KOSOVO INDEPENDENCE: POLITICAL AND LEGAL PERSPECTIVES

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**Kosovo Independence: Political and legal Perspectives**   
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Following World War II there was an urgent need for a permanent international criminal court (ICC) to prosecute those accused of war atrocities, crimes against humanity, and genocide, but the Cold War as a de-facto state of affairs intervened to delay such urgency. Such a need reemerged in 1998 in Rome; the nations of the world drafted the charter of The International Criminal Court. American negotiators, however, insisted on provisions in the charter that would, in essence, give the United States veto power over any prosecution through it. The U.S.A requested to be given a veto power similar to that of the permanent membership on the Security Council. The American request was rejected, and primarily for this reason the US refused to join 120 other nations who supported the charter. The ICC is an instrument Washington can’t control sufficiently to keep it from prosecuting American military and government officials. Senior US officials have explicitly admitted that this danger is the reason for their aversion to the proposed new court.(1) But this is clearly not the case with the International Criminal Tribunal for the Former Yugoslavia; it is Washington’s kind of international court, a court for the New World Order.  
It has become obvious that the world’s major powers have forgotten all universal principles in their striving to enhance their strategic geopolitics. Russia and the United States of America are cases in point of that. Russia under Putin has always sought to assert itself and, for that, it resorted to manipulate and bring confrontational issues to the level of manageable conflicts with the West. One of those conflicts is Kosovo. Independence for Kosovo was inevitable as projected by the USA and its allies. No other solution was possible as forecasted by the American administration after the Serbs tried to expel the Albanians. For Russia, however, the Kosovo conflict offered wide possibilities for posturing as the defender of the integrity of nations, upholder of international law and friend of the Serbs. Russian U.N. ambassador Vitaly Churkin has warned against repressive measures should the Serbs in Kosovo decide not to comply with this unilateral proclamation of independence. Like other Russian actions, this statement seems calculated to make the potential confrontation worse but only at the rhetoric level.(2)  
Ironically, and as stated above respect for territorial integrity and international law is hardly a principle of Russian policy.(3)

Abkhazia would not have separated from Georgia without covert Russian support for the Abkhaz separatists in the early 1990s. Russia defends the aspirations of the separatist enclaves of Abkhazia, South Ossetia (which also separated from Georgia) and Transnistria (which declared its independence from Moldova) and Russian forces are stationed in all three. Most of the residents have Russian passports.  
The Russian support for Serbia under circumstances where that support can lead to political stalemate is another example of why the growing bureaucratism in Moscow is an obstacle to better foreign policy. It has implications not just for the Russian domestic situation but, because it creates a need for reestablishing global power, leads to unpredictable Russian global policy.  
As for the USA stance and going back to the recent history and specifically at the beginning of June 2000, the War Crimes Tribunal Prosecutor, Carla Del Ponte, announced that she would not prosecute NATO for war crimes (due to subtle pressure from various NATO and political leaders). This subject started to brew to the open media after the NATO bombing of Yugoslavia began in March, 1999, international-law professionals from Canada, the United Kingdom, Greece, and the American Association of Jurists have composed a file of complaints with the International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands, charging leaders of NATO countries and officials of NATO itself with crimes similar to those for which the Tribunal had issued indictments shortly before against Serbian leaders. Amongst the charges filed were: “grave violations of international humanitarian law”, including “willful killing, willfully causing great suffering and serious injury to body and health, employment of poisonous weapons and other weapons to cause unnecessary suffering, unjustifiable destruction of cities, towns and villages, unlawful attacks on civilian objects, devastation not necessitated by military objectives, attacks on undefended buildings and dwellings, destruction and willful damage done to institutions dedicated to religion, charity and education.(4)  
The complaint also alleges “open violation” of the United Nations Charter, the NATO treaty itself, the Geneva Conventions, and the Principles of International Law Recognized by the International Military Tribunal at Nuremberg. The complaint was submitted along with a considerable amount of evidence to support the charges. The evidence makes the key point that it was NATO’s bombing campaign which had given rise to the bulk of the deaths in Yugoslavia, provoked most of the Serbian atrocities, created an environmental disaster, and left a dangerous legacy of unexploded depleted uranium and cluster bombs. In June, some of the complainants met in The Hague with the court’s chief prosecutor, Louise Arbour of Canada. Although she cordially received their brief in person, along with three thick volumes of evidence documenting the alleged war crimes, nothing of substance came of the meeting, despite repeated follow-up submissions and letters by the petitioners.(5)

It is worth noting that all of these allegations against the United States and NATO in general, though have relevance to the truth of reality, however they are exaggerated especially when dealing with the NATO’s deliberate intentions at doing harm for the sake of harm.  
