BREAKING THE KOSOVO STALEMATE: EUROPE'S RESPONSIBILITY

Europe Report N°185 – 21 August 2007

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

TABLE OF CONTENTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS i

I. INTRODUCTION 1

II. THE SECURITY COUNCIL DEADLOCK 2

III. POSITIONS OF THE PLAYERS 5

A. KOSOVO 5

1. Limited patience 5
2. No renegotiation 6
3. The elections wild card 7

B. SERBIA 8

1. No compromise on independence 8
2. A victory scenario 9

C. RUSSIA 11

D. THE EUROPEAN UNION 12

E. NATO 13

F. THE UNITED STATES 14

IV. ALTERNATIVE COURSES OF ACTION 15

A. A QUICK PUSH 15

B. GRADUALISM 15

C. PARTITION OR OTHER CONCESSIONS ON THE SERB MINORITY 16

V. A PLAN OF ACTION 18

VI. LIKELY RESPONSES TO INDEPENDENCE 22

VII. CONCLUSION 24

APPENDICES

A. MAP OF KOSOVO 25

B. GLOSSARY 26

C. ABOUT THE INTERNATIONAL CRISIS GROUP 27

D. INTERNATIONAL CRISIS GROUP REPORTS AND BRIEFINGS ON EUROPE 28

E. INTERNATIONAL CRISIS GROUP BOARD OF TRUSTEES 30

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

Europe Report N°185 **21 August 2007**

BREAKING THE KOSOVO STALEMATE: EUROPE'S RESPONSIBILITY

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The preferred strategy of the European Union (EU) and the U.S. to bring Kosovo to supervised independence through the United Nations Security Council has failed, following Russia's declared intention to veto. With Kosovo Albanians increasingly restive and likely soon to declare unilateral independence in the absence of a credible alternative, Europe risks a new bloody and destabilising conflict. To avoid chaos on its doorstep, the EU and its member states must now accept the primary responsibility for bringing Kosovo to supervised independence.

The risks to Europe of inaction are substantial. Before the end of the year, Kosovo Albanian leaders will be under what is likely to be irresistible internal pressure to declare independence, with or without external support. If they act and are not supported, Kosovo would fracture: Serbia reclaiming the land pocket north of the Ibar River, Serbs elsewhere in Kosovo fleeing, and eight years of internationally guided institution-building lost. The implosion would destabilise neighbouring countries, increasing pressure for further fractures along ethnic lines. The EU would quickly experience refugee flows and feel the impact of the boost that disorder would give to organised crime networks in the Balkans that already distribute most of Europe's heroin, facilitate illegal migration and are responsible for nearly 30 per cent of women victims of the sex trade worldwide.

Failure to act would also discredit the EU's Common Foreign and Security Policy (CFSP) and its efforts to project itself as a credible international actor in conflicts elsewhere. As its own official security strategy declares, "the credibility of our foreign policy depends on the consolidation of our achievements [in the Balkans]".

The sooner the EU, or a significant majority of its member states, declares itself ready to back an independent Kosovo, the better the chances of forestalling such damage to the EU. The six-nation Contact Group (France, Germany, Italy, Russia, the UK and U.S.) that has been guiding Kosovo policy has authorised a four-month period for new talks between Pristina and Belgrade. These started in the second week of August but, given entrenched positions, are highly unlikely to achieve a breakthrough. The EU members and the U.S. should ensure that they do not unravel the blueprint for Kosovo's supervised independence crafted by the UN Secretary-General's special envoy, former Finnish President Martti Ahtisaari, during a year of painstaking diplomacy (the Ahtisaari plan). They should also use the four months to secure an alliance that will coordinate Kosovo's transition to independence.

The U.S. has considerable responsibilities, both to match its strong rhetoric on behalf of Kosovo independence with more consistent action toward that goal – President Bush signally failed to press Russian President Putin at their recent seaside summit in Kennebunkport – and to use its unparalleled influence with the Kosovo Albanians to keep them cooperative and constructive during the sensitive months ahead. But ultimately the EU is the key. The Ahtisaari plan foresees it sending a special representative with a large staff to coordinate civilian supervision of conditional independence and a rule of law mission, as well as providing through its membership candidacy processes the economic support and motivation that can ensure an independent Kosovo does not become a failed state. The EU has backed the Ahtisaari plan but a number of its members are sceptical about proceeding with it in the absence of a Security Council blessing. The EU members of the Contact Group need to do heavy lifting to prepare the organisation to meet its responsibilities.

UN Secretary-General Ban Ki-moon has requested that the Contact Group report back to him on the Belgrade-Pristina talks in four months, by 10 December. This is the point at which, assuming, as seems overwhelmingly likely, that no agreed solution emerges from those talks, the EU, U.S. and NATO need to be ready to start coordinated action with the Kosovo government to implement the essence of the Ahtisaari plan, including the 120-day transition period it envisages. That transition period should be used to accumulate statements of recognition of the conditionally independent state from as many governments as possible; to adopt and set in place the state-forming legislation and related institutions foreseen by the Ahtisaari plan; for the Kosovo government (the present one or, depending on the date of elections, its successor) to invite the EU and NATO to take up their responsibilities and for those organisations to do so; and

for the UN Interim Administration Mission in Kosovo (UNMIK) to withdraw in an orderly fashion. At the end of this period – in April/May 2008 – Kosovo would be conditionally independent, under EU and NATO supervision.

Not all EU member states need to recognise Kosovo during the transition or even in April/May 2008. The EU has procedures – "constructive abstention" and "enhanced cooperation" – that allow decisions to be taken and action to be set in motion when unanimity is not available. What is vital is to get the EU missions into Kosovo (and to reform the NATO mission) in a timely fashion. If that minimum degree of EU unity is not possible, the U.S. and some major European states would have to try to reproduce the basic elements of the international supervision and protection missions out of their own resources.

How sustainable such an ad hoc effort would be by those making it, and how effective it could be in giving Kosovo the motivational prospect of eventual European integration it needs to flourish, would be questionable. What would not be in doubt is the huge damage the EU would inflict on itself by having so obviously failed to act as a coherent international player to meet a major security challenge on its borders.

Without UN Security Council cover for independence, Serbia will be even more reluctant to let go of Kosovo. The new state will be haunted for years by an unrevoked Security Council Resolution 1244, which in 1999, at the end of the conflict with NATO, acknowledged Serbia's formal retention of sovereignty for the interim period over the province it turned over to the UN. Serbia will continue to claim that sovereignty and, with Russia, will try to block Kosovo's membership in international institutions. Belgrade will challenge Pristina's ownership of the Serb-majority north all the harder, and international authority to defend Kosovo's territorial integrity will be the weaker. Russia may seek to use the outcome for its own purposes in the frozen conflicts in the South Caucasus and Moldova.

These are all undesirable consequences, and ones that could largely have been avoided if the Security Council had paved the way to Kosovo's independence under the Ahtisaari plan. But the consequences of inaction by the EU will be worse – for Kosovo, the Balkans and the EU itself. It is time to recognise this and act.

RECOMMENDATIONS

To the Quint (France, Germany, Italy, the UK and U.S.):

1. Hold the Contact Group to the principles it has already adopted for Kosovo's status resolution, including no partition.
2. Proceed on the assumption that agreement with Russia on a Security Council resolution authorising implementation of the Ahtisaari plan is not achievable and that there will be no agreed settlement emerging from the Belgrade-Pristina talks authorised by the Contact Group, and concentrate efforts on implementing that plan so as to achieve orderly, conditional (supervised) independence for Kosovo supported by all or a large majority of EU member states and the U.S. by April/May 2008.
3. Engage intensively with EU member states sceptical about Kosovo's independence, explaining clearly and publicly the high cost of inaction in terms of Balkans and thus European stability, and the credibility of EU Common Foreign and Security Policy (CFSP).
4. Adopt the following attitude toward the Belgrade-Pristina talks:
   (a) they should last no longer than four months and conclude no later than 10 December 2007, the reporting deadline set for the Contact Group by UN Secretary-General Ban Ki-moon;
   (b) the Kosovo delegation should be put under no pressure to make concessions beyond the terms of the Ahtisaari plan, which it has already accepted, but should be encouraged to consider limited further measures with respect to Serb majority communities in the event the Serbian delegation is prepared to consider accepting independence;
   (c) use the period of the talks to build maximum support within the EU for implementing the Ahtisaari plan, make clear to the Kosovo authorities and Kosovo Albanians the intention to achieve conditional (supervised) independence pursuant to that plan by April/May 2008, and lay the ground work for cooperation with the UN Secretariat in arranging the orderly withdrawal of the UN Interim Administration Mission in Kosovo (UNMIK) pursuant to that schedule; and
   (d) if the parties have not reached an agreement by 10 December 2007, proceed in

coordination with the Kosovo government and as many EU member states as possible to implement the Ahtisaari plan for conditional (supervised) independence, including a declaration of such independence that incorporates a 120-day transition period, to be completed in April/May 2008.

To the European Union and its Member States:

5. Recognise that failure to achieve a united position in support of Kosovo's conditional (supervised) independence will discredit the EU's CFSP and European Security Strategy.

6. Prioritise Kosovo as the EU's most urgent, currently foreseeable security issue, devoting to it the time and energy required to reach agreement that:

   (a) there is no practical alternative to Kosovo conditional (supervised) independence on the basis of the Ahtisaari plan, which should be achieved no later than April/May 2008;

   (b) as many member states as possible will recognise Kosovo when it declares conditional (supervised) independence in accordance with the Ahtisaari plan following the end of talks in December 2007;

   (c) the EU will provide the majority component of the international supervision envisaged by the Ahtisaari plan by deploying an International Civilian Office/European Union Special Representative (ICO/EUSR) mission and a rule of law (European Security and Defence Policy, ESDP) mission in a timely fashion, so that they can take up their responsibilities, on invitation from the Kosovo government, between the declaration of conditional (supervised) independence after talks end in December 2007 and its entrance into force upon completion of a 120-day transition period in April/May 2008;

   (d) sceptical member states will not refuse consensus to deploying these missions but may choose to constructively abstain pursuant to Article 23 of the Treaty on European Union; and

   (e) in the alternative that sceptical member states do not wish to be associated with the deployment and operation of the ICO/EUSR and rule of law missions to the limited extent that the constructive abstention provision provides, a coalition of willing EU member states should use the enhanced cooperation provisions of Article 27 a-d of the Treaty for this purpose and make appropriate use of EU mechanisms.

7. In advance of full consensus on the above, as many member states as possible, including EU members of the Quint, should state their willingness, in the absence of an agreed settlement emerging from the Belgrade-Pristina talks, to support a Kosovo declaration of conditional (supervised) independence on the basis of the Ahtisaari plan after 10 December 2007 and bring it to fruition in 2008.

8. Encourage Kosovo institutions and working groups to work more urgently on preparation of the package of state-forming legislation, including the constitution envisaged in the Ahtisaari plan, and authorise EU officials in Kosovo including the planning groups for the ICO/EUSR and rule of law missions, to participate more actively and widely in the process, including by vetting drafts, so that the package is ready within the envisaged schedule for conditional (supervised) independence.

9. Make clear to Serbia, in official statements and through messages passed by member states sympathetic to it, that progress on a Stabilisation and Association Agreement and more generally its relationship with the EU depend importantly on resolution of the Kosovo issue.

To NATO and its Member States:

10. NATO should consult with member states contributing troops to its Kosovo mission (KFOR) to ensure that none which fundamentally oppose recognising Kosovo's conditional (supervised) independence are fielding contingents by early 2008, and that their contributions are replaced by those of nations prepared to recognise that status.

11. Following a Kosovo declaration of conditional (supervised) independence and recognition by the U.S. and EU member states, NATO should remain deployed in Kosovo, and carry out the tasks specified for it under the Ahtisaari plan.

12. If the NATO Council does not agree to continued deployment, the U.S. and those EU member states which have recognised Kosovo's independence should deploy their forces to carry out the relevant security tasks.

To the UN Secretariat and UNMIK:

13. Allow Kosovo's institutions to work on preparations for implementation of the Ahtisaari plan, including adoption by the Assembly of a constitution and other state-forming laws.

14. Respond to a Kosovo declaration of conditional (supervised) independence and recognition of Kosovo by the U.S. and EU member states by turning responsibilities over to the incoming EU missions and withdrawing UNMIK in an orderly fashion.

To the Kosovo Leadership:

15. Adopt an Assembly resolution stating that:

    (a) the Assembly will work to adopt during its life as much of the package of state-forming legislation envisaged in the Ahtisaari plan as possible;

    (b) the Assembly (or, depending on the date of elections, the expectation that the successor Assembly) will formally declare acceptance of the Ahtisaari plan and start a 120-day transition to conditional (supervised) independence on the basis of that plan after 10 December 2007; and

    (c) the Assembly expects the Kosovo government to use the 120-day transition to coordinate with the EU, NATO and the member states of those organisations on a strategy for the independence transition, including a security plan, and to issue invitations for them to take up the roles envisaged in the Ahtisaari plan in a timely fashion before conditional independence takes effect upon expiration of the 120-day period (April/May 2008).

Pristina/Belgrade/New York/Brussels, 21 August 2007

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

Europe Report N°185 **21 August 2007**

BREAKING THE KOSOVO STALEMATE: EUROPE'S RESPONSIBILITY

I. INTRODUCTION

In mid-March 2007 the UN Special Envoy for Kosovo, former Finnish President Martti Ahtisaari, presented his carefully calibrated plan[1] for Kosovo's supervised independence to the Secretary-General in the form of two documents: the four-page "Report of the Special Envoy of the Secretary-General on Kosovo's Future Status" (Ahtisaari Report)[2] and the 63-page "Comprehensive Proposal for the Kosovo Status Settlement" (Ahtisaari Proposal).[3] The Report recommended that "Kosovo's Status should be independence supervised by the international community".[4] Ahtisaari separated this recommendation on status from the much more technical Proposal, which includes "General Principles" and twelve annexes detailing measures to ensure a future Kosovo would be "viable, sustainable and stable".[5] Secretary-General Ban Ki-moon sent these documents to the Security Council on 26 March with his endorsement.[6]

The eighteen months of negotiations and consultations that went into creation of the Ahtisaari plan fulfilled the requirement in Security Council Resolution 1244 (1999) for "a political process designed to determine Kosovo's future status". The plan envisages the lapse of Resolution 1244, which mandated an interim UN administration for Kosovo (UNMIK) and affirmed Yugoslavia's (now Serbia's) formal retention of sovereignty for the interim period pending determination of Kosovo's final status.[7] It provides for UNMIK's departure and transfer of its remaining competencies to Kosovo's government, with the European Union (EU) to deploy new oversight bodies – a political mission to oversee implementation of the settlement (the International Civilian Office/European Union Special Representative ICO/EUSR) and a police and justice mission to bolster the rule of law – as well as a continuing military mission to guarantee overall security (a NATO International Military Presence, IMP).[8]

However, the six-nation Contact Group that has led international community policy on Bosnia and Kosovo is now deeply split. Its "Quint", the U.S., UK, France, Germany and Italy, backs the plan; Russia rejects it even as the basis for further negotiations.[9] In May the U.S. and

[1] The expressions "plan" and "Ahtisaari plan" are used throughout the text to refer to the overall scheme contained in the Ahtisaari Report and Ahtisaari Proposal, read together.

[2] The Ahtisaari Report (henceforth cited as Report) is available at www.unosek.org/docref/report-english.pdf.

[3] The Ahtisaari Proposal (henceforth cited as Proposal) is available at www.unosek.org/docref/Comprehensive_proposal-english.pdf.

[4] Ahtisaari argued that supervised independence is the only option, because reintegration into Serbia is not viable and continued international administration is not sustainable.

[5] Annexes address: constitutional provisions; the rights of communities and their members; decentralisation; the justice system; religious and cultural heritage; external debt; property and archives; the Kosovo security sector; the future International Civilian Representative; the European Security and Defence Policy (ESDP) Mission; the international military presence; and the legislative agenda. See www.unosek.org/docref/Comprehensive_proposal-english.pdf.

[6] See "Secretary-General Statement", SG/SM/10923, 26 March 2007, at www.un.org/News/Press/docs/2007/sgsm 10923.doc.htm.

