



**FORUM ON NEW SECURITY ISSUES:
“SHARED INTERESTS & VALUES BETWEEN SOUTHEASTERN
EUROPE & THE TRANSATLANTIC COMMUNITY” (FONSI)**

Workshop V: Kosovo: Seeking a Sustainable Status

A workshop organized by

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Report on the Workshop

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Introduction

The Hellenic Foundation for European and Foreign Policy (ELIAMEP) organised a workshop entitled ***Kosovo: Seeking for a Sustainable Status*** which was held in Thessaloniki, on 4-6 March 2005. This workshop was the fifth consecutive working meeting of the *Forum on New Security Issues: Shared Interests and Values between Southeast Europe and the Transatlantic Community* launched by ELIAMEP in 2002 and supported by the German Marshall Fund of the United States.

In the aftermath of last year's violence in Kosovo there has been a lot of discussion about the evaluation of progress in meeting standards and about the final status of Kosovo as well as on the role of the international community in achieving a sustainable status settlement. The purpose of this working meeting was to unpack the different aspects of this debate, directly address the policy issues and discuss alternative policy options for the future of Kosovo. For local, regional and international actors involved the challenge is to prevent another crisis from developing and move fast toward sustainable status negotiations. The following questions, among others, were posed: what role does the international community have to play to achieve the set goals? What measures are needed to achieve the goal of a sustainable settlement? What are the enabling and what are the limiting factors to this effort (the whole issue of acceptable standards enters here)? Are local societies ready to accept a painful compromise?

Achieving a Sustainable Status: Alternative Paths and Processes

The first session of the workshop discussed alternative paths toward a sustainable status and the issue of evaluating standards compliance. A major issue of concern is how to get to a phase of meaningful negotiations in order to achieve a sustainable status. That is, what would be the mechanics for such a dialogue? The issue deserves special attention due to the fact that there are seriously diverging approaches between Serbia & Montenegro, on one side, and the Kosovar Albanians, on the other side, as to the end result of this process.

In order to enhance the prospects for success, first, there has to be a clarification and an agreement about the roles of the different actors involved in the process: who will conduct the negotiations and under whose supervision and coordination will take place? Who will participate and in what capacity? What will the role of the UN, the EU and the USA be? Does the "contact group" have a role to play? Most importantly, what is Serbia & Montenegro's position and what kind of involvement will it have?

Second, the framework of negotiations should also be clarified. In other words there needs to be clarification about the kind of a “sustainable status”. Is there a common conception of what a “sustainable status” is or do the sides have different visions about this notion?

During the discussion several alternative options were put on the table:

1. Returning to the status quo ante. That is, putting Kosovo under Serbian & Montenegro’s control.
2. Partition of Kosovo
3. Conditional independence
4. Formal independence.

Option one was rendered a non-starter by most participants as it is obvious from developments on the ground in the last ten years that Kosovo cannot be returned to its previous status as a province of former Yugoslavia. Hence, on the table remain options 2, 3 and 4 even though partition was considered as highly problematic and risky. At the same time, some participants suggested that negotiations cannot start with a pre-determined (independence) state of affairs. Instead, all options, including partition, should be left open to be decided on the negotiating table. Some participants, on the other hand, suggested that partition should be excluded as an option with a clear picture as to which end result we are heading at. In general, however, it became evident that the final outcome will be in a form of Kosovo independence provided that the “evaluation of standards” is positive; that there is substantial improvement about the treatment and respect of the human and cultural rights of Kosovo’s minority populations. It remains to be seen, however, what kind of independence will be considered as well as under what conditions.

It also became evident from the discussion that serious dialogue is needed in order to mutually agree on the negotiating framework and modalities. Put differently, there has to be a good preparation of the process in order to strengthen the prospects of success. To that end “exploratory talks” between Belgrade and Prishtina can be initiated with the purpose of (a) identifying the issues to be discussed and set the agenda for direct and intensive negotiations and (b) canvass the basic building blocks of a final settlement that can be elaborated and finalized during direct negotiations. After the end of these “exploratory talks” the process should move to the final stage of negotiations.

