



Kosovo and Serbia: Loveless Marriage, Difficult Divorce

Abstract In Kosovo and Serbia, the ingredients of war were all salient: Yugoslavia's breakup, Milošević's political ambitions as well as military capabilities, and ethnic nationalism. A last-ditch diplomatic push failed to prevent war, precipitating NATO's second Balkan intervention and deployment. Now independent Kosovo is a product of luxury state-building, including NATO-led troops, UN administration, and a massive EU rule-of-law mission. But Kosovo's sovereignty and democratic transition are still incomplete. Serbia's postwar course was less internationalized, more organic, and more equivocal. Serbia lost control of Kosovo south of the Ibar River. Elections and popular protests removed Milošević but failed to hold Serbian nationalism accountable. Belgrade aims for EU membership, but autocratic inclinations and strong ties with Russia threaten to divert it.

Keywords Security Council Resolution 1244 · Standards before/with status · Ahtisaari Plan · April 2013 Brussels Agreement

As we have seen, Bosnia had the three ingredients of Balkan war in spades. The result was more than one war. In Macedonia, Milošević's political ambitions and Serbian nationalism were negligible factors. The result was a delayed and relatively small conflict. It was Albanians,

not Serbs, who eventually brought war to Macedonia. In Kosovo, the three ingredients again formed an explosive mixture.

Kosovar aspirations before the breakup of former Yugoslavia had been limited.¹ Communist Kosovars wanted to gain full status as a republic in former Yugoslavia, rather than continuing as an autonomous province nominally inside Serbia, albeit one with its own parliament, police force, courts, and a representative on the rotating collective presidency, like the six Yugoslav republics. But with the dissolution of Yugoslavia, Kosovars no longer felt constrained to remain in a federation that Serbia would dominate once Slovenia and Croatia had left. Their ambitions shifted to independence.

Milošević's political ambitions were a key factor.² He discovered in 1987, when he spoke in Kosovo at a Serb protest against alleged Albanian mistreatment, the power of Serbian nationalism to mobilize political support. "No one should dare to beat you," he declared, beginning his own transformation into a Serbian nationalist. He showed no concern for the beatings Serbs delivered to Albanians. Ethnic nationalism in a multiethnic context requires exclusionary politics. Milošević rode the wave of Serbian nationalism and its anti-Albanian impetus to the presidency of the Serbian League of Communists. He also engineered constitutional amendments ending Kosovo's autonomy, which were approved in the Kosovo assembly under Serbian pressure, but without the two-thirds majority required, in March 1989.

Milošević's infamous appearance at the six hundredth anniversary of the battle of Kosovo Polje on Vidovdan (St. Vitus Day, June 28) that year was the culmination of his conversion from Yugoslav Communist apparatchik to Serbian nationalist demagogue, though Serbs and Albanians (who were not yet predominantly Muslim) fought on both sides. Kosovo Albanians today are no less inclined to view the battle of Kosovo Polje through ethnic nationalist lenses than are Serbs.

With Kosovo deprived of its autonomy, the Albanian members of the Kosovo assembly met in the summer of 1990 to declare Kosovo a republic, albeit still within Yugoslavia. Serbia responded by dissolving the assembly and the Kosovo government as well as sometime later dismissing 80,000 Albanians from their government jobs. Milošević was ending more than twenty years of Albanian participation in Kosovo's governance under Yugoslav rule by excluding them from the state. Only Serbs, who likely represented no more than 10% of the population, would henceforth govern Kosovo. "Kosovo is Serbia" became the battle cry.

Ethnic repression fed ethnic rebellion. As Milošević expelled the Albanians from Kosovo's institutions, Albanian literary scholar Ibrahim Rugova led a mainly nonviolent Albanian rebellion, without, however, any real sense of how it could achieve the goal of independence.³ Inspired by the independence of Slovenia and Croatia, a "parallel" assembly declared Kosovo a sovereign and independent republic in 1991 and held elections in 1992. The Kosovars also created separate parastatal institutions, including an education system that met in homes and base-ments, a health system administered by the Mother Teresa Society, and a government funded with contributions mainly from the diaspora and run by ordinary people who contributed labor, real estate, and expertise.⁴

In the 1990s only Albania recognized Kosovo's sovereignty, which remained a dead letter. The Yugoslav police and army were still very much in charge, even if the parallel state provided education and health services to the Albanian population. The international community was not ready for an independent Kosovo. It was preoccupied with the Bosnian War and with protecting Macedonia. Kosovo got short shrift. There were unofficial attempts to mediate the conflict between Belgrade and Pristina, especially an effort by the Italian Catholic charity Sant'Egidio to reopen the public schools to Albanians. That and other initiatives to manage or resolve the conflict came to naught.

The failure of the Kosovars to get a hearing at the Dayton talks in late 1995 pushed them in a direction some were already headed: toward violent insurrection. They took up arms, many obtained from Albania. State authority there evaporated in 1996, after the collapse of Ponzi schemes in which a large portion of the population lost hard-earned money. Weapons circulated widely. It is not surprising that many found their way over the mountains into Kosovo to a small guerrilla force that dubbed itself the Kosovo Liberation Army (KLA).

