

Is Kosovo Heading for Partition?

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As new constitution comes into force, communal divisions and a row over the international presence threaten to split province.

Kosovo's first constitution, which came into effect on June 15, could further inflame ethnic tensions in the province and even lead to partition, say analysts.

"The new constitution shows that Kosovo is a democratic country and has accepted and will respect the highest international values and standards," said Kosovo president Fatmir Sejdiu at the ceremony marking the most important event for Kosovo since it unilaterally proclaimed independence from Serbia on February 17.

But representatives of Kosovo's Serb minority say the constitution proclaimed in Pristina means nothing to them, and insist they will set up their own parliament.

Belgrade's fundamentally opposition to independence remains unchanged.

"Serbia regards Kosovo as its own southern province, and is defending its integrity by peaceful means, through diplomacy rather than force," Serbian president Boris Tadic said this week.

Observers fear that Kosovo faces a territorial split between the ethnic Albanian community - which comprises 90 per cent of the population - and the Serb minority.

The constitution, introduced at a low-key ceremony held in the capital Pristina, has done little to end the confusion about where ultimate authority in Kosovo now resides.

UN STILL FORMALLY IN CHARGE

Despite the proclamation of the constitution, the United Nations mission UNMIK, which has administered the region since it was set up by UN Security Council Resolution 1244 after the Kosovo war ended in 1999, still holds formal power.

More than 40 countries have recognised the independence of Kosovo, but Belgrade and Moscow are vehemently opposed to sovereignty, which they regard as a reckless breach of international law.

Russia would certainly use its Security Council veto to obstruct any application from Pristina for a UN seat, a key sign of statehood. In order to neutralise Russian opposition, at least 100 member states would have to recognise the entity's independence.

UNMIK has administered Kosovo - formerly a Serbian province - since June 1999, when NATO troops drove Serbian forces out of the province.

Although the war broke out in 1999, the division between its two main communities had begun much earlier. For years, the two million ethnic Albanians and around 120,000 Serbs had led parallel, separate lives – deeply mistrustful of and occasionally hostile towards one another.

International negotiations to resolve Kosovo’s status began in 2006, and the following year, UN Special Envoy Martti Ahtisaari submitted a proposal to Belgrade and Pristina suggesting “supervised independence” for Kosovo. This formed the basis for a draft Security Council resolution as well as for the new constitution of Kosovo.

As part of the transition to independence, Ahtisaari proposed replacing UNMIK with a significantly reduced international presence, in the shape of the European Union Rule of Law Mission, EULEX, which would exist until power could be vested entirely in the authorities of the nascent state.

The EU mission is already present in Kosovo, although just 300 out of the planned 2,200 staff have been deployed so far.

However, Ahtisaari’s plan never won official acceptance due to Serbian and Russian opposition. While the Kosovo constitution calls for the EU to take over the supervisory role of the UN, Serbia and Russia insist that any EU mission is illegal because it lacks the approval of the UN Security Council.

To end the impasse and prevent a power vacuum in Kosovo, UN Secretary General Ban Ki-moon last week put forward a proposal to “reconfigure” the role of UNMIK.

The proposal – revealed in two letters sent to Belgrade and Pristina – permits EULEX to deploy under the umbrella of the UN, and removes the need for a Security Council resolution to be passed transferring UNMIK’s authority to the EU.

But the Secretary General’s long-awaited plan was swiftly rejected by both Moscow and Belgrade, which accused Ban of overstepping his power.

“Since the goal of EULEX is to implement Kosovo's independence... it's obvious that this mission is in direct contravention of both [Security Council] Resolution 1244 and the Serbian constitution,” Serbian prime minister Vojislav Kostunica said this week.

TWO INTERNATIONAL MISSIONS INSTEAD OF ONE

It seems that despite the UN chief’s instruction last week, it remains unclear who is to run Kosovo in future, and how that should happen.

Commenting on the secretary general’s “reconfiguration” plan, Tim Judah, a British journalist and expert on Kosovo, said in a recent BBC interview, “There were two different letters. One was sent to the president of Serbia, Boris Tadic, and the other to Fatmir Sejdiu, who although addressed as “Excellency” appeared otherwise not to be president like his Serbian counterpart.

"[A letter addressed to Albanian leaders] allows them to pretend that they are able to exercise power on the entire territory of Kosovo, but in reality everybody knows that they control just its predominantly Albanian parts. On the other hand, Ban Ki-moon's [letter to Belgrade] allows Serbs to continue to pretend that Kosovo is not independent."

He concluded, "This all adds to the confusion and does not help clarify the situation at all."

