

KOSOVO STATUS: DELAY IS RISKY

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The Kosovo final status process risks breaking down the further the decision is pushed back into 2007. The six-nation Contact Group that has sponsored the process must at minimum deliver timely endorsement of the settlement package that UN envoy Martti Ahtisaari should present before January's end, and the UN Security Council must pass a resolution superseding 1244 (1999) to allow the UN Mission in Kosovo (UNMIK) to transfer its responsibilities to Kosovo's government and pave the way for new international bodies being readied by the EU. Acting together, the U.S. and the EU need to show the political will to recognise Kosovo as independent, and fend off partition moves from Serbia and the Serb north of Kosovo.

How some key actors will behave remains unpredictable. Russia may refuse consensus in the Contact Group and block decisions in the Security Council; not all EU member states are at ease with the likely outcome. While it is uncertain whether Serbia will offer serious or only token resistance to Kosovo independence, it will certainly support the Serb north's bid to break completely with independent Kosovo. But the two thirds of Kosovo Serbs south of the Ibar River are not as yet planning to leave: will Belgrade urge them to flee Kosovo or allow them to come to terms with the new state of affairs? Another question is whether the U.S. and EU will put resources behind repeated verbal commitments not to allow partition.

The direction in which matters seem to be moving offers much potential for instability. Due primarily to Russia, the Security Council will likely endorse only the narrowest of formulas for Kosovo's independence. Ahtisaari will have to strip his settlement package of all symbolic and some functional elements of independence to get it through the Council.

Despite international officials' denials, the settlement taking shape may resemble Bosnia's Dayton Agreement more than Macedonia's Ohrid. The prerogatives contemplated for the projected post-status International Community Representative are growing, and a less complete transfer of power to Kosovo's own government is being envisaged. Kosovo's deep Albanian-Serb cleavage, and fears of the latter's exodus or suppression, have

prompted Ahtisaari to craft decentralisation provisions that largely insulate most Kosovo Serbs from Pristina and give Belgrade continuing influence. The hope is that this will aid a peaceful, stable transition. The price will be difficult institutional arrangements that it may be necessary to disentangle later for EU accession purposes.

Kosovo's relative stability over the past year should not encourage the international community to imagine it has the luxury of finessing both sides. It has already indulged a Serbian constitutional process intended to undermine the international community's plans for Kosovo, helping thereby to consolidate Belgrade behind retrogressive electoral practices and ideologies of the Milosevic era. Ahtisaari agreed on 10 November to delay presentation of his proposal after Belgrade set a definite 21 January 2007 date for parliamentary elections.

It is important that no further slippage takes place. Further delay would be taken in Belgrade not as a cue to cooperate with an orderly Kosovo process but as a further opportunity to wreck it. Kosovo Albanian social and political fragility offer Belgrade a last opportunity to change the outcome. And delay much into 2007 would severely test Kosovo Albanian cohesion. Politicians have promised their constituents independence this year and have articulated no vision for the period after. They have marginal capacity to implement precisely the complex choreography the international community envisages as producing independence.

The longer the Kosovo Albanians are forced to wait, the greater the chance they will discredit themselves with unilateral independence moves or riots. The pendulum of international support and sympathy would then swing away from them, as after the March 2004 riots. That would virtually finish prospects for retaining the Serbs of the north in a multi-ethnic Kosovo and see many leave the south. Instead of finally closing the question of western Balkan borders with an orderly Kosovo settlement, a new destabilising chapter would be opened.

RECOMMENDATIONS

To the Contact Group (U.S., UK, France, Germany, Italy, Russia):

1. Act without delay on the settlement package to be presented by UN envoy Ahtisaari, and without watering it down.

To the United Nations Security Council:

2. Pass at the earliest opportunity a resolution that endorses the Ahtisaari package; supersedes Resolution 1244 (1999); brings to an end the UN Mission in Kosovo and redistributes its powers to Kosovo's government and the new international presences stipulated in the Ahtisaari package.

Pristina/Brussels, 10 November 2006

KOSOVO STATUS: DELAY IS RISKY

I. THE STATUS EQUATION

In late October 2005 the UN Security Council authorised the Secretary-General's appointment of former Finnish President Martti Ahtisaari to start a political process to determine Kosovo's future status. The UN Office of the Special Envoy for Kosovo (UNOSEK), with Ahtisaari and his deputy, veteran Austrian diplomat Albert Rohan, was established in Vienna.¹ The Contact Group (the U.S., UK, France, Germany, Italy, Russia) has provided a framework for its work, with its Guiding Principles document of November 2005 and London ministerial statement of 31 January 2006.² Its earlier aspiration that "all possible efforts should be made to achieve a negotiated settlement in the course of 2006" has now slipped, with Ahtisaari's 10 November announcement that he will present his proposals only after Serbian elections to be held on 21 January.

UNOSEK commenced work in late 2005 with an understanding that it could at least close the gaps between Pristina and Belgrade on "technical" aspects of Kosovo's status package: decentralisation, community rights, protection of the Serbian Orthodox Church and its major Kosovo landmarks and untangling competing claims on state property and debt. The mediators were clear that they would be unlikely to achieve a negotiated settlement on Kosovo's status per se: they anticipated exhausting all opportunities and eventually taking the issue back to the UN for the Security Council to impose independence,³ on the basis of the technical package at best negotiated through UNOSEK, at worst arbitrated by it, together with accompanying annexes detailing the international presences and powers that would succeed the UN Mission (UNMIK) and the international military force (KFOR). The latter have gradually been defined by the Contact Group, the EU and NATO, distinct from the Pristina-Belgrade dialogue.

From early 2006 legal experts of Western Contact Group member states (the Quint)⁴ examined more closely the mechanics of how a settlement might be imposed. They concluded that Serbian diplomats were correct in their repeated assertions that the Security Council cannot itself declare Kosovo independent: "the San Francisco UN charter will not allow it...Belgrade's stance is legally perfect, politically hopeless".⁵ Instead, the burden could be carried jointly by an enabling Security Council resolution that would endorse Ahtisaari's eventual package, wind up UNMIK and stipulate the details of a successor international presence, and by an act of self-determination by Pristina.⁶ Early ideas favoured a "take it or leave it" Kosovo referendum on the settlement package. Concerns that this would be too time-consuming, likely to spiral out of control and incite counter-referendums led to preference instead for the Kosovo Assembly to endorse the settlement package and declare independence on its basis, attracting thereafter recognitions from individual countries and, presumably, EU member states en bloc.

The value of a quick process in the Security Council is considerable. Upon its culmination, the U.S. could quickly recognise Kosovo. EU recognition may be less straightforward: "the harder and messier it is in New York, the more difficult it will be in the EU".⁷ It will probably fall to the German EU presidency, from 1 January to 30 June 2007, to organise this. However, early clarity from the EU and its member states will be crucial: the office of the International Community Representative and its accompanying police and justice mission that are projected to follow on from UNMIK are to be mainly EU-resourced; preparing for eventual EU accession will be the key strategic goal for the young state as it consolidates its institutions.

If the resolution is insufficiently clear, and individual countries do not move quickly enough to recognise the new state, the EU will face difficulties in deploying its

¹ Its website is www.unosek.org. Ahtisaari is a former chairman of the Crisis Group Board.

² Ibid.

³ Crisis Group interview, UN officials, Vienna, 22 February 2006.

⁴ The U.S., UK, France, Italy, and Germany, meeting without Russia, the sixth member of the Contact Group.

⁵ Crisis Group interview, French diplomat, 23 May 2006.

⁶ Kosovo voted for independence in an unrecognised 1991 referendum. During UNMIK's tenure, the Kosovo Assembly has threatened to declare independence unilaterally in early 2003 and mid-2005, but pulled back.

⁷ Crisis Group interview, Berlin, 22 August 2006.

planned post-status presences and engaging in the contractual relations with Kosovo that it employs with membership aspirants. In such circumstances, Belgrade could more easily harden its grip on Kosovo's Serbs. Similarly, if the international financial institutions do not find enough support among their members, they would be unable to help Kosovo with the fiscal deficits it will face in its first years of independence.⁸ Ahtisaari's package will propose that Kosovo have treaty-making powers so it can join the IMF, World Bank and other bodies, including the UN itself.

The most uncertain element in the Security Council is Russia, which intends – as described below – to benefit in Georgia and Moldova from the perceived precedent constituted by Kosovo's independence but does not want to appear to endorse it. Since 2005 its diplomats have indicated acceptance that independence will be the outcome.⁹ It was a party to the 31 January 2006 Contact Group statement that the settlement should “be acceptable to the people of Kosovo”. But Russia has subsequently hardened its rhetoric against an imposed settlement and continues to resist the guillotine favoured, if now somewhat more provisionally, by the other Contact Group members for the process. This filtered into Contact Group decisions taken in the margins of the UN General Assembly in September 2006: UNOSEK received a less clear mandate than hoped on proceeding to an arbitration proposal and was obliged to consider hosting more Belgrade-Pristina technical talks in Vienna, despite the 15 September verdict of the deputy envoy, Rohan, that they had reached a dead-end.¹⁰

Speaking in Strasbourg on 4 October, Foreign Minister Lavrov said Moscow would not allow the Security Council's authority to be used for an imposed settlement. Three days later, presidential aide Sergei Yastrzhembsky underlined that: “If Kosovo's independence is recognised despite Serbia's will, this will create a very negative precedent in international relations”.¹¹

Russia has signalled its price for acquiescing in Kosovo's independence with increasing explicitness. Although its position has helped Serbia by producing an element of delay, Russia's ambassador in Belgrade

made clear that the bilateral relationship is a side issue: “in this case one must not give attention to sentiments”.¹² Russia (unembarrassed by the implications of this for Chechnya and other North Caucasus entities) wants Kosovo's independence to be a precedent (even a “negative” one) with which to secure recognition of friendly mini-states that have sought to break away from Georgia and Moldova since the 1990s: Abkhazia, South Ossetia and Transdniestria.¹³ To foreign journalists in Moscow on 9 September President Putin hinted at a veto of the Kosovo solution if it did not conform to Russia's interests.¹⁴

The Quint members and Ahtisaari have been at pains to argue the uniqueness of the Kosovo case and that it cannot provide a blueprint for other secession and self-determination claims.¹⁵ China has indicated that it will acquiesce in Kosovo's independence if it is deemed not to set a precedent. To help avoid a domino effect, the Quint negotiated into the Contact Group's New York statement of 20 September the phrase “ministers look forward to a durable solution to the last major issue related to the break-up of Yugoslavia”.

A. AHTISAARI'S WORK

Using his mandate “to lead the political process to determine the future status of Kosovo”, UNOSEK chief Ahtisaari has created a process of consultations with, and meetings between, Pristina and Belgrade delegations to complete the constitutional construction begun under UNMIK and settle accounts between the two capitals. The themes the Vienna process has explored most thoroughly have been decentralisation and protection of the Serbian Orthodox Church and its sites. Dialogue on a broader framework of minority rights and settling debt and state property has been sparser.

⁸ Crisis Group interview, World Bank officials, Pristina, 27 September 2006.

⁹ Crisis Group interview, Moscow, 13 October 2005. In June 2006 a Russian diplomat exclaimed to Crisis Group: “For heaven's sake, we are not against Kosovo independence”.

¹⁰ See transcript of his Vienna press conference, following the most recent round of negotiation, available at www.unosek.org.

¹¹ Itar-Tass report, 7 October 2006. The remarks were made at the “Russia and Germany, Hopes and Misunderstandings” conference, Bad Boll, Germany.

¹² Interview with Ambassador Aleksandr Alekseyev, published in *Politika*, 25 July 2006.

¹³ Russia appears unconcerned now about Chechnya. Nagorno-Karabakh and the Turkish Cyprus are also not listed by Russia among potential areas to which a Kosovo precedent might be applied.

¹⁴ Full text of Vladimir Putin interview, *Financial Times*, 10 September 2006.

¹⁵ Any serious examination of the territories in which Russia is interested demonstrates that the differences with Kosovo far outnumber the similarities. Crisis Group has reported on all of them: for Transdniestria, see most recently Crisis Group Europe Report N°175, *Moldova's Uncertain Future*, 17 August 2006; for Abkhazia, Crisis Group Europe Report N°176, *Abkhazia Today*, 15 September 2006; for South Ossetia, Crisis Group Europe Report N°159, *Georgia: Avoiding War in South Ossetia*, 26 November 2004.

Additional dimensions of Kosovo's future status were coordinated with the Contact Group, the EU, NATO and other international actors and drawn from Kosovo's UNDP-managed Internal Security Sector Review, rather than submitted to Pristina-Belgrade dialogue: the powers, structure and duration of post-status international presences, the final shape of Kosovo's security architecture and how to address Kosovo's semi-detached Serb north. Drawing together these strands, Ahtisaari is soon to present a comprehensive settlement package to the Contact Group. Once approval is secured, it will be offered to Pristina and Belgrade for feedback and then put to the Security Council.

Ahtisaari has opted to craft a package that does not use the label "independence" but in substance would amount to it, at least in potential. Belgrade's social sector links and donor rights in the Serb-majority municipalities aside, the package would implicitly sever Kosovo from any constitutional relationship with Serbia, substituting a range of international community prerogatives. Kosovo would have treaty-making powers and a small defence force. The proposal is unlikely to explicitly mandate creation of a foreign ministry or a UN seat.

Russia has signalled that "the key is to find a variant that satisfies both parties. There can be no question of a Security Council resolution until this has been found".¹⁶ The package's lack of a clear label is accordingly intended to minimise friction and maximise the chances of its acceptance by both Pristina and Belgrade, at least postponing any discord until a later point in the process.

In divining results from the Vienna dialogue, UNOSEK has necessarily calibrated in favour of Pristina: it will have the responsibility of implementing the eventual settlement and is the international community's partner in Kosovo institution-building¹⁷ – for instance, it has rushed to complete thirteen priority standards tasks¹⁸

¹⁶ Foreign Minister Lavrov's remarks to reporters after meeting his Serbian counterpart in Moscow. "Russia warns against 'unilateral decision' on Kosovo", Agence France-Presse, 1 November 2006.

