



# KOSOVO

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## A new frozen conflict?

By Ian Bancroft, The Guardian

<http://www.guardian.co.uk/commentisfree/2008/jun/09/kosovo.eu>

With Kosovo's constitution due to enter into force on June 15, the planned transition period has provided many more complications than initially envisaged. Deployment of the EU's much lauded rule of law mission, Eulex, continues to be delayed by Serbian and Russian opposition to the proposed transfer of authority from the UN. The remaining Serbs, meanwhile, have entrenched Kosovo's de facto partition through the strengthening of parallel institutions, leaving both the EU and Kosovo's government with no authority and only a limited presence in such areas. These concurrent problems have been compounded by a disappointing lack of recognition of Kosovo's unilateral declaration of independence. Though proposed as a means of clarifying Kosovo's status and delivering stability throughout the region, this period has served to demonstrate the misplaced optimism of these twin hypotheses.

Under Ahtisaari's plan for internationally supervised independence, Eulex – the EU's largest civilian crisis management mission to date, conceived to train and mentor police, customs officials and judges – and the international civilian office (ICO), established to supervise and advise the Kosovo government, were to supersede the UN's mission in Kosovo (Unmik) after a 120-day transition period. In the face of vehement Russian and Serbian opposition, however, the refusal of Ban Ki-moon, the UN secretary general, to sanction such a transfer means that Unmik remains the only authorised international civilian presence in Kosovo. As Joachim Ruecker, the head of Unmik, reflected, "as long as Resolution 1244 exists, there will exist the UN's responsibility for Kosovo".

Lacking the necessary legal, political and diplomatic frameworks, Eulex now faces considerable delays and dilemmas. To date, it is estimated that only 220 of the planned 1,900 EU personnel are in place. Internal divisions have also begun to materialise, with Spain refusing to participate in Eulex until Unmik's jurisdiction is formally transferred. Nato, meanwhile, is concerned that Kfor will be asked to assume policing duties, a task for which it is neither trained nor equipped. Such mounting confusion over the respective roles, responsibilities and mandates of the various international players has contributed to growing uncertainty and instability.

While several possible compromises have been suggested, each weakens the underlying purpose of the EU's mission. Though Ruecker insists that, "there should be no geographical, ethnic, or functional division of labour in the rule of law sector between different organisations", one proposal involves the partial deployment of Eulex to territory inhabited solely by ethnic Albanians, with the UN remaining



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responsible for Serb-controlled areas; a move that would only reinforce the growing sense of partition. A second viable option involves deploying Eulex under the auspices of "a UN umbrella". Each of these concessions – partial deployment or UN oversight – would severely compromise the autonomy and function of the EU's mission.

The growing reality of Kosovo's de facto partition suggests that regardless of how the EU's missions do eventually deploy, they will be unable to operate effectively in Serb-controlled areas. The remaining Serbs have – with financial and political backing from Belgrade – gradually re-affirmed and re-enforced parallel institutions in local government, education and health care throughout the north and in the enclaves, with most Serbs withdrawing from the Kosovo police service (KPS) and judiciary. By planning to form municipal governments on the basis of local elections held in Kosovo on May 11, the results of which were declared invalid by Unmik, Serbia is once again undermining the authority of Kosovo's government. Furthermore, a proposal for the "functional division of Serbs and Kosovo Albanians" by Serbia's minister for Kosovo, Slobodan Samardzic, whereby cooperation between Unmik and ethnic Serb communities would be intensified in a variety of areas, particularly policing, judicial affairs and control of the Serbia-Kosovo boundary, is a fervent challenge to the EU's legitimacy and presence throughout Kosovo.

The EU's failure to foresee and adequately plan for the legal, political and technical obstacles to effectively deploying its missions to Kosovo continues to undermine both peace and stability, with further fragmentation and mandate ambiguity all but inevitable after June 15. In Serb-controlled areas, the establishment and operation of Eulex remains largely untenable. With the strengthening of parallel institutions and hardening of Kosovo's de facto partition, the conflict has quickly descended into a frozen state. Combined with weak recognition of Kosovo's unilateral declaration of independence, there is a significant risk of dissatisfaction and disappointment as Pristina struggles to cope with a plethora of sizeable and growing socio-economic challenges. Though intended as a sign of the strength of its fledgling common foreign and security policy (CFSP), these collated shortcomings once again demonstrate Europe's weaknesses in handling civilian crises in the western Balkans.