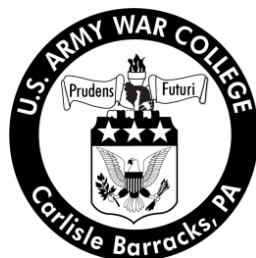


Strategy Research Project International Fellow

Kosovo's Crisis: Genesis of a Problem

by

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United States Army War College
Class of 2013

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Abstract

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The end of the Cold War and collapse of the USSR opened the door to a remapping of the borders between states and the formation of new ones in Europe and Asia. The Balkans, with all of its diversity and ethnic divisions, was a suitable ground for turbulent changes. Serbia, together with Montenegro, formed the Federal Republic of Yugoslavia (FRY) on April 27, 1992 as a successor to the Socialist Federative Republic of Yugoslavia, and with that they inherited the problem of Kosovo and Metohija. This paper will analyze the Serbia and Kosovo problem. It will summarize the historical background to explain why Kosovo is so important to Serbians, describe the genesis of the current problem (as a result of the rise of Albanian nationalism), analyze the proposed solutions to the problem, and estimate the likelihood that an acceptable solution for both sides, the Serbians and the Kosovo Albanians, can be found.

Kosovo's Crisis: Genesis of a Problem

If Kosovo is not ours, why do they want us to give it to them? If it is theirs, why are they seizing it? And if they can seize it, why are they hesitating?

—Matija Bećković, poet¹

The end of the Cold War opened the door to a remapping of the borders between states and the formation of new ones in Europe and Asia. Countries, relieved of long-standing Soviet pressure, began the search for a better way to the future and many sought their place under the auspices of the West. When the USSR collapsed, some new countries appeared. The Balkans, with all of its diversity and ethnic divisions, was a suitable ground for turbulent changes.

The Socialist Federative Republic of Yugoslavia (SFRY), consisting of six federal republics, was for a long period during the Cold War a stable, multinational state and it was a leader of the non-aligned movement. It was the only socialist state that succeeded in resisting Stalin's model and his control of the communist movement. As such, for a long period it was supported by the United States and other Western countries. The emergence of new states after the collapse of the USSR awakened separatist aspirations in Yugoslavia, especially after November 1990 when the U.S. Congress promulgated Foreign Operations Appropriation Law 101-513 which cut off support to Yugoslavia as a federal country and authorized new appropriations for each of its six republics.² This law made the difficult economic situation in Yugoslavia even more difficult and thereby contributed to the incitement of an already awakened nationalism. Furthermore, decisions made at a 1991 European conference about Yugoslavia favored the dissolution of the state into sovereign and independent

republics.³ All of this resulted in the proclamations of independence of Slovenia, Croatia, Macedonia and Bosnia-Herzegovina.

The nationalism and separatism of the different Yugoslav entities launched an avalanche of religious and national intolerance, which resulted in the outbreak of bloody civil wars between belligerent Serbians on one side, and Croats and Bosnian Muslims on the other side. Long suppressed hatreds finally erupted in their most horrible form. Unseen crimes against the civilian population, massacres of the innocent, devastation of whole villages, among other atrocities, shook the domestic and international community. Croats, supported by Germany, and Bosnian Muslims, supported by Islamic countries, very easily succeeded in transferring to Bosnian Serbs all of the guilt for war crimes. Serbia and its leader Slobodan Milošević lost international support in this war and they were doomed as the main culprits for the initiation of the civil war, because they supported the Bosnian Serbs with armament and ammunition.

Serbia, together with Montenegro, formed the Federal Republic of Yugoslavia⁴ (FRY) on April 27, 1992 as a successor to SFRY, and with that they inherited the problem of Kosovo and Metohija⁵. This paper will analyze the Serbia and Kosovo problem. It will summarize the historical background to explain why Kosovo is so important to Serbians, describe the genesis of the current problem (as a result of the rise of Albanian nationalism), analyze the proposed solutions to the problem, and estimate the likelihood that an acceptable solution for both sides, the Serbians and the Kosovo Albanians, can be found.

Kosovo is a region in the south-east of Serbia. It covers 10,908 square kilometers (4,212 square miles) and is populated with approximately 2,100,000 people.

The demographic composition of Kosovo, according to UN estimates in 2009, is: 88 percent Kosovo Albanian, 7 percent Serb, and 5 percent other. This ethnic diversity is a main cause of the problems in this small part of the Balkans. But to really understand the roots of the problems between Serbs and Kosovo's Albanians, we must go further back into history.

Medieval Serbia and Kosovo

Kosovo, situated in the heart of the Balkans where important trade routes have crossed since ancient times, was settled by Slav tribes between the 7th and 10th centuries. Under the Nemanjić dynasty (12th to 14th century), the Serbian medieval state became one of the major powers in the Balkans. After the fall of Constantinople (1204) the center of the Nemanjić state moved to Kosovo. Stefan Nemanja, in the wars with Byzantium, expanded the territory of the Serbian state and conquered most of the territory of what is today Kosovo. His successor, Stefan the First Crowned (who became king in 1217), included Prizren in his state. The entire Kosovo region became a permanent part of the Serbian state by the beginning of the 13th century.⁶

The Serbian Orthodox Church moved its seat to Peć and formed the Peć Patriarchate after becoming autocephalous in 1219. With the proclamation of the empire, the patriarchal throne was permanently established at the Peć monastery in 1346. Studded with more churches and monasteries than in any other part of Serbian land, Kosovo became the spiritual nucleus of the Serbian nation. Surrounded by high mountains, and relatively secure against outside attack, Kosovo was not chosen by chance as the site for the building of religious headquarters, church cemeteries and palaces. Kosovo's monasteries became the centre of education for lots of Serbian aristocracy and other people. The learned monks and religious dignitaries assembled in

the large monastic community strongly influenced the spiritual shaping of the Serbian nation, especially in reinforcing local cults and fostering the Orthodox doctrine. In the monasteries of Kosovo, old theological and literary writings were transcribed and new ones penned. With time, especially in later centuries, the people came to believe that Kosovo was the center of Serbian Orthodoxy and it became the most resistant stronghold of the Serbian nation.⁷

In the 12th century the Serbian population gradually moved from the mountain plateau in the west and north of the Serbian nation to the fertile valleys of Kosovo in the south. Historical analysis and research reveal that only three of the original 89 settlements are mentioned as being Albanian. Out of the 2,166 farming homesteads and 2,666 houses in cattle-grazing land, only 44 were registered as Albanian (1.8 percent). More recent research shows that apart from the Slav Serbian population in Kosovo, the remaining population of non-Slavs did not account for more than 2 percent of the total population through the 14th century.⁸

The Serbian empire reached its peak during the rule of Stefan Dušan (1331-1355) and it stretched from the Danube to the Peloponnesus and from Bulgaria to the Albanian coast. After his death, it began to disintegrate into areas controlled by powerful regional lords.

The first clashes with the Turks, who had edged their way into Europe, occurred at the start of the 14th century. The first major battle with the army of the Ottoman Empire was in 1371 on the banks of the river Marica, where Turkish troops overcame the army of the Serbian regional lords. The defeat of Serbian troops resulted in a Turkish invasion of Serbian lands. Unaware of the dangers that loomed over their lands,

the regional lords tried to take advantage of the new situation and extend their own holdings. On the eve of the battle of Kosovo, the northern parts of Kosovo belonged to Prince Lazar and Priština and parts of Metohija belonged to his brother-in-law, Vuk Branković.⁹

The decisive battle with the Turks, that opened the doors to the Balkans and Europe, took place in Kosovo Polje, outside of Priština, on St. Vitus' day, June 28, 1389. The troops of Prince Lazar, Vuk Branković and King Tvrtko I, faced the army of Emir Murat I. Both Prince Lazar and Emir Murat were killed in the head-on collision between the two armies (approximately 30,000 troops on both sides).¹⁰ Militarily speaking, the battle produced no real victor, but Prince Lazar's successors, exhausted by their heavy losses, sought peace and took on the obligations of vassals to the new sultan. Vuk Branković, unjustly remembered in folk tradition as a traitor who slipped away from the battlefield, resisted them until 1392, when he was forced to become their vassal subject.¹¹

The son of the Prince Lazar, Stefan, fighting on the side of the Ottomans, received the title of despot. He revived and economically consolidated the Serbian state, and Novo Brdo in Kosovo became the economic center of Serbia where in 1412 he issued the law on mines. As his successor, Stefan appointed his nephew, Djurdje Branković (who was later known as the last Serbian despot), whose rule was marked by fresh conflicts and finally the fall of Kosovo to the Turks. Mehmed II the Conqueror, after the fall of Constantinople (1453), launched a major campaign against Serbia. He succeeded in conquering Serbia after four years, and after that Turks plundered and devastated entire regions, to include destroying monasteries and churches. This

triggered the large-scale migration of the population northwards. The largest migration was from 1480 to 1481, when a large part of the population of northern Serbia moved to Hungary and Transylvania.¹²

