

Kosovo's Status: Difficult Months Ahead

I. OVERVIEW

There is growing concern that the short postponement UN Special Envoy Martti Ahtisaari announced in November 2006 for presentation of his Kosovo final status proposals to take account of Serbia's 21 January elections may not be the last delay in a process that now could extend into the second half of 2007. Nervous Kosovo Albanian leaders worry they may not be able to contain public pressures beyond March. With Russia's position hardening and Serbia as obstinate as ever, EU unity is vital – but far from assured – to keep the status process on track, first in the small Contact Group that has managed Kosovo affairs since 1999, then in the Security Council where ultimate decisions should be made.

A number of EU states are showing signs that they are reluctant to change Kosovo's status in the face of continued Serbian opposition. If Brussels fails to coalesce quickly around a strong internal consensus, it risks inheriting a major new crisis. This is an urgent challenge especially for Germany, which assumes the six-month EU Presidency on 1 January. The U.S. strongly favours an early resolution of Kosovo's status but it cannot bring one about in the face of increasingly specific threats from Moscow to use its Security Council veto without the EU doing its share of the heavy lifting.

As the international community hesitates, the Kosovo Albanian perception is that the hurdles ahead are becoming higher. "Nothing we do is good enough; any step we take is criticised", one lamented. Ahtisaari has signalled clearly he intends to present comprehensive, unambiguous proposals shortly after the Serbian elections. The international community will need to give him strong support if matters are to move from there, however, because time is running out for Kosovo. Blame can partially be laid at the door of its majority Albanians, who have failed to make as much as they should with the limited governance opportunities they have been given and who are too quick to threaten chaos rather than work harder at easing the fears of the Serb minority. But it is a fact of life that the risk of implosion does become greater the deeper Kosovo goes into 2007 without its status settled.

A botched status process that fails to consolidate the prospect of a Kosovo state within its present borders and limits the support the EU and other multilateral bodies can provide would seed new destructive processes. A sense of grievance would become ingrained among Albanians throughout the region, strengthening a pan-Albanian ideology corrosive of existing borders and possibly even enriching the soil for radical Islam.

Some officials fear the international community may not be able to focus sufficient energy or will to resolve Kosovo status without a crisis on the ground. "Not making a decision is making a decision", a diplomat at the UN observed. "If the situation on the ground seems stable, the Security Council would rather do nothing than something difficult", another noted. A European official dealing with security bluntly described the attitude of not a few in the international community: "Let it rot, then we'll see. The Kosovo solution will rely on a big mess or violence in March".

This must be proved wrong. The international community must deliver upon its promises, implied and explicit. Specifically:

- The Contact Group should not permit delay in Ahtisaari's proposals after 21 January 2007 and should not water them down. It should refer them quickly to the UN for Security Council consideration.
- The EU Council should give its preparations and requirements for assuming post-status responsibilities in Kosovo more prominence, both for European public opinion and the Security Council. The incoming German Presidency should make uniting member states behind the Ahtisaari proposals a top priority.
- The Security Council should act promptly and positively when it receives Ahtisaari's proposals, recognising that delay would likely mean a return of Kosovo to its agenda soon in crisis circumstances.
- Kosovo institutions should strengthen good governance so as to gain more legitimacy with their public and be prepared to exercise new responsibilities effectively once status is resolved.

- Serbia should be encouraged to engage with the Kosovo independence project and extract the maximum benefit for its own long-term interests and those of the Kosovo Serb minority but be left in no doubt that it does not have a veto over the international community's status decision.

II. THE AHTISAARI PROPOSALS: RUNNING THE GAUNTLET

On 10 November 2006, the Vienna-based UN Special Envoy for Kosovo, former Finnish president Martti Ahtisaari, agreed to delay presentation of his future status proposals until shortly after the Serbian parliamentary elections scheduled for 21 January 2007.¹ He intends to unveil them to Belgrade and Pristina and seek their feedback in late January or February and then obtain Contact Group² approval, so that the proposals can be presented to the UN Security Council for decisions. But how much delay will there be at each stage, and will the Contact Group and the Security Council act rapidly enough so that their decisions are not overtaken by actions on the ground?

A. IN EUROPE

Once he releases them, Ahtisaari's proposals are likely to go some way to reverse recent blows to Kosovo Albanian morale and the corresponding hopes in Serbia that independence can be prevented indefinitely. Serbian media and officials have been criticising the envoy for months but a senior Western diplomat predicted Belgrade "will go nuts" when the proposals are presented. Once they are public and many countries line up in support, "it will be impressive", another senior diplomat said.³ All this may buy the extra patience from Kosovo's Albanians the process will need.

It is anticipated, however, that Ahtisaari's plan will not explicitly use the term "independence" – that status will result rather from subsequent bilateral recognitions. He is expected, however, to build a strong case for independence – he has said Kosovo's status must be legally and politically unambiguous⁴ – but his proposals may need paring down to get them through the Security

Council without a Russian veto. Nevertheless, the more authority and weight that can accumulate behind them early in 2007, the better the chances for a stable process.

Ahtisaari has the political and moral authority to put out a draft decision on Kosovo's future that the Contact Group cannot reach by itself. Ahtisaari is there "for us to hide behind", a diplomat said.⁵ But the Contact Group will have to act once the special envoy has, and its cohesion has been fraying since its "golden age", as a diplomat termed it, in October 2005, when it issued its "Guiding Principles" and followed up in January 2006 with a strong statement at the London ministerial. A participant in its work expressed hope, but not full confidence, that Ahtisaari's plan, if backed strongly by the U.S., would force the Contact Group to face up to tough choices. Once it is on the table in early 2007, it should at least bring into the open any opposition to the envisioned endgame, obliging the more reluctant members to offer an alternative if they can.⁶

Ahtisaari and half the Contact Group (the U.S., UK, and France) want to keep the timetable tight after Serbia votes. They envisage bringing a resolution to the Security Council as early as March 2007. This would likely amount to a settlement to be imposed on Serbia in the interval before it has formed a new government and would have practical advantages, since it would relieve Belgrade politicians of responsibility before their constituencies and give the country the opportunity to adjust to new Euro-Atlantic integration goals within borders that were at last defined.

However, many EU states, including Contact Group members Italy and Germany, appear to prefer waiting for a Serbian government to form and then trying to finesse some aspects of the package with it.⁷ Some, such as Spain, Greece, Cyprus and Romania, lean toward Serbia's position.⁸ With such differences among the Europeans, the Contact Group will be tempted to procrastinate. As after the December 2003 elections, a Serbian government may not be in place for months, after which there is a real possibility presidential elections may be called. If so, Tadic, the current president, could argue to governments that are sympathetic to him as something of a moderate that action on Kosovo status

¹ See Crisis Group Europe Report N°177, *Kosovo Status: Delay is Risky*, 10 November 2006. Mr Ahtisaari is also former chairman of Crisis Group.

² The U.S., UK, France, Germany, Italy and Russia.

³ Crisis Group interviews, November 2006.

⁴ In an address to the Europe Forum conference, Berlin, on 1 December 2006.

⁵ Crisis Group interview, diplomat, 16 November 2006.

⁶ Crisis Group interview, diplomat, 17 November 2006.

⁷ Crisis Group interview, Italian official, 17 November 2006.

⁸ Diplomats from the EU's more cautious member states express concern that "We have not found that middle ground Martti Ahtisaari earlier looked for: half-imposed, half-agreed; "nobody should underestimate the repercussions of an imposed solution"; and "the less imposed the solution, the less burden we will have to carry afterwards". Crisis Group interviews, November 2006.

should be delayed again: "If you did it for [Prime Minister] Kostunica, why not for me?"

