

***“KOSOVO’S INDEPENDENCE AND SECESSIONIST MOVEMENTS:
DIRE CONSEQUENCES OR BENIGN IMPACT?”***

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Abstract

Despite predictions of dire consequences for international order and stability, Kosovo’s February, 2008 unilateral declaration of independence [UDI] has had negligible impact. With the 2010 International Court of Justice advisory opinion affirming the legality of UDI, the focus of debate shifts from international law to application of the facts. And the facts clearly do not support the argument of contagion from Kosovo independence. Even in the most fertile location for secessionist inspiration – in Bosnia’s Republika Srpska (RS) – detailed analysis reveals that the impact of UDI has been muted. Other events, including Montenegro’s independence which passed without most of the alarmism associated with Kosovo UDI, produced a higher correlation of interest in RS secession. Globally, there is scant evidence of interest among secessionist movements in marshalling the case for a putative Kosovo parallel. (More often, it is anxious ‘parent states’ such as Spain, Slovakia and Romania that invoke the Kosovo case, as justification for not recognizing the fledgling country.)

The only example of a Kosovo link to violence and secession elsewhere is in the 2008 conflict over South Ossetia and its subsequent secession from Georgia. However, the wholesale absence of recognitions for South Ossetia suggests that, in fact, the international system is able to distinguish this case of brazen Russian opportunism from the Kosovo case, which was the product of arduous, if contentious, international diplomacy. As recognition for Kosovo steadily grows, so does implied acceptance of the distinguishing factors of its independence: concerted international involvement; an internationally-drafted plan for independence with extensive protections for minority Serbs; and most importantly, the fact that there simply was no viable alternative to independence. Pristina’s own checkered human rights record may have diminished sympathy for Kosovo’s Albanians, but it did not alter the irrefutable logic of independence. Moreover, though still isolated and living a fragile existence, the predictions of doom for the majority of Serbs who now live under Albanian majority rule in the south of Kosovo have not materialized.

Two potential developments could yet threaten the largely benign impact of Kosovo independence seen so far: partition (by Serbs) of the north of Kosovo, which would automatically implicate neighboring Macedonia's stability; and, as well, any movement (by Albanians) toward union of Kosovo and Albania, which would be an implied abrogation of the Ahtisaari Plan, and would implicate stability of the north of Kosovo. *Regional* stability is best served by encouraging all parties to respect unequivocally international borders, including the border of the Republic of Kosovo, while upholding commitments on human rights and continuing efforts for dialogue, reconciliation and reform.

More widely, *international* stability is advanced by relinquishing the supposed 'Kosovo precedent' (which only perpetuates residual uncertainty), and instead, shifting the focus to 'unnecessary secessionist movements' in high-performing, advanced democracies like Spain, the United Kingdom and Canada. Ironically, it is these mostly non-violent movements that do the most to undermine stability. If secessionists are not deterred from separating with stable democracies, then why should autocratic governments the world-over accept international urgings to address the grievances of would-be breakaway peoples by treating them with respect and by building democratic institutions?

Dire Predictions: Weighing the Evidence

Did international support for Kosovo's declaration of independence in February, 2008, by asserting a dubious legal claim, set a dangerous precedent, inspiring copy-cats and undermining international order?

Russian Foreign Minister Sergei Lavrov certainly predicted so, warning that "UDI [unilateral declaration of independence] of Kosovo and recognition of such independence will ... create a chain reaction throughout the Balkans and other areas of the world."¹ At least two EU states (Spain and Slovakia) have not recognized Kosovo, in large part, for fear of providing additional fuel for potential secessionist movements in their respective countries. Respected commentators insist that the decision by the United States and leading EU members to pursue independence for Kosovo holds serious consequences for other separatist conflicts.²

The dire rhetoric about the consequences of Kosovo's unilateral declaration of independence [UDI] does not stand up to scrutiny. As a legal matter, the International Court of Justice flatly dispensed with Serbia's challenge to UDI³, ruling that the adoption of Kosovo's declaration "did not violate general international law ... [or] any applicable rule of international law."⁴ Though it avoided ruling on the underlying merits of the

¹ Chivers, Tom. "Russia Warns of 'Consequences' for Kosovo". *The Telegraph*. 10 December, 2007.

