

Statehood in Modern International Community: Kosovo, South Ossetia, and Abkhazia

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The dissolution of the former socialist bloc unleashed separatist claims that had been dormant for decades during the communist rule. These centrifugal forces led to turmoil, which resulted in frozen conflicts and the formation of various separatist entities concentrated between the post-Soviet space and the region belonging to the former Yugoslavia. Among these, Abkhazia and South Ossetia, on one side, and Kosovo, on the other side, attracted particular attention because — unlike other separatist forces — they have received a certain recognition within the international community.

The Georgian breakaway regions and Kosovo have been compared multiple times by politicians and scholars because of the similarities in their recent development. For instance, the Kremlin used this comparison to underscore the incoherence of their adversaries since many Western countries recognized the secession of Kosovo and not the independence of Abkhazia and South Ossetia, which allegedly occurred under similar circumstances ('Why I Had to Recognise Georgia's Breakaway Regions', 2008). On the other hand, scholars have mainly focused on how the different degrees of recognition of these secessions impact international law, particularly the right to self-determination (Fabry, 2012; Ryngaert & Sobrie, 2011; Siddi, 2011). This article aims to go beyond the mere legal sphere and explore what are the international factors that determined the stronger statehood of Kosovo compared to that of Abkhazia and South Ossetia.

In the first section, the article will provide a critical review of the current theories regarding statehood and how they evolved in light of the recent secessions. The second section will elaborate a comparative analysis of the two cases intended to highlight the similarities and the differences between the Georgian breakaway regions and Kosovo, with a particular focus on how the alliances built around the involved Great Powers influenced the different outcomes those entities attained in terms of statehood. The third section will illustrate how a broader recognition allows exerting statehood in the international arena regardless of full compliance with the Montevideo criteria.

Theories of statehood

Under international law, an entity must fulfill four criteria to be considered a state. Those criteria are enshrined in the Montevideo Convention and include a defined territory; a permanent population; a government; and, the capacity to enter into international relations (Convention on Rights and Duties of States, 1933). Therefore, according to these criteria, statehood is a legal condition that can be assessed by a judge or a scholar and it is not subject to external actors' approval. Article 3 of the Montevideo Convention states that "[t]he political existence of the state is independent of recognition by the other states." On the contrary, the recognition is a purely political act and depends on an arbitrary decision of the recognizing (or not-recognizing) external actor (Sterio, 2010). Thus, some entities comply with the Montevideo criteria but are not recognized by part or whole international community, while other entities do not satisfy the requirements for being considered states but are recognized as such nevertheless.

This cleavage between the Montevideo criteria and recognition determined the elaboration of two opposing theories regarding statehood. The Montevideo Convention depicted the criteria of statehood purposely to avoid the political interferences of external powers. According to this approach, legal statehood is distinguished from recognition, which

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has only a declarative relevance. However, this purely legal approach has created contradictions with the factual reality (Dunoff et al., 2015). For instance, the Montevideo Convention requires a defined territory, while many states across the world — such as Ukraine, Azerbaijan, or Israel — have portions of their territory which are claimed or controlled by other entities or states. Another criterion that has been unsatisfied several times by modern states is a permanent population. The Democratic Republic of Congo, Sudan, and Iraq, for example, have experienced significant refugee crises and shifts in their respective populations without losing their international status. As far as the third criterion is concerned, various states across the world, such as Somalia or Lybia, have lost the capacity of government over large portions of their territory and yet are still considered state entities. Finally, internationally recognized states, such as Lichtenstein or the Principate of Monaco, do not have the capacity of handling international relations, whereby they depend on external actors for their national defence — respectively Switzerland and France.

These examples demonstrate how the legal theory is misapplied in practice. Statehood seems to be linked with the geopolitical situation of a given region and the degree of recognition by the international community. In other words, an entity seems to be treated as a state only if the external actors, specifically the most powerful states (the Great Powers), are willing to recognize it as such (Sterio, 2010).

These inconsistencies in the declarative theory led to the elaboration of the constitutive theory. This other framework considers international recognition as one of the main elements of statehood, meaning that a state can be considered as such only if it is recognized by others (Dunoff et al., 2015). Some scholars have tried to combine the two approaches theorizing the existence of a duty owed to the society of states at large — the society of states is entitled to claim the recognition of an entity that fulfills the criteria of statehood, although this remains an unenforceable or imperfect right (Crawford & Crawford, 2006). Another contribution to the matter was brought by the European institution in the early 90s during the crisis following the collapse of the former Yugoslavia. In compliance with the European Council's request, the European Ministers of Foreign Affairs elaborated an approach regarding relations with new states resulting from the dissolution of Yugoslavia and the Soviet Union:

The Community and its Member States confirm their attachment to the principles of the Helsinki Final Act and the Charter of Paris, in particular the principle of self-determination. They affirm their readiness to recognize, subject to the normal standards of international practice and the political realities in each case, those new States which, following the historic changes in the region, have constituted themselves on a democratic basis, have accepted the appropriate international obligations and have committed themselves in good faith to a peaceful process and to negotiations.

