

KOSOVO: THE CHALLENGE OF TRANSITION

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The key issue in the current final status process is the creation of a Kosovo that will have the greatest chance of lasting stability and development. While agreement between Belgrade and Pristina remains desirable in theory, it is extremely unlikely that any Serbian government will voluntarily acquiesce to the kind of independence, conditional or limited though it may be, which is necessary for a stable long-term solution. The international community, and in particular the UN Special Envoy charged with resolving the status process, Martti Ahtisaari, must accordingly prepare for the possibility of imposing an independence package for Kosovo, however diplomatically painful that may be in the short term, rather than hoping to finesse Pristina and Belgrade's differences with an ambiguous solution, or one in which key elements are deferred.

None of this removes any responsibility from Kosovo's Albanian majority. They must offer packages of rights for Kosovo's Serb and other minorities in at least three areas: central institutions, decentralisation and religious and cultural heritage. Details of inclusion and representation in core governing institutions, with arrangements for involvement of the relevant mother country in fields such as culture, education and possibly more, should be negotiated with not only Kosovo's Serb minority but also its Turks, Bosniaks and others. An agreement on decentralisation, to be brokered in the first instance by Ahtisaari and his team, could then be implemented under international oversight for three years, as was done with the Ohrid Agreement in Macedonia. Pristina's negotiators should also immediately start direct negotiation with the Serbian Orthodox Church in Kosovo on a package of protection arrangements for it and its sites. Only once this groundwork has been done should the Contact Group be prepared to make concerted, formal moves toward recognising Kosovo's independence.

The independence package the international community settles upon Kosovo should prioritise its social and economic development. Crafting it should be an opportunity for the European Union and its member states in particular to expand their commitment, including resources, to the Western Balkans generally. A generous

education assistance program and visa liberalisation are needed, as is assistance for rural development. The EU must not end up spending more on its own post-status mission costs in Kosovo than it does on pre-accession structural funds for the new country.

While a new UN Security Council resolution will be vital to set Kosovo on a course of independence from Serbia, any new international mission there should desirably be based on agreement with the new state, preferably founded in its constitution. This international presence should have fewer powers than the High Representative has enjoyed in Bosnia. EU institutions properly emphasise that they want a Kosovo which can be treated in most respects as a normal country, with politicians answerable to their own electorates. But there is one area where the international community should consider a more intrusive mission: northern Kosovo, and Mitrovica in particular, where Serb parallel structures defy UNMIK and the provisional government (PISG) alike. Leaving a new Kosovo government to try to incorporate the north would invite a violent breakdown. A transitional international authority there is the only sensible answer.

RECOMMENDATIONS

To Kosovo-Albanian negotiators:

1. Produce a plan for forging an inclusive, multi-ethnic state identity for Kosovo, as a tool with which to engage minority communities and the European Union.
2. Seek opportunities – such as the Basic Principles document published by the Orthodox Church – to engage Kosovo Serbs in negotiation, not using Belgrade's sidelining of them as an excuse for passivity.

To Serbian negotiators:

3. Negotiate:
 - (a) the maximum degree of protection for the rights of Kosovo's Serbs;

- (b) more development assistance both for Kosovo's Serbs and Serbia; and
 - (c) international and Kosovo-Albanian agreement to an appropriate range of institutional links between Serbia and Kosovo's Serbs.
4. Refrain from sensationalist and nationalist rhetoric.

To Kosovo Serbs:

5. Begin developing structures through which to operate as a politically self-sufficient community within an independent Kosovo, and seek international support for this.

To UNMIK:

6. As the mission winds down, maintain – and preferably augment – staff and resources in the Mitrovica region in particular and engage the Contact Group and European Union in planning for a new transitional international authority for north Kosovo.

To UN Special Envoy Martti Ahtisaari:

7. Go earlier rather than later to the UN with a recommendation for imposing a conditional independence package, if Kosovo's Albanians have conscientiously made good offers on minorities, covering inclusion in central institutions,

decentralisation and protection of religious heritage, rather than hold out for an ambiguous solution, or one in which key elements are deferred in order to keep Belgrade on board.

To the Contact Group:

8. Be prepared to indicate how Kosovo might become independent, including how this might be implemented in the event of Belgrade's refusal to agree, once Albanians have made serious offers to minorities, engaging with them on inclusion in central institutions, decentralisation and protection of religious heritage.
9. Discuss and plan for a north Kosovo transitional international authority.

To the European Union:

10. Plan for social and economic development in post-status Kosovo, with particular emphasis on education and visa liberalisation and agricultural development, rather than adopting a purely policing and security agenda.

Pristina/Belgrade/Brussels, 17 February 2006

KOSOVO: THE CHALLENGE OF TRANSITION

I. THE STATE OF PLAY

The engagement of both Pristina and Belgrade in a UN-managed process to settle Kosovo's status is a good start.¹ Yet, it is difficult to see how they will reach a compromise agreement for which neither is preparing. Theirs is a "dancing competition", with the six-nation Contact Group² sitting in judgement, not a real negotiation, as a Kosovo official put it.³ Although its principal backers, the Contact Group, stipulated in early November 2005 that once started, the process "cannot be blocked and must be brought to a conclusion",⁴ the result may be determined by who quits the table first, rather than by compromise. Serbia may reject independence however packaged, reserve the right to re-occupy Kosovo "when circumstances change", and seek territorial compensation wherever it can. The Kosovo Albanians may reject any package that delays independence and try to take as much of the province as possible, pushing UN administrators out.

The international community's immediate priority is to avert a new exodus of Serbs, new Albanian-Serb clashes, or a new wave of burning houses and churches. Beyond that, it needs at least acquiescence of both Pristina and Belgrade in the settlement, so Balkan stability becomes self-sustaining. None of the immediate players – Kosovo Albanians, Kosovo Serbs or Serbia – are being helpful. Serbia and many Kosovo Serbs implicitly use blackmail, threatening exodus if Kosovo is allowed independence. Apparently incapable of rising to full international

partnership by creating a safe and welcoming environment for the Serb minority, Kosovo's Albanian majority teeters on the brink of unilateralism for achieving its independence goal.

Ultimately, Kosovo's final status must serve its social, economic and institutional development needs, which, to an extent, have been held hostage for six years. The international community is right to seek Pristina-Belgrade agreement for key elements of the settlement but it must create a robust context into which such elements can be slotted and take responsibility for advocating conditional independence as the only viable outcome. It must ensure the process does not become a series of Serbian ransom demands in exchange for Kosovo's sovereignty but serves instead rapid creation of a sustainable, democratic state. The design of the successor to the UN mission (UNMIK), with EU institutions playing the lead role, must similarly be based on Kosovo's real development needs, not the easiest diplomatic compromise.

A. THE PROCESS SO FAR

1. Ahtisaari's room for manoeuvre

The special UN envoy appointed to broker Kosovo's negotiated status, Maarti Ahtisaari, has been given considerable room for manoeuvre by the Contact Group.⁵ He and his deputy, Albert Rohan, have ruled out "artificial deadlines" and indicated the process may last through 2006. They are based in Vienna, with a diplomatic staff of 40 (on one-year contracts), and will bring teams from Pristina and Belgrade together for the first direct talks on 20 February 2006.

Several sets of principles and stipulations for the process and its outcome have accumulated on Ahtisaari's desk. Of these, he acknowledges the Contact Group's (ten) Guiding Principles, agreed in early November 2005, as the most important. They outline the factors the settlement should

¹ On 24 October 2005 the UN Security Council authorised the Secretary-General to appoint as special envoy former Finnish President Martti Ahtisaari to start a political process to determine Kosovo's future status. Formally a province of Serbia, it has been governed by a UN mission (UNMIK) since June 1999, under Security Council Resolution 1244, pending a final settlement. Kosovo's Albanian majority seeks independence, which Serbia opposes.

² The Contact Group, originally formed in 1994, comprises the key outside states interested in the Balkans: the United States, the United Kingdom, France, Germany, Italy and Russia.

³ Crisis Group interview, Clarisse Pasztor, international adviser of Kosovo's ministry of local government, Pristina, 18 January 2006.

⁴ The Contact Group's Guiding Principles for a Settlement of Kosovo's Status.

⁵ Ahtisaari, who was Chair of the Board of the International Crisis Group from 2000 to 2005, fended off early attempts to equip him with U.S., EU, Russian and NATO deputies. He obtained explicit Contact Group support for his autonomy as mediator at a 13 December 2005 meeting in Paris.

incorporate and promote, such as regional stability and “sustainable” multi-ethnicity, and emphasise that unilateral steps and violence have no place.

Although the status process is mandated under Security Council Resolution 1244, the Rambouillet principles cited in the resolution as guidance for a final settlement have received little mention – the will of the people, opinions of relevant authorities, each party’s efforts regarding the implementation of that agreement and the Helsinki Final Act.⁶ However, they offer a valid summary of what the process will be about. The first three of the Rambouillet principles are likely to weigh toward conditional and monitored independence as the outcome – albeit with each side’s performance on the ground over the coming year still to be seen – with Serbia’s acquiescence awaited as the consummating factor.

Ahtisaari’s prompt arrival in the region after his November 2005 appointment imparted a sense of momentum to compensate for the lack of clearer definition from the Contact Group about where the process should lead. He and his deputy, who made an additional trip in December, galvanised Pristina and Belgrade to prepare more detailed position papers. Private assurances on independence were likely given to the Kosovo Albanians to encourage them to formulate genuine and generous positions. Ahtisaari chose decentralisation as the first issue for the initial Pristina-Belgrade talks.

Pristina and Belgrade preceded Ahtisaari’s arrival with diametrically opposed parliamentary resolutions, respectively mandating and excluding independence as the outcome. Pristina’s team additionally presented him with a ten-point manifesto for an independent, sovereign state. During the following weeks, each prepared position papers on decentralisation, while Kosovo-Albanian preparations also began on a new constitution to replace UNMIK’s Constitutional Framework of 2001, and Belgrade emphasised claims on property, assets, mines and mineral deposits in Kosovo, together with refining its legal arguments for blocking independence.

2. Finding the core of the process

Two elements form the core of the process: a trade, with the Kosovo Albanians required to swap other cards in exchange for the trump of sovereignty held by Serbia; and formalisation and completion of Kosovo’s transition

to self-governance, begun under UN administration since 1999. UN Envoy Eide’s October 2005 Report on whether Kosovo was ready for a final status process⁷ gave Serbia an incentive to trade, with its recommendations that Serb-majority municipalities be equipped with police and justice powers and linked together and with Belgrade. For Serbia, this looked like an opportunity to secure soft partition of Kosovo, salvaging some of its territory while letting the rest go to the Albanians.⁸ However, Ahtisaari is trying to shift the focus to the second element, steering both sides toward seeing the outcome as a culmination and guarantee of the UN’s Standards for Kosovo program, securing the future of Kosovo’s Serb and other minorities in a functional, democratic state.⁹ If Belgrade remains intent on gaining territorial compensation for the loss of Kosovo, the two elements will continue in competition. If it plays its cards to secure the most advantageous position for Serbs in an independent Kosovo, they will become complementary, not least because an engaged counterpart would oblige the majority Albanians to make their standards guarantees more real and extensive. At this stage it appears that Belgrade favours territorial compensation, or perhaps greater control over the territory on which Kosovo Serbs reside.

There are different views on the order and preferred outcome of the process. Privately, all Contact Group countries see monitored, conditional independence as the only viable outcome; Serbia is isolated in its resistance. But they concur with Serbia on the order of talks. While the Kosovo Albanians want recognition of independence up front, with difficult issues like decentralisation to be worked out subsequently, the international community first wants to see concrete plans and actions on decentralisation and accommodation of the Serb minority. Serbia also wants these issues resolved first, one by one. But while the international community sees this as opening the gate to conditional independence, Serbia views each issue as a lever with which to loosen Pristina’s grip on parts of Kosovo’s territory, and their sum as the full settlement. Fearing the Serbian strategy, the Kosovo Albanians have been reluctant to make concessions, yet

⁶ These principles were enumerated in the preamble of the draft accord negotiated at Rambouillet near Paris in early 1999 in an attempt to head off the Kosovo war. The Kosovo Albanian delegation signed but not the Serbian delegation. The principles were explicitly referenced in UN Security Council Resolution 1244.

⁷ Eide’s report and recommendations – “A comprehensive review of the situation in Kosovo” (S/2005/635, 7 October 2005) – formed the basis for decisions by the Secretary General and the Security Council in October 2005 to open a process for the settlement of Kosovo’s future status

⁸ Ambassador Eide insists that this is not his view at all and that his intention was to give municipalities sufficient competences to be comfortable under Pristina’s authority. Crisis Group telephone interview, 14 February 2006.

⁹ The Security Council’s decision to open the future/final status process came after the two reports by Norwegian diplomat Kai Eide, triggered by the deadly violence of March 2004. See Crisis Group Europe Report N°155, *Collapse in Kosovo*, 22 April 2004.

the encouraging signals now being sent to them ought to galvanise a constructive response. Otherwise, there could be a stalemate that would reproduce the standards-before-status impasse that preceded it.

The process must not be lengthy, because while it lasts Kosovo's development is basically on hold. Although agreement for sustainable democratic arrangements should neither be rushed indecently nor sidelined by implicit threats of violence, the fact is that if the process starts to drag, Kosovo-Albanian impatience will increase, as will the risk that extremists will trigger another breakdown like the March 2004 riots. Internationals view the last quarter of 2006 as a feasible target date for completion, with Kosovo's new status and arrangements becoming operable in January 2007.¹⁰

B. UNMIK'S SCORESHEET: KOSOVO AT GROUND LEVEL

Ahtisaari has started by working in close cooperation with UNMIK. By insisting that status is linked not only to the negotiations but also to the pace of progress on standards, he both gave this faltering policy leverage and signalled that the provisional government institutions tasked with achieving these standards would stay roughly as they are; the status settlement will not put their basic shape in question.

But how much has been done to enable Kosovo to stand by itself? To what degree can the international community rely on the provisional government (PISG) to deliver a functional, rather than prospective failed, state? Indeed, is the international community itself leaving Kosovo littered with institutional landmines such as the divided city of Mitrovica?¹¹

1. Standards

The standards policy, with its 109 action points, six thematic working groups, and quarterly line-by-line evaluations is a device to encourage Kosovo toward functional government and inter-ethnic accommodation.

But it would be a mistake to believe it can actually deliver these. The program has insufficient depth to prevent corrosion of institutions by corruption and organised crime; institution-building requires more than a painting by numbers approach. Both central and municipal government capacity remain weak, as are their links with each other and their electorates. Likewise, standards are not the cure for Albanian-Serb relations within Kosovo, particularly if most Kosovo Serbs decline to engage. Real advances will only come when there is political will on the ground to absorb the externally-imposed agenda.

In gathering information for the comprehensive review of standards implementation he wrote for the Secretary-General, Kai Eide ignored the official UNMIK and PISG apparatus for delivering on standards.¹² His focus was more political. He pointed to the policy's failure to produce the foundations of a multi-ethnic society and to entrench the rule of law and to Serbia's role in undermining implementation by marshalling a partial Kosovo-Serb boycott of the PISG.¹³

With the PISG standards coordinators demoralised because Eide bypassed them¹⁴ and the government making little effort since his review, UNMIK and Ahtisaari had to push for new action in December and January, an implicit admission that policy is awkwardly torn between the search for immediate leverage in the final status process and institution-building for the longer term, including a distant EU membership perspective.

One point little appreciated in Pristina or Belgrade is that the European Commission and Serbia have already set Kosovo on its own course to EU membership. Serbia and Montenegro agreed to negotiate its Stabilisation and Association Agreement with Brussels without Kosovo. When the Commission issued its annual progress reports on the Western Balkan countries in November 2005, three separate documents were produced for Serbia, Montenegro and Kosovo. Its European Partnership document, adopted in December 2005, separates the action requirements for Serbia and Montenegro and for Kosovo into two separate chapters.¹⁵

During the first half of 2006, the government and UNMIK will work together to convert the present standards action

¹⁰ In November 2005 Ahtisaari rhetorically offered his job to anyone who could gain a result within the three or four months mooted by some commentators. His expressed hope that the settlement could be reached in less than the thirteen years it took in Namibia, on which he had also worked, was, it is hoped, made in jest. The Western members of the Contact Group wished its 31 January 2006 statement to commit to achieving a settlement in 2006. Russian objection watered this down to: "Ministers believe that all possible efforts should be made to achieve a negotiated settlement in the course of 2006".

¹¹ Crisis Group Europe Report N°165, *Bridging Kosovo's Mitrovica Divide*, 13 September 2005.

¹² Crisis Group interviews, UNMIK and PISG officials, December 2005.

¹³ See UN Security Council document S/2005/635, 7 October 2005, at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/597/68/PDF/N0559768.pdf?OpenElement>.

¹⁴ Crisis Group interview, official of the office of the Special Representative of the Secretary-General (SRSG), Pristina, 14 December 2005.

¹⁵ Available online at http://europa.eu.int/comm/enlargement/report_2005/index.htm.

points into a new EU standards action plan that meets European Partnership requirements. Quarterly meetings in Pristina with Commission officials to document progress under the Stabilisation and Association Process Tracking Mechanism (STM) are quietly beginning to gain greater government attention. If the government is still largely unable to take capacity-building initiatives for their intrinsic value, the EU perspective offers some incentive. An UNMIK official said: "The argument that you need this for your future doesn't go very far here. Wielding the EU carrot is a necessary additional argument".¹⁶

2. The political system

Some doubt whether Kosovo has a sufficient political and social elite with which to create and maintain a functional state.¹⁷ Weak internal party democracy, together with UNMIK's decisions on the election system, have limited the accountability of politicians to voters. The closed-list election system facilitates ossification of party hierarchies and their monopolisation by back room operators to capture government revenues and rent-seeking opportunities. Perhaps more importantly, the failure to use the last six years to get Kosovo closer to a modern economy has kept politics locked into patron-client systems, which undervalue ideas and policies. UNMIK's final year must be used to reverse poor decisions favouring closed lists, in order to create at least a little more democratic space, limit the entrenchment of kleptocracy, and encourage incorporation into the system of new political blood, including relatively marginalised groups such as women and youth.

Kosovo's thin layer of professionals finds it difficult to stay entirely out of the gravitational pull of political factionalism. Local staff in UNMIK institutions such as the Customs Service and the Auditor General's Office fear being "eaten by the wolves" once their international leadership is withdrawn. Gradually, ministry permanent secretaries are being replaced by personnel loyal to the backstairs network of the ruling LDK party. The underworld and intelligence structures that underpin the main political parties cannot afford to stay outside the struggle for control of institutions. Within the LDK, the axis centred upon intelligence chief Rame Maraj is focusing on consolidating its grip on the party and key ministries and keeping the PDK away from money and power now that the era of the late President Rugova is over. Maraj is trying to install a client as minister of the

interior, to the alarm of the PDK and its now "starving"¹⁸ intelligence service, K-SHIK.

