

## TIME FOR INDEPENDENCE

*Kosovo is a unique case in international law, which stems from the circumstances created in 1999 by Milosevic's political war-mongering and from the status which Kosovo held in Yugoslavia before the Constitution was illegally changed in 1988. The process is internationally sponsored and administered by the UN. There is nothing radical in an independent Kosovo. At this point it is impossible for Belgrade to achieve sovereignty over Kosovo, and for this reason wasting political energy on this issue is counterproductive. Granting Kosovo independence now would endorse an important shift in international legal thinking which aims to establish a more balanced relationship between state sovereignty and human rights.*

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**T**he strategic environment in the Western Balkans has changed significantly in the last years. No longer is the region burdened by conflict and stagnation. We are all moving forward on economic reforms, rebuilding our divided societies, and reaching out to our neighbors in a spirit of cooperation and integration. It is only fair to acknowledge that the Western Balkans has come a long ways since NATO forces defeated the army of Slobodan Milosevic in Kosovo.

Our challenge today is a political one. We need to resolve the Kosovo status issue. Postponing this process any further risks undermining the progress we are all making on economic and political reforms. The region's drive towards the EU is also under attack by enlargement skeptics who will only be heartened by any inability to resolve outstanding issues justly and efficiently. The Western Balkans needs to catch up with our more progressive EU neighbors. There is no alternative to European membership and economic progress. For these reasons, it is difficult to understand politicians in the region who promote populism and object to an independent Kosovo on mythological grounds.

As leaders, the choice we have to make is one in favor of economic growth. We have to ensure that our citizens have a higher quality of life, that our societies prosper faster, and that we have sustainable macroeconomic structures in place. Without this, the Western Balkans will remain on the margins of Europe, stifling development, frustrating our peoples and risking a return to stagnation and division.

The solution for Kosovo is independence, and an independent Kosovo is the best political platform for an economic revival of the Western Balkans. Kosovo will work if independent –in fact, Kosovo is already working independently. If we consider the progress made since the arrival of UNMIK in 1999 the comparison is stark. Our twin strategic priorities have been based on a revision of our economic structure and preserving the multiethnic nature of Kosovo.

Today Kosovo has a modern macroeconomic foundation. We have adopted the Euro as our currency, which significantly lessens the fiscal risks in both our budget planning and for investors. We have a broad tax base system which ensures relatively low marginal rates and facilitates tax collection. We revitalized the privatization process in 2006 and are opening up our telecom and energy markets to foreign investors. We are currently facilitating the sale of the second telecom licence for Kosovo and a 2.3 billion dollars energy project.

The problem which remains is job generation. In our modern economy this will come with the development of more vibrant small and medium size enterprise sectors. The lack of jobs persists for two reasons. First, it takes time to build the small and medium size enterprise sector, and they usually develop in response to growth in big business sectors. Second, progress on this front is burdened by the continued ambiguity over the Kosovo status. This makes small investors re-

luctant to enter the Kosovo market, and it means the government of Kosovo has limited capacity to attract development funds from international donor institutions.

Our political process has been enhanced in the last years, also thanks to the progress made on the economic front. The political bodies of the Kosovo Government are functioning and most of the governing competencies have been transferred from the UN Mission in Kosovo. We are also increasing our civil sector capacity as the human capital potential rises. New universities are generating innovation and starting to make the most of our young and dynamic population. In the long run, a young population has great added value, particularly if we can train the workforce and export it to various EU markets where labor is in short supply.

Kosovo's success is not yet complete, but we are a long way from the failure that pessimists and backward-looking nationalists imply. There is every reason to believe that Kosovo will succeed in becoming a vibrant multiethnic democracy with a viable economy. The next step on the road towards prosperity and EU integration is independence.

### *Evolving International Legal Values and Norms*

By delaying the process further, we not only risk undoing what Kosovo has objectively achieved, but we also risk undermining stability in the broader Balkan region. Kosovars will not accept a status within Serbia, and frankly, it is not a decision Belgrade can make. Serbia lost Kosovo in 1999 when Milosevic sent tanks to Kosovo to drive out ethnic Albanians, thus staging the last genocide seen by Europe. Modern international law prescribes both rights and responsibilities to states and heads of states. The hand of international justice has been significantly strengthened in the past decade.

NATO intervened in Kosovo in 1999 because the internal structures in Serbia failed to guarantee equal rights for the Albanian minority –indeed, they actively undermined them. The establishment of an independent, multi-ethnic Kosovo will represent a significant victory for the prudent intervention of international justice.

