



UNILATERAL INDEPENDENCE SENT TO WORLD COURT

...AND NINE OTHER TOP KOSOVO STORIES FOR 2009

Following the overwhelming support of the UN General Assembly to send the case of Kosovo's unilateral declaration of independence (UDI) to the International Court of Justice in The Hague (ICJ), as well as the UN Security Council's "green light" to the EU mission Eulex on the condition that it does not implement the Martti Ahtisaari plan on "conditional independence", the highly controversial year of 2008 ended with a slight return to international law. Whether this return to the rule of (international) law will be sustained, however, will be one of the top-ten stories of 2009.

1) Will the ICJ be able to process the Kosovo UDI case without political interference?

Serbia's initiative to send the case of Kosovo's secession to the ICJ has received overwhelming support – with only the US, Albania and four microstates of the Pacific opposed. The Court will receive opinions from UN member states and all the parties concerned by April 17, as well as responses to claims by July 17, before launching a second round of sessions next autumn. Whilst the court is unlikely to deliver its opinion during 2009, the way the process is handled throughout the year will be an indication as to whether or not the court will be able to stick to the clear principles of international law or become prey to political interference whose aim is to achieve "creative interpretation" of the case.

2) Who will prevail in the recognition war?

By the end of 2008, Kosovo's UDI has been recognized by roughly a quarter of UN member countries. In 2009, the US is likely to continue pressing for more recognitions, along with London, Tirana and Istanbul, which have been the most outspoken lobbyists for the case. On the other side, Russia and China provide a balancing force in the UN Security Council, Albania and Turkey have been almost shut out by overwhelming opposition from Arab/Islamic states, regional powers such as Brazil, South Africa, Egypt, Indonesia and India are lobbying against in their own neighborhoods, and the real or perceived effect of the Kosovo precedent continues to scare countries worldwide. Spain, Romania, Cyprus, Greece and Slovakia lead the opposition in the EU. As a result, 2009 might be a "make or break" year for Kosovo – without a breakthrough in the recognition battle, and with an expected decision of the ICJ in 2010, its chances of legitimizing its unilateral move will continue to dwindle.



3) Will the "Kosovo precedent" effect continue?

The toll of the Kosovo precedent in 2008 was most directly felt as Abkhazia and South Ossetia proclaimed secession from Georgia, military tensions increased over Nagorno-Karabakh and Kashmir, while secessionist movements used the momentum to push for their causes in the Basque country and Sri Lanka. In 2009, this trend could be reversed by firm respect for the ICJ process, the failure of the "recognition process" and the prospect of a return to the negotiation table.

4) Will the EU start conditioning Serbia's integration with implicit Kosovo recognition?

Both Belgrade and the Brussels administration argue that Serbia's EU integration and the Kosovo status are two separate, in no way interlinked, processes. This is to a large extent due to the fact that five EU member countries openly oppose Kosovo's secession, which makes it unreasonable to impose such a condition to an aspiring EU candidate. The second school of thought argues that Belgrade should be conditioned with recognizing Kosovo "sooner rather than later", despite Belgrade's clear rejection of either option. However, there lies in the middle the option of "creeping" or "incremental" recognition – that is of getting Serbia closer to recognition step-by-step, throughout the years and in the context of "good neighborly" relations as a precondition to EU integration.

In the autumn of 2009, the European Commission is due to present its "study" on the prospects of Kosovo's integration into the EU. This might be a turning point in the way Brussels will treat Kosovo: as

an "independent country" equal to other Western Balkans countries or as a "non-state entity" without a clearly defined status, which will need a special mechanism for pursuing European integration. This, in turn, might determine the path for Serbia's integration in the EU.

5) Will Kosovo be able to function in the region?

Belgrade has declared it will not prevent Kosovo's participation in some regional organizations, such as CEFTA, if Pristina is represented by UNMIK and not by the authorities of "independent Kosovo". Such a solution avoids blocking practical benefits for all citizens of Kosovo, but will the Albanian leadership accept it?

6) Will the EU/UN implement correctly the six-point plan backed by the UN SC?

Without the UN six point plan and a strict status neutrality of the EU mission, Belgrade would have never accepted helping out Eulex deployment in December 2008. Early 2009 will show whether the agreement was made only to allow for Eulex's deployment or whether the EU mission is indeed serious about respecting the UN framework. The Pristina authorities have already declared the UN plan as "dead" and prefer to consider the Eulex mission as a step towards establishing control over Serb areas of Kosovo. If Eulex shares this interpretation, it will lead to the delegitimization of the mission among Kosovo Serbs, to opposition by Serbia and a to new clash in the UN Security Council.

7) Will Eulex tackle Albanian organized crime?

Nine years of impunity and inefficient UNMIK proceedings have left the Alba-

nian organized crime networks largely untouched and in close correlation with the political powers.

Intelligence services, anti-corruption agencies and human rights organizations have all published reports documenting these links. Will it be enough for Eulex to do the job it was invited to do? Or will "fear continue to reign in Kosovo", as the Human Rights Watch warned in December 2008?

8) Will Haradinaj return behind bars?

New investigations led by the Council of Europe on the organ trade of kidnapped Kosovo Serbs, as well as information from former UN investigators involving former Kosovo Prime Minister, Ramush Haradinaj, might in this case pave the way for the former KLA leader to be returned behind bars in 2009. Human Rights Watch has furthermore called on Eulex to rapidly investigate ethnic crimes, and in particular to make progress on prosecutions linked to the March 2004 anti-Serb violence and prosecutions for war crimes.

9) Will Albanian ultranationalism be tamed elsewhere in the Balkans?

With the focus on Kosovo, little attention was paid throughout 2008 to other Albanian "questions" in the region. By the end of 2008, however, former Albanian guerrilla leaders in Macedonia began threatening to restore previous forces, whilst former guerrilla members from Kosovo were arrested in southern Serbia. With Albania joining NATO in 2009, will it be encouraged to tame various radical ethnic Albanian movements in the region?

10) How will Kosovo get through the global financial crisis?

Independent or not, UN or EU protectorate, Kosovo remains the poorest region of Europe, with the highest unemployment rates and the lowest wages, with dependence on donations and foreign remittances and with no viable strategy for developing a credible economy. International mismanagement of the allocated funds has been notorious for years and it remains to be seen whether the promises of the 2008 donors conference will be held in the context of the global financial crisis throughout 2009.

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WHY KOSOVO IS NOT UNIQUE

THREE BELGIAN PROFESSORS AND A DOZEN OTHER EXPERTS ARGUE AGAINST THE “SUI GENERIS” CASE



Barbara Delcourt, professor at the Université libre de Bruxelles (ULB):

The argument of the “unique case” is to say that a given situation is “unheard of” and that there is no situation anywhere else in the world which has similar characteristics in terms of political and legal configuration.

In the case of Kosovo, the territory is under UN administration. The UN does not have sovereignty - it only administers the territory. The population wants independence, does not want to be under sovereignty of either Serbia or a neighbouring country. There is also a military power following a military intervention there. The “uniqueness” argument says that this configuration is absolutely unheard of, because in other cases of secessionism there has been no military presence nor international civilian presence.

So, in terms of facts, the Kosovo case seems quite original. But is it so unheard of that the international law is not applicable there?

In fact, the argument of “sui generis” is not an intellectual construct, but an argument (not even an argument but an authoritarian statement) which has the purpose of serving a policy - a policy of recognition of an entity which could not base its proclamation of independence on any specific legal right, such as the right to self-determination.

The “sui generis” phrase is being ex-

plained by the fact that we did not find other arguments. So it is in a way an intellectual facility to say: “we should not care about existing rules, because there is nothing comparable to this situation - so let us stop talking about applicable law. Our recognition of Kosovo is being justified by political, moral and geo-strategic motives and the law does not matter there”.

Why is this not convincing on intellectual level?

Because while we actually see slight differences between Kosovo and other situations in the world, this does not mean that the international law is not applicable in this case. It is not because international law has not provided a specific plan for a case like Kosovo that it should not be deemed pertinent enough to deal with this situation.

The great weakness of the “sui generis” case is the fact that no law can ever predict all the situations in which it could be applicable. And anyway, why should what is happening in Kosovo make the law inapplicable?

Why would be the principle of non-interference in the internal affairs of Serbia not applicable?

Why would an international administration of a territory make obsolete the rule of the respect of the territorial integrity of states?

There are no counter arguments from the ‘sui generis’ proponents to either

of these questions, and I do not see why fundamental rules and structural principles of the international legal system cannot be applicable to this case.

In sum, there are some specific facts in terms of Kosovo, but this does not justify a situation in which the law cannot be called upon.

In Kosovo, we have a secessionist demand which is not accepted by the central authorities in Belgrade, we have states supporting and states opposing, as well as the UN incapable of making a decision. This configuration, this imbroglio is not in any way exceptional. In all cases of secession, we have states which say that secession should be supported because it is legitimate or for geo-strategic reasons, we have international or regional organizations which are stuck and cannot have a definitive say, and we have those who are criticizing - this is terribly banal.

