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KOSOVO CASE AND THE ROLE OF THE UNITED NATIONS¹

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Abstract: Kosovo's unilaterally proclaimed independence in 2008 became one of the most important issues of the international relations. On the one hand, the United States and the key European countries - the United Kingdom, Germany and France – are strongly lobbying other UN members to establish diplomatic relations with the “Republic of Kosovo”, insisting on the thesis that this case is a *sui generis* case, while, on the other hand, BRIC countries remain the stance that this is a dangerous precedent, setting up its position on the provisions of UNSC Resolution 1244. Considering the role the UN played and is still playing in the course of the development of the Kosovo crisis, this is a specific example. Namely, although the UN was involved in all stages of the Kosovo crisis, they were twice bypassed and harshly ignored. For the first time that happened in 1998, when the US could not get the consent to launch a military action against the FR of Yugoslavia, while the second time it was in 2008 when the United States, Great Britain and France could not provide a change to Resolution 1244 (1999) SC. For this reason, the Kosovo case is more complex than the others, it is deeply internationalized and it is more difficult to solve than some other crises of similar character.

Key words: Kosovo, UN, UNMIK, USA, EU, international relations.

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Introduction: the Kosovo war and the bombing of the Federal Republic of Yugoslavia

The war in Kosovo began with the terrorist acts of the so-called Kosovo Liberation Army (KLA) in 1996, culminated in NATO's aggression against Yugoslavia in 1999 and ended with the adoption of UN Resolution 1244 on June 10th, 1999⁴. Formally, on February 28th, 1998, the KLA declared the beginning of an armed struggle for the independence of Kosovo, although its units have been active since the end of 1996.⁵ It is interesting that one of CIA report states that in 1996-97 the KLA continues to be a relatively small formation, but it is projected that, due to its actions and lack of compromise, it can mobilize tens of thousands of supporters in a temporal perspective of only two years⁶. In early March, Serbian police forces in the village of Drenica organized an action against a group led by the (self-proclaimed) leader of the KLA Adem Jashari. During the operation Jashari was eliminated, as well as 81 inhabitants of Drenica. This event served to internationalize the Kosovo crisis and since then NATO began continually to push Belgrade.⁷ Using the channels within the UN Security Council, the United States was trying to get SC's other members approve the use of military force to intervene against the FR of Yugoslavia. Resolution 1199 (1998)

⁴ The so called KLA was founded in 1994, and for the first time took over responsibility for the action taken a year later. In its work, so called KLA used classical terrorist methods. By the end of 1998, 1,845 armed assaults were carried out, of which there were 1,075 assaults on police officers of the Republic of Serbia, and 745 attacks on individuals - bearers of political functions or people from influences in certain local communities (in particular, attacks on Albanians who were loyal citizens of the Republic of Serbia). Also, another 25 assaults were carried out on settlements inhabited by refugees from other Yugoslav republics, settled in Kosovo in the period 1992-1994. In these attacks 364 people were killed, 122 of them police officers and 242 civilians (97 civilians were identified by the KLA as "collaborators"). At the same time, 605 persons were seriously or lightly injured, of which 426 were police officers and 179 civilians. It is interesting that the CIA report states that 1996-97. the so called KLA continues to be a relatively small formation, but it is projected that due to its actions and uncompromising, it can mobilize tens of thousands of supporters in a temporal perspective of only two years. See more in: Pavlos Ioannis Koktsidis, Caspar Ten Dam, „A success story? Analysing Albanian ethno-nationalist extremism in the Balkans”, *East European Quarterly*, 42 (2), 2008, pp. 166–167.(161-190)

⁵ Елена Ю. Гуськова, *История Югославского кризиса (1990-2000)*, Русское право / Русский национальный фонд, Москва, 2001, p. 660.

