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European and U.S. Policies in the Balkans

Different Views and Perceptions,
Common Interests and Platforms?

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Foreword

Transatlantic relations have passed through some troubled waters during the past two years, caused by diverging views and interests and an obvious lack of open and constructive discussion among politicians as well as among representatives of the respective intellectual circles on both sides of the Atlantic. The integrational moves of the Europeans and the accompanying enlargement, which has resulted in the largest common market with now more than 450 million consumers, have caused some in the U.S. to question whether their economy and the U.S. Dollar can uphold their leading position in the world and continue, now and in the future, to set the rules and conditions for international trade (WTO). The increased weight of the EU in the world economy has, on the other hand, augmented the political self-confidence of the Europeans who no longer seem willing just to nod when Washington decides more or less unilaterally in international affairs.

It should be realized, however, that to some extent the U.S. had to make unilateral decisions due to the weak and often undecided behavior of the Europeans which blocked decision making even among themselves. The best, and therefore most negative, example in this respect was the extremely diverging behavior of the different European countries during the Balkan Wars in the 1990s which resulted in constant indecisiveness and the postponing of any concrete action that was needed to stop atrocities in Croatia, Bosnia-Herzegovina and Kosovo. When the Americans decided to intervene, and the Europeans half-heartedly followed and supported the go-between, the wars ended rather quickly and led to the Dayton Accords as well as to the Kumanovo Agreement. This experience certainly must have confirmed the U.S. belief that in the aftermath of the definitely ended Cold War and the disappearance of the other superpower, the Soviet Union, it is now the only clear-minded, unified and militarily capable political power for controlling the shaky world order along the lines of "Democracy for All" in addition to "American interests for the U.S."

Realizing this constellation of certain irritations between the U.S. and the Europeans, the German Institute for International and Security Affairs (SWP) started a project called "Diverging Views on World Order? Transatlantic Foreign Policy Discourse in a Globalized World," which is supported by a grant from the German Marshall Fund of The United States, an American institution that stimulates the exchange of ideas and promotes cooperation between the United States and Europe in the spirit of the postwar Marshall Plan. The project brings together decision-makers and opinion leaders from the U.S. and Europe in small working groups for an

open exchange of ideas concerning selected global issues on which the U.S. and Europe tend to see things differently.

The Balkans is a region where, in the recent past, the U.S. and Europe obviously had sharply diverging views. Although today those views fundamentally are probably not very different, diverging interests and different strategies are nevertheless apparent in policies towards the Balkans. "Together in, together out" was for a long time the basic notion for U.S./EU-intervention in the Balkans in the 1990s. Much has been achieved since then, but the job is far from being completed. The "together out" was based on the assumption that the job, i.e. stabilization and reconstruction of the region, could be completed in limited time frame, approximately five years. However, the international commitment in the Balkans has acquired a much longer time perspective than originally anticipated. It became very clear that without the continued presence of international military/police forces and civilian administrative personnel no consolidation of the region could be achieved. In addition, new challenges have emerged elsewhere, and politicians in the U.S. are facing increasing problems when trying to justify further American engagement in the Balkans. U.S. foreign policy is now oriented toward Afghanistan and the Middle East rather than the Balkans, whereas for Europe the Balkans, as an unstable immediate neighborhood, still ranks high on the agenda. Thus the slogan is changing now into "U.S. slowly out, more EU in?"

In this situation it becomes important to reflect on and discuss what obvious or possible different perceptions and approaches vis-à-vis Southeastern Europe are attributable to the U.S. and Europe—in particular Germany, which seems to have the most active interest in the Balkans. The U.S. and Europe must not only identify common interests and common platforms for combining efforts or formulating a kind of division of labor but also take into account the genuine interests of the targets of their policies: the Balkan countries! There are a number of issues where in principle similar or even the same interests exist, but where the degree of engagement or the continued intensity of engagement might be different or about to change:

▸ The U.S. wants to withdraw major parts of its troops from the Balkans out of a need to deploy them elsewhere, but at the same time it wants to have a say in basic Balkans political affairs. The U.S. feels uneasy with leaving this troublesome region completely to the Europeans. Europeans consider some military presence of the U.S. in the Balkans as necessary, but at the same time see the region as an important opportunity for the implementation of successful common foreign policy.

▸ Economic interests are differently defined: U.S. concerns are more strategically oriented, especially with regards to energy, and in principle one finds mostly large U.S. companies in the region, mainly in the natural resources sector. European enterprises engage more in normal trade, in the service sector (tourism, telecommunication) and manufactured goods. In addition, some small scale Foreign Direct Investment has been targeted at industry and food processing.

▸ The U.S. invests much more than the Europeans in promoting education *in loco*, but also through providing an impressive number of stipends for studying in the United States. This seems to be a good long-term investment into the political and business elite of tomorrow. The English language has clearly become number one among the young generation, whereas German and French are dying out in comparison.

▸ Whereas the Europeans have distinctly offered the "European perspective" to the Balkans, confirmed recently at the Thessaloniki Balkans Summit in June 2003, the U.S. is unclear whether it should appreciate this or whether it could be the beginning of losing its last bit political influence in this region. On the other hand, when the Europeans seem to become more and more reluctant to offer membership negotiations to Turkey, the U.S. continues to exert extensive political pressure on Brussels and the EU-member states to take Turkey in for either NATO-related geostrategic purposes or with the ulterior motive that by taking in Turkey the then weakened EU would have to alter or even reduce its integrative strive substantially, and thus become again much more a kind of Free Trade Area with clearly reduced economic as well as political international weight.

▸ A majority of European nations seem to favor the new Union Serbia-Montenegro, while the Americans, on the other hand, tend to have nothing against a sovereign Montenegro.

▸ The Americans seem to push for a rather rapid solution of the status question for Kosovo, i.e. the recognition of a sovereign Kosovo, whereas the Europeans are afraid of uncertain follow-up effects, i.e. demands for independence from certain ethnic groups in Bosnia-Herzegovina and Macedonia.

The papers presented here were prepared by the working group entitled "Balkans Politics: Different Views and Perceptions, Common Interests, and Platforms?" and reflect the main themes and debates of two meetings, one held in Washington DC on December 15, 2003 at the Woodrow Wilson International Center for Scholars (WWICS), and the other held in Berlin on May 24, 2004 at the German Institute for International and Security Affairs. At the two meetings, American and European, primarily German, Balkans experts from academia, Congress and Parliament, the German Foreign Ministry and State Department and the EU Commission exchanged opinions and positions concerning the most significant economic and political developments in the Balkans. In addition, journalists from leading international newspapers took part in these meetings in order to help disseminate interesting findings and conclusions, including possible problematic diverging opinions.

The papers are the authors' best efforts to provide insight into the difficulty of developing a coherent Balkans policy within the EU and between the EU and the United States. The analysis and observations provided in these papers are a significant contribution to the understanding of future dynamics in the transatlantic relationship. It is our hope that the issues presented in this volume will invite further discussion.

The Political and Security Context in the Balkans Today

Dimitrios Triantaphyllou[*]

In a recent speech to the "European Affairs Committee" of the German Bundestag on the subject of the Western Balkans, Chris Patten, the External Relations Commissioner, stressed that one of the greatest challenges he has faced "was to implement our policy of helping to bring about stability and democracy to this part of our Continent."[1] Coupled with the Union's efforts, "the United States and the European Union work closely together in the Balkans to assure that our actions are complementary and our message is unified."[2] The same applies to the cooperative efforts between the EU and NATO in that the two organisations have agreed on a concerted approach on security and stability in the Western Balkans.[3] Yet the recent upsurge in violence in Kosovo is as good a tell tale sign as any of the persisting instability the Balkan region finds itself in albeit the attempts of the international community to "assure stability and democracy."

With the EU having taken the lead because it offers the perspective of eventual membership to the European Union, the Union's policy is predicated at this stage on the example of Croatia, the rare Balkan success story, which was granted a positive Avis on April 20, 2004 by the European Commission and given the go-ahead to begin accession negotiations by the European Council in June 2004. This presents it with the opportunity to join the EU with the next round of accession along with Romania and Bulgaria sometime between 2007 and 2009, provided, among other conditions, it turns General Gotovina over to the ICTY.

For the EU, the spectacular reversal of fortunes for the centre-right government is perceived to be both an example that its policy of conditionality works and one to be emulated by the other states of the Western Balkans. As Javier Solana, the EU High Representative for the Common Foreign and Security Policy, puts it: "The choice that people and politicians are now facing all over the region is whether they are serious about their European aspirations, whether the challenges on the European agenda can be overcome and whether they can muster the necessary resolve and

[1] Chris Patten, "The Western Balkans: The Road to Europe," Speech to the German Bundestag, "European Affairs Committee," Berlin, April 28, 2004. SPEECH/04/209.

