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Kosovo cannot be “unique”

Interview with Olivier Corten, www.kosovocompromise.com

Kosovo is “certainly not a unique case” in terms of international law – this is rather an argument of the West, understandable from the political point of view, but undefendable and incoherent from the legal view, international law professor at the Brussels ULB university Olivier Corten told www.kosovocompromise.com.

“As far as international law is concerned, this is not a unique case. What do we see in the Kosovo case? We have a situation which is quite common in the world: a part of a territory seeks secession, a central authority tries to prevent it forcefully, secessionists lead an armed struggle – all this is common in many places in the world”, said Corten, one of leading Brussels experts in international law.

Corten believes that in terms of law, the right to secession does not exist and has never been recognized.

“The right to self-determination of territories was recognized only in the case of decolonization – which means in situations where two territories are not geographically connected. But we have never gone beyond that and I do not believe we will be going beyond because states are the ones making international law and they do not want to shoot themselves in the leg”, he says.

Asked whether the West is now paying a price in Georgia for what is happening in Kosovo, Corten says that this is “absolutely clear”.

« At the time of the recognition of Kosovo’s independence, some countries of the EU and the US felt powerful. I believe that they themselves do not believe in their own arguments, but that they felt that the balance of power was in their favor. They believed they could control what could be a precedent and what could not. But what Georgia has shown is that things are much more complicated and that once a dynamic is up and running, we can use the same arguments in different similar cases”, Corten says.

The current situation, he says, reminds of the Cold War when, every time there was some military intervention, it was called « unique ».

« From the legal point of view this does not stand. The case of Georgia proves the uneasiness that have the countries which have recognized Kosovo and which now understand that there is big problem”, the ULB professor says.



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He reminds there was also talk about “uniqueness” at the time of Croatia’s and Slovenia’s unilateral secessions from Yugoslavia in late 1991 and early 1992.

“European countries were then isolated in their policy of early recognition of Croatia and Slovenia ... since then other cases have happened – in Croatia and Bosnia, as well as Georgia, Moldova and Azerbaijan, but European states started saying clearly there was no right to secession”, Corten says.

“Now there is a big problem with Kosovo ... the Pandora Box is now open and everything is on table”, he says.

« We need similar solutions to cases which are similar and thus similar solutions for situations in Kosovo and in Georgia”, the ULB professor says.