

The Kosovo Precedent

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The declaration of an independent Republic of Kosovo on February 17, 2008, represents a major change in the direction of territorial issues in the post-communist world. (I use the spelling already common in English, rather than the Albanian Kosova, with no political significance intended.) The armed interventions by Western states in the 1990s—in Somalia, Bosnia, even the first Gulf War—were by and large intended to restore the status quo ante in the wake of an illegitimate invasion or to preserve an existing territorial status quo. When world powers recognized secessionist

entities, they tended to do so in a limited set of circumstances: if these new countries were built within the confines of defunct federations, and only then if the borders of the newly independent states followed the internal boundaries of the major constituent parts of those federations. For these reasons among others, Slovakia, Kazakhstan, and Montenegro became fully fledged countries. Abkhazia, Chechnya, and Transnistria did not.

Kosovo marks a shift in these dynamics. The NATO-led attack on Yugoslavia/Serbia in 1999, followed by the United Nations-sanctioned peacekeeping mission in Kosovo, involved Western governments' siding with the secessionist aims of a minority population, principally Albanians, within a larger state. That minority population, furthermore, did not reside in a territory that enjoyed formal status as one of the major administrative constituents of a former federal state.

Of course, the details are important here. Since the mid-1970s, Kosovo had held a prominent position in the machinery of the Yugoslav federation; in practice if not in name, it was treated very much like republics such as Croatia and Macedonia. Moreover, the administration of Bill Clinton, in leading the NATO alliance toward war, in no sense claimed to be assisting the Kosovo Liberation Army (KLA) in its effort to create an independent Kosovo. At the time, there were laudable and honorable reasons for pressuring Slobodan Milošević to end the horrific attacks on ethnic Albanian civilians that had come to characterize his administration's response to the rise of the KLA. But even at the time of the NATO air strikes, it was difficult to

distinguish an intervention to prevent genocide from one intended to support the long-term political aims of a guerrilla army. An independent Kosovo was fated from the moment the first U.S. fighter-bombers took off from the NATO air base in Aviano, Italy.

An independent Kosovo, seeking membership as a nation-state in the world's major international organizations, is now a fact of life. Serbia's political system has yet to adjust to this reality, but the reaction has—so far at least—been exactly of the sort that most informed Balkan watchers would have predicted. Indeed, recent events have exploded most of the myths of the Kosovo issue. Whereas journalists routinely underscored Kosovo's status as the "spiritual homeland" of the Serbs, hordes of young men did not rush from Belgrade to drive out the infidel Muslim. Although in the past decade, Russia has frequently labeled Serbia as its "historical ally" (something that would have been news to Serbs in 1804, 1877, and 1948), the Kremlin's recent support for Belgrade has been more vocal than real.

But these are still early days. Despite the language and symbols of multi-ethnicity that infuse the new state, Kosovo has yet to demonstrate that it can be a meaningful homeland for ethnic Serbs. The specter of partition—with the northern areas presumably passing to Serbia—continues to be a dominant feature of political discourse in both Belgrade and Mitrovica, the center of local Serb discontent. If large-scale violence flares in northern Kosovo, as it has in the past, the pressure on elites in both Prishtina and Belgrade will be immense. The former will be interested in

restoring order and demonstrating sovereignty. The latter will be interested in protecting a minority population that has now become a disheartened diaspora. These issues are remarkably similar to some of the divergent interests that fueled the wars of the Yugoslav succession in the 1990s.

Kosovo is the first instance in the post-communist world of a newly independent state with three distinct qualities. It achieved de facto independence in large measure because of the intervention of external powers. It has boundaries reflecting something other than the internal borders of a highest-level administrative component of a pre-existing federation. And it has won widespread de jure recognition as an independent country. When commentators in Washington, Brussels, and Moscow ponder the “Kosovo precedent,” it is this combination of factors that comes immediately to mind.¹

The Kosovo precedent has been the subject of intense debate among American, European, and Russian policymakers for two years or more. Indeed, even Kosovo’s own declaration of independence explicitly addresses it. The preamble “observes” that “Kosovo is a special case arising from Yugoslavia’s non-consensual breakup and is not a precedent for any other situation.”² That statement surely makes the declaration a historic rarity: a document in which the basis for independence is claimed to be unique and circumstantial. It contains no reference to the universal principle of the self-determination of peoples, nor does it make claims to sovereignty

based on history or identity—both of which have been braided into the preambles of most other declarations of independence over the last two decades.

