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By Dr Ben Lombardi

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# Kosovo and a Unilateral Declaration of Independence

By Dr Ben Lombardi

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On 20 December 2007, the UN Security Council convened to discuss the resolution of the Kosovo Question, that is the future status of Serbia's breakaway province. This was necessary since the UN's responsibilities for Kosovo are framed in UN Security Council Resolution (UNSCR) 1244, adopted shortly after hostilities ceased in 1999. At the conclusion of the 20 December session, during which the Council had listened to presentations from the Serbian prime minister and the leader (i.e. President) of the UN-sponsored Kosovar government, US and European diplomats announced that further negotiations were pointless. 'The potential for a negotiated solution is now exhausted', a joint statement issued by the US and the European Union (EU) read.<sup>i</sup> The US ambassador, Zalmay Khalilzad, elaborated, adding that the 'continuation of the status quo poses not only a threat to peace and stability in Kosovo but also to the region and in Europe'.<sup>ii</sup> As a result, the US and the EU are set to impose a settlement that will necessarily entail an independent Kosovo despite opposition from Belgrade.

Contrary to Khalilzad's implication that changing the status quo would have a salutary impact on the politics of the southern Balkans, some observers have been far less convinced. There are concerns that further instability within the province between Serbs and Albanians will ensue, and that the consequences beyond Kosovo's borders will be even more significant. 'We are not seeing any kind of endgame in the Balkans', one analyst at a prestigious Berlin-based think-tank noted, adding that 'it could throw back the region for many years'.<sup>iii</sup> Obviously, the issue merits further analysis. This paper is intended to answer two basic questions: why is the Kosovo Question so difficult to resolve; and, what are the likely implications of the process that the EU and the US now seem determined to pursue?

## Current Situation

At first glance, the Kosovo Question involves the readily apparent contradiction between two principles, namely the respect for state sovereignty and the right to national self-determination. The incompatibility of the two was resolved, or so it seemed, by the Helsinki Final Act's (1975) determination that borders in Europe could only be changed with the consent of the parties involved. In the case of Kosovo, that approach was never even remotely possible – both before the 1999 conflict and afterward. UNSCR 1244 only further confused the situation by proclaiming that Kosovo remained a part of Serbia, even as it declared that the wishes of the province's inhabitants would have to be taken into account. In the years that followed, Western leaders recognized the conundrum and sought to deal with it by emphasizing the need to implement comprehensive political reforms before any discussion of a final settlement. Known as the 'standards before status' policy, it was dependent, not only on the willingness of the Western Powers to uphold this approach, but also on the acceptance of the Kosovar-Albanians. In other words, the Kosovar-Albanians' dream of statehood, the pursuit of which they believed had been firmly legitimized in 1999, was to be subordinated to determination by the Security Council, whose membership included at least two Powers (i.e. China and Russia) that had opposed the 1999 NATO intervention. China even abstained from voting for UNSCR 1244. Such an approach was not sustainable in the long-term, and it was openly rejected by the Kosovar-Albanians in the March 2004 riots. Shocked by the collapse of their policy, Western leaders shifted ground and adopted the 'standards and status' approach, arguing that political reforms would proceed alongside movement toward a final settlement of the province's status. The implication of this change was that the self-determination of the Kosovar-Albanians took precedence over preserving the territorial integrity of the Republic of Serbia.

That is, however, only the surface ripples of the Kosovo Question, and misses some of the complexity that make this issue so resistant to diplomatic resolution. Disaggregating the layers of this problem reveals the dynamics of each. On one level, the dispute involves Serbs and Albanians; on another, it consists of the conflicting views (and ambitions) of the West and Russia; and on yet another level, it is being played out between the governments and publics of the Western Allies.

At the root of the Kosovo Question is the conflict between Serbs and Albanians for the control of the land-area of Kosovo. There is nothing unusual about land disputes, for European history is replete with many such examples. What is different in this instance is that the two sides place an unusual emotional significance on possession of the territory in dispute for which both believe they have a legal right, and each sees itself as victims of the other's political aims. Therefore each has tended to envisage the struggle to retain control over the province as a zero-sum game. For Serbs, Kosovo, the site of the defeat of their medieval kingdom by the Ottoman Turks in 1389, lies at the heart of a national mythology. It is an area, one Serb historian wrote, 'that sublimates the collective identity of the Serbian people as Jerusalem does, for instance, for the Jewish people'.<sup>iv</sup> Similarly, for Albanians, the province is where in the League of Prizren (1878) their national movement was born and where, today, they make up more than 95 percent of the population. And, more recently, it is the location where in 1999 they fought and won what they believe was a war of liberation.