¹⁷ On 22 September 2006, Ahtisaari told the Security Council: "I strongly believe that a settlement can only be sustainable if we ensure local ownership, responsibility and accountability".

¹⁸ Ten of the benchmarks had a minority focus. The Kosovo Assembly had to pass acceptable laws on languages, cultural heritage and religious freedom. Reconstruction of property damaged in the March 2004 riots had to be expedited or completed. A rental scheme for the 5,000 properties formerly under the Housing and Property Directorate's (HPD) administration had to be instituted, and the government had to support the new Kosovo Property Agency in enforcing 2,804 HPD home repossession claims. The government was to implement a public transportation strategy for minorities,

ordered by the Contact Group, strongly encouraged by Western diplomats to believe that the process will result in independence. Belgrade has brought to the table its resistance to independence and preoccupation with separating Serb areas in Kosovo from Pristina. As talks developed, it obliged Kosovo Serb health and education workers to revoke their Kosovo government contracts and supported the northern Kosovo Serb municipalities' June 2006 declarations on severing links with the government in Pristina. In his July and September 2006 reports to the Security Council, Ahtisaari gave Pristina credit for making concessions and compromising, and criticised Belgrade for inflexibility.

Although not explicitly stated, the main purpose of the Vienna process has been to find a viable future for Kosovo Serbs within an independent Kosovo. Belgrade's discomfort with the logic of the process has resulted in a disjointed negotiating performance, under-representation of Kosovo Serbs in its team, and a crescendo of criticism for UNOSEK's organisation of the talks and Ahtisaari's alleged bias. It has alternated between turning a deaf ear and public outrage when told privately by Western diplomats that the process will culminate in independence.¹⁹

In May 2006 President Tadic and Prime Minister Kostunica requested from the Contact Group that the talks move immediately to status resolution. This was deferred until July, when UNOSEK organised a first Vienna meeting of Serbia's and Kosovo's respective presidents, prime

allocate funding for returns and offer moral support to UNMIK in prosecuting cases from the March 2004 riots. It was to fully staff central-level language units and ensure translation of all government documents into all official languages and begin allocating grants from its Minority Media Fund. Although an UNMIK responsibility, the government was also to become involved in opening additional court liaison offices and sub-municipal police stations in enclaves, where necessary. The Assembly was to stop foot-dragging in appointing the director of the new anti-corruption agency, establishing the Independent Media Commission, and passing a public procurement law.

¹⁹ These messages have been delivered since late 2005. See Crisis Group Europe Report N°170, *Kosovo: The Challenge of Transition*, 17 February 2006, pp. 11-12. The U.S. repeated them when Prime Minister Kostunica and President Tadic each visited in 2006. Serbian officials and media attacked Ahtisaari in August 2006 for comments he made in a meeting with Kosovo Serb politicians earlier that month. They alleged that he ascribed "collective guilt" to Serbs and provided ideological cover for the grenade attack in north Mitrovica of 26 August. Ahtisaari clarified that Serbia bore a burden for what had been done during the Milosevic era and that this was a factor in resolving Kosovo status. UNOSEK statement, 30 August 2006, available at <http://www.unosek.org>. Serbian officials have since attacked Ahtisaari verbally on several occasions and proposed his dismissal.

ministers and other senior leaders.²⁰ Ahtisaari may try to organise one more of these so-called “elephant rounds” before he forwards his proposals to the Security Council.

Pristina’s delegation has presented the more comprehensive proposals and demonstrated flexibility, with Belgrade often disorganised, poorly briefed and ill prepared. Nevertheless, Belgrade has succeeded in shaping the talks: its refusal to discuss Kosovo-wide minority rights arrangements until late in the process kept the focus on decentralisation, reflecting its agenda of territorial division and non-recognition of Kosovo’s indigenous central government institutions. Pristina has had to make the most concessions. Some diplomats expressed concern that Serbian stonewalling may bring UNOSEK to grant some requests that are “wrong”, serving an agenda of dividing Kosovo.²¹ The indications are that UNOSEK has favoured Pristina’s Mitrovica proposal, while allowing Belgrade its direct links with Serb-majority municipalities.

Buoyed in early 2006 by the Contact Group’s London statement and private promises of independence from U.S. Special Envoy Frank Wisner and others, Pristina made what it considered generous offers upfront, notably on decentralisation – the creation of three new and one expanded Serb-majority municipalities. Belgrade wanted fifteen new and five expanded such municipalities. At present Serbs are the majority in five of Kosovo’s 30 municipalities. Pristina made the significant concession of proposing north Mitrovica as a separate new Serb-majority municipality, albeit with some strings, more apparent than real, attached to assuage Kosovo Albanian public opinion.²² In mid-2006 UNOSEK drew further concessions from Pristina, bringing its offer up to five new Serb-majority municipalities and two expanded ones. UNOSEK has decided for precisely this configuration, though it has expanded the territories of some beyond the boundaries Pristina wanted so as to embrace additional Serb settlements.

Some Kosovo Albanian negotiators regret offering so much so soon and feel they were naïve, trusting that

UNOSEK would accept their offer as a solution and not as the basis for further compromise.²³ With Russia attempting to keep the Contact Group’s focus on a negotiated solution in the closing months of the year, possibly pushing for more negotiations in 2007, and the Contact Group still to filter Ahtisaari’s proposals, Pristina remains concerned that it could be pushed beyond its “red lines” in the final lap. In late September and early October 2006, its politicians took rigid public positions that they would go no further.²⁴

In May 2006 the Vienna decentralisation talks reached agreement on criteria for creating new municipalities: at least 5,000 inhabitants, a Serb majority of at least 70 percent and economic viability.²⁵ Belgrade proposed a number of “ghost municipalities”, based around monasteries and monuments in anticipation that returns could eventually bring numbers to 5,000. UNOSEK has discarded these. Pristina offered a string of marginally viable Serb-majority areas in eastern Kosovo – ironically where inter-ethnic integration has worked best. It places faith in a review mechanism, which may conclude after two years that most would be better off as sub-municipal units,²⁶ though some Albanians fear they will fall under Belgrade’s control in the meantime. The category of sub-municipal unit has lost favour since it was suggested by the Council of Europe in 2003.²⁷ The more thoroughly ethnically-cleansed west will have no Serb-majority municipalities.²⁸

In central Kosovo, the Kosovo Albanians have conceded a large Gracanica municipality, constraining Pristina city’s southward expansion and straddling two key highways. But they rejected a marginally viable municipality north of Obilic, itself just north-west of Pristina. UNOSEK did not push it; some Serbs there are already making plans to sell,²⁹ and the community may gradually melt away now

²⁰ Both sides reiterated their positions. Prime Minister Kostunica was evidently uncomfortable with the meeting and absented himself to avoid lunching with his Kosovo Albanian counterparts.

²¹ Crisis Group interview, French diplomat, 21 September 2006.

²² These strings were a common board with south Mitrovica, to be chaired by an international administrator for three years, and ultimate reunification of the city. Kosovo Albanian negotiators knew, however, that Serbs could simply boycott the board. Crisis Group interview, Pristina, 26 September 2006. For background, see Crisis Group Europe Reports N°165, *Bridging Kosovo’s Mitrovica Divide*, 13 September 2005; and N°131, *UNMIK’s Kosovo Albatross: Tackling division in Mitrovica*, 3 June 2002.

²³ Crisis Group interviews, Pristina, 26 September-2 October 2006.

²⁴ The Unity Team made statements to this effect. On 2 October 2006 Haradinaj’s AAK party issued a statement warning that changes to what the Unity Team had agreed would be impossible to implement.

²⁵ See Press Briefing by UN Deputy Special Envoy Albert Rohan, 5 May 2006, available at <http://www.unosek.org/unosek/en/pressconf.html>.

²⁶ Crisis Group interview, Kosovo government adviser, Pristina, 14 September 2006.

²⁷ The Council of Europe sent a mission to Kosovo to research and design a proposal in the wake of the decentralisation initiative taken in late 2002 by the Secretary-General’s Special Representative in Kosovo, Steiner, discussed in Crisis Group Europe Report N°143, *Kosovo’s Ethnic Dilemma: The Need for a Civic Contract*, 28 May 2003. The mission’s proposal was presented in November 2003 but did not gain support.

²⁸ See Crisis Group Europe Report N°163, *Kosovo after Haradinaj*, 26 May 2005, pp. 6-11, for background on west Kosovo.

²⁹ Crisis Group interview, UNMIK official, 8 September 2006.

that decentralised Serb-majority municipalities have become the leading currency of Serb institutional inclusion. The area has large lignite deposits and could be a site for a future power station; its designation as a Serb zone might have aroused assumptions on both sides that decentralisation was a means of carving up natural resources.³⁰

UNOSEK put Mitrovica and the north into the decentralisation portfolio, treating them like any other part of Kosovo and not singling out their status as a separate agenda item.³¹ This has given credibility to the international community's repeated assertion that Kosovo will not be divided, but it has also stripped the Vienna discussions of vitality on arrangements for the north, restricting it to dry, generic discussions on municipal borders and competencies. UNOSEK broached and Pristina resisted the idea of asymmetric competencies, with Serb-majority municipalities enjoying a greater range than their Albanian-majority counterparts. Pristina negotiators objected that this would, as in the 1990s, reduce Albanians to second-class citizens. This, together with Pristina politicians' stated aspiration for a civic state, blind to ethnicity, met with UNOSEK's scepticism: "They have to recognise that there is a Serb question in Kosovo".³² The package will, therefore, include some asymmetry.

Belgrade has wanted to divide Kosovo into a freestanding Albanian entity and a Serb entity linked to the Serbian government; Pristina has insisted on a unitary state with a maximum of prerogatives for its central government. To finesse the difference, in April 2006 Rohan circulated decentralisation proposals that would allow voluntary inter-municipal partnerships for healthcare, education, cultural and social matters to be institutionalised.³³ Pristina sought to limit the opportunity for such partnerships to become a new layer of government, and to prevent Belgrade from enjoying a direct funding or administrative relationship with Serb-majority municipalities or their partnerships.³⁴ Serbia's negotiators

have argued that donations to these municipalities should be welcomed like any other aid, while Pristina wants them to flow through a central coordinating bureau in the Kosovo prime minister's office. Their fear is that Belgrade would misuse what it calls Kosovo Serbs' "vertical spirit" of loyalty to Serbia to create a Republika Srpska within Kosovo and that "the international community does not really care about the functionality of the solution, despite its rhetoric".³⁵

On policing and justice, agreement has coalesced around UNMIK's already enacted arrangements. Municipal assemblies may choose police chiefs from among candidates offered by the central authority.³⁶ UNOSEK has leaned toward expanding Serb-majority municipalities' prerogatives in this regard, such as giving their municipal assemblies the right to dismiss the local police chief.

To avoid enshrining further asymmetric competencies, Pristina proposed to pass separate legislation permitting municipalities additional self-government in culture and social services and opening the way for them to support secondary healthcare and higher education facilities such as already exist in north Mitrovica. Pristina conceded that Kosovo Serb pupils will continue to follow the Serbian curriculum. It also gave way on a general principle that it will not be able to overturn municipal decisions it does not like but will instead have to seek a court ruling on compatibility with the status settlement.

But which court, and how constituted? There has only been limited discussion of overall constitutional structure. Kosovo Albanians have suggested a constitutional court weighted in favour of international and non-Albanian judges. The EU plans to provide some judges for war crimes, inter-ethnic, corruption, organised crime and property cases but has not yet been approached.³⁷

Belgrade kept most minority community rights and constitutional issues off the Vienna agenda until August 2006, insisting that these were fundamental status not technical issues. Its engagement in the two subsequent sessions was lukewarm; the Kosovo Serb members of the delegation refused to participate, rejecting their definition as a minority; no papers were presented. In contrast, Pristina put forward a comprehensive proposal

³⁰ An April 2006 UNOSEK discussion paper envisaged that "in due course, the ownership of some of the public utilities shall be transferred to either municipalities or partnerships of municipalities".

³¹ See Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit., on the situation in Mitrovica and the north.

³² Crisis Group interview, UN official, Vienna, 22 February 2006.

³³ Crisis Group proposed such an idea in *Bridging Kosovo's Mitrovica Divide*, op. cit., p. 36, but to be coordinated through central government in Pristina.

³⁴ Pristina agrees to Serb-majority municipalities cooperating in their own areas of competence with counterpart municipalities in Serbia but objected to UNOSEK proposals for institutionalising relations with Serbia's central government. Crisis Group interview, Kosovo government adviser, Pristina, 14 September 2006.

³⁵ Ibid. A UNOSEK official told Crisis Group in a telephone interview, April 2006: "We can't have a state within a state, but..."

³⁶ These provisions were stipulated in UNMIK's Regulation 2005/54, "On the Framework and Guiding Principles of the Kosovo Police Service of 20 December 2005", available at <http://www.unmikonline.org>.

