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Enika Abazi

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A New Power Play in the Balkans: Kosovo's Independence

ENIKA ABAZI*

ABSTRACT

This article discusses Kosovo's independence from a framework of political and legal perspectives and assesses regional and global responses to the declaration of independence. Kosovo's independence, it is argued, has revealed shifting strategic landscapes, security concerns and domestic developments in regional and international politics with significant implications for all actors in the region. Russia, for instance, calculated to restore its lost 'superpower' status and control Serbia's strategic oil industries while Turkey's prompt recognition of independence has increased its impact in the region. Kosovo's independence will be a test case for keeping peace and stability in the Balkans within the new dynamics of regional and international politics. The way to escape from regional and international rivalries in Kosovo and its environs is to enhance the forces of cooperation in this volatile region and avoid zero sum games among regional and international actors.

Kosovo's status has been one of the most contentious issues to arise in the aftermath of the disintegration of former Yugoslavia. For the Milosevic administration in Belgrade, which abolished Kosovo's autonomy in 1989, the province was an integral part of Serbia. Kosovars responded to Milosevic's policy by declaring independence in 1991 following a popular referendum, although their declaration did not receive international recognition. Kosovo declared its independence for the second time in 2008 with a stronger international backing, due to the involvement of a number of regional and international actors. In between these two declarations, Kosovo assumed a central role in the regional politics of the Balkans, a shift with strong implications for international security. The Kosovo case exemplifies the ways in which ethnic communities in a multicultural setting may face problems in an environment of domestic hostility and regional rivalry. This article will discuss Kosovo's

* Associate Professor, Department of International Relations, University of New York in Tirana, Albania, eabazi@unyt.edu.al

independence from a framework of political and legal perspectives. It will also pay attention to regional and global responses to Kosovo's declaration of independence, given that the area has already been securitized to the level of urgency both regionally and internationally.

Historical Background

Kosovo's struggle for independence began after Milosevic's abolition of Kosovo's autonomy in 1989. As a response, in July 1990, the Albanian delegates of the Kosovo Assembly declared Kosovo an "independent and equal entity within the framework of the Yugoslav Federation, and an equal subject with its counterparts in Yugoslavia."¹ In the September 1991 referendum, 87.01% of the population voted in favor of an independent and sovereign state of Kosovo. The Serbian government responded with strong opposition, firing tens of thousands of Albanians from their jobs, banning the teaching of the Albanian language, and transferring a heavy police force to Kosovo territory. These harsh measures left the Kosovo Albanians no choice but to engage in passive resistance, while the territory of Kosovo fell behind even in restoring autonomy. This already tense environment was worsened by the Dayton agreement's avoidance of the Kosovo problem. Taking matters into its own hands, the UCK (Kosovo Liberation Army) was formed and began to attack Serbian targets in Kosovo. The UCK attacks triggered bloody and brutal Serbian military and paramilitary attacks on Kosovo Albanians in 1998 and 1999.

The escalation of violence paved the way for NATO's military intervention in 1999, and Serbian forces were driven out of Kosovo. UN Security Council Resolution 1244 initiated the deployment of an international civil and security presence in Kosovo under United Nations auspices. Since then, the province has been under UNMIK, the United Nations interim administration in Kosovo, which is soon expected to be replaced by the European Union police and justice mission to Kosovo, (EULEX). The EU mission, approved on February 4, 2008, states that a composition of 2,000 personnel will assist the breakaway of Kosovo from Serbia until it reaches full independence.

