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Louis Sell

KOSOVO: A SOLVABLE PROBLEM[*]

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Another conflict is brewing in Kosovo. There is nothing new in this development. Conflicts are almost always brewing somewhere in the Balkans. This time, however, US troops are already on the ground. Unless the international community reacts more quickly and effectively to the growing divergence between the demands of the Kosovo Albanians for independence and the insistence of the post-Milosevic government in Belgrade to regain control over Kosovo, the US and its allies could find themselves squarely in the middle of a fight – and on the wrong side at that. Two incidents in mid-December – when a joint US-Russian patrol came under fire, apparently from Albanian guerillas, and ransacking Serbs briefly seized Belgian peacekeepers hostage – show the potential problems ahead.

Ironically, the dangers in Kosovo come when there are also real grounds for optimism. The fall of Slobodan Milosevic was a precondition for lasting peace in the Balkans. In Kosovo, voters strongly supported the moderate League of Kosovo Democrats (LDK), headed by Ibrahim Rugova who led Kosovo's non-violent resistant to Serb occupation.

There are ways to forge a stable peace in Kosovo that would, over time, allow the reduction of US and other foreign troops. Accomplishing this, however, will require the international community to face up to an unpleasant fact that it has been trying to avoid for years – independence for Kosovo is the only way to avoid a renewed conflict in the region. After a decade of brutal Serb occupation, followed by a genocidal Serb war against the civilian population of Kosovo, there can be no lasting peace – nor any real prospect for democracy in Serbia itself – if Belgrade tries to regain its rule over Kosovo.

To ensure that an independent Kosovo will not be a source of instability, Albanians, who constitute over ninety percent of Kosovo's population, must demonstrate their determination to govern democratically with full respect for the rights of other peoples in Kosovo, and in friendly relationships with all neighboring states. An independent Kosovo must also be embedded in a

[*] The views expressed herein are those of the author and do not necessarily reflect those of the Woodrow Wilson Center.

regional network of economic, political, and security cooperation intended to make the borders in the region transparent and to allow the people of the region to cooperate peacefully as they move together toward a closer relationship with Europe.

The Rush to Belgrade

The simmering problems in Kosovo stem from two sources: the rush of the international community to embrace the new rulers in Belgrade without demanding any conditions and the continued unwillingness of the international community to come to grips with Kosovo's future status. It is both natural and desirable for the international community to offer assistance to Vojislav Kostunica and the Democratic Opposition of Serbia (DOS) who brought down Milosevic. Having known Vojislav Kostunica for more than ten years, I believe that he is both a committed democrat and a genuine man of peace. However, there can be no democracy in Serbia or peace in the Balkans as long as Serbia tries to hang onto Kosovo against the wishes of ninety percent of its inhabitants and until Serbs – and other peoples in the region – honestly come to grips with the past.

What happened in Belgrade on the night of October 5-6 was an arrested revolution that will not be completed as long as Milosevic and other indicted war criminals remain at liberty and his supporters remain in key positions in the military, police, and the government. The international community has done Kostunica no favors by not insisting that the new government in Belgrade fulfill its international obligation to deliver Milosevic and other indicted war criminals to the Hague Tribunal. The current international posture on Milosevic parallels the mistake the international community made in 1999, by failing – when it had the opportunity – to require that Belgrade surrender claims to rule Kosovo as a price for ending the bombing. Now, instead of the international community taking the lead on this issue, it is Kostunica and the new democratic government in Belgrade that will have to make the decision and bear the political consequences.

There are those in Belgrade who support this course. In late November, an interim Serb Minister of Justice said publicly that it was morally unacceptable to try Milosevic for anything less than war crimes and that since Belgrade could not try him there was no alternative to sending Milosevic to the Hague. Natasha Kandic and a few other courageous human rights activists continue to insist that Serbia must deal with its role in ten years of war under Milosevic, something that even Kostunica has on one occasion cautiously endorsed. These are the approaches the US and other members of the international community should be backing in Belgrade.

For more than ten years, the international community has been doing its best to ignore the aspirations of the 1.8 million Kosovo Albanians for independence. With the fall of Milosevic, the international community has just about run out of running room. With the international community rushing to embrace the new government in Belgrade, without even insisting on such elementary humanitarian steps as the immediate release of hundreds of Albanian prisoners held illegally in Serb jails, and with senior European officials stating publicly that independence for Kosovo is out of the question, Kosovo Albanians are beginning to fear that the international community may try to bring back Belgrade's rule in the province.

If that is the case, the international community had better prepare for another war. In 1999, relatively few Kosovo Albanians joined the KLA's armed struggle. Having tasted what they regard as *de facto* independence, however, virtually all Albanians would be willing to fight to prevent the return of anything that smacked of the return of Belgrade's rule to Kosovo.

