

# **KOSOVO: NO GOOD ALTERNATIVES TO THE AHTISAARI PLAN**

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## KOSOVO: NO GOOD ALTERNATIVES TO THE AHTISAARI PLAN

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The debate on Kosovo's future status has reached a crucial point. The United Nations Security Council (UNSC) has begun to consider elements of a draft resolution to determine the entity's future, which could be put to a vote in the coming weeks. The best way of ensuring regional peace and stability and lifting Kosovo out of an eight-year-long limbo, with a tired, temporary UN administration and an undeveloped, low-growth economy, is a resolution based squarely on the plan of UN Special Envoy Martti Ahtisaari. This would supersede UNSC Resolution 1244 (1999), define Kosovo's internal settlement and minority-protection mechanisms, mandate a new international presence and allow for supervised independence.

Ahtisaari presented his plan in mid-March 2007 – in the form of a short "Report" and a lengthy "Comprehensive Proposal" – to the Secretary-General, who forwarded it to the Security Council, with his full support, on 26 March. This followed fourteen months of negotiations – a process the Council had authorised with Resolution 1244 mandating "a political process designed to determine Kosovo's future status" – which failed to forge a compromise between Serbia and Kosovo Albanians.

The Ahtisaari plan is a compromise that offers Kosovo Albanians the prospect of independence, Kosovo Serbs extensive rights, security and privileged relations with Serbia, and Serbia the chance to put the past behind it once and for all and realise its European future. It is the best recipe for the creation of a multi-ethnic, democratic and decentralised society and fits within the European Union's multi-ethnic project for the Western Balkans, which ultimately offers the prospect of accession. The EU is already the largest donor in Kosovo and plans to assume the lion's share of responsibility for the post-status Kosovo civilian mission. Ultimately, Kosovo is, and will remain until resolved, a European problem.

The alternative is bleak. Forcing Kosovo Albanians back into a constitutional relationship with Serbia would reignite violence. Belgrade has offered little beyond proposing that Kosovo remain an integral part of the Serbian state. It has done nothing over the past eight years to try to integrate Kosovo Albanians or to offer them

meaningful and concrete autonomy arrangements. Instead it has tried to establish the basis for an ethnic division of Kosovo and partition along the Ibar River, which runs through the northern city of Mitrovica. It has done so by trying to delay the adoption of a Security Council resolution in the expectation that this would trigger a Kosovo Albanian overreaction, including violence, and so create the conditions for such partition. Partition, however, would not only destroy the prospect of multi-ethnicity in Kosovo but also destabilise neighbouring states.

Implementation of Ahtisaari's Comprehensive Proposal for the Kosovo Status Settlement will pose significant challenges. The key to a peaceful transition lies in its extensive decentralisation measures, which offer a way to secure buy-in to a new Kosovo state by its Serb minority, especially the majority of Kosovo Serbs who live in enclaves south of the Ibar. The Ahtisaari Proposal is wisely ambiguous with regard to the powers and duration of the EU mission that will oversee this settlement, ensuring that the international community will retain the final word in Kosovo through its formative years of statehood.

There is strong support from the major Western countries for the adoption of a resolution based on the full Ahtisaari plan. But it is also important to exhaust all reasonable opportunities to achieve the greatest unity possible within the Council, and most importantly, to avoid a Russian veto.

Russia has opposed a quick timetable, strongly criticised the Ahtisaari plan, raised concerns about the international precedent Kosovo may create and hinted that it might veto a draft that does not take its position into account. Nonetheless a compromise solution may be possible and should be attempted, possibly with the inclusion of additional elements of conditionality in the two-year period before review of the international supervisors' mandate, and the reaffirmation of the need for more progress on minority rights standards. A resolution which does this and endorses the Ahtisaari Proposal but does not explicitly support Kosovo's independence may achieve the necessary support.

## **RECOMMENDATIONS**

### **To Members of the United Nations Security Council:**

1. The United Nations Security Council should as soon as possible adopt a resolution under Chapter VII of the Charter which, optimally, would:
  - (a) supersede UNSC Resolution 1244;
  - (b) endorse both Ahtisaari's Report on Kosovo's Future Status, and his Comprehensive Proposal for the Kosovo Status Settlement;
  - (c) mandate specifically the new international presences in Kosovo described in the Comprehensive Proposal, including the International Civilian Representative (ICR), the International Civilian Office (ICO), the EU European Security and Defence Policy (ESDP) Rule of Law Mission and the International Military Presence (IMP), as well as the International Steering Group (ISG), which will review the mandate of these presences after two years; and
  - (d) recognise the specific circumstances of the violent break-up of the former Yugoslavia which make Kosovo a unique case.
2. The U.S. government should engage with Moscow in good faith negotiations, while coordinating closely with the EU, and offer Moscow opportunities to retreat gracefully from its anti-Ahtisaari plan rhetoric, for example by being prepared to:
  - (a) modify aspects of the Ahtisaari plan, by creating a Special Envoy for Minorities, and setting a two-year moratorium before Kosovo can apply for UN membership; and/or
  - (b) adopt a resolution which endorses Ahtisaari's Proposal but not his Report.

### **To Kosovo Albanian Leaders:**

3. The Kosovo Albanian leadership, pending adoption of a UNSC resolution, should:
  - (a) refrain from making a unilateral declaration of independence;
  - (b) consolidate the administrative and legislative preparations for independence;
  - (c) agree on multi-ethnic symbols for the future state; and
  - (d) deepen coordination with international partners and design a strategy to protect the Kosovo Serb community during the first weeks of independence.

## KOSOVO: NO GOOD ALTERNATIVES TO THE AHTISAARI PLAN

### I. THE AHTISAARI PLAN AT THE UN SECURITY COUNCIL

#### A. THE STATE OF THE STATUS DEBATE

The UN Security Council (UNSC) will soon be making a decision on Kosovo's future. The UN Special Envoy for Kosovo, former Finnish President Martti Ahtisaari, in mid-March 2007 presented to the Secretary-General his plan<sup>1</sup> for Kosovo in the form of two documents: the four-page "Report of the Special Envoy of the Secretary-General on Kosovo's Future Status" (henceforth Ahtisaari Report)<sup>2</sup> and the 63-page "Comprehensive Proposal for the Kosovo Status Settlement" (henceforth Ahtisaari Proposal).<sup>3</sup> The Report includes the recommendation that "Kosovo's Status should be independence supervised by the international community" and justifications for this conclusion.<sup>4</sup> Ahtisaari separated his recommendation on status from the much more technical Proposal, which includes a series of "General Principles" and twelve annexes detailing measures to ensure a future Kosovo is "viable, sustainable and stable".<sup>5</sup> Secretary-General Ban Ki-moon conveyed these documents to the Security Council on 26 March with his endorsement of the full Ahtisaari plan.<sup>6</sup>

Initially close to half the Council's members expressed varying degrees of reservation about the plan. At Russia's recommendation the full Council undertook a mission to Kosovo and Serbia on 25-28 April.<sup>7</sup> Sources close to the mission say it helped educate all about realities on the ground and convince them that the Ahtisaari plan was the final product of a lengthy process over which the UN exercised clear leadership.<sup>8</sup> The U.S. and its European partners have since been circulating a list of thirteen possible elements to be included in a new resolution endorsing Ahtisaari's plan and to be presented to the Council by late May.<sup>9</sup> The ultimate text of that draft, and its ability to assuage sufficiently Russian concerns is still unclear. Russia, the most recalcitrant member, is resisting the timetable, wants further delay and threatens a veto.<sup>10</sup>

#### 1. The road to Ahtisaari's supervised independence plan

Solving the Kosovo status question has been a lengthy and painful process.<sup>11</sup> Sovereignty passed from the Ottoman Empire in 1912, when Serbia and Montenegro took the territory by force.<sup>12</sup> Kosovo was given autonomy and federal-unit status under the 1974 Yugoslav constitution. The Serbian government in the late 1980s illegally curtailed

<sup>1</sup> The expressions "plan" and "Ahtisaari plan" are used throughout the text to refer to the overall scheme contained in the Ahtisaari Report and Ahtisaari Proposal, read together.

<sup>2</sup> The Ahtisaari Report (henceforth cited as Report) is available at [www.unosek.org/docref/report-english.pdf](http://www.unosek.org/docref/report-english.pdf).

<sup>3</sup> The Ahtisaari Proposal (henceforth cited as Proposal) is available at [www.unosek.org/docref/Comprehensive\\_proposal-english.pdf](http://www.unosek.org/docref/Comprehensive_proposal-english.pdf).

<sup>4</sup> Ahtisaari argues that supervised independence is the only option, because reintegration into Serbia is not viable, and continued international administration is not sustainable.

<sup>5</sup> Annexes address: constitutional provisions; the rights of communities and their members; decentralisation; the justice system; religious and cultural heritage; external debt; property and archives; the Kosovo security sector; the future International Civilian Representative; the European Security and Defence Policy (ESDP) Mission; the international military presence; and the legislative agenda. See [www.unosek.org/docref/Comprehensive\\_proposal-english.pdf](http://www.unosek.org/docref/Comprehensive_proposal-english.pdf).

<sup>6</sup> See "Secretary-General Statement", SG/SM/10923, 26 March 2007, at [www.un.org/News/Press/docs/2007/sgsm10923.doc.htm](http://www.un.org/News/Press/docs/2007/sgsm10923.doc.htm).

<sup>7</sup> "Russia Wants Fact-Finding Mission Sent To Kosovo", RFE/RL, 28 March 2007.

<sup>8</sup> Crisis Group interviews, New York, May 2007. Immediately after the mission, Johan Verbeke, the Belgian ambassador to the UN, who led the fact-finding mission, stated the "slight differences among us...have been narrowed as a result of this mission". He also added that he hoped consideration of the Kosovo issue "would start from Ahtisaari's proposal". See "Verbeke: No deadlines for decision", B92, 29 April 2007.

<sup>9</sup> See "Fried: Resolution by end of spring", Tanjug, 28 April 2007; "Verbeke: No deadlines for decision", B92, 29 April 2007.

<sup>10</sup> "Russia Calling for New Belgrade-Pristina Talks", V.I.P. Daily News Report, 3 May 2007. It has also proposed alternative resolution elements which reaffirm Resolution 1244, and note Ahtisaari's Comprehensive Proposal, but make no mention of the Ahtisaari Report and its recommendation that Kosovo gain supervised independence.

<sup>11</sup> For a full chronology of this see Appendix D below.

<sup>12</sup> Medieval Serbia lost Kosovo to the Ottoman Empire in 1389. By the time the modern Serbian nation took the area, Albanians constituted at least half its population. Belgrade tried to shift the balance in favour of Serbs, but in the 1990s, Serbs made up less than 15 per cent of Kosovo's population.

this autonomy and expelled ethnic Albanians en masse from state institutions. Throughout the 1990s, Belgrade denied Kosovo Albanians any part in public life; consequently, they set up parallel institutions and a peaceful civil disobedience movement. Serbia continued its repressive policies, prompting more radical Kosovo Albanians to launch an armed insurgency in 1998. Belgrade attempted to suppress the insurrection through increasingly indiscriminate violence, and, in February 1999, the two parties were summoned to Rambouillet, France, where Serbia rejected an internationally-backed governance accord, which would have restored Kosovo's autonomy within Serbia and provided for extensive NATO and other international involvement to stabilise the situation.

In March 1999 Serbia launched a major offensive in Kosovo that drove over 800,000 refugees into neighbouring Albania, Macedonia and Montenegro – nearly half of Kosovo's Albanian population – and displaced hundreds of thousands more from their homes inside the entity. Serbian forces destroyed tens of thousands of homes and many mosques, looted and raped on a large scale and murdered several thousand people. On 24 March 1999, NATO launched air strikes that continued until President Milosevic capitulated in June and began pulling his army out of Kosovo. The UNSC adopted Resolution 1244 in June 1999, which established the framework for a UN administration of the province and the deployment of a NATO force (KFOR). More than 100,000 Serbs fled Kosovo, fearing Albanian reprisals.

Under the Resolution 1244 compromise, the UN Interim Administration Mission in Kosovo (UNMIK) has both engaged in a process of state building and prevented its culmination. UNMIK promulgated a Constitutional Framework, enabling parliamentary elections, appointment of a president and Provisional Institutions of Self-Government (PISG). In 2002, with a provisional government formed, UNMIK chief Michael Steiner created the "Standards before Status" slogan which, in 2003-2004, was refined into an operational policy, with benchmarks for good governance and inter-ethnic accommodation. It was accepted by the Contact Group<sup>13</sup> as a yardstick by which to review PISG progress. But in March 2004 Albanians' insecurity exploded into two days of Kosovo-wide mob attacks on Serb communities and UNMIK; twenty died and 5,000 Serbs were displaced; and the spirit of "Standards before Status" was violated. Significant progress has been achieved in the three years

since, during which the risk of renewed violence and the concept of earned independence have driven the status process in uneasy tandem. In July 2004 UN Special Envoy Kai Eide recommended more transfers of power to the PISG and a start to status discussions. A year later he concluded that there was nothing to gain from further delay.

In October 2005 the Secretary-General appointed Ahtisaari to lead the settlement effort. This was the culmination of a process authorised by Resolution 1244 of June 1999, which mandated "a political process designed to determine Kosovo's future status". From February 2006 through September, Ahtisaari's office (UNOSEK) engaged the negotiating teams of Kosovo and Serbia in several rounds of direct talks in Vienna and mounted a number of expert missions to both capitals.

After a significant delay to allow for Serbia's 21 January 2007 elections, Ahtisaari presented his draft Comprehensive Proposal to both Belgrade and Pristina on 2 February. After additional meetings with the two sides in Vienna, the UNOSEK status negotiations were formally closed on 10 March. Ahtisaari declared the talks exhausted, stating that additional efforts would not bring the sides closer to a compromise and that "a sustainable solution of Kosovo's status is urgently needed".<sup>14</sup> Throughout the talks, Serbs and Kosovo Albanians maintained their irreconcilable positions. Kosovo's 90 per cent Albanian majority wants the territory to become an independent state. Serbia and the remaining Kosovo Serbs want Belgrade to retain sovereignty.

Ahtisaari completed and submitted his Proposal, and previously unpublished Report, to the UN Secretary-General, who in turn fully endorsed both and forwarded them to the Security Council on 26 March 2007. The plan has attracted a wide constituency: the Kosovo Albanians, the U.S., the EU Presidency (Germany), EU Council (at least for the Comprehensive Settlement Proposal), the European Parliament and NATO, as well as the UN Secretary-General.<sup>15</sup> It is opposed outright by a narrow but crucial constituency: Serbia. Russia has been lending

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<sup>13</sup> The six-nation body was originally formed in 1994 to coordinate the key states interested in the Balkans. It played an important role in bringing about the Dayton accords for Bosnia-Herzegovina and the Rambouillet process for Kosovo. It revived in 2003 after several years of dormancy. It comprises the United States, United Kingdom, France, Germany, Italy and Russia.

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<sup>14</sup> Press conference transcript available at [www.unosek.org](http://www.unosek.org).

<sup>15</sup> See "Council Conclusion on the Western Balkans", Council of the European Union, 12 February 2007; "EU Presidency Statement on the submission today to the UN Security Council", 26 March 2007; "Resolution of 29 March 2007 on the future of Kosovo and the role of the EU (2006/2267(INI))", European Parliament, 29 March 2007; "High-level NATO consultations on Afghanistan and Kosovo", 27 March 2007, at [www.nato.int/docu/update/2007/03-march/e0327b.html](http://www.nato.int/docu/update/2007/03-march/e0327b.html); "The Outlook for the Independence of Kosovo", R. Nicholas Burns, Under Secretary of State for Political Affairs, Statement Before the House Committee on Foreign Affairs, Washington DC, 17 April 2007.

Belgrade a degree of support, insisting it will not allow imposition of a settlement without Serbia's consent.<sup>16</sup>

The Ahtisaari Proposal can be read as a blueprint for state formation<sup>17</sup> but is based on a delicate balancing between an internationally supervised entity and an independent state. It provides the "technical", "status-neutral" interior architecture for Kosovo's governance. Even though in principle the two sides should have found more opportunities for agreement on these technical aspects of the Proposal, in practice status-related conceptual differences limited scope for compromise between them even on "practical" issues: decentralisation, community rights, protection of cultural and religious heritage and economic matters.

According to the Proposal, once implementation begins, there will be a 120-day transition period during which UNMIK's mandate will remain unchanged but the Kosovo Assembly, in consultation with the International Civilian Representative (ICR), will approve a new constitution and all legislation necessary for Proposal implementation. After the transition period, UNMIK's mandate will expire, and all legislative and executive authority will be transferred to the governing authorities of Kosovo unless otherwise provided in the Proposal.<sup>18</sup>

In practice even after the 120-day transition, Kosovo will be strictly supervised by international authorities. The ICR will have the power to ensure Kosovo's implementation of its obligations, by correcting or annulling inappropriate laws and sanctioning or removing recalcitrant officials. He will additionally vet the appointment of some key Kosovo office holders, and his deputy will command an EU European Security and Defence Policy (ESDP) Mission, comprising police, justice, customs, border control and prison service personnel, to backstop Kosovo's own fledgling institutions. The ICR will have the authority to step in directly wherever necessary to ensure the maintenance and promotion of the rule of law, public order and security. An International Steering Group (ISG), consisting of the Contact Group, the EU Council, the European Commission and NATO, will review progress and the ICR's mandate, after two years in the first instance.

## 2. The Security Council: options and dynamics

In the Security Council and in UNSC members' capitals, discussions are now focused on what type of resolution should be drafted to have the best chance of obtaining sufficient – ideally unanimous – support and of ultimately

protecting regional peace and security. Several options exist.

### a) **Superseding Resolution 1244, and endorsing both Ahtisaari's Proposal and Report**

This is the approach favoured by the Contact Group Quint.<sup>19</sup> Such a resolution would be based on Chapter VII of the UN Charter and would also specifically mandate the new international presences in Kosovo described in the Proposal, including the International Civilian Representative (ICR), the International Civilian Office (ICO), the EU ESDP Rule of Law Mission, the International Military Presence (IMP) and the International Steering Group (ISG), which will itself later review the mandate of these presences; and recognise the specific circumstances of the violent break-up of the former Yugoslavia which make Kosovo a unique case.

Crisis Group believes that this is the best option to guarantee stability for Kosovo and the surrounding region. It would remove any doubt over the legality of a new Kosovo state, and the degree of international authority and support underpinning it. A resolution along these lines can win the support of the U.S. and all European members of the UNSC, and is now more acceptable to a number of non-permanent members from Asia, Africa and Latin America. Such an authoritative decision would relieve Kosovo's neighbours of the protracted political struggle between Belgrade and Pristina and any risk that it would spill over into their still fragile countries. For the EU, the mandate would provide the clarity needed to unify all 27 member states, deploy the ICO and other planned post-status missions and bring Kosovo into its accession framework.

However Russia has indicated that it is highly unlikely to vote for a resolution which clearly supports independent status for Kosovo and has held open the prospect of vetoing it. At least Indonesia and South Africa, and to some extent China, must still be counted as waverers. Due to this, other drafts may need to be considered.

### b) **Superseding Resolution 1244, and endorsing both Ahtisaari's Proposal and Report, but with modifications**

Such an approach is discussed in Section I.C below. It might involve giving further attention to minority rights and returns, especially through the appointment of a Special Envoy for Minorities; and/or putting a moratorium on UN membership until the two-year review of settlement implementation.

<sup>16</sup> See, for example, Lavrov statement in "Contact Group meets in Moscow", B92. Beta, 20 April 2007.

<sup>17</sup> Though it does not once mention "statehood" or "sovereignty", unlike the Report which explicitly recommends independence.

<sup>18</sup> See Proposal, op. cit., General Principles, Article 15.1(g).

<sup>19</sup> The five Western members of the six-nation Contact Group (i.e., minus Russia).



**c) Superseding Resolution 1244, and endorsing Ahtisaari's Proposal but not his Report**

On this approach, which would be a further major concession to Russia, Kosovo could be expected to declare independence, which the U.S. and most EU member states would recognise. The EU could deploy the ICO and ESDP mission but the UNSC would not have explicitly endorsed recognition of Kosovo's independence.

**d) Superseding Resolution 1244 in whole or part, and providing a new mandate for the EU**

This would mandate the deployment of the ICO and ESDP mission to replace UNMIK. There would be no endorsement of either of Ahtisaari's two documents. It would create a more uncertain environment, in which status would remain undetermined. Only the U.S. would be sure to recognise immediately; some EU member states might. A division would be created within the Union. Fulfilment of the Ahtisaari Proposal would rely on an agreement concluded between Kosovo and a coalition of willing international supporters: the U.S., EU and NATO. Serbia would have greater room to contest the legitimacy of the new state.

**e) Retention of UNSC 1244, with selective implementation of parts of the Ahtisaari Proposal**

The parts retained would include, for example, the annexes on decentralisation and protection of Serb Orthodox Church sites. This approach would involve a reaffirmation of the need to implement human and minority rights standards and for progress on the return of internally displaced persons (IDPs) and refugees, prior to a change in Kosovo status. UNMIK might be replaced by the EU's ICO and ESDP missions but without a Chapter VII mandate. This option has been promoted by Russia but dismissed by Western members of the Security Council.

For now, the major international stakeholders, the EU and U.S., have reached a joint position that Ahtisaari's "comprehensive proposal...creates the basis for a new UNSC resolution", which the Security Council should "adopt...in a timely manner".<sup>20</sup> This reflects a compromise between the unequivocal backing for Kosovo's independence the U.S. has voiced since the full Ahtisaari plan was released, and the more nuanced EU position in its favour. Russia has called for renewed negotiations and said that "a decision based on Martti Ahtisaari's draft will not get through the UN Security Council",<sup>21</sup> and "Ahtisaari's

plan...failed".<sup>22</sup> Russian diplomats have even associated the Ahtisaari plan with earlier failed peace initiatives.<sup>23</sup> Yet ultimately Russia's acceptance at least of option (c) does not seem out of the question.

Russia has offered UNSC members an interpretation of Resolution 1244 close to that prevalent in Serbia. Rather than a stopgap compromise solution meant to pave the way to a lasting settlement, it portrays the implementation of its provisions as a precondition to a final settlement.<sup>24</sup> Russia therefore proposed that the Council undertake a full review of 1244 implementation before deciding anything else. Prior to the Council's fact-finding mission of 25-28 April, Russia highlighted unfulfilled aspects of 1244, such as the grim conditions in which Kosovo Serbs live and lack of large-scale return.<sup>25</sup> Russia and Serbia cite these as reasons not to proceed to a new resolution based on the

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<sup>22</sup> Foreign Minister Sergei Lavrov quoted in "Ahtisaari's plan on Kosovo failed – Russian FM", RIA Novosti, 19 April 2007.

<sup>23</sup> Russian Ambassador to the UN, Vitaly Churkin, on 4 April compared Mr. Ahtisaari with two other mediators, Cyrus Vance and David Owen, who in 1994 drafted a plan to resolve the conflict in Bosnia-Herzegovina, but ultimately were unsuccessful in convincing the sides or the UNSC to support it. See "Kosovo Shelved by All Sides", *Kommersant*, 5 April 2007. On 19 April Russia's Foreign Minister Lavrov told a Belgrade audience: "Certain efforts by the international community to resolve conflicts, such as a plan on the Cyprus settlement or the Ahtisaari's plan have failed". See "Ahtisaari's plan on Kosovo failed – Russian FM", RIA Novosti, 19 April 2007.

<sup>24</sup> After meeting with the EU Troika, Russian Foreign Minister Lavrov told a 23 April 2007 Luxembourg press conference that implementation of Resolution 1244 is necessary for settlement of Kosovo's future status, since it would enable the continuation of negotiations. V.I.P. Daily News Report, 24 April 2007.

<sup>25</sup> A protest by displaced Serbs was organised on the Serbian side of the Kosovo boundary to coincide with the mission. In a 24 April letter to Belgium's UN ambassador Verbeke, the Serbian government criticised the mission for not meeting the protestors. It reportedly told the mission "that some 209,000 internally displaced persons from Kosovo remained in 92 collective centres" around Serbia. See "Report of the Security Council mission on the Kosovo issue", UNSC S/2007/256, 4 May 2007. This is a grossly overblown figure for those still living in collective centres: UNHCR's 1 March 2007 tally shows 6,357 IDPs from Kosovo still living in such conditions in Serbia. Crisis Group email correspondence, UNHCR Belgrade, 9 May 2007. The overall figure claimed by Serbia of more than 200,000 displaced from Kosovo (including 155,000 Serbs) is open to debate. The European Stability Initiative's 2004 study: "The Lausanne Principle: Multi-ethnicity, Territory and the Future of Kosovo's Serbs" estimated that 65,000 Serbs were displaced. While the 1981 census recorded 210,000 Serbs in Kosovo, the 1991 one counted 195,000. Some 130,000 Serbs are believed to have remained in Kosovo. For more see [www.esiweb.org](http://www.esiweb.org). In addition to Serbs, tens of thousands of Roma, Ashkalis and Egyptians (gypsies) fled Kosovo in the second half of 1999.

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<sup>20</sup> Communiqué from the U.S.-EU summit, 30 April 2007.

<sup>21</sup> Deputy Foreign Minister Vladimir Titov quoted in "Ahtisaari plan will not get through UN: Russia", Reuters, 24 April 2007.

Ahtisaari plan, although its decentralisation formula offers the best prospect of improving this situation.