In explaining the Kosovo Question to Western publics weary of Balkan strife, journalists and commentators usually only rely on the history of Serbia's heavy-handed rule over the province under the regime of Slobodan Milosevic, culminating in the war and the expulsion of much of the Albanian population. However, a focus on the events of eight years ago has obscured, more often than not, the fact that the tensions between the two groups long predate the mid-1980s when Milosevic rose to power on a wave of nationalist concern over the plight of the Serb minority in Kosovo (and elsewhere in the former Yugoslavia) that he subsequently manipulated to solidify his rule. Today, in the aftermath of the NATO-led war that ended Belgrade's *de facto* control over the province, the roles are reversed with Albanians now in charge and refusing to countenance any reassertion of Serbian sovereignty. In their quest for independence – or possibly more, for there is evidence enough to suspect larger territorial aims – anything less is rejected. But for Serbs, who toppled Milosevic and have implemented democratic reforms, abandoning Kosovo is viewed as a betrayal of the national heritage and being compelled to do so is an unwarranted punishment for events that occurred in an historical context that is not understood by Western leaders.<sup>1</sup>

A second layer to the Kosovo Question is international. It is obvious that the present controversy stems from the failure of Western-backed efforts to broker a political settlement between Belgrade and the Kosovar-Albanian authorities in Pristina. This lack of success is being magnified by Russia's opposition to the position of the United States and many of its European Allies, a position grounded on the view that independence for Kosovo is both morally justified by the events surrounding the 1999 war, and inevitable, given the nearly unanimous support for that goal by Kosovar-Albanians. But it is far more than just a matter of rejecting revised borders in the southern Balkans. Moscow opposed the NATO-led war against Serbia arguing that it was a violation of international law and the principle of non-intervention in the internal affairs of states. More to the point, it is widely believed that Russian leaders have long felt humiliated that their country was too weak following the collapse of the USSR to prevent that conflict.

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<sup>1</sup> The belief that Serbia is being judged unfairly predates the Kosovo Question and is grounded on a reaction to the West's policies toward all of the wars in the former Yugoslavia. In a recent interview with a German daily, Serbian President Boris Tadic drew attention to the inconsistencies of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in dealing with Serb and non-Serb war crimes suspects. The case of Ramush Haradinaj is possibly the most prominent example. A former commander of the Kosovo Liberation Army (KLA), he was indicted on war crimes charges while serving as premier of the Kosovo administration. Identified as a 'friend' by the head of UN mission in Kosovo, he was then paroled and granted the right to continue to participate in public (i.e. political ) activities. He was granted this favourable treatment, many suggested at the time, because of a fear that civil unrest would otherwise ensue in Kosovo. In his interview, Tadic noted that Serbia had handed over 44 suspects to the ICTY without such favourable treatment being accorded. "How should I explain that to my countrymen," he asked. See Frank Herold. 'EU macht Serbien Hoffnung' *Berliner Zeitung*, 7 November 2007.

Russian policy since the conclusion of the war – brought about, it needs to be mentioned, by Moscow's diplomatic intervention – has been remarkably consistent. No final political settlement will be legitimate without the consent of both Belgrade and Pristina. An imposed settlement, such as the EU and the US are proposing would, therefore, be illegal and potentially destabilising.<sup>2</sup> Foreign Minister Sergei Lavrov trenchantly argued that an imposed settlement would 'cause a chain reaction in the Balkans and other areas of the world'.<sup>v</sup> Consequently, any effort to revise the current situation – such as the deployment of the EU police mission, an important component of the Ahtisaari Plan<sup>vi</sup> – without revision of UNSCR 1244, is also assessed to be illegal.<sup>vii</sup> To support its position, Russia has repeatedly hinted that it will veto any resolution that is brought to the Security Council that is not supported by both parties to the dispute.<sup>viii</sup> The willingness of Moscow to assert that position and, in doing so, to confront the West has increased with the growth in Russia's strength and confidence during the years of the Putin presidency. That Moscow might honestly fear the consequences of an imposed settlement of the Kosovo Question is open to debate, but is not entirely relevant to the issue at hand. Moscow's Kosovo policy has proven to be a very effective mechanism by which Russia's role as a maker or breaker of international arrangements has been restored.

