



James Ker-Lindsay

# KOSOVO

The Path to Contested  
Statehood in the Balkans



I.B. TAURIS

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# KOSOVO

## The Path to Contested Statehood in the Balkans

JAMES KER-LINDSAY

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# ABBREVIATIONS

ANA	Albanian National Army
DS	Democratic Party
DSS	Democratic Party of Serbia
EU	European Union
G8	Group of Eight
ICTY	International Criminal Tribunal for the Former Yugoslavia
KFOR	Kosovo Protection Force
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KVM	Kosovo Verification Mission
LDK	Democratic League of Kosovo
NATO	North Atlantic Treaty Organisation
OSCE	Organisation for Security and Cooperation in Europe
PDK	Democratic Party of Kosovo
PfP	Partnership for Peace
PISG	Provisional Institutions of Self-Government
SAA	Stabilisation and Association Agreement
SPO	Serbian Renewal Movement
SFRY	Socialist Federal Republic of Yugoslavia
SRS	Serbian Radical Party
SRSG	Special Representative of the UN Secretary-General
UN	United Nations
UNMIK	United Nations Mission in Kosovo
UNOSEK	United Nations Office of the Special Envoy for Kosovo
US	United States of America



# KEY CHARACTERS

## United Nations

Ahtisaari, Martti	Special Envoy, Kosovo Status Process
Annan, Kofi	Secretary-General, 1997–2007
Ban Ki Moon	Secretary-General, 2007–
Eide, Kai	Special Envoy, Kosovo Review
Jessen-Petersen, Søren	Special Representative, 2004–6
Rohan, Albert	Deputy Special Envoy
Rücker, Joachim	Special Representative, 2006–8
Verbeke, Johan	Head, Security Council Fact-Finding Mission

## Kosovo Albanian Leadership

Çeku, Agim	Prime Minister of Kosovo, 2006–7
Rugova, Ibrahim	President of Kosovo, 2002–6
Sejdiu, Fatmir	President of Kosovo, 2006–
Thaçi, Hashim	Prime Minister of Kosovo, 2007–

## Republic of Serbia

Drašković, Vuk	Foreign Minister of Serbia, 2004–7
Jeremić, Vuk	Foreign Minister of Serbia, 2007–
Koštunica, Vojislav	Prime Minister of Serbia
Milošević, Slobodan	President of Yugoslavia, 1997–2000
Rašković-Ivić, Sanda	Head, Kosovo Coordination Centre
Samardžić, Slobodan	Minister for Kosovo and Metohija
Tadić, Boris	President of Serbia

**European Union**

D'Alema, Massimo	Foreign Minister of Italy
Ischinger, Wolfgang	EU Representative, Troika
Jones-Parry, Sir Emyr	British Permanent Representative, UN
Kouchner, Bernard	Foreign Minister of France
Rehn, Olli	EU Commissioner for Enlargement
Sarkozy, Nicolas	President of France
Solana, Javier	High Representative for Foreign Policy
Steinmeier, Frank-Walter	Foreign Minister of Germany

**Russian Federation**

Alexeyev, Alexander	Ambassador to Belgrade
Botsan-Kharchenko, Alex.	Russian Representative, Troika
Churkin, Vitaly	Permanent Representative to the UN
Lavrov, Sergey	Foreign Minister of the Russia Federation
Putin, Valdimir	President of the Russian Federation
Titov, Vladimir	Deputy Minister of Foreign Affairs

**United States of America**

Burns, R. Nicholas	Undersecretary of State, Political Affairs
Bush, George W.	President of the United States of America
Fried, Daniel	Asst. Secretary of State, European Affairs
Khalilzad, Zalmay	Permanent Representative to the UN
Rice, Condoleezza	Secretary of State
Wisner, Frank	US Representative, Troika

**Other**

De Hoop Scheffer, Jaap	NATO Secretary-General
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# CHRONOLOGY

