would involve independence coupled with autonomy, which would draw on the experiences of Macedonia and Serbs and Croats in Bosnia. Pessimists though will say that buying time will not work and that indeed, the more time that passes, the higher the risk, or even certainty, that hardline Albanians will resort once again to violence in a bid to secure what they want, which is an independent Kosovo—and one without any Serbs to give any autonomy to.

There is however one final consideration which we must now turn to and which threatens, to use the English expression, to "put a spanner in the works." That is that a central premise of the question of decentralisation and the numbers of people involved may be based on completely wrong information. "The Lausanne Principle," a paper published on 7 June by the European Stability Initiative argued, after exhaustive research, that instead of there being 220,000 displaced Serbs from Kosovo there may be only 65,000.[4] Further, they argued, almost all of them are from the cities. If that is the case then it is fair to surmise that a good proportion of them have already sold their properties and do not want to return, making the whole question of returns a far easier task than hitherto believed.

By contrast the paper argues that there are 130,000 Serbs left in Kosovo, two thirds below the Ibar river and many more than is commonly believed in mixed areas—which could not be separated out by a plan for territorial autonomy. "Kosovo Serbs cannot be separated into enclaves without mass displacement of both Serbs and Albanians, increasing hostility and further compromising the security of the Serbs," it argues. "Any attempt to implement this vision leads inevitably towards renewed violence. If, as seems likely, the Belgrade plan is a tactical ploy aimed at securing the partition, of Kosovo, it amounts to a betrayal of a large majority of Kosovo Serbs."

4 The Lausanne Principle: Multiethnicity, Territory and the Future of Kosovo's Serbs. European Stability Initiative, <http://www.esiweb.org/docs/showdocument.php?document_ID=53>.

Transatlantic Harmony or a Stable Kosovo?

*Susan L. Woodward**

The case of Kosovo presents a stark contrast to the tensions of current transatlantic relations. Here the transatlantic partnership is working very well. The road to NATO's Operation Allied Force in March 1999 was anything but smooth, with substantial differences between the American delegation and the French and British co-hosts at Rambouillet; quarreling over targets in the bombing campaign, particularly between SACEUR General Wesley Clark and the French; and the confrontation between Clark and Lt. General Mike Jackson over the Russian presence at Pristina airport. But the compromises forged at each step, the promotion of Javier Solana from NATO Secretary-General to the EU's first foreign-and-security policy chief on the basis of that operation, the Pentagon's decision to retire Clark early from SHAPE, and above all, the mandate and the organizational structure of the UN-led transitional interim administration for Kosovo (UNMIK) demonstrate an alliance working at its best.

The problem of Kosovo is not transatlantic disharmony, but the reality on the ground. That current situation is anything but encouraging. The March 2004 violence, the active role of the media in inciting riots (according to an OSCE evaluation[1]), the clear evidence that the events were planned months before and were likely intended as a test, with more to come, the increasing discouragement of the population and rising anger at UNMIK, which will surely grow and will have upcoming elections as a focal point, an economy that is said to be dead except for organized crime and smuggling (as one analyst summarizes it, 1,400 gas stations and 73 percent unemployment, or as Sharon Fisher reported[2], 40 percent of GDP in 2003 from foreign grants and remittances)—the evidence does not suggest a transition making progress along any normally watched indicator.

Nonetheless, these two contrary pictures are linked, perhaps inextricably. The cause of this state of affairs in Kosovo, I suggest, is the two elements on which the remarkable transatlantic harmony is currently based: the mandate—UNSCR 1244—and the design and operation of the interim international administration (UNMIK).

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1 The report is discussed in "Media 'Inflamed' Riots," *Balkan Crisis Report*, No. 494, April 30, 2004, pp. 3–4, and can be found on the OSCE website at: <www.osce.org/documents/mik/2004/04/2765_en.pdf>.
2 Comments of Sharon Fisher at the SWP/WWICS Working Group meeting, "Balkans Politics: Different Views and Perceptions, Common Interests and Platforms?" Berlin, Stiftung Wissenschaft und Politik, May 24, 2004.