There is yet another layer, more intangible, but nonetheless politically salient. It is the interaction of public opinion in the Western democracies and those governments that conducted the 1999 war. Since the cessation of the conflict, the West has endorsed a democratic and multi-ethnic society within the current provincial borders as the only solution to the *Kosovo Question*. Governments have held firm to this policy despite a considerable volume of evidence, including several reports prepared by Norwegian Ambassador to NATO Kai Eide at the behest of the UN Security Council, that such goals continue to be elusive. The impetus for the apparent haste in resolving the status of Kosovo is, in part, grounded in a profound fear in Western capitals that a resumption of violence by the Kosovar-Albanians, far worse than the unrest that erupted in the March 2004 riots, could ensue if that community's political aims are thwarted. The image of Kosovar-Albanians attacking NATO forces would strain efforts by Western leaders to continue to portray the 1999 conflict as a 'good war' that involved defending a helpless people from Serb nationalists. And, more to the point, it would undermine the claim that substantive democratic reforms have already been put in place in that province during the joint NATO/UN stewardship in the province.

Far from dominating the discussion of Kosovo's future, Western governments have very little room for political maneuver. In that sense, solving the Kosovo Question is not only about the fate of a small, rather poor province in the southern Balkans. Resolution is also viewed as necessary by many governments to evade a challenge to the prevalent interpretation of the conflict, and to avoid a politically inconvenient and uncomfortable (particularly given the breadth of international opposition to the 1999 war) discussion about the efficacy and ethics of humanitarian intervention. Evading those difficult issues can only be accomplished by retaining the support of the Kosovar-Albanian community and both they and the Kosovar-Albanian leadership know this to be the case.

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<sup>2</sup> The Russian ambassador to the Security Council reiterated his country's position in a February 2006 statement in reference to the mission of Martti Ahtisaari: "The basis for defining the future status of the province should be the principle of gradualism. We should start by reaching agreement on specific aspects of the status process, and only then move on to discussing actual future status. Such a gradual approach could create the necessary atmosphere for subsequent agreement between the parties on a status formula. We believe that there are various possible status options. During the direct talks, the parties must themselves reach agreement on the future status of Kosovo, without any decisions being imposed on them with, of course, international facilitation, represented by the Special Envoy of the Secretary-General, Mr. Ahtisaari. Such agreement must be equally acceptable to Belgrade and to Pristina and must be in keeping with international legal norms and with resolution 1244 (1999), and must then be backed up by a new Security Council resolution." See United Nations, Security Council. Verbatim Transcript, 5373 Meeting, 14 February 2006, p.5.

## Negotiations in 2007

Discussion of the Kosovo Question in 2007 has largely been dominated by reactions to the Ahtisaari Plan. Former Finnish president Martti Ahtisaari presented his long-awaited report on Kosovo to the UN Security Council in April 2007, following 16 rounds of rather fruitless negotiations with Serb and Kosovar-Albanian interlocutors.<sup>ix</sup> The report did not make any specific reference to independence or sovereignty for Kosovo. It did nonetheless call for the province to have 'its own distinct flag, seal and anthem', the 'right to negotiate and conclude international agreements, including the right to seek membership in international organizations' as well as a president, legislature and civil service. The Ahtisaari Plan also advocated the transfer of all legislative and executive authority vested in the UN Mission in Kosovo (UNMIK) to the new authorities of Kosovo. A NATO-led military mission would continue to provide security (attesting to the continuing ethnic tensions) and a civilian police mission led by the EU, under the auspices of the European Security and Defence Policy (ESDP) would deploy for up to two years to 'monitor, mentor and advise on all areas related to the rule of law'.

While Belgrade denounced the Ahtisaari Plan, Kosovar-Albanians rejoiced that their goal of independence had moved closer to realisation. For Western leaders, the Plan offers a means of escaping from the internally contradictory policy first adopted after the 1999 war. Nevertheless, the Ahtisaari Plan has created difficulties for some EU member-states (i.e. Spain, Cyprus, Romania, Slovakia, and Greece) that have feared encouraging secessionism among their own national minorities. In order to preserve a very fragile consensus within the Western camp, US and European leaders agreed to allow the UN yet another attempt to broker a settlement, with a report to be delivered no later than 10 December.

