



JUSTIFYING KOSOVO'S RECOGNITION:

BETWEEN THE ECCENTRIC AND THE ABSURD

THE LECTURE OF OFFICIAL DOCUMENTS BY THE THREE DOZEN GOVERNMENTS WHICH HAVE SO FAR RECOGNIZED KOSOVO IS CERTAINLY SYMPTOMATIC OF THE POLITICAL CONFUSION WHICH HAS MARKED THIS DOSSIER FOR MORE THAN TEN YEARS.

The analysis of the motivations included in these letters of recognition show that this political confusion is translated by considerations and legal arguments which are eccentric, to say the least.

It is true that since the beginning of the process of dismemberment of the Yugoslav Federation, the responsible European and American officials have deployed a wealth of imagination to persuade their public opinions, and particularly other governments, of the legality and in particular, legitimacy of their most delicate decisions, particularly those which are linked to questions of sovereignty and territorial integrity. With the 1999 bombing campaign, they had a tendency to consider that what was in their eyes legitimate should in a certain way be considered as legal and a means of justifying the circumvention of the UN Security Council.

The discussions which have preceded the decision to recognize have also shown a tendency to put aside considerations based on the respect of international law to the profit of « moral considerations » (Serbia has lost a moral right to exercise its authority of Kosovo) or « pragmatic » (negotiations have been unsuccessful).

With the recognition of Kosovo, we are assisting a new manoeuvre, which not only means a departure with the common principles of secession and state recognition, but even more, is based on absurd and paradoxical argumentation.

In fact, most of the EU states and the US have recognized Kosovo as a sovereign and independent state while, at the same time, they have referred to the implementation of the plan of Martti Ahtisaari which, in fact, neutralises the sovereignty and independence of the state. This plan was never accepted by the UN Security Council, and thus is not legally binding. Nevertheless, the US and France consider that its dispositions are legally binding for the Kosovo authorities. In a way, they make out of a renouncing to the principle of sovereignty, a condition for their recognition of a new state which was qualified as sovereign and independent. In fact, the recognition is mainly dealing with the separation from Serbia and is not in



accord with common practice and doctrine.

The recognition of a state is, certainly, a discretionary political act, but it is generally justified in two ways. The first one is based on the simple statement of the existence of a political entity which presents all the characteristics of a State, which is capable of being independent, and which power is effective on the whole of the territory and the population.

This is certainly not the case here, since the EU and the US believe they have to supervise and accompany the Kosovo authorities on the path to independence, and that one part of the territory escapes its control. In the second case, the recognition follows the creation of a new state which is itself the result of the implementation of the right to self-determination (in the case of decolonisation). The exception is made by Albania, which mentions very explicitly the right to self-determination, while the others are just evoking the will of the people of Kosovo and the declaration of the assembly from February 17, 2008.

Finally, in the case of secession, states generally expect that a central state renounces its rights on part of its territory, which is certainly not the case of Serbia. We should remind ourselves that the admission to the UN of the former Yugoslav republics was given a go-ahead after the adoption of a new constitution proclaimed in April 1992, which permitted the existence of new republics issued from the dismemberment of the former Federation.

At one time, Kosovo Albanian officials tried to achieve the recognition of their declaration of independence (July 2, 1990), but in vain. In particular, the declaration of independence and the decisions to recognize have clashed with the dispositions in the resolution 1244, which are considered by all as applicable. It serves in fact to justify the presence of NATO and particularly of the deployment of the EU mission EULEX, although European officials have for months estimated that the vote for a new resolution is indispensable to provide a legal basis of the mission. The authority of the UN resolution 1244 from Serbia not to interfere in Kosovo affairs

- yet another in a long series of contradictions.

The recognition appears often in the official declarations of states which have recognized Kosovo as the end of a process of dissolution of the former Yugoslav federation, a happy ending of the period of ethnic cleansing and promise of a brighter future. In most related declarations, the responsible officials are making a bet for a harmonious cohabitation between all ethnic groups which, finally reconciled, will start their integration in the Euro-Atlantic family. As mentioned here, the recognition should however mention the state of a political and legal situation at the specific moment and not of hypothetical hopes. It appears that the justifications brought in this case seem to avoid pronouncing the situation which really exists in the field, in order to focalise especially on the past (humanitarian drama of the Albanian population in Kosovo) or the future (NATO and EU membership thanks to a multiethnic character of the state). Worthy of mentioning is the argument of « good sense » conceived by the French foreign minister Bernard Kouchner who does not hesitate, on this occasion, to congratulate himself of this victory of the « international community » (who?), of the UN (really?) and of multilateralism! One should wonder whether these words still have any meaning.

Statistics suggested by those favouring Kosovo's independence like to show figures under which it was recognized by the world's most performing and wealthy democracies. This tendency to focalise on the political and economic strength of states which have decided to recognize is obscuring the fact that the justifications and the arguments of those who have not done so are much better founded, in fact and in law, and that they represent to this day an overwhelming majority.

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ON THE ROAD TO NOWHERE

LESSONS AND CONTROVERSIES OF KOSOVO'S UDI

LESSONS LEARNED

The UN is ignored ...

Western recognition of Kosovo's secession is not only about the UN Charter being broken, about the UN Security Council resolution being "creatively interpreted," or about the Helsinki Final Act being violated. It is also about the West deciding to take justice into its own hands by "coordinating the declaration of independence of Kosovo." The so-called CDI was nothing more than a series of arrogant, unilateral acts decided by the United States, NATO, the European Union and instructed to all-too-happy Pristina. These acts were sarcastically taken outside of the Security Council and imposed against the will of Serbia, a sovereign, democratic member of the United Nations.

... but it still matters.

Start counting. The United States has recognized Kosovo, Russia will not. EU members Britain and Germany have recognized, Spain and Romania will not. Tiny Luxembourg did, tiny Cyprus will not. Neighboring Macedonia might, neighboring Bosnia cannot. Afghanistan did, Indonesia did not. Senegal said "oui," South Africa said "no." Peru and Costa Rica said "si," Brazil and Argentina said "no." Australia OKed, New Zealand refused.

The stakes are high: the side that goes over the psychological barrier and wins recognition from the majority of the 192 UN member states will be well placed to fight an ultimate battle for international legitimacy. Serbia and Russia have pledged not to allow Kosovo to become a UN member for good reason. Without UN membership, Kosovo's international legitimacy will remain in limbo. It is not only about abstract symbols, it is also about daily life practicalities: no UN means no membership in most international institutions. The UN still matters.

Kosovo is a dangerous precedent.

The mantra about "Kosovo's uniqueness" was brought down moments after Kosovo's unilateral declaration of secession. Immediately after the unilateral act, the spokesman for Basque separatists in Spain welcomed the path, followed by Corsican, Kashmiri, Chechen, Transdniestrian, Taiwanese, Tibetan, Flemish, Scottish, Tam-



il, Kurdish and dozens of other independence movements. Within three weeks, Abkhazia and South Ossetia called for their own international recognition, while the Azeri government said the Kosovo precedent prompted its readiness to solve the Nagorno-Karabakh conflict by force. As one official said last year, "the EU and the US can write in a million documents that Kosovo is a unique case, the facts on the grounds worldwide will prove that mantra to be a farce".

Russia is back in the Balkans.

Just as Pristina coordinated its secession with Brussels and Washington, so is Belgrade now coordinating its response and diplomatic initiative with Moscow. Brussels has not only lost its appeal in Belgrade, it has not only lost its diplomatic leverage, but it has also pushed Serbia closer to Russia. In a recent poll, some 60 percent of Serbs said they were in favor of "closest ties possible with Moscow". Neither of the Serbian presidential candidates -- Boris Tadic and Tomislav Nikolic -- went to Brussels during the campaign, but both publicized heavily their visits to Moscow. EU Enlargement Commissioner Olli Rehn can warn Serbia as much as he wants about the "danger of being suffocated by the friendly Big Bear," -- as he did in June 2007 at

the time of Moscow's rejection of the Martti Ahtisaari plan -- one thing is clear: Russia is back in the Balkans. And it has taken Gazprom with it, through its move to acquire the state-owned NIS Petroleum Industry of Serbia. Paradoxically, by ignoring and then trying to humiliate Russia over Kosovo, the United States and the EU have brought back Moscow's interest in defending international law and political and economic interests deep into the EU's front yard. Russia is no longer defending its strategic interests only in its immediate neighborhood. Its powerful return in the Balkans should not be underestimated.

De facto works when de jure is ignored.

