



KOSOVO

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Go slow on Kosovo?

The Economist

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Most observers have for some time assumed that Kosovo is moving inexorably and inevitably towards independence. At first, most believed that this would be sanctioned by the UN and that opposition from Russia and others would be overcome. When that proved impossible--as the Economist Intelligence Unit consistently argued it would--the focus shifted to the idea of a unilateral declaration of independence (UDI) by Kosovo, followed by recognition outside of the framework of the UN. However, recent developments suggest that even this may not happen soon, as the process of resolving Kosovo's status proves far more complicated than had originally been envisaged.

Matters have moved on apace since the UN special envoy in the Kosovo negotiations, Martti Ahtisaari, presented his proposals on the future status of the UN-administered province to the UN Security Council in March 2007. These proposals recommended that Kosovo be granted "internationally supervised independence", and were backed by the US and leading EU states. However, Russia rejected the plan, and its strong opposition led the Western powers to shelve plans to put the Ahtisaari proposals to the vote at the UN Security Council.

Instead, a new round of talks between the Serbian and Kosovo Albanian sides has been launched under the aegis of the Contact Group, an informal body consisting of the US, the UK, France, Germany, Italy and Russia. The talks began in late September and are scheduled to last until December 10th. It had appeared at first that the aim of the talks was simply to buy time for the international powers to try to find a way out of the current impasse, but international mediators have insisted that the talks be given a chance and are now talking up the chances of a compromise.

After preliminary consultations in Belgrade and Pristina by the Contact Group "troika" of mediators (representing the EU, US and Russia respectively), the two sides engaged in face to face talks on September 28th in New York. Nothing was achieved during the first round of talks except a commitment from both sides to keep talking. The next round of talks is to take place on October 14th in Brussels.

The Hong Kong model

The significant new development was Serbia's proposal for a so-called "loose integration model". For the first time, Serbia has given content to its longstanding slogan of "more than autonomy, less than independence". The Serbian proposal is based on the model of Hong Kong and would grant the Kosovo Albanians substantial autonomy only just short of sovereignty.

Hong Kong has formally been part of China for the past 10 years, since it ceased being a British colony, but it has almost complete autonomy. For 50 years, until 2047, the Hong Kong authorities can run their own legal system, economy, currency and police force, while the Chinese government is in charge only of defence and foreign affairs.



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The Serbian proposal, presented by Serbia's minister for Kosovo, Slobodan Samardzic, would mean that Serbia's borders would remain intact but Kosovo would have "95% sovereignty" with minimal or no integration into Serbia. Kosovo would be a self-governed territory in both political and economic terms, with the right to make economic agreements and participate in international institutions save for the UN. Kosovo would have all the rights of a sovereign state on its soil, except in the areas of foreign and defence policy. Even in these latter areas, Serbia would probably have little influence given the likelihood of a continued international presence in Kosovo.

This "state within a state" solution would be transitional--lasting for an agreed period of perhaps several decades, after which a final status would be determined. Such a transitional solution would be agreed in a contract signed by Belgrade and Pristina and would be guaranteed by the UN.

The Kosovo Albanian side has thus far insisted that it wants nothing less than full independence. It has said that it is not interested in pursuing Serbia's suggestions on the province's future status, but only in offering proposals for future good neighbourly relations between two sovereign states. However, the question is whether the Kosovo Albanians' insistence on their maximalist aims and rejection of all other alternatives will be sustainable. The two sides are committed to continuing with face to face talks in coming months, and it is possible that the supervised negotiating process may continue beyond the current deadline of December 10th and into 2008.

The Kosovo Albanians insist that they will issue a unilateral declaration of independence (UDI) after December 10th. However, whether this will remain a mere gesture to appease the Kosovo Albanian population, or be followed by bilateral recognitions by key states, remains to be seen.

