

## **Abstract of Doctoral Thesis**

"International arbitration on disputed issues in Southeastern Europe.  
Kosovo province"

In the Introduction to the Thesis, the author explains its motivation, researched sources, and methodology of the paper also answering the question whether international arbitration method was productive in the Balkans. Before proceeding to the subject of investigation, the author undertakes a brief foray into the history of the Balkan peoples, with special reference to Serbs, Albanians and Turks, mentioning the anti-Ottoman resistance, the Balkan and Yugoslavian wars during the second World War.

He also analyses the nationalities crisis and the collapse of Yugoslavia describing its phases, its beginning being recorded by Slovenia and Croatia, the outbreak of civil war in Bosnia-Herzegovina and Dayton and Paris peace agreements (1995) leading to the salutary cease of fire and representing, in the opinion of the author, a form of managed international arbitration, through direct negotiation between the representatives of the great powers of the world, led by Richard Hoolbroke and presidents of the countries involved in conflict: Slobodan Milosevic (Federal Republic of Yugoslavia), Franjo Tudjman (Croatia), Alija Izetbegovici (Bosnia and Herzegovina).

Next, the author details the differences in development between the states and autonomous provinces of Yugoslavia, mentioned as a cause of internal dissolution of the federation, describing the economic peculiarities of Slovenia, Croatia, Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, and of the autonomous provinces Kosovo and Vojvodina.

Before approaching the international arbitration over Kosovo province, the author presents a historical evolution of this province, claimed both by the Serbs who consider it their historical cradle, and by the Kosovo Albanians claiming the presence of their Illyrian ancestors in Dardania.

The author does not omit to mention UN difficulties in administering this problematic province.

The author mentions the mediation efforts between the authorities from Belgrade and the majority Albanian population in the province, efforts without notable results before submitting the conflict to the International Arbitration Bodies from Rambouillet in May 1999.

The notion of international arbitration is described by the author mentioning the place and its role in international relations, an evocation of the fundamental work "De jure belli ac pacis " belonging to the " father of international law", the jurist Hugo Grotius who mentions his predecessors and the notion of arbitration.

Next, the author mentions successful cases of resorption of conflicts by international arbitration: Alabama business - 1872, settlement of the dispute between Italy and Switzerland on the border from Alpe de Cravairola- 1874, Dayton and Paris peace agreements - 1995, settlement of the dispute between Hungary and Slovakia concerning the construction of the hydropower station from Gabcikovo - Nagymaros-1997, settlement of the dispute concerning the delimitation of the continental shelf between Romania and Ukraine - 2008.

Then, other successful cases of peaceful settlement by means of international arbitration are mentioned, such as some territorial disputes between Honduras and Nicaragua, between Khmer people and Thailand, between Burkina

Faso and Mali, between El Salvador and Honduras, between Botswana and Namibia and between Namibia and South Africa.

After explaining the concept of dispute in international law, the author enumerates the forms of peaceful means of dispute settlement. They are non-judicial diplomatic and political means such as direct negotiation, good offices, mediation, international investigation and international conciliation, mentioning the international organizations: UN Security Council, UN General Assembly, UN Secretariate General.

As for the judicial means to settle international disputes, the author refers to the international arbitration in itself, to its history and also its timeliness, with the specific institutions involved in arbitration: compromise, arbitration clause, mentioning the International Court of Justice, its structure and competence, consent of the states, applicable law, procedure, its decisions and consultative competence of the International Court of Justice.

Next, the author also enumerates the means based on coercion in regards of the settlement of international disputes such as: retaliations, reprisals, embargoes, boycott and severance of diplomatic relations.

The core of the paper is represented by the description of Rambouillet negotiations with all actors involved in this effort to resolve the bloody conflict that has grinded Kosovo province, continuing by explaining the failure of trying its resorption by arbitration international.

The Doctoral Thesis also mentions and describes in details Kosovo's unilateral declaration of independence of 17 February 2008, Serbia's immediate response requiring an advisory opinion of the International Court of Justice whether the unilateral declaration of independence is or is not in compliance with

the international laws. The authors mentions the states that immediately admitted Kosovo's independence (Albania, Turkey, Afghanistan, USA, UK, France, Costa Rica, followed by Australia, Italy, Peru, Belgium, Poland, Switzerland, Austria, Japan, Canada, Croatia, Hungary, Bulgaria, Norway, Lithuania etc.) as well as the states that did not admit Kosovo's independence: Spain, Greece, Romania, Slovakia, Cyprus, while other countries oppose Kosovo's independence such as: Serbia, Russia, China, Georgia, Republic of Moldova. The author shows that a number of 193 states recognized Kosovo's independence until August 2012.

From diplomatic and legal point of view, the discussions at the International Court of Justice on the issue of Kosovo's independence are mentioned and analyzed; the trial has begun on December the 1<sup>st</sup>, 2009. The author reviews the pleadings of the parties involved in the trial, Serbia and Kosovo (by its provisional authorities), the positions of China, USA, Russia, France, Romania, Spain, Germany, Albania, Saudi Arabia, Argentina, Austria, Azerbaijan, Belarus, Bolivia, Brazil, Bulgaria, Burundi, Cyprus, Croatia, Denmark, Finland, Norway, Jordan, Benelux.

The author makes an analysis of political and diplomatic implications of the favorable advisory opinion of the Supreme Court of Justice that decided on July 22, 2010, by a majority of 10 against 4 (the president of the panel, Hisashi Owada) that " the unilateral declaration of Kosovo's independence violates international law ".

These implications aim at the possibility that other regions with a pronounced ethnic character from Europe and Asia may require their

independence, invoking Kosovo precedent, situation that would lead to instability, obvious disturbance of international life and even civil wars.

In the conclusions of the thesis, the author considers that, in terms of the failure of international arbitration on Kosovo at Rambouillet, this is due both to Western people and to the fact that arbitrators did not have unitary attitude towards the parties involved in the conflict, and to the hard, irreconcilable and hateful positions of Serbian and Kosovo authorities.

The unilateral declaration of Kosovo's independence violated, in the author's opinion, the standards of international law, respectively UN Charter, and the principles of inviolability of borders, territorial integrity of states, peaceful settlement of international disputes, as well as Resolution no. 1244/ 1999 of UN Security Council that guaranteed the maintenance of Kosovo province – considered historical cradle of the Serbs – within the Federal Republic of Yugoslavia.

The thesis is followed by annexes including official documents, resolutions, agreements, reports, oral history sources, a case study consisting of an interview with a former Yugoslav Army officer, of Albanian origin, political refugee in Romania, war reports of an independent Belgian journalist from Brussels, an interview of a Romanian journalist with Rostislav Stoianovici, prominent leader of the Serbian opposition, a bibliography mentioning general and special works, studies and articles, various sources and sources from the internet.

## Keywords of the thesis

"International arbitration on disputed issues in Southeastern Europe.  
Kosovo province"

international arbitration, Balkans, Kosovo, Serbia, nationalities crisis, diferend, autonomy, secession, conflict, peaceful settlement of disputes, UN Security Council, Rambouillet conference, unitary declaration of independence, advisory opinion, International Court of Justice, members position, Kosovo precedent, Martti Ahtisaari, Richard Holbrooke

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