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Kosovo: The Next Steps

Summary

- Kosovo should not be allowed to stagnate as a “frozen conflict.”
- There are well-established principles that can provide a basis for moving forward.
- Talks between Belgrade and Pristina on a framework for managing their relationship on practical issues are both possible and necessary, even if they do not happen right away.
- The time available should be used for careful preparations, especially by Pristina.
- As Belgrade and Moscow present serious challenges, a joint EU/U.S. effort has the best prospects for success to prevent a “frozen conflict.”

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Introduction

While the international community can take satisfaction from the peaceful process that has produced an independent Kosovo recognized by 70 sovereign states, there are important steps that must be taken before we can be comfortable that Kosovo will not again destabilize the Western Balkans, and that the region’s integration into Euro-Atlantic institutions can be completed. Kosovo lacks United Nations membership, yet the U.N. finds itself stuck with a mission there. Meanwhile, Serbia is dissatisfied and the Russians are displeased. It will not be easy to complete the process in a way that resolves these remaining issues, but it is time to make a start.

A small group of experienced American Balkans hands met in October at the United States Institute of Peace in Washington, D.C. to discuss the situation and the way forward. This Peace Brief summarizes salient points from their discussion.

Existing Principles Should Undergird the Next Stage of the Process

Since 2007, the international community has agreed on a clear set of principles in dealing with the Kosovo status issue: no border changes to accommodate ethnic differences, no union of Kosovo with Albania, and no reversion of Kosovo (or part thereof) to the status quo ante (i.e. it could not be returned to Serbia). The Ahtisaari plan added to these agreed principles extensive and vigorous guarantees for the rights of minorities, which the Pristina authorities have been implementing.

In addition, the advisory opinion of the International Court of Justice in July has made it clear that there was nothing in international law to prohibit Kosovo’s declaration of independence,

contrary to Belgrade's claims. This opinion has not opened a floodgate of recognitions, as some in Kosovo hoped and many in Serbia feared, largely because of anxiety in many countries about stoking secessionist fires closer to home. The Kosovo issue is viewed around the world as a complicated and remote one, and many countries do not regard it as necessary to move quickly on recognition. Kosovo is nevertheless clearly a state with an international personality, one whose future lies within the European Union.

The Objective Now Is "Good Neighborly Relations"

There is a possibility that Kosovo will remain a frozen conflict, more or less in its current configuration for some time to come. Belgrade has pledged itself to diplomatic means to achieve its aims in Kosovo, and the NATO forces are there to guarantee the peace.

What makes this undesirable—from both Belgrade's and Pristina's perspectives—is the possibility that freezing the conflict where it is now will make it impossible for both Serbia and Kosovo to make progress in becoming members of the European Union. Both Pristina and Belgrade need a framework for a managed relationship—likely short of mutual recognition in the near term—that will enable them to maintain the peace, increase trade and transportation, protect public safety, settle claims and allow their citizens to circulate more freely. The European Union will not be satisfied with less: "good neighborly relations" are a standard requirement for EU membership.

The United States has a critical role to play in this next stage. Some in Pristina are understandably nervous about the talks with Belgrade on practical issues that the U.N. General Assembly in September asked the EU to convene. Washington needs to give Pristina confidence that its territory and status are not up for debate, while at the same time giving Belgrade confidence that its interest in protecting Serbs and Serb interests in Kosovo will be taken seriously. Washington should continue, as Secretary of State Hillary Rodham Clinton did on a recent visit to the Balkans, to reject proposals for adjusting borders to accommodate ethnic differences, which would put not only Macedonia but also Bosnia at serious risk of instability. This is a position that has been held consistently in both Democratic and Republican administrations. It should be maintained.

The Talks Should Start Soon, Even If Not Right Away

The political situation in Pristina will complicate the conduct of talks with Belgrade. The government has fallen and elections will be held on December 12. It would be unreasonable to expect Pristina to be ready to engage on the full range of issues with confidence before a new government is formed and a negotiating team assembled. But it is vital that the Kosovars begin their technical preparations for talks with Belgrade right away. As things stand now, Belgrade is far better prepared for serious negotiations, having prepared extensive dossiers on what it sees as the main issues. Nothing comparable exists in Kosovo. The time between now and the formation of a new government should be used to prepare at the technical level on the many issues that will have to be discussed: property, pensions, cadastral records, the Trepca complex, mutual recognition of documents, etc.

