



KOSOVO

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Top 10 Kosovo stories to watch for in 2009

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Following the overwhelming support of the UN General Assembly to send the case of Kosovo's unilateral declaration of independence (UDI) to the International Court of Justice in The Hague (ICJ), as well as the UN Security Council's "green light" to the EU mission Eulex on the condition that it does not implement the Martti Ahtisaari plan on "conditional independence", the highly controversial year of 2008 ended with a slight return to international law. Whether this return to the rule of (international) law will be sustained, however, will be one of the top-ten stories of 2009.

1) Will the ICJ be able to process the Kosovo UDI case without political interference?

Serbia's initiative to send the case of Kosovo's secession to the ICJ has received overwhelming support – with only the US, Albania and four microstates of the Pacific opposed. The Court will receive opinions from UN member states and all the parties concerned by April 17, as well as responses to claims by July 17, before launching a second round of sessions next autumn. Whilst the court is unlikely to deliver its opinion during 2009, the way the process is handled throughout the year will be an indication as to whether or not the court will be able to stick to the clear principles of international law or become prey to political interference whose aim is to achieve "creative interpretation" of the case.

2) Who will prevail in the recognition war?

By the end of 2008, Kosovo's UDI has been recognized by roughly a quarter of UN member countries. In 2009, the US is likely to continue pressing for more recognitions, along with London, Tirana and Istanbul, which have been the most outspoken lobbyists for the case. On the other side, Russia and China provide a balancing force in the UN Security Council, Albania and Turkey have been almost shut out by overwhelming opposition from Arab/Islamic states, regional powers such as Brazil, South Africa, Egypt, Indonesia and India are lobbying against in their own neighborhoods, and the real or perceived effect of the Kosovo precedent continues to scare countries worldwide. Spain, Romania, Cyprus, Greece and Slovakia lead the opposition in the EU. As a result, 2009 might be a "make or break" year for Kosovo – without a breakthrough in the recognition battle, and with an expected decision of the ICJ in 2010, its chances of legitimizing its unilateral move will continue to dwindle.

3) Will the "Kosovo precedent" effect continue?

The toll of the Kosovo precedent in 2008 was most directly felt as Abkhazia and South Ossetia proclaimed secession from Georgia, military tensions increased over Nagorno-Karabakh and Kashmir, while secessionist movements used the momentum to push for their causes in the Basque country and Sri Lanka. In 2009, this trend could be reversed by firm respect for the ICJ process, the failure of the "recognition process" and the prospect of a return to the negotiation table.

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4) Will the EU start conditioning Serbia's integration with implicit Kosovo recognition?

Both Belgrade and the Brussels administration argue that Serbia's EU integration and the Kosovo status are two separate, in no way interlinked, processes. This is to a large extent due to the fact that five EU member countries openly oppose Kosovo's secession, which makes it unreasonable to impose such a condition to an aspiring EU candidate. The second school of thought argues that Belgrade should be conditioned with recognizing Kosovo "sooner rather than later", despite Belgrade's clear rejection of either option. However, there lies in the middle the option of "creeping" or "incremental" recognition – that is of getting Serbia closer to recognition step-by-step, throughout the years and in the context of "good neighborly" relations as a precondition to EU integration.

In the autumn of 2009, the European Commission is due to present its "study" on the prospects of Kosovo's integration into the EU. This might be a turning point in the way Brussels will treat Kosovo: as an "independent country" equal to other Western Balkans countries or as a "non-state entity" without a clearly defined status, which will need a special mechanism for pursuing European integration. This, in turn, might determine the path for Serbia's integration in the EU.

5) Will Kosovo be able to function in the region?

Belgrade has declared it will not prevent Kosovo's participation in some regional organizations, such as CEFTA, if Pristina is represented by UNMIK and not by the authorities of "independent Kosovo". Such a solution avoids blocking practical benefits for all citizens of Kosovo, but will the Albanian leadership accept it?

6) Will the EU/UN implement correctly the six-point plan backed by the UN SC?

Without the UN six point plan and a strict status neutrality of the EU mission, Belgrade would have never accepted helping out Eulex deployment in December 2008. Early 2009 will show whether the agreement was made only to allow for Eulex's deployment or whether the EU mission is indeed serious about respecting the UN framework. The Pristina authorities have already declared the UN plan as "dead" and prefer to consider the Eulex mission as a step towards establishing control over Serb areas of Kosovo. If Eulex shares this interpretation, it will lead to the delegitimization of the mission among Kosovo Serbs, to opposition by Serbia and a to new clash in the UN Security Council.

7) Will Eulex tackle Albanian organized crime?

Nine years of impunity and inefficient UNMIK proceedings have left the Albanian organized crime networks largely untouched and in close correlation with the political powers.

Intelligence services, anti-corruption agencies and human rights organizations have all published reports documenting these links. Will it be enough for Eulex to do the job it was invited to do? Or will "fear continue to reign in Kosovo", as the Human Rights Watch warned in December 2008?



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8) Will Ramush Haradinaj return behind bars?

New investigations led by the Council of Europe on the organ trade of kidnapped Kosovo Serbs, as well as information from former UN investigators involving former Kosovo Prime Minister, Ramush Haradinaj, might in this case pave the way for the former KLA leader to be returned behind bars in 2009. Human Rights Watch has furthermore called on Eulex to rapidly investigate ethnic crimes, and in particular to make progress on prosecutions linked to the March 2004 anti-Serb violence and prosecutions for war crimes.

9) Will Albanian ultranationalism be tamed elsewhere in the Balkans?

With the focus on Kosovo, little attention was paid throughout 2008 to other Albanian “questions” in the region. By the end of 2008, however, former Albanian guerilla leaders in Macedonia began threatening to restore previous forces, whilst former guerilla members from Kosovo were arrested in southern Serbia. With Albania joining NATO in 2009, will it be encouraged to tame various radical ethnic Albanian movements in the region?

10) How will Kosovo get through the global financial crisis?

Independent or not, UN or EU protectorate, Kosovo remains the poorest region of Europe, with the highest unemployment rates and the lowest wages, with dependence on donations and foreign remittances and with no viable strategy for developing a credible economy. International mismanagement of the allocated funds has been notorious for years and it remains to be seen whether the promises of the 2008 donors conference will be held in the context of the global financial crisis throughout 2009.

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