Both main party-associated intelligence structures are freestanding, not accountable and unwilling to divulge their funding.¹⁹ K-SHIK, headed by Kadri Veseli, grew together with the Kosovo Liberation Army from the mid-1990s. Opposition PDK party leader Hashim Thaci's 1999 provisional government gave it offices in downtown Pristina, and it looked forward to full institutionalisation. However, it remained a shadowy body as the LDK won all subsequent elections, and UNMIK and KFOR retained security competence. It has 70 to 80 professional staff, most in Pristina, some in other Kosovo towns. On the LDK side, Maraj derives the legitimacy of his Institute for Researching Public Opinion and Strategies (IHPSO), registered with UNMIK as an NGO with offices in Pristina's Sunny Hill neighbourhood, from his association with the abortive "ministry of defence" of the parallel "Republic of Kosova" in the early 1990s. It appears to have relatively professional people at its apex, but a large and variegated base largely developed since the war, some of it working through LDK-dominated municipal authorities. While K-SHIK has drifted some distance from PDK and institutional control, IHPSO has gained ascendancy over the LDK and the presidency since the assassination of west Kosovo strongman Tahir Zemaj in 2003.²⁰

The LDK may have to work harder now that it has lost the semi-religious appeal of the iconic Rugova. Thaci, who is beginning to profile the opposition PDK as a social democratic party, foresees that "democracy will now start in a Kosovo... a battle between equals".²¹ With more than a year's experience of opposition, the PDK has begun to recover from the shock of the grand coalition's break-up and to focus on the long haul. From a sputtering start, government-opposition cooperation on preparing for status negotiations has taken off. A joint negotiating team was created under Rugova and spawned a political working group. From an acrimonious late October 2005 meeting of the negotiating group to business-like work in early 2006 to hone a decentralisation position paper, harmony, concentration and work rate gradually increased. The process is ready to resume after the smooth presidential succession from Rugova to Sejdiu, which appears to have strengthened Kosovo's political fabric.

¹⁶ Crisis Group interview, UNMIK EU pillar official, Pristina, 16 December 2005.

¹⁷ Brussels-based Kosovo-Albanian journalist Augustin Palokaj, interviewed in the January 2006 BIRN TV documentary film "Does anyone have a plan?"

¹⁸ Crisis Group telephone conversation, senior K-SHIK official, Pristina, December 2005.

¹⁹ Crisis Group interviews, Rame Maraj, 16 September 2005 and Kadri Veseli, 17 November 2005.

²⁰ Crisis Group interview, Rame Maraj and Genc Kelmendi, 16 September 2005.

²¹ Crisis Group interview, Pristina, 2 February 2006.

3. The economy and institutions

Some argue that Kosovo, which was the least developed, most dependent part of Yugoslavia, has no sustainable economic future as an independent state. However, there are no alternatives. Serbia is in no position or mood to make capital transfers to Kosovo; indeed, it used its direct rule over the territory from 1989 to 1999 to effect several waves of expropriation. The province's unemployment is roughly 35 per cent and slowly rising; per capita GDP is the lowest in the region at \$1565;²² exports are only 4 per cent of imports; growth is slow, and there is deflation. Nevertheless, domestic activity is compensating for the drawdown in net foreign assistance; investment is a respectable 28 per cent of GDP, and clusters of light industry, chiefly in food products and construction, are beginning to substitute for imports and mark an advance beyond the initial, poorly-planned diaspora investment that, for example, left Kosovo cluttered with 1,400 mostly loss-making petrol stations.²³

Of course, many factors still hold Kosovo back, including indifferent UNMIK economic management and the lack of an international legal personality. Kosovo has large lignite reserves, and hundreds of millions of euros have been pumped into old lignite-fuelled power stations during the last six years, but no new plant has been built to make up the energy shortfall. Since December 2005, electricity bill payment has crept above 40 per cent thanks to the new policy of the utility (KEK) to differentiate power cuts between higher-paying areas such as Pristina (which now rarely has cuts), and poorer areas such as the villages of the KLA heartland and the Serb areas, which largely refuse to pay (and which in winter have cuts of a half day or more). But price-gouging monopolies like KEK, the post and telecommunications corporation (PTK), and the airport, burden the economy with over-sized workforces and bloated wages. UNMIK created a too-large civil service of 68,000, to which the PISG has added 7,000 since it gained responsibility for the budget in 2004. With a similar population, Slovenia has 20,000 civil servants but in Kosovo public service is in part a social security scheme. While average monthly salaries of €200 are far below what the utilities pay, they are well above the €120 the IMF considers the market rate and act as a drag upon the growth of private sector employment.²⁴

The PISG's budget management matured significantly in 2005, and on 2 November it wrote donors a letter of intent

to restrict spending over the coming three years. Despite this, corruption appears to be growing at both central and municipal levels. Recent suspensions and prosecutions of municipal directors in Gjakova revealed serious malpractices that may be replicated throughout other municipalities. Cronyism seems to inform government choices of candidates for the new boards of the public utilities and regulatory bodies. "Their attitude is problematic", said a Kosovo Trust Agency official.²⁵ Often, ministers display a Communist-era desire to control the distribution of resources and impatience with the policy and legislation agenda UNMIK has prescribed. While the ministry of mines, energy and minerals wants to absorb the Independent Commission for Mines and Minerals UNMIK established to oversee issuance of licences, a commission member warned: "If there is even a whiff of ministry discretion over licences, nobody will invest".²⁶ The continuing uncertainty over property ownership does not help either.

The major economic bottlenecks, however, may prove to be low education standards and geographical isolation. The abundance of young people should be an asset but only if they are better educated, and there is no program for this in place. Graduates from Pristina's academically inbred university are poorly matched to employment opportunities and of insufficient calibre to sustain state institutions. There is no integration of Albanian and Serb students: two parallel systems persist. Business innovation and domestic markets will be stunted if education is not improved. "We need education to create employers, not just employees", said the World Bank's representative.²⁷ Donors in general, and the EU in particular, appear little disposed to help. While the Commission's representative in Pristina sees the need to improve drastically Kosovo citizens' freedom of movement in Europe and "to put 20,000 Kosovo students in European universities",²⁸ member states are reluctant to facilitate visas for residents of the Western Balkans.²⁹ None of the EU's project assistance for Kosovo is going into education.³⁰

Another area where the EU could make a significant difference is rural development. Much of Kosovo's

²⁵ Crisis Group interview, Pristina, 14 December 2005.

²⁶ Crisis Group telephone interview, Pristina, 19 December 2005.

²⁷ Crisis Group interview, Kanthan Shankar, Pristina, 20 December 2005.

²⁸ Crisis Group interview, Giorgio Mamberto, Pristina, 15 December 2005.

²⁹ See Crisis Group Europe Report N°168, *EU Visas and the Western Balkans*, 29 November 2005.

³⁰ One problem in orienting EU assistance toward this sector is that EU institutions have little experience and few competencies in education. The same goes for the healthcare sector, also very poorly developed in Kosovo.

²² See World Bank Kosovo page at www.worldbank.org.

²³ A side effect of tight competition is that petrol sold in Kosovo is routinely diluted, ravaging car engines and impairing performance.

²⁴ Crisis Group interview, Marc Auboin, IMF representative, Pristina, 19 December 2005.

agricultural land is under-used. Until recently small-scale agriculture employed 30 to 40 per cent of Kosovo's workforce, more than in any other part of Europe except Albania. Most Kosovo Serbs and potential returnees are from rural areas. Their access to markets is particularly restricted due to limited freedom of movement.

EU policies are actually harmful in this regard: Kosovo has free trade arrangements with almost all countries in the region, which allow foreign farmers to sell their produce easily to its consumers; however, its own producers lack the infrastructure or experience to compete successfully even on their home ground. Farmers in candidate countries – Romania, Bulgaria, Croatia, Turkey and soon Macedonia – benefit from the EU's pre-accession agricultural aid; Kosovo and Western Balkan non-candidate states are in fact in greater need but do not qualify.³¹ Commission officials are gloomy in general about the funding which the tight EU 2007-2013 budget settlement will permit for Kosovo, and in particular see little prospect for moves on visas, education or rural development.³²

4. Policing

Although UNMIK has reserved responsibility for police and justice, in December 2005 it created the shells of new justice and interior ministries to which it will gradually delegate control. Kosovo's young police service of 7,400 officers (the KPS) trained by the Organisation for Security and Cooperation in Europe (OSCE) has taken over all regular duties from the 2,000-strong and reducing UNMIK Police. All regional headquarters except Mitrovica, and every municipal station have been transferred to KPS control, and UNMIK's police commissioner is preparing before mid-2006 to appoint a senior KPS officer who will take operational control, reporting jointly to him and the new interior minister.

The KPS does basic policing well and may be the least corrupt police force in the region. However, it suffers from low education levels and inexperience. Specialist skills requiring a decade or more on the job to develop are lacking. Women make up 15 per cent of the KPS and non-Albanians (two thirds of them Serbs) also 15 per cent. Officers from communities that are locally in the minority are now deployed in all municipal police stations. Transitioning the police to largely Kosovo-Albanian control will be challenging, for both maintaining standards and integrity and keeping Serb officers on board.

UNMIK declares it will adopt a strict benchmarking approach to handing operational control of the police over

to the new interior ministry: "If we see mono-ethnic domination and an LDK monopoly of the ministry we will not proceed to the second step".³³ A thorough UNMIK evaluation of the ministry's performance on appointments, transparency, observance of regulations, behaviour and the like is due from late March onward. UNMIK is also talking tough on the need for party intelligence structures and crime networks close to government to be dismantled before it empowers the ministry.³⁴ "When we talk of organised crime in Kosovo, we are very much dealing with politicians, [and] ministers", a senior UNMIK Police official said.³⁵

UNMIK had planned to clear away the network that surrounded President Rugova and emanated from his security chief, Rame Maraj, before it set up the interior ministry, but did not.³⁶ Initially spurred by the dossiers of alleged evidence the PDK handed it in March and April 2005, UNMIK established a police task force to investigate corruption and organised crime in the high echelons of the PISG.³⁷ Deliberately setting a target for investigators, policing and justice chief Jean Dussourd told a newspaper to judge him by results before the end of September 2005³⁸ but the anticipated high-profile arrests did not materialise. While the police commissioner expressed bemusement at the attempt to decree results,³⁹ Dussourd in frustration replaced his justice department chief. UNMIK is now embarked on an improbable parallel process: a countdown to handing joint control of the KPS to an interior minister largely chosen by Maraj, and continuing attempts to gather enough evidence to break up the LDK's racketeering and kickback network with arrests. "We always knew it would be like this", remarked an UNMIK police and justice official.⁴⁰

As the KPS sees who its political masters are to be, it may adapt to them. Although UNMIK has separated the ministry's policy role from operational command of the police, local political and police tradition will incline both minister and the KPS to a more direct relationship. The top rank of KPS colonels tends to think politically and

³¹ Figures from the European Stability Initiative's briefing document, "EU and Western Balkans: Ways Ahead", presented at a seminar in Brussels on 8 February 2006.

³² Crisis Group interviews, Brussels, 5 January 2006.

³³ Crisis Group interview, Jean Dussourd, chief of UNMIK's police and justice pillar, 31 August 2005.

³⁴ Crisis Group interview, SRSJ Soren Jessen-Petersen, 30 August 2005.

³⁵ Crisis Group interview, Pristina, 31 August 2005.

³⁶ Crisis Group interview, UNMIK police and justice official, December 2005.

³⁷ It is the only investigative unit without KPS officers, since UNMIK Police considers it "too dangerous" for them. Crisis Group interview, senior UNMIK Police officials, Pristina, 19 December 2005.

³⁸ *Zeri*, 11 August 2005.

³⁹ Crisis Group interview, Pristina, 19 December 2005.

⁴⁰ Crisis Group conversation, Pristina, 11 January 2006.

tactically rather than strategically.⁴¹ Younger officers have potential but need mentors, monitors and time to consolidate.⁴² They are gently warned away by superiors from tangling with bigwigs. One complained that narcotics investigations have increasingly been frustrated by people able to wave ministry or presidential office warrants to prevent searches.⁴³ A deprecatory attitude toward political power-holders is apparent. In Pristina, for example, the police are reluctant to address the dubious business interests of a senior municipal official and even guard a house in which pirate CDs and DVDs are reportedly manufactured.⁴⁴

As Kosovo approaches statehood, KPS behaviour will influence its political and social development. Police “are society’s most pervasive teachers about civic values”.⁴⁵ If the KPS is arbitrary, brutal, distant from the public and close to the government of the day, Kosovo will be unstable.⁴⁶

UNMIK Police look to the EU as a new post-status patron that will maintain most of its present resources, and some of its prerogatives.⁴⁷ While the EU has indicated it is prepared to mount a police and justice mission to monitor and mentor the KPS and to take executive control of investigations into organised crime, corruption, war crimes, and serious inter-ethnic crime, as well as of intelligence units, special weapons and tactics (SWAT), and witness protection,⁴⁸ it wants to be able to plan its mission on its own terms, rather than blindly offer a new lease to UNMIK Police.⁴⁹

Gauging the extent of the ongoing international role will be important. Too many, in too dominant positions, might

become a target for Kosovo-Albanian displeasure, hold back the maturation of Kosovo’s own security professionals, and solidify the present interim international administration into a long-term, neo-colonial arrangement. Too few, standing too far back, might cause the vision of a democratic, inclusive, multi-ethnic Kosovo to wither in local hands. As affairs stand, UNMIK is fumbling the clean-out of organised crime structures in government and risks handing the EU executive responsibilities that it may have to fulfil in a hostile environment.

5. Inter-ethnic relations and security

Two thirds of Kosovo’s remaining Serbs live in fragmented pockets south of the river Ibar, where Albanians are dominant. One third live in the Serb-majority triangle above the Ibar, where they have retained the upper hand over Albanians.⁵⁰ Serbs in the south are disappearing from mixed urban areas, reduced to scattered backwater villages and the mountainous municipality of Strpce. They will remain dominant in the three municipalities north of Mitrovica, though their post-war takeover of the northern half of the city is unrecognised by Albanians. Belgrade encourages non-recognition of UNMIK and PISG authority there, and Serbia’s Kosovo coordinator, Sanda Raskovic-Ivic, has proposed its formalisation into a separate new city, “North Kosovska Mitrovica”.⁵¹

Serbs saw the March 2004 riots as an organised Albanian bid to cleanse them from central Kosovo, and the possibility of a repeat lurks in the background of all players’ final status calculations.⁵² Many rebuilt homes have been sold to Albanians, accelerating a process that since 1999 has been clearing Serbs away from arterial roads and mixed urban areas. Most Serbs restrict their movements around Kosovo and feel under pressure to leave, whether through Albanian demographic encroachment, lack of job opportunities in an Albanian milieu, or physical intimidation and violence. Nevertheless, 84 per cent do regularly travel outside their immediate area, and only 10 per cent of these with an escort.⁵³ Rates for inter-ethnic crime are

⁴¹ Crisis Group interviews, senior UNMIK police official, who noted in December 2005 that some progress in more strategic planning had been demonstrated during the second half of the year.

⁴² Crisis Group interview, Pristina, 31 August 2005.

⁴³ Crisis Group interview, 19 July 2005.

⁴⁴ Crisis Group observation. The house is near the late President Rugova’s residence in Pristina’s Velania district and is reportedly registered as a kindergarten. See Jeton Musliu and Milot Hasimja, “Cerdhja e Pirateve” (the pirates’ nursery), *Express*, 13 September 2005.

⁴⁵ See David H. Bayley, *Patterns of Policing: A Comparative International Analysis* (New Brunswick, 1985), p. 197.

⁴⁶ Yet, good police can also improve national character. Some argue, for example, that the moderation, good humour and impartiality generally displayed by British police since the introduction of Robert Peel’s New Police in 1829 have pacified a previously violent and disorderly British public. *Ibid.*

⁴⁷ Crisis Group interviews, Pristina, August and December 2005.

⁴⁸ See the joint European Council-European Commission (Solana-Rehn) document, “The Future EU Role and Contribution in Kosovo”, 6 December 2005.

⁴⁹ Crisis Group interview, Brussels, 5 January 2006.

⁵⁰ See Crisis Group Report, *Bridging Kosovo’s Mitrovica Divide*, op. cit.

⁵¹ Address given at the conference “Kosovska Mitrovica 1999-2005, North Part”, north Mitrovica, 23 September 2005.

⁵² For details of the violent rampage that left nineteen dead, nearly 900 injured, over 700 Serb, Ashkali and Roma homes, up to ten public buildings and 30 Serbian churches and two monasteries damaged or destroyed, and roughly 4,500 people displaced, see Crisis Group Europe Report N°155, *Collapse in Kosovo*, 22 April 2004.

⁵³ UNMIK continuous polling in minority areas, December 2005 information. Of those who travel outside their areas only 1 per cent said they experienced crime during the last six months of 2005: three in Mitrovica and two in Peja/Pec. 62 per cent felt safe traveling in Kosovo, down from 74 per cent in November

significantly higher in municipalities where the minority is less than 15 per cent of the population.⁵⁴ In polls, fully half the Serbs cite lack of public and personal security as their chief concern. Until September 2005 a growing minority was prepared to concede the situation was improving. Yet any new murder, such as the shooting of two young Serb men in their car near Strpce in late August 2005, and incidents such as the Strpce market bombing in November 2005, instantly wipe out months of slowly building confidence.⁵⁵ Although Serbs participate in the KPS, their trust is low. Some accept international security presence as their best available guarantee, while others wish for the return of Serbian forces or the right to control policing in their own areas. Absent the return of Serbian security forces, most Serbs favour a long-term international military and civilian presence as a guarantee of their personal safety and rights.

UNMIK Police maintain that only some fifteen to 25 of roughly 60 possible inter-ethnic crime claims each month are real and note a downward trend through 2005.⁵⁶ Official statistics show ethnically motivated crime tailing off but also that overall crime – shootings and explosions in particular – rose significantly in 2004 and continues at that rate.⁵⁷ An independent survey that collated agency reports concluded inter-ethnic crime has remained constant at 9 to 10 per cent of all crime since 2002, and that its proportion of property-related crime and theft has risen, suggesting that opportunism and vulnerability may gradually be displacing hatred as motivation.⁵⁸ Serb villagers in central and south-east Kosovo complain that pressure to sell their property to Albanians is underlined by gun or grenade attacks every few months.⁵⁹ The results of intimidation and harassment are visible: Serbs are unable to access much of their land and property, some of which has quietly been taken by Albanians.⁶⁰ North of

the Ibar, where the pattern is reversed, Kosovo car licence plates are shed for fear of attack; Albanians who venture into north Mitrovica's main thoroughfares risk a beating, and Albanians are under pressure to sell their homes in at least one neighbourhood.⁶¹

To make policing more minority-sensitive, UNMIK introduced sub-stations into fourteen enclaves during 2005, staffed for now by international officers, who should eventually be replaced by officers from the enclave communities, fully integrated into the local police command chain. Since 2004, municipalities have been encouraged to establish security committees. These could come into their own to defuse destructive rumours,⁶² but also risk being sidelined as a "fair weather" mechanism. When tensions rose in Strpce following the August 2005 killing of the two Serbs, the municipal emergency committee "did not invite Albanians because it could have provoked a counter effect among the people".⁶³ Similarly, no committee functions in the largely Serb northern municipality of Zubin Potok⁶⁴ – because, municipal authorities say, of the inter-ethnic crime.⁶⁵

In December 2005 the UN Secretary-General's special representative (SRSG), Jessen-Petersen, acknowledged UNMIK's failure to integrate north Mitrovica and its hinterland adequately into Kosovo's governance but proposed to leave this to others to resolve as a part of final status negotiations.⁶⁶ However, though neither side is keen to upset the equilibrium during the process, Mitrovica is inherently unstable. Dialogue is too limited, slow and low-key to guarantee the avoidance either of a violent

2005. Proportionately more respondents from the Pristina and Gjilan/Gnjilane regions thought it unsafe to travel. Crisis Group interview, UNMIK official, December 2005.

