

NEW SOLUTION FOR OLD PROBLEM: REVIEWING THE  
INTERNATIONAL PEACE-BUILDING EXPERIMENT IN KOSOVO

A Master's Thesis

by  
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Ankara

June 2005

To my family  
and to all who unjustly suffered in Kosovo

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INTERNATIONAL PEACE-BUILDING EXPERIMENT IN KOSOVO

The Institute of Economics and Social Sciences  
of  
Bilkent University

by

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In Partial Fulfilment of the Requirements for the Degree of  
MASTER OF ARTS

in

THE DEPARTMENT OF  
INTERNATIONAL RELATIONS  
BILKENT UNIVERISTY  
ANKARA

June 2005

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## **ABSTRACT**

### **NEW SOLUTION FOR OLD PROBLEM: REVIEWING THE INTERNATIONAL PEACE-BUILDING EXPERIMENT IN KOSOVO**

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**June 2005**

This thesis analyzes the prospects for solution of the protracted Kosovo problem, through the international peace-building mission launched in 1999. It confronts the basic premises upon which is constructed the peace-building concept, the latter viewed in the context of peace operation techniques, with the nature of the ethnic conflict of Kosovo. The thesis argues that implementation of socioeconomic and political transformations along the model of capitalist liberal democracy, which is the underlying strategy of peace-building missions, is not sufficient condition for the solution of the Kosovo problem. This assumption is based on two arguments. First, the international peace-building operation in Kosovo does not tackle the very root of the Kosovo problem, namely the question of political/legal status of the territory, nor it offers any clear prospect for solving this issue. Second, this operation leaves intact the direct cause of the violent expression of the Kosovo problem, namely the aggressive Serbian nationalism and the particular sociopolitical context which gave rise to it. The thesis argues that there can be no viable solution for the final status of Kosovo, which would contradict the will of

the majority of its population. Finally, the thesis suggests that the stability and prosperity of the Western Balkans, including the democratic transformation of Serbia, which is of crucial importance in this regard, are indivisibly dependent from the incorporation of this region under the umbrella of Euro-Atlantic political, economic and security structures.

Keywords: Kosovo conflict, history, myth, Serbian nationalism, peace-building, liberalism, Euro-Atlantic integrations.

## ÖZET

### ESKİ SORUNA YENİ ÇÖZÜM: KOSOVA'DAKİ ULUSLARARASI BARIŞI SAĞLAMA TECRÜBESİNİN GÖZDEN GEÇİRİLMESİ

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**Haziran 2005**

İşbu Tez, sürüncemedeki Kosova sorununun olası çözüm yollarını 1999 yılında başlatılmış olan uluslararası barışı sağlama misyonu ışığında tetkik etmektedir. Tez ayrıca barış operasyonu yöntemleri ve Kosova'daki etnik çatışmaların niteliği bağlamında ele alınan Barışı Sağlama kavramının dayanağını oluşturan temelleri gözden geçirmektedir. İşbu Tez, Barışı Sağlama misyonların temel stratejisini teşkil eden kapitalist liberal demokrasinin ve sosyo-ekonomik ve siyasi değişimlerin gerçekleştirilmesinin, Kosova sorununun çözümü için yeterli bir koşul olmadığını öne sürmektedir. Bu varsayım iki temel sava dayandırılmıştır. Bunlardan birincisi, Kosova'daki uluslararası barışı sağlama operasyonunun Kosova sorununun köklerine, yani bölgenin siyasi ve hukuki statüsü sorununa, inmemesi ve bu sorunun çözümüne yönelik açık bir görüşe sahip olmaması ile ilgilidir. İkincisi ise, bu operasyonun Kosova sorununun şiddetli bir hale dönüşmesine neden olan asıl nedenine, yani saldırgan Sırp milliyetçiliği ve onun

yükselişini teşvik eden belli başlı sosyopolitik bağlamına, dokunulmamış olmasıdır. İşbu Tez, nüfusun çoğunluğunun iradesi ile çatışır nitelikteki Kosova'nın nihai statüsü ile ilgili bir çözümün yaşanılır ve tutarlı olamayacağını savunmaktadır. Sonuç olarak da, bu bağlamda olağanüstü önem arzeden bir konu olan Sırbistan'ın demokratik dönüşümü de dahil olmak üzere, Batı Balkanlar'ın istikrarı ve refahı, bu bölgenin Euro-Atlantic siyasal, iktisadi ve güvenlik yapısının şemsiyesi altında birleştirilmesine vazgeçilmez bir surette bağlıdır.

Anahtar kelimeler: Kosova sorunu, tarih, efsane, Sırp milliyetçiliği, barışı sağlama, Liberalizm, Euro-Atlantic entegrasyonu.

## ACKNOWLEDGEMENTS

In the course of my master studies at Bilkent, I have had the privilege of been supported from many persons, to whom I am deeply grateful. First I would like to express my sincere gratitude to my supervisor Hasan Ünal, for his kind support from the very first days I expressed my interest to study at Bilkent, and until the conclusion of my master studies. His thorough academic knowledge and guidance enabled me to successfully deal with my MA thesis, while his friendly attitude made me feeling confident about my work. I am also very grateful to Ass. Prof. Nur Bilge Criss and Ass. Prof. Emel Oktay, for giving me the honor and pleasure by their participation in the examining committee, and for very useful comments and suggestion on my thesis.

I owe a deep debt of gratitude to my family and my uncle for supporting me, financially and morally, during my studies. I am particularly grateful to my elder brother Nezir, my wife Alberie and my daughters Melisa and Samira, who stood by me all the time. I also would like to extend my truthful thanks to Professor Enver Hasani, for his brotherly support and encouragement, ever since the first day I expressed my interest to study at Bilkent.

Finally, my warmest thanks to Ahmet Colak, his wife Senay and their son Mesut, for treating me my wife and my daughter as members of their family. Their hospitality and generous help enabled me to cope easily with the difficulties of living and studying abroad.

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# **CHAPTER 1**

## **INTRODUCTION**

The collapse of the Berlin Wall, an episode marking symbolically the end of the Cold War, paved the way for two antagonistic trends. Thus the enthusiasm of those interpreting that landmark event as a dawn of a new liberal, and hence peaceful, epoch was fiercely contradicted by the outburst of many ethnic, religious and other internal conflicts, once suppressed by the Cold War security parameters. Paradoxically enough, the first major “backlash” emerged at “European home,” at least in geographical terms, namely the Balkans. There, different ethno-religious groups once living in a common state called Yugoslavia, from the frontline entrenchments transmitted the message that indeed a deeper chaos, not a global order constructed upon the premises of capitalist liberal democracy, could be the prevailing state of affairs in the aftermath of bipolar world system.

The Kosovo conflict stands as a single most illustrative case in this regard, not only because it faithfully exemplifies the severity and complexity of ethno-national questions in the former Yugoslav space, or because it dragged NATO directly into the conflict, but also because it became a terrain where the new approaches of international community to the conflicts of this nature are being tested. It has been a general inclination to see the international involvement in the Kosovo crisis from the perspective of NATO’s military intervention and contradictory legal and political debates it triggered. Yet, as this thesis shows, Kosovo is not a unique case from international relations standpoint only because

it brought into the surface, perhaps more forcefully than ever before, the long existing contradiction between the international law *vis-à-vis* morality and political necessity, a contradiction that paradoxically remains very acute in the “global world”. Beyond this context, the post-war international administration over Kosovo turned the latter into a laboratory for measuring the efficacy of peace-building, which emerged as a new direction in peace operations technique in the aftermath of the Cold War. This thesis tries to discern the prospects for putting an end to the protracted ethnic conflict of Kosovo, through the peace-building mission launched under the UN mandate in 1999. It argues that the international peace-building mission in Kosovo suffers from two basic flaws, which make it incapable of solving this complex and old problem, provided that it will not be followed, or incorporated, by a broader and long-term international plan for the region. The first flaw has to do with the basic assumptions upon which is constructed the peace-building concept. Accordingly, the first hypothesis to be proven by this work is that the international administration over Kosovo is a deviation from the basic rationale of peace-building, as it is launched in a “wrong address.” In essence, the peace-building was invented as a device to change the misbehaving states/nations, once they were defeated (e.g. Germany and Japan after the World War II, or Afghanistan in 2001), and latter was applied as a response to failed states. This concept rests on the idea of uprooting the underlying societal causes of violence and conflicts, through implementing profound liberal democratic transformations (along the lines of the Western capitalist model). Drawing on these conceptual and historical explanations, this work argues that the essential causes of the Kosovo conflict have basically remained unchallenged by the international peace-building mission. By placing Kosovo under the international administration and imposing a “social engineering” enterprise upon its population, while leaving Serbia out of a foreign “tutelage,” the international policy-

making centers have failed to tackle directly the major source of the conflict in Kosovo (and former Yugoslavia in general), namely the aggressive nationalist policy of the Serbian state, and the political and cultural mindset that gave birth to it.

On the other hand, the historical picture presented in this thesis highlights the fact that while the violent expression of the Kosovo problem was primarily reflection of the Serbian attempt to solve this issue by means of force, the very root of the dispute lies on the conflicting claims of the Albanians and Serbs over Kosovo. Therefore, the next hypothesis put forward here is that the prospects for final solution of the Kosovo problem do not depend primarily on the successes of international administration in imposing democratic transformations on the Kosovar society, but rather from finding a viable political solution to its status. So far, the international administration in Kosovo has failed not only to address this issue, but also to clarify the path for its future solution. And here lies the second major flaw of the peace-building mission in Kosovo.

This thesis is structured into five chapters, including introduction and conclusion. Following the Introduction, the second chapter offers a historical mirror of the Kosovo problem. It starts from the Balkan Wars of 1912-1913, the time when Kosovo was forcefully incorporated for the first time within the modern Serbian state, and until 1999 when, following the war with NATO, Serbia was forced to cede its control over Kosovo to the international community. This chapter delves particularly into the particular pattern of Serbian nationalism, as a driving force of Serbian violent behavior in their encounters with the Albanians throughout the modern history. It points out to the mythical perception of the past and the victim's identity, as the two most destructive underpinnings of the Serbian nationalism, imbedded into the national consciousness of the Serbs by their elite. The third chapter shall elaborate the international peace-building mission in Kosovo, launched under the UN and NATO's umbrella in 1999, as a unique

international attempt to solve this old and intractable problem. It starts by offering an insight analysis of the peace-building concept, at its theoretical level as well as its historical application. To this end, it focuses on liberalist paradigm and its product the democratic peace theory, as ideological framework of the peace-building concept. Further, it goes on by discerning the conditions and circumstances that support or obstruct the implementation of Western capitalist model of liberal democracy and market economy, which is the underlying strategy of peace-building missions. After having analyzed this concept, the second sub-chapter turns to the current international peace-building endeavor in Kosovo. Through offering a detailed picture of the international administration in Kosovo, viewed in the context of peace operation techniques, this sub-chapter singles out the unique nature of this mission. It also identifies the features making it a prototype of “multi-dimensional peace operations,” the latter emerging during the 1990s as a new direction in peacekeeping. Drawing on the main findings of the previous chapters, the fourth chapter explores the possibilities for solution of the Kosovo problem through international peace-building endeavor. It emphasizes that while the international administration in Kosovo has engineered meaningful democratic transformations upon the Kosovar society, the political culture in Serbia, which was the main thrust behind the conflict in Kosovo (and former Yugoslavia in general), has remained relatively unchanged. In this context, it refers to the obdurate refusal of the Serbian society to face its ugly past, the strength of the nationalist political parties and the destructive role of the Orthodox Church and the army, as firm indicators that the sociopolitical setting which created Milosevic in Serbia has not been defeated yet. This chapter resumes by reconfirming the underlying argument of this study, which views the democratic transformation of Serbia, the positive solution of the Kosovo problem, and wider regional stability, as indivisibly dependent on the viable solution of

the final status of the latter and broad and long-term commitments of the NATO and EU to the region. I argue in this thesis in favor of an independent status for Kosovo, associated with special guarantees for Serbian interests and a meaningful international tutorship role (at least for a certain time period). This suggestion is centered on the argument that this solution would embrace morality- as it would deny to the Serbian state the right to rule over Kosovo, because they have continuously abused it at the expense of the Kosovar Albanians. It would also reflect political stability and democratic principles- as that solution is very likely to be acceptable to the great majority of population in Kosovo (of whom around 90% are Albanians). Finally, the thesis suggests that the future of the Kosovo problem and wider regional stability, are indispensably bound to the international commitment to the region. It refers in this direction to the twin international approach of maintaining strong military presence and keeping high on the political agenda the process of the regional integration within the Euro-Atlantic structures (European Union and NATO). The past and the present of this region convincingly argue that this is the only way to put a final lid on the image of conflicts and cleavages, which for centuries has being associated with the Balkans (or at least its Western part). This scenario would lead to the political (and even cultural) assimilation of the region by the Euro-Atlantic framework. First and foremost, it bolsters the creation of a sociopolitical and economic context permissive to the transformation of Serbia, which, as this thesis shall try to demonstrate, is an indispensable condition for the stability of the region. The concluding chapter will summarize the main arguments of the thesis.

The construction of the thesis, in accordance with its structure, does not follow uniform methodology. Thus, the second chapter, following introduction, is structured based on narrative description of the major events forming a historical mirror of the

Kosovo problem, their analysis, and main conclusions drawn thereupon. The rest of the thesis (the subsequent chapters) develops through elaboration of the theoretical underpinnings and practical application of the peace-building missions, and outlines its operationalization in Kosovo. It establishes an ideological link between the peace-building and democratic-peace theory, through using historical (the ideological dimensions of the end of the Cold War) and conceptual (the strong presence of liberal paradigms in peace-building missions) variables. Finally the study confronts the basic assumptions underpinning the peace-building concept with the historical and sociopolitical realities of the Kosovo problem, viewed in the context of Albanian-Serbian conflict. The thesis relies on various sources, mainly of secondary character, including books, academic journals and, to limited extent, information obtained from the internet and newspapers. It also uses primary sources (e.g. the UN Resolutions and other similar and related sources), when such usage is possible and beneficial.

## **CHAPTER 2**

### **KOSOVO IN RETROSPECT**

The abrupt break up of the Yugoslav state at the closing decade of the twentieth century, and particularly the violent path in which this drama unfolded, actuated bewildered observers to rush for finding out and explaining the real causes of that landmark event. And as a general rule when it comes to explaining the Balkans, it became somewhat fashionable to rummage into complex horizons of the region's history in order to find the answer as to why the South Slavic state disappeared, and, more importantly, why this event was so savage. In other words, observing the Yugoslav drama through historical lenses was invented as the best way to understand the structural reasons for the dissolution of that state (i.e. was Yugoslavia an "artificial creature" of specific historical circumstances, and, as a such, doomed to failure?), as well as the socio-political and cultural factors leading to such a ferocious end. While the discussions in the first domain – structural causes of the conflict – continue to attract isolated academic curiosity, the overwhelming popular view created by mass media and public political discourse, whether within or outside the collapsed Yugoslav state, is that these conflicts were caused primarily by ethnic hatreds inherited from history. Thus, the origins of Yugoslav ethnic conflicts were/are usually traced back in centuries. The myths and truths which are kept alive in the collective memories of the region's nations throughout their turbulent past, are though to supply, what John Allcock (2000:2) portrays as "atavistic

cultural principles,” which supposedly have nurtured the violent inter-ethnic encounters through the centuries.

In parallel to that, one of the most common features characterizing the outbreak of ethnic rivalries and conflicts in former Yugoslavia by the beginning of 1990s was the use of “historical arguments,” which became the central tool of nationalist political and intellectual elites. The metaphoric phrase that the Balkans produces more history than it can be consumed locally became a very sounding symbolism in the Yugoslav nightmare. Therefore, any academic intrusion into discussing current dynamics and processes related to Kosovo, as well as predicting the possible future trends is bound to start from the history of this problem. This chapter shall try to identify some key lessons from the history of the Kosovo conflict, which if neglected render incomplete, not to say abortive, any attempt to solve this problem.

## **2.1 Where to start?**

The history of the conflict in Kosovo demonstrates how the collective memories of the past, as displayed and manipulated skillfully by political and religious leaders and inspired by academic elite, can influence political behavior at present. Indeed, before becoming political and finally armed battleground Kosovo was an arena of severe fight between the competing “historical truths” of the Serbs and Albanians. Alexander Bayerl (quoted in Mahncke, 2001: 31-79) points out that the first awkward question when dealing with the history of the Kosovo conflict is where to begin. Actually “the battle of truths” between the Serbs and Albanians starts exactly at this juncture, namely which is “the beginning of history” for the Kosovo problem. In Kosovo history is war by other

means, as Tim Judah (2000) observes metaphorically. The Serbs in general, as Milosevic faithfully demonstrated, have chosen the medieval ages – creation of the Serbian feudal state(s), installation in the thirteenth century of the Patriarchate of the Serbian Orthodox Church in Peja (Serb. Pec), in today's western Kosovo, and particularly the year 1389 and the “Kosovo battle” – as a point of reference. Albanians, on the other hand, reacted by going deeper into the ancient times and by invoking their Illyrian descent or by referring to Kosovo as a symbol of their national awakening process (Malcolm, 1998).<sup>1</sup> However, a part from disregarding the absence of the reliable historical evidences from those periods, these approaches miss one crucial point, namely the fact that the modern concept of nation was unknown during the medieval, let aside the ancient times. Therefore it is hardly arguable that the “Serbs” or “Albanians” at those times understood themselves along the national lines, as they do today. Instead, religion, language, or dynastic rule served as exclusive sources of political and cultural identification up until the eighteenth and nineteenth centuries, in much the same way as in the other parts of Europe and wider.

This chapter will give a historical perspective to this problem, starting from 1912-1913. The reasons for this, rather “modest”, historical approach are threefold; firstly, this period (“The Balkan Wars”) marked the first time when (the present day) Kosovo came under the rule of the modern Serbian state. Secondly, any deeper historical excursion into Kosovo is bound to overstretch into endless exchange of arguments and counter-arguments. Obviously, this is out of the limits of this work. And finally, while it is hardly deniable that the historic experiences do play a role in shaping the present political problems and patterns, it is amply demonstrated that in the Kosovo case there

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<sup>1</sup> The Albanian awakening process is connected with the so-called “Prizeren League”, which took place in Kosovo in June 10, 1878 (the city of Prizeren is located in southern Kosovo).

were political and intellectual circles which set the negative direction of this influence.

As Wacht (1998: 15-16) rightly observers:

if the potentials for mutual enmity can be found in almost any country, they have little or no explanatory power in and of themselves. Whether they lead to conflict or compromise depends on a host of factors, the most important of which centers on the way they are used or abused in culture and cultural politics.

It was primarily the Serbian elite that, misusing historical misfortunes and symbols, provoked national sentiments in order to acquire mass mobilization, with the aim of realization of Serbian national hegemony in the region. Above all, Slobodan Milosevic, whose policy was the major driving force behind the violent dismemberment of Yugoslavia, rose to power by promising to his fellow Serbs that he would struggle against “historical injustices” inflicted upon their nation. In his rise to power, he used the Kosovo cult and the irrational insistence on the mythical importance of Kosovo for the Serbs.