## 1999–2004

February 1999	Rambouillet Conference
March–June 1999	NATO air campaign against Serbia
June 1999	UN Security Council Resolution 1244(1999)
October 2000	Slobodan Milošević ousted as Yugoslav President
May 2001	Constitutional Framework for Kosovo unveiled
March 2003	Serbian PM Zoran Djindjić assassinated in Belgrade
December 2003	‘Standards for Kosovo’ unveiled
March 2004	Major riots occur throughout Kosovo

## 2005

3 June	Kai Eide appointed to review situation in Kosovo
7 October	Eide Review presented to the Security Council
24 October	UN Security Council endorses the Eide Review
2 November	Contact Group issues guiding principles for talks
10 November	Martti Ahtisaari appointed as UN Envoy

## 2006

21 January	Ibrahim Rugova dies
31 January	Contact Group statement on talks
10 February	Fatmir Sejdiu elected president of Kosovo
14 February	Security Council debate on Kosovo
20–21 February	1 <sup>st</sup> round of talks on decentralisation, Vienna
1 March	Bajram Kosumi resigns as prime minister
10 March	Agim Çeku confirmed as prime minister

11 March	Slobodan Milošević dies in The Hague
17 March	2 <sup>nd</sup> round of talks on decentralisation, Vienna
3 April	3 <sup>rd</sup> round of talks on decentralisation, Vienna
3 May	EU suspends association talks with Serbia
4–5 May	4 <sup>th</sup> round of direct talks of decentralisation, Vienna
21 May	Montenegro votes for independence
23 May	1 <sup>st</sup> round of talks on religious heritage, Vienna
31 May	1 <sup>st</sup> round of talks on economic issues, Vienna
20 June	Security Council meeting on Kosovo
13 July	Closed Security Council meeting on Kosovo
18 July	2 <sup>nd</sup> round of talks on religious heritage, Vienna
19 July	5 <sup>th</sup> round of talks on decentralisation, Vienna
24 July	High-Level meeting, Vienna
7 August	6 <sup>th</sup> round of talks on decentralisation, Vienna
8 August	1 <sup>st</sup> round of talks on community rights, Vienna
7–8 September	7 <sup>th</sup> round of talks on decentralisation, Vienna
7–8 September	3 <sup>rd</sup> round of talks on religious heritage, Vienna
7–8 September	2 <sup>nd</sup> round of talks on community rights, Vienna
13 September	Security Council meeting on Kosovo
15 September	8 <sup>th</sup> round of talks on decentralisation, Vienna
22 September	Closed Security Council meeting on Kosovo
28–29 October	Referendum approves Serbian Constitution
10 November	Parliamentary elections called in Serbia
13 December	Security Council debate on Kosovo

## 2007

21 January	Serbian general elections
26 January	Status proposals presented to the Contact Group
2 February	Status proposals presented to the sides
21 February	First phase of technical discussions, Vienna
27 February	Second phase of technical discussions, Vienna
10 March	Final High-Level Meeting, Vienna
15 March	Proposals presented to UN Secretary-General
19 March	Security Council meeting on Kosovo
26 March	Proposals presented to the Security Council
24–29 April	Security Council Fact Finding Mission to Kosovo
2 May	Security Council meeting on Kosovo
10 May	Security Council meeting on Kosovo
11 May	Draft resolution circulated

14–15 May	Condoleezza Rice visits Moscow
15 May	Serbian Government formed
6–8 June	G8 Summit in Germany
1–2 July	Bush and Putin meet in Kennebunkport, USA
20 July	Attempt to pass a UN resolution is abandoned
1 August	New round of discussions announced
9 August	Troika meets with the Contact Group, London
10–12 August	1 <sup>st</sup> Troika discussions (indirect), Belgrade and Pristina
30 August	2 <sup>nd</sup> Troika discussions (indirect), Vienna
18–19 September	3 <sup>rd</sup> Troika discussions (indirect), London
27 September	Troika meets with the Contact Group, New York
28 September	4 <sup>th</sup> Troika discussions (1 <sup>st</sup> face-to-face), New York
14 October	5 <sup>th</sup> Troika discussions (2 <sup>nd</sup> face-to-face), Brussels
22 October	6 <sup>th</sup> Troika discussions (3 <sup>rd</sup> face-to-face), Vienna
5 November	7 <sup>th</sup> Troika discussions (4 <sup>th</sup> face-to-face), Vienna
20 November	8 <sup>th</sup> Troika discussions (5 <sup>th</sup> face-to-face), Brussels
26–28 November	9 <sup>th</sup> Troika discussions (6 <sup>th</sup> face-to-face), Austria
3 December	10 <sup>th</sup> Troika discussions (indirect), Belgrade and Pristina
7 December	Troika presents its report
14 December	European Council agrees to mission to Kosovo
19 December	UN Security Council debate