There is no doubt that NATO’s attack on Yugoslavia violates the United Nations charter; the NATO attacks were never authorized by the Security Council and could not by any stretch of the imagination be considered to have been in self-defense.(6) Interestingly, some commentators who acknowledge this uncomfortable fact then argue that an exception to international law should perhaps be created for what Antonio Cassese calls “humanitarian countermeasures,” when, according to Bruno Simma, “imperative political and moral considerations may appear to leave no choice but to act outside the law,” or, as Vaclav Havel put it, to find a “higher law” to justify what international law defines, clearly, as aggression. This acknowledgement of NATO illegality has created a heated debate among scholars and international law experts. This whole issue stems from the notion that one respects higher laws. Presumably, those who disagree are simply less enlightened, or less moral.  
In regard to Kosovo, NATO asserted that it could not ask for Security Council approval because the Russians and the Chinese would not have given it. Thus implicitly saying that NATO is superior in morality to the Russians and the Chinese.(7)

A Times of India editorial, May 6 1999, (their link seems to have now expired) suggests that international law has been a big loser in this war. Events in Kosovo, suggest that NATO can ignore, or not worry about what the UN or anyone who disagrees with USA says in this matter. The ramifications of this, as also seen in the Iraq crisis (where USA and UK did not obtain UN Security Council authorization to use force in 1998/1999), are important and once again the Madeline Albright quote at the top comes to mind (which describes blatantly how international co-operation and the majority of views can be ignored).  
All nations and societies at time in history have committed violations of humanitarian and international law. While Milosevic despite certain question marks was rightly tried for such gross crimes, facts on the ground also reminds us, that the victors, who may have also committed huge crimes against humanity themselves, often get away, unaccountably.  
But given reality as is, it is easy to see how difficult it would be to even attempt to try all aggressors and violators of law.  
The historical sequence of Yugoslavia is long and for the sake of highlighting salient issues it is worth moving to the question of what does Kosovo’s declaration of independence mean for Kosovo, Russia, and the wider world?  
National Review Online asked this same question to some experts on the region. Samples of the answers were as follows:  
Sample 1. The Bush administration acknowledges there is such thing as international law. But, predictably, it is not being invoked to address the US prison camps at Guantanamo, the use of psychological torture, the invasion and occupation of sovereign countries. No, it is being thrown out forcefully as a condemnation of the Serbian government in the wake of Thursday’s attack by protesters on the US embassy in Belgrade following the Bush administration’s swift recognition of the declaration of independence by the southern Serbian province of Kosovo. Some 1,000 protesters broke away from a largely non-violent mass demonstration in downtown Belgrade and targeted the embassy. Some protesters actually made it into the compound, setting a fire and tearing down the American flag.  
Sample 2. “I’m outraged by the mob attack against the U.S. embassy in Belgrade,” fumed Zalmay Khalilzad, the US Ambassador to the United Nations. “The embassy is sovereign US territory. The government of Serbia has a responsibility under international law to protect diplomatic facilities, particularly embassies.” His comments were echoed by a virtual who’s who of the Bill Clinton administration. People like Jamie Rubin, then-Secretary of State Madeleine Albright’s deputy, one of the main architects of US policy toward Serbia. “It is sovereign territory of the United States under international law,” Rubin declared. “For Serbia to allow these protesters to break windows, break into the American Embassy, is a pretty dramatic sign.” Hillary Clinton, whose husband orchestrated and ran the 78-day NATO bombing of Serbia in 1999, said, “I would be moving very aggressively to hold the Serbian government responsible with their security forces to protect our embassy. Under international law they should be doing that.”  