⁵⁴ Data collated by Collaborative for Development Action (CDA) from official agency sources and presented by Diana Chigas to a seminar reviewing research on peace-building in Kosovo, Pristina, 16-17 November 2005.

⁵⁵ See the UNDP/Riinvest quarterly opinion polls, <http://www.kosovo.undp.org/publications/publications.asp>.

⁵⁶ Crisis Group interview, senior officers, Pristina, 19 December 2005.

⁵⁷ Crisis Group interview, UNMIK official, December 2005.

⁵⁸ Data collated by Collaborative for Development Action (CDA), op. cit.

⁵⁹ Crisis Group interviews, August-October 2005.

⁶⁰ In villages near Klina, Serbs complained that they could not work their land for fear of neighbouring Albanians, who threw stones at them when they tried and stole cattle, tractors and other machinery. Albanian villagers stated that they were merely grazing their own cattle on unused Serb land, not working or usurping it. CDA op. cit. In some places Albanian criminals

exert strong influence. In 2005 several Albanian brothers with such a reputation bought a motel in a Serb-majority village in south east Kosovo. One had been arrested for his role in the March 2004 riots. Local Serbs suspect them of involvement in the disappearance of a Serb neighbour. Since their purchase, the brothers have exerted pressure upon surrounding Serb property owners and started building on the land of one of them. Crisis Group interview, October 2005.

⁶¹ Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit.

⁶² Such initiatives have mitigated inter-communal fighting in other settings. In the previously riot-prone town of Bhiwandi, a police initiative to establish a web of Hindu-Muslim confidence-building committees helped it through India's 1988-1993 communal violence without a life lost. Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven & London, 2002), pp. 293-297.

⁶³ Crisis Group interview, Radica Janjicevic, Strpce municipal chief executive, 6 September 2005.

⁶⁴ See Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit., pp. 5-6, for an account of the policing environment in this northern Serb-majority municipality.

⁶⁵ Crisis Group interview, UNMIK police and justice officials, Pristina, 12 December 2005.

⁶⁶ Press briefing, Pristina, 21 November 2005..

denouement or of the city serving as a running sore that prevents an independent Kosovo from becoming functional. Talks are limited to the regional level, revolving around water and power supply and chaired by the UNMIK regional representative, while UNMIK winds down its staff and disengages in the north.⁶⁷ The lack of any signals or preparations from either the Contact Group or EU for a post-status transitional mission there contributes to drift.

In November 2005 UNMIK Police dispatched a senior Kosovo-Serb KPS officer and Russian investigators from Pristina to "contain" Strpce,⁶⁸ which has drifted toward becoming a second north Mitrovica, though at the southern end of Kosovo. Shootings and explosions since August 2005 have raised tensions. While Pristina suspects Belgrade's hand, most Strpce Serbs are convinced the violence signals Albanian intention to expel them once Kosovo becomes independent. They fear Albanians would revoke local autonomy, take over municipal institutions and use them to promote Albanian purchases of land and property. Specifically, Strpce Serbs resist subordination to the neighbouring regional centre of Albanian-dominated Ferizaj/Urosevac and demand removal of the KPS Regional Operational Support Unit (ROSU) introduced after the August killings.⁶⁹ The municipality's security apparatus is rickety. The municipal president is on close terms with the local self-declared head of a Serb armed resistance movement; the police chief is from Gjilan/Gnjilane, reportedly travels the 50 kilometres home most days at 3 p.m., and does not enjoy much local confidence; the municipal president is said to have threatened to "burn down the police station" at the next incident; and the Ukrainian KFOR contingent is uncommunicative, leaving U.S. Multi-National Brigade East commanders poorly informed about the situation.⁷⁰

The KPS may come under more inter-ethnic pressure in 2006 as the status process goes forward. In September 2005 Serbia's Kosovo coordinators told Gracanica Serbs to

leave the KPS and other Kosovo government institutions.⁷¹ In November both Strpce and north Mitrovica signalled their hostility to Albanian-dominated KPS units operating on their territory.⁷² Two weeks after a Serb was appointed to head one of the six KPS regional commands, he was wounded in south Kosovo, on 28 September 2005.⁷³ Either Serbs or Albanians determined not to see a Serb in a leading KPS position could have been responsible. In response angry Serbs gathered outside the Strpce police station, threatening to break in and attack Albanian officers whom Serb colleagues were shielding.⁷⁴ Another angry crowd gathered outside the station on 13 February 2006, led by a Serb villager released the previous day, who had brawled with a KPS officer. Afraid of Albanian domination, Lipjan/Lipljan municipality's minority Serb officers considered resigning en masse upon its transition to KPS control, until they were reassured by the station's UNMIK Police chief monitor.⁷⁵

In 2005 UNMIK began an Internal Security Sector Review (ISSR) to design sustainable, democratic security institutions for a post-status, multi-ethnic Kosovo. The methodology has been developed and used since the early 1990s by the UK government for re-designing the security sectors of countries, mainly in Africa, through consultation with citizens and interested groups.⁷⁶ One of those responsible says: "As proposals are coming up from the internal security review, we would expect them to be placed before those conducting the final status talks".⁷⁷

⁶⁷ Crisis Group interview, UNMIK official, Mitrovica, 3 February 2006.

⁶⁸ Crisis Group interview, UNMIK Police Commissioner Kai Vittrup, Pristina, 20 December 2005.

⁶⁹ Crisis Group interviews, Strpce, 24 and 29 November 2005. First deployed on main roads and in Albanian areas of the municipality, the unit began operations in and around Serb villages in October 2005, attracting many complaints of intimidation. The unit is fully Albanian, since Serbs decline to take up reserved slots, not wishing to work mostly in the Albanian milieu of Ferizaj/Urosevac. Illustrating the lack of adequate communication, Strpce Serbs misname it the "Rose" special unit, assuming it to be a Balkan-style paramilitary force like "Tigers" or "Lions".

⁷⁰ Crisis Group interviews, Strpce, 24 and 29 November 2005.

⁷¹ "Raskovic-Ivic Announces Changes in Policy of Coordination Centre for Kosovo", VIP news agency, 23 September 2005.

⁷² There was a mini-riot in north Mitrovica as a special south-of-the Ibar unit arrested a suspected drugs dealer on King Peter street.

⁷³ A previously unknown, probably fictitious Serbian paramilitary organisation claimed responsibility for the well-prepared ambush, executed with AK-47s from a vantage point overlooking the highway, next to an Albanian village.

⁷⁴ Crisis Group interview, international official, Gjilan/Gnjilane, 20 October 2005. Some Serb officers nearly joined the crowd.

⁷⁵ Crisis Group interview, UNMIK Police officer, 12 October 2005.

⁷⁶ The eight steps, meant to stretch over a year, are: 1) reviewing Kosovo's strategic environment; 2) determining threats to Kosovo's security; 3) designing a web of security institutions; 4) and individual security institutions; 5) "gap analysis" to determine how much development work needs to be done to transform security institutions; 6) establishing strategies to achieve these transformations; 7) reviewing the cost of the new security architecture; 8) implementing the strategies once consensus and donor support are in place.

⁷⁷ Rod Evans, member of British Security Sector Development Advisory Team, and Iain Smailes, chief of UNMIK's Advisory Unit on Security, press briefing, Pristina, 15 June 2005.

But UNMIK has had problems getting ISSR off the ground. It should have started one or two years ago, and decisions on interior ministry and police structure are being implemented first. Although blessed by the UN Secretariat in mid-2005, it has lacked more senior support from the Security Council, Contact Group, or NATO. Finding funds for the ISSR secretariat has been difficult. Its initiators take encouragement from early consultations that have begun to throw up new thinking: "Some are beginning to connect the closed list election system to police loyalties and the risk that they will be unaccountable to the public; i.e. the present voting system will lead to security problems".⁷⁸ Yet, poor domestic acceptance mirrors the lack of international support. Predictably, Kosovo-Serb political and church delegates have not taken their places on the ISSR steering committee, but neither have Kosovo-Albanian opposition parties.

Kosovo is still contested between Albanians and Serbs. Until basic final status decisions are taken, the ethnic divide will remain too deep to allow reliable, inclusive preparations for state-building to proceed. What Kosovo Serbs will do once Kosovo's independence is decided – realign, leave or, in the north, resist – remains open. If the settlement leaves Serbs of the north and Serbia still refusing to recognise Pristina's authority and does not provide a transitional international authority north of the Ibar, Kosovo will face an unstable future. Belgrade's attitude and policies toward post-status Kosovo will be crucial, either allowing the creation of functional governance or placing large obstructions in its way.

II. THE PROTAGONISTS

The final status settlement will be an attempt to define Kosovo in a way that bridges the gap between the wishes of the three main protagonists – Pristina, Belgrade and the international community. But Pristina has the upper hand. It wants independence on behalf of the now overwhelming ethnic Albanian majority. There is much truth to Belgrade's protest that Kosovo's other communities merely provide decoration for what would be a second Albanian state. The international community, however, requires significant multi-ethnicity in both appearance and substance. Otherwise, justification for preserving the existing borders, with territories settled by Serbs inside, melts away. In imposing its agenda, the international community has struggled to find forms for multi-ethnicity, whether through standards or decentralisation, in the face of Kosovo-Albanian inflexibility, ambition and insecurity.

Pristina and Belgrade remain tone deaf to the messages. Albanians still lazily assume their case will make itself, and the U.S. will ultimately rescue them from their own flimsy preparations. Serbia refuses to acknowledge the "I" word, clinging to legalistic arguments and hopes of salvaging something by partition, and failing to take on board that its appalling treatment of the Kosovo Albanians in the 1990s has lost it Kosovo.⁷⁹

A. THE INTERNATIONAL COMMUNITY

The international community initially chose to guarantee multi-ethnicity by holding the PISG and the majority Albanian society to a tabulated program of democratic standards. Although Albanians perceived the standards process at first as a barrier to their aspirations, many Serbs criticised it for allowing Albanians to erect a facade of multi-ethnicity that could easily be unravelled after independence.⁸⁰ The March 2004 riots shattered international confidence that the Albanians were committed to a tolerant society. The Security Council and Contact Group responded with demands for decentralisation of powers to Kosovo-Serb communities, signalling loss of confidence in the PISG central institutions. Two years on, the international community is still uncertain where to draw the line between building up central governance

⁷⁸ Crisis Group interview, Iain Smailes, Pristina, 6 December 2005.

⁷⁹ The Contact Group made this explicit to Belgrade in its 31 January 2006 statement: "The disastrous policies of the past lie at the heart of the current problems".

⁸⁰ Kosovo Serb politician Dragisa Krstovic fears that "we could end up with a territory that has an appearance of multi-ethnicity now, but which is set on a course for Serb extinction". Crisis Group interview, Leposavic, 23 June 2005.

through standards and protecting minority communities from it through decentralisation. The number of new Serb-majority municipalities, the extent of their powers and the nature of their links with Belgrade remain undecided.

The set of international actors chiefly responsible for delivering a settlement overlaps with, but differs from, the set that will have to bear most of the burden of dealing with post-status Kosovo. UN Secretariat, U.S. and Russian appointees will have significant input into a settlement whose implementation will mostly fall on the EU and its member states. Crucially, the settlement process should allow the people of Kosovo to give their consent to the result, rather than remain passive recipients of a new Security Council resolution.

1. Getting to the settlement

The Contact Group is now “at ease with itself”⁸¹ on resolving Kosovo and is as well-poised for the months ahead as one could hope. Both the UN Security Council and Secretariat have played an enabling role. The former mandated the opening of the process and gave its imprimatur to the Contact Group’s Guiding Principles, with Russia an active participant and China showing no interest in blocking progress. The Secretariat’s consecutively appointed Scandinavians, UNMIK chief Jessen-Petersen, standards review envoy Eide, and most recently status mediation envoy Ahtisaari, have each contributed to an orderly beginning to the final status process.

Behind closed doors all Contact Group countries now agree that conditional independence is the only viable outcome. At a December 2005 meeting in Paris, “the taboo on the outcome had completely gone...everyone was talking about independence, and in front of the Russians. They did not object”.⁸² Indeed, Russian sources signalled as early as October their acceptance of conditional independence as likely.⁸³ Italy’s reluctant conclusion in the same period that it was the only realistic option helped convince France, the other most cautious Western member of the Contact Group.⁸⁴

Debate is focused on whether and when to go public with a Contact Group view of the outcome. Some feel trapped in a conundrum: “If we say Kosovo will be independent at the outset, Serbia may leave the process...[but if] the Contact Group continues to say all options are still on the table, Pristina won’t make concessions. It is all rather

discouraging”.⁸⁵ At the other end, the UK favours early clarity in order to focus the process.⁸⁶ Not all accept the UK’s theory that the Albanians would make more generous concessions if certain that independence was the destination. Some argue they might instead see no need to offer anything more on decentralisation or arrangements for accommodating minorities within central institutions. Moreover, anything extracted from the Albanians by an early Contact Group announcement on independence might be more than offset by a panic reaction from Kosovo Serbs, such as a mass exodus.

Contact Group countries traditionally closer to Serbia have a role to play in making its leaders understand that it should use the process to improve the position of Kosovo Serbs rather than struggle to regain territory that is de facto already lost. France made a start, privately telling them in late 2005 that it would not support their legalistic arguments against independence, and they had to face reality.⁸⁷ Russia, too, has reportedly let Belgrade know it will not veto a new Security Council resolution paving the way for independence that reflects the outcome of the process.⁸⁸

A few small countries not directly involved, such as Switzerland, began from mid-2005 to come out publicly in favour of Kosovo’s evolution toward independence, and Contact Group members have skirted ever closer. In late December 2005 Italian foreign minister Fini told Serbian BK Television that conditional independence would be the main topic of the negotiations. In January 2006 he wrote that Kosovo’s “status could be based on a form of conditional independence within the framework of a European guarantee, while awaiting integration into the EU institutions”.⁸⁹ The UK’s message that independence is the only viable option spilled out louder than intended in early February 2006 when shocked Kosovo Serbs and more calculating Serbian government officials revealed the contents of private Pristina and Belgrade meetings with the Foreign Office’s political

⁸¹ Crisis Group interview, British diplomat, London, 10 January 2006.

⁸² Crisis Group interview, Paris, 6 January 2006.

⁸³ Crisis Group interview, Moscow, 13 October 2005.

⁸⁴ Crisis Group interview, Paris, 6 January 2006.

⁸⁵ Ibid.

⁸⁶ Crisis Group interview, London, 10 January 2006.

⁸⁷ Crisis Group interview, Paris, 6 January 2006.

⁸⁸ The Belgrade tabloid *Kurir* claimed that Russian Foreign Minister Lavrov warned the Serbian government Russia would not be drawn into a confrontation with the West over Kosovo during his 7 November 2005 Belgrade visit. Serbian diplomatic sources have indicated the same to Crisis Group. President Putin’s advocacy on the eve of the 31 January 2006 Contact Group meeting that Kosovo’s settlement should proceed from “universal” principles, transferable to the frozen conflicts of the former Soviet Union, indicate a shift from a negative or defensive stance to a possibly more opportunistic one, open to seeking dividends from Kosovo’s independence.

⁸⁹ “The carrot is EU membership”, *International Herald Tribune*, 17 January 2006.

director, John Sawers. Serb politicians subsequently claimed that EU envoy Stefan Lehne had presented them with a choice between full and conditional independence for Kosovo.

This developing consensus in effect acknowledges Kosovo-Albanian claims of self-determination.⁹⁰ From October 2005 U.S. Under Secretary of State Burns began talking of an opportunity for “the people of Kosovo...to define their future”,⁹¹ drawing a pained reaction from Serbia’s Kosovo coordinator, Sanda Raskovic-Ivic, who said Yugoslavia had defined its Albanians as a “nationality” (*narodnost*), not a nation (*narod*) or constituent people, and so they could not be entitled to self-determination.⁹² Moreover, the Badinter Commission⁹³ had applied the self-determination principle only to republics. If Burns was shifting the goalposts, as she asserted,⁹⁴ others are joining in. SRSJ Jessen-Petersen said: “...It seems to me self-evident that the strong, almost unanimous, view of the majority of the people in Kosovo must form the basis for any sustainable status settlement. Their preference is clear”.⁹⁵ The Contact Group statement of 31 January 2006 took this to a new level, telling Belgrade to bear in mind that the settlement must “be acceptable to the people of Kosovo”, and the next month EU, U.S., and UK delegates reminded Serbia’s leaders that only independence was acceptable to Kosovo’s Albanian majority.

Nevertheless, Contact Group countries and UN representatives have insisted that Kosovo’s Albanians must earn independence with concrete initiatives and proposals to accommodate the Serb and other minority communities, including decentralisation: “Their aspirations and the status will not come automatically. Much work has to be done”.⁹⁶ Visiting Kosovo and Serbia in late 2005, the French foreign minister stated that with 90 per cent of Kosovo’s population seeking independence, realism must

prevail, but the 10 per cent minority should be catered for also. Making the same journey, his Italian counterpart said: “Kosovo must have a multi-ethnic character...Kosovo will never be independent if it is not multi-ethnic”.⁹⁷ Burns has maintained formal U.S. neutrality on the outcome but devoted two pages of his November Senate testimony to detailing what the Kosovo Albanians must do to gain independence. His message to Kosovo Serbs and Belgrade was much shorter: be cooperative and engage.

Long term, the Contact Group has tools with which to oblige Serbia to acquiesce formally in the loss of Kosovo. Its Euro-Atlantic integration will be blocked if it does not. Burns told reporters he could not imagine Serbia being admitted to NATO without having resolved the “major territorial dispute within it...on the future of Kosovo”.⁹⁸ The EU has not yet been so explicit and has highlighted other factors such as lack of cooperation with The Hague Tribunal as barriers to a Stabilisation and Association Agreement.⁹⁹ Yet the international community views candidacy as prime leverage material. If as an independent Kosovo proceeds toward Europe, Serbia still refuses to recognise it and maintains territorial claims or even an overt official presence in the north, it will find this a heavy burden to its EU aspirations.

That said, the EU card is an overrated resource in resolving Kosovo’s status. The timelines do not match up. Kosovo’s status should be settled within the year, while the membership issue will take years to mature. “European perspective” is often seen in Kosovo as a placebo offered in place of statehood; the struggle to retain Kosovo, not the distant prospect of EU membership, is the stuff of Serbia’s daily politics.

