

## Kosovo: the era of the EU protectorate dawns

by Tim Judah\*

The fireworks were spectacular. The giant cake which was served on Mother Teresa street was pretty good and Kosovo's declaration of independence and subsequent speeches so oozing with goodwill towards the new country's minority Serbs that one could not but help suspect, as indeed many did, that Kosovo's leaders had had a little, or in fact quite a lot, of help from their (foreign) friends in drafting them. But now, the deed is done. Kosovo's Albanians have declared independence and a chapter which began in 1999 has officially been closed.

For the last few years the diplomats have worked hard to get to 'final status'. They have failed. Now we have a new status for Kosovo instead and exactly how long that will last is anyone's guess. But what does seem clear is that, while the period between the end of the Kosovo war and yesterday will be remembered as the UNMIK years, what is coming looks set to be the era of the EU protectorate.

Today consultations will continue at the Security Council in New York and Ban Ki-moon, the Secretary General, will come under heavy pressure from Russia to instruct his representative in Kosovo to annul the declaration from Pristina. Even if he did, which at this juncture seems unlikely, recognitions which are now expected from most EU countries would in effect annul that in turn. In essence, the UN plan is to declare that the situation on the ground has changed and that it is therefore running down its mission in Kosovo. At the same time, the new ESDP mission is already starting to deploy.

But the new Kosovo is born under an inauspicious star. It will not be a member of the UN, blocked by Russia, and it will face unremitting hostility from Serbia.

Across the centre of Pristina posters have gone up in the last few days thanking the US and Britain in particular for their support, but there are also posters thanking the EU. Indeed there are now more of these than spray-painted signs opposing the new EU mission.

Over the next few days and months the shape of the new Kosovo, both politically and geographically, will become clear. While Kosovo's declaration of independence was being read, many Serbian cabinet ministers had been deployed in Serbian parts of Kosovo. Vojislav Kostunica, the Serbian premier, has denounced Kosovo as a 'phony state' and declared the coming ESDP mission in Kosovo illegal. Today the Serbian north of Kosovo and the Serbian enclaves operate, *de facto*, as part of Serbia and for the foreseeable future they will continue to do so. On 11 May Serbia will hold municipal elections and these will presumably be held in Serbian parts of Kosovo too. This will be a major challenge to the sovereignty of the new state but it is unclear what it can do about it, without provoking violence.

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Indeed the coming months will show less that Serbia was right to warn that Kosovo's independence would lead to the creation of two Albanian states in the Balkans, but rather that Serbia's leadership is intent on creating two Kosovar states in the Balkans. The point of this is perhaps to consolidate Serbian control over what it now holds in order to keep the option of a legal partition alive for the future.

In the shorter term the challenge will also be for the ESDP mission to be able to function in Serbian areas. So far Serbian leaders have declared that Serbs should have nothing to do with it. Whether that policy will gradually alter remains to be seen.

As the UN is phased out now it is supposed to be replaced by two elements. First there is EULEX, the police and justice mission which will comprise some 1,900 EU-led policemen, judges and customs officials. It will also include policemen from other countries, including around 70 Americans, who will operate with EU flags on their sleeves and under an EU chain of command. It is to be led by Yves de Kermabon, who used to head KFOR, the 17,000 strong NATO force in Kosovo. The second part of the mission is the International Civilian Office to be headed by Pieter Feith, the Dutch diplomat who until now was the civilian head of all ESDP crisis management missions in Brussels. He has been double-hatted as the EU Special Representative in Kosovo.

Mr. Feith is set to arrive in Kosovo in the next few days and is keen to take up the reins. However, some diplomatic sources caution that he needs to be careful not to be seen to want to run Kosovo, which is not officially his mandate, as opposed to operating in the background and helping to oversee the implementation of the plan for Kosovo devised by Martti Ahtisaari, the Former Finnish president. In fact this will be hard enough, if not impossible in the short term, because the core of it relates to decentralisation, which is basically code for autonomy for Serbian areas. With no Serbian partners this will be impossible to do, especially since the Serbian plan is to keep them integrated into Serbia – not Kosovo.

So, the EU era is set to begin and clearly this will be a major test not only for ESDP but also for the EU in general. Can it help and coax the new Kosovo into becoming a self-sustainable modern state, and can it resist the temptation of trying to rule Kosovo and thus encouraging the kind of political and economic dependency culture so prevalent in Bosnia for example? Can it also overcome some obvious contradictions?

The EU needs to help Kosovo economically and it intends to do so. One thing it could really do to help would be to give Kosovars seasonal or other types of work permits that would enable them to fill gaps in the labour market in EU states and at the same time send much-needed remittances home. But having Kosovars come legally to work in the EU may be harder to swallow for many governments than sending large numbers of their citizens to help run Kosovo. The challenge of managing Kosovo's European future has begun.