1. Spielberg and the Chinese man
Spielberg goes into a bar, sees a Chinese man, approaches him and gives him a punch in the face.
"Why?" asks the Chinese man.
"For Pearl Harbour"
"But it wasn't us, it was the Japanese..." says the Chinese man, full of frustration. Spielberg responds: "Chinese, Japanese...You're all the same".
The next day the Chinese man goes into the bar, sees Spielberg, approaches him and gives him a punch in the face.
"Why?" asks Spielberg.
"The Titanic", says the Chinese man.
"But what do I have to do with it? It was the iceberg..."
"Ah" says the Chinese man waving his hand. "Iceberg, Spielberg, you're all the same".

Spielberg and the Chinese man are about identity, and about prejudice in identity. These are both necessary preconditions for an ethnic conflict. Without ethnic identity, the conflict assumes a different role (for example Bosnia, where increasing lack of ethnic identity created the need for inclusion of religion as a factor of conflict) and without prejudice it loses its violent component.

In the case of Kosovo, there was no need for further identification of divides between peoples: the ethnic identities of the Albanians and the Serbs were so evident and great that there was no need to include other factors of division, such as religion.

And the prejudice was necessarily there: in the Eighties, the Serb state propaganda redeveloped a myth created at the end of the 19th century that one of the frescoes in the Gracanica monastery was destroyed by the Albanians. St. Simonida's eyes on the fresco were carved out, and it was a common interpretation in the Serb press that this was done by the Albanians. It was useless to explain how it was in the tradition of the Serb peasants around Gracanica to carve out the plaster from the wall beyond Simonida's eyes and use it as a miracle medicine against all sorts of ailments.

Although there is no equivalent anecdotal prejudice on the Albanian side, during the Nineties there were growing numbers of voices in the primitive parts of media and public life that spoke of the Serbs as wild people who came from the Urals to the Balkans in the 6th century AD. Both Simonida and the Urals, in fact bring an important component into the ethnic conflict: presence, presence on earth, ethnicity of the earth or ownership of history. However we describe it, it's about the right of the first.

2. The legacies of state-building
Seventy percent of Kosovo's population is under the age of thirty, which means that
seventy percent of the population was born after 1971. If there wasn't a collective memory of times before this birth date, this high percentage of youth in the Kosovan population would have gone through two short and basic historic processes. One is state-building, which the Kosovan leadership undertook within the Communist party framework, staying as close to Marshall Tito ("the source of legitimacy and legality") as possible. The other, resistance to a violent decomposition of Kosovo as a state, a decomposition that started with the pressures on the Kosovan communist leadership of 1981-1982, immediately after Tito's death (therefore the death of the "source of legitimacy and legality" for Kosovo's state-building process within the Communist framework) and ended with a scorched earth offensive of the Serbian police and military in the spring of 1999.

If one were to look back to history just for a second, it could be seen that similar, clashing processes were present from the beginning of the century. The end of the Ottoman Empire was the stage for the state-building aspirations of the Kosovan Albanians versus the annexation of Kosovo in the expansionist move of Serbia, which had already become a state, therefore denying the state-building process of the Kosovans.

However short historically (1968-1989), the life of Kosovo as a state (under its two hats of autonomy in the Federation and an autonomy within Serbia), has created the identification of Kosovans (mainly Albanians) as its state citizens. The Kosovans, with their Constitution, Parliament, laws, government, police, University and Central Bank, have gone through an experience by which Kosovo was seen irreversibly as a state in its own right. Furthermore, this was happening to a population that in its overwhelming majority (more than 90 percent) was illiterate after the Second World War.

At this stage, both the regime and its opposition at the time coincided on the bottom line, with the regime saying that Kosovo was a state and that in terms of realpolitik it was more or less impossible to make further constitutional advances (a Republic status in the Federation, no links with Serbia). The underground opposition was claiming, in its demonstrations of 1969 and 1981-1982, that Kosovo needed more statehood, breaking cosmetic links with Serbia and achieving Republic status within the Federation, which would give Kosovo the ultimate constitutional description as a Federal unit apt to use self-determination. Neither the Kosovan regime nor its opposition was claiming the need for less statehood, and one could certainly claim that the opposition was determined, through street protests, to speed up the process that had already been initiated by the Kosovan regime: statehood within Yugoslavia.

