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**Kosovo: Sovereign,
Unrecognized or Failed State?**

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Supervisor:	Mgr. Martin Riegl, Ph.D.
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Topic Characteristic

The aim of the thesis is examination of failed and quasi states focusing on the Kosovo issues. Kosovo declared self-independency in 2008 without previous recognition from home state, but supported by relevant and major international players such as USA, UK, Germany, and France. On the other hand, Russia and China have never supported unilaterally Kosovo's act. The act of self-recognition has split the international society and has opened further question of separatism and secessions in the world. Although Kosovo has been recognized by certain number of states, has never made a formal application for UN membership being aware of likely veto from China and Russia. Kosovo not only divides "East" and "West", but there is no unified position even within European Union.

Purpose and Research Questions

The main purpose of the essay is to examine failed and de facto states theory and its implementation on the current situation on Kosovo. In order to do that, the research questions of this work are:

- Bearing in mind that Serbia sets full membership in the EU as the primarily goal, the question is how far Serbia is ready to go in negotiations with Kosovo?
- South Ossetia and Abkhazia (and why not even Crimea?) open the Russian positions about Kosovo?
- Can Kosovo provide the missing elements of the sovereign state? Is Kosovo ready for independent functioning?
- What are the possible solutions for the Kosovo issues?
- Can Serbia with/and Kosovo join the EU at the same time? What are the consequences of that?

Hypothesis

- Kosovo does not meet criteria of the sovereign state.
- Kosovo does not pose full internal sovereignty.
- Kosovo will not reach full internal recognition without consent of the former paternal state.

- Kosovo cannot be internationally recognized without Russian and Chinese recognition.

Methodology

In this study we will apply different methodologies to test each one of our four hypotheses. The first two hypotheses will be tested with the several methods. That is, they will be tested with the concrete examples taken from international relations of failed and quasi states. Also, I will provide the quantitative measures of indicators that are necessary for proving the hypotheses. The second two hypotheses will be tested on the historical and comparative methods. The last hypothesis is led by the K. Popper thought that the trial and error approach in problem-solving is a standard way how the science evolves and improves.

Outline

The paper will start with a theoretical chapter, examining the theories and concepts used in the analysis of this work. The second chapter will be dedicated to the short history of political violence on Kosovo in order to find causes of the current conflict. The third chapter will be focus exclusively on current situation and its examinations through political, economic, and legal frameworks. The fourth chapter will enter into domain of speculations and deal with the possible solutions for the conflict.

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DECLARATION:

I hereby declare that this thesis is my own work, based on the sources and literature listed in the appended bibliography. The thesis as submitted is 165,508 keystrokes long (including spaces), i.e. 91 manuscript pages.

Andrej Semenov

In Prague, May 15, 2015

Signature

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List of Abbreviations and Acronyms

EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FRY	Federal Republic of Yugoslavia
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICR	Civilian Representative for Kosovo
KLA	Kosovo Liberation Army
OSCE	Organization for Security and Cooperation in Europe
SFRY	Socialist Federal Republic of Yugoslavia
UN	United Nations
UNGA	General Assembly of the United Nations
UNMIK	United Nations Interim Administration Mission in Kosovo
US	United States

Abstract

Did Kosovo have right to secede? What was the cause of conflict in Kosovo? How important is Kosovo for international community? This thesis addresses these issues as it seeks, above all, to answer the question - Is Kosovo a sovereign, unrecognized, or failed state?

To do so, the chapter I explores critically the definitions of sovereign, unrecognized, and failed states. The chapter I argues that Kosovo does not have full control over the territory it claims, but with help of the international offices this problem has been overcome. On the other hand, the main obstacle to international recognition and full sovereignty is Serbia (parent state), claiming that Kosovo is part of its territory. Therefore, the theories of secession are analyzed in-depth in order to answer whether Kosovo can obtain the missing part of sovereignty without a parent state.

The main argument for Kosovo's secession is extensive violence in 1990's, therefore chapter II scrutinizes the history of political violence in Kosovo, showing that Kosovo's secession has its roots in creation of Greater Albania and alleged violation of human rights can be only the trigger but not the cause of the secession. Chapter III assesses the debate of Serbia's sovereignty/integrity versus Kosovo's right to self-determination. This chapter at first place explores the decision of European Court of Justice and its impact on Kosovo and future of self-determination, but also the position of Kosovo within Socialist Federal Republic of Yugoslavia and Federal Republic of Yugoslavia.

The final chapter examines the main geopolitical concepts that shape the destiny of the region. Also this chapter presents a good foundation for future debates because it opens the question of legitimacy of the international offices in Kosovo.

Keywords: Kosovo, international recognition, territorial integrity, secession

Introduction

After the World War II, bipolarity and the international system based on the principles of territorial integrity and non-intervention prevented states into direct conflict with one another. That idea is explored in the very beginning of the United Nation Charter: “We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind...”¹ Thirty years later thirty-five states gathered and signed declaration the Helsinki Accords in an attempt to improve relations among states. According to the first article of the Helsinki Accords: “The participating States will respect each other’s sovereign equality and individuality as well as all rights inherent in and encompassed by its sovereignty...”² The second article says: “The participating States will refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration”.³ The articles III and IV recognize inviolability of frontiers and territorial integrity of States.⁴ With the end of the Cold War and failure of Communist ideology, the international order has faced rise of internal conflicts, both governmental and territorial. In the 1990s, the global society was threatened with another kind of instability – nationalism and everything that goes with it. Robert Hayden provides an interesting insight into former Yugoslavia. He notices that there is a space left after the disappearance of ideology, and this geopolitical vacuum was fulfilled with nationalism. As Hayden argues, the development of states on the idea of nationhood is found in a society that cannot identify with the nation. Ethnic tensions are not exclusively a phenomenon of the 1990s, but yet weakening of the authorities provides solid bases for ethnic conflicts.⁵ After the dissolution of the Socialist Federal Republic of Yugoslavia and failure of the international community in Bosnia and Herzegovina, the world faced a new

¹ Charter of United Nation, San Francisco, June 1945. art.1

²Conference on Security and Co-operation in Europe – Final Act, Helsinki, 1975, art.1

³ Ibid., art.2

⁴ Ibid., art. 3 and 4

⁵ Hayden R., ‘American Proposals for the Constitutional and Political Status of Kosovo: The State as Legal Fiction’ in East European Constitutional Review, vol. 7 (4), 1998. pp. 83-92.

opportunity to develop a conflict management mechanism in 1999 in Kosovo. Strengthened by decades of trial-and-error,⁶ the international society supposed to represent a new design of conflict management. The United Nations Security Council established an organization in charge of “organizing and overseeing the development of provisional institutions for democratic and autonomous self-government”.⁷ It would be wrong to ignore the fact that the Western Balkans were especially affected by dramatic historical events in the late 1980’s and 1990’s. The Balkan’s bloodshed did not bypass the small province and the political situation in Kosovo was dramatically influenced by the dissolution of Yugoslavia and failure of communism; this marked the end of an era.

Today, Kosovo is divided between the principles of sovereignty and territorial integrity, and political reality. Before unilateral declaration of independence, European Union, USA and Russia participated in the negotiations. The negotiations failed when the USA and a few European states prevented the Serbian initiative for a compromise solution for the future status of Kosovo. Effectively, the USA decided that a solution for Kosovo did not need The United Nations Security Council and violated the United Nations Charter and Resolution 1244.⁸ The Security Council is one of the main organs of United Nation, according to the United Nations Charter: “[UN] members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”⁹ Article 24 has two implications: a) it shows that the Security Council is the ultimate authority in international relations b) it implies that its decisions are binding for its member states. The ineffectiveness of the Council in case of Kosovo (there are many more cases) opens the question of capacities and purpose of the Council. Resolution 1244 is aimed to satisfy both sides: Serbs with recognizing Yugoslavia’s autonomy over the province; Albanians with claim that the province has right to substantial autonomy.¹⁰ The issue is twofold: a) it recognized the Sovereignty of Yugoslavia, but not formally of Serbia.

⁶ Caplan R., *International Governance of War-torn Territories: Rule and Reconstruction*. Oxford University Press, Oxford, 2005.

⁷ Security Council Resolution 1244, S/RES/1244 (1999), 10 June 1999, preamble

⁸ As one western diplomat honestly says, it was all about “controlled nonnegotiations”; Koštunica V., *Odbrana Kosovo*, Filip Višnjić, Beograd, 2008, p. 8

⁹ United Nation Charter, art. 24

¹⁰ Security Council Resolution 1244, preamble

Some Serbian scholars¹¹ were worried that the State Union of Serbia and Montenegro would be the first step for Montenegro's independence, but also that can open the door for Kosovo to become the third entity of the Yugoslavia. This interpretation is in contradiction with Serbia's sovereignty as Kosovo was considered only as a sub-entity of Serbia. And b), it is not clear what "substantial autonomy" means, but it certainly cannot be interpreted as sovereignty, which Kosovo tries to gain. The international community obviously wanted to create a "freezing" strategy where hopes from both sides would consider as option.¹²

Kosovo faces with the new phase – the institution-building phase, despite the fact that the peace in Kosovo has not been provided and that a final solution has not been reached. The United Nations Administrative Mission in Kosovo (UNMIK) is one of the first international administrations made with unlimited power to develop a political system within a border of a sovereign state.

Research Questions of the Thesis

The thesis will attempt to answer on following main question and various sub-questions:

Is Kosovo sovereign, quasi, or de facto state?

- a) Does Kosovo have a right to secede? What were the preconditions and the phases that precede secession? Which arguments from the remedial right only theory apply on the case of Kosovo?
- b) What was the cause of the conflict in Kosovo? How does Advisory opinion of ICJ affect definition of national self-determination of Kosovo's Albanians? How did the international community react on the conflict in Kosovo (The United States, The European Union, and Russia)?

¹¹ For example: Koštunica, Čavoški.

¹² Yannis A., *Kosovo under International Administration: an Unfinished Conflict*, Hellenic Foundation for European and Foreign Policy, Athens, 2001.

- c) Why are the Balkans and Kosovo geopolitically important? What are the main geopolitical concepts that influence the internal dynamic in the Balkans? Is international institutional building legitimate after Kosovo's declaration of independence?

Thesis objectives

The main goal of the thesis is to show that the status of Kosovo is not completed by unilateral declaration of independency. In order to do so, the research will focus on the theories of secession and internal law, attempting to show that according to them Kosovo cannot be considered as a sovereign state. To complement previous statement, the thesis will explore the history of the conflict, presenting evidence that the cause of the conflict is not Serbian violence in 1990's, but that the conflict has its root in Albanian separatism.

The aim of the thesis is also to acknowledge the influence of the main geopolitical concepts in shaping internal politics in the Balkan, and therefore in Kosovo. Simultaneously, the thesis will look into the role of the United States, the European Union, and Russia in the Kosovo conflict (proofreading is necessary).

Finally, the thesis will examine possibilities of institutional design in Kosovo without previously settle the status from the reason that Kosovo's institutions would be unable to sustain political stability in either an autonomous or independent Kosovo. In addition, the last chapter of the thesis will present all the suggestions given for status and try to answer why they failed.

Methodology

This thesis is a case study by its very nature. It aims to examine the legitimacy and legality of Kosovo's unilateral declaration of independence without the consent of central government in order to give an answer to the question whether Kosovo is sovereign, quasi, or collapsed state. This thesis will acknowledge the main theories of secession but at the same time

consider political reality in sense of current situation in Kosovo and broader picture in international relations.

The research will mainly be qualitative in approach, due to the assumed value of the context and setting so as to allow deeper understanding of legitimacy within the framework of institution-building in Kosovo.¹³ Ethnographic research methods will be also used - in addition to the participant observation methods - in order to take into account the diverse point of view of the inhabitants of Kosovo. Ethnographic research acknowledges the role of theory, the researcher's own perception, and other factors directly involved in study.¹⁴

In order to conduct this analysis, this thesis will scrutinize the variety of sources. The most important are official reports of the Secretary-General on the UNMIK, resolutions of Security Council and UNMIK regulations as well as other official documents such as Constitutions and Declarations, Badinter, ICJ advisory opinion. Methodological triangulation¹⁵ will be used to enhance credibility of the collected data.

In the construction of the theoretical framework, and will depend on the most prominent academics in the field of international law and theories of secession complied with works on the history and economics of Kosovo. The thesis will also refer to journalistic pieces, such as newspapers articles, reports, documentaries and interviews in order to show current ideas of political leaders.

Important socio-economic and demographic data will be collected from the already mentioned sources as well as the statistical offices of the World Bank and the International Monetary Fund.

It must be stressed that not all the sources have the same significance for the final valuation. Criteria will be made on credibility of the sources. This thesis aims to combine theoretical and empirical analysis, where the theories will be tested in practice.

This thesis has certain limitation. The major limitation is the nature of the subject, as the subject is topical. Thus it will be extremely difficult to cover all the changes. Another limitation

¹³ Marshall C., and Rossman G.B., *Designing Qualitative Research*, Thousand Oaks, London, 1995. 2nd ed.

¹⁴ O'Reilly K., *Key Concepts in Ethnography*, Sage, London, 2009, p.3

¹⁵ Hesse-Biber S.N., *Mixed Methods Research: Merging Theory with Practice*, The Guilford, London, 2010.

is the lack of reference to Albanian sources due to author's inability to understand the Albanian language.

The Two Debates on Kosovo

The literature on Kosovo focuses on two key themes, which D. Kostovičova refers to as the "legitimacy gap."¹⁶ The topics associated with academic literature are concerned with legal and political controversies such as: a) legality and legitimacy of NATO's intervention in the affair of a sovereign state ; b) Albanian right to national self-determination versus Serbia's territorial integrity.

The first debate started immediately after NATO's intervention. NATO's unilateral air strike against a sovereign state without a Security Council resolution raised the question of the validity of a human intervention based on an assumption of mass human rights violations.¹⁷ The Security Council, one of the principle organs of the United Nations, was avoided: "[UN] members confer on the Security Council primary responsibility for the maintenance of international peace and security... '[UN] members ... agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.'"¹⁸ At this point, the issue of human rights violations poses more questions than answers. The trigger for the NATO intervention was the Račak massacre that claimed 45 civilian lives.¹⁹ However, Helena Ranta, the Finish pathologist who conducted the forensic examination on the Račak casualties, claimed that she was under pressure to modify the contents of her report.²⁰ The first problem is that we can never be sure that the Račak massacre really happened while the second problem is how to measure the aggression. Should the international community in cases like Račak (45 civilian killed)

¹⁶ Kostovičova D., 'Legitimacy and International Administration: The Ahtisaari Settlement for Kosovo from a Human Security Perspective' in *International Peacekeeping*, vol. 15 (5), 2008. pp. 633-635.

¹⁷ Cassese A., "Ex Iniuria Ius Oritus: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?" in *European Journal of International Law*, vol. 10(1), 1999. pp. 23-30; Simma B., 'NATO, the UN and the Use of Force: Legal Aspects' in *European Journal of International Law*, vol. 10 (1), 1999. pp. 1-22.

¹⁸ United Nation Charter, art.24; Article has two implications: a) it shows that the Security Council is ultimate authority in international relations b) it implies that its decisions are binding for its member states.

¹⁹ See: "Europe Racak killings: Who says what", BBC, 22th January, 1999.; "Europe Racak killing: crime against humanity", BBC, 17th March, 1999.

²⁰ "Helena Ranta testifies at Milosevic trial in the Hague", Helsingin Sanomat, 13th March, 2003.

immediately react or should remain silent and wait for a bigger disaster? What does “bigger disaster” mean?

