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**Kosovo - Third
Time Lucky?**

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This paper provides an analysis of the current impasse in international community policy towards resolution of the Kosovo status issue, with consequent dangers for regional stability

Key Points

- * Little real progress has been made in 2007 towards a settlement.
- * Kosovo is likely to become increasingly unstable in this climate of uncertainty.
- * The European Union is unlikely to be able to act as an arbiter of the competing nationalist claims.
- * A clear lead by the international community under US leadership is urgently required.

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Introduction

In the months since the publication of the Ahtisaari report on the future political status of Kosovo, there has been little real progress towards a settlement.¹ The positions of the Serbian and Albanian sides have not changed at all in substance, with a fixed dedication by the Albanians to their long-delayed independence aspirations, and a rigid refusal by Belgrade to countenance them in any meaningful way. The opportunity given by ex-United Nations Special Envoy Ahtisaari for major Russian policy intervention has been taken up with skill by the Putin government, by ruling out anything but a negotiated settlement between the two sides that is subsequently agreed by the United Nations Security Council, a prospect that in the real world rules out forever any change whatsoever in Kosovo's current status.

A further 120 day period of negotiations has been instigated, under an international diplomatic group known as the 'Troika', with American, Russian and European members. The existence of this group, and the renewed negotiations is, in itself, an indication of Ahtisaari's success in giving Russia back a de facto veto power over a matter of south-east Europe's future, and part of the rich diplomatic harvest that the Putin government may subsequently be in a position to exploit in eastern Europe in general if current trends continue.²

Twice Unlucky?

In the course of the last year or so, there have been two obvious occasions where the international community under the leadership of the United States could have broken this deadlock, resisted the growth of Russian influence in the Balkans and reversed the trend in the region towards confusion and uncertainty. It was laid down, as a condition of participation in the international community sponsored negotiations in Vienna, that both the Serbian and Albanian sides should rule out any unilateral initiatives towards a solution of the status issue. In the mentality of the diplomatic community, this was primarily intended to stop the Albanians from trying to declare independence unilaterally, in Prishtina, irrespective of the wishes of the international community and the United Nations.

In reality, though, a double standard has operated, as the Serbs in the Belgrade Parliament in autumn 2006 adopted unilaterally a new Constitution that declared that Kosovo was an integral part of Serbia, a clear and unequivocal statement on the status issue. Although various critical observations were made at the time in some countries, in general the Serbs were allowed to break the parameters of the Vienna talks without suffering any serious adverse consequences in their diplomatic position, and the fact that this took place at all has emboldened Belgrade to adopt a more intransigent and nationalist stance.

This was the first opportunity when the talks could have been broken off, and a process of progressive recognition of Kosovo independence by a planned series of nations started. In reality, this opportunity was missed. Observers of the Balkans over the last twenty years have found it impossible to avoid comparisons with the diplomatic tactics adopted by the Milosevic regime, for instance in the Geneva talks over Bosnia in the 1992-1994 period, when Milosevic would use the 'blackmail factor' of Serbian disapproval of something to then break previously laid down conditions for a negotiation.

A second opportunity for a US-led process of recognition arose in June 2007, when the Vienna talks ended without any significant progress, and in a context where it was clear to most observers that further discussions on the status issue were likely to be futile. The Kosovo Albanian leaders had repeatedly promised the Kosovo public that independence would come when these negotiations were concluded. This delay has continually undermined the authority of the current elected leadership of the Albanian side, and increased concern and anxiety among the 95% Albanian majority generally. The decision on what action to take was inevitably focussed on Washington, and any rational analysis of what took place is bound to involve consideration of the wider politics of the Bush administration and its view of Putin and Russia.

In the June crisis, it seems that a major factor was the imminent face-to-face meeting between Putin and Bush, where a variety of major issues such as the new missile shield proposals were on the table, and the Washington administration was unwilling to have a major US-Russia difference over Kosovo just before the meeting when Washington hoped for progress on other things. Thus, the advocates in Washington of seeing Russia as a 'partner' in the War against Terrorism and a de facto ally against Islamic radicals seems to have won against those who see this policy as based on illusions, particularly on the 'Clash of Civilisations' Christian Right who point, for instance, to the Russian relationship with the Iranian nuclear programme as evidence for their views.