The Troika (EU-US-Russia) talks concluded by the beginning of December, and the final report delivered on 10 December announced a failure to resolve the differences between the two parties. While disappointing, it was not a surprising outcome. There was no incentive for Pristina to offer or agree to any compromise solution. Prior to the resumption of the Troika negotiations, it had obtained the endorsement of their goal of independence by the US and leading European Powers (i.e. France, Germany and Great Britain). Indeed, President Bush had clearly stated during a visit to Albania in June 2007 that independence was the option the US favoured.<sup>x</sup> While that support was publicly made dependent upon the Kosovar-Albanians adopting the Ahtisaari Plan, there never was any question that that community's leadership would fail to do so, at least officially. After all, international observers had long ago observed that the Kosovar-Albanians viewed such demands as little more than rhetorical devices.<sup>3</sup> In any event, endorsing the Ahtisaari Plan was not accompanied by a commitment to negotiate with Belgrade. During the negotiations, therefore, Pristina rejected as unacceptable Belgrade proposals for regional autonomy<sup>4</sup> for the province while remaining within Serbia.

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<sup>3</sup> In his first of two reports to the Security Council, the Norwegian Ambassador to NATO, Kai Eide wrote: 'among Kosovo Albanians there is also a tendency to see standards implementation as an exercise imposed from outside and one that they have to go through in order to reach the status process. Genuine support for its underlying principles and objectives is often lacking. The strong verbal support for the standards process has therefore not been adequately translated into a profound commitment to concrete results. This applies to political leaders both inside and outside of government... Progress has often been a result of international pressure rather than local engagement.' See United Nations, Security Council. *Letter dated 7 October 2005 from the Secretary-General addressed to the President of the Security Council, Annex: A comprehensive review of the situation in Kosovo*, 7 October 2005, paragraph 15.

<sup>4</sup> Two such proposals included a 'Hong Kong model' and another based on that of Aaland, an autonomous Swedish speaking part of Finland. See Robert Austin, 'Back to Plan A for Kosovo', *Bosnia Report*, 30 November 2007 [[http://www.bosnia.org.uk/news/news\\_body.cfm?newsid=2318](http://www.bosnia.org.uk/news/news_body.cfm?newsid=2318)].

There never was any possibility that the Troika negotiations would succeed in bridging the gap between Belgrade and Pristina. It seems likely, therefore, that the negotiations were conceived as a holding action to allow the EU and Washington sufficient time to prepare a joint policy to follow upon their conclusion. This was especially necessary given that the lack of consensus within the EU threatened a key component of the Ahtisaari Plan, namely providing the manpower for the ESDP mission. It is also possible that the US and the EU governments thought that the Troika talks would provide a face-saving mechanism to allow Russia to reverse its position and endorse independence as the only viable solution to the Kosovo Question.

If the latter assumption is correct, US and EU policy-makers could not have more misjudged Moscow. While Russian support for Serbia (both historically and more recently) has frequently been exaggerated, Moscow's position on this issue has been very clear from the start. Immediately after the release of the Ahtisaari Plan, Russia announced its opposition to any proposal for Kosovo's future that did not have the support of Belgrade. Moreover, it categorically rejected the argument put forward by Western diplomats that the Kosovo Question was unique and therefore not subject to international legal (as well as OSCE) standards concerning the transfer of sovereignty. Moscow explicitly linked the status of Kosovo with that of other breakaway, but so far unrecognized regions, such as Trans-Dniestr, Abkhazia and South Ossetia – areas that it has long supported, although never to the point of acknowledging as independent.

The failure of the Troika talks, and the rejection of the Russian proposal that negotiations continue, pushed Moscow into a corner. That was an outcome that Russian policy-makers must have expected and, quite possibly, welcomed. Whereas in 1999, Russia had been angered but nonetheless accepted that it could not do anything, the passage of years has re-energised Russian diplomacy and endowed it with greater resources and a new disdain for Western policy aims. Far from alienating only Serbia and forcing it to accept Kosovo's independence, Western diplomacy has substantially raised the costs of that outcome by opposing Russia. And, unlike most Western governments that see confrontation as a failure of policy, Moscow views heightened tension as creating an environment that can be manipulated to the advantage of its own larger diplomatic goals.

