AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

KOSOVO AND SERBIA: A PATHWAY TO PEACE

HEARING

BEFORE THE

SUBCOMMITTEE ON EUROPE, EURASIA, AND EMERGING THREATS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

APRIL 24, 2013

Serial No. 113–23

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/ or http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

80–547PDF WASHINGTON : 2013

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON FOREIGN AFFAIRS

EDWARD R. ROYCE, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey
ILEANA ROS-LEHTINEN, Florida
DANA ROHRABACHER, California
STEVE CHABOT, Ohio
JOE WILSON, South Carolina
MICHAEL T. MCCAUL, Texas
TED POE, Texas
MATT SALMON, Arizona
TOM MARINO, Pennsylvania
JEFF DUNCAN, South Carolina
ADAM KINZINGER, Illinois
MO BROOKS, Alabama
TOM COTTON, Arkansas
PAUL COOK, California
GEORGE HOLDING, North Carolina
RANDY K. WEBER SR., Texas
SCOTT PERRY, Pennsylvania
STEVE STOCKMAN, Texas
RON DESANTIS, Florida
TREY RADEL, Florida
DOUG COLLINS, Georgia
MARK MEADOWS, North Carolina
TED S. YOHO, Florida
LUKE MESSER, Indiana

ELIOT L. ENGEL, New York
ENI F.H. FALEOMAVAEGA, American Samoa
BRAD SHERMAN, California
GREGORY W. MEEKS, New York
ALBIO SIRES, New Jersey
GERALD E. CONNOLLY, Virginia
THEODORE E. DEUTCH, Florida
BRIAN HIGGINS, New York
KAREN BASS, California
WILLIAM KEATING, Massachusetts
DAVID CICILLINE, Rhode Island
ALAN GRAYSON, Florida
JUAN VARGAS, California
BRADLEY S. SCHNEIDER, Illinois
JOSEPH P. KENNEDY III, Massachusetts
AMI BERA, California
ALAN S. LOWENTHAL, California
GRACE MENG, New York
LOIS FRANKEL, Florida
TULSI GABBARD, Hawaii
JOAQUIN CASTRO, Texas

AMY PORTER, *Chief of Staff* THOMAS SHEEHY, *Staff Director*
JASON STEINBAUM, *Democratic Staff Director*

SUBCOMMITTEE ON EUROPE, EURASIA, AND EMERGING THREATS

DANA ROHRABACHER, California, *Chairman*

TED POE, Texas
TOM MARINO, Pennsylvania
JEFF DUNCAN, South Carolina
PAUL COOK, California
GEORGE HOLDING, North Carolina
STEVE STOCKMAN, Texas

WILLIAM KEATING, Massachusetts
GREGORY W. MEEKS, New York
ALBIO SIRES, New Jersey
BRIAN HIGGINS, New York
ALAN S. LOWENTHAL, California

CONTENTS

Page

WITNESSES

Mr. Jonathan Moore, Director, Office of South Central European Affairs, Bureau of European and Eurasian Affairs, U.S. Department of State 9
Daniel Serwer, Ph.D., professor, School of Advanced International Studies, Johns Hopkins University 30
Ms. Shirley Cloyes DioGuardi, Balkan Affairs adviser, Albanian American Civic League 36
Mr. Obrad Kesic, senior partner, TSM Global Consultants, LLC 53
Mr. Roland Gjoni, JD, LLM (former senior legal and policy advisor to Effective Municipalities Initiative in Kosovo) 61
Mr. Robert A. Churcher (former director, International Crisis Group in Prishtina) 70

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

The Honorable Dana Rohrabacher, a Representative in Congress from the State of California, and chairman, Subcommittee on Europe, Eurasia, and Emerging Threats: Prepared statement 3
Mr. Jonathan Moore: Prepared statement 11
Daniel Serwer, Ph.D.: Prepared statement 32
Ms. Shirley Cloyes DioGuardi: Prepared statement 39
Mr. Obrad Kesic: Prepared statement 55
Mr. Roland Gjoni: Prepared statement 63
Mr. Robert A. Churcher: Prepared statement 72

APPENDIX

Hearing notice 100
Hearing minutes 101
Ms. Shirley Cloyes DioGuardi: Material submitted for the record 102
The Honorable Dana Rohrabacher: Material submitted for the record 104

KOSOVO AND SERBIA: A PATHWAY TO PEACE

WEDNESDAY, APRIL 24, 2013

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EUROPE, EURASIA, AND EMERGING THREATS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 3 o'clock p.m., in room 2172 Rayburn House Office Building, Hon. Dana Rohrabacher (chairman of the subcommittee) presiding.

Mr. ROHRABACHER. I call to order this hearing of the Foreign Affairs Subcommittee on Europe, Eurasia, and Emerging Threats.

Today's topic is Kosovo, or Kosovo—I keep changing the way I pronounce it just so I won't offend anybody, or offend everybody—and Serbia: A Pathway to Peace.

After the ranking member and I each take 5 minutes to make opening remarks, each member present will have 1 minute to make an opening statement, and alternating between majority and minority members. And without objection, all members may have 5 days to submit statements, questions, or extraneous materials for the record. And hearing no objection, so ordered.

This hearing was postponed from an earlier date, but the delay has proven most fortunate. Because it was just last Friday that after 6 months, the Prime Ministers of Kosovo and Serbia initialed an agreement mediated by Lady Ashton of the European Union. However, the document that emerged last week was entitled, "First Agreement of Principles Governing the Normalization of Relations." So it is not the end of the process, and as it implies there is much more to come.

So today's hearing, we will look at what has been accomplished and what still needs to be done. Just this week, Kosovo's Prime Minister summed up the sentiment on both sides, and that is, and I quote, "Don't expect us to start loving each other." So the divisions are still there and they run very deep. A huge issue has been the status of the four overwhelmingly Serbian majority municipalities in northern Kosovo, which borders on Serbia.

The Kosovars fought a war, a brave war and a courageous war for independence, because they did not want to be ruled by the Serbs. In the same token, the Serbs do not want to be ruled by the Kosovars. The principle of self-determination, I believe, should apply to everyone. And this wasn't a case over the years where American policy, or at least my involvement in it as a person who is deeply involved in these issues, was never based on because I like Kosovars more than I like Serbs or vice versa, but always that

the principle of self-determination is something that is written down in the American Declaration of Independence and should be part of the heart and soul of what Americans are all about.

The United States and NATO supported Kosovo's independence with the use of military force, and it has also sided with Kosovo over who should control the northern Serb communities. Of course, they have decided Kosovo. The Serbs have wanted autonomy for municipalities, and Serbia has been supporting "parallel institutions" to provide local services. While this first agreement favored Kosovo on the principle of "authority" over the northern disputed territory, the Serb communities will control their own areas of economic development, education, health, urban and rural planning. Thus, Kosovar authority, here, you could read that "sovereignty," in those areas is a facade. It is an illusion which will come back to hurt both parties if an illusion just is allowed to sit in order to take one step more in a certain direction.

The core of sovereignty is the control of security forces. The agreement places all police and security personnel under central Kosovo command. However, the northern regional police commander will be a local Serb appointed by the Kosovo Government from a list provided by Serb mayors. The composition of the police force will reflect the ethnic composition of the population of the four municipalities. So it will be a Serb force, under a Serb leader, supposedly enforcing Kosovo law. There will be a division of the National Appellate Court established in the north with a majority of Serbian judges to hear cases from the Serbian municipalities.

Serbia has not recognized Kosovo's independence, and still stands in the way of Kosovo joining the United Nations or other international bodies as a sovereign state. Both did agree not to block each other's path into joining the EU. I don't know what that says about people who want to join the EU at this point, sort of wishing each other good luck. The New York Times called this a "power-sharing agreement." What it doesn't do is satisfy the people most affected, and that is the people of northern Kosovo. As long as there is a clash of identities and a deep distrust borne of centuries of conflict, there is a likelihood of more trouble. Negotiations between governments can lead to compromise, but they can also heighten tensions when core values are at stake.

Perhaps it is time to consult the people living in the disputed areas and see what they want to do. The people living in predominantly Serb areas of northern Kosovo should be allowed to vote in a referendum for which country they would like to be integrated into. The parallel referendum should be held in predominantly Albanian areas in southern Serbia and surrounding areas giving them the same choice. And that is an American concept that the people of certain areas have rights to self-determination through the ballot box. But I don't think anyone would be surprised by the outcome of there was such a vote.

The borders of both Serbia and Kosovo could be adjusted in accordance with the desires of the people who are living within those borders. Territory of about equal size could be exchanged to establish a new equilibrium in the region. The result would be two much more unified countries without the constraint and irritation of try-

ing to rule over unhappy minorities who are looking across the border for help and sparking disputes.

So I would be interested to hear from our panelists why such a democratic process would not be welcome, and what is truly the way to normalize relations between Serbia and Kosovo. With that said, I turn to the ranking member, Mr. Keating.

[The prepared statement of Mr. Rohrabacher follows:]

REP. DANA ROHRABACHER CHAIRMAN, HOUSE FOREIGN AFFAIRS SUBCOMMITEE ON EUROPE, EURASIA & EMERGING THREATS

OPENING STATEMENT: KOSOVO-SERBIA PATH TO PEACE HEARING (April 24, 2013)

This hearing was postponed from an earlier date, but the delay has proven fortunate because it was just last Friday that after six months, the Prime Ministers of Kosovo and Serbia initialed an agreement mediated by Lady Ashton of the European Union.

However, the document that emerged last week was titled, "First Agreement of Principles Governing the Normalization of Relations" so it is not the end of the process. First implies more to come. So today's hearing will look at what was been accomplished and what still need to be done.

Just this week, Kosovo's prime minister summed up sentiment on both sides: "Don't expect us to start loving each other." So the divisions are still there, and still deep.

An issue has been the status of the four overwhelmingly Serbian-majority municipalities in northern Kosovo which border on Serbia. The Kosovars fought a war of independence because they did not want to be ruled by Serbs. By the same token, the Serbs do not want to be ruled by Kosovars. The principle of self-determination should apply to all parties.

The U.S. and NATO supported Kosovo's independence with the use of military force. And it has also sided with Kosovo over who should control the northern Serb communities---Kosovo. The Serbs have wanted autonomy for the municipalities and Serbia has been supporting "parallel institutions" to provide local services. While this first agreement favored Kosovo on the principle of "authority" over the northern disputed territory, the Serb communities will control their own areas of economic development, education, health, urban and rural planning.

The core of sovereignty is control of security forces. The agreement places all police and security personnel under central Kosovo command. However, the northern Regional Police Commander will be a local Serb appointed by the Kosovo government from a list provided by the Serb mayors. The composition of the police force "will reflect the ethnic composition of the population of the four municipalities." So it will be a Serb force under a Serb leader, supposedly enforcing Kosovo law.

There will be a division of the national Appellate Court established in the north with a majority of Serbian judges to hear cases from the Serb municipalities.

Serbia has not recognized Kosovo's independence and still stands in the way of Kosovo joining the United Nations or other international bodies as a sovereign state. Both did agree not to block the other's path to joining the EU.

The New York Times called this a "power sharing" agreement.

As long as there is a clash of identities and deep distrust borne of centuries of conflict, there is a risk of more trouble. Negotiations between governments can lead to compromises, but they can also heighten tensions when core values are at stake.

Perhaps it is time to consult the people living in the disputed areas and see what they want to do. The people living in predominantly Serb areas of northern Kosovo should be allowed to vote in a referendum for which country into which they would like to be integrated. A parallel referendum will be held in predominately Albanian areas of southern Serbia (Presevo and the surrounding area), giving them the same choice.

I don't think anyone will be surprised by the outcome of such votes. The borders of both Serbia and Kosovo would be adjusted in accordance with the desires of the people living within those borders. Territory of about equal size would be exchanged. The result would be two much more unified countries without the constant irritation of trying to rule over unhappy minorities who are looking across the borders for help and sparking disputes.

I would be interested to hear from our panelists why such a democratic process would not be welcome as a way to truly "normalize" relations between Serbia and Kosovo.

Mr. KEATING. Thank you, Mr. Chairman, and thank you for holding this timely hearing. We are also pleased to be joined by Ranking Member Engel who has extensive firsthand knowledge and experience in the region.

In the last week, we witnessed both Kosovo and Serbia take immense strides toward greater stability and prosperity for their people. Through agreeing to the EU-brokered April 19th agreement, both nations did something rather unprecedented in the region. They set aside their deep-rooted past to focus on the future. If they continue on this path, this week may signify a turning point for the Balkans as a whole. Of course, there have been many notable successes in the region, but some of that progress has been stalled by obstructive policies that have prevented budding nations from joining Western multilateral institutions like NATO or the EU.

If implemented correctly and thoughtfully this agreement can place both Kosovo and Serbia on a path toward EU accession, which is certainly a positive move for both nations and a vision that our own troops helped to protect. Yet, peace is fragile, and in the Balkans this fragile nature can at times take a life of its own. For this reason, I encourage this committee to look forward just as these nations have decided to do, especially since there is much left to be done. Aside from the practical matter of implementing this agreement, the two sides need to address respective corruption and rule of law issues. Further, the region has much to gain from attracting increased investment which has the potential to encourage cooperation over division.

Finally, and perhaps most important, both countries must to their best to support tolerance and leadership amongst the youth in Serbia and throughout Kosovo. There are already a number of NGOs in this region, like the National Democratic Institute and the institute Crisis Group and others that foster this type of collaboration, and their work should be encouraged. There is absolutely no need for your younger generations to get wrapped up in battles of their grandparents and, ultimately, I don't believe that anyone within Kosovo and Serbia truly wants their children to repeat the regional cycle of violence that either has experienced.

Director Moore, it is good to see you again, and I look forward to your testimony as well as the testimony of our second panel of witnesses. With that, thank you, Mr. Chairman.

Mr. ROHRABACHER. We will now have 1-minute statements by the rest of our panel. Judge Poe?

Mr. POE. Thank you, Mr. Chairman. The world is seeing the results when out-of-towners, as I call them, go into an area of the world and start drawing a new map and forcing people to live in their specific areas. Outsiders have forced people to live together who really don't want to live together. We have drawn the boundaries and they do not really reflect the historical situation on the ground. I believe Serbia, though, has been hard at work to make this work. When it comes to identifying the missing from wars, Serbia has done an excellent job. It has shared locations of graves, identified bodies exhumed, and more countries, I think, in the area need to follow Serbia's lead in identifying the missing.

We also need to recognize that human rights violations occur on all sides. Too little attention has been paid to ethnic violence

against non-Albanians, including Serbs, in Kosovo. We have seen the destruction of 100 Serbian gravesites and 150 churches destroyed. In February, nine Serbians were arrested in Kosovo by Kosovo police outside of a Serb monastery, allegedly tortured, released without being charged. The accusations of torture were so serious that the EULEX and the EU Mission in Kosovo launched an official investigation and the 11 accused Kosovo police officers have been suspended.

I use this as an example to show that human rights violations still occur in the region. The good news is in spite of all the problems, now Serbia and Kosovo are trying to work together, I believe, both in good faith to resolve certain issues. As explained by the chairman, last Friday's agreement is a good first start. It is important that the rest of the world keep these two areas of the world in constant conversation and communication and discussion about resolving issues that they both are concerned about. When people are not talking, bad things occur. So this is a good first step.

I urge the EU national leaders to formally agree to start talks with Serbia at their summit in June. My personal opinion is, it is in the best interest of Serbia and the United States that Serbia look to the West and not look to the former Soviet Union for political dialogue. Just because some deal has been worked out since last Friday doesn't mean problems have been resolved. There are numerous unresolved human rights cases throughout the area. There is a problem with ethnic tension and violence, and we must take a stand for all victims of violence regardless of who they are and where they are from. Ethnic violence is always wrong no matter who does it.

And I yield back the balance of my time.

Mr. ROHRABACHER. Thank you very much, Your Honor. Next, we have a statement from the ranking Democrat on the Foreign Affairs Committee, Eliot Engel, who has been deeply involved in this issue for at least 20 years. And we were both very young and handsome at that time. But Eliot is someone who has kept very active in this issue. He understands the area, and we are very happy that you have joined us today, and you may use whatever time that you choose to consume.

Mr. ENGEL. Well, thank you very much, Mr. Chairman, Mr. Ranking Member. Thank you for the opportunity to join your subcommittee today. As the ranking member of the Foreign Affairs Committee, let me say, Mr. Chairman, that we both share a longstanding interest in the Balkans, and while I may disagree with some of your proposals regarding moving borders, you have been a serious and important player in all of these issues for so many years.

We obviously are classmates together. We came to Congress together in 1988, and there has been no one who has been more serious than you as far as I am concerned in terms of knowing these issues, working hard on these issues, and trying to resolve these issues. So I look forward to continuing our discussions on efforts to bring peace and prosperity to the region.

This hearing is obviously, as the ranking member pointed out, very timely as it comes on the heels of an agreement reached between the Prime Ministers of Kosovo and Serbia. I congratulate

Kosovo and Serbia for reaching this landmark agreement, and in particular I would like to recognize Prime Minister Thaci for his courage and his willingness to make hard decisions, and Prime Minister Dacic for his pragmatism and forward-leaning vision. The personal involvement and leadership of EU foreign policy chief Lady Ashton has been critical to this historic agreement. It sends a clear signal of hope to a region which longs for an end to conflict and to peoples who want to live their lives in peace and prosperity in the European Union.

I was very happy to have a chance to speak with Lady Ashton about this region when she was last in Washington a few months ago. And yet again, which is another very positive point, this is yet another affirmation of the fact that the Republic of Kosovo is independent, sovereign, free and permanent. I was a leading supporter of independence for Kosovo and am proud of how far they have come. It has been 9 years since the EU declared a Thessaloniki Summit at "The future of the Balkans is within the European Union."

Croatia's July entry into the EU validates the strategic vision of last week's agreement. The EU is moving to buttress the confidence of the other Balkan States including Kosovo that their day is near, and we learn once again that it is the shared aspiration of EU membership that binds the Balkan States together. The Kosovo-Serbia agreement underscored the understanding that the region will only prosper when all of the states of the Balkans have joined the European family, and I welcome all of them into the EU. The EU as it now offers Serbia a date for EU accession negotiations, must also offer Pristina what other Balkan countries have already been granted, a clear and transparent pathway to future membership.

I would like to take a minute or so to discuss Kosovo's Euro-Atlantic aspirations. Brussels is working with Pristina on moving Kosovo toward a Stabilization and Association Agreement and toward visa liberalization where Kosovars would be able to travel freely to Europe as citizens of their fellow Balkan countries can already do. Unfortunately, the progress is halting and slow, and unlike its neighbors, every little step in Kosovo's progress with Brussels could face a veto by one of the five EU non-recognizers of Kosovo independence. While this makes the climb even steeper, it makes Kosovo's accomplishments even more significant. In the end we must ensure that Kosovo be included in Europe along with its neighbors, because otherwise we would create a new black hole in the Balkans where our worst fears of crime, corruption, and worse could come true.

Kosovo's pathway toward NATO is equally very important. Along with other countries in the region, Kosovo's membership in NATO will cement its Western outlook while adding another strongly pro-American country to the alliance. In fact, Kosovo is the most pro-American country in Europe according to a recent Gallup survey. Of course, membership in NATO requires Kosovo to develop a military, and I am glad that we may see the early steps in that direction through the planning of a professional defensive army later this year. As a sovereign and independent republic, Kosovo has every right to build its armed forces, and it speaks highly of the

new country that it plans to work closely with the United States and our European allies on the timing and organization of its defense forces. We must not buy into the irrational fears of some who express unfounded misgivings about a potential Kosovo military considering the assurances that it will be small and defense-oriented. Regardless, I look forward to the day when Kosovo's troops will stand side by side with American soldiers in the fight against international terrorism and other global ills.

And finally, I think it is long past time for the five EU holdouts to recognize Kosovo. Twenty-two EU nations do, five do not. Not only has the International Court of Justice accepted Kosovo's Declaration of Independence as valid and legal, but with the Kosovo-Serbia normalization agreement there is no reason left for the continued intransigence. I hope the State Department along with European foreign ministries will now renew their efforts to bring about more recognitions.

There is certainly additional challenges which the new country must still address. Unemployment is high. Corruption continues to place a drag on the economy. And interethnic relations must continually be strengthened. At the same time, however, agreements between Serbia and Kosovo must be fully implemented, and as laid out in the latest accord, parallel structures in the north must either be eliminated completely or made a transparent part of the unified Kosovar state so that minorities can be treated fairly wherever they are. Again, I would like to congratulate Kosovo and Serbia for signing the agreement on normalization, and offer my help to both countries in their efforts to join a Europe whole and free.

And I thank you, Mr. Chairman, for the opportunity to offer my thoughts on the matter, and the time, and again look forward to working with you and the ranking member.

Mr. ROHRABACHER. Mr. Holding?

Mr. HOLDING. Thank you, Mr. Chairman, for calling this hearing as the subcommittee examines the recent agreement between Kosovo and Serbia and what this means in terms of providing a starting point for achieving regional stability as both countries look to the international community.

While I served as the United States Attorney for eastern North Carolina, I was privileged to travel to Kosovo and work with their government and Department of Justice to train law enforcement authorities, which focused on establishing their rule of law by ensuring the proper enforcement of criminal laws. And indeed, while U.S. Attorney, I sent about a dozen different missions to Kosovo from my office comprised of Federal prosecutors and various members of law enforcement to engage, and then in return we welcomed several missions from Kosovo to North Carolina to cross-train.

So I am encouraged by recent developments made within the last week that recognize that challenges still exist, and look forward to hearing from our witnesses as how we can best support their efforts. So Mr. Chairman, thank you, and I yield back.

Mr. ROHRABACHER. And Mr. Stockman?

Mr. STOCKMAN. I want to thank the chairman for taking on issues which aren't always popular but are nonetheless very important. I was fortunate to visit Belgrade a few years ago, and I think it is important that we listen to all sides and to work out a solution

that we can all benefit from. And I appreciate these hearings being open and honest and balanced, and I look forward to working out a solution that we can all join on. Thank you. I yield back the balance of my time.

Mr. ROHRABACHER. Thank you very much. Our first panel, which is composed of our representative of the administration, and then we follow by a second panel of experts. So our first panel is Jonathan Moore, Acting Deputy Assistant Secretary for European and Eurasian Affairs at the U.S. Department of State and has led policies responsible, these for Albania, Bosnia, Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia. That is quite a portfolio.

He is a career member of the Senior Foreign Service and with extensive experience in this region. He was assigned to the U.S. Embassy in Belgrade in 1991, and was Desk Officer for the former Yugoslavia in the State Department from 1993 to 1995. He was Deputy Director of the State Department's Office of Russian Affairs from 2000 until 2002, and prior to his current assignment was Deputy Chief of Mission in Bosnia and Herzegovina from 2009 to 2012.

And Mr. Moore, if you would perhaps could keep your statement down to about 5 minutes and the rest will put into the record, you may proceed.

STATEMENT OF MR. JONATHAN MOORE, DIRECTOR, OFFICE OF SOUTH CENTRAL EUROPEAN AFFAIRS, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. MOORE. Chairman Rohrabacher, members of the subcommittee, good afternoon. I am honored to appear before you to discuss Kosovo and Serbia. On behalf of the State Department, please allow me to thank you and the subcommittee for your timely and deep interest in these countries, as well as in the broader Balkan region, where the United States continues to make investments of personnel and resources to ensure that the conflicts of the 1990s are not repeated.

The Governments of Kosovo and Serbia concluded a significant agreement last Friday through the European Union facilitated Dialogue. This development has come after years of sustained engagement by the United States and our European partners. In order to speak of a Europe that is whole, free, democratic, and at peace, the Balkans must be in the European and Euro-Atlantic family. This has been a goal of administrations, both Democratic and Republican, for over 20 years. As we have seen elsewhere in Europe, integration has been and remains the best means of fostering long-term stability, investment, and prosperity. The unprecedented joint visit of Secretary of State Clinton and European Union High Representative Ashton to Pristina, Belgrade, and Sarajevo last year is proof that we and the EU stand united in this goal.