[2] Office of the Spokesman, "Fact Sheet," U.S. Department of State, Washington, DC, June 25, 2003.

[3] See "EU and NATO agree concerted approach for the Western Balkans," *NATO Press Release* (2003)089, July 29, 2003.

tenacity to start closing the gap in terms of reform and reconciliation with the rest of Europe."[4]

Yet beyond Croatia, there is not much room for optimism except maybe for the case of FYR Macedonia whose 22 March 2004 application for membership of the EU has been forwarded to the Commission with the requested that it submits "to the Council its opinion on this application."[5] Nevertheless, the Commission has warned that it refuses to guarantee a particular outcome and that its assessment will be tough.

For the rest of the countries of the region, both Solana and Patten admit that in spite of progress in the region, which can be quantified through the reduction of tension across the region (notwithstanding the recent incidents in Kosovo), progress towards the implementation of the agenda has been slow and uneven.

Albania is faltering in spite of its constructive role in Kosovo and the wider region. Organised crime though remains a problem due its potential to be exported Europe-wide. This means the negotiations of the Stabilisation and Association Agreement (SAA) will probably not conclude this year as planned.

Bosnia-Herzegovina remains dysfunctional despite the efforts of the High Representative, Paddy Ashdown. The problem stems from the reticence both of the Federation and Republika Srpska to accept "overarching institutions capable of speaking for both entities" and "the tremendous amount of heavy lifting ... required by the international community" to tackle an important problem when it arises.[6] As a result both the starting date of SAA Negotiations based on the fulfilment of the 16 conditions of the EC Feasibility Study for Bosnia-Herzegovina and the country's membership in NATO's PfP are being delayed.

Serbia and Montenegro is the region's "tragic story" as it has not been able to realise its tremendous potential exemplified by the 5 October 2000 "revolution" that brought about the overthrow of Milosevic. The two failed presidential elections and the December 2003 parliamentary elections in Serbia show that the electoral strength of its reformist parties (G17 Plus and the DS) stands only at about 25%, while the 30% vote for the Radical Party's Tomislav Nikolic in the first round of the 2004 presidential election (and over 40% on a 50% turnout in the second round of 27 June) shows the strength of Serbian nationalists. In other words, though Nikolic has failed to win the presidential election, his party and the ideology it espouses represent a major significant political force. The State Union between Serbia and Montenegro has failed to function properly as there is little political will in either republic for it to succeed. Two separate police forces, two supreme courts, two currencies, two central banks are all indicative of the persistent divisions. Although the Union holds little

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4 Javier Solana, "The European Journey," *Balkan Crisis Report* No. 493, April 22, 2004.

5 See conclusions of 2582nd Council Meeting, General Affairs and External Relations—External Relations, 9210/04 (Presse 149), Brussels, May 17, 2004.

6 See, Nerma Jelavic, "Bosnia & Herzegovina: The Dysfunctional State," *Balkan Crisis Report*, No. 493, Part I, April 22, 2004. See also Chris Paten, op. cit. in note 1.

practical benefit, it poses little harm, "other than diverting the attention of political leaders within both entities and feeding internal divisions within Montenegro."[7]

With a weak government in place in Serbia, lack of progress on reform, on cooperation with the ICTY and on reconciliation focus on 'national issues' like Montenegro and Kosovo in the order of the day. As a result "Serbia appears to have failed to reconcile with its past and is still unsure of its future."[8] In Kosovo, the recent disturbances have raised scepticism whether the "standards before status" policy can function as the international community has yet to define how these standards will be implemented and assessed and given the fact that Kosovo's political leadership will soon been sidetracked by the exigencies of the campaign for the fall 2004 elections.[9]

Implications:

‣ What are the implications of the aforementioned sombre assessment of the situation in the Balkans today?
‣ Is the perspective of EU Membership as expressed to date via the enhanced Stabilisation and Association Process (SAP) and the European Partnerships enough?
‣ Can the SAP work in countries with unresolved status issues?
‣ If not, why do then the SAP and its related instruments fail to convince?
‣ Is the recent upsurge in violence in Kosovo indicative of the complacency of the international community in the Balkans and a dangerous drift of the region?
‣ What needs to be done?

A first thought could point to the fact that the use of EU membership (via the policies and instruments in place today) as a carrot to influence Serbian, Kosovar, Bosnian, Montenegrin, and Albanian behaviour has been overplayed. In other words, the inevitability of integration is not a strong enough carrot. A prominent analyst of the region compares the SAP akin to a super fast Eurostar train shooting by a deserted railway platform somewhere in the region every six months or so "with lots of happy faces waving furiously from inside the warm carriages. Barely audible our would-be passengers think they hear the words, 'Hello! Nice to see you! See you soon, maybe.'"[10] Though exaggerated, this analogy aptly demonstrates

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7 See Public International Law & Policy Group, "Reversing the Decline in the Balkans: Recommendations for Western Policy—a Roundtable Discussion," March 2004. <http://www.publicinternationallaw.org>.

8 See Daniel Serwer, "The Current Situation in Serbia and Montenegro," Congressional testimony before the U.S. House of Representatives Committee on International Relations, Subcommittee on Europe, March 17, 2004. <http://www.usip.org/aboutus/congress/testimony/2004/0317_serwer.html>.

9 Op. cit. in note 7.

10 Misha Glenny, "Europe and the Balkans: Snatching Defeat from the Jaws of Victory," talk at the Hellenic Observatory of the London School of Economics and Political Science,

the disconnect between the region and the EU, and the Union's credibility gap.

The post-911 environment and how its exigencies (wars on terror, Afghanistan, Iraq) have been interpreted and assessed by key actors such as the United States and some EU member states have contributed to the containment rut we are stuck in the Balkans. Much as the interventions in Bosnia and Kosovo were primarily motivated by the demands of continental and international security,[11] the current phase of the International Community's Balkan policy, instead of focussing on moving the region from stabilisation to integration, is primarily focussed on stabilisation, i.e. containment. In other words, the demanding global environment has downgraded or subordinated Balkan developments considerably to the extent that the holding tank logic of curbing further conflict prevails. As the External Relations Directorate of the European Commission claims in its website, "The EU's fundamental aim for South East Europe is to create a situation where military conflict is unthinkable."[12] As a result, success or failure in the Balkans is measured by how far troops have been drawn down in Bosnia and by the Atlantic Alliance's relatively quick response in sending in reinforcements to quell the March riots in Kosovo and by the European Union's tremendous transformation in acquiring a defence capability.

Today the fight against organised crime is fought much along the same principles (maintaining strict visa regimes, strengthening the JHA pillar) as opposed to simultaneously addressing the underlying economic and political causes that fuel weaken institution-building processes and allow for mafia groups (as well as the nexus between organised crime and nationalism) to manifest themselves.

Paradoxically, the EU's growing hard power capabilities, notwithstanding the incomplete (unsuccessful to date??) effort to stabilise the peninsula, run counter to the Union's conditioned open door policy to non-member European states as these capabilities come at a time of hardening borders due, as stated above, to the changing geopolitical context and the consequences of the recent 'big bang' enlargement of the Union. The adoption of a threat-driven European Security Strategy, the formulation of a European Neighbourhood Policy aimed at defining the Union's relations with its neighbours in Eastern Europe and the Mediterranean region and the appointment of a Counter-terrorism co-ordinator are all examples the Union's changing priorities.[13]

January 27, 2004. <http://www.lse.ac.uk/collections/hellenicObservatory/pdf/Misha%20 Glenny.pdf>.

11 "Only when the national security interests of West (and especially of the United States), were threatened either through the possible loss of prestige and leadership, or ruptures in alliance coherence and credibility, was forceful intervention undertaken." See Spyros Economides, "Balkan Security: What Security? Whose Security?," *Journal of Southeast European and Black Sea Studies*, Vol. 3, No. 3, September 2003, p. 123.

12 See <http://www.europa.eu.int/comm/external_relations/see/index.htm>.

13 On the European Security Strategy see <http://ue.int/uedocs/cmsUpload/78367.pdf>; on the European Neighbourhood Policy see <http://europa.eu.int/comm/external_

With regard to the Western Balkans, though "the prospect of EU integration puts the relationship between the EU and its Balkan partners on a new footing ... the EU has yet to make an imaginative leap in the Balkans and impose itself as a credible security actor."[14] What is this 'imaginative leap' comprised of? The magnetic pull of the instrument of integration and "Europeanisation"[15] which the EU possesses and all non-EU European states (and then some) aspire to join.[16]

In the Balkans, the EU has fundamentally failed to make full and appropriate use of the instrument of EU integration successfully to date. It is true that for Slovenia such a perspective has now become a reality and for Bulgaria, Romania and Croatia such will be the case soon, but in the much more complex cases of Bosnia-Herzegovina, Serbia and Montenegro, FYROM, and Albania, the EU has been unable to come up with an appropriate tangible strategy of integration (otherwise said, a firm commitment) leaving these countries and their myriad of problems in a state of perpetual expectations about their future prospects.[17] For Albania and FYROM, NATO has somewhat filled the expectations gap by giving them access to the organisation short of membership. For Bosnia-Herzegovina and Serbia and Montenegro, the verdict is still out as to whether their relations with NATO will receive a boost at the upcoming NATO Summit in late June in Istanbul. Nevertheless, the missing (?) commitment on the part of the EU remains a key impediment in the stabilisation of the region despite the fact that security related initiatives (like in the case of NATO) are not in short supply. Thus, the future prospects of states of the Western Balkans lie in a fog of uncertainty.

