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War of Resolutions

Parliamentary Blockades in the Kosovo Negotiations

Dušan Reljić

The approaching start of the future status negotiations for Kosovo is marked by a hardening of positions in Pristina and Belgrade, as well as mounting violence in Kosovo itself. At the same time, differences are arising between the United States, which leans toward independence for Kosovo, and Russia and China, which oppose secession.

On October 24 the UN Security Council (UNSC) gave a green light to the beginning of negotiations following the recommendations of the Norwegian diplomat, Kai Eide. Since early summer 1999 Kosovo has been a protectorate of the UN. The UN General Secretary requested that Eide prepare a report for the UNSC on the situation in Kosovo. In the report, the UN special envoy describes the situation in the province on the ground as extremely grim. Eide pointedly remarks upon the critical situation of the non-Albanian population there. Yet, Eide concludes that there will never really be “any good moment for addressing Kosovo’s future status.” In order to avoid stagnation the talks must start soon. Any further postponement of finding a new status for Kosovo would only lead to a new round of disturbances. Eide concludes his report with the observation that in light of the dire political, economic and social conditions in Kosovo, and especially the deep animosity between Serbs and Kosovo Albanians, that the onset of status nego-

tiations will not be the final phase of the process as a whole but rather would pave the way for the next stage of the international presence in Kosovo.

Since the report’s publication, the security situation in Kosovo, according to the UN administration (UNMIK), has worsened. UNMIK members and vehicles, as well as the Kosovo Police Service (KPS), have been the target of a series of terrorist attacks. A bomb injured many shoppers at a market in a predominately Serb-inhabited village. On December 3 outside the city of Prizren, a tour bus en route to Belgrade was attacked with hand-held rocket launchers. Although the discharged projectiles hit the bus, no one was injured. In the south and west of the province uniformed and armed men have periodically set up illegal checkpoints in order to inspect the passengers of passing vehicles. They said they are the members of a hitherto unknown “Army for the Independence of Kosovo (AIK).” According to UNMIK, these attacks are aimed at influencing the negotiations over the

future status of Kosovo. In addition, leading politicians received anonymous threats warning them of “consequences” if they betray “national interests” in the course of the status negotiations. In particular, the Movement for Self-Determination (*Vetvendosje*), headed by the former student leader Albin Kurti, exerts pressure on political parties. Kurti is mobilizing young followers for an extraparlimentary opposition against the continued existence of the UN protectorate or the establishment of an EU protectorate in Kosovo. In this endeavour he has the support of the organization of the former members of the Kosovo Liberation Army (KLA). Thus a further escalation of street protests and attacks in Kosovo can probably be expected when international negotiators involved in the status negotiations ask the parties to abandon their maximal initial positions.

The chief UN negotiator, Finland’s former president Martti Ahtisaari, began talks with Belgrade, Pristina and other regional political centers on November 21, 2005. He warned beforehand about setting “artificial deadlines” or expecting “quick results in four or five months.” He described his chances of success “as greater than when one buys a lottery ticket.” Ahtisaari set the date for the first unmediated talks between Belgrade and Pristina for early 2006. The leadership of the Kosovo Albanians rejects direct talks with Belgrade, while the Serbian side, with Russia’s support, insists upon direct talks. Pristina’s view is that Serbia has no right to partake in decisions over Kosovo’s future. From Belgrade’s perspective, unmediated negotiations would confirm Serbia’s ownership of Kosovo. What’s not yet clear is how the actual negotiations will proceed. Also, nobody has expressed an opinion about the possible consequences of the collapse of negotiations, although, especially in Belgrade, there is palpable fear of collapse resulting in a settlement imposed by the United States.

Referendums to Prevent Compromises

Belgrade’s basis for negotiations was laid out in a November 21, 2005, parliamentary resolution that expressly ruled out relinquishing Serbia’s legal possession of Kosovo. At the same time, the resolution implies, in barely veiled form, Belgrade’s preparedness to make far-reaching compromises. The text reads: “The parliament notes that there could be different forms of political organization for the future status of Kosovo and Metohija that do not call either the sovereignty or the territorial integrity of the state into question.” But the parliament also warned that any attempt to divide Serbia by legalizing a one-sided secession of Kosovo would mean not only the use of force against a democratic state but also the violation of international law. Such a solution will be declared illegitimate and void by the parliament.

