

Why Self-determination?

Self-determination is the right of all colonized peoples. The absence of preparation in the fields of politics, economics, society or education cannot be used as a pretext to delay independence. (UN SC Resolution 1514, 1960)

VETËVENDOSJE!
<http://www.vetevendosje.org>

Newsletter from the Movement for SELF-DETERMINATION!

Nr.81, 11th February 2008

**Declaring for the Ahtisaari Plan
Amnesty International: 10th February
Why the 'Declaration' will affirm our
dependence and not our
independence
ESI: Post Status Kosovo will not be
independent**

Declaring for the Ahtisaari Plan

Kosova's so-called Declaration of Independence has become reduced to a Declaration of the Ahtisaari Plan. News reports state that on either 17th or 18th February the Provisional Institutions of Self Government in Kosova will make a declaration of their *intent* to declare independence in perhaps a month's time. Immediately after this declaration of intent, the Ahtisaari Plan in its entirety will be approved and accepted, and an invitation will be issued to the EU to send its new mission EULEX to govern Kosova. Then the Assembly will take a few weeks to discuss and approve over 30 laws to implement the Plan and to approve the Constitution. Never mind that a constitution usually exists prior to the law - in our case, the Ahtisaari Plan will be prior to the Constitution!

We are not even going to experience a few seconds of independence. Only the *intent* to be independent will last just as long as the coffee break between the Declaration of intent in the Assembly and their approval of the Ahtisaari Package.

Amnesty International: 10th February

On Sunday 10th February, Lëvizja VETËVENDOSJE! organized a day of commemoration to mark the one year anniversary of the deaths of Mon Balaj and Arben Xheladini. Homage was paid at the their graves, a plaque was laid in the street where they died, and a commemoration service held. So many people tried to attend the service that there were people on their feet standing in the doorway. This is the Amnesty statement read at the service:

"On the occasion of the anniversary of the unlawful killings of Mon Balaj and Arbën Xheladini, Amnesty International extends the organization's sympathy to the families of the two men and appeals to the UN Mission in Kosovo (UNMIK) that before they leave Kosovo, they ensure that justice is done, and seen to be done, for those families.

Amnesty International continues to urge the authorities open a criminal investigation into the deaths of Mon Balaj and Arbën Xheladini, and the serious injury of up to 80 other persons. Amnesty International also continues to urge Romania to return to Kosovo the 11 police officers repatriated in March 2007, to be questioned as part of a criminal investigation, or otherwise make them available in Romania to the authorities, so to ensure that those responsible are brought to justice and that the families of the deceased as well, as those that were injured, receive full and adequate reparation.

UNMIK has failed to guarantee the right to a remedy to people whose rights have been violated by members of the international community, a consequence of the immunity from prosecution in Kosovo enjoyed by UNMIK personnel and their consequent lack of accountability before the Kosovo courts.

Amnesty International has repeatedly urged UNMIK and the UN to ensure that persons whose rights have been violated by UNMIK over the past nine years receive prompt and adequate reparation, including redress, as required under Article 2 of the International Convention of Civil and Political Rights.

International police taking part in international operations and suspected of violations of human rights should not be allowed to evade justice by hiding behind national borders. UNMIK was mandated by the UN Security Council to re-establish the rule of law and respect for human rights in Kosovo. The UN and contributing countries must ensure that all those responsible for human rights violations, criminal or other wrongful conduct are brought to justice.

Finally, Amnesty International urges the European Union (EU), to ensure that all police from EU member states to be deployed to Kosovo in the future are trained in international standards on the use of force and firearms before their arrival; that clear and comprehensive command and control structures are established for all future deployments; to establish and implement mechanisms to bring to account in Kosovo any law enforcement officers - or any other members of the mission - suspected of violating international standards; and ensure that provisions for reparation including compensation and rehabilitation are enforced."

