



New Jungle; Same Old Law

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The World Court – the “International Court of Justice” – ruled this week by a vote of 10 to 4 that Kosovo has the right under international law to declare its independence, on the grounds that there is no international law against unilateral declarations of independence. In so doing, they have removed whatever small respite the United Nations might have afforded the world from the rapacious law of the jungle: survival of the fittest.

In part the background for their ruling is impossible to question. Americans, whose country came into being by means of a unilateral declaration of independence, can hardly protest when other do likewise, and indeed our Declaration of Independence proclaims this right in cases where the existing state of government amounts to a foreign tyranny using its power and its remoteness from the consequences of its exploitation to rule despite the interests of the governed.

It is alleged that there was something of that state of affairs in Kosovo before the United States intervened. The fact that our attack on Serbia, designed to force them to surrender Kosovo, followed an earlier disintegration of the jury-rigged composite called Yugoslavia seemed to lend added credibility to Kosovan independence. If the Slovenians and the Bosniacs and the other had a right to independence, why not Kosovo too?

Well, there is an answer to that question, an answer that the Court chose to dismiss. Leave aside the fact that Kosovan independence was effectuated by an unprovoked attack by the United States against Serbia, so that in practice it was not a case of Kosovan independence as much as it was a case of American invasion and conquest. Leave aside that the party which gained ascendancy after independence was a faction which had invaded from Albania, and was universally understood to be a branch

of the Turkish narcotics industry. Leave aside the systematic program of murder they carried out against both the Serbian people and against the ethnic Albanians whose ancestors had been in place for a long period of time. Leave aside the program of lies regarding the ethnic composition of Kosovo, alleging that Albanians constituted something like 90% of the population when in truth at that time they were actually about 60% of the population and Serbians were more than 20%.

The ruling by the World Court was in any case wrong on its face and dangerous in the extreme. By Resolution 1244, section 10, the Security Council of the United Nations assured the world that the NATO attack on Serbia did not in any way legitimize Kosovan independence or jeopardize the territorial integrity of Serbia, although it authorized the continued NATO occupation and called for greater local autonomy in Kosovo. By its ruling therefore, the World Court decided that resolutions of the United Nations are not international law!

But if they are not international law, what are they? Nothing? The General Assembly of the United Nations seems to have no legal standing at all. As the old adage goes, A U.N. resolution and two dollars will buy you a cup of coffee at Starbucks.

What is left? The law of the jungle. Its open season for every independence dream and it's every terrorist for himself. The United Nations is by law powerless to defend the nation from which the renegades plan to carve some friendly turf. Powerless at law, that is. It remains the case that whoever has the biggest nuclear missiles and the most foreign mercenaries in their ranks makes the rules. But now we see that there is no legal recourse from whatever they want. Can China threaten to invade America if we refuse to grant independence to the State of Hawaii? Apparently they can, and if they win, the case is closed. Do not seek any consolation in the fact that at the present time the Hawaiians seem content to be a state of ours. Does anyone suppose that when the People's Liberation Army takes possession of the ground they will have trouble finding some opportunist eager to declare his devotion to independence for the sacred Hawaiian soil of his ancestors? Declarations of independence are bought and sold by the pound in the public market. For printing on genuine parchment in glorious color: \$5 extra.

This is a formula for war of all against all.

Supporting Documentation.

I do not have detailed chapter and verse documentation of the situation, but I can provide a summary of the relevant facts, which anyone can then verify on their own.

Situation of the Albanians in Kosovo.

There have always been Albanians in Kosovo, but it is not clear if even as late as 1980 they constituted a majority of the population. They had emigrated from Albania proper as migrant farm workers, and like migrant workers everywhere they were oppressed and exploited politically and economically. It is alleged, with some reason, that a large surge of immigration had been caused by the German occupation in the war, as a German policy to punish the recalcitrant Serbians.

