

# AT THE HARRIMAN INSTITUTE

Catharine Nepomnyashchy, Director

Columbia University 420 West 118th Street, New York, NY 10027 <http://www.harriman.columbia.edu>

*October 1, 2008*

## Kosovo: From Occupation to Independence and Beyond

“Kosovo and Serbia share geographical, historical, and cultural ties, and the Kosovo Government will continue to extend a hand of friendship and cooperation to Belgrade, but only as an equal partner in a bilateral relationship and on the basis of mutual interest,” said Skender Hyseni, Kosovo’s Foreign Minister, at a talk held on October 2 and organized by the Harriman Institute.

“The status negotiations are over, though; Kosovo is independent; and there is no turning back” – this was the central argument in the minister’s presentation. Furthermore, Kosovo’s case for independence is unique, as Hyseni argued, and not applicable to be used as a “precedent” in the case of Abkhazia and South Ossetia, where the international principle of “no change in borders” holds.

Having been at the forefront of the Kosovo liberation movement from the very beginning, since the 1992 break-up of Yugoslavia, in various prominent positions, including as Spokesman of the Unity Team, Principal Political Advisor to Presidents Rugova and then Sejdu, Minister of Culture and Sport and now as Foreign Minister, Mr. Hyseni spoke from the vantage point of an eye-witness when describing the injustices the Kosovar Albanians suffered under the Milosevic’s regime.

Calling Yugoslavia’s collapse “one of Europe’s greatest tragedies,” which “gave the world a new term,” that of “ethnic cleansing,” the minister went on to recount the seminal events in Kosovo’s post-1992 history. By revoking Kosovo’s constitutional status as one of 8 autonomous entities of Yugoslavia, Belgrade established a “new type of apartheid and segregation” in Kosovo. Ethnic Albanians were routinely dismissed from their jobs, while all Albanian teachers and students were expelled from high schools and universities. These discriminatory policies led Kosovars to organize into a political force led by Ibragim Rugova, which became a virtual “parallel state of Kosovo” guided by a “very sophisticated philosophy of civil disobedience.”

By 1999, Kosovo’s civilian crisis had reached proportions on a scale unknown in Europe since World

War II. Hyseni laid the blame for the breakdown of the Rambouillet talks in March 1999 squarely on the Serbs who, along with their Russian patrons, refused to sign the accord granting Kosovo autonomy within Yugoslavia, but with permanent NATO presence. The March – June 1999 NATO put an end to Milosevic’s “virtual genocide” against Kosovars, forcing him to withdraw. Soon afterward, Kosovo was placed under UNMIK (United National Mission in Kosovo) Authority.

Since the end of the war, Kosovo has “tirelessly” pursued opportunities for a compromise with the Serbian side, according to Hyseni, but with the understanding that it was no longer possible for Kosovo and Serbia to remain together as one state after the bloody events of 1999, a position subsequently enshrined in the Ahtisaari’s Plan. The latter was endorsed neither by the Serbs nor by the UN Security Council. As a participant in every single talk with the Serbs, Hyseni insisted that it was due to their “intransigence” that a workable compromise was not found. With its economy broken after years of mismanagement under Milosevic and unable to secure foreign direct investments or loans from the IMF due to its uncertain political status, Kosovo had to “move forward.” Since the February 17, 2008 declaration of independence, 47 nations have recognized Kosovo as an independent state.

Despite the elation that followed the declaration, Hyseni acknowledged the difficult road ahead. The economy is in shambles and desperately needs foreign investments. The Donor Conference recently organized by EU Commission was “great success,” however, with the total amount of pledges close to 1.2 billion euro. Hyseni expressed optimism for future investments, as, according to him, Kosovo possesses significant natural resources.

Currently, the EU and NATO are temporarily administering an international civilian office and the EU rule of law mission, among others. The UNMIK, meanwhile, is reconfiguring its mission to give more space to the EU presence. Responding to criticism from Amnesty International and other watchdogs who

have criticized Kosovo's human rights record decrying its treatment of the ethnic Serbian minority and the apparently continuing operation of paramilitary groups in the border areas, Hyseni referred to plans underway to establish protected ethnic orthodox Serbian zones under the terms of the Ahtisaari Plan, envisaging greater autonomy for these areas in the future. Already, the Serbs are enjoying broad discretion running their education and health care systems, while the national parliament has set aside 20 seats for members of ethnic minorities, "regardless of their participation in electoral processes." However, it takes "two to tango," continued the minister, citing Belgrade's "continuing manipulation" of Kosovo's Serb community, a tactic designed to "prevent full integration of ethnic Serbs into the Kosovo society," thus "making the Kosovo Government look bad." The Kosovo Government has disassociated itself from any paramilitary movement engaged in cross-border activities, proclaiming its commitment to regional peace and security.

The government has hit several snags in its campaign to win international recognition of Kosovo's independence. Hyseni acknowledged that the process of recognition has slowed down recently, due to various reasons. Chief among them is the "failure of UNMIC to complete its configuration" following the June 15 deadline for the transition, which has given "alibi" to those who waver to keep postponing their decision on recognition. Another impediment has been the decision of Belgrade to seek the opinion of the International Court of Justice (ICJ) on the "legality of Kosovo's independence." Although, despite the Kosovo Government's respect for the ICJ, the former will not recognize its authority to rule on Kosovo's (or any country's) independence—always a "political decision," as Hyseni put it, a negative ruling may still adversely affect the recognition process, thus hampering Kosovo's economic development. Help is on the way though, with Kosovo's diplomatic missions soon to open in Washington D.C., New York, and several European capitals, to help with the campaign.

Commenting on global implications of Kosovo's independence, particularly in light of the war in Georgia and the resultant recognition by Russia of Abkhazia's and South Ossetia's sovereignty, Hyseni relied on the central argument of the Ahtisaari Plan, namely that Kosovo is a "unique case," to dispute the validity of using Kosovo as a "precedent." According to Hyseni, Kosovo "went through a lot to achieve its independence," which apparently qualifies it as a "special case." Among Kosovo's unique circumstances was the disintegration of Yugoslavia, an "8-unit multiethnic entity," and several subsequent wars, claiming hundreds of thousands of lives, including "over 200,000 Kosovars." There was "nothing of the kind" in Georgia, drew the parallel Hyseni. Furthermore, continued the minister, the government

was "pressured" by the people to declare independence, and the longer it continued to postpone the decision, the higher was the risk of instability. Finally, contrary to Belgrade's portrayal, the declaration was not "unilateral," but carried out in "close coordination with the major stakeholders," namely the EU, NATO, and U.S.

When asked if Kosovo will ever, under any circumstances recognize the independence of Abkhazia and South Ossetia, the minister pledged that, despite the two territories' promise to return the favor should Kosovo recognize them, the Kosovo Government would stick closely to the EU-wide policy regarding the issue.

*Reported by: Peter Zalmayev*