The latter two arguments, i.e. the controversial nature of history and the destructive role of elite in this regard, can very well be demonstrated by one simple example, namely the battle of Kosovo-1389, and the influence that the Kosovo cult, resulting thereof, has exercised into the Serbian national conciseness. This example has a very powerful explanatory force in terms of understanding the destructive pattern of Serbian nationalism, lately demonstrated during the 1990s. Thus, discussions about the origins of the ethnic conflict in Kosovo frequently refer to the battle of Kosovo of 1389, when one Balkan military alliance led by the Serbian ruler, King L Lazar, was defeated by the Ottoman army in the Field of Blackbirds (Alb. Fushë Kosova, Serb. Kosovo-Polje), which is located near today’s Kosovo’s capital Pristina. Little is known what actually happened in this fourteenth century battle is, at least it terms of reliable evidence. According to Serbian historiography, the Serbs after this battle lost their glorious

medieval state and came under the “Ottoman yoke”, while their king Lazar was killed. Outside observers, on the other hand, while agreeing that “disentanglement of myth from reality,” as John Allcock (2000: 382) underlines, hinder attempts to display a clear historical account of this event, overwhelmingly accepted that the picture was not as black and white as Serbian historians usually present it. Thus, by taking a historico-sociological position, Allcock (2000) displays a picture of two armies representing complex feudal structures. He goes one by explaining that on the “Turkish side,” an Ottoman nobility led an army composed not only of Muslims, but also contingents from other European groups among whom were Serbs (for this point see also Elsie et al, 1997: 12), while on the other side was an army led by the Serbia’s ruler Knez Lazar Hrebeljanovic and composed of (what he describes as) Serbs, Bosnians, Albanians, Wallachians, Croats and Hungarians. Along the same lines, Malcolm (1998: 62) refers to concrete historical evidence demonstrating that some Albanian nobles did take part in the Lazar’s army. On the other hand, it is historically undisputed that King Lazar was one of the Serbian feudal lords, and that his lands were located in the Morava valley in modern central Serbia (Judah, 2000: 5; Mahncke ed. 2001: 31-79; Malcolm, 1998: 59 . Indeed, as Bayerl rightly observes (quoted in Mahncke ed, 2001), the death of King Lazar in the Battle of Kosovo in 1389 did not mean the end of Serbia, because there were several “small Serbias” at the time when Lazar represented one prominent petty kingdom (the other one being the Northern Serb Kingdom under the ruler George Brankovic, which existed long after the battle of Kosovo). Serbia was finally occupied by the Ottomans in 1459 (Judah, 2000: 8).

Regardless of the historical controversies over that event, the cult about the Kosovo battle and the myth about the “heavenly kingdom” (Anzulovic, 1999: 4-5),<sup>2</sup> which have been very strong in the Serbian collective memory centuries later, are products of the nineteenth century. Though it was the folk or peasants culture that supplied the oral tradition, there were the Serbian intellectual circles, such as nationalist writer Vuk Karadzic, who turned the tales of the Kosovo battle into the foundation of the modern nationalist ideology (Schwartz, 2000). It was this traumatizing event, supplemented by latter developments as memorized through “myths” and tales for “holy battles,” “sufferings” and “great migrations,” which has falsely inculcated the feeling of victimization on the Serbian collective memory. The defeat at the Kosovo battle, the loss of the strong medieval state(s) and the alleged abuse of the Serbs during the Ottoman period, was used by the Serbian elite five centuries later to show that they had been, as they claim, “suppressed and humiliated” by the Ottoman Muslims. And up to the present day Serbian history fails to admit that Serbs were just one among other peoples of the Balkans which were ruled by Ottoman Empire, nothing more and nothing less than that. Other peoples of the region (e.g., the Bulgarians) lost their medieval kingdoms too, but such a “loss” did not have a determinant effect in shaping their national consciousness centuries later. In addition, it is very well known fact that Ottoman state was generally tolerant towards other religions (see Brude et al. 1983)<sup>3</sup> For example, as Dareby concludes (in Clissold et al. 1966: 87-135), for most of the time the Serbian Orthodox Church enjoyed autonomy in performing spiritual and social functions.

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<sup>2</sup> Anzulovic explains that: “heavenly Serbia is the dominant Serbian national myth. It was created after the Turkish penetration into Serbia in the late fourteenth century. The myth attributed the Serb’s defeat at the Battle of Kosovo to their commitment to the heavenly kingdom, that is, to the choice of moral purity over the military victory”.

And quite normally, as Julie Mertus (1999: 2) observes, when the feeling of victimization becomes part of identity it is very easy to identify an enemy. Consequently, identifying an “historical enemy” became a routine task of the Serbian nationalist intelligentsia and politicians whenever they needed, whether for personal or “national interest.” Thus almost the first thing to be done by the new Serbian state created in 1878 was to expel and exterminate the “Muslims,” whom they regarded as Ottoman remnants and who by and large were Albanian, from its southern flank.<sup>4</sup> Identification of “historical enemies” and the need to “prevent the repetition of historical misfortunes” continued to be advanced as a paramount necessity by the Serbian nationalist leadership up until the 1990s. In this spirit, protection against the “Croatian fascists,” or “Bosnian Islamists,” became the central element of Serbian nationalist rhetoric at the outset of the Yugoslav dissolution wars (Magas, 1993: 305). And yet, the Kosovo metaphor and the myth about the “heavenly kingdom” was a guiding paradigm in all turbulent moments. In analyzing the role of this myth in Serbian violent political behavior in the beginning of 1990s, Anzulovic (1999: 5) quotes the Serbian Orthodox bishop Jevtic Atanasije, who, in light of the Serbian aggressive campaigns in Slovenia and Croatia in 1991, reaffirmed the role of the Kosovo myth in the following sentence:

I think that Kosovo *covenant* of the Serbian people, that is their general orientation toward, and in critical situations definite commitment to, the

Heavenly Kingdom and not to an earthly one, must be pointed out as a special characteristic of the spiritual life of the Orthodox Serbs.

Yet, Serbia’s commitment to the “heavenly kingdom,” and the indoctrination with extreme nationalism resulting thereupon, as it will be shown subsequently, proved to be

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<sup>4</sup> Tim Judah (2000), for example, argues that when Serbs took the city of Nis (which is today the 3rd biggest city in Serbia), a quarter of the city was Albanian.

very tragic first and foremost for the Albanians, but also for others, including the Serbs themselves.

## **2. 2. Kosovo under the Serbian state: from the Balkan Wars of 1912 –1913 to the first Yugoslavia**

Although the independent Serbian state, recognized internationally at the Congress of Berlin in 1878, included a significant number of Albanians within its borders, Kosovo remained under Ottoman rule up until the Balkan Wars of 1912-1913. This period witnessed radical changes in the geopolitical landscape of the Balkans. The first half of 1912 was characterized by a large scale Albanian uprising against the, newly established, Young Turk Government in Istanbul. Although the motivations for this uprising were mixed, the key element was demand for more political, cultural and economic autonomy of the Albanian lands under Ottoman rule. The insurgents, after having achieved great successes, including the occupation of Skopje (Alb. Shkupi), stopped the insurgency following guarantees from the Ottoman Government that their demands were accepted (Malcolm, 1998: 239-248). Benefiting from the Ottoman exhaustion in the Balkans (particularly from the Albanian rebellion), and in the battles against the French and Italian armies in Morocco, Libya and elsewhere, Bulgaria, Serbia, Greece and Montenegro, obviously supported by Russia, attacked Ottoman troops with the aim of driving them completely out of Europe. The Orthodox allies succeeded in driving Ottoman army almost totally out of its European possessions. In response to these radical changes of the geopolitical map of the region, and especially in reaction to the occupation of their lands by Orthodox neighbors (Greece, Serbia and Montenegro), Albanians declared their independent state on 28 November 1912, in the

port city of Vlora (Southern Albania). The Treaty of London, signed in May 1913, recognized the Albanian independent state but left outside almost half of the Albanian inhabited territories in the Balkans, including Kosovo which became part of Serbia and Montenegro respectively (Malcolm, 1998). Yet few months after their victories, the Balkan Orthodox allies engaged in another Balkan war, but this time among themselves. The conflict was triggered by the old antagonism between the Bulgaria and Serbia over the control of present day Macedonia, while both also competed with Greece for the control of today's Greek Macedonia. The Peace of Bucharest signed in August 1913 reconfirmed the new de facto situation, recognizing the Albanian borders pretty much along the same lines as today, while Kosovo's position under Serbia and Montenegro was reconfirmed (see Mahncke ed. 2001: 64-68).

The importance of this landmark historical period for the Albanians and Serbs, and thus for the Kosovo question, does not lay solely on the new territorial arrangements, which, while leaving both sides unsatisfied<sup>5</sup>, obviously were highly to the detriment of the former. The anger of the Albanians who were left out of their national state was further exacerbated by the harsh treatment prepared for them by the "new rulers". Thus as soon as the Serbs returned to their "heavenly kingdom" they started to manifest brutal policy towards the Albanians, whereby just in 1912, according to some reports around 20,000 Albanians were killed and many more expelled, especially to Turkey (Judah, 2000: 19-21). This treatment of Albanian population by the Serbs was, as Elsie (1997: 26) portrays it, "in blatant contrast with grandeur of their medieval history." He goes on by explaining that:

The liberal constitution of the Kingdom of Serbia in the nineteenth and twentieth was not valid for Kosovo. There the government orders were carried out by decrees and in an extremely oppressive manner. The government in Belgrade held the view

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<sup>5</sup> The Serbs were denied the outlet to Albanian Adriatic sea coasts, mostly as a result of the strong opposition from Austro-Hungarian state (see Mahncke, 2001).

that the Albanians were not a people, but rather a collection of tribes divided and fighting among themselves, who had no common language, writing or religion . . .

Like in 1878, the oppressive campaign against the Albanians was not eruption of the "ancient hatred" between the two nations. Rather, it was inspired and orchestrated from above; namely the atrocities were committed primarily by the State armed forces, or paramilitaries sponsored by government, with the blessing of a large part of religious leaders and intelligentsia. The immediate motives for this policy, as many reporters of that time noticed, were to change the ethnic balance that was clearly in favor of the Albanians. These political reasons were noticed by Lev Bronsheim, or better known as Leon Trotsky, who at that time covered this event as a journalist for the Ukrainian newspaper *Kievskaja Mysl*. He describes the situation in Kosovo in the immediate aftermath of the Balkan Wars in the following terms (quoted in Malcolm, 1998: 253): "The Serbs in Old Serbia, in their national endeavor to correct data in the ethnographical statistics that are not quite favorable to them, are engaged quite simply in systematic extermination of Muslims." This policy ignited furious reactions, not only from outside, but also in Serbia proper. The fiercest critic of the anti-Albanian campaign was the leader of the Serbia Social Democratic Party Dimitrije Tucovic. Being a direct witness of the atrocities committed against the Albanian population, he described the situation in the following words (quoted in Elsie, 1997: 26):

The Serb soldiers were obsessed with the vengeance. Even their clergy called upon them to take revenge for Kosovo, that is, for the Battle of Kosovo Polje. When the Turks conquered the region in the Middle Ages, they had no intention of whipping out peoples they had conquered, as the governments of the Balkan bourgeois are now endeavoring to do...

The bitter experience of the Albanians in the first years of Serbian rule had two long-standing effects for the Serbo-Albanian relations. First, it convinced the Albanians that they were enemy by definition in the Serbian state, and consequently it triggered a

permanent resistance against any kind of Serbian rule. Second, and in connection to the first, Albanians became natural allies of whoever was to fight against the Serbs in the turbulent decades to come. Therefore, it was not surprising that for the majority of Albanians occupation of Kosovo and Serbia proper by the Austro-Hungarian, German and Bulgarian troops in 1915-1916 actually meant liberation (although many Albanian *Kaçaks*<sup>6</sup> resisted the new rulers too). And the Albanians were not mistaken in their perceptions, as the new rulers showed greater sensitivity towards Albanian cultural and political rights, allowing, among others, education in the Albanian language, and other cultural and political rights that did not exist before (Malcolm, 1998: 261). On the other hand, for many Albanians the new situation meant that the opportunity was created to take revenge for their plight of 1912. The revenge was to be taken against the defeated Serbian army, which in its desperate retreat to Corfu (Greece) had to pass through the mountainous borders between Albania, Kosovo and Montenegro, where the isolated detachments of the Serbian army, enfeebled by cold and hunger, became an easy prey of Albanian guerrillas (Malcolm, 1998: 20-22). Yet by 1918 the course of international developments worked for Serbs again, as the defeat of the Central Powers meant that Serbia was on the side of winners of the First World War, namely the Entente states. Consequently, by 1918 the Serbian army reoccupied Kosovo, and on 1 December 1918 the new state, called the Kingdom of Serbs, Croats and Slovenes came into existence.

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<sup>6</sup> The term *Kaçak*, in Turkish “fugitive”, was associated with the Albanian illegal groups fighting the

### **2.3 Kosovo and Albanians in the First Yugoslavia**

It is often claimed that the reasons for dissolution of Yugoslavia(s) cannot be properly understood without understanding, in the first place, the reasons for its creation. The factors and circumstances that lead to the creation of Yugoslavia were as complex and multifaceted as those triggering its violent disintegration in the 1990s. As such, any comprehensive analysis of the life of Yugoslav state would require far more efforts and space than the scope of this thesis can offer. A summarized picture of the context giving birth to the first Yugoslavia in 1918, initially called the Kingdom of Serbs Croats and Slovenes, displays an interaction of internal and external factors. In general terms, creation of the South Slavic state (excluding Bulgaria), was a direct product of the interaction between the radical changes of European geopolitical context, by the beginning of twentieth century, and internal processes at the elite level among the two major would-be Yugoslav groups, namely Serbs and Croats. Most of the observers agree that the Yugoslav idea was firstly articulated during the 1830s – 1840s, among the small group of intellectuals (Wacht et al. 1998: 1). The idea was particularly advanced by the Croatian writers, such as Ljudevit Gaji or Bishop Strossmayer, and supported by some Slovenian counterparts, e.g. Jernej Kopitar, who emphasized the common ethnic, cultural and linguistic features among the South Slavic groups (Cohen, 1995: 4). The main thrust behind the Croat (and perhaps the Slovenian) enthusiasm for Yugoslavism, however, was the perceived threat from the Hungarian cultural influence and, later, from the Italian territorial ambitions on the Eastern Adriatic coasts (Clissold et al, 1966: 154-170). On the Serbian side, clouded by the national awakening euphoria, the ambitions

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Turks, Serbs in 1912 – 1913, and later the Austro-Hungarians and Bulgarians, (Judah, 200: 21).

and ideas for creation of the strong Serbian state comprising all Serbs began to take a concrete shape. This idea was first articulated officially by one of the towering figures of Serbian nationalism, Ilija Grasanin (Interior Minister of the Principedom of Serbia from 1844 - 1874), who in his *Nacertanje* (Ang. Outline) laid out long-term Serbian political objectives. The central thread of the Grasanin's idea was that the Serbs should dominate the Balkans once the Ottoman Empire collapsed (Judah, 1997: 56-60). The creation of independent Serbia in 1878, and perhaps unification of Germany and Italy few years before, further bolstered Serbia's aspirations. In the lenses of Serbian elite, their state had to become a Piedmont; a force that should unite the South Slavic subjects of the Ottoman and Austro-Hungarian Empire under Serbian domination. The political space vacated by the dismemberment of the Ottoman (1912) and Austro-Hungarian (1919) Empires, and the fact that Serbia emerged as a consolidated state with a relatively strong military apparatus, gave a new impetus to the Yugoslav project. Still, perceptions about the common South Slavic state under Serb tutelage continued to dominate in Belgrade. Along these lines, Serbia's Prime Minister Nikolla Pasic declared in 1914 that "he will welcome the union of the South Slav lands with the Serb Kingdom" (Cohen, 1995: 12).

The new monarchic state – the Kingdom of Serbs, Croats and Slovenes – came into existence as a result of negotiations between the elite of its major groups, without any reference to popular consent. It consisted of different groups which, a part from being divided along religious (Catholic, Orthodox and Muslims), and ethnic (Slavs, Albanians, Hungarians etc) lines, had had different collective experiences shaping their nation-building processes. Above all, visions about the new state among the elites of two major groups – Serbs and Croats – were not only different but also conflicting. Henceforth, throughout its existence Yugoslav political life was dominated by two contradicting concepts about the form of governance, stemming from the Serbian unitary tendencies

and the Croatian inclination towards more decentralized and asymmetric models of organization (Cohen, 1995: 14). In addition to the geopolitical changes at the international realm, these conflicting tendencies actually played a major role in the break up of the first and second Yugoslav states. Overall, the new state created on the 1<sup>st</sup> of December 1918, which was based on royal unitarism under the Serbian Karadjordevic dynasty (the 1921 constitution), represented a framework for realization of the Serbian national program, based on hegemony over the other groups.

The new Yugoslav state incorporated Kosovo within its boundaries, without any specific legal status (it was simply regarded as an integral part of Serbia), against the will of its predominantly Albanian population. Most importantly, the government in Belgrade lost the opportunity to make a new beginning in terms of treating the Kosovar Albanians, who were the biggest non-Slavic group. Instead of trying to endear the Albanians to the new state, the Government, which was controlled by Serbs, acted quite the opposite. It denied the minority status to Albanians, and hence minority rights guaranteed by the new system established under the League of Nations (Elsie et al. 1997: 32-33). As the Serb author Dimitrije Bogdanovic recognizes in his *Kosovo Book*, the Albanians were excluded totally from minority rights recognized under the new system, which were granted to other (significantly smaller) minorities, such as Italians, Germans or Hungarians (quoted in Elsie et al. 1997). Obviously, the ultimate aim of this policy was Serbianization of Kosovo. The leading Serbian intellectual Vasa Cubrilovic, who was the most prominent member of the Serbian Academy of Arts and Sciences and who had been a member of the group which killed the Hapsburg Archduke Ferdinand in Sarajevo in 1914, expressed this strategy in the most articulate and radical form. In his memorandum entitled "The expulsion of the Albanians," published in March of 1937, he observes that (cited in Elsie et al. 1997: 12):

The Serbian authorities are trying to solve the major ethnic problems of the Balkans by Western methods. Gradual colonization has failed. There is no possibility of assimilating the Albanians as a people. The only way and the only means to cope with them is the brute force of an organized state in which we have always been superior.

The first step to be undertaken in pursuit of the “non-Western methods” was the abolition of Albanian schools, which had been set up by the Austrians. Furthermore, the Belgrade regime started to implement a strategy to change the ethnic balance of Kosovo, by expelling Albanians (mainly towards Turkey) and on the other hand bringing Serbian and Montenegrin colonists to Kosovo. Thus, around 120, 000 people are thought to have immigrated to Turkey between 1910-1920 (Judah, 2000: 22). On the other hand, the new Yugoslav (Serb) state twice during the inter-war period implemented the so-called “Agrarian reform and colonization”, which meant simply that the land of Albanians was given to the new Serb colonists who come mostly from Montenegro (Poulton, 1991: 57–61). Discrimination against Albanians, quite normally, sparked political and military resistance throughout the lifetime of the first Yugoslavia. The Serbian strategy to correct the ethnic structure through harsh methods did not reach any meaningful success, nor did the Albanian resistance to put an end to their oppression. The only significant achievement, however, was further alienation of Albanians by the Serbian/Yugoslav state and sharpening of distrust and chasm between the two nations.

#### **2.4 Kosovo and Albanians in the Second Yugoslavia**

During the Second World War (WWII) Yugoslavia underwent a civil war, whereby old ethnic rivalries and grievances and new ideological differences pitted different groups against each other, resulting in more casualties than those caused by the Nazi occupation.

WWII brought onto the surface the complexity and severity of ethno-political questions in Yugoslavia. It also highlighted the crucial lesson, to be repeated fifty years later, that the destiny of the Yugoslav state was inherently bound to external factors. The fact that the collapse of the League of Nation's system (1914), and the end of the Cold War (1989), allowed ethno-political animosities in Yugoslavia to take a violent expression underlines the corollary that the very survival of the Yugoslav state was heavily dependent on external geopolitical circumstances. Yet, the external context again worked in favor of a new Yugoslav state when Axis powers were defeated, while the Yugoslav communists, who under the leadership of Josip Broz-Tito had been fighting the Nazis, emerged as allies of the victorious Entente coalition.

