joshua Keating may have put it best:

setting up your own state today is not impossible, but it will require patience and the right friends.

Serbia's apparent resolve never to recognize an independent Kosovo, while understandable, should be subject to closer international scrutiny. With Russia's staunch backing, Belgrade can be expected to continue undermining Kosovo's fragile statehood. Although ruling out the use of force, Serbia has announced its intention to use all the diplomatic and legal tools at its disposal. Specifically, it intends to rally support in the UN General Assembly in an effort to challenge Kosovo's independence before the International Court of Justice. And while avoiding calls for a formal partition, Belgrade has been establishing parallel structures in Kosovo with institutional links to Serbia, an effort aimed at maintaining effective control over Serb-dominated areas. Thus, Kosovo Serbs, particularly north of the Ibar River, have been instructed to systematically ignore Pristina's institutions and authorities, solidifying a *de facto* partition and thereby threatening Kosovo's integrity. In late June, Kosovo Serbs convened their own assembly in Mitrovica, a move highly criticized by UNMIK and the Pristina government which accused Belgrade of deliberately trying to destabilize Kosovo.

UN officials have previously accused Serbia's security services and other state institutions of undermining international efforts in Kosovo. After the 17 March clashes between Kosovo Serb rioters and international forces over a courthouse in Mitrovica, in which a Ukrainian UNMIK police officer was killed, UNMIK Director of Public Affairs Alexander Ivanko told reporters at a press conference that UNMIK had "hard evidence" implicating individuals from Serbia's Interior Ministry as having been involved in the incident. Such allegations were supported by Serbia's Defense Minister Dragan Sutanovac when he accused former Prime Minister Vojislav Kostunica and others of orchestrating violent riots in Belgrade and Mitrovica. Other independent groups have also reported on Serbia's covert operations inside Kosovo, with one reliable source describing Serbia's security services as most responsible for preventing the integration of Serbs into Kosovo institutions and obstructing the normalization of relations with the Albanian community.



Ever since Slobodan Milosevic was toppled from power, there has been a continuous power struggle over control of Serbia's security services. Lurching from one crisis to another since the break-up of Yugoslavia has prevented badly needed reforms in Serbia's security sector and allowed some security actors to evade effective democratic control. Studies have shown that the establishment of democratic control over the security sector is a potentially definitive factor in the early stages of a political transition from authoritarianism to democratic rule. During talks aimed at forming a coalition government on 28 May 2008, Dragan Markovic, the leader of United Serbia, a key swing party, complained he was exposed to pressures similar to those exerted by secret services. Media reports suggested Kostunica may have been to blame as he purportedly exercised significant influence over state intelligence agencies. Regional experts say the recent capture of one of the most sought after war crimes suspects in the Balkans Radovan Karadzic in Belgrade only came about because Kostunica lost his sway over Serbia's intelligence agency after a new government was formed on 7 July. Coincidentally, the week before the capture, a Kostunica loyalist Rade Bulatovic was replaced as the head of the State Security and Information Agency (BIA). As a pro-EU led coalition government takes shape in Belgrade, the US and EU are presented with an exceptional opportunity to promote security-related reforms in Serbia and persuade the new government to rein in its security services in Kosovo.

Partitioning Kosovo *de facto* or otherwise could prove to be a risky affair. It is estimated that about two thirds of the remaining 120,000 Kosovo Serbs live in several scattered enclaves in the South. Their fate in the event of partition would be less certain than those in the North and fears of a possible mass exodus are not unfounded. Surrounded by Albanian municipalities, Serbs in the enclaves will find it almost impossible to ignore Pristina's authority, unless willing to live in complete isolation. Some Kosovo Serb leaders, such as Oliver Ivanovic and Rada Trajkovic, have voiced concerns about this delicate landscape. When Serbia's Helsinki Committee made several fact finding visits to the enclaves earlier this year,

they described the mood of the population as oscillating dramatically between an "irrational hope" for reunion with Serbia and "total despair." While Belgrade may see its efforts as part of a long term strategy for a more permanent ethnic partition or possibly an eventual return of Serbia's sovereignty over the entire territory, the inadvertent consequence could well be the emergence of a new "frozen conflict" or the danger of Kosovo becoming a "failed state." It is difficult to say if anyone would really benefit from either scenario.