The debate tackles the question of imposing a political model from outside within a region of a sovereign state.²¹ It is common to divide theoretical approaches into realist and liberal thoughts (also Marxist, but irrelevant for our purpose).²² On the one hand, there are the realists who are hostile to any intervention.²³ On the other hand, there are liberals who are divided into two streams: non-interventionism and interventionism.²⁴ In addition, there are other arguments, such as that presented by M. Walzer, who tries to avoid the extremes, claiming that the rights of states rests on the rights of individuals.²⁵

The question of intervention goes along with the issue of development of international management to provide peace and regulate ethnic tensions.²⁶ Even the strong “statist” M. Walzer altered his rules for intervention. He admits that there is an obligation not to leave the place on its own after the intervention.²⁷ The scholars’ mostly argue on the structure of missions and using the appropriate regulation mechanism. The debates have been mostly limited to a descriptive rather than a critical function. After the dissolution of the Socialist Federal Republic of Yugoslavia and the failure of the international community in Bosnia and Herzegovina, the world had a new challenge in Kosovo in 1999 and at the same time, an opportunity. As M. Fabry notices: “After 1999, the future of Kosovo within Serbia without international administration

²¹Zaum D., *The Sovereignty Paradox: The Norms and Politics of International Statebuilding*, Oxford University Press, Oxford, 2007.

²²Hoffmann S., “Notes on the Elusiveness of Modern Power” and Doyle M., *Ways of War and Peace*, W. W. Norton, New York, 1997.

There is also division into statist and cosmopolitans. Bull H., *The Anarchical Society*, Columbia University Press, New York, 1977.

²³For example, Morgenthau H., *Politics Among Nations: the Struggle for Power and Peace*, A.A. Knopf., New York, 1953; Smith J. M., *Realist Thought from Weber to Kissinger*, Louisiana State Press, Baton Rouge, 1987.

²⁴For example, Walzer M., *Thick and Thin: Moral Argument at Home and Abroad*, Ind: University of Notre Dame Press, Notre Dame, 1995; Skhlar N. J., “The Liberalism of Fear”, in *Liberalism and Moral Life*, edited by N. Rosenblum, Harvard University Press, Cambridge, 1998; Laberge, P., “Humanitarian Intervention: Three Ethical Positions”, *Ethics and International Affairs* 9, 1995.

²⁵Walzer M., *Just and Unjust Wars*, Basic Books, New York, 1977.

²⁶Chesterman S., *You, the People: The United Nations, Transitional Administration, and State-building*, Oxford University Press, Oxford, 2004; Bieber F., *Institutionalizing Ethnicity in the Western Balkans Managing Change in Deeply Divided Societies*, European Center for Minority Issues, Flensburg, 2004.

²⁷Walzer M., “The Politics of Rescue”, *Dissent*, 1995 (winter)., p.41

was even more difficult to imagine than future of Bosnia and Herzegovina without one”.²⁸ Strengthened by decades of trial-and-error, the international society is supposed to represent a new design of conflict management.²⁹

One has to agree with T. Frazer’s conclusion that: “States will still have to choose between compliance with formal prohibition (against intervention) and response to urgent moral appeals”.³⁰ This debate raises more question than it answers: What does it mean for the Kosovo case? Should Kosovo have to wait until it happens and then retroactively make a decision about the future of the region/state?

The second debate acknowledges the nationalist nature of the conflict, the large part of literature deals with the national self-determination versus sovereignty and territorial integrity. The academics are divided on this question, some of them see Kosovo’s independence as inevitable, and others regard border changes as serious violation of international right. This thesis will deal primarily with this second major debate on Kosovo in detail.

²⁸ Fabry M., *Recognizing States: International Society and the Establishment of New States Since 1776*, Oxford University Press, Oxford, 2010, p.207

²⁹ Caplan R., *International Governance of War-torn Territories: Rule and Reconstruction*. Oxford University Press, Oxford, 2005.

³⁰ Frazer T.J., “A Paradigm of Legitimate Intervention” in *Enforcing Restraint: Collective Intervention in Internal Conflicts*, L.F. Damrosch (ed), Council on Foreign Relation Press, New York, 1993. p. 341

1. Theoretical Framework

This chapter contains a definition of sovereign state, theoretical overview of main theories of secession and their application on the Kosovo case. It will be listed academically accepted definitions and will present the one that will be used in the thesis. Additionally, the chapter will deal with explanatory and normative theories of secession and historical examples of peaceful, violent and multiple secessions. Finally, the theoretical framework will identify theories applied in the thesis.

1.1. Definition of Sovereign State

Although the state is a ubiquitous concept, it is preceded with certain controversies. T. Biersteker and C. Weber wisely noted “attention to sovereignty tends to raise more questions than it answers”.³¹ In the same manner, J. Boli noted that “where sovereignty is located is (still) an open question”.³² The complexity of the question becomes even deeper when considering the words of J. Chopra and T. Weiss, most notably that the concept is “a legal fiction that continues to evolve (but remains) the best mechanism for organizing human society at the global level”.³³ The concept of sovereignty might be defended, denied or even one day replaced, but for now one is sure that “we may attempt to further civilize this system through adding to and thickening the responsibilities of states to each other and to humanity in general”.³⁴ As R. Jackson notices: “Sovereignty is like Lego: it is relatively simple idea but you can build almost anything with it, large or small, as long as you follow the rules”.³⁵

³¹Biersteker T. J., and Weber C., (ed.), *State Sovereignty as Social Construct*, Cambridge University Press, Cambridge, 1996. p.2

³²Boli J., *Sovereignty from a World Polity Perspective*. In S.D. Krasner (ed.) *Problematic Sovereignty: Contested Rules and Political Possibilities*, Columbia University Press, New York, 2001. p.54

³³Chopra J., and Weiss T. G., *Sovereignty is no Longer Sacrosanct: Codifying Humanitarian Intervention*. *Ethics & International Affairs*, 6, 1992, p.102

³⁴Pemberton J.A., *Sovereignty: Interpretations*, Palgrave Macmillan, New York, 2008. p. 215

³⁵ Jackson R., “Sovereignty in World Politics: a Glance at the Conceptual and Historical Landscape”, *Political Studies* (47), 1999., p.431

However, “the importance of the doctrine of sovereignty can hardly be overrated... it was formidable tool in the hands of lawyers and politicians, and a decisive factor in making of modern Europe”.³⁶ As R. Jackson puts: “sovereignty is a juridical idea and institution”. Also, F. Hinsley says: “sovereignty...is an assumption about authority”.³⁷ In that respect, J. Crawford confirms importance of institutions: “a state which is governed democratically and respects the human rights of all its people is entitled to respect for its territorial integrity”.³⁸

Nevertheless, M. Weber’s definition is still not outdated; he claimed “the modern state is [a] compulsory association which organizes domination.”³⁹ He continued, “State has been successful in seeking to monopolize the legitimate use of physical force as a means of domination within a territory”.⁴⁰ By the same token, the Montevideo Convention has the following requirements: a) a permanent population, b) a defined territory, c) a government, and d) a capacity to enter a relation with the other states.⁴¹ The thesis will accept Weberian understanding of modern state, given by F. Fukuyama where a state is: “an organization deploying a legitimate monopoly of violence over a defined territory... subject to a rational division of labor, based on technical specialization and expertise, and impersonal both with regard to recruitment and their authority over citizens”.⁴²

What does it imply on the Kosovo case? Kosovo, to same extent, can claim that it has a permanent population, a defined territory, and a capacity to enter a relation with the other states. The points of a permanent population and a defined territory open the question of Serbian minority and the territory they possess. The other two points can be argued from the same perspective as Webber’s, adopted by Fukuyama’s “monopoly of the legitimate use of physical force.” One can one readily argue that Kosovo exercises the power to make decisions when it’s known that Kosovo’s economy is not sustainable and depends on foreign aid? In addition, there is the question of the existence of foreign troops on Kosovo’s land. According to S. Krasner,

³⁶ d’ Entreves A. P., *Natural Law*, Hutchinson, London, 1970., p.67

³⁷ Hinsley F.H., *Sovereignty*, Oxford, New York, 1966., p.26

³⁸ Crawford J., “State Practice and International Law in Relation to Unilateral Secession”, Expert Report filed by the Attorney General of Canada, supplement to the case on appeal in Quebec Secession Reference, 1997., par.76

³⁹Weber M., *Essays in Sociology*, Oxford University Press, Oxford, 1946. p.82

⁴⁰Ibid., p.82

⁴¹Montevideo Convention on the Rights and Duties of States, art.1

⁴² Fukuyama F., *The Origins of Political Order: From Prehuman Times to the French Revolution*, Farrar, Straus, and Giroux, New York, 2011., p. 450

there are four types of sovereignty: legal, interdependence, domestic, and Westphalian.⁴³ Can one be harsh and apply all the requirements on Kosovo, where reality shows that no EU Member State possesses all types of sovereignties?

1.2. Definitions of Unrecognized and Failed State

Let me first simplify the concept of sovereignty and divide it into internal and external. I am using the term “internal sovereignty” in sense that state has “a legitimate monopoly of violence over a defined territory”, while “external sovereignty” is used in terms of international recognition.

There is no consensus on terminology concerning an unrecognized state. During 1990’s many scholars used the term “de facto” state to describe entity without formal international recognition.⁴⁴ In last 15 years leading scholars have started using various terms such as self-proclaimed state⁴⁵, outcast state,⁴⁶ para-state (almost state),⁴⁷ de facto quasi state,⁴⁸ and finally quasi-state.⁴⁹ The thesis will use the term quasi-state, accepting Kolsto’s argument that those entities have weak economy and weak state structures and only reason why have not collapsed is that they enjoy internal support from the local population.⁵⁰ The point of departure is certainly S. Pegg’s definition (even though he used the term de facto state to describe unrecognized entities):

⁴³See: Krasner S., *Power, the State and Sovereignty: Essay on International Relations*, Routledge, 2009
Krasner S. D., *Westphalia and All That*. In J. Goldstein, and R. Keohane (ed.) *Ideas and Foreign Policy*. Cornell University Press, Ithaca NY, 1993.

⁴⁴ Peg .S., *De Facto States in the International System*, Institute of International Relations: The University of Columbia, 1998; Zartman, W. I., *Collapsed States: The Desintegration and Restoration of Legitimate Authority*, Lynne Rienner Publishers, London, 1995; Dale, R., *From Colony to Quasi-State? Namibia’s Independence Odysseys*, In: *Studies in Comparative International Development*, Vol. 30 no.3, 1995. Pp.89-102;

⁴⁵ King C., *The Benefits of Ethnic War: Understanvding Eurasia’s unrecognized states*. *World Politics*, 53/4, 2001, pp. 524-552; Chirikba V., *Geopolitical Aspects of the Abkhazian Statehood: Some Results and Perspectives*. *Iran and the Caucasus*, 8/2, 2004, pp. 341-349.

⁴⁶ Payne R.J., and Veney C. R., *Taiwan and Africa: Taipei’s Continuing Search for International Recognition*. *Journal of Asian and African Studies*, 36/4, 2001, pp. 437-450.

⁴⁷ Stachota and Falkowski

⁴⁸ Rywkin M., *The Phenomenon of Quasi-States*. *Diogenes*, 53/2, 2006, pp. 23-29.

⁴⁹ Stanislawski B. H., *Para States, Quasi-states, and Black Spots: Perhaps Not States, But Not “Ungoverned Territories”, Either*. *International Studies Review*, 10/2, 2008, p. 366-396; KOLSTO P., *The Sustainability and Future of Unrecognized Quasi-States*. *Journal of Peace Research*, 43/6, 2006, p. 723-740.

⁵⁰ Kolsto P., *The Suistanability and Future of Unrecognized Quasi-States*, *Journal of Peace Research* 43:723, 2006, p.723

“de facto state exists where there is an organized political leadership, which has risen power through some degree of indigenous capability; receives popular support and achieved sufficient capacity to provide governmental services to a given population in a defined territorial area, over which effective control is maintained for an extended period of time”.⁵¹ The problem with this definition is that there are states which do not seek international recognition (for example Republika Srpska in Bosnia and Herzegovina), therefore definition must be updated. Kolsto insists that in order to be classified as a quasi-state, the entity must fulfill three criteria: “Its leadership must be in control of (most of) the territory it lays claim to, and it must have sought but not achieved international recognition as an independent state”.⁵²

The situation when defining the term failed state is not less confusing. The problem started when R. Jackson used the term quasi state to describe the entities international recognized but without internal power.⁵³ Then, expanding work of R. Jackson, C. Clapham used again quasi-state as entity which is “the recognition and support by the international system of states that are unable to sustain themselves internally”.⁵⁴ They maintained believe that those entities are quite strong, which was later disproved by Kolsto and Stanislawski. Also some authors adopt the terms such as weak (however a weak state is not synonymous with failed states, weak states are by definition much more effective and usually suffer from lack of political legitimacy – see Rotberg or Zartmann state and shadow state.⁵⁵ In this thesis, the entities which possess external but not internal sovereignty will defined as de facto or failed state.

1.3. Applied Definitions of Sovereign, Unrecognized and Failed State

Taking into account all previously mentioned ideas, I will provide definitions which will be used in this thesis.

⁵¹ Peg, 1998., p.4

⁵² Kolsto, 2006., pp.725-726

⁵³ Jackson, R.H, Quasi States: Sovereignty, International Relations and the Third World, Cambridge University Press, Cambridge, 1993.

⁵⁴ Clapham C., Africa and the International System: The Politics of Survival, Cambridge University Press, Cambridge, 1996., p.271

⁵⁵ Beissinger M. R. and Young C., eds, Beyond State Crisis? Postcolonial Africa and Post-Soviet Eurasia in Comparative Perspective. Washington, DC: Woodrow Wilson Center/Johns Hopkins University Press, 2002.

- a) Sovereign state is an organization which possesses a legitimate monopoly of physical force over a population within a defined territory and whose existence, borders, legitimacy and symbols are internationally recognized.
- b) Unrecognized/quasi state is an entity which enjoys support of a local population, controls most of a territory it claims and seeks full international recognition, but does not have internationally recognized borders, symbols, and legitimacy of physical force over its population.
- c) Failed/de facto state is internationally recognized but which cannot protect its citizens from internal mass violence and cannot keep under control the borders it claims.

Kosovo definitely cannot be recognized as a sovereign state as it is not fully recognized in the international framework. Kosovo is not a member of the UN, and bilateral free trade agreements with Albania, Macedonia, Croatia, and Bosnia are signed by UNMIK (as the political representative of Kosovo). Although Kosovo is a member of the International Monetary Fund, the World Bank and has joined NATO Partnership for Peace, it is not likely that Kosovo will join any organization which requires consensus of its members (for example, the EU) prior to formal recognition of Serbia.

The definition of a quasi state has two parts: internal support and absence of external recognition. Kosovo is a peculiar case for two reasons. Firstly, Kosovo is recognized by 110 state members of the UN but does not hold a seat in the UN. On the other hand, Kosovo's government is supported by a majority of the population (approximately 90%, mostly Kosovo's Albanians) but control over the territory is shared with international offices – the International Civilian Representative for Kosovo (ICR) until 2012, and the European Union Rule of Law Mission in Kosovo (EULEX).

Even though it can be argued that Kosovo does not exercise full control over the territory it claims and it is not capable of protecting its population,⁵⁶ Kosovo is not internationally recognized thus the term de facto state is also not completely an appropriate definition for Kosovo.

⁵⁶ The argument goes in two directions: First, that Kosovo cannot sustain its power over the population without international actors (see the last chapter). Second, there are authors who claim that Kosovo is ruled by mafia. That is not a surprise considering the background of Kosovo's political leaders. Grupa Autora, *Kosovska kriza – Srpske Opcije*, Akademija za Diplomaciju i Bezbednost, Beograd, 2008.; Raufer, H., *Albanska Mafija*, Forum za Bezbednost

Lack of international recognition excludes Kosovo as sovereign or de facto state which does not necessarily imply that Kosovo is quasi-state. There are unrecognized entities which suffer from attributes of state failure. Pelczynska-Nalecz, Strachota, and Falkowski use the term failed almost states to define such entities.⁵⁷ Although Kosovo can be defined as failed almost state to some extent because government of Kosovo cannot protect its citizens from violence on its own, the reality is also that government of Kosovo with assistance of international office exercise the full authority over its population (as it was said, Kosovo's Serbs cooperate with EULEX). Therefore in this thesis I will refer to Kosovo as an unrecognized state, but bear in mind the importance of international support.