³⁷ Crisis Group interview, EU official, Pristina, 6 October 2006.

developed since mid-2005 by Veton Surroi, through fitful engagement (including meetings in Greece and Albania) with Oliver Ivanovic's Serb List for Kosovo and Metohija and a regularly-convened communities consultative council attended by non-Serb minority politicians. In early October 2006, Pristina announced that this council would become a state institution after final status determination.³⁸

Pristina proposes a number of pro-minority embellishments to UNMIK's interim constitutional arrangement. It has acknowledged there must be a second public television station, broadcasting in minority languages. Vital interest mechanisms would guard minority communities against injurious laws. The staffing of a special chamber of the constitutional court for minority issues and the ombudsman institution would be weighted in favour of non-Albanians. Belgrade has not responded comprehensively but suggests separate ombudsmen for Serbs and Albanians.³⁹

Yet, Pristina has sought to reduce parliamentary and government representation currently guaranteed to minorities under UNMIK's Constitutional Framework. Notwithstanding that Belgium and Finland have well-functioning consociational systems, it argues for a modern, "European" constitution and not a "Lebanese" one.⁴⁰ It wants the present three obligatory ministerial posts for minorities (two for Serbs, one for others) reduced or removed and offers at most a range of deputy minister positions instead. Its argument is that obligatory minority representation in the government stymies organic politics, discouraging full-blooded engagement of minority parties in the political mainstream.⁴¹

Pristina also wants the twenty reserved minority seats (ten for Serbs, ten for others) in the 120-seat Assembly changed to a guaranteed minimum of seats. At present any seats won by minority candidates are added to the reserved seats. The argument is that if minorities fully participate in elections under present rules, their 10-12 per cent of the population could control one third of the Assembly, distorting democracy and alienating the majority; moreover, the extra representation would be unnecessary, given "Badinter" double-majority rules for minority protection it proposed for the post-status

Kosovo Assembly.⁴² Such arguments aside, reducing Serb and minority representation below UNMIK dispensations would strike a wrong note for the settlement. UNOSEK has indicated that the present more generous arrangements might be retained for the next two parliamentary mandates before being phased out in favour of Pristina's formula.

The one area where Pristina and Belgrade nearly have agreement involves the rights and protection of the Serbian Orthodox Church and its sites and preservation of other Serb cultural heritage sites. The Church has played a positive role, prodding the Serbian government into a practical stance, decoupling religious sites from territorial decentralisation. Yet, in Ahtisaari's words, "the linkage established by Belgrade between the protection of religious sites and the restitution of the Church's assets nationalised by the Yugoslav authorities in 1945-1946 has effectively blocked an overall agreement".⁴³ Pristina will be hard put to keep its side of the bargain, preserving a range of zones around church and heritage sites from illegal building; such encroachment was reported near two of them in early October 2006, preempting the settlement.⁴⁴

At the other end of the scale, agreement on the economic portfolio, the assigning of debt and state property, looks more remote. Only one abortive Vienna meeting was held on this, on 31 May 2006. Both sides agreed that

³⁸ They envisage that it could be connected to the president's office, convene monthly and be a forum for minority communities' concerns to be taken account of in decision-making.

³⁹ See transcript of Rohan's 8 September 2006 Vienna press conference, available at <http://www.unosek.org/>.

⁴⁰ A remark made several times by Kosovo Albanian politician Veton Surroi.

⁴¹ Crisis Group interview, government minister and Vienna delegation member, Pristina, 26 September 2006.

⁴² French constitutional scholar Robert Badinter was a consultant to Macedonia's Ohrid peace process and brought into the agreement a mechanism to ensure the ethnic Albanian minority could not simply be outvoted in parliament. Any law affecting ethnic minority issues requires a majority of the votes of deputies not from the ethnic majority, in addition to an overall majority of deputies present and voting. See "Constitutional Watch", *East European Constitutional Review*, vol. 10, no. 4, fall 2001, available at <http://www.law.nyu.edu/eecr/>.

⁴³ Address to the UN Security Council, 22 September 2006. The Serbian church owned large tracts of Kosovo land in the pre-communist period. Belgrade has attempted to connect the issue of this property's restitution to its political agenda of carving out the largest possible amount of Kosovo territory that might become a Serb entity. The church itself has tried to distance the issue from this territorial agenda, which is, of course, anathema to the Albanians. It places greater value on reaching an accommodation with Pristina and will pursue any land restitution claims within the possibilities granted under Kosovo's post-status legal system. See Crisis Group Europe Report N°170, *Kosovo: The Challenge of Transition*, 17 February 2006, pp. 29-30, for further background on the Serbian Orthodox Church in Kosovo.

⁴⁴ "Digging up Gazimestan Hill", KIM Info Newsletter, 3 October 2006, available at <http://www.kosovo.net>. After the Serbian government complained to UNOSEK, UNMIK ordered a stop to these projects.

Kosovo should assume part of the Yugoslav external debt currently being serviced by Serbia, where it can be traced to projects of which Kosovo was the beneficiary. But Pristina has had no access to the documentation. It wants Serbia to compensate for Milosevic's post-1989 expropriations of Kosovo pension entitlements and bank accounts. If pursued at all, mediators indicate that this might be dealt with in a separate compensation mechanism for individual claims.⁴⁵ Belgrade wants UNMIK's entire privatisation process reversed and the ownership and internal debt rights of the Serbian state and Serbian companies over most Kosovo public and socially-owned enterprises taken as a new starting point, even though such claims mostly flow from Milosevic's expropriations. It has found no sympathy from UNOSCEK. The likeliest outcome is that Kosovo's independence will precede any comprehensive agreement and create a new, simplified context for it.

If the Vienna process began in early 2006 with Kosovo Albanians optimistic about independence, their anxieties about decentralisation, Mitrovica and the north and possible delay have coloured its recent weeks. Belgrade whipped up its public opinion against Ahtisaari in August 2006 and has occasionally delayed individual Vienna sessions, but has not walked out of the process. Its tactic is to keep sending (usually low-level) delegations, but not to offer concessions, starting every meeting as if from scratch. In this way it hopes to fashion a perpetual-motion dialogue machine.

When Ahtisaari concluded in his 22 September 2006 statement to the Security Council that Pristina was being flexible and Belgrade obstructive, and negotiations were going nowhere, the Russians, and to a lesser extent the Chinese, reportedly objected and asked for continued talks. However, Ahtisaari sought instead to create greater political space for the tabling of his settlement arbitration proposal, while reaffirming the goal of settling the issue by the end of 2006 and making public the artificiality of the Belgrade/Moscow recipe. "I can't see [that] there will be a negotiated settlement...I don't see the parties moving on the status issue. The parties remain diametrically opposed," he told a seminar in the Finnish Parliament on 9 October 2006. Indeed, further talks would likely result in a retreat by both sides from concessions already made.⁴⁶

Ahtisaari is now putting the final touches on a settlement proposal he hopes will square the following circles:

securing the backing of the permanent-five Security Council members, maximising the chance of peace on the ground in the short term (attracting Belgrade's practical acquiescence with offers on decentralisation without alienating Pristina to the degree that it refuses to implement the settlement), and sketching a route to long-term functionality of the Kosovo state.

B. FUTURE INTERNATIONAL PRESENCE

In its October 2005 Guiding Principles for the settlement of Kosovo's status, the Contact Group made clear that "[f]or some time Kosovo will continue to need an international civilian and military presence to exercise appropriate supervision of compliance of the provisions of the status settlement, to ensure security and, in particular, protection for minorities as well as to monitor and support the authorities in the continued implementation of standards". NATO has committed to retain a force in Kosovo. The EU is to provide the meat of the civilian presence. Acknowledging that "Kosovo will be primarily a European responsibility",⁴⁷ the Commission and Council Secretariat issued joint reports in December 2005 and July 2006 on the future EU role in Kosovo that have secured the backing of member states⁴⁸ and should help secure a bloc recognition of Kosovo in early 2007.

The July report argued against overly complex decentralisation arrangements that might hinder Kosovo's central government from making progress toward EU integration: "Kosovo's own institutions should be responsible for managing its affairs....The international engagement should assist Kosovo's institutions to assume full responsibility for Kosovo's affairs as soon as possible". The European Commission in particular argues the need for an unambiguous Kosovo status. The emerging shape of the settlement is not so comforting from this perspective, suggesting both a heavier containment role than the EU bargained for and a more tangled constitutional arrangement than it had hoped for.

1. The International Community Representative

The projected international civilian presence will have at its heart an International Civilian Representative, "double-hatted" with a mandate both as the EU's Special Representative and stemming from the status agreement and Security Council endorsement. He or she would report both to Brussels and a Security Council-mandated international steering group, similar to

⁴⁵ See Stefan Lehne's comments in 31 May 2006 UNOSCEK press briefing, available at <http://www.unosek.org/unosek/en/pressconf.html>.

⁴⁶ Certainly by Pristina. Crisis Group interview, adviser to Pristina's Vienna delegation, Pristina, 14 September 2006.

⁴⁷ EU Council and Commission joint document of July 2006, p.1.

⁴⁸ The unwillingness of the EU institutions to make these reports public, furnishing journalists instead with truncated press summaries, does not help the transparency of the process.

Bosnia's Peace Implementation Council, and lead an International Civilian Office (ICO). This would monitor the Kosovo government's implementation of the status agreement and be armed with powers to intervene and make course corrections.

Debate is open on the extent of these powers. Should the Representative be able to dismiss recalcitrant officials, as is the High Representative in Bosnia, or would this jar in Kosovo's context, where UNMIK has enjoyed such powers since 1999 but never used them? Or should powers be limited to a right of referral, seeking judicial review of dubious decisions and legislation, and exerting influence more through coordination of moral pressure than administrative fiat? "It's the wrong question to ask whether we need a robust or a light presence; we need robust policies", said an EU official.⁴⁹ Nevertheless, as the status decision draws nearer and preparation pinpoints ever more areas of responsibility requiring a decision, the tendency is tilting toward the status quo, control, and "safety first".

The ICO is envisaged to consist of some 50 staff, with an offshoot office of about ten to twenty in Mitrovica. Its eyes and ears in the field would largely be provided by a separate mission run by the OSCE, currently part of UNMIK.⁵⁰ The Representative would have a principal deputy from the U.S., who would concentrate on implementation of the status agreement, and a European deputy, who would head an EU rule-of-law mission, with European police, prosecutors, judges and, most likely, prison and customs officers, performing mentoring, monitoring and executive roles. Beginning in June 2006, the EU Council deployed a 40-strong EU Planning Team to research and propose the design of such a mission, eventually to be resourced and deployed under the EU's European Security and Defence Policy.⁵¹ The Council gave the formal go-ahead for the creation of an analogous team to plan and begin building the International Civilian Office in September 2006.

A date will be proposed for review by the international steering group. Most of the Quint states now favour doing this two years after the status agreement; others envisage three years. If implementation goes well, the Representative's powers could be reduced or eliminated, leaving just an EU Special Representative as, for example, in neighbouring Macedonia. Theoretically, the review mechanism would offer also the opportunity to

ramp up the powers if decentralisation, other measures of accommodating the Serb minority or governance in general were not going well. But the more this possibility features in the status agreement, the more the Kosovo Albanians will doubt the quality of the independence they have been offered.

Both the EU and the Kosovo Albanians are anxious to avoid the ICO being seen as the continuation of UNMIK. "We see people trying to transfer from UNMIK to the new structure; this feeds peoples' fears", remarked a Kosovo politician.⁵² The EU is resisting this but it does need to incorporate some of UNMIK's experience. The more clearly time-limited and oriented toward tangible, achievable goals the ICO can be, the better, but UNMIK exerts a strong gravitational pull. Its seven years have habituated both its officials and their Kosovo counterparts to patterns of interaction that are difficult to break. Despite a rhetoric of independence, Kosovo officialdom too easily lapses into becoming the passive partner of its international counterpart, whom it nevertheless scapegoats publicly. Personalities and a strong effort to sell the difference to the Kosovo public will be important. Parties and movements of the radical fringe will try hard to portray the ICO as colonialist, a message that Kosovo Liberation Army (KLA) heartlands such as Drenica and Dukagjini may absorb only too readily.

In public utterances Kosovo's political elite still maintains that the settlement will deliver a sovereign Kosovo with complete independence. In private it has grown far more realistic and accommodating. Pristina itself proposes roles for international arbiters in post-status Kosovo, for example in its proposals for Mitrovica, and on central-municipal disputes over appointments of local police chiefs.

Taking the pragmatic view that, "the international community does not have the desire to be in Kosovo very long", and that since "we cannot afford to be in a position to reject the international presence, we have to lobby now",⁵³ Pristina's Unity Team invited and tried to begin shaping this presence in a 24 August 2006 letter from President Sejdiu to Ahtisaari, the Contact Group, the EU and NATO: "We therefore invite, and welcome a future international presence in Kosovo, both military and civilian", its purpose being to help Kosovo advance toward the EU and NATO, for which "[we] express again our willingness to continue working with you to define the future international presence in Kosovo". Consultations with the Unity Team and government are

⁴⁹ Crisis Group interview, 18 May 2006.

⁵⁰ In preparation for this task, the OSCE mission has dispersed staff away from Pristina into teams for monitoring local governance, municipality by municipality.

⁵¹ See Crisis Group Europe Report N°160, *EU Crisis Response Capability Revisited*, 17 January 2005.

⁵² Crisis Group interview, Pristina, 28 September 2006.

⁵³ Crisis Group interview, government and Vienna delegation member, Pristina, 26 September 2006.

becoming more frequent now that the EU's ICO Planning Team has begun to establish itself in Pristina.

While maintaining that the post-status international presence will need to draw its mandate from a Security Council resolution, international officials now acknowledge the utility of it having a parallel invitation from Kosovo.⁵⁴ Nevertheless, Kosovo Albanian politicians still worry about the context within which the ICO will be established. They want it to be a tool to help Kosovo become a normal country and balk at accepting it without a clear guarantee of independence. "How could we explain to the public we don't know where we are, we don't know where we're going, but we've got to start implementing a settlement of decentralisation, Serbian cultural heritage protection and a new international presence with veto powers?" Another noted: "If we are not independent, we are not a partner of the international presence; it's a trusteeship". Kosovo would then have at best "a third-category independence". Some ask: "What exactly will the new international presence bring here? Only its veto prerogatives, or development assistance? This aspect has not been made clear".⁵⁵

2. The EU Rule-of-Law Mission

Kosovo Albanian leaders are privately relaxed about the prospect of a long rule-of-law mission.⁵⁶ Assessing the likely extent and powers of the post-status international presence, a key figure in the ruling coalition says: "It's all fair and we need it", and it should include oversight of the borders and customs.⁵⁷ Prime Minister Ceku wants the international community to wield some executive powers in policing and justice, to plug gaps in domestic capacity and bridge the mistrust of the Serb minority toward Pristina. He is happy to see its efforts extend to high-level corruption and organised crime, the prisons service, intelligence work and financial investigations, and foresees five to ten years for this mission – but "ownership must be ours".⁵⁸

The dialogue the EU Planning Team (EUPT) has had with local actors over the last five months has brought views closer and is "eliminating surprises".⁵⁹ The first report it submitted to the EU Council, containing basic recommendations for the future mission, was in late

September. It proposed a mission of at least 950, a variety of capacity-building, monitoring and executive roles, and embedding the mission as far as possible within Kosovo police and judicial structures, eschewing a stand-alone profile or special courts,⁶⁰ while retaining its obligatory line of accountability to Brussels through the Representative. The police commissioner would in all likelihood be from Kosovo and accountable to the interior minister. Review mechanisms and benchmarks would allow the EU personnel gradually to scale back in numbers and functions, as Kosovo police, prosecutors, judges and other law enforcement professionals matured.

