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What do Serbia's diplomatic victories mean for the future of Kosovo?

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Since the unilateral declaration of independence (UDI) by the government of Kosovo on 17 February 2008, Serbia has achieved a succession of diplomatic victories:

Although 53 countries have now recognised Kosovo as an independent state, most UN members, including important countries such as Russia, China and India, have not done so. A number of EU member states, including Spain, Greece and Cyprus have not recognised the independence of Kosovo either.

In October 2008 Serbia won the backing of the United Nations Security Council (UNSC) to seek an advisory opinion from the International Court of Justice (ICJ) on the legality of the independence of Kosovo. Only six countries objected – the USA, Albania and four microstates in the Pacific.

Prior to the deployment of EULEX in December 2008, Serbia reached an agreement with the United Nations (UN) on a six-point plan, aimed at ensuring the survival of Serbs in Kosovo and protecting the sovereignty and territorial integrity of Serbia. The plan is in line with UNSC Resolution 1244, and will guarantee that EULEX is status-neutral, will operate under the authority of the United Nations and that the Ahtisaari Plan will not be implemented.

Kosovo president, Fatmir Sejdiu has objected to the plan because he and other members of the Kosovo administration believe it fails to observe the basic elements of Kosovo's sovereignty, which they feel is undermined to the extent that it could almost be called into question. There is also growing concern that Kosovo's ties with Serbia are being strengthened to the point where the distinction between Kosovo being an independent country and an autonomous province of Serbia is being blurred. The six-point plan is seen as further contributing towards this.

Foreign Minister, Skender Hiseni, described the plan as unacceptable and "contrary" to the Constitution of Kosovo. As the constitution reaffirms the unilaterally declared independent status of Kosovo, it is Pristina's view that only the deployment of EULEX according to the Ahtisaari Plan would be acceptable. A status-neutral deployment effectively undermines that independence.

As an alternative to the six-point plan, Pristina proposed its own four-point version as a substitute, whereby EULEX would be deployed according to the mandate of Kosovo's declaration of independence, the Ahtisaari Plan and the Constitution of Kosovo. The sovereignty and territorial integrity of Kosovo would be respected, and there would be full co-operation between the institutions of Kosovo and EULEX, the EU, the USA and NATO. The USA described Pristina's plan as a good basis for further discussions, and declared its support. However, in November 2008, the six-point plan received the unanimous backing of the UNSC, including the USA and the



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UK, although both have said that they will continue to support the independence of Kosovo.

What conclusions can therefore be drawn from these developments?

Firstly, it can be seen that Belgrade's peaceful diplomatic approach in dealing with the unilaterally declared independence of Kosovo is producing results. The International Community appears to be listening to what Serbia is saying.

Secondly, although the Kosovo government wanted EULEX deployed in a way that explicitly acknowledged and reaffirmed the independence of Kosovo, it did not succeed. Whilst the United States showed some interest in the Kosovo government's four-point declaration, it was not sufficient for it to gain support at the UNSC, and get the six-point plan agreed with Serbia rejected. Even countries strongly in favour of independence backed the plan.

Thirdly, the unanimous support for the six-point plan by pro-independence countries indicates that whilst they support the UDI, they acknowledge the reality on the ground: Kosovo does not fully govern itself, it has a non-functioning economy, it has failed to gain sufficient international recognition, it is not a member of any key international institution and its government lacks authority in the Serb-dominated north.

There is some speculation as to what the consequences of this trend are likely to be, including a growing concern among some about the potential for Kosovo to be partitioned, particularly as de-facto partition already exists: The north has its own administration and the authority of the government in Pristina is largely unrecognised, as opposed to that of the government in Belgrade with which firm links are maintained. Serbs are not integrated into Kosovo institutions either. Certainly at present formal partition is not a possibility, particularly as Pristina, Belgrade and the International Community all oppose it - although it could be said that the deployment of EULEX according to the six-point plan only strengthens this divide.

The possibility of new negotiations into Kosovo's status is becoming more realistic. The Ahtisaari Plan has not been (and cannot be) fully implemented because it does not have UNSC backing and goes against the six-point plan. The UDI has been rejected by Serbia, and consequently Belgrade does not recognise Kosovo as an independent state. Finally, for reasons outlined in the paragraphs above, Kosovo is not viable as a country and therefore does not have real independence. If Kosovo is to prosper and achieve real peace and stability, then it needs a clearly defined status resulting from a solution that satisfies the needs of both sides and is thus acceptable to all parties.