

Should Kosovo Become Independent?

Written by anon

This PDF is auto-generated for reference only. As such, it may contain some conversion errors and/or missing information. For all formal use please refer to the official version on the website, as linked below.

Should Kosovo Become Independent?

<https://www.e-ir.info/2013/11/18/should-kosovo-become-independent/>

ANON, NOV 18 2013

Chapter One: Introduction

Serbian President Tomislav Nikolic recently stated that Serbia will continue to consider Kosovo as an autonomous province and that Serbia will never recognise its independence (In Serbia News, 2013). His statement demonstrates that the question of Kosovo's final status remains both current and controversial. Belgrade's insistence on 'more than autonomy but less than independence' and Pristina's position on 'nothing less than independence' portrays the deadlock (Altmann, 2006:5). Voices have been raised that Kosovo's status as an international protectorate must be broken. But is independence the solution?

This question can be placed within the broader scholarly debate on whether national self-determination is a viable solution for ethnic conflicts. National self-determination is here regarded as equivalent to independence in line with Nanda's (2000-2001:307) definition: 'the establishment of a sovereign and independent state'. The principle of national self-determination has served as a justification for numerous political, and often very violent, struggles (Tilly, 1993:30-31), many of which are still ongoing such as the protracted Israeli-Palestinian conflict. The principle remains highly disputed within the academic world: some scholars defend it, such as Philpott (1995), who looks at the issue from a moral standpoint, while others argue against it, such as Etzioni (1992-1993:21) who contends that self-determination movements are destructive for democratic development.

This essay argues against independence for Kosovo and will support this thesis with two central arguments. The first argument concerns the principle of national self-determination and it will be contended that the principle cannot be used to justify independence for Kosovo. The second argument is a policy-oriented one and states that independence should be avoided due to the severe consequences that could follow from unilateral secession of Kosovo.

This paper will begin with a brief background of the Kosovo crisis. It will thereafter move on to the analytical section of this essay, which consists of two subsections. In the first subsection, it will be contended that arguments in favour of national self-determination for Kosovo within the framework of international law and the framework of democracy are unconvincing. In the second section, it will be argued that independence does not constitute a viable solution due to the gravity of the negative consequences that could follow from secession in terms of negative implications for minority groups, the security situation as well as prospects for democracy.

Chapter Two: The Kosovo Crisis – a Brief Background

Kosovo borders Albania and has played an important historical role in Albania's nationalist struggles due to its geostrategic position. Albanians are descendants of the Illyrians who populated Albania and Kosovo as well as a large part of the former Yugoslavia. The twentieth century saw many conflicts between Serbs and Albanians and interethnic tensions have been a reality since Serbia occupied Kosovo in 1912 (Bieber & Daskalovski, 2003; Kuci, 2005:332- 334).

Yugoslavia, which consisted of six republics, was created after the Second World War and prior to 1989, Kosovo enjoyed extensive autonomy as an autonomous province within the Serbian Republic. Despite this autonomy,

Should Kosovo Become Independent?

Written by anon

however, discontent over the lack of status as a Yugoslav Republic increased during the 1980s and fuelled tensions between Kosovo-Serbs and Kosovar Albanians. The tense but yet peaceful situation changed when Slobodan Milosevic became President of Serbia in 1989 and decided to end Kosovo's autonomy the same year. Kosovar Albanians started to engage in demonstrations: a campaign for self-determination that remained non-violent and passive during the first years of the disintegration of Yugoslavia (Youngs & Dodd, 1998:10-18).

A more aggressive resistance against Serbia began in 1996, partly as a result of the lack of progress towards independence and the extended recognition of the Federal Republic of Yugoslavia (Serbia and Montenegro) by the EU states. The guerrilla group Kosovo Liberation Army (KLA) was founded in 1997 and it initiated a series of attacks against Serb targets (Youngs & Dodd, 1998:10-18), which led Milosevic to respond with repressive policies. The international community made efforts to solve the conflict with diplomatic means but instead the crisis aggravated as a result of Milosevic's campaign of ethnic cleansing of the Albanian population and the intensified clashes between the Serb forces and KLA. Milosevic's refusal to sign the Rambouillet accords that sought to solve the crisis in a peaceful way and the severe human rights violations that followed led NATO to finally intervene in Kosovo with military force in 1999 (Kupchan, 2005; Nanda, 2000-2001:319-321; Muharremi, 2008:408).