A consensus emerged, however, that time is of the essence. It was pointed out that time should not be allowed to go by without being utilized towards a settlement of

the Kosovo issue. It was pointed out that the Palestinian and the Cyprus problems should serve as models to be avoided. Similarly, it became very clear that one of the key components for sustainability is “functionality.” That is, the settlement reached must be functional so that it does not create more and worse problems in the future both for the local communities and the other actors involved.

The international actors involved have an important role to play in preparing the ground for negotiations to achieve a sustainable status. It has to be clarified, however, under what auspices the negotiations will be taking place. Will the UN have the supervision or would the “troika” (E.U., U.S.A. and Russia) be the initiator? And what about NATO? It is certain, nonetheless, that the European perspective for the region and especially for Serbia & Montenegro and Kosovo itself can be catalytic both in initiating the process described above and for the prospective final settlement.

The Role of International Actors

The international actors involved can play different types of roles. We can identify four: (a) initiator, (b) transformer, (c) arbiter and (d) guarantor. As it was explained above the international community can help initiate the “exploratory” and “final stage” talks towards a sustainable settlement in Kosovo. That is, the international actors can provide the framework for the negotiations and assist the parties in the process.

A general objective of the international community is to provide assistance to Kosovo, Serbia & Montenegro and the rest of the counties in the region to join the Euro-atlantic institutions (mainly EU and NATO). It is by their integration into these institutions that the international actors can play a transformative role. That is, become catalysts for domestic reforms and a “europeanization” that, in turn, will have a direct positive effect on attitudes and policies. One of the major challenges present is to transform societies in ways that perceive “security” as a shared good in a win-win situation rather than in a zero-sum game. That is, there is a need to realize the emerging broader meanings of security and the necessity for a collective approach to it.

The role of the international actors as guarantors is more complicated and it provides that a mutually agreed settlement has been reached. That is, we have to know first what the international community will be asked to guarantee. Then, there are several issues deriving from this: what types of guarantees? Who will provide them and for how long? In other words, what will be the nature of the commitment? In general,

there was skepticism with regard to an international actor assuming the role of the guarantor of a new state of affairs in Kosovo.

European Union: the EU has no other choice but engage into the process. EU engagement is a **sine qua non** in order to have successful results in close cooperation with the US and Russia. In addition, the EU should assume the role of the “transformer” of societies through Europeanization and, especially, by giving them a strong incentive and a concrete perspective to reorient the future through reforms and by overcoming past traumas. Moreover, the EU would have a role in a post settlement state of affairs. The question is what kind of a role? It became obvious that the EU will not assume the role of the “protector,” “arbiter”, or “guarantor” of the new state of affairs or that of supervisor of a trusteeship in Kosovo. Its role was defined more as a “catalyst” to reach a settlement through the incentives and conditional rewards it offers.

NATO: the organization has repeatedly declared that Kosovo remains one of its priority areas of action. NATO is part of the “extended contact group” participating in some of the main group’s meetings. It is committed to a robust military presence in Kosovo in order increase the sense of security among all its inhabitants. NATO’s planning is to remain in Kosovo for the long-term and to cooperate closely with UNMIC and the other international actors involved. A “civil emergency force” is in the making and will contribute to the “professionalization” of Kosovo’s security services. NATO can be the forum to bring both the EU and the US to coordinate and work collectively to address the security issues deriving from the Kosovo uncertainty.

United States: this country needs to remain engaged in Kosovo and in the region as a whole. It is willing to be strongly involved in standards evaluation and the discussions for a sustainable status. The US recognizes that the UN should lead these processes and they will assist all efforts through US participation in the contact group and any other way.

In these processes Russia cannot be left out or ignored. It has a role to play which can contribute to the legitimacy of policies aiming at finding a mutually agreed resolution of the issues. Most importantly, Serbia & Montenegro should take a central part in the process. It has to recognize that the resolution will call for painful compromise. The choice for Serbia & Montenegro is either to participate constructively in these efforts or to be left out and have no impact on the final decisions about the future of Kosovo.