During WWII, the biggest part of Kosovo joined Albania, which was annexed by Italy, one part of it remained under the Germans (northeast), and even Bulgarians took control over some territories (Vickers, 1998: 121). During the Italian-German occupation, Kosovar Albanians acquired their own administration, police, courts, schools and other cultural institutions (Elsie et al. 1997: 37-38), none of which existed before. Due to this, it is not surprising that the communist appeal for an anti-fascist war in Kosovo met with little enthusiasm (unlike in Albania). Rather, Albanians were preoccupied with retaliation against the Serbian colons, brought to Kosovo during the interwar period. Moreover, the expulsion of Serbian colons from Kosovo, which obviously was not carried out "humanely," had been supported even by the Germans, although they "called for adoption of peaceful and reasonable way" (Malcolm, 1998: 293-294). In an attempt to convince the Albanians that the new beginning was unfolding, Yugoslav/Serb and Albanian communists met in Northern Albania (Bujan), in the New Year night of 1943 where they signed a declaration bestowing upon the Kosovars the right on self-determination, including secession, after the war (Horvat, 1988: 53-56). This eventually

failed because of obstructions from the Serbian side, and an uprising in Kosovo took place in 1944. It was quelled by Yugoslav communist regime only in late May 1945, and Kosovo was put under military rule until the July of that year (Horvat, 1988: 39). In the same year a communist “Assembly of National Representatives of Kosovo and Metohija”<sup>7</sup> decided, obviously without popular consent, that the province should join the “Federal Serbia,” with limited regional autonomy (Magas, 1993: 34; Malcolm, 1998: 315-317).

The new communist regime was aware that accommodating the national questions, and building the broken bonds between the major national groups, was the biggest challenge where the very survival of socialist Yugoslavia was tested. Initially, borrowing from the Soviet concept, the Yugoslav communists maintained that the creation of a new supranational culture/identity, based on “socialist values” was fully compatible with the flourishing of particularistic ethno-national cultures (Cohen, 1995: 22-24). The communist framework for creation of the new “Yugoslav identity” through the “socialist revolution” and “brotherhood and unity formula,” was built on three pillars; first, a single party system; second, the federal state structure; third, socioeconomic development based on socialist dogma (Cohen: 1995). Eventually, this approach was abandoned by the beginning of the 1960s, and, instead of creating a supranational identity, the communist establishment tried to accommodate national issues by frequent constitutional arrangements, and by distributing more power at the republican and provincial levels. Wacht (1998: 229) observes that the abandonment of attempts to cultural nation-building on the part of political and cultural elite created conditions for the collapse of the Yugoslav state. This conclusion, however, disregards the crucial fact that changing the 1960s were responses to the dysfunctional political and economic

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<sup>7</sup> “Metohija” was a purely Serbian geographical term (for Western Kosovo).

system, and indeed they marked a significant move towards more decentralized form of governance (Ganon, 1994: 130-165). These changes triggered reactions among the conservative elite, particularly in Serbia where some circles began to argue that the reforms were to the detriment of the Serbian nation, and that they were pursued by the “historical enemies” of Serbia (Ganon, 1994). Although it went without saying, these transformations and the controversies they triggered, brought into the surface the old conflict between the different concepts of power sharing within the Yugoslav state (centralized *versus* decentralized). Eventually, conflicting tendencies were quelled only after the big purges were carried out by Tito, at the Federal level as well as in the ranks of the Croatian communist party -the so called “Croatian Spring” (Ganon, 1994).

Unlike in the first Yugoslavia, this time the particular ethno-cultural identity of Albanians was legally recognized (starting with the constitution of 1946). Due to this fact, political developments and changes within the Yugoslav system were felt in Kosovo perhaps more than anywhere else. Obviously, the decline of Serbian dominance, and hence distribution of more power at the regional level, resulted in advancement of the political-legal position of Kosovo. In fact, during the first two decades of Socialist Yugoslavia, Albanians were underrepresented in public life in Kosovo, let alone the Federal bodies, although they made up the third biggest ethnic group.<sup>8</sup> This situation started to change for better during the second half of the 1960s.<sup>9</sup> Two particular events bolstered this trend; first, removal of the Yugoslav Minister of Interior, of Serbian origin, Aleksandar Rankovic (1966), who had pursued a brutal police campaign in

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<sup>8</sup> In 1956, for example, 87% of the people employed in Kosovo by the secret service and 69% of those employed by the police forces were Serbs and Montenegrins, although they were less than 20% of the population. These figures were given in Serbia weekly *Interview*, date 04.09.1987, (quoted in Horvat, 1988: 62).

<sup>9</sup> Some of the major changes included the establishment of a University in Albanian language in Pristina (1970), permission to use Albanian flag publicly, and increasing representation of the Kosovar Albanians in public life (see Vickers, 1998: 162-163).

Kosovo, and second demonstrations of the Albanians in Kosovo and western Macedonia in 1968.

However, Albanians were not satisfied with their status, whereas although they represented the third biggest ethnic group they were granted the status of “nationality,” which was a constitutional term used for national/ethnic minorities. Aware of this fact, the Yugoslav Communist leadership, under Tito, granted to Kosovo a high level of political autonomy with the new constitution adopted in 1974. In fact, this movement marked perhaps the last attempt undertaken by Tito to balance the conflicting national aspirations of different Yugoslav groups (especially Serbs, Croats and Albanians). It created a semi-confederal system in which the decision-making at the center was depended on consensus between the political leaders of the republics and provinces (Cohen, 1995: 33). Although the constitution of 1974 did not go far enough to satisfy the Albanian demands for a republic, and hence theoretical statehood, it granted a very high level of autonomy for Kosovo. With this constitution Kosovo became a constitutive element of the federation, with direct and equitable representation in all its party and state bodies.<sup>10</sup>

Advancement of the status of Kosovo, however, was not acceptable for the Serbs who began to fear from “Albanization.” Their feeling of insecurity was nurtured by additional factors, such as the relaxation of the restrictions in communication between Kosovo and Albania, the high birth rate among the Albanians, equal use of Serbian and Albanian languages in public life (Bellamy, 2002: 5). On the other hand, there was a big disparity in economic development between the Kosovo and northern parts of

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<sup>10</sup> As one of the eight federal unites, Kosovo was represented in federal chamber of the Yugoslav Assembly, and had the right to propose laws and other legal acts within the competences of the Chamber of Republics and Provinces. It was also separately represented in the Federal Supreme Court and Constitutional Court. Provinces had the right to veto in all matters which affected them. They also had their central institutions, similar with the republics (see Vickers, 1998: 178).

Yugoslavia and Serbia proper. These factors caused two effects: first was the migration of many Serbs, especially intellectuals, to more urban cities in Serbia, although this number is often exaggerated. And second they lead to the eruption of Serbian nationalism, which perceived the factorization of Albanians in Kosovo as a threat to their national interests. In this spirit, as early as 1977 a working commission of the Serbian League of Communists prepared, what became known as, the “Blue Book,” which demanded control of the judiciary, police force and economic policy be returned to Belgrade (Vickers, 1998). But it was not only Serbs who were unhappy with the constitutional arrangements of 1974. So were the Albanians, who did not abandon their aspirations to achieve the status of a nation/republic within the Yugoslav federation.

When Tito died, in May 1980, he left the country in the grip of by deep political and economic problems. Most importantly, the country lost the charismatic, albeit dictatorial, leader who in a way was personification of socialist Yugoslavia and everything related to it. In light of what has been said above, it is not surprising that Kosovo became the major battleground were the very survival of post-Tito Yugoslavia began to be tested. The first blow to the system came from Pristina University students, who in March of 1981 took to the streets to protest, initially, against the bad conditions of living in their dormitories. Later the protests swept to other towns in Kosovo, and gave voice to political demands, the major one being the request for upgrading Kosovo’s legal status to that of republic. Although the protests seemed spontaneous and initially peaceful, brutal police force was used to quell them, military tanks were deployed in the cities and a police-military curfew was imposed (Bellamy, 2002: 5-6). These riots served as a pretext for big purges of the Albanian high ranking communist functionaries and University professors, who were being accused of not adequately responding to “Albanian counter-revolutionary forces,” while the University of Pristina was labeled as

the “cradle of nationalism” (Vickers, 1998: 200-2002). The hunting of Albanian “nationalists” and precarious trials continued throughout the 1980s, whereby in 1983 around 41% of the political prisoners in Yugoslavia were Albanians (Bellamy, 2002: 7).

These events just infuriated the Serbian discontents with the factorization of Albanians in Kosovo, and Yugoslavia proper. The fear among ordinary Serbs that Kosovo “was being Albanized” was exacerbated. Again, the irrational and immoral perception prevailing among the Serbs that any improvement of the position of Albanians in Yugoslavia was to their detriment was falsely imbedded by their elite. Regrettably enough, there were academic circles and religious leaders who took the lead in a well-orchestrated campaign of demonization of Albanians, thus appealing to the feeling of victimization inculcated deeply in the Serbian collective memory. Serbian propaganda began to portray Albanians as rapists, bandits and enemies of the State. In 1948, for example, Atanasije Jevtic, the Orthodox Archimandrite, stated publicly that “Serbian girls and old women were being raped in the villages and nunneries” (Bellamy, 2002: 7). The falseness of this claim, as Malcolm (1998: 339) argues, was shown by a detailed study of the incidence of rape in Yugoslavia, carried out in Belgrade. According to this study Kosovo had the lowest incidence of rape in Yugoslavia, while 71 percent of rape cases were between the same nationality. Yet the most dramatic appeal “for the bad position of Serbs in Yugoslavia” was issued by members of Serbian Academy of arts and Science in 1986. Namely in a famous memorandum, the sixteen prominent members of this towering intellectual institution in Serbia voiced their accusation about state policy in Kosovo in following terms (quoted in Anzulovic, 1999: 108): “Not only are the last remnants of the Serbian people leaving their land, constantly and at one unabated rate, but...chased by violence and a physical, moral, and psychological terror, they are preparing for their final exodus.”

After warning of war in Kosovo if the state did not take radical measures, the memorandum called for concrete steps, such as reduction of autonomous status, detachment of its links with Albania and changing ethnic structure in disfavor of Albanians (Vickers, 1998: 222). Furthermore, this nationalist manifesto did not only raise the question of “Albanian threat in Kosovo.” Indeed the main message transmitted by the memorandum was that there was an anti-Serb conspiracy being carried out by their neighbors (in Kosovo, Croatia and Bosnia), who allegedly were plotting their destruction. Anzulovic (1999: 114) rightly concludes that, by exposing the Serbian grievances based on distorted data and by providing justification for the use of force, the memorandum created an ideological platform for the pan-Serbian policy of Slobodan Milosevic. Indeed, not only the spirit of the memorandum was to become the guide of Serbian aggressive policy throughout the 1990s, but some of its most important architects were later to play an active political role in Serbia.<sup>11</sup> It was this political mindset prevailing among the Serbian intellectuals and, regrettably, religious circles that gave the main socio-cultural thrust to the emergence of “Milosevic phenomenon”, with other factors playing a supplementary role. Neglecting this crucial fact, which is a general tendency among Western policy-makers, is not detrimental only to the long-term stability of the region, but it decisively obstructs the Serbian long path to a democratic society.

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<sup>11</sup> For example the prominent writer Dobrica Cosic, who was the main architect of the memorandum and the head of the Serbian Academy of Arts and Science, was elected as President of rump Yugoslavia (Serbia and Montenegro) in 1992.

## **2.5 Failure of the second Yugoslavia experiment and the question of Kosovo**

History tells us that, as a general rule, great events are almost never the product of a single causal factor. This was amply demonstrated, as stated above, when the first Yugoslav state was created (during the first half of the twentieth century), and this lesson was repeated when the South Slavic state violently disintegrated at the closing decade of the same century. Factors leading to the dissolution of Yugoslavia are too complex to be elaborated in this work. In general terms, there was again an overlap of international political and economic changes with the internal dynamics that led to such a dramatic end of the second Yugoslav experiment.

The first serious signs of crisis in the Yugoslav system were heralded by the end of the 1970s, following changes in international economy caused by the higher costs of energy, oil technology and capital. By the beginning of the 1980s, Yugoslav economy was rocked by enormous inflation, high unemployment, a huge foreign debt and serious food shortages (Cohen, 1995: 37). When in the context of worldwide concerns about the International Monetary Fund asked for reckoning of the debts of Third World countries, discovery of the high scale Yugoslav indebtedness resulted in a serious political shock (Allcock, 2000: 426). This event exacerbated contradictory debates between the Federal center and republics/provinces, and among the latter. The growing gap in the economic development between the north and south, and the fact that international credits were managed largely independently by regional centers, just fueled discontent. While the need for reforms became pressing, the powerful political elites at the republican/provincial level could not agree about future steps needed in this direction. The old-persisting conflict between centralist *versus* decentralist tendencies,

curtailed skillfully by Tito, came into fore again. Thus, by the middle of the 1980s, economic recession began to leave space to ethnic nationalism, which, as latter developments demonstrated, always waited for its chance.

With the end of the Cold War, and changing of security parameters, Yugoslavia lost the last, and perhaps the most powerful, trump of its existence. The balance of fear wrapping up the Cold War period rendered unthinkable the forceful alteration of state frontiers, whether within the spheres of influence of two rival super-powers (e.g. Eastern Europe), or at the spots where the interests of the two blocks clashed (e.g. Korean War of 1950). On the other hand, ever since Tito broke with Stalin (1948), resulting in Yugoslav withdrawal from the Warsaw Pact, and following introduction of a more “liberal socialism,” Yugoslavia was seen in the West as an important example of the “anti-Soviet rebellion” within the Socialist camp. However, although the Soviet threat, with the Czechoslovak scenario for example, was always seriously perceived by the Yugoslav political establishment, Moscow was careful not to alienate Yugoslavia to such an extent as to throw it fully upon Western arms. This position of “power between superpowers,” as Spencer portrays it (in Spencer et al. 2000: 12), enabled Tito to secure benefits from both sides, while strengthening internal cohesion. With the fading away of the Cold War security paradigms, international pressure for keeping the frontiers frozen withered, while the penetration of democratic political changes allowed different groups to openly express their conflicting interests and ambitions.

In the Yugoslav case, decline of the communist system not only opened the way for nationalist forces to become legitimate political players, but it also led to the conversion of a large portion of the communist political elite into nationalism. Some authors have attributed this fact either to the similarities between communism and nationalism, whereas in both of them an imaginary enemy played an important role for

mobilization, either for class or national struggles, or to the democratic deficit in the Yugoslav system. In explaining the transformation of the Yugoslav political elite from communist to nationalism, Zarko Puhovski pointed out that “people hardly knew how to react when there was no an enemy to struggle against. After the Cold War the class struggle become unpopular, but the former communists needed a substitute enemy whose members could be identified almost at sight. Such group identification was most readily found in ethnicity...” (quoted in Spencer et al. 2000: 12). These hypotheses have some explanatory force. What they cannot explain, however, is why some other communist countries took the opposite path (e.g. Hungary), and, most importantly, why the adoption of nationalist agenda in Yugoslavia led to such a ferocious end.

### **2.5.1 Milosevic, war and NATO intervention**

In a cable to the US Secretary of State James Baker, Warren Zimmerman –the US ambassador to Belgrade during the last days of Yugoslavia’s life, wrote (quoted in Belmar, 2004): “I have no doubt that if Milosevic’s parents had committed suicide before his birth rather than after, I would not be writing a cable about the death of Yugoslavia. Milosevic, more than anything else, is its gravedigger.” While the debates about the reasons for dissolution of Yugoslavia continue, it is overwhelmingly accepted that the “Milosevic factor,” was the major cause of the violence characterizing this process. Yet, it is often said that Milosevic was never a loyal nationalist, nor a communist transformed into a nationalist, but his political motivations and visions were primarily shaped by his lust for power. Accordingly, it is a misleading oversimplification to solely blame him for the violent behavior of the Serbs during the

course of Yugoslav nightmare. Indeed, Milosevic was just an aggressive voice of the particular patterns of nationalist ideology prevailing among the Serbian elite, and of the political culture resulting therefrom. Dobrica Cosic, who is often called the father of Serbian nation in present times, has faithfully demonstrated this hypothesis. He, on one occasion, described Milosevic in following terms (quoted in Judah, 2000: 47-48):

Milosevic was devoting himself bravely to the renewal of the Serbian state and the salvation of the Serbian people from new slavery and annihilation  
....Slobodan Milosevic has done for the Serbian people more than all Serbian politicians in the last decade.

Milosevic rose to power by promising to the Serbs in Fushe Kosova (the site of the famous Battle) that he “was the new Kosovo hero who will protect them.” Ironically, Serbs who controlled the army and security apparatus all over Yugoslavia, let alone Kosovo, were complaining that they were being abused by the Albanians. A turning point was his visit (then a chairman of the Serbian League of Communists) to Kosovo, on April 24, 1987, where he was supposed to participate in a meeting of the Provincial Communist Party in Fushe Kosova. Clashes broke out between the local police and some 15.000 Serbs, who were gathering outside the building where the meeting was taking place. Addressing the mass of angry Serb protesters, he uttered his famous words “no one should dare to beat you anymore” and proceeded to give a speech about the “historic injustices” and “sacred rights” of the Serbs (Thomas, 1999: 44-45). With support of the media, and mass rallies through the country known as “meetings of truth” he was able to mobilize large popular segments, which enabled him first to defeat his opponents inside Serbia’s League of Communists, and consequently to force into resignation the governments of Vojvodina and Montenegro (see for more details Thomas: 1999: 44-45). Commenting on this campaign, whose proclaimed aim was “unification of Serbia,” leading Serbian newspaper *Politika* triumphantly stated that “no

force can now stop the Serbian unification” (Malcolm, 1998: 229). The archaic rhetoric and symbolism displayed in the “meetings of truth,” which were held throughout Serbian inhabited territories of former Yugoslavia, was a clear warning of the poisoning atmosphere dominating the Serbian political life. Even the ancient remains of Prince Lazar were used to galvanize national romantic feelings, as the coffin with its remains was sent from one Serbian village to another for a whole year. At each stop, as Spencer (in Spencer et al. 2000: 14) describes, people reacted as if Lazar had been killed only the day before. The mass rally held at the site of the Kosovo Battle of 1389, on the 600<sup>th</sup> anniversary of that event, marked the resumption of the first Milosevic’s crusade. In this meeting, which took place after the forceful revocations of Kosovo’s autonomous status (to be discussed below), and was attended by some 500,000 Serbs, high ranking Serbian politicians and intellectuals as well as Serbian Orthodox clergy, Milosevic, whose pictures together with the Prince Lazar’s portraits dominated the scene, utterly declared that “six hundred years later we are again involved in the battles, and facing battles. They are not battles with arms, but they cannot be excluded...” (Thomas, 1999: 50). The slogans such as “we seek nothing new-only the empire of Dusan”<sup>12</sup>, or “if necessary will fight for freedom” (Thomas, 1999), were indeed a prologue to the bloody adventure in which Milosevic was leading his people. Thus, the cancer that killed Yugoslavia, as Tim Judah (2000: 33) metaphorically observes, began in Kosovo. The Kosovars, therefore, became the first to experience the tragedy of dissolution of former Yugoslavia, and feel the brutality of Milosevic’s camping to protect the “sacred” Serbian interests.

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<sup>12</sup> Stefan Dusan “The Mighty” (1331-55) was a most successful ruler of the Serbian Medieval state, under whose reign Serbia expanded southwards taking territories from the Byzantines in Greece, Macedonia and Albania (Thomas, 1999: 12).

## **2.5.2 Abolition of the Kosovo's autonomy, state apartheid and Albanian reaction**

The crucial momentum that was characterized as the beginning of Yugoslavia's disintegration drama was the arbitrary change of the constitution of 1974,<sup>13</sup> resulting in revocation of the autonomous status of Kosovo and Vojvodina. This step had a very negative reflection not only upon Kosovar Albanians, but also for the other Yugoslav Republics. By this move Milosevic strengthened Serbian position in the federation, acquiring 4 votes (including Montenegro) in the Yugoslav collective presidency. Other republics regarded this as a prelude to a Serbian-dominated Yugoslavia. This act had a very negative impact in Kosovo. It diminished the fragile balance that was created by this constitution between the Albanian aspiration for republic inside Yugoslavia and Serbian tendencies for full control over Kosovo.

