Kosovo’s unilateral declaration of independence of 17 February 2008 has made visible the deep divisions between the United States and its European allies on the one hand, and Russia on the other; divisions that shaped the political dynamics of the Kosovo crisis nine years ago as they do today. The failure to settle the status question through diplomacy has thrown the UN into crisis, leaving the Security Council deadlocked and the international community in Kosovo without direction and momentum. It has led to the de facto partition of Kosovo and control by Belgrade of the Serb-inhabited northern municipalities, and left the international community struggling to define the nature of its engagement. The political divisions that have heightened the problem in Kosovo over the last nine years are unlikely to be resolved soon and, if anything, recent developments have accentuated them. New and creative approaches to stabilising Kosovo and promoting its economic and institutional development are necessary. Current European Union projects in support of the peace process in Northern Ireland might offer a model for such engagement.
International context
The divisions between Kosovo Serbs and Albanians in Kosovo are increasingly mirrored by a divide within the international community, reflected especially in the diplomatic response to the unilateral declaration of independence. Immediately after the announcement Kosovo was recognised by the United States and most members of the EU, and by December 2008 53 countries, including four of the six former republics of Yugoslavia, had extended recognition. However, a majority of states have yet to respond positively and many are actively opposed to the move. Moscow has lobbied states extensively to refuse recognition, arguing that the move to independence is a breach of international law that endangers international stability. Pristina has been particularly disappointed that only a small number of states from the Organisation of the Islamic Conference have recognised Muslim-majority Kosovo, a pattern than can in part be explained by Moscow’s lobbying efforts and political pressure. Several EU countries have also objected to Kosovo’s independence and refused to recognise the new state. Spain has led the opposition within the EU, not least due to concerns about the precedent it might set for its own territorial integrity, and has lobbied Latin American states in particular to withhold recognition.

Russia’s expressed concerns that Kosovo’s independence could lead to further changes in the international order became something of a self-fulfilling prophecy after its conflict with Georgia in August 2008. Citing the recognition of Kosovo as a precedent when extending its own recognition to Georgia’s two pro-Russian breakaway entities, Russia argued that the circumstances in South Ossetia and Abkhazia represented a ‘special situation’ similar to the one Western countries had used to justify the legality of Kosovo’s independence. This move, however, undermined Russia’s argument in relation to Kosovo that territorial integrity was sacrosanct, and led to concerns in Belgrade that it might weaken the case against Kosovo’s independence.

A settlement of the Kosovo question has been further complicated by Serbia’s diplomatic efforts to limit international support for independence. Since Serbian elections in May 2008 the new government in Belgrade has taken a more moderate stance on Kosovo and has been more open to coop-
eration with the EU presence. Belgrade also prevailed on the UN General Assembly to request an advisory opinion from the International Court of Justice on the legality of Kosovo’s declaration. Should the court consider the declaration of independence a breach of international law, it seems unlikely that states that have already recognised Kosovo will withdraw recognition, but it might further slow the trickle of recognitions. It might lead Serbia to accept that, though it can now claim the moral high ground, it needs to move on and engage pragmatically with a Kosovo whose independence is irreversible. At worst, such a ruling would deepen political uncertainty in Kosovo and the region, and hamper its political and economic development.

The plan put forward by UN Special Representative Maarti Ahtisaari in 2007 envisaged that independence for Kosovo would be supervised by two new EU-led missions, an International Civilian Office (ICO) and a European Union rule-of-law mission (EULEX). The Security Council failed to endorse the Ahtisaari Plan, and its implementation has been deeply problematic. While EULEX and the ICO were established and deployed to Kosovo following the declaration of independence, Russia has blocked in the Security Council the termination of the UN Mission in Kosovo (UNMIK), as this would imply the recognition of Kosovo’s independence. Moscow has challenged the authority of the new EU missions, and without the backing of a UN Security Council mandate both the ICO and EULEX have struggled to carve out clear roles or establish effective authority in Kosovo. An agreement in November 2008 to reconfigure the international presence to include EULEX under a status-neutral ‘UN umbrella’ has been opposed by Kosovo Albanians and led to protests against EULEX in Pristina, and merely papers over the continued deep divisions in the Security Council.

Local developments
With the exception of the destruction of two border posts in the north by Kosovo Serb protesters in the days after the declaration of independence, and clashes between UNMIK police, NATO’s Kosovo Force (KFOR) and Serbs around the north Mitrovica courthouse on 17 March (which left an UNMIK policeman dead), Kosovo has largely been peaceful since declaring independence. However, the international divisions over its recognition
and the future of UNMIK have contributed to a leadership vacuum in the international presence and have further entrenched the division between Kosovo’s institutions and the Serb community.

