

Special Report: Chaos and Complexities in Kouchner's Kosovo

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Despite the creation of a new power-sharing administration, the province continues to grapple with severe problems, at the heart of which remains the question of sovereignty.

Kosovo remains bedevilled by the problem of sovereignty, not only in considering its future status but also in establishing practical arrangements for basic governance under the UN administration today.

UN Resolution 1244 charges the international administration with establishing substantial autonomy for Kosovo within the Federal Republic of Yugoslavia. Yet with Belgrade's military capitulation, the removal of Yugoslav police and military forces, and the transfer of all administrative powers to the UN, Yugoslav sovereignty has effectively been suspended, at least for the duration of the international mission.

This contradiction is not just a theoretical problem. It is creating substantial complications as the UN seeks to establish some kind of workable administration within the province.

There are two concepts about the character of the UN Mission in Kosovo (UNMIK). Depending on their country of origin, some members of UNMIK advocate a strict suspension of Yugoslav sovereignty. Others support a relative respect for basic Yugoslav sovereignty. In practice, the application of these two conflicting concepts has produced confusion and delay.

Those within the UN who support a respect for basic Yugoslav sovereignty believe UNMIK must enter constant negotiations with the Federal Republic of Yugoslav on several controversial issues. Keen to see the UN fail, it is in the interests of Yugoslavia to obstruct such negotiations. Albanians, rejecting the whole premise, refuse to participate in projects directly linked to Serbia.

Others within the UN are more confident about acting as a quasi sovereign authority. But the practical implications of this are no less daunting.

The Kosovo protectorate is based on the co-operation of the UN, KFOR (including NATO and Russian troops), and the Organisation for Security and Co-operation in Europe (OSCE). KFOR is charged with preventing armed conflict and guaranteeing security; UNMIK, with establishing a transitional administration and normalising political and economic processes; and the OSCE with organising elections, creating independent media, drawing up laws and a durable democratic system.

But the relationships between these organisations - particularly the UN and the OSCE - are not always co-operative. For example, while the OSCE was preparing media regulations and creating the basis for a new public media in Kosovo, UNMIK unilaterally created Radio Television Kosovo (RTK), without consulting the OSCE or local journalists and experts on the media advisory board. The new station operates without the involvement of local staff, and viewers have dismissed its programmes as being of poor quality. Many were insulted by the failure to employ experienced local staff who had been sacked by Belgrade from Radio Television Pristina in 1989.

The absence of a clear legal framework, another legacy of the confusion over sovereignty, has also been debilitating. Chief UN administrator Bernard Kouchner initially planned to continue using the Yugoslav laws valid in Kosovo until the start of the NATO bombing. But Albanian judges argued vehemently that laws applied in Kosovo after 1989-90, when Kosovo autonomy was forcibly suspended, are discriminatory and illegitimate. Kouchner then revoked his decision and passed the matter over to a group of experts, who have yet to report. Meantime, UNMIK has ruled that pre-1989 laws should be applied.

This legal anarchy has only encouraged violence. Virtually every day property and people belonging to ethnic minorities linked to the years of Serbian repression are attacked. Most of those affected are Serb, but Roma, Muslims and Goranci have also been attacked. Criminal organisations have also appeared, exploiting the lack of security and police to rob, steal, harass and kill citizens across Kosovo, principally Albanians.

While the majority of Serbs and Roma linked to the Yugoslav administration left Kosovo after the withdrawal of Serbian forces, an effective method for protecting those who remained has not been achieved. While the administration has had difficulty meeting its target for the number of international police, it also chose not to co-operate with units of the Kosovo Liberation Army (KLA), which could have served as an authoritative body to counter violent and criminal activity of undisciplined Albanians. Instead, insisting on KLA disarmament, KFOR and UNMIK have opted to establish protected zones, mostly for Serbs, serving merely to create crisis spots.

UNMIK's biggest challenge has perhaps been to establish an effective system of decision-making, which could involve local politicians and parties and help resolve legal, security and administrative problems. Along with the UN, at the end of the bombing there were three unrecognised "governments" in Kosovo - two Albanian administrations (one linked to the Democratic League of Kosovo and one to the KLA) and one Serbian.

UNMIK has thus spent many months trying to establish some form of political order and co-operation between the main political players. The first effort was the Kosovo Transitional Council (KTC), incorporating all relevant political groups, including representatives from the minorities and influential and independent individuals. Yet the KTC was only a consultative body and did not prove very efficient.

Kouchner then promoted the idea of creating a stronger coalition executive body, which would hold jurisdiction in Kosovo until elections. Secret negotiations began in September and an agreement on the co-operative structure of a temporary administration was finally reached December 15, to come into effect January 31. It was signed by the three main Albanian political leaders: Hashim Thaci, head of the interim government and former leader of the KLA; Ibrahim Rugova, leader of Democratic League and the peaceful resistance movement; and Rexhep Qosja, leader of the United Democratic Movement.

