

World court: Kosovo's independence was legal

Associated Press (AP)

THE HAGUE, Netherlands – The United Nations' highest court said Thursday that Kosovo's declaration of independence from Serbia did not break international law.

The judges voted 10-4 to pass the nonbinding opinion, setting the stage for Kosovo to renew its appeals for further international recognition.

The opinion, read by International Court of Justice President Hisashi Owada, says international law contains no "prohibition on declarations of independence" and therefore Kosovo's declaration "did not violate general international law."

Kosovo sparked sharp debate worldwide when it seceded from Serbia in 2008, following a bloody 1998-99 war with Serbia and nearly a decade of international administration.

[Kosovo's statehood](#) has been recognized by 69 countries, including the United States and most European Union nations. Serbia and Russia lead others in staunchly condemning it.

The foreign ministers of [Serbia and Kosovo](#) did not immediately comment on the judgment, which was announced in the middle of the lengthy judgment. The ministers continued listening from the wood-paneled Great Hall of Justice in The Hague.

Serbia's ultranationalist Radical Party said the court "gravely violated" international law, and called on the government to demand an urgent session of the U.N. Security Council to end the EU peacekeeping mission in Kosovo.

NATO-led troops increased their presence in the Serb-controlled part of Mitrovica, a divided town in northern Kosovo.

World court: Kosovo independence declaration is legal

Thu Jul 22, 2010

By [Adam Tanner](#) and [Reed Stevenson](#)

THE HAGUE, July 22 (Reuters) - Kosovo's unilateral secession from Serbia in 2008 did not violate international law, the World Court said on Thursday in a case that could have implications for separatist movements around the globe.

The ruling - a major blow to Serbia - is likely to lead to more countries recognising Kosovo's independence and move Pristina closer to entry into the United Nations.

It may also embolden breakaway regions in other countries to seek more autonomy.

"The court considers that general international law contains no applicable prohibition of declaration of independence," Judge Hisashi Owada, president of the ICJ, said in his ruling.

"Accordingly it concludes that the declaration of independence of the 17th of February 2008, did not violate general international law."

In the Balkans, the ruling could fortify separatist sentiments in the Serb half of Bosnia, another former Yugoslav republic which remains divided along ethnic lines.

The United States and most other Western states recognised Kosovo's February 2008 declaration of independence but Serbia rejected it, as did its ally Russia, a permanent member of the U.N. Security Council.

Serbia lost control over Kosovo in 1999 when a 78-day NATO bombing campaign ended a two-year war between Serbia and ethnic Kosovo Albanians, and put in place a U.N. administration and a NATO-monitored ceasefire.

Although non-binding, the court's ruling will provide a framework for diplomats to try and establish a working relationship between Serbia and Kosovo, a necessary condition for Serbia's entry into the European Union.

It also weakens Serbia's argument that Kosovo is not a legitimate state. (Edited by Philippa Fletcher)

Factbox: Scenarios after world court ruling on Kosovo

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THE HAGUE/PRISTINA (Reuters) - The World Court rules on Kosovo's unilateral secession from Serbia on Thursday in a decision that could have implications for Belgrade's EU membership drive and separatist movements around the globe.

Serbia hopes the non-binding ruling by the International Court of Justice will strengthen its claim to rule the province, while Kosovo is seeking fresh impetus to its claim to statehood.

The ruling is also being watched by other nations grappling with their own separatist movements, especially [Russia](#) and Spain which have backed Serbia.

Here are some scenarios for what could happen next:

COURT BACKS INDEPENDENCE

A ruling recognizing the legality of Kosovo's 2008 declaration of independence would likely trigger recognition by more countries, in addition to the 69 that have already done so. Analysts say that any of the five EU countries that have so far resisted recognition -- Cyprus, [Greece](#), Romania, Bulgaria, Slovakia and Spain -- might now recognize Kosovo.

SERBIA REJECTS COURT-BACKED INDEPENDENCE Serbia could take measures against Kosovo, including border closures or a trade embargo, analysts say. Belgrade could also disrupt electricity supplies to Kosovo, as well as telephone and internet services which are all still closely linked with Serbia. Belgrade has ruled out a military response, however. But it could again seek to bring the case of Kosovo to the United Nations with the help of its traditional ally [Russia](#), a permanent U.N. Security Council member.

SERBIA ACCEPTS INDEPENDENCE

Although Serbia has vowed that Kosovo will remain within its national borders, letting go of the region would greatly ease its path toward EU membership. That would bring much-needed foreign investment and trade. The status of 120,000 remaining Serbs, who live mostly in the north of Kosovo, and the security of medieval Serbian Orthodox churches and monasteries, would likely have to be resolved through separate negotiations.