The parties' April 19th agreement on the normalization of relations includes a durable solution for northern Kosovo within Kosovo's legal and institutional framework with substantial local self-governance under Kosovo law. The agreement covers the creation of an "Association" or "Community" of Serb majority municipalities in Kosovo that may exercise municipal competencies collec-

tively, and will also have a role in representing the Serb community to the central authorities.

On April 22nd, High Representative Ashton and EU Enlargement Commissioner Fuele recommended to EU member states that negotiations be opened with Serbia on EU accession, and with Kosovo on an EU Stabilization and Association Agreement, as well as allowing Kosovo to participate in EU programs. We welcome these recommendations which the European Council will consider at its June session. While the Dialogue is an EU-led process, it has had our full and active support. Our Deputy Assistant Secretary, Ambassador Philip Reeker, has actively engaged the parties and the EU. We have been in constant contact with both countries' leaders, including meetings of Vice President Biden with President Nikolic and Prime Minister Thaci in Rome in March. We are encouraging Kosovo and Serbia to implement expeditiously and fully all Dialogue agreements.

We know, Mr. Chairman, this will not be easy. Hardliners and criminal elements in northern Kosovo will resist. They have long benefitted from the conditions that disadvantage and intimidate the population in northern Kosovo, keeping the situation there on edge and perpetuating weak rule of law. Dismantling the parallel political and security structures in northern Kosovo will be a major challenge. Municipal elections in the north this year with OSCE facilitation should usher in a new era of accountable, decentralized, and effective governance. Serbia must demonstrate the willingness and ability to use its influence to isolate those who block implementation.

For its part, Kosovo must demonstrate the commitment and ability to protect and preserve the lives and livelihoods of the Kosovo-Serb population in the north and throughout the country, and to guarantee the rights afforded to them by Kosovo and international law, including the far-reaching self-governance to which they are entitled under Kosovo's Constitution. Of course, the full cooperation of both Kosovo and Serbia with the international community and its missions, NATO's Kosovo Force (KFOR) and the EU Rule of Law Mission (EULEX) remains essential for success. The United States will support both parties and its partners on the ground in their implementation efforts.

Despite the difficulties, this agreement is the best way forward. Reconciliation is the goal of Serbia and Kosovo, not partition or land swaps. This administration, like the Bush administration that recognized Kosovo's independence in 2008, has made clear its commitment to a democratic, sovereign and multi-ethnic Kosovo within its existing borders. Assistant Secretary of State Gordon stated our policy before this subcommittee in November 2011, "There is no way for borders in this region to be redrawn along ethnically clean lines. . . . Questioning the ability of people of different ethnicities to live together is harmful to regional reconciliation and contrary to the international community's decade-long effort to move the region beyond the brutal conflicts of the 1990s." The April 19th agreement should be the focus. It is a key signal that both governments are capable of making compromise and are committed to putting the past behind them, moving forward with their European aspirations, and building a peaceful and prosperous future.

Mr. Chairman, we remain committed to helping them realize these goals, and hope for your support and that of the subcommittee. Thank you very much.

[The prepared statement of Mr. Moore follows:]

Testimony by Acting Deputy Assistant Secretary Jonathan Moore
House Foreign Affairs Committee, Subcommittee on Europe, Eurasia and Emerging Threats
April 24, 2013

Chairman Rohrabacher, Members of the Subcommittee, I am honored to appear before you today to discuss Kosovo and Serbia. On behalf of the State Department, please allow me to thank you and the Subcommittee for your interest in these countries, and the broader Balkan region, where the United States continues to make investments of both personnel and resources to ensure that the conflicts of the 1990s are not repeated.

As you are likely aware, the Governments of Kosovo and Serbia concluded an agreement last week in the context of the European Union-facilitated Dialogue on principles for the normalization of their relations. This is a major development that has come after years of sustained engagement by the United States and our European partners, and is a product of our closely coordinated policy in the region.

I would like to begin with an overview of our current policy in the Balkans, provide an assessment of the Dialogue, and finally review the progress Kosovo and Serbia have made – and the challenges that remain – as they advance toward European integration.

The western Balkans is a critical and inseparable part of Europe – historically, geographically, and culturally. It is impossible to speak of a Europe that is whole, free, democratic, and at peace without having completed the unfinished business of integrating this region into the greater European and Euro-Atlantic family. This has been the clear policy goal of Administrations, both Democratic and Republican, for over twenty years. Even today, these prospects provide the strongest motivation and incentives for the hard but necessary democratic, economic, and security reforms that are necessary to cement a prosperous future. The history lessons remain salient: as we have seen elsewhere in Europe, integration has been and remains the best means of fostering long-term peace, stability, investment, and prosperity. The unprecedented joint visit of then-Secretary of State Clinton and European Union High Representative Catherine Ashton to Bosnia, Kosovo, and Serbia in October 2012 was a clear demonstration that we and our European Union partners stand united in our goal of ensuring a stable, prosperous and peaceful Balkan region.

The Obama Administration believes that it is essential to regional stability for Serbia and Kosovo find a durable solution to their differences through dialogue. As former Assistant Secretary of State Philip Gordon said in Belgrade in July 2012, "Serbia and Kosovo need to deal with the fundamental political issues that divide them. That would facilitate Serbia's path to the EU. That would bring more stability and peace in the region. That would help the everyday lives of the people. That would spur investment in Serbia and in Kosovo. And that sort of normalization is what we seek, and it can be done in a way that is consistent with Serbia's legitimate interest of protecting the rights of Serbian citizens and ethnic Serbs throughout Kosovo, including in the north." And indeed it is through forward-looking Dialogue that both sides agreed April 19 on principles for the normalization of their relations.

Last week's agreement is a significant step. It builds on the progress the parties have made over the last two years that have brought the goal of normalization within reach. After raising the talks to the highest political level last October, European Union High Representative Ashton facilitated ten face-to-face meetings between the two Prime Ministers. Together, they reached important understandings for the region: liaison officers are to be posted in respective capitals, freedom of movement ensured, diplomas respected, land and civil registry records completed, and regional cooperation fostered. Implementation of many of these agreements is quite advanced. The parties' April 19 agreement on principles governing the normalization of relations includes a durable solution for northern Kosovo within Kosovo's legal and institutional framework, with substantial local self-governance under Kosovo law. The agreement covers the creation of an "Association" or "Community" of Serb-majority municipalities in Kosovo that may exercise municipal competencies collectively and will have a role in representing the Serb community to the central authorities. On April 22, High Representative Ashton and EU Enlargement Commissioner Fuele welcomed the agreement and recommended to Member States that negotiations be opened with Serbia on EU accession, and with Kosovo on a Stabilization and Association agreement with the EU and participation in EU programs. We welcome these recommendations, which the European Council will consider at its June session.

We joined High Representative Ashton in praising the engagement of both Prime Minister Dacic and Prime Minister Thaci. As Secretary Kerry said, "This agreement on

principles for normalization of relations required compromise and political courage from both sides, and [we] applaud the governments of Kosovo and Serbia for making the hard decisions that will move them closer to their goals of European integration."

It is important to note that the Dialogue is tied to both countries' EU prospects, and has been an EU-led process. We sent our Deputy Assistant Secretary, Ambassador Philip Reeker, to the margins of the talks in Brussels to support both the parties and the EU. We have engaged consistently with both countries' political and social leaders and at the highest levels in Washington, Brussels, Belgrade and Pristina in support of the EU's efforts. This effort included meetings of Vice President Biden with President Nikolic and Prime Minister Thaci in Rome in March to underscore the importance of reaching an agreement.

Ultimately, it is up to the parties to take this opportunity and achieve the success that will benefit the lives of current generations of their people and those to come. Now, the very challenging work of implementation begins. We are encouraging Kosovo and Serbia now to implement expeditiously and fully all Dialogue agreements reached to date, so that all of those living in Kosovo and Serbia can build a more peaceful and prosperous future. Their progress will be gauged by the European Council, when it meets in June to take decisions on the next steps in their EU paths. We have seen and can continue to expect hardliners and criminal elements in northern Kosovo to resist, despite Belgrade's commitments in the April 19 agreement. These elements have benefited for over a decade from the conditions that disadvantage the people in northern Kosovo, keeping the situation there on edge, intimidating the population, and perpetuating weak rule of law.

Dismantling the parallel political and security structures in northern Kosovo, as required by the agreement, will be a major challenge. Municipal elections in the north this year – with OSCE facilitation, as agreed – should usher in a new era of accountable, decentralized, and effective governance for the citizens of these municipalities. Serbia must demonstrate the willingness and ability to use its influence to isolate those who are dedicated to preventing implementation of arrangements that change the status quo. For its part, Kosovo must demonstrate the commitment and ability to protect and preserve the lives and livelihoods of the Kosovo Serb population, in the north and throughout the country, and to guarantee the rights Kosovo and international law afford them, including the far-reaching self-governance to which they are entitled under the Kosovo constitution. This is the path Kosovo's leaders must take to

consolidate institutions and rule of law throughout the country. Of course, the unreserved and active cooperation by both Kosovo and Serbia with the international community and its missions on the ground, NATO's Kosovo Force (KFOR) and European Union Rule of Law Mission (EULEX), remain essential for success. The U.S. will support both parties and its partners on the ground in their implementation efforts.

This agreement highlights the fact that reconciliation, not partition or land swaps, is the goal of both Serbia and Kosovo. This Administration, like the Bush Administration that recognized Kosovo's independence in 2008, has made clear repeatedly its commitment to a democratic, sovereign, independent and multi-ethnic Kosovo within its current borders. Then-Assistant Secretary of State for European and Eurasian Affairs Philip Gordon reiterated this before this Subcommittee in November 2011: "There is no way for borders in this region to be re-drawn along ethnically clean lines. As such, partition and land swaps are unacceptable solutions. If any such process is set in motion, there is no way that it can be confined to a single boundary line or that it can end peacefully. Any rhetoric calling for the partition of Kosovo and questioning the ability of people of different ethnicities to live together is harmful to regional reconciliation and contrary to the international community's decade-long effort to move the region beyond the brutal conflicts of the 1990s."

Kosovo is, in fact, a strong example of why former Assistant Secretary Gordon's words are prescient. Some posit partition as a means to resolve differences between Kosovo and Serbia; some propose that Serbia take northern Kosovo, inhabited primarily by Serbs, and Kosovo can have southern Serbia, which has a large Albanian population. However, the majority of ethnic Serbs in Kosovo live in the south. Partition would isolate them as they continue to work to build livelihoods and strong communities. Holy sites of the Serbian Orthodox Church are in the south, including in Pec/Peja, and the monastery in Decani, that houses the remains of St. Stephen Decanski. As I just heard again during a visit to Kosovo last week, the Serbian Orthodox Church opposes partition or land swaps. And what about the non-Albanian population of southern Serbia? Others might take partition as a signal that the international community has reversed its long-held position against re-opening borders. Minority groups throughout the region would be emboldened to advocate for solutions that are inherently nationalistic and intolerant.

The solution for northern Kosovo Serbs, and the Kosovo Serb community as a whole, lies on the path the U.S. and EU have supported throughout the region: the building of strong multiethnic, democratic institutions that are committed and able to uphold the civil, constitutional, and human rights of all citizens. The way to address the fears of northern Kosovo Serbs is not by absolving the Government of Kosovo of the requirement to protect minority rights by redrawing Kosovo's borders, but rather through sustained international community engagement on the ground, as well as by holding Kosovo's authorities to the commitments that they made at independence and that they enshrined in their constitution and laws.

It will remain true that the United States opposes reopening borders in the Balkans. But the Government of Kosovo does not support partition of northern Kosovo either. This policy is not based on American say-so, but rather on Kosovo's full understanding of its commitment to build a prospering European state in which all of its citizens enjoy the full rights and services to which they are entitled. This is the right and responsible path, for all who live in Kosovo, and it is the path Kosovo's democratically-elected representatives have chosen. It is also the path both Kosovo and Serbia have committed to in the agreements reached in the Dialogue.

While the Dialogue remains central to both countries' development, it is worth also noting the progress they have made apart from the Dialogue. Kosovo's trajectory and progress have been remarkable since independence. In a September 2012 statement, President Obama commended Kosovo's successes, observing that "with the optimism, energy and determination characteristic of its people, Kosovo has made significant progress in solidifying the gains of independence and in building the institutions of a modern, multi-ethnic, inclusive and democratic state." We are proud to have been one of its key partners in promoting these advances.

To that end, we will continue to support and encourage Kosovo's reform work, just as we back its regional, Euro-Atlantic, and global political and economic integration. Nearly 100 countries, including most European Union (EU) members, share our position that Kosovo is a fully independent, sovereign state. More countries will take note of the agreement on normalizing relations and recognize Kosovo over time. In the interest of fostering stability and integration in the Balkans, we will continue to work with the Government of Kosovo and our international partners to secure further recognitions and see Kosovo join the international organizations that not only aid its continued development – like the European Bank for Reconstruction and Development (EBRD) which it joined last December – but also allow

Kosovo and its citizens to fully contribute on the international stage. As former Assistant Secretary Gordon said before the Atlantic Council late last year, "Kosovo's serious engagement with Serbia and active reform efforts demonstrate its desire to be a constructive partner with a clear European perspective."

In just the last year, Kosovo has reached several significant additional milestones on the path toward achieving our shared Euro-Atlantic, regional and international economic, social and political objectives. In September 2012, the 25-member International Steering Group (ISG) determined that Kosovo had met the conditions for declaring the end of supervised independence. In reaching this point, the ISG determined that Kosovo has adopted the necessary constitutional and legislative amendments to ensure that key principles of the Comprehensive Status Proposal were enshrined and protected in Kosovo law.

In October 2012, the European Union determined that there were no legal barriers to concluding a Stabilization and Association Agreement (SAA) with Kosovo, which is an important step on the path to membership in the European Union. The EU laid out several short-term priorities Kosovo must fulfill to move forward on its integration path and start negotiations on an SAA, particularly in the area of rule of law and protection of religious and cultural heritage. In the European Commission's April 19 report to Member States, EU Commissioner for Enlargement Stefan Fuele affirmed that Kosovo had met these priorities. These included forming the Implementation and Monitoring Council (IMC), an entity designed to enable direct government consultation with religious communities, including the Serbian Orthodox Church, on the promotion and protection of religious and cultural heritage. We also welcomed the opening of a visa liberalization dialogue between the EU and Kosovo last year, a process designed to lead to visa-free travel within the EU for Kosovo citizens, who are the only ones in the Western Balkans without this privilege. Their government is working to fulfill these conditions, as well.

Kosovo also has made tremendous economic and fiscal advancements. Although unemployment remains very high, even for the region, and foreign direct investment is low, Kosovo's growth rate has continued to be positive and was the highest in the region at over three percent per year in 2012. To aid the growth, the government is actively engaged in making it easier to do business and invest in Kosovo. Those efforts were recognized in the most recent World Bank/IFC Doing Business 2013 report, in which Kosovo made impressive gains in improving its business environment, jumping to 98th on the list from the 126th position last year.

We have been partners in this effort, assisting the Government of Kosovo to remove obstacles and to streamline business regulatory practices to make it easier for entrepreneurs to be successful in the marketplace. Further, as a result of confidence in Kosovo's increased fiscal stability and budgetary discipline the IMF re-launched a Stand-by Arrangement with Kosovo in 2012, and this program remains on track. Further, the EBRD is preparing its first strategy for work with Kosovo as a full member, and will focus on the energy sector, municipal infrastructure, and private enterprise.

An economy cannot advance without a firm legal foundation, however. We commend Kosovo's advancements in rule of law, an area on which we place significant emphasis in our bilateral relationship, and one to which we devote commensurate resources. In January, newly revised, modern criminal and criminal procedure codes took effect; these new statutes should ultimately yield a legal system that respects due process, protects victims' rights, and is in line with European standards, which are all necessities for Kosovo to advance toward the EU. Kosovo is also in the process of streamlining its judicial system to create one that is not just more efficient, but is more accessible to the average citizen. These advancements are essential not only because they will preserve the human rights of its citizens, but also because a well-functioning and transparent legal system is at the root of a productive, modern, market-driven economy.

I would also like to speak about Serbia, the largest country in the western Balkans. Serbia. Serbia has made great strides in strengthening its democratic institutions and practices, has come to understand the essential nature of a role for itself in 21st century Europe, and has the potential to become an anchor of trade and stability in the region. An emerging generation of politicians in Serbia understands the need to take pragmatic steps and move the country forward. The United States enjoys a broad bilateral relationship with Serbia and its people. We have long supported Serbia's EU integration, and we are working very closely with our European partners and the Government of Serbia to help realize that goal. Our programs, assistance, and activities in Serbia are all aimed at furthering the development of a more prosperous country that is in harmony with European standards and values. Serbia was formally granted EU candidate status in March 2012. Serbia's further EU prospects depend heavily on normalization of its relationship with Kosovo, as called for by the European Council in December 2012.

The agreement reached with Kosovo under EU facilitation on April 19, coupled with irreversible steps on implementation, places Serbia in a strong position to receive a date in June to open EU accession negotiations. Although much work remains to be done, Serbia has made progress on domestic reforms, particularly in the fields of rule of law, the rights of minorities, and economic reform. Serbia facilitated the arrest of the last two fugitives from the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 2011, and it has embarked on a difficult process of reforming its judiciary and criminal procedure code. The Government of Serbia has engaged in an ambitious anti-corruption campaign that has met with widespread popular support. The government established a Coordinating Body for South Serbia to help address the concerns of ethnic Albanians in the Presevo Valley. None of these initiatives has been without their detractors, but they represent the government's clear desire to implement European standards and to integrate into the EU.

Despite the progress Kosovo and Serbia have made, and our successful bilateral relations with both countries, many challenges remain. Kosovo must continue the hard work of building a cohesive state and strengthening its multi-ethnic, democratic institutions. The United States has been clear that a vital part of this process includes ensuring respect for the rights of all of Kosovo's communities – including Kosovo Serbs and other minorities – and the preservation of their cultural and religious heritage, and full protections for returnee and displaced populations. This is another area where normalizing relations, and thereby improving coordination, between Kosovo and Serbia would have a direct and positive impact on the daily lives of people in the region. We continue to work with Kosovo authorities, at the national and municipal levels, to strengthen economic opportunities and create welcoming communities for displaced citizens wishing to return to their homes. The Kosovo Government must ensure it is upholding its commitment to support municipal efforts to integrate returning citizens into local society and create a sustainable returns process. Other pressing priorities for the government include tackling unemployment, supporting energy sector reform, fighting crime and corruption, breaking down barriers to business and investment, and strengthening public administration and the judiciary. Like other post-socialist societies, Kosovo is struggling to embrace private sector-led growth, decentralize decision-making authority, and wean its people off the patronage of a strong central government.

KFOR remains a relevant and crucial presence in Kosovo, helping to maintain, pursuant to its mandate, a safe and secure environment throughout the country. The United States currently contributes approximately 15 percent of the more than 5,000 troops in country. We have nearly 800 troops in theater, with the core contingent being currently from the South Carolina National Guard. We are proud of the contributions our military has made in Kosovo since KFOR's inception in 1999 when it numbered over 50,000 troops. The security situation has been particularly challenging in northern Kosovo, and tensions there remain high: hardline elements and criminals want to maintain their control, thereby holding back progress for the local population. These elements have not shied away from violence: in the last year, EULEX and KFOR have reported an increased number of attacks on local citizens who engage with Kosovo institutions. There have also been attacks on international personnel, resulting in injuries to KFOR troops. We fully support the efforts of KFOR and EULEX to contribute to a safe and secure environment and the free movement of both goods and people within and throughout Kosovo, as well as over the Kosovo-Serbia border. Given the current security environment, we agree with other Allies that KFOR will continue to play a critical role in Kosovo for the foreseeable future. In keeping with our commitments to NATO, the United States should maintain troop levels in KFOR consistent with NATO's deterrent presence requirements.

For its part, Serbia must remain focused on real and sustainable domestic reforms. Criminal justice reform will take years to implement, and the government must continue to have the will to allocate the resources necessary to accomplish it. The government must ensure that its anti-corruption campaign remains transparent and shows results, and that it will be part of a larger effort to improve business conditions in the country. The government must also ensure that it has the willingness to protect the rights of all minorities.

Certainly, implementation of the agreement between Kosovo and Serbia will be difficult, and will require sustained EU and U.S. support, not to mention the involvement of other international organizations. However, this agreement is a major signal that both governments are committed to putting the past behind them, moving forward with their European aspirations, and building a more peaceful and prosperous future as neighbors. Mr. Chairman, we remain committed to helping them realize these goals, and appreciate your interest and support in doing so.

Mr. ROHRABACHER. Well, thank you very much. Now Mr. Secretary, I will ask you a few questions. We will pass this on to other members as well. First is, the agreement sets out in detail the establishment of a Serb-led police force in the northern areas, in that northern area of Kosovo. The commentators claim also that there was some sort of sidebar agreement not to deploy Kosovo's Security Forces or special police units into that northern Serbian area except in an emergency. Is that true?

Mr. MOORE. Thank you for your question, Mr. Chairman. The Kosovo Security Forces work very closely with NATO and KFOR. The authorities in Kosovo fully respect the role of KFOR to provide safe and secure conditions in northern Kosovo. As you have seen from the informal text of the agreement that has circulated, there is no role for KSF in implementing the agreement, so we are quite confident that KFOR has the lead, not the KSF, in the north and in the context of implementation.

Mr. ROHRABACHER. So the answer is yes.

Mr. MOORE. The answer is yes.

Mr. ROHRABACHER. Thank you. Both Serbia and Kosovo want to join the EU, and Kosovo has expressed interest in joining NATO. Do we have a position on whether or not they should be part of NATO, both of these countries?

Mr. MOORE. Mr. Chairman, as you know NATO operates by consensus. Serbia has not sought membership in NATO. Kosovo is not yet in a position to have applied for membership in NATO. The Kosovo Security Force needs to evolve. It will do so with the help of NATO. This is something being discussed in Brussels now with our NATO partners and allies. We certainly see the potential for their future in Euro-Atlantic institutions, that means NATO and the EU. If Serbia chooses to apply that would be taken very seriously. We have excellent bilateral military-to-military relations with Serbia as well as with Kosovo. That will depend upon the desires of those countries, and of course the decisions of all NATO member states including ours.

Mr. ROHRABACHER. All right. So the bottom line is that we have no position on it right now, but maybe in the future.

Mr. MOORE. We support them having that aspiration and we will have to see.

Mr. ROHRABACHER. Right. Okay, though this agreement gives central government in Kosovo authority, on paper at least, over the entire claimed territory or what you said, within existing borders, I think, was the phraseology you used, does the local power that has been granted to the Serbians in the northern part of the country, doesn't that mean, and especially what you have just acknowledged was that there wouldn't be Kosovar forces going up there, doesn't that mean autonomy? And wouldn't an autonomy up there in the northern part of Kosovo harden the feelings on both sides? And if Kosovo can't control the north, which is composed of 90 percent of the people there don't want to be part of Kosovo, why do you think it wants to hang on to it, and why are we encouraging them to keep authority but not actually having authority, but the facade of authority, over an area in which has autonomy from their rule?

Mr. MOORE. Well, Mr. Chairman, we do not use the term "autonomy" in the context of the agreement and what is being granted to those municipalities. By the way, it is important to note that the opportunities, the rights of those municipalities, which they can exercise collectively, extend to other municipalities in the south of Kosovo that have a majority Serb population.

In terms of the eventual development of the Kosovo Security Force and its role in the north, that is a subject for a later point. In terms of immediate implementation of the Dialogue, all of these matters need to be worked out.

