

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is centered in the narrow neck of the hourglass. The text is overlaid on the hourglass.

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## *KOSOVO'S FUTURE STATUS: ALTERNATIVE MODELS*

Francis T. Miko, Foreign Affairs, Defense, and Trade Division

Updated May 26, 1999

**Abstract.** This report focuses on the question of Kosovo's future status after the immediate crisis is ended. It looks at broader U.S. interests which may be at stake in any Kosovo settlement and against which Congress is likely to judge any outcome. It presents alternative long-term solutions that have been suggested for Kosovo and looks at possible strengths and weaknesses of each model, in light of historical experiences with each.

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## Kosovo's Future Status: Alternative Models

May 26, 1999

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## ABSTRACT

This report focuses on the question of Kosovo's future status after the immediate crisis is ended. It looks at broader U.S. interests which may be at stake in any Kosovo settlement and against which Congress is likely to judge any outcome. It presents alternative long-term solutions that have been suggested for Kosovo and looks at possible strengths and weaknesses of each model, in light of historical experiences with each. For CRS analysis and information on all aspects of the Kosovo crisis, refer to the daily *Kosovo Situation Report* and *CRS Products on Kosovo* from the CRS Home Page. The report will be updated as needed, particularly when congressional action related to an ultimate settlement warrants.

# Kosovo's Future Status: Alternative Models

## Summary

The current focus of U.S. and NATO attention is on military and diplomatic efforts to achieve a Serb pull-back of forces from Kosovo, deploy an international force there, and return Kosovar Albanian refugees to their homeland. The Administration and Congress have paid less public attention to the resolution of Kosovo's long-term future, but this issue may move to center-stage in the next phase of discussions. Ultimately, congressional support for continued U.S. military involvement may be linked to the viability of the settlement being pursued.

The United States has a number of interests relative to Kosovo's future status, including providing protection and justice for Kosovo's Albanian and Serb populations, encouraging the establishment of a new democratic government in Serbia, enhancing security and avoiding turmoil in neighboring countries, preserving NATO credibility and cohesion, avoiding harmful precedents and unintended consequences, keeping Western relations with Russia on a constructive path, and limiting the size and duration of the U.S. commitment to enforcement of a settlement.

Several alternative models for Kosovo's status have been discussed informally. One possibility is restoration of Kosovar **autonomy** within Yugoslavia. Proponents of autonomy argue the virtue of not requiring border changes that could rekindle other border disputes in Europe. The main concern is that it may not give Albanian refugees the necessary confidence to return, in which case ethnic cleansing will have succeeded and the international community will be left with the consequences.

Another possibility is an **international protectorate** (involving de-facto separation from Yugoslavia but not spelling out its ultimate status). It could be placed under United Nations, NATO, Organization for Security and Cooperation in Europe (OSCE), or other organization supervision, combined with protection from a credible international force. Proponents argue that Kosovar refugees would be able to return safely, the Yugoslavia government would be deterred from further aggression, and troublesome precedents would not be set. Critics note that this outcome would postpone but not permanently settle the status of Kosovo.

**Independence** is an option advocated mainly by ethnic Albanians. Outside observers believe that independence would be unworkable at the present time. Without adequate preparation, it could sink Kosovo into chaos and heighten tensions in the Balkans. **Partition**, with Serbia keeping part and the rest becoming a protectorate, independent, or attached to Albania, has been advocated by some observers, as the most realistic solution given their belief that Serbs and Albanian are unlikely to be able to live together any time in the foreseeable future. Finally, Kosovo's status could be left to a wider **Balkan Peace Conference**, to deal with all of the sources of conflict and backwardness in the region. Some think it is the only way of breaking the cycle of conflict and creating lasting peace in the region, given that the issues and problems are so interrelated. Skeptics argue that expecting to be able to solve all of the Balkan problems at once is unrealistic and making Kosovo hostage to a wider settlement would reduce the prospects of ever returning normalcy to the province.

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# Kosovo's Future Status: Alternative Models

## Introduction

The current focus of U.S. and NATO attention is on military and diplomatic efforts to achieve a Serb pull-back of forces from Kosovo, deploy an international peacekeeping force there, and return the nearly one million Kosovar Albanian refugees to their homeland.

Little official attention, by the Administration or Congress, has been paid to the resolution of Kosovo's long-term future. It may in fact be impossible to design a solution until it is clear under what terms the conflict will end. However, the question of Kosovo's status is likely to move to the center once peace is restored. Congress and the President are likely to seek a settlement that will break the cycle of turmoil that has so deeply engaged the United States and Europe in the Balkans over the last decade. Congressional support for continued U.S. military involvement may be linked to the long-term viability of the settlement being pursued.

