

## The Effects of the Kosovo Status Negotiations on the Relationship Between Russia and the EU and on the De Facto States in the Post-Soviet Space

### Introduction

International visitors travelling to Abkhazia only two years ago to discuss the resolution of the status of the republic, which had been *de facto* independent for years, but without international recognition, were often amazed to discover that the Kosovo status negotiations were playing a key role in the Abkhazian arguments. Up to then, trans-regional status comparisons had only been common in academic circles, as part of efforts to develop strategies for solving the various ethnopolitical conflicts.<sup>1</sup> By contrast, inter-regional parallels have barely played a role in the political negotiations. With regard to the post-Soviet area, this is unlikely to remain the case for long.

Altogether, there are four unresolved ethno-territorial conflicts in the region: Georgia is struggling to bring about the reintegration of the break-away regions of Abkhazia and South Ossetia; Nagorno-Karabakh is *de facto* independent of Azerbaijan; and the Republic of Moldova has effectively lost all influence over Transnistria. These four quasi-states have recognized each other and sometimes playfully refer to themselves as the SNG-2 (the “second CIS”) or NATO-2.<sup>2</sup> Their status negotiations are closely interconnected, although the backgrounds to the various conflicts are quite different, and the status being sought is not that of full independence in every case. Nonetheless, because the status of all four is unsettled, Abkhazians, South Ossetians, Transnistrians, and Karabakh Armenians share an emotional bond. They also share a common sympathy for all other peoples struggling to achieve self-determination, autonomy, and independence, such as the Chechens and Kosovo Albanians.

The link with Kosovo took on a new relevance in 2005 with the appointment of Martti Ahtisaari as the UN Secretary-General’s Special Envoy

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- 1 On Abkhazia, cf. e.g. Natela Akaba, The Swiss Experience and Prospects for a Peaceful Abkhazian-Georgian Peace Settlement, in: Bruno Coppieters/David Darchiashvili/Natela Akaba (eds), *Federal Practice. Exploring Alternatives for Georgia and Abkhazia*, Brussels 2000, pp. 75-89; David Darchiashvili, Swiss Federalism: Lessons for Georgian-Abkhazian Relations, in: *ibid.*, pp. 61-67. The usual references to the Åland Islands and the Sami people can be found, for instance, in: Tim Potier: *Conflict in Nagorno-Karabakh, Abkhazia and South Ossetia. A Legal Appraisal*, The Hague 2001, especially pp. 54ff.
  - 2 SNG-2 is a play on words: The Russian for Commonwealth of Independent States (CIS) is *Sodruzhestvo Nezavisimykh Gosudartsv* or SNG, while SNG-2 stands for *Sodruzhestvo Nepriznanykh Gosudartsv* (Community of Unrecognized States). The less common designation NATO-2 stands for Nagorno-Karabakh, Abkhazia, Transnistria, and South Ossetia.

for Kosovo. He was tasked with conceiving of a solution to the question of Kosovo's status, and thereby closing the last chapter in the history of the break-up of Yugoslavia.<sup>3</sup> The possibility of Kosovan independence was already explicitly raised in early 2006. This was followed by an avalanche of press releases in which the Russian government let it be known that, firstly, Kosovan independence went against Serbia's interests and was therefore unacceptable, and, secondly, that if Kosovan independence were to receive international recognition, Russia would respond by recognizing the independence of other *de facto* states, namely Abkhazia, South Ossetia, and Transnistria. When, in February 2007, Ahtisaari presented his long-awaited proposal on the future settlement of the status of Kosovo, the sides hardened in their positions.<sup>4</sup>

It has so far not proved possible to bring a new joint resolution on Kosovo to a vote at the UN Security Council, as Russia has threatened to use its permanent member's veto if the interests of Serbia were not taken into consideration. The precise background of this blocking tactic and its effect on relations between Russia, the USA, and Europe will be explored below. Particular attention will be paid to the potential consequences of the Kosovo status debate for the unresolved status of territories in the former Soviet space.

### *The Kosovo Status Question*

Referring to the commitment made in Security Council Resolution 1244 to facilitate a political process to resolve the Kosovo status question, Ahtisaari announced in November 2006 that he was ready to put forward a proposal for the definitive resolution of the Kosovo status issue.<sup>5</sup> In fact, however, he was unable to present his proposal to the UN Security Council until 25 March 2007. The delay was caused by the Serbian elections, which were due to take

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3 What is entirely ignored here is that despite Montenegro's recent amicable separation from Serbia, ethno-political differences within the former Yugoslavia remain. The most important example is the Republika Srpska within Bosnia and Herzegovina, which, artificially created by ethnic cleansing and effectively uncoupled from the political and administrative influence of Sarajevo's political and administrative apparatus, is seeking independence or integration in Serbia.

4 Cf. United Nations Security Council, *Letter Dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council. Addendum: Comprehensive Proposal for the Kosovo Status settlement*, S/2007/168/Add.1, 26 March 2007; idem, *Letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council. Report of the Special Envoy of the Secretary-General on Kosovo's future status*, S/2007/168, 26 March 2007. Available online at: [http://www.unosek.org/docref/Comprehensive proposal-english.pdf](http://www.unosek.org/docref/Comprehensive%20proposal-english.pdf) and <http://www.unosek.org/docref/report-english.pdf>, respectively.

