
From Kosovo to South Ossetia : in search of a precedent

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When Europe and the US advocated the independence of Kosovo, many experts warned that its impact on the Caucasus would be destabilising.

The Allies responded by repeating that Kosovo was a unique case and should not be seen as a precedent. At that time this position was interpreted either as ignorance or wishful thinking.

Just a few months after the unilateral declaration by Kosovo of independence, its consequences have already reshaped the international system, challenged regional security in Eurasia and provoked a chain of events leading to the most devastating war in the Caucasus since the collapse of the Soviet Union. As we move from the military phase of the Georgian-Russian conflict over South Ossetia towards the resolution of the status of Georgia's two break-away regions, the Balkans experience will continue to dominate the minds of Ossetians, Abkhazians and Georgians alike and further aggravate Western-Russian relations.

Similarities

It is hard to explain to the residents of South Ossetia, which have been subjected to another attack by the Georgian military, why they do not deserve independence like Kosovo Albanians.

One has to be blind not to notice many similarities between Kosovo and South Ossetia. First, we are talking about a people - the Ossetians - whose rights have been repeatedly violated, including repeated attempts to use brutal indiscriminate force leading to civilian casualties and a mass migration of the population. Under Georgia's first president, Zviad Gamsakhurdia, over 80,000 ethnic Ossetians were expelled from many parts of Georgia - the majority of them were living outside of South Ossetia in places like Borzhomi, the Kakheti region and Tbilisi - and 15 years on many of them still live in refugee settlements in North Ossetia.

Two years ago, under pressure from the Council of Europe, Georgia adopted a restitution law recognising crimes committed against ethnic Ossetians, but has not allocated even one Lari (the Georgian currency) to implement this law and to return property to these people. In 1992 and 2004, Georgia used military force in South Ossetia targeting local residents and forcing them to flee. Now once again Georgia has used force, causing hundreds of casualties, dead and wounded, among Ossetian civilians and forcing the majority of the republic's residents to flee into Russia. This track record clearly adds up to persistent and unlawful acts of violence and discrimination committed by Georgia against the same ethnic group with the ultimate result of uprooting most of their population from Georgia, including South Ossetia, and forcing them to relocate abroad into Russia.

Secondly, we are dealing with a situation in South Ossetia where Georgia has not been in control of the territories and the residents living there for over 15 years. In fact it has not been in control of South Ossetia since the end of the Soviet Union. The population living in the conflict zone has experienced economic hardship and had to depend on international support from Russia in order to keep its economy going and to get its pensions and salaries paid. Georgia has invested funds to develop economic projects in

Georgian populated parts of the region, but has not allocated any resources or developed any programmes to benefit ethnic Ossetian communities within South Ossetia.

South Ossetia has been developing embryonic forms of self government, including holding elections, maintaining law and order and providing public services. Although their record is far from being perfect and the elections have been surrounded by many allegations of pressure and vote rigging and the Georgian population of South Ossetia has not taken part in these elections, by and large they have enjoyed the support of Ossetian population in South Ossetia.

Thirdly, despite Georgia's proposed peace plans there is no provision in Georgia's Constitution which would allow South Ossetia to obtain an autonomous status within Georgia providing control over its affairs and maintaining special relations with the Ossetian population - many of whom are expelled from Georgia against their will across the border to North Ossetia. Residents of South Ossetia have already voted twice in referendums in support of independence.

Finally, the international community has failed to achieve any significant progress in promoting peace and reconciliation between Georgian and the de facto South Ossetian authorities.

In all these respects the story of South Ossetia is similar to that of Kosovo and the plight of the Ossetian people who reside in the region has been as desperate and urgent as that of Albanians in Kosovo. Yet, unlike Kosovo, their voice has not been heard by the international community at large. What is the reason for this and could it change now after the latest war has attracted much high international exposure that any previous instances of Georgian-Ossetian conflict?

Differences

The recent tragedy which has befallen on Ossetians has prompted hopes for a speedy recognition or at least for a clear international condemnation of Georgia's violence against them, which they see as an ethnic cleansing or even genocide. However, neither of these expectations is likely to be met. In the past two days, both German and the US leaders have clearly reaffirmed their support for Georgia's territorial integrity which means that they are not considering the recent conflict as a strong enough reason for reopening the issue of status for South Ossetia outside Georgia.

In the past, an armed conflict involving an ethnic province - like in the case of East Timor or Kosovo - was used to create momentum for legalizing secession or prompting recognition. In the case of South Ossetia, any similar momentum has been overshadowed by the inability of the UN SC to pass a resolution condemning Georgia's attack, and later by Russia's own disproportionately extensive intervention against Georgia, which shifted the international focus away from the Georgian-South Ossetian dispute toward the Russian-Georgian conflict.

In addition there are a number other important differences between Kosovo and South Ossetia in the eyes of the international community. Firstly, if South Ossetia really wanted to gain international support it had to show its capacity to interact with the outside world, to speak its language and to reach out to those constituencies within the international community who care deeply about human rights and small nations. So far, however, it has been seen mostly as a "Russian puppet" as an instrument of influencing Georgia and preventing its integration with the outside world. Sadly, the recent Russian intervention and South Ossetian statements refusing the deployment of international observers will work only to reinforce this image.

Secondly, the Ossetian issue is no longer seen as a conflict between Georgia and South Ossetia or as a human or ethnic rights issue as Kosovo is being presented by the West. It has become an element of the wider Russian-Georgian conflict. In this context the fate of South Ossetia will be decided not on humanitarian or international law grounds but on geo-political realities of new Western-Russian strategic relations, in which any recognition of South Ossetia concerns by Europe or the US will be seen as a concession to Russia, as a justification for its military offensive against Georgia and as a recognition of Russia's claim to establishing spheres of influence in its near abroad.

Thirdly, there is no clear process for approaching any future negotiations on the status of South Ossetia. The Moscow agreement which laid the basis for creating Joint Control Commission has been violated by Georgian military action in South Ossetia and will be further undermined by a South Ossetian refusal to admit Georgian troops as part of tripartite peace-keeping force. A new agreement to supersede the Moscow Treaty is yet to be developed and the 6 point plan agreed with mediation by President Sarkozy does not provide any clear mechanism for new negotiations.

It is clear that such mechanism cannot escape greater engagement by the international community, particularly the EU which has played such an important role in bringing the conflict to an end and unlike the US has taken a more nuanced and balanced approach. While the Ossetians and the Russians might see the increased internationalisation of the peace process as a threat to their interests and possible as a benefit to Tbilisi, ultimately, they cannot escape greater engagement by the international community if they hope for any change of status for South Ossetia. The discussions in the UN Security Council have demonstrated clearly that Russia on its own cannot carry enough diplomatic weight within the SC to persuade even its less prominent members to accept its arguments on humanitarian aspects behind its intervention in South Ossetia.

In Kosovo the change of status was prompted by the growing international understanding that maintaining the status quo combining international administration, de facto independence and de jure Serbian jurisdiction is unworkable and entails a real "loss of face" for the West. In South Ossetia and Abkhazia the international community not only thinks that it can continue to insist on Georgia's territorial integrity with no real responsibility for the consequences, but they increasingly view any potential change of status as a dangerous liability for Europe and the US. It is now Russia's turn to prove that South Ossetia and Abkhazia can achieve a new status without creating a precedent whereby Russia can intervene militarily in support of pro-Russian communities in neighbouring states.

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