[7] See Crisis Group Europe Report N°177, *Kosovo Status: Delay Is Risky*, 10 November 2006, and Crisis Group Europe Report N°182, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, 14 May 2007, for descriptions of the process led by Ahtisaari and analysis of his plan. Belgrade and Moscow regularly suggest that Resolution 1244 affirmed permanent Serbian sovereignty over Kosovo that can be altered only with consent of the sovereign. In fact, the operative provisions of 1244 addressed the question of Serbian sovereignty only in the context of the "interim administration". See Crisis Group Balkans Report N°108, *After Milosevic: A Practical Agenda for Lasting Balkans Peace*, 2 April 2001, pp. 109-130; Crisis Group Europe Report N°124, *A Kosovo Roadmap (I): Addressing Final Status*, 1 March 2002, p. 4. Resolution 1244 also mandated "a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords" (Section 11c). Those accords in turn envisaged "a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each party's efforts regarding the implementation of the Accords, and the Helsinki Final Act" (Chapter 8, Article 1(3)). See also Crisis Group Report N°161, *Kosovo: Toward Final Status*, 24 January 2005, p. 2. Thus, far from establishing permanent sovereignty or specifying that consent and a Security Council resolution are necessary to replace the sovereignty affirmed pending a settlement, 1244 left both questions open.

[8] See General Principles and Annexes VIII to XII of the Ahtisaari Proposal, op. cit. The police and justice mission would be authorised under the EU's common European Security and Defence Policy, so is sometimes referred to as the ESDP Mission.

[9] "Ahtisarijev plan nije osnova", B92, 8 August 2007.

the European members of the Security Council drafted a resolution that would have enabled implementation of the Ahtisaari plan but indications that Russia would veto prompted its withdrawal. Four successive variations were progressively weaker, the last – also opposed by Moscow – mentioning the Ahtisaari plan only tangentially but in a way that the Quint would have taken as implicit licence for its implementation.

In an effort to break the deadlock, France's President Sarkozy used the G8 Summit on 7 June to propose a six-month delay (later pared back to four months) for further negotiations between Serbia and the Kosovo authorities. During a visit to Albania three days later, however, U.S. President Bush said that if agreement could not be reached, "at some point in time, sooner rather than later, you've got to say enough is enough, Kosovo is independent".[10] On 20 July, the Quint suspended its efforts in the Security Council, pending completion of a new round of Pristina-Belgrade talks. The Contact Group agreed in Vienna on 25 July that the new talks would be led by a U.S., EU, Russia troika, whose envoys began shuttle diplomacy with visits to Belgrade and Pristina on 10-12 August.[11] UN Secretary-General Ban Ki-moon requested the Contact Group to report by 10 December. However, there is no unity within it as yet on an agenda for the talks or whether 10 December is an interim or final deadline, much less on what to do if they fail to bridge the chasm between the parties.

This report analyses the diplomatic deadlock, explains why its continuation is dangerous for Europe's stability and proposes a way forward to achieve Kosovo's conditional independence with fewest negative side effects.[12]

[10] Press conference, Tirana, 10 June 2007; "Bush: Kosovo will get independence", B92, Reuters, AFP, 10 June 2007.
[11] Wolfgang Ischinger of Germany for the EU, Frank Wisner for the U.S. and Alexander Botsan-Kharchenko for Russia are the envoys.
[12] This report uses the terms "conditional independence" and "supervised independence" interchangeably.

II. THE SECURITY COUNCIL DEADLOCK

The Security Council endorsed the Contact Group's "Guiding Principles" for settlement of Kosovo's final status in November 2005[13] but has now stumbled over the effort to give them concrete form. The Quint and the EU are unable to implement Ahtisaari's plan in its intended manner without the authorisation of a new resolution that would supersede Resolution 1244 (with its provisions for what has been in effect a UN protectorate and retention of formal Serbian sovereignty) and instead mandate the new international missions that would supervise a conditional independence.[14]

Russia states that it will not allow a resolution based on the Ahtisaari plan or which is otherwise unacceptable to Serbia to pass the Council[15] and argues for renewed, open-

[13] The principles were that the settlement should 1) comply with international legal standards and contribute to regional security; 2) conform to European standards and assist Kosovo and the region's integration into the EU and NATO; 3) ensure sustainable multi-ethnicity; 4) provide mechanisms for all communities to participate in central and local government, using decentralisation to facilitate coexistence and equity; 5) include specific safeguards for protection of Serb religious sites; 6) strengthen regional security by excluding Kosovo's partition or union with any other country; 7) ensure both Kosovo's security and that it does not pose a threat to neighbours; 8) strengthen Kosovo's ability to enforce the rule of law, fight terrorism and organised crime, and safeguard multi-ethnicity in the police and judiciary; 9) ensure Kosovo's sustainable economic and political development and its effective cooperation with international organisations and international financial institutions; 10) specify an international civilian and military presence "for some time" to supervise implementation of the status settlement, ensure security and the protection of minorities, and support and monitor Kosovo's continued implementation of standards. See www.unosek.org/unosek/en/docref.html; also Crisis Group Report, *Delay Is Risky*, op. cit., and Crisis Group Europe Report N°170, *Kosovo: The Challenge of Transition*, 17 February 2006.
[14] See Crisis Group Report, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, op. cit., pp. 3-4, for a fuller examination of Security Council options.
[15] "Behind the rather intricate diplomatic language of the draft resolution, there is a conclusion that after 120 days, whether or not the sides reach an agreement, the Ahtisaari plan will come into effect,…and as you know we can only support a draft resolution that is acceptable to both sides, Pristina and Belgrade. So far we see no such agreement". Foreign Minister Sergei Lavrov, quoted in "Russia: Moscow Content To Block Kosovo Resolution", RFE/RL, 13 July 2007; see also "Russia Rejects Latest UN Resolution On Kosovo", Reuters, 17 July 2007; "Russia opposes new resolution on Kosovo", *Regnum*, 13 July 2007; "Russia rejects resolution on Kosovo's future", *Financial Times*, 13 July 2007; and "Russia sticks to its opposition on Kosovo", *EUobserver*, 13 July 2007.

ended Belgrade-Pristina talks with new "impartial" mediation.[16] It does not object to the two EU missions taking over from UNMIK if they do so within the framework of 1244.[17] The fifth and last Quint draft resolution crossed earlier Western "red lines" in an effort to meet Russian objections. It mandated deployment of the EU and NATO missions to replace UNMIK and KFOR[18] prior to any change of status (thus implicitly within the framework of 1244), did not explicitly link them to implementation of the Ahtisaari plan, authorised four months of new Belgrade-Pristina negotiations simultaneous with deployment, and left Kosovo's subsequent status ambiguous. It was unacceptable to Moscow, however, because it did not reaffirm 1244 and, presumably, because it left room for the U.S. and EU member states to recognise Kosovo's independence after the four months of talks.

Kosovo Albanians insist no final status except independence is acceptable, though they have been prepared to accept the "conditional" character of that independence represented by the Ahtisaari plan provisions on Serb minority protection and international supervision. Serbia insists it will not yield sovereignty and cannot be compelled to do so. Those diametrically opposed positions, as Ahtisaari has concluded and as discussed in detail below, are not reconcilable in additional months of negotiations. The Quint's expectation and preferred option of bringing Kosovo to independence through the Security Council, therefore, appears unachievable.

A number of possible alternatives to Security Council resolution of the issue are being considered by the various players. Those that envisage Kosovo independence include:

Declaration of independence by Kosovo followed by U.S. and unanimous EU recognitions, without a Security Council resolution (the EU unanimity option). Western powers would recognise the independent Kosovo en bloc and otherwise act to the greatest possible extent in accordance with the Ahtisaari plan, including deployment of the EU and NATO missions, and would hold out the prospect of membership in both organisations once Kosovo met their respective requirements.

Declaration of independence by Kosovo followed by U.S. and willing EU member state recognitions, without a Security Council resolution and without a common decision by the EU (the bilateral option). If the 27 EU member states cannot agree to act together in the absence of Security Council authorisation, the viability of this option would depend importantly on how many, and which, would be willing to take this step along with the U.S. If they could convince the reluctant EU member states to abstain rather than veto, it might still be possible to deploy the projected EU missions and proceed to a considerable extent in accordance with the Ahtisaari plan.[19] If they were not able to persuade the reluctant member states to cooperate to this degree, an ad hoc coalition of the willing might attempt to form with its own resources substitute missions to provide some degree of supervision and security akin to what is envisaged in the Ahtisaari plan. Kosovo would have little prospect, however, of obtaining membership in European and transatlantic institutions in the near future.

Declaration of independence by Kosovo without international support (the unilateral option). Kosovo's provisional government and its main political parties have undertaken to follow U.S. and EU guidance with respect to the timing of independence and the conditionality to accompany it but their patience will not last indefinitely. If there is no prospect of Security Council authorisation, no promising multilateral game plan after the four months of further negotiations now envisaged or they come under heavy pressure from constituents, they might declare independence even at the risk of breaking with external supporters. In those circumstances, public order might not be assured: there could be clashes between the 7,000-strong Kosovo Police Service (KPS) and UNMIK police and KFOR troops, Serbia might seize the mainly ethnic Serb territory north of the Ibar River, and the remaining Kosovo Serbs south of that line (60 per cent of the total) would likely flee. Kosovo would be internationally isolated.

Partition of Kosovo along the Ibar, with the territory to the south becoming independent and the territory to the north being incorporated into Serbia (the partition option). This approach has been repeatedly and firmly rejected in the Contact Group's Guiding Principles, by the EU Council and in statements by individual members of both bodies, though the EU representative on the troika that is trying to facilitate the current round of Belgrade-Pristina

[16] Foreign Minister Sergei Lavrov, quoted in Edith M. Lederer, "U.S. Urges Russia to Back Kosovo Talks", Associated Press, 14 July 2007. Ahtisaari has taken himself out of consideration for further mediation, saying that his work is at an end, and he does not believe additional negotiations can close the gap between the parties. "Contact Group meets in Vienna", B92, Associated Press, 25 July 2007.

[17] Foreign Minister Lavrov's remarks, 9 July 2007 press conference, Bishkek, Kyrgyzstan.

[18] KFOR is the NATO Mission that has provided security under Resolution 1244.

[19] Important EU foreign policy decisions require unanimity but it is possible for states that do not wish to participate to abstain without blocking that unity. NATO decisions also require unanimity but there is in practice a similar possibility for constructive abstention. See below and Crisis Group Europe Report N°160, *EU Crisis Response Capability Revisited*, 17 January 2005.

talks recently hinted at it as an option.[20] Inaction by UNMIK and KFOR has allowed Belgrade to create elements of a de facto partition that cannot be undone without an investment of significant international political will and resources that presently appears unlikely to be forthcoming.

Partition is attractive to some in Belgrade (though it may feel events are moving in its direction so it would not have to pay a price for it), and thus acceptable to Moscow. The highly influential Serbian Orthodox Church and some Kosovo Serb leaders, however, would prefer independence forced on them by the international community to partition.[21] It appears to be quietly regarded as the least bad option by some EU member states. It is anathema to Kosovo Albanians, however, who would be highly reluctant to accept the level of international supervision, decentralisation and minority protections envisaged by the Ahtisaari plan if it came with partition. This would in turn make the status of minority Serbs fragile.

Options that would not envisage independence at any near time include:

A Security Council resolution that mandates deployment of the new EU and NATO missions but pursuant to Resolution 1244 (the 1244 option). Such a resolution would probably be acceptable to Russia (and Serbia) and would allow the supervisory structure of the Ahtisaari plan to be put in place without fracturing EU unity. It would leave a possibility for subsequent efforts to loosen the constraints of 1244 and move toward independence at a later date but would be seen in Kosovo as a betrayal of popular expectations.

Maintaining the status quo (the frozen conflict option). This would involve setting aside the problem indefinitely, on the basis that the positions of Pristina and Belgrade are so intractable, while Serbia seems in the larger scheme of things a more important regional player for good or ill than Kosovo, and Russia far more significant. This might be attempted either by requiring UNMIK to limp on or by bringing in the new EU and NATO missions pursuant to Resolution 1244 while foregoing other measures. Though inertia can often seem prudent or at least comfortable to politicians, matters would likely to be forced by Kosovo Albanians, who are impatient for independence and unwilling to permit the situation to be anaesthetised.

None of these options have sufficient support as yet to be implemented. As the following review of attitudes in key capitals indicates, all have serious problems.

[20] "EU Puts Pressure on Kosovo Rivals to Reach Deal", Associated Press, 12 August 2007, reporting comments of Ambassador Wolfgang Ischinger of Germany.

[21] See Bishop Artemije's statement in "Dogodine u Pristini", *Dnevnik*, 15 August 2007; also Momcilo Trajkovic's statement in "I nadgledana nezavisnost bolja je od podela Kosmeta", *Dnevnik*, 14 August 2007.

III. POSITIONS OF THE PLAYERS

A. KOSOVO

1. Limited patience

The Kosovo Albanians believe Russia will continue to block independence through the Security Council, and they will eventually have to declare their independence without full international acceptance. Their leaders' willingness to follow the Quint's counsel to be patient was beginning to fray during the protracted and inconclusive negotiations over a resolution in New York. President Bush's support for independence, reiterated by Secretary of State Rice in a meeting with Pristina's Unity Team[22] on 23 July, persuaded them to pledge that no unilateral steps would be taken for now.

The Unity Team had to paper over growing internal differences, however, in order to give Rice that assurance. Cleavages had become acute, cutting across the partisan divide. President Sejdiu of the co-governing LDK and PDK opposition leader Thaci wanted to keep faith with the international community's designated process. Prime Minister Ceku of the smaller government coalition partner, the AAK, together with opposition ORA party leader Veton Surroi, wanted Kosovo to start toward independence by setting its own date.[23] Surroi proposed late December 2007 while Ceku suggested 28 November, Albania's Flag Day. Assembly President Kole Berisha also favoured action but cautioned Kosovo should not "take a step that will isolate us the next day".[24]

Kosovo Albanians are still trying to work out the implications of the Quint's suspension of Security Council negotiations. A French diplomat expected them to be encouraged at the prospect the status issue would now be dealt with outside the Council.[25] But mixed messages from European capitals have dampened expectations. German Chancellor Merkel's description of the four months of new talks as a search for compromise unlikely to deliver a fast result[26] causes concern that, at best, the independence timetable – the belief had been widespread 2007 would be the year of decision – has been put on hold. Ban Ki-moon's request for the troika to report back by 10 December on the progress of the talks has generated speculation in Pristina that Kosovo could declare independence on 11 December but political leaders, who welcomed the firm though general support for independence Bush and Rice gave them, now want a more detailed indication from Washington and Brussels that would enable them to "rationalise" the next months.[27]

Pristina's small intelligentsia has begun to worry that the patience and discipline Kosovo displayed while Ahtisaari toiled to produce his plan and the Quint negotiated fruitlessly with Russia have made it too easy for the West to ignore it. That is what happened in the 1990s until Albanians took up arms, they say, and the impetus the 2004 riots created in diplomatic circles for a status settlement is fading. The West's interest, the argument goes, is in a quiet Kosovo; Kosovo's is in independence. On 23 July, an ad hoc alliance of Pristina NGOs staged a public dance event to demand a date for independence, a softer version of what the Vetevendosje (Self-determination) movement has been doing for some time. When politicians strike defiant poses, the press applauds.[28] Views like those expressed in *Koha Ditore* by a leading liberal commentator are gaining ground:

> We are told to await the finding of a solution that would allow the EU to keep its unity. But if Kosovo waits for the EU, God only knows when it will be independent. Kosovo should not wait for the EU to agree and then declare independence. It should happen the other way round. Kosovo should declare independence and wait for EU countries to recognise it.[29]

By mid-July the paper's editor was routinely writing: "Independence is just outside the door but it can stay there a long time waiting for somebody to open it. The master of the house should open the door".[30] The same day another liberal newspaper urged: "Just do it, Prime Minister!"[31] The three television channels, whose audience dwarfs that of the newspapers, are, however, still more measured. Meanwhile, the partnership that has characterised UNMIK's relations with Kosovo's provisional government institutions since mid-2004 is beginning to fray on several fronts as confidence weakens

[22] A body created by Kosovo Albanian leaders in autumn 2005 to enable government and opposition to reach and advocate joint positions on status. It currently includes President Sejdiu, Prime Minister Ceku, Assembly President Berisha, and opposition party leaders Thaci and Surroi.
[23] The Unity Team revealed this division at the press conference after its meeting on 16 July 2007.
[24] Quoted in *Express*, 21 July 2007.
[25] Crisis Group interview, Paris, 20 July 2007.
[26] Remarks made during a visit to Athens, 20 July 2007.
[27] Crisis Group interview, government minister, Pristina, June 2007.
[28] See Berat Buzhala, "Guximshem Kryeminister" [Bravely Prime Minister], *Express*, 12 July 2007.
[29] "Shtyrja e statusit i sjell Kosoves humbje te medha" [Delaying status causes Kosovo huge losses], *Koha Ditore*, 18 June 2007.
[30] Agron Bajrami, "Pavaresia ante portas" [Independence at the door], *Koha Ditore*, 18 July 2007.
[31] Halil Matoshi, "Just do it, Kryeminister!" [Just do it, Prime Minister], *Express*, 18 July 2007.

in the international community's ability to achieve a coherent status outcome.[32]

A loose, clandestine network embracing the radical pan-Albanian parties (LPK, LKCK and the semi-phantom Albanian National Army, ANA/AKSh)[33] and some KLA veterans[34] is talking of possible action[35] but has failed to attract mainstream backing.[36] Indeed, the public has shown far more calm and patience than many expected. The periodic bomb and sniper attacks by extremists in recent years dropped away once the final status process began in late 2005.[37] Numbers at the Vetevendosje demonstrations have been declining since November 2006.[38] The reason, observers consider, is that Albanians believe the West has made a commitment to them. If the first weeks of the four-month period for new talks reveal Western disunity, however, protest numbers may swell significantly.

