



**PUBLIC INTERNATIONAL LAW & POLICY GROUP**

# **UNBREAKABLE BOND: SERBS AND KOSOVO**

**A Field Report**

**Public International Law & Policy Group**

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### Summary

Nationalism remains a potent force in Serbia, strongly affecting the politicking within the political elite regarding final status issues in Kosovo. The democratic forces are not immune from Kosovo-related nationalism and have at times adopted hardline positions to diminish their vulnerabilities in the political struggle. Since the end of the Kosovo war the West has done nothing to dispel the perception in Belgrade that Serbia's legal claim of sovereignty over Kosovo remains valid in principle and of equivalent standing as an issue "on the table" with Kosovo Albanians' insistence on independence in the prelude to negotiations. Belgrade ignores the fact that, with virtually no Albanians in Kosovo willing to work with them, they have no Albanian partners in pursuing this goal. Kosovo Serbs also display considerable mistrust of Belgrade's concern for their interests. The EU and UNMIK have attempted to create a framework for progress on the issue, but success will hinge on the willingness of the United States to exercise diplomatic leadership to resolve the deadlock.

### Ancient and Modern History: Both Still Matter

Kosovo has been a central part of Serbian national culture for more than six centuries. Generation after generation was raised to resent the five centuries of perceived Ottoman repression which followed the gloriously lost battle in Kosovo Field in 1389 but be at the same time proud of their ancestors' fierce resistance to foreign occupation and of the heroism which finally made them free again two centuries ago. Preparations are underway for a grandiose celebration on February 15, 2004 to mark the beginning of the First Serbian Uprising in 1804. It will inevitably provide an opportunity for statements aimed at strengthening the goal to recover control over Kosovo irrespective of the realities. In such ways does the nationalist vision of Serbia's history continue to burden the debate over Serbia's post-Yugoslav identity.

Serbian folk poetry from medieval times filled the textbooks that shaped the minds and entered the souls of children and students. These beautiful epic poems which idealize heroes and vilify traitors, convincingly mixing reality and imagination, took deep roots in tradition and the educational system, often suppressing historical facts. In one notable example that every Serb student can cite, Serb King Lazar is depicted, when offered a choice before the fateful battle in Kosovo, as wishing for the "heavenly kingdom," not for the kingdom on earth that he ruled. In another poem a mother advises her son, "don't lose

your soul ... it is better to lose you head.” In this manner, the strident nationalism that permeates Serbian Kosovo-related folk poetry has helped to internalize the value of sacrifice for the nation as a core responsibility of all Serbs.

I still remember vividly a conversation with a friend in the early 1990’s about how to protect from the military draft his son who was graduating from the high school. My friend, formerly an editor in chief and ambassador, had resigned in disagreement with Milosevic’s policies and was strongly opposed to nationalism and wars. He did not want his son to become a participant and a victim of both, yet he had told him that if Kosovo becomes threatened he would take him by the hand and they would go together to defend it.

The demise of the Serbian medieval state thus has been used as a touchstone in defining the Serbian people. This Kosovo-centric mindset was created long before Milosevic was born and continued unchanged under communist rule while he was growing up after the Second World War. On the list of mortal enemies Germans and others were added to the infamous “Turks,” further deepening the already strong impression of past injustices and Serb victimization. With ancient history perceived as a central part of Serbs’ nationhood, national feelings run strong and can easily be stoked and manipulated. Politicians seeking to downplay the nationalist agenda must nonetheless always guard their flanks with appropriate nationalist rhetoric, even if they do not act on it.

The modern history of the country and Tito’s regime, however, created modern-day Kosovo. The seeds of disintegration of the former Yugoslavia were sewn in the late 1960’s when far-reaching social and economic reforms were aborted and the country was set on a course leading back to “real socialism.” The faded ideology of communism was gradually replaced by nationalism as the legitimate basis of rule in the country’s six republics (Bosnia, Croatia, Macedonia, Montenegro, Serbia and Slovenia) and two autonomous provinces (Kosovo and Vojvodina). This was easy to accomplish since even at the peak of liberalization, while Yugoslavia was open and cooperation with the West flourished, individual rights were not allowed to develop. Attention remained focused on collective and group rights, gradually shifting from class to “national” (ethnic) rights and seeding the ground for virulent chauvinism in all parts of the country. In the 1980’s radical nationalism was openly embraced by both the communist elites and the fledgling opposition. In that period, the national mythologies vilifying other nations while glorifying one’s own were successfully built into the foundation of political power and strategies of local leaders. Instead of democracy, “national renewal” was offered as an alternative to the previous regime.

Kosovo had already developed into an entity virtually independent and isolated from the rest of Serbia by the 1970’s. The University of Pristina grew into one of the largest higher education institutions in Yugoslavia and many Albanians from Macedonia and Montenegro studied there as well, gradually creating a unified and well connected Albanian intellectual elite. After Tito’s death, requests for granting Kosovo the formal status of a republic, part of which was the right to secede, grew stronger among Kosovo Albanians. Such moves were seen as separatist in Belgrade and were met by a re-

awakening of Serbian nationalism. These simultaneous developments provided a perfect platform for Slobodan Milosevic's rise to power and put both Kosovo Serbs and Albanians on the road of no return. He promised to protect Serbs in Kosovo and to make Serbia once again whole. In the process he quickly and deeply radicalized public opinion among both Serbs and Kosovo Albanians.