<http://www.telegraph.co.uk/news/worldnews/1572126/Russia-warns-of-consequences-for-Kosovo.html>

² See Garton-Ash, Timothy. "The Kosovo Precedent." *The Los Angeles Times*. 21 February, 2008. And see Ker-Lindsay, James (2013.) "Preventing the Emergence of Self-Determination as a Norm of Secession: An Assessment of the Kosovo 'Unique Case' Argument". London School of Economics. Ker-Lindsay argues that by recognizing Kosovo, [the recognizing] states have wrongly affirmed an "unacceptable" redefinition of international principle, namely, endorsement of 'self-determination' over the 'territorial integrity of states.'

³ Serbia drafted and obtained General Assembly approval for the following question to be presented to the ICJ: 'Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?'

⁴ International Court of Justice, Advisory Opinion of 22 July, 2010. 'Accordance with International Law of of the Unilateral Declaration of

declaration, or on the competing international principles asserted (self-determination versus territorial integrity of states), the Court took pains to distinguish the Kosovo case from those where territorial integrity was implicated through the “unlawful use of force or other egregious violations of norms of international law.”⁵ In other words, the Court clearly implied that Kosovo UDI proceeded free from such violations, liberating the judges to focus solely on the unilateral character of the declaration.

The severe real-world consequences that have been predicted as a result of UDI have simply failed to materialize. Case-by-case analysis reveals that the real impact of Kosovo’s independence on would-be secessionist movements, even in the same fragmented neighborhood of the Balkans, has been muted. Bosnia – the most telling case since it involves a direct parallel of aggrieved Serbs with a demonstrable interest in secession – has, in fact, seen remarkably limited impact from the independence of the now five-year old Republic of Kosovo. More widely in Europe, Kosovo figures only marginally in the narrative of would-be secessionist movements. In Spain, the United Kingdom, Belgium and Slovakia (which only theoretically faces such a challenge), secessionist movements ebb and flow according to the internal dynamics of those countries, with negligible reference to the Kosovo case.⁶

Other active and potential secessionist movements since 2008, for example, in South Sudan, Tibet⁷, and Kurdistan (the primarily Kurdish areas of Iraq, Turkey, Syria), have likewise proceeded without material impact from Kosovo. Indeed, the argument that Kosovo independence has been widely destabilizing necessarily implies the converse: that if only Kosovo had been denied independence in 2008, then, for example, somehow South Sudan would still be part of Sudan. Advancing such an argument would fly in the face of the facts, bitter contentiousness and particular circumstances of this and other cases (which are the real drivers of secessionist dynamics.)⁸ To sustain the argument of contagion from Kosovo, one would have show, for example, that Tibetan monks who set themselves on fire (in protest of China’s oppression and in support of autonomy for Tibet) are nearly as inspired by Kosovo independence leader (and current Prime Minister) Hashim Thaci as they are by the Dalai Lama.⁹

Independence of in respect of Kosovo. Section V, Paragraph 122: 53. Although the Court’s ruling is seen as ‘narrow’ (avoiding the underlying merits of UDI and instead focusing on the act of ‘declaration’, as in the question posed by Serbia), the Court repeatedly noted the inherently political nature of the case, insisting that this facet in no way precluded it from considering the legal dimension of the claim. See, *inter alia*, Section I, Paragraph 27 (16.) “Moreover, the Court has repeatedly stated that the fact that a question has political aspects does not suffice to deprive it of its character as a legal question.”

⁵ ICJ Advisory Opinion, Section IV, paragraph 81 (38.)

