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## **Bridging the Great Divide: Contested Kosovo Span is a Symbol of International Failure<sup>1</sup>**

**Abstract:** The paper offers a first-hand insight into the situation in Kosovo shortly after its unilateral declaration of independence in February 2008 and takes a look at the unexpectedly poor results of the UN interim administration of Kosovo. Arguing against recognition of Kosovo's independence, it draws attention to the fact that in 2007 a number of UN observers took the unprecedented step of compiling an independent analysis, which they published and circulated without filtering it through the chain of command, and that in the immediate aftermath of Kosovo's declared independence, a large number of UN field officers voiced their concerns about the international community turning a blind eye to the reality of the situation on the ground.

**Keywords:** Serbia, Kosovo, unilateral declaration of independence, international community

In Mitrovica, Kosovo all seems quiet at the north end of the bridge. A pair of NATO patrol vehicles, a handful of French soldiers, a couple of UN policemen and several rolls of barbed wire block access to the roadway.

I take some photographs and start walking back into the Serbian sector of the city. It is only then that I spot a group of young Serbs lingering in the shade of a kiosk. These young men are known as the "bridgewatchers", and since the Kosovo conflict began in June 1999, they have maintained a 24-hour vigil on the Serbian side of this contested span across the Ibar River.

In the summer of 1999, as NATO forces deployed into Kosovo and Serbian security forces withdrew, nearly 800,000 Albanian Kosovars came flooding back into the province after they were displaced during the 78-day NATO bombing campaign. This in turn generated an exodus from Kosovo of approximately 200,000 Serb and non-Albanian minorities who fled in fear of Albanian reprisals.

It was here in Kosovska Mitrovica that the flood of Serb refugees halted at the Ibar River and defiantly laid claim to the northern portion of Kosovo, which is an entirely ethnic Serbian enclave connected to the

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<sup>1</sup> The text is based on my most recent trip to Kosovo in March 2008, one of some fifty visits I have paid to the Balkans since 1999. Cf. also my two books on the Balkans covering the 1999 war over Kosovo and its aftermath: *Inat: Images of Serbia and the Kosovo Conflict* (Esprit de Corps Books, 2000) and *Diary of an Uncivil War: The Violent Aftermath of the Kosovo Conflict* (Esprit de Corps Books, 2002).

Republic of Serbia. Numerous violent encounters have taken place across the Mitrovica bridge between Albanians, Serbs and NATO troops. Located next to the Republic of Serbia, this entirely ethnic Serbian enclave has come to symbolize the failure of the international community to overcome the divide of ethnic hatred in Kosovo.

Following the Albanians' unilateral declaration of independence on 17 February, the Serbs of the Mitrovica pocket and other protected enclaves have refused to accept the authority of the newly proclaimed state of "Kosova".

To demonstrate their resolve, the Serbs took control of the Mitrovica courthouse and installed their own officials. It was this occupation of regional offices by the Serbs that led to a bloody confrontation with NATO troops on 17 March.

When UN police and NATO vehicles rolled in to arrest the violators, the bridgewatchers sounded an air raid siren to summon other Serbs to the scene. The angry crowds clashed with the international security forces and vehicles were set ablaze, shots were fired. One Ukrainian soldier died, 63 NATO soldiers were injured, and an undetermined number of Serbs were seriously wounded.

In a scathing internal memo to his superiors, UN regional representative Jerry Gallucci described the debacle as an "ill-conceived operation (that) has led to the disappearance of law and order in the north (of Kosovo)".

Gallucci was particularly incensed that the international community chose 17 March to launch their operation, as this date coincided with the anniversary of the 2004 pogrom in which three dozen people were killed and Albanians torched more than 800 Serbian homes. In Gallucci's opinion, this timing coupled with the heavy-handed tactic of arresting and transporting the courthouse squatters "seemed almost designed to inflame Serbian sentiments".

When travelling through Kosovo it would be easy for someone to mistakenly believe this region has just become the 51st U.S. state — rather than a self-proclaimed independent country. On most homes the American stars and stripes are fluttering alongside the Albanian flag — even on many public institutions.