Reaction to Milosevic's Fall in Kosovo

Kosovo Albanians – quite comfortable with Serbia's status as a pariah state under Milosevic – initially reacted as if developments in Belgrade were occurring on the backside of the moon. The day before Milosevic fell, the editor of *Bota Sot*, one of Pristina's largest daily papers, assured me that events in Belgrade were of no interest to Kosovo Albanians, who considered Serbia a foreign country. He promised that even if Milosevic fell his paper would not report the event. On the night of October 5, while much of the world was glued to television screens watching the dramatic scenes of crowds of young demonstrators storming the Serbian assembly and television buildings, the center of downtown Pristina was business as usual. Cafes were full and the usual crowd of young people strolled along Pristina's central artery, Mother Theresa Street. The next morning, true to its editor's vow, *Bota Sot* carried not a word about Milosevic's fall. Its readers, instead, were offered a front-page story about the martyred Kosovo Albanian guerilla leader Adem Jashari.

The reaction of *Bota Sot*'s editor was not typical. Albanians welcomed Milosevic's fall and most acknowledged – even if sometimes through gritted teeth – that they would prefer to see the erstwhile Serb opposition ruling in Belgrade. In the days after Milosevic's fall, most prominent Kosovo Albanian political leaders issued statements welcoming the change of regime in Belgrade.

Kosovo Albanians, nevertheless, harbor some deep reservations about Kostunica. Two days before Milosevic fell a senior official of Rugova's LDK party stated: "Kostunica is just as nationalistic as Milosevic himself." Hashim Thaci, the war-time leader of the KLA and now head of Kosovo's second largest party told a cheering crowd of over 30,000 on the eve of the October municipal elections in Kosovo that: "The murderous Serbian military belonged to Kostunica just as it did to Milosevic."

Kosovo Albanians reacted with anger and alarm to statements by Kostunica and other members of the DOS calling for the return of Serb control and Serb troops to Kosovo. They also accuse the new government in Belgrade of a double standard. Although Kostunica and his allies have highlighted the failure of the international community to protect Kosovo Serbs from revenge attacks by returning Albanian refugees after the 1999 war, they have expressed little remorse for the sufferings of the peoples of the former Yugoslavia victimized by Milosevic, including the thousands of Albanians killed and hundreds of thousands driven from their homes by Serb forces in 1998 and 1999. A picture that circulated widely in the Kosovo media of a distinctly uncomfortable looking Kostunica carrying an automatic weapon, allegedly during a visit to Kosovo in 1998, led many in Kosovo to conclude that Kostunica – who, whatever his political beliefs, is personally a man of peace – was a backer, or even a member of Serb para-military forces.

Kostunica's victory has returned independence to the forefront of the Kosovo Albanian political agenda. Over the past year, however, Kosovo Albanian leaders were willing to put those views on the back burner, in the belief – even then probably mistaken – that the international community was leading them toward independence. With the Kostunica government vocally reasserting its intention to return Serb rule to Kosovo, however, Albanians lost no time in getting their views on independence back on the record. At an October 29 press conference announcing his election victory, Rugova stressed that independence "today or tomorrow" remains his goal. Kosovo's leading journalist, Veton Surroi, was even clearer. At a late November meeting in Athens, he stated that: "Even if Serbia elects Mother Theresa as its president, the Kosovars won't accept Serbia as their state."

Kostunica's victory also forced Albanians to confront their own powerlessness under Kosovo's current status as an international protectorate. International delay in establishing the interim institutions of democratic self-rule called for under UNSC Resolution 1244 has left Kosovo Albanians without institutions or leaders with the legitimacy of democratic election to represent their interests. When UNMIK chief Bernard Kouchner sought to meet with Kostunica immediately after Milosevic's fall, Kosovo Albanians quickly made it known that neither Kouchner personally or the UN as an institution had any business representing Kosovo's future interests with Belgrade. Put another way. As long as Belgrade remained an international pariah, Kosovo Albanians were willing to be treated as wards of the international community. As Belgrade becomes an accepted member of the international community, however, Kosovo Albanians will also demand a seat at the table.

Elections

In practical terms, Kostunica's victory has increased pressure on the international community to hold Kosovo-wide elections early next year. The international community overruled the Albanian demand for such elections in 2000, arguing that the Albanians were not yet ready for full-blown democracy and should begin by constructing democracy from the ground up through elections to largely powerless municipal assemblies. In fact, however, the international reluctance over elections masked the unwillingness of many nations to allow anything which could be seen as setting Kosovo on the path toward independence.