2. No renegotiation

Kosovo Albanian politicians, who grudgingly accepted the strong conditionality that is part of the Ahtisaari plan because they believed that was the price they would have to pay for independence, now fear they will be pressed by the international community to make additional concessions in the new talks with Belgrade. Suggestions at the EU foreign ministers meeting on 21 June that renewed negotiations could achieve an "Ahtisaari-plus" solution stimulated fears.[39] Pristina sees no room for further concessions on the Ahtisaari package, which is regarded as barely permitting an effective state. "We are already standing on our red lines".[40] Some in Pristina wanted to refuse participation or send only a low-level delegation. Secretary Rice's assurances to the Unity Team restored some confidence but the Kosovo delegation intends to participate in the talks to "use up the time".[41]

Pristina fears that if the Ahtisaari package is reopened, the international community may ultimately press it to acquiesce in partition, while insisting on full implementation of the Ahtisaari plan in rump Kosovo. Kosovo Albanians would feel utterly cheated if required to accept both the Ahtisaari limitations on sovereignty and loss of the north. Rather than go down that path, they would likely back away from earlier concessions – privileged decentralisation amounting to autonomy for Serb districts; protection zones for Serb religious and historical sites; and double majority rules giving minorities a veto over several areas of legislation – and declare an independent Albanian state free of the cumbersome multi-ethnic framework.[42]

[32] For example, in recent weeks cooperation has been refused on implementation of the last few hundred adjudications of the Housing and Property Complaints Commission (HPCC), difficult cases often involving restitution to Serb owners. UNMIK temporarily suspended the decisions rather than execute them with international police alone. The Assembly is contesting UNMIK's plans for the Trepca mining and industrial complex, and the government is trying to remove UNMIK-appointed personnel from the economy and finance ministry. International officials had great difficulty dissuading the government from a ceremonial inauguration of work on a Decani bypass that would have cut through one of the protective zones envisaged in the Ahtisaari plan. Crisis Group interview, UNMIK source, 6 August 2007.

[33] The ANA damaged a railway bridge north of Mitrovica in a botched April 2003 explosion. It has been active in northern Macedonia and southern Serbia, and in Kosovo appears to have members in Dukagjini (west Kosovo), Drenica, south Mitrovica and Vushtrri/Vucitrn.

[34] Outside the official KLA veterans structure, and using the network of the radical LPK party to which he belongs, Dukagjini veterans leader Abdyl Mushkolaj summoned leaders of five regional war veterans organisations from Macedonia, Presevo, Albania and Montenegro to a meeting in Decan on 20 June 2007. He earlier announced a possible re-mobilisation of the KLA.

[35] Crisis Group interviews, KLA veterans and KPS officials, June 2007.

[36] However, extremist groups in Dukagjini invested heavily in new weaponry in the build-up to the March 2005 ICTY (International Criminal Tribunal for the former Yugoslavia) indictment of Prime Minister Haradinaj. They still have both the weapons and the debts incurred to buy them and carry over frustration at the restraint Haradinaj requested on that occasion. Crisis Group interview, KPS official, June 2007. See Crisis Group Europe Report N°163, *Kosovo after Haradinaj*, 26 May 2005, for background.

[37] See ibid and Crisis Group Europe Report N°155, *Collapse in Kosovo*, 22 April 2004, for further background.

[38] This is partly because most Kosovo Albanians do not see it as a trustworthy vehicle for expression of dissatisfaction, and no other has yet presented itself.

[39] A phrase used by the Slovenian foreign minister, Dimitrij Rupel. See his article, "South-east Europe is an opportunity, not a burden", *The Independent*, 12 July 2007.

[40] Crisis Group interview, member of Kosovo's negotiating team, Pristina, 4 July 2007.

[41] Crisis Group interview, Unity Team official, Pristina, 20 July 2007.

[42] An ORA deputy said that Pristina should insist on a clear basis for any new talks – either firm Quint support for the Ahtisaari package or admission that it is dead, in which case Pristina should be free to negotiate from scratch, without being held to any previous concessions. Crisis Group interview, Pristina, 10 July 2007. An UNMIK official engaged in the transition working groups noted that his Kosovo Albanian counterparts adopted a harder Albanian nationalist line on the future state identity whenever the international momentum on Kosovo's status appeared to falter, and vice versa. Crisis Group interview, Pristina, June 2007.

In the meantime, Kosovo Albanians are worrying more about the strength of the UN and Western commitment to ensuring authority north of the Ibar and maintaining Kosovo's territorial integrity. They tended to read the worst into KFOR's decision to rotate U.S. troops out and replace them with less trusted French and Germans at the "Nothing Hill" military base established in mid-2006 as a standing garrison in the Serb north.[43] By contrast, they paid little attention in late July, when the ICO planning team opened a north Mitrovica office, whose task under the Ahtisaari plan would be to secure the north's political integration into Kosovo. Speculation on partition from the Russian, French and other international press trickled into local media in July, chipping away at trust in Contact Group and EU pledges.[44]

Confidence was further shaken by remarks attributed to French Foreign Minister Kouchner in Belgrade (he said he was misquoted), which prompted Pristina newspaper headlines like: "The Partition of Kosovo: The Return of the Balkans to the years of tragedy and war",[45] and again in August by EU troika envoy Ischinger's mention of partition.[46]

On the ground in the north, multi-ethnicity is becoming more tenuous. With each passing month, more Albanians are selling homes and leaving north Mitrovica, while Serbia allegedly funds strategic purchases.[47] Kosovo government promises to build an Albanian school have not materialised,[48] and local Albanian leaders' attempts to intimidate their ethnic kin from departing are becoming more desperate.[49] A 27 July booby trap grenade attack on a minibus carrying Albanians between their villages and Mitrovica exposed the vulnerability of an Albanian enclave well north of the Ibar in the Serb-majority municipality of Leposavic.

3. The elections wild card

The Security Council deadlock and subsequent uncertainty have come close to voiding an expectation that Kosovo's elections would be held only after status resolution. Local government elections have been on hold since October 2006. The Kosovo Assembly's mandate expires in October 2007. The rationale for holding off elections, as stated by the then UN Special Representative of the Secretary-General (SRSG) and UNMIK head, Jessen-Petersen, was to "allow for the political focus on the status talks to be retained". He accordingly instructed that elections "shall be postponed for a period not exceeding twelve months. The Municipal Elections shall be held not earlier than three months and no later than six months after the date of a decision by the United Nations Security Council regarding the determination of Kosovo's future status".[50] The present SRSG and UNMIK head has emphasised the legal requirement for timely elections. On 26 July he agreed with the Unity Team to set both for November, unless compelling reasons for postponement arise in the interim. On 15 August the Unity Team assented to ground rules for late November elections; UNMIK is preparing an enabling regulation.[51] It is uncertain whether the effort to impose a 10 December deadline for the new talks will change this calculation.

The elections will not be easy to organise in less than four months. The SRSG will have to decree a system, short-circuiting the transition working group which was preparing a law for adoption by the Assembly. Although on 15 August the Unity Team approved open lists in principle, closed candidate lists controlled by the party hierarchies may have to be retained for lack of time to

[43] Crisis Group interviews, KLA veterans, journalists, intellectuals, Pristina, June 2007.

[44] Yevgeny Primakov, "Breaking the Kosovo Deadlock", *Moscow News*, 28 June 2007. Primakov was quoted in the Serbian daily *Politika* as saying "Kosovo should be divided". "Primakov: podela Kosmeta ako pregovori propadnu", *Politika*, 2 July 2007. See also Douglas Hamilton, "Major powers nudge Serbs, Kosovo towards partition", Reuters, 12 July 2007; Matt Robinson, "Kosovo deadlock revives talk of partition", Reuters, 3 July 2007; Daniel Vernet, "Le prix du Kosovo", *Le Monde*, 3 July 2007.

[45] *Zeri*, 14 July 2007. Kouchner was reported as having said, "don't expect France to propose such reshaping. At the very least, Belgrade and Pristina would have to agree on it. And in that case I don't see how France could oppose it". Douglas Hamilton, "Major powers nudge Serbs, Kosovo towards partition", Reuters, 12 July 2007.

[46] See Matt Robinson, "Powers say partition may be an option for Kosovo", Reuters, 12 August 2007.

[47] Serbian officials have denied they are funding purchases, as asserted by Kosovo Albanian media in June and July 2007. See "Serbia is not buying Albanian houses", B92, 2 August 2007.

[48] See Musa Mustafa, "Veriu po mbetet pa shqiptare, thone banoret" [The North is emptying of Albanians, said residents], *Koha Ditore*, 6 July 2007.

[49] In mid-July 2007, self-appointed leaders of the Bosniak neighbourhood published a list of eighteen residents who had sold their homes in the past two months, allegedly to the Serbian government. One leader, Kosovo Assembly member Ramadan Kelmendi, said that a social boycott of these individuals was "in the Albanian national tradition". Izedin Krasniqi, "Lagja e Boshnjakeve distancon shitesit e shtepive" [The Bosniak neighbourhood shuns sellers of homes], *Koha Ditore*, 20 July 2007. See Crisis Group Europe Report N°165, *Bridging Kosovo's Mitrovica Divide*, 13 September 2005, for background on Mitrovica's demography and a map showing the neighbourhoods.

[50] "SRSG decides to postpone Municipal Elections in Kosovo", UNMIK press release 1567, 16 June 2006.

[51] RTK evening news, 15 and 16 August 2007.

create the promised new system.[52] Similarly, local elections are likely to retain the present municipal boundaries rather than those laid down in the Ahtisaari plan. The SRSG will also have to decide whether to institute a 5 per cent threshold, as agreed in the working group by the four major Kosovo Albanian parties and endorsed by the Unity Team on 15 August.

The political dynamic is more problematic. A November poll would come in the midst of the new talks, with all the uncertainty about the international position on ultimate status that is likely to entail. That might merely distract politicians from constructive preparations for an eventual transition, perhaps making the Unity Team inoperable for awhile (though it vowed on 15 August not to break with status solidarity during the three-week election campaign), and discourage a high turnout, thus weakening the victors' mandate. An AAK official expects voters to punish all parties in the Unity Team, those in the government most of all, "not for bad governance but because they didn't deliver independence". New parties like Daci's Democratic League of Dardania (LDD) and Behgjet Pacolli's Alliance for a New Kosovo (AKR) could be tempted to run on platforms distancing themselves from all the painfully worked out understandings, including support for the Ahtisaari plan.[53] Daci has already decried the Unity Team for managing "only to lose energy, time and money".[54]

Regardless whether elections are held in November or postponed to the turn of the year, negotiations over government formation could stretch into 2008, complicating an already complex final status process. The international community might well then find itself forced to deal with an Assembly and government that includes new actors who would not feel bound by their predecessors' commitments.

B. SERBIA

1. No compromise on independence

Belgrade is increasingly confident that it is in at least a no-lose situation on Kosovo and that victory – defined as maintaining Serbian sovereignty – is attainable. The official position has not changed in the seven years since Milosevic was deposed, and there is no indication it will do so within this political generation, no matter the pressures brought to bear. A special parliamentary session on 24 July 2007 passed a resolution that gave Serbian negotiators no room for deviation from the no-independence position:

> Kosovo and Metohija is an inseparable part of the state of Serbia on the basis of existing and all-binding constitutional and international legal documents. The sovereignty and territorial integrity of the Republic of Serbia are guaranteed not only by the Constitution of the Republic of Serbia, but also by the United Nations Charter, the Helsinki Final Act and proper resolutions of the UN Security Council, especially Resolution 1244. Any solution for the future status of Kosovo-Metohija must be based on these basic principles, complying at the same time with the appropriate decisions of the UN Security Council.[55]

Nevertheless, at the 24 July parliamentary session, Premier Kostunica said the international community needed to "carefully look at and consider" Belgrade's proposal for resolving Kosovo's status.[56] No formal or detailed plan has been put forward but Minister for Kosovo Slobodan Samardzic followed Kostunica with the cryptic comment that "we offer maximum self rule for Kosovo and Metohija", and the implication that Serbia might permit some prerogatives of sovereignty and competencies to

[52] At present, the election system offers voters in both general and municipal elections a choice of lists chosen and ranked by party leaders. SRSG Holkeri and UNMIK's OSCE Pillar disappointed civil society activists campaigning for an open list system (which would give voters the opportunity to choose and rank candidates within the lists) by deciding to retain closed lists for the October 2004 general election. Since then new UNMIK and OSCE Pillar leadership have obliged the main political parties to pay at least lip service to introduction of open lists. See Crisis Group Report, *Kosovo after Haradinaj*, op. cit., pp. 12-13.

[53] Crisis Group interview, Pristina, 29 June 2007.

[54] "Daci sulmon negociatoret, i fajeson per statusin" [Daci attacks the negotiators, blames them for status], *Koha Ditore*, 18 July 2007.

[55] "Rezolucija o neophodnosti pravednog resavanja pitanja Autonomne pokrajine Kosovo i Metohija zasnovanog na međunarodnom pravu", www.srbija.sr.gov.yu/kosovo-metohija/index.php?id=71576. This resolution is re-enforced by two predecessors, as well as the new Serbian constitution. It is also supported by increasingly apocalyptic language from the influential Orthodox Church. Patriarch Pavle stated that Kosovo will always remain "the central land of our national and religious life", Willard Payne, "Black Clouds Hang over Kosovo and Europe", *Serbianna*, 29 June 2007; and that it is "better to perish as a people than to survive as dishonoured ones", "Serbian Orthodox Church Stresses Kosova's Centrality", RFE/FL Newsline, 29 June 2007. Bishop Amfilohije of Kosovo was equally apocalyptic, stating that "those who wish to cut the heart from this people want to wipe them from this Earth". Ibid.

[56] The text of Kostunica's speech, "Novi pregovori o budućem uređenju Kosmeta isključivo pod mandatom SB", may be found at www.srbija.sr.gov.yu/vesti/vest.php?id=71533&q=24+jul+2007.

be transferred to Kosovo's government, subject to international supervision, provided the province did not gain independence.[57] He gave no further details or indication how deep a derogation might be permitted in Serbia's sovereignty over Kosovo but the idea of transferring unspecified authority to the international community appeared to be a new element in Belgrade's approach. Presumably the vagueness was deliberate, for both the approaching negotiations and domestic political purposes. In early August Samardzic elaborated:

> Those are competencies in running the economic, social and cultural life and elements of international relations for which it is not necessary to have the status of an international legal entity and international legal subjectivity, such as regional cooperation and cooperation with international financial institutions that agree to do so….Kosovo would run affairs in the framework of those competencies without interference from Serbia. There would be no hint or trace of Serbian interference in those affairs but there would exist a number of reserved competencies of Serbia and for Kosovo in which Kosovo would not interfere.[58]

Samardzic said Serbia would retain authority for foreign policy, guarding the borders and protecting Serbian cultural monuments, which he called the "three most important" areas. He also proposed a temporary international military presence, at the end of which Kosovo would be permanently demilitarised.

Foreign Minister Vuk Jeremic also gave glimpses of what Serbia might seek before he met with Secretary of State Rice during his 26-27 July visit to the U.S. In an interview with the Associated Press and a speech at the National Press Club, he presented an eight-point proposal for Kosovo.[59] However, it was essentially a set of principles reflecting the lowest common denominator in Serbian domestic politics, without an operational core. Jeremic accompanied the exposition with the familiar caution that democracy in Serbia might collapse, with the Radical Party coming to power, in the event of Kosovo independence.