After the autonomy of Kosovo was revoked in 1989, which coincided with the celebration of the 600<sup>th</sup> anniversary of the battle of Kosovo, all Kosovo Albanian institutions went underground and for about a decade two parallel states existed—the official one on the surface controlled by Serbia and the other Albanian with separate political institutions, education and health systems and even unemployment compensation, all financed by contributions of Albanian émigrés or those working abroad. This period of “coexistence” filled with tensions and human right violations but relatively little violence was brought to an end in 1997-98 by actions of the Kosovo Liberation Army (KLA) and Serbian security forces. Armed rebellion replaced passive resistance. Milosevic's forceful response only galvanized popular support for the KLA and marginalized non-violence and long time Kosovo undisputed leader Ibrahim Rugova, who heretofore had managed to keep this province out of the mayhem of bloody conflicts raging in Croatia and Bosnia. But at the same time he did not advance the cause of Kosovo independence either directly or by gaining support from the international community.

#### Evolution of U.S. and EU Policies Toward Kosovo

The international community conveniently disregarded the rising problems in Kosovo until they imposed themselves by the nature and magnitude of the violence which the problems spawned. The United States was, however, an exception. Kosovo was on the agenda of U.S.-Yugoslav relations already in the second half of the 1980's. While serving in the Yugoslav embassy in Washington as Deputy Chief of Mission at the time I had to convey to Belgrade the Department of State's demarches about violations of human rights in Kosovo accompanied with protests over excessive use of force against the Albanian demonstrators. The irony of it was that the already seriously weakened federal government was being blamed for acts of the Serbian government which it did not control. The pressure coming from Congress was even stronger.

In December 1992 President George Bush, having learned about a plan for the ethnic cleansing of Kosovo by police and military forces, sent a message to Slobodan Milosevic, president of Serbia at the time, warning him that if this happened the U.S. reaction would not be limited to military targets in Kosovo only. This brief but blunt message was delivered directly to Milosevic bypassing the federal government and the usual diplomatic channels. After his inauguration in January President Bill Clinton sent the same message the same way to make sure that Milosevic understood this was the firm position of the U.S. government and not only of the outgoing President. And Milosevic did understand the implications of the message. Not even the Minister of Foreign Affairs of the Federal Republic of Yugoslavia (FRY) was informed about it. So far as Kosovo

was concerned, the warning was effective: during the next several years nothing major happened in Kosovo.

As some analysts noted at the time, Kosovo was as much about the resolve of American leadership and the credibility of NATO as it was about the complexities of Balkan politics. The key assumption of those advocating a more active U.S. role in Kosovo was that neither the crisis in Kosovo nor the broader problems of instability in the Balkans would be resolved until Washington exercised political and military leadership in the region.

It took Europe a long while to show interest in the developments in former Yugoslavia and when it did it was for the crisis in its two western republics, Slovenia and Croatia. In 1991 the European Community became actively but unsuccessfully involved in attempts to stop the bloodshed which was just beginning there. By that time Kosovo was all but forgotten.

The position of the EU in the early 1990's was seen in Serbia generally as unsympathetic and supportive of the secession of Slovenia and Croatia. Germany, Austria (not an EU member until 1995) and the Vatican were directly accused of assisting and even masterminding the break-up of Yugoslavia. Their alleged anti-Serbian policy was put into a historical and religious context of confrontations and hostilities in the Balkans caused by outside factors. Hungary and Italy were also blamed but not with same intensity. In the beginning the United States was left on the margins of the campaign against the "international conspiracy" against Serbs but not in regard to Kosovo, which was due mostly to the activities in the U.S. Congress. An interview given by U.S. Ambassador Warren Zimmerman to a Pristina newspaper was fiercely attacked in the Serbian-controlled media and rump Yugoslav parliament. The concern he expressed for human rights was depicted as interference, with hostility directed in particular against his comparison of Serbian activities in Kosovo to apartheid. No one bothered to mention that he reiterated U.S. support for the sovereignty and territorial integrity of Serbia and advised Kosovo Albanians to seek solutions to their problems through the institutions of the (Serbian) political system rather than in the streets.

The learning curve of the international community has been a pretty long one. They were not ready to prevent the wars in Croatia or Bosnia and proved ineffective in ending them for several years. The price paid in the end was very high including endorsement of the results of ethnic cleansing and acceptance of partnership, albeit temporary, with those who conducted it. Kosovo was neglected until it too plunged into violence.

In July 1999 just after the NATO campaign against Serbia concluded and the United Nations Security Council Resolution 1244 was adopted, I concluded a presentation at the Woodrow Wilson Center by saying "The status of Kosovo is an issue much larger than the future of that province and Serbia. It is rather about the future of the relations in Europe, the system of security on the continent and the U.S. position as a global and European power. Any lasting solution should therefore be sought within a larger framework. The European Union must take the lead and find a way to 'embrace' the

entire region. Closing this ‘black hole’ is the greatest challenge the EU faces in its current process of building a common security and foreign policy while simultaneously pursuing enlargement. Only creation of an institutionalized network of deepening interdependence, encompassing the entire Balkan region where most borders are arbitrary, could ameliorate nationalist conflicts and thus enhance both stability in the area and growth of democratic institutions.”

Today the European Union seems to be more actively engaged in Kosovo, though its activities are often erratic and the results leave much to be desired. They are willing to lead Serbia and Montenegro and Kosovo—even without having the latter’s final status resolved first—toward the membership in the EU. They have earned the confidence of the Serbs but not Albanians (nor Montenegrins). Mediation of relations between Serbia and Montenegro leading to their present union portrayed the EU as a defender of the status quo and existing borders. The failure of the EU to support the transfer of significant powers to the Kosovo Albanian-led Provisional Institutions of Self-Government aborted efforts to build trust among Kosovo Albanians who still, with justification, see the United States as the only power they can potentially rely on for balance in their struggle for independence.

#### Milosevic’s Legacy to Serbian Democratic Forces: What Was Changed in Kosovo Policy

Milosevic successfully—but briefly—used the NATO campaign in 1999 to solidify his position and identify the regime with the “nation at war” syndrome. Patriotism was equated with the support for the regime and there was almost no public dissent. Those few who dared to criticize Milosevic as responsible for bringing on the war with NATO were condemned even by the opposition and ostracized. Milosevic had a vested interest in keeping tension in and around Kosovo high after losing control over the province while claiming a hollow “victory” over NATO and reasserting sovereignty of the FRY over Kosovo based on the Security Council Resolution 1244.