Nevertheless, there is room for optimism. The recent application for membership by FYR Macedonia coupled with the time factor of developing a strategy for Kosovo's future status by the summer of 2005 when the "Standards before Status" policy is to be assessed, provides the International Community with the opportunity to address the myriad of political and legal complexities that remain unresolved to date either because of lack of will or the absence of "a strong enough threat to the

relations/news/ip04_632_en.htm>; on the appointment of the Counter-terrorism co-ordinator see <http://ue.eu.int/uedocs/cmsUpload/Transcript.pdf>.

14 Denisa Kostovicova, "The Balkans," Background paper for the Study Group on Europe's Security Capabilities, presented in Brussels on March 17–18, 2004. See <http://www.lse.ac.uk/Depts/global/StudyGroup/BalkansPaper.htm>.

15 Europeanisation can be described as an incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making. See Robert Ladrech, "Europeanisation of Domestic Politics and Institutions: The Case of France," *Journal of Common Market Studies*, Vol. 32, No. 1, March 1994.

16 This also applies, to a certain extent, in the case of the wider Euro-Atlantic space and the aspiration of non-NATO members to join the North Atlantic Organisation. Though the Atlantic Alliance has done a better selling job than the EU, it is paradigmatic of the threat-driven stabilisation logic that pervades western policy in the Balkans today.

17 See, for example, Stjepan Mesic, Boris Trajkovski, Zoran Zivkovic and Fatos Nano, "The EU and Southeastern European Need Each Other," *International Herald Tribune*, May 22, 2003.

security interests of United States, the West, and international security in general".[18] The EU perspective can become a catalytic agent for stabilising the region and integrating it in the Union provided it is viable. The assertions of the Turkish Prime Minister Tayyip Erdogan to Muslims in the Greek border region of Thrace on the heels of an official visit to Greece earlier this month (May 8, 2004) that they are citizens of Greece and of the European Union and that they show work for a stronger Greece, could not have been made if Turkey's relations with the European Union had not been upgraded in 1999 when the country was granted candidate status with Greece's support. The EU needs to draw lessons fast from the positive impact it has played in the Greek-Turkish rapprochement and apply these to the Western Balkans. Should the EU (along with the rest of the international community) not simultaneously tackle the lingering status issues of the region and beef up its SAP strategy with a tangible perspective of accession, the eventuality of having to quell a full-fledged rebellion in Kosovo or the concerted promotion of a Greater Kosovo agenda will grow. The clock is ticking.

18 Op. cit. in note 11, p. 117.

The Western Balkans—the EU, NATO, and the U.S.—Expectations versus Reality

*Peter Matthiesen**

Of the many actors, organisations and countries involved in the Western Balkans, the key players are the EU, the U.S. and NATO, and in some respects, the UN. Since the dissolution of Yugoslavia there have been signs of progress as well as signs of stagnation in the development of the region. Lately there have also been signs of steps backwards, especially by societies and ethnicities endorsing nationalistic or ethnocentric agendas. As the situation seems confusing at first glance it is valuable to examine the common approaches, e.g. the agreed concerted approach on security and stability between NATO and the EU, and to try to identify the obstacles to success and the ways to overcome them.[1] Officially this agreement ended the quarrels and divisions between the U.S. and Europe which began with the NATO summit in November 1990 and ended with the Dayton Accords of November 1995. The EU now works with Washington and not against it, as has been proven with the "in together, out together" policy of IFOR/ SFOR and later KFOR.

At the moment, stabilisation seems to be the only goal of the key players. They are focused on keeping the region free from military conflicts, rather than promoting more integration, economic development and political reform, although all governments and regions want this and work towards it.[2] Stabilisation is even less meaningful than supporting country- or institution building although this is necessary to prevent states from failing in the Western Balkans. This lack of attention cannot be excused by the fact that new challenges have shifted the focus to other parts of the world. The countries of the Western Balkans, and the region as a whole, need more than the signing of agreements; they need support to develop their own stability, democracy, rule of law and economic and social well-being. Where can they find it and what are the obstacles?

NATO and the U.S.: The Security Component

NATO, now with 26 members and 29 partners, is very attractive to the Western Balkans as the symbol of freedom, military power and security, especially as provided by the U.S., and the population is grateful for all the support it has provided for peace in the region. NATO now has common borders with Russia and, at the Istanbul summit, continued its work on transformation and outreach to new partners. This is the future and hope

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1 "EU and NATO agree concerted approach for the Western Balkans," *NATO Press Release* (2003)089, July 29, 2003.

2 <http://europa.eu.int/comm/external relations/see/index.htm>.

for the countries of the Western Balkans (NATO has an open door policy according to Article 10 North Atlantic Treaty) because they are convinced that membership in NATO will guarantee their security and stability and is one of the preconditions for the inflow of foreign investments. Although they already have access to NATO through the Partnership for Peace (PfP, they were hoping that the Istanbul Summit would send a clear and serious message on their candidacy.

With these high expectations as a back drop, NATO would have been wise to use the Istanbul Summit as an opportunity to lower these expectations and should have stated clearly that an affirmative mention in the final communiqué will be all these countries should expect. In fact, however, the Istanbul Summit Communiqué of June 28, 2004 only reaffirmed that NATO's door remained open to new members and encouraged Albania, Croatia and Macedonia to continue the reforms necessary to move towards NATO membership. With regard to Bosnia and Herzegovina and Serbia and Montenegro, the communiqué reluctantly mentioned that the heads of state and government participating in the meeting "look forward to welcoming [both countries] into the Partnership for Peace once they have met the established NATO conditions." However, the countries could still be included in selected PfP activities.

Part of the reason for such high expectations is that the fact that aspiring members have/are given the impression that their military contributions to NATO-led operations will allow them to be accepted into NATO on an accelerated basis. This is not the case, as the Planning and Review Process (PARP) shows, where only NATO members have a voice in the decision-making process. Moreover, U.S. promises to deliver earlier NATO accession in exchange for support for the "Coalition of the Willing" in Iraq cannot be kept because the U.S. does not make membership decisions alone—it is a political decision made by all members of NATO. Such misleading U.S. approaches and promises have to end. This also applies to the U.S. downsizing of troops in the Balkans "out of necessity" while at the same time leaving highly visible camps like Bondsteel in Kosovo, one of the biggest camps outside of the U.S. The fact that the new oil pipeline to Pristina is being built by U.S. contractors and passes the Bondsteel camp gives the wrong impression that the U.S.' own economic interests are more important than the positive development of the region. The future in Bosnia with remaining NATO forces inside an EU mission will give more evidence of U.S. intentions.

NATO and the U.S.: The Political Component

Inviting a country to become a member of NATO is a political decision requiring the agreement of each of its 26 members. In making this decision the quality of the armed forces is very important, but even more important are the political criteria, which define the overall reputation of the country. For most people and governments in the Western Balkans, NATO is simply the military power that guarantees absence of conflict.

They do not understand, or are completely unaware of, the second feature of NATO which focuses on the reform of political institutions and systems of governance. These reforms will necessarily change politics and laws in all future member states, thus increasing democracy and human rights. The ignorance of these political reforms is the only way to explain the enthusiasm of Bosnia-Herzegovina and Serbia-Montenegro for NATO membership—they do not know yet how much these reforms will change their political systems.

For all candidate countries the degree of corruption and crime has become a significant hindrance to economic development and political reform. Corruption and crime have been allowed to flourish because of the absence of the rule of law, one of the items mentioned in the Preamble of the NATO Treaty: "democracy, individual liberty and the Rule of Law." The rule of law is the foundation on which all other efforts have to be built. Without an effective and widely trusted judiciary it is impossible to undertake meaningful measures against corruption and crime, it is also a prerequisite for would-be foreign and domestic investors to commit their money for projects. Therefore not only NATO but also all the members of the international community who try to assist in the region must realize that the deficiencies in the judiciary constitute the mother of all problems and must be urgently addressed.