⁶ In Josep Desquens impassioned case for Catalonia independence, no where does the name ‘Kosovo’ appear, although the author invokes comparisons to two other states (Belgium and Scotland.) The omission does not prove that backers of separation for Catalonia never invoke the Kosovo case (which they may do), rather, it suggests that other, more proximate examples are far more compelling than Kosovo. Desquens, Josep. ‘The Case for Catalonia’s Secession from Spain’. The [SAIS] Bologna Center Journal of International Affairs. Spring, 2003.

⁷ The Dalai Lama has consistently stated that Tibet is seeking only autonomy, “not independence or separation” from China. See “Tibetans Just Want Autonomy, Dalai Lama Says”, Faith on nbcnews.com, 13 April, 2008. <http://www.nbcnews.com/id/24097313/#.UT5qmh2G3Do>

⁸ Ayres and Saideman tested various permutations of the notion that secession (or secession/ism/) diffuses across borders and found essentially nothing in that regard: Ayres, R. William and Stephen Saideman (2000). “Is Separatism as Contagious as the Common Cold or as Cancer? Testing the International and Domestic Determinants of Secessionism,” Nationalism and Ethnic Politics 6(3): 92-114.

⁹This graphic illustration is less risible when one recalls the powerful inspiration that Cuba’s Che Guevara provided to revolutionary movements the world over during the Cold War. Alone, the iconic image of Che was enough to serve as symbolic inspiration, no matter the particular context. We see no such imagery from the Kosovo case, except among Albanians themselves (with the example of the slain, bushy-bearded fighter Adem Jashari for whom the airport in Pristina is named.) To the contrary, the truth of Kosovo’s liberation is widely known,

In far-flung cases where secessionist leaders *have* invoked the Kosovo case as a justifying example, such as in Palestine, there is little evidence that it has played more than a marginal, rhetorical role.¹⁰ The Palestinian decision to seek recognition by the United Nations General Assembly (GA) was driven by the particular circumstances in which the Palestinian Authority (PA) found itself (long-standing frustration with Israel over settlements, the dynamics with Hamas, and perceived weakness of the PA), not because of inspiration from Kosovo. Indeed, had President Mahmoud Abbas seen relevance from the Kosovo case, he might well have cited it in his speeches to the GA appealing for recognition, as a putative double-standard on the part of the US (which midwifed Kosovo independence yet energetically blocked Palestine's UN ambitions.) In the event, Abbas made no such reference either in his 2001 or 2012 speeches to the GA, perhaps because the parallels between the two cases are tenuous at best, and also because Kosovo still has no standing in the UN, another reminder of its limited impact as an international precedent.

The Case of South Ossetia

The only case where a credible link can be drawn from Kosovo to instability and an act of secession is South Ossetia, where in 2008 fighting again broke out in the Georgian province, triggering punishing Russian military intervention. Prior to the outbreak of hostilities in August of that year, then Prime Minister Vladimir Putin echoed his Foreign Minister's prior warning and stated that Kosovo independence would be met by intensified support for irredentism of South Ossetia. True to his word, Putin undertook steps to shore up South Ossetia's capabilities which elicited an attempted pre-emptive military operation (engaging Russian soldiers) by Georgian President Mikheil Saakashvili. Russian forces were poised to intervene swiftly in the province and did so, inflicting substantial damage on Georgian assets and forces including in Georgia proper. South Ossetia soon declared its independence and, with Russian support, remains to this day outside effective Georgian control.

Does the fighting in and eventual secession of South Ossetia in 2008 establish the deleterious impact of Kosovo's 'reckless' move toward independence? Hardly. Hostilities between South Ossetians and Georgians were a periodic occurrence since the initial war of 1991-92, including a serious outbreak of fighting in 2004. South Ossetia had already twice held referenda on secession, in 1991 and most recently in 2006 (a plebiscite boycotted by ethnic Georgians.) Furthermore, there had already been direct confrontation between Georgian and Russian military units (for example, the seizure of a Russian convoy carrying military equipment in 2004), which had led to escalated Russian military involvement. In other words, Kosovo independence did not upset an otherwise stable situation.

including by those aspiring to secede: independence was not achieved in the end by a band of rebel leaders like Jashari or Che, but rather by NATO (primarily US) war planes. This fact, as well, may also serve to confine the impact of the Kosovo case.