Also, we often say that the international law is neutral towards secession. But we realize that this thesis does not hold, quite the contrary. If we read Resolution 1244 and the resolutions on Abkhazia and South Ossetia, we shall see that international institutions always tend to support the maintenance of the territorial integrity of a state, of coming to aid to existing states and of reaffirming the right to territorial integrity.

Rebels, secessionists are imposed certain rights and obligations, their secessionist demands are not supported, but they are rather urged to resolve political problems through political negotiations.

Bruno Coppieters, professor of Political Science at Vrije Universiteit Brussel

The question of whether Kosovo is a unique case is an interesting one. It is intriguing in itself to learn why the EU keeps talking about a unique case and not about an exceptional one. A simple answer is that unique cases do not refer to general principles, whereas exceptions do. Exceptions are rule bound.

There are general rules and principles, and there are principles that may justify exceptions. We may talk about unique cases when they fall outside a general normative framework and when there are no clear principles telling us why they fall outside this framework. We may either not know these principles, we may fail to agree

on their meaning or application, or we may not be interested in making them explicit. Then we would say that they fall outside the general framework for the reason that they are unique.

The EU does not know how it can justify, in general terms, why the principle of the territorial integrity of a state should be overruled in one particular case.

The EU would be happy to claim that the UNSC has the legal authority to overrule the principle of territorial integrity in the case of Kosovo, but it is unable to do so, due to the position of Russia and China.

It is also impossible for the EU to make a general claim that it has the legitimate authority itself to overrule the principle of territorial integrity on European territory.

Due to the lack of clear principles justifying the recognition of a unilateral declaration of secession, it is quite understandable that the EU is talking in terms of a unique case.

It may be concluded that there is no point in conceiving the recognition of the unilateral declaration of independence of Kosovo as unique. It makes more sense to consider it as exceptional.

Such an exceptional decision could in principle be justified by the EU on the basis of a set of general principles, if it is feasible or if the EU has an interest in doing so. But the EU member states would not be able to agree on the choice of such principles, on their meaning or on their method of application to any particular case. Moreover, the EU has no interest in loosening the validity of the principle of territorial integrity, which is the inevitable result of such a normative discussion on the question of secession.

Olivier Corten, professor of international law at the Université Libre de Bruxelles (ULB)

As far as the international law is concerned, this is not a unique case. What do we see in Kosovo? We have a situation which is quite common in the world: a part of a territory seeks secession, a central authority tries to prevent it forcefully, secessionists lead an armed struggle - all this is common in many places in the world.

The right to self-determination of territories was recognized only in the case of decolonization - which means

in situations where two territories are not geographically connected. But we have never gone beyond that and I do not believe we will be going beyond because states are the ones making international law and they do not want to shoot themselves in the leg.

At the time of the recognition of Kosovo's independence, some countries of the EU and the US felt powerful. I believe that they themselves do not believe in their own arguments, but that they felt that the balance of power was in their favor. They believed they could control what could be a precedent and what could not. But what Georgia has shown is that things are much more complicated and that once a dynamic is up and running, we can use the same arguments in different similar cases.

The current situation reminds of the Cold War when, every time there was some military intervention, it was called « unique ».

From the legal point of view, this does not stand. The case of Georgia proves the uneasiness that have the countries which have recognized Kosovo and which now understand that there is big problem.

We need similar solutions to cases which are similar and thus similar solutions for situations in Kosovo and in Georgia.

OTHER COMMON REPLIES TO KOSOVO'S "UNIQUENESS"

"Recognition of the independence of Kosovo, Abkhazia and South Ossetia would bring us to nearly 50 sovereign states on the territory of Europe. And, of course, some would argue that the independence of Flanders, Scotland, the Basque country, Catalonia and Corsica is not beyond the bounds of the possible.

Some of these would be strongly contested, others less so - but what are the criteria? Is it possible to have objective criteria? If so, who should define them? If not, should any group that so wishes be able to constitute its own state?

What about my constituency of Yorkshire (it's far bigger than Luxembourg!)? Should Gibraltar? What about the Channel Islands?"

- Richard Corbett, Deputy Leader of the Labour MEPs and speaks for the Socialist Group on EU Reform in the European Parliament

"The West's support of Kosovo's declaration of independence earlier this year marked the final step in the undermining of international institutions and rules governing international relations, borders and sovereignty."

- David Paul, Huffington Post

"Every act of secession is unique, while they all have something in common as well, which is why Romania is in favor of respecting international law and is supporting the territorial integrity of both Serbia and Georgia."

- Traian Basescu, President of Romania

"Now, bogged down in illegal, unjust



wars in Afghanistan and Iraq, the US government suddenly appears to have rediscovered the usefulness of norms of international law that it had denied in Kosovo."

- Herbert P. Bix, Japan Focus

"Having sponsored Kosovo's self-proclamation of independence from Serbia last February, the US and some of its allies today find themselves in the awkward position of opposing the right of self-determination for the people of South Ossetia and Abkhazia - now self-declared independent entities under Russian protection. It is as if the legitimacy of a self-declaration of independence depends on which Great Power sponsors the action."

- Brahma Chellaney, Hindustan Times

"The United States and the EU members that recognized Kosovo's independence, should withdraw their recognition acts in return for Russia's cancelling their recognition of Ossetia's and Abkhazia's independence."

- The Foundation for Social Analysis and Studies (FAES), Spain

"It had long been foreseen that the major Western powers' decision to recognise Kosovo as a state would eventually be cited as a precedent that other secessionist regions, particularly Georgia's two breakaway provinces. And that has proved the case rather earlier than most expected, with the fast defrosting of Georgia's frozen conflicts.

Almost everyone is invoking Kosovo to justify their positions, including the five EU countries that have so far re-

fused to recognise Kosovo. They will not, they say, recognise the two Caucasian republics exactly because they want to stick to international law, just as they did over Kosovo.

The exceptions are the leaders of the major Western countries, who have explicitly rejected any Kosovo parallels, describing Kosovo time and time again as a special case that cannot

such ruptures. In South America, Venezuela is pressing for the creation of the so-called Rupununi state in Guyana; in Mexico the Chiapas Indians have been pushing for an autonomous state for more than 60 years; in North America, Québécois independence is a dream never forgotten. In Africa, too, civil wars have broken out as a result of separatist struggles, within Sudan (Darfur), Somalia (Somaliland), Congo (Katanga), and Nigeria (Biafra). Kurds push for independence in Turkey, and in Asia the Kashmir cry for independence grows stronger every day."

- Anton Caragea, director of the Institute for Research on International Relations and Political Science in Romania

"But then came Bush's rash decision last February to recognize the independence of Kosovo from Serbia despite a failure to obtain UN Security Council authorization. The Kremlin pointed to that dubious precedent when it recognized independence for South Ossetia and Abkhazia after the August war with Georgia. There is a case to be made for Kosovo's independence. But there is no less of a case for the independence of South Ossetia and Abkhazia - as well as Tibet, and Taiwan, and Kurdistan, and the Tamil regions of Sri Lanka. The alternative to deciding all these cases by violence is international legitimacy. We hope this is a lesson the next US president will not have to learn all over again."

- Editorial, Boston Globe

"Kosovo was not a unique case, because the question of territorial integrity is being asked everywhere. With the idea that the peoples have the right to decide by themselves, the Flemish people can say to themselves : why can't we ?

To put Kosovo and Belgium at the same level might be shocking. But it is the same problem: how can we reconcile in the modern world the stability of states, which are representing a key element of international order, with the right of the peoples to decide by themselves.

If the right of the peoples for self-determination obtains priority, then the Flemish people, the Macedonian Albanians and the Kurds will become independent and we would enter a never-ending logic."

- Philippe Moreau Defarges, The French Institute of International Relations (IFRI), Paris

"American policy makers had repeatedly told us that Kosovo was supposed to be a "unique" case, but apparently Vladimir Putin didn't get the memo."

- Gordon N. Bardos, National Interest

"Calling it a 'special case' won't stop others from trying to follow its independence example"

- Timothy Garton Ash, Los Angeles Times

justify - either legally, or politically - any other secession. But, on occasion, even they have not seemed entirely convinced of their position. The two cases are completely different, French President Nicolas Sarkozy reasserted last week. But does he truly think so?"

- Tihomir Loza, TOL, Prague

"The West must stop pretending Kosovo was anything but a dangerous precedent in international law and in the viability of the international system. It is."