The October municipal elections were seen as a test of the ability of the Albanians – Kosovo Serbs boycotted the elections – to play by the rules of the democratic game – a test that by and large they passed with flying colors. On election day, about eighty percent of registered voters turned out, many waiting patiently in line for hours thanks to unnecessarily complicated voting procedures. Across Kosovo, almost sixty percent of the votes went to the moderate LDK while approximately twenty-seven percent supported Thaci's PDK and eight percent another KLA successor party led by ex-guerilla leader Ramush Haradinaj. After the election, both winners and losers behaved responsibly: Rugova said he would move cautiously in exploiting his victory while Thaci promised to respect the results of the election.

During the campaign, political parties devoted considerable effort to getting their messages to voters and the media reported extensively if not always accurately or impartially on

the campaign. Political violence – a major concern at the beginning – abated considerably as the campaign progressed. International observers criticized Albanian parties and leaders for ignoring local issues at the expense of calls for independence. Such charges were to a certain extent unfair. Some Kosovo and local leaders made an effort to address local issues.

The October Kosovo elections and the changes in Belgrade seemed initially to spark growing recognition within the international community about the importance of holding Kosovo-wide elections early next year. More recently, however, this momentum seems to have dissipated. According to press accounts, UNMIK chief Kouchner had to appeal personally to French President Chirac to gain Paris' backing for elections in Kosovo. As of mid-December no date had been set. Unless a date is set soon, another year could easily pass before Kosovo gets its own democratically elected interim government. If the international community continues to block the legitimate demands of the Kosovo Albanians for democracy, Kosovo Albanians may decide to take matters into their own hands, as they did during the 1990s in establishing the "parallel state" under Serb occupation. This would be an implicit step toward possible confrontation with the international community and one that the Kosovo Albanian leadership is reluctant to take. The need to establish their own counterpart negotiating partner with the Serbs, together with a natural desire to govern themselves after two years of well-intentioned although often fumbling international rule, may eventually give them no alternative.

Possible Violence

Worse could come. Although the leaders of the KLA made a courageous and virtually unprecedented decision to disband their guerilla army after the end of the 1999 war, no one believes that all elements associated with the loosely-organized KLA – which one former leader once described as a collection of bands grouped around foreign bank accounts – have given up all of their arms or completely dismantled their underground organization. Before Milosevic fell, a senior figure within the Kosovo Protection Corps (KPC) – the quasi-military disaster relief organization established by the international community to keep former KLA fighters off the streets – told Western diplomats that a change of regime in Belgrade, together with a sweeping LDK victory in the October elections, could increase the strength of radical elements in Kosovo and even cause the KLA to prepare for renewed armed conflict.

Eighteen months after the end of war, Kosovo remains a violent place. The murder of four Gypsy refugees who had returned to their homes shortly after the Kosovo elections reveals the continuing violence directed against non-Albanian minorities in Kosovo. The recent upsurge in fighting in the largely Albanian inhabited Presevo region of southern Serbia shows the fragility of peace in the region and that international peace-keepers could easily be drawn into the fray.

The uprising in Presevo – which began during the 1999 war – is led by ex-KLA elements and supplied through the adjacent American military sector in Kosovo. Early in 2000, senior US officials warned Kosovo Albanian leaders that they risked losing Washington's support if they continued running a guerilla war through the US zone. For a time, the uprising trailed off. Kosovo Albanian leaders understand that the US is virtually their only ally in the international community and holds the key to their future fate. The US is immensely popular among Kosovo

Albanians, who regard Bill Clinton as personally responsible for their liberation from Serb rule. The return of violence in Presevo, which carries with it the risk of direct US involvement, is a telling sign of growing Albanian anger at the way they believe their interests are being neglected in the international rush to Belgrade.

In truth, international rule is a thin veneer across all of Kosovo. Immediately after the 1999 war, the KLA moved in to take charge on the ground before a slow-arriving UN administration could get started. Elements associated with the KLA remain strong just beneath the surface in many parts of Kosovo. In areas of Kosovo still inhabited by Serbs, the Milosevic-dominated Belgrade regime retained control of most aspects of daily administration – paying salaries and pensions, dominating the media, and intimidating opponents and international officials where necessary. Matters may not be much different under the new government in Belgrade. According to media accounts, after two persons died in a riot in the exclusively Serb town of Leposavic in northern Kosovo, local Serbs briefly seized control of the town, driving out UN police and administrators, taking Belgium soldiers hostage, and establishing their own police presence.

Extremist groups also exist in Kosovo. In the late summer of 2000 – before Kostunica's election victory over Milosevic – Albanians told me that former KLA fighters and political prisoners of the Serbs had set up an armed group to prepare for the upcoming conflict they saw as the inevitable result of international policies toward Kosovo. These hard men of violence were described to me as being equally against the international community and against moderate Albanians, especially LDK leader Rugova. They were also said to be beyond the control of former KLA leader Hashim Thaci and other members of the ex-KLA leadership, in part because they saw them as too close to the international community and in part because these narrow, puritanical men were said to be angry with the atmosphere of sleaze and corruption that some KLA leaders have introduced into Kosovo.

