

# Making of a New State in the Balkans: Kosovo

MEHMET ÖCAL\* and AYŞE ASLIHAN ÇELENK\*\*

## ABSTRACT

*Kosovo is one of the last states in the Balkan puzzle to gain its independence. The disputed region that declared independence on February 17, 2008 is still a “quasi-state,” a country with limited sovereignty, divided into a Serbian dominated north and an Albanian south. The international community has committed itself to the political and financial responsibility of securing peace in Kosovo and in the Balkan region at large. Yet neither the UN nor the EU has been able to undertake the necessary measures to prevent a possible partition of the new state. Besides a number of unresolved juridical and political issues, the country also has to deal with negative macroeconomic developments. Due to the lack of legal clarity, and the so-called reconfiguration of the tasks, competences and responsibility areas of the international organizations, only very modest steps have been made to integrate the country in the stabilization and association process of the accession to the EU.*

**T**he history of the Balkan states, like that of several other states, has for centuries been marked by ethnocidal fracases, savage wars of conquest, and periods of eerie calm. The shifting alliances of the mountainous region, and its divisions among great powers have long puzzled observers outside the region. At least since the Congress of Berlin in 1878, the miscalculations and ignorance of the Western powers concerning the Balkan region has created an atmosphere of political instability, mutual violence and atrocities. This general statement can easily be applied to the Kosovo case. In a sense, the present dispute had been waiting to happen since 1912 when Serbian soldiers reoccupied Kosovo for the first time in over five hundred years. In their own eyes, they arrived as new Crusaders, an army of liberation. But for the majority of the natives they were colonialists and oppressors.

\* Department of International Relations, Erciyes University, m-ocal@erciyes.edu.tr

\*\* Department of International Relations, Erciyes University, acelenk@erciyes.edu.tr

The atrocities committed in Kosovo would have been shocking indeed, were it not for the fact that they took place in the context of the Balkan Wars. Decades later the situation has not changed.

In 1998 and 1999, several NATO-member states under the leadership of the United States attempted to put an end to the escalating violence between Albanian guerrillas and Serbian forces in the Kosovo region of the Federal Republic of Yugoslavia. They were outraged by Serb security forces' atrocities against "ethnic" Albanian civilians, and feared that the conflict could drag other countries in and destabilize the region. These efforts culminated in a 78-day NATO bombing campaign against Serbia from March to June 1999. Serbian leader Slobodan Milosevic agreed to withdraw his forces from the province in June 1999, clearing the way for the deployment of US and other NATO peacekeepers. While the NATO action ended Milosevic's depredations in Kosovo, it confronted American and other Western policymakers with many difficult issues. These included creating the conditions for the resumption of normal life in Kosovo, such as setting up government apparatuses and beginning reconstruction of the province. Even after the independence of the country, the Kosovan government has been unable to exercise its authority over certain parts of the territory, while the five "protectorate masters" namely the UN Mission in Kosovo (UNMIK), the European Union Rule of Law Mission in Kosovo (EULEX), the International Civilian Office (ICO), the Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to assist in maintaining political, economic, and administrative stability in the new state. Under these conditions, the hope of the government in Pristina to be recognized by most of the UN members has not been fulfilled.

With the deployment of EULEX, the European Mission has taken over many of the tasks and responsibilities of UNMIK. But the main question here is whether the EU can effectively play a larger stabilizing role in the province as a mediator between Albanians and Serbs, and thus pave the way for EU-membership both for Kosovo and Serbia. The international community has created a new but divided statehood in the region. But did Kosovo become a real state or is it still an "unfinished" one? Do the international organizations involved in the peace and state-building process in Kosovo cooperate and coordinate their actions efficiently? Is it possible for Kosovo to have a future without the assistance of external organizations?

