

## Kosovo's First Month

### I. OVERVIEW

A month has passed since Kosovo declared independence on 17 February 2008. Much has gone well, but there is a real risk, as made most evident with the violence on 17 March around the courthouse in north Mitrovica,<sup>1</sup> that partition will harden at the Ibar River in the north, and Kosovo will become another frozen conflict. To seek to prevent this, more countries must recognise and embrace the new state, the international missions (European Union and NATO) must be more proactive and coordinate their operations and, most importantly, it must be demonstrated to Serbia, supported by Russia, that it will not be permitted to break up the new state.

Kosovo's government has made positive gestures to the Serb minority and committed to protect minority rights, including through decentralisation of local government and preservation of cultural and religious heritage. Countries that have recognised Kosovo should now follow up with high-level visits, investments, trade agreements and assistance packages that will demonstrate independence is an irreversible reality and give the new state the confidence and wherewithal it needs to act responsibly.

Concerns that many had about the first month of independence – mass exodus from the enclaves, economic/energy boycotts or even military action by Serbia – have proven unfounded. Nor has there been widespread destabilising violence. But the global community's so-far tepid embrace of the new republic, Belgrade's efforts to expand its hold over Serb areas so as to advance a partition strategy and the failure of international bodies and Pristina to coordinate a counter-strategy suggest longer-term dangers remain very real. These include the perpetuation of a dispute that until it is accepted as settled by all parties leaves the post-Yugoslav peace project in much of the Western Balkans fragile; one of the regions most important states – Serbia – seriously at odds with neighbours and the

West; Russia with a standing temptation to make mischief; the UN's conflict resolution prestige wounded; and the European Union's ability to punch at the political heavyweights level it strives for severely tested.

Kosovo's independence ceremonies and celebrations were dignified and well organised. The new government reached out rhetorically to the Serbs and adopted state symbols, including a new flag, which showed sensitivity to the concerns of the international community. It pledged to implement the plan for conditional independence devised by the UN Secretary-General's special representative, Martti Ahtisaari, and invited the International Civilian Representative (ICR), the EU rule of law mission (EULEX) and NATO (KFOR) to assume major responsibilities for implementing that plan. Kosovo's parliament has begun passing the Ahtisaari laws and is soon to finalise the new constitution.

The EU acted with remarkable unity, even in the face of some member states' hesitancy to recognise Kosovo. On 18 February it took common note of the independence declaration and committed to play a leading role in helping the young state. Earlier it had authorised EULEX as its largest mission ever, as well as an EU special representative, and deployment has begun. EU High Representative Javier Solana, Swedish Foreign Minister Carl Bildt and NATO Secretary General Jaap de Hoop Scheffer were the only senior officials to visit Kosovo in the first month of independence. On 28 February in Vienna, several EU member states and the U.S. took the lead to establish an International Steering Group to supervise Kosovo independence.

The reaction in Serbia was marked with street violence and government disunity. The rejectionist and racist anti-Albanian tone contrasted poorly with the inclusive and sober messages coming from Pristina and demonstrated again both how big a blow the loss of Kosovo is and the failure to break definitively with Milosevic-era attitudes. Commendably, Belgrade did not follow through on threats to cut electricity and impose an embargo, kept its army back and restrained extremists from escalating violence in Kosovo.

The Serbian government – a coalition primarily between President Tadic's DS party and Prime Minister Kostunica's

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<sup>1</sup> This briefing addresses those events – see especially pp. 11-12 below – but they were still unfolding at the time of going to press, and their causes and consequences will be analysed further in subsequent Crisis Group reporting.

DSS party – fell on 10 March, largely over differences on how to respond to EU states' recognition of Kosovo and the deployment of EU missions. But Tadic and the DS have in effect acquiesced to Kostunica's domination of Serbia's Kosovo policy, including the refusal to cooperate with the new EU missions. Little change can be expected in this regard from the 11 May parliamentary elections.

Instead, Belgrade is likely to perpetuate a stand-off in Kosovo Serb areas. It facilitated violence in Kosovo on 19, 21 and 25 February, when Serbs attacked customs and border posts in the north (though Serbian riot police prevented a further attack by army reservists on 9 March). The consequences of its provocations were evident in the violent aftermath of the effort by UNMIK and KFOR to clear the regional court in north Mitrovica on 17 March of former employees who had occupied the building demanding that they be returned to their jobs. These consequences included scores of injuries to protestors and internationals alike.

Serbia is implementing a sophisticated policy to undermine Kosovo statehood by strengthening parallel institutions in Kosovo Serb areas, intimidating or buying off any inclined to cooperate with Pristina. Nationalist politicians in Belgrade hope at a minimum to secure partition into Albanian and Serbian entities, or to incite Kosovo Albanians to react violently and so do great damage to the international standing of their state-building project. The situation is made more complicated by Russia's continued firm support of Serbia, efforts to discourage recognitions and resistance to UNMIK downsizing.

While Serbia has a strategy to divide Kosovo, the international community does not have a clearly defined and coordinated response. The 17 March UNMIK/KFOR operation appears to have been more an ad hoc reaction to provocation than part of a carefully choreographed plan. Legitimate questions have arisen as to whether its timing, tactics and potential consequences were fully considered in advance.

More broadly the EU and the UN are late in agreeing to a handover process and have stopped talking about transition. The UN is suggesting that it may remain beyond the first 120 days, at least in the north where the EU has been forced to pull back by the violence of the Serb response. NATO is concerned that it will be called on to assume more policing duties if Serb radicals backed by Belgrade continue to try to undermine UN and Kosovo Police Service (KPS) authority, especially along the border and in north Mitrovica. International political resolve is needed now to tell Serbia bluntly that it must accept Kosovo independence and move on.

Specifically in the next weeks:

- ❑ The EU and U.S. should stimulate more bilateral recognitions of Kosovo, lobby for its admission into international bodies, send high-level political visitors to Pristina and provide immediate financial assistance and capacity-building support to the new government.
- ❑ UN Secretary-General Ban Ki-moon should state clearly and without delay that he welcomes cooperation with the EU in Kosovo and that the UN will downsize to adjust to developments and changes on the ground.
- ❑ The EU, UN and NATO should agree on a common, comprehensive strategy for the Serb north of Kosovo. Serbia's efforts since independence to extend its state institutions there should not be accepted. The UN should seek to effectively control the border, police stations, courts and jails; cooperate with the EU and NATO in reshaping its northern presence to aid transition; and gradually introduce EULEX, first at border and customs posts, later at police stations and courts.
- ❑ The Kosovo government and its international partners should mount a sustained media and information campaign to communicate to Kosovo Serbs the benefits of the Ahtisaari plan, focusing on decentralisation and the creation of new Serb-majority municipalities.

## II. THE FIRST STEPS

On Sunday 17 February 2008 Pristina produced a smooth and joyful independence celebration. It was preceded the day before by the EU's decision to dispatch a special representative (EUSR) and a rule-of-law mission (EULEX) and was followed a day later by a supportive statement of the EU foreign ministers. These paved the way for France and the UK, as well as the U.S. to recognise the new state. The celebrations and diplomatic moves were well choreographed. The independence declaration included positive words to the Serb minority expressed in Serbian by the prime minister and president, a pledge to implement the Ahtisaari plan<sup>2</sup> and an invitation to the Europeans to

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<sup>2</sup> The Ahtisaari plan includes the Comprehensive Proposal for the Kosovo Status Settlement, prepared by the UN Secretary-General's special envoy for the future status process for Kosovo, Martti Ahtisaari, as well as the report

deploy an International Civilian Representative (ICR) to oversee that implementation.<sup>3</sup> Albanian flags were everywhere; so too were those of the EU and countries supportive of independence.<sup>4</sup>

Kosovo's philharmonic orchestra played the EU anthem, Beethoven's "Ode to Joy", in the absence of the new state's own. A yellow-painted sheet metal sculpture of seven giant letters spelling out "NEWBORN" was placed in Pristina's centre for people to write comments on or autograph.<sup>5</sup> Good cheer reigned, and Albanians avoided approaching and provoking Serb communities.<sup>6</sup> In Mitrovica celebrations were kept away from the main bridge.<sup>7</sup> Subsequent ceremonies, such as the tenth annual Kosovo Liberation Army days on 5-7 March, were similarly toned down.<sup>8</sup>

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that accompanied it. Both were sent to the UN Security Council on 26 March 2007. See [www.unosek.org](http://www.unosek.org) for details. For background, see Crisis Group Europe Report N°182, *No Good Alternatives to the Ahtisaari Plan*, 14 May 2007.

<sup>3</sup> The role of this official and of the International Civilian Office (ICO) he/she leads is stipulated in the Ahtisaari plan. The ICR is meant to be the final authority on interpretation of the Comprehensive Proposal, with powers to sanction Kosovo officials who obstruct its implementation. The ICR reports to an International Steering Group and is simultaneously the EU special representative (EUSR) in Kosovo. See the Comprehensive Proposal, Annex IX, Article 2.1(a). The independence declaration also included Kosovo's recognition of the continuing applicability of UN Security Council Resolution 1244 (1999).

<sup>4</sup> Unveiled only after the independence declaration, Kosovo's own flag was not yet available, but Albanians have embraced it.

<sup>5</sup> The sculpture was the initiative of a civic group led by Pristina marketing executive Fisnik Ismajli and was financed by the government.

<sup>6</sup> But it was good the celebrations ended when they did. At approximately 2am the morning of 19 February, twenty to 30 drunken and aggressively behaving young men brought traffic to a standstill in Fushe Kosove/Kosovo Polje, very close to the Serb village of Bresje. The KPS was slow to react. Eventually KFOR vehicles arrived, and soldiers deterred the group from approaching closer to the village.

<sup>7</sup> In the evening of 15 February, Mayor Rexhepi worked hard to calm Albanian teenagers in the mixed Bosniak *mahala* (neighbourhood) just north of the River Ibar, which divides Mitrovica, and dissuaded residents there from displaying Albanian flags. He established telephone contact with a Serb leader in north Mitrovica (Nebojsa Jovic) to explain this and pledge cooperation on managing security over the following days. Observed by Crisis Group, Mitrovica, 16 February 2008.

<sup>8</sup> The Kosovo Liberation Army celebrations marked the 1998 siege of the compound in Drenica, in which KLA commander Adem Jashari and 51 members of his extended family died. The celebrations had a lower profile than usual, with smaller crowds and fewer expressions of nationalism. There were

A month later 28 states have recognised independent Kosovo, including sixteen of the 27 EU member states, and six of the UN Security Council's fifteen members.<sup>9</sup> The dignified demeanour of the government and the Albanian majority of citizens persuaded states such as Sweden and the Netherlands, which initially had planned to withhold recognition until Kosovo adopted its constitution, to act quickly. More recognitions are still needed, especially from neighbours, of whom only Albania and Slovenia have taken the step (Croatia may do so this month).<sup>10</sup> One of the most problematic may be Macedonia. It insists on a definitive demarcation of the common border as a precondition,<sup>11</sup> its president has made negative statements,<sup>12</sup> and it has only a minority government after the walkout of its Albanian junior

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innovations such as street theatre and a t-shirt design featuring Adem Jashari's face and the slogan: "Uncle, it's done!"

