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OUTLINE PAPER ON RISKS AND EUROPEAN PERSPECTIVE OF FUTURE STATUS OF KOSOVO

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1. Five years ago UNMIK was given a mission that was more ambitious than any other UN mission in the past: to administer Kosovo, build institutions and create preconditions for genuine self-government and start political process for defining a new “final” status of Kosovo. In practice, each UN Secretary General’s Special Representative (SGSR) was starting a new era of UNMIK, while the international and local public, both Albanian and Serb, differently assessed the achievements of UNMIK and SGSR. In a broad sense, the first SGSR Bernard Kushner inspired a big hope among the Albanians for better economy and democratic institutions. Each new SGSR raised dissatisfaction among the Kosovo Albanians, which turned into anger and riots during Holkery’s administration indicating that there was no much room for satisfaction with the achievements of international administration in Kosovo.

The history of UNMIK administration involves many events (See: *Table 1: Review of Key Political Events in Kosovo during UNMIK Administration*), which confirm that the international community and local actors produce more events than they can handle. Therefore, there is no visible progress towards the UNMIK main task and the main instrument used for assessment of every peace mission – conciliation of conflicted parties, that is, the Albanians and the Serbs. The Albanians still consider Serbs as the main obstacle for the unification of Albanians from Kosovo, South Serbia (Presevska Valley), and Macedonia, with Albania, while the Serbs view Albanians as invaders of their historic homeland, a “cradle“ of Serb identity. The level of interethnic violence is high, and fear from new violence is a part of daily life for the Serb minority.

Five years after the international presence in Kosovo, all short-term and long-term indicators confirm that the problem is deep and solutions for the status of Albanians, Serbs and Kosovo, the control of territory and economy potentials in Kosovo have not been yet found. So far, the international presence was characterized with *de facto* independence of Kosovo from Belgrade, discrimination of all national minorities and ethnocide against the Serbs. Therefore, Kosovo symbolizes an example of Balkanization more than successful peace mission.

2. The survival of old social and economic structures and current macro-economic trends are not optimistic. In spite of UNMIK administration the economy went down to the bottom line and living standard decreased. There are not many improvements in spite of substantial financial support from abroad. It is reflected through poor road infrastructure

and energy system in Kosovo. Apart from that, the influence of the following factors on stability and sustainability of economy is very strong: delay of privatization and restructuring public enterprises and loss of credibility of privatization process in the eyes of potential investors, due to frequent changes of privatization policy; lack of long-term sources for public investments; lack of social and economic cohesion among the key actors of economic reforms (trade unions, government and businessmen); absence of strategy for ensuring investments from local sources (deposits, domestic savings, public enterprises deposits, funds gained through privatization); continued subventions to public enterprises regardless a serious delay of their restructuring. Considering all, PSIG and UNMIK proved to be incapable to make a serious change in key economic areas that threaten to paralyze the development of Kosovo. They are unable to generate the revenue that is prescribed by laws, because most of Albanian enterprises and citizens in Kosovo do not pay their taxes and fees. Therefore, it is not surprising that there are no foreign investments, and that international donations and subventions are withdrawing. This has produced economic pessimism and political dissatisfaction, especially since July 2003.

3. The situation with human rights is also very discouraging. The level of security for minorities is very low, and the opportunities for minority ethnic groups to live freely and travel and work are extremely limited. Distrust in KFOR, UNMIK and KPS to maintain security and efficiently carry out their functions is very high.

Very troublesome is the absence of political will among the Albanian political leaders to oppose widely accepted assumption of a *collective guilt* of the Serb nation for crimes, killings, violence and violation of human rights carried out by members of Milosevic's regime against the Albanians. The hypocrisy of the international administration is expressed by an illusion of multi-ethnic society that is being publicly advocated. In reality the Serbs live isolated in enclaves while their human rights and freedoms are severely violated. Discrimination and the absence of an economic perspective is the reality of Roma, Ashkali and Egyptian people in Kosovo.

4. The political processes in Kosovo are institutionalized through PSIG. The "process of institutional building" should precede democratization. Although Kosovo has its president, parliament, government and 30 municipal councils, they are not much effective in reality.

Part of the problem is unwillingness of local politicians to take responsibility for key decisions, like the one on future status. This unwillingness is partly the result of weakness of institutions and incompetent leadership.

5. The macro-security was maintained by removing the "Serb threat" through military action and defeat of VJ and continuous political pressure against Serbia and the Serbs. Yet, a threat for the Regional stability and security in South Serbia, Macedonia and Montenegro caused by potential violence of Albanian extremists has not been seriously considered and prevented. What's more, certain groups of Albanian extremists and paramilitaries enjoy NATO support. Violence is the main feature of life in Kosovo and the main characteristics of relations toward the Serb and other ethnic and political minorities.