After presenting a historical overview of the conflict in Kosovo, this paper will evaluate the evolution of the NATO-led attack on Yugoslavia/Serbia in 1999

and the involvement of the international community after the air campaign. It takes a closer look at the postwar developments and focuses on the establishment of the NATO-led peacekeeping force (KFOR), the UNMIK and EULEX. The paper analyses the steps taken by the conflicting groups which led to the independence of Kosovo from Belgrade. It also assesses the progress of the negotiations which, to date, have failed to find a solution for the future status of the province.

The position of virtually the entire ethnic Albanian community in Kosovo is that the independence of Kosovo is nonnegotiable

### A Historical Survey

The conflict in Kosovo<sup>1</sup> is one of the most complex problems in the Balkans, whose causes are deeply rooted in history. It is also a classical example of a territorial conflict, in which historical and mythologically justified arguments<sup>2</sup> clash with ethnic realities. The Serbs maintain that the area around Kosovo was the cradle of their culture and its church in the Middle Ages, as well as the political center of their region. For Orthodox Serbs, Kosovo is the “Serbian Jerusalem.”<sup>3</sup> This signifies their strong psychological-emotional connection to this region. Their defeat by the Ottoman Turks in the battle of Kosovo in the year 1389 plays a central role in the Serbian myth-formation.

Like the Serbs, the Kosovo Albanians bring historical reminiscences into the mix for their own part. They are the descendants of the Illyrer and thus the natives of this country. As the oldest people in the Balkans, they would have already lived a long time in Kosovo before the Slavs entered the region at the end of the 6th century. The demographic-ethnic facts speak for their arguments. Before the war of 1999, Kosovo had approximately 2,235,200 inhabitants of which nearly 1,899,900 were ethnic Albanians.<sup>4</sup>

In the 1980s and 1990s the relations between the Serbs and the Kosovo Albanians persistently worsened. Their distrust originated from the Balkan wars at the beginning of the 20th century. Wars, expulsions and massacres of the Albanians and other Muslim minorities continued to contribute to the mutual dislike and poison the climate between the groups of peoples. Many of the Muslim Albanians were simply categorised as Turks and expelled to Turkey, as part of an agreement between Turkey and the Kingdom of Serbs, Croats and Slovenes. Many Albanians were forced to immigrate to various regions of Anatolia.<sup>5</sup> At the same time, the demographic situation shifted in favor of the Serbs, when between 1918 and 1941 approximately 11,000 Serbian families moved to Kosovo.

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During World War II, many Serbs were expelled from the region when Kosovo became part of an Italian-controlled "Greater Albania" for a brief period. After becoming the independent state of Yugoslavia under the leadership of Josip Broz Tito, the conflict in Kosovo was

frozen. Although they shared the same region, for cultural, social and political reasons, cross-ties<sup>6</sup> were almost non-existent. One can say that no two peoples of Yugoslavia distrusted each other as deeply and hated each other as profoundly as the Serbs and the Albanians.

As a result of a constitutional reform, in 1974 Kosovo was granted greater autonomy, almost equivalent to that of the other six federated states. However, in 1981, one year after the death of Tito, the Kosovo issue re-appeared. In 1990, Milosevic waived the autonomy of Kosovo under the then valid Yugoslav constitution and gradated the province to a part of Yugoslavia, making it a region without rights.

Although the protests of the Albanians of Kosovo were registered by the world public, world attention was generally directed to the events in Bosnia in the first half of the nineties. Under the Dayton agreement of 1995, the future status of Kosovo went unmentioned, earning the province the nickname of the "step-child of Dayton."<sup>7</sup> Therefore, the Dayton Agreement is considered to be the progenitor of the Kosovo Liberation Army, known as the UCK.<sup>8</sup> The Dayton Agreement was also a turning point for the Kosovo Albanians, because they learned the following lesson: those who appeal and supplicate like Ibrahim Rugova, an Albanian Party leader who had stood for non-violence for decades, will be ignored by the international community; and those who make use of force, like Slobodan Milosevic, are recompensed with an inheritance, in this case the (Serbian) Republic in Bosnia. The Albanians learned that they would have to make use of force to have their voices heard in the international community.