5 On the initiation of the political process, see: United Nations Security Council, *Statement by the President of the Security Council*, S/PRST/2005/51, 24 October 2005.

place on 21 January 2007.<sup>6</sup> The Serbian government had expressly stated that it would not accept any proposals that could lead to Kosovan independence.<sup>7</sup> In order to head off potential protests from the outset, Ahtisaari explicitly avoided mentioning “independence”, but he also made no mention of the “territorial integrity of Serbia”.<sup>8</sup> Moreover, Kosovo was not given a designation in constitutional law, and was referred to neither as a potential “state” nor as a “province”. The plan called for a long-term international presence to place limits on Kosovan independence.

All these precautions notwithstanding, the Ahtisaari plan led to a negotiating impasse that lasted for months. This despite the fact that many of the proposals it made were not new. As early as 2003, the Center for Strategic and International Studies (CSIS) in Washington, D.C., had already warned against further delays in answering the status question, which would not only continue to endanger the security situation in Kosovo, but also hampered the consolidation of Serbian statehood. The CSIS argued that Kosovan independence was the only acceptable solution.<sup>9</sup> In January 2005, the International Crisis Group (ICG) called upon the international community to recognize Kosovo as an independent state and to enter into diplomatic relations.<sup>10</sup> Finally, only a few months later, the International Commission on the Balkans appealed for a four-step process that would lead to independence for Kosovo.<sup>11</sup> In the Commission’s view, *de facto* separation from Serbia should be followed by independence but not full sovereignty. The same body also supported the view that the international community should retain “ultimate supervisory authority”,<sup>12</sup> at least in the areas of human and minority rights, but should hand over responsibility for day-to-day administration to the government of Kosovo, with UNMIK’s tasks being given to the EU. Both of these points were taken up in the Ahtisaari plan.<sup>13</sup> The Commission’s pro-

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- 6 The announcement of the impending proposal already had a negative effect on the election. For more details, see: Serbiens Regierung boykottiert UNO-Vermittler und Kosovo-Plan [Serbia’s Government Boycotts UN Mediator and Kosovo Plan], in: *NZZ*, 28 January 2007.
  - 7 Cf. Craig S. Smith, Serbia Rejects Plan that Could Lead to Kosovo Independence, in: *New York Times*, 2 February 2007.
  - 8 Cf. UN News Service, *Kosovo has the right to govern itself, join international bodies under UN plan*, 2 February 2007. In his report on the status issue, however, Ahtisaari declared Kosovan independence to be the only realistic long-term solution. Cf. *Report of the Special Envoy of the Secretary-General on Kosovo’s future status*, cited above (Note 4).
  - 9 Cf. Janusz Bugajski/Bruce R. Hitchner/Paul Williams, *Achieving a Final Status Settlement for Kosovo*, Washington, D.C., April 2003, pp. 2 and 4ff.
  - 10 Cf. International Crisis Group, *Kosovo: Toward Final Status*, Europe Report No. 161, 24 January 2005.
  - 11 Cf. International Commission on the Balkans, *The Balkans in Europe’s Future*, Sofia, April 2005, at: <http://www.balkan-commission.org/activities/Report.pdf>, especially pp. 20-23.
  - 12 *Report of the Special Envoy of the Secretary-General on Kosovo’s future status*, cited above (Note 4), p. 8.
  - 13 In contrast to the Ahtisaari plan, which proposes a 120-day transition period, the Commission names no definite time period. See: *Report of the Special Envoy of the Secretary-General on Kosovo’s future status*, cited above (Note 4), p. 8.

posal went as far as to suggest that Kosovo be granted EU candidate status in the third phase of the planned development process. In the fourth stage, it was to become an EU member state.

However, only with the release of Ahtisaari's report and the resulting delegation of the decision-making process to the United Nations Security Council did the international community see itself as duty bound to resolve the status of Kosovo once and for all. Instead of "conditioned independence", the target was now to bring about "supervised sovereignty". This was a change from the 1999 Rambouillet Agreement and Resolution 1244, which was based upon the former. While the old arrangement did allow for the option of a referendum on independence, it would not be binding under international law.<sup>14</sup> UNMIK had also thus far excluded the question of independence from its competencies. The Standards Implementation Plan rests upon the motto of the then Special Representative of the UN Secretary-General, Michael Steiner: "standards before status",<sup>15</sup> which prioritized the following eight areas: democratic institutions, rule of law, options for refugee return, freedom of movement, economy, property rights, dialogue between the Provisional Institutions of Self-Government (PISGs) and Belgrade, and the establishment of a Kosovo Protection Corps.<sup>16</sup> Implementing these standards is proving particularly difficult, as the ethnic groups in Kosovo cannot even agree among themselves on practical matters such as the framing of community rights or the protection of cultural treasures.