But Mr. Chairman, I think part of the fundamental perspective we have—and granted, as diplomats we are looking for the middle path, the compromises, to succeed—is that we honestly don't believe that ethnic rights and freedoms are protected by anything other than the rule of law. You make the point, Mr. Chairman, the population may be 90 percent Serb but it is not 100 percent Serb. We don't believe that ethnic rights and freedoms, human rights, are protected by making countries ethnically pure. We think the key thing is the rule of law, so that is what we hope to see in the north——

Mr. ROHRABACHER. I am sure that our great thinkers at the State Department have charted out philosophically how people must be taught to respect the rule of law and that is the nirvana. That is the solution that is going to happen. Them people have been fighting each other for centuries, and we are just going to have a rule of law concept that is going to let some of them then say, well, we will just submit to these people who we have been fighting for centuries, rather than trying to find a way in which people in Kosovo are happy to be in Kosovo, and people in Serbia are happy to be Serbians, thus they don't have to believe in anything except what they really desire, which is a national identity, of being ruled with a national identity.

Let me ask you this. Why is it that when we, we always focus on the Serb communities in Kosovo when we are talking about autonomy and things such as that but we never mention the Kosovar communities in Serbia. There are several areas right near the border in this valley there that are just as heavy a concentration of Kosovars as you have a concentration of Serbs north of the river. So how come we never talk about Kosovars and their community across the river and their desire for autonomy?

Mr. MOORE. Mr. Chairman, thank you for that point as well. Talking about the ethnic Albanian population in that part of southern Serbia, Presheva Bujanovac, we have every confidence that the Government of Serbia will look after the human rights of its citizens there regardless of their ethnicity, and we have the same confidence in the ability of the Government of Kosovo to look after all of its citizens in the north or the south regardless of their ethnicity. So that is why we are focused on the rule of law aspect with that.

Mr. ROHRABACHER. Thank you very much. And Mr. Keating, and then we will let Mr. Engel again. Well, maybe we will go with the judge and let Mr. Engel have what time he would like to consume.

Mr. KEATING. Thank you, Mr. Chairman. The April 19th agreement includes the establishment of an implementation committee by the two sides with the facilitation of the EU in place as well.

How strong do you feel the EU's role has to be in order to actually ensure that implementation, and are there clear penalties laid out by the EU or the U.S. if Serbia or Kosovo do not implement the accord? For instance, could the EU freeze Serbia's accession talks or Kosovo's Stabilization and Association Agreement? What are your feelings on that, Mr. Moore?

Mr. MOORE. Congressman Keating, thank you for the question. Yes, of course, as an EU-facilitated process the continued role of the EU is critical to the success of the process. The next implementation meetings are taking place in Brussels even today, tomorrow, the rest of the week, to see about the best way to move things forward. Both sides fully recognize that it was not just by initialing this agreement last Friday that they move forward on their EU paths. They have to show commitment and they have to work to implement the agreement. So while it is up to the EU to decide what penalties or steps they might take, it is certainly necessary for both Serbia and for Kosovo to act to implement this agreement in order to benefit from positive decisions by the European Union.

Mr. KEATING. Right. I just wanted to quickly say, do you think any kind of penalties are in order as part of that enforcement process? Can you envision that?

Mr. MOORE. I can tell you, Congressman Keating, from what I know and what we have heard, the EU is definitely going to hold both sides' feet to the fire. Exactly what the menu of options is for them, it may be among those that you suggested, that will have to be determined by the willingness of one side or both sides to implement. The important thing is that both Kosovo and Serbia have passed toward the European Union and that neither can hold up the other.

Mr. KEATING. And you think that one of those possibiities could be not allowing accession?

Mr. MOORE. Certainly that again becomes a matter for the member states. Accession to the EU is years away even for Serbia. We just saw for Croatia the process took well over 10 years. So there are many steps along the process where the EU can stall or suspend or make other demands if they have concerns, and we expect that they would do that if implementation is not complete.

Mr. KEATING. All right, thank you. As you mentioned, Kosovo lags behind the other countries in the Balkans in its efforts to join the EU, but while Serbia is moving ahead with accession talks, Kosovo is still working to achieve visa liberalization and a Stabilization and Association Agreement with the EU.

Mr. MOORE. Yes.

Mr. KEATING. And every small step in Kosovo's progress with Brussels could, indeed, as mentioned before by the ranking member, could face a veto by one of the five EU non-recognizers making their path even harder. Can you discuss Kosovo's pathway toward the EU? Are they making steady progress at this point even if it is a ways off, or are there more roadblocks, literally and figuratively, ahead? Is there a way that the U.S. assistance to Kosovo can be used to help Pristina with some of the technical requirements involving moving forward in the EU? What could be the U.S.'s role in that regard?

Mr. MOORE. Thank you for the question, Congressman Keating. In terms of the support and assistance of the United States on specific issues, for example, visa liberalization, that comes down to many aspects of the rule of law and the functioning of Kosovo's institutions and many technical requirements. The assistance we have in the rule of law sector along the lines of where Congressman Holding did his work years ago was very important to that effort.

On a grander scale, of course, this agreement opens many doors to the EU for Kosovo as well as for Serbia. On the specific issue of non-recognizers it is of course true, Congressman, that recognizers at one point or another can raise objections or concerns to the process moving forward. That is the nature of how the EU works. We would certainly like to see a situation where those five non-recognizers are able to recognize Kosovo. We have an ongoing diplomatic effort to encourage greater recognition of Kosovo not just in Europe but all around the world. Those countries like other EU members will have to choose their own level, what decisions they want to make and how supportive they are of Kosovo's progress toward the EU.

Mr. KEATING. Yes, you mentioned briefly that the U.S. could be helpful in giving technical advice toward moving toward the rule of law. What other things could the U.S. be doing besides that?

Mr. MOORE. Well, there are many aspects of course of EU legislation. I forget how many tens of thousands of pages of laws, rules, have to be harmonized, have to be implemented as a country moves toward the EU. Rule of law is an obvious sector because legislation has to be harmonized and implemented throughout Kosovo. There are other areas in which we work to provide assistance for the growth of the economy, for example in the energy sector which are not as directly tied to their EU prospects, but are necessary for their long-term prosperity and economic success.

Mr. KEATING. Thank you. I yield back, Mr. Chairman.

Mr. ROHRABACHER. Thank you. Judge Poe?

Mr. POE. Thank you, Mr. Chairman. As I mentioned in my opening statement, Mr. Moore, human rights violations are a big concern. And part of the reason is when the people involved, the countries involved, believe that there are human rights violations in another country that causes tension in trying to work out some long-term relationship of trust.

I want to ask you about the status of the special task force investigating an organ trafficking ring operation out of the so-called Yellow House in Kosovo. This operation supposedly took place from 1999 to 2000, maybe after that. When I went to Serbia and Kosovo this was talked about and brought up quite a bit. It is not talked about, I don't think, over here in the United States much, and I don't know about the United Nations. But it is talked about as a situation that is not resolved.

And do the findings made by the Council of Europe Special Rapporteur Dick Marty, in his findings, deserve some kind of closer look? And has anybody been brought to, so to speak, justice for these accusations? Has it been resolved one way or another? I mean it has been awhile. Where are we on this, Mr. Moore?

And let me just finish this. You said that we expect that the Kosovos will make sure that there are no human rights violations in their country and we expect the Serbs to do the same. This may be an example of where that isn't working out so well when we have these accusations of human rights violations. So help me out with this. Where are we on the Yellow House situation?

Mr. MOORE. Thank you, Your Honor. First, let me say that unfortunately as is documented in our annual human rights reports to Congress, there are human rights violations in countries all around the world, including very well established and——

Mr. POE. I am not talking about around the world. Let us talk about the area that we are talking about today, Mr. Moore.

Mr. MOORE. I am very pleased to do that, Your Honor. In specific reference to those accusations, we take them and all accusations of war crimes very seriously. Clint Williamson, the former Ambassador-at-Large of the United States for war crimes, is leading the Special Investigative Task Force. He is doing that under the auspices of the European Union EULEX Mission. That work continues. The hope is that——

Mr. POE. What does that mean that the work continues? What does that mean? What is being looked at? Are people being questioned? I mean how long is this investigation going to take? Is it going to be another investigation like the Warren Commission that just takes forever, or what? Is there going to be some resolution to it? So kind of cut to the chase, Mr. Moore. Where are we on this investigation?

Mr. MOORE. Well, thank you, Your Honor. You would be more familiar with the amount of time needed for prosecution than I am. The hope is that a prosecution will be possible in the next year. Ambassador Williamson and his team are still collecting evidence. They are doing that through EULEX. The latest information I have, Your Honor, is that they are not ready to go directly to prosecution. There is also a question about where the prosecution is going to take place. I will take that question, if you will allow me, Your Honor, and get you any more specific up-to-date information on that. Ambassador Williamson is working very actively and certainly the intention is to have a prosecution if there is sufficient evidence to warrant that within the next year.

Mr. POE. Okay. Thank you, I would appreciate some follow-up in writing. NATO, what is the current position of the Serbian Government and its desire or lack of desire to be in NATO? When I am over there I hear different things. What is it today regarding Serbia being a part of NATO?

Mr. MOORE. The latest information we have with regard to the current opinion of the standing government in Serbia, is that they have not in any way applied for NATO membership. The previous governments have not done that. We do have a very active military-to-military relationship at the highest ranks, but at this point I am unaware of any desire by this or previous Governments of Serbia to apply for NATO membership.

Mr. POE. Thank you. I will yield back.

Mr. ROHRABACHER. Thank you very much, Your Honor. And now I yield to Mr. Engel for what time you may choose to consume.

Mr. ENGEL. Thank you. Thank you very much, Mr. Chairman. I just want to say that there have been trials by some people, Ramush Haradinaj and others, in The Hague, and Mr. Haradinaj was found innocent of all charges twice. So we in the United States are not used to a situation where if you are found innocent at a trial you can be recharged on the same issues. He was recharged and found innocent twice. I think it is important to state that.

Let me ask you that Kosovo hopes not only to join the EU in the future but to join NATO as well. To do that it has to first establish a military and join the Partnership for Peace. Could you let the subcommittee know the U.S. position on when the independent, sovereign Republic of Kosovo will be able to create a military and join the Partnership for Peace? Will the United States support Kosovo's efforts to establish a military and join the Partnership for Peace?

Mr. MOORE. Thank you, Congressman Engel, for your question. Now let me say that as I mentioned before we are working very closely with our NATO allies on exactly these issues now. The Kosovo Security Force, of course, has essentially a civil emergency mission now. The evolution of that into a different sort of military is something which involves KFOR and NATO very closely. It is also a matter of consensus within NATO exactly the sort of relationship that NATO is able to support, the sort of forces that NATO is able to support. This is an ongoing topic. At the same time we are working with the Kosovo Security Force directly. We are working with the Ministry of the Kosovo Security Force on these sorts of questions. It is a likely step for that to evolve at some point in the near future, but this is a matter of discussion both with Pristina and within NATO.

Mr. ENGEL. Well, I just think that the U.S. needs to let our European allies know, particularly the five EU countries out of the 27 that still do not currently recognize Kosovo, that they ought to do it. I know that has been our position and I know we have been somewhat vocal about it. But I think that in light of the April 19th accord, I think that should change the equation. Do you think that the April 19th accord will cause those five EU countries that do not currently recognize Kosovo to do so?

Mr. MOORE. We would certainly like to think that the April 19th accord would provide greater impetus and justification for recognition by those five and countries outside Europe. That is part of our diplomatic efforts as you say, Congressman Engel. We will have to see what successes we have with that effort. But certainly they should have more reasons to engage, if not recognize, Kosovo.

Mr. ENGEL. How about us? Will we make a renewed effort to do this?

Mr. MOORE. The pursuance of recognition of Kosovo is an active effort. We have a full-time action officer in my office at the State Department focused on this. Whether it is for Europe, Asia, Africa, or the rest of the world, we have a comprehensive effort to seek recognitions. I even traveled to Africa in an effort to secure more recognitions from African countries as part of a delegation with Kosovo. This is a very comprehensive effort and I can assure you that we continue to engage on that.

Mr. ENGEL. I am for Kosovo joining the EU and I am for Serbia joining the EU. Should Serbia and Kosovo join the EU at the same time in order to prevent the potential of Serbia blocking Kosovo's membership? What are we doing to make sure that if Kosovo is moving at a slower pace with the EU accession that Serbia cannot or would not block it, and what can we do expecting Kosovo's aspirations to join the United Nations that is currently blocked by both Serbia and Russia?

Mr. MOORE. On the first question in terms of their path toward the EU, they are on different tracks. They of course had different starting points. Serbia is already a candidate member and Kosovo is just looking at securing a Stabilization and Association Agreement. Exactly what tempo, of course, they pursue toward EU membership will depend very much upon their performance in the process of introducing and implementing legislation, meeting other steps, meeting other criteria set by the EU. They are on separate tracks. As was pointed out in the agreement, of course, neither can hold back the other. That is a principle to which they should continue to be held. So regardless of which country reaches membership first, they would not be able to disadvantage the other. That has been an issue of evolving policy in the European Union, and we will have to see at what stage the European Union is when that question arises, if it is a question of one trying to block the other. We certainly would hope that is not the case.

Mr. ENGEL. Well, is it ironclad that it cannot happen? It seems to me to be a bit unfair if there is even the remote possibility that it could happen. It would seem to me that we should make it clear, or that you should make it clear that that could not happen. That one country could not block the other.

Mr. MOORE. Congressman, that is an excellent question. I can only tell you that in the recent case of Croatia and Slovenia, Slovenia raised objections quite late in the process to Croatia moving forward. They were able to address that issue bilaterally. The EU has changed the circumstances under which a single member state can block the progress of a new member. I think that process will need to evolve, but I apologize, I am not in the position to speculate about exactly how thing will be. Even for Serbia we are talking about a process that will last, to judge by other averages, at least a decade.

Mr. ENGEL. Okay. Let me ask you a final question. I have been deeply concerned that to date no individuals have been convicted for the brutal killing of three United States citizens, the Bytyqi brothers, Agron, Ylli and Mehmet. As you know, they were helping to save the lives of a Roma family from Kosovo where they were unlawfully detained by Serbian authorities and suffered an execution-style murder. It was a long time ago. We want to move on. But 11 years after the discovery of their bodies no one has been held accountable for their killing, and the chief suspects in the chain of command, including the camp commander, have never been charged.

So what is the status of their case, and can you describe the State Department's efforts to press Serbia to bring the killers to justice? Is there anything more that Congress can do to help press Serbia to achieve justice for the Bytyqi family? I just met with the

fourth Bytyqi brother who is in New York. Just a few weeks ago I sat down with him.

Mr. MOORE. Thank you, Congressman. This is a case which disturbs us greatly, the arrest and then murder of three American citizens. We also have met with Fatose Bytyqi, the surviving brother, who lives in the United States. We have engaged at this level and at the most senior bilateral levels including by Secretary Clinton when she was in Belgrade last fall. Our Deputy Secretary of State raised it directly with Prime Minister Dacic, and he is also Interior Minister of Serbia.

We continue to call upon these authorities in Belgrade to investigate this case and to prosecute it. We are not aware of direct progress. There have been no convictions in this case. Serbia is certainly very well aware that it is extremely high on our bilateral agenda. We want to see justice in this case as in all cases of war crimes. This happens to involve, as you say, three American citizens so it figures prominently in our bilateral agenda from that perspective as well. But unfortunately, to this point we have not received any information from the government or authorities in Serbia that that case is moving forward other than some investigations.

Mr. ENGEL. Well, let me conclude by saying that I think that this should be continued to be pressed and is a real priority, and I know the chairman would agree with me because we have discussed these issues a lot. These are three American citizens and we really demand answers for American citizens.

Mr. MOORE. Yes.

Mr. ENGEL. Thank you. Thank you, Mr. Chairman.

Mr. ROHRABACHER. I guess when you have a case like that pending that it undermines this belief that everyone can just trust the rule of law, even though you set up a situation where you have people who hate each other are within the same governmental structure.

Mr. Holding?

Mr. HOLDING. Thank you, Mr. Chairman. Speaking of the rule of law, I would like to take my time and allow you to give us, or give me, somewhat of an update on the state of the rule of law in Kosovo. I believe I was there in 2010. It is plagued by high unemployment and high crime and public corruption. So I would be interested in having your thoughts as to where they stand now. Have they had some improvement over the course of the last 3 or 4 years?

Mr. MOORE. Congressman Holding, thank you for the question. We do believe there has been improvement. Part of that has come about because of our assistance programs and our cooperation. As you mentioned, we offered training exchanges. We brought people from law enforcement organizations and authorities here. We worked through different programs of the U.S. Department of Justice with judges, with prosecutors. We worked directly through ICITAP with the police in Kosovo as well.

It is a comprehensive effort. It takes a lot of time. Corruption is rampant throughout the region, throughout the former Yugoslavia. These are all countries, even the most established like Serbia, that suffer under a history of years of Communist and undemocratic

leadership and institutions. So it is a tough road. I think there has been progress. We believe there has been improvement. But indeed the Kosovo police is better able, for example, to protect Serbian historical and cultural sites than they did in the past. Of nine key sites, they are able to provide security at seven. There are excesses. The situation is not perfect.

Taking Judge Poe's advice and comments into mind, I don't wish to comment on comparisons to other countries, but suffice it to say we are not done with the work. We are working closely with Ministers of Interior and other such leaders to fix things, but we do see some improvement over the past few years. I apologize. I don't have a direct means to quantify that now. If this is of interest to you I would be happy to follow up with more specific information on that.

Mr. HOLDING. That would be great if you could get back on that. The level of cooperation that we have now, has it been increasing over the number of years as far as Department of Justice cooperation, U.S. lawyer cooperation? Is that still on the rise or has that started to diminish?

Mr. MOORE. Congressman, you are correct, it has started to diminish. Based on needs and priorities around the world for U.S. assistance dollars, the number has gone down a bit. Both Kosovo and Bosnia and Herzegovina are still focal points for U.S. assistance in the region. Those numbers have gone down for all countries in the region, but we still have a robust effort coordinating with our colleagues at the U.S. Department of Justice on rule of law cooperation in Kosovo.

Mr. HOLDING. Well, Kosovo always has struck me as a great opportunity for the United States to partner with because it is a nation that likes the United States and it has a predominantly Muslim population of some 90 percent, and it is a Muslim nation that likes the United States. And I think there is great opportunity there being the youngest nation on our planet. And hopefully it will be welcomed into the fold by all nations as it comes to fruition in the course of years. So thank you, and I yield back.

Mr. MOORE. Thank you, Congressman.

Mr. ROHRABACHER. Thank you very much. I have one last clarification for you.

Mr. MOORE. Please.

Mr. ROHRABACHER. Was it your testimony earlier that part of this understanding, if not part of the agreement, was that Kosovo would not deploy security forces in those northern provinces that are Serbian-dominated, and that how ever that was going to be compensated for, in some way balanced out because the fact that KFOR and U.S. forces would then be deployable. Is that correct?

Mr. MOORE. In the context of what you correctly pointed out, Chairman Rohrabacher, as the first agreement, there is no role for KSF, and freedom of movement in a safe and secure environment will be handled by EULEX and KFOR without needing to turn to KSF. So in this immediate situation—as this is again just the first step—there is no role for KSF or a successor military. However, in the future that could change. And if I have stated in a way that there is no role at any point in the future that would not be correct.

In the context of this agreement and the effort to implement this agreement, there is no role for KSF.

Mr. ROHRABACHER. Okay. So the agreement then actually depends upon KFOR and the United States to continue indefinitely, because there is no mention as to any length of time that this status quo will exist either. That is quite disturbing.

Mr. MOORE. May I clarify further, Mr. Chairman?

Mr. ROHRABACHER. Yes, you may.

Mr. MOORE. It is certainly not our intention that KFOR should remain there indefinitely. There are still 5,000 troops in KFOR of which nearly 800 belong to the United States. Recognizing needs and priorities around the world, we want to see that change. The hope is that with this effort to implement this agreement, over time the security situation in Kosovo will evolve, and we hope, by the way, on a shorter timeline rather than a longer timeline so that KFOR's role does not need to be what it is today and that both the United States and other troop contributors can appropriately reduce their presence on the ground in Kosovo.

Mr. ROHRABACHER. Thank you very much. I would suggest that again that things will evolve a lot quicker if people would draw maps that are consistent with the will of the local population rather than expecting the local population to ignore the attitudes and the values that they have developed and reactions to each other that have been developing for centuries. Thank you very much, and we appreciate your testimony.

Mr. MOORE. Thank you, Mr. Chairman.

Mr. ROHRABACHER. And next we have another panel and they may proceed to sit down. And we will have five panelists, and each one will be expected to testify around 5 minutes, but have a more in-depth testimony will be made part of the record as part of their testimony.

I want to thank this panel of witnesses for joining us today. We will start with Daniel Serwer who is a senior research professor of Conflict Management as well as a senior fellow at the Center for Transatlantic Relations at Johns Hopkins School of Advanced International Studies. He is also a scholar at the Middle East Institute, and while working for the U.S. Institute of Peace he led missions to the Balkans. He was a minister-counselor at the Department of State, serving from 1994 to '96 as a special U.S. envoy and coordinator for the Bosnian Federation, mediating between the Croats and the Muslims, and negotiating the first agreement that they reached at the Dayton peace talks.

We then have with us Shirley DioGuardi, and she is a Balkan affairs adviser to the Albanian American Civic League, a position she has held since 1995, together with her husband who is a former Member of Congress, I might add, a very well respected Member of Congress. She has worked to bring lasting peace and stability to the Balkans. Shirley is a former publisher of the Lawrence Hill Books specializing in domestic and international politics. And then in 1995, she published "Yugoslavia's Ethnic Nightmare," the first book on the causes and consequences of the Balkan conflict. She has worked closely with the Albanian communities and holds a Bachelors degree in Sociology from Oberlin College and a

Masters in Divinity from the Union Theological Seminary in New York.

And after that we have Mr. Kesic, a senior partner with TSM Global Consultants. Over the last two decades, Mr. Kesic has served as consultant on Balkan affairs for various U.S. agencies, international corporations and organizations. Mr. Kesic is a member of the board of directors of the Institute on Religion and Public Policy. He is a co-founder and represents the Serbian American community in the National Democratic Ethnic Coordinating Committee, and is a consultant and advisor to the Serbian American Institute.

We then have Mr. Gjoni who, since 2005, has been an advisor and a component leader for USAID projects in Kosovo. Before that he worked for the United Nations in Kosovo. He was also an expert working on drafting the Kosovo Constitution in 2008. He is currently a Ph.D. candidate at the School of Politics and International Relations of the University College Dublin, and a Fulbright Scholar. He holds a Masters of Law degree from Columbia Law School, and a law degree from Faculty of Law at the University of Tirana in Albania.

And then we have Bob Churcher, a freelance consultant specializing in political analysis and post conflict issues with considerable experience in the Balkans. Following a successful career in the British Army, he went to work for the British Foreign Office and the European community as an observer in the Bosnian war, and stayed in the Balkans, most often in Albania and Kosovo, with various international organizations. This included serving as director for the International Crisis Group on Kosovo.

Now with that we may start with Mr. Serwer, and as I say, if you could try to keep it to 5 minutes then we will have time for a dialogue or questions and answers. But anything you would like to put into the record will be made part of the record, at the time, along with your testimony. So thank you very much. You may proceed.

STATEMENT OF DANIEL SERWER, PH.D., PROFESSOR, SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY

Mr. SERWER. Thank you, Mr. Chairman, and 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 will summarize and submit my full testimony for the record.

I would like to make five points. First, this is a good agreement. If fully implemented, it will go a long way to establishing democratically validated institutions as well as clear legal and police authority on the whole territory of Kosovo while allowing ample self-governance for Serbs in northern Kosovo on many other issues, in fact, ample self-governance for Serbs throughout Kosovo.

