

## 2005: The Year of Reckoning for Kosovo?

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A fresh outbreak of armed conflict in and around Kosovo, one that would almost certainly end the fragile stability in many parts of former Yugoslavia, is increasingly becoming an international concern. The question, whether, as announced, negotiations over the province's future status will begin in mid-2005, is still wide open. The ever-louder international debate over Kosovo could lead to renewed friction in the transatlantic relationship, as well as tension between the West and Russia. On 22 February, U.S. President George Bush wants to confer with EU and NATO leaders in Brussels about Kosovo as well as other international security concerns.

### Fundamental Questions Unanswered

Although the UN wants to release its report on the implementation of democratic standards in Kosovo first in mid-2005, there is already little doubt that it will contain cautious judgements that the involved parties can interpret according to their own interests and advantage. The UN's 2002 decision, that precise standards for democracy and human rights must be met before negotiations begin, has in the meantime been watered down. Now it seems likely that the involved parties will merely have to offer their firm commitment to implementing the standards. Whether or not negotiations on the future status of the province can begin—and where and when and how they will happen and who should participate in them—are fundamental questions that are still as unresolved as they were before. In late January, the UN

Secretary-General's Special Representative in Kosovo, Soren Jessen-Petersen, expressly informed the European Parliament that this was the case.

In unison, the political leadership of the Kosovo Albanians demand independence for the province, which has been under a UN protectorate since summer 1999. Legally, Kosovo remains a part of Serbia and Montenegro, a point that Belgrade won't budge on. Opinion polls in Serbia show that 60 percent of the population approve a partition of Kosovo—a solution that the province's Albanian politicians, at least publicly, reject.

The 1999 UN Security Council Resolution 1244, which ended the NATO intervention against the Federal Republic of Yugoslavia, mandated the UN Mission in Kosovo (UNMIK) with the establishment of "substantial autonomy" for the province and at the same time reaffirmed the territorial

integrity of the former FR Yugoslavia. Moreover, in assessing the Kosovo issue, special meaning must be given to the fact that the western states involved from the beginning in the diplomacy around the dissolution of former Yugoslavia in 1990–91 were, after substantial differences of opinion, able to agree that only the six constituent republics of the former federation possessed the right to self-determination, and not the two provinces of Serbia: Kosovo and Vojvodina. They followed the recommendations of the Badinter Commission, led by the then presidents of France's and Germany's constitutional courts, Robert Badinter and Roman Herzog. Until now, this principle had been adhered to in all of the negotiations and diplomacy over the former Yugoslavia.

However, there is in the U.S., as well as in other places, an attempt to press the Bush Administration to ignore the existing and accepted political framework and international legal stipulations. For example, on 4 January 2005, Democratic congressman Tom Lantos and the Republican chair of the House Foreign Relations Committee, Henry Hyde, sponsored a resolution urging the administration to recognize Kosovo's independence. Last year, the two congressmen tried, and failed, to get a similar resolution passed. In the same vein, in late February 2004, the former Australian Foreign Minister Gareth Evans and former NATO commander Wesley Clark expressed similar opinions in op-eds in the U.S. press. As leading representatives of the private U.S. think tank International Crisis Group (ICG), they argued that, should it be necessary, the U.S. should take unilateral action in recognizing Kosovo's independence and that willing European countries should be asked to follow. This alliance must be prepared to ignore Belgrade's opposition, as well as that of Moscow and Beijing, should it come to that. According to ICG, this is the only alternative to renewed violence in the region.

Russia has criticized such scenarios in no uncertain terms. Moscow argues that forcing the independence of Kosovo will

provoke more violence in the region, not less. Together with Beijing, it unequivocally rules out independence for Kosovo. These tough stands can be explained by their own domestic problems with independence-minded regions like Chechnya and Tibet. It is also uncertain where countries like France, Turkey and Spain, which also have separatist regions to deal with, could agree to the emergence of a new state on the territory of another against the other's will. In the U.S., there are voices that warn that the Bush administration would be hard pressed to hold back a Kurdish state in Iraq and, indeed, Iraq's dissolution, had it already set the precedent with Kosovo's independence.

### **Rhetorical Solutions**

Some Western diplomats attempt to give the Kosovo conundrum a fresh political direction with the oxymoronic option of "conditional independence." The restriction would be a prohibition of Kosovo's unification with Albania or any other neighboring region, such as western Macedonia or southern Serbia. Serbia rejects this proposal outright. Of their own volition, independent states never give up territory, particularly when it concerns a region that is considered the cradle of its national identity and mythology, as Kosovo is to Serbia. For the Kosovo Albanian side, on the other hand, the acceptance of "conditional" independence would mean that they would have to settle for a permanent "second class" status as a state. The strained comparison to Austria's reestablishment of sovereignty through the 1955 State Treaty, which included a clause prohibiting unification with Germany, really doesn't pertain to the issue at hand. A democratic state like Serbia and Montenegro, which it is despite all of its shortcomings, can't be forced by legal means to give up a piece of its territory.

