

# Kosovo: A False Pretext for Russian Regional Paternalism

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## Abstract

The Cold War, characterized by its bipolar ideological rivalry, did not resolve centuries-old hostilities between the West and Russia. In order to regain the lost influence and reincarnation of regional hegemony, President Putin wanted a *casus-belli*. The international humanitarian intervention in Kosovo and the latter's declaration of independence were Russia's weak justifications for resuming the old clashes. Interventions in the territories of the former Soviet Union inhabited by Russian speakers, the annexation of Crimea, and direct involvement in the interethnic disputes in the eastern part of Ukraine and the Syrian wars show that Russia is determined to challenge and test the Western commitment to the spread of democracy. The similarities between Kosovo and Crimea, loudly echoed by Russia and their supporters, cannot be academically binding, except in some aspects of tertiary nature.

The brutal prevention of Chechnya's independence in the 1990s and failure to recognize Kosovo while applauding the independence of South Ossetia and Abkhazia present Putin's political inconsistency and Real politic orientation. The Russian annexation of Crimea from Ukraine, and threats to destabilize countries that "do not respect" the rights and interests of Russians wherever they are, exemplify Putin's policy.

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The article aims to analyze the volatility of Russian foreign policy by comparing the case of Kosovo's independence to the annexation of Crimea and Russia's paternalist intentions abroad.

**Key Words:** Kosovo, Crimea, Similarities, Paradigm of Belonging, Paternalism

## 1. Introduction

President Vladimir Putin is set on strengthening Russia and reclaiming its role as a world power. He intends to reach his goal by threatening to cut supplies of natural resources and making military advances through annexations of the neo-czarist type. At the end of World War II, Russia's geopolitical influence had spread further even at the heart of Europe, in the lands of Germany. The end of Cold War pushed the Russian Federation through a painful disintegration and transition, which failed to bring real democracy, because the new Russia within a decade, with Vladimir Putin as its leader, became once again a centralized state. By rectifying the failures of previous leaders, Russia is seeking to return, if not at the top, to the group of powerful states, aiming to uproot the post-Cold War order already established in Europe (Diehl, 2014). Russian awareness of the declining diplomatic, economic, and political reputation during the Cold War and the collapse "of the Soviet Union was a major geopolitical disaster of the century" (Putin, 2005). To this day, it arouses nationalist feelings, making regional influence the cornerstone of modern Russian foreign policy. Putin "clearly regards his hybrid war as payback for Russia's defeat in the Cold War" (Saakashvili, 2015).

States that emerged from the Soviet Union, and especially Ukraine's unprecedented degree of independence gained at the end of the Cold War, were not seen with good eyes by Russian former communists and nationalists. Involvement in territories inhabited by Russian speakers in the former Soviet states, the annexation of Crimea, and interethnic disputes in the eastern part of Ukraine are signs that Russia is determined to challenge the Western democratic peace efforts among Russia's neighborhood. "Understanding [Putin's] motives for occupying and annexing Crimea is crucial to assessing whether he will make similar choices in the future—for example, sending troops to 'liberate' ethnic Russians in the Baltic states—just as it is key to determining what measures the West might take to deter

such actions" (Treisman, 2016)." Besides that, Russia–West rivalries are shifting toward the Middle East, overshadowing the Ukrainian case and dealing with ISIS, which is fighting against the interests of the both, the West and East, and finally against the Arab World. In such circumstances, Kremlin is looking forward to strengthening and widening its geopolitical orbit of influence.

The Russian Federation uses all possibilities to hinder EU enlargement and NATO's expansion towards East and South East Europe by destabilizing the region and supporting autocratic governments. In "An Open Letter to the Obama Administration from Central and Eastern Europe," intellectuals and former CEE policymakers note that Russia "increasingly acts as a revisionist [nation ...] pursuing a 19th-century agenda with 21st-century tactics and methods" (Open Letter, 2009). Intervening in the Caucasus, supporting secessionist movement, and recognizing Abkhazia and South Ossetia as independent states on 26 August 2008 are diplomatic maneuvers aimed at increasing Russian influence in international relations. Raising the issue of these two Georgian regions, Russian diplomacy is attempting to negatively influence the Kosovo integration processes. These tendencies have been loudly echoed by Russia putting at the center of justification the similarities between Kosovo and Crimea. It was not unintentional. Pursuing the cause for future policy of interventionism, to correct the political and territorial loses after the collapse of the Soviet Union, the *casus belli* was found in "the Kosovo precedent," a hotspot of division between the West and Russia for almost two decades. There is no academic argument that may compare the case of Kosovo with Crimea, except on some third-hand similarities. Kosovo was only a pretext; Russia's actual concern were three projects of military, economic, and political nature: NATO's enlargement with Ukraine as a potential member, Ukraine's customs union with EU, and the country's EU membership aspiration.

Paragraph 88 of the Russian presentation to the International Court of Justice on the issue of the legality of Kosovo's declaration of independence (a case initiated by Serbia) speaks about the legal conditions in which Kosovo allegedly seceded:

"The Russian Federation is of the view that [international law] may be construed as authorizing secession under certain conditions. However, those conditions should be limited to truly extreme circumstances, such as an outright attack by the parent State,

threatening the very existence of the people in question. Otherwise, all efforts should be taken in order to settle the tension between the parent State and the ethnic community concerned within the framework of the existing State." (Stepanowa, 2014).