¹⁰ In the wake of Kosovo's independence, Palestinian negotiator, Yasser Abdel Rabbo stated: "Kosovo is not better than Palestine," he said. "If the whole world, the United States, the [European Union](#), the majority of its states, have embraced the independence of Kosovo, why shouldn't this happen with Palestine as well?" Even at the time, Rabbo's statement was disavowed by other Palestinian leaders. Daragmeh, Mohammed; 'Kosovo-Palestine Comparisons Made', 21 February, 2008, Associated Press, published in *The San Francisco Chronicle*. <http://www.sfgate.com/news/article/Palestinian-Kosovo-comparison-made-3227283.php>

More to the point, by 2008 Moscow and Tbilisi were well on the path to confrontation, as marked by increasingly hostile rhetoric and open support for secession of South Ossetia in the Russian Duma on the one hand, and President Saakashvili's open (and antagonizing to Russia) embrace of NATO on the other.¹¹ The litany of warnings from Moscow prior to Kosovo independence, and its announcement in the wake of UDI that it would "revise" its policy towards self-proclaimed republics showed that any 'inspiration' from Kosovo was felt not by secessionists in South Ossetia, but by a third-party, Russia, with its own axe to grind against Georgia.

The brazen exploitation of Kosovo independence by Moscow has been widely seen for what it was: opportunism. This explains why South Ossetia has earned only five recognitions by UN member states (Russia, Nicaragua and Venezuela and two small island nations.) No country that actively opposed Kosovo independence (the EU five and China) has recognized South Ossetia. To the contrary, Greece, which held the OSCE's rotating Chairmanship in 2008, fumed at Russia's designs on South Ossetia and expressed open frustration with its refusal to back the return of OSCE monitors. Meanwhile, the disputed Republic of Kosovo has now earned almost 100 recognitions, including majorities of UN, EU, NATO and OIC member states. Only a year after independence, Kosovo joined the World Bank and IMF.

Clearly, the international system is, in fact, capable of distinguishing the two cases, almost unanimously discarding *de facto* the Russian claim to a Kosovo precedent in South Ossetia. Indeed, Russia's own refusal to follow its recognition of South Ossetia and Abkhazia by recognizing another friendly, fledgling breakaway state in the neighborhood, Nagorno-Karabakh, suggests that even Moscow deploys the Kosovo precedent on a highly selective, case-by-case basis. Another Russia-friendly breakaway state, Transnistria, also remains unrecognized five years after Kosovo UDI (except by South Ossetia and Abkhazia.)¹² The fact that Russia seized on Kosovo's independence to intensify its support for South Ossetian separatism proves only that some states can and will cynically invoke parallels to justify their policies. It does not prove that independence for Kosovo was a policy mistake or that the main legal argument for UDI – that the Kosovo case was *sui generis* – was specious or incredible.

Why Kosovo's Independence is Distinguishable

¹¹ See discussion at pp. 153-154 of *The Caucasus: An Introduction* (Abingdon: Routledge: 2010.) Coene, Frederick. In April, 2008 at the NATO Bucharest Summit, Georgia failed to get a 'Membership Action Plan' (a formalized path towards membership), but the Alliance did express its support for a MAP and went further, declaring that Georgia "will" become a NATO member. There is little doubt that Georgia's effusive aspirations to join NATO, advanced to some degree in Bucharest, were highly aggravating to Moscow, heightening the incentive to teach the upstart neighbor a lesson.