Quite apart from the hesitant Europeans, Russia has insisted that Ahtisaari's proposal should be seen not as a ready-made package to impose but as a starting point for a new round of Pristina-Belgrade bilateral negotiations in 2007. Since October 2006, Moscow has made increasingly clear that it will not support a settlement imposed upon Belgrade, in either the Contact Group or the Security Council. "If Serbia grudgingly agrees independence, OK, but we don't hide the fact that we prefer Kosovo remaining formally within Serbia", explained a Russian diplomat.⁹

Earlier, Russia appeared to accept that Kosovo independence was the only option and could either be managed or messy.¹⁰ It now argues against the idea that a clock is ticking dangerously in Kosovo and criticises other Contact Group members for encouraging the Kosovo Albanians to believe that an imposed solution was in the offing. Challenged about risks if independence is denied much longer, a diplomat retorted: "Should we give way to violence?" and described Kosovo Albanian society as controlled, structured, and clan-based, where "nothing happens spontaneously".¹¹

That Russia signed on to earlier Contact Group statements appearing to close off options other than conditional independence "should not beguile us", warned a Western diplomat.¹² Its real power is its Security Council veto, and "the closer it gets to New York, the more Moscow makes a point of where it stands".¹³ It could even give way in the Contact Group if all others supported a quick transfer of Ahtisaari's package to New York, but it would remain free to act differently in the Security Council.

To counter Russia's claim that "this has not been a fully-fledged negotiation process",¹⁴ Ahtisaari will have to show he exhausted all feasible options with Belgrade. He may need, for example, to hold a few more meetings with the two sides, though Pristina bristles at re-entering a negotiation in which it believes its red lines on decentralisation have already been crossed and which it

fears could produce new delay and even further weaken the package.

The Serbian election will not change Belgrade's policy toward Kosovo but could have a profound influence on how the international community addresses the status question. If extreme nationalist parties emerge even stronger than in the present parliament, Russia would have to acknowledge that the prospect of a negotiated settlement was remote, and the international context for an imposed settlement would strengthen. If the DS and other parties that the international community considers democratic do well, all Contact Group members might well concur in a renewed effort to bridge the gap between Pristina and Belgrade, accepting thereby a possible delay at least to mid-year. To secure acceptance by Serbia of some form of the Ahtisaari plan, they might offer new European Union incentives, on top of the Partnership for Peace (PfP) offer Serbia has already received.¹⁵

But a result between these extremes is more likely, in which case Contact Group and EU members must be careful not to overestimate the democratic, pro-European element in Serbian politics.¹⁶ Only Cedomir Jovanovic's small, new, still non-parliamentary four-party LDP-GSS-SDU-LSV coalition has a clear pro-European attitude and a realistic Kosovo policy; Tadic's DS has joined the nationalists over a hard line on Kosovo,¹⁷ the flawed constitution written earlier this year and the dubious referendum that approved it. A new government is likely to be much like the present one but Tadic and Kostunica might nevertheless seek further delay on

⁹ Crisis Group interview, 17 November 2006.

¹⁰ Crisis Group interview, Western diplomats, 13 November 2006.

¹¹ Crisis Group interview, 17 November 2006.

¹² Crisis Group interview, 16 November 2006.

¹³ Crisis Group interview, 17 November 2006. Russia's stance in the 13 December 2006 Security Council meeting on Kosovo was illustrative. Ambassador Churkin criticised UNMIK chief Rucker for having advocated a quick status decision, said criticism of Belgrade's approach was unfounded, and insisted that only a negotiated status decision would pass the Council. The meeting record is at <http://www.un.org/Depts/dhl/resguide/scact2006.htm>.

¹⁴ Crisis Group interview, 17 November 2006.

¹⁵ On 29 November 2006, NATO admitted Serbia to its Partnership for Peace (PfP) program unconditionally, dropping the requirement that it comply first with its obligations to the International Criminal Tribunal for the former Yugoslavia (ICTY), most notably to arrest and extradite General Ratko Mladic. ICTY Chief Prosecutor Carla Del Ponte labelled the decision a reward for non-cooperation. See "Tribunal Update", Institute of War and Peace Reporting (IWPR), 1 December 2006, www.iwpr.net. An effort to renew Stabilisation and Association talks did not succeed at the EU summit on 14-15 December; Enlargement Commissioner Rehn is opposed to that concession but the EU's High Representative for the Common Foreign and Security Policy, Javier Solana, and several member states are known to see it differently. See Reuters, "EU to consider Serbia talks after election - Solana", 4 December 2006.

¹⁶ See Crisis Group Europe Briefing N°44, *Serbia's New Constitution: Democracy Going Backwards*, 8 November 2006 and Crisis Group Europe Report N°154, *Serbia's U-Turn*, 26 March 2004.

¹⁷ Tadic does, nevertheless, demonstrate more realism than Kostunica, stating: "the probability that Kosovo will be independent is greater", "Pesimizam i optimizam o Kosovu", B92, 11 December 2006.

Kosovo by asserting they were at last prepared to negotiate in earnest. After having conceded what they consider the maximum to Ahtisaari and spending most of a year in fruitless discussions with more junior Serbian representatives, however, Kosovo Albanians would be unlikely to accept this tactic, even at the cost of being labelled by the international community as the uncooperative side.¹⁸

Far from softening its position on Kosovo, Serbia's government has used concessions like the PfP offer to claim victories and harden its stance. "It is good that the policy of setting conditions, which has had negative results so far, has been abandoned", the government spokesman said in response to the PfP decision,¹⁹ while Kostunica commented: "As a member of Partnership for Peace, Serbia is much surer that its integrity will be preserved and that Kosovo will remain in Serbia, with an appropriate, substantial autonomy".²⁰ A seasoned Balkan observer noted that lack of conditionality coordination has been a "bugbear" of Western Balkan policy over the last fifteen years: "It emboldened Milosevic and others to play a longer game than we can."²¹

Although the low constitutional referendum turnout showed that it has become more difficult for the political establishment to mobilise the public around the Kosovo issue, Serbia's political dynamics are not wired in a way that will allow its leaders to reach a sensible decision on Kosovo, much less within the necessary time frame. The international community needs to recognise this and not wait endlessly for an unlikely agreement. Serbia's real interest is in a stable Kosovo, even if its politicians are unable to acknowledge it. A senior Serbian official reportedly acknowledged that blocking independence would be costly: "Fresh violence could well break out in the territory, sparking a new Serbian exodus from Kosovo and damaging foreign confidence and investment in Serbia".²²

¹⁸ Kosovo Albanian leaders such as President Sejdiu and Veton Surroi have ruled out participation in status talks with Serbia in 2007. Kosovo Albanian politicians regard Serbia's renewed constitutional claim to Kosovo as closing off further discussion. PDK politicians said the Kosovo Assembly would refuse leaders a mandate for additional negotiation. Crisis Group interviews, early December 2006.

¹⁹ Srdjan Djuric, in a statement to RTS, Serbia's state television channel, quoted by *VIP Daily News Report*, 29 November 2006.

²⁰ "Kosovo Perspectives" 31, KUMT Consulting, 1 December 2006.

²¹ International official working in the Western Balkans, discussion with Crisis Group and others, November 2006.