Jeremic's comments did make clearer that Serbia is interested in the international community taking responsibility for the return of Serb refugees to Kosovo, protection of Serb cultural and religious monuments, and peacekeeping. Crisis Group interviews in Belgrade indicate Serbia could agree to international security missions, such as what the EU plans for rule of law and the revised NATO presence, provided these were de-linked from status. Comments by Samardzic and Deputy Premier Bozidar Djelic suggest Serbia might welcome international financial institutions (IFIs), such as the World Bank and the IMF, establishing direct relations with Kosovo, thereby relieving Belgrade of the burden of repaying debt it claims belongs to Kosovo.[60] It might conceivably accept Kosovo Albanian participation in Serbian elections and in the Serbian parliament, although this is far less certain.[61] Little of this is new or at variance with the current situation, and none of it comes near engaging with the Albanian insistence on independence.[62]

2. A victory scenario

Serbia's defence of its Kosovo position relies upon the principle of territorial integrity enshrined in the UN Charter. Kostunica has repeated insistently that a sovereign, democratic country cannot be deprived of 15 per cent of its territory against its will. The EU and U.S.

[57] A summation of Samardzic's speech, "Nova rezolucija o Kosmetu odrediće okvir za nastavak pregovora o budućem statusu pokrajine" may be found on the Serbian government website at www.srbija.sr.gov.yu/vesti/vest.php?id=71558 &q=24+jul+2007.

[58] "Ponuda Albancima: Srbiji granice, Kosovo u MMF-u", *Politika*, 2 August 2007.

[59] The eight points, expressed most fully in the speech, were: 1. Consolidation of democracy in Serbia, "the pivot country in the region", which would require avoiding "a potentially fatal setback" of imposed independence in Kosovo; 2. Accelerated integration of the Western Balkans into the European Union and Euro-Atlantic structures; 3. Preservation of Serbia's internationally recognised borders; 4. Broadest possible autonomy for Kosovo, "totally unimpeded by Belgrade"; 5. Internationally guaranteed human and minority rights for all people in Kosovo and creation of conditions for the return of the more than 200,000 forcibly displaced people, mostly Serbs; 6. Comprehensive efforts at reconciliation between Serbs and Albanians; 7. An international guarantee of Kosovo's cultural and religious heritage; 8. An unconditional commitment to a lasting and secure peace. For the interview, see "In U.S., Serbian foreign minister proposes outline for new, unlimited talks on Kosovo", Associated Press, 27 July 2007; also "Serbia sees hope for Kosovo deal", BBC News, 1 August 2007, http://news.bbc.co.uk/2/hi/europe/6927080.stm.

[60] For Samardzic's comments, see "Ponuda Albancima: Srbiji granice, Kosovo u MMF-u", *Politika*, 2 August 2007. Djelic is quoted in "Skidanje s grbace", *Kurir*, 6 August 2007.

[61] In mid-July 2007, answering a question put at a conference in Madrid, Jeremic said giving Kosovo Albanians representation in Serbia's government "would have the effect of a seismic shock on the Serbian political scene, our answer to that question is, 'yes'". "Yes to Albanians in Serbian Parliament", B92, 18 July 2007. Subsequent comments in the Serbian press revealed deep scepticism about this notional offer; see, for example, "Nerealno ucesce Albanaca u vlasti", *Blic*, 20 July 2007.

[62] There is no sign that Belgrade politicians have attempted to formulate a serious plan for integrating Albanians into Serbia's political, social and economic life. To do so would entail serious domestic political risks for the Kostunica government.

have offered numerous concessions,[63] and a steady parade of visitors has come through Belgrade with positive messages meant to strengthen pro-Western elements and encourage at least a soft "no" on Kosovo.[64] If anything, however, the government's position has hardened.

Although Kostunica's coalition partner, President Tadic, is EU-oriented, sends the U.S. more conciliatory messages and is uncomfortable with the influence Russia is gaining in Serbia, he openly supported the 24 July resolution. Tadic feels he needs Kostunica's help if he is to win the soon-to-be-called presidential election, and he is neutralised on Kosovo by Kostunica and his ability to manipulate a nationalist parliamentary majority independent of the ruling coalition's majority.[65] Kostunica and his DSS party control all Kosovo policy through a Kosovo ministry they created to put the portfolio in effect off-limits to the DS-run foreign ministry.

Belgrade has skilfully used the West's concessions and courtship to its own advantage and no longer feels it is operating from weakness. It has exploited differences within the EU, lobbying Slovakia, Romania, Greece and Spain. Serbia's nationalists interpret the West's concessions as vindication, while the government uses its increasingly "European" image to try to convince EU member states of the reasonableness of its stance. Kostunica has even attempted some reverse conditionality, portraying the resumption of Stabilisation and Association Agreement talks as an opportunity for the EU to be more constructive on Kosovo.[66]

Belgrade feels confident in its approach on Kosovo not least because the EU often appears to send mixed signals. While reminding Belgrade that it supports the Ahtisaari plan, Brussels praised Serbia's October 2006 referendum on a new constitution that lays eternal claim to Kosovo in its preamble. In July 2007, Enlargement Commissioner Rehn said Serbia would be judged in the long term on its adoption of a "constructive attitude and a realistic approach" in the forthcoming talks with Pristina.[67] France's Kouchner and Commission President Barroso told Belgrade that it must resolve its relations with Kosovo before it can join the EU.[68] The EU has applied no real open pressure on Belgrade, however, to soften its stance. It has quietly suggested Serbia must eventually choose either Kosovo or Europe, and if it chooses Kosovo it will get neither but has avoided pressing the point lest it get the wrong answer. Jeremic echoed Kostunica when he noted:

> There have been messages to Serbia from some quarters to choose between Europe and Kosovo…This is an impossible choice and an indecent offer, to say the least, in 21st-century Europe. I wonder what the answer would be if Kosovo Albanians were asked to choose between Europe and independence.[69]

Having exploited divisions within the EU and taken advantage of Russia's support in the Security Council, Belgrade now sees itself as a clear winner. It hopes that failure to resolve status in the short-term will lead to a deteriorating situation on the ground that will produce unilateral action by Kosovo Albanian politicians or mobs that strengthen Serbia's position internationally.

Belgrade sees the new negotiations as an opportunity not so much for diplomatic progress as for more delay. Samardzic declared that "before the negotiations begin, the Contact Group must agree upon many things regarding

---

[63] Over the past ten months these have included: prolonging the negotiations associated with the Ahtisaari plan to accommodate Serbian elections; turning a blind eye to Serbia's fraudulent adoption of a new constitution; offering membership in NATO's Partnership for Peace even though Serbia failed to meet requirements; relaxing EU policy on Hague conditionality; a favourable compliance report from the ICTY prosecutor; the resumption of U.S. financial assistance even though the precondition for this, the capture of the architect of the 1995 Srebrenica massacre, Ratko Mladic, had not been met; visa facilitation talks; a favourable report from the European Parliament rapporteur; and restarting Stabilisation and Association talks, even though Mladic remains at liberty, apparently in Serbia.

[64] The hope is that if domestic politics prevents any Serbian government from formally agreeing to Kosovo independence, it might nonetheless be possible for a government that values the integration with European and transatlantic institutions on offer to be content with merely pro forma objections to an arrangement that protects Serb minority interests in Kosovo and which it has in fact negotiated.

[65] See Crisis Group Europe Briefing N°46, *Serbia's New Government: Turning from Europe*, 31 May 2007.

[66] "The resumption of the talks is also the best opportunity for the European Union to show respect for Serbia in the spirit of full and true partnership relations and strongly support our country's sovereignty and territorial integrity and with this, Serbia's efforts for reaching a compromise on Kosovo's future status through renewed negotiations, in line with the UN Charter". *VIP Daily News Report*, 8 June 2007.

[67] Address to the European Parliament, 11 July 2007.

[68] Barroso reinforced the point ahead of the EU's 23 July GAERC (General Affairs External Relations Council, foreign ministers) meeting: "For Serbia there can be no role in the EU if it does not cooperate for a Kosovo solution", interview in *Frankfurter Allgemeine Zeitung*, 23 July 2007. See also Ivana Sekularac, "No Serbia entry to EU without Kosovo deal - France", Reuters, 12 July 2007.

[69] *VIP Daily News Report*, 30 July 2007. Kostunica also used the term "indecent offer" on 16 July when referring to the messages being sent by EU officials. "The offer is like this: if you want Europe, you can forget Kosovo; if you want Kosovo, you can forget Europe. Things cannot be like that. It's an indecent offer".

procedure,…on the form, the dynamics, the fundamental themes and principles", adding Belgrade will not begin until the rules are confirmed by the Security Council and the Contact Group. "I don't see that it [agreement on rules] will be easy to quickly achieve, and I think that these discussions will last for quite some time". The negotiations, he said, had to be direct and under patronage of the UN, which should make a declaration to mark their start. Belgrade, he added, did not consider the shuttle diplomacy now begun by the EU, U.S. and Russia troika an official part of the process.[70] Although Russia has given preliminary agreement to Ban Ki-moon's 10 December reporting date, its troika representative, Alexander Botsan-Kharchenko, has indicated Moscow supports this approach and accepts Serbia's argument that the Ahtisaari plan should not be the starting point of the new negotiations.[71]

Serbia will not feel obliged to make significant concessions, nor is there any domestic political consensus to do so. Even a Kosovo Albanian offer of formal autonomy for the Serb-inhabited territory north of the Ibar within independent Kosovo would not induce Belgrade to accept Kosovo independence. If Pristina declares independence without a Security Council authorisation and regardless of the degree of Western support, Belgrade calculates that it can maintain its claim under 1244 to sovereignty over all Kosovo, demonstrate more openly the control it has already established in the north, label the remainder of Kosovo secessionist and blame the Albanians for de facto partition, while leaving the international community with a long-term frozen conflict. It may even consider that once matters settle down, the EU would offer accelerated accession as compensation for the loss of the rest of Kosovo.

C. RUSSIA

Much of the diplomacy to date has relied on the supposition that Russia ultimately would not endanger its relations with the West over Kosovo. Analysis of current Russian internal political dynamics and external policy calculations, however, suggests Moscow has little to lose by opposing the U.S. and EU over Kosovo, and that not much could realistically be offered it to acquiesce in independence. It is confident that its energy resources give it more leverage over the EU than the reverse, while the dispute with the U.S. over a missile defence shield and the announced suspension of the conventional forces treaty indicate readiness to accept difficult relations with Washington.

In Russian eyes, approaching Kosovo as a unique case that would not set a precedent for any other entity with independence aspirations was always politically unrealistic and legally unacceptable. Opposition to UN Security Council endorsement of Kosovo's independence in the face of Belgrade's disapproval is at least partly based on concern this would encourage the aspirations of some of Russia's own entities – a concern shared by some EU member states with respect to their assertive regions. While Russian officials refer in public only to the frozen conflicts in the South Caucasus and Moldova, they do not deny in private that the situation in the North Caucasus is also part of their preoccupation. Moscow sees advantages in forcing the U.S. and Europe to go around the UN if they wish to achieve Kosovo's independence, thereby further damaging their multilateralist credentials and enhancing its own. And should Kosovo's independence be established without UN sanction, it could use the precedent, if it wished, to justify its unilateral support of the breakaway entities in Georgia and Moldova.

Russia has gradually escalated its rhetorical support for Serbia and the principle of territorial integrity. Senior officials have met and displayed solidarity with Serbian counterparts with increasing frequency. Earlier comments by its diplomats that Russia "is not against Kosovo's independence", and Serbia would have to present constructive proposals[72] are no longer heard. Instead, old Belgrade proposals are called "sound".[73]

At the beginning of the year, a Russian diplomat was able to claim Moscow had no interests in the Balkans.[74] This is no longer so. President Putin has called it "natural that a resurgent Russia is returning there".[75] The Kosovo issue is drawing Serbia closer to Moscow. Prime Minister Kostunica offered Russia favourable treatment in Serbia's privatisation program. Though he later backtracked, and Deputy Prime Minister Djelic denied it,[76] "inside, the Russians are more and more invited".[77] Kostunica has since stated it is in Serbia's interest to attract Russian investors to major projects.[78] On 24 June President Putin was the central figure at a Balkans energy conference in Zagreb, where he outlined Russia's plans to develop two

[70] "Ponuda Albancima: Srbiji granice, Kosovo u MMF-u", *Politika*, 2 August 2007.
[71] "Ahtisarijev plan nije osnova", B92, 8 August 2007.

[72] Crisis Group interviews, Russian diplomats, 1 June 2006 and 12 February 2007.
[73] Russia's Troika envoy Alexander Botsan-Kharchenko, quoted in "Harchenko: Talks Could Start Next Week", B92, 3 August 2007.
[74] Crisis Group interview, 12 February 2007.
[75] Remark made at the Zagreb regional energy conference, 24 June. See "A new battlefield", *The Economist*, 12 July 2007.
[76] See "Rusi nisu favoriti", *Vecernje Novosti*, 29 June 2007.
[77] Milan Pajevic, Belgrade analyst, conference address, Paris, 20 July 2007.
[78] *VIP Daily News Report*, No. 3637, 23 July 2007.

pipelines and become the region's main gas supplier,[79] while Russian television reported that EU officials sat on the sidelines, "not without envy".[80]

Russia views the U.S. as its chief antagonist in Europe but there is a subtext of competition with the EU for influence over the Balkans. In June 2007 Commissioner Rehn warned Serbia: "One has to be careful even when hugging a big, friendly bear that one isn't suffocated".[81] However, Russia's rejection of the Ahtisaari plan, which the EU has backed, and Putin's 27 July insistence that "peace in Europe can only be built with territorial integrity of sovereign states",[82] challenge the EU's grip over what it had considered its uncontested natural space.[83]

With presidential elections due in March 2008 and Putin barred constitutionally from standing again, a controlled conflict with the West and the nurturing of siege-mentality nationalism are options that might offer the current leadership political space to make its preferred rearrangements.[84] At the least, Moscow appears prepared to use its influence in susceptible borderlands to frustrate the EU and NATO's eastward expansion. Serbia's addiction to Kosovo makes it an easy instrument; other Balkan countries' need for Russian gas makes them vulnerable.[85]

In short, while Russia has not yet shown its bottom line, and may not even have identified it internally, there is considerable evidence to suggest that it sees multiple foreign policy benefits in giving Serbia if not a blank check, then at least a substantial one with which to obstruct an Ahtisaari plan-based resolution of the Kosovo conflict. Its attitude also appears to be consistent with the demonstration domestically of increasing confidence to construct a separate system of values to supersede the European norms to which it subscribed after the end of the Cold War. None of this bodes well for identifying operational common ground with the EU and the U.S. in the months ahead.

D. THE EUROPEAN UNION

The EU is Kosovo's largest benefactor, and the prospect of ultimate accession provides it with a focus for its energies as an independent state. Brussels has already quietly shifted the Kosovo file into the Commission's Directorate General for Enlargement, with ten officials working on it. The Commission has absorbed the UN's Standards for Kosovo program of governance benchmarks into a European Partnership Action Plan, progress on which it reviews with the provisional government every quarter. It is ready to expand an EU delegation in Pristina to 80 staff by late 2008.

The Council Secretariat has been preparing to deploy the ICO/EUSR and rule of law missions, with nearly 2,000 staff, to oversee Kosovo's first years of conditional independence. The absence of a timeline for final status, however, has meant that the planning is going stale and beginning to experience turnover of senior staff. "It's hard to stay enthusiastic and remain the future for more than nine months", an EU official noted.[86]

Until late July 2007 the EU had counted on the U.S. and Russia to do a deal to achieve the enabling resolution in the Security Council it considered necessary to move forward with the Ahtisaari plan. After Russia dismissed the West's third draft resolution, EU foreign ministers meeting in Brussels on 21 June reaffirmed that they would not support any unilateral independence declaration. An official reinforced the message in Pristina: "Unilateral action, or other irresponsible behaviour in Kosovo, would take away all the goodwill that you have received and achieved in the meantime. It will not help you to overcome the remaining obstacles but it will build many, many more".[87]

Hopes that a deal would emerge from the Bush-Putin meeting in Kennebunkport on 1-2 July were disappointed. Instead, the projected U.S. missile defence shield deployments in Poland and the Czech Republic which dominated discussion, together with Putin's earlier threat of retargeting nuclear missiles at European cities, reinforced the image of Europe as a strategic chessboard, rather than a powerful political actor in its own right.

