

spotlight europe

2007/09 – Dezember 2007

Kosovo: What Next? Cornerstones for a New EU Policy

Armando García Schmidt

Bertelsmann Stiftung, armando.garciaschmidt@bertelsmann.de

Dominik Tolksdorf

Center for Applied Policy Research, dominik.tolksdorf@lrz.uni-muenchen.de

There is little room for reaching an agreement on the status of Kosovo that is acceptable to all parties. All signs point toward a destabilizing status quo should the Kosovars unilaterally declare independence. Because the conflict over Kosovo threatens to undermine stability and democratic transformation throughout the region, the European Union must use all available political power in pressuring both sides to compromise.

After years of discussion, developments in the question of Kosovo's bid for independence could once again take a turn for the worse. On December 10, the Balkan Contact Group submitted its report on the latest attempts to mediate between Kosovo-Albanians and the Serbian government to UN General Secretary Ban Ki-Moon. For the past four months, a trio of practiced diplomats from the European Union, United States and Russia have been pursuing every possible avenue of agreement between the two parties.

The European Union has not been able to offer any of its own solutions to the crisis as long as these negotiations have been ongoing. However, as of December 10, the European Union is free to define an alter

native course of action and to use its political weight in achieving its goals.

As events now threaten to quickly spiral out of control, the European Union must be swift and clear in communicating its goals. Kosovo's prime minister, Agim Ceku, has stated for months that the Kosovo Parliament will declare independence by the year's end, irrespective of what happens during the talks. Adding fuel to the fire, his designated successor, Hashim Thaci, who is a former leader of the Kosovo Liberation Army (UCK), declared the dawn of a new era after his Democratic Party won parliamentary elections in November 2007. The Serbian government, for its part, has threatened that there will be far-reaching consequences should Kosovo unilaterally declare independence.

A recent history of events

The international community has grappled with the question of Kosovo's status for years. Negotiations between Kosovo Albanians and the Serbian government began in 2006 under the direction of [UN Special Envoy Martti Ahtisaari](#). After 14 months of negotiations failed to make headway on the issue, Finland's former president proposed a [solution](#) in February 2007 that envisioned a supervised independence for Kosovo with limited sovereignty.

Under Ahtisaari's proposal, a powerful international representative capable of presiding over an EU mission would relieve the [UN mission](#) currently operating in the region. The Representative of the International Community would oversee the implementation of the solution and intervene in Kosovar politics if and when necessary. Ahtisaari's proposal also foresees the expansion of constitutional democracy with decentralized institutional structures, guaranteed minority rights and comprehensive protection for the sites of orthodox Serbian cultural heritage spread throughout Kosovo. As the plan also foresees Kosovo's right to sign international agreements and apply for membership in international organizations, it is directed at de facto sovereignty for an independent Kosovo.

Whereas Kosovo Albanians have supported the plan, the Serbian government has rejected it. Belgrade has found support for its position in Moscow, which has blocked moves toward conditional independence for Kosovo in the UN Security Council.

After it became clear in the summer of 2007 that the Ahtisaari proposal would not pass the Security Council, the Balkan Contact Group called for a new round of talks to begin in August 2007. The troika of EU, U.S. and Russian representa-

tives was to provide Kosovo Albanians and Serbs with yet another opportunity to agree on a compromise.

However, these talks have similarly failed to bring the parties to mutual agreement. Both sides have remained intransigent, unable to reach a compromise position regarding the status of Kosovo in international law. Nevertheless, they have made some political and psychological gains during the process:

THE KOSOVO QUESTION SINCE 1999	
Troika talks	10 DEC. '07 Troika reports to the UN General Secretary
	NOV. '07 Third parliamentary elections. Hashim Thaci wins with PDK.
	AUG. '07 As suggested by the Contact Group, UN General Secretary initiates new round of talks led by "Troika" EU, USA and Russia
Ahtisaare Initiative	JUL. '07 Ahtisaari plan is dropped as Russia threatens to veto it in UN Security Council.
	MAR.'07 Final Ahtisaari Proposal: "Supervised Independence" . USA, EU and Nato support the plan. Approval by Kosova-Albanians, rejection by the Serbian Government
	FEB.-SEP.'06 Ten Serbian-Kosovar meetings chaired by Ahtisaari
	JAN. '06 Contact Group defines parameters for status process and status solution.
	OCT. '05 UN Security Council decides to start status talks . Martti Ahtisaari is mandated to lead them.
SEP. '05 In a report to the UN General Secretary Kai Eide recommends to solve the status question.	
From 1244 to the Eide Report	OCT. '04 Second parliamentary elections
	MAR.'04 Violent attacks against Serbs and other minorities
	DEC. '03 UN "Standards before Status" policy: Eight benchmarks have to be fulfilled before status talks can start.
	NOV. '01 First elections for provisional parliament
	APR. '01 Provisional institutions are established
	JUN. '99 UN Security Council Resolution 1244 establishes UNMIK administration.

