

The Trap of Multiple Options

By Xhavit Shala

The appointment¹ of Kosova² envoy Ahtisaari and aide³ and their trips to Prishtina, Belgrade and other Balkan capitals mark the official opening of the much expected Kosova status talks.⁴ Various analysts have cast serious doubts on the outcome of these talks. They have called them pure theatrics, an opportunity afforded the parties to enter the game and cover their backs before their voters when the talks will fail. According to them, the success of these talks depends, first of all, on the agreement between the Contact Group countries and the UN Security Council.

Whatever the case, Kosova has now become the center stage of great developments that are keeping more than just the Serbs and the Albanians in a state of anxiety. The aspirations of more than two million Albanians for democracy and self-determination are now on the line. The aspirations of more than seven million Serbs for European integration are also on the line. Any failure to achieve results would boost the standing of radical political groups in Belgrade, Prishtina and other countries, a development which could threaten security in the region and beyond.

The Contact Group⁵ and the Security Council approved a framework for the talks, determining a “no transpassing line” to a return to the situation before 1999, to partition, to the changing of borders or unification of Kosova with any other state.⁶ The established

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² The article was published as an editorial in the daily Korrieri, 10.12.2005.
<http://www.acnss.com/html/studime/kosova-kurthi.htm>

³ UN Secretary General Kofi Anan officially informed the Security Council of his plans to appoint former Finish President Marti Ahtisari as his special envoy to head the talks over the future status of Kosova. Anan appointed the senior Austrian diplomat Albert Rohan as the person that will assist Mr. Ahtisari in the status process. (UN News Centre, AP, AFP, Reuters, UPI, RFE/RL, Newsroom Finland, YLE, Beta - 01/11/05; Reuters - 29/10/05)

⁴ The appointment of Ahtisari follows the decision to start the status talks of October 24, 2005.

⁵ The Contact Group is an informal body of states with interests in the Balkans that includes the US, Great Britain, Germany, Italy, France and Russia. The group convened for the first time in the early 90s at the outbreak of the war in Bosnia. Since the war in Kosova ended, the Group has convened regularly to discuss issues related to the final status of Kosova. (http://sq.wikipedia.org/wiki/Grupi_i_Kontaktit)

⁶ The Contact Group informed all interested parties that the status talks would be based on ten principles. Paragraph 6 says that the Status of Kosova should consolidate the security and stability of the region. This would ensure that Kosova would not return to the situation before March of 1999. Any one-sided solution or solution that comes because of the use of force will not be accepted. There shall be no changes to the current territory of Kosova, that is, there shall be no partition of Kosova or unification with any other state or parts of any other states. The territorial integrity and the internal stability of the neighbors in the region will be fully respected.” (http://www.unosek.org/docref/2005-10-07_-_Contact_Group_-_Ten_Guiding_principles_for_Ahtisaari_-_albanian.pdf)

framework and the large number of scenarios on the future of Kosova require preparation and planning on the part of the Kosovar party. Albanians must have a strategy in place that would ensure that no scenarios that are detrimental to its future will be implemented.

Almost a year ago, the U.S. Institute of Peace, handed over to the Center for International Policy in Geneva a study titled, "The Final Status of Kosova: Options and Inter-border demands." The study considers unrealistic the current arrangement and any return of Kosova under the sovereignty of Belgrade and sets forth eight options for the resolution of the Kosova status. All the new proposals made during the course of the year are only variations of the options already presented by the U.S. Institute of Peace.⁷

Daniel Server, the Director of the Institute and an expert on Balkan issues warned that "the U.S. position is very unstable and this is a fact that has not been grasped by Prishtina." Recent statements by American officials that "none of the parties will get everything that they desire from the talks..." and that "they must make compromises for the sake of peace even at the cost of violating some important interests"⁸ seems to underline these concerns. In such a case it is even more imperative for the Kosovars to make sure they are well prepared for the status talks. The work must focus on identifying the most suitable scenario for Kosova, a scenario which would also be acceptable to the internationals.

One of the proposed options foresees an open-ended status of international protectorate for Kosova. UNMIK and the EU will continue to strengthen the autonomy of Kosova but without any clear position on the final status. Now, a year from the time it was first announced, such an option has already been discarded. All the parties have agreed that the status quo must be changed and that the current situation is unbearable for the Albanians in particular. This point was emphasized by Kai Aide in his report. The UNMIK mission also seems in a rush to close its mission to Kosova. The Kosova politicians have demanded that the new EU oversight mission in Kosova should function on the basis of partnership with the Kosovar authorities, rather than take the role of another foreign administration for Kosova. The Serbs would also be against the replacement of the UNMIK mission with the EU administration with identical powers in the absence of a status determination. Any transfer of authority to the EU it is unwelcome for Serbs as it would deny them the use of the Russian veto.

The cantonization of Kosova is another option that was first introduced last year. Given the fact that Serbia already exercises a de facto administration of Serb enclaves in Kosova, a status that would move towards a cantonization of Kosova could be appealing to them. The Serbs have demanded the establishment of Serb majority communities that are linked with one another. The international factor is expected to oppose the option of

⁷ The study for the final status plan for Kosova was prepared by the U.S. Institute for Peace. It was titled "the Final Status of Kosova, Options and Interborder Demands" and was also published in the Serb daily "Vecernje Novosti," 20.12.2004

⁸ The interview was published in <http://www.lobi.com.mk/?ItemID=9BA4670C39FF4B4CAB82A82674A9EA2D>

cantonization for fear of sparking a negative reaction among Albanians. They also want to prevent the Albanians of Macedonia and Southern Serbia from making the same demands. The Albanians would be willing to accept a decentralization of local government power in the Serb majority communes but they would oppose any cantonization that would undermine the central administration of Kosova that is so important especially during the first stage of the creation of the new state of Kosova.

