Can the European Union Resolve the Life-Cycle of the Conflict in Kosovo?

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This article analyses the life-cycle of the conflict in Kosovo. It investigates the conflict issues between Albanians and Serbs, provides an explanation for the conflict and relates it further to its social, historical and international context. The Kosovar conflict is unique in the way that in the last hundred years multiple third party actors have been involved in attempts to find a solution. These include the Great Powers, the Major Powers, the United Nations and the European Union (amongst others). It is proposed that the latter may be the key in resolving the conflict.

Introduction

The disintegration of the Socialist Federative Republic of Yugoslavia (SFRY), spurred by the independence desires of federal entities, resulted in several violent wars. Kosovo was the last federal unit to become independent after the breakup of SFRY and is the newest country in Europe, yet it is not a member of United Nations (UN). The country has not been universally recognised and Russia’s veto at the UN Security Council (SC) is likely to maintain the status quo. The Parliament of Kosovo unilaterally declared independence on 17 February 2008 and so far Kosovo is recognised by 107

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2 In 1913, the Great Powers were considered to be Austro-Hungary, Britain, France, Germany, Italy and the USSR. They remained so until World War II. Post-World War II the Great Powers were replaced by the Major Powers. France, Russia and United Kingdom continued to be recognised as such powers, while Germany and Italy lost their status due to their defeat in World War II.

3 Charter of the United Nations (1945) defined the five Permanent Members of UN Security Council which are: China, France, Russia, the United Kingdom and the United States. The five Permanent Members are considered to be Major Powers and have the right of individual veto in every decision made by UN Security Council. However, emerging new powers that could be considered to be Major Powers are the G7 countries (Canada, France, Germany, Italy, Japan, the United Kingdom and the United States) and the European Union.
States (Kty 2014) out of 193 UN members. Kosovo’s independence has been supported by the Major Powers (MPws) but opposed by Russia.

The ethnic conflict in Kosovo is at least a century long and has principally involved two conflicting groups, Albanians and Serbs. To begin to understand the continuing conflict between these two groups, a brief consideration of Kosovo’s past one hundred years is necessary (See Malcom 1999). The lifecycle of the conflict - involving the Great Powers in 1912, and the MPws from 1999 to the present - will be analysed. A short comparison of the conflict’s evolution involving third party actors as well as the quantitative and qualitative asymmetry between the conflicting parties will be presented. The article proposes that the aspiration of both countries to join the European Union (EU) will contribute to resolving the conflict.

**Historical Background of the Conflict in Kosovo**

Subsequent to the collapse of the Ottoman Empire, Kosovo was annexed by Serbia and Montenegro in 1913 (Leurdijk, Zandee 2001: 9). It was integrated into the Kingdom of Serbs, Croats and Slovenes (1918), which was named Yugoslavia in 1919. Kosovo’s majority population was Albanian in 1913 (Leurdijk, Zandee 2001: 9) and presently 90% of Kosovo’s population is Albanian. The conflict continued for a century as Albanians resisted being part of the Slav-dominated State and their ‘long-standing cultural values’ (Azar 1986: 30) were not met. Albanians rebelled throughout the subsequent years such as in the 1920s and after 1945 when SFRY was created, with resistance being crushed by Serbian and communist forces respectively (Vickers 1998: 99-100; 141-143).


From 1981 until the end of the war in 1999, severely oppressive measures were taken by Serbian forces against Kosovo Albanians (for example, secondary schools, university and media in the Albanian language were closed) (Wallensteen 2007: 169). Serbia dissolved Kosovo’s Parliament in
1990. However, its members declared independence in 1991 - but that was not recognised except by Albania (Milano 2003: 4). The pacifist movement of the ‘Democratic League of Kosovo’ from 1990 until 1999 did not manage to change the situation on the ground as the Serbian repression continued (Malcolm 1998: 328). In 1996, the Kosovo Liberation Army began its fight for independence which increased the killing and atrocities by Serb forces against civilians. (Schnabel, Chandra 2000: 4). In 1999, peace talks in Rambouillet, France failed as Serbia refused to sign the peace agreement (Herring 2007: 225). This triggered a third-party intervention, and the North Atlantic Treaty Organization (NATO) bombed Serbia for 78 days (Cox 2002: 168).

In 2005, the UN Secretary General appointed Marti Ahtisaari as a UN Special Envoy for the future status process of Kosovo (Ker-Lindsay 2009: 26 & 105). Ahtisaari organised direct negotiations between Kosovo and Serbia, recommending in March 2007 that Kosovo should become independent under the supervision of the international community (Babamusta 2008: 36). The United Nations Mission in Kosovo (UNMIK) administered Kosovo from 1999 until 17 February 2008, when Kosovo declared itself a Republic and an independent State (UNMIK 2013).