Debating Kosovo's Status

With the end of NATO's military intervention in Kosovo, Resolution 1244 of the UNSC (1999) tried to mend the normative framework that would settle the conflict between the Serbs and Albanians. The resolution approached the exceptional situation from the perspective of state sovereignty, expressing the commitment of "members states [of the Security Council] to the sovereignty and territo-

rial integrity of the Federal Republic of Yugoslavia,” while requiring “substantial autonomy and meaningful self-administration for Kosovo”² Advocates of international action aspired to redress the failures of local political institutions and elites by brokering political power-sharing arrangements, rebuilding a functioning state, and reconfiguring exclusive ethnic identities as wider, more inclusive civic identities. Motivated by the need to deal with all these issues, an interim international presence was instigated under the name of UNMIK. Relating the principle of autonomy or self-determination to another, equally fundamental principle, i.e. that of the stability of international borders, and finally, to the general role which an international interim body might play in these cases, UNMIK aimed at finding a stable and sustainable resolution to the conflict. During this process, the international involvements occurred trying to balance the exclusive sovereignty rights of the Serbian state with respect for human and individual rights. These rights define the limits of any state’s self-determination, and should be accommodated by the establishment of a democratic, multi-ethnic society.

The newly created state was immediately recognized by the United State, Great Britain, France, Italy and Turkey and many other countries, while Russia aligned with Serbia in opposing the independence

The proposed model conformed with the one that had previously been applied in the management of the dissolution of Yugoslavia. The Peace Conference on Yugoslavia held by the European Community Monitoring Mission (recognized as the Badinter Commission) and hosted by Lord Carrington in August 1991, had, through its negotiations, established solutions for the dissolution of Yugoslavia. The Commission was careful to preserve an acceptable balance between the sovereignty, equality and independence of the states on the one hand, and international law’s commitment to preserving human rights on the other. The two main documents issued by the Conference, namely the Statement and the Guidance on Recognition, did set the limits of self-determination on behalf of the Yugoslav successive states. In the provisions of the Conference, the question of self-determination, seen as a safeguard of human and minority rights, was guaranteed without questioning the sovereignty of the state. However, the recognition of the right to sovereignty on the part of the successive Republics of the Yugoslav Federation was conditioned by these requirements: “Republics must afford the members of those minorities and ethnic groups all the human rights and fundamental freedoms recognized in international law, including where appropriate, the right to their nationality”³. The consolidation of a democratic multi-ethnic society was

expected to help groups to mediate differences in a political dialogue. Nevertheless, the same model, when offered as a settlement to the Kosovo war, failed to produce consensus between the Serbs and Albanians.

On the 17th of February 2008, Kosovo declared its independence for the second time, marking the latest episode in the dismemberment of the former Yugoslavia, a process 17 years in the making. In marked contrast to 1991, the newly created state was immediately recognized by the United State, Great Britain, France, Italy and Turkey and many other countries, while Russia aligned with Serbia in opposing the independence. George W. Bush, then US President, declared “There’s a disagreement but we believe as many other nations do that history will prove this [independence] to be the correct move... The U.S. supports Kosovo’s independence because we believe it will bring peace.”⁴ Condoleezza Rice made it clear that “the unusual combination of factors” found in the Kosovo situation, – Yugoslavia’s break-up, the history of ethnic cleansing and crimes against civilians in Kosovo, and the extended period of U.N. administration – “make Kosovo a special case” that “cannot be seen as a precedent for any other situation in the world today.”⁵ What makes the case unique, however, is neither the longstanding ethnic hatred, nor the existence of external security concerns, but rather the internal dynamics of the conflict. These dynamics need particular attention, together with the implications they raise for the interested parties in the region and beyond.

Independence and Recognition

The United Nations’ Security Resolution 1244 states the following necessity: “a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo.” The resolution attained a political consensus that can be translated basically as getting Kosovo out of Serbia while maintaining it as a constituent part of the Yugoslav Federation. The resolution recognized, after nine years of delay and a brutal war of attrition, what Kosovo Albanians acclaimed before the dissolution of Yugoslavia in July 1990. The Albanians of Kosovo based their request for self-determination on equal footing with the other republics of the Yugoslav Federation, in two arguments. The first argument was explained in the “Letter by the Government of the Republic of Kosovo to the Extraordinary EPC Ministerial Meeting in Brussels, 21 December 1991”. In this letter, the Kosovo Albanians argued to the Badinter Committee that under the 1974 Yugoslav Constitution, Kosovo enjoyed equal right of representation along with the other republics at the Federal level, even though it had the status of an autonomous province. The second argument was based on the fact that on July 1990, the Albanian delegates of the Kosovo Assembly declared

the Kosovo region an “independent and equal entity within the framework of the Yugoslav Federation, and an equal subject with its counterparts in Yugoslavia.”⁶ Soon after this declaration, and based on the results of a clandestine referendum, the independence of Kosovo was proclaimed.