The accepted leader of the Albanians in Kosovo was Mr. Ibrahim Rugova, who had agitated for greater autonomy. I think he was somewhat successful in Belgrad. Certainly he was not personally targeted by the Serbian authorities. After the war, we installed him as the new president of Kosovo because he was widely recognized and accepted by the Albanian population. He had always vigorously opposed the K.L.A., and during the war the K.L.A. had targeted his followers in tandem with their pogrom against the Serbians.

Population Estimates.

It was routinely asserted that Albanians constitute 90% of the Kosovan population, even before the war, out of an asserted population of about 2 million. That claim has been refuted, but perhaps more importantly it is extremely improbable from general knowledge. Kosovo is a very hilly, agrarian place about equal in area to DuPage County, Illinois, which is an urbanized, suburban county west of Chicago. The population of DuPage County is about 900,000. How likely is it that a poor, rural county in what amounts to West Virginia would have a population density more than two times that of a suburban county in America?

It has been generally agreed that before the war the Serbian population of Kosovo was around 200,000, and the “other” population around 100,000. To get a total population of 2 million requires, therefore, 1,700,000 Albanians.

After the war, the United Nations moved quickly to organize elections. In those elections, which followed the systematic expulsion and killing of Serbians, Serbian candidates secured 20% of the votes, implying that at that time, Serbians were 20% of the populations.

Conditions imposed by the K.L.A.

After the war, when the German army took up its positions in the southwest of Kosovo, that scoured the terrain in an attempt to find the Serbian villages that were known to have been there. One village was typical. A sweep through that village turned up the remains of every man, woman, and child who had lived there. They had been massacred.

Also after the war, American forces supervised the retreat of Serbians – farmers – from eastern Kosovo. An American reporter witnessed a sad trail of farm families progressing through a village carrying what belongings that could, with the Albanians lined up along the road to watch them leave. The reporter asked an Albanian what he thought of it, and his answer was memorable: “Heaven help us if the Serbians ever return. Now the Americans can never leave.”

In order to erase any memory of the Serbian history, hundreds of churches and monasteries were destroyed. Some of them were famous sights and places for pilgrimage dating from the Middle Ages. Today there is hardly a Christian church in Kosovo. Interestingly, Albanian people are by no means confessionally homogeneous. In Albania itself, Muslims amount to about 60% of the population and Christians constitute the other 40%. The destruction of the Serbian Orthodox churches was political rather than religious.

The Security Council Resolution called for the return of war refugees. No appreciable number of Serbians have ever been permitted to return, in direct violation of the Resolution. The wise old Albanian peasant would not be surprised.

The K.L.A.

French sources affirmed before the war that Pristina was the single leading transit point for Turkish drugs coming into Europe.

The World Court and its rulings.

This decision of the World Court has been characterized as being “not binding.” That is a complete distortion. According to the Charter of the United Nations, in the part where the Security Council is defined and its duties laid out, it is given the task of implementing the decisions of the World Court. The World Court dates from the League of Nations and was thus an established institution when the U.N. came into being.

Since the World Court has ruled that Kosovo has the right to independence, that decision is binding on the Security Council. It is not reviewable or subject to debate or vote. Any and all provisions of Resolution 1244 that contradict the Court’s decision are immediately null and void. The World Court decision has however a vastly broader scope because it is predicated on a universal right to independence. Strictly speaking, the Security Council is now prevented from adopting any policy which interferes with independence movements or with the achieving of de facto independence anywhere in the world. It is not only true that, in the Court’s view, there is no law against independence, it is now equally true that there can be no United Nations action to defend the territorial integrity of nations.

The U.N. and the various nations can act to defend their territorial integrity – independence is not required – but they can act within this decision only by asserting that the promoters of independence are somehow unworthy characters. In a word, Terrorists. If it should happen that suppressing terrorism also serves to defeat independence moves, they are still permitted. The focus of the discussion must therefore shift to whether – in practical effect – agitating for independence will be characterized as Terrorism by definition, as it were. If independence is by definition always terrorism, preservation of territorial integrity is back on the agenda, and now it is a moral and legal imperative.