[79] RTR television news, 24 June 2007.
[80] RTR evening news, 24 June 2007.
[81] Andrew Rettman, "Serbia aims to be EU 'candidate' in 2008", *EUobserver*, 13 June 2007.
[82] Comments made at a Moscow accreditation ceremony for new ambassadors, including Serbia's. "Putin: European peace based on international law", B92, 27 July 2007.
[83] At its Thessaloniki summit of 21 June 2003, the EU held out the prospect of membership to all countries of the Western Balkans.
[84] Former acting Russian Prime Minister Yegor Gaidar suggested that Putin would use Kosovo's independence as a pretext for waging war with Georgia, and this conflict would be used in turn to justify his running for a third term of office in March 2008, which is currently disallowed by Russia's constitution. "The Complete Albats", radio interview, *Ekho Moskvy*, 17 June 2007.
[85] In a statement to media on 25 June 2007, Macedonia's President Crvenkovski denied reports that on the sidelines of the previous day's Zagreb regional energy summit, Putin admonished him not to be so openly in favour of the Ahtisaari plan. See "Putin did not want Macedonia to change its stand", *Macedonia Daily*, 27 June 2007.
[86] Crisis Group interview, Pristina, 15 June 2007.
[87] Stefan Lehne, Pristina press conference, 21 June 2007.

As the UN Security Council track has faltered, EU officials have hesitantly begun to assert more forthrightly that "Kosovo is a profoundly European matter",[88] since "its stability has a direct impact on stability of the Balkans and the stability of the EU",[89] and "neither Russia nor the United States is so directly affected by what happens in the Balkans as we Europeans are".[90] But sometimes incoherent policy positions do not yet back this up. EU Council conclusions of 18 June "underlined the necessity of rapidly finding a solution to the Kosovo Status issue" but foreign ministers deliberated three days later on whether to support a four- or six-month pause. Russia's veto threat in the Security Council may yet force a shift in the balance of EU policy from support for the Ahtisaari plan to containment of Kosovo Albanian impatience. An independence declaration before a critical mass of EU countries is ready to recognise it could keep Kosovo out of Brussels for a very long time, while creating legal difficulties for the Commission to maintain even its present level of aid and the Stability and Association tracking mechanism.

At least the possibility that the EU would prioritise internal unity over a clear-cut Kosovo outcome was indicated by Manuel Lobo Antunes, Europe minister of Portugal, holder of the EU's six-month revolving presidency, who stated in June: "The first priority is that we act together, in the same direction".[91] In the likely event the EU as a whole would not be able to recognise an independent Kosovo without the Security Council's blessing, even after four months of unproductive new negotiations, French officials believe that at least twenty of the 27 member states could be ready to do so.[92] But this is a guess at best, and the officials differ in their assessments of current positions. One suggested even two of the four EU Quint members – Germany and Italy – would be reluctant.[93] Another alluded to a straw poll among political directors in Lisbon in mid-July that suggested a large majority would be prepared to move, a major shift from three months earlier when only five had that position.[94]

A number of EU member states, including Slovakia, Greece, Cyprus, Romania and Spain, however, clearly have some sympathy for Serbia's position and have prevented an outright endorsement of conditional independence. Instead several European Councils have merely restated support for Ahtisaari's "Comprehensive Proposal", while omitting mention of his more explicit Report. Spain (with its Catalonia and the Basques), Cyprus (with its unrecognised Turkish Republic of Northern Cyprus) and Romania and Slovakia (with their Hungarian minorities) are to various degrees concerned about the impact recognition of Kosovo independence could have within their own borders. Romania, a neighbour of Serbia, shares an Orthodox culture, as do Greece and Cyprus. Meanwhile, the Security Council deadlock has exposed the EU's lack of resolve.[95]

In late June Christina Gallach, spokesperson for EU foreign policy chief Solana, observed that "if the Russians keep saying 'no', we can take our own decision".[96] Russia's ambassador to Serbia called her comment impertinent, insisting that "Kosovo is not a European, but an international question,…and a definitive decision will come from the Security Council".[97] The EU commitment to the UN system is strong but Russia is itself blocking what Commissioner Rehn calls "effective and responsible multilateralism".[98] Increasingly, EU officials believe Moscow is doing this so that Kosovo might eventually blow up in the faces of the EU and NATO.[99] Kosovo can indeed be the EU's issue if it so decides. Its investment of resources and personnel there are unrivalled. Its member states' troops dominate KFOR. In contrast, the U.S. wants to disengage, and Russia contributes nothing. But if the EU is to lead it will need to firm up its resolve and agree on a clear course of action.

E. NATO

NATO, which has 16,000 troops in Kosovo, is plagued by its own uncertainties. If authorised by the Security Council, this force would change its name from KFOR to the International Military Presence (IMP) and would add a training element, to build up the projected Kosovo Security Force. Technical agreements governing

[88] Commissioner Rehn, address to the European Parliament, Strasbourg, 11 July 2007.
[89] EU foreign policy chief Solana's spokeswoman Christina Gallach, quoted by Nicholas Wood and Dan Bilefsky, "EU faces a dilemma if Russians don't yield over Kosovo", *The New York Times*, 28 June 2007.
[90] Rehn, op. cit.
[91] "Portugal urges EU unity over Kosovo", B92, 28 June 2007. Portugal is not focused on the Balkans and did not make solving Kosovo one of its presidency priorities. Slovenia's six-month presidency from January 2008 holds more promise: it wants Kosovo independent, is a significant investor in the territory, and has dedicated 600 troops to KFOR, 10 per cent of its army.
[92] Crisis Group interview, Paris, 20 July 2007.
[93] Crisis Group interview, Paris, 19 July 2007.
[94] Crisis Group interview, Paris, 20 July 2007.
[95] A French diplomat regretted that the West was unable to threaten earlier unilateral recognition of Kosovo to deter Russia from blocking independence in the Security Council: "We were too divided to be able to use such tactics". Crisis Group interview, Paris, 20 July 2007.
[96] Gallach, op. cit. She repeated this to the Serbian daily *Vecernje Novosti*, 3 July 2007.
[97] Interview, *Politika*, 6 July 2007.
[98] Rehn, op. cit.
[99] Crisis Group interviews, Brussels, Vienna, Berlin, May-June 2007.

cooperation in the field between the IMP and the EU's ICO/EUSR and rule of law missions would also be needed.[100]

If NATO does not receive a mandate from the Security Council, however, and Kosovo declares its independence outside the UN framework, with UNSCR 1244 not superseded, it will have a legal problem staying. Some European foreign ministries express confidence the U.S. could smooth over any complications[101] but if UNMIK leaves, and not all 26 member states recognise Kosovo, the NATO Council, which operates by unanimity, may have difficulty accepting an invitation from the government in Pristina. A coalition of the willing might form but further questions would arise as to whether it could draw on NATO capabilities.

These are not theoretical matters because there is a real possibility an effective international force will be needed to deal with security challenges in the immediate aftermath of any conceivable independence scenario. Especially in the north, at least some degree of minority Serb protest would be likely, such as road blocks, possibly with the aid of "volunteers" from Serbia. This would entrench de facto partition unless rapidly countered. NATO has the only viable force that could undertake this task but would the countries that contribute troops to its mission agree? Several might pull out, especially if the legal basis for the mission became questionable. Kosovo Albanians have great faith in the U.S. contingent but would Washington, on the threshold of its own national election, be prepared "to be involved in another potential deteriorating security situation where its soldiers are at significant risk?"[102]

The embarrassment to NATO and implications for its coherence in other theatres if a number of contributing nations withdrew their troops from KFOR following a Kosovo declaration of independence might be more damaging than the immediate security impact in Kosovo itself. It would be prudent to take action to reduce this prospect by starting to reconfigure KFOR now. Quiet diplomacy should be undertaken with participants unlikely to recognise Kosovo – Spain, Greece, Romania and Slovakia – so that their troops can be replaced by the end of the year by those of states that might be prepared to continue, such as France, Belgium, Denmark, the U.S. and Germany, the mission's mainstays north of the Ibar.

F. THE UNITED STATES

The U.S. has been considerably more assertive in its calls for relatively speedy status resolution and its support for the Kosovo Albanian position than the EU, to the point that comments by its ambassador in Belgrade, Michael Polt, provoked Kostunica to comment that a new battle was being waged over Kosovo, "fought this time between Serbia and the United States".[103] Nevertheless, Washington has been unwilling to make fulfilment of its repeatedly expressed commitments to the Kosovo Albanians a central part of its relationship with Russia, and, in tacit recognition that ultimately Kosovo is a European issue, it has been reluctant to move on its own.

The U.S. has stood back as the EU has designed post-status missions to oversee implementation of the Ahtisaari plan but its diplomats have unnerved their European counterparts on several occasions since May 2007 by threatening to force a vote and a Russian veto in the Security Council. The Bush administration is frustrated with the Europeans' caution; the Europeans are fearful that U.S. rashness could expose their divisions. The process to date has exposed a reduced U.S. capacity for leading its allies.

By saying explicitly that it will recognise Kosovo's independence and coming close to setting a date for doing so, the U.S. has identified itself more closely with Pristina's aspirations than have its European partners. Senior U.S. officials have started to talk publicly of the need to fulfil promises to the Kosovo Albanians.[104] No European government speaks this way; some have said they will recognise independence, and most call for implementation of the Ahtisaari plan but, unlike the U.S., they still give Pristina the impression they could settle for an alternative.

Kosovo Albanians rely on a hope the U.S. will ultimately act and jolt the EU out of paralysis. In mid-May 2007, however they were crestfallen, when a U.S. official backtracked on apparent support for bilateral recognition if the UN route failed.[105] On 10 June their spirits rose, when President Bush visited Albania and asserted

[100] Turkey, a NATO member, could obstruct adoption of such agreements if it wished to use its veto power over NATO arrangements to influence the difficult accession process it is engaged in with the EU.

[101] Crisis Group interview, French official, Paris, 19 July 2007.

[102] William Montgomery, "Ten inconvenient truths about Kosovo", B92, 6 August 2007. The author is a former U.S. ambassador to Serbia.

[103] *VIP Daily News Report*, 29 June 2007.

[104] Under Secretary of State Nicholas Burns, BBC World "Hardtalk", 16 July 2007.

[105] At a 28 April 2007 conference in Brussels, U.S. Assistant Secretary of State Daniel Fried had said, "Kosovo will be independent with or without a United Nations resolution". "Verbeke: No deadline for decision", B92, 29 April 2007. On 16 May, he was quoted as saying, "we see no advantages whatsoever of taking action outside of the Security Council, we see only disadvantages in every way". "Top U.S. diplomat: Washington will not act unilaterally on Kosovo independence, aims to work with partners at UN", Associated Press, 16 May 2007.

explicitly and repeatedly that the U.S. would recognise an independent state:

> Secretary Rice will be moving hard to see if we can't reach an agreement. And if not, we're going to have to move…there has to be an effort to see if we can't find a way for everybody to say, well, it's a good idea. And if you end up being in a position where you don't, at some point in time, sooner rather than later, you've got to say enough is enough, Kosovo is independent.[106]

Following this, U.S. officials began to consider a date.[107] Speaking to the BBC on 16 July, Under Secretary of State Nicholas Burns said the U.S. would recognise Kosovo's independence before the end of 2007. Yet, as with the Security Council vote, the U.S. stepped back in deference to the EU. On 23 July Secretary of State Rice assured the visiting Kosovo Unity Team independence would follow at some point after the Contact Group-moderated talks but did not firm up a date.[108] French diplomats explained: "We are on the same line as Nick Burns, but more careful about giving a date".[109] Another called it "nonsense to give a date…[but] it's for granted that France will recognise Kosovo".[110]

The U.S. appears to have been disconcerted by the increasing Russian assertiveness. Prior to the G8 Summit, officials tried to jawbone Moscow into backing down, saying it would be to blame if violence flared as a result of its hindrance of the Ahtisaari plan. This failed, and Washington does not appear ready or willing to trade anything for Kosovo's independence. The comparative lack of attention at the Bush-Putin Kennebunkport meeting dominated by cheerful fishing expeditions and discussions over the plan to build components of the projected missile shield in Poland and the Czech Republic suggested Kosovo's place in U.S. priorities. President Bush will still wish to keep his promise to the Kosovo Albanians but the U.S. will now want to wait at least until after the four months of new talks and then to act only when most EU states are also ready.

IV. ALTERNATIVE COURSES OF ACTION

A. A QUICK PUSH

It would have been possible to force a decision in the Security Council earlier in the summer, though a negative one in the sense of a vetoed resolution that would have made clear the world body was not going to resolve the Kosovo dilemma. Some argued that the West should seek that showdown in order to start the clock ticking for an alternative solution rather than wait for that to become a necessity in the chaos of a breakdown on the ground in Kosovo. The demonstration of a clear majority on the Council in favour of Kosovo's conditional independence might have given its backers moral authority to carry into subsequent EU deliberations. The U.S. was tempted, and several European ambassadors to the Security Council were disappointed that their capitals did not take this line.[111]

That moment passed with the decision to suspend efforts to obtain a Council resolution endorsing the Ahtisaari plan and to pursue a four-month period of reflection and new negotiation between Belgrade and Pristina. It is not likely to return. If the advocates of conditional independence determine to press ahead at some point, they would find it less time-consuming and costly to do so without going back to New York for formal confirmation that the Security Council route was blocked. Inviting a formal veto in this context would not resolve the Kosovo problem and arguably could degrade the Council's credibility and thus its capacity to resolve other conflicts and crises. And France in particular may be very reluctant to recognise Kosovo after a veto from a fellow permanent member of the Security Council.[112]

B. GRADUALISM

It remains possible for the EU and U.S. to accept there is no cost-free way to make Kosovo independent in the short term and opt for the Security Council to mandate the new EU and NATO missions under Resolution 1244, with recognition that Serbia's sovereignty over the province continues. That was on offer in the Council in the spring and could be revived. The hope would be that, once on the ground, the EU missions in particular would be able to expand the Kosovo institutions' reach, while diplomats

[106] "President Bush Participates in Joint Press Availability With Prime Minister Berisha of Albania", Tirana, 10 June 2007, see U.S. Department of State, www.state.gov/p/eur/rls/rm/86260.htm.

[107] "Reuters: Xhorxh Bush do te caktoje nje date te fundit per pavaresine e Kosoves" [Reuters: George Bush will determine a deadline for Kosovo's independence], *Zeri*, 16 June 2007.

[108] Prime Minister Ceku, in an interview given to the "Jeta ne Kosove" television program of RTK/BIRN, 27 July 2007. See www.birn.eu.com/en/96/10/3746/ for the transcript.

[109] Crisis Group interview, Paris, 19 July 2007.

[110] Crisis Group interview, Paris, 20 July 2007.

[111] Crisis Group interviews, New York, July 2007.

[112] Crisis Group interviews, French diplomats, January and July 2007. "Better no resolution than the West overriding the Russian veto. We would pay too high a price on other matters. We won't undermine the whole UN system for the sake of Kosovo", said a French official.

in New York dispensed with 1244 bit by bit. Kosovo Albanians would be deeply disappointed and could be expected to regard the new missions as merely a variation of UNMIK, an entity that a local EU official said "is on life support.…We provide policy advice to an organisation that is losing it".[113] UNMIK officials themselves acknowledge that their organisation is now barely tolerated by the locals and is no longer accomplishing any useful purpose.[114]

The reception the EU could expect, therefore, would be hostile, perhaps violent. Moreover, gradualism, without dates or certain result, could easily slide toward freeze. There are such conflicts, for example in the Caucasus. But there is good reason to believe Kosovo is too volatile and too close to Europe's heart for that to be realistic there.

C. PARTITION OR OTHER CONCESSIONS ON THE SERB MINORITY

No one believes that the new talks the U.S., EU and Russia envisage between Belgrade and Pristina will produce a mutually agreed settlement in any practical timeframe. The positions are too far apart. Nevertheless, though its leading members have restated their support for the Ahtisaari plan, the Quint has not entirely excluded compromising on it, in faint hope that Russia will relent and Belgrade will be satisfied enough with a few sweeteners to give a soft "no", so that the Security Council can endorse a new dispensation.