However, EUPT's Kosovo counterparts, especially in the Kosovo Police Service (KPS), could be making more of the opportunity. Although told that "Brussels would react positively to their pro-activity" and offer Pristina a bigger role in planning the mission, "they have been passive. We have had good discussions, but always on the basis of our initiatives".⁶¹ In the meantime, KPS officials complain ritually that they have not been consulted.⁶²

The invited presence of international police can provide Kosovo a short-cut to respectability. With foreigners responsible for handling corruption, organised crime, war crimes and inter-ethnic cases, Kosovo Albanians would be relieved of facing up to some of the most unpleasant and dangerous aspects of consolidating their state. Despite the new justice minister's encouragements, there have been only a handful of applications from prosecutors for positions in the new Kosovo Special Prosecutor's Office dealing with organised and other serious crime.⁶³ "We created a judicial dependency culture", said a leading Quint diplomat in Pristina.⁶⁴ A member of the government cheerfully suggested: "In a year's time we'll go to the EU and demand a visa-free regime. Why not if the EU is running our police, courts and customs?"⁶⁵

Those controlling illicit streams of revenue in Kosovo's economy would not feel especially threatened unless the EU mission proved more effective than UNMIK's often squeamish, disjointed and inexpert law enforcement

⁵⁴ Crisis Group interview, EU official, 18 May 2006.

⁵⁵ Crisis Group interviews, members of Kosovo's Vienna delegations, Pristina, 26-28 September 2006.

⁵⁶ Crisis Group interviews, government minister, Pristina, 26 September 2006, senior opposition PDK politician, Pristina, 2 October 2006.

⁵⁷ Crisis Group interview, Pristina, 5 October 2006.

⁵⁸ Crisis Group interview, Pristina, 26 September 2006.

⁵⁹ Crisis Group interview, EU official, Pristina, 6 October 2006.

⁶⁰ For example, international judges and prosecutors might take the most sensitive criminal and property cases. While there has been discussion in the Vienna process about the possibility of international judges in the constitutional court, the EUPT has not yet been involved and does not at present envisage including such judges in its mission.

⁶¹ Crisis Group interview, EU official, 6 October 2006.

⁶² Crisis Group interviews, September 2006.

⁶³ Crisis Group interview, UNMIK justice official, Pristina.

⁶⁴ Crisis Group interview, 21 September 2006.

⁶⁵ Crisis Group interview, Pristina, September 2006.

operation has been.⁶⁶ Kosovo's ministry of internal affairs will still be incompletely formed when a final status settlement comes and is not hurrying to define anti-organised crime policies;⁶⁷ "We can't expect the minister to do what the international community failed to do; how can we criticise him?"; an UNMIK home affairs officer said.⁶⁸ An EU official felt that criminal "big fish" were in effect protected by the international community and allowed to grow bigger under UNMIK's administration.⁶⁹ KPS officers have complained that investigations were blocked in the UNMIK police commissioner's office.⁷⁰ A senior UNMIK justice official concurred that several high-profile investigations were not pushed to a conclusion in the first half of 2006.⁷¹

It will be important that an EU police and justice mission not prioritise its member states' immediate interests over Kosovo's. It has been suggested to Crisis Group by both local and international sources that some international police contingents have prioritised gathering criminal intelligence for their own national police services and so sometimes protected perpetrators.⁷² Another EU official complained of over-emphasis "on crimes we worry about, like smuggling" and lesser attention given to corruption and racketeering, which impact more directly upon Kosovo citizens.⁷³ EU mission planners intend to demonstrate a break with UNMIK police by changing prominent senior staff but nevertheless also take over and amend some units.⁷⁴

Member states have tended to release few good specialist police investigators to UNMIK. Can the EU do better?⁷⁵ Its mission planners fear that pay rates and conditions

may be insufficient to attract high calibre personnel; this is most acute regarding judicial personnel. The EU risks becoming "the poor cousin in international peacekeeping"; for example, the mission may be unable to pay the per diem bonuses offered by other multilateral organisations.⁷⁶ The European Security and Defence Policy's entire annual budget will be challenged by the Kosovo mission. Originally projected to grow from €75 million in 2005 to €160 million for 2007, that budget was cut back to the 2005 level by the European Parliament in October 2006. Member states and the European Parliament will have to authorise much more money quickly.

The creation of an intelligent architecture of support around the mission's goals will be as crucial as financing the in-country contingent. The international community's dismal record on Kosovo witness protection needs the EU's urgent attention. Kosovo is too small a place and too rudimentary a society for witnesses in organised crime and war crimes cases to have a safe future inside it: they must be resettled abroad. Few have been to date and none in a structured witness protection program. Several prosecution witnesses in a recent war crimes case, together with their families, have sheltered in safe houses for two years but which they will soon have to leave. Several such witnesses have already been killed.⁷⁷ "I am amazed whenever anyone agrees to give evidence in a serious crime case", admitted an UNMIK justice official.⁷⁸

There is a question whether the EU's research and planning on the ground will be allowed to shape the mission or whether it will be overridden in important aspects by other agendas. Views on whether the mission should be designed to a "robust" or a "light" recipe form in the capitals and are brought to the mixing bowl of the European Council. The latter's early October 2006 meeting to discuss the EUPT's preliminary report showed a high degree of initial trust in the recommendations of EU officials on the ground. As it attempts to make these plans more concrete, the EUPT will be hindered by any uncertainty over Kosovo's final status and, possibly, by need to reconcile the competing ideas of the law

⁶⁶ Though it should be acknowledged that under its current justice and police chiefs, UNMIK made several arrests and indictments for financial crime and corruption in early November.

⁶⁷ Crisis Group interview, ministry official, Pristina, September 2006.

⁶⁸ Crisis Group interview, Pristina, 11 September 2006.

⁶⁹ Crisis Group interview, Pristina, 6 September 2006.

⁷⁰ Crisis Group interviews, 2006.

⁷¹ "I did not like it that those decisions were made in the shadows. It caused a lot of morale issues". But the official recognised that weighing political stability against aggressive pursuit of high-profile suspects involved difficult calls: "Every day of peace here strengthens institutions, for instance the new ministry of justice gets a little more solid all the time. Can you have realistically indicted members of President Rugova's family just after he died?" Crisis Group interview, Pristina, 14 September 2006.

⁷² Crisis Group interviews, Pristina, 6 and 28 September 2006.

⁷³ Crisis Group interview, Pristina, 27 September 2006.

⁷⁴ Crisis Group interview, EU official, Pristina, October 2006.

⁷⁵ See Crisis Group Europe Report N°164, *Bosnia's Stalled Police Reform: No Progress, No EU*, 6 September 2005, for an account of previous EU difficult experience in this area.

⁷⁶ Crisis Group interviews, EU official, Pristina, October and November 2006.

⁷⁷ See for example articles and photograph in *Lajmi*, 11 and 14 October 2005. The hopes of this group of 31 people rest on UNMIK's current negotiations with one of the new EU member states. EU and UN officials in Kosovo support a view that "securing support from EU member states on entering into witness relocation agreements [with UNMIK or its successors] is a critical need if we are to successfully prosecute serious crime." Crisis Group interviews, Pristina, October and November 2006.

⁷⁸ Crisis Group interview, Pristina, 11 September 2006.

enforcement establishments of the many member states from which its staff are drawn.

The major open issue was whether the mission should include a formed unit of riot police. France proposed that Kosovo be a testing ground for the new six-nation European Gendarmerie Force, with a possible deployment of 600 to 900. Although this may have been driven more by a desire to raise the EU's security profile vis á vis NATO than by actual needs in Kosovo, a few hundred gendarmes based in the Mitrovica area could be very useful.⁷⁹ It would be clear their mission was to act as a buffer between Albanians and Serbs and to help keep Kosovo together across its Ibar River fault line; gendarmes, a more flexible force than KFOR soldiers, could be operationally effective in this context.

3. Transition

The transition period for redistributing UNMIK's authority will be extraordinarily difficult to manage. Once the Security Council gives its authorisation, the EU institutions favour a short, three or four-month transition. The UN has argued for six to nine months. UNMIK officials fear that anything less than a half year could produce a botched handover, opening up vacuums of capacity and authority.⁸⁰ Yet, UNMIK will anyway face difficulty maintaining its authority and coherence as a mission after the expected Security Council decision. As the incoming authority, the EU's ICO planners will want the lead immediately, and for UNMIK to step back gracefully.

What is needed is early certainty on the status outcome and a transition harmoniously coordinated between UNMIK and the ICO. Not least, early certainty would gain both bodies a better security footing for the crucial transition months. It would also give more time to Kosovo's half-formed interior ministry to consolidate and the Assembly to devise and pass necessary legislation, such as a new constitution in keeping with the settlement package.

UNMIK's legal office is trying to assemble a register of applicable legislation to bequeath from the mix of its own regulations and administrative directives and Assembly laws. Those that designate a role for the

Secretary-General's Special Representative (SRSG) have to be amended but the balance of the redistribution is a highly political question, so cannot be decided a priori on an administrative basis. UNMIK has been able to advance some other essential capacity-building measures discreetly, such as creating the border police within the KPS and moving to build an intelligence service. It now has a green light from the UN Secretariat to be bolder in building local capacity prior to the status decision. This may include setting up a Kosovo foreign ministry.⁸¹ Experience has shown that long lead times are needed for formation of ministries, not least because the PISG are slow to nominate ministers and assign office space, notwithstanding their rhetorical demands for further powers. Here again, the ICO will seek the lead role in preparing the government for taking over responsibilities from UNMIK and implementing the status settlement.

UN headquarters wants Kosovo's incoming authorities to indemnify the world body against possible future legal claims. But it cannot for practical purposes immediately invalidate the 500,000 UNMIK travel documents Kosovans currently use in lieu of passports, nor their driving licences.⁸² Will other countries recognise them post-status? The UN appears too keen to wipe away its fingerprints even to accede to Prime Minister Ceku's public request in October 2006 that it leave UNMIK's archive in Kosovo to become part of the new country's history.

International officials are nervous about an immediate handover to the Kosovo government of the database for official personal documents. The passport issue, demands from countries like Denmark and Germany to repatriate tens of thousands of Kosovans (most of them Roma, Ashkali or Egyptians), and the field of emergency management "where UNMIK and KFOR still play too strong a role", are among the issues the half-formed ministry of the interior will face immediately.⁸³ Another will be the likely collapse of its writ from the outset in Serb north Kosovo.

⁷⁹ See Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit., p. 30, for a proposal to deploy the European Gendarmerie Force in Mitrovica.

⁸⁰ EUPT does not share information, an UNMIK home affairs official claimed. Another said that UNMIK had briefed UNOSEK many months ago on the refinements made to policing at municipal level and embodied in the December 2005 UNMIK Regulation on policing, "but nobody has come back to us". Crisis Group interview, Pristina, 11 September 2006.

⁸¹ Crisis Group interview, UNMIK official, Pristina, 30 October 2006.

⁸² Crisis Group interview, official of UNMIK's Office of the Legal Adviser, Pristina, 6 October 2006.

⁸³ Crisis Group interview, UNMIK home affairs officials, Pristina, 11 September 2006.

II. ON THE GROUND

A. ALBANIANS

Kosovo Albanian political and social stability has been a pleasant surprise over the past twelve months. Expectation of independence within 2006 has conditioned society to restrain itself on many levels. Unlike recent years, September began without public sector labour disputes.⁸⁴ Expressions of popular resentment at the government's profligate spending on itself are being postponed.⁸⁵ Kosovo's political elite is mobilising and focusing the public on the independence question, partly to compensate for its own managerial shortcomings. Dual administration with UNMIK has allowed it to evade responsibility, artificially prolonging the political life of a 1990s generation of leaders.⁸⁶

1. Management of the negotiations

After months of mutual recriminations, a mechanism to embody unity between government and opposition came together just weeks before Ahtisaari's first visit in November 2005. This "Unity Team" of institutional and party leaders has held together, spawning working groups and delegations that have produced well-considered status proposals and a Vienna negotiating performance that has eclipsed Belgrade's. In the first three months of 2006 the Provisional Institutions' three most senior office-holders changed: president, assembly president and prime minister. Kosovo's polity demonstrated a new capacity to make these decisions independently (though the help of local representatives of the international community was important) and to handle them without turbulence. The new triumvirate is a clear improvement on the old one.

The Unity Team delegated development of status proposals and much of the Vienna negotiations to a

lower tier of politicians, a technocrat layer just below the party leaders. Working closely with its international advisers, this Political and Strategic Group crafted coherent, realistic negotiating papers and positions and contributed to the cohesion of the Unity Team itself. It has produced some painful concessions and compromises that it is difficult to imagine coming from any other Kosovo Albanian political body. On Mitrovica, it commissioned former Prime Minister Rexhepi to draft a proposal, took his offer of two municipal sub-units coordinated by a common board and improved it, defining the two units as municipalities in their own right. Within the group, for example, PDK grandee Jakup Krasniqi – previously reputed to be something of a radical firebrand – developed a distinctly statesman-like voice in presenting the Mitrovica concession.

