

Draft summary report July 14, 2021 compiled by Arbenita Sopaj

Kyoto Peacebuilding Center (KPC)  
in Association with Academic Council on the United Nations System Tokyo Liaison Office (ACANS-  
Tokyo) and Global Peacebuilding Center of Japan (GPAJ)

**Takahiro SHINYO**

Former Ambassador of Japan to the United Nations and Germany

***The Primacy of Peacemaking:  
How Kosovo Crisis ended and its lesson to the post-Corona conflicts***

**Saturday, July 3, 2021**

The seminar was conducted by online zoom. Mr. Masakuni Tanimoto, Secretary General of Global Peacebuilding Association of Japan (GPAJ) opened the seminar. He then gave the floor to Ms. Sopaj who briefly introduced Ambassador Takahiro Shinyo and Ambassador Yasushi Akashi.



Ambassador Shinyo started his presentation by tracing the situation in Kosovo in 1998 and the time where he was appointed as a minister of the embassy in Germany and in charge of political affairs. Japan was a member of the G8, and the first Kosovo crisis was dealt within the framework of G8 countries being a unique case. Further, Ambassador Shinyo shared more of his experience by looking back to the period of 98-99 where he was able to see how the primacy of peacemaking played an important role. Ambassador Shinyo in his presentation explained the role of peacemaking that is Chapter 6 measures of the UN Charter: negotiations, mediation, conciliation, arbitration, judicial settlement, or other peaceful means (Art.33) or peace conference, proximity talks, etc. Peacemaking has nothing to do with the use of force neither enforcement. Peacebuilding is a post-conflict process, but peacemaking is a mid-conflict process. When a conflict occurs peacemaking usually takes place. Having visited Kosovo several times Ambassador Shinyo had the opportunity to contribute to the peace process as a member of the Japanese government. Japan is among the countries that have contributed to the economic recovery of Kosovo after the war ended. Having recognized the humanitarian crisis such as Reçak the NATO bombing operation started where around 200,000 refugees were fleeing Kosovo at that time. During that time the Contact Group consisted of six countries (America, Russia, Germany, Italy, etc.), that tried to make reconciliation between Serbia and Kosovo in Rambouillet and Paris.

As these diplomatic talks were failing there was no possibility to find the way out, yet the UN Security Council was not functioning because of Russia and China's position, leaving Kosovo people hopeless. On May 6, 1999, G8 Foreign Ministers met in Bonn, Germany where a statement was issued on Kosovo which stated the withdrawal of FRY military forces from Kosovo and the establishment of international security presence in Kosovo and a substantial autonomy will be given to Kosovo. Based on this 7-point agreement of the G8 Foreign Ministers, they further worked intensively on the UN Security Council resolution to be proposed. The most difficult question was about the sequence of whether the suspension of airstrikes was the first or the withdrawal of Serbian forces was the first. The G8 Foreign Ministers' draft resolution handled this sequential issue and the others very cleverly, making it possible for all disputed elements to be implemented at about the same time. The adoption of the Security Council 11244 on June 10 took almost the same day as the NATO airstrikes were suspended and Serbian forces withdrew, all of which bringing an end to the crisis. Japan being a member of G8 countries actively participated in this peacemaking process to end the crisis. The idea of holding a Kosovo-supporting countries' meeting at an early stage was proposed by Japan. Lessons learned from the Kosovo crisis is that it can be called *sui generis* case of peacemaking, where G8 played a unique role, the primacy of inclusive politics, "politics as profession", no "benign neglect" and no appeasement against dictatorship. Ambassador Shinyo concluded his presentation by saying that the Kosovo crisis was a typical case of gross violation of human rights or crime against humanity, therefore it was the responsibility of the international community to intervene. The intervention of Kosovo was an illegal but legitimate case. He finally questioned, if the lesson of Kosovo applies to the humanitarian crisis in Myanmar, where the UN Security Council does not function, through an inclusive peacemaking process by the countries concerned (G7, ASEAN, China, India, and Russia).



