



KOSOVO

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Arbitrariness in Power

German Foreign Policy

<http://www.german-foreign-policy.com/en/news/>

BELGRADE/PRISTINA/BERLIN

Because of a Serbian UN initiative, Berlin's Kosovo policy is threatened with serious defeat. Belgrade is requesting that the UN General Assembly petition the International Court of Justice in The Hague (ICJ) for an advisory opinion on Kosovo's secession from Serbia. The Assembly is expected to vote on Wednesday. Germany was unsuccessful in mobilizing a majority against Serbia's initiative. For the first time, UN member states have announced the intention of reversing their recognition of Kosovo, if the ICJ should confirm its secession was illegal. While EU functionaries declare that the International Court's decision would be of no consequence to them, Berlin is continuing its aid in consolidating Kosovo's illegal sovereignty. State officials, who, with Western help, had been brought to power in Pristina, are confronted with new accusations. According to reports, new evidence has surfaced pertaining to criminal trade in human organs in Kosovo. Kosovo's "prime Minister" is suspected to be implicated in this crime. One of Pristina's designated "ambassadors" to a European country is also accused of serious crimes.

Serbia has placed a demand that the UN General Assembly petition the International Court of Justice in The Hague (ICJ) for an advisory opinion concerning the secession of its southern province. For the time being, Belgrade is therefore renouncing legal action against Pristina and those states that have recognized its secession. The UN General Assembly is expected to vote on Serbia's request on Wednesday. A simple majority will suffice. Already back in July, the Serbian Foreign Minister, Vuk Jeremić, pointed out that "never before" [1] has "the General Assembly prevented a member state from seeking an ICJ advisory opinion." But governments of several Western states are attempting just that.

Refusal of Loyalty

German and US American attempts to prevent the ICJ advisory opinion are doomed to failure. Western pressure, which already last summer were the topics of interviews in the media,[2] could not prevent the Serbian government from introducing its resolution in New York. And all attempts to tone down the formulation of the resolution have failed. Washington and Berlin plan to either vote "No" or abstain. But in a test vote, approximately two thirds of the 192 UN member states are refusing loyalty, endorsing an ICJ advisory opinion on Kosovo's secession.[3] The Serbian President reported a few days ago that Western states continue their efforts to obstruct the vote by trying to induce more states to recognize Kosovo's independence. In spite



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of massive pressure from large EU member countries and the United States, only 47 countries - not even a fourth of the UN member states - have recognized Kosovo as a sovereign state.

Latest Tricks

Berlin is therefore faced with a serious defeat. Since the legal questions are clear - Kosovo's secession was obviously in violation of the UN Charter - the West is uncertain about how to prevent an ICJ ruling in Serbia's favor. According to Christian Tomuschat, professor of law in Berlin, there would be possibilities when the concrete formulation of the demand is decided in the UN General Assembly's sub-commission, where controversial questions are often excluded. Then "the ICJ would not even have the possibility of formulating an opinion on the primary issue." [4] The sub-commission will be convened on Monday. If Serbia's formulations still pass, the only thing left would be massive pressure on the ICJ.

Creating Facts on the Ground

If this option is also unsuccessful, German experts are pleading for disregarding international jurisprudence. Neither the ICJ nor the UN can create facts on the ground, alleges the political advisor, Franz-Lothar Altmann. "A nation's independence can only be established through recognition by individual states." [5] The EU's special emissary to Kosovo subscribes to the demand that the arbitrariness of the mighty be lifted to the global principle of design in central questions of sovereignty. "Kosovo's independence is a fact and cannot be changed, even if Serbia's ICJ initiative should prove successful." [6] Until now the larger EU nations and the USA have been relatively isolated in this standpoint. Now nations that had already recognized Kosovo, are beginning to serve notice that in the case of a negative ICJ verdict, they would consider rescinding their recognition. [7]

Abetting

All of the dispute notwithstanding, the German government is creating facts on the ground and is pushing the establishment of an independent "Kosovo" nation. Alongside the political accompaniment, in mid-September Berlin had promised further support for the development of the infrastructure of Kosovo and earmarked a total of 40 mil. Euros from its development budget for the rest of the current year. For 2009, 60 mil. Euros more have been reserved. These measures are not limited to construction aid, but extend to the consolidation of Pristina's quasi-state structures. For example, 600,000 passports and 400,000 driver's licenses that the Interior Ministry in Pristina has begun to issue have been produced by the Giesecke and Devrient Corp. in Munich. "By issuing passports, we are establishing the legal basis for a sovereign Kosovo," declared Kosovo's "Interior Minister" - providing an indication that the criminal accusation of abetting an illegal act of secession can be



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raised not only against the government, but even against employees of private firms.[8]

Trade in Human Organs

Serious accusations are recurrently being raised against Kosovo's new ruler, placed and maintained in power by Berlin. Extensive press research has reinforced the suspicion that the former Kosovo terror militia, UCK, killed Serbian prisoners and sold their organs.[9] Months ago this was reported by Carla del Ponte, former head prosecutor of the International War Crimes Tribunal for Yugoslavia (ICTY) in The Hague, citing numerous witnesses. Pristina's "Prime Minister" and former head of the UCK, Hashim Thaci, is said to be implicated in this affair.[10] There is also controversy over the "ambassadors" Pristina wants to dispatch to several European nations and to the USA. Kosovo's designated "ambassador" to Switzerland is being accused of having collected money in Switzerland to finance the UCK's war on Serbia and thereby run into conflict with the Swiss authorities. It is alleged that even blackmail was involved.[11] The Swiss Foreign Ministry denies however that these accusations have any meaningful bearings on existent reservations concerning this "ambassador." The accreditation nevertheless is still pending.

Not Isolated Cases

The accusations against members of Pristina's elite are not isolated cases. As just recently reported in an appraisal of Kosovo's human rights situation by the OSCE, it is not only a question of grave shortcomings of application in conditions of rule of law.[12] Particularly the struggle against organized criminality and the slave trade [13] are making limited progress. On the other hand, the new political elite is interfering to a growing degree in the workings of the justice, the police and even the media. The new power in Pristina is creating its realm of the arbitrary.

Please read also **Imperial Consummation, A Sort of Resurrection for Yugoslavia, Self Determination, Out of Control, Political Friendships, "Thank you Germany!"** and **Pure Chaos**.

[1], [2] "Wir sind fest entschlossen, Mitglied der EU zu werden"; Frankfurter Allgemeine Zeitung 25.07.2008

[3] Westliche Kosovo-Politik kommt auf Prüfstand; Handelsblatt 28.09.2008

[4], [5] Serbien wirbt vor der UNO für Gerichtsvotum zu Kosovo; Deutsche Welle Fokus Ost-Südost 25.09.2008

[6] "Kosovo-Teilung eine Möglichkeit"; Wiener Zeitung 30.09.2008

[7] Belgrad: Einige Staaten könnten Anerkennung des Kosovo revidieren; Der Standard 02.10.2008

[8] Giesecke und Devrient liefert Reisepässe und Führerscheine für Kosovo; www.behorden-spiegel.de

[9] Family Denies Organ Harvesting Allegations; Spiegel Online 22.09.2008



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[10] see also **Organhandel**

[11] Umstrittener Kosovo-Diplomat; Basler Zeitung 25.09.2008

[12] OSCE Mission in Kosovo: Background Report. Human Rights, Ethnic Relations and Democracy in Kosovo, September 2008

[13] see also **Unter deutscher Aufsicht** and **Enorme Gewalt**