The U.S. Institute of Peace has also introduced the option of a weak federal system. According to this option, Belgrade would maintain nominal sovereignty over Kosova, but Kosova would continue to function like a proper independent state absent a seat in the UN. The Serbs would accept this option provided there would be a decentralization of local government power in Kosova. The Albanians would never agree however to take part in a government in Belgrade. According to the U.S. Institute of Peace, the Albanians would object to this option and may be expected to even consider using violence to keep it from being implemented. It is believed that the international community would support this option if the parties accepted it. The proposal made by Drashkovic of a Taiwanese model for Kosova would be an extension of this proposal.

Another option suggested is that of the commonwealth. In this case Belgrade would preserve nominal sovereignty but Kosova would take a seat in the United Nations. It is predicted that the Serbs would oppose the UN seat for Kosova and the Albanians would resist any vestige of Serb sovereignty over them. The Institute suggests that the US increase their pressure on the Albanians to make them accept the preservation of a link with Belgrade. This option would require a new resolution of the Security Council and the US would need to ensure the support of China and Russia also. It is not unlikely that Belgrade could accept this option to avoid any full independence of Kosova. Such a development would greatly increase the international pressure over the Albanians.

Conditional independence is another option that has been introduced. According to this plan, Kosova would proceed towards independence without any changes made to its borders while ensuring a democratic administration, respect of human and minority rights and a responsible policy in the region. The institute believes that in such an event the Serb nationalist could hamper the democratic progress of Serbia and the option could spark demands for a similar agreement of the Serbs of Republika Srpska. During the course of this year this option has come up often. The "Dernovshek"⁹ appear to be a variation of the same plan. The Serbs have openly opposed it and even Albanians have reservations as they seek an unequivocal independence.

Another option is that of independence within the current borders but within a set timeline for the determination of the status. According to this option, Kosova would

⁹ "According to the Dernovshek cabinet, the Slovene head of State considered the definition of the extraterritorial status of their monuments in Kosova is a key for resolving the position of the Serb minority in Kosova. The agreement on the final status of Kosova would also foresee measures that would provide for a special status for these facilities and an acceleration of the process of return of the Serb refugees to Kosova. The letter written by President Dernovshek has been sent to the heads of state of the Contact Group countries, to Patriarch Pavel, the Serb Orthodox Church (KOS), EU foreign policy representative Javier Solana, and UN General Secretary, Kofi Anan - www.lajmet.com/01_11_2005

become a state after the consummation of the period of agreement (expected to be three years.) Kosova Serbs would be guaranteed their rights and given a wide range of local self administration. It is believed that the Serbs in the north would reject any extension of the authority of Prishtina and pressure for dividing Kosova would grow. This plan would allow the Albanians to achieve their aspiration for self-determination and democracy while the Serbs would consider it illegitimate. Such a development could lead to a new conflict that would make a strong international security presence necessary. Apart from the parties and the countries of the region, the US, the EU and Russia and China would also need to give their consent. In more recent days, a similar option titled supervised independence has been released.

The U.S. Institute of Peace has introduced as the last option the division and independence of Kosova. According to this option, the northern communes of Zveçan, Zubin Potok, Leposavic, and Northern Mitrovica would go with Serbia. The majority of Albanian communes in Southern Serbia would become part of the independent Kosova. Hence, there is an exchange of territories. According to this option, the Trepca mines would go under Serbia with only a small part remaining under Albanians control. The Contact group, the US and the EU have officially rejected this option and from the beginning they have emphasized that any division of Kosova would be unacceptable. They appear convinced that this would set a destabilizing precedent for Bosnia, Macedonia and Serbia. It is believed that the Albanians would continue to make demands on Trepca. The U.S. Institute of Peace believes, however, that the Security Council would send signals that it is ready to accept a partition if assured that there would be no negative consequences on Bosnia and Macedonia. According to them, the partition would serve as a compensation for the Serb position against the independence.

About half of the options presented are based on the principle of federation (cantonization, federation, weak federation, confederation, and commonwealth). At the last moment, the Serbs may retreat and accept one of the options introduced. It appears that they have found two well known experts, with both a federalist experience and international standing, the couple Thomas Fleiner and Lidija Basta Fleiner, who also serve in several boards of the European Union. According to Dr. Thomas Fleiner “about 40 per cent of the world population lives under states that have a federal structure. The majority of them are multicultural and multinational.¹⁰” Such a statement may provide an indication about the direction of Serb proposals. In spite of the arguments, the future of federalism is doomed in Kosova. The federations created by force in the former communist east or by international fiat have no future, and this is even much more so the case in the post-war Kosova. The dissolution of the former Eastern federation presents a convincing argument to this.

In spite of the number of options in circulation, only the recognition of Kosova as an independent state would be able to generate stability in Kosova and the region. Alongside the independence, work must be done to guarantee the full observance of democratic rights and of the minorities in particular while the process toward Euro-Atlantic integration is accelerated.

¹⁰ Bardhyl Metaj, Zurich. Published in www.lajmet.com, 03-12-2005