The mid-November gangland-style execution of Dzemail Mustapha, a close intellectual adviser to LDK chief Ibrahim Rugova, fits the pattern of activity of these radical elements. So far, they exist on the fringes of Kosovo Albanian political life. If, however, Kosovo Albanians become convinced that the international community is blocking their universal aspiration for independence, support for extremists could grow. Under these circumstances, it cannot be excluded that some of these men of violence would be willing to turn their guns against the international community.

What Needs to be Done

To prevent the incipient conflict that is already brewing under the surface in and around Kosovo a few steps need to be taken. First, the UN in Kosovo should immediately set a date for Kosovo-wide elections, in the spring of 2001, which could allow the first democratically elected Kosovo government to take office, under continued international supervision, no later than June 2001, two years after the end of the NATO war against Milosevic's Serbia.

Once an election date has been established, the international community together with the people of Kosovo need to create the necessary institutional and legal groundwork for interim

self-rule. In early November, a senior UN official privately laid out a sensible plan for moving ahead. The first step was to promptly convene the municipal assemblies chosen in the recent Kosovo elections. The next would be to expand and modify the composition of the advisory administrative bodies UNMIK established to reflect the new balance of political power in the Kosovo Albanian community demonstrated by the October elections. The final and most important step would be the creation of what would amount to an interim constitution. Kosovo would have local self-rule under its own parliament and an executive branch with responsibility – under continued international supervision guidance – for internal matters, but with external state functions, including defense, foreign affairs, and international economic policy remaining under international control pending a final settlement of Kosovo's status. This was a sensible plan, but by mid-December it appears that almost nothing had been done to implement it, in part because Europe and the US are preoccupied with larger issues and in part, no doubt, because of UNMIK chief Kouchner's departure.

Principles for Kosovo's Final Status

Before Kostunica's election, a divided international community seemed determined to avoid discussing the issue of Kosovo's future status for years. Now it is clear that such a relaxed timetable would be dangerous but the international community seems just as befuddled as ever about Kosovo's future. Given these international divisions as well as the unsettled internal situation within both Kosovo and Serbia, attempting to reach a decision on Kosovo's final status in 2001 would be impossible. What is necessary, however, is a road-map toward a future resolution within an agreed time – perhaps three years – and with a few clearly understood ground rules. These include:

- Belgrade's record over the past 15 years has deprived it of any moral or legal right ever to rule again in Kosovo.
- The return of Serb troops or police to Kosovo would spark a renewed conflict.
- Serbia will always have legitimate interests in Kosovo, including the status of the Serb population there, protection of Serbian religious and cultural sites, and ensuring that Kosovo does not fall under the sway of anti-Serb irridentist elements.
- Any settlement in Kosovo will have to take account of the results of the re-negotiation of the relationship between Serbia and Montenegro that will likely take place after the December 23 elections in Serbia.
- At the end of the day, there must be an internationally organized, binding referendum in which inhabitants of Kosovo are allowed to vote on what, if any, relationship they wish to have with Belgrade.

Permanent Association: A Non-Starter?

UNSC Resolution 1244 which codified the deal that Milosevic accepted to end NATO bombing, is often interpreted as requiring that Kosovo remain part of the Federal Republic of Yugoslavia (FRY). This is incorrect. UNSC 1244 reaffirms the sovereignty and territorial integrity of the FRY, but in the context of the Helsinki Final Act which allows for peaceful change of borders. UNSC 1244 also establishes an interim administration under international presence in Kosovo, to provide for substantial autonomy within the FRY, including a provisional, democratic, self-

governing institution taking account of the 1999 Rambouillet Accords. These accords included a referendum after three years as one of several elements to be considered in determining a final settlement in Kosovo. UNSC 1244, however, leaves open all options for Kosovo's future, which is probably its chief virtue.

Immediately after the end of the 1999 war, it was widely assumed among much of the Western diplomatic community that Kosovo would eventually become independent, although no nation or responsible senior official was willing to state this publicly. The violence which Kosovo Albanians directed toward the Serb community in Kosovo and the advent of a democratic government in Belgrade shifted opinion within the international community against independence at the same time that the new authorities in Belgrade were publicly reiterating their intention to eventually regain control over Kosovo.

In late November, one of Kostunica's senior foreign policy advisers privately stated that it was out of the question for Kosovo to separate from Serbia but equally out of the question for Belgrade to try to hold onto Kosovo by force. He thought that the only option was for Kosovo to remain under international rule indefinitely, giving time a chance to heal the wounds of the past until the Kosovo Albanians were ready to accept some kind of tie with Belgrade. Although such views have a certain surface plausibility and might have been possible to implement before the 1999 war they bear no relation to the real state of opinion within the Kosovo Albanian community. Kostunica's adviser, moreover, had no answer to the question of how Albanians might be persuaded to live as part of Serbia or, indeed, why it was that Belgrade wanted so badly to retain Kosovo. In combination with the international community's rush to embrace Kostunica, the lack of a clear answer on the part of the Kostunica government to this vital question for the Albanian community lead some listeners to suspect that the new authorities in Belgrade are simply playing for time.