Convinced that a close relationship with Serbia was essential to Russian policy in the Balkans, Moscow and Belgrade developed a special relationship

The partition proposed by Resolution 1244 was a political, rather than a territorial safeguard supporting the principle of Serbia's territorial sovereignty. By dividing the government and sharing crucial positions, it was expected that Serbs and Albanians would circumvent the credibility problem. This solution could have made a significant difference in the rate of successive negotiations, if ethnic hostility had been contained by intervention in Yugoslav political discourses in the 1980s,⁷ together with recognition of the constituent rights of the Albanians. After war inflamed Yugoslavia and Kosovo, political partition was no longer a viable solution.

Many different accounts prove that Serbia was following a policy of ethnic cleansing in Kosovo. These accounts show that by the end of 1998, the Serbian offensive, codenamed “Operation Horseshoe,” aimed in essence to shift Kosovo's ethnic balance. The attacks involved a broad swath of territory in the shape of a horseshoe, moving from the northeast, down to the west, and back to the southeast of Kosovo along the Albanian and Macedonian borders. It also apparently entailed emptying the cities of Prizren, Pec and Prishtina of their largely Albanian populations.⁸ The brutality of the Serbian government in Kosovo made clear, as Craig Nations states, that: “Serbian repression was now interpreted not merely as an exaggerated reaction to a domestic insurgency, but as a campaign launched with genocidal intentions at the Kosovar Albanian population as a whole”⁹ The foreign ministers of the Contact Group meeting in London on 9 March and in Bonn on 25 March 1998 agreed that “the situation in Kosovo is not a simply internal matter, but also has a direct impact on the stability of neighboring countries and peace in the Balkans.”¹⁰ Later this statement was repeated in UN Security Council Resolution 1160 of 31 March 1998.

The use of violence and ethnic cleansing brings with it the construction of irreconcilable ethnic hostilities, which destroy the possibilities for inter-ethnic cooperation and power-sharing, whatever pressure and means the international community brings to bear. Consequently, all negotiations between parties under-

Moscow tried to combat Western opposition to the Milosevic regime and later to Kosovo's final status

taken with the mediation of international actors failed to produce a consensus about the future status of Kosovo. All parties remained firm in their positions. Thus, Serbia insists that Kosovo remain part of Serbia while enjoying a substan-

tial autonomy, while Kosovo Albanians refuse to accept any other solution than independence. Territorial partition remained the only possible solution.

In a war-torn, multi-ethnic state, institutional arrangements and constraints are difficult to implement when loyalty to pertinent tenets of group entitlement become firm and communicated by means of divisive institutional practices. Failure stems from the fact that hard and unyielding differences between cultural groups become a structural imperative keyed to the preservation of a political order in which one culture is subordinated to the other. Consequently, the state's institutional system of governance perpetuates the social structures, values, belief patterns and systems of action of the core culture of the dominant group. The escalation of tensions between the institutional arrangements and groups' entitlements can result in the overthrow of the former when it fails to reflect ethnic sentiment and changes the status quo. In such a situation, the warring parties respond by demanding the recognition of differentiated rights or statuses, such as independence, secession, prestige or legitimacy, rather than the rights of citizenship and the proportional ethnic representation that is supposed to be guaranteed by the institutional arrangements of liberal democracy.¹¹