<sup>9</sup> Two other countries, EU member Lithuania and non-member Norway, have initiated procedures to do so. The countries that have so far recognised Kosovo are: (from the EU) Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Italy, Ireland, Latvia, Luxembourg, the Netherlands, Poland, Slovenia, Sweden and UK; (from the rest of the world) Albania, Afghanistan, Australia, Costa Rica, Iceland, Japan, Malaysia, Peru, Senegal, Switzerland, Turkey and U.S. Of these, the U.S., UK, France, Belgium, Costa Rica and Italy are UN Security Council members.

<sup>10</sup> "Hrvatska ce priznati Kosovo 13. ozujka" ["Croatia will recognise Kosovo in the 13 March"], *Nacional*, nr. 642, 3 March 2008. Prime Minister Ivo Sanader said on 7 March, "Croatia will recognize Kosovo when the time comes for this. This will be this month, but I can't tell you the exact date". See [www.vlada.hr/hr/naslovnica/novosti\\_i\\_najave](http://www.vlada.hr/hr/naslovnica/novosti_i_najave). The official position has been that "Croatia will recognise Kosovo when a majority of EU members do so". The President of the Autonomous Democratic Serbian Party (SDSS), part of the Croatian coalition government, has threatened to leave that fragile coalition on recognition. The business lobby is also pressuring the government to wait, out of concern for the important trade relations that have developed between Serbia and Croatia. Part of Croatian public opinion favours recognition, comparing Kosovo's independence with Croatia's in 1991.

<sup>11</sup> Belgrade and Skopje agreed on 22 February 2001 to the transfer of 2,500 hectares from Kosovo to Macedonia. Pristina is unhappy with the agreement, which was negotiated by Belgrade without Kosovo's input, but the Ahtisaari plan obliges its implementation and reference was made to this in Kosovo's declaration of independence.

<sup>12</sup> During a visit to Bulgaria, he said Pristina's reluctance to take the first step by demarcating the border was a "bad start for Kosovo's relations with Macedonia". See "Macedonia 'waiting' over Kosovo border", *Balkan Insight*, 11 March 2008, at [www.birn.eu.com](http://www.birn.eu.com). Visiting Slovakia on 11 March, he said Macedonia would recognise "when the time is right", and would in the meantime maintain relations with UNMIK.

coalition partner.<sup>13</sup> Montenegro and Bosnia and Herzegovina are also unlikely to recognise soon.<sup>14</sup>

Recognitions are coming in from further afield but not as fast as expected. Pristina has sent requests to all UN member states and on 12 March belatedly dispatched a junior delegation to the Organisation of the Islamic Conference (OIC) summit in Senegal.<sup>15</sup> Lobbying of influential countries such as Canada, Brazil and India, however, has yet to begin.<sup>16</sup>

The government's main challenge is now to pass laws, set up functioning institutions and coordinate economic development and aid. A first package of nine laws has been adopted,<sup>17</sup> a second readied, and the constitution is to be discussed in parliament in late March or early April. The internal affairs ministry is pushing plans to issue passports by June and thus make the UN mission (UNMIK) redundant in this sphere.<sup>18</sup> The prime minister and cabinet have devoted much time to symbolic functions that assert the new status,<sup>19</sup> but photo opportunities cannot

replace real institution building or provide electricity.<sup>20</sup> Some infighting is visible within the governing coalition, for example over control of the foreign ministry. "The echoing, empty corridors of the ministries are a worry", an EU official said.<sup>21</sup> The government lacks expertise and is asking international consultants to help. "Until now, we were the final status team, not a government", an adviser to the prime minister admitted.<sup>22</sup> Assessment teams from the international financial institutions (IFIs) were disappointed by the government's lack of plans and vision and concluded that there is limited capacity to absorb much new donor funding.<sup>23</sup>

The international community must still play a big role but also be sensitive not to undermine local leadership and public participation in decision-making.<sup>24</sup> The independence declaration read out by Prime Minister Thaci was largely written by the U.S. State Department.<sup>25</sup> Although locally designed, the flag was also chosen with strong U.S. involvement behind closed doors.<sup>26</sup> The parliament, after some arm twisting by diplomats, signed away its authority to consider individually the laws that the Ahtisaari plan calls for passage of during the 120-day transition.<sup>27</sup> During this crucial period, legislation will be adopted in packages, with little debate. Although a perfunctory public consultation is underway on the draft constitution, the legislation that in theory stems from it is being passed first. This makes it almost certain that the constitution will be adopted essentially in its current

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<sup>13</sup> Prime Minister Gruevski's VMRO-DPMNE hopes to maintain the government until the April 2008 NATO summit, at which Macedonia's membership candidacy may be resolved. The leader of the Democratic Party of Albanians (DPA), Menduh Thaci, has made Macedonia's recognition of Kosovo a condition for further support of the government. See "Macedonia: Cabinet collapse postponed", B92, 14 March 2008; and "Macedonian government crisis escalating", B92, 17 March 2008.

<sup>14</sup> Montenegro does not yet have a clear position and will be slow to recognise. The question is sensitive. Pro-Serbian political parties have insisted that Podgorica should never do so, and there have been numerous protests against Kosovo's independence. The Albanian minority favours recognition, but 30 per cent of the population declares itself Serb, and significant anti-independence sentiment exists within the ruling coalition. The government also is concerned for relations with Serbia, an important trade and cultural partner. Crisis Group interviews, Montenegrin Premier Milo Djukanovic, 14 March 2008, and Foreign Minister Milan Rocen, Podgorica, 8 March 2008. In Bosnia and Herzegovina, the heavily Serb Republika Srpska will block recognition.

<sup>15</sup> See "Kosovo makes its first major international outing at Islamic summit; stresses secularism", Associated Press, 14 March 2008.

<sup>16</sup> There has been discussion of appointing a roving envoy, but the coalition partners may not want to support the most prominent candidate, Veton Surroi, the former leader of the Ora party, which failed to enter the parliament in the November 2007 election.

<sup>17</sup> Undermining transparency, parliament has not yet made them publicly available on its website.

<sup>18</sup> Crisis Group interview, internal affairs ministry, Pristina, 6 March 2008.

<sup>19</sup> Much of the prime minister's time has been devoted to ceremonies and image, such as visits to graves of war heroes, meetings with the authors of the new state's flag and the "NEWBORN" sculpture.

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<sup>20</sup> Thaci denounced the KEK electricity utility as "a champion of corruption" and cancelled several big equipment tenders, moves intended to promote a "clean hands" image but which may well worsen the energy problem.

<sup>21</sup> Crisis Group interview, EU official, Pristina, 14 February 2008.

<sup>22</sup> Crisis Group interview, Pristina, 6 March 2008.

<sup>23</sup> Crisis Group interviews, officials, Pristina, February-March 2008.

<sup>24</sup> Some local commentators and politicians bridle at the lack of democratic and popular participation, as well as so much scripting by foreign diplomats. See Flaka Surroi, "Prej pazarit e ne autokraci" ["Turning a deal into autocracy"], *Koha Ditore*, 1 March 2008.

<sup>25</sup> Crisis Group interviews, international officials, Pristina, February-March 2008.

<sup>26</sup> The issue of the flag, bogged down for many months, was resolved behind closed doors between the U.S. Liaison Office and the prime minister's office. The design, selected after a Kosovo-wide competition and featuring the new state's map outlined in gold, topped by six white stars representing its ethnic groups and against a blue background representing its European aspiration, was simply brought into parliament following the independence declaration and placed behind the speaker's chair.

<sup>27</sup> The support of two thirds of the 120 deputies was required. After pressure was applied, precisely 80 voted in favour.

form. Until it enters into force, UNMIK's Constitutional Framework remains the basic law of the land.

The other main challenge is to reach out to the minority Serb population. The prime minister and president have called on the Serbs to take up their full rights as citizens. Thaci donated a tractor to a Serb villager and has since visited a second Serb village. The government has pledged to create a new Serb-majority municipality of North Mitrovica (currently it is a special area under a Serb-dominated UNMIK administration) and several others.<sup>28</sup> Crucially, the government has downplayed rather than enflamed tensions. Thaci characterised Serbian attacks on northern border posts on 19 February as "isolated incidents",<sup>29</sup> and local media reported them low in their news programs.<sup>30</sup> "We have a state now and have to be very responsible, and even swallow some burnings", remarked Pristina officials, adding, "people understand that staying calm against those provocations is patriotism".<sup>31</sup> Kosovo Albanians in Mitrovica have avoided assembling at the main bridge in response to daily Serb demonstrations there.

But Pristina does not yet have an operational strategy for getting its message across to Kosovo Serbs<sup>32</sup> or for dealing with Serbian parallel institutions through decentralisation and the creation of new Serb-majority municipalities.<sup>33</sup> It hopes that Kosovo Serbs will soon come to accept the new state and seek cooperation, at least with the international presences.<sup>34</sup> Even though Mitrovica's mayor, former Prime Minister Bajram Rexhepi, strongly supports creation of the new North Mitrovica municipality, he, together with Pristina, insists on the simultaneous creation of a joint city board.<sup>35</sup> Kosovo's government risks being overcome by events scripted in Belgrade. Serbia could unilaterally create the new municipality, through the extension it has threatened of its own municipal elections, scheduled for 11 May, into Serb areas of

Kosovo.<sup>36</sup> With Belgrade intimidating or co-opting any Serbs who cooperate with Kosovo authorities, finding interlocutors is difficult. Eventually Pristina and Belgrade should discuss cooperation – on funding of Kosovo Serb municipalities by Serbia for example<sup>37</sup> – but the latter feels that it has no reason to do so.

The Kosovo government has high and increasingly unrealistic expectations that the international community will quickly impose its jurisdiction on the Serbs. It expects it to dismantle parallel institutions, arrest any Serbs involved in parallel security structures, forbid provocative visits by Belgrade politicians<sup>38</sup> and prevent Serbia from organising elections in Kosovo.<sup>39</sup> So far, however, Pristina is unimpressed by the inability of the UN Secretary-General's special representative, Joachim Rucker, to bar Serbia's Kosovo minister, Slobodan Samardzic; by the UN's delay in re-establishing a customs presence at the two northern border posts; and by its failure to maintain control of the north Mitrovica court.<sup>40</sup> UNMIK also failed to stop Serbia from retaking control of the railway line from Lesak to Zvecan in north Kosovo and from sending a

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<sup>28</sup> As called for in the Ahtisaari plan, Annex III, Articles 12-13.

<sup>29</sup> In a news conference on 20 February 2008, Thaci said, "yesterday's incidents are now isolated and have no influence upon Kosovo's positive reality".