Another important background factor is the coming US presidential election, where Kosovo is a difficult issue for the administration at some levels. Although a big majority of Albanian-American voters vote Republican, the NATO intervention in Kosovo in 1999 was very much a Clinton initiative, and there is still a minority opinion in some parts of the Republican party that organised the 'tilt towards Serbia' in the 2000-2003 period who believe that an independence decision could hand over votes to the Democrat candidate, particularly if it is Hillary Clinton herself. These doubters will have seen their views reinforced by the decision of the President's advisers only to have an Albanian visit on his European tour in July 2007, and not a visit to Kosovo. They have also noted that the key swing state of Ohio is where the Serbian-American vote in the US is concentrated, and given the margin of the Bush victory last time, an independence decision for Kosovo will be electorally unhelpful.³

On the other side of the argument is the overwhelming majority of opinion in the State Department and other relevant departments and agencies and regional experts and think tanks in the USA, who see independence for Kosovo as the only realistic political option, and also one which would reward the most stalwart pro-USA public opinion anywhere in Europe. These realists feel it will in any event be a generation or more before Serbia really changes in its internal mechanisms, and see the current revival of nationalist ideology in Belgrade over Kosovo as a symbol of the psychological denial of responsibility for many aspects of the Balkan turmoil in the last twenty years that still prevails in Serbia. A volte face now in US policy would open the doors to a swing of the Albanian nationalist movement in Kosovo towards

Islamic backers and quite possibly terrorism, and would in time be likely to create a Palestinian-type problem in the heart of south-east Europe. This would, of course, suit Belgrade nationalists very well in a strategic sense, reawakening memories of the time when Serbia in the nineteenth century saw itself as the frontier state of Europe against a Muslim theocratic Ottoman Empire.

There is also the background of the strong commitment of some in the US to what is seen as the restoration of international law in Serbia by the overthrow of the Milosevic regime in autumn 2000. Law, and the concept of legality in political discourse, matters much more in the United States than in many other places. There is no very clear mechanism in international law for the dismemberment of a legal state entity when one part wants to leave and the other wishes to prevent that happening, although there are numerous examples where this has happened recently in practice and then been approved by the UN, for example East Timor.

European Perceptions

It had been generally assumed throughout the winter of 2006-2007 that Kosovo was an issue, like the issue of Macedonian name recognition, where the United States would be prepared to take unilateral action to secure a settlement. This view was strengthened by the generally positive effects of the Macedonian decision internally, although as a result of Greek objections, the US' lead has not been followed by the European Union. The June decision to involve Russia and prolong the talks by 120 days was a surprise in many quarters, and put the Kosovo status ball firmly back in the European court. A recent paper by the International Crisis Group has analysed the background to this process.⁴ The problem the US has and continues to face is that 'Europe' does not function as a foreign policy actor as anything like a parallel body to the United States, although many Americans with a distant and abstracted view of the EU consider that it should do so.

There are in fact at least three major currents of opinion within the EU over Kosovo, most of which have remained the same for many years. These are, roughly, the UK and associated states' view, backing clear independence with an EU transitional presence; a 'managed independence' on a possibly long term basis favoured by many in France and Germany; and thirdly nations like Slovakia, some quarters in Spain and Italy and most public opinion in Greece, Bulgaria and Romania where there is little real support for anything further than some kind of federal or 'managed autonomy' solution within Serbia, however far from political reality this may be. These issues, of course, recall the splits over Bosnia, although with some different political positions at that time in different states.

In Germany there are major problems linked to the opening to Russian influence which the Ahtisaari document provided, given German energy dependence on Russia and the very large sums lent by German banks to Russian borrowers, a little noticed feature of the recent international credit crisis. Some German companies, particularly in Bavaria, have strong economic links with Serbia, and are an opinion-constituency that does not wish for instability in Serbia that might emerge with a Kosovo independence decision. The temptation of the Merkel government has been to leave complex foreign policy decisions to Washington, and the US failure of nerve over the two possible independence declaration opportunities mentioned above has been a disorienting and difficult experience in Berlin. The Bush administration, on its side, seems to have believed that somehow the Germans could get Putin 'onside' over Kosovo, although the basis for this wishful thinking is not at all clear. It is

particularly odd given the valuable US success over Macedonian name recognition and stabilisation, which has encouraged German companies to become major investors in Macedonia.⁵ The Bush administration does not have that many foreign policy successes, and yet is strangely reluctant to build, in Kosovo, on the correct (if unilateral) Macedonian name decision.

