

**The Road Is Long But the Destination Is In Sight**

by

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**Kosovo and Serbia: a Pathway to Peace**

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Mr. Chairman, thank you for this opportunity to testify on the pathway to peace for Kosovo and Serbia, which has been a long and difficult one. With your permission, I'll summarize and submit my full written testimony for the record.

Kosovo since end of the 1999 NATO war with Serbia has benefited from UN administration, EU and American assistance, international supervision, a NATO-led security force, a UN-negotiated Comprehensive Peace Settlement—the Ahtisaari plan—and internationally coordinated independence. The conflict has been well-managed. It is ready for resolution.

Technical talks between Belgrade and Pristina with European Union facilitation have over the past two years produced agreements that will improve the lives of both Albanians and Serbs. Kosovo is now represented in regional organizations and events. Integrated border management has confirmed its territorial integrity, enabled freedom of movement and encouraged cross-border security cooperation. A customs agreement brings revenue to both Kosovo and Serbia. An agreement on civil registries and land records facilitates resolution of property disputes. Mutual recognition of university diplomas eases cross-border exchanges and employment, especially for younger people. These are real and important achievements that need wholehearted implementation.

The Pristina/Belgrade dialogue has been elevated during the past six months to the political level. Kosovo Prime Minister Thaci has met repeatedly with the Serbia Prime Minister Dacic. The two presidents have also met. The objective of this EU-sponsored process was to normalize relations between former enemies. The first goal is fixing the anomalous situation in northern Kosovo, where the majority Serb population of three and a half municipalities refuses to accept Pristina's governing authority.

The latest round ended just last week in an agreement consistent with the UN-sponsored Ahtisaari plan, which is integral to Kosovo's constitution. The agreement provides explicitly for integration of northern Kosovo into Pristina's constitutional and legal framework with respect to police, justice and elections. It provides ample self-governance to the Serb communities in the north on many other issues, including through an association that includes all the Serb-majority municipalities in Kosovo. The north also gets a district appellate court and a role in choosing a district police chief.

This is a good agreement. If fully implemented, it would go a long way to establishing democratically validated institutions as well as clear legal and police authority on the whole territory of Kosovo. It also includes a provision that "neither side will block, or encourage others to block, the other side's progress in their respective EU path." This provision acknowledges implicitly that Kosovo is an independent and sovereign state. It will progress towards the EU at its own pace and enter separately without Serbia exercising a veto. I hope EU non-recognizers will see this as an ample basis for proceeding with recognition of Kosovo, once Belgrade stands down from its campaign against it.

Belgrade, however, is still saying that it will never recognize Kosovo's "unilateral declaration of independence." I take this seriously. Normalization has to include eventual recognition and establishment of diplomatic relations. Without that, Kosovo will have to regard Serbia as a potential military threat, in particular to the Serb-majority municipalities of the north but also farther south. Kosovo should not have to arm itself to meet such a threat. An arms race between Serbia and Kosovo would serve the interest of neither. Nor should we be helping to foot the bill for NATO to remain in Kosovo to guard against a threat that should not exist.

Mr. Chairman, some propose settling this issue by an exchange of territory, with northern Kosovo incorporated into Serbia and the Albanian-majority communities of southern Serbia into Kosovo. It seems a simple and straight-forward solution.

It is not. Let's leave aside the legal issues: Kosovo's constitution prohibits it, and in any event Kosovo could only engage in such a territorial swap if it is first recognized as sovereign. Let's also leave aside Serbia's commitment to its territorial integrity and its particular interest in strategically important land that lies near its vital north-south route to the Mediterranean. Let's even leave aside the international community's distaste for moving borders to accommodate ethnic criteria, an exercise that can never satisfy everyone and would likely generate ethnic cleansing, irredentist sentiment and violence.

There is still another issue: a territorial swap between Kosovo and Serbia would destabilize Macedonia and Bosnia and Herzegovina. I know of no way to prevent this. There is every reason to believe that Albanians in Macedonia and Kosovo would see it as reason to seek union and that the Serbs of Bosnia would likewise see it as reason to seek independence or union with Serbia. The Dayton agreements and their implementation for the better part of two decades, the UN preventive deployment in Macedonia and the US/EU-sponsored Ohrid agreement could all be for nought, incinerated in a paroxysm of violence and ethnic cleansing.

I would not take that risk. I don't think Pristina and Belgrade should either.

What this means is that Serbia, despite what its president still proudly asserts, is going to have to recognize Kosovo and establish diplomatic relations with it based on its universally acknowledged territory before Serbia enters the EU. That day is closer than many imagine. The International Court of Justice has advised that Kosovo's declaration of independence breached no international law. If Kosovo governs, polices, administers justice, holds elections and also applies for EU membership like a democratic state on a well-defined territory, it is one, independent and sovereign. The "normalization" agreement initialled on Friday confirms it.

Now comes the hard part. Implementation is never automatic in the Balkans, though the European Commission's reports include a positive picture of how the previous "technical" agreements are being implemented. The problem now is that the current leadership of the population in northern Kosovo is opposed to integration into Pristina's police, judicial and electoral frameworks, which is the heart of the new agreement.

Pristina should do its best to make integration attractive. It can do this by making funding available for the north and moving with “all deliberate speed” on implementation. Provoking the northerners will do Pristina no good. Moderate language and actions are in order. At the same time, the agreement is admirably clear and requires concrete steps be taken. Transparency is important: people need to know what to expect. There will be resistance. Pristina needs to be patient, but firm.

Belgrade has an even greater, if less visible, role. Northern resistance is financed with funding from Belgrade security institutions and from smuggling. Both need to shut down. Some northerners will not want to stay in Kosovo. Their entirely voluntary movement needs to be welcomed in Serbia. Belgrade and Pristina need to collaborate in blocking the illicit trade in goods that are brought into northern Kosovo tax-free from Serbia only to be returned to Serbia or sold south of the Ibar in Kosovo. The political economy is no less important than the politics.

While relieved that an agreement has been reached, I am still concerned about the future. The Belgrade/Pristina dialogue is a classic case of elite pact-making without a broader peacebuilding process. The underlying drivers of conflict have not been addressed. Serbs and Kosovo Albanians still think badly of each other and rank themselves as victims. There has been little mutual acknowledgement of harm. Few Albanians and Serbs have renewed personal ties. It is becoming increasingly difficult to do so as many younger people lack a common language other than English. It is almost 14 years since the end of the NATO/Yugoslavia war. To be self-sustaining, this peace process is going to need to go deeper and involve many more citizens on both sides.

Let me finish with a word about the European Union and the United States.

First, we owe props to the EU and its High Representative, Catherine Ashton, for her hard and productive work in negotiating this first agreement on normalization of relations. Second, we should be grateful to the EU for having put forward vital incentives that helped bring the negotiating process to a successful conclusion. For Serbia, this means a date to begin its EU accession negotiations. For Kosovo, this means a date to begin negotiating a Stabilization and Association Agreement as well as progress in obtaining a Schengen visa waiver. These incentives must now be delivered. They will provide real benefits for all the citizens of Kosovo and Serbia.

As for the US Government, it shares supporting actor credit with the leading Lady Ashton. While staying out of the political talks, the Administration has pushed, pulled and cajoled both Pristina and Belgrade. This is not leading from behind. Vital U.S. national security interests are not at stake today in the Balkans, but we would be remiss if we did not try to ensure that things go smoothly, stability is maintained and the rights of all are protected. We have many other foreign policy priorities. It is correct to expect Europe to lead. But Europe is correct to expect that Washington provide support.

The road has been long, Mr. Chairman, but we are near its end and need to keep going in the right direction.