In October 2000 the coalition that overthrew Milosevic, known as the Democratic Opposition of Serbia (DOS), inherited this flammable issue along with the rest of the legacy of the former regime. Initially the DOS made no attempt to formulate a common position and strategy for negotiating Kosovo’s final status, though all the parties in the coalition were in agreement that it should remain part of Serbia. The issue was largely left on the backburner and the media reported very emotionally about the difficulties of Kosovo Serbs and problems in Kosovo.

The international community neither explicitly endorsed nor contested the Kosovo-related components of the foreign policy platform of the new Yugoslav government, which focused on no more disintegration nor changing of borders. In the case of Montenegro the reaction was different. In January 2001 during the first visit of the new Yugoslav foreign minister Goran Svilanovic to Washington, Secretary of State Madeline Albright formulated the U.S. position against Montenegrin independence as support for a “democratic Montenegro in a democratic Yugoslavia.” The prevailing Western consensus

regarding Kosovo was that it would be premature to address its final status. This suited the Serbian government well since opening such discussions would have compelled the coalition leaders to compete with the “patriotism” of radical opposition parties and among themselves as well. With no leadership by the West or Serb democratic forces, no effort was made to constructively exploit the apparent fact that the public was becoming resigned to the loss of Kosovo in some form.

An Albanian insurgency in the spring of 2001 followed occasional terrorist acts against the police and military authorities in southern Serbia. The reaction of the public was swift and did not leave much room for doubt about the strength of their feelings. After all, memories of the recent war were still fresh. In an ironic twist of destiny, credence was given once again to long time Milosevic propaganda blaming the Albanians for everything. This time it was, however, with a new hope and expectation that the international community would finally realize that and absolve Serbs of their guilt for ethnic cleansing practices in Kosovo and provide Belgrade with support against the rebellion. This crisis and the way it was handled provided an opportunity for the new authorities to establish good cooperation with KFOR and earn some confidence in the process which, they hoped, would change for the better the position of EU and NATO toward Serbia and her handling of problems related to Kosovo.

The rebellion in Macedonia in 2001 also had a profound effect on the Serbian public. The media reported about developments there with such intensity as to suggest that the war was being waged inside Serbia. The emphasis was on the praise Macedonia had been given as an example of a multiethnic society and the perception that this did not spare the country from attacks by radical Albanian nationalists. This Albanian campaign predictably consolidated attitudes in Serbia about them as primarily responsible for all the problems in Kosovo and the region. The Albanians did not anticipate, however, that their actions reawakened hope in Belgrade that they could leverage international public opinion against the Albanians, leaving Serbs to conclude that, insofar as Kosovo was concerned, perhaps all had not been lost for Serbia and the Serbs.

### Serbia and the West: Is There Confidence?

Serbia’s hopes for a better relationship with the West continue to be offset by suspicions about Western acceptance of Serbian interests and goals. There is no question that, after the displacement of Milosevic, it was anticipated that Serbs would be treated on a friendlier basis by the West. This was reflected in rising public support for accession to the European Union and in accepting that association with NATO might benefit Serbia considerably. Nonetheless, suspicions about attitudes of the United States remained strong. U.S. attitudes toward the unity and territorial integrity of Yugoslavia were continuously under scrutiny, particularly regarding the issue of Montenegro’s independence and even more so Kosovo’s final status. The media devoted corresponding attention to any discussions and comments, official or private, always seeking to discern what was “behind” U.S. positions at any given time.

In December 2002 the Belgrade daily *Blic* published in its weekly edition a long article on Kosovo final status simulations prepared and conducted by the Public International Law and Policy Group (PILPG). The report on simulations published by USIP (Special Report number 95) and an interview with one of the organizers of the simulations were interpreted correctly but under the title “To Serbia Money and Membership in the EU for Independence of Kosovo.” A meeting organized by USIP in December 2002 to discuss the process of deciding Kosovo’s final status (Special Report number 100) was distorted in the Belgrade press as “secret” and allegedly directly sponsored by the U.S. government though the articles were based on the cited public report. In the spring of 2003 a translated version of the report prepared by the Project for Dayton’s Peace Agreement (Princeton University), Center for Strategic and International Studies and PILPG was widely circulated within Serbian establishment circles as “the American road map to an independent Kosovo,” accompanied by comments that this was the “real” American position.

In a similar tone in May 2003 *Blic* wrote about the “American idea of selling Kosovo,” under the title “Indecent Offer or Solution for Kosovo,” accompanied by an interview with Foreign Minister Goran Svilanovic titled “Status of the Province on Ice.” The article reminded readers of a statement by Council of Foreign Relations member David Philips at a conference held in Thessalonica on February 7. According to the article, Philips allegedly said that Belgrade should be paid two-and-a-half billion dollars to accept independence for Kosovo. *Blic* continues that this suggestion could not have been his personal position and, based on Philips’s association with the Council, jumps immediately to the conclusion that it was drawn from a document called “Balkans 2010.” According to *Blic*, it must be part of a wider strategy reflecting a hidden agenda. (Balkans 2010 is a report of an independent task force sponsored by the Council on Foreign Relations and in 120 pages of findings and recommendations including all appendices never even alludes to something like that. On the contrary it “recognizes the difficulty of determining Kosovo’s status and takes no position on what the final status should be, provided that the solution is reached through negotiation and is acceptable to the citizenry.”)