Declaration on the 'Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union' (16 December 1991)

The criteria developed by the ministers include respect for human rights and the protection of minority rights. Hence, an entity that wants to be recognized by the European Union must prove its respect for the fundamental human rights and the minorities existing within its territory besides the fulfillment of the requirements established by the normal practices of international law. Although these criteria have not reached the status of international custom and can bind only the European states, according to Sterio (2011), these kinds of official declarations referring to human and minority rights have contributed to a "Grotian moment" in international relations — i.e., a period when new rules and doctrines of customary international law emerge with unusual rapidity and acceptance by the international community (Sterio, 2011). According to the author, globalization has impacted the notion of statehood in international law. Therefore, the traditional statehood encompassing the criteria of territory, population, government, and the capacity to enter international relations needs to be amended with new elements. Sterio argues that the fourth pillar nowadays includes new requirements that have to be satisfied to achieve statehood in the modern international community: 1) support of regional partners and the Great Powers, 2) respect for human and minority rights, and pledge its support, 3) participation in the existing international organizations and world order.

Again, this new legal approach does not seem to reflect the factual situation. While support from Great Powers and regional partners, which determined also a greater engagement in the world order, might have been decisive in the

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different degrees of statehood achieved by Kosovo and Abkhazia, and South Ossetia, the respect for human and minority rights is not yet a customary rule capable to impede an entity from gaining statehood within the international community. When Kosovo unilaterally declared its independence in 2008, the entity was still characterized by serious issues in terms of human and minority rights. Kosovo was “a place where human rights are still frequently violated, where political violence, impunity for common and political crimes, intimidation and discrimination are commonplace” (*A Human Rights Agenda for a New Kosovo*, Human Rights Watch 2008). Also, Kosovo Serbs, Roma, Ashkali, and Egyptian (RAE) minority communities were vulnerable and marginalized, reporting discrimination and harassment in all areas of their daily life, including employment, health, education, right to property, and access to police services and the courts (Report of the Council of Europe Commissioner for Human Rights Special Mission to Kosovo, March 2009). As highlighted by Caspersen, the normative criteria related to the safeguard of human rights and minorities introduced when the process of Yugoslavia’s dissolution began seem to have lost relevance since Kosovo failure’s to comply with those standards did not bar it from having a significant integration into the modern world order (Caspersen, 2015). Therefore, the policy “standards before status” that was ought to be applied in Kosovo has not created new customary rules in international law since the entity gained its status without fulfilling its commitments related to human and minority rights.

Another example supporting the factual irrelevance of human rights in the development of statehood is Eritrea. When the country officially seceded from Ethiopia through a popular referendum in 1993, Eritrea was a one-party system where political and civil rights were severely limited (Freedom in the World 1993-1994). After the ruinous border war with Ethiopia (1998-2000), the Eritrean government increasingly advanced militarized and authoritarian domestic policies. Among the most severe abuses reported in Eritrea are those directed against the religious minorities alternative to the officially recognized religions (Eritrean Orthodox Tewahedo Church, Sunni Islam, the Eritrean Catholic Church, and the Evangelical Lutheran Church) and the Kunama ethnicity accused of being pro-Ethiopia during the war (Hepner, 2014; Tronvoll & Mekonnen, 2014). Nowadays, Eritrea is one of the most repressive countries in the world. Again, all these issues related to human and minority rights did not prevent Eritrea from entering the international community, with even a seat in the United Nations and membership in the other major international organizations.

With a constitutive approach, Coggins (2014) argues that recognition is a significant factor in the success or failure of a secessionist movement. For instance, during the disintegration of the former Yugoslavia, the recognition received by Croatia facilitated the country’s acceptance within the international community even before the Croatian authorities had fully secured control over the territory. Likewise, despite having weak claims to functional self-government, Pristina won remarkable international favor after the relations between Serbia and the other Great Powers soared. Nowadays, Kosovo is not as integrated as Croatia in the international community. However, thanks to many powerful benefactors, Pristina managed to enter several prestigious international organizations and is the recipient of substantial development loans, although it is not yet a UN member (Coggins, 2014). According to Coggins (2014), the Great Powers play an especially important role in the selection of new states resulting from secessionist struggles. Thus, given the Great Powers’ superior material capabilities and their exceptional status within the world order, a secessionist entity can achieve statehood only through the Great Powers’ support (Coggins, 2014).

