

“THE UN, SERBIA, AND KOSOVO”

Online seminar with H.E. Vuk Jeremić

GPAJ REPORT
Aleksandra Babovic

March 25, 2021



Global Peacebuilding Association

特定非営利活動法人 日本国際平和構築協会

H.E. Mr. Vuk Jeremić started his address to the GPAJ members and public by expressing that Japan holds a special place in his diplomatic career, thus highlighting the address he delivered as the UNGA President at the Hiroshima Peace Memorial Ceremony in 2013.

Before analyzing the developments of the last two decades regarding the perplexing Kosovo issue, he underscored the value of looking at its less known historical context. The Kosovo myth in the Serbian national narrative reaches back to the 1389 Battle of Kosovo — historical records reveal that the mass atrocity was committed against the Serbian soldiers and population — that marked the beginning of the five-century long occupation of Serbia, and the rest of the Balkans, by the Ottoman Empire. As a result, the so-called Kosovo pledge of ‘never giving up Kosovo’ had been central in maintaining the strong Serbian national identity during the Ottoman invasion. In 1999 the Kosovo pledge was reignited with the NATO military intervention in the former Yugoslavia. This three-month-long humanitarian intervention was legally and politically flawed for its dubious legal status in international law and the absence of the UNSC vote and approval of it, similarly to the 2003 invasion of Iraq. The UNSC Res 1244 (1999) ended the conflict and set a legal basis for the creation of an international administration in Kosovo. Here, Mr. Jeremić drew attention to the crucial paragraphs of Res 1244 which states that the sovereignty and territorial integrity of Serbia will be respected and upheld. Furthermore, he presented the two distinct and failed diplomatic initiatives at mediating the Kosovo issue. First, he referred to the UN special envoy Martti Ahtisaari’s Plan (CSP) that Serbia rejected. The plan was also vetoed by the Russian Federation when submitted to the UNSC vote which represented the first geopolitical showdown between the US and Russia in the post-Cold War world in which the latter threatened to use its veto power to obstruct an issue of significance to the UNSC. Second, he referred to the EU-led 120 days negotiation, personified and led by the German Ambassador Wolfgang Ischinger on behalf of the Troika (the EU, Russia, and the US). He refuted this tactic as erroneous for it offered the best possible outcome to the Kosovo side in case of non-agreement — a recognition of Kosovo independence— before the actual negotiation took place to the detriment of the other party — Serbia.

Mr. Jeremić suggested that a dangerous historical precedent of unilateral creation of states with disruptive legal and practical consequences had been created. No country in the UN system would accept a formation of an independent state in violation of its territorial integrity, defiance of its democratic institutions, and the will of the majority of its people. He pointed out a problematic categorization of Kosovo's independence as a sui generis case from the point of view of international law and legitimate authority to declare the validity of alleged special cases. He drew a parallel with Iraq by highlighting that it preserved its territorial integrity despite Saddam Hussein’s dictatorship and extreme oppression of Kurds in Northern Iraq —which were not granted independence— as to indicate the existence of double standards. In contrast, in 2008 democratic Serbia was punished for the inherited misdeeds of the former Milošević regime. In Mr. Jeremić’s view, the Kosovo issue is to remain in a stalemate given that the UNSC Res 1244 offers the only viable solution framework for which an agreement between the two parties is required. What’s more, the two veto powers in the UNSC demand an agreement between the two parties before any vote is taken.

Mr. Jeremić put forth that the current system of multilateral diplomacy is in crisis. He borrowed the concept of economic recession to reflect upon the life cycle of international organizations (IOs), from their establishment in the aftermath of a major tragedy in international relations which carries an illusion of history never repeating itself (boom) to their functionality being at mercy of evolving geopolitical realities which create frictions in diplomatic engagement (recession). The UN suffers from the rigidity of its political process enabling the constitutional change that would unblock the UNSC, its most powerful organ. To more effectively serve humanity and respond to the realities of the 21st century, which became ever more palpable during the pandemic, the UN has to overcome geopolitical stalemate and allow for convergence of its members’ vision and action. His Excellency ended by warning that the next UNSG elections will be less crowded as the candidates will be put in equally uncomfortable positions — pushing for change or keeping the status quo.

The panel discussion opened with H.E. Ambassador Tsuneo Nishida, a former permanent representative of Japan to the UN, who asserted that in the disturbing times of pandemic, migration, terrorism, and populism, the UN and NGOs are facing the greatest risk in our history. Mr. Nishida emphasized that the Japanese government recognized the independence of Kosovo — in the present-day counting 113

recognitions — and simultaneously acknowledged a clear intention and importance in maintaining its traditionally friendly relation with Serbia. The next panelist, Mr. Satoru Kurosawa, a former JICA representative in Belgrade, pondered about the prospects of Serbia and Kosovo's future co-existence. Mr. Jeremić insisted that Kosovo and Serbia must find ways of normalizing life (trade, respect for rights to education and healthcare) with an assertion that recognition of disputed territory of Kosovo was not a prerequisite for normality; and that if it were, the likelihood of being in the presence of a frozen conflict was high. The panel moderator, the GPAJ President, Mr. Sukehiro Hasegawa, inquired about whether Serbia and Kosovo were moving forward to which Mr. Jeremić responded that Serbia, where democracy is currently fully suspended, is in a difficult position that does not primarily relate to the unresolved Kosovo issue, and needs an urgent reversion to democracy.

