

Gerard Gallucci -- outline of prepared remarks at symposium at UT-Austin on
Secession Redux: Lessons for the EU – Yugoslavia & Kosovo
March 1, 2013

Arrived Mitrovica July 2005 understanding conflict along Ibar tribal, zero-sum.

Western European leaders and US “Europeanists” didn't seem to get it. Europe allowed Yugoslavia succession to occur in hands of first wave of ethnic politicians.

Quint – the US, UK, France, Italy and Germany – trying to shake Kosovo off their boots, entrusted succession there to K-Albanians. US favored a EU lead because it kept Washington off the hook and Albanians a European problem.

On the ground in Kosovo, it's always been a struggle over control/territory.

South of the Ibar – with EULEX & ICO help – Pristina pushed remaining (and surrounded) Serb enclaves to accept coming under its rule.

North resisted; local Serbian institutions and links to Belgrade there never challenged by NATO or UN. Would have always taken force. French (&US military) understood.

UNMIK came to understood too. Sent in '05 to open comms with “radicals.” But Quint pressure to impose Pristina led to March 2008 courthouse debacle and only recently *perhaps* has given way to finding a compromise solution.

Unresolved status dispute allows Kosovo political leaders to avoid grappling with real problems: sustainable economic growth and corruption.

Obsession over Serbia and north fostered by leadership and encouraged by Pristina's international supporters sustains group-think nationalism that distracts population and prevents development of a vibrant, independent civil society.

Economic issues never tackled in the negotiations conducted by President Ahtisaari and figure little in the plan he developed. Pristina has simply moved forward with “privatizing” former POEs and SOEs, leaving inevitable doubts about ownership.

Negotiating a framework for settling property claims could play positive role in moving toward status resolution and allow development of a natural relationship between developing the Kosovo economy and larger Serbian one. In 2008, Jugopetrol offered a deal to put aside issues of seized property for the right to enter wholesale market in Kosovo. Neither the Quint nor Pristina showed interest. But business still could lead the way in showing the benefits of regional cooperation.

Unresolved property issues also relate to question of returns and the issue of the north. Many people – Albanian, Serb and others – live without access to their homes or property. Reconciliation is more difficult when thousands of people live as IDPs.

Northern Kosovo Serbs resist Pristina “rule of law” in part because they believe it would be used to

impose the “return” of Albanians to north Mitrovica to change the ethnic balance there. Global approach to returns – assuring the property rights of all IDPs and allowing them to use the proceeds from sales to make a new life *where they are* – could turn problem into part of a solution.

Central issue, however, remains status. While Kosovo independence was inevitable by 2007, the Quint pre-judged the outcome – independence on Pristina’s terms. Ahtisaari was reduced to holding “proximity talks” rather than direct negotiations. Might have been more effective for the Contact Group to use its leverage with both sides to push them to sit in a room together without outsiders until they settled.

Instead, Quint worked against direct negotiations between Belgrade and Pristina. US apparently prevented talks in 2009 and 2010 about possible approaches including territory swaps. Quint also erred in allowing, if not encouraging, Pristina to bully the Serbs (south and north) into “Kosova” rather than patiently building Kosovo as a model multi-ethnic society and drawing them in. Allowing Pristina to take down electricity and telecoms in the south to focus the Serbs there on accepting their situation was “quicker” but did not lead to good will or trust.

Quint also too quick to push aside the UN. Put all its eggs into the EULEX basket. Then it pushed EULEX (and KFOR) to step outside UNSC mandate to force the Serbs into the arms of Pristina, thus making it a damaged instrument for peace. Quint haste and reliance on force and its feeding of Pristina’s obsession over the north, have contributed to the current impasse and danger of violence.

North cannot be “won” through force. Some in the north comfortable with a continued frozen conflict (and some may believe that real violence would set them free of Kosovo entirely). But northern resistance to Pristina institutions is near universal and not the creation of “radicals” or “criminals.” Northern Kosovo Serbs see Pristina “rule of law” as an end to their communal existence. They believe Albanians want them out and want their land. They are right.

But more and more northerners see that something must change, that maybe it’s time to look at some sort of arrangement. They do not want to be part of Kosovo but also know they cannot escape it. They lack leaders and political space. Continued pressures – from the Albanians, KFOR and EULEX – make it very difficult for anyone to step forward with new ideas. But new interlocutors cannot be “bought” through Pristina’s “Potemkin” office in north or with USAID money.

Quint would be better off restraining Albanians than trying to force a one-sided “solution” on north. To settle the north, Quint and Pristina need to accept adjusting Ahtisaari to uniqueness of the north.

EU sponsored talks between Serbia and Kosovo have made some progress. EU seems pleased with itself for using its leverage over Serbia – prospective membership – to press Belgrade forward. Since the advent of the post-Tadic government, Belgrade *has* moved more briskly toward an accommodation over Kosovo. Proposed a “platform” in which Serbian municipalities would have a certain autonomy within Kosovo but links with Pristina as well as Belgrade. Issue of sovereignty would be put aside, with Serbia talking about “autonomous” Kosovo and Pristina claiming Kosovo’s territorial integrity.