History suggests that finding a stable and lasting settlement may be difficult. Beyond conclusion of the military campaigns and restoration of peace, choices will have to be made among difficult and imperfect alternatives. Any settlement must take into account competing local and international interests and perhaps even wider plans to stabilize the Balkan region. A settlement must balance accepted international principles that are not always easy to reconcile.<sup>1</sup> Most of the possible outcomes discussed in this report have historical precedents with possible lessons for the current situation.

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<sup>1</sup>These recognized principles are all contained in the Final Act of the Conference on Security and Cooperation in Europe (1975) to which all European and North American countries are signatories. They include respect for sovereignty, the right of peoples to self-determination, and respect for the rights of national and religious minorities. Intentionally, none of these principles, which can sometimes appear to be in conflict, were given precedence over any others. In the past, national sovereignty had been treated as the core principle of international relations. In recent years, the international community has shown that it is prepared to intervene in the affairs of other countries in response to gross crimes carried out by governments against their own populations. See also: CRS Report RL30152, *Kosovo and NATO: Selected Issues of International Law*, by David M. Ackerman.

## U.S. Interests Involved

The United States and its allies have to be mindful of larger interests relative to Kosovo's future status. Any proposed settlement will be judged in light of how well it satisfies those interests. Considerations include:

- ***Providing protection and justice for Kosovo's Albanian and Serb populations.*** The principal requirement of any settlement is that the refugees be returned to Kosovo. This means creating the conditions in which most of the Kosovo Albanians can and are willing to return and live in safety, while the Serbs in Kosovo are also protected. This is a humanitarian interest, primarily, but also serves the self-interest of other countries. The refugees cannot be left in neighboring Macedonia and Albania without threatening the fragile stability of those countries. European, North American, and other nations would find it very difficult to absorb refugees in the numbers that have fled or been forced out of Kosovo. Nor is the international community likely to want to let stand the example that brutal regimes can simply export large populations, leaving other countries to deal with the consequences.
- ***Encouraging the establishment of a new democratic government in Serbia and preserving democracy in Montenegro.*** Because Milosevic's power rests on strife, turmoil, and whipping up nationalist hatreds, there is a widespread belief that Serbia will remain a danger in the region as long as he stays in power. So far, Milosevic has been at the center of successive conflicts in Slovenia, Croatia, Bosnia-Herzegovina and Kosovo. If he stays in power, it is feared he will foment new conflicts in Montenegro, target ethnic minorities within Vojvodina and other parts of Serbia, or seek to de-stabilize Macedonia and Albania. Already, the Milosevic regime is reportedly seeking to undermine the democratically elected government of Montenegro. Under Milosevic, the process of building a civil society in Serbia has been set back significantly. Many observers hope that a new leadership can be established that will respect human rights, reorient its foreign policy to joining Europe, and no longer present a threat to its own population or its neighbors.
- ***Preserving peace and reconstruction efforts in Bosnia.*** Three years of extensive and costly effort to rebuild Bosnia and bring eventual multiethnic reconciliation is seriously threatened by the conflict in Kosovo. Tensions among Serbs, Muslims, and Croats are likely to grow. The Milosevic government could try to reignite separatism among Bosnian Serbs. Also, Bosnian refugees may be even more reluctant than they are now to return to areas in which other ethnic groups form a majority. NATO's failure might fuel separatism among all the groups. On the other hand, if NATO prevails in Kosovo, Bosnians may be convinced to try to make their multiethnic state work.
- ***Enhancing security and avoiding turmoil in neighboring countries, especially Macedonia and Albania.*** Macedonia has a potentially volatile mix of ethnic groups including a Slavic majority living in uneasy coexistence with a large ethnic-Albanian population. Albania is a weak, fragile state with a

barely functioning economy. It has a small but significant Greek minority, but Greek-Albanian relations have improved recently. The presence of masses of Kosovar Albanian refugees has strained both countries severely. Any further spillover of the conflict in Yugoslavia could cause an explosion in either country and threaten a wider Balkan crisis. Beyond these two countries, the entire Balkan region is susceptible to potential strife, sparked by turmoil in Yugoslavia as a result of economic problems, reciprocal historical grievances, and ethnic tensions. Any settlement in Kosovo should be consistent with wider efforts to bring peace, security, and economic development to the Balkans.