Ahtisaari’s handling of Pristina’s and Belgrade’s positions may bring them closer. Certainly on decentralisation, the gap is closing. Nevertheless, it is unlikely to disappear within the time available, either on this or on such practical sub-issues as Serb representation in central institutions, protection of Serb religious sites and property claims, let alone on independence. The subsidiary issues basically remain hostage to the larger status question. The Contact Group will have to determine at what point and to what extent it will insert itself as the arbiter. Russia has spoken against imposition and for supporting only what the two

⁹⁰ Self-determination and respect for territorial integrity are both principles included in the Helsinki Final of August 1975. On their standing as international law norms, see Richard Caplan, *Europe and the Recognition of New States in Yugoslavia* (Cambridge, 2005), p. 54.

⁹¹ Including in a 13 October 2005 Pristina press conference and in remarks to an 8 November 2005 Senate hearing.

⁹² Yugoslavia’s 1943 constitution envisaged *narod* status for peoples whose principle homeland was inside Yugoslavia, and lesser *narodnost* status for those, such as Albanians, whose main homeland was outside Yugoslavia. See Caplan, op. cit. p. 138.

⁹³ The arbitration body created by the European Union (then European Communities) in 1991 to give it legal advice on dealing with the incipient break-up of Yugoslavia.

⁹⁴ Sanda Raskovic-Ivic’s comments, reported in VIP Daily News Report, 13 October 2005.

⁹⁵ Speech made to Geneva Centre for the Democratic Control of Armed Forces (DCAF) roundtable, Geneva, 1 December 2005.

⁹⁶ Albert Rohan, in a Pristina press conference, 14 December 2005.

⁹⁷ *Zeri*, 29 December 2005.

⁹⁸ “US: Serbia can’t join NATO without Kosovo solution”, Reuters, 8 November 2005.

⁹⁹ “Rehn Reiterates Possibility of Suspending SAA Talks, Serbian Authorities without Official Reaction”, VIP Daily News Report, 11 November 2005. Intriguingly, 57.5 per cent of respondents in a telephone poll conducted by the Serbian magazine *NIN* on 12 November 2005 nevertheless cited the outcome of the Kosovo final status process as the factor most likely to impact on Serbia’s EU integration.

sides can agree.¹⁰⁰ Indeed, none of the Contact Group countries are keen to impose a solution without at least Belgrade's acquiescence. Stripping a country of sovereignty over a part of its territory against its will is a huge step for the Security Council to take.¹⁰¹ Yet this does not prevent Contact Group countries from forcefully advancing the view that Kosovo should be independent and isolating Serbia if it demurs.

But how forceful is it wise to be? Departing from the appearance of an even-handed process too early might squander an opportunity for the sides to narrow their differences, particularly on decentralisation, and to get Kosovo-Serb and Orthodox Church representatives so involved on the sub-issues that they will themselves generate demand for the process to culminate. There is worry that Belgrade would walk away and radical nationalism gain further ground in Serbia as a result. While the ticking clock of Kosovo-Albanian patience is a prime factor driving the timetable (though their politicians are masters in foot-dragging), some in the Contact Group mistakenly see virtue in a short delay if Serbian elections might oust the inflexible Prime Minister Kostunica and strengthen Western-leaning President Tadic, even at the cost of also boosting the far right Radical Party.¹⁰² The current government, however, appears to enjoy the support of the majority of the parliamentary deputies and could conceivably stay in power until the end of its mandate (December 2007). At the same time, President Tadic and the remainder of the "real" opposition seem to be in no hurry to challenge to Kostunica. A resurgent democratic block appears no more than wishful thinking on the part of poorly-informed Western diplomats.

Others see no worth in trying to micro-manage Belgrade¹⁰³ and consider a Serbian walk-out at some stage as likely in any case and perhaps even necessary to create circumstances for some Kosovo Serbs to start engaging: "We can't allow ourselves to be spooked by Belgrade, or it will just get harder....They have to face reality".¹⁰⁴ The Kosovo Albanians are more likely to make concessions accommodating the Serb minority if the Contact Group is prepared to make its negotiation with them the main axis of the process, rather than play mediator

in a process of uncertain direction in which Pristina and Belgrade are expected to split their differences.

The degree of high-level engagement and commitment the Contact Group can muster from its leaders will be important. A settlement within the present environment of lukewarm international political and financial commitment to the Western Balkans could usher in a sullen peace without guarantee of longterm stability. The requirement for a lasting settlement should induce EU leaders in particular to expand the envelope more generally, offering the Western Balkans a package that includes visa liberalisation, an extensive education program, debt relief and generous levels of pre-accession development assistance.

The level of resources the international community can muster for a settlement will also affect whether it can deliver on its "no partition" stipulation. If it cannot mount a transitional mission in north Kosovo along similar lines to the 1996-1998 UN mission in Croatia's Eastern Slavonia,¹⁰⁵ Kosovo will stay fragmented and continue to generate regional instability. The north's reabsorption into Serbia would remain a tantalising possibility for both Belgrade and its Kosovo-Serb leaders, thus leaving borders an open issue in the region, not just for Kosovo and Serbia.

The Contact Group's goal is to get sufficient acquiescence from both sides so a settlement can be written into a new Security Council resolution to supersede 1244. Diplomats envisage this new resolution – and not any kind of local consent – as the source of the post-UNMIK international mission's mandate, since Serbia is unlikely to sign anything acknowledging Kosovo's independence and may even quit the last lap of the process. "Probably they will do just enough to get the rewards they will have been offered", suggested one diplomat.¹⁰⁶ At least Kosovo-Albanian acceptance of the new mission will be directly relevant to the sustainability of the settlement, however, and here the international community's priorities and timetable may jar with Kosovo-Albanian anticipation of an act of self-determination. The international community has not yet accepted the notion of a referendum in Kosovo to secure consent and commitment to final status arrangements that might retain some external executive or supervisory powers. Instead, it tends uncreatively to view a referendum as a challenge to the authority of the Security Council.¹⁰⁷

¹⁰⁰ Foreign Minister Lavrov reiterated this in Pristina and Belgrade, on 7 November 2005.

¹⁰¹ The two closest precedents are those of Bangladesh (1971) and Eritrea (1993); but neither gained UN membership before their formal recognition by the states from which they had seceded (respectively, Pakistan and Ethiopia).

¹⁰² Crisis Group interview, 6 January 2006.

¹⁰³ One diplomat retorted: "We are not in the business of picking winners. What has Tadic actually delivered anyway?", Crisis Group interview, 10 January 2006.

¹⁰⁴ Ibid.

¹⁰⁵ The United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), which oversaw the reintegration of the territory into the Croatian state, was the subject of Crisis Group's first published report, *Eastern Slavonia*, 27 March 1996.

¹⁰⁶ Crisis Group interview, London, 10 January 2006.

¹⁰⁷ Asked at a 21 November 2005 Pristina press conference whether the international community might allow Kosovo to

2. Making the settlement work

Agreeing that conditional independence is the only viable solution, the Contact Group is much preoccupied with the shape, extent and powers of the international mission that will take charge after UNMIK is wound up. The agenda of preventing Kosovo from doing harm threatens to overwhelm any preparations for helping Kosovo succeed through social, political and economic development. Although the EU is expected to bear the lion's share of responsibility for the follow-on mission, its capacity during the final status process to stipulate what it will and will not take on is circumscribed. EU institutions realise they could end up holding a big, ugly baby of uncertain parentage.¹⁰⁸

The 25 EU member states are far less able than the six-nation Contact Group to agree decisions on Kosovo. Some voices in the EU are still reluctant to consider Kosovo's independence as a solution, and strongly support an extensive EU mission with executive powers taking over from UNMIK.¹⁰⁹ The EU institutions know quite clearly what they want and need but do not feel mandated to publish their arguments.¹¹⁰ They require a cooperative and safe working environment in Kosovo, therefore a status process that produces a clear and final outcome finding favour with Kosovo's Albanian majority, rather than a new transitional arrangement. They need Kosovo to emerge with treaty-making powers if they are to apply their familiar tools of partnership and conditionality to the territory. And they need Kosovo to acquire a functional government structure that will not require renegotiation in several years in order to adapt it to EU integration requirements, as is currently happening with Bosnia-Herzegovina.

In other words, the Council and Commission need Kosovo to be independent, unencumbered with over-elaborate decentralisation arrangements or a split into entities.¹¹¹

hold such a referendum, SRSJ Jessen-Petersen replied: "At this stage, it is certainly not an issue that can be entertained, because that would go directly against 1244. I can't answer what they would do in the future. But as long as Kosovo is guided by 1244, a referendum here cannot decide on the future of Kosovo. This has to be decided by the Security Council".

¹⁰⁸ Crisis Group interview, European Commission officials, Brussels, 5 January 2006.

¹⁰⁹ Crisis Group interviews, EU member state diplomats over the course of 2005.

¹¹⁰ Important joint papers on Kosovo were produced by the EU Council Secretariat and the European Commission, in June and December 2005, and circulated to member states. Neither has officially been published.

¹¹¹ Crisis Group interviews, Council and Commission staff, Pristina and Brussels, 29 November 2005 and 5 January 2006. The unpublished June 2005 and December 2005 joint Council-

The disconnect between the EU's large interest and its limited capacity for articulating that interest poses problems. Although the EU institutions have their envoy, Stefan Lehne, in Ahtisaari's team and play a supporting role in the Contact Group, they risk becoming passive recipients of status arrangements not of their design.

Why an international presence? The idea that a continuing international presence after Kosovo's status has been resolved is one of the elements of "conditional independence" has been around for a long time.¹¹² The UN and the Contact Group have already stipulated that whatever the status settlement, Kosovo will retain an international civilian presence. The Contact Group's Guiding Principles state that such supervision will be needed "[f]or some time", while Eide argued that "entering the future status process does not mean entering the last stage, but the next stage of the international presence". Although listing the continuation of UNMIK tasks such as to "monitor and support the authorities in the continued implementation of standards", the Guiding Principles do not elaborate a strategic rationale, such as state-building. The mission should be designed from such a first principle in order to maximise the chances for synergy with Kosovo actors and a coherent exit strategy.

Although it is generally accepted that the post-status mission will be smaller than UNMIK, focused on fewer areas and with a far narrower range of reserve powers, there is a tendency for the various international actors to compile an ever-lengthening wishlist of what the new mission should do, supervise or monitor. While, of course, some reserve powers may be appropriate to ensure that Kosovo does fulfill its obligations to minorities (as Crisis Group has long argued), Kosovo institutions should be allowed to run themselves in most policy areas. Ultimately, cost may scale back ambitions, since the EU budget for 2007-2013 (agreed in December 2005) is tight. Even so, there is a risk that all or most available EU money will be sunk into police mission costs rather than development funds.

Managing local perceptions. The lack of a focus point to plan for Kosovo's global needs could backfire even on the agenda. If EU involvement in post-status Kosovo overbalances in favour of elements of control, such as a 1,000-strong police mission retaining significant executive

Commission papers on Kosovo also contain some of these arguments.

¹¹² Not least in Crisis Group reports, most recently Crisis Group Europe Report N°161, *Kosovo: Toward Final Status*, 24 January 2005, with earlier iterations in Crisis Group Europe Report N°108, *After Milosevic: A Practical Agenda for Lasting Balkans Peace*, 1 April 2001 and the Independent International Commission on Kosovo's 2000 report (Oxford University Press).

powers, European judges and prosecutors for sensitive, high-profile cases, and an EU Special Representative equipped with “Bonn powers” to dismiss Kosovo office-holders,¹¹³ without compensating generosity in development aid funds, there will be fertile ground for the EU to be perceived less as partner than semi-colonial overlord. Kosovo leaders could deliberately exploit such perceptions if they became the targets of EU corruption and organised crime investigations or Bonn-powers dismissals.

The potential is already apparent in both the disappointment with what the EU’s economic reconstruction pillar within UNMIK has done and latent, traditional Albanian distrust of Europe. The neglect of Kosovo’s economy since 1999 is a subject of quiet embarrassment, which, fairly or unfairly, the EU is perceived to embody. Its response has been to attempt to distance itself from the EU Pillar in UNMIK, which already in 2004 Commission officials were asking be called merely the EU-funded pillar.¹¹⁴ Now they say: “UNMIK Pillar IV will not be the core of the future EU presence in Kosovo”. Brussels wishes to turn over all of the pillar’s responsibilities to the Kosovo government upon status resolution.¹¹⁵ Kosovo Albanians consider most EU member states as pro-Serbian (in contrast with the U.S.¹¹⁶) and even harbour resentment over the 1913 decision of the European powers to leave Kosovo under Serbian control.¹¹⁷

Another important factor in securing Kosovo-Albanian partnership with EU police, justice and special representative missions will be the degree of cooperation the international community, with NATO in the

foreground, shows in supporting the aspirations for an army – however symbolic, small, and irrelevant to needs it will be, since NATO plans to maintain a significant Kosovo contingent for many years. If NATO trains a small, specialised Kosovo defence force that can join its Partnership for Peace and eventually the organisation itself, Kosovo Albanians are more likely to regard the EU presence as part of a chain of international partnership. If the international community decides Kosovo does not “need” an army and rules this a necessary compromise to secure Serbia’s acquiescence to a settlement, however, Kosovo Albanians would interpret this as a retrospective judgement of military defeat and a pegging of Kosovo at a lower level of civilisation than its neighbours. The EU presence might then be viewed as foreign occupation.

Shaping the international presence. Between the Contact Group and the EU, consensus is emerging that a single personality should draw together the various threads of the post-status international presence. As in Bosnia-Herzegovina, the individual might be “double-hatted” as an EU Special Representative and a High Representative authorised by a Security Council resolution (and/or possibly an accord with Kosovo). The latter role would provide a mandate beyond what the EU, as a regional entity, could support. The individual would report to a broader implementation council, including the U.S. and other significant non-EU actors. Thinking on the breadth and depth of executive and reserve powers he or she might wield is settling in the range of “Sarajevo minus, Skopje plus”,¹¹⁸ i.e. between the powers the Bosnian High Representative has to dismiss even the government, and an advisory and monitoring role performed at the invitation of the domestic authorities. Less thought is going into the projected mission’s exit criteria, although these obviously will be linked in some way with Kosovo’s EU integration process.

The EU institutions declare that their post-status mission in Kosovo “cannot be EUMIK” – a continuation of the broad, open-ended mission mandated under Resolution 1244. Yet it may end up nearer that than they are comfortable with. The EU has rebuffed UN requests for it to take over parts of UNMIK’s mission while 1244 still operates.¹¹⁹ UNMIK has engaged the multilateral actors in several groups to work out technical aspects of future arrangements in the economy, rule of law, minority rights and other fields. Through them, UNMIK personnel tend to argue for extending their roles, particularly in the Pillar IV economic sphere. Their arguments, which are not met with

¹¹³ The December 1997 Bonn meeting of the Peace Implementation Council granted to the High Representative in Bosnia extensive powers of intervention, including the authority to impose legislation and to remove any official, including elected representatives, from office if he deemed them to be obstructing the implementation of the peace agreement. See in particular Crisis Group Europe Report N°146, *Bosnia’s Nationalist Governments: Paddy Ashdown and the Paradoxes of State Building*, 22 July 2003.

¹¹⁴ Crisis Group interview, Brussels, 23 June 2004.

¹¹⁵ Solana-Rehn document, op. cit.

¹¹⁶ Influential backers of the co-governing LDK party express a readiness to satisfy what they imagine to be a U.S. agenda in ways that pay scant regard either to the EU’s human rights norms or recent Council of Europe concerns. One suggested rounding up followers of radical Islam and “throwing them in the sea”. Another was ready to offer Kosovo as a reliable, discreet home for a mini-Guantanamo terrorist suspect detention facility. Crisis Group interviews, Pristina, May 2005 and January 2006.

¹¹⁷ Older generations sometimes refer to Europe as “the old whore”. A feeling that Europe should exculpate sins against Albanians informs the lyrics of nationalist folk singer Ilir Shaqiri’s song, “O Evrope, kthema borxhin” (Oh Europe, repay your debt).

¹¹⁸ Crisis Group interview, European Council Secretariat staff, Brussels, 5 January 2006.

¹¹⁹ Crisis Group interview, Brussels, 5 January 2006.

sympathy,¹²⁰ are influenced by their day-to-day friction with the provisional government. They stress that a quick international pull-out in late 2006 would risk the capture of regulatory and revenue bodies by cronyism (at best): “A bunch of starved mice are going to end up in the biggest cheese shop”.¹²¹ But try as the EU institutions will to ignore Pillar IV, they may have to relieve some parts of it in order to retain a window through which to view Kosovo’s economic governance. In the police and justice sphere, the EU has to work through a maze of half-formed, overlapping and even contradictory UNMIK initiatives, such as the newly created ministries, ISSR, and uncompleted major investigations into high-level fraud in the PISG.

Some in the Contact Group favour a follow-on mission with a heavy footprint.¹²² However, an overly-robust EU police and justice mission might discourage the KPS and local prosecutors and judges from ever tackling hard cases, rather than build capacity in preparation for local ownership. An argument is made that UNMIK’s unfinished work in rooting out organised crime and creating a culture and mechanisms of democratic accountability make it essential for the future international mission head to have power to dismiss any official.¹²³ Yet UNMIK has never used such power in six years; it would be difficult to start in independent Kosovo. “Better to whisper to them: ‘You can forget your SAA [with the EU] if you still have this minister on board’”, suggests a European Commission official, who favours lesser powers but a conditionality approach.¹²⁴

There are differences of emphasis even within the European institutions, and the boundaries between Council and Commission responsibilities are blurred. While Council staff insist that without Bonn powers the future EU Special Representative will be a “toothless tiger” and its police mission cannot just be a monitoring operation, Commission sources are “very hesitant to enter anything resembling direct governing powers...[especially ones] we do not have vis-a-vis our own member states”.¹²⁵ Planning for the mission needs constantly to return to the question of compatibility with Kosovo’s independent statehood.

Although piling all EU institutional hats onto the same actor seems tempting, this approach also has its drawbacks.

¹²⁰ Crisis Group interviews, EU Council, IMF, World Bank, and UNMIK personnel, Pristina, November and December 2005.

¹²¹ Crisis Group interview, Kosovo Trust Agency official, Pristina, 14 December 2005.

¹²² Crisis Group interview, European Commission official, Brussels, 5 January 2006.

¹²³ Crisis Group interview, London, 10 January 2006.

¹²⁴ Crisis Group interview, European Commission official, Brussels, 5 January 2006.

¹²⁵ Crisis Group interviews, Brussels, 5 January 2006.

It would create problems both in negotiating Kosovo’s EU integration and in determining its qualifications for accession. The EU would simultaneously hold some executive powers in Kosovo and attempt to negotiate with its government on the monitoring and conditionality basis it uses to prepare candidates for membership. The clash of method would be particularly problematic since the EU is likely to hold executive functions in the area of rule of law, which is central to the Copenhagen criteria of democracy and human rights which EU applicants must fulfill.¹²⁶

Another problem is the EU’s limited experience in some required areas, such as the judiciary. In preparation, UNMIK is trying to recruit European prosecutors and judges, but EU institutions have not built up the capacities to guide this effort. As for oversight of civil affairs, “any French prefect could do it better than us”, said an EU official.¹²⁷ A nightmare scenario would be an EU mission top-heavy with powers alien and unfamiliar to its institutions, spilling beyond the bounds of the organisation’s treaty foundations and unable to bring Kosovo closer to accession criteria.