There will never be a de jure partition of Kosovo, for that is against one of the principles of the Contact Group. Pristina insists on an integral Kosovo, while the Kosovo Serbs do not want to have their community split in two -- north and south of the Ibar River. As far as Belgrade is concerned, since it has declared Kosovo's secession null, the equation is the following: "a part of null is null, a quarter or a tenth of null is still null."

There has always been a de facto partition of Kosovo. It is the irrefutable reality on the ground. Just like the

Kosovo Albanians in the 1990s, the Kosovo Serbs have established a parallel system in Kosovo and remaining a part of the system of the Republic of Serbia. They feel no loyalty to Pristina's Albanian authorities and they will neither cooperate with an independent Kosovo nor with the EU mission they consider illegal. The intent of Serbia's action plan is to help them continue to live in Serbia by providing Serbian education, investments and local administration. Coercing them under Pristina's authority would likely result in severe riots in the north, and a probable exodus from the south.

If there is one lesson that Serbs should have learned from the Kosovo Albanians, it is that a fait-accompli is much more irreversible than illegality.

QUESTIONS UNANSWERED

Why is there a double standard for Serbia?

In its conclusions from 18 February, the EU's Council of Ministers has made official a double-standard for Serbia, by recognizing the right to territorial integrity of all nations of the world -- except Serbia. It has explained this exception by the "uniqueness" of the Kosovo case: a conflict in the 1990s followed by a prolonged international administration.

However, the Ploughshares Fund, a foundation that finances peacemaking efforts, found that at the time of the Kosovo conflict in 1998-'99, 40 armed conflicts were being waged in the world. None, except Kosovo, led to unilateral secession. There have also been many international administrations in the world, including in Eastern Slavonia after the war in Croatia, where the UN mission left after several years to a peaceful reintegration of that area into Croatia, and not to a secession of the Croatian Serbs.

Who's talking on behalf of the EU?

It is clear that the EU Council secretariat and the European Commission have been behind the key notions of the Martti Ahtisaari plan on Kosovo's supervised independence and that they have been instrumental in coordinating a joint EU policy aimed at a "big trade-off" within the EU in December 2007: countries opposed to Kosovo's secession would not block

a common EU platform for Kosovo (Eulex mission), and in exchange they would not be obliged to recognize what they consider as an illegal move.

Brussels was instrumental in producing the so-called “coordinated declaration of independence”, but it is now also clear that at least several EU countries will refuse to recognize Kosovo’s secession.

One needs to ask then in whose name speaks the EU special representative for Kosovo Pieter Feith when he says the following:

“If you look at this as a numbers game – for instance, 50 percent of the members of the UN General Assembly by September, when it convenes – this could be seen as falling short of what WE had hoped”. Or when he says: “THIS IS AN INDEPENDENT, SOVEREIGN STATE, recognized by more than 30 of the most important democracies and economies in the world. WE do not see it as a helpful proposition that the sovereignty of Kosovo would be impaired in a way as we see now”

Is he speaking on behalf of Madrid, Bucharest, Nicosia, Bratislava – who all elected him but who would all say the contrary?

Where do the limits to creative interpretation end?

In its “Joint Action” document, which outlines a legal basis for the sending the Eulex mission to Kosovo, the European Union has referred to a “rump” version of the UN Security Council Resolution 1244, and has dropped and ignored the key parts of the Paragraph 10 of the resolution related to the “substantial autonomy” of Kosovo.

In the document, the EU calls on Paragraph 10 of 1244, but only on the first part of the paragraph, which says “Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo ...”

The EU has, however, dropped the second, key paragraph which says: “... in order to provide an interim administration under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia” (note: nowadays, Serbia as a successor state).

Yet, even this falsification was not enough. When the UN Secretary-General refused to “establish” Eulex in Kosovo, the “creative directors” in Brussels said they could even do it without him, which prompted Spain

and several other countries to say “enough!”.

In the meantime, Feith got himself elected as the “International Civilian Representative” – a function proposed by the Ahtisaari plan. He was elected by the so-called “International Steering Group”, or, as Feith himself likes to name them – “friends of independent Kosovo”.

Under this function, created thus by a “coalition of the willing” of 15 states – and not by any relevant or existing international organization – Feith gave himself the right to implement the Ahtisaari plan – which as everyone knows – was rejected in the UN.

How far will the EU go in playing fire with international law ?

Will the EU ask from Serbia to recognize Kosovo?

The unilateral declaration of independence of Kosovo has changed the meaning of some of the key components of Stabilization and Association Agreement (SAA) between Serbia and the EU, as it has put in the question the Article 135 of this Agreement which relates to borders of Serbia, and thus to Kosovo. As a result, before entering any contractual relations with the EU and signing the SAA, Belgrade should have clarified with Brussels whether the Union and its member states are signing an agreement with Serbia in-

cluding Kosovo or without it.

While this is a difficult task, it is one in which the EU has put itself in when it decided to coordinate Kosovo’s secession before signing contractual relations with Serbia.

The suspicion in Belgrade grew even stronger when it saw that it took less than 24 hours for the EU to “take note” of Pristina’s decision to proclaim independence, while to date it did not take time to “take note” of Belgrade’s decision to annul it.

In the European Commission official reports, Kosovo’s European perspective is in no way linked with Serbia, and Enlargement commissioner Olli Rehn has said the EC goal would be to “put Kosovo on its own feet”.

Brussels would be fair to answer Belgrade’s question: must Serbia – directly or indirectly – recognize Kosovo’s independence if it wants to join the EU?

Does the EU consider the Kosovo status crisis to have been resolved?

Western policymakers have shown great management skills in organizing Kosovo’s unilateral independence move, they have showed great creative skills in interpreting international law the way it suited their interests, they have shown great communication skills in staging a “fireworks freedom

parade” in Pristina while masking what came underneath.

But wasn’t the EU rather about compromise, rule of law, transparency? Indeed, wasn’t it about conflict resolution in Europe?

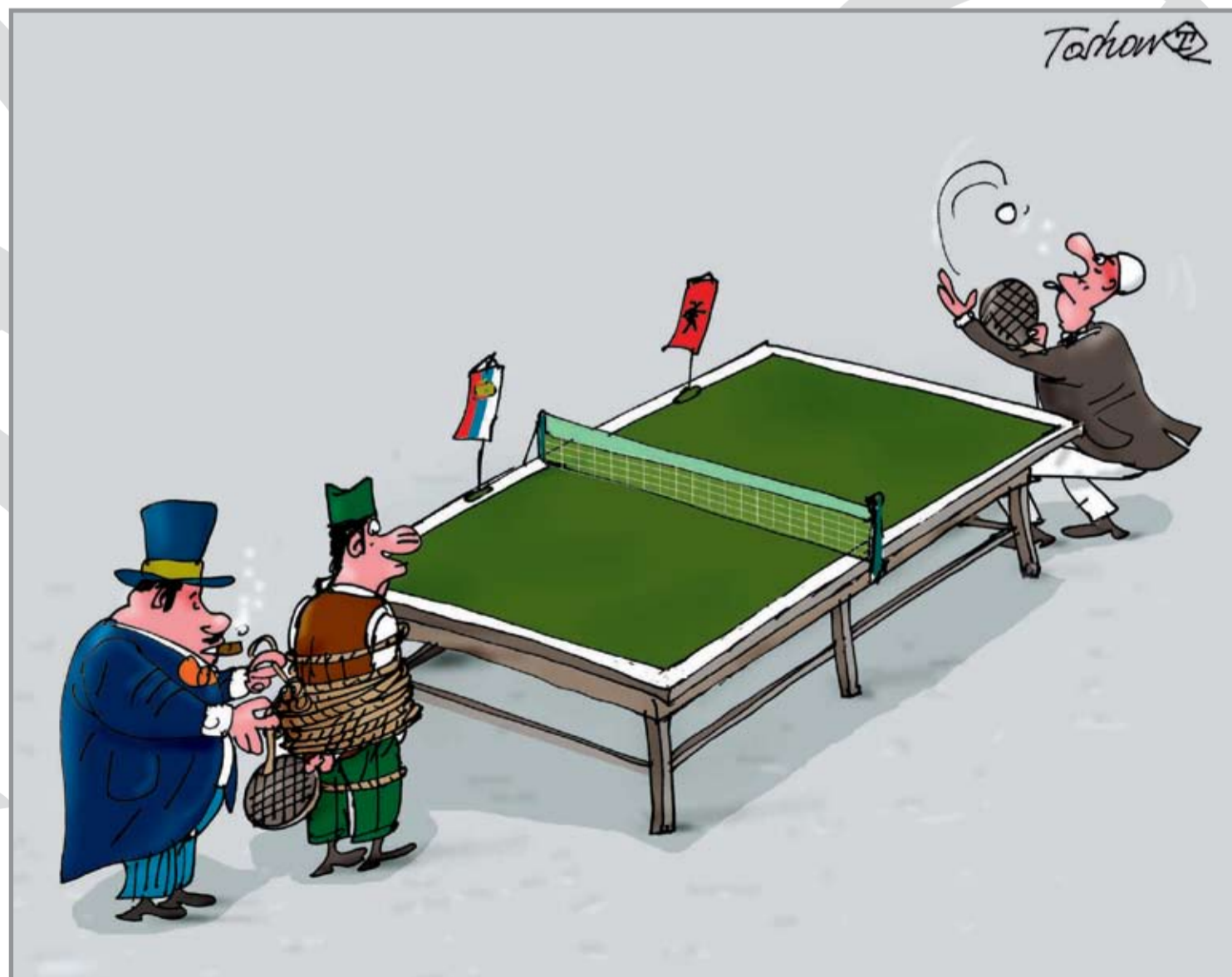
A definition of conflict resolution implies a situation in which “conflicting parties enter into an agreement that solves their central incompatibilities and accept each other’s continued existence as parties”.