The revocation of the Kosovo's autonomy was followed by repressive and discriminatory policy. Almost every aspect of life in Kosovo was affected. In reality, what was happening in Kosovo in a way was just "a back to the future", or a repetition of history in another context. Not just the aims but also the methods practiced by the Serbian state greatly resembled those practiced in 1912-13, 1915-1916, 1945-1966, and propagated by the Serbian Academic Vasa Cubrilovic in 1937. Namely, in pursuing the final objective of changing the ethnic balance in Kosovo, which was the major Serbian obsession ever since 1912-1913, the latter engaged in a brutal oppressive policy against the Albanians, with the aim of rendering their conditions of life intolerable. This policy was manifested with mass dismissal of Albanian workers from their working places,

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<sup>13</sup> On 23 March 1989 Kosovo's Communist Assembly was forced under the pressure of police and army tanks, which had been deployed in Pristina, to vote in favor of the constitutional changes, revoking the Kosovo's autonomous status granted under the 1974 constitution.

including public services, state enterprises and hospitals. A new school curricula was introduced, which largely eliminated the teaching of Albanian literature and history, and subsequently schoolteachers, university professors and students after having refused to comply with it, were expelled from their schools. Above all, these measures were conducted with widespread human rights abuses; arbitrary arrests, torture and detention without trial (see Malcolm, 1998: 348-350).

The reaction among the Kosovar Albanians was immediate and intense. Many public demonstrations, strikes, and other forms of protests took place, resulting in clashes with police, which left dozens of Albanians killed. At the political level, the major reaction toward constitutional changes took place on July 2, 1990. Three days before the Kosovo Assembly was dissolved, 114 of the 123 Albanian delegates met on the steps of the Assembly's building. They adopted a declaration giving the Albanians a status of a nation entitled to their own Republic. Another meeting of now dissolved Assembly, on September 7, 1990, adopted the "constitutional law of the Republic of Kosovo." In September 1991, a self-organized referendum on independence of Kosovo took place, and in May 1992 Kosovo wide elections were held. In the referendum, which was proclaimed illegal by the Serbian regime, the overwhelming majority of the population voted for independence of Kosovo (Judah, 200: 64-66).

### **2.5.3 Pacifists and warriors: from non-violence to Kosovo Liberation Army**

In light of the Serbian strategy of strong-hand rule over Kosovo and the Albanian political mobilization in counteraction, there was a general feeling, whether within Kosovo or abroad, that Kosovo was at the edge of the war. But two developments

changed the course of events. First, failure of the leaders of the six Yugoslav republics to find a compromise about the future of a common state (in 1990), clearly heralded the unknown and dangerous direction in which the South Slavic state was heading. By the end of 1990 and beginning of 1991 situation took dramatic path, as the Yugoslav People's Army (JNA),<sup>14</sup> acting on behalf of the Serbs, moved to the north to end secessions of Slovenia and Croatia, proclaimed on 25 June 1991. Yet, when the fighting first broke out in 1991 few people seemed to be thinking that this event marked the beginning of a long conflict that for almost a decade would hassle the international community so deeply, causing serious fractures and, ultimately, leading to radical regional geopolitical changes. Moreover, even the most portentous observers would not have believed that the unfolding Yugoslav crisis, especially the Bosnia nightmare, would bring into the homes of Europeans (who were gripped by the enthusiasm of the rising new, post-Communist, era based on moral rectitude) images seen only in Holocaust and Auschwitz.

Second, and perhaps the most important obstacle to war in Kosovo was adoption of a non-violent and passive form of resistance by the Kosovar Albanians. Lead by a web of newly created political parties, especially the Democratic League of Kosovo (LDK in Albanian), NGOs and other civic groups, Albanians developed parallel institutions (not-recognized officially by Serbia), in education, health, sports, information and culture.<sup>15</sup> This strategy was based on the renouncement of the legitimacy of Serbian rule, although

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<sup>14</sup> JNA is acronym of the Yugoslav Peoples Army in the Serbo-Croatian language.

<sup>15</sup> The shadow society/state, as observers usually tend to portray it, functioned thanks to the wide social solidarity, especially among the huge Kosovar diaspora in the West, who regularly paid 3% of their incomes for this purpose. Activities in education were the major feature of the "parallel society" in Kosovo. As the teaching in Albanian in high schools as well as University was stopped, Albanians organized private schools, in homes, restaurants and other private premises donated for this purpose by the citizens. This education obviously was not recognized officially, and even was obstructed, by the Serbian state. Overall the "parallel society" was financed by voluntary contributions of Albanians living abroad and in Kosovo proper. It was channeled by a network of institutions, including the Kosovar shadow

this was not manifested by any form of massive civil disobedience, and restrain from embracing a violent means *vis-à-vis* the Serbian oppressive policy. It was aimed primarily at attracting international attention to the Kosovo problem, while preserving the national substance of Albanians by not giving an excuse to the Serbs to commit a massive ethnic cleansing (as they were doing in Bosnia). The non-violent strategy was greatly influenced by the events in Croatia and Bosnia, where the massacres by paramilitary and regular army forces made it apparent what fate Kosovar Albanians would face if they took up arms against well-organized Serbian forces (Clark, 2002). Most importantly, this strategy offered an alternative to violent conflicts, which became the stamp of Yugoslav dismemberment process. It also offered a possibility to those international mechanisms and powers engaged in finding solution to the Yugoslav problem, to develop a preventive strategy.

By the mid-1990s, Kosovar Albanians began to “lose patience” with the lack of results from the non-violent strategy. The problem of Kosovo on the international agenda was largely marginalized or, at best, reduced to the question of human rights and national minority status, while the repression against the Albanians was a permanent feature of their daily life.<sup>16</sup> Subsequently the Democratic League of Kosovo, which was the engine of the non-violent policy, began to be criticized. The criticism to this policy emerged whether from within, for adoption of extensively passive strategy, or from outside, for its maximalist demands (nothing less than independence). It is overwhelmingly accepted that the Dayton Agreement (1995), which ended the war in

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Presidency, Government in exile (Germany), financial councils (operating with the money collected) and so forth (for more information about this issue see Howard, 2000).

<sup>16</sup> A report issued by Amnesty International in 1994, for example, informed that “the police use violence with impunity on a daily basis. The Report continued by stating that “thousands of ethnic Albanians have witnessed police violence or experience it at first hand.” Further Amnesty International reported that “Police officers express their ethnic hatred towards their victims. A particular savage instance involved a police officer slashing a Serbian symbol on the chest of an 18-year old ethnic Albanian”. Other incidents

Bosnia and Herzegovina, had a great impact in setting the blaze of conflict in Kosovo. Dayton transmitted very negative messages to the Albanians. Due to the fact that the problem of Kosovo was completely ignored, Albanians started to believe that international attention could be attracted only by means of war. The Dayton Agreement to a large extent legalized the ethno-political realities created by the war and ethnic cleansing. The *Republica Srpska*, the phantom Serbian entity in Bosnia and Herzegovina, which was a product of genocide against the Muslims, was granted a high level of sovereignty, while the international community began to view Milosevic as a key figure for maintaining the fragile peace yielded by Dayton. Kosovar Albanians were further frustrated by the recognition of the new Yugoslavia by the EU countries in April 1996.<sup>17</sup>

During this period, peace in Kosovo began to be challenged by armed attacks against the Serbian state targets. Although such attacks were committed even prior to 1996, it was during this year that the Organization called Kosovo Liberation Army (KLA) claimed responsibility. Almost at the same time students of the University of Pristina started to protest demanding the release of the University premises (which were closed for education in Albanian language). Escalation of armed conflict overshadowed the student protests, which initially enjoyed strong support among the Albanians population. Thus, the first armed combats took place in the Drenica region (central part of Kosovo), where the KLA began to confront openly the Serbian police and military forces. The events that followed heralded the “new Bosnia.” Serbian forces, aiming to intimidate the Albanian population, reacted cruelly against the civilians after every armed combat with

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mentioned in this report involved murder of six-year-old boy by the police and severe beating of a 90-year-old man, in one of their daily raids on a Kosovar Albanian homes” (quoted in Bellamy, 2002: 511).

<sup>17</sup> The United States, however, while recognizing the Federal Republic of Yugoslavia, insisted on maintaining of the so-called “outer wall of sanctions” against the FRY because of the situation in Kosovo (Independent International Commission on Kosovo, 2000: 21-25).

the KLA. In one such action, in reaction for the killing of four Serbian police officers, Serbian forces launched an attack in two villages, leaving 26 civilians dead. Few days later, on March 5, 1999, Serbian armed forces attacked the Jashari family, which were considered as key players in the local growth of the KLA in the Drenica region. Using artillery against the homes and sharp shooters against those who fled, the massacre left 58 dead, including Adem Jashari, one of the most famous KLA local commanders, and created a martyr for the KLA cause (Independent International Commission on Kosovo, 2000). These massacres did not have the effect intended by the Serbian authorities, as Albanians were not intimidated. Quite the opposite, a great excitement had seized them, and they massively began to join KLA's ranks. Hence, at the beginning 1998 it became obvious that the long announced war in Kosovo, or explosion of the "powder keg" was a reality. International community failed in developing a preventive strategy even though the Albanian peaceful movement offered a chance to it.

#### **2.5.4 International response: from force of diplomacy to diplomacy of force**

The Yugoslav crisis coincided with the beginning of a new epoch in the international realm, characterized by radical transformations resulting from ending of the world bipolar system. As such, not only that Yugoslav crisis was one of the major challenges for the new international order, which was supposed to be built upon liberal values and international institutions, but the direction of this crisis was largely influenced by the international reaction to it. This reciprocal influence is a complex and wide issue and as such it merits more space and effort than the scope of this work can offer. The international response to the Kosovo problem changed inconsistently throughout the

1990s, thus reflecting not just dynamics on the ground, but primarily the lack of a coherent approach on the part of the international community towards the Yugoslav problem as a whole.

In the beginning of 1990s, not just Kosovo but also the dramatic situation taking place in the northern part of former Yugoslavia was greatly overshadowed by the profound transformations at the global level. International political agenda at that time was dominated by events in Middle East following the invasion of Kuwait in 1990, German reunification and fear about its possible implications, uncertainty about the path of the Soviet Union's transition/dissolution, and advancement of the EC integration in a new context. It was this complex environment, and perhaps the fear that stemmed from the historically inherited lesson that Balkan troubles are prone to produce very bad international consequences, that initially lead the Europeans and Americans to hope naively that the Yugoslav state, with whatever arrangements, would continue to exist (Danchev, Halverson et al. 1996: 4-6). Yet, as the war flames not only reduced but also went further by gripping Bosnia (1992) into a horrible bloodshed, it became clear that Yugoslavia was going towards an irreversible and violent disintegration path. Consequently, the Yugoslav problem assumed a central place on the international political agenda. Thus, after the initial dominant EU role, other international mechanisms, such as UN, NATO, OSCE, Contact Group<sup>18</sup>, G-8<sup>19</sup>, became altogether voice of the international community, although, as Albercht Schnabel rightly observes, "as throughout the turbulent history of the Balkans, it was again in large part the major

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<sup>18</sup> The Contact Group, which assumed a central role in formulating international response to the Yugoslav crises, was created by the UN in April 1994. It consisted of France, Italy, Germany, United States, United Kingdom and Russia.

<sup>19</sup> The G-8 played crucial a role in the political process that lead to the stopping of NATO's war against Yugoslavia (to be discussed in chapter 3). It consists of the members of Contact group plus Japan and Canada.

European powers and US who finally determined the future of the region” (quoted in Spillmann et al. 2000: 24).

Although the Kosovo problem was at the fore of the Yugoslav crisis ever since 1989, it was largely ignored prior to 1998. Indeed this problem was sidelined by developments in Bosnia and Croatia, and by the inclination of international actors to qualify it as a human rights problem, not as a conflict originating from the competing claims of Serbs and Albanians over territory. This qualification of the problem, which reflected the overwhelming international view that Kosovo was an internal matter of Serbia (while the latter was held responsible only for not upholding individual human rights and minority standards), led to the exclusion of Kosovo from international diplomatic efforts to solve the Yugoslav dissolution crises. Virtually, Kosovar Albanians did not participate as equal partners in any international diplomatic initiative related to the Yugoslav conflict prior to 1999 (Rambouillet conference). They were not invited to the Hague conference of 1991, they were neglected by the so-called Badinter Arbitration Commission<sup>20</sup>, and participated only as passive spectators in the London conference of 1992 (Bellamy, 2002: 29-31). Most importantly the Badinter Commission held the “professional view” that only the Yugoslav republics were entitled to the right to self-determination and secession, as they were “the bearers of the Yugoslav sovereignty.”<sup>21</sup> Overall, the international community failed to develop a preventive strategy. The philosophy of dealing only with the crises that had degenerated into armed conflicts

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<sup>20</sup> The Badinter Commission, the name given after the French lawyer Robert Badinter who was the head of the commission, was established as an arbitration body where the “relevant authorities had to submit their differences.”

<sup>21</sup> By the end of 1991 and beginning of 1992 this Commission issued two landmark opinions for the future of former Yugoslavia; first it declared that the Socialist Federal Republic of Yugoslavia was in the process of dissolution; and second opinion was related to the right to self-determination, whereby the commission noted that the right to self-determination must not involve the changes of “existing frontiers.” It also mentioned the obligation of the states, stemming from international law, to uphold the rights of minorities. Most importantly, only the republics were granted the right to self-determination, while it was denied to the provinces Kosovo and Vojvodina (see Bellamy, 2002: 22-29).

delegitimized other options in the eyes of Albanians, and Dayton was a clear indicator of that.<sup>22</sup>

And Albanians were not mistaken in their perception. As the first armed clashes took place, international actors put the situation in Kosovo high on the political agenda. On 24<sup>th</sup> of September 1997, for the first time after eruption of armed conflict, the Contact Group voiced its concern about the situation in Kosovo and issued an appeal for negotiations. The Belgrade regime, however, declared that Kosovo was a Serbian internal affair and rejected the proposal for dialogue. On March 9, 1998, the Contact Group met to review the new developments, and decided unanimously to impose an arms embargo and a ban on transfer of equipment that could be used for repression (Independent International Commission on Kosovo, 2000: 28). This statement served as a foundation for the UN Security Council's (UNSC) Resolution 1160 (March 31, 1998). This resolution represented the first UN reaction to the escalation of armed conflict in Kosovo. It imposed an arms embargo and called for a real dialogue between the conflicting parties. In the face of increasing fighting and displacement of tens of the thousands of people and killings of many civilians, NATO increased its military presence in neighboring Macedonia and Albania and started to threaten Belgrade with air strikes. It was not until the October 1998, however, that NATO issued an "Activation Order" for a military air campaign against the Federal Republic of Yugoslavia. As the situation continued to deteriorate, UN adopted resolution 1199 (in September 23, 1998), expressing concern for an "impending humanitarian catastrophe," caused by the displacement of nearly 230.000 Kosovars from their homes. The most significant

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<sup>22</sup> One particular development during 1992, however, seems to have indicated that Kosovo was not considered by all international actors as an internal problem, and it transcended the limits of human rights issue. On Christmas day of 1992, the US President George Bush warned Milosevic that, "in the event of conflict in Kosovo caused by the Serbian action the US will be prepared to employ the military force against the Serbians in Kosovo and in Serbia proper" (Bellamy, 2002: 34).

importance of this resolution was the fact that it classified deterioration of the situation in Kosovo as a “threat to the peace and security in the region,” thereby setting the stage for possible future military action.<sup>23</sup> But, despite the seemingly convergent policies among the permanent members of the Security Council, significantly divergent interpretations of the above resolution followed. Thus, while Russia stated that regardless of the reference to Chapter VII, no use of force was contemplated by the UNSC Resolutions, the US took a different stance announcing that NATO was planning military operation to guarantee, if necessary, compliance with the Resolutions (Gazzini, 2001: 405). By making clear that they would use a veto without proposing any productive alternative (Rytter, 2002: 151), Russia and China encouraged an outcome that would inevitably weaken the role of the UNSC and contribute to NATO’s action.

Coercive diplomacy began to show results when, under the threat of NATO air strikes, Yugoslav President Slobodan Milosevic reached an agreement with the US envoy Richard Holbrook, on 12 October 1998, which obliged Serbia to partially withdraw its military forces from Kosovo. Deployment of an OSCE verification mission, called The Kosovo Verification Mission (KVM), consisting of 2.000 unarmed personnel, and NATO overflight mission, were also part of this agreement. The agreement was endorsed by the UNSC Resolution 1203, on October 24, 1998. However, the initial progress brought by the deployment of the OSCE unarmed personnel was short-lived. The situation changed rapidly with the Recak massacre, one of the most terrible massacres seen during the bloody wars in former Yugoslavia.<sup>24</sup> This event proved once again that Milosevic was planning to continue with his policy of massacres and ethnic cleansing, ignoring therefore all international warnings, let alone any moral principle. In

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<sup>23</sup> These resolutions can be reached at: [http://www.un.org/Docs/sc/unsc\\_resolutions.html](http://www.un.org/Docs/sc/unsc_resolutions.html).

response, the Contact Group made the last attempt to give a chance to the peaceful solution of the conflict by organizing, in February 1999, direct negotiations between the Serb and Albanian representatives in the French castle Rambouillet. After six weeks, negotiations ended without agreement. Indeed the Albanian delegation, with occasional hesitations from the KLA representatives, had signed a document agreeing for an interim process of international administration, upholding the formal Yugoslav sovereignty over Kosovo, deployment of the NATO troops on the ground for the maintenance of the peace process, and finally organization after three years of an international conference for the determination of the final status of Kosovo, where the “will of the people” and the “opinions of the relevant authorities” would be taken into consideration. Serbian representatives, however, refused to sign this agreement (Schwartz, 2000).

By this time, NATO’s credibility was at stake perhaps more than ever before. Had Belgrade been tolerated to continue to disregard the Alliance’s warnings (as it was doing for almost a decade with the UNSC resolutions), the new image that NATO was creating in the post-Cold War era would have been seriously damaged. Beyond this aspect, it was generally accepted that the possibility for the spillover of the conflict into the Kosovo neighborhood (particularly to Albania and Macedonia), was a very possible and dangerous scenario. Additionally, failure to prevent the genocide in Bosnia served as a warning bell into the conscience of western leaders, as similar tragedy was already unfolding in Kosovo. This situation exposed the international community, particularly NATO states, to the puzzle of choosing between the legal or moral and political imperatives. Finally, the moral and political arguments outweighed the dogmatic legal considerations, and on 24 March 1999 NATO launched a military campaign, called

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<sup>24</sup> The atrocity at Recak occurred on January 15, 1999. Serb forces entered into the village and massacred forty-five persons, mainly civilians. This massacre was classified as a crime against humanity by the head of KVM, the US diplomat William Walker, who directly accused Serbian forces (Schwartz, 2000: 141).

“Allied Force”, against the FRY (Serbia and Montenegro) that lasted for 78 days and resulted in putting an end to the Serbian policy of ethnic cleansing and genocide against Kosovar Albanians (see Henkin, 1999; Wedgwood, 1999). In response to this intervention, Serbs reacted swiftly by activating, what seemed to be, an already existing plan called “Horse Shoe.” This plan resulted in a wholesale deportation of over eight thousand Albanians, killing more than ten thousand, burning and looting entire villages and dwellings (*American Journal of International Law*, 1999: 5-32).

The military intervention ended in June 11, 1999, the day after Yugoslav authorities accepted an agreement allowing full international control over Kosovo, while the Yugoslav forces withdrew totally (to be discussed in the following chapter). Perhaps more fundamentally than any recent international occurrence, NATO intervention on behalf of the Kosovars has provoked extremely contradictory interpretations about what is and what should be the hierarchical pyramid of international norms and values in the new “global order”. More accurately, NATO’s intervention against a sovereign state without an explicit mandate of the UNSC brought into the surface once again the long existing controversies about the legality and legitimacy of the use of force for solely humanitarian purposes. It also highlighted the different perceptions on international law between the powerful states, reflecting primarily their sociopolitical and cultural fabric. Discussing the dimensions of the NATO intervention in Kosovo is beyond the scope of this work. Overall, although the legality of this action remains controversial, owing to the different interpretations of the vague international law principles, it is widely accepted that NATO’s intervention in Kosovo was strongly legitimate from the political and moral perspective.