#### *The Real Situation in Kosovo*

According to the UNDP, 96 per cent of the Albanian population and 89 per cent of the total population of Kosovo are in favour of independence. By contrast, 86 per cent of Kosovo's Serbian population take the view that Kosovo should have no more than autonomy within the Republic of Serbia.<sup>17</sup> Both the possibility and ultimately the success of independence will depend decisively on political, economic, and security policy factors. As the unrest of March 2004 demonstrated, precisely the precarious security situation and the inadequate protection provided to minorities (in this case, above all the Serbian) are proving to be barriers.<sup>18</sup> However, the majority of Kosovo Alba-

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14 Cf. *The Rambouillet Accords*, Interim Agreement for Peace and Self-Government in Kosovo, Rambouillet, France, 23 February 1999.

15 In his speech to the UN Security Council on 24 April 2002, however, Michael Steiner did not directly utter the phrase, which was soon thereafter to become a guiding principle of UN Kosovo policy. The CSIS version of the formula was "status with standards", cf. Bugajski et al., cited above (Note 9), p. 6.

16 The *Standards Implementation Plan* is available at: [http://www.unmikonline.org/pub/misc/ksip\\_eng.pdf](http://www.unmikonline.org/pub/misc/ksip_eng.pdf).

17 Cf. *UNDP Early Warning Report Kosovo*, No. 16, at: [http://www.kosovo.undp.org/repository/docs/EWR16\\_eng%5Bfinal%5D.pdf](http://www.kosovo.undp.org/repository/docs/EWR16_eng%5Bfinal%5D.pdf), pp. 13 and 18.

18 Cf. Predrag Jurekovič, *Ziele, Befürchtungen und Anfangsoptionen der einzelnen Akteure* [Goals, Fears, and Opening Options of the Individual Actors], in: Erich Reiter/Reinhard

nians already perceive independence as a self-evident process, something to which they barely need to actively contribute any more. In view of the desolate state of the economy, they are now occupied in ensuring their survival.<sup>19</sup> The unemployment rate is roughly 70 per cent. Young people, in particular, are being driven abroad, where they can hope for better opportunities.

Kosovo is irrevocably divided. Some 100,000 Serbs still live there, most of them in the municipalities of Zvečan, Zubin Potok, and Leposavić, in the north of the province. The northern part of the city of Mitrovica also has a Serbian majority. The Kosovo Albanians already fear the creation of a new Republika Srpska within Kosovo, as the above-named regions are practically no longer under Priština's control.<sup>20</sup> If Kosovo becomes independent, the Kosovan Serbs are threatening to officially declare their territory a part of Serbia. The international community, however, has rejected the option of dividing Kosovo. After the announcement of the Ahtisaari proposal, the number of Serbs leaving Kosovo to settle in Serbia rose once again.<sup>21</sup> The multiethnic Kosovan society favoured by the Ahtisaari proposal is no longer a social or an administrative reality in Kosovo. The decentralization of Kosovo as required by the Standards Implementation Plan appears absurd as a result, as it does not take into account real developments on the ground.

### *The De Facto States in the Post-Soviet Space*

Abkhazia, South Ossetia, Nagorno-Karabakh, and Transnistria are the four "quasi-states" in the post-Soviet area whose official status remains unresolved to this day. Until the collapse of the Soviet Union, they were either Autonomous Republics (*Avtonomnaya Respublika*) or Autonomous Oblasts (*Avtonomnaya Oblast*) within one of the Soviet Republics. When the republics declared independence, these regions also sought greater autonomy. Violent conflicts were the result, and these were ended by ceasefire agreements that did not resolve the status of the territories. Since Georgia, Azerbaijan, and Moldova no longer have any real influence in the various "quasi-states", the latter are effectively independent, even if they do not enjoy international recognition.

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Selten (eds), *Zur Lösung des Kosovo-Konfliktes. Die Anwendung der Szenariobündelanalyse im Konfliktmanagement* [Solving the Kosovo Conflict. The Application of Scenario Bundle Analysis in Conflict Management], Baden-Baden 2003, pp. 73-102, here: p. 80.

19 This is the conclusion reached by, among others, the UNDP, in: *UNDP Early Warning Report Kosovo*, cited above (Note 17), pp. 25ff.

20 This is also discussed in: ICG, *Kosovo Status: Delay Is Risky*, Europe Report No. 177, 10 November 2006, p. 5, and in: ICG, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, Europe Report No. 182, 14 May 2007, p. 29. On the situation in Bosnia and Herzegovina, see, for example: *NZZ online*, 'Vollendete ethnische Säuberung in Bosnien? [Ethnic Cleansing in Bosnia Completed?]', 20 October 2006.

21 Cf. interviews conducted by the ICG in Serbian regions of Kosovo: ICG, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, cited above (Note 20), pp. 32ff.

As a result of similarities in the ways they have developed, these *de facto* states are often compared in academic and political discourse. There are, however, crucial ethno-political, legal, and economic differences, which will and must have an affect on the status settlements reached in each case. Ultimately, this is a result of differences in the goals being pursued by the governments of the various *de facto* states: Abkhazia and Transdniestria are demanding full independence; Nagorno-Karabakh would prefer union with Armenia and the creation of a corridor to link them; while South Ossetia is in favour of union with North Ossetia in the Russian Federation. In the meantime, however, all the *de facto* states are campaigning for independence, in order to strengthen their positions and better support each other.