As for now, there is no agreement on Kosovo status, nor is there acceptance of both parties (certainly not by Belgrade of an “independent Kosovo” party).

What was the purpose then of the “coordination of Kosovo’s independence” if not to associate an imposed solution with wishful thinking that Kosovo Serbs, Serbia, and the large majority if not the whole world would voluntarily accept the “fait accompli”?

Now that Kosovo is “divided”, that the conflict is “frozen”, that its international status is in “limbo”, that it has created a rift within the EU, within the OSCE, the Council of Europe, the UN – how does Brussels see the way out?

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EARLY TOLL OF KOSOVO'S UDI

ONLY TWO MONTHS AFTER KOSOVO'S UNILATERAL DECLARATION OF INDEPENDENCE (UDI), THE RAMIFICATIONS OF ITS RECOGNITION ARE COLLECTING A HEAVY TOLL: DIVISION IN KOSOVO, REGIONAL INSTABILITY IN THE WESTERN BALKANS, DETERIORATING RELATIONS BETWEEN RUSSIA AND THE WEST, PRECEDENT USE IN THE CAUCASUS AND THREAT TO DO SO IN A WIDER WORLD CONTEXT.

Though justified on the grounds of stability, Kosovo's UDI has further antagonised the Western Balkans; a region that was previously making small but tangible steps towards reintegration, reconciliation and a European future. Four separate claims to independence have further weakened the already fragile former Soviet Union, whilst secessionist movements within and beyond the EU's borders continue to insist that Kosovo is a model for their own respective causes. Despite US and EU insistence that Kosovo constitutes a unique case without precedent, the principle of unilaterally declared secession has been widely embraced.

In Kosovo itself, the remaining Serbs have re-affirmed and re-enforced parallel institutions in local administrations, schools and health care. On March 17th - the fourth anniversary of an anti-Serbian pogrom that killed nineteen people, displaced 4,100 and damaged or destroyed thirty-six Orthodox churches and monasteries - UNMIK/KFOR attempts to remove protestors occupying the regional courthouse in northern Kosovska Mitrovica left one Ukrainian soldier dead and scores of protestors severely injured. The heavy-handedness and timing of the response - described as a "policy of force against Serbia" by Prime Minister Vojislav Kostunica - has shattered any notion of gradually building ties between Pristina and the Kosovo Serbs. The further entrenchment of Kosovo's de facto division suggests that it will become yet another frozen conflict.

Kosovo's UDI has also prompted serious political instability throughout the Western Balkans. The collapse of the Serbian government is attributable largely to differences concerning the country's future relations with the EU after Brussels' heavy involvement in the coordination of Kosovo's declaration. The government also fell in the Former Yugoslav Republic of Macedonia (FYROM), where there are signs of growing inter-communal tension, further Albanian demands posted by the Democratic Party of Albanians (DPA), including immediate recognition of Kosovo's UDI and larger quotas for Albanians in the state administration, have contributed to the calling of snap elections. In Bosnia and Herzegovina, meanwhile, dozens of thousands of Serbs protested Kosovo's UDI, with Milorad Dodik, Prime Minister of Republika Srpska, vowing that they would "never recognize an independent Kosovo". The Republika Srpska parliament

also adopted a resolution paving the way for a referendum on independence should a majority of UN member states recognise Kosovo.

In the former Soviet Union, Russia's claim that independence for Kosovo would stimulate a "parade of sovereignty" has already rung true. Both of Georgia's breakaway regions - Abkhazia and South Ossetia - have requested international recognition of their independence, and Moscow has responded with a decision to establish official ties in mid-April, a move heavily criticized by Tbilisi, Washington and Brussels. A coalition of civil society organisations and political parties in Transdnistria has also called for recognition of its Moldovan province. Armenian and Azerbaijani armed forces, meanwhile, have clashed over the disputed territory of Nagorno-Karabakh, with the latter's President, Ilham Aliyev, warning that "the conflict will come to an international solution when Armenia feels Azerbaijan's force". Each of the respective seceding aspirants has proclaimed that the application of "a policy of double standards" by the international community would only lead to increased tension throughout the region. It is in the context of the violent break-up of the former Soviet Union and its own frozen ethno-national conflicts therefore, that the Kosovo precedent has immediately come to life.

Other local ethnic majorities have also proclaimed that the principle of unilateral secession applies to their own particular causes. "If Kosovo can, why not Kashmir as well?" chanted one group of protestors outside the headquarters of the European Commission in Brussels. Senior Palestinian officials have suggested that a UDI may be a model to emulate, whilst Turkish Cypriots will likely employ the Kosovo example should peace talks fail. Separatist movements in Tibet, Quebec, the Basque Country, Corsica and Sri Lanka, amongst others, have all separately asserted that Kosovo's UDI sets a precedent for their own unilateral secession. Thus it seems unlikely that such movements will adhere to Richard Holbrooke's advice to "adopt an identical position to the one which have the US and the EU - that Kosovo is a unique case". Kosovo is not a unique case and its precedent will not be deterred by reiterations of this sort.

Despite insisting that Kosovo's status could no longer be left unresolved, a UDI has in many respects further



complicated the status issue. As Sweden's Foreign Minister, Carl Bildt, remarked, "although work is being done to implement the Ahtisaari status plan, there is still no status" and, therefore, "it's necessary to preserve the role of the UN in some fields. This is not what we envisaged a year ago". The EU mission EULEX has entered a crisis before it has even been deployed, evident by the fact that it has not received a green light from UN Secretary-General Ban Ki-Moon on the transfer of authority from UNMIK, leading to refusal by Madrid and possibly other members to participate in the mission until this legal question is resolved.

Recognition of Kosovo's UDI has also been slower than envisaged. The EU's conclusions of 18th February upholding the territorial integrity of all states, except Serbia in the supposedly "unique" case of Kosovo, have been widely dismissed and, by late April, only one sixth of the UN's 192 members had recognised Kosovo, including less than half of the current fifteen Security Council Members. It seems likely that Serbia will receive the necessary support at the UN General Assembly in September to seek a ruling from the International Court of Justice on Kosovo's UDI; further undermining Ko-

sovo's already flimsy status with a case that many international legal experts believe Serbia has a strong chance of winning.

Though French Foreign Minister Bernard Kouchner insists that, "when two communities cannot speak to each other, but they only speak through arms, there is no choice but to separate them", Europe's own principles and practices demonstrate that other solutions exist; solutions based upon complex, multiple layers of shared and limited sovereignty designed to overcome fragmentation and division. Instead of further negotiations and attempts at concessions, however, the aspirations of local ethnic majorities, eager to establish their own mono-ethnic states, have been fuelled by the Kosovo model of unilateral secession. By discarding the ideas of compromise, accommodation and reintegration, therefore, support for the partitioning of Serbia as a solution to ethno-national conflicts is both myopic and ill-conceived.

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EAST BY EAST-WEST

SOUNDBITES FROM SERBIA'S MINISTER FOR KOSOVO

On Kosovo's UDI:

On February 17, leaders of the ethnic Albanian community in the Serbian province of Kosovo and Metohia illegally and unilaterally declared independence from Serbia.

Violating Serbia's territorial integrity and international law, the United States and some European countries extended recognition and demanded that the Serbian government and Serbs in Kosovo respect the "border" created through our territory. They further insist on acceptance of the illegitimate "authority" in Pristina and deployment of a European Union mission ("EULEX"), despite absence of any legal ground, including United Nations Security Council authorization.