After NATO intervened in Kosovo in defense of international human rights, Kosovo was not handed back to Belgrade but rather to the UN. The UN Mission in Kosovo became responsible for administering the territory, and this was followed by a progressive transfer of power from UNMIK to the Government of Kosovo in Pristina. Belgrade has not played any role in this.

Thus, to argue today that Kosovo belongs in Serbia strikes as unconvincing if not outright contradictory to the nature of the international engagement in Kosovo since 1999. In fact, granting Kosovo independence now would endorse an

important shift in international legal thinking which aims to establish a more balanced relationship between state sovereignty and human rights.

It is particularly unfortunate to hear some of the arguments made by Serb politicians and others who oppose Kosovo's independence by invoking a crude idea of territorial integrity. This type of rhetoric is "un-European." Modern Europe is founded on a new balance between sovereignty, individual rights and system interdependency. In any case, territorial integrity never did imply a link between Serbia and Kosovo; if anything, the model of territorial integrity applies to a multi-ethnic Kosovo.

### ***Serbia Without Kosovo***

Serbia will do better without Kosovo in all respects. Kosovo for Serbia is an economic, social and a political burden. The question of Kosovo is really a matter of transformation of Serbia from a 20th Century Balkan state into a modern EU oriented country, less obsessed with an historical idea of territory and more focused on the well being of its citizens. There in fact are two Serbias today. One is concerned with economic progress, European integration, and regional cooperation. The other one is focusing on Kosovo and political radicalism. Clearly, only one of the two has longevity and is compatible regionally. Both the political trends and what seems to be the beginning of an economic turn-around in Serbia suggest that the former is winning out. This is a good thing also for Kosovo, which welcomes a modern Serbia.

We are approaching a critical moment in Serbia's political transition. With Bulgaria and Romania in the EU, Croatia well on its way, and Macedonia getting ready to follow suit, Serbia has a decision to make. It can either race to catch Europe along with the rest of the region or lose both Europe and Kosovo. At this point it is impossible for Belgrade to achieve sovereignty over Kosovo, and for this reason wasting political energy on this issue is counterproductive.

Our mutual obligation must be good neighborly cooperation, and I trust we will develop a vibrant economic exchange with Serbia in the near future as two independent states.

### ***Role of Europe and Russia***

What Belgrade now needs is a clear signal from the EU that Kosovo is yesterday's news. Sending mixed signals to Serbia is counterproductive for everyone. It is counterproductive for the EU process in Serbia, as suggestions that Kosovo's final status may be delayed further only feed the nationalistic propaganda machine. Second, it is counterproductive for the whole region. Rather than focusing on the necessary reforms and on the European integration process we are stuck dealing with a resurgence of nationalism and radical politics which brought Yugoslavia into this mess in the first place. Failure in Kosovo will have

regional implications. Western Balkans is interconnected and issues are inter-linked. A failure to recognize a clear and final status –independence– for Kosovo will prolong insecurity in Macedonia and Bosnia, and possibly Montenegro, which will have negative consequences for both their economic reforms and their EU integration processes.

A return to regional instability can have serious repercussions for ESDP (European Security and Defense Policy), as well as European Foreign Policy. Once again, Europe will find itself under the pressure from an unstable Western Balkans, which will divert its attention from other pressing problems like stability in the Middle East, Iran and energy security.

Kosovo and the Western Balkans are on the brink of success. Success in Kosovo would boost the image of the UN in the fields of reconstruction and post-war rehabilitation. A clearly articulated European common policy on Kosovo is key also for getting Russia on board and keeping the UN Security Council process on track. Russia has all to gain in embracing the new strategic setting in the Western Balkans, and nothing to fear from Kosovo's independence.

Kosovo is a unique case in international law, which stems from the circumstances created in 1999 by Milosevic's political warmongering and from the status which Kosovo held in Yugoslavia before the Constitution was illegally changed in 1988. The process is internationally sponsored and administered by the UN. There is nothing radical in an independent Kosovo. In fact, an independent Kosovo would present the region with a new opportunity to achieve lasting stability and sustained economic progress.

Moscow would be wise to consider the changes in the balance of power in Belgrade. As Serbia's progressive forces are moving decisively towards Brussels, Moscow must find new ways to manage what is undeniably a pro-EU political and public attitude emerging across the Western Balkans. If analyzed through a pragmatic and economic prism the Western Balkans, including Kosovo which today sits on the fifth largest lignite reserve in the world, could become a much more interesting partner for Moscow. We are determined to develop our energy potential to its fullest, in cooperation with foreign partners.