By resolutely rejecting an imposed settlement Belgrade obviously wants to circumvent a scenario like the one at the Rambouillet negotiations over Kosovo in 1998 and 1999. Then, the US and its allies threatened the strongman Milošević with force should he not agree to the western terms for Kosovo. His refusal to comply in early 1999 led ultimately to the NATO war against the former Federal Republic of Yugoslavia. There is the oft-expressed concern in Belgrade government circles that the Kosovo Albanian side could undermine the upcoming negotiations deadlocking them for so long that the United States finally loses its patience and tries to impose a settlement.

The parliamentary resolution was based on a proposal authored by the head of the minority government, Vojislav Koštunica, who is also the head of the national conservative Serbian Democratic Party (DSS). Koštunica only received parliamentary approval for the resolution with the support of two opposition parties, the Serbian Socialist Party (SPS) and the strongest faction in the parliament, the national populist Serbian Radical Party (SRS). The

nominal heads of these two parties, Slobodan Milošević and Vojislav Šešelj, are at the moment on trial before the International Tribunal for Crimes in former Yugoslavia (ITCY) in the Hague. It was under pressure from the SRS that the mention of the possibility of a referendum over the results of the negotiations was inserted in the text of the resolution. The intention was to limit the negotiating latitude of the delegation in order to prevent it from backsliding. The opposition Democratic Party (DS) of Serbian President Boris Tadić abstained in a vote on the resolution. Its MPs however took part in the session although they had steered clear of the parliamentary debate since early October, protesting against what they perceived to be manipulation with the mandates of MPs. Koštunica appears to set increasingly less store in finding a consensus with Tadić. After numerous public debates, the president and the prime minister could only agree that they would act as the co-equal co-chairman of the Belgrade negotiating delegation.

In his meeting with the Russian president Vladimir Putin on November 15 in Moscow, Tadić suggested a settlement for Kosovo in line with the model of the Dayton agreement for Bosnia and Herzegovina. According to it, there should be in Kosovo ethnic Serbian and ethnic Albanian entities while the Serbian side would have a special relationship to Belgrade. Simultaneously Belgrade would preserve nominal sovereignty over Kosovo. Tadić rationalized his proposal with the rejection of drawing new borders in the territory of former Yugoslavia, pointing out that if the Kosovo Albanians could do this, then other regional actors would be emboldened to invoke the right to self-determination themselves. This could lead to the disintegration of other countries, like Macedonia and Bosnia and Herzegovina.

Tadić's Moscow proposal appeared at first to be his doing alone, but eventually after some hesitation it found approval in Serbian government circles. In Pristina, the proposals of the Serbian president were

rejected at once, it charged that they constituted yet another division plan for Kosovo. These charges were made by Kosovo's prime minister, Bajram Kosumi, and the leading opposition figure, Hasim Thaçi, as well as other Kosovo Albanian politicians, just as they rejected other western proposals that suggested either "conditional independence" or "limited sovereignty" for Kosovo. Such inventions, so it is concluded in Pristina, mirror the Belgrade rhetoric over "more than autonomy but less than independence" for Kosovo. The standard argument is that only full independence can guarantee social progress in Kosovo and lay the grounds for regional stability. Nevertheless the MPs of the Kosovo parliament have heeded the urgent warnings of the United States and UNMIK representatives about declaring Kosovo's independence before the onset of negotiations. In the end, according to the accepted resolution in which the Kosovar Albanian negotiating position is spelled out, independence is "not negotiable." Just as in the Belgrade resolution, the possibility of a referendum over the result of the status negotiations was left open. This is supposed to make it possible for the negotiators to act with the alibi that "the will of the people" prevents them from accepting major compromises.

Dardania instead of Kosovo?

The leading Kosovo Albanian politicians have until now not been able to unite on more than that they stand for the independence of Kosovo. Although they were expressly asked by Washington to settle upon a common position within the delegation—and US experts were helpful with training in negotiating methods—Kosovo Albanian actors remained mired in arguments over the competencies of the group's coordinator, journalist Blerim Shala. The nominal leader of the negotiating delegation is Kosovo's terminally ill president, Ibrahim Rugova. He is of the opinion that the Kosovo Albanians have already demonstrated willingness to compromise when they ruled

out unification with Albania proper. Rugova demands the “direct” recognition of Kosovo by the United States. Because of the hefty infighting over Rugova’s successor, none of the other leading political figures in Kosovo can afford to show any flexibility on the independence issue.

