

Why Canada should not recognize Kosovo

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Global Research, February 19, 2008

19 February 2008

Region: [Canada](#), [Europe](#)

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Kosovo's unilateral declaration of independence should not be recognized by Canada. It has not been authorized by the United Nations and is therefore in violation of international law, the United Nations Charter and the Helsinki Final Accords. In addition, UN resolution 1244, which ended the bombing of Serbia, reaffirms Serbia's sovereignty over Kosovo.

The basic principles of territorial integrity and state sovereignty have governed the relations between states since the treaty of Westphalia in 1648. While they have been violated many times in the intervening years, usually by acts of aggression by dictators, they remain the essential components of international law.

After the cataclysmic events of two world wars and the dropping of the atomic bombs on Hiroshima and Nagasaki the framers of the United Nations incorporated the principles of territorial integrity and state sovereignty into the United Nations Charter. The Charter was seen as the primary safeguard of peace and security in a nuclear age. The Helsinki Final Act of 1975 reinforced these principles by adding to them the principle of the inviolability of borders.

These are fundamental principles and they have universal application. They cannot be set aside because of special cases or because they present an obstacle to the policy objectives of a powerful nation. Their message is simple and clear -borders cannot be changed without the consent of the state involved.

In the spring of 1999 the U.S.-led NATO countries intervened militarily in Kosovo and, in violation of the UN Charter, bombed Serbia. The bombing was justified on allegations that genocide and ethnic cleansing were taking place in Kosovo. We now know these allegations were completely unfounded.

In the three years of armed conflict in Kosovo leading up to the bombing by NATO the UN estimates there were a total of 4,600 people killed during the fighting and this figure includes both Serbs and Albanians. In fact, so far there have been only a little over 2,000 bodies discovered. This in itself is a tragic figure, but it is not genocide.

As for ethnic cleansing it is now generally acknowledged that the mass expulsion of the Albanians took place after the bombing started. While there were thousands of Albanians displaced within Kosovo as a result of two years of armed conflict there was not a deliberate policy of ethnic cleansing taking place.

Although the western media continue to justify the independence of Kosovo on the grounds of ethnic cleansing and atrocities committed by Slobodan Milosevic's security forces the facts do not support these allegations. They do stand, however, as testimony to the success

of NATO's propaganda machine.

The intervention in Kosovo had nothing to do with humanitarian reasons but was deliberately designed to justify the continued existence of NATO and to fundamentally change its role from a purely defensive organization acting in accordance with the UN Charter into one that could intervene wherever or whenever it decided to do so, and with or without UN approval.

There have been numerous reports that western security agencies trained, equipped and armed members of the Kosovo Liberation Army (KLA) and sent them back into Kosovo to assassinate Serbian mayors, police officials and Albanians who did not support their cause. It was a highly successful operation and it fuelled the armed rebellion by the KLA.

In August 1998 — seven months before the NATO bombing — the U.S. Senate Republican Policy Committee reported that, “planning for a U.S.-led NATO intervention in Kosovo is largely in place. ... The only missing element seems to be an event with suitably vivid media coverage that could make the intervention politically saleable. ... That the administration is waiting for a ‘trigger’ is increasingly obvious.” That trigger was soon to be pulled. It was the highly suspicious “Racak” massacre that, as Madeleine Albright said, was the galvanizing incident that led to the bombing.

The bombing of Serbia by NATO without UN approval was a historical turning point. The precedent had been set. The UN Charter could be subverted if the military intervention could be cloaked and justified in terms of humanitarianism.

The intervention in Iraq was to follow but this time not all of the NATO countries went along with the American initiative. Many of those who supported the bombing of Serbia condemned the invasion of Iraq. There seemed some hope that a lesson had been learned—that violation of the UN Charter leads to a slippery slope and a return to the days when the resolution of international disputes would only be by the use of force.

The recognition of Kosovo outside of the UN framework will set a dangerous precedent. Prime Minister Stephen Harper has said that Canada should make foreign policy decisions that are not only independent but are noticed by other powers around the world. Here is an opportunity for Canada to illustrate both of these objectives and stand firm for the UN Charter — by saying no to the recognition of Kosovo.

James Bissett served as Canadian ambassador to Yugoslavia.

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