Control over the Serb-inhabited parts of Kosovo's territory would be the currency of any such compromise. Former Russian Prime Minister Yevgeny Primakov has hinted at Russian acceptance of partition.[115] Moscow might make that course, whether by negotiation or, more likely, tacit acceptance of action on the ground, its price for a Security Council resolution accepting Kosovo's independence in some fashion. As noted above France's Kouchner hinted in July 2007 that the no-partition principle was not necessarily sacred, and U.S. Assistant Secretary of State Fried appeared to do the same, to the distress of the Kosovo Albanians.[116] Following the initial troika efforts to reopen Belgrade-Pristina talks, the EU representative, Wolfgang Ischinger of Germany, was reported in the press as not ruling out partition: "A solution to the festering issue, he said, included 'all options. If they want to pursue any option that is fine with us', he said".[117]

It is not even clear at this point, however, that Belgrade would pay a price – acceptance of Kosovo's independence – in return for partition. It feels confident events are moving in its favour, and it can obtain at least the de facto reality of partition while maintaining its hard line.

The EU and U.S. have ruled out partition regularly in the past, and Crisis Group has warned of the dangers, both for Kosovo's internal security (it would pressure the enclave Serbs south of the Ibar to leave) and regional security (it would risk opening several borders to revision along crude ethnic lines).[118] Faced with partition, Kosovo's majority could find renewed attraction in a pan-Albanianism that would appeal to ethnic kin in south Serbia and Macedonia. The Albanians of south Serbia's Presevo Valley have demanded unification with Kosovo should Serbia regain the land north of the Ibar.[119] Macedonia's Albanians, who conducted an insurgency in 2000-2001, could again question their present state arrangement and envisage Tetovo as Kosovo's southern capital.[120] Pan-Albanianism

[113] Crisis Group interview, Pristina, 15 June 2007.
[114] Crisis Group interviews, Pristina, May and June 2007.
[115] Primakov hinted that the division might not be along the Ibar but include Serb communities, churches and monasteries south of that river as well: "What I am about to say now may not be popular in certain circles. But in such an unfortunate case, there would be no other option left but to divide Kosovo and Metohia. At the present time, it is hard to imagine how the dividing line could be drawn. Evidently, Serbia should still comprise the Serb-populated parts of Kosovo that [are] home to Orthodox churches. This division would be all the more justified (to reiterate, as a last resort measure, if no compromise is achieved), since the security of its Serbian population is at the top of the list of regional priorities.…The consent of the parties concerned – the Serbs and Kosovars – is a compulsory condition if there is to be any dividing of Kosovo and Metohia". "Breaking the Kosovo Deadlock", op. cit. Primakov was similarly quoted in "Primakov: podela Kosmeta ako pregovori propadnu", *Politika*, 2 July 2007.
[116] For Kouchner, see Section III A 2 above. The host of a Kosovo television political interview show on which Fried was the guest in early July 2007 interpreted his disinclination to give a clear "no" to partition (instead, Fried discussed its disadvantages) as a weakening of the U.S. position. See Adriatik Kelmendi, "Bernard Kouchner – kasneci i ndarjes?!"[Bernard Kouchner – herald of partition?!], *Koha Ditore*, 13 July 2007; see also the Fried interview transcripts, printed 11-12 July in the same newspaper.
[117] "EU Puts Pressure on Kosovo Rivals to Reach Deal", op. cit. Ischinger was quoted as adding: "We are urging both sides to think outside the box. If both sides repeat their classic positions, there is little hope for compromise or bridge-building". Addressing both, the envoy also said, "coming closer to the EU, associating themselves with the values and the constitutional beliefs of the European Union depends on their ability to reach an agreement here. In absence of such agreement the European door will not be as open as I'm sure everyone here in this region would hope it to be".
[118] See Crisis Group Report, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, op. cit.
[119] They have no plans to take up arms themselves, however. Crisis Group interviews, Presevo and Bujanovac, 27 July 2007.
[120] That insurgency was led by the Macedonian NLA. Fazli Veliu, leader of a group of NLA veterans, has been prominent in recent weeks with bellicose statements claiming he could

might also begin to assert an attraction again in Montenegro and Albania.

Redrawing of borders along ethnic lines in the territories of the former Yugoslavia would not necessarily become a solely Albanian preoccupation, however. Although the Speaker of Serbia's Parliament, Ivan Dulic, recently stated that Kosovo and Bosnia are not connected, Kostunica hints periodically at eventual union with Republika Srpska (RS) and statements by RS Premier Milorad Dodik over the past year about a possible referendum have raised the political temperature.[121] There is more than a little potential for "Greater Serbia" and "Greater Albania" ideologies to feed each other if nourished by the partition of Kosovo.

For all these reasons, partition should continue to be resisted firmly. Nevertheless, the Quint could be tempted to explore a further watering down of unitary administration. Indeed, additional concessions, particularly over the status of north Kosovo, might be seen as helpful if Kosovo is to be brought to independence without benefit of a Security Council authorisation. The Ahtisaari plan required the Albanian majority to concede the Serb minority strongly decentralised municipal self-governance and accept a regulated role for Serbia's government in supporting those municipalities. Those concessions have obviously not satisfied Belgrade, and the less multilateral legitimacy an independent Kosovo has, the more emboldened local Serbs and Belgrade will be in challenging the EU and NATO above the Ibar.

Post-independence EU ICO and rule of law missions would face an awkward, likely hostile environment in Serb-inhabited north Kosovo. The Kosovo Police Service might well collapse there, and Belgrade would be encouraged to take the wraps off its own security forces that, though unacknowledged, have long been north of the Ibar, so as to provide security for Serbs while at the same time underlining its 1244-recognised sovereignty in Kosovo.[122] It would be difficult for the EU and even NATO to maintain the formality of the northern border and suppress overt displays of Serbia's control. The Quint would accordingly like to know whether a further redefinition of the status of the Serb-majority municipalities could ease Belgrade's resistance.

Revision of the Ahtisaari formulas could take several forms. The municipalities in central and southern Kosovo might be further de-linked from Kosovo's central government and perhaps given a formal veneer of international protection, with the EU's new ICO/EUSR interfacing between them and Pristina.[123] The four Serb-majority municipalities north of the River Ibar – Leposavic, Zubin Potok, Zvecan, and the projected north Mitrovica municipality – could be formally united in an autonomous region, enjoying prerogatives of its own. There are risks in such measures, however. A formally autonomous north Kosovo region in particular could easily serve as a mere way-station for partition. Moreover, even consideration of such ideas could set off unpredictable reactions among Kosovo Albanians, who believe they have already made all the concessions. It would be imprudent of the Quint to prompt Pristina to move further in this formal autonomy direction except in the unlikely event Belgrade offered to recognise Kosovo at this price.

raise thousands of fighters to help Kosovo ("Macedonian Albanians 'Ready to Fight for Kosovo'", *BIRN*, 10 July 2007).

[121] Dodik has, however, indicated this would be a referendum to reaffirm RS "statehood" as an entity within Bosnia, not an independence referendum. Crisis Group interview, Milorad Dodik, February 2007. See also "RS ne podrzava unilateralizam", *Glas javnosti*, 6 July 2007; "RS I Kosovo nisu isto", *Kurir*, 18 July 2007; "Dodik: Pravo na referendum", *Beta*, 27 May 2006; and "Kostunica: RS deo porodice", *Nacional*, 31 January 2003.

[122] See Crisis Group Europe Report N°165, *Bridging Kosovo's Mitrovica Divide*, 13 September 2005, pp. 26-27, for discussion of the Serbian Ministry of Internal Affairs (MUP) presence.

[123] In the course of the Ahtisaari negotiations, Belgrade sought creation of a Serb entity within Kosovo, similar to Bosnia's Republika Srpska. This was rejected by both the EU and Ahtisaari. "Nista od entiteta?", *Vecernje Novosti*, 29 March 2006. See also "EU protiv entiteta", *Vecernje Novosti*, 20 February 2006, and "Amendments to Comprehensive Proposal for the Kosovo Status Settlement by the Negotiating Team of the Republic of Serbia", 2 March 2007.

V. A PLAN OF ACTION

With little to no chance that the Security Council route or new negotiations between the parties can settle the Kosovo conflict or that the conflict can be put on ice for any significant period, the U.S. and the EU need to agree on and pursue a new course. As a preliminary, they should agree among themselves that it is essential to resolve Kosovo's final status by bringing the entity to early, conditional independence**.** There is still hesitation to take the necessary difficult steps because, in the larger scheme of things, Serbia, not to speak of Russia, weighs more heavily than Kosovo. Relations with those two powers will depend on many factors, not Kosovo alone, however. Meanwhile, the Kosovo problem has become Europe's most critical security challenge.

In the security strategy it adopted in December 2003, the EU acknowledged a new breakdown in the territories of the old Yugoslavia would threaten its own stability not least by submitting it to great pressure from refugees and organised crime networks.[124] If Kosovo explodes because the independence issue is mishandled, the regional risks would include that eight years' worth of international resources and prestige dedicated to managing the crisis would be lost; the genie of ethnic conflict would be let loose again with consequences that could include the 60 per cent of Kosovo Serbs who live in enclaves south of the Ibar losing their homes; Belgrade might reactivate the goal of reabsorbing the Republika Srpska portion of Bosnia; Serbian paramilitaries could try to expel Albanians from Presevo and Bujanovac; Macedonia's Albanians might take up arms to maximise the territory they control and associate with Kosovo; and Montenegro's Albanians might try to unite with Kosovo.

Not all these scenarios would likely come fully to pass but individually and collectively the effort to prevent or manage them would return the Balkans and, inevitably, Western and Central Europe alike to something akin to the nightmarish situation that prevailed as Yugoslavia broke apart. There is nothing else that so threatens to divert EU energies and stimulate the differences between its member states (and perhaps its differences with the U.S.). The EU rightly concluded in 2003 that "the credibility of our foreign policy depends on the consolidation of our achievements [in the Balkans]….[W]e should be ready to act before a crisis occurs".[125]

Once the primacy of Kosovo as a European security challenge is accepted, it becomes easier to identify other key elements, including the following.

Time limits. Russia wants open-ended further negotiations between Belgrade and Pristina. Serbia appears to intend to draw out the projected new talks, and before them discussions about format and agenda, so as to delay matters indefinitely and not least increase the chance that frustrated Kosovo Albanians will do something rash. The Quint should not fall into this trap. It should be flexible on modalities but insist the troika's visit to Belgrade on 9 August 2007 marked the beginning of talks that must be completed at the latest by Ban Ki-moon's 10 December reporting deadline.[126] It should make clear that in the absence of an agreement, it will be prepared to act on the Ahtisaari plan and conditional independence. Even that timing is awkward, since it means the Kosovo election will likely be fought during the diplomatic phase.

It will be important to make clear what the course is, including at the end of the 120-day period, to Kosovo Albanians who may otherwise be tempted to take counter-productive unilateral actions. In Kosovo on 13 July, the French foreign minister said that unless Pristina and Belgrade agreed on something else during the four months, the Ahtisaari Plan would be implemented. The U.S. Secretary of State Rice told the Pristina Unity Team independence would follow after the talks.[127] Asked as the troika was preparing to make its initial visit to Belgrade when a solution to the status issue could be expected, the U.S. member, Wisner, replied: "I hope by the time that was given to us during the period leading up to December 10th. As far as the United States is concerned at that point we move ahead. Enough time has been spent. We need clarity".[128] Those are good messages to repeat.

Use of the 120-day period. Crisis Group in an earlier report supported a pause in the push for a Security Council resolution to permit further diplomatic efforts superficially similar to what is now under way. That one was meant to identify tangential concessions and face-saving devices to enable Russian acceptance of a meaningful Security Council resolution.[129] Moscow's and Belgrade's intentions for this diplomatic pause are both more ambitious and less benign. There is little prospect the four months can produce an agreement that bridges the gulf between

[124] "A Secure Europe in a Better World", European Security Strategy, adopted by the Heads of State and Government at the European Council, Brussels, 12 December 2003.
[125] Ibid.

[126] The U.S. insists on a 120-day limit. Frank Wisner told Kosovo's *Express* that the talks "are set for 120 days, so don't expect endless discussions". "New Kosovo talks must deliver quick solutions – U.S.", Reuters, 25 July 2007.
[127] Prime Minister Ceku, *Jeta ne Kosove* interview, op. cit.
[128] "Kosovo: Final Status Should be Decided by December", RFE/RL, 7 August 2007.
[129] Crisis Group Report, *No Good Alternatives to the Ahtisaari Plan*, op. cit.

Belgrade and Pristina or removes Russia's threat to veto a constructive Security Council resolution. A strategic decision should be taken, therefore, to prioritise efforts at building support for implementing the Ahtisaari plan and conditional independence.

The Quint should encourage the Kosovo delegation to probe Belgrade's diplomats about readiness to accept independence if given a little more with respect to the Serb minorities but the undertakings Quint members have made to Pristina need to be honoured: that the talks will not be used to push Pristina to move on its red lines. Above all, this period must not be regarded as yet another time-buying device that would merely return all the participants to their respective starting points at its conclusion.

Flexibility. The absence of Security Council authorisation for the Ahtisaari Plan and conditional independence creates a multitude of complications, not least in the legal basis for and timing of UNMIK's withdrawal, replacing it and KFOR with the new EU and NATO missions or some ad hoc variation, and coordinating between those entities. Where there is a political will, however, there is always a way. It can be done once the U.S. and EU make a firm decision that it needs to be done, even if it requires creative institutional thinking.

In any event, the UN Secretariat and Secretary-General Ban will have to carry part of the burden of these necessary decisions, most likely in the teeth of Russian opposition. A key mechanism that has to be worked out between the UN and EU is a means of deploying the rule of law mission (the ESDP mission or its ad hoc equivalent) before Kosovo's declaration of independence enters into force. Much of it could be built within the current UNMIK police structure, with its command structure changing on an appointed handover date.[130]

The lack of a UN Security Council mandate would put into question the formal executive powers the ICO/EUSR and rule of law missions are envisaged to have under the Ahtisaari plan, especially if their deployment and/or continued operation rest upon an invitation by Kosovo's government. This may not be disadvantageous: a lighter international touch that emphasises mentoring and monitoring at the expense of legal intervention powers could accelerate the maturation of Kosovo's own institutions; and an informal ICO-like apparatus formed by the embassies of the U.S. and willing EU member states might be able to exert influence as effectively as its formal equivalent.[131]

Mustering EU support for recognition of independent Kosovo outside the Security Council. French President Sarkozy, with his G8 Summit proposal, is the author of the "time-out" for reflection and new Pristina-Belgrade negotiations. Though France retains residual hope for an agreement between the parties, it sees the 120 days primarily as a device for demonstrating to not yet fully convinced or engaged EU member states that every effort has been made, and the EU must act.[132] France also wants waverers to see at closer quarters the implications of Russia's stance for security in the EU's Balkans backyard. Kouchner hinted at a public challenge to Russian behaviour when he talked on 24 July of Moscow's "brutal" intervention "in a matter which seemed to us to have been regulated, because we prefer peace to war, and war was there with all its suffering, and we had established peace".[133]

The European members of the Quint – Germany, France, the UK and Italy – need to take the lead in gathering as many other member states as possible to be prepared to recognise Kosovo on the basis of the Ahtisaari Plan, while offering more reluctant member states a way to opt out, if absolutely necessary, without preventing the deployment of the EU and NATO missions. They should engage in intensive discussions with their colleagues from sceptical EU member states and explain the repercussions of an unresolved Kosovo situation – or worse, another security crisis – on both the Balkans and the EU, including on the EU's capability to define itself as a global political player.

This will take a little time. EU governments supportive of Kosovo's independence should begin to build momentum now by stating individually and publicly the need for action no later than December 2007, when the new Belgrade-Pristina talks end, and willingness, in the absence of a Security Council resolution, to take that action on the basis of an invitation from the government in Pristina (depending on the election date, either the present government or its successor) in connection with its declaration of independence.

EU bloc recognition of Kosovo would be ideal but is likely unattainable without a Security Council resolution. Even if not all member states are willing to recognise Kosovo at an early date, however, the EU should be prepared to take collective responsibility for deploying its ICO/EUSR and rule of law missions, on the basis of a Pristina invitation and the need to respond to a situation that otherwise would be a serious threat to European stability. The General

[130] "We could do that", said a senior UNMIK official. Crisis Group interview, Pristina, 6 August 2007.

[131] The U.S. and other liaison offices in Pristina have been more effective in influencing Kosovo Albanian leaders than UNMIK, for all its formal powers.

[132] Crisis Group interviews, French officials, Pristina and Paris, July 2007.

[133] Crisis Group interviews, senior officials, Paris, 20 July 2007. Kouchner press conference with Slovakia's foreign minister, Kubis, Paris, 24 July 2007.