In addition, within the Albanian discussion over Kosovo’s future there have recently been still further-reaching demands expressed that before had only been whispered behind closed doors. For example, the leader of the opposition Albanian Democratic Party (DPA) in Macedonia, Arben Xhaferi, proposed renaming Kosovo as Dardania and linking it to Albania. Xhaferi takes the view that Kosovo, with its two million inhabitants, will never make a functioning state. Also, the name “Kosovo” is Slavic. “Dardania,” in contrast, is a name with Illyrian heritage that corresponds to the historical narrative propagated by today’s Albanians. In the on-again off-again discussion over “Greater Albania,” the head of one of Kosovo’s smaller opposition parties “Ora,” Veton Surroi, also the West’s favoured interlocutor, argued that the question of “national unification” will remain a “real option” as long as the “strivings of the Albanian people in the Balkans remain unfulfilled.”

Behind Xhaferi’s statements is above all an attempt to score points as a fighter for Albanian national goals with the ethnic Albanian constituency in Macedonia. In Albania itself, there have only been isolated cases of demands for the unification of all of the ethnic Albanian inhabited territories. These territories, virtually ethnically homogeneous, border Albania proper and have grown into a single economic, cultural and political sphere. But Albania’s new government under the leadership of Prime Minister Sali Berisha, a years-long ally of Rugova’s, has publicly given its support only to independence. This situation threatens to undermine the painstakingly brokered normalization between Tirana and Belgrade, as well as between Tirana and Skopje.

In Macedonia, large parts of the Slavic population allege that the ethnic Albanian minority in the country (25 percent) wants to secede. The government in Skopje, however, has signalled its readiness to accept Kosovo’s independence, not least because it hopes for even more support from the US to bolster the survival of its own state. In spring 2005 Washington recognized the Republic of Macedonia under its constitutional name, while the EU still uses the official UN approved name “Former Yugoslav Republic of Macedonia.” Skopje demands that before the future status of Kosovo is defined that the border with its neighbouring state Serbia and Montenegro is also demarcated in the section on Kosovo. In response, the government in Pristina said that it would do so only after independence.

US and Russian Friends

Albanians have not hidden their hope, that the US will provide the decisive support for Kosovo’s secession from Serbia. These hopes received a further boost when the Assistant Secretary of State Nicholas Burns, at a Senate Committee for Foreign Affairs hearing, asked the Kosovo Albanians to understand that “independence must be earned.” Also, in contrast to the terminology of the UN and the EU, which speaks of Kosovo’s “future status,” Burns consistently used the expression “final status.” He also avoided ruling out the possibility of an imposed settlement. Burns emphasized that “the US at this point expressly supports no one specific outcome” and that it is important that the US and its allies “remain neutral”; yet, most of the hearing dealt almost exclusively with the question of how Kosovo’s independence could be reached. Senator Joseph Biden, a key figure in formulating Washington’s Balkan policies during the Clinton administration, stressed that Pristina was one of the few “Muslim cities” in the world in which the US is “not only respected, but revered.” “If we get Kosovo right, Muslims around the world

will be reminded how the United States came to the aid of Kosovo's Muslim population and helped them build a strong, independent, multi-ethnic democracy," he said.

In the American discussion over Kosovo, Russia's and China's position play almost no role. But Moscow has made itself clear that Russia is no longer content to play a secondary role in the Balkans. In early November 2005 the Russian Foreign Minister Sergei Lawrow visited Belgrade, Pristina (where he opened a Russian government office) and Podgorica. In his statements he underlined that in coming to a settlement for Kosovo an imposed settlement was not an option. Shortly afterwards, President Putin met with the Serbian president Tadić in Moscow. In their discussion, the Kremlin chief stressed the determination of Moscow to prevent a further "disintegration" in the Balkans, hinting in his statement to the secessionist movement in Chechnya and stressing the necessity to prevent similar disintegration worldwide. At the end of November, the foreign minister of Serbia and Montenegro, Vuk Drašković, was also in Moscow to consult with Russian interlocutors. In an interview with a Russian newspaper, Drašković signalled Belgrade's readiness to accept a solution for Kosovo along the lines of the Chinese model for Taiwan: one state but with two political systems.