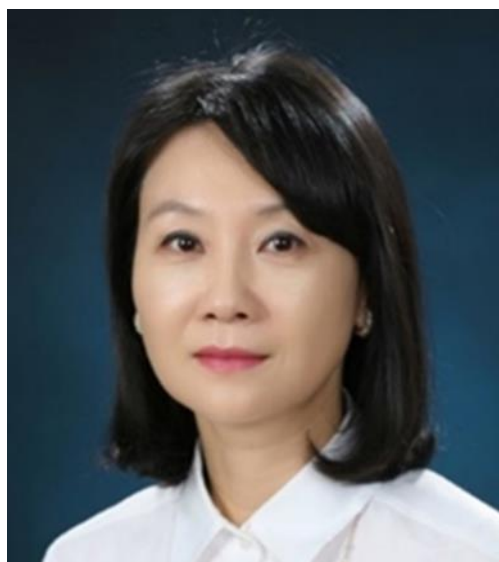
Ambassador Akashi started his speech by giving the highest regards to Ambassador Shinyo as a skillful and balanced diplomat. Solution number four explained by Ambassador Shinyo regarding Myanmar might be very informative for us to explore. It reminds me of peacekeeping in Cambodia in February 1992, when Security Council decided that the UN peacekeeping force should begin at that time, but the basic structure of Peacekeeping in Cambodia had been decided in October 1991 in Paris at the Peace Conference there. Present were UN Secretary-General and 5-permanent members, as well as all ASEAN countries at that time. In addition to these, other Asian countries and India, Japan and Australia were invited to the conference.

Preparations of all the diplomatic discussions before 1991 were taking longer than 3-years, so we should not give up easily with Myanmar. Each conflict is unique, but there are also common features. Ambassador Akashi shared with us few articles he read about the Yugoslav conflict and the questions they raise were about peacebuilding in the world. He was fascinated to read one article by Sadakata Mamoru about the critical peace in Kosovo. Although Martti Ahtisaari struggled to find an adaptive solution to the conflict, he seemed not to have the confidence of the Serb government, and without that, we cannot expect peace in the area. The author suggests that in the case of Kosovo the international community has so far not been totally successful. Ambassador Akashi stated that he partially agrees with the author. Nevertheless, if we compare Kosovo with the Rwanda case, we see a different approach of the UN where it had only 200 to 300 troops of UN in Rwanda. The US delegate at the UN refused to call the conflict in Rwanda a “genocide”, because if it was genocide, then the international community would be obliged to oppose it by all means. Ambassador Akashi was heavily involved with Secretary-General in the former Yugoslavia where he saw a significant difference between the US and other powers such as the UK, France, Russia, and others. In the case of Rwanda, both the US and most of the Europeans were reluctant to intervene. The US role in the former Yugoslavia was very major. Therefore, it completely reshaped the nature of peace. Not all the parties were satisfied with the intervention in Kosovo. Ambassador Akashi concluded his remarks with the advice that we should identify a special group of actors that can be helpful for Myanmar. The experiences of the UN in the past 75 years show that it has done a great job in meeting diverse circumstances with different means and approaches.



Mr. Krnjević Mišković called into question the premise of part of the title of today’s event, indicating that he did not believe that the “Kosovo the crisis” has “ended.” The *underlying* dispute between Serbs and Albanians—or more specifically, between a UN member state and ethnic secessionists operating on a part of its territory—has not been resolved in a mutually acceptable fashion: the question of the province’s future status remains open. This is explicitly or implicitly acknowledged by all relevant actors: NATO, the EU, the UN system, the OSCE, the Council of Europe, the main champions of Kosovo’s statehood, the countries that continue to support Serbia’s sovereignty and territorial integrity by respecting UN Security Council resolution 1244 (1999), and of course Serbia itself. NATO, the EU, the UN, the OSCE, the Council of Europe, the Quint are all involved *in* Kosovo, but Kosovo is not involved *in* these organizations. And of course, Pristina is neither a party to the Paris Climate Accords, a member of the UNFCCC, nor is a participant in perhaps the most important multilateral process in the history of the world: the UN 2030 Agenda for Sustainable Development. Pristina is literally absent from what is arguably humanity’s most ambitious and transformative agenda ever devised. So, it simply flies in the face of credulity to say the “Kosovo crisis” has “ended.” Another crisis did end recently, however, in