As with many other guerrilla insurgencies, the KLA's role was not entirely military in its objectives. While it focused mainly on killing Serbian police, it could not defeat them or the JNA, but it could attract international attention by precipitating Serbian crackdowns and atrocities. Milošević obliged, driving even more Kosovars to arms and largely vaporizing the nonviolent street demonstrations Rugova promoted. Photo coverage of a massacre in Drenica in February 1998 aroused condemnation in international public opinion.⁵

Serbs value Kosovo, sometimes called the "Serb Jerusalem," far more than Bosnia. The first Serbian kingdom was founded there. Kosovo still

hosts many important Serb monasteries, cemeteries, and other religious sites. This made it more important to Milošević's image as a defender of Serbs than Bosnia, where he had competition for Serb leadership from Republika Srpska President Karadžić. In Kosovo, he was *the* man. Serb paramilitary leaders "Arkan" (Željko Ražnatović) and Vojislav Šešelj, responsible for a good deal of havoc in Kosovo, were more agents than competitors. Milošević sought to subjugate the province. He cleansed the border area with Albania of Albanians and continued a draconian crack-down against the KLA, which was largely successful militarily. Between 100,000 and 200,000 people were chased from their homes during the final months of 1998. Milošević also tried to impose the Serbian language, make Albanians uncomfortable with remaining in Kosovo, and import Serb settlers from among the refugees who had left Croatia in 1995.

Milošević's efforts precipitated international civilian intervention, first with the deployment of the Kosovo Diplomatic Observer Mission and then the still civilian Kosovo Verification Mission (KVM) of the Organization for Security and Co-operation in Europe (OSCE). These worthy diplomatic efforts were too little, too late.⁶ In January 1999 the Račak massacre of forty-five civilians attracted wide international attention, when American diplomat and KVM leader Bill Walker labeled it a crime against humanity, perpetrated, he said, by Serbian security forces.⁷ That consolidated international willingness to stop not only what Milošević was already doing to the Kosovo Albanians but also his anticipated plans for expelling Albanians from Kosovo en masse, which were known to Western intelligence.⁸

The French-hosted talks at Rambouillet in early 1999 were a last-ditch effort to prevent that from happening and avoid military intervention. They failed because the effort was poorly conceived. Many in the State Department believed the NATO bombing had forced Milošević to end the war in Bosnia. They repeated ad infinitum that he would only respond to the credible threat of force. That was a misconception of what made him yield at Dayton. Milošević was not concerned with the threat of force per se. He came to Dayton suing for peace not because force was used but because he feared the NATO bombing would precipitate an exodus of Serbs from Bosnia that would endanger his hold on power in Serbia. Serbian nationalist sentiment was far stronger about Kosovo than about the Serb-inhabited portions of Croatia or Bosnia. If Milošević failed to keep Kosovo, he anticipated a serious threat to his hold on power. By the same token, he would consolidate his position

with ethnic nationalists if he could rid Kosovo of a good part of its Albanian population.

The Serbian forces came close to achieving this objective, with the expulsion from their homes of 600,000–700,000 Albanians after NATO started bombing in March 1999. There was far less killing than in Bosnia (about 10,000 Albanians were killed), and no concentration camps, which had attracted unwanted international attention in Bosnia. The Serbian security forces had learned how to get large numbers of people to move without rounding them up or killing them. The main mode of operation was to kill a prominent citizen in the main square, leave his body there, and then order everyone else to leave. This technique moved a lot of people, without much need for logistics to support the operation. Many Kosovars hopped on whatever means of transportation they could find and left.

In the end, NATO bombing succeeded when Milošević found himself unexpectedly indicted by the International Criminal Tribunal for the former Yugoslavia, concerned about fading Russian support, and advised that damage done to Serbia's infrastructure could be irreversible and make recovery impossible. That would really threaten Milošević's hold on power. He yielded.⁹ But neither he nor his successors acknowledged responsibility for the atrocities that had been committed, the "historical truth" that is required for accountability.¹⁰

Here the narrative splits. Serbia in June 1999 went one way. Kosovo went another.

Serbia's state and civil society emerged from the war intact, except for the amputation of most of Kosovo. Serbia retreated but did not surrender. Milošević remained in power, with his security forces barely scathed. Kosovo north of the Ibar River, which contained three municipalities with prewar Serb majorities, remained under Belgrade's surreptitious control, in addition to the northern half of Mitrovica/Mitrovicë. French NATO troops protected the mostly Serb population in these three and a half northern municipalities. Except for a relatively few individuals, Serbian civil society had opposed the NATO bombing, even if many of its supporters opposed Milošević. This made international support for Serbian nongovernmental organizations fade during and immediately after the war, but it preserved the credibility of Serbia's extensive network of civil society organizations with at least a portion of the general population. They would soon need it.

Belgrade had already faced a nonviolent rebellion against Milošević's rule in the winter of 1996–1997. The opposition group Zajedno

(Together) protested against Milošević's falsification of municipal election results. The demonstrations fizzled once Milošević gave into a part of the street's demands and the Americans renewed contacts with him, which had been suspended. But by the spring of 1998 it was clear to many that U.S. policy, which had relied on Milošević at Dayton and would do so again at Rambouillet, was ill-conceived. He was part of the problem and not part of the solution, especially for Kosovo.¹¹

This implied getting rid of him. A small group, including people with intimate knowledge of the Polish Solidarity movement that had brought down Communism in Warsaw as well as others involved in the collapse of Communism in Eastern Europe, convened at the U.S. Institute of Peace. They offered two suggestions: first, it was unlikely anything could be done, as Milošević had been elected in more or less free if not fair elections; and second, the best bet would be to support a broad spectrum of democratically minded organizations, a "coalition of coalitions," rather than any particular political grouping or leader. This made a good deal of sense, as civil society in Serbia was robust, partly due to support from George Soros, while the opposition political parties and their leaders were neither unified nor capable. They were also more inclined toward Serbian nationalism, which they found necessary to compete politically, and readier to cooperate with Milošević.