Trial of strength

The Kosovo issue has become something of a trial of strength between the US and Russia. The statement by the US secretary of state, Condoleezza Rice, on September 24th, only four days before the start of the new talks, that "There's going to be an independent Kosovo" and that "we're dedicated to that" provoked condemnation from Russia. The Russian foreign minister, Sergei Lavrov, said that Ms Rice's statement suggesting that independence is inevitable whatever the result of the negotiations "simply provokes one of the parties to reject compromise." Russia has not budged from its strong opposition to independence for Kosovo. The Russian president, Vladimir Putin, recently stated that it would be highly irresponsible to ignore the principle of territorial integrity in resolving the Kosovo issue.

Ms Rice's comments were the USA's most explicit public statement in support of Kosovo's independence since President George Bush said in Albania in June 2007 that "sooner rather than later, you've got to say enough's enough: Kosovo's independent". The latest statement by Ms Rice was no doubt intended as a rebuff to Russia and was also meant to stiffen the resolve of the EU. However, the statement was short on detail and vague about the circumstances and timing of any independence decision. Furthermore, unlike other US officials, Ms Rice also unambiguously called on the Kosovo Albanians not to take unilateral steps. Ms Rice stated that, "we've told the Kosovars that we don't think a unilateral declaration of independence is a very good idea."



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Crux of the matter

Recognition of a UDI by Kosovo would be a very big step. It would not only mean bypassing the UN, but would also be in direct violation of UN Security Council Resolution 1244 from 1999, which preserved formal Serbian sovereignty over Kosovo. Contravening the UN, the guarantor of the rule of international law since its foundation in 1945, may be a step too far even for an increasingly unilateralist US. Ms Rice was careful to say that Kosovo's final status would be determined by the US and the EU working "together on this."

It is by no means certain therefore that even the US would recognise a self-declared independent Kosovo, or at least not for some time. And even if the US were to recognise a UDI, there is unlikely to be unanimity for such a course in the EU, some of whose members oppose independence on principle, and many more and perhaps most of whom would be reluctant to recognise an independent Kosovo if the process did not have the imprimatur of the UN. Serb-dominated northern Kosovo would not recognise independence, leading to a de facto partition and there would be a high risk of an exodus of the remaining Serbs from other areas of Kosovo.

The problems involved in a UDI and in ignoring the UN seem to have caused at least some countries to step back. Thus in recent weeks there has been a different tone to the pronouncements from some international players on Kosovo. In particular, various Western spokesmen no longer insist that the Ahtisaari proposal is the only basis for a settlement. Perhaps the most revealing statement was that by the EU mediator, Wolfgang Ischinger, who said that he would "leave open independence" and preferred to talk about "a strong supervised status" for Kosovo.

Allied to worries about contravening the UN, are fears in Europe about the destabilising impact of recognition on Serbia and the wider western Balkans region. There is also a well-founded fear that independence for Kosovo without the sanction of the UN would set a precedent for some of the 50 or so latent territorial disputes worldwide. Claims that the Kosovo case is sui generis and therefore irrelevant for these disputes are not very convincing.

Germany may be the key

The pro-independence wind is no longer blowing so strongly. EU sceptics such as Spain, Slovakia, Romania, Greece, Cyprus and even Hungary, have been speaking out more firmly against an imposed solution, which suggests that weightier powers than they are reconsidering their positions. Even the pro-independence UK government appears ill at ease at the prospect of circumventing the UN. What happens after December 10th may depend on how successful the US is in getting leading EU nations on board to support Kosovo independence--given the apparent US reluctance to act alone.

In the end, it may be Germany that holds the key. Germany faces a dilemma and arguably has the most to lose. It is not difficult to see why the German government is divided on the issue. Germany does not want the EU to be torn apart over Kosovo. Germany is more sensitive than other EU states to Russian concerns and does not want to damage its relationship with Russia. Germany does not want to undermine the UN. It would also like to maintain good relations with the US. Above all, Germany does not want independence for Kosovo to unleash instability in its own backyard.