Dark Ages for Serbia

After the loss of the Serbian state's independence, and its occupation by the Ottoman Empire, the Serbians became second-class citizens. Religious discrimination, devastation of their homes, the violation of Serbian women, and especially the forced removal of children from their parents, their conversion to Islam, and their training to serve as Janissaries in the elite Turkish military units, made life for the Christians almost impossible. All of this was supported by Albanian bandits, who attacked Serbian land from the surrounding mountains.¹³

After the fall of Serbia in 1459, the Serbian eparchies came under the jurisdiction of the Greek Ohrid Archbishopric. Archeological findings showed that there were about 1,300 monasteries, churches and other structures in the Kosovo area prior to 1459 but in the first decades after the Turkish conquest, many of them were plundered and destroyed, and some were turned into mosques. The biggest devastation of Serbian religious objects was in the 15th and 16th centuries. Thanks to Mehmed-Pasha Sokolović (a Serb by origin who was the third vizier at the Porte at the time) the Peć Patriarchy was renewed in 1557. This helped to revive the spiritual life of the Serbs, especially in Kosovo. Thanks to the Patriarchy, for the next two centuries Kosovo was again the spiritual and political center of the Serbian nation.¹⁴

The crisis in the Ottoman Empire at the end of the 16th century worsened the position of the Serbians in the occupied regions. As a result, Serbians attempted to gain the help of the neighboring Christian states of Austria and the Venetian Republic, to

overthrow the Turks and establish an independent Serbian state. The uprisings in 1614 and 1659 were unsuccessful.¹⁵

The Serbian land was colonized at the end of the 17th century by Albanian tribes who were supported by the Ottomans. In Kosovo, Catholic Albanians were Islamized. As a consequence, they were exempted from paying heavy taxes and were given big privileges such as the property of the Orthodox and the Catholics.¹⁶

The Age of Migration

After the defeat of the Ottomans at the Vienna battle (1683), the Ottomans withdrew from Hungary and Transylvania. The Serbian people thought they could liberate themselves from Ottoman occupation. They joined the Austrian army after the fall of Belgrade in 1688 and supported it, so the Austrian army in 1689 conquered Niš and Skoplje. When the commander of the Austrian troops, Enea Silviae Piccollomini, withdrew to Prizren, he was greeted by 20,000 Serbian insurgents, with whom he signed a treaty to fight the Turks. However, the Ottoman Grand Vizier Mustafa-Pasha Koporilli conducted a major military operation and defeated the Austrian army in a decisive battle at Kačanik, at the beginning of 1690.¹⁷

The Ottoman revenge was horrible. They massacred the Serbian people for a full three months. Running away from the terrible reprisals, led by the Patriarch Arsenije III Černojević, the people from Kosovo and neighboring areas withdrew toward the Sava River and Belgrade, and up to the village of Szentendre, near Budapest. The great migration of the Serbs in 1690 was a major turning-point in the history of the Serbian nation. Serbian settlements were deserted and some villages were left without a single inhabitant. A consequence of the great migration was demographic upheaval, because ethnic Albanian tribes from the Albanian highlands settled the deserted areas, mostly by

force. The colonies set up by the ethnic Albanians in Kosovo and neighboring areas provoked another Serbian migration toward the north. The period opened by the great migration of the Serbs marked the beginning of three centuries of ethnic Albanian genocide against Serbs in their own heartland.¹⁸ Albanians supported by Ottomans, seized the ravaged land and abandoned mining centers in Kosovo. Almost all Catholic Albanians were converted to Islam and as a reward they received the right to keep the estates they had seized.

In the next Austria and Turkey war (1716-1718), Austrian troops, supported by Serbian volunteers, reached the Western Morava River where they established a new border. In 1717, a major Serbian uprising broke out in Vučitrn and its surroundings; it was brutally crushed. The number of refugees from Serbian territory (including Serbs from Kosovo) has not been exactly determined, but everything points to a strong migratory wave.¹⁹

A second migration of Kosovo Serbs occurred after the Austro-Turkish War of 1737-39, when Patriarch Arsenije IV Jovanović led “several hundred Serbian families . . . from the mining settlements around Janjevo, Priština, Novo Brdo and Kopaonik,” according to Miranda Vickers.²⁰ She added, the migrations along with a plague epidemic “left hundreds of villages deserted” and this “demographic upheaval which followed the Serb migration witnessed the arrival of more migrants from the impoverished highlands of northern Albania.”²¹ In the beginning of the 19th century, “Jashar-Pasha Gjinolli of Priština . . . destroyed a number of churches in Kosovo, seizing monastery lands and killing priests . . . he moved out more than seventy Serbian villages between Vučitrn and Gnjilane,” according to Dušan Bataković. He added, “From 1876-1883, approximately

1,500 Serbian families fled Kosovo for Serbia in the face of ethnic Albanian violence.”²²

After this migration, the Serbian population became the minority in the territory of Kosovo.

Unrest in the Ottoman Empire caused anarchy to spread in Kosovo and across the whole of Serbia. Looting, murder, and rape of the unarmed populace were largely committed by ethnic Albanian outlaws, who were now numerically superior in many regions. The religious intolerance toward the Orthodox, which increased because of hostilities with Russia at the end of the 18th century, worked toward the forced conversion to Islam of a large number of Serbians. Many accepted Islamization as a necessary evil, waiting for the moment when they could revert to the faith of their ancestors. The first generations of Islamized Serbs preserved their language and observed their old customs in secret. But after a several generations, they began to adopt the Albanian language.²³

Serbian Uprising

Crisis in the Ottoman Empire in the 18th century raised awareness among the people of the Serbian nation that it was time to arise themselves and regain their freedom. The demands for self-government within the Ottoman Empire in 1804, supported by the Russian Empire, evolved into a massive uprising for liberation, and later for independence. Led by Karađorđe Petrović, Serbian rebels gained several major victories against the Turkish army. By 1807, the Serbian revolution attracted thousands of volunteers among Serbs from across the Balkans and Central Europe. On January 8, 1807, Belgrade was liberated and was proclaimed as the capital of Serbia. The first Serbian government and the first written Serbian constitution were established during the uprising.²⁴

The French invasion in 1812 of the Russian Empire caused the Russians to make peace with the Ottoman Empire and withdraw its support from the Serb rebels. According to that peace treaty, Serbia had to return under the auspices of the Ottoman Empire and to the conditions that obtained before the uprising. The Serbian people were unwilling to accept anything less than independence and they continued to fight alone, but the Ottomans attacked Serbia from three sides and in 1813 the uprising was crushed. Recaptured by the Ottomans in October 1813, Belgrade became a scene of brutal revenge with hundreds of its citizens massacred and thousands sold into slavery as far east as Asia. The years of terror after the crushing of the uprising caused the Serbian people once again to rise against tyranny to gain their freedom.²⁵

The second Serbian uprising started on April 23, 1815, with Miloš Obrenović chosen as the leader. Fighting resumed at Easter in 1815, and Miloš became supreme leader of the new revolt. The Serbs again defeated the much more powerful Turkish army and succeeded in conquering Belgrade. Miloš's announced goal was not independence but an end to Turkish abusive misrule.²⁶

Wider European events now helped the Serbian cause. Turkish fears that Russia might again intervene in the Balkans, after the defeat of Napoleon in 1815, resulted in the sultan agreeing to make Serbia a semi-independent state nominally responsible to the Porte. By 1817, Obrenović succeeded in forcing Marashli Ali Pasha to negotiate an unwritten agreement, thus ending the second Serbian uprising. The same year, Obrenović received the title of Prince of Serbia. The Convention of Ackerman (1828), the Treaty of Adrianople (1829), and finally the Hatt-i Sharif (1830), formally recognized the Principality of Serbia with Miloš Obrenović I as its hereditary Prince.²⁷

During the negotiation process between Belgrade and Constantinople, Prince Miloš Obrenović secured an effective reduction of Turkish power and created the Serbian army. He established new schools and reestablished the Serbian Orthodox Church. All of this reflected the rising Serbian awareness and national interest. The weakening of the Ottoman Empire and the Serbian thirst for freedom and independence resulted in a new Turkish-Serbian war between 1876 and 1878. The Serbian army defeated Ottoman troops and liberated almost all of the territory of Serbia. But Kosovo remained in the Ottoman Empire. At the Congress of Berlin in 1878, Serbia was finally recognized as an independent state. With the support of the Austro-Hungarian Empire, in 1882, Serbia became the Kingdom of Serbia and Milan Obrenović was proclaimed as the first Serbian King.²⁸