Second, implementation will be a challenge, one that requires Pristina to make integration attractive, and Belgrade to end the financing that makes resistance in northern Kosovo possible. Belgrade and Pristina will need to cooperate to end the smuggling of tax-free goods that has enriched organized crime and spoilers, both Serb and Albanian.

Third, the agreement should end any discussion of exchange of territory between Kosovo and Serbia which, in my view, is a bad idea that risks destabilizing Bosnia, Macedonia, and even Serbia proper. We should work to make northern Kosovo a model of win-win reintegration for the rest of the Balkans.

Fourth, Belgrade and Pristina have taken an important step toward normalizing relations, but they will need to do more, including eventual recognition and exchange of Ambassadors. If that does not happen neither will be able to get into the EU and both may try to arm themselves for a possible new confrontation. In accordance with this agreement, I would note, each will apply for EU membership as a separate, independent and sovereign state.

Fifth, we owe props to the EU, and in particular Catherine Ashton not only for the mediation work she did but also for the vital incentives the EU provided. The U.S. Government shares supporting actor credit with leading Lady Ashton, which is as it should be.

Mr. Chairman, I am relieved that an agreement has been reached, but 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. Many Serbs and Kosovo Albanians still think badly of each other and rank themselves as victims. I agree with you about that.

There has been little mutual acknowledgement of harm. Few Albanians and Serbs have renewed personal ties and 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.

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

[The prepared statement of Mr. Serwer follows:]

The Road Is Long But the Destination Is In Sight

by

Daniel Serwer

Professor of Conflict Management

Johns Hopkins School of Advanced International Studies

Blogging at www.peacefare.net and tweeting @DanielSerwer

Testimony at the Hearing on

Kosovo and Serbia: a Pathway to Peace

House Committee on Foreign Affairs, Subcommittee on

Europe, Eurasia, and Emerging Threats

April 24, 2013

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.

Mr. ROHRABACHER. Well, thank you very much for your very optimistic testimony.

Shirley, are you as optimistic as that gentleman?

STATEMENT OF MS. SHIRLEY CLOYES DIOGUARDI, BALKAN AFFAIRS ADVISER, ALBANIAN AMERICAN CIVIC LEAGUE

Ms. CLOYES DIOGUARDI. I regret to say I am not. Mr. Chairman, first of all, thank you for giving me the opportunity to testify. I will be submitting my testimony for the record and summarizing it here. I would also like to take this opportunity to append to my testimony a recent article in the Eurasia Review by Faton Bislimi, entitled, "The Politics of Compromise is Compromising Kosovo's Future."

Mr. ROHRABACHER. With no objections that will be attached to your testimony.

Ms. CLOYES DIOGUARDI. Thank you. I want to note that it is primarily in this hearing room among all the governmental bodies in the West that the hard questions about the Balkan conflict have been asked over the past two decades. Under former chairmen Gilman, Hyde, Lantos, the serious effort was made to reveal and explore the realities on the ground in South Central Europe during Serbian dictator Slobadan Milosevic's brutal 10-year occupation of Kosova and genocidal march across the Balkans that ultimately claimed 200,000 lives and left 4 million displaced. It was here that the vote was cast to support NATO airstrikes against Serbia which finally brought the Kosova war to an end in 1999, and ended the Balkan wars of the 1990s.

Mr. Chairman, in my opinion, it cannot be more timely to have this particular hearing now in your subcommittee raising questions about the resolution of the Balkan conflict just days after Catherine Ashton, the European Union's High Representative, has proclaimed a successful outcome to 10 rounds of talks between Belgrade and Pristina. If the outcome were genuinely successful this hearing would not be necessary.

But unfortunately, in my opinion, the agreement between Serbian Prime Minister Dacic and Prime Minister Thaci is a quick fix. It does not amount to a comprehensive and effective agreement that will bring lasting peace and stability to the region. In my opinion, this will only happen when Serbia recognizes Kosova's sovereignty and its admission to international institutions, grants equal civil and human rights to the Albanian majority in the Presheva Valley-on a par, I might add, with the rights that are currently enjoyed by Serbs in Kosova-relinquishes its parallel structures in northern Kosova, and focuses on the economic and political development of Serbia. Once that happens, Kosova's Government will need to focus on the establishment of a genuine democracy and rule of law, something it has failed to do because of its lack of sovereignty and the corruption of many of its government officials.

The 15-point agreement on April 19 does not, in my opinion, as Catherine Ashton has declared, amount to "a step closer to Europe for both Serbia and Kosovo." On the contrary, it will allow Serbia to interfere in the internal affairs of Kosova. With this agreement, Serbia will be allowed to enter into the membership negotiations with the EU through a false demonstration of neighborly relations

with Kosova and ultimately to achieve what has always been its primary goal, the denial of Kosova's sovereignty and the acquisition of northern Kosova.

Now how have we arrived at this point? It is the result, in my opinion, of three interconnected patterns in the postwar period that still continue 13 years after the war. One, delaying the resolution of Kosova's final status, its declaration of independence notwithstanding, due to a misguided Western foreign policy approach that has appeasing Serbia as its centerpiece. Two, successive U.S. administrations taking a backseat to Europe when it comes to policy in the Balkans. And three, Belgrade's efforts to destabilize Kosova with the goal of making the de facto partition of northern Kosova a legal, de jure reality.

We had a different chance at war's end. The Clinton administration and the EU could have recognized Kosova's inevitable independence, informed Belgrade that it had forfeited its legitimacy to govern Kosova, and set Serbia on a path to democratization. But as we know this isn't what happened. Kosova became a protectorate of the U.N., and even today because of a large number of member states in the U.N. General Assembly have not recognized Kosova's sovereignty, and especially because five member states in the EU—Spain, Cyprus, Greece, Romania, and Slovakia—still refuse to do so, Kosova's political, economic and social progress, like Bosnia, has been stymied.

For the past 13 years, almost 14, we have witnessed a foreign policy in the U.S. State Department that instead of being prevention-oriented and making human rights the centerpiece, that it instead has constructed policy frameworks to delay the resolution of Kosova's final status and admission to the EU, NATO, U.N. and other international institutions. I don't believe that it serves the United States to continue to distance itself from the resolution of the Balkan conflict by deeming it Europe's problem. Contrary to what our State Department has said today, whenever the United States has taken a backseat to Europe, and I still believe it has, the situation in the region has deteriorated because the EU's diverse, 27 member states have not been able to coalesce around a common foreign policy apart from America's political and military leadership. That has been true for over a decade.

The Obama administration has been publicly holding the line that the de facto partition of northern Kosova should not become legal, but they actually haven't taken any action to back up the position. For more than two decades, Belgrade has been able to move into that vacuum created by the lack of unity and lack of resolve among the EU member nations, between the EU and the U.S., and all the more so because the guiding principle of the EU and our Government has been appeasement. Belgrade's goal has always been to achieve its expansionist aims in Kosova diplomatically by legalizing the partition of northern Kosova, just as it achieved its expansionist aims in Bosnia by force when at the end of the Bosnian war in 1995 it was awarded with the artificially created Republika Srpska.

Ever since the war ended in June '99, there has been an effort to destabilize the north. Now, and I will conclude, in a final push to resolve the conflict between Belgrade and Pristina in order to

achieve the principle of exiting the region, the EU, with the support of the U.S. Government, has proclaimed an agreement that unfortunately papers over the roots of the conflict and the realities on the ground. The Balkans are again at risk because the current agreement does not grapple with the roots of the Balkan conflict and doesn't carve out a real solution.

I think the time has come to ask all parties, the U.S. Government, the EU, Serbia, what do they really want? Will Belgrade struggle to retain Kosova at all costs, and will Serbia become part of Europe? The current accord enables Belgrade to enter into membership talks with the EU but without dismantling the structures of northern Kosova, without recognizing Kosova's sovereignty, without acknowledging Kosova's right to enter bodies. Will the U.S. and the EU decide what they really want—a whole, undivided, peaceful, democratic, and prosperous EU, or a periphery of failed, aid-dependent societies that saddle it with economic and law enforcement responsibilities?

To prevent a costly and potentially deadly conflict going forward, the West will have to rethink its diplomatic strategy. We need a new paradigm for how we handle foreign policy in the Balkans and elsewhere, again one that emphasizes conflict prevention and human rights not stability at all costs. Thank you.

[The prepared statement of Ms. Cloyes DioGuardi follows:]

Statement of Shirley Cloyes DioGuardi
Balkan Affairs Adviser, the Albanian American Civic League

House Committee on Foreign Affairs
Subcommittee on Europe, Eurasia, and Emerging Threats

"Kosovo and Serbia: The Pathway to Peace"

April 24, 2013

Thank you, Mr. Chairman. I want to thank you for your leadership in calling this hearing to explore a pathway to peace between Serbia and Kosova.

I also want to note that it is primarily in this hearing room, among all of the governmental bodies in the West, that the hard questions about the Balkan conflict were asked over two decades. Under former Chairman Ben Gilman, Henry Hyde, and Tom Lantos, the serious effort was made to reveal and explore the realities on the ground in South Central Europe during Serbian dictator Slobodan Milosevic's ten-year occupation of Kosova and genocidal march across the Balkans that ultimately claimed 200,000 lives and left four million displaced. It was here that Chairman Gilman held a hearing calling on the Clinton administration to send US ground troops to halt the Serbian military and paramilitary forces after they invaded Kosova in February 1998.

It was here that a vote was cast to support American-initiated NATO airstrikes against Serbia, which took place on March 24, 1999, and which after 78 days ended the Balkan wars of the 1990s.

It was here that Chairman Henry Hyde and Ranking Member Tom Lantos challenged our State Department for nine years to recognize Kosova's independence, ultimately leading to President George W. Bush's recognition of Kosova as a sovereign state in February 2008.

Kosovo and Serbia—Cloyes DioGuardi

Mr. Chairman, it cannot be more timely that it is again the US Congress—through your Subcommittee on Europe—that is raising questions about the resolution of the Balkan conflict, just days after Baroness Catherine Ashton, the European Union's High Representative for Foreign Policy and Security, heralded a successful outcome to ten rounds of talks over the past year and a half between Belgrade and Prishtina. If the outcome were genuinely successful, this hearing would not be necessary. But, unfortunately, the initialed agreement between Serbian Prime Minister Ivica Dacic and Kosova Prime Minister Hashim Thaci is a quick fix. It does not amount to a comprehensive and effective agreement that will establish neighborly relations between Kosova and Serbia and bring lasting peace and stability to the region.

That will only happen when Serbia recognizes Kosova's sovereignty and its admission to international institutions, grants equal civil and human rights to the Albanians in the Presheva Valley (on a par with the rights that are currently enjoyed by Serbs in Kosova), relinquishes its parallel structures in northern Kosova, and focuses on the economic and political development of Serbia. Once that happens, Kosova's government will need to focus on the establishment of genuine democracy and rule of law—something that it has failed to do due to its lack of sovereignty and the corruption of many of its government officials.

The agreement of April 19, 2013, does not, as Baroness Catherine Ashton has declared "amount to a step closer to Europe for both Serbia and Kosova." As the EU meeting scheduled for June undoubtedly will confirm, it only represents a step closer to Europe for Serbia. In fact, it reminds me so much of what happened last year, in

February 2012, when the "technical talks" between Belgrade and Prishtina that began in March 2011, culminated in EU and US pressure on Kosova to agree to delete the word "Republic" in front of its name and to have UN 1244 referenced as a "footnote," in exchange for its admission to the meetings of regional bodies—an admission that subsequently never happened. In the end, Serbia will be admitted to the European Union through a false demonstration of "neighborly relations" with Kosova (a requirement for admission to the EU), while simultaneously achieving what has always been its primary goal: the denial of Kosova's sovereignty and the acquisition of northern Kosova. To support these assertions, I want to reflect on the past proceedings of this body in the 2000s.

Both Congressmen Hyde and Lantos insisted (as you, Chairman Rohrabacher, also did) that the only way to bring lasting peace and stability to the region after the Balkan wars of the 1990s was to recognize Kosova's independence, and that the ongoing failure to do so after NATO intervened to end the war in Kosova in June 1999 was exacting a heavy price in both Kosova and Serbia. In May 2005, the last hearing in this body on the status and future of Kosova, the Ranking Member Lantos said:

"The current status quo of limbo is not sustainable. Unless it is changed and changed clearly and resolutely, we will have renewed ethnic violence and the integration of Kosovo into the Europe will be further delayed."

Lantos went on to describe the severe problems of massive unemployment, increasing the likelihood of Kosovars, 50 percent of whom are under the age of 25, entering criminal networks or other countries to find work (I would add, illegally, because they are not

allowed to enter the rest of Europe without visas). He cited a statement that Chairman Henry Hyde had made three years earlier: "There will be no jobs without peace and stability in Kosova, but there will no peace and stability without jobs."

And, it was you, Chairman Rohrabacher, who said at the 2005 hearing, that "We are stealing the lives of the Kosovars." I would add that we have been stealing the lives of both Albanians and Serbs, who in Kosova are roughly five percent of the population. Kosova Serbs who live in the north have been blocked by Belgrade from integrating into Kosova's political and economic life. Belgrade's concentration on holding onto Kosova at all costs has also diminished the lives of its citizens in Serbia. By using Kosova's Serbs as pawns, Serbia has been able to sidestep dismantling the xenophobic system created by former dictator and indicted war criminal Slobodan Milosevic. Recent polls indicate that most Serbs do not care about Kosova; instead they care about their lack of jobs in a downward-spiraling Serbian economy.

In the six years between the end of the war and the 2005 hearing, there was no serious discussion of Kosova and Serbia on the international stage because it was the aim of our State Department and the EU to delay the resolution of Kosova's final status. I should hasten to add that before and after the Balkan wars, there were State Department officials, especially at the desk level, who called for more active engagement. I am thinking especially of the five junior officials who ultimately resigned in 1993 after the media revealed the existence of concentration camps in Bosnia in the summer of 1992. Nevertheless, the State Department's overarching policy has been one of joining Europe in insuring stability and security over and above the institution of genuine democracy and

human rights.

Three interconnected patterns emerged in the postwar period that I would argue still continue thirteen years after the war—namely, delaying the resolution of Kosova's final status (its declaration of independence in 2008, notwithstanding) due to a misguided Western foreign policy approach that has as its centerpiece appeasing Serbia; successive US administrations taking a backseat to Europe when it comes to policy in the Balkans; and Belgrade's efforts to destabilize Kosova with the goal of making the *de facto* partition of northern Kosova a *de jure* reality.

When more than one million Albanians were driven out of Kosova by Milosevic's forces at war's end in June 1999, the Clinton administration and the European Union could have recognized Kosova's inevitable independence; informed Belgrade that it had forfeited its legitimacy to govern Kosova; and set Serbia on a path to democratization. But, as we know, it did not. Instead Kosova was made a protectorate of the United Nations. And because a large number of member states in the UN General Assembly have yet to recognize Kosova's sovereignty (thus far 98 out of 192), and because five EU member states (Spain, Cyprus, Greece, Romania, and Slovakia) still refuse to do so, Kosova's political, economic, and social progress, like Bosnia's, has been stymied.

For the past thirteen years, we have witnessed a foreign policy approach in the US State Department that, instead of being prevention-oriented and making human rights the center of *realpolitik*, has constructed policy frameworks to delay the resolution of Kosova's final status and admission to the EU, NATO, the UN and other regional and international institutions. The other federal members of the former Yugoslavia—

Slovenia, Croatia, Macedonia, Bosnia-Herzegovina, Macedonia, and Serbia—never had to submit to the same treatment.

For the purposes of this testimony, I want to review a policy prescription that epitomizes the EU and US approach to postwar Kosova: "Standards before Status." This policy, presented in the spring of 2002 by then UN Secretary General's Special Representative in Kosovo, Michael Steiner, included eight benchmarks that had to be achieved before Kosova's final status could even be discussed. Meeting these benchmarks was supposed to ensure that Kosova would become a stable, functioning democracy with a viable economy.

However, at the May 21, 2003, hearing before the full House Committee on International Relations, Congressman Lantos insisted that, "Those who argue that we must put standards before status in the case of Kosova are themselves applying a double standard. Kosova deserves independence for the same reasons as did the other constituent, autonomous parts of the former Yugoslav Republic."

The US State Department was represented at the 2003 hearing on Kosova by Janet Bogue, then Deputy Assistant Secretary for Europe and Eurasia. She said that "Kosovo needs to meet the benchmarks so that its institutions have the ability to deal with the challenges posed by unemployment and by organized crime. Kosovo needs to meet the benchmarks to be in a cooperative relationship with others in the region."

Clearly the State Department did not see that without independence, a functioning democracy and economy could not be achieved in Kosova. On the contrary, Bogue stated that "a decision today on final status would destabilize Kosovo in the

broader region," and that "it would inflame those in the region who seek violent solutions."

In response to Bogue's assertions, Congressman Lantos said that:

"In my judgment, no parent was every ready for parenthood, and no nation was ever ready for nationhood, and Kosovo is no exception. So it seems that we have to go beyond the artificial criteria of establishing a perfect set of standards and measurements that we expect Kosovo to reach before the Administration will support nationhood for Kosovo."

Lantos then proceeded to read a list of twelve countries that were full-fledged members of the United Nations—countries such as Andorra, Dominica, Lichtenstein, and Monaco—all of which had one thing in common: a population of less than 100,000, in contrast to Kosova, with a population of almost 2 million. He also cited East Timor as a very small and poor country whose independence the United States had supported and established an embassy in its capital. Again, he cited the lack of equal treatment by the administration and their "establishing utterly unreasonable criteria for Kosovo."

Lantos concluded his remarks by asking Deputy Assistant Secretary Bogue for an approximate time line that the State Department believed Kosova would need to complete the eight criteria in "Standards before Status." "1 year? 5 years? 10 years? More?" he asked. Bogue responded that neither she nor Michael Steiner could answer his question.

Chairman Rohrabacher, you also questioned Deputy Assistant Secretary Bogue about the benchmarks, and you made the now famous statement that if the United States had had to meet all of the State Department's criteria, "we would still not be independent

from the British." You concluded that "What we have as a government policy reflects our over concern for Serbia and for our European allies and not for the rights of these people who have every right like the rest of us to organize and…control their own destiny through the ballot box."

From the time that Slobodan Milosevic invaded Slovenia and Croatia, successive U.S. administrations have let Europe take the lead in the Balkans. When the administration of George H.W. Bush refused to support the breakup of the former Yugoslavia in 1991, Secretary of State James Baker said that, "It was time to make the Europeans step up to the plate and show that they could act as a unified power" (p. 637 in *The Politics of Diplomacy: Revolution, War, and Peace, 1989-1992*, New York: G.P. Putnam's Sons, 1995). And when the administration refused to stop the conflict in 1992 through military force, Secretary Baker made his now famous statement that, "We do not have a dog in this fight"), and Milosevic began his "ethnic cleansing" of Bosnia.

Only when it was politically difficult for the United States to remain unengaged in the Balkan wars of the 1990s did our government exercise its influence, and always after pressure from the House and Senate Committees on Foreign Affairs. And so, for example, it was not until the Serbian shelling of Sarajevo in August 1995, that the Clinton administration finally took steps to end Milosevic's genocidal war against Bosnians by developing the Dayton Peace Accords. Of course with Kosova off the table and Milosevic cast in the role of a peacemaker at Dayton, the signing of the Accords only forced the Serbian military out of Bosnia, but it did not resolve the Balkan conflict. Instead, it set the stage for Milosevic's ethnic cleansing campaign in Kosova.

Kosovo and Serbia—Shirley Cloyes DioGuardi

In 1999, because the onset of another Bosnia could not be denied, and because the Committee on International Relations under Chairman Gilman got Ambassador Robert Gelbard to admit that the Kosova Liberation Army had not been put on the State Department's list of terrorist groups, the Clinton administration came to the fore to stop Milosevic's drive to exterminate Kosovar Albanians—first by leading negotiations at Rambouillet and then by bombing Serbia. And in February 2008, the administration of George W. Bush recognized the independence of Kosova because the potential for social unrest and renewed conflict loomed large after nine years of economic and political deterioration in Kosova due to lack of sovereignty. But since five member states in the European Union refused to recognize Kosova's independence and since the independence was to be "supervised," according to the Ahtisaari plan (the final status plan named after its creator, Finish Ambassador Marti Ahtisaari) that made recognition possible in the first place, the final status of Kosova was still not resolved.

"Supervised independence" ultimately meant that Kosova was independent in name only. The United Nations, which under the Ahtisaari plan was supposed to turn over its mandate to the European Union, responded to Serbian pressure and the fears of some member nations. By the end of 2008, instead of allowing the unconditional deployment of the European Union Rule of Law Mission in Kosovo (EULEX) to northern Kosova to supervise the police and the judiciary, it placed EULEX under the UN, turned it into a "status neutral entity, called for new negotiations between Belgrade and Prishtina and reinvoked UN Resolution 1244—a resolution that recognizes Kosova not as an independent state, but as a "province" of Serbia. This marked the retrenchment of the

West to pre-independence policy, permitting Belgrade to have a say in Kosova's political and economic future. And this is where I believe we find ourselves today.

It seems that we have yet to learn that it does not serve the United States to distance itself from the resolution of the Balkan conflict by deeming it "Europe's problem." Whenever the United States has taken a backseat to Europe, the situation in the region has deteriorated because the European Union's diverse 27- member states have not been able to coalesce around a common foreign policy apart from America's political and military leadership. The Obama administration has been publicly holding the line that the *de facto* partition of northern Kosova should not become *de jure*, but they have taken no action to back up this position, and there is a disagreement about this within the US State Department.

Burdened by the economic recession, which began in September 2008, and wars in Iraq and Afghanistan, the Obama administration has expected the European Union to shoulder the burden of resolving the Serbian-Albanian conflict by continuing to be the primary sponsor of the talks that began two years ago and speeding up the integration of the Western Balkans into the European Union. Should there be any question about this, on March 3, 2011, Mary Warlick, the US Ambassador to Serbia, stated that the United States will "observe the dialogue between Belgrade and Prishtina; it will help in every way; but the European Union has the leading role" (Warlick, 2011). This is a kind of distortion of the "in together, out-together" diplomatic strategy embraced by the United States and the European Union at the end of the Balkan wars. For more than two decades, Belgrade has been able to move into the vacuum created by the lack of unity

and lack of resolve among the EU member nations and between the European Union and the United States, and all the more so because the guiding principal of EU (and therefore US) policy has been the appeasement of Serbia.

Serbia's goal has always been to achieve its expansionist aims in Kosova "diplomatically" by legalizing the partition of northern Kosova , just as it achieved its expansionist aims in Bosnia by force when, at the end of the Bosnian war in 1995, it was awarded with the artificially created "Republika Srpska." Ever since the war in Kosova ended in June 1999, Serbia has pursued its quest for "Greater Serbia," by working to destabilize northern Kosova, with its Serb majority population, in the hope of securing its partition.

Now in a final push to resolve the conflict between Belgrade and Prishtina in order to achieve its principal objective—to exit the region—the European Union, with the support of the U.S. government, has proclaimed an agreement that papers over the root causes of the conflict and the realities on the ground. It specifically obfuscates the status of northern Kosova. Stability, peace, economic development, and rule of law cannot be brought to the region with an ever-more weakened Kosova, unable to progress due to lack of sovereignty, since Belgrade, under the accord, will still control institutions in the north and has refused to approve Kosova's membership in international institutions. As Blerim Shala, the deputy leader of the Alliance for the Future of Kosova, one of Kosova's opposition parties, observed in an interview with Radio Free Europe in June 2011, "The most dangerous part of the negotiating process could be a middle ground between the idea of partition and the 'Ahtisaari package': the road of creating a Serb

entity that would be an 'Ahtisaari plus' or a 'Serb Republic minus'." Should this be the end result, then the de jure partition of the north will be complete, and Belgrade will have been rewarded for its expansionist aims, just as it was with the creation of Republika Srpska, which continues to block the central government of Bosnia from functioning for the benefit of all of its citizens. This has ramifications not just for the Albanian majority and the Serbian minority in Kosova, but for the future of Europe.

