

EUROPEAN SECURITY FORUM

A JOINT INITIATIVE OF CEPS, IISS, DCAF AND GCSP

WHAT IS 'JUST' SECESSION? (IS KOSOVO UNIQUE?)

ESF WORKING PAPER NO. 28

FEBRUARY 2008

WITH CONTRIBUTIONS BY

BRUNO COPPIETERS

JANUSZ BUGAJSKI

DMITRI TRENIN

© COPYRIGHT 2008 CEPS, IISS, DCAF & GCSP
ISBN 13: 078-92-9079-768-5



Place du Congrès 1
B-1000 Brussels
Tel: +32 (0) 2 229 39 11
Fax: +32 (0) 2 219 41 51
www.ceps.eu
E-mail: esf@ceps.eu



Arundel House
13-15 Arundel Street, Temple Place
London WC2R 3DX
Tel. +44 (0) 20 7379 7676
Fax : +44 (0) 20 7836 3108
www.iiss.org
E-mail: becher@iiss.org



Place du Congrès 1
B-1000 Brussels
Tel/Fax: +32 (0) 2 229 39 66
www.dcaf.ch



7 bis, Avenue de la Paix
CH - 1211 Geneva 1
Tel: + 41 (0) 22 906 1600
Fax: + 41 (0) 22 906 1649
www.gcsp.ch
E-mail: info@gcsp.ch

What is ‘just’ secession? (Is Kosovo unique)?

Working Paper No. 28 of the European Security Forum

Contents

CHAIRMAN’S SUMMING-UP	1
------------------------------------	----------

Michael Emerson

THE RECOGNITION OF KOSOVO: EXCEPTIONAL BUT NOT UNIQUE	3
--	----------

Bruno Coppieters

KOSOVO’S INDEPENDENCE: PRACTICALITIES, PRECEDENTS AND POWER POLITICS	8
---	----------

Janusz Bugajski

THE INDEPENDENCE OF KOSOVO AND ITS IMPLICATIONS	14
--	-----------

Dimitri Trenin

Chairman's Summing-up

Michael Emerson*

This 28th session of the European Security Forum, on 11 February 2008, was timed one week before the expected declaration of independence by the government of Kosovo, and not surprisingly the seminar attracted a packed audience. The widespread expectation is that the US and a progressive cascade of EU member states will recognise Kosovo, and that the EU will go ahead with a major 'rule of law' mission there without further UN resolution (arguing that the wording of the existing Resolution 1244 is sufficiently elastic to authorise this action). It is further expected that one or more EU member states (such as Cyprus) will oppose recognition, but will not prevent this mission from being launched.

The seminar was served with four excellent papers, each focusing on a different aspect.

Bruno Coppieters (Free University of Brussels) set out the six criteria that should be satisfied to 'justify' the recognition of a contested secession, based on his reading of the contributions of political philosophy and the ethics of war. These six criteria – just cause, right intentions, last resort, legitimate authority, proportionality and likelihood of success – are not codified in international law, with the exception of legitimate authority. His evaluation of the Kosovo case was that international recognition qualified under three of the criteria (just cause, right intentions, likelihood of success) but was more dubious on the other grounds. Coppieters' personal judgement was therefore that there should be continuing negotiations to find a compromise solution within the Security Council, so that Kosovo would not be only partially recognised by the international community. He observed that the peoples of other divided states have been waiting a long time, for example, the Abkhaz and Taiwanese.

Gerald Knaus (European Stability Initiative) concentrated on what is actually going to happen in Kosovo, following an inevitable declaration of independence and build-up of the role of the EU. Kosovo is not about to be fully independent, but a protectorate with powers retained by the international community and the EU, equivalent to those seen in Bosnia under the Dayton arrangements. Knaus is deeply pessimistic about the outlook for the long-term development of Kosovo. The EU's 'rule of law' mission will be the most ambitious and expensive crisis management operation that the EU has undertaken so far. However, problems of legitimacy and coherence loom ominously on the horizon. Even more fundamental is the problem of developing a viable economic development strategy for Kosovo, which stands to become the most isolated country in the whole of Europe by virtue of visa restrictions on the movement of its people.

Janusz Bugajski (Center for Strategic and International Studies, Washington) argued that international law, and in particular the legitimising role of the UN Security Council for any recognition of a contested secession, should not be treated as the sole and supreme arbiter of state sovereignty. Political realities often prevailed otherwise, which could either be for reasons of *realpolitik* or implicit recognition of some of the criteria presented by Coppieters. Milosevic's attempted mass expulsion or genocide of the Albanian population in 1999 deprived Serbia of its right and legitimacy to govern Kosovo. He further argued that the consequences of Kosovo's non-independence should be weighed against, for example, how this would be received by dictatorships inclined towards mass repression or genocide. Finally, Bugajski assessed the implications of Kosovo for relations between Russia and the West. He argues that the Kremlin is not interested in finding a solution for Kosovo, but rather

* Michael Emerson is a Senior Research Fellow at CEPS and head of the European Foreign, Security and Neighbourhood research programme.

instrumentalises disagreements over the recognition of Kosovo to undercut the efforts of the EU and NATO to pacify and democratise the Balkans.

Dmitri Trenin (Moscow Carnegie Center) argued that it must have been clear since mid-1999 that Kosovo is irretrievably lost to Serbia, but then a sad reflection on both Serbia and the EU that the opportunity to settle the future of Kosovo had been missed. While Kosovo was not the cause of the new age of great power rivalry between Russia and the West, it could become one of its symbols. The sounds of Independence Day in Pristina will reverberate in Abkhazia, Kurdistan and Taiwan, and no less in Tbilisi, Baghdad and Beijing. Russia, however, is unlikely to follow the US-EU example and retaliate by recognising Abkhazia, South Ossetia and Transnistria. The costs of such actions to Russia and the convenience of the status quo militate against such action. Nonetheless, for Trenin the international context is not hopeless. He can conceive of a set of differentiated solutions to each of the frozen conflicts of the former Soviet space: agreement on a common state for Moldova and Transnistria, autonomy for South Ossetia within Georgia, recognition of Abkhazia but with the Gali district ceded back to Tbilisi, and the settlement of the Nagorno-Karabakh conflict based on territorial exchange and guaranteed land access corridors. However, the political context for pursuing such solutions is now characterised by the return of international power relations. Kosovo is a signal that the geo-political holiday the world had enjoyed since the end of the Cold war is now finally over.

Discussion was structured according to four themes.

First was how to view the six criteria proposed to assess the justification of a contested secession. The chair asked whether it would be advisable and realistic to try to embody more of these criteria into international law, rather than leave the field to the legal-procedural criterion of the UN Security Council's vote. Coppieters was himself dubious about this, arguing that the interpretation of how to apply such principles as a just cause would lead to impossible disagreements. He advocated their use in political debate, which could indeed help frame the political context for decisions.

Second was the question of whether Kosovo's case for independence was justified or not. To boil the discussion down to the bottom line positions of the authors: one felt that it was justified, another that it was inevitable, another that the new state would in fact be more of a protectorate than an independent state, and another that it was justified on some but not all of the criteria.