The UCK responded to the violent actions of the Serbian police and special forces with more violence. Compared to the situation of the Bosnians, the Kosovo Albanians had, however, a strategic advantage. While the Bosnians were "squeezed together" by the military and geographical pressure of the Croats in the west and the Serbs in the east, a kind of Ghetto condition in central Bosnia, the Albanians in Kosovo had the resource of logistical and cultural support and,

if necessary, refuge available from both the Macedonian Albanians and Albania itself. While this opportunity served to increase the resistance potential of the Kosovo Albanians, it also posed the risk of spreading the conflict to other Balkan countries. The escalation of the conflict, which was accompanied by ethnic cleansings and massacres mainly against the Albanian population, was stopped only by the air campaign of NATO in spring 1999.

### **War in Kosovo**

By the end of 1998, more than 300,000 Kosovars had already fled their homes, the various cease-fire agreements were systematically being flouted and negotiations were stalled. Violence escalated in a series of KLA attacks and Serbian reprisals into the year 1999, with increasing numbers of civilian victims. In 1998, the interest of the Western countries increased and the Serbian authorities were forced to sign a unilateral cease-fire agreement and partially retreat from Kosovo. Under an agreement led by US politician Richard Holbrooke, OSCE observers moved into Kosovo to monitor the ceasefire, while Serbian military forces partly pulled out of Kosovo. But neither of the sides kept the ceasefire fully. As a threat to the parties to comply, on January 30 the North Atlantic Council agreed to authorize NATO Secretary-General Javier Solana to launch NATO air strikes against targets in Serbia, should diplomatic negotiations fail.

Two rounds of internationally brokered talks in Rambouillet, France, in February and March 1999 failed to break the deadlock and exhausted diplomatic avenues. At that time, autonomy for Kosovo within the Federal Republic of Yugoslavia, guaranteed by the presence of a NATO-led force, could have been assured. Accepted by the Albanian delegation, the proposal was rejected by Milosevic and the Serbian Government.

All the subsequent attempts to find a diplomatic solution to the crisis failed. NATO began air strikes on the Federal Republic of Yugoslavia on March 24, 1999. NATO made the decision to go to war in the belief that a few days of limited bombing in the Balkans would likely suffice to persuade Milosevic to end the attacks on the Kosovar Albanian population and accept a political formula for restoring Kosovo's autonomy. That proved to be a major miscalculation. Rather than bowing to NATO's will, Milosevic escalated his violent campaign against the local population, forcibly removing 1.3 million people from their homes and pushing 800,000 people entirely out of Kosovo. Up to 10,000 or so died at Serb hands, mostly innocent civilians; thousands more were raped or otherwise brutalized.<sup>9</sup> Rather than undertaking a limited use of coercive force, NATO became engaged

in the most extensive combat operations of its fifty-year history.<sup>10</sup> And over the intervening weeks a great deal of destruction and so-called “collateral damage” was wrought by Serbs against ethnic Albanians and by NATO against Serbia and Serbian facilities.

After a series of increasingly intense air strikes that inflicted damage<sup>11</sup> on Yugoslavia’s infrastructure and its armed forces, President Milosevic agreed on June 3 to a peace plan based on NATO demands and a proposal from the Group of Eight countries (the United States, Britain, France, Germany, Italy, Canada, Russia and Japan). Russia and other countries criticised the NATO air strikes, but did not provide military assistance to Belgrade. Instead, Moscow took a leading role in attempts to find a diplomatic solution to the conflict.

On June 9, 1999, NATO and Serbian military officers concluded a Military Technical Agreement governing the withdrawal of all Yugoslav forces from Kosovo. One day later, the UN Security Council approved UNSC Resolution 1244, based on the international peace plan agreed to by Milosevic. KFOR began to enter Kosovo on June 11. The Yugoslav pullout was completed as scheduled on June 20. On the same day, the KLA and NATO signed a document regarding the disarming of the KLA.