⁶ See more in: Pavlos Ioannis Koktsidis, Caspar Ten Dam, „A success story? Analysing Albanian ethno-nationalist extremism in the Balkans”, *East European Quarterly*, 42 (2), 2008, pp. 166–167.(161-190)

⁷ М. С. Барабанов, И. П. Коновалов, В. В. Куделев, В. А. Целуйко, *Чужие войны*, Центр анализа стратегий и технологий, Москва, 2012, p. 115.

inviting the parties to end the conflict, was adopted on September 23rd, 1998. However, Russia and China were resolutely against the use of force, therefore, it was impossible to organize an intervention under the umbrella of the UN⁸. As a way out, planning of NATO military operation against the FR of Yugoslavia began in June 1998. By the autumn of the same year, there were developed two basic variants of the attack. The former variant meant a synchronized attack on the entire Yugoslav territory, divided into three zones - Kosovo, part of Central Serbia south of the 44 parallel and a section north of the 44 parallel. The second variant meant starting with intense attacks on the Yugoslav army and the Serbian police in Kosovo, and then gradually expanding the zone of combat activities towards the north. The second option was selected.⁹ As a trigger for a new round of pressure that will ultimately lead to the commencement of the military action, the so-called "Racak massacre" was served.¹⁰ Although the US could not legalize its decision to attack the Federal Republic of Yugoslavia through the SC, since January 1999 they fully took over the diplomatic initiative and managed the entire crisis. In this context, the Contact Group organized the Rambouillet

⁸ Гуськова, *op.cit.*, pp. 661-665.

⁹ Benjamin S. Lambeth, *Nato's Air War for Kosovo: A Strategic and Operational Assessment*, Rand Corporation, Santa Monica (CA), 2001, p. 11.

¹⁰ The head of the Kosovo Verification Mission, "William Walker, independently, without accompanying the representatives of the state organs of the FR of Yugoslavia and the Republic of Serbia on January 16, 1999, together with a group of foreign journalists, entered the village of Racak in Kosovo, on the periphery of the day before the fighting between members of the KLA and the Serbian police. There were 40 bodies of killed Albanians in the ditch, in civilian, different ages, which were immediately confirmed by the local people that they were shot by members of the MUP of Serbia. The same day, representatives of the FR of Yugoslavia denied that there was any crime, and in order to investigate what happened, the EU decides to urgently send a group of Finnish pathologists to Kosovo to perform autopsy findings and be able to reconstruct with great precision what actually happened. Four years later, more precisely in 2003, Dr. Helena Ranta, the head of the pathologist team sent by the EU, said that according to their findings at the time, there could be no crime. A joint investigation by Finnish, Belarusian and Serbian pathologists confirmed that traces of burst particles were found on the hands of 39 people, which means that they also shot, that not all of them had the appearance of death in the same time period and that they were killed by firing guns from far away, but it was too late. Most likely, in agreement with William Walker, members of the KLA picked up their members, who died in clashes with Serb forces in various parts of Kosovo and Metohija in the past days, brought their corpses to Racak on January 15, and then on the following day invited journalists. Photos from Racak and William Walker's statements quickly went around the world. With them, NATO has opened another round of campaigns in the media of the member states to convince public opinion about the necessity of bombing and in that it succeeded." Prorokovič, *op. cit.*, p. 128.

conference in early February, at which Serbs and Albanians discussed resolving the Kosovo crisis¹¹. The negotiations ended with no results, and the United States and the United Kingdom on February 18th presented a plan to resolve the Kosovo crisis, which included a full political autonomy for Kosovo (i.e. Kosovo Albanians), guaranteed by NATO forces after the withdrawal of the Yugoslav army from Kosovo, with a provision that after three years a referendum on the legal status would be organized to check the “will of the people”.¹² As expected, the Albanian negotiators accepted this proposal as a whole, while the Yugoslav delegation “accepted the political part” of the proposal on March 23rd, but did not agree with the entry of NATO forces into the territory of Kosovo or the proposal of holding a referendum after three years, which was served by the US and Great Britain to declare the failure of the whole process¹³. The bombing of the FR of Yugoslavia began the following day¹⁴ and NATO soon became the undisputed “master” of Kosovo and Metohija.¹⁵

The work of the UN and the establishment of the UNMIK mission

At the suggestion of China and Russia, on March 26th, 1999, the UN Security Council voted in favor of a resolution calling for an immediate end to the bombing of the FR of Yugoslavia with the condemnation of the use of force without the approval of the Security Council, but in addition to the nominees, only Namibia voted for, while the remaining 12 were against (Argentina, Bahrain, Brazil, Great Britain, Gabon, Gambia, Canada, Malaysia, USA, Slovenia, France, the Netherlands). Nevertheless, the fact that the UN Security Council was outlawed when the bombing began was not meant to be circumvented even when a solution was sought to end the bombing. The UN Security Council has long dealt with the Kosovo crisis.