- Ilana Bet-El, The Guardian

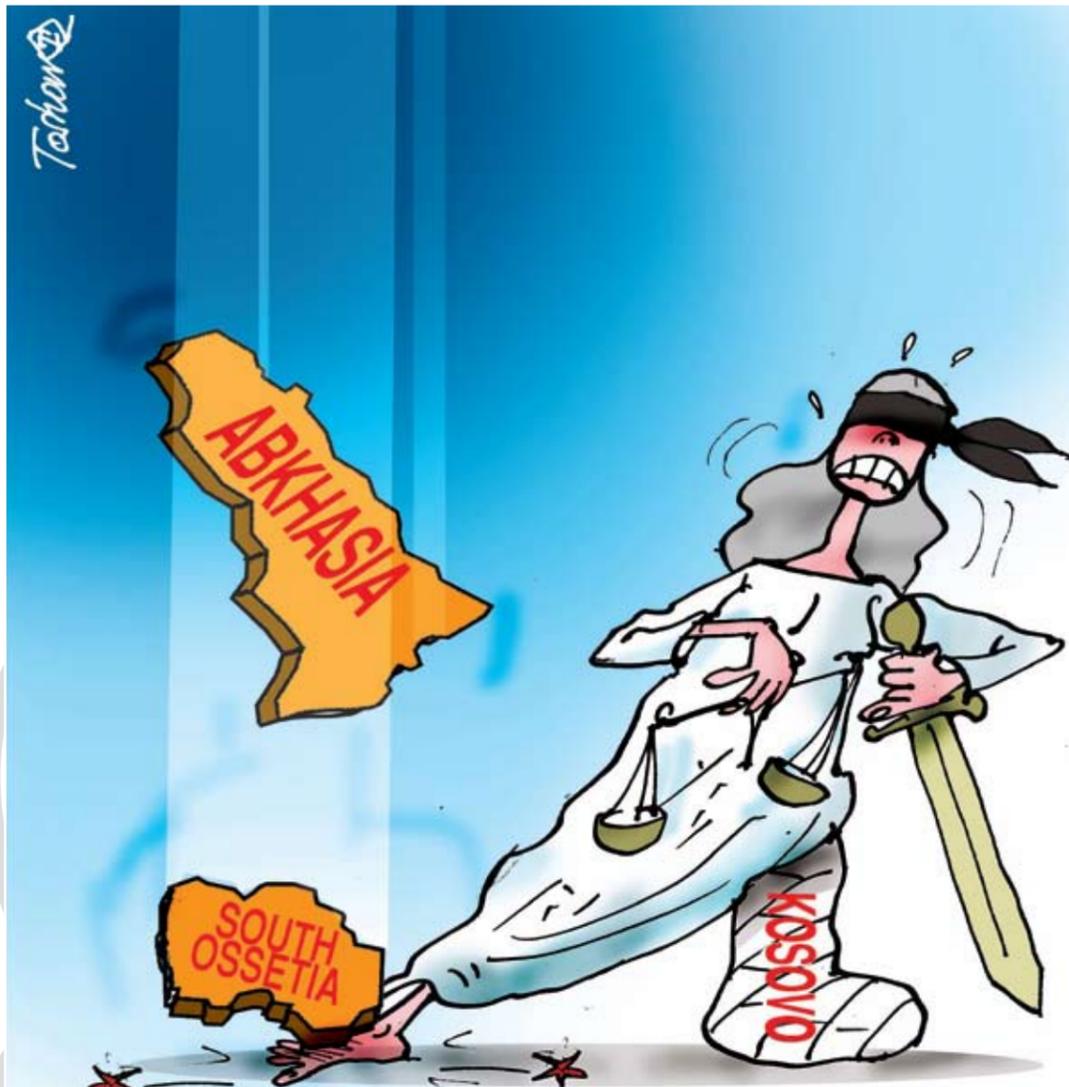
"Now substitute the West for Russia and Kosovo for South Ossetia and Abkhazia and the inconsistency and double standards of the West's position are clear."

- Sir Ivor Roberts, Independent, Ireland

"Countries such as Kosovo, Abkhazia, and South Ossetia all contribute to the erosion of countries whose borders were internationally recognized and inscribed in the final act of the Helsinki Conference in 1975. If Europe doesn't stop this proliferation of new countries, the epidemic will spread around the world. In Europe alone, the pursuit by minorities for sovereignty, as applied in Kosovo and Abkhazia, can be seen as well in Macedonia (with a large and concentrated Albanian minority), Spain (with the Basque and Catalan regions), and Belgium (with conflict between the Walloon and Flemish communities). Europe is not the only continent with

A GEOPOLITICAL PARALLEL

A LOOK AT GEOPOLITICAL SIMILARITIES BETWEEN KOSOVO AND SOUTH OSSETIA



The August conflict in South Ossetia and its outcome have clearly demonstrated the double standard policies regarding the issue of the respect of the territorial integrity of states.

Six months after masterminding the unilateral secession of Kosovo from Serbia in a violent breach of the international law, Washington and some key European capitals were quick to stand by an "absolute support for Georgia's territorial integrity" over South Ossetia and Abkhazia.

Beyond looking into legal considerations, however, it is perhaps worth looking at the geopolitical similarities of the two regions in order to shed light on the interests of the various actors involved.

In this context, the first similarity between Serbia and Georgia is the presence, since the 1990s, of international peacekeeping forces in their autonomous regions.

American contingents had been part of the NATO forces in the Balkans; with 1,500 men in SFOR in Bosnia-Herzegovina and 5,000 in KFOR in Kosovo. Russia has had buffer forces in Georgia since 1992-1993, in a trilateral Russia/Georgian/Ossetian format in South Ossetia, under the observation of the OSCE, and in the forces of the CIS, under the observation of the UN. However, the Russians have been complaining since the summer of 2008 that

the US is applying a policy of "double standards: the Americans had criticized the OSCE and UN missions, whilst Russia had succeeded in keeping away the Georgian army.

On the other side, KFOR in Kosovo is not questioned by the international community, despite a drastic security failure: 235,000 non-Albanians expelled, 1,200 ethnic murders, 156 churches and monasteries destroyed or damaged in nine years under the very nose of NATO.

The second similarity is related to the "unprecedented military deployment of US forces" in the Balkans, as well as in the Caucasus, since 2000. Since the Kosovo war in 1999, the US government's strategy has been to transfer the essential parts of its European forces to the Balkans in order to better redeploy them towards the Middle East.

In addition to Kosovo's Bondsteel, with a capacity of 7,000 soldiers, the US can also count on a presence in Szeged, on the Hungarian-Serbian border, two bases in Bulgaria constructed since 2001, as well as four bases in five years (2002-2007) in Romania, including two near Constanza (interface of Rhine/Maine/Danube and Black Sea).

In the Caucasus, there are similarly abundant levels of activity of the American mil-

itary-industrial complex. Since the "Revolution of the Roses" of December 2003, two US bases have been built in Georgia: Senaki near Abkhazia and Gori near South Ossetia.

Thanks to US financial injections, Georgia increased dramatically its military budget between 2003 and 2007, it has reinforced its military contingent in Iraq and has received considerable US military equipment – all with the hope of securing rapid accession to NATO membership. The Tbilisi authorities even announced that they were ready to install elements of the US anti-missile shield on their territory.

In Azerbaijan, another US ally, the military budget went up from 135 million dollars in 2003 to 871 million in 2007: with combat planes, tanks and artillery pieces "made in USA". These developments have revived the Cold War in the Caucasus.

The Russians are still operating with two bases : Gumri in Armenia and Gabala in Azerbaijan. However, an accord signed with the OSCE stipulated a retreat before the end of 2008 of Russia troops from Batoumi (Georgian region of Adjara) and Akhlalakaki (Georgian region of Djavakethie). It is not a coincidence that in the summer of 2006, a first crisis occurred in Djavakethia, allowing the Georgian president Saakachvili, helped by US instructors, to re-establish control over the au-

tonomous region of Djavakethie.

The Russia-US conflict in the Balkans and in the Caucasus is also linked to the issue of the the delivery of gas and oil to Europe. These two regions are important geostrategic spaces because they are important transit routes for gas and oil derived from immense reserves in the Caspian Sea and Siberia. What looked as a sure win for the US in the early part of the millenium has since turned into a true game of influence thanks to the return of Russia to the regions.

Georgia is a good example. In 2005, the pipeline Baku-Tbilissi-Ceyhan (BTC) was established by the consortium around BP and passing through Turkey, a US ally; however, the Baku-Tbilissi-Batumi (BTB) route ending on the Black Sea was already there. In the Balkans, the AMBO Burgas (Bulgaria)-Durres (Albania) corridor had a nice future due to a monopoly of transit of oil from Novorossisk towards Western Europe.

But the latest events have changed the situation. Since the Ossetian crisis, the BTB has been closed several times, while the BTC, ending in Turkey, is subject to doubt since the September 2008 attacks by the Kurdish PKK.

"The reputation of Georgia as a secure alternative route for the pipelines has been compromised", says Robert Johnson, Energy director at the Eurasia group. "If you cancel out the Georgian option, most of the other viable options pass across Russia".