The article speculated at length about the lack of Serb reaction at the time of the study’s publication and insinuated that the reason may have been that it coincided with the late Premier Zoran Djindjic’s initiative to start negotiations over Kosovo’s status. In his letter to the Security Council written in a “very tough tone,” Djindjic expressed his concern about developments related to Kosovo and even more about what he saw would happen in the immediate future and warned that “all those who think that it may remain without consequences are wrong.” Unfortunately, the article concludes, “Djindjic’s death darkened what he saw and so dramatically sensed.” In the accompanying interview Foreign Minister Svilanovic provided a brief but comprehensive outline of the current official position beginning with the statement that information in the media that Kosovo final status should be negotiated in June was absolutely without foundation. He confirmed that there was no response from the Security Council to the Djindjic letter.

## Djindjic Takes Charge: Politics or Serious Initiative?

Prime Minister Djindjic's diplomatic offensive last February caught everybody by surprise. His government as well as federal officials had been passive for a long time, leading to the conclusion that the Serbian leadership was not ready and would wait until elections were over before taking a firm position. The competition among DOS leaders, especially Djindjic and Kostunica, and fears about being outmaneuvered on this most sensitive issue were visible during the insurgency in southern Serbia. They agreed in the summer of 2001 to establish a Coordination Center for Kosovo and put Nebojsa Covic, leader of the Democratic Alternative who had gained praise both in Serbia and internationally for handling the crisis in southern Serbia, in charge of the issue. After that, except for occasional rhetorical comments reiterating traditional Serbian positions on Kosovo, nobody wanted to touch the Kosovo problem.

After a meeting of the DOS presidency on January 23 of this year, when an agreement about a more forceful approach was reached, Prime Minister Djindjic requested the return of Serbian security and military forces to Kosovo, citing UNSCR 1244 as allowing up to one thousand such forces to be stationed in Kosovo, and then sent messages to presidents Bush and Putin and Prime Minister Blair seeking their intervention on behalf of Serbia in Kosovo. He followed this up with a similar message to French, German and Italian leaders. Then he intensified his campaign, requesting that a conference be convened by June to negotiate and decide the final status of the province. He proposed the division of Kosovo into two ethnic communities, Serbian and Albanian, each with equal rights. This would be an asymmetrical division followed by voluntary relocation of parts of population. Serbs residing there would not be a minority but a "constituent people" and would retain institutional ties with Serbia.

He also hinted that Bosnia and the status of Republika Srpska could be linked to a deal on Kosovo, which differed from the linkage previously expressed in public statements by Belgrade officials. Namely, the position that if Kosovo gained independence so should Republika Srpska, was altered into advocating that what the Serbs have in Bosnia (de facto sovereignty) they should get in Kosovo. For Kosovo itself he suggested a status greater than autonomy but less than that of the federal units Serbia and Montenegro. Claiming that after two years of democratic government Serbia had acquired sufficient democratic credibility to begin an open discussion of Kosovo, he said that he was not interested in the status of Kosovo as a matter of emotion, justice, myths and history, but as an issue of statehood and international agreements.

In his last interview given to "Vecernje Novosti" on March 7, 2003 Djindjic presented a comprehensive strategy for resolving the Kosovo issue. He argued that "status cannot be avoided," suggesting that a Belgrade-Pristina dialogue start immediately and focus on everyday problems like "utilities, traffic, trade, organized crime, the problem of diverse rights, vehicle registration numbers, identity cards and anything which creates problems for the population." He proposed that this would be followed by tacking a second set of issues concerning "the return of expelled and displaced Serbs," leading to a third stage that "must refer to the status of the State and institutions."

Djindjic claimed that, “The question of status in the course of the last four years was being solved by conferring on Albanian local institutions the attributes of State sovereignty of the Federal Republic of Yugoslavia and Serbia,” reiterating that Belgrade could not accept further delay regarding final status. Commenting on the reactions of the international community to the campaign he had started, Djindjic said that some had been caught “in the act” and that their reaction is “proof to me that in fact there is a secret agenda aiming at finalizing Kosovo’s independence by 2004 or 2005.” He said he was convinced that “matters are going to change only when the international community declares: the solution is to be found in the compromise stipulated by Resolution 1244,” and explained that this means “essential autonomy for Kosmet [short name used for Kosovo and Metohija], the return of expelled Serbs and . . . strict implementation of Resolution 1244 down to its last letter.” He repeatedly stated that either formal or factual independence of Kosmet would not be accepted.

Djindjic talked about the need for a “White Book” to be prepared on the developments of the past four years showing what has not been done and evaluating everything anticipated by Resolution 1244, which he urged be accomplished jointly by the experts of the UN Security Council and the European Union with the participation of Belgrade and Pristina. Talks on “federalization of Kosovo and Metohija” should then commence in the autumn. If this did not work, some kind of Cyprus-like model should be discussed under which both Serbs and Albanians—if not able to realize their rights in areas where they are a minority—“will, naturally, move to areas where they represent the ethnic majority as has been the case so far. After all, the Serbs and Albanians have never lived together in Kosovo and Metohija. They have always lived next to each other. A multiethnic Kosovo society is a great illusion. It has never existed. It has always been a society of ethnic co-existence.” If the province as a federation proved to be unworkable an international conference, after a few years, would have to draw final borders, Djindjic concluded, expressing satisfaction that his “ideas are supported by ordinary people who say: let’s solve this, it’s a disease that is killing us.”

The Serbian public was as surprised as the international community by the vigor with which Djindjic pursued his Kosovo initiative, but received the new stand well. This was the case in particular among the Kosovo Serbs. A Union of Serb Municipalities and Municipal Units of Kosovo and Metohija was formed by the end of February and immediately adopted a document called the Declaration on Sovereignty and Territorial Integrity of Serbia and the Union of Serbia and Montenegro in Kosovo and Metohija as well as directives for further work of the Union. The declaration confirmed “undeniable sovereignty and indivisible territorial integrity of Serbia” and asserted the right to defend it “using all available means.” The directives set forth as goals the return of the Serbian army and police, disarming and disbanding of the Kosovo Protection Corps and the decentralization and creation of functioning self-government by the Serb people in Kosovo and Metohija—the creation of a Serb entity. They appeal to the UNMIK chief and KFOR command to contribute to making their province a safe place for all citizens and state that the directives would be realized exclusively through peaceful and democratic means and in cooperation with the international community.