In each case, the following points remain unresolved: a) the protection of the territorial integrity of the nation state, b) the future status of the *de facto* state, and c) refugee return and reparations. The conflict parties have so far seen points a) and b) as incompatible. This is partly based on the fact that the right to self-determination is not unambiguously defined in the currently applicable international law.<sup>22</sup> The majority of analysts focus on the standard international formula, according to which the territorial integrity of states such as Azerbaijan, Georgia, and Moldova must be protected unconditionally, and stress that Kosovo is “a unique case that demands a unique solution”.<sup>23</sup> However, it is not only Kosovo that is forcing the international community to re-examine the contradiction in international law between the right to territorial integrity and the right to self-determination again and again.<sup>24</sup>

Analysts are therefore continually proposing “common state” solutions as a compromise, though none has yet made any impact in practice.<sup>25</sup> In 1998, for instance, the Minsk Group presented a new peace plan for Nagorno-Karabakh based upon a “common state” model that had this time

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22 The reluctance to make self-determination a generally applicable principle is largely based upon the fear of triggering a kind of chain reaction or domino effect that would require multi-ethnic states such as Georgia to explain why some ethnic groups are granted the right to self-determination and others are not. A pro-Serbian position with regard to this issue can be found in: Raju G.C. Thomas, Kosovo's Status in Global Comparative Context, in: *Review of International Affairs* (Belgrade), No. 1122, April-June 2006, pp. 3-12. See also the Russian defence minister, Sergei Ivanov, on 9 February 2007, quoted by the Interfax news agency: *Moves toward sovereignty for Kosovo extremely dangerous – Ivanov*, at: [http://www.interfax.ru/e/B/politics/28.html?id\\_issue=11674770](http://www.interfax.ru/e/B/politics/28.html?id_issue=11674770).

23 These were Ahtisaari's words, cf. *UN News Service*, UN envoy on Kosovo's status says “independence is the only option”, 26 March 2007. In the same place, Ahtisaari also said that Belgrade's insistence that Kosovo should be seen as a permanent part of the Serbian state along with Priština's ultimatum demanding independence left no alternative to his proposal.

24 Nagorno-Karabakh's right to self-determination in terms of international law has been analysed and supported by, among others, Otto Luchterhandt; cf. Otto Luchterhandt, *Das Recht Berg-Karabachs auf staatliche Unabhängigkeit aus völkerrechtlicher Sicht* [The Right of Nagorno-Karabakh to Independence from the Perspective of International Law], in: *Archiv des Völkerrechts*, vol. 31, Tübingen 1993, pp. 30-81.

25 Particularly interesting on this aspect, though for various reasons completely ignored in the practical negotiations, is Potier, cited above (Note 1).

been proposed by Russia. While this plan envisages non-hierarchical structures between Azerbaijan and a *de facto* independent Nagorno-Karabakh, it excludes the unilateral secession of the province from Azerbaijan.<sup>26</sup> The proposal was welcomed by Yerevan and Stepanakert but rejected by Baku.<sup>27</sup>

The “common state” approach also played a key role for a while in Georgian-Abkhazian negotiations. In 1997, for instance, the then Georgian president, Eduard Shevardnadze, rejected, at the last second, a “union state” solution to the conflict similar to the “common state” approach. Within the envisaged union state, Abkhazia would have become a sovereign subject, but would have had to cede certain key powers to Georgia. Shevardnadze argued at the time that the Georgian people were not yet ready for such a wide-reaching form of federalism. Observers on both sides see this as a critical turn in Georgian-Abkhazian negotiations. While Abkhazia has since insisted on its independence, Georgia is now only prepared to allow Abkhazia an undefined autonomous status within the Georgian state boundaries.<sup>28</sup>

In the Georgian-South Ossetian and the Transdniestrian conflicts, too, positions have increasingly moved apart over the years. In 2003, on the recommendation of the OSCE Mission in Chişinău, Moldova rejected a Russian proposal that would have upgraded Transdniestria’s status and granted the Russian troops stationed in the region a guaranteed right to remain of 20 years.<sup>29</sup> As a result, Moldovan-Russian relations reached their lowest point thus far. The conflict resolution process on the question of Transdniestria’s status has been utterly deadlocked since then.<sup>30</sup>

#### *What now for the Status Negotiations in Moldova and the South Caucasus?*

The causes of the blockages in the conflict resolution processes are as varied as one would expect. The political systems of the South Caucasian republics are particularly likely to include extreme nationalist elements, whose strength is growing as a consequence of increasing economic prosperity, typified by the oil boom in Azerbaijan. This process has generally gone hand in hand with a rapid increase in military spending, which, in the case of Azerbaijan, now amounts to an arms race with Armenia, and has brought with it fears that

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26 Cf. Michael Emerson/Nathalie Tocci, *Borderland Europe: Towards a Breakthrough in the South Caucasus over Nagorno Karabakh*, Brussels 2001.