These actions are clear violations of the controlling U.N. Security Council Resolution 1244 (1999), which affirms Serbian sovereignty in the province.

On Eulex:

There is no legal basis for the transfer of any competence of Unmik to any other international mission without a new UN Security Council resolution. Hence Eulex is illegal.

On Pieter Feith, the "International Civilian Representative":

Feith's mission has no legal basis in the international law and he is well aware of that. His statements have a private character and, in any case, they have no binding power either for Serbia, or for the Serbs living in Kosovo and Metohia. This is how matters stand at present and how they will remain until Feith and his mission withdraw from Kosovo.

On UN legitimacy:

The UN has a great problem because the failure for its mission would present a very difficult situation, not only for Unmik itself, but also for the idea and practice of international peace missions around the world, as it would put UN legitimacy into question.

On UN SC Resolution 1244:

Serbia will not cease to respect this document adopted by the highest UN body, but it has been undermined by the unilateral declaration of independence of Kosovo and the fact that the Kosovo Albanians are ignoring it.

On UNMIK's role:

The present situation is a challenge for UNMIK that involves creative thinking and not just pulling out before the job is done. We accept Resolution 1244 and the authority of the UNMIK police force, judiciary, and customs, but after the unilateral declara-



tion of independence of Kosovo only Serbs can support that authority with Serbian assistance. The proposal by Serbia makes it clear we are upholding Resolution 1244 and volunteering to help the UN maintain the Resolution's integrity, with cooperation of Serbs in Kosovo. The United Nations' acceptance or rejection of this offer will be a real test of whether they intend to maintain their valid role in Kosovo under Resolution 1244.

On partition:

True to form, some observers have denounced our proposal as an attempt to "partition" Kosovo, or to have Serbs "secede." Such accusations are knowing and malicious falsehoods. It is patently obvious to any fair-minded observer that we seek not partition or secession but maintaining the integrity of Resolution 1244 where possible (the areas where Serbs live) as opposed to the Albanian-dominated areas, where the UN's authority under Resolution 1244 has been negated by the separatist declaration of February 17, the illegal deployment of EULEX, and null and void foreign recognitions.

Any suggestion of partitioning Kosovo - which would be a "partition within a partition" of Serbia's sovereign territory - contradicts every argument Serbia has made.

We consistently have rejected any attempt by any party to impose an illegal and forcible separation of any part of our country, however small.

Serbia will never accept an independent Kosovo, in whatever portion of the province it may consist. One must wonder if the real agenda of those talking about partition of Kosovo - and then blaming it on the Serbs - is further "Balkanization" in other regions of the world.

On Serbia's relations with the EU:

Serbia must ask a question how the EU expects to develop relations with Serbia if at the same time it takes away a part of its territory. The Article 135 of the Stabilization and Association Agreement - which mentions the Resolution 1244 - can be problematic in the context of recognition of Kosovo. Since its initialing in November 2007, almost 20 EU countries have recognized Kosovo and we need to resolve how these recognitions relate to Article 135 of the SAA. Before signing the agreement, the EU must explain to Serbia how it defines its obligations under regional cooperation and good-neighbourly relations. This must be clarified in advance, we must know how the EU looks at relations between Serbia and Kosovo. Serbia must insist on a clear SAA agreement.

On the recognition process:

If the UN General Assembly in September takes note of the fact that less than 50 percent of the UN member countries have recognized Kosovo, this would mean that Kosovo is a quasi-state which was recognized by only a quarter of UN members, or even less. We will know the final figure by September, and if the number is lower than 50 percent, it is clear that Kosovo cannot become a member of international organizations and that it cannot have a status of a 'state' that it is claiming.

On future negotiations:

We remain ready to negotiate the broadest possible autonomy for Kosovo's Albanians, greater than that afforded any national or religious minority elsewhere in the world. But we will not be dictated to by anyone. We are willing to give the foreign governments that have been so hostile to us a chance to take a step back from the volatile situation they have created and work with the Serbian state and the Serbian people to restore peace and the rule of law, which they have so crudely damaged.

Slobodan Samarđžić is Serbia's Minister for Kosovo and Metohia

K O S O V O

IS IT RIGHT?

“Kosovo’s decision to declare independence was a bad idea. The U.S. decision to recognize it was worse -- and not because it prompted a crowd of angry Serbs to torch the U.S. Embassy in Belgrade.”

- Mark Kramer, Harvard University, USA

“The independence of Kosovo, quickly recognized by the United States, Germany, the United Kingdom and France, is worse than a crime. It is a political mistake.”

Ignacio Gil Vázquez, Managing editor of *El Mundo*, Spain

“To paraphrase Talleyrand, the invention and recognition of a “state” called Kosovo by the United States and Brussels in February was worse than gross ignorance, it was a mistake.”

- Michael Radu, Foreign Policy Research Institute, USA

“The problem is not that “Serb nationalists” are resisting “the West,” as it is put by those U.S. journalists who honor the First Amendment by parroting the State Department, but rather that the Bush administration has attempted to force a military solution to a political problem, in violation of the U.N. charter and the most basic principles of international law.”

- Robert Hayden, University of Pittsburgh, USA

“The Kosovo conflict was the flower children’s war, waged by politicians who emerged from a ‘60s generation of confused peaceniks, eco-freaks, and draft resisters. After a life-long opposition to everything NATO stood for, Bill Clinton, Tony Blair, Gerhard Schroeder, Javier Solana, and their friends hijacked the alliance to act out their mushy liberal fantasies of fitting every region into the Procrustean bed of a multicultural dream. They failed to notice that Albanians had even less interest in multiculturalism than Serbs; that the Muslim world wasn’t being appeased; and that for every Albanian saved from being ethnically cleansed in the region, a Serb was being condemned to it.

The law assumes that people intend the natural consequences of their acts. I wonder what we thought the natural consequences of putting NATO’s air force at the disposal of the KLA (Kosovo Liberation Army) would be - other than eventual secession. Canadians are lucky Bill Clinton, Tony Blair, Gerhard Schroeder and Javier Solana weren’t in charge

of the alliance in 1970 when Pierre Elliott Trudeau brought in the War Measures Act. They might have put NATO’s air force at the disposal of the FLQ.”

- George Jonas, National Post, Canada

“Far from helping to rehabilitate liberal interventionism, the Kosovo experience highlights the fatal flaws at its heart. By supporting one side in a civil war, bypassing the UN and acting as judge and jury in their own case, the western powers exacerbated the humanitarian crisis, bequeathed a legacy of impoverished occupation and failed to resolve the underlying conflict. They also laid the ground for the lawless devastation of Iraq: the bitter fruit of the Kosovo war.”

- Seamus Milne, The Guardian, UK

“News Flash: The Bush administration acknowledges there is a such thing as international law. But, predictably, it is not being invoked to address the US prison camps at Guantanamo, the wide use of torture, the invasion and occupation of sovereign countries, the extraordinary rendition program. No, it is being thrown out forcefully as a condemnation of the Serbian government in the wake of Thursday’s attack by protesters on the US embassy in Belgrade following the Bush administration’s swift recognition of the declaration of independence by the southern Serbian province of Kosovo.”

- Jeremy Scahill, The Huffington Post, USA

“Kosovo is a European crossroad. The EU is being creative on a crossroad. You can imagine that the EU is in a car, and that the lights show red. But the EU says it’s not red, it’s pink, maybe we should go. Ok, go, but don’t be disappointed or surprised if something comes in front of you from the right side.”

- Dmitry Rogozin, Russian Ambassador to NATO

“If the Balkans had an anthem, it would be that 1950’s doo-wop hit, “Fools rush in, where angels fear to tread.” The latest Balkan fools are the United States and the European Union, which have rushed in to recognize what Serbian Prime Minister Vojislav Kostunica rightly calls the “fake state of Kosovo.”

- William S. Lind, Counterpunch

“The issue is not whether it is right or wrong to keep baiting Russia, but whether it is right or wrong for the United States to keep rushing

headlong into decisions that create more problems than they solve - and whether it is right for the European Union to rubber-stamp those decisions.”

- Nikos Konstandaras, Washington Post

“The Republic of Cyprus expresses its grief on the unilateral declaration of independence by the majority in Kosovo, which constitutes a violation of the territorial integrity and sovereignty of Serbia.”

- Ministry of Foreign Affairs of the Republic of Cyprus

“The dumbest statement about Kosovo’s independence is that it will bring stability to the region, since, as anyone can see, quite the opposite is true.”