After the visit Russia insisted that the mission had uncovered many omissions in 1244 implementation,<sup>26</sup> a view not shared by the majority of the Council. Although some concerns remain, most ambassadors were struck by the essentially obstructionist stance of Serbian representatives, the reality that 90 per cent of Kosovo's population wants independence and the advanced stage of EU preparations to take over UNMIK.<sup>27</sup> Some previously hesitant non-permanent Council members appear to have been swayed in favour of the Ahtisaari Proposal. Informal canvassing after the mission suggested that up to eleven of the fifteen Council members might support a resolution enabling its implementation. Among the non-permanent members, Indonesia and South Africa<sup>28</sup> are the least keen but remain open, but Russia's potential veto could still block a resolution. Belgium's UN ambassador, Johan Verbeke, who headed the mission, reflected the positive impression gained:

The most important message which we registered was one of confidence, of willingness of building a strong multiethnic society, work to the future, make sure that commitments and engagements are being properly kept so that all communities living here can trust each other, work together with each other for the better future of Kosovo.<sup>29</sup>

A triangle of powers – the U.S., the EU and Russia – is shaping the debate. The EU is the principal stakeholder but has the most difficulty in arguing forcefully for the result it needs: a new Chapter VII resolution mandating the Ahtisaari plan and its ICO and ESDP mission.<sup>30</sup> Washington is striving for a quick resolution, by late May or June. Moscow appears determined to delay at least until September. It has repeatedly stated that it will not support a resolution that imposes Kosovo independence without Belgrade's consent. The U.S. and Russia are driving each other into harder rhetoric, narrowing their policy options. Russia hints that bringing the issue to a vote too early may cause "a train wreck" that could oblige it to veto. Some U.S. policy-makers appear confident that Russia will not go against the overwhelming majority of the Council and take the responsibility of being the spoiler.<sup>31</sup>

U.S. Secretary of State Condoleezza Rice and Russian Foreign Minister Sergei Lavrov meet on 15 May, but ultimately Presidents Bush and Putin may have to decide the issue. Russia is brandishing its veto to keep the U.S. and NATO handcuffed to the 1244 dispensation they created against its will in 1999.<sup>32</sup> The U.S. is warning that Kosovo Serbs will be victims if a veto forces independence to arrive "in an uncontrolled way".<sup>33</sup>

A Russian veto would be the worst possible outcome of this diplomatic game and one for which few EU members appear to have done any contingency planning.<sup>34</sup> The U.S. threat of recognising Kosovo unilaterally, with 1244 still in force,<sup>35</sup> would place the EU in a dilemma, one likely to split and paralyse it. Some EU member states might recognise Kosovo, many would not. Swedish Foreign Minister Carl Bildt warned U.S. representatives that unilateral recognition without a new resolution would be "playing with fire", both for the Balkans and for Washington's relations with Western Europe.<sup>36</sup> German Deputy Foreign Minister Gernot Erler pronounced against any unilateral declaration of independence as long as 1244 remains in force.<sup>37</sup> Without a new resolution, the EU would be unable to deploy the ICO and ESDP mission or offer Kosovo an accession perspective. Kosovo could neither gain membership of the international financial institutions nor take part in regional cooperation initiatives.

<sup>26</sup> Russian foreign ministry press release, 29 April 2007.

<sup>27</sup> Crisis Group interviews, New York, 3 May 2007.

<sup>28</sup> South African Ambassador to the United Nations Dumisani Kumalo is thought by some to be adopting positions in the Council which are less supportive of a resolution than the official position in Pretoria.

<sup>29</sup> Press briefing, Pristina airport, 28 April 2007.

<sup>30</sup> The EU position is more thoroughly described in Section I.B.2 below.

<sup>31</sup> Crisis Group interview, Washington DC, May 2007.

<sup>32</sup> A Western diplomat noted that Russia's UN representative has recently emphasised that although the U.S. and UK may have made commitments to the Kosovo Albanians in 1999, Russia did not and, therefore, bears no responsibility for getting these two countries out of the box they put themselves in. Crisis Group interview, New York, 19 April 2007.

<sup>33</sup> At a 28 April conference in Brussels, U.S. Assistant Secretary of State Daniel Fried said: "It will either be done in a controlled, supervised way that provides for the well-being of the Serbian people, or it will take place in an uncontrolled way, and the Kosovo Serbs will suffer the most, which would be terrible". RFE/RL Newline, 30 April 2007.

<sup>34</sup> Crisis Group interviews, Brussels, April-May 2007.

<sup>35</sup> At the 28 April 2007 Brussels conference U.S. Assistant Secretary of State Daniel Fried said that "Kosovo will be independent with or without a United Nations resolution, and Russia should back an agreement to protect the Kosovo Serb minority". Former U.S. Assistant Secretary of State Richard Holbrooke, in a diplomatic outsider role, said at the same conference that if Russia vetoes Ahtisaari's plan in the Security Council, "there will be a unilateral declaration of independence by Kosovo. The United States will recognise them, I hope the same day.... Some of the EU will, some won't". See "Verbeke: No deadline for decision", B92, 29 April 2007.

<sup>36</sup> "Western divisions emerge over Kosova", RFE /RL Newline, 30 April 2007.

<sup>37</sup> "Germany opposed to unilateral declaring independence of Kosovo", Xinhua, 3 May 2007.

### 3. The case against delay

In the Security Council the U.S. and Russia propose radically different timelines for a Kosovo decision. Washington believes that the status quo in Kosovo cannot hold much longer and that delay beyond June will cause a violent breakdown.<sup>38</sup> Moscow dismisses the notion of a ticking clock in Kosovo, rejects as “blackmail” any pressure to take a decision to head off violence, and criticises Ahtisaari and his team for conducting shallow and abbreviated negotiations.<sup>39</sup> In March-April 2007 some of the undecided UNSC members were also indicating that they wanted more time to build compromise.<sup>40</sup> Two or three were even expressing some sympathy for the appointment of a new UN negotiator.<sup>41</sup>

Delay will not facilitate the resolution of Kosovo’s status but rather complicate the situation further. Postponing for several months will not generate a compromise solution. Those who continue to argue for patience and renewed negotiations privately admit that such a process may well take years or even decades – and still be very unlikely to achieve a mutually acceptable solution.<sup>42</sup> When pressed, many also recognise that no negotiation can be so protracted without a near-certain breakdown of the overall security environment. The choice is now not between an imposed solution and a delayed negotiated solution but between an imposed solution and no solution at all for the foreseeable future.

Kosovo Albanians are expecting a resolution at the end of May or in June.<sup>43</sup> They have accepted the many strictures and safeguards built into the Ahtisaari Proposal, including broad rights for the Kosovo Serbs, extensive decentralisation, and strong international community presence and monitoring of settlement implementation. They have adopted it unanimously in the Kosovo Assembly.<sup>44</sup>

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<sup>38</sup> U.S. State Department spokesman Sean McCormack, for example, warned that “delaying a resolution on the issue of Kosovo’s status could lead to instability”, in “Rice will press Russia on Kosovo”, B92, Beta, Agence France-Presse, 25 April 2007.

<sup>39</sup> Crisis Group interviews, Russian diplomats, 12 February 2007, 17 November 2006, 1 June 2006.

<sup>40</sup> Crisis Group interviews, diplomatic representatives, New York, March 2007.

<sup>41</sup> Crisis Group interviews, UNSC member representatives, New York, March 2007.

<sup>42</sup> Crisis Group interview, UNSC permanent member representative, New York, March 2007.

<sup>43</sup> “Ceku: Independence by end of May”, B92, Agence France-Presse, *The New York Times*, *International Herald Tribune*, 30 April 2007.

<sup>44</sup> On 5 April 2007, 100 of the Assembly’s 120 deputies approved this declaration by acclamation. Most of the ten Kosovo Serb deputies maintain a boycott of the Assembly’s plenary sessions. To the bemusement of Kosovo Albanian deputies,

They expect the international community to demonstrate reciprocal good faith and take a timely decision. If it does not, Kosovo’s present healthy orientation towards constructing its state under Security Council-mandated guidelines would be corroded.

If the Council delays beyond the summer, confidence, not only in the international community, but also in local politicians, will collapse, causing a political crisis in Pristina. Mainstream politicians, who have invested in the UN process for the resolution of Kosovo’s status and accepted its results, will be compromised. Most likely, they will face the invidious choice of declaring independence unilaterally, in conflict with Resolution 1244, or being swept away. Even Kosovo’s election cycle, and therefore the legitimacy of its government, is dependent upon the status timetable. Municipal elections are already a year late, and some municipalities are becoming dysfunctional, as parties horse-trade expiring contracts of directors.

A unilateral declaration of independence would put Kosovo’s government in conflict with UNMIK, likely forcing the latter’s withdrawal. The EU would not be able to deploy its planned presences; few countries would recognise Kosovo. Only KFOR would be left to hold the ring as Serbs and Belgrade challenged that largely unrecognised independence. In the north, Serbs would be free to harden the soft partition,<sup>45</sup> with Belgrade’s authority there reasserted. South of the Ibar, Serbs would leave their enclaves.

Kosovo’s Serb minority also needs a decision soon.<sup>46</sup> It continues to look to Belgrade and does not agree to Kosovo independence – but, increasingly it sees it as inevitable. In private, many community leaders realise that the UN envoy’s decentralisation plans offer a promising future and want to be involved in the establishment of the new Serb-majority municipalities. They grudgingly accept that only imminent clarity on Kosovo’s status – backed by the authority of the UNSC – will allow them to preserve and expand those opportunities.<sup>47</sup>

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the one dissenter present was from the Bosniak community, who argued that the Ahtisaari plan gives too many concessions to Belgrade.

<sup>45</sup> See Crisis Group Europe Report N°165, *Bridging Kosovo’s Mitrovica Divide*, 13 September 2005, for an overview of Kosovo’s semi-detached, Serb-inhabited north.

<sup>46</sup> Several Kosovo Serb politicians, local officials and students emphasised that a decision must come before the July-August period when, as every year, Kosovo Serb parents decide whether to register their children for school in Kosovo for the academic year beginning in September. Uncertainty and turmoil at this time would maximise the number who send their children away to central Serbia, eventually to follow themselves. Crisis Group interviews, Gracanica and north Mitrovica, April 2007.

<sup>47</sup> Crisis Group interviews, Gracanica, Gjilan/Gnjilane, north Mitrovica, April 2007.

Serbia's politicians, however, are banking on delay. They have dragged out the formation of a new government, to avoid being blamed for "losing" Kosovo and expecting that the international community may be more reluctant to impose a resolution if there is no executive authority in Serbia.<sup>48</sup> This tactic relied in large part on the West's fear of a government dominated by the Serbian Radical Party, whose leader Vojislav Seselj is on trial in The Hague for war crimes. Belgrade hoped that the international community would continue to delay a status decision out of fear of a pro-Radical voter backlash. Early in the morning on 9 May, the deputy head of the Serbian Radical Party, Tomislav Nikolic, was elected Parliament Speaker, giving credence to the idea that a range of parties, most importantly Prime Ministers Vojislav Kostunica's Democratic Party of Serbia, are willing to use the Radical card tactically.<sup>49</sup> Finally having dragged out the process as long as possible, and in an effort to avoid new elections, on 11 May the DSS, DS and G17+ announced an agreement to form a government.<sup>50</sup>

The government formation delay is another example of why non-resolution of the Kosovo question is counterproductive for Serbia. The Kosovo question has distorted Serbia's domestic political debate since 1987, when Milosevic rose to power on a wave of anti-Albanian sentiment. Since that time much political discourse and policy making has been subsumed by the Kosovo question. Serbian politicians have regularly used it as an excuse to avoid more pressing reforms. The nationalist right has used it to campaign against democratic forces and tar reformers as Western lackeys. Until Kosovo's status is resolved definitively, there is little prospect that Serbia will begin to deal with the legacy of the 1990s, repair relations with its neighbours and begin the reform process necessary for European integration.

Finally, delay would leave UNMIK seriously exposed. The UN mission operates in a dynamic relationship with Kosovo society; it has gradually divested most of the territory's everyday running to Kosovo's government. Its

staff is preparing to leave, and most of their present work is preparation for completing the handover. This joint planning is the basis of UNMIK's relationship with the provisional government. Should the handover be put on hold, the operating environment will become extremely difficult; the transition to a European oversight and security presence will be fatally jeopardized, and the European perspective for both Kosovo and Serbia will suffer a major blow.

#### **4. The precedent issue: Kosovo as a unique case**

There is understandable concern among Security Council members that Kosovo may set a precedent for other secessionist entities seeking independence. They also are uneasy that in supporting Kosovo's independence, the Council would be imposing a solution on a UN member state without its consent.

Yet the resolution of Kosovo's future status should not constitute a compelling precedent anywhere else. The Security Council in Resolution 1244 explicitly called for "a political process designed to determine Kosovo's future status", thus reflecting the uniqueness of the Kosovo situation. Such a perspective has not been offered before or since with regard to other (superficially comparable) conflicts. While Resolution 1244 did not formally strip the then-Federal Republic of Yugoslavia (FRY) of its sovereignty over Kosovo, it did implicitly state that Serbia had lost the right to exercise its authority over the entity.<sup>51</sup> Furthermore, it clearly recognised that a future agreement had to be based on "meaningful self-administration" that would ensure "a peaceful and normal life for all inhabitants of Kosovo".

Prior to the 1999 deployment of UNMIK and KFOR, many UNSC resolutions had called for "substantial autonomy and meaningful self-administration for Kosovo".<sup>52</sup> UNSCR 1244 granted this "substantial autonomy and self-government" to Kosovo during the period of international presence, a status that was to be revised "pending a final settlement". In light of the 1998-1999 Serbian campaign of ethnic cleansing – during which Serbia irrevocably alienated Kosovo Albanians and in effect crushed all hope that some form of autonomy could bridge the divide between Pristina and Belgrade – Resolution 1244 can realistically be read in only one way. The Council implicitly recognised that Kosovo remaining as part of Serbia – even as a highly autonomous entity – would not be sufficient to promote long-term peace and stability.

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<sup>48</sup> Leading political figures in Belgrade have told Crisis Group that the entire process of forming a government was to a certain extent being dragged out because no one was in a hurry to take power as long as Kosovo status was outstanding. Crisis Group interviews, Serbian politicians, February-May 2007.

<sup>49</sup> Nikolic was elected by 142 parliamentarians (out of 244 present) from the SRS, DSS, the New Serbia (NS), and the Socialist Party of Serbia (SPS); see "SRS deputy leader Nikolic elected as parliament speaker by DSS' votes, claims it does not mean forming of SRS-DSS-NS coalition government", V.I.P. Daily News Report, 8 May 2007.

<sup>50</sup> At the time of publication of this report it remained uncertain whether or not parliament would approve this government before expiration of the constitutional deadline at midnight on 15 May.

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<sup>51</sup> It did so by calling for the withdrawal and prevention of any return to Kosovo of Federal and Republic military, police and paramilitary forces. UNSC Resolution 1244 (1999), point 9 (a).

<sup>52</sup> Resolutions 1160, 1199, 1203 (1998) and 1239 (1999).

The Security Council should address the concern that the Kosovo case, if not handled with caution, would set a precedent in international law. As the paramount international organ tasked to maintain international peace and security, it has both the ability and the responsibility to clarify its position on the issue in a resolution. Under international law, Kosovo's unique legal and political past and the Council's explicit writ should be sufficient guarantees that no misinterpretation of the Kosovo situation would occur in the future, either by design or by mistake.

The international community has supervised Kosovo's affairs for the last eight years and the UNSC is now in a position to make a principal contribution to the resolution of the Kosovo conflict. The Council must act decisively and seize that opportunity.

## B. WHY PARTITION IS NOT A SOLUTION

### 1. The Ahtisaari plan: a multi-ethnic, decentralised society

Achieving multi-ethnic accommodation inside Kosovo itself is a long-term international community goal, reflected in the Rambouillet accords,<sup>53</sup> Resolution 1244,<sup>54</sup> the UN Standards for Kosovo,<sup>55</sup> and the successive Contact Group statements of 2004, 2005 and 2006 that gave Ahtisaari the framework within which to locate his proposal.<sup>56</sup> Yet Albanian and Serb communities are still very much divided by the political struggle between Pristina and Belgrade, the legacy of Milosevic-regime repression and the 1998-1999 war, competition for land and resources, and their different language and culture.

Ultimately the Ahtisaari Proposal represents maximum concessions that could be extracted from Kosovo's Albanian 90 per cent majority in favour of a beleaguered Serb minority that is roughly 7 per cent of the population.<sup>57</sup> In

the Proposal, Ahtisaari does not specify that Kosovo will be a multi-ethnic *state*, although it is difficult to conclude otherwise. In subsequent oral briefings, both he and U.S. envoy Wisner have used the term "multi-ethnic state".<sup>58</sup> U.S. officials obliged Kosovo's leaders to sign up to the term in their "Pocantico Declaration" of 14 April 2007.<sup>59</sup> Prime Minister Ceku earlier identified this as Albanians' most painful concession, considering their nine to one preponderance over minorities in Kosovo.<sup>60</sup>

Ahtisaari's Proposal provides minority rights for Kosovo Serbs which go far beyond European standards.<sup>61</sup> They include the creation of more and expanded Serb-majority municipalities, with extended competencies and the right to link with one another and benefit from Serbian government assistance; special protection zones and prerogatives for the Serbian Orthodox Church; and additional parliamentary seats and double-majority rules to prevent Serbs from being outvoted on vital interest questions. The provision of even more rights would clearly undermine the functionality and survival of a future state, and create a highly unusual environment in which a small minority would have significantly greater rights than the majority.

Decentralisation is the main tool suggested to guarantee multi-ethnicity. Ahtisaari's Proposal brings most of Kosovo's remaining Serbs under the roof of Serb-majority municipalities. It formalises the decentralisation of a host of governing powers to Kosovo's municipalities. There are currently 30, plus three pilot municipalities. Ahtisaari adds five new Serb-majority municipalities (and expands another), bringing the projected total to 38. Consistent

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last census with which all communities cooperated was in 1981. If all Serbs displaced since 1999 were to return, the Serb proportion of Kosovo's population would rise to between 10 and 12 per cent.

<sup>58</sup> Leonard Kerquki, "Shtet multietnik apo qytetar?" [A multi-ethnic or civic state?], *Express*, 13 April 2007.

<sup>59</sup> The Declaration starts with the sentences: "We, the founding Unity Team, realise that we are present as the leaders of Kosovo on the eve of its birth as a new democratic state. We are dedicated to helping to build an inclusive, multi-ethnic, stable, and prosperous state and society under the rule of law"; See "Pocantico Declaration", 14 April 2007, Media Brief, New York, 14 April 2007.

<sup>60</sup> Interview given to *Express*, 10 April 2007. Until the Pocantico clarification, some Kosovo Albanian politicians and commentators argued that Ceku had misinterpreted and opened an "unnecessary" theme. See Enver Hoxhaj's comments in Leonard Kerquki, "Shtet multietnik apo qytetar?" [A multi-ethnic or civic state?], *Express*, 13 April 2007, and Blerim Shala's editorial "Keqkuptimet e kryeministrit" [The Prime Minister's misunderstandings], *Zeri*, 12 April 2007.

<sup>61</sup> Including those defined by the Council of Europe in the Framework Convention for the Protection of National Minorities.

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<sup>53</sup> For the 23 February 1999 draft, which was eventually signed by the Kosovo Albanian delegation, see: [jurist.law.pitt.edu/ramb.htm](http://jurist.law.pitt.edu/ramb.htm).

<sup>54</sup> For UNSC Resolution 1244, see [www.un.org/Docs/scres/1999/sc99.htm](http://www.un.org/Docs/scres/1999/sc99.htm).

<sup>55</sup> See [www.unmikonline.org/standards/index.html](http://www.unmikonline.org/standards/index.html).

<sup>56</sup> See its 22 September 2004 statement, [www.state.gov/p/eur/rls/or/37535.htm](http://www.state.gov/p/eur/rls/or/37535.htm); the October/November 2005 Guiding Principles for a Settlement of Kosovo's Status, [www.unosek.org/unosek/en/docref.html](http://www.unosek.org/unosek/en/docref.html); "Statement by the Contact Group on the Future of Kosovo", 31 January 2006, [www.state.gov/p/eur/rls/or/62459.htm](http://www.state.gov/p/eur/rls/or/62459.htm). For more on this, see previous Crisis Group reports, in particular, Crisis Group Kosovo Europe Report N°177, *Status: Delay Is Risky*, 10 November 2006 and Crisis Group Europe Report N°170, *Kosovo: The Challenge of Transition*, 17 February 2006.

<sup>57</sup> Up to 130,000 Serbs are estimated to live in Kosovo now, amid an overall population of, very roughly, two million. The

with decentralisation's first airing in 2002, its principal rationale is "to address the legitimate concerns of the Kosovo Serb and other Communities that are not in the majority in Kosovo and their members, encourage and ensure their active participation in public life".<sup>62</sup> A more general aim of "strengthen[ing] good governance and the effectiveness and efficiency of public services throughout Kosovo" is secondary.<sup>63</sup>

Decentralisation runs contrary to Kosovo Albanian ideas of achieving state "functionality" through centralised administrative control. It is instead linked with contemporary European ideas of "subsidiarity", devolving decision-making down to the lowest level authority, propelled by the idea that the closer governance is to the people it affects, the more likely it is to reflect their interests. At present in Kosovo much municipal-level spending is regulated by the ministry of finance and economy. Ahtisaari recommends an alternative system of fairly weighted block grants to municipalities, freeing them to decide their own allocation priorities. The Proposal also shifts the balance between central and municipal authorities by awarding the latter "full and exclusive powers, insofar as they concern the local interest" over "any matter which is not explicitly excluded from their competence nor assigned to any other authority".<sup>64</sup>

Ahtisaari confirms the particularity of Serb-majority municipalities by granting them "enhanced competencies". North Mitrovica is designated a higher education provider, North Mitrovica, Gracanica and Strpce secondary healthcare providers. Their block grants are to be augmented to support these facilities. All Serb-majority municipalities are to exercise a monopoly over cultural policy within their boundaries and to have greater control over selection of their police chiefs. The Proposal further grants municipalities the right to cooperation with Serbian government institutions through partnership agreements. Serbia may also send funding to Kosovo municipalities, provided this is done through licensed Kosovo banks, notified to the Kosovo government and is only used for the exercise of permitted municipal competencies.<sup>65</sup>

Though the Kosovo Police Service's unified chain of command is to be "preserved", much of the decision making is devolved from Pristina's centralised control to municipalities and their elected officials. As is current practice, the ethnic composition of police should reflect that of the municipality. Cooperation between local police station commanders and municipal authorities is to be institutionalised in a body chaired by the municipal

president. Central or special police forces are obliged to inform municipal commanders in advance of operations within their perimeters "unless operational considerations require otherwise". While Albanian-majority municipal assemblies may vote on the appointment of a list of candidates for station commander proposed by the ministry of internal affairs, Serb-majority municipalities can propose their candidates to the ministry.<sup>66</sup>

Perhaps the greatest concession to multi-ethnicity made by the Kosovo Albanians is the accommodation of a divided Mitrovica: two municipalities linked by a joint board, chaired by an international official.<sup>67</sup> They are concerned that Belgrade may use north Mitrovica as the base for a partition of territories north of the River Ibar, creating a hard division between the city's northern and southern portions. But they trust that the international community will ensure that this does not happen. The EU's mission planners are reportedly adjusting earlier plans for only a small outpost of the International Civilian Office in Mitrovica in favour of a commitment that will at least match UNMIK's current staff numbers in the north.<sup>68</sup> The future international presence "will be more tilted toward the north than UNMIK was."<sup>69</sup> Yet there is at present no U.S. and EU appetite for an ambitious, resource-heavy mission that would reintegrate the Serb north into Kosovo, similar to the UNTAES mission in Croatia's Eastern Slavonia in 1996-1998.<sup>70</sup>

## 2. The EU objective: a multi-ethnic Balkans

The Ahtisaari Proposal, based on the creation of a "multi-ethnic society, which shall govern itself democratically, and with full respect for the rule of law",<sup>71</sup> is a reflection of European Union preference for the establishment of multi-ethnic, democratic states on the territory of the former Yugoslavia to ensure regional peace, security and development. Since 1991, when European states defined

<sup>62</sup> See Proposal, *op. cit.*, Annex III.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*, Annex VIII.

<sup>67</sup> The Albanians were unhappy, nevertheless, with Ahtisaari's addition of three square kilometres of countryside to the Serb municipality of urban north Mitrovica and his omission to task the international head of the joint board with reuniting the city. Crisis Group interviews, Pristina and Mitrovica, February-April 2007.

<sup>68</sup> Crisis Group interview, international official, Mitrovica, 23 February 2007.

<sup>69</sup> Crisis Group interview, EU official, 10 May 2007.

<sup>70</sup> UNTAES ran from January 1996 to January 1998, to reintegrate Serb-held Eastern Slavonia into Croatia, following the Erdut Agreement of November 1995. The mission's clear mandate and unity of civil and military command under a single, vigorous administrator helped it achieve its major goal, although a significant number of the region's Serb population moved away.

<sup>71</sup> See Proposal, *op. cit.*, General Principles, Article 1.1.

criteria according to which they would recognise new states in the region, they have emphasized that they must guarantee “the rights of ethnic and national groups and minorities”.<sup>72</sup> The Dayton Accords for Bosnia-Herzegovina and the Ohrid Agreement for Macedonia followed the same principles. Today a projected “multi-ethnic” statehood for Kosovo is intended to fill in the region’s last remaining gap.

For the European Union, and more broadly the international community, to succeed in imposing a multi-ethnic future on Kosovo (and potentially Serbia), it must be ready to talk and act tough with the parties. The more it backs away, the less its values and priorities will be respected. Paradoxically, the greater the international coalition’s willingness to impose the Ahtisaari settlement plan upon the parties, the greater the likelihood of their acquiescence. Although both Serbian and Russian spokespeople have insisted that imposition of conditional or supervised independence without Serbian consent will open a “Pandora’s Box” of regional instability,<sup>73</sup> the real Pandora’s Box would open if multi-ethnicity in the Balkans was revealed to be an unrealistic pipe dream. Failure of the multi-ethnic project in Kosovo would risk undermining multi-ethnicity throughout the region.

The EU must also remain unified to finish the project it has started. After the publication of the Comprehensive Proposal in February, the European Council “expressed its full support” to Ahtisaari and stated that his Proposal “provide[s] comprehensive arrangements designed to promote in Kosovo a multi-ethnic and democratic society based on the rule of law”.<sup>74</sup> But the EU Council has not been able to voice similar support for the other part of Ahtisaari’s plan, the Report on Kosovo’s Future Status, which recommends supervised independence. Indeed, for several months the EU Council made no advance on the statements of its 12 February meeting.<sup>75</sup> The EU shrank

toward a passive role – supporting what has already been done by others – rather than actively advocating the solution it required. Until the Security Council’s 25-28 April fact-finding mission largely dispelled the impression, this allowed Russia to claim that Europe had not made up its mind.