Following the NATO intervention, a UN administration was established by UN Security Council Resolution 1244 (1999) and Kosovo has since then remained an internationally administered territory with the UN in control over its legislative, judicial and executive powers (Bing Jia, 2009:29-31). Thus, Kosovo's future status remains unresolved, which leads the discussion to the question that this paper aims to answer: should Kosovo become independent?

Chapter Three: Kosovo and the Principle of National Self-Determination

In this section, the principle of national self-determination will be examined through a framework of international law and a framework of democracy and it will be argued that the arguments put forward for Kosovo's independence are unconvincing.

3.1. A Support for National Self-Determination in International Law?

Kosovo's parliament unanimously endorsed a declaration of independence from Serbia in 2008; a year after UN Special Envoy Martti Ahtisaari presented his *Comprehensive Proposal for the Kosovo Status Settlement*, a document, which constituted a roadmap for supervised independence of Kosovo. Both these documents have been subject to much controversy: it has proven impossible for the Security Council to adopt a Status Settlement Proposal and a majority of states have yet not recognised Kosovo's independence (Summers, 2011:37-41). This controversy raises the question of whether there is a legal basis for the creation of a state like Kosovo.

It will be argued that there is no legal basis by looking at legal documents specific to the situation in Kosovo as well as the broader international legal framework. In terms of legal documents specifically about Kosovo, the discussion will centre around the Advisory Opinion on Kosovo delivered by the International Court of Justice (ICJ) and Security Council Resolution 1244, which established the international administration of Kosovo.

3.1.1. Legal Documents Specific to Kosovo

The ICJ delivered an Advisory Opinion on the legality of Kosovo's Declaration of Independence in 2010 as a result of the diplomatic efforts of Serbia to prevent recognition of Kosovo (Summers, 2011:42). In contrast to Serbia, however, the ICJ claimed that 'the declaration of independence of Kosovo adopted on 17 February 2008 did not violate international law' (ICJ Advisory Opinion, 2010:para 122). The interpretation of the Advisory Opinion as an endorsement of Kosovo's independence has been widespread (Muharremi, 2010:867).

Yet, the fact that the ICJ claimed that the declaration did not *violate* international law does not indirectly imply that the Court recognised that Kosovo had a *right* to separate from Serbia. Instead, the ICJ emphasised that the question regarding the right of self-determination went beyond the scope of the request submitted to the Court as the Court only was asked to give an opinion on whether or not the declaration of independence is in accordance with

Should Kosovo Become Independent?

Written by anon

international law (ICJ Advisory Opinion, 2010: paragraph 83). As a result of this lack of clarification, it is argued that the ICJ opinion cannot be used as a legal justification for Kosovo's independence.

Moving on to the scope of Security Council Resolution 1244 in terms of the principles of self-determination and sovereignty, this paper contends that although the resolution does not explicitly prohibit Kosovo's independence, it does not promote and support it either. This argument finds support in the ICJ Advisory Opinion, which states that although Resolution 1244 does not contain a prohibition against the Declaration of Independence, the resolution did not contain any provision dealing with the final status of Kosovo. Rather, the Resolution only sought to establish a temporary regime in order to initiate a long-term political process (ICJ Advisory Opinion, 2010: paragraph 114). Serbia has claimed that the Declaration of Independence constituted a violation of Resolution 1244 (Resolution 1244, 1999: tenth preambular paragraph), since the Resolution reaffirms 'the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia...' (Muharremi, 2008:421-422. Serbia's view is too far-fetched since Resolution 1244 does not contain an explicit denial of independence. Yet, the Resolution's acknowledgment of sovereignty in combination with the establishment of an interim regime supports the argument the intention with the Resolution was not to terminate Serbia's sovereignty over Kosovo.

3.1.2. The Broader International Legal Framework

The following discussion on the broader legal international framework will centre around two central issues in this context: the clash of the principles of sovereignty and national self-determination and the question of remedial secession.