COURT BACKS SERBIA

A ruling in Serbia's favor would deepen the impasse and likely harden the fight for independence among the 2 million-strong Albanian majority. The ruling could also spark instability among Albanian minorities in neighboring Macedonia and in Serbia's southern Presevo Valley. Although many former guerrillas from the now-defunct Kosovo Liberation Army gave up their weapons after the 1998-99 war, there are an estimated 400,000 illegal weapons in Kosovo, many in the hands of criminal gangs. Small nationalist groups -- both Serb and Albanian -- have pledged to take up arms to defend their respective causes, but the 10,000-strong NATO peacekeeping force in Kosovo says it is not expecting a major upsurge in violence.

COURT MAKES NEUTRAL RULING

Such a move would allow both governments to claim victory, solidifying ruling coalitions in both Belgrade and Pristina. Although it will not recognize Kosovo's independence, Belgrade could begin direct talks with Pristina over practical matters such as travel and trade. Serbia might also offer Kosovo land swaps. Under a deal which is -- unofficially -- considered an option in both capitals, Belgrade would reclaim predominantly ethnic Serb northern Kosovo in return for relinquishing to Pristina the two Albanian-dominated municipalities of Presevo and Bujanovac in Serbia's south, close to Macedonia.

IMPACT ON OTHER SEPARATIST MOVEMENTS

A decision in favor of independence could embolden separatist movements in other regions.

The Basques and Catalans are seeking greater autonomy from Spain. Cyprus is split between the Mediterranean island's Turkish and Greek populations.

[Russia](#), which took two decades to crush a separatist rebellion in its Chechnya province, has recognized Georgia's rebel regions of South Ossetia and Abkhazia as independent states, but few others have followed its lead.

Conversely, a ruling in favor of Serbia could make nations with separatist movements more aggressive in maintaining their territorial integrity.

KOSOVO SERBS' REACTION

If the court rules in favor of Kosovo independence, Serbs who reject secession could respond by seeking to deepen self-governance in the Serb-dominated north. Serbia could strengthen a network of parallel structures already present in Kosovo, providing administrative, schooling and health services for the Serb minority, and cementing a de facto partition. Serbs in the north would likely reject any cooperation with the EU mission but not ask the NATO peace force to leave. The West does not expect a major exodus of Serbs but some will continue to leave gradually as many have done in the since the war. The Kosovan government and the EU mission might send police to restore Pristina's authority in the north, though that could trigger Serb unrest and a prolonged low-level conflict.

SERBIA FACES POLITICAL CRISIS

Serbia's governing coalition could face difficulties over the direction the country should take, if the court rules against Belgrade on Kosovo. Coalition ties between pro-Western Democrats of the President Boris Tadic and the Socialist Party of Serbia, led by Interior Minister Ivica Dacic, could sour to the point of triggering early elections, though they would unlikely come before early 2011. The conservative Serbian Progressive Party of Tomislav Nikolic is expected to further consolidate its position as the single largest opposition party.

Kosovo's independence legal, says U.N. court

By **Melissa Gray**, CNN

July 22, 2010 -- Updated 1453 GMT (2253 HKT)

(CNN) -- Kosovo's declaration of independence from Serbia in February 2008 was legal, the International Court of Justice ruled in a 10-4 vote Thursday.

The U.N. General Assembly asked the court later that year to clarify the issue, based on a request from Serbia, and the court held hearings last December.

Serbia maintains Kosovo's move for independence was illegal and it remains a part of the Serbian republic.

Thursday's verdict was an advisory opinion, not a judgment, a court spokeswoman said. Advisory opinions have no binding effect and the General Assembly will remain free to decide what action to take.

Such opinions still carry great legal weight, however, and Thursday's verdict could set the tone for Kosovo's relations with other countries.

Video: Kosovo secession controversy

The court considered written statements from 36 U.N. member states, including Serbia, along with Kosovo.

Since the declaration of independence, many countries, including the United States and United Kingdom, have recognized Kosovo as an independent state. Many countries -- such as Russia, China, neighboring Bosnia, and the European nations of Spain and Greece -- have not, however.

The General Assembly made its request for clarification after Serbian President Boris Tadic told members that Kosovo's "unilateral, illegal, illegitimate" move meant "the very nature of the international system has been called into question."

Serbia then put forward a resolution to ask the International Court for an advisory opinion, and member states voted overwhelmingly in favor of it in October 2008.