The partition of Kosovo could also lead the region down an even more hazardous path. Contrary to Belgrade's line of reasoning, Kosovo's independence does not represent the re-drawing of new borders, as Kosovo's territorial and geopolitical integrity stems from the constitutional make-up of the former Yugoslavia. According to the 1974 Yugoslav Constitution, Kosovo was one of two "socialist autonomous provinces" with unique federal characteristics. It was both an integral part of Serbia and, in its own right, a political and territorial constitutional unit of the Yugoslav Federation. The only instance of a new geopolitical border emerging from the break-up of Tito's Yugoslavia is the 1995 Dayton demarcation which established Republika Srpska as an ethnically-based, territorial entity in Bosnia and Herzegovina. Bosnian Serb leaders have frequently pointed to developments in Kosovo to test international resolve regarding their own secessionist-minded ambitions, a move that is sure to bring them into direct conflict with other ethnic groups in Bosnia, as well as placing international efforts and actors on the ground at risk. On 26 July, *Reuters* reported Paddy Ashdown's warnings of Bosnia's possible break-up. According to Ashdown, the former High Representative of Bosnia and Herzegovina, Republika Srpska has been setting up its own parallel institutions, designed to undermine Bosnia's statehood, and was working towards secession. The international community has gone to great lengths to stabilize Bosnia and try to build a multiethnic society.

Officially, Pristina has repeatedly ruled out partition. However, many Albanians would probably not mind if the North seceded to Serbia, but only so long as the loss were compensated with areas of Southern Serbia, most notably the



Presevo Valley, where some 60,000 ethnic Albanians live. But it would probably not end there. Earlier this year, an EU Institute for Security Studies group suggested Kosovo's partition could play out into a "nightmare scenario" and "unleash territorial resentment" among Albanians. An arc of territory in western parts of Macedonia bordering Kosovo, Serbia and Albania and populated with ethnic Albanians, would be most vulnerable. While the notion of a "Greater Albania" has little local support at the moment, thanks mostly to the region's Euro-Atlantic perspective, Kosovo's partition could embolden more radical political fringes and act as a spark to unite Albanians in the region and abroad.

Kosovo's ethnic Serb population could eventually find itself at the heart of a multi-year tug of war for influence between Belgrade, on one side, and Pristina and its Western backers, on the other. This can be seen in the competing efforts to provide assistance. Serbia has been providing direct economic and social support to Kosovo's Serb communities. Earlier, Serbia's Finance Ministry announced plans to spend €500 million for Kosovo Serbs. In his inaugural speech to parliament, Serbia's new Prime Minister Mirko Cvetkovic said he is considering rebalancing the state budget in an effort to secure the necessary funds for the Serb population in Kosovo. The *Financial Times* reported that Kosovo received about €3 billion in international aid since 1999 and would need another €1.4 billion over the next two years. The EU, US and other international actors recently convened a donors' conference in Brussels and pledged €1.2 billion in aid. But money alone may not be enough to tilt the balance. An information campaign aimed at winning local community support has been well underway as well.

Organization for Security and Cooperation in Europe (OSCE) Secretary-General Marc Perrin de Brichambaut has urged all countries to help build a multiethnic and tolerant society in Kosovo. The Ahtisaari plan was specifically designed to establish a multiethnic society and address the most pressing concerns of ethnic Serbs in Kosovo, including broad self-rule for local communities, decentralization, creation of new Serb-majority municipalities, and the protection of religious and cultural sites. These

principles have been incorporated into the new constitution, which also has a comprehensive set of safeguards that guarantee the roles and rights of Kosovo's Serb community. However, most people in Kosovo will tell you the constitution is just a piece of paper at the moment. Thus, on the one hand, the Albanian majority must find a way to overcome the prevailing absence of goodwill and truly reach out to all other communities, especially its Serb population. On the other hand, Kosovo Serbs will need to realize that Belgrade is simply stoking unrealistic expectations and that Kosovo's independence is irreversible, therefore it is in their best interests to work with international institutions and the government in Pristina. The reconciliation process cannot be imposed and will not be easy, as the two communities are still hostages of past inter-ethnic tensions. It can only begin when communities are ready to start living together, says OSCE high commissioner for national minorities Knut Vollebaek.