The principle of self-determination is recognised in a range of central legal documents. For instance, article 1 in the UN Charter states the principle of 'equal rights and self-determination of peoples' (Charter of the United Nations, 1945: article 1, paragraph 2) and the Declaration on Friendly Relations (UN Friendly Relations Declaration, 1970:article 1, paragraph 7) obligates all states to 'refrain from any forcible action that deprives people claiming the right to self-determination'. On the other hand, the principle of sovereignty is also recognised by both these legal documents as well as by various other legal sources (Woodward, 1995:212). The principle of sovereignty has dominated the world order since the Peace of Westphalia in 1648 when nation states were created and it enjoys such widespread support within the international community that it is often regarded a general principle of law (Woodward, 1995:212; Talbott, 2000:153-155). Thus, the principle of sovereignty seems to override the principle of self-determination in international law.

There are, however, some legal documents where the principle of sovereignty is overridden by the principle of national self-determination to people. One such example is the Declaration on the Granting of Independence to Colonial Countries and People (General Assembly Resolution 1514, 1960). Yet, the right to secede in order to achieve national self-determination solely concerns a 'people' that is governed in a colonial setting and subject to exploitation and domination. The Supreme Court of Canada confirmed this view in its Advisory Opinion on whether Quebec had the right to unilateral secession (Crawford, 1997; Nanda, 2000-2001:307). The case of Kosovo belongs outside the colonial context and this right is therefore not applicable.

Finally, it is argued that the principle of remedial secession is not applicable in the case of Kosovo. This principle suggests that an active exclusion, mistreatment or repression by a state of a population may give them a right to secession. Remedial secession could be regarded as a last resort for minority groups if their fundamental rights are being violated or if their existence as a group is endangered (Weller, 2009:275; Crawford, 1997). Due to the Serbian Government's massive human rights violations, deportations and expulsion of civilians and the ethnic cleansing of the Kosovo Albanian population during the 1990s (Muharremi, 2008:408), voices have been raised suggesting that Kosovo has a right to remedial secession. Ahtisaari (2007), for instance, partly bases his argument in favour of independence on the injustices and repression that the Albanian population was subjected to.

In contrast, this paper argues that the principle of remedial secession cannot be used to justify Kosovo's independence. In fact, it is even doubtful if such principle exists in international law, which seems to be suggested by the ICJ in the Advisory Opinion on Kosovo (Summers, 2011:48). Even if such principle does exist, it does not apply to

Should Kosovo Become Independent?

Written by anon

Kosovo. This conclusion is based on two central observations. Firstly, the principle should be considered a last resort and this is not the case in Kosovo since the human rights violations against the Albanian population ended with NATO's intervention and Milosevic does no longer rule Serbia. Although many Albanians may lack confidence in the Serbian regime, this does not amount to a right of remedial secession as Serbia has moved towards democracy since 1999 and has changed both its Government and its political agenda (Muharremi, 2008:417-421; Talbott, 2000:156). Secondly, the legitimacy of Kosovo's claim is undermined since minorities in Kosovo such as Kosovo Serbs also have suffered from human rights violations by Albanians. This principle could therefore, as Summers (2011:48) suggests, equally legitimise separatist claims by these minorities. Discrimination against Kosovo Serbs is widespread and there have been cases of ethnic violence, for instance during the Albanian riot in 2004 when many Kosovo Serbs were attacked and forced to flee (Kupchan, 2005).

3.2. Self-Determination within the Framework of Democracy

This section will examine the framework of democracy as it applies to the Kosovo case and it will be argued that the arguments against independence for Kosovo are more convincing.

The liberal version of democracy can easily be used to promote the right of independence for Kosovo. Liberals put a lot of emphasis on individual rights, which affects the way they regard representation and consequently, the state itself. Although few liberals have participated directly in the scholarly debate on self-determination, there are some exceptions (Moore, 1998:1). One such scholar is Philpott (1995) who contends that a group that forms a majority in a geographical area should have the right to secede if it so wishes regardless of whether the group has been subject to human rights abuses or not. Considering that Kosovo-Albanians constitute approximately 90 per cent of the population in Kosovo (Kupchan, 2005), they should have a right to secede according to the logic of Philpott's (1995) argument.

Yet, this argument rests on a maximalist version of national self-determination and has received sharp criticism for neglecting the heterogeneous character of secessionist regions (Moore, 1998:3). The demographics of Kosovo highlight the importance of taking the considerations of minorities into account. Ten per cent of the population of Kosovo are Serbs and an independent Kosovo would mean a partition of their state Serbia (Bose, 2008). If Kosovo was able to claim independence from Serbia based on the majority principle, then the Kosovo Serbs that dominate the Northern parts of Kosovo could do the same in order to achieve independence from Kosovo. Further, the maximalist version of democracy could equally be used to argue against Kosovo's independence if Kosovo is to be regarded as a province of Serbia. In that case, Albanians would be the minority in Serbia. These examples demonstrate the complexity of pluralist societies, a complexity that a liberal version of democracy fails to address. Thus, contrary to the liberal focus on individual rights, it is argued here *group rights* rather than *individual rights* should form the framework for democracy in heterogeneous societies. This argument will be developed further in the next section, which examines possible negative consequences of secession.