²² Tim Judah, "Fresh delays likely to Kosovo's independence", Balkan Investigative Reporting Network (BIRN), 23 November 2006. See www.birn.eu.com

B. IN NEW YORK

Until superseded by a new decision, Security Council Resolution 1244 (1999) remains in force, keeping Kosovo under UN transitional authority. There has been little preliminary dialogue in the Council to prepare the way for the Ahtisaari proposals. As a body, its instincts will be cautious about excising territory from a state against its will. A UN official believes that Western members of the Council have kept the Russians at arm's length to date, not talking to them for fear of the price that might be asked: "Discussion might only begin late January".²³ "We have not talked openly", concurred a Chinese official, who added that it would be "very unusual" to support a contested independence, and a negotiated solution would be better for the region.²⁴

The Kosovo question will arrive in New York at a time when U.S. diplomacy is likely to be weakened by the absence of a strong ambassador and Security Council dynamics are becoming difficult,²⁵ with U.S.-Russia relations bogged down on a number of issues. "People here associate the Kosovo and Iran questions; the scenarios are similar, with Russia and China holding out against the others", noted a diplomat.²⁶ Moscow's relations with the EU are also strained; Poland vetoed talks on a new Partnership and Cooperation Agreement at the 24 November EU-Russia summit; in the wake of the mysterious Litvinenko poisoning in London, European Commission President Barroso declared: "We have a problem with Russia".²⁷ Yet, with renewed wealth and leverage flowing from its energy exports, Russia appears determined to regain some of the influence it lost in the 1990s. Referring specifically to Kosovo, a UN observer reckoned Russia's present leaders "believe that the Chernomyrdin-Ahtisaari episode of 1999 was a disaster for Russian foreign policy".²⁸

²³ Crisis Group interview, New York, 16 November 2006.

²⁴ Crisis Group interview, 16 November 2006.

²⁵ John Bolton, the controversial U.S. ambassador, has resigned. The U.S. mission is likely to be headed for a number of months by a chargé d'affaires, Alejandro Wolff, a well regarded professional diplomat who, however, lacks the political weight that comes from strong ties to the White House.

²⁶ Crisis Group interview, New York, 17 November 2006.

²⁷ "In fact, we have several problems. Too many people have been killed and we don't know who killed them", he continued. Quoted speaking on 1 December 2006 in Ian Cobain, Ian Sample and Mark Rice-Oxley, "Litvinenko affair: now the man who warned him poisoned too", *The Guardian*, 2 December 2006, www.guardian.co.uk.

²⁸ Crisis Group interview, New York, 16 November 2006. See John Norris, *Collision Course: NATO, Russia, and Kosovo* (Westport and London, 2005) for background on the diplomatic efforts of former Russian premier Victor Chernomyrdin and Ahtisaari (as Finland's president and the

Kosovo now offers Moscow an opportunity, but what will it want?

Asked that, a senior U.S. official insisted: "They don't know. They have no reason to decide yet, better just to rattle our cages in the meantime....The Russians will expect you to draw your own conclusions and slit your own wrists".²⁹ It is not likely that Moscow anticipates trading Kosovo's independence for similar results in Abkhazia, South Ossetia and Transdniestria.³⁰ "We do not seek exchange of these areas for Kosovo; these are simplistic speculations. In all these cases we seek a negotiated settlement between the parties involved," a diplomat said.³¹

A UN observer remarked that the parallels Russia has drawn between these three territories and Kosovo are superficially argued: "They don't believe it themselves....They like the Caucasus status quo".³² Unresolved conflicts there are a tool, for example, with which to pressure Saakashvili's Georgia. Indeed, this may be a strong reason for Moscow to delay resolution of Kosovo's status as long as possible.

A Western European diplomat suggested trade-offs with the U.S. over Iran or Georgia might ultimately determine Russia's stance on Kosovo in 2007,³³ though senior U.S. officials insist: "We won't trade off. They know that [a quid pro quo] is not on the cards".³⁴ An Eastern European diplomat worried, nevertheless, that unless it was made clear Kosovo's fate had no relevance to frozen conflicts in the former Soviet Union, "it would enable Russia to send a strong signal of domination and deterrence to post-Soviet states about the consequences of drawing too close to the West".³⁵ U.S. Under Secretary of State Nicholas Burns publicly challenged a Russian statement that it would veto a settlement unacceptable to Serbia.³⁶ But are the Americans and

other NATO members contributing troops and money to Kosovo security in the KFOR mission prepared to declare that orderly resolution of Kosovo's status is a vital national interest with sufficient emphasis to persuade Russia that obstruction would carry serious costs?

Until several months ago, China appeared to accept the inevitability of Kosovo's independence and restricted its concerns to limiting any domino effect. Beijing seemingly was ready to support the position shared by Ahtisaari and Western governments that Kosovo should be seen as a unique case offering no precedent for other entities claiming independence. Russia's recent promotion of Kosovo as indeed potentially setting a precedent for cases in its "near abroad", however, has heightened China's caution to the point that it now appears ready to follow Moscow's lead. "We ... need to think of it in global perspective; what will the consequences be? ... The Security Council has to be responsible for the whole world, not just Serbia and Kosovo".³⁷

As yet there is little on which to judge the positions of the ten non-permanent members of the Security Council.³⁸ If the Permanent Five agree, the others are unlikely to differ. If the former remain divided, however, and especially if the division extends into the membership of the EU, concern for the integrity of borders may cause a number of the non-permanent members to take conservative positions. But it would certainly be premature to make sweeping assumptions that, for example, the three African governments will tend to view Kosovo through the lens of their own anti-colonial histories, that Indonesia and Qatar will see a case for Islamic solidarity or that others will be sympathetic to Serbia due to residual Non-Aligned Movement loyalties.³⁹ Indeed, some are only now beginning to study the Kosovo question, and Ahtisaari's conclusions will be an important guide.

A U.S. official expressed "hope the EU will fall into line first, solidifying that area of the Security Council, allowing us to focus on Russia and China".⁴⁰ A more senior diplomat was sure that "if the EU and the U.S. are united, it will be hard for the Russians to make

head of the Finnish EU presidency) during the 1999 Kosovo. The result is regarded in Moscow as a Russian climb-down.

²⁹ Crisis Group interview, November 2006.

³⁰ Abkhazians and South Ossetians do not see themselves as ciphers for Russia, even if Georgia's leadership does. See Crisis Group Europe Reports N°176, *Abkhazia Today*, 15 September 2006; N°159, *Georgia: Avoiding War in South Ossetia*, 26 November 2004; and N°175, *Moldova's Uncertain Future*, 17 August 2006.

³¹ Crisis Group interview, 17 November 2006.

³² Crisis Group interview, New York, 16 November 2006.

³³ Crisis Group interview, November 2006.

³⁴ Crisis Group interview, discussion, 14-16 November 2006.

³⁵ Crisis Group interview, 16 November 2006.

³⁶ "I cannot believe that a permanent member of the Security Council is threatening to veto even though we have not seen Ahtisaari's proposal yet", quoted in "Burns surprised by Russian veto announcement", B92, 5 December 2006.

³⁷ Crisis Group interview, Chinese diplomat, New York, 16 November 2006.

³⁸ These are, in 2007, the Democratic Republic of Congo, Ghana, Peru, Qatar and Slovakia (in the second and final year of their two-year terms) and Panama, Belgium, Italy, Indonesia and South Africa (in the first year of their terms).

³⁹ An Indonesian diplomat did not respond to the Islamic solidarity issue but appeared more interested in possible connections to the Aceh situation and other domestic considerations. Crisis Group interview, 17 November 2006.

⁴⁰ Crisis Group interview, New York, 17 November 2006.

difficulties".⁴¹ Yet, a European diplomat thought it important that "we do not gang up on Moscow, backing it into a corner",⁴² while another saw the Security Council-EU dynamic in reverse: "A Security Council resolution will pre-empt any problem in the EU".⁴³ For now, however, the EU is all too obviously not regarded in New York as a cohesive actor on Kosovo.⁴⁴ Its efforts to project and deploy post-UNMIK international presences in Kosovo are insufficiently visible within the Security Council and indeed in Europe's own public forums. Council members, including China, are instead being influenced disproportionately by the deputations they receive on the subject from Kosovo's nervous Balkan near-neighbours.⁴⁵

The EU needs to raise the profile of its planning for post-status Kosovo, for example by publishing European Council Secretariat and European Commission planning documents once they have been approved in the EU Council and having senior EU officials present them in the UN.⁴⁶ A coalition of willing European leaders or foreign ministers might work to give more political weight to the messages coming from Enlargement Commissioner Rehn in particular in favour of a timely and politically and legally clear status for Kosovo. The EU must become more assertive about its "red lines" for taking over from the UN in Kosovo, stating what it needs from the Security Council. The U.S. should encourage such a more demonstrative EU attitude rather than wait upon and second-guess the more timid instincts of its member states.