¹² A Senior Romanian official, explaining Bucharest's refusal to recognize Kosovo, expressed anxieties about the implications of UDI for Moldova and its dispute with Russia-backed Transnistria. US State Department Cable from Embassy Bucharest of 21 February, 2008, published in Wikileaks. <http://www.cablegatesearch.net/cable.php?id=08BUCHAREST141>

In sharp contrast with South Ossetia, Abkhazia, Transnistria, and Nagorno-Karabakh, the steadily growing number of recognitions over the past five years suggests that the unique features of Kosovo independence are increasingly accepted – as they should be since the case for UDI was uniquely compelling:

First, Kosovo's declaration of independence, though disputed by Serbia, Russia and China and the EU five, was anything but 'unilateral.' It was a highly coordinated event, backed by the US and leading European capitals. Neighboring states like Croatia, and more notably, Macedonia and Montenegro that have good relations with Belgrade and substantial Albanian minority populations, had expressed their willingness to recognize Kosovo (and followed through shortly after independence.)

Second, independence was the end product of a long-standing, intensive international diplomatic effort, led by a Contact Group that included Russia, the US and leading European capitals. A respected UN envoy, former Finnish President Marti Ahtisaari had been appointed to lead negotiations between Belgrade and Pristina. Although negotiations failed to produce agreement, Ahtisaari utilized his consultations to produce a detailed plan for supervised independence that attempted to address many of the stated concerns, namely, the plight of the Serb minority that would be left to Pristina rule.¹³ Independence was supervised carefully by a specially created international office until the fall of 2012. International human rights, police and institution building organizations remain active in Kosovo.

Third, and most importantly, there was no viable alternative to independence. Kosovo's demography (over 90% Albanian) and its past and recent history had created an unstoppable centrifugal dynamic; indeed, many Serbs in Belgrade had themselves acknowledged that Serbia could no longer maintain Kosovo as an appendage of the Serbian state. (To illustrate the impracticality of keeping Kosovo in Serbia, autonomy proposals from Belgrade nearly always excluded Kosovo Albanians from full, commensurate political representation in the Serbian national parliament.)

Furthermore, in 2006 Montenegro had under EU auspices successfully organized a referendum on independence from Serbia, and soon thereafter emerged as a widely recognized UN member state and soon-to-be NATO and EU candidate. The notion that Orthodox Slavs from tiny Montenegro (population 600,000), who have enjoyed brotherly relations with Serbs to the present day, would be allowed to separate from Serbia, while nearly two million Albanians whose mutual relations with Serbs for much of the twentieth century could be fairly described as torturous, would be expected to continue as citizens of the Serbian state was unsustainable. The tumult of the Milosevic years, in which Kosovo's autonomy (granted by Tito) had been replaced by systematic oppression, followed by the NATO air campaign and Belgrade's expulsion of nearly half

¹³ The fact that the 'Ahtisaari Plan' included substantial protections for Serbs, including dual citizenship with Serbia and modalities for continued formal support from Belgrade, does not vitiate Serb anxieties about living in an overwhelmingly Albanian-dominated state. While there have been substantial improvements in Pristina's human rights record and in opportunities for Serbs to have a voice in central government, incidents have continued as does the stand-off with Serbs in the north, and therefore vigilance is essential even as international supervision has ended.

the province's Albanian population had left not only an aspiration, but a virtually unanimous demand among Albanians for nothing less than independence.

Unbridled Albanian hostility towards Serbs under UN Administration may have undermined sympathy for the Albanian cause, but not its irrefutable logic. The post-1999 record of Kosovo Albanians towards Kosovo Serbs was abysmal – and Pristina was forced to pay a price at independence which included international supervision of the fledgling country (which ended last year) and formal incorporation in the Constitution of the Republic of Kosovo of the provisions of the Ahtisaari Plan, including its extensive protections and privileges for the Serb population. To this day, Pristina has virtually no writ over the north of Kosovo, thanks in large part to the intransigence (and anxiety) of its inhabitants many of whom were forcibly displaced from the south of Kosovo at the hands of Albanians.