Things in Serbia started to become better after almost 500 years of Ottoman occupation. The Serbian people finally started to move toward a better life and accepted European values. But the situation in Kosovo was even worse after the withdrawal of the Ottoman army from Serbia. As noted earlier, by 1883 Serbs were a minority in Kosovo. As the Ottoman troops withdrew, the Serbian population in Kosovo was exposed to mass molestation from Turkish soldiers and even worse treatment from Albanian gangs of looters and murderers. The cry of the Serbian people in Kosovo could not remain unheard. The Serbian government made a coalition with four other nations and began preparations for war with the Ottoman Porte for the final liberation of all Serbian territories.²⁹

The First Balkan War broke out in 1912 when Serbian forces defeated the Ottoman Turks. As a result, Kosovo finally became again an integral part of a sovereign,

independent Serbian state. Kosovo's Albanians decided to fight in this war on the side of the Ottomans even though they were asked to join the Anti-Turk Coalition. The war ended with the London peace treaty in 1913. Bulgaria was not satisfied with the division of territories liberated from Ottoman occupation, especially the territory of Macedonia, and in 1913 it attacked the Serbian forces. The Second Balkan War also involved Greece and Romania. For a short period, Bulgaria was defeated and it lost some parts of its previous territory. This later became one of the reasons for its involvement of World War I.³⁰

Genesis of the Albanian Question

There are several theories about the origins of the Albanians in the Balkan Peninsula. The most common one is that Albanians are native to the Balkans and they are descendants of old Illyrians. This theory is especially used by Albanians to justify their expansionary policy and their desire that all Albanians should live together in one Albanian state. This theory has a lot of gaps, one of which is that there is no archeological evidence for such a claim. The Albanian language is not from the Illyria language group, but is from the group of Thracian languages. The name Albania is closely connected with the Illyrian Alban tribe, first mentioned by Ptolemy in the 2nd century, which settled the area of the ancient city of Albanum (Arbanum).³¹ Regardless of all the theories about the origins of Albanians, the historical fact is that Albanians were not ever mentioned as being present in significant numbers before the 11th century. One historical source is the writing of the Byzantine historian, Michael Attaleiates or Attaliates (Greek: Μιχαήλ Ἀτταλειάτης), and another is the writing of Princess Anna Komnene (daughter of Byzantium Emperor Alexios I Komnenos). In these writings, Albanians, under the name of Arbanas, are mentioned as fighting as

soldiers in two separate battles.³² Something that almost all historians agree on is the fact that Albanians were predominantly livestock tribes and their numbers were small and scattered. As such, they settled the mountain areas of the Balkans. They lived in closed, small groups, they were very patriarchal and they did not interfere with other nations.

When the Serbian tribes settled in the Balkan Peninsula between the 7th and 10th centuries, they did not seize the land from Albanians, because the Serbs were predominantly agricultural tribes and they settled in empty land. So Serbians and Albanians actually were not in conflict in those ancient times. During the Dušan the Mighty Empire in the 14th century, Serbs conquered almost the whole territory of the Balkan Peninsula, and with that the region of Albania. But the Serbian rule was focused predominantly on the lower, more fertile regions, so Albanians stayed free in the mountain regions.³³

Before the 13th century there were no attempts among Albanians for independence. The weakening of Byzantium power in the Balkans initiated the rise of the Albanian desire for independence. The first attempts for independence were under the Progon family, especially under Dimitrije Progon (1208-1210) who proclaimed the independence of a part of the city of Kroja. He had a clear vision to unite all Albanians. His efforts failed when the Greek Epirote Empire conquered the territory of Albania.³⁴ During the 13th century, the Albanian region shifted back and forth between the mighty empires, but the feudal Albanian leaders remained largely independent in the mountain regions. When the territory of Albania in the 13th century was under the rule of the Serbian medieval state, there were some attempts to fully include Albania into the

Serbian state. The main obstacle was the fact that Albanians were traditionally Catholics. Pope John XXII even organized Albanians to fight against the Serbian state.

Changes in the relationship between the Serbian and Albanian populations started with the Ottoman conquest of Serbia. The policy of the Ottomans against the Orthodox population was brutal. Albanians gained big benefits for converting to Islam at the expense of the Serbian people. Settlement of Albanians on the territory of Kosovo, very often violently, supported by Ottoman oppression, resulted in the mass exodus of the Serbian population. In the 19th century, the Serbian population in Kosovo had become a minority. Albanian gangs constantly pressured and mistreated the remaining Serbians, which incessantly worsened the relationship between the two nations in Kosovo. This behavior of the Albanians is a root cause of all of today's problems.³⁵

Albanian national awareness peaked in the period when Serbia became independent from the Ottoman Empire. Instrumentalized by the major powers (Austria, Italy, Russia and Great Britain), the "League (Union) for defense of the rights of Albanian people," later called the "Albanian League" or "Prizren League,"³⁶ was formed in 1878 in Prizren. The idea of the major powers was to prevent the division of the Ottoman Empire, because they realized it was going to collapse, and they saw Serbia as a new rising power in the Balkans. Every one of them had an interest in the Balkans and they made important efforts to increase their influence in the region. One way was to encourage Albanian nationalism. The Prizren League regarded Kosovo as an integral part of an emerging Albanian state. In the proclamation from the 1878 meeting, the League said that: Albanians would never allow that "their country" would be given to Serbia, Montenegro or Greece or any other country, or to another people; and all the

countries that Serbia and Montenegro had taken from Turkey, where Albanians lived, should be returned to them. With regard to this issue, they argued every effort should be made to gain Albanian independence, to include working the matter in European palaces and the Berlin Congress.³⁷ This was the basis for the idea of a “Greater Albania” that would emerge later. The Ottoman Porte recognized the Prizren League as its first bastion against the neighbors. In the beginning, the Albanians did not seek independence, but rather autonomy under the umbrella of the Ottoman Empire.³⁸ Very soon however, Albanians started to recede from the Porte. They stopped paying taxes, and disobeyed the rule of the Porte. This made the Porte change its behavior toward the Albanians; it increased its pressure. Albanians, unaccustomed to such demands and pressure, started a mass rebellion against the Turks. They organized themselves into military formations called *chetas* for the purpose of defending themselves against the Porte’s attacks. And soon, Albanians started ethnic cleansing activities in the regions settled by Serbs.³⁹ In 1880, Mr. Kirby-Green, the British Consul-General for North Albania, described the situation in Kosovo with these words:

Prizren, let me tell you, is the headquarters of the Albanian League, an organization of the most fanatical Mussulmen of the country. These men are now worked up to a high pitch of religious zeal, and hatred of the Christians. Prizren is, with perhaps the exception of Mecca, the most dangerous spot for a Christian in all Mohammedan countries.⁴⁰

The situation in Kosovo for Serbs was terrible. With the Prizren League, the stage for conflictual Serbian-Albanian relations was finally set. Serbian and Albanian nationalist claims and aspirations clashed over Kosovo and for both acquired an ideological or nationalist dimension.

For Serbs, Kosovo was part of Old Serbia, the region that was the religious and political center of the ancient Serbian state. Kosovo was regarded as the Jerusalem of

the Serbian people. Kosovo had symbolic and nationalist meaning for the Serbian population.

For Albanians, Kosovo was where the Prizren League announced its nationalist goals to create an Albanian state that would incorporate all the Albanian-settled lands of the Balkans. In the beginning of the 20th century, Albanian nationalistic movements started to grow (similar to others, such as the Macedonian movement for liberation). There were several rebellions against Ottoman rule. At the outbreak of the First Balkan War, Serbia for a period supported the movement with money and arms. Some Serbs even joined the Albanian units. Serbia was looking for ways to attract the Albanian movement as an ally, because the war with the Porte had become inevitable.⁴¹

Serbia, together with Montenegro, Bulgaria and Greece made a so-called Balkan League, an alliance, against the Ottoman Empire in March 1912. The Albanians took the side of the Turks in this war, and when the Serbian Army entered Kosovo to liberate it definitively, they paid the price for years of terror against Serbs in Kosovo, and for having sided with the Porte against the Serbs. Serbian soldiers, in revenge, devastated a lot of Albanians villages and killed many Albanians during the liberation of Kosovo. Albanian resistance was crushed in Kosovo and the Serbian government quickly established its administration.⁴² After the Ottoman Empire was defeated, ethnic Albanians sought to preserve Albanian control of Kosovo and to unite the Albanian-settled population of Kosovo, as well as Montenegro and Macedonia, into the new Albanian state. The Albanian nationalist goals came into direct conflict with Serbian nationalist goals. Conflict and ethnic tension were inevitable.

The Austro-Hungarian Empire, in October 1912, when the end of war was in sight, decided to establish a new state Albania (which did not include Kosovo), to prevent Serbia from spreading its borders to the Adriatic Sea. Albanians were not satisfied with this solution, for them Kosovo had become a survival interest. In Kosovo, Albanians continued with anti-Serbian resistance despite Belgrade's efforts to involve them in the new state.⁴³

Bulgaria, unsatisfied with the division of the conquered Ottoman territory, and without a formal declaration of war, attacked Serbia in June 1913, and the Second Balkan War began. Serbia, Montenegro, Romania, Greece and the Ottoman Empire defeated the Bulgarian army very quickly and forced it to capitulate. After the capitulation, Bulgaria lost a large part of its territory, and together with the Ottomans, hungered for revenge. As such, they became very easy prey for an alliance with Austro-Hungary and Germany.⁴⁴ The stage for WWI was set.