Chapter Four: Possible Consequences of Unilateral Secession

Moving away from the theoretical discussion to a more policy-oriented one, it will be argued that secession should be avoided due to the risk of negative consequences that could follow from independence in terms of serious implications for minority rights and democracy and destabilising effects on the region. Former UN Special Envoy Martti Ahtisaari's Comprehensive Proposal for the Kosovo Status Settlement will form the framework for the analysis.

4.1. Minority Rights and Democracy

In line with Etzioni's (1992-1995:33) view, this paper puts forward an additional argument against independence: many breakaway states tend to become less pluralist, less democratic and less tolerant towards minorities. The empirical evidence to support this claim is strong: one clear example is the weak democratic conditions and exclusionary practices against minorities in various former communist states (Evans & Need, 2002:675-676). Additionally, the increased ethnic fragmentation and hostility in newly independent states risk leading to violent conflict. This creates a risk of new ethnic divisions before the new state has been able to create an effective

Should Kosovo Become Independent?

Written by anon

democratic government that has the capacity to address these issues (Etzioni, 1992-1995:34). These possible negative implications that could follow after independence are important to take into account when discussing the future status of Kosovo, especially considering the relative weakness of the Kosovo government (Radeljić, 2013:248) which could negatively impact Kosovo's ability to deal with ethnic divisions after independence.

Yet, Ahtisaari (2007) claims that independence is the only viable solution to the Kosovo crisis, a view that serves as the rational behind his Comprehensive Proposal. His argument is based on the assumption that a return of Serbian rule over Kosovo is impossible to achieve since the Albanian population would not accept this scenario. Kupchan (2005) equally contends that the polarisation between Albanians and Serbs is so severe that there are no realistic alternatives to independence. The Comprehensive Proposal therefore seeks to achieve supervised independence for Kosovo and to mitigate ethnic divisions between the Serb minority and the Albanian majority in Kosovo through a range of different provisions for extensive self-rule for Serb-majority municipalities and greater autonomy for the North in terms of healthcare and education. Additionally, the Proposal offers extensive protection for Serbian churches and monasteries (Comprehensive Proposal, 2007; International Crisis Group, Executive Summary).

Although the Proposal contains a comprehensive roadmap for power-sharing and offers an extensive amount of self-rule to the Serb minority, it still rests on a fallacy: Ahtisaari's (2007) argument that Kosovo should be independent since Albanians would not accept unification with Serbia could just as easily be applied to the Kosovo Serbs who most likely would react strongly to an independent Kosovo. As Moore (1998:5) puts it: 'Secessionism is usually highly contested, and not just by the remainder state, but also, and sometimes especially, within the secessionist region. The most obvious source of opposition comes from local ethnic minorities.'

The Ahtisaari plan lacks the necessary legitimacy and is rejected by practically all Kosovo Serbs who inhabit the Northern parts despite the ambitious provisions for autonomy of the Northern Kosovo (International Crisis Group, 2010:9). Thus, independence would most likely lead to an aggravated relation between Kosovo Serbs and Kosovo Albanians and further increase the polarisation between the two groups, a polarisation which already is severe: most Kosovo Serbs live isolated from Kosovo-Albanians in enclaves and most of them have boycotted the government institutions in Kosovo set up by the UN (Judah, 2006:75). The dispute is primarily focused on the status of North of Kosovo, an area which is populated by more than 95 per cent Serbs and which is almost completely controlled by Serbia in terms of areas such as police, municipalities and public services. While Pristina seeks to integrate the area, which has not been under its rule since 1989, into a future independent Kosovo, Belgrade's ambition is to formalise its control over it. So far, it has not been possible to link the North of Kosovo to institutions since these trials have been met with violent resistance (International Crisis Group, 2010:Executive Summary, 8-10).