Third was the question of the likely extent of collateral impact on other cases of would-be independent states. The sense of the meeting was that the arguments would indeed reverberate around the world, and that the EU's argument that Kosovo was unique would therefore fail to convince. On the other hand there was a predominant view that scenarios of domino effects were largely exaggerated for each of the three regions under discussion. The first was Western Europe, where the idea that the Spanish Basque province, Scotland or Belgium would be affected, was roundly dismissed. The second was the Western Balkans, for which the main views expressed were that Bosnia and Macedonia were not so fragile, unless perhaps the independence of Kosovo were followed by the second order irredentist secession of Northern Kosovo to Serbia. The third was the frozen conflicts of the former Soviet Union, where (as Trenin argued) Russia had reasons to tread carefully, rather than plunge in with its own recognition of Abkhazia etc.

Fourth was the issue of prospects for Russian relations with the EU and the West. There were some sharp differences expressed in the discussion over interpretations of Russia's motives in the positions taken in the Serbia-Kosovo affair. The classical official argument was enounced by a Russian diplomat that his country was simply upholding the rule of international law, with an analogous view also deployed by a Serbian diplomat on behalf of his country. A widely prevailing view among the independent participants was that Russia was not really interested in Kosovo, but was willing to use its veto card in the UN Security Council to advance its international geo-political presence, and to undermine the efforts of the EU and NATO in the Balkan region.

The Recognition of Kosovo: Exceptional but not Unique

Bruno Coppieters*

Ever since the option of supervised independence for Kosovo emerged as the preferred status option within the EU, its diplomats have been propagating a view of Kosovo as a unique case. The governments of countries confronted with secessionist conflicts have to be convinced that the EU policies on Kosovo will not turn against them. Countries such as Georgia and Cyprus indeed have good reason to feel nervous, but the EU message on the unique nature of the Kosovo case is clear. The recognition of Kosovo as a sovereign state should not be considered as a legal or political precedent for any other decision the EU or the US might have to take in the future.

The question of whether Kosovo is a unique case is an interesting one. It is intriguing in itself to learn why the EU keeps talking about a unique case and not about an exceptional case. A simple answer is that unique cases do not refer to general principles, whereas exceptions do. Exceptions are rule-bound. There are general rules and principles, and there are principles that may justify exceptions. We may talk about unique cases when they fall outside a general normative framework and when there are no clear principles telling us why they fall outside this framework. We may either not know these principles, we may fail to agree on their meaning or application, or we may not be interested in making them explicit. Then we would say that they fall outside the general framework for the reason that they are unique.

The EU does not know how it can justify, in general terms, why the principle of the territorial integrity of a state should be overruled in one particular case. The EU would be happy to claim that the UNSC has the legal authority to overrule the principle of territorial integrity in the case of Kosovo, but it is unable to do so, due to the position of Russia and China. It is also impossible for the EU to make the general claim that it has the legitimate authority itself to overrule the principle of territorial integrity on European territory. Due to the lack of clear principles justifying the recognition of a unilateral declaration of secession, it is quite understandable that the EU is talking in terms of a unique case.

My presentation concerns the recognition of a unilateral declaration of independence, in this case that of Kosovo, as an exceptional case. I will present a set of general moral principles to address the question of whether the recognition of a unilateral declaration of independence is a legitimate exception or not. But I also have to point out the limits of such an endeavour. Such moral principles may help us to address the question why, when and how the principle of territorial integrity may be overruled through the recognition of a unilateral act of independence, but it should not be expected that such an approach would resolve the contradictions among the various parties involved in this dispute. The meaning of these principles may indeed be interpreted and applied to concrete cases in contradictory ways. A set of principles can be helpful to indicate the main issues at stake in the moral debate on Kosovo but it cannot replace international law, a good compromise, the art of diplomacy or the authority of the UNSC.

Political philosophy has produced several sets of principles on the morality of secession. My personal view is that questions such as the legitimacy of the unilateral declaration of Kosovo can best be understood within the framework of the moral principles that are traditionally used in war settings. These are referred to as the *jus ad bellum* principles, or the principles regulating the justification of the use of military force. These principles are traditionally used to justify exceptions to the general rule

* Vrije Universiteit Brussel (Bruno.Coppieters@vub.ac.be).

that states have to establish peaceful relations with each other and to abstain from the use of force. We may apply a similar line of thought to the case of secession. We can assume that the general rule is that statehood and territorial integrity have to be preserved. We can further assume that the recognition of unilateral forms of secession is only justified under exceptional circumstances and if it is in accordance with a systematic set of moral principles. The six *jus ad bellum* principles are therefore useful in this context.

I will reflect on the recognition of Kosovo as an exception to the general rule of territorial integrity. But I will also analyse the extent to which Kosovo's recognition by Western governments is exceptional, as compared to other breakaway territories supported by an external power.

There is first of all the Principle of a Just Cause. It states in this context that the recognition of a declaration of independence should have a just reason if it occurs against the will of the central government and overrules the principle of territorial integrity. This means that the injustice to be prevented or remedied should be severe enough to justify recognition of a unilateral declaration of independence. The 'just cause' argument is used by the EU in reference to Kosovo. The EU points to the forced expulsion of about 700,000 Kosovo Albanians from their homes in 1998/1999. But we have to be aware that the Serbian government, for its part, also argues from the 'just cause' perspective. It considers that the events that took place under Milosevic could not be repeated under a democratic Serbian government, and therefore do not need be prevented by the creation of new injustices. The recognition of the independence of Kosovo would violate Serbian sovereignty and the principle of territorial integrity, and would furthermore threaten the rights of the Serbian minority in this territory.

The second principle to be taken into account is the Principle of Right Intentions. This means that the real motives behind the decision to recognise the declaration of independence of Kosovo should be consistent with 'just cause' and not with other objectives. Much diplomatic time and effort are expended in the name of the 'right intentions' principle. The EU is declaring that the recognition of Kosovo is in accordance with wishes of the people of this territory, the stability of the region and even with the real interests of Serbia. Those who are opposed to the recognition of Kosovo apply this principle critically. They point out that the EU – in cooperation with the US – would primarily be defending specific geopolitical interests in the region, at odds with the interests of Serbia.

The third principle to be applied in this context is the Principle of Last Resort. The UN Secretary-General's Special Envoy, Martti Ahtisaari declared in March 2007, after about a year of failed mediation attempts among Serbians and Kosovo Albanians, that he had abandoned all hope of reaching agreement between the parties. He pleaded in favour of a decision by the UNSC for supervised independence. It is of course not easy to say when you have reached the point where further negotiations are meaningless. If Mr Ahtisaari would one day have to be sent as a UN Special Envoy for Cyprus, he would surely be instructed to consider a far longer timeframe for mediation than he had in Kosovo. The question of a reasonable last resort was at the centre of the international dispute on Kosovo. The Russian government argued that more time was needed for negotiations to achieve a positive outcome.

The fourth principle to be used in this context is the Principle of Legitimate Authority. States have their domestic origin in the popular will, but they are also recognised internationally as states by other states. This act of recognition is a political act, but it should not contravene basic principles of international law. And who, ultimately, has the right to break up other states? Would the UNSC have such a right? Or could any state in the international community claim such a right? EU governments failed to reach agreement on this issue. So they preferred to concentrate on the question of whether the EU has the right to administer a breakaway territory with no UN mandate.