Austro-Hungary declared war on Serbia after the assassination of Franz Ferdinand, Austrian Archduke, in Sarajevo. Gavrilo Princip, a member of the revolutionary movement *Mlada Bosna* (Young Bosnia), killed the Austrian Archduke on June 28, 1914. The Austro-Hungarian Empire accused Serbia of responsibility for the act and attacked it after one month. After extraordinary combat successes in 1914, when the small and relatively weak Serbian army defeated the Austro-Hungarian army led by General Potiorek, Germany joined Austro-Hungary and jointly attacked Serbia again in 1915. The Serbian army, weakened by typhus and the lack of food and equipment supplies, was forced to withdraw to the south, together with the Serbian King. The initial plan was to withdraw through Macedonia to Greece, where the allies

were supposed to lend their support. But Bulgaria, taking advantage of the moment, joined the Austro-Hungarians and cut off the Serbian path to Macedonia. The entire army and many civilians were surrounded in Kosovo. The only way out was through the snow-bound mountains of Montenegro and Albania.⁴⁵ As if the cold weather, snow, mud and lack of food were not enough, Albanians attacked Serbian units and civilians during the march. The tragic and epic journey of the Serbians was described by an English observer:

But this not prevents the inhabitants of the plain from following the example of the Albanians of the mountains in regard to the extortion of money. At the ferries they demanded gold, and those who could not pay might remain where they were and die. Those who went through that whole retreat say the last stages through the marshes and mud of central Albania were the worst of all. When at last Vlora was reached, thousands still died neglected, before they could be taken off by the French and British ships. From Vlora the army of 150 000 strong finally left Albania and crossed over to Corfu.⁴⁶

It is estimated that during this Albanian Golgotha, around 72,000 people lost their lives. On the island of Corfu, the battered Serbian army was reorganized, and, after three months, it was sent to the Thessaloniki front. After a breakthrough at the front on September 14, 1918, nothing could stop Serbian soldiers from going home. For less than 40 days, Serbia was liberated.⁴⁷

When the Serbian army reentered Kosovo, martial law was established and Serbs took revenge on the Albanian population. These actions worsened the already bad relationship between Serbs and Albanians in Kosovo. Lots of Albanians fled to Albania.⁴⁸ After WWI, the new Kingdom of Serbs, Croats and Slovenians (King Aleksandar changed the name to Kingdom of Yugoslavia in 1928) was established as a predominantly Slav state and it did not do anything to solve its minority problems. The Albanians remained second class citizens. Totally dissatisfied with the situation and

supported by Italy, Albanians created the resistance movement known as the *Kachack* movement. The outlaws took to the hills and waged guerrilla warfare against the authorities. The movement was extinguished in 1924, after the improvement of relations with Albania and an amnesty. The Albanians in Kosovo, instead of having a privileged status like in the Ottoman Empire, had to live in a state in which they had only civil equality with the Christian population.⁴⁹

Beginning in 1918, the Serbian regime sought to resettle Kosovo with ethnic Serbs and Montenegrins in what it called a "colonization program," which lasted until 1941. According to Vickers, 10,877 families were settled and 330 settlements and villages were built. Some Kosovo land was expropriated from Albanians who could not document their ownership.⁵⁰ The official policy of the Yugoslav government was to encourage Albanian and Turkish emigration. Nevertheless, the so-called colonization program was meant to establish an ethnic balance in Kosovo and to remedy the results of the forced migrations and expulsions of the Serbs that had occurred when Kosovo was occupied by the Ottoman Turks. The program resulted in creating even greater tension and animosity between the Albanian and Serbian populations in Kosovo.

Even before the outbreak of WWII, Albanians, supported and organized by fascist Italy, in 1939, started to attack Serbian authorities and populations. The so-called new "Kosovo committee" was formed in Tirana and it coordinated the diversionary attacks.⁵¹ Following the German invasion and occupation of Yugoslavia in 1941, Kosovo was annexed to Albania and the German-Italian occupation regime encouraged the ethnic Albanians to drive out the Serbs and to create an ethnically pure and homogenous Kosovo, thus reversing and destroying all the attempts to achieve ethnic

balance and diversity in Kosovo which the colonization program in part had sought to achieve. Kosovo's Albanians were enthusiastic about the capitulation of Yugoslavia, and saw that moment as their liberation. The Italians began to organize Albanian units to be incorporated into the Italian army. The Kosovo committee returned from exile and started to cooperate closely with the Italian government in Kosovo. For Serbs in Kosovo very difficult days began. Thousands were arrested, tortured and deported to work camps, and many more thousands were killed. Lots of Orthodox churches were destroyed and looted. More than 10,000 Serbian and Montenegrin families left their homes and moved to Serbia.⁵²

The Communist Party of Yugoslavia (CPY) tried to organize a resistance movement in Kosovo, similar to other parts of Yugoslavia. But the attempts to achieve a mass resistance movement in Kosovo did not succeed, because the Albanians saw the CPY as pro-Slav, especially since the CPY promised only equality among all nationalities after the revolution, not the reunion of all Albanians into one state. CPY helped the communist party of Albania (CPA) to organize itself, and worked and cooperated closely with it in the first years of WWII. The first partisan units were small underground units and they were predominantly formed from Serbs and Montenegrins. A larger unit was formed in 1942. Meanwhile, Albanian conservative nationalists organized the anti-communist "National Front," the *Balli Kombetar* (BK; adherents were known as Ballists). They operated freely against partisan units and were supported at first by the Italian army. After the capitulation of Italy in 1943, they were supported by the German army.⁵³

The second Prizren League established on September 16, 1943, was created by Dzafer Deva, the most notorious member of BK, in order to coordinate all anti-communist and nationalist Albanian organizations in the fight against the communist national liberation movement in Kosovo and Albania. The Ballists formed the SS unit called the “Skanderbeg” division and with it the life of all the Orthodox people in Kosovo became terrible.⁵⁴

As the end of WWII became more visible, partisan units became stronger and larger. At the same time, the Ballists collaborated with the pro-kingdom and anti-communist Serbian Chetnick organization, and they jointly fought against the communists. After the retreat of the Germans from Kosovo at the end of 1944, CPY sent in two brigades, and together with another two from CPA, they defeated the main Ballist forces. However, parts of the Ballists started guerrilla fighting against the partisans and they organized an uprising in Kosovo, led by Imer Berisha, for the final liberation of Albanians and the union of Kosovo and Western Macedonia with Albania. This rebellion was crushed in 1945 by the new People’s Yugoslav Army (JNA), and some sources claim that over 46,000 Albanians were killed during the six months of fighting.⁵⁵

Kosovo in the New Yugoslavia

The basis of the next post-war Yugoslavia, as a multinational and federal state of equal nations and nationalities, was established at the second convention of the Anti-Fascist Council of National Liberation (AVNOJ), in Jajce on November 29, 1943.⁵⁶

After WWII, Josip Broz Tito’s communist regime began to change the character of Kosovo in favor of the Albanians. Some 100,000 Serbs were forced out of Kosovo during World War II, and they were not permitted to return after the war. Moreover, with

each passing year, more and more Serbs were forced to leave. In the twenty year period between 1961 and 1981 between 150,000 and 200,000 Serbs left. Additionally, in the period after the war, between 200,000 and 240,000 Albanians were brought in from Albania to the Kosovo region. Over the years, Kosovo Albanians gained increasing control over events in the province. The People's Republic of Serbia was responsible for finding the right approach for the Kosovo Albanian question. Solid preparatory political education and economic support were the right combination, and for a time it seemed to work. Albanian postwar resistance mellowed and the extremists lost their preponderance. Some of them were card-carrying communists, others were not, but both groups never lost sight of the national Albanian cause in the multinational Yugoslavia.⁵⁷

Tito and the communist government of Yugoslavia thought that for the Albanian question it was best to give the Kosovo Albanians what they had always craved: regional autonomy in managing their affairs, a cultural identity, the right of self-determination, and even the right of secession (declaratively). What began as the "Autonomous Kosovo-Metohija Region" (1947), became the "Autonomous Province of Kosovo and Metohija" (1963), and ended up as the "Socialist Autonomous Province of Kosovo" (1969).