¹¹ Stephen T. Hosmer, *The Conflict Over Kosovo. Why Milosevic Decided to Settle When He Did*, Rand Corporation, Santa Monica (CA), 2003, pp. 13-15.

¹² Lambeth, *op. cit.*, p. 8.

¹³ Барабанов et al., *op. cit.*, p. 116.

¹⁴ The most controversial issue regarding this action of air strikes on the territory of the FRY is the question of the nature of these attacks known as “interventions”. In accordance with international law and a system of international relations founded and generally accepted in the XX century, the intervention of this kind had to be approved by the Security Council after the violation of Chapter VII of the UN Charter was noted. Authors remarks.

¹⁵ See more in: Бранислав Ђорђевић, НАТО на Косову и Метохији, Школа националне одбране, Београд, 2001.

Eventually, the UN Security Council got its role because it turned out that such crises are difficult to solve by a unilateral action. Therefore, Resolution 1244 (1999) was adopted.

In fact, this document has suspended the legal order of the Republic of Serbia in Kosovo, and the entire responsibility was taken over by the UNMIK mission, which was also responsible for the establishment of the provisional self-government institutions in Pristina. "It was set up very ambitiously, the mission of UNMIK was entitled to, after the withdrawal of the Serb forces, completely took over all civilian functions while, with the leadership of the Special Representative of the Secretary-General, the UNMIK chief was entitled to manage all civilian functions. From the provisions of the resolution, but also the spirit in which the text is written, it can be concluded that the UN Security Council had the intention to transfer gradually the competences of the provisional institutions that will be formed in Kosovo and, at that time, priority should be given to returning of refugees and displaced persons, ensuring public security, freedom of movement, the establishment of a basic order and order in the territory of Kosovo, and to support the demilitarization process."¹⁶

The UNMIK mission had the mandate to: perform basic civil and administrative functions where and when needed (Article 11b); organization and supervision of the development of temporary institutions for democratic and autonomous self-government, to the *final political solution*, including the holding of elections (11c); support reconstruction of key infrastructure facilities and other economic reconstruction (11g); maintenance of civil law and law (11i); protection and promotion of human rights (11j); ensuring the safe and undisturbed return of all refugees and displaced persons to their homes in Kosovo (11k).

The UN Secretary-General was authorized to "appoint, after consultation with the Security Council, a special representative to oversee the implementation of the civil presence"¹⁷.

The term "until the final political solution" is underlined because "the issue of the final status of Kosovo and Metohija has been left open"¹⁸ and impacted

¹⁶ Dušan Proroković, *Kosovo: medzietnicke a politicke vztachy*, Spolok Sr. na Slovensku, Bratislava, 2013, p. 139.

¹⁷ Resolution 1244 (1999), Paragraph 10. Documents on Kosovo and Metohija, Liber Press, Beograd 2004, p. 199.

¹⁸ Ивона Лађевац, Светлана Ђурђевић-Лукић, Ана Јовић-Лазић, „Међународно присуство на Косову и Метохији 1999-2009“, Институт за међународну политику и привреду, Београд, 2010., p. 10.

the later developments. Namely, in Resolution 1244 of the UN Security Council and its two annexes, six times is referred to the “*territorial integrity and sovereignty*” of the FR of Yugoslavia and the “*essential autonomy*” that Kosovo should enjoy in the FR of Yugoslavia. Also, Article 4 “confirms that after the withdrawal, the agreed number of Yugoslav and Serbian military and police personnel will be allowed to return to Kosovo in order to perform their duties”. At the same time, three times is stated that the aim of implementing the Resolution is “defining the future status of Kosovo”, leaving the door open for further manipulation of this issue. However, no matter how the above-mentioned lines of the UN Security Council Resolution 1244 was interpreted, it was undoubtedly that the decisions and status were planned to be determined in the future by some new activity and decision of the UN Security Council, which again required the necessity of multilateral formats and new talks between directly involved Belgrade and Pristina, as well as between the permanent members of the Security Council.