The fifth principle that should inform us about the legitimacy of recognising the unilateral declaration of independence of a breakaway state is the Principle of Proportionality. The moral costs and benefits

of such recognition have to be calculated at both the domestic and the international levels. What does the EU say about this?

A unilateral recognition of Kosovo's declaration of independence would help to stabilise the domestic situation in Kosovo itself. It would create sovereign equality among Kosovo and Serbia, facilitating their common integration within the EU. The EU expects that such equality would in the long term pave the way for conflict resolution. Such an objective would be excluded by all other status options, such as the autonomy of Kosovo within Serbia or the preservation of the status quo. But such optimistic perspectives of the EU are refuted by those who oppose recognition. They state that the Serbian minority in Kosovo could not be fully integrated within an independent state structure and that Belgrade's opposition to EU policies on Kosovo excludes conflict resolution within the EU.

The fact that the positive consequences of Kosovo's recognition on the reform of its state structures are more easily predictable than the negative consequences on the international level is a major reason why the EU decided to recognise the independence of Kosovo. What recognition surely has as an immediate adverse effect on the international level is the creation of new fault lines within the EU on matters of European security policy. It further worsens the diplomatic relations between the West and Russia. It will also render EU appeals to respect the authority of UNSC resolutions in other diplomatic disputes less credible, as the EU itself is now overriding the UNSC resolution of 1999 on the international administration for Kosovo.

The recognition of Kosovo will make the international management of those secessionist conflicts in Europe where Russia plays a prominent role much more fraught. Despite all talks about a unique case, Kosovo will be at the centre of all discussions on the settlement of secessionist conflicts. The question will be raised as to why the EU favours the application of federal models in conflicts such as the one in Abkhazia if it considers these models as inappropriate for Kosovo. The fact that Kosovo is an inspiring model for the leaderships of breakaway states does not mean, however, that the external states protecting those secessionist entities will follow the Kosovo example by recognising them.

This can be more easily understood when we analyse the sixth and last principle in this series, the Principle of Likelihood of Success. The Kosovo government reckons that its declaration of independence will be recognised by about a hundred countries, or by about half of the entire world community of states. This may take some time, and such a partial recognition would not grant Kosovo a seat in the United Nations, but it would turn the independence from Serbia into an irreversible option, and thus largely fulfil the Likelihood of Success Principle.

It is primarily – but not exclusively – in respect to this last principle that Kosovo differs from other secessionist entities. The independence of the Turkish Republic of Northern Cyprus was recognised by Turkey in 1983 and the independence of Chechnya was recognised by the Afghan government under the Taliban in 2000. But these processes of recognition did not facilitate the integration of those two breakaway entities in the international community, and placed Turkey and Afghanistan at odds with the international community in respect to these conflicts.

There are no good reasons for Russia to recognise Abkhazia, South Ossetia or Transnistria, as long as it has no reasonable chance of convincing a substantial part of the international community to follow suit. Recognition of those entities would moreover reduce future diplomatic options available to the Russian government and lead to fresh discussions on the right of secession in Russia itself. Such discussions do not constitute an immediate threat to Russian territorial integrity, but they are always unpleasant and should not be favoured for no good reason. Moreover, such recognition would not be necessary to strengthen the position of the breakaway states in negotiations, since Russia holds a power of veto anyway.

The Kosovo conflict is not exceptional in respect to some of the other criteria we have examined. Northern Cyprus, Abkhazia and South Ossetia claim, for instance, that they do not have less just cause than Kosovo for independent statehood. In these cases, the external actor supporting them refers to a

just cause argumentation to legitimise its policies, as the EU does in respect to Kosovo. Turkey considered past oppression of the Turkish Cypriots by the Cypriot central government as a major (but not the only) good reason for its move to recognise the independence of the Turkish Republic of Northern Cyprus in 1983. And the Russian discourse on Abkhazia and South Ossetia evokes the long history of ethnic conflict of those two communities with the Georgians, enabling it to justify its presence in South Ossetia and Abkhazia by the lack of reconciliation between the parties concerned. It defends its own peacemaking role in these conflicts as the best guarantee for the prevention of new injustices.

The aims of the EU in its support for Kosovo's supervised independence are not exceptional either, as compared to the aims pursued by Russia or Turkey when they are supporting particular status proposals for the breakaway entities in Georgia or Cyprus. All three external actors are acting here in agreement with the 'right intentions' principle. The EU considers the option of sovereign equality between Serbia and Kosovo as the optimal basis for long term conflict transformation processes. As an alternative to recognising the independence of Abkhazia, in 1997 Moscow drafted a federal model to resolve this conflict on the basis of the idea of a 'common state'. Such a peace proposal gives substantial competences to the secessionist entity. 'Common' refers here to equal rights between the parties. Equality is also seen by Turkey as the key for conflict resolution in Cyprus. Turkey made an attempt to raise the international status of Northern Cyprus in 1983 by recognising its independence. Twenty years later, it has eventually supported the view that both parts of the island could be equal in rights within a federal framework, as proposed by the so-called Annan-plan for the reunification of Cyprus. The EU, Russia and Turkey agree that their own interests in secessionist conflicts are best served by an exit strategy, where equal status among conflicting parties constitutes the basis for conflict resolution.

It may be concluded that there is no point in conceiving of the recognition of the unilateral declaration of independence of Kosovo as unique. It makes more sense to consider it as exceptional. Such an exceptional decision could in principle be justified by the EU on the basis of a set of general principles, if it is feasible or if the EU has an interest in doing so. But the EU member states would not be able to agree on the choice of such principles, on their meaning or on their method of application to any particular case. Moreover, the EU has no interest in loosening the validity of the principle of territorial integrity, which is the inevitable result of such a normative discussion on the question of secession. The Kosovo decision of 2008 is thus very different from the Kosovo decision of 1999, where many EU members were eager to discuss a reform of the international legal framework for international humanitarian intervention, in the light of general moral principles.

The EU Kosovo policies are exceptional when compared to other exit policies employed by external actors involved in secessionist conflicts on the side of the breakaway entity, with regard to their likelihood of success. Even partial recognition will turn independence into an irreversible option. There is no reason to believe that any other breakaway state with strong external support would be able to follow such an example successfully.

My personal opinion about the EU position is that it is strong in terms of just cause, right intentions and likelihood of success but weak in terms of last resort, legitimate authority and proportionality. This decision cannot therefore be called just. As far as the principle of last resort is concerned, it has been assumed that Putin's Russia and China would swallow Western plans on supervised independence in the same way as Yeltsin's Russia accepted the creation by the UNSC of an international administration in 1999. This did not happen. Russia threatened to use its veto at the UNSC. The US, the UK and France did not appreciate being confronted at the UNSC with one more 'unreasonable veto' – which is a formulation Tony Blair used in 2003 during the discussion on the Iraq war. It seems that overruling such opposition by unilateral decisions has now replaced diplomacy.

As far as legitimate authority is concerned, partial recognition is not satisfactory for Kosovo. Partial international integration does not guarantee its development. Further negotiations are necessary to

reach full agreement within the UNSC, despite the present international row over the creation of a *fait accompli* by Western governments. Only an agreement within the UNSC leading to full international recognition may change the proportionality calculation for the better.