- Out of the negotiations emerged a new conceptual and methodological substance. The international community has proposed

several ways out of the current deadlock, ranging from the Ahtisaari plan to the 14-point troika paper to EU mediator Wolfgang Ischinger's suggestion of basing future relations on the model of the German-German agreement of 1972. The Serbian government as well as the so-called Unity Team of Kosovo Albanians have also proposed procedures and solutions that will have an impact on future relations. These include the Friendship and Cooperation Agreement advocated by Kosovo Albanians and the "Taiwan solution" or the so-called Hong Kong model, which the Serbian government supports.

- In psychological terms, the troika talks have been a test of flexibility for both parties. Although both sides have steadfastly held their ground on core issues, they have shown some flexibility and, in their own way, a desire to find a feasible approach for the future. They have also acknowledged the need to develop new terms capable of describing the current reality. A continued and structured dialogue between Kosovo Albanians and the Serbian government is the missing factor that must be provided after December 10.

- The negotiation process itself has raised awareness of the Kosovo question within the European Union. The EU has had to make the issue's relevance clear to those member states whose foreign and European policies have not traditionally been concerned with Southeast Europe. Today, there is widespread acceptance in the European Union - even beyond the European members of the Contact Group - of the fact that this is a European issue and that the Union has a specific responsibility in the process.

II

The constellation of interests and risks

Though somewhat productive, the troika talks have been inconclusive as the goal of

finding a solution palatable to both sides proved infeasible. As foreseen by Kai Eide in 2005, the political process set in motion by the UN now threatens to take a sharp turn down the wrong path.

[Elections for Kosovo's provisional parliament were held in November 2007](#) near the close of the troika talks. Riding on the wings of its democratic legitimation, the provisional parliament will clearly want to act on its perceived mandate - despite a low electoral turnout of 45 percent and the fact that the majority of Kosovo's Serbian population boycotted the elections.

For their part, the Kosovo Albanian parties, which are bolstered by U.S. support, fear the loss of the current momentum in which a growing number of Western states are pushing to bring a decisive end to the status debate.

"A new conceptual and methodological substance emerged."

A unilateral and unconditional declaration of independence by Kosovo would, however, unleash several unpredictable developments. Should such a declaration force the question of recognizing an independent and sovereign Kosovo, Belgrade and Moscow would act to block Kosovo's access to international institutions for an indefinite period. Other possible results include a backlash in the northern region governed by Belgrade and divisions along ethnic lines, both of which could lead to copycat effects in the Balkan and elsewhere. It remains unclear whether a solid legal and political framework for the planned EU mission can in fact be established.

The consensus among the majority of the political elite in Belgrade is that Kosovo can, at best, be granted far-reaching autonomy. It was not until 2006 that Serbia asserted its claim to Kosovo in a [constitutional referendum](#). Whereas President Boris Tadic's Democratic Party (DS)

has been somewhat constructive in approaching the Kosovo issue, domestic political pressure in Serbia should not to be underestimated.

Indeed, the Serbian Radical Party, emboldened by its January 2007 electoral victory in parliament, views the Kosovo issue as a key question affecting the fate of the Serbian nation, as does Prime Minister Vojislav Kostunica's party. The Serbian government therefore demands that talks on Kosovo be continued.

Prime Minister Kostunica has been clear in stating that the UN Security Council

the work of those advocating democracy in Serbia will be undermined, and the process of democratic transformation threatened.

III

Russia and the United States

The burden of responsibility in the upcoming weeks is not to be carried by Pristina and Belgrade alone. The continued divergent interests of the United States and Russia undermine attempts to ensure a constructive negotiation process.

The United States supports an independent Kosovo state. As recently as June 2007, President Bush spoke out against an "endless dialogue" on the issue during his visit to Tirana. Washington has become increasingly vocal in pushing for the West's recognition of Kosovo as an independent state - even without a UN Security Council resolution, if necessary.

The Bush administration is clearly driven by the need to claim as many foreign policy success stories as possible before the end of the president's term. Washington is also interested in reducing the number of U.S. troops in Southeast Europe. Yet this requires that stability be established in the region, a prospect which is, according to the U.S. point of view, achievable with simple solutions. The fact that the predominantly Muslim Kosovo Albanians con-

WHO TOOK PART IN THE STATUS TALKS?

