

Kosovo's 'Forseeable' Future Decided

Author: IWPR

Two years of speculation, pontification and prescription are over - we now know what is going to happen in Kosovo

Something incredible just happened in Kosovo and nobody noticed. Well, Kosovars did, but the promulgation of the Constitutional Framework for the Provisional Self-Government of Kosovo and the fixing of an election day, appears to have gone almost unnoticed by the rest of the world.

It is not surprising really. Compared to Britain's pugilistic politicians or even the Macedonian drama, the fact that a former Danish defence minister made some complex announcement about Kosovo, prefaced with a long a boring name, is hardly headline news, or in fact, for most editors...news at all.

However, as Albanians and Serbs know, it is impossible to underestimate the importance of the constitutional framework, announced on May 15 by Hans Haekkerup, the head of the UN administration in Kosovo, UNMIK.

In essence, it means that two years of speculation, pontification and prescription are over. We now know what is going to happen in Kosovo, at least for the foreseeable future.

On November 17, Kosovars will vote for an assembly with 120 seats. Ten of those are reserved for Serbs and ten for Kosovo's other minorities. The assembly will elect a president. He in turn will nominate a prime minister who will form a government. Two ministerial posts must be reserved for a representative of the Kosovo Serbs and another minority group.

Kosovo's future government will then begin to run the province and, in Haekkerup's words, UNMIK will, "in most fields...be taking a backseat." Significantly, UNMIK will still be responsible for justice, law and order and the Kosovo Protection Corps, which most Kosovo Albanians believe to be the nucleus of their future army.

According to Haekkerup, what this all amounts to is that when the government is formed Kosovars will "for the first time in history" be able to decide upon the "day-to-day affairs" of Kosovo.

And there's the rub. Obviously "day-to-day affairs" do not include independence. Haekkerup and his successors will be able to veto anything they don't like because, as he points out, he will continue to "ensure that the acts of the provisional self-government will be in accordance with Security Council Resolution 1244".

Resolution 1244 set up UNMIK and defines the current legal status of Kosovo. It also mandated UNMIK to promote "the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo". Following the elections in November, a great step will have been taken towards fulfilling this goal.

But Kosovo's Albanian leaders are grumbling. They wanted the constitutional framework to contain a clause promising a referendum on independence. Not only did they not get it, but, the future arrangements have no time limit.

Under the Rambouillet proposals, which they signed up to in March 1999, the interim government for Kosovo would have lasted for three years before the question of final status was to be revisited. Now that is not the case. As Haekkerup put it, this is now put off until "an appropriate future stage".

Hashim Thaci, the former political head of the Kosovo Liberation Army, KLA, now the head of the Democratic Party of Kosovo, railed that the constitutional framework "holds hostage the issue of independence".

He is absolutely right. The failure of Kosovo Albanian leaders to make a credible stand against violence against Serbs and other minorities, together with the connections between certain circles of the Kosovo Albanian elite and the leaderships of the Albanian insurgencies in the Presevo valley and Macedonia, mean that the foreign diplomats and politicians charged with dealing with Kosovo do not trust its politicians.

Although he disapproves of the document, Thaci has no intention of boycotting the polls. Ibrahim Rugova and Ramush Haradinaj, Kosovo's two other main Albanian leaders, also complained that there was no provision for a referendum but they too, will be participating in the election.

Interestingly, Haradinaj, a former KLA commander, who was in Paris last week with Veton Surroi, has begun to echo an argument long promoted by the influential Kosovar publisher. That is that Kosovars should use the self-rule period to build the institutions they need and in this way prepare for eventual statehood.

Surroi made this point, in these pages, last January, when he argued in favour of the "Taiwan Scenario". This put forward the idea that Serbia, Montenegro and Kosovo were all now "going through a process of internal consolidation" and should "focus more on the function of the state than on its international recognition". (See IWPR Balkan Crisis Report, No 209, 15 January 2001.)

Unsurprisingly, Kosovo's Serbian leadership rejected the constitutional framework out of hand. They had failed to have included a veto mechanism, which Haekkerup said would simply have resulted in "complete stalemate in the work of the assembly".

Momcilo Trajkovic and other Kosovo Serb leaders have said that unless the document is changed the Kosovo Serbs will boycott the November polls.

The reaction from Belgrade has been similarly damning. Predrag Simic, President Vojislav Kostunica's foreign affairs adviser, labelled the constitutional framework "a concession to Albanian separatists".

As far as Belgrade and indeed the Serbs as a whole are concerned, their problem is that they have no credible, alternative ideas for Kosovo. Likewise most Albanian politicians appear to repeat the mantra of independence not because they want it (obviously they do) but because they appear to have nothing else to say.

Since the events of the last two years have undermined trust between Kosovo's Albanian leaders and the international community, the countries that count in this affair have no will whatsoever, for the moment at least, to support any moves towards independence.

Indeed, some argue that independence would require a Security Council resolution and that since Russia and China would only ever agree to that if Belgrade asked them to, then the Kosovo Albanians had better begin a rapprochement with the Serbs.

In the foreseeable future that is unlikely to happen. Therefore the die is cast and the constitutional framework will be the law...until "an appropriate future stage".

If there is a will, Serbs and Albanians could use the coming opportunity. If they fail, then they will be doomed to conflict without end.

Tim Judah is the author of Kosovo: War and Revenge published by Yale University Press.

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