The Balkan conflicts in the 1990s sparked an interesting scholarly debate about the question of the recognition of a right to secession in international law. Those in favour expected that internationally agreed procedures would facilitate peaceful forms of separation. The debate on Kosovo's independence made it clear once more that such an approach is doomed to fail. Too many countries would oppose the creation of abstract international rules that challenge the principle of territorial integrity. Such formalisation would furthermore have mixed results in secessionist conflicts. International legislation on secession enshrining the just cause principle may deter certain repressive governments from harming minorities, but may also favour the escalation of ethnic conflicts if secessionist movements choose for a *politique du pire*, or a deliberate strategy to make things worse. Legislation of this nature may also have an adverse impact on negotiations. Secessionist entities will only be interested in proving that their state fulfils the legal just cause criteria in order to exercise their right to secession. This will make it more difficult to bring mutually acceptable solutions to the table.

Regulating secession is, however, an interesting option on the domestic level to avoid acts of independence taking place unilaterally, without principled negotiation and outside the existing constitutional framework. The judgement of Canada's Supreme Court on the right of secession of Quebec; the Good Friday Agreement on Northern Ireland and the Constitutional Charter of the State Union of Serbia and Montenegro indicated precisely which rules had to be followed in the case where a majority of the population of a territory makes a clear choice to secede. These rules did not focus on a just cause for secession, but rather on the question of legitimate authority. Such domestic regulations have had a positive effect on the political stability of Quebec and Northern Ireland and have also allowed the peaceful separation of Montenegro from Serbia. But these rules have to be specific to each case, and should leave sufficient room for political negotiation and compromise.

The Just Secession Criteria for the Recognition of a Unilateral Act of Independence

- 1) Secession should have a **just cause**. This means that the injustice to be prevented or remedied should be severe enough to justify the recognition of a unilateral declaration of independence.
- 2) The decision to recognise a state that has seceded unilaterally should be guided by **right intentions**. This means that the recognition of its independence should be motivated primarily by considerations consistent with the just cause for independence.
- 3) The recognition of a unilateral declaration of independence can only be a **last resort** solution. All efforts to achieve a mutual agreement between the secessionist entity and the central government have to be considered as fruitless.
- 4) A unilateral declaration of independence has to be recognised through a **legitimate authority**. Partial recognition may be granted by a limited number of states. Full recognition by the world community of states generally means entry into the UN.
- 5) The principle of **proportionality** should be respected. The anticipated costs and benefits should be calculated at both the domestic and the international levels.
- 6) The recognition of a unilateral declaration of independence should have a **likelihood of success** in achieving its aims. There should be a reasonable chance of having the new state recognised in the long run by a substantial section or even the whole of the international community.

Kosovo's Independence: Practicalities, Precedents and Power Politics

Janusz Bugajski*

We were asked to consider two questions: first, is the secession of Kosovo just or legitimate? And second, is Kosovo a unique case that will set no precedents? I would also like to add a third question: will Kosovo's independence exacerbate the East-West conflict?

Is Kosovo's Independence a Just Secession?

It would be helpful to tackle this question not only in terms of international law but also in the context of practical politics and empirical realities. Claims from some sources that the United Nations is the supreme arbiter of state sovereignty and the legitimate defender of the legal global order should be treated with considerable caution. For instance, in assessing the question of national independence, the UN Security Council remained largely silent on the illegitimacy of the Soviet bloc and Russia's unilateral dominance of captive states and subject nations for 45 years after World War II. The UN thereby implicitly supported the limitations imposed on the sovereignty of each East European country and the direct Soviet annexation of the three Baltic States. The conclusion is that UN pronouncements and the pretensions of some UNSC members to global leadership have to be balanced with the practicalities of *fait accompli* and the realities of power politics. This is the case with Kosovo, where four sets of arguments indicate that independence is both practical and realistic.

First, in terms of recent political history, under the old Yugoslav constitution, although Kosovo and Vojvodina were autonomous provinces within the Serbian republic, following the passage of the 1974 Yugoslav constitution they became federal units equal to that of the six republics in their voice and votes in all federal institutions. Kosovo possessed clear administrative borders, independent local self-government (within a decentralised communist structure), and other separate institutions similar to the six Yugoslav republics. Moreover, the country that Kosovo was part of (the Socialist Federal Republic of Yugoslavia, SFRY) ceased to exist in the early 1990s. The population of Kosovo was not consulted during the creation of the Milosevic-engineered Federal Republic of Yugoslavia (FRY) in 1992, consisting of Serbia and Montenegro.

The Albanian majority in Kosovo was never canvassed by Belgrade or by the EU when the FRY was dissolved and the Union of Serbia and Montenegro (USM) was established in 2003. This final Yugoslavia was dissolved when Montenegro gained independence in May 2006 and the country that UN Resolution 2244 referred to ceased to exist in both name and in its inherited borders. Since the unilateral revocation of Kosovo's autonomy in the early 1990s, Belgrade has consistently demonstrated that it principally seeks to hold the territory of Kosovo and not its majority Albanian population. Hence, over a million Albanian voters were disenfranchised and excluded from voting lists for Serbia's constitutional referendum in October 2006 and from Serbia's presidential and parliamentary elections. The overwhelming majority of Kosovo's residents are not considered Serbian citizens by the government in Belgrade.

Second, in terms of the pro-independence movement, Kosovar separatism was primarily a reaction to state repression by one of the republics of ex-Yugoslavia (Serbia), which entailed the abolition of Kosovo's autonomy and the attempted genocide or mass expulsion of the Albanian population by the regime of Slobodan Milosevic in 1999. This precipitated a NATO military intervention without a UN

* Director, New European Democracies, Center for Strategic and International Studies (CSIS), Washington, D.C.

mandate. Kosovo's push toward statehood was not engineered or promoted by a neighbouring country, whether to forestall the independence of any republic, or to annex any part of its territory, or to maintain political pressure on a nearby state. It can also be convincingly argued that Serbia lost its right and legitimacy to govern a population (and the territory it inhabits) that its government sought to systematically expel or murder and has since excluded from the Serbian polity. Countries that lose wars invariably lose the territory that they conquered or brutalised.

Third, in terms of ethnic composition and political voice, well over 90% of the current population of Kosovo is Albanian and overwhelmingly endorses independence and statehood for the territory. Even if all the Serbian residents who fled after the NATO intervention in 1999 were to return to Kosovo, the vast majority of inhabitants would still unequivocally vote for independence in any territorial referendum. This constitutes a legitimate form of territorial or regional democracy in line with EU standards.

Fourth, in terms of the external political presence, Kosovo is in effect an international protectorate that is developing a democratic and pluralistic political structure supervised by NATO, the European Union, and the United Nations. The democratisation process is far from complete but the major international players are committed to supervising and monitoring the emerging state, to providing internal and external security, and to offering incentives for Kosovo's eventual membership in NATO and the EU. A continuing political link between Kosovo and Serbia could obstruct the progress of both bodies towards either Union or Alliance inclusion, and could undermine the process of regional stabilisation.

The question of a 'just secession' can also be turned on its head by considering the practical impact of non-independence for Kosovo. It is worthwhile exploring some negative alternatives to an independent Kosovo state that is supervised by the EU and NATO and moving in the direction of European integration. In sum, non-independence may not only destabilise Kosovo itself as public frustration boils over, unsettle a broader region by provoking violent responses from Albanian militants in neighbouring states, set back the European project by thwarting the emplacement of an EU supervisory mission, and necessitate longer US military involvement in the Balkans. It could also serve as a negative precedent further afield.