With an approach combining Sterio’s and Coggins’ frameworks, this article argues that to project statehood in the modern international community it is necessary to comply at least partially with the Montevideo criteria. However, although a breakaway entity can achieve territory, population, and government on its own, to enter international relations (fourth pillar), and thus, exert statehood abroad, it is necessary to win the support and the recognition of external actors. In this regard, it is crucial to win the support of a Great Power capable to coalesce an alliance of regional partners. This is necessary to ignite a cascade of recognition in the international community that can allow the separatist entity to a significant degree of acceptance in the world order (Coggins, 2014).

The cases of Kosovo and Eritrea (but also Croatia) showed that a separatist entity can achieve a different level of integration into the international community, meaning it is not possible to define statehood in a binary way. Therefore, external statehood will be conceptualized in four categories in order to depict the different degrees to which an entity can exert its statehood in the international arena. The conceptualization will unfold as follow:

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1. **Low-level statehood:** the entity is not recognized by any other state.
2. **Middle-level statehood:** the entity has diplomatic relations with one or more states, but it is a member of no international organization.
3. **Near-full statehood:** the entity has diplomatic relations with more than half of the international community and is a member of one or more international organizations.
4. **Full statehood:** the entity has a seat in the United Nations and it is recognized by the bulk of the international community.

This research will seek to prove that Kosovo has attained a greater level of statehood than Abkhazia and South Ossetia because the United States is a better alliance-builder than Russia.

Conceptualizing alliance

The Great Powers involved in Kosovo and Abkhazia and South Ossetia are respectively the United States and Russia. Therefore, the analysis of the Great Powers' support will be framed primarily within the framework of NATO and CSTO, although the US and Russia are also capable to expand their influence with other allies who are not part of these institutionalized alliances.

According to Walt, an alliance is a formal or informal commitment to security cooperation between two or more states (Walt, 2013). The precise arrangements bonding the states can vary enormously. However, the key feature of any alliance is the commitment to mutual military support against some external actor(s) in some specified set of circumstances. Walt's concept includes both formal alliances (where the commitment is enshrined in a formal treaty) and informal (agreements based either on tacit understandings or some tangible form of commitment, such as verbal assurances or joint military exercises).

Walt (2013) outlines three elements that contribute an alliance to being more resistant to changes. Alliances are more likely to persist when there is a hegemon asymmetrically more powerful than the rest of the allies, when the allies share the same core values, and when the relationship within the alliance is highly institutionalized. Such alliances will be more resilient to new conditions and will be better equipped to cope with the conflicts of interest that will arise. Also, alliances will be especially robust when relations among the allies have developed a strong sense of common identity, even even if this transformation is extremely rare

These criteria highlight the different degrees of adaptability of NATO and CSTO. While both alliances are based on the presence of a hegemon that is asymmetrically more powerful than the rest of the alliance, CSTO is poorly institutionalized and its weak organizational capacity leads to passivity towards contingencies and inefficiency in overcoming the conflicting interests that arise among the member-states (Guliyev & Gawrich, 2020). On the contrary, NATO has a far more institutionalized structure characterized by regular intra-alliance consultations and a standing command structure, which has allowed the alliance to expand its operations to a full spectrum of crises from peacekeeping to training and humanitarian assistance (Guliyev & Gawrich, 2020).

Further, NATO is not only supported by the interests of the member states but also by a transnational network of former NATO officials, defense intellectuals, military officers, journalists, and policy analysts, devoted to addressing the security issues facing the 'Atlantic alliance.' Finally, the capabilities and assets that NATO developed during the competition with the Soviet Union are of considerable value in the post-Cold War world since they can easily be adapted to deal with other contingencies (Walt, 2013).

Another significant difference between the two alliances is the common ground of values. NATO's principles like "safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law" (NATO, 4 April 1949) are enshrined in the alliance's treaty. This common identity led to forming a security community grounded on compatible values, expectations of economic benefits, a significant amount of mutual transactions, broad elite networks, and high levels of social communication (Walt, 2013). Instead, CSTO is much vaguer as far as common values are concerned. The treaty mentions the commitment of the alliance to the formation of a "fair, democratic world order based on conventional principles of international

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law" (Article 4, *CHARTER OF THE COLLECTIVE SECURITY TREATY ORGANIZATION*, Dated October 07, 2002). However, Article 5 specifies that the alliance operates based on strict respect for non-interference in the affairs falling within the national jurisdiction of the Member States. This lack of an explicit common identity determines a poor understanding of the principles of CSTO's operation and the conditions defining when the alliance should intervene militarily (Lukyanov, 2012). In this regard, many analysts have outlined the lack of clarity concerning the CSTO's core values, as well as the fundamental direction of the organization (Norberg, 2013).