Sample 3. There are two major issues here. One is the situation in Kosovo itself, but the other is the attack on the US embassy. Yes, the Serbian government had an obligation to prevent the embassy from being torched and ransacked. If there was complicity by the Serbian police or authorities in allowing it to be attacked, that is a serious issue. But the US has little moral authority not just in invoking international law (which it only does when it benefits Washington’s agenda), but in invoking international law when speaking about attacks on embassies in Belgrade.

Sample 4. Perhaps the greatest crime against any embassy in the history of Yugoslavia was committed not by evil Serb protesters, but by the United States military.  
On May 7, 1999, at the height of the 78 day US-led NATO bombing of Yugoslavia, the US bombed the Chinese embassy in Belgrade, killing three Chinese citizens, two of them journalists, and wounding 20 others. The Clinton administration later said that the bombing was the result of faulty maps provided by the CIA. Beijing rejected that explanation and alleged it was deliberate. Eventually, under strong pressure from China, the US apologized and paid $28 million in compensation to the victims’ families. If the US was serious about international law and the protection of embassies, those responsible for that bombing would have been tried at The Hague along with other alleged war criminals. But “war criminal” is a designation for the losers of US-fueled wars, not bombers sent by Washington to drop humanitarian munitions on “sovereign territory.”  
Beyond the obvious double standards of the US condemnations of Serbia and the sudden admission that international law exists, the Kosovo story is an important one in the context of the current election campaign in the United States. Perhaps more than any other international conflict, Yugoslavia was the defining foreign policy of President Bill Clinton’s time in power. Under his rule, the nation of Yugoslavia was destroyed, dismantled and chopped into ethnically pure separatists political movements. President Bush’s immediate recognition of Kosovo as an independent nation was the icing on the cake of destruction of Yugoslavia and one, which was enthusiastically embraced by Hillary Clinton. “I’ve supported the independence of Kosovo because I think it is imperative that in the heart of Europe we continue to promote independence and democracy,” Clinton said at the recent Democratic debate in Austin, Texas.  
It is worth placing a remark here by indicating that a few days before the attack on the US embassy in Belgrade, Clinton released a statement praising the declaration of independence. In it, she referred to Kosovo by the Albanian “Kosovo” and said independence “will allow the people of Kosovo to finally live in their own democratic state. It will allow Kosovo and Serbia to finally put a difficult chapter in their history behind them and to move forward.” She added, “I want to underscore the need to avoid any violence or provocations in the days and weeks ahead.” On the campaign trail, the Clinton camp has held up Kosovo as a successful model for how to conduct US foreign policy and Clinton criticized Bush for taking “so long for us to reach this historic juncture.”  
Sample 5. In relation to the above statements of Ms. Clinton one expert on the subject made the following remarks: If Kosovo is Clinton idea as a presidential candidate of solid US foreign policy, it speaks volumes to what kind of president she would be. The reality is that there are striking similarities between the Clinton approach to Kosovo and the Bush approach to Iraq.  
On March 24, 1999, President Bill Clinton began an 11-week bombing campaign against Yugoslavia. Like Bush with Iraq, Clinton had no UN mandate (he used NATO) and his so-called “diplomacy” to avert the possibility of bombing leading up to the attacks was insincere and a set-up from the jump. Just like Bush with Iraq.  
A month before the bombing began, the Clinton administration issued an ultimatum to President Slobodan Milosevic, which he had to either accept unconditionally or face bombing. Known as the Rambouillet accord, it was a document that no sovereign country would have accepted. It contained a provision that would have guaranteed US and NATO forces free and unrestricted passage and unimpeded access throughout all of Yugoslavia, not just Kosovo. It also sought to immunize those occupation forces “from any form of arrest, investigation, or detention by the authorities in Yugoslavia, as well as grant the occupiers “the use of airports, roads, rails and ports without payment.” Additionally, Milosevic was told he would have to “grant all telecommunications services, including broadcast services, needed for the Operation, as determined by NATO.” Similar to Bush’s Iraq plan years later, Rambouillet mandated that the economy of Kosovo “shall function in accordance with free market principles.”  