### **Postwar Developments**

In Kosovo, the United Nations took on a sweeping undertaking that was unprecedented in both its scope and structural complexity. No other mission had ever been designed in such a way in that other multilateral organizations were full partners under UN leadership. UNMIK was born on June 10, 1999 when the Security Council in resolution 1244 authorized the Secretary-General to establish an interim civilian administration in Kosovo led by the United Nations, under which the Kosovans could progressively enjoy substantial autonomy. Resolution 1244 authorized the deployment of an international security presence in Kosovo, led by NATO, under a mission to ensure the withdrawal of Yugoslav armed forces from Kosovo, the demilitarization of the KLA, and the maintenance of the cease-fire.

Working closely with Kosovo’s leaders and people, UNMIK performs the whole spectrum of essential administrative functions and services, covering such areas as health and education, banking and finance, post and telecommunications, and law and order. The UN leads the police forces, the justice institutions, and the civilian administration, while the Organization for Security and Cooperation in Europe (OSCE) leads the institution-building pillar. The EU is responsible for the



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Currently over 69 countries have recognized Kosovo, established diplomatic relations, and engaged in opening embassies and representations.

reconstruction pillar. The head of UNMIK is the Special Representative of the Secretary-General for Kosovo.

Although legally in charge of the entire territory, UNMIK has proven incapable of ending Belgrade's *de facto* control of three and a half northern municipalities in Kosovo, which are contiguous with Serbia proper, as well as several Serb enclaves in central and eastern Kosovo. This inability to fully control the territory of Kosovo has led to the creation of a dual system in almost every aspect of political and economic life. In the areas it controls, Belgrade dictates the school curricula, runs the health care system, and follows and enforces laws passed in Serbia. This situation has reinforced the already sharp division between the Serbian and Albanian communities in Kosovo, which still continue to live separate lives within close proximity, arguably even more separate than before 1999. Ethnoterritorial separation in Kosovo is already a fact, one that would require considerable effort to change.<sup>12</sup>

Nonetheless, improvements in the security environment have enabled NATO to continuously reduce the KFOR troop levels. The NATO-led Kosovo Force, also called "KFOR," had been deployed to halt and reverse the "humanitarian catas-

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trophe" that was then unfolding. The first elements of KFOR entered Kosovo on June 12, 1999. By June 20, the withdrawal of Serbian forces was complete. KFOR was initially composed of some 50,000 personnel from NATO member countries, partner countries and non-

NATO countries under unified command and control.<sup>13</sup> KFOR has actively supported UNMIK's activities, including efforts to meet benchmarks of progress and to transfer increased responsibilities, especially related to law enforcement, to Kosovo's interim civil authorities.

In 2006, NATO pledged to continue to provide a robust military presence in the midst of ongoing tensions, as UN-led talks on the future status of Kosovo were under way. The organization reduced its contingent in Kosovo in January 2010 from 15,000 to 10,000, and plans to reduce it further. According to NATO's Secretary-General Rasmussen the force may have 5,700 troops that will be later reduced to only 2,000, but "no steps will be taken until we feel confident that the security situation allows it."<sup>14</sup> More than the independence of Kosovo, the presence of KFOR remains significant as it guarantees the security and stability of the region.

### **From Status Process to Independence**

Although UN Resolution 1244 reaffirmed the sovereignty and territorial integrity of the former Yugoslavia (FRY), it did not prescribe or prejudice a permanent political resolution of the issue of Kosovo's status. It said that Kosovo's status should be determined by an unspecified "political process." Instead of status, the international policy on Kosovo has centered on "standards," and officials emphasize a policy of "standards before status." Kosovo Albanians initially expressed irritation with the benchmarks concept, as they believed this approach was designed to block their aspirations for independence indefinitely. Moreover, they complained that the Constitutional Framework does not give them enough authority to achieve the benchmarks, especially since UNMIK has retained "reserved competence" in the area of law and order.