In large part this was due to hesitancy among some member states to engage with the issue. Slovakia, Romania and Greece were initially reluctant to embrace Ahtisaari’s plan without Belgrade’s agreement; Spain, Italy and Cyprus also voiced some concerns.<sup>76</sup> Slovakia was the most wary, primarily because of its public and parliamentary opinion.<sup>77</sup> However over the spring months, objectors – including Slovakia – appear to have softened their positions for the sake of EU unity. The EU and U.S. thus jointly declared on 30 April: “[We] believe that [Ahtisaari’s] Comprehensive Proposal...creates the basis for a new UNSC Resolution. We urge the Security Council to adopt such a resolution in a timely manner”.<sup>78</sup>

EU staff on the ground are at an advanced stage of preparing a 1,500-strong EU mission to underpin the implementation of the Ahtisaari Proposal and create the International Civilian Office (ICO). Ultimately the EU has a clear interest to see the multi-ethnicity project completed, in its own immediate neighbourhood. This means not only fully supporting the Ahtisaari Proposal but also breathing life back into its 2003 Thessaloniki pledge of an accession perspective for the countries of the Western Balkans, including Kosovo.

### 3. The partition alternative: who supports it

The alternative to a multi-ethnic Kosovo is a partitioned entity along ethnic lines. This is attractive to some beyond Serbia: many Kosovo Serbs living in north Kosovo, some

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<sup>72</sup> In accordance with the commitments subscribed to in the framework of the Conference on Security and Cooperation in Europe (CSCE). Declaration on the “Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union”, 16 December 1991.

<sup>73</sup> Russian Defence Minister Sergei Ivanov, for example, said: “This [Kosovo independence] can create a chain reaction...we must be careful not to open Pandora’s Box”, in Slobodan Lekic, “Putin Hints at Kosovo Veto”, *The St. Petersburg Times*, 13 February 2007.

<sup>74</sup> Council Conclusions on the Western Balkans, External Relations Council meeting (GAERC), 12 February 2007. The European Presidency and European Parliament have also backed the Ahtisaari Proposal.

<sup>75</sup> Most recently the 30-31 March “Gymnich” Bremen meeting of EU foreign ministers failed to agree unequivocal backing for Ahtisaari’s Plan. Instead it expressed appreciation for Ahtisaari’s “efforts” and agreed to a common press line. Kosovo

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was left off the agenda of the 23 April GAERC meeting, as there was no change in members’ positions since the February session.

<sup>76</sup> Reservations among these EU states have been driven either or both by proximity or ties to Serbia and concern about the precedent effect for domestic minorities, Hungarians in the case of Slovakia and Romania, Basques and Catalans in the case of Spain. The Spanish government was discomforted by the Contact Group’s monopoly on Kosovo decisions, which presented it with a fait accompli. “No one has ever asked us what we thought and suddenly we are supposed to back something that will set a precedent and create political difficulties for us”, said a Spanish diplomat. Crisis Group interview, Brussels 30 March 2007. Spain has however kept itself out of the loop to an extent by declining until very recently to have diplomatic representation in Kosovo.

<sup>77</sup> Slovakia’s position is doubly important as it is currently a member of the Security Council.

<sup>78</sup> EU-U.S. Summit Declaration, 30 April 2007.

analysts and diplomats,<sup>79</sup> and even some extreme ethnic Albanian nationalists. A decade ago Pan-Albanian thinking was widespread in Kosovo Liberation Army (KLA) circles. It implied drawing an ethnic border between the region's Albanian and Slav-inhabited lands. All mainstream Kosovo leaders have now abandoned this and favour a distinct Kosovo state identity. But the pan-Albanian idea, implying acceptance of partition, is still supported by minor Kosovo Albanian parties such as the LPK and LKCK. The former has one deputy in Kosovo's parliament. It is also advocated by the shadowy Albanian National Army (ANA/AKSh) and its political front, the equally chimerical FBKSH.<sup>80</sup>

The ANA has some roots in Kosovo's central Drenica region and is an underworld influence in Mitrovica.<sup>81</sup> It could conceivably stage violent acts, designed to provoke the violence needed to fragment Kosovo definitively along the Ibar and cement hard partition. In the view of these extremists, partition would not only mean the creation of ethnically clean and distinct entities inside Kosovo. It would also foreshadow reunification of the neighbouring Albanian-populated lands, including Serbia's Presevo and Bujanovac, parts of Macedonia and Montenegro and, ultimately perhaps, Albania.

More importantly, the partition option is increasingly discussed in Belgrade, where many have in mind a compensation logic, whereby Serbia could salvage the northern municipalities above the Ibar as it abandoned the rest of Kosovo to the Albanians.

For years Serbia has worked against multi-ethnicity or cross-ethnic cooperation in Kosovo or beyond: supporting Serb-only parallel institutions; providing social services, humanitarian assistance and energy to Serb communities only; and constructing infrastructure linking Serb-populated areas with Serbia directly.<sup>82</sup> Should partition occur

tomorrow, everyday life could arguably go on for Serbs in these areas with little or no change, if partition did not, as is likely, spark fighting. Ultimately Belgrade claims that Serbs are unable to live with Kosovo Albanians in a new state and will leave Kosovo en masse if it becomes independent. Serbia's present agenda is inimical to the international community's Western Balkans project.

Partition has been Serbia's official, albeit not publicly articulated policy towards Kosovo since 1999, when Milosevic withdrew Serbian forces from the province and permitted NATO and the UN to enter.<sup>83</sup> Partition, however, was not an idea thought up by Milosevic. Over the previous two decades it gained much currency among the political and intellectual elites responsible for forming public opinion. Perhaps the most prominent proponent of partition is Dobrica Cosic.<sup>84</sup> He first began mentioning it in the early 1970s<sup>85</sup> and in September 1990 publicly stated that it was unrealistic to think that Kosovo could be preserved.<sup>86</sup> His most recent high-profile discussion of the concept was a book entitled simply *Kosovo*, published in 2004, which concluded that "a territorial demarcation between Albanians and Serbs in Kosovo and Metohija in a compromise of historical and ethnic justice represents a rational end of century-long ethnic antagonism".<sup>87</sup>

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<sup>79</sup> See, for example, most recently Hurst Hannum, "A Better Plan for Kosovo", *The Christian Science Monitor*, 7 May 2007. Crisis Group interviews, New York and Brussels, March-May 2007.

<sup>80</sup> See Crisis Group Europe Report N°153, *Pan-Albanianism: How Big a Threat to Balkan Stability?* 25 February 2004, pp. 7-10, and Crisis Group Europe Report N°155, *Collapse in Kosovo*, 22 April 2004, p.10.

<sup>81</sup> See Crisis Group Report, *Kosovo Status: Delay is Risky*, op. cit., p. 22.

<sup>82</sup> Belgrade has done this most fully in the north and some pockets of the east, such as Ranilug. Over the previous eight years Crisis Group has catalogued Serbia's efforts at creating parallel structures and separate administrative, health care, legal, educational, judicial, security, power and telecommunications infrastructures in the north. See Crisis Group Europe Reports N°131, *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica*, 3 June 2002, and N°165, *Bridging Kosovo's Mitrovica Divide*, 13 September 2005.

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<sup>83</sup> The first indication the international community had of this goal was the urgent dash by a small unit of Russian paratroops from their base in Ugljevik in north-eastern Bosnia through Serbia to the Pristina airport in late June 1999 in an effort to establish a zone in the northern part of Kosovo under the control of Russian troops. This failed, when NATO prevented Moscow from reinforcing the bridgehead by air.

<sup>84</sup> Cosic was president of rump Yugoslavia in the early 1990s, member of the Serbian Academy of Arts and Sciences (SANU), author, and considered by many to be the ideological "godfather" of modern Serbian nationalism. His thinking appears to have influenced a number of Serbia's politicians, including the late Premier Zoran Djindjic, former Premier Zoran Zivkovic, current Premier Vojislav Kostunica, and President Boris Tadic, among others. His close association with other influential figures inside SANU, such as Matija Beckovic and Ljuba Tadic (father of the current president), should not be underestimated; nor should their influence on forming the context of what is politically acceptable within the bounds of modern "Serbdom".

<sup>85</sup> Crisis Group telephone conversation, Dobrica Cosic, March 2007.

<sup>86</sup> He has since publicly endorsed partition on numerous occasions, claiming it to be the only viable resolution to the Kosovo question. Over the past decade, he has raised the matter numerous times in prominent newspaper and magazine articles.

<sup>87</sup> Cosic also called for a referendum among Serbs and Albanians to determine boundaries, and for the UN Security Council, the EU and the U.S. to participate. In his book Cosic laid down markers for the actual boundaries, stating that the "fundamental territorial demarcation should be the demographic situation before the Albanian secessionist uprising and the aggression of NATO against Serbia and Montenegro", Dobrica Cosic, *Kosovo*



Since Milosevic, the governments of Serbian Premiers Djindjic, Zivkovic and Kostunica have worked actively towards partition, although only Zivkovic has publicly admitted this.<sup>88</sup> Djindjic did, however, state that:

Serbia has neither the mechanism nor the resources to reintegrate Kosovo into its state-legal system, or to create a form under which it would be under its sovereignty. Therefore, partition of the province does not represent anything other than an attempt to save what can still be saved.<sup>89</sup>

The efforts of the Coordination Centre for Kosovo and Metohija, the official Serbian government body designated to deal with the province, have been geared toward creating sustainable infrastructure in areas to be partitioned and possibly annexed to Serbia proper and a legal argument for gaining control over additional territories.<sup>90</sup> The current head of the Coordination Centre, Sanda Raskovic-Ivic, went further than any other active Serbian official, when she told the BBC in August 2006 that partition was “one of the options”.<sup>91</sup> On 5 April 2007 she again alluded openly to partition, asking “why wouldn’t it be possible to change the borders of an independent Kosovo?”.<sup>92</sup>

Nevertheless, officials have usually avoided making public statements favouring partition. Until recently only a few individuals – primarily Cosic and Krstic – were willing to go on record endorsing it. In spite of this official silence, several prominent players on Serbia’s Kosovo negotiating team have made incautious statements over the years in favour of partition.<sup>93</sup> Official Serbia is loath to be the first

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(Belgrade, 2004), p. 255. See Crisis Group Report, *Kosovo: Toward Final Status*, op. cit., p. 17, for more discussion of Cosic’s ideas on Kosovo and influence.

<sup>88</sup> “Moguca podela”, *Glas Javnosti*, 29 January 2007.

<sup>89</sup> “Moguca podela KiM u dve faze”, *Blic*, 27 March 2007.

<sup>90</sup> Branislav Krstic, a senior scholar in Belgrade who worked for the Coordination Centre and is known to be sympathetic to many of Cosic’s ideas, published a booklet in 2001 laying out the arguments for territorial demarcation, along with maps showing the division of Kosovo into two proposed Albanian and Serbian entities. Branislav Krstic, *Kosovo: Causes of the Conflict, Reconciliation of Rights* (Belgrade, 2001). In April 2001, then Coordination Centre head Nebojsa Covic stated publicly that two entities needed to be created in Kosovo. “Podela Kosova – izlaz iz corsokaka”, *Evropa*, 1 February 2007. In late March 2007 Covic went even further, stating that “partition is the only sustainable solution”, while revealing that in 2002, he, together with Djindjic and Cosic, had worked out a plan for resolving the Kosovo issue. “SAD su bile za podelu!”, *Press*, 30 March 2007.

<sup>91</sup> “Serbia considers Kosovo partition”, BBC, 11 August 2006. This caused a flurry of criticism in Belgrade and forced her to distance herself from the statement.

<sup>92</sup> “Beograd i Pristina oprecno o ishodu”, B92, 5 April 2007.

<sup>93</sup> Slobodan Samardzic, Kostunica’s main Kosovo adviser and the lead member of the negotiating team, stated in 1996 in the

to bring up partition, fearing that this would indicate recognition that the remainder of Kosovo must be independent, with all the attendant negative domestic political fallout. In spite of this conundrum, Crisis Group has learned in off-the-record discussions with leading members of Serbia’s political elite, as well as with members of its Kosovo negotiating team and government ministers, that all agree privately partition should occur.<sup>94</sup>

Immediately following the unveiling of the Ahtisaari Proposal, Serbia’s media – seemingly in unison – began a wave of partition stories on 28 January 2007.<sup>95</sup> Heretofore the subject had been largely taboo, mentioned only in passing; almost anyone – other than Cosic – who publicly suggested partition as an option had been marginalised. Now, all at once, mainstream media gave prominent play to discussions of it.<sup>96</sup>

The influential Serbian Academy weighed in on 4 February when it released two books on Kosovo, both containing

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influential nationalist-conservative magazine *Nin* that “as far as Kosovo is concerned, I think that in the long term it should be partitioned”. “Sprema se: podela Kosmeta!”, *Press*, 29 January 2007.

<sup>94</sup> Cedomir Jovanovic and Vuk Draskovic are two exceptions who do not say that partition should occur.

<sup>95</sup> A word search for the term “partition of Kosovo” (*podela kosova*) on a Serbian media-tracking website found that during the first three months of 2007 there were references to 54 prominent articles in the Belgrade print media, most of which appeared after 29 January. In comparison, during the whole of 2006 there were 106 such articles.

<sup>96</sup> The first significant piece was an interview with former Foreign Minister Goran Svilanovic in the Sunday edition of the daily *Blic*, in which he said “I do not rule out partition”. “Ne isključujem podelu Kosova”, *Blic nedelja*, 28 January 2007. The next day the government-controlled daily *Politika* ran a story reading “Albanians fear partition”, the very headline sending a subliminal message that if the Albanians disliked it, then it must be good for Serbs. “Albanci se plase podele Kosmeta”, *Politika*, 29 January 2007. The same day Serbia’s other leading dailies – *Kurir*, *Glas javnosti*, *Press* – all ran stories about partition, many offering surprisingly positive views of the idea and giving it a fair discussion, and were soon followed by *Vecernje novosti* and *Evropa*, which made it appear that partition was a way out of the Kosovo crisis. *Evropa* ran portions of an interview with former U.S. Ambassador to Belgrade, William Montgomery, which made it appear that he favoured partition. “Podela Kosova – izlaz iz corsokaka”, *Evropa*, 1 February 2007. One daily ran a story suggesting that partition was acceptable to Russia and quoted a former KFOR commander, the Italian general Mini, as saying “until the final project of Kosmet is either partition or cantonalisation, not only will there not be progress, but it will only sow the seeds of future conflicts”. “Moskva ne odbacuje ni varijantu podele”, *Glas javnosti*, 30 January 2007. Radio Television Serbia and other stations discussed the topic on talk shows.

articles discussing partition.<sup>97</sup> One, *Kosovo and Metohija: Past, Present and Future*, contains a large article with maps discussing partition and desired population flows, including the emptying of the Serb enclaves south of the Ibar.<sup>98</sup>

The media blitz continued throughout much of February and March and appears to have been extremely effective. The vast majority of Serbs now seem to accept partition as a just outcome, one they would support if Kosovo becomes independent. As a hardline Kosovo Serb politician, Marko Jaksic, has pointed out, partition is so popular that “perhaps some part of Belgrade’s public is using the logic ‘better something than nothing’”.<sup>99</sup>

The term “partition”, though, seems to be less in vogue than the euphemisms “correction” or “change” of Kosovo’s borders. Former Minister of Foreign Affairs Goran Svilanovic stated on 25 March that the Ahtisaari Proposal created a de facto partition and could be used at a later stage for a “correction” of Kosovo’s border, in return for which Serbia would acknowledge Kosovo independence.<sup>100</sup> As noted, Sanda Raskovic-Ivic has also used the term.

A senior figure close to Prime Minister Kostunica shared the thinking now prevalent in Belgrade’s policy circles:

You cannot create a multi-confessional society in Kosovo. It must be divided. It’s the only long-lasting solution.... If in 1999 Milosevic had driven the Albanians out only to a certain line in Drenica [central Kosovo] the international community would have accepted that as the line of division, but he took it right to the Prokletija [mountains, that divide Kosovo from Albania] .... Previously, Cosic proposed partition with us retaining 35 per cent of the territory; now let it be 20 per cent.... OK, they can be independent, but they can’t take everything. We want Mitrovica, the monasteries, a couple of enclaves, a humanitarian exchange of

populations; then we put up barbed wire and tell them “don’t phone us for the next ten years”.<sup>101</sup>

Although there is an outside hope that Serbia may somehow win a temporary reprieve from losing Kosovo,<sup>102</sup> Belgrade’s more realistic hope is that delay will cause the Albanians to take unilateral action without Security Council approval and make partition a de facto reality.

If the domestic public opinion obstacle to partition has been surmounted, the Serbian government still faces real opposition from the influential Orthodox Church, which would certainly anathematise any Serbian politician who dared acknowledge Kosovo independence and give up any historical claim to the province. Bishop Artemije has said that partition “is out of the question”.<sup>103</sup>

But some inside conservative circles seem to have found a way of dealing with Church concerns by putting partition in the context of long-standing Kosovo mythology, based on Serbian victimhood and sacrifice. Mythology plays an important role in policy decisions and in the way Serbs and their politicians – and most importantly the Orthodox Church – view themselves. Although most Westerners are familiar with the saga of the Battle of Kosovo Polje in 1389, there are less-known but important elements of the Kosovo myth that could be driving or enabling modern policy choices.<sup>104</sup> These could prove valuable in coping with Church criticism of government actions.

Inside conservative circles (SRS, DSS, SPS), many are speaking positively about the need for the enclave Serbs to be expelled. This policy is not as well defined or articulated as that of partition. Nonetheless, many in Belgrade feel that the enclaves are unsustainable and that the continued existence of Serbs in these areas would force Serbia to compromise with an independent Kosovo. To many in policy circles, the increasingly logical solution to this problem is an exodus of the Serbs from the enclaves.

<sup>97</sup> Srpska akademija nauka i umetnosti, *Zbornik radova, Naučni skupovi Knjiga CXII, Srbi na Kosovu i u Metohiji* (Beograd, 2006); and Serbian Academy of Arts and Sciences, *Kosovo and Metohija: Past, Present and Future*, (Belgrade, 2006). See also “SANU objavila zbornik radova o Kosovu”, *Politika*, 4 February 2007. Both were compilations of presentations given at scholarly conferences, one in May 2005, the other in March 2006, and both had officially been “published” in 2006, although neither had yet reached the bookstores. Both books contain articles discussing partition. Even with the slow publishing pace of academia, both books should have come out much earlier, so the timing does not appear to be coincidental.

<sup>98</sup> Milomir Stepic, “The Territorial Division of Kosovo and Metohija: The Question of Geopolitical Merit”, in *Kosovo and Metohija*, op. cit., pp. 485-509.

<sup>99</sup> “Protiv podele”, *Press*, 5 February 2007.

<sup>100</sup> “Moguca podela KiM u dve faze”, *Blic*, 27 March 2007.

<sup>101</sup> Crisis Group interview, February 2007.

<sup>102</sup> Until at least late April 2007, Serbia, with Russian encouragement, seemed to think it had won a reprieve and pushed back a Security Council resolution on the Ahtisaari Proposal until at least the autumn. Crisis Group interview, member of Serbia’s Kosovo negotiating team, April 2007.

<sup>103</sup> “Ne podeli Kosova”, *Kurir*, 14 February 2007.

<sup>104</sup> One of the most important episodes in Serbia’s national consciousness involves the great migration of Serbs from Kosovo to Vojvodina in 1690 under the leadership of the Orthodox Patriarch Arsenije Carnojevic III. Immortalised in a nineteenth-century romantic painting, *Seoba Srba* by Paja Jovanovic, that shows the Patriarch leading his flock on the long march, the event is yet one more episode in the familiar spiritual suffering that is associated with the Kosovo myth. A new exodus of Serbs from the enclaves appears to be what many in leading policy circles want.

An exodus of Serbs would be nothing new: Serbs left large swathes of Croatia and Bosnia during 1995 at the behest of their leaders. There is little reason to believe the ideological imperatives behind this have changed. Belgrade, however, cannot call openly for the Serbs to leave, as it did in Croatia and Bosnia, as this would represent a betrayal of Serbia's most emotionally significant patrimony, almost all of which lies south of the Ibar. Belgrade does, however, maintain the hope that the Albanians would respond to partition by driving the Serbs out of the enclaves. A prominent Serb official went so far as to say that he hoped Albanian attacks on the enclaves would result in columns of refugees on red tractors, their homes burning in the background, with KFOR standing helpless by "under the watchful eye of CNN".<sup>105</sup>

Even if the Belgrade political leadership overcomes internal opposition to partition, however, it still faces a formidable difficulty externally. In 2005 the Contact Group, NATO and the European Union explicitly ruled out partition as an option in the resolution of Kosovo's political status.<sup>106</sup> They did so for strong reasons that remain valid today, and there is no sign of any serious move to change that position.

#### 4. The partition alternative: why it should be rejected

Partition is a lose-lose scenario for Kosovo Albanians, Kosovo Serbs, Serbs from Serbia and international actors trying to promote regional peace and stability.

First, the 60 per cent of Kosovo Serbs who live in enclaves south of the potential Mitrovica dividing line would be cut adrift.<sup>107</sup> Their protection lies at the heart of the Ahtisaari

Proposal, both in its general community rights framework and its strong decentralisation provisions. For the time being, official Belgrade does not seem particularly concerned with their welfare and is more focused on the powerful Serb oligarchs of north Kosovo. Between them, Belgrade and the northern Kosovo Serb leadership have prevented autonomous leadership, indeed democratisation, from emerging within this community. Among Serbian ruling circles, many regard the enclave Serbs as disposable, as material for "humanitarian population exchanges" in furtherance of the national project – consolidation of territory.

At worst within a partition scenario, if Serbs expel Albanians living north of the Ibar, the enclave Serbs would face an immediate Albanian backlash and violent expulsion. At best, they would face psychological pressure to leave, both from Albanians and from Belgrade. It comes as no surprise, therefore, that enclave Serbs fear partition more than they fear Kosovo's independence.<sup>108</sup> They are concerned that Serbia's leaders are failing to say explicitly that they should stay in Kosovo, whatever its status, and that some in Belgrade privately favour an exodus.<sup>109</sup> Arguably, Serbia lacks the energy and capacity to be a proactive organiser of their exodus. Rather, some in Belgrade would prefer the Albanians to drive them out and attract the blame.

Secondly, the 15-20 per cent of Kosovo's Serbs who have since 1999 made the northern part of Mitrovica the only Serb urban centre in Kosovo would also be vulnerable in a partition scenario. Albanians have accepted Serb domination of north Mitrovica, from which thousands of Albanians were expelled, only in the context of a unified, independent Kosovo. With this compromise gone, Mitrovica could revert to low-intensity warfare in which reintroduced Serbian security forces would regularly clash with Albanians across the river.

Thirdly, partition would damage the idea of Kosovo as a coherent territorial entity. The international community's eight-year-old project of building multi-ethnicity in Kosovo would be destroyed. Albanians would be drawn back to the alternative idea of uniting the region's Albanian-inhabited lands instead. They themselves fear this outcome and so have been prepared to concede the substance of autonomy (though not the name) to the Serbs of the north in order to

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<sup>105</sup> He also compared it to the Paja Jovanovic painting and went on to suggest that "humanitarian population exchanges" would take place following partition. Crisis Group interview, Belgrade, February 2007. This thinking appears to have gained substantial footholds within leading policy and opinion circles, so much so that in one of the volumes cited above, SANU published a discussion of precisely this topic: exodus and population exchanges. Milomir Stjepic, "The Territorial Division of Kosovo and Metohija: The Question of Geopolitical Merit", *Kosovo and Metohija*, op. cit., pp. 485-509.

<sup>106</sup> See "Guiding principles of the Contact Group for a settlement of the status of Kosovo", 7 October 2005, [www.unosek.org/unosek/en/docref.html](http://www.unosek.org/unosek/en/docref.html); "Future EU Role and Contribution in Kosovo", summary note on the joint report by Javier Solana and Olli Rehn on the future EU role and contribution in Kosovo, 14 June 2005, [www.europa-eu-un.org/articles/en/article\\_4809\\_en.htm](http://www.europa-eu-un.org/articles/en/article_4809_en.htm).

<sup>107</sup> Several recent Western advocates of partition start from a basic misunderstanding of the distribution of the Serb population in Kosovo. Timothy William Waters claimed: "The majority of Serbs in Kosovo live in a small strip in the far north", in his "A Separate Peace", *The New York Times*, 1 February 2007. Amitai Etzioni claimed: "Most remaining Serbs after the conflict

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are concentrated in the north, in a region that abuts Serbia", in his "The Lessons of Kosovo", *The National Interest*, 3 April 2007. Hurst Hannum claimed: "Ceding the northern part of Kosovo to Serbia would enable most Serbs now in Kosovo to remain within Serbia", in his "A better plan for Kosovo: Independence sets a bad precedent. Partition is better", *The Christian Science Monitor*, 7 May 2007.

<sup>108</sup> Crisis Group interviews, Kosovo Serb politicians and officials, April 2007.

<sup>109</sup> Ibid.

preserve Kosovo's borders. The strategic purpose of the international community in resolving Kosovo's status would be defeated. Instead of completing the puzzle of a reconstructed and pacified Western Balkans that, as declared unanimously by EU members, has a future in the European Union, partition could easily create spillover into surrounding territories and a new unravelling of borders along ethnic fault lines.

Specifically, the Albanian insurgency in Serbia's Presevo and Bujanovac, provisionally resolved in 2001, would likely reopen.<sup>110</sup> The area's Albanian population sees its future status as a corollary of what happens with Serb north Kosovo. Kosovo Albanians would in extremis only agree to partition in exchange for Presevo and Bujanovac. All sides know that the region lacks political capacity to manage "velvet" divorces; even an "agreed" territorial exchange, conducted at this time, would almost certainly degenerate into violence and ugly population exchanges.