The CSTO's shortcomings and general Russia's poor capacity for alliance-building – juxtaposed to NATO's strengths and the US broad allies network – are seen by the article as the reason for the limited statehood of Abkhazia and South Ossetia. Whereby Kosovo can enjoy a better outcome in terms of statehood because it won the support of a Great Power that is a better alliance-builder compared to the Great Power supporting the Georgian breakaway regions.

Methodology

This research is based on a comparative cases analysis where the two selected cases are similar in every relevant characteristic except for two — the outcome of the statehood (the 'dependent variable') and the support from a great power capable to build an alliance of regional partners (the 'independent variable'). The assumption is that Kosovo and Abkhazia and South Ossetia have a similar degree of definiteness in terms of population, territory, and government as well as they have support from a Great Power. Therefore, only the variation in the capacity of entering international relations stemming from the support of other regional partners coalesced by the Great Power can explain the variation in the outcome.

The analysis primarily relies on a qualitative analysis of NATO and CSTO reports, press releases, and government official statements as well as secondary literature. The analysis of the two cases will depict the historical trajectory of the Great Powers' efforts in enlarging the recognition of their clients, with a particular focus on the dynamics within their respective alliances that arose after the declaration of independence of the statehood-seeking entities or war outbreaks.

Case analysis

Abkhazia and South Ossetia

Like other disputes in the region, the conflicts in the Georgian regions of Abkhazia and South Ossetia broke out during the collapse of the Soviet Union. In 1989, South Ossetia demanded to be recognized as an autonomous republic, while anti-government protests in Abkhazia were arising after the Georgian government attempted to open a branch of the Ivane Javakishvili Tbilisi State University in the capital. Initially, Soviet troops cooperated with Georgian authorities to sedate the revolts. But when the newly elected Georgian President Zviad Gamsakhurdia refused to join the Commonwealth of Independent States (CIS) and to condemn the attempted Soviet coup in 1991, he antagonized the Kremlin who started launching attacks on Georgian military units and villages (Grossman, 2008). In 1992, a peacekeeping mission froze the situation in South Ossetia, while the Georgian-Abkhazian conflict continued for two years longer. The conflict re-escalated when the Rose Revolution ended with the ousting of the pro-Kremlin Shevardnadze and the new government stated its goals, such as returning South Ossetia and Abkhazia to Georgia and integrating more closely with the European Union and NATO. The conflict ended with a new cease-fire in 2008. Russia withdrew its troops back into South Ossetia and Abkhazia in September, and formally recognized the breakaway regions as independent states (Grossman, 2018).

Currently, the Republic of Abkhazia is a relatively stable self-governing entity that, with the help of 4000 Russian troops stationed in the territory, occupies a region overlooking the Black Sea in the North-West of Georgia and directly bordering the Russian Federation (De Wall, 2018; Menabde, 2019). The majority of the population is Abkhaz, an ethnic group related to the Circassians of the North Caucasus. Georgians still represent the most numerous minority and are located mostly in the Gali region of eastern Abkhazia – around 50.000 corresponding to one-fifth of Abkhazia's overall population (De Wall, 2018). The government of Abkhazia is led by the President, elected in

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relatively competitive elections where the Kremlin's support is not the necessary condition to win the office (*Freedom in the world report-Abkhazia*, 2021; Beacháin, 2012; Kopeček, 2017). This is demonstrated by the case of Raul Khajimba who was supported by Moscow in the 2003, 2009, and 2011 elections and lost all of them (Kopeček, 2017).

The Republic of South Ossetia is an entity controlling a landlocked region in the North of Georgia directly bordering the Russian Federation. Again, the Russian troops deployed in the territory are reported to be around 4000 units (*Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia | How Does Law Protect in War*, 2009; *Military Occupation of Georgia by Russia | Rulac*, 2018). The Ossetians are predominantly Christian and speak a language belonging to the Persian group. Georgians are still the second ethnic group of the region with 20.000 inhabitants corresponding to one-fourth of the population (Artman, 2013).