<sup>30</sup> International news services including television channels such as CNN headlined the burning border posts.

<sup>31</sup> Crisis Group interviews, 5-6 March 2008.

<sup>32</sup> Nearly all Serb communities in Kosovo are tuned to Serbian media, not Pristina's. They receive visits from Belgrade officials, but most decline to receive Pristina's representatives.

<sup>33</sup> As called for in the Ahtisaari plan, Annex III.

<sup>34</sup> Crisis Group interviews, government officials, Pristina, 4-6 March 2008.

<sup>35</sup> As called for in the Ahtisaari plan, Annex III, Article 13.

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<sup>36</sup> Mitrovica mayor Rexhepi is willing to contemplate using the Serbian municipal elections in May to create a North Mitrovica municipal assembly, if Serbs will submit to a process overseen locally by internationals. Crisis Group interview, Mitrovica, 16 February 2008. This is a minority view among Albanians.

<sup>37</sup> As called for in the Ahtisaari plan, Annex III, Articles 10-11.

<sup>38</sup> SRSR Rucker initially barred Serbian Minister for Kosovo-Metohija Slobodan Samardzic's intended visit on 25 February 2008, since he supported the burning of the northern border posts and had used earlier visits to pressure Kosovo Serbs against cooperation with UNMIK. However, Rucker was obliged by the UN Secretariat in New York to admit him. To save face, Rucker stipulated that Samardzic must meet him and state clearly that he recognised UNMIK's authority and rejected violence. The meeting took place, but Samardzic's pledges were ambiguous. Crisis Group interviews, UNMIK officials, Pristina, February-March 2008.

<sup>39</sup> Crisis Group interviews, senior government officials, Pristina, February-March 2008. In the government meeting of 7 March 2008, Prime Minister Thaci made explicit public comments to this effect. See Agron Halitaj, "Thaci zotohet se nuk do te lejoj struktura paralele" ["Thaci vows not to allow parallel structures"], *Koha Ditore*, 8 March 2008.

<sup>40</sup> Kosovo Albanian anger rose over the weekend of 15-16 March 2008. On 15 March, *Koha Ditore* ran a side headline of "UN, go home" and published on its front page a photo showing that members of a UN special police unit supposedly guarding the north Mitrovica court had a small Serbian flag inside their vehicle. This clearly contributed to the decision to respond on 17 March: see further pp. 11-12 below.

train down the track on 12 March.<sup>41</sup> The international missions were caught unprepared for many Serb actions, and Pristina is reacting more critically. At a meeting with Rücker and General de Marnhac, the NATO commander (COMKFOR), on 5 March, Thaci urged improvements.<sup>42</sup>

The government is eager to reach the end of the 120-day transition period mandated by the Ahtisaari plan. At that time, it believes, "everything has to change".<sup>43</sup> That is when the new constitution is to enter into force, the government and the EU missions are to assume full control, and UNMIK is to stand down. Pristina is determined to prevent UNMIK from assuming any residual post-transition role. "From June it has no job to do here... We will tolerate them longer only if the EU needs them for a few more weeks" is a common refrain.<sup>44</sup> The government will particularly oppose any post-transition extension of UNMIK in the north. On the other hand, Kosovo Albanians have been encouraged – perhaps overly so – by the early statements of EU diplomat Pieter Feith, who wears the dual hat of Brussels' special representative and ICR and has insisted that the EU will deploy throughout Kosovo and the northern Serbs will get no special canton or autonomy beyond what is allowed by the Ahtisaari plan.<sup>45</sup>

But the risk of communal violence continues. It has at the least not been lessened by the events in recent days

in and around the Mitrovica regional court but it was already apparent that Mitrovica, especially its mixed Albanian-Serb Bosniak *mahalla* (neighbourhood) just north of the river, would remain a potential flash point. On the Albanian side, several armed criminal and extremist groups in the area are proving hard for Pristina to control,<sup>46</sup> and it is becoming obvious that more and more arms are circulating.<sup>47</sup> Although there are no indications that Serbs have plans to attack them, fears for the Albanian enclaves in the north are tempting young Albanians from other parts of Kosovo to come to defend them.<sup>48</sup>

The International Criminal Tribunal for the former Yugoslavia is expected to hand down its verdict in the war crimes trial of former Prime Minister Ramush Haradinaj in March. Kosovo Albanians widely believe he will be acquitted. His popularity is much diminished from its early 2005 peak, but if he is not, armed extremists from his native west Kosovo, where the Thaci government is not strong, could react violently. Thaci refused to include Haradinaj's AAK party in his government coalition, and he avoided meeting both the Haradinaj family and AAK municipal authorities during his 25 February visit to the graves of the region's KLA war heroes.

### III. BELGRADE AND THE KOSOVO SERBS

#### A. BELGRADE'S STRATEGY

Belgrade continues to consider Kosovo part of Serbia. Prime Minister Kostunica and the DSS determine Kosovo policy at least until a new government is formed, which could be several months after the May elections, and have a clear if unvoiced desire to partition Kosovo in order to retain full control of Serb areas.<sup>49</sup> Belgrade is entrenching its parallel local administrations, schools and healthcare in Serb areas, both in the north and in the scattered patchwork of enclaves south of the Ibar where the majority of Kosovo's Serbs live. The aim is to enforce loyalty and

<sup>41</sup> Serbia began a campaign to take over the northern stretch of the line on 3 March 2008. Although UNMIK claimed on the next day to have regained control, Serbia's actions continue to contradict this. In press release no. 1725, "UNMIK reasserts control over rail line in north of Kosovo", 4 March 2008, UNMIK said, "any movement of trains south of Leshak/Lesak by Serbian Railways [is] a clear challenge to UNMIK's authority ... and will not be tolerated". Yet, Serbia ran a train from its own territory down to Zvecan on 12 March 2008.

<sup>42</sup> Crisis Group interview, senior government official, Pristina, 5 March 2008.

<sup>43</sup> Ibid. Pristina initially considered that the transition should end on 15 June 2008, 120 days after the independence declaration; it later accepted 28 June as the date, 120 days after the formation of the International Steering Group on 28 February in Vienna.

<sup>44</sup> Crisis Group interviews, government and Democratic Party of Kosovo (PDK, Prime Minister Thaci's party) officials, Pristina, 4-5 March 2008.

<sup>45</sup> In one interview he said, "this country ... should not end up even with soft partition", Neil MacDonald, "Kosovo envoy stands firm against partition", *Financial Times*, 28 February 2008. He repeated the stance in an interview for local media, Fatmir Aliu, "Feith: As kanton, as autonomi per Veriun" ["Feith: Neither canton nor autonomy for the north"], *Koha Ditore*, 2 March 2008.

<sup>46</sup> Crisis Group interview, K-SHIK (unofficial intelligence agency affiliated to the PDK) official, Pristina, 5 March 2008.

<sup>47</sup> Crisis Group interviews, journalists, Mitrovica, February 2008.

<sup>48</sup> Crisis Group interview, K-SHIK official, Pristina, 5 March 2008.

<sup>49</sup> A subsequent Crisis Group report will detail policy differences between President Tadic and Prime Minister Kostunica.

obedience in return for the state resources it provides.<sup>50</sup> Kosovo Serbs who do not go along face harassment and intimidation.<sup>51</sup>

According to Serbia's Kosovo minister, Samardzic, Serbs are being encouraged to remain in Kosovo,<sup>52</sup> and "Serbia will do everything in its power to keep [them] under Serbian authority".<sup>53</sup> On 13 February Kostunica appealed: "Our people in Kosovo should stay and live in their homes, in their province and in their Serbia".<sup>54</sup> State Secretary Prorokovic said, "Kosovo Serbs will continue to live in Serbia".<sup>55</sup> On 17 February, ten ministers from the Serbian government went, with television crews, to Kosovo, both the north and the enclaves,<sup>56</sup> and Kostunica said:

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<sup>50</sup> The flip side of this is that Kosovo Serbs are cynically practical about their Belgrade patrons, picking them up and discarding them freely. "You can help them a thousand times, but the first time you don't, then it's no good", remarked a formerly influential Belgrade politician of his fickle Kosovo Serb clients. Crisis Group interview, Belgrade, 22 January 2008.

<sup>51</sup> See Crisis Group Report, *No Good Alternatives to the Ahtisaari Plan*, op. cit., pp. 33-35.

<sup>52</sup> Unlike Serbs in Croatia and parts of Bosnia and Herzegovina were in the 1990s.

<sup>53</sup> Top Channel interview, 29 January 2008. Late last year his state secretary, Prorokovic, said, "the worst thing that could happen is for a part of the Serbs to turn out for the elections. In that case, we will again have confusion in the field; we will not know who the legitimate representatives of the Serbs are in which municipality, and this will be convenient for the Albanians and UNMIK representatives for various kinds of manipulations...I don't know what the Serbs will do in such institutions, except if they are doing it for their own personal gain....Those in favour of a Kosovo within Serbia will be able to enjoy the help of the government and receive salaries from the Serbian budget. Those in favour of the Kosovo state should go and take their salaries from the Kosovo budget", VIP News Agency, 7 November 2007.

<sup>54</sup> "Prime minister urges Serbs to stay in *their Kosovo*", B92.

<sup>55</sup> Interviewed on "Poligraf", TV B92, 22 December 2007.

<sup>56</sup> Minister for Infrastructure Velimir Ilic visited Gracanica enclave; Deputy Premier Bozidar Djelic and Education Minister Zoran Loncar visited the Strpce enclave; Kosovo Minister Slobodan Samardzic visited north Mitrovica, where he called on all Serbs and non-Albanians to remain in Kosovo. Minister of Mining and Energy Aleksandar Popovic visited the Ranilug enclave; the state secretary in the infrastructure ministry, Branko Jovic, was in the Velika Hoca enclave; Minister of Trade and Services Predrag Bubalo was in the returnee settlement at Osojane near Istok; Minister of Religion Radomir Naumov was in the Gorazdevac enclave; and the state secretary in the interior ministry, Mirijana Orasanin, and Deputy Minister for Kosovo Mirosljub Kljajic visited Novo Brdo.

As of today, we must show greater concern and solidarity with our people in Kosovo-Metohija. Ministries have been directed to work and provide considerably better living conditions, help create new jobs and launch investments in the province. The state of Serbia will take greatest possible care about its each and every citizen in Kosovo-Metohija.<sup>57</sup>

Rhetoric is being supported by new money,<sup>58</sup> plans to hold Serbia's May elections in Kosovo Serb areas and efforts to establish Serb municipalities that could eventually merge into a Serb entity.<sup>59</sup>

Serbia's response has been more tactical and diplomatic, less overtly forceful, than initially expected. During the second half of 2007, in an effort to give pause to the U.S. and EU independence preparations, members of the government had predicted that the new status would trigger violence, trade and electricity embargoes, exodus of the remaining Serbs from south of the Ibar and spontaneous partition along that river. After 17 February, the idea of an economic embargo was dropped.<sup>60</sup> Serbia even increased electricity exports to Kosovo over the freezing independence weekend and did not block the border

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<sup>57</sup> "Do proglasenja lazne drzave na tlu Srbije dovela politika sile koju sprovode SAD" ["Phoney state declared on Serbia's territory due to U.S. policy of force"], 17 February 2008, at [www.srbija.sr.gov.yu/vesti/vest.php?id=83166](http://www.srbija.sr.gov.yu/vesti/vest.php?id=83166).