## **CHAPTER 3**

### **TESTING THE NEW SOLUTIONS: PEACE-BUILDING, INTERNATIONAL ADMINISTRATION AND THE KOSOVO CONFLICT**

The previous chapter clearly underlines that the dispute over Kosovo between Serbs and Albanians possesses all the features to be qualified as an intractable and long-lasting ethnic conflict, perhaps with a few comparisons in the Balkans or beyond. As such, it certainly represents a difficult and highly challenging task for those outside forces attempting to change the traditional image of the Balkans, by putting a final lid on the histories of conflicts and crises, which for centuries have been a metaphor of this region. NATO intervention and its aftermath marked a radical shift in terms of international involvement, while bringing profound changes to Kosovo and its neighborhood. Not just because it showed to the conflict-prone forces of the region, and elsewhere, “the muscles” of the liberal world, but also because it made Kosovo a terrain for testing new international approaches to conflict management and resolution, developed by the UN and other international forces in the aftermath of the Cold War.

In fact as East-West rivalries came to an end by the closing decade of the 20<sup>th</sup> century, the number of ethnic and other intrastate conflicts it helped to curb came to an end as well. In turn, international security mechanisms, primarily the United Nations, responded by engineering a new type of conflict management/resolution techniques whereby the concept of peace operations (or sometimes referred to as peacekeeping)

experienced a revolutionary transformation. Consequently, the concept of peace-building or nation-building (the meaning of these terms is explained below), constructed upon the premises of liberal capitalist ideology, became a term depicting new directions in peace operations. The relatively short experience with this new experiment does not allow us to make any final statement about its effectiveness, although this has become a very hot issue in light of the invasions of Afghanistan (2001) and Iraq (2003). Surely, the present international operation in Kosovo is one of the largest endeavors in peace-building, and as such it represents an important test for the propositions upon which this concept is constructed. Furthermore, the current international mission in Kosovo, respectively the operational framework upon which peace-building is implemented, is unique and unprecedented many aspects. This chapter shall highlight major aspects of the international administration in Kosovo. Yet before dwelling on the analysis of the Kosovo case, from the perspective of peace-building missions, this chapter initially shall discern the general picture of peace-building, from the conceptual and historical perspective. Having elaborated this issue, it continues by analyzing the overall political and legal aspects of the current international administration in Kosovo.

### **3.1 Evolution of the concept and practice of peace-building: some general observations**

The term peace-building is relatively new although the phenomenon it aims to describe is older. This concept is neither clearly defined nor consistently used. This, at least partially, is a reflection of the fact that most academic and other work related to this issue was rather descriptive, focusing on elaboration of cases where peace-building was supposed to take place. On the other hand, in debating the same matter different authors

use the substitute term “nation-building”, or, more rarely, “state-building/making”<sup>25</sup> or “institution-building.”<sup>26</sup> The term peace-building, which is very broadly used, is affiliated with the new (second) generation of peace operations, the so-called multidimensional missions, launched or authorized by the United Nations in the post-Cold War era.<sup>27</sup> In this context, the term peace-building was firstly employed and defined by the UN Secretary General Boutros Boutros-Ghali, in “An Agenda for Peace,” in 1992 (Pugh, 1995: 321). Ghali’s delineation of peace-building as an “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into the conflict,”<sup>28</sup> remains the most cited definition of this concept.

On the other hand, in describing the same issue different observers use the term nation-building. There have been different interpretations as to what exactly this term denotes. This concept can very well be viewed in historical context, describing the processes of creation of nations and nation-states. Along this lines, Amitai Etzioni (2004) makes the distinction between purposive and natural societal changes affiliated with nation-building, and observes that nation-building took place in earlier generations as a revolt against foreign imperial rule. The latter perspective, apparently, is out of the focus of this work. Within the ambit of international peace and security studies, the term

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<sup>25</sup> At the conceptual level, Keith Jagers describes State-building/making as a “states ability to accumulate power” (quoted in Ayoob, 1995: 21). In the context of peace operations, this concept is directly linked with the international response to state failure. The latter meaning of this concept is explored by Tonya Langford (1999).

<sup>26</sup> In his work “U.N. engagement in Ethnic Conflicts”, David J. Scheffer (quoted in Wippman et al. 1998: 147-177) asserts that institution-building is one of the goals of UN’s engagement in ethnic conflicts. This concept, according to him, describes a process of “assisting in limited ways with the building of the existing or new nations that arise from the containment or resolution of an ethnic conflict.”

<sup>27</sup> Traditionally peacekeeping missions were characterized as non-combat military operations launched or authorized by the UN, with the consent of conflicting parties, with the aim of preserving peace (mostly through monitoring ceasefire agreements), but with very limited political objectives. The new, “multidimensional” peace operation, on the other hand, are ascribed more ambitious sociopolitical, economic and other objectives, and hence broader mandates, while they became more inclusive in terms regional organizations involvement. They are also characterized by a broader mandate of peacekeepers to use force (see Malone and Wermester, 2000; Durch, 1990: 1 – 10; Fetherston, 1994: 20-42).

<sup>28</sup> “An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping”, can be reached at: <http://www.un.org/documents/ga/conf166/una/950306054234.htm>, (lastly consulted on 26.04.2005).

nation-building is often affiliated with Third World dynamics, or with the international response to failed states. According to Dennis Jett (1999: 20), for example, the term “nation-building” was first applied in Latin America during the Cold War, and ever since it began to be used more broadly to refer to the strengthening of institutions through the Third World.

Differences are more visible when it comes to describing as to what nation-building process involves. Some observers go as far as to believe that nation-building is nothing less than forging a new nation. Along these lines, Amitai Etzioni (2004: 2-3) gives a general definition of nation-building as a process embracing three interrelated dimensions; unification of disparate ethnic groups, democratization and economic reconstruction. He points out that the idea is to build a nation, not a state. Others, like Marina Ottaway (2002: 16-22), bearing in mind that nation-building is a response to particular situations, underline that “the goal of nation-building missions should not be to create new identities on deeply divided peoples, but to organize states, or even create new ones, that can administer their territories and allow people to live together despite their differences.” The term “nation-building” finds more usage in American vocabulary. Americans seem to be more inclined to believe in the possibility of creating new national identities, through transplanting the “western model” of political and economic organization, which basically is the central part of nation/peace-building missions. In the words of Francis Fukuyama (2004: 134), “this is reflection of the American national experience in which cultural and historical identity was heavily shaped by the political institutions, like constitution and democracy.” While Europeans, having gone through somewhat different historical experiences in terms of national identity creation, are more careful in making a distinction between state and nation, being at the same time fully aware of the non-uniform meaning of the concept of nation.

Therefore Europeans are prone to believe that nation-building in the sense of creating a community bound together by shared history and culture is well beyond the ability of any outside power to achieve (Fukuyama, 2004: 134).

The terms peace-building and nation-building are used simultaneously to describe the same phenomena. They both basically denote a process of political, economic and cultural transformations, undertaken by international agents in a country torn by internal or external armed conflict, with the aim of creating a new environment more conducive to peace. The fundamental goal of peace /nation-building exercises is to address the underlying sociopolitical, economic and cultural roots of the conflict, through engineering radical transformations. Changes resulting from the peace/nation-building endeavors are profound and purposive. They, in many cases, involve nothing less than reshaping traditional norms, values and habits underpinning the political culture in the targeted country. This phenomenon is usually portrayed as “social engineering” (Etzioni, 2004: 4), as the social changes it produces do not follow the path of social transformations taking place spontaneously or naturally.

In light of the above explanations, one can conclude that both terms mentioned above, whether peace-building or nation-building, can be appropriately employed to depict the current international mission in Kosovo. Nevertheless, the term peace-building is preferred through this work. It appears that this notion fits better with the most important features of the international administration in Kosovo. First, this term has found almost exclusive usage in the UN lexicon, and the international mission in Kosovo is being carried out under the UN Security Council’s mandate. Second, although creation of a new, more civic, political culture is a central challenge of the UN mission in Kosovo, forging a new national identity, at the expense of ethnic ones, seems to be out of the question.

### 3.1.1 Liberal internationalism, democratic peace and peace-building operations

Eruption of the large number of intra-state conflicts at the closing of the Cold War found scholars of social sciences engaged in intense debates about the ideological dimensions of the fall of Berlin Wall. The victory of the Western block, more than anything else, was seen by many (e.g. Francis Fukuyama in his monumental work *The End of History and the Last Man*) as a firm indicator of the uncontested superiority of the liberal democracy *vis-à-vis* the totalitarian ideologies.<sup>29</sup> Consequently, spread of liberal democratic norms and institutions started to be perceived as the surest foundation not only for socioeconomic development, but also for international peace and security. Emergence of the propositions of “democratic peace theory” as conventional wisdom, by the beginning of 1990s (Maoz, 1997: 162), was the best expression of this enthusiasm.

Any intrusion into debating the causal link between the democracy (or liberal democracy) and peace can lead to protracted exchange of arguments and counter-arguments. Obviously this exceeds the limits of this work. However, exploring briefly this relation, and thus the democratic peace theory is necessary in order to understand the ideological backdrop of peace-building exercises. In this context, it is by no means surprising that the term peace-building, and accordingly the missions it pertains to, came

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<sup>29</sup> According to Robert A. Dahl (1996: 639-648) “ a country is said to embrace liberal democracy if it possesses all the political institutions characteristic of a modern representative government with universal or near universal suffrage.” In discussing the link between democracy and peace, some other authors, like John M. Owen (1994: 88), add to the definition of liberal democracy “the leverage of citizens over war decision.” Totalitarianism, on the other side, signifies “a dictatorial form of centralized government that regulates every aspect of state and private behavior.” The term was originally intended to designate fascist and communist regimes. These qualifications are depicted by Iain McLean, (quoted in *Oxford Concise Dictionary of Politics*, 1996: 500 – 501).

to dominate the field of international and peace studies in the 1990s and afterwards.<sup>30</sup> Indeed this is just an, usually unnoticed, form of expression of the post-Cold War ideological trend. Arguably, the idea of externalizing political principles beyond state frontiers, for the sake of peace, is not new. It was firstly expressed in an articulated form by Immanuel Kant in his masterpiece *The Perpetual Peace*. Kant believed that states with republican constitution—including the legal equality of subjects, representative government, and separation of powers, would tend to be peaceful with each other (Paris, 1997: 54-89). The democratic peace theory establishes a strong causal link between democracy and peace. In essence it points out that while states characterized by democratic political systems are as war prone as other (non-democracies), they rarely (if ever) engage in war against one another (Gochman et al. 1997: 177-187). This theory (if it fits the criteria to be qualified as such) has generated a lot of contradictory debates. In explaining the reason for absence of war between democracies, proponents refer either to institutional constraints, such as the restraining effect of public opinion and the checks and balances embedded in the democratic state's political structure, or to democratic norms and culture, including shared commitment to peaceful settlement of disputes (see Layne, 1994: 5-49). Democratic norms and institutions are believed to facilitate the peaceful accommodation of disputes and conflicts of interests. This assumption is said to apply whether within democratic states, or in their reciprocal interaction (Farnham, 2003: 395-415; Paris, 1997: 54-89). Critics of the democratic peace proposition, on the other hand, point out that this theory has serious flaws and hence its plausibility is questionable. Quite normally, the most flaming criticism comes from the realists who argue that *realpolitik* factors, such as power and interests rather than internal processes

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<sup>30</sup> According to William Durch (1996: 3), during the Cold War with the exception of the UN mission in Congo – ONUC (1960-1964) and the short transitional mission in West Guinea (1962-1963), all other missions were traditional peacekeeping, including only limited military tasks and objectives.

and structures, are the main determinants of war and peace (Maoz, 1997: 162; Gochman et al. 1997: 166). Other scholars attack the democratic peace assumptions using historical or even cultural arguments. Thus, after referring to particular historical events where states, which arguably were democratic, engaged in violent conflicts with each other (e.g. WWII), Faber and Gowa (quoted in Gochman et al. 1997: 177) point out that if the democratic peace thesis is valid it should apply to the relations among democratic states regardless of historical period. Along the same lines, John Owen (1994: 88-89) emphasizes that the democratic peace proposition is ambiguous in terms of how it defines democracy and war, and goes on by stating that democracies have been at war with each other several times. Others take a somewhat narrower approach by invoking cultural arguments. Cohen (quoted in Maoz, 1997: 180), for example, argues that “the democratic peace result holds true only for the North Atlantic community in the post WWII era.”

Regardless of the contradictory debates at the academic level, the idea of strengthening peace, either within or between states, by promoting democratic transformations has been the underlying strategy of the majority of peace-building missions. This fact was recognized even by Boutros Boutros-Ghali, to whom, as already explained, is attributed the authorship of the term peace-building. Thus, writing a year after “An Agenda for Peace,” Ghali acknowledged that democratic process is an essential ingredient of peace-building (quoted in Pugh, 1995: 340). The scholars writing about peace-building seem to agree with this hypothesis. Roland Paris (2001: 36), for example, observes that “all of the peace-building operations have promoted free and fair elections, the construction of democratic political institutions, respect for civil liberties and market-oriented economic reforms, or the basic elements of the Western-style liberal market democracy.”

### **3.1.2 Peace-building and “troublesome” countries: a brief historical account of the post-WWII era**

As already discussed, peace-building operations are not an aim in itself. Rather, they are conceived primarily as agents of peace and security. This argument is the driving force behind the advocates and architects of peace-building projects, whether at the UN headquarter, White House, Brussels or elsewhere. Therefore, it is interesting to see in which particular situations peace-building exercises are supposed to produce pacification effects. Historical record demonstrates that generally the peace-building idea was invented as a mechanism for dealing with the “troublesome” or “trouble-making countries”; that is defeated or failed states. Although, as explained, this concept is widely seen as a product of the post-Cold War era, majority of observers agree that the administration of Western Germany and Japan by the Western allies in the aftermath of WWII were the two preceding examples in peace-building exercise (Rand Institute, 2003: 15; Durch, 1996: 44). Furthermore, the transformations of Western Germany and Japan from totalitarian and aggressive states into capitalist democracies in a relatively short period of time, is convincingly appreciated as the most successful story in the list of peace-building enterprises. The paramount objective of the Western allies in Germany and Japan was to prevent the reversion of aggressive behavior of these countries, by forestalling the resurgence of the totalitarian and war-prone political ideologies and structures (Rand Institute, 2003: 1-55). The current (2004) international missions in Afghanistan and Iraq (the latter carried out by the Americans in a loose “coalition of the willing,” but without UN mandate), in some aspects resemble the post-WWII experiences with Germany and Japan. In all these cases the states in question had to be militarily defeated and subsequently occupied, they involved change of political regimes

that were considered illegitimate and dangerous to peace, at least from the perspective of the outside intervening force. In addition, in all these examples the same outside force engineered and pursued the process of political, economic and cultural transition of the targeted countries. Of course this is not to say that there is no difference between these examples. Indeed the differences are huge and profound, whether in terms of international political context giving rise to these missions, their legality and legitimacy, the political, economical and cultural backdrop of the targeted countries and so on. The German and Japanese examples, on the other hand, added a lot to the controversial debates on the sociocultural dimension of peace-building projects (to be explored more in the following sub-chapter).

For obvious reasons, the peace-building dimension was almost totally absent in most of the peace operations during the Cold War (with the few exemptions, such as the UN's missions in Congo-1960, and Namibia-1978). The very concept of peace operations developed during this period (traditionally known as peacekeeping), was primarily utilized to facilitate the smooth functioning of inter-block rivalries, by preventing antagonistic superpowers from being dragged into many conflicts taking place in the periphery of their spheres of influence (e.g. Suez-1956, or Congo-1960). In the words of Inis Claude (quoted in Frydenberg et al. 1964: 81-86), the task of peace operations during the Cold War was "to make the world safer for the balance of power system, and the balance of power system safer for the world." To this end, these operations were divested from any ideological objective, they were carried out by military personnel, and non-interference into the internal affairs of the targeted country was considered the basic principle of these missions.

The end of the Cold War brought radical changes to the international security paradigms. Eruption of many intra-state conflicts, of ethnic, tribal, religious or other

nature, left a myriad of failed and disintegrated states (Langford, 1999). Ultimately, the countries and regions that for almost half a century had had a very marginal place in the international security landscape (e.g. Afghanistan, or Somalia) became a major source of the world's most serious security problems, starting from terrorism, massive human rights violations, humanitarian catastrophes, proliferation of the weapons of mass destruction and so forth. Thus, during the period from the fall of the Berlin Wall to September 2001, the vast majority of international crisis centered on weak or failing states, including Somalia, Haiti, Cambodia, Bosnia, Kosovo, Rwanda (Fukuyama, 2004: 125). The 9/11 terrorist attacks in the United States, and the link between the al-Qaida and the Taliban regime in Afghanistan, added another dimension to the security threat posed by failed states. Therefore, the business of dealing with the failed states has assumed a central place in the global security agenda. Peace-building became the preferred option at the hands of international community (UN or regional organizations), for responding to this challenge. Hence, despite the frustration with the failures in Somalia, Bosnia or elsewhere, the aftermath of the Cold War witnessed a tremendous increase in the number of peace-building missions (e.g. Bosnia, Haiti, Somalia, Sierra Leone, Kosovo, East Timor, Afghanistan).

The “social engineering” dimension of these operations varied greatly from one place to another. In Bosnia and Kosovo, for example, creation of new national identities is out of the question, as the concept of ethnic nation which prevails in the Balkans makes this task almost impossible. However, in both these countries the peace-building missions strive to create a sort of common civic identity, which would coexist with the various ethnic lines of identification, and would tame their conflicting tendencies. The electoral system favoring the multiethnic political parties in Bosnia or invention of the term “Kosovars” to include all ethnic groups in Kosovo serve to this

purpose. In Haiti, on the other hand, the objective was solely to organize a functional democratic state, because this country had a relatively consolidated and homogeneous national identity foundation (Rand Institute, 2003: 71-85). While in places such as Afghanistan, (or to some extent Somalia) creation of a functional state goes hand in hand with forging of a common identity at the expense of particularistic tribal or religious ones (Rand Institute, 2003).

### **3.1.3 Practical implementation of peace-building: operational strategies, facilitating and obstructing factors**

In practical terms, the mechanism for reaching the highly ambitious goal of peace-building in post-conflict countries consists of wide variety of instruments and actions. A glimpse at the post-Cold War peace-building missions reveals visible differences between them, in terms of objectives and operational strategies as well as the results they have produced. The objectives, and hence strategies, of the missions in Kosovo (1999) and East Timor (2000), for example, were far more ambitious and comprehensive, than, let's say, in Panama, Grenada or Somalia (see Griffin and Bruce Jones, 1999). The design of peace-building missions depends on many factors, e.g. the peculiarities of each case, peace-building agent (UN, regional organization, state or group of states), political interests of the major powers, and other factors. Yet, despite variations it is possible to discern an overall operational pattern along which majority of the peace-building missions developed. These missions take place after violent conflicts finish, and the conflicting parties agree to a political settlement (e.g., Dayton Peace Accords for Bosnia –1995, or Military Technical Agreement and UNSC Resolution 1244 for Kosovo-1999). They evolve through different phases, and almost always involve humanitarian

elements. They embrace a military and a civilian component. The military side of the mission is in charge of creating and maintaining a safe environment, while the civil component is responsible for facilitating and managing social, political and economic transformations, amounting to peace-building (Durch et al. 1996). The central role in this regard has been attributed to the political pluralism and thus facilitation of free and fair elections, as a pivotal instrument of democratic processes. Consequently, the design and management of the election processes has become an important task of the majority of peace-building missions, starting from Namibia, Cambodia, Bosnia, Kosovo, and lately Afghanistan and Iraq. Other tasks include building new institutions or strengthening the existing ones, economic reconstruction and development, instituting administrative and financial reforms, promoting human rights and rule of law, and enhancing judicial structures (Wippman et al. 1998).

The record of the results yielded by the peace-building exercises, which take place in different spots of the world is mixed. In fact, measuring the successes and failures of these operations is a broad and controversial issue in itself, and as such is beyond the aim of this work. Suffice to say here that the results of peace-building can be measured by less demanding criteria, such as the absence of violent conflict, recovery of GDP or holding of democratic elections, or by more long-term indicators of success such as the existence of functional democratic state after the withdrawal of the international mission. If the later criterion were to be employed, the corollary would not be not very impressive, at best. Yet drawing on the analyses of the most illustrative examples of failed peace-building enterprises (e.g. Somalia, or maybe Iraq), and the most successful ones (e.g. East Timor, or Germany), clears the way for identifying some common factors shaping the final outcome of these exercises. Presenting briefly the most striking lessons of these missions can be very useful to understand, and perhaps predict, trends and

dynamics of the international peace-building endeavor in Kosovo (which is the main theme of this work).