The artificial state union between Serbia and Montenegro, demanded by the EU but deemed unnecessary by the U.S., has failed to function as has the construct of Republika Srpska inside Bosnia-Herzegovina. Accession to NATO cannot be discussed until a lasting decision on these Unions' final status has been made. Until this happens, more support and information is needed for all future members to overcome the missing experience in adopting laws; establishing functioning legal systems and understanding European legal standards.

The U.S. is the strongest member of NATO and therefore it is no surprise that the region follows the U.S. way of thinking and acting. This is (usually) bolstered by civilian U.S.-contractors that help most countries in the reform of their armed forces and the defence sector. These teams are more effective, and hence more respected, than the NATO teams because they have funds available to implement their programs. All U.S. support is linked to the demand that these countries not cooperate with the International Criminal Court in The Hague, a politically critical condition that contradicts the democratic understanding of the young nations and reduces their chances to become members of EU and NATO. NATO has no similar precondition for its support. The NATO teams develop plans for restructuring the defence sector, laws on crisis management and protection and rescue, which is one phase of the reforms and included in the Membership Action Plan (MAP). These plans are a must, but the structure, training and material very often depends on U.S. decisions that in some ways conflict with European opinions. Thus the U.S. defines the details and lays the groundwork for ongoing influence and later business. It would be

in everyone's interest to harmonize all demands and efforts, to speak with one voice and to speed up the process of changes.

The Need for NATO–EU Cooperation

The Western Balkans—a region with countries and territories of very different needs—are on the way to Europe and into NATO. Europe and the U.S. are supportive, but are presently more concerned with other foreign policy issues: the Europeans with EU Enlargement and the U.S. with Iraq and the Broader Middle East Initiative. Despite this, it is a must to help the region by developing a master plan that includes all aspects and demands and all means of support. NATO and the EU are capable of cooperating under Berlin Plus as the military EU mission in Macedonia proved and the upcoming mission in Bosnia will underline. Participation in PfP and the Euro-Atlantic Partnership Council (EAPC) as well as Membership Action Plans are not obstacles to EU membership or participation in the European Security and Defence Policy (ESDP) as many countries in Europe have already proved, e.g. Poland and Slovakia.

If this cooperation between NATO, the U.S. and the EU is not feasible in political and economic terms it has to be a task for the EU, using the Stabilisation and Association Process (SAP). This needs a master plan with clear goals, a timeframe and direct and practical support and it would be very useful to have experienced EU members closely affiliated with each country or territory in the Western Balkans in order to guide them through the process. The Western Balkans need strong institutions that ensure effective private and public sector governance. Therefore combining CARDS and bilateral assistance in coordinating offices controlled by the European Commission could gain from synergetic effects by concentrating all financial assistance, infrastructure projects and measures to stimulate investment and country building. Only teamwork and concentration can boost security and economy in the Western Balkans.

Serbia's Kosovo Policy

Tim Judah*

Almost exactly five years since Serbian forces withdrew from Kosovo, to be replaced by NATO and the UN, the problem of what to do with the province remains as thorny as ever. Although some might say that nothing has changed in the past five years this is clearly untrue. One thing that *is* new is that, for the first time since 1999, Serbia actually has an explicit policy for the province. Whether it is realistic or not is another question.

The new Serbian policy emerged in the aftermath of the worst single outbreak of violence in the province since the initial flight, killings and ethnic cleansing of Serbs in 1999. The violence of March 17–18, 2004 resulted in the deaths of nineteen people, eleven of whom were Albanians and eight of whom were Serbs. Some 900 were injured and at least 29 Serbian churches, monasteries or other monuments were set on fire or otherwise damaged. By March 24, the UN was reporting that some 4,366 people had been forced to flee. About 360 of them were Albanians and a similar number were Roma. The rest were Serbs.

As a result, the UN administration in Kosovo, UNMIK, has been forced to review the way it works and its patrons have been forced to look for a new head of mission. Harri Holkeri, its last boss, was much criticised for his handling of the violence and resigned on 25 May. Thus, at a crucial moment, UNMIK and indeed Kosovo, were left without the strong leadership that both so desperately need.

On June 17, Soren Jessen-Petersen, a Danish diplomat, was appointed to succeed Holkeri, but by this point it was clear that the job would carry less weight than before. Not only had the Contact Group been revived to deal with Kosovo, but an EU, NATO, U.S. troika had been formed to spearhead developments and Kofi Annan, the UN Secretary General, had appointed Kai Eide, a Norwegian diplomat to be his special envoy to Kosovo.

Another change was that, on the international stage, Kosovo Albanian leaders have been given a "chilly reception" wherever they have visited and, by contrast, Serbs report a far more friendly hearing, especially when it comes to Kosovo.[1]

The reasons for this are simple. Serbs are seen as the greatest victims of the violence, which in terms of those driven from their homes, if not the number of deaths, they are. More specifically though, the bulk of those Serbs forced out during the violence came from very small, isolated, remnant communities such as Obilic and Kosovo Polje. In other words, the

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* *New York Review of Books | The Economist.*

1 "*Kosovo and Serbia: Still in Need of a Plan*," *USIP Newsbyte*, June 2, 2004, <http://www.usip.org/newsmedia/releases/2004/0602_nbkosovo.html>.

bulk of Serbs living in the bigger enclaves, such as the wider one around Gracanica or in the north, of course, were untouched.

The violence changed the political landscape in Serbia with regard to Kosovo. Its leaders realised that if the situation continued unchallenged there might be no Serbs left in Kosovo, at least not outside of the north. As a result, the Serbian authorities decided to formulate a plan for Kosovo. Ever since its loss in June 1999, Serbian politicians have shied away from discussing the province for many reasons. The first was that they did not know what to do about it. The second was that there were no votes to be gained in talking about it. The third was that Kosovo under UNMIK suited Serbian politicians. That is to say, Serbia could still legitimately claim sovereignty, but neither had to pay for it, nor live with the logical consequences of Kosovo's return to Serbian rule which would be violence in the province and a large block of hostile ethnic Albanian deputies in parliament in Belgrade. A final reason why many politicians did not want to talk about Kosovo was because many either believed the province to be lost or that it should be formally partitioned. However, again, as there were no votes to be gained here, they preferred to say these things only in private.

Politically, however things had also already changed in Serbia prior to the violence. Firstly, the administration was now in the hands of a minority government led by Vojislav Kostunica. Secondly, Mr. Kostunica is a nationalist in the way that the former assassinated premier, Zoran Djindjic, and his successor Zoran Zivkovic were not. Thirdly, the immediate electoral challenge now came from the right, in the shape of the extreme nationalist Serbian Radical Party, led by Tomislav Nikolic—at least while its founder remains in jail at the Yugoslav war crimes tribunal in The Hague. In the wake of Mr Nikolic's defeat in the race for the presidency on June 27 however, the job being won by pro-reform Boris Tadic, who hails from Mr Djindjic's party—the Radical threat may now decline.

After the fall of Slobodan Milosevic in October 2000 the Serbian Government created a Coordinating Council which dealt with issues relating to Kosovo and UNMIK on a daily basis. This was run by Nebojsa Covic, who until the formation a new government following the December 2003 elections, was also a Serbian deputy premier. He has now been sidelined and indeed the future of the Council itself is in doubt. Mr. Kostunica has moved decision making about Kosovo into his office and put his advisor Slobodan Samardzic in charge. It was his plan, which was unveiled and endorsed unanimously by the parliament on 29 April.[2] On the face of it the plan seems, albeit a maximalist one, one which also lays the groundwork for some elements which could serve as a basis for discussion. Mr Holkeri himself was quoted as saying just this.

The plan foresees the creation of five Serbian autonomous districts, which would make up "the region". Combined with the rights of Serbs outside the region, the two forms of autonomy, territorial and personal,

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[2] The Serbian Plan for Kosovo can be accessed at: <http://www.srbija.sr.gov.yu/extfile/en/1987/plan_kosovo_metohija2004.doc>.

would make up the Autonomous Serb Community of Kosovo and Metohija. This, unfortunately, has an awfully familiar ring to it, recalling the Serbian Autonomous Regions (SAOs) which were the prelude to war in both Croatia and Bosnia.

In effect, the region would be all but independent of Kosovo. Its authority would encompass 26 basic areas, including police, judiciary, education and the rather vague "international regional cooperation within the jurisdiction of the region." It would basically be able to veto anything its leaders did not like from Pristina.