That is why, during the following years, two rounds of negotiations on the future status of Kosovo have been organized with the support of the UN Security Council. Both times the Secretary-General appointed his special envoys to be mediators in the dialogue between Belgrade and Pristina. Both processes ended in failure, as official representatives of Serbia did not agree with the proposed formulation of adherence to the “supervised independence of Kosovo”.

With the mediation of the former President of Finland, Martti Ahtisaari, who was appointed to that position in November 2005, between February 2006 and March 2007, the negotiations were organized between the official representatives of the Serbian authorities and the provisional Kosovo institutions. The agreement was practically impossible from the very beginning because the Albanian side asked for the status of Kosovo to be established first, and then to discuss decentralization, forms of autonomy for non-Albanian communities and the new territorial organization of Kosovo on which the Serbian side insisted.

It is noticeable that it was precisely by the appointment of Ahtisaari, in the process of resolving the status of Kosovo and Metohija, that “the focus was completely transferred to status issues”¹⁹ and caused the consequences of enormous proportions since “many international actors began to act on the assumption that this process will give Kosovo some type of independence”²⁰.

¹⁹ Ивона Лађевац, Светлана Ђурђевић-Лукић, Ана Јовић-Лазич, „Међународно присуство на Косову и Метохији 1999-2009“, op. cit., p. 131.

²⁰ Ibidem.

In order to direct negotiations, the Contact Group defined in January 2006 the principles for determining the future status of Kosovo: 1) no return to status before 1999; 2) there is no merger of Kosovo with another state (a clear allusion to the possible unification of Kosovo and Albania); 3) no division of Kosovo.²¹

Such a deliberate negotiation process was absolutely in the “context of Kosovo’s anticipated independence”²².

“Certain lack of interest in bringing closer attitudes between the two sides was shown by mediator Martti Ahtisaari. First, Ahtisaari was more concentrated on writing a proposal for a solution that would be imposed on both sides. Secondly, the negotiations served him to examine the position of both negotiating parties, above all the Serbian, on possible compensations for the adoption of a proposal for a final solution, which is already largely prepared far from the eyes of the public.”²³ At the end, in April 2007, Ahtisaari proposed a *Comprehensive Proposal for the Kosovo Status Settlement* that practically defines what is meant by the term “supervised independence”.

Kosovo Albanians could declare independence (which they did a year later), but at the same time, as stated in Article 1.11. of the Comprehensive Proposal, “the international community can monitor, follow and take all necessary measures to ensure the effective implementation of the proposed solutions.” In Article 12.1. it is described that an International Steering Group will be set up, which will be made up of “key international actors” and will at the same time appoint an “international civilian representative,” but “the international civilian representative and the EU Special Representative, appointed by the EU Council, will be the same person”. Point 12.6. explains that “the mandate of an international civilian representative will continue until the International Steering Group decides that Kosovo fulfills the conditions set by the Comprehensive Proposal”, and in point 12.3. is given that an international civilian representative is “the supreme authority in the implementation of the Comprehensive Proposal”. Annex XI of the Comprehensive Proposal explains the position of the International Military Presence for which NATO is competent. Thus, in Article

²¹ The Contact Group was established under the auspices of the UN in 1992 in order to better coordinate key actors to resolve the Yugoslav crisis. It includes representatives of the United States, Russia, Great Britain, France and Germany. The contact group gets important after the termination of the work of the International Conference on the Former Yugoslavia in 1994. The Contact Group played a major role in seeking a peace solution for Bosnia and Herzegovina.

²² Ивона Лађевац, Светлана Ђурђевић-Лукић, Ана Јовић-Лазић, „Међународно присуство на Косову и Метохији 1999-2009“, оп. cit., p. 136.

²³ Proroković, op. cit., p. 150.

1.8. specifies that “an international military presence will operate under the authority and political control of the North Atlantic Council and the NATO Command”, and in Article 2.1. explains that “the chief of the international military presence is the supreme authority with regard to the interpretation of the aspect of the Comprehensive Proposal concerning the International Military Presence.”