Kouchner, the special representative of the UN Secretary General, retains all legislative and executive powers and has the right to appoint and dismiss members of other administrative bodies.

A new body, the Transitional Administrative Council of Kosovo, will act as collective head of government until a democratic system is established through elections. The council has eight members: four Kosovo representatives (Thaci, Rugova, Qosja and a Kosovo Serb to be named) and four UNMIK representatives. The council will meet at least once a week. Decisions will be made by majority vote, with Kouchner deciding any stalemates.

Fourteen ministries, as well as departments for interior affairs and foreign affairs, will report to the council. Co-presidents, one from UNMIK and one from the participating political parties, will be in charge of each ministry. A similar power-sharing structure is planned for local government.

The Kosovo Transitional Council will continue as a consultative body, but has been extended to include other smaller political groups to ensure minorities have at least one institution to hear appeals and offer advice.

The question remains whether Kosovo Serbs will accept the agreement. Representatives from the Serb community recently met US officials in Sofia. Afterwards, some Serb leaders made conciliatory remarks

about the need to co-operate with the Albanians. Although a full consensus among the Serb community is unlikely, it is important for Kouchner's project that at least the main political leaders support the scheme.

The Albanians also do not share a full consensus. Some smaller parties, such as the Parliamentary Party of Kosovo, have derided the agreement. And while the three Albanian signatories control the political scene in Kosovo, they were persuaded to accept Kouchner's offer of some limited power and responsibility largely because of the deteriorating security situation. The parties remain rivals, and relations among them are tense.

The confusing interplay among all these actors is illustrated by the efforts to establish an economic and service infrastructure, and provide basic humanitarian assistance. Albanian organisations, businessmen and individuals have taken over most economic and other activities, including the reconstruction of ruined buildings and houses. Humanitarian organisations are also involved in the reconstruction of destroyed houses, schools and public buildings in addition to distributing food, clothing and heating to people living in difficult conditions.

Precise figures are not available, but it is estimated that humanitarian projects have failed to meet even 10 per cent of the need. The slow progress in sorting out fundamental problems such as heating, communications, traffic and public safety has contributed to the anarchic situation, and increased conflict, among Albanians and against minorities. When winter arrived in Kosovo, bringing many additional problems, UNMIK and the hundreds of non-government organisations (NGOs) were branded inefficient and unsuitable.

The UN has introduced a number of practical measures, such as introducing the German mark as the official currency, establishing customs and import duties and introducing temporary registration of vehicles.

The lack of personal and travel documents remains an acute problem for many Kosovo citizens. UNMIK has temporarily endorsed a proposal from Belgrade that the Yugoslav government should issue documents and travel papers in a fast-track procedure. A kiosk has been set up in a protected zone, where representatives of the Serbian government in Pristina can issue personal documents and passports. But Albanian political parties objected to the experiment, and only a few citizens have used the facility. Kouchner's administration has been under pressure to take over the issuing of the documents, a eventuality accepted by the UN in New York.

The UN administration is also facing serious difficulties sorting out the legal status of several commercial enterprises. Negotiations over the ownership and legal status of Kosovo Telecom and the mining complex Trepca in Kosovska Mitrovica are expected to be tough.

Trepca is a particular problem because a large part of the production installations are located on the Serbian side of the artificially divided town. Furthermore Belgrade has already sold off a significant part of both Kosovo Telecom and Trepca to Greek and French firms, complicating negotiations further over their status and return to operation. Likewise after 1990, many businesses and factories in Kosovo were merged with companies in Serbia.

Perhaps the biggest practical test for Kouchner's administration came with the granting of rights to foreign mobile phone companies. The existing network, which covers only part of Kosovo, is owned by the Serbian company, Mobtel. Kosovo Telecom and UNMIK agreed to build a parallel mobile telephone network. Kosovo Telecom decided that the construction of the network should be given to the German company, Siemens. But UNMIK opted for the French company, Alcatel.

Kosovo experts thought the Siemen's deal more favourable. Under the terms of the Alcatel contract a large part of the income generated would go to Monaco, home of the proposed communications centre, while

Kosovo Telecom would receive only the part of the income.

UNMIK used its executive authority to override these objections and award the contract to Alcatel. The managing director of Kosovo Telecom, who refused to sign the contract, was replaced by decree. Kosovo Telecom and the Kosovo press launched a fierce attack on UNMIK for partiality and arrogance, suggesting that Kouchner's nationality led him to favour the French Alcatel.

Along with creating an effective police force and rebuilding the judicial system, reviving economic activity is essential for providing any Kosovo administration revenue and thus lessening dependence on foreign aid. Kouchner has made it clear that he does not have a mandate to create an independent Kosovo. But the difficult process of disentangling Kosovo's economy as well as its administration from Yugoslav jurisdiction continues to move the province in the direction of a self-governing state entity.

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