- Marinko Culic, Feral Tribune, Croatia

“Kosovo’s unilateral declaration of independence creates an extraordinary risk of instability in the Balkans. It has immediately exacerbated ethnic tensions, invited further border alterations along ethnic or religious lines, provided a potentially inviting base of operations for radical Islamists from outside Europe and has expanded the growing range of issues once again threatening to divide Russia from the West.”

- John Bolton, former US Ambassador to UN

“The main rationale for the EU’s recognition of Kosovo, as set out in policy documents, was to help stabilise the Western Balkans. So far, recognition has only created instability in that neighbourhood’s largest state.”

- The Economist Intelligence Unit, UK

IS IT UNIQUE?

“The west’s recognition of Kosovo’s independence has given fresh impetus to other separatist movements. Consider Abkhazia.”

- Shaun Walker, The Prospect, UK

“Kosovo’s earlier-than-expected secession sent shivers up the spines of the leaders of countries with their own concerns about independence movements as they braced for a tidal wave of renewed separatist sentiment.”

- Peter Brookes, The Conservative Voice, USA

“Kosovo is an example, and a very clear one, that if the community

wants to live under self-government, we have to declare very loudly our will.”

- Csaba Ferencz, vice president of the National Council of Szeklers, a local Hungarian group in Romania

“Kosovo’s recent declaration of independence sharpened the Chinese government’s anxieties over the protests in Tibet. Although supporters of Kosovo’s independence argue that it sets no international precedent, China’s rulers fear otherwise.”

- Wen Liao, Taipei Times

“Tiny Kosovo may be worlds apart from China but the territory’s unilateral declaration of independence this week has explosive implications for the Asian giant.

The Kosovo question strikes at the core of the constitutional structure underpinning the modern Chinese state, which was designed from the same federation model as the former Soviet Union and Yugoslavia. By casting a controversial vote to secede from Serbia, Kosovo is threatening to set up a precedent for China’s 56 recognised national minorities that occupy more than half of the country’s territory. In addition, there are special administrative regions as Hong Kong and Macao and the territory of Taiwan, which in theory have the same relationship to Beijing as Kosovo has to Belgrade.”

- Antoaneta Bezlova, IPS

“While the world wonders whether Kosovo’s proclaimed independence will indeed constitute a precedent, its initial effects on other frozen conflicts in Europe are beginning to be felt.”

- Zoltan Dujisin, IPS

“For Canada, recognition of Kosovo’s right to secede means two things. First, we are turning our backs on the UN and on very specific commitments that we and other NATO countries made not to dismember Serbia. Second, we are lending our imprimatur to any ethnically based province that decides to unilaterally break away from a larger state.”

- Thomas Walkom, Toronto Star, Canada

“Defending violations of international law through reiterations of “uniqueness”, meanwhile, provides an open invitation for the creation of further “unique” solutions to other supposedly “unique” situations. The international system thus ordained, based upon a constellation of arbitrariness, double-standards, inconsistency and ambiguity, will

VERBATIM

only provide more “unique” justifications for future unilateral decisions and declarations, at the expense of universal principles and stability.”

- Ian Bancroft, *The Guardian*

“It is time for India to stridently oppose unilateral declaration of independence by Kosovo, while under UN administration. India should openly support Russia and China in the UN and ask Secretary General Ban Ki-moon to explain to the world body as to how the US and allies could bury the UN mandate and agree to the creation of another nation on ethno-religious considerations. Kosovo would not be the last, in case the Big Brothers are allowed to use the NATO as a mandated force of the neo-imperialists. Who could prevent the NATO to frog-leap to Kashmir from Afghanistan?”

- Maloy Krishna Dhar, *Sify, India*

“Is Kosovo any more unique than Palestine? Yet, the administration in Washington, which has rushed to embrace the unilateral declaration of independence of the Kosovans, will not hear of Palestinian independence unless it first receives an Israeli stamp of approval.

This inconsistency, which announces that the newly born Kosovan republic will be a firm friend and ally of the US and an adversary of Russia and its allies in Eastern Europe, should give Arab governments pause for thought. Perhaps it would be wiser for them to coordinate with those countries that have reserved their recognition of Kosovo, all the more so in view of the fact that most of these countries have long ties of friendship with the Arabs.”

- Galal Nassa, *Al-Ahram, Egypt*

“So Kosovo is independent, huh? Let’s not forget the people of Darfur who are being trodden on by the ‘Arab’ Sudanese or the people of Tibet and, before I forget, don’t the Acholi

of northern Uganda deserve their own motherland?”

- Sunny Ntayombya, *The New Times of Kigali, Rwanda*

“Calling it a ‘special case’ won’t stop others from trying to follow its independence example.”

- Timothy Garton Ash, *Los Angeles Times, USA*

“Kosovo’s independence sets a precedent. The next days and weeks will be pivotal in the future statehood of Kosovo, but will also resonate for peoples around the world. Recognition of Kosovo will mean more than redrawing lines on Europe’s maps; it will redefine and clarify key concepts of international law.”

- Statement by UNPO (Unrepresented Nations and Peoples Organization), representing over 60 non-recognized independence movements in the world.

“With its encouragement and then acceptance of Kosovo’s independence, the major Western countries have opened a huge can of worms, setting themselves at odds not only with Russia and Serbia but much of the rest of the world, Asia in particular.”

- Philip Bowring, *The Korea Times*

“Kosovo’s unilateral declaration of independence is a clear example of how powerless the federal government would be to stop Quebec from doing the same.”

- Andre Joli-Coeur, *Quebec City Lawyer, Canada*

WHERE IS IT LEADING US?

“Kosovo can be settled if the Bush administration returns to the United

Nations and engages in honest negotiation with the Serbs and the Russians. More fundamentally, stability in the international system can only be restored when the United States once again honors the fundamental principles of international law that it violated by attacking Iraq in 2003, and in recognizing Kosovo in 2008.”

- Robert M. Hayden, *University of Pittsburgh*

“Yes, Europe and America back Kosovo’s declaration of independence, but most of the world does not. While Kosovo has largely won its battle for recognition in Europe, Serbia is winning over the rest of the world.”

- Michael Freedman, *Newsweek*

“One must be honest. By letting Kosovo go ahead with its declaration of independence, the European Union has fallen into a major political trap which will weigh on its internal and external policies for many years.”

- Franck Biancheri, *Newropeans, France*

“By rushing to congratulate and recognise the independence of the province, some member states have forgotten the basic principles of international law and have thus committed a cardinal sin: putting might over right. This will probably have dire consequences in the future and could lead us back a couple of hundred years, when Europe was comprised of small, fragmented regions.”

- Kyriacos Triantaphyllides, *Cypriot Member of European Parliament*

“We shall all pay for Kosovo’s independence. If one thing is certain it is that the Kosovo story has not ended with the province’s unilateral declaration of independence. On the contrary, it looks as though Kosovo will be hanging even more heavily around the necks of the international

community and the European Union in particular for a great many years to come.”

- Peter Sain ley Berry, *EU Observer, Belgium*

“The seeds for future trouble have been sown once more in the fields of Kosovo.”

- Manuel Medina Ortega, *Spanish Member of European Parliament*

“There seemed to be no immediate consequences when, in 1908, Austria annexed Bosnia-Herzegovina. Vienna was in clear violation of the 1878 Treaty of Berlin, which it had signed and kept Bosnia in Turkey, yet the protests of Russia and Serbia were in vain. The following year, the fait accompli was written into an amended treaty. Six years later, however, a Russian-backed Serbian gunman exacted revenge by assassinating the heir to the Austrian throne in Sarajevo in June 1914. The rest is history.

Parallels between Kosovo in 2008 and Bosnia in 1908 are relevant, but not only because, whatever legal trickery the west uses to override UN security council resolution 1244 - which kept Kosovo in Serbia - the proclamation of the new state will have incalculable long-term consequences: on secessionist movements from Belgium to the Black Sea via Bosnia, on relations with China and Russia, and on the international system as a whole. They are also relevant because the last thing the new state proclaimed in Pristina on Sunday will be is independent. Instead, what has now emerged south of the Ibar River is a postmodern state, an entity that may be sovereign in name but is a US-EU protectorate in practice.”

- John Laughland, *The Guardian, UK*

“Kosovo: Coming soon to a theater near you.”

- Michalis Firillas, *Haaretz, Israel*

APHORISMS

My friend, beware of people! There are many of them who are just like you.

Some animals have human characteristics. The other ones I do like.

Is a new war possible? I don't know. All the previous ones seemed impossible.