Alternatives to independence call for Kosovo to remain linked with Belgrade in some form of loose association, with Pristina retaining rights to local self-rule but with the essential elements of sovereignty, such as a seat in the UN, remaining with Belgrade. The March 1999 Rambouillet agreement is sometimes thought of as a model for such an association. Kosovo Albanians, however, have already made it clear they consider the Rambouillet agreement to be outmoded because it provides for a significant though limited presence of Serbian troops in Kosovo and because Belgrade would retain too great a role in Kosovo affairs including responsibility for Kosovo's defense and external relations. Rambouillet, moreover, was expressly intended as a transition agreement and not as the permanent solution to the issue of Kosovo's status.

International efforts to keep Kosovo linked with Belgrade also are seriously complicated by Montenegro's insistence on developing a new relationship with Serbia. If Montenegro becomes independent, Kosovo Albanians will be strengthened in their resistance to any efforts to hold them in even a symbolic relationship with Belgrade. If, on the other hand, Montenegro opts for some kind of loose association with Belgrade, pressure will increase on the Albanians to settle for something similar.

In a late November conversation**,** Montenegro's president Milo Djukanovic made clear his determination to press for independence and his unhappiness with US efforts to restrain him. Over the past four years, he said, Montenegro had become an independent state in practice and after the December 23 Serb elections, Podgorica is determined to work out a new relationship with Belgrade, which he described as a loose alliance. (The term Djukanovic used in Serbo-Croatian, "savezna derzhava," could be variously described as a union, association or even a federation, but Djukanovic made it clear that he wanted a loose tie with Belgrade, "something like a commonwealth.") Both Djukanovic and Kostunica have publicly stated that the FRY needs to be reconfigured, which will obviously call into question Kosovo's future position. For obvious tactical reasons, the Montenegrins do not wish to link their cause with Kosovo. Djukanovic acknowledged, however, that resolution of the Kosovo issue would be easier after Serbia and Montenegro had worked out their own new relationship.

The Kosovo Albanians, for their part, are watching the negotiations between Belgrade and Podgorica with great interest. Surroi traveled to Podgorica recently and Djukanovic said he had met with all three of Kosovo's leading political figures. The Kosovo Albanians obviously hope that Montenegro will go all the way to independence. Montenegro's decision to seek a new relationship with Belgrade has already knocked away one of the props underpinning international insistence that Kosovo remain linked to Belgrade.

There are other, more practical reasons why there is little alternative to an independent Kosovo, however unpalatable this may be to some in the international community. Any solution which precludes eventual independence would have to be imposed on the Kosovo Albanian people by armed force. In theory, the international community could allow Serb forces to carry out this task but this would involve a repetition of the humanitarian catastrophes of 1999 and is obviously unthinkable. To the extent that international forces attempted to impose such a solution on the Kosovo Albanians they would have to do so as occupiers fighting a population determined to wage a guerrilla war against them. This option is equally unthinkable.

Under any of these scenarios, moreover, Kosovo Albanians would pursue the reverse of Milosevic's 1999 strategy, when he sought to destabilize Macedonia and Albania through the "refugee bomb." Kosovo Albanians would expand the conflict to Macedonia and possibly to Albania, something those in contact with the KLA during the 1999 war heard them threaten on some occasions when they feared that the international coalition might not back them fully. There are credible reports of significant quantities of weapons being stockpiled in the Albanian inhabited portions of Macedonia by figures close to the former KLA and these would certainly be used in any such conflict.

Arguments against Kosovo's independence usually rest on the potentially de-stabilizing impact of an independent Kosovo on the Balkans and especially on Macedonia. Such arguments are real, but after the watershed of the 1999 war failure to grant Kosovo independence would be just as de-stabilizing as granting it.

Partition

There are only two real, peaceful options in Kosovo: independence or partition. Partition is usually whispered *sotto voce* after diplomats have shown with a sigh how intractable the Kosovo issue is to any other solution. Most partition options have the Serb-dominated northern part of Kosovo going to Belgrade and the remainder – about two-thirds of Kosovo – becoming independent or continuing for an indefinite period as an international protectorate. Partition might be made to work in Kosovo itself – although it would require the international community to swallow some of its fine words about multi-ethnicity and return of refugees. But partition would also call into question existing borders in such areas as Bosnia and Macedonia and could easily set off the kind of broader conflict in the Balkans that the current head-in-the-sand approach to Kosovo's status has sought to avoid.

