



USIPeace Briefing

Kosovo: Final Status in 2005?

By **Daniel Serwer**
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With Kosovo's final status likely to be determined within the next couple of years, USIP's **Balkans working group** met January 31 to consider **next steps** on this last remaining war and peace issue in the Balkans. It did so shortly after the publication by the Crisis Group of Kosovo: Toward Final Status, which advocates early action by the Contact Group and the United Nations to structure and then pursue a final status process.

Alex Anderson, Crisis Group's representative in Pristina, led off the discussion, followed by Ylber Hysa, Fulbright Scholar at the U.S. Institute of Peace and a member of the Kosovo Assembly, and Steven Meyer of National Defense University. This report seeks to summarize the main views expressed, including from the audience.



Workers prepare for the 2001 Kosovo Parliamentary elections. (Lubomir Kotek/OSCE)

Final status needs action in 2005...

With the economic situation deteriorating and the riots of last March as a warning, it is clear that time is running out on the UN protectorate in Kosovo. The year 2005 can and should be a decisive one. Further delay not only risks provoking violence from the Albanian side, which seeks independence, but also military action from the Serb side, which seeks sovereign control over Serbs located on compact territory within Kosovo, at least in the north. The international community's insistence that Kosovo make progress in treating Serbs by according them the highest human rights standards is correct, but it is a long-term effort that will require formal guarantees and continued monitoring for years to come.

...but the process is unclear...

The Crisis Group envisages a process for deciding final status that is led by a UN special envoy prepared to proceed even without Belgrade on board. With the Russians in the Security Council and Serbia-Montenegro a UN member, this seems unlikely, in which case the Crisis Group advocates moving ahead without them. Milosevic clearly disqualified Belgrade from a role in deciding Kosovo's final status, but participation of the democratic regime now in power in Belgrade is desirable, even from Pristina's perspective, and necessary in any event in order to ensure UNSC approval.

Others advocated a process mandated by the United Nations and Contact Group countries (United States, United Kingdom, Germany, France, Italy and Russia) but led in tandem by the United States and the European Union. The United States should lead at the beginning, issuing a warning to both Serbs and Albanians that facts on the ground created by the use of force will not be accepted. The European Union, which holds the main carrots for both Pristina and Belgrade, could then play its vital role. But it is unclear that the United States has sufficient interest at stake-or ideas to contribute-to make a major effort on Kosovo, and the European Union wisely will not go it alone.

. . . there is therefore a risk that events will outpace diplomacy.

The possible indictment of Kosovo's Prime Minister, Ramush Haradinaj, by the International Criminal Tribunal for the former Yugoslavia (ICTY)—or other unpredictable events—could precipitate violence that would lead quickly and inevitably in the direction of partitioning Kosovo. Opinions were divided on whether partition along ethnic lines in Kosovo is a good idea or not. Some thought it should continue to be ruled out by the international community (and that Bosnia and Macedonia should be protected from repercussions of Kosovo final status), while others advocated that it be accepted in a regional conference that would rework the Dayton agreement for Bosnia and Herzegovina as well as the Ohrid agreement in Macedonia.

But no one thought it would be a good idea to allow final status to be decided by violence, which would likely result in the expulsion of many of the two-thirds of the Serbs in Kosovo who still live south of the Ibar river.

When, not if. . .

The question on the table now is no longer if Kosovo final status will be decided but when. The process should start in 2005, provided progress is being made in treatment of Serbs and other minorities. Haradinaj has been forthcoming about decentralization, sought by the Serbs as a means of gaining "autonomy within autonomy," and the creation of a municipality in the Serb enclave of Gracanica. The key question is whether Pristina will do what is necessary to encourage Serbs to return home this spring. This will require better leadership than Pristina has demonstrated in the past.

Belgrade, while claiming to be ready for dialogue with Pristina, is in fact divided politically and has not been forthcoming with the United Nations or Haradinaj. Prime Minister Kostunica has cast doubt on Belgrade's good intentions refusing to talk to Haradinaj and discuss anything but electricity for Serbs (who have not paid their bills) with the Special Representative of the UN Secretary General. Still, the current regime in Belgrade is different from Milosevic's and no longer seeks to govern the Albanians or chase them from Kosovo. Privately, many politicians in Belgrade regard Kosovo as lost and hope only to redraw borders or conserve governing authority over Serbs in enclaves.

Pristina, which wants to talk of nothing but independence, in fact will accept a regime of limited sovereignty for some time to come. Foreign troops in Kosovo will clearly be necessary after final status is decided, as will international judges and prosecutors in Kosovo courts to handle interethnic crime. Kosovo's treatment of Serbs and other minorities will be subjected to international monitoring. Kosovo will have to accept as a pre-condition for final status a permanent bar against union with Albania.

The international community, in particular the United States and the European Union, need to make key decisions in advance of initiating the final status process. In addition to setting the timetable and modalities, Washington and Brussels have to decide whether partition will be on the table in the process, and if so, whether it will be permitted as part of the solution. The international community should also increase support to the ongoing political and civil society dialogue occurring between Serbs and Albanians, which is an important foundation for any future final status agreement.

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