During the period 1961-1981, Kosovo's demography changed dramatically. Albanians numbered 646,605 in 1961, but by 1971 they numbered 916,167. Over the same period, the population of Serbs remained almost the same: 227,016 in 1961 and 228,261 in 1971. This explosion in the Albanian population was due to an extremely high birth rate of 29.6 per 1,000 inhabitants.⁵⁸ This extraordinary growth in the Albanian

population and the very low rate of literacy (in 1945, about 84 percent of Albanians were illiterate), together with very bad economic conditions, contributed to an increasing level of dissatisfaction among the Albanians in Kosovo. The government of Yugoslavia decided to start a wide campaign of education and development in Kosovo. It started to share funds from the Federation for economic development in Kosovo, taking funds from the more developed parts of the country (Serbia, Slovenia and Croatia). Up to 1970, 30 percent of these funds were given to Kosovo, in 1980-85, 43 percent was invested in Kosovo. The government made a significant education effort in Kosovo. Literacy became a priority in the years after the war. A large number of primary schools were opened as well as high schools. The first advanced training school was opened in Priština in 1958, and by the 1970s there were nine universities, the Academy of Arts, and seven advanced training schools with 58 departments.⁵⁹

Despite the efforts of the federal government to improve the situation in Kosovo, Albanians were not satisfied. The rapid increase in Albanians in the universities became the basis for growing Albanian irredentism. Among the young educated population, lots of illegal organizations developed, such as the “Kosovo National Liberation Movement,” the “Revolutionary Movement for United Albanians,” and the “Marxist-Leninist Communist Party of Albanians in Yugoslavia.” They were supported by the People’s Republic of Albania (PRA), which recruited new fighters under an ideology that called for the unification of all Albanians into the state of Albania.⁶⁰ The first big anti-Serb and anti-Yugoslav demonstration shook Kosovo on November 27, 1968. It started at the Priština University and very quickly spread to the streets of the city. Demonstrators glorified Enver Hodxa (President of PRA), cheered the PRA, demanded a violent

change to the constitution, asked that Kosovo become a republic, and implied that Kosovo, together with parts of Macedonia and Montenegro, should be annexed to PRA. Demonstrations had a destructive character and were labeled as a “counterrevolution.”⁶¹ Demonstrations were crushed by force and after a few days the situation was relatively calm. Tito, with the CPY, looked for a solution to the problem. After consultation with leaders of the Communist Party in Kosovo, a decision was made to amend the constitution and give to the Kosovo province some of the attributes of a republic. The Autonomous Province of Kosovo and Metohija became the Socialist Autonomous Province of Kosovo in 1969. After these amendments, Tito was celebrated as the Liberator of Kosovo. However, the economic gap between Kosovo and the other republics became bigger. The population explosion increased unemployment in the province, despite investments in the development of industry which had become larger every year.⁶²

The influences of the CPY in the republic become smaller and in 1972 a student demonstration in Croatia, known as “Mass movement,” shook the country. This was the first sign that nationalism had started to escalate and that the slogan “Brotherhood and Unity” was only empty communist propaganda. But this demonstration also contributed to new changes in the Constitution of Yugoslavia. The constitution of 1974 gave even more power to the provinces and narrowed the power of the federal government. The provinces became independent and were not part of the Republic of Serbia anymore. They took part in the federal government as equal members. This constitution contained the seeds of discontent for all.⁶³ “Albanian” became a nationality and not a nation, and that dissatisfied Kosovo’s Albanians, because nations according to the constitution had

the right of secession. However, the constitution also created “positive discrimination” in favor of the Albanians in Kosovo. Forth-fifths of available employment posts in public services were reserved for Albanians and national quotas were strictly applied when nominations were made for public functions. Thus began the virtual Albanization of public life in Kosovo.⁶⁴

After the death of Tito, many Albanians found that there was no longer anyone who would defend them from a Greater Serbia policy. Tito did not leave behind him a leader who could successfully lead Yugoslavia. Instead, he established a “group presidency” which included representatives from each republic and province. The representatives acted as president on a rotational base. Very soon it became clear that this kind of leadership could not work in a multinational country where nationalism had already started to grow. Albanians again saw the chance to express their dissatisfaction with the new situation.

The biggest Albanian riots since 1968 shook Kosovo on March 11, 1981. Everything started at Priština University where one group of students, dissatisfied with the quality of their food and living conditions in the dormitories, demolished the student cafeteria. Before long, they were joined by hundreds of other students, who then spilled into the streets around the university. Special police forces dispersed the demonstrations. It was only temporary, because on March 26th even more students and other people came back into the streets. This time, lots of Serb and Montenegrin citizens were beaten, their homes and businesses burned, and their shops looted. The demonstrations spread to all of Kosovo’s larger towns. Demonstrators asked for a “unified Albania” and a “Kosovo-Republic.” To crush the riots, strong police and military

forces were used. Up to 30,000 troops patrolled the province. Officially, it was reported that eleven people died, but Albanians say the true number was about 1,000. Official Yugoslav leadership blamed the riots on the political leadership of the League of Communists of Kosovo which had not undertaken an energetic, determined and open ideological fight against the Greater Albania nationalism and irredentism.⁶⁵

Life became increasingly hard for Serbs and Montenegrins because of pressures to leave Kosovo. Direct or subtle, these pressures involved discriminatory practices at work, obligatory instruction in Albanian in the schools, lack of influence in politics, threats of various types, the stealing of livestock, and the futility of appealing against seizures of personal property to courts staffed by Albanians. Parents found that their children had been intercepted while going to school or coming home. Serbian women were raped. Serbian girls were assaulted or kidnapped by Albanians. Farmers found their crops damaged. Elderly citizens who stayed home received letters or telephone calls that upset their peace of mind. Unfriendly slogans or symbols were sprayed on the walls of Serbian homes under the cover of darkness. Faced with general animosity and outright pillage, the frustrated victims finally decided to abandon everything and flee.⁶⁶ In addition, these conditions and appeals by Serbs to the government in Belgrade set the stage for a different Serbian policy with regards to Kosovo and the Albanians.

Kosovo, Serbs, Albanians and the Milošević Regime

The first organized protest, which led to the rise of the Serbian question in Kosovo, started with a petition signed in January 1986 by 2,000 Serbs from Kosovo Polje, which was against Albanian nationalism and separatism. Soon the Serbian Academy of Sciences and Arts (SANU) published it as a memorandum, and this opened the “Serbian question.” The document argued that Serbs in Yugoslavia were divided

and disunited. It also warned of a possible war in Kosovo, if something was not changed. The SANU memorandum did not create Serbian nationalism, it merely tapped into sentiments that already ran deep among Serbs, but which had been suppressed by the communists.⁶⁷ The Serbian government increased the presence of police forces to maintain order and law in the province. Despite such activities, Albanian terrorist organizations continued to grow, such as the Red National Front, the Kosovar Union, the Movement for an Albanian Socialist Republic in Yugoslavia, and the People's Movement for a Republic of Kosovo. A Tanjug (a federal national news agency) report on March 10, 1984 said that 72 illegal organizations were discovered between 1981 and 1983. A Serbian demonstration in October 1987 started because of a statement by an Albanian leader that the raping of Serbian women would be reduced if more Serbian women worked as prostitutes.⁶⁸

Into such a tense situation, Slobodan Milošević was sent to Kosovo to investigate the actual state of the province. He was a Serbian communist leader whose popularity within the Serbian population was raised by his speeches for Serbian rights. Slobodan Milošević was greeted as a hero and the liberator of Serbs on April 24, 1987 in Kosovo Polje. The reception surprised him, but he used the opportunity to increase his popularity. From that point, his policy changed and became more hard-line.⁶⁹ In Serbia, demonstrations of solidarity with Kosovo's Serbs spread through all the larger cities. They demanded the return of the two autonomous provinces under Serbian control. The popularity of Slobodan Milošević rose incredibly. He gained support from parts of the military leadership, among province party officials, and elements of the "old regime," the

guards of the myth of Tito, and this contributed to the defeat of reform forces. He became the leader of the Communist Party of Serbia at the end of 1988.⁷⁰

Under a flurry of Serbian nationalist dissatisfaction and pressure from the regime, the Kosovo Parliament published a vote of no confidence on March 23, 1989, and with that act the idea of establishing control over the provinces could be realized.