Much has been said about the potential for state breakdown, territorial ungovernability, international incapacitation, renewed insurgency, and escalating violence if Kosovo were to be denied full independence or if the process were indefinitely delayed. However, not enough thought has been given to the negative precedents and pretexts than an incomplete and stifled Kosovo could serve in several other European conflict zones where the West maintains a strategic interest. For instance, a number of Russian officials and their political proxies or supporters in neighbouring entities such as Transnistria, Abkhazia, and South Ossetia have incessantly claimed that Kosovo's imminent independence will serve as a precedent for the secessionist entities in Georgia and Moldova to also move towards independence. What they fail to point out is the prospect that Kosovo's non-independence could send an even more powerful negative signal to these and other crisis points.

First, at a political level, separatist leaders in the post-Soviet statelets will conclude that if they are to have any prospect of gaining independence and recognition, they should not allow any major international organisations to intervene on their territories, as was the case in Kosovo. This could significantly diminish the effectiveness of international mediation, engagement, intervention, peace-enforcement, and state reconstruction in a number of post-conflict regions.

For instance, while the EU, the UN, and the OSCE (Organization for Security and Cooperation in Europe) have been pushing for closer involvement in Moldova and Georgia, such proposals are likely to be resisted even more tenaciously by secessionist leaders. The EU border-monitoring mission along the Moldovan-Ukrainian frontier, designed to prevent illicit trade and the penetration of organised crime, will be opposed as unwarranted interference in Transnistria's internal affairs. Moves by some

OSCE members to enhance the organisation's engagement in the breakaway region will be further obstructed while EU proposals to replace the Russian 'peace-keeping' force in Transnistria with a broader international mission will be resisted.

All this will serve the Kremlin's interests, encapsulated by President Vladimir Putin during his speech at the 2007 security conference in Munich. Putin argued that the activities of NATO, the EU, the US, and the OSCE in Russia's neighbourhood threaten regional stability, undermine global multipolarity, and promote Washington's unilateralist policies and expansionist objectives.

Second, the potential for violence in and around Kosovo could serve as a precedent catalyst in thawing the 'frozen conflicts' into open warfare in several former Soviet republics. Kosovo's non-statehood could spark mass protests, political radicalism, and potentially a new insurgency movement inside the unrecognised territory. The lesson thereby learned by other unrecognised entities would be self-evident: what cannot be achieved through negotiations could be more effectively won through political intransigence, the threat of violence, and the reality of open conflict.

Another possibility is that the governments in Chisinau (Moldova) and Tbilisi (Georgia) may conclude that a military assault on the breakaway regions could be successful in response to the latter's unwillingness to compromise with the central authorities or to agree to any international mediation and multi-national institutional involvement. The prospect for renewed bloodshed and 'ethnic cleansing' would thereby escalate and tensions throughout the wider region would rise sharply. Russia's direct intervention cannot be discounted and this could also pull Washington and Brussels more directly into the conflict.

Third, the Kosovo lesson of non-independence would be well received by repressive governments. The restraints on dictatorships engaging in mass repression and even genocide, because of the possibility that they would lose legitimacy over a territory and bestow credibility on internal independence movements, would further evaporate. For example, Russia's repressive policies in Chechnya would be further legitimised by any ruling over Kosovo that precludes independence. Justifications for separating populations that have been severely victimised by the central government could be effectively dismissed as a result of negative international decisions over Kosovo.

Will Kosovo Set A Precedent?

As Kosovo moves towards supervised independence, analysts and policy makers will be closely examining the implications that the emergence of a new state in the Balkans will have on neighbouring countries and entities, as well as on nearby regions. The stabilisation of the Western Balkans is manageable if NATO, the EU, and the US work in tandem to prevent radicals from exploiting latent tensions in Bosnia-Herzegovina, Macedonia, and Montenegro. Belgrade no longer possesses the capabilities to export war to neighbouring states, but a display of diplomatic and military resolve may be necessary by NATO and the EU to convince local actors that the West is serious.

Will the independence of Kosovo provoke a chain reaction of secessionist wars and collapsing states in Europe? Or will it pass into history as the culmination of another mass movement for national liberation and self-determination? Most likely, while it will not set any precedents for separatism, Kosovo's statehood may be used as a pretext by some secessionist movements, expansionist states and their proxies to pursue their political agendas.

Some EU governments have voiced fears that Kosovo's independent status will destabilise a number of multi-ethnic countries in Western and Eastern Europe. The Spanish government has warned about a potential example for Catalonia and the Basque country. But in a similar vein, the British could voice anxieties over Wales and Scotland, and the French over Brittany and Corsica. But are such apprehensions realistic? The collapse of Yugoslavia, the Soviet Union, and Czechoslovakia, and the emergence of two-dozen countries in the early 1990s did not precipitate the breakup of Western

Europe's democracies, whether unitary or federal states. Similarly, the independence of another territory in the Balkans is unlikely to give impetus to separatist nationalisms in the EU for two valid reasons: democratic context and political record.

Most of the popular sovereignty movements in the EU operate within a democratic framework, while radical and violent groups elicit only limited public support. Several pro-autonomy parties have won increasing local control for their territories within a federal or decentralised administrative structure. Full statehood is unlikely as the majority of the public continues to support membership in a larger state because of the significant economic and political benefits that this brings. Nevertheless, mechanisms do exist or will need to be established in those countries facing potential division, such as Belgium, and will be conducted in a democratic manner.

In stark contrast, there are no such loyalties among the vast majority of the Kosovar population to the central state and there are few if any economic or political benefits for Kosovars within a semi-democratised Serbia. If Serbia was on the level of Spain or Britain the situation may be different but this would also depend on the political record. Unlike the Kosovars, the Catalans, Welsh, Basques, Scots, Corsicans, and other 'ethno-nations' have not faced mass murder or expulsion in recent history at the hands of the capital that wants to maintain control over them. All of these ethnic and regional minorities are well integrated in the state structure. And there is no international security force present that has separated the constituent ethnic groups in order to preserve the peace and prevent bloodshed.

Similarly, most of the Central and East European states have settled their minority and territorial disputes as an important component of their qualifications for NATO and EU membership. Undoubtedly, renewed issues of political representation and administrative decentralisation will surface over the coming years, as they have among the older member states, but without seriously threatening European security. For instance, fears of Hungarian separatism in either Romania or Slovakia are exaggerated as Magyars do not form large territorially compact majorities and have substantial representation in parliament and in central and local governments.

Kosovo is highly unlikely to serve as a precedent for most of Europe because the circumstances in this aspiring state are markedly different. Central control by Belgrade was lost as a result of mass repression and attempted genocide, and the consequences of state aggression were NATO intervention and the creation of an international protectorate. Nevertheless, Kosovo's independence will be exploited as a pretext by two kinds of forces – ambitious expansionist states and proxy radical movements. This may be particularly evident in the case of Russia. Moscow will seek clear advantages from the Kosovo status talks to further its regional aspirations in Moldova and the Caucasus. Pro-Moscow secessionist movements in Moldova's Transnistrian region and Georgia's Abkhazian and South Ossetian entities may use the opportunity to press for their own sovereignty, although their situations have differed from that of Kosovo.