Regarding Crimea, no efforts were made by Russian policy-makers "to settle the existing tensions" between Crimean Russians and the Ukrainian government, except for threats to cut-off gas supplies. There was not a call for international mediation between Ukraine and Russia to address disputes. There was not even an effort or call to conciliate "disputes" because they did not exist! (Putin, 2014). In the absence of international involvement in solving the Russian-Ukrainian conflict, Russian hegemonic and unilateralist behavior could not bring projected aims. According to Russian leader, "a precedent our western colleagues created with their own hands in a very similar situation, when they agreed that the unilateral separation of Kosovo from Serbia, exactly what Crimea is doing now, was legitimate and did not require any permission from the country's central authorities." (Putin, 2014).<sup>1</sup> In this direction, Russian foreign minister, Sergey Lavrov, in a visit to Belgrade said that "there are absurd efforts of those who managed the secession of Kosovo from Serbia without any referendum questioning the expressed will of the citizens of Crimea to join Russia" (Telegrafi, 2015).

Kosovo declared independence after decades of sufferings and all kinds of state atrocities, culminating in acts of genocide such as the mass murder and expulsion of targeted Albanian population from the territory. Russia annexed Crimea without an excuse, except the fact that ethnic Russians are

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<sup>1</sup> Address by the President of Russian Federation, 18 March 2014. Otherwise, the Crimea was annexed by the Russian tsarist empire in 1783, ten years after the defeat of the Ottomans, to be transferred to Ukraine on January 25, 1954, "as a natural consequence of proximity territorial Crimes Ukraine, their economy and agricultural commonalities and close cultural ties between the province' of Crimea and Ukrainian Soviet Socialist Republic. "Meeting minutes from Presidium of the USSR Supreme Soviet" during which the transfer of Crimea from Russia to Ukraine was approved. Meeting of the Presidium of the USSR Supreme Soviet, 19 February 1954, Crimea is dominated by Russian population with about 75% as the result of the policy of cleansing non-Russians, mainly Tatars, by Stalin sending them in areas of Siberia. Since then, Crimea Autonomous Republic was transformed into an autonomous province within Ukraine until the dissolution of the Soviet Union (1991), when advances in Autonomous Republic with referendum held and approved by the Parliament of Ukraine.

in greater numbers in that part Ukraine, as a result of the expulsion of Tatars and others, and the unsuitable characterization of the “holiness” of the territory for Russia, comparing the importance of Crimea for Russia to the worth of Jerusalem for Jews and Arabs (Putin, 2014). According to this logic—“wherever Russians live, there is also Russian sovereignty”—the same fate would follow other territories in the region. Why then, the non-Russian peoples living within Russia do not have the right to be free from Russia domination? Why thousands of Chechens and Tatars were killed and not offered the right to live independently from Russia? Recently, April 2016, Russia has officially banned the Mejlis of the Crimean Tatar people in Crimea – Majlis. (B92, 2016). Crimeans were advised to hold a referendum, plagued by euphoria, fraud, and intimidation, on unification with Russia and without dialogue efforts to resolve the question of ethnic Russians in Ukraine. Kosovars did not aspire to unite with Albania or any other state. Kosovo held a referendum in 1991, but the West recognized Kosovo’s independence only after tremendous suffering of Albanians by the Serbian regime, after a process of exhaustive international mediation (in which Russia had participated), after having exhausted all diplomatic means, and after the humanitarian intervention of NATO forces.<sup>2</sup>

Crimea’s annexation and Russia’s intervention in eastern Ukraine, although Russians deny this, are imperialist actions based on the realistic behavior premises: “I do my work, and then talk.” “What apparently triggered Russian efforts to destabilize the interim Ukrainian government after former President Victor Yanukovych, fled in February [2014], was the interim government’s affirmation of its desire to draw closer to the European Union and sign the Ukraine-EU association agreement.” (Pifer, 2014). Therefore, it is not Kosovo, but the attitude of the majority of the Ukrainian population favoring Euro-Atlantic integration, which has fueled Russian politics to destabilize this important country stretched between the West and Russia and to “discipline” the other countries with similar claims. Moscow does not wish to be surrounded by liberal democratic states, but by those with a leader like Viktor Yanukovych and others installed under Russian influence. Democratization of Russia’s neighbors will take place with difficulties, but “Ukraine’s partition—whether by vote or by force—

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<sup>2</sup> Russia had voted UNSC Resolutions 1199 and 1244 on Kosovo, had participated in all stages of the negotiation process on Kosovo, in Rambouillet, in Vienna, in an attempt to achieve Serbian and Russian goals in Kosovo, ... had participated also in the process of establishing peace troops in Kosovo.

would not only result in a permanent breach between Ukraine and Russia, but could presage at civil war, ethnic conflict and even Russia's possible disintegration (Bugajski, 2014). Not only Chechens, whose rebellion was crushed by Putin, will resist the Russian imperial mentality and supremacy in the East, but over 30 million non-Russians, mainly of Islamic faith, such as Tatars,<sup>3</sup> Bashkirs, and Chuvashs will also seek their independence. Besides that, even Russians would not prefer the caste of oligarchs and corrupt politicians "thirsty for power who surround Putin" (Motyl, 2015). The Russian population would seek instead the democratization of their country, the collapse of Putin's government, or even the dissolution of the Russian Federation. The expansionist ideology, Putin's populism, and sanctions from the West will push Russia "from victory to victory until the final loss." Putin's annexation of Crimea and infiltration in eastern Ukraine were calculated (rationally by him) in the way that Ukraine is not of primary interest to the West as it is for Russia, and the West has no other choice than that of negotiation between war and acceptance of the situation. For that reason, Russia has decided to pay the price of its aggression, not necessary for the US to go to war on this issue (Rose, 2015).