Overall, it became obvious that: (a) there is lack of coordination among the several international actors involved. That is, there is a need for deeper cooperation and coordination in order to avoid delays and mistakes. (b) There is divergence of policies and objectives within Serbia & Montenegro and Kosovo respectively. (c) There is no clarity over the precise actions and policies to be taken the day after the final settlement is reached. That is, there is a need for the international actors involved to develop specific policies for the different realistic scenarios of future Kosovo.

Protecting the Minorities and Serbian Cultural/Religious Sites

Two of the main issues in any discussion about constructing a sustainable status for Kosovo are the protection of minorities and of Serbian religious and cultural sites. These issues can be a testing ground for the sincerity of all sides involved in reaching a mutually agreed settlement. It is against these two issues that the merits of the solutions proposed (namely, partition, conditional independence or formal independence) should be evaluated.

It became evident from the discussion that partition could potentially exacerbate the problems for minorities and Serbian cultural heritage. Any form of partition entails elements of “population exchange” and permanent political, social and economic division. Partition for Kosovo will have regional negative implications as well. There is always the possibility by redrawing borders and carving “ethnically clean” territories to create a spill over effect into neighboring countries. Moreover, it can initiate a massive exodus of the Serbian population either by force (initiated by nationalists) or due to a psychological fear. This, in turn, will create a new “refugee problem” this time comprised of Serbs. Hence, an ethnically cleansed Kosovo will be antithetical to the standards set by the EU and the other Euro-atlantic institutions.

The tragic events of March 2004 revealed the extent of the security deficit in Kosovo regarding the protection of the Serbian minority population. They demonstrated moreover that the Kosovo Police Service (KPS) lacks both the training and the equipment to effectively deal with similar episodes. In the long term an effective and well trained police force needs to develop to act both as deterrent as well as preventor of similar incidents. This police force must be multiethnic so that its legitimacy and authority is not put under question.

One of the key elements for a minority to feel protected and secured is the sense that is part of the process. That is, minorities have unrestricted access to all public goods

and services. This, in turn, provides a feeling of inclusion in the political, social and economic processes that can normalize and diffuse a potentially explosive situation. Communication is essential for success. Therefore, the issue of language must be addressed in a way that the minority does not feel excluded and discriminated against. Providing documents, public broadcasts and more in the minority's language can further help its integration in a multiethnic Kosovo.

Similarly, ethnic Serbian participation in the institutional structures of Kosovo is essential. To that end all actors involved, especially Belgrade, must encourage the local Serbian population to take advantage of the situation and participate in the governing institutions. In this way they will have a greater potential to influence Kosovo's policies. To achieve this objective decentralization can be helpful. This decentralization, however, should be done in a way that there is no overarching authority guiding the local actors. Serbs of Kosovo should have a sense that they can make decisions about their every day lives at the local level without having to report to a centralized authority.

All of the above issues, however, can be a matter of discussion and they certainly need further explication and clarification. They can offer, however, a basic framework within which to work in order to provide for "human security". This kind of security is safeguarded by tolerance and integration as well as economic development which is the avenue to create joint interests and goals.

Beyond protecting the practical rights of minorities is the issue of the protection of cultural and religious sites. At the workshop a serious proposal was presented with regard to this critical issue which was, in general, positively received by participants representing different sides. The proposal aims at establishing in Kosovo a Monastic Orthodox Community along the lines of the Athos Monastic Community in Greece. That means, with the necessary local adjustments, the Monastic Orthodox Community of Kosovo could include all major monasteries in the region, with their dependencies, and those historical sites to be identified specifically in the charter of the community. The Monastic Orthodox Community of Kosovo will be governed by a Charter to be approved by the Serbian Patriarchate and ratified by the governing authority of Kosovo.

More specifically, the Monastic Orthodox Community and the monasteries will enjoy vis a vis the Kosovo governing authority a self administering status which will entail the following: (1) free and unhindered exercise of executive, legislative and judicial jurisdiction according to the holy canons, the rules and the customs of the Orthodox Church and the Charter of the Monastic Orthodox Community. (2) Recognition by the

governing authority of Kosovo of tax and duty exceptions for the Monastic Orthodox Community as well as restriction of the right of movement and residence of unauthorized persons within the confines of the monasteries. (3) Unhindered entry of individuals from Kosovo or from abroad for purposes of pilgrimage or residence in the Monasteries, upon clearance of the Monastic Orthodox Community. (4) All of the above, however, would exclude territorial contiguity that would lead to a form of putative partition.