27 According to the Azerbaijani president, İlham Aliyev, the example of Kosovo is irrelevant to Nagorno-Karabakh: *Kosovskaya model' v Karabakhe ne proidet* [The Kosovo Model Does not Fit Karabakh], 22 February 2007, at: <http://www.zerkalo.az/print.php?id=14305>.

28 Source: Conversations held by the author in 2005 in Georgia und Abkhazia.

29 For more on the so-called Kozak Memorandum see: Michael Emerson, *Should the Transdniestrian tail wag the Bessarabian dog?* at: [http://www.ceps.be/Article.php?article\\_id=133](http://www.ceps.be/Article.php?article_id=133); ICG, *Moldova's Uncertain Future*, Europe Report No. 175, 17 August 2006, pp. 6 and 15, at: <http://www.crisisgroup.org/home/index.cfm?id=4340&l=1>.

30 On the preliminary status of the Transdniestria negotiations, see also *ibid.*

the Nagorno-Karabakh conflict could again break out into open warfare.<sup>31</sup> At the same time, the presidential elections due in both Armenia and Azerbaijan in 2008 mean that the conflict resolution process is likely to be put on hold.

In Georgia, Saakashvili had announced at his inauguration that he would make the restoration of his country's territorial integrity – and hence the recovery of the breakaway regions – his government's highest priority, and has repeatedly announced in self-confident terms that he could achieve this goal before the next presidential elections. Yet, despite initial success in Ajaria in 2004 and the subsequent highly controversial police and military manoeuvres in South Ossetia and the Kodori Valley, he has come no closer to realizing his intended goal. One reason for Saakashvili's recent decision to hold early presidential elections on 5 January 2008 is to avert possible disappointment among the Georgian population on this issue. However, another military attempt to retake Abkhazia and South Ossetia for Georgia requires (if only to avoid destroying Georgia's prospects of NATO membership) international consent, particularly from the USA, and this has so far not been forthcoming.

Furthermore, since Saakashvili's election as president, a number of events and developments have led to relations with Russia becoming particularly problematic. Even before the crisis in Georgian-Russian relations in the summer of 2006, it was apparent that the Kosovo status negotiations and the Russian position on them were having a negative influence on the Georgian-Abkhazian conflict settlement process.<sup>32</sup> A key aspect of this was the fact that Russia announced that it no longer considered the "Baden Paper", which had so far formed the basis for negotiations in the Georgian-Abkhazian conflict settlement process, to be binding.<sup>33</sup> A similar development could be seen in the way the Georgian-South Ossetian conflict resolution process has developed, when, following the crisis in the summer of 2004, the South Ossetian side declared that the agreements reached so far on the basis of the "Baden Document" were invalid.<sup>34</sup>

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31 For more details, cf. Rexane Dehdashti-Rasmussen, The Conflict over Nagorno-Karabakh: Causes, the Status of Negotiations, and Prospects, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 189-210.

32 For more information on the conflict resolution process under Saakashvili, cf. Marietta König, Not Frozen but Red Hot: Conflict Resolution in Georgia Following the Change of Government. In: *OSCE Yearbook 2006*, cited above (Note 31), pp. 85-96. For a Russian view, see, for example, *Nezavisimaya gazeta*, Pugayushchiy prizrak. Zayavleniyami o nerasprostraneniі kosovskogo pretsedenta Evropa khochet uspokoit' Tbilisi [The Spectre Haunting Georgia: Europe Seeks to Reassure Tbilisi by Declaring It Will not Seek to Make Kosovo a Precedent], 6 February 2007.

33 Cf. Zaal Anjaparidze, Kosovo impedes settlement of Abkhaz situation, *Eurasia Daily Monitor*, 20 March 2006.

34 On the circumstances surrounding the Baden Document, see: Marietta König, The Georgian-South Ossetian Conflict, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 237-249, here: pp. 245-246.

In the meantime, the *de facto* states in the post-Soviet space hope that Kosovo will become independent and that this will have a positive effect on their own status negotiations. In this they are supported by Moscow, as it is only as a result of Russia's threat to respond to Kosovan independence by recognizing Abkhazia, South Ossetia, and Transdniestria – as mentioned at the start – that this status comparison has garnered international attention. So far, geo-strategic and political differences have meant that only a few Western politicians – and only a few Europeans – have perceived a relationship between Kosovo and the *de facto* states in the post-Soviet area.<sup>35</sup> Thanks to Russia's unrelenting threat to use its veto, it has not proved possible to find a solution to the Kosovo status question that was satisfactory to all parties. As the negotiations on Kosovo's status drag on, however, the statements made by the presidents of the Eastern European quasi-states have grown ever more cautious. They now say that they no longer want their own futures to depend on the increasingly uncertain outcome of the Kosovo status negotiations. Instead, they say, they must aim to create precedents of their own.<sup>36</sup>