Yet the impact of Kosovo's independence and growing recognition will have reverberations that are only beginning to be felt. Across Eurasia there are four other unrecognized states that came into being at the end of the Soviet era and through the direct intervention of outside powers. Nagorno-Karabakh, an autonomous region in western Azerbaijan, first sought dissociation from Azerbaijan and, later, full independence. A protracted war took place involving local Karabakh forces, allied troops from Armenia, and the nascent Azerbaijani military. Abkhazia, a strip of coastline and mountains in northwestern Georgia, declared independence in similar circumstances. Georgian central forces were later deployed to the region and met the fierce resistance of Abkhaz and Russian Federation troops, along with a steady stream of volunteers from the North Caucasus. South Ossetia, in north-central Georgia, declared its independence from Georgia shortly after Abkhazia. An effort by the Georgian state to retake the territory was rebuffed by South Ossetian, Russian Federation, and North Caucasus irregular soldiers. Transnistria, the ethnically mixed zone to the east of the Dnestr River in Moldova, sought independence at roughly the same time. The Moldovan government later attempted to take control of the Transnistrian capital, but the government was forced to retreat after the intervention of Russian Federation troops then stationed in the region.

The origins of each of these secessionist disputes are contested, and each side has its own version of who was the aggressor and who the victim. But they share an important set of commonalities. All of them ended with the battlefield victory of the secessionist side. All produced a significant flow of refugees and internally displaced persons, in addition to substantial casualties. All involved some form of direct external military intervention. All produced ceasefire agreements without final peace settlements. And all have resulted in de facto states—Transnistria, Abkhazia, Nagorno-Karabakh, and South Ossetia—that have acquired some of the basic accoutrements of statehood, from flags and national anthems to schools and local economies. They cooperate with one another, send delegates to summits and international conferences, and generally coordinate their positions on a range of policy issues. They now represent a quasi-organization that I have come to call, building an acronym from their names, simply TAKO.

All of the TAKO states declared their independence more than fifteen years ago—sometimes more than once, sometimes backed up by referenda. They have functioned in the intervening period like real countries. They are miniscule by comparison with Kosovo, however. The largest—Transnistria—has a population of perhaps half a million at most. The smallest—South Ossetia—has fewer than 50,000 inhabitants. Some have elements of democracy, such as contested local elections, while others are solidly authoritarian fiefdoms. None has gone nearly as far as Kosovo in adopting, at least in theory, European norms with respect to human rights, return

of refugees, multiethnic tolerance, and the rule of law. But from the grassroots perspective of individual citizens resident in these liminal zones, Kosovo has simply done what TAKO achieved half a generation ago: declaring independence and winning it with blood and sacrifice on the battlefield. The real precedent, from this perspective, is not Kosovo's declaration of independence but rather its swift recognition by the same Western governments that routinely condemn Eurasia's other unrecognized regimes as "separatists" or, worse, "terrorists."

That point of view, one might argue, misses several key points. Kosovo has been engaged for the past nine years in building structures of governance that seem to mirror those of other European democracies. Its government has talked the talk on human and minority rights. And its geographical position alone will make it, down the road, a reasonable candidate for eventual membership in the European Union. None of the other unrecognized states can claim all these qualities.

Yet in denying that any sort of Kosovo precedent exists, the Kosovars themselves—and the Europeans and Americans who had a strong hand in drafting the actual declaration of independence—are ignoring the ways in which that precedent is already being defined. And it is here that an interesting parallel between policy and scholarship has emerged.

One of the pressing questions for political scientists over the last decade has been why conflict erupted in these zones but not in others. What made large-scale ethnic disputes turn into full-scale wars in a few places but only simmer in others,

despite the fact that grievances, guns, and simple greed created plenty of environments that seemed ripe for violence? Several answers have been proposed, from the administrative structure of the Soviet state to patterns of elite manipulation to longstanding structures enabling or inhibiting social mobilization.