Belgrade’s platform explicitly accepts participation of Kosovo Serbs in central institutions. Should there be an agreement that proves to safeguard local self-governance for the northern Serbs, they

should participate in central institutions such as legislature. Could be king-makers in Kosovo politics given various disputes among Albanians. But all happy endings imagined for Kosovo must first overcome considerable distrust northerners have of Albanians. They fear that any role in their communities given to Pristina will be used against them.

Prime Minister Thaci has highlighted his government's expectations from dialogue: Wants parallel institutions abolished – including municipal administrations, the courts and the police – and Pristina's “authority” extended to the northern border on the terms of the Ahtisaari Plan as it has been (haltingly) applied south of the Ibar. Thaci claims there is no pressure from the internationals to go any further.

Way southern Kosovo Serbs were bullied into submission and treated afterwards – land grabs, attacks, desecrations – does not engender trust. But beyond that, Pristina's continued demand that *its control* be extended north underscores fundamental reason for the *distrust*. Northern Serbs believe Pristina will use any opening to exercise authority on their side of the Ibar to advance an agenda of replacing them, first in north Mitrovica and then elsewhere. Indeed, Ahtisaari Plan as written gives Pristina ability to interfere and block transfers of funds from Belgrade, over-rule local decisions, take part in choosing local police commanders and have its courts and judges replace those now operating.

Role in transfer of funds could allow Pristina to put a stranglehold on northern municipalities. Ability to overrule local decisions could allow it to “nullify” local government and even create seeming crisis of “legality” justifying intervention. Making local police commanders dependent on its approval could place Pristina in the position of injecting its police (or “army”) into the north without organized resistance. Placing its courts and judges in the north could allow the “legal” enforcement of one-sided property claims and returns.

Whether one finds this scenario credible or not, it's how northerners see it. They do not trust Pristina to do otherwise. That EU dialogue has made certain progress – not fully implemented in the north due to the distrust – should not lead to excessive optimism. The Quint *and* Belgrade need to win the understanding (if not full agreement) of the northern Serbs as their peaceful resistance on the ground could scuttle any arrangement.

But a plan leaving the north unmolested by Pristina, with links to Belgrade and still an integral part of Kosovo, could work. Northern Serbs may come to accept something like this but almost certainly won't go beyond. Belgrade understands this – if the EU doesn't – and has made clear it will not simply disband its institutions in the north and hand them to Pristina. Nikolic-Dacic government has gone far in suggesting open-ended framework with autonomous local institutions working under internationals – the UN, OSCE or a neutral EU? – within the Kosovo context. But Pristina would have to keep its hands off. That would require real EU/US peacemaking and probably continued peacekeeping.

Other issues remain. Implementable, status neutral approaches on economic issues including customs, telecoms, energy, water and state property (including Trepca) must be implemented. Returns need to be treated globally rather than used by one side as a way to gain territory (as occurred with NATO and EU assistance in Brdjeni in north Mitrovica). What to do with North Mitrovica itself also remains.

Serb-majority North Mitrovica only Kosovo city left with sizable mixed population including Albanians, Bosniaks, Turks, Roma, Gorani and others. Living there are many who fled other conflict areas in Kosovo and the Balkans. As the other three northern Serb-majority municipalities, it has local

government elected under Serbian law. (Quint and Albanians call these “parallel” but there has never been any other local administration in the north – except in a limited sense the UN – since 1999.) Two central questions will need answers: North Mitrovica’s borders and its relationship (if any) to South Mitrovica.

North Mitrovica defined since 1999 as the part north of the Ibar River. UN administration there retains responsibility for that area under UNSCR 1244 despite efforts by the South Mitrovica municipality and Pristina to assert control. Ahtisaari's team consulted UNMIK on what the boundaries might be as part of a *compromise*. Ahtisaari boundaries put western Albanian-majority villages on the north shore – Suvi Do, Vidimiric and Vinarce – in South Mitrovica. North Mitrovica went to a line along “Doctors Valley” and Suvi Do Bridge and included heights of Brdjani. Serbs live in the western villages and Albanians live in the more urban area along the east side of the Ibar’s north shore – Bosniak Mahalla – that would remain part of North Mitrovica.

Would have made both Mitrovicas multi-ethnic (no Serbs left south of the Ibar) and given them reason to cooperate closely on practical matters. But would have required mutual acceptance and trust. Without those, the more natural border between the two remains the Ibar.

Ahtisaari Plan also included outlines of a joint board for the two Mitrovicas. Albanians supported as they saw it as way to gain some control over the north. For same reason the north Mitrovica Serbs reject it. A forum to bring the two sides of the Ibar together to discuss common issues makes sense (and might include other three northern towns). But giving such a body executive or blocking authority would probably be unacceptable to the northerners.

The Ahtisaari Plan already includes special features for North Mitrovica, including for a hospital and university. But defining the boundaries and relationship between the two Mitrovicas will require acceptance of the fact that North Mitrovica is perhaps the most zero-sum issue of all and that it cannot be simply left to Pristina to decide.