The delicate 2001 Ohrid Agreement between Macedonia's Slav majority and its large Albanian minority might rupture in the face of Kosovo's territorial fragmentation.<sup>111</sup> It should come as no surprise that Macedonian Prime Minister Nikola Gruevski has backed the Ahtisaari plan and emphasised that a quick resolution of Kosovo's status would also assist his country.<sup>112</sup>

### C. OVERCOMING RUSSIA'S CONCERNS

Russia is concerned about Kosovo status because it does not want a resolution to undermine the legal principle of state sovereignty, and it values using the issue as a bargaining chip. It is not particularly sensitive to Kosovo's needs. Russia is aware of the EU's vital interest in solving the issue according to the Ahtisaari plan, yet reasons that

"for us this is larger than a regional issue".<sup>113</sup> It claims that without a compromise between the parties, "the Kosovo saga will ruin the international security system".<sup>114</sup> Yet, many Western diplomats sense that Moscow may trade in its principled objection to an imposition of supervised Kosovo independence for concessions elsewhere, whether over Iran or the planned U.S. missile shield, Ukraine or other aspects of perceived Western encroachment in the post-Soviet space. President Putin's recent assertive speech in Munich and 50<sup>th</sup> birthday message to the EU have raised speculation on the degree to which Russia may depart from its post-Cold War partnership with the West.<sup>115</sup> A Machiavellian Russia might even wish to see a botched Kosovo resolution create EU disunity, thereby undermining the Union's ability to conduct a common foreign and security policy vis-à-vis Russia on a range of issues, including energy, trade, the Black Sea and the south Caucasus.<sup>116</sup>

But Russia may not yet have set its bottom line. It is reluctant to confront the U.S. and EU directly with a veto but has threatened it to buy more time and space for Belgrade to manoeuvre in: "We would welcome a more gradual process, more consistent, something that would allow Kosovo Serbs to make up their minds, otherwise the north of Kosovo will split away".<sup>117</sup> But Serbia "has to come with something creative... We tell Belgrade 'we are not your mommy'".<sup>118</sup> Although Russia subscribed to the Contact Group's position against Kosovo's partition, it is calling for new Belgrade-Pristina negotiations which could very well focus on that option.<sup>119</sup>

The Security Council's fact-finding mission improved the climate and made passage of a timely resolution that would enable the Ahtisaari plan to be implemented more likely. After the mission, Russia finds itself increasingly isolated in rejecting Ahtisaari's formula and Serbia looks less

<sup>110</sup> For further details see Crisis Group Europe Briefing N°43, *Southern Serbia: In Kosovo's Shadow*, 27 June 2006; Crisis Group Europe Report N°154, *Serbia's U-Turn*, 26 March 2004; Crisis Group Europe Report N°152, *Southern Serbia's Fragile Peace*, 9 December 2003; Crisis Group Europe Report N°116, *Peace in Presevo: Quick Fix or Long Term Solution?*, 10 August 2001.

<sup>111</sup> For further details, see Crisis Group Europe Briefing N°37, *Macedonia: Not Out of the Woods Yet*, 25 February 2005; Crisis Group Europe Report N°149, *Macedonia: No Time for Complacency*, 23 October 2003; Crisis Group Europe Report N°122, *Macedonia's name: Why the dispute matters and how to resolve it*, 10 December 2001; Crisis Group Europe Report N°113, *Macedonia: The Last Chance for Peace*, 20 June 2001; Crisis Group Europe Report N°109, *The Macedonian Question: Reform or Rebellion*, 5 April 2001.

<sup>112</sup> Gruevski stated: "It is a document that should help stabilise the region". "Macedonia backs Kosovo blueprint, defying Serbia," Reuters, 3 Feb 2007.

<sup>113</sup> Crisis Group interview, Russian diplomat, 12 February 2007.

<sup>114</sup> Ibid.

<sup>115</sup> See Vladimir Putin, "Unilateral force has nothing to do with global democracy", *The Guardian*, 13 February 2007, and "Not the birthday wish Europe was expecting", *The Moscow Times* (reprinted from *Vedomosti*), 27 March 2007.

<sup>116</sup> "We would rather have bilateral relations with individual EU countries", said a Russian diplomat. Crisis Group interview, 12 February 2007. A December 2006 opinion poll revealed increasing Russian estrangement from Europe: 71 per cent did not consider themselves Europeans, 45 per cent considered the European Union a potential threat. See Maria Ordzhonikidze and Lev Gudkov, "Splitting from and over Europe", *St. Petersburg Times*, 2 March 2007.

<sup>117</sup> Crisis Group interview, senior Russian diplomat, 20 December 2006.

<sup>118</sup> Crisis Group interview, Russian diplomat, 12 February 2007.

<sup>119</sup> Crisis Group interview, Western diplomat, New York, 19 April 2007.

capable than ever of proposing a realistic alternative. The U.S. insistence on bringing a draft resolution to a vote in late May-June looks more promising than it did a few weeks ago. Russia has sought a delay at least until September; it may now look for a dignified climb-down. The G8 summit meeting in June may allow a U.S.-Russian understanding to be reached, permitting a veto-free vote soon afterwards.

But Russia cannot climb down precipitously. A June vote still risks a veto. The U.S. timetable may yet have to adapt to a slower pace in order to accommodate Russia; Washington should not encourage Kosovo's Albanians to treat June as a fixed deadline, at which they would declare independence whatever the context. More weeks may be required to work elements into an eventual decision which Russia could claim vindicated its stance.

On the other hand, delay must be minimised, not to allow room for Belgrade, with Russia's help, to seek an alternative solution involving partition. If the alternative is a vetoed resolution, initial debate on a draft resolution reveals a substantial pro-Ahtisaari majority on the Council, and the EU is able to use the intervening weeks to solidify its position, it may be possible to suppress alternative agendas sufficiently to allow a postponement even to September. If the road to resolution looks sufficiently clear and reliable from Pristina's viewpoint, Kosovo's Albanians may tolerate a delay spanning the July-August holiday season.

It is important to look for ways that allow Russia to claim its views were taken into consideration. This brings into focus the question of what degree of tinkering with the Ahtisaari plan is possible to satisfy Russia without damaging its functionality. Among the ideas Russia has privately floated is special treatment for the Serb north of Kosovo that is a step short of partition: making its status subject to a later adjudication like Bosnia's Brcko.<sup>120</sup> More officially, Russia has indicated that it could withhold a veto if a new resolution a) defines that Kosovo's final status should be acceptable to both Pristina and Belgrade; b) obliges the implementation of unfulfilled parts of Resolution 1244, such as returns and minority rights; and c) stipulates that Ahtisaari's plan is implemented partially, leaving final status definition to a later date.<sup>121</sup> While the Council cannot and should not meet all these demands, it can make some gestures in their direction. Two are relatively easy to accommodate without damage to the Ahtisaari framework:

- **Further attention to Serb minority rights and returns.** It has long been a Serbian concern, with

Russia increasingly sharing it over the past year, that UNMIK's reporting on the position of the Serb minority in Kosovo is too "rosy". If the two-year review of settlement implementation is to be guided by the ICO, Belgrade may fear that the reporting would fall into the same pattern. A Special Envoy for Minorities could be created, to report for the two-year review with the same *modus operandi* as UN envoy Eide did in 2005.

- **Kosovo's right to a UN seat.** The Ahtisaari Proposal emphasised Kosovo's right to apply for membership in international organisations. Serbia has argued that Kosovo should be allowed membership in all international organisations except the UN. Kosovo Albanians view UN membership as important, but may accept some delay. A moratorium on Kosovo's application for UN membership could be stipulated until the two-year review of settlement implementation described in the Ahtisaari Proposal, with the moratorium to lapse in case of a favourable review.

In addition, it may be worthwhile and legitimate for the Security Council to highlight and specify the extent of the practical autonomy that the Serb-majority municipalities of north Kosovo can enjoy within the existing stipulations of the Ahtisaari plan. What the Council should not do is to formalise this autonomy into a hard partition, such as would happen if efforts were made to apply to north Kosovo the model of the semi-autonomous province of Alto Adige in northern Italy, known in Austria as "South Tyrol" – a proposal briefly floated by Austria's Chancellor Gusenbauer in April.<sup>122</sup>

Russia has not made its Brcko-like idea very official; keeping this off the table and limiting derogations to accommodate its officially raised concerns to the two areas noted above is vastly preferable. If any Brcko-like element is introduced in the case of Serb north Kosovo, its sponsors should be in no doubt that it would complicate implementation of the Ahtisaari plan. If Russia insists on including a "Brcko option" for north Kosovo, the sphere open to adjudication should be limited to the possible relaxation, with the two-year review, of some of the Ahtisaari provisions that limit the amalgamation of basic municipal functions into a municipal partnership or association (not adjudication on *status* of the north).<sup>123</sup> This should only occur if all the Serb-majority municipalities,

<sup>120</sup> Crisis Group interview, Western diplomat, New York, 19 April 2007.

<sup>121</sup> See Agron Bajrami and Augustin Palokaj, "Moska do edhe nje rezolute si 1244" [Moscow wants another resolution like 1244], *Koha Ditore*, 3 May 2007.

<sup>122</sup> See "Austria, Serbia work on face-saving Kosovo deal", B-92, 13 April 2007.

<sup>123</sup> The Brcko formula in the Dayton Agreement was for the later adjudication of which of two entities within the same state this district should fall under; levels of compliance and cooperation with the given settlement were set as the standards for the adjudication.

both pre-existing and new, have acted cooperatively with Pristina in the interim within the framework of the settlement, and if Belgrade has done likewise.

Altogether, these adjustments to the Ahtisaari Proposal would delay Kosovo's *final* status slightly, until the projected two-year review, allowing Russia to argue that a little more conditionality had been introduced and that its position was not ignored.

## II. HOW THE AHTISAARI PLAN SHOULD BE IMPLEMENTED

Ideally in the coming months the Security Council will endorse the Ahtisaari plan at least to the extent of adopting a resolution that supersedes Resolution 1244, mandates a new International Civilian Office (ICO) and allows for the prospect of Kosovo's independence. The challenge will then become settlement implementation. The final two sections of this report address the detailed issues that will arise in achieving this efficiently and peacefully.

Ahtisaari's Proposal offers a finely calibrated framework for Kosovo's future but also includes many ambiguities. An International Civilian Representative (ICR) is to be mandated as the final authority in Kosovo on interpretation of the civilian aspects of the Ahtisaari Proposal<sup>124</sup> and to lead the ICO.<sup>125</sup> But the limits and extent of his powers are poorly defined. The Ahtisaari Proposal fails to give clear direction on how to deal with spoilers. Beyond using the tools of decentralisation, what enforcement mechanisms can be employed to integrate the unruly, semi-detached Serb north into a unified Kosovo state, for example?

Due to these uncertainties, the Proposal does not quite finalise Kosovo's status. It leaves the international community, Kosovo Albanians, Belgrade and Kosovo Serbs room to negotiate how exactly the latter are to be brought into a governmental relationship with Pristina. Albanians, of course, read the Proposal as a recipe for unification of Kosovo into a single system of governance. In practice, the settlement promises to shift the Pristina-Belgrade struggle for territorial domination in Kosovo into a safer orbit. Belgrade will lose all say over Albanian areas of settlement, and control of the Serb areas of settlement will be contested through decentralisation, with the International Civilian Representative as referee. This leaves only limited room for an alternative final outcome: a gradual hardening of partition between Albanian and Serb districts, slow enough to prevent spillover effects.

It is a similar story with the degree and timing of Pristina's emancipation from its international overseers. The settlement framework allows room to hand over nearly all prerogatives to Kosovo's government just two years after the status decision, or to settle in for a longer duration in which to run a de facto European protectorate.

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<sup>124</sup> See Proposal, op. cit., Annex IX, Article 2.1(a).

<sup>125</sup> He will also serve as the EU Special Representative (EUSR). He will report to an International Steering Group (formed by Contact Group countries, NATO, the EU and European Commission).

But it is important for the Security Council to understand that room for manoeuvre in these two spheres is useful and can only be retained if it passes the Ahtisaari Proposal intact. Tinkering with it in any significant way would undermine the Kosovo Albanian consent that is its essential foundation. The space created by the Ahtisaari Proposal is worth exploration.

## A. BETWEEN STATEHOOD AND PROTECTORATE

For both Serbs and Albanians the symbolism of Kosovo's status remains a central battleground. Most Albanians will acquiesce to ambiguity over exactly how and when Kosovo will emerge from international stewardship, so long as there is early clarity on its severance from Serbia. Contrarily, Serbia is only ready to formalise its loss of practical control over most of Kosovo's territory if it retains a sovereignty fig leaf.

Ahtisaari has come down more on the side of the Albanians; otherwise they would not consent to the semi-protectorate arrangements that:

- assuage concerns in European Union countries about Kosovo's ability to govern itself and the actual or potential influence upon its governance of strong Kosovo Albanian organised crime groups; and
- offer a perspective for retaining unity and security of Kosovo's territory by substitution of international officials, police and troops for Pristina's personnel in Serb areas.

Ahtisaari's international community backers hope that the strong *de facto* element of protectorate in the Proposal will go part way to assuage Serbia.

The tension between the offer of statehood and retention of protectorate prerogatives runs right through the Proposal, from the masthead "independence, initially supervised by the international community" to the transition arrangement whereby "all legislative and executive authority vested in UNMIK shall be transferred en bloc to the governing authorities of Kosovo, unless otherwise provided for in this Settlement".<sup>126</sup> Ahtisaari made clear in his Report on Kosovo's Future Status, and subsequent pronouncements, that he recommends conditional ("supervised") independence. But his Comprehensive Proposal strays short of calling Kosovo a state.

## 1. Power sharing

The Proposal clearly mandates the International Civilian Representative (ICR) to monitor and intervene where necessary to ensure Kosovo's implementation of its settlement obligations. The ICR will furthermore have the power to annul laws or decisions adopted by Kosovo authorities, as well as sanction or remove officials from public office.<sup>127</sup>

Kosovo's negotiators would have preferred a "light" international presence but they failed to detail what this meant. One admitted: "Round the clock they asked us for a paper with exact proposals.... We never came up with one, so it's our fault".<sup>128</sup> Once presented with the Proposal, Kosovo Albanians wanted more codification of the international mission's powers, in order to clarify its exit criteria, but did not prioritise this in the February-March 2007 Vienna talks on revising the Proposal.<sup>129</sup>

The International Steering Group (ISG) is to review the ICR's powers two years after the settlement, "with a view to gradually reducing" their "scope" and "frequency of intervention".<sup>130</sup> Kosovo Albanian politicians wanted a "sunset" provision on the powers, requiring a unanimous ISG decision to maintain them after two years.<sup>131</sup> Serbia proposed that the ICR's powers be defined in an agreement between Serbia and the UN, that the ICR and ISG consult with Serbia on establishing criteria for review of the ICR's powers, and that the review at the two-year point should be for their "confirmation or appropriate redefinition".<sup>132</sup> Although the Proposal assumes that the ICR's powers and frequency of intervention will gradually be wound down, it establishes no clear benchmarks for this, leaving it instead to the ICR himself to recommend the criteria to the ISG. Consequently the EU Enlargement Commissioner, Olli Rehn, has admitted that "we have no exit strategy, we have only an entry strategy...".<sup>133</sup>

For the time being Kosovo elites are willing to cooperate with a new ICR with significant powers. If they begin to see his recipe for the new state as an alien imposition, their relations with the ICO will slide from partnership to

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<sup>127</sup> Ibid, Annex IX, Article 2.1(c)-(d).

<sup>128</sup> Crisis Group interview, Pristina, 9 February 2007.

<sup>129</sup> Crisis Group interviews, institutional and political party leaders, members of the Kosovo negotiating team, Pristina, February 2007.

<sup>130</sup> See Proposal, *op. cit.*, Annex IX, Article 5.1.

<sup>131</sup> Crisis Group interviews, Pristina, 8-9 February 2007.

<sup>132</sup> See "Amendments to Comprehensive Proposal For the Kosovo Status Settlement by the Negotiating Team of the Republic of Serbia", 2 March 2007.

<sup>133</sup> Quoted in James G. Neuger, "EU Pushes for Kosovo Independence, Overcomes Internal Divisions", Bloomberg News, 31 March 2007.

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<sup>126</sup> Proposal, *op. cit.*, General Principles, Article 15.1(g).

abrasion. The international mission's exit route would be blocked, locking Kosovo and its would-be mentors into a protectorate-like situation. Kosovo's cycle of suppression and rebellion could recommence. To avoid this, much will depend upon the maintenance of a shared ICR-Kosovo Albanian interpretation of the "spirit" of the settlement.<sup>134</sup> At present, both the EU's mission planners and Kosovo's political and institutional establishment are confident that they have, and will maintain, a shared agenda.<sup>135</sup>

The more the ICR is drawn into using his corrective powers, the greater the risk of relations entering a downward spiral. He "should be publicly soft, privately hard", recommended a senior UNMIK official.<sup>136</sup> An EU official concurred that he should exercise caution in using the prerogatives granted in the Proposal to rescind legislation and remove obstructive officials, for that is "the slippery slope to Bosnia".<sup>137</sup> Another stressed that the ICR's powers are left ambiguous precisely to signal the EU's intention *not* to use them.<sup>138</sup> In contrast to the exercise of "Bonn powers"<sup>139</sup> in the first post-Dayton decade of exhausted and divided Bosnia, it is difficult and risky to enforce such decisions against the will of an impatient 90 per cent majority. "Just *how* do you remove any official? With KFOR?"<sup>140</sup>

But the ICR should still be activist. Kosovo Albanian politicians need an international agent to catalyse decisions or implement necessary steps they cannot take themselves. "You can't ask a Kosovo politician to destroy his career" on implementing decentralisation, for example.<sup>141</sup> The PISG ministry of local government certainly expects the ICR to shoulder the main burden,<sup>142</sup> even though it has now drafted a concept paper on decentralisation legislation. Some diplomats believe that "we must take the power in Kosovo after the settlement"; the doctrine of local ownership will allegedly not work, since Kosovo's politicians will focus exclusively on competing for power, leaving aside unpopular obligations under the Proposal.<sup>143</sup>

Ultimately for the ICR to succeed, he will need the political and financial backing of the EU, U.S. and the International Steering Group. They will have to give him more support than they do now to the UNMIK chief if they expect him to drive an institution capable of managing transformation, rather than remaining a guardian of the status quo.

## 2. Legal hurdles

The projected ICO and International Military Presence (IMP) ideally are to be mandated both by a UN Security Council decision and an invitation from Kosovo. Serbia's proposal that it should issue the invitation is unworkable.<sup>144</sup>

How the international presence will fit within Kosovo's domestic legal framework is unclear. It is unlikely to be given constitutional authority. An EU official explained: "If the international community's powers are defined in Kosovo's domestic law, it makes that law temporary".<sup>145</sup> But making the ICR the ultimate arbiter and interpreter of the Proposal and giving the Proposal precedence over the constitution may eclipse domestic law anyway. The ICR will himself devise an appeal and review mechanism for his decisions.<sup>146</sup> Leaving the EU mission outside Kosovo law could work as envisaged if it exits after two or three relatively harmonious post-status years, but this could create a significant problem if, as is likely, there is a longer period of receivership.

Other factors in the Proposal may devalue the currency of Kosovo domestic law. It mandates the drafting and promulgation of Kosovo's constitution and an accompanying raft of legislation all within the 120-day transition period. To pass these laws, Ahtisaari gives a once-only waiver of the "Badinter" double-majority rules that will prevent minorities from being outvoted on vital interest questions.<sup>147</sup> Thus, fundamental legislation will be prepared in a rush, with little public consultation. Much will depend upon how much can be readied before the 120 days begin. At present, roughly a third of the required

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<sup>134</sup> The Proposal makes the ICR "the final authority in Kosovo regarding interpretation of the civilian aspects of this Settlement." He may take corrective measures over any actions by Kosovo's authorities that are "inconsistent with the terms or spirit of this Settlement." See Annex IX, Article 2.

<sup>135</sup> Crisis Group interviews, Pristina, February-May 2007.

<sup>136</sup> Crisis Group interview, Pristina, 8 February 2007.

<sup>137</sup> Crisis Group interview, Pristina, 14 February 2007.

<sup>138</sup> Crisis Group interview, EU official, 10 May 2007.

<sup>139</sup> "Bonn Powers" refers to the competencies of the High Representative to intervene into governmental decision-making in Bosnia Herzegovina.

<sup>140</sup> Crisis Group interview, senior UNMIK official, Pristina, 8 February 2007.

<sup>141</sup> Crisis Group interview, international NGO representative, Pristina, 7 February 2007.

<sup>142</sup> Crisis Group interviews, Pristina, February-March 2007.

<sup>143</sup> Crisis Group interview, Paris, 15 January 2007.

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<sup>144</sup> See "Amendments to Comprehensive Proposal For the Kosovo Status Settlement by the Negotiating Team of the Republic of Serbia", 2 March 2007.

<sup>145</sup> Crisis Group interview, Pristina, 14 February 2007.

<sup>146</sup> See Proposal, op. cit., Annex IX, art.5.1.

<sup>147</sup> See *ibid*, General Principles, art.10.4. These rules were adapted from those introduced into Macedonia's Ohrid peace process by French constitutional scholar Robert Badinter. His mechanism ensures that Macedonia's ethnic Albanian minority may 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, at: [www.law.nyu.edu/eecr/](http://www.law.nyu.edu/eecr/).



legislation has been drafted.<sup>148</sup> Although the ICR has to certify the constitution as being in accordance with the terms of the settlement, the settlement document will remain the primary source of authority and the constitution secondary. A referendum to approve the constitution is not foreseen, therefore popular ownership will be weak. A vicious circle is possible, in which a subordinate status and dysfunction of Kosovo law necessitate deeper EU mission interventions, further postponing rather than strengthening the rule of law.

A vigorous, professional and well-respected Kosovo judiciary could fend off this risk but much of the current judicial cadre is inert or timid, of low professional quality and tainted by corruption allegations: “The better judges and prosecutors are depressed by the poor image”.<sup>149</sup> In 1999 UNMIK recruited many of Kosovo’s pre-1989 officials. A planned wholesale vetting procedure is late in commencing, but even this is unlikely to secure a huge improvement: “Probably, we’ll get rid of a few bad apples”. Low salaries and danger make it difficult to attract promising new candidates.<sup>150</sup> This is most acute in the recruitment of ethnic minority judges and prosecutors: the Proposal stipulates generous minimum levels of their representation in district and central courts.<sup>151</sup> It is foreseen that officials from EU member states will stay embedded in Kosovo’s judiciary in numbers at least equal to UNMIK’s international judges and prosecutors. Weaning Kosovo away from judicial dependency will take a long time.

### 3. No quick security handover

The international community will not allow the Albanian majority a free hand across Kosovo’s territory. The EU and NATO respectively will keep the Kosovo police and nascent security force under their tutelage. They will not give official Pristina the leeway to resolve its differences with its Serb minority coercively, and the Ahtisaari Proposal lacks prescriptions for rolling back de facto Belgrade control north of the Ibar. As such, this state will not initially be self-sustainable; its design, therefore, requires a strong international component to hold it together.<sup>152</sup>

NATO is mandated to continue the role of KFOR, which is to be re-dubbed the International Military Presence (IMP).<sup>153</sup> It is to safeguard Kosovo against external threats and provide a “safe and secure environment” inside its territory. The IMP commander will support and coordinate closely with the ICR but not answer to him and can decide and deploy military force as he sees fit. Beyond a stipulation that the IMP act “in support of the Kosovo institutions”, the Proposal omits any obligation to consult with Kosovo’s government over the exercise of its core security mandate.<sup>154</sup>

The role and scope of the EU’s projected ESDP mission is left open in the Ahtisaari Proposal for the EU to complete its own concept of operations, which it is still defining. Broadly, its remit is to assist Kosovo’s judicial and law enforcement authorities toward sustainability and accountability. It “will implement its mandate through monitoring, mentoring, and advising, while retaining certain executive responsibilities”.<sup>155</sup> There is an unresolved tension between these two roles, which the ESDP mission will nonetheless be called upon to bridge.

The proposed settlement leaves the EU and ICR catch-all discretion in how much power they can take from Kosovo’s authorities in order to safeguard the rule of law, public order and security. Although “monitoring, mentoring, and advising” are the watchwords for the approximately 1,500 EU Council law enforcement personnel to be deployed, they are likely to gravitate toward hands-on roles.<sup>156</sup> The greater the security challenge of the status transition, the more the ESDP mission will take up the licence “immediate concerns regarding protection of minority communities and the fight against organised crime”<sup>157</sup> offer it to displace the Kosovo Police Service, thus rupturing the building of local capacity.

Kosovo is offered a long-term perspective of building a near complete security sector but will have to do so under the scrutiny of the international community and neighbouring states. The pace at which new, indigenous security capacity

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<sup>148</sup> It is being done by ad hoc transition working groups that lack a formal mandate, and bypass the Kosovo Assembly and its committees. The two offices coordinating this work – those of the (AAK) Prime Minister and (LDK) President – at present have limited capacity and political influence. Crisis Group interview, international observer, Pristina, 13 May 2007.

<sup>149</sup> Crisis Group interview, senior UNMIK official, Pristina, 15 February 2007.

<sup>150</sup> Ibid.

<sup>151</sup> See Proposal, op. cit., Annex IV.

<sup>152</sup> The European Commission and the EU Council Secretariat assume that “Kosovo will be primarily a European

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responsibility”; Swedish Foreign Minister Bildt describes Kosovo under the settlement as “a European protectorate”.

<sup>153</sup> Serbia has opposed giving the military mandate directly to NATO, arguing for the UN instead. See “Amendments to Comprehensive Proposal For the Kosovo Status Settlement by the Negotiating Team of the Republic of Serbia”, 2 March 2007.

<sup>154</sup> See Proposal, op. cit., Annex XI.