Nor are Russian statements of intention to recognize other *de facto* states in the case of Kosovan independence simply taken at face value, especially in Abkhazia and Transdniestria. There is too much awareness that Russia is following its own agenda. In prosecuting its conflict with Georgia, Russia encourages and exploits the separatist tendencies in Abkhazia and South Ossetia in order to increase Georgia's dependence on Russia and its failure to reintegrate the two separatist entities, and thereby, among other things, to hamper Georgia's chances of NATO membership.<sup>37</sup> On 6 December 2006, the Russian Duma passed two declarations calling on the international community to consider independence for Abkhazia and South Ossetia. While these Duma statements are not binding on Russian foreign policy, they do reveal the political tendencies within the Russian governmental apparatus. Following a meeting of the NATO-Russia Council on 9 February 2007, Russia's minister of defence, Sergei Ivanov, cautioned with regard to the Kosovo status question against opening "Pandora's Box", as this would have "unpredictable consequences".<sup>38</sup>

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35 Cf. Anes Alic, South Ossetia, Kosovo and sustainability, *ISN Security Watch*, 20 November 2006; Reuters Foundation, *Azerbaijan: Kosovo – "an example" for separatist Karabakh*, 17 July 2007.

36 Cf. Svetlana Gamova, Ushchele na dvoikh. Abkhazy gotovy otstaiivat svoyu nezavisimost s oruzhiem v rukakh [The Divided Valley. Abkhazia is Prepared to Use Force to Defend its Independence], in: *Nezavisimaya Gazeta*, 19 March 2007; *Civil Georgia*, Abkhaz Official: Sukhumi can not Rely on Kosovo Precedent, 8 June 2006.

37 Cf., for instance, *Civil Georgia*, Tbilisi Downplays Moscow's Statement on S. Ossetia Self-Determination, 2 June 2006.

38 *NZZ*, Russland strikt gegen ein unabhängiges Kosovo [Russia Strictly Against an Independent Kosovo], 10 February 2007.

At the same time, Russia is inconsistent in dealing with the four quasi-states in the post-Soviet area: Russian warnings that independence for Kosovo would require equal treatment of the other status questions never mention Nagorno-Karabakh. This is a result of the simple fact that most of the roughly 170,000 Armenians in Nagorno-Karabakh possess Armenian passports and have their entire ambitions focused on the Republic of Armenia. By contrast, in Abkhazia, South Ossetia, and Transdniestria, between 60 and 90 per cent of the population possess Russian passports, which are therefore also internationally recognized. They count as Russian citizens, and may take advantage of the Russian social security and education systems. Above all, they are entitled to draw Russian pensions. Russia has repeatedly declared that it is responsible for these citizens, and this adds conviction to Russian threats to recognize these entities. The situation is further complicated by the fact that Russia has opened its borders to Abkhazia and South Ossetia, has invested heavily in all three entities, and is their most important trading partner. In early September 2004, the rail connection between Sukhumi and Moscow was even re-established. The selection of the Russian Black Sea resort of Sochi as the venue for the Winter Olympics in 2014 promises an economic upswing for the entire south Russian Black Sea coast – explicitly intended to include Abkhazia.<sup>39</sup> Russia is thereby once more offering the *de facto* Abkhaz republic economic opportunities that Georgia had so far been unable to offer. In the absence of attractive economic and political options, however, Abkhazia will turn away from Georgia permanently, and, with the status quo becoming ever more attractive, will become increasingly less interested in status negotiations.

What Russia intends to achieve in the long-term by means of this contradictory policy is unclear. On the one hand, with a view to its own federal structures, Russia wants to prevent the creation of a precedent for secession movements and is therefore threatening to make use of its veto if Serbia's interests are not taken into consideration in resolving the Kosovo status negotiations.<sup>40</sup> Every Russian statement actually notes that bilateral negotiations between Belgrade and Priština enjoy the highest priority and that the only hope of success is a solution that is satisfactory to all sides, i.e. a win-win solution. This is the only way the status question can be resolved so as to take into account the interests of the Serbian minority. On the other hand, Russia is encouraging the secessionist ambitions of Abkhazia, South Ossetia, and Transdniestria.

While Serbia is calling for a new round of talks, the immediate benefits of this for the Serbian position are doubtful, and it is seen by observers rather

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39 Cf. *Ria Novosti*, Moskau stellt Abchasien weitere Investitionen in Aussicht [Moscow Announces Further Investments in Abkhazia], 9 July 2007.

40 Cf. also Press-konferenciya po itogom peregovorov s Federalnym kantslerom FRG Angeloy Merkel [Press Conference on the Results of the Discussions with the Chancellor of the FRG, Angela Merkel], Sochi, 21 January 2007, at: <http://www.kremlin.ru/text/appears/2007/01/116925.shtml>.

as a delaying tactic.<sup>41</sup> Russia and Serbia argue that key aspects of UNSC Resolution 1244 such as the establishment of favourable conditions for refugees who wish to return and the guarantee of minority rights in Kosovo are not in place, and thus that Resolution 1244 has not been implemented in full. These and further points are, according to Russia, more urgent for the time being than the final resolution of the Kosovo status question.