- ***Preserving NATO credibility and cohesion.*** NATO is in transition and its future role is being defined. It is still widely seen as the most potent force to guarantee peace and stability in Europe although some question its continued relevance in the post Cold War world. Opinion is divided on whether NATO ever should have committed its forces to defend Kosovo. Now that NATO is engaged in its first war, ever, its performance is being watched closely. Many believe that the alliance must prevail against Milosevic if it is to maintain credibility. An unsatisfactory outcome in Kosovo may lead to new questioning of the alliance on both sides of the Atlantic. Some observers also stress that NATO credibility is inseparable from U.S. credibility. The United States is not only seen as the leader of NATO but also as the principal actor in the Yugoslav military campaign. Some are likely to wonder whether NATO can act successfully in any conflict, if it cannot muster the political will to prevail over a relatively small and weak opponent so clearly acting against European stability. Others are likely to see a negative NATO experience in Kosovo as evidence that NATO should return to its traditional defensive role and give up plans to enlarge its membership and missions.
- ***Avoiding harmful precedents and unintended consequences.*** The ultimate outcome of the Kosovo crisis could set far reaching precedents elsewhere in the Balkans, Europe, and the world. Ethnic cleansing and atrocities on a scale not seen in Europe since World War II and its aftermath are believed to have been carried out by Milosevic's forces. Events in Kosovo, like those that preceded them in the previous Yugoslav conflicts, have shaken the widely-held belief that in Europe, at least, such atrocities were no longer possible, given the elaborate structures and norms developed in the last 50 years and the lessons learned from European history. Any Kosovo outcome that is interpreted as international acquiescence to ethnic cleansing could significantly heighten national tensions elsewhere. Outcomes that substantially change the status of Kosovo are likely to set their own precedents, for better or worse.
- ***Keeping Western relations with Russia on a constructive path.*** Russia has strongly opposed NATO military action against Serbia. Russian nationalists, in particular, have rallied in support of Serbia as a historic ally. Many experts believe that the fact that NATO has acted in disregard of Russian wishes, has added to Russia's sense of anger and humiliation, further endangering an already fragile relationship. There is an opposing view that Yugoslavia, despite the rhetoric, is largely irrelevant to the struggle in Russia or to growing anti-Western sentiments. Still, a settlement that would be acceptable to and provide a significant role for Russia might help improve relations, as well as



deprive Russian Communists and ultra-nationalists of a major issue to use against reformist and pro-Western leaders. Russia may be in a good position to broker a settlement given its ties to the Yugoslav government and the perceived sympathy of many Russians toward Serbia.

- ***Limiting the U.S. role in enforcement of a settlement.*** Many in Congress and among the public are wary of a long-term, ill-defined, and costly U.S. commitment to enforce a Balkan peace. This may argue for a settlement that can stand on its own within a reasonable period of time. It also argues for encouraging European countries to take more of the responsibility for implementing and overseeing any agreement. Finally, it suggests that any settlement should create an entity that has the prospect of becoming economically viable.

Many in Congress and among the public would oppose any open-ended U.S. military role in implementing a Kosovo settlement. Opponents of a long-term U.S. commitment argue that the United States does not have sufficient interests in this part of the Balkans to insert troops to keep peace in Kosovo. On the other hand, proponents of U.S. involvement suggest that a U.S. presence, together with our allies, in the region that now represents the greatest threat to European peace may be worth the cost. Some argue that U.S. troops are already in Europe for the long haul to preserve peace. To move some forces from Germany and elsewhere to the Balkans, along with forces of allied nations, would not significantly add to the cost and would do much to diminish the main threats to European security, while allowing those forces to continue to perform other NATO missions.

## **Alternate Models for Kosovo's Future**

Several alternative models for Kosovo's status have been discussed. They include: (1) restoration of Kosovar autonomy within Yugoslavia with no border changes; (2) creation of an international protectorate for an indefinite period (involving de-facto separation from Yugoslavia but not spelling out its ultimate status); (3) independence; (4) partition with Serbia keeping part and the rest becoming independent or attached to Albania; or (5) resolving Kosovo's status as part of a larger Balkan agreement.<sup>2</sup> Kosovo's status could evolve over time through more than one of these models. Initially, the international community is unlikely to go formally beyond autonomy or establishment of a de facto protectorate. Either model could lead in the future to independence, partition, or even union with Albania, depending on how the situations in Kosovo and Serbia develop. Each model has possible strengths and weaknesses, as well as wider ramifications for U.S. interests. Each has historical precedents that might suggest prospects for success or failure.