## National Consensus: Progress or a Step Back

The assassination of Prime Minister Djindjic disrupted the campaign based on his new strategy and Kosovo once more disappeared for a while from the front pages. The new Prime Minister, Zoran Zivkovic, initially maintained the same position as his predecessor but gradually dropped the request for an international conference to be convened by June to decide final status, admitting that the moment was not ideal for that. In public statements he rejected the option of independence for Kosovo and put the blame for deteriorating security on the Albanians, UNMIK and KFOR. He expressed the readiness of his government to begin talks immediately with Pristina over security issues, freedom of movement of Serbs, return of refugees and decentralization, not excluding other concrete problems. He also said that bilateral talks would not lead to a solution and that the participation of the UN, EU and the United States was necessary.

The Serbian government as well as the public watched the Kosovo situation deteriorate in spring and early summer. Their frustration was magnified by their inability to influence the developments in any meaningful way. Serbian refugees were not returning to their homes and the conditions of those still residing in Kosovo did not improve. Acts of violence and terrorism continued. At the same time the transfer of authority to the provisional institutions established in Kosovo was accelerated. In May the refusal of UNMIK chief Michael Steiner to arrange extradition of Shefchet Musliu, a leader of the Liberation Army of Presevo, Bujanovac and Medvedja in southern Serbia sought for organizing terrorist acts, was the straw that broke the camel's back. The Serbian side broke off cooperation with UNMIK and decided to wait for Steiner's replacement in July. The UN appointed Harri Holkeri, former Finish Prime Minister and one-time president of the UN General Assembly as the new chief of UNMIK. He had no previous experience in the Balkans, which also meant—for better or worse—that he arrived carrying no policy baggage. He had a reputation as a skilled mediator and consensus builder, however, and had participated in the Northern Ireland peace process.

In August, after long preparations, the Serbian government adopted a declaration on Kosovo and sent it to Parliament where it was adopted unanimously on August 27. It was the first time since Milosevic was replaced by a democratic regime that a comprehensive position on that most sensitive issue was developed, discussed and finally made into an official document. The government and the DOS coalition, in particular the Democratic Party, were compelled to move in this manner to maintain their political standing against the opposition and remain in tune with the public. They were successful in obtaining unanimous support in the Serbian Parliament under the banner of national unity on Kosovo. Yet the brief debate before the vote was taken revealed a different picture, and the resolution adopted by the Parliament of Serbia and Montenegro illustrates clearly that there is dissent on the government's (and Democratic Party's) position.

Buried under the banner of national unity remain also different interests and positions of the Kosovo Serbs who, as a group, represent the most radical segment of the Serbian electorate. In elections for president of Serbia last year Vojislav Seselj, leader of the

Serbian Radical Party got more than a half of their votes in the first round campaigning against Vojislav Kostunica (Serbian Democratic Party) and Miroljub Labus (G-17). Serbian politicians, with very few exceptions, adhere to the principle of sovereignty stipulated in UNSC Resolution 1244 even though it is hollow and the Serbian government has no control or even influence in Albanian-populated areas of Kosovo or realistic prospects of achieving such a goal. Serbs in northern Kosovo would gladly accept partition and fear becoming victims of an eventual trade-off of Kosovo for Republika Srpska (Chairman of the Committee for Kosovo and Metohija Momcilo Trajkovic: “no trade-off for other territories”). Serbs in and from other parts of Kosovo including refugees who want to return are mostly interested in security and normalization and strongly oppose any territorial division since it would leave them unprotected and force most of those who remained or returned to Kosovo to leave.

The official Serbian declaration in its preamble refers to the membership of Serbia and Montenegro in the UN and the principle of state sovereignty which was guaranteed to Serbia by the Constitutional Charter (establishing the state union last February) and asserted that the provisions of Security Council Resolution 1244 would apply to Serbia if the union were dissolved. It refers to the development of democratic society and respect for human rights, stability in south-eastern Europe and accession to European associations leading to membership in the EU, and expresses respect for the efforts of international organizations and institutions as well as non-governmental organizations to improve the situation in Kosovo and Metohija, drawing attention at the same time to the humanitarian catastrophe in Serbia caused by a large number of “forced migrants,” 250,000 of whom are from Kosovo and Metohija. Calling for respect for the principles of the UN Charter, especially respect for human rights, securing the right to return for refugees and internally displaced persons, freedom of movement, guarantees of property and civil rights, the declaration:

- Assesses the implementation of UNSCR 1244 as unsatisfactory and worrisome, marked by overstepping of their authority by the officials of the international administration.
- Claims that the process of building a democratic multiethnic society is unsatisfactory and marked with ethnic discrimination and one-sided decisions in flagrant violation of the UNSCR 1244.
- Describes respect for human rights and the general state of security as extraordinarily bad, marked with more and more frequent terrorist acts, assassinations, destruction of private property and other crimes.
- Asserts that the process of return of refugees and displaced persons has failed completely, with less than two per cent having returned since the war ended in 1999.

Insisting that Yugoslavia and the new union of Serbia and Montenegro have fulfilled their obligations and facilitated Serb support for UNSCR 1244 and the participation of Serbs in the provisional institutions of Kosovo self-government, the declaration concludes with twelve articles summarized in the following key points:

- Serbia remains firmly committed to UNSCR 1244 and insists on its full implementation.