<sup>58</sup> In the weeks prior to independence the head of the G17+ party and economy and regional development minister, Mladjan Dinkic, announced increased investment in the Serb-populated areas of Kosovo as part of the National Investment Plan, including construction of a Serbian National Theatre in north Mitrovica. Minister of Education Zoran Loncar announced that his ministry was sending a proposal to the government for all Serbian school children in Kosovo to receive stipends and free textbooks. Dinkic said the government would invest in eleven state-owned companies inside Kosovo and integrate all Kosovo's state-owned enterprises into Serbia's economic system. He also announced construction of a small hydro-electric plant for the Strpce enclave and plans for public works in other Serb areas.

<sup>59</sup> The idea for such a Serb entity was originally proposed in the DSS government's plan of 29 April 2004 and renewed in the Serbian government's March 2007 comments on the Ahtisaari plan. Belgrade saw this as a counterpart to an Albanian Kosovo entity run out of Pristina. But in the context of Kosovo's "illegal" independence declaration, it would be set up as a competitor to the Kosovo state.

<sup>60</sup> Serbia's trade minister, Predrag Bubalo, confirmed this. See "Necemo uvesti ekonomski embargo Kosovu" ["We will not impose economic sanctions on Kosovo"], *Blic*, 18 February 2008; and "Bubalo: No economic embargo for Kosovo", B92, 19 February 2008. Belgrade considers that as Kosovo is still part of Serbia, it would be inappropriate to subject it to an economic blockade.



between its Albanian-inhabited Presevo Valley and Kosovo.

But Belgrade has blocked all contacts with the new Kosovo government and encouraged Kosovo Serbs to do the same. In May 2006 the government's DSS-run Coordination Centre for Kosovo and Metohija ordered Kosovo Serb teachers and medical staff to end their contractual relationship with the provisional government (PISG); in November 2007 Belgrade threatened sanctions against any Kosovo Serbs who participated in Kosovo's elections. After 17 February Belgrade initiated criminal charges against Kosovo's leaders,<sup>61</sup> denounced the "fake" and "illegal" state and announced that it would assert its control wherever it could in Kosovo.

Serbia similarly has instructed Kosovo Serbs to refuse contact with the new EU missions and insists that the only international presences with which it will cooperate are those mandated under Security Council Resolution 1244 of 1999, namely UNMIK and NATO.<sup>62</sup> Before independence, Belgrade, the influential and hardline Serb National Council–North (SNC–North) in Kosovo and UNMIK had a tacit agreement pursuant to which the latter asked the Serbs to respect three explicit red lines: no violence, no parallel security structures, and UNMIK and KFOR authority, as well as an unofficial fourth – no interference with infrastructure.<sup>63</sup> During the Serbian presidential election campaign in early 2008, both the incumbent and eventual winner, Tadic, and his opponent, Nikolic, emphasised that UNMIK and KFOR – and not the Serbian army – would be responsible for protecting Kosovo Serbs.<sup>64</sup> But as early

as 10 December 2007 and in spite of SRSR Rucker's protests, Serbia's Kosovo ministry opened an office in north Mitrovica to coordinate the parallel structures.<sup>65</sup>

Belgrade and the northern Serbs have been challenging UNMIK on several fronts since independence. On 19 February, a well-organised group, almost certainly including Serbian interior ministry (MUP) personnel and armed with guns and plastic explosives, was transported in buses and other vehicles to attack in succession the Brnjak and Jarinje border and customs posts in north Kosovo, drove away UNMIK and Kosovo police (KPS) personnel and blew up and set fire to buildings, equipment and police cars. The Serb mayor of Zubin Potok and the deputy mayor of Leposavic accompanied the assailants. That evening Minister Samardzic declared the attacks "not pretty", but in line with Serbian government policy.<sup>66</sup> Visiting Zvecan on 20 February, Economy Minister Dinkic said that no customs posts should separate one part of Serbia from another.<sup>67</sup>

On 21 and 25 February, Serbian police allowed organised gangs of Serbian army reservists to attack KPS border police at the Merdare and Mutivode posts,<sup>68</sup> but they prevented a further attack on 9 March.

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<sup>61</sup> The Serbian interior ministry issued warrants against Kosovo's prime minister, Hashim Thaci, its president, Fatmir Sejdiu, and its assembly president, Jakup Krasniqi, for "organising on 17 February the proclamation of a fake state on the territory of Serbia, which is a serious crime against the Serbian Constitution". "Beograd: stvaranje lazne drzave" ["Belgrade: the creation of a fake state"], B92, 18 February 2008.

<sup>62</sup> Samardzic stated that "our goal is for UNMIK to remain" and "UNMIK needs to continue its job in the framework of UN Security Council Resolution 1244", "Srbija ce nastaviti da sprovodi svoje nadleznosti na Kosovu i Metohiji" ["Serbia will continue to implement its prerogatives in Kosovo and Metohija"], 26 February 2008, at [www.srbija.sr.gov.yu/vesti/vest.php?id=83727](http://www.srbija.sr.gov.yu/vesti/vest.php?id=83727).

<sup>63</sup> Crisis Group interviews, UNMIK officials, Pristina, 14 February 2008.

<sup>64</sup> During his 16 January 2008 pre-election rally in north Mitrovica, Nikolic criticised the DS for ruling out military intervention to protect the Kosovo Serbs, yet immediately added: "But the United Nations should be the first [to offer protection to Kosovo Serbs]. They undertook the obligation

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to do so". UNMIK Mitrovica Region Media Highlights, citing Radio Kontakt Plus, 16 January 2008. The DS has reiterated for the past year that there will be no Serbian military intervention, and it controls the army. As president, Tadic appoints its commander, and the DS's Dragan Sutanovac is defence minister in the outgoing coalition government. See "Sutanovac: KFOR i NATO da sprece destabilizaciju Kosova" ["Sutanovac: KFOR, NATO to prevent destabilisation of Kosovo"], *Beta*, 29 November 2007; "Tadic: Necemo ratovati za Kosovo, branimo ga svim diplomatskim sredstvima" ["Tadic: We will not wage war for Kosovo, we will defend it with all diplomatic means"], RTS, 3 January 2008.

<sup>65</sup> Serbia insists that the office already existed as a government Coordination Centre for Kosovo and Metohija facility, allowed by the 2001 UNMIK-FRY Common Document ("Covic-Haekkerup agreement"). UNMIK regards it as the creation of a "defiant administrative structure" which challenges its authority. Crisis Group interviews, UNMIK and Serbian officials, Pristina and Belgrade, December 2007-February 2008.

<sup>66</sup> Interviewed on B92 TV's "Poligraf" program. Also see "Samardzic: Legitimni postupci" ["Samardzic: legitimate actions"], B92, 19 February 2008.

<sup>67</sup> "Dinkic, 'Economic sovereignty' should be established over the Serb areas", B92, 20 February 2008.

<sup>68</sup> On 21 February 2008, several hundred Serbian military reservists entered Kosovo at the Merdare border crossing protesting independence, set car tyres alight and threw stones at KPS, who were supported by KFOR. See "Obuceni u vojne uniforme napali KPS" ["[Men] wearing military uniforms attacked KPS"], *Danas*, 22 February 2008. The 25 February incursion at the Mutivode border post was better



On 3 March Branislav Ristivojevic, a Kostunica adviser, came to Zvecan to rally Serb railway staff to stop a train and reclaim a 50km section of track in north Kosovo.<sup>69</sup> DSS and NS members of the Belgrade governing coalition have either justified or failed to condemn the violence, and the DSS-controlled police have on several occasions stood aside.<sup>70</sup>

In Serbia's view, the attacks are not on UNMIK per se but aim to halt any transfer of state prerogatives by the UN to the new Kosovo government. Foreign Minister Vuk Jeremic's remarks to the UN Security Council, as well as comments by Kostunica and Samardzic, indicate that Belgrade regards UNMIK as the only legal international civilian presence in Kosovo and will continue to support its work to a degree.<sup>71</sup> But Serbia refuses to recognise the institution-building mandate given UNMIK in Resolution 1244, and its hitherto supportive attitude to both UNMIK and KFOR may change after the 17 March street battles in north Mitrovica.

Belgrade is intent on driving a wedge between the UN and the EU and is virulent in its refusal to cooperate with the latter's EULEX and EUSR. During his 17 February post-independence speech, Kostunica stated: "Serbia has also annulled the decision of the EU to illegally send its mission to the province, which was

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organised. The reservists brought a lorry with stones. Nineteen KPS members and five demonstrators were injured. See "Nemiri na granicnom prelazu Mutivode, povredeno 24 osoba" ["Riots on the border post Mutivode, 24 injured"], *Blic*, 25 February 2008.

<sup>69</sup> See "O železničkim prugama i stanicama na severu Kosova od danas će brinuti 'Železnice Srbije'. Briga će se proširiti i na zaposlene, pa će tako 50 radnika srpske nacionalnosti od danas biti zaposleno u tom preduzeću" ["Serbian railways' will administer from today railways in the north of Kosovo. The administration will involve also the employees, and thus 50 workers of Serb nationality from today will be employed in this company"]; and "Pruga na Severu Kosova pod kontrolom Srbije" ["Railway in north Kosovo under Serbian control"], *Blic*, 4 March 2008.

<sup>70</sup> The riots in Belgrade on 17 February 2008, when foreign embassies were attacked, and the major violence following the 21 February protest could largely have been avoided if the police had been clearly instructed.

<sup>71</sup> Jeremic stated: "We are ready to host a series of meetings with UNMIK on a whole host of issues, such as the status of the Kosovo Serb population and that of the Serbian Orthodox Church, the question of customs points and the status of Kosovo Serb judges and policemen in our southern province, as well as all others". The full text is at [www.un.org/News/Press/docs/2008/sc9273.doc.htm](http://www.un.org/News/Press/docs/2008/sc9273.doc.htm).

made as a result of Europe's lack of power".<sup>72</sup> Ristivojevic has said, "Feith's self-willed and illegal presence in the province is the worst form of the manifestation of the policy of force and an open mockery of the UN authority".<sup>73</sup> The ICO/EUSR preparation team was forced to leave its office in north Mitrovica in mid-February after grenades were placed near it, and the Serb owner of the premises was harassed into breaking the contract.