The feasibility of alternatives presented in this report is dependent on the immediate outcome of the Kosovo crisis. If NATO does not achieve its stated

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<sup>2</sup>A final theoretical possibility would be transfer of the territory to Albania. However, no one is pressing for such an outcome at the present time, not even most Kosovars or other Albanians.

military and political requirements, that is if significant Serb forces are not withdrawn and if a robust international military force that has the confidence of the population and whose authority is also accepted by the Kosovo Liberation Army (KLA) is not deployed to Kosovo, a substantial return of the refugees will be very difficult to accomplish, and Serb leaders will have achieved their goal of ethnic cleansing. Under those circumstances, the prospects for any of these alternatives would be sharply reduced. As a result, some observers question whether there is much useful middle ground between NATO demands and the positions of the Milosevic government on which a compromise solution could be based.

### Yugoslavia and Surrounding Nations



Adapted by CRS from Magellan Geographix. Used with permission.

### Restoration of Autonomy Within Yugoslavia

Autonomy for Kosovo could mean a return to the pre-1989 status quo. Kosovo would remain part of Serbia but would have substantial control over its own affairs. Until 1989, Kosovo and Vojvodina (in northern Serbia) were two autonomous regions within the Serb Republic of Yugoslavia with very substantial local self-

government. Prior to 1989, the treatment of ethnic minorities in Yugoslavia was viewed by many as a positive example for the region, though the Tito government would periodically crack-down against nationalist dissidents. The Albanian ethnic majority had considerable cultural, language, and religious freedom in Kosovo. At the same time, the Serb population felt increasing alienation and left the province in large numbers. Serb President Milosevic revoked Kosovo's autonomy along with that of Vojvodina, which had a multiethnic mix of Serbs, Hungarians, and other nationalities living in relative peace. The revocation of autonomy for the two regions led directly to the unraveling of the Yugoslav Federation. Both alarmed and liberated by Milosevic's moves to upset the constitutional order, first Slovenia, then Croatia, Bosnia-Herzegovina, and Macedonia declared their independence. Only the Republic of Montenegro stayed within the Yugoslav federation.

Autonomy was the status for Kosovo generally supported by the United States and allied governments before the Milosevic government escalated its campaign in Kosovo. It may still be the preferred solution of many officials and experts, especially if the United States and allies want a quick way out of the conflict. The U.S. government has said repeatedly that it does not seek an independent Kosovo, but rather restoration of autonomy within Yugoslavia. The question now is whether autonomy remains a realistic option. In the aftermath of Serb ethnic cleansing and systematic atrocities in Kosovo, some observers believe that this solution may prove unworkable.

The terms of autonomy might have a considerable effect on its viability. Autonomy can take many forms. At the low end, this could mean very limited self-rule with Yugoslav forces and police still in place and Serb laws taking precedence over any local legislation. At the other end of the spectrum, autonomy could be very far reaching. Most Serb forces would be withdrawn and Kosovars would govern and police themselves. Kosovo's local laws could prevail over national ones in stipulated spheres. Many see withdrawal of most Serb forces as an absolute prerequisite for making autonomy work. An international military presence would be needed to ensure the safety of Kosovo Albanians.

Another critical factor in determining the feasibility of autonomy is whether there would be a change of government in Belgrade. A settlement involving continued Serb sovereignty would be particularly hard for Kosovo Albanians to swallow if the present government remains in Belgrade.

Proponents of autonomy argue the virtue of not requiring border changes that could rekindle other border disputes in Europe. Such a solution would satisfy the Serbian desire to keep Kosovo within its borders, with its Serb churches, monasteries and historic sights. Russia would probably support an autonomous Kosovo within Serbia. If this outcome were conditioned on replacement of the present Serb government, it might encourage the opposition to try to oust the Milosevic regime. On the other hand, such conditions might also harden Serb resistance.

For the NATO alliance, autonomy accompanied by the presence of a NATO-led implementation force, could provide an avenue for a flexible settlement adjusting to events over time. In this view, the Kosovars could have the opportunity to develop workable institutions free from political or military pressure from Belgrade. If Serbia

continues on a nationalistic and authoritarian path, Kosovo could evolve to a status of independence. Conversely, a democratic Serbia respectful of minority rights could encourage an eventual rapprochement.