## Unilateral Declaration of Independence (UDI)

Given the Troika's report, a unilateral declaration of independence (UDI) by the Kosovar-Albanian leadership seems all but inevitable. Most observers expect that a UDI will happen in late-January or early-February 2008, after the Serbian presidential election and coordination by Kosovar authorities with Washington and the EU. According to a mid-December 2007 media report, Slovenia, as the country holding the EU presidency for the first half of 2008, has proposed a plan whereby a UDI would be recognised within 48 hours by Great Britain, France, Germany and Italy. A 'rolling series of announcements' would follow, with recognition accorded the newly independent state by the US, Switzerland, Iceland, and Norway, followed shortly after by Croatia, Slovenia, Macedonia, Montenegro and Albania, as well as the 56 countries that comprise the membership of the Organisation of the Islamic Conference (OIC). While this plan requires agreement from the other members of the EU, the US and the OIC (some of whose members might have trouble swallowing the Western-backed solution), it demonstrates that a substantial number of governments believe that independence is the most efficacious means of dealing with the Kosovo Question. It also indicates the degree to which a UDI will be officially welcomed.<sup>xi</sup> There are nonetheless some significant absences from the list of states reported to be included in the Slovenian plan. The failure to include China in such planning reflects the widely-held view (in the West and in Serbia) that, like Moscow, Beijing will not endorse any imposed settlement. It is significant that the UN efforts to fashion a settlement for the Kosovo Question have so far failed to obtain the endorsement of two of the five permanent members of the Security Council. The absence of other countries, such as India and most African states, might reflect the memory of their opposition to the 1999 war.

Belgrade's reaction to the collapse of the Troika talks and what it also recognizes as an inevitable UDI can best be described as controlled outrage. While the rejection of its proposal made at the Troika talks cannot have come as a surprise to Serb leaders, Belgrade nonetheless believes that the scope for seeking a compromise solution was unnecessarily limited by Washington's public support for Kosovo's independence. In the wake of the failure of the negotiations, Serbian leaders have stated explicitly that Belgrade categorically rejects any form of independence for the province. 'Serbia will never accept the independence of Kosovo', President Boris Tadic emphasized in a 26 December parliamentary address, noting that any UDI would be declared 'null and void'.<sup>xii</sup> He later added that the Serbian army was prepared to protect the ethnic Serbs living in the province should violence erupt and KFOR prove unable to do so, although he carefully noted that such assistance would only be provided with the agreement of relevant international organizations.<sup>xiii</sup> That same day, the Serbian Parliament overwhelmingly (with 220 votes in favour, 14 opposed and three abstentions) adopted a resolution that declared Kosovo to be an integral part of Serbia, and calls upon the government to 'reconsider' ties with Western countries – on case-by-case basis – that recognize Kosovo's independence.<sup>xiv</sup> More significantly, the resolution seemed to close the door on further integration with Euro-Atlantic political organisations. It stated that NATO membership would not be pursued should the West support a UDI, and noted that 'any treaty Serbia signs, including the Stabilisation and Association Agreement [with the EU]', a preparatory step to eventual membership in that body, must respect the 'preservation of [Serbian] sovereignty and territorial integrity'.<sup>xv</sup>

Despite some hostile rhetoric from elements in the political class, Serbia's leaders recognize that there is no military option available to restore their country's control over Kosovo.<sup>xvi</sup> Aware of the country's powerlessness in the face of US determination, the parliamentary resolution is, therefore, little more than symbolic. Serb leaders, such as President Tadic and Premier Vojislav Kostunica have continued to emphasise the illegality of a UDI, while supporting renewed negotiations. Neither can really believe that there is much hope that that will happen. For Tadic, his statements have been designed to quell nationalist fury in Serbia that could further damage the country's interests, including European integration, particularly in the outcome of the presidential election set for 20 January. The likely public reaction obviously puts Tadic's re-election in doubt. This task has nevertheless been significantly challenged by the sentiments that were unrolled in the 26 December resolution. For the more nationalistic Kostunica, the loss of Kosovo has been presented as an unjust act perpetrated against the Serbian people by the United States for the latter's selfish ambitions. As a result, the question of the province's future remains open, even if Serbs lack the capacity currently to change the outcome. In speaking to the parliamentary resolution, the premier noted that Kosovo 'was always defended within the limits of its [the Serbian people's] possibilities', while adding that 'future and better generations may do even more if they can'.<sup>xvii</sup> In voicing such sentiments, the Serbian premier is accomplishing two tasks: protecting himself from the nationalist charge that he has not done enough to 'save' Kosovo, but also placing the issue in a larger historical context. Far from resolving the Kosovo Question, the imposed settlement has been nearly unanimously rejected by Serbia's leaders.