South Ossetia is led by a directly-elected President. Unlike Abkhazia, elections in South Ossetia are severely restricted by Russian influence. The Kremlin exerts a decisive influence over South Ossetian governance, effectively placing significant constraints on the ability of political parties to operate outside of the narrow political spectrum framed by Moscow's authorities (*Freedom in the World Report-South Ossetia*, 2021; Toal (Gearóid Ó Tuathail) & O'Loughlin, 2013). For instance, the Prime Minister of South Ossetia from October 2009 to April 2012, Vadim Brovtsev, was a Russian citizen from Chelyabinsk with no previous link with the region (Toal (Gearóid Ó Tuathail) & O'Loughlin, 2013).

President Medvedev issued a statement on August 26th explaining the reasons for the recognition of the two breakaway regions. The then-President of the Russian Federation stressed that Russia had committed to a peaceful resolution of the conflicts but "Saakashvili opted for genocide to accomplish his political objectives." "By doing so he himself dashed all the hopes for the peaceful coexistence of Ossetians, Abkhazians, and Georgians in a single state." Therefore, "[c]onsidering the freely expressed will of the Ossetian and Abkhaz peoples and being guided by the provisions of the UN Charter, the 1970 Declaration on the Principles of International Law Governing Friendly Relations Between States, the CSCE Helsinki Final Act of 1975 and other fundamental international instruments" the President issued a decree recognizing the two regions as independent states (*President Dmitry Medvedev Made a Statement on Recognizing the Independence of South Ossetia and Abkhazia*, 26 August 2008).

Medvedev himself raised the comparison with Kosovo stating that "Western countries rushed to recognize Kosovo's illegal declaration of independence from Serbia. We argued consistently that it would be impossible, after that, to tell the Abkhazians and Ossetians (and dozens of other groups around the world) that what was good for the Kosovo Albanians was not good for them. In international relations, you cannot have one rule for some and another rule for others" ('Why I Had to Recognise Georgia's Breakaway Regions', 2008).

In the meantime, the CSTO official statement of South Ossetia and Abkhazia are few and mostly pro-Russia since Georgia is not a member of the alliance. CSTO's 2008 Moscow declaration expresses deep concerns about "the attempt of a solution by force of the conflict in South Ossetia made by Georgia which led to the numerous victims among civilians and peacekeepers" and support for the "active role of Russia in promoting peace and cooperation in the region and support ensuring strong safety for South Ossetia and Abkhazia" (*Declaration of the Moscow Session of Council of Collective Security of the Collective Security Treaty Organization*, 5 September 2008).

However, the single-member states have been reluctant to support the Russian military intervention and following recognition of the independence of Abkhazia and South Ossetia. Belarus was the only CSTO country that explicitly declared its willingness to recognize Abkhazia and South Ossetia as independent states. "Under the circumstances, Russia had no other moral choice but to support appeals of South Ossetian and Abkhazian peoples on the recognition of their right for self-determination in line with fundamental international documents," Lukashenko said in a message sent to the Kremlin ('Belarus says to recognize Abkhazia, S. Ossetia by weekend', 2008). Shortly after, President Lukashenko changed his position on the matter affirming that Belarus's recognition needed to be evaluated in light of Belarusian relations with Georgian breakaway regions, not because of Belarus' obligations to its alliance with Russia (Vysotskaya Guedes Vieira, 2014). Eventually, the recognition of Abkhazia and South Ossetia has never occurred since Minsk was lobbied by the EU institutions thanks to the substantial funds channeled into the country

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through the Eastern Partnership (De Waal, 2018; Preiherman, 2014; Vysotskaya Guedes Vieira, 2014).

The then-President of Armenia Serzh Sargsyan explained the reasons for the non-recognition at an annual meeting of Armenian ambassadors abroad.

Today one is wondering from time to time why Armenia is not recognizing the independence of Abkhazia and South Ossetia. The answer is simple: for the same reason that it did not recognize Kosovo's independence. Having the Nagorno-Karabakh conflict, Armenia cannot recognize another entity in the same situation as long as it has not recognized the Nagorno-Karabakh Republic".

'Armenia Rules Out Abkhazia, South Ossetia Recognition' (2009)

The then-Kazakh Prime Minister stated that, according to the decision of President Nazarbayev, Kazakhstan did not recognize the independence of South Ossetia and Abkhazia. Kazakhstan refused to recognize Kosovo and acted accordingly with the Georgian breakaway regions since "the treatment should be equal in all cases like that, not only in the region but worldwide" ('INTERVIEW-Kazakhstan Can Help Resolve Ossetia Feud - Premier', 2008).