The Illogic of 1244 and the Multiheaded Monster, UNMIK

In any country emerging from war with the assistance of external parties, the movement toward a stable peace depends in part on the peace agreement that terminates the war and authorizes international assistance and in part on the implementation process.[3] UNSCR 1244 is a highly unusual peace agreement: written by outsiders, with no participation of the local parties,[4] it explicitly avoids a political resolution and the assignment of sovereignty. The military parties separately signed agreements with the NATO military mission, KFOR: an agreement on withdrawal by the Yugoslav Army and an "undertaking" on demilitarization by the Kosovo Liberation Army. There are direct contradictions between its preamble, which reaffirms the territorial integrity and sovereignty of Yugoslavia and reflects the wide divergence of views regarding Kosovar independence among Europeans and the outright opposition within the Security Council (Russia and China in particular) to the intervention and the violation of Yugoslav sovereignty, and the operative paragraphs, which reflect the strong U.S. position on the inevitable (and legitimate) independence of Kosovo. Like the Vance Plan of January 1992 for a ceasefire in Croatia that enabled the deployment of UN peacekeeping troops into protected areas for Serbs, 1244 is, in essence, a delaying document to legitimize an international security presence led by NATO while a political process unfolds toward some resolution. As a compromise among allies, however, it is a remarkable success.

One of the primary causes of the NATO intervention, beginning with the threat to bomb in June 1998 through the air war of March–June 1999, was a shared sense of guilt and repentance for Bosnia and Herzegovina. The bitter quarrels between the U.S. and Europe and among Europeans over the dissolution of Yugoslavia, beginning with the NATO summit in November 1990, particularly acute between Europeans in UNPROFOR and the Clinton Administration over Bosnia-Herzegovina, and ending with the American declaration that it had succeeded where the Europeans had failed, with the Dayton Accord of November 1995, produced an assertive European position that such divisions had to be avoided in the future. They decided to work with Washington and not against it, but also to insist that the U.S. participate on the ground when it takes foreign policy

leadership (the "in together, out together" policy in regard to IFOR/SFOR and later to KFOR).

The Kosovo operation is a direct reaction to Bosnia in other ways, too. The U.S. insistence on separate military and civilian hierarchies, contrary to the crucial importance in peace operations of unity of command, is a reaction to the dual-key arrangement in Bosnia. Similarly, behind both the design and subsequent operations of the civilian administration lies a joint EU–U.S. antagonism to the UN. While conceding the necessity of Security Council authorization (after risking defiance for the air war), the structure of the interim administration hands leadership over the key civilian tasks to the Alliance. The UN is responsible for its standard peace-keeping tasks (police, judiciary, and civil affairs including basic public services), but the OSCE is given responsibility for institution-building (human resources, democratization and governance, human rights, and elections) and the EU for reconstruction, including regional reconstruction and economic stabilization. The SRSG, by mutual understanding, is to be a European, selected by Europeans with the approval of the U.S., and the principal deputy SRSG is to be an American. The result is a confederation of four separate, functionally defined pillars, each headed by a lead agency and a Deputy SRSG, governed by an executive board of the SRSG and these 4 deputies.

The consequence was to create a fragmented, multi-headed monster, with disastrous incapacity for implementation. Two recent examples are directly opposing positions by the UN pillar and the EU pillar, publicly announced, on privatization of public sector firms, with resulting delays and confusion all around, and the 18-month delay in designing a plan to implement the June 2002 policy of SRSG Michael Steiner on "Standards before Status"—the benchmarks announced December 2003.

The difficulties of implementing its goals go even deeper, however: there is no goal. International transitional administrations are about transitions, but in Kosovo no one knows what the transition is to. International missions cannot plan without an endpoint, can have no exit strategy without an endpoint, and cannot transfer authority progressively to local parties without knowing what that authority is. Focus on the implementation failures of UNMIK, driven largely by the desire of the EU to develop its own "crisis-management capacity" without existing capacity or prior experience and by U.S. eagerness to blame UN incompetence for all woes, despite its financial starvation of UN civilian peace-building activities, cannot ignore the piece of paper it is supposed to be implementing: 1244.

Lessons from Political Transitions for SCR 1244

There is a growing academic literature on the experience of the political and economic transition taking place in Eastern Europe and the former Soviet Union. One clear lesson that emerges repeatedly and that has much support in an older political science literature on democratization and transitions from authoritarian rule is that nothing in the complex agenda

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3 Two useful sources are Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens, eds., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder and London: Lynne Rienner, 2002), and Michael W. Doyle and Nicholas Sambanis, "International Peacebuilding: A Theoretical and Quantitative Analysis," *American Political Science Review*, Vol. 94, No. 4, December 2000, pp. 779–801.