By contrast, the leaders above them in the Unity Team trapped themselves in wooden and unrealistic rhetoric, insisting that Kosovo would win full sovereignty and independence by year's end, "even though they know it is not true".⁸⁷ They tended to cloak the concessions made in Vienna as triumphs rather than attempting to sell them realistically, particularly in municipalities that will be affected by decentralisation. Partly, this was a side-effect of the nature of the Unity Team, awkwardly straddling government and opposition, partly the generally poor communications skills of the current generation of Kosovo Albanian politicians.

Leaders like President Sejdiu and opposition PDK leader Thaci went to two of the restive eastern municipalities in early October 2006 only after public prodding from Deputy SRSK School and the head of the U.S. Pristina office, Tina Kaidanow. The full Unity Team addressed councillors in Mitrovica on 31 October and gave a joint television interview on 8 November. On an earlier visit to south Mitrovica, Deputy Prime Minister Haziri of the LDK reportedly portrayed the offer to the Serbs of municipal status for north Mitrovica as a concession by Bajram Rexhepi of the PDK, but one all should support.⁸⁸ Some opposition politicians complained that they take more responsible stances than the government,⁸⁹ with the governing LDK in particular getting a free ride.⁹⁰ The temptation to make scapegoats of political opponents, while treating the status negotiations

⁸⁴ However, the degenerating healthcare situation spilled over into an October 2006 strike at the main Pristina hospital, the University Clinical Centre (QKU), which then spread to Gjilan/Gnjilane hospital.

⁸⁵ IMF representative Marc Auboin reportedly criticised the government's high representation (€4.5 million), fuel (€3.3 million), mobile phone (€2.5 million), vehicle maintenance (€2.1 million) and other expenses in the first half of 2006. Kosovo Perspectives 26, KUMT Consulting, 27 October 2006.

⁸⁶ See also analysis of Kosovo Albanian stances on final status in Crisis Group Europe Report N°161, *Kosovo: Toward Final Status*, 24 January 2005, pp. 6-13; and Crisis Group Europe Report N°170, *Kosovo: The Challenge of Transition*, 17 February 2006, pp. 17-20.

⁸⁷ Crisis Group interview, Bajram Rexhepi, Pristina, 29 September 2006.

⁸⁸ Crisis Group interview, PDK branch leader Ahmet Tmava, Mitrovica, 13 October 2006.

⁸⁹ Crisis Group interview, ORA leader Vetton Surroi, July 2006.

⁹⁰ The LDK at central level blocked or delayed its officials in Mitrovica from taking part in two distinct dialogue initiatives with Serbs in mid-2006, Crisis Group interviews, international official.

as a forum for domestic political competition, is very near the surface.

Although the Assembly originally mandated the Unity Team, it shies away from taking responsibility for its actions. On 1 and 6 September 2006, Assembly members from all sides criticised the Unity Team, suggesting some of the concessions made in Vienna were treasonous. The new Assembly president, Kole Berisha, has made the legislature more responsive since March 2006 but debate on status, nationalism and identity issues easily strays off course there. In September a small amendment to the Contact Group-mandated language law, intended to enshrine the official status of Turkish in Prizren municipality (where it is already applied in practice), was rejected despite the support of all institutional and party leaders. Despite the Turkish minority's traditional alignment with the party, LDK caucus leader Alush Gashi and Assembly presidency member Sabri Hamiti chose to use the issue to demonstrate their nationalist credentials. Righting the decision absorbed much political energy from politicians and diplomats alike.

2. Status expectations

Though they have since adjusted to the likelihood, Unity Team leaders had no change of gear to offer when, in late September and the first half of October 2006, U.S., German, and EU representatives began broaching a delay in status resolution in the event of December elections in Serbia. Leaders like the PDK's Hashim Thaci repeatedly emerged from meetings in which they had been privately told to expect postponement into 2007 only to repeat to Kosovo TV the mantra of full independence in 2006.⁹¹ Attuned to the threat from the extremist and criminal fringe, Kole Berisha was publicly indulgent to the notion that Kosovo would revolt if status

⁹¹ Since "all possible efforts should be made to achieve a negotiated settlement in the course of 2006" was enshrined in the 31 January 2006 Contact Group statement and private reassurances were given around that time by U.S. envoy Frank Wisner, Kosovo Albanian leaders had treated this deadline as reliable and "promised what we were promised" to their people. They now feel that their credibility and that of the provisional institutions could be damaged: "The political class is getting burned; we will find ourselves in a dreadful position in front of our people. The international community is stripping us bare". "Leaders will be afraid to make promises again, to claim leadership of this society". "We did our best in the negotiations, so don't burn us... If our leadership's credibility is damaged, our society will be weaker, the quality of our state lower... a whole generation of politicians is at stake". Crisis Group interviews, Kosovo Albanian political leaders, Pristina, 26 September-6 October 2006.

was delayed in a poorly thought-through statement of mid-September 2006.⁹²

Delay in status resolution to give space to Serbia's electoral process seeds great mistrust among Albanians, who see this as a non-sequitur;⁹³ since Serbia will not recognise Kosovo independence either before or after its election. The recent constitutional referendum was used to cement Belgrade's claim to the province.⁹⁴ The support given to delay by the EU's Solana, repeated several times since, has fed particular resentment.⁹⁵ To many Kosovo Albanians it appears as if the international community is going back on (misunderstood) promises of imposed independence in 2006.⁹⁶

Some Kosovo Albanian politicians have considered demanding a price for delay. If Ahtisaari's package is not presented until the end of the year or shortly thereafter, they say, it would need to contain much more explicit wording on independence and guarantees of a UN seat and the right to an army.⁹⁷ But they lack both the means to lobby effectively for this and confidence that they could maintain social calm long enough to hold out for this better deal. The nearer Kosovo gets to spring 2007 without a clear path to independence, the greater the risk that its fate will be plucked away from politicians by the KLA veterans, the radical and armed groups who traditionally own March and April, Kosovo's traditional season of tumult.

Some fear that damned-up social pressures will find their release even sooner. "In this country-to-be there is

⁹² Berisha was on an official visit to Slovenia.

⁹³ Their own municipal elections, which would have been held in November 2006, were postponed by UNMIK to an indeterminate date after status resolution.

⁹⁴ See Crisis Group Europe Briefing N°44, *Serbia's New Constitution: Democracy Going Backwards*, 8 November 2006.

⁹⁵ Solana's message has been that if Serbia schedules elections for December 2006, Ahtisaari should consider delaying the presentation of his package.

⁹⁶ "We did not after all invite you to design this process. We invested our all in finding solutions and trusted you to deliver on your side", argued one leader. Another said: "They pushed us to offer everything possible, and after all we offered in the end they talk of delay, for an unknown period with an unknown result". Some expressed fear delay would open options other than independence. The spectre of Kosovo shunted aside at Dayton in 1995 was re-awoken. "The countries that would link the timing of the decision with the Serbian elections tend to be those that do not favour independence as a solution", concluded a politician engaged in the Vienna process. Reassurances that delay would not change the substance of status were seen both as inadequate and unreliable. Crisis Group interviews, Pristina, 26 September-October 2006.

⁹⁷ Crisis Group interviews, Pristina, 27 September-5 October 2006.

no figure between 0 and 100. Albanians are either loyal and trusting or eruptive. They cannot lobby”, one of their politicians said.⁹⁸ “Certainty [about the early coming of independence] has kept this place going over the last year”, said the head of an international NGO office in Kosovo.⁹⁹ The wider international community may not have understood the roots of the present stability.

The international effort to finesse the timing of status between the needs of Belgrade and Pristina is fraying much of the trust accumulated in Kosovo during the year of the status process. For some weeks, the chiefs of the U.S. and UK offices in Pristina and SRSR Rucker held the line against the rising chorus of outside voices for delay. U.S. envoy Wisner’s 25 October visit helped regain some Kosovo Albanian confidence when he said of Serbia’s new constitution, “it is not a matter of Serbian sovereignty, which changed when the UN agreed on [Security Council Resolution] 1244”, and assured his audience, in a revealing (and likely deliberate) slip of the tongue, that “we are going to pursue independence by the – sorry – we are going to pursue final status by the end of the year”. A Quint member’s timely leaking to Kosovo media of Ahtisaari’s draft proposals gave Albanians an alternative focus as north Mitrovica Serbs provocatively celebrated the passing of the Serbian constitutional referendum in the evening of 29 October.¹⁰⁰

The Kosovo Assembly tends to play to the crowd. If Ahtisaari’s package is delayed, or if deputies take umbrage at its omission of explicit reference to independence, there is a risk that it could try to declare independence unilaterally, rejecting the package. The Assembly presidency’s brusque 16 October dismissal of seven Assembly members’ request to put an independence referendum on the agenda, and the calm, pro forma debate produced on the Serbian constitutional referendum were encouraging demonstrations of maturity. Nevertheless, the Assembly has a steep learning curve before it if it is to implement with precision the important part it is likely to be assigned in the choreography of status resolution during the months ahead.¹⁰¹

When Ahtisaari’s formal proposal is made, there will be a crucial few days during which Kosovo opinion-formers offer their interpretations. Protest demonstrations might be announced; radical groups, war veterans, the youth protest movement *Vetevendosje!* and the *Epoka e Re* newspaper will in any case argue furiously that it is a sell-out. But if it offers enough for party and institutional leaders to pass it off as acceptable, they will surely do so. Until the draft was leaked in late October, what leaders most feared was a decision to unite north Mitrovica with Zvecan. For them, this would have consolidated partition on the line of the Ibar and been a sinister rejection of their own “generous” Mitrovica offer.¹⁰² They need from Ahtisaari, and it seems they will get, a proposal for Mitrovica that is sellable as something other than partition.

The leaking of Ahtisaari’s proposals also brought new concerns, however, and a rehearsal for the real event. The newspaper editor who published them argued on television that the absence of the word “independence” was acceptable since the substance amounted to this, including “treaty-making powers”. But such subtlety is problematic for a political leadership more oriented to the declarative and symbolic side of independence than its functional, substantive aspects. Unity Team spokesman Skender Hyseni was reported to respond that a package without explicit independence “will not be allowed”.¹⁰³ Prime Minister Ceku said “it will be a problem” if Ahtisaari’s formal offer does not state that independence is the outcome.¹⁰⁴ EU officials worry that the ambiguity of Ahtisaari’s likely package may cause Kosovo Albanians to throw it over and declare independence unilaterally and without regard to it.¹⁰⁵

The greatest help Albanians receive for orienting themselves in the confusing geography of Ahtisaari’s proposal may come from Serbia: “We need Serbia’s non-recognition. If Belgrade and Moscow recognise us, our people will doubt and think there must be something wrong with this type of independence. We want Belgrade to curse us and the Western leaders who back the package”, a party leader said.¹⁰⁶ But Ahtisaari’s logic is

⁹⁸ Crisis Group interview, ORA deputy leader Ylber Hysa, 28 September 2006.

⁹⁹ Crisis Group interview, NDI director Chad Rogers, Pristina, 6 October 2006.

¹⁰⁰ *Express* editor Berat Buzhala commented on the proposals on RTK’s 7.30 p.m. news, and the next day’s edition of the newspaper quickly sold out.

¹⁰¹ Crisis Group interview, Assembly President Kole Berisha, Pristina, 5 October 2006. Berisha assumed that Kosovo would simply be the recipient of an independence pronounced in the UN Security Council, and was still unaware of the newer model of status definition being discussed by the Quint since early 2006.

¹⁰² “We will not go to a further compromise; I invested too much of my credibility... If I say no, many others will follow”, said one politician. “Who will take the responsibility to implement it? Not me”, said another. “For this, we would reject decentralisation in its entirety”. Crisis Group interviews, political leaders, Pristina, 26 September-5 October 2006.

¹⁰³ KTV news, 30 October 2006.

¹⁰⁴ At a Pristina press conference with EU Council representative Stefan Lehne, 31 October 2006.

¹⁰⁵ See Paul Taylor, “EU fears UN proposal may fall short on Kosovo”, Reuters, 30 October 2006.

¹⁰⁶ Crisis Group interview, Kosovo Albanian political party leader, Pristina, 5 October 2006.

precisely to avoid friction, to induce all sides to buy into the package, each seeing it as serving their conflicting agendas at least until after the Security Council's endorsement.

3. Ground-level politics

The coalition government's most effective mentor and fixer is Ramush Haradinaj, the leader of its smaller party, the AAK.¹⁰⁷ He and his brother, Daut, recently released from prison, have helped restrain some of the more potent radical armed groups. Successive UNMIK leaders have had close relations with him and even thanked him for his help maintaining security.¹⁰⁸ UNMIK turns a blind eye as the brothers appear to benefit from government disproportionately to the AAK's strength.¹⁰⁹ But Ramush Haradinaj will have to return to the Hague Tribunal's detention after the New Year. His war crimes trial will start in February or March 2007, and the longer a status decision is delayed, the less will be his capacity to be a factor for stability.¹¹⁰

Opposition to concessions, particularly on decentralisation, is growing from below. Albin Kurti's youth protest movement *Vetevendosje!* continues to agitate, with few counter-arguments coming from political and institutional leaders. Its latest posters show a map of Serb areas within Kosovo, with the legend "Decentralisation equals partition; partition equals war". It has found fertile ground in the eastern Anamorava municipalities, where its arguments have broken into the political mainstream. Nearly all political parties in Gjilan/Gnjilane and Vitia/Vitina united to denounce plans to create new Serb-majority municipalities with parts of their territory. Petitions have been launched, demonstrations held, municipal assembly motions passed, including one in Vitia/Vitina which called upon the Kosovo Assembly to declare independence unilaterally.