This research question and its cognate programs have produced important and sophisticated work.³ In some ways, however, posing the question in this way misspecifies the basic issue at stake. The immediate reason for violence in the TAKO cases (and Chechnya) may be far simpler than we have allowed. In essence, these places became sites of war simply because the recognized countries of which they were a part decided to use military force to quash secession. Imagine the counterfactual. Had Mikhail Gorbachev sought to prevent the secession of Georgia with the response that Eduard Shevardnadze used in Abkhazia, we would now be busily analyzing the causes of the bloody (but thankfully nonexistent) Russo-Georgian war of 1990-91—and presumably offering historical, structural, and identity-based factors to explain it. Asking why nation-states use force to prevent secession in some instances but not in others is a rather different project from seeking to understand the origins of things we now label “ethnic conflicts.”

All this leads us back to the question of precedent. Worries about the knock-on effects of Kosovo—by scholars as well as by policymakers—have perhaps blinded us to another precedent. The real lesson that elites in the post-communist world are likely to take from the recent Balkan experience may not be from Kosovo but rather

from Krajina. In August 1995, the Croatian army swept into the Serbian Republic of the Krajina, a small enclave that had been maintained by local Serbs along the Croatian-Bosnian border. The international community's reaction was, at best, flaccid. The United States, by some accounts, provided intelligence to Croatian military units in planning the operation and, at the very least, gave a "green light" for the operation to proceed.⁴ The results for Serbs were disastrous; hundreds of thousands were forced to flee. The results for Croatia and, to a degree, Bosnia were profoundly positive, at least in the short term. The disappearance of the Krajina republic restored Zagreb's control over all Croatia's territory, paved the way for state consolidation, and eliminated a back-door threat to the embattled Bosnian government.

The "Krajina precedent" may ultimately prove to be a more powerful model than the Kosovo one. Georgia is now the third largest troop contributor in Iraq (a point that probably says more about the nature of the international coalition there than it does about the military readiness of Georgian forces). Azerbaijan, flush with new gas and oil wealth, is pouring money into equipping and modernizing its armed forces. The day may come when political elites in Tbilisi and Baku reckon that a swift, successful war to retake Abkhazia, South Ossetia, and Nagorno-Karabakh would receive the same green light from the U.S. that enabled the Krajina offensive. (The Moldovans, burdened by structural poverty and having little pull in Washington, seem less inclined to this way of thinking.) That would surely be a miscalculation.

Georgian and Azerbaijani forces would probably win the first week of such wars. But they would almost certainly lose come week two. Russia, Armenia, and portions of the north Caucasus, in different permutations, would likely repeat the pattern of the early 1990s and mobilize in defense of the secessionist enclaves. War, however, has frequently been the result of the inadequate analysis of incomplete information.

Today, it is easy to forget that the difference between an “independence movement” and a “separatist movement” depends entirely on the normative perspective of the beholder. In the 1990s, some secessionists were treated as the former; others were seen as the latter. The reasons for this distinction were arguably sensible and even praiseworthy. After all, inconsistency is the foundation of great power politics. But on the ground across eastern Europe and Eurasia, the difference between one group’s fight for freedom and another group’s illegal separatism have sometimes seemed ridiculously fine-grained. To plenty of political elites and average citizens, the sorting out of borders and sovereignties in that vast region is not yet finished. The debates surrounding Kosovo’s declaration of independence and its recognition have convinced them that, in some circumstances, the West probably agrees.

Notes

¹ For alternative definitions of the precedent-setting elements of the Kosovo declaration, see Nikolai Sokov, “The Political and Legal Parameters of Russian Decisionmaking on Abkhazia and South Ossetia,” PONARS Eurasia Policy Memo No. 6, March 2008, and Alexander Cooley, “Kosovo’s Precedents: The Politics of Sovereign Emergence and Its Alternatives,” PONARS Eurasia Policy Memo No. 7, March 2008, both available at esp.sfs.georgetown.edu/ponarsmemos.

² Assembly of Kosovo, “Kosovo Declaration of Independence,” February 17, 2008, available at www.assembly-kosova.org.

³ For a small sample, see Stuart J. Kaufman, Modern Hatreds: The Symbolic Politics of Ethnic War (Ithaca: Cornell University Press, 2001); Mark R. Beissinger, Nationalist Mobilization and the Collapse of the Soviet State (Cambridge: Cambridge University Press, 2002); Philip G. Roeder, Where Nation-States Come From: Institutional Change in the Age of Nationalism (Princeton: Princeton University Press, 2007); Christoph Zürcher, The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus (New York: New York University Press, 2007).

⁴ See Richard Holbrooke, To End a War (New York: Random House, 1998).