Degree of decentralisation. Eide’s late 2005 report emphasised deep decentralisation. He envisaged that Serb-majority municipalities should have “enhanced competencies in areas such as police, justice...special competencies going beyond those given to all other municipalities”. His proposal of horizontal links between Kosovo Serb-majority municipalities and special ties with Belgrade suggested a near complete bypass of Pristina and Kosovo central institutions. Pristina was discomfited but Serbia drew upon his ideas to buttress its own projects for creating more Serb-majority municipalities and amalgamating them into a Kosovo-Serb entity, linked with Belgrade. This demonstrates the limits of decentralisation: if taken too far, it provides the material for re-centralising Serb areas under Belgrade’s control.¹²⁸

Kosovo Albanians view enhanced competencies for Serb-majority municipalities in policing and justice with foreboding. One politician’s reaction showed how dangerously Eide’s apparent compromise might play on

¹²⁶ The European Council, meeting in Copenhagen in 1993, set three criteria for EU candidates to fulfil: i) stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; ii) a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the [European] Union; and iii) ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

¹²⁷ Crisis Group interview, Brussels, 5 January 2006.

¹²⁸ See the report of Slobodan Samardzic’s interview on the Kosovo Serb TV Station *MIR*, “Kostunica’s adviser: Decentralisation talks aimed at establishing direct Belgrade-Kosovo Serbs connection”, *VIP Newsletter*, 14 February 2006.

the ground: "Since there is so much distrust between the two communities, we want a strong municipal police that would be powerful enough to approve or bar the entry of police from the centre in Pristina to the enclaves".¹²⁹ Some Contact Group countries, such as the U.S. and Germany, are attracted by the idea of raising municipal police to complement the KPS.¹³⁰ At first glance, this could meet Belgrade's demand that Serbs control policing in their areas while retaining the Kosovo-wide KPS. Yet, in present circumstances it would degrade the unity of the KPS and the quality of policing.

Serbs would likely desert the KPS wholesale for the new municipal forces, allowing Belgrade to fuse them together with the hundreds of its interior ministry (MUP) personnel already quietly present in Serb areas.¹³¹ This could be a recipe for violent clashes between Serbs and Albanians, all armed by the international community and the state. UNMIK's police commissioner, Vittrup, says forthrightly: "You can't build a police force with political compromises. There has to be one service in an area as small as Kosovo".¹³² UNMIK's December 2005 police regulation offers a milder recipe, drawing on Macedonia's Ohrid formula to give municipal assemblies a choice of three candidates for local police chief from a list proposed by the police commissioner.¹³³

As the international community ponders how to make Kosovo function, the pendulum may now be swinging back in favour of central institutions. An EU official noted: "The more politically sexy the decentralisation model for satisfying minorities, the less sustainable it will be".¹³⁴ Ahtisaari's deputy, Rohan, thought aloud about how to arrange horizontal links between Serb-majority municipalities "in a way that it does not mean any kind of

division or something like that. This is not really what we want". Discussing the possibility of more Serb-majority municipalities, he recalled Macedonia's experience: "You cannot endlessly increase the number of municipalities because it would be totally dysfunctional... It must also be financially viable".¹³⁵ Questioning why the international community should fragment policing in Kosovo as it tries to centralise it in Bosnia, a British diplomat stated a need to "work these barmy ideas out of the system. If you build institutional barriers between the communities, it will perpetuate problems".¹³⁶

It appears that if the Kosovo Albanians can present a reasonable decentralisation plan for implementation over the next several years, the international community is ready to endorse it. "Belgrade is trying for Dayton; we are trying for Ohrid", remarked politician Veton Surroi.¹³⁷ Agreement is coalescing around formation of two or three new Serb-majority municipalities: greater Gracanica in central Kosovo, Partes and surrounding Serb villages in south-east Kosovo and north Mitrovica (possibly uniting with Zvecan) above the Ibar. Encouragingly, Pristina and Belgrade may be coming closer together. Kosovo Albanians are of a mind to offer only Gracanica and Partes.¹³⁸ They see north Mitrovica becoming a new sub-unit of Mitrovica, rather than a municipality in its own right. Belgrade's request for new Serb-majority municipalities has focused on four areas: northern Mitrovica, central Kosovo (Gracanica), Pomoravlje (south-eastern Kosovo) and Metohija (western Kosovo).¹³⁹ Serbs are possibly too few and too rural in the latter two locations, however, to make sustainable municipalities.

B. KOSOVO ALBANIANS

Kosovo's Albanians are convinced that the process offers a one-time opportunity for independence and to be rid of Serbia. They believe the great powers are finally disposed to reverse part of the 1913 London Conference decision, which left Kosovo and other significant Albanian-inhabited territories outside the new state of Albania and under the rule of Slavic and Orthodox neighbours. Their leaders will not dare accept any solution not called independence or easily agree to any new interim arrangement or blurring of independence in a package with EU membership a decade hence as its centrepiece. Attaining the symbolic attributes of independence is of

¹²⁹ Rada Trajkovic, quoted in Jeta Xharra and Artan Mustafa, "Albanian Divisions may Hamper Kosovo Talks", Balkan Investigative Reporting Network (BIRN), 14 October 2005. See www.birn.eu.com.

¹³⁰ The communiqué issued after the Contact Group's 2 September 2004 meeting in Pristina noted: "UNMIK and the PISG should take into account additional areas of local responsibility such as municipal policing". Eide's report of 2004 recommended: "Municipal involvement and responsibilities with regard to policing should also be considered... Mono-ethnic policing should be avoided. However, municipal policing is a well established concept and could be a valuable contribution to establishing the reassurances and trust sought by the Serb community".

¹³¹ The Serbian interior minister told UNMIK that his ministry has 1,000 personnel in Kosovo, some in administrative posts. Crisis Group interview, senior UNMIK official, 31 August 2005.

¹³² Crisis Group interview, Pristina, 20 December 2005.

¹³³ Regulation No. 2005/54, "On the Framework and Guiding Principles of the Kosovo Police Service", 20 December 2005.

¹³⁴ Crisis Group interview, Brussels, 5 January 2006.

¹³⁵ Press conference, Pristina, 14 December 2005.

¹³⁶ Crisis Group interview, London, 10 January 2006.

¹³⁷ Crisis Group interview, Pristina, 30 January 2006.

¹³⁸ Crisis Group interview, local government minister Lutfi Haziri, Pristina, 12 January 2006.

¹³⁹ Extracts of the Serbian negotiating team's platform, published in *Vecernje Novosti*, 9 January 2006.

huge importance to Albanians, perhaps more so than its functional attributes. Their leaders need trophies like a UN seat, embassies and Kosovo teams in international sports events.

The approach to status negotiation is one of only slightly disguised unilateralism. Politicians have pledged that they will not negotiate their independence demand. They wanted the process to acknowledge sovereignty first, then deal with decentralisation and other minority-accommodating arrangements, and they regard the imposed agenda of decentralisation with trepidation. They fear a Bosnia-like division, leaving chunks of territory controlled by Belgrade-loyal Serb politicians.

The Kosovo Albanian concept of government is defensive, 1970s Yugoslav-nostalgic and centralised, without a constructive vision for the decentralization agenda that has gained international backing, especially after the March 2004 riots. While Belgrade can, at a stretch, argue that Eide's proposals fit with its own for administrative division between Serb and Albanian areas,¹⁴⁰ Kosovo Albanians have not related their February 2006 decentralisation proposal to Eide's.

Through much of the twentieth century Kosovo Albanian identity has been forged in resistance to Serbs, a struggle still not over. Their Kosovo project is for a second Albanian state, not a multi-ethnic one. Too easily, they can claim the support of the non-Serb minorities. Turks, Bosniaks, Goranis, Roma, Ashkali and Egyptians are too vulnerable not to throw in their lot with the Albanian majority, even if assimilation may eventually await them, but Albanians automatically relegate them to the second plane, or exclude them. Despite their leaders' pleas,¹⁴¹ non-Serb minorities were not offered a place on the Kosovo Albanian negotiating team. Instead, that team has spawned a sub-committee to gather opinions and suggestions from minority representatives. Pushed to concede much for Serbs, Albanians are likely to pay little attention to the other communities.

Kosovo Albanians show no inclination to engage with Serbs beyond the standards program, implementation of which the UN evaluates every quarter. They routinely accuse the Serbs of being Belgrade puppets but make no overtures that might entice them to become more independent. Internal dialogue and confidence-building visits to Serb community leaders have begun to happen in various contexts, whether standards, decentralisation, or

the minorities sub-committee of the negotiating team, but no overall agenda has emerged to draw them together.

With no vision for the future of Serbs in Kosovo, one might suspect that the latent Albanian hope is that they will all eventually sell out and leave. Any constitutional proposals from or endorsed by Kosovo Albanians have involved at most legal guarantees and shied away from institutional guarantees or positive discrimination, let alone territorial guarantees.¹⁴² The argument is that Kosovo should be organised along civic, not ethnic lines. Kosovo Albanians' general idea is that the Serbs should "trust us". But some want payback for the 1990s: "They gave us rights on paper then; we should do the same to them now".¹⁴³ Nevertheless, Albanians do realise that Serbs will be a fact of life in Kosovo. Unwillingness to make concessions now stems more from fear of ending up with dysfunctional institutions than from ambition for further ethnic cleansing.

The artificiality and temporary quality of this "standards" rhetoric has prevented more meaningful dialogue between leaders and public. There is a gulf between official and unofficial language. Public utterances and postures tend to be wooden and hypocritical. Now that the Kosovo Albanians have done just enough on standards to qualify for final status talks, Kosovo Serbs worry that Albanians have no more incentives to treat them well.¹⁴⁴ Kosovo Albanian leaders give a sense of not fully understanding the rumblings from below in their own society and so are not convincing candidates to wield a state's monopoly of violence.¹⁴⁵ The requests of Kosovo Albanian leaders for a tight timeframe for the final status process both reflect this nervousness and seek to instrumentalise it. Despite pledges to exclude violence from the process, the risk of a repeat of the March 2004 riots is a joker that the Kosovo Albanians will not discard.

¹⁴² In March 2005 Professor Paul Williams' Public International Law and Policy Group presented a draft constitution commissioned by the Kosovo-Albanian parties. In September 2005 a group of University of Pristina law students presented their proposal, in which the ombudsperson would be the main pillar of minority rights protection.

¹⁴³ The views of a middle-aged administrator, Pristina, reported to Crisis Group, December 2005.

¹⁴⁴ A theme that emerged from several site-specific research case studies conducted by Collaborative for Development Action (CDA) for a review of peace building programs in Kosovo and presented at a seminar in Pristina, 16-17 November 2005.

¹⁴⁵ They differ in this from elites in many transition countries, who "do not give an impression that they fear their own civil society". Observations by Bruce Jackson, president of the Project on Transitional Democracies, comparing Kosovo-Albanian leaders with leaders in Ukraine and Georgia. Crisis Group interview, Pristina, 25 November 2005.

¹⁴⁰ As expressed, for example, in its April 2004 "Plan for the Political Solution to the Situation in Kosovo and Metohija". See Crisis Group Report, *Kosovo: Toward Final Status*, op. cit., pp. 16-17.

¹⁴¹ Vatan request, *Koha Ditore*, 17 January 2006.

Kosovo Albanians' political repertoire is highly limited. There is an implicit hope that the international community's demands and attention can be stonewalled and outlasted. The political class does not show initiative to devise projects for resolving the key challenges. For example, there is still marked reluctance to face the Mitrovica issue. The preference is to be spectators and critics of proposals by third parties, including Crisis Group.¹⁴⁶ The idea of preparing options for accommodating Kosovo Serbs or sweetening the pill for Serbia so it is easier for the international community to bring a recalcitrant Belgrade to accept Kosovo's independence has not really percolated into political thinking. Little genuine attempt is made at contact with Serbs, or even with each other. Deficits of administrative experience and education replicate this problem at municipal level. An UNMIK municipal representative noted that Serb returns and security are blocked more by Albanian municipal officials' incapacity and passivity than ill will.¹⁴⁷ Another suggested that it was officials' lack of expertise that produced heavy-handedness with the weaker members of society.¹⁴⁸

Kosovo Albanians have become so used to wearing the masks that the international community requires of them that it is probably not even clear to themselves if the masks have now become a true face. Some are angered by the Contact Group's ban on any union with Albania,¹⁴⁹ something that has some popular sentiment behind it, though little party backing.¹⁵⁰ However, as interaction between the two Albanian societies grows, Kosovo's educational, cultural and linguistic inferiority are more apparent.¹⁵¹ Kosovo Albanians do regard the Albanian flag

as theirs, and many are likely to view any new symbols as an annoying imposition.¹⁵² KLA veterans seized and publicly burned President Rugova's proposed Kosovo flags, which the LDK-controlled Pristina municipality flew together with Albanian flags around the city to celebrate the 28 November 2005 annual Albanian flag day. But statehood is not yet a fully imagined concept for Kosovo Albanians. Most have yet to make the leap from a generality of desired "independence" to the specific requirements of constructing a new state.

Called upon to compromise on maximum demands, in the last quarter of 2005 politicians adopted the phrase "our compromise is independence". The implication was that the maximum demand would have been union with Albania. Notwithstanding an opening negotiating position that Kosovo "claims no territory beyond its borders and will entertain no claim to its own territory", from November 2005 Veton Surroi in particular cultivated autonomy demands from the Albanians of south Serbia's Presevo Valley as a tool with which to deter the international community and Belgrade, respectively, from granting and seeking too great an autonomy for the Serbs of north Kosovo. This activity risks opening up a Pandora's Box of competing reciprocity claims across Balkan borders. In adopting their political declaration of 14 January 2006, the Presevo Valley Albanians did at least vote down a proposal to re-name the valley "Eastern Kosovo". Yet, they demanded unification with Kosovo should Kosovo's northern municipalities rejoin Serbia.¹⁵³

Frosty Pristina reactions to Crisis Group's proposals for bridging Kosovo's Mitrovica divide demonstrated an all or nothing sentiment over reintegrating the semi-detached, Serb-dominated territory in the north.¹⁵⁴ Many Albanians might prefer to cut much of the north loose rather than endure negotiating an arrangement with its Serbs, which would almost certainly grant them practical if not formal autonomy. Losing the north might be seen as a necessary prelude to possible later acquisition of Albanian-inhabited neighbouring territories. Nevertheless, Pristina's reactions were less a manifestation of militancy than annoyance at being disturbed from slumber over Mitrovica. The preference is to avoid hard decisions.

¹⁴⁶ See the comments of Augustin Palokaj, *Koha Ditore* Brussels correspondent, on this in the BIRN documentary film "Does anyone have a plan?"

¹⁴⁷ Crisis Group interview, Xavier Blais, Lipjan/Lipljan, 10 October 2005.

¹⁴⁸ Crisis Group interview, Anthony Thomson, Peja/Pec, 9 December 2005.

¹⁴⁹ A bar on future border changes for Kosovo is one of the conditions long advocated by Crisis Group and others in the context of conditional independence. Crisis Group Report, *Kosovo: Toward Final Status*, op. cit., and Crisis Group Report, *After Milosevic*, op. cit.

¹⁵⁰ Two successes from the popular music scene – "Proud to be an Albanian", a 2005 rap song, and the "Friday Night Fever" talent show – a 2004 presentation of singers by town, as if in a pan-Albanian space without borders – suggest some popular appeal but a September 2005 opinion poll showed that while support for union with Albania had doubled over a three-month period, it amounted to only 10 per cent. See "Early Warning System Fast Facts", UNDP, #11, <http://www.kosovo.undp.org/publications/publications.asp>.

¹⁵¹ Programs from Albanian private TV channels attract Kosovo-Albanian viewers, but not vice versa. Kosovo Albanians feel linguistically inferior: their dialect differs significantly from standard literary Albanian, which few can write competently.

¹⁵² Interviews done on the street by KTV news, mid-November 2005, and "Vakti I flamurit tu Kosoves" website debate: <http://groups.google.com/group/prishtina-team/>.

¹⁵³ The final passage of the adopted document states that: "in support of the Contact Group principles connected with the status of Kosovo, councillors are obliged, should these principles not be respected and its borders ultimately be changed, to work for the unification of the Presevo Valley with Kosovo".

¹⁵⁴ See Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit.

On 17 November 2005 the Kosovo Albanian parties unified their stances on independence when the Kosovo Assembly unanimously adopted a “Resolution on Reconfirmation of Political Will of the Kosovo People for Kosovo as an Independent and Sovereign State”. It acknowledged contributions of both the LDK-led passive resistance and the KLA-led war, cited the independence referendum and declaration of 1991, and promised a new referendum. President Rugova’s funeral on 26 January marked a further unification of the competing KLA and LDK traditions. The KLA-derived Kosovo Protection Corps performed the honours, saluting his burial with volleys of gunfire.¹⁵⁵

Kosovo Albanian political demands escalate into maximalist unreality when formulas for inter-party cooperation fail. This was apparent in late 2005, prior to establishment of the negotiating team in November. Politicians asserted that “conditional” independence was obsolete and insufficient,¹⁵⁶ despite the clear international message that UNMIK would have to have a successor mission. All parties joined a lemming-like rush toward a unilateral declaration of independence in the Assembly before the U.S. and UNMIK prevailed on them to settle for the above resolution.¹⁵⁷ Conversely, as the negotiating team settled down to serious preparatory work in December 2005 and January 2006, the atmosphere lightened and more openness to compromise was apparent. The gap between public and private stances began to narrow. The refreshingly swift and harmonious election of Fatmir Sejdiu to succeed President Rugova, followed by business-like resumption of preparations for the 20 February 2006 decentralisation meeting, augur further progress.

¹⁵⁵ The union of the two traditions was not without KLA dissent. The KPC’s ceremonial guard unit, commanded by Nuredin Lustaku from Drenica, refused to take part in the funeral. The KLA veterans protested that Rugova did not deserve to rest in a war martyrs’ graveyard. Some harassed workers preparing the burial site. After the funeral veterans even discussed exhuming fallen KLA and reburying them elsewhere.

¹⁵⁶ Notably, PDK leader Thaci dropped his openness to conditional independence in favour of “complete independence”. Angry accusations of betrayal flowed from Kosovo when Albania’s foreign minister, Besnik Mustafaj, stated in late September that conditional independence was best. Blerim Shala, the coordinator of the status negotiation working groups, was similarly pilloried for insufficient patriotism when he broached the subject. He defended himself in a 30 October TV interview, explaining that since all parties favoured continuing KFOR and use of the euro, it was clear that Kosovo would not have complete independence.

¹⁵⁷ Even a party (Ora) whose spokespersons expressed doubts about the draft resolution said they would vote for it in order not to be seen as an “impediment”.