Belgrade's strategy appears to have two thrusts: first to beef up the parallel institutions and ultimately to gain a free hand at least in the north by preventing the EU from deploying and replacing the UN administration with a Serb administration. The end-goal is to regain international recognition of Kosovo as sovereign Serbian territory and then carry out an internal partition of that territory into Serb and Albanian entities. Nationalist politicians seem to believe that as long as Russian support is forthcoming, such a policy can succeed.<sup>74</sup> They assert that the higher wages and superior organisation of the parallel institutions and additional investment from Serbia will eclipse the Kosovo institutions and bring Albanians to realise that the salaries and services they can offer are too paltry,<sup>75</sup> and that independence is blocking their access to international institutions, regional cooperation and the benefits of the Serbian state, such as good passports, pensions, education and healthcare.<sup>76</sup>

Samardzic describes how Belgrade's investments will open a bright future first for the Kosovo Serbs and "a little later for the other citizens of the province".<sup>77</sup> He says he expects the Kosovo Albanians to request a

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<sup>72</sup> "Serbia recognises only Unmik mission, the EULEX is illegal", in Kostunica's speech on 29 February 2008. See <http://www.srbija.sr.gov.yu/vesti/vest.php?id=83981>.

<sup>73</sup> Branislav Ristivojevic, "DSS hits back, calls Feith presence 'illegal'", B92, 2 March 2008. Feith wears two hats, as ICR (and thus head of the International Civilian Office, ICO) and as EUSR.

<sup>74</sup> For background on Russia's role, see Crisis Group Europe Report N°185, *Breaking the Kosovo Stalemate: Europe's Responsibility*, 21 August 2007, pp. 11-12.

<sup>75</sup> Gracanica politician and health centre chief Rada Trajkovic remarked that Pristina officials have ceased their attempts to attract Serb personnel, realising that their offers were uncompetitive, Crisis Group interview, Gracanica, 24 January 2008.

<sup>76</sup> Crisis Group interviews, Dusan Prorokovic, state secretary in the Kosovo ministry, and Vuko Antonijevic, chief of the Coordination Centre (CCK) in the same ministry, Belgrade, 27 November 2007 and 28 January 2008.

<sup>77</sup> "Minister Samardzic: Serbia will invest in Kosovo", VIP News Agency, 2 November 2007. Also Crisis Group interview, Prorokovic, Belgrade, 27 November 2007.

return to the negotiations table in one to four years,<sup>78</sup> but “only after Albanians start administering all the aspects of their everyday lives and prove that they are capable of being responsible for their own administration will we be able to discuss the final status of Kosovo”.<sup>79</sup>

But the Serbian government has no plans to extend resources to the majority Albanians, and Samardzic's talk of future re-integration is almost certainly a cover for an unacknowledged partition policy along the Ibar that would strand the majority of Serbs, who live in enclaves to the south and have begun to voice concern. On 5 March 2008, the Gračanica-based Serb National Council–Kosovo and Metohija asked to meet with Tadic and Kostunica, worried that Belgrade's post-17 February policy “intensely focused on the preservation of the north of the province, while other parts of Kosovo–Metohija were neglected”.<sup>80</sup> UNMIK Police are convinced Serbia is trying to provoke Albanians to attack the Serb enclaves: “All Belgrade needs is one enclave incident. It's a miracle that they haven't got it yet”.<sup>81</sup> All know well in Pristina, however, that an attack on an enclave followed by Serb mass flight would create two ethnically pure entities in Kosovo and provide a superficial justification for Serbia's expropriation of the northern Serb part.

## B. KOSOVO SERBS IN THE NORTH

North of the Ibar, the three municipalities of Zubin Potok, Zvečan and Leposavić have, with the northern part of Mitrovica, kept themselves at arms length from Pristina for nine years.<sup>82</sup> Since 2002, UNMIK has been running courts, the customs service, the KPS, a prison and an interim sub-municipal administration for north Mitrovica. Nevertheless, Serbian state institutions also operate, and the infrastructure is linked to Serbia. In mid-2006 the three municipalities refused budget allocations from Pristina, and the region largely operates as part of Serbia. Unless there is a major change in Belgrade, northern Serbs will continue to refuse cooperation with Kosovo institutions and the EU's ICO/EUSR and EULEX missions.

The international community needs to increase and demonstrate its resolve by maintaining control over borders, customs, courts and police stations, while ensuring that parallel institutions are not further expanded, if the situation in the north is not to deteriorate.

Local Serb leaders together with Belgrade are trying to strengthen the region's autonomy, though without demanding *de jure* separation from Kosovo. Belgrade cannot call for this, since it would mean implicitly recognising the loss of the rest of Kosovo. The SNC–North clique that in effect rules the area benefits from the status quo, which allows it to maintain power without accountability, control much of the money Belgrade sends to Kosovo Serbs and maintain its political ascendancy over the enclave Serbs. The roughly 50,000 northern Kosovo Serbs also benefit from the area's unresolved status, which keeps the Belgrade money coming. The grey zone smuggling opportunities attract some Albanians and contribute to a creeping criminalisation of northern Kosovo society. If the struggle over the area's status were resolved definitively in Serbia's favour, the plentiful supply of money and investments and the double salaries would dry up. “Mitrovica would become just another poor southern Serbian town, like Vranje or Leskovac”, a Kosovo Serb acknowledged.<sup>83</sup>

Kostunica's DSS is powerful in the north – the mayors of the three municipalities belong to the party – but it is the SNC–North leaders, Doctors Marko Jaksic and Milan Ivanovic, who run the north, and they do so like “godfathers”, partially beyond Belgrade's control. They are not liked, but they control patronage and are backed by the Serbian government. Jaksic, widely assumed to be the most powerful Serb in Kosovo, is also a DSS vice president. Ivanovic runs north Mitrovica's biggest employer, the regional hospital.<sup>84</sup> Police and security agency forces from Serbia circulate in plain clothes.<sup>85</sup> Jaksic controls the Association of Serb Municipalities, a body he convenes in north Mitrovica and which is supposed to represent the enclaves also but does not. In the week before Kosovo's independence declaration, he proposed to transform it into a Serb parliament in Kosovo but failed to secure Belgrade's backing.

Before independence, north Mitrovica's university (the exiled Serbian “University of Pristina”) and groups such

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<sup>78</sup> *Kosovo Perspectives*, 28 December 2007; and VIP News Agency, 20 December 2007.

<sup>79</sup> Top Channel interview, 29 January 2008.

<sup>80</sup> “K. Serbs want meeting with Tadic, Kostunica”, B92, 5 March 2008.

<sup>81</sup> Crisis Group interview, official, Pristina, 6 March 2008.

<sup>82</sup> See for background Crisis Group Europe Report N°165 *Bridging Kosovo's Mitrovica Divide*, 13 September 2005.

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<sup>83</sup> Crisis Group interview, Mitrovica, 19 September 2007.

<sup>84</sup> Its payroll includes many security personnel.

<sup>85</sup> MUP commander Delibasic is close to the SNC–North, though BIA (Serbian intelligence agency) men answer more reliably to Belgrade.

as the Centre for Civil Society Development (CCSD) were beginning to develop as a focus of independent civil society. The growing campus of several thousand students, including many Serbs from outside Kosovo, is a significant portion of north Mitrovica's population. But after Pristina's declaration of independence, most formerly moderate and independent voices closed ranks with the SNC–North. Students and non-governmental organisation (NGO) activists have been holding daily peaceful anti-independence demonstrations by the main Mitrovica bridge, as well as such events as a mock football match supposedly between teams of countries that have and have not recognised independent Kosovo (with a predictable result). Demonstrators carried whistles to blow to reduce hate speech, and the students reportedly refused the suggestion from some in the SNC–North to storm the Mitrovica regional court.<sup>86</sup>

Northern Serbs in the KPS have walked a fine line. Before independence, Serb commanders in the north assured international and Albanian colleagues they would “stay on duty ... no matter what happens with the status”.<sup>87</sup> Serbs realised that if they left the KPS, they would have to set up an alternative security force – a red line they did not want to cross. Northern Serbs also widely assumed that the municipalities could assume command of their local KPS.<sup>88</sup> Nevertheless, two days after independence, northern KPS commanders told UNMIK they were under strong pressure to quit. They requested permission to report exclusively to international officers, and the unsatisfactory compromise was accepted.<sup>89</sup> Northern Serbs thus continue to fulfil their policing duties, including at border posts and at demonstrations, though they left the scene in north Mitrovica when trouble began on 17 March. Many are paid in parallel by the MUP, their morale is fading, and it is far from certain they will keep their KPS uniform on after the transition period.

At present northern Kosovo Serb society fully backs the SNC–North and Belgrade attempts to dismantle any institution that might otherwise pass from UNMIK to the Kosovo government: local police, customs, courts, prisons and railways. The campaign started on 17 and 18 February with night-time grenade and Molotov

cocktail attacks on the UNMIK courts in the north, which were followed on 19 February by the burning of the Brnjak and Jarinje border posts. Former Serbian court workers, who sought to recover Milosevic-era jobs, as well as women and children, began to picket the Mitrovica regional court on 21 February and occupied it on 14 March, pushing past UNMIK Police and Serb KPS. The SNC–North and Belgrade supported the occupation. During the siege Albanian staff and case files were removed, as were Albanian prisoners from the co-located jail.<sup>90</sup>

Serbs similarly had occupied municipal courts in Leposavic and Zubin Potok a few weeks earlier. After they took over the Mitrovica regional court building and raised the Serbian flag inside, SRSG Rucker condemned the act as “cross[ing] one of UNMIK's red lines”. Prime Minister Thaci and President Sejdiu demanded that UNMIK and KFOR “expel the hooligans” from the building.<sup>91</sup> Rucker ordered UNMIK police to reassert control.<sup>92</sup>

That is what was attempted on 17 March, as troops surrounded the building early in the morning and riot police arrested 53 Serbs inside, including many women. Many local Serbs were outraged, and the SNC–North and MUP mobilised resistance quickly and freed 21 of the detainees from UNMIK Police vehicles after they were escorted out.<sup>93</sup> Mobs blocked the street, threw stones, petrol bombs and grenades at police and troops and exchanged gunfire with them in fighting that lasted to midday. Vehicles were destroyed, around 100 internationals and 80 Serbs were injured, two of the Serbs critically, and one Ukrainian UNMIK policeman fatally.<sup>94</sup> Sniper fire and grenade attacks induced UNMIK Police to withdraw to south Mitrovica, leaving security to KFOR. Serb members of the KPS went home.<sup>95</sup> In their place, Serb plainclothes

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<sup>86</sup> Crisis Group interview, Mia Marzouk, Saferworld, Pristina, 7 March 2008.

<sup>87</sup> Crisis Group interviews, Albanian community leaders, KPS personnel, Mitrovica, 29-30 January 2008.

<sup>88</sup> Crisis Group interview, Nenad Radosavljevic, north Mitrovica, 16 February 2008.

<sup>89</sup> After an initial confrontation with the senior Albanian KPS officers, UNMIK was able to accommodate northern Serb KPS officers' request to report only to international officers, on the rationale that the Mitrovica police region has not yet been turned over to KPS command.