1.4.Theories of Secession

There is no consensus among scholars on definition of secession. Nevertheless, this thesis will combine elements from two. First, J. Crawford's definition: "secession is the creation of a State by the use or threat of force without the consent of the former sovereign".⁵⁸ Second, J. Dahlitz defines secession as "the issue of secession arrives whenever a significant proportion of a given territory, being part of a State, expresses the wish by word or by deed to become a sovereign State in itself or to join and become a part of another sovereign State".⁵⁹ From the two previous definitions appear that secession requires the use or threat of force (Crawford), secession requires opposition from the host state (Crawford), and secession does not require the creation of a new state (Dahlitz). Therefore, for simplicity I will refer to consensual/peaceful secessions as new states creation because they emerge as consequence of agreement rather than through the process of secession.⁶⁰

i Demokratiju, Beograd, 2005; Arsovska, J., *Decoding Albanian Organized Crime: Culture, Politics, and Globalization*, University of California Press, 2015.

⁵⁷ Pelczynska-Nalecz, K., Strachota, K., Falkowski, M. Para-States in the Post-Soviet Area from 1991 to 2007. In Stanislawski, B. H., ed. *Para States, Quasistates, and Black Spots: Perhaps Not States, But Not "Ungoverned Territories"*, *International Studies Review*, 10/2,2008. p. 366-396.

⁵⁸ Crawford, 2006., p.375

⁵⁹ Dahlitz J., 2003., p.6

⁶⁰ Crawford argues that Bangladesh is only case of secession since 1946 excluding decolonization. Crawford, 2006, p.415; See also: Pavkovic and Radan, 2007, pp.5-8

Why do some groups of people want to secede? Are there conducted any specific conditions and what are they if any? In order to give an answer, scholars try to explain when, how and why secessions or secession attempts occur. In order to present the answer on when, how and why, this chapter will examine the first groups of theories - explanatory theories.

Secessionists usually use political, economic, historical, and moral reasons to justify their secessions or attempt, while anti-secessionists also use the same reasoning in order to show that secession is unjust. Here, the question is not why do they occur? But rather: Can secession be justified? If so, how? In order to respond to this question, normative theory, which tends to deal with ethical and political norms, will be explored later.

1.4.1. Explanatory Theories

Social scientists are inclined to find what causes certain events and processes. Finding a cause of a social phenomenon, scientists explain how and why it occurs. Some aim to predict future secessions while others try to explain those that occurred in past and present. In light of this, it will be examined distinct representatives of explanatory theories.

a) John. R. Wood's non-causal Theory of Secession

John R. Wood was one of the first to explore the idea of secession as social and political phenomenon. According to him, secession is “an instance of political disintegration wherein political actors in one or more subsystems withdraw their loyalties, expectations, and political activities from a jurisdictional centre and focus them on a centre of their own”.⁶¹ In his view, secession “involves the dismemberment of a territorial state,”⁶² which means a formal withdrawal from the paternal state.

⁶¹ Wood J.R., “Secession: A Comparative Analytical Framework”, Canadian Journal of Political Science, 1981., p. 111

⁶² Ibid., p.112

According to J.R. Wood, secession is the result of a dynamic interaction. He analyzes this dynamic interaction into several components.⁶³

- *The preconditions of secessions* – what gives incentives to people to seek secession. Wood listed following preconditions: alienation from the host state, geographical, social, economic, political, and psychological preconditions.
- *The rise of secessionist movement* – how people get involved in a potential secessionist movement. Wood claims that ideology, leadership, and organization of secessionist movement are major motives.
- *The response of the central government* – whether a government uses coercion or accommodation as a tool for fighting a secessionist movement. According to Wood, the success of secession depends on “the central government’s ability to assert or recreate its legitimacy as the ruler of all of its territorial components and its will to use all of the authority implied by that legitimacy”.⁶⁴
- *The precipitants of secession* – are actions that lead to an open declaration of secession from a central government in order to attempt to defeat them by force.
- *Resolution of secessionist crises by armed conflict* – Wood noticed that most of the secessionist struggles do not reach the stage of a war; rather they are resolved by peaceful means or the secessionist movement will vanish in time. Usually, secessionist wars involve guerrilla warfare which causes that central government needs to fight the entire civilian population in certain regions, which leads to larger issues such as refugee flows and charges of genocide.

b) Anthony D. Smith’s Theory

Anthony D. Smith created a theory which is restricted, unlikely Wood’s theory, on secessionist movement motivated by nationalism in modern Europe and North America.⁶⁵

⁶³ Ibid., p.112

⁶⁴ Ibid., p.127

⁶⁵ Smith A.D., “Towards a theory of ethnic separatism”, *Ethnic and Racial Studies*, 1979.

According to him, there are three preconditions for a secessions movement to arise in the modern states.⁶⁶

- The development of a “scientific” bureaucracy - promotes homogeneity with the dominant culture as a base.
- The discrimination and lack of job opportunities – where ethnic groups, due to lack of economic opportunities, might turn away from the paternal state and try to find shelter into ethnic communities.
- An “ethnic revival” – is used to set the politicization of the ethnic communities and promote their values and demands.

Smith claims that political demands follow two general conditions: there is a contraction of the government employment opportunities due to the constant interstate wars in Europe; the central governments mismanage need of ethnic minorities. He also claims that ethnic communities’ leaders first ask for autonomy, and only if the governments neglect their needs, ethnic communities respond with seeking political influence outside the official political structures.⁶⁷

He defends the position that the theory should help us to predict in which cases ethnic minorities will try to secede. According to the theory, the central governments’ failure to meet the needs and demands of minorities’ is in some sense related to an attempt to secede (at least in Europe and North America). However, there are a sufficient number of cases where secession occurred without the alleged cause: Iceland from Denmark, Slovakia from Czechoslovakia, Slovenia from Yugoslavia, and so on.

c) Donald R. Horowitz

Donald R. Horowitz’ theory has an aim to predict the time of secession from the states which recently gain its independence in Africa and Asia (he believes that the theory can help in explaining secessions even in modern Europe). According to him, ethnic groups compare

⁶⁶ Ibid., pp.24-30

⁶⁷ Ibid., p.35

themselves to the state and create “rank”. Ethnic groups are not equal in term of “rank” and thus legitimacy; some groups are more educated or have more political power.⁶⁸

His theory says that ethnic conflicts are the result of “group anxiety” about the ranking. He divides the ethnic groups on backward and advanced. An advanced ethnic group is defined as having “above the mean in the number of the graduates of secondary and university institutions... highly motivated, diligent, intelligent and dynamic” whereas a backward society is marked as “indolent, ignorant and not disposed to achievement”.⁶⁹ There are four types of “paths to secession” according to this theory.⁷⁰

- *Backward group in backward region* – a backward group inhabiting in a backward region cannot compete with other advanced regions in a state. Hence, it has an interest to cut off the competition.
- *Advanced group in backward region* – an advanced group wants to compete for employment in other advanced regions. An advanced group prefers staying within a paternal state, except in cases of discrimination and violence. Interestingly, Horowitz notes that those groups are usually oppressed by backward groups in a state (for example the Tamils in Sri Lanka, or the Ibo in Nigeria).
- *Advanced group in advanced region* – an advanced group in an advanced region prefer to maintain a protected market for their products and skilled labor in existing state. Although there are rare attempts to secede, usually cause by domination by other groups (for example, the Basques under Franco regime in Spain).
- *Backward group in advanced region* – a backward group in an advanced region has a strong competition from advanced groups in the advanced region. There are both incentives: apprehensions of their rank and economic interest, but the backward groups are rarely in possession of the advanced regions; thus they are rarely in position to secede.

Horowitz also recognizes three “universal conditions” of secession. The first condition goes as follows – an ethnic group has no exercising any influence in a state. The second

⁶⁸ Horowitz D. R., *Ethnic Groups in Conflict*, Berkeley, University of California Press, 1985.

⁶⁹ *Ibid.*, p.223

⁷⁰ *Ibid.*, pp.236-262

condition says that mass violence will also trigger secession. Additionally, if an ethnic group is exposed to massive assimilation and losses its member, it will attempt to secede.⁷¹

In his theory there are two conclusions: a) a backward group in both backward regions and in advance regions will attempt to secede earlier than advanced groups; b) backward groups in backward regions will also attempt to secede more frequently than any other group.

d) Michael Hechter – Rational Choice Model

Michael Hechter, as opposed to Horowitz, claims that the main motive for secession is an individuals' pursuit of their private interest. According to his rational choice model, secession as collective phenomenon should be explained by a particular individual preference. The argument goes as follows: in order to support secession, individuals need to gain some direct benefit for themselves. This model has contains two collective decisions: the population of a certain region need to decide to secede and the leader of paternal state need to decide it is less costly to let them secede than to try to retain it. This model does not include any prediction of future secessions.⁷²

He listed two preconditions for any secession attempt.⁷³

- *Group identity* – a group attempts to secede must have a common interest, either in production and consumption or sharing a territory. In other words, a group must be self-identified as a group capable of making collective decisions.
- *The primacy of private interest* – existence of “free-riding” problem forces the leaders of a secessionist movement to offer direct benefits to their followers.

Hechter believes that all cases of creation of new state are the result of states' fragmentation, but not secessions, except two cases - Irish Free State from United Kingdom of Great Britain, and Norway from Sweden. However, there is no evidence that those secessions were motivated by private benefit.

⁷¹Ibid., pp.262-263

⁷² Hechter M., “The Dynamics of Secession”, Acta Sociologica, nb.35,1992.

⁷³ Ibid., pp.270-275

Taking into account all mentioned models, the list of preconditions will presented (see table 1) and three other phases of secession (table 2): the rise of secessionist movement, response of the central government, and final actions.

Table 1:

Preconditions of Secession Occurred in Kosovo
Promotion of dominant culture
The Discrimination and lack of job
Politicization of the ethnic community
The ethnic group exercises no power
Mass violence
The seceding group has common interest
Existence of private interest

The poor economic conditions in Kosovo, which were directly caused by generally poor conditions in the whole country created due to sanctions and civil war, were the main precondition of secession. In addition, with dissolution of Yugoslavia the discrimination was rising: Serbs could have convinced Albanians to become Yugoslavs, but they never would become Serbs. The mass exodus of Kosovo's Serbs in 1990's created atmosphere for a new constitution under Slobodan Milosevic (the province lost its equal position in comparison to other republics).⁷⁴ Consequently Albanians abandoned privileges offered by central government then declared that Kosovo is under Serbian occupation and finally started using terroristic means rather than political. That triggered mass violence from both sides. Of course, all previously mentioned should be seen with the background of Albanian common interest – Greater Albania.⁷⁵ Although there are no many uses of the words Greater Albania,⁷⁶ there is no doubt that the majority of Albanians support the project of Greater Albania – 81% Kosovo's Albanians

⁷⁴ FRY Constitution (1992)

⁷⁵ Kola P., *The Search for Greater Albania*, Hurst & Company, London, 2003; Borozan, D., *Velika Albanija: Porijeklo-ideje-praksa*, Vojnoistorijski institute Vojske Jugoslavije, Beograd, 1995.

⁷⁶ Panalbanizam: Kolika je pretnja stabilnosti na Balkanu, MKG, ICG za Evropu, Tirana/Brisel, Izvestaj br. 153/2004.

and 63% Albanians from Albania.⁷⁷ Finally, existence of personal interest has been confirmed as many the leaders of secessionist movement and circles close to them heavily benefit from the fight for secession and unilateral secession as its end.⁷⁸

Table 2:

Phases	Period
Preconditions	From early 1980' to late 1990's
Rise of secessionist movement	During 1990's
Response of the central government	Late 1990's
Final actions	After 1999

After the majority of preconditions were met, the stage two could start. In case of Kosovo's Albanians secessionist movement had two streams: active (militant) and passive. On the passive side, there was Ibrahim Rugova who simply boycotted Serbian authorities and wait for international support. He believed it was just matter of time when international community will recognize Kosovo as an independent state as it was case with Yugoslavian republics. On the active side of Albanian secessionist movement was KLA. KLA was formed in 1990 but relatively passive until 1996 when they started with terroristic attacks on Serbian police and military. Interesting to note, all currently living KLA leaders today are important politicians in Kosovo.⁷⁹

The central government responded by increasing presents of police and army. Culmination of this respond was Racak massacre which was used as trigger for NATO intervention. However, after NATO intervention came the fourth phase. Only in the a few

⁷⁷Gallup Balkan Monitor, Insight and Percepation: Voices of the Balkans, Gallup, Inc., Brussels, 2010. Pp.13 and 47

⁷⁸ Grupa Autora, Kosovska kriza – Srpske Opcije, Akademija za Diplomaciju i Bezbednost, Beograd, 2008; Raufer H., Albanska Mafija, Forum za Bezbednost i Demokratiju, Beograd, 2005; Arsovska, J., Decoding Albanian Organized Crime: Culture, Politics, and Globalization, University of California Press, 2015.

⁷⁹ Hashim Tachi, Agim Ceku, Fatmir Limaj, Ramush Haradinaj.

months 932 non-Albanians disappeared.⁸⁰ Furthermore, KLA forces conducted 6.842 attacks, which 6.775 on civilians from June 1999 to March 2004.⁸¹

1.4.2. *Normative Theories*

Normative theories contain two major groups: the choice theories and the remedial theories.⁸² This thesis will mainly apply H. Beran's theory (as a representative of the choice theories) and A. Buchanan's theory (remedial theory) but their theories will be supplemented by ideas of other scholars as well.

The choice theories of secession are based on the idea that citizens may voluntarily enter and exit the state. Their proponents usually use the analogy of divorce, one can choose whether he/it wants to be in a marriage/state or not.⁸³ All choice theorists agree on the assumption that citizens face the choice between two alternatives, to stay within the border of the host state or withdraw from it. However, there are two different views within the choice theories of secession on the procedure of choice and the type of groups entitled to the choice. Anarcho-capitalist theory states that individuals should choose their own state based on free contract with other free individuals. Anarcho-capitalist theorists claim that the right to secede should be granted only to individuals with property, while also they reject the majority rule and the equal right of citizens.⁸⁴ Following anarcho-capitalist theory, the question is where the fragmentation would stop: today Kosovo secedes from Serbia, tomorrow North Kosovo from Kosovo, and then the day after tomorrow a village of 30.000 people from North Kosovo. Arguing against anarcho-capitalist theory, H. Beran points out that the majority decision-making is the only valid

⁸⁰ Abductions and Disappearances of non-Albanians in Kosovo, Humanitarian Law Center, Belgrade, 2001.

⁸¹ Gaćinović R., *Otimanje Kosova i Metohije*, Beograd, NIC Vojska, 2004., pp.116-121

⁸² Pavkovic R., Radan P., *Creating New States: Theory and Practice of Secession*, Ashgate, 2007.

For different views: Freeman M., "The Right of self-determination in international politics: six theories in search of a policy", *Review of International Studies*, 25:3, 1999., pp.355-371

⁸³ In contrast to this analogy Aronovitch states that: a) unlike personal property, state is not tradable good; b) unlike in marriage, there is no superior authority to enforce any judgments; c) there is no reciprocal right to secede; d) divorced persons are uncontested while the identity and boundaries of seceding entities are contested. Aronovitch H., *Why Secession is Unlike Divorce*, *Public Affairs Quarterly*, 14:1, 2000, 27-39

⁸⁴ Gordon D., *Secession, State, and Liberty*, Piscataway, NJ, Transaction Books, 2002.

procedure.⁸⁵ The similarities between two is possibility of continues changing of states by wealthy groups from poorer ones. However, Beran proposed that an international body should be created which would distribute wealth between paternal states and seceding states, without impeding the secession of wealth regions.⁸⁶ In the same vein, C.H. Wellman argues that an international body should remedy economic injustices and verify if same states “are capable of maintain a secure and just political environment”.⁸⁷

In contrast to above mentioned unrestricted choice theories, there are restricted choice theories which restrict the holder of the right and the exercise of that right. D. Philpott suggests restriction of the right to groups which want to enhance their political participation.⁸⁸ D. Miller sees restriction in right of national groups because nation state is “background against which more individual choices about how to live can be made”.⁸⁹ However, there is consensus among all choice theorists claiming that even justified secession should avoid harmful results. A. Margalit and J. Raz insist that secession has to avoid a “large scale new minority problem” or any “substantial damage”.⁹⁰ Miller suggests that a justified secession should avoid threatening of the ethnic identity of any groups.⁹¹ In addition, according to Philpott, a justified secession has to avoid “augur evil consequences”.⁹² At this point is quite clear that new minority (Serbs) do not want to live in Republic of Kosovo, but can be that called “large scare new minority problem”? It is quite arguably. However, massive attacks by Albanian extremists on the Serbian civilian population (for example, pogrom in 2004) have to be considered as “substantial damage”. The recent news from Kosovo (3 incidents in range of five days)⁹³ show that violence is not extensive as it was ten years ago, but it is still present.