Since the Head of the International Military Presence is under the authority and political control of NATO, it can be concluded that the International Military Forces in Kosovo should “fulfill their responsibilities, including the use of the necessary force”²⁴, have the “right to free movement in Kosovo in every respect”²⁵, to “re-establish immediate and complete air control of the airspace”²⁶, “undertake inspection activities in accordance with established goals and tasks”²⁷ and the right to “undertake actions to support the fulfillment of their own mandate in accordance with the Comprehensive Proposal”²⁸. In all this, and according to Article 2.3. institutions and bodies in Pristina must guarantee the international military presence “status, privileges and immunities” previously provided to KFOR members. Bearing all this in mind, therefore, NATO is completely exempt from any civil, institutional or political control in the territory of Kosovo and Metohija. According to the established legal order under the “supervised independence” defined by the Comprehensive Proposal, the highest possible forms of influence on the NATO structure, either by the International Civilian Presence or by the institutions in Pristina, are “consultations” and “coordination”, and the head of the international military presence does not even have a formal obligation to submit a report on its work to any civilian official²⁹.

The responsibilities of an international civilian representative are defined in such a way that they are excluded from all of the aspects of the functioning of the international military presence, so that representatives of the international civilian mission do not even have a formal right to pose questions that affect the scope of the work of military structures in Kosovo.

The authorities in Belgrade rejected such a proposal, and Russia supported this position of Serbia, clearly indicating that in case of any attempt to amend

²⁴ *Comperhesive Proposal For the Kosovo Status Settlement*, Article 2, Paragraph 2.2 (a), at: www.unosek.org или www.assembly-kosova.org.

²⁵ *Ibidem*, Paragraph 2.2 (b)

²⁶ *Ibidem*, Paragraph 2.2 (c)

²⁷ *Ibidem*, Paragraph 2.2 (d)

²⁸ *Ibidem*, Paragraph 2.2 (e)

²⁹ *Ibidem*, Anex XI, Article 1, Paragraph 1.4.

Resolution 1244, Russia would put a veto on the UN Security Council. In order to try to “legalize” the Ahtisaari’s proposal through the UN system, the UK and France, during consultations in June and July 2007, tried to put this proposal on the agenda even six times, but Russia resolutely opposed it.

That led to organizing the second round of negotiations, from September to December 2007, which coordinated the so-called “Troika” (representatives of the United States, Russia and the EU - Frank Wiesner, Alexander Bocan - Harchenko and Wolfgang Ischinger). Belgrade and Pristina remained in their positions: Belgrade offered “substantial autonomy”, and representatives of Kosovo Albanians solely demanded independence. However, this was not the only disagreement. At the Security Council session, at which the Troika report was presented on December 19th, 2007, there was not even a presidential conviction, as the differences between the member states were enormous. While, on the one hand, the Russian Ambassador Vitaly Churkin advocated continuation of negotiation by emphasizing that “any move towards unilateral independence would clearly be beyond the limits of international law” and that the unilateral proclamation of independence represents “a shockwave to the international system and to international law”, so far, on the other hand, the ambassadors of the United States and the United Kingdom had diametrically opposite views³⁰. US Ambassador Zalmay Khalilzad has called on other members of the Security Council, and first of all Russia, to consider once again the adoption of the Ahtisaari Plan, and if that is not “the United States, Europeans, others are determined to move forward with the implementation of that plan”. His colleague from the British Foreign Office, John Sawers, pointed out that “the principle of territorial integrity is qualified by the principle of self-determination,” and added that legal advisers engaging British diplomacy were convinced that “Resolution 1244 provided the legal basis to implement a plan for *supervised independence* drawn up by the UN envoy Martti Ahtisaari without any further council decision”.³¹ Russia’s position was also supported by representatives of China, Indonesia and the South African Republic, while France, Belgium, Italy and Peru were standing with the United States and the United Kingdom. Slovakia was then reserved according to the possibility of unilaterally declaring independence, while the representatives of Ghana, Congo, Panama and Qatar did not declare themselves. Therefore, the Kosovo case split the Security Council, while observing the international level, it is noticeable that

³⁰ Claudia Parsons, „UN Security Council Fails to Bridge Gaps on Kosovo“, *Global Policy Forum*, 19.12.2007, <https://www.globalpolicy.org/component/content/article/192/38739.html>

³¹ *Ibidem*.

different countries have taken a stand on this issue, guided by different principles. Since there was no consensus, the leading Western countries again relocated the entire process from the UN Security Council, the same as in 1999. At that time, they were unable to get the consent of other members to launch a military action, and in 2008 to change Resolution 1244. Kosovo Albanians unilaterally declared independence.