Only after they have done this technical homework should the Kosovars try to reassemble after the elections a political-level "unity team," like the one that negotiated with former U.N. mediator, Martti Ahtisaari. Such a team should include as many of the political parties as possible, including some from the opposition. In the meanwhile, the government in Pristina also needs to focus on governing well: developing a real spirit of democracy, clamping down on crime and corruption, making the economy and government more transparent, and giving all citizens the sense that they will get a fair shake from a competent government. The conduct of the upcoming elections

is particularly important: if they are seen as free, fair and peaceful, Kosovo will take a giant step forward in gaining international legitimacy.

Serbia and Russia Will Not Be Easy to Deal With

By the time the Kosovars commit themselves to detailed talks, there is some risk that Serbia will be preparing for its own 2012 presidential elections. This is perilous, since a relatively small number of people in Serbia who care deeply about Kosovo have repeatedly proven able to control the political discourse. Under less charged circumstances, Kosovo is not a high priority issue in Serbia, and the majority there indicates in polls that they accept the fact of Kosovo's independence and do not expect it to be returned to Serbia.

While he clearly has some room to maneuver on the Kosovo issues, Serbian President Boris Tadic has so far lacked the courage to align himself with this pragmatic view, preferring instead to outflank his nationalist opposition by remaining stalwart on refusing to recognize Kosovo's independence. Though the Russians had participated fully in the preparation of the Ahtisaari plan, helping to ensure that it provided extensive guarantees for the Serbs in Kosovo, Russian Prime Minister Vladimir Putin disowned it at the end of the process. The Russians have remained on Serbia's side, despite their own recognition of Abkhazia and South Ossetia, which demonstrated that they were more concerned with retaliating for what they perceived as American overreach than with principled opposition to Kosovo independence. There is no real cost to either Belgrade or Moscow for remaining intransigent, but Moscow might well trade its position on Kosovo for tangible progress on issues it is more concerned about.

Belgrade has been telling everyone who will listen that it needs a "face-saving" solution. This appears to mean Serbian control of the three and a half Kosovo municipalities north of the Ibar River. There is no way to open a door to this partition of Kosovo without the Albanians wanting to open up the question of the Presevo Valley areas in southern Serbia that have an Albanian majority. And opening both these issues would encourage secessionist impulses in Bosnia and in Macedonia. Keeping Pandora's box closed is absolutely necessary.

But there is reason to contemplate eventual discussion of governance in the north, since that area is politically radicalized and rapidly becoming a center of trafficking and other illegal activities that could infect much of the Balkans. The Ahtisaari plan provides for a large measure of autonomy that could go a long way to meeting Serb concerns in the north, including guarantees that any subsidies paid by Belgrade into the governing structures of northern Kosovo be uninterrupted. A first, confidence-building step of major importance would be Belgrade's publication of the data on what it is spending in Kosovo and for what purposes. That would enable a serious discussion of what is legitimate and what is not, leading eventually to more formal arrangements that could satisfy both Belgrade's and Pristina's needs. It is also worth reviewing arrangements which protect Serbian religious institutions in Kosovo to make sure they are satisfactory.

The EU and the U.S. Have to Maintain a Joint Effort

Secretary Clinton's trip to the Balkans in October demonstrated her commitment to continuing American engagement there. Her renewed commitment to Kosovo's sovereignty, territorial integrity and economic development, and her assertion of America's intention to expand diplomatic recognition of Kosovo are welcome signals. The EU's successful formation of a united front against the proposed Serbian General Assembly resolution forced Belgrade's acceptance of an unobjectionable text that has the virtue of launching talks on practical issues that can begin to construct the framework for a managed relationship that both Belgrade and Pristina need.

ABOUT THIS BRIEF

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The U.S. and the EU need to continue to work jointly to provide a safe space for productive talks. The level of coordination required goes significantly beyond normal diplomatic practice and should include one or more Americans on the EU team that convenes the Pristina/Belgrade talks, following the precedent of the Ahtisaari effort and many other recent EU-led activities. The door to entry of Serbia and Kosovo should not be opened until they work out the rules for good neighboring relations and prove they will live by them.



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