## 2008

17 February	Kosovo declares independence
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# INTRODUCTION

The Dayton peace agreement, which brought the war in Bosnia-Herzegovina to a close in 1995,<sup>1</sup> was widely expected to herald the end of the collapse of Yugoslavia and the start of a new more peaceful era of reconciliation and reconstruction in the Western Balkans. However, such hopes proved to be short-lived. Just three years later international attention was again focused on the region as fighting erupted between government forces and separatist Albanian guerrillas in the southern Serbian province of Kosovo.

Embarrassed by their failure to prevent the death and destruction in Bosnia, Western leaders sought to bring the conflict in Kosovo under control as soon as possible – and by using all means necessary. In March 1999, after a number of failed attempts to broker an agreement between the sides, NATO launched a bombing campaign against Serbia. 78 days later Belgrade capitulated. As a result, Serbia's direct rule over the province was terminated and a United Nations presence – the UN Interim Administration Mission in Kosovo (UNMIK) – was established to oversee Kosovo until a decision could be made on its long-term political future.

In October 2005, the United Nations Security Council decided that the time had come to take that decision. After six years of international rule, the situation on the ground was deteriorating. The Kosovo Albanians, who made up 90 per cent of the province's population, were becoming ever more vocal in their demands for independence and fears were growing that a new outbreak of violence could emerge at any time. Against this backdrop, the United States, Britain and France, the three veto-wielding Western members of the Security Council, privately saw no other option but to let the Kosovo

Albanians go their own way.<sup>2</sup> Forcing Kosovo back under Belgrade's rule, even with considerable autonomy, was seen as unrealistic. To try to do so would only lead to further conflict.

Significantly, even Russia, a traditional ally of Serbia, appeared to have accepted that independence was now the only viable solution. But even if this were not the case, Moscow appeared to be in no position to prevent Kosovo from achieving statehood. Just as it had been unable to stop NATO's campaign against Serbia in 1999, few observers believed that Russia would, or could, thwart the will of Washington, London and Paris this time round.<sup>3</sup>

Under these circumstances, it was assumed that the process to decide Kosovo's future status would be relatively straightforward and quick. After a short series of negotiations, the issue would be referred to the Security Council, which would endorse proposals for some form of 'conditional' or 'supervised' independence. As for a timeframe, few believed that it would take more than a year to settle the matter. Indeed, it was even suggested that the issue could come to the fore as early as the spring of the following year, 2006.<sup>4</sup>

Certainly, as the talks got underway, the predictions about the course of events appeared to be accurate. The Serbian Government and Kosovo Albanians immediately fell back on their familiar historical, political and legal arguments and neither Belgrade nor Pristina showed any inclination to relent on their basic positions.

To the Kosovo Albanians, the case for independence was clear cut.<sup>5</sup> Comprising over 90 per cent of the population of Kosovo, they argued that they should have the right self-determination, as recognised under the UN Charter.<sup>6</sup> In order to lend further weight to their position, they drew on two further arguments. First of all, they insisted that Kosovo should be seen within the broader context of the break up of Yugoslavia. Just as Slovenia, Croatia, Bosnia-Herzegovina and Macedonia – and later, Montenegro – had all been allowed to go their own way with international blessing, so the same right should be extended to Kosovo. After all, it too had been a distinct and autonomous entity within the former Yugoslavia. Secondly, the case for self-determination had an emotional dimension. Given a long history of Serb repression in Kosovo, which culminated in the conflict of 1998–99, Belgrade had forfeited its right to exercise sovereign authority over the Kosovo Albanians. As one Kosovo Albanian explained, independence would be 'moral compensation' for past suffering.<sup>7</sup>