In a practical sense, Kosovo is already partitioned. Over one hundred thousand Serbs fled Kosovo as a result of post-war Albanian revenge attacks. The remaining Serbs in Kosovo live completely separate from their former Albanian neighbors. Approximately 70,000 Serbs live in several dozen enclaves scattered across the southern and central part of Kosovo, dependent for security and every aspect of their daily life on KFOR and other elements of the international mission. Another approximately 60,000 Serbs live compactly in a purely Serb zone that stretches about 40 kilometers from the northern part of the divided town of Mitrovica to the border with Serbia proper.

The inability either to protect Serbs or to include them in the administrative structures established in Kosovo has been the international mission's biggest failure in Kosovo and constitutes a major obstacle to a final settlement. Kosovo Serbs, however, have not made it easy for the international community to help them. They boycotted the October elections in Kosovo while at the same time they participated – voting heavily for Milosevic – in the September FRY elections that led to Milosevic's downfall. Kostunica's victory has increased the stature of those Kosovo Serb leaders closest to him – who by and large are identified with non-cooperation with the international presence in Kosovo – and diminished the already low public support for the small band of courageous Serbs centered around the Gracanica monastery, who had been participating in international institutions in Kosovo.

Kosovo Serbs, by and large, have not accepted the results of the 1999 war. With a few exceptions, Kosovo Serbs tend to take the position that the history of human rights abuses in Kosovo began with the Albanian campaign against them after the 1999 war. They gloss over the key role that Kosovo Serbs played in the rise of Milosevic in the ten years of repression against Albanians in the 1990s, and the well-documented participation of Kosovo Serbs in armed attacks against Albanian civilians in the 1998 and 1999 conflicts. Until the Kosovo Serb community begins to deal honestly with its own role in the complex and often ugly events of the past ten years in Kosovo, it will be impossible to get the Albanian community to deal in an equally honest fashion with the campaign of violence against Serbs and minorities after the 1999 war.

As early as June 1999, only a few weeks after the end of the war, French troops who had been assigned the northern part of Kosovo as their zone of control drew a line across the province by setting up barbed wire barricades across the bridges over the Ibar river, which flows

through the middle of the gritty northern Kosovo industrial city of Mitrovica. Over time, this barrier has developed into Europe's last Iron Curtain. Barbed wire, concrete barriers, and armored vehicles guard each end of the bridge. Heavily armed French Foreign Legion soldiers carefully scrutinize the documents of the few people who seek to cross it.

In the 1991 census, the Serb population in these northern districts ranged between 75-87 percent – a striking contrast with Kosovo as a whole, where Serbs constituted less than ten percent of the overall population. In the violence which followed the end of the 1999 war, Serbs expelled almost all Albanians living in these northern districts while tens of thousands of Serbs refugees moved into the north after being forced from their homes elsewhere in Kosovo by Albanian revenge attacks.

Crossing the bridge into northern Mitrovica is, in effect, to leave Kosovo and enter Serbia. In the north, news stands sell only papers from Belgrade, prices are quoted in Serb dinars, and schools use the Serbian curriculum. Until his defeat, Milosevic's SPS controlled the civil administration of most of the northern Kosovo districts. Belgrade continued to pay the salaries and pensions of civil servants and employees in the economy. Within the city of Mitrovica, political power rests with the Serb National Council led by charismatic leader Oliver Ivanovic, while control of the streets is in the hands of the "bridge watchers," a group of young men armed with cudgels and sometimes with weapons.

Under these circumstances, a partition of Kosovo along the lines of the Ibar river, with the north going to Serbia and the rest remaining in the hands of the Albanians, would be rather easy to arrange technically. The three northern districts were only added to Kosovo in 1957. Partition may well have been one of Milosevic's fall-back options for Kosovo. Former Finnish President Marti Attisari, who presented NATO's final ultimatum to Milosevic at the beginning of June 1999, has written that one reason Milosevic accepted NATO's terms was that he had secretly cut a deal with the Russians on partition. In 1995, around the time of Dayton, members of the Serb opposition to Milosevic, including a then little-known party leader named Vojislav Kostunica, stated that partition was one of the options that members of the Serb intellectual elite were considering for Kosovo, which even then many far-seeing Serbs could see was lost to Serbia.

The partition option, however, has a number of drawbacks. Careful negotiating would be required to divide the assets of the Trepca mining and metallurgical complex which sprawls across the northern and central Kosovo, and which all Kosovo inhabitants regardless of nationality are convinced – probably wrongly – holds the key to Kosovo's future prosperity.