Amendments to the 1974 constitution, made in March 1989, re-established the sovereignty of Serbia over the whole territory of the republic. These amendments were passed in the Parliament of Kosovo under great pressure. This provoked large demonstrations in the streets of Kosovo, where firearms were used (22 demonstrators and two policemen were killed). The federal government was forced to introduce extraordinary pressure on the territory of Kosovo. The army patrolled the streets of the major cities, beginning in February 1990.⁷¹

There was certainly a legitimate argument for the constitutional changes. Serbia was a minority among the eight federal units (six republics and two provinces). If Serbia tried to pass some proposal at the federal level, two parts of its territory could vote against it, which was paradoxical.⁷²

At the end of 1989, the situation in the federation started to worsen, especially due to Croatia and Slovenia, which openly supported Albanians in Kosovo. They used Albanians as allies in their power struggle with Serbia, and as soon as they started with their secession efforts, they lost interest in the Albanian question.⁷³

In an attempt to solve the crisis in Kosovo, the Serbian government published the Program for Achieving Peace, Freedom, Equality and Prosperity in Kosovo on March 22, 1990. It identified three types of individual and ethnic rights: the guarantee of human

rights for all; full equality for the Albanians; and the right for previously expelled Serbs and Montenegrins to settle in Kosovo. Implementation of this program was impossible, because there were not enough financial resources for it and the Albanians no longer accepted Serbian authority. Albanians on July 2nd proclaimed the sovereign Republic of Kosovo within the Yugoslav Federation and its secession from Serbia. After this, Serbia dissolved Kosovo's government and assembly and took administrative and executive control of the province. Reaction to this was the so-called "Kačanik constitution" in which Albanians described the "Republic of Kosovo" as a democratic state of Albanian people which included other members of nations and national minorities. Serbia abolished the constitutional statute of federal autonomy for both of its provinces on September 28, 1990. However, ethnic minorities still retained the rights of: using of their mother-language; to be educated in that language; and freedom of religion.⁷⁴

The disintegration of Yugoslavia had begun and the Albanians saw it as a chance to raise the Albanian question to a higher level. At the end of September 1991, they organized a referendum on Kosovo's independence among the Albanians. About 99.87 percent of voters declared they were in favor of independence.⁷⁵ Albania, in October 1991, officially recognized the "Republic of Kosovo" as an independent country. Kosovo's Albanians expected a lot of assistance from Albania for their cause, but really Albania could not provide much support because it had its own significant problems. In 1992, communism in Albania collapsed.

As the civil war in Yugoslavia intensified, Kosovo's Albanians were still obligated to serve in the JNA as conscripts. To avoid service in the JNA, a majority of them left their homes and ran into the mountains. Alternatively, lots of Albanians deserted the

JNA and joined the Croatian or Bosnian Muslim Army to fight against the JNA. After international recognition of Croatia and Slovenia in January 1992, and subsequently Macedonia, the situation in Kosovo dramatically changed. Albanians saw their historical chance to gain independence. They increased propaganda throughout the European states and the United States to gain support for their goals. On May 24, 1992, they organized parliamentary and presidential elections. Eight monitoring groups from the United States were present. The Democratic League of Kosovo (LDK) won the elections and Ibrahim Rugova was elected president of the “Republic of Kosovo.”⁷⁶ Even though Kosovo’s government was not internationally recognized, Rugova was recognized as a representative of Kosovo’s Albanians in negotiations with the Serbian government.

Dissatisfied with the slow movement of negotiations and recognition of the “Republic of Kosovo,” the Albanians started to change their policy. Lots of radical movements emerged, such as the Popular Front of the Republic of Kosovo, the National Movement for the Liberation of Kosovo, and others. Drug dealing and drug smuggling were the main financial sources for the armaments of the “special forces.” In Albania, in camps near Kuks and Tropoja, hundreds of Albanians were trained to fight against Serbian security forces. Kosovar army units were organized into four regiments, with some 40,000 soldiers.⁷⁷ These units were called the “Kosovo Liberation Army,” or KLA. There is evidence of the involvement of foreign powers in the training of Albanian forces. Colonel David Hackworth, USA, reported in 2001 that the CIA had been training, funding and supplying the KLA in order to conduct a guerrilla campaign against Yugoslavia’s security forces.⁷⁸

The situation in the province worsened after the Dayton Accords in 1995. At Dayton, the Kosovo question was not discussed, and formal recognition of a Yugoslavia which was composed of Serbia and Montenegro and included Kosovo accelerated the KLA's plans for a separatist armed struggle and diminished the political significance of Rugova's LDK non-violent separatist movement.⁷⁹ A wave of violence and terror began to spread throughout the province. Almost weekly there were terrorist attacks on federal police and military forces. Countless Serbian policemen, soldiers, and civilians were killed and wounded.⁸⁰ The federal government responded by increasing the presence of forces in the province and with measures to find and destroy terrorist groups. Violence always causes more violence as a response. In 1997, the KLA increased its terrorist actions, and even started to kill Albanian civilians who they accused as being collaborators with the Serbian government. The collapse of communist Albania destabilized an already unstable situation in Kosovo. Chaos and anarchy in that state, the looting of armament warehouses, and the total abandonment of the borders with Yugoslavia, intensified the smuggling of arms and ammunition. As a response to this threat, the Yugoslav army took measures to protect the borders. This triggered more armed conflicts between the KLA and Yugoslav security forces.⁸¹ The KLA terrorist activities began to take the form of a classical insurgency. The Yugoslav government undertook drastic counterinsurgency measures, to include the use of heavy armed systems (tanks and artillery). Hostilities in Kosovo finally exploded.

NATO Aggression in Yugoslavia in 1999 and Aftermath

The conflict culminated in 1998, when NATO threatened Serbia for the first time with intervention due to the ethnic cleansing of Albanians and police brutality. Serbian security forces had certainly overreacted in some cases. Those cases were usually

among police members, not by the army, because the police were local and sometimes its members had relatives who were killed by the KLA.⁸² As opposed to what an international public could read in the newspapers, Serbian authorities convicted individuals involved in criminal activities. Many of them are still in prison.⁸³ Besides regular Serbian forces, there were some groups of so-called volunteers. The most well known leader of them was Arkan with his “tigers.” Some Western sources said that the number of these soldiers was remarkable, but in actuality there were a couple of dozen of them. While there was a remarkable percentage of volunteers who came to Kosovo due to patriotic feelings and ideology, a significant number of them came with the main goal of stealing cars, TVs, money, jewelry, etc.⁸⁴ However, the international community, led by Bill Clinton’s administration, assumed that Serbs were guilty of everything since they had already been labeled as bad boys in the previous wars in former Yugoslavia.

From the other side, Albanian separatists succeeded in presenting themselves as fighters for liberation from Serbian occupation. There were few outsiders who realistically portrayed the KLA. On February 25, 1998, the U.S. special envoy for Kosovo, Ambassador Robert Gelbard said, “I know how to recognize a terrorist when I see him. Trust me, these people are terrorists.”⁸⁵ Despite this, the U.S. government changed its policy on the KLA in 1998, when it removed the KLA from its list of terrorist organizations.⁸⁶ Not just that, in the same year on April 21, Senators Mitch McConnell and Joseph Lieberman requested that the U.S. administration finance the purchase of weapons for 10,000 members of the KLA with 25 million dollars.⁸⁷ The so proclaimed “liberation army” between January 1, 1998, and June 10, 1999, carried out 2,896

terrorist attacks, to include 1,071 attacks on citizens, 1,642 on members of the police, and 573 on members of the Yugoslav Army.⁸⁸

The clashes between the KLA and federal security forces, initiated a large new wave of displacements of civilians. According to evidence gathered by a wide array of NGOs and human rights organizations, during that period an estimated 863,000 civilians fled Kosovo and some 590,000 were internally displaced.⁸⁹ Most of them left their homes because of the pressure of federal forces, but also because of pressure from the KLA, which used their villages for bases. Finally, people left because they wanted to protect their families from the growing war. The next wave of refugees was launched with the NATO bombing campaign, when people were really scared for their lives.

With an enormous use of armed force, NATO treated Yugoslavia to bombing. Even the President of FRY Mr. Dobrica Ćosić found this ironic because the United States bombed countries that just might have been connected to the attacks on the U.S. embassies in Africa while Yugoslavia was not allowed to fight against terrorists on her own territory. However, to make sure that any future intervention has some legitimacy, the UN Security Council voted for a resolution that would allow NATO to intervene against any country that threatened international peace.⁹⁰

The international community ordered Milošević in 1998 to sign an agreement with the Organization for Security and Cooperation in Europe (OSCE) regarding the engagement of this organization's mission in Kosovo. This was part of international mediation to end the violence and the agreement was mainly made to control the Serbian armed forces without having to fight with them. It included: turning off all radars

upon request of NATO headquarter in Vicenza, control of the movements of all Serbian border patrols, permission for NATO unmanned aircraft to control the entire region of Kosovo, etc. However, there was not any part of the agreement that obligated Albanians to do anything.⁹¹ Nevertheless, only ten days later, on October 27, 1998, NATO Commander General Wesley Clark ordered Milošević to pull his entire army back into the barracks, in addition to requesting that the Serbian police abandon its positions on the main roads in Kosovo (the situation in Iraq proved how difficult it is to pull troops from the battlefield in a short period of time). Once again, Milošević agreed to do everything demanded under the threat of NATO air attack. Serbs were shocked to see all the military convoys retreating from Kosovo. Of course, this created a vacuum on the battlefield and gave the KLA a great opportunity to continue with its activities.