Thus far the policy remains grounded almost within the realms of the reality, in that it might be possible to envisage a final status for Kosovo, which would comprise independence plus a Kosovo Republika Srpska, emulating the Bosnian model. But, the real problems lie in the fine print:

The plan states that, because it is basically impossible for Serbs to return to many of the places they fled in 1999, (and it uses the figure of 220,000 for them) they should be given "just compensation." That is to say that these Serbs should be "entitled to parts of the territory *that links in a natural way Serb-dominated settlements, in which previously they did not make up a majority* … this is a major precondition for the future areas of territorial autonomy to have the characteristics of a region." (emphasis added)

A crucial paragraph reads "The territorial connection between autonomous areas is not a fundamental prerequisite for their existence and development, but a desirable one it certainly is. The fundamental safeguards for life and property and the freedom of movement are easier to achieve comprehensively in the areas linked in this way. Likewise, in determining the territorial entities it would be prudent to consider those close to central Serbia, because they are safer than the areas in the Kosovo interior. Communication with their compatriots in central Serbia, and, consequently, the very survival of the inhabitants of these areas, would be largely facilitated in this way."

So far no map has been published of what is proposed or desired. But perhaps one is not necessary. Indeed in this form, and if you take the above quoted paragraphs seriously, then the plan is simply a waste of everyone's time. Despite all of its assurances of not being a project to divide Kosovo, it so obviously appears to be just that, that it would be insulting to the intelligence of anyone to pretend otherwise. With its idea of compensating Serbs with previously non-Serbian areas, preferably in a close and compact area close to Serbia proper, this seems to emulate a kind of Israeli West Bank settlements policy. Unlike Israeli policy however, the one thing that can be said for this is that it is a plan both without a future, and almost certainly, an idea for settlements, which is likely to have no settlers.

The question is, however, whether one should accept the plan at face value or we should simply ignore the fine print and be encouraged because this is a first Serbian plan, which aims to look at how to deal with Kosovo?

The latter may be the right approach. Ever since the unveiling of the plan Serbian politicians have played a shrewd game. Originally, the idea of giving some form of legal status to the Serbian enclaves, in which a popu-

lation of between 80,000 and 130,000 live, was dubbed "cantonisation." However when Mr. Kostunica understood that this word was unacceptable internationally he just said he did not mind what it was called. Vuk Draskovic, the foreign minister of Serbia and Montenegro, who in fact claims that he thought up this idea at the beginning of the 1990s, says that, so long as the plan is instituted, he has no objection to the international protectorate continuing for another 20 years—which may show just how out of touch with Kosovo's current realties many Serbs have become. Vladeta Jankovic, the Ambassador of Serbia and Montenegro in London, who is close to Mr. Kostunica, says the plan is just a framework or "starting point."

Even more interestingly, however, Mr. Samardzic himself told the Pristina newspaper *Koha Ditore* that the Serbian Government was prepared to drop the plan altogether on the condition that "the international community, and the EU as its constituent, is willing to carry out in a relatively short time that part of its mandate related to the return of displaced persons to their homes, the safety of all citizens of the province, freedom of movement etc."[3]

On the face of it, and despite their implication of flexibility, these are empty words. The Serbian plan, as it recognises itself, does not claim to be one for Kosovo's final status but hints at it, in that it suggests Serbian autonomy within an autonomous Kosovo. However, the reason that these words are empty is that Mr. Samardzic knows full well, and with the experience of five years of UNMIK trying, that the vast majority of displaced Serbs from Kosovo do not want to return until their safety can be guaranteed, (certainly,) until there are jobs (limited prospects,) but also and above all, until they know what the final status of the province will be. Clearly the vast majority of these people do not want to live in an Albanian-dominated independent Kosovo, and so they will not return unless they can be sure that Kosovo will not be independent, which of course, in all probability, sooner or later it will be.

Mr. Samardzic's words are also empty, in another sense, because his plan cannot be instituted by the Serbian authorities unilaterally without conflict with both Albanians and UNMIK. On the other hand Mr. Samardzic and Mr. Kostunica may be playing a much more subtle game than the plan, which is certainly designed in great part for domestic political consumption, might suggest.

In the past, Albanian politicians rejected any ideas which would have given some sort of legal foundation to the Serbian enclaves. The main reason for this was that they believed, probably correctly, that they were in fact simply ideas which would later lead to the formal partition of Kosovo. In that scenario Serbia would have kept the solidly Serbian inhabited north of the province while the rest became independent. In that case Serbs in the enclaves, (perhaps two thirds of the total number,) which

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3 "Serbian Government Will Drop its Plan for Kosovo if UNMIK Realises its Plan," *VIP Daily News Report* (Belgrade), June 4, 2004.

would have remained in an independent Kosovo, would more than likely have left.

Until the March violence the question of decentralisation, which is politically correct code for searching for a way to give Serbs some measure of *de jure*, as opposed to de facto, local self-rule was a relatively marginal issue compared with the central plank of UNMIK policy, Standards before Status. Indeed, officially this is still the case and, in the wake of the violence, UNMIK's 119 page Implementation Plan was formally unveiled. In principle, the implementation process, which of course includes Serbian returns, is supposed to lead to a review of the situation in Kosovo in mid-2005. Marc Grossman, U.S. Under Secretary of State for Political Affairs said last year that this could lead, if favourable, to the beginning of the search for a solution to the final status question for Kosovo.

Although, as I say, Standards before Status formally remains the centre-piece of the international community's policy for Kosovo, in reality it now takes second place after decentralisation. The Serbian authorities know this and, while officially UNMIK policy is that anything worked out must be between Kosovars, Serbs and Albanians, the influence of Belgrade over the Kosovo Serbs is of course very high.

On 25 May UNMIK initiated a working group with the Provisional Institutions of Self Government, (the PISG,) the Albanian dominated Kosovo government, on decentralisation. Interestingly, Kosovo Serbs, who have more or less boycotted all of Kosovo's institutions since well before the March violence, began participating in its third session. Its work is urgent as its aim is to produce a law on decentralisation before the August recess of Kosovo's parliament. It is perhaps within this context that we should interpret Mr. Samardzic's otherwise conciliatory remarks about withdrawing the Serbian plan, keeping in mind that Albanian negotiators will know that unless they offer something of substance to the Serbs, members of the Contact Group, who all support decentralisation for Serbs, might decide to move towards pressuring the Albanians towards a version of it that they may find less to their liking than something they offer themselves. One plan for decentralisation that the working group has begun to look at is one drawn up last year by the Council of Europe.

The diplomatic train is now moving towards decentralising Kosovo and it seems that the Serbs are on board. The main Kosovo Albanian political parties too have understood this and have begun to come up with their own ideas of decentralisation, but they have to play a careful political game given Kosovo's elections scheduled for October.

Since the violence, the special envoys of the U.S., the EU and NATO troika have begun work. Broadly speaking, their aim is to secure some kind of political trade off. That is to say, that if the Albanian side concede some form of territorial autonomy to the Serbs, they in turn will be granted more competences, or real powers, through the PISG.

All of this may still be an attempt to buy time, to put off the day of final reckoning when Kosovo's final status must be decided. However, optimists will see here some form of ultimate workable compromise emerging. That

would involve independence coupled with autonomy, which would draw on the experiences of Macedonia and Serbs and Croats in Bosnia. Pessimists though will say that buying time will not work and that indeed, the more time that passes, the higher the risk, or even certainty, that hardline Albanians will resort once again to violence in a bid to secure what they want, which is an independent Kosovo—and one without any Serbs to give any autonomy to.

There is however one final consideration which we must now turn to and which threatens, to use the English expression, to "put a spanner in the works." That is that a central premise of the question of decentralisation and the numbers of people involved may be based on completely wrong information. "The Lausanne Principle," a paper published on 7 June by the European Stability Initiative argued, after exhaustive research, that instead of there being 220,000 displaced Serbs from Kosovo there may be only 65,000.[4] Further, they argued, almost all of them are from the cities. If that is the case then it is fair to surmise that a good proportion of them have already sold their properties and do not want to return, making the whole question of returns a far easier task than hitherto believed.

By contrast the paper argues that there are 130,000 Serbs left in Kosovo, two thirds below the Ibar river and many more than is commonly believed in mixed areas—which could not be separated out by a plan for territorial autonomy. "Kosovo Serbs cannot be separated into enclaves without mass displacement of both Serbs and Albanians, increasing hostility and further compromising the security of the Serbs," it argues. "Any attempt to implement this vision leads inevitably towards renewed violence. If, as seems likely, the Belgrade plan is a tactical ploy aimed at securing the partition of Kosovo, it amounts to a betrayal of a large majority of Kosovo Serbs."

4 The Lausanne Principle: Multiethnicity, Territory and the Future of Kosovo's Serbs. European Stability Initiative, <http://www.esiweb.org/docs/showdocument.php?document_ID=53>.

Transatlantic Harmony or a Stable Kosovo?