We are the strongest when things are hardest, but for us, everything comes easy.

I don't agree with you, but since I am a tolerant person, I will leave you the opportunity to agree with me.

On the frontline, I was very humane. I took care of a television set which lost everybody in this world.

In the West, neighbors don't kill each other. They are terribly alienated.

The problem with foreigners is that they don't understand what's going on in this country, and we're not here to solve their problems.

One should forgive his enemies, then destroy them as friends.

The politicians have promised: We will live better! And they do live better.

The best government is always the one that has yet to come, provided that it never comes.

Lend me, please, a thousand euros. I will owe you forever.

We are in the same shit, but we arrived first!

- Aleksandar Baljak

We couldn't choose between Eastern and Western civilization, so we opted for a compromise: We will be uncivilized.

- Momčilo Mihajlović

We used to cherish the myth of the Kosovo battle. Today we believe in the myth of a Kosovo compromise.

- Ivan Samardžić

The Ottoman Empire, the Austro-Hungarian Empire, the Germans, NATO... There are no easy opponents in our group...

We respected the ceasefire, until we got to know it a little better.

History will make the final judgment about all of us. In absentia.

- Dejan Tofčević

REALISM OR PROTRACTED CONFLICT?

THERE COULD BE LITTLE DOUBT THAT THE INDEPENDENCE DECLARATION OF KOSOVO HAS CREATED A NEW SITUATION, AND A NEW CRISIS IN THE REGION, WITH IMPLICATIONS MUCH WIDER THAN THE PROVINCE'S BORDERS. IT IS EVEN CLEARER THAT UNLESS REALISM PREVAILS THIS CRISIS COULD ONLY WORSEN OR, AT BEST, FESTER FOR A LONG TIME, WITH A GOOD CHANCE THAT IT WOULD PERIODICALLY RESULT IN EPISODES OF VIOLENCE. THE PROBLEM IS THAT REALISM AND SOLUTIONS BASED ON IT ARE NEVER PAINLESS, EVEN MORE SO WHEN THE PARTIES IN CONFLICT START FROM DIFFERENT PREMISES, EVEN IF THEY ARE BOTH MISTAKEN.

That is precisely the problem with Kosovo. The United States and most Europeans claim that their formal recognition of a secessionist province of an internationally recognized state, Serbia, is a one-time event, an exception with no wider geographic or legal implications. That, to put it gently, is delusional – the Russian puppet “authorities” in Abkhazia have already noted the usefulness of the Kosovo precedent for their own ambitions, and while they have even less of a demographic case for independence from Georgia, they enjoy a similar advantage: the support of a great power, in their case Russia. Leaving aside the obvious fact that international law, even when applicable, which is not the case in Kosovo, has no built-in enforcement mechanism other than the specific interests of great powers, the fact is that a law with “exceptions” is hardly acceptable to those who are not themselves the happy exception. In the Kosovo case even the usual copout – unenforced UN Security Council resolutions – is unavailable due to the sharp differences between the permanent members. The solution, if any, is regional.

What both the U.S. and its allies, and the Serbs forget, or pretend to forget, is that Kosovo's independence is a product of war between NATO and Belgrade – not of secessionist Albanians against Serbia. That has two implications: that any negotiated solution should be between the two sides in the war, and that, since one side lost, certain new realities do exist. Serbia has no reason, or obligation, to discuss with the so-called Kosovo government, and no realistic chance to recover the province in its entirety, now or in the future.

That is very painful and still unacceptable to most Serbs, with good historic and emotional reasons, but a rational analysis would also suggest that the cost of maintaining control over two million unwilling Albanians would be unsustainable and a highly autonomous Kosovo under formal Serbian sovereignty meaningless. However, Belgrade is not without legitimate grievances against NATO and the EU, nor is it without means to promote them effectively.

It should be obvious that the European Union, or its dominant members, have no real understanding of Serb interests or popular feelings – otherwise it



would not believe that the promise of EU membership in an indefinite future compensates for the double mutilation of the country – culturally by the loss of Kosovo and ethnically by the forced separation of Serbs from Bosnia and Kosovska Mitrovica from what they see as their mother country. It is precisely this issue which should provide Belgrade with the means to mitigate for the loss of most of Kosovo.

Even if some new government in Serbia would somehow remain implausibly indifferent to the situation of Serbs in Northern Kosovo and Republika Srpska, facts on the ground are such that the present status of those areas cannot continue indefinitely. What Belgrade could, and for the ultimate stability of the entire region should do, is to continuously raise those issues in a realistic way. Thus the recognition of Kosovo's loss – not of its “independence” – should be conditioned on the equal recognition of the Serbs' of Mitrovica and Bosnia's right to self-determination. On the other hand, the future of the remaining Serb population of Kosovo, if any, is and will remain bleak, as is that of the medieval Serb monuments there. Regarding the latter, even

assuming NATO, EU, or UN protection and a functional government in Pristina – both unrealistically optimistic assumptions – they will always be threatened by any radical Albanian nationalist or Islamist group willing to shore up its ideological credentials.

It is ironic to hear Pristina and, especially NATO protest Belgrade's involvement in Mitrovica in the name of Kosovo's territorial sovereignty but, beyond the manifest hypocrisy, the fact remains that in the long run Pristina does not have the means (and the West the staying power) to enforce Albanian rule there.

In essence, Belgrade should treat Mitrovica as part of Serbia, help it economically and financially, and, without encouragement or use of violence, make its control by EU/NATO, let alone Pristina, prohibitively costly and embarrassing, by recognizing only local authorities as legitimate. Nor is there any reason for Serbia to have any economic or trade ties with Kosovo, whether they involve electricity supplies, cooperation at the Trepca mine, etc. While the cost to Serbia may be significant in the short term, for Ko-

sovo it would mean that it remains “a poor adopted orphan of the West” as the New York Times put it recently.

Ultimately, however, Serbia's best allies in the long term are the Albanians themselves – their nationalism, history and poverty are likely to combine to demonstrate what should have been obvious for a long time – that Kosovo as an “independent” entity is a major destabilizing factor for the entire region. If they do not want to recognize this now, Montenegro and, especially Macedonia, will soon be forced to do so and share Serbia's worries.

All this, of course, assumes a deft and cautious Serb diplomacy, patience and realistic expectations. In many ways, at least in regard to Kosovo, the very lack of viability of that entity and the cost to the West to maintain it do not bode well for its long term future within the present borders.

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SEVEN WAYS OUT OF THE KOSOVO CRISIS

1. Formal partition:

This would allow northern Kosovska Mitrovica and the predominantly Serbian municipalities of Zvečan, Zubin Potok and Leposavić to be a part of Serbia, whilst the rest of Kosovo is independent according to the Ahtisaari Plan. Benefits: There is already a de-facto partition of Kosovo, with the north essentially being a no-go zone for Albanians. The authority of Pristina is not recognised by the majority Serb population, who look to Belgrade as their capital instead. The United Nations (UN) has problems asserting its authority here and the EU mission cannot deploy. Basically, northern Kosovo is not integrated into the rest of the territory, and it will become increasingly difficult (if not impossible) for it to do so. A formal partition will resolve this problem and quell much of the violence that has occurred since Kosovo proclaimed independence. Problems: All parties oppose this solution. The main concern is that Serbs in enclaves in the Albanian part of Kosovo would be isolated, although the Ahtisaari Plan contains provisions that would address this problem.

2. Creation of a Serb entity:

As formal partition is strongly opposed by the United States and European Union, perhaps a Serbian entity could be established within Kosovo. The entity would comprise northern Mitrovica, Zvečan, Zubin Potok, Leposavić, Strpce as well as Novo Brdo, Gračanica and other Serbian areas. Benefits: This would allow the territory of Kosovo to remain whole, whilst giving Serbs a greater sense of security through unification of their areas within Kosovo. Serbs would thus feel more in control of their own affairs. It would also resolve the problem of integration of the north, without formally partitioning the territory. Problems: The establishment of a Serb entity would lead to fragmentation of the territory and would undermine the government in Pristina. It would also encourage ethnic segregation.