A number of scholars have argued that remedies for war-torn societies based on power sharing are unnatural, forcing unwilling enemies together in solutions that are bound to fail.¹² Failure can be anticipated, for example, if the threshold of inter-group violence and mutual security threats exceeds human endurance. In such cases, any solution other than partition will not prevent the perpetuation of massive violence, nor will it preserve the slim hope of attaining civil peace. Moreover, partition remains the best possible solution if ethnic communities are already largely separated. Partitions that do not un-mix hostile populations actually enable the perpetuation of the initial causes of conflict, keeping unchanged the possibility of violence.¹³ Under these considerations, territorial partition is a more stable long-term solution. This observation is particularly important for two reasons. First, territorial partition should make it far easier for adversaries to successfully settle their disagreements. Second, empirical evidence shows that in war-torn societies, most settlements based on power-sharing eventually lead to renewed war. This is the case because mending institutional arrangements with

ethnic imperatives on the settlement of difficult conflicts, while assuring political consent and legal imperatives at an international level, fails to cope with the rupture of national cultural and the underlying violation of ethical sensibilities.

Furthermore, contemporary conflicts, especially wars like the recent ones in Bosnia and Kosovo are not only fought in the field; they also mark the site of a parallel struggle between the main international actors for assertion of influence at the region or international level or both. This aspect of the conflict contributes to a pervading sense of competition in world politics, which is manifested differently by means of implied threats and rewards for compliance on the part of interested parties.

International Responses

The character of the war fought in the field induced Albanians in Kosovo to declare independence and caused most of the Western states to adopt a favorable stance toward the Albanians' actions. The attitude of approval was also encouraged by the combination of several factors on the international level, including the U.S.-led intervention and recognition of independence, and the disappearance of Soviet power and its Pax Sovietica from the Balkans. However, the extent and nature of the involvement of great powers in the Balkan regions continues to generate major effects that go beyond the recent regional changes. The Kosovo case reveals important developments in the Post Cold War era. In Europe, it marks the end of the Cold War structures; it demonstrates the primacy of human and minority rights in international politics; it redefines aspects of security in relations between NATO and the EU, NATO and Russia, and the EU and Turkey. In many respects, attitudes toward the case did evidence the 'shape and shove' mentality of the Post Cold War system, while for some states it stimulated an internal security dilemma related to their domestic societal insecurities. The policies of Russia and Turkey towards the Kosovo case are of particular interest in light of their shifting strategic landscapes, security concerns and domestic developments after the end of the Cold War era.

Russia and Kosovo

Historically, Russia pursued a policy of domination in the Balkans, and competed severely with regional powers.¹⁴ For Russia, the period after the peaceful dissolution of the Soviet Union was characterized by a period of rapprochement with the West that ultimately materialized in NATO-Russia special relations and in Russia's participation in the Contact Group that dealt with the peace process

in Bosnia. Russian forces were part of IFOR and SFOR, serving side-by-side with NATO forces. The same spirit continued during the onset of the Kosovo crisis. Close consultations took place on the issue between Russia and Euro-Atlantic foreign ministries. Russia co-sponsored with the other Security Council members (China abstained) the UN Security Council resolutions 1160 and 1199 that imposed an embargo on Yugoslavia, called for cease-fire, and appealed for further actions that would restore peace and stability to the region. In the framework of the Contact Group, Russia dealt with the Kosovo issue before and during the Rambouillet negotiations. In short, the cooperation between Russia and the West appeared to be rather good. A peaceful identity transition was apparently taking place, with Russia trying to develop a genuine partnership with the West; meanwhile, however, it was trying to diplomatically safeguard its superpower status.

Serbs have traditionally supported Russian designs in the Balkans, receiving Russian help in return for their loyal position. This relationship was exploited by the Russians in their quest to gain supremacy in the region vis-à-vis the regional countries, and was utilized by the Serbs in their efforts to follow an independent stance in foreign policy and domestic affairs. This symbiotic pattern continued during the Cold War, and the Tito administration was careful to preserve the relationship at an optimum point, which would guarantee the mutual interests of Yugoslavia and the Soviet Union. At the end of the twentieth century, and not for the first time, Russia found itself “compelled” to defend the Serbian cause, a choice motivated largely by the imperatives of Russia’s former ‘superpower’ status, and the thinly-veiled goal of controlling Serbia’s strategic oil industries.