another flashpoint region located on the periphery of Europe: the South Caucasus. The conflict over Karabakh between Azerbaijan and Armenia (and the ethnic-Armenian secessionists it supported for nearly 30 years) effectively ended last year. For nearly 30 years since a 1994 Russian-brokered ceasefire, ethnic-Armenian secessionists had controlled Karabakh and seven surrounding regions. In the interim, the OSCE (the process was led by France, Russia, and the United States) had tried, without success, to mediate the dispute. Last fall, through a combination of diplomatic engagement and military victories, Azerbaijan liberated its occupied territory and gave consent to the deployment of Russian peacekeepers in a part of these liberated territories. Azerbaijan—a party to the dispute—sees itself as the primary peacemaker: President Aliyev likes to say that Azerbaijan fulfilled the Security Council resolutions because no one else was able to do so. Russia is now the primary peacekeeping power, together with Turkey: The West was almost completely absent. It seems likely that Moscow and Ankara will remain the primary *peacemakers*. Mr. Krnjević Mišković stated that there are many reasons for the differences between an unsettled Kosovo and a settled Karabakh, but the most far-reaching is the fundamental change in geopolitical circumstances. The 1999 NATO bombing occurred at the height of the “unipolar moment” led by a hegemonic United States; the drive to impose Kosovo’s statehood in 2008 may, in fact, come to be seen as the last gasp of that era in international relations. Whatever we may wish to call the present era (the one in which the Second Karabakh War took place last year, in the midst of the pandemic), we can safely say that it is neither characterized by unipolarity nor hegemony. So, the ultimate lesson—in the post-coronavirus period that is just beginning—for all conflicts *that have not ended* is that history never ends, power politics never go away, and no nation’s boundaries have ever been set in stone by mere incantations and the sprinkling of magical powder on the atlas of the world. The old rules and the old expectations and the old power relationships that applied back in both 1999 and 2008 may well be on their way to obsolescence. Right now, misunderstandings between the most important players still abound—particularly in the realm of geopolitics; unfortunately, they show seemingly few signs of abating. Mr. Krnjević Mišković concluded his remarks with a message that major powers need to come together to try to reestablish a semblance of order whilst producing a consensus on some new rules of the game. Irrespective of whether they agree or not, this will invariably affect the weight of the various variables in the equation of each unresolved conflict—Kosovo included.



Professor Shin-wa Lee mentioned the four areas of the UN operations (peacekeeping, peacemaking, peacebuilding, peace enforcement) should be crossly linked. Professor. Shin-wa Lee agreed that peacemaking's political and diplomatic aspects and preventive nature are very important, and it would be better to be discussed more closely with other UN peace activities. Also, smart PKOs, which have recently been emphasized by the United Nations, are also very significant in terms of the effectiveness of peacekeeping activities such as technology and cyber activities, or future directions. Professor. Lee concluded her remarks with the advice that we should consider in several ways the peacemaking process.



Mr. Mizuno was a Washington correspondent of the daily Asahi Shimbun newspaper during the Kosovo crisis. Listening to what Ambassador Shinyo and others say, he expressed his wish if he could have interviewed Richard Holbrook again now. Holbrook was the special envoy of President Clinton and made enormous efforts to persuade Slobodan Milosevic until the last moment. Mr. Mizuno addressed to Ambassador Shinyo that there is a similarity between what had happened in Kosovo state in 1999 and in Arakan state of the Federation of Myanmar now in terms of the humanitarian crisis triggered by the major ethnic group who have been trying to separate the region from the central government. In the case of Kosovo, the western powers intervened militarily under the name of “humanitarian intervention.” Given the seriousness of the humanitarian crisis in Myanmar today, to what extent do you think we should apply the concept of “responsibility to protect” there like we did it to Kosovo in 1999?