International negotiations began in 2006 to determine the final status of Kosovo, as envisaged under UN Security Council Resolution 1244 that ended the Kosovo conflict of 1999. Whilst Serbia's continued sovereignty over Kosovo was recognised by the international community, a clear majority of the province's



population preferred independence. But instead of addressing this touchy question, the initial rounds of the negotiations in Vienna dealt with “technical issues.” These were meant to prepare the way for tackling the determination of future status; these included protecting cultural and religious sites, financial issues such as deciding Kosovo’s share of Serbia’s debts, and the decentralization of Kosovo’s government, including redrawing the borders of Kosovo’s municipalities. UN Special Envoy Martti Ahtisaari refrained from making specific proposals, instead permitting the Serbian and Kosovar delegations to put forth and discuss their own views. The positions of the two sides remained far apart on most issues, and little progress toward a compromise solution was reported. One of the most important issues dealt with in Vienna was the decentralization of Kosovo’s government, an issue that included possible solutions to the divided northern city of Mitrovica, a key potential flashpoint.<sup>15</sup>

In February 2007, Ahtisaari delivered a draft status settlement proposal to leaders in Belgrade and Pristina, the basis for a draft UN Security Council Resolution which proposes “supervised independence” for the province. As of early July 2007, a draft resolution, backed by the United States, the United Kingdom and other European members of the Security Council, had been written four times to try to accommodate Russian concerns that such a resolution would undermine the principle of state sovereignty. Russia had stated that it would not support any resolution which would not be acceptable to both Belgrade and the Kosovo Albanians. Whilst most observers had, at the beginning of the talks, anticipated independence as the most likely outcome, others suggested that a rapid resolution might not be preferable.

The “Ahtisaari Plan”<sup>16</sup> called for most governing powers to be held by Kosovar authorities but also outlined an “international civilian presence” and an “international military presence” under the guidance of an international steering group. The civilian presence was to have two components: an International Civilian Representative (ICR) and a civilian European Security and Defense Policy (ESDP) Mission. The ICR would also serve as the EU Special Representative (EUSR) to Kosovo and thus by definition was to be filled by an official from an EU member state. The ICR would wield “final authority” over civilian aspects of the settlement. He/she should be supported by an International Civilian Office (ICO), an international agency much smaller in size than the UNMIK and including representatives from non-EU nations such as the United States.<sup>17</sup>

After many weeks of discussions at the United Nations, the United States, the United Kingdom, and other European members of the Security Council formally

discarded a draft resolution backing Ahtisaari's proposal on July 20, 2007, which had failed to secure Russian support. Kosovo Albanian leaders reacted by proposing unilateral independence as of November 28, 2007, though the UN would be required to overrule any such action.

### **Kosovo's Way to Independence**

The envoys from the EU, the United States and Russia, the so-called "Kosovo-Troika,"<sup>18</sup> made a 120-day effort to break the impasse over Kosovo. They planned to launch a new negotiation over the issue in Vienna at the end of August 2007.<sup>19</sup> Europe's chief negotiator for Kosovo, Wolfgang Ischinger (Germany's Ambassador to Britain), provoked outrage from both sides of the province by suggesting that the divided territory could be partitioned. He said that "all options" were on the table, including splitting the Serbian province along ethnic lines.<sup>20</sup> The talks, scheduled to last until December, were seen as a last-ditch effort to find a compromise between the majority ethnic Albanian government of Kosovo and Belgrade. Partition was seen by many in Belgrade, however, as a fall-back option that could end up being the *de facto* solution if the government of Kosovo were to declare independence. The Serbian minority warned that faced with the independence of the province, they would retaliate by declaring their own independence in the north, thereby splitting the territory.