If we inquire about the whereabouts of Kosovo what would be our first observation? Ethnic Albanians account for nearly 90 percent of Kosovo’s 2 million people, Serbs dominate a number of enclaves and a large part of northern Kosovo. They have refused to recognize any separation from Serbia, with daily protests taking place in the northern city of Kosovska Mitrovica.  
Russian envoy Vitaly Churkin said Moscow has been saying “quite openly” inside and outside the U.N. Security Council that an independence declaration “might lead to de-facto partitioning of Kosovo.”  
That’s “because it was quite obvious that Serbs in Kosovo were not about to accept unilateral declaration of independence,” Churkin said in a news conference.  
“So this is exactly what is happening there,” he said. “De facto, we see the situation on the ground, and it is a direct consequence of the unilateral declaration of independence.”  
Russia has backed its ally Serbia in refusing to endorse Kosovo’s secession, maintaining that it remains a Serbian province under U.N. administration.  
The Bush administration has told Serbia it was “absolutely opposed” to any attempt to partition Kosovo so that the Serbian minority could have its own homeland, U.S. Undersecretary of State Nicholas Burns said last week.  
Kosovo came under U.N. and NATO administration after a NATO-led air war halted former Yugoslav leader Slobodan Milosevic’s crackdown on ethnic Albanian separatists in 1999. The declaration of independence came after international talks failed to produce an agreement between the Serbs and Kosovo’s ethnic Albanian leadership.  
In an attempt to reassert Serbia’s control over Kosovo, officials said they had seized control of a 30-mile stretch of rail line in northern Kosovo. However, U.N. officials said border police had reclaimed control and suspended train service from Serbia into Kosovo. The top U.N. diplomat in Kosovo, Joachim Ruecker, said the mission will “meet any challenges to law and order throughout Kosovo.”  
EU leaders have agreed to send a 1,800-strong police and judiciary mission to Kosovo to replace the U.N. administrative mission and it is preparing to deploy. Churkin said any operation that replaces the U.N. mission would go against a Security Council resolution passed in 1999 and be “completely illegal.”  
Serb leaders have vowed to work only with the U.N. administration and ignore the EU mission and Kosovo’s government. They have also refused to deal with Peter Fieth, whom a new 15-nation International Steering Group for Kosovo appointed its civilian representative.(8)  
From an academic point of view Nikolas Gvosdev(9) indicated that “First, let’s dispense with the tune that the stand-off over the way Kosovo became independent was between Serbia and its Slav big brother Russia and the “rest of the world” or marks some sort of dividing line between the world’s democracies and autocracies. Countries that have faced separatist movements and violent insurgencies, Spain, India and Indonesia, among others, are deeply concerned that this place possible precedents. Even a number of Israeli politicians have expressed concern about a Kosovo precedent being applied to the Middle East.  
For the foreseeable future, American diplomacy is going to have extra challenges on its hands to prove to other countries that the U.S.A. rhetoric implying that Kosovo “sets no precedent” is sincere. This may complicate immensely U.S.A. balancing act over Taiwan, where the United States have always wanted to support democracy, but forestall any declaration of independence from China.

U.S.A. diplomats will have some explaining to do presumably also to some members of Congress, why Taipei’s statement that “self-determination is a right recognized by the United Nations, and it is the people who are masters of their nation’s future” applies in the Balkans but not in East Asia.  