## **2. Following the Concept of Belongingness by Serbia and Russia – Antithesis of Democratic Peace**

Almost every case of a state's gaining independence is special. It is the result of emancipation efforts of peoples seeking freedom from states or regimes that have abused them or in extreme cases expelled them from their lands, which, in certain geopolitical and geostrategic circumstances, became part of such states and regimes. However, the origin, perceived causes, damages, and types of political crises that lead to radicalization are different. Following the end of Cold War, the compact Yugoslav territory

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<sup>3</sup> Number of Tatars from the second half of the 19th century fell apparently. It is known period of hunger 1921-22, when thousands Tatar starving. Now Tatars fear because once (11 May 1944) the regime of the SU deported (exiled) from Crimea two hundred thousand Tatars, who were ordered that within 15 minutes to collect no more than 500 kg elementary needs per family to gather certain points from which were deported to the depths of Russia, in Uzbekistan. See more at: Ann Sheehi, Bohdan Nahaylo, "the Crimean Tatars, Volga Germans and Meschetians: Soviet treatment of some ethnic Minorities", London, 1980, p. 8. Soviet Russian politics did not differ from that of Tsarist. The peninsula's oldest residents are also the ones least keen on Russian rule. Here's why, New Republic, 2014

populated by Albanians was subject to ethnic cleansing, with more than half the population expelled from the country. Witnessing the genocidal tendencies of the Milosevic regime against non-Serb groups in the former Yugoslavia, the West drew lessons on the basis of which it intervened, placing Kosovo under international administration and leading a process of dialogue for almost ten years.

Strict adherence to the sovereignty, integrity, and non-intervention against acts of extreme violence would produce a second Chechnya in Kosovo, a failure of human consciousness and the inability of democracies to spread liberal values in the world. Kosovo waged a peaceful struggle for a decade and an armed struggle for liberation on its own. NATO finally intervened in 1999, preventing human sufferings of proportions never seen in the region, but Albania did not. On the other side, Russia “helped” Crimea with about 16,000 soldiers to create conditions for holding the referendum. When Serbia was not satisfied with proposals on Kosovo’s political status, provided by international mediation that included Russia itself, Kosovo declared its independence, which so far has been recognized by 111 countries. Dialogue on normalization of interstate relations with Serbia, facilitated by the EU and supported by the United States, is taking place. Kosovo was cooperative with the international community, while Russia turned against international commitments. Moscow violated the deal reached with the United States and Britain in 1994 on respecting the territorial integrity of Ukraine in return for Kyiv’s giving up of its nuclear weapons. It also violated the agreement of September 2014, the ceasefire brokered by German Chancellor Angela Merkel and French President François Hollande.

Kosovo’s recognition by the democratic world as a unique case “angered” Russian policymakers to demonstrate their power. They rushed to send indications of influence to former Soviet states and beyond, insisting that Moscow will not allow Western-type democracies in Russia’s vicinity. This means a return to the Cold War under new circumstances. Russian reaction followed immediately after the declaration of independence of Kosovo, intervening in support of pro-Russians in Abkhazia and South Ossetia, two territories of Georgia that became virtually independent in the early 1990s. In 2008, Abkhasian and South Ossetian independence were recognized by Russia, Nicaragua, Venezuela, and Nauru. The same policy has created a large number of frozen conflicts as is the case of Transnistria and now Crimea and other parts of eastern

and south Ukraine, where the Russian population helped by Russia created the independent republics of Donetsk and Luhansk.

This is a Concept of Belonging, in trend among similar regimes of Belgrade and Moscow toward parts of the former Yugoslavia and Soviet Union. The Concept of Belonging is heavily ingrained in the strategic thinking of Russian foreign policy, dictating Moscow's ideological and strategic goals in regional and international developments. It is in the nature of peoples to care for their diasporas, but it is not ethically implementing different standards toward not-belongings. States and world orders undergo constant transformation. Turkey cannot claim that Serbia is part of it because Serbia was part of Ottoman Empire for hundred years. Serbia cannot claim that Kosovo is part of it because both were part of the inexistent, bloodily dissolved Yugoslavia.