In general, every peace-building mission, in order to be successful, presupposes a clear political and legal mandate, which necessarily requires a certain degree of consensus among the key players. Morton Abramovitz and Heather Halburt (2004) rightly conclude that “if international problem-solvers cannot agree about how the problem will be solved, trouble almost certainly follows.”

Historical record firmly demonstrates that “pacification” is a vital precondition for any peace-building endeavor to produce results. The failure of the UN mandated mission in Somalia (see Hass, 1999), where the minimum standards of security were never reached, is the best example in this regard. Iraq, after the US lead invasion in 2003, is maybe another more striking example. This element, normally, requires the monopoly on the use of force by international peace-building agent(s), at least until the authorized indigenous military and law-enforcement structures are able to maintain security. This task, admittedly, is not fulfilled only by inserting legal provisions into the peace accords, UN resolutions, or other relevant documents giving rise to peace-building missions, which assign to the international forces the primary or exclusive authority to use force. More than that, soldiers must be determined and prepared to use force if it serves to overall objective of the mission. The failure to arrest the former leader of the Bosnian Serbs, Radovan Karadzic and his military commander general Ratko Mladic (both of whom are indicted by an international tribunal for genocide), even one decade after the war ended, shows that peace-builders, or their headquarters, sometimes lack the readiness to fulfil risky duties. This fact hinders the progress of missions and prompts distrust among the local population.

Beyond the above preconditions for successful peace-building, one has to bear in mind that these missions involve chiefly profound sociopolitical, and hence cultural, transformations. Namely the kind of liberal democracy, which is supposed to supersede the conflicting tendencies once the peace-builders “finish their job,” necessarily touches upon the controversial issue of cultural factors. In this sense, the lack of results in advancing the liberal democratization project was often explained in terms of the cultural fabric of certain peoples and regions, who supposedly resist modernization (and hence the liberal democratization) more than others. This issue has generated very contradictory debates. In the context of peace-building missions, historical record firmly demonstrates that the liberal democratic projects proved more plausible in countries that possessed a degree of sociopolitical and cultural predispositions. However, there are few (if any) arguments to boost the hypothesis that these predispositions are the result of some genetically inherited, religious or other constant factors. Rather, the degree of readiness of certain countries or cultures to the transformations promoted by the peace-building missions is primarily a reflection of the specific factors produced by particular historical experiences, and as such they are changeable. The post-WWII transformations of Japan and West Germany, and the transitional administration of East Timor (1999), are often advanced as a paragon of successful peace-building enterprises. Yet, at one point it was said that Japan could not be made democratic or Catholicism (East Timor is a predominantly Catholic country) could not be made compatible with liberal democracy.<sup>31</sup> What these and other examples demonstrate, however, is that countries that had prior capitalist experience, and enjoy a certain degree of economic development

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<sup>31</sup> For example the famous sociologist Max Weber (quoted in Etzioni, 2004) observed that “some cultures are less disposed to capitalism – and other features of modernization – than the others. Concretely, Catholics, Orthodox and Confucians are less so disposed than Protestants.”

as well as social homogeneity are more open for transformations promoted by the peace-building exercises.

This brings us to the important issue of legitimacy of actions taken across the national/state frontiers with the aim of installing a specific model of sociopolitical and economic life. In fact, the question of legitimacy of peace-building operations can be viewed either in terms of their international political and legal bases, or from the perspective of acceptability of the “social engineering” by the target country. In the former context, as Michal Pugh (1995: 325) argues, peace-building is widely assumed to be legitimate, because it represents a humanitarian impetus of the international community and also, through expanding “the democratic zone,” it offers global security benefits. As to the perceptions of local population, which is subjected to peace-building missions, it is widely accepted that these missions suffer from democratic deficit. Namely there is no clear legal mechanism which would enable the locals to exercise any meaningful influence in the directions and policies, let alone the objectives, of peace-building, nor to hold “the international power-holders” responsible for their bad policy. In such circumstances, local consent, which is crucial for the normal development of these operations, is usually derived from the local political, religious or clan leaders. For obvious reasons, this consent can be achieved far more easily in socially homogeneous countries (e.g. East Timor) than in those fragmented through ethnic, religious or other lines (e.g. Somalia, Bosnia).

The other factors that influence the success or failure of the peace-building missions are related to more technical issues. These include the level of invested effort, in terms of personnel (civilian and military), money and time; the design of the missions—particularly unity of command, their multilateral bases, and similar factors.

### 3.2 Inside the international administration in Kosovo

UN Security Council Resolution 1244, adopted on June 10 1999, which indeed largely legalized the *de facto* situation created by NATO's intervention, represents the basic point of reference which one should first look at to understand the overall post-war international administration in Kosovo. Adopted under Chapter VII of the UN Charter, this resolution creates an unusual, *sui generis*, legal status over Kosovo.<sup>32</sup> While formally recognizing the sovereign rights of the FRY over Kosovo, the latter is deprived almost totally from exercising basic sovereign powers. Namely, by virtue of Resolution 1244 and subsequent legal documents deriving thereon, the FRY<sup>33</sup> is deprived the right to maintain meaningful military presence<sup>34</sup> in Kosovo, to exercise law-making and law-enforcement powers, economic and monetary policy, external representation and other sovereign prerogatives (Zimmerman and Stahn, 2001: 436-460). Instead, Resolution 1244 provides for the establishment of an interim international civil and military presence in Kosovo, empowered with a very broad mandate, encompassing all the classical governmental functions. Hence, pending the final settlement of the politico-legal status, Kosovo is *de facto* transformed into a so-called "internationalized territory" or "internationally administered territory," a practice originating from the League of Nations and latter applied by the United Nations on several occasions. Such definition can be applied to those territorial arrangements where international organizations (LoN or UN ) or a particular state or group of states authorized by them, exercise full or partial

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<sup>32</sup> This Resolution can be reached at [www.un.org/peace/kosovo/pages/kosovo1.htm](http://www.un.org/peace/kosovo/pages/kosovo1.htm), (lastly consulted on 29.4.2004).

<sup>33</sup> Under the new constitution adopted on 4 February 2003, The Federal Republic of Yugoslavia changed its name into the Republic Serbia and Montenegro.

<sup>34</sup> Paragraph 2 of Annex 2 of the Resolution orders the withdrawal of all Yugoslav military, police and paramilitary forces from Kosovo, while permitting their return only in limited and exceptional cases and upon the approval of the Commander of international security forces.

sovereign jurisdiction over a territory -in terms of legislative, executive or judicial functions (see Milano, 2003: 1003). The exercise of classical governmental powers by international organizations is not new. Throughout its lifetime the League of Nations on several occasions acted as administrator of territories.<sup>35</sup> This practice was continued and multiplied in the UN era. Thus, the UN was authorized to perform governmental powers in, what was supposed to become, “Free Territory of Trieste” in 1947, and in Jerusalem (1947/48), but these missions were never materialized.<sup>36</sup> Throughout the Cold War period, UN served on several cases as administrator of territories (e.g. Libya, Italian Somaliland, Eritrea etc), but this was in the de-colonization context and therefore these (and other) territories were put under UN Trusteeship System,<sup>37</sup> which is not the case with Kosovo. With the end of the Cold War, the UN’s role in performing territorial administration multiplied and became largely intertwined with both; traditional and new peacekeeping functions, under the new concept of multidimensional peace operations. Some of the most typical examples include the United Nations Transitional Assistance Group in Namibia-UNTAG (1989 –1990), United Nations Transitional Authority in Cambodia-UNTAC (1992 - 1993), United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium in Croatia -UNTAES (1996 –1998), United Nations Transitional Administration in East Timor (1999 – 2000) to mentions just few (see Griffin and Jones, 2000: 75-88). These UN missions were empowered with

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<sup>35</sup> Some of the examples during the LoN era include administration of the German Saar Territory (1920-1935)<sup>35</sup>, “Free City of Danzing” in Poland (1920 – 1929), Columbian town and district of Leticia (1933 – 1934) etc, (see *American Journal of International Law*, 2002)

<sup>36</sup> Trieste was a disputed territory between Yugoslavia and Italy. UN plan failed to create international administration over the territory as the superpowers could not agree about the appointment of the international administrator. The scenario for granting to Jerusalem a special status, by putting it under the UN administration under the UN Plan for Partition of Palestine, adopted in 1947, also failed because the Palestinians did not accept it (Zimmerman and Stahn, 2001: 431; see also for the same cases *American Journal of International Law*, 2002).

<sup>37</sup> Trusteeship System was established under the Chapter XII of the UN Charter to guide the administrated territories towards the self-government and independence. It replaced the Mandates System existing under the League of Nations (Zimmerman and Stahn, 2001).

very sweeping and multidimensional responsibilities and objectives, ranging from law-making functions, managing return of refugees, verification and/or maintaining ceasefire, human rights protection and promotion, electoral functions, and exercising of other classical executive functions (Griffin and Jones, 2000: 75-88). In general, as one can easily notice in above cases, the UN was empowered to perform mixed tasks, from those attributed to traditional peacekeeping functions (e.g. verification of ceasefire), to others pertaining to governmental functions (e.g. law-making or organizing elections). While the international mission in Kosovo (and East Timor alike) embrace most of these characteristics, it also has a number of features that make it different from the other similar peace operations developed in the aftermath of the Cold War. As it will be explored below, the scope and complexity of the powers and responsibilities vested in the international mission in Kosovo is unprecedented.

### **3.2.1. The legal basis of international administration in Kosovo**

The UN mission in Kosovo, from the legal standpoint, meets all the criteria to be qualified as an enforcement measure under the Chapter VII of the UN Charter. Resolution 1244, which is the legal source of international administration in Kosovo, in its preamble, makes reference to the responsibilities of the Security Council to maintain international peace and security. It further determines the situation in Kosovo as a “threat to international peace and security,” making therefore clear that the international involvement in Kosovo should be viewed as falling within the Chapter VII of the UN Charter. However, one important side of the story, usually neglected, are political developments that gave rise to the Resolution 1244. Indeed there were two politico-legal

documents preceding this resolution, and in fact giving shape to it, which are worth mentioning. First, the Serbian Parliament and the FRY Government accepted on June 3, 1999 “the General Principles on a Political Solution to the Kosovo Crisis,” adopted on May 6, 1999 by the G-8, which were supposed to serve as a blueprint for the international mandate in Kosovo. Second, on June 9 1999, FRY signed an agreement (“Kumanovo Agreement”) with NATO, which provided for the withdrawal of Yugoslav forces and deployment of NATO troops in Kosovo. Resolution 1244 in its preamble “welcomes” acceptance of the “general principles” by the FRY. Moreover the “general principles” are incorporated as Annex I to that resolution. Clearly, in light of these developments, one can argue that the deployment of the international civil and military personnel in Kosovo was based on the consent of FRY, and hence the mission does not deviate from the traditional peacekeeping concept. However, this is the political side of the story, which in this case contradicts the legal one. Namely the appropriate interpretation of the Resolution 1244, especially in relation to the mandate of the military component of the mission (to be discussed below), as well as the qualification of the situation as a “threat to international peace” leaves no doubt that the mission in Kosovo is clearly a peace-enforcement operation falling under Chapter VII.

### **3.2.2 Structure of the mission: civilian and military components**

Burden sharing between the UN and regional (and other) organizations is one of the most evident features of the peace operation in Kosovo. Since the beginning, the mission has been subdivided between different organizations, each of them performing specific functions, but all of them operating to some degree under the UN umbrella. First and

most important subdivision is between the civilian and military components of the mission. According to the Resolution 1244 (article 5), international presence in Kosovo is twofold:

1. Military component; composed of NATO and those states which cooperate with NATO in the framework of “International Security Force – KFOR”;
2. Civilian component; known as The United Nations Interim Administration Mission in Kosovo- UNMIK.

On the other side, the civilian component of the mission is coordinated by the UN and implemented through the joint efforts of the main European regional organizations.

### **3.2.2.1 International Security Force-KFOR: legal basis, mandate, command and control**

In 1994, the UN Secretary General Boutros Boutros-Ghali pointed out that the UN should rely on the “coalitions of willing,” rather than conducting itself in large-scale enforcement actions (Malone and Wermester, 2000: 47). The international military presence in Kosovo is a typical example of the “coalition of the willing,” acting under, albeit very loose, UN auspices. In fact, the legality of the international military presence in Kosovo derives from two inter-related documents, namely Resolution 1244, and the “Kumanovo Agreement”. Article 7 of the Resolution 1244 “authorizes the member states and relevant international organizations to establish international security presence in Kosovo with all necessary means to fulfil its responsibilities ....” Further, Article 5 of Annex II, explicitly reconfirms the leading role of NATO in the coalition of international forces operating within the framework of KFOR. On the other hand, the “Kumanovo Agreement,” apart from setting the conditions and time-plan for the

withdrawal of the Yugoslav forces from Kosovo and creating a de-militarized zone on the FRY side of the border, basically imposes on the latter the obligation not to hinder KFOR's activities.

KFOR initially came under the overall command of the Supreme Allied Command Europe (SACEUR), and later its chain of command changed in accordance with NATO's internal structural changes and circumstances on the ground. KFOR is composed by troops from 30 NATO and non-NATO countries (most of them from the "PfP" states). KFOR is organized in 5 Multinational Brigades (MNB), respectively five sectors, headed by the Multinational Brigade Commander. At central level, a general Commander of KFOR rotates among the NATO countries on a six-month basis, reflecting troop sizes and other contributions to the force (see *NATO Handbook*; 2001). He fulfils the coordinating role with the civilian part of the mission and exercise supreme authority related to security matters in Kosovo. Each sector comes within the military authority of five NATO states; namely US, Great Britain, Germany, France and Italy. Accordingly, the Commanders of the five Multinational Brigades come from these countries, as well as a substantial part of the soldiers and other military infrastructure. The commanders of the Multinational Brigades are at the top of the command hierarchy in their sector, while each national contingent has its own internal command chain.

According to Article 9 of the Resolution 1244, KFOR is assigned very broad tasks and powers. The most important KFOR responsibilities include: deterring the hostilities, maintaining and where necessary enforcing a cease-fire; ensuring the withdrawal and preventing the return to Kosovo of the FRY police and military forces; demilitarizing the Kosovo Liberation Army (KLA); establishing a secure environment in which refugees and displaced persons can return home in safety and the international civil presence can operate; supervising mine-clearing activities; supporting, as appropriate, and

coordinating closely with the work of the international civil presence; conducting border monitoring duties as required. Quite normally, the KFOR's "Rules of Engagement" provide for very flexible mandate to use force.

### **3.2.2.2 United Nations Interim Administration Mission in Kosovo-UNMIK: legal basis, mandate and structure**

When UN entered a war-ravaged Kosovo, it was empowered basically to start the process of remaking public (institutional) life from scratch, as well as to address the wide humanitarian problems left by the conflict. Resolution 1244 empowered the UNMIK with wide and multilevel tasks and responsibilities. Thus UNMIK is called to: perform basic civilian administrative functions, promote the establishment of substantial autonomy and self-government in Kosovo, facilitate a political process to determine Kosovo's future status, coordinate humanitarian and disaster relief of all international agencies, support the reconstruction of key infrastructure, maintain civil law and order, promote human rights, assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo, and other similar tasks (paragraph 11 of this Resolution). Although this Resolution fell short of determining a clear time-table for UNMIK's withdrawal from Kosovo, it nevertheless outlined four phases for the development of state authority in the latter (Brand, 2001: 467-468). Thus, in the *first phase*, UNMIK was supposed to perform basic civilian and administrative functions (including law and order). The *second phase*, involves creation of democratic local institutions for provisional self-government. In the *third phase*, UNMIK should work to facilitate a political process designed to determine Kosovo's future status. In the *fourth*

*phase*, UNMIK is supposed to oversee the transfer of authority from Kosovo's provisional institutions to the institutions established under the political settlement.

The level of cooperation between the UN and regional organizations is another unique feature of UNMIK. In fact, UNMIK is a joint undertaking of the UN and two European regional organizations, namely EU and OSCE. This cooperation is structured in the form of four pillars, which altogether constitute UNMIK. Pillar I: Police and Justice; is organized under the direct leadership of the United Nations (until June 2000 this pillar was called "humanitarian assistance" and was led by the Office of the United Nations High Commissioner for Refugees-UNHCR); Pillar II: Civil Administration; is also run directly by the United Nations, and covers the exercise of basic administrative functions, at the local and central level; Pillar III: Democratization and Institution Building; is led by the Organization for Security and Co-operation in Europe (OSCE). The OSCE is in charge of democratization and good governance, organization of the elections, media affairs, human rights monitoring, rule of law and police education, and development. Pillar IV: Reconstruction and Economic Development; is run by the European Union (EU), which includes a wide scope of activities related to overall economic development. These four pillars work as a classical government under the leadership of the top UN civilian official in Kosovo- The Special Representative of the Secretary-General (SRSG). The heads of the four pillars are at the same time Deputies of SRSG, and are directly responsible to him (Brand, 2001: 464). The SRSG is the ultimate executive and legislative authority while he is also the highest official in the administration of judiciary. Resolution 1244 (paragraph 6) determines that the SRSG is appointed by the UN Secretary-General, after consultations with the Security Council, for one-year term and is responsible directly to him. The SRSG, however, does not have any political/legal power over the KFOR, due to the fact that the civilian and military

components of the UN mission in Kosovo are basically independent (see Brand, 2001: 464).<sup>38</sup>

### **3.2.3 International mission in Kosovo in scrutiny: what has been achieved?**

The presence of some conventional factors supportive of peace-building, presented in the previous chapter, enabled the international mission in Kosovo to make significant progress in political and economic transformation. Despite uncertainty about the political status of the territory, the international administration in Kosovo from the very beginning had the advantage of benefiting from the great international commitment to the mission, in terms of money and manpower. On the other hand, the fact that Albanians, who constitute around ninety percent of the population, were generally supportive of the international administration is surely not just an additional source of legitimacy, but also a crucial factor for its successful performance. The case of Somalia, or even Iraq, demonstrate that even a small portion of population, ready to rely on violent means, can obstruct, not to say prevent, any meaningful transformation from occurring. As a result of these factors, in spite of the weaknesses and failures of the international administration in Kosovo, the track record of progress is significant. Democratic institutions, at the central and local level, were set up almost from scratch, following the local and central elections organized in a relatively free and democratic atmosphere. Most importantly, as a study on nation-building published by the Rand

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<sup>38</sup> Although operating under UN mandate, the military and civilian components of the international administration in Kosovo remain mutually independent. According to the terms of Resolution 1244, both KFOR and UNMIK must “operate towards the same goals and in mutually supportive manner.” However, this resolution contains no clear provisions as to the coordination and cooperation neither between the

Institute (2003: 119-129) emphasizes “the UN and NATO performed with considerable, if not uniform, success the difficult task of persuading the KLA leadership to pursue its political aspirations for power through the open and democratic means of free elections,” something not very common for ex-guerrilla movements. The fact that the results of elections, a central component of a democratic process, were fully recognized by all sides (including the political parties emerging from the political wing of KLA, who lost them), marked a great achievement of the democratic process. Finally, Kosovo enjoyed a rapid recovery of per capita GDP, a very quick renewal of the private economic sector (Rand Institute, 2003: 2), and also an admirable progress in the functioning of free media and civil society organizations.

#### **3.2.4 Challenges encountered**

Commenting on the March 2004 disturbances in Kosovo,<sup>39</sup> the International Crisis Group (2004: 1) argued that “UNMIK is considered as inappropriate to prepare Kosovo for transition from war to peace, from socialist to market economy and from international political limbo to final status.” In fact, the international mission from the outset was faced with great challenges of different nature, quite normal in such a mission, and had manifested a lot of weaknesses. Highlighting them is of crucial importance, as they can serve as useful lessons for future peace operations of this nature, and can shed light on prospects for the future of Kosovo. In discussing the challenges and problems facing the international mission in Kosovo, one should start by noting that

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civilian and military components of the mission, nor between NATO and UN in general. Only article 20 makes a vague reference to the coordination between the UN Secretary General and KFOR...

the underlying cause of the Kosovo conflict, namely the question of the political status of the territory, has not been addressed yet. This fundamental issue, however, shall be elaborated in the next chapter.