<sup>155</sup> Joint Report by Javier Solana, EU High Representative for the Common Foreign and Security Policy, and Olli Rehn, EU Commissioner for Enlargement, “State of Preparations of the Future EU and International Civilian Presence in Kosovo”, 27 March 2007.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

is to be built is also left to the discretion of NATO and the EU (the IMP commander and the ICR respectively). New security bodies will include an “apolitical, multi-ethnic” domestic intelligence agency and a lightly armed, “multi-ethnic” Kosovo Security Force (KSF), “recruited from across society”. New civil bodies will include an “organisation of the Government to exercise civilian control over the KSF”, interpreted by Albanians as a defence ministry, and a civil aviation authority to administer the “full ownership, responsibility and accountability for its airspace”.<sup>158</sup> The planned new intelligence agency will not be allowed to operate abroad and will grow up in the shadow of the large NATO intelligence and surveillance structure currently run out of KFOR headquarters. It is assumed that the U.S. and UK will take most responsibility for the nascent agency.

The IMP will oversee the process and timing of the dissolution of the Kosovo Protection Corps, and in regard to its replacement the KSF, “shall supervise, monitor and have executive authority over the KSF until the Force is judged by the IMP, in coordination with the ICR, to be self-sustaining and capable of fulfilling its assigned tasks in accordance with international standards”.<sup>159</sup> The IMP can decide when and how to move the KSF beyond KPC-like civil protection duties to assume military ones. As it does this, the IMP is to evolve KFOR’s current Joint Implementation Commission with Serbia into “a new Joint Military Commission with authorities from Kosovo and the Republic of Serbia to address military security issues of common concern”.<sup>160</sup> Moreover, “The IMP will establish confidence-building measures between the KSF and defence institutions of the Republic of Serbia, in coordination with the ICR”.<sup>161</sup> Longer term, the IMP will advise on readying the KSF for NATO integration and participation in internationally-mandated missions.

The gradual handover of international authority to the Kosovo Police Service will continue post-status, at a pace decided by the ICR and IMP commander, allowing international troops and police to withdraw from these spheres. The KPS itself will formally become a free-standing structure, disentangled from the soon-to-depart UNMIK police hierarchy, and answerable to Kosovo’s already one-year old ministry of internal affairs. Yet, this formal scheme may in practice be compromised by the weight of EU police numbers to be deployed and the range of investigation powers the ESDP mission may reserve for its own officers. On one hand, it is important that the ICO gets policing right; on the other, it is ironic that the post-status mission will devote most of its manpower to

nursing Kosovo’s most trusted and successful institution,<sup>162</sup> leaving more obviously flawed ones neglected.<sup>163</sup>

## **B. A UNIFIED STATE OR SLOW-MOTION DIVISION?**

### **1. Control over the territory**

Statehood traditionally requires a clearly-defined territory with a settled population and a government exercising effective authority over both. If simply handed all legislative and executive authority over Kosovo today, the Kosovo provisional institutions of self-government (PISG) would be unable to command all its territory or population. The Ahtisaari Proposal is vague on enforcing reciprocal obligations, for instance if Serbia does not respect it. Beyond the rhetoric of no partition expressed through the Contact Group, the EU and U.S. have not committed to a program of action for building Pristina’s authority in the Serb north.

The Proposal places responsibility upon Pristina to produce decentralisation’s legal framework during the 120-day transition period from UNMIK control to supervised independence. It nevertheless hands the ICR the task of appointing Municipal Preparation Teams, to prepare the one expanded and five new Serb-majority municipalities. Until all is prepared and Kosovo’s long-delayed municipal elections can be held, local executive power will remain with the municipalities that exist today.

Will Pristina retain the initiative in the roll-out of new and expanded Serb-majority municipalities or will Belgrade gain the upper hand in these territories? The ICR must consult both with Kosovo’s government and the local communities in choosing who to appoint to the Municipal Preparation Teams but the choice remains his. Pristina may reasonably expect that the ICR will favour candidates reconciled to Kosovo’s statehood, rather than those dedicated to re-berthing their localities under Belgrade’s control. But in some of the designated municipalities only Belgrade’s candidates may have viable local support. Belgrade and the Serb National Council will see an

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<sup>158</sup> See Proposal, *op. cit.*, Annex VIII.

<sup>159</sup> See *ibid.*, Annex XI, Article 1.3.

<sup>160</sup> See *ibid.*, Annex XI, Article 1.5.

<sup>161</sup> See *ibid.*, Annex XI, Article 1.6.

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<sup>162</sup> The bulk of the projected 1500-strong EU presence will comprise the ESDP mission’s police officers. In opinion polls the 7500-strong Kosovo Police Service ranks with KFOR as the most trusted institution, far ahead of UNMIK or other PISG bodies. See the Early Warning Reports at: [www.kosovo.undp.org/](http://www.kosovo.undp.org/). An international official with long experience of overseeing and training the KPS believes that its “main problem is us. We need to get off their backs.” Crisis Group interview, Pristina, 8 March 2007.

<sup>163</sup> See Early Warning Reports for low public trust in other PISG institutions, *ibid.*

opportunity to advance the hard line of existing Serb-majority municipalities into these new territories.

Pristina will cling to assurances reportedly given by a senior UNOSEK official in February 2007 that “if local Serbs won’t engage, don’t worry. It’s not your fault, not your problem. Carry on with the old municipal boundaries until they do”.<sup>164</sup> French diplomats consider that “the problem in the first weeks and months will not be to enact the status settlement, but to freeze the situation on the ground and take care of security”, even though Serbia and “the Russians will complain if we don’t do decentralisation immediately”.<sup>165</sup>

The PISG reading of the Proposal is for their own empowerment in Pristina to occur first, while the EU mission and NATO contain the Serb north and, ideally, gradually bring it under control for them. The creation or expansion of the stipulated Serb-majority municipalities in central and eastern Kosovo would proceed with carefully picked, amenable, local Serb partners. At worst, pacification of the north and roll-out of decentralisation in the centre and east could proceed hand in hand. Albanian negotiators secured a census and municipal review clause in the Proposal that they are confident will result, within two years, in the ICR ruling some of the new Serb-majority municipalities in the east unviable and dissolving them.<sup>166</sup>

## 2. One society?

Ahtisaari’s Proposal begins with the premise that “Kosovo shall be a multi-ethnic society”. The multi-ethnic formula leaves ambiguous whether ultimately Kosovo will be a civic state without internal ethnic borders (Kosovo Albanian politicians’ preferred solution) or a state based on a federal or consociational arrangement.

The Proposal avoids reference to minorities in Kosovo. Instead, the Albanian majority and other “inhabitants belonging to the same national or ethnic, linguistic or religious group traditionally present on the territory of Kosovo” are alike termed as “Communities”. The exercise of public authority is to be based on the twin pillars of “equality of all citizens...as well as the promotion and protection of the rights and contributions of all its Communities and their members”.<sup>167</sup> Not accepting Kosovo’s independence, Serbs still regard themselves as the majority community. Failing majority status, they claim at least the rank of a “constituent people” in

Kosovo.<sup>168</sup> Ahtisaari’s “Community” definition comes close to that.

Albanians may eventually balk at being levelled with ethnic groups they outnumber by nine to one. With meagre resources available to Kosovo, there are questions of the sustainability of funding a bi-lingual, bi-ethnic state. Serb debate on multi-ethnicity ranges between powerful hardliners like Marko Jaksic and others from the DSS, SRS and SPS, who insist upon the impossibility of living with Albanians, and marginalised moderates like Oliver Ivanovic, who are prepared to explore co-existence, with the respective communities living “side by side”. A senior U.S. diplomat said: “This extraordinary pile of protections we have built for Serbs is quite necessary, and quite destructive of prospects of the communities coming together any time soon”.<sup>169</sup> With Serb-majority municipalities’ “enhanced competencies”, combined incomes from the Kosovo budget, Belgrade’s subsidies and international donations likely to be higher than their Albanian-majority counterparts, old Albanian resentments about being “second-class citizens” may re-emerge. Privately, a moderate Kosovo Serb politician regretted Ahtisaari’s grant of asymmetric rights: “It does not help us build relations with the Albanians”.<sup>170</sup>

Albanian and Serb society are separate; both maintain an informal taboo on fraternisation across this divide. In fact, the Proposal offers little to foster shared experience and common culture. Instead majority Albanian and minority Serb society will be able to maintain their own worlds, with a few points of institutional rendezvous, and some mechanisms for smoothing friction. The existing Serb university and regional hospital in north Mitrovica will consolidate, and Pristina has to make frequencies available for a “licensed Kosovo-wide independent Serb language television channel”.<sup>171</sup> Pristina is expected to augment its block grants to several Serb-majority municipalities to enable them to finance such enhanced competencies, although today north Mitrovica’s hospital and university refuse Pristina’s money and accreditation, relying instead on Serbian government funds. The television channel will be difficult to agree upon.<sup>172</sup>

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<sup>164</sup> Crisis Group interview, member of Kosovo’s negotiating team, Pristina, 9 February 2007.

<sup>165</sup> Crisis Group interview, Paris, 15 January 2007.

<sup>166</sup> See Proposal, op. cit., Annex III, Article 14.

<sup>167</sup> See *ibid*, Annex I, Article 1.3.

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<sup>168</sup> See, for example, Dusan Batakovic, adviser to the Serbian president and member of the Belgrade negotiating team in the talks on the status of Kosovo in “Batakovic says not much support for Belgrade’s arguments”, *Beta*, 19 June 2006.

<sup>169</sup> Crisis Group interview, New York, 16 November 2006.

<sup>170</sup> Crisis Group interview, Pristina, 8 February 2007.

<sup>171</sup> See Proposal, op. cit., Annex II, Article 3.

<sup>172</sup> The Serbian government-loyal TV *Most* in north Mitrovica is best placed capacity-wise to take the frequency but Pristina will not license it. Kosovo’s public broadcaster, RTK, has failed to build bonds with potentially more amenable private TV and radio stations in the Serb enclaves.

**Cultural Heritage.** Cultural heritage remains a battleground. Serbia objects to appropriation of its heritage of churches, monasteries and other monuments in Kosovo. In the Vienna negotiations it sought to expand the number and the potency of protective zones surrounding these sites, giving the Serbian Orthodox Church virtual sovereignty within them. Belgrade's negotiators argued against Ahtisaari's provision that the Kosovo Police Service assume responsibility for protecting all sites, with KFOR and its successor, IMP, continuing to provide security at a handful of the most important only "in the immediate post-settlement period". It wants international troops to do this job indefinitely, together with specially dispatched contingents of Serbian police.<sup>173</sup> Serbia's recipe is deeply unrealistic and provocative; it would make the sites targets for immediate attack rather than protect them.

Ahtisaari's compromise caused resentment among Albanians too. It rings much of Kosovo's patrimony off from them, and appears to classify the most worthwhile heritage as Serbian.<sup>174</sup> The Gazimestan memorial to the 1389 Battle of Kosovo, which Milosevic used to rally hundreds of thousands of Serbs for the anti-Albanian project of revoking Kosovo's autonomy in 1989, is protected.<sup>175</sup> Some sites valued by Albanians, such as the pre-medieval (and therefore pre-Serb) Ulpiana archaeological site, fall to Serb-majority municipalities, with no protection under the settlement.<sup>176</sup>

Surrounded by an Albanian population, the monks of Decani monastery offer an eventual bridge. Its Bishop Teodosije and Archimandrite Sava have insisted to the Kosovo Albanian municipal authorities and media that

the monastery "belongs to all Kosovo citizens", its protection zone is a public good, not "extra-territorial" or a monastic "republic". They argue that cultural questions should be de-politicised; sites like the monastery should unite rather than divide Kosovo society and "are our entry ticket into Europe".<sup>177</sup>

**Transitional Justice.** Ahtisaari was grimly realistic in not attempting to set up any transitional justice initiatives as part of the Proposal. There is little new to promote reconciliation. The relatives of the roughly 2,100 people still missing (three quarters Albanians, one quarter Serbs) have little to look forward to; the pace of discovering mass graves and identification of remains has slowed too early. The International Commission on Missing Persons describes mass graves as "political landmines," detrimental to creation of a stable Kosovo if not adequately addressed.<sup>178</sup> On paper, UNMIK's office for missing persons has been transferred to Kosovo's ministry of justice but little local capacity has been built, so it is more an act of abandonment: "Everyone is just dumping stuff into boxes and throwing it at the government".<sup>179</sup> In Kosovo, roughly 400 sets of remains await identification, and 50-60 bodies were unearthed in 2006; Serbia has conducted no new excavations since 2002 and is not interested in strengthening cooperation in this regard.<sup>180</sup>

**Returns.** There was little new to offer also on returns. Only a few thousand Serbs and gypsies (Roma, Ashkali and Egyptians) who fled in 1999-2000 have come back.<sup>181</sup> Many others have no return plans,<sup>182</sup> but several

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<sup>173</sup> Moreover, it wants the list of sites to be expanded to include those where the Serbian Orthodox Church would like to reconstruct churches and monasteries destroyed in 1999; see "Amendments to Comprehensive Proposal For the Kosovo Status Settlement by the Negotiating Team of the Republic of Serbia", 2 March 2007.

<sup>174</sup> See Mehmet Kraja, "Trashegimia kulturore ne dokumentin e Ahtisaarit: Aneksi V I ketij dokumenti permban elemente te aparteidit dhe racizmit kulturor" [Cultural heritage in Ahtisaari's document: Annex V of this document contains elements of apartheid and cultural racism], *Koha Ditore*, 10 February. Respectively, on 18 February RTK television news and on 20 February KTV's "Cosmo" program aired alarmist reports, suggesting that Ahtisaari's original draft proposal would allow Serb appropriation of the old stone bridge in Vushtrri/Vucitrn and the Isa Boletin memorial house in Zvecan municipality.

<sup>175</sup> Many Kosovo Albanians resent its representation among cultural and religious sites, seeing it as an enduring symbol of a deformed myth, more protective of Milosevic's 1989 legacy than that of the 1389 battle. See Mehmet Kraja, "Fanatazmagoria e Gazimestanit" [The Gazimestan fantasia], *Koha Ditore*, 3 March 2007.

<sup>176</sup> See Mehmet Kraja, "Mjegull, perseri!" [Fog again!], *Koha Ditore*, 24 February 2007.

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<sup>177</sup> See Bishop Teodosije's open letter to Decani's mayor, translated and published as "Zona mbrojtese nuk eshte nje zone eksterritoriale" [The protection zone is not an extra-territorial zone], *Koha Ditore*, 9 March 2007, and interviews with him, Father Sava and local Albanian notables in Zija Miftari, Shkelzen Tahirsylaj, "'Republika' e Manastirit te Decanit" [The 'Republic' of Decani Monastery], *Koha Ditore* 15 March 2007.

<sup>178</sup> Email correspondence with Crisis Group, 10 May 2007.

<sup>179</sup> Crisis Group interview, a close observer of the process, Pristina, 16 March 2007.

<sup>180</sup> Ibid. See also Andrew Testa and Julian Borger, "Open Wound", *The Guardian*, 24 February 2007 and "Amendments to Comprehensive Proposal For the Kosovo Status Settlement by the Negotiating Team of the Republic of Serbia", 2 March 2007 (General Principles, Articles 2 and 5).

<sup>181</sup> As of 31 March 2007, UNHCR estimated that 16,458 returned, including 7,223 Serbs. Yet an undetermined number returned only to sell up and leave for good. According to UNMIK, returns are low because of "lack of economic opportunities, uncertainty about the future status of Kosovo, and, to a much lesser degree than in the past, security. The funding shortfall of €15.4 million also negatively affects the return rate". According to UNHCR, 1,608 minorities (593 Serbs) returned voluntarily in 2006, the lowest figure since 2001. See "Report of the Secretary-General", op.cit., pp.5, 13.

thousand still do.<sup>183</sup> The Proposal reaffirms the right of all displaced to return to reclaim their property and “make a free and informed decision” on exactly where they want to live in Kosovo. It obliges Kosovo’s government to facilitate this, but does not compel it to maintain funding to reconstruction and return projects.<sup>184</sup> The PISG has allocated up to €10 million annually since 2005, though only €5 million in its 2007 budget. Money was not always spent effectively, and often new homes have been sold on or stayed unoccupied. The new Serb-majority municipalities might be able to encourage return, attracting Kosovo government, Serbian and international funding for constructing homes. But there are no reconstruction plans in other areas such as in western Kosovo where thousands of destroyed Serb homes remain. The relatively compact and vocal 500 or more displaced Albanian families from north Mitrovica are also left out in the cold, their continuing predicament stoking possible conflict in the city.

The Proposal accepts that Kosovo Albanian and Serb educational systems will be separate, the latter largely reliant on Belgrade’s ministry of education. It proffers a remedial mechanism for the Kosovo ministry of education to refer objectionable Serb curricula or texts to arbitration by an independent commission with an international chairperson. There is no mechanism for others to review how and what the majority Albanian community is taught. Albanians and Serbs will continue to develop their separate Kosovo narratives.<sup>185</sup>

### 3. Decentralisation and the phantom Serb entity

Decentralisation is at the basis of the Kosovo multi-ethnic project but if it is taken too far it may also contribute to the creation of a separate Serb entity in Kosovo.

Ahtisaari stipulates that Kosovo is to be governed by central institutions and municipalities, with no intermediate level of administration. All municipalities will have the right to form partnerships in the areas of their own competencies,

including the enhanced competencies in the case of the Serb-majority municipalities. They are permitted to establish joint executive bodies for this purpose, subject to scrutiny by Kosovo’s central government. They may also form associations of municipalities “for the protection and promotion of their common interests”. On one hand Kosovo Albanians can hardly object to the right Ahtisaari affords municipalities to form partnerships and associations, since “we have an association of municipalities ourselves”.<sup>186</sup> On the other, they fear that these provisions allow Serb-majority municipalities to build between them some of the foundations for the Serb entity that is Belgrade’s avowed objective.

Ahtisaari has denied full scope to Serbia’s ideas of a Serbian entity running education, healthcare, social security and culture with Belgrade, free of Pristina’s interference and control. Although allowed to form executive bodies, municipal partnerships and associations, the Serb-majority municipalities can only do so for the exercise of their own competencies, including the enhanced competencies Ahtisaari bestowed upon them. These partnership bodies and associations can neither deal in competencies delegated to the municipalities by Pristina, nor take on and amalgamate competencies fundamental to the separate functioning of the municipalities that have formed them, such as elections of municipal organs, appointment of municipal officials, municipal budgeting and issuance of regulatory acts enforceable upon citizens.<sup>187</sup> Nevertheless, cooperation between municipalities and Serbia “may take the form of the provision by Serbian institutions of financial and technical assistance, including expert personnel and equipment, in the implementation of municipal competencies”.<sup>188</sup> The modes and procedures of cooperation must be stipulated in advance on a case by case basis, with municipalities submitting draft cooperation agreements to Kosovo’s ministry of local government administration for review. The ministry will have a broad prerogative to amend such agreements and can suspend them “if a serious breach of the law cannot be remedied otherwise”.<sup>189</sup>

In contrast, Belgrade wanted the Proposal to endorse the Kosovo Serb community’s right to form a Serbian entity out of the territory of the Serb-majority municipalities.<sup>190</sup>

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<sup>182</sup> In particular, most of the 25,000 Serbs who lived in Pristina until 1999 have sold their properties. The state jobs they held previously no longer exist. See ESI’s “The Lausanne Principle”, op.cit.

<sup>183</sup> Serbia should do more to assist, identify and quantify the real number of potential voluntary returnees.

<sup>184</sup> See Proposal, op. cit., General Principles, Article 4.

<sup>185</sup> “The Scholars’ Initiative: Confronting the Yugoslav Controversies” is a laudable online project developed by Purdue University’s Charles Ingrao, bringing together academics from the region to agree historical narratives. Ingrao hopes to bring Kosovo Albanian and Serb scholars together (their engagement in the project has been patchy) with other local opinion-makers in a Kosovo conference after status has been resolved, [www.cla.purdue.edu/academic/history/facstaff/Ingrao/si/scholar.s.htm](http://www.cla.purdue.edu/academic/history/facstaff/Ingrao/si/scholar.s.htm).

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<sup>186</sup> Crisis Group interview, negotiation team coordinator Blerim Shala, Pristina, 9 February 2007.

<sup>187</sup> Ahtisaari stipulates that municipal partnerships can link with Serbian institutions “only to the extent necessary to implement practical activities of the partnership”. Proposal, op. cit., Annex III, Article 10.5.

<sup>188</sup> Ibid, Annex III.

<sup>189</sup> Ibid.

<sup>190</sup> Of which Belgrade wanted fourteen, but Ahtisaari suggested eleven. See Amendments to Proposal, op. cit. In Belgrade’s scheme Serb-majority municipalities would raise their own

and the protective zones of the main Orthodox monasteries. In Belgrade's scheme, a Serbian Entity Council would be formed by the mayors of Serb-majority municipalities and Serbian Orthodox Church representatives to "play a political and cultural role, as a body directly representative of the main interests and concerns of the Serb community".<sup>191</sup>

Ultimately Pristina was relieved at the final form of Ahtisaari's decentralisation proposals, which in effect give its ministry of local government administration veto power over links with Serbia: "Our red lines were no Serb entity, no third layer of administration, and Ahtisaari supported us".<sup>192</sup>

Ahtisaari has chosen Kosovo's existing five district courts as the arena for settling disputes between Pristina and the Serb-majority municipalities. The central government has resort to them if it believes a municipality has violated the constitution or applicable law by overstepping or abusing its competencies. A municipality can use them to challenge a ministry of local government administration amendment or suspension of a cooperation agreement with Serbia.

Yet, district courts are weighted with Albanian judges, likely in most cases to side with the central government. The Proposal stipulates only that at least 15 per cent, or two of the judges in each court, be non-Albanians. The balanced Albanian-international-Serb and other non-Albanian panel of the Constitutional Court might indeed be a fairer tribunal, giving Serbs confidence that true checks and balances have been built into the central-municipal government relationship. Here, Ahtisaari has instead sought to build Pristina's confidence. If courts decide too overwhelmingly and ubiquitously against Serb-majority municipalities, a UNOSK official suggested, the ICR may step in.<sup>193</sup>

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income tax; police from Pristina would be barred from entry under anything less than exceptional circumstances; the entity could form a new judicial district, complete with court and prosecutor; the central Kosovo government could only challenge municipal decisions through the Constitutional Court, with its finely balanced panel of Albanian, Serb and international judges.

<sup>191</sup> See *ibid*, Annex III, Articles 9(a), 3.

<sup>192</sup> Crisis Group interview, member of Kosovo's negotiating team, Pristina, 9 February 2007.

<sup>193</sup> Crisis Group interview, 6 February 2007.

### III. SECURING COMPLIANCE ON THE GROUND

The sooner and more decisively the Security Council endorses the Ahtisaari plan, the stronger the levers for managing the parties on the ground toward a predictable, peaceful and constructive outcome. The more delay, the less Pristina or Belgrade will see the international community and its values as credible. The current window of opportunity to capture Albanian acquiescence for sweeping concessions to Kosovo Serbs and to strong international involvement in Kosovo's post-status governance must not be missed. Belgrade's goal of collapsing the Ahtisaari plan in order to usher in new negotiations based on a partition scenario, if successful, would engender only breakdown. Kosovo Serbs would be its first victims.

#### A. SECURING KOSOVO ALBANIANS' COMPLIANCE

##### 1. The window of opportunity

As the international community has drawn nearer to their independence agenda during the last eighteen months, the Kosovo Albanians have reciprocally come closer to the international community's vision of multi-ethnic accommodation. The atmosphere has palpably relaxed in Pristina. A basic acceptance that Serbs will form part of Kosovo's future state has taken hold. Kosovo's news and current affairs programs, particularly those of its public broadcaster RTK, are paying greater attention to Serbs and their views.<sup>194</sup> With independence on the horizon, it has become possible to tell harder truths to Kosovo Albanian society.<sup>195</sup> At least in private, Albanian politicians have become more candid, realistic, and flexible.<sup>196</sup> The

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<sup>194</sup> Visits by Kosovo Albanian politicians Veton Surroi and Ylber Hysa and international officials to Decani monastery from the outset of the Ahtisaari-led status talks were accompanied by Kosovo television news crews, opening it up to the Kosovo Albanian public. From early 2006, programs on RTK giving space to Serb politicians, their views and language such as the debate show *Jeta ne Kosove* initially attracted some hostile viewer feedback (much of it from the Kosovo Albanian diaspora, watching via satellite), but this tailed off. In contrast with the period before the talks, Kosovo Albanian TV journalists now regularly make forays into Serb areas (usually Gracanica) to sample and represent opinion. On 27 March RTK's Arta Avdiu ventured onto the streets of north Mitrovica to do this. Discussing the future formation of Kosovo's diplomatic service, *Koha Ditore* argued on 11 April that some ambassadors must be Serb.

<sup>195</sup> Crisis Group staff giving interviews to Kosovo's TV channels have felt and used this greater latitude over the past year.

<sup>196</sup> Crisis Group interviews, Pristina, 2006-2007.

formula of “Standards *with* Status” is producing results that its “Standards before Status” predecessor failed to.

Violent incidents against Serbs are now rare,<sup>197</sup> partly due to segregation, but also due to a growing pacification among Albanians. The attacks that do happen every few months are very damaging to Kosovo Serb morale, fuelling a sense of fear.<sup>198</sup> Based on them Belgrade claims that Kosovo Serbs are subject to daily attacks.<sup>199</sup> Pristina meanwhile too readily makes counter-claims that these attacks are Belgrade-driven, since they often embarrass Albanians on the eve of important international discussions on Kosovo.<sup>200</sup> Property crimes are increasing, with Serbs in central Kosovo complaining of a recent upturn in livestock and farm equipment thefts.<sup>201</sup> They also complain of Albanians excluding them from markets.

