



*An analyst sees disregard for international law setting a bad precedent in a tense region.*

Kosovo's recent unilateral separation from Serbia set off a firestorm of reaction from Belgrade and its allies, notably Moscow. Serbia withdrew its ambassadors from countries that jumped to recognize Kosovo's independence, while angry protesters sacked and burned the U.S. Embassy in Belgrade.

Meantime, there has been debate about what this means for other regional tension zones, where ethnic groups may use Kosovo as a textbook for their own independence impulses. Here is a look at some of the lessons of Pristina's 17 February independence declaration:

### **The United Nations is ignored ...**

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

### **... but it still matters.**

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

The stakes are high: the side that goes over the psychological barrier and wins recognition from the majority of the 192 UN member states will be well placed to fight ultimately for international legitimacy. Serbia and Russia have pledged not to allow Kosovo to become a UN

member, and for good reason. Without UN membership, Kosovo's international legitimacy will remain in limbo. It is not only about abstract symbols, it is also about practicalities: no UN means no membership in most international institutions.

The UN still matters.

### **There is a double standard for Serbia.**

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

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

### **Kosovo is a dangerous precedent.**

The droning about “Kosovo's uniqueness” was silenced moments after Kosovo's unilateral declaration of secession. Immediately after the unilateral act, the Basque separatists in Spain welcomed the path, followed by Corsican, Kashmiri, Chechen, Transdniestrian, Taiwanese, Flemish, Scottish, Tamil, Kurdish and dozens of other independence movements. Within three weeks, Abkhazia and South Ossetia called for their own international recognition, while the Azeri government said the Kosovo precedent prompted its readiness to solve the Nagorno-Karabakh conflict by force. As one official said last year, “the EU and the US can write in a million documents that Kosovo is a unique case, the facts on the ground worldwide will prove that mantra to be a farce.”

### **Serbia faces “Ukrainization.”**

“The EU is applying a sticks and carrots policy towards Serbia. First, it beats Serbia with a stick, and then with a carrot.” This new Serbian aphorism, and particularly the collapse of the Serbian government on 8 March over disagreements on whether to condition any future moves in the European integration process with Brussels' recognition of Serbia's territorial integrity, show the deep impact of EU's decision.

Two opposing political blocks have formed in Serbia: those who believe the fight for Kosovo precedes European integration and those who believe these two processes are equally important and achievable. The first bloc believes the diplomatic battle for Kosovo would be better fought through pragmatic relations with both Brussels and Moscow, while the second believes that in the fight for Kosovo and despite Brussels' position, there is no alternative to quick EU membership. No matter who wins in Serbia's snap parliamentary elections scheduled for 11 May, the deep division and the small overall difference between the two camps presents the risk of a "Ukrainization" of Serbia. Like Ukraine, Serbia could face a long-term domestic political divide and frequent change of power between two strategically-opposed blocks – one closer to Moscow, the other closer to Brussels and Washington.

### **Russia is back in the Balkans.**

Just as Pristina coordinated its secession with Brussels and Washington, Belgrade is now coordinating its response and diplomatic initiative with Moscow. Brussels has not only lost its appeal and diplomatic leverage in Belgrade, it has also pushed Serbia closer to Russia. In a recent poll, some 60 percent of Serbs said they were in favor of "the closest possible ties" with Moscow. During the presidential race earlier this year, neither of the candidates – the victor, Boris Tadic, and Tomislav Nikolic – went to Brussels during the campaign, but both heavily publicized their visits to Moscow.

EU Enlargement Commissioner Olli Rehn can warn Serbia as much as he wants about the "danger of being suffocated by the friendly Big Bear" – as he did in June 2007 at the time of Moscow's rejection of the Martti Ahtisaari plan for internationally supervised independence for Kosovo – but one thing is clear: Russia is back in the Balkans. And it has taken Gazprom with it, through its move to acquire the Serbian state-owned NIS petroleum company. Paradoxically, by ignoring and then trying to humiliate Russia over Kosovo, the United States and the EU have pulled Moscow's interest in defending international law and its political and economic interests deep into the EU's front yard. Russia is no longer defending its strategic interests only in its immediate neighborhood. Its forceful return to the Balkans should not be underestimated.

### **De-facto works when de-jure rules are ignored.**

There will never be a de-jure partition of Kosovo, and not only because it violates one of the principles of the province's international monitors. Pristina insists on an integral Kosovo, while the Kosovo Serbs do not want to have their community split in two – north and south of the Ibar River. As far as Belgrade is concerned, since it has declared Kosovo's secession null, the equation is the following: "a part of nil is nil, a quarter or a 10th of nil is still nil."

There has always been a de-facto partition of Kosovo. It is the irrefutable reality on the ground. Just like the Kosovo Albanians in the 1990s, the Kosovo Serbs have established a parallel system in Kosovo. They feel no loyalty to Pristina's Albanian authorities and they will neither

## Kosovo: Lessons learned

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cooperate with an independent Kosovo nor with the EU mission they consider illegal. The intent of Serbia's policy is to help them continue to live in the Serbian system by providing Serbian education, investments and local administration. Coercing them under Pristina's authority would likely result in severe riots in the north, and a probable exodus from the south.

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

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