The main drawback of autonomy as a solution is that virtually no Kosovar Albanians now support this option, especially the Kosovo Liberation Army (KLA). Autonomy may not give Albanian refugees the necessary confidence to return to Kosovo. Most Albanians may not believe that they can get protection and justice under Serb sovereignty. If refugees do not return, ethnic cleansing will have succeeded. NATO will be seen as having failed and the international community will be left with the consequences, including the need to absorb the refugees and deal with any other contingencies resulting from the Kosovo precedent. Under those circumstances, an agreement to restore some autonomy to Kosovo would have little meaning.

Regional autonomy as an instrument to bring peace and harmony among national groups within a country has worked better in some past cases and less well in others where it has encouraged separatism. Cases in which it has worked well include Switzerland with its canton system, Canada where Quebec has considerable autonomy and, ironically, within the previous Serbian Republic of Yugoslavia. After South Tyrol was transferred to Italy from Austria in the post-World War I peace treaties, South Tyrolean separatism was very strong. As a result of subsequent agreements that restored very considerable autonomy to South Tyrol, the situation has become relatively stable. In few cases has the granting of autonomy to an ethnic region completely erased aspirations for independence. Separatist aspirations have been rekindled, even in countries that have enjoyed relative ethnic harmony. Czechoslovakia split peacefully into the Czech and Slovak Republics in 1993. Movements for local independence can be seen today in Spain, Italy, Canada, and the United Kingdom. The relevance of historical cases to Kosovo may be diminished by the level of atrocities currently being carried out against the Albanian population and the fear and hatred they are fueling.

## **International Protectorate**

Many analysts see creation of an international protectorate over Kosovo for an indefinite period as the best or least objectionable outcome of the conflict for the present time. Without necessarily addressing its ultimate legal status, Kosovo would be separated from Serbia de facto and the province would be placed under some international authority. All Serb military, paramilitary, and police forces would be removed from Kosovo and replaced by an international military force including significant NATO participants but possibly including non-NATO forces as well. Unlike the situation in Bosnia, control of the territory would be wrested from national and local officials.

The key distinction between the autonomy model and an international protectorate centers on who controls and governs the territory. In the autonomy model, control is shared according to an agreed formula between the national and local authorities, with an international force overseeing and perhaps enforcing implementation. In the case of a protectorate, the international authority assumes full control of the territory. To some extent, the international authority role is not much

different from that of an occupying power. The previous sovereign has no role. Nor does the local population govern itself. A protectorate can be for a fixed or indefinite period. A settlement of this type would represent an acknowledgment by those imposing it that neither Serbia nor the Kosovars are seen as fit or capable to rule Kosovo at the present time.

As Kosovo became ready, local democratic governing institutions could be built up and given increasing responsibility for the day to day running of government. Authority could gradually be turned over to rebuilt local military and police structures, with ultimate control still held by the international authority, as long as the protectorate continued. Some elements of the Rambouillet agreement that was signed by Kosovar Albanian leaders but never accepted by the Milosevic government could be revived.

A number of influential voices have been added to those who support this option. Carlos Westendorp, the outgoing chief international representative in Bosnia, said that the international community made mistakes in Bosnia which it should avoid in Kosovo. He argued that Kosovo must become a true international protectorate, with foreign control over the judicial, police, and military functions.<sup>3</sup>

How such an international protectorate would be managed has not yet been determined. The only existing structure specifically created to oversee protectorates is the United Nations Trusteeship Council. The Council is still in existence although it has been dormant for a number of years, since all of the UN trust territories have gained their independence. Under the UN Trusteeship system, individual countries were assigned to administer trust territories. Often they were the previous colonial power. In the case of Kosovo, a group of countries rather than any single country would be responsible. A Kosovo protectorate could still be established under UN auspices, or it could be placed under NATO, OSCE, EU, or even the Council of Europe supervision. However, besides the UN, none of these institutions has a mechanism for or previous experience with performing such a role.

The strength of such a solution would be that Kosovar refugees would be able to return safely. With a robust and trusted international force, including NATO, both Albanians and Serbs would be protected. Such an outcome would hopefully deter the Yugoslav government from acting against Montenegro, minorities in Vojvodina, or exacerbating problems in Macedonia or Albania. While such a settlement would be a bitter pill for Serbia to swallow, it would still be preferable to outright permanent loss of the province. Serbia would have incentives to modify its policies in the hope of eventual restoration of Kosovo to Serbia. NATO would preserve its credibility by not allowing ethnic cleansing to stand. Such an outcome would avoid setting problematic precedents. It would discourage those who might contemplate ridding themselves of ethnic minorities in a similar way and those who would seek to press separatist aims based on the Kosovo outcome.