In this sense, convinced that a close relationship with Serbia was essential to Russian policy in the Balkans, Moscow and Belgrade developed a special relationship. For the West, this relationship represented the continuation of the division of labor set at Dayton, where Russia dealt with the Serbs and the West with the rest of the regional powers. Stretching to maintain its long-established policies, Moscow tried to combat Western opposition to the Milosevic regime and later to Kosovo’s final status. This attitude was interpreted as a continuation of Russia’s role as a former superpower, and as evidence of Russia’s ethnic bond to its Slav neighbors. For his part, Russian president Vladimir Putin denounced the recognition of independence by the US and many other Western states as a dangerous move. Putin considered the declaration of statehood by the Kosovo Assembly as “illegal, ill-conceived and immoral,” pointing out that in light of such precedent, Moscow would be forced to recognize the independence of Abkhazia and South Ossetia from Georgia.¹⁵

Russian foreign policy has become much more assertive and nationalistic in recent years, and the Kosovo problem has contributed to this radicalization. Russia is currently using Kosovo for its tactical advantage, as part of a strategy to reassert itself on the international stage.

This change seems to be affected, in turn, by the growing power of the nationalist-revisionist forces in Russian politics, who call for change in the post-Cold War era. They oppose U.S. unilateralism and consider it to be unjust to Russia, which has unfairly lost its former superpower role and sphere of influence.

Kosovo and Turkey

As the successor of the Ottoman Empire, Turkey perceives Kosovo, in former Prime Minister Bülent Ecevit's words, "as a debt it owes to its own history" and the Balkans as an inseparable part of its history and culture.¹⁶ The reason for this is the five centuries long coexistence of Balkan elements under the roof of the Ottoman Empire. Most of the Ottoman Albanians converted to Islam and, as such, enjoyed a quick integration into the imperial structures, becoming part of Ottoman society without discrimination. At present, there are millions of Turks who have Albanian ancestry and relatives in the Balkans. In addition, there is a strong Turkish minority living in the Balkans in general, and in Kosovo in particular. These Turks, to whose fate Turkey is sensitive, had been left behind since the times of the Empire.

For political and social reasons, then, Turkey would like to strengthen its impact on the domestic affairs of the region. In the Balkans, Turkey's Post Cold War foreign policy kept an 'observer status' rather than taking on a role of assertive leadership. Although in the early '90s under Turgut Özal, Turkey had started a "Balkan offensive," reviving its Ottoman heritage in the ex-territories of the Empire, these policies were discontinued because of the war in Bosnia and Kosovo. Turkey's present recognition of the independence of Kosovo reflects a change in its foreign policy.

Turkish foreign policy in the Balkans suffers the consequences of a twisted legacy, namely the impact of the past and the prerogatives of the present. The Ottoman past ties Turkey to the Balkans, while the challenges of the future limit it to the role of a follower unable to embark on independent actions. In Ismail Cem's words "Turkey is now facing the task of rethinking its own universal purpose.

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It has to draw on the past, dream about the future and determine what original contribution it can bring to the grand walk of humanity. The goal of today's generation should be to carry Turkey to the 21st century with the characteristics of a "Global State"¹⁷.