- Serbian state sovereignty includes Kosovo.
- Serbia remains committed to the process of European and Euro-Atlantic integration.
- UNMIK must implement Resolution 1244 to build a “democratic multiethnic society” through support for the position of “standards before status.”
- In seven of the twelve articles, “the relevant institutions and agencies” of Serbia are “authorized and ordered” to implement specific policies in cooperation with international organizations and institutions and assist them in fulfilling their mission, including assistance to UNMIK and KFOR, protection of the ethnic Serb community, ending destruction of the Serb cultural heritage, implementation of the Military-Technical Agreement (which allows for up to one thousand Serbian police and military forces in Kosovo), observing and gauging progress, resolving missing persons issues, security and freedom of movement issues, and establishing within the framework of cooperation with the International Criminal Tribunal for Former Yugoslavia that all who committed crimes in Kosovo against Serbs “be processed.”
- After the above-cited standards are met the Coordination Center (led by Nebojsa Covic) is authorized to prepare in consultations with the Contact Group (U.S., U.K., France, Italy, Germany and Russia) a platform for the “substantial autonomy” of Kosovo within Serbia.

Introducing the government’s proposal in Parliament, Prime Minister Zivkovic emphasized again the role of the UN, EU and the U.S. in the Belgrade-Pristina talks and the goal of pointing out their responsibility. He said that the core message of the declaration was the importance of disarming some 700,000 people in Kosovo who illegally possess weapons and starting court proceedings against paramilitary formations responsible for war crimes. He claimed that many alleged war criminals were now members of the Kosovo Protection Corps and police force and that they threaten all those who oppose the dream of an independent Kosovo. This is a precondition for ending terrorism and for the return of refugees. In the parliamentary debate that followed he said that the status of Kosovo is not yet part of the agenda of Parliament and cannot be discussed before UNSCR 1244 is fully implemented. Also, he announced a “White Book” on Albanian terrorism which, he suggested, would be the most powerful weapon in the offensive to keep Kosovo and Metohija.

In response to the government’s initiative:

- The ultranationalist Serbian Radical Party, claiming that the situation had worsened since 2000, expressed disagreement with placing all blame for problems in Kosovo on the previous regime and Milosevic’s policy.
- The Serbian Unity Party expressed disagreement with the text presented by the government and offered their own draft, but in the end voted for the declaration.
- Kostunica’s Democratic Party of Serbia took a position in favor of adoption of the declaration, noting that Kosovo is the foundation of Serbian unity. They opposed division of the province and supported autonomy for Serbs within the autonomy of Kosovo.

- Socialists claimed that nothing had changed since 1998. They supported the adoption of a common position but said that it should have been reached through a debate. This point was made by other opposition parties as well.
- The Socialist People's Party strongly supported national consensus on Kosovo and admitted that "mistakes were made in the past."

A week later the Parliament of the Union of Serbia and Montenegro adopted a resolution on Kosovo. The session was delayed for five hours because the prepared text which was identical to the Declaration adopted by the Serbian parliament had to be withdrawn. A new draft was prepared with participation of the DOS coalition and other parties including the ruling Montenegrin Democratic Party of Socialists (DPS). In the end agreement was reached on a new, shorter (only six articles) text which reflected a general consensus. It was adopted with 83 votes for and none against, with the delegates of the parties which opposed it (Socialist Party of Serbia, Serbian Radical Party and Serbian Unity Party) abstaining. Serbian Premier Zivkovic in his address to the delegates said that the independence of Kosovo would remain just a dream and that no one in Serbia had the right to relinquish what it termed the south Serbian province.

The resolution:

- Called for full and consistent implementation of UNSCR 1244 and described it as the framework for resolving problems in the province and called on all those in charge to create conditions for launching a dialogue between relevant democratic factors to help resolve the Kosovo issue.
- Stressed the necessity of enabling the return of displaced persons and ensuring the rule of law as well as full security and freedom of movement for all citizens.
- Called for cracking down on discrimination, corruption and organized crime, along with resolving the fate of the missing and kidnapped, discovering crimes against humanity and bringing the perpetrators of such crimes to justice.
- Reiterated the determination of Serbia and Montenegro to embark on the process of European integration which, along with implementation of UNSCR 1244, represents the most efficient way to resolve the Kosovo issue.
- Endorsed efforts of Serbia and Montenegro institutions to deal with the Kosovo problem in a non-violent manner.
- Condemned all forms of terrorism in the province and gave full support to UNMIK's forthcoming activities in providing security and protection of human rights and citizens' freedom.

On the same day (September 4) the Serbian Orthodox Church organized publicity for its Memorandum on Kosovo and Metohija. The Memorandum marked the first time since the Second World War that the state and the church were in agreement on the key issues of the territorial indivisibility of the Republic of Serbia and the state sovereignty of Serbia and Montenegro over Kosovo irrespective of the momentary existence of the transitory international administration in the Province, according to remarks by Covic on that occasion.

The Memorandum is actually a book prepared by a group led by Metropolitan Amfilohije. It provides a radical view of a comprehensive history of Serbs in Kosovo and their spiritual and cultural heritage beginning with the seventh century, the time when they first settled there. The changes in the ethnic composition of the province as well as suffering and migrations of Serbs under the Ottoman Empire and during the Second World War when Kosovo became part of greater Albania are covered in detail. Also included is the post-war history of Kosovo, the rule of Milosevic, and the role of the international community, especially focusing on developments since 1999.

The character of this Memorandum is encapsulated in a quote of Amfilohije in its conclusion “This is our holy, martyred Kosovo and Metohija, our Holy Jerusalem, the soul of our souls, our honor, the root of our being, our fate. Without it, we would cease to be what we are because it is in Kosovo and Metohija that we became a mature and historical people and, in the words of the Holy Great Martyr Lazar of Kosovo, chose once and for all times, the Kingdom of Heaven.”