Prior to their February 17th unilateral declaration of independence, the U.S. had sponsored a competition that resulted in the selection of a new yellow on blue special Kosovo flag. Thousands of these flags were produced and distributed for free in the hope that they would be a proud visual symbol of the new and distinct state of Kosovo. Unfortunately for the planners in the U.S. State Department, the Albanians living in Kosovo do not regard themselves as a separate Kosovar nation. Instead of flying the new flag, they

continue to display the black double headed eagle on a red background — the official flag of the neighbouring Republic of Albania. They are unrepentant, proud Albanians, and they fly the American flag in recognition of the fact that only through a decade of U.S. military aid and political pressure have they wrested control of a province that is Serbian sovereign territory and proclaimed it as their own.

In addition to the flags, the Albanians pay fawning tribute to former U.S. President Bill Clinton in the form of 70-foot high posters of him hanging in Pristina, the Kosovo capital. It was Clinton who pressured NATO into supporting the separatist Albanian guerrilla force known as the Kosovo Liberation Army (KLA) in their struggle against Serbian security forces in 1999. Ironically, it was only the year before that the U.S. State Department listed the KLA as a terrorist organization due to their tactics of targeting innocent Serb civilians in order to provoke retaliatory measures from Serbian troops.

However, once NATO air power entered the equation, the tables were turned firmly in favour of the Albanians, and they now have no qualms about publicly showing their appreciation. At the southern end of Pristina, a scale model statue of liberty sits atop the Victory Hotel and even Hillary Clinton has a street in the Kosovo capital named in her honour. Strangely enough, the U.S. scheme to create an independent Kosovo has not garnered much support from Muslim countries. With the notable exception of Turkey and Afghanistan, the majority of Islamic republics have refused to recognize Kosovo for the reason that they see it as an American puppet state.

Although the 1998 U.S. assessment of the KLA as terrorists was an accurate one — that is not how they are being depicted in Kosovo these days. In the course of the 18 month long insurgency and NATO offensive, the KLA did not win a single stand up engagement over the Serbs. Their dubious martial accomplishments include the widespread murder of Serbian civilians and Albanian collaborators after NATO entered the province and became responsible for security.

Nevertheless, there are innumerable monuments erected all over Kosovo to revere these “heroes” and “martyrs”. Given that this conflict in Kosovo was a bloody inter-ethnic civil war, and the fact that the original NATO mandate was to provide a safe environment for all Kosovo minorities, many international observers recognize that these monuments to KLA fighters only serve to intimidate non-Albanians.

In the entirely ethnic Serbian enclave of Štrpce in southern Kosovo, the Albanians built a massive monument in honour of their KLA fighters who died trying to capture this same village. Realizing that the Serbs in this enclave may not be too enamoured with a statue of their erstwhile enemies erected in their midst, NATO troops must provide security detachment to

prevent any vandalism. Thus far the newly constructed KLA monument remains unscathed. In comparison, over the past nine years the Albanians have managed to destroy more than 150 Serbian Orthodox churches and monasteries — despite the fact that NATO's mandate includes protection of religious sites.

Kosovo was admittedly dependant on the U.S. for its creation, remains independent upon NATO troops for security and protection, requires massive amounts of foreign aid to survive and the Albanian majority openly rejoice in the fact they now live in greater Albania.

In the leadup to, and in the immediate aftermath of Kosovo's declared independence, a large number of UN field officers voiced their concerns about the international community turning a blind eye to the reality of the situation on the ground.

Last year, a number of UN observers took the unprecedented step of compiling an independent analysis, which they published and circulated without filtering it through the chain of command.

The stated intention of the anonymous authors was to illustrate “the divide that exists between (their) first-hand knowledge ... and the rosy picture of the overall situation that is officially presented by top UN officials”.

The facts presented in the report show that over the past nine years, the UN has failed to achieve its stated objectives in virtually every category.

To illustrate the international community's failure to provide a secure environment for non-Albanians in Kosovo, they point to the fact that there have been more than 1,000 abductions of Serbs and other minorities since 1999. Of that number, only 253 bodies have been discovered, and yet not a single person has been found guilty for these crimes.

The report also contained a catalogue of allegations including:

- This safe and secure environment for a sustainable return has never been implemented.

- More than 220,000 Serbs and other non-Albanians remain in displacement.