None of these territorial units possessed federal status when the Soviet Union collapsed and the local populations were not subjected to attempted genocide by either the Moldovan or Georgian governments. Unlike in Kosovo, the separatist movements were largely directed by local power elites tied to Russian security forces. In these regions calls for self-determination and independence were not based on national self-defence from a repressive state but principally on the narrow interests of a small clique of power holders. This post-Soviet elite also promotes the Kremlin's agenda by exerting pressure on both Moldova and Georgia to remain within Moscow's orbit and desist from entering Western institutions. Nevertheless, despite all the political arguments, Kosovo's independence is likely to present an additional challenge to the reintegration of Moldova and Georgia.

Will Kosovo Exacerbate the East-West Conflict?

Why has Moscow fixed its attention on Kosovo and an issue that many in the US administration believed would be handled by the Western allies without Russia's resistance? Kosovo has evolved into

more than a wedge issue for Moscow vis-à-vis the US. The wedge has widened into a valuable strategic weapon. Due to the indecision exhibited by Western powers in confirming Kosovo's final status, President Putin's administration views the issue as a boost for its regional and global ambitions. Although Kosovo is not intrinsically vital for Russia's expansionist interests, the unresolved status question serves several foreign policy objectives. By vetoing Kosovo's independence, maintaining an indefinite status quo, and opposing Pristina's declaration of independence, Russia aims to raise its international stature in several ways.

First, the Kremlin can claim that Russia is a major defender of international legality by its insistence on working through the UN Security Council. Of course, Russia would not allow the UNSC to interfere in its own neighbourhood; for example, by approving a long-term UN mission in territories where it exercises direct influence in Moldova and Georgia. Moreover, Russia itself regularly violates the UN Charter (in Chechnya) or stations troops in neutral states without their government's approval (as in Moldova).

Second, Russia is posing as a promoter of multilateralism, where the UN process can serve its interests and undercut those of the US. Multilateral institutions such as the UN are not only slow and cumbersome in making decisions but they operate according to the lowest common denominator whereby the resistance of one capital can deny the interests of the majority. The UN Security Council could be made more effective and representative through reforms that would include more permanent members and majority voting rather than unanimity.

Third, Moscow is posturing as a staunch protector of state sovereignty and national integrity by opposing the imposed break-up of a UN member state: Serbia. Russia thereby appeals to several UN members who fear separatism. At the same time, the US is depicted by Moscow as a maverick interfering in the internal affairs and state structures of allegedly vulnerable states. This serves to disguise Moscow's own expansionist state ambitions among former satellites along its borders.

Fourth, Kosovo forms part of a wider strategic agenda that enables Russia to elevate its international position, to interpose in Balkan and European affairs, to aggravate weaknesses in Western decision-making, to promote splits within the EU, to divide the Atlantic Alliance, to gain veto powers over Europe's enlargement, and to construct a Eurasian pole of power as a counterbalance to the US.

Washington continues to demonstrate resolve over Kosovo's final status despite the difficulties in forging an EU consensus and the hesitation evident among some European states in bypassing the UNSC, whose decision for Kosovo's supervised statehood is blocked by the Kremlin. The process of independence will most probably be completed by the time of the NATO summit in Bucharest in early April 2008. But the recognition of Kosovo's statehood will most likely generate fresh regional and international tensions that need to be competently handled by the trans-Atlantic powers.

Containing Russian reactions outside of the Balkans may prove more problematic. According to some analysts, the Putin administration has drawn a red line across Kosovo's independence. If the West recognises the new state, Russia may pursue its neo-imperial interests more vigorously in several neighbouring regions and intensify its anti-American alliances. Moscow has already signalled that it will fortify its economic and political ties with Iran; it will seek a closer relationship with China to counter "American expansionism;" it will develop the CSTO (Collective Security Treaty Organization) into a competitor with NATO in Central Asia and the Caucasus; and it will increase pressure on those former Soviet satellites that seek inclusion in Western institutions.

Georgia has become the most vulnerable outpost of Western interests in the Caucasus, a region that Russia is determined to dominate both for reasons of geostrategy and energy politics. Moscow's military commanders may be prepared to assist the Abkhazian and South Ossetian separatist movements and confront the Georgian military if Tbilisi attempts to regain the two enclaves. Indeed, the Kremlin may seek to draw Georgia into a military confrontation to justify an already planned intervention. The Russian authorities may also seek to apply pressure on Moldova by raising the

spectre of recognising the breakaway Transnistrian region once Kosovo gains independence. They may fortify their military presence in Belarus and Kaliningrad, and they could lean more heavily on the new Ukrainian government led by Prime Minister Yulia Timoshenko to undermine the process of Western integration. Putin recently warned against Western influences in Ukraine and raised the prospect of instability and disintegration.

Russia's presidential elections in March 2008 will not significantly alter policy. President Putin's selected successor, Dmitry Medvedev, is not an independent actor with his own power base but will remain beholden to the 'chekistocracy' that controls the Kremlin. Moscow's policy will remain assertive and at times openly confrontational toward the West. Indeed, President Medvedev may seek to prove his Greater Russia credentials by heating up one or more conflicts with the US or with the EU, or with both.

The list of conflict points between Russia and the West expands almost every week. It now includes such contentious questions as the US missile defence shield in Central Europe, the CFE (Conventional Forces in Europe) treaty, ballistic missile accords, the role of the OSCE in democracy promotion, NATO enlargement, energy security, and even the ownership of the Arctic. Tensions also persist over Kremlin pressures on the three Baltic States and its escalating confrontation with the UK. It is not surprising that the EU and Russia have been unable to arrange a new enhanced 'partnership agreement' as was expected a year or so ago.

The Putin leadership has deliberately created a sense of danger through its anti-Western rhetoric. The expansion of Western alliances and the promotion of liberal democracies are depicted as direct threats to Russia's interests. For the Kremlin the birth of new pro-American democracies such as Kosovo in former communist territories presents a long-term challenge to Russia's strategic designs. Democratic governments invariably seek membership in NATO and the EU in order to consolidate the reform process and provide permanent security and the assurance of state independence. For Moscow, such steps undercut its influences in neighbouring countries, shrink its regional power projection, and retard its ambitions as a revived superpower. Russia feels more confident in realising its aspirations, where its immediate neighbours are either predictable authoritarian states, isolated and marginalised countries with populist or neutral governments, weak states that are internally divided and therefore cannot qualify for NATO or EU membership, or countries ruled by outright anti-American governments.

The Balkans are therefore useful for Moscow in disrupting democratic expansion in the wider Europe. Serbia is a valuable bridgehead within South East Europe for Russia to pursue its economic and political interests, especially through the expansion of its energy networks and in cementing Belgrade's economic dependence. The Kremlin is not interested in finding a solution in Kosovo but prefers to maintain a 'frozen conflict' in the middle of the Balkans that it can exploit to its advantage. The UN Security Council not only blocks Kosovo's independence and may hinder the progress of Euro-Atlantic integration for the Western Balkans, it also allows Russia to restore its position as the pre-eminent anti-American power and a pretender to international leadership. The decision on Kosovo's statehood will be an early indication of whether Washington and Brussels are determined to stand by their principles of democratic governance in a wider Europe and are capable of ensuring trans-Atlantic cohesion, even at the cost of exacerbating the escalating confrontation with Russia.