A brief look at the failures start from the fact that Kosovo remains the poorest region in Europe, with very low production, weak industry, and above all with around 57% unemployment rate<sup>40</sup>. Apart from stumbling over the overall progress, in the eyes of the local population economic stagnation has largely overshadowed the successes of UNMIK in other areas.

On the other hand, in the first year of their mission UNMIK and KFOR could do little to prevent the retaliatory attacks of angry Albanians against the Serbs of Kosovo (see Yannis, 2001: 35-40), who in turn had to pay a high price for the policy and the leader (Milosevic) they had so fiercely promoted during 1980. Instead, although UNMIK is empowered by Resolution 1244 to exercise full powers in Kosovo (meaning all its territory), the latter has tolerated, at least initially, the existence of parallel Serbian institutions and laws in Serb-dominated northern part of Kosovo. This fact ignited frustration and fear on the Albanian side, leading many to believe that UNMIK is actually creating a *fait accompli*, namely the division of Kosovo, advocated by some Serbian circles (to be elaborated in the following chapter). UNMIK (and KFOR alike) have also had a poor record in confronting organized crime of different kinds, which threatens the overall progress in Kosovo.

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<sup>39</sup> Following the death of three Albanian kids who allegedly were dragged into the water of river while attempting to escape from a mob of Serbian youngsters who were chasing them, in the Serbian controlled Northern Part of Kosovo, on March 2004, Albanians reacted by attacking Serbian enclaves and UNMIK.

<sup>40</sup> One can obtain data's related to unemployment in Kosovo from the reports prepared by the UNDP, available at: [www.ks.undp.org](http://www.ks.undp.org), (lastly consulted on 11.5.2005).

### **3.2.4.1 Creating a new legal order**

By providing for the “establishment of an interim administration in Kosovo,” Resolution 1244 has vested on UNMIK law-making powers. Creating a new legal order, therefore, was the first main challenge facing UNMIK. Relying on his powers under this Resolution, the SRSG has continuously adopted a series of “regulations” which enjoy direct applicability in Kosovo. Their very name “regulation,” instead of laws, denotes their interim and specific character, revealing the fact that Kosovo is placed under an unusual UN legal order (Zimmerman and Stahn: 2001: 443). Yet, in exercising its law-making functions, UNMIK did not make a complete break with the previous legal order that existed in Kosovo. Instead, the new legal framework is largely based on the principle of continuity, reflecting also the formal perseverance of Yugoslav sovereignty over Kosovo. Accordingly, UNMIK (in its REG No. 1999/1, Sec. 3) provided that “the Yugoslav laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply insofar as they do not conflict with internationally recognized human rights standards.”

But acceptance of the legitimacy of laws adopted after the forceful abrogation of the autonomous status of Kosovo (1989) met with the refusal of local judges and public prosecutors, who refused to apply, what they considered to be, discriminatory laws against Albanians. The local legal community started applying the legislation that was in force before the suspension of the autonomous status of Kosovo, particularly in criminal matters. In order to solve this problem, the SRSG decided to codify new legal practice, determining that besides UNMIK legal acts, laws with direct applicability in Kosovo

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should also include those legal acts which were in force on 22 March 1989.<sup>41</sup> Overall, this experience highlighted the need for meaningful and timely planned actions, when the aim is so complex (such as creation of a new legal order). Obviously, this was not the case in Kosovo.

#### **3.2.4.2 Legitimizing the “rule exercised by foreigners” and transferring authority to the locals**

While in the traditional peacekeeping legitimacy of the mission derives from the consent of the host state, and from the UN mandate pursuant to its collective security functions, in Kosovo this issue is more complex. Inspired by the idea that Kosovo was moving towards overall progress and final independence (which is the desire of the great majority of its population), the Kosovar Albanians initially regarded the UN presence with appreciation. The feeling of sympathy was (and still is) huge especially towards NATO and hence KFOR, because of its role in bringing freedom to Kosovo. Yet as the time passed, they came to realize that the future status of their country is uncertain, or perhaps even undesirable, while freedom did not bring economic progress and other preconditions needed for normal life. As a consequence, the feeling of disappointment began to take place, whereby, as the Kosovar Institute for Political Research and Development (2002) underlines, “the Kosovars share the sentiment that Kosovo needed the security of the peacekeepers and not an omnipresent tutorship at all levels and spheres of public life by the UNMIK.”

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<sup>41</sup> Only if a situation was not covered by said legislation, laws in force after 22 March 1989 could be applied insofar as they were not discriminatory or in violation of internationally recognized human rights standards.

The UN from the very beginning was driven by the objective of creating an interim “substantial autonomy for Kosovo within the FRY,” while not making any substantial progress with regards to the facilitation of the political process that will lead to final settlement of status. Yet, the vague dispositions of the Resolution 1244 triggered contradictory views about the limit of “substantial autonomy.” However, ever since the first year it stepped in the Kosovo, UNMIK engaged in serious efforts to create a local politico-institutional framework and transfer powers to it. This process culminated with the organization of local (2000 and 2002) and central (2001, 2004) elections, leading to the creation of central and municipal “provisional” institutions of self-government” (including parliament, government and president). In addition, the legal framework for sharing of powers between the local and international institutions was laid down with the adoption, on May 2001, of the Constitutional Framework (see Brand, 2001: 469-471). Nevertheless, the process of transferring powers to Kosovo’s institutions was very slow, owing to UNMIK’s attempts to balance between the necessity to empower the local self-governing structures, and opposition coming from the Belgrade regime, who instrumentalized the tiny Serbian minority in Kosovo for this purpose. The latter either boycotted (if not obstructed), or were lukewarm to participate in the process of creation of Kosovo’s self-governing institutions, despite the fact that the Constitutional Framework, and other relevant legal documents, laid down a very solid basis for protection of minorities. The Constitutional Framework applies the so-called model of “positive discrimination,” through providing for the reserved places (quotas) for Serbs and other minority, in terms of their representation in central Kosovo’s institutions. Further, this process is impeded by the unknown future status of Kosovo, and thus unclear “final stage” of the transfer of powers to Kosovo’s institutions.

Another very important aspect of the international mission in Kosovo, is the degree of commitment to human rights and democratization principles. Despite the admirable progress, the international and local human rights groups have voiced their concerns for some anomalies characterizing this field; such as the broad privileges and immunities of UNMIK and (especially) KFOR, concentration of almost unlimited powers on the one institution/person-SRSG, particularly its powers to issue executive orders related to arrest and detention (Brand, 2001: 476-477). Without going into details, the Kosovo case demonstrates how difficult it is for UN to balance security priorities and human rights concerns, in missions where the latter is an international priority.

## CHAPTER 4

### **INTERNATIONAL PEACE-BUILDING MISSION IN KOSOVO IN PERSPECTIVE: A NEW BEGINNING OR ANOTHER CRACK ON THE WALL?**

NATO intervention against Yugoslavia and the subsequent installation of the international civilian and military administration over Kosovo, created a profoundly new political environment in the region. The international community, particularly its most powerful states, became direct and major players in the Kosovo problem, for the first time in the long history of this conflict. Also for the first time, with broader international consensus, Kosovo was left without meaningful presence of Serbian repressive state apparatus, e.g. army and police, the latter having been the major attribute of Belgrade's policy towards Albanians for almost one century. On the other hand, the fall of Milosevic's regime, following peaceful street protests in Belgrade on October 5, 2000, strengthened the hope for a new perspective in the region, whereby conflicts and cleavages would be left to history.

In light of the above developments, the first normal question to be raised by any observer confronted with the Kosovo problem is: are we really witnessing the dismantling of the "Balkan's powder keg?"- a qualification earned due to the destabilizing potential of this problem. In other words, is the current international peace-building operation in Kosovo leading to a permanent solution of the old dispute between Serbs and Albanians over Kosovo, opening therefore the prospect for normalization of relations between the two nations, or is this just an offhand attempt of the international

community with little chances for success? Drawing on the main conclusions highlighted by the first two chapters, this chapter will answer this question. Or, to put it more simply, it strives to give an answer as to whether the eventual expansion of the “democratic zone” will be a sufficient factor to solve the problem once and forever, or the Balkan conflicts (including Kosovo) will continue to be held in check only “by the presence of a quarter of million NATO-led soldiers committed to the region,” as Carl Bild observed (Bild, 2001: 149). In doing so, this chapter confronts the underlying assumptions upon which the peace-building concept is constructed, the latter understood in dogmatic terms, with the nature of the Kosovo conflict, and wider regional dynamics and processes.

#### **4.1 Peace-building in the wrong address: who needs a “social engineering”?**

If the current international administration in Kosovo is to be analyzed based solely on the degree of democratic transformation, or adoption of the principles of liberal democracy and free market economy by the Kosovar society, than a cautious optimism could be the underlying corollary. However, the final judgement on the current international peace-building exercise in Kosovo will not be drawn based on track record of democratic achievements of Kosovar society. Rather, it will depend on the degree to which the intentional community will succeed in erasing the causes of conflict, and creating local structures and environment that would guarantee sustainable peace and stability.

In reality, viewed from the traditional perspective, the current international mission in Kosovo is deviation from the very idea of peace-building. Namely, in general terms, as

discussed in the previous chapter, peace-building was invented as an option for dealing with the trouble-making countries, that is, failed or defeated states (see Hass, 1999: 61-134). None of these qualifications apply to the Kosovo case. The latter is not a state, formally it is still part of the Republic Serbia and Montenegro (the new name for the “third” Yugoslavia created from these two entities), while Kosovar Albanians, who are the major object of “social engineering” project, were actually the victims, not the troublemakers. Following this seemingly dogmatic line of reasoning, it would have been logical and more appropriate to put Serbia under international administration, and hence impose democratic transformation upon the Serbian society. This is not to say that Kosovo does not need democratic transformation, or that it will not benefit, in this regard, from international administration. However, bearing in mind that in peace-building missions, democratic transformation is a means for reaching the ultimate end, i.e. the creation of sustainable peace, it is not just a mistake but also irony to try to change the victims, not the aggressor, as it is the case with the international mission in Kosovo (and Bosnia alike). Just as it would have been a paradox to put Czechoslovakia or Poland, instead of Germany, under Allied control after the WWII.

#### **4.2 How much has Serbia changed?**

In a report on Serbian nationalism in the post-Milosevic era The Helsinki Committee for Human Rights in Serbia (2003: 6) observed that “the project of Greater Serbia drew a consensus unparalleled in modern Serbian history.” Although other additional factors cannot be excluded, it was the Serbian attempt to realize this project forcefully – namely to expand its borders at the expense of other Yugoslav republics/states, that lead to the

prolonged wars in these territories. Therefore, the stability of the region is primarily hostage to alteration of the political agenda of Serbian state/society, respectively, relinquishing its hegemonic ambitions and changing its perceptions about the past and its neighbors. This does not imply that Serbian society should be collectively punished for the aggressive policy of their state. The argument of collective guilt, and hence collective punishment, was firmly rejected by the international community. This stance is faithfully expressed by the International Criminal Tribunal for the Former Yugoslavia (ICTY), seated at The Hague. Nevertheless, any meaningful form of international control over Serbia (similar to Bosnia for example) would not have taken the form of punishment for the wrong doings of Belgrade during the last decade, but would have confronted directly the major source of instability in the region. Quite normally, Serbian society would have been one of the major beneficiaries. This suggestion looks highly hypothetical, apart from totally disregarding the international geopolitical context, which would render such a scenario very difficult, if not impossible.

Yet, even after military defeat, and overthrow of the regime that tried forcefully to expand Serbian borders, the latter is not giving any clear sign of full recovery from the political and cultural mindset that created the “Greater Serbia” project and Milosevic (who is currently in trial for genocide, war crimes and crimes against humanity at the ICTY). The enthusiasm sparked by the October 2000 changes in Serbia, especially among the EU countries (see Yanis, 2001: 12), proved to be short-lived, if not naive. In fact, as International Crises Group (2004a: 3) rightly concludes, shortly after this date, it became increasingly apparent that “5 October 2000, the day on which Milosevic stepped down, was less revolutionary than it seemed at the time.” The internal political dynamics in the post-Milosevic era have amply demonstrated that the Serbian society is hardly capable of loosening up itself from the claws of the past, and getting on the right track of

democratic transition. The democratic credentials of the opposition that ousted Milosevic are questionable (none of these parties, for example, stood firmly against Milosevic's repressive policy in Kosovo during the 1990s). Most importantly, some of the institutions of paramount social and political importance, particularly the Army and Church, still remain as the sources of inspiration of archaic nationalism and xenophobia (Helsinki Committee for Human Rights in Serbia, 2003). The assassination of the Serbian Prime Minister Zoran Djindjic, on March 12 2003, was the first major blow to international hopes. Djindjic was widely perceived as a personification not only of the opposition to Milosevic through the 1990s, but also a symbol of pro-Western, reform-oriented, course of the Serbian society. He fell victim to his democratic reformist efforts, especially his more cooperative stance with the ICTY. The fact that segments of the Army, Serbian secret service and underground crime were involved in his assassination plot, revealed the strong alliance between organized crime, radical nationalism and politics in Serbia (see Public International Law & Policy Group, 2003). Furthermore, the strong standing of nationalist parties in almost all elections after October 2000 just blurs the reformist path. Thus, after the parliamentary elections that took place in December 2003, political parties that are either opposed to or are ambivalent about EU integration, control 71 percent of the Serbian parliament, while the ultra nationalist Serbian Radical Party, which still engages for the expansion of the Serbia's borders, and whose leader is being tried at the Hague for war crimes, secured around one third of the parliamentary seats.<sup>42</sup> And even more disquieting than the strength of the nationalist forces is the inertia and lack of a clear vision of those forces pertaining to belong to the pro-reformist

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<sup>42</sup> During the electoral campaign, the president of SRS Nikolic reiterated the calls of its predecessor, Voislav Seselj, for inclusion of substantial parts of Croatia and Bosnia within the Serbian border (International Crisis Group, 2005: 12).

bloc. The lukewarm stance, if not rejections, towards the ICTY<sup>43</sup> (the latter is in a way writing a recent history of the former Yugoslavia, albeit by not judging the character of the wars), is a test for Serbia's readiness to break with its past. Thus far, not only the nationalist circles have manifested a strong opposition towards the ICTY, but also the reformist forces have used cooperation with this tribunal as a bargaining chip for securing economic or political benefits, disregarding thus the moral dimension of this issue (Helsinki Committee for Human Rights in Serbia, 2003: 7). As a result, Serbia for long has become a safe haven for many indicted war criminals, while the surrender of some of them, qualified as "big fish," was carried out only after prolonged pressure by the international community. Moreover, according to the polls the former Bosnian Serb President, Radovan Karadzic, and his chief military commander general Ratko Mladic – two most wanted persons by the war crimes tribunal, are still considered the "two greatest defenders of the Serbian nation"(Devic, 2003: 2).

On the other hand, the mythical perception of reality and the identity of the victim, two of the most destructive sides of Serbian nationalism, are only being strengthened after the war in Kosovo. The war with NATO is glorified, and is named as the "second Kosovo battle,"<sup>44</sup> while the *casus belli* for this conflict, namely the attempt to exterminate Albanians, is totally ignored. The general picture about the recent past in Serbian collective perceptions remain incredibly distorted, whereas the Serbs, once again, perceive themselves as victims of an unjust NATO "aggression" and an Albanian terrorist movement designed to create "Greater Albania" (International Crisis Group, 2005). The same way of perceiving the past prevails with regards to the other recent wars in which Serbs were involved (Croatia and Bosnia). Several public polls conducted

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<sup>43</sup> For more information about the ICTY see its web site <http://www.un.org/icty>.

in 2001, for example, found that 52.5 percent of respondents in Serbia could not name a single war crime committed by Serbian forces in Bosnia, Croatia, or Kosovo. Nearly half, however, could name at least three crimes committed against Serbian civilians by other forces (Devic, 2003: 2). This collective mindset, further exacerbated by the bad economic situation, renders very difficult any confrontation with the recent past, so desperately needed for the political and moral recovery of Serbia. And until the Serb nation firmly breaks with the past, and takes its part of responsibility for crimes committed in its name, prospects for a profound democratic transformation looks gloomy, let alone the normalization of relations with its neighbors (once enemies).

Normally, international actors, as has been the case throughout history, will continue to play a crucial role in shaping the fate not only of Serbia, but also of the whole region. This time the policy of the “westerners,” who are the major players, is not guided by the desire to expand spheres of influence, in the classical meaning of the term. Rather their strategy is centered on the extension of their value systems, which, in turn, is supposed to bring stability and prosperity to Europe’s problematic backyard. The process of integration into the Euro-Atlantic structures, particularly the European Union (EU), is used as a mechanism stimulating the creation of a cultural backdrop conducive to democracy. In this context, any in depth observation of the prospects for the future of democratic transition in Serbia will not be complete without analyzing the Euro-Atlantic integration processes, especially EU enlargement. The question of Serbia’s prospects for integration into EU (or NATO), cannot be fully covered by the scope of this work. Overall, despite the perplexities manifested by Serbia in terms of its reformist course, political and economic incentive of the EU integration processes, developments in the

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<sup>44</sup> The glorification of the war in Kosovo is strong particularly in the military circles, who portray this war as another “heroic war of brave and innocent Serbian people” (Helsinki Committee for Human Rights in Serbia, 2005: 12-14).

neighborhood in these directions, and the bad economic situation, have been strong enough to make membership in this organization one of the political priorities of Belgrade (Public International Law & Policy Group, 2003: 17-19). On its part, Brussels has vehemently proclaimed ever since the decline of Milosevic regime, that the doors for Serbia and Montenegro are open, as there should not be a “black hole” in the process of EU’s southeast expansion.<sup>45</sup> To this end, the prospects for meaningful democratization of Serbia will, at least partially, depend on the degree to which Brussels, and other western capitals, will offer “sticks and carrots” to Belgrade. The feasibility study, completed on April 2005, determined that the State Union of Serbia and Montenegro (SCG) is ready to start negotiations for Stabilization and Association Agreement (SAA). However, the country so far has failed to reach major progress on two crucial issues—strengthening of the state institutions and cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). While the problem with ICTY, as already discussed, reflects the unwillingness of Serbia to face its ugly recent past, the deep problems characterizing the life of the common state between Serbia and Montenegro is primarily the failure of the EU, which was the architect of this, apparently disliked, marriage. In broader perspective, the strong pro-independent tendencies in Montenegro and the unresolved political status of Kosovo highlight the fact that dismemberment of the former Yugoslavia has not yet come to its natural conclusion, and the international community, particularly the EU, has to come to terms with this reality. These two issues, especially the question of Kosovo, on the other hand, will represent the biggest test for the democratization of Serbia, and for wider regional stability.

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<sup>45</sup> This message was transmitted by the EU in its Zagreb Summit, on 24 November 2000 (Yannis,2001:12)

### **4.3 Untying the “Gordian knot”: addressing the final political status of Kosovo**

The Kosovo problem did not arise primarily out of the mismanagement of political power, or contradictions about the form of government. At the heart of this problem, as the second chapter highlighted, is the dispute about the control of territory between the Albanians (who opted for the independence of Kosovo) and the Serbs (who want to keep it within Serbia). The maltreatment of Albanians by Serbian state, lately pursued by Milosevic, indeed only lead to the violent manifestation of this problem. Therefore, removal of the source of violence, by suspension of Belgrade’s right to rule with Kosovo, has not yet eliminated the very root of the problem. Undoubtedly, the most difficult task facing the international community in its unique undertaking in Kosovo is addressing the final status of the country. Until very recently, international policy-making centers have shown great reluctance to deal with the problem of status, believing that delaying the decision will make it easier, as passions will cool down (see International Crisis Group, 2004b), and the policy of the so-called “standards before status”<sup>46</sup> goes pretty much along these lines. The hesitation to open the “hot issue” of the status was also a reflection of the lack of consensus, not only at the local, but also at the international level for this issue. However the growing frustration among the Albanian majority in Kosovo, stemming from the uncertainty about their political future and also lack of economic progress, is a wake up call, which seems to have waken up the international policy-making centers. Consequently, this issue is getting back on the table, turning again international attention towards the forgotten Balkans.