Because of the fundamentally opposing positions of both the Kosovar Albanians and Serbs in Belgrade on the future status of the province, the efforts made by the troika could not achieve the purported goal of a mutually acceptable negotiated status settlement. On February 17, 2008, the Kosovo Parliament declared that from that time on, Kosovo would be a democratic, secular and multi-ethnic republic complying with UN resolutions.<sup>21</sup> While several countries, such as the United States, France, Great Britain, Germany and Italy, immediately recognized Kosovo as an independent state, Russia, China, Spain and Greece were among the states, which did not accept Kosovo's new status. However, the most fervent reaction came from Serbia, which protested the situation in the UN, on the EU platform and among the other Balkan states.

On March 17, 2008 Serbs attempted to occupy a government building in Northern Mitrovica and in the clash between Serbian protesters and UN and NATO forces, one UN police officer died, while several civilians were wounded. The Serbian authorities also organized a big demonstration in Belgrade on February 21, during which the US embassy and other international missions were attacked by protesters. In addition to these reactions, Serbia also carried the issue to

the realm of international law, urging the UN to ask for the advisory opinion of the International Court of Justice (ICJ) about the legality of Kosovo's independence. Nevertheless, with the support of the US and most of the EU countries, Kosovo's state-building process continued, with the new constitution coming into effect on June 15, 2008.

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### The Kosovar Albanian Perspective

The position of virtually the entire ethnic Albanian community in Kosovo is that the independence of Kosovo is nonnegotiable. For them, even a partition of the province is not an acceptable solution: "The division of Kosovo is absolutely unacceptable to Kosovo's Albanians, and the territorial integrity of the province is inviolable," the president of the Republic of Kosovo, Fatmir Sejdiu said. The leadership of the KLA also supported Pristina's official position by saying "the division of Kosovo is a straight road to a new war [in the region]."<sup>22</sup>

The opening of status talks in 2006 had spurred some tensions within the ethnic Albanian community. There was jockeying for advantage among the leading parties in Kosovo over the composition of the negotiating team for the talks. Besides the negotiating team, groups outside of the established political parties in Kosovo, too, mobilized grassroots support in opposition to any notion of compromise or negotiation of independence. They organized periodic rallies against UNMIK and even Kosovar Albanian leaders. Kosovo's leaders insisted that Kosovo would achieve independence and were concerned about a prolonged delay in the process as well as an unclear outcome. The government responded calmly to Ahtisaari's news of postponing his status proposal until early 2007, but a public rally in Pristina in late November 2006 threatened to turn violent. The Kosovar leadership accepted the Ahtisaari package and denounced any violent provocations by pro-independence citizens but continued to warn against further delay in settling Kosovo's status.

After the declaration of independence by Kosovo, tensions on the ground, mostly in the northern part of the region, continued to mount. In July 2010, one Kosovar Serb was killed and 10 others wounded after a grenade was thrown at a group of protesters in northern Mitrovica. Political leaders in Serbia warned about the consequences of this incident and described it as terrorism and a provocation.

This attack happened when Serbs were protesting against the planned opening of an office of the Kosovo government in northern Mitrovica. After these events, the interior minister of Kosovo called for special police to be deployed in northern Kosovo – a move that Serbia’s president, Boris Tadic, termed an “open threat of war.” But Kosovo’s government is “determined to continue the implementation of their plan for the north,”<sup>23</sup> and is willing to integrate the Serbian dominated northern part of Kosovo.