Mr. Vesselin Popovski paid gratitude to Ambassador Shinyo, for the excellent presentation. You presented a very balanced analysis of what happened back in 1998-99 in Kosovo. He added another lesson from Kosovo, that was mentioned leading Kosovo to the norm of Responsibility to Protect, and also in addition to that, after Kosovo, a realization was made, and discussions opened as to how to restrict the Security Council’s veto as not to be applicable to situations of mass atrocities and these deliberations continue until today with gradual proposals for a code of conduct

with that effect. After the NATO intervention there was also an ‘Inquiry Commission on Kosovo’ lead by Richard Falk, which concluded that the intervention was ‘illegal but legitimate. This was a very stark divide between the concepts of ‘legality’ and ‘legitimacy’. Professor. Popovski wrote a book with Richard Falk titled: “Legality and Legitimacy in Global Affairs” (Oxford UP 2012) exemplifying exactly such disconnections between the legality and legitimacy. They argued that the ‘Legality’ is a black-or-white judgment with no middle ground – an act is either legal or illegal. Whereas ‘Legitimacy’ is more flexible, it can be built up or lost down, it is made not before the use of force, but rather after all the consequences, and is dependent on what people on the ground experienced, not simply on what lawyers far away may think. Professor. Popovski addressed Ambassador Shinyo’s very important point about inclusiveness that is crucial to have China and Russia co-operation in Myanmar, and Kosovo perfectly well demonstrated how Russia could exercise strong diplomatic pressure on Milosevic to withdraw from Kosovo through regular dialogue between Prime Minister Chernomyrdin in the Serbian Ambassador in Moscow, who happened to be the brother of Milosevic. The fact of the matter is that the Serbian military did not suffer much of losses after 70 days of bombing, and it was the Russian diplomacy, not so much the NATO bombing, that made Milosevic surrender. And here comes the disappointment why Russia does not do the same with Bashar al-Assad in Syria, and China does not exercise diplomatic pressure on Myanmar. His concluded remarks where that we need to repeat this again and again, not simply say that ‘the Security Council failed’, rather to point to which permanent member failed, we should keep saying that ‘Russia failed to stop the atrocities in Syria’ and ‘China failed to stop the atrocities in Myanmar’ rather than to hide behind the ineffectiveness of the Security Council. Kosovo showed clearly, that even if a permanent member may have vetoed a military operation, it could offer as an alternative a constructive dialogue to de-escalate the conflict.



Ambassador Yamamoto addressed two questions: In peacemaking, a mediator needs to pay heed to inclusiveness, but in practice, it is difficult for the mediator to work without people asking,” on whose side did he judge the inclusiveness from?” Kosovo may be a typical example. A question addressed to Miskovic about change in what the latter described as the collapse of the Western hegemony and how it might affect the peace process? Did he envisage any alternative scenario or guiding principle to prevail?



Mr. Inoue addressed a question to Ambassador Shinyo: Do you think that only politics can solve humanitarian crisis? Can we solve crisis completely without the use of military influence?



In his concluding remarks, Dr. Hasegawa made two points. First, UN peace operations do not progress in a unitary direction. The objective of any UN peace operation or mandate is limited in terms of its objectives. In the case of Kosovo, he noted that Professor Takahiro SHINYO was addressing that one of the objectives was to stop NATO bombing and realize the withdrawal of Serbian troops. This limited objective was achieved as Professor SHINYO explained Mr. Damjan MISKOVIC rightly contested that the overall humanitarian concerns were not resolved for, according to Dr. Hasegawa, the understanding of the concerns held by the two sides differed and became the source of circular conflict movement. The task of UN peacekeepers was to end the circle of conflicts. The second point was the structure of the international system as the determining factor in influencing the conflict. The doctrine of R2P lost its efficacy when Russia considered that the R2P was abused by the West for the purpose of capturing Gaddafi and realizing the regime change. The arming of anti-military youths in Myanmar would have a similar effect of escalating the conflict into a Syria-type civil war as the Tatmadaw is likely to be supported by Russia