A more serious problem is the religious or historical sites sacred to Serbian memory which lie within the northern part of Kosovo. About half of the remaining Serb population in Kosovo also lives in NATO-guarded enclaves in the south. At a minimum, Belgrade would insist on retaining some kind of special rights with respect to Serb shrines. Some in Belgrade would seek to carve out a broader zone of Serb control that would have the practical effect of eviscerating even the rump Kosovo left to the Albanians after partition. Kostunica's foreign affairs adviser stated that Belgrade opposed partition. Other Serb figures, however, have stated that if partition occurs, Belgrade would insist on retaining extra-territorial control over a broad

swath of Kosovo territory that would include the Gracanica monastery near Pristina and the Pec monastery – the seat of the Serb Orthodox Patriarch for centuries – which is located in the western part of Kosovo, near the Montenegrin and Albanian borders.

Kosovo Albanians reject the notion of partition, but if it was presented to them as a take-it-or-leave-it option by a united international community, they would have little alternative but to accept. The consequences in and around Kosovo, however, could be ugly. The current crop of relatively moderate Kosovo Albanian leaders could find themselves swept away or forced to adopt a more aggressive nationalist line. Under a partition option, moreover, Kosovo Albanians would have little sympathy for efforts to accommodate the interests of the Serbs who remained in the southern part of Kosovo left under their control. Serbs now living in the enclaves might well be forced to flee.

Partition of Kosovo would also raise a number of border issues the international community would prefer to avoid. Kosovo Albanians would almost certainly seek to have the heavily Albanian Presevo valley region in southern Serbia transferred to Kosovo in return for surrendering the north to Belgrade. Partition would also increase pressure among the Albanian population in Macedonia, already closely linked to Kosovo by ties of family, education, and political sympathy, to separate from Macedonia and join Kosovo – an act which would call into question the existence of Macedonia and carry with it the risk of a broader Balkan conflict.

The partition of Kosovo, in short, could easily set off the very kinds of internal radicalization, renewed ethnic cleansing, and conflict that the international community has sought to avoid in the region by refusing to consider any change in Kosovo's status.

Buying Time: An Interim Confederation

The international community has so far failed to come up with any coherent approach either to the issue of Kosovo's final status or to the nexus between Belgrade, Pristina, and Podgorica. One way to buy time for a permanent solution would be an agreement creating a loose and time limited association among Serbia, Montenegro, and Kosovo, to allow its members time to decide whether they wished to live together or separately. If, as is virtually certain, Kosovo, and probably Montenegro as well, decided for separation there would be time for the international community and for the members of the association peoples of the region to negotiate the separation in an orderly and stabilizing fashion.

Under such an arrangement, Serbia, Montenegro, and Kosovo would have complete legislative, executive, and judicial control over their own internal affairs. All three members of the association would also be required to grant minorities within their borders full human rights and control over their own local affairs, including police, education, and social welfare, among others.

Pending a decision on final status, a strong international civilian and military presence would remain in Kosovo. The association would have responsibility for non-military aspects of relations with the outside world, including foreign policy, international economic policy, and

customs policy. It would be an economic free trade zone, within which the free flow of people, goods, capital, and information would be guaranteed.

A certain specified number of years after the association came into existence, perhaps three or five, any of its members would have the right to announce their intention to withdraw. Actual withdrawal would be contingent on the results of an internationally conducted democratic referendum. Withdrawing members would have to negotiate, under international supervision, guarantees of stable and friendly relations with all neighboring states, including former members of the confederation; the renunciation of any territorial changes; and respect for minorities, including the rights of neighboring states to special relations with minorities in the withdrawing member; and guarantees for the free flow of people, commerce, and information with neighboring states.

Free-Standing Independent Kosovo: Unworkable

What happens if, at the end of the day, Kosovo – probably preceded by Montenegro – decides for independence, satisfying en route all of the conditions the international community attaches? Could an independent Kosovo be economically viable? The answer is probably not, at least for the foreseeable future. Under Tito's Yugoslavia, Kosovo was heavily subsidized by the federal authorities and an independent Kosovo would likely remain a financial ward of the international community for some time.

Could an independent Kosovo defend itself? Here again, the answer is negative. Surrounded by larger and potentially hostile neighbors, there is no way Kosovo could defend itself alone. Kosovo Albanians view the KPC as the nucleus of a future Kosovo army, but they also recognize that Kosovo will need a continuing relationship with NATO to maintain its own defense. As Rugova once stated, "NATO should stay in Kosovo forever." It is unlikely, however, that NATO would remain in an independent Kosovo in a potentially hostile relationship with its neighbors.

Would an independent Kosovo be a factor for stability in the region? Again, the answer is negative. Kosovo Albanians have learned to talk the talk of international diplomacy. For now, all Kosovo Albanian leaders are prepared to renounce claims to union with their brethren in Macedonia and Albania. How long Albanians would be prepared to walk the walk of separate existence is questionable. Albanians throughout the Balkans understand that union now is out of the question, but the 1999 war has caused a qualitative change in the relationship among all three elements of the Albanian body politic. Albanian political opinion has become more nationalistic and Albanians across the Balkans enjoy closer ties than at any time since the collapse of the Ottoman Empire.