In the end an appeal is made to confirm “the position of the Serbian people and Church” and incorporate in the new Constitution that no one will ever have the right to relinquish Kosovo and Metohija. “No one has the right to betray, sell or barter with the Holy Land of Kosovo and Metohija, its holy shrines and long-suffering people to secure any sort of position or integration.” Appeals are also made with regard to ethnic discrimination against the Serbs, the return of refugees and their security and freedom of movement, missing persons, destruction and desecration of churches and property rights.

Under Milosevic the Serbian Church was an auxiliary political force used by him. They never could distance themselves from Milosevic not because of the repressive character of his regime but because of the nature of their own ideology which has been thoroughly chauvinistic and radical since a conservative ultra-nationalist wing prevailed in the Church hierarchy. They were devoted to the goal of creation of a “Serbian National State” and of Greater Serbia more than Milosevic himself who was, after all, very pragmatic and concerned in the end only with his own position and interests.

After October 2000 the Church used the breakdown of authoritarian rule to enhance its position and impose itself upon the new authorities as a partner. They were able to accomplish this using the common belief that the downfall of Milosevic marked the real end of communist rule and exploited as well divisions in DOS, competition between Kostunica and Djindjic and a basically unchanged public mind-set on national issues.

#### Serbia, Kosovo And The International Community: What Is Next?

When Prime Minister Djindjic launched his Kosovo campaign early this year declaring that final status was not a taboo subject and calling for immediate negotiations, first reactions attributed this initiative to “internal politics” and his struggle for power with Vojislav Kostunica. The analysis of the international community then focused on the elements of his proposal calling for partition of the province, which had been another

taboo. The truth may be that he realized that true transformation of Serbia and democratization could hardly be imagined without a solution for Kosovo. Also he was aware that time had not been working for Serbia or Kosovo's Serbs and that any further postponement would not only lead to independence but that Serbia would lose the opportunity to influence developments. He opened the door for a review of all options including the independence of Kosovo with border adjustments and was offering a high degree of asymmetrical autonomy for two entities along with federalization of the province as an interim solution without prejudice to the final resolution of the issue of status. It may be called brinkmanship but there was a long term strategy behind it.

The Serbian position today is different. Though it appears that only the request to start negotiations on final status without delay was dropped, Djindjic's strategy and the present platform based on national consensus differ substantially. The Declaration of the Serbian parliament is the result of a broad consensus but is based on only one truly common denominator and that is preserving sovereignty over Kosovo. Other options opened by Djindjic are in fact closed. The government made a strong formal commitment to preserve Serbian sovereignty over Kosovo without any reservation. In politics commitments may mean little but in this case the DOS and in particular the Democratic Party will be held accountable by the opposition. Still there may be a way out even with politics and the public so emotionally charged. In his last interview Djindjic pointed out that ordinary people support his initiative because Kosovo unresolved "it is like a disease killing us." The next step would be to say "if the cancer cannot be cured let's cut it out." Then the only dilemma is how much has to be cut out and what can be saved. And understanding this suggests that he expected significant support from the public.

The real accomplishment of the Zivkovic government is that national unity was reached on its platform which includes cooperation with the international community and integration into the EU and NATO, along with dialogue with Kosovo Albanians. Milosevic had banned cooperation with UNMIK and KFOR. Institutions and agencies in Serbia are now "authorized and ordered" to cooperate with international organizations and to assist them. Unanimity in the Serbian parliament protects the government and DS from attacks of radical nationalists for the time being. Also the UNMIK supported policy of "standards before status" postpones any serious consideration of final status for a couple of years at least.

Though the adopted position actually takes the status issue off the negotiating table, on the whole it reconciles the Serbian government position and that of Serbia and Montenegro with the current position of both UNMIK and the EU. Namely, UNMIK wants only concrete issues to be discussed now and Serbia has fully adopted their "standards before status" approach. In EU circles the view that complete independence for Kosovo should be postponed indefinitely prevails. The lengthy mediation of the Serbia-Montenegro relationship has contributed to that view but the major reason is perceived lack of progress in the building of democratic institutions in Kosovo coupled with continued human rights violations and corruption.

Partly as a reaction to Premier Djindjic initiative but also because of lack of progress the European Union and UNMIK kept pushing for the beginning of a dialogue between Belgrade and Pristina and after months long preparations a meeting was organized in Vienna in mid-October by UNMIK chief Holkeri. The international community demonstrated its strong interest through participation of senior EU officials Solana and Patten, NATO Secretary General Robertson, OSCE Chairman Shaffer and envoys of all Contact Group member states and the U.N. Attendance of Kosovo provisional government representatives, however, was not secured until the last moment. Prime Minister Rexhepi refused to attend, preventing the participation of minority representatives Todorovic (Serbian) and Mumxhiu (Turkish). Pristina was represented by President Ibrahim Rugova and Parliament Speaker Nexat Daci and Belgrade by Serbian Prime Minister Zivkovic and Head of the Coordination Center for Kosovo Covic. Absent were President of Serbia and Montenegro Marovic and his Minister for Human and Minority Rights Ljajic.

Following the opening remarks by Austrian Chancellor Schussel and Holkeri the two delegations had half an hour each to present their views. There was no direct dialogue or discussion between Serbs and Kosovo Albanians. A concrete result will be establishment of working groups for four technical areas: traffic, energy, return of refugees and missing persons. These groups will report to Holkeri.

After the opening speeches by the host and the organizer the atmosphere quickly descended into unfriendliness. Zivkovic talked about the unimproved situation in Kosovo and the position of Serbs and emphasized that Rugova spoke to Milosevic but he would not speak to the authorities in Belgrade now. Rugova said he did not see the difference between previous and present authorities because the latter did not understand the new realities in Kosovo, which, he claimed, was independent, asserting that the official proclamation of this status would follow shortly. While preparing for Vienna the officials in Belgrade talked about a contact with representatives of a part of Serbia and kept insisting that Kosovo Serbs be there as members of the Pristina delegation, while the officials in Pristina kept referring to the meeting as talks with a neighboring country.

