



by Correspondence between Dimitri K. Simes and Frank G. Wisner

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**Editor's Note:** Dimitri K. Simes' article "The Consequences of Inflexibility" appeared in the December 27, 2007 edition of the *International Herald Tribune* and is reprinted with permission. Ambassador Wisner sent his response to our offices as a part of a mass mailing and makes clear in the text that he was seeking wider distribution, making it a public document. In view of Ambassador Wisner's key role representing the United States in talks in the so-called Troika (the United States , the European Union, and Russia ) on the future status of Kosovo, we thought our readers would be interested in the exchange.

### The Consequences of Inflexibility

by Dimitri K. Simes

Even well before the Dec. 10 deadline for an agreement with Belgrade on the status of Kosovo, Pristina , Washington , and Brussels were moving blindly toward independence. Pristina's enthusiasm for this course is entirely understandable - the Albanians want independence and the United States and the European Union have promised to deliver it on a silver platter.

What motivates the U.S. and its allies is less clear - at least if one expects leaders to offer genuine moral judgments, sound strategic logic, and realistic evaluation of the consequences of their decisions.

First, some facts: Serbia is a democratic state that recently agreed to grant complete independence to Montenegro without any struggle after a referendum in the former Yugoslav

republic and despite the presence of a Serb minority there. Serbia has expressed willingness to grant Kosovo far-reaching autonomy. But because Serbs see Kosovo as the cradle of Serbian civilization - and because only two years ago vicious Albanian riots killed dozens of Serbs living there, in the presence of NATO forces - Belgrade refuses to accept Kosovo as an independent nation in its current form.

Serbia 's position is rooted in UN Security Council Resolution 1244, which speaks specifically about "substantial autonomy and meaningful self-administration for Kosovo" while respecting "the sovereignty and territorial integrity of the Federal Republic of Yugoslavia " (now Serbia ).

The resolution, adopted in 1999, was a compromise between the U.S.-led NATO alliance and Yugoslavia after weeks of military bombardment triggered by Slobodan Milosevic's attacks on Kosovo Albanians, which were in turn partially provoked by Kosovo Liberation Army attacks on Serbian police and civilians.

So NATO is unilaterally backing away from a deal it made with Milosevic's authoritarian regime, putting Serbs in Kosovo clearly at risk in the process, because the democratic government of Serbia has no public support for further concessions.

There would be no similar risk to Kosovo Albanians from Serbia under Belgrade 's formula. Strikingly, Kosovo's American and European supporters do not attempt to justify the partition of Serbia with international law. Rather, they say it is necessary to accommodate Kosovo Albanians who otherwise may inflame the region by attacking the Serb population there.

This is a cowardly and misleading argument. It is cowardly because the forced dismemberment of a sovereign state under the blackmail of mob violence should be beneath NATO's dignity. If avoiding violence in Kosovo is the prime concern, NATO has more than sufficient resources to have its way without surrendering to Albanian demands. It is easier to paint Serbia and Russia as the villains.

Moscow , however, has made clear that it could accept Kosovo independence with Serbia 's consent. There is no evidence that the Kremlin has fueled Serbian intransigence beyond simply stating that a UN member state cannot be involuntarily partitioned. In fact, Russia earlier signaled that it might abstain in a Security Council vote if Kosovo's independence became a

precedent for other unrecognized states, including the Georgian enclaves Abkhazia and South Ossetia, which border Russia .

The more the Kremlin hears from the Bush administration that Kosovo is not a precedent, the more it wants to demonstrate that Russia is a serious power which cannot be ignored like it was in 1999. Most in Moscow see the situation today as a replay of major European powers' historical attempts to expel Russia from the Balkans and to demonstrate its irrelevance.

This course led to war the last time - and it could again. Serbia and Russia could do little, at least not right away, after Western recognition of Kosovo. But Abkhazia and South Ossetia will likely reiterate their claims to independence and, if they go unrecognized, it won't matter. Their goal is not statehood but integration into Russia - and most residents already have Russian citizenship.