6. Kosovo is the most critical area in the Balkans. The improvement in managing the Kosovo crisis will increase the chances for Kosovo and other Balkan countries to realize the “exit strategy” – EU accession and NATO membership. Kosovo is not an isolated problem. The issues of Kosovo, the Albanians and the Serbs are regional. Therefore, the Kosovo problem should be treated as a part of regional framework, together with the issue of further democratization of Serbia; solution of relations between Serbia and Montenegro; strengthening of central authorities in Bosnia and Herzegovina and further stabilization of Croatia and insisting on cooperation with ICTY. Regional cooperation will be useful to all Balkans countries by facilitating their integration in EU. “European perspective” will shift the focus of interest from politics and inter-ethnic relations to economy.

7. The future of Kosovo is still uncertain and future position of Serbs and other “non-Albanians” is unfavorable. Multi-ethnic Kosovo is a future perspective, although it is yet not clear how it will be achieved.

The question of status still causes deep divisions: the Serbs and Serbia claim that Kosovo is still a part of Serbian territory and ask for full compliance with UNSC Resolution 1244, according to which UNSC has the power to define the new status; Albanian leaders do not give up independence and target their voters by developing the election strategies on the promise of independence. After five-year-efforts, UN and EU have not decided whether Kosovo should become independent, or stay in some kind of connection with Serbia.

8. Summarizing all proposals and options, and respecting the reality of Kosovo crisis, it can be said that UNSC will, in the second half of 2005, or the beginning of 2006, set the date for beginning of negotiations on the criteria for defining the future status of Kosovo. EU should take more responsibility for Kosovo, while the international presence and especially UNMIK should be reorganized accordingly. It can be expected that EU will takeover the functions from UNMIK, and that EU and NATO will establish joint command over KFOR. Most likely, the question of a three-member union of Montenegro, Serbia and Kosovo will be considered within this framework. The division of the union loaded with conflicts would be extremely risky. Therefore, a “conditional independence” might be considered as an option. The “conditional independence” would give more time and institutional opportunities for the changes in Kosovo and Serbia. It would create an environment for direct negotiations between Belgrade and Prishtina about the independence, and an agreement about peaceful change of borders. It seems that the idea of a new status of Kosovo as a provisional solution through “conditional independence” within the so called European future is becoming a reality. It means that EUMIK would replace UNMIK, and that EU would install its Governor to administer Kosovo together with local authorities whose mandate would be extended to manage all issues except the foreign inter-state policy (managed by EU) and defense (under NATO control).

Currently there is no room for negotiations about the future status, and especially the independence. Since the Kosovo problem can have different solutions (See: *Table 2: Future Status of Kosovo*) Belgrade needs to have a strategy for dialogue on the future of

Kosovo. The most beneficial policy that can be suggested to Belgrade is: “standards and status” as a part of the “European future”, meaning that Serbia should follow the principle: SCG, Serbia and Kosovo together in EU! This makes a solution of Kosovo a part of the process for stabilization and association into EU. Security and development of Serbia and the Serbs, especially the Kosovo Serbs, must have the priority. Instead of making profit on tragedies in Kosovo and accusations for “betraying national interests”, the winning formula for the Serbs and Serbia should be: *Kosovo is a territory for development!*

TABLES:

Table 1: REVIEW OF KEY POLITICAL EVENTS IN KOSOVO DURING THE UNMIK ADMINISTRATION

June 1999	UNSC Resolution 1244
October 2000	Local Elections in Kosovo
November 2001	Parliamentary Elections in Kosovo
March 2002	Treaty of Belgrade signed between Serbia and Montenegro
February 2003	Proclamation of SCG State Union
October 2003	Beginning of Negotiation between Prishtina and Belgrade in Vienna with the UN mediation (Vienna Meeting)
November 2003	Contact Group: 2005, the framework for starting the negotiations on status
December 2003	Parliamentary Elections in Serbia
April 2003	Presidential Elections in Serbia
October 2004	Parliamentary Elections in Kosovo
Spring 2005	Parliamentary Elections in SCG
Middle of 2005	Review and assessment of standards fulfillment and beginning of Status negotiations
February 2006	End of three-year moratorium on referendum in Montenegro UNSC Resolution on Final Status

Table 2: Future Status of Kosovo

1. Independence	Conditional Unconditional
2. Territorial division on ethnic lines	Cantonization based on “Bosnian Model” Partition based on “Cyprus Model”
2. Autonomy	Within Serbia

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| 3. Reintegration | Within SCG
Republic Kosovo as a third entity of the
Stetal Union SCG |
| 4. Permanent International Protectorate | Continuation of current <i>Status Quo</i> -
UNMIK
Bigger role of EU until the establishment of
EUMIK instead of UNMIK |
| 5. Integration into EU | |