Having gone through every conceivable option for Kosovo's future, have we ruled them all out? Were international statesmen right to defer attacking a problem that has no good solution?

Squaring the Circle: A Regional Approach

There is a solution for Kosovo, one that over time would offer some prospect of creating a stable end-point that would allow US and other foreign troops to be gradually withdrawn. The only way for an independent Kosovo to be a factor for stability in the region, regardless of which option for the province's future is chosen, is for Kosovo to be embedded in a broader, regional settlement.

There can be no solution in Kosovo as long as the answer is sought in Kosovo alone. Whichever option is chosen – independence, confederation, autonomy, or something else – one or another group is likely to be unhappy enough about the outcome to resort to violence. Albanians would fight to prevent the return of Serb rule while Serbs would fight – if NATO were not in their way – to prevent Kosovo's independence. Changing borders in Kosovo could also have unpleasant consequences in Macedonia, Bosnia, and possibly beyond. Requiring Albanians to live within current borders as part of Serbia, however, might result in conflict, which would destabilize the entire Balkans.

A regional solution would build on continuing inter-relationships which still exist in the region and on the desire of all Balkan peoples for a closer relationship with Europe. It would embed an independent Kosovo in a web of economic, political, and security relationships with Serbia, Montenegro, Bosnia, and Macedonia. In some ways, a regional solution to the Kosovo issue might be likened to a political trick with mirrors. Viewed from Pristina, Kosovo would be an independent state, but viewed from Serbia this would hardly matter if Serbs on both sides of the "border" could travel freely in each direction and minorities on both sides of the border enjoyed respect for their rights and full local self-rule.

The most important element of this regional approach would be the creation of a single economic zone among the participating states, in which people, goods, labor, and capital moved freely among all members. It would include agreements among the participants on:

- Phasing out tariff and non-tariff barriers to trade and commerce;
- Harmonization of currency, customs, labor, tax, transportation, communications, and standardization policies;
- Removal of all barriers to diversified economic development and market reform, including consistent approaches toward privatization; and
- Implementation of European standards for investment, procurement, financial services, intellectual property protection, and dispute settlement.

The regional approach would also include a political agreement – possibly under the OSCE's provisions for regional cooperation – with assurances of respect for sovereignty and territorial integrity, protection and access to religious and cultural monuments, contacts between minority groups and their "home" state, and the free flow of information among member states. As the participating states gained experience and confidence in political cooperation and as the economic elements of regional cooperation took hold it might be possible, on a voluntary basis, to expand political cooperation. One step could be for the participants to transform the politically binding commitments of an OSCE-type pact into legally binding treaties. A further

step could be the creation of a regional confederation that would provide a political superstructure for economic ties among participating states.

Also included would be a comprehensive regional security pact, embedded in the OSCE regional framework and drawing upon existing OSCE arms control provisions such as the Vienna security accords, and on the regional arms control provisions of the Dayton Agreement. This could include the following:

- Pledges by all participants to refrain from the use or threat of force;
- CSBMs including notifications and data exchanges, inspections, and deployment restrictions; and
- Arms reductions to establish a stable military balance at lower levels and particularly to reduce the still-outsized Serbian forces. This could involve revitalizing the Dayton Annex I-B provisions on regional arms control, which so far have remained unfulfilled. (Annex I-B arms control provisions on ceilings and inspections of the forces of the three Bosnian parties have, by contrast, been fulfilled, showing that arms control in the Balkans can be carried out when there is the political will and external military muscle to do so.) Both the CFE treaty and Dayton could be drawn upon for categories of treaty-limited equipment (TLE) and for inspection/notification procedures but a Balkans arms control pact should include TLE not in CFE, such as mortars (these are limited in Dayton), recoilless rifles and crew-served weapons, small arms, and mines.

In 1995, a then-unknown young man in Pristina heard the news of the Dayton Peace Agreement. He reacted with anger and decided then that only through armed struggle could Kosovo be liberated from its Serb occupiers. Three years later the world learned of Hashim Thaci when the KLA that he then commanded unlashed a guerilla war that eventually pulled NATO into the first war in its history. It is important that the international community not repeat the mistake it made after Dayton, of failing to deal with the simmering conflict in Kosovo. Thaci, Rugova, and all other members of the current Kosovo Albanian leadership are united in their insistence that Kosovo attain independence, but also in their professed desire to achieve this independence peacefully. But there are undoubtedly other young men – as yet unknown and not just in Kosovo – who think differently. Only timely action by the international community can ensure that they remain unknown.