Russia also emphasizes the absolute universality of international law. In the Russian view, Kosovo cannot set a “unique precedent”, as this expression is contradictory. It is not the uniqueness of the case but the universality of international law that must be binding.<sup>42</sup> It is curious that in all of this argumentation, the secession of Montenegro is never mentioned. Although Serbia recognized the Montenegrin referendum, Russia has completely ignored this case. This makes it clear that ultimately all that is relevant is whether a particular case is defined as a precedent by another state or states.<sup>43</sup>

### *The Positions of the International Community*

The negotiations on Kosovo’s status are considered to have been completely stalled since June 2007. Until then, there had still been hope in Europe and the USA that Russia could be brought round to support Kosovan independence as envisaged in the Ahtisaari plan if the right offers and concessions were made in other areas. However, in this case, this tried-and-tested method proved fruitless. In the view of the Duma elections that are due on 2 December 2007 and the presidential elections that are set to follow in March 2008, some commentators are already expressing doubts that Russia’s position will change radically before then.<sup>44</sup> Relations are correspondingly tense between Russia and the permanent members of the UN Security Council that favour Kosovan independence, i.e. the USA, France, and the UK.<sup>45</sup>

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41 Cf. Balkan Investigative Reporting Network (BIRN), *Serbia Demands New Talks on Kosovo*, 16 March 2007. Russian demands for a delegation of the UN Security Council to be sent to Kosovo to see the problematic situation on the ground for itself were also seen as a delaying tactic. In fact, a mission was sent to Kosovo for two days at the end of April 2007, though no more far-reaching suggestions have been made. For details, see: United Nations Group Ends Mission to Kosovo Without Clear Plan, in: *New York Times*, 28 April 2007.

42 Putin addresses this explicitly in: Press-konferenciya dlya rossiiskikh i inostrannykh zhurnalistov [Press Conference with Russian and Foreign Journalists] at: [http://www.kremlin.ru/appears/2004/12/23/1414\\_type63380type82634\\_81691.shtml](http://www.kremlin.ru/appears/2004/12/23/1414_type63380type82634_81691.shtml), 23 December 2004; cf. also Stenograficheskii otchet o sobeshchaniï s chlenami Pravitelstva [Stenographic Report of a Meeting with Government Representatives], at: <http://www.kremlin.ru/text/appears/2006/01/100820.shtml>, 30 January 2006. Putin used the same words during an online conference on 6 July 2006. For details of the Georgian position, see: *Civil Georgia*, Tbilisi Fears Russia’s Policy of “Universality”, 2 February 2006.

43 See also Sergei Lavrov’s redefinition: *Civil Georgia*, Lavrov: Kosovo sets Precedent, but it is not Replicable, 21 March 2007.

44 Cf. *ISN Security Watch*, Fears abound over stalled Kosovo status, 26 June 2007.

45 Cf. *Deutsche Welle*, Kosovo Question Contributes to EU-Russia Troubles, at: <http://www.dw-world.de/dw/article/0,2144,2576255,00.html>, 5 June 2007.

In recent months, China has also taken the position that Kosovo should remain a part of Serbia. Russia's warning that Kosovan independence would create a precedent is now also being taken seriously by China, especially in view of the disputes between China and Tibet and China and Taiwan. The Chinese position remains correspondingly noncommittal. Nonetheless, it seems certain that China would also add its own veto to that of Russia if the latter is played.

The United States and the United Kingdom had hoped in vain that they would be able to bring the matter to a vote in the Security Council during April and May 2006 while they held the chair consecutively. Russia has rejected every proposal made thus far. In this respect, it is also problematic that the international community cannot point to a "Plan B" that could be turned to in the case of a Russian veto. If there was hope early on that Russia could be persuaded to refrain from using its veto and to abstain from voting in the Security Council, now no proposal is allowed to go to a vote once Russia has voiced disapproval.

For its part, the USA had already announced several times that it would recognize Kosovo bilaterally. But this is not a solution with immediate prospects of success, either, as the EU Kosovo mission envisaged in the Ahtisaari Plan requires the passage of a new Security Council resolution. Nonetheless, the USA is actively supportive of Kosovan independence. On 10 June 2007, during a visit to Albania and Bulgaria, George W. Bush again stressed that there was no alternative. Explicitly in response to this statement, Georgia and Azerbaijan pointed out once more that the Kosovo status debate had absolutely no relevance to the South Caucasus.<sup>46</sup>

Essentially, Kosovo is treated as a European issue, or, more accurately, a European problem. The European Union has very little with which it can counter Russia's objections.<sup>47</sup> However, a common European foreign policy is urgently needed to deal with this question. Ahtisaari, too, notes in his report that closer relations to European structures are a key motor for the reform process in Kosovo and the further economic development of the region.<sup>48</sup> The lack of a common European strategy results from divisions within the EU, which have been becoming more visible in recent months, even if officials have been consistent in presenting a common front. The fact is that not all EU member states are clearly in favour of Kosovan independence. In particular, states that are also confronted with separatist movements within their territory are nervous of the influence of Kosovo. The sceptics include

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46 Cf. *RFE/RL*, Kosovo: Frozen-Conflict Zones React to Bush's Independence Remarks, 11 June 2007.

47 Cf. *Der Standard*, Pristina droht mit einseitig erklärter Unabhängigkeit [Pristina Threatens a Unilateral Declaration of Independence], 3 July 2007; *RFE/RL*, Kosovo: Stability Pact Head Cites Lack of EU Strategy for Kosovo, 10 October 2005.