It is useful to conclude with a point of logic that seems to have been missed in analysing Russia's position on the Kosovo question. Moscow claims that it will not agree to any solution for Kosovo that is unacceptable to either of the contesting parties, Belgrade and Pristina. According to the logic of this statement, the Kremlin should equally not agree to Kosovo's non-independence as this is not acceptable to one side in the conflict. Accepting indefinite delays with regard to decisions on final status is also tantamount to agreeing to a solution favoured by only one side in the conflict.

The Independence of Kosovo and its Implications

Dmitri Trenin*

It must have been clear since mid-1999 that Kosovo is irretrievably lost for Serbia. After an ethnic conflict of such intensity, and a follow-up outside intervention of such military scale and moral fervour, the Serbian leadership should have been in no doubt as to the consequences of their policies of the preceding decade. That it refused to think in terms of the new realities and chose instead to continue to revel in the images of distant memories and glorious dreams, is a sad comment on the state of current Serbian politics. The lesson of 1999 is crystal-clear: Kosovar Albanians will no longer live under Belgrade's rule.

It stands to reason that the provisional status of Kosovo, placed under international rule after the 1999 conflict, could not be extended into perpetuity. A two million-strong people, who resolutely oppose its re-attachment to its former metropolitan power, and aspire to full independence, should be given that chance, and its free status must be recognised by the international community. Composed of the sovereign states as its principal members, the international community, however, has long faced a dilemma of territorial integrity vs national self-determination.

In Kosovo's case, an ideal way out of this dilemma should have gone through Belgrade's acceptance of the province's final separation from Serbia. Since both Pristina and Belgrade view their future in terms of integration into the European Union, the EU had a uniquely strong hand in making both sides agree to a formula of conflict resolution. It is also a sad comment on the state of the Union today, that the EU has missed that opportunity and failed to take the prime responsibility for resolving a conflict in its immediate neighbourhood. However, the Kosovo issue will remain on the agenda, and Europe will have to deal with it. Perhaps one day it can be resolved within a Union that has just taken on board both Serbia and Kosovo.

Meanwhile, we will have to live with the consequences of a dual failure to reach agreement. On one level, between the parties to the conflict themselves, Belgrade and Pristina; on another, between the United States and its major allies, as well as Russia and China. Every conflict situation of course has consequences. After Kosovo's proclamation of independence *and* its recognition by most states, but the refusal to recognise it by some, the situation in the sphere of 'frozen conflicts' will be most directly affected. While Kosovo is not the sole cause, it could become one of the symbols of new division at the global level. Seen from that viewpoint, the post-Cold War era, including the 9/11 interlude, may be finally over, but a new age of great-power rivalry; an Era of Competing States, to use a Chinese term, may well be starting to unfold.

In the unhappy group of countries afflicted by these frozen conflicts, each case is special, but precedents count. The sounds of the Independence Day salute in Pristina will reverberate in Sukhumi, Abkhazia; Erbil, Kurdistan; and Taipei, Taiwan, as well as in Tbilisi, Baghdad, and Beijing. Again, it is not so much Kosovo's UDI as its recognition by the US and others that carries the most weight. A line will have been crossed, a taboo will have been broken. Those aspiring to independence around the world will be encouraged by the thought that what they need to do is to persuade America and Europe of the justness of their cause. Kosovo's just war has logically evolved into its just secession.

Russia is unlikely to follow the US-European example and retaliate by recognising Abkhazia, South Ossetia and Transnistria. Each of those territories declared its independence a long time ago, and has reaffirmed it in referenda ever since. Under the peacekeeping arrangements concluded in the 1990s,

* Dmitri Trenin is a Senior Associate of the Carnegie Endowment for International Peace (Washington, D.C.) and Director of Studies at its Moscow Center.

Moscow treats the separatist enclaves as parties to the conflicts, on a par with the governments of Georgia and Moldova. This gives Russia much latitude for all kinds of contacts and relationships in all spheres; political, economic, cultural and humanitarian. In two cases, the unrecognised entities are adjacent to Russia's own territory, and are part of its economic space; in all three, Russia has military boots on the ground, and many or even most local residents are Russian passport-holders.

At the same time, Moscow recognises the territorial integrity of Georgia and Moldova within their Soviet-era administrative boundaries. Russia's diplomacy sticks to the formula of a common state whose parameters need to be agreed by all parties to the conflict. This allows Russia to use conflict situations as pressure instruments when the going gets tough in Georgia and Moldova, and to protect its interests in an eventual conflict settlement. A full diplomatic recognition of Abkhazia et al. would rob Moscow of the benefits of ambiguity and saddle it with open political conflicts with Georgia and Moldova, possibly leading to a resumption of violence and severe international complications. An embassy in Sukhumi would come at an exorbitant cost.

The Russian leadership is also aware that whereas Kosovo's independence will be recognised, in quick succession, by scores of states, its own recognition of Abkhazia, South Ossetia and Transnistria will not be followed up by even Moscow's nominal allies following suit. Not only Kazakhstan, but even Belarus are unlikely to break relations with Georgia over Abkhazia. What may be a sign of diplomatic strength in one case, could very well become a sign of diplomatic weakness in the other.

The option of independence as a prelude to annexation is even more far-fetched. Transnistria is a land-locked territory, whose only neighbours are Moldova and Ukraine, neither of which is particularly friendly to Russian irredentism. Abkhazia's wish is to be independent from all other states, and this includes Russia as well as Georgia. Should Russia seek to bring it into line by force, trouble will ensue. South Ossetia, of course, being hardly sustainable as a state on its own, might apply to join with North Ossetia, which is part of the Russian Federation. However, this small case of territorial aggrandisement by Russia will have gigantic consequences. Kazakhstan will look hard for ways of preventing Russian encroachments into its Slav-populated industrial North, and Ukraine will have Crimea on its mind. Kiev will work even harder to gain fast-track admission into NATO, and Astana will strengthen links with Washington, Beijing and Brussels.

Thus, there is no practical need to go ahead and pay a horrendous price for formalising something that Russia has learned to live with, and even benefit from, in the absence of an official recognition. Even more importantly, Moscow fears a revitalisation of the separatist virus in the Russian Federation, and is concerned with outside support for independence of some of its own territories, particularly in the North Caucasus. Here, its interests overlap with those of Beijing, which is focused on Taiwan and concerned with Tibet.

The Russian leadership sincerely believes that Kosovo's independence, and even more so the methods used to achieve and formalise it are both a mistake (as far as the EU is concerned) and a dangerous move (on part of the US). Moscow can be expected to vehemently criticise Kosovo's independence and its international recognition. It will block Kosovo's entry into the United Nations. It will refuse to legitimate EU's activities in post-independence Kosovo. The Russian strategy will probably be to sit and watch the West act at its own peril, without a UN mandate, and face the consequences. At the same time, Moscow will seek to benefit, politically as well as economically, from being the champion of a noble cause (upholding international law) and a genuine friend of the Serbian people. February 2008 will not close the books on the Kosovo issue. Rather, it will merely turn a chapter in that book.

