

## **TADIC: A judicial approach on Kosovo**

*Serbia's contest against secession sets a new Balkan standard*

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A year ago today, a great disturbance with global implications was felt throughout the international system - the unilateral declaration of independence by the ethnic-Albanian authorities of Serbia's southern province of Kosovo.

This blatant attempt at secession is in direct violation of United Nations Security Council resolution 1244 (1999), the U.N. Charter, and the Helsinki Final Act. As a result, a vast majority of U.N. member states, including many with multiethnic populations, have refused to recognize Kosovo's independence.

At the time, we stated clearly that Serbia would never recognize Kosovo's unilateral declaration of independence under any circumstances. This position is enshrined in our constitution, and will not change. Self-determination and secession cannot be forced on a democratic country.

The way in which the Kosovo issue was addressed was a failure and should be a lesson to all. An attempt to force the settlement of one outstanding international issue has produced even more unfinished business. In the context of today's dramatic global challenges, this is something the international community does not need.

Pristina's ethnically motivated attempt at secession severely tested the resilience of our democracy. Serbia met the challenge with a carefully measured policy designed to defend our sovereignty and territorial integrity in a peaceful way. From the very onset of this grave crisis, we ruled out the use of force, and have remained steadfast in our commitment not to exercise other unilateral options, such as imposing economic sanctions, against our breakaway province.

For the first time in the history of our region, an issue of such fundamental importance and complexity - passionately involving all at once identity, boundaries, communal rights and opposing historical narratives - has not resulted in armed conflict. My country's strategic decision to contest the unilateral declaration of independence at the International Court of Justice - as a result of last September's referral by the United Nations General Assembly - constituted a paradigm shift in favor of peace in the Western Balkans.

The international court will take at least all of 2009 to render its advisory opinion on whether the unilateral declaration of independence violates international law. Once the court has spoken, the question of Kosovo's future status could be revisited.

It is imperative that the judicial process be allowed to run its course, free of political interference. No one should attempt to circumvent the international justice system by pushing for new recognitions of Kosovo or by trying to encourage multilateral bodies to extend membership to the secessionist authorities in Kosovo - initiatives Serbia would have no choice but to vigorously counter.

Instead, legitimate stakeholders must now find ways to constructively engage on a whole host of practical issues, while continuing to respect each other's red lines. Perhaps most important is our common commitment to keep the Kosovo issue entirely delinked from the region's European Union accession process.

Despite the present difficulties my country faces, from the financial crisis to the lack of consensus in Brussels on our full cooperation with the Hague Tribunal, attaining EU membership as rapidly as possible remains the central strategic priority of the Republic of Serbia.

Our purpose is clear and our will to become fully integrated into the European Union is unshakable. Serbia is the indispensable anchor of democratic stability and security in the Western Balkans, uniquely placed to act as the region's EU accession accelerator. Our success would cement the recent democratic gains made throughout the region.

Should Belgrade and Brussels commit to working in concert, we would succeed together in helping the Western Balkans move forward and weather the consequences of the economic crisis. This cooperation will enable us to take a decisive step in the direction of completing the primary piece of Europe's unfinished strategic business: rapidly achieving the membership of all the countries of the Western Balkans in the European Union.

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