The Balkans are again at risk because the current "agreement" does not solve the Serbian-Albanian conflict over the sovereignty of Kosova. It does not end the sources of regional turmoil. The Albanian majority population in Kosova, as I stated earlier, is trapped in an economic and political limbo. The unemployment rate is more than 40 percent, and the country is dependent on international aid and remittances from Kosovars living abroad. Foreign investment is minimal as a result of rampant corruption, lack of a steady supply of energy, and Belgrade's destabilization of the north through the creation and financing of illegal parallel structures for the Serb majority population there and supporting extremists, who on the day after Kosova declared its independence burned Kosova's border crossing, customs checkpoints, and courthouses in the north.

As I stated earlier, Kosova's future is jeopardized by the failure of a large number of member states in the UN General Assembly to recognize its sovereignty and the threat of a Russian veto in the UN Security Council. And Kosova has no ability to become a candidate for admission to the European Union as long as five member states refuse to recognize it and, consequently, no way to participate in the visa liberalization system and other EU benefits that have been conferred on other countries in the Balkans.

Kosovo and Serbia—Cloyes DioGuardi

Meanwhile , Serbia, which is being invited into the European Union, has an economy that is on the verge of collapse. It does not serve the United States, the European Union, or the Balkans to have a weakened Kosova and an economically crippled Serbia—one that has also failed to meet the human rights criteria for entrance into the European Union.

The heart of the problem is the lack of transparency in the deliberations between the European Union, the United States, Serbia, and Kosova, and a failure over two decades to grapple with the roots of the Balkan conflict in an effort to carve out a real solution. The time has come to ask the US government, the European Union, and Serbia what they really want. Will Belgrade struggle to retain Kosova at all costs, or will Serbia become part of Europe? The current "Accord" enables Belgrade to enter into membership talks with the European Union, but without dismantling its parallel structures in northern Kosova, without recognizing Kosova's sovereignty, and without acknowledging Kosova's right to enter regional and international bodies. Will the United States and Europe decide what they really want—a whole, undivided, peaceful, democratic, and prosperous European Union, or a periphery of failed, aid-dependent societies that saddle it with economic and law enforcement responsibilities?

To prevent a costly and potentially deadly conflict going forward, the West will have to rethink its diplomatic strategy. We need a new paradigm for how we handle foreign policy in the Balkans and elsewhere, again one that emphasizes conflict prevention and human rights, not stability at all costs.

The principal threat to democracy, peace, and stability in the Balkans is not the threat

of a "Greater Albania," as Serbian propaganda over twenty years has promulgated, but the ongoing quest for a "Greater Serbia" and Serbia's refusal to recognize Kosova's sovereignty. As long as these factors are allowed to persist, all of the peoples in Serbia and Kosova will suffer. The former Yugoslavia dissolved because it did not represent the solution to the national questions of all the ethnic groups that constituted it, and certainly because Milosevic and his henchmen destroyed the human rights of all non-Serbs and committed genocide in Bosnia and Kosova. As long as Kosovar Albanians are denied the recognition that every other ethnic majority in the Former Yugoslavia has been granted, and as long as there is no change in the status quo of Western foreign policy, the Balkan conflict will not be resolved.

The West "should champion a new 21st century political process that is neither orchestrated nor manipulated by Belgrade. Instead of appeasing Serbia, the United States and the European Union should change course by promoting mutual coexistence, human rights, and economic development throughout Southeast Europe. The way forward should entail making human rights, anti-racism, and rule of law the linchpin of international involvement in Southeast Europe.

Mr. ROHRABACHER. Let me add one phrase and then we will go onto the questions afterwards from your presentation. And does Kosovo, how long will they insist on hanging on to an area where the vast majority, 90 percent of the people, don't want to be part of Kosovo in the same way they didn't want to be part of Serbia?

Mr. Kesic, you may proceed with your testimony.

STATEMENT OF MR. OBRAD KESIC, SENIOR PARTNER, TSM GLOBAL CONSULTANTS, LLC

Mr. KESIC. Thank you, Mr. Chairman. I ask that my complete statement be entered into the record.

Mr. ROHRABACHER. It certainly will be, thank you.

Mr. KESIC. Thank you. One quick question for you. Can I depart from my prepared statement for 1 minute?

Mr. ROHRABACHER. You may depart from your prepared statement for the whole testimony, and your testimony will be put into the record, but you have got 5 minutes.

Mr. KESIC. Okay. That is fine. That is all I will need. I want to respond to something that you actually initiated in the discussion with Jonathan Moore. And that is the question about the issue of partition or allowing self-determination. And I will come back to this from my full statement. But the one question that has really perplexed not only Serbs but also some experts in this town is why the U.S. Government insists on taking every option off the table and claiming that partition is destructive when they partitioned Serbia? There seemed to be no qualms about changing the borders of Serbia, but yet they all of sudden have found the religion, true religion, when it comes to changing any other borders.

And I think your position is legitimate. That is not to say that I agree with it, but I believe it is a question that needs to be asked, and this is a timely hearing to pose questions like that as well as the questions that Congressman Poe posed about the discrepancy between justice and how justice and the rule of law are interpreted when it comes to trying to push forward the independence of Kosovo.

Now having said that let me go back and try to explain to you why Serbs are very skeptical about this agreement as a whole. Even those who have signed this agreement have expressed skepticism and have claimed that they signed on the basis that if they didn't they would be forced to accept the worst reality. So it wasn't out of free will as they would portray it, it was coerced signature. And of course that leaves questions of implementation, and there we agree in terms of the skepticism that we share about the pitfalls of continuing dialogue and trying to implement something that from the start is difficult to implement.

Now many Serbs view that the U.S. and the EU have shown a consistent pattern of lying about their commitment to protect Serbs in Kosovo. During the '99 NATO intervention, Serbs were told that NATO, following the withdrawal of Serbian police and army, would protect them. Since the entry of NATO into Kosovo in June 1999, over 250,000 non-Albanians were driven from their homes through violence, intimidation and harassment. According to the OSCE Kosovo Mission in a report of October 2012, 235,000 non-Albanians remain displaced.

Also the U.S. constantly, and the EU constantly move the goalpost. The Serbs were promised that status would be dealt with after standards were implemented, then once that proved to be impossible they told the Serbs that it would be standards and status simultaneously. Then when Kosovo proclaimed independence they were told that standards would come after status. We are still waiting to this day to deal with the standards. Serbs do not have confidence in the word of the U.S. and the EU.

Secondly, many Serbs also question the selective application of international law by the U.S. and the EU. When the Socialist Federal Republic of Yugoslavia was disintegrating in violence and conflict, the Badinter Committee ruled that territorial sovereignty and integrity of the republics prevailed over the rights of national groups to self-determination, thus holding that Slovenia, Croatia and the four republics have the right to partition Yugoslavia, while at the same time being entitled to their own territorial integrity regardless of the demands of the Krajina Serbs and the Bosnian Serbs to self-determination. It should be noted that the Commission held that this was also was the case with Serbia itself. Most Serbs wonder why it seems that everybody but Serbs have a right to self-determination.

The third point is that Serbs are also upset with what seems to be constant moving of goalposts by the EU and the U.S. when it comes to conditionality regarding Serbia's entry into the EU. I just want to move to my recommendations and I will end there.

The first recommendation is the U.S. and the EU should firmly oppose any use of violence especially directed or threatened against the Serbs in the rth of Kosovo no matter from whom that threat comes from. Secondly, the EU should engage the Serbian leaders in the north of Kosovo and begin a series of discussions that would lead to their active involvement in all negotiations that concern their future. Third, the EU and the U.S. should reconsider all potential options for the northern Serb communities including enhanced autonomy, parallel shared sovereignty, the federalization-regionalization of Kosovo and even allowing them the right to self-determination.

Fourth, the EU should be encouraged to formally and publicly announce all of the remaining conditions being put before Serbia and Kosovo. That the U.S. should insist that this list be considered final and that no additional conditions be added without the consensus of all EU members.

Fifth, the EU and the U.S. must demand that the Albanian dominated Kosovo Government increase its efforts to protect the rights of Serbs and other non-Albanians throughout the remaining territory under its control. Sixth, the U.S. Congress should organize additional hearings focusing attention and building support for action in improving human, minority and civil rights of Serbs and other non-Albanians in Kosovo.

And finally, the EU-sponsored talks between Belgrade and Pristina should be continued but refocused on technical issues such as property rights, et cetera, so that there could be a gradual building of goodwill, so that then we can address this other issue of status. And once the issue of status is addressed then the U.N. should

be present since it will take a Security Council resolution to resolve the issue of status and formalize it.

[The prepared statement of Mr. Kesic follows:]

Statement on the Latest Developments Regarding the Negotiations Between Belgrade and Pristina

Obrad Kesic

Senior Partner

TSM Global Consultants, LLC

Made before and presented to:

The House Foreign Affairs Subcommittee on Europe, Eurasia, and Emerging Threats

April 24, 2013

Hearing on "Kosovo and Serbia: A Pathway to Peace"

Mr. Chairman and members of the subcommittee,

My name is Obrad Kesic and I am a Senior Partner with TSM Global Consultants. For more than two decades I have focused my professional work, research and analysis on the Balkans, specifically on the former Yugoslavia. I have had extensive contact with the political leaders, people and cultures of this region; first as a Program Officer with the International Research and Exchanges Board (IREX), then as an advisor to Mr. Milan Panic, the former Prime Minister of Yugoslavia, in 1998-99, I briefly served as the Washington DC representative for the Alliance for Change (a coalition of opposition parties in Serbia) and over the last decade in my business and professional activities through TSM. Over the last two decades I have had the opportunity to travel extensively through this region and have averaged between 6 and 8 weeks of living in the region annually over the last 15 years.

As someone who has devoted so much time and effort working in this region, it saddens me today to begin my remarks before this committee with my belief that the recent agreement between the Serbian Prime Minister, Ivica Dacic and Kosovo Prime Minister, Hashim Thaci, brokered on behalf of the EU by Lady Catherine Ashton will neither resolve the fundamental differences between the two parties nor will it create greater security for the Serbs and other non-Albanians living in the territory of Kosovo and Metohija, especially for those living in the north. In fact, it will in my opinion, further expose the remaining Serbs to increased economic and political pressures from the Albanian dominated government in Pristina, EULEX, KFOR and sadly also from the Serbian government which is increasingly committed to passing this "hot potato" into the laps of the EU and United States. Normally any agreement between the two sides would be cause for celebration, however, given that this agreement was forced onto both sides by concerted pressure by the EU and by the U.S. and given the history and staying power of these type of forced "deals" in the Balkans from Bosnia to Kosovo, it would be extremely imprudent to celebrate at this time.

Already there are serious indications that the agreement, even if the two leaders formally sign it will face great difficulty in its implementation, just as all previous agreements reached by Belgrade and Pristina have over the last two years of EU sponsored talks. First, the Serb leaders in the four contiguous and compact districts of north Kosovo, and most of the 40,000 to 50,000 people that they represent, have rejected the deal, viewing it as being a betrayal of their basic interests to remain firmly part of Serbia. They refuse to become a part of the independent state of Kosovo. The agreement has also been condemned by the Synod of the Serbian Orthodox Church and by a significant portion of the Serbian people who have launched street protests reminiscent of the street protests of the 1990s against the regime of Slobodan Milosevic. Second, the agreement is not all encompassing and does not solve the key issue of Serbia's non-recognition of Kosovo's independence nor does it address the still unresolved issues of property rights, the status of the Serbian Orthodox Church, Kosovo's membership in international organizations

(accept for the EU membership process) and many other contentious issues. In short it is not an end but only a new beginning for what will prove to be difficult additional negotiation.

Allow me to explain why many Serbs are skeptical of this latest agreement and of the U.S. and EU. There are several major reasons for this:

1. In the view of many Serbs, the U.S. and EU have shown a consistent pattern of lying about their commitment to protect the Serbs in Kosovo. During the 1999 NATO intervention, Serbs were told that NATO following the withdrawal of Serbian police and army would protect them. Since the entry of NATO into Kosovo in June 1999 over 250,000 non-Albanians were driven from their homes through violence, intimidation and harassment. According to the OSCE Kosovo Mission (October 2012) 235,000 non-Albanians remain displaced. The U.S. government and the EU also promised that a policy of "standards and then status" would be pursued in order to offer guarantees to non-Albanians that they would be protected before any decision is made as to Kosovo's status. This would have seen the establishment of the rule of law, protection of minorities and their rights and the prosecution of those charged with committing war crimes and other crimes against minorities. This policy lasted until the violent pogrom of Serbs in March 2014, which led to the establishment of a new policy of "standards and status at the same time." Finally in 2008 the U.S. and EU through their recognition of Kosovo's proclamation of independence fully embraced the resolution of status promising that standards would be better met in the newly independent state. When the Serbs view the ghettoized life of non-Albanians south of the Ibar river and see the murders, theft of property, limited freedom of movement and consistent intimidation and harassment of Serbs, Roma and other non-Albanians they realize that the issue of standards has never been resolved.

2. Many Serbs also question the selective application of international law by the U.S. and EU. For example in 1991 when the Socialist Federal Republic of Yugoslavia was disintegrating in violence and conflict, the Badinter Committee ruled that territorial sovereignty and integrity of republics prevailed over the right of national groups to self-determination, thus holding that Slovenia, Croatia and the other four republics had the right to partition Yugoslavia while at the same time being entitled to do their own territorial integrity regardless of the demands of Krajina Serbs and Bosnian Serbs to self-determination. It should be noted that the Commission applied this ruling to Serbia as well and specifically found that the Kosovo Albanians, although entitled to full protection of their rights and protection from discrimination and persecution, did not have a right to self-determination. Of course, most of the EU member states and the U.S. changed course in 2008 when they encouraged and recognized

Kosovo's right to Independence thus partitioning Serbia, while stating then and now that the Serbs in the north of Kosovo did not have a right to self-determination and must honor Kosovo's territorial integrity and sovereignty. Most Serbs wonder why it seems that everyone but Serbs have a right to self-determination?

3. The Serbs are also upset with what seems to be the constant "moving of goalposts" by the EU and the U.S. when it comes to conditionality regarding Serbia's EU aspirations. During the 1990s, Serbs were told that if the wars in Bosnia and Croatia were ended and if Slobodan Milosevic would be overthrown that they would be embraced and welcomed into the community of nations. When this was done then the new democratic government of Vojislav Kostunica and Zoran Djindjic were told that Serbia would advance on its path to EU membership once it fully cooperated with the ICTY in The Hague, after finagling extraditing Karadzic, Mladic and Hadzic (the final indictee) to the Tribunal, the Serbs were told that now they must engage in negotiations with Kosovo. When they did this as well, then Germany and other members of the EU who have recognized Kosovo's independence set forth a new list of conditions including the "dismantling of parallel institutions" in north Kosovo. Most Serbs believe that even if this condition is met that there will be new political conditions created either as an attempt by some EU members like Germany to delay and prevent Serbia from joining the EU or as part of a more sinister attempt to further partition Serbia in areas like the three southern districts where a sizeable Albanian minority remain, or in Sandzak or perhaps Vojvodina.

What next?

As I have already stated I believe that this agreement will become bogged down in its implementation, especially given that the Serbs in the north of Kosovo remain defiant and firmly committed to wage what has proven to be an effective campaign of non-violent civil disobedience. There seems little that can be done in the short term to force them to accept this agreement. If violence is used by KFOR or EULEX, there is the potential for massive migration of Serbs from the north, which would surely trigger a migration of Serbs from the remaining parts of Kosovo. This would risk escalation of violent protests in Serbia and would create significant strains among EU states. A similar backlash would occur as a result of any attempt by the Albanian dominated government in Pristina to forcefully impose its authority in the north. This would risk, at best an indefinite state of frozen conflict and at worst, the re-ignition of Serbian-Albanian armed conflicts sometime in the future. Any use of violence against the Serbs in the north of Kosovo will also further destabilize the government in Serbia and will fuel the radicalization of large segments of Serbia's population, especially of the youth. Given that Serbia is the key to peace and stability of the western Balkans, it would serve no ones' interests to risk destabilizing a region full of unresolved ethnic conflicts, competing and conflicting

territorial claims and latent but ever-present desires for self-determination of minorities from Macedonia to Bosnia-Herzegovina. Another option would see the EU pressure Serbia to pressure the disobedient Serbs in the north by reducing funding to them and by applying political and economic sanctions. This option is unappealing as it would take time for sanctions to seriously be applied and risks further radicalizing the Serbs in Kosovo and forcing them to turn to the grey and black markets for basic survival. This would create greater lawlessness and fuel organized criminal networks throughout Kosovo.

Furthermore, despite the appearance of unity and strength in Serbia's government, the decision to accept the agreement has undermined its public support and has forced it to expend valuable time, credibility and energy at a time when Serbia faces massive unemployment, a shortage of both revenue and investment and when it must reform major parts of its political, judicial and social systems. If it becomes further entangled in a messy implementation, and it must if the EU continues to tie its EU aspirations to the dismantling of "parallel institutions" in Kosovo, then it will endanger its ability to manage all other major problems insuring greater popular dissatisfaction, a further polarization of society and constant confrontation among its citizens.

Recommendations

1. The U.S. and EU should firmly oppose any use of violence.

2. The EU should engage the Serbian leaders in the north of Kosovo and begin a series of discussions that would lead to their active involvement in all negotiations that concern their future.

3. The EU and U.S. should reconsider all potential options for the northern Serb communities including enhanced autonomy, parallel/shared sovereignty, the federalization/regionalization of Kosovo and even allowing them the right to self-determination.

4. The EU should be encouraged to formally and publically announce all of the remaining conditions being put before Serbia concerning Kosovo. The U.S. should insist that this list be considered "final" and that no additional conditions be added without the consensus of all EU member states.

5. The EU and U.S. must demand that the Albanian dominated Kosovo government increase its efforts to protect the rights of Serbs and other non-Albanians throughout the remaining territory under its control. It must do a better job in identifying and prosecuting those responsible for war crimes, ethnically motivated crimes and attacks on returning refugees. Witnesses must be protected and unresolved murders of protected witnesses must be investigated and perpetrators and those ordering the murders must be prosecuted.

6. The U.S. Congress should organize additional hearings focusing attention and building support for action in improving the human, minority and civil rights of Serbs and other non-Albanians in Kosovo.

7. The EU sponsored talks between Belgrade and Pristina should be continued but refocused on technical issues such as property rights, economic cooperation, freedom of movement, energy and education. These talks should seek to gradually build confidence and good will between the two sides without attempting to address directly or indirectly the still contentious issue of status. If status were to be addressed, then adding a UN facilitator would ease Serbian concerns of bias and fairness, and would help create a mechanism that can lead to a new Security Council resolution if and when an agreement is reached.

Mr. ROHRABACHER. Thank you very much for your very poignant presentation.

And Mr. Gjoni?

STATEMENT OF MR. ROLAND GJONI, JD, LLM (FORMER SENIOR LEGAL AND POLICY ADVISOR TO EFFECTIVE MUNICIPALITIES INITIATIVE IN KOSOVO)

Mr. GJONI. Thank you, Mr. Chairman, and dear members of committee. I would like to say that I have made a full written statement which I wish, with your permission, to be included as a part of the record, and I hereby summarize the main elements of it.

Mr. ROHRABACHER. And no objection, so ordered.

Mr. GJONI. So my presentation today is mainly based from a policymaking perspective. I come here after working with Pristina institutions and many extensive experience in Serb communities in Kosovo with the establishment of post independence municipalities. So I will explain the positions of the parties when this EU-brokered agreement started, where did it end, and what does it mean for the future or the sustainable peace in the Balkans.

First, I must say that in October 2012, EU High Representative Ashton managed to bring together for the first time after independence the two prime ministers, and the central issue revolved around the status of the northern predominately Serb municipalities. Pristina started from the prospective that the Ahtisaari Plan was sufficient to address all potential concerns of Serb community in Kosovo in terms of cultural preservation, leaving Serbs within Kosovo. And Serbia started with a new political platform for discussions with Pristina institutions which provided extensive powers for a Serb community in the north Kosovo extending as well in the south enclaves.

After several rounds, with several workouts from both representative delegations, we have now seen one rejection on 4th of April by the Prime Minister of Serbia arguing that what has been offered by EU does not address the concerns of the Serb community in the north. And on 19th of April we have a 15-point agreement. This is now important to see what the position of the parties came to be after the renewed talks.

Now Kosovo has gone beyond the Ahtisaari Plan in accepting, partially, the Serbian requests. For one, elevating the status of the Serb community to almost an autonomous monoethnic entity allowing the four municipalities to coalesce and have the police commander for the region and four police stations, a separate panel of judges, and I hope it is not true but it has been reported that under guarantees from NATO it has been agreed that no Kosovo Security intelligence or police forces will ever access or operate or in the area. Now this as you may better know from MCulloch v. Maryland in the United States, it is very consequentials for the territorial integrity of Kosovo, because even in Federal states, the Federal Government can and should in the limited areas where it is sovereign, intervene for different reasons. In this particular case, it appears that no Kosovo institution can ever reach there even if it is about scenarios of rebellious attitudes from a local population.

So the second thing that I would like to point out is that it has been during the Ahtisaari talks the policy of international EU and

U.S. negotiators that a human rights based approach and not a territorial based approach is the solution to Kosovo's future. And we have looked carefully to Ohrid Agreement and Bosnia, and without any doubt people thought back then that the best institutional mix for ensuring all communities in Kosovo was a human rights minority based approach modeled around Ohrid. What we see now, we see a further territorialization of politics, which is a departure from the concept of a multi-ethnic society, which is the lynchpin of Ahtisaari incorporated in Kosovo institution.

The second problem that I see in this agreement is that it is uneven. While we can see the move of Kosovo into approaching or accommodating the Serb community, it has not been the persistence of EU to ensure that at least Kosovo is not blocked in the membership in the U.N. system. Of course there is some thrown-away provision about not blocking each other on U.N. integration, but what does that mean when five nations don't recognize Kosovo anyway, so what can Serbia help there, I don't understand.

And the third is, where do we go from now? I think if there is any good thing that this has shown, is that EU regardless of economic downturn and crisis has a significant appeal in the western Balkans and it may be the only thing that Albanians and Serbs agree on is the EU integration. Therefore, I think, first, there is no room for complacency here. Second, there should be a point where EU and U.S. redirect the parties toward a comprehensive deal which deals with missing persons, which deals with war reparations, which deals with border demarcations and reciprocity in terms of how we treat minorities no matter where they are straddled.

And this is why I think the U.S. has a significant role to back this agreement and ensure this is only a first step, very pragmatic though. Thank you very much.

[The prepared statement of Mr. Gjoni follows:]

Statement by Roland Gjoni, JD, LLM

Before the

US Congress Committee on Foreign Affairs

Subcommittee on Europe, Eurasia and Emerging Threats

Kosovo and Serbia: Pathway to Peace
Wednesday 14 April 2013
15:00hrs
Rayburn House Office Building
Room 2172

Thank you Mr. Chairman and members of the committee!

I welcome the opportunity to appear before your committee to discuss the relations between Kosovo and Serbia. I have previously held various legal and policy advisory positions with USAID governmental reform projects in Kosovo and Albania. I testify today in a private capacity as an expert witness based on my extensive work experience with both central and local government institutions in Kosovo. In my presentation, I will outline the progress made in the last two years in the EU facilitated dialogue, the key terms of the agreement and the prospects for sustainable peace between Kosovo and Serbia.