This is putting up the third Russian path Baku-Novorossisk, since the establishment of a route bypassing Chechnya. This "Russian" route is taking all of its importance with the 2007 opening of the pipeline Burgas (Bulgaria) – Alexandroupolis (Greece).

In terms of gas, the same evolution is underway. In 2002, the Nabucco gas pipeline was launched on the path of Baku-Ankara-Sofia-Budapest-Sofia. Planned with the intention of competing with the Russian gas networks of Droujba (Russia-Central Europe), it was supposed to supply Western Europe by 2012 with "friendly" gas from the Caspian Sea and Iran. But the Russians have since launched the South Stream, a competing project, passing notably through Bulgaria, Serbia and Greece.

This is not a coincidence since the intersection of three oil pipelines and two gas pipelines is starting around Georgia and leading midway around Kosovo. In this light, events linked to secessionist movements in the two regions since 1999 can be seen through the geopolitical lens.

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NEW CONDITIONALITY IN THE WESTERN BALKANS

THE RECOGNITION OF KOSOVO'S INDEPENDENCE BY MONTENEGRO AND MACEDONIA A LITTLE OVER A DAY AFTER THE ISSUE WAS SENT TO THE ICJ SERVES TO DEMONSTRATE HOW CONDITIONALITY CRITERIA, NOT THE DUE PROCESSES OF INTERNATIONAL LAW, EXERT A DISCONCERTING AND DAMAGING INFLUENCE OVER INTERNATIONAL AFFAIRS.

Despite successfully persuading the UN General Assembly to support a resolution seeking an International Court of Justice (ICJ) advisory opinion on the legality of Kosovo's unilateral declaration of independence, Serbia's diplomatic endeavours were immediately overshadowed by the decision of two of its closest neighbours - the Former Yugoslav Republic of Macedonia (FYROM) and Montenegro - to recognize Kosovo's independence.

These actions sparked a despairing and somewhat disbelieving reaction in Serbia, then still extolling its pursuit of peaceful and judicial means for resolving Kosovo's status. Having expelled the Ambassadors of each respective country and resisted calls for tougher responses, including economic sanctions, the Serbian government was ultimately accused of failing to ensure 'good neighbourly relations'. Each element of this episode, particularly the timing of and explanations for the joint announcement, provides a telling insight into the tentacles of EU and NATO conditionality criteria and their motives.

Both Montenegro and Macedonia have, in recent months, come under intense and increasing diplomatic pressure to recognise Kosovo's independence. Montenegro's President, Filip Vujanovic, described recognition of Kosovo as an "obvious condition" for integration into the EU, whilst Montenegro's parliament passed a resolution on "the necessity to speed up the processes of joining the European Union and

NATO", which would "serve as a guideline for the country's policy on the Kosovo issue".

Branko Crvenkovski, Macedonia's President, meanwhile, remarked that, "Macedonia has fulfilled all necessary criteria in order to obtain a NATO invitation". Ahead of Montenegro's formal application for EU candidate status - presented in December -- Montenegro's Prime Minister, Milo Djukanovic, conceded that recognition was "made now when Montenegro has to make some very important international initiatives".

By suggesting that the pace of Montenegro's accession towards EU membership was contingent upon recognition of Kosovo's independence, several prominent EU member states have implicitly imposed a further condition that is designed to undermine Serbia's recourse to legal means in order to resolve Kosovo's status.

A similar approach was employed in an effort to deter Serbia from proceedings with its application for an ICJ ruling on the legality of Kosovo's declaration of independence, with several EU member states directly linking this issue to Serbia's European prospects.

Britain's Ambassador to Serbia, Stephen Wordsworth, publicly warned that the resolution would be "a mistake" that constituted "a direct challenge to the EU"; one that will "only make co-operation and Serbia's

integration into the EU more difficult".

Bernard Kouchner, the French Foreign Minister, meanwhile, stated that, "we have reiterated numerous times that Serbia cannot seek to join the European Union while also seeking Europe to agree with the initiative" and labelled the move "self-destructively isolationist".

Despite respect for international law constituting a prime founding and supposedly uniting pillar of the EU's own common foreign and security policy, such actions by prominent member states do little to strengthen institutions of international law and justice.

Though the EU remains eager to disassociate Serbia's EU prospects from the issue of recognition of Kosovo's status, several prominent voices have publicly suggested the direction that future EU conditionality should take.

Former US special envoy to the Balkans, Richard Holbrooke, has insisted that, "if Serbia is admitted to the EU, this must take place if there is full agreement for Belgrade to recognize Kosovo as an independent state", whilst Soren Jessen Petersen, a former head of UNMIK, has already called on the EU to pressure Serbia to recognise Kosovo as 'a conditional requirement' for EU integration.

Martti Ahtisaari, the chief architect of Kosovo's independence, meanwhile, asserted that, "you can't be poking the EU in the eye

[whilst] saying that you want to join the EU".

Indeed, the recent European Commission progress report speaks of the need for Serbia to 'demonstrate a constructive attitude towards Kosovo's participation in regional initiatives'. Such statements and the discourse of 'good neighbourly relations', which requires implicit acceptance of 'certain elements' of independence, seem certain to constitute the de facto conditionality that Serbia must increasingly fulfil in order to progress towards Europe.

For Serbia's pro-European government, determined to pursue a dual course of European integration whilst simultaneously upholding Serbia's territorial integrity, such recourse to conditionality as a means of encouraging recognition of Kosovo's independence only serves to complicate this delicate policy balance.

The pressure exerted on Montenegro and Macedonia indicates that the issue of Kosovo's status will continue to be an important element of EU conditionality policy. For Serbia's pro-European government, the challenge of negotiating a dual course of territorial integrity and EU integration will continue to be haunted by trade-offs that will be sought for Serbia to accept 'certain elements' of Kosovo's independence; as witnessed with attempts to deter Serbia's application for an ICJ ruling and public demands for constructive co-operation with EULEX.

The recognition of Kosovo's independence by Montenegro and Macedonia a little over a day after the issue was sent to the ICJ serves to demonstrate how conditionality criteria, not the due processes of international law, exert a disconcerting and damaging influence over international affairs.

In exploiting the prospects of EU accession as a tool to condition the foreign policies of aspiring member states, however, the EU threatens to further undermine its own standing and influence by reinforcing a growing sense of inconsistency and ambivalence in international affairs. Instead, respect for international law should be the hallmark of the EU and its burgeoning common foreign and security policy.

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ECHOES OF KOSOVO

 **ABKHAZIA & SOUTH OSSETIA (Georgia)** 

Proclaimed independence from Georgia in August and were recognized by Russia. Clash with Georgian forces in August left hundreds of dead.

“If Kosovo can be independent, so can Abkhazia”.
-Sergey Bagapsh, President of Abkhazia

“The ‘Kosovo precedent’ is a convincing confirmation that the resolution of regional conflicts is not necessarily based on the principle of a state’s territorial integrity. The 17-year period of South Ossetia’s independence confirms its viability, and we demand only the legitimization of our sovereignty in accordance with the charter of the United Nations”
- Resolution of the Assembly of South Ossetia

 **NAGORNO-KARABAKH (Azerbaijan)** 

Clashes intensified following Kosovo’s UDI: in March 2008, Azerbaijan and Armenia accused each other of triggering an exchange of gunfire in Nagorno - Karabakh that killed up to 16 people, one of the biggest such clashes in several years.

“The Kosovo model of conflict settlement could be an example for the resolution of other conflicts. If Kosovo is recognized, then it is interesting to me in that an unrecognized country has won recognition in spite of the opinion of its former sovereign rulers.”
-Masis Mailyan, a Nagorno Karabakh government minister

“We cannot recognize Kosovo, Abkhazia and South Ossetia until we recognize the independence of Nagorno Karabakh.”
-President of Armenia Serzh Sargsyan

 **NORTHERN CYPRUS (Cyprus)** 

“I salute the independence of Kosovo ... I ask that those, who object to the independence of Kosovo, take into consideration that no people can be forced to live under the rule of another people ... With the knowledge that many countries will recognize the independence of Kosovo, I hope that especially the European Union will act with a high conception of its responsibilities.”
- Mehmet Ali Talat, president of the unrecognized “Northern Cyprus”.

“Cyprus will never recognize a unilateral declaration of independence outside the U.N. framework, and in particular by side-stepping the role of the Security Council.”
- Erato Kozakou Marcoullis, Foreign Minister of Cyprus

 **TRANSYLVANIA (Romania)** 

“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 founded in 2003 with autonomy as its stated goal

Following Kosovo’s UDI, the Hungarian UDMR called for its recognition, while the Romanian parliament voted 357 to 27 against the recognition.
-Romanian President Traian Basescu has called Kosovo’s UDI “illegal”.