Another alternative to independence, partition of the north, would have endangered the majority of Serbs who still live south of the Ibar River, along with the main sites of Serbian Orthodox patrimony. This explains why the Serbian Orthodox Church has been unsupportive of incendiary actions by Serbs in the north of Kosovo. Since 1999, Kosovo Serbs have been physically divided between north and south, and since UDI have become increasingly divided politically. Though the human rights condition of Serbs in the south of Kosovo remains a concern and returns are negligible, there are incipient signs of confidence, including the breakthrough participation of a substantial number of Serb voters in the Republic of Kosovo's first parliamentary elections in December, 2010. The Serbian Liberal Party (SLS) entered the governing coalition and its leader holds the position of Deputy Prime Minister. The leader of the Serbian Orthodox Church, Bishop Teodosije, returned to his seat in Prizren in 2011. The point is that however fragile the position of the outsized Serb minority in the south of Kosovo, UDI did not result in the predicted upsurge of violence, oppression or expulsions.

Those who then (and still do) float the notion of coupling partition of the north with a territorial swap (exchanging the Albanian-inhabited portion of the Presevo Valley in Southern Serbia for the north of Kosovo) ignore the complexity of getting agreement to such a deal. The strategic artery from Belgrade south to Thessaloniki goes through Presevo and Albanians there depend on and highly value the route. It is by no means certain that the Albanians of Presevo, despite their affinity to Kosovo, would cede this route to become a distant appendage of Pristina; and it is certain that Belgrade would never give up its vital southern access.

Finally, separation of the north of Kosovo (with or without the Presevo Valley) would have excited – and would yet excite -- Albanian separatism in Macedonia (the one true inspirational consequence of secession related to Kosovo.)¹⁴ It is no wonder that the ethnic Macedonian-led government in Skopje (who, like the Serbs, are Orthodox Slavs) adamantly support Kosovo's territorial integrity and oppose partition.

¹⁴ On 3 August, 2011, at a time of high tension in northern Kosovo, the leader of the Albanian party serving in Macedonia's coalition government, Ali Ahmeti (who also led the 2001 Albanian uprising in Macedonia), stated: "If there are attempts to change the [Kosovo] borders, I cannot take responsibility to be the keeper of the peace in Macedonia because people may organize themselves like in 2001 and

In short, it was abundantly clear even before the riots of 2004 that UN Administration would fail to produce an alternative to independence. By 2006, every former Yugoslav Republic had become independent. The fact that Kosovo (and Vojvodina) had not enjoyed the status of ‘republics’ (although, as ‘autonomous province and regions’, they enjoyed nearly all the same perquisites) under the Socialist Federal Republic of Yugoslavia Constitution was a slender and rapidly diminishing formal distinction.¹⁵ Those who opposed Kosovo independence could parse the difference between ‘republic’ and ‘autonomous province’, but unlike the UN, these opponents had no responsibility to administer a seething population long hungry to realize its nationhood.

Kosovo and the Secessionist Impulse in Bosnia’s Republika Srpska

If Kosovo’s independence was both inevitable and distinguishable from many secessionist movements the world over, what about the consequences right in the neighborhood? Literature on secession has demonstrated that the most acute effects are felt in the same country (in this case, former Yugoslavia.)¹⁶ Indeed, in 2008 disaffected Serbs who had fought a war to separate from Bosnia-Herzegovina found themselves trapped in an unwanted union with plurality Bosniaks and Croats. Many of these Serbs also resented the dismemberment of Kosovo (considered to be the cradle of Serbian nationhood.)¹⁷ Furthermore, as in Kosovo, the Serb entity was also separated from the national capital by an administrative boundary (known as the Inter-Entity Boundary Line.) In short, if the Kosovo precedent were ever to animate a secessionist movement, surely it would be in the nearby Republika Srpska (RS.)

To the contrary, a detailed study of the post-war rhetoric of RS secession by political scientist Gerard Toal of Virginia Tech University has demonstrated that Kosovo has had only marginal impact.¹⁸ Open calls for a Serb referendum on secession had been largely taboo in Bosnia for the first decade after the war; even uttering the word represented flagrant opposition to the Dayton Peace Agreement and was therefore politically explosive. This reticence vanished well before Kosovo independence, in the spring of 2006 when the RS Prime Minister

no one can control that.” Ahmeti continued: “If such things happen and if the situation got out of control, one cannot take responsibility or guarantee that the Albanians will not organize a common front in case they are threatened as a whole.” *Balkan Insight*; 3 August, 2001, ‘Kosovo Border Attacks Could Destabilize Macedonia.’ <http://www.balkaninsight.com/en/article/kosovo-s-possible-partition-threatens-macedonian-stability> (Note: to cite the possibility of destabilization of Macedonia from secession of north Kosovo is not the same as to condone it. Macedonians and Albanians, with Ahmeti’s backing, signed a peace agreement in August, 2011, the Ohrid Agreement that is still in force.)