Susan L. Woodward[*]

The case of Kosovo presents a stark contrast to the tensions of current transatlantic relations. Here the transatlantic partnership is working very well. The road to NATO's Operation Allied Force in March 1999 was anything but smooth, with substantial differences between the American delegation and the French and British co-hosts at Rambouillet; quarreling over targets in the bombing campaign, particularly between SACEUR General Wesley Clark and the French; and the confrontation between Clark and Lt. General Mike Jackson over the Russian presence at Pristina airport. But the compromises forged at each step, the promotion of Javier Solana from NATO Secretary-General to the EU's first foreign-and-security policy chief on the basis of that operation, the Pentagon's decision to retire Clark early from SHAPE, and above all, the mandate and the organizational structure of the UN-led transitional interim administration for Kosovo (UNMIK) demonstrate an alliance working at its best.

The problem of Kosovo is not transatlantic disharmony, but the reality on the ground. That current situation is anything but encouraging. The March 2004 violence, the active role of the media in inciting riots (according to an OSCE evaluation[1]), the clear evidence that the events were planned months before and were likely intended as a test, with more to come, the increasing discouragement of the population and rising anger at UNMIK, which will surely grow and will have upcoming elections as a focal point, an economy that is said to be dead except for organized crime and smuggling (as one analyst summarizes it, 1,400 gas stations and 73 percent unemployment, or as Sharon Fisher reported[2], 40 percent of GDP in 2003 from foreign grants and remittances)—the evidence does not suggest a transition making progress along any normally watched indicator.

Nonetheless, these two contrary pictures are linked, perhaps inextricably. The cause of this state of affairs in Kosovo, I suggest, is the two elements on which the remarkable transatlantic harmony is currently based: the mandate—UNSCR 1244—and the design and operation of the interim international administration (UNMIK).

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[*] The Graduate Center, City University of New York.

[1] The report is discussed in "Media 'Inflamed' Riots," *Balkan Crisis Report*, No. 494, April 30, 2004, pp. 3–4, and can be found on the OSCE website at: <www.osce.org/documents/mik/2004/04/2765_en.pdf>.

[2] Comments of Sharon Fisher at the SWP/WWICS Working Group meeting, "Balkans Politics: Different Views and Perceptions, Common Interests and Platforms?" Berlin, Stiftung Wissenschaft und Politik, May 24, 2004.

The Illogic of 1244 and the Multiheaded Monster, UNMIK

In any country emerging from war with the assistance of external parties, the movement toward a stable peace depends in part on the peace agreement that terminates the war and authorizes international assistance and in part on the implementation process.[3] UNSCR 1244 is a highly unusual peace agreement: written by outsiders, with no participation of the local parties,[4] it explicitly avoids a political resolution and the assignment of sovereignty. The military parties separately signed agreements with the NATO military mission, KFOR: an agreement on withdrawal by the Yugoslav Army and an "undertaking" on demilitarization by the Kosovo Liberation Army. There are direct contradictions between its preamble, which reaffirms the territorial integrity and sovereignty of Yugoslavia and reflects the wide divergence of views regarding Kosovar independence among Europeans and the outright opposition within the Security Council (Russia and China in particular) to the intervention and the violation of Yugoslav sovereignty, and the operative paragraphs, which reflect the strong U.S. position on the inevitable (and legitimate) independence of Kosovo. Like the Vance Plan of January 1992 for a ceasefire in Croatia that enabled the deployment of UN peacekeeping troops into protected areas for Serbs, 1244 is, in essence, a delaying document to legitimize an international security presence led by NATO while a political process unfolds toward some resolution. As a compromise among allies, however, it is a remarkable success.

One of the primary causes of the NATO intervention, beginning with the threat to bomb in June 1998 through the air war of March-June 1999, was a shared sense of guilt and repentance for Bosnia and Herzegovina. The bitter quarrels between the U.S. and Europe and among Europeans over the dissolution of Yugoslavia, beginning with the NATO summit in November 1990, particularly acute between Europeans in UNPROFOR and the Clinton Administration over Bosnia-Herzegovina, and ending with the American declaration that it had succeeded where the Europeans had failed, with the Dayton Accord of November 1995, produced an assertive European position that such divisions had to be avoided in the future. They decided to work with Washington and not against it, but also to insist that the U.S. participate on the ground when it takes foreign policy

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3 Two useful sources are Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens, eds., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder and London: Lynne Rienner, 2002), and Michael W. Doyle and Nicholas Sambanis, "International Peacebuilding: A Theoretical and Quantitative Analysis," *American Political Science Review*, Vol. 94, No. 4, December 2000, pp. 779–801.

4 The Resolution was drafted on the basis of the Rambouillet document, which had been accepted by the Albanian delegation from Kosovo and was submitted to and adopted by the Serbian parliament in Belgrade, but its two elements—enhanced autonomy but not independence, and a referendum in three years time—can scarcely be said to be a political agreement negotiated by the parties, let alone the entire substance of the SCR or an implementable plan.

leadership (the "in together, out together" policy in regard to IFOR/SFOR and later to KFOR).

The Kosovo operation is a direct reaction to Bosnia in other ways, too. The U.S. insistence on separate military and civilian hierarchies, contrary to the crucial importance in peace operations of unity of command, is a reaction to the dual-key arrangement in Bosnia. Similarly, behind both the design and subsequent operations of the civilian administration lies a joint EU–U.S. antagonism to the UN. While conceding the necessity of Security Council authorization (after risking defiance for the air war), the structure of the interim administration hands leadership over the key civilian tasks to the Alliance. The UN is responsible for its standard peace-keeping tasks (police, judiciary, and civil affairs including basic public services), but the OSCE is given responsibility for institution-building (human resources, democratization and governance, human rights, and elections) and the EU for reconstruction, including regional reconstruction and economic stabilization. The SRSG, by mutual understanding, is to be a European, selected by Europeans with the approval of the U.S., and the principal deputy SRSG is to be an American. The result is a confederation of four separate, functionally defined pillars, each headed by a lead agency and a Deputy SRSG, governed by an executive board of the SRSG and these 4 deputies.

The consequence was to create a fragmented, multi-headed monster, with disastrous incapacity for implementation. Two recent examples are directly opposing positions by the UN pillar and the EU pillar, publicly announced, on privatization of public sector firms, with resulting delays and confusion all around, and the 18-month delay in designing a plan to implement the June 2002 policy of SRSG Michael Steiner on "Standards before Status"—the benchmarks announced December 2003.

The difficulties of implementing its goals go even deeper, however: there is no goal. International transitional administrations are about tran-sitions, but in Kosovo no one knows what the transition is to. International missions cannot plan without an endpoint, can have no exit strategy without an endpoint, and cannot transfer authority progressively to local parties without knowing what that authority is. Focus on the implementa-tion failures of UNMIK, driven largely by the desire of the EU to develop its own "crisis-management capacity" without existing capacity or prior experience and by U.S. eagerness to blame UN incompetence for all woes, despite its financial starvation of UN civilian peace-building activities, cannot ignore the piece of paper it is supposed to be implementing: 1244.

Lessons from Political Transitions for SCR 1244

There is a growing academic literature on the experience of the political and economic transition taking place in Eastern Europe and the former Soviet Union. One clear lesson that emerges repeatedly and that has much support in an older political science literature on democratization and transitions from authoritarian rule is that nothing in the complex agenda

of transition can happen until the issue of statehood, including borders, sovereign identity, and the definition of citizenship, is resolved.[5] Regardless of how committed leaders and the public are to democratization and economic transformation, these do not take place until statehood is settled. If individuals do not know what country they are citizens of, what its borders are, let alone what its legal status is internationally, they cannot be active citizens or responsible politicians. Responsible to whom? At whom is an act of voting aimed? Where does one direct one's political loyalties or opposition? For whom does one fight if necessary? How can one have the long time horizon necessary to the market transition and economic prosperity, accepting sacrifices in the short run and making investments in the future, if the very definition of the state, legal authority, and bases of legitimacy is up for grabs? One hears plenty of evidence in Kosovo of confusion, *genuine* confusion, about who they are, whom to hold accountable, who has what authority, who the government is. Voter turnout in municipal elections at 50 percent—low for Europe and for this stage in a political transition—is one indicator.[6]

The "Standards before Status" policy, therefore, cannot achieve its goal. A clear statement of European standards and vigilant insistence on them may make an improvement in the profound insecurities in Kosovo,[7] but there will always be crucial upper limits to what this can achieve. In addition, most of the standards in the policy's list relate to the reserve powers of UNMIK that cannot be transferred until a status is settled. The local role is confined to "supporting, affirming, desisting" only. The lesson of the empirical and theoretical literature on transition is that without a prior idea of what that status will be, people cannot behave as the standards require.

Given this environment of repeated failures of coordination among the implementers and political uncertainty, if one introduces the idea, now promoted by Marc Grossman, Under-Secretary for Political Affairs in the

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5 See, among a large literature, Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), Part I: Theoretical Overview, pp. 3–86; Michael McFaul, *Russia's Unfinished Revolution: Political Change from Gorbachev to Putin* (Ithaca, N.Y.: Cornell University Press, 2002); Mary McAuley, *Russia's Politics of Uncertainty* (Cambridge: Cambridge University Press, 1997); and Dankwart Rustow, "Transitions to Democracy: Toward a Dynamic Model," *Comparative Politics*, Vol. 2, No. 2, April 1970.