Likewise, Serbia's position was equally straightforward.<sup>8</sup> Even though Kosovo was under international administration, it was still recognised as being a part of Serbia. In line with the UN Charter and the 1975 Helsinki Final Act,<sup>9</sup> the territorial integrity of the Republic of Serbia must therefore be recognised and respected. Furthermore, the right of self-determination leading to independence did not apply in the case of Kosovo. Under international law, the principle was in fact only applicable only in cases to colonisation, and even then was only to be exercised at the point of decolonisation. It was not viewed as right to secession by a numerical minority within an established state.<sup>10</sup> Whatever the moral case for independence, the Serbian Government argued that there was simply no precedent, or justification, for the imposed creation of a new country on the territory of a sovereign member of the United Nations.<sup>11</sup>

As for the argument that Kosovo should be seen within the context of the overall break up of Yugoslavia, the Serbian Government argued that while Kosovo may have enjoyed many of the rights of a republic within the Yugoslav federation, it was always a constituent part of Serbia. Crucially, therefore, it did not enjoy a right to secede – a view that had previously been accepted by the international community.<sup>12</sup> Belgrade therefore countered the Kosovo Albanian calls for independence by presenting proposals for extensive autonomy.

Given these diametrically opposed views, it soon became clear that the Security Council would indeed have to take the final decision on the matter. However, as the issue moved to the UN, the process took an unexpected turn. Contrary to initial expectations, deep divisions opened up between Russia and the Western members of the Council over the future of Kosovo. While Washington maintained its view that independence was the only realistic and viable outcome for Kosovo, Moscow insisted that it would only endorse a solution acceptable to both sides. It would not allow a settlement to be imposed from outside. As a result, the status process became anything but straightforward, or quick. Rather than reaching a conclusion within twelve months, as originally hoped, the process lasted two years – eventually ending in deadlock in December 2007.

The consequences of this failure to reach an agreement at the UN became clear when, just over two months later, on 17 February 2008, the Kosovo Assembly declared independence – sending out letters to all 192 members of the United Nations, including Serbia, asking for recognition.<sup>13</sup> The first responses arrived within hours. In addition to

receiving recognition from Albania, Turkey, Afghanistan and Costa Rica, the new Republic of Kosovo was officially recognised by the United States, Australia and the four largest members of the European Union – Britain, France, Germany and Italy.

In the weeks that followed, a dozen other EU members followed suit, as did Canada and Japan. While many of these countries may have been uneasy about recognising independence without explicit UN authorisation, there was nevertheless a general acceptance that there was simply no other alternative. The break up of Yugoslavia in the 1990s, and the vicious conflict in Kosovo in 1998–99, made continued Serbian sovereignty over the province impossible.<sup>14</sup>

However, many others states disagreed. Denouncing the move as ‘illegal, ill-conceived and immoral’, Vladimir Putin, the Russian president, argued that without the explicit approval of the Security Council, the declaration represented a fundamental violation of the principle of the territorial integrity of states, as protected by international law.<sup>15</sup> Under these circumstances, any act of recognition not only undermined the authority of the United Nations, it also served as a precedent for separatist movements around the world.

Many others countries agreed with the Russian position. As well as being opposed by many states of the former Soviet Union, Kosovo’s declaration of independence was also rejected by a number of countries facing threats from separatist movements; many of which had already announced their intention to appeal to the ‘Kosovo precedent’.<sup>16</sup> Significantly, the ranks of those opposed to the declaration of independence included a number of members of the European Union. Despite repeated assurances from Washington and their European partners that Kosovo represented a unique case under international law, and could not be used as justification in other cases,<sup>17</sup> Spain, Romania, Slovakia and Cyprus all stated that they would not recognise Kosovo’s independence.

In between the two main poles of opinion for and against independence, many other countries simply decided to refrain from taking a strong position one way or another. For example, China, India, South Africa, Brazil and Indonesia all made it clear that, while they would not explicitly rule out recognition in the future, they too had concerns about independence and so would not endorse statehood for the meanwhile.