**Kosovo’s Conflict and Third Party Involvement**

The violent conflict between Kosovo Albanians and Serbs has had some periods of “negative peace”. During such periods, the conflict in Kosovo was ongoing but there was an absence of widespread violence and killing. This ended with the outbreak of war in the 1990s as the SFRY was disintegrating. The intervention of coercive third-party can bring such wars to an end (Cochrane 2008:55). There has been adequate political determination among the MPws to end the war in Kosovo and maintain the peace. NATO continues to keep the peace in Kosovo and this has been implemented through the UNMIK administration (1999-2008), and since then by the Kosovo Government and to a certain degree the European Union Rule of Law Mission in Kosovo (EULEX). Ethnic tensions remain, but not large-scale violence, and certainly compared with the period before 1999 (or even ten years ago), the overall situation is calm. The struggles which continue are carried out through diplomatic relations.

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4 Galtung defines negative peace as the, “absence of organized collective violence” (1967: 17).
The nature of conflict between Serbia and Kosovo is based on different identity groups with different ethnicities, languages, beliefs and customs. Azar’s theory can apply to Kosovo’s conflict as he refers to different identity groups in protracted social conflict situations, pointing out that the sense of identity of the group it is more powerful than the nation State (Azar 1986: 31). Kosovo’s conflict in its roots is about two very different groups (Serbs and Albanians) which have very different languages, cultures, background and so on.

The differences consist of the ongoing animosity between the parties of conflict due to ethnic differences and a century of prolonged conflict, as briefly described above. Following Kosovo’s independence, ethnic Serbs have become the minority. Their situation contrasts drastically with a time when they formed part of the majority population of SFRY. This new reality, among other reasons, has caused Kosovo’s Serb minority to reject Kosovo’s independence. Demographic and political power has shifted as the 8% of the population which was Serbian in Kosovo prior to 1999 ruled over the 90% of the population which was Albanian for almost a century (Ernst 2011: 26).

The Major (Great) Powers’ Role in Kosovo’s Conflict in 1910s and 1990s to Date
In December 1912, the Great Powers decided to give Kosovo to Serbia. The Austro-Hungarian Empire insisted that the Albanian inhabited areas be integrated in a new Albanian State. However, this was rejected by Serbia’s allies, France and fellow Slavic Russia, which had supported Serbia through the centuries (Malcolm 1998: 256). Ultimately, the Great Powers decided that Kosovo Albanians should be within the territory of Serbia and Montenegro. Advocacy by France and Russia assisted Serbia to become one of the victors of the First Balkans War (1912-13). New borders were drawn thereby weakening Austro-Hungary’s influence as it declined in stature and power. A paucity of basic education and cultural rights for Albanians was one of the key causes of the long-running conflict between Serbs and Albanians. Azar points out that cultural and human need cannot be traded (Azar 1986:30). Due to the continued failure to meet basic human and cultural rights, many Albanians believed there was nothing to bargain for or with, so the conflict lasted for a century.

In 1999 when NATO intervened to prevent continued ethnic cleansing, the MPws again played a significant role in the conflict between Serbs and Albanians. Five MPws (United States of America (US), United Kingdom (UK), France, Germany and Italy) divided Kosovo into five military sectors (Kozaryn 1999) and Kosovo was placed under a United Nations administration (UNMIK). The division of sectors is not accidental as it demonstrates the capacity of the MPws. Russia opposed the
military intervention in Kosovo and wanted its own military sector which it was ultimately denied. The other MPws such as the USA, the UK, France, Germany and Italy immediately recognised Kosovo in 2008. However, Russia fiercely opposed its independence and, to this day, continues to support Serbia.

Looking at the cycle of conflict we can conclude that Russia has remained an age-old supporter of Serbia as it continues its one hundred year policy, and Russia opposes Kosovo’s independence. Interestingly, France has shifted from supporting Serbia in 1912 to supporting NATO intervention (1999) and Kosovo’s independence. This change in attitudes can be explained by the grave human rights abuses and war crimes committed against Albanians in Kosovo by the Serbian Government in the 1990s. Notably, in 1912 the UK held a position of neutrality; whereas in 1999 its support was a significant factor in the intervention against Serbia and it has been a major supporter of Kosovo’s independence. The USA was the leading actor in the NATO intervention against Serbia, and continues to support Kosovo’s independence, remaining intensely involved in managing conflict in the area since 1999.