Late summer and autumn 2005 gave a foretaste of the side effects that political dysfunction at the centre can have. In different parts of the countryside, new liberation armies announced themselves nearly every fortnight. Although very weak on the ground and composed of fringe figures and criminals, the uncertain atmosphere made it easy for them to get publicity. In Pristina and other cities, Albin Kurti’s¹⁵⁸ Vetevendosje! (Self-Determination!) youth movement monopolised media attention with an idiosyncratic platform that there should be no negotiations, and Kosovo should eject UNMIK and KFOR by popular demonstrations.¹⁵⁹ In August, PDK leader Thaci briefly toyed with the idea of jumping on that bandwagon and calling street demonstrations for an independence referendum.¹⁶⁰

Kosovo Albanians do not fully appreciate the need to argue their case and where to do so. They believe their claims against Serbia for property, assets, and war damages are self-evident. Until December 2005 collation of this information was delegated to a neglected finance ministry unit, whose staff neither spoke English nor was able to build a legal case.¹⁶¹ Culturally non-legalistic, Kosovo Albanians have filed few individual claims for war damages, while Serbs have been encouraged by Belgrade to lodge over ten thousand cases with Kosovo courts.¹⁶² This has left Albanians vulnerable to a new Serbian invasion, not from tanks but from title claims.

C. BELGRADE

In Belgrade politicians continue to treat Kosovo either as real estate to be subdivided into Serbian and Albanian areas while saving as much as possible of the Serbian cultural and religious patrimony, or as a weapon in domestic infighting. Rarely are actual needs of Kosovo’s Serbs taken into account. The state-centric approach is seen in the composition of Serbia’s negotiating team, which contains many Belgrade-based analysts, but only two Kosovo Serbs.¹⁶³ Even those two are closely tied to Belgrade politics; both live north of the Ibar in the largely Serb-majority region and are not representative of the

¹⁵⁸ A charismatic former student leader, arrested in 1999 and imprisoned in Serbia until December 2001.

¹⁵⁹ This growing urban youth movement has kept in the news through provocative action: spraying graffiti on buildings and UNMIK cars; throwing eggs at official Serbian visitors and UNMIK headquarters; pouring red paint at the entrances to the Kosovo Assembly to impede deputies; calling upon hackers to attack the KFOR website, and flattening UNMIK car tyres.

¹⁶⁰ Crisis Group interview, Pristina, 31 August 2005.

¹⁶¹ Crisis Group interview, Adil Fetahu, secretary of the Commission for Evaluating Damages, Pristina, 24 August 2004.

¹⁶² Albanians have lodged fewer than 3,000 such cases.

¹⁶³ Marko Jaksic and Goran Bogdanovic.

majority of Kosovo's Serbs, who live south of the river in isolated enclaves. Wider representation is relegated to the sub-committees on cultural heritage, economy, return and decentralisation.

Having begun to engage in the process, Belgrade hopes to restrict the eventual Security Council decision to a minimal and ambiguous one that would avoid mention of independence and to use negotiations to save face by avoiding the outward appearance of defeat, while finding a way either to delay independence indefinitely or derail it entirely. Its politicians seem prepared to concede practical self-government to the Kosovo Albanians if this delays formal independence, as summarised in the vague official slogan "more than autonomy, less than independence". However, the government has not been able to translate this into specific proposals, something Russia's foreign minister, Lavrov, urged them to do in November 2005.¹⁶⁴ In the negotiations, Belgrade will attempt to separate Serb-associated territory, including churches and monasteries, from direct Albanian control and to establish undisputed legal title to as much property, assets and resources as possible. Yet, no matter what concessions are eventually offered, its politicians are not likely to sign off on any resolution of status that grants Kosovo independence, no matter the form.

An adviser to President Tadic noted that the issue-by-issue dynamic will be used by the international community to declare "acceptance of our individual demands, such as decentralisation...as compensation for becoming reconciled to conditional independence".¹⁶⁵ Foreign Minister Draskovic advocates signing agreements issue by issue, not in a package, so as to keep independence out of the equation.¹⁶⁶ Though not acknowledged outright, this would allow Serbia to remain engaged in the process most of the way and to walk out only near the end, once the status issue was forced. There would then be no need for any politician to shoulder the blame for signing away Kosovo, while the break with the international community would be minimised and gains in the negotiating process might be maximised.

The international community seems aware of Belgrade's policy constrictions and hopes to keep it negotiating as long as possible so as to assure maximum Serbian input into the configuration of the final outcome of the status decision. The Contact Group and Ahtisaari want Belgrade to use the process to improve the living conditions of Kosovo Serbs, and they see the future size and powers of the projected post-status international mission as an issue

on which they can engage Serbia, with an assumption that it would prefer a more comprehensive and powerful long-term international presence. However Ahtisaari and his team have already stated that they are seeking a single agreement, not a menu from which the Serbs could choose a la carte.

1. What type of status?

Any ambition in Belgrade to rule directly over Kosovo's Albanians again has genuinely disappeared but in September 2005 President Tadic insisted that Serbia could not abandon either its historical territory or the remaining 100,000 Serbs.¹⁶⁷ That same month its Kosovo coordinator, Raskovic-Ivic, proposed that Serbia retain sovereignty, control of Kosovo's borders, loose oversight of fiscal and customs policy, and defence and foreign representation competencies, while Kosovo have all other executive and legislative powers and run the judicial system.¹⁶⁸ In mid-November 2005 Foreign Minister Draskovic suggested that Kosovo's Albanians could have "internal independence", "armed forces, police, legislative, taxation and any other kind of force", membership of all international bodies other than the UN but including the IMF, World Bank and International Telecommunications Union – so long as Serbia's external borders were not touched.¹⁶⁹

The following month government sources floated the idea of defining broad autonomy for Kosovo with international guarantees: "These guarantees would mean that we wouldn't be able to abolish this autonomy at any given moment, but also that the Albanian majority couldn't demand independence".¹⁷⁰ In this way, Belgrade would attempt to address the Kosovo-Albanian fear that Milosevic's forcible abolition of the pre-1989 autonomy could be repeated. However, the more in the way of practical attributes of statehood Belgrade concedes to Kosovo, as realistically it must, the more difficult it is to justify withholding the final trappings, such as a foreign ministry and embassies, and a UN seat.¹⁷¹

Belgrade's case for denying independence is dominated by legalistic arguments, at the expense of Kosovo's functionality and development. On 24 October 2005 Prime

¹⁶⁴ "Lavrov: Srbi, konkretno" [Lavrov: Serbs, be concrete], *Kurir*, 8 November 2005.

¹⁶⁵ Leon Kojen, quoted by *Blic*, 2 December 2005.

¹⁶⁶ Comments quoted by *Tanjug*, 24 December 2005.

¹⁶⁷ "Serbia cannot abandon Kosovo, says Tadic", VIP Daily News Report, 23 September 2005.

¹⁶⁸ Interview in *Danas*, "Srbiji suverenitet, Kosovu izvrsna, zakonodavna i sudska vlast", 22 September 2005.

¹⁶⁹ Interview in *Frankfurter Rundschau*, 16 November 2005.

¹⁷⁰ *Vecernje Novosti*, 16 December 2005.

¹⁷¹ See Judy Batt, *The Question of Serbia*, Chaillot Paper no. 81, August 2005, EU Institute of Strategic Studies, Paris, for a lively exploration of Serbia's eagerness to retain Kosovo as a territory while denying obligations to its majority population.

Minister Kostunica argued before the Security Council that “to dismember a democratic state...against its will...would...be an unprecedented case in international law and in the practice of the United Nations”, damaging to an international order resting upon the territorial inviolability of sovereign and equal states. Here, and in its subsequent 21 November assembly resolution, Serbia insisted on the Security Council’s duty to guarantee its territorial integrity. It has taken no account, however, of the implications of the emerging contractual element in sovereignty (as reflected in “the responsibility to protect” theme articulated by the International Commission on Intervention and State Sovereignty,¹⁷² endorsed by the UN General Assembly in September 2005) for a situation like Kosovo, where the bonds between citizens and state have so obviously been broken by the latter.

While arguing that Serbia-Montenegro is a democratic state, Belgrade is at a loss to explain how practically it might integrate Kosovo into that democracy: either as a third member of the expiring Serbia-Montenegro Union with proportionate representation in key posts; or joining a polity where the rabidly anti-Albanian Serbian Radical Party is edging closer to 40 per cent in opinion polls. Belgrade has also proven as yet unable to deal with the destructive legacy of its security services from the 1990s, a case of official amnesia that aggravates Albanian fears.

The international community’s emerging strategy of using European integration as both a carrot and stick to prod Serbia towards accepting Kosovo independence is based on the questionable calculation that its public wants that integration at all costs. But 71 per cent of Serbia’s parliamentary deputies belong to parties that are either openly hostile towards Europe or at best Eurosceptics. One Belgrade politician thinks that only about 100,000 registered voters are motivated by European integration.¹⁷³ Serbia’s attitudes and policies toward Kosovo exist in a more visceral environment than one in which the international community’s sticks and carrots may resonate. Having heard Russia’s Lavrov speak against imposed solutions, Kostunica leapt to the conclusion that “expectations [of] conditional independence fall in the water...we hold the fate of Kosovo mostly in our own hands”.¹⁷⁴ President Tadic insisted that “Kosovo is not for sale. It is inconceivable that any democratic state should enter the EU under such conditions”.¹⁷⁵ When Slovene Foreign Minister Rupel or Lavrov state that there can be

no permanent solution without Serbia’s consent, Belgrade interprets that as license to withhold consent permanently.

The heat generated by Serbian media coverage of the Kosovo issue provides glue for the DSS party’s informal alliance with its Milosevic-era throwback partners, the SPS and SRS, as well as with security bodies and the mainstream of the electorate. But even if Kosovo has again captured public attention,¹⁷⁶ emotions are far different from the 1990s. People are weary of constant talk about Kosovo, and public fatigue and resignation about its likely loss are growing. Nearly half those polled in November 2005 saw an independent Kosovo as the most likely result of status negotiations. Only 21 per cent favoured fighting to retain Kosovo, while 45 per cent favoured letting it go.¹⁷⁷ An organiser of a similar survey commented that the government’s efforts to “rekindle...hope that Kosovo will be salvaged” were counter-productive since it would be hard put to explain its loss.¹⁷⁸

Although there appears to be an underground stream of sentiment favouring normality, European integration and economic development, politicians still sense that the more visible nationalist sentiment obliges them to take a hard line on Kosovo and concede as little of Serbia’s 1990s legacy as possible. A Western diplomat observed that Serbia might require one more painful catharsis – over losing Kosovo – in order to change course.¹⁷⁹ Yet some Serbian politicians argue that a “territory for development” formula will never be acceptable, and an attempt to impose it would turn the country away from Europe permanently.¹⁸⁰

Although President Tadic warned Serbs in October 2005 that a solution could be imposed from outside, the nationalist spectrum still considers the legal right to withhold consent a trump card. The Serbian Assembly resolution, devised and passed by the DSS, SRS and SPS just before talks began, declared that Serbia would proclaim any imposed Kosovo solution “illegitimate, illegal, and invalid”, echoing the position of Patriarch Pavle of the Serbian Orthodox Church that such an act of

¹⁷² See its December 2001 report online at <http://www.iciss.ca/report-en.asp>.

¹⁷³ Crisis Group interview, Serbian politician, Belgrade, February 2006.

¹⁷⁴ “Kosovo’s fate ‘in our hands’, says PM”, B-92, 10 November 2005.

¹⁷⁵ Interview in *Rossiyskaya Gazeta*, 17 November 2005.

¹⁷⁶ For example, an opinion poll conducted for *NIN* on 12 November 2005 showed that Kosovo had re-emerged from near oblivion to be considered by 43.5 per cent of respondents as the most pressing national issue, ahead of the economy (10 per cent), and EU accession (4.5 per cent).

¹⁷⁷ *Ibid.* During the NATO bombing in March 1999, nearly 70 per cent of opinion poll respondents favoured defending Kosovo, and only 18 per cent letting it go, *VIP Daily News Report*, 18 November 2005.

¹⁷⁸ Sociologist Srečko Mihajlovic, quoted in *VIP Daily News Report*, 25 November 2005.

¹⁷⁹ Crisis Group interview, London, 10 January 2006.

¹⁸⁰ Crisis Group interview, Marko Jaksic, north Mitrovica, 3 February 2006.

“seizure” would amount to occupation.¹⁸¹ SRS General Secretary Alexander Vucic argued that non-consent would “preserve the chance of having the status of Kosovo discussed in five, twenty or 30 years time, under changed and somewhat more favourable circumstances”.¹⁸² But it would also encourage a Serb exodus from Kosovo and make it harder for the international community to argue the case for Kosovo-Albanian leaders to give much to Kosovo Serbs.

In the days following the reported statements of Sawers, the UK political director, Belgrade’s Kosovo rhetoric took on a more virulent tone. The vice president of the Radical Party, Tomislav Nikolic, stated on 10 February 2006 that he had agreed with Kostunica that in the event of Kosovo becoming independent, “the National Parliament of the Republic of Serbia will pass a resolution that would immediately declare...independence as occupation of a part of the territory of Serbia and charge all those in Serbia who have a constitutional duty to defend the integrity of the territory of the Republic of Serbia to defend Serbia with all possible means”.¹⁸³ The government maintained silence for two days, then issued a cryptic statement that failed to address Nikolic’s interpretation of the substance of his meeting with Kostunica, instead criticising those who claim Kosovo is lost and thus spread defeatism.¹⁸⁴ Nikolic’s statement was criticised by a number of opposition politicians, as well as Foreign Minister Draskovic, all of whom called it a return to the rhetoric and policies of the 1990s. One prominent Kosovo Serb politician, Oliver Ivanovic, characterised Nikolic’s remarks as unproductive for Kosovo’s Serbs.¹⁸⁵

Nikolic is the leader of Serbia’s largest parliamentary party, which has a popularity rating edging towards 40 per cent and whose support is crucial to the survival of Kostunica’s government. His comments reflect the populist, lowest common denominator thinking among much of the electorate. He has since publicly called for Serbia to withdraw from the negotiations if Kosovo’s future status appears to have been decided in advance.¹⁸⁶ Kostunica’s adviser for Kosovo, Aleksandar Simic, reacted to the Nikolic and the Sawers remarks by saying that Serbia would never recognise the independence of Kosovo and in the event it became independent would

reserve the right one day to “return what was illegally lost”.¹⁸⁷ He also called for Serbia to hold a popular referendum on Kosovo independence, if necessary, an idea that was supported by the Coordination Centre head, Raskovic-Ivic.¹⁸⁸ Such a referendum would achieve little other than to provide a public space for grief and frustration.

The good news is that official Serbia seems to see little advantage in violence at this time¹⁸⁹ and has firmly ruled out any open military intervention in north Kosovo. The military is weak at present, thanks to budgetary problems and resources squandered in questionable procurement deals. Although Nikolic has repeated his initial statement about defending Serbia with all possible means, he also insists that he was not calling for war.¹⁹⁰ He has, though, drawn parallels between Kosovo and occupied Palestinian territory.¹⁹¹ Non-official militant nationalist groups connected with the security services and the Radical Party still have the capacity to stir trouble, particularly in north Kosovo and at home in nearby Sandzak.¹⁹² Nonetheless, much of the political noise of recent weeks may be no more than the first signs of the chest-beating and gnashing of teeth that are bound to surround the slow public realisation that Kosovo is truly lost and will not remain under Serbian sovereignty.

The repeated warnings from Belgrade leaders that Kosovo independence would destabilise the region are more of an implied threat than realistic analysis. They boil down to a projection of radicalisation in Serbia (“the SRS will come to power”), and of a sharpening of Serbia’s appetite for annexing Bosnia’s Republika Srpska.¹⁹³ President Tadic’s early January 2006 statement was typical: “Independence...could destabilise not only Serbia and

¹⁸¹ Statement made at the Holy Synod of Archbishops of the Serbian Orthodox Church, 6 November 2005, in support of Prime Minister Kostunica after he addressed the Synod.

¹⁸² Statement published in *Vecernje Novosti*, 3 November 2005.

¹⁸³ “Srbiju braniti svim sredstvima”, *B92*, 10 February 2006.

¹⁸⁴ “Vlada se oglasila”, *B92*, 12 February 2006.

¹⁸⁵ “Vlada bez reakcije” *B92*, 11 February 2006.

¹⁸⁶ Remarks made by Tomislav Nikolic on the widely watched television talk show “Upitnik” on RTS1 (national television), 14 February, 2006.

¹⁸⁷ “Savet bezbednosti o Kosovu”, *B92*, 14 February 2006.

¹⁸⁸ Remarks made by Sanda Raskovic-Ivic on “Upitnik”, 14 February, 2006.

¹⁸⁹ An editorial in *NIN* magazine, 3 November 2005, surmised that “Serbs are not present in Kosovo in sufficient numbers to be able to apply the Albanians’ tactic [of threatening violence]. Only in the Republika Srpska could Serbs exert pressure on the international community of the kind that Albanians are already successfully applying in Kosovo and Metohija, Macedonia, and southern Serbia”.

¹⁹⁰ “Vlada se oglasila”, *B92*, 12 February 2006.

¹⁹¹ “Ne damo Kosovo: Press intervju, Toma Nikolic, Srpska Radikalna Stranka,” *Press*, 15 February 2006.

¹⁹² See Crisis Group Europe Report N°162, *Serbia’s Sandzak: Still Forgotten*, 8 April 2005.

¹⁹³ RTS reported Serbia’s Kosovo coordinator Sanda Raskovic-Ivic as saying that if Kosovo gets independence, “it will be a signal to Albanians in neighbouring countries to demand the same, as well as a signal to Serbs in Bosnia-Herzegovina and Croatia, by which we are returning to the 1990s, and we open Pandora’s box again”, 5 December 2005.

Montenegro, but also the whole region. I am against the destabilisation of other countries".¹⁹⁴ In spite of such warnings, Kosovo's other neighbours – Macedonia, Montenegro and Albania – have indicated publicly that they are comfortable with independence. Its diplomatic protests to those states at their evolving positions on Kosovo's future show Belgrade out of step with the region.¹⁹⁵ But Serbia's recognition of every other emerging former Yugoslav state lagged several years behind that of the wider international community.

Macedonia has repeatedly indicated acceptance of any outcome that does not threaten its own sovereignty and territorial integrity and respects international norms.¹⁹⁶ Albania deserves praise as a moderating influence upon Kosovo. Foreign Minister Mustafaj was criticised in Pristina for favouring conditional rather than full independence. Nevertheless, Prime Minister Berisha devoted most of his appearance in a January 2006 television documentary on Kosovo's status to consideration of how it would treat minorities.¹⁹⁷ Montenegro has stepped back from more open sympathies for Kosovo independence, in order not to inflame relations with Serbia in a year when it will conduct its own independence referendum.

Belgrade leaders nonetheless espouse a pan-Albanian domino theory, arguing that independence for Kosovo would ultimately fragment neighbouring states with Albanian minorities. Foreign Minister Draskovic said in January 2006 that independence would be followed by demands to separate territory from south Serbia,

Montenegro, Macedonia and Greece¹⁹⁸ – an implicit claim that Serbia knows the interests of those states better than their own governments.