Two years ago the European Union (EU) took a leading role in facilitating a new phase of dialogue between Kosovo and Serbia. After the failed Rambouillet Peace Talks (1998-1999) and the Final Status Talks (2005-2007), the EU-led dialogue is the third major effort by the international community to find a negotiated solution to the long standing conflict between Kosovo and Serbia. Kosovo unilaterally declared independence on 17 February 2008. Although the International Court of Justice ruled on 22 July 2010 that Kosovo's declaration of independence did not violate the international law, Serbia has continued to challenge the finality of Kosovo's statehood internationally and on the ground. Serbia's rejection of Kosovo independence and the growing inter-ethnic tensions over the status of the Serb community in the northern Kosovo have created a mutually destructive frozen conflict between Kosovo and Serbia with implications for international security and regional stability.

Against the backdrop of deeply antagonistic relations and tense security situation, in March 2011 EU launched a new dialogue between Kosovo and Serbia facilitated by the High Representative of the European Union for Foreign Affairs, Catherine Ashton. The EU's ultimate objective in the dialogue was to facilitate a process by which Serbia and Kosovo would move out of the frozen conflict and embark upon a steady European integration process. Domestically, the EU led talks were highly unpopular in both countries but the prospect of EU integration is a vital interest that neither Serbia nor Kosovo can afford to ignore. During the dialogue, the parties were expected to resolve all controversial issues, including but not limited freedom of movement of people and goods, mutual recognition of identification documents, Kosovo's representation in international organizations and most importantly the status of the Kosovo Serb community in the northern municipalities of Kosovo. This was indeed an ambitious process at the end of which Serbia and Kosovo would move out of conflict and normalize relations.

During 2011 and 2012, a number of important agreements were concluded on free movement of people and goods (recognition identification documents, driver licenses, vehicle registration plates) mutual recognition of university diplomas, return of Kosovo's land property records from Serbia and Kosovo's

participation in regional organizations and initiatives without the presence of the United Nations Mission in Kosovo. One of the important breakthroughs in the technical dialogue was the agreement on the Integrated Border Management (IBM) which regulates the joint management of the border between Kosovo and Serbia's police with the assistance of the EU authorities. The discussions on energy and telecommunications have produced no tangible progress thus far.

Throughout the technical dialogue, ethnic enmities on the ground have persisted often resulting in violent incidents in the north. In the meantime, Serbia consolidated its control over the northern part of Kosovo amid Kosovo's unsuccessful efforts to extend law and order there. Due to delays in the implementation of the agreement on customs, on 25 July 2011, Kosovo deployed Special Police Forces in an attempt to install the custom offices, police stations and secure its border with Serbia in two border crossings the north. This intervention led to strong reactions of Kosovo Serbs who set up barricades blocking access of Kosovo institutions and EU in the north. Belgrade considered Kosovo's attempt to seal the border with Serbia as an aggression against the local population and supported the barricades. NATO's attempts to remove the barricades and ensure complete freedoms of movement have been repeatedly challenged with violent reactions of Kosovo Serbs, often ending casualties from both NATO forces and local Serbs. Belgrade consistently pressed for moving from technical issues to the status of the Serb community in the northern municipalities of Kosovo and after a coalition of the nationalist parties won the elections in Serbia, the EU High Representative Ashton invited the Prime Minister of Serbia Ivica Dacic and Prime Minister of Kosovo, Hashim Thaci to a high level political talks over the status of the northern municipalities of Kosovo.

After 2008, Serbia's defiance of an independent Kosovo has entrenched north of the Ibar River, where Kosovo courts, border and customs posts, railway system, and penitentiary institutions do not operate. The term "northern Kosovo" is increasingly used to refer to the areas of Leposavic, Zubin Potok, Zvecan, and northern Mitrovica, which are adjacent to Serbia and home to a third of Serbs (roughly 40-45 thousand) living in Kosovo. These areas effectively operate as a part of Serbia and the vast majority of population there refuses to co-operate with Kosovo institutions. Two-thirds of the Kosovo Serb population (roughly 65-70 thousand) lives in small municipalities throughout Kosovo south of the Ibar River and participate in the central and local institutions.

Since October 2012, ten rounds of negotiations between the two prime ministers were held in Brussels. At the outset of the talks Prishtina maintained the position that all the concerns of the Serb community in the north can be addressed within the framework of the Ahtisaari Plan. Serbia's Assembly approved a new Platform for the Political Discussions on 13 January 2013 proposing the establishment of an Autonomous

Community of Serb Community of Kosovo comprising the northern municipalities and six other municipalities with sizeable Serbian community in the southern part of Kosovo. The Autonomous Community would be vested with extensive powers over the local affairs and have separate legislative, executive and judicial institutions effectively creating a new legal system outside the constitutional order of Kosovo. With this new approach Serbia attempted to comply with the EU's demand (firmly expressed by Germany) to discontinue its support for the parallel institutions in the north. Instead of dismantling the parallel institutions, Belgrade proposed their transformation into an autonomous entity beyond the reach of Prishtina authority. During the talks in February and March 2013, Kosovo accepted the creation of an association of Kosovo Serb municipalities with extensive powers short of having its own police and court system. On the other hand, Serbia maintained that the Serb community would not feel secure if it does not have its own court and police system. On 4 April 2013, Serbia firmly rejected a draft agreement offered by the EU arguing that the draft failed to address the security needs of the Serb population.

Under strong pressure from EU, talks over the powers of the Serb majority municipalities resumed and on 19 April 2013, High Representative Ashton publicly announced that the two prime ministers had initialed an agreed text containing 15 provisions. Since Serbia does not consider Kosovo a state, both prime ministers have separately signed copies of the agreed text with EU but not with each other. In the end, Kosovo made further concessions partially accepting Serbia's requests for an autonomous community.

Under the agreed text, an association of municipalities shall be created to exercise the responsibilities on behalf of all Serb-majority municipalities in the north and south. The municipal authorities in the north will be able to jointly exercise their responsibilities, including designating the commander of the regional police as well as the heads of local police stations. A separate court consisting of Serb judges shall be established and exercise jurisdiction over the population of the majority Serb municipalities. It is also reported that Kosovo has accepted Serbia's request that no other police or security forces Kosovo shall access the territories of the majority Serb-municipalities for a number of years following the agreement. This last request of Serbia does not appear in the wording of the publicized text but if such agreement has been made, it means that no special police, intelligence or armed forces of Kosovo are authorized to access or operate in the Serb areas. Such an unprecedented arrangement may have serious consequences for Kosovo's future as a unitary state.

While the details of such agreement should be analyzed more closely, a number of obvious shortcomings may compromise its stated objectives. In my view, the agreement has three important shortcomings which I will elaborate below.

Firstly, the agreement violates the principle of sustainable multi-ethnicity, one of the fundamental principles for Kosovo's society enshrined in the Ahtisaari Plan, the Kosovo Constitution and all post-independence laws. During the Final Status Talks in Vienna, EU and United States weighted upon the applicability of the "territory based solutions" implemented in Post-Dayton Bosnia and "minority rights solutions" applied in the Ohrid Framework Agreement that ended the conflict in Macedonia. All international negotiators agreed that a "minority rights solutions" modeled on Ohrid Framework Agreement would offer the best mix of institutional mechanisms for the protection of and promotion of minority communities in Kosovo. Under strong pressure from EU and United States, Kosovo unilaterally incorporated Ahtisaari's Plan in the new Constitution and has adopted over one hundred laws to comply with it. The new legal framework established new municipalities for the Serb community and asymmetrical competencies between majority Serb and Albanian municipalities. The new majority Serb municipalities were allowed to have unhindered links with each other and special ties with Serbia, including the right to receive financial and technical assistance.

Despite challenges in the north, the majority of Kosovo Serbs living in the southern part of Kosovo and all other minority communities (Bosniak, Turkish, Roma, Egyptian and Ashkali) are integrated in the Kosovo's society. The participation of Serbs in the newly established Serb majority municipalities is yielding very positive results that were beyond imagination only a few years ago. For example, the turn out in the first ever elections of the establishment of the majority Serb municipalities of Partesh in June 2010 reached 65.3%, an unusually high turnout for local elections compared to majority Albanian municipalities. The five years of Kosovo's independence have demonstrated that an independent Kosovo represents no threat to minority communities.

Serbia has deliberately framed the negotiations as a territorial issue and not a human rights issue but the EU should have rejected the establishment of mono-ethnic territorial entities that are not even connected geographically with each another. The creation of a mono-ethnic autonomous community with authority over the already integrated Serb areas in the southern Kosovo may undermine all the achievements made in Kosovo since 2008 to establish a multi-ethnic society. The EU's withdrawal from the principle of multi-ethnicity is a dangerous precedent for other similarly situated minority populations in the Balkans. Ethnic nationalists in Preshevo Valley, Macedonia and Bosnia may construe the new status of the northern Kosovo as a reward for confrontational nationalistic policies of local Serbs and adopt similar strategies to find territorial solutions for ethnic issues.

Secondly, the agreement does not create any links between Kosovo central institutions and the Serb community. The *de facto* partition of the Serb community from Kosovo is now transformed into a *de jure*

partition extending even in the Serb areas in the south of Kosovo. Kosovo will have no legal, financial or political authority to re-orient the local population towards Prishtina. Due to Serbia's past record of attempting to change the *de facto* situation on the ground, there is a risk that under the instructions from Serbia, the autonomous entity could escalate their claims into secession. Since 2008, Belgrade has unsuccessfully tried to persuade the international community to support a territorial exchange between the Serb majority municipalities in the North with Albanian majority areas in Preshevo Valley. A secessionist north coupled with the firm rejection of Kosovo's independence by Serbia and EU's non-recognition of Kosovo may reopen the finality of Kosovo's independence.

Even if secession is not feasible, the current arrangements will render Kosovo, like Bosnia, hard to govern as a normal state. Serbia will effectively be a "veto player" over the longer term stability and territorial integrity of Kosovo. If Serbia insisted on the non-recognition of Kosovo, the EU should have at least pressed for Serbia's commitment to refrain its international campaign against Kosovo's membership in the UN system. Making Kosovo ungovernable like Bosnia and pushing it at the brink of state failure may undermine all the achievements made after independence. I suspect that in the months ahead, the EU and Serbia will come to realize that the greatest threat to the Balkan peace is a weak and unstable Kosovo, not a stable one.

Finally, the agreement does not comprehensively address the future relations between Kosovo and Serbia. Kosovo has gone beyond the Ahtissari Plan in accepting the existence of an autonomous community for a small and geographically dispersed population vested with executive powers unprecedented in Europe and beyond. The new concessions should have been reciprocated with Serbia's acceptance of Kosovo's membership in the United Nations and other international organizations. In the current situation, Serbia can continue to oppose Kosovo's independence, block its membership in international organizations and play a veto role on Kosovo's territorial integrity when its own self-interest so dictates.

The EU may have had its reasons to press for any settlement at the fear of overseeing a complete debacle of negations but we have yet to see how the "normalization of relations" can occur in absence of mutual recognition, diplomatic relations and no other confidence building arrangements that would turn the northern population towards Prishtina. A more comprehensive agreement should have addressed other unresolved issues such as: missing persons; return of Kosovo pension funds; border demarcation, energy, transport, and education with a view at building good neighborly relations. The EU should have pushed for a full and complete resolution of all outstanding issues that would have ended with a treaty of friendship and good neighborly relations between Serbia and Kosovo.

To conclude, I believe that the EU led dialogue has produced mixed and uneven results. It has shown that despite deep disagreements between parties, Kosovo and Serbia agree on the critical importance of the EU integration process. Indeed, the EU accession may be the only issue that Kosovo and Serbia agree and this shows that EU's soft power can yield results in the Balkans albeit limited and less than ideal.

However, the dialogue was characterized by deep mutual distrust. All compromises were painfully achieved under last minute heavy pressure exerted by EU rather than through gradual political rapprochement. Two years of EU mediated talks have not lead to increased trust and normalization of relations between Kosovo and Serbia. For now, the EU has settled for the less ambitious goal of elevating the status of the Serb community in the northern Kosovo. This may be a pragmatic first step but does not promise any long term normalization of relations between Serbia and Kosovo.

The next months will be critical as the parties have to implement on the ground what has been agreed in Brussels. The north of Kosovo still has the potential to be either glue or the absolvent to Kosovo's multi-ethnicity. Peaceful and even good neighborly relations are possible in the region if Serbia values the well-being of its ethnic kin more than the self-delusion of returning Kosovo under Serbia.

I believe that in the near future, all parties will understand the limits of such a short-term and overly pragmatic solution. The EU and the US should gradually direct the parties to achieve a comprehensive agreement centered on multi-ethnic co-existence and good neighborly and not on ethnic segregation and territorial ambitions. Only a historical agreement consistent with EU principles of good neighborly relations and backed by the US government can secure the peace between Kosovo and Serbia.

Thank you all for your attention and I am more than pleased to answer any question you may have.

Mr. ROHRABACHER. Thank you very much for your testimony, and we will be anxious to read your written testimony as well. So you are still waiting for this comprehensive agreement to be brought on by the Europeans and the Americans. After 12 years of waiting, hope springs eternal.

Mr. Churcher, you are next.

STATEMENT OF MR. ROBERT A. CHURCHER (FORMER DIRECTOR, INTERNATIONAL CRISIS GROUP IN PRISHTINA)

Mr. CHURCHER. Mr. Chairman, firstly, I want to thank you and the members for the honor of being able to testify here. I would then say that I would like to submit my testimony for the record.

I should start with an interjection to say that you have, really, very much taken the words out of my mouth. My views very much reflect yours. Despite the difficulties, I think that a better settlement would be self-determination in some way. I do appreciate the difficulties with it. Now let me summarize my views about this new EU-brokered agreement.

In contrast to many, certainly outside of this room, I do not believe that it is a good or workable agreement. International commentators have already made the agreement out to be wonderful, but as people say, the devil is in the detail. In reality, without any recognition of Kosovo by Serbia, it leaves Pristina in limbo. There will be a roadblocked Kosovo, and the agreement will enable the creation of a new Republika Srpska in the north of Kosovo.

Without recognition there is no way forward for Kosovo. Kosovo will remain dysfunctional in the absence of any real legal sovereign status, and Serbs will continue to want to claim it or claim it back. Unfortunately, to be frank, this agreement has been much more about making the new EU Foreign Service, and in particular its leader Catherine Ashton, look good rather than producing any long-term sustainable solution to the Balkans. In my view, this was any agreement at any cost, whatever it took to agree it.

Without including the recognition of Kosovo by Serbia, the agreement simply ratifies what already exists—a Serb-run statelet in the north of Kosovo. All that will be changed is that it will now be a legal Serb-run statelet within the north of Kosovo. Serbia's failure to recognize the loss of Kosovo is a failure to recognize the defeat of the Serbian project to drive the Kosovos out of Kosovo in the 1990s. I regard it as admirable that the United States intervened decisively in the Bosnian-Kosovo wars, but find it puzzling and disappointing that the resulting peace agreements have been designed to appease Serbia rather than to create stability and lasting solutions in the Balkans.

A much better solution than the present agreement might have been an agreement for territorial exchange, swapping the new, now Serb-populated north with the still Albanian speaking Presheva and Bujanovac Valleys. In contrast to the State Department speaker's view, I can assure you that the local people in Presheva do not share the feeling that Serbia is looking after their human rights. Unfortunately, this idea is probably not yet practical in international terms, but there has to be a way forward. The situation ratified by the new agreement will be disastrous in enabling the establishment of a second Republika Srpska.

The only answer, in my view, is that the United States should use its international influence to press for Serbia to recognize Kosovo, and thus finally end the conflict and enable the Kosovo Government to move forward from what will be otherwise an endless uncertainty. Without recognition I believe we are doomed to perpetuating instability in the Balkans which is not in the United States' interest or that of anyone else.

And then let me conclude by pointing out, there is absolutely no use to rely on Europe, unfortunately, to sort this out. Europe remains completely disunited and dysfunctional in its dealings with Kosovo, as it was and is in Bosnia. As in 1999, only the United States has sufficient weight and influence to bring the Serbs to recognize reality that Kosovo is lost and that in order for both countries to move forward they need to recognize it. Thank you, sir.

[The prepared statement of Mr. Churcher follows:]

The European Unions role in Kosovo/Serbia negotiations Success or Failure

RA Churcher MBE April 24, 2013
Former Director of the International Crisis Group in Kosovo

Kosovo and Serbia: a Pathway to Peace
House Committee on Foreign Affairs, Subcommittee on
Europe, Eurasia, and Emerging Threats

Summary

There are in reality three participants in the current, (Spring 2013), European Union (EU) run negotiations between Kosovo and Serbia, each with their own separate hopes and agendas, and a fourth, in the shadows, the Bosnian entity of Republika Srpska. While ostensibly the Brussels talks are about settling the status of northern Kosovo, (currently in effect a Belgrade run Serbian protectorate) all sides in their own ways are actually looking at the future, or their future.

The current talks have been rejected by Belgrade over four issues – control of the police, control of the judiciary, KFOR, and "planning" – widely viewed as "executive control" but more relevant in the narrow sense of being able to control who builds and where – in effect the executive power to deny Albanian Kosovars ability to return and rebuild. On the other hand Kosovo (and the EU) sees Prishtina's control of all of these functions as leading to a unitary state. This might be seen as a laudable objective by many, but with the hidden Kosovar thinking that this will enable Albanian returns, and perhaps financial control of

business enterprises – leading to Serbs feeling marginalized and leaving for Serbia proper.

For the EU this negotiation is perhaps seen as the first test of a relatively new EU Foreign Service, under the personal leadership of Catherine Ashton, who herself is seen in some quarters as inexperienced politically and ineffective. Whatever the truth of this it does mean that for EU diplomats the EU badly needs an agreement whatever form it takes. In addition, the sub-text to all this, in the background, is Republika Srpska, a poverty stricken and badly run entity within Bosnia whose main political aim is to block all progress, and any Bosnian refugee returns until the International Community gives up and allows it to amalgamate with Serbia.

In practice the likely outcome of these competing aims is further concessions to Serbia, in order to get any agreement, and the result will be the creation of a second "Republika Srpska like" entity in northern Kosovo, with all the potential attendant future difficulties. The only way out of the present impasse is if the United States is prepared to exert sufficient pressure on Belgrade to sign up to an agreement allowing the creation of a unitary Kosovar state.

This paper also touches briefly on the probable reason for the disfunctionality of both Albanian states, and what many consider a potentially more successful (but less politically feasible) long term solution, that of territorial adjustments to what are only very recently imposed internal but now state borders.

The EU role in the current Kosovo/Serbia negotiations

As noted, there are actually three participants in the current, (Spring 2013), EU run negotiations between Kosovo and Serbia, rather than two sides and a facilitator or chair-person as might be seen on the surface. All of the participants have their own separate agendas, and their own "hoped for" timelines. Furthermore, behind all of this in the background is the failed example of the Dayton peace talks with Milosevic and the separatist Bosnian entity of Republika Srpska, which has prevented any progress to a unitary Bosnia, or EU membership.

While ostensibly the current Kosovo/Serbia talks are about settling the status of northern Kosovo, (currently in effect a Belgrade run Serbian protectorate), all sides in their own ways are actually looking at the future, or their future, but each has a different time-frame, vastly different at times. In particular Belgrade can take a long view, in that they have total control of the north at the moment, and for Serbs it's just a question of regularizing it, or adding a legal veneer. As background, Northern Kosovo, Kosovo north of the Ibar River, was always going to be difficult for the International Community (IC). Geographically closer to Serbia proper, though with statistically only 30% of the Serb population of Kosovo, northern Kosovo was given to the French as their KFOR sector after the 1999 war. For whatever reasons this resulted in a violently resisting entity or political mess, which neither the United Nations nor the later EU administration has been able to control in any way. What Albanian speaking Kosovars there

were, were driven out – to be fair much as many Serbs were elsewhere – and Belgrade, with local Serbs, continued to run all aspects of the government there, in particular a barely hidden and violent local police force.

The worst problem with this arrangement in northern Kosovo however was that there was no customs service, or not one that returned any revenue to Prishtina. In effect Kosovo's northern border was open; making a mockery of the early UN attempts to raise revenue through high customs taxes. This meant that anything imported from Albania was impossibly expensive, and that Macedonia found it cheaper to export to Kosovo via Serbia. The situation of northern Kosovo made legal revenue raising virtually impossible, and lead directly to a situation where only smuggling and tax evasion was competitive.

The current/recent EU sponsored talks in Brussels were predictably rejected on each "last day" by Belgrade, in a standard Serb tactic of negotiating up the last moment and then refusing what everyone had been led to believe was an agreement, (in the hope of course of getting even more concessions later). Whatever people might feel about this tactic, it might work, and has done in the past, in my personal experience. Recent evidence in support of this, admittedly from undocumented sources in Brussels would be *"diplomatic sources in Brussels say that in an effort to make the agreement acceptable for Serbia, Pristina could be requested to make one more step towards a compromise regarding composition of police in the north, the appeals court and non-deployment of KSF for some time in the north"*. And *"But perhaps Pristina is ready for a temporary compromise,* said a *European*

diplomat". Interestingly the US Ambassador in Pristina Tracey Ann Jacobson also added a plea for further compromise "in the interests of Kosovo".

There are, for the Serbs, several "non-negotiable" main issues that cannot be conceded by any Serb politician who wishes to keep his job. These are control of the police, control of the judiciary, and the non-deployment of any KFOR forces into the north. However, hidden in the small print, so to speak, is an issue of executive control termed "planning" – widely viewed as part municipal powers but more relevant in the narrow sense of being able to control who builds and where – in effect the executive power to deny Albanian Kosovars' ability to return and rebuild or set up businesses. This, in combination with the other issues, is crucial to maintaining the north as a Serb-controlled entity, with the long term sub-text of one day reuniting with Serbia proper.

The Serbian demand that KFOR should not be deployed in the north is also bizarre. In the rest of Kosovo KFOR has effectively "kept the lid on things", but it has hardly been regarded by anyone as an implementer or indeed enforcer of anything, except perhaps as a guard force for illegal Serb road blocks, run in the guise of political protests. The only conclusion that might be drawn from this objection is that Belgrade is afraid that KFOR might enforce something, and that Serbs want total and effective control in the north for themselves.

On the other hand Pristina (and the EU) sees having these functions run from Prishtina as leading to a unitary state. Seemingly an uncontroversial objective, but with the hidden agenda or thinking that this will enable Albanian Kosovars to

return to the north of Kosovo, and possibly of course quite rightly. The detail would be that more central government or control (Albanian Kosovar in effect) would also facilitate establishing or re-establishing Kosovar run enterprises and perhaps financial/tax regulatory control of business enterprises – leading possibly to Serbs feeling marginalized and leaving for Serbia proper. Within this last part is the continual Kosovar dream, myth or hope, (and possibly a realistic hope) that the mineral wealth of the country lies in the Trepca mining complex, located largely north of the Ibar River. Whether Trepca could be as economically viable in the future as most Kosovars hope it will be is actually very questionable. Trepca has been worked for centuries, and intensively for the last 130 years, especially in WWII and under communist Yugoslavia. As a mine it is semi-derelict, and would take huge amounts of money to get back to past production levels, if the reserves justified it, and there seems to be only a remote possibility of new reserves being found. However, despite "the facts" it remains a firm Kosovar political voter calculation that somehow Kosovo would be rich if they could only get Trepca back, (and as evidence it should be noted that it hasn't made northern Kosovo Serbs rich as yet).