Balkans Contact Group	Troika talks		
<ul style="list-style-type: none"> France Germany Italy Russia United Kingdom USA 	<p>When Martti Ahtisaari's status plan failed, the Contact Group established a „Troika“ of EU, Russian and USA negotiators. This troika was asked to hold talks with Belgrade and Pristina and to report back to the UN General Secretary on 10 December 2007.</p>		
	<ul style="list-style-type: none"> EU Wolfgang Ischinger German Ambassador to the United Kingdom 	<ul style="list-style-type: none"> Russia Alexander Botsan-Kharchenko Russian Special Envoy for the Balkans 	<ul style="list-style-type: none"> USA Frank Wisner U.S. Special Envoy for Kosovo
<p>United Nations</p> <ul style="list-style-type: none"> General Secretary Security Council 	<ul style="list-style-type: none"> Serbian negotiation team Formed by the State President and members of the Serbian Government Led by State President Boris Tadic and Premier Vojislav Kostunica 	<ul style="list-style-type: none"> Kosovo-Albanian negotiation team The so called „Unity Team“ is formed by delegates from all the parties represented in the provisional parliament. Led by Fatmir Sejdiu, President of Kosovo 	

must play a central role in finding a solution acceptable to Serbia. Should Kosovo unilaterally declare its independence, the Serbian government has threatened to retaliate by enacting a trade embargo, closing the borders, halting the delivery of energy supplies and even partitioning Kosovo.

An immediate recognition of Kosovo by the United States and European countries would have an incalculable but profound effect on domestic politics in Serbia. If Kosovo declares independence before presidential elections in February 2008,

stitute one of the most pro-U.S. population groups in the world is of particular importance to the United States, which does not want to disappoint their expectations of independence.

Russia's geostrategic interests in the Western Balkans are limited, although Russian companies have growing investments in the region. The Russian government has stated that it would accept only a solution that is also acceptable to Serbia. But Moscow is clearly using the current situation as a means of jockeying for position in the broader realm of international politics.

Whether the issue be Iran or the missile defense shield in Eastern Europe, Russia is quick to flex its muscle as a world power. Though such posturing is understandable given that the United States has repeatedly bypassed Russia in decisions of global importance since the dissolution of the Soviet Union, it does not change the fact that such actions make Moscow a difficult partner. Shortly before the end of the troika-mediated talks, Russia's envoy, Alexander Botsan-Kharchenko, emphasized the need for a sustainable compromise palatable to both sides and called for the continuation of talks.

IV

Cornerstones of a new EU policy

Given the current constellation of interests, it is unlikely that either the Contact Group or the UN Security Council, which will not convene to discuss the Kosovo issue until December 19, will play much of a role in the coming months. As in the past, Russia can be expected to push for continued negotiations and against the U.S. drive to end talks.

Willingly or not, the European Union will become, as of December 10, the key player

in the Kosovo process. It is up to the European Union and its diplomatic skill to find a way out of the deadlock toward a framework that would allow Serbia and Kosovo to coexist peacefully and guarantee stability in the region. For starters, the European Union must find a way to contain the divisive processes already underway.

The Council of the European Union should not wait until the Security Council convenes on December 19th to make a clear statement. It must be prepared to define its position on the issue at the summit on December 14. The signals communicated here will be vitally important to the region's future. The following four working points should guide EU action:

"Russia's geostrategic interests in the Western Balkans are limited."

- *Demand consensus* on a declaration of status On December 14, the Council should be unequivocal in stating that the Kosovo Albanians cannot expect support should they take unilateral steps without consensus. Whereas a declaration by the Kosovo Parliament on the status of Kosovo cannot be prevented, the form and substance of such a declaration are critical. Any such declaration should express the political will to implement the Ahtisaari plan in cooperation with the international community. The declaration must clearly invite the international community as well as the European Union to oversee Kosovo sovereignty in the next few years within the framework of the Ahtisaari plan. NATO's presence should be requested to continue the guarantee of security in the country.

A declaration of status along these lines could serve as the basis for the European Union to relieve the UN mission in Kosovo within the framework of UN Security Council Resolution 1244. The European Union would officially acknowledge the declaration. The European Union would officially take cognizance of the declaration.

But it is imperative that the member states reach a consensus on the issue of official recognition. The option of a transition period in which the European Union supervises the development of viable Kosovar institutions could provide a compromise solution for those states that disagree over the issue of recognition. EU member states could then unite in recognizing Kosovo officially – at the latest – until the start of accession talks.

At the same time, however, communication with Serbia must continue without interruption. The European Union should therefore insist that the declaration emphasize the need for special relations with Serbia. The declaration should invite Serbia to engage in dialogue on issues regarding Serbia directly or the Serbian minority and Serbian cultural interests in Kosovo. The status declaration should be made after Serbia's presidential elections have been conducted. Exploiting nationalist sentiments for political advantage in the upcoming presidential campaign will not advance the interests of an independent Kosovo or that of Serbian democracy. This is a real and present danger.