Although Belgrade politicians seem to share a common desire to retain formal sovereignty over Kosovo, partitioning it de facto between Albanians and Serbs, the more nationalist DSS, SPS and SRS parties are more emphatically negative. Sensing political advantage, the SRS and SPS refuse to join Belgrade's negotiating team and insist that the outcome of negotiations be put to a referendum in Serbia. In contrast, President Tadic hints at awareness that independence is likely, and Serbia should at least extract something for it: "My policy...states what Serbia wants in Kosovo. This is the only way to prevent a dictated solution. If we keep saying only what we do not want, we increase the probability of a solution being imposed on us".¹⁹⁹ Picking up from the late DS leader Djindjic,²⁰⁰ Tadic made new proposals in Moscow in November 2005 for Kosovo to be delineated into two constituent entities. In absorbing Tadic's entity concept into its platform, Belgrade has been able to claim it is merely reflecting Eide's decentralisation proposals and not aiming at partition.²⁰¹ Western diplomats are not convinced,²⁰² and Tadic's prior discussion with Deputy Prime Minister Labus, a longtime partition advocate, associates the proposal with ideas emanating from the latter's G17+ party that "after five years, the Serbian entity would belong to Serbia, while the Albanian part would become independent".²⁰³

Current thinking in Belgrade suggests the government will probably participate in talks until independence is put on the table, possibly in mid to late-autumn 2006. At that point its delegation would withdraw, and it is possible that the Kostunica government would resign in protest and call parliamentary elections, to avoid blame for losing Kosovo. A referendum inside Serbia on Kosovo independence should not be ruled out either.

¹⁹⁴ Interview published in *Wiener Zeitung* 5 January 2006. During his visit to Moscow, on 15 November 2005, President Tadic warned that: "This may lead to the disintegration of other countries like Macedonia [and] Bosnia and Herzegovina". "Russian, Serbian presidents discuss Kosovo in Moscow", *RIA Novosti*.

¹⁹⁵ In autumn 2005 Serbia abruptly cancelled a planned visit by Slovenia's President Drnovsek after he unveiled a proposal for Kosovo's transition to independence. Serbia-Montenegro boycotted the Parliamentary Assembly of the Black Sea Economic Cooperation in Tirana in 22 November, in protest at the Albanian parliament's support for independence. A November 2005 meeting of the region's prime ministers scheduled for Pristina was reportedly cancelled in order not to upset Belgrade.

¹⁹⁶ There is, however, one outstanding issue. Macedonian officials are jittery about the fact that a small part of the border with Kosovo has not been properly demarcated. It is unlikely that this can be done until Kosovo's status is resolved. See Crisis Group Europe Briefing N°37, *Macedonia: Not out of the Woods Yet*, 25 February 2005.

¹⁹⁷ In "Has anybody got a plan?", Balkan Investigative Reporting Network (BIRN) documentary film, which premiered around the region in January and February 2006. See www.birn.eu.com.

¹⁹⁸ See VIP Daily News Report, 16 January 2006. At a 20 December 2005 conference in Belgrade, Kostunica adviser Aleksandar Simic warned that Kosovo's independence would eventually lead to its unification with Albania, jeopardising stability in the Balkans, which would "even become subject to new wars".

¹⁹⁹ Interview in *NIN* magazine, 1 December 2005.

²⁰⁰ See Crisis Group Europe Report N°143, *Kosovo's Ethnic Dilemma: The Need for a Civic Contract*, 28 May 2003, for an account of Djindjic's two-entities final status ideas.

²⁰¹ The extract of Belgrade's platform published in early January 2006.

²⁰² Crisis Group interview, Paris, 6 January 2006.

²⁰³ G17+ presidency member Cedomir Antic, in an interview published by *Blic*, 21 November 2005.

2. Decentralisation

Belgrade still sees the international community's decentralisation agenda primarily as a tool to use for reasserting control over some Kosovo territory rather than as a method of institutional protection for Serbs and other minorities within an independent Kosovo. The international agenda has shifted considerably in favour of decentralisation since March 2004, culminating in the Eide proposals. Foreign Minister Draskovic has argued that to attain a degree of protection for Kosovo Serbs that will satisfy Belgrade, "it is almost enough to ask for an unconditional implementation of the recommendations made by Kai Eide".²⁰⁴ As noted, President Tadic saw the Eide proposals as broad enough to accommodate his "two entities" solution. Having drawn Serbia into the process, Eide's recipe is now being watered down, which may cause Belgrade to cry foul. In any event, Serbia will certainly refuse to accept Kosovo's independence in exchange for decentralisation.²⁰⁵

There are two linked and recurring themes in Belgrade's approach to decentralisation: non-recognition of the Albanian majority's right or capacity to rule over all of Kosovo, and a wish to recentralise administration for Kosovo Serbs under Belgrade. In other words, Serbia is not much interested in decentralisation as a principle in itself. "For official Belgrade, North Kosovska Mitrovica is the model for the survival of Serbs in Kosovo, with some improvements....That is why we are advancing a plan for territorial units throughout Kosovo that would protect Serbs", declared Raskovic-Ivic.²⁰⁶ A frequent argument is that Pristina should reciprocally concede the same degree of autonomy to Kosovo Serbs as Belgrade grants to Kosovo.

In dealing with Kosovo, Belgrade prefers to address its claims and complaints exclusively to UNMIK, as if the PISG did not exist. With the declaration that decentralisation is "the only way to ensure Serbs' survival", the various plans Serbia has presented for Kosovo's future tend to treat the areas inhabited and governed by the Albanian majority as a barren, hostile desert, either to be avoided or crossed via negotiated special corridors. Besides characterising Albanian Kosovo as a sink for organised crime and Islamic terrorism, it tries without basis to claim other non-Albanians for its camp, disregarding Turk, Bosniak, Roma, Ashkali, and Egyptian

support for Kosovo's independence.²⁰⁷ Serbia has failed to adjust to or acknowledge their alignment with the Albanians,²⁰⁸ and its officials cite Serb-controlled north Mitrovica as the only multi-ethnic city in Kosovo.

Serbia's government controls the fragmented Kosovo-Serb community through parallel structures²⁰⁹ and uses this to deny legitimacy to UNMIK and the PISG. In marshalling a partial Serb boycott of the PISG, Belgrade has strengthened its hold over Kosovo Serbs. Discussing a Serbian NGO's decentralisation proposal at an international meeting, Kosovo coordinator Raskovic-Ivic dismissed the need for a Kosovo-Serb decentralisation working group, insisting that the subject could be negotiated by Serbia's relevant minister.²¹⁰ Her coordination centre (CCK) has issued rhetorical calls for Kosovo Serbs to leave UNMIK and PISG employ and reorient to Serbian state institutions, since one "cannot serve two masters". It has also encouraged Kosovo Serbs to continue not to pay their electricity bills to KEK.

This denies recognition of PISG and UNMIK authority and gives the Coordination Centre traction in its demand that UNMIK give electricity management in Serb areas to the Serbian state electricity company. During recent cold weather, Serbia blocked transmission of electricity to Kosovo from neighbouring countries²¹¹ while offering UNMIK electricity from its own network specifically to supply Serbian and non-Albanian areas. No agreement was reached, and Albanians and Serbs alike suffered severe power cuts.²¹² Belgrade trumpeted those to Serb

²⁰⁷ President Tadic proposed including non-Serb minority areas in the mooted Serb entity. Remarks made after meeting foreign ministers representing ten southeast European countries in Belgrade, 7 December 2005.

²⁰⁸ A telling indication of these non-Serb minorities' alignment with the Kosovo Albanians is their identical ranking of Kosovo's three most important problems in UNDP's recent quarterly opinion polls: (1) unemployment, (2) uncertainty over the final status of Kosovo, and (3) poverty. By contrast, Kosovo Serbs rate as most important: (1) public and personal security, (2) interethnic relations, and (3) unemployment.

²⁰⁹ CCK chief Raskovic-Ivic talks of "a vertical spirit that runs through our community, but in this spirit there is no room for intolerance". Address given at the conference "Kosovska Mitrovica 1999-2005, North Part", north Mitrovica, 23 September 2005.

²¹⁰ NATO Parliamentary Assembly seminar, "Kosovo: Decentralisation as the key to future status negotiations", Rome, 28 October 2005.

²¹¹ Crisis Group interview with SRS Soren Jessen Petersen, Pristina, 1 February 2006.

²¹² See "DSRSG Ruecker calls on Belgrade to cooperate in the spirit of the Energy Community Treaty", UNMIK Press Release, 3 February 2006. After refuting and deploring comments made by CCK chief Sanda Raskovic-Ivic, UNMIK's text invited "Belgrade to provide more details on their offer to supply

²⁰⁴ Interview in *Vecernje Novosti*, 10 November 2005.

²⁰⁵ Marko Jaksic hinted that Kosovo Serbs might even boycott municipal elections scheduled for late 2006 to demonstrate this, Crisis Group interview, north Mitrovica, 3 February 2006.

²⁰⁶ Address given at the conference "Kosovska Mitrovica 1999-2005, North Part", north Mitrovica, 23 September 2005.

villages as a sign of Albanian discrimination and an attempt at ethnic cleansing, although in fact far more Albanians than Serbs had been disadvantaged.

The revised decentralisation proposal Belgrade's negotiating team prepared for the Vienna talks drops ideas of joining Serb areas by land corridors. It is more realistic than the April 2004 proposal and repeatedly cites Eide's report. Instead of territorial continuity, Serb-majority municipalities would have "functional ties", maintained both by new bodies to administer cultural, social/health service, and financial/economic autonomy and by direct links with Belgrade. Mindful of Albanian and international concern about possible fragmentation in rule of law, the proposal does not appear to demand similar entity-level police and justice competencies. These would remain at the municipality level, and, it is implied, would fit loosely into Kosovo's central police and court hierarchies. The exact number of new Serb-majority municipalities Belgrade requests is ambiguous but the proposal cites four broad geographic areas in which they might be created. Raskovic-Ivic says: "It is essential to form fifteen or more non-Albanian municipalities".²¹³ Belgrade wants to bolster local municipal administrations with its own officials and might advance this as a counter-argument to Albanian and international concerns that too many new, small municipalities would be administratively and financially unsustainable.

Belgrade's proposal envisages that the land area of a Serb entity would extend to Serbian Orthodox Church sites and protection zones around them, and it wants protection of the Orthodox heritage to be part of the decentralisation talks rather than a separate issue.²¹⁴ It sees possible restitution of the Church's large land holdings as a further wedge with which to expand Serb entities. Although the upper ranks of the Church may see this as part of their close alignment with the government on the issue of Kosovo's status, some clergy are not so comfortable with the mobilisation of their churches and monasteries in the service of a territorial claim.²¹⁵

Belgrade has long preferred to support returns of displaced Serbs to remaining areas of compact Serb settlement, rather than overwhelmingly Albanian environments: to

energy, in order to determine whether the implementation of this offer would lead to a cementing of illegal parallel structures or whether it would be an effective means of improving the energy sector's economic sustainability. [UNMIK] expressed reservations towards offers of assistance that do not correspond to the current Kosovo legislative framework".

²¹³ "Serbian arguments in negotiations on Kosovo and Metohija", *Nova Srpska Politicka Misao*, 5 December 2005.

²¹⁴ See remarks of Tadic's adviser Dusan Batakovic, *VIP Daily News Report*, 28 December 2005.

²¹⁵ Crisis Group interview, 2 February 2006.

villages and new Serb-majority municipalities rather than cities.²¹⁶ By mid-2005 UNMIK was prepared to talk of "solutions to displacement rather than returns".²¹⁷ This fed into Eide's recommendation "to support return of people to where they can live and not only where they have lived". The unrealistic number of 200,000 potential returnees cited by Serbian officials inflames Albanian fear of Serbian "recolonisation" and causes PISG opposition to a more flexible returns policy linked to decentralisation to harden, as was noticeable in late 2005. In its 31 January 2006 statement, the Contact Group ruled: "Decentralisation can ... give impetus to the return of displaced persons who should be able to choose where they live in Kosovo". Belgrade wants to direct collective returns to the areas it hopes to control. Conversely, UNMIK is trying to spur mostly Kosovo-Albanian municipal authorities to service voluntary individual returns better.²¹⁸

Belgrade leaders would like to formalise and extend the vertical reach of Serbia's state infrastructure, ideally to form a direct institutional link with the Serb-majority municipalities so as largely to eliminate their need to deal with Pristina. Told by the French government he would have to be realistic about independence, President Tadic insisted on constitutional and legal connections between the Serb municipalities and Belgrade as a bottom line.²¹⁹ Serbia is likely to insist upon this during the status process, while Pristina will seek to negotiate relations bilaterally outside the context of Kosovo's state formation. Pristina will also try to ensure that any link passes through Kosovo's central government institutions. While north Kosovo strongman Marko Jaksic asserts that Kosovo Serbs need no Albanian or international permission for their ties with Belgrade,²²⁰ UNMIK has already begun to allow Pristina institutions to start dismantling parallel Serbian telecommunications infrastructure in central Kosovo.²²¹

²¹⁶ Crisis Group interview, UN High Commissioner for Refugees (UNHCR) official Misko Mimica, Pristina, 6 November 2003. Serbs returning to cities do face insecurity. See "Story of a failed return effort", B-92, 8 February 2006, for an account of Zoran Stanistic's attempt to revive his business in Pristina: constantly burgled and obstructed, he has now moved to Gracanica.

²¹⁷ Crisis Group interviews, UNMIK returns coordinator Kilian Kleinschmidt, Pristina, 12 July and 12 December 2005.

²¹⁸ *Ibid.*

²¹⁹ Crisis Group interview, Paris, 6 January 2006.

²²⁰ Crisis Group interview, north Mitrovica, 3 February 2006.

²²¹ In January 2006 the Kosovo Telecommunications Regulatory Agency (ART) dismantled transmitters of the Serbian Mobtel mobile phone network in cities, then started disconnecting them in Serb enclaves, together with Serbian PTT-maintained fixed-line telephone networks. After six years of neglecting Serb areas, Kosovo's Post and Telecommunications Corporation (PTK) announced in early February that it would extend its services there.

3. Property

Securing property and assets in Kosovo has high priority for Serbia. It wishes to benefit from Milosevic's legacy of seizures and appropriations under emergency provisions in the late 1980s and early 1990s, while refusing to acknowledge the discrimination and destruction he wreaked upon Kosovo's majority. Instead, it argues that Kosovo owes its development to Serbia: "This is our property, [the] Serbian state invested there for 50-60 years".²²²

Serbian officials are more adept at making their case than the Kosovo Albanians. They have publicised Kosovo's putative \$1 billion-plus foreign debt, and in early February 2006, the head of their economic team for Kosovo was lobbying in the U.S. while his Kosovo counterparts lacked even documentation on the issue. Yet, Serbian positions suggest an essentially colonial interpretation of relations with Kosovo in the Yugoslav period. They lay claim to a stake in its mineral resources and mines but disregard that the Yugoslav federal fund for underdeveloped regions, of which Kosovo was a beneficiary, was created partly to compensate for low, state-controlled prices on Kosovo's mineral and energy outputs, and that much of the money came from Croatia and Slovenia. Serbia has not made similar claims on other beneficiaries of the fund such as Macedonia and Bosnia-Herzegovina.²²³

Serbia has resisted UNMIK's privatisation program at every step and will use the European Court of Justice and the International Court of Justice to assert its companies' rights over hundreds of socially-owned enterprises (SOEs), hoping to overturn flimsy legal barriers the UN has half-heartedly strewn in its way. With its keen attention to legal title and much documentation inaccessible both to UNMIK and the PISG, it has ammunition. Less attuned to title questions, Albanians tended to buy property informally, to avoid taxes, even before Serbia's emergency provisions banned them from acquiring Serb property in the 1990s. While Serbia can document many of its property claims, Albanians will need to counter with more impressionistic accounts.

²²² Chief of the economic group of Serbia's negotiating team, Nenad Popovic, in comments made to B-92, 26 January 2006. Another example: "Just during the period from 1971 to 1985, the Socialist Federal Republic of Yugoslavia invested \$15 billion in Kosovo and Metohija; the republic of Serbia alone invested \$9.6 billion. Today Serbia is paying off the foreign debt of Kosovo and Metohija in the amount of \$1.4 billion; during the period from 2002 to November 2005, the amount paid was \$130 million". Sanda Raskovic-Ivic, "Serbian arguments in negotiations on Kosovo and Metohija", *Nova Srpska Politicka Misao*, 5 December 2005.

²²³ The fund was resourced by contributions proportionate to GDP from all Yugoslavia's federal units, including Kosovo.

Serbia may also benefit from the World War II cut-off that has become standard for the property restitution regimes introduced since the 1990s by most former Communist states of Eastern Europe. The Serbian Orthodox Church, whose claims Belgrade wishes to support, lost much of its Kosovo land in the 1940s. Albanians, however, date their losses to earlier eras: confiscation of communal village land for Serb settlers in the 1930s and expulsions during and after the First Balkan War of 1912 and the First World War.²²⁴

Going beyond the thousands of individual Kosovo-Serb compensation claims Belgrade officials have steered into Kosovo's municipal courts, Labour Minister Slobodan Lalovic announced an intention to seek compensation for 6,500 Serbs who lost jobs in what is now the KEK electricity utility.²²⁵ These could be tricky waters, however. The PISG set a precedent for restitution and compensation by rebuilding burned Serb houses after the March 2004 riots and granting each affected family €2,000. Serbia has offered no compensation to the more than 100,000 Kosovo-Albanian public sector workers dismissed in the 1990s, let alone for the destruction by its forces in 1998-1999 of tens of thousands of homes, wholesale pillage, and expulsion of hundreds of thousands of Kosovo Albanians.

D. SERBS IN KOSOVO

Kosovo Serbs feel they are in a precarious position. Many leaders threaten that all will leave if Kosovo gets independence, and probably some will, in particular those in the enclaves. Although Serb National Council (SNC) politicians most likely to encourage this have second homes in Serbia, most Kosovo Serbs have nowhere to go. Even if they did decide to leave, they would need to sell their homes first, and mass exodus would hurt market value. Having endured the rougher years immediately following the 1999 return of the Albanians and the March 2004 riots, most may decide to tough out any settlement. The stance of Belgrade and the Orthodox Church will certainly influence the degree and pace of any exodus: at worst, the government could try to orchestrate scenes similar to the evacuation of the Serb suburbs of Sarajevo in 1996, although the Church would certainly oppose this.

1. Becoming a community

The Kosovo-Serb community is geographically and politically fragmented, marginally sustainable, without its

²²⁴ Some descendants of the many Albanian families forcibly removed from Nis and other areas of southern Serbia into Kosovo in 1877-1878 still retain their Ottoman land deeds.

²²⁵ RTS report, 14 December 2005.

own local political centre of gravity and reliant on Belgrade. Its largest urban centre is aggressively insecure north Mitrovica, with many refugees. Its larger rural element is more rooted and stable²²⁶ but has difficulty generating a political elite. Between an overbearing, manipulative Belgrade and a negligent, indifferent Pristina, many Kosovo Serbs are disoriented. Until Pristina recently began objecting to expansion of the Serbian telephone landline network in east Kosovo, it offered no infrastructure to enclaves, since Serbia did this. Utilities such as KEK, PTK and the airport employ few Serbs, and there is nothing to oblige the growing Kosovo-Albanian private sector to hire them. But the attempts of KEK's international managers to negotiate electricity supply agreements with Serb villagers show Belgrade's contribution to their exclusion: "We would virtually reach local agreement. Then Belgrade's CCK would always step in and intimidate them, saying they would stop their welfare payments from Serbia, they would be bad Serbs etc".²²⁷ The Serbian government's early 2006 crackdown on the Karic brothers ended their Mobtel network's cooperation with Kosovo-Albanian business magnate Ekrem Lluka, resulting in Pristina shutting off Mobtel in Kosovo's major population centres, further isolating Kosovo Serbs who relied on it.