This position of both the regime and the opposition would be important in the future, as we will see in the period of 1989-1999, because the idea of statehood would not be abandoned even in the worst of the conditions of Milosevic's occupation of Kosovo. And, as we have seen, Milosevic would not, with the exception of half a dozen Albanians, find any significant or insignificant political force within the Kosovan Albanians that could create a Vichy regime or Quisling policies. The idea of statehood had, by that time become a living reality for the Kosovans.

The conditions in which this state-building process was conducted, though, would be highly influential for Kosovan political life. Communism, however liberal it was under Tito compared to Eastern Europe, did not create conditions in which debate of the regime and the opposition could be conducted. Whether Kosovo should be more or less of a state was an issue that was not raised in the public debate, but in field battles between police and demonstrators, and in courts, controlled by the
Communist party. The repression of dissent made the opposition radicalized, and inclined towards support from abroad - in this case the Communist hard-line Albania. In this sense, the debate over the statehood of Kosovo was set up within an ideological debate between two concepts of Communism.

This kind of debate, restrictive with regard to the rights of the citizens of Kosovo to freely express their political beliefs, was perhaps highly symbolic of the notions of the state-building process. The building of the Kosovan state concentrated its efforts in the direction of eliminating whatever influence Serbia could have over Kosovo and the creation of autochthonous institutions of a state, in this case of a Communist state. Never, during this process, did the question of the democratic legitimacy of these institutions appear. For the main part, with very brief exceptions, this question did not arise either in Yugoslavia as a whole. The whole process could be described, as in a paraphrase of the T. Roosevelt doctrine towards Latin American rogue countries, as "it is a repressive state, but it's ours". Nevertheless, there was an exception to the whole notion of state-building in Kosovo. It was the Serb community, which in the period of 1945-1968 had been ruling the Province that showed little affection for any move towards greater autonomy in the affairs of Kosovo. One could describe the position of the Kosovan Serbs as being either not supportive of the state-building drive, or in the latter stages, clearly engaging in suppressing the autonomous rights of Kosovo, asking for direct rule from Belgrade. This position clarified itself in 1989, when the Serbs of Kosovo, who even until then had a privileged position in decision-making at all levels of Kosovan life, became administrators of Milosevic's rule. The Serbs, by adopting this position, were clashing directly with the will of the majority of the Kosovans, and were perceived by their Albanian co-citizens as protectors of the interests of Serbia, not of Kosovo. This would, as we can see today, have serious consequences on interethnic relations.

3. The dog and the swimming pool: why the state is important
Milosevic started his conflict with the Kosovans not only through fiery speeches, but through establishing the right of the more valuable nation, apartheid.

In the 1980s, a special commission was established in the Serb parliament to make decisions on the grievances presented by the Kosovan Serbs. Any Serb could present a case that would be treated as another accusation against the Albanians and the Kosovan institutions as being discriminative against the Serbs. One day, ethnicity not only applied to people, it was extended to pets as well. In a situation where the police had either interrogated, arrested or sent to court 700,000 Albanians, one third of the Kosovan population, a Kosovan Serb reported that his hunting hound had gone missing for some time, and that because he was a Serb hunting hound the Kosovan police service did not find him on purpose.

And, once the rule of the minority was institutionalized it needed to become visible. Albanians were kicked out of their state jobs, state school buildings and theatres, anything that had to do with the notion of the state. This included the new public swimming pool in Prishtina, where only those who could prove they had been christened by the orthodox rites could swim.

4. Self-determination, sovereignty and the double disintegration of Former Yugoslavia
One of the oldest questions during the whole decade of the disintegration of the
Former Yugoslavia has been: where does state sovereignty end and where does self-determination of the peoples begin? Sometimes the question was even set in a vice versa equation: where does the right to self-determination end before the state sovereignty assumes full control?

The Kosovan case has, I think, shown how these notions are relative, and as everything in international law, are apt to be changed by new circumstances. Put in terms of which precedes what, the Kosovan case has shown that international law is preceded by behaviour, and that in fact, new commonly accepted behaviours by a group of nations of shared values gradually will precede new law.