- UNHCR reports 16,000 returns since 1999, of which only 5–6,000 are Serbs; but this does not take into account the continued emigration.

- Many of the remaining Serbs, Gorani, Turks, Roma, based on our field knowledge, are pondering departure under present conditions, and will certainly leave should Kosovo gain independence.

- A majority Albanian community that, since the 1990s, lives in a culture that promotes intolerance with little or no moral obligation toward non-Albanians.

- A discriminatory privatization scheme that has deprived countless Serb, Roma and Gorani workers of compensation.

- Serbian farmers and monks all over Kosovo have no or limited access to their agricultural land for the last eight years.
- Escorts must still be provided for Serbs living in western and southern Kosovo.
- The Provisional Institutions of Self-Government have provided no cooperation in investigation alleged war crimes against non-Albanians or assisting in locating missing non-Albanians.
- UNMIK has consistently failed in providing adequate witness protection to potential witnesses resulting in a number of verified killings of witnesses.
- The recent statement of two UNMIK international prosecutors who claimed to have been pressured by top UNMIK officials with regards to the Ramush Haradinaj case attests to this obstruction.
- The same obstruction could be garnered from testimony by former International Prosecutor in Kosovo (now Judge) Mrs. Renate Winter.
- Two SRSG's openly provided public support to an indicted war criminal, the aforementioned Mrs. Haradinaj.
- This support was extended to other ex-members of the KLA, who were alleged to have committed war crimes. Several senior CIVPOL officers have also testified as to the obstruction they faced from top UNMIK officials when attempting to conduct police investigations into senior ex-KLA members.

In addition to these serious allegations of favouritism and collusion with the senior Albanian leadership, the report notes that under the terms of UN Resolution 1244, which facilitated the entry of NATO into Kosovo, the international community was to take full responsibility for the protection of Serbian heritage religious sites. Despite the presence of more than 20,000 security personnel over the past nine years, Albanian extremists have managed to destroy more than 150 Serbian churches and monasteries — many dating back to the 11th century.

One of the most alarming assessments in the UN field officers' report is that the criminal leadership of the Kosovo Liberation Army (KLA) guerrilla force, which was supposed to be disbanded, has instead assumed positions of power at all levels of Kosovo society. According to their summary, the KLA has simply “transformed into criminal structures, carrying out organized crime activities of drugs and weapons trafficking and prostitution”.

As one field officer stated, those guerrillas “are the real power in Kosovo and many of their leaders are now politicians at all levels — including Prime Minister (Hashim Thaci)”.

The Kosovo police service is described as “poorly competent” and that, in turn, has resulted in a “culture that promotes intolerance with little or no moral obligation to non-Albanians”.

The assessment of life in Kosovo for ethnic minorities is one of limited freedom of movement and constant fear. Also cited in the report is the fact that the international community has failed to protect non-Albanian language rights and that they have allowed the flag of the Republic of Albania to fly on most public institutions since 1999.

In their report's conclusion, the UN officers point out that the Pristina sports stadium is emblazoned with "an enormous picture of an armed, bearded, combat-uniformed KLA leader".

Such an image, they argue, runs counter to the UN's original mission of making Kosovo a secure environment for all residents. Failure to remove the provocative poster demonstrates that the international community is in fact "bowing to the dictates of extremists and warlords".

Although this blunt assessment of the Kosovo situation was presented as a briefing note to the fact-finding delegation of the UN Security Council, the recommendation that the granting of independence would be an "irresponsible act" has now been superseded by the Albanians' February 17 unilateral declaration.

Senior officials working with the UN in Kosovo confirmed that the analysis of this report was accurate, and they are frustrated and disappointed with the sudden elimination of their mandate.

"The original role for the (NATO-led Kosovo troops, or KFOR) was to enforce UN Resolution 1244 — which clearly recognized the Serbian sovereignty over Kosovo," explained Edward Tawii, a Canadian adviser to the UN interim administration police, who has spent the past eight years based there. "Now they say that KFOR will be responsible to provide a secure environment in support of the independence declaration."

While the UN mission continues to function in this interim period, the administrative oversight in Kosovo is slowly being assumed by the European Union. The EU will monitor and assist the newly proclaimed independent Kosovar government and oversee the operation of the Kosovo police service. KFOR troops will remain in place for the foreseeable future, and NATO will continue to train and equip the Kosovo defence forces.