As a result, it quickly became clear that Kosovo would be unable to join a number of key international organisations. Most importantly,

membership of the United Nations was ruled out. Even if the required amount of support could be mustered in the General Assembly, Russia would block any move by the Security Council to recommend membership, a necessary prerequisite for an Assembly vote.<sup>18</sup> Likewise, membership of regional groups, such as the Council of Europe and the Organisations for Security and Co-operation in Europe (OSCE), both of which relied on consensus decisions on new members, appeared to be impossible given opposition from Serbia, Russia and others. Even membership of the Organisation of the Islamic Conference appeared unlikely due to concerns amongst a number of members about the wider effects of recognising Kosovo.<sup>19</sup> But most galling of all, membership of European Union and NATO, where support for Kosovo's statehood was strongest, appeared to be out of the question given the small, but nonetheless crucial, opposition to independence within both groups.

Thus the stark reality of the situation soon became apparent in Pristina. Despite initial claims by Hashim Thaçi, the prime minister of Kosovo, that 100 states would quickly recognise Kosovo,<sup>20</sup> in the two months following independence just 36 of the 192 UN members did so. Thereafter the number of recognitions diminished significantly. Indeed, the revised hope that half the members of the UN would recognise Kosovo by the time of the time of the annual meeting of the UN General Assembly,<sup>21</sup> in September, was not met. By the end of 2008, the total number of countries recognising Kosovo stood at 53,<sup>22</sup> or 28 per cent of the total membership of the United Nations.

Rather than assume a universally recognised place in the community of nations, Kosovo had instead entered a grey zone of international politics. While there was no doubt that it was accorded a far greater degree of legitimacy than many other disputed territories vying for international recognition, such as the Turkish Republic of Northern Cyprus or Transdniestria, its legality was fundamentally questioned, if not disputed, by most of the world. More to the point, even though further recognitions could be expected, it appeared as though Kosovo's status would remain contested for many years to come.<sup>23</sup>

However, all this hardly represented a victory for Belgrade. Having achieved recognition from so many Western states, it now seemed all but certain that Kosovo's independence was irreversible. Even before Japan and Canada decided to recognise independence, thus securing the support of all the members of the G7, the world's leading economic democracies, the states that supported Kosovo's

independence represented 65 per cent of global GDP.<sup>24</sup>

Moreover, the decision by the majority of the European Union to recognise statehood made it all the more likely that Serbia would eventually have to accept an independent Kosovo. Despite claims from EU officials eager to keep Serbia committed to EU membership that recognition could not be a requirement for membership,<sup>25</sup> most observers believed that at some point, although certainly not immediately, Serbia would have to make a choice between Kosovo and accession. Following the decision to admit the divided island of Cyprus into the Union, in 2004, which many had regarded as a mistake, and which had complicated the European Union's relationship with Turkey, many European leaders had signalled their determination not to import any more border disputes in the future.<sup>26</sup>

Meanwhile, in addition to the international dispute over status, the declaration of independence had also cemented the deep divisions between the Serb and Albanian communities within Kosovo. Just as the Kosovo Albanians were unwilling to accept Serbian sovereignty, so the Kosovo Serbs, especially those living in the predominantly Serb northern areas, refused to accept Pristina's authority. Within days of the declaration of independence, the backlash began. As well as withdrawing from local institutions, many thousands of Serbs took to the streets in protest, demanding that Belgrade be allowed to administer their areas. This led to several skirmishes with international peacekeepers. The most violent of these incidents occurred in the divided town of Mitrovica a month after independence and led to the death of a Ukrainian UN police officer. While the overt anger soon subsided, in the months that followed Belgrade and the Kosovo Serbs consolidated their control over the north. As a result, many observers believed that the foundations for some form of eventual partition of Kosovo were being laid. Even if things did not go that far, it was widely recognised that a 'frozen conflict' had now emerged in northern Kosovo.<sup>27</sup>

Finally, despite oft-repeated claims that Kosovo's independence was necessary for regional stability, the reality was that it appeared to have laid the foundations for other long-term problems in the region. Most notably, in neighbouring Bosnia-Herzegovina, the Bosnian Serbs saw Kosovo's declaration of independence as an opportunity to step up their calls for statehood or union with Serbia.<sup>28</sup>

