



The Kosovo Precedent

By **Volusia County Foreign Policy Examiner,**

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Serbian Orthodox Cathedral of the Holy Trinity; Banja Luka, Bosnia.

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"It has been said that the wars in the former Yugoslavia began in Kosovo. The solutions to the problem...may have to begin there too" (Freeman 1998, 28). What may seem to be a straightforward territorial question between the Kosovar-Albanian Muslims and Orthodox Serbs concerning the province of Kosovo cannot be easily settled; Kosovo has "...deep historical, cultural, and emotional meaning to both peoples" (Huntington 1996, 130). The tragedy of the former Yugoslavia shows that the dogmatic adherence to the principles of territorial integrity and state sovereignty is extremely inadequate. However, to accord the right to secession such a prominent place in the theory of international justice "...may encourage those vicious circles of suspicion that sustain the most terrible ethnic and national conflicts" (Freeman 1998, 27). It is reasonable to thus conclude that there is a right to secession in theory, but that it should be treated with heavy caution in practice.

Russia warned at the time that American recognition of Kosovo would set a dangerous international precedent; Russian officials "... specifically cited Abkhazia and South Ossetia as places where the Kosovo precedent could apply" (Carpenter 2008, 1). This was later cited by Russia through its recognition of Abkhazia and South Ossetia from Georgia after the brief Russia-Georgia War of August 2008. Russian Federation Council Speaker

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Sergei Mironov stated in a speech in the Federation Council that the people of South Ossetia and Abkhazia have the right to gain their independence from Georgia. The main legal principle he cites for recognizing their independence is "...the fundamental principle of international law -- the right of the people to self-determination" (Radio Free Europe-Radio Liberty, 25 August 2008). However, Andrei Zagorsky, a professor at the Moscow State Institute of International Relations believes that this is not a valid argument. "The precedent they most like to cite is Kosovo, although international law is not based on precedents. ...There exists no strict regulation in international law" (Radio Free Europe-Radio Liberty, 25 August 2008).

Kosovo's declaration of independence from Serbia and subsequent recognition from the United States is cited as a precedent by the Republika Srpska entity of Bosnia and Hercegovina as well. This may clearly be seen through the statement of Igor Radojicic, the president of the People's Assembly of Republika Srpska, who stated on 19 February 2008 that "...the unilateral declaration of Kosovo's independence was seen in the Serb Republic as an international precedent" (SRNA, 19 February 2008). Branislav Dukic, chairman of the Serb Movement of Independent Associations has stated that "if Kosovo's illegal parliament may declare

independence, there is no reason why the Republika Srpska legal parliament would not have that right" (*Southeast European Times*, 15 February 2008). Republika Srpska Prime Minister Milorad Dodik echoed that statement, declaring that "...in the case of a unilateral declaration of Kosovo's independence, others can develop such ideas too" (*Southeast European Times*, 15 February 2008).

Republika Srpska President Rajko Kuzmanovic has stated that the independence of Kosovo from Serbia would be a dangerous precedent that would cause a domino effect of independence drives in regions or areas that wish to break away as well. Kuzmanovic claims that the Kosovo issue "...is of great significance for the international legal and political order. ...It will encourage separatist and secessionist movements in numerous countries and regions..." (*Nezavisne Novine*, 11 February 2008). Staša Kosarac, the head of the Serb floor group in the Republika Srpska parliament said on 29 February 2008 that if Bosnia and Hercegovina should embark on the process of "...international recognition of Kosovo and Metohija, the Serb Republic will launch the procedure of establishing its statehood and legal status" (BHTV-1 2008). These statements are perhaps ominous warnings of events to come.

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The elected leaders and politicians of Republika Srpska are not the only individuals speaking of independence. Certain non-governmental organizations in Republika Srpska are doing so as well. One such example is the Bosnian-Serb People's Movement Choice Is Ours. On 27 March 2008, they organized a rally in Banja Luka under the banners of 'Kosovo is Serbia' and 'Independence to Republic of Srpska.' Dane Cankovic, the chairman, said during the rally that "...if such a right was given to the Albanian minority in Kosovo, the international factors had to apply the same standards in the case of the Serbs..." in Republika Srpska (Vulin 2008, RT-RS Radio).

Although a Kosovo precedent exists -- as much as Washington and Priština may deny it -- new state recognition will only occur if it is in the interests of the United States and other great powers. Today, American strategic priorities are complex, however, as Kosovo proves, antagonizing the Russians still helps. Great power politics and realism continue to drive state policy. States still fear each other and seek to gain power at the expense of other states. Why is this? It is because "...international anarchy -- the driving force behind great-power behavior -- did not change with the end of the Cold War...." (Mearsheimer 361, 2001). The implications of a Kosovo precedent are vast

and dangerous for the Balkan region and the frozen conflicts of the post-Soviet Space.

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