The conceptual paucity and hesitant approach of the international community is practically an invitation to extremist

forces on the ground to take matters into their own hands through violence. Among the UN police officers and NATO military in Kosovo, there is still fear that lingers from the 17–19 March 2004 pogrom-like riots, when they were confronted with 50,000 violent demonstrators. According to official sources, the rioting left 19 people dead, including Albanians killed by UNMIK police officers and KFOR soldiers in self-defense, the first ever such killing since the international mission began in summer 1999. Should such demonstrations break out again—and perhaps include many times that number of people—the UN administration and KFOR would be confronted with a problem the magnitude of which it would be hard pressed to tackle. In addition, there are ever more reports that document that the smuggling of anti-tank weapons, anti-aircraft rockets, and other guerrilla supplies into Kosovo and Albanian-populated parts of northern Macedonia is on the rise again.

### **Deep Divisions in Macedonia**

The gravest concerns about a new escalation of tensions in Kosovo exist in neighboring Macedonia, where, as, before, divisions run deep between the Macedonian majority and the Albanian minority (about 25 percent of the population). These tensions are dominating the run-up to the March 13 local elections. These elections will produce changed local governments in terms of their ethnic composition as the district borders were recently redrawn. Many Macedonians are convinced that this process will accelerate the *de facto* succession of those majority ethnic Albanian parts of the country which border Kosovo and Albania.

The local redistricting is a result of the August 2001-signed Ohrid agreement, which ended the armed uprising in the overwhelmingly Albanian-populated northwest of the republic. On 7 November 2004, a referendum against the administrative restructuring failed due to insufficient

voter turn-out. A move made by the U.S. government immediately before the referendum had a decisive impact: Washington unilaterally recognized the Republic of Macedonia under that name, which is the country's proper constitutional name. In Skopje, this decision was interpreted as support for Macedonia's territorial integrity and cheered as a great victory in the long-running dispute about its name with Athens.

In Skopje, government leaders are full of hope that the "American plan for Macedonia" still includes two important points: the final drawing of the demarcation line on the Kosovo side of their border to Serbia, and the acceleration of Macedonia's entry into NATO and the EU. It is telling that, in Skopje, as in other major capital cities in the region, there is the expectation that the U.S. will continue to take decisive political action in the Balkans—even now that all of the western Balkan countries consider EU membership their most important goal. Should, in the near future, Skopje's integration into NATO and the EU run into sand, many Macedonians will see this as a confirmation that the West only gives in when it comes to the separatism of the ethnic Albanians. On the other hand, ethnic Albanian politicians in Macedonia express their concern about whether their Macedonian partners are really concerned about implementing the Ohrid agreement or whether they're just trying to win time, to find a way to undermine the measures to put the country's two ethnic groups on equal footing.

### **Serbia: The Hour of the Radicals**

The situation in the Albanian dominated districts of Preševo, Bujanovac, Medvedja in southern Serbia is equally tense. In Belgrade, there is ample worry that this region will become an *ersatztheater* for the attacks of Albanian underground organizations, the same that struck in this region in 2001. Then, the region was politically pacified with NATO's assistance. However,

in September 2004 several radical Albanian parties won most of the votes in local elections. In December 2004, Serbia began to redeploy troops in southern Serbia and to establish new bases in the region. There are thus fears among the ethnic Albanian population that the army might attack the civilian population, especially if there were unrest in Kosovo.

Kosovo's future is among the most controversial domestic topics today in Serbia. The minority government of Prime Minister Vojislav Koštunica has not already fallen apart thanks to the support of two small coalition-partner parties, neither of which, according to opinion polls today, would garner the 5 percent of the vote necessary to gain parliamentary representation. So they continue to support the prime minister in spite of deep divisions. According to latest polls, the most popular party today is the Democratic Party of the Serbian president Boris Tadić. In spite of its 28–30 percent public support, the party lacks enough power in the parliament to topple the government. The second strongest opposition party, the national-populist Serbian Radical Party, is obviously depending on the political and social crisis in Serbia to worsen to the point that voters completely lose confidence in democracy. They enjoy almost the same public support as Tadić's democrats. The hour of the radicals could come when the population becomes convinced that the West is forcing Belgrade to its knees again and wants to impose Kosovo's independence against Serbia's will.

- ▶ The West and in particular the U.S. should reinforce their commitment to the political and legal groundwork that has been the basis of all negotiations on former Yugoslavia since 1990–91;
- ▶ The international community shouldn't allow itself to be forced into action either by the pressure from the streets or fear mongering. Only perseverance and winning time will open the way for compromise;
- ▶ The West shouldn't let itself be forced into coming up with an ostensibly quick and easy solution for Kosovo that would lead to a new crisis in its relations with Russia and China;
- ▶ The EU should make public most precise accession requirements for the Western Balkan countries, including a time schedule;
- ▶ The EU should—within the context of the debate that is supposed to end in mid-2005 over the (14 January 2005) published Green Book dealing with labor migration—give special attention to the employment opportunities for migrants from the Western Balkans.

## Outlook

The consequences for the credibility of the West would be severe if the initiative in Kosovo were to be grabbed by the extremists. To prevent this, the following measures should be considered:

- ▶ The UN should as soon as possible announce its intention to name a head negotiator to lead negotiations over the future status of Kosovo;

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