

What's Good for Kosovo Is Good for Crimea

By [Mike Walker](#)

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Few situations in recent history been more controversial than Kosovo's 2008 declaration of independence from Serbia and the subsequent 2010 ruling by the International Court of Justice in The Hague that Kosovo's actions were not in direct violation of international law.

Serbia and its allies, especially Russia, saw Kosovo's secession as a direct affront to the territorial integrity of an established and recognized nation-state. They were surprised that the U.S. and other leading nations would rush to recognize Kosovo's independence. Even now, it is still a hot issue in the Balkans.

With Crimea's secession from Ukraine and its subsequent annexation by Russia, a similar situation has arisen. It is not surprising that many people are comparing Crimea to Kosovo. Although many of the comparisons are valid, Western analysts — who are often pro-Ukrainian — have overlooked the fact that, if anything, Crimea's legal and historical status makes it more apt for removal from its parent state than Kosovo.

In 1954, in celebration of centuries of "Russian-Ukrainian cooperation and friendship," Soviet Leader Nikita Khrushchev issued a decree providing the transfer of Crimea from the Russian Soviet Federal Socialist Republic to the Ukrainian Soviet Socialist Republic as a "gift."

I can think of very few historical cases where an entire vast territory was given from one state to another akin to a crystal vase in recognition of friendship. The king of Norway, Christian I, in 1468 gave the Orkney Islands to the king of Scotland as part of Christian's marriage to that king's daughter, but otherwise few precedents exist — especially in modern times.

The Crimean affair was, however, highly symbolic. The official decree from Khrushchev even stated it was symbolic. After all, Crimea was still a subject of the Soviet Union regardless of which specific republic it fell under. The transfer had little effect on the way it was governed, and nothing changed in how it was viewed in international relations.

Yet, despite the decree's odd claim of being symbolic of the longstanding bonds and connections between Crimea and Ukrainians, most native Crimeans are either Crimean Tatars or Russian-speakers more aligned with Russian culture. Only a minority of the peninsula's citizens are in fact ethnic Ukrainians who speak Ukrainian instead of Russian.

Although these facts of ethnicity, language and culture have been widely reported in the Western media as the key factor underlying Crimea's desire to leave Ukraine, the historical reason for Crimea having been part of Ukraine in the first place has been largely overlooked.

While Crimea entered Ukraine in 1954 as a region, its status was changed to that of an "autonomous republic" in 1991 by Kiev in recognition of its differences from the other regions of Ukraine. This is a crucial point because it indicates that even Ukraine acknowledged Crimea's unique situation.

In 1994, Crimea's leadership expressed its desire to leave Ukraine and establish itself as an independent state, but Kiev swiftly restricted the powers of the Crimean parliament and stripped it of the privileges of self-rule. Ten years later, we are again faced with the question of Crimean independence.

The Euromaidan movement was widely opposed in Crimea and gave further impetus to its traditional separatist aspirations. The region's citizens believed that the political strife in Kiev would only spell economic disaster for the Black Sea peninsula as relations soured between the new government in Kiev and Russia.

The decision to integrate Crimea into the Russia as a republic mirrors Ukraine's 1991 decision to grant Crimea greater autonomy. This decision reveals a very high acuity of understanding of the independent status of Crimea as distinct from the larger state it is aligned with, be it Ukraine or Russia.

In judging the legitimacy of Crimea's decision to break away from Ukraine, it is important to recall that the International Court of Justice examined the following issues when considering its status of Kosovo as an independent nation:

- The presence of distinct majority ethnic, religious, and/or linguistic differences from its former parent state.

- The historical situation of the state and the recent changes of polity to related states.
- The native ability to self-govern — the presence of highly developed mechanisms of democratic government supported by the will of the people.
- The desire of the majority of citizens to see their native territory formulate a separate state of its own.

With Crimea, the 1954 transfer to Ukraine was predicated on the fact that both Russia and Ukraine were under the administration of the Soviet Union — a condition that leaders of the time probably never envisioned changing. Crimea's security, its economic role and ability to access key means of trade and transport, its access to all aspects of a developed society were guaranteed not by Russia, nor Ukraine, but by the Soviet Union.

After the collapse of the Soviet Union, that highest authority over Crimea by default became Ukraine, a nation now in transition.

While the March 16 referendum could have been carried out in a better manner, Crimea's desire to foster its annexation into Russia should surprise no one. In light of the general response to Kosovo it should not enrage anyone who supported Kosovo's independence.

Ilya Somin, a professor at George Mason Law School argued in the Washington Post on Monday that Crimea does not meet the same ethical tests as Kosovo because, unlike in Kosovo, Crimeans have not been outwardly threatened with physical harm. He also argues that Russia was greatly opposed to Kosovo's independence, so how can it possibly support Crimea now? Somin missed a couple of other key points.

First, while the situation in Crimea is not as dire as in post-war Kosovo, the possibility of economic peril under the new Ukrainian government is very real. People should not have to face the threat of ethnic cleansing, as they did in Kosovo, to seek a better life for themselves.

Second, the circumstances of Crimea's inclusion in Ukraine is unique and makes little sense in today's post-Soviet world. Kosovo's position was different. Its unity with Serbia was a completely different matter. Russia opposed the disunion of a nation, not the return of a territory that was only given away in a good will gesture by the Soviet leadership. It is easy for the U.S. and Western Europe to conjure up the specter of Russia returning to Cold War views, but it is clouding their judgement.

Russia's interest in Crimea is one of honoring Crimea's own wishes and attempting to remedy a historical mistake. The "symbolic gift" of Crimea in 1954 was ceremonial, unnecessary and useless to the Crimean people. Now, there is not only an opportunity to correct that error but compelling reason to do so. If Kosovo was allowed to turn itself into a legitimate nation-state, then so should Crimea.

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