On a day-to-day level, many Kosovo Serbs draw services and jobs both from the Serbian government and UNMIK/PISG. Politically, loyalty to Belgrade is a bottom line. The SNC's instructions to boycott Kosovo elections are heeded because it is backed by the current Serbian government. Rigidly negative about independence, SNC leaders such as Marko Jaksic show no readiness to negotiate new institutional forms through which to perpetuate their de facto power.²²⁸ Yet, he also reins in hotter nationalists, maintaining the status quo on Belgrade's behalf. At a gathering in November 2005, Jaksic quickly squashed a delegate's proposal that the SNC's Association of Serb Municipalities declare itself a law-making body, in defiance of UNMIK and the PISG.²²⁹ Starved of electoral support by the SNC-marshalled boycott, the more moderate Oliver Ivanovic and his small Serb List for Kosovo and Metohija lobby Belgrade unsuccessfully for a green light to take up their Kosovo

Assembly seats. Jaksic is on Belgrade's negotiating team, which refused both Ivanovic and his proposal for a distinct Kosovo-Serb team (though Ahtisaari and other internationals talk to Ivanovic anyway).

While Jaksic and company may leave Kosovo after status resolution, Ivanovic appears set on remaining and engaging. He tells Belgrade, "we need to have people who will implement the settlement".²³⁰ Ivanovic has intricate knowledge of and an appetite for Pristina politics, treats Kosovo Albanians as a worthy audience, and is charismatic. But no ambitious Kosovo-Serb politician can easily afford to engage too closely with Pristina prior to status resolution, so opportunities to improve conditions for Kosovo Serbs may be lost. Some individuals mull establishing a new Kosovo-Serb party immediately after status is decided. A November 2005 visit and lecture by Croatian Serb politician Milorad Pupovac gave some of his Kosovo-Serb counterparts ideas. Now in coalition with the governing HDZ, he emphasised that achieving full rights is a long-term process, and his community's leverage grows as Croatia draws closer to EU membership, in contrast to its desperate position a decade ago.²³¹ There are indications his advice to Kosovo Serbs to get actively involved and represent themselves might be taken if the status process works on a package of minority rights, as Ahtisaari suggests, and Belgrade walks away.²³² A vital part of this process must be to further develop civil society among Kosovo Serbs outside the official and parallel institutions of government, and international donors must be ready to help.

Some diplomats worry independence will trigger a Serb population shift from central to north Kosovo. A recalcitrant Belgrade could further solidify the territory above the Ibar by cutting off salary, pension and other payments to Serbs in central Kosovo.²³³ A combination of non-recognition of Kosovo's independence by Serbia and a refusal by the SNC to negotiate at least an appearance of institutional continuity with the central government in Pristina might then compel a reluctant international community to produce a new transitional administration for the north. Even a slightly more supple approach might avoid this, however, and allow them to consolidate their power north of the Ibar for some years.

Belgrade maintains a myth that there are 200,000 displaced Kosovo Serbs; the real number is likely less than half

²²⁶ See the European Stability Initiative report, "The Lausanne Principle: Multi-ethnicity, Territory and the Future of Kosovo's Serbs", 7 June 2004, for a discussion of the structure of the Serb population in Kosovo, available at www.esiweb.org.

²²⁷ Crisis Group interview, KEK commercial director Sean McGoldrick, from the Irish ESBI management company, Pristina, 7 December 2005.

²²⁸ Crisis Group interview, north Mitrovica, 3 February 2006.

²²⁹ Crisis Group interview, journalist Petar Miletic, 22 November 2005. The meeting was held in north Mitrovica on 17 November 2005, partly as a riposte to the Kosovo Assembly independence resolution.

²³⁰ Crisis Group interview, north Mitrovica, 3 February 2006.

²³¹ Crisis Group interviews, OSCE official, Pristina, 20 January 2006, and Kosovo Serb politician, February 2006.

²³² Crisis Group interview, Kosovo-Serb politician, February 2006.

²³³ Crisis Group interview, Paris, 6 January 2006.

that.²³⁴ Those who wish to return may be between 20,000 and 50,000, and only several thousand have to date. UNMIK believes “the return season here will only start after status”, and policy in the interim should focus on creating conditions for it: security and jobs.²³⁵ With associations of Serb and Roma displaced persons engaged, UNMIK intends to overhaul the returns policy at a Pristina workshop in coming weeks, bringing it to a practical, participatory level less vulnerable to political grandstanding.²³⁶ After a slow start, the Housing and Property Directorate has adjudicated and returned the vast majority of usurped homes to their owners, although most have been sold to Albanians. Belatedly, its mandate is being extended to post-1999 land restitution claims. Yet, 10,000 destroyed houses have been left behind, many with associated land.²³⁷ No provision has been made for reconstruction, so the present cumbersome return policy has left thousands of mainly Serb families displaced. The international community appears more committed to returns in principle than practice: there is a €30 million funding shortfall to satisfy even the present level of demand.²³⁸

2. The Orthodox Church in Kosovo

The burning of Orthodox churches and monasteries in the March 2004 riots elevated their protection to a prominent final status issue. Eide’s report gave it extensive attention, and the flow of diplomats to Decani monastery since has confirmed the emergence of the Serbian Orthodox Church in Kosovo as a distinct group with interest in the status talks. Given the rigidly anti-independence line followed alike by the senior Church hierarchy and Bishop Artemije of Gracanica, it was perhaps surprising that the November 2005 holy synod mandated the younger, more flexible Bishop Teodosije of Lipjan, based in the reform-oriented Decani monastery, to represent the Kosovo Church in the process. Nonetheless, there are signs of a split within the Church over Kosovo, and some clergy continue to make

uncompromising statements, as seen in Artemije’s recent repetition of Radical Party leader Nikolic’s statement that Serbia would consider independent Kosovo occupied territory.²³⁹ The Basic Principles document the Church produced in early February 2006 made constructive proposals and avoided grandstanding against an independent Kosovo. Although claiming its stances to be “completely complementary with the Serbian government plan for Kosovo”, it limited its “whole-hearted support” to Belgrade’s efforts to secure decentralisation arrangements that will protect Kosovo Serbs’ vital interests.²⁴⁰

In its Basic Principles document, the Church does not support the Belgrade negotiating team’s ambition to roll the proposed Serb entity and Church territories into one. It wants a special protection regime for its sites instead. “The kind of protection and size of the protection zone would depend on the importance of the monastery and whether it is located in the majority Albanian or majority Serb part of the province”.²⁴¹ A Church representative in Kosovo noted that the Contact Group’s Guiding Principles address decentralisation and protection of religious sites separately and felt it important the Church not be perceived by the majority Albanians as a “Trojan horse”.²⁴² They associate its revival in the 1980s and 1990s with Milosevic and call the houses of worship built in Kosovo during that period “political churches”. Some Kosovo-Albanian politicians verge upon justifying their destruction in the March 2004 riots, pretending that only these new churches were targeted.²⁴³ This view has it that, if the Orthodox Church wishes to gain acceptance in Kosovo, it must shed the Milosevic-era infrastructure so its true spiritual identity can emerge.

Father Sava of Decani objects that, prior to the 1980s, the Church was out of official favour, so the construction was dictated by pent-up need.²⁴⁴ The Church wants any status solution to “enable the complete reconstruction of all the Orthodox churches and monasteries that have been destroyed or damaged since 1999”.²⁴⁵ Nevertheless, some clergy in Kosovo are uneasy about the imposing,

²³⁴ “The Lausanne Principle”, op. cit.

²³⁵ Crisis Group interview, SRSG Jessen-Petersen, Pristina, 30 August 2005.

²³⁶ Crisis Group interview, UNMIK returns coordinator Kilian Kleinschmidt, Pristina, 12 December 2005. Kosovo’s ministry of returns and communities, headed by maverick Kosovo-Serb politician Slavisa Petkovic, is largely a bystander. The minister’s poor orientation, strange priorities, and mismanagement of funds have prevented the ministry from assuming its originally envisaged coordinating role. In October 2005, Belgrade refused to conclude a new returns protocol with UNMIK, seeing it as “too practical, technical, and not political enough, i.e. they wanted it to specify UNMIK’s failure on returns”. Ibid.

²³⁷ Crisis Group interview, HPD official David Chillaron-Cortizo, Pristina, 14 December 2005.

²³⁸ Crisis Group interview, UNMIK returns coordinator Kilian Kleinschmidt, Pristina, 12 December 2005.

²³⁹ “Vlada se oglasila”, B92, 12 February 2006.

²⁴⁰ “*In that sense*, [italics added] the Serbian Orthodox Church offers its whole hearted support to the team for the political talks on the future status of Kosovo that will represent the interests of the Serb people and state”.

²⁴¹ “Basic Principles of the Holy Synod of the Serbian Orthodox Church and the Board of the Holy Assembly of Bishops for Kosovo in Connection with the Upcoming Talks on the Future Status of Kosovo”.

²⁴² Crisis Group interview, February 2006.

²⁴³ Crisis Group interview, Pristina, 1 February 2006. See also Prime Minister Kosumi’s interview on the subject in the BIRN film “Has anyone got a plan?”, op. cit.

²⁴⁴ Crisis Group interview, Decani monastery, 2 February 2006.

²⁴⁵ Basic Principles document, op. cit.

unfinished and abandoned cathedral in central Pristina on university land. It might be material for compromise on the Church's Kosovo identity and the legacy of the 1990s.

The Church wants UNMIK's April 2005 introduction of a temporary special protective zone around Decani monastery perpetuated and replicated elsewhere, "not as outlines of monastic republics, but as protection of the surroundings ... as a site".²⁴⁶ UNMIK's executive order, which is renewed every six months, prevents construction or tree-cutting in Decani Canyon, obliging all land owners and users to abide by UNESCO preservation rules.²⁴⁷ Despite stirring by local KLA veterans leader Avdyl Mushkolaj, the Decani protection zone has gained grudging acceptance from the surrounding Albanian population. The Church would like international military protection around sites for as many years as possible, as well as customs and tax concessions, and unhindered ties with the Serbian Orthodox Church synod and administration in Belgrade. It views restitution of land taken during the Communist era not as a status issue but as a long-term question which it will pursue under whatever "European" legal regime Kosovo devises for this.

The Church proposes creation of a distinct body within the post-status international mission to oversee the protection arrangements, which could include EU, UNESCO, Kosovo and Serbian government, and Orthodox Church representatives. It suggests a similar or identical joint body take over the duties toward Serbian spiritual, cultural and historical heritage claimed by the Kosovo Ministry of Culture.²⁴⁸ Serbs argue that attempts to create and manage "Kosovo heritage" through this ministry amount to an Albanian takeover and "de-Serbianisation". The Church considers ring-fencing "Serbian cultural heritage in Kosovo and Metohija" with special mechanisms necessary for some years: "Kosovo has not presented itself as an inclusive or integrated culture yet".²⁴⁹ Decani municipality's exclusion of the magnificent medieval monastery from all its heraldry and publications shows Albanian and Serb values, like oil and water, are still unable to bond in today's Kosovo. But with protection and adaptation by both parties, Kosovo's Albanians might eventually expand their sense of identity to embrace the Serbian historical and Orthodox legacy, particularly as EU accession criteria begin to bite.

III. CONCLUSION

Although it will move the process closer to arbitration and imposition as the year deepens, the international community still risks deciding Kosovo by the wrong process. A negotiated settlement is the ideal, but by setting this as the target the international community implies that cutting a deal is a higher priority than ensuring lasting stability and development for Kosovo and the region. Imposition of an independence package, if it should come to that, would be a better bet than attempting to finesse Pristina and Belgrade's differences with an ambiguous solution, or one in which the resolution of key elements is deferred: it would be more diplomatically painful in the short term but pay longer-term dividends. Leaving Kosovo without a UN seat or without a small army of its own, for example, would peg it at a lower level of acceptance and recognition than its neighbours and so feed instability.

However, this does not remove responsibility from Kosovo's Albanian majority, which must first offer and negotiate packages of rights for the Serb and other minorities in at least three areas. Terms of inclusion and representation in central institutions, with arrangements for involvement of the relevant mother country in fields such as culture, education and possibly more should be worked out with not only Serbs but also Turks, Bosniaks and others. Ahtisaari's team should broker an outline agreement on decentralisation, drawn from the programs presented by Pristina and Belgrade in the Vienna talks and weighted toward Pristina's on the proviso that it be honed in negotiation with Kosovo Serbs. The result could then be implemented under international oversight over three years, as with the Ohrid Agreement. Pristina's negotiators should also immediately start direct negotiations with the Serbian Orthodox Church in Kosovo on a package of protection arrangements for it and its sites. Only once this groundwork is done should the Contact Group make concerted, formal moves toward recognition of Kosovo's independence.

The independence package the international community settles upon Kosovo must have the primary purpose of development, with due regard to protecting minorities, if necessary through the intervention of an international mission. Crafting the settlement should be an occasion for the EU and its member states in particular to increase the priority and resources they commit to the Western Balkans. A generous education assistance program and visa liberalisation are needed. The EU must not end up spending more on its own post-status mission costs in Kosovo than on pre-accession structural funds for the new state.

²⁴⁶ Crisis Group interview, Decani monastery, 2 February 2006.

²⁴⁷ See, "Decan/Decani canyon declared special zoning area", UNMIK Press Release, 25 April 2005, at www.unmikonline.org

²⁴⁸ Basic Principles document, op. cit.

²⁴⁹ Crisis Group interview, Father Sava Janjic, Decani monastery, 2 February 2006.

Apart from the protection of minority rights across Kosovo, there is one specific area where the international community should consider a more intrusive mission: northern Kosovo, and Mitrovica in particular. Serb parallel structures defy UNMIK and PISG authority there. Leaving a new Kosovo government to try to incorporate the north would invite a violent breakdown. A transitional international authority for the north is the only sensible answer. As Crisis Group argued in September 2005,²⁵⁰ it should bring to fruition decentralisation arrangements there, to include a new Serb-majority municipality in, or embracing, north Mitrovica and an overlay of joint oversight institutions. The result would be the substance of a Serb entity in the north, without its formal constitution.

Kosovo Albanians may well acquiesce in an UNMIK successor that has some degree of residual veto or override powers if the overall package is labelled “independence”, particularly if they are promised a UN seat.²⁵¹ If there is no such ready acquiescence, and compliance has to be ensured by a UN security council resolution, the international community should nonetheless try to ensure that its imposed solution has some basis in agreement with the new Kosovo state. Crisis Group proposed one possible mechanism for this agreement in January 2005: that the prerogatives of the international mission be included in Kosovo’s constitution, which should be put to a referendum.²⁵² Time constraints might preclude this process from preceding the introduction of the mission, but such an arrangement could still be tied down in a constitution to be approved by referendum during the course of 2007.

Pristina/Belgrade/Brussels, 17 February 2006

²⁵⁰ See Crisis Group Report, *Bridging Kosovo’s Mitrovica Divide*, op. cit.

²⁵¹ In Veton Surroi’s fascinating novel, *Azem Berisha’s One and Only Flight to the Castle* (Pristina 2005), a fictional account of Kosovo status negotiations told from the point of view of several of the participants, the question of the UN seat turns out to be the last big issue.

²⁵² See Crisis Group Report, *Kosovo: Toward Final Status*, op. cit.

APPENDIX A

MAP OF KOSOVO

Kosova / Kosovo

Produced by




The boundaries and names displayed on this map do not imply official recognition by the United Nations

Source: NIMA, WEU

APPENDIX B

MAP OF NORTH KOSOVO



APPENDIX C

GLOSSARY OF ABBREVIATIONS AND ACRONYMS

AAK	Alliance for the Future of Kosovo, the political party of Ramush Haradinaj
ART	Telecommunications Regulatory Agency
BK TV	Brothers Karic Television, TV channel owned by Bogoljub Karic's BK company
BIRN	Balkan Investigative Reporting Network
B-92	Independent Serbian TV and radio channel and website
CCK	The Coordination Centre for Kosovo and Metohija of the Serbian and Serbia-Montenegro government
CDA	Collaborative for Development Action
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DS	Democratic Party, Serbian President Tadic's party
DSRSG	Deputy Special Representative of the UN Secretary-General
DSS	Democratic Party of Serbia, Prime Minister Kostunica's party
ESBI	Electricity Supply Board International, the Irish company managing KEK
EU	European Union
G-17+	Serbian political party, part of the governing coalition
GDP	Gross Domestic Product
HDZ	Croatian Democratic Union, Croatia's governing party, headed in the 1990s by Franjo Tudjman
HPD	Housing and Property Directorate
IHPSO	Institute for Researching Public Opinion and Strategies, a Kosovo NGO headed by Rame Maraj, widely understood to act as an intelligence service for the LDK
IMF	International Monetary Fund
ISSR	Internal Security Sector Review
KEK	Energetic Corporation of Kosovo, public utility company for electricity distribution
KFOR	The NATO-dominated Kosovo Force
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps, the civil protection successor structure of the KLA.
KPS	Kosovo Police Service
KTA	Kosovo Trust Agency, an arm of the EU Pillar of UNMIK, charged with managing or privatizing economic assets in Kosovo
K-SHIK	Kosovo intelligence service, operates loosely on behalf of the PDK party.
KTV	Koha Television, owned by Veton Surroi
LDK	Democratic League of Kosovo, the largest political party in Kosovo, headed by the late President Rugova
MUP	Serbian Ministry of Internal Affairs
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
ORA	"Hour" or "Clock", a Kosovo political party headed by Veton Surroi

OSCE	Organisation for Security and Cooperation in Europe
PKD	Democratic Party of Kosovo, the main political successor of the KLA and largest opposition party, led by Hashim Thaci
PISG	Provisional Institutions of Self-Government
PTK	Post and Telecommunications of Kosovo
PTT	Serbian state telecommunications company
ROSU	Regional Operational Support Unit, special police units based in regional KPS HQ's
RTS	Radio-Television of Serbia
SAA	Stabilisation and Association Agreement
SNC	Serb National Council, Kosovo Serb political umbrella-organization
SOEs	Socially-Owned enterprises
SPS	Socialist Party of Serbia, the former Communist Party, headed in the 1990s by Slobodan Milosevic
SRS	Serbian Radical Party, headed in the 1990s by Vojislav Seselj
SRSJ	Special Representative of the Secretary General of the United Nations, currently Soren Jessen-Petersen of Denmark
STM	Stabilisation and Association Process Tracking Mechanism
SWAT	Special Weapons and Tactics
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDP	United Nations Development Program
UNMIK	United Nations Mission in Kosovo
UNTAES	United Nations Temporary Administration in Eastern Slavonia (Croatia, 1996-1998)
UNSC	United Nations Security Council

APPENDIX D

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with over 110 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by Lord Patten of Barnes, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates fifteen field offices (in Amman, Belgrade, Bishkek, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Pretoria, Pristina, Seoul and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, the Sahel region, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan,

Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

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