Putin has instituted aggressive policies of "considered Russia where Russians are a majority or in significant number" in Ukraine, regardless of the price he would have to pay. Aware that the West will not be involved in any fighting against Russia, Putin considers all options as rational<sup>4</sup> in achieving its goals. Through regional hegemony, he intends to have free energy market corridors across the region, which are as important as owning the energy resources themselves.<sup>5</sup> Putin goes beyond the annexation of Crimea, threatening Ukraine that it will be stable only if it "provides the rights and interests of Ukrainian Russians."<sup>6</sup> And as Nicholas Burns wrote, "Putin's ambition is clear. He wants to dominate all the former Soviet states to Russia's south and west in order to create a buffer zone that will insulate his authoritarian regime from the infection that might eventually destroy it—independent, free market, democratic governments." (Burns, 2015).

According to The Military Doctrine of the Russian Federation 2010. II, 8, a,b.(2010), not one external threat against Russia's sovereignty is likely to be realized, even from NATO actions. Besides that, Putin is turning into

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<sup>4</sup> The White House, Office of the Press Secretary, Readout of the President's Call with President Putin of Russia, President Obama warned Putin if Russia continues its aggressive actions in Ukraine, including by sending troops, weapons, and financing to support the separatists, the costs for Russia will rise.

<sup>5</sup> See more at: *The Ukraine Crisis Timeline*, prepared by Center for Strategic International Studies,

<sup>6</sup> Kremlin, 'Address by President of the Russian Federation'.

cause of the breakdown of the World Order of the Second World War,<sup>7</sup> (re) construction of which will be very difficult and not without consequences for humanity. His way of ruling, based on territorial expansionism and not in the spirit of democratic peace, serves the political philosophy he is trying to impose on the actual international system. At the moment, the Russian president "is deliberately testing the limits of the system and wishes to use the resulting chaos and confusion to his advantage," (Karásek, 2014), entering the stage of developing a dangerous revisionist superpower. Further, in the East, China with actions against its neighbors seems to be imitating Russia, making the existing international system even more uncertain, while they try to accommodate their internal despotism fueled with nationalism.

Trends of pursuing Realpolitik and ignoring the paradigms of liberalism by those key international powers are dangerous to the coming multi-polar system and pose the risk of confrontation between the powers.

### **3. Kosovo, false pretext of Russian hegemonic policy**

There are some third-hand similarities between Crimea and Kosovo cases: their political status held within former federations, their being transferred from one to another state, violent change in the population structure, and internationally unrecognized referendums.

At the end of World War I, Kosovo became part of the Kingdom of Serbs, Croats, and Slovenes (renamed Yugoslavia in 1929). Only after World War II, did Kosovo gain limited autonomy within Yugoslavia/Serbia, which was qualitatively enriched and impoverished with time, and then reduced to a nominal level under the Milosevic regime. Yugoslavia reached agreements with Turkey providing for the resettlement of Albanians to Asia Minor. On the other hand, a large number of Serbs moved in as settlers in southern Serbia, Kosovo, and Macedonia, in order to change the population's ethnic makeup in favor of Serbs. Such ethnic replacements were also implemented in the northern part of Serbia,

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<sup>7</sup> The international order "evident in the Charter of the United Nations itself, between the preservation of states' territorial integrity and the protection of individual rights, including, in extraordinary circumstances, through the ultimate independence of oppressed populations in acts of self-determination..."See Burke-White, William W., "Crimea and the International Legal Order" (2014). *Faculty Scholarship*. Paper 1360 p. 2.].

Vojvodina, replacing hundred thousands of Germans and Hungarians with Serbs and Montenegrins.

Crimea became an autonomous republic within the Russian Soviet Federative Socialist Republic. At the end of World War II, Soviet authorities deported Tatars, Greeks, Armenians, and Bulgarians from Crimea in order to change the structure of the population in favor of ethnic Russians. Former Russian military officers settled in the peninsula, transforming it into a predominantly Russian-speaking territory. Following Stalin's death and the arrival of Nikita Khrushchev, a Russian from Ukraine, Crimea became part of Ukraine in 1954, a decision that was never challenged by the Russian Federation until 2014.

The causes and reasons that led Kosovo to declare its independence and Crimea to join the Russian Federation are different:

1. Yugoslavia practiced unprecedented crimes against humanity. Ukraine did not.
2. Several UN Security Council resolutions condemned Yugoslav oppression against the Albanian majority in Kosovo. No similar resolution was adopted on possible violations against the Russian majority by Ukraine.
3. Kosovo was part of now inexistent federation of Yugoslavia. Ukraine did not dissolve.
4. In Kosovo, the international community intervened to save the people. Russia intervened to annex the territory.
5. UN Security Council and UN Secretary General appointed Maartti Ahtisaari as Special Envoy to work on Kosovo's future political status, after years of work by Kosovo and international institutions on implementing the democratic standards. No one intermediated in the Crimean case.
6. Kosovo institutions have guaranteed minority rights under international supervision. Crimea has not.
7. Kosovo's path to independence was long, gradual process:
  - a) Kosovo went through a decade of peacefully resistance. In Crimea, there was no strong movement for secession, independence, or unification; Russian annexation occurred within a month.
  - b) Kosovo resisted the Serbian military, paramilitary, and police forces during the conflict. No conflict occurred in Crimea.