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<sup>90</sup> International officials are worried they may soon be faced with a rebellion of Serb prisoners in this north Mitrovica jail, which UNMIK would be hard put to deal with, Crisis Group interview, international official, Pristina, 7 March 2008.

<sup>91</sup> RTK report, 14 March 2008.

<sup>92</sup> UNMIK press release, 14 March 2008.

<sup>93</sup> The remaining prisoners were taken to Pristina, charged with illegally occupying UNMIK property and released.

<sup>94</sup> “UNMIK officer succumbs to injuries”, B92, 18 March 2008; and “Ukrainian officer dies in Kosovo”, BBC News, 18 March 2008.

<sup>95</sup> Crisis Group interviews, UNMIK and KFOR officials and witnesses, 17 March 2008. Also see “UN Police, Serbs Battle in Kosovo”, Associated Press; and “Dozens injured as violence flares again in Kosovo”, DPA, 17 March 2008.

“Bridge Watchers”<sup>96</sup> appeared on the streets, conducting ID inspections.<sup>97</sup>

Significantly Pristina and the UN have lost control of customs in the north,<sup>98</sup> as undocumented lorries have been driving through the gates since 20 February. As a palliative, UNMIK Customs has established roving checkpoints just south of the Ibar that have controlled some goods from Serbia; Serbian media made a cause celebre of one incident, involving a shipment of medicine for the Serb medical centre at Gracanica that lacked the appropriate Kosovo certificates.<sup>99</sup> Ultimately the Quint, KFOR, EU missions and UNMIK in Pristina favour full re-establishment of the border services, but the UNMIK regional representative’s alternative philosophy of reaching an accommodation with the northern Serbs has attracted some support from the UN Secretariat in New York.<sup>100</sup>

UNMIK and KFOR have pushed back in some areas, most notably in north Mitrovica on 17 March, but have not coordinated well, have had internal disagreements and have also allowed themselves to be intimidated on occasion. Several hundred Serbs blocked the road at Leposavic when a large UNMIK and KFOR convoy was escorting new portable customs offices and

demanded that UNMIK’s Regional Police commander sign a pledge not to re-establish the burned-down customs post there. Reportedly, he refused to sign but made an oral pledge which was recorded.<sup>101</sup>

UNMIK and KFOR were no doubt reacting to and attempting to counter criticism of such relative inaction when they decided to act decisively at the regional court in north Mitrovica on 17 March. The timing of that operation was poorly chosen, however, coinciding not only with the first month’s anniversary of Kosovo independence but also with the day on which Serbs were planning demonstrations to mark the anniversary of the 17 March 2004 riots and killings.<sup>102</sup>

### C. KOSOVO SERBS IN THE ENCLAVES

There is no clear indication yet how the roughly 70,000 Kosovo Serbs in the enclaves will ultimately react. They are not as unified as their ethnic kin in the north. Communication between the enclaves is poor, and their reactions to Kosovo independence vary. All believe their security situation is precarious and have been cautious. They have demonstrated, and many have quit jobs with Kosovo institutions and UNMIK, but it would be much harder for them to take over those institutions as is being done in the north. Contrary to expectations, there have been no significant security problems or population displacements.

Enclave Serbs, however, are being encouraged by nationalist forces to take a hard line. Bishop Artemije of Gracanica threatened to “sanction” any Orthodox clergy or Church employees who meet with representatives of the Pristina government, the EU

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<sup>96</sup> The Bridge Watchers are a north Mitrovica security structure, set up to resist Albanian incursions from the south. Until 2003 they were paid by Belgrade. Since then, they have been less visible and active.

<sup>97</sup> Crisis Group observation, 17 March 2008.

<sup>98</sup> In the past, UNMIK Customs, KPS Border Police and UNMIK Police were present at the two border posts. Currently KFOR and KPS (only Serb officials) man the gates. UNMIK is planning to place international customs officers back at the border but is having problems filling the posts.

<sup>99</sup> Trucks were seized on 3 March 2008 in Vushtrri/Vucitrn, with some three million dinars (€37,000) of medical equipment and medicines. They had no certificates from the Kosovo Drug Agency. Hospital director Sekulic and Health Minister Milosavljevic insisted that applying would be unacceptable acquiescence to the health care system of a state Serbia does not recognise. See “Milosavljevic trazi pomoc SZO” [“Milosavljevic seeks WHO support”], B92, 13 March 2008. Serbian tabloids have made much of this story, claiming it risked “humanitarian catastrophe” and showed the grim future awaiting Serbs in independent Kosovo. See, for example, “Rikeru Fasistol!” [“Rücker is a Fascist!”], *Kurir*, 15 March 2008. Dr Sekulic from Gracanica said that before the Jarinje/Brnjak border post incidents, medical equipment arrived without problems, and the seizure was political retaliation for the burning of the customs posts. “Ocekuj se pomoc SZO” [“Expecting WHO help”], *Danas*, 13 March 2008.

<sup>100</sup> Crisis Group interviews, international officials, Pristina, March 2008. The Quint consists of the five Western members (France, Germany, Italy, the UK and the U.S.) of the six-nation Contact Group that includes Russia and which was until 2007 a leader of international community policy on the Western Balkans.

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<sup>101</sup> Crisis Group interview, international official, Pristina, 7 March 2008.

<sup>102</sup> It had been expected that any such action would be left until after the emotive anniversary day. Reasons why the raid was mounted appeared to include a breakdown of negotiations between UNMIK and local Serb leaders, pressure from some Western capitals, a sense of humiliation in UNMIK at having given up the building so easily on 14 March and concern at Kosovo Albanian reactions to this, as well as a calculation that the longer the situation was left the harder it would be to resolve. Crisis Group interviews, officials, Pristina and Mitrovica, 16-17 March 2008. Raising further question about the timing of the action was a report that on 16 March Serbia’s Kosovo minister, Samardzic, had given the deputy UNMIK chief, Larry Rossin, “the text of an agreement” to regulate the situation at the regional court “and repeated that the Serbs did not want violence, that they wanted an agreement, and that [he] would come to the town the next day to solve the problem”, “Samardzic: Serbia to seek international probe”, B92, 17 March 2008. For background on the events of March 2004, see Crisis Group Europe Report N°155, *Collapse in Kosovo*, 22 April 2004.

missions, or countries that have recognised Kosovo.<sup>103</sup> The DSS side of the Belgrade government has encouraged and bullied Serbs to break away from Pristina institutions. At a town hall meeting in Ranilug on 17 February, the energy minister, Aleksandar Popovic, and a special adviser in the Kosovo ministry, Rade Todorovic, promised Serbia would never abandon the Kosovo Serbs, condemned the EU missions as illegal and told a Serb KPS officer that any Serbs working for independent Kosovo institutions were considered "enemies of the state".<sup>104</sup>

Kosovo Serbs in Gracanica and the eastern Gjilan/Gnjilane region walked out of the KPS after independence, demanding the same deal given to the Serb KPS in the north, to be able to report exclusively to UNMIK. For a few days, Serb officers in the Gjilan/Gnjilane region gathered in three makeshift "parallel" police stations of their own making in Serb settlements. Gracanica officers met outside their regular station. Their demands were refused, nearly 300 officers and administrators (out of a total of 812 Serbs in the service) were suspended for three months and required to hand in their badges and equipment,<sup>105</sup> and additional KFOR patrols and UNMIK Police were brought in to fill the gap. However, a "security crisis group" in Gracanica has petitioned UNMIK and KFOR to ban any policing by Albanians in the absence of Serb KPS officers, claims insecurity is growing and may push for parallel Serb policing.

In the mountainous southern municipality of Strpce, UNMIK held back on plans to send international reinforcements, and the DS-controlled municipal administration has backed a "business as usual" approach in the KPS. Serb and Albanian officers continue to work side by side there and report in the KPS chain of command.<sup>106</sup> A similar mixed picture has emerged with Serb municipal employees. Entire groups have walked away, particularly in the eastern municipalities, but in a few areas, like Kamenica, some have returned.<sup>107</sup>

<sup>103</sup> "Odluka Episkopa Artemija o ponasanju u novonastaloj situaciji" ["Bishop Artemie's decision on behaviour in the new situation"], 3 March 2008, at [www.eparhija-prizren.com/default.asp?s=vesti&idvestep=2482](http://www.eparhija-prizren.com/default.asp?s=vesti&idvestep=2482).

<sup>104</sup> Crisis Group interview, Kamenica, 6 March 2008.

<sup>105</sup> Unlike Mitrovica, these regions long ago transitioned to KPS regional commanders.

<sup>106</sup> Crisis Group interviews, senior UNMIK Police officer, Pristina, 6 March 2008, and KPS spokesperson Veton Eshani, Pristina, 11 March 2008.

<sup>107</sup> 75 Serbs staged a seventeen-day walk-out from their jobs in the Kamenica municipality before returning to work on 6 March 2008. On the other hand, 73 Serb workers left their posts in the Gjilan/Gnjilane Municipality and are still

Many KPS officers feel that their hardline colleagues and Belgrade pushed them too far and want to return but cannot without a face-saving formula.<sup>108</sup> But in Gracanica, crowds have hailed them as heroes, and Serbian governmental officials reportedly offered €500 stipends to persuade officers not to return. Negotiations with the UNMIK Police and KPS command appeared to break down on 7 March. Concerned at Belgrade's recklessness yet attempting to assert a militant posture herself, Gracanica politician Rada Trajkovic warned on 11 March:

If UNMIK does not agree to the same conditions and standards for Kosovo Serbs who live south of the Ibar River, like the ones that northern Serbs have, then I am afraid we are coming at this decisive moment to a position of delivering a very bad message to people, which is destabilisation. Without police and faith in those who are securing us while we sleep, riots are likely to take place, as we know from our past experience.<sup>109</sup>

Many enclave Serbs are looking for a political middle ground that is not yet available, especially in the atmosphere created since 17 February. This would be to reach a minimum degree of cooperation with Pristina, sufficient to guarantee security and some budget resources, while retaining the relationship with Belgrade as their mainstay. The Serbian government will not allow them that minimum at present, and the Kosovo government has shown no initiative in offering it.

#### IV. THE INTERNATIONAL COMMUNITY

Kosovo's independence has split the international community. The Ahtisaari plan, the ICO and the EULEX

undecided on their next move. Crisis Group interview, Gradimir Mikic, Kamenica Municipality vice president, 6 March 2008. According to Mikic, the 75 decided to return after concluding that they still ultimately report to UNMIK, and they could defend Serb interests better by staying in their positions. However, he reiterated that as soon as their positions are defined as under an independent Kosovo, they would leave again. He stressed that he had supported the decision to walk out, with no instructions from Belgrade. Customs officials have returned to their jobs but have been moved into administrative buildings at the border crossings. Crisis Group interview, Dr Andrejevic, Kamenica, 6 March 2008.

<sup>108</sup> Crisis Group interviews, Ranilug, March 2008, and UNMIK Police, Pristina, 6 March 2008.