An Autumn Crisis?

The main feature of discussion in the last few weeks has been the reopening of the possibility of a partition of Kosovo by the German/EU envoy of the Troika, Wolfgang Ischinger. The arguments against partition are well known and have been extensively accepted in most sections of the international community and on both the Albanian and Serbian sides in the negotiations. The opening of the issue has been supported by Russia, with Primakov declaring that the partition line might include areas well south of the Ibar river demarcation that has been the usual benchmark for discussion of this issue.⁶

In practice, to allow partition to become a political option is to play Russian roulette with the lives and property of those 40,000 plus Serbs living south of the Ibar river line. In the event of an imposed partition, there is every possibility that they would be forcibly ejected from Kosovo, or worse, and all the effort that the United Nations and the international community has made for the last eight years for a multiethnic community would be set at naught. A partition decision would open the window of opportunity for ethnic Albanians in the Preshevo valley in south-east Serbia to reopen the issue of that territory, and also assist pro-federal ethnic Albanian opinion in Macedonia. Thus Kosovo partition would give a major fillip to that currently very small minority of Albanians interested in a 'Greater Albania' or Pan Albanian pattern of ethnic unification.

The great danger of the current indecision of the international community and the seemingly endless pattern of extension of the talks is that in a climate at street level of increasing nervousness and tension, with evidence of widespread small arms possession in both major ethnic communities, some random incident could set off chains of reactions leading to major violence. This happened in March 2004, and although the riot control capacity of the security forces has improved, there is little reason to believe they could easily control a similar situation in the future. It is also fairly easy for extremists on both sides of the ethnic divide to instigate such events, if they wish to do so.

An international community response to the uncertainty has been to press forward with proposed elections for December 2007. The main reason for this seems to be to provide an outlet for political energy that otherwise might be channelled into independence demands. It remains to be seen what the results of this initiative will be. There is widespread disillusionment with much of the existing ethnic Albanian political leadership, and turnout figures have been dropping in recent polls from the very high figures of the 2000 local and 2001 national elections. Most observers agree that none of the party leaders has the authority they used to have, and the important AAK party of Ramush Haradinaj is effectively leaderless now Haradinaj is on trial at The Hague. On the other hand, the election, if held, will provide a perfect opportunity for nationalist politicians to raise the independence stakes, if there is no decision by that date. There will be intense popular pressure on the new Assembly to declare independence unilaterally, if it has not been recognised by then. The PDK leader, Hashim Thaci, is likely to be in the most difficulties over the

issue, as his party has the largest proportion of ex-KLA veterans and people involved with the 1996-1999 war amongst its membership.

Substantial rank and file support within the PDK in important localities like Mitrovica and Vushtri in northern Kosovo has passed over to Albin Kurti's anti-negotiations Vetevendosje movement. Most of the AAK members, at least in western Kosovo, would like the same things as Kurti stands for on most issues. Kurti is currently under house arrest in his flat in Prishtina under UNMIK orders, a position that in some ways suits him quite well in the development of his plans to become the main opposition leader.

The other important aspect of the election is the proposed change in the electoral law to make a 5% threshold for Assembly representation. This may exclude the smaller parties such as the LPK and LKCK from the Assembly, a highly debatable objective. Ever since 1999, it has been an axiom of international community policy to have a 'big tent' for all shades of Kosovo opinion within the Assembly, something that has generally worked well, and has kept those of more radical nationalist views within the mainstream political discourse and process. Presumably the idea behind this is to produce a more 'moderate' Assembly, but the much more likely result is to strengthen extra-Assembly and semi-underground politics and activity, something for which the Kosovo Albanians have a long-established proclivity. The LPK, in particular, has support and sympathy well beyond its small open membership, and this 5% threshold will only play into extremist hands.