Let me try to explain these few sentences in more detail by beginning with the necessary context.

Kosovan nationalisms, eventual self-determination and the nonexistent Yugoslav sovereignty should be put, I think, within a context of two parallel processes of disintegration. The first is the disintegration of the old order of the Cold War, in which the communist establishments were defeated. Within this defeat, so was the idea of brotherhood and unity in Tito's Yugoslavia, a *modus vivendi* between different nations in Yugoslavia which was to be protected by all -mainly undemocratic- means as part of the notion of Cold War entrenchment. Namely, one of the basic defence lines in the Former Yugoslavia was that any changes in the internal regulation of the country would also change the *modus vivendi* in ethnic terms therefore leading to the disintegration of the country.

Eventually, with the fall of the Berlin Wall, it was evident that Yugoslavia would either reform its order or perish, and eventually this dilemma became explicitly bloody in the whole decade of the 1990s. With the unreformed order, the *modus vivendi* in interethic relations became inexistent, opening the way to state-forming nationalisms, similar to those experienced by Western Europe over the past two centuries. In a situation where regimes like that of Milosevic wanted to continue with a Communist system, the non-Serb nationalisms in Yugoslavia were a driving force for multiparty democracy. And since this multiparty democracy could not be introduced at the Federal level, because of Milosevic's veto, it was introduced at the federal units level.

Kosovan nationalisms should, therefore, be put in the context of the general attitude adopted by the major ethnic forces in Yugoslavia. Kosovo became the first crisis in which conflictive state-forming attitudes or nationalisms clashed. And of course, the fact that they were conflictive does not mean they were equally powerful or that they had equal destroying capacity. (The ability of Serbian nationalism to embark on genocidal warfare significantly surpassed the power of all other nationalisms in Former Yugoslavia)

In any case, parallel to the disintegration of the standards of the Cold War came the disintegration of the country itself. The Kosovan case therefore arose at times of an interregnum in international relations, when new balances in the world were still being established, and on the other hand with a rapid erosion and destruction of the sovereignty of the state of which Kosovo formed part.

One of the effects of both of these processes was that suddenly, in European affairs, there was a new situation to deal with but there were no new tools. The only tools the world could use were the OSCE norms, but they were not sufficient in the context of the problem of a disintegrating federation. And they are still insufficient.
5. Law is a group of wise men
What are the norms to be used in the Kosovo case, or for that matter in the whole of Former Yugoslavia? This was a question that European statesmen presented to a group of prominent lawyers, headed by French constitutionalist, Robert Badinter. And the group quickly established a way by which the interested parties, by presenting questions, would actually ask for interpretations of law, and, for that matter, verdicts. So the group of wise men defined that Yugoslavia was dead and that the Republics could go their own way. As far as Kosovo is concerned, the group of wise men were never presented with the question of what its rights were, therefore we lost the occasion for finding out what the interpretation of the international law, or for that matter, the verdict of the international community, would have been.

This episode of the disintegration of Former Yugoslavia is very important, since it shows the pragmatic evolution of the code of norms we recognize as "international law". And this episode should have been remembered during last year's debate about the right to humanitarian intervention in Kosovo. Back then, in 1991, the international community did not have any a formalized way to determine the procedures arising from a death of a Federation and did not wait for a more formalized procedure through the UN apparatus. Last year, with the NATO campaign, what was evident was a lack of a formalized process by which genocide could be measured and action taken against it, fulfilling the bureaucratic paperwork.

If, as appears evident, international law is of a rather fluid nature, then questions of both sovereignty and self-determination should be seen as part of the same dynamics.

And in fact, it isn't just the process of disintegration of Federations that makes the notions ever changing: it is also the totally contrary process, that of European integration, that has made the notion of sovereignty of states different from what it was at the beginning of the century, with states giving a great deal of their powers to the supra-authority in Brussels. But another changing notion is that of self-determination, which for the first time in centuries, implies not secession but rather integration.

6. Violence is a yardstick
Not having the wise men, Kosovo is left to a contextual interpretation about both sovereignty and self determination.