Kosovo will test the entire “standards with status” approach, again with clear ramifications for the Middle East peace process. Having declared independence, the main argument as to why Kosovo’s provincial government could not move more effectively on reforms and combating crime is removed. It will also determine, once and for all, whether the EU’s precedent advantage in reconstruction is really deserved. Will the Europeans risk blood and treasure to enforce standards? If this doesn’t happen, one could really wonder on the likelihood of any other frozen conflict in the greater Eurasian space being solved, especially and since no one will trust the guarantees the EU gives. Kosovo’s independence may close the final chapter of Yugoslavia’s disintegration, but new set of challenges are vibrant in the horizon and doors are newly unlocked. What is important with regard to the above statement and in relation to the irony of the Kosovo declaration of independence is that its ultimate impact has very little to do with Kosovo itself, which for all intents and purposes has been a NATO protectorate since 1999. For Russia or anyone else to complain now about the formal recognition of a sovereign status that was achieved almost a decade ago is pointless. (Indeed, if only the Russians were nearly as concerned about the sovereign rights of Georgia as they are about those of Serbia.)  
Still, there are two major effects of Kosovo independence to consider. The first is that the longstanding notion that the internal affairs of each state are no business of any others has been irretrievably discarded; the 1999 NATO attack on Serbia was a warning that national borders are no longer a protection against dictatorial mischief, including genocide, and Kosovo’s independence is just the final confirmation of that change in international norms.  
Second, the Kosovo break with Serbia has laid bare the accelerating erosion of the authority of the United Nations. The U.N., in theory, should be the ultimate arbiter of whether and when national entities are actually “states,” but Kosovo has reinforced the reality that the leaders of the international community (in this case the U.S. and the EU) are actually the powers that make those decisions and can make them stick. This is largely because of the utterly dysfunctional nature of the Security Council, which allows states like Russia and China to punch far above their weight in international affairs due to the existing mechanism of the veto. It makes complete sense that Russia wants this issue moved to the Security Council, because it is only there that Moscow can counter the voices of over two dozen of its European and North Atlantic neighbors, and it is hardly surprising that there is little international support for allowing the Russians to snuff out Kosovo’s independence through legal use in New York.  
Let’s be clear: the Kosovos are not saints, and there is plenty of blame to go around for the ugliness of Balkan politics. But Kosovo is now a nation, because the great democracies have decided it is. If the Russians do not like that fact, and the United Nations was not consulted over it, Moscow and its allies have to do better domestically to strengthen their readiness to internal threats, especially in relation to secessionist groups.(10)  
James S. Robbins displayed another perspective on the independence of Kosovo(11) as he indicated that the emergence of Kosovo as an independent state reflects a very sensible redrawing of lines. The Kosovos didn’t want to be part of Serbia, so they found a way out, just as Slovenia, Croatia, and Bosnia found a way out of Yugoslavia. Sadly, with far too much suffering in the process. Would that all international divorces could be of the Czech-Slovak variety. But now that Kosovo is independent James S. Robin hopes the Albanian majority will have the integrity to allow their Serb minority to split off itself and rejoin Serbia. This is not only consistent with Kosovos rhetoric of national self-determination, but removes a potential future pretext for intervention by Serbia, Russia, and others. It surely helps Kosovo that they have an international armed force guaranteeing their border.  
Robin continues to say that those who seek implications in events such as this (and he is dubious of the value of precedent); look to Chechnya, Kurdistan, Tibet, Taiwan, Scotland, and Vermont, among others. It would be useful if international law could evolve a set of principles and protocols for redrawing national borders where they need redrawing.

Not every nation needs a state of course, and neither does every country have to be a multicultural wonderland. Let the people who live there decide. The default uncertainties to international order has itself created numerous wars, in cases where separatists saw no other way to achieve their ends.  
If the Kosovos decide not to allow the Serb minority an opportunity to make its preference known, such as by referendum, then they will have missed an opportunity to seize the moral high ground. It will be an enduring bone of contention, and future cause for conflict and conquest.  
To balance stands and stances related to perspectives on Kosovo, Richard Weitz(12) points toward the international implications of Kosovo’s independence and asserts that it will depend heavily on how well the local authorities, and their EU and NATO overseers, manage the province’s transition. Russian government representatives have threatened that, if ethnic Serbs experience mass violence or if nationalists associated with the Pristina government try to encourage separatism among ethnic Albanians in southern Serbia or western Macedonia, Moscow would retaliate Russia’s response could entail encouraging the ethnic Serbs in northern Albania or Bosnia’s Republika Srpska to join Serbia. Moscow might also more openly endorse the separatist aspirations of the pro-Russian enclaves in Moldova and Georgia. Such an approach is risky, however, since applying the “Kosovo precedent” so broadly would invariably draw attention to Chechnya’s contested status within Russia.