48 Cf. *Report of the Special Envoy of the Secretary-General on Kosovo's future status*, cited above (Note 4), p. 3.

Spain, Greece, and Slovakia,<sup>49</sup> as well as Cyprus, Hungary, Romania, and Bulgaria.

These concerns are treated with the utmost seriousness within the EU. The Secretary-General and High Representative for the Common Foreign and Security Policy, Javier Solana, in particular, has in the past repeatedly criticized secessionist tendencies in Europe. In early October 2006, he declared that Kosovo could certainly create a precedent for Abkhazia and South Ossetia. However, he did not see responsibility for preventing a domino effect as lying with the EU but in the hands of Georgia.<sup>50</sup>

Relations between the EU and Serbia have also become strained in the course of the Kosovo status negotiations. While the Stability and Association Agreement with Serbia is not intended to be brought directly to bear on the Kosovo negotiations, voices in Brussels can be heard saying that Serbia's unwillingness to compromise could certainly hamper its long-term chances of EU membership. Serbia finds this completely unacceptable, as it sees no direct connection between the accession negotiations and the Kosovo debate.<sup>51</sup>

### Outlook

Criticism of the oft-postponed decision on the status of Kosovo is growing not only among Kosovo Albanians themselves. With the greatest concern at present being that Priština might make a unilateral declaration of independence, the current situation could be described as extremely critical.<sup>52</sup> The *de facto* division of Kosovo appears to most commentators to be irrevocable. The fear is that Kosovo will suffer a repeat of the fate of Cyprus. UNMIK is already preparing for new disturbances and is expanding troop numbers. KFOR also finds its hand forced, because, according to Resolution 1244, which continues to apply, Kosovo remains an integral part of Serbia. A unilateral declaration of independence would therefore have to be considered as a breach of contract, against which KFOR would have to take action, potentially by arresting leading Kosovan politicians. This creates an urgent requirement for a unified position among all the providers of KFOR troops that does not currently exist.

On 17 July 2007, the fourth and so far last draft resolution was submitted to the UN Security Council. It called for the status of Kosovo to be re-

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49 Cf. *NZZ*, Die EU uneins über Ahtisaaris Kosovo-Plan [EU Divided over Ahtisaari's Kosovo Plan], 11 July 2007.

50 Cf. *RFE/RL Caucasus Report* No. 34, 6 October 2006.

51 Cf. OSCE Press Release, *Rapid EU accession priority for Serbia, Foreign Minister tells OSCE*, 17 July 2007; *Ria Novosti*, Serbien will Kosovo nicht gegen EU-Beitritt tauschen [Serbia Does not Want to Swap Kosovo for EU Membership], 17 July 2007; *RFE/RL*, EU Links Serbia's Strategic Relations to Kosovo, 6 July 2007; *The Guardian*, Russia dismisses Kosovo statehood without Serb agreement, 9 July 2007.

52 Cf. for example, ICG, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, cited above (Note 20), p. 6.

solved within four months. The Albanian majority and the Serbian minority thus have 120 days to negotiate. If these negotiations fail, the plan is for the UN to hand over the administration of Kosovo to the EU, while NATO troops remain stationed in the province. This shows that the Western delegations at least agree that Russia's current position cannot be allowed to hamper efforts to determine the mandate of the EU mission. Efforts to implement the Ahtisaari Plan automatically, however, have been abandoned, and Ahtisaari has since declared his mission at an end. The UN has declared that negotiations must end by 10 December. With very little evidence of progress, the international community is already preparing for Kosovo to declare independence unilaterally immediately after 10 December.

However, initially bypassing the UN Security Council also allows the United States to threaten to recognize Kosovan independence unilaterally, and hence to simply ignore a potential Russian veto. The American option was already considered a possibility by observers in 2006, and is now once more being looked at seriously by the American side.<sup>53</sup> It is also looking more likely that EU states will recognize Kosovan independence as well (at least bilaterally). Efforts to recruit for a possible EU mission have been in full swing for several weeks, even though a decision to send them does not yet exist, let alone a mandate. Proposals to make the next NATO summit in Bucharest in 2008 the deadline for the end of negotiations were thereby nullified. The Serbian parliament used the break in negotiations to pass a resolution on Kosovo that again strengthened the Serbian view that Kosovo is an inseparable part of Serbian territory.<sup>54</sup> At the same time, there has so far been a lack of incentives brought by the EU that could motivate Serbia to rethink.

A similar picture can be seen in the CIS. Despite increasing tension between the various conflict parties, there is no movement in the negotiation processes. No one is willing to compromise, and no incentives are being created that make revising positions more attractive. Russia's linkage of the Kosovo status question to other ethno-political conflicts thus remains a gesture, whose significance cannot be determined. And nor will the coming months make clear the degree to which Kosovo will set a precedent.

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53 Cf. Warren Hoge, U.S. May Bypass the U.N. for Kosovo Independence, in: *The New York Times*, 13 July 2007.

54 The Serbian text of the resolution can be read online at: <http://www.srbija.sr.gov.yu/kosovo-metohija/index.php?id=71576>.