Future peace and stability in Southeast Europe will greatly depend on the West's gamble that Kosovo's statehood is a viable endeavor that will, in the end, work. The status quo was not only unsustainable, but was itself a destabilizing factor in the region. The US and leading EU states rightly recognized this notion and acted in tandem. Western governments had already invested a great deal of effort and resources in the region. Yet even though Kosovo has now embarked on the road to statehood, the region's future is still fragile. Macedonia's stability, particularly in the wake of NATO's Bucharest summit, where membership invitations were only extended to Albania and Croatia, and slow reforms in Bosnia-Herzegovina will continue to generate regional apprehension. And following the Irish "no" to the Lisbon Treaty, the EU will likely postpone its enlargement process, despite a formal promise of Western Balkans integration made at Thessaloniki in 2003. It appears that only Croatia with its well-advanced, fast-paced negotiations is likely to join the EU anytime soon, provided an institutional settlement is found that allows the EU to go beyond the 27-member limit prescribed by the Nice Treaty. This could lead to an unpleasant region-wide backlash, as great expectations have, rightly or wrongly, been placed on Euro-Atlantic integration. The EU



and NATO need to get back on track and find the means to bring the entire region into their fold.

As US involvement in Southeast Europe seems to be waning, the EU's interest in the region has been steadily growing. Last year, EU Enlargement Commissioner Olli Rehn, reminded both Russia and the US that it was the Europeans who would eventually pay the price of international failure in Kosovo. Other European leaders were also calling on the EU to take greater responsibility. After all, this was Europe's "backyard," and therefore Kosovo seemed to be a profoundly European matter. But the EU faces significant challenges in its intention to play a greater role in Kosovo and eventually deploy one of its largest crisis management operations. The over 2000-strong police and justice mission is now expected to be fully deployed in October although many uncertainties still abound. EULEX's legitimacy is contentious. Also, its relationship to UNMIK is yet unclear. And while the EU is looking to get its act together, it is reassuring to know that a "strategic partner" is on guard.

NATO has been a lynchpin of stability in Southeast Europe and the importance of its role cannot be underestimated. Its physical presence in Kosovo (KFOR), about 16,000-strong, and its efforts in the wider region are critical in maintaining a relatively peaceful environment in which development and progress can take place. According to most polls, it is the most trusted international institution on the ground. Since the March 2004 province-wide violence, KFOR has improved its response capability to deal with civil unrest or any other form of violence. NATO leaders have reiterated the Alliance's commitment to Kosovo and have rightly pledged to keep their troops in the province as long as necessary. UN Security Council Resolution 1244 will remain the legal basis for NATO's deployment. Allied leaders also decided to broaden NATO's role to include training of Kosovo's security forces. The plan, scheduled to start September 2008, is to develop a multiethnic, lightly armed force initially focused on crisis response and civil emergencies.

Russia's intractable support for Belgrade and its refusal to accept the inevitability of Kosovo's independence has placed it at odds with

the West on an issue many thought would be marginal for Moscow. The US representative to the Kosovo status talks, Frank G. Wisner, questioning Moscow's interests in the matter, has called Russia's position "unbelievably regrettable." Earlier, some experts suggested Russia may be looking for a "grand bargain," as it was already at odds with the US and the West on an assortment of issues, including a missile defense shield in Europe, arms control and NATO enlargement. In a television interview last year, Serbian President Boris Tadic expressed doubt over Russia's support as a "brotherly act" towards its fellow Slavs and admitted he did not fully understand Moscow's true motives. Perhaps Moscow's motives became clearer when it later hastily reached a major energy deal with Belgrade. Russia's South Stream gas pipeline is projected to branch out in the Balkans and run through Serbia. As part of the deal, Belgrade conceded the sale of its giant oil refinery NIS to a Gazprom oil subsidiary, Gazpromneft, but at only a small fraction of its market value. Given Russia's support over Kosovo, claimed a senior Serb official that took part in the negotiations, it would have been "vulgarly ill-mannered" to ask for more money. Moscow recognizes the Balkans as a key transit route for its energy supplies to the EU and it seems to be establishing a solid footprint in the region. While it is unclear to what extent Russia wants to play out its Kosovo card, continued squabbling over Kosovo risks ratcheting tension with the West.