4 The Resolution was drafted on the basis of the Rambouillet document, which had been accepted by the Albanian delegation from Kosovo and was submitted to and adopted by the Serbian parliament in Belgrade, but its two elements—enhanced autonomy but not independence, and a referendum in three years time—can scarcely be said to be a political agreement negotiated by the parties, let alone the entire substance of the SCR or an implementable plan.

of transition can happen until the issue of statehood, including borders, sovereign identity, and the definition of citizenship, is resolved.[5] Regardless of how committed leaders and the public are to democratization and economic transformation, these do not take place until statehood is settled. If individuals do not know what country they are citizens of, what its borders are, let alone what its legal status is internationally, they cannot be active citizens or responsible politicians. Responsible to whom? At whom is an act of voting aimed? Where does one direct one's political loyalties or opposition? For whom does one fight if necessary? How can one have the long time horizon necessary to the market transition and economic prosperity, accepting sacrifices in the short run and making investments in the future, if the very definition of the state, legal authority, and bases of legitimacy is up for grabs? One hears plenty of evidence in Kosovo of confusion, *genuine* confusion, about who they are, whom to hold accountable, who has what authority, who the government is. Voter turnout in municipal elections at 50 percent—low for Europe and for this stage in a political transition—is one indicator.[6]

The "Standards before Status" policy, therefore, cannot achieve its goal. A clear statement of European standards and vigilant insistence on them may make an improvement in the profound insecurities in Kosovo,[7] but there will always be crucial upper limits to what this can achieve. In addition, most of the standards in the policy's list relate to the reserve powers of UNMIK that cannot be transferred until a status is settled. The local role is confined to "supporting, affirming, desisting" only. The lesson of the empirical and theoretical literature on transition is that without a prior idea of what that status will be, people cannot behave as the standards require.

Given this environment of repeated failures of coordination among the implementers and political uncertainty, if one introduces the idea, now promoted by Marc Grossman, Under-Secretary for Political Affairs in the

5 See, among a large literature, Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), Part I: Theoretical Overview, pp. 3–86; Michael McFaul, *Russia's Unfinished Revolution: Political Change from Gorbachev to Putin* (Ithaca, N.Y.: Cornell University Press, 2002); Mary McAuley, *Russia's Politics of Uncertainty* (Cambridge: Cambridge University Press, 1997); and Dankwart Rustow, "Transitions to Democracy: Toward a Dynamic Model," *Comparative Politics*, Vol. 2, No. 2, April 1970.

6 Other evidence is in the survey of opinions done by the UNDP office in Kosovo, *The Kosovo Mosaic: Perceptions of local government and public services in Kosovo* (Pristina, Kosovo: UNDP, March 2003).

7 Research on the transition of former socialist regimes in Europe currently argues that external pressures for economic reform do not promote democratization whereas very explicit aid to promote democratic institutions (as opposed to economic reform or technical assistance), *if* combined with the incentive of a "reasonable chance of joining" the EU, does. Marcus J. Kurtz and Andrew Barnes, "The Political Foundations of Post-Communist Regimes: Marketization, Agrarian Legacies, or International Influences," *Comparative Political Studies*, Vol. 35, No. 5, June 2002, pp. 524–553. However, that incentive in the case of Kosovo cannot begin to work until it is clear which country it would be a candidate member of.

U.S. Department of State, and adopted by the Contact Group, that status will now be a result of negotiations between Pristina and Belgrade and that these negotiations will begin in earnest in July 2005, then it becomes clear to this observer at least, what is now happening politically on the ground in Kosovo.[8] The close parallel with the Bosnian war and the International Conference on Former Yugoslavia (based in Geneva, under joint UN-EU leadership and attached U.S. envoys) is distressing. The ICFY team negotiated and negotiated for almost three years while the war raged, producing 6 separate peace agreements sandwiched between the EU-facilitated Lisbon Plan before the war began and the U.S.-facilitated Dayton accords. The primary incentive to the warring parties was, therefore, to seek gains on the ground (with ethnic cleansing and territorial control) that would give them bargaining advantage in the negotiations and preferably create a *fait accompli* that would have to be recognized. Are not both Albanians and Serbs currently attempting the same in Kosovo? The consequence, as we know from Bosnia and other cases, is to make the reality much worse than it might otherwise be and the possibility of compromise smaller and smaller.