For the Kosovar-Albanians, who twice overwhelmingly voted in favour of independence in two referenda before the 1999 war, the once elusive goal of statehood is now within sight. "Kosovo won't accept additional talks," Fatmir Sejdiu, the Kosovar president stated in a recent interview, "the process is over." Arguing that it is the duty of the Albanian majority to ensure the safety of the Serb minority, he added that it would take time for the wounds to heal.<sup>xviii</sup> Hashim Thaci, the recently re-elected premier of the Kosovar administration, has adopted a similarly moderate tone. He has promised to adhere to all of the provisions of the Ahtisaari Plan, including respect for minority rights and limited decentralization of authority to encourage the local Serb community (in the northwest and south of the province) to remain. That commitment is unlikely to mollify the concerns of the Serb community. Thaci was a founding member and former leader of the Kosovo Liberation Army (KLA) during the 1999 war, has a well-deserved reputation as a hardline Albanian nationalist (who allegedly eliminated some of his Albanian opponents), and is widely believed to be a leading figure in organized criminal activities.<sup>xix</sup> Since 1999, Albanian leaders in Kosovo and their supporters have also conducted a campaign of violence directed at the Serb community, culminating in the well-planned March 2004 riots that targeted both people (22 killed and 500 wounded) as well as property.<sup>xx</sup> Despite his declared support for the Ahtisaari Plan, Thaci and his supporters would undoubtedly welcome the wholesale departure of the Serb minority from Kosovo, will view decentralisation as Belgrade's 'Trojan Horse', and will resent (increasingly as their self-confidence grows) the tutelage that the Plan represents.

## Implications

A unilateral declaration of independence will be quickly followed by recognition from a variety of countries, including the US. Washington is likely to follow recognition with the provision of an economic assistance package. It is also probable that the EU will do likewise, although the consensus is so fragile that the defection by some governments – notably Greece and Cyprus – cannot be ruled out. At the time of writing, Cyprus has refused to join the other member-states in the emerging ‘consensus’. The lack of agreement within the EU membership does not, however, preclude the deployment of the 1,300 to 1,500-man ESDP mission;

A new war between Serbia and NATO forces, either with KFOR or more broadly-based, will NOT erupt. Policy-makers in Belgrade understand the disparity of power and will not jeopardize the rebuilding of their country’s economy by engaging in what would hastily turn into a futile military campaign. Any use of Serbian paramilitaries, such as the Tsar Lazar Guard, as spoilers seems very unlikely at this point.

Belgrade's preferred response to a UDI will be political: preventing passage across its borders to those carrying UNMIK or Kosovo passports or personnel deployed with the ESDP mission, as well as sanctions on trade and electricity-supply. Coordinating its actions with Moscow, Belgrade will endeavour to prevent Kosovo after the UDI from membership in international organisations;

Belgrade will also be concerned that a UDI will encourage the Albanian minority living in south Serbia that will almost certainly seek to join an independent Kosovo. Given the strategic significance of that territory (i.e. north-south transportation routes run through it), Serbian authorities have repeatedly indicated that they will not allow that ambition to be achieved;

Belgrade will ‘reconsider’ its diplomatic ties with those states that recognize a UDI, and will likely sever relations with some states. The policy of integration into Euro-Atlantic political and security organizations will be suspended;

Russian opposition to UDI, primarily through UN bodies, will continue. Moscow will seek to take advantage of the hostile reaction in Serbia to continue to deepen relations with Belgrade, however its support is entirely tactical (Belgrade will likewise emphasise Russia’s role as a means of constraining Moscow). In that sense, Russia will adamantly oppose Security Council sanction for a UDI and it might oppose the withdrawal of UNMIK. It is possible that it will use its opposition to a UDI to advance its interests in areas such as South Ossetia and Abkhazia. Moscow will not, however, allow tensions with the West to threaten key policies elsewhere or to rise beyond a manageable level. Russian leaders will seek to use those tensions arising from the Kosovo settlement to create divisions within the West to advance their policies;

Regardless of tactics, many Russian leaders and a large portion of the Russian public will view an imposed settlement of the Kosovo Question as further evidence of the willingness of Western Powers to ignore areas of interest to Moscow. That perception will reverberate for years to come and further undermine the image of the Western democracies, particularly the US, in Russia;