¹⁵ The demography and historical experience of Vojvodina’s Hungarian population was quite distinct from that of Albanians in Kosovo.

¹⁶ Jason Sorens has found that secessionism can diffuse within the same country in various ways (demonstration effects, attempts by secessionists to “colonize” neighboring regions): chapters 2 and 3 of *SECESSIONISM: IDENTITY, INTEREST, AND STRATEGY* (Montreal: McGill-Queen’s University Press, 2012.) See also: Sorens, Jason (2008). “Regionalists against Secession: The Political Economy of Territory in Advanced Democracies,” *Nationalism and Ethnic Politics* 14 (3): 325-60.

¹⁷ At the public hearing before the International Court of Justice, among the arguments that Serbia offered in support of its challenge to the legality of Kosovo’s UDI, was that Kosovo is the ‘historic cradle of Serbia and constitutes an essential pillar of its identity.’ In the original French: “Le Kosovo forme le berceau historique de la Serbie et constitue l’un des piliers essentiels de son identité.” International Court of Justice, *Verbatim Record*, Public Sitting of 1 December, 2009, page 32, paragraph 6. <http://www.icj-cij.org/docket/files/141/15710.pdf>

¹⁸ Toal, Gerard (2012). “Republika Srpska will have a referendum” [on secession]; “the rhetorical politics of Milorad Dodik,” *Nationalities Papers*, 41 (1): 166-204.

Milorad Dodik seized on the collapse of a Constitutional reform initiative (known as ‘the April package’) to launch open speculation on an RS referendum on secession from Bosnia. Dodik, who faced elections the same year, also invoked Montenegro’s independence as another *causus referenda*.

Toal has quantified the intensity of interest in secession by tabulating the frequency that keywords ‘secession’ or ‘referendum’ appeared in Bosnia’s leading newspaper. According to his results, three other events produced higher usage of the words than did Kosovo’s independence. These other events (the Montenegro referendum, national elections and RS’s adoption of a law on referendum) either preceded or followed Kosovo independence by two years, suggesting that Kosovo’s impact on the movement for RS secession was far from uniquely inspirational. Again to the contrary, the evidence suggests that the interest in RS secession has far more to do with the internal dynamics of Bosnia, including the political opportunism of Prime Minister Dodik, than any pernicious demonstration effect from Kosovo. With respect to Belgrade, the impact is further diminished. Even staunchly nationalist leaders like former Serbian Prime Minister Vojislav Kostunica consistently pledged full support for the Dayton Agreement, and indicated no interest in an RS bid for independence.¹⁹

Indeed, with its candidacy for European Union membership in mind, Belgrade has over the past year taken significant steps towards détente with Pristina. The new nationalist government, elected in May 2012, has expanded the ‘dialogue’ with Kosovo to include sensitive political matters conducted in direct talks, under EU auspices, at the level of Prime Ministers. Serbia has also advanced a highly contentious agreement to set up ‘integrated border management’ (IBM) posts between Kosovo and Serbia. Even though Serbs in the north of Kosovo adamantly oppose IBM, Belgrade’s willingness to back this step (or any step connected with the border) is rife with symbolic importance, fully unthinkable at the time independence was declared. The fact that Serbia, Kosovo, Bosnia and the rest of the region are keenly interested in joining the EU is another reason why the predicted regional consequences of UDI never came to pass. Secession and EU candidacy, at this point, are no longer compatible.