The Security Council may not be able to pronounce Kosovo's independence formally but it can certainly set a strong context for it by investing some of its authority in support of that outcome and giving a clear signal that swift bilateral recognitions of the new state are welcome.⁴⁷ Positive handling of the case when it comes back to it

from Ahtisaari would create better circumstances for EU unity and the dispatch of its projected International Community Representative (ICR) and mission and give important backing to the countries of the region as they decide how forthcoming they can be to Kosovo in the face of an angry Serbia.⁴⁸

Such a near optimal result is dependent on a relatively positive Russian attitude, however, and as noted, that is increasingly problematic. The best that Western members of the Security Council hope of Moscow is an abstention but even that may come at a price of watering down the resolution to a point where Russia feels it can legitimately refuse recognition, thereby giving comfort to a Serbian campaign to resist independence. That would at least slow the pace of recognitions from other states, possibly including some EU sceptics, and might hamper full engagement of the international financial institutions in Kosovo.

Even a pared-down resolution that does barely more than supersede 1244 and end the UN's transitional administration in Kosovo might be just sufficient for the Western members of the Security Council. "It must be enough to enable EU and U.S. recognition", said a French official.⁴⁹ But the authority of the EU's projected International Community Representative (ICR) would be weakened and his or her very deployment thrown into doubt if a resolution failed either to endorse the Ahtisaari package or mandate the ICR and NATO's continued military presence. When questioned at the 14-15 December 2006 EU summit, Prime Minister Vanhanen of Finland (holder of the six-month rotating presidency) said he did not envisage the EU sending any EU mission not endorsed by the Security Council.⁵⁰ Privately, EU officials say: "unless there is a clear basis for our engagement, we shall not accept any responsibilities".⁵¹

Ahtisaari, the U.S. and other backers of a quick solution are trying to create a sense of certainty about March 2007 as the month for a decision. Some are working into their calculations the monthly chairmanship rotations of the Council⁵² and of the Coordinating and Drafting Group the Contact Group and other European members of the Security Council formed for pre-discussion of Balkan business in New York. Their work is based on

⁴¹ Crisis Group interview, November 2006.

⁴² Crisis Group interview, New York, 17 November 2006.

⁴³ Crisis Group interview, New York, 16 November 2006.

⁴⁴ Crisis Group interviews, New York, 16-17 November 2006.

⁴⁵ Crisis Group interview, Chinese diplomats, New York, 16 November 2006. In the 13 December Security Council meeting on Kosovo, China's deputy permanent representative, Liu Zhenmin, did not mention the EU but said: "in resolving the question of Kosovo, we need to listen to the views of all parties, especially those of neighbouring countries". Meeting record at <http://www.un.org/Depts/dhl/resguide/scact2006.htm>.

⁴⁶ Such documents would include the ICM/EUSR Preparation Team First report to the Political and Security Committee, 29 November 2006, which has not been officially published, although Crisis Group has a copy, and all its salient details were reproduced in Albanian in the newspaper *Koha Ditore* on 7 December 2006.

⁴⁷ See Crisis Group Report, *Kosovo Status*, op. cit., p.1.

⁴⁸ Crisis Group interview, Slovak official, November 2006.

⁴⁹ Crisis Group interview, November 2006.

⁵⁰ Augustin Palokaj, "BE-ja pergatit pergjigje te unifikuar rreth statusit te Kosoves" [The EU prepares a unified response on Kosovo's status], *Koha Ditore*, 16 December 2006.

⁵¹ Crisis Group interview, November 2006.

⁵² Russia is Security Council president in January 2007, Slovakia in February, South Africa in March, the UK in April, the U.S. in May.

the expectation that the Contact Group will approve the Ahtisaari package by March. A European diplomat cautiously observed, however, that "Russia will decline to start in New York without a new Serbian government formed...If Russia is not ready to abstain, what is the point? It is useless to dash to New York only to get a Russian veto. The result would be the same as doing nothing".⁵³

A U.S. diplomat suggested May 2007 – when the U.S. will be the Council president – as a realistic month for passing the resolution, while a senior U.S. official envisaged June as a deadline.⁵⁴ An Italian official said: "even the Russians likely understand that it won't go to the autumn"⁵⁵ but also acknowledged the risk of a long stalemate in the Council.⁵⁶ If a point is reached before July when Russian acquiescence still seems out of reach, and the ground is stirring in Kosovo, the U.S., UK, France and other willing Europeans may see it as a lesser evil to take a demonstrative stand in the Security Council and force Russia to veto or stand aside.

Even a vetoed resolution would demonstrate to Kosovo Albanians that independence has many supporters, which in turn could help keep them and their leaders on the reservation while efforts continued to overcome the remaining obstacles. Russia would be under pressure to relent. Western countries might eventually give Pristina a green light to bring independence nearer by some unilateral steps, perhaps even to declare it on the basis of the Ahtisaari package. Alternatively, a Western diplomat suggested: "If they [the Russians] screw us up, one response is to let a crisis happen that brings it back to the Security Council".⁵⁷

Although there is some discussion of it, even strong supporters of Kosovo independence view a "Plan B" that skirts an obstructive Security Council with aversion. Some suggest that a statement by the Security Council president welcoming Ahtisaari's proposals and expressing a degree of approval might be a fallback way of gaining a minimum of UN legitimacy for subsequent steps.⁵⁸ However, a president's statement requires unanimous acceptance by the Council, and Resolution 1244 would remain in force, putting independence at variance with the UN's formal governance authority over Kosovo. The EU and the international financial institutions would find it difficult to support the new state in such

circumstances, and Serbia's likely defiance would appear more plausible. The turmoil that could be anticipated, possibly including an exodus of Serbs from the territories south of the River Ibar, could have unsettling effects in neighbouring states.

Sidelining the Security Council would debase that vital institution, with negative implications for future conflict prevention. That is something no state, certainly not a permanent member such as Russia, could welcome, and the prospect may eventually help bring to pass a worthwhile compromise resolution.

III. ON THE GROUND IN KOSOVO

A. THE FABRIC OF TRANSITION

The EU has two teams in Kosovo, planning and forming the core of its projected post-status field presences: the ICO – the office of the International Representative – and its subordinate police and justice mission. With sparse domestic administrative capacity in Kosovo and significant lead time required for international deployments, any lack of clarity over practical details will make an orderly redistribution of UNMIK's prerogatives to the ICO and Kosovo's government difficult within the three to four-month transition period envisioned.⁵⁹ The EU teams are working unobtrusively and energetically and "are very confident", a UN official observed,⁶⁰ but are handicapped by the many unknowns regarding Kosovo's status. An EU official in Kosovo described theirs as a "horrible" predicament.⁶¹ The outline of Ahtisaari's proposals is discernible but until they are published and backed by the international community, urgently needed local discussions cannot get beyond theory. Nervous comparisons are being made in the UN Secretariat with the late 2002 botched handover from UN to EU police in Bosnia, which happened in better circumstances and the luxury of much advance agreement and planning.⁶²

⁵³ Crisis Group interview, New York, 16 November 2006.

⁵⁴ Crisis Group interviews, November 2006.

⁵⁵ Spring in the southern hemisphere: September to December 2007.

⁵⁶ Crisis Group interview, November 2006.

⁵⁷ Crisis Group interview, New York, 16 November 2006.