Since the end of the war in 1999, Kosovo’s conflict has entered a ‘de-escalatory’ scale (Vrbetic 2013: 308), which means that there has not been a major incidence of violence of the sort used in the war. There have been minor incidents, particularly in Northern Kosovo where the larger populations of Kosovar Serbs live, but overall NATO (KFOR) and Kosovo’s police have kept the peace. The new State has managed to maintain peace and has received political and practical support from the MPws. In turn, this has brought stability to the region, particularly in the States where Albanians live outside Albania such as in Macedonia, Serbia and Montenegro and within Kosovo itself.

The core issue in the conflict is that Kosovo is de jure and de facto independent but Serbia refuses to accept its independence by blocking - through Russia (and China) as Permanent Members of the UN Security Council – the admission of Kosovo to the UN and other international bodies. Serbia, through the UN, has brought the case of Kosovo’s independence to the International Court of Justice. This resulted in an advisory opinion that the Unilateral Declaration of Independence did not violate international law (ICJ 2010: 122). Therefore, aside from the fact that it is not able to enter into

5 De Jure is defined as ‘by force of law’, or ‘legally’; de facto means ‘concerning the facts’, or ‘in reality’.
official relationships with the States that have yet not recognised it, Kosovo complies with the Montevideo criteria of statehood.

Serbia claims that Kosovo is part of Serbia but in practice there has been no trace of Serbian authority in Kosovo since 1999. However, in January 2013 Serbia’s Prime Minster (PM) Ivica Dačić declared that Serbia could not afford to, "keep its head in the sand" and “Serbian sovereignty over Kosovo is practically non-existent” (Robinson 2013). Serbia is refusing to recognise Kosovo and is using this as a powerful tool in negotiations over Northern Kosovo\(^6\). Dačić’s declaration shows that Serbia admits to having no control over Kosovo. Yet, all the neighbouring States have recognised Kosovo except for Serbia.

**Quantitative and Qualitative Asymmetries between the Conflict Parties**

There are quantitative and qualitative asymmetries between the parties involved in the conflict. Serbia has a superior army, while Kosovo aims to create its national army in 2014 (Bytyci); however Kosovo’s borders are protected and guaranteed by NATO. Serbia was bombed by NATO in 1999 and any potential violence, aggression or crossing of Kosovar borders have been met by a strong NATO response. The military asymmetries may create a different interstate conflict (Ohlson, Robert 1994: 268). Both parties rely on diplomatic supporters. Serbia is affiliated with Russia, while Kosovo is supported by the G7 and 23 out of 28 EU countries, excluding Slovakia, Romania, Spain, Greece and Cyprus. There is no risk of military intervention by either side. Nevertheless, Northern Kosovo is not fully controlled by Kosovo’s Government. Kosovo sent its special police unit to assume control of two customs posts in July 2011, causing local Serbs to rebel and a Kosovar policeman was killed (Woehrel 2013:4) resulting in the withdrawal of the special police (Capussella 2011). The Kosovar Government has limited administrative and police presence in the north of the country and NATO secures its border, but the local Serbs refuse to cooperate with the administration that they do not recognise (Delauney 2013).

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\(^6\) Since 1999 the Northern part of Kosovo has not been under control of UNMIK or Kosovo’s Government, but the borders have been protected by NATO. Serbs in Northern Kosovo maintain parallel administrative structures with support from Serbia. The EU has facilitated a dialogue since 2011 between Serbia and Kosovo. On 23 April 2013 an agreement was reached between Serbia and Kosovo to integrate Northern Kosovo into its administration giving Kosovo Serbs maximum right in municipal administration, such as in appointing police force and judiciary in North Kosovo.
The relationship between Serbia and Kosovo is complex. Yet, there have been attempts to negotiate, such as the 1999 Rambouillet negotiations by the UN Special Envoy on Kosovo’s ‘final status’ (2005-2007). The latest negotiations hosted by the EU have led to some results, and concerned issues on borders, regional representation elections, and telecommunications (Gvosdev 2013).

**The European Union’s (EU) Involvement and the Facilitation of Ongoing Dialogue between Serbia and Kosovo**

The EU has taken an active role in resolving the conflict and continues to facilitate dialogue between Serbian and Kosovar politicians. Since 2012 dialogue has progressed at the Prime Ministerial level, with top-down negotiations. Applying the Lederach pyramid, when the middle and grassroots level leaderships are not brought into the process, problems may arise in implementation (Ramsbotham 2000: 205). For example, despite the agreement reached by both PMs to hold local elections in Northern Kosovo on the 2 November 2013, they were unsuccessful in doing so. The failure was because level two and three leaders (under the Lederach pyramid) acted as spoilers opposing the local elections, and in some instances entered the polling stations and destroyed polling materials (Delauney 2013). The elections in North Kosovo were re-run (BBC 2013), with EULEX police and NATO soldiers securing polling stations in order to create a safe environment for the voters (Robinson 2013).