The main weakness of a settlement establishing an indefinite protectorate over Kosovo is that it would only postpone but not permanently solve either the problem

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<sup>3</sup>Madrid daily *El Pais*, May 9, 1999, cited in RFE/RL Newline, May 10, 1999.

of Kosovo or wider Balkan issues. In the meantime, the United States and its allies would have to bear the full burden and costs of supporting and rebuilding Kosovo, probably for an indefinite period of time. Serbia would be unhappy with the outcome, as might the KLA, and Russia's stance would be uncertain. The fact that NATO wants Russia to support and participate in a settlement makes the choice of a de jure protectorate less likely.

In general, the historical experience has given the concept of protectorates a negative image.<sup>4</sup> In most cases they were simply a mechanism for strong powers to dominate weaker entities and to extend colonial rule. In the case of the League of Nations mandates, former colonies of the World War I defeated powers were transferred to the temporary control of other countries, with the understanding that these would be administered by them to varying degrees until they were ready to assume independence. Different types of mandates were defined. For example, the former colony of Southwest Africa (now Namibia) was placed under complete control of South Africa. On the other hand, countries which were considered to be further along toward independence, such as Transjordan, Palestine, Lebanon, and Syria, were given considerable local autonomy by the mandatory power.

Under the Post-World War II UN Trust system, former mandates, territories detached from defeated powers, and some former colonies of other states were placed under the trusteeship system, with the purpose of developing them to independence. Individual countries were named trustees. Most of the trust territories were in Africa and the Pacific.<sup>5</sup>

The Kurdish enclave in northern Iraq, protected by an allied-enforced no-fly zone and (in the past) some liaison personnel on the ground is a current example of a very limited de facto, not de jure, form of international protection. The United States and its allies have ruled out independence for the Kurdish enclave, which would be opposed by Turkey and other countries with Kurdish populations or partition which would create a power vacuum that could be exploited by other countries.

While post World War II Germany and Japan, as defeated powers, were never protectorates. Their post-war evolution may have some relevance to Kosovo's situation. For example, in Germany, the four victorious allied powers occupied the country and took full control of running it. In the western zones, the United States, Britain, and France introduced tough measures of de-militarization and de-Nazification. They tried and punished war criminals. Over time, as a new civil society took root, power was gradually restored to the German people. Germany

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<sup>4</sup>For a fuller definition and description, with historical examples, of types of dependent and semi-independent states including autonomous regions, protectorates, mandates, and trust territories, see: Marjorie M. Whiteman, *Digest of International Law*, Department of State, 1963, vol. 1, p. 430-475, 598-897.

<sup>5</sup>For a comprehensive discussion of the UN Trusteeship system, see: Bruno Simma, ed., *The Charter of the United Nations; a Commentary*, Oxford University Press, 1994, p.933-972.

made a highly successful transition to become one of Europe's most powerful and stable democracies.<sup>6</sup>

## Independence

A settlement granting immediate independence to Kosovo is not generally viewed as a realistic near term option. It has been advocated mainly by Albanians, Kosovars and the Kosovo Liberation Army. Unless the situation on the ground changes drastically, this outcome seems very unlikely for the present. In the long term, autonomy, an international protectorate, or a wider Balkan settlement could lead to independence.

An argument made in favor of an independent Kosovo is that it would compensate the Albanian victims of Serb aggression and fulfill their aspirations. Independence would be an acknowledgment that Kosovar Albanians would never again accept living under Belgrade's authority. Certainly Kosovo Albanians would cheer independence. There are those who believe that independence for Kosovo is inevitable in view of demographics and recent events. They would argue that such a settlement simply accepts the inevitable in terms of what they perceive as the eventual outcome. Bypassing any intermediate stage of some other settlement might diminish the burden and cost to the international community, they might argue.

However, even many Kosovar supporters of independence say they are not ready. Kosovo would need to provide for its self governance, its economic needs, and its self defense. Making independence possible might require arming the KLA, as some have proposed. An independent Kosovo that was unprepared could plunge into chaos, without massive outside support and assistance over a long period of time. The United States and allied governments would still have costs to bear. Such a solution could even heighten tensions in the Balkans. Militant KLA leaders who may have little democratic inclination could gain control of Kosovo. The Serb minority would be unprotected and vulnerable. Such an outcome could heighten tensions in Macedonia and inspire Serb irredentism. It might encourage ethnic separatists in other countries. An independent Kosovo would be strongly opposed by Russia.

