

# The Kosovo debate: beyond the headlines

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Many people are understandably surprised at the extent to which Kosovo's independence has heightened geopolitical rhetoric to Cold War levels and engrossed the international media's attention. While a look at the articles and the op eds in some of the world's leading newspapers shows just how complex an issue this is, the many arguments that have been voiced for and against accepting Kosovo's independence can be categorised into two broad groups.

On the one hand, and in the clear majority, are those who see independence for Kosovo as the inevitable outcome of a unique set of circumstances. Almost all of these observers admit that creating a new state is by no means an ideal solution but they are sure that, in the big picture, the dangers of independence are overstated and there is more to gain than to be lost by accepting Kosovo's independence.

The unique set of circumstances that this camp points to is the historical pattern of oppressive policies that the currently 90% majority Albanian population has suffered (culminating in Milosevic's murderous regime and NATO's military intervention), and over eight years as an internationally administered territory in which local institutions have been put into place and in which Serbia has had no say. Above all, they believe Serbia has lost the moral authority to rule over Kosovo.

On the other side are those who believe that the United States and the major European powers are making a grave mistake by overlooking the illegality of recognising Kosovo's independence. They believe that accepting the independence of Kosovo outside the bounds of the Security Council (to avoid Russia's veto) violates Serbia's international sovereignty, constitutes a danger for other multicultural societies in the Balkans and represents a dangerous precedent that others beyond the region may wish to imitate.

They argue that there are in fact many ethnic minorities in the world that hold more or less legitimate political claims for self-determination and that Kosovo's independence will further encourage these aspirations. Much as with NATO's 1999 military intervention, they believe that the precedent of accepting independence outside of the UN Security Council will legitimise similar actions in which dubious decisions may be made on the basis that international law must sometimes bow down to subjective political realities.

Although most commentators - and indeed states - tend to fall into either of these camps, some have contributed nuanced angles or less talked-about considerations to the debate. Taking these into consideration explains why Kosovo is such an important and divisive issue and in turn allows us to make our own informed opinion on the implications of Kosovo's independence.

## Implications beyond Kosovo

In *El País*, Fernando Veiga, the leading authority on the Balkans in Spain and a firm opponent to NATO's "humanitarian intervention" in 1999, speaks out against the media and some politicians' tendency to analyse the current situation in terms of "balkanic catastrophism" by making grave predictions on the violent repercussions that independence could have.<sup>1</sup>

As Veiga rightly explains, the times have changed. Firstly, there are neither the leaders or logistics in place for a new violent conflict to emerge. Serbian leaders have nothing to win by starting another armed conflict and some 16,000 NATO troops provide security in Kosovo, while 2,200 EU troops do the same in Bosnia. Furthermore, business interests, that often overpower political rhetoric in practice, are at stake. He points to the example of the AMBO oleoduct that will run through Kosovo. While an American company is constructing it, the gas that will run through it will be Russian. Other illustrative examples that he could have pointed to include the growing economic ties between Serbia and Montenegro only two years after the latter's secession, and Slovenia's business investments in Serbia, which total over 500 million euros.<sup>2</sup>

In his piece "Russia: Kosovo and the Asymmetry of Perceptions", George Friedman explains why Russia has been so keen to take on the United States and Europe.<sup>3</sup> Beyond the fact that it is a rare opportunity for Russia to present itself as a guarantor of international law, Friedman shows how events in Kosovo led to Russian humiliation and eventually contributed to Yeltsin's downfall. He explains that when Russian forces were excluded from the KFOR decision-making process, it was the "last straw" for many proud Russians, among them Putin. While it is far fetched to consider a Russian military intervention to support Serbia's territorial sovereignty, Friedman's piece helps us understand Russia's firm position.

José Ignacio Torreblanca, of the European Council on Foreign Relations, ably turns the debate of creating a precedent on its head. He suggests that instead of focusing on the possible negative precedent for secessionist ambitions around the globe, recognising Kosovo's independence should be seen as a rightful punishment for a continued Serbian policy based on exacerbated nationalism and human rights violations.<sup>4</sup> Stripping Serbia of this piece of land should also be seen as a positive precedent to quell the ambitions of other deplorable governments such as Sudan. Torreblanca suggests that Spain's ambiguous policy on Kosovo - not recognising solely on the grounds of international law - is therefore short sighted and inconsistent.

Daniel Serwer of the United States Institute of Peace proposes another way of looking at the precedent issue.<sup>5</sup> He explains that the way to avoid creating a precedent would have been to ensure that the decision ended in the Security Council. Indeed the Security Council's approval of the Ahtisaari plan - a plan that pushed for EU supervised independence and made ample concessions to Serb minorities - would have closed the issue on a note of consensus and in a legal framework that would have ended fear of establishing a negative precedent. He argues that presenting the plan as a first option made it impossible for Russia and Serbia to accept. On this note, it is also worth remembering that it was as much the United States as Russia's public maximalist positions on independence that impeded constructive debate on the Ahtisaari plan or other possible compromise solutions that could have ensured Security Council unity.

<sup>1</sup> "Claves para desbloquear Kosovo", *El País*, 9 January 2008.

<sup>2</sup> Tomic, Mirjana, "Yugoslavia se reinventa" *Foreign Policy en español*, October-November 2007.

<sup>3</sup> Friedman, George, "Russia: Kosovo and the Asymmetry of Perceptions" *Stratfor*, 18 December 2007.