- c) Mediated by international mechanisms, Kosovo followed a lengthy process of negotiations. In Crimea, there was no mediation to resolve a conflict.
8. Kosovo democratic institutions declared independence in close coordination with Western democracies. Crimea declared independence in haste, and neglected the international law.
  9. Kosovo was under international administration and peacekeeping missions: the United Nation Mission in Kosovo, UNMIK, NATO-led Kosovo Forces (KFOR), the International Civilian Office (ICO), and the European Union Rule of Law (EULEX) mission. Crimea was not.
  10. Kosovo did not become part of another state (*i.e.*, Albania). Crimea was annexed by Russia.
  11. Kosovo's declaration of independence was qualified by the International Court of Justice as an action in accordance with the International Law. Not one respectable international mechanism approved the annexation of Crimea.
  12. Kosovo's independence was not qualified by the United Nations as a violation of sovereignty and territorial integrity of Yugoslavia. The unification of Crimea with the Russian Federation was. (UN General Assembly Resolution. 2014. "Territorial Integrity of Ukraine." Doc. A/68/L.39. New York.)
  13. Kosovo is recognized not only based on the right to self-determination but also as a contribution to regional peace and stability. Who threatened peace in Crimea?
  14. Yugoslav sovereignty over Kosovo was transferred to the United Nations and only gradually handed over to Kosovo interim institutions and finally to internationally supervised institutions of independent Kosovo. Sovereignty over Crimea was abruptly assumed by Russia.
  15. Kosovo is recognized by 111 sovereign states worldwide. Who will recognize the annexation of Crimea by Russia? Authoritarian regimes, democracies?

Comparison of the reasons that led to Kosovo's independence with the causes of Crimea's annexation is, in the words of Angela Merkel, "shameful." It is inhumane or unethical even for the sake of the war victims

in Kosovo to make comparisons between the two cases.<sup>8</sup> Attempts to use Kosovo to justify Russia's actions in Crimea are an unusually blatant application of false moral equivalency. (Somin, 2014). But there are a few scholars who believe that the West will pay the bill for the independence of Kosovo. A few authors "do not see" any difference between the two cases. In fact, they go as far as to see positivity in Crimea's case because there was no bloodshed as it happened in Kosovo, whose independence, according to Parish, was a misstatement option (Parish, 2014). Russia's nonalignment with the West on resolving the Kosovo conflict has not been without a strategic background, setting the stage for a self-fulfilling prophecy: "I warned you, now look." To keep words instead, Russia and its policy of the facts distortion about the abuse of the rights of Russians in the Crimea to create a false case of violation of human rights. Such abusive facts of the Ukrainian authorities to the Russians in the Crimea are not found by the impartial commission.<sup>9</sup> While in Kosovo we have witnessed all forms of physical and structural violence against the majority population, the Albanians.<sup>10</sup> Even if there was a proclaimed violation by the state of Ukraine, it does not entitle Russia to interfere in the form it did in Crimea to "prepare referendum", who had no opposite options<sup>11</sup> as were those in a referendum in Scotland, pro or against separation from the United Kingdom, (UK). If Russian leadership is so generous, why we have cases of people who live in Russia (Chechens) that they were brutally violated by Moscow when demanded and fought for secession from Russia? Chechenian independence did not come into play, much less its union with any state outside Russia because of the stronger. Humanitarian intervention in Kosovo was "illegal but legitimate", it was a multinational intervention to stop ethnic cleansing and eradication of a compact Albanian

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<sup>8</sup> In Kosovo were around 12,000 killed, at "Kosovan death toll is its argument for independence", (Telegraf, 2009). Approximately 20,000 raped women, see at: Lilja Arnlaugsdottir, IN THE NEWS – Still no recognition of Kosovo war victims of rape, Women for women, 2013. Around one million expelled from their houses, see at: Kosovar Refugees, May 1999, Volume 6, Number 5, Forced Migration Review, issue 6, 1999.

<sup>9</sup> Office of the United Nations High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine of 15 April 2014.

<sup>10</sup> The Independent International Commission on Kosovo, (2000). The Kosovo Report: Conflict, International Response, Lessons Learned (OUP, Oxford 2000), p. 186.

<sup>11</sup> Choice 1. Are you in favor of the reunification of Crimea with Russia as a part of the Russian Federation? Choice 2. Are you in favor of restoring the 1992 Constitution and the status of Crimea as a part of Ukraine?

population. This was not the case in Crimea. In contrary this was the case of preparation for the annexation by the aspirant, Russia.

The intervention did not happen "to make Kosovo part of Germany or the USA... that of Crimea happened in order to return Crimea to Russia...and the other issue is that the Russian population was not threatened... These sorts of risks had existed in reality in Kosovo, but were inexistent in Crimea "(Altmann, 2014). Not one country participating in the military intervention in Kosovo had any pretensions to annex Kosovo. To "forget" Crimea, Russia went further, by promoting, organizing and supporting the Russian radicalized elements to the conflict inside the Ukraine with a significant percentage (but still minority) Russian. The act of annexation of the Crimea is similar to that of the case of "Kosovo's voluntarily association to Serbia"<sup>12</sup> during the 1945 under Yugoslav martial law.

Ukrainian division (Crimea annexation) by Russia is illegal based on the applicable international law, since the unilateral secession of Crimea from Ukraine is influenced by Russia's military assistance.<sup>13</sup> In addition, the Crimea has not been the subject of decolonization, the division is not defined by the Constitution of Ukraine, its territory has not been occupied or annexed after 1945, secessionists are not "the people", and that separation is not the result of flagrant human rights by the government of Ukraine. (Stepanowa, 2014).

