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It is a mistake to pretend that Kosovo is unique

By Marko Attila Hoare, 31st May 2009

EXECUTIVE SUMMARY

1. Kosovo's secession from Serbia is neither unprecedented nor unique, and it is a tactical mistake on the part of Western officials to pretend that it is.

1. The fears of Western officials notwithstanding, other members of the international community such as Russia and India are not basing their decisions on whether or not to recognise Kosovo on their fear or otherwise of a 'Kosovo precedent' being established. The Western alliance therefore gains nothing by pretending that Kosovo is a 'unique' case of legitimate secession.

2. Were rogue states really to fear a 'Kosovo precedent', on the other hand, and to fear that their abuses of a subject nationality might potentially lead to territorial losses, this would both deter such abuses and increase the Western alliance's freedom of action with regard to them.

Most of us can probably remember, at least once in our lives, asking some apparatchik something along the lines of 'Couldn't you please, please make an exception, just this once ?' and getting the reply: 'I can't do that ! If I made an exception for you, I'd have to make an exception for everybody. It'd be more than my job's worth.' You and the apparatchik both know that he could perfectly well make an exception for you if he wanted to. But you also both know that he is right in saying that there is nothing special about you, and that you are not uniquely worthy of being treated as an exception. The question is: does he like you or doesn't he ?

Similarly, trying to pretend that recognising Kosovo's unilateral secession from Serbia is legitimate on the grounds that it is wholly unique and without precedent in international relations is unconvincing, firstly because it isn't true, and secondly because it begs the question: if it can happen once, can it not happen twice or multiple times ? To which the only reasonable answer is: yes. There may very well be occasions in the future when the Western alliance will be forced to recognise an act of unilateral secession by a subject people and territory from the state that rules them. Everybody knows this is entirely possible, and pretending it isn't simply destroys the credibility of those who do.

Of course, the reason our officials and statesmen are pretending that Kosovo is a unique case is in order to avoid scaring away other countries from recognising Kosovo's independence; countries they fear might otherwise worry a precedent were being established that could be applied to a secessionist region or nationality of their own. But this calculation, too, is misguided, because a) it rests upon a fallacy, and b) it represents a bad

geopolitical tactic. We shall briefly explain the fallacy, before focusing on the bigger question of why the tactic is a bad one.

a) It is fallacy to point to Kosovo as a precedent, because if a precedent has been established, it was established long before Kosovo's independence was recognised. It was certainly established by the early 1990s, when all the members of the former multinational federations of the Soviet Union, Yugoslavia and Czechoslovakia who wanted independence were granted it – except Kosovo. This was despite the fact that in the case of Yugoslavia, the federal members that declared independence had done so unilaterally, without the consent of either the federal centre, or of all other members of the federation. There is absolutely no reason why the recognition of Kosovo's independence should not be treated as essentially the same as that of Croatia, Slovenia, Bosnia-Herzegovina and Macedonia. In contrast to Abkhazia and South Ossetia, for example, which were not members of the Soviet Union but simply autonomous entities within Georgia, Kosovo was a full member of the Yugoslav federation in its own right, independently of the fact that it was also an entity within Serbia. As a member of the defunct Yugoslav federation, Kosovo was entitled to self-determination after the dissolution of that federation had been internationally recognised, and after other members of the federation had been accorded that right.

More generally, the former Yugoslav states are far from the first unilaterally seceding entities to be accorded international recognition – think of France's recognition of the US in 1778 and Britain's recognition of Bangladesh in 1972.

b) There is no need to pretend that Kosovo is a unique case to avoid scaring other states away from recognising its independence, for the simple reason that, when all is said and done, other states' policies on whether or not to recognise Kosovo are really not determined by fear of Kosovo becoming a precedent - even if these states are faced with separatist threats of their own. Turkey, faced with a very real Kurdish separatist insurgency and bitterly opposed to the secession of Nagorno Karabakh from its traditional ally, Azerbaijan, was nevertheless one of the first states to recognise Kosovo's

independence. Turkey has also promoted the break-up of Cyprus, via the unilateral secession of the self-proclaimed 'Turkish Republic of Northern Cyprus'. Russia, which vocally opposes the independence of Kosovo, which is faced with secessionist movements within its own borders and which brutally crushed Chechnya's bid for independence, has nevertheless simultaneously promoted the unilateral secession of Abkhazia and South Ossetia from Georgia. India, which likewise opposes Kosovo's independence and likewise faces secessionist movements within its own borders, was instrumental in achieving Bangladesh's unilateral secession from Pakistan. In other words, states which might be seen as having as much reason as most to fear a 'Kosovo precedent' being established are quite ready to support unilateral acts of secession when they feel it is in their interests to do so.