Testifying in December 1998 at the Helsinki Commission of the U.S. Congress, I put forward a proposal for an additional \$50 million of assistance to Serbian civil society over two years.¹² By January, two things had happened. First, three deputy prime ministers of Serbia appeared on the primetime newscast in Belgrade waving a document they claimed was a top-secret CIA plot to overthrow Milošević. It was my public testimony, downloaded from the Internet, provided an official-looking seal, and stamped "top secret," as I confirmed to a courageous reporter at the Belgrade daily *Blic* the next day. The second thing was more important but less visible: Helsinki Commission chair Congressman Chris Smith began to prepare legislation proposing the kind of program I had suggested. The State Department asked USAID to preempt the effort. Money started flowing to the student movement Otpor! (Resistance!), the voting-rights organization CeSID (Center for Free Elections and Democracy), and other Serbian civil society organizations committed to democracy.

By the summer of 1999 the war was over. Milošević looked shaky, even though assistance to his democratic opponents, suspended during the war, had not yet resumed. War damage was much in evidence. There

were spontaneous anti-Milošević demonstrations, even in the central province of Šumadija, which had been a stronghold of Serbian nationalism. By failing to turn on the taps of assistance to Serbian civil society, the West likely missed an early opportunity to unseat Milošević.

A year later he was feeling confident again and decided to call early elections for the presidency and parliament of Yugoslavia, which then consisted only of Serbia and Montenegro. That was a big mistake, as was allowing domestic observers and posting results at the polling places. Otpor! pressed the opposition politicians to unify (which, except for firebrand Vuk Drasković, they did) and helped get out the vote, along with the trade unions and other civil society organizations. CeSID knew the results before the Milošević regime could falsify them. They also blocked him from stuffing the Kosovo ballot boxes. The opposition chose nationalist Vojislav Koštunica to run against Milošević, because American polling showed he had broader appeal and fewer “negatives” than the more liberal, less nationalist, and more prominent opposition leader Zoran Đinđić. Koštunica sneaked over the 50% threshold by a narrow margin, one significantly smaller than the number of non-Serb, minority voters who opted for him. The opposition also won a majority in parliament.

People often remember Milošević as falling to street demonstrators led by Otpor! and chanting “Gotov je!” (He’s finished!). They were demonstrations in favor of recognizing known election results. This was not revolution. It was a successful nonviolent campaign in favor of known election results. Serbian institutions remained in place. By December, the opposition had also won Serbian parliamentary and presidential elections, which made Đinđić prime minister of Serbia.

Milošević really was finished. Đinđić had him arrested in March 2001 and transferred to The Hague on June 28, Vidovdan. There he faced multiple charges of war crimes and crimes against humanity brought by the prosecutor of the International Criminal Tribunal for the former Yugoslavia, created in the early 1990s when Washington was unwilling to contemplate military intervention but wanted some visible response to the horrors of the Bosnian War. He was on trial there for crimes committed in Bosnia and Croatia as well as Kosovo when he died in 2006, of causes later determined to have been natural.¹³

Đinđić was assassinated in March 2003 by people associated with both Milošević’s security forces and organized crime gangs, which by then were virtually indistinguishable. The smuggling required to get around

sanctions made them natural allies. People have been tried and convicted for the murder of Đinđić, but who gave the orders or tacitly approved has not been clarified.¹⁴ Boris Tadić was elected to succeed Đinđić as president of Serbia in 2004. Tadić apologized to both Bosnia and Croatia for crimes committed in the name of the Serbian people, but not to Kosovo, whose territory he, Koštunica, and later Serbian President Tomislav Nikolić continued to claim as an integral part of Serbia.

Tadić presided over the formal dissolution of what had become the State Union of Serbia and Montenegro, following a 2006 referendum in Montenegro that made it over an EU-required 55% threshold by a hair. Again the margin was smaller than the number of ethnic minority citizens (mainly Albanians and Bosniaks), who voted for Montenegro's independence. Inclusion, like exclusion, has political consequences.

Deprived of Montenegro, Serbia replaced its Communist-era constitution in late 2006 with one that defines "Kosovo and Metohija" ("Metohija" refers to "church lands," which before Communism were extensive in Kosovo) as an integral part of Serbia with ill-defined substantial autonomy.¹⁵ Kosovo Albanians, who had been boycotting Serbian elections for many years, were not counted on the voter rolls in the referendum that approved the new constitution. Had they been, the referendum could not have met the legal requirement that 50% of those registered needed to vote. No one, however, challenged the referendum on the obvious grounds that Albanians had been denied their right to block the referendum by not voting. The international community welcomed the new constitution, the referendum for which had essentially treated the Kosovo Albanians as non-citizens.