 **KASHMIR (India)** 

Clashes kill hundreds of demonstrators and militants, numerous terrorist attacks linked to separatism

“Developments in Kosovo, Abkhazia and South Ossetia have boosted independence sentiments here.” - Kashmir Peoples Conference Chairman Sajjad Gani Lone

“The independence declaration of these regions is a psychological inspiration for the suppressed Kashmiris. Freedom of these countries serves as an eye-opener to those who rule out the possibility of an independent Kashmir.” - Jammu Kashmir Liberation Front (JKLF) Chairman, Muhammad Yasin Malik

“Kosovo’s independence declaration has strengthened our resolve to achieve freedom for Kashmir.” - leading Kashmiri separatist Shabir Shah

 **TAMIL EELAM (Sri Lanka)** 

Hundreds of people killed in clashes between Tamil Tigers and the Sri Lankan security forces. Terrorist attacks. Military intervention.

The Liberation Tigers of Tamil Eelam, which control a part of Sri Lankan territory, called on the UN and the international community to recognize the sovereignty of the Tamil nation following Kosovo’s independence.

“These are the Kosovo lessons for Sri Lanka: never withdraw the armed forces from any part of our territory in which they are challenged, and never permit a foreign presence on our soil” - Sri Lankan ambassador to the UN, Daran Jayatilaka (February 2008)

In December 2008, Sri Lanka’s army claimed it had captured the stronghold of the Tamil Tigers, Kilinochchi, amid a wave of Tamil counter attacks.

KOSOVO IN 2008

January

- Deep division in the EU and in the UNSC on the issue of Kosovo’s possible secession
- Russia warns of a Kosovo precedent for South Ossetia and Abkhazia
- Presidential elections in Serbia

February

- EU foreign ministers agree on Joint Action to send the Eulex mission
- The ethnic Albanian leadership in Pristina proclaims unilateral secession of Kosovo from Serbia
- Serbia annuls the decision of the ethnic

Albanians

- Serbs protest worldwide, riots in Belgrade leave one dead, dozens injured.
- Kosovo Serbs protest, burn customs posts between Kosovo and central Serbia and quit Kosovo police force.
- Condemnation of Kosovo’s secession in non-Western countries, as well as from various political parties and intellectuals in Western countries.
- US leads recognition wave; coalition of “friends of independent Kosovo” form International Steering Group
- Kosovo’s secession inspires “independence daze” as separatist movements worldwide call it a clear precedent.

March

- Belgrade rejects a EU mission without

UN backing

- Serbian government falls over disagreement on EU’s related on Kosovo
- Riots in Kosovska Mitrovica leave one policeman dead and 150 people injured.
- April**
- Former ICTY prosecutor Carla del Ponte reveals in her book grim details of organ-trade of Serb prisoners in northern Albania.
- Former Kosovo Prime Minister Ramush Haradinaj acquitted at the ICTY amid suspicions of massive witness intimidation.
- India, Indonesia, Vietnam, Brazil, Argentina and other regional powers underline strong opposition to Kosovo’s secession.
- May**
- Macedonian government falls after Albanian coalition partner quits

- NATO announces plans to train “Kosovo Security Force”, harsh opposition from Serbia, Russia

June

- Elections in Serbia, including local elections in Kosovo.
- Formation of a Kosovo Serb assembly
- Kosovo constitution, based on the Ahtisaari plan, enters in force

July

- New Serbian government vows to pursue same Kosovo policy
- Donors Conference in Brussels: 1,2 billion pledged for Kosovo
- Recognition of Kosovo slows down dramatically. US President George W. Bush urges the world to continue recognizing Kosovo.

KOSOVO'S SECESSION



KURDISTAN (Turkey, Iraq, Iran, Syria, Armenia)



Hundreds die in clashes in parts of Turkey and Iraq.
 “Just a few hundred kilometres from Kosovo there is a nation which cries for freedom, and that is the Kurdish nation”.

-Kurdish Social-democratic party

“If the principle of self-determination as touted by former US president Woodrow Wilson or the modern model used for Kosovo is applied equivocally then Kurdistan would have been independent long ago ... At least Iraqi Kurdistan can take some heart for the new benchmark set by Kosovo and perhaps even a few tips on Kosovar marketing and systematic approach to achieving their goals.”

- *Kurdish Globe*



BASQUE COUNTRY and CATALONIA (Spain)



Dozens of incidents, including terrorist attacks leaving dozens injured.
 “We are on the road to our freedom, and that the example of Kosovo only feeds our resolve.”

- *Gabriel Mueska, Basque separatist leader*

A two-question non-binding referendum in the Spanish Basque Country loosely regarding Basque self-determination from Spain was scheduled for 25 October 2008, but was overturned by the Constitutional Court of Spain.

In Catalonia, Esquerra Republicana de Catalunya said the declaration by the Kosovo parliament establishes “an important precedent.” The Convergència i Unió, called on Madrid to recognize Kosovo’s independence. Catalonia’s Vice President Carod-Rovira proposed a referendum around 2014.



TRANSNISTRIA (Moldova)



“Kosovo will become a universal precedent for resolving the issue of unrecognized states”

- *Speaker of Transnistrian parliament Yevgeny Shevchuk*

“Pridnestrovie/Transnistria has a much stronger legal and historical basis for recognized sovereignty than Kosovo... From the international viewpoint, the recognition of the unilaterally proclaimed independence of Kosovo is creating a concrete precedent and is providing a new powerful impulse to the struggle by Transnistria for recognition of its independence.”

- *Igor Smirnov, President of Transnistria*



REPUBLIKA SRPSKA (Bosnia and Herzegovina)



“If a larger part of the UN, and in particular EU countries, recognize the secession of Kosovo, the Republika Srpska parliament considers it would show that a new international principle would have been adopted in the field of recognition of the right to self-determination. In that case, the resolution says, the Republika Srpska parliament would have the right to call on a referendum on statehood status.” - *Resolution of the Parliament of the Republika Srpska*

“The Serb Democratic Party is demanding Republika Srpska’s institutions provide [Bosnian Serbs] the same rights being given to Kosovo Albanians ... We expect the government to meet previous promises and check the will of Republika Srpska citizens in a referendum.”

- *Statement from the opposition Serb Democratic Party*



MINDANAO (Philippines)



Dozens of people killed and wounded in clashes between government forces and rebels.

Emmanuel Piol, Vice-governor of North Cotabato province in Mindanao warned that a Kosovo would spring up in the Philippines if President Gloria Arroyo signed an agreement on ancestral domain with Muslim rebels. He said the agreement would result in the Moro Islamic Liberation Front (MILF) declaring an independent state similar to Kosovo.

“The stage is being set for a Kosovo in Mindanao.”

- *Manila Standard*



TAIWAN, TIBET, XINJIANG (China)



Clashes in Tibet and Xinjiang leave hundreds dead and injured, both before and during the 2008 Beijing Olympics. Military operations, terrorist attacks and demonstrations.

Taiwan recognized Kosovo’s secession. Foreign Minister James Huang declared at a press conference on February 19: “The Kosovo people, after overcoming various difficulties, have achieved independence. This is worth our admiration.”

Huang hailed “self-determination” as “a holy right” enshrined in the UN Charter, which Taiwan could claim. The Chinese foreign ministry responded to Taiwan’s recognition of Kosovo with a statement that as part of China, Taipei had no right at all to do so.

During the year there were calls for greater autonomy/independence in Xinjiang and widely covered clashes in Tibet, while the Tibetan government in exile toughened its position.

August

- A supporter of a Kosovo compromise, Russian writer and Nobel prize laureate Aleksandr Solzhenitsyn, passes away
- Georgian invasion of South Ossetia leads to Russian intervention
- South Ossetia and Abkhazia seek independence based on the Kosovo precedent
- Moscow recognizes their independence

September

- Serbia’s diplomatic initiative under way to secure enough votes on its ICJ initiative. The US, France and the UK show dissatisfaction.

October

- The UN General Assembly votes in favor of sending Serbia’s initiative to determine the legality of Kosovo’s secession to

the International Court of Justice. Only the US, Albania and four microstates in the Pacific oppose the initiative.

- Macedonia and Montenegro recognize Kosovo a day following the UN General Assembly decision. Serbia expels their ambassadors.
- 34 injured in protests and clashes in Montenegro over Kosovo recognition
- Talks intensify between Belgrade and the UN (Six-point plan), as well as between Belgrade and the EU on the reconfiguration of the Unmik mission which would allow for a deployment of Eulex.
- Five Serbs injured in clash with Albanians in Kosovska Mitrovica
- FIFA, UEFA, FIBA and other sports organizations reject Kosovo membership

November

- The UN Security Council backs unanimously a presidential statement which puts Eulex under the UN umbrella and supports the Six-point plan agreed between Belgrade and New York.
- Pristina rejects the UN Six-point plan.
- Explosive device goes off in front of the EU office in Pristina: three members of the German intelligence service BND are arrested in the affair, then released following a row between Berlin and Kosovo Albanian authorities.