Thus the true cost of the failure of two years of status talks quickly became obvious. Rather than achieve an internationally accepted

status, Kosovo's place in the world would instead remain contested for the foreseeable future. At the same time, a host of other problems had emerged. Acrimony over Kosovo served to deepen the emerging divisions between Russia and the United States. It also appeared to exacerbate tensions elsewhere. Indeed, many directly attributed the Russian–Georgian conflict over South Ossetia, which erupted just months later, in August 2008, and the rifts it created between Moscow and Washington, to the way in which Kosovo had been managed, both in 1999 and during the status process.<sup>29</sup>

At the same time, even though the May 2008 elections in Serbia led to the election for a pro-Western government, the question of Kosovo would have a lasting effect on Serbia's relationship with the West. Apart from affecting Serbia's EU accession aspirations, Belgrade's successful attempt to secure a resolution to the General Assembly calling for an advisory opinion from the International Court of Justice on the legality of independence created tensions with those countries that had led the way in recognising Kosovo.<sup>30</sup> For all these reasons, as General Sir Mike Jackson, the former commander of the Kosovo Protection Force (KFOR), bluntly put it, the status process had ended in a 'mess'.<sup>31</sup>

Unsurprisingly, the blame-game for this state of affairs soon began. In the view of many Western observers, the responsibility for this 'diplomatic train wreck' lay squarely with Russia.<sup>32</sup> By refusing to bow to the inevitable and persuading Serbia to part with Kosovo, many even believed that Moscow had deliberately sought to sink the process for its own purposes. Others saw things differently. The outcome was the product of Washington's determination to extricate itself from Kosovo, no matter what the costs or consequences. By so openly supporting independence, the United States ensured that the Kosovo Albanians had no incentive to compromise. Meanwhile, some even blamed the European Union for not taking a more decisive or unified position. By encouraging the two sides to focus on their European futures, and by pressing for more innovative ideas, the EU could have limited the influence of Russia and the United States.

This book examines the international dimensions of the status process, explaining how and why things went so very wrong and assessing where the responsibility for the failure to reach an agreed settlement really lies.



## HISTORICAL BACKGROUND

Like many other conflicts, Kosovo is burdened by competing, and often contradictory, historical claims. While Albanians insist that their rights over the territory are based on a presence in the region stretching back over millennia to the ancient Illyrians, the original inhabitants of the Balkans, Serbs will highlight the fact that Kosovo was the heartland of their medieval empire, thus giving it immense cultural and religious significance.<sup>1</sup> Although such arguments are symbolically important, in reality the origins of the contemporary conflict can be traced back to the First Balkan War, at the start of the twentieth century.

In 1912, the increasingly frail Ottoman Empire was attacked by the armies of the Balkan League, an alliance made up of Serbia, Greece, Bulgaria and Montenegro. In a war lasting a little over a month, the last vestiges of six-centuries of Ottoman rule in Europe were all but swept away and the map of south east Europe completely redrawn. The new state of affairs was subsequently confirmed at a conference held in London the following year, albeit with one major change. Austria-Hungary, fearful of the growing strength of Serbia, and determined to prevent it from gaining access to the sea, called for the creation of an independent Albanian state that would unite all Albanians. While the call was supported by Italy, Russia, acting with French support, disagreed. Instead, it argued that the members of the League be allowed to retain all their conquests. In the end, a compromise was reached. In return for the creation of a relatively small Albanian state, the victors would be able to keep the lion's share of their spoils. As a result, the territory that comprises contemporary

Kosovo fell under the rule of the Kingdoms of Serbia and Montenegro.<sup>2</sup> To the Serbian inhabitants of the area, the decision marked their liberation from centuries of Ottoman rule. For the Albanian population, who at this stage were already the majority,<sup>3</sup> Serbia was seen as nothing less than a new occupier.