Such a situation, moreover, increasingly excludes moderates from any role or influence. When all politics is focused on the status question and its unclear trajectory and on a negotiations scenario, then no one can afford to be seen to be accommodating—with 1244, with UNMIK, with the international community, with the EU. Yet it is those politicians willing to risk compromise and find a multiethnic, tolerant state on whom we seem to be placing all our hopes. All our policies, and particularly Standards before Status, depend on their presence and dominant influence.

Conclusion

Two fundamental compromises were forged between the U.S. and Europe to establish and preserve transatlantic harmony over Kosovo after the disastrous consequences of disharmony for Bosnia and Herzegovina. Those compromises—the conditions for a U.S. military presence on the ground in the structure of the international military and civilian administration and the wording of SCR 1244—are now the obstacle to a peaceful, stable Kosovo and its neighbors. Debate over what to do, however, remains within the parameters of those compromises, as if there had been no change in conditions—in Serbia, in Kosovo, and in the region, both positive and negative—since 1999. With regard to the structure of the international administration, proposals now focus solely on how to reduce UN influence—such as dividing the tasks of SRSG into several posts or having the EU assume the functions of the UN while persuading the U.S. to remain on the ground militarily. As for status, Standards before Status and decentralization to

8 "I was in Kosovo in November, and proposed that if it has met benchmarks set by the U.N. for democracy, rule of law, minority rights and economic reform by mid-2005, the world would be ready to start talking about Kosovo's future status." Marc Grossman, "Balkan Report Card," *Wall Street Journal*, February 13, 2004.

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give territorial autonomy to ethnic minorities are only refinements attempting to square the same circle of 1244. The debate remains mired in its two polarizing options—Yugoslav (now Serbian) sovereignty or Kosovo's independence—and then stops, for fear that either choice would end transatlantic harmony.

While the argument of this paper is that the objectives of the Kosovo operation cannot be achieved by focusing on the internal scene in Kosovo as long as the status issue is unresolved, it does not follow that transatlantic harmony need be sacrificed. Rather, the driving question should no longer be that of 1998–99, how to restore transatlantic credibility and harmony after Bosnia and Herzegovina, but how to lay a new foundation of transatlantic cooperation on the Kosovo issue and end the stalemate. That requires addressing the externally destabilizing effects of a resolution (preferably rapid) of Kosovo's status that are said to be the issue. What, instead, are the *external* conditions that will enable Kosovar politicians to provide security to the rights of minorities, both ethnic *and* political, within Kosovo? How can members of the alliance construct external reassurances to neighboring countries threatened by Kosovo's status; design a package for Serbia that gives it a way out politically and reverses a situation in which Serbian progress, and therefore that of the entire region, is hostage to Kosovo; and focus resources and energies on the primary threat to insecurity in the long run, the huge unemployment and demographic pressure on the labor market within Kosovo?

Status, Standards, and Security:
The Kosovo Challenge

Janusz Bugajski[*]

International players are seeking to apply the formula of "standards before status" for Kosovo. These standards are intended to secure a high level of democratization, structural reform, and inter-ethnic coexistence in the territory before discussions on "final status" can begin. However, such a policy has limited mileage and has elicited criticism among both the Kosovar Albanians and Kosovar Serbs and provoked opportunism among radicals in both national communities.

While many Albanians perceive the international formula on standards as a delaying tactic to forestall or postpone independence, Serbian spokesmen and their supporters in Belgrade view it either as a substitute for restoring Serbian sovereignty over Kosovo or a smokescreen for creeping independence. The "standards before status" formula is over-ambitious and confusing at best and potentially counter-productive at worst. Some sober reflection on the relationship among status, standards, and security in the light of the reactions of the indigenous population and the expectations of the international community for Kosovo's long-term development is urgently needed.

Standards and Status

The violent attacks on the Serbian minority in Kosovo in mid-March 2004 demonstrated that conditions in the territory may be reaching the breaking point. Indeed, it can be argued that lasting solutions to the questions of final status, international involvement, administrative competence, territorial boundaries, domestic security and the rule of law have become an imperative. While the government in Pristina is publicly committed to implementing the series of standards established by UNMIK, it faces three significant problems in their comprehensive application: authority, credibility and opposition.

First, in terms of governmental authority, Pristina has limited tools at its disposal to implement the comprehensive list of international standards or to guarantee territory-wide security within which the standards could be enforced. Under the current UN mandate, the relatively weak administration in Pristina does not have the powers or capabilities to police the territory and to enforce a system of justice, especially given that its institutional presence and authority in the Serbian enclaves is virtually non-existent.

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