¹⁰⁷ See Crisis Group Europe Report N°163, *Kosovo after Haradinaj*, 26 May 2005. The AAK has nine Assembly members, the LDK 47.

¹⁰⁸ Both former SRS Soren Jessen Petersen and present Principal Deputy SRS Steven Schook met frequently with Haradinaj. In July 2006 Schook thanked Haradinaj publicly for his continuing "contribution to political stability in Kosovo, above all in security". Sami Kastrati, "Schook: Haradinaj mund te ndihmoje ne ceshtjen e sigurise" [Schook: Haradinaj can help in the question of security], *Koha Ditore*, 12 July 2006.

¹⁰⁹ With € million of Haradinaj's projected €10 million defence fund collected by April 2006, local anti-corruption NGO *Cohu* called for an independent audit.

¹¹⁰ See Norbert Mappes-Niediek, "Regieren mit Hilfe des Systems Ramush" [Governing with the help of Ramush's System], *Frankfurter Rundschau*, 31 August 2006, for a critique of Haradinaj's don-like protection of UNMIK.

The limited ability of Kosovo leaders to exert their authority at the grassroots is most immediately dangerous in Mitrovica. While the Serb north is united under its Serb National Council leadership, the Albanian south is not. Several groups, whose leadership is obscure, could ignite violence. Less immediately explosive, but with more insidious influence on Kosovo's future prospects for multi-ethnic life, Albanians in the western municipality of Klina are failing to prevent a group in their midst from mounting deadly attacks upon Serb returnees,¹¹¹ 50 of whom came back to the town in 2005.

Leaderless since the January 2006 death of Ibrahim Rugova, the dominant LDK party will only elect his replacement in December 2006. The main rivals are President Fatmir Sejdiu and Nexhat Daci, who was deposed as Assembly president in March.¹¹² Sejdiu's stature has gradually risen. The LDK's presidency and significant branch leaders coalesced around his candidacy for party leader in early September. The charismatic Daci toured party branches and gained the backing of the LDK Youth Forum. The contest is asymmetric, with Sejdiu's supporters controlling the central party apparatus and to an extent setting the rules, Daci staging impressive popular rallies. His camp complains that the attentions of audit and law enforcement bodies are being directed against him and his supporters.¹¹³

The LDK is gradually rediscovering and defining itself after fifteen years frozen as a cross between the former

¹¹¹ On 20 June 2006 an elderly Serb returnee was shot dead in his home in Klina town. On 12 September a Serb returnee's house was blown up in a Klina village. On 19 September a grenade was thrown into the Klina town apartment of an elderly family of Serb returnees, injuring four. To his credit, Prime Minister Ceku has visited the family twice.

¹¹² Prime Minister Kosumi was dismissed simultaneously. The decision was coordinated within the governing LDK-AAK coalition, with support from the U.S. office and others. Kosumi was considered ineffective, Daci overbearing and abrasive. The LDK nominated Kole Berisha as Assembly president and the AAK Agim Ceku as prime minister the same day.

¹¹³ An Auditor General report on procurement abuses during Daci's leadership of the Assembly has been published. The LDK parliamentary group leader, Alush Gashi, prevented it from being debated in the Assembly in late October. But the use of Assembly funds to pay for an overpriced, luxury armoured car, two powerful generators and a plasma TV for Daci's private residences, skiing lessons for his staff, smart suits, glasses, pyjamas and dental treatment have become public knowledge. The pro-Sejdiu leadership of the Assembly made a show of confiscating the generators (but did not reclaim other items). In October police questioned Daci supporter Lulzim Zeneli over the reported disappearance of someone he had bought land from. On 1 November police came closer to Daci, arresting former Assembly staffers Ahmet Alishani and Jusuf Nikci for corruption.

Communist party and a liberation movement, dominated by the semi-mystic personality of Rugova. The election is fought first at the branch level; the winners there forming the delegate pool for the congress that chooses the new leader and standing party bodies. This method maximises local friction. Competition has been tense in the Gjilan/Gnjilane municipality in particular, home of Deputy Prime Minister Lutfi Haziri and Interior Minister Fatmir Rexhepi. Both support Sejdiu, while the municipal president supports Daci. In September and October three bomb attacks targeted cars and property of Haziri and Rexhepi's circle.¹¹⁴

Daci's supporters did well in early contests, including the powerful U.S. diaspora branches. But the Sejdiu camp's ability to annul results it does not like and the critical mass of party grandees it has on its side are likely to tell in the end. Daci has struggled to gather respectable party allies. Some of the senior figures at his side are from the rougher end of the party, with dubious business interests, some of them losers in recent party power struggles.

However, Sejdiu's institutional leadership could count against him in December. Delegates could punish him for the status uncertainty occasioned by the delay to Ahtisaari's proposals, and Daci could take a more vividly nationalist line, playing on his difficult relations with the international community.¹¹⁵ A Western diplomat in Pristina worried that discontent over the likely status deal "has found its voice in Daci".¹¹⁶ If he loses the leadership election, the 20 per cent of LDK Assembly members who support him might defect depriving the government of a majority. At worst, the Assembly and government might then fight over leadership of the status process, with the former especially tempted to take unilateral positions.

The opposition PDK chafes that it has to share responsibility with the government on status resolution without sharing in the benefits of a process for which the LDK has come close to claiming ownership¹¹⁷ and which offers the party no opportunity to distribute largesse

from to supporters. The more status resolution is delayed beyond January, the greater the temptation for the PDK to walk out of the Unity Team.

The PDK's leaders also feel badly treated by UNMIK, which has necessarily developed its partnership with the government but has also not raised its voice against the institutional corruption evidenced in recent Auditor General reports and Haradinaj's conspicuous wealth. "UNMIK defends the government and its personnel a lot, sometimes when it does not have to", said an EU official.¹¹⁸ With the Contact Group setting more efforts to bring March 2004 rioters to justice as one of its thirteen priority standards, the PDK is upset at rumours that its entire party branch in Ferizaj/Urosevac is targeted for arrest.¹¹⁹ It fears a quota-fulfilment exercise may make the PDK the fall-guy.¹²⁰

Post-status Kosovo will be faced immediately with a cauldron of social pressures and demands. Just one issue among many is that with consensus having swung against the existing closed-list election system in favour of greater voter choice at local level, new election rules must be adopted for both the municipal and general elections expected in 2007. Cut-throat political competition from the word go, with the PDK doing everything it can to bring down the government, could create great instability, with implementation of the status settlement swept aside. If not continuation of the Unity Team or a broad coalition government, another form of consensus decision-making will be needed.

B. SERBS

Some Kosovo Serbs await Kosovo's independence with distaste but a growing sense of inevitability and resignation; others still do not believe it will happen.¹²¹ They are divided between non-contiguous enclaves south of the Ibar, vulnerable in a sea of Albanians, and a locally, if precariously, dominant Serb population north of the river. Since 1999, numbers are much reduced in the south, with urban areas largely vacated, but slightly up in the relative haven of the north. However, two thirds of the 100,000 to 136,000 Serbs in Kosovo still

¹¹⁴ Two attacks in September blew up, respectively, the parked car of Interior Minister Rexhepi and the government car of Haziri's adviser, Aferdita Sylja. In October a bomb damaged the apartment of Haziri's adviser, Naim Behluli.

¹¹⁵ Daci criticised U.S. office chief Philip Goldberg's role in his sacking.

¹¹⁶ Crisis Group interview, 21 September 2006.

¹¹⁷ LDK President Sejdiu has frequently represented the Unity Team on his own. He reported alone to the Assembly after the "Elephant" round with Serbia's leaders in Vienna on 27 July 2006 and made the difficult trips to Vitia/Vitina and Kamenica in October. His adviser, Skender Hyseni, acts as spokesman for the Unity Team.

¹¹⁸ Crisis Group interview, Pristina, 27 September 2006.

¹¹⁹ See Jeton Musliu, "Pritet arrestimi i komplet i deges te PDK-se" [The arrest of an entire PDK branch is on the cards], *Express*, 27 September 2006.

¹²⁰ In early October the PDK-allied K-SHIK intelligence organisation was seeking media outlets to convey its concern.

¹²¹ For further background, see Crisis Group Reports *Toward Final Status*, pp. 13-15, *Bridging Kosovo's Mitrovica Divide* and *The Challenge of Transition*, pp. 28-30, all op. cit.

live below the Ibar.¹²² Of the many tens of thousands who fled Kosovo for Serbia and Montenegro in 1999,¹²³ some 2,000-3,000 have been returning to Kosovo annually in recent years. Most of these had been living in the collective centres, which still have about 15,000 inhabitants.¹²⁴

Although Belgrade-backed oligarchs rule the north,¹²⁵ Kosovo Serbs lack a local centre of gravity. For the moment, at least, loyalty to Belgrade is a necessity. In recent months, Belgrade has mined that loyalty to further separate Kosovo Serbs from the provisional institutions of self-government (PISG). It has dovetailed this with its decentralisation gains in Vienna to carve out space for the Serbian state's education, healthcare, social and cultural services to dominate in Serb-majority municipalities. Its parallel government services have competed with, displaced or filled in for the absence of PISG services in Serb enclaves.¹²⁶

In March 2006 its Coordination Centre for Kosovo and Metohija (CCK) required hundreds of teaching and healthcare staff who had received both Serbian government and PISG salaries to choose between them. Dutifully if resentfully, virtually all resigned their contracts with Pristina. Loyalties aside, Serbia's €500 monthly salaries beat Kosovo's €200 salaries. With this link to Kosovo's budget already severed, the June 2006 decisions of the Serb northern municipalities to break all financial ties with Pristina cost little extra.

The CCK's deputy president insisted that "our idea was not to cut off all links with the PISG". For instance, "we... decided not to touch the KPS [police]". He said that "we shall remake the bridges in future" for Serb-Albanian cooperation in healthcare and education "but

we must find a new basis".¹²⁷ Both sides appear to acquiesce in separation for now. Pristina's Vienna negotiators ceded Serb autonomy in healthcare and education without fuss. Serbia's post-status ambitions in Kosovo south of the Ibar appear limited to replicating the autonomy Albanians carved out in the social and cultural realm in the Milosevic era of the 1990s.¹²⁸ The enclaves are too exposed for Serbia to attempt a more confrontational course at this stage.

Nevertheless, Belgrade is radicalising the Kosovo Serbs as status resolution draws nearer. It will push them into steps contrary to their interests and security, whether defiant political demonstrations, displays of weaponry or exodus. Under Kostunica, Serbia's reaction to any prospect of Kosovo's independence is visceral. On 29 October he spoke of "consequences" for any country that recognises it. Kostunica and Serbian Radical Party leader Nikolic gave a more specific warning to the government of Montenegro after it hosted Kosovo's Prime Minister Ceku on 3 November.¹²⁹ The Serbian constitutional referendum at the end of October was another step to entrench cleavages between the Kosovo Serb minority and the Albanian majority and consolidate the Serb areas under Serbia's tutelage.

The 90 per cent turnout among the 100,000 registered Serb voters in Kosovo was far higher than anywhere else.¹³⁰ Some took seriously its apparent promise of retaining Kosovo within Serbia; celebrations in north Mitrovica verged upon the wild. Upon independence, overt moves by the more secure Serb community in the north to declare secession from Kosovo and any accompanying violence would imperil the security of the more vulnerable Serbs south of the Ibar. Belgrade might urge the enclave Serbs to leave, so as to embarrass the international community. Uncertain whether to stay in any case, many would feel obliged to go. The spectacle would help Serbia claim victim status and stake a moral claim to cementing its control over a Serb haven north of the Ibar.

¹²² See "The Lausanne Principle: Multiethnicity, Territory and the Future of Kosovo's Serbs", European Stability Initiative (ESI), 7 June 2004, for Kosovo Serb numbers and dislocations, available at <http://www.esiweb.org>. 136,000 was the estimate of Dragan Velic, Serbian Refugee Commission representative and Serb National Council chief, Crisis Group interview, Gracanica, 20 October 2006.

¹²³ The numbers are unclear. Serbia claims 220,000 are registered as IDPs from Kosovo, most ethnic Serbs. In *Ibid*, ESI argued IDP numbers were closer to 60,000.

¹²⁴ According to UNHCR data, as at 1 October 2006.

¹²⁵ See Crisis Group Report *Bridging Kosovo's Mitrovica Divide*, op. cit. for background on Marko Jaksic, Milan Ivanovic, the Serb National Council and the "Kolasin" group. They are more powerful than the elected mayors of the northern municipalities and guide as much as are guided by Belgrade in formulation of Kosovo policy.

¹²⁶ The OSCE mission in Kosovo intends to publish this month an update of its October 2003 report detailing Serbian parallel structures in the health, education and social sectors. Available at www.osce.org/kosovo.

¹²⁷ Crisis Group interview, Milorad Todorovic, Silovo village, 15 April 2006.

¹²⁸ A notable challenge to this trend has come from the north Mitrovica Bambi basketball team. After several false starts it debuted in the Kosovo basketball super-league in October, the only Serb team, and has won several matches. This breach infuriated the Serb National Council leaders who dominate north Mitrovica. Trainer Miomir Dasic and his players have been pressured, and on 28 October Dasic's car was blown up in north Mitrovica.

¹²⁹ See Crisis Group Briefing, *Serbia's New Constitution*, op. cit., p.17, for details.

¹³⁰ A Serb source in Gracanica alleged that thousands of "dead souls" were added to the "yes" tally. Information made available to Crisis Group by a local NGO, 30 October 2006.