The size and diversity of the international presence, and the scale of the challenge of integrating and strengthening Kosovo’s political institutions, underline the importance of clear leadership to ensure coherence of international policy in Kosovo and to maintain the momentum of peacebuilding. Currently none of the missions provide such leadership. UNMIK has no legitimacy with the Albanian majority; as the mission’s head, Lamberto Zannier, noted, ‘attempts to impose my legal authority are simply not heeded by the Kosovo Albanian majority, which now sees the Constitution of Kosovo as the fundamental document from which legal authority derives’.6

The new international presence envisaged in the Ahtisaari Plan has not been able to fill this gap. With two new and separate offices, which have overlapping responsibilities but separate chains of command, its structure is inherently complex, and neither the International Civilian Office nor EULEX have undisputed primacy. The problem is made worse by the legal uncertainty about their authority arising from the inability to close down the UN mission and fully transfer power. The secretary-general’s six-point plan to facilitate the reconfiguration of UNMIK and the transition to the EU in Kosovo remains creatively ambiguous about the authority of EULEX, and even more so about the role of the International Civilian Office, which is not mentioned at all. EULEX emphasises that it is a technical rule-of-law mission, which inherently limits the wider political leadership it could provide. It is also constrained by the continued divisions within Europe over Kosovo’s independence. While the International Civilian Office has worked closely with the Kosovo government to implement the Ahtisaari Plan’s legislative agenda, it has been unable to establish a strong working relationship with the other main international actors, such as UNMIK or the Organisation for Security and Cooperation in Europe, which would allow it to coordinate their efforts and provide political leadership.7

One of the most important consequences of this vacuum has been an inability to reverse the deepening de facto partition between the territories inhabited by Kosovo Serbs and the rest of Kosovo. The authority of the
Kosovo government is contested in all Serb municipalities, where Serbs have set up new municipal administrations, financially supported by Belgrade, that have not been recognised by either the government or the international presence in Kosovo. In northern Mitrovica and the three municipalities north of the river Ibar, Albanian members of the police have been withdrawn, and the remaining Kosovo Serb police are largely controlled by the local presence of the Serbian Ministry of the Interior. EULEX was not present in the north until mid December, and the International Civilian Office still has no offices there. Smuggling and organised crime are thriving in the border areas.

The political economy of northern Kosovo may pose the central challenge to greater stability in Kosovo, and addressing it should be at the core of the international strategies to move beyond the current impasse. Kosovo Serbs in the north are highly dependent on financial subsidies from Belgrade: research by the European Stability Initiative suggests that in 2003, more than 60% of all cash income in northern Mitrovica came from salaries and social transfers paid by the Serb government – approximately €1.6 million per month.\(^8\) The Kosovo government does not have the funds to provide a strong economic incentive for Kosovo Serbs to participate in post-independence political and social institutions. Members of the international community, in particular European states and institutions, have the necessary resources but have not used them, hampered by an unwillingness to engage with the unrecognised Serb municipal administrations.

**Restoring momentum**

To regain momentum in Kosovo, the EU should focus on its financial muscle and its ability to encourage cooperation on apparently technical issues to elicit greater political integration. Opinion polls show that poverty and unemployment are the two greatest concerns of Kosovo’s population, independent of ethnic group.\(^9\) This creates an opportunity for the EU to use well-targeted financial aid to loosen the grip that Belgrade has in northern
Kosovo and the enclaves, and to facilitate greater engagement of Kosovo Serbs with Kosovo’s political institutions. The EU could explore a strategy it has already tried with success in Northern Ireland, where ‘peace money’ has played a role in encouraging and facilitating inter-group cooperation.

The EU’s Special Support Programme for Peace and Reconciliation has directed over €1 billion into Northern Ireland in targeted grants, often requiring joint inter-community applications. Evidence suggests that it has had significant impact on inter-community relations.\textsuperscript{10} The principal current EU mechanism for directing money into Kosovo is the Instrument for Pre-Accession Assistance, a programme that governs EU aid to all candidate and potential candidate members in the region. The programme for Kosovo includes projects for capacity building and the rule of law, as well as post-conflict issues such as refugee returns and reintegration. Yet Kosovo would benefit further from a dedicated peace and reconciliation programme designed to overcome the intense social and economic divisions within the territory.\textsuperscript{11} Such a programme could involve allocation of funds at the local level through inclusive cross-community funding bodies, and could make economic assistance for joint projects that include members from across the community divide a priority – the core strategies of the Northern Ireland Programme. Not only would local funding boards help promote greater interaction, they would help channel funds in ways that avoid Pristina-based corruption. This would provide economic incentives for cooperation in areas where communities are currently highly segregated, and could lessen the economic and political leverage that Belgrade currently enjoys in the north. With some creative strategic thinking, the EU has the potential to fill the current leadership vacuum and significantly improve conditions on the ground. Without it, the sense of political and economic stagnation will create frustration and further instability.

Notes


2 United Nations, ‘Request for an Advisory Opinion of the