<sup>109</sup> KiM radio interview reported by UNMIK media monitoring.

mission lack UN Security Council backing due mainly to Russian opposition.<sup>110</sup> The UN Secretariat, UNMIK and NATO feel that they cannot advance far beyond a “status neutral” position. The U.S. and a growing number of EU states are Kosovo’s main support, the core of the International Steering Group formed on 28 February, and of the 28 countries that have so far recognised the young republic. But they are struggling to agree on the strategies and operations needed to ensure Kosovo’s stability in an unsettled and partly hostile neighbourhood.

Russia is not backing down from its opposition to Kosovo independence, implementation of the Ahtisaari plan and deployment of the EU missions. President Putin has chided EU states for applying “double standards in settling one and the same issue in different parts of the world [in different ways]”.<sup>111</sup> But Moscow has not honoured threats to recognise Abkhazia, South Ossetia and Transdniestria as independent states. It also has not taken any express action against a country that has recognised Kosovo.<sup>112</sup> By continually arguing that Kosovo independence is against international law and that recognition will set an international precedent, however, it has caused numerous states to back away from recognition and has encouraged Serbia’s hard line. Its *de facto* Security Council veto on the Ahtisaari plan has also hampered the UN’s ability to coordinate effectively with the EU. Holding the Security Council presidency in March, Russia is maintaining pressure on the Secretary-General to keep UNMIK well budgeted and staffed and resist UNMIK-EULEX transition.<sup>113</sup>

Managing the transition from the UN to the EU is a key problem. The Ahtisaari plan foresaw a clear transition period during which UNMIK would continue to exercise its mandate in accordance with Security Council Resolution 1244 and at the end of which that

mandate would expire.<sup>114</sup> What it did not hand over to the Kosovo government was meant to be given to the EU. But without consensus on Ahtisaari, there is no consensus on UNMIK’s fate. The UN Secretariat is reluctant to allow the mission to start relinquishing powers to the Kosovo government and EU missions. UNMIK will remain for now, and Pristina and Belgrade are each already challenging it. The coalition of Kosovo’s supporters does not want to force the pace of transition, and the 120-day period looks increasingly empty of content, with no specific benchmarks or agreed-upon timelines. UNMIK will not disappear as assumed under the Ahtisaari plan, and Kosovo may find itself with multiple international presences working towards different goals.

Although Kosovo’s supporters continue to insist that they will not permit partition, Belgrade and the northern Serbs doubt their credibility and resolve. The EU and U.S. hesitate to engage in an explicit confrontation with Belgrade over Kosovo’s territorial integrity, because they still hope that pro-European parties will win the Serbian May elections and produce a fundamental policy shift. In the interim, they as well as NATO are being cautious and thus leaving the initiative to Belgrade.

## A. THE UN AND NATO

NATO’s KFOR relies on Resolution 1244 as its authority to enforce “a safe and secure environment” throughout Kosovo’s territory and to defend its integrity. It calls this a “status neutral” position, but NATO is nevertheless preparing to add a training element to its presence in order to stand down the old Kosovo Protection Corps and stand up a new Kosovo Security Force, as foreseen in the Ahtisaari plan.

KFOR prefers to stick to a narrow interpretation of its mandate,<sup>115</sup> stay out of policing, and avoid being drawn

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<sup>110</sup> Russia, China, Vietnam, Indonesia and South Africa, as well as possibly Burkina Faso and Libya, remain unlikely to support the Ahtisaari plan or to give the EU a Security Council mandate under current circumstances.

<sup>111</sup> Press conference, 14 February 2008, at [http://kremlin.ru/eng/speeches/2008/02/14/1011\\_type82915\\_160266.shtml](http://kremlin.ru/eng/speeches/2008/02/14/1011_type82915_160266.shtml).

<sup>112</sup> A Russian diplomat said Moscow would consider such measures, Crisis Group interview, Brussels, December 2007.

<sup>113</sup> On 11 March 2008, Russia circulated a draft presidential statement that “the Security Council is gravely concerned by the unilateral actions that exacerbated the situation in Kosovo...Pending guidance from the Security Council, United Nations Interim Administration in Kosovo (UNMIK) will continue to consider Council Resolution 1244 (1999) as the legal framework for its mandate and continue to implement its mandate”. Crisis Group interviews, New York, March 2008.

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<sup>114</sup> In addition, after the 120 days “all legislative and executive authority vested in UNMIK shall be transferred en bloc to the governing authorities of Kosovo”, Comprehensive Proposal, Article 15.1(g).

<sup>115</sup> The 15,900-strong force is organised into five Multinational Task Forces, each primarily responsible for a geographical sector. Participating nations include 24 NATO members (Italy with 2,567 troops, Germany 2,374, France 2,269, the U.S. 1,456, Turkey 752, Spain 636, Greece 605, Hungary 564, the Czech Republic 435, Poland 320, Denmark 305, Portugal 296, Belgium 193, Slovenia 160, Romania 147, Slovakia 135, the UK 135, Bulgaria 42, Lithuania 32, Estonia 29, Luxembourg 23, Norway 22, Latvia nineteen and the Netherlands six); and ten non-NATO countries (Austria with 561 troops, Finland 391, Ireland 279, Sweden 331, Morocco 21, Switzerland 209,

into guarding of static objects such as border posts and courthouses,<sup>116</sup> but it stepped up patrols at the borders as independence approached. After small detachments stood by as Serbs destroyed the Brnjak and Jarinje border posts, it assumed responsibility for those posts and still maintains a presence there. Rules of cooperative engagement between KFOR and UNMIK broke down during the border post incidents, with both missions shying away from a confrontation. Capitals have since told KFOR's command to get tougher, especially in the north – a greater degree of support than the NATO force expected.<sup>117</sup>

KFOR had gradually begun to act more robustly even before the events at the regional court building in north Mitrovica. It conducted an exercise on 11 March in Zubin Potok municipality,<sup>118</sup> the first of several planned displays of force in the north.<sup>119</sup> Troops deployed in riot gear to support the KPS when Serb reservists attacked the Merdare and Mutivode border gates on 21 and 25 February, and as noted above, KFOR's leadership threatened the Serbian army command with reinstatement of the Ground Safety Zone in the event of further violent incidents. KFOR is now pushing UNMIK to arrest Serb troublemakers in the north.<sup>120</sup>

UNMIK's police commissioner was also taking some robust stances, though he has only vague instructions. He unilaterally barred groups of Serbs from entering Kosovo to join demonstrations in Mitrovica. The UN's New York headquarters overrode UNMIK objections to admitting Minister Samardzic but the commissioner is reserving the right to make his own security assessments.<sup>121</sup> Nevertheless, senior staff express frustration that the UN Secretariat's "status neutral position has handcuffed" them and are concerned that the effort at even-handedness risks throwing away nine years of institution building.<sup>122</sup>

The situation of UNMIK Police is reflected in the mission at large. Secretary-General Ban Ki-moon stated on 18 February that: "It is my intention to act in an effective, realistic and concrete manner. In doing so, pending Security Council guidance, I might have to

adjust to developments and changes on the ground".<sup>123</sup> But in the face of strong opposition from Russia, which also holds the presidency of the Security Council in March, to any Ahtisaari-like transition, he has not yet extended a public invitation to the EU missions. Statements on the subject by EU and UN spokespersons in early March were contradictory.<sup>124</sup> UN and EU officials met in New York on 11 March to search for a cooperation formula; some concrete ideas were discussed, but no final plan was agreed.<sup>125</sup>

Pending such an understanding, the UN Secretariat has not instructed SRSR Rucker to reconfigure UNMIK in preparation for a transfer of power. It is trying to interpret Resolution 1244 in a way that splits the difference between the positions of Russia on the one hand and Brussels and Washington on the other, rather than acknowledging that a final stage of 1244 implementation has been reached and UNMIK's job is essentially over.<sup>126</sup> In UNMIK's view, "the basic plan of us leaving and the EU coming remains, but how to present it? We don't talk about 'transition'".<sup>127</sup>

The result is that UNMIK's exit will be delayed. The mission has submitted proposals to the Secretariat for a residual post-transition presence requiring just 10 per cent of its current resources. It would carry out tasks that "neither the EU mission, nor the Kosovo government" can assume: interim stewardship of UNMIK-issued civil documents, archive and other services of its Office of Legal Affairs, interfacing with international bodies on telecommunications and other issues, representation of Kosovo in regional forums,

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<sup>123</sup> "Secretary-General in Security Council Statement says United Nations Aim in Kosovo Stable Political, Security Situation, Protection of Population, Minorities", SG/SM/11426SC/9253, at [www.un.org/News/Press/docs/2008/sgsm11426.doc.htm](http://www.un.org/News/Press/docs/2008/sgsm11426.doc.htm).

<sup>124</sup> UN Secretary-General Ban Ki-moon's spokesperson, Brendan Varma, reportedly stated to the BBC: "At this point the UN mission has not entered the transition period. We are still on the ground, as we have been since 1999. UNMIK will perform the duties entrusted to it with Resolution 1244, until [the] UN Security Council [has] decided otherwise....We would, of course, welcome agreement on this problem, but the Council is at the moment deeply divided. The Secretary-General's position is that our mission will continue in Kosovo until the Council tells them to stop". "UN confirms: No transfer of jurisdiction to EU", B92, 28 February 2008.

<sup>125</sup> Crisis Group interviews, UN officials, New York, March 2008.

<sup>126</sup> See Crisis Group Europe Report N°188, *Kosovo Countdown: A Blueprint for Transition*, 6 December 2007, pp. 14-16, for discussion of this interpretation of Resolution 1244.

<sup>127</sup> Crisis Group interview, Pristina, 3 March 2008.

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Ukraine 184, Georgia 182, Armenia 34 and Azerbaijan, which has announced the withdrawal of its contingent, 34). See [www.nato.int/KFOR/](http://www.nato.int/KFOR/).

<sup>116</sup> Crisis Group interviews, Brussels, February-March 2008.

<sup>117</sup> Crisis Group interview, official, Pristina, March 2008.

<sup>118</sup> "KFOR to stage war game in north", B92, 10 March 2008.

<sup>119</sup> Crisis Group interview, official, Pristina, March 2008.

<sup>120</sup> Ibid.

<sup>121</sup> Crisis Group interview, diplomat, Pristina, 6 March 2008.