Some enclave Serbs will leave in any case, not seeing a future in an Albanian-dominated, independent Kosovo. Quite a few have bought property in Serbia as insurance but they have had seven years to consider the experiences of the Kosovo displaced persons (IDPs), who have had little success at breaking into Serbia's network-based economy.¹³¹ Many do not now expect independence by itself to bring a new wave of Albanian violence against them, despite frequent warnings from Belgrade media and hard-line Serb politicians. They intend to wait to see what the first months bring.¹³² A Serb National Council leader in Gracanica, who has recently built a new house, expressed irritation at the April 2006 leak from the UN High Commissioner for Refugees (UNHCR) of its contingency plans for 40,000-70,000 new Serb refugees.¹³³ Kosovo Serbs fear circumstances that may provoke their exodus, and some deploy it as a rhetorical threat to deter independence, but in practice few are planning it.¹³⁴

Daily life has become more normal for Serbs south of the Ibar, who have moved from simple maintenance of their property to renovation or reconstruction, often followed even by expansion; quite a few have taken out long-term bank loans. Sources in Kosovo banks report that lending to clients in the Kosovo Serb enclaves is proportional to that for similar-size Kosovo Albanian areas.¹³⁵ Kosovo Serbs have also established regular routes on which people and goods move without police escorts. Some small businesses are being developed, often involving Albanians from neighbouring areas.

Kosovo Serbs in the Serb-majority municipalities may have a comparative advantage in the Kosovo economy. They will receive Kosovo budget allocations, while Belgrade is likely to continue investing in them, competing with Pristina and hoping to build these municipalities into a distinct Serb entity under its sway. Donor funding may also be considerable. As an example, the major central Kosovo enclave of Gracanica has seen significant development in the past years and has good economic prospects as it transforms into a municipality.¹³⁶

¹³¹ Crisis Group interview, Dragan Velic, Gracanica, 20 October 2006.

¹³² Crisis Group interviews, Pristina, Serb journalist, ICRC official, October 2006.

¹³³ Crisis Group interview, 20 October 2006.

¹³⁴ Nevertheless, some international aid agencies seem to be planning for it. Besides UNHCR, the U.S. Agency for International Development's Scopes program in southern Serbia is training local governments to cope with refugee inflows.

¹³⁵ Crisis Group interview, Gracanica, 20 October 2006.

¹³⁶ Crisis Group sources close to the government of Serbia, interviewed in September 2006, indicate an intention of Serbia to invest relatively large amounts into Gracanica in the coming

The CCK's new deputy president and head of Serbia's Economic Team for Kosovo and Metohija, the businessman Nenad Popovic, has brought new pragmatism and dynamism to Belgrade's project of ensuring the economic sustainability of Serb communities. The €32 million package of infrastructure investments he announced in September 2006 bypasses Kosovo's central government entirely.¹³⁷ Yet, his approach incorporates dialogue with Pristina: requests to include Serb former managers and technicians in the staff of the airport and the Kosovo Electricity Corporation (KEK), proposals for the Serbian airline, JAT, to start direct Belgrade-Pristina flights and seeking the entry of Serbia's state electricity provider EPS into the Kosovo electricity market post-status, to become a separate provider in the Serb municipalities.

In telecommunications, Serbia has neither waited for status nor negotiated. In recent months its state company, PTT, has expanded its landline network in Serb areas, and the Serbian state mobile 064 network established transmitters. UNMIK has prevented the PISG from dismantling Serbian mobile telephone transmitters in the enclaves but gave permission for the PISG's Telecommunications Regulatory Agency, together with the KPS, to begin taking down 064 transmitters on 8 November, including one erected to cover Pristina. The previously-established private Serbian network 063 Mobtel weathered the PISG's earlier 2006 attempt to dismantle its transmitter network and has been purchased by Norway's Telenor, which is attempting dialogue with Pristina and may bid for Kosovo's second official mobile operator licence, the tender for which the PISG announced on 26 October.

Seeking a similar bridgehead in energy, the Serbian government has petitioned UNMIK to accept "humanitarian" electricity imports from EPS for Serb areas this winter. At present, Kosovo Serb non-payment of bills consigns those in the enclaves to KEK's least favoured, "C" category of consumers, subject to cuts in winter. North of the Ibar, a transmission line from Serbia proper supplements KEK's supply, and the whole landline telephone network is switched away from Pristina to Belgrade.

The Serbian government wants a Kosovo Serb political infrastructure that will maintain the Serb-majority

months, regardless of the status decision. It also looks likely that the new municipality of Gracanica will range from the Serb villages of Lipljan to the village of Caglavica on the most frequented road to Skopje, Macedonia. This promises income for the municipal administration and development of cross-ethnic business interests.

¹³⁷ Online in Serbian at http://www.ekonomskitim.sr.gov.yu/nip/index.php?pg=odobreni_projekti&ps=lat.

municipalities' fealty to Belgrade. Kostunica's party (DSS) dominates the CCK and is reinforcing the authority of the Serb National Council (SNC). In Vienna, Belgrade is negotiating a decentralisation settlement that it hopes will entrench the power of these local hardliners. During 2006 it has overseen attempts to reunite the powerful SNC north with the Gracanica-based SNC Kosovo and Metohija, which split in 2000. The SNC congress on 2 September in the Serb enclave of Strpce demonstrated an intention to expand SNC influence from its power base north of the Ibar into all the Serb-majority municipalities.

The SNC represents the dominant, pessimistic Serb view of Kosovo Albanian society: a fear that total Albanian domination over Serbs' daily lives will not allow enough space for economic wellbeing and will ultimately cause their gradual departure. Arguing the need for refusing PISG money and breaking away from its chaotic healthcare administration, the CCK's Todorovic said: "You can find free cheese only in a trap".¹³⁸ In this view, only suspect Serbs join the Albanian-dominated institutions, a judgment not changed by the spectacle of procurement scandals, luxury cars, and disorganisation in the PISG ministry for returns and communities of Slavisa Petkovic.¹³⁹

During 2006 a number of small new Kosovo Serb political parties have formed on a more optimistic premise, aiming to compete in future municipal and Assembly elections in what they know will be an independent Kosovo. Petkovic's venture in 2004 blazed the trail. Even if he has since disappointed, his experience demonstrated at least that it is physically safe to attempt political organisation independent of Belgrade. Three newer parties, all with a social democratic orientation, have registered this year. Come elections, they may be able to cooperate. Although chipping away at Kosovo Serb loyalties to Belgrade-approved politicians will be a slow, painful task, the likely electoral rules for minority representation and Assembly rules for passing laws affecting minority interests suggest that Serb parties will have significant opportunities in an independent Kosovo.

Having previously followed former CCK chief and Serbian Deputy Prime Minister Covic from the Democratic Alternative to the Social Democratic Party, north Mitrovica-based Oliver Ivanovic has registered a distinct

Social Democratic Party of Kosovo and Metohija. He enjoys cordial relations with Slobodan Petrovic, whose new Independent Liberal Party (SLS) held its inaugural convention in Laplje Selo village south of Pristina on 3 September. Petrovic and other SLS leaders are canvassing village to village, talking direct to Kosovo Albanian leaders, and seem committed to a long process. Minister Petkovic's former deputy, Mihajlo Scepanovic, expelled with many others from Petkovic's Serb Democratic Party for challenging the leader's wayward conduct, has founded a Serbian People's Party.

These new parties will attempt to gain representation in Kosovo's central institutions then make them work for Serbs. Belgrade's proxies will continue to try to invalidate those institutions and build up the Serb-majority municipalities and bodies coordinating them into a separate administration tied to Belgrade. While it will be sensible for UNOSEK to propose decentralisation arrangements which offer some channel for Belgrade's aspirations, Ahtisaari will have to be careful not to lock in the power of the hardliners, leaving no space for the growth of the alternative parties and no requirements for Serb-majority municipalities to engage with Pristina.

C. THE NORTH

The three mainly Serb-inhabited northern municipalities of Zvecan, Zubin Potok and Leposavic, together with the northern part of divided Mitrovica, will not integrate into Kosovo easily or soon, and perhaps ever. They pay little respect to the international community's authority and nearly none to PISG's.¹⁴⁰ To begin to reverse this and integrate the region into Kosovo, the international community would need to invest considerable security, economic and administrative resources; it does not have the appetite. KFOR and international police will at least maintain the region's formal boundary with Serbia, resisting pressure to move it southward to the Ibar. The most that Ahtisaari can do is create a framework for the north's eventual inclusion into Kosovo, into which key actors may later choose to breathe life.

In June 2006 the northern municipalities and the north Mitrovica advisory board¹⁴¹ declared a complete break with the PISG and non-cooperation with any but local

¹³⁸ Crisis Group interview, Silovo village, 15 April 2006.

¹³⁹ The ministry was raided on 29 October on the instruction of an international prosecutor in connection with a corruption investigation. Kosovo Albanian leaders may have seen the ministry as an opportunity to tempt Kosovo Serbs into political cooperation through financial largesse. They did not intend for so much of that largesse to lodge with Petkovic himself.

¹⁴⁰ See Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit.

¹⁴¹ This board is a majority-Serb and Serb National Council body appointed by UNMIK to provide civil society input into the work of the nearly all-Serb administration body in north Mitrovica, established in November 2002. See Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit., p. 5 for background.

KPS structures.¹⁴² Their non-recognition of Kosovo's independence is likely to take immediate and tangible forms, including removing authority north of the Ibar from all the provisional institutions. UNMIK and KFOR will have a difficult security management task during the months of status determination, as will the new ICO structure when it attempts to get implementation of the settlement.

After years of creeping acquiescence in the diminishing of their authority in the north, UNMIK and KFOR have shown new vigour in recent months. The KFOR base near Leposavic was made operational in mid-2006, with German and U.S. troops to supplement the French military, which has been in the north for the last seven years. The vigorous deputy SRSG, Steven Schook, oversaw a reinforced UNMIK police presence throughout the north, and a 15 July incident between the Serb deputy mayor of Leposavic and Albanian KPS officers at the municipality's northern boundary was cleverly exploited to boost UNMIK police presence at all northern boundary crossings. After initial wariness, Serbs appear to have accepted both the KFOR and UNMIK police reinforcements as contributions to their own security. Consequently, although UNMIK continues to draw down its civilian presence in the north, its authority is enjoying a mild, Indian summer revival.

As status determination approaches, attended by great insecurity about the future, the northern mayors have during the last seven or eight months become more accepting of the international community and its representatives.¹⁴³ During this time, several countries have put funds into quick impact economic development projects.¹⁴⁴ KFOR has overcome its reluctance to adopt a forward-leaning role and is planning closely with UNMIK police over cooperation in different conflict scenarios in Mitrovica. Yet, KFOR remains a blunt instrument. Its modus operandi is to separate the warring sides, so it risks becoming a guardian of de facto partition.¹⁴⁵ Awareness of this may be prompting KFOR commanders to examine further how they might support the political designs of UNMIK and the successor civil body.

¹⁴² See Crisis Group Europe Report N°174, *An Army for Kosovo?*, 28 July 2006, pp. 8-9.

¹⁴³ Crisis Group interview, U.S. diplomat, Pristina, 21 September 2006.

¹⁴⁴ Among them, Germany, Italy, Japan. Donations temporarily outstrip local capacity to absorb them, so UNMIK and partners are working with northern municipal authorities on new ideas. Crisis Group interview, UNMIK official, 8 September 2006.

¹⁴⁵ Crisis Group interviews, KFOR military and civilian officials, July 2006.

1. How much international engagement?

In recent months, the local representatives of the international community have addressed both Albanians and Serbs on the north's future. "We have signalled to the Serbs that some options are closed off.... We tell them, don't do anything you cannot undo. Don't isolate yourselves".¹⁴⁶ On 4 August 2006 Contact Group diplomats in Pristina put together a ten-point statement.¹⁴⁷ This followed deputy SRSG Schook's airing to local media of his ideas for an overlay of international authority in the north, post-status determination. On 2 August 2006 SNC leaders condemned those ideas at a press conference as a usurpation of the northern mayors' democratic mandates and following an Albanian agenda for subjugating the north to Pristina. Albanians were encouraged that the international community was considering an East Slavonia-type mission,¹⁴⁸ which might aim to integrate the north into Kosovo's institutions within a timeframe of a few years.¹⁴⁹

But the Contact Group statement did not go so far. There is little international will for a heavy, enforcement approach in north Kosovo, particularly given Belgrade's likely resistance. One of the factors that allowed UNTAES to succeed in East Slavonia was Milosevic's acquiescence. Moreover, several of the consequences of this success were a large outflow of Serbs and low employment rates, both due to subsequent discrimination against Serbs in the local jobs market and relative neglect of the area by the Croatian government. If the beginnings of an international community policy for the north are visible, they consist in maximising the economic incentives and benefits for Serbs to acquiesce in being part of an independent Kosovo, with revenue flows from Pristina, Belgrade, and donors.

The Contact Group statement said that the international presence after a status determination "will pay close attention to northern Kosovo and will assist in the implementation of the settlement's provisions there". EU officials consider that this might include a sub-office in Mitrovica, staffed by ten to twenty officials. But the Serbs of the north may reject an international body no

¹⁴⁶ Crisis Group interviews, diplomats and officials, Pristina, September 2006.

¹⁴⁷ Online available at <http://pristina.usmission.gov/press/prs93.htm>.

¹⁴⁸ The UN Temporary Administration in (Croatia's) Eastern Slavonia (UNTAES), which ran from January 1996 to January 1998, had the task of reintegrating Serb-held Eastern Slavonia into Croatia, following the Erdut Agreement of November 1995. Its clear mandate and unity of civil and military command under a single vigorous administrator helped it succeed.

¹⁴⁹ Crisis Group interviews, Mitrovica.

longer backed by the authority of Resolution 1244 and set up to assist an independent Kosovo. With UN authority gone from Pristina, the new government's institutions – the KPS, the Customs Service, courts and even the prison in north Mitrovica – may collapse in the north. KFOR may turn out to be the only significant international body able to bridge the gap there between pre- and post-status.

