

European Union sends “rule of law” mission to prepare for Kosovan independence

By Paul Mitchell
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Last week, the European Union (EU), under pressure from the United States, sent a 1,800-strong “rule of law” mission—the largest in the bloc’s history—to replace the United Nations mission in Kosovo (UNMIK). The EU mission’s job is to reform the police, prisons and judiciary and pave the way for Kosovan independence, which the US wants the provincial government to declare early next year.

UNMIK has administered Kosovo as a protectorate since the NATO bombing of Serbia in 1999. UNMIK has functioned under the terms of Security Council Resolution 1244, which recognised Serbia’s sovereignty over Kosovo while placing the province under the occupation of foreign troops governed by a UN viceroy. Under international law, a new UN resolution is needed to change the province’s status.

The EU mission pre-empted a Security Council meeting held December 19 to receive a report on the failure of UN-appointed mediators to bring about a negotiated agreement between local ethnic Albanian and Serbian leaders, as well as Serbia. The report states, “Neither party was willing to cede its position on the fundamental question of sovereignty over Kosovo.”

Kosovo President Fatmir Sejdiu and Serbian Prime Minister Vojislav Kostunica also addressed the meeting.

“We are ready to take steps toward a future declaration of independence of Kosovo together with our friends,” Sejdiu told the Security Council. Rame Manaj, the spokesperson of Kosovo’s Constitutional Commission, said a new constitution had been drafted (reports suggest by Balkan experts at the US State Department) and would soon be presented to Kosovo’s parliament. “Kosovo will be a parliamentary republic with a more powerful role for its president,” Manaj explained, with a security force that will be transformed into a national army in due course. For the time being, 16,500 NATO troops are to remain in the province.

Serbian Prime Minister Kostunica told the Security Council that Serbia’s fate was in its hands. He said his country defended its sovereignty “strongly and firmly” and would consider a declaration of independence illegal. Moves to “dismember” Serbia would create a precedent for separatists elsewhere in the world, he warned.

Kostunica condemned the “supervised independence” plan published by UN special envoy Martti Ahtisaari in February 2007, of which the EU “rule of law” mission is the first step. Kostunica said, “It is unacceptable that the illegitimate arrival of an EU mission to the province is discussed so that Ahtisaari’s plan for creating a puppet state may be implemented.”

“It is particularly insulting and unacceptable that the mutilated Serbia is being offered the reward of quicker admission into the EU if it reconciles with violent alteration of its borders,” Kostunica added.

Italian Foreign Minister Massimo D’Alema, who presided over the Security Council meeting, emerged to say its members were unable to reach any “concrete conclusions,” but urged the opposing sides to avoid actions that may lead to violence in the region. D’Alema blamed the “strong positions” taken by Washington and Moscow for aggravating the problems between the ethnic Albanian and Serbian sides. He said that President Boris Tadic of Serbia had told him, “I can’t let the Russians be more Serbian than me,” and the ethnic Albanians had said they “can’t let themselves appear less Kosovar than President Bush.”

D’Alema added that Italy and most EU countries supported independence, but “the Americans have underestimated the difficulties of the situation.”

The US has aggressively pursued the Ahtisaari plan. Last week, Secretary of State Condoleezza Rice declared, “Serbia and Kosovo are never going to be one again”—repeating the promise US President George W. Bush made back in June that the province would soon be independent.

Following the UN Security Council meeting, US Ambassador Zalmay Khalilzad said the “irreconcilable differences” between the ethnic Albanians and Serbs meant Kosovo’s independence could no longer be delayed. “The continuation of the status quo poses not only a threat to peace and stability in Kosovo, but also to the region and in Europe,” he added. Khalilzad claimed Resolution 1244 allows for the implementation of the Ahtisaari plan.

Russian Ambassador Vitaly Churkin disputed Khalilzad’s claim, warning that “any move toward a unilateral declaration of independence would clearly be outside of the limits of international law and Resolution 1244” and would set a dangerous precedent. Russia has warned that “the situation is threatening to slip towards an uncontrollable crisis if international law is not upheld.”

Russia’s mediator at the Kosovo Albanian-Serbian talks, Aleksandr Botsan-Kharchenko, declared that the negotiating process was still in an early stage and that the two sides “cooperated and contacted constantly...for the first time since 1999.”

“Russia’s principled position is that work within Security Council Resolution 1244 should continue, without seeking loopholes in that document that would, allegedly, enable Pristina [the Kosovan capital] to declare independence or the international community to replace UNMIK with an EU mission,” he stated.

“To say that Kosovo has the right to independence and [breakaway regions in Georgia] Abkhazia or South Ossetia do not would be a typical example of double standards,” Botsan-Kharchenko said. He added that Russia is “doing everything in its power to prevent such a scenario and to prevent the creation of a negative precedent.”