<sup>122</sup> Crisis Group interview, Pristina, 6 March 2008.



and accreditation of the diplomatic liaison offices of countries that do not recognise Kosovo.<sup>128</sup>

UNMIK is divided about its future in the north. At least before the 17 March events in north Mitrovica, some primarily Pristina-based officials believed it could hold the situation a while longer and gradually hand over to Kosovo authorities and the EU. Others were much more sceptical about the ability of any international presence to change the status quo in the north in Pristina's favour. An official asked: "Is our short-term toughness any use if we disappear after 121 days? Might it be better to get local buy-in? Or do we have to protect border gates and courts forever? UNMIK Police and KFOR are overstretched."<sup>129</sup>

It is too early to say whether the violence on 17 March will strengthen or weaken international determination to provide an effective presence in the north. Prior to that day, however, Quint and EU diplomats had become impatient with UNMIK's regional representative in the north, who has kept lines of dialogue open with Serb leaders and offered compromises that sit uneasily with Western capitals' plans for introduction of the EU missions.<sup>130</sup>

In December 2007 Swedish Foreign Minister Bildt proposed to the EU a bifurcated post-independence international presence for Kosovo: the EU missions for the Albanians and a UN presence in the north.<sup>131</sup> It was not accepted, but the ferocity of Belgrade and northern Kosovo Serb opposition to EU deployment is giving the idea new traction. It may become the default option

if the EU backs away from risking its personnel in a hostile environment and seeks a longer transition.

## B. THE EU AND THE ICO

The EU showed commendable unity agreeing on 4 February, less than two weeks before independence, to deploy the EULEX mission and its special representative.<sup>132</sup> It did so with the argument that Resolution 1244 provides a sufficient legal basis for that presence. Pieter Feith, who formerly led the EU's Aceh Monitoring Mission, deployed with the two hats of EUSR and International Civilian Representative (ICR, the head of the ICO).<sup>133</sup>

Recognition by EU member states is essential to confirm the legitimacy and political room for manoeuvre of the EU missions, to give Kosovo a clear perspective of eventually joining the EU, and to confirm the realism of the EU's plans to make a major financial and political investment in Kosovo's development. The EU, together with the IFIs and the U.S., will convene a donors' conference in June. The European Commission has earmarked €395.1 million for Kosovo for 2007-2011 and could release a further €200 million for "specific socio-economic needs".<sup>134</sup> The U.S. has pledged a four-fold increase in its bilateral aid, to \$335 million for 2008.<sup>135</sup>

If recognitions are forthcoming from all or virtually all 27 EU member states, the chances will be better for avoiding security breakdowns. If there are many hold-outs, Serbia will be encouraged to keep making life as difficult as possible for both Pristina and the EU missions. So far sixteen member states have recognised. At least Cyprus and Romania are unlikely to do so any time soon because of their concern the case could impact on separatist tendencies (Turkish Cypriots, Hungarian minority respectively) at home. Spain has expressed a similar concern with respect to the Basques. Others, such as Hungary, Greece, Malta and Portugal, are delaying because of ties to Serbia or other states that oppose recognition.

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<sup>128</sup> During a visit to Pristina, Swedish Foreign Minister Bildt echoed the idea that the UN could act as a bridge within Kosovo between those countries that do and do not recognise it. Arben Atashi, "Bildt: UNMIK-u is duhet Kosovës edhe për një kohë" ["Bildt: UNMIK is needed for Kosovo for some more time"], *Koha Ditore*, 9 March 2008. An UNMIK official remarked that two thirds of UNMIK personnel have no next job to go to and are trying to extend their stay as long as possible. Crisis Group interview, official, Pristina, 5 March 2008.

<sup>129</sup> Crisis Group interview, Pristina, 3 March 2008.

<sup>130</sup> Crisis Group interviews, officials and diplomats, Pristina, Paris and Brussels, March 2008.

<sup>131</sup> "A European Strategy for Kosovo", Stockholm, 9 December 2007. It suggested that: "In the absence of a mutual agreement, a possibility would be to declare that full UNMIK authority under 1244 remains in northern Kosovo. Thus, the area would not be under Pristina, although the declared aim of UN authority in the area must be to facilitate the integration of the area with the rest of Kosovo....It should be possible for the UNSG to declare the retention of UNMIK competencies for this area in the same way and at the same time as he grants authority to the suggested ESDP mission in Kosovo".

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<sup>132</sup> Council Joint Action 2008/124/CFSP and Council Joint Action 2008/123/CFSP.

<sup>133</sup> Feith went to Kosovo on 20 February as EUSR. He acquired the ICR role on 28 February, at the first meeting of the International Steering Group. Substantial numbers of ICO staff are already in Pristina.

<sup>134</sup> "Kosovo donor conference likely in June: EU commission", [www.eubusiness.com](http://www.eubusiness.com), 15 February 2008.

<sup>135</sup> Under Secretary of State Nicolas Burns in "U.S. recognises Kosovo, reaffirms friendship with Serbia", *Voice of America*, 18 February 2008.

The International Steering Group, formed by fifteen countries, and not including Russia,<sup>136</sup> is a shadow of the structure called for under the Ahtisaari plan. The Security Council was meant to endorse it but that is now unrealistic. Nevertheless, it is composed entirely of countries that support Kosovo's independence. It has the potential to be an activist body, perhaps even more pro-active than Bosnia's Peace Implementation Council. The collective political weight of its members will have to make up for the deficit of formal authority it lends to the ICR. Feith's status as the final authority in Kosovo on civilian aspects of Ahtisaari plan implementation and his powers to annul laws and decisions and sanction and remove obstructive officials rest uneasily upon Kosovo's own declaration of independence (and its constitution, once in force) and upon an interpretation of Resolution 1244 that is controversial within the Security Council.

In the field, the ICO already faces problems, including a perceived loss of the initiative. It abandoned its satellite office in north Mitrovica due to security problems and relocated the personnel to south Mitrovica. It has no Serb interlocutors for now. Feith was resolute, but perhaps overly confident when he asserted in his first days that: "The EU mission will be present in all of Kosovo, including northern Kosovo. Serbs should know that EULEX will ensure the rights for all communities".<sup>137</sup> Meanwhile, ICO staff have been too focused on Pristina and their own capitals, and in many cases deployed too late to establish contacts with Serbs prior to the independence watershed. The future of a large (several hundred members) mission from the Organization for Security and Co-operation in Europe (OSCE), which is supposed to provide much of the ICO's field presence, has been put into doubt by Serbia and Russia, which are keeping it on a renewable monthly mandate while pressuring it to be "status neutral".<sup>138</sup>

Feith's bold statements meshed awkwardly with the ICO's simultaneous evacuation from the north. Nevertheless, EU officials in Brussels say they are still confident EULEX will be deployed "Kosovo wide" by the end of the transition and that it can re-engage with

Belgrade,<sup>139</sup> but it will not seek to deploy in the north in the immediate future.<sup>140</sup>

The EU Planning Team (EUPT) has been preparing the ground for putting as many as 3,200 local and international EULEX staff, divided into police, justice and customs components, in place by the end of the transition period. EULEX will have areas of executive responsibility, such as investigation of organised crime, corruption and war crimes, as well as a 500-strong riot police contingent. The mission is striving to create an identity distinct from UNMIK Police, "be transparent to society at large" and bring real forensic, investigation and other specialists able to make an impact.<sup>141</sup> Its intended watchwords, however, are "mentoring, monitoring and advising", and most staff will co-locate with Kosovo rule-of-law institutions. The initial mandate is for two years, though senior staff say they will need "realistically five or six years to get out completely".<sup>142</sup> To enable this, detailed assessment benchmarks have been prepared for every mission member.

But EULEX, too, has organisational problems. Recruiting staff of the required quality is difficult. The EUPT has been inwardly focused, on its own mechanisms, and its concern to present a new face and not be tutored has created a legacy of poor communication with UNMIK Police. They have not shared reports, EUPT chose not to co-locate staff, and the two leaderships did not even meet during the weeks just before and after independence. EULEX plans initially, however, to replicate the UNMIK Police structure, deploying officers as they arrive to accompany UNMIK and KPS counterparts, before beginning independent work at the end of the transition period ("day 121"). A further complication is that after the developments of 17 March more than ever, security considerations are likely to preclude UNMIK Police agreeing to have the 700 EULEX officers earmarked for the Serb north accompany their personnel there any time soon. "I have no idea how to overcome the security problem of EULEX transition in the north", a senior UN police officer said.<sup>143</sup>

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<sup>136</sup> Founding members are the UK, U.S., France, Germany, Italy, Austria, Turkey, Finland, the Czech Republic, Sweden, Belgium, Denmark, Hungary, Slovenia and Switzerland.

<sup>137</sup> "EU envoy Feith arrives in Kosovo to lead mission", [www.balkantimes.com](http://www.balkantimes.com), 21 February 2008.

<sup>138</sup> On 18 January 2008, Aleksey Borodavkin, Russia's ambassador to the OSCE, said that if Kosovo declared independence, the OSCE mission in Pristina would have to shut down, "OSCE Kosovo mission to shut if independence declared", B92, 18 January 2008.

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<sup>139</sup> Crisis Group interview, EU Council official, Brussels, 3 March 2008.

<sup>140</sup> Crisis Group interviews, ministry of foreign affairs, Paris, 6 March 2008, and German diplomat, New York, 10 March 2008.

<sup>141</sup> Crisis Group interview, EU officials, Pristina, 14 February 2008.

<sup>142</sup> *Ibid.*

<sup>143</sup> Crisis Group interview, Pristina, 6 March 2008.

## **V. CONCLUSION**

Kosovo is independent, and peace has been maintained so far, but the country risks being dragged into a lengthy frozen conflict that would leave stability, political reconciliation and economic progress in the Western Balkans constant hostages. To avoid this the new government and the states that have accorded recognition now need to work together to ensure that the rights of all its citizens are fully protected, and Serbia is stopped from further dividing its people and territory. The effort to reintegrate Serb areas will take time but Pristina, the UN, NATO and the EU need to act now to coordinate and improve their response, as Belgrade is strengthening its parallel structures, and hardline nationalist leaders are consolidating their influence in the north and the enclaves.

This is not to say that Belgrade's parallel structures and the support for social services it provides in the north and the enclaves should all be terminated. Rather, they should gradually be integrated into Kosovo's decentralisation process, as the Ahtisaari plan envisages. No new and irrevocable ties should be permitted between Belgrade and Kosovo Serbs, however, especially in the security sector. The leaders of Kosovo and Serbia, supported by the UN, NATO and the EU, have the mutual responsibility to secure peace and stability and assure a successful transition. Serbia's leadership's priority should be to guarantee the security of Kosovo Serbs, instead of undermining their security as it is doing by blocking cooperation with Pristina and the EU.

The Ibar must not be allowed to become a new border and north Kosovo another frozen conflict. NATO, the UN and the EU must be resolved and prepared to act with determination – first to ensure EU presence at the border and customs posts between Serbia and Kosovo, later at police stations and courts. While the UN and KFOR will have to remain active in the north for the short term, pragmatic methods to ensure a transition to the EU should be explored, such as UN-EU interim “double hatting”. Secretary-General Ban Ki-moon should show leadership and encourage close collaboration on a hand-over by welcoming cooperation with the EU in Kosovo and stating that the UN will downsize to adjust to developments and changes on the ground.

**Pristina/Belgrade/Brussels, 18 March 2008**

## APPENDIX A

### MAP OF KOSOVO AND ENVIRONS



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