

PRESS RELEASE

THE INTERNATIONAL COURT OF JUSTICE ABDICATES RESPONSIBILITY WITH RULING ON KOSOVO

Response by the Serbian Unity Congress

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The Serbian Unity Congress considers yesterday's ruling of the International Court of Justice an abdication of its legal and moral responsibility that will result in consequences much greater than the messy political backlash it was meant to avoid.

Kosovo-like secessionist movements abound in today's world and are powder kegs waiting to explode. More are sure to come in the 21st century. The quintessential issue at the heart of these potentially bloody outcomes contested by the parties in this conflict is: does unilateral ethnic secession from an existing sovereign entity violate international law? International order of tomorrow depends on a clear legal answer to that question that can guide the resolution of these conflicts peacefully tomorrow.

It was incumbent upon the ICJ to seize the moment, address the crux of this issue head on without consideration of international political pressure and power politics of yesteryear. Its job is to provide the legal interpretation and leadership as it is mandated to do that could have preempted, diffused and allowed for legal and diplomatic resolution of such conflicts in the future. It had to take into consideration the Helsinki Accords and empower its principle that border changes between states cannot be imposed but are acceptable if mutually agreed. Moreover, as the highest United Nations court, the ICJ has in effect contravened the UN Resolution 1244. It clearly provided that the future status of Kosovo was to be decided by the Security Council.

Instead, the ICJ defaulted on its responsibilities by making a non-issue an issue to rule on: whether a declaration of independence violates international law. A ruling on this issue one way or another does not answer the quintessential question that needed to be answered - whether unilateral secession is illegal and whether it was done according to Resolution 1244. But the fact that the world waited for a ruling for 1½ years awards this ruling with an undeserved legitimacy as an answer to the question of legality of secession, which it is not. It is irresponsible for the ICJ to have demeaned its role and legitimacy in this way.

By ruling positively on a non-issue, the ICJ has now opened the proverbial Pandora's Box. By avoiding what is needed and not forging new legal guidelines for the international community of states and various ethnic groupings to resolve disputes of this kind, the ICJ has left the world adrift with powder kegs without a way to diffuse them and only violence as a way toward solution. Henceforward, the impetus has been created to move worldwide toward more power politics, manipulations, permanent instability and tragic wars. If Albanians in the Serbian province of Kosovo may secede, why not the Kurds in Turkey and Iraq, or Basques and Catalonians in Spain, Corsicans in France, Albanians in Macedonia and Greece, or Republic of Srpska in Bosnia, and many other simmering powder kegs.

This ruling essentially authorizes resolution of ethnic conflict by ethnic majority rule and threat of violence. Therefore, the ICJ ruling can be used to rationalize violence as a means for settling disputes and achieving by force what cannot be achieved by diplomacy.

This decision with its implications is not as much a loss for Serbia as it is for the entire civilized world.