3. Review of the situation:

The situation could be reviewed after a specified period, or even at defined intervals, with a set of specified options available depending on the outcome of the review, eg. to maintain the current level of supervision, to reduce the level of supervision, or in extreme circumstances, reinstate Kosovo as an international protectorate. This would theoretically open the way for new negotiations. Such a review offering various outcomes would to some extent make independence conditional upon certain standards being achieved. Benefits: It would provide an incentive for the Pristina authorities to achieve and maintain high standards (eg. good governance, protection and rights

of non-Albanians etc) if Kosovo is to be independent with less international supervision. It would also act as a deterrent (ie. Kosovo could once again become an international protectorate if standards are not achieved or maintained), and may additionally prove effective in dealing with organised crime and corruption. Problems: Belgrade and Kosovo Serbs do not have anything to gain, as they do not recognize the basis behind the review – the UDI. The review would also likely provoke strong reactions from the Albanians that their independence has further conditions placed upon it, which theoretically could lead to its loss.

4. A temporary solution:

Bearing in mind that the status quo of Kosovo was considered to be unsustainable, Kosovo could be given a temporary status until the parties reach an agreement as to what its final status should be. Perhaps the supervised independence as defined by the Ahtisaari Plan could be regarded as a temporary solution until a final status agreed by both parties is found. Benefits: This would allow negotiations to be reopened without taking away Kosovo's independence, and would enable it to have a definite status during the process. Problems: Belgrade and the Kosovo Serbs oppose the Ahtisaari plan. Supporters of the Ahtisaari Plan would object to it being downgraded to a temporary solution, which may affect the conduct and impartiality of the negotiation process. There would probably be violent reactions by the Albanians to the possible loss of their independence.

5. Interim status:

Essentially a temporary solution, but this time with Kosovo being an autonomous region of Serbia, rather than independent. If Kosovo were to become autonomous within Serbia – even if only temporarily – this would imply that the unilaterally declared independence would be annulled. An annulment would be necessary particularly if new negotiations were to be opened. If no annulment could be obtained, then Serbia with the support of those countries that do not recognise independence, could implement its proposal for substantial autonomy. If those countries then formally recognised Kosovo as a part of Serbia according to this plan, then Kosovo would have two statuses (it would be independent according to the Ahtisaari Plan as well as an autonomous region within Serbia according to the General Agreement on substantial autonomy). As a territory cannot have more than one status, and in such circumstances there would be a risk of serious conflict, the international community would be forced to open new negotiations.

Benefits: This would enable new negotia-



tions and allow Kosovo to have a defined status whilst the search for a mutually acceptable solution continues. It would also prove to those with doubts about autonomy the worthiness of such a solution. Perhaps most importantly, this option would show a respect for international law and uphold the credibility of the United Nations. Problems: Kosovo's independence would have to be annulled, which would present a risk of a violent backlash by Albanians.

6. Annulment of unilateral independence:

The international community could annul the unilaterally declared independence of Kosovo, thus enabling it to continue under UNMIK as a protectorate. Alternatively, Kosovo could be designated a EU protectorate, with EULEX receiving authorisation from the UN Security Council to replace UNMIK. Benefits: It would demonstrate respect for international law and uphold the authority of the United Nations. It would also allow Kosovo's status to be determined from a neutral starting point. Problems: Apart from anti-Serb violence, Kosovo would lack a definite status which would be considered as a factor of destabilization.

7. An international conference:

A conference could be called with the aim of resolving the current crisis and negotiating the status properly. It would involve Belgrade and Pristina, a wide selection of experts, and representatives from the UN and Contact Group. Such a conference could be called at anytime, regardless as to whether or not the unilaterally declared independence has been annulled. Benefits: It would enable the whole issue of Kosovo's status to be thoroughly debated in a coherent manner by a wide range of delegates. There would be less opportunity for bias, as the representatives would be from both sides, international organisations, Contact Group countries (including Russia and the USA) and experts both independent and from a variety of organisations, with different backgrounds and a diversity of views. There would be no envoys and all participants would be equal. Problems: The Albanians would be unwilling participants and would probably not cooperate fully.

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NEW KOSOVO WORLD ORDER

KOSOVO IS A SYMBOL OF A NEW THEORY AND PRACTICE OF INTERNATIONAL POLITICS WHEREBY THE US IS TIPPING THE BALANCE OF CURRENT WESTERN POLITICAL PRACTICE IN FAVOR OF A NEW GEOPOLITICAL VISION LED BY THE INTERESTS OF THE TRANSATLANTIC COMMUNITY, AT THE EXPENSE OF EUROPEAN UNITY AND VALUES.

The „Kosovo case“ is by no means over. The reason behind is not just the low number of countries which have recognized its unilateral secession. Nor is it the fact that the so-called “Republic of Kosova” - created out of direct legal violation of the UN Charter and of the Helsinki Final Act - exists in a state of legal vacuum which directly prevents its membership in most international institutions, and thus its practical functioning and survival.

The “Kosovo case” will remain open for a number of years, perhaps decades, first due to problems of legality and legitimacy, and second due to concrete empirical situation in the field: none of these factors play in favor of a realization of Kosovo as an independent state. The first one because of the serious endangerment of the international legal and political order, the second because of the fact that Kosovo in the long run will look like a non-functional entity as an international protectorate, which furthermore has a “de facto” divided institutional functioning between the Serbian and the Albanian communities.

These factors, however, do not mean that the “Kosovo case” will be archived as a difficult and painful case, for which there are not enough facts or “enough witnesses” (the idea of a frozen conflict). To the contrary - it should be expected that the question of Kosovo in the upcoming period remains in the heart of interest of not only Serbia and the Balkans, but also of the United States, Europe, Russia and other countries around the world.

The reason behind lies not only in the sphere of obvious, undoubtedly very important geostrategic interests of the leading powers - such as the Bondsteel base, the positioning of NATO and the reaction to such moves, such as Russia’s return to the Balkans - but also in two structurally different moments, which represent the symbolism of the Kosovo precedent.

While in the sphere of realpolitik the success of Kosovo’s (in)dependence means an important point in the international rapport de force between the East and the West, on the symbolical level the stake is much more important.

It is about a specific historical role which the “case of Kosovo” has in its double meaning. On one side, in fact, the green light from the US and the



leading European countries for the unilateral declaration of independence, and then the subsequent recognition of this illegal act, have demonstrated that it is very likely that the question of Kosovo brings with itself the changes on the world political scene with consequences for the international law and international politics, which globally represent more than collateral trouble.

The historical role of the “Kosovo case” in this sense is related to the possible attempt by the US to use the clear violation of international law and the ignoring of institutions such as the UN, in order to mark the beginning of the creation of a “new model for international politics” with the goal of the further expansion of US domination, be it through the reform of current or the building of new international institutions (Abramowitz, Gelb). In such manner, the “Kosovo case” would in the historical context show up as a symbol of a new theory and practice of international politics or, more precisely, as a systematically-planned attempt by the US to tip the balance of current Western political practice in favor of a new geopolitical vision led by the interests of the Transatlantic community.

This suits as well the realization of the idea of a “Concert of Democracies” as a community of “democratic nations” from which Russia, China and many

other countries would be excluded (Frolov, Rahr). The recognition of Kosovo’s independence would in this way appear as the first “fait accompli,” by which the opinion of the large number of states as well as of the UN Security Council were left ad acta, that is as a first act on the basis of which the future basis institutions of international law and important political actors can be put aside by the self-proclaimed “democratic society.”

This kind of “democratic society” in the making, which can be detected in the US foreign policy in the last several years, has been confirmed by the policy of leading EU countries.

In this context, the second symbolical meaning of the “Kosovo case” lies in the fact that in their approach towards Kosovo’s independence, the leading European institutions have brought into question European identity and the meaning of Europe as a community, be it as a community of law or a community of values.

By breaking the UN Charter as well as its own principles and treaties (on the EU and on the founding of the EC), through its illegitimate decision to send the EULEX mission and its strategy of recognition in phases created by the Contact Group, the EU has chosen the policy of interventionism, which

is contrary to any idea of democracy. In the years to come, Europe will thus have to use great efforts if it wants to form its own political subjectivity. In the other scenario, Europe will really become a chessboard in which Washington will play with Russia, and the consequences of the “European” decision to recognize Kosovo will directly undermine the region’s peace and stability.

Depending of how the Kosovo case develops in the upcoming period, we will be able to see whether international law and international institutions such as the UN still matter. It will also show whether Europe will continue to play a “democratic tango” with the US in the “Concert of Democracies,” which would have as a consequence the opening of a new chapter of confrontation between the West and Russia. In that case, there should be no doubt that Russia will intend to restore its international influence. If there are no relevant international institutions in which it could do so, it will do so by other means.