Many Albanians see independence as already in process and have turned their attention to everyday economic concerns.<sup>202</sup> Most realise that they have no option but to work with the international community, even though

Ahtisaari’s state design is not their ideal.<sup>203</sup> Militancy is further tempered by appreciation that the provisional government institutions’ performance has been patchy and that the international community is about to pile more responsibility upon them than they can fully absorb. Yet, Albanians have not yet understood all the implications of the Ahtisaari Proposal; few have read it. The billboard and TV advertisement campaign rolled out to accompany the release of the Ahtisaari Proposal has been too saccharine. Kosovo Albanian politicians have downplayed the importance of the decentralisation provisions. There is little willingness by politicians and constituents alike to respond to Ahtisaari’s call for the creation of new, “multi-ethnic” state symbols.<sup>204</sup>

Albanians have weighed the Ahtisaari Proposal, as if balancing its negative and positive aspects on a pair of scales. Prior to 2 February 2007, and particularly during the months of delay,<sup>205</sup> the “negatives” weighed heavier: decentralisation, the Serbs’ north Mitrovica municipality, Serb-majority municipalities’ direct links with Belgrade and so forth. In the weeks leading up to 2 February, tension increased, security forces’ presence became heavier, and even construction activity slowed.<sup>206</sup> But from 2 February onwards, weight accrued to the “positives”: statehood, the right to join international organisations, the future Kosovo Security Force, ministries of defence and foreign affairs. As international support has since built behind the Ahtisaari plan, the “positives” have weighed ever heavier, gradually bringing on board even militant constituencies such as the KLA War Veterans, who signalled their assent on 27 March.<sup>207</sup> Having drawn several thousand protestors for anti-Ahtisaari demonstrations on 10 February and 3 March,

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<sup>197</sup> Potentially ethnically motivated incidents dropped by 70 per cent. General crime levels decreased in 2006. See “Report of the Secretary-General”, op. cit., p. 3.

<sup>198</sup> These include the unsolved June 2006 killing of an elderly Serb returnee in his Klina home and the 30 March night-time rocket launcher attack on Decani monastery. In the latter case, fingerprint identification by the KPS pinpointed a Kosovo Albanian suspect, for whom they are searching.

<sup>199</sup> See, for example, Serbia’s Kosovo Coordination Centre chief Sanda Raskovic-Ivic’s presentation at the 13 December 2006 UNSC debate devoted to the Secretary General’s quarterly report on UNMIK. This and earlier meeting records available at: [www.un.org/Depts/dhl/resguide/scact2006.htm](http://www.un.org/Depts/dhl/resguide/scact2006.htm).

<sup>200</sup> The June 2006 killing in Klina occurred just before one of the UNSC’s quarterly Kosovo debates. Kosovo Albanians were highly suspicious of the 30 March rocket attack on Decani monastery, several days before Ahtisaari presented his plan to the UNSC. At first UNMIK and the KPS could not find evidence of the attack and cast doubt upon it. KPS eventually found part of the projectile in an area they had already searched, leading the ministry of internal affairs to offer a €10,000 reward for information in the belief that such information could only come from a Serb source; Crisis Group interview, official, Pristina, April 2007. However, in early May the KPS identified a Kosovo Albanian suspect.

<sup>201</sup> Reflected in the questions put by TV Most to UNMIK police at UNMIK’s weekly press conference, 11 April 2007. Transcript at [www.unmikonline.org](http://www.unmikonline.org).

<sup>202</sup> See UNDP’s Early Warning Reports, op. cit. In the most recent poll significantly more people indicated willingness to protest for economic than political reasons. Kosovo Albanian students who participated in a Crisis Group focus group interview, Pristina, 2 March 2007, were more concerned about poor employment prospects than Kosovo’s status, and most hoped to go abroad.

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<sup>203</sup> Crisis Group interviews, politicians, officials, KLA veterans, Pristina, Drenica, Gjilan/Gnjilane, Vitia/Vitina, Mitrovica, Peja/Pec, March-April 2007.

<sup>204</sup> There have been several false starts to a public competition for these new symbols. The Kosovo Assembly and the institutional and political leaders represented in the Unity Team share nervousness about taking responsibility for Ahtisaari’s prescription. Most would still prefer a variant of the Albanian flag. For the Democratic League of Kosova (LDK) and the recently formed breakaway Democratic League of Dardania (LDD) it will be hard to let go of the “Dardania” variant of the Albanian flag proposed by the late President Rugova.

<sup>205</sup> On 10 November 2006, Ahtisaari agreed to hold over presentation of his status proposals, on which work was nearly complete, until after the elections Serbia had just announced for 21 January 2007.

<sup>206</sup> Crisis Group interviews, four Kosovo Albanians building homes, and staff of a building materials store, Pristina, February 2007.

<sup>207</sup> Kosovo TV news broadcasts. In previous years the KLA veterans were to the fore in protest demonstrations. They have retreated from this role in recent months.

the Vetevendosje movement<sup>208</sup> barely scraped together 1,000 on 31 March; an early March opinion poll gave the movement near zero support.<sup>209</sup>

The one black spot occurred on 10 February, when the Vetevendosje movement held a demonstration in central Pristina during which two demonstrators were killed and dozens wounded by UNMIK's Romanian riot police unit.<sup>210</sup> Vetevendosje's leader Albin Kurti, was detained and charged.<sup>211</sup> Albanians were provoked to view this through the tunnel vision of their own past, comparing it with experiences under Milosevic's security apparatus; Kurti appealed to Albanians' political prisoner tradition. By late February Albanian faith in the Ahtisaari Proposal had rebounded. Some political activists and officials in eastern Kosovo, Drenica (central Kosovo) and Mitrovica are sceptical of their Pristina leaders. If they see the official process, in which those leaders have engaged, failing to deliver independence, their reflex will be to reject them as today's equivalent of their leaders of the late 1980s: dupes and stooges of Milosevic.<sup>212</sup>

Kosovo Albanian politicians are anxious about delivering on their promises to obtain independence by the summer. Public trust in Kosovo institutions and leaders is in rapid

decline.<sup>213</sup> Nervous political leaders clutch at and repeat too easily the optimistic independence timetables spun to them by their international community allies; UNMIK reinforces the complacent messages. Therefore, they are themselves creating pressure for a May or June denouement. If these dates pass without a Security Council decision, Kosovo's leaders will begin to fear that independence is slipping away.

For the moment, however, extremists have no traction, and no respectability.<sup>214</sup> The mostly Drenica-based shadowy "Albanian National Army" (ANA/AKSh), a criminal-paramilitary group which wants a greater Albania (and, by implication, partition of Kosovo), inserted some members into Vetevendosje's 10 February demonstration. Several were arrested.<sup>215</sup> Mainstream former KLA figures condemned a communiqué from a self-proclaimed, revived KLA, claiming a 19 February bombing of three UN police vehicles.<sup>216</sup> Vetevendosje activists agitating in south Mitrovica have not been able to mobilise Albanian youth there. Currently, even that perennial flashpoint is damp kindling for the ANA and other criminal extremist groups.<sup>217</sup> A group of paramilitaries reportedly migrated in January 2007 to the southern border area of Vitia/Vitina, hoping to capitalise on local dissatisfaction about status concessions: the border with Macedonia<sup>218</sup> and the carving

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<sup>208</sup> Meaning "Self-determination" in Albanian. Active since 2005, this youth-oriented protest movement demands that Kosovo declare its own independence through a referendum, wants to drive UNMIK out, and rejects any and all imposed conditions upon the configuration of Kosovo's future state, such as decentralization. Crisis Group interview, Vetevendosje activists Visar Ymeri, Xhelal Sfecla and Glauk Konjufca, Pristina, 22 February 2007. See Crisis Group Europe Briefing N°45, *Kosovo's Status: Difficult Months Ahead*, 20 December 2006, pp. 10-13 and Crisis Group Report, *Kosovo Status: Delay is Risky*, op. cit. p.15 for background.

<sup>209</sup> See the Index Kosova opinion poll, "Current political affairs in Kosova", 16 April 2007, www.indexkosova.com.

<sup>210</sup> After the event, the PISG interior minister and the UNMIK police commissioner resigned. UNMIK's preliminary investigation report, presented 17 April, stated that there is "a substantial basis on which to conclude that Romanian gunners attached to the Romanian Formed Police Unit were indeed responsible for the four woundings – two of which were fatal." It concluded that "there is a reasonable suspicion that three of the shootings constitute crimes under Kosovo law." On 23 March Romania withdrew these personnel from Kosovo, putting them out of the investigators' reach. UNMIK reacted the following day with an angry press release. See www.unmikonline.org.

<sup>211</sup> The crimes for which he is charged are under Kosovo criminal code articles 142 "Endangering United Nations and Associated Personnel", 318 "Participation in a Group Obstructing Official Persons in Performing Official Duties", 319 "Call to Resistance", and 320 "Participating in a Crowd Committing a Criminal Offence". They carry possible prison terms ranging up to ten years. Kurti is in detention, awaiting trial.

<sup>212</sup> Crisis Group interviews, November-December 2006.

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<sup>213</sup> See Early Warning Reports and Index Kosova's "Current Political affairs", op. cit.

<sup>214</sup> A KLA veterans leader in eastern Kosovo complained that even his comrades shout him down when he voices ideas of ceding the north to Serbia in order to escape the obligations to the Serb enclaves stipulated by Ahtisaari, Crisis Group interview, Vitia/Vitina, 1 March 2007. The manager of a Pristina newspaper gave an interview to a Belgrade magazine in February, in which he advocated giving away the north. He has not aired these views in his own newspaper.

<sup>215</sup> Crisis Group interviews, government officials, 14 February 2007, KPS officer, 28 February 2007.

<sup>216</sup> See for example the reactions of KLA veterans leader Faik Fazliu and PDK leader Thaci in *Lajm*, 21 February 2007.

<sup>217</sup> Veteran west Kosovo radical and alleged underworld figure Qerim Kelmendi was sighted in south Mitrovica in February 2007, reportedly at the head of a group of several dozen young men. Crisis Group interviews, KLA veteran and journalists, Peja/Pec and Mitrovica, February and April 2007.

<sup>218</sup> Ahtisaari's Proposal confirmed the validity of the 23 February 2001 border demarcation agreement concluded by Belgrade and Macedonia. Skopje conceded a sliver of territory on the Serbia-Macedonia border in exchange for a sliver on the Kosovo-Macedonia border, affecting the Kosovo village of Debelde in Vitia/Vitina municipality. It was arguably naïve of Macedonia's government to accept in compensation territory that Serbia did not control. Nevertheless, a UNSC President's Statement of 7 March 2001 endorsed the agreement. The Kosovo Assembly denounced the deal, it has generated tensions in the six years since, and the border has not yet been formally demarcated. The Proposal stipulates that Kosovo and Macedonia form a joint



of a new Serb-majority municipality (Klokott-Verbovac) out of its territory.<sup>219</sup> Ahtisaari's 7 March decision to reduce the territory of the new Klokott-Verbovac municipality calmed passions in Vitia.<sup>220</sup>

## 2. Weak political organisation

Kosovo's political scene is very fragmented. "Nobody is in charge", admitted a senior politician.<sup>221</sup> This is deeply worrying given the uncertain security environment that the transition to independence will bring. Kosovo's political leaders have at least pledged to remain unified until six months after a UNSC resolution – but only if it arrives by mid-year.

During the negotiations process, the "Unity Team" provided much of the needed leadership.<sup>222</sup> It maintained political cohesion and produced coherent positions that fed into the Ahtisaari's Proposal. But it has been lacklustre in selling the compromises reached to the Kosovo Albanian public and has shown a propensity to bicker and fall apart in crisis situations.<sup>223</sup> The extent to which the Unity Team survives now that negotiations have ended is unclear. Can it stand up to the pressures and pace of implementing the administrative and legislative program stipulated by the status agreement if the UN Security Council gives the green light? A weakened government coalition will need the mark of consensus the Unity Team can supply.

The political ground has shifted since the Unity Team was formed.<sup>224</sup> The attitude of the opposition PDK and its

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technical commission during the 120-day transition period, with the participation of the ICR and IMP. Within one year they are to physically demarcate the border in line with the 2001 agreement. See Proposal, Annex VIII, Article 3.

<sup>219</sup> Crisis Group interviews, KLA veteran, inhabitants of mountain villages, Vitia/Vitina, 1 March 2007.

<sup>220</sup> Crisis Group interviews, politicians, officials, journalists, Vitia/Vitina, 2 April 2007.

<sup>221</sup> Crisis Group interview, Pristina, 22 February 2007.

<sup>222</sup> The Unity Team comprises the president, the president of the assembly, the prime minister of Kosovo and the leaders of the two main governing and two main opposition parties. It was created after several failed attempts to serve as a bridge between the narrow coalition government (LDK and AAK), and the two main Kosovo Albanian opposition parties (PDK and ORA).

<sup>223</sup> Such as the aftermath of the 10 February Vetevendosje demonstration. The Unity Team's meeting of 11 February was tense and they were unable to agree to make a joint appearance in front of the public. Most shied away from the Kosovo media for two days. A close observer described it as a collapse of leadership similar to that in the riots of March 2004, Crisis Group interview, Pristina, 13 February 2007.

<sup>224</sup> With Prime Minister Ceku recently declaring his AAK membership to be a temporary flag of convenience, that government coalition party's representation in the Unity Team is arguably incomplete. Former Assembly speaker Nexhat Daci

leader, Thaci, is important. He has seen an opportunity to replace the present government. The LDK-AAK coalition no longer has all the Assembly votes it started with: 64 of the Assembly's 120 deputies. Its most influential figure, AAK leader Ramush Haradinaj, left Kosovo in February 2007 to stand trial for war crimes in The Hague. Thaci is now eyeing the prime minister's chair and has repeatedly questioned the Unity Team's post-Vienna role. A coalition between his PDK and the LDK would encompass a comfortable majority of the Kosovo Albanian electorate. Although other parties could also be included, recreating the government on this foundation would lessen the need for such an unwieldy, fragile mechanism as the Unity Team. Recent months have seen rapprochement between these two previously bitter rivals.<sup>225</sup>

But the governing coalition is not weak enough to collapse, and Thaci's alternative is not strong enough to force its replacement. On 20 March the PDK and the LDK's Lutfi Haziri announced a range of municipal-level coalition deals.<sup>226</sup> This immediately ignited exaggerated expectations of an imminent similar deal over the government. It caused a backlash inside the LDK, obliging President Sejdiu to publicly exclude any change in the coalition until the end of its mandate. For UNMIK and the U.S. Pristina office, keeping Thaci in opposition is the safer bet for the short term. Both judge it better and less disruptive to keep the present model running.

The Unity Team was invited to a three-day brainstorming session in upstate New York in mid-April with senior U.S. officials (former and present) to discuss management of the projected 120-day transition. All, including Thaci, were obliged to sign on to the "Pocantico Declaration", pledging unity through this period.<sup>227</sup> The sop for the PDK leader was agreement to bring elections forward to within six months after the status decision, well inside the nine-month deadline stipulated by Ahtisaari. This agreement is highly reliant on the U.S.'s promised timetable of a UN Security Council resolution by June 2007. Its basis will be rocked if there is delay.

The main political rivalry now is between two KLA successor parties: the larger PDK and the AAK. Now both jostle to be LDK's government partner. From comradeship, their relationship has deteriorated badly. Both suspect the

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broke away from the LDK to form a new, quasi-opposition Democratic League of Dardania (LDD) with six Assembly members, but has neither sought nor been offered Unity Team membership.

<sup>225</sup> The LDK representing Rugova's non-violent resistance of the 1990s, and the PDK representing the KLA.

<sup>226</sup> Their value to Haziri was to shore-up municipal assemblies in the east, where defections to Daci's LDD have taken their toll.

<sup>227</sup> See the text of the declaration in *Koha Ditore*, 16 April 2007.

other of covertly supporting Vetevendosje.<sup>228</sup> Even as Prime Minister Ceku questioned the violent UN police behaviour of 10 February, PDK officials offered support to a beleaguered UNMIK and U.S. office as they tried to blame Vetevendosje. In a December 2006 manoeuvre to discredit the AAK and its continuing role in government, the PDK-allied intelligence organisation K-SHIK tipped off the police about an arms cache several AAK officials were moving from Drenica to Vitia. Several AAK officials have recently brushed with the law;<sup>229</sup> the party could become a destabilising factor if pushed out of government.

Among the Albanians at least, there is an agreed leadership structure for the first 120 days, if the clock starts by mid-year. But it will be fragile. While maintaining their own unity is absorbing so much energy, there is little prospect of Albanian leaders developing an intelligent outreach strategy to Kosovo's Serb communities.<sup>230</sup> Kosovo's leaders are timid about facing crowds, afraid that their authority might not carry: "Even under the communist regime our leaders addressed the crowds. Why didn't our leaders go out to address the Vetevendosje protests?", ask some.<sup>231</sup> Peoples' trust in their leaders is sliding, as their concern about poverty, unemployment and corruption is increasing. They are ready to protest over these everyday issues;<sup>232</sup> public sector labour strikes are likely in September. If the independence transition clock has not started running by then, the limited capacity of Kosovo's leaders to cope may crumble.

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<sup>228</sup> An AAK official assumed PDK structures were supporting Vetevendosje in order to discredit the government in a similar way to the December 2006 arms cache incident. A PDK official assumed that the AAK was supporting Vetevendosje in order to create pressure for an earlier status resolution. Crisis Group interviews, Pristina, February 2007. After the 10 February demonstration there was a public spat between PDK leader Thaci and the AAK's Daut Haradinaj. The latter issued a statement denouncing Thaci for allegedly telling international officials that Haradinaj had organised the participation of coachloads of Macedonian Albanians in the demonstration.

<sup>229</sup> AAK presidency member Naim Bazaj was arrested over the arms cache. Fellow AAK presidency member and adviser to Minister of Social Welfare and Labour Selmanaj Skenderbe Hebibi is in hiding in connection with the same case. In March 2007, AAK presidency member and prime minister adviser Jahja Lluca was arrested on suspicion of using the legal defence fund of party leader Ramush Haradinaj – on trial for war crimes in The Hague – for money laundering.

<sup>230</sup> "Our leaders visit Serb communities only with TV camera crews", noted a senior PDK official, Crisis Group interview, Pristina, 9 February 2007.

<sup>231</sup> Crisis Group interviews, political activists, intellectuals, Pristina, Gjilan/Gnjilane, Mitrovica, February-March 2007.

<sup>232</sup> See Early Warning Reports, op. cit.

### 3. Kosovo Albanian attitudes to Kosovo's territorial patchwork

Kosovo Albanians have accepted decentralisation and the creation of a Serb-majority municipality in north Mitrovica as a way to ward off hard partition along the Ibar. Decentralisation in the east "will be supported in so far as Mitrovica and the north integrate".<sup>233</sup> Confident that Ahtisaari's recommendation and KFOR can together secure their northern border, some feel the strategy is vindicated. Others worry that instead of resolving the north by means of the east, a new problem area in the east will now develop.<sup>234</sup>

**Mitrovica and the north.** There is a broad Albanian consensus against letting go of the territory north of the Ibar and allowing a hard partition. Although many would ideally prefer it, only very few Albanians in both Kosovo and southern Serbia harbour real hopes of exchanging northern Kosovo for Serbia's Albanian-inhabited Presevo Valley. A member of Kosovo's Vienna negotiation team spoke for most: "We have resisted every temptation to get into exchanges. We need to sort out non-territorial solutions. If we give up the north we get ourselves into twenty years of Albanian irredentism".<sup>235</sup> Another of Kosovo's negotiators said: "We were never in serious control of the Presevo and Macedonia Albanians. We could not accept partition and guarantee that they wouldn't go off the rails".<sup>236</sup>

However, Albanians understand that if Ahtisaari's Proposal is implemented Serbs in north Mitrovica and the northern municipalities of Zubin Potok, Zvecan and Leposavic will reject Kosovo's independence, declare their territory remains part of Serbia, and force the withdrawal of ethnic Albanian members of the KPS and customs service. If the U.S., EU and NATO continue to voice their political support for Kosovo's territorial integrity, KFOR and UNMIK police show their teeth, and no Albanian inhabitants are expelled from the north, they will be able to live with this.<sup>237</sup> Despite some politicians' populist

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<sup>233</sup> Crisis Group interview, senior PDK official, 9 February 2007. A local politician in Mitrovica claimed: "Our generous offers have put the international community on the spot, under greater pressure to prevent division", Crisis Group interview, Ahmet Tmava, 28 March 2007.

<sup>234</sup> Crisis Group interview, Kosovo Albanian students, Pristina, 2 March 2007; Crisis Group interview, Vetevendosje activists, Pristina, 22 February 2007.

<sup>235</sup> Statement made at an international conference, November 2006.

<sup>236</sup> Crisis Group interview, Pristina, 9 February 2007.

<sup>237</sup> "We do not like the plan really, but we have to live with it", said an opposition politician, Crisis Group interview, 16 January 2007. A local political leader in Mitrovica emphasised: "This is

statements that Pristina will be able to spread its institutional reach over the north directly after the status decision,<sup>238</sup> most Albanians understand that the status quo will not immediately change.<sup>239</sup>

There is no clear strategy on how to begin reintegration. Some, especially in south Mitrovica, expect that the north will be brought to heel within two to three years.<sup>240</sup> Encouraged by the Ahtisaari Proposal, some Albanian displaced persons from north Mitrovica have begun to discuss registering there for municipal elections and possibly returning.<sup>241</sup> Generally, Mitrovica Albanians want as heavy an international presence as possible.<sup>242</sup> In Pristina, there is an expectation that the international community will take the lead on reintegration. A Kosovo Albanian policymaker insisted that the ICR and his Mitrovica office will have to demonstrate concrete results to Albanians; otherwise, “they will feel our strong pressure. Either they do it like in Eastern Slavonia, or eventually we regroup and attack”.<sup>243</sup>

Albanians’ main area of concern is north Mitrovica. They have less historical, emotional or economic attachments to the other northern municipalities.<sup>244</sup> Albanians do, however, worry about losing the water resources of the Ibar and the Gazivode lake, which lies within Zubin Potok. They increasingly discount the mineral wealth and industrial potential of the run-down Treпча complex around Mitrovica and Zvečan but the geographical area itself is much valued. Villages in lower Zvečan form part of the Albanian nationalist tradition.<sup>245</sup>

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all Kosovo could achieve today”, Crisis Group interview, March 2007.

<sup>238</sup> Television appearances by Deputy Prime Minister Lutfi Haziri and PDK leader Hashim Thaci, 28 and 31 March 2007.

<sup>239</sup> “The Mitrovica proposal is 90 per cent ours, but it won’t change the situation”, Crisis Group interview, member of Kosovo’s negotiation team, Pristina, 9 February 2007.

<sup>240</sup> Crisis Group interviews, 11 February 2007.

<sup>241</sup> Crisis Group interviews, Mitrovica, 28 March 2007. Some 500 or more Albanian families expelled from the north are still housed temporarily in the south of the city. They are sometime seen as hardliners but according to a local Albanian journalist, “the families themselves are not aggressive...but are an ever-available political tool, open to abuse”. Crisis Group interviews, Mitrovica, 11 February 2007.

<sup>242</sup> Crisis Group interviews, politicians, officials, journalists, NGO activists, Mitrovica, 11 February and 28 March 2007.

<sup>243</sup> Crisis Group interview, Pristina, 9 February 2007.

<sup>244</sup> “Leposavic and Zubin Potok are unknown territory for Albanians”, acknowledged a Mitrovica politician. Crisis Group interview, 28 March 2007. In fact, both municipalities contain some Albanian villages.

<sup>245</sup> They include the village of Boletin, and the memorial house of early twentieth-century nationalist hero Isa Boletin.

North Mitrovica is key. “If partition is drawn along the River Ibar, Serbs will not be able to live in peace in north Mitrovica”, said a local Albanian politician, reflecting a widespread view that the Serb half of the city could be made unliveable by frequent rocket and mortar attacks.<sup>246</sup> A local journalist concurred that KFOR, its credibility damaged with Albanians for permitting de facto partition in the first place, could not prevent this or maintain the existing neutral “confidence zone” in south Mitrovica in such circumstances. A “no-man’s land” would have to be created in north Mitrovica instead, with the partition line in effect drawn beyond it, north of Mitrovica.<sup>247</sup>

**The eastern Anamorava municipalities.** According to the Ahtisaari Proposal three new Serb-majority municipalities (Partes/Pasjan, Ranilug, Klokott/Verbovac), in addition to the expansion of an existing one (Novo Brdo), are to be formed in eastern Kosovo. Some 27,500 Serbs are estimated actually to live in these areas.<sup>248</sup> The new municipalities have been carved out of existing Albanian majority ones (Gjilan/Gnjilane, Vitia/Vitina and Kamenica).

Albanians from the east<sup>249</sup> generally feel that Pristina’s negotiators sacrificed them in the Vienna talks as a quid pro quo for Kosovo’s independence. During September 2006, Vitia/Vitina and Gjilan/Gnjilane gathered multi-thousand signature petitions, passed motions in their municipal assemblies and convened street demonstrations protesting plans to carve new Serb-majority municipalities out of theirs. The demonstrations only gathered a few hundred but were backed by the local branches of nearly all the main Kosovo Albanian political parties, despite those parties’ leaders’ backing for the decentralisation concessions. Vitia municipality feels doubly sore, since it will lose some territory also to Macedonia in the coming border demarcation.<sup>250</sup>

When UNMIK and the diplomatic offices eventually persuaded President Sejdiu to visit Vitia in October 2006, he failed to gain his audience’s confidence.<sup>251</sup> Local officials see Pristina hypocrisy in foisting decentralisation for Serbs upon them, since Pristina officials retain top-down authority for themselves, deciding even local appointments

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<sup>246</sup> Crisis Group interview, Mitrovica, 29 March 2007.

<sup>247</sup> Crisis Group interview, Mitrovica, 29 March 2007.

<sup>248</sup> Data from the OSCE mission’s municipal profiles for Gjilan/Gnjilane, Kamenica, Vitia/Vitina, and Novo Brdo. See [www.osce.org/kosovo/13982.html](http://www.osce.org/kosovo/13982.html).

<sup>249</sup> According to the OSCE’s estimates 240,500 Albanians live in the four municipalities. See *ibid*.

<sup>250</sup> Crisis Group interviews, Vitia/Vitina, November 2006-March 2007.

<sup>251</sup> On receiving a 10,000-signature petition from the local PDK leader, he retorted: “I don’t worry, because I have agreement with [PDK leader] Thaci”. Crisis Group interviews, debate participants and local journalists, Vitia/Vitina, 17, 30 November 2006.

according to the needs of their own networks.<sup>252</sup> Some in the east accuse their leaders in the capital of making a primitive regional calculation.