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<sup>46</sup> The policy of “standards before status,” proclaimed by the SRSG Michale Stainer in 2003, basically mean that Kosovo has to meet certain standards in terms of rule of law, minority rights, democratization, economic development, institution building, before the question of final status is opened.

The prospects for its solution, however, are complicated by the remarkably vague disposition of the Resolution 1244. Thus, when it comes to addressing the future of Kosovo, this resolution refers to three documents, namely: the Statement of G-8 Foreign Ministers, the List of Principles Agreed by the Serbian Parliament, and the Rambouillet Accords. These documents, however, apart from setting the ground for very broad and different interpretations, refer to the contradictory guidelines for solving the political status of Kosovo. Thus, the first two documents refer in more or less identical terms to “an interim political framework agreement” to be reached “providing for substantial self-government for Kosovo, taking full account of Rambouillet Accords and the principles of sovereignty and territorial integrity of the FRY” (quoted in Zimmerman and Stahn, 2001: 451:69). On the other hand, the Rambouillet Accords provided that the final status of Kosovo shall be determined in an “international meeting,” taking into account “the will of the people,” “opinions of the relevant authorities” and “The Helsinki Final Act” (Zimmerman and Stahn, 2001). Obviously, “the will of the people” referred to by this document, contradicts with the “safeguarding of the principles of the territorial integrity and sovereignty of the FRY,” mentioned in the first two documents, as the overwhelming majority of Kosovo’s population have clearly indicated that any decision which does not mean independence is unacceptable to them.

In a border sense, this issue touches upon the basic international law principles of self-determination and the inviolability of frontiers. Essentially, the Kosovo problem brought on the surface the gap created by the inability of international law to follow dynamic political developments at the global level. Those who argue that the world’s political problems of today can be solved only by relying dogmatically on vague international legal frameworks, created decades or even centuries ago, forget the fundamental fact that ever since its origin, international law has been an instrument of politics, not the

vice versa. Henceforth, if international law cannot serve, or cannot follow the political necessities it becomes meaningless.

Creation and extinction of independent states is the most crucial and yet highly controversial issue in international relations. International rules and norms related to this issue are neither static nor clear. In the former Yugoslav context, recognition of the new states was based on the so-called *Uti possidetis* principle, which was applied during decolonization in Latin America and Africa. This principle is centered on the idea that the internal administrative borders of constitutive parts of dismembering states were transformed into state frontiers (see Hasani et al. 1999: 65-83). Yet, the way this principle was applied in the course of Yugoslavia's dismemberment created a juridical and political opinion that Kosovo cannot become an independent state due to the legal constraints on such a scenario. But deeper intrusion into the legal debate can make this assumption very questionable, revealing the vague nature of international law. The "Badinter Commission" driven from political or other reasons did not recognize to Kosovars the right to secession, although Kosovo had its own administrative borders which were never disputed, and which could not be changed without the consent of the Kosovo Parliament under the 1974 constitution (Bellamy, 2002: 22-29). Further in this regard, there are three generally accepted international law criteria for recognition of new states (Montevideo Convention 1933); a) permanent population; b) defined territory; c) government; and d) capacity to enter into relations with other states (Shaw, 1986: 127). Kosovo by now meets all of these criteria, as it has a compact population; it has had clearly defined borders (*corpus separandum*) at least since 1913, when it came under Serbian rule; currently it has its own governmental structures, which are increasingly assuming sovereign powers from the UN administration, and which have demonstrated capacity to engage in international relations. Even the "Constitutional

Framework” (Chapter 1.1) recognizes that “Kosovo with its people has unique historical, legal, cultural and linguistic attributes.” And finally, the legal argument in favor of the independence of Kosovo can be derived from the emerging opinion among international lawyers that the ruler loses the right to rule a particular group if it abuses that right continuously.<sup>47</sup>

Regardless of the way in which legal considerations are perceived and interpreted, they are neither the sole nor the most important framework for solving the Kosovo problem. So far, different options have been put forward at the “unofficial” level, including proposals for federal or confederal arrangement between Kosovo, Serbia and Montenegro, broad autonomy within Serbia (advocated by the Serbian side), separation of Kosovo between the Serbs and Albanians, conditional independence or full independence. In discussing possible prospects for the final status of Kosovo, an issue which if not addressed timely and properly can be very dangerous, one should begin from the very basic fact that it is simply impossible to force the Kosovar Albanians to live with Serbian state under whatever form. Milosevic had convinced them, once again, that Serbia is not their home, nor can it ever be. Even the Croats, Bosnians and other Slavic groups once living under a common roof with the Serbs, and having much in common ethnically and culturally, draw more or less the same historical lesson. So the normal question troubling the Albanians is, being non-Slavic and different in ethnic, linguistic and cultural terms, why they should be the remnant of a Yugoslav state- why they have to be forced to live with Serbia under whatever arrangement? Quite normally, this kind of scenario is not only unfeasible, as the majority of the Kosovo’s population

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<sup>47</sup> Akhavan (in Clark et al. 1996: 239-240) comments that “according to an important Declaration of the UN General Assembly, if a state is possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color, it is deemed to be acting in compliance with the principle of self-determination, and thus its territorial integrity and political independence must be

will resist it, but will also give impetus to Albanian nationalist extremism in the Balkans (Albania, Macedonia, Montenegro and Serbia). This is so because the Albanians would emerge as the major losers in the process of Yugoslav wars and border rearrangements resulting from it (although they played the “good guy” in this game). On the other hand, all attempts to convince the Kosovar Serbs to live in an independent Kosovo dominated by the Albanian great majority will be doomed to failure, at least for a foreseeable future. Serbs need to be convinced that in an independent Kosovo they will be treated equally, while Albanians need to understand that Serbian state, not Serbian minority in Kosovo, represent threat to them (as history convincingly demonstrates). Yet, the first thing Serbs will need to do is to abandon their dreams of Serbian domination over Kosovo, and instead think about how to build normal relations with their Albanian neighbors, who constitute great majority of population. They should also be aware and sensitive of horrors through which Albanians of Kosovo have passed at the hands of Serbian state.

The prospects for separation of Kosovo along ethnic lines, a reserve option of some Serbs circles for a long time,<sup>48</sup> apart from not finding support from international side, would surely generate more problems than solutions. That would require exchange of population, which obviously would not be possible to be carried out “humanly,” while any new line drawn would not correspond to the ethno-demographic realities, as the Serbs, a part from two tiny towns in northern Kosovo, were everywhere in a clear minority. This solution would also automatically open the question of, Albanian

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respected. Conversely, it would appear that a State which is engaged in a flagrant denial of the right to self-determination to a distinct ethnic element of its population does not enjoy the same right ...”

<sup>48</sup> The idea of separation of Kosovo along ethnic lines was supported by Zoran Djindjic, who saw it as one of the possible options. This idea was also propagated by the president of the Serbia Academy of Arts and Science Aleksander Despic, in 1996. Lately, Dobrica Cosic in his book *Kosovo*, published in 2004, engaged for same solution (see Kaplan, 1998; International Crises Group, 2003: 12).

dominated, Presevo valley in Southern Serbia, while disrupting the fragile interethnic-balances in Bosnia and Macedonia.

In fact the discussions related to the status of Kosovo are often related to the reflections it will have in Bosnia and Macedonia. This aspect, therefore, merits a brief elaboration. Arguments that an independent Kosovo will produce domino effect, in negative terms, for Bosnia and Macedonia, is very often invoked by those opposing such a solution, particularly by the Serbian side (see International Crises Group, 2005: 29). Namely it is argued that if Kosovo becomes independent there will be nothing to prevent the *Republika Srpska* (in Bosnia) and Albanians in Western Macedonia to do the same. Yet, a careful look at the circumstances of these cases clearly reveals that they are completely different. Without going into details, it is sufficient to say that comparison with the *Republika Srpska* disregards the crucial fact that Kosovo enjoyed a clear historic, geographic, political and nation/cultural identity, for a long time. This fact, as already explained, was recognized even by the communist Yugoslavia, and was reflected into the constitutional recognition of particular politico-territorial identity of Kosovo. The entity of *Republika Srpska*, on the other hand, never existed as a notion prior to 1990s. Indeed this entity is a direct product of the Serbian genocidal campaign against Bosnian Muslims, and as such it has no historical, geographical or cultural identity. Any further international legalization of *Republika Srpska*, in terms of upgrading its status to that of an independent state, would be nothing less than legitimization of the Serbia's genocidal campaign to expand its state frontiers (if the mere fact of the existence of this entity cannot be qualified as such). Furthermore, the geographical position of this entity, meaning its stretching around the Muslim-Croat federation in Bosnia, makes almost impossible its separation. Such a scenario would lead to the encirclement of Bosnian Muslims by the new Serbian state (or Serbia), while the latter will serve as a barrier

between the Croats of Bosnia and Croatia. Obviously, Bosnian Muslims and Croats would be greatly disfavored by this kind of border rearrangements. As regards the Macedonia, throughout post-Yugoslav era tensions in this country (erupting into limited armed conflict in 2001) have been generating from the dispute regarding the constitutional position of Albanians, who considered themselves discriminated (see Bumci, 2000). The Ohrid Agreement, of August 2001, which ended Albanian armed uprising, created a solid foundation for accommodation of the ethnic problems in this country.<sup>49</sup> Yet, the most important think, in relation to the Kosovo problem, is the fact that Albanians in Macedonia have shown a permanent loyalty to the Macedonian state, in terms of their commitment for respecting the territorial integrity of this state, which they see as their country. No serious political force of Albanians ever engaged for changing forcefully the borders of Macedonia, as Serbs tried to do in Bosnia and Croatia. The fact that conflict of 2001 in Macedonia was of limited nature, while Albanians and Macedonians do not share historic memories of wars and antagonisms with each other (but the opposite), bolster the prospects of two groups living side by side as a good neighbors. Finally, the Dayton Agreement has legally bounded the Bosnian Serbs to the Bosnian state, while Ohrid Agreement made the same think with the Albanians in Macedonia. But, as International Crisis Group (2005: 24) rightly observes, “UNSC Resolution 1244 mandated a political process to determine the Kosovo’s final status, indicating that the present *de jure* Yugoslav sovereignty over Kosovo is not necessarily considered to be permanent.” This clearly demonstrates that these cases are not considered at the same level by the international community.

Giving the above complex situation surrounding the issue of Kosovo’s status, the most viable solution seems to be a form of “controlled” (some prefer to call it

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<sup>49</sup> The Ohrid Agreement can be reached at: <http://www.ecmi.de/jemie>, (lastly consulted on 13.06.2005).

“conditional”) independence, an idea firstly advocated by some prominent international think-tank institutes. In general lines, this would imply that the Albanians would reach their objective of an independent state of Kosovo, but with limited sovereignty, at least for certain time period. In the words of authors and supporters of this idea,<sup>50</sup> Kosovo would be formally independent, internationally recognized, but it would be placed under a type of “new international protectorate,” most preferably under NATO and EU, involving international military presence, international monitoring of key areas such as justice, minority issue, police and defense. In addition, the Serbian cultural and religious sites would be granted a special status, internationally guaranteed. This solution would require specific legal arrangements, creating the “third legal precedent” in Kosovo, in addition to unique features of humanitarian intervention and post-war international administration. Such a scenario would turn Kosovo again into a metaphor of the dynamism and new dimensions in international law and politics, challenging thus the rigid interpretation of some traditional concepts of statehood and territorial sovereignty. The final “decoupling” of Kosovo and Serbia, would be first and foremost in the interest of the two nations- Albanians and Serbs, and of wider regional stability. Thus far, the endurance of agonizing situation makes both nations hostage to each other, preventing, therefore, the desperately needed democratic transition. It would create for Albanians a permissive politico-territorial framework for democratic transformation and Euro-Atlantic integration, while leaving no trump cards to national extremism. But most importantly, it would release Serbia from a burden, inherited from history, which it obviously can not bear. The acceptance of new realities, namely the independence of

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<sup>50</sup> Proposal for “Conditional Independence”, was put forward by the Independent International Commission on Kosovo (in 2000), and was supported by many other prominent think-tank institutes. This option basically was based on the idea that Kosovo should be formally recognized but not empowered to exercise sovereign authority in specific fields such as minority, foreign and defence policy, which for an

Kosovo, would release Serbs from the destructive claws of the past and would open new perspectives for their future. The Serbian crossroad is best described by the veteran US diplomat engaged in the Yugoslav problem, Richard Holbrook (2005: 25);

The Serbs will have to choose between trying to join the European Union and trying to regain Kosovo. If they seek their lost province, they will end up with neither. But, if it can opt for the future over the past, Serbia would have a bright future as an E.U. member, and the ancient dream of an economically integrated, peaceful Southeast Europe (including Greece and Bosnia) would be within reach.

An independent Kosovo, with fixed and recognized borders, and integrated within Euro-Atlantic structures, would be a great contribution to the stability of its neighboring countries. This scenario would put a final line on the new geopolitical map of the region, stabilizing the borders of Macedonia (and even Montenegro and Albania, let alone Serbia itself). In any case, the presence of Euro-Atlantic political and security umbrella remains an indispensable guarantee for the enduring stability of the region. The twin approach of maintaining a strong military presence (e.g. in Bosnia or Kosovo) and stimulating, not to say imposing, democratic transformations through EU integration incentives, and “stick and carrot policy,” in a way has placed the entire region under international tutorship. This scenario seems a viable solution for correcting the possible consequences of misleading international approach to the post-war peace-building mission in Kosovo. The prospect of granting to Kosovo an independent status and, on the other hand, bringing Serbia closer to the Euro-Atlantic framework will help the latter to rehabilitate from its traumatic past. A normal and democratic Serbia, which would perceive the Euro-Atlantic integration not by inertia or in terms of short-term political and economic gains, but as a unique chance to change itself, would surely hale to erase

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unlimited period should be exercised by the international community (see Independent International

one of the major sources of region's instability. Yet, the Serbian nation will pass this test once it stops to perceive itself and to view the others in its neighborhood through distorted and anachronistic historical lenses, and finds a moral force to face its ugly recent past.

## **CHAPTER 5**

### **CONCLUSION**

A retrospective look in the Kosovo question vigorously demonstrates that in essence it is a modern national problem, bearing the stamp of the late nineteenth and early twentieth centuries, rather than a conflict between two nations who are wrapped up in a vicious cycle of “ancient hatreds.” Having said this, the first logical corollary would be that it basically does not differ from other similar ethno-national problems, exuberantly found in the Balkans and elsewhere. What makes this problem unique, however, is the fact that its protagonists, namely the Serbs and Albanians, have demonstrated astonishing devotion to their “zero sum game,” with regards to their visions and options about “ownership” over Kosovo. This fact makes their positions virtually irreconcilable. The historical picture of the Kosovo problem, depicted in the second chapter, argued that ever since they came under Serbian rule, the Albanian’s position has been primarily shaped by the necessity to survive and to be treated humanely. Serbs, on the other hand, base the legitimacy of their claim over Kosovo on myths and real or distorted historical facts, while constructing their political behavior upon extreme nationalism. The “Kosovo cult,” created during the nineteenth century by romantic writers and orthodox clergy, has ingrained in the Serbian collective memory a deformed perception towards the past and present. This destructive perception contradicts not only reality but also rationality.

The feeling of having been a victimized by history, irrational fear, distrust towards “different” neighbors, and romantic euphoria, necessarily led to the violent expression of the Serbian nationalist passions, at the expense of the “evildoing neighbors,” and Serbs alike. The origin and evolution of the Kosovo problem, ever since 1912-1913 and in the course of Yugoslav experiments, has to be seen primarily from this perspective. Serbian state(s) have continuously demonstrated a striking loyalty to their way of looking at Kosovo and Albanians, with whom they had to share the state from the beginning of the twentieth century, through medieval lenses. Accordingly, the image of a constant enemy was associated with the Albanians, against whom the Serbian nation needed permanent “defense.” The Yugoslav experiment could not do much to change this mindset, and hence the course of Albanian-Serbian relations. Thus, from the creation of the first Yugoslav state (1918), and up until 1974, the Kosovar Albanians not only did not play any significant role in power politics within the South Slavic state, but were subjected to specifically harsh policies of Belgrade. The constitution of 1974, although it did not meet Albanian national aspirations for acquiring the status of a nation, offered a modest framework whereby Kosovo became a player in a balance of power game within the Yugoslav state. The factorization of Albanians served as a pretext for the rise of the “Milosevic phenomena” and violent behavior of the Serbian state/society during the Yugoslav dissolution wars. In fact, Milosevic was just a loyal speaker of the Serbian intelligentsia and politicized orthodox clergy.

Looking at this problem from the perspective of international relations, the third chapter argued that Kosovo is not a unique case only because it revealed once more the fragile and contradictory nature of international law, and its inability to follow political changes at the global level. Beyond this context, through the lenses of the international administration in Kosovo one can understand and draw conclusions about the radical

evolution of the traditional concept of peace operations in the aftermath of the Cold War. In particular, the Kosovo case became an interesting laboratory for testing the merits of liberal ideology, and its by-product: the democratic peace theory, which became the ideological backdrop of international peace-building missions in the post-Cold War era. A narrow outlook on the current international administration in Kosovo (by excluding the broader context of the Serbian-Albanian dispute), however, highlighted some basic weaknesses and challenges that the UN might encounter when launching operations of this type. First and foremost, such missions can not be designed in “one day” (as it was the case with traditional peacekeeping). They need to be timely and properly planned. Second, the lack of a clear political mandate, and thus visions about the “way-out,” might very easily hinder any prospect for a successful end. Third, the overall economic development and creation of a secure environment permissive to protection of human rights, is of crucial importance for winning of “hearts and minds” of the local population, and avoiding the dangerous perception of peacekeepers as “colonizers.”

The historic account of the Kosovo conflict highlighted the crucial corollary that this problem resisted the time pressure with incredible strength. The international community is trying to solve it through the expansion of a “liberal democratic zone,” which is the basic strategy of international peace-building missions. Yet the architects of the international post-war engagement in Kosovo have not grasped the basic lesson from the Yugoslav drama. They neglected the very crucial fact that in their endeavor to pacify Europe’s troublesome backyard they primarily need to rehabilitate Serbia, which was the major driving force behind the wars and conflicts in former Yugoslav territories. The fact that Kosovo is placed under international administration, but not Serbia, protects the former but does not change the latter. And, as elaborated in the fourth chapter, Serbia indeed has manifested a lot of symptoms indicating that it still suffers from the political

and cultural mindset which created Milosevic, even after the overthrow of his regime. Lack of courage, or the will, to face its ugly past (which moreover is being glorified), hesitation to hand over the war criminals, the strong show up of the extreme nationalist forces in all elections, are obviously a bad signal for Serbia's neighbors, particularly for Kosovar Albanians. On the other hand, the major challenge is still ahead. The cause of dispute between the Albanians and Serbs is centered on the contradictory claims over the political/legal status of Kosovo. Finding a feasible and workable solution for Kosovo's future is the major criteria for measuring the success of international involvement in this problem, and wider regional stability. This thesis argues in favor of a solution based on the formula of independence with limited, or controlled, sovereignty, at least for a certain time period. This implies that the future independent state of Kosovo would be placed under a kind of formal guardianship of international community (preferably NATO and EU), while Serbian interests, meaning perseverance of cultural and religious sites, would be accommodated through special arrangements. The continuous abuse of the right to rule over Kosovo, lately manifested by Milosevic, left the Serbs with no moral argument to claim that right again. The political reasoning, namely regional security imperatives, give additional support to this argument, as there is no democratic (or peaceful) way to impose a solution on Kosovo if the majority of its population would oppose it. Finally, regardless of the course of developments in Kosovo and its neighborhood, stability and prosperity of the region would continue to be dependent on international presence, meaning that in particular NATO and EU shall continue to play the role of a "baby-sitter" for quite some time. Only in this wider context the international peace-building experiment in Kosovo, launched in 1999, can yield sustainable pacification and stabilization effects.

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