⁵⁸ Crisis Group interviews, New York, November 2006.

⁵⁹ This represents an argument won by EU planners and the U.S. The UN Secretariat wanted a longer transition and still expects it to go beyond four months in practice. Crisis Group interview, UN Secretariat, November 2006.

⁶⁰ Crisis Group interview, November 2006.

⁶¹ Crisis Group interview, October 2006.

⁶² Crisis Group interview, November 2006. UN officials, not entirely fairly, blame the EU for the problems. See Crisis Group Europe Reports N°164, *Bosnia's Stalled Police Reform: No Progress, No EU*, 6 September 2005; and N°130, *Policing The Police In Bosnia: A Further Reform Agenda*, 10 May 2002.

The EU is not being very open about its preparations. Partly, this is because it wants to retain the option to pull out if it does not get the Security Council support it requires.⁶³ But this may also make it more difficult to gather support for the timely decision-making and resource allocations its missions will require to succeed in Kosovo. It also allows dissident views from within the EU to get more attention than they merit in the Security Council, which is largely ignorant of the substantial progress that Brussels has actually made. An EU official in Kosovo expressed conviction that an orderly transition will succeed, only because "all other options are catastrophic....I hope that realism and responsibility will prevail in the international community".⁶⁴

Delay in the status process will create problems for the UNMIK-ICO transition. ICO intends to deploy most of its complement only when the Security Council has acted.⁶⁵ In the meantime, however, in the expectation that the UN governance is about to end, experienced UNMIK staff are beginning to find new jobs, a trickle that could become a haemorrhage from January 2007.⁶⁶ The longer the delay, the greater the shortage in qualified international staff is likely to be and the longer it will last, despite the continuance of UNMIK's formal responsibility.⁶⁷ Moreover, the deeper into 2007 the transition slips, the less patience can be expected from Kosovo's society and leaders.

The UN and the EU still do not see eye to eye on how to manage the transition following a Security Council decision. The UN sees itself managing UNMIK's divestment, a complex task requiring an insider's familiarity.⁶⁸ EU planners anticipate appointing and sending the ICR immediately upon receipt of a Security Council mandate. Peter Feith, an experienced Balkan-hand and currently EU Special Representative in Aceh, is expected to take the post. An ICO with a fresh mandate, new energy and a strong leader, would be the fitter organisation to guide Kosovo's government through these months. Certainly the latter will be inclined to pay less attention to the outgoing UNMIK.⁶⁹

Its authority near an end, UNMIK is using appeals to Kosovo Albanian self-interest to hold back threats of

violence. UNMIK Police warned in a 27 November press release that "the status process is in a critical phase, and the world has its eyes on Kosovo, when any violent act would only set the clock back for Kosovo".⁷⁰ At a town hall meeting in Drenas/Glogovac on 5 December, Special Representative (SRSG) Rucker was reported to argue that violence in the event status is delayed again in 2007 would only help Belgrade.⁷¹ At the same time, UNMIK refrained from acting strongly against demonstrators who attacked its headquarters with bottles of paint and stones on 28 November.⁷²

Rucker's failure to build personal authority with the public⁷³ has been compensated for by his vigorous principal deputy, Steven Schook, a former U.S. general, who has tended to take the lead on security matters. However, NATO and KFOR have objected to Schook's attempts to draw them into his plans for maintaining security through the status definition period in the Serb north of Kosovo, considering his concerns exaggerated and his goals too political.⁷⁴ Indeed, the KFOR-UNMIK partnership has declined from its high point under SRSG Jessen-Petersen and KFOR Commander de Kermabon between September 2004 and August 2005. NATO insists that its continued military presence in Kosovo will be independent of the ICR;⁷⁵ there will be no UNTAES-like unification of civil and military commands in a single official.⁷⁶

⁷⁰ It continued: "To attack any UNMIK personnel and or property is destructive and counterproductive, particularly at this point in time".

⁷¹ Fatmir Aliu and Xheme Binaku, "Ruecker: Dhuna e kthen Kosoven nen Beograd" [Rucker: Violence puts Kosovo back under Belgrade], *Koha Ditore*, 6 December 2006.

⁷² Albin Kurti's "Vetevendosje" [Self-Determination] movement mobilised roughly 3,000 protestors for the Albanian Flag Day holiday, considerably more than it mustered for earlier demonstrations in 2006 but still well short of mass support. Although Kurti insisted the protest was "non-violent", the attack on the buildings was central to his plan and well prepared. UNMIK did not resist the defacing of its headquarters until an incendiary device was thrown, at which point police released tear gas. Several of the most active paint and stone throwers were arrested but not Kurti.

⁷³ The USAID/UNDP Early Warning Report poll for the third quarter of 2006, to be published before the end of the year, reveals a sharp drop in approval for the SRSG between June and September, from over 70 percent to around 35 percent. Soren Jessen Petersen resigned on 30 June; Joachim Rucker took over on 14 August. See <http://www.kosovo.undp.org/>.

⁷⁴ For background, see Crisis Group Report, *Kosovo Status*, op. cit., p. 20.

⁷⁵ Crisis Group interview, Brussels, 10 November 2006.

⁷⁶ The United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), which oversaw reintegration of the territory into the Croatian state,

⁶³ Crisis Group interview, EU official, December 2006.

⁶⁴ Crisis Group interview, Pristina, 28 November 2006.

⁶⁵ Crisis Group interview, EU official, Pristina, 28 November 2006.

⁶⁶ Crisis Group interview, UN official, 16 November 2006.

⁶⁷ As a contingency, the UN's Department for Peacekeeping Operations has requested a budget to continue UNMIK into the July 2007-June 2008 financial year. Crisis Group interview, New York, 13 November 2006.

⁶⁸ Crisis Group interview, UN official, 13 November 2006.

⁶⁹ Crisis Group interview, New York, 13 November 2006.

During the transition period, the EU's rule of law mission is to build to full capacity, possibly including a gendarmerie contingent likely to be deployed in the North,⁷⁷ and Kosovo's institutions are to prepare to take on UNMIK's powers and begin implementing their obligations under the status settlement. The latter includes drafting and passing a constitution that reflects to the ICO's satisfaction the stipulations of the settlement and laws governing decentralisation and protection for the Serbian Orthodox Church and its sites.

Since it was formally established in Pristina in October 2006, the ICO planning team has set itself an agenda not only of building its own structure but also of preparing Kosovo's government: "Administratively and politically this double challenge goes beyond anything Kosovo has ever managed before".⁷⁸ But Kosovo Albanian society is transfixed by the coming international oversight structure.⁷⁹ Its leaders lack vision and its institutions are passive, relying on their international counterparts' initiatives and seeming to welcome the prospect of having a new boss.⁸⁰

Moreover, the present government is a flimsy foundation upon which to build. The larger of the two coalition parties, the LDK, has been paralysed by its leadership election. Tensions between its nearly evenly-matched wings exploded into a brawl at the 9 December election convention. Ramush Haradinaj, the head of the considerably smaller AAK, who behind the scenes has provided much of the coalition's leadership, leaves Kosovo after the New Year to stand trial for war crimes in The Hague. The prime minister, Agim Ceku, has little capacity to coordinate the cabinet, though he keeps a busy schedule of foreign trips to argue Kosovo's case. There has been a net outflow of qualified staff in 2005-2006.⁸¹ Crisis management capability is minimal; the new minister of interior's performance has been pedestrian.

was the subject of Crisis Group's first published report, *Eastern Slavonia*, 27 March 1996.

⁷⁷ Crisis Group interview, December 2006.

⁷⁸ Torbjorn Sohlstrom, personal representative of the EU's Solana and head of the Kosovo European Special Representative/International Community Office Preparation Team, address to the Forum 2015 conference "Future International Oversight in Kosovo", 14 December 2006.