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<sup>12</sup>Military Administration, set on 8 February, 1945 by the Yugoslav authorities, in order to combat the Yugoslav contra-revolutionaries, of possible discontent Albanians, part of Yugoslavia but distributed in Kosovo, Macedonia and in Montenegro. In Prizren, on 8-10 July 1945, was held Provincial Council Meeting People of Autonomous Province of Kosovo-Metohija, in point 6 of the agenda was the draft - resolution for the annexation of Kosovo - Metohija to Federal Serbia; a few days later, on 23 July 1945 the Federal Assembly on September 1, 1945 and then Serbian Parliament, adopted resolutions on Kosovo as part of Yugoslavia-Serbia, Kosovo issue was considered in formal and legal terms as closed. People who opposed the resolution seriously suffered from the Yugoslav-Serb regime. See at: Sabile Keqmezi-Basha, reactions of national forces in Kosovo against the decisions of the Assembly of Prizren (1945).

<sup>13</sup>There are some circumstances when secession could be considered as legal: (1) when dealing with the peoples of territories which are the subject of decolonization; (2) if provided by national legislation of the country of origin; (3) when the territory inhabited by a certain people has been conquered or annexed after 1945; (4) secessionists should be "people"; (5) When the mother country flagrantly violates their human rights, and (6) when there is no other effective remedies under national or international law. At: Quebec case, 2 S.C.R. 217, para.123 (1998); Pellet A., Ellet A., The Opinions of the Badinter Arbitration Committee: A Second Breath for the Self-Determination of Peoples, 3 EJIL 178.

In the case of Kosovo, at least two elements made it possible for Kosovo to declare independence, first, flagrant violation of the human rights of Albanians; and, second, secession came after spending all other effective means, as a remedy. Kosovo's secession from Serbia, recognized by many scholars as the "remedial secession" was the result of Serbian crimes against the Albanian population, the denial of the right to inner self-determination, the extreme political and legal marginalization of a population which was among the largest in the former Yugoslavia.

While, intervention in Crimea was not humanitarian one, it was of strategic national interests of Russia to control the Black Sea region. Kosovo's independence is declared by the Assembly of democratically elected (without the participation of the Serbian Assembly Members) nine years after the administration and state building by international and national efforts, and after a negotiation process in stages brokered by international mechanisms, which in terms of international relations is called a *sui generis* case. While Crimea's transfer, from Ukrainian to Russian administration took five days after the referendum and without negotiation process, which is against international law, voted under military pressure by the Parliament and after forced to resign by prime minister of Crimea, Anatoliy Mohyliov (although supporters of ousted President Yanukovych), and replacement by Sergei Aksyonov. In this aspect, the political party with separatist aim from Ukraine, the Party of Russian Unity, at the last elections had won only 4% of seats in Parliament! (Interfaks Ukraine, 2010).

At the time of the declaration of independence, Kosovo was not administered by Serbia but by democratically elected institutions of Kosovo and the UN mission while Crimea was under Ukrainian administration. The mandate of UN mission in Kosovo as peacekeeping and institution-building derived from Security Council Resolution of the UN. This mission was established with aims to prepare the ground for Kosovo's political status, overseen by the states as part of the UN Security Council, supervised by international mechanisms such as Contact Group,<sup>14</sup> OSCE, and NATO. Kosovo's declaration of independence was an act which,

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<sup>14</sup> The Contact Group had either come in three basic elements (three No) in which to base the future political status of Kosovo: No return to Serbian sovereignty, No partition of Kosovo, No union with other territories. See at: United Nations Security Council, (2005), "Guiding principles of the Contact Group for a settlement of the status of Kosovo", document S/2005/709, New York. Letter dated 10 November 2005 from the President of the Security Council addressed to the Secretary-General, point 6.

according to the highest UN judicial body, the respectful International Court of Justice, was not in violation of international law. In the same way, Karasek sees some substantial differences between the two controversial cases: the Yugoslav province saw international military action only after years of brutal internal armed conflict (nowhere to be seen in Crimea); the intervention was not motivated by territorial claims (anyone recalls the US wanting to annex Kosovo?); the humanitarian intention may have been controversial but was manifestly not based on national affinity (where Russia talks of protecting “our people”, NATO talked of saving “people”, full stop); the intervention was multilateral and backed informally by the UN Secretary General (difficult to imagine in the present context); and, finally, the separation of Kosovo came about as an unwanted outcome not welcome by many (NATO members remains split over this issue). This list does not make the Kosovo intervention less controversial, but sufficiently explains how starkly it contrasts with the current Russian actions and rhetoric. (Karásek, 2014). Kosovo's independence is recognized not only on the principle of the right to self-determination but as a necessity and a solution that stabilizes peace and strengthens security in Europe and beyond. In addition to these distinguishing elements, Kosovo has embarked on a process of achieving reconciliation with Serbia, for technical and political aspects. UN authorities have not recognized the results of the referendum in the Crimea, except Russia and China’s abstaining in the UN Security Council, at General Assembly only 11 countries were in favor, currently following Russian politics.<sup>15</sup>

Within few similarities, there is that of conditions within annexations of Kosovo from Serbia and Crimea from Russia happened. The formal legal acts undertaken in the period of military regimes established for this purpose (Serbia settled military regime in Kosovo, 1945) or with military presence just before the decision (Russia’s military presence with some 16 thousand troops in Crimea, 2014).