Tajikistan's President Emomali Rakhmon stated that "Tajikistan and Russia are natural strategic partners and allies, the two nations, therefore, coordinate and support each other in addressing domestic, regional and global issues." However, Tajikistan's stance on Georgian breakaway regions was limited to an invite to Russia and Georgia to "solve their conflict through political and diplomatic means" ('Tajikistan Urges Russia, Georgia to Solve Conflict through Political, Diplomatic Means', 2008).

The level of institutionalization of CSTO as well as its set of common principles did not lead Russia's allies to get engaged in Abkhazia and South Ossetia when the crisis broke out. However, despite the initial failure among its closest allies, Moscow's continued to advocate and exert pressure to enlarge the recognition of the two breakaway entities. The efforts can be exemplified in two cases — Belarus and Syria. It was already mentioned that Belarus has never recognized Abkhazia and South Ossetia, although Lukashenko had announced an imminent recognition of the two breakaway regions. Russia and Belarus had tough negotiations on the matter, which resulted in energy cuts by Moscow and mass media campaigns against Lukashenko in the Russian state-controlled media (Preiherman, 2014; Vysotskaya Guedes Vieira, 2014). Despite the pressures from the Kremlin, Minsk has maintained its stance and did not recognize the breakaway regions even when the relations with the EU deteriorated in the aftermath of the 2020 protests and Belarus's economic and political reliance on its Eastern major partner increased.

Another example, but with a different outcome, is Syria – the last country that has recognized Abkhazia and South Ossetia so far. The relationship between Syria and Abkhazia began in 1800 when Abkhaz people had to escape the Caucasus and many families resettled in Syria. Following the rise of the Islamic State, a part of the Syrian-Abkhaz diaspora decided to come back to Abkhazia. Taking advantage of this cultural linkage and the support that the Russian forces were providing to the Assad regime, the Kremlin led Damascus to recognize both Abkhazia and South Ossetia with the pretext of enhancing pro-Syrian Russian diplomacy's legitimacy in the Caucasus (Beacháin, 2019; Lambert, 2018; Janelidze, 2018).

Kremlin's efforts to enforce the international status of the entities notwithstanding, Abkhazia and South Ossetia are currently recognized as independent states by 4 states besides Russia (Venezuela, Nicaragua, Nauru, and Syria), all of them Russia's allies but with no CSTO membership. Moreover, the two entities are members of no international organizations. Thus, Abkhazia and South Ossetia have reached only middle-level statehood

Kosovo

Kosovo was an autonomous region of Serbia before its status was revoked by Serbian President Milosevic. After the collapse of Yugoslavia, the principle of *uti possidetis* was used to define the borders of the new state seceding from the federation (Siddi, 2011). Accordingly, Kosovo remained a Serbian territory.

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Tensions re-escalated when Serbia implemented harsh ethnic policies that led to the formation of the Kosovo Liberation Army by the Kosovar Albanians in the region. Increasing brutality to repress the Kosovar Albanians' uprising resulted in a NATO-led intervention against Serbia. After a tough air campaign, Milosevic agreed to the peace agreement proposed by the G-8 and adopted by the UN Security Council Resolution 1244. Kosovo became a territory administered by the Special Representative of the UN Secretary-General (SRSG) and an armed NATO force (KFOR) was authorized to oversee the withdrawal of Serbian forces and provide security for the population and the international organizations (Tansey, 2009). However, the deadlock in the UN Security Council impeded the change of Kosovo's status until the entity decided to unilaterally declare its independence on 17 February 2008 (Siddi, 2011).

Kosovar authorities control a region in the South-West of Serbia bordering North Macedonia, Montenegro, and Albania. The control of the territory is currently supported by approximately 3,700 NATO troops provided by 28 Allied and partner countries (*NATO's role in Kosovo*, 2022). However, Kosovo does not control the four municipalities in the North of Kosovo, governed by Srpska Lista, the Belgrade-backed Serb party in Kosovo controlled by the Serbian Progressive Party (Jeremic, 2021; Serwer & Bajraktari, 2006; Stroschein, 2008). After the declaration of independence, Serbs began to strengthen the institutions and cooperation with these municipalities to support a counter-secession from Kosovo. The assistance of international forces for border control notwithstanding, the North of Kosovo remains mostly a lawless territory exploited by both Serb and Albanian traffickers (Jeremic, 2021; Stroschein, 2008).

Kosovo has a population of approximately 2 million, mostly ethnic Albanians. Serbs are the second most-numerous ethnicity in the territory. According to estimates based on 2010 and 2013 OSCE data, 146,128 Serbs live in Kosovo, amounting to 7.8 percent of the overall population (*Kosovo – World Directory of Minorities & Indigenous Peoples*, 2015).