Turkey's policy toward Kosovo has thus moved from concession and passive stances to favoring the preservation

of the status quo, a more dynamic position that includes active support for NATO military operations in Kosovo and prompt recognition of its independence. Defending the incontestable principles of the UN charter and the OSCE documents, Turkey had formerly been firm about the preservation of the territorial integrity of Yugoslavia and has sympathized with the calls to refrain from the use of force and interference in its internal affairs. Obviously Turkey has been sketching parallels between the Kosovo case and the Kurdish question in Southeastern Turkey, fearing a negative impact on its own problem. Turkey has other concerns in regard to the Kosovo problem. As former Prime Minister Bülent Ecevit underlined, the "Serbian-Orthodox union, and the foreign policy based on the Serb-Orthodox axis" was considered to represent a problematic alliance that "might be far more dangerous than that of ideological polarization" for Turkey.¹⁸ Indeed, this alliance may yet attract Greece, leading to a stronger Greek-Serb-Russian axis in this geo-strategically important region. It is in Turkey's best interests to avoid a strong Pan-orthodox alliance in the Balkans which has the potential to negatively influence Turkey's EU membership process and place Russia back in an advantageous position in the Balkans vis-à-vis other regional actors. Acknowledging this line of thought, Turkey's former policy was to ensure autonomy for the ethnic Turkish minority in Kosovo within the borders of the Federal Republic of Yugoslavia. However, the evolution of the Kosovo problem has forced Turkey to change its position. The new policy line is the recognition of Kosovo's independence.

This new policy has triple benefits for Turkey. First, the status quo and the existing balance of power in the region has changed, and Turkey has responded accordingly. Second, Turkey can now strengthen its influence in the region, taking advantage of the end of the Cold War and the new foreign policy momentum based on a re-interpretation of Turkey's Kemalist legacy as it searches for integration into the EU. Turkey did not have any influence in the Rambouillet negotiations

or the Paris talks; Russia or Finland mediated between Belgrade and Pristine while Turkey sat on the sidelines. Turkey's apparent exclusion from the ongoing diplomatic efforts, raised not only the question of Turkey's role in Kosovo, but also Turkey's frustration about its place and role in European and regional security matters, in particular after the recent developments in the European Security and Defense Identity (ESDI).¹⁹

Turkey felt obliged to share the West's aspirations, and thus participated actively in the American-led war and the U.S.'s recognition of Kosovo's independence

Turkey's frustration over these issues and their troubling implications for its identity and influence in the region may help explain its positive attitude towards independence. Third, in light of its continued Western vocation, Turkey felt obliged to share the West's aspirations, and thus participated actively in the American-led war and the U.S.'s recognition of Kosovo's independence. This strategic choice is not only a means of strengthening Turkey's Western identity but also a positive component of its security policy and culture.

The Future

Kosovo's independence, while contested in diplomatic practice, opens a perspective for the Balkan countries to begin integration into regional and European schemes. Integration remains the only solution capable of putting an end to the region's rivalries and historical hostilities. Integration into the Euro-Atlantic institutions is an attractive, albeit difficult, process. Attractive, first, because the integration process increases team spirit while enhancing the role and the status of the states in international relations. Difficult, because sharing common values is a learning process. Integration encourages solidarity in such a way that diversity is projected as an enrichment of the commonly-built value system. Moreover, integration provides positive results that are reflected in different countries' economic and social indicators and in the marginalization of those who remain "outside" of this integration.

The Balkan countries' desire to join into the European Union and NATO should be considered a positive development for the region. The search for integration into these Western institutions is likely to involve long processes in which each country faces different challenges. Yet with the resignation of Kostunica, even Serbia seems to be moving in the same pro-integration direction. Contrary to Kostunica's hard-line position, Mr. Tadic and his party prioritize Serbia's in-

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tegration into the EU over whatever happens with Kosovo. The signature of a Stabilization and Association Agreement with the EU would open the way for quick integration, allowing Serbia to catch up with its neighbors – provided it gives tacit approval to Kosovo’s independence. Kosovo will continue to occupy a central role in regional geopolitics, a status with implications for international security. The involvement of the US,

NATO, the EU and Russia makes the Kosovo issue a matter of international security, while Turkish, Greek and Russian concerns over regional terms serve to create a regional rivalry. The way to escape from regional and international rivalries in Kosovo and its environs is to enhance the forces of cooperation in this volatile region and avoid zero sum games among regional and international actors. There remains hope for a peaceful environment in the region, so long as all sides act in a responsible way.

Endnotes

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