In the free discussion segment, Professor Vesselin Popovski spoke about the two international law theories of state recognition: declaratory and constitutive. He opined that Kosovo's right to independence was timeline-dependent. In his view, the Kosovo story teaches us about the indispensability of respecting the minority rights which the Serbian nationalist government under Milošević failed to do in the 1990s which resulted in the radicalization of the Kosovar minority, demands for autonomy, and ultimately independence. Mr. Jeremić reiterated that Milošević was not comparable to Saddam who resorted to nerve gas attacks against Kurds, and yet they were not granted the right to independence from Iraq. As per the timeline, he concurred that the defeat of Milošević's dictatorship was a window of opportunity to punish Serbia and do something about Kosovo, unlike in 2008. Ambassador Tadanori Inomata recognized the relevance of state sovereignty in the 21st century and pointed out the growing role of non-state actors and citizens that were essential to the human security framework which requires governments to work in concert to address the pandemic— an area in which geopolitics fell short. Mr. Damjan Krnjević Mišković, the executive director of CIRSD, contended that Serbia's position has been in line with the mainstream thinking of every state under the UN system when it comes to its territorial integrity and sovereignty. Ambassador Nishida made a parallel between Taiwan and Kosovo stating that that the difference between them lies in the fact that the former declared its independence from China being recognized by 10 states only whereas the latter's recognition rate reached 113. Mr. Hasegawa brought in the example of East Timorese independence from Indonesia and their capacity for creating a forward-looking friendly relation whose ideal character Mr. Jeremić recognized but contrasted with examples of Spain and the UK that would never allow for a unilateral secession of any part of their territory for practical reasons. Ms. Arbenita Sopaj asked about the form an eventual agreement between Serbia and Kosovo would take alluding to the possibility of the exchange of territories. Mr. Jeremić argued that any change of borders in the Balkans would have a cascading effect upon regional countries and reiterated his support for normalization of life short of recognition of Kosovo. Professor Yasuhiro Ueki questioned the UNGA's role in maintaining the UN liberal values against the current realpolitik. Mr. Jeremić responded that the universality of the UN gives the UNGA a crucial place in the future and that its meaningful character as an IO has to come from the P5 working together which proved to be a challenging endeavor even in issues of climate change. To Professor Popovski's question regarding the reform proposal for having a single 7-year term for UNSG and the UNSC offering more than one candidate to the UNSG, he responded that it was reasonable, but the not crucial idea as depolarizing the UNSC for the UN to be a functional organization in the 21st century.

Mr. Hasegawa drew the seminar to a close with the observation that the notion of power, concentrated in great powers' hands, often determines outcome in international relations, overrides international law and rights of minorities. He concluded with the thought that the EU framework could represent a fertile ground for Serbia and Kosovo to overcome territorial issues and establish mutually beneficial cooperation.

SPEAKERS AND PARTICIPANTS



VUK JEREMIĆ

Former Minister of Foreign Affairs of Serbia, President of the UN General Assembly, and President of the Center for International Relations and Sustainable Development (CIRSD)



TSUNEO NISHIDA

Former Permanent Representative of Japan to the UN and Former Ambassador of Japan to Canada

**SATORU KUROSAWA**

Professor at Aoyama Gakuin and Kyohei University and former Resident Representative of JICA Balkan Office in Belgrade

**TADANORI INOMATA**

Strategic Advisor for Global Relations and Visiting Professor of Nagasaki University and Former Independent Inspector of the Joint Inspection Unit of the UN system

**VESSELIN POPOVSKI**

Professor and Vice Dean and Executive Director of Centre for the Study of UN at the Jindal Global University and Senior Academic Officer at UNU-IAS in Tokyo

**DAMJAN KRNJEVIĆ MIŠKOVIĆ**

Executive Director of Center for International Relations and Sustainable Development (CIRSD) and Former Senior Advisor and Chief Speechwriter to the President of the UNGA

**YASUHIRO UEKI**

Professor and Director of Human Resource Center for International Cooperation at Sophia University and former political affairs officer and deputy spokesman for the United Nations

**ARBENITA SOPAJ**

Teaching Assistant at Kobe University and Seminar Management Officer at GPAJ

SECRETARIAT ORGANIZERS



SUKEHIRO HASEGAWA

President of the GPAJ and Director of ACUNS Tokyo Liaison Office



NAOKO KUMAGAI

Deputy Director of GPAJ and Professor at School of Global Studies and Collaboration, Aoyama Gakuin University



ALEKSANDRA BABOVIC

Assistant Professor at Osaka University Graduate School of Human Sciences and Affiliated Scholar at Research Institute for Indo-Pacific Affairs (RIIPA)