While its opposition can be assumed, China is likely to abstain from playing the role of a leading opponent to the US/EU plan for Kosovo, in as much as Moscow has already assumed that role itself;

Bosnian Serb leaders have hinted that they might pursue an independence referendum in the Republika Srpska (based on the Kosovo precedent), thereby challenging the weak unity of Bosnia-Herzegovina. While Bosnian Serb leaders are unlikely to follow through on this threat on their own, encouragement from Belgrade and possibly Moscow could overcome any reluctance that they might have;

The ethnic balance in Macedonia could gradually be undermined, as Albanian nationalists in that country feel empowered by the success of their Kosovar co-nationals;

Within Kosovo, the UDI will be followed by a period of heightened anxiety by the Serb community that KFOR will be at pains to dispel. Justifiably fearful of their physical safety, many will contemplate leaving for Serbia. There will be isolated incidents of violence targeting ethnic Serbs that will further damage KFOR's image in Serbia. This could lead to increasingly hostile rhetoric from Belgrade, including 'offers' to assist KFOR. Given that a strategic goal of the Kosovar-Albanian leadership is to encourage a worsening of relations between Belgrade and NATO, support for ethnic tensions in the Serb-occupied regions by Thaci and other Kosovar-Albanian leaders cannot be ruled out;

Tensions within the Serb community in Kosovo will inevitably increase between those who will continue to support Belgrade and the much smaller group who will seek to accommodate Pristina; and,

Belgrade's use of the Serb community in Kosovo to thwart the international agenda will continue after independence. It is likely that Serb communities in northern Kosovo will attempt to fashion some form of semi-statehood themselves that is linked to Belgrade (Kostunica offered such an arrangement in his 26 December speech). In time, however, the Kosovar-Albanian authorities are unlikely to tolerate this form of soft partition, leading to escalating violence that KFOR might not be able to control.

## Conclusion

For much of the time since the end of the 1999 conflict, Western policy on the Kosovo Question has been guided by three clearly mistaken beliefs:

- first, that the goal of a multi-ethnic state would be embraced by all the ethnic communities most affected by the conflict, and particularly Serbs and Albanians;
- second, that whatever resistance Russia evinced would be easily overcome after an appropriate mechanism had been found to permit Moscow to save face; and,
- third, that Serbian 'moderates' would be able to soften their country's view of the issue.

The first assumption failed to account for the deep-seated animosity between the two main communities, a feeling that long predates the Milosevic era, or the emotional hold that the province has on those groups. The second assumption failed to understand the depth of anger created in Russia's public mind by NATO's 1999 campaign against Serbia, that is still present today. The third assumption has proven inaccurate, as has been shown during the presidency (2004 to present) of the moderate, reform-minded Boris Tadic, such that there is little light separating him from the government or more nationalist parties in refusing to countenance Kosovo's independence. It is significant to note that, in Serbia, the Kosovo Question is a national, as opposed to a nationalist, issue.

Whatever one might think of the West's approach to the Kosovo Question, its common policy has now foundered on a fundamental lack of understanding for the causes of the conflict, a misunderstanding of Serbian political dynamics, and an almost complete absence of political empathy for Russian sensitivities. Of the three, the latter is obviously the most important for the diplomatic process given Moscow's ability – very much displayed recently – to stymie the efforts of both Washington and the EU. Indeed, the imposed solution that the latter two are proposing will only serve to reinforce the impression in Russia of the illegitimacy and illegality that already surrounds the 1999 campaign.

Unfortunately, having nailed their colours to the cause of Kosovar independence, it is impossible to imagine either Washington or the EU changing their policy. The reaction by the Albanian community in Kosovo, whose expectations have been significantly inflated by statements from Western leaders promising independent statehood, would almost certainly be violent. Such a reaction would be orchestrated by the current leadership in Kosovo – now publicly identified by Western leaders as newly branded political moderates and democratic-minded – and would reveal the shallowness of the postwar reconstruction effort that has been used, in part, to justify independence. Moreover, the level of force that would be required to restore order would put paid to any claims that the 1999 campaign had been a supremely just cause, a black-and-white affair. It could also significantly challenge much of the peace-building agenda that Washington in particular has been advocating since the Dayton Peace Settlement of 1995.