6 Other evidence is in the survey of opinions done by the UNDP office in Kosovo, *The Kosovo Mosaic: Perceptions of local government and public services in Kosovo* (Pristina, Kosovo: UNDP, March 2003).

7 Research on the transition of former socialist regimes in Europe currently argues that external pressures for economic reform do not promote democratization whereas very explicit aid to promote democratic institutions (as opposed to economic reform or technical assistance), *if* combined with the incentive of a "reasonable chance of joining" the EU, does. Marcus J. Kurtz and Andrew Barnes, "The Political Foundations of Post-Communist Regimes: Marketization, Agrarian Legacies, or International Influences," *Comparative Political Studies*, Vol. 35, No. 5, June 2002, pp. 524–553. However, that incentive in the case of Kosovo cannot begin to work until it is clear which country it would be a candidate member of.

U.S. Department of State, and adopted by the Contact Group, that status will now be a result of negotiations between Pristina and Belgrade and that these negotiations will begin in earnest in July 2005, then it becomes clear to this observer at least, what is now happening politically on the ground in Kosovo.[8] The close parallel with the Bosnian war and the International Conference on Former Yugoslavia (based in Geneva, under joint UN-EU leadership and attached U.S. envoys) is distressing. The ICFY team negotiated and negotiated for almost three years while the war raged, producing 6 separate peace agreements sandwiched between the EU-facilitated Lisbon Plan before the war began and the U.S.-facilitated Dayton accords. The primary incentive to the warring parties was, therefore, to seek gains on the ground (with ethnic cleansing and territorial control) that would give them bargaining advantage in the negotiations and preferably create a *fait accompli* that would have to be recognized. Are not both Albanians and Serbs currently attempting the same in Kosovo? The consequence, as we know from Bosnia and other cases, is to make the reality much worse than it might otherwise be and the possibility of compromise smaller and smaller.

Such a situation, moreover, increasingly excludes moderates from any role or influence. When all politics is focused on the status question and its unclear trajectory and on a negotiations scenario, then no one can afford to be seen to be accommodating—with 1244, with UNMIK, with the international community, with the EU. Yet it is those politicians willing to risk compromise and find a multiethnic, tolerant state on whom we seem to be placing all our hopes. All our policies, and particularly Standards before Status, depend on their presence and dominant influence.

Conclusion

Two fundamental compromises were forged between the U.S. and Europe to establish and preserve transatlantic harmony over Kosovo after the disastrous consequences of disharmony for Bosnia and Herzegovina. Those compromises—the conditions for a U.S. military presence on the ground in the structure of the international military and civilian administration and the wording of SCR 1244—are now the obstacle to a peaceful, stable Kosovo and its neighbors. Debate over what to do, however, remains within the parameters of those compromises, as if there had been no change in conditions—in Serbia, in Kosovo, and in the region, both positive and negative—since 1999. With regard to the structure of the international administration, proposals now focus solely on how to reduce UN influence—such as dividing the tasks of SRSG into several posts or having the EU assume the functions of the UN while persuading the U.S. to remain on the ground militarily. As for status, Standards before Status and decentralization to

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8 "I was in Kosovo in November, and proposed that if it has met benchmarks set by the U.N. for democracy, rule of law, minority rights and economic reform by mid-2005, the world would be ready to start talking about Kosovo's future status." Marc Grossman, "Balkan Report Card," *Wall Street Journal*, February 13, 2004.

give territorial autonomy to ethnic minorities are only refinements attempting to square the same circle of 1244. The debate remains mired in its two polarizing options—Yugoslav (now Serbian) sovereignty or Kosovo's independence—and then stops, for fear that either choice would end transatlantic harmony.

While the argument of this paper is that the objectives of the Kosovo operation cannot be achieved by focusing on the internal scene in Kosovo as long as the status issue is unresolved, it does not follow that transatlantic harmony need be sacrificed. Rather, the driving question should no longer be that of 1998–99, how to restore transatlantic credibility and harmony after Bosnia and Herzegovina, but how to lay a new foundation of transatlantic cooperation on the Kosovo issue and end the stalemate. That requires addressing the externally destabilizing effects of a resolution (preferably rapid) of Kosovo's status that are said to be the issue. What, instead, are the *external* conditions that will enable Kosovar politicians to provide security to the rights of minorities, both ethnic *and* political, within Kosovo? How can members of the alliance construct external reassurances to neighboring countries threatened by Kosovo's status; design a package for Serbia that gives it a way out politically and reverses a situation in which Serbian progress, and therefore that of the entire region, is hostage to Kosovo; and focus resources and energies on the primary threat to insecurity in the long run, the huge unemployment and demographic pressure on the labor market within Kosovo?

Status, Standards, and Security:
The Kosovo Challenge

Janusz Bugajski[*]

International players are seeking to apply the formula of "standards before status" for Kosovo. These standards are intended to secure a high level of democratization, structural reform, and inter-ethnic coexistence in the territory before discussions on "final status" can begin. However, such a policy has limited mileage and has elicited criticism among both the Kosovar Albanians and Kosovar Serbs and provoked opportunism among radicals in both national communities.

While many Albanians perceive the international formula on standards as a delaying tactic to forestall or postpone independence, Serbian spokesmen and their supporters in Belgrade view it either as a substitute for restoring Serbian sovereignty over Kosovo or a smokescreen for creeping independence. The "standards before status" formula is over-ambitious and confusing at best and potentially counter-productive at worst. Some sober reflection on the relationship among status, standards, and security in the light of the reactions of the indigenous population and the expectations of the international community for Kosovo's long-term development is urgently needed.

Standards and Status

The violent attacks on the Serbian minority in Kosovo in mid-March 2004 demonstrated that conditions in the territory may be reaching the breaking point. Indeed, it can be argued that lasting solutions to the questions of final status, international involvement, administrative competence, territorial boundaries, domestic security and the rule of law have become an imperative. While the government in Pristina is publicly committed to implementing the series of standards established by UNMIK, it faces three significant problems in their comprehensive application: authority, credibility and opposition.

First, in terms of governmental authority, Pristina has limited tools at its disposal to implement the comprehensive list of international standards or to guarantee territory-wide security within which the standards could be enforced. Under the current UN mandate, the relatively weak administration in Pristina does not have the powers or capabilities to police the territory and to enforce a system of justice, especially given that its institutional presence and authority in the Serbian enclaves is virtually non-existent.

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Second, in terms of public credibility among the majority Albanian population, the government in Pristina is commonly seen as a weak proxy for the UN administration. It lacks accountability and produces layers of bureaucracy rather than good governance. This undermines its legitimacy and authority because UNMIK is perceived as the ultimate arbiter and decision-maker. In addition, the standards set by international agencies are widely viewed as being broader and more stringent than those applied to many of Kosovo's neighbors or even to some current EU members. This perception breeds simmering resentment and sometimes even outright opposition among wide sectors of the public.

And third, among the Serbian minority in Kosovo, the Pristina government is viewed as illegitimate and primarily as an interim and weak representative organ of the Kosovar Albanians, created and controlled by international institutions. This gives rise to mistrust, disloyalty, obstruction, and open opposition, and thereby hinders the achievement of international standards for the entire entity.

The Serbian population considers Belgrade as its legitimate government and maintains several parallel institutions, including schools and courts, over which Pristina exercises no control. Such a situation cannot be altered unless and until these parallel institutions are subsumed under the central government and Serbian loyalties toward Belgrade are curtailed or altogether severed. Minority leaders would then have to engage with Pristina in order to negotiate and implement a level of administrative Serbian autonomy within Kosovo

The evident international illusion that a single multi-ethnic democratic society can be created in such an uncertain political and legal limbo, or during a slow and unsteady process of democratization and structural reform, has been largely dispelled by recent acts of violence against the Serbian minority. Further delays in the resolution of Kosovo's final status could actually encourage militants on both sides of the ethnic divide to believe that there is no political agreement for a settlement and that territories can be acquired through the *fait accompli* of "ethnic cleansing."

Belgrade's current plan for ethno-territorial "decentralization" for the Serbian population in Kosovo is unlikely to bear fruit and will be opposed by Pristina for two main reasons: legitimacy and practicality. First, the adoption of any early or externally imposed territorial or ethnic autonomy model without the approval of the Kosovo government and the support of the majority of its citizens will become a new source of resentment and conflict. Pristina will view it as a deal between Belgrade and UNMIK and as a means for pushing Kosovo back under Serbian control.