Supporters of Kosovo's independence are wagering that even this less than ideal solution might provide the missing jigsaw piece that can bring long-term stability to Southeast Europe. There are sound reasons to be optimistic or at least hopeful of incremental success. Despite diplomatic pressure from Belgrade, most countries in the wider region have recognized Kosovo's independence. Croatia, Hungary and Bulgaria coordinated their decision to extend recognition and others are expected to follow. Likewise, in the face of earlier fears and apart from a few isolated clashes with international authorities, serious widespread violence has been absent and further outbreaks appear unlikely. In particular, inter-ethnic violence has been averted. Also, despite concerns of a mass exodus of Kosovo Serbs from



the South, it has not happened. There are many reasons for this, including a NATO-backed international commitment that has made it clear that any form of violence by anyone will not be tolerated. The political leaderships in both Belgrade and Pristina have for the most part, in spite of their differences, acted responsibly. And when tensions were high after independence was proclaimed, Kosovo's ethnic Albanian majority showed remarkable restraint.

Also, Kosovo's independence has not, as many analysts predicted, strengthened radical and nationalist political forces in Serbia. On the contrary, democratic parties under Tadic's leadership did better than ever in Serbia's recent parliamentary election and have formed a new pro-EU government. This is Serbia's eleventh government since its first multi-party elections were held in 1990. While the new government reiterated that Serbia would never accept Kosovo's independence, there is hope that Serbia too, despite all its passionate sentiments toward its former province, will have to come to terms with Kosovo's slowly but surely emerging political reality. Kosovo was clearly lost long ago with the policies of Slobodan Milosevic and perhaps even earlier. A recently declassified 1971 US intelligence report identified "the struggle of the Albanians in Kosovo to free themselves of Serb domination" as one of the most volatile factors in the former Yugoslavia.

Serbian politicians may have failed to grasp that the tragic events of the late 1990s and the consequent international intervention caused an irreversible change in the relationship between Belgrade and Pristina, but Serbia's new pro-EU government cannot afford to dwell on Kosovo. Tense relations between Kosovo's Albanian majority and Serb minority may eventually come to a "biological end," suggests NATO's KFOR commander Lieutenant General Xavier de Marnhac, referring to Kosovo's demographic trends, which do not favor the Serb population in a territory said to have Europe's highest birth rate. Belgrade's opposition to Kosovo's independence is a losing battle and, if pursued relentlessly, could cost Serbia dearly. Future EU membership offers Serbia and its people the best path to prosperity. Most Serbs are primarily anxious about improving living standards and the creation

of job opportunities. For Belgrade, there is simply no alternative to EU membership. The sooner the new government realizes this, the better.

Concerns that an independent Kosovo may set a dangerous precedent for other separatist movements, such as those in Abkhazia, South Ossetia, Transdniestria or Nagorno-Karabakh have been greatly exaggerated. International law can present a basis for and against a "right to secession," although states are generally reluctant to recognize secessionist aspirations because of the resulting disruption to the state system. Attempts to draw parallels with Kosovo by other separatist movements will be unavoidable, however unfounded or misleading. Kosovo's autonomy and special federal status in the former Yugoslavia, its relatively homogeneous Albanian population (about 92% by most recent statistical estimates), the gross abuse of state power over Kosovo's ethnic Albanian population, and Kosovo's status as a UN protectorate truly make it *sui generis*. But perhaps most importantly, there is little evidence to suggest that any other separatist movement could generate the kind of widespread international support for its statehood that Kosovo received.

In conclusion, Kosovo's independence has finally enabled the region to overcome a major psychological barrier. Debate over its status overshadowed the real problems in Southeast Europe—political, social and economic underdevelopment—including weak institutions, low standards of living and unemployment, poor infrastructure, organized crime and corruption. And after all the dust settles, Kosovo's ethnic Serbs and Albanians must find a way to re-open dialogue, cooperate, address these real issues and co-exist in a multi-ethnic society. In that sense, all share a great deal of responsibility. Belgrade should recognize this and act accordingly. Pristina will have to genuinely reach out to the Serb community in Kosovo and fully abide by the principles outlined in the Ahtisaari plan and prescribed in their new constitution. Likewise, Belgrade and Pristina must come to appreciate that normalizing relations is a vital prerequisite for attaining the European aspirations that both consider a vital cornerstone of their future development. 