In that sense, both Moscow and the Kosovar-Albanian leadership have coincidentally exploited the vulnerability of the West's policy on the Kosovo Question, although obviously for very different reasons. Russia has very effectively used its policy on Kosovo as a tactical manoeuvre. It has been able to cast itself as the staunch defender of international law, and reinforced in Belgrade's eyes its traditional role as its natural ally. By refusing to accept the Western agenda on Kosovo, Moscow has elevated its role to the centre of European affairs for the first time since the collapse of the USSR. Moreover, its policy is forcing the US and the EU to go outside the normal international legal standards that they have so often used to criticise others for violating, thereby creating future opportunities for Russia in its relations on its own periphery. The Kosovar-Albanians, on the other hand, have viewed the past eight years as a means to advance toward, and ultimately achieve, their strategic goal of independence. To that end, they have officially accepted every Western demand for political reconstruction, even if their implementation has been spotty at best. The Albanian leadership has been very careful not to damage their most powerful asset, that is their image as 'victims', which continues today to be valuable political currency for influencing Western public opinion.

Sometime in early 2008, European mapmakers will need to draw in a new set of international borders. Of course, many already have, as the real prospect of an independent Kosovo emerged when the last Serbian security unit left the province in 1999. It became inevitable only when the policy of the Western Powers came to favour the Kosovar-Albanians' right to self-determination, a development that arose in response to fears of a recurrence of the March 2004 riots. However, the implications of the new country's birth are far from clear and could be quite dangerous, both to regional stability in the southern Balkans but also more broadly. The Kosovo Question is not at all going to be answered conclusively by the recognition of an independent state. The midwives of this new state will need to pay attention for many years to come.

## Notes

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- <sup>ii</sup>. Warren Hoge, 'Hopes Dim for U.N. Solution for Kosovo', *The New York Times*, 20 December 2007.
- <sup>iii</sup>. Siobhan Dowling and Charles Hawley, 'The Dangers of Kosovo', *Der Spiegel*, 22 November 2007.
- <sup>iv</sup>. Pedrag Simic, quoted in Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (Columbia University Press, 1998), p. xii.
- <sup>v</sup>. 'Kosovo independence to start chain reaction – Lavrov', *Interfax*, 10 December 2007.
- <sup>vi</sup>. 'EU's Kosovo security mission doesn't need new UN mandate – minister', *Associated Press*, 18 December 2007.
- <sup>vii</sup>. *Ibid.*
- <sup>viii</sup>. Warren Hoge, 'Hopes Dim for U.N. Solution for Kosovo', *The New York Times*, 20 December 2007.
- <sup>ix</sup>. See United Nations Security Council, *Letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council: Addendum; Comprehensive Proposal for the Kosovo Status Settlement, S/2007/168/Add.1*, 26 March 2007.
- <sup>x</sup>. Grant Podelco, 'Kosovo: Frozen Conflicts React to Bush's Independence Remark', *RFE/RL* [<http://www.rferl.org/featuresarticle/2007/06/6b35e6ec-8989-4b8a-9270-9e5326817a73.html>], 11 June 2007.
- <sup>xi</sup>. Dan Bilefsky and Stephen Castle. "EU Proposal lays out steps on Kosovo independence" *International Herald Tribune*, 12 December 2007.
- <sup>xii</sup>. Elitsa Vucheva. 'Serbia rejects link between Kosovo and EU integration', *EUObserver.com*, 27 December 2007.
- <sup>xiii</sup>. 'Parliament adopts Kosovo resolution', *B-92 News*, 26 December 2007.
- <sup>xiv</sup>. Dusan Stojanovic. 'Serbia Adopts Kosovo Resolution', *Washington Post*, 26 December 2007.
- <sup>xv</sup>. Elitsa Vucheva, 'Serbia rejects link between Kosovo and EU integration', *EUObserver.com*, 27 December 2007.
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- <sup>xvii</sup>. 'PM's Kosovo Address to the Parliament', *Epistulae* [<http://www.epistulae.wordpress.com/2007/12/27/pms-Kosovo-address-to-the-parliament>], 27 December 2007.
- <sup>xviii</sup>. 'Kosovo: President Says "We won't Be Hostage To Any Country"', *RFE/RL*, 14 December 2007.
- <sup>xix</sup>. See Nicholas Wood, 'Kosovo Gripped By Racketeers', *BBC News*, 5 April 2000.
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