The Central Role of the Assembly

Yet the Assembly is likely to play a crucial role in the months ahead. Whatever happens with the elections - if they take place - they are unlikely to produce local councils or a national chamber with significantly different views on any of the major issues from the current membership. As things stand, with the ever-increasing influence of Russia and Western disunity in the face of it, there is little or no real prospect of the diplomacy of the Quint group (Italy, Germany, France, the UK are the European members), the Contact group or the Troika producing an agreed solution to the crisis by December 10th. At this point, it is virtually inevitable that there will be calls within Kosovo for a unilateral declaration of independence. It has become an item of accepted wisdom to date that this would be a bad development, and has been resisted by the international community.

It must be open to question now whether this is any more a realistic policy or course of action. A declaration by the Assembly would clear the way for progressive international recognition of the Kosovo reality. As long as the prevailing discourse about Kosovo is confined to diplomatic and International Community figures, the role of Russia and the more nationalist part of the Serbian polity is bound to increase, as the last months' developments conclusively indicate. The democratic desires of the 95% Kosovo majority need to be brought into a central place in the discourse, but in such a way that is not destabilising or aggressive. A referendum could possibly be more risky in this respect, and would open the door to political grandstanding by the Kosovo Albanian leadership. A central role for the Kosovo Assembly would be in many ways similar to the ways parliaments emerged as arbiters of the popular will in the struggle against absolutism throughout Europe and would be a fitting end to the long independence process. Although the United Nations could claim that Resolution 1244 is still in place, and prevents such an act,

the realities of the situation would mean that the UN could not hold that position for very long.

At the heart of the Kosovo issue is the extent to which the Bush administration, the Brown government in the UK and governments elsewhere in Europe are prepared to admit they were blind-sided by Russia for some years over Balkan and other policy issues, and allowed the Putin government to re-establish positions of influence in Europe that were thought to be long obsolete. Unless the Bush administration is prepared to set a precedent for the re-establishment of a de facto Russia veto over political developments in eastern Europe, returning to pre-1989 days, such recognition is also necessary on wider grounds. It remains to be seen, if in the difficult conditions of the final period of the Bush administration, the US government will rise to the challenge.

Endnotes

¹ For an analysis of the report, see 'The Ahtisaari Report - Token and Taboo' by James Pettifer, CSRC February 2007, Balkan series, 07/08

² It is often forgotten that the original international community motivation in involving Ahtisaari in the Balkans at all was his 'special relationship' with the Russian leadership in the Milosevic period, and his subsequent role in dealing with Chernomyrdin as a 'mediator' with Milosevic during the Kosovo war.

³ There is also the minor electoral issue of the US Greek lobby to consider. Although the vast majority of US based Greeks and Greek-Americans vote Democrat, and this vote is concentrated in the north-east which is generally firmly Democrat in any circumstances, there are big Greek-American communities elsewhere. Some, as in Chicago, are strongly influenced by the Orthodox church which is always sympathetic to Serbian interests.

⁴ See 'Breaking the Kosovo Stalemate: Europe's Responsibility', Europe Report No 185, www.crisisgroup.org, a useful and sophisticated analysis except that it is rather Eurocentric and overestimates the hold the current Albanian leaders have over many of their opinion constituencies.

⁵ In, for instance, the sulphur mines in the western Macedonian mountains.

⁶ Politika, 2 July 2007

Want to Know More ...?

See:

James Pettifer, “Kosova Negotiations – Backgrounds and Perspectives”, *Conflict Studies Research Centre*, Balkans Series, 06/08, February 2006.

<http://www.defac.ac.uk/colleges/csrc/document-listings/balkan/>

James Pettifer, “The Ahtisaari Report – Totem & Taboo”, *Conflict Studies Research Centre*, Balkans Series, 07/08, February 2007.

<http://www.defac.ac.uk/colleges/csrc/document-listings/balkan/>

‘Breaking the Kosovo Stalemate: Europe’s Responsibility’, Europe Report No 185, www.crisisgroup.org

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