Nonetheless, according to a liberal theory and Beran, in a liberal democracy people are sovereign. To ascribe political sovereignty to the people is to claim that moral rights of rulers can be derived only from the creation or at least voluntary acceptance of certain political

⁸⁵ Beran H., 1984

⁸⁶ Beran H., 1998

⁸⁷ Wellman C.H., 2005., p.36

⁸⁸ Philpott D., 1995.

⁸⁹ Miller D., 1995., pp.84-85

⁹⁰ Margalit A., and Raz J., 1990.

⁹¹ Miller D., 1995

⁹² Philott D., 1995., p.271

⁹³ See for example, “Pucnjava u Kosovskoj Mitrovici, Telegraf, 13th April, 2015.

arrangements by the people. He claims that any territorially concentrated group within a state should be permitted to secede if it wants to and if it is morally and practically possible. But according to this theory there are conditions⁹⁴ which may justify not allowing secession.⁹⁵

- The group that wishes to secede is not sufficiently large to assume the basic responsibilities of an independent state.
- It is not prepared to permit sub-groups within itself to secede although such secession is morally and practically possible
- It wished to exploit or oppress a sub-group within itself that cannot secede in turn because of territorial dispersal or other reasons.
- It occupies an area not on the borders of the existing state so that secession would create an enclave.
- It occupies an area which is culturally, economically or militarily essential to the existing state
- It occupies an area which has a disproportional high share of the economic resources of the existing state.⁹⁶

By taking a brief glance at Kosovo's population, geography, and geopolitics, we can exclude points one and four. Kosovo occupies the border of paternal state. Also, Kosovo's population and territory are sufficient to take basic responsibilities connected for state governing.⁹⁷ Concerning point six, it was already discussed that Kosovo is the least developed region in Serbia.

Point two is what the new majority are not ready to negotiate. There is no single announcement from Kosovo's leader about giving the right to secede to the new minority.⁹⁸

⁹⁴ There are authors who disagree with these conditions. For example, Birch suggests that if to follow those six points almost all successions would be unjustifiable.

Birch Another Liberal Theory of Secession in Political Studies, Vol. 32, No.3, 1984.

⁹⁵ Beran H., A Liberal Theory of Secession in Political Studies, Vol. 32. 1984.

⁹⁶Ibid.

⁹⁷See: Kosovo Agency of Statistics, Office of the Prime Minister, Republic of Kosovo

⁹⁸North Kosovo is mostly mentioned in context of "source of political instability", and "accepting political reality and government in Prishtina. See: "Sever Kosova izvor nestabilnosti", B92, 4th December, 2014.

Point three is more intriguing, as I said that there was controversy in regard to oppressing the Albanian minority; the issues are now reversible. 206, 000 of Serbs were expatriated from 314 places. It is estimated that 525 of them were killed.⁹⁹ One has to note that those numbers are counted after 1999, not after unilateral secession. But can we really separate the two periods? If we cannot, there is the old question - is this number sufficient to say that Serbs are oppressed? Being honest, if we count Racak massacre as oppression, it is difficult to neglect the violence on Serbs after 1999. Point five is pretty clear though. Many Serbs consider the battle of Kosovo to be the one of the most important moments in their history. Kosovo is seen as another name in Serbian nations for justice, law, and liberty.¹⁰⁰ There are also temples and prayers left written on stones.¹⁰¹

On the other hand, remedial theories see the state as a tool used by groups to pursue their interest like the physical security or protection of human rights. In other words, when parent state fails to provide those “services”, a group gains a right to secede and create another state which will provide what parent state failed to do. A. Birch claims that if a host state fails to secure “legitimate interests” or fail to “live up to an explicit or implicit bargain”, then group has right to secede.¹⁰² Secession is seen as a remedy for state failure or state abuse of its own citizens. In the same manner, A. Buchanan argues that reason for just unilateral secession might be if state fails to protect basic human rights or threatens the lives of its citizens.¹⁰³ In his later work, he added a new failure – “explicit bargain”, if parent state “seriously and persistently” violates granted political autonomy, then group has right to secede.¹⁰⁴ It is difficult to say that Albanian basic human rights in Kosovo were violated, Albanian was official language in Kosovo (together with Serbian), Albanians had public university in their own language which not attainable even for minorities in Western liberal democracies. Not all remedial theorists give to minorities such a huge political space. Y. Tamir sees the function of state differently from Buchanan and Birch, she believes that the state is an expression of national identity of all groups within a state.¹⁰⁵

⁹⁹“Sva zla albanskih separatista”, Genocid Info, Kosovo i Metohija

¹⁰⁰Koštica V., *Odbrana Kosovo*, Filip Višnjić, Beograd, 2008, p.49

¹⁰¹For example: The Patriarchate of Peć (built in 1230-1330), Church of the Mother of God Ljeviška (1219-1305), Gračanica (1313-1321), Dečani Monastery(1327-1335) and so on.

¹⁰² Birch A., 1984., pp.599-600

¹⁰³ Buchanan, 1998.

¹⁰⁴ Buchanan A., 2003., pp.220-221

¹⁰⁵ Tamir Y., 1993.

Namely, states usually have a single official language, one set of procedure in political or legal life, certain rituals, one flag and so on. Therefore, minorities cannot fully express their national identity as their language or culture is not expressed through state institutions. As Tamir remarkably said: “Members of national minorities who live in liberal democracies...feel marginalized and dispossessed because they are governed by a political culture and political institutions imprinted by culture not their own”.¹⁰⁶ Pavkovic and Radan stress that remedial theory may be justified even though majority of population within seceding group does not support secession.¹⁰⁷ Thus remedial secession is based on desert but not equality of rights. This is certainly not the case with Kosovo where more than 90% of population is Albanian although introduces an interesting notion – desert.

Nonetheless, Buchanan’s argument goes as follows: right to secede is a remedial right that comes as a result of the state committing violations of its right or right of its members.¹⁰⁸ He has three arguments that make the “Remedial Right Only” approach the most attractive for solving unilateral secessions.

- Rectifying past unjust takings – region has right to secede if it was unjustly incorporated into the other state from which it wants to separate.¹⁰⁹
- Escaping discriminatory redistribution - a group may secede if this is the only way to escape discriminatory redistribution.¹¹⁰
- The self-defence argument – first, a group wants to secede in order to protect its member from violence from the paternal state; second, a group wants to secede in order to protect its members from a lethal aggressor even if the paternal state is not the aggressor.¹¹¹

The first argument cannot be applied to the Kosovo case. Simply by looking at the history we can see that Kosovo has never been independent region considered without concept of Serbia (or Ottoman Empire during the four centuries of occupation).¹¹²

¹⁰⁶ Tamir Y., 1993., p.72

¹⁰⁷ Pavkovic R., Radan P., *Creating New States: Theory and Practice of Secession*, Ashgate, 2007., p.204

¹⁰⁸ Buchanan A., *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*, Oxford University Press, Oxford, 2004.

¹⁰⁹ Buchanan A., *Secessions and Nationalism*

¹¹⁰ *Ibid.*,

¹¹¹ *Ibid.*,

¹¹² Ćorović V., *Istorija srpskog naroda*. Beograd, Janus, 2001; Jiriček, K., *Istorija Srba*, Beograd, Naučna knjiga, 1952.

The second argument also cannot be used on here. After World War II, Kosovo had priority in terms of economic development. In addition to economic support, Albania created theaters, scientific institutions, libraries, radio, television, and several cultural organizations.¹¹³ All aforementioned proves that Albanian minority had no reasons for organization of mass demonstrations and riots; nevertheless, in 1968 they demanded that Kosovo be the ‘‘Republic of Kosovo’’.

The third argument is more problematic. Point B should be excluded as there was nothing about an external aggressor. But ‘‘in order to protect its member from violence from the paternal state’’ is what many scholars and politicians have pointed out. It is impossible to measure the level of acceptable violence, which opens another debate – sovereignty vs. human rights.

According to the United Nations’ system, member states have a duty to promote human right within their borders.¹¹⁴ In the case that a member state does not fulfill its duty, there is an extensive legal framework, but no efficient mechanism for implementation. The Kosovo case poses a natural question why UN did not intervene, but NATO? This question will be explored in depth in the chapter on international community, exploring how major world powers are guided by their interest, very often neglecting the international law.

¹¹³ Gaćinović R., *Otimanje Kosova i Metohije*, Beograd, NIC Vojska, 2004.

¹¹⁴ United Nations General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution 53/144, 8 March 1999, art.2; United Nations General Assembly Resolution on 2005 World Summit Outcome, United Nations General Assembly Resolution 60/1, 24 October 2005.

2. The Question of Kosovo

In last 25 years, the region of Balkans has become associated with wars, ethnic cleansing and other negative phenomenon. The scholars mostly try to explain these indeed inhuman deeds with a rather simplistic view, commonly blame “ancestral ethnic hatreds”.¹¹⁵ As E.A. Dauphinee notices, this approach was biased from the beginning by such judgments.¹¹⁶ Of course, it would be naïve to ignore the dramatic history of Balkans and role of nationalism, but yet it would be far too simple to judge Balkans only through “ancestral ethnic hatreds”. In the same vein, the question of Kosovo originates from historical bigotry, but the event in the last 15 years cannot be explained without the broader context – dissolution of Yugoslavia, the end of the Cold War, and the new order among the world powers.

The region called Kosovo is formed where two valleys plateau: Kosovo and Metohija (Alb. Dukagin).¹¹⁷ The region has been the place where two ideologies and nationalisms clash: Albanian and Serbian. The Albanian sense of national identity occurred relatively late compared with other national movements in the Balkan, mostly appeared as opposition to Ottoman occupation.¹¹⁸ The lack of national sentiment under the Ottomans can be explained by shared religion between Albanians and Turks, which opened many doors for Albanians within the empire.¹¹⁹ It might be also explain it with essential uneducated and underdeveloped Albanian society, bearing in mind that national Albanian Renaissance started in Istanbul, where they had chance to gain education.¹²⁰ On the other hand, Serbian nationalism is founded on a complex balance of myth, victimization, and religious belief.¹²¹ The first one is based upon a glorious myth of the first Serbian state was established in the twelfth century. The second is found in

¹¹⁵ See: Ramet S., *The Three Yugoslavias: State-Building and Legitimation, 1918-2004*, Indiana University Press, Bloomington, 2006; Woodward S., *Balkan Tragedy: Chaos and Dissolution after the Cold War*, The Brookings Institution, Washington, 1994; Kaldor M., *New and Old Wars: Organized Violence in a Global Era*, Polity Press, London, 1999. p. 155.

¹¹⁶ Dauphinee A., E., ‘Rambouillet: A Critical (Re) Assessment’ in Bieber, F. and Z. Daskalouski (eds), *Understanding the War in Kosovo*, Frank Cass Publisher, London, 2003. p. 114.

¹¹⁷ Compare: Krstic-Brano B., *Kosovo: Facing the Court of History*, Prometheus Books, London, 2004. Pp.27-28

¹¹⁸ Poultron., H., *Macedonians and Albanians as Yugoslavs*, in Djorkic., D. (ed), *Yugoslavism: Histories of a Failed Idea 1918-1992*, Hurst, London, pp.115-135

¹¹⁹ *Ibid.*, p.125

¹²⁰ Malcolm N., *Kosovo: A Short History*, Papermac, London, 1998., pp.219-220

¹²¹ Cohen L., *Serpent in the Bosom: The Rise and Fall of Slobodan Milosevic*, Westview Press, Oxford, 2000.

Battle of Kosovo where Serbs were defeated by the Ottomans in 1389.¹²² And the third component is the Autocephaly Orthodox Patriarch established in the thirteenth century, and it was seen as savior of the Serbian nation during Ottoman occupation.¹²³

The question of Kosovo has several phases. The first one is when Kosovo's question has been opened and to some extent developed. The second phase is the rule of J. Broz. The third phase can be labeled as the period of post Broz's rule. Finally, the fourth phase occurred after the NATO intervention.

2.1. The Creation of the Question of Kosovo

The question of Kosovo has its roots in 1878, the year when Serbia finally gained its independence from the Ottoman Empire¹²⁴ and the League of Prizren was founded, which primarily goal was to create an autonomous Albanian administrative structure within the Empire, but it also has become starting point for Greater Albania.¹²⁵

The second important point was the collapse of the Ottoman Empire after the First Balkan War where Serbia, Greece, Bulgaria, and Montenegro practically expelled the Ottomans from the Balkans. Then is the Second Balkan War, Serbia doubled its territory on Bulgarian harm. However, the London Peace Treaty settled the creation of an Albanian state where many Albanians stayed within the borders of Serbia.¹²⁶ Even though Albanian frustration was growing,¹²⁷ they did not have any chances for changes until World War II.

During the World War II the situation changed. Kosovo was divided among Germany (The North part, a rich mining zone), Bulgaria (Eastern Kosovo along with a large part of Macedonia), and Albania (the rest of Kosovo along with the Albanian inhabited parts of Montenegro and Macedonia). It is imported to note that Albanians did not have many second

¹²² Ibid., p.144

¹²³ Malcom, 1998. Pp.42-431

¹²⁴ Ćorović V., Istorija srpskog naroda. Beograd, Janus, 2001; Jiriček, K., Istorija Srba, Beograd, Naučna knjiga, 1952

¹²⁵ Kola P., The Search for Greater Albania, Hurst & Company, London, 2003; Milo P., Greater Albania: Between Myth and Reality, Tirane, 2003.

¹²⁶ Malcom, 1998. p.257

¹²⁷ For example Kacak movement, that has the aim to reunify the all Albanians. Kola, 2003. P.18

thoughts on taking Serbian population under control.¹²⁸ However, in order to gain the support of Albanians from Kosovo, J. Broz forgot their crimes and gave them the opportunity of accessing the right of self-determination for Kosovo within the new federation.¹²⁹

2.2. Kosovo during J. Broz's Rule

Broz's promise was somehow kept. In 1946, Kosovo gained an autonomous status, but within the sovereignty of the Socialist Republic of Serbia.¹³⁰ This status was perceived as an attempt that Belgrade remained in control over the region, which was far below Albanian expectation and hopes.¹³¹ In 1963, the constitution upgraded the region to the status of the province, but still Kosovo's autonomy was guaranteed by Serbia.¹³²

However, Amendment VII re-established the province at the federal level and withdrew the name from Kosovo and Metohija to a Socialist Autonomous Province. Amendment VIII guaranteed a constitutional equality among nations, which encouraged Albanians from Kosovo in seeking additional rights. In 1969, the University of Prishtina was opened with classes in Albanian, which led to the creation of the Albanian elite.¹³³

Finally J. Broz justified his promise in 1974, where constitution provided equality of the province with other republics including Serbia.¹³⁴ The province was granted distinct representation in federal organs and ability to determine its own constitution,¹³⁵ hence the Albanians gained direct access to federal governing structures (they were the most populous in

¹²⁸ On Albanian crimes during the World War II: Avramov, S., *Genocid u Jugoslaviji 1941-1945, 1991...*, Akademija za Diplomaciju i Bezbednost, Beograd, 2008.