The self-proclaimed country of Kosovo and its international position

As the SC remained divided, the United States decided that Kosovo Albanians should unilaterally declare independence. In fact, this was announced by President George W. Bush, who during an official visit to Albania, at a press conference in Tirana on June 10th, 2007, sent a message: “Kosovo will be independent”³². All the negotiations that were then led (under the leadership of the Troika) should have resulted in this outcome. The Kosovo Assembly declared independence on February 18th, 2008. Thus, the crisis was removed from the UN, and soon, following the leading Western countries, many other UN members established diplomatic relations with official Pristina. According to the information of the Ministry of Foreign Affairs of the Republic of Kosovo to date, their unilateral declaration of independence was recognized by 110 UN members. However, this information should be taken with reserve because it is virtually impossible to verify. Namely, it turned out that in some cases there was no official recognition or that it was done beyond the legal procedures in many countries.

Thus, for example, in 2013, President São Tomé and Príncipe “annulled the recognition of Kosovo,” but later it turned out that there was actually no such thing. The decision to recognize Kosovo was made by the previous government in 2011, but it has never been confirmed in the assembly. So it was not valid. Therefore, President of Guinea-Bissau sent a letter of “acknowledging” to the then “President of Kosovo” Bevdet Pacolli, but he could not find out on what basis that decision was made or whether any competent authority confirmed it. Similarly, we learned that Haiti has recognized Kosovo at a joint press conference of two foreign ministers in 2012, but the official decision cannot be found. An oral statement by the head of the diplomacy does not mean

³² See more in: „Bush insists Kosovo must be independent and receives hero’s welcome in Albania”, The Guardian, 10.06.2017, at: <https://www.theguardian.com/world/2007/jun/11/balkans.usa>; „Bush greeted as hero in Albania”, BBC, 10.06.2017, at: <http://news.bbc.co.uk/2/hi/europe/6738055.stm>

recognition. Also, the vote on the reception of the “Republic of Kosovo” on November 9th, 2015 in UNESCO was also symptomatic. At that time, 92 UNESCO member states voted for the admission (50 of them were against, 29 abstained, and 15 did not vote, so Kosovo was not received since 2/3 majority is needed for such a decision). In any case, Kosovo was recognized by more than 90 countries, which means that the process of status legitimizing in the international relations is progressing. However, two things should be noted here. Even though the unilaterally proclaimed independence of Kosovo has been recognized by more than 90 countries, analyzing the internal structure of Kosovo, it is difficult to actually define what Kosovo is today. Perhaps the best description could be used by Brezhnev’s “*limited sovereignty*” formulation. The supreme legal act does not represent the “*Constitution of the Republic of Kosovo*” but the *Comprehensive Proposal for the Status of Kosovo Status*.

Therefore, although it establishes bilateral relations with other countries, it accedes to international organizations and has its own bodies, Kosovo remains in the regime of “supervised independence” by the international military (KFOR, NATO) and civilian presence (EU mission - EULEX). Simply, the power of the president, the government and the assembly of Kosovo is of a limited character. This leads to the conclusion that the foreign policy appearance of the so-called Republic of Kosovo is of a limited character and will formally be able to play exclusively within the framework that will be approved by NATO and EU institutions that are in charge of overseeing Kosovo’s statehood. The modest diplomatic network of the so-called Republic of Kosovo is oriented almost entirely to the member states of NATO and the EU, as well as to several neighboring Balkan states that have clearly expressed ambitions to become members of NATO and the EU.