Kosovo is a parliamentary republic, with a prime minister indirectly elected for a four-year term by at least a two-thirds majority of the unicameral Assembly. The elections are relatively competitive, although corruption and clientelism reportedly pressure voters' choices during the electoral process (*Kosovo Freedom in the World Report*, 2021). Further, the government processes are still significantly influenced by external actors, such as the US, Turkey, and Serbia, which exert pressure through the military presence in the territory, Kosovo's reliance on foreign aid and investment, or the patronage of ethnic minorities (Garding, 2020; *Kosovo Freedom in the World Report*, 2021; Lachert, 2018).

The U.S. took initiative within NATO to carry out an airstrike against Serbia in 1999 during the peak of the conflict with Kosovo, convincing the most reluctant allies, such as Italy and Germany, not to break up the alliance's unity in the matter (Crocini, 1999; Siviş, 2020).

On February 18th, 2008 (shortly after Kosovo unilaterally declared its independence), US President George W. Bush issued a statement communicating that "the United States would welcome the establishment by Kosovo of diplomatic representation in the United States and plans to do likewise in Kosovo" in light of the "Kosovo's desire to attain the highest standards of democracy and freedom" (*Text of a Letter from the President to the President of Kosovo*, February 18 2008). On the same day, French Minister of Foreign Affairs Kouchner said that President Nicolas Sarkozy had written to the president of Kosovo to convey France's official recognition ('France Recognizes Kosovo Independence', 2008). Likewise, Foreign Secretary David Miliband announced that the British government had decided to recognize Kosovo ('UK Recognises Kosovo Independence', 2008). By the end of 2008, 26 out of 30 current NATO members had recognized Kosovo as an independent state (51% of the states recognized Kosovo in 2008), not counting the recognition by other non-NATO US allies, such as Japan, South Korea, and Australia, that occurred in the same year.

The US managed to win also the recognition of countries within the alliance, such as Germany, the Czech Republic, and Poland, that initially were hesitant to recognize the breakaway region mainly due to their relations with Serbia (Armakolas & Ker-Lindsay, 2019; Ker-Lindsay & Armakolas, 2017). However, NATO as an organization did not endorse the recognition of Kosovo because few member states maintained their non-recognition line. Among those,

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there are Spain and Greece, which are involved in similar territorial disputes respectively with Catalonia and Cyprus. Also, Slovakia and Romania have long dealt with the self-determination claims of the Hungarian minorities within their territory (Armakolas & Ker-Lindsay, 2019; Nič, 2020; Wolff & Rodt, 2013). Therefore NATO statements after the declaration of independence are limited to the reassertion of the alliance's commitment "to ensure a safe and secure environment in Kosovo" (*NATO Press Release (2008)025: NAC Statement after Kosovo's Declaration of Independence*, 18 February 2008).

The relevance of the US' commitment and NATO institutionalization to expand the allies' engagement on the Kosovo issue (in 1999 military intervention and after the 2008 declaration of independence) can be illustrated by two examples — Poland and Italy. Poland's accession to NATO in 1999 coincided with the Kosovo crisis. After decades under the Soviet umbrella, NATO membership symbolized Poland's "return to the West". During the bombing of Yugoslavia, Poland was a too fresh member to fully participate in the alliance's operation. Though, Warsaw provided political support for NATO military actions and deployed a small 140-soldier unit to assist in NATO's humanitarian operation in Albania (Michnik, 2015). The Kosovo affair became more problematic when the region unilaterally declared its independence in 2008. The recognition triggered an institutional conflict in Poland. The government led by Prime Minister Donald Tusk and Minister of Foreign Affairs Radoslaw Sikorski wanted to be among the first recognizers due to the heavy pressure from Washington, while President Lech Kaczynski was concerned that legitimizing this kind of secession would set a dangerous precedent (Ker-Lindsay & Armakolas, 2017). Eventually, the final solution was a compromise between the two positions. On one side, Warsaw recognized Kosovo to adhere to the mainstream position of the US-led alliance and the EU; on the other side, Poland did not establish diplomatic relations with Pristina maintaining a relatively good relationship with Serbia (Ker-Lindsay & Armakolas, 2017; Lachert & Gonczi, 2021).