¹²⁹ Kola, 2000. p. 83

¹³⁰ SFRY Constitution (1946)

¹³¹ Malcolm, 1998. p.316; Cohen, 2000. Pp.61-62

¹³² SFRY Constitution (1963), art.111-112

¹³³ Kostovičova, 2005. p.44

¹³⁴ SFRY Constitution (1974), Basic Principles.

¹³⁵ SFRY Constitution (1974), at the Federal Chamber, art 291; and the Chamber of Republics and Provinces, art. 192 and 193

Kosovo). Kosovo, of course, used its right to have its own constitution. It is interesting to note that it was stated that only Kosovo's organs had "directly and exclusively power to amend".¹³⁶

2.3. Post Broz's Period and Milosevic's Era

After Constitution in 1974, the Serbs from Kosovo were faced with the three issues. First, their birth rate was lower than the Albanians.¹³⁷ Second, as Albanians obtained more power in the province's institution, their traditional customs provided grounds for excluding non-Albanians from political and cultural life. Third, the miserable economic situation in the province did not bypass Serbs. All of the above resulted in the mass exodus of Serbs from Kosovo.

The mass exodus of Kosovo's Serbs in late 1980's and early 1990's created opportunity for nationalist rhetoric on the Serbian side. First step was the Memorandum of the Serbian Academy of Arts and Sciences.¹³⁸ In the same vein, Kosovo's Albanians were hit by poor economic conditions; their frustration was culminated in 1981 when a student strike turned into a province-wide demonstration. Some Serbian scholars argue that poor economic conditions (they believe it is better to say that Albanian nationalism was persistent even despite improvement of economic conditions), as Serbian scholar R. Gacinovic claims: "in the early 1990's, Kosovo and Metohija had 22 scientific organizations and units, with more than 1,200 employees, including 213 professionals with Ph.D. degrees and 160 people with Masters degrees, mostly Shqiptars; before World War II, no Albanian from Kosovo had received an academic degree. At that time, Kosovo had 16,500 teachers for teachings in Albanian language, the number whereof exceeded the number of students coming from the ranks of that nationality in 1941. (My translation)"¹³⁹ All that has previously referred to proves that the Albanian minority had no reasons for the organization of mass demonstrations and riots; nevertheless, in 1968 they demanded the "Republic of Kosovo".

¹³⁶ Constitution of the Socialist Autonomous Province of Kosovo, 1974, art. 300

¹³⁷ Malcolm, 1998. pp.331-333

¹³⁸ Serbian Academy of Arts and Sciences, Memorandum, September 1986.

¹³⁹ Gaćinović R., *Otimanje Kosova i Metohije*, Beograd, NIC Vojska, 2004. Pp.58-59

All above gave space to Slobodan Milosevic, he used the question of Kosovo as a central topic in his speech in Kosovo Polje on the 28th of June, 1989 and obtained a strong popular support among Serbs across the country. In 1989, the Serbian Assembly prepared constitutional amendments in order to restrain the power of Kosovo's Albanians in the province. The idea was: "they would give Serbia control over Kosovo's police, courts and civil defence, as well as such matters as social and economic policy, educational policy, the power to issue 'administrative instructions', and the choice of an official language".¹⁴⁰ In response, Albanians in 1990 proclaimed parliament of Kosovo, which was under the veil of secrecy, and voted for republic status. For them, Kosovo was now an independent republic under Serbian occupation. Furthermore, Albanians organized an underground referendum in order to show that a majority of the population stood behind the project.¹⁴¹ This project put into first plan charismatic leader of Kosovo's Albanians – Ibrahim Rugova.¹⁴² The strategy of Rugova and his followers was simple, to boycott the Serbian authorities and wait for international support to put pressure on Serbia to recognize Kosovo. Following the independence of Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia, Albanian leader thought that final dissolution of Yugoslavia should be crowned with Kosovo's independency.¹⁴³ They believed that as an international community had already supported Yugoslavian republics, the international community should recognize Kosovo as independent state too.¹⁴⁴ As they did not receive a positive answer from the international community,¹⁴⁵ Albanians turned to more radical alternatives. From 1996, a terrorist organization KLA started regularly to attack the Serbian military and police. As M. Kaldor noticed, the KLA was financed by Albanian diaspora's support.¹⁴⁶ More important was sudden large quantities of weapon in the province followed by the collapse of the Albanian state in 1997.¹⁴⁷ The

¹⁴⁰ Malcolm, 1998. p.243

¹⁴¹ Clark, J., 'National Minorities and the Milošević Regime' in Nationalities Papers, vol. 35 (2), 2007.

¹⁴² Kostovičova, 2005. pp. 85-89

¹⁴³ Declaration of Kačanik and Constitution of the Republic of Kosovo, 7 September 1990.

¹⁴⁴ Government of Kosova, 'A Case for Independence', 31 September 1998, in Weller, M., *The Crisis in Kosovo 1989-1999: From Dissolution of Yugoslavia to Rambouillet and the Outbreak of Hostilities*, Cambridge University Press, Cambridge, 1999, p. 44.

¹⁴⁵ The Badinter commission did not recognize right of minorities to external self-determination. According to the commission, Albanians in Kosovo were considered in the same way as Serbians in Bosnia; European Community Conference on Yugoslavia, Arbitration Commission, Opinion No.2.11 January 1992.

¹⁴⁶ Kaldor, M., *New and Old Wars: Organized Violence in a Global Era*, Polity Press, London, 1999. p.157

¹⁴⁷ Ibid., p.158; Trobst, S., *Conflict in Kosovo: Failure of Prevention? An Analytical Documentation, 1992-1998*, European Centre for Minority Issues, Working Paper no. 1, May 1998, p. 46.

intensification of hostility between terrorists and Serbian police and military forces was just an introduction to a dramatic war, where the international community was left divided.

2.4. The International Community and the Question of Kosovo

On the one hand, the international community seemed afraid of the new violence, all just a few years after bloodshed in Bosnia and Croatia. On the other hand, the international principle of sovereignty treated the Kosovo issue as a Serbian internal problem.¹⁴⁸ Also, the international community was divided into two sides. The first side contained most of the members of the European Union and the United States who were worried about human rights. The second side housed the Russian Federation and five members of European Union which supported the territorial integrity of Serbia. This division between the USA and Russia reached its culmination after 2008, which will be explored in detail later.

The first step from the international community was the introduction of monitoring the deteriorating human rights by the United Nations General Assembly and Security Council.¹⁴⁹ Also, the idea was to use smaller and less significant political organs to deal with the situation. The first body was the Conference on Security and Cooperation in Europe (CSCE). The mission was rather short and it had to leave Serbia in 1993. As S. Trobst noticed the organization was limited to Serbian annual reports, thus it was not very efficient.¹⁵⁰

As the humanitarian situation and the violence between the KLA and the Serbian forces worsened, the USA and Europe undertook the three initiatives called upon Belgrade: a) dialogue with Albanian leaders, b) to accept third party mediation, c) to grant a special status to Kosovo.¹⁵¹ The Serbian response was: “Kosovo is an internal affair and nobody else’s business”.¹⁵² Americans did not accept “no” as an answer, hence Christopher Hill (American Ambassador in Macedonia) conducted a round of shuttle diplomacy between Serbian and

¹⁴⁸ Trobst, S., 1998. p.21

¹⁴⁹ United Nations Security Council resolution 1199 on the Situation in Kosovo (FRY), S/RES/1199 (1998), 23 September 1998; United Nations Security Council resolution 1203 on the Situation in Kosovo, S/RES/1203 (1998), 24 October 1998.

¹⁵⁰ Trobst, S., 1998. Pp. 27-29

¹⁵¹ Ibid., p.59

¹⁵² Milan Milutinovic response to Kinkel-Vedrine call. Quoted in Ibid., p.62

Albanian leaders, where it was proposed that the North Atlantic Treaty Organization (NATO) troops should ensure stability in the province.¹⁵³ That was more than the Serbs could have accepted, but the Serbs accepted withdrawing their military force and its replacement by 2000-strong Organization for Security and Cooperation in Europe (OSCE) force in order to ensure Security Council resolutions.¹⁵⁴

The intensification of violence from both sides had its culmination after the Racak “massacre” in January 1999. NATO, led by the USA, decided to take the Kosovo issue into its own hands and to start bombing a sovereign state. It is important to note that the Racak event was never explored to completion, as it was written in the introductory chapter H. Ranta claimed that she was under the pressure to modify the report. This case was in the indictment against Slobodan Milošević and against police generals Sreten Lukić and Vlastimir Đorđević before the International Court of Justice in Hague, but it was withdrawn at the end as the Court did not have sufficient evidence.¹⁵⁵

2.5.The Rambouillet Conference

Although the international community showed interest in solving the conflict in Kosovo, as M. Weller (legal advisor to the Albanians) noticed “the Rambouillet Conference represents a theater in which many of the tensions underlying the continuing post-cold war transformation played out”.¹⁵⁶ According to him, there were two systematic issues: a) the West vs. Russia, where Russians were not willing to accept any settlement offered by NATO, b) the USA vs. the EU, where the EU wanted to portray itself as an international leader after it failed in Bosnia.¹⁵⁷

In theory nothing has changed, it was an initial question: Serbian sovereignty and human right. It was still impossible to measure the violence. In reality, one thing had changed, Serbs practically lost the war against NATO and KLA (note, KLA at that point stop being terrorist organization). Bearing that fact in mind, it was clear that the Serbs had to compromise their

¹⁵³ Weller M., The Rambouillet Conference on Kosovo’ in *International Affairs*, vol. 75 (2), 1999. pp. 211-251.

¹⁵⁴ “Agreement in Belgrade”, *BBC News*, 13 October 1998.

¹⁵⁵ Gacinovic, R., 2004. p.116-121

¹⁵⁶ Weller, M., 1999. p.211

¹⁵⁷ *Ibid.*, p.212

sovereignty over the province with two options: a) to preserve of Kosovo within Serbia, but with large autonomy for the province, b) to divide the province into two parts, Albanians would gain independence in the territories they inhabited.¹⁵⁸ The Interim Agreement for Peace and Self-Government was the proposal made by the international community: recognizing Yugoslav sovereignty over the province and need for the Province's autonomy.¹⁵⁹ It is interesting that the proposal contained eight chapters from Hill's earlier proposal.¹⁶⁰ The proposal was initially rejected by the Albanian side, which was not satisfied with autonomy. Furthermore, they refused to settle for maintenance of the Serbian troops in the province. However, the Albanian delegation was assured that the status will be revised by referendum (no word about on whom would the referendum includes) and that NATO troops will be deployed in the province.¹⁶¹

The inability of the international community to see the fundamental problems in Kosovo and ignoring the fact that the question of Kosovo was a local issue, led the international community to solve the problem within framework of international law. However, the international community just tried to create a frozen conflict, which was not settled even in 2008 when Kosovo proclaimed independence. In the end it is all about theoretical question sovereignty vs. self-determination and politics in practice. In next two chapters we will explore the concepts of sovereignty and national self-determination, and geopolitical significance of Kosovo for the USA, the EU, and Russia.

¹⁵⁸ Science Academy of Belgrade and intellectual elite in Serbia favored this option, aiming that Serbia would keep control over the natural wealth of the north of the province.

¹⁵⁹ Interim Agreement for Peace and Self-Government in Kosovo, 23th February, 1999.

¹⁶⁰ Weller, 1999. p.238-248

¹⁶¹ Lukic R., Jugoslovenska Agonija, Republic, Belgrade, 2003., p. 335

3. Sovereignty/integrity versus National Self-determination

The sovereignty is a cornerstone of the international order; the sovereignty is guaranteed for the state in the sense that their territorial and political-territorial integrity is respected. S. Krasner defines international order as system of “Westphalian states, understood as unitary rational actors operating in an anarchic setting and striving to enhance their well-being and security”.¹⁶² On the other hand, there is the principle of national self-determination: “people ... right freely to determine, without external interference their political status”.¹⁶³ National self-determination at first undermined the dynastic sovereignty (18th and 19th centuries), but with the increasing number of sovereign states it became a major threat to the international order. A. Etzioni argues that self-determination serves only to undermine democracy by encouraging ethnic fragmentation.¹⁶⁴ He suggests that the international community should stop providing moral support to movements for ethnic self-determination from the reason that “excessive self-determination works against democratization and threatens democracy in countries that have already attained it”.¹⁶⁵

In various binding and non-binding documents, the international community has a clear idea to define the application and consequences of the principle of national self-determination. Declaration on the Granting of Independence to Colonial Countries and Peoples,¹⁶⁶ the international community clearly showed the restriction in application of national self-determination to enjoyment of a defined colonial people, who were under decolonization rules.¹⁶⁷ This idea found broader support in 1966 and its application in African and Asian cases, where states were seeking independence from colonial powers within the human right regime.¹⁶⁸

¹⁶² Krasner S., ‘Compromising Westphalia’ in *International Security*, vol. 20 (3), 1995, p. 121.

¹⁶³ General Assembly Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, General Assembly Resolution 2625 (XXV), 1970.

¹⁶⁴ Etzioni A., The Evils of Self-Determination, Foreign Policy No.89, Winter 1992-93., pp.21-35

¹⁶⁵ Ibid., p.26

¹⁶⁶ General Assembly declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly Resolution 1514 (XV), 14 December 1960.

¹⁶⁷ General Assembly Resolution 1541 (XV), 15 December 1960. Art.73

¹⁶⁸ International Covenant on Civil and Political Rights, General Assembly Resolution 2200A (XXI), 16

It stays unclear to whom are rights given, as a variety of documents grant right to “people”. People are defined as a group of individuals who have a common identity and are entitled to express their collective potential.¹⁶⁹ That would mean that each group of people has right to use the principle of self-determination. However, the international community defined that national self-determination can only be applied to the decolonization context.¹⁷⁰ It is clear that Kosovo cannot be considered as a Serbian colony, as E. Berg puts, the right of national self-determination with full independence applies only to overseas colonies.¹⁷¹ Therefore, there is no space for applying the decolonization context, nevertheless on the other side the international does not prohibit secession as such.

The universality of the human rights¹⁷² and creation of national self-determination within the concept of human rights open this possibility: all individuals are entitled to human rights; national self-determination is a human right. Thus, national self-determination holds a universal application and does not depend on the context of decolonization. This statement poses a new question: if the individuals are entitled to human rights, does it mean that national self-determination is granted to the individuals in manner R.W. McGee stated: “...the theory can be applied to a single individual or household”.¹⁷³ The partial answer can be found in the International Covenant on Civil and Political right, where human rights are given to a “person belonging to such group”.¹⁷⁴ The base for granting human rights to the individuals is the fact that they belong to a certain community.¹⁷⁵ This opens another discussion, what does group refer to?

The simple answer would be “people”. That was the starting point of the discussion and it would be ludicrous introducing it again. International law recognizes the term – minority: “special treaties on minorities with the allied or newly created states ... on the rights of minorities

December 1966 (ICCPR); International Covenant on Economic, Social and Cultural Rights, General Assembly Resolution 2200A (XXI), 16 December 1966 (ICESCR).

¹⁶⁹ Black H., *Black's Law Dictionary*, St Paul: West Publishing, 1990.

¹⁷⁰ General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly Resolution 1514 (XV), 14 December 1960.

¹⁷¹ Berg E., Re-Examining Sovereignty Claims in Changing Territorialities: Reflections form ‘Kosovo Syndrome’, *Geopolitics* 14, 2009, pp.219-220

¹⁷² United Nations Declaration of Human Rights, General Assembly Resolution 217 A (III), 10 December 1948, art.1.