Albanian leaders are uncertain whether they or the international community will have the primary responsibility to manage the north's eventual integration into Kosovo. They expect the heavier enforcement style of UNTAES in East Slavonia but will probably get instead a light footprint closer to that shown in still-divided Mostar in Bosnia. While an EU post-status mission planner believes that the Kosovo Albanians must learn to solve the north's problems themselves by political means,¹⁵⁰ Kosovo Albanians will expect the ICO to deliver. Since they will be asked to swallow a high degree of continued international control, they will demand the same for the north. The present government leans toward reliance on the international community to do the job.¹⁵¹ Visiting Albanian enclaves in north Mitrovica and Zvecan in July 2006, Prime Minister Ceku said: "We demand that KFOR and UNMIK isolate this part of Kosovo from Serbia".¹⁵² In early 2005 the then prime minister, Ramush Haradinaj, had briefly sketched a different approach, proposing dialogue and deal-making with the Mitrovica Bridge-Watchers and the SNC that was more in tune with the reality of the international community's lukewarm engagement.

2. Serb perspectives

The Serb National Council oligarchs who dominate the north thrive on an atmosphere of threat, playing on the theme that Albanians would use independence to push Serbs out. Several violent crimes of mid-2006 that UNMIK police investigators believe to have been intra-Serb have been presented as the work of Albanian infiltrators. With UNMIK's energetic regional administrator Jerry Gallucci projecting a message at town hall meetings and on local TV and radio that the status

settlement would give Serbs "an alternative to resisting or fleeing", audiences were becoming more receptive until the 26 August grenade, allegedly thrown by an Albanian teenager, injured nine at the Dolce Vita café, just north of Mitrovica's main bridge, and revived Serbs' fears.¹⁵³

The Serbs of the north simply aim to hold on to the territory they control now, free of Pristina. The Serbian government's CCK appears to be deploying considerable funds to buy up Albanian homes in the Three Towers, Kodra e Minatoreve/Mikronaselje and Bosniak Mahala districts of north Mitrovica, to consolidate the north bank of the Ibar.¹⁵⁴ Yet, expectations are low. "It is simply inhumane for the international community not to offer us what the Albanians themselves are being offered", argued one leader.¹⁵⁵

North Kosovo Serbs say they will not recognise an independent Kosovo and will hold out for eventual re-absorption into Serbia. Nevertheless, it is not impossible that they will adopt Ahtisaari's decentralisation proposals; Belgrade's stance will be a determining factor. However, with lines of communication to both the Albanians and the internationals so poorly developed, confusion is likely. In July 2006 northern mayors explained to baffled U.S. diplomats that their June declarations of a state of emergency had not so much been motivated by security but as a message to Ahtisaari that there must be compromise on Kosovo's status.¹⁵⁶

International officials report increased security cooperation from Serb leaders in north Mitrovica and a sense of cohesion and discipline.¹⁵⁷ In July 2006 the SNC's Nebojsa Jovic requested creation of a security committee to tide the city through the tense months ahead: himself, the UNMIK regional police chief, the deputy commander of KFOR's Multinational Task Force North-East, and the chief executive officer of the (Albanian) Mitrovica municipality, Sadri Ferati, whom he had met at a June

¹⁵⁰ Crisis Group interview, Pristina.

¹⁵¹ "UNMIK asked us to shut up" about the north, a senior government figure said, while Deputy SRSG Schook praised their discipline for so doing. Crisis Group interviews, Pristina, July 2006.

¹⁵² Selville Bajrami, "Ceku kerkon masa te rrepta te sigurise perreth kufirit verior" [Ceku demands strict security measures around the northern border], *Koha Ditore*, 23 July 2006. Ceku wanted to follow this with a visit to Leposavic on 9 November but was obliged to cancel after local Serbs indicated they would obstruct the visit.

¹⁵³ Crisis Group interview, international official, 8 September 2006.

¹⁵⁴ Crisis Group interview, Bosniak Mahala community leader Adem Mripa, 13 October 2006.

¹⁵⁵ Crisis Group interview, Deputy Mayor Srdjan Djurovic, Zubin Potok, 14 June 2006.

¹⁵⁶ Crisis Group interview, U.S. diplomat, Novo Selo French army base, 14 July 2006.

¹⁵⁷ However, a counter-trend has been visible during the last several weeks. Young Serb men celebrated the referendum result provocatively next to the main Mitrovica bridge on the evening of 29 October. In the night of 7-8 November roughly 50 Red Star Belgrade football supporters made a drunken foray south over the main bridge but were turned back by police before there was trouble. "Navijaci pokusali da predu most", B-92, 8 November 2006.

2006 dialogue initiative in Montenegro.¹⁵⁸ When an angry crowd of several hundred Serbs gathered after the August Dolce Vita grenade incident, Jovic requested the police chief's immediate arrival. They calmed the crowd jointly, and Schook issued an UNMIK press release thanking the SNC. UNMIK then closed the main Ibar bridge for a month (the SNC had asked that it be closed for the duration of the status process).

Serbia has augmented and reorganised its security presence in the north over recent months.¹⁵⁹ Some plainclothes Serbian interior ministry (MUP) and Gendarmerie personnel appear to have been redeployed from southern enclaves to north Mitrovica, and more weaponry has been brought in. Serbia's undercover police chief in north Mitrovica, Dragoljub Delibasic, was reportedly replaced after an August 2006 newspaper article alleged he had become a power in his own right, bullying and racketeering, and close ties to the SNC's oligarchs might outweigh his loyalty to Belgrade.¹⁶⁰ But these are last resort lines of defence. Serb leaders in Mitrovica plan to sit tight behind the shield of KFOR and UNMIK police. Serbs will fight against Kosovo independence only politically, "unless my family, my people or myself are threatened physically", said a key north Mitrovica leader.¹⁶¹

3. Albanian perspectives

While international officials believe the security situation will depend almost entirely on what Albanians do,¹⁶² Kosovo Albanian politicians and journalists assume Belgrade will use the Serbs in the north to create provocations as a way to cement partition. "They will block roads, organise for self-defence. Using the Krajina scenario, they will put women and children in front. They will challenge the south", said a senior leader.¹⁶³ A journalist offered a view widespread among Albanians, that the MUP exploits connections with Albanian criminal and radical groups, paying them to carry out terrorist attacks for which Kosovo Albanian society at large can be blamed. He feared that someone might be paid to use powerful new rocket launchers allegedly brought into south Mitrovica in recent weeks to blow up

a Serb bus or school.¹⁶⁴ Seeing a known Albanian criminal acting provocatively in the Bosniak Mahala, and known Bridge Watchers in close attendance, some residents assumed he was imported by the MUP.¹⁶⁵

There are several militant groups in south Mitrovica. Police, local politicians and journalists claim that Islamic radicals in the city and nearby villages played a role in the March 2004 violence and worry that they may act during the tensions of status determination.¹⁶⁶ Two wings of the mostly phantom Albanian National Army (AKSh/ANA)¹⁶⁷ are reported present: "A Drenica AKSh, which is rotten, corrupt and criminal, and a Shala [hilly country east of Mitrovica] AKSh of honest young men who hate the other clan", in the description of a local journalist.¹⁶⁸ War veterans, small radical parties like the LPK, and the Mitrovica Kosovo Protection Corps (KPC) are also factors, though the last is more likely to be a stabilising factor unless violence escalates. UNMIK police are wary of the influence of Sami Lushtaku, the former Drenica KLA and KPC commander. "A lot of these groups are in it for the money, and there will be trouble if it looks like someone is trying to steal their cash cow."¹⁶⁹ A newer group, from Dukagjini, has appeared in the same bars and cafes as local criminals and extremists and seems to enjoy seniority over them.¹⁷⁰

Albanians have gradually adjusted to the notion that there will be a north Mitrovica municipality, as proposed by Crisis Group in September 2005.¹⁷¹ Although resentful Pristina is making a sacrifice in Mitrovica, local leaders believe former Prime Minister Rexhepi's reassurance that the city's division will be temporary.¹⁷² Mitrovica's councillors gave the Unity Team an easy ride when it visited on 31 October.

UNOSEK now has an opportunity to create a new north Mitrovica municipality. This would satisfy local Serbs and be acceptable to Albanians, even if their ideas for a

¹⁵⁸ Organised by NANSEN Dialogue in Budva.

¹⁵⁹ Crisis Group interviews, UNMIK police sources, 24 July and 13 October 2006. Albanians in the Bosniak Mahala also claimed that many new faces are visible, Crisis Group interview, Mitrovica, 13 October 2006.

¹⁶⁰ The article was in the Kosovo Albanian newspaper *Koha Ditore*, "'Columbia' in the North", 24 August 2006

¹⁶¹ Nebojsa Jovic, at NANSEN dialogue event, Budva, Montenegro, 25 June 2006.

¹⁶² Crisis Group interviews, 8 September and 13 October 2006.

¹⁶³ Crisis Group interview, Pristina, 26 September 2006.

¹⁶⁴ The journalist claimed Bochum, Germany was a centre for such deal-making between Serbs and Albanian criminals. Crisis Group interview, 9 October 2006.

¹⁶⁵ Crisis Group interview, 13 October 2006.

¹⁶⁶ Crisis Group interviews, 2005-2006.

¹⁶⁷ Crisis Group Europe Report N°153, *Pan-Albanianism: How Big a Threat to Balkan Stability?*, 25 February 2004, pp. 7-10.

¹⁶⁸ Crisis Group interview, 9 October 2006.

¹⁶⁹ Crisis Group interviews, Mitrovica, July and October 2006.

¹⁷⁰ Crisis Group interviews, October 2006. See Crisis Group Report, *Kosovo after Haradinaj*, op. cit., pp. 2-11, for background on militant armed groups in Dukagjini (west Kosovo).

¹⁷¹ Crisis Group Report, *Bridging Kosovo's Mitrovica Divide*, op. cit.

¹⁷² Crisis Group interviews, 13 October 2006.

joint city board and an international steward are dismissed. Serbs are divided over Belgrade's proposal to unite north Mitrovica with Zvecan, while Albanians would see that as a signal of partition.

The Zvecan/north Mitrovica option might have offered some advantages but would have required much more diplomacy with the Kosovo Albanians first, who see it as a deal-breaker. Their view is shared by some Quint diplomats: "We, the international community, would be lying again. It would be very difficult to maintain Kosovo Albanians' trust in us. It implies compromise on the no-partition principle. We would have a revolt in south Mitrovica".¹⁷³ But conceding this might have given Belgrade stronger incentive to offer some cooperation on implementation of the final status settlement. While such a starkly ethnic-based division would reduce space for the Albanian majority to develop and demonstrate a capacity for multi-ethnic governance, it would afford Serbs greater demographic security, enabling more cooperation-oriented politics to emerge.¹⁷⁴

If violence can be avoided during the next months, both Pristina and Serbs will be satisfied with a frozen status quo in the north. The SNC may organise a referendum to reject Kosovo independence but it and Belgrade will probably respect Ahtisaari's municipal arrangement. The SNC would likely win any first post-status Kosovo election north of the Ibar, though such a result would force it to become more accountable. A younger generation of leaders may be more willing than Marko Jaksic and Milan Ivanovic to explore cooperation with south Mitrovica and Pristina.

KFOR, UNMIK Police and the latter's EU successor will need to demonstrate political will to make the border more tangible and signal that pressure for the north to integrate will gradually ratchet up, not fade away. But this can only bear fruit both if post-status governance in Kosovo advances well, and Serbia turns toward Europe.

III. CONCLUSION

Offered certainty on their destination, Kosovo's Albanians could cope with a slower implementation timetable than the end-of-2006 deadline they until recently took as gospel. But the Ahtisaari strategy for getting Kosovo's status through the Security Council rests upon ambiguity, so the U.S. and EU have to take up the slack in creating that certainty. U.S. envoy Frank Wisner reassured Pristina in late October but messages from some EU member states are equivocal. Equivocation brings no benefits to Serbia and increases the risk of a Kosovo breakdown that would threaten the international community's investments there and in the wider Western Balkan region.

The international community "needs to create in advance the spirit of the settlement here. [It] did this with Ohrid," observed one of Pristina's Vienna negotiators.¹⁷⁵ Beginning with "standards before status" in 2002,¹⁷⁶ Kosovo's Albanian majority has mostly followed a path of institution-building and minority accommodation on an implicit promise of statehood. The international community must now quickly match up its diplomatic manoeuvres with this promise if it is to continue to exert authority in Kosovo and win a battle of wills with a backward-looking Serbian political elite intent on partition. The US and EU must rapidly and convincingly place their authority behind its statehood within in the present borders.

Post-status, Kosovo will face competing pressures for integration and disintegration. Much will depend upon the Albanian majority's ability to rewire its politics to a more technocratic approach, focused on creating conditions for wealth generation. But the EU must stay engaged and help integrative processes win. For the longer term, it must revive its commitment to enlargement. The prospect is essential both to consolidate Kosovo's own institution-building, and to create a context for cooperation between it and Serbia. Kosovo's post-status stability will also be dependent upon the possibility of access to Western European labour markets, though the political climate in the EU does not favour this. Kosovo's young people face high and rising unemployment, which will not be absorbed by any feasible growth rates in its own economy, as well as an education deficit which, again cannot be overcome with its own resources. Once again, there will be a need for the EU to focus on and react to the challenges.

Pristina/Brussels, 10 November 2006

¹⁷³ Crisis Group interview, 21 September 2006.

¹⁷⁴ This was the organizing logic of ESI's February 2004 proposal for uniting north Mitrovica with Zvecan. At the time it attracted cautious support from some leading Kosovo Albanian politicians, including Bajram Rexhepi, who now rules it out. See "People or Territory? A Proposal for Progress in Mitrovica", www.esiweb.org.

¹⁷⁵ Crisis Group interview, Pristina, 28 September 2006. "Ohrid" refers to the negotiation that headed off Macedonia's conflict in 2001.

¹⁷⁶ Initially launched by SRSG Steiner as little more than a slogan, it was developed into a comprehensive set of indicators in late March 2004, backed by the Contact Group and Security Council.

APPENDIX A

MAP OF KOSOVO



APPENDIX B

MAP OF NORTH KOSOVO



APPENDIX C

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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.

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November 2006

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