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KOSOVO

ON THE GEOPOLITICAL CHESSBOARD

WITH AT STAKE EUROPE'S LARGEST US BASE, THE PROXIMITY OF THREE KEY EUROPEAN TRANSPORT NETWORKS AND CONSIDERABLE MINERAL WEALTH, IT IS NO WONDER WHY KOSOVO HAS BECOME A GEOPOLITICAL CHESSBOARD WITH MOVES BEING PLAYED IN AND AROUND BY THE UNITED STATES, THE EUROPEAN UNION AND RUSSIA.



and Root Services”, a subsidiary of Halliburton Oiled at one time by Dick Cheney, it is the first employer in Kosovo with 20,000 indirect jobs. Bondsteel is a real city, with a downtown, movie theaters, a Burger King and Europe's largest military hospital. As Bryan Hopkinson, director for Kosovo of the lobby organization International Crisis Group, said in November 1999: “This base is a response to the need for a presence in Balkans which will be felt in several years”). Situated near Urosevac, in the sector East of Kosovo, Bondsteel is 40 km away from the strategic corridors VIII (Adriatic – Black Sea) and X (Central Europe – Aegean).

This is where the US clash with Russia, which is competing with AMBO by re-directing petrol from Burgas towards the Greek port of Alexandropolis in the Aegean Sea, and then towards Western Europe. Russia is in fact making a striking comeback in the Balkans, mainly through energy pathways. The project “South Stream” has received strong support in the region and Moscow is becoming a key player in Serbia's and Bulgaria's energy sectors. Moscow's projects are contrary to AMBO's project to transit through the Balkans the hydrocarbons from central Asia.

At the intersection of the corridors VIII and X, and close to corridor IV (Germany – Turkey), Kosovo is the heart of a network of primary importance. A true funnel when we observe the valleys of the Metohija and their fence of Kosovo from the central-European point of view, the province opens up to corridor VIII through its façade turned to the south and Macedonia. When we know that Kosovo has some rare minerals such as tungsten and zircon which could be used for missile heads, it is easier to understand the US interest for the axis Burgas/Durres. Since 2002, the American consortium AMBO (Albania, Macedonia, Bulgaria Oil), held by Bondsteel maker Halliburton, is constructing on this axis a pipeline aimed at transferring petrol from the Caspian sea towards Western Europe.

Finally, a strategic interest in Kosovo might lie in the fact that Kosovo has some of Europe's richest reserves in coal, but also in lead, zinc and lignite. The Trepca mine has some 7,5 million tons of mineral reserves, while Kosovo also has silver, gold, nickel, bauxite and manganese. According to a World Bank report, the richness of the Kosovo resources could amount to 13 billion dollars.

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The European Union's presence has increased in the Balkans region through the enlargement process, but also through its military or police presence in the ground – in particular through EUFOR in Bosnia and the announced EULEX mission to Kosovo.

of course, the camp which is – 12 years after the war ended – still and durably implanted in Tuzla, Bosnia-Herzegovina.

This gradual engagement of the EU is, however, counterbalanced by the strong implantation in the Balkans of American military bases. Since 1999, the strategy of the American government has been to transfer towards the Balkans key elements of its European forces in order to better redeploy them towards the Middle East. At the time of NATO bombings against Serbia in 1999, the US inaugurated the base of Szeged on the Hungarian-Serb border. In Bulgaria, two bases were built by the US army since 2001, while a third one is being negotiated. Even more characteristic is the fact that four US bases have been built on the territory of Romania in five years (2002-2007), including two in Romania's Constance region (the intersection of Rhine/Maine/Danube and the Black Sea). Without forgetting,

In the centre of this impressive display is the largest US base in Europe – Bondsteel. Constructed since 1999, it covers 750 hectares and can be a home to 7000 soldiers. It is composed of 300 buildings, 25 km of asphalted roads, and is defended by a wall of concrete 14 kilometers long. Big enough to hold an increasing number of US soldiers, Bondsteel is a starting platform for any future US military intervention in the region.

In January 1999, the editorialist of the Washington Post said: “given that the Middle East is becoming increasingly fragile, we will need bases and the right to fly over the Balkans in order to protect petrol from the Caspian sea”. Thus Bondsteel was used to replace the air basis of Aviano (Italy) in the scope of reorientation of the US strategy around the Black Sea (Bondsteel is a perfect example of the US military-industrial complex. Constructed by the private society “Brown



FIVE CONTINUOUS BLUNDERS OF THE “INTERNATIONAL COMMUNITY”

It hardly understands its own role

Media and politicians convey the view that the international so-called ‘community’ is a detached peacemaker in the world’s conflicts, neutrally and impartially fighting for freedom, democracy, peace, and human rights. Unfortunately, this international ‘community’ are participants with past, present or future interests. No knights altruistically ride in on white horses to save people for humanity’s sake.

The international ‘community’ is not a mediator in the Balkans, the Middle East or in the Far East. And if the UN comes closest to a truly mediating role, leading members will undermine it. National(ist) governments are not mature for global governance or the common good for all.

The international “community” is a euphemism: a handful of Western leaders having appointed themselves as spokespersons the world.

Too late, not intellectually equipped

Anyone informed about the region’s complexities and Kosovo’s polarized situation in the 1980s knew how dangerous this conflict was. Nobody in the foreign ministries listened. There was virtually no expertise and Europe was occupied with Maastricht and the dissolution of the Soviet Union. Yugoslavia would be ‘fixed’ later.

In addition, peacemaking and peace building remains amateurs’ playground. To my knowledge, no ‘mediator’ sent to Yugoslavia had taken as much as a weekend course

in the academic-professional knowledge fields like conflict analysis, negotiation, conflict transformation, or reconciliation. Would they send their young boys to the front without training? Would they themselves undergo surgery by someone without medical education?

Outdated conflict paradigm

After the end of the Cold War, there was only a two-party model in the mental map of decision-makers. It was applied with no understanding to the Balkans: the Serbs were cast in the role of the dangerously expansionist, Orthodox Russians, while the Slovenes, Croats, Muslims and Albanians, like the Baltic Republics, played the peace-loving, innocent, democratic Westerners. The # 2 man told me at the US Embassy in Zagreb – “You must understand, Dr. Oberg, that we shall never treat the Serbs the way we treat the rest.”

That’s why we witness independence for Slovenia and Croatia and de-facto for Croats in Bosnia (Herceg-Bosna) and Albanians but not for Serbs in Croatia, Bosnia and Kosovo. And during the night of December 15-16 1991, the EU made its hitherto only decision with One Voice: Recognizing prematurely Slovenia and Croatia out of Yugoslavia without a clue about the rest and knowing well that it made war in Bosnia unavoidable.

No principle, the only principle

Serb minorities in Croatia and Bosnia were neither entitled to normal human rights principles or protection by the West, not worthy

a fair listening. The Serbs were Milosevic. The crime of the Serbs as a people was that they insisted that they would live in the multi-ethnic Yugoslavia and even be Yugoslavs but not become minorities in haphazardly created new countries under new nationalist leaderships which, historically, reminded them of the Second World War.

The international community preached principles and law – and broke it in terms of simple fairness, minority protection, bombings in Bosnia and Serbia, and the recognition of Kosovo as an independent state in gross violation of UN Security Council Resolution 1244, the European Charter and a series of other norms and texts.

Strategic interests, not humanism

It wasn’t about goodness exactly, or justice. It was a fierce struggle about the strategic Balkans, the triangle of the Middle East-Balkans-Central Asia, about the spoils after the Soviet Union, oil and gas from Central Asia, the EU’s identity, self-assertion and One Voice as well as Atlantic relations. It was about saving some *raison d’être* for an alliance that had none after the Warsaw Pact crumbled - NATO. The largest US base after Vietnam and before Iraq is Bondsteel; but the media never told you. It was built in no time right outside Pristina after NATO’s bombing and linked to Clinton’s militarization program all around Russia begun in 1992.

Conclusion: No end to Yugoslav drama

Tiny Kosovo will remain a regional, a European and a world order issue. We have not

seen the end of the Yugoslav drama. Independent Kosovo is likely to prolong it – if not for the status itself, for the way that status has been achieved. It will, thus, in all likelihood remain a millstone around the neck of the EU and will strengthen the wish for secession worldwide.

Did the international community make mistakes? Or did it have a deliberate plan to destroy Yugoslavia? Or was it a mix of this spiced with general conflict illiteracy? The answer is as hugely complex as it is important.

One mechanism is obvious, however: having started out with the outdated, two-party conflict paradigm – one all right, the other all wrong - borrowed from the just dissolved Cold War structure, nothing could go right. And since this community by constitution cannot admit that it makes mistakes, it has had to build on blunders, covering them up by continuing its irrational, counter-productive policies.

The sum total is a boomeranging make-believe such as independent Kosovo.

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