⁷⁹ Sohlstrom said that over the three preceding weeks he had counted 37 articles in the Kosovo Albanian press discussing the likely tasks and powers of the future post-status international presence, and only one about what the Kosovo institutions would do post-status, *ibid*.

⁸⁰ Crisis Group interviews and observations, Pristina, November-December 2006.

⁸¹ Crisis Group interview, senior UNMIK official, Pristina, 11 December 2006.

ICO planners have revamped UNMIK's flagging consultations on the handover of its competencies. A Strategic Group on Transition, initiated in November 2006, co-chaired by the ICO team, the SRSG or his principal deputy and the head of the U.S. diplomatic liaison office, proposed the creation of seven working groups: on the constitution, elections, civil administration, the economy, governance, the rule of law and legal transition. The three co-chairs favour pushing ahead with preparations for the Kosovo government (the PISG) to assume powers, although UNMIK's legal adviser is cautious and at least one large EU country appears to favour a slower handover.⁸²

Most Kosovo representatives are from the government but the Unity Team's Political and Strategic Group of mid-ranking government and opposition politicians is included to give the exercise a broader political base.⁸³ Opposition members felt they were being asked to provide a fig leaf of consensus for highly technical matters that were the government's business and were nervous about acting without a specific mandate from the Unity Team. That body did not meet for a month after Ahtisaari announced his delay.⁸⁴ However, it was revitalised within days of President Sejdiu's success at the 9 December LDK convention, approved the Strategic Group on Transition process and agreed on two mixed government/opposition working groups (for the constitution and elections).

How well the PISG can take over the administrative and legislative agenda in the transition period will have a big effect on interpretation of the status settlement, both inside and outside Kosovo. Whatever its provisions on ICO oversight and reserved competencies, the settlement will be an invitation for Kosovo's government to show its mettle. Will it see that way or as a deed signing over international receivership for a failed state from UN to EU?

Likewise, the government and Assembly could try to make decentralisation succeed and so win Kosovo Serb trust. However, their approach is guarded, apparently sharing or at least not wishing to challenge openly at this time the belief many Albanians have that they will be able to modify the boundaries of new or expanded Serb-majority municipalities in eastern Kosovo that the settlement might stipulate. At the least there will be reluctance to implement decentralisation requirements

⁸² Crisis Group interviews, PISG politicians and officials, Pristina, December 2006.

⁸³ See Crisis Group Report, *Kosovo Status*, *op. cit.*, p. 12 for background on the Unity Team and its subordinate body.

⁸⁴ Crisis Group interviews, government and opposition politicians, Pristina, 7-13 December 2006.

until Serbia has recognised Kosovo,⁸⁵ or if the international community is seen to lose control of the three Serb municipalities north of the Ibar and north Mitrovica.⁸⁶ Many Kosovo Albanian politicians argue that they offered decentralisation to Serbs in the east to ensure and on condition that the Serb north stays in Kosovo.⁸⁷ All this may mean that the new state's first months will witness a contest of wills between its authorities and the ICO.

B. POLITICAL AND SOCIAL COHESION

Ahtisaari's 10 November 2006 announcement that he would hold his proposals until after Serbia's election was received quietly in Kosovo. The Unity Team met that day with Tina Kaidanow, the head of the U.S. diplomatic office, and produced a statement expressing disappointment but accepting it.⁸⁸ Nevertheless, the delay has weakened Kosovo's top politicians, who now look naïve, if not foolish, for having insisted for so long that the status decision would come in 2006. Their credibility weakened, they will have more difficulty selling further delay.

There is widespread belief throughout Kosovo that delay will be difficult to manage for longer than a few months more. Echoing majority disapproval of the paint and stones hurled at UNMIK and PISG buildings by Albin Kurti's Vetevendosje movement on 28 November, a municipal official added: "Until March I shall think the same way as now. I don't know what I'll think after March".⁸⁹ Assembly members from across the Albanian political spectrum believe elemental anger from below, directed in part at Kosovo's leaders, would be difficult to contain politically, and unilateral independence moves would be justified if the international community has not delivered by then.⁹⁰

Many Kosovo Albanians will interpret any further postponement as confirmation that pro-independence forces are losing ground. The more delay, the more

belief in the value of cooperating with the international community will drain away.⁹¹ Yet, most realise that the process is likely to take longer and that Kosovo's institutions are behind schedule in preparing themselves for independence. NATO's recent support for building an indigenous Kosovo security force has been reassuring,⁹² and the reaction to its invitation to Serbia to join Partnership for Peace has been surprisingly positive.⁹³ The prospects for maintaining an orderly process even beyond March will be reasonably good if Ahtisaari's package is well received and handled, especially in New York, and, of course, depending on its substantive provisions. U.S. and other Western diplomats may be urging the envoy to strengthen some of the independence elements of the package as compensation for its delay. They are at least encouraging Kosovo Albanian politicians to believe this and to prepare new government bodies such as a foreign ministry.⁹⁴

Government and opposition interest in achieving consensus on status work has grown, though until the 9 December LDK convention they were still playing politics over how. After Ahtisaari announced his delay, the opposition parties proposed that the Unity Team's role be expanded to decide on the future constitution, state symbols, election timetable and rules and the government's preparations for assuming state powers. The governing coalition opposed this as encroachment on its mandate and a first step toward a broader-based government. Some of its representatives said the Unity Team's role had ended with the conclusion of the Vienna negotiations

⁸⁵ Crisis Group interviews, Pristina, Gjilan/Gnjilane, Vitia/Vitina, November-December 2006.

⁸⁶ See Crisis Group Europe Report N°165, *Bridging Kosovo's Mitrovica Divide*, 13 September 2005, and Crisis Group Report, *Kosovo Status*, op. cit., pp. 19-23, for information on this Serb-dominated area.

⁸⁷ Crisis Group interviews, Pristina, 5-11 December 2006.

⁸⁸ Coincidentally, RTK and BIRN's TV current affairs show, *Jeta ne Kosove*, broadcast recorded interviews that evening with reassuring messages from U.S. envoy Frank Wisner, former U.S. Secretary of State Richard Holbrooke and the chief of France's diplomatic office in Pristina Thierry Reynard.

⁸⁹ Crisis Group interview, Vitia/Vitina, 30 November 2006.

⁹⁰ Crisis Group interviews, Pristina, November 2006.

⁹¹ Crisis Group interviews, Assembly members, Pristina, November 2006. An influential former KLA commander indicated that Kosovo Albanian behaviour could suddenly change should this confidence be lost: "as long as we believe in the process we shall maintain and contribute to stability. Alternatively, if we see the battle for independence is lost we shall react", Crisis Group interview, Pristina, 8 December 2006.

⁹² The NATO consensus behind Ahtisaari's ideas for a 2,500-strong Kosovo security force clarified in October 2006. Augustin Palokaj, "Ushtri me 2500 ushtare per Kosoven" [An army with 2,500 troops for Kosovo], *Koha Ditore*, 21 October 2006. For background, see Crisis Group Europe Report N°174, *An Army for Kosovo?* 28 July 2006.

⁹³ Prime Minister Ceku publicly welcomed the decision. Crisis Group interviews with senior PDK politicians and Daut Haradinaj, Pristina, and a wider group of citizens, Pristina and Vitia/Vitina, 30 November-8 December 2006, also revealed positive reactions.

⁹⁴ Crisis Group interviews, PISG officials and politicians, Pristina, December 2006. A claim in the newspaper *Express* on 8 December that Ahtisaari invited Kosovar negotiators to Vienna in December for a preview of the package was likely overstated, but diplomats may well offer guidance to the working group on Kosovo's new constitution that the Unity Team has created.

and such issues should be handled by the Assembly and the government.