The Serbian Patriarchate will have a spiritual authority over Kosovo's Monastic Community in a similar fashion with the spiritual authority of the ecumenical Patriarchate of Constantinople vis a vis the Mount Athos Community.

Free and unhindered communication between all Monasteries and their dependencies should be guaranteed and all land property, as well as the mobile and immobile property of the Monasteries cannot be expropriated.

At the same time, other initiatives are also needed in order to diffuse religious sensitivities that feed nationalist behavior and policies as well as to isolate the extremists of all sides. One such initiative is to start a dialogue between the religious communities and institutions of Kosovo in order to arrive at a mutual understanding but also work together in order to find the best ways to protect the cultural rights of all communities of Kosovo.

Conclusions and Policy Recommendations

It has become evident from the discussion at the workshop that 2005 will be a year of "high risk" for Kosovo. The results of the standards evaluation will be released and the international community is constructively pressuring the sides to initiate the process for comprehensive negotiations for a sustainable status in Kosovo. From the discussion it became evident the final settlement should probably exclude partition. Rather it will be a kind of independence (conditional or semi-conditional) The critical issue is to engage the local parties and the interested international parties in order to arrive at a mutually agreed type of independence.

Europeanization of Kosovo and of the region as a whole has become a **sine qua non** for peace and stability in the region. At the same time, the integration of these areas into other Euro-atlantic institutions such as NATO is also very important and add to a positive potential for the region. In order, however, to enhance trust and common understanding a policy of demilitarization and non-militarization of Kosovo should be

implemented and a NATO-EU led multinational force can be stationed to oversee the implementation of any agreement reached. One of the questions that need serious consideration is how to craft and apply decentralization in Kosovo. The protection of cultural and religious sites as well as a decentralized system of education can be the grounds to test possible avenues leading to the protection of genuine pluralism.

The following are some policy recommendations to deal with the complex issues surrounding the situation in Kosovo:

1. Initiate “exploratory talks” between Belgrade and Prishtina in order to mutually agree on the negotiation framework and mechanics by drafting the agenda for the talks and canvassing the basic building blocks of a final settlement.
2. The dialogue for settlement in Kosovo must be inclusive. In that sense, there is a need to engage with the so called radicals on both sides of the conflict. This is necessary in order to make sure that opposition to a possible compromise is not destroyed from within.
3. The international actors involved, especially the EU and NATO, must provide a clear signal to the local actors that their participation in the Euro-atlantic institutions is very much welcomed. In that sense, the international actors involved must avoid taking sides and engage with the locals in both sides.
4. There is an urgent need for coordination and policy planning by the international community. The international actors involved must coordinate in order to device alternative policies based on a number of scenarios with regard to the status of Kosovo that will be agreed during negotiations. The international community must be ready to act as a facilitator and at critical points to be able to act preventively and with specific direction.
5. Inclusive local and regional institutions in which Serbs will be able to participate need to be created. The bureaucracy and other public offices must become multiethnic and functionally multilingual so that they do not isolate minorities. In this sense, the training of civil servants should be appropriately improved and become more intensive together with the development of an inclusive police force.
6. In light of the fact that the proposal for the protection of Serbian religious and cultural rights has been well received (however cautiously) by the opposing sides, it should be seriously considered as a way to address one of the most serious aspects of the conflict in Kosovo.

7. Incentives must be provided in order to achieve economic development in the area. Economic underdevelopment exacerbates the political and social problems and increases the mistrust of the people.

In general, there are at least three basic conditions which must be met in order to achieve a sustainable status in Kosovo: (a) create conditions of stability and not unrest; (b) provide continuous access at all levels to the Serbian minority; (c) engage into a policy of “conditional rewards” according to the performance of the local communities during the negotiations and the implementation of the agreement.

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