Chechen opposition leaders have already cited Kosovo’s declaration to reaffirm their own right to independence. Another option that is moving closer to Serbia, Belarus, Iran, and other states alienated from the West, would leave the new Russian president with a weak hand of problematic allies at a time when Moscow will need to answer some difficult questions regarding how to position itself in global affairs during the next few years.  
Having discussed the regional and global implications of the Kosovo independence, it is important to focus on what that could manifest internally. Independence, simply put, means the ability to stand on your own two feet. No one expects Kosovo to be truly politically or economically independent right away, but it is hard to look at the situation on the ground in Kosovo and see how the country ever will be. It is starting out its existence with a frozen conflict running through its territory; no recognition from several of its neighbors; no hope of eventual membership in the United Nations, the Organization for Security and Cooperation in Europe or the Council of Europe; and, last but not least, an EU administration of its territory with near dictatorial powers. Like the U.N. mission before it, the EU administrator can remove elected Kosovo officials and change laws. This “independence” is symbolic at best Some will argue that these are just interim conditions, and that over time the situation will improve economically, and then politically. This is the understandable hope of many in Kosovo, but it isn’t based in any objective facts. Kosovo has 50 percent unemployment, with the vast majority of its population under 30. It is landlocked, and does not sit on any of the main trade corridors in Southeastern Europe. It lacks anything approaching a functioning legal system (a big failure of the U.N. mission there) and cannot provide outside investors any way of enforcing their contracts Surprisingly, independence isn’t going to do much to change Kosovo’s economic situation, and may even exacerbate it. While Kosovo may be able to get loans now from the IMF and World Bank, the last nine years have shown that aid alone is not going to do it. Kosovo has already received 25 times per capita the amount of aid given to Afghanistan, and the economy is still in shambles. Furthermore, it is a safe bet that Serbia would obstruct investment in Kosovo, first by shutting down the commercial border between the countries, and then by challenging privatization plans in the World Court and other international bodies. Late last week, Serbia indicated that it would continue to pay Kosovo’s debts to the international community, which will amount to $70 million this March alone. Serbia’s only reason for doing this is to preserve its legal claim to the territory and its right to tax any development projects. The legal wrangling likely to result will tie up proposed projects for years, and chase away the few investors Kosovo might be able to attract. Kosovo has the deck unfairly stacked against it, and the United States helped stack the deck. In its Clinton-era haste to condemn Milosevic, the U.S. made an unwise promise to Kosovo, and in the years since the small country has been a pawn in a resurgent competition with Russia. With the U.S. promise of recognition behind them, Kosovos had no reason to compromise in their negotiations with Serbia. Likewise, with the unequivocal U.N. veto power of Russia behind them, the Serbs had no reason to compromise . The result is not only a failure of diplomacy, but also a huge setback for any democracy-building momentum that has been created in the Western Balkans since Yugoslavia’s bloody civil war. The international community has turned Serbia into a rump state, set Kosovo up to fail, and handed nearby separatists a golden opportunity to hold referendums and secede. Tensions take time to percolate into conflict, but when they do it will be clear that the United States have not done Kosovo, or the Balkans, any favors.(13)  
Experts on economic viability expressed that the economy of Kosovo has been idle for decades now. The reason goes beyond any negligence by the United Nations administration  
(UNMIK) that has run the province since 1999, or, as Belgrade often says, the indolence of local people.

The roots of economic hardships go back to the times of former Yugoslavia. Billions of dollars were invested in Kosovo, but economic activity collapsed when former Serbian president Slobodan Milosevic abolished the autonomy of Kosovo in 1989 and introduced direct rule from Belgrade. The World Bank says the average annual salary in Kosovo is only about 1,800 dollars, and the per capita gross domestic product less than 1,000 dollars. It says that 37 percent of the population lives in poverty, on less than two dollars a day. Children, elderly people, families without male breadwinners, the disabled, the unemployed, and non-Serb ethnic minorities like the Roma are the most vulnerable.