Conclusion: Little Impact from Kosovo’s Independence – with Two Exceptions and One Caution

In sum, there is little evidence that Kosovo’s 2008 independence, however contested, has injected instability into the international system. The steadily accumulating number of international recognitions supports the opposite contention: that states are able to perceive the uniquely compelling aspects of Kosovo independence and distinguish its case from other potential secessionist situations. In this sense, if Kosovo’s independence has served as a precedent, then it is an instructive, stabilizing one: ‘if you systematically oppress a would-be secessionist population, expelling half of them after rejecting international mediation efforts, then don’t be

¹⁹ Toal at 180.

surprised if half the world ultimately recognizes the separatist state, even if its own human rights record is dubious.'

Two developments could change this otherwise mostly benign accounting of the impact of Kosovo's independence. As noted above, separation (promoted by Serbs) of the north of Kosovo would almost automatically implicate Macedonia's stability. Albanians in Macedonia are inextricably linked with their brethren in Kosovo (indeed, the ethnic Albanian leaders of the 2001 rebellion had earlier fought against Serbs in Kosovo.) Partition of the north will be seen as abrogation of the Ahtisaari Agreement which was premised on both Kosovo's territorial integrity and, implicitly, on recognition or at least acquiescence in independence by Serbia. Rightly or wrongly, the *de facto* end of Ahtisaari in Kosovo (via partition of the north) would invite Macedonia's ethnic Albanians to challenge the cold peace brought by the Ohrid Agreement, signed in 2001.

On the other hand, any moves by (ethnic Albanians in) Pristina to unify Kosovo with Albania would, likewise, constitute constructive abrogation of the Ahtisaari Agreement. (The possibility of such a union has crept into discourse recently in Tirana, while it remains the mainstay of a rogue political party in Pristina which appropriated the name, in Albanian, for 'Self-Determination.')

The architects of UDI, including the US, consistently rebutted the Russian and Serbian assertion that independence for Kosovo was merely the prelude to 'Greater Albania.' A Union of Kosovo and Albania would vindicate this assertion, make a mockery of the careful diplomacy which led to UDI, and implicate Pristina's clam to the north of Kosovo.

In short, irresponsible moves by either Belgrade or Pristina could indeed have a domino effect. Rather than deride UDI, which only perpetuates residual uncertainty, regional stability would be better served by encouraging Belgrade to accept the reality (if not the formality) of Kosovo's independence as the only feasible way to EU membership – while discouraging all quarters in Pristina and Tirana from even broaching the subject of a union. Indeed, Albanians should be cautioned over the implications for Kosovo's territorial integrity of any move toward unification with Albania. Continuing region-wide dialogue and focus on human rights, rule of law and economic reform remains the over-riding imperative for stability.

More globally, the stabilizing lesson from Kosovo is to encourage 'parent states' to act responsibly and avoid exacerbating grievances of would-be secessionists. In this sense, far more deleterious than Kosovo's UDI are secessionist movements in states with highly functioning democracies dedicated to protecting communal or minority rights like the United Kingdom (*vis a vis* Scotland), Spain (*vis a vis* Catalonia and Basque country) and Canada (*vis a vis* Quebec.) Ironically, it is these mostly non-violent movements²⁰ that do the most to undermine stability. If secessionists are not deterred from separating with stable democracies, then why

²⁰ In December, 2010, Arnaldo Otegi, the leader of the Basque separatist group ETA announced, stated that ETA is "ready to give up violence and pursue a peaceful strategy to create an independent Basque state". Euronews, 28 December, 2010. "ETA 'ready to give up violence'". <http://www.euronews.com/2010/12/28/eta-ready-to-give-up-violence/>

should autocratic governments the world-over accept international urgings to address the grievances of would-be breakaway peoples by treating them with respect and by building democratic institutions? The UK, Spain and Canada easily surpass those core standards – and yet dissatisfied Scots, Catalans and Basques, and Quebecois still contemplate formal secession. Stability in the international system is best advanced by deterring these examples of ‘unnecessary secession’, while consigning the Kosovo case to history.