“We want to find a long-term solution for this conflict and any dialogue and any step, even a tiny one, is a step forward.... To let this go now would be a monstrous mistake,” he concluded.

Moscow is particularly concerned about the involvement of Washington, backed by Britain and the other European powers, in the future of Kosovo, which it sees as part of their attempt to limit its aspirations as a regional and world power. Moscow is eager to boost its position in the Balkans, where it competes for influence with the EU and where its companies have invested heavily, particularly in oil and gas pipelines.

The tensions in Kosovo are linked to the wider dispute over the installation of US missile defence shield bases in the Czech Republic and Poland and threats of further sanctions and war on Iran. In the last few weeks, Russia has withdrawn from the Conventional Armed Forces in Europe Treaty and is threatening to redeploy troops to its European borders. Moscow has indicated that it intends to move part of its fleet to Syrian ports and to maintain a permanent presence in the Mediterranean, and has tested a new intercontinental ballistic missile.

The EU has been split by the recklessness of the US and the growing antagonisms with Russia. At the same time, the bloc is trying to project a united front to the world, saying it can handle problems in its own back yard. “Kosovo’s independence is inevitable,” French President Nicolas Sarkozy declared. “It’s an issue for Europe to sort out.”

“The most important thing is for the EU to take the next steps with as much unity as possible,” German Chancellor Angela Merkel added.

Only one EU country, Cyprus, remains openly opposed to Kosovan independence and backs Russia’s call for further negotiations. It fears that diplomatic recognition of an independent Kosovo would legitimise the Turkish regime that occupied the northern part of Cyprus in 1974.

However, other EU countries remain concerned over the implications of Kosovo’s independence for separatist movements in their own countries and for their close relations with Serbia and Russia. Spanish Foreign Minister Miguel Angel Moratinos said that “a unilateral proclamation of independence is not positive for Spain, but it will wait to see what happens.” He explained that Madrid “respects international law and the unity of the EU” and “violating laws has never done any good in history.” Romanian Defence Minister Teodor Melescanu added, “A unilateral decision could have a very negative effect on the entire region and is not in keeping with international law.”

The EU is also split on the issue of Serbia’s membership of the bloc. Many member states are keen to start accession talks with Belgrade on January 28, in the run-up to presidential elections in the country.

They hope to boost the chances of pro-Western president Boris Tadic, who is running neck and neck in polls with Tomislav Nikolic, deputy leader of the extreme nationalist Serbian Radical Party. Nikolic unconditionally rejects Serbian recognition of an independent Kosovo, and has suggested Russia set up a military base in Serbia to rival the US presence at Camp Bondsteel in Kosovo. Some member states, led by the UK, are strongly against membership talks until the Serbian government pursues more vigorously fugitives wanted for war crimes, including former general Ratko Mladic and Bosnian-Serb leader Radovan Karadic.

The rush to make Kosovo independent and uncertainty over Serbian EU membership have created a crisis for the Serb politicians who played a vital role for the West in ousting former President Slobodan

Milosevic and were installed in power in Serbia. For example, Serbia’s foreign minister, Vuk Jeremic, educated in the UK and US and a high-flyer in London financial circles, has been forced to criticise his erstwhile backers, saying the EU offer to accelerate Serb membership of the organisation will never be accepted. “The trade-off is out of the question. We cannot exchange our territory for our European future,” he complained bitterly.

In Kosovo, Bertran Bono, the spokesperson for KFOR, NATO’s “peacekeeping” mission in the province, proclaimed his confidence that everything was under control, saying, “We do not want any kind of violence here, but we have already planned everything to stop it from happening again in all situations. That means that we have different scenarios prepared for the best and worst case scenarios and we are ready to answer all challenges.”

The 200,000-strong Serb minority concentrated in northern Kosovo well remembers KFOR’s inability to stop the violence of March 17, 2004, when 19 people died, more than 950 were injured and there was large-scale destruction of property. Knut Vollebaek, the high commissioner for national minorities of the Organisation for Security and Cooperation in Europe, has already pointed to a possible new wave of Roma refugees who “could flee to neighbouring Macedonia and Montenegro if their safety is threatened, especially in the southern part of the province.”

On December 18, several thousand Serbs in the ethnically divided city of Mitrovica demonstrated against the deployment of the EU mission and moves towards Kosovan independence. Marko Jaksic, a leading local official of Kostunica’s conservative Democratic Party of Serbia (DSS), told the crowd that the Serbian parliament should stop all discussions about EU membership and be prepared to annul a unilateral declaration of independence by Kosovo.

Such a declaration by Pristina could prompt other unilateral actions, starting with the partition of northern Kosovo, precipitating violent separatist re-alignments in the region and becoming the catalyst for a wider conflagration.

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