However, there is no practical alternative to the Unity Team; attempts to reinvent it would waste time and energy and at best produce something similar. Moreover, political consensus requires a work agenda if it is to develop and remain solid. The Unity Team and its subsidiary Political and Strategic Group stagnated once Ahtisaari's postponement was announced, allowing discordant voices to claim the limelight. They need to be reinvigorated now that the Political and Strategic Group has been brought into the transition planning. Contentious questions such as the new constitution, elections and the opening of representation offices for Kosovo abroad require attention.⁹⁵ Reengaging the mid-ranking layer of opposition and government politicians in this work now may lay foundations for further political consensus on status issues in a potentially turbulent 2007.⁹⁶

Events in the LDK have important bearing upon status preparations. As its dominant political force over the last sixteen years, the LDK to a large extent represents Kosovo but the scene at its convention showed the limitations of the territory's political culture and also marked a shift in the axis of intra-Albanian hostilities. The vicious PDK-LDK rivalry of the early post-war years is now largely quiet,⁹⁷ while the large contingents of bodyguards on 9 December showed that the LDK itself has become the main battleground for violent, factional politics.

Although President Sejdiu won the LDK leadership fairly in a secret ballot (by 189 votes to his rival Daci's 160), the convention broke down later in the day over election of the party's 81-member General Council. This body appoints its principal officers, a particularly important task because Sejdiu, who under UNMIK's Constitutional Framework cannot be president of Kosovo and hold another post simultaneously, is likely to leave the running of the party to others.

Having won the leadership more narrowly than expected and not sure of getting his way over the council in the

required secret ballot, Sejdiu tried to force his list of candidates through by acclamation, even ordering doors to be locked to maintain a quorum in the hall. When he denied requests for postponement, some Daci supporters decided that evening to disrupt the convention, which degenerated into chaos, including fistfights and thrown chairs. Sejdiu's camp claimed that enough delegates subsequently reassembled to approve his list for the General Council. Daci and his supporters refused to recognise this result, and the stand-off continues, with the Daci group threatening to set up an alternative party if not included on the Council in proportion to Daci's vote in the leadership contest. Meanwhile, the Sejdiu-controlled Council elected a slate of party officers loyal to him on 19 December.

In the short term, Sejdiu's reliance on the U.S. diplomatic office and UNMIK for support against Daci has strengthened the international community's and the opposition parties' ability to push status preparation work through the Unity Team and its subsidiaries. Several factors could work for an enlarged coalition in the new year. The international community could consider the Sejdiu wing of the LDK and Thaci's PDK as more stable partners than the present LDK-AAK coalition. Thaci appeared to make a coalition overture in his address to the LDK convention, an address that would have been unthinkable during the tenure of the late LDK leader, Rugova.

In the long term, the support the U.S. office offered Sejdiu on 10 December could affect the international community's reputation as a fair arbiter.⁹⁸ It is difficult to argue that the General Council was legitimately elected. Sejdiu's supporters might argue that procedural shortcuts were necessary to defeat the varied interests, some criminal, behind Daci and so give the party a chance to revitalise. But the new General Council may be no more than a puppet body, and the procedural abuse that led to its selection may further entrench an unfortunate political culture in party and government alike.

Electricity supply may become a worse crisis this winter than usual. Deep cuts have already been made, and insufficient lignite has been mined to keep all Kosovo's power plants at full capacity. Moreover, the regional electricity market is very tight due to shutdown of

⁹⁵ Opposition politicians objected to plans announced on 24 November 2006 for opening such an office in Brussels and perhaps also Washington, with UNMIK officials in charge. "UNMIK-u zyrtarizon hapjen e zyrove nderlidhese jashte Kosoves" [UNMIK authorizes the opening of liaison offices abroad], *Koha Ditore*, 25 November 2006.

⁹⁶ A government figure feared that otherwise electoral politics would dominate immediately after the status decision, diverting Kosovo's leaders from implementing obligations under the status settlement. Crisis Group interview, Pristina, 11 December 2006.

⁹⁷ For background, see Crisis Group Europe Report N°163, *Kosovo after Haradinaj*, 26 May 2005.

⁹⁸ See U.S. Office Pristina press release, "On LDK elections", 10 December 2006. Available at: <http://pristina.usmission.gov/> Head of office Tina Kaidanow met with Sejdiu on Sunday 10 December. Her unreserved support for Sejdiu's position pre-empted evaluations from bodies such as the OSCE mission, which might have otherwise questioned the validity of the election of the LDK General Council.

Bulgarian nuclear capacity (a condition of its 1 January 2007 EU accession). When Kosovo's unpopular electricity utility, KEK, temporarily abandoned its ABC rationing scheme favouring better bill-paying neighbourhoods for more egalitarian distribution in February 2006, citizens who suffered extended outages during a cold snap besieged regional offices and destroyed power transmission equipment.⁹⁹ The ABC scheme has enabled KEK to raise its revenue collection rate by 15 per cent this year but the utility's unpopularity has intensified, with local media complaining about the high wages its indigenous management pays itself.

In every recent winter Serbia has criticised UNMIK for allowing Kosovo Serb enclaves to be subjected to the "humanitarian catastrophe" of extended power cuts.¹⁰⁰ Under the ABC scheme, KEK has supplied them only limited power, but this is because those enclaves, encouraged by Belgrade, have refused to sign customer contracts and pay bills altogether, not due to discrimination. Over government and KEK objections, yet under heavy pressure from the Contact Group to reach a deal, UNMIK is negotiating with the Serbian government over its offer of 50 gigawatts per month to supply some 40,000 Kosovo Serb households. This could boost Kosovo's overall winter supply by up to 10 per cent but risk an Albanian backlash if it privileges Serbs who have not paid a bill in seven years and enables Serbia's state electricity provider, EPS, to carve Serb areas out of KEK's network. UNMIK is holding out for the principle that Kosovo Serbs sign customer contracts with KEK, albeit collective contracts paid by Serbia. The Serbian government now appears closer to offering monetary assistance.¹⁰¹

Winter without electricity and a perception that Serbs were gaining the upper hand would be a dangerous cocktail, not unlike the mix that ignited the March 2004 riots. The new Serbian constitution, delay in the status process and Russia's increasingly explicit talk of a veto have already given some Kosovo Serbs renewed hope

that independence can be averted.¹⁰² With Vetevendosje whipping up fears that new Serb-majority municipalities will become no-go areas for Albanians, it is particularly important that Ahtisaari's decentralisation proposals are made clearly in the context of Kosovo independence.

Possibly the greatest challenge for Albanians during the next months will be to resist the temptation to violence in Mitrovica, where tensions are high. The Kosovo Serb leaders there, Marko Jaksic and Milan Ivanovic, are likely to be provocatively defiant of Pristina and the international community, and they care little for the possible consequences to Serb communities south of the river Ibar.¹⁰³ Each side risks spooking the other into a fight. For example, Serbs have been building their defences in and around the city, partly inspired by a Serbian interior ministry (MUP) document claiming to detail Albanian plans for an attack.¹⁰⁴

The first half of 2007 need not be so dangerous, however, especially if the international community can show clearly that status determination is moving forward. The memory of the March 2004 chaos itself acts as a restraint, something most Albanians recall with some shame and are anxious to avoid a repetition of.¹⁰⁵ The targets in 2004 were primarily Kosovo Serbs, secondarily UNMIK. The PISG could be first in line now. Public anger at it and the Unity Team could explode if they are seen as failing to deliver the promised independence. Polls show rising disenchantment with PISG's performance at both the central and municipal levels.¹⁰⁶ Some Albanians express regret that the March 2004

⁹⁹ See "Qytetaret hyjne me dhune ne ndertesat e distribucionit te KEK-ut dhe kerkojne energji elektrike" [Citizens invade KEK distribution buildings and demand electricity], *Zeri*, 31 January 2006.