Interestingly, Russia's pro-active policy is currently centred on revitalising the peace process in Moldova and closing an agreement between Chisinau and Tiraspol on the modalities of a common Moldovan state. One can only hope that Moscow has learned from the failure of the 2003 so-called Kozak plan and will deliver a public good which, while taking account of Russia's own interests in the area, would lead to conflict resolution. The situation is now more propitious for this than it has ever

been. Should Russia fail to deliver, or overplay its hand, or be undercut by the West, resentment will be far-reaching. If, however, Russia succeeds in helping the two sides come together and stitch Moldova back again, this will be a most positive and constructive development, countervailing in part the impact of the disagreement over Kosovo.

A success in Moldova could be built upon in the Caucasus. Abkhazia and South Ossetia represent, in fact, two very different cases. Abkhazia, like Kosovo, can hardly be peacefully reunited with the metropolitan state, Georgia. Imposing a solution in a Kosovo-in-reverse model is not an option for the West, given Russia's presence, proximity and obvious interest. Like the Serbian elite, the Georgian one would be better off accepting the realities rather than forever dreaming of changing them. South Ossetia, on the other hand, has demonstrated that it could live within a Georgian state, provided that its autonomy is for real and guaranteed by the international community as well as the Georgian constitution.

The international context is not hopeless. Russia needs a peaceful environment for holding the 2014 Winter Olympics in Sochi, only a few miles away from Abkhazia. The West is grappling with a way to integrate Georgia, which does not control all of its territory. The situation calls for an imaginative solution, using both the positive and negative experience gained in Kosovo and in Moldova.

In very broad terms, the solution could include:

- an agreement on the terms of South Ossetia's autonomy within Georgia, guaranteed by Russia, the EU and the US;
- Georgia's recognition of Abkhazia's independence within the borders to be determined, and most likely leaving the Georgian-populated Gali district to Georgia;
- broad international recognition of Abkhazia's independence, and its entry into the UN;
- compensation provisions to the Georgian refugees from Abkhazia, with an international fund established for the purpose, and Georgia's renunciation of property claims in Abkhazia;
- Georgia's accession to NATO with assurances to Russia with regard to foreign military presence in its territory, and to the Russian military transit to Armenia.

The confines of this paper do not allow for an in-depth discussion of the ways of solving the Nagorno-Karabakh conflict. This is not to say that it can safely be removed from the to-do-list and be allowed to fester. A new war between Azerbaijan and Armenia would destabilise the region and damage the interests of both the West and Russia. For Karabakh, neither a Moldova-style common state with Azerbaijan nor a Kosovo/Abkhazia-style independence, nor yet the proposed guaranteed-autonomy status for South Ossetia, are realistic options. One has to deal with the reality of the underlying conflict between two fully recognised states, Armenia and Azerbaijan. This recognition leads to the need to chart a new border between the two neighbours, taking account of the ethnic boundaries and the strategic interests of both. In broadest terms, a solution could be found on the basis of a territorial exchange that would attach much of Karabakh to Armenia and give Azerbaijan a land corridor to Nakhichevan.

Borders have constantly changed in the past, and will continue to change in the future. Empires will fall, ethnically-mixed states will fall apart, and new nations will emerge. Immutability of borders between states is un-historical. The issue is not the results obtained, or even the objectives pursued, but the method used. Imposed solutions are generally less stable than negotiated ones. International law is ever-changing, as is the prevailing political philosophy. The international community will no longer pretend it is united in its own midst, or happily following the leader. International power relations matter, as do the interests and inclinations of the major players. The case of Kosovo is as good a signal as any that the extended holiday much of the world has enjoyed since the end of the Cold War is finally over. International politics is back, with a long train of history behind it.

About the European Security Forum

STEERING GROUP

FRANÇOIS HEISBOURG
FONDATION POUR LA
RECHERCHE STRATÉGIQUE
PARIS

DANA H. ALLIN
INTERNATIONAL INSTITUTE
FOR STRATEGIC STUDIES
LONDON

IVO DAALDER
THE BROOKINGS INSTITUTION
WASHINGTON, D.C.

DMITRI DANILOV
INSTITUTE OF EUROPE
MOSCOW

MICHAEL EMERSON
CENTRE FOR EUROPEAN
POLICY STUDIES
BRUSSELS

WALTER SLOCOMBE
FORMER US
UNDER-SECRETARY OF
DEFENSE
WASHINGTON, D.C.

ROB DE WIJK
CENTRE FOR STRATEGIC
STUDIES
THE HAGUE

The Centre for European Policy Studies (CEPS) and the International Institute for Strategic Studies (IISS) joined forces late in the year 2000, to launch a new forum on European security policy in Brussels. The objective of this *European Security Forum* is to bring together senior officials and experts from EU and Euro-Atlantic Partnership countries, including the United States and Russia, to discuss security issues of strategic importance to Europe. The Forum is jointly directed by CEPS and the IISS and is hosted by CEPS in Brussels.

The Forum brings together a select group of personalities from the Brussels institutions (EU, NATO and diplomatic missions), national governments, parliaments, business, media and independent experts. The informal and confidential character of the Forum enables participants to exchange ideas freely.

The aim of the initiative is to think ahead about the strategic security agenda for Europe, treating both its European and transatlantic implications. The topics to be addressed are selected from an open list that includes crisis management, defence capabilities, security concepts, defence industries and institutional developments (including enlargement) of the EU and NATO.

The Forum has about 100 members, who are invited to all meetings and receive current information on the activities of the Forum. This group meets every other month in a closed session to discuss a pre-arranged topic under Chatham House rules. The Forum meetings are presided over by François Heisbourg, Chairman of the Foundation for Strategic Research, Paris. As a general rule, three short issue papers are commissioned from independent experts for each session presenting EU, US and Russian viewpoints on the topic.

The Centre for European Policy Studies (CEPS) is an independent policy research institute founded in Brussels in 1983, with the aim of producing sound policy research leading to constructive solutions to the challenges facing Europe.

The International Institute for Strategic Studies (IISS), founded in London in 1958, is the leading international and independent organisation for the study of military strategy, arms control, regional security and conflict resolution.

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes.

The Geneva Centre for Security Studies (GCSP) is an international foundation that was established in 1995 under Swiss law to promote the building and maintenance of peace, security and stability.



Place du Congrès 1
B-1000 Brussels
Tel: +32 (0) 2 229 39 11
Fax: +32 (0) 2 219 41 51
www.ceps.eu
E-mail: esf@ceps.eu



**INTERNATIONAL
INSTITUTE FOR
STRATEGIC
STUDIES**
Arundel House
13-15 Arundel Street, Temple Place
London WC2R 3DX
Tel. +44 (0) 20 7379 7676
Fax : +44 (0) 20 7836 3108
www.iiiss.org
E-mail: becher@iiiss.org



**CENTRE FOR
THE DEMOCRATIC
CONTROL OF
ARMED FORCES**
Place du Congrès 1
B-1000 Brussels
Tel/Fax: +32 (0) 2 229 39 66
www.dcaf.ch



**GENEVA
CENTRE FOR
SECURITY
POLICY**
7 bis, Avenue de la Paix
CH – 1211 Geneva 1
Tel: + 41 (0) 22 906 1600
Fax: + 41 (0) 22 906 1649
www.gcsp.ch
E-mail: info@gcsp.ch