Finally the EU, in the form of the European Union Foreign Service, may see a successful Kosovo/Serbia agreement, (in the sense of any agreement of any sort), as crucial to its and its leaders credibility, with all the "add ons" of budgetary considerations, bureaucratic expansion and power. Fairly openly most European countries national foreign ministries are not overly favorable to a new "supra-national" EU Foreign Service, so success, at whatever cost, may be seen

as essential for the EU Foreign Service and Mrs. Ashton. For the EU this negotiation is perhaps seen as the first test of a relatively new EU Foreign Service, under the personal leadership of Baroness Catherine Ashton, a Labour party official appointed by the previous UK government in the last days of Prime Minister Gordon Brown, who herself is seen in some quarters as inexperienced politically and having been both ineffectual and profligate in setting up the new service. Whatever the truth of this it does mean that the EU Foreign Service badly needs an agreement between Kosovo and Serbia whatever form it takes.

As a side note this may well lead to a similar situation to that at Dayton in 1995, where Richard Holbrook was widely perceived as so anxious to get any sort of agreement with Milosevic that he allowed the creation of Republika Srpska and agreed to keep the Kosovo issue "off the table". This made Bosnia unworkable as a country, and incidentally by failing to reward what the Kosovar LDK saw as their peaceful approach, to the Kosovo war of 1999.

Thus the sub-text to all this, in the background, is Republika Srpska, (RS) a poverty stricken and badly run entity within Bosnia whose main aim is to block all progress to a unitary Bosnian state, and any Bosnian refugee returns, until the International Community gives up and allows the RS to amalgamate with Serbia.

Unfortunately the likely outcome of these competing aims, Serbia's desire to get all Serbs into one state, and the EU's need for an agreement of any sort, is likely to be further concessions to Serbia, a "Dayton like" surrender to Belgrade in

order to get some sort of an agreement, and the creation of a second "RS like" entity in northern Kosovo, with all the potential attendant future difficulties. Once again I would suggest that the only way out of the present impasse is if the United States is prepared to exert sufficient pressure on Belgrade to sign up to an agreement allowing the creation of a unitary Kosovar state.

Despite the example of Dayton there is the possibility of success here. As an example the 2001 conflict in Macedonia was ended by the US brokered Ochrid Agreement. This was in marked contrast to the virtually derisory effects of the earlier efforts of the EU team. The United States still has enormous respect in the Balkans, and US pressure could easily be effective in stabilizing Kosovo. Leaving this situation with a nascent European Union Foreign Service, with all the competing interests of both the new service and competing European state interests is not likely to lead to a stable long term outcome, and never was.

Regrettably another driving factor for Europeans is that most European States, and particularly France and the British Foreign ministry, still see Serbia as some magical factor of stability in the Balkans. This is a possibly unwelcome fact which did so much to prolong the Bosnia war, and to trigger Milosevic's attempt to expel Kosovar Albanians in 1998/99. He thought the Europeans would never do anything decisive, and that Serbia would be able to prevent refugee returns by "legal" bureaucratic procrastination – which has worked successfully in both Bosnian RS and northern Kosovo.

Moving further back in history (always a problem in the Balkans) European support for Serbia dates both to the First World War, when paradoxically far from blaming Serbia for starting the war the peace agreement rewarded the Serbs by the creation of Yugoslavia, to be a Serb run state run from Belgrade. There, in a centralized state, all revenue went through Belgrade, giving the illusion of economic activity, rather than what was in fact merely "rentier" control of the Croatian and Slovenian economies. This fixed idea, that somehow Serbia must be made strong, is central to most European Foreign Ministries solutions in the Balkans but has always been based on a misapprehension – that Serbia was (and is) potentially the strongest state in the Balkans. In reality both Croatia and Slovenia were economically and politically more stable, hence their deciding to break away. Serbia was always merely the country most likely to cause trouble if not placated. Ironically both Croatia and Slovenia were probably more stable due to being more ethnically homogenous, despite their Serbia minorities.

In addition to this most European states, such as Spain and Slovakia, are concerned by the precedent of allowing part of a state – in this case Yugoslavia, to break away. This is despite the very different situation of the internal borders, which in Yugoslavia's case date from quite late in the 20th Century. Despite acquiring much of the mid-Balkans by conquest from the Ottoman Empire in 1913, Yugoslavia only created the Kosovar borders as late as the 1960s – up until then the internal borders had been quite fluid, with different Belgrade Ministries having different borders.

However, despite the international foreign policy mantra of no changes to borders, the internal borders of Yugoslavia were by no means fixed, and the IC decision that the break up of Yugoslavia must follow the internal boundaries was never likely to lead to a satisfactory outcome, hence the Croatian, Bosnian and Kosovo wars. Which in turn all leads to the question of whether the current Brussels negotiation, and potential agreement, with the differing and competing agendas of all three participants, is likely to lead to a stable outcome at all, or that much like Dayton it is only storing up potential future problems?

Lastly there is the question of, in crude terms, "what is in it for Serbia" to surrender the north of Kosovo. Europe, and particularly Germany, clings to the idea that offering some sort of route to integration within the European Union is sufficient "carrot". However, given the present state of the EU, the Euro, and the general financial situation whatever attraction this had for Serbia is now severely compromised. Politically it is not something that appeals to many Serbs, who would rather rely on what they see as a more reliable ally, their long and historic connection to mother Russia. Losing what Serb voters see as "Kosovo" in return for a long and uncertain route into the EU is not what most Serbs would vote for.

Territorial Exchange – to think the unthinkable

Moving on from the reasons behind the potential failure of the present Brussels negotiation is the unmentioned problem of population and ethnicity – specifically that there are at present no longer very many Albanian Kosovars living in northern Kosovo. It might be sensible to ask Prishtina if they really want such a troublesome, and potentially RS like entity as part of their state, if the agreement is going to preclude any attempt to "Albanianise" it. A pragmatic view might be that any agreement acceptable to Belgrade will simply lead, in reality, to endless disfunctionality.

A more sensible solution has been proposed by, of all people, Dacic, whose recent suggestion has been for a voluntary territorial exchange with the present Serb run northern Kosovo entity going to Serbia in return for the rather smaller Albanian speaking area of South Serbia, known as the Presevo Valley, and itself the location for a smaller war in 1999/2000, being transferred to Kosovo. To be fair to Dacic this probably wasn't a serious suggestion on his part, but more of a negotiating tactic designed to extend the Brussels talks ad-infinitum, but in an ideal world it would be worthy of consideration, in that it might produce a more permanent and stable solution for the future.

It should be said that the Kosovar leadership is not in favor of this idea, and interestingly nor is Ali Ahmeti, the current political leader of Albanians in Macedonia, and a leading member of the KLA in the Macedonia war. The reasons for the Albanian political leadership not favoring any territorial exchange

is likely to be that under international diplomatic guidance or pressure they do not wish to raise the issue of anything that looks like a "greater Albania". The real reason in all probability is that with higher birthrates among Albanians they hope to one day acquire these territories anyway.

The whole issue is worth noting, simply for the huge disparity in the reciprocal rights or lack of them, of the inhabitants of the respective territories. Serbs in northern Kosovo basically look to Belgrade for pensions, health care, policing and so on. Whereas Albanian speakers in southern Serbia are at the mercy of the para-military Serbian Gendarmerie, and have no connections to their brethren across the border in Kosovo.

To briefly summarize this issue: territorial exchange is not attractive for Albanian politicians, but it in reality it would be a better alternative to the possibility of ending up with a new Republika Srpska like entity in what is now northern Kosovo.

Poor Governance as an effect of the lack of secure Sovereignty

And lastly, and completely outside of the scope of the Brussels negotiations or agreement, is the question of why both Albanian states have such a reputation for poor governance, to put it politely. The immediate reason in the case of Kosovo is that following 1999 Kosovo was, as an unrecognized entity, forced into political, economic, and social limbo because it lacked sovereignty. The lack of certainty inevitably led to poor governance, competing interests, and the current reputation for corruption and illegality. It is hard to establish the rule of law when the state has no sovereign legal basis.

I would venture to suggest that Albania itself failed to develop a functional government (and subsequently became an extreme communist failure) is due to the instability of its own borders, and the desire of both Greece and Serbia prior to WWII to take large parts of it, if not all. The constant threat of invasion and state failure stifled the development of a stable functioning government, in contrast to the more successful central rump of the Ottoman Empire, Turkey itself, which did form a relatively stable and certainly effective government after 1922. Perceived Albanian "criminality" is simply a function of a state being unable to form a viable democratic government in the face of uncertainty over such fundamentals as security and stable certain borders.

CONCLUSION

The whole basis of the hidden competing agendas of Serbia, Kosovo and the EU are such that any agreement, even if signed with much fanfare, reached on the basis of the present talks in Brussels will simply be storing up further trouble in the Balkans.

For there to be an effective stable unitary state within the present borders of Kosovo will almost certainly take further diplomatic pressure on Serbia by the United States. Leaving it to the EU alone is not likely to work.

If the agreement is signed in some form it is likely to be too late to produce a stable, permanent solution for Kosovo. However, if no agreement is signed it would be worth considering other solutions, perhaps based on territorial exchange.

Kosovo, and probably Albania, are not likely to turn into model European states without a permanent solution to the problem of their borders, and this might be better established on the basis of ethnic borders rather than some rather recent, in historical terms, internal borders from the former Yugoslavia, in itself a failed state.

Mr. ROHRABACHER. Well, I want to thank all of our witnesses, and I certainly appreciate your last comments there, of course. Let me just note and then we will have a dialogue, a little back and forth.

This religious conviction that you cannot change borders or it will create all sorts of problems is, I think, the major obstacle to having a significant peace agreement between these two entities, between the Kosovars and the Serbs. And it is our own Government that is pushing this nonsense. It is nonsense. I mean the Czechs and the Slovaks knew that they couldn't get along so they divided, and they have changed the border. The border what now became Czechs and Slovaks in two separate countries. You had the north and south Sudan. They believe that we should forcibly keep the north and south Sudan together? What would that bring? It would bring a lot of bloodshed, that is what it would bring.

What about Ireland? Wouldn't it be how horrible to think that we are going to change the borders of Great Britain itself by letting these—so what if the Irish want to have independence, the vast majority? They are still part of the British Empire, and here it is. We can't change the border of the British Empire to just include the areas in the northern part of Ireland that happen to be a majority of Protestant. That was a good decision. That was a good decision. Let us end the conflict and agree that those people in the northern part of Ireland have the right to make their decision with a ballot box. But we are being told here, no, no, oh, can't do that.

Then of course we do have to, as Mr. Kesic said, if we accept the fact that the United States and the allies had any moral foundation to coming in to help Kosovo—I want you to know of course that I was a huge supporter of Kosovo—and coming in to help them win their freedom and independence, because I believe in their right to make that determination, national self-determination. Well, if the people in the north don't have, how come Kosovo had that right to break away from Serbia? That changed borders.

And I believe Latvia, Estonia, Lithuania, I seem to remember the Soviet Union as it was breaking up say, no, no, this is a part of Russia. It doesn't make any difference what those people want. They are part of Russia. And there are, of course do we think that it was really, we should have encouraged the people of Bangladesh to knuckle under and stay part of Pakistan? Because that is going to change the borders of Pakistan.

And by the way Pakistan, what borders do they have? Who created Pakistan? Pakistan and most of the things we are talking about were created by the colonial imperialists of 150 years ago and 200 years ago. And we are saying we have to stick with the decision of some drunken royalty in one of these countries who decided this is where the borders are going to be now? It is ridiculous. And what we have done by this fantasy that that is off the table, we have left us in a situation where our friends the Kosovars have now, it looks like from this agreement, they have now been put into a position of getting nothing, because this word that you can call autonomy authority all you want, but what we have here is an official recognition of the autonomy of those four northern provinces.

And our friends in Kosovo, who I happen to be on their side, have got nothing to show for it. At least if we could have an honest

agreement on the right of self-determination, which is what the people of Kosovo believe in, that is why they declared their independence, at least we could have some sort of a readjustment of a border that includes people who want to be in the country that now has emerged because of the changes that have taken place historically.

So I am very disturbed by this settlement. This settlement will not lead to peace. This settlement will encourage those Serbs in the northern part, these four provinces, to work with Belgrade and Belgrade to work with them in order to keep this sort of combative relationship going, and it will not create less, it will create more tensions. And that is just my personal observations. And it seems to be that the Presheva Valley and the fact that you have so many Kosovars living there, it is almost the same sizes as the four northern provinces, almost same territory, almost same population, that it is a natural way for Kosovo and Serbia to do something real. Not just play with words about autonomy versus authority, but something real that could then serve as the basis for them starting to get along and try to open up their borders, try to have free trade between them, try to have respect for each other's citizens. Because we now aren't forcing people into a recognition of something that they don't want and they don't culturally feel right and historically feel right about it.

So all of these countries what I just mentioned, especially the Irish, can you imagine if Britain would have said that and wanted to keep the Irish in? That would have been a disaster for Great Britain as well as, I might add, for Pakistan and Bangladesh and the rest of the ones. If any of you have a comment on what I just said, please feel free. Yes, sir?

Mr. SERWER. Mr. Chairman, with due respect——

Mr. ROHRABACHER. Absolutely. Feel free to disagree with everything that I have said.

Mr. SERWER. I do disagree.

Mr. ROHRABACHER. Okay. Yes, sir.

Mr. SERWER. I disagree because I think you are failing to make some important distinctions between moving the border to accommodate ethnic differences and changing the status of an existing boundary or border, which is what we have done in the Balkans.

Mr. ROHRABACHER. So moving the border and changing the border are two different things?

Mr. SERWER. Moving the border and changing its status are two completely different things. Moving the border to accommodate ethnic differences leads to an infinity of movement of borders. It can never be——

Mr. ROHRABACHER. Well, isn't that what we did with Kosovo? Isn't that what——

Mr. SERWER. No, we did not do that with Kosovo. We kept the boundary between the province of Kosovo, the one time Serbian province of Kosovo, and Serbia proper. We kept that exactly where it is. That is why we have the problem that we have.

Mr. ROHRABACHER. By the way, who drew those borders?

Mr. SERWER. Those borders were drawn under Tito, they were changed various times.

Mr. ROHRABACHER. Tito, was he a democratically elected——

Mr. SERWER. No, but look——

Mr. ROHRABACHER. How about Stalin changing the borders of Ossetia and Abkhazia for Georgia?

Mr. SERWER. If you set off an infinite series of border changes you also precipitate ethnic cleansing, and that would be a disaster for the Balkans. I can guarantee you that if the north of Kosovo is lost to Kosovo, you will have radical Albanians who will seek to expel Serbs from south of the Ibar and who will seek union with Albania and with Macedonia. You would say, let them. I say that is a scenario for an extreme outburst of violence.

Mr. ROHRABACHER. Actually, I would never say, let them. I believe that keeping large hunks of people who are contiguous to another border can't be in the middle of a country obviously, but keeping them artificially in that other country is what creates violence, which creates people wanting to commit some sort of attack on those people, and their retalitation against those. It has happened over and over again.

And what doesn't create, I mean this idea that we are going to instill in the rule of law and that that is what is going to make the Irish give up their notion that they want to be independent or the Bangladeshis or the people, the Serbs north of that river going to give up their consciousness as being Serbs, it doesn't work that way.

Mr. SERWER. Nobody is asking them to give up the consciousness of being Serbs. In fact, there are all sorts of provisions in the Ahtisaari Plan for maintaining the links to Serbia. They get dual citizenship. But to open Pandora's box and allow an infinite series of border changes to accommodate ethnic differences would be a mistake. There are Bosniaks in Serbia who would want to be part of Bosnia.

Mr. ROHRABACHER. And so you believe that the boundaries set up by brutal tyrants and kings and royalty have to be maintained because it is going to open Pandora's box, even though there are significant groups of people who have a cultural and historical identification with each other who want to become a nation, but if violates what King Charles or some monarch someplace did back 2 or 3 years ago——

Mr. SERWER. I believe that everybody's rights should be protected within the borders in which they happen to find themselves, yes, because anything else——

Mr. ROHRABACHER. So you oppose the Kosovars' independence?

Mr. SERWER [continuing]. Leads to death and destruction.

Mr. ROHRABACHER. Okay, but you then oppose Kosovars', when they rose up and said no, we want to be independent, you were opposed to that, right, because that would change the borders of Serbia?

Mr. SERWER. I was not the first one to endorse independence for Kosovo, I will say that. But the behavior of Serbia in response to that uprising unquestionably made independence the only solution. It was achieved not by moving the border to accommodate ethnic difference, but by changing the status of a preexisting border. And I believe that that decision saved lives, yes.

Mr. ROHRABACHER. Let me suggest to you that, and then I will go to the panel, suggest to you that had, when Yugoslavia just

broke up, had the West been very clear that different people have a right to vote on their self-determination and included the Kosovars in that, that would have been a whole, the bloodshed that happened wouldn't have happened. Instead we had Jim Baker down there misstating our case to, was it Milosevic, and let him think that well, whatever force he needs to use to keep things together that is, we are looking for you to be the force down here of stability. And of course that just was a go-get-them type of thing.

Shirley, and then Mr. Kesic, and then Mr. Engel will have a chance or whoever else wants to jump in. Yes?

Ms. CLOYES DIOGUARDI. To my colleague I want to ask a question because I want to ask many. Why are we always talking about potential Albanian violence in Macedonia, in the north? Why is that happening? I think one of our problems is the constant discussion of a kind of false parity and characterization of a war that was supposedly based on ethnic and religious differences. This was not the case.

This was a land grab. And we sat back as you know, our State Department, the EU, while Milosevic made his genocidal march across Europe over 10 years. What I would like to see right now is for this agreement to be ground to a halt, because I understand very much what you are trying to say about the issue of Presheva and the north. But the problem is we are in trouble now. Presheva, the Albanian majority of Presheva, were never brought to the discussion to begin with.

And Mr. Churcher, was I correct in saying the State Department was wrong when it said that Mr. Moore said that the Albanians in the Presheva Valley had civil rights and human rights protections? That is absolutely not the case. They have second, if not third-class citizenship. So how do we do something now to turn this around so that everyone is forced to look at the true conditions of what is happening in the Albanian scene?

Mr. ROHRABACHER. What we could do is we can make believe that the word authority and autonomy just have different meanings and we could make pretend what those words mean.

Ms. CLOYES DIOGUARDI. Well, we already have because the Association of Serbian Municipalities is, in effect, an autonomous region already. To a great extent we have lost the north.

Mr. ROHRABACHER. Especially when you suggest that the forces of the country can't go into the area, and that is not an autonomy. Mr. Kesic, do you have a comment?

Mr. KESIC. Yes, Mr. Chairman. It is, for me, the most frustrating thing is this relative moralism that comes out in the official position of the U.S. Government, but also in terms of some analysts here in Washington, DC, and also in Europe. You have this argument, for example, that you can change the borders of Yugoslavia. And by the way, the U.S. Government was against that at that time as you know, Mr. Chairman.

Mr. ROHRABACHER. That is right.

Mr. KESIC. We opposed it, but it happened. Imperial powers have come to the Balkans throughout history believing that they were setting borders that were going to last for all ages. Every single time the borders changed. We are just the latest of the great powers who have come into the region, and our hubris tells us that

what we are going to do is going to last for all time. History will prove us wrong, unfortunately, I just hope it is not through more bloodshed.

Now to go back and to say as was said here, for example, that Serbia somehow lost its right to Kosovo because of the use of violence, then I would lay before the question, what is that magic point where a country loses the right to part of its country because of ethnic persecution and violation? Is it 60,000 Kurds in Turkey that are killed? Is it 230,000 Serbs and non-Albanians driven out of Kosovo? What is that magic point where a people become entitled to self-determination? It would be very useful as a guideline for all of these oppressed peoples throughout the world to understand, what is the position of the U.S. Government on this?

Mr. ROHRABACHER. I appreciate that comment, and if you do believe in self-determination by a vote of the people you don't have to worry about that, do you, because you have got that one standard. And yes, why don't we go right on down and then we will let Mr. Engel have his chance to question. Yes, sir?

Mr. GJONI. Mr. Chairman, with your permission I will come back to a point that you, in passing, mentioned about relying more on internationals even after 13 years. And I would respectfully disagree with you. What I am saying in my presentation, and it is clear in the full, written statement, is that I don't believe in hypocrisy. If in 2008, Russia, EU and U.S. did a lot of arm twisting to say to Kosovo that the way forward is a melting pot. Now you either stick to it or you say let us go to border changes, open all the cards, let us talk about Albania and nationalism effects in Bosnia and Croatia, but openly so, just put the cards on the table.

So my perspective is that I think that the idea of EU is to Europeanize the Balkans, not to further Balkanize the north, and wait for the moment when Serbia or Kosovo can out-trick, outsmart, or out-maneuver each other through the help of great powers. Mine is for a no-borders Balkans where minorities just leave the Serbs or Albanians where they are, and there are 127 laws adopted for that matter in Kosovo. Thanks.

Mr. ROHRABACHER. Again, I don't know why that you have a vast majority of people in a certain area that that is not to be taken into consideration. That their views are, again, we have got Serbians who are north of that river who do not want to be part of this country, and there is a natural border, and it is the same number of Kosovars just in a valley not too far from there in about the same area, but nobody wants to talk about adjusting a border because of this—and I will have to say it from my point of view, and I know you are very educated people who can disagree honestly on it—but this absolutely hysterical idea that borders can't change.

It is people, we as the United States started with what, we, the people of the United States, I mean we are here because we are declaring our independence. We declared our independence from Great Britain. That is what the Declaration of Independence was, that the people have a right by a majority to determine their future.

And last question, and then Mr. Engel. Yes, sir? Or a comment, go right ahead.

Mr. CHURCHER. To reenforce your remarks about borders——

Mr. ROHRABACHER. Well, then you can have twice as much time.

Mr. CHURCHER [continuing]. And to comment on Mr. Serwer's point. He referred all the time to opening the possibility of an infinity of changes, and he skated over slightly the fact that there have, in fact, been an infinity of changes in this particular area, in 1912, in the 1920s and '30s, again in the '50s. At times in Yugoslavia, different ministries used different borders in this area. There was nothing fixed or immutable about these borders. And as you said before, my view remains that if people wish to change them voluntarily, that is entirely different from imposed border changes. The key is, if people want to vote to be somewhere else then they should be able to.

And just then very quickly to answer two points which came up earlier. The Yellow House was remarked to be by rumor in Kosovo. It is not. It was rumored to be in Burrel, which is in Albania, just as a point. My end view is that those stories are fantasy, but you wouldn't want to catch a cold in Burrel, let alone have a transplant.

And finally, to answer your question about the KSF in the north, my understanding is that there is a further sort of sidebar within this agreement that, in fact, the present Serbian Civil Defense Force in the north will in some way attempt to be incorporated within the Kosovo Security Forces as a Serb part in the north, again a separate thing under the same sort of arrangements that have been made for the police and justice sectors. Thank you, sir.

Mr. ROHRABACHER. Well, thank you very much. It would seem to be that—and then Mr. Engel can, or Mr. Keating, would you mind if Mr. Engel——

Mr. KEATING. I was just going to say, Mr. Chairman——

Mr. ROHRABACHER. Okay.

Mr. KEATING [continuing]. Why don't we yield, with your permission, to Mr. Engel?

Mr. ROHRABACHER. Okay, and let me just, one point and that is, it seems to me if we have had armed forces there, and I have visited our troops there many times, if we have armed forces there and not just from our country but from all these countries, it would be better to have them there to strongly and emphatically enforce a pre-election, run the election for people to determine how they want to run, what sovereignty they are willing to give, rather than have a force there for 13 years just to deter any type of ethnic violence that might happen, and hope that in another 20 years from now they will forget the historic differences between them.

Mr. Engel?

Mr. ENGEL. Thank you very much, Mr. Chairman, and you and I have had many, many, many discussions on this through the years. And while we may disagree on this point, you have certainly, as I said in my opening statement, been a champion for freedom in the region. And since I was among the first, if not the first person, Member of Congress, to endorse the independence of Kosovo, and we looked for people who would take principled position on this issue, you were right there all the time as well. So I want to say that publicly because I have lived with this issue for many years and you were always right there fighting for peace and justice.