Internationally unrecognized referendums held in Kosovo and Crimea, present a similarity between, the results of which are known respectively from Albania and Russia and not by the world's democracies. While the

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<sup>15</sup>General Assembly Adopts Resolution Calling upon States Not to Recognize Changes in Status of Crimea Region. Armenia, Belarusia, Bolivia, Cuba, North Korea, Nicaragua, Russia, Sudan, Syria, Venezuela and Zimbabwe, were states that vote pro Crimean referendum results. See discussions and the text of resolution of 27 March, 2014 from Canada, Costa Rika, Germany, Lithuania, Poland and Ukraine.

referendum in Kosovo (1991) lasted four days, in Crimea it was confidential without debate and the options that were placed on the ballot papers did not have a section where citizens would say "no" to union with Russia. The Putin's political school is going to be applied by the Serb leaders, continuing to prevent the integration path of Kosovo into international mechanisms and try to turn Kosovo into a frozen conflict. Kosovo, slowly but surely, is being recognized by states (111 of them), various global and regional organizations, the annexation of the Crimea or the declaration of independence of South Ossetia and Abkhazia are not in a similar parameters and indicators with that of Kosovo.

#### **4. Russian realistic context and western support to Ukraine**

How to explain the fact that the act of annexation of Crimea accommodates only 58% of its population. What with others who do not feel comfortable inside the Russian state? Why should 17% not threatened Russians become threatening to Ukraine? Why different standard for Chechens, to whom are not allowed secession from Russia as Crimea was allowed to join Russia? For which double standards of the West speaks Russian leadership, which is applying the double standards inside the country and led by nationalist politics is turning the world into a war even more outrageous than that of after WWII? Russian action in the case of conflict with the Chechens and annexation of Crimea is based on the principles of realist paradigm, "I want to become powerful, so, what you can do", in an anarchic international environment, and not over the ethical principles of international relations. According to this principle, within authoritarian (and powerful) country a population which does not belong to the majority (ethnic, religious or racial) and that is involuntary part of that country had the possibility to be assimilated, disappear or deported by the decision makers and certainly have not the right to self-determination. To this kind of states coercing, beating, torturing of the certain ethnicities by the state is usual behavior and no one from outside have the right to care, even less to intervene to stop the violence. In such countries "dominance of informal influence" (Kimage, 2009), is wider spread norm of governance. Types of these countries do not want international norms, systemic rules within which they "have" the right to expand their territories, to annex part of another state because of the past, not to respect the right of another population or group which does not belong to the

majority of population. International law does not recognize a threshold of state violence or patience when to a people "the cup is filled" and ask for self-determination right. In these authoritarian countries there are not such kind of limits or do not provide in their law the right to self-determination, which is not the same to democratic states. In the UK it is allowed a referendum on secession if the Scottish people want it.

In Crimea, violence did not appear (which was good), but the dissatisfied parties were silent (for now) in order to avoid the immediate conflict. Russia's interference in Ukraine, occupying a third of its territory, undermining the work of the new government, and promoting ultranationalism among the ethnic Russian minority after the collapse of pro-Russian Yanukowich government, constitutes a serious challenge to the current international system after the Cold War. To overcome the East-West disputes, "the Euro-Atlantic community should reconsider its overall stance towards Russia and contemplate more effective ways to retry its socialization into the system." (Karásek, 2014). "What is being decided in Ukraine – the largest country in Europe – is whether the post-Soviet space will be allowed to free itself from a vicious cycle of inefficiency, corruption, violence and failed governments to build instead modern, open, democratic societies." (Saakashvili, 2015).

Russia's intention, based on the Putin doctrine of the right to use military force to defend ethnic Russians in neighboring countries, is to reach its geopolitical and geostrategic goals based on the argument of power:

- To hinder democracy in neighboring countries and likely beyond neighbors, or to exterminate aspirations of states around Russia toward political, security, or economic integration in international mechanisms;
- To expand Russian territory and factorize Russians wherever they live;
- To impose Russia's regional hegemony, with greater claims based on Realpolitik and aggressive imperialism;
- To divide (if possible) along the Dnieper river, to federalize or decentralize Ukraine, and to obstruct integration in Western mechanisms (following Bosnia's model or imitating Serbia's destabilizing efforts against Kosovo), but to avoid a new frozen conflict (as in the cases of Transnistria, Nagorno-Karabakh, South

Ossetia, or Abkhazia) due to Russia's interest in transporting energy through Ukraine;

- To represent the West and its policies, for domestic consumption, as dangerous for Russia, and to detract public opinion from common internal problems;
- To prevent, in the longer geostrategic terms, Ukraine's access to the Black Sea and Azov shores (Russia may also seek to control the shores all the way to Moldova, thereby linking its territories with Transnistria and ruling the landmass between the Black and Baltic Seas, crucial for energy exports);
- To support pro-Russian politicians in the Balkans, where pan-Slavic ideology, fatigue from the EU enlargement process, and bad governance (with rampant corruption and clientelism) provide better grounds for ties with Russia than the West;
- To cause political and economic divisions within the group of EU and NATO, considering that trade between the EU and Russia is 10 times larger than trade between the United States and Russia.