The results of the Vienna meeting were modest. Difficulties in organizing the meeting and problems with participation as well as the atmosphere and hard-line presentations of both sides have clearly illustrated the obstacles the international community will face on the way to resolving the problem. Though the issue of status was removed from the meeting agenda, the mere consideration of starting technical talks led to radicalization of positions in Serbia and Kosovo. Internal differences were quickly muted and almost disappeared in public and both sides achieved a high level of “national unity” by locking into firm and non-negotiable stands on final status.

#### Conclusions: Can Democracy in Serbia Survive Final Status?

The Kosovo initiative from Belgrade early in 2003 raised the awareness of the international community about the situation in Kosovo and gave a boost to support for implementing UNSC Resolution 1244 and the UNMIK-backed “standards before status”

approach. From Belgrade's perspective, the strategy has worked, allowing better cooperation for Serbia with UNMIK, the EU and the Contact Group countries and portraying the Kosovo Albanians on the eve of the Vienna meeting as the intransigent party (the Department of State termed the Albanians' behavior unacceptable and their stance unconstructive; criticism from the EU was even harsher). With anti-Western and especially anti-American resentment receding in Serbia, the Belgrade authorities may have more room for flexibility in negotiating concrete issues should they opt to moderate their approach, but the more likely outcome is that Western criticism of the Kosovo Albanians will keep tempting them into believing that their hard line policies on Kosovo can yet find Western support.

The Serbian government and Serbia's Democratic Party forged unity based on reaffirmation of sovereignty over Kosovo so that this could not and would not be on the table when the moment for final status negotiations arrived. In the process they became hostages of their opposition in the parliament and of a re-radicalized public opinion. If there is some real improvement soon in Kosovo and the safety of the Serbs in particular, which at this moment does not seem very likely, they will be able to capitalize on it, if not they will be under pressure to further radicalize their position and strategies. Already Momcilo Trajkovic, Chairman of the parliamentary Committee for Kosovo and Metohija calls the "standards before status" policy a double-edged sword since it would lead ultimately to independence of Kosovo. Covic talks about a domino effect, saying that if Albanians in Kosovo have the right to independence, then so do Serbs in Bosnia. In early November he went further and said "if independence of Kosovo is the price of accession to the EU, then—thank you very much, we shall not join the EU." President Marovic reacted immediately by qualifying the statement as "too sharp and intransigent." Kosovo Serb leader Rada Trajkovic of Coalition Return warned senior Belgrade officials against striking secret deals with international representatives over the heads of Kosovo Serbs.

The declaration adopted in the Serbian parliament despite its moderate language and advocacy of cooperation with the international community does not allow any flexibility in negotiating the status of Kosovo. As a matter of fact it is founded on a position which makes the issue of status into a zero-sum game (a mirror image of Pristina's stance). Djindjic was heading towards opening all issues related to Kosovo to public debate and suggesting directions in addressing them if not immediately providing the final answers. The strategy he unveiled has been abandoned at least for the time being. Today in Serbia only the G-17 keeps relatively moderate options open by advocating an independent Serbia, strong and European but not necessarily with Kosovo or the whole province.

Recent developments, in particular the results of the failed presidential election held on November 16 (only 38.79 percent of registered voters participated, voiding the results in view of the constitutional requirement that at least 50 percent must participate) have exposed once again the depth of the fragmentation of the political elite and the electorate in Serbia as well as the resilience of radical nationalism. The candidate of the Radical Party, Tomislav Nikolic (party leader Seselj is in The Hague awaiting his trial) received 46.23 per cent of the vote leaving, Dragoljub Micunovic, the candidate of the still-ruling

coalition far behind with 35.42 percent while Velja Ilic, leader of New Serbia and a “moderate” nationalist, received 9.08 percent.

After the long struggle and protracted paralysis in the parliament and in order to avoid losing a vote of confidence the DOS government scheduled early elections for the parliament for December 28. The result may be a body in which pro-reform and pro-EU and NATO parties will wield less influence. Since DOS ceased to exist the Democratic Party may even face the choice of a coalition with G- 17 and Kostunica’s DSS or not being part of the government. In any case the political situation in the next several months will be turbulent and one should not expect any new initiatives or major steps regarding Kosovo.

In the long run, however, two mutually irreconcilable positions remain at the core of the Kosovo final status problem and any meaningful negotiations to attempt to resolve it. Kosovo Albanians with virtually no exceptions oppose returning to Serbia in any substantive or symbolic form whatsoever. They take independence for granted whether or not they are able or willing to build viable governance and democratic institutions and assure rule of law and a multiethnic society. The Serbian elite supported by a large majority of the electorate remains strongly opposed to any changes of the legal position of Kosovo. They take sovereignty over Kosovo for granted based on UNSC resolutions and seem to be focused only on ways to perpetuate and enhance that legal chimera. The meeting in Vienna was a clear demonstration of the power of these two opposing “realities.” It also confirmed that if anything is to happen leading to a political resolution it can only be the result of the efforts of the international community. The European Union has now provided the framework and even some incentives for both Serbs and Albanians to participate but absent American leadership the West will inevitably continue to fail to provide an opening and a way out of interrelated nationalist and political constraints on Kosovo.

## **About Vladimir Matic**

Vladimir Matic is a lecturer at Clemson University where he has been teaching since 1996 international relations and foreign policy as well as comparative European politics.

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Mr. Matic is an acknowledged expert on European and Balkan affairs and his views are sought frequently by those working in the field. He is a former senior Yugoslav career diplomat and resigned the post of Assistant Federal Minister for Foreign Affairs in 1993 in disagreement on policy and moral issues. After the change of the regime he served in 2000/2001 as a Special Envoy of the Yugoslav President to the United States.

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