### **The Serbian Perspective**

Serbia’s interest in Kosovo is motivated significantly by the desire to control territory they believe is part of the greater Serbian nation. Their deep-rooted conviction regarding Serbian national unity is by its very nature incompatible with a multi-ethnic, democratic Kosovo. While the Kosovo Albanian community was committed to independence and followed a strategy of engagement, the Kosovo Serb community and the more nationalist politicians in Belgrade were committed to maintaining Serbian authority over Kosovo and their strategy oscillated between confrontational and conciliatory policies. As a result, institutions of self-government in the province which are built up by UNMIK became largely dominated by Kosovo Albanians, and increasingly at odds with Belgrade. Kosovo Serbs, in contrast, moved through cycles of engagement and withdrawal in terms of the institutions, depending largely on the politics of Serbia itself. Both conflicting parties readjusted their strategies and political manoeuvres, but the general picture was one of increasing, if halting and unsteady, levels of Kosovo Albanian cooperation and varying levels of Serbian intransigence.<sup>24</sup>

The defeat of Milosevic in October 2000 gave Serbia a useful opportunity to improve its ties with the international community, but the internal political struggle for power in Belgrade obstructed new initiatives. With the assassination of Serbian president Goran Dindic, Belgrade’s political elite was not able to put forward new policies concerning the future status of Kosovo constructively.

Despite being left alone, Serbia continued its efforts to reverse the state-building process in Kosovo after the independence declaration. Belgrade pressured the Serbs in Kosovo to boycott the general and local elections held after independence, which resulted in low turn-out of about 48 percent.<sup>25</sup> Serbia also established its biggest military base on the Kosovo border in December, 2009,<sup>26</sup> showing an intent not to compromise on its stance. Belgrad also supported independent local elections in Mitrovica for the Serbs in May 2010, despite the reactions of the international community. Serbia, meanwhile, has deployed envoys to some

55 countries in an effort to prevent further recognitions of Kosovo's independence and submitted a draft resolution to the UN general assembly calling for "peaceful dialogue" in order to find a "mutually accepted solution."<sup>27</sup>

### **International Reaction**

The main argument of the great powers in this process has been that Kosovo's independence is the key to the stability in the Balkans. Following this argument, in the post-independence period, integration of the new Kosovo to the world institutions has begun. Additionally, the number of countries recognizing Kosovo's independence has gradually increased. Currently over 69 countries have recognized Kosovo, established diplomatic relations, and engaged in opening embassies and representations. The membership of Kosovo in the IMF and World Bank in June, 2009 and the approval of the IMF credit for 110 million euros<sup>28</sup> constitute an example of the integration process of Kosovo into global institutions.

When one looks at the reaction of other Balkan states to the situation in Kosovo, it is possible to argue that they were cautious in regard to the dispute between Serbia, Kosovo and Albania. However, the support of the US and the EU for Kosovo's independence shaped the attitude of these states after the fact, since they also sought EU membership. Despite the reactions and protests from Serbia, other Balkan states, such as Bosnia Herzegovina, Montenegro, Macedonia and Slovenia established diplomatic relations with Kosovo.<sup>29</sup> It is possible to argue that Serbia was isolated by the international community in this process and the EU utilized the Kosovo dispute in its relations with Serbia as well, by making the solution of the dispute a condition for Serbia's EU membership.

### **What Future for Kosovo?**

Since Kosovo's declaration of independence, the international community has adopted a position suggesting that stability has been established in the region to a great extent. The decision of NATO to decrease the number of soldiers located in Kosovo gradually from 10,000 to 2,000, the positive reports of international authorities about the fairness of general and local elections in the region and the projects of institution-building by EULEX regarding education, justice, and the level of corruption of public institutions all reveal this positive attitude.<sup>30</sup> However, certain developments in Kosovo reveal that there is a long way to go toward the establishment of stability in the region. The fraud in local elections and repetition of these elections in two cities, the report of Human Rights Watch regarding

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the problems of minorities in Kosovo, the fairness of the judiciary, and ongoing violence in Mitrovica raise certain suspicions about the future of the region.<sup>31</sup>

Furthermore, the freedom of movement is insufficient. The number of Serbs returning to their homes in Albanian-majority areas is negligible, while Kosovo's governing institutions lack Serb representation, and Belgrade has tight-

ened its grip on Serbs living in the north and in enclaves elsewhere. At the same time, Serbia aims to govern the Serbs of Kosovo directly from Belgrade in a clearly defined territory and without any reference to Pristina. This is precisely the kind of ethnoterritorial separation that will cause trouble throughout the region. The Kosovo Albanian leadership has failed to improve the living conditions of Serbs in Albanian-majority areas. Hardliners among Kosovo Albanians would in fact welcome further ethnoterritorial separation, as it would offer them a chance to expel the remaining Kosovo Serbs south of the Ibar River and rid themselves of a "Trojan horse."