"Those responsible for this tragedy were Romanian police. They shot at the peaceful protestors like rabbits; they shot when they were not threatened, without humanity and without courage. ... UNMIK is guilty for not having the necessary control and permitting the order with which they killed our boys and injured hundreds of protestors." Shaban Xheladini

Why the 'Declaration' will affirm our dependence and not our independence

1. The Declaration will not be preceded by a referendum which strengthens it by making it the formalization of the will of the people and therefore irreversible. This leaves the door open to future compromises such as a (Con)federation.
2. The Declaration will not lead to any change to Resolution 1244 which recognizes the sovereignty and territorial integrity of Yugoslavia (now Serbia) over Kosova.
3. The Declaration will be followed immediately by the implementation of the Ahtisaari Plan and an invitation to the EU to govern Kosova with executive power. Thus it will be conditioned internally by a confirmation of our dependence.
4. The Declaration will be recognized internationally only on the condition that the Ahtisaari plan is implemented and an EU mission (EULEX) invited to rule Kosova. Thus it will be conditioned externally by recognition of our continuing dependence.
5. The Declaration will lead to the implementation of the Ahtisaari Plan which divides Kosova on an ethnic and religious basis. It makes permanent Serbia's role inside Kosova by legalizing parallel structures inside the enclaves and by creating vertical links between the municipalities and Serbia, and horizontal links between the municipalities. It gives Serbia a mechanism to block the functioning of our institutions by allowing minority representatives the

right to veto legislation in the Parliament through the exercise of a double majority voting system. This plan will undermine Kosova's sovereignty and territorial integrity.

6. The Declaration will precede an invitation to an EU mission (EULEX) to govern Kosova and thus deny the people of Kosova sovereignty and democracy. This mission will hold executive power and will have the power to remove from office any elected official who opposes the Ahtisaari Plan. Thus this Declaration is conditional on our remaining undemocratic!

7. The Declaration will not result in Kosova having a right to a seat in the UN, the right to a Ministry of foreign affairs, and most importantly, the right to an army. Without these, Kosova will not be a state; it will not be able to defend itself; it will not be able to represent itself abroad.

8. The Declaration will, due to the lack of any proper mechanism which defends territorial integrity and enforces sovereignty, open the door for Serbia to encourage the enclaves to refuse to recognize independence and to declare they are still part of Serbia, extending the unofficial partition of Kosova from the North to include the East of Kosova. This will lead to more negotiations, initially with local Serbs, and then with Serbia.

This declaration will not establish a fully independent, sovereign and democratic Kosova. It is just an affirmation of our continuing dependence: Our lack of sovereignty, territorial integrity and democracy.

The European Stability Initiative: Post-status Kosova will not be independent'

Gerald Knaus, chairman of the European Stability Initiative, argued that the EU's mission in Kosova is flawed. He spoke in a conference organised by the Centre for European Policy Studies on 11th February, according to the EUObserver.

He stated that blind implementation of Mr Ahtisaari plan together with the presence of the EU mission could eventually result in Kosovo becoming a "failed EU protectorate. The EU mission will have the power to reverse operational decisions taken by the local authorities and to assume other responsibilities independently or in support of the Kosovo authorities, he explained. In the end, the mission "can basically do what it defines is needed in terms of defending the rule of law in its own understanding," he said. It is also unclear at this stage how long its mandate would last, as it is has not been agreed what the length of mandate should be based upon.

Ultimately, between the EU mission and the International Civilian Office foreseen by the Ahtisaari plan, which would dispose of important executive powers, "post-status Kosovo will not be independent in any sense," Mr Knaus argued. "International officials are there to stay in the long term," he said, adding that the whole situation is unlikely to be beneficial for Kosovo's weak economy.

It will be up to the EU - which "is going to be responsible, it's assuming an immense amount of executive authority, it is going to be the real authority in this society in term of its powers" - to prevent Kosova from becoming "one of the most isolated places in the world," Mr Knaus concluded.