Affairs External Relations Council (GAERC, foreign ministers) can adopt a joint action authorising deployment of the missions without the affirmative vote of all members pursuant to the "constructive abstention" procedure outlined in Article 23 of the EU Treaty;[134] alternatively, a number of member states could use the enhanced cooperation authorised by Article 27 a-d, which would allow them to make greater use of EU mechanisms than if they organised as a coalition of the willing outside the Brussels framework. The new missions should be able to do their jobs without undue complication so long a substantial number of EU members recognise Kosovo.

The Quint needs to consider also two worst case scenarios: that the EU remains so divided efforts to operationalise the Kosovo missions within its framework prove impossible; and that the Kosovo government loses patience with international efforts and issues an uncoordinated, unilateral declaration of independence. In the first instance the U.S. and willing member states could conceivably shoulder the burden themselves, in an informal coalition. They would have the advantage that personnel from the U.S. and the roughly twenty EU states that might be candidates for it form the bulk of UNMIK's current rule of law effort, and the UN administration could be expected to do what it could to facilitate a handover.[135] There would be serious questions about the sustainability of an ad hoc mission, however, which would be costly for participants to maintain without access to EU budget lines and a wider pool of personnel, even if they fielded a stripped-back presence, for example by dispensing with the 400 riot police the EU has been planning to send in to provide an intermediate capability between the KPS and the new NATO mission.

Operationally, there could be even more need for the intervention of such an informal coalition to pre-empt or at least minimise a regional security crisis in the event of an uncoordinated declaration of independence. The questions of mission sustainability would be similar, however, while an independent Kosovo that was the centre of a dispute that had paralysed the EU and would be seen by many as acting provocatively would be without prospects for association with and support from the organisation for a considerable time.

Steps in Pristina. Western diplomats need to restrain Kosovo Albanians from unilateral actions that would be counterproductive, reassure them that conditional independence is coming and get them working more effectively to prepare for it. The first item could be to persuade the Kosovo Assembly to adopt a resolution abjuring uncoordinated, premature independence while expressing support for the Ahtisaari plan and clarifying the steps to be taken to achieve the goal.

The resolution and accompanying statements by political leaders and internationals might express the Assembly's intention to concentrate on practical work in the present period that would make independence possible early in the life of the new government to be formed after elections, in particular adopting as much of the package of state-forming legislation envisaged in the Ahtisaari plan as possible. They would further express the expectation that the Assembly or, depending on the election date, its successor would declare formal adherence to the Ahtisaari plan shortly after conclusion of the new negotiations with Belgrade in the first half of December, with independence to take effect after the further 120-day transition period stipulated by Ahtisaari (sometime in April/May 2008).

Adoption of such a resolution, with demonstrative Western support, would reassure Kosovo Albanians that their goal was in sight and so contribute to keeping the political temperature low and the election campaign debate focused on the major practical challenges the state will face, including health, education, transport and similar basic governance issues. The transition period would provide time for UNMIK to depart in an orderly fashion, for the government (the present one or, depending again on the election date, its successor) to invite the EU and NATO to take up their new responsibilities and for both organisations to do so.

The delays in New York have impacted on the whole process of transition planning in Pristina, so there is much practical work to be done if the Ahtisaari package of state-forming laws is to be ready on time. Working groups have been preparing a constitution, other legislation and action plans but U.S. and EU officials until recently had required that the preparations be kept quiet pending a Security Council resolution. The handfuls of Kosovo and

[134] From Article 23 of the Treaty on European Union: "Decisions under this title shall be taken by the Council acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions. When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent more than one third of the votes weighted in accordance with Article 205(2) of the Treaty establishing the European Community, the decision shall not be adopted". The main EU sceptics fall far short of a blocking third of the 345 total votes (Spain 27 votes, Romania fourteen, Greece twelve, Slovakia with seven, Cyprus four).

[135] Crisis Group interviews, international officials, Pristina, 1-6 August 2007.

international officials doing the bulk of the work had become tired and dispirited, the former in particular seeing it as a box-ticking exercise much like the UN Standards for Kosovo largely proved to be.[136] They need to be energised with clear mandates and deadlines.

The EU's ICO/EUSR planning team is already being drawn into practical working through of the Ahtisaari proposal. With the U.S. liaison office chief, for example, it has been deeply involved in decisions on future state symbols. Citing the Ahtisaari plan's provisions for the sensitive requirement of protecting religious and cultural heritage sites, the planners vetoed the Kosovo government's idea for a highway to Montenegro that would have run through the Decani Monastery protection zone.

EU officials should now begin to demand and vet all the proposed Ahtisaari legislation. The ICO/EUSR planning team has been expanded sufficiently to do this, and it would both provide a sense of support and urgency to the Kosovo Albanians and demonstrate to reluctant member states the scope of the commitment that has already been undertaken.[137] The EU Council Secretariat could go further, appointing its International Civilian Representative- (ICO head) designate as EUSR in Kosovo now and deploying any necessary additional officials to aid preparation of the state-forming laws. Once elections have been held and a new government is in place, detailed joint planning should be conducted on policing and security arrangements.

The Kosovo Police Service (KPS) and local anti-corruption officials are concerned that UNMIK's long fadeout is damaging their work and integrity and are eager for the EU rule of law mission to begin to contribute as quickly as possible.[138] Kosovo Albanian political hierarchies and groups, they say, sense an opportunity to gain ascendancy over the police because UNMIK supervision is becoming more lax, with individual international officials pursuing personal agendas and some even blocking or frustrating investigations. They want a new broom also to deal with judges and prosecutors, whom they see as compromised or incompetent, frequently destroying the fruits of police investigation work.[139] The Customs Service similarly is eager for contact with the rule of law mission. While deployment will have to wait for an invitation from the new government during the transition period after the declaration of independence and recognition, early prior coordination would again stimulate both the state-forming process in Pristina and more understanding of the EU's new role in member-state capitals.[140]

Steps in New York. The UN Secretariat has supported the Ahtisaari plan and wants to extract UNMIK and otherwise be helpful despite the Security Council stalemate. The Quint should consider inviting it to one or more of its meetings in order to facilitate coordination and should work quietly with it over the next several months to encourage it to support – or, at minimum, not to inhibit – enhanced efforts in Kosovo to prepare the Ahtisaari state-forming legislation. It should also seek to persuade the Secretariat to prepare the Secretary-General for the necessity of UNMIK's orderly withdrawal following a Kosovo declaration of independence and the handing over of its responsibilities to the government and its new international supervisors.

Ban Ki-moon will need to make a clear case to the Council that UNMIK must withdraw expeditiously following any declaration of independence, in whatever circumstances it comes: the mission would be unable to continue to fulfil its mandate and would face increased security threats; its ineffectual continued presence would undo much of what it had accomplished in more than eight years, costing the goodwill it had generated and potentially undermining future UN peacekeeping efforts. If the Council is unable to agree on authorising withdrawal, because of Russian opposition, for example, the Secretary-General, whose personal style in office has been to seek consensus, should be prepared, in the absence of a resolution forbidding the action, to order the withdrawal on his own responsibility to protect the interests of the UN and its personnel.

Pressure on Belgrade. Member states should make clear to the Serbian government that its relationship with the EU will depend on whether it goes beyond a soft "no" to resolution of Kosovo status in accordance with the Ahtisaari plan. Specific linkage might be established between conduct with regard to Kosovo and the pace and nature of the recently restarted negotiations for a Stabilisation and Association Agreement.

[136] Crisis Group interview, international official, Pristina, June 2007.

[137] In late July 2007, the ICO/EUSR planners even opened a Mitrovica office to work on integration of the territory north of the Ibar into independent Kosovo.

[138] Crisis Group interviews, Pristina, June-July 2007.

[139] Crisis Group interview, KPS official, Pristina, June 2007. Officials of the new anti-corruption agency have had no response from prosecutors to most of the 80 cases they have submitted since February 2007. Crisis Group interview, Pristina, 9 July 2007.

[140] Crisis Group interview, customs official, July 2007.

VI. LIKELY RESPONSES TO INDEPENDENCE

The international response to Kosovo independence outside the Security Council framework will depend substantially on the strength and decisiveness of the U.S. and EU partnership. The greatest concern is what Serbia will do but the more powerful and united especially EU support for that independence is, the less it can be effectively challenged.

In Washington on 27 July 2007, Foreign Minister Jeremic cautioned that "the danger exists that Serbia could lead the rest of the Western Balkans back into 'the Balkan nightmare of the 1990s'".[141] At present, however, it does not appear Belgrade would use military force. Jeremic warned Serbia's neighbours on 6 July against recognising an independent Kosovo, saying this "would cause long term instability in the region".[142] The 24 July parliamentary resolution discussed above gives the Kostunica government a free hand to take action, and diplomatic and economic retaliation for recognition could have a devastating effect on especially Macedonia and Montenegro, which trade heavily with Serbia (though Kosovo is a slightly bigger market for Macedonia than Serbia).[143] Croatia would put a rapidly growing export market in Serbia at risk if it extended recognition.

Serbia itself would not recognise Kosovo, and the constitution is likely to bind its leaders to this position for many years. Kosovo's economic development has been hampered by legal questions surrounding public property, a handicap it has hoped to shake off with independence, but Belgrade could deter investors in Kosovo by challenging privatisations in courts around the world. Both Albanian and Serbian parts of Kosovo import significant quantities of construction material, chemicals, foodstuffs, tobacco, alcohol and other miscellaneous items from Serbia. A portion of this crosses illegally, with the tacit approval of Serbian security officials and politicians. Although independence might cause temporary disruptions, this trade is likely to resume.[144] Serbia would otherwise simply lose the market, since Kosovo could obtain the imports elsewhere, and Belgrade would lose some of its attraction for foreign companies as a regional distributor.

Belgrade would likely relax controls at gates into Serb-dominated Leposavic and Zubin Potok but apply them strictly elsewhere. The Albanians of Serbia's Presevo Valley would become more isolated if border controls were hardened, possibly leading to renewed insurgency and migration into Kosovo (which could in turn put pressure on Serb enclaves there); even today lack of supply diversity makes their food prices 25 to 30 per cent higher than Kosovo's or central Serbia's.[145]

Serbia will seek Russia's help, however, to block Kosovo's membership of international institutions, most importantly the UN, where Moscow is likely to cite an unrevoked Resolution 1244 to keep Kosovo on the Security Council agenda as an embarrassment to those who went outside it to seek a solution. How serious the blockade of membership in international bodies proves to be for the new state will depend significantly on the backing the U.S. and EU give it in the IFIs and, of course, its progress toward satisfying the criteria of EU membership.

Foreign Minister Milan Rocen has said Montenegro will take a wait-and-see attitude.[146] This stems primarily from internal political pressures caused by the 70 per cent of the electorate that identifies itself as coming from an Orthodox Slav background, 30 per cent of whom identify themselves as Serbs. Without a Security Council resolution or at least prior recognition by much of the EU, the coalition government would not wish to risk internal political turmoil at a time when it needs support to adopt a new constitution. Pressure from its Albanian members to recognise Kosovo would not likely be sufficient to change this.

Macedonia has supported a rapid resolution of Kosovo status and long indicated that it would recognise the new state at once. It would face significant internal pressure to

[141] "In U.S., Serbian foreign minister proposes outline for new, unlimited talks on Kosovo", Associated Press, 27 July 2007.
[142] "Kosovo important to U.S. and Russia", *FoNet*, *Beta*, Reuters, Associated Press, 6 July 2007; "Serbia warns neighbours against recognising Kosova", RFE/RL Newsline, vol. 11 no. 123, 9 July 2007.
[143] In 2006 Macedonia's exports to Kosovo were roughly €260 million and to Serbia €190 million. Serbia's exports to Macedonia were €220 million, Kosovo's only €8 million. See www.stat.gov.mk/pdf/2007/7.1.7.02.pdf and www.mti-ks.org/repository/docs/annual2006shqip.pdf. (U.S. dollars converted to Euros at a rate of 1.25 to 1.)
[144] Most Serbian business is not state-controlled and is unlikely to accept loss of a market for political reasons. After Serbia withdrew its forces from Kosovo in 1999, several food supply businesses continued to deliver to Kosovo Albanian partners without payment guarantees to ensure that they retained the market. During this period Albanian companies acted as intermediaries for the import of Serbian flour into Kosovo. Crisis Group interviews, traders and analysts, Pristina, 10-11 August 2007.
[145] Crisis Group observation and interviews, Presevo, 12 August 2007.
[146] Montenegro would not be among those "racing to recognise" Kosovo. "Necemo se utrkivati", *Vecernje Novosti*, 10 July 2007.

do so from the large Albanian minority population (over 25 per cent), which has considerable political influence under the Ohrid Agreement's power-sharing arrangements. Pressure from Russia and Serbia, threats of Serbian economic retaliation and the Security Council deadlock have lately dampened the enthusiasm of official statements. Recent aggressive behaviour by the Serbian Orthodox Church inside Macedonia and the Serbian government's refusal to permit Macedonia to celebrate its statehood day at the Prohor Pcinjski monastery in south Serbia, however, have disinclined the government to give Serbia any satisfaction over Kosovo.[147] A strong EU position on behalf of the new state could help persuade the government to follow through on its recognition promise.

Macedonia's nightmare is Kosovo's partition. Its security worries would be solved by implementation of the Ahtisaari plan: creation of a multi-ethnic, decentralised Kosovo to reflect and bolster its Ohrid settlement, regulation of its vexed border with Kosovo, exclusion of a Kosovo-Albania union that could serve as a magnet for its own Albanian minority. But if the plan fails, "Macedonia is very much in the cold", commented local analyst Saso Ordanoski, who noted concern in Skopje that the country, which "historically,…has been a better battleground for East-West conflict than Kosovo", could be bruised in a drawn-out dispute between the U.S./EU and especially Russia.[148]

Bosnia will not recognise Kosovo under any circumstances. The ability of its Republika Srpska (RS) component to veto all national-level policies ensures that Bosnia's Serbs can prevent this, and Premier Milorad Dodik has told Crisis Group they will surely do so. The larger question is whether Republika Srpska would attempt to secede from Bosnia in response to Kosovo independence but Crisis Group interviews with RS officials, including Dodik, indicate this would be highly unlikely, even if independence came without Security Council authorisation.[149]

Russia undoubtedly anticipates taking advantage of Serbia-Kosovo and Serbia-EU/U.S. hostility to draw Belgrade further into its orbit. Speculation in Serbia that Moscow might send troops to support its efforts to reassume control north of the Ibar,[150] however, is likely unfounded. Ultimately, Russia and the West have too many other priority issues for their relations to be dominated by differences over Kosovo.

A high degree of especially EU association with Kosovo's independence would limit many of these downsides, and in all likelihood gradually grind down the barriers to acceptance of the new state by its neighbours, especially if all were moving along an accession track to Brussels. EU and U.S. insistence on Serbia's need to reconcile with Kosovo's independence if it wishes to pursue the same goal of integration with Western institutions would need to be applied consistently and maintained for years if it is eventually to have an impact on Belgrade's position.

At some point in the future an independent Kosovo might decide that the twin burdens of a possibly indigestible Serb area north of the Ibar and Belgrade's hostility justified exploring territorial adjustments as part of a process of normalising relations, a process that might include seeking additional protections for the Albanian population of Serbia's Presevo Valley. The Helsinki Final Act's Declaration of Principles acknowledges the propriety of border changes agreed freely by sovereign states, so such an arrangement would not carry the negative consequences of a deal under pressure before Kosovo acquired independence.

[147] "Bez posete Prohoru", *Vecernje Novosti*, 27 July 2007; "Gruevski: Makedonija nece Klecati", *Dnevnik*, 30 June 2007.
[148] Crisis Group interview, Skopje, May 2007; conference address, Paris, 20 July 2007.
[149] Crisis Group interview, Milorad Dodik, Banja Luka, February 2007. "Protiv jednostranih priznanja", *Blic*, 6 July 2007.
[150] See Aleksandar Vasovic, "Belgrade Banks on Russian Muscle to Thwart West in Kosovo", *Balkan Insight*, BIRN, 23 July 2007.