Although the region was invaded and occupied by Austria-Hungary and Bulgaria during the First World War, it once again came under Serbian control at the end of hostilities and, on 1 December 1918, became a part of the new Kingdom of Serbs, Croats and Slovenes – renamed Yugoslavia in 1929. In the years that followed, Serbia cemented its authority over the region. As well as encouraging large-scale settlement by Serb and other South Slav peasants, a process that saw many Albanians and Turks leave, mostly for Turkey and Albania,<sup>4</sup> efforts were also made to assimilate the remaining Albanian inhabitants. One notable example of this was the decision to ban Albanian-language secular schooling, replacing them with Serbian-language schools.<sup>5</sup> However, the tables were turned during the Second World War when most of the territory came under Italian occupation. As the Albanian population sought revenge against the Serbian population, tens, if not hundreds, of thousands of Serbs fled and were replaced by Albanian newcomers.<sup>6</sup>

The creation of the Federal People's Republic of Yugoslavia at the end of the Second World War saw the area reincorporated into Serbia, this time as an autonomous region called Kosovo and Metohija (Kosmet for short), a process that also saw the demarcation of Kosovo's present-day boundaries. While this marked an explicit recognition of its special status, the decision did not go far enough for Kosovo's Albanians. Over the coming years they gradually began to demand that they be recognised as a nation within Yugoslavia, and for Kosovo to become the seventh Yugoslav republic – alongside Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia. Such a move, which would have separated them from Serbia, but not from Yugoslavia, was not accepted by Marshal Tito, the Yugoslav leader, and the Socialist government. According to the then official Yugoslav ideology, only the South Slavs could qualify for their own republic, and be recognised as a nation within Yugoslavia. Such a status could not be enjoyed by peoples within Yugoslavia that were considered to have an external homeland or belonged to transnational stateless groups, such as the Ruthenians, Jews and Roma. In the case of Kosovo, the existence of an independent

Albania precluded recognition as a nation. Instead, they were recognised as a 'nationality' – a national minority – alongside, amongst others, Hungarians, Slovaks and Italians.

Although this subordinate status was effectively reconfirmed in 1963, in the latter half of the 1960s the Kosovo Albanians began to gain an increased standing in the federation, experiencing, 'an overall national, political, economical and cultural revival and development'.<sup>7</sup> This was most clearly symbolised by the founding of Pristina University, which lectured in both Albanian and Serbo-Croat. However, rather than dampen national sentiments, this in fact led to demonstrations, in 1968, calling for Kosovo to be recognised as a republic. While this did not occur, in 1974 Kosovo was upgraded from an autonomous region to an autonomous province of Serbia; thereby gaining equality with Vojvodina, in the north of Serbia, which had been awarded this status in 1946.<sup>8</sup> As a result, it now came to enjoy almost all the rights and privileges granted to a republic, including its own constitution, assembly and seat on the federal council. Crucially, though, it was denied the right of self-determination – a privilege theoretically enjoyed by republics.

The new status was certainly a major step forwards for Kosovo. Nevertheless, pressure for the province to be recognised as a republic continued to grow amongst Kosovo Albanians. In 1981 a series of student riots graphically highlighted the strength of feeling over the issue. Meanwhile, as many Serbs started leaving the province amidst growing anti-Serbian prejudice, as well as for economic reasons, the question of Kosovo also became increasingly politicised in Serbia. In 1985, a number of Serb intellectuals prepared a memorandum in which, amongst other things, they argued that the Serbs of Kosovo were facing 'genocide' at the hands of the Albanian majority and called on Serbia to reassert its authority over the province. This 'threat' to the Kosovo Serbs provided an ideal issue for Slobodan Milošević, a rising official within the ruling Communist Party, to enhance his political career.<sup>9</sup> In 1989, having assumed the Serbian Presidency, he effectively removed the province's autonomy, instituting direct rule from Belgrade.