Some of the closest precedents for independence are provided by the former republics of Yugoslavia, although Kosovo never held the status of an independent republic within Yugoslavia. Slovenia, Croatia, Macedonia, and Bosnia have declared and won their independence since 1989. Slovenia had the easiest road with its relatively homogeneous population. It gained freedom after a brief conflict with Yugoslav forces. Croatia only won its independence after much more bloody conflict with Yugoslav forces, resulting in initial loss of territory and eventual re-conquest by Croatian forces. Some ethnic cleansing was carried out by both sides, though not on the scale witnessed in Bosnia or Kosovo. Bosnia's declaration of independence resulted in bloody ethnic conflict, atrocities on a large scale, and massive displacement

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<sup>6</sup>On the other hand, this example might be even more relevant if NATO decided to introduce ground forces into Serbia and went on to defeat Serb forces.

of populations. The uneasy peace brought by the Dayton accords has left the future national integrity and ethnic peace dependent on an outside military presence.

## Partition

Partition of Kosovo has been advocated by some observers as the only realistic solution given that Serbs and Albanian are unlikely to be able to live together in one country in the foreseeable future. Some observers have suggested that Milosevic's ultimate aim for Kosovo is partition with Serbia holding onto as much of the territory cleansed of Albanians as possible. The displaced Albanians could be resettled in the other part. However, no clear pattern has emerged from the Serb campaign to substantiate such an aim. In any case, partition along with a transfer of populations remains an option.

If Kosovo is to be partitioned, several crucial questions must be decided. First, how much territory goes to each side? What is an acceptable settlement given that before the flight of refugees, the population was 90 percent Albanian and 10 percent Serb? Second, where would the border be drawn, taking into account what each side values most? Third, how would each part be governed? Presumably the Serb portion would remain an integral part of Serbia. Would the remainder be independent, become an international protectorate, or be transferred to Albania? Would this new entity be viable politically or economically?

The appeal of partition to some is that it would separate the Albanians from the Serbs. Presumably, if the partition were drawn up in a way that at least partly satisfies the interests of both sides, the outcome would be more durable and require less outside enforcement.

On the negative side, partition would reward the Milosevic policy of ethnic cleansing, at least partially. It would require further population transfers since the Albanians and Serbs are mixed throughout Kosovo. Partition could reduce the economic viability of each part, severing important transportation and resources links. Rather than defusing Serb-Albanian tensions, it could increase them. Irredentism could emerge on both sides. It would set a precedent, encouraging unhappy national minorities or, for that matter, majorities to seek partition or separation.<sup>7</sup> It could put an immediate strain on Macedonia, which has a large Albanian minority population and on Bosnia, where the Republika Srpska seeks-self-rule. Many

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<sup>7</sup>This precedent is not viewed in a negative light by everyone. One commentator predicted that there would be other Kosovos in the future. He predicted a dual process in which multiethnic states break down into their components parts, even as the individual units seek to become part of larger entities. This is very visible in Europe where disintegrative forces are at work in a number of countries, even as all groups see their common future inside the European Union. To avoid these trends, he argues, Governments should feel a strong incentive to treat national minorities fairly. See Graham Fuller, "More Kosovos" in *The Washington Post*, May 4, 1999, p.A23.



countries with distinct ethnic minority regions would worry about the precedents, even some NATO allies. Greece would be concerned about the precedent for Cyprus. Turkey would worry about a precedent for its Kurdish regions. Russia, with many nationalities still living inside its territory, would also oppose such a settlement.

There are many historical precedents for a settlement involving partition and/or the forcible transfer of populations. Population exchanges took place between the Greeks and Turks in 1922. After World War II, Germans were expelled from Poland, Czechoslovakia, and other countries.

One case with certain parallels, though on a much larger scale, is the partition of India and creation of Pakistan. As would be the case in Kosovo, the partition was designed to separate warring ethnic and religious groups. Muslims were a minority in British-controlled India and efforts to bring the parties together failed. Ultimately, even Indian leaders agreed to partition as an alternative to civil war and chaos. But Muslims were scattered throughout India and the partition touched off a vast and bloody exchange of populations. Partition did not bring stability. It spawned political extremism. Decades later, tensions between India and Pakistan remain high. The continuing conflict between India and Pakistan over Kashmir provides a microcosm of the subcontinent problems that partition was meant to resolve.