In the absence of sufficient support from the Serbian army, the special police were forced to fight the KLA mainly on their own. The turning point was an incident in the village of Račak on January 17, 1999. The KLA killed a couple members of the Serbian armed forces in an ambush, which was followed by police intervention in the region of the village and the killing of some KLA terrorists.⁹² According to Serbian authorities, during the night the KLA brought more bodies to this location and also removed the uniforms from the fallen terrorists so they would look like civilians. (According to a German documentary movie, this is something that also occurred in the village of Rugovo. Serbs were accused of the massacre of civilians in Rugovo, but in reality there was a combat in which 24 KLA members and one police officer died. According to the OSCE, there were not any massacres but Western media was never willing to admit this.⁹³) The morning after January 17, the Albanians called Mr. William

Walker (head of the OSCE mission in Kosovo who was delegated to this position by U.S. Secretary of State Madeline Albright) who was accompanied by the KLA to see what happened in Račak. Later on, during the trial against Milošević, Walker could not remember that he was there with the KLA, but pictures from newspapers reminded him. This was not the first time that Mr. Walker had a problem with his memory. A great example is his testimony in the BBC's documentary movie "Moral Combat - NATO at War," where he said that he did not call his superiors from Račak, while Mr. Richard Holbrooke and General Clark claim that he called them immediately from the scene.⁹⁴ Nevertheless, Mr. Walker did inform his superiors about the killing of 46 "innocent civilians," even if some of them did not have bullet holes in their clothes due to the removal of uniforms. Some experts in Serbia claim that this was a well prepared performance with the purpose of inviting NATO bombs, just like in Bosnia in 1994, when, according to some sources, Muslims in Sarajevo conducted the attack on the Markale market place in downtown Sarajevo just to blame the Serbs.⁹⁵

Nevertheless, the Račak incident was an impetus for NATO intervention which had actually already been prepared. However, a last attempt to avoid war was initiated by the Contact Group which consisted of representatives from the United States, United Kingdom, France, Germany, Italy, and Russia. The group organized a peace conference in Rambouillet from 6 to 23 February 1999.

In a statement, the Contact Group (CG) blamed both the Yugoslav armed forces and the KLA for the escalation of violence. Therefore, ministers of the CG urged both sides to accept negotiations that would lead to a political settlement. The CG insisted that the basis for a fair settlement must include the principles set out by the CG. It also

proposed the elements of “substantial autonomy for Kosovo” as a framework for an agreement. Additionally, the CG required that both sides restrain from military actions and said that they “will hold both sides accountable if they fail to take the opportunity now offered to them.”⁹⁶ The Rambouillet accords would have covered the most important aspects of life for the citizens of Kosovo: self-government, peace, and security. Regarding democratic self-government, it was said that it was meant to cover education, health care, and financial development. The document was not completely acceptable for either side, especially for Serbia. According to *The New York Times*, “After intense arm-twisting by the U.S., the Albanian Kosovars said yes. This was a dishonest yes - it was a yes that was given not because the Kosovars truly embraced Rambouillet, but because it was whispered in their ears that if they just said yes and the Serbs said no, NATO would bomb the Serbs.”⁹⁷

For the Serbian delegation the agreement was totally unacceptable for many reasons, but the most important were: the Rambouillet accords referred to “the constitution of Kosovo” and “the President of Kosovo,” both of which gave the province attributes of an independent country and this was unacceptable for Serbia. Furthermore, Serbian police and armed forces had to retreat from Kosovo, which was unacceptable because that meant the almost total cancelation of Yugoslav and Serbian sovereignty over the territory of Kosovo. The most unacceptable part of the agreement was the section that stated that NATO troops would be allowed to use the entire territory of Yugoslavia, to include air space and territorial waters, without any restrictions.⁹⁸ In addition, NATO troops would be immune from any laws of Yugoslavia and they would be protected from any kind of investigations or arrests. This meant that Yugoslavia

would not lose sovereignty just in Kosovo but within its entire territory. Serbia could not sign this ultimatum. It was designed with the intention of being unsignable. Henry Kissinger, in *The Daily Telegraph*, on June 28, 1999 said, "The Rambouillet text, which called on Serbia to admit NATO troops throughout Yugoslavia, was a provocation, an excuse to start bombing. Rambouillet is not a document that any Serb could have accepted. It was a terrible diplomatic document that should never have been presented in that form."⁹⁹ Eric Suy, former chief advisor for the law in the UN and professor of international law at Catholic University in Brussels went so far as to compare the agreement from Rambouillet with Hitler's ultimatum to Czechoslovakia. In both cases, he said the excuse for force was found in the protection of a national minority.¹⁰⁰

Serbian President Milan Milutinović gave an official statement on February 23, at the end of negotiations, in which he said that Yugoslavia and Serbia were willing to continue talks in Belgrade, Priština or any other place regarding Kosovo's autonomy, but never about the independence of Kosovo. He even said that Yugoslavia was willing to consider the size and character of an international presence in Kosovo.¹⁰¹ Although Yugoslavia expressed the willingness to continue with negotiations, nothing could stop the use of military power after February 23.

On March 24, 1999 at 7:45 p.m. CET, the NATO bombing campaign started against Serbia, i.e. the former Federal Republic of Yugoslavia. The NATO mission was called "Operation Allied Force" and in Serbia it was known as "Milosrdni andjeo" (Merciful Angel). It lasted 78 days and resulted in at least 2,500 deaths and more than 12,500 injuries.

According to Serbian authorities, the death toll among the military and police forces reached 1,031, while around 6,000 civilians were injured, including 2,700 children. The number of injuries among soldiers and police officers was 5,173, with ten or so people still missing. According to Humanitarian Right Fund, 9,041 people were killed or disappeared, 758 of them were killed by NATO missiles. From that number 6,511 were Albanian civilians, of which 220 were killed by NATO (on April 14, a refugee convoy was bombed near the village of Bistražin, when 63 were killed; on May 15, another group of refugees were bombed near the village of Koriša, when 77 Albanians were killed). In Serbia, 187 civilians were killed from NATO bombardment (on April 12, NATO warplanes bombed the bridge near to Grdelica at a moment when a train was on the bridge; 28 were killed). Also, NATO bombed radio and television centers and transmitters (in the bombing of the federal radio and television broadcast building in Belgrade, on March 23, 16 workers were killed).¹⁰² The total damage was estimated at USD 100 billion at the time. NATO has never disclosed its losses.

The 19-member NATO Alliance, led by the United States, launched projectiles from ships in the Adriatic Sea and four military bases in Italy, all with the support of strategic operators who took off from bases in Western Europe and later the United States. The first targets were barracks and air defense forces in Batajnica, Mladenovac, Priština and other locations. There was practically no city in Yugoslavia which was not targeted on a number of occasions during the 11-week campaign.

During the campaign, 2,300 air attacks were carried out on 995 facilities around Serbia and 1,150 fighter jets fired nearly 420,000 missiles (for a total weight of 22,000 tons). NATO fired 1,300 cruise missiles and dropped 37,000 cluster bombs which killed

around 200 individuals and caused injuries to several hundred more people. The bombing caused damage to 25,000 housing facilities and destroyed 470 kilometers of road and 595 kilometers of railway tracks. A total of 14 airports were damaged, as well as 19 hospitals, 20 healthcare centers, 18 kindergartens, 69 schools, 176 cultural monuments, and 44 bridges.¹⁰³ A third of the electric energy capacity of the country was destroyed, two oil refineries, in Pančevo and Novi Sad, were bombed, and NATO forces used for the first time the so-called graphite bombs to disable electrical power systems.

The Yugoslav armed forces were dispersed two weeks before the attack, so their real losses were minor. The biggest losses were suffered by the Yugoslav air forces and anti-aircraft defenses, which although technically and physically outnumbered, succeeded in forcing NATO air forces to fly above 10,000 meters and destroyed several aircraft; one was a U.S. Stealth fighter bomber, F-117.¹⁰⁴ Very well camouflaged combat and non-combat vehicles, armored vehicles and artillery and other systems, and the usage of decoys and deception, significantly reduced the losses to Yugoslav armed forces. According to NATO reports, during the intervention 181 tanks, 317 armored transporters, 857 artillery weapon systems, and 600 military vehicles were destroyed. Just before the end of the war, the report was corrected to: 120 tanks, 220 armored transporters, and 449 artillery weapon systems. Finally at a September 16, 1999 press conference, NATO presented the final results, after detailed investigation: 93 tanks, 153 armored transporters, 389 artillery weapon systems, and 339 military vehicles. The Yugoslav army official report on the losses was significantly different: 13 tanks, 8 armored transporters, and 27 artillery weapon systems.¹⁰⁵ It is the author's personal experience that the official Yugoslav report is closer to the real figures.

Despite the 78 day campaign, the Yugoslav armed forces preserved their capacity and moral. The officers and soldiers, together with the population, were prepared and determined to counter an eventual land campaign, and were ready to die for the freedom of their country.