One concrete example of the discrepancy between the Comprehensive Proposal and the reality on the ground is the question of the Serbian churches, monasteries and other religious sites in Kosovo. The plan offers extensive protection and representation of Serbs: it states, for instance, that the Kosovo Police Service (KP) should protect the sites and that the units responsible for the protection should include appropriate representation of Kosovo Serbs police officers (Comprehensive Proposal, 2007: paragraph 3.1.1). Despite the extensive protection, it might not be sufficient enough in light of the violent events in 2004, which left many religious sites in ruins. In addition, the Serbian Orthodox Church and Belgrade fear that Kosovo would amend these provisions after a transitional period if Kosovo became independent (International Crisis Group, Executive Summary, 2010). Considering the empirical evidence provided above in terms of the decreasing pluralism and tolerance in many breakaway states, this fear is justified.

In order to address the problem with the Northern parts of Kosovo, several advocates of Kosovo's independence have proposed a broader autonomy beyond the Ahtisaari plan which would imply a partition of Kosovo as a form of compromise between the two ethnic groups: the Northern area should be integrated with Serbia (International Crisis Group, 2010:12-13). Kupchan (2005) recognises that a partition of Kosovo along ethnic dimension might lead to other partition movements in the Balkan region but claims that this solution still might be necessary in order to solve the Kosovo crisis peacefully. This proposal is highly simplistic, however, since it rests on an assumption that clean cuts when it comes to ethnic separation are possible. Rothschild (1981) and Horowitz (1998) are two scholars who have emphasised the absence of clean breaks in terms of territorial separation. Rothschild (1981:14) asserts that human demography is too complex to allow for state boundaries that fit perfectly around ethnic boundaries and

Should Kosovo Become Independent?

Written by anon

Horowitz (1998:13-14) claims that further territorial adjustments in addition to secession are difficult to achieve since the secessionists generally seek independence for the whole territory following the same principle as the undivided state did. It is possible to apply their reasoning on a proposed partition of Kosovo: although a vast majority of the Kosovo Serbs live in the North of Kosovo, the rest live in enclaves scattered throughout the rest of the province. A partition might provoke mass migration Kosovo Serbs that do not live in the Northern area that would unite with Serbia (International Crisis Group, Executive Summary, 2010; Judah, 2006:75). And in line with Horowitz's (1998:13-14) claim above, Pristina will not accept partition of what it considers to be its territory (International Crisis Group, Executive Summary, 2010).

Some proponents of partition do not consider the break-up of states along ethnic boundaries problematic. Gallucci (2010), for example, claims that the problem with intermixed places is a matter of practicality rather than of principle. His view of the principle of self-determination is arbitrary and selective since he seems to suggest that only some Kosovo Serbs have a right to an own state while others do not, and it all comes down to where they live. In light of the complex reality presented above, the Ahtisaari's rationale behind the Comprehensive Proposal borders on naivety since it seeks to solve the problem with a deeply divided state (Serbia) by creating another deeply divided state (Kosovo).

4.2. A Risk of a Destabilised Region

4.2.1. Is Kosovo a Unique Case?

The so-called 'uniqueness' of the Kosovo case is often emphasised by both academics and policy-makers when they argue for that an independent Kosovo would not constitute a precedent for other secessionist movements around the world. The most famous quote in this context is probably Ahtisaari (2007:4) who stated that 'Kosovo is a unique case that demands a unique solution'. The uniqueness, according to Ahtisaari (2007:4), lies in denial of Serbia to govern after the human rights violations in the 1990s and the fact that Kosovo is placed under temporary United Nations administration. Others, such as Muharremi (2008:434), contend that the case should be viewed in the context of the disintegration of Yugoslavia and the creation of new states of the former republics (Muharremi, 2008:434).

Nevertheless, the uniqueness of the Kosovo case is highly questionable. The fact that Kosovo is placed under temporary United Nations administration is primarily a contextual circumstance and similar claims could be made for other secessionist movements based on the circumstances that concern their situation. Palestinians is one group that could make a strong case in this regard considering the exceptionality of this case. Muharremi's (2008:434) argument outlined above is not very convincing either since he fails to make the distinction between a unilateral *secession* of Kosovo and the *dissolution* of a federal arrangement, which was the case when the Yugoslav Republic disintegrated. The disintegration of Yugoslavia led to independence for its six republics that bore national rights in the Yugoslav Constitution. This did not count for Kosovo, which was solely an autonomous province within the Serb republic (Watson, 2008:269; Woodward, 1995:210). The main difference between the two concepts 'secession' and 'dissolution' is neatly explained by Jaber (2010:938) who states that it 'lies in the fact that during dissolution there is no 'parent state' which can resist secession at all'.