It might be objected that the states in question are all powerful enough to feel confident that they can crush any secessionist movement they face. Yet fragile Macedonia, which fought an armed conflict with Albanian separatists earlier this decade, and which might have more reason than almost any state to fear a 'Kosovo precedent', has recognised Kosovo. Fear of the 'Kosovo precedent' is not, therefore, a decisive factor in a state's decision on whether or not to recognise Kosovo's independence (we can make an exception here for states such as Georgia, Azerbaijan and Moldova that are currently in a state of territorial dismemberment, and that, were they to recognise Kosovo, might conceivably suffer retaliation in kind from Belgrade or Moscow)

It may be that, all things being equal, a state faced with a secessionist movement of its own is more likely to sympathise with Belgrade than with Pristina. In one or two cases, such as Spain's, this sympathy may be electorally significant enough to sway the course of its foreign policy. But so far as almost all non-recognisers are concerned, other factors count for more: a state is likely to oppose Kosovo's independence if it is hostile to the West (Russia, Iran, Venezuela); if it has traditionally enjoyed good relations with Belgrade (Greece, Egypt, Indonesia); or if it simply sees no particular interest in recognising it. All these factors are reasons why it is not only pointless, but actually counter-productive to pander to the opponents of recognition by reassuring them that Kosovo is a unique case and will not

become a precedent.

As things stand, rogue states have no reason to fear that the international community will ever grant independence to secessionist territories. They therefore enjoy a virtual *carte blanche* to suppress secessionist movements or other rebellions as brutally as they wish. None of the forms of deterrent threatened against or exerted on the Sudanese regime, from sanctions to international war-crimes indictments, appears to have cooled its bloodlust with regard to Darfur. But were Khartoum to fear that its genocidal actions might potentially result in the loss of territory, it might be less inclined to pursue them. The Western alliance would enjoy that much more leeway in exerting pressure over a rogue state such as Sudan.

Conversely, a close ally such as Turkey, which faces a genuine secessionist insurgency, knows very well that the Western states will never make it the victim of such a precedent: everyone knows that Turkish Kurdistan is not going to be liberated by NATO, as Kosovo was; a 'Kosovo precedent' will not frighten states like Turkey. But this does not mean that such states can get away with indiscriminate brutality with impunity. Turkey's treatment of its Kurdish population has dramatically improved over the last ten years, as Ankara's goal of EU membership has required it to improve its human rights record. Just as NATO acted as the bad cop over Serbia and Kosovo, so the EU has acted as the good cop over Turkey and the Kurds. Western allies can be guided toward ending repression and discrimination against national minorities, reducing the appeal of violent separatist movements. Rogue states, on the other hand, should have reason to fear that their brutality may potentially result in a loss of territory. For all states that abuse the human rights of their national minorities, this is a healthy choice to be faced with.

This does not, of course, mean that the Western alliance should indiscriminately threaten states that abuse human rights with territorial penalties. Rather, the 'Kosovo precedent' could function rather like the nuclear deterrent, i.e. deter more by its potential than by its actual application, and by its occasional application against only the worst

offenders: as was Milosevic's Serbia; as is Bashir's Sudan. Nor would a 'Kosovo precedent' mean a free-for-all for all secessionist movements. There is a lot of space between the untenable pretense that Kosovo is 'unique' and the rather comic nightmare-scenario threatened by Kosovo's enemies: of innumerable separatist territories all over the world responding to Kosovo's independence by trying to become Kosovos themselves. Kosova itself, after all, was scarcely given red-carpet treatment by the Western alliance in its move to independence: a decade elapsed between Milosevic's brutal suppression of its autonomy and its liberation by NATO; almost another decade elapsed between liberation and the recognition of its independence, during which time it was forced to endure international administration and engage in exhaustive negotiations with its former oppressor. Even now, Kosovo is still faced with a very real threat of permanent territorial partition, as the Serbs maintain their hold on the north of the country. The Kosovo model may not prove as straightforwardly attractive for other potential secessionists as the Cassandras claim.

Kosovo's independence was recognised as the result of a confluence of multiple factors: its existence as an entity in its own right within the Yugoslav federation; its overwhelmingly non-Serb, ethnic-Albanian population; the brutality of Belgrade's treatment of this population; the unwillingness of the Milosevic regime to reach an accommodation with the Western alliance over the issue, following on from its years of trouble-making in Croatia and Bosnia; the unwillingness or inability of post-Milosevic Serbia in the 2000s to reach agreement with the Kosovars; and the simple lack of any workable alternative to independence. These were an exceptional set of circumstances. The truth is, that it is possible to envisage a similar set of circumstances leading the Western alliance to recognise the independence of another secessionist territory in the future. Sometimes it is better to tell the truth.

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