¹⁷³ McGee R. W., *Secession Reconsidered*, *Journal of Libertarian Studies*, 1994 (fall), p.11

¹⁷⁴ ICCPR, art.27

¹⁷⁵ If the Basques, Chiapas Indians, Tibetans do not belong into this category, why would Albanians from Kosovo do?

within their borders ... and included in the peace treaties with ex-enemy states ... as well as declarations made before the Council of the League of Nations as a condition of their admission to the league”.¹⁷⁶ This concept was originally adopted as an attempt to reconcile states’ territorial integrity and ethnic groups’ demands. As T. Musgrave notices, the concept of minority was especially different from the concept of people in the sense of self-determination.¹⁷⁷ The ICCPR’s interpretation goes as follows: people are entitled to national self-determination, and minority to “enjoy their own culture, to profess and practice their own religion, or use their own language”.¹⁷⁸ In case of the former Yugoslavia, the Badinter Commission claims that the Serbian minorities of the Krajina and Srpska are entitled to have their minorities respected (right to internal self-determination). According to the Commission, the principle of self-determination is the guarantor of human rights, and each individual may choose to belong to whatever ethnic, religious, or language groups he wishes.¹⁷⁹

However, the international community and international law aim national self-determination only with the consent of the parent state. This idea was supported by the General Assembly resolution 2625: self-determination should “not consist of any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states”.¹⁸⁰ A. Cassese observes that self-determination has two forms: internal and external. According to him, external self-determination means the ability to determine its own status under international law, to establish its position in an international order, and to have relations with other states without third party intervention. On the other hand, internal self-determination represents the ability to establish the rule over certain territory in agreement with the paternal state.¹⁸¹ A Serbian minority in Bosnia and Herzegovina gained only internal self-determination.¹⁸² According to the Badinter commission the Serbs in Srpska and the Albanians

¹⁷⁶ Robertson A., *Human Rights in the World: an Introduction to the Study of the International Protection of Human Rights*, Manchester University Press, Manchester, 1996, p. 19.

¹⁷⁷ Musgrave T., *Self Determination and National Minorities*, Oxford University Press, Oxford, 1997, p. 167.

¹⁷⁸ ICCPR, art. 27.

¹⁷⁹ European Community Conference on Yugoslavia, Arbitration Commission Opinion No. 2, 11 January 1992.

¹⁸⁰ General Assembly Resolution 2625 (XXV), preamble.

¹⁸¹ Cassese A., *Self-determination of People: a Legal Reappraisal*, Cambridge University Press, Cambridge, 1995, p.5.

¹⁸² The inability to change frontiers: Badinter Commission, Opinion No. 2.

in Kosovo have the same status, but international community obviously is not solving the issues in the same way. Is the Kosovo case really precedent? If so, why?

3.1. Kosovo and Self-determination within Yugoslavian Context

Albanians from Kosovo argue that their independence is based upon three pillars: a) the province had de facto status under Constitution from 1974, b) Kosovo had been a de facto colony of Serbia since 1912, and has right to national self-determination in decolonization context, c) Albanians from Kosovo were part of Albanian nation, thus they should have the same right as Albanians in Albania.¹⁸³

First, Constitution of the SFRY did not grant Kosovo the right to secede; Albanians were considered as nation, but not as a constituent nation (as for example Croats or Slovenians).¹⁸⁴ Second, Kosovo never met the requirement for considering in decolonization context – please check the grammar, the colonized territory has to be “geographically separated” and “distinct ethnically and/or culturally from the country administering it”.¹⁸⁵ It is true that while Kosovo Albanians are different in ethnically and culturally from Serbs, the geographical criterion is not met. Also, according to Serbian constitution from 1974, Kosovo is an integral part of Serbia.¹⁸⁶ The third Albanian argument cannot be accepted either. If Albanians outside Albania have the same right as Albanians in Albania, why should Serbs, Hungarians, or German outside of their paternal states not have the same rights as their fellows in paternal states? The international principle of the change of international borders prevents any changes without the consent of the countries involved.

However, although the international law does not recognize nor refuses Kosovo’s right to secede, the province has right for internal self-determination because the SFRY constitution from

¹⁸³ Government of Kosova, ‘A Case for Independence’, 31 September 1998 in Weller, M., *The Crisis in Kosovo 1989-1999: From Dissolution of Yugoslavia to Rambouillet and the Outbreak of Hostilities*, Cambridge University Press, Cambridge, 1999.

¹⁸⁴ SFRY Constitution (1974).

¹⁸⁵ General Assembly Resolution 1541 (XV), annex, principle IV.

¹⁸⁶ Constitution of the Socialist Republic of Serbia, 1974, art. 1.

1974 recognizes Albanians as a minority who are entitled to have certain autonomy.¹⁸⁷ It is also clear that Albanians from Kosovo have legal right to internal self-determination according to the Badinter Commission and ICCPR.¹⁸⁸ Here rises an interesting puzzle: the Serbs claim there were no violations of the Albanians' rights, if so – there is no space for further discussion about independence. If rights were violated, there is a question – is the wish for independence caused by the Serbian violation of the Albanian right or does the violation of rights come as a cause of persistent Albanian struggle for independence? Even if one only considers the alleged violation of minority rights and neglected all other aspects - is there any moral obligation for granting independence if minority rights were violated?

This question opens the domain of speculation. If, as it was said, one proves violation of minority rights and neglected 100 years of irredentism, then there is a tiny opportunity for Kosovo's independence. T. Musgrave claims: "a minority suffers impression...the minority obtained the status of a people and may exercise a right to self-determination",¹⁸⁹ justified in "theory of revision".¹⁹⁰ There is only one example to support this theory, Bangladesh secession from Pakistan in 1971.¹⁹¹ However, that remains the isolated case and never transferred into the international legal norms. Furthermore, Kosovo would need formal recognition from its paternal state – Serbia.

As it was shown, the international community failed to provide a solution for the Kosovo conflict. What lies behind the failure? It definitely cannot be vagueness of international law, or the lack of physical power. As this chapter demonstrated, according to the international law, Kosovo has right to internal self-determination (to the same extent as Srpska in Bosnia) and has prospective chance for independence if Serbian allows it. Also, NATO intervention showed that the USA and Western Europe do not hesitate to use military forces if they perceive that a situation demands physical power. The reason why the international community cannot find an agreement on the Kosovo issue might lay in geopolitical importance of Kosovo, thus it will be examined in the next chapter.

¹⁸⁷ Constitution of the Socialist Federal Republic of Yugoslavia, 1974.

¹⁸⁸ See: Badinter Commission Opinion No.2, and ICCPR, art.27.

¹⁸⁹ Musgrave, 1997. p.171

¹⁹⁰ Buchheit, L., *Secession: The Legitimacy of Self-determination*, Yale University Press, New Haven, 1978, pp. 51-28

¹⁹¹ *Ibid.*, p.213

3.2. International Court of Justice Opinion on Kosovo

After 2008, international community has started using the language of self-determination again. In response of Kosovo's declaration of independence, Serbian requested ICJ for an advisory opinion on legality of the declaration.¹⁹² The question was: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"¹⁹³ The final ICJ advisory opinion concluded that the declaration had not violated international law; however it was included only a brief mention of "self-determination",¹⁹⁴ despite the fact that most states arguing before the ICJ raised the question whether the concept of self-determination might apply to Kosovo. Interestingly, many scholars described case in sense of self-determination.¹⁹⁵ It is needless to say that this advisory opinion had high stake for many other country than Serbia. Therefore, on the opposing side at the ICJ were states which worried about secessionist claims within their own borders.¹⁹⁶ On the other side were Western states which recognized Kosovo, but states that at the same time play the key role in Kosovo administration.¹⁹⁷ This sharp separation among the states turns the ICJ in the "conference" for legal as much as political debate.

The both side participants shared the assumptions on international meaning of self-determination, although they disagree on the concrete practical implementations. In this procedure there was a common assumption that in non-colonial context, self-determination should not be interpreted in sense of creating a new state. In other words, the primary way of realizing self-determination has to be as internal self-determination. The term internal self-determination is not originating from international law, but takes its roots in prominence in scholarship and appeared first after long time ago (it was already in case of Aland Islands in 1920) in 1990's. However in the ICJ process internal self-determination is differently expressed:

¹⁹² ICJ website (unless it is stated differently)

¹⁹³ UNGA Resolution 63/3, 2008.

¹⁹⁴ "Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo", ICJ (Final Opinion – hereafter), 22th July, 2010.

¹⁹⁵ Kaikobad H. K., "Another Frozen Conflict: Kosovo's Unilateral Declaration of Independence and International Law", p.55; Caplan R., "ICJ's Advisory Opinion on Kosovo", PeaceBrief 55, United States Institute of Peace, 17th September, 2010., p.3

¹⁹⁶ For example, Russia, Spain, Cyprus, Slovakia, Romania.

¹⁹⁷ Wilson G., "Self-determination, Recognition and the Problem of Kosovo", Netherlands International Law Review, 2009., pp.445-481; Bolton G., and Visoka G., "Recognizing Kosovo's Independence: Remedial Secession or Earned Sovereignty?", South East European Studies at Oxford, Occasional Paper 11/10, 2010.

right to participate (Albania), representative government (Netherlands), respect for human rights (Romania), territorial autonomy (Germany) and equality before law (Venezuela).¹⁹⁸ However, all participants agree upon the idea that internal self-determination has priority before external self-determination in sense of statehood (external).

Let me first list arguments in favor of legality of Kosovo's declaration of independence. Serbia did allow internal self-determination in 1990's, therefore Kosovo's declaration is legal and its statehood legitimate.¹⁹⁹ The argument says that only because and after internal rights of Kosovo's Albanians were violated, the statehood that emerged is justified. All pro-Kosovo participants acknowledged that self-determination should be realized internally, i.e. without secession²⁰⁰ (the exception was Finland, which claimed that Kosovo's independence is legitimate as expression of self-determination). Kosovo, Albania, and the UK, for instance, even asked the Court to completely ignore self-determination when issuing the final advisory opinion.²⁰¹ The pro-Kosovo participants argued that combination of extraordinary features give legitimacy to Kosovo's independence: Kosovo is only a sui generis case, an exception to the general rule of not allowing people's independence.²⁰² In making the case unique pro-Kosovo participants stressed Serbia's brutality in the late 1990's, which left Kosovo with the only one option – independence. Some of them added other elements: special status in Yugoslavia,²⁰³ historical events after 1912,²⁰⁴ Serbian occupation,²⁰⁵ desire of people for independence,²⁰⁶ and commitments to minority rights.²⁰⁷ It is important to stress that Albania and Kosovo amended its discourse. Albania had argued that Kosovo realized its self-determination,²⁰⁸ but in the end the argument was “peace and stability” as an imperative for Kosovo's independence. Kosovo had

¹⁹⁸ Albania, p.19; Netherlands, p.9; Romania, p.23; Germany, p.33; Venezuela, p.12

¹⁹⁹ See the submission of Albania, Germany, the Netherlands.

²⁰⁰ Ibid.

²⁰¹ See submission of Kosovo, Albania, the UK.

²⁰² Kosovo, Germany, Denmark, Slovenia, and the UK.

²⁰³ Japan, p.10

²⁰⁴ Germany, p.27

²⁰⁵ Kosovo

²⁰⁶ Ireland, p.11

²⁰⁷ France, p.29

²⁰⁸ Albania, pp.39 and 56

firstly presented its argument as self-determination, but in the final statement they called for peace and regional stability.²⁰⁹

On the other hand, the participants who opposed legality of Kosovo's Declaration of Independence claimed that Kosovo might have right to internal self-determination, but not to separate statehood: "an exercise of internal self-determination logically bars an exercise of external self-determination, as the former is, as a matter of fact, only applicable within the territory of the State concerned".²¹⁰ Hence, internal self-determination would preclude Kosovo from gaining full independence. Nevertheless, as we have seen, pro-Kosovo participants argued that it is not about self-determination but establishing peace. Pro-Serbian participants insisted that the supreme guarantor of the world peace is territorial integrity but not self-determination.²¹¹ In other words, accepting Kosovo's self-determination as statehood would threaten international peace and interfere with states' freedom to decide over their own destiny.²¹² Consequently, it would lead to precedent for all secession-seeking groups as Vladimir Putin prophetically predicted in 2006: "if someone believes that Kosovo should be granted full independence as a state, then why should we deny it to the Abkhaz and the South Ossetians? I am not talking about how Russia will act... However, we know that Turkey for instance, has recognised the Republic of Northern Cyprus. I don't want to say that Russia will immediately recognize Abkhazia or South Ossetia as independent, sovereign states, but such precedents do exist in international practice."²¹³ Pro-Kosovo participants argued that Kosovo is a precedent, pointing on violation of human rights but forgetting that Kosovo's population is not defined as colonial group and thus does not have status of "people", therefore Kosovo's Albanians are minority whose right cannot be extended beyond the human rights framework within Serbia's border.²¹⁴ Pro-Kosovo participants' answer goes as follows: Kosovo had been independent for more than a year, thus at that point (2009) Kosovo was "free" and remedy against Serbian interference is legitimate. Noteworthy fact is that most Western countries which were Kosovo's backers before ICJ had

²⁰⁹ Kosovo, p.190

²¹⁰ Serbia, p.139

²¹¹ See for example, Serbia, Egypt, Russia, Spain, China, and Iran.

²¹² See: Serbia, Russia, Spain, China, Iran, Venezuela, and Judge Koroma.

²¹³ Vladimir Putin speaking at his annual news conference in the Kremlin on 2 February 2006 quoted in Bugajski J., 'Is it True that the Independence of Kosova would Destabilise the Balkans and Endanger the Possibility of Stabilising other Areas of the World, for Example Chechnya or Nagorno Karabach?' in di Lellio A. (ed), *The Case for Kosova: Passage to Independence*, Anthem Press, London, 2006., p. 196.

²¹⁴ See: Serbia, Russia, Azerbaijan, Argentina, Belorussia.

been involved in governing Kosovo (international state-building) since 1999. Intended to support and build institution in post-conflict area, international state-building usually turns into international decision makers taking power over local institution without local accountability. The topic of institution building will be the subject of examination in the last chapter of the thesis.

Final Word of the International Court of Justice

As it has been already stated, the final ICJ advisory opinion concluded that declaration had not violated international law; yet the Final ICJ advisory opinion claimed that the decision is concentrated on Kosovo's declaration of independence, not its statehood.²¹⁵ In other words, the Court concluded that neither international nor laws applying to Kosovo had not prohibited declaration of independence therefore Kosovo did not violate international law.

Nonetheless, the decision has (or will have) the two repercussions. First, the Court stated that self-determination is “a right to independence for the people of non-self-governing territories and peoples subject to alien subjugation, domination and exploitation”²¹⁶ and concluded that “A great many new States have come into existence as a result of the exercise of this right”.²¹⁷ What is interesting here is that the Court did not mention any other way of realizing self-determination, but creating new states. Therefore, according to the Court, there is no such thing as internal self-determination – the concept of self-determination means independence. Second, the case of Kosovo was discussed in relevance to other case, hence Kosovo cannot be seen as *sui generis* case.²¹⁸ But on the other hand, the Court did not indicate that Kosovo is not a legal precedent. However, the full implication of this case remains dubious: will any future self-determination necessarily lead to full independence? Does it mean “sovereign statehood for choose few and absolutely nothing for the rest”?²¹⁹ Or is the case of Kosovo a precedent or a “Kosovo syndrome

²¹⁵ See: Final Opinion, 22th July, 2010.

²¹⁶ Final Opinion, p.31

²¹⁷ *Ibid.*, p.31

²¹⁸ *Ibid.*, p.30

²¹⁹ Pegg S., The ‘Taiwan of the Balkans’? The Facto State Option for Kosovo, *Southeast European Politics* 1/2, 2000., p.98

[is] an unconditional path to follow”?²²⁰ Is G. Tuathail right when he says that the NATO has opened the Pandora box (primarily for Cyprus, Georgia, Moldova, and Bosnia) with its “cynical conception of humanitarian intervention”?²²¹

²²⁰ Berg, 2009., p.230

²²¹ Tuathail G., Russia’s Kosovo: A Critical Geopolitics of August 2008 War over Ossetia, Journal of Economic literature, 2008., p.700

4. How International Actors Shape Destiny of Kosovo: Geopolitics and Legitimacy

The aim of this chapter is to show that disagreement on the conflict of Kosovo between the US, the UK, and the EU on one side, and Russia on the other, has its basis in geopolitical aspirations and present the problem of legitimacy of international mission in Kosovo. Interestingly, the loudest supporter of Kosovo independence before the Court, claiming that Kosovo is free, are directly involved in governing Kosovo through an international statebuilding project in last fifteen years. In addition, Russia, the biggest defender of Serbian sovereignty, has also been very active in the Balkans. This animosity has been lasting since the creation of modern Serbia in 1878, with culmination in two World Wars and finally in 1990's in process of dissolution of Yugoslavia. Historically, the impact of international actors on Kosovo cannot be examined without considering their impact on Yugoslavia and later on Serbia.