I essentially disagree with moving the borders. If you could somehow just do it with Kosovo and Serbia and kind of move the borders and it would have no ramifications on any other place in the Balkans I would say, well, okay, if both sides agree let us just do it and do it quickly, and that would be it. But I do agree with Mr. Serwer that this would just, in the Balkans anyway what would you do with western Macedonia which is a vast majority Albanian? What would you do in Bosnia when Republika Srpska wants to join Serbia? And you would just keep going, keep going. There would almost be no end. But I do know how sincere you are and how thoughtful you have been with all these issues.

I really wanted to talk about the agreement, because I was told that most of you, if not all of you, didn't like this agreement between the Kosovars and the Serbs. I like the agreement. I like it not because I think every part of it is just, I like it because I think it offers the potential of hope and peace to the Balkans. I would hope that ultimately both Kosovo and Serbia would be members of the EU, and I think when the people are all in the EU, borders are not going to be that important because people will have access to all places.

I mean I was, I think, the first Member of Congress to advocate for an independent and free Kosovo, but I also set up a time that Serbs had a lot of interest there that needed to be respected, for instance, monasteries and things like that. I think it is possible to do that.

I have met with Slobodan Petrovic. He is the deputy Prime Minister in Kosovo. I have met with him in Kosovo. I have met with him in Washington. I have met with him in New York. He plays a very important role. I know perhaps many Serbs don't like it, but I have watched him and I have seen him be very constructive. He is a Serb and he is part of the majority in the Kosovo Parliament and a deputy Prime Minister. I met him in the municipality of Gracanica. That is a Serb municipality in Kosovo. I sat and met with him and bunch of other Serbs who are participating in the system, in the election. We had lunch. We sat for hours and hours, and had very, very frank talks.

I would remind everybody here that most of the Serbs, the majority of the Serbs living in Kosovo are in southern Kosovo not in northern Kosovo. When Serbs south of the Ibar first voted in Kosovo they said they would only vote in local elections, but then they voted in Kosovo's national elections. So these things can work if people really put their minds to it. In negotiations you don't get everything you want. I mean that is the point of negotiations. You get what you need to get and the other side gets what they need to get, and if you have an agreement you move on from there.

I think that Prime Minister Thaci had pressure on him, and I think he passed the test and was very courageous in moving forward with this agreement. And I think the same for Prime Minister Dacic, also had pressure. Sometimes, I think you have got to look beyond the rhetoric. You have got to look beyond the passion. In the Balkans, especially, there are all kinds of grievances. Grievances, slights that have been going on for centuries. I would hope that this agreement would be a small step in moving the Balkans into the 21st century. And again, I hope that Kosovo and Serbia

become part of the EU and that borders would not be that important any more.

So I just wanted to say that. I think it is easy to take a position in opposition to agreements where not everybody gets everything that they want, but I think it is a courageous step forward and I think it will be good for the region. And I have in my 24, now 25 years in Congress, I have not worked harder on any issue than I have worked on this issue. I know it backwards and forwards. I respect everybody's opinion up here. You are all good witnesses and intelligent people and have your vantage points. But I think that when you boil it all down, this agreement has some promise for the future, and I hope it will be implemented and I hope we will take little steps that will be moving forward.

And I think the role of the United States in this is very, very important because we are trusted in the region. I certainly know the Albanian community in the Balkans better than I know any community in the Balkans, and I know that the Albanians like and trust the United States and are very pro-West. The day that Kosovo issued its independence, there were more American flags in the streets of Pristina than there were Albanian or any other kind of flags. So there is a very strong tie in the Albanian communities of Kosovo, and Albania, frankly, of trusting the United States, of a belief in the United States, and wanting to work with the United States.

So I hope the administration will be there every step of the way. And it doesn't mean it is going to be easy, and it doesn't mean that there still aren't perceived slights and threats and everything on both sides. But I hope it means we are moving forward, and I hope the United States is there every step of the way. Because I don't believe that there can be as much progress without the United States right there as there is with the United States right there. And I thank you, Mr. Chairman, for letting me express these sentiments.

Mr. ROHRABACHER. Might I suggest to my colleague that if they have some comments, you might want to have a little dialogue with our panel?

Mr. ENGEL. Sure.

Mr. ROHRABACHER. Whoever, go.

But you are in charge of pointing out who you want here.

Mr. ENGEL. Okay. Shirley, yes.

Ms. CLOYES DIOGUARDI. Congressman Engel, thank you. I very much agree with your long-term perspective. I think there is no one at this panel who would not want, obviously, just and lasting peace and stability in the region, and certainly, ultimately, the integration of the EU. But I think we have to look at the specifics of this issue. For example, you have said something, I think, that is very important. The majority of Kosova Serbs live in the central and southern part, two-thirds do. Sixty-six percent of the Kosova Serbs voted in the last election. Those Serbs are well integrated into Kosova. Why is it that the north is a different story?

And I am concerned that we tend to forget about how the north became to be. I mean after the war ended, the French took over the area. It became the part of Kosova that Albanians were thrust out of. Yes, there are a majority of Serbs in the north, but what

has transpired since the war is Belgrade extremists, Serb extremists in the north backed by Belgrade, and we have had lawlessness, corruption, smuggling, a complete breakdown.

So when we go now, and by the way we should add one other thing. When independence was declared, what happened? Our own NATO troops even stood on the sidelines while Serb extremists blew up customs, courthouses, destroyed many things in reaction. So now when we look at the current agreement that has come forward, I think we have to be realistic. Does it solve the root causes of the crisis? Does it change the conditions in the north? And the devil is always in the details?

And when you look at the ability of what will be, and Chairman Rohrabacher talked about it, a police force and an executive that very much has a lot of autonomy, we will now see, I think, a different relationship—and this is sad—between the northern municipalities where four mayors will basically decide who the Kosova chief of police will be. There will be a different relationship, potentially, between the north and the Serb communities in the central and south areas of Kosova because there isn't any kind of real willingness on the part of the Belgrade Government for Kosova to succeed in the future in what you are talking about, long-term development and integration into Europe.

So this is why I said, before you came back into the room, to Chairman Rohrabacher, I would like to see this whole agreement ground to a halt. I know that may be the ultimate illusion, but if we had more U.S. interaction and less of a backseat on the part of the administration and an ability to reconnect at least in a very full engagement during this process where we are supposedly now going up until April 26th, look how soon that is, to talk about the implementation, and that is when we bring Presheva back on the table.

Mr. ENGEL. Well, I would say this. The incentive for the Serbs to try to make this happen is that they know that they cannot become an EU member unless they normalize, to an extent, their relations with Kosovo. That is the incentive. And likewise, the Kosovar Albanians understand that if they want to be integrated into Europe they have got to have some kind of agreement with the Serbs. So I think that that is the glue that binds them, and we have to again, America, United States, be there every step of the way.

Many things similar to what you just said, Shirley—and I respect the work you have done through the years—was said about the Serbs in the south. That they would never participate. That they would never accept it, until people started participating. And then they saw benefits in their lives of being part of the Kosovar state. I believe a similar thing can happen in the north. I think we have to try, and I think that again while there's no magic wand and obviously people are born and raised in their families talking about previous wars 100 and 200 years ago, 500 years ago, and whatever, that is ingrained in people.

But I think we need to understand that once Belgrade feels that they may not like everything in the agreement but if it gets them into the EU that is the price they have to pay. And conversely, the same thing with the Kosovar Albanians. So I think that that is the

glue that holds them together, the incentive to get into the European Union. And that is why I think this is a good agreement. I don't think it is a great agreement for either side, but I think it is a good agreement for either side. And I think, again, Thaci and Dacic deserve a lot of credit for their courage.

Mr. KESIC. Thank you, Mr. Engel. Just a few quick comments and ideas for you to think about. First, I agree with you. It would be wonderful when the time comes when borders are unimportant. But the Serbs in the north have a hard time understanding, if borders are to become unimportant why are the borders of Kosovo so important to be established? If the goal is to make borders irrelevant, why force the Serbs in the north to accept borders and have to impose it on them, which leads me to my second statement, which is that the only way this agreement can be forced on the Serbs in the north is through the use of force. And I don't think any one of us in this room would like to see the use of force against anybody in the region. There has been already too much use of force.

So if we say that this is not an enforceable agreement, doesn't mean that we don't support the process of negotiations and the general idea that agreements need to be reached between conflicting parties, it is just the skepticism that this particular agreement, for all the reasons that were laid out from different perspectives, are going to create more problems on the ground and lead us to this decision of whether or not to use force. And I hope that this committee as well as the U.S. Congress comes firmly down against the use of any force against anybody in the region in any future scenario.

And finally, the EU process I wish could be sped up, but we have to be realistic. What the remaining countries of the western Balkans are looking are, first, the very uncertain end of the line. Nobody knows, first and foremost, what is going to happen with the EU. Secondly, nobody knows how long the process will take. We heard the representative of the administration say it took Croatia 10 years, so that we can then start the clock rolling perhaps for Serbia for the next 10 years, but we are not sure. My own opinion is that realistically, in the best case scenario it will take 15 to 20 years, and in the meantime we have a security vacuum that needs to be filled.

And I think we need to have everything on the table to consider including the ideas of the chairman in order to better approach dealing with these issues in a durable way, in a long-term way. Thank you.

Mr. ENGEL. Well, let me say this. I have long felt that Belgrade was lacking in leadership of people with vision who would take their people into the future. It is very easy to be as radical as you want to be. We do it here in this country. It is human nature. You throw red meat at the crowd. Republicans do it. Democrats do it. And you can all do that. But I think if you are really trying to foster a change that it takes concessions and at least an attempt to understand what the other side is thinking and needs.

So we can all pick apart this agreement all we want. There are things anyone could pick apart. I could pick it apart. But I instead would like to accentuate the positive. I think there are a lot of

positives in this agreement that we can hopefully see the people of the Balkans building on for the future so that they could live side by side and have a better future for their people.

I remember the northern Ireland situation. I thought that was a situation that would never be solved. And look at it. It was solved because people decided that it was time to put aside these fights forever and look toward a better future for their children. I hope that is done here in the Balkans. I hope it is done in the Middle East regarding the Israeli-Palestinian conflict. I think it was done in Ireland. I think that there are always things that we think should be changed a little bit, but in negotiations, you don't get everything that you want.

And the incentive, I think, for the people of Kosovo is that they deserved their independence and that they can be a country and are a country that will be recognized as an independent country. It is one thing—when I used to go around and talk about independence for Kosovo, and again I was the first Congressman to say that I supported independence and have worked very hard for it, I used to say, and this is where Mr. Rohrabacher, because he and I have discussed this many times, feel strongly about self-determination and the right to exist. I used to say, it is one thing to say that the former Yugoslavia should not have broken up and that everybody should stay together, but once it did break up and once you had Croatia and all these different countries deciding that they, Macedonia, et cetera, would be independent, I felt very strongly that the people of Kosovo had that same right to self-determination. I hope again that with the EU borders will not be that important.

And you are right, Mr. Kesic, it might take 10 or 15 years. I hope not. I hope not. Can I guarantee that it won't? I can't. But I think if people want to put the past, the bad elements of the past behind them, I think that extreme nationalism is just a path to destruction. And maybe trying to forge an agreement with a gentle push of the United States, maybe that is a better path to a better future for all the peoples in the Balkans. Thank you, Mr. Chairman.

Mr. ROHRABACHER. Well, thank you very much, Mr. Engel, for all you have done. And his whole career has been trying to be a positive force in that part of the world. I guess I have been out trying to stir things up and he has been trying to make things better. But we both are trying to make things better.

Mr. ENGEL. You have been trying to make things better too, and I applaud you for it.

Mr. ROHRABACHER. All right. And we have time for just a few more questions from Mr. Keating, and then we are going to have to close up.

Mr. KEATING. Thank you, Mr. Chairman. And there is one thing I think the people here can get a sense of, we have the ranking member of the full committee and we have the chairman here, and their interesting concerns of the Balkans is intense and it is real and that is a good thing that there is that much feeling for our country and the representatives to get involved.

I am newer to the scene. I have a different approach. I really was going to use the same analogy that Mr. Engel used with northern Ireland and Ireland in terms of the emotions and the feelings, and the feeling by most that they would never succeed. It is interesting,

even though it is centuries difference, some of those same arguments that I have heard you can say about our country, when we were starting our own country that there is not a strong enough authority, there is not a strong enough administration to pull things together. We are not in a position yet to do those things. And we had some tough times and we had a civil war along the way, but we have succeeded in that process here in the United States as well.

So my view that I just want to address the one question on is just the belief that this cannot be done just with two countries. That it is really a regional issue, has regional impact. And I believe, personally, that progress and stability and prosperity will come through economic means. I think we have seen it so many times. We have seen it in Europe. We have seen it throughout the globe. So with the region as a whole as the context, what we do, I guess if I had to ask one question given the time, Mr. Serwer, I would just like to say, what do you think the April 19th agreement would have on the region on other areas if this is to progress and we make progress, what would it do with the Presheva Valley area and Serbia, Macedonia, Bosnia, what could it be? Because I think as hard as the road is ahead with this agreement there could be great regional progress. It can be a great example to go forward for other areas too. Could you address that please?

Mr. SERWER. I agree entirely, Mr. Keating, and it is suggested in my testimony that northern Kosovo could be a model of reintegration. I must say, in the initial stages though, I think there may be some protests in southern Serbia among Albanians asking for some of the same things that people in the north are getting in this agreement.

But ultimately I think the point is this. If partition were to take place you would have real trouble in Macedonia and real trouble in Bosnia and southern Serbia. With this agreement, as imperfect as it may be from the point of view of some of my colleagues, I think you have the potential, if fully implemented, for a decent sort of reintegration that could really help with the rest of the Balkans. And it is very much my hope that the authorities in Pristina and Belgrade will take the implementation seriously.

And I see no reason why it is unworkable, frankly. It leaves a large amount of room for self-governance, but it incorporates the north into the legal constitutional structures of Kosovo, and if they are sincere about initialing this agreement, and I think the EU will ensure that they remain sincere by not giving out any goodies until they continue with implementation, I think it is workable. I think it could be a real step forward for the region.

Mr. KEATING. Well, I yield back my time, Mr. Chairman. The hour is late.

Mr. ROHRABACHER. I would like to thank our panelists, and thank you, each and every one. You added, each, a lot of spice to our meal of ideas, and I want to thank Eliot and our ranking member for adding to this hearing. I think we have had a very good discussion and aired a lot of ideas and concepts, and I appreciate each and every one of you.

The one little thing I left out on my list, I left out of the list that Montenegro was permitted to have a vote by the Serbs, Monte-

negro. And the Serbs could have just said, no, no, no. Montenegro, that is part of our country. And that is like a state. It is not really like a separate country. And by doing that they let those people have their freedom. And I am just sorry that that didn't happen with Kosovo a long time ago. But I think the Serbs demonstrated with Montenegro that this type of thing can work, and I would hope eventually all of these people understand that these borders are artificial and they should have free trade and work together. And once you get something like that going where there are all those countries, people will be crossing the borders and making money and building things, and positive things such as that. And that is a vision we all have is a Balkans at peace and not a Balkans where people are at war with one another.

So thank you all very much, and this hearing is adjourned.

[Whereupon, at 5:48 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Europe, Eurasia, and Emerging Threats
Dana Rohrabacher (R-CA), Chairman

April 22, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Europe, Eurasia, and Emerging Threats in Room 2172 of the Rayburn House Office Building (and available on the Committee website at www.foreignaffairs.house.gov):

DATE: Wednesday, April 24, 2013

TIME: 3:00 p.m.

SUBJECT: Kosovo and Serbia: A Pathway to Peace

WITNESSES: Panel I
Mr. Jonathan Moore
Director
Office of South Central European Affairs
Bureau of European and Eurasian Affairs
U.S. Department of State

Panel II
Ms. Shirley Cloyes DioGuardi
Balkan Affairs Adviser
Albanian American Civic League

Mr. Roland Gjoni, JD, LLM
(Former Senior Legal and Policy Advisor to Effective Municipalities Initiative in Kosovo)

Mr. Robert A. Churcher
(Former Director, International Crisis Group in Prishtina)

Daniel Serwer, Ph.D.
Professor
School of Advanced International Studies
Johns Hopkins University

Mr. Obrad Kesic
Senior Partner
TSM Global Consultants, LLC

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Europe, Eurasia, and Emerging Threats* HEARING

Day *Wednesday* **Date** *4/24/13* **Room** *2172*

Starting Time *3:23 pm* **Ending Time** *5:48 pm*

Recesses [*n/a*] (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Dana Rohrabacher

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Kosovo and Serbia: A Pathway To Peace

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Rohrabacher, Ranking Member Keating, Rep. Poe, Rep. Duncan, Rep. Stockman, and Rep. Holding

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Rep. Elliot Engels

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Prepared statement of Mr. Jonathan Moore
Prepared statement of Ms. Shirley Cloyes DioGuardi
Prepared statement of Mr. Roland Gjoni
Prepared statement of Mr. Daniel Serwer
Prepared statement of Mr. Obrad Kesic
Statement by Avni Mustafaj and article by Faton Tony Bislimi submitted by Chairman Rohrabacher

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *5:48 pm*

Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY MS. SHIRLEY CLOYES DIOGUARDI, BALKAN AFFAIRS ADVISER, ALBANIAN AMERICAN CIVIC LEAGUE

The Politics of Compromise is Compromising Kosovo's Future
By Faton Tony Bislimi *
21 April 21 2013

In a marathon session which started at 8 PM local time on Sunday, April 21, and ended after midnight local time on Monday, April 22, the Assembly of Kosovo voted in favour of a resolution that supports and accepts in principle the agreement reached in Brussels between PM Thaci of Kosovo and PM Dacic of Serbia. The draft agreement, facilitated by EU's Ashton and supported heavily by the EU as well as the US, is said to help the two nations normalize their relations.

The acceptance of the fifteen-point draft agreement which was initialled by the two PMs and Baroness Ashton on Friday, April 19, will enable Serbia to move on with its EU integration process. It will also enable Serbia to permanently be able to interfere in the internal affairs of Kosovo.

The agreement gives way to the establishment of a Community/Association of Serb Municipalities in Kosovo, which will exclusively include the four Serbian majority municipalities in the Northern Kosovo (Mitrovica North, Zubin Potok, Zvecan, and Leposavic). The Community, which can only be dissolved by its own members, will have a series of powers on different areas of governance such as police, judiciary, economic development, health, education, urban planning, etc. It will have a well organized hierarchical structure of leadership including a President, Vice President, Council, and Assembly. Kosovo's central authorities can delegate more powers to the Community, but they cannot modify or withdraw any of the powers given to it by this agreement.

For almost fourteen years now, parallel structures of government, including local security agencies, supported and sponsored by Serbia have operated north of the Iber River. Organized crime, corruption, smuggling, and trafficking have been continuously present in Northern Kosovo. Kosovo authorities have had no access there, while UNMIK, KFOR and EULEX have only served as observers. Since 1999, about 15,000 ethnic Albanians have been forcefully displaced from their homes in Northern Kosovo, while a few have also been killed, including a Kosovo Police officer. Because of its high level of lawlessness, Northern Kosovo became known as a "crime haven," for which a great deal of credit is owed to the local Serb security agencies, which promoted and protected those involved in criminal activities in return for funding and other kinds of support.

The recent agreement calls for the incorporation of existing security structures in the Northern Kosovo into the Kosovo Police. In other words, the agreement not only provides full amnesty for those involved in criminal activities in the North, but it also redeems them by legitimizing the same into the Kosovo Police.

Furthermore, given the relatively high number of powers that the agreement provides for the Community of Serb Municipalities, it gives this new creature a fully autonomous operational status. Yes, technically, they will be part of Kosovo, but practically, they will

barrier to Bosnia's Euro-Atlantic integration process and a major challenge to Bosnia's move towards prosperity as a whole.

While the Community of Serb Municipalities in Kosovo may not be equal to a new Republika Srpska, it certainly gives rise to the possibility that this new entity may become a barrier for Kosovo's move towards prosperity and Euro-Atlantic integration. Governed almost completely independently from Pristina, this new entity may not follow Pristina's guidance and leadership in many of the reforms that Kosovo needs to undertake to move closer to the EU.

The agreement stipulates that both parties undertake that they will not block or encourage others to block the other party's path towards the EU. And, as stated above, Pristina turns to this point of the agreement to argue that accepting this agreement with Serbia is important for Kosovo's European future. But, what one should not forget is that Belgrade has not been the most important barrier in Kosovo's path towards the EU. Indeed, Belgrade cannot block Kosovo's EU integration unless Serbia itself is a member of the EU. Kosovo's path towards the EU depends much more on Kosovo's own internal functioning as a democracy than its relations with Belgrade. And, with this Community being established, Pristina may have just swallowed a hot potato; one that can certainly become a major barrier in Kosovo's path towards the EU; one that can certainly detriment Kosovo's statehood; and one that can give rise to a new Bosnia or Cyprus on the EU's doorstep.

Kosovo and Serbia must resolve their differences through dialogue. There is no other way. But, rushing to reach an agreement without clearly analysing its repercussions may give rise to new problems instead of solving old ones. The EU and the US have heavily invested in the state-building process of Kosovo. It is neither in the interest of Washington nor in the interest of Brussels to support an agreement which does not guarantee the resolution of the Kosovo-Serbia problem. The current agreement may, at best, put off the Kosovo-Serbia problem for some time so that the EU and US can devote more of their time to other major international problems facing them.

* ***Faton Tony Bislimi*** *is a Social Sciences and Humanities Research Council of Canada (SSHRC) Doctoral Scholar of Political Science at the University of Alberta in Edmonton.*

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DANA ROHRABACHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON EUROPE, EURASIA, AND EMERGING THREATS

National Albanian American Council
Statement for the Record
Kosovo and Serbia: A Pathway to Peace
April 24, 2013

Statement: NAAC Praises Kosova on its Historic Agreement

The National Albanian American Council (NAAC) congratulates Kosova on its historic agreement with Serbia. NAAC would also like to thank the US government and EU Representative Lady Catherine Ashton for their commitment and perseverance in bringing this landmark agreement to its conclusion.

The agreement affirms Kosova's independence and territorial integrity. It makes clear that the police force and judicial system operate under Kosova laws. The agreement also states that the Association of Serbian municipalities must comply with the laws of Kosova and will be established on the same basis as the existing statute of Kosova Municipalities, with no executive authority.

The agreement also calls for Serbia not to block Kosova's progress toward EU membership. This paves the way for countries to recognize Kosova, especially the five EU non recognizers - Cyprus, Greece, Romania, Slovakia and Spain. Additionally, as a result of the agreement, the EU has indicated they would like to begin immediate discussions on the Stability and Association Agreement. The acceptance of the agreement by Kosova's parliament is a commitment by the country's leadership to ensure that the people of Kosova move forward with their lives, and brings them closer to the EU family of nations.

The government of Kosova has guaranteed the broadest minority rights in Europe by adopting the Ahtisaari pact as part of its constitution. The US and the EU have publicly declared that Kosova's sovereignty and territorial integrity are secure. Any discussion of changing borders or providing any form of executive powers to entities outside the authorities of the Republic of Kosova risks returning the Balkans to the ethnic wars of the 1990's.

NAAC calls on the EU to expedite its process to bring Kosova toward future membership in the key Euro-Atlantic structures. Europe's newest country must not be left behind as other Balkan countries move ahead. As such, the EU must now set in motion the process for Kosova to get a Stabilization and Association Agreement, advancing its future as an EU member state, and it must extend visa liberalization as soon as possible so that Kosovars can exercise the same ability to travel as other Balkan citizens. Finally, the EU and US must redouble their efforts to help strengthen the rule of law so that Kosova can develop a sustainable economy, reduce unemployment, and bring greater prosperity to its people.

Best regards,

Avni Mustafaj
Executive Director
National Albanian American Council (NAAC)

○