Since Serbia refuses to recognize Kosovo's independence, the government continues to administer services such as the issuing of pension cheques to those residing in non-Albanian enclaves. Despite the presence of so many foreign troops and police officers — 20,000 in a region of only two million inhabitants — this overlapping of responsibility has generated a lot of confusion.

In many cases, the various and diverse national interests of the contributing NATO and non-NATO security forces have been exploited by the criminal elements of the Albanian population. In the village of Orcusa, in the southern Kosovo mountainous region known as Gora, Norbert, a

German master warrant officer, pointed out that the border to Albania here is wide open.

“Between us and the Albanian towns across the valley there is not even a checkpoint, let alone any barriers.” According to the German officer, NATO soldiers in this sector refer to the Kosovo border police as the traffic police, since their purpose seems to be in assisting the flow of contraband, rather than impeding it.

In addition to the drugs and weapons smuggled across this border, there are vast tracts of deforested hillside where the Albanians crossed into Kosovo to cut down trees. According to the German, this uncontested exploitation of Kosovo’s resources and the open conduit for illegal trade could easily be curtailed.

“We have reconnaissance vehicles with incredible surveillance capability,” he said. “Our cameras would be able to pick up the colour of the woodcutter’s eyes — right across the valley. And one platoon of troops would suffice to close the border.”

Asked why, over the past nine years, this has never been done, Norbert shrugged and said, “because somebody higher than my rank level wants it to remain open.”

While international observers on the ground may be highly critical of the way events are unfolding in Kosovo and remain hard-pressed to explain the often contradictory policies and mandates they are asked to enforce, the one thing that is quite clear is that another confrontation is imminent and unavoidable.

A second showdown with the Serbs in Mitrovica is likely to erupt when NATO attempts to make good on their public promise to arrest the Serbian ringleaders of the March 17 incident. Such a policy would ignore the recommendations of UN regional representative Jerry Gallucci. In his report, Gallucci urged his colleagues to offer the Serbs some “contrition or recognition of the mistake (the international community) made.”

Instead, it seems that NATO wants to force submission on the Mitrovica Serbs as quickly as possible. One reason for this is that the Serbian parliament has been in limbo during the runup to the May 11 elections, and the fractious parties have yet to form a working government. The primary battle cry throughout the election campaign for both the Serbian Democratic Party and the nationalist Radical Party has been “Kosovo is Serbia”.

A solution imposed on Mitrovica while the Serbian leadership is in limbo would encounter far less opposition than after the next government is formed.

The clock is also ticking towards the next general assembly meeting at the UN in September. So far, 34 countries, including Canada, have recognized Kosovo’s independence. However, it is Serbia’s intention to gain

a consensus at the UN assembly that will declare Kosovo's unilateral independence illegal.

"We will be seeking a solution which will accommodate everyone and still uphold the UN Charter," said Serbian ambassador to Canada Dušan Bataković from Belgrade.

Following Canada's recognition of Kosovo, Bataković was recalled to the Serbian capital.

"While we are firm on Serbian sovereignty over Kosovo, we are willing to discuss a power-sharing arrangement," he said, "and we want a renewal of multilateral discussions under UN auspices."

As for Canada's position on Kosovo, Bataković was disappointed there was no parliamentary debate before Prime Minister Stephen Harper announced the decision.

"What exactly is independent about Kosovo? The UN resolution covering its status remains valid, there are thousands of international troops deployed to provide security, and significant numbers of non-Albanian Kosovo minorities are defying this decision."

As the international community engages in a war of words and diplomatic manoeuvring, the bridgeworkers in Mitrovica continue to monitor NATO activity on the far riverbank.

According to a senior NATO intelligence officer, the next confrontation is expected to occur within a matter of "days or weeks — not months".

Following the May 11 Serbian elections and the recent top-level meetings between Russia, China and India in Moscow, it would seem that the Kosovo situation will remain a lit powderkeg for the foreseeable future.

One can only hope that at the UN general assembly meeting in September, Kosovo's unilateral declaration of independence is declared illegal. Canada and other countries that were pressured by the U.S. State Department can then use the opportunity to reverse their decision and uphold the UN charter.

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