¹⁰⁰ Serbia's spokesperson, Sanda Raskovic-Ivic, did so again at the 13 December 2006 UN Security Council quarterly session on Kosovo, talking of "drastic and selective" electricity cuts to Serb communities and failing to observe that Albanian communities have suffered similar cuts.

¹⁰¹ Crisis Group interview, UNMIK official, Pristina, 11 December 2006. At the 13 December Security Council meeting on Kosovo, SRSR Rucker said: "recent talks have been somewhat encouraging. We are now looking forward to a result where Kosovo Serbs are finally recognising and paying KEK".

¹⁰² Crisis Group interviews, November 2006.

¹⁰³ See Crisis Group Report, *Kosovo Status*, op. cit., pp. 19-23 for a snapshot of the security equation in Mitrovica in November 2006. Since then the reported replacement of Serbia's police chief in north Mitrovica, Dragoljub Delibasic (an ally of Jaksic and Ivanovic) has been reversed, and he is back in charge.

¹⁰⁴ Crisis Group interview, UNMIK police sources, 7 December 2006.

¹⁰⁵ Crisis Group interviews, November-December 2006. This is at odds with an interpretation which persists in some international circles that the March 2004 riots were a centrally-organised, Kosovo Albanian conspiracy. See Crisis Group Europe Report N°155, *Collapse in Kosovo*, 22 April 2004.

¹⁰⁶ USAID/UNDP's Early Warning Report polls show a steady decline in the government's popularity, from over 80 per cent in early 2005 to little over 40 per cent by late September 2006. The Kosovo Assembly's rating collapsed from highs of over 70 per cent in early 2005 to around 20 per cent by late September 2006. UNDP's "Kosovo Mosaic 2006" survey of municipal governance, published in October, reveals a decline in public satisfaction since 2003 also with that level of government. See <http://www.kosovo.undp.org>. Similar declines in UNMIK's poll ratings were a feature of the year preceding the March 2004 riots.

violence was deflected onto innocent Serbs.¹⁰⁷ Some from the ex-KLA fringe talk about “killing” their politicians if they fail again.¹⁰⁸ Vetevendosje has been slow to exploit this sentiment but its 28 November assault went well beyond the usual UNMIK baiting. PISG leaders avoided confrontation, asking Kosovo police to stand away as their buildings were defaced.¹⁰⁹

How might Kosovo politicians respond if challenged seriously in the streets? On the eve of the 28 November protest, the opposition PDK leader, Hashim Thaci, insisted that “independence will come from institutions and not from the streets”.¹¹⁰ He has consistently said that Kosovo can gain statehood only in cooperation with the international community. The other KLA successor party, Ramush Haradinaj's co-governing AAK, tends to be more unilateralist, a tendency that could be reinforced in coming months by disgruntled LDK members from the defeated Daci wing.¹¹¹ Immediately after Ahtisaari announced his delay, the AAK publicly mulled the possibility of a declaration of independence in the Assembly.¹¹² The party's lack of direct representation in the Unity Team, its weakening position in government and Haradinaj's pending departure to The Hague for his war crimes trial all may encourage a more radical position in future.¹¹³

¹⁰⁷ Crisis Group interviews, Pristina, west and east Kosovo, April-November 2006.

¹⁰⁸ Crisis Group interview, Vitia/Vitina, November 2006. Masked gunmen who set up a checkpoint on 4 December around a west Kosovo village and exchanged fire with Kosovo police before fleeing rang the police to express regret and explain that their fight was with Kosovo's politicians.

¹⁰⁹ TV news showed images of the demonstrators clashing with UNMIK because police used teargas after an incendiary device was thrown into the UNMIK compound.

¹¹⁰ RTK 7.30pm news, 27 November 2006.

¹¹¹ If the international community is tempted to bring the Sejdiu wing of the LDK and Thaci's PDK together as governing partners, it should realise that this might also produce a recalcitrant coalition of their opponents. The militant daily newspaper *Epoka e Re*, formerly regarded as the PDK's, already brings together various malcontents on its pages, providing a platform for Albin Kurti's Vetevendosje, war veterans, and Daci's wing of the LDK alike.

¹¹² AAK press release, 10 November 2006.

¹¹³ Vehicles from the AAK-controlled ministry of social welfare and labour are said to have transported the paint bombs Vetevendosje used on 28 November against government, Assembly and UNMIK buildings. See “Veturat e Ministrise ne sherbim te ‘Vetevendosjes’” [Ministry vehicles at the service of ‘Vetevendosje’], *Koha Ditore*, 1 December 2006. Perhaps rashly, Thaci accused “para-political” forces behind the LDK-AAK government coalition (his code for Haradinaj) of orchestrating the appearance of masked gunmen in west

Kosovo's politicians might resort to a unilateral declaration of independence if they concluded they had no other option for fending off an imminent street insurrection or a significant challenge from unofficial armed groups. They recognise, however, that Kosovo would find itself an outcast, without international support and more vulnerable to Serbian mischief.¹¹⁴ They will be reluctant to take such a step unless they are desperate – or unless the status process appears hopelessly bogged down in the Security Council, and they are given a wink and a nod by key supporters, especially the U.S. “We should find the right moment that hurts only a little and does not make our friends angry”, said an Assembly member from the LDK.¹¹⁵

IV. CONCLUSION

In many regards Kosovo has yet to move on from 1999. In part, this is because the international community has not helped it to achieve the economic growth that might have transformed its social structures and dynamics. The original idea that Resolution 1244 could freeze political developments while the economy took off and removed the rough edges of the social situation was an illusion. Private investment has been held back, sovereign borrowing prevented and strategic economic decisions deferred because of unresolved status. Growth was negative in 2005, and will be 2 per cent at best for 2006.¹¹⁶

Even orderly status settlement could bring further economic handicaps, limiting Kosovo's ability to grow its way toward internal peace. An initial post-status slump is possible. The settlement may re-allocate a portion of sovereign debt to it from Serbia. Moreover, Kosovo may have to bear additional budget costs, such as for creation of the new Serb-majority municipal administrations, for which no provision was made in the government's 2007 budget. The international civilian presence will shrink dramatically, slicing up to 3 per cent of GDP off the warped, consumption-oriented economy the territory has developed, which is dependent on international aid, diaspora remittances and servicing foreigners. There is a view that Kosovo received more than its fair share of aid during the UNMIK period, and

Kosovo on 4 December. See Nebih Maxhuni, “Maskat parapolitike” [para-political masks], *Express*, 9 December 2006.

¹¹⁴ A senior Western diplomat crudely described Kosovo's position in such circumstances as “fucked for breakfast”, Crisis Group interview, 16 November 2006.

¹¹⁵ Crisis Group interview, 9 October 2006.

¹¹⁶ World Bank figures, presented by consultant Barbara Balaj, Washington DC, 14 November 2006.

donors may become less willing to bankroll areas such as education, where Kosovo's youth face a strategic development deficit. The international community is prepared to bear heavy military costs to keep the peace but seems to care less for development and peace-building tasks.

All this makes it essential that Kosovo's elite, institutions and society use 2007 to make a major adjustment: away from threats of crisis and toward sustainable self-governance. During their quest for independence under UNMIK, they have tended to neglect or plunder the spheres of governance they already have and to concentrate energies on demanding the ones they do not yet have. The implicit threat of chaos if Kosovo does not get its way scares off badly needed investment. If the chaos comes to pass, it will tighten, not relax, the restrictive bonds. The possible lack of a few credentials of independence like a UN seat and jousts with Serbia must not be allowed to become the consuming obsessions of a nascent state whose political leaders continue to plunder the public purse. If Kosovo is to graduate to independence in 2007 – as it should – it must at the same time grow up.

Pristina/Brussels, 20 December 2006

APPENDIX A

MAP OF KOSOVO





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