### **The collapse of Yugoslavia**

The collapse of Yugoslavia two years later transformed the debate in Kosovo. Following the examples set by Slovenia and Croatia, the

Kosovo Albanians now focused their campaign on formal statehood, holding a referendum on independence and electing Ibrahim Rugova, a firm adherent of non-violent resistance to Serbian rule, as their unofficial president, in May 1992. Meanwhile, fearful that the bloody war in Bosnia could proliferate to Kosovo, the United States warned Milošević that any attempt by Belgrade to react with force to developments in the province would meet with air strikes – a threat repeated the following year by the new Clinton administration.<sup>10</sup> However, the Kosovo Albanian claim for independence went unrecognised by the international community. In 1992, the Badinter Arbitration Committee, a body set up by the European Union to consider the legal issues arising from the dissolution of Yugoslavia, concluded that the six formal republics of Yugoslavia were states emerging from the collapse of the federation, and thus could be recognised.<sup>11</sup> Crucially, though, Kosovo was not mentioned. Therefore, despite its former standing as a unit within federal Yugoslavia, and the fact that it had enjoyed almost all the rights of a republic, Kosovo was nevertheless denied international recognition alongside its erstwhile partners.

Although there was little desire within the international community to recognise Kosovo as an independent state, the start of peace talks in Dayton aimed at ending the civil war in Bosnia was seen by many in Kosovo as an opportunity for their own claims to be addressed. But it was not to be. Although some in the US Administration wished to raise the issue, the need to keep Milošević – who insisted that Kosovo was an internal matter for Serbia – engaged in the overall process meant that it was kept off the agenda.<sup>12</sup> The decision severely undermined Rugova's credibility. After following a policy of passive resistance, many now felt that the only way to secure independence was to fight for it. In February 1996, the Kosovo Liberation Army (KLA), a mysterious new guerrilla movement, launched its first attack against a Serbian police patrol.

Over the next couple of years the KLA gradually intensified its operations, focusing mainly on police, Serb refugees who had settled in the province following conflict in the other parts of former Yugoslavia and Albanians deemed to be collaborating with the Serbian authorities in one way or another.<sup>13</sup> By early 1998 the conflict had escalated considerably. The KLA had become increasingly bold in its attacks and now appeared to be in control of parts of the province. Importantly, though, the weight of opinion appeared to be on Serbia's

side. Speaking in Pristina, Robert Gelbard, the US special envoy for the Balkans, famously described the KLA as a terrorist organisation.<sup>14</sup> The comment proved to be fateful. Reading this as a green light to act, just days later Serbian security forces launched several operations against presumed KLA strongholds. The attacks left over two dozen dead, including women and children.<sup>15</sup> The attacks marked a turning point in the conflict. Realising that a new ethnic conflict was now in the making, and this that might spread to neighbouring Macedonia, the international community realised that it was time for concerted action to address the situation. Meeting at the start of March, the Contact Group – a joint body made up of Britain, France, Germany, Italy, Russia and the United States – demanded that formal negotiations now begin. Soon afterwards, the UN Security Council passed Resolution 1160. Condemning Serbia's 'excessive force' against civilians and the 'acts of terrorism' by the KLA, the resolution made it clear that the talks should be based on autonomy and meaningful self administration.<sup>16</sup>

Responding to this, Washington initiated a peace process between the two sides. It was short lived. Although a meeting was held between Milošević and Rugova in mid-May, the process collapsed when Serbian security forces launched another major offensive against the KLA. By now, Western patience was already beginning to fray. At a meeting in June, NATO leaders authorised military commanders to begin planning for action. In Russia the news was greeted with deep concern. Given its long standing support for Belgrade, any NATO intervention against Yugoslavia would necessarily put the Russian Government in an extremely difficult position. Indeed, the prospect of NATO forces on the ground in Yugoslavia represented Russia's 'worst case scenario', signifying the extent to which its influence on the world stage had declined since the end of the Cold War. Milošević was therefore summoned to Moscow. There he promised Boris Yeltsin, the Russian President, that he would scale back his activities.<sup>17</sup> Soon afterwards, Belgrade agreed to the establishment of the 50-strong Kosovo Diplomatic Observer Mission, which was able to provide some information about developments on the ground, despite its small size.<sup>18</sup> It was also at this time that Christopher Hill, the US Ambassador in neighbouring Macedonia, who had also been appointed to serve as the US special envoy for Kosovo, began working on a peace plan.

But once again the lull in fighting was all too brief. In August,