December

- Eulex begins its mandate under the UN umbrella.
- Martti Ahtisaari is awarded the Nobel Peace Prize

- Kosovo Albanians name a central street in Pristina after George W. Bush
- Two proponents of a Kosovo compromise – Russia’s Patriarch Alexey II and British playwright and Nobel prize winner Harold Pinter – pass away.
- Serbian police arrests 10 former Albanian KLA members for 1999 war crimes
- Series of incidents in Kosovska Mitrovica following a stabbing of a 16-year old Serb boy
- By the end of 2009, a total of 53 out of 192 UN member countries have recognized Kosovo’s secession.
- Not a single international organization has allowed Kosovo to become its member.

PATHS TO A COMPROMISE

INTERVIEW WITH GORAN BOGDANOVIC, SERBIAN MINISTER FOR KOSOVO AND METOHIA



What do you think are the key problems which Serbia and the Kosovo Serbs are facing?

The problems most actively jeopardizing the subsistence of Serbs in Kosovo have to do with elementary physical vulnerability and legal precariousness, plus a lack of complete freedom of movement, in particular in Serbian areas enclosed by the Albanian population. Water and electricity supplies are especially difficult in the enclaves south of the river Ibar. Since the UN protectorate has been established in Kosovo, Serbs have been stripped of many rights, their property has been usurped, they have difficulties finding jobs. They are prevented from cultivating their own agricultural land for fear of physical endangerment. The already catastrophic situation of Serbs and other non-Albanians in Kosovo has further deteriorated since the unilateral declaration of secession by the Provisional Institutions of Self-government in Pristina and the recognition of this false creation by some countries, among which there are some influential EU members. In such conditions, the life and sheer survival of the Serbs in Kosovo vitally depends on support and help they receive from the Government and other institutions of the Republic of

Serbia. Serbia is engaged not only in a diplomatic initiative lobbying for a negotiated and mutually-acceptable solution for the status of Kosovo, but is also strongly present in solving the economic and social problems of the citizens of the southern Serbian province, primarily of Serbs and other non-Albanians, who are the most vulnerable populations in the poor and conflict-prone Kosovo.

Recent opinion polls have shown that Kosovo Serbs believe that peaceful coexistence with Albanians is now difficult to achieve. How do you see this possibility and what is the framework for these modalities?

Following several years marked by aggressive actions of the Albanian majority against Serbs and other non-Albanians - peaking in 1999 and in 2004 when massive pogroms against Serbs took place - it is obvious how difficult it is to achieve such a level of peaceful coexistence among members of these two ethnic communities, which could then be compared to the rest of Serbia, where we have peaceful and prosperous coexistence between Serbs, Hungarians, Bosniaks and members of other ethnic communities. It is in the interest of

both the Albanian and Serb communities to agree on solutions for the issues that are dividing us. To begin with, it is necessary to acknowledge the legitimate interests of Serbs and other non-Albanians in Kosovo as outlined in the six-point agreement. This agreement has been unanimously approved by the UN Security Council and it covers the operation of the international mission in Serb areas, including EULEX, whose mandate has been harmonized with provisions of UNSC Resolution 1244.

Serbia is being accused of seeking to partition Kosovo. How do you reply to these accusations?

Serbia never saw partition, under any criteria whatsoever, as a solution to the complex problem of Kosovo's status. Our diplomatic and political struggle in the international scene has as its objective the preservation of the integral territory of Kosovo and Metohia within the borders of the state of Serbia. This is the only way to fully preserve the sovereignty and territorial integrity of Serbia, guaranteed by the UN Charter, the Helsinki Final Act, UN SC Resolution 1244 and the Opinion of the Badinter Commission.

With which international organizations is Serbia ready to cooperate in Kosovo and under which conditions? Would you cooperate with the Office of ICO, headed by the EU representative, but whose goal is implementation of the Ahtisaari plan?

Our main interlocutor is the UN, and we will - as we have done so far - fully cooperate with the UN Interim Administrative Mission in Kosovo (UNMIK) also with the EULEX mission, acting under the framework of the UN mission and in conformity with UNSC Resolution 1244, as well as with those institutions whose actions are not calling into question the territorial integrity and sovereignty of Serbia over its province. Ahtisaari's proposal was rejected by Belgrade and was never approved by the UN SC, and as such cannot be treated as a relevant document.

Do you have an impression that there are attempts to sneak the Ahtisaari plan through the backdoor in Kosovo, by using its sections or certain provisions?

The unanimous vote in the UN SC adopted Serbia's clearly defined terms of deployment of EULEX and completely changed the nature of this mission. This decision of the UN SC upholds Resolution 1244, guaranteeing the territorial integrity of Serbia, the status neutrality of EULEX, and it clearly stipulates that the EU mission shall not implement the Martti Ahtisaari plan. We will carefully monitor the behavior of members of the international mission, and in case they deviate from competences deriving from Resolution 1244 and the UNSC's decision, we will react in a timely and relevant manner.

How do you see relation between Belgrade and the Kosovo Serbs?

I am a Kosovo Serb, I live there with my family, and as such I have a matter-of-fact overview of conditions in the field. I am familiar with all the problems that Serbs and other non-Albanians are facing daily: be it the shortage of water, power cuts or problems concerning personal documents. I have all of this in mind whenever I say that all of us - Belgrade and the Kosovo Serbs - should approach the question of Kosovo and Metohia with a common stance

and act with a common policy, because I am convinced that we have the same goal – survival of our nation in Kosovo and the preservation of the entire territory of Kosovo within the borders of the Republic of Serbia.

Which economic investments are necessary to ensure a sustainable life of Serbs?

The basic precondition for subsistence of Serbs in Kosovo is that they be provided with opportunity to earn money through work and not depend on social assistance. Our goal is to encourage and support the setting up and development of small family enterprises and medium size enterprises, which could employ several workers or at least the family members. To this purpose we have elaborated the “Program for Allocation and Use of Funds aimed at Stimulation of Economic Development and Development of Entrepreneurship in Kosovo”, by giving start-up credits for 2008. The funds for its implementation have now been earmarked. The state is also investing significantly in infrastructure projects, the promotion of agricultural production and cattle breeding, and the development of tourism. Add to this the fact that the Republic of Serbia is financing the complete education and health systems, institutions of culture and protection of cultural and religious heritage in Serb areas of Kosovo.

Is the return of the displaced, even partially, still possible? How are Belgrade and the international community respectively tackling this issue?

We are trying to organize and implement the return of the internally dis-

placed persons, both those displaced within Kosovo and those displaced in central Serbia. There are several returnee communities functioning well, such as Osojane, Ljevovci and Brestovik but it is still a very small number of people. We are entering the tenth year since over 230,000 Serbs and other non-Albanians were expelled from their homes in Kosovo, and the alarming piece of data is that only 2 percent of the total number of internally-displaced persons have returned to their homes! I believe that it's high time that we took serious action to facilitate the return of these people to their homes. The international community has failed to meet our expectations because, aside from declarative statements, it failed to support the process of return through provision of real instruments and the political and social conditions which could allow the displaced Serbs and other non-Albanians a safe return to, and survival in, their homes.

There is a growing tendency to urge Serbia not to block Pristina's participation in regional integrations. This was also a request issued by the European Commission in its recent progress report. In that light, how do you see the possibilities for cooperation between Belgrade and Pristina: when, at what level, in which fields, and under what terms?

Kosovo is not recognized by the UN and over two-thirds of the total number of countries in the world have not recognized the unilateral declaration of independence. This is why Kosovo is not allowed to participate in international organizations except as a territory under UN protectorate, in which case it can be represented solely by the Special Repre-

sentative of the UN Secretary-General. In that sense, we will support the participation of Kosovo in regional bodies which can be of benefit to the economic and social development of the province – Belgrade has already supported the participation of Kosovo in CEFTA. Secondly, the recently-adopted Six-point agreement provides for the participation of the Kosovo Serb community in establishing democracy and rule of law in Serbian areas, resulting in improved levels of security, the operation of customs control, and the protection of cultural and religious heritage in Kosovo, all of which greatly contributes to the improvement of living standards for all communities.

Belgrade and the Kosovo Serbs will in the coming period provide all necessary support to the UN mission and the EU mission in establishing the rule of law in the province. This will present a very difficult task, given the widespread clan-based criminal structures controlling the largest chunk of the social, economic and political life in the province, from informal economy and human, narcotics and arms trafficking, all the way to the control exercised over political parties and institutions, including justice. The process of establishing the EU rule of law mission will undoubtedly encounter resistance from formal and informal power structures in Kosovo, and in this sense the cooperation and support of Belgrade and the Serb community in Kosovo will be of special importance to the success of the EU mission and for the process of European integration of the entire region.