Moscow has so far promised to respect Georgia 's territorial integrity, but there is a growing danger that Russia will move slowly and quietly but steadily toward integrating Abkhazia and South Ossetia . If Georgia accepts this new reality on the ground, Kosovo will become exactly the kind of precedent for the Caucasus that the Bush Administration denied it could be. If Georgia chooses to use force, Russia is likely to respond militarily. If there is shooting between Russia and Georgia , would NATO come to Georgia 's defense, risking a confrontation with Russia ? Or would it just make a lot of angry noise, giving President Vladimir Putin a major strategic victory with consequences throughout the former Soviet region? In either case, America 's ability to cooperate with Russia on such essential matters as nonproliferation, counter-terrorism and energy interdependence would be in tatters.

Meanwhile, back to the Balkans. If estrangement between Russia and the U.S. progresses further, Moscow may decide to use its UN veto to block an extension of the EU force's mandate in Bosnia . Measures intended to avoid violence in the Balkans would boomerang, bringing broader Balkan instability.

Washington and Brussels are right that Kosovo's status quo is unsustainable in the long run and that independence is a logical destination point. But that does not mean that Kosovo needs independence now.

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Moreover, while further negotiations are indeed hopeless so long as the U.S. and EU continue to tell the Albanians that they can count on quick independence without concessions to Belgrade , a more balanced position could lead to compromise. A deal could include territorial exchanges between Serbia and Kosovo; a temporary arrangement that would give Belgrade largely symbolic sovereignty over the rest of Kosovo; and a fast track to EU membership for Serbia . This in turn could lead to a tacit understanding with Russia that the status of the Georgian enclaves should not be changed unilaterally.

This approach is distasteful to some, who will settle for nothing short of another "victory" for the West. But victories like these often have devastating unintended consequences. Some discovered this in Iraq , but others never learn.

Dimitri K. Simes is president of The Nixon Center and publisher of *The National Interest* .

### **Letter to the Honorable Charles Freeman from Ambassador Frank G. Wisner:**

January 17, 2008

Dear Chas,

I understand that the Salon has recently circulated to its members a copy of Dimitri Simes' article of December 27, 2007, in the International Herald Tribune. Having served as the Special Representative of the Secretary of State to the Kosovo Status Talks for the past two years and having just completed an intensive series of European, United States and Russian led Troika negotiations with Serbia's and Kosovo's representatives, I believe I am in a strong position to comment on Mr. Simes' conclusions, with which I disagree. I would appreciate your sharing my views with the members of the Salon.

The negotiations over Kosovo's final status are over. During the past several years every possible effort has been made to find common ground between the Serbian and Kosovar positions. There is none; every avenue to a compromise based solution was explored. Kosovo has been a UN responsibility for the past eight years; the status quo is no longer sustainable.

The UN administration has exhausted its ability to exercise its responsibilities and the overwhelming majority of Kosovars insist on independence for which, after years of tutelage, they are amply prepared. The vast majority of Kosovars are not to be denied independence, having experienced many years of Serbian rule and having been victims of harsh repression in 1999. That experience is indelibly etched in Kosovar memories; it has a consequence which not even those in Serbia who profess democratic ideals can eliminate. Kosovar independence is exactly the conclusion former Finnish President, Martti Ahtissari, reached after two years of negotiations on behalf of the Secretary General.

Mr. Simes does not fully describe the autonomy measure which the Serbian government advanced during the latest Troika led negotiations. That offer fell short of providing a basis for a settlement. In fact, it was less substantial than the arrangements in place under the Yugoslav Federation, arrangements which Milosevic revoked. Under its recent proposal, Serbia asserted its right to retain sovereignty; it would not cede responsibility for Serbs living in Kosovo. Kosovo would have neither responsibility for its defense nor its foreign officers. Nor would Serbia's offer allow for Kosovar representation in Belgrade's central institutions—its parliament and government. In a word what Serbia offered to Kosovo's leaders was less than the authorities they presently enjoy under the UN's mandate.