4.1. The Main Geopolitical Concepts in the Region

According to D. Proroković there are four different concepts of external factor that significantly influence the internal dynamic in the region: Atlantism, Eurasianism, Continentalism, and Neo-Ottomanism.²²² Each concept is associated with a particular international actor and as will be presented each international actor has behaved strictly according to their foreign policies. Atlantism represent the analytical understanding of Anglo-Saxon geopolitics school and it is closely related to the foreign policies of the United States and the United Kingdom. Euroasianism embodies the comprehensive understanding of Russian foreign policy. The notion of Continentalism is closely related to German foreign policy, or in the broader meaning the European Union foreign policy. However, Turkish foreign policy was present through NATO common policy in the case of Kosovo, i.e. the US and British foreign

²²² Propoković D., Geopolitika Srbije: Položaj i perspektive na početku XXI veka, Službeni Glasnik, Beograd, 2012.

policies, hence it will not be examined separately. Each concept fosters a long tradition of influencing the internal dynamic of the region.

Atlantism

The concept of Atlantism in international relations is primarily defined in the sense of bilateral relation between the US and the UK. Although this concept is mainly related to the NATO, it is important to emphasize that the NATO is only one of the mechanism of the previously well-established foreign policy system.

British involvement in the region goes back in 19th century when British foreign policy was designed to maintain the Ottoman Empire as a tool for controlling Russian and Austro-Hungarian expansionism. The collapse of the Ottoman Empire did not reduce British influence in the region, but only increased it. M. Ekmečić noted that the British role in the formation of Kingdom of Serbs, Croats and Slovenes, later Kingdom of Yugoslavia, was decisive.²²³ It is important to note the role of the UK before and during the WW II, in 1939 the British led the coup d'état against pro-German forces and also Winston Churchill's decision to support Josip Broz Tito significantly shaped the future of Yugoslavia.²²⁴

The post WW II world brought transfer of power, based on economic changes, from London to Washington. As N. Chomsky pointed that the US had 50% of the world's wealth and there had never been time in history one power had such a control of the world.²²⁵ In 1990, following the idea of the "end of history", NATO started expanding membership to the most of the former Yugoslav republics. Heterogenic nature of the Balkans, which significantly threatened the stability, practically enforced NATO to consider the reconstruction of the internal dynamic. As D. Allin notices: "Commitment to a long term management of at least two and maybe three Balkan protectorates", which would allow in "a limited geographical space which can be roughly described as Europe minus the former Soviet Union".²²⁶

The US administration had only one goal – to secure stability of the region heedless if it would include changing of borders or not. In that manner, the establishment of Camp Bondsteel

²²³ Ekmečić M., *Ogledi iz istorije*, Službeni List SRJ, Beograd, 2002.

²²⁴ Lazanski M., *Vreme izdaje*, Knjiga Komerc, Beograd, 2008., p.53

²²⁵ Chomsky N., *What Uncle Sam Really Wants*, Odonian Press, Berkeley, 1992.

²²⁶ Allin D., *NATO's Balkan Intervention*, The International Institute for Strategic Studies, Routledge, London, 2010

in Kosovo is seen as a great step towards stability but also as a crown of American dominance. However, the US were favored the settlement of the conflict within Yugoslavia at the beginning of their involvement in Kosovo.²²⁷ Also there is an opinion that Americans attempted to withdraw from their role in the province, but the constant violence and the inability of international administration to provide peace,²²⁸ enforced the US to recognize the importance of their involvement and placed a high priority to stabilize Balkan.²²⁹ In addition, the US insisted on negotiations over the status issue, claiming that solving the status will prevent any further violence and destabilizations.²³⁰ The US' eagerness to settle Kosovo's final status meant that Belgrade has to accept some changes from the 1999 situation.²³¹ As Richard Holbrook put it: "Belgrade will have to accept something politically difficult: giving up Serbian claims to Kosovo ... the Serbs will have to choose between trying to join the European Union and trying to regain Kosovo. If they seek their lost province, they will end up with neither."²³²

Continentalism

Continentalism represents analytical approach related to Central-Europe, encompassed previously Holy Roman Empire and Austro-Hungarian Empire,²³³ which has its continuation in German and Austrian foreign policies during the 20th century. Yet, this geopolitical approach has been transferred to the EU foreign policy in the case of Kosovo.

Continentalist approach to the Balkans is based upon two levels: political and economic. In political sense, Austro-Hungarian foreign policy was clear – only a weak Serbia, which would decrease influence of the UK and Russia, can bring stability to the Balkans. Therefore, it is not a surprise that Austro-Hungarian Empire formed Albania in 1912 under its protectorate²³⁴ and

²²⁷ Trobst, p.61

²²⁸ Bardos G., 'Containing Kosovo' in *Mediterranea Quaterly*, vol. 16(3), 2005. Pp.17-43

²²⁹ Burns N., 'Kosovo: Current and Future Status', Statement before the House Committee on International Relations, 18th May 2005.

²³⁰ Holbrooke R., 'New Course For Kosovo: Rice Makes Her Presence Felt' in *The Washington Post*, 20th April 2005. Page A25.

²³¹ Burns, 2005.

²³² Holbrooke, 2005.

²³³ Gavrić T., *Rečnik političkog mišljenja*, Lento, Beograd, 2003., p.325

²³⁴ Proroković, pp.200-201

supported Bulgaria in Second Balkan War (1913-1914).²³⁵ In support for economic claim it is enough to say that Serbian bilateral trade with Austro-Hungarian Empire counted 89.34% of Serbian whole international economic activity.²³⁶

In period from 1945 to 1990 Continentalist geopolitical approach was presented in lesser extent. However, with German reunification in 1990, Germany has returned to the international scene as an important player. At the same time membership within the EU enabled Germany to increase its role even within EU framework.²³⁷

Today Continentalist approach is mainly based on economic policies, hence Proroković notes that German surplus in trade with Serbia is valued at 600 million Euros (the whole region approximately 1.5 billion Euros) in 2010.²³⁸ This confirms that Serbia cannot agree with German and Austrian foreign policies, but certainly cannot without its economy in the last two centuries.

Similar to the American approach to Kosovo, the EU also initially favored a peaceful solution within the Federation.²³⁹ Although the EU could not lead the mission from the practical reasons (lack of efficient financial and institutional mechanism), the EU joined the international mission as its fourth pillar in order to reconstruct and develop economy in the province.²⁴⁰ Later on the EU aimed to play more significant role, especially in the long-term settlement of the status of the province (in detail in the last chapter).²⁴¹ The EU approach to the issue of Kosovo has faced a serious internal division.²⁴² there has been cleavage among member states about the degree of support to Kosovo's Albanians national self-determination demands from two reasons a) the fear that Kosovo can become a model for future secessionist movement (Spain, Cyprus, Greece, Romania, and Slovakia), b) the fear of further destabilization of the region by the rise of Albanian nationalist movements in Greece and Bulgaria (and non-member states Macedonia and Montenegro). This internal division imposed the EU involvement on two levels, as an actor and

²³⁵ Grupa Autora, *Istorija Srpskog Naroda*, Srpska Književna Zadruga, Beograd, 1994.

²³⁶ Proroković, p.15

²³⁷ Note that "intergovernmentalism" has been mostly favored by government of the larger member states. See: Hix S. and Hoyland B., *The political system of the European Union*, Palgrave Macmillan, London, 2011, p.16.

²³⁸ Proroković, p.456

²³⁹ Trobst, p.61

²⁴⁰ Resolution 1244, par. 17

²⁴¹ Trenin D., "Kosovo: A Case for European Dayton" in *Frankfurter Allgemeine Zeitung*, 19th November, 2007.

²⁴² Pond E., "The EU Test in Kosovo" in *Washington Quaterly*, vol.31 (4), 2008., pp.97-112

as a provider of multilateral framework of integrative policies.²⁴³ As the actor, the aim of the EU is to play the crucial role in solving the problems, while as the provider of multilateral integration framework to develop policies toward prospective membership of the Balkan countries.²⁴⁴

Surely, the EU is getting more involved into the conflict of Kosovo and in the Balkans generally – both ICR and EULEX missions clearly indicate this. As it was in the case of Serbia and Montenegro’s dispute, the EU uses the fact that both Belgrade and Prishtina ultimately see their future within the European borders.²⁴⁵

Eurasianism

Eurasianism denotes the geopolitical concept developed by Russian intellectuals attempting to combine Russian European and Asian properties and make it as basis for Russian foreign policy.²⁴⁶

Late 19th century independence movements in the Balkans opened space for Russia to, by supporting nationalist movements within the Ottoman and the Austro-Hungarian Empire, impact internal dynamic of the region. It must be stressed that prior Serbo-Turkish War (1876-8), Serbian leaders and population saw role models in Europe, but not in Russia.²⁴⁷ However, Russia’s enormous help in Serbo-Turkish War and WW I, along with the fact that Russians and Serbs have common religion and belong to the same language family, shape the environment for glorification of Russia in last more than a hundred years, if not among politicians, but among Serbs.

Nonetheless, the idea of Eurasianism, although created by Russian émigré community, was on agenda during the Soviet period. The dissolution of the Soviet Union at first indicated the

²⁴³ Coppieter, B. & al, ‘Europeanization and Secessionist Conflicts: Concepts and Theories’ in Coppieter, B. & al, *Europeanization and Conflict Resolution: Case studies from the European Periphery*, Academia Press, Gent, 2004.

²⁴⁴ *Ibid.*, pp. 13-62.

²⁴⁵ Noutcheva G., *European Foreign Policy and Challenges of Balkan Accession: Conditionality, legitimacy and compliance*, Routledge, New York, 2014.

²⁴⁶ Proroković, 2012.

²⁴⁷ Cirkovic S.M., *The Serbs*, Wiley-Blackwell, New Jersey, 2004.

change in policy, but it really was not the case. Intellectuals such as late Aleksandr Panarin, Igor Panarin, and Aleksandr Dugin gave a new impulse to Euro-Asian concept of Russian foreign policy.²⁴⁸ The idea was crowned in 2011 when Vladimir Putin announced the creation of the Euro-Asian Union consisted of Russia, Belarus, and Kazakhstan while some other states such as Kyrgyzstan, Tajikistan are in the process of negotiation. The importance of the Balkans and Serbia in particular was confirmed in several occasions by Russian leading academics: I. Panarin specified that the future of Euro-Asian Union must be built on four capitals: Moscow, Astana, Kyiv, and Belgrade;²⁴⁹ while Dugin in one interview called for Russia military base in Serbia.²⁵⁰

However, it is not a surprise that the Russian conception of the final settlement largely differs from two previously discussed. Although Russia has clearly supported Serbian claim to the province, it seems that it kept low profile on issues of Kosovo's final status, as leading journalist on Kosovo T. Judah said: "... it is unlikely Russia will come to their [Serbian] rescue".²⁵¹ Russia politics towards Kosovo was always clear: Russia will never recognize Kosovo without Serbian formal recognition. Nevertheless, Russians take every opportunity to stress that "they will not/cannot be bigger Serbs than Serbs themselves".²⁵²

Undoubtedly, Serbs love the Russian nation and its culture but prefer to live in the EU.²⁵³ Also, the Serbian political leadership shows a full commitment to the EU path.²⁵⁴ It cannot be claimed that it is the first time that Serbs feel like Europeans, but it is the first time that they may become Europeans. The EU clearly asks for "good neighborly relations"²⁵⁵ in a time where most of the State Members recognize Kosovo as an independent state which implies that Serbia has to recognize Kosovo as a state in order to join the EU.

²⁴⁸ A. Panarin was a Russian answer to F. Fukuyama and his "end of the history" idea (A. Panarin's work has never been translated in English. Most notable books – *Revansh Istorii* and *Iskushenie Globalizmom*). I. Panarin is best known for his failed prediction on the USA disintegration (his work has also never translated in English). A. Dugin the most famous advocator and probably the most influential of Eurasianism.

²⁴⁹ Proroković, p.446

²⁵⁰ Aleksandr Dugin "Kako povratiti Kosovo i Metohiju" - Interview given to "Dveri", 2011.

²⁵¹ Judah T., "Kosovo Faces Renewed War" , The Guardian News Service, 30th May, 2005.

²⁵² The same phrase has been used by former and current Russian Ambassador in Belgrade: Ivanjin A., "Konuzin: Ne mogu da budem veći Srbin od Srba", *Vreme*, 13th September, 2012; Talović V., "Čepurin: Nećemo da budemo veći Srbi od vas" , *Večernje Novosti*, 17th October, 2013.

²⁵³ "Srbi za Ruse, ali deca da zive u EU" , B92, 2th February, 2015.

²⁵⁴ It is not a question whether Serbia wants to join EU or not, but when and how? Serbian politicians do not consider any other option but Serbia as a full member of EU. See Mr Vucic's interview:

Newton, P., and Veselinovic, M., *MP Vucic: Serbia is once again an open society*, CNN, 19th December, 2014.

²⁵⁵See: European Commission, Conditions for Membership.

4.2. Geopolitical Importance of Kosovo

The main characteristics of the geopolitical position of Kosovo are excellent connection with other the surrounding regions and mineral resources. Therefore the interest of the leading world power for the region is not a surprise Kosovo from Roman Empire to modern Serbia has been on the intersection of many important routes (for example, in Roman Empire on the route Rome- Constantinople, in middle age on the path Prizren-Dratch-Skadar).²⁵⁶ Besides it is on the intersection of many routes, Kosovo is rich in mineral resources such as coal, zinc, lead, silver, chromium, and aluminum.²⁵⁷ Kosovo also possesses the world's fifth-largest proven reserves of lignite (approximately 14.700 mega ton).²⁵⁸

In other words, those who control Kosovo can exploit enormous reserves of minerals and more importantly can influence the whole region. For example, with the new autobahn Prishtina-Tirana (has started in 2008) along with already existing great connection between Tirana and Dratch, will connect Kosovo with Adriatic Sea. In addition to Kosovo, the Balkan region can be control/destabilize in hot spots such as Raška region, Southern Serbia, Montenegro, and Macedonia. In the time this thesis is being written, Macedonia has experienced severe terrorist attacks from Kosovo's Albanians (not backed by Kosovo's government) who demand the creation of Albanian state in Macedonia,²⁵⁹ which supports the previous statement.

Kosovo has favorable geopolitical position goes along with terrible economic situation. Unemployment rate is more than 35% and among young more than 55.3%. GDP per capita is 2.935 euro while general poverty is 29.7%. Bearing also in mind that approximately 33% of budget comes as donations from other countries or international financial institutions,²⁶⁰ it is not surprise that Kosovo's inhabitants and institutions representing them are subordinated to international civil and military administrations.

²⁵⁶ Slijepčević Đ., Srpsko-arbanaški odnosi kroz vekove sa posebnim osvrtom na novije vreme, Štamparija Ostrog, Himelstir, 1983, p.25

²⁵⁷ KPMG in Kosovo, Investment in Kosovo, 2011.

²⁵⁸ Ibid., p.10; Spatial plan of Republic of Serbia, Government of the Republic of Serbia, IGP: Prometej, Novi Sad, 2000.

²⁵⁹ "Macedonia police killed in clashes with terrorists", BBC News, 10th May, 2015.

²⁶⁰ Medium Term Expenditure Framework 2012-2014, Government of Kosovo, Ministry of Finance, Prishtina, April 2011.