A P H O R I S M S

*You only live once.
That's why it's so expensive!*
- Slobodan Simić

*An honest man sleeps well,
but wakes up in a bad mood.*
- Zoran Rankić

*Once upon a time, there was a good man,
Twice upon a time, he was gone.*
- Branislav Crnčević

*A man how never gets sober
is a chronicler of his time.*
- Vladan Sokić

*There are also honest people,
but that's their problem.*

*I am the only person who can help you,
because I know a man who knows some
people...*

*I bought a university diploma,
although I could have spent that money
on something smarter.*

*Workers are paid miserably.
Luckyly, this doesn't happen very often.*
- Aleksandar Baljak

*Poverty could be eradicated
if a tax on it were introduced.*
- Milivoje Radovanović

*The famous businessman is rich
and powerful, but we are alive.”*
- Milan Beštić

*A man with a gun is like
an animal without food.*
- Vesna Denčić

*I don't think natural disasters will destroy
our planet. I believe in science.*
- Petar Lazić

*All our neighbors live on the edge
of an abyss.*
- Gile Pandurović

*In the West, neighbors don't slaughter
each other. They are terribly alienated.*
- Momčilo Mihajlović

*War, then peace.
That way everybody will be satisfied.*
- Milko Stojković

*He is a war profiteer.
He got a Nobel Peace prize.*
- Aleksandar Čotrić

*There might be those who think differently,
but their numbers are insignificant
compared to those who do not think at all.*



AHTISAARI'S NOBEL SCANDAL

TWO PROMINENT ANALYSTS SUM UP THE CRITICISM OF THE LATEST NOBEL PEACE PRIZE DECISION

An independent Kosovo is the result of a military-based conflict management or, rather, mismanagement. It militates against two of Nobel's criteria in that it has not led to fraternity between peoples and it has not reduced armaments in the world. Kosovo declared itself independent in February this year (probably one reason why Ahtisaari received it this year) and is the result of the Kosovo Liberation Army, KLA, on the one hand, and NATO's 78 days of merciless bombings in 1999, on the other. That bombing – indisputably 100% on the side of the Albanian hardliners – is the main reason why Kosovo's independence is supported by the US and a number EU countries. And with a new army in Kosovo, there will be more rather than less armies and weapons in the world.

Secondly, it can be argued – and I do – that the Nobel Committee has been established in a doubtful way in that it consists of Norwegian parliamentarians, whereas Nobel in his will states that the Committee shall be appointed by the Norwegian Parliament but not necessarily be composed of parliamentarians.

It ought not be possible that a prestigious peace prize can be decided by people who have no professional background or education, and no particular competence, in the field of peace. It would be inconceivable that a group of parliamentarians anywhere would be seen as an authority on, say, economics, literature or medicine. But when it comes to peace, it seems that anyone can be an expert!

Peace belongs to a substantive academic field like the other Nobel prizes and ought not be decided by people who have no competence in peace, peace research and peace politics.

Next – and much worse – Ahtisaari was involved in Kosovo not only by being involved in the issue of Kosovo's future status, but also by being instrumental in bringing NATO's bombing to an end in 1999 by threatening to carpet-bomb Serbia unless Belgrade accepted his deal.

In addition, Ahtisaari is a warm supporter of a nuclear weapons-based NATO and stated just before receiving the Prize that he supports Finland's standpoint that "we need cluster bombs until further". And does he regret anything about Kosovo? To the Guardian he states that Serbia shall not join the EU unless it accepts

Kosovo as independent – a blackmail statement – and that the important thing is not that Kosovo has only been recognized by 51 countries out of 192. "What is important is that Kosovo has been recognized by over 65 per cent of the world's wealth," he maintains. The Nobel Laureate teaches us a brand new principle in international affairs here: wealth makes right!

The amateur Nobel Committee implicitly gave its Prize this year to the opposite of Nobel's will and vision as well as the opposite of the UN Charter norm of peace by peaceful means. It gave it to a man who worked for an extremely unjust, far-too-late and non-mediated solution to the Kosovo conflict.

Mr. Ahtisaari is a man of peace? Absolutely! In a world where peace is war and war is peace.

Jan Oberg is Director of the Transnational Foundation for Peace and Future Research (TFF) in Lund, Sweden.

AHTISAARI'S CONFESSIONS

It is interesting that since he was awarded the Nobel Peace Prize in October 2008, Martti Ahtisaari has become more open about his support for the independence of Kosovo. Not only is he actively supporting its recognition among the world's nations, but he has also insisted that Serbia cannot join the European Union unless it recognises Kosovo first.

Ahtisaari's second confession is perhaps even more damning. Although supposedly an impartial mediator with the task of negotiating a mutually acceptable compromise between the two parties, he has now admitted that he was in fact biased towards Pristina and independence.

This confirms the suspicions of Belgrade and many others who doubted his neutrality due to his past chairmanship of the pro-independence International Crisis Group, and consequently his ability to conduct the talks in a fair and impartial manner.

Throughout the negotiation process, Ahtisaari gave broad hints of his bias, the most notable of which was his alleged statement that the Serbs were guilty as a nation for the acts of Slobodan Milosevic, and therefore did not deserve to keep Kosovo.



Indeed, his recent confession echoes this statement. Ahtisaari has admitted that shortly after his appointment as the UN's Special Envoy for Kosovo, he sent confidential messages to all interested parties stating that the "return of Kosovo to Serbia would not be a viable option," and that therefore its secession was inevitable. No doubt this message went down well with the West, which would have found it encouraging given its ambitions for Kosovo to become independent.

Taking up this attitude before the parties had even sat at the table to begin the first round of talks was unprofessional. A good mediator would look at the issue objectively and set his or her own personal feelings aside. Now that he has his much-wanted Nobel Peace Prize, Ahtisaari has few inhibitions about admitting that he destroyed the negotiation process before it even started, by transforming it into a means of developing a plan for Kosovo's independence.

Ahtisaari deliberately sought to overlook two important points. Firstly, Belgrade has had a democratically elected government since it overthrew Milosevic in October 2000. As this is completely detached from the regime of Slobodan Milosevic, is there any logic in punishing it? The Government has also done nothing to harm any Kosovo Albanians, but in the years since the war in 1999, Albanians have driven thousands of Serbs from Kosovo, destroyed their homes and churches, whilst persecuting and

intimidating them on a daily basis. Is this the type of behaviour which should be rewarded with the chance to govern Kosovo?

Secondly, although it is understandable that no Albanian would want to be ruled by Belgrade again, Kosovo did not have to be independent for this objective to be achieved. There are many solutions for extensive autonomy, which would have enabled Kosovo to rule itself without actually being outside Serbian borders.

It would have made more sense if, in view of the fact that since 1999 it is the Albanians who have abused people in Kosovo, Ahtisaari had taken a neutral stance and accepted that there were other solutions apart from independence capable of achieving freedom from Belgrade's rule. If this had been the case, Ahtisaari may well have obtained a mutual agreement, thus negating the need for his disgraceful confessions, whilst winning the Nobel Peace Prize in a more genuine and deserving manner.

Frances Maria Peacock is a British Councillor. She acted as an advisor to the UNOSK process in the capacity of an expert on Kosovo issues.

BOOK REVIEWS



Tim Judah: "Kosovo - What Everyone Needs to Know" (Oxford University Press, 2008. 184 pages. In English.)

From early history to the aftermath of Kosovo's UDI, Balkan veteran and frontline reporter Tim Judah presents a very readable overview aimed, in his words, at a very broad audience, although the sheer quantity of information might overwhelm an uninitiated reader.

In his third book on the region, Judah makes a laudable effort to present and balance out often conflicting versions of history, but regrettably sticks to mainstream bias when "explaining" policy patterns of one side or the other.

Albanian aspirations thus seem rather romanticized in comparison to subtly vilified Serbian claims, while controversial Western (non-) actions are legitimized in an unnecessarily apologetic tone. Even more so, the author uses ostensibly euphemistic language to describe the latest post-war situation in Kosovo and remains superficially fatalistic in analyzing the status negotiations and the current legal limbo.

Overall, a good book for putting things into context -- and didn't we need such a balancing effort earlier on in the conflict -- but lacking deeper analysis and braver conclusions.



Kaius Niemi: "Helena Ranta" („Helena Ranta - Ihmisen Jalki“, Kirjapaja, 2008. 230 pages. In Finnish).

In January 1999, Finnish forensic dentist, Helena Ranta, is called to examine and qualify the outcome of the Serb police operation against Albanian guerillas in the Kosovo village of Racak, which left 45 Albanians dead. Under the spotlight of the world's leading media and the close surveillance of the head of the OSCE Kosovo monitoring mission, senior US intelligence officer, William Walker, -- who is sitting next to her -- Ranta qualifies the events as "crime against humanity". It is enough to launch the path towards NATO bombings of Yugoslavia, which was to happen two months later.

Now, almost a decade later, Ranta admits that she was under tremendous pressure in the case. In her biography, written by Kaius Niemi, a managing editor at Helsingin Sanomat, Ranta reveals that officials of the Finnish Foreign Ministry and the current Finnish Secretary of State had tried to influence the content of her reports.

