



Center for Strategic & International Studies
Washington, DC

Janusz Bugajski
Director, Eastern Europe
U.S. SENATE COMMITTEE ON FOREIGN RELATIONS
8 June 2000

Kosova: One Year Later

Since the liberation and occupation of Kosova by NATO forces in June 1999, both constructive and destructive developments have been evident on the territory as a result of internal and external factors. On the positive side:

- **Security:** Kosova has witnessed the expulsion of repressive Serb security forces and the successful return of over a million Kosova Albanian refugees and displaced persons to their homes. Under the United Nations Mission in Kosova (UNMIK), NATO established a Kosova Force (K-FOR) consisting of approximately 50,000 troops that is effectively safeguarding the territory from Yugoslav or Serbian military intervention.
- **Reconstruction:** Some basic reconstruction work has been accomplished, especially in providing shelter, food, and medical aid to the bulk of the destitute. Several initiatives have begun in encouraging the development of small businesses and in identifying key infrastructural projects over the coming years. Efforts are also underway to rebuild the educational system, the energy network, and the public administration.

However, four major shortcomings of the Kosova operation have also been evident.

- **Political Paralysis:** There is currently no legitimate Kosovar Albanian authority and this contributes to paralyzing the development of political institutions and the emergence of a civic society. In some respects, such a situation suits UN officials who argue that the Kosovars are simply unable to govern themselves and need to be shepherded by international players into some future Yugoslav framework. The creation of a Kosova advisory council under the supervision of the UN Special Representative Bernard Kouchner has not filled the political vacuum.
- **Criminality:** The problem of criminalization and the lack of the rule of law has become widespread in Kosova. Corruption and crime threaten the security of residents, perpetuate a climate of revenge against minority Serbs, and undermine the emergence of a democratic system. Such a phenomenon also serves those who argue that the Kosovars are not prepared for self-government or statehood. In addition, Serbian special forces and paramilitaries continued to operate in Kosova, deliberately provoking violence to discredit international institutions, to undermine the longevity of the NATO mission, and to discount any realistic possibility of Kosovar self-government.
- **International Failings:** Kosova has witnessed a number of institutional shortcomings by international agencies. This has been visible in a lack of serious reconstruction resources, an insufficient number of international police officers, turf battles between international organizations, the undercutting of embryonic Albanian local authorities, and the creation of deliberative councils without any ultimate authority or decision-making powers. There have also been persistent delays in the training and deployment of an

indigenous police force and the establishment of a credible and professional judiciary system that could enforce law and order on the territory.

- **Status Question:** The most important failing is the lack of final legal status for Kosova as an independent state. Western leaders believe that postponing the decision on Kosova's status will allow for democratic changes to take place inside Serbia and enable a new relationship to emerge between Serbia and Kosova once Yugoslav President Milosevic is ousted. However, in the interim and regardless of whether such a rosy scenario actually materializes, NATO may be faced with escalating anger among the Albanian community if the UN insists on preserving Kosova within Serbia. The vast majority of Albanians support statehood for Kosova irrespective of any possible leadership changes in Belgrade.

For the indefinite future Kosova will remain an international ward, without any inspiring vision for its future status. The UN mandate in Kosova is ultimately designed to return the region to Belgrade's jurisdiction.

A large-scale international presence will continue until conditions have been met for a peaceful reintegration of the territory. But such a scenario has raised serious questions about the self-determination of Kosova's population and the instabilities that could be generated by any planned reintegration into Serbia. A valid argument can be made that in order to avoid future destabilization or permanent dependence on outside agencies, self-determination and independence for Kosova should be the primary objective of international leaders. Such a step could have several positive ramifications.

- **Stabilization:** It would restore Kosovar confidence in the "international community" and help preclude a potential radicalization of Albanian politics as long-term ambiguity on the status question can undermine the region's democrats and favor its demagogues. The "non-status" stalemate or the proposed return of Kosova to Serbian or Yugoslav control may exacerbate the problems already faced by international actors in guaranteeing security and building credible local institutions. Most policy makers still adhere to the conventional wisdom that an independent Kosova will destabilize the Balkans. Comparable arguments were employed a decade ago in opposition to Slovenian and Croatian statehood. In reality, it is the forcible maintenance of Yugoslavia that continues to generate instability.
- **Protection:** Acceptance of future independence can undercut the threat of a new Serbian takeover by delegitimizing Belgrade's incessant provocations on the territory. Additionally, criteria and timetables for a democratic independent state will give both the internationals and the locals a concrete goal toward which political, institutional, and economic reconstruction can be directed.
- **Regional Security:** On the international arena, it is worth considering some positive implications of a Kosovar state, initially under the auspices of an officially declared international "protectorate." For example, any potential threat from Belgrade toward Albania will be terminated; Montenegro could feel more secure from a Serbian attack; while Macedonia's shorter border with Serbia will limit the destabilizing effects of Belgrade's non-recognition of Macedonia's frontiers. Above all, a substantial NATO presence while a national Kosova defense force is trained and empowered will convince military forces in the surrounding region to desist from any provocative actions.
- **Albanian Question:** Kosova's statehood can also help resolve the wider "Albanian question" in the south Balkans. Instead of provoking calls for a "Greater Albania" such a step could actually pacify the more radical Albanian demands and allow Europe to

increase its positive influences by dealing with Kosova as a country in its own right. A timetable can therefore be pursued by internationals working in tandem with indigenous parties in the construction of Kosova's political, legal, and security institutions. The interim international "ward" could thereby evolve toward autonomy and sovereignty, regardless of whether Serbia remains under the control of its kleptocratic nationalist-socialist elite or descends into protracted violence and civil war.

Over the coming year, the "international community" needs to focus attention on two overriding questions in Kosova: political legitimacy and international dependency.

- **Political Legitimacy:** In line with the resolution of its "status" question, Kosova will need a new indigenous constitution that can help concentrate political energy, give credence to legality, and provide a more solid basis for democratic development. All major political players in Kosova evidently support such an approach as it would create the foundations of statehood. The organs of government, including a constitutional assembly, would then acquire the confidence of the public and the commitment of all major political players. In this context, extremist parties advocating ultra-nationalist, anti-minority, and authoritarian solutions would be exposed and marginalized so that they do not undermine the body politic of the new state.
The OSCE can oversee the creation of a new Kosovar administration in a much more resolute manner than was evident in Bosnia-Herzegovina. Indeed, during the next two to three years Kosova can establish all the elements and qualifications for statehood. The Prishtina government will of course have to renounce any territorial aspirations and sign treaties with its three Slavic neighbors, and commit itself to democratic pluralism, the rule of law, a market economy, and European integration.
- **International Dependence:** A dependency relationship has emerged between Kosovars and international institutions that may become difficult to overcome the longer the current "stalemate" continues. Moreover, such a relationship could seriously threaten the development of indigenous institutions and democratic procedures. To counter such a phenomenon, a comprehensive election process for the local and national ballot is essential through a campaign of voter registration, political party development, and civic education. This could help establish structure, legitimacy, and authority for elected Kosovar leaders. Local and central Kosovar authorities must obtain the authority and resources to govern and not simply to consult with international agencies. Above all, there needs to be clarity as to the powers of the proposed central government, its relationship with the interim UN authorities, and its independence from the Serbian and Yugoslav regime.