Five out of the 28 EU Member States have still not recognised Kosovo, complicating relations between Kosovo and the EU. Nevertheless, the EU has taken a leading role since Kosovo’s independence. It established the EULEX body which supports Kosovo in matters such as promoting the rule of law, the integration of minorities, and anti-corruption. The EU is facilitating negotiations between Serbia and Kosovo (EULEX 2013), and has sponsored talks between Serbia and Kosovo since 2011 (The Economist 2011). While the official recognition of Kosovo by Serbia has not been set as a condition for Serbia’s future EU membership, there is consent that Serbia will not be awarded membership until the issue of Kosovo is resolved in a sustainable way (Koeth 2013:133).

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The EU is encouraging the Western Balkan countries to fulfil their membership requirements. All States in the Western Balkans are currently aspiring to join the EU. Hence, in its relationship to Serbia and Kosovo the EU has had the upper hand in facilitating negotiations and managing ongoing conflicts between Serbia and Kosovo.

On the 19 April 2013, the tenth EU-facilitated dialogue between Kosovo and Serbia resulted in a landmark deal signed by the PMs of Serbia and Kosovo. The agreement was welcomed by multinational organisations such as the EU, NATO, Organisation for Security and Cooperation in Europe (OSCE), and the UN; as well as the USA and other countries (EU 2013, UN News Centre 2013). This is the first bilateral agreement between Kosovo and Serbia signed by both PMs resulting in a ‘First Agreement of Principles Governing the Normalisation of Relations’ which moves both States towards EU membership.

The agreement is a landmark one for two reasons. First, Serbia has agreed to not have an administrative presence in Northern Kosovo as the local administration will be integrated into Kosovo’s system. Second, Serbia has recognised Kosovo’s independence de facto (Prelec 2013). Kosovo has agreed to form an ‘Association/Community of Serb majority municipalities’ which will give the ‘Association’ maximum powers within the municipalities. These include providing names of commanders of police to be appointed by the interior ministry, whilst being integrated into Kosovo’s police structure. The Association Court\(^8\) will be integrated into Kosovo’s legal frameworks but the Appellate Court of Kosovo will establish a panel court to deal with North Kosovar appeals with Serbs as the majority of the panelists (Vogel 2013). The agreement provides a sound basis to achieve a lasting peace with provision for the decentralisation of governance and the integration of Kosovar Serbs in the administration of Kosovo.

The EU has given more leeway to Serbia and Kosovo since both parties signed the agreement. Despite the non-recognition of Kosovo by five EU members, the EU has initiated negotiations for the ‘Stabilisation and Association Agreement’, which is a step towards EU membership (Füle 2013).

\(^8\) The Court will operate under Kosovo’s jurisdiction, Article 10 of ‘First Agreement of Principles Governing the Normalisation’. Available at: http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20ratification%20of%20agreement%20normalization%20of%20relations%20between%20Kosovo%20and%20Serbia.pdf (Accessed 31 March 2014).
Serbia has also gained from being granted candidate status to join the EU (European Commission 2014).

**Conclusion**

The hundred year cycle of Kosovar conflict has entered a “de-escalatory” scale for now (Vrbetic 2013: 308), raising hopes among many for a long-lasting resolution. Its solution is in hands of the PMs and their Governments in Kosovo and Serbia. They foresee that a solution to the conflict can be achieved and maintained only through dialogue. The role of the MPws has been essential in resolving the conflict, as the decisions about Kosovo’s status have been made by the Great Powers in the 1910s and the MPws from the 1990s to the present day. Kosovo’s lack of UN membership is preserved by Russia threatening to use its veto in the UNSC against such a change. For now, the military asymmetries between NATO (KFOR) and Serbia drive the conflict towards a peaceful solution and act as a ‘stick’, complement the ‘carrot’ of prospective EU membership which is being offered to Serbia and Kosovo to join the EU.

The legacy of the conflict in Kosovo will be resolved by EU pressure for Serbia to recognise Kosovo before it is allowed to join the EU, or by both States being accepted as EU members at the same time. This will be a prolonged process. Aspirations of EU membership will help to resolve the conflict through promoting core EU principles such as human rights protection and non-violent conflict resolution.
Bibliography