The United Nations General Assembly passed a resolution (Resolution 181-II) on 29 November 1947, calling for the partition of Palestine into a Jewish state, an Arab state, and an international zone of Jerusalem. The resolution proved unenforceable, and the parties continue to press conflicting claims, frequently with violence.

In some cases, partition was carried out de-facto, without formally changing the status of a country or region. A clear recent example was in Cyprus, now divided into Greek and Turkish sectors, as a result of Turkish military intervention to protect Turkish Cypriots. The partition has not been recognized internationally and is adamantly opposed by Greece. The Greeks would probably see partition of Kosovo as a negative precedent for Cyprus. Neighboring countries, especially Macedonia, would also be concerned about any transfer of part of Kosovo to Albania and the prospect of creating a "Greater Albania."

## **Resolving Kosovo's Status as Part of a Wider Balkan Settlement**

Thus far, the Balkan turmoil resulting from the disintegration of Yugoslavia and the policies of Milosevic, has been addressed piece-meal, with the United States and Europe responding reactively to each new challenge. Despite international efforts, stopping one conflict appears to have simply given way to the next. Yet the crises are inter-connected, both as a result of history and Milosevic's ambitions. They may be difficult to solve in isolation. Many fear that the Kosovo conflict could be followed by troubles in Montenegro and Voivodina, as well as renewed tensions in Macedonia and Bosnia, especially if Milosevic is left in power. Few believe that the Bosnian dispute is settled. There, the presence of foreign troops has pacified the territory for the time-being. However, advances in nation-building or national reconciliation have

been very modest. Removal of the foreign presence would be likely to plunge Bosnia back into civil war.

Therefore, a growing number of specialists are suggesting a wider Balkan negotiation to try to devise a viable regional settlement, acceptable to the major parties, that diffuses the main potential trouble spots and sets the Balkan region, including Serbia, on a path to security, prosperity, and integration into Europe. They argue for dealing with the status of Montenegro, addressing the question of restoring autonomy for Vojvodina, and reexamining the future of Bosnia. Some would go so far as to consider redrawing the borders within the former Yugoslavia. Others would see any move to try to create ethnically homogeneous states as a huge and futile step backwards in an era in which ethnic diversity is a growing reality throughout Europe and in which borders are gradually coming down. Instead, they suggest a comprehensive development plan for the region tied to more open borders and an agreed code of conduct on ethnic relations, as well as serious steps to integrate all of the Balkans more closely with the rest of Europe. Any settlement would have to include a massive program to strengthen civil society, support economic development for the region, and create a road map for closer integration with Europe and NATO.

History has seen a number of attempts by the great powers to fashion a comprehensive settlement for the Balkan region.<sup>8</sup> Some of these have brought peace for a while but each has sowed the seeds for new tensions and conflicts. For example, the establishment of the Kingdom of Serbs, Croats, and Slovenes (soon to be renamed Yugoslavia) at the end of World War was designed to meet the national aspirations of those three groups. However, the new country was soon plagued by in-fighting among the national groups and gave rise to ethnic disgruntlement as serious as had existed when much of the country was under the Austro-Hungarian regime. Much of the Balkans remained a poor backwater of Europe. However, in each of the past efforts, the great powers were pursuing their own narrow interests, with little regard for the popularity or long-term sustainability of the settlements they imposed.

Proponents of settling Kosovo's status in the context of a wider Balkan settlement argue that comprehensive negotiations now could for the first time truly focus on bringing viable peace and prosperity to the region, rather than on unrelated Great Power interests. They also maintain that this would be the only way of breaking the cycle of conflict and creating lasting peace in the region. It would provide a way of engaging all interested countries in a constructive way, especially Greece and Turkey, whose active positive participation might ease their own disputes even as they help to set the region onto a stable course.

Skeptics would argue that an effort to simultaneously resolve all of the intricate and complex Balkan troubles at once would be too ambitious and unrealistic. It might also open a "Pandora's box" of new troubles. It might create exaggerated expectations and actually introduce new instabilities in countries that are doing better now. It would be extremely difficult to find the consensus or the resources to carry

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<sup>8</sup>A good historical source is Rene Albrecht Carrier, *A Diplomatic History of Europe ince the Congress of Vienna*, Harper and Row, 1973. 764

out such an endeavor. In this view, making Kosovo hostage to a wider settlement would retard and reduce the prospects of ever returning normalcy to the province. It would also require sustained leadership, probably by the United States.