Many observers believe Kosovo will end up with two international missions instead of one, neither of them equipped with a clear mandate or legal framework.

EULEX will provide assistance to the Kosovo Albanian administration, while UNMIK – unable to withdraw without Security Council approval for ceding control to the EU – will maintain a presence in municipalities with a Serb majority.

"Having two international missions on the ground – the EU dealing with Albanians and the UN with Serbs in the north – will only widen the ethnic divide," Agron Bajrami, editor-in-chief of the Pristina daily Koha Ditore told IWPR.

"We are entering a process which is very risky and that could lead to the division of Kosovo," he said, warning that lack of agreement over governance could result in "a prolonged frozen conflict".

The EU's special representative for Kosovo, Peter Feith, told The Financial Times that "functional partition" of Kosovo might take place.

"Mr Ban assured Serbia he would maintain the status quo in Serb-majority areas for a 'limited duration'. This leaves space for Belgrade to run northern Kosovo and achieve functional partition," he warned.

Yet Feith also insisted that the western-backed plan for Kosovo's statehood was moving forward despite "legal stumbles".

MITROVICA WORKS TOWARDS DE FACTO PARTITION

Earlier this month, Feith stressed that "that the state of Kosovo must rule in its entire territory".

But Kosovo's Serbs are unlikely to accept that, and have already announced plans to form the Kosovo Serb Assembly in Kosovska Mitrovica in the north of the province on June 28.

Serb leader Nebojsa Jovic told Belgrade radio B92 that the constitution proclaimed in Pristina "means nothing to Kosovo Serbs", who are determined to form their own parliament.

According to news agency reports, Serbia's minister for Kosovo, Slobodan Samardzic, said his country expects to get extensive rights to administer Kosovo Serb areas.

"These parallel institutions, this functional division only represent the facts on the ground," he said.

The 120,000 Kosovo Serbs are already, slowly but surely, creating parallel institutions for local government, education and healthcare, with financial and political backing from Belgrade. Most Serbs have withdrawn from institutions like the Kosovo police service and judiciary.

Since the independence of Kosovo was proclaimed, Belgrade has consolidated its grip on Serb-held areas, especially in the region north of the divided city of Mitrovica. The region of Mitrovica north of the river Ibar River adjoins Serbia, and is under the de facto control of Belgrade.

But around two thirds of the Serbs in Kosovo live south of the Ibar, in isolated enclaves with no land link to Serbia. Yet even in these isolated Serb islands surrounded by an Albanian majority, everything is still tied to Belgrade - from schools to car licence plates, and from the health system to cell phone providers.

Although Serbs living in those enclaves remain defiant when it comes to issues such as independence and a constitution for Kosovo, their tone is softer and more conciliatory than that people living in the north.

"Serbs in Kosovo will never accept the independence and the constitution of the province, but that does not mean that we are not going to respect the law," Rada Trajkovic, president of the Serbian National Council for Central Kosovo, told IWPR. "We have to cooperate with the authorities on a daily basis."

Trajkovic adds that a partition of Kosovo between Serbs and ethnic Albanians is not a solution.

"If partition took place, we would have another mass exodus from Kosovo Serb enclaves - around 90,000 people would leave their homes. Also, that would create chaos in the entire region."

Sonja Biserko, head of the Helsinki Committee for Human Rights in Serbia, told IWPR that the political elite in Belgrade might be prepared to accept Kosovo's independence, as long as they could carve off the northern territory of Mitrovica in compensation.

"However, Belgrade authorities are aware that at the moment this is not possible due to the balance of power on the international scene," she added.

"They are hoping that in the future they might have a stronger Russia on their side, that the US will turn its back to the Balkans, and that the EU will be even more divided."

"HISTORIC DEAL" NEEDED

Biserko says that partition – which she called the “worst-case scenario”– could be avoided if the international community invested more energy and creativity into the Balkans, which is still fragile following the conflicts of the Nineties.

“It is crucial not just for Serbia but for the entire region to speed up the process of joining the EU,” she said. “That is the only way to prevent from repeating the nightmares of the Nineties that Kosovo and other countries in the region went through.”

Dejan Anastasijevic, a journalist and political analyst from Belgrade, told IWPR that the situation in Kosovo would remain unstable for a long time, maybe for years.

To resolve the problem, a “historic deal” between Pristina and Belgrade had to be reached, he said.

“For such a deal, we would need a stable political situation and mature political elites in Belgrade and Pristina. A more balanced and unified approach from the international community would also be helpful,” he said.

“The current politicians, both in Belgrade and in Pristina, use Kosovo’s status as a tool to gain political power. I don’t see that changing in the near future.”

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