A particular problem is the lack of electricity produced by outdated and poorly maintained coal-run plants. “In order to improve production or even agriculture, Kosovo needs a good supply of electricity,” economist Ibrahim Rexhepi wrote in the daily Zeri. “Apart from the millions of dollars coming from people living abroad, we badly need foreign investment.” Foreign investment has been low, due to the unstable situation, and lack of proper regulation.  
The Kosovo government is currently examining bids for a 4 billion dollar contract to build a new coal-fired power plant. But that is expected to be fully operational only by 2012, Rexhepi said.  
The international media widely speculated that Serbia would cut supply of electricity to Kosovo as a reprisal measure for the proclamation of independence, but this did not happen. Serbia is obliged by international agreements to supply electricity to Kosovo within the regionally combined grid that includes Albania, Bosnia-Herzegovina, Bulgaria, Greece, Kosovo, Macedonia and Montenegro. Any shutdown of the Kosovo supply would disrupt or even shut down supply elsewhere.  
Nor has Serbia imposed any trade embargo. “Serbia cannot impose an embargo against a part of its territory,” trade minister Predrag Bubalo told Serbian media, following the official line that it would not recognize an independent Kosovo. “Apart from that, the embargo would have a heavy impact on Serbs living in the province.”  
Economists say this explanation is just a facade. “Exports to Kosovo make 5.7 percent of Serbia’s export in total,” Goran Nikolic from the Serbian Chamber of Commerce told Belgrade B92 TV. “That is an important item, as the exports to Kosovo have reached 535 million dollars in 2007. The goods are mostly food, medicines and construction material.”  
Rodoljub Draskovic, head of the largest Serbian food company Swisslion-Takovo says his goal is to remain in the Kosovo market. “Our exports were worth more than 22 million dollars last year, Kosovo customers are used to our products,” Draskovic told IPS. “This should not be changed.”  
The Serbian government meanwhile talks of the billions of dollars “stolen” from Serbia by Kosovo. Screaming headlines speak of ‘robbery worth 200 billion dollars’ or ‘theft of billions’.  
“The fact is that there is no real record or real calculation of what Serbia does ‘possess’ in Kosovo, as the whole of former Yugoslavia invested in it,” analyst Misa Brkic told IPS. “Such talk only serves the purpose of provoking animosities, frustration and anger among Serbs.”  
The Serbian government has not reacted to a statement from the Kosovo government at the time of declaration of independence that the plans proposed by Finish negotiator Marti Ahtisaari will form the guidelines for Kosovo.  
Under this plan, all the formerly state-owned property in Kosovo will remain with Kosovo, in line with the succession agreements on property after the disintegration of former Yugoslavia (Bosnia, Croatia, Macedonia, Montenegro and Slovenia). Serbia has rejected the Ahtisaari plan.(14)

To conclude, the newly independent state of Kosovo will need an estimated $2 billion dollars in foreign aid over the next few years, about half of which should be provided by Europe, a senior U.S. official said on Tuesday.  
The rest of the money could come from the United States and such institutions as the World Bank and International Monetary Fund.  
Helping the fledgling state, which declared independence from Serbia on Feb. 17 with strong backing from Washington, will require top-level attention into the next U.S. administration.  
“We cannot simply assume that Kosovo is on autopilot and walk away. This is going to take high-level sustained attention through the end of this administration and into the next” said Fried, who is also acting undersecretary of state for political affairs, the State Department’s third-ranking position.(15)  
Fried stressed the $2 billion was a “crude estimate.” To help make Kosovo economically viable, the United States will participate in a major donors’ conference on Kosovo in June, he said. He said Congress had already appropriated $350 million in aid for Kosovo.  
Backed by Russia, Serbia rejects Kosovo’s secession and is instructing the new country’s 120,000 remaining Serbs to do the same, worsening the ethnic divide and raising fears Kosovo is heading for de facto partition.  