The deputy prime minister and local government minister, Lutfi Haziri, who is from the region, is seen as failing to stand up to “the Dukagjini and Llap [respectively west and north-east Kosovo] lobbies” in the government.<sup>253</sup> Moreover, some feel that the east is paying for its lack of militancy during the 1998-1999 war and afterward; the levels of KLA activity, killings and damage were far lower than in the west. With their pre-war Serb populations largely cleansed, west Kosovo and Pristina city will remain untouched by decentralisation; the east can pay the price instead. “Serbia is losing territory because of genocide, but we in east Kosovo did nothing to the Serbs”, reasoned a local official.<sup>254</sup> Some mayors said their efforts to integrate Serbs have been abused and destroyed by the decentralisation plan. “We would have done better to expel them [if this result had been foreseen]”.<sup>255</sup>

Many Albanians fear that the new patchwork of Serb-majority municipalities in the east will give Belgrade a strategic hold over the area.<sup>256</sup> Even if Serbia cannot ultimately break these new municipalities away from Kosovo and into its own territory, it can make them a buffer to disrupt Kosovo Albanians’ links with the Albanians of the Presevo Valley. The new municipal units will sit beside all the major roads. Albanians already imagine a scenario of ethnic Serb police making their transit difficult. Moreover, the road to Pristina will go through the new central Kosovo Serb municipality of Gracanica. Gjilan’s mayor fears that “if even a chicken is killed” there, Gracanica’s municipal authorities will block the road.<sup>257</sup> Residents worry that Gjilan will descend from its position as the region’s capital into a poor Albanian enclave surrounded by better-resourced Serb municipalities. The expanded Novo Brdo

municipality will take much of Gjilan’s water sources and forests.<sup>258</sup>

Yet the traditionally mild-tempered east is not going to be overtly disruptive. Most understand that decentralisation has emerged as the main currency of Serbs’ institutional inclusion and that it can only be implemented where Serbs actually live, hence the east. Since Ahtisaari proposed in March 2007 that Kosovo will have state borders and reduced the proposed territory of the Serb Klokott-Verbovac municipality (taking away areas abutting the Macedonian border), the mood has become calmer.<sup>259</sup> Prime Minister Ceku’s visit to Vitia on 22 February helped; he spoke realistically about the Ahtisaari Proposal, without acting as “its lawyer”.<sup>260</sup>

But implementation of this decentralisation will be fraught. Gjilan and Kamenica municipalities have fallen into varying degrees of dysfunction. Defections from the LDK, previously dominant in the region, to Nexhat Daci’s breakaway party, the LDD, have left these municipal administrations paralysed and confused. Many of the defections were the result of disenchantment with Pristina precisely over decentralisation. It will be difficult for the ICR and Pristina to find local Albanian partners. They will probably have to act quickly, by fiat, to make headway while Albanian euphoria over independence lasts.

It cannot be excluded that the east will become another conflicted border zone like Mitrovica, accumulating vested criminal interests on both sides of the communal divide. Albanian villages may not recognise the new Serb municipalities into which they fall and may continue to look to their former municipal centre for services. Violent incidents are possible in places such as the mixed village of Mogilla, which falls into the new Klokott-Verbovac municipality. Crime has risen throughout the region in recent years. Smugglers and armed criminal extremists have gravitated toward Vitia/Vitina in particular. The Macedonian border question and the proximity of Presevo are a draw. Former KLA structures remain relatively coherent. The December 2006 police interdiction of an arms shipment from Drenica, intended for the home village of Vitia’s AAK chief, Skenderbe Hebibi, highlighted the trend.

**Dealing with Serb municipalities.** In Mitrovica and the east, Albanians have revealed something of their long-term agenda and fear with regard to Serbs in Kosovo.

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<sup>252</sup> Crisis Group interview, party branch activist, Gjilan/Gnjilane, 15 November 2006.

<sup>253</sup> Some cast him in a similar role to that of popular Mitrovica politician Bajram Rexhepi, fronting painful concessions for his home region. Prime Minister Kosumi and Assembly President Daci, both dismissed in March 2006, were from the east. Crisis Group interviews, Gjilan/Gnjilane and Vitia/Vitina, November and December 2006.

<sup>254</sup> Crisis Group interview, Xhemajl Hyseni, Gjilan/Gnjilane, November 2006.

<sup>255</sup> Crisis Group interviews, Gjilan/Gnjilane and Vitia/Vitina, November and December 2006.

<sup>256</sup> Some see the rearranged municipal map in the east as very close to Belgrade’s plans for splitting up Kosovo. Crisis Group Europe Report N°161, *Kosovo: Toward Final Status*, 24 January 2005, pp. 16-17. See also the map of Kosovo’s possible territorial division, embracing the east as well as the north, in “Moguca podela KiM u dve faze,” *Blic*, 27 March 2007.

<sup>257</sup> Crisis Group interview, 15 November 2006.

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<sup>258</sup> Crisis Group interview, Sabedin Kadriu, AAK leader, Gjilan/Gnjilane, 15 November 2006.

<sup>259</sup> Crisis Group interviews, Gjilan/Gnjilane and Vitia/Vitina, March and April 2007.

<sup>260</sup> Crisis Group interviews, debate participants, local journalists, Vitia/Vitina, 1 March 2007.

Albanians continue to buy up Serb properties throughout Kosovo south of the Ibar and to reshape the landscape with new construction but they boil with indignation on the far rarer instances (most of them in north Mitrovica) when Serbs buy Albanian property and build.<sup>261</sup> Albanians worry that Serbia will use the three square kilometres of countryside Ahtisaari added to the municipality of north Mitrovica to expand the town.<sup>262</sup> In the east, they fear that Belgrade may settle Serbs in the empty expanses of the enlarged Novo Brdo municipality.<sup>263</sup>

Now that the Serb proportion of Kosovo's population is down to roughly 7 per cent, the Albanians believe this proportion should not rise and count on its continuing slow reduction. Some have paranoid ideas that Belgrade will use decentralisation to settle hundreds of thousands more Serbs in the Serb-majority municipalities.<sup>264</sup> Serbia has contributed to this with its inflated figure of over 200,000 potential returnees, its dismissal of returns to mixed areas, and consistent preference for returns projects that help consolidate local Serb territorial control. In reality, only several thousand are likely to return if conditions are right; there is no pool of first-time settlers to supplement them, ready to move from homes in Serbia to Kosovo. In negotiating the 2006 protocol on returns with Belgrade and UNMIK, Albanian officials of the Kosovo government resisted (but eventually had to give way on) language acknowledging returnees' right to settle anywhere in Kosovo, rather than strictly in their former homes.<sup>265</sup> They feared this would open the floodgates for Belgrade to develop and settle areas of Kosovo it wanted to consolidate control over.

Albanians are becoming aware that the Serb-majority municipalities could outstrip theirs. Serbs have "100 years of administrative experience" which Albanians lack.<sup>266</sup> Serbia will be able to pour investments into "its" municipalities,<sup>267</sup> while Kosovo will struggle to finance Albanian ones in the first years of independence.<sup>268</sup> They

are already preparing to dub such a competitive outcome as unfair privilege. South Mitrovica's chief executive officer worries that today's development gap between the Albanian south and Serb north of the city will widen further, feeding Albanian resentment, a sense of being second-class citizens, and consequent instability. He proposes that the city develop like a mirror image: "If a building is built on the northern bank of the River Ibar, the next one should be built on the south side"; Serbs should not be "first class citizens" in Kosovo any more, only "ordinary citizens" like the rest, he argued.<sup>269</sup> But as he and other Albanians well know, it is precisely the double salaries, connection to Serbia's wealthier economy and other compensations that keep the most capable of Kosovo's Serbs in place; "the more money, the more Serbs", as a Serb official in Gracanica put it.<sup>270</sup>

## B. SECURING KOSOVO SERBS' COMPLIANCE

The roughly 130,000 Serbs now in Kosovo are scattered in non-contiguous areas, between which communication is difficult. Belgrade remains their centre of gravity, and they look there for guidance. In north Mitrovica and the three northern Serb-majority municipalities, the hard-line Serb National Council (SNC), led by Marko Jaksic and Milan Ivanovic, is the dominant political force. Their influence on Belgrade's policy is significant.

There is a growing distance between the Serbs of the north and those of the enclaves. While the SNC leaders plan how to prevent their territory north of the Ibar from falling into an independent Kosovo, the enclave Serbs insist that "partition is the worst outcome",<sup>271</sup> by implication worse than a unified, independent Kosovo. Although there is uncertainty and a degree of fear about the future throughout Kosovo's Serb communities, paradoxically it may be hitting the northern Serbs harder: they had previously been accustomed to a greater sense of security than those in the enclaves.<sup>272</sup> Since Ahtisaari's Proposal was made public, apprehension has grown among all Kosovo's Serbs, and more want to sell up and leave.<sup>273</sup>

In calculating whether to stay or go, two factors stand out for Kosovo Serbs: security and access to Serbian

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<sup>261</sup> The subject of many newspaper articles and TV news reports in 2006 and 2007.

<sup>262</sup> Crisis Group interviews, municipal officials, Mitrovica, 11 February 2007.

<sup>263</sup> Crisis Group interviews, Mayor Xhemajl Hyseni, AAK branch leader Sabedin Kadriu, Gjilan/Gnjilane, November 2006.

<sup>264</sup> Crisis Group interviews, KLA veterans, Pristina, 14 February 2007, Vitia/Vitina, 30 December 2006 and 1 March 2007.

<sup>265</sup> Crisis Group interview, UNMIK official Kilian Kleinschmidt, Pristina, 12 December 2005.

<sup>266</sup> Crisis Group interviews, municipal officials, Gjilan/Gnjilane, Vitia/Vitina, Mitrovica, November 2006 and March 2007.

<sup>267</sup> Crisis Group interview, PDK branch leader Qemajl Mustafa, Gjilan/Gnjilane, 26 January 2007.

<sup>268</sup> Crisis Group interview, Mayor Musa Musini, Vitia/Vitina, 17 November 2006.

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<sup>269</sup> Crisis Group interview, Sadri Ferati, Mitrovica, 11 February 2007.

<sup>270</sup> Crisis Group interview, Serb official, Gracanica, 17 April 2007.

<sup>271</sup> Crisis Group interviews, Kosovo Serb politicians and officials, April 2007.

<sup>272</sup> Crisis Group interview, NGO activists, Mitrovica, 29 March 2007.

<sup>273</sup> Crisis Group interviews, Mitrovica, eastern enclaves, Gorazdevac, Orahovac, Kosovo Polje, March-May 2007.

government services and jobs.<sup>274</sup> At present, the international community lacks the capacity to make up the shortfall if Belgrade pulls the plug. Long term, neither the international community nor the Kosovo government budget (currently €700 million per annum) can additionally pay the Kosovo Serbs the estimated €120 million - €200 million that Belgrade has been committing annually.<sup>275</sup> Nevertheless, a smaller sum, more rationally spent, might compensate.

Even while they remain firmly against Kosovo independence, many local Serb leaders are showing a readiness to engage in the Serb-majority municipalities planned by Ahtisaari. In the enclaves there is a quiet jostling for position.<sup>276</sup> Even in the north the hard-line positions of the SNC belie a growing orientation toward the international community: "Serbs refuse and reject cooperation only in the municipal hall. After they leave the assembly, they find a way to cooperate with UNMIK".<sup>277</sup> The eight-strong local advisory board for UNMIK's north Mitrovica administration, established in 2002 with a (mostly SNC) Serb majority of six, has grown livelier in recent months. Its members are positioning themselves to gain seats in Ahtisaari's north Mitrovica municipality. They know they cannot afford to miss the opportunity, observed an UNMIK official.<sup>278</sup> A Serb politician concurred that "Serbs are not so crazy" as to pass up Ahtisaari's gifts.<sup>279</sup> Another outlined a strategy of "pretending" to boycott the new arrangements for Kosovo, while engaging practically with Ahtisaari's Proposal.<sup>280</sup>

## 1. Enclave Serbs

For most enclave Serbs to stay, they need to be assured of the continuation of Serbian government services: healthcare, social security payments and education.<sup>281</sup> An enclave

politician hoped that Albanians will "at least be neutral, and not create obstacles" to the maintenance of such links, for without them Kosovo Serb society would quickly "regress to the nineteenth century".<sup>282</sup> Most Kosovo Serbs trust that Serbia will continue to resource these services, no matter Kosovo's status.

Yet, capital projects planned by the Serbian government's Kosovo Coordination Centre have been suspended for the last three months, causing disquiet. The official explanation is that Serbia's temporary caretaker government could not authorise the funds<sup>283</sup> but the suspension appeared to begin after Ahtisaari unveiled his Proposal on 2 February. A Serb official in east Kosovo suspected that Belgrade's next step may be to reduce the double salaries it pays to Serbian government and public sector staff in Kosovo.<sup>284</sup>

Kosovo Serbs are frustrated and worried that Serbia's leaders have not sent clear messages that they should stay. In the absence of such clarity, rumours circulate of a joint Belgrade-SNC scheme of partition on the Ibar, prompting an exodus from the enclaves.<sup>285</sup> "If Belgrade prefers to put us in a position where we have to move out, they should tell us what living conditions we should expect in central Serbia", said an enclave politician.<sup>286</sup> Another indignantly told a reporter:

And what will we do with [the monasteries of] Gracanica, Decani and other symbols of Serbian existence? Will we take them and carry them with us? Is that the solution? I am amazed that the SPC [Orthodox Church] remains silent while the idea of partition is renewed. And most importantly, what will we do with the people who live south of the Ibar? How can we resettle those people to the north of Kosovo when there isn't space there for new residents? What kind of black partition? What is the matter with you?<sup>287</sup>

The enclave Serbs lack political weight, and cannot get a hearing in Belgrade. Tellingly, Serbia appointed only northern Kosovo leaders to its Vienna negotiation team. Belgrade's attitudes towards the enclave Serbs were reflected in the remarks of a highly placed official:

They don't have a wide enough view; they can't even see RTS [the Serbian public broadcaster]. They can only consider as far as they can see. They

<sup>274</sup> Crisis Group interviews, Gracanica, April 2007. Also see the National Democratic Institute (NDI) in Kosovo "Insight into Public Opinion" annual focus group study of January/February 2007, at [www.accessdemocracy.org/library/2131\\_ksv\\_focus\\_group\\_020107.pdf](http://www.accessdemocracy.org/library/2131_ksv_focus_group_020107.pdf).

<sup>275</sup> The sum is difficult to quantify: several ministries include Kosovo spending in their regular budget lines, the government's Coordination Centre for Kosovo and Metohija has its spending, as do the security services. A 2002 estimate heard by Crisis Group was €120 million, while five years later a Serbian official considered even €200 million an underestimate. Crisis Group interview, Belgrade, February 2007

<sup>276</sup> Crisis Group interviews, Gracanica, Gjilan/Gnjilane, April 2007.

<sup>277</sup> Crisis Group interviews, international officials, Mitrovica, February and April 2007.

<sup>278</sup> Crisis Group interview, Mitrovica, 23 February 2007.

<sup>279</sup> Crisis Group interview, Mitrovica, 18 April 2007.

<sup>280</sup> Crisis Group interview, Mitrovica, 18 April 2007.

<sup>281</sup> See the NDI January/February 2007 study, op. cit.

<sup>282</sup> Crisis Group interview, Rada Trajkovic, Gracanica, 12 April 2007.

<sup>283</sup> Crisis Group interview, Srdjan Vasic, Serbia's Kosovo Coordination Centre, Gracanica, 13 April 2007.

<sup>284</sup> Crisis Group interview, Gjilan/Gnjilane, 24 April 2007.

<sup>285</sup> Crisis Group interviews, Mitrovica, 18 April 2007.

<sup>286</sup> Crisis Group interview, Gracanica, 12 April 2007.

<sup>287</sup> Randjel Nojkic in "Protiv podele", *Press*, 5 February 2007.

merely exist. Here in Belgrade we have the privilege of being able to deal with principles.... We are dealing with national and state questions; they are just dealing with their lives.<sup>288</sup>

Belgrade's callousness towards the fate of the enclave Serbs is not particularly remarkable, as it mirrors similar positions towards "inconvenient" Serbian populations in Croatia and Bosnia. Nonetheless, its stance is of vital importance to enclave Serbs and will in large measure dictate whether they stay or go.

In the present febrile atmosphere, the various Serb areas in Kosovo are spinning in different directions. In the territories that will form the **Gracanica municipality** south of Pristina, even Belgrade's appointees are waiting for the practical opportunity it will bring; many will compete for positions in it. Students in Gracanica expressed determination to stay and scepticism over north Mitrovica media's dark portrayal of the security situation for Serbs.<sup>289</sup> But in the neighbouring villages of Bresje and Uglare, next to Fushe Kosove/Kosovo Polje – one of which will be just outside the new municipality, one just inside – many are selling up.<sup>290</sup>

In the far **south**, the existing Serb municipality in mountainous Strpce feels isolated and insecure. Serbs there resent the operational presence of the regional all-Albanian KPS special unit, are upset by Albanians building homes near the municipality's ski centre and fear that in an independent Kosovo Albanians will try to wrest the centre from them.<sup>291</sup> With nerves so on edge, there is a risk of a serious clash and the municipal leadership tends to take hard-line stances. On 9 May it voted to change its municipal statute to declare itself back under Serbia's administration in "Kosovo and Metohija," after hesitating over this step in April. Nevertheless, the municipality pays great attention to the budget provided it by Pristina and was perturbed by its reduction in 2007. Having long failed to attract the PISG's attention on this question, municipal leaders were angered by the sudden stream of official visits from Pristina in response to the planned statute change.<sup>292</sup>

There are to be no new municipalities for the small and scattered Serb population remaining in **west** Kosovo. Some are finding their place within Albanian municipalities, such as 50 returnees in Klina town, the 40 families soon

due to move back into urban Peja/Pec near the patriarchate and several "return" villages in Peja/Pec municipality. UNMIK chose one of these (Brestovik) to show to the Security Council fact-finding mission in April. Serbs in the large Peja/Pec village of Gorazdevac have isolated themselves from their surroundings and dread the future. Unknown Albanian assailants shot village children and youths bathing in a nearby river in 2003, killing two, wounding several and leaving the village traumatised. The villagers took part in the SNC's 27 February Belgrade protest against Kosovo's independence. They may pack up and leave,<sup>293</sup> as may the dispirited Serb community living behind barbed wire in the mainly Albanian town of Rahovec/Orahovac.<sup>294</sup>

In the **east**, Serbs feel relatively more secure. They have road connections to the Serbian town of Vranje, just 30-50 kilometres away on the other side of the Kosovo-Serbia boundary. With the Albanians of Presevo and Bujanovac just on the other side of the boundary, they are bolstered by a sense of positive reciprocity. Nevertheless, many have bought property in central Serbia and may leave at independence. The mild, old-fashioned Serb leadership of the sparse, rural municipality of Novo Brdo, which is to be much expanded, cooperates with Pristina and international community representatives. In Klokott/Verbovac a cooperative community leader is well-placed to take the helm in creating the new municipality.<sup>295</sup> It is more confused in the projected municipality of Partes/Pasjan; successive Belgrade appointments of hardliners in these villages in recent months have eroded the authority of Partes's previously uncontested leader, a moderate from Oliver Ivanovic's group.<sup>296</sup>

In the projected municipality of Ranilug, hardliners now dominate; they refuse contact with KFOR and other international community representatives.<sup>297</sup> International security officials believe that old Serbian territorial defence structures are being revived in Ranilug and that this area, abutting central Serbia, is becoming a conduit for Serbian security personnel and weapons, with Strpce a main destination.<sup>298</sup>

<sup>288</sup> Crisis Group interview, Belgrade, 28 February 2007.

<sup>289</sup> Crisis Group interview, Serb student group, 17 April 2007.

<sup>290</sup> Crisis Group interviews, Bresje and Uglare, 10 May 2007.

Also see Serbeze Haxhijaj, "Bresja ne shitje" [Bresje for sale], *Lajm*, 6 April 2007.

<sup>291</sup> Crisis Group interviews, Strpce, 12 December 2006 and 20 April 2007.

<sup>292</sup> Crisis Group interviews, 20 April 2007.

<sup>293</sup> Crisis Group interviews, Gorazdevac, 23 April 2007.

<sup>294</sup> Crisis Group interviews, Rahovec/Orahovac, 9 May 2007.

<sup>295</sup> Crisis Group interviews, Gjilan/Gnjilane, 2 April 2007.

<sup>296</sup> Crisis Group interviews, KFOR and UNMIK officials, April 2007.

<sup>297</sup> Crisis Group interview, KFOR and UNMIK officials, 2 April 2007; Crisis Group interviews, Ranilug, 24 April 2007, confirmed their impressions.

<sup>298</sup> Crisis Group interview, April 2007.

## 2. Serbs in the north

In the north it is expected that the SNC will declare any independence declaration invalid and will call for the reintroduction of Serbian police and courts. Their possible endgame is to accept substitutes from the post-status EU mission, acquiescing to international community authority while denying Pristina's and declaring that they are still a part of Serbia.<sup>299</sup> With KFOR having increased its presence in the north, and UNMIK having strengthened its grip on the northern boundary crossings with Serbia,<sup>300</sup> the northern Serbs do not have too much room for manoeuvre. If they take an ultra-militant and armed stance, KFOR and UNMIK will be obliged to act against them, rather than continue to be their de facto protectors. Yet to date neither has shown much willingness to tackle northern separatism head on.<sup>301</sup> Although international forces could in theory simply close the boundary crossings with Serbia, leaving the northern Serbs in a ghetto and facing the Albanians across the Ibar, this would risk further escalation. The process could reignite armed conflict between Kosovo Albanians and Serbs, prompting flight from both sides of Mitrovica.

Under the surface, more Serbs in the north are becoming disenchanted with SNC leaders Jaksic and Milan Ivanovic for their sterile hard line, use of intimidation and corruption.<sup>302</sup> The independent line steered by north Mitrovica's Radio Contact Plus and new growth in cooperation-oriented NGO activity are proof of this. Yet their numbers are small and they are unable to influence the political status quo. If the independence decision is brought with maximum international authority and with the imprimatur of the UN Security Council, and if it includes in some form an acknowledgement of the distinctiveness of the Serb north, some moderate Serb politicians in Mitrovica think that they will have enough cover to play a part in Kosovo's new institutions.<sup>303</sup> The

main question is whether they will be able to secure sufficient public support.

## 3. A bridging political organisation?

Kosovo Serbs' loyalty to Serbia's government and its parallel structures in Kosovo have kept them in permanent confrontation with the Albanian majority and UNMIK. The new Ahtisaari municipalities may bring, if not cooperation, at least an accommodation with Pristina and the ICO. Belgrade and the SNC leaders of north Mitrovica are trying to keep Kosovo Serbs' "vertical spirit" of loyalty to them intact. During 2006, cosmetic moves were made to reunite the SNC of north Kosovo with the weaker, more fragmented SNC of central Kosovo (they split shortly after Milosevic's fall in October 2000). Yet, Jaksic and Milan Ivanovic prevented it from developing a life of its own. In fact, Belgrade and the SNC leaders have stifled democratisation in the Kosovo Serb community in general, in particular preventing autonomous leadership from emerging among the enclave Serbs. Consequently, loyalty to Belgrade remains strong.

Some Kosovo Serbs recently developed ideas for a new umbrella body to represent their views and interests, as a middleman between Pristina and Belgrade,<sup>304</sup> creating a challenge to the SNC's monopoly. Moderates grouped around Oliver Ivanovic and the new Kosovo Serb Independent Liberal Party tried to create a body willing to cooperate with Pristina and the international community. They brought 150 delegates, mostly from the eastern enclaves, to a hall in Gracanica on 4 March, intending the founding convention of a Serb People's Assembly. In advance, they sought backing from authorities in Belgrade, but to no avail.<sup>305</sup> On the eve, the Serbian government-aligned Belgrade newspaper *Politika* denounced the venture.<sup>306</sup> On the day, local Belgrade loyalists from Milosevic's SPS disrupted the meeting, and it was abandoned.<sup>307</sup>

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<sup>299</sup> Crisis Group interview, SNC official, north Mitrovica, 11 February 2007.

<sup>300</sup> From mid-2006 KFOR built up its "Nothing Hill" base near Leposavic, with U.S. and German units rotating through it. UNMIK also reinforced the presence of international police at the boundary points and "hand-picked the customs officers" from August 2006. As a result, customs receipts from these crossings rose to €10 million in the subsequent six months, from "near zero" before, and confiscations of its cash consignments to the northern parallel structures obliged Belgrade to start sending more of its money by bank transfer. Crisis Group interview, senior UNMIK official, 8 February 2007.

<sup>301</sup> One high-level KFOR officer argued that if northern Serbs set up roadblocks he would instruct his troops to take them down – to protect freedom of movement – but if they organised a referendum on independence for the north they would not intervene. Crisis Group interview, Pristina, 23 February 2007.

<sup>302</sup> Crisis Group interviews, Mitrovica, February-April 2007.

<sup>303</sup> Crisis Group interviews, north Mitrovica, 18 April 2007.

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<sup>304</sup> Crisis Group interview, Nenad Radosavljevic, Leposavic, 29 November 2006.

<sup>305</sup> Crisis Group interviews with organisers, Oliver Ivanovic, Gojko Savic, Petar Miletic, north Mitrovica, 18, 19 April 2007.

<sup>306</sup> Biljana Radomirovic, "Sutra formiranje srpske skupstine na Kosmetu" [Tomorrow a Serb assembly will be formed in Kosmet], 3 March 2007.

<sup>307</sup> Organisers also made a serious tactical mistake that allowed hardliners more easily to portray them as puppets of the international community, by securing assistance from the OSCE mission and inviting the chiefs of the UK, French and German diplomatic offices to the meeting.



The initiative was too precipitous. A mini backlash set in against it among Kosovo Serbs.<sup>308</sup> Belgrade loyalists in the enclaves did not dismiss the idea but condemned its execution as insufficiently transparent and inclusive. They want instead a body that bridges Serb civil society, political parties and representatives of official Serbian government structures in Kosovo.<sup>309</sup> But no initiative to form such a wide body is likely to come. Post-status Kosovo will probably see instead a smaller and weaker liberal bloc, trying to promote Serb interests through Kosovo's institutions, and a larger nationalist bloc, defending the Serbian state in Kosovo.