A recent development that is likely to have a significant impact over the future of Kosovo is the advisory opinion of the International Court of Justice regarding the legality of Kosovo's independence, which was announced on July 22, 2010 upon the request of Serbia. Serbia had asked for an ICJ opinion with the argument that it was illegal to proclaim unilateral independence for the settlement of regional disputes.<sup>32</sup> ICJ decided against this argument by stating that Kosovo's independence was not against international law nor UN resolutions, since the supervisory functions and powers of the UN forces and representatives were still valid in the region after declaration of independence.<sup>33</sup> This decision has weakened Serbian claims and is likely to increase the number of states recognizing Kosovo's independence.

As a reaction to the ICJ decision, Serbia has prepared a Draft for Negotiations with Kosovo for the UN General Assembly. In this draft, Serbia demands the reopening of negotiations with no preconditions.<sup>34</sup> The decision of the ICJ is likely to affect the course of negotiations, with the international community being more supportive of Kosovo's status as an independent state and putting more pressure on Serbia to compromise in dealings with Kosovo. As of September 2010 Honduras became the 70th country worldwide to recognise Kosovo, and the first

since the ICJ ruling. Kosovo hopes, with backing from the US and leading EU members, for a wave of new recognitions to follow.<sup>35</sup>

At the same time, however, violence has highlighted the continuing tensions in Mitrovica just days after Belgrade supported a compromise UN resolution on Kosovo, agreeing to an EU-backed dialogue with Kosovo to promote cooperation between the divided communities.

### **Conclusion**

Ongoing tensions in and around the region show clearly that the political and social circumstances in Kosovo are very instable. The province is still a divided statehood. Without any assistance from external organizations, the province would not be able to survive. Therefore NATO has to be extremely cautious with its decision to reduce its levels of troops. EULEX is likely to find itself increasingly squeezed from both sides. International organizations, especially EULEX and NATO, have a key responsibility in post-conflict peace and state-building in Kosovo. Therefore they need to maintain their neutral status in order to maintain security, stability, and dialogue with the conflicting parties in the province. It is also necessary to support dialogue as a means of facilitating the differences of opinion between Serbs and Albanians over the final status. But this delicate situation requires that both domestic and international actors refrain from articulating and supporting strategies concerning the northern part of the province that ignore the legitimate apprehensions of the Kosovo Serbs. By doing this, it is necessary to achieve a greater degree of communication and coordinated action between international organizations involved in the peace and state-building process in Kosovo, especially between NATO and the EU. This coordination should be based on the complementarity of functions in order to avoid the duplication or replication of functions.

The EU has expressed its willingness to facilitate the negotiations between Serbia and Kosovo, with Greece acting as the mediator.<sup>36</sup> The EU can put more pressure over the parties, since both of them are keen on a prospective EU membership. Serbia is in favor of opening direct talks between Belgrade and Kosovo “on all issues.” But the independence of the province will not be on the agenda of the government in Pristina. If the Serbian republic hopes to put itself back on track to become a candidate for joining the EU, Belgrade has to drop its earlier draft resolution underscoring that Kosovo would always remain a part of Serbia.

The EU has to send more positive signals to the conflicting parties as well as to Albania and Serbia, so that the resolution of conflict in Kosovo can facilitate the

future EU-membership of these countries. Brussels has to know that both political and economic stabilization of the Republic of Kosovo depends on the integration ability of the European Union.

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