Additionally, the human rights violations that the Albanian population was subjected to cannot be considered a unique circumstance. In fact, there are many other ethnic groups seeking national self-determination who have been subjected to human rights violations. Secessionist movements in Palestine, Tibet and Kashmir are but a few examples. Rather than being a unique case, it is the suggested solution to the Kosovo crisis and the support this solution enjoys from prominent Western countries (Bose, 2008) that stands out in the crowd of secessionist struggles.

4.2.2. A Risk of Increasing Nationalism and Separatism

Rather than being a unique case, independence for Kosovo would imply a risk of destabilising separatism in the former Yugoslav republics Bosnia-Herzegovina and Macedonia, radicalisation of the political landscape in Serbia and increased claims for autonomy in the Serbian province of Vojvodina (International Crisis Group, Executive

Should Kosovo Become Independent?

Written by anon

Summary, 2010). If this destabilisation becomes a reality, there is a risk of a new war in an already fragile Balkan region.

The increased nationalism in Bosnia-Herzegovina and Macedonia is worrisome and could develop into separatism and destabilisation if Kosovo became independent. Albanians in Macedonia – a considerable group mainly concentrated in the Western parts of the country – might become influenced to put forward similar demands if Albanian territorial rights were given to Kosovo. There is reason to doubt that around half a million Albanians in Macedonia would accept a lack of self-determination if Albanians in Kosovo were to enjoy independence. They already constitute an absolute majority in some provinces of Macedonia, a relative majority in others and are expected to become the majority ethnic group in Macedonia within a few decades as a result of demographic changes. The relation between Albanians and Macedonia is tense partly due to the influence of the nationalist parties on both sides and an independent Kosovo might be used as a leverage by Albanian militants to achieve nationalist goals. While Albanian officials in Macedonia currently deny aspirations for a 'greater Albania', a sincere assertion or not, there is a risk that national self-determination for Kosovo Albanians might encourage such aspirations (Bardos, 2008:59- 60; Babuna, 2010:80-86). In Bosnia and Herzegovina, there is a risk that Serbs will demand that Republika Srpska, the mainly Serb entity of Bosnia and Herzegovina, should be allowed independence or union with Serbia as a compensation for the loss of Kosovo (International Crisis Group, 2010:15). The demands for political autonomy of the Hungarian minority in the northern province of Vojvodina might increase as well in light of the campaign organized by Vojvodina Hungarians over the past two decades demanding political autonomy, representation and protection of minority rights (Darin Hagan, 2009:613).

An increased ethnification of Serbia is another risk that would follow from national self-determination for Kosovo since it might lead to a radicalisation of the political climate and increase the likelihood of a parliamentary victory for the Radicals in Serbia, a development that would pose a threat against the democratisation process in the country (Altmann, 2006:150). The Serbian Government has already encouraged Kosovo Serbs to boycott elections and distance themselves from Pristina (Kupchan, 2005) and efforts similar to these are likely to intensify and become more frequent if Serbian Radicals took over power, a scenario which would further ethnicise the relations between Kosovo and Serbia.

4.2.3. Pluralism within Unity – An Alternative to Secession

The existence of minorities in heterogeneous societies will almost always be an issue that needs to be addressed as long as the nation-state dominates the world order. Every ethnic group simply cannot find expression in a nation-state if a relatively efficient, although not perfect, world order is to be maintained. If the solution to every ethnic division in the world would be national self-determination, then the UN, as stated by Etzioni (1992-1993:28, would quickly end up with thousands of members. Talbott (2000:155) highlights another risk with splitting up states: they risk turning into small and unstable ministates that lack political and economic viability.

In light of this, heterogeneity seems to be better dealt with within unity than with secession. This argument finds support in Etzioni's (1992-1995:21-32) article. He suggests that efforts to encourage groups to solve their disputes within national communities is a preferable solution and asserts that social pluralism even might be conducive for democracy as different groups monitor each other's behaviour. One less drastic way to deal with pluralism than secession is consociational democracy, which has been used to create stability in deeply divided societies. The theory carries four central characteristics – power sharing, minority veto power, proportionality and segmental autonomy – that are believed to balance social heterogeneity when implemented since they encourage cooperation rather than competition among political elites (Andeweg, 2000:509-520).