Some Russian Kremlin observers are of the opinion that the Putin administration, in contrast to the Yeltsin government in 1999, is ready to use Russia's veto power in the UNSC in the event of a disagreement with Washington over Kosovo's status. They base this assessment on Moscow's insistence not to accept precedent cases for regional secession which might have implications for separatism in the Caucasus. In addition, they now see Russia as politically and economically stronger—and considerably more independent from the US—than it had been under Yeltsin. And, not least, there is the effort to show "ideological" determination, especially in the Balkans,

where since the outbreak of the Yugoslavia crisis 15 years ago Moscow took a back seat to the West and now finally has the opportunity to prove itself an equal on the geopolitical world stage. At the same time Russian commentators see Washington weakened because of the escalating crisis in Iraq and Afghanistan and possibly also Iran, and thus in need of Moscow's cooperation. Finally, it is pointed out that Moscow and Beijing have common interests on the Kosovo question.

Indeed, during recent visits of Serbian politicians to China, Beijing rejected the possibility of independence for Kosovo on the grounds of the right of states to territorial integrity guaranteed in the UN Charter. Beijing thus appears to have given up the timidity that it had shown earlier in the Balkans. In this context China's concerns over separatist strivings in Tibet and the ongoing controversy over the status of Taiwan play obviously a role.

In spite of nationalist voices now declaring that "Serbia is no longer alone" because it has Moscow on its side, most people in Serbia are thoroughly aware of Belgrade's experiences with the durability of Russian and Chinese support during the disintegration of Yugoslavia and, above all, during the NATO intervention. In addition, it is Serbia's expressed top priority to integrate into the Euro-Atlantic structures in order to catch up with the other transition countries after its years-long isolation and general collapse during Milošević rule. Whether these interests are powerful enough to move Belgrade to give up a part of its territory in exchange for accelerated entry into the EU is highly questionable. Also, on the other side, the strivings of the Kosovo Albanians for independence definitely outweighs the perspective of EU membership. Finally, one must also take into consideration that within the EU today there is no consensus that the stabilization of the region of former Yugoslavia will necessarily be expedited by its integration into the EU's structures.

The EU Position: A Settlement Should Guarantee Long-term Development

On November 7, the European Council (EC) established the EU's positions toward the approaching negotiations over the future status of Kosovo. Next to the general demand that democratic standards and human rights should be recognized, as well as the maintenance of the character of the region as well as several other specific positions. The most important points:

- ▶ The agreement on status should ensure that Kosovo does not return to the pre-March 1999 situation.
- ▶ Any solution which was unilateral or resulted from the use of force, as well as any changes to the current territory of Kosovo would be unacceptable.
- ▶ There can also be no partition of Kosovo, nor any union of Kosovo with another country or with part of another country following the resolution of the status of Kosovo.
- ▶ The territorial integrity and the internal stability of neighbouring countries must be fully respected.
- ▶ Kosovo's future status should enable it to develop in a way which is both economically and politically sustainable and ensure it does not constitute a military or security threat to its neighbours.
- ▶ The resolution of Kosovo's future status must enable both Belgrade and Pristina to make progress towards the European Union
- ▶ The resolution should include specific safeguards to protect cultural heritage and religious sites.

"Contact Group": Negotiated Settlement Has Priority

In a November 10 published document, the UNSC lay down the "guiding principles" of the so-called Contact Group (France, Germany, Italy, Russia, Great Britain and the US) for the negotiating process over the future status of Kosovo. In addition to the EU positions it mentions the following:

- ▶ A negotiated solution should be a priority.
- ▶ Once the process has started, it cannot be blocked and must be brought to a conclusion.
- ▶ The Contact Group calls on the parties to engage constructively, to refrain from unilateral steps and to reject any form of violence.
- ▶ The Special Envoy can take appropriate action within his UN mandate to suspend or exclude any individual or group, if he judges that their actions are not conducive to progress.
- ▶ The process should provide for the effective participation of the Kosovo Serbs and other Kosovo citizens and communities.
- ▶ Regional neighbours and other interested parties should also be consulted as necessary.
- ▶ The implementation of the democracy standards laid down by the UN must continue during the status process and will be a factor in determining progress.
- ▶ The Contact Group reaffirms the importance which it attaches to constructive and sustained dialogue at all levels between Belgrade and Pristina and between the different communities in Kosovo. It asks the authorities in Belgrade to actively encourage the Serbs of Kosovo to take their place in Kosovo's institutions.