If the Kosovo Albanians were not counted as citizens of Serbia, they had to be citizens of something else. It is hard to imagine what that might be other than an independent Kosovo.

Serbia even without Milošević did nothing to make it attractive for Kosovo Albanians to remain inside the Serbian state. A timid politician who feared being outflanked in the nationalist direction, Tadić accomplished little in his second term (2008–2012). The election of the far more nationalist opposition leader Tomislav Nikolić to the presidency of Serbia in 2012 was the first real alternation in power since the fall of Milošević. Nikolić delegated handling of both the EU and Kosovo to his political partner, Aleksandar Vučić, deputy prime minister from 2012 to 2014, subsequently prime minister, and now president. Vučić had also been a Milošević loyalist but decided to throw in his lot with the West, at

least insofar as EU membership was concerned. While President Nikolić was busy giving medals to Belarusian strongman Lukashenko, Vučić was busy getting Serbia candidacy for the EU and resolving lots of issues with Kosovo, apart from its political status. He won early parliamentary elections in April 2016 and then the presidency in April 2017. Serbia still faces serious issues in its own democratization: corruption, government control over the media, and a less than fully independent court system that takes its own good time in resolving cases. There has been little progress during the last few years in prosecuting the war crimes of the 1990s.¹⁶ But the big question is: How will Serbia handle Kosovo?

Before answering that question, we need to turn back to 2001 to catch up with what had been going on in Pristina.¹⁷ The NATO/Yugoslavia war ended not with a peace treaty but rather with a “military-technical agreement,” which provided for JNA withdrawal from Kosovo, and UN Security Council Resolution 1244, which acknowledged Yugoslav sovereignty in the nonbinding preamble but also foresaw a political resolution of Kosovo’s status consistent with the will of its people, which had been obvious and irreversible for more than a decade.¹⁸ Resolution 1244 essentially imposed an interim United Nations administration (UNMIK) and made the question of the legality of the NATO/Yugoslavia war irrelevant, while postponing a “final status” decision to a process not clearly defined. Welcome again to the world of international compromises. As in Bosnia, Milošević was good at snatching ambiguity from the jaws of certain defeat. The international community was looking for an elite political process. No grassroots reconciliation effort was contemplated, and little occurred. But some mistakes from the Bosnia experience were avoided. From the first, the UN Special Representative of the Secretary-General was given powers to hire and fire as well as impose legislation, which amounted to the equivalent of the “Bonn powers.” He was also given a coordinating role with other intergovernmental organizations working in Kosovo. He and the NATO-led Kosovo Force (KFOR) military commander were instructed to cooperate closely.

While NATO was preoccupied with the negotiations that ended the NATO/Yugoslavia war, Russia moved a contingent of its troops from Bosnia, where they had served for years under American command, to the Pristina airport. This quick maneuver was intended to be prelude to the arrival of more Russian troops by air, to seize and “protect” Serb areas of Kosovo, especially the three and a half municipalities north of the Ibar River. NATO members and aspirants refused overflight

clearances for the Russian aircraft, prevented them from arriving in Pristina, and eventually offered the Russians a face-saving role in KFOR. Russian President Yeltsin yielded, but his maneuver foreshadowed future Russian resistance under Vladimir Putin to NATO's role in the Balkans.

The Kosovo Albanians returned home fast, en masse, defying UN expectations of a slower, planned, and orderly return. Farmers wanted to get back to their homes and plant their crops. Urbanites feared waiting would allow squatters. Once the JNA and Serbian police forces were withdrawn under the watchful eye of KFOR, Albanians felt safe and went home as quickly as they could to the 85% or so of the territory south of the Ibar River. There the French peacekeepers drew the line the Russians had intended to draw, fearing that Albanian returns north of the Ibar would lead to expulsion of Serbs from northern Kosovo.

The KLA, feeling triumphant, appointed mayors to replace those named by "President" Rugova before the war. Violence between Albanians increased sharply, as frictions between the KLA and Rugova's party, the Democratic League of Kosovo (LDK), heightened. The Serbian state that had governed Kosovo before the war was gone. The Albanian civil society organizations that had done so much to provide education and health after the expulsion of Albanians from the Serbian administration were struggling. International nongovernmental organizations and the newly installed UN administration of the province were hiring away all their English-speakers and beginning to compete in service provision.

All politics is local, but too often in postwar situations the impulse to skimp on local politics and hold national elections as quickly as possible is irresistible. In Bosnia the Americans had compelled the OSCE to hold national elections within a year after the Dayton agreements, to satisfy a presidential desire for demonstrable progress. The polls predictably installed ethnic nationalists. In Kosovo, the UN avoided that mistake. Municipal elections that swept away many of the KLA-appointed mayors in favor of LDK competitors were held in October 2000, underlining that politics, including local service delivery, rather than force would be dominant in the postwar period. Hashim Thaçi, then a KLA political leader often regarded as an American favorite, would remain important but not rise to power in Pristina until years later.

In the meanwhile, the UN successfully stood up first the Kosovo Administrative Council and later the Provisional Institutions of Self-Government. The first Kosovo-wide elections (not, however, held in the Serb-controlled north) chose a legislative assembly in 2001. The newly

installed assembly elected Rugova president in 2002. While still under UN administration, Kosovo was already beginning to grow democratic institutions but remained without a fully developed administrative apparatus. Recognizing the anomaly, the UN administrators were anxious to devolve responsibility to Kosovans, as the citizens (Serb, Albanian, and others) of the province are properly denominated.

The basic idea was “standards before status”: Kosovo would need to earn a decision on political status by ensuring the international community that it could govern a multiethnic and democratic society in accordance with international human rights standards.¹⁹ International tutelage was intense. The police force began to be known for its good training and professionalism, instilled by the OSCE, although the courts remained unimpressive.²⁰ In addition to police training, the OSCE played a significant role in building democratic institutions, especially the parliament and the electoral process. Many other intergovernmental and nongovernmental international organizations were also involved, including WHO, UNESCO, the International Organization for Migration, and the UN High Commissioner for Refugees.²¹ The World Health Organization, for example, drove the reestablishment of the health care system, which proved difficult because of lack of capacity to implement its well-designed scheme.²² UNESCO played a similar role in the reestablishment of the education system.²³

Positive momentum came to an abrupt halt with ethnic riots in March 2004. The rioting was the result of a series of inventions, misunderstandings, exaggerations, and overreactions of a sort that had happened repeatedly in Kosovo before the war.²⁴ The Albanian-language radio and TV contributed substantially to inciting the violence.²⁵ The consequences were serious. Eight Serbs and eleven Albanians were killed. The damage to Serb churches and communities was substantial. Thousands of Serbs were forced from their homes. The international community feared that worse might be in the offing. The UN secretary-general commissioned Norwegian diplomat Kai Eide to have a hard look at the situation.

Eide concluded that the political status quo was unsustainable.²⁶ Albanian aspirations were frustrated. Reintegration with Serbia, which had done nothing to make it attractive, was impossible. The UN therefore embarked on the final status negotiations foreseen in Resolution 1244, presided over by UN Special Envoy Martti Ahtisaari, a former president of Finland, with support from professional diplomats Frank Wisner for the United States and Wolfgang Ischinger for the EU.²⁷ Their effort

resulted in a plan intended to make Kosovo independence palatable to Belgrade.²⁸ It essentially incorporated everything Belgrade asked for. Ahtisaari's recommendation to the UN secretary-general that Kosovo should become independent was separate from the plan, but part of his overall approach.²⁹

Serbia declined to sign on despite the extensive provisions for protection of Serbs. The Americans and Europeans nevertheless insisted that the Kosovo government adopt and implement the Ahtisaari Plan, as a condition for support of independence, and accept a huge EU rule-of-law mission (EULEX) to nurture the judicial sector. Once again, as in Bosnia, the Americans and Europeans found it easier to twist the arm of their friends rather their adversaries in Belgrade. The plan included the idea that Kosovo would not—and would not be permitted—to unify with any neighboring state or part of any neighboring state. This constitutional provision was intended to protect Macedonia as well as Serbia, both of which have Albanian-majority areas that border Kosovo. It was also intended to prevent the formation of Greater Albania. The answer to the Albanian question was no: Albanians will not live in one state but in several.

Essentially what we have here is a deal, in the absence of one between Serbia and Kosovo, between the West, including the United States and most of the EU, and the Kosovo Albanians: Kosovo got independence, but that ruled out Greater Kosovo (Kosovo plus the Albanian portions of Macedonia) and Greater Albania. Pristina was obliged to provide what Belgrade failed to provide to Albanians: a high degree of protection and positive discrimination to Serbs. Status would come with standards. Not everyone in Kosovo accepts this deal. The Vetëvendosje (Self-determination) movement dislikes it and still wants a referendum on union with Albania. It attracted less than 15% of the vote in the 2014 parliamentary election but in 2017 rose to 27.5% to become the second largest bloc in parliament before splitting in 2018. The Serb contingent in the Kosovo parliament also rejects the constitution and regards Kosovo as still an autonomous province of Serbia.

Serbia often describes Kosovo's independence declaration in February 2008 as unilateral, which it was from Serbia's perspective. Belgrade disapproved. It lined up, and still maintains, support from Moscow in the UN Security Council that blocks Kosovo membership in the UN General Assembly and in other international organizations. But Kosovo independence was well coordinated with those European countries

amenable to it and with the United States. It is now recognized by more than one hundred sovereign states, not, however, including five members of the EU and four members of NATO. Kosovo substantially completed its obligations to implement the Ahtisaari Plan in 2012, ending supervision by an International Civilian Office (ICO), but a rump UN mission remains in Kosovo under Resolution 1244.³⁰

The record of state-building in Kosovo is, however, far from pristine. Pristina benefited before and after independence from three major international missions: UNMIK, EULEX, and the ICO. They have been roundly criticized as ineffectual in improving the country's governance, which has arguably stagnated or even deteriorated since independence according to World Bank statistics.³¹ Kosovo's governance remains on most dimensions at the lower end of the regional scale, along with Albania's. This mediocre performance is due at least in part to the continuing preoccupation of Kosovo's politicians and electorate with the country's still incomplete sovereignty, including the contest between those who want Kosovo to remain an independent state and those who prefer union with Albania. So long as sovereignty issues remain open, Kosovo politicians will find they can gain more votes by waving nationalist flags than by delivering jobs and economic growth. The Europeans and Americans have also hesitated to upset the applecart by allowing those who favor union with Albania to come to power, which limits the possibilities for alternation.

The Serbia and Kosovo stories re-converged with German Chancellor Angela Merkel's visit to Belgrade in August 2011. Angered by Serb attacks in northern Kosovo (including on German peacekeepers), she read Serbia the riot act, insisting on reintegration of the northern, Serb-controlled Kosovo municipalities with Kosovo south of the Ibar. Since then, under EU tutelage, Pristina and Belgrade have managed to reach agreement with Belgrade on half a dozen "technical" issues as well as political reintegration of the Serb-dominated north into Kosovo, in accordance with the Ahtisaari Plan, as well as creation of an association of Serb municipalities, not yet implemented.³²

Belgrade was rewarded for this April 2013 Brussels Agreement with Pristina with its much-coveted candidacy for the EU, which makes available money and technical assistance needed to help prepare for EU accession. Complete normalization of relations with Kosovo is a requirement for Serbian EU accession. Precisely what that means remains unspecified, but in practice there are many EU members that will refuse to approve

accession without Serbian recognition of Kosovo's sovereignty and territorial integrity. Pristina received a less rich but still appetizing Stabilization and Association Agreement, as well as the promise of a visa waiver program once it met all the technical requirements. That it did by mid-2018. It remains to be seen whether the politics of an increasingly xenophobic EU will permit implementation, though the merits of Kosovans being able to travel freely in Europe and witness its economics firsthand are compelling. While far from resolving everything, the 2013 Brussels Agreement substantially reduced passions, and uncertainties, on both sides.

Nineteen years ago, Kosovo was a province inside Serbia. Today it is independent in the sense that it governs itself, but it is not entirely sovereign. At each stage of its evolution during these nearly two decades it got less than what Albanian Kosovars wanted, but it never slid backwards. At the end of the war it became a UN protectorate offered status if it met standards. Kai Eide's report proposed ending the protectorate and offered status with standards. The Ahtisaari Plan implemented that idea. Independence came only with supervision and constraints on sovereignty that are gradually loosening. EULEX international judges and prosecutors, for example, ended their "executive" role in 2018.

There are still big issues. Kosovo has failed to meet even minimal goals for the environment, education, and women.³³ The EU still maintains monitoring and police missions in Kosovo, an internationally staffed but nominally "Kosovo" court is operating in The Hague to prosecute war crimes and crimes against humanity that occurred between 1998 and 2000, the UN still maintains a symbolic presence consistent with Resolution 1244, and NATO is still responsible for Kosovo's territorial defense. NATO will want to draw down as Kosovo builds up its own security forces, provided they perform professionally. The current lightly armed security forces will need to be converted into a small army. Belgrade hopes to prevent this, by blocking a constitutional amendment some think required. Albanians believe it can be done through legislation.³⁴

Sovereignty issues arouse fierce domestic political tensions. Vetëvendosje in late 2015 and early 2016 led violent protests, including in parliament, against two alleged infractions against Kosovo's sovereignty: demarcation of the border with Montenegro and establishment of the association of Serb municipalities. The border issue has been resolved. The association of Serb municipalities is still an issue, because the Pristina authorities fear it will be used to establish a de facto separate governing structure for the Serbs, like Republika Srpska in Bosnia. Albanian

nationalism could still put stability in the Balkans at risk if Kosovo is unable to complete its sovereignty.

The big question mark is whether, or when, Serbia will recognize Kosovo as a sovereign state. Belgrade politicians are fond of saying that Serbia will never recognize Kosovo's "unilateral declaration of independence." But it does not have to, because no one does. A declaration of independence is a political document, not a legal one. What sovereign states recognize is the sovereignty of another state, which entails its control over territory, the legitimacy of its government, and its monopoly on the use of force.³⁵ Today this is often done not bilaterally, but through admission of a state to the United Nations.

Belgrade has already recognized Kosovo's sovereignty implicitly, as the 2013 Brussels Agreement acknowledges the validity of Pristina's constitution and judicial system on the whole territory of Kosovo, without reference to Serbia. It also contains a provision that acknowledges Serbia and Kosovo will each qualify for and enter the EU separately, without trying to block the other. Since only sovereign states can become EU members, this was an implicit recognition of Kosovo's inevitable sovereignty. It is now generally accepted even in Belgrade that Serbia will in due course have to amend its constitution to accommodate the facts of life, though how it will do so is still unclear.

The harder-nosed negotiators in Belgrade will want to hold out until the last minute, figuring that the EU will be prepared to pay a higher price for Kosovo recognition later rather than sooner. Or, some hope, Serbia will be able to enter the EU first and use its veto to block Kosovo's accession, though the EU's experience with Cyprus will make many members wary of that scenario. The simple fact is that Serbia will not be able to enter the EU without resolving all its issues with Kosovo, because one or more of the twenty-three EU members (twenty-two after Brexit) that have recognized Kosovo will not allow it. Pristina has worked hard to convince the five "non-recognizing" EU members (Spain, Romania, Slovakia, Greece, and Cyprus) to change their minds, but without success. Decisions to recognize by one or two of them would bring a lot of pressure on Belgrade to settle the matter sooner rather than later. A 2010 International Court of Justice advisory opinion that found Kosovo independence breached no international law opens the door to recognition but does not require it.³⁶

Even Serbian recognition, however, will not necessarily get Kosovo into the UN. Russia has its own reasons to continue to block the UN

Security Council recommendation required before the General Assembly can vote on UN membership. At the very least, Moscow will seek as a quid pro quo Washington's acceptance of the independence of South Ossetia and Abkhazia, its two "independent" clients in Georgia, as well as acceptance of the annexation of Crimea.

One possible outcome that Moscow would like, because it would legitimize the precedent of changing borders to accommodate ethnic differences, involves an exchange of territory and population between Kosovo and Serbia. The "divide and govern" strategy that has prevailed in Kosovo and Serbia so far is not strictly speaking an ethnic one. Many of the Serbs of Kosovo north of the Ibar would like their municipalities to be given back to Serbia. Albanians in the Presevo valley area of southern Serbia would like to join Kosovo. In the summer of 2018, Kosovo President Thaçi took up the cudgels for this idea, which Belgrade has long favored, calling it "border correction." The Americans and Europeans, who in the past had always ruled it out, pronounced themselves ready to consider any proposition Belgrade and Pristina could agree on. Only Chancellor Merkel has opposed the idea vigorously.

Adjusting the lines to accommodate ethnic differences in this way would precipitate, likely sooner but certainly later, the movement of all Serbs out of Kosovo, including the majority who live south of the Ibar, and all the Albanians out of Serbia, including those who do not live in the Albanian-majority municipalities in southern Serbia. Such mass population movements involving more than one hundred thousand people would be particularly unwelcome to the majority of Kosovo Serbs, who live south of the Ibar, and to the Serb Orthodox Church, whose major religious sites would be lost. "Border correction" would also raise questions about the territorial integrity of Macedonia, Bosnia, Montenegro, and Serbia, whose Bosniak population might prefer to join whatever portion of Bosnia the Bosniaks would still control. The result would destabilize the entire region. Keeping the lines where they happen to lie, while encouraging correct treatment of minorities in both Kosovo and Serbia, has proven a viable and judicious approach.

NOTES

1. On the prewar history of Kosovo, see Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998); Tim Judah, *The Serbs: History, Myth, and the Destruction of Yugoslavia* (New Haven:

- Yale University Press, 1997). On its path to independence, see, for a European perspective, James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans* (London: I. B. Tauris, 2009); for a more American perspective, see David L. Phillips, *Liberating Kosovo: Coercive Diplomacy and U.S. Intervention* (Cambridge: MIT Press, 2012).
2. I know of no reason to believe that future security concerns, as hypothesized by Ahsan I. Butt in *Secession and Security: Explaining State Strategy against Separatists* (Ithaca, NY: Cornell University Press, 2017), factored into Milošević's decision making.
 3. Shkelzen Maliqi, *Why Nonviolent Resistance in Kosovo Failed* (Pristina: Revista MM dhe Qendra per Studime Humanistike "Gani Bobi," 2011).
 4. Paul Hockenos, *Homeland Calling: Exile Patriotism and the Balkan Wars* (Ithaca: Cornell University Press, 2003).
 5. Human Rights Watch, "Kosovo War Crimes Chronology," <https://www.hrw.org/legacy/campaigns/kosovo98/timeline.shtml>.
 6. Daniel Serwer and Lauren van Metre, *Kosovo Dialogue: Too Little, Too Late*, Special Report (Washington, DC: United States Institute of Peace, 1998); Daniel Serwer, "Kosovo's Peace Imperfect," *Washington Times*, October 29, 1998.
 7. William Walker, interview, *War in Europe*, Frontline, Public Broadcasting Service, accessed April 5, 2016.
 8. Louis Sell, *Slobodan Milosevic and the Destruction of Yugoslavia* (Durham: Duke University Press, 2003), 304–5.
 9. Benjamin S. Lambeth, "Why Milošević Gave Up When He Did," in *NATO's Air War for Kosovo: A Strategic and Operational Assessment* (Santa Monica, CA: RAND, 2001), 67–86. Also see James Gow, *The Serbian Project and Its Adversaries: A Strategy of War Crimes* (Montreal: McGill-Queen's University Press).
 10. Veton Surroi, *The Gorillas We Didn't See (How They're Destroying the State ... and Other Heretical Notes)* (Pristina: Koha, 2017).
 11. Lauren Van Metre, Albert Cevallos, and Kristine Herrmann, *Kosovo: Escaping the Cul-de-Sac* (Washington, DC: United States Institute of Peace, 1998).
 12. *The Milošević Regime Versus Serbian Democracy and Balkan Stability: Hearing Before the Commission on Security and Cooperation in Europe, One Hundred Fifth Congress, Second Session, December 10, 1998*, 41. <https://www.csc.e.gov/sites/helsinki.commission.house.gov/files/Official%20Transcript%20-%20MILOSEVIC%20VERSUS%20SERBIAN%20DEMOCRACY%20AND%20BALKAN%20STABILITY.pdf>. I have told this story in more detail in "American Support for Serbian Democracy," in *The Balkan Prism: A Retrospective by Policy-Makers and Analysts*, ed. Johana Deimel and Wim van Meurs (Munich: Verlag Otto Sagner, 2007), 291–96.

13. Judge Kevin Parker, *Report to the President: Death of Slobodan Milošević*, May 2006, http://www.icty.org/x/cases/slobodan_milosevic/custom2/en/parkerreport.pdf.
14. Dejan Djokic, “The Assassination of Zoran Đinđić,” OpenDemocracy, March 13, 2003, https://www.opendemocracy.net/democracy-yugoslavia/article_1042.jsp.
15. Serbia’s Constitution of 2006, https://www.constituteproject.org/constitution/Serbia_2006.pdf.
16. Humanitarian Law Center, “Transitional Justice in Serbia in the Period from 2013 to 2015,” <http://www.hlc-rcd.org/?p=32161&lang=de>.
17. See also my, “Kosovo: An Unlikely Success Still in the Making,” Chapter 5 in *Independence Movements and Their Aftermath: Self-Determination and the Struggle for Success*, ed. Jon B. Alterman and Will Todman (Lanham, MD: Rowman & Littlefield, forthcoming 2018).
18. UN Security Council Resolution 1244 (1999), https://peacemaker.un.org/sites/peacemaker.un.org/files/990610_SCR1244%281999%29.pdf; and Military Technical Agreement between the International Security Force (“KFOR”) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, <https://www.nato.int/kosovo/docu/a990609a.htm>.
19. United Nations, “Implementing ‘Standard Before Status,’ Policy Core Political Project for UN Kosovo Mission,” press release, February 2004, <https://www.un.org/press/en/2004/sc7999.doc.htm>.
20. European Commission, Commission Staff Working Document, *Kosovo* 2015 Report* (Brussels, 2015), 12–13, 59–60, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_kosovo.pdf.
21. Balkan Analysis, “International Organizations: Kosovo,” <http://www.balkananalysis.com/kosovo/international-organizations>.
22. Valerie Percival and Egbert Sondorp, “A Case Study of Health Sector Reform in Kosovo,” *Conflict and Health* 4, no. 7 (2010), <https://doi.org/10.1186/1752-1505-4-7>.
23. Marc Sommers and Peter Buckland, *Parallel Worlds: Rebuilding the Education System in Kosovo* (Paris: International Institute for Education Planning, 2004).
24. On 2004, see James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans* (London: I. B. Tauris, 2009), 20–22. On earlier incidents see Julie Mertus, *Kosovo: How Myths and Truths Started a War* (Berkeley: University of California Press, 1999).
25. Organization for Security and Co-operation in Europe, “Report on the Role of the Media in the March 2004 Events in Kosovo by the OSCE

- Representative on Freedom of the Media,” April 2004, <https://www.osce.org/fom/30265>.
26. Kai Eide, “A Comprehensive Review of the Situation in Kosovo,” *Official Documents System of the United Nations*, October 7, 2005, <https://undocs.org/S/2005/635>.
 27. For the details of the negotiations, see James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans* (London: I. B. Tauris, 2009).
 28. Marc Weller, “The Vienna Negotiations on the Final Status of Kosovo,” *International Affairs* 84, no. 4 (2008): 659–81, <https://doi.org/10.1111/j.1468-2346.2008.00731.x> and “Kosovo’s Final Status,” 84, no. 6 (2008): 1223–43, <https://doi.org/10.1111/j.1468-2346.2008.00766.x>.
 29. Martti Ahtisaari, *Report of the Special Envoy of the Secretary-General on Kosovo’s Future Status*, OSCE, 2007, <https://www.osce.org/kosovo/24787?download=true>.
 30. International Civilian Office, *State Building and Exit: The International Civilian Office and Kosovo’s Supervised Independence, 2008–2012* (Pristina: ICO, 2012), <https://doi.org/10.4324/9780203964712>.
 31. Andrea Lorenzo Capussela, *State-Building in Kosovo: Democracy, Corruption and the EU in the Balkans* (London: I. B. Tauris, 2015).
 32. Dušan Janjić, “Normalization Challenges: Analysis of the Negotiation Process and the Implementation of the Brussels Agreement” (Belgrade: Forum for Ethnic Relations Policy Paper, 2015), <http://fer.org.rs/wp-content/uploads/2017/12/107-FORUM-Policy-Paper-2015-ENG.pdf>; Assembly of the Republic of Kosovo, “Law No. 04/L-199 on Ratification of the First International Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia,” June 27, 2013, <https://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20ratification%20of%20agreement%20-normalization%20of%20relations%20between%20Kosovo%20and%20Serbia.pdf>.
 33. Surroi, *The Gorillas We Didn’t See*.
 34. Robert Muharremi, “Kosovo Security Force Is an Army: Legal Arguments,” (Kosovar Centre for Security Studies Policy Brief), March 2016, <http://www.qkss.org/en/Policy-Papers/Kosovo-Security-Force-is-an-Army-Legal-Arguments-649>.
 35. For the much more complicated real story, see Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).
 36. Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion (I.C.J. Reports 2010), 403, <http://www.icj-cij.org/files/case-related/141/141-20100722-ADV-01-00-EN.pdf>.

Open Access This chapter is distributed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, duplication, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, a link is provided to the Creative Commons license and any changes made are indicated.

The images or other third party material in this chapter are included in the work's Creative Commons license, unless indicated otherwise in the credit line; if such material is not included in the work's Creative Commons license and the respective action is not permitted by statutory regulation, users will need to obtain permission from the license holder to duplicate, adapt or reproduce the material.