Putin and his oligarch class could face the Western determination to support and protect Ukraine in the economic, political, and military fields. Rebellion driven by the Putin politics in Ukraine will diminish through sustainable and strengthened sanctions, which will force Putin to rethink his aggressive imperialistic actions. Western consensus in the three areas of support would send positive signals to countries aspiring for Euro-Atlantic integration and for the expansion of democratic peace in this region ridden with democracy deficit. Such Western behavior sends a message to the Russian leaders that rules of the game cannot be changed by force. Possible negotiations should consider the demands of the Russian minority, forcing Ukraine to accept a decentralization of power (as in the case of Kosovo) as one of political solutions, but preserving without doubt the integrity of Ukraine as a whole. For this, Russia needs to reflect on respecting the territorial integrity of Ukraine. Otherwise, disastrous consequences for its economy will be inevitable.

In the meantime Russian leaders will begin to behave rationally leaving behind pan-Slavic feelings for the good of humanity.

Russia will challenge the westernization of Ukraine. According to realist thinkers (H. Kissinger, J. Mearsheimer), solving the Ukrainian crisis will be in form of mutual compromises – “*great bargain*” – by the West and Russia.

The parties will agree on Ukraine not being a NATO member, but will permit Kyiv to associate with civilian EU mechanisms and create any government by the will of its people. The compromise should make Ukraine a bridge between Russia and the West. The European Union's "bureaucratic dilatoriness and subordination of the strategic element to domestic politics in negotiating Ukraine's relationship to Europe contributed to turning a negotiation into a crisis." (Kissinger, 2014). The United States and the EU "tend to believe that the logic of realism holds little relevance in the twenty-first century and that Europe can be kept whole and free on the basis of such liberal principles as the rule of law, economic interdependence, and democracy," (Mearsheimer, 2014), but reality has shown that realism or Realpolitik paradigms will continue to be implemented in international relations disputes.

There are justified reasons for the West to support Ukraine. The Western interest to promote democratic peace in this region with democracy deficit and threatened by an authoritarian country, such as Russia, is a contribution to world security. For reasons of ethics and peace, Ukraine agreed to surrender the military arsenal it inherited after the collapse of the Soviet Union: over 1,900 nuclear warheads, 176 intercontinental ballistic missiles, and 45 strategic bombers, (Steven Pifer, 2014), in this way, disarming Ukraine "facilitated" Russia's annexation of its territories. The nuclear disarmament was done with U.S. intermediation. Ukraine contributed to peace missions around the world and according to the needs of international organizations and the Western countries. Russian misinterpreted election and referendum results. International observers in the previous elections, held on May 25, 2014, gave high marks to the process. Four of the top five presidential candidates, who were pro-Western, won 77 percent of the votes (Steven Pifer, 2014). Probably, the West did little work to befriend Russia, which lost the Cold War; doing so is an important factor of preventive policy, resurrecting the mutual trust between hostile parties.

In finding a solution for Ukrainian-Russian disputes, the process of negotiation and addressing the demands of minorities is crucial. Such a policy is being implemented by the West in the Kosovo-Serbia case, without bypassing Serbia in the process of integration and cooperation or leaving Belgrade with a sense of complete loss, as it happened with Germany after World War I. Kosovo is following the path and instructions of democracies to which it belongs. Alternatives are wrong choices.

## 5. Conclusion

More than half of world sovereign states (currently, May 2016, 111 states recognized Kosovo), including Western democracies, have recognized Kosovo's independence. Kosovo is a *sui generis* case, unlike any other. Moscow's expansionism, however, is based on its policy of *Russian Belongingness*—intervening in territories with ethnic ties to Russia. No similarities between Kosovo and Crimea exist, except for some third-hand ones. Putin's policy of comparing Kosovo with separatist movements in the Caucasus and the annexation of Crimea is only a pretext, not based on reality, aiming for realization a buffer zone between Western democracies and Russia.

Putin and his oligarch class could face the Western determination to support and protect Ukraine in the economic, political, and military fields. Rebellion driven by the Putin politics in Ukraine will diminish through sustainable and strengthened sanctions, which will force Putin to rethink his aggressive imperialistic actions. Western consensus in the three areas of support would send positive signals to countries aspiring for Euro-Atlantic integration and for the expansion of democratic peace in this region ridden with democracy deficit. Such Western behavior sends a message to the Russian leaders that rules of the game cannot be changed by force. Possible negotiations should consider the demands of the Russian minority, but preserve without doubt the integrity of Ukraine as a whole. For this, Russia needs to reflect on respecting the territorial integrity of Ukraine. Otherwise, disastrous consequences for its economy will be inevitable.

Rationalist attitude by Russian leaders, leaving behind pan-Slavic nationalism and expansionist policies, in meantime allowing the spread of democracy even among Russia's neighbors, is the best way to provide for security in the modern world system.

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