This theory is controversial and has received criticism, for example for being too much of a top-down approach (Andeweg, 2000:509-520). Yet, it still serves as an example of an alternative democratic solution to the problem with the dominance of a majority over a minority in deeply divided societies. At least in theory, it could serve as a framework for a future co-existence of Serbs and Albanians in a Serbian state.

Chapter Five: Conclusion

Should Kosovo Become Independent?

Written by anon

This paper has argued against independence for Kosovo and has based this argument on two major themes: the principle of national self-determination and possible consequences of a unilateral secession.

In the first section, it was demonstrated that the arguments for national self-determination based on international law and a liberal notion of democracy were not convincing. Although the legal documents specific to Kosovo did not explicitly prohibit the right to national self-determination, they did not explicitly allow for them either. Within the broader international legal framework, the only clear exception to the principle of sovereignty is national self-determination for colonial people and is therefore not applicable to Kosovo. In terms of the framework of democracy, it has been contended that the liberal argument in favour of national self-determination fails to acknowledge the heterogeneous character of many societies with secessionist movements.

Secondly, this essay has analysed possible consequences of a unilateral secession and concluded that the risks that follow with secession simply are too great, not only for minorities and the prospects of democracy in Kosovo but for the entire region since there is an overwhelming risk of destabilisation. A lot of the literature tends to give too much weight to the contextual circumstances in Kosovo, such as the fact that Kosovo is run by a UN administration and neglect the potential broader implications that could follow as a result of independence. For instance, the argument that Kosovo would not turn into a precedent ignores the nationalism that exists in many other parts of the Balkan region. Radicals who seek to achieve nationalist goals are likely to take advantage of independence for Kosovo as a justification for their claims regardless of the specific circumstances involved in the Kosovo case.

In addition to an examination of the Kosovo case, an analysis of the broader implications for minorities and the existence of the nation-state have been conducted. It is vital to consider the consequences of a world order where every minority group seeking self-determination would have the right to an own nation-state. This paper has contended that such world order is not sustainable and therefore not desirable. If the discussion only evolves around the specific case of Kosovo, this important dimension of the issue would be ignored. In a world where pluralism is a reality facing most nation-states the ambition must be to find a way to co-exist within the same national borders instead of turning to secession as a remedy.

References

- Ahtisaari, M (2007) 'Report of the Special Envoy of the Secretary-General on Kosovo's Future Status', *Letter from the Secretary-General addressed to the President of the Security Council*, S/2007/168
- Altmann, F (2006) 'Kosovo: Phased Independence?' *Transition Studies Review*, 13 (1), pp.145-154
- Andeweg, R.B. (2000) 'Consociational Democracy', *Annual Review of Political Science*, Vol. 3, pp.509-536
- Babuna, A (2010) 'The Albanians of Kosovo and Macedonia: Ethnic Identity Superseding Religion', *Nationalities Papers, The Journal of Nationalism and Ethnicity*, 28 (1), pp.67-92
- Bardos, G.N (2008) 'The Regional and International Implications of Kosovo Independence', *Mediterranean Quarterly*, 19 (4), pp.54-67
- Bieber, F and Daskalovski, Z (2003) *Understanding the War in Kosovo* (Frank Cass Publishers, London)
- Bing Jia, B (2009) 'The Independence of Kosovo: A Unique Case of Secession?', *Chinese Journal of International Law*, 8 (1), pp.27-46
- Bose, S (2008) 'Kosovo to Kashmir: the Self-Determination Dilemma', *OpenDemocracy*, 22 May 2008, Retrieved July 29, 2013, <http://www.opendemocracy.net/article/kosovo-to-kashmir-autonomy-secession-and-democracy>
- Charter of the United Nations and the Statute of the International Court of Justice* (1945), San Francisco

Should Kosovo Become Independent?