Moreover, ethnic autonomy without state independence will be seen as an attempt at early partition of the territory and a means for further undermining Pristina's authority and its claims for statehood. Genuine decentralization can only be determined and implemented once Kosovo has a new national constitution, fully functioning political institutions, and is a legitimate internationally recognized state. However, a dialogue between Pristina and Serbian minority leaders, and not simply between

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UNMIK and Belgrade, could help assuage majority fears and can be a positive step toward final status implementation.

Second, the practicalities of ethnic autonomy within Kosovo need to be carefully scrutinized. As in Bosnia-Herzegovina, such autonomy would legitimize the ethnic cleansing that has taken place in both directions, it could prevent any significant return of refugees, it will put pressure on non-Serb residents to flee the affected towns, and it may actually encourage new violence to carve out more "ethnically pure" enclaves before any international plan is fully implemented. Although Belgrade claims that the plan would facilitate the reconciliation of Serbs and Albanians, the opposite scenario seems more likely.

Standards and Security

Security for individual citizens is a key element for Kosovo's stable future. However, it is clearly not possible for KFOR to maintain peace and security in every town and neighborhood in Kosovo without a large infusion of troops at a time when NATO is overstretched and the EU is unprepared. At the same time, if the violence were to recur or escalate, it could strengthen the arguments of those who claim that the Kosovars are unprepared for statehood and that a stricter international protectorate needs to be imposed.

Moreover, a full-scale UN or EU protectorate over Kosovo is not envisaged by international organs while a larger UN or EU political and bureaucratic presence could stimulate further public resistance against what will be viewed as an internationally imposed regime. This would make it that much more difficult to implement the standards set by international players, create a hollow governmental structure without public commitment and foster increasing dependence on international decisions.

Mayhem and inter-communal violence will also embolden voices, both inside and outside Serbia, who are calling for Kosovo's partition. They will underscore that the two communities cannot cohabit and it would be preferable to sever a portion of Kosovo and attach it to Serbia, while the remainder of the territory remains under indefinite international authority.

Security in itself cannot be a standard that can realistically be met in Kosovo before the status question is permanently settled. The authorities in Pristina are not empowered to perform the security functions demanded to preserve law and order on the entire territory and are unlikely to acquire such powers under existing non-status conditions. The UN retains ultimate control over the police, the judiciary and the security sector in Kosovo.

Political ambiguity and territorial uncertainty stemming from the absence of final status decisions may actually stimulate inter-communal conflict and militant opportunism. Some Albanian radicals do not want status to be settled anytime soon as non-decisions provide opportunities for ethnic expulsions and claims to neighboring territories. Other mili-

tants are seeking to discredit the current authorities in Pristina by claiming that they have failed to deliver on independence. Paradoxically, positive status decisions can strengthen the credibility of moderates vis-à-vis the radicals among wide sectors of the public.

Security and Status

Durable security is necessary for Kosovo. This signifies the internal and international legitimacy of an effective state that can ensure law and order, combat violence, organized crime and international terrorism, and cooperate fully with international organizations. Policing, intelligence gathering, social control, law enforcement, effective deterrence, and a uniform system of justice must become priorities and Pristina will need substantial practical assistance from NATO and international police units in this vital endeavor.

But in order to competently perform these security functions, the Kosovo administration, especially the incoming government after the fall 2004 elections, should be empowered to deal more effectively in implementing law and order. This necessitates the development of a competent and efficient indigenous enforcement structure, backed up by a NATO force that remains ready to intervene where necessary. In this context, the embryonic Kosovo police force needs to be significantly strengthened during the coming year.

Beyond the question of safety and stability, only a system of institutionalized security in Kosovo can be a foundation for economic development, foreign business investment, and lasting employment for a swelling young population that will become increasingly susceptible to radicalism and criminality. And only a secure and economically developing Kosovo can become a credible candidate for eventual integration in the EU. The current status quo does not foster reform, entrepreneurship, legalism or clear property ownership. Moreover, Kosovar Albanians remain anxious about the demands frequently issued by Serbian leaders in Belgrade. This provokes Albanian militancy while the Serbian minority is collectively scape-goated for the policies of the Serbian government.

Ultimately, security in Kosovo necessitates a commitment to statehood guaranteed by international institutions. Institutional empowerment, administrative clarity, territorial integrity, clear constitutional arrangements, multi-ethnic citizenship, public security and governmental credibility can be the foundations for structural economic reform and regional cooperation. In the interim, security can be enhanced by buttressing the legitimacy of the Kosovo government. This can be accomplished through firm decisions regarding the roadmap toward final status alongside the provision of greater responsibilities in law enforcement. Kosovo and its authorities can gain both internal and regional stature through impending international recognition. In this context, they will need to sign internationally recognized agreements on the inviolability of borders with each neighboring state.

Security must be assured for the Serbian and other minorities in Kosovo. Indeed, an extensive degree of local autonomy or self-government through decentralization should be accorded to territorially compact ethnic minorities. Without such a solution, Serbia and Kosovo will remain grid-locked and distracted from their essential reforms and the Serbian minority in Kosovo will remain vulnerable to both separatist currents and repressive acts. Such a program must be approved by the administration in Pristina in order to be legitimate and acceptable to the wider public. The people of Kosovo must be offered a tangible objective so that they can reject extremist temptations and focus their energies on building a functioning state.

There is no durable "third way" between dependence and independence. Sooner or later the decision on independence will have to be taken, although its implementation must be tied to a set of specific and achievable standards. Clarity and precision are necessary to avoid confusion and deflect misguided ambitions. The law of diminishing returns may now be in operation in Kosovo, in that the longer decisions are delayed on statehood, the more unstable the situation could become and the more difficult it will be to build a multi-ethnic society.

Conclusions

In sum, Kosovo's reabsorption by Serbia, whatever the extent of autonomy envisaged, is almost certain to provoke mass resistance and probably a renewed insurgency that would further undermine regional stability by radicalizing neighboring populations and obstructing Serbia's own progress toward the EU. On the other hand, a long-term UN or EU protectorate over the territory is deemed unlikely because of international resistance to such an onerous commitment. The only realistic option is statehood guaranteed by international institutions. The outstanding question, other than the timetable, is what will accompany independence, whether an integrated or a partitioned state, a multi-ethnic or a mono-ethnic state, a functioning or a weak state.

The question of Kosovo's ultimate status will come to a head in 2005 when the state agreement between Serbia and Montenegro expires and when both republics are likely to opt for independence. This would leave Kosovo in a political vacuum unless concrete preparations are made for a roadmap toward statehood. If democratic standards are to be fully realized in Kosovo, then the tried and tested EU criteria must be applied. Brussels should provide more detailed direction toward closer institutional links with the EU leading to eventual integration. And the European Union can only negotiate a Stabilization and Association Agreement (SAA) with a fully sovereign and functional state.

In this complex environment, the United States also needs to adopt a more active political role in Kosovo, especially as Washington benefits from greater respect and authority in the country among the majority of the population than either the UN or the EU. But the American role should

not merely be limited to mediation and tactical tinkering. Washington can undertake some bolder steps in mobilizing the major international players to devise a roadmap toward statehood with strict standards for implementation. A special envoy for Kosovo may need to be appointed by the White House, alongside the recently named EU representative, to help coordinate decisions on the timetable for final status.

Even while Washington is intent on imposing order and democracy in Iraq and the wider Middle East, the lack of final resolution in the outstanding "frozen conflict" of the Western Balkans threatens to undermine the credibility of the Euro-Atlantic Alliance and any subsequent "state-building" missions. Temporary stability should not be mistaken for lasting security and a *status quo* should not be confused with a permanent solution. Otherwise, most of the lessons learned from the Balkans for other troubled regions will be negative ones.

Abbreviations

CARDS	Community Assistance for Reconstruction, Development, and Stabilisation
EAPC	Euro-Atlantic Partnership Council
ESDP	European Security and Defence Policy
EU	European Union
FYR	Former Yugoslav Republic
FYROM	Former Yugoslav Republic of Macedonia
GDP	Gross Domestic Product
ICFY	International Conference on Former Yugoslavia
ICTY	International Criminal Tribunal for the former Yugoslavia
IFOR	Implementation Force
JHA	Justice and Home Affairs
KFOR	Kosovo Force
MAP	Membership Action Plan
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
PARP	Planning and Review Process
PfP	Partnership for Peace
PISG	Provisional Institutions of Self-Government
SAA	Stabilization and Association Agreement
SAOs	Serbian Autonomous Regions
SAP	Stabilisation and Association Process
SCR	Security Council Resolution
SFOR	Stabilization Force
SHAPE	Supreme Headquarters Allied Powers Europe
UN	United Nations
UNMIK	United Nations Interim Administration Mission in Kosovo
UNPROFOR	United Nations Protection Force
UNSCR	United Nations Security Council
WTO	World Trade Organization
WWICS	Woodrow Wilson International Center for Scholars