Let's start with sovereignty.

Legally, it is very hard to define how Belgrade could have sovereignty over Kosovo. The country, which Belgrade represents, the FRY, is a non-functional federation, which was haphazardly set up when the old Federation died. FRY, being functionally nonexistent, cannot have the right of sovereignty, except through force. This is how it ruled Kosovo before; this is how it thinks it can rule Montenegro, its junior federal partner. The only institution that functions in relations between Serbia and Montenegro is the Yugoslav Army, which now almost has the de facto role of an occupying force.
Nevertheless, if a majority in the International community claimed that "FRY" had a sovereign right over Kosovo, that majority has turned into a minority. The reason is simple: that same force which was the only resort of the sovereignty of Belgrade in Kosovo. Persecution of a population which is nominally under your sovereignty means loss of the right to both persecute or even eventually rule over that population in any form. (That is Kosovo's lesson, not necessarily a widely respected precedent now, people in Chechnya could say).

If Belgrade has lost not only the legal but also the moral possibility to rule over Kosovo, the further pursuit of this option by the international community as a permanent status for Kosovo is a rather futile effort. There is a consensus in Kosovan society about the need for the independence of Kosovo as a form of realizing self-determination, as a natural outcome of the process of disintegration of Socialist Yugoslavia.

7. The Kosovan yardstick of growth
Kosovo has demonstrated, in its ultimate stages, that none of the European processes or events is isolated. The death of Yugoslavia became the multilateral event of the past decade. In the Kosovan case, the playing down of the notion of sovereignty was actually a multilateral development. So too, will be the pursuit of the formula for the Kosovan permanent status.

Beyond the rudimentary preconditions, such as the fact that there are no Serb forces, and that Kosovo is inhabited by a strong majority with a clear state-forming identity, the engagement of multilateral developments in the Kosovan case of determining the permanent status, i.e. self-determination, will depend actually on the depth of changes within Kosovan society.

Namely, the Kosovans will be measured by four things:
A) the depth of democratic transformation - i.e., the strength of new democratic institutions - the ability of the Kosovans and the International community to establish a fully functioning state without defining its sovereignty
B) the depth of economic transformation, restructuring of former socialist property, creation of dynamic economy
C) the creation of a tolerant society, a society that can tolerate differences, from political to ethnic
D) the ability to have good neighbourly relations with the states -entities- surrounding Kosovo

8. EuroKosovo, euro-sovereignty
But where does the will of the people end, what are the consequences of self-determination?

First of all, the question of self-determination in the Kosovan case is actually a question of enabling both internal stability and long-term security in the region. A Kosovo kept under Belgrade sovereignty against its will can only be a source of instability in the region, as has been demonstrated.

But, will Kosovo then be sovereign? Probably, it will be a bit less than what sovereignty means today. If Kosovo were to be recognized as independent today, it would still be a country whose defence policy is dictated by NATO in Brussels and
whose monetary policy is governed by the Bundesbank in Germany. Its international relations are made in New York, at the UN Headquarters, and in Vienna, at the OSCE headquarters. Its fiscal policy is quite close to being created in Brussels, by the EU.

These are actually omens of times to come, over-accentuated in the present, but certainly structurally present in the future.

The omens are part of the challenge: how does the process of loss of Belgrade sovereignty in Kosovo, which as said at the beginning was part of the processes after the end of the Cold War, be replaced by one of the dynamics of the post-Cold War period? How does the process of Yugoslav disintegration become replaced by the process of European integration? How does the question of Kosovo's sovereignty actually become a question of inclusion into the European mainstream?

This, the biggest challenge, is the one that determines how we shall actually see, in the Kosovan case, the notions of sovereignty, self-determination and nationalism. The more integrated they become into the trends of Europe, the more they lose their destructive potential. A sovereignty that is shared in many ways by other people and countries in matters related to finance and defence and a process of self-determination that highlights not the differences, by which a nation ought to live in a separate state, but rather the shared values by which that future separate state wants to lose a good deal of its competencies, actually drives towards the relative notion of nationalism as a force for preserving identity but not as a force for the destruction of either one’s own identity, or the identity of others.