<sup>4</sup> Torreblanca, José Ignacio, "Un precedente contra la limpieza étnica" *El País*, 15 February 2008.

<sup>5</sup> Serwer, Daniel, "Coming soon to a country near you: Kosova sovereignty", USIPeace Briefing, December 2007.

## The search for alternatives

In an op-ed for *El Mundo*, former EU External Relations Commissioner Chris Patten argues in favour of independence. One argument he raises is that the EU countries opposed or undecided on Kosovo's independence (Greece, Cyprus, Bulgaria, Slovakia, Romania, Spain) have not offered an alternative plan for the province, "no formula that 10 years of negotiations have been unsuccessful in sketching out".<sup>6</sup> Indeed it is certainly true that the internationally mediated negotiations that have been ongoing since August 2007 have had no success in bringing the sides closer together. It is also true that the cited countries have not offered solutions other than continuing negotiations that have no chance of success and are likely to lead to a violent response from a desperate Albanian kosovar population that has little to lose.

Other commentators opposed to the independence of Kosovo contend that citing the international community's failure to create a solution is an unsatisfactory explanation for supporting independence. In *ABC*, Spanish Ambassador Javier Ruperez argues that NATO's intervention was never meant to alter borders.<sup>7</sup> Still no alternative solution is proposed. The former President of the International Criminal Tribunal for the Former Yugoslavia, Antonio Cassese, does offer an alternative solution; a confederation for Kosovo.<sup>8</sup> He suggests that both sides could be satisfied in a provisional confederation, as Serbia would maintain a limited role in Kosovo and Kosovo would reach sovereign nation status, even allowing it to join the UN. Although a temporary compromise solution, Cassese himself admits it would probably end in Kosovo's independence.

In *The Financial Times* Anatol Lieven provides one of the very few arguments in favour of partition in Kosovo, a policy option that has gained little ground.<sup>9</sup> He supports accepting Kosovo's independence but believes that to be consistent with not asking Albanians to accept Serbian rule, the West should also apply the same standard to the Serb minority to the north of the Ibar River and accept partition. While it is true that the Serb minority in Kosovo (around 7% of its 2 million inhabitants) has suffered discrimination and violence (26 Serbs were killed in the March 2004 riots) under UN tutelage, many politicians would surely cringe at Lieven's suggestion that partition is the solution for Kosovo and beyond, including the Georgian regions of Abkhazia and South Ossetia. The point of consistency should not be downplayed, however.

## The birth of a failed state?

Another interesting issue that has not received its due attention is the economic viability of the state. As Andres Ortega has written, Kosovo's independence signals "the birth of a dependent state".<sup>10</sup> Beyond much needed EU aid, Kosovo depends on Serbia for food imports and electricity. Talk of an economic embargo on an already impoverished Kosovo is a serious concern. Biljana Vankovska of Skopje University in Macedonia argues that the same applies for some of Kosovo's neighbours. While Macedonia (which has a strong and influential Albanian minority) will be quick to recognise Kosovo, Macedonians fear that they "will come under pressure from Serbia, which may be a problem because of our dependence in the energy sector".<sup>11</sup> A question mark remains over the extent of Serbia's reaction.

Indeed the upcoming weeks and months will eventually prove or disprove some of the above mentioned arguments. In all likelihood, fears of regional violence will prove outlandish and concerns over the sustainability of Kosovo will in retrospect appear to have been underplayed. Serbia will have to balance its expected nationalist reaction and EU ambitions (albeit with

<sup>6</sup> Patten, Chris, "Europa debe terminar con el asunto de Kosovo", *El Mundo*, 19 November 2007.

<sup>7</sup> Ruperez, Javier, "El error Kosovo", *ABC*, 13 September 2007.

<sup>8</sup> Cassese, Antonio, "Confederación para Kosovo", *El País*, 8 October 2007.

<sup>9</sup> Lieven, Anatol, "Balkan unrest a recipe for disaster", *The Financial Times*, 14 January 2008.

<sup>10</sup> Ortega, Andrés, "Declaración de dependencia", *El País*, 18 February 2008.

<sup>11</sup> See: <http://www.rferl.org/featuresarticle/2008/02/51fee3c7-1e01-480d-8762-10c8973eabc5.html>

internal divisions) when elaborating a new Kosovo policy that could include an economic embargo. Kosovo's young institutions and energised Albanian majority will have to show authority and restraint, working towards a functioning rule of law system that protects minorities' rights. Europe's continued economic commitment in Kosovo will be indispensable for many years to come.

The threat of Kosovo becoming a failed state and a black hole in Europe is real. Corruption is endemic and local mafias with vast networks of Albanian diaspora throughout Europe are closely linked to Kosovo's young institutions. Just as it was not an easy birth for the Kosovar nation, it will not be an easy childhood. With independence declared and the EU committed to supporting the country, all efforts must now turn to strengthening Kosovo's institutions. The EU's decision to send a rule of law mission should be an important contribution to this end. While some may continue to debate the validity of Kosovo's independence we should consider Marko Attila Hoare's reminder that we need only to look at Switzerland or Montenegro to understand that the emergence of new states "has never meant the collapse of the international order or a free for all, but simply an inevitable, unavoidable and ultimately desirable part of Europe's evolution".<sup>12</sup>

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<sup>12</sup> See: [http://www.opendemocracy.net/conflict-yugoslavia/kosovo\\_process\\_4341.jsp](http://www.opendemocracy.net/conflict-yugoslavia/kosovo_process_4341.jsp)