- *Bearing responsibility in Kosovo:* The European Union must demonstrate its willingness to assume responsibility within the framework of the Ahtisaari plan. The planned EU mission would be the largest civil operation ever undertaken under the direction of the EU Security and Defense Policy. Its mandate in Kosovo would include executive police duties as well as judicial functions.

Kosovo faces immense challenges; its economic situation is bleak and not only because of the unresolved issue of its status. The European Union will have to battle with organized crime and endemic corruption. Added to this are the major challenges posed by the prospect of returning refugees and the integration of minorities, especially Serbs, into the new political and social order. Massive efforts must be made in developing all aspects of a constitu-

tional democracy. It is therefore imperative that the European Union hire qualified personnel for service in Kosovo. As they are responsible for the recruitment, the member states bear a particular responsibility in this capacity.

It is equally important that actors within the European Union cooperate so as to avoid, for example, institutional conflicts between the Commission and the Council. Should the European Union succeed in acting cohesively, it would be able to relieve NATO of its peacekeeping duties in the region.

- *Redefine the region's relationship with Europe:* Efforts to facilitate positive developments in Kosovo must be accompanied by a revised EU policy on the region.

This includes the European Union making concessions to the Western Balkan states that reach beyond those of the Stabilization and Association Process (SAP). Although each new step introduced into the accession process is often driven by a powerful symbolism, the SAP is frequently perceived as a primarily technical process. One of the most urgent measures entails relaxing Schengen states' visa requirements for citizens of Western Balkan countries. For many in the region, removing strict visa requirements would mitigate their sense of being snubbed by Europe.

"Strengthening a democratic Serbia."

In addition, Serbia in particular must be given the opportunity to continue building a promising future with Europe. Now democratic, Serbia has taken great strides toward EU accession in recent years. The European Union has responded by providing financial support within the framework of the EU pre-accession funds.

Of equal – if not greater – importance is the need to cultivate a sense of symbolic and substantial achievement reaching

deeper than everyday infrastructural investment. The European Council, scheduled for December 14, should think about a future EU-Balkan-summit. This summit could be organized by the two upcoming EU presidencies, as both Slovenia and France have distinct ties to the region. A summit should be scheduled for 2008 in Belgrade. It should aim to strengthen the prospects of accession for the entire region and focus on a new form of partnership between the EU and states in the region.

- *Engage both Moscow and Washington in the process:* Resolving the question of Kosovo's status is primarily a European issue. The European Union currently bears the brunt of the financial burden. EU member states are the first to be affected by crises in the region. Both the United States and Russia must be made aware of the fact that unilateral courses of action will not result in a net gain.

The European Union must convince the United States that Kosovo's unilateral declaration of independence entails too many risks. At the same time, the European Union must impress upon the Russian government that allowing the situation to remain unresolved is no solution.

It must be made absolutely clear that the Western Balkans can no longer be exploited by states jockeying for position in international politics. Both the United States and Russia will remain active in the region, and the European Union needs them as partners there. The central instrument in the process remains the Balkan Contact Group. Despite its recent failures, the Contact Group should continue to work toward progress, as both Moscow and Washington will prove crucial to any solution.

Further Reading:

Franz-Lothar Altmann, Dusan Reljic, Weiß, Schwarz, Grün. Drei Szenarien für Kosovo nach dem 10. Dezember 2007, SWP-Diskussionspapier, September 2007.

The International Crisis Group, Kosovo Countdown, A Blueprint for Transition, Europe Report N°188, Dezember 2007.

Alina Mungiu-Pippidi, Wim van Meurs, Vladimir Gligorov, Plan B - B for Balkans. State Building and Democratic Institutions in Southeastern Europe, Berlin/Nijmegen/Wien, Oktober 2007.

Dominik Tolksdorf, Implementing the Ahtisaari Proposal – The European Union's Future Role in Kosovo, C·A·P Analyse 1, 2007

Dominik Tolksdorf, EU-Beitrittsprozess der westlichen Balkanstaaten vor einer ungewissen Zukunft - Vier Szenarien zu den Entwicklungen in Südosteuropa und der EU, C·A·P Analyse 7, 2007.

Responsible

Bertelsmann Stiftung
Carl Bertelsmann Straße 256
D-33311 Gütersloh
www.bertelsmann-stiftung.de/spotlight

Dr. Dominik Hierlemann
dominik.hierlemann@bertelsmann.de
Phone +49 5241 81 81537

Joachim Fritz-Vannahme
joachim.vannahme@bertelsmann.de
Phone +49 5241 81 81 421

Latest editions:

spotlight europe # 2007/08
Europe's Finances –
The old system at its limits
Wolfgang Schüssel

spotlight europe # 2007/07
A Chance for Wise Men
*Matthias Chardon, Dominik Hierlemann,
Sarah Seeger*

spotlight europe # 2007/06
A Time to Take Action:
Europe's Responsibility in the Middle East
Almut Möller