

Kosovo's Declaration of Dependence

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Hashim Thaci, the former Kosovo Liberation Army (KLA) guerrilla leader, has been formally installed as the prime minister of Kosovo. Ruling over a new coalition government, he has promised to declare the province's independence from Serbia within weeks. The United States and Germany have agreed to recognise Kosovo, and to get the rest of Europe to follow suit. However, Kosovo's long anticipated declaration of independence will not create an independent state. Rather, it confirms that Kosovo will remain an international dependency.

One could be forgiven for thinking that Kosovo's promise last week to declare independence has caught the international community off-guard. It appears to be a highly divisive issue; the United Nations Security Council has been unable to reach an agreement on Kosovo's future status. Even European Union member states have been unable to reach a consensus on recognition and will do so unilaterally rather than collectively.

Considering its divisive nature, it might seem strange that Kosovo's independence has become such an apparently urgent international question. It might appear that the electoral success for separatists or disagreements between the Kosovo government in Pristina and the Serbian government in Belgrade have forced the issue on to the agenda. In fact, Kosovo's declaration of independence has little to do either with elections in Kosovo or with relations with Belgrade.

It is the United States and leading European states that have pushed for a 'declaration of independence', despite the lack of international consensus on the question and despite Serbian government opposition. However, it would be wrong to see this move as being driven by the desire to weaken or to punish Serbia. In fact, the Kosovo question has been a major problem both for the EU and the Serbian government, holding back the possibility of closer cooperation and EU enlargement.

At the formal level of legal sovereignty there has been substantial disagreement over recognising Kosovo's independence from Serbia. States opposing recognition - EU members such as Cyprus or Security Council member Russia - have been primarily concerned over the legal principles held to be at stake and the state-based international order they uphold. The same goes for outspoken opponents of Kosovo's independence in the US, such as Lawrence Eagleburger (1).

However, to see the issue of Kosovo's independence solely in terms of traditional international relations questions of state sovereignty and the framework of international law would be to miss the dynamics of the Kosovo declaration, which has been driven by the need to change international institutional structures for managing the province rather than

by conflicts over control of the territory.

In practice, Kosovo has effectively been independent from Serbia since the end of the Kosovo war in 1999, when the UN administration of the province was established under Security Council resolution 1244 (2). International encouragement for the Kosovo government's declaration of independence has not been driven by the need to restructure Kosovo's relationship with Serbia, but by the need to overcome the stasis of the UN administration.

The real negotiations behind Kosovo's 'independence' have not been between Pristina and Belgrade, but between Western governments over the reform of the mechanisms of international administration. What will change with the declaration of independence will be the abolition of the structures of the United Nations Mission in Kosovo (UNMIK) regulations and their replacement by oversight by the European Union. Despite the declaration of independence, at no point will the Kosovo government assume independent authority over the province.

Thaci may have once been a rebel leader, but in declaring 'independence' he is merely doing the bidding of the US and European Union. Far from a radical statement of political self-government, this is one of dependency. Thaci has himself proclaimed that no move would be made without the approval of the United States and key European powers. This means that no declaration is likely before Serbia's presidential elections in late January and the likely run-off in early February. As Thaci clearly stated before the Kosovo parliament vote on 9 January: 'Kosovo will do nothing without Washington and Brussels. No unilateral actions.' (3)

Recognition of Kosovo's 'independence' by the US and European states will be dependent on the government's acceptance of the EU administration. Following this recognition, the UN administration will be formally brought to an end and the EU will assume administrative control over Kosovo, sending a 1,800-strong administrative mission to take over UNMIK's responsibilities while still relying on the use of NATO troops. This will occur whether or not all the EU member states formally recognise Kosovo's declared independence (4).

The decision to replace the UN mission with an EU one makes the discussion of whether or not to recognise Kosovo's independence little more than a side-show. The EU has made it clear that, for Kosovo, 'independence' will not be the same as 'total independence'. The Slovenian prime minister Janez Jansa, whose country currently holds the EU Presidency, stated on 7 January that the EU mission would not be sent to a 'totally independent country, [a] sovereign country' (5).

During the NATO-led war over Kosovo, the conflict was famously billed by then British prime minister Tony Blair as 'a war fought not for territory but for values' (6). However, for the following nine years, the discussion in international policy circles has been about territory rather than values. The fallout from undermining Serbian sovereignty over the province is one that is still far from being resolved. Kosovo will come under similar EU protectorate powers as those exercised by the EU's Special Representative over Bosnia. Giving formal recognition to Kosovo's separation from Serbia is by no means the same as giving the province independence.

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Statebuilding. Visit his website [here](#). He will be taking part in the debate 'Humanitarian Intervention: Who Does it Help?' alongside Clare Short MP, Geoffrey Robertson QC and Jonathan Steele at the Institute of Contemporary Arts in London at 7pm on Thursday 24 January. For more information visit the ICA website [here](#)

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