Italy is another example of how a reluctant country was persuaded to engage in Kosovo by the pressure stemming from the alliance framework. As expressed by then-Foreign Minister Lamberto Dini, the initial position of the Italian government was that intervention in Kosovo was not possible without a mandate from the UN (*La Repubblica/Fatti: Dini: 'Di Gheddafi Ora Possiamo Fidarci'*, 7 July 1998). While Rome was sympathetic to the issues related to the safeguard of Kosovars' human rights, the Italian government was concerned because the intervention might have caused instability in the Balkans resulting in a refugee crisis (Sergunin, 2016). However, once the American line prevailed, the Italian government felt obliged to comply with the alliance's position. As the Dini would later comment on Italy's decision to intervene: "Italy is part of the alliance and cannot, therefore, renege on its responsibilities. Fifteen members were in favor of intervention: to disassociate ourselves would have been a pretty dramatic gesture" (Croci, 1999).

The support received by most of the NATO members and other US allies across the world allowed Kosovo to be much more integrated than Abkhazia and South Ossetia in the international community — currently, Kosovo is recognized by 97 out of 193 (50.26%) of the UN states, while Abkhazia and South Ossetia only by 5 (2.6%). Further, Pristina has entered prominent international organizations such as the World Bank and the International Monetary Funds. Still, Kosovo is not yet a member of the United Nations and other major international fora. Thus, Kosovo has reached near-full statehood.

Recognition and statehood

The breadth of recognition impacts significantly the entities' capacities to enter international relations, and thus, exert their statehood abroad. Kosovo counts near 20 Embassies and 7 consulates spread all over the world, while Abkhazia and South Ossetia have only 4 Embassies abroad and a few other informal Representative Offices and honorary consulates (Embassy Worldwide). Further, the stronger statehood stemming from a broader recognition can be observed in the different integration that the 3 entities have with regional and non-regional organizations. Despite the EU not officially recognizing Kosovo^[1], the wide consensus upon recognition of Kosovo within the Union (22 out of 27 members) allowed a significant engagement of the organization in 'supervising' Kosovo's emancipation. Thanks to the framework of EUROLEX — the rule of law mission deployed shortly after the declaration of independence — the EU is able to imprint on key sectors under external tutelage such as justice, police, and customs (Noutcheva, 2020). Further, in 2016, the Stabilisation and Association Agreement was signed between the

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EU and Kosovo aimed at supporting Kosovo's institutions and economy for an eventual EU membership and brokering a process of reconciliation with Belgrade (Elsuwege, 2017).

On the contrary, Abkhazia and South Ossetia do not receive any support or recognition from regional organizations, such as the CIS, Euroasian Economic Union, or CSTO. Likewise, the lack of recognition in the Union hinders the EU itself from deploying its instruments in the breakaway regions or signing agreements with them. Therefore, the EU maintains only an unofficial presence in Abkhazia and South Ossetia through a number of economic rehabilitation and humanitarian assistance projects (Noutcheva, 2020).

Finally, although none of the entities is a UN member, it is noteworthy that the broad recognition in the international community allowed Kosovo to have the votes to join other organizations, such as the World Bank and the International Monetary Funds, while Abkhazia and South Ossetia are members of no international organization. All these elements determine Kosovo's greater level of statehood (near-full) compared to statehood achieved by Abkhazia and South Ossetia (middle-level).

Conclusions

The article has demonstrated that Kosovo, Abkhazia, and South Ossetia have problematic compliance with the Montevideo criteria — Kosovo does not control part of the territory it claims, Georgian breakaway regions have tiny populations, South Ossetian government is almost completely dependent on Moscow's decisions, and all the examined entities rely heavily on foreign forces to maintain the control of the territory. However, the US alliance-building capacity allowed Kosovo to have broad recognition in the world order, while Abkhazia and South Ossetia are still isolated by the bulk of international actors, Russia's allies included. Following the article's theoretical framework, this different outcome is due to the poor institutionalization and the lack of a defined set of values and principles, which characterize the alliances where Russia is engaged as the hegemonic leader.

Then, the analysis has shown that a broader recognition impacts the capacity to exert statehood abroad. This is reflected in Kosovo's greater integration in the world order in terms of official diplomatic relations with other states and international institutions as well as membership in international organizations.

To conclude, the article has proved that to achieve statehood in the modern international community it is necessary to comply — at least partially — with the Montevideo criteria. However, although a breakaway entity can achieve territory, population, and government on its own, entering international relations is necessary to win the support and thus the recognition of external actors. In this regard, the comparative analysis highlighted how the support of a Great Power with enhanced alliance-building capacities is a key element to exert statehood in the international arena.

Notes

[1] To articulate a common foreign policy on Kosovo's recognition would require the unanimity in the European Council, which currently is not attainable due to the opposition of few member states.

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