A unified EU position on Kosovo, supported by the U.S., makes a shift in Moscow's approach to the Western Balkans and on Kosovo status issue much likelier. But European equivocation might embolden Russia to support unreformed and radical political figures in Serbia, which could significantly complicate the decision-making process on the status issue and push the Western Balkans, including Belgrade, further away from Europe. Europe, which at the moment is negotiating with Russia on a number of other fronts, including on energy and the frozen conflicts in the South Caucasus, needs a united and firm position on Kosovo. With Bulgaria and Romania in the EU, Western Balkans has now become Europe's courtyard.

### *Kosovo After Status*

While status will bring about much needed clarity to Kosovo and Serbia it will not resolve all our issues. There is still work to be done on the economic front and political reforms, on regional cooperation, and on the European integration process. An independent Kosovo is only the beginning of a new chapter for the Western Balkans and our priority will be to catch up with Europe. The region's future is in the EU and the sooner we internalize this reality the faster we will progress with reforms.

EU membership is no doubt a major driver of reforms –it was in Central Europe as much as it has been in the Western Balkans. Our region is encircled by the EU which creates a need for Europe to absorb the Western Balkans also for security reasons. Regional trade and commerce are naturally linked to Europe which means we need to eliminate the current visa regime that is disabling the free flow of capital, goods and humans between Western Balkans and the EU. For our case to be convincing we must strengthen the rule of law by boosting our justice and police capabilities.

Regional cooperation is not just an ambition but a real need in order to become economically competitive. Trade facilitation between countries of the Western Balkans is important to attract FDI. Investors seek liberal, free and interconnected markets. There are also political and social reasons for deepening regional integration. Western Balkan countries are multiethnic states, and dealing with minority issues on a country level is easier if regional cooperation is positive. In the case of Kosovo, the question of the Serb minority in Kosovo will be easier to deal with once relations between Serbia and Kosovo improve.

However, the government of Kosovo has already and independently taken substantial steps towards ensuring that the rights of Serbs in Kosovo are fully protected. Firm promises are backed up by practical guarantees. Minorities in Kosovo have reserved seats in the Parliament in addition to those won by election, and two Ministry posts are reserved for the Kosovo Serbs. In addition the Government of Kosovo is determined to develop strong municipalities with adequate municipal authority and autonomy. This means that Serb municipalities have Serb police forces, Serb schools and Serb doctors. Serbian is recognized as an official language of Kosovo.

Contrary to certain arguments the Serbian question in Kosovo is not one of territorial distinction. Kosovo Serbs are spread across Kosovo, including the south. Stripping Kosovo of our northern part and attaching it to Serbia would be damaging to regional stability, would fully undermine our efforts to create a multiethnic state, and would send a disastrous message internationally. At the same time it would do nothing for the interests and security of our Serbs. The solution to the Kosovo Serbs must be found through constructive initiatives such as positive discrimination.

Kosovo will have to deal with the reality of independence on all levels and this will not always be easy. The structure and nature of political responsibility in Kosovo will change. The Government will have and should assume full responsibility in all sectors, with perhaps international help in administering security and justice affairs. Improving these two sectors should be the immediate priorities of a post-status Kosovo government, along with generating employment and positive economic growth.

The economy of Kosovo will be affected by the status decision and the withdrawal of UNMIK. The GDP is expected to drop in the first year after UNMIK leaves as internal economic exchanges will probably diminish. However, Kosovo will gain the ability to borrow money from international agencies such as the IMF and the World Bank, an important step towards attaining the necessary microeconomic activity in Kosovo that will guarantee long-term growth.

In order to be effective in tackling the post-status challenges and to set the strategic and national priorities for our new country we will need coordination among political actors in Kosovo. We will also need a sufficient degree of political consensus following the status decision on the EU agenda. Political infighting will only stall reforms in Kosovo, potentially costing us EU membership, just as stalling on the Kosovo final status could have severe negative implications for the progress already made in the region, for ESDP and the future of UN post-conflict missions.

### *The Next Step*

Postponing the final decision will only further delay a regional economic boom and it could compromise our collective EU perspective. Kosovo's citizens deserve a place in Europe and a prosperous future in an independent and internationally recognized Kosovo. The peoples of the region deserve this too. The time has come to close this chapter through the Security Council and recognize Kosovo as an independent country.