But Fried said there was no evidence Russia was contemplating a military intervention in Kosovo.(16)

1- See Bruno Simma, “NATO, the UN and the Use of Force: Legal Aspects.” European Journal of International Law, April 1999 (World Wide web edition).  And figures on war activities, costs and losses from “The War So Far,” The Times (London), World Wide Web edition, 23 May 1999.  
2- Jacqueline Carpenter, Kosovo Independence: Making a Bad Situation Worse. 25 Feb 2008. World Politics Review.  
3- David Satter, Darkness at Dawn: the Rise of the Russian Criminal State 2003. Information taken from the introduction. The author is affiliated with the Hoover Institution, the Hudson Institute, and Johns Hopkins.  
4- The Canadian suit names 68 leaders, including William Clinton, Madeleine Albright, William Cohen, Tony Blair, Canadian Prime Minister Jean Chretien, and NATO officials Javier Solana, Wesley Clark, and Jamie Shea. http://www.accuracy.org/newsrelease.php?articleId=184  
5-  Press Release from Chief Prosecutor Louise Arbour, The Hague, May 13, 1999.  
6- http://jurist.law.pitt.edu/N\_15\_  
7- Walzer, Just and Unjust Wars, p. xx.  
8- AP News  
9- Nikolas Gvosdev is editor of The National Interest and blogs at The Washington Realist.  
10- Notes were taken from Tom Nichols who is a professor of National Security Affairs at the U.S. Naval War College, senior associate of the Carnegie Council on Ethics and International Affairs, and the author of Eve of Destruction: The Coming Age of Preventive War (U. of Penn. Press, 2008)  
11- James S. Robbins is the director of the Intelligence Center at Trinity Washington University , senior fellow for national-security affairs at the American Foreign Policy Council, and author of Last in Their Class: Custer, Picket and the Goats of West Point. Robbins is also an NRO contributor.  
12- Richard Weitz is senior fellow and director of program management at the Hudson Institute.  
13- On this subject see Ted Galen Carpenter, vice president for defense and foreign policy studies at the Cato Institute. He is the author of eight books on international affairs, including “Smart Power: Toward a Prudent Foreign Policy for America,” forthcoming, June 2008.  
14- All the information displayed above is collected from websites related to Kosovo and Serbia.  
15- Susan Cornwell, 04 March 2008 18:48:46. GMT. Source: Reuters.  
16- Information compiled by Cynthia Osterman. 04 March 2008. Source: Reuters.

**استقلال كوسوفو: من المنطلقين السياسي والقانوني**  
تبيَّن بعد الحرب العالمية الثانية أن الحاجة ماسة إلى محكمة دولية لكن الحرب الباردة جاءت لتؤخر وتؤجل عملية تشكيلها.  
وقد بدا ظاهرا أيضًا أن القوى العظمى كروسيا والولايات المتحدة الأميركية وفي مسعاها الدائم إلى السلطة قد تغاضت عن المبادئ الإنسانية الأساسية ونسيتها، وذلك من أجل تحقيق أهدافها الاستراتيجية الجيوسياسية.  
اهتمت روسيا وركَّزت مع الرئيس بوتين على صراعها مع الغرب الذي يأتي في سياقه المطالبة باستقلال كوسوفو وهو أمر لا بد منه من وجهة نظر الولايات المتحدة وحلفائها.  
أما بالنسبة إلى روسيا فالصراع يدور حول كوسوفو على عدة احتمالات مثل الدفاع عن وحدة أراضي البلدان مدعومة بالقوانين الدولية بالإضافة إلى كون روسيا صديقة للصرب.  
يحاول الباحث من خلال دراسته الإجابة عن السؤال الآتي: ماذا يعني استقلال كوسوفو بالنسبة إلى كوسوفو أولا ثم إلى روسيا وأخيرًا إلى العالم أجمع؟

- See more at: https://www.lebarmy.gov.lb/en/content/kosovo-independence-political-and-legal-perspectives#sthash.LGcbUuGt.dpuf