4.3. The Question of Legitimacy

This chapter aims to open a question of legitimacy in Kosovo, even though it is beyond the scope of this thesis it presents a good foundation for future debates. To sum up, a decade of social unrest and armed conflict culminated with the NATO intervention in 1999 which left Kosovo in a situation of a power vacuum. The international community tried to fill this void with the Security Council resolution 1244, establishing a “subsidiary organ” to administer the territory. In consequences the political power and the civil administration were put entirely in the hands of the international actors. In 2008 Kosovo proclaimed independence without a consent of central government of the “parent state” (Serbia) which complicated the situation even further. The political power is still being exercised solely by institutions put in place by the UN and later by the EU which poses the question of legitimacy of these institutions, while the civil administration is partly managed by the international community and partly by representatives of the local population. The problem of legitimacy of the “power holder” and sustainability of the entire arrangement is called into question by the fact that in the current state of affairs neither the expectations of Kosovo’s Albanian majority (which would prefer to exercise full sovereignty over Kosovo) are met, nor is the Kosovo’s Serb minority getting integrated into the Kosovo’s social fabric. – Does the government in Pristina exercise a full control over the territory it lays claim to?

Since the legitimacy of the “power holder” that would be rooted in sustainable democratic institutions is a condition sine qua non of the future political stability of Kosovo, let me discuss briefly the concept of legitimacy. Legitimacy of belief is concept as introduced by M. Weber²⁶¹ and later developed by S. Lipset,²⁶² further supplemented D. Beetham’s²⁶³ model and A. Buchanan’s²⁶⁴ contribution of the notion of justice in the concept of legitimacy. Weber was the first one who found the relation between legitimacy and political power, and he defined legitimacy as “belief in legitimacy,” arguing that a “genuine form of domination implies a

²⁶¹ Weber M., *Economy and Society: an Outline of Interpretive Sociology*, Bedminster Press, Ney York, 1968. Edited by Guenther Roth & Claus Wittich.

²⁶² Lipset S., *Political Man: The Social Bases of Politics*, Heinemann Educational Books, London, 1983. 2nd ed.

²⁶³ Beetham D., *The Legitimation of Power*, Macmillan, London, 1991.

²⁶⁴ Buchanan A., *Justice, Legitimacy and Self-determination: Moral Foundations for International Law*, Oxford University Press, Oxford, 2004.

minimum of voluntary compliance.”²⁶⁵ P. Stillman noticed that a system can be imposed by itself by force, but not in the long run.²⁶⁶ Weber also acknowledged the distinction between different actors in the political system.²⁶⁷ He argued that there is a structure of domination in the pyramidal system: at the top is the power holder, then an administration created to implement power, and finally at the bottom are the masses.²⁶⁸ Of course, Beetham’s critics must be taken into account: Weber’s belief is used as a tool of the power holder to secure legitimacy and concerns about irrational in the notion of belief.²⁶⁹ Beetham insists that "it is not what the law actually prescribes, but what it ought to prescribe that is here the central issue of legitimacy."²⁷⁰ Finally, Lipset listed four conditions for legitimate institutions: expectation of major groups, integration of all groups, “moderation of tension,” and the creation of “cleavages within the groups [and] not between them.”²⁷¹

Considering all of the examined models, a democratic political model must, a) identify the actors (the power holder, the administration, and the masses); b) analyze the ruler (power holder) – it should be legal (rational, charismatic, or traditional - today only rational) c) analyze the normative framework (external means and inner justification); d) to meet Lipset’s conditions (the expectation of all major groups, the integration of all major groups, the moderation of tensions among groups, and the creation of cleavages within the groups); and e) to answer on question, “Is it voluntary or forced?” With regards to the previously mentioned models, I will make an advanced argument that there are two levels of legitimacy of an institutional design in post-conflict areas: external and internal.²⁷²

What are the implications in the case of Kosovo? Current institutions in Kosovo have numerous flaws (for institutions and above listed criteria see table 3): a) there is no domestic power holder; b) power holders on the international level are highly dispersed; c) administration

²⁶⁵Weber, p. 212; Weber believed in three types of legitimate domination: rational, traditional, charismatic. Ibid., p. 213

²⁶⁶Stillman P., ‘The Concept of Legitimacy’ in *Polity*, vol. 7 (1), 1974. p. 39.

²⁶⁷Weber, p. 953

²⁶⁸Ibid., pp.952-953

²⁶⁹Beetham, pp.11-17

²⁷⁰Ibid., p.5

²⁷¹Ibid., pp.78-81

²⁷²Knoll B., ‘Legitimacy and UN Administration of Territory’ in *Journal of International Law and Policy*, vol. 4 (1), 2007; I will also rely upon I. Clark’s notion that legitimacy has an important place at international framework: Clark I., *Legitimacy in International Society*, Oxford University Press, Oxford, 2005.

is shared; d) the masses are too dispersed for all of the non-ethnic issues, but on ethnic issues there are only two – Serbs and Albanians; e) the rules are mainly based on international law and agreements; f) the expectations of Albanians are not met and they remain unsatisfied; g) Serbians are not fully integrated into society; h) tensions are only partially moderated; i) although there are cleavages within the groups, they are outweighed by cleavage between two groups; and j) voluntary participation is questioned by Serbian minority boycott and poor economic conditions.

Table 3:

	The Current Political System in Kosovo*
Power holder	<i>United Nations Security Council (the USA, the UK, France, Russia, China), European Union Rule of Law Mission in Kosovo</i>
Administration	<i>European Union Rule of Law Mission in Kosovo, , Institutions of Kosovo (Legislative, Executive, Judiciary)</i>
Masses	Albanians, Serbs from North Kosovo, Serbs from enclaves, Albanian elites, Serbian elites, Belgrade, Albanians from South Serbian
Rules	<i>United Nation Charter, International law (human rights, national self-determination versus sovereignty), Resolution 1244, UNMIK regulations, Kosovo’s laws</i>
Justification	Westphalian state, human rights
Ruler is rational (legal)	Yes
The expectation of major group is met	No
All major groups are integrated	No
Tensions are moderated	Somehow
Cleavages within the groups	No
System based on voluntary participation or force	Not clear

* Italic for international.

The US was the main agitator for intervention in 1999 and also has been the main supporter of the declaration of Kosovo's independence in 2008. The peculiar fact is that Kosovo's independence only suspended Serbia's sovereignty over the province, but Kosovo's population still left barred from running its own affairs. The international statebuilding project has not only continued after 2009, but international community installed two additional international offices - ICR and EULEX. This indicates that the EU is getting more involved into the conflict of Kosovo and in the Balkans generally. As it was in the case of Serbia and Montenegro's dispute, the EU uses to its advantage the fact that both Belgrade and Prishtina ultimately see their future within the European borders.²⁷³ As Rexhep Qosja, Albanian intellectual and Hashim Taci's mentor, feared: "Serbs will lose Kosovo and Albanians right to govern it" and continued "Kosovo is only independent from Serbia".²⁷⁴ However, "no design could be found to bridge the gap between Kosovo Albanian demands for independence and Serbian insistence on its territorial integrity".²⁷⁵

²⁷³ Noutcheva G., *European Foreign Policy and Challenges of Balkan Accession: Conditionality, legitimacy and compliance*, Routledge, New York, 2014.

²⁷⁴ Qosja R., "Moraćemo opet da se sukobimo sa Srbima", *Glas Javnosti*, 29th September, 2008.

²⁷⁵ Wolff S., Rodt P.A., *Self-Determination After Kosovo*, *Europe-Asia Studies* Vol.65; No.5, July 2013., p.821

Conclusion

The exceptional combination of events such as dissolution of Yugoslavia, the long history of the political violence, ethnic cleansing, terrorism, the declaration of independence, and the extended period of the international administration are not found elsewhere and therefore make Kosovo the unique case.

The thesis argues that Kosovo's existence, legitimacy, borders, and symbols are not fully internationally recognized therefore Kosovo is not a sovereign state. It is not uncommon that entities which are not internationally recognized at the same time face issues related to state failure (failed almost state). However, that is not the case with Kosovo. Kosovo supported by the international offices is capable of controlling its citizens and the territory it claims. Acknowledging that fact, Kosovo cannot be defined as a failed almost state, but only as an unrecognized state. From that reason the large piece of the thesis is dedicated to examination of justification of Kosovo's secession, showing the complexity of the Kosovo case and various interpretations of just secession. Even the International Court of Justice did not solve this puzzle. Namely, the Court only concluded that neither international nor laws applying to Kosovo had not prohibited declaration of independence.

The question of Kosovo is often represented as merely through the events from 1990's and the conflict in 1999. This thesis has aimed to show that the question of Kosovo has its roots in 1878, the year when Serbia obtained its international recognition and when Albanians founded the Prizren League. While Kosovo officially became integral part of Serbia, Albanians started dreaming about Greater Albania. On the other hand, the conflict of Kosovo is often seen in rather simplistic view, commonly blame ancestral and ethnic hatreds. The thesis argues that the question of Kosovo originates from nationalism, but also has its explanation in the broader context such as dissolution of Yugoslavia and the end of the Cold War.

During the Cold War, bipolarity and an international environment based on principles of territorial integrity and non-aggression made military conflicts a rare occurrence. Nevertheless,

following the end of the Cold War and the failure of the Communist ideology, new sources of international instability had emerged. In many of post-Communist countries the bankruptcy of Communism created an ideological void which was then filled by nationalism. For decades the ethnic tensions in some of these countries were kept under control by strong authoritarian regimes. Now the weakened central authorities could not prevent explosion of ethnic conflicts as was the case in the former Yugoslavia in early 1990s. The central government could have made Kosovo Albanians to identify themselves as Yugoslavs, but never as Serbs.

However, the truth is Kosovo is controlled neither by Kosovo Albanians nor by Kosovo Serbs. Kosovo is highly depended on the international help: does not have army (there are NATO troops), its police cannot govern the whole territory without EULEX, one third of the budget comes from donations. In other words, Kosovo's institutions are subordinated to the international offices.

It seems that people in Kosovo, regardless of nationality, are the main losers. In 1980, Kosovo had GDP around \$5000 while in 2014 it was around \$3000, therefore it continues to grow at current rate (that donations does not cease) Kosovo will need couple of more years to reach standard it had 35 years ago.

Passivity of people in Kosovo shows simply that two nations have no desire to survive. Survival is an art and like all arts requires discipline, patience, and passion. Discipline should be internal, therefore any imposing is ruinous. Lack of patience is reflected in the great expectations and megalomania of the two nations while lack of passion is only a consequence of the lack of the first two elements.

At the end, I need to mention the generation who has grown up in Kosovo. If some of the members of the new generation had been asked two simple questions "How do you see the world in 50 years?" and "how do you see yourself in 5 years?", we would get very little response and all the answers would have started with "under the assumption the world still exist" and "assuming I am alive". Here, we are dealing with a generation that is not certain there is any future. The future in Kosovo is like a time bomb ticking in the present. And who are they, these new generations? Those who hear the ticking.

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Appendix 4: Ethnic Composition of Kosovo in 1991 (map)

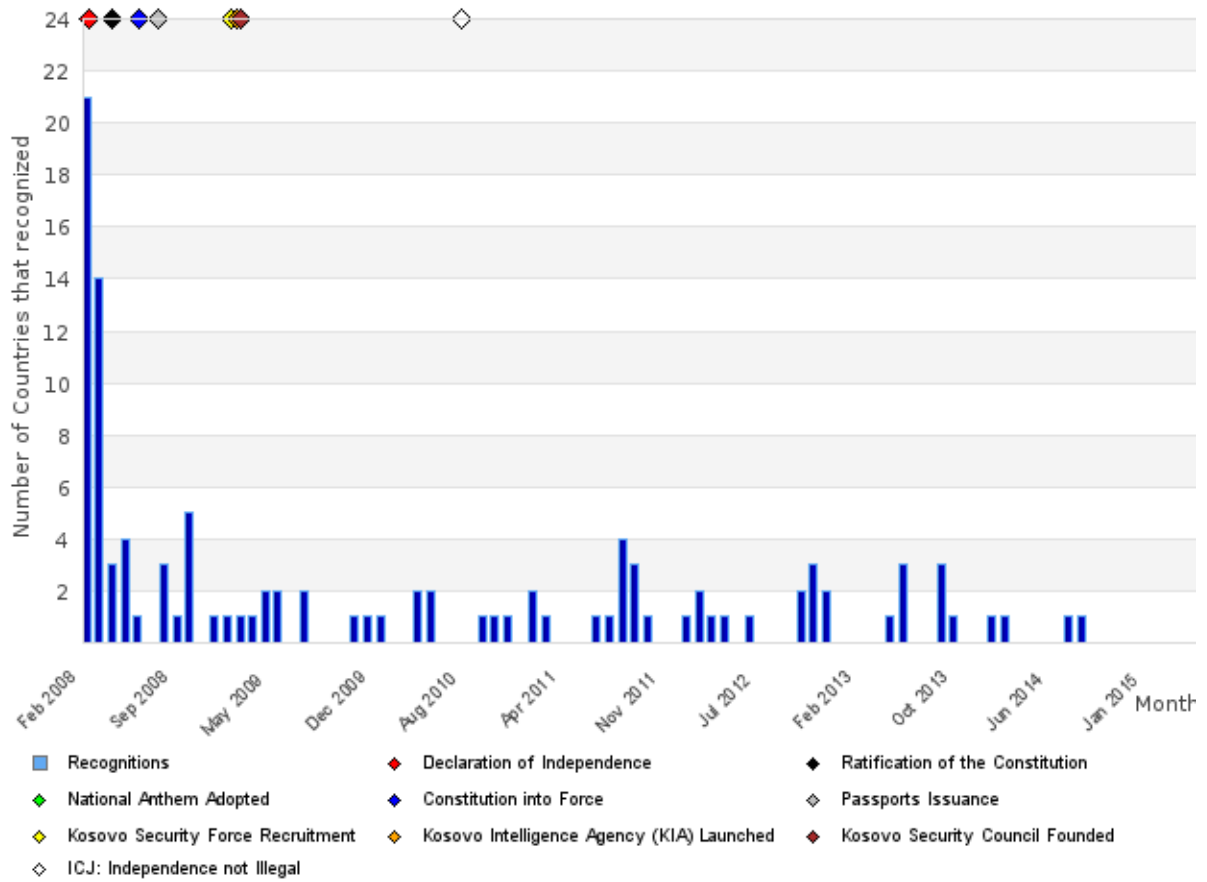
Appendix 5: Ethnic Composition of Kosovo in 2005 (map)

Appendix 1: States which recognized Kosovo

(Available at: <http://www.kosovothanksyou.com/statistics/>)



Kosova - Building State Institutions Timeline (Countries/Month)



Appendix 2: Kosovo

(Available at: http://www.lib.utexas.edu/maps/europe/kosovo_pol98.jpg)



Appendix 3: Kosovo within the Former Yugoslavia

(Available at: http://www.lib.utexas.edu/maps/europe/fm_yugoslavia_pol96.jpg)

Former Yugoslavia



Serbia and Montenegro have asserted the formation of a joint independent state, but this entity has not been formally recognized as a state by the United States.

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Appendix 4: Ethnic composition of Kosovo in 1991

(Available at: http://www.kosovo.net/ethnicmap_91.jpg)

Ethnic Majorities 1991



Yugoslav Census (1991)		
Albanian	1,596,072	81.6%
Serbian	194,190	9.9%
Muslim	66,189	3.4%
Roma	45,745	2.3%
Other	53,989	2.8%
Total	1,956,185	

NOTE
The majority of ethnic Albanians boycotted the 1991 census. The table on the left reflects official estimates made by the Yugoslav Institute of Statistics.



Humanitarian Community Information Centre
Pristina, Kosovo - 10 February 2000
Sources: NIMA, Yugoslav Institute of Statistics, UNHCR

Appendix: Ethnic composition of Kosovo in 2005

(Available at: <http://www.crucified-kosovo.eu/Kosovo-Yugoslavia-Balkan-maps.php>)