### C. SECURING BELGRADE'S COMPLIANCE

Serbia's public Kosovo policy is straightforward and simple: Belgrade maintains a well-known and oft-repeated position that Kosovo is an integral part of Serbia guaranteed by Security Council Resolution 1244, and that any attempt to separate Kosovo from Serbia would be a brutal violation of the norms of international law and principles of sovereignty that could have repercussions for the rest of the Balkans as well as the wider world. Belgrade has rigidly adhered to this position, both in public and throughout the Vienna status negotiations.

Belgrade has taken this uncompromising position for several reasons. First is domestic politics. Passions over Kosovo run high, and Serbian politicians feel a softer stance would be political suicide. Those who might otherwise be more accommodating fear an all-too-possible voter backlash.<sup>310</sup> Many fear justifiably that their political opponents would attack them for being soft on Kosovo and that the Orthodox Church and Serbian history books would label them traitors.

Secondly, Belgrade has calculated that, by maintaining a hard line, Serbia can at the very least stall the entire process until Kosovo Albanians lose patience and declare independence unilaterally or resort to violence against Serbs, or perhaps both. It hopes to gain substantial concessions from the Albanians and achieve international blessing for policy goals that are in direct opposition to the Contact Group's stated principles and the Ahtisaari plan. Belgrade has maintained a consistent and unchanged policy since 1999 to ensure eventual international support for what has

become increasingly clear is its end game: partition of Kosovo north of the Ibar.

But how will Belgrade actually react if a UNSC resolution opening the way to a declaration of Kosovo independence actually passes in May or June? Many in the international community have realised that Serbia will under no circumstance agree to independence (no matter the concessions and no matter how highly supervised the process). Others seem to think that sweeteners will somehow persuade it to sign on to some form of an agreement or at least give a "soft no". But domestic political reality dictates that no manner of concessions will change Belgrade's response.

Within Belgrade only the LDP has gone on record favouring independence. Otherwise there are those who favour a more moderate approach to Kosovo (DS, G17+) and those who favour a more confrontational approach (DSS, SRS, SPS). The latter are able to rely on approximately 62 per cent of the parliamentary deputies.<sup>311</sup> One of the most extreme leaders, SRS leader Tomislav Nikolic, has said that "there will be no war",<sup>312</sup> while indirectly hinting at a possible violent response to Kosovo independence.<sup>313</sup> The parties favouring a soft no, although the darlings of the international community, have little ability to override the majority. Ignoring these political realities, the international community continues to offer concessions to Serbia in the hope this will somehow strengthen the hand of the moderates.<sup>314</sup>

But does this translate into military confrontation with NATO? It appears that none of Serbia's politicians is willing to risk open warfare, no matter how hard-line nationalist their public stance may be.<sup>315</sup> No one has called for the army to become involved in Kosovo. The army especially does not wish to confront NATO directly, particularly given the good working relationship it has established policing the border between Kosovo and south Serbia's Presevo Valley,<sup>316</sup> gaining PFP status, and in building cooperation

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<sup>308</sup> In the western village of Gorazdevac, posters depicting the organisers as traitors were put up. See "Kunder 'tradhtareve'" [Against 'traitors'], *Express*, 31 March 2007.

<sup>309</sup> Crisis Group interviews, Gracanica, 12-13 April 2007.

<sup>310</sup> The one political party in Serbia that favours independence – Cedomir Jovanovic's Liberal Democratic Party (LDP) – won only 5.3 per cent of the vote in the 21 January parliamentary elections.

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<sup>311</sup> They could well see an increase in their numbers if new elections are held within the next 24 months.

<sup>312</sup> "Nema Rata", *Vecernje Novosti*, 13 January 2007.

<sup>313</sup> "Vojislav Seselj bi odbranio Kosovo", *Kurir*, 23 April 2007.

<sup>314</sup> These concessions have included premature Partnership for Peace membership, turning a blind eye to Serbia's fraudulent constitutional process and, most recently, signals from the EU that it would be willing to restart Stabilisation and Association Agreement negotiations with Serbia whether or not war crimes indictee Ratko Mladic is arrested. But it is the confrontationalist faction that will dictate much of how Serbia responds.

<sup>315</sup> Crisis Group interviews, Serbian politicians, Belgrade, March-May 2007.

<sup>316</sup> Crisis Group interviews, Serbian Army officials, Belgrade, March-May 2007. See Crisis Group Europe Report N°174, *An*

with the U.S. Army's Ohio National Guard, as well as other NATO members states' militaries.

If anyone mounts an armed response to Kosovo independence, it will likely be paramilitary groups. This already occurred once, in March 2004, but the Serbian government was able to prevent most from reaching Kosovo.<sup>317</sup> Whether or not the political will still exists in Belgrade to mount a similar preventive effort is uncertain but one recent event indicates that the BIA (Security Intelligence Agency), police and government might respond in similar fashion in response to Kosovo independence. Ominously, on 5 May in Krusevac, a new paramilitary group, the Guard of Emperor Lazar, was formed with significant media attention. Named for the ill-fated medieval Serbian prince who lost his life at the Battle of Kosovo Polje in 1389, its stated purpose is to defend Kosovo. Approximately 200 persons showed up for a disorganised event. The police arrested 27 persons from Kosovo who attended.<sup>318</sup>

Serbia is much more likely to react on the diplomatic front. Kostunica, the SRS and SPS appear ready to use Kosovo independence to steer the country away from the west and into a closer Russian orbit. Following the 21 January 2007 parliamentary elections, Kostunica presented a list of principles for forming a government with DS. One demanded that Serbia cut off relations with any NATO member country that recognised an independent Kosovo. Persons close to the protracted negotiating process over forming a new Serbian government indicate that this has been one of the key stumbling blocks.<sup>319</sup> The DSS would certainly have a parliamentary majority for such a move, as seen early on the morning of 8 May, when the parliament elected Nikolic as its president. He has stated repeatedly and directly that Serbia will turn its back on the EU if Kosovo becomes independent.<sup>320</sup> The DSS, in conjunction with the SRS and SPS, appears ready to steer Serbia away from the West and a pro-European course, no matter the incentives. Nikolic has already threatened that in the event Kosovo becomes independent, he will recreate the events of 5 October 2000 that led to the overthrow of Milosevic with the support of the police.<sup>321</sup>

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*Army for Kosovo?*, 28 July 2006, pp. 24-25, for a description of Serbia's military posture with regard to Kosovo and Presevo.

<sup>317</sup> Crisis Group interview, high-level Serbian security official, Belgrade, 11 May 2006.

<sup>318</sup> Crisis Group interview with Serbian government official, May 2007.

<sup>319</sup> Crisis Group interviews, political party members and analysts, Belgrade, March-May 2007.

<sup>320</sup> "Ne u EU ako Kosovo bude nezavisno", *Blic*, 24 February 2007.

<sup>321</sup> "Ako mi pnovimo 5 Oktobar policija je uz nas", *Nedeljni Telegraf*, 14 March 2007. On 9 May Nikolic threatened other

Whatever the outcome of Serbia's ongoing efforts to form a government, Tadic will face tremendous parliamentary pressure to respond negatively towards those countries recognising Kosovo. According to the tentative 11 May coalition agreement, Kostunica will remain as premier, and DSS (Jocic) retain the interior ministry. This, together with the 62 per cent anti-Western parliamentary majority, would mean that Tadic could be easily overruled and his government fall. If the president and his pro-Western democratic allies insist on staying in power, they will be forced to front publicly for policy decisions made by the anti-Western majority. It is quite likely that Serbia will go into a period of self-imposed isolation in the short run.

There is little the international community can do to change Serbia's increasingly isolationist internal political dynamic over the short and medium term. International concessions will only be viewed by many Serbs as a sign of Western guilt over the 1999 bombing and a vindication of Serbia's position, and as such will only strengthen anti-Western nationalist elements.

In spite of Serbia's open signals that it will turn its back on the West following an independence declaration, some in the international community still hope to gain Belgrade's support for Ahtisaari Proposal implementation by focusing on the extensive rights that it provides for Serb majority municipalities. In fact, the Proposal is a blueprint that many in Belgrade's political elite feel is an improvement on Kosovo's existing governance arrangements.<sup>322</sup> But it still falls far short of what these elites would like to see: an entity system similar to Bosnia's that could be used to work towards partition. Belgrade does hope, nonetheless,

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extraordinary measures. He said he would instruct the parliament to impose a state of emergency to prevent new elections and so that Serbia could fight to keep Kosovo. Within 24 hours Nikolic – under strong Russian pressure – publicly backtracked, saying his remarks were only theoretical. If Nikolic's comments were designed to frighten the DS into forming a government, they seem to have worked. Crisis Group interview with diplomatic source, 10 May 2007. The possibility that Serbia could at some stage face a parliamentary dictatorship is discussed in Crisis Group Europe Briefing N°44, *Serbia's New Constitution: Democracy Going Backwards*, 8 November 2006.

<sup>322</sup> Belgrade engaged in negotiations over the Ahtisaari Proposal, even while declaring the entire plan unacceptable. On each discrete area – decentralisation, protection of the Serbian Orthodox Church and cultural heritage and security architecture – it argued for adjustments during the Vienna consultations of February-March 2007. Belgrade did not give up after Ahtisaari rejected its proposals. Its negotiators followed the Proposal to New York, lobbying Security Council members and groupings within the General Assembly on their amendments, explaining that much of Ahtisaari's Proposal might be preserved. Ahtisaari's Proposal is, therefore, not a complete write-off from Belgrade's point of view.

that if Kosovo gains UN-sanctioned independence, the Ahtisaari Proposal would become the basis for further negotiations on the rights and privileges of Serb-populated areas. However, no one is willing to say this publicly for fear it might be misinterpreted to mean support for independence.

**Pristina/Belgrade/New York/Brussels, 14 May 2007**

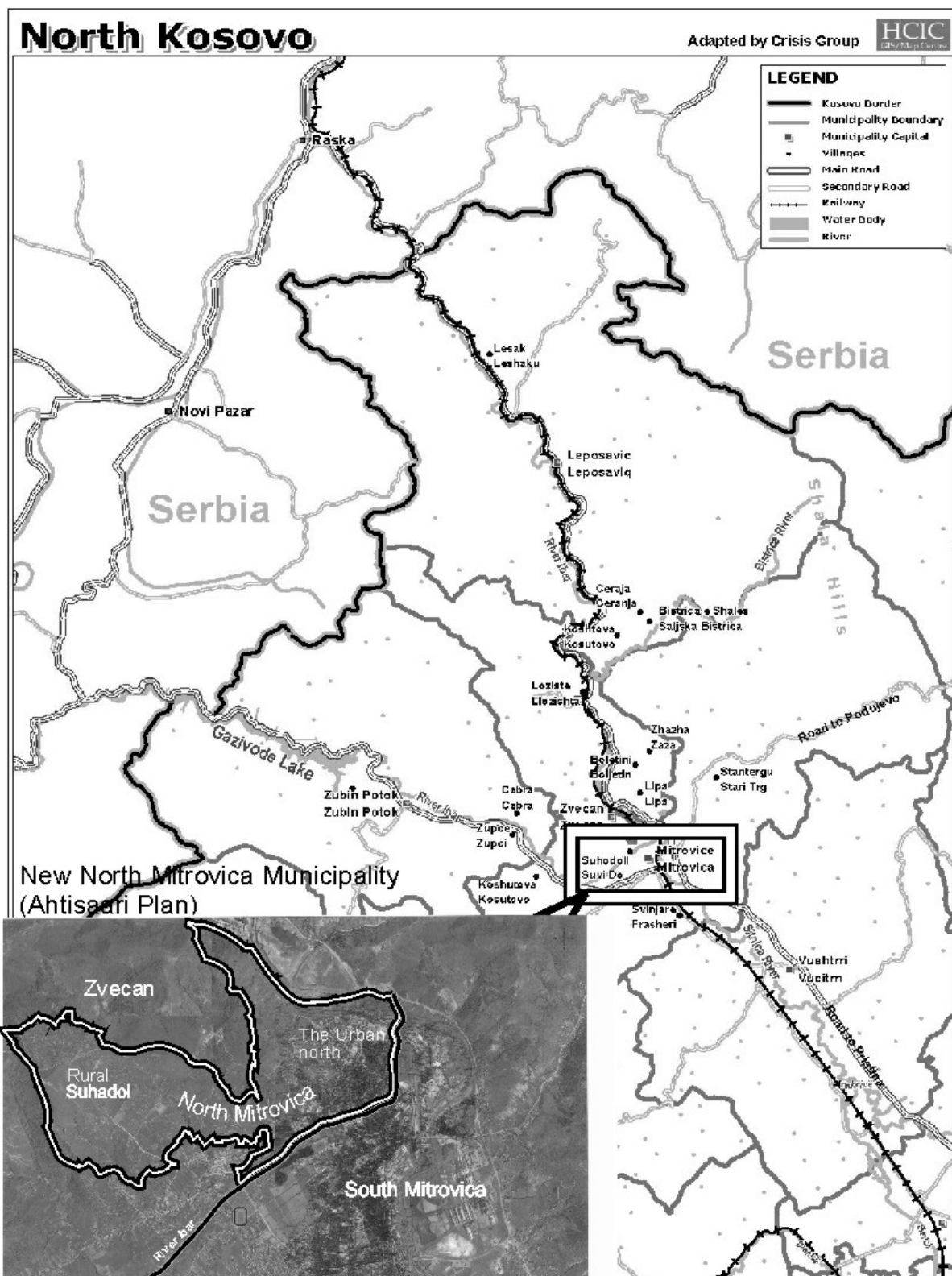
## APPENDIX A MAP OF KOSOVO



Source: UNMIK- adapted by Crisis Group

APPENDIX B

MAP OF NORTH KOSOVO, WITH INSERT DEPICTING AHTISAARI'S PLANNED MUNICIPAL REARRANGEMENT OF THE MITROVICA AREA



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

While the printing, Municipality boundaries displayed on this map were not certified as official by UN-K.

## APPENDIX C

### MAP OF CENTRAL AND EASTERN KOSOVO'S MUNICIPALITIES AS REARRANGED UNDER THE AHTISAARI PROPOSAL



Source: Kosovo Cadastral Agency: Adapted by Crisis Group

## APPENDIX D

### EVOLUTION OF KOSOVO STATUS

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- 1912-1974 Serbia and Montenegro took control of the Kosovo area by force of arms from a crumbling Ottoman Empire in 1912, and gained sovereignty over it in the 1912-1913 London Ambassadors Conference. Medieval Serbia had lost Kosovo to the Ottomans in 1389; Serbia gradually regained its own independence between 1817 and 1878, the Kosovo myth becoming central to its new national consciousness. By 1912 Albanians comprised at least half Kosovo's population. Despite the introduction of Serb settlers and other attempts to bolster the Serb population and encourage Albanian emigration during the two Yugoslav periods, the Albanian majority in Kosovo continued to rise through the twentieth century.
- 1974-1989 In a liberalising Yugoslavia, the 1974 constitution granted Kosovo autonomy and the status of a federal unit, though still within the Serbian republic. The majority Albanians were emancipated and took over the province's administration. Yet, pressure upon resources from an economic downturn and fast-growing population formed the background to riots by Albanian students in 1981, with demands that Kosovo's status be upgraded to a republic. Yugoslav security forces re-established a stronger grip over the province. Through the 1980s thousands of Albanians were imprisoned for alleged subversion; anti-Albanian sentiment stoked rising Serbian nationalism, which Slobodan Milosevic used to take over Serbia's leadership, staging a vast rally of Serbs in Kosovo to mark the 600<sup>th</sup> anniversary of the 1389 Battle of Kosovo Field.
- 1989-1997 Milosevic clamped down in Kosovo with heavy security forces and revoked the province's autonomy. Under "emergency measures", Albanians were expelled en masse from state institutions. They responded by self-declaring a Kosovo republic, electing a president (Ibrahim Rugova) and organising a parallel education system. In 1991-1992 the Badinter Arbitration Committee appointed by the EU to decide its state recognition guidelines in the former Yugoslavia ruled that republics should have the right of self-determination: Kosovo and Vojvodina, the two autonomous federal units suppressed by Milosevic, did not make the grade. Kosovo was also bypassed in the 1995 Dayton talks, which decreed a settlement in Bosnia-Herzegovina; this deprived the Kosovo Albanian peaceful resistance of any realistic hope of outside help. By the late 1990s, Serbs and Montenegrins had dropped to 15 per cent of Kosovo's population.
- 1998 Attacks in rural areas by a small, clandestine Kosovo Liberation Army (KLA) formed by Kosovo Albanian radicals brought heavy retaliation by Serbian security forces; fighting mushroomed across the Kosovo countryside through 1998, leaving 300,000 Albanians homeless by October, when a ceasefire was agreed and an international OSCE monitoring mission inserted.
- 1999 As fighting resumed in February, the six-nation Contact Group (U.S., UK, France, Germany, Italy and Russia) summoned both sides to talks in Rambouillet, France, and proposed they sign an Interim Agreement for Peace and Self-Government in Kosovo: autonomy with NATO's Kosovo Force (KFOR) inserted and Serbian forces (except for some border guards) withdrawn or demilitarised. The draft accord provided for an international meeting after three years to determine a mechanism for a Kosovo final settlement, "on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act". The Albanians signed on the understanding this meant they could hold a referendum on independence after three years; Belgrade declined.

With Serbia continuing its brutal use of force against the Kosovo Albanians, NATO launched a bombing campaign over Kosovo and rump Yugoslavia in March 1999, without specific UNSC authorisation. After 78 days Milosevic capitulated, agreeing to admit KFOR into Kosovo and withdraw his forces. Prior to this, from March to June, Serbia drove more than 800,000 Kosovo Albanians as refugees into neighbouring Albania, Macedonia and Montenegro – nearly half of Kosovo's Albanian population – and displaced hundreds of thousands more from their homes inside Kosovo. Serbian forces destroyed tens of thousands of homes and many mosques, embarked upon mass looting and rape, and murdered several thousand people.

In June the UNSC passed Resolution 1244, mandating KFOR's presence and a UN interim administration (UNMIK) to establish and oversee Kosovo provisional democratic institutions of self-government within a framework of Yugoslav sovereignty, pending a final settlement which was to take full account of the Rambouillet accords.

Tens of thousands of Serbs fled Kosovo in mid-1999, fearing reprisals as Albanians returned. A wave of murders, kidnappings and other crimes were perpetrated against Serbs by Albanians through early 2000 as KFOR and UN police failed to enforce authority adequately.

- 2001 UNMIK promulgated a Constitutional Framework, enabling parliamentary elections, appointment of a president and provisional government (PISG). It demarcated the spheres of UNMIK's fundamental "reserved" powers from those that could be transferred to the PISG.
- 2002 With a provisional government formed, UNMIK chief Steiner created the "Standards before Status" policy as a stopgap local mission response to Kosovo Albanian demands for international community clarity as the notional Rambouillet three-year deadline passed.
- 2003 The Contact Group revived after several years of dormancy, agreeing in November to make "Standards before Status" operational with a range of benchmarks to be achieved; if the provisional government's progress warranted it, there would be a review of final status in mid-2005.
- 2004 In March Albanian insecurity exploded into two days of Kosovo-wide mob attacks on Serb communities and UNMIK. UNMIK finally got its "Standards before Status" policy operational two weeks later, its spirit already utterly violated by the riots. The risk of renewed violent collapse and the concept of earned independence have driven the status process in uneasy tandem in the three years since. In July UN Special Envoy Kai Eide recommended more transfers of power to the PISG and beginning discussion of future status by the UN; new UNMIK chief Soren Jessen-Petersen made getting Kosovo to the beginning of a status process his priority. The Contact Group gave Kosovo a crucial reassuring signal in September; it "would not return to the situation prevailing there before March 1999", i.e. no return to Serbian rule. In November UNMIK allowed the provisional government three more ministries.
- 2005 In April the Contact Group excluded the partition of Kosovo or its union with any other country (i.e. Albania) in its status resolution. Kosovo's implementation of the Standards was judged sufficient for the status review to proceed. UN envoy Kai Eide reported in October that the rule of law was insufficiently entrenched, foundations for a multi-ethnic society had not been created, and Serbia had undermined Standards implementation by marshalling a partial Serb boycott of the provisional institutions. He proposed that Serb-majority municipalities have additional powers and links with Belgrade as a partial remedy and concluded that there was nothing to gain in further delaying a process to settle Kosovo's status.

In October the UN Secretary General appointed former Finnish president Martti Ahtisaari to lead this process. In November the Security Council endorsed the Contact Group's "Guiding Principles" for the settlement: "Once the process has started, it cannot be blocked and must be brought to a conclusion", and the final decision "should be endorsed by the UN Security Council". On the substance of the settlement the ten principles were that it should 1) comply with international legal standards and contribute to regional security; 2) conform to European standards and assist Kosovo and the region's integration into the EU and NATO; 3) ensure sustainable multi-ethnicity; 4) provide mechanisms for all communities to participate in central and local government, using decentralisation to facilitate coexistence and equity; 5) include specific safeguards for protection of Serb religious sites; 6) strengthen regional security by excluding Kosovo's partition or union with any other country; 7) ensure both Kosovo's security and that it does not pose a threat to neighbours; 8) strengthen Kosovo's ability to enforce the rule of law, fight terrorism and organised crime, and safeguard multi-ethnicity in the police and judiciary; 9) ensure Kosovo's sustainable economic and political development and its effective cooperation with international organisations and international financial institutions; 10) specify an international civilian and military presence "for some time" to supervise implementation of the status settlement, ensure security and the protection of minorities, and support and monitor Kosovo's continued implementation of standards.



In November the European Commission in effect separated its annual progress reports on Serbia, Montenegro and Kosovo, signalling their separate accession tracks. In December it decided to absorb the UN Standards into a European Partnership with Kosovo. The EU Council and Commission began planning post-status mission presences in Kosovo and stipulated that the status settlement should grant Kosovo treaty-making powers. In December UNMIK created the shells of future provisional government interior and justice ministries.

2006 In January Contact Group ministers further elaborated their joint position, specifying that “all possible efforts should be made to achieve a negotiated settlement in the course of 2006” and that it must “be acceptable to the people of Kosovo”. They emphasised the value of decentralisation to ensure minority communities’ future and as an “impetus to the return of displaced persons who should be able to choose where they live in Kosovo” (few of the tens of thousands of Serbs who fled Kosovo have returned, despite this being one of the Standards benchmarks).

The ministers emphasised that the specificity of the Kosovo problem “shaped by the disintegration of Yugoslavia and consequent conflicts, ethnic cleansing and the events of 1999, and the extended period of international administration under UNSCR 1244, must be taken into account in settling Kosovo’s status”. The ministers reminded Belgrade that its “disastrous policies of the past lie at the heart of the current problems”. In August Ahtisaari was attacked by Serbian officials and media for elaborating this Contact Group position; he explained that Serbia’s leaders must come to terms with the Milosevic legacy, that it cannot be ignored and must be taken into account in determining Kosovo’s status. The episode highlighted Serbia’s unwillingness to acknowledge and apologise for the repression and atrocities perpetrated against Kosovo’s Albanian majority; instead, anti-Albanian rhetoric and incitements have remained staples of Serbian officialdom and media.

The EU Council advanced its plans for post-status mission presences, establishing planning teams in Kosovo for a rule of law (ESDP) mission, and an International Civilian Office (ICO)/EU Special Representative (EUSR) office. NATO concluded in favour of allowing and overseeing the establishment of a small, lightly equipped Kosovo Security Force and fed this into the emerging Ahtisaari Proposal.

From February through September Ahtisaari’s office (UNOSEK) engaged the negotiating teams of Kosovo and Serbia in several rounds of direct talks in Vienna and mounted a number of expert missions to both capitals. With possibilities for the sides to agree exhausted, Ahtisaari readied his proposal for release in November but agreed to delay it until after Serbia’s elections, announced for 21 January 2007.

2007 Ahtisaari unveiled his 63-page Comprehensive Proposal for the Kosovo Status Settlement to both Serbia’s and Kosovo’s leaders on 2 February. Later in February, UNOSEK held two weeks of meetings between Kosovo and Serbia negotiators from which it refined a revised version of the Proposal, which it circulated before a final 10 March meeting of Kosovo’s and Serbia’s leaders. With this, Ahtisaari announced that the fourteen-month process, comprising seventeen rounds of direct talks in Vienna and 26 expert missions to Serbia and Kosovo, was over. He forwarded the Proposal to the UN Secretariat, together with a four-page report defining Kosovo’s political status. Secretary General Ban Ki Moon forwarded these to the Security Council on 26 March, expressing his full support for both documents. The Security Council heard Ahtisaari’s presentation on 3 April and dispatched a fact-finding mission to Serbia and Kosovo on 25-28 April.

The EU Council deepened its preparations for the ICO and ESDP mission, planning on a schedule that assumed they would be mandated by a June Security Council resolution. UNMIK planned the handover of its powers with the provisional government and allowed it to plan the creation of a ministry of foreign affairs.

## APPENDIX E

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

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

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

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

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates twelve regional offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kampala, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Yerevan). Crisis Group currently covers nearly 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia,

Guinea, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda, Western Sahara and Zimbabwe; in Asia, Afghanistan, Bangladesh, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Phillipines, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the rest of the Andean region and Haiti.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Australian Agency for International Development, Austrian Federal Ministry of Foreign Affairs, Belgian Ministry of Foreign Affairs, Canadian Department of Foreign Affairs and International Trade, Canadian International Development Agency, Canadian International Development Research Centre, Czech Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Foreign Office, Irish Department of Foreign Affairs, Japanese International Cooperation Agency, Principality of Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Danish Ministry of Foreign Affairs, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Kingdom Foreign and Commonwealth Office, United Kingdom Department for International Development, U.S. Agency for International Development.

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May 2007

## APPENDIX F

### INTERNATIONAL CRISIS GROUP REPORTS AND BRIEFINGS ON EUROPE SINCE 2004

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*EU Crisis Response Capability Revisited*, Europe Report N°160, 17 January 2005

*France and its Muslims: Riots, Jihadism and Depoliticisation*, Europe Report N°172, 9 March 2006 (only available in French)

*Islam and Identity in Germany*, Europe Report N°181, 14 March 2007

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