Mr. Simes is also wrong in asserting that UNSCR 1244 does not provide for the international community to decide Kosovo's future. Moreover, nothing in 1244 precludes Kosovo's independence. To repeat, no new negotiation can produce a consensus position between Serbia and Kosovo. The international community must make a decision on final status and the United States, among others, believes the time is right to implement Ahtisaari's plan. Kosovo is not being handed independence on a "silver platter" as Dimitri Simes claims. The Kosovar leadership is ready to accept the Ahtisaari proposal with its substantial protections for the minorities, including the Serbian community. Kosovar leaders are also prepared to accept tight international supervision during the early years which follow final status to ensure they comply with the Ahtisaari obligations, develop sound judicial and law and order systems, and pursue appropriate defense policies.

Resolving Kosovo's future ought to be the final step in settling the breakup of the former Yugoslavia. Clarity over Kosovo gives the region, Europe and the United States an opportunity to move beyond the brutal legacy of the Milosevic years; it will define state boundaries, establish sovereignty and set the stage for the region's nations to enter the European Union and NATO. Without a clear definition of state boundaries, the contest over Kosovo will go on, with the United States and the international community caught in the middle. NATO will be faced with a continuing threat to European security. An unresolved Kosovo leaves Serbia with an "albatross" around its neck. No power on earth can force Kosovo's majority population to live again under the Serbian flag.

There remains, as Mr. Simes points out, the question of Russia . Regrettably, Russia objects to Kosovar independence. Contrary to the Russian view, Kosovo is a unique case. Its tragic circumstances in the 1990's, UNSCR 1244; the imposition of UN responsibility and eight years of UN rule sets Kosovo apart from any other territorial quarrel in today's world, including in the former Soviet Union. I remain to be persuaded that Russia has anything like the responsibilities in the Balkans, including Kosovo, which we and the Europeans bear. This said, I am equally certain Russia bears a responsibility ensuring Kosovo's orderly evolution to final status, and should work to moderate Serbian objections to it.

I hope the members of the Salon will keep the foregoing thoughts in mind as they make judgments about the wisdom of the United States policy. I firmly believe we did the right thing in the 1990s in standing by those—including the majority populations in Bosnia and Kosovo—who suffered from Milosevic's repression. The time is right to make good on our commitment to settle Kosovo's future justly.

Finally, no American can look at the future of south eastern Europe without recognizing the centrality of Serbia to the region's peace and prosperity. We have long standing ties with Serbia . We have fought on the same side in the last century's two world wars. Many Serbs have found homes in the United States and the Serbian community here is vibrant and prosperous; it has contributed much to America . We may disagree with Belgrade 's government over Kosovo and will continue to do so in the face of Serbian opposition to Kosovo's final status. But we want Serbia to know we are ready to rebuild the relationship and get the past, nearly twenty years of difficulty, behind us, so that peace results and commerce and economic progress in the Balkans occur. A good starting point would be getting it right with Kosovo and putting the issue behind us. Serbia , like the United States , has a stake in stability.

Sincerely,

Frank G. Wisner

Ambassador Frank G. Wisner is the U.S. Special Envoy to the talks on Kosovo's future status.

### **Dimitri K. Simes' response to Ambassador Wisner:**

Dear Ambassador Freeman:

Ambassador Frank Wisner was kind enough to share with me his letter to you in response to my December 27, 2007 *International Herald Tribune* piece, “The consequences of inflexibility”. I know Frank Wisner well, respect him a great deal and consider him a friend. Still, I have a serious disagreement with both his analysis and with some of the facts as he presents them. While unlike him I was not involved in Kosovo's status negotiations, I have discussed them over a period of time with a variety of U.S., European, Russian, and Serbian officials, including both the policy makers and the people directly involved in the talks. I stand by every statement I made in my piece.

Ambassador Wisner argues that “during the past several years every possible effort has been made to find common ground between the Serbian and Kosovar positions”. That is not quite the case. From the very beginning, both the United States government and the United Nations envoy, Martti Ahtissari, have argued that the only acceptable outcome would be Kosovo independence. With this in mind, Ahtissari has hardly been an impartial intermediary. Moreover, under these circumstances, why would the Kosovars even entertain the possibility of settling for anything less than what they have been encouraged to think they can get? And how would this position by Ahtissari and Washington—which is totally unacceptable to the democratically elected government in Belgrade and, as every opinion poll indicates, the vast majority of Serbs—get the Serbian government to display flexibility at the bargaining table? The talks were bound to be deadlocked from the start.