VII. CONCLUSION

Russia has prevented Kosovo's conditional independence from being approved by the UN Security Council and implemented in a straight-forward fashion pursuant to the Ahtisaari plan. The EU and U.S. would be unrealistic to base their policy upon hope that Moscow will relent. The result is a ticking time bomb in the EU's backyard. The Kosovo question is too volatile to be frozen. The Ahtisaari plan remains the most reasonable solution. If the EU and U.S. show a sense of urgency and resolution, its essentials can still be implemented, without formal Security Council approval, and so secure Kosovo as a multi-ethnic state that would reinforce the stability of the post-Yugoslavia settlement in the Balkans. Lack of timely and resolute action, however, would radicalise the Kosovo Albanians, who could be expected to abandon the Ahtisaari plan but not their determination to achieve independence. Unilateral, unsupervised independence might well lead to bloodshed and renewed regional chaos that would blow back into Central and Western Europe in the form of refugees and stronger organised crime networks.

Unpromising further negotiations between Pristina and Belgrade will be pursued during the next four months but the time must also be used by the EU and U.S. to prepare for action when that period expires in early December. The EU is the crucial variable, without whose cooperation and support a train wreck is all too probable. It is divided about following through on the Ahtisaari plan without Security Council authorisation. Every effort should be made to establish unanimity but if it cannot be done, the procedures exist for the organisation's willing members to act through and on behalf of the EU provided the sceptics do not interpose a veto. At least those willing members, the U.S. and NATO need to be prepared to work with the Kosovo government to start in December the 120-day transitional period envisaged by the Ahtisaari plan. The international supervisory and protection missions needed to guide and shield the new state should be fully in place, and conditional independence should enter into force in April/May 2008.

Pristina/Belgrade/New York/Brussels, 21 August 2007

APPENDIX A

MAP OF KOSOVO



APPENDIX B

GLOSSARY

AAK	Alliance for the Future of Kosovo
AKR	Alliance for a New Kosovo
ANA/AKSh	Albanian National Army/Armata Kombëtare Shqiptare
CFSP	EU Common Foreign and Security Policy
DS	Democratic Party
DSS	Democratic Party of Serbia
ESDP	European Security and Defence Policy
EUSR	European Union Special Representative
GAERC	General Affairs External Relations Council
HPCC	Housing and Property Complaints Commission
ICO	International Civilian Office
ICTY	International Criminal Tribunal for the former Yugoslavia
IFIs	International Financial Institutions
IMF	International Monetary Fund
IMP	International Military Presence
KFOR	(NATO's) Kosovo Force
KLA	Kosovo Liberation Army
KPS	Kosovo Police Service
LDD	Democratic League of Dardania
LDK	Democratic League of Kosovo
LKCK	National Movement for Liberation of Kosovo
LPK	People's Movement of Kosovo
NATO	North Atlantic Treaty Organization
ORA	"The Hour", a party formed by Kosovo publisher Veton Surroi
PDK	Democratic Party of Kosovo
RS	Republika Srpska
SRSG	Special Representative of the Secretary-General
UNMIK	UN Interim Administration Mission in Kosovo
UNSCR	UN Security Council Resolution

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates twelve regional offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kampala, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Yerevan). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda, Western Sahara and Zimbabwe; in Asia, Afghanistan, Bangladesh, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Phillipines, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the rest of the Andean region and Haiti.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Australian Agency for International Development, Austrian Federal Ministry of Foreign Affairs, Belgian Ministry of Foreign Affairs, Canadian Department of Foreign Affairs and International Trade, Canadian International Development Agency, Canadian International Development Research Centre, Czech Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Foreign Office, Irish Department of Foreign Affairs, Japanese International Cooperation Agency, Principality of Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Danish Ministry of Foreign Affairs, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign affairs, United Kingdom Foreign and Commonwealth Office, United Kingdom Department for International Development, U.S. Agency for International Development.

Foundation and private sector donors include Carnegie Corporation of New York, Carso Foundation, Compton Foundation, Ford Foundation, Fundación DARA Internacional, Iara Lee and George Gund III Foundation, William & Flora Hewlett Foundation, Hunt Alternatives Fund, Kimsey Foundation, Korea Foundation, John D. & Catherine T. MacArthur Foundation, Charles Stewart Mott Foundation, Open Society Institute, Pierre and Pamela Omidyar Fund, Victor Pinchuk Foundation, Ploughshares Fund, Provictimis Foundation, Radcliffe Foundation, Sigrid Rausing Trust, Rockefeller Philanthropy Advisors and Viva Trust.

August 2007

APPENDIX D

INTERNATIONAL CRISIS GROUP REPORTS AND BRIEFINGS ON EUROPE SINCE 2004

EU Crisis Response Capability Revisited, Europe Report N°160, 17 January 2005

France and its Muslims: Riots, Jihadism and Depoliticisation, Europe Report N°172, 9 March 2006 (only available in French)

Islam and Identity in Germany, Europe Report N°181, 14 March 2007

BALKANS

Monitoring the Northern Ireland Ceasefires: Lessons from the Balkans, Europe Briefing Nº30, 23 January 2004

Pan-Albanianism: How Big a Threat to Balkan Stability?, Europe Report N°153, 25 February 2004 (also available in Albanian and Serbian)

Serbia's U-Turn, Europe Report N°I54, 26 March 2004

Collapse in Kosovo, Europe Report N°155, 22 April 2004 (also available in Albanian and Serbian)

EUFOR: Changing Bosnia's Security Arrangements, Europe Briefing Nº31, 29 June 2004 (also available in Bosnian)

Serbia's Changing Political Landscape, Europe Briefing Nº32, 22 July 2004 (also available in Serbian)

Macedonia: Make or Break, Europe Briefing Nº33, 3 August 2004 (also available in Macedonian)

Kosovo: Toward Final Status, Europe Report N°161, 24 January 2005 (also available in Albanian, Russian and Serbian)

Macedonia: Not out of the Woods Yet, Europe Briefing N°37, 25 February 2005 (also available in Macedonian)

Serbia's Sandzak: Still Forgotten, Europe Report N°162, 7 April 2005 (also available in Serbian)

Serbia: Spinning its Wheels, Europe Briefing N°39, 23 May 2005 (also available in Serbian)

Kosovo After Haradinaj, Europe Report N°163, 26 May 2005 (also available in Albanian, Russian and Serbian)

Bosnia's Stalled Police Reform: No Progress, No EU, Europe Report N°164, 6 September 2005

Bridging Kosovo's Mitrovica Divide, Europe Report N°165, 13 September 2005 (also available in Albanian, Russian and Serbian)

EU Visas and the Western Balkans, Europe Report N°168, 29 November 2005

Montenegro's Independence Drive, Europe Report N°169, 7 December 2005 (also available in Russian and in Serbian)

Macedonia: Wobbling Toward Europe, Europe Briefing N°41, 12 January 2006 (also available in Albanian and Macedonian)

Kosovo: The Challenge of Transition, Europe Report N°170, 17 February 2006 (also available in Albanian, Serbian and Russian)

Montenegro's Referendum, Europe Briefing N°42, 29 May 2006 (also available in Russian)

Southern Serbia: In Kosovo's Shadow, Europe Briefing N°43, 27 June 2006 (also available in Russian)

An Army for Kosovo?, Europe Report N°174, 28 July 2006 (also available in Albanian, Russian and Serbian)

Serbia's New Constitution: Democracy Going Backwards, Europe Briefing N°44, 8 November 2006 (also available in Russian)

Kosovo Status: Delay Is Risky, Europe Report N°177, 10 November 2006 (also available in Albanian, Serbian and Russian)

Kosovo's Status: Difficult Months Ahead, Europe Briefing N°45, 20 December 2006 (also available in Albanian, Russian and Serbian)

Ensuring Bosnia's Future: A New International Engagement Strategy, Europe Report N°180, 15 February 2007 (also available in Russian)

Kosovo: No Good Alternatives to the Ahtisaari Plan, Europe Report N°182, 14 May 2007

Serbia's New Government: Turning from Europe, Europe Briefing N°46, 31 May 2007

CAUCASUS

Azerbaijan: Turning Over A New Leaf?, Europe Report N°156, 13 May 2004 (also available in Russian)

Saakashvili's Ajara Success: Repeatable Elsewhere in Georgia?, Europe Briefing Nº34, 18 August 2004 (also available in Russian)

Armenia: Internal Instability Ahead, Europe Report N°158, 18 October 2004 (also available in Russian)

Georgia: Avoiding War in South Ossetia, Europe Report N°159, 26 November 2004 (also available in Russian)

Georgia-South Ossetia: Refugee Return the Path to Peace, Europe Briefing N°38, 19 April 2005 (also available in Russian)

Nagorno-Karabakh: Viewing the Conflict from the Ground, Europe Report N°165, 14 September 2005 (also available in Armenian, Azeri and Russian)

Nagorno-Karabakh: A Plan for Peace, Europe Report N°167, 10 October 2005 (also available in Armenian, Azeri and Russian)

Azerbaijan's 2005 Elections: Lost Opportunity, Europe Briefing N°40, 21 November 2005 (also available in Russian)

Conflict Resolution in the South Caucasus: The EU's Role, Europe Report N°173, 20 March 2006

Abkhazia Today, Europe Report N°176, 15 September 2006 (also available in Russian)

Georgia's Armenian and Azeri Minorities, Europe Report N°178, 22 November 2006 (also available in Russian)

Abkhazia: Ways Forward, Europe Report N°179, 18 January 2007 (also available in French)

Georgia's South Ossetia Conflict: Movement at Last?, Europe Report N°183, 7 June 2007

CYPRUS

The Cyprus Stalemate: What Next?, Europe Report N°171, 8 March 2006 (also available in Greek and Turkish)

MOLDOVA

Moldova: Regional Tensions over Transdniestria, Europe Report Nº 157, 17 June 2004 (also available in Russian)

Moldova's Uncertain Future, Europe Report N°175, 17 August 2006 (also available in Russian)

TURKEY

Turkey and Europe: The Way Ahead, Europe Report N°184, 17 August 2007

OTHER REPORTS AND BRIEFINGS

For Crisis Group reports and briefing papers on:

- Africa
- Asia
- Latin America and Caribbean
- Middle East and North Africa
- Thematic Issues
- *CrisisWatch*

please visit our website www.crisisgroup.org

APPENDIX E

INTERNATIONAL CRISIS GROUP BOARD OF TRUSTEES

Co-Chairs

Christopher Patten
Former European Commissioner for External Relations, Governor of Hong Kong and UK Cabinet Minister; Chancellor of Oxford University

Thomas Pickering
Former U.S. Ambassador to the UN, Russia, India, Israel, Jordan, El Salvador and Nigeria

President & CEO

Gareth Evans
Former Foreign Minister of Australia

Executive Committee

Morton Abramowitz
Former U.S. Assistant Secretary of State and Ambassador to Turkey

Cheryl Carolus
Former South African High Commissioner to the UK and Secretary General of the ANC

Maria Livanos Cattaui*
Former Secretary-General, International Chamber of Commerce

Yoichi Funabashi
Editor in Chief, The Asahi Shimbun, Japan

Frank Giustra
Chairman, Endeavour Financial, Canada

Stephen Solarz
Former U.S. Congressman

George Soros
Chairman, Open Society Institute

Pär Stenbäck
Former Foreign Minister of Finland

**Vice-Chair*

Adnan Abu-Odeh
Former Political Adviser to King Abdullah II and to King Hussein and Jordan Permanent Representative to the UN

Kenneth Adelman
Former U.S. Ambassador and Director of the Arms Control and Disarmament Agency

Ersin Arioglu
Member of Parliament, Turkey; Chairman Emeritus, Yapi Merkezi Group

Shlomo Ben-Ami
Former Foreign Minister of Israel

Lakhdar Brahimi
Former Special Adviser to the UN Secretary-General and Algerian Foreign Minister

Zbigniew Brzezinski
Former U.S. National Security Advisor to the President

Kim Campbell
Former Prime Minister of Canada; Former Secretary General, Club of Madrid

Naresh Chandra
Former Indian Cabinet Secretary and Ambassador of India to the U.S.

Joaquim Alberto Chissano
Former President of Mozambique

Victor Chu
Chairman, First Eastern Investment Group, Hong Kong

Wesley Clark
Former NATO Supreme Allied Commander, Europe

Pat Cox
Former President of European Parliament

Uffe Ellemann-Jensen
Former Foreign Minister of Denmark

Mark Eyskens
Former Prime Minister of Belgium

Joschka Fischer
Former Foreign Minister of Germany

Leslie H. Gelb
President Emeritus of Council on Foreign Relations, U.S.

Carla Hills
Former Secretary of Housing and U.S. Trade Representative

Lena Hjelm-Wallén
Former Deputy Prime Minister and Foreign Affairs Minister, Sweden

Swanee Hunt
Chair, The Initiative for Inclusive Security; President, Hunt Alternatives Fund; former Ambassador U.S. to Austria

Anwar Ibrahim
Former Deputy Prime Minister of Malaysia

Asma Jahangir
UN Special Rapporteur on the Freedom of Religion or Belief; Chairperson, Human Rights Commission of Pakistan

Nancy Kassebaum Baker
Former U.S. Senator

James V. Kimsey
Founder and Chairman Emeritus of America Online, Inc. (AOL)

Wim Kok
Former Prime Minister of Netherlands

Ricardo Lagos
Former President of Chile; President, Club of Madrid

Joanne Leedom-Ackerman
Novelist and journalist, U.S.

Ayo Obe
Chair of Steering Committee of World Movement for Democracy, Nigeria

Christine Ockrent
Journalist and author, France

Victor Pinchuk
Founder of Interpipe Scientific and Industrial Production Group

Samantha Power
Author and Professor, Kennedy School of Government, Harvard University

Fidel V. Ramos
Former President of Philippines

Ghassan Salamé
Former Minister, Lebanon; Professor of International Relations, Paris

Douglas Schoen
Founding Partner of Penn, Schoen & Berland Associates, U.S.

Thorvald Stoltenberg
Former Foreign Minister of Norway

Ernesto Zedillo
Former President of Mexico; Director, Yale Center for the Study of Globalization

PRESIDENT'S CIRCLE

Crisis Group's President's Circle is a distinguished group of major individual and corporate donors providing essential support, time and expertise to Crisis Group in delivering its core mission.

Canaccord Adams Limited
Bob Cross
Frank E. Holmes
Ford Nicholson
Ian Telfer
Neil Woodyer
Don Xia

INTERNATIONAL ADVISORY COUNCIL

Crisis Group's International Advisory Council comprises significant individual and corporate donors who contribute their advice and experience to Crisis Group on a regular basis.

Rita E. Hauser *(Co-Chair)*
Elliott F. Kulick *(Co-Chair)*
Marc Abramowitz
Anglo American PLC
APCO Worldwide Inc.
Ed Bachrach
Patrick E. Benzie
Stanley M. Bergman and Edward J. Bergman
BHP Billiton
Harry Bookey and Pamela Bass-Bookey
John Chapman Chester
Chevron
Citigroup
Companhia Vale do Rio Doce
Richard H. Cooper
Credit Suisse
Neil & Sandy DeFeo
John Ehara
Equinox Partners
Frontier Strategy Group
Konrad Fischer
Alan Griffiths
Charlotte and Fred Hubbell
Iara Lee & George Gund III Foundation
Sheikh Khaled Juffali
George Kellner
Amed Khan
Shiv Vikram Khemka
Scott J. Lawlor
Statoil ASA
George Loening
McKinsey & Company
Najib A. Mikati
Donald Pels
PT Newmont Pacific Nusantara (Mr. Robert Humberson)
Michael L. Riordan
Tilleke & Gibbins
Baron Guy Ullens de Schooten
VIVATrust
Stanley Weiss
Westfield Group
Yasuyo Yamazaki
Yapi Merkezi Construction and Industry Inc.
Shinji Yazaki
Sunny Yoon

SENIOR ADVISERS

Crisis Group's Senior Advisers are former Board Members (not presently holding national government executive office) who maintain an association with Crisis Group, and whose advice and support are called on from time to time.

Martti Ahtisaari *(Chairman Emeritus)*
Diego Arria
Paddy Ashdown
Zainab Bangura
Christoph Bertram
Jorge Castañeda
Alain Destexhe
Marika Fahlen
Stanley Fischer
Malcolm Fraser
Bronislaw Geremek
I.K. Gujral
Max Jakobson
Todung Mulya Lubis
Allan J. MacEachen
Barbara McDougall
Matthew McHugh
George J. Mitchell *(Chairman Emeritus)*
Surin Pitsuwan
Cyril Ramaphosa
George Robertson
Michel Rocard
Volker Ruehe
Mohamed Sahnoun
Salim A. Salim
William Taylor
Leo Tindemans
Ed van Thijn
Shirley Williams
Grigory Yavlinski
Uta Zapf