

“The Kosovo Precedent”: Russia’s Rationalization of Military Interventions and Territorial Revisions in the “Post-Soviet Space”

Valur Ingimundarson, University of Iceland

The paper explores how Russia has used NATO’s 1999 military intervention against Serbia—which was undertaken in the name of “humanitarian warfare”—and subsequent Western support for Kosovo’s independence in 2008 to justify its own use of force and recognition of secessionist regions in Georgia and Ukraine as sovereign states. It shows that to do so Russia had to devise a whole new set of legalistic and political arguments that contravened its previous positions on secession rights as embedded in the constitutional arrangements of the former Soviet Union. It argues that this doctrinal shift has, furthermore, opened up possibilities for further territorial revisions in former Soviet republics on the basis of spheres of influence.

Prior to Kosovo’s unilateral declaration of independence, Russia had consistently advocated against any right to unilateral secession and refused to recognize territorial changes in the former Soviet republics. Thus, even if Russia was partly responsible for maintaining the “frozen conflicts” in Abkhazia, South Ossetia, Transnistria, and Nagorno-Karabakh, it refused to recognize any of these secession-aspiring territories as independent. Yet, in a major policy change, Russia began, in 2008, to argue that former autonomous units in what it termed post-Soviet space could have a right to secede based on the “Kosovo precedent,” especially, if not exclusively, with reference to the contested legal doctrine of “remedial secession.”

In the paper, it is contended that while legal arguments can be made for drawing comparisons between Abkhazia (and, to a lesser extent, South Ossetia) and Kosovo, the same does not apply to Russia’s annexation of Crimea or its recent confer of state recognition on Donetsk and Luhansk. Similarly, any attempt to construe a direct political analogy between the Kosovo case and those of Georgia and Ukraine should be discounted. It is argued that Russia’s political motives can be explained by what Vasile Rotaru and Miruna Troncotă have characterized as two legitimization claims in Russia’s political discourse: the notions of *competition*—based on the desire of being on an political equal footing with Western states—and *mimicry* designed to justify Russia’s own military interventions and interpretations of secession rights by emulating Western arguments with respect to other geographical areas, notably the former Yugoslavia, whose constitution was based on the Soviet ethno-federal model.

Finally, the paper shows that Russia’s decision to recognize Donetsk and Luhansk as independent states just prior to its 2022 invasion of Ukraine is a prime example of how far its political practices have transgressed from its original legal position. While Crimea had autonomous rights within Ukraine before its annexation, the two entities in the Donbas region have, historically, never had a self-governing status.