She says that following the events in Racak, William Walker broke a pencil in two and threw the pieces at her when she was not willing to use sufficiently strong language against the Serbs. After the bombings, Walker received numerous awards from the Kosovo Albanian leadership for his contribution to their cause. Ranta's biography is a document which sheds light on the set-up of the NATO bombing campaign and on an attempt to cover-up one of the manipulations which led to tragic consequences.



Hannes Hofbauer: "The Kosovo Experiment: The Return of Colonialism"

("Experiment Kosovo: Die Rückkehr des Kolonialismus", Promedia. 2008. 262 pages. In German). "The recognition of Kosovo by the USA and most EU member countries is not just a mere precedent.

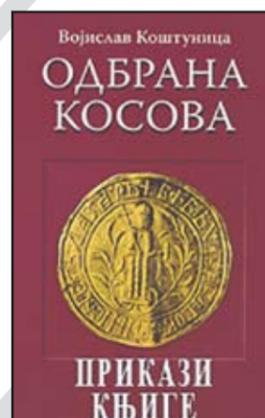
Its significance is much deeper because it marked the end of the European postwar order", says the author of "The Kosovo Experiment", Hannes Hofbauer.

The Austrian author claims that what is actually happening in Kosovo is the establishment on the margins of the European Union of a "protectorate administration that must be qualified as a new form of colonialism".

He argues that, "the world is no longer ruled by international law but by a vague notion of human rights which is interpreted in very different ways, as need may be. It is no more the UN Charter that rules the world nor is it the OSCE Final Act from Helsinki -- it is the Law of the Stonger".

For Hofbauer, the bottom line of this is a differentiated notion of statehood. "Alteration of borders on the Balkans is greeted or at least accepted by one part of the international community as part of the political New Order, but it is firmly rejected by other countries".

To analyse the state of the "experiment", Hofbauer travels extensively through Kosovo, talks to key politicians, politicians, journalists, activists and the common people. The result is a compelling document and a stark warning.



Vojislav Koštunica: "The Defense of Kosovo"

("Odbrana Kosova", Filip Višnjić, 2008. 257 pages. In Serbian).

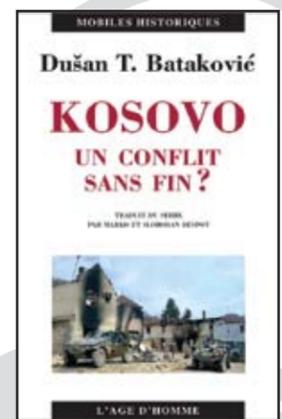
This book offers, through a collection of speeches and thoughts on the Kosovo issue, a testimony of the personal engagement of Vojislav Koštunica as Prime Minister of Serbia in the struggle for the territorial integrity of Serbia through non-violence and respect of the international law.

For Koštunica, the defense of Ko-

sovo, "is not only a defense of Serbia's national and state interests, but a defense of the norms and values on which peace, stability and security depend in today's world."

The book is thus also an informal chronology of the Kosovo status process, which relates at length of the state of current international relations, the roles of the USA and Russia, as well as the decisions of the EU.

Koštunica speaks out against the consequences of the Ahtisaari plan, outlines the flaws of the „unique case“ mantra and warns against the dangers of the „right of the might“ and of setting precedence cases through violation of the UN Charter and key international documents regulating the security of the international system.



Dušan T. Bataković: "Kosovo : A Conflict Without an End?" ("Le Kosovo: Un conflit sans fin?", Editions L'Age D'Homme. 2008. 318 pages. In French.)

Dušan T. Bataković, historian and diplomat, is one of the most important and prolific Serbian authors on the issue of Kosovo. As advisor to the Serbian President, Boris Tadić, and a member of the Belgrade negotiation team, Batakovic has had a rare opportunity to combine both decades of academic study of the conflict, with an insiders view into the set-up and Martti Ahtisaari's (mis)management of the Kosovo status talks.

In his latest book, published in French, Bataković takes a look at the history of relations between Serbs and Albanians in Kosovo, and concludes with an analysis of the UN administration and the Vienna talks. The outcome is a subtle and rigorous synthesis based on impressive knowledge, experience and personal testimony.

KOSOVO VERBATIM

“It should have ushered in a period of blossoming national pride, economic progress and international acceptance. Instead the poverty-stricken economy remains stagnant, recognition by the international community is stalled and the political elites seem more interested in game playing than in the future of their country. Slowly the people are losing confidence in their government and in democracy itself.”
- Samuel Hoskinson, *Washington Times*

“The result of US policy is a nominally independent statelet that depends on the West for its survival, is shunned by the majority of nations, treats human rights as an afterthought, and has become Precedent Number One for countries to intervene in the affairs of other nations.”
- Doug Bandow, *Anti-War*

“In the majority of countries, except in Albania and Kosovo, those polled are sceptical about the role of the independence of Kosovo in reaching peace and reconciliation in the region.”
- Gallup poll in the Western Balkans

“It really doesn’t matter if Paraguay hasn’t recognised Kosovo. Well over 65% of the wealth of the world has recognised it. That’s what matters.”
- Martti Ahtisaari

“Recent developments cannot hide the fact that about 140 UN members continue to refuse to recognize Kosovo, including five EU countries. Spain even actively lobbied in Latin America against Kosovo’s recognition.”
- Michael F. Harsch, *ISN*

“As long as the UN plan is in force, we will attack with full might and there will be no security for Serbs that live in Kosovo.”

- *Statement of the shadow “Army of the Republic of Kosovo”*

“A total of 75 percent of Kosovo Serbs said that they did not feel safe in Kosovo, and more than 50 percent of them said they felt especially unsafe when they were outdoors.”
- UNDP survey

“There is neither a strategy nor an action plan to combat organised crime ... the judiciary lacks the capacity to tackle organized crime seriously ... Kosovo continues to be an area of origin, transit, and destination for trafficking in human beings.”
- *European Commission Progress Report*

“In a 67-page long, hard-hitting analysis by the BND about organized crime in Kosovo and a confidential report contracted by the Bundeswehr, German intelligence reports accuse Kosovo Prime Minister Hashim Thaci and his predecessor Ramush Haradinaj of far-reaching involvement in organized crime. Concerning Haradinaj, like Thaci seen as a protégé of the United States, the BND report says he was involved “in the full spectrum of criminal, political and military activities.”
- *Die Welt*

“The Executive Committee of the World’s Football Association has rejected an affiliation application by Kosovo, saying that it failed to comply with the FIFA statute that says that only an independent state recognised by the international community may be admitted in the organization.”
- *FIFA*

“NATO bombings could have been averted if a single word had been removed from the agreement which was offered at the

Rambouillet conference. The problem was one adjective and Serbia insisted that the word “military” be taken out of the agreement leaving only “international presence” in Kosovo, but the United States insisted that NATO gets permission to enter the province.”
- *Lamberto Dini, former Italian foreign minister*

“That the motive for the NATO bombing could not have been “the plight of Kosovar Albanians” was already clear from the rich Western documentary record revealing that the atrocities were, overwhelmingly, the anticipated consequence of the bombing, not its cause.”
- *Noam Chomsky, Counterpunch*

“McCain’s tougher reputation and - more importantly - his history of supporting Albanians (especially for his support of the bombing of Belgrade in ‘99) make him seem the more likely candidate to ensure that Kosovo remains independent.”
- *Patrick O’Brien, Newsweek*

“No other crisis in the world has proved so clearly as Kosovo the limitations of the European influence.”
- *European Council for Foreign Relations, Brussels*

“The influence of the Russian Federation, China, India, and other nations who are against the independence of Kosovo is much deeper than America imagined. Also, many nations are aghast by the elitism of this new venture and of course many nations worry that the same may happen to them.”
- *Lee Jay Walker, Seoul Times*

“By recognising Kosovo, the West shot

itself in the foot and it must now be prepared to face the consequence.”
- *Ash Narain Roy, Mainstream, India*

“There were too many hasty and reckless moves regarding Kosovo. An essential autonomy should have been implemented in Kosovo.”
- *Hubert Vedrine, former French foreign minister*

“Kosovo’s secession marked the end of the European order after the Cold War and threatens the future of Europe.”
- *The French Institute of International Relations (IFRI)*

“I was under huge pressure to cooperate with the de facto regime in Kosovo, but I abide by Resolution 1244 and work only with UNMIK, and I will continue to do that until I am instructed otherwise by the Ministerial Committee, which still has not happened ... Sometimes it seems to me that I am the only one that is being consistent as far as the respect of the territorial integrity and sovereignty of the member countries is concerned.”
- *Terry Davis, Secretary-General of the Council of Europe*

“The consequences of recognition of Kosovo will be with the Balkans, and the EU, for many years to come.”
- *Tony Barber, the Financial Times*

“Kosovo’s unilateral declaration of independence was an ill-conceived, amateurishly handled move, lacking consensus in the EU and in the international arena ... the entire debacle became exactly that which everyone assumed it would be from the start: a bad precedent.”
- *Ilana Bet-El, European Voice*



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