Secondly, it turns out that the process of “rounding up the statehood of the so-called Republic of Kosovo” cannot be completed until Pristina receives a chair in the UN. This problem was first recognized by Wolfgang Ischinger, one of the members of the Troika, who in 2007 proposed a “compromise solution”. According to his proposal, Serbia would not have to formally recognize Kosovo, but would not oppose its membership in the UN. This again means that Serbia would not ask Russia and China to veto an attempt of Kosovo to join the UN. Why is the UN important? Despite the fact that the entire process was obviously coordinated by the US and the EU, so-called Republic of Kosovo has not yet been recognized by five EU members (Spain, Romania, Greece, Slovakia and Cyprus) and four NATO members (excluding Cyprus, the aforementioned countries). This in every way jeopardizes the possible integration of Kosovo into these international organizations, which is a priority for the authorities in

Pristina, as well as for the EU and NATO. In addition, Kosovo has been recognized by 36 out of 56 OSCE members and 36 out of 57 members of the Organization of the Islamic Conference. Kosovo is not integrated into important political and security organizations, nor will it be until it secures a place in the UN. In this context, the status issue has become indisputable since many international organizations, in their founding acts, as a precondition for membership, claim membership in this organization of a universal character. All of this led to a re-orientation of the process towards the UN, which should this time result in the accession of the so-called Republic of Kosovo to the most important international organization.

Concluding remarks

The fact is that Western countries led by the United States in the last two and a half decades have had no consistent policy in the Balkans and have created a huge conflict potential for the future. One of the examples where this is best seen is Kosovo. The decision to recognize the right to self-determination of Kosovo Albanians, led to the opening of a question, first in the regional context, and then much broader, to the European one, whether this right must be recognized also if some other people declare themselves in such a way. For if it is widely accepted that the Kosovo Albanians have the right to self-determination, why is not the same right recognized, for example, for Serbs in Bosnia or Albanians in FYR Macedonia?

Secondly, if changing internationally recognized borders, in the way that has been done in the case of Serbia, is legitimate, why is this not the case with other countries in the region? This issue is very up-to-date and “looted” across the European continent: in Crimea, in Kurdistan, Catalonia, and only a few months after the decision of the Kosovo Albanians was set up, in South Ossetia and Abkhazia.

The inconsistency of Western countries, led by the United States, in relation to the application of international law norms, as well as their inconsistency reflected in the periodic relying on the UN in the “attempts” to resolve the Kosovo problem, confirm the intentions of the destabilization of this international organization.

Notwithstanding the fact that the UN as a multi-decade key factor in global security and, at the same time, a global player of great experience both in conflict and post-conflict situations, and despite the fact that from the very beginning they have been involved in seeking solutions to the problems identified in

Kosovo, in this issue was, obviously, left aside. This only confirms the theses of some authors that “Kosovo represents only one episode in the long process of the so-called domestication and marginalization of the United Nations by the United States”³³, as well as the understanding that the United States can build its relations on the dichotomy of good and evil as prone to “constructing an enemy”³⁴. In order to attack the FR of Yugoslavia, the United States first roughly circumvented the UN, stood on the side of the Albanian population, meaning it as a victim and as an ally of NATO³⁵, and then, by inconsistent implementation of the existing standards and Resolution 1244, aimed at building a new state. When it became clear that it was not possible to “do so” through the Security Council and through the change of Resolution 1244, the United States instigated Pristina in a unilateral move, that is, on the unilateral proclamation of Kosovo’s independence on February 17th, 2008. The United States and a number of EU member states immediately recognized this self-proclaimed state, and the RS government responded immediately by withdrawing ambassadors from these countries and starting a vivid diplomatic activity to prove that it was an act contrary to international law. By the act of unilateral declaration of independence, assisted by unhidden US support, the possibility of continuously seeking a solution through the definition of clear standards and rules has been lost. The US now has a new goal: to make the so-called Kosovo a member of the UN, and after almost a quarter of a century, to close this chapter.

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³³ Heikki Patomäki, “Kosovo and the end of the United Nations?” p. 82, in: *Mapping European security after Kosovo*, eds. Peter van Ham and Sergei Medvedev, Manchester University Press, Manchester and New York, 2002.

³⁴ Ibidem.

³⁵ „Observers concluded that, with military intervention, NATO became actually de facto ally of the so called Kosovo Liberation Army in its request for independence. Once the intervention began, the return to earlier autonomy was never an option. The war made NATO a biased in conflict, harming the originally proclaimed intentions to restore autonomy within Serbia.“ Andreas Heinemann-Grüder and Wolf-Christian Paes, *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation Army*, BICC Brief No. 20, October 2001, p. 18.

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