Ambassador Wisner states that “the overwhelming majority of Kosovars insist on independence for which, after years of tutelage, they are amply prepared”. First, why is Kosovar insistence on independence any different than similar desires of the Palestinians, the Abkhaz, or the Armenians in Karabakh? Yet, quite reasonably, the United States would not suggest that Israel, Georgia, or Azerbaijan be dismembered without the agreement of the states in question. And by what strange criteria can one claim that the Kosovars are “amply prepared” for independence just two years after dozens were killed and major damage was done to holy sites and property during anti-Serb riots, which international forces were not able to stop?

According to Ambassador Wisner, “what Serbia offered to Kosovo's leaders was less than the authorities they presently enjoy under the UN's mandate”. That is not quite the case. What

Serbia was proposing would lead to a removal of foreign forces from Kosovo. They would not be replaced with any Serbian forces, allowing the Kosovars to essentially be in charge of their own affairs. True, the Serbian proposal was not perfect and as I made clear in my *International Herald Tribune*

piece, eventual independence for Kosovo was the right course. But there was more than enough in the Serbian offer to be exploited in search of a compromise with Belgrade – a compromise which was never attempted by the Bush administration or Kosovo independence enthusiasts among Hillary Clinton advisors like Ambassador Richard Holbrooke.

In Ambassador Wisner's words, "Mr. Simes is also wrong in asserting that UNSCR 1244 does not provide for the international community to decide Kosovo's future". I said nothing of the sort, provided that by the international community one means the United Nations Security Council. But a decision by the United States and the European Union is not a substitute for a U.N. Security Council mandate. Surely, the United States would not allow other nations and regional organizations to claim the authority of the international community in acting against American interests and American allies. Ambassador Wisner's next sentence, "Moreover, nothing in 1244 precludes Kosovo's independence", is absolutely correct – if 1244 is replaced with another U.N. security resolution. But as long as this does not happen, 1244 itself is abundantly clear and does not allow any other interpretation that Kosovo should have "substantial autonomy and meaningful self-administration" while the U.N. remains committed to "the sovereignty and territorial integrity of the Federal Republic of Yugoslavia", of which Serbia is the legal heir.

Most important in terms of policy implications, Ambassador Wisner states that "contrary to the Russian view, Kosovo is a unique case" because Russia does not have "anything like the responsibilities in the Balkans, including Kosovo, which we and the Europeans bear". Of course every case is unique, but the Russians, the Abkhaz, the South Ossetians, and the Karabakh Armenians believe that there is more than enough similarity to view Kosovo as a precedent, and they are bound to act on their views rather than on policy statements from Washington. With peacekeeping forces in Abkhazia and South Ossetia, territories contiguous to Russia where the majority of residents are Russian citizens, Moscow feels that its interests there are not inferior to U.S. interests in Kosovo. And like the U.S. in Kosovo, Russia has resources in these areas to have its way. In the case of Serbia, which Ambassador Wisner says he would like to see integrated into Europe, recent election results there show how unlikely it is that independence for Kosovo will produce an outcome inside democratic Serbia that would advance that goal.

None of the arguments I made in my *International Herald Tribune* piece are new or unique, and as Ambassador Wisner knows there are a number of people in the Bush administration itself who share my concerns. Some of them actually privately wrote me after the publication of my piece to indicate their broad agreement. The issue is that the Bush administration's senior



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officials have ignored the objections of those worried about the unintended consequences of Kosovo independence in the same way they ignored words of caution before the U.S. invasion of Iraq. I expect that the costs of Kosovo will not be so high as those of the U.S. involvement in Iraq, but I would not count on it, particularly if we continue to act as if the combination of our righteousness and our power always entitles us to have our way without a serious price to pay.