Written by anon

- Crawford, J (1997) 'State Practice and International Law in Relation to Unilateral Secession', *Report to Government of Canada concerning unilateral secession by Quebec*, University of Cambridge
- Darin Hagan, M (2009) 'The Transnational Ethnic Activism of Vojvodina Hungarians', *Nationalities Papers*, 37 (5), pp.613-640
- Etzioni, A (1992-1993) 'The Evils of Self-Determination', *Foreign Policy*, No.89, pp.21-35
- Evans, G & Need, A (2002) 'Explaining Ethnic Polarization Over Attitudes Towards Minority Rights in Eastern Europe: a Multilevel Analysis', *Social Science Research*, Vol.31, pp.653-680
- Gallucci, G (2010) 'Kosovo – the Alternatives for the North', *TransConflict*, Retrieved July 29, 2013, <http://www.transconflict.com/2010/11/kosovo-the-alternatives-for-the-north-231/>
- General Assembly Resolution 1514 (XV), Declaration on the Granting of Independence to Colonial Countries and People (1960), UN Yearbook, 40
- Horowitz, D (1998) 'Self-Determination, Politics, Philosophy, and Law', In Margaret Moore, In Margaret Moore, National Self-Determination and Secession, Oxford Scholarship Online
- ICJ (2010) 'Advisory Opinion on the Accordance with International Law of Unilateral Declaration of Independence in Respect of Kosovo', *I.C.J. Reports 2010*
- In Serbia News (2013) 'Serbian President Tomislav Nikolic – Serbia Will Never Recognize Kosovo', Retrieved July 27, 2013, <http://inserbia.info/news/2013/07/serbian-president-tomislav-nikolic-serbia-will-never-recognize-kosovo/>
- International Crisis Group (2010) 'Kosovo and Serbia after the ICJ Opinion', *Crisis Group Europe Report*, N° 206
- Jaber, T (2010) 'A Case for Kosovo? Self-Determination and Secession in the 21st Century', *The International Journal of Human Rights*, 15 (6), pp.926-947
- Judah, T (2006) 'Kosovo's Moment of Truth', *Survival: Global Politics and Strategy*, 47 (4), pp.73-84
- Kuci, H (2005) 'The Legal and Political Grounds for, and the Influence of the Actual Situation on, the Demands of the Albanians of Kosovo for Dependence', *Chicago-Kent Law Review*, pp.331-351
- Kupchan, C.A (2005) 'Independence for Kosovo', *Foreign Affairs*, 84 (6)
- Moore, M (1998) 'Orphans of Secession': National Pluralism in Secessionist Regions and Post-Secession States,' In Margaret Moore, *National Self-Determination and Secession*, Oxford Scholarship Online
- Muharremi, R (2008) 'Kosovo's Declaration of Independence: Self-Determination and Sovereignty Revisited', *Review of Central and East European Law*, Vol.33, pp.401-435
- Muharremi, R (2010) 'A Note on the ICJ Advisory Opinion on Kosovo', *German Law Journal*, Vol. 11, pp.867-880
- Nanda, V (2000-2001) 'Self-Determination and Secession under International Law,' *Denver Journal of International Law and Policy*, 29 (4), pp.305-326
- Philpott, D (1995) 'In Defense of Self-Determination', *Ethics*, 105 (2), pp.352-385
- Radeljić, B (2013) 'Democratising and Europeanising the Western Balkans: Contexts, Challenges and Prospects', *Eastern European Politics*, 29 (2), pp.245-251

Should Kosovo Become Independent?

Written by anon

Rothschild, D.L (1981) *Ethnopolitics: A Conceptual Framework* (Columbia University Press)

Summers, J (2011) 'Kosovo: From Yugoslav Province to Disputed Independence', In James Summers (eds) *Kosovo: A Precedent? : The Declaration of Independence, the Advisory Opinion and Implications for Statehood, Self-Determination and Minority Rights*, Martinus Nijhoff Publishers

Talbott, S (2000) 'Self-Determination in an Interdependent World', *Foreign Policy*, No.118, pp.152-163

Tilly, C (1993) 'National Self-Determination as a Problem for All of Us', *Daedalus, Reconstructing Nations and States*, 122 (3), pp.29-36

Watson, K.W (2008) 'When in the Course of Human Events: Kosovo's Independence and the Law of Secession', *Tulane Journal of International and Comparative Law*, Vol.17, pp.267-293

Weller, M (2009) *Contested Statehood* (Oxford University Press)

Woodward, S (1995) *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Brookings Institution Press)

Youngs, T & Dodd, T (1998) 'Kosovo', *House of Commons Library*, Research Paper 98/73

About the author:

The author/s of this content have been verified by E-international Relations, but wish to remain anonymous.