Fortunately a land campaign and its potential casualties were avoided. Faced with the increasing devastation of Yugoslavia's economic infrastructure and the effects of long-term sanctions, and probably led by a desire to stop the further suffering of the population, Milošević and the Yugoslav parliament accepted a package of measures presented to the Serb leader by the envoys Martti Ahtisaari and Viktor Chernomyrdin. The package called for: the withdrawal of Yugoslav/Serb forces from Kosovo; the introduction of an international civil and security presence under the UN but with "substantial NATO participation" and under NATO unified command and control; the establishment of an interim administration; the safe return of refugees; the demilitarization of the KLA; and the initiation of a political process providing for "substantial self-government."¹⁰⁶

NATO ended the bombing campaign with the signing of the Military Technical Agreement in Kumanovo, on June 9, 1999. After that, Yugoslav security forces began to withdraw from Kosovo. The NATO secretary general issued an order to stop the bombing on June 10, and the last missiles fell on the territory of the village of Kokolec at 1:30 p.m.

On that day, the UN Security Council adopted Resolution 1244 and a total of 37,200 NATO Kosovo Force (KFOR) soldiers from 36 countries were sent to the province, with a mission to preserve peace and security, and to facilitate the return of

several hundred thousand Albanian refugees. UNSCR 1244 set out the terms for a cessation of hostilities and it included necessary compromise and ambiguity. As the Independent International Commission on Kosovo noted, the resolution created “a unique institutional hybrid in which the FRY retained formal sovereignty but international agencies led by the UN, and supported by NATO, the OSCE, the EU and others, were responsible for the restoration of political and economic order.”¹⁰⁷

From the Western point of view, the military campaign was successful, because the humanitarian crisis was solved and Yugoslav security forces withdrew from Kosovo. On other side, from Milošević’s perspective, the war was not totally lost: the Yugoslav Army preserved its capacity; the suffering of the civilians stopped, and according to UNSCR 1244 Kosovo was an inseparable part of Serbia. Besides which, according to the same document, it was agreed that some Yugoslav security forces would be returned to conduct the tasks of clearing minefields, to protect historical monuments, and to maintain a presence in some parts of Kosovo.¹⁰⁸

Opinions are divided about the legitimacy of this war against Yugoslavia. Many argue that the war was not legitimate and as such was an example of an unjust one. Western diplomacy justified the intervention for humanitarian reasons. Even the defenders recognized that the intervention lacked a watertight legal basis in the shape of explicit Security Council authorization. Nonetheless, as Britain’s Defense Secretary George Robertson declaimed in the House of Commons, “Our legal justification rests upon the accepted principle that force may be used in extreme circumstances to avert a humanitarian catastrophe.”¹⁰⁹ This was also passionately argued by Tony Blair, Javier Solana and Joschka Fischer, among others; and, on this basis, the NATO position could

be construed as consistent both with the human rights values enshrined in the UN Charter and perceived trends in customary international law.¹¹⁰

Ultimately, Serbia and Milošević were the biggest losers of the campaign. Serbia was destroyed economically, it was internationally isolated, and it was defeated in war. A once proud and independent country was now faced with losing parts of both. Milošević soon lost the sympathy of the public domestically, as well as his credibility, and after the elections in 2000 he was thrown out of office by the people of Serbia. He was arraigned before the International Criminal Tribunal for Yugoslavia, in whose custody he died in 2006.

From UNSCR 1244 to the Independence of Kosovo

Yugoslavia completed her part of the international demands, all men under arms were pulled back from Kosovo, but the other side did not fulfill her tasks. The NATO led multinational military force called KFOR did not fill the vacuum made by the withdrawal of Yugoslav forces. Originally designed to monitor the fulfillment of the conditions of UNSCR 1244 and to prevent the return of Yugoslav armed forces, KFOR was not prepared to prevent the atrocities of the KLA and other Albanians against the Serbs who decided to stay in Kosovo. Together with the withdrawal of the Yugoslav Army, about 200,000 Serbs and other non-Albanians left their homes and moved to Serbia. Those who remained were exposed to the fury and revenge of Albanians. Only the Serbs in the three enclaves were relatively safe. When UNMIK (UN Interim Administration Mission in Kosovo) and KFOR troops discovered the corpses of Serbs (lots of them headless) around Priština, another wave of refugees left Kosovo. According to the International Committee of the Red Cross, an additional 50,000 to 60,000 Serbs left Kosovo two weeks after the withdrawal of federal security forces.¹¹¹ According to the

British Ministry of Foreign Affairs, since 1999, a total of 155 Serbian churches and monasteries, 250 cemeteries, and approximately 6,750 graves were damaged or destroyed in Kosovo.¹¹² The killing of Serbs continued in that first year of international administration and KFOR could not stop it. Overall estimates for the number of killed Serbs range from 600-800. While ethnically motivated violence against Serbs became the biggest security problem of UNMIK and KFOR, criminal activities increased in dramatic proportions: arson and the seizure of abandoned Serbian property, robbery, smuggling, kidnapping, torture, and murder became daily events.¹¹³

According to the chief prosecutor from the International Criminal Tribunal for the Former Yugoslavia (ICTY), Carla Del Ponte, in 1999 at least 300 Serbs were taken to camps in the northern part of Albania, where they were killed and their organs were extracted for sale on the Western market. The activity was supervised by top and mid-ranking Kosovo Liberation Army officers. The evidence collected by investigators implicated KLA's political leader and today's Kosovo premier Hashim Thaci, Ramush Haradinaj who currently leads the Alliance for the Future of Kosovo at the Kosovo Assembly, and former Kosovo Liberation Army commander and government head Agim Ceku. Carla Del Ponte wrote that an investigation into the crimes never opened, because the UN mission and NATO peacekeepers believed that charging Thaci and Ceku would endanger both their personnel and the whole Balkan peace process.¹¹⁴

The UNMIK was mandated to carry out all aspects of civil administration, to establish the democratic institutions required for substantial self-government, and to create the basis for eventually resolving Kosovo's disputed status. But Kosovo soon became a post-war land without any legally constituted authority. Everyone who had

weapons and arrogance could take the law into his own hands. UNMIK consisted of a couple hundred civilians who struggled to maintain their authority, but its mission was almost impossible, because Albanians in their clan structure did not have confidence in any outside governance. In the first years, UNMIK was led by Bernard Kouchner and it was focused on humanitarian issues, but after a while it shifted to political and economic development.¹¹⁵

Because of the lack of a sufficient number of civilian police officers and their incompetence and unpreparedness for the situation in Kosovo, KFOR was forced to take some police tasks, which additionally complicated the whole situation. To resolve that problem and to put under control a lot of armed groups, UNMIK decided to form Kosovo's Protection Corps (KPS), of which units were filled with former members of the KLA. For the Serbs, this was actually a Kosovar army or police, which was in contradiction with UNSCR 1244. The Serbian government protested, but no one wanted to listen to its arguments. As former KLA members, KPS officers continued to commit crimes against Serbs and used every possible occasion to obstruct investigations into those crimes. There was also evidence that KPS senior leaders were involved in organized crime, trafficking, prostitution, and the smuggling of drugs, and they profited from the seizure of vacant apartments and commercial properties.¹¹⁶

The problem of a juridical system was especially acute, because with the withdrawal of Serbian authorities there were no qualified judges who could form the courts. Another problem was how the law should be applied. The challenge was very difficult for UNMIK to resolve. After many troubles, courts in Kosovo started to work, but now UNMIK was faced with another problem. Kosovo's judges, with their Albanian

prejudices and partiality, adjudicated only against Serbs. They never convicted any Albanians. This further complicated an already complicated situation.¹¹⁷

The European Union decided in April 2006 to become more involved and to support UNMIK by assisting in police, justice, and border capacity building, so it created the EULEX mission. The EULEX is the largest civilian mission ever launched under the mandate of the European Security and Defense Policy. The chief of EULEX is directly subordinate to the special EU representative in Kosovo. EULEX consists of three components: a police component, a justice component, and a boundaries component. The police component supports the depoliticization and professionalization of the police services in Kosovo, as well as the inclusion of minorities. The justice component assists the process of judiciary reform in order to enable the conduct of trials in accordance with international standards and the best European practices. The border component focuses on meeting EU border standards, and fights against illegal trafficking, terrorism and organized crime, as well as protecting intellectual property. Because of Belgrade's initial opposition and requirements that the new EU mission must operate in compliance with UNSCR 1244, the start of the EULEX mission, despite a technical agreement with UNMIK, was repeatedly postponed. After a redefinition of the UN mandate and the signing of an agreement between UNMIK and the Serbian Parliament, the EULEX mission became operative in September 2009.¹¹⁸

The political situation in Kosovo became progressively worse. After a relatively successful "free" election in 2000, the first Kosovo prime minister was Ramush Haradinaj, who was accused of war crimes at the international court in the Hