



Conference proceedings of the expert meeting on Kosovo

3 April, 2008

Netherlands Institute of International Relations 'Clingendael'



Background information

Kosovo gained independence from Serbia on February 17, 2008. Violence, which was predicted by various countries and bodies failed to materialize, except for parts in Northern Kosovo. In this relative peace, the Kosovo government has been able to execute some initial steps towards reconciliation among its population, specifically between the Serbian minority and the Albanian majority. Much to the same manner, the calm in Kosovo and hindsight experiences in Bosnia and Macedonia have provided the International Community with the possibility to work out its updated strategy to deal with yet another country with different population groups squeezed into a small area in which cooperation is both troublesome and inevitable

This calm implies not that the situation is ideal, nor does it mean that we can finally move our focus away from the Balkans to other parts of the world. As Kosovo may set an example for other separatist movements in Europe, but is at the same time another test case for the resolve and ingenuity of the International Community, the events continue to command our attention.

The Clingendael Security and Conflict Programme (CSCP) was pleased to provide again a platform for the exchange of ideas and to host for the third time an informal expert brainstorm on this issue. The purpose of this meeting was twofold: on the one hand, it aimed to make an early assessment of the current situation, particularly with regard to the interaction between groups of the population on the basis of the recent information provided by our attendants working in the area (such as the OSCE, CSSP, IKV/Pax Christi a.o.). On the other hand this meeting intended to discuss a number of issues that are all part and parcel of the ‘minorities’ issue’, such as the role of the International Community (IC), its monopoly on violence and its policies toward (partial) integration and decentralisation.

The brainstorm took place on Thursday, April 3, 2008 at the Clingendael Institute and was chaired by Mr. Peter Bas-Backer of the Dutch Ministry of Foreign Affairs. Similar to the previous meetings, a group of selected individuals was invited to attend, among which were representatives of Dutch and international NGOs, the Dutch Ministry of Foreign Affairs, the High Commissioner on National Minorities, and the academic field. A list of participants is included.

Opening

Mr. Bas-Backer opened the meeting by welcoming all participants on behalf of the Director of the Clingendael Institute, Professor Jaap de Zwaan, and on behalf of CSCP. In order to stimulate the discussion, the chairman indicated that ‘Chatham House Rules’ would apply; for this reason, this report will not be a verbatim account of the meeting, but will instead be structured along a number of key themes. To start and encourage the debate, but also to bring to memory the focus and outcomes of previous brainstorms the chair summarized the main conclusions from preceding discussions.



The dominant findings of these sessions were:

- The existence of an “implementation gap” between the objectives on the one hand and the situation on the ground on the other hand. If and how mutual trust is improved and ownership is transferred remains difficult to establish and affects accountability of the IC and local governments;
- The IC’s trend to prefer easy options, whereby activities are focused on the central government and political forces, rather than on lower-level authority structures and regional interests;
- Prior to February 17, 2008, our participants had stressed the importance of a decision on the status of Kosovo. After that decision difficulties remain because the IC is incoherent and lacks orientation and Serbia is still too reluctant or even obstructing;
- In particular in North-Kosovo the lack of IC capacity and IC incoherency created and still creates instability;
- The legal controversy surrounding a possible independence of Kosovo. Would such a decision go against international law, and if so, what could the implications be for other countries and/ or minorities? Does it affect the “responsibility – of the IC - to protect”?
- The government in Belgrade and in Pristina contributed equally little or much to the current rift and the fate of the minorities. In the absence of a truly responsible role of the warring parties, doubt remains as to whether the IC indeed takes its own “responsibility to protect”;
- Hesitant and continuing incoherency of EU-policies seemed to damage EU perspectives and motivation in the Balkans; a more pro-active EU-role was wished for on conflict resolution and reconciliation;
- And finally, the situation on the Balkans remains undeniably unstable, but the extent to which this unrest may spill over to other regions, for instance the Caucasus, remained part of the debate. With respect to Kosovo, it was agreed upon that both governments and the IC should pursue efforts for cooperation and should stimulate economic traffic to enhance the economic interdependence of both states.

Moving from these issues, three underlying themes could be distilled from the discussion on April 3, 2008. These are:

1. The endemic insecurity plaguing North Kosovo;
2. Current role of the International Community, particularly the EU;
3. How to respond to upcoming events and possible agreements;

The endemic insecurity plaguing North Kosovo

Many of the participants expressed their worries about the growing sense of insecurity in North Kosovo. The perceived lack of safety is induced by intimidation and acts of



violence, but also because the existing parallel security systems are all incapable of maintaining order. Making matters worse, not one single security actor is capable of providing security to all. As a result, virtually all participants were of the opinion that it is becoming increasingly difficult for NGOs to operate in North Kosovo. The inability to function as foreseen has caused a number of NGOs and the European Union to withdraw from the North. However, the departure of high-profile western bodies has invited attacks and acts of intimidation on the few NGOs that did remain. Ironically, those that *can* provide support, such as the larger IC agencies, move out for reasons of insecurity, whereas those in need support, such as smaller and more vulnerable NGOs, do not leave out of the fear that their departure will create an even larger sense of insecurity. The closure and departure of IC-offices may forebode years of under- or non representation of the IC within these areas. The departure if the IC presence leaves a vacuum, which both the Serbian and Kosovar government are all too willing to fill. If the IC moves out, it may find itself both pressed and tempted, but also unable to move back in for years to come.

In light of this observation, some NGOs are doing their utmost to remain present in Kosovo, particularly the North, while also trying to make a valuable contribution to the strengthening of Human Rights and Communities rights. For instance, the OSCE, while working within their current mandate, continues to pursue its objective to safeguard citizens' security, even under difficult circumstances by visiting municipalities and initiating civil society activities.

Furthermore, the lack of perceived safety stems from the absence of a functioning 'rule of law', which many participants view as a structural problem for Kosovo. Those responsible for misdemeanors are neither captured nor prosecuted, which is an open invitation for a sustained violent course for members of both groups of the population. This is not to say that violence is widely advocated, and that all within the population group argue such a hard-line approach. In fact, one participant noted two currents, particularly among the Serbian population, whereby one can be described as violent; one as non-violent and in favor of new solutions and new approaches to the problems currently facing the region. Obviously, this current deserves the best support available.

Which side attains the upper hand will significantly influence the possibility whether Kosovo can be a place for multi-ethnic co-existence or not. The participants agreed on the fact that there is still room to build such a society and that the IC should strive to maximize conditions for people to make a free choice as to where they want to live, especially as long such a free and duly informed choice is currently not possible. This implies putting more pressure on both Belgrade and Pristina to do their utmost best to deliver on promises of tackling disinformation, intimidation, violence and countering inroads into the rule of law. If such is ignored, than one participant believed that a partitioning of Kosovo will happen.

Finally, insecurity is not a purely safety issue. In addition to the problems mentioned above, Kosovo is hit hard by unemployment while basic needs, such as electricity, are provided at random. Both the education- and healthcare system are ill-functioning and



neither housing nor policing problems are solved. Such long term problems also call for solutions – an area where NGOs and the IC still have significant room to make a profound difference, if they choose to play a role within these more local issues, for which however a secure environment seems a pre-condition.

Current role of the International Community, particularly the EU

Similar to the previous sessions, the term ‘IC’ generated much response, mostly negative in nature. This critique focused on a number of issues.

First, it was put forward that the IC, of which the European Union is an integral member, suffers from a negative image, particularly among citizens of Serbian descent. This, while efforts are underway for the European Union to play a bigger and more visible role in Kosovo. One participant pondered on whether the EU has enough clout to project a positive image in Kosovo. If not, than the EULEX-mission, but also other initiatives, may encounter the same resistance, which previous UN-missions encountered, especially in those areas where cooperation is vital to the mission’s success.

Another point raised was the collaboration between the IC and civil society in Kosovo. Many participants indicated that they believed that such cooperation could be better structured, particularly in terms of support. Moreover, one participant also noted that it remained questionable as to what extent the IC in fact has insight into Kosovo’s civil society and, even more disturbing, into which approaches indeed work and which don’t. Obviously, insight into the needs and objectives of the civil society would precede effective cooperation, particularly if the key to a solution lies not in a quick fix, but rather in a deep analysis and mutual understanding.

Specifically, with regard to the EU, it was argued that the EU should reassess its role and adjust its policies accordingly. This may cause the EU to perhaps downsize its ambitions. One participant pondered about the strategic question: ‘where does the EU want to play a role and where not?’ After such an assessment, it would hopefully become clear what stand the EU takes on certain topics and it may very well be that the EU does not see a role for itself in strengthening civil society after such an analysis. In the timeframe between the here and now and its strategic assessment, the role of the EU was aptly described as ‘damage controller’, rather than ‘fixer’, particularly in the absence of the capacity to strengthen the institutions that can counter the problems listed above.

How to respond to upcoming events and possible agreements

One event scheduled for the upcoming months is the parliamentary election in Serbia on May 11, 2008. Virtually all participants consider the outcome on this day crucial for the future course of Serbia as it provides Serbia, in the eyes of the participants, with the opportunity to take a step forward, or a step back in time. It was noted that the outcome of the elections will reflect not only on Serbia or on Kosovo, but on the entire Balkans. Much depends therefore on whether the *Demokratska Stranka* (DS) or the *Demokratska Stranka Srbije* (DSS) captures the elections. Undoubtedly, the recent events in Kosovo are likely to impact the elections, but the events in Kosovo are similarly affected by the



elections' propaganda. In any event, the situation in the Serbian enclaves in Kosovo may worsen or improve, depending on the result from the ballot box.

In this undecided process, much depends also on the stance that European politicians take on a possible inclusion of Serbia into the European Union – a stance that also influences the elections. Much discussion generated the question whether the European Union should sign a Stabilisation and Association Agreement (SAA) with Serbia. At the time of the brainstorm the signing of such an agreement was opposed first and foremost by the Dutch and Belgian governments. While some participants argued that offering such an agreement would send a strong signal to Serbia that Europe wants to include Serbia amongst its midst, thereby possibly unraveling the strong ties between Serbia and Russia, others argued that the SAA should not be signed, as such EU signature would damage the EU's credibility on human rights and conditions such as the required cooperation of Serbia with ICTY.

For one, it was questioned whether such an agreement would actually propel moderate voices to prominence. It was noted that it would still cost considerable efforts to undo local and national politics of their outspoken rhetoric on a number of issues, even if the EU and Serbia would seek closer cooperation. In addition, while some members indicated the conviction that it would make sense for Europe to sign the SAA to show that cooperation with Europe pays off, others claimed that such a signing would rather send the signal that non-cooperation pays off. Indeed, one of the strong demands is the apprehension and the turning over of suspected war criminals to the ICTY, something the Serbia government has thus far failed to deliver on. Signing the SAA, as one participant put it, would be as 'giving a birthday present without having a birthday' and could moreover also be interpreted as an effort by 'Brussels' to interfere into Serbia's elections.

Conclusions and a glance into the future

Unfortunately, we are still not able to conclude that our brainstorms have lost their function. The situation in Kosovo continues to require our attention – and will receive so rightfully. For our next brainstorm, it is possible to draw on the following findings:

1. Kosovo is in dire need of functioning institutions, such as a working rule of law system. Without a functioning law and security system, of which the upholding of the rule of law is a critical element, citizens may look for other ways to provide for both their security and income – and both are not wished for by the IC. Work must be done to create professional capacity for justice and investments.
2. More attention should be given to offering a realistic future for in particular civil society. This could be done through improving social services, healthcare and education for all and through improving and promoting participation, mediation, and reconciliation of civil society (Albanians, Serbs, Bosniaks, Roma a.o.) in local government and security.
3. It is here that the IC can play a significant role and meet the needs of citizens. It should gear its efforts to securing not only a functioning rule of law system



but also democratic and decentralized government system from which all in Kosovo can benefit. This too should be done prioritizing capacity building through education and training.

4. At the same time, the IC should decide where and how it wants to play a role. It cannot be everything for everyone and it should set its priorities, of which securing security should be one, including determining responsibilities of the various actors and, on the international diplomatic level, pressuring Belgrade and Pristina to cooperate fully. The EU should coordinate, take the lead.
5. The situation in Kosovo cannot be seen outside the situation in Serbia (and, to an extent, Macedonia). This past election in Serbia will prove to be critical for months, if not years to come. Whether the signing of the SAA with Serbia should be done or not under the current situation is open for debate, however, the EU should not rely too much on the carrot function of the SAA, nor should it think that withholding such a signing may prove to be enough 'stick' to alter Serbia's behavior.
6. In view of the above, it is critical that a truly pragmatic approach is chosen to deal with the plentitude of obstacles obstructing implementation of lofty policies on the ground. Policies devised in ivory towers have proven not to work; realistic policies acknowledging limitations have.

Done at the Clingendael Institute,
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Frank Kuipers



Kosovo Brainstorm April 3, 2008
List of Participants

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4. *Mr. Vincent de Graaf*
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5. *Mr. Mathieu Hermans*
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6. *Ms. Rianne Letschert*
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7. *Ms. Daria Nashat*
IKV/ Pax Christi, Senior Programme Officer Southeast Europe
8. *Mr. Yannick du Pont*
Director SPARK, stimulating entrepreneurship and higher education on the Balkan
9. *Mr. Cees Roels*
Dutch Ministry of Foreign Affairs, Head of Western Balkan section
10. *Ms. Valerie Sluijter*
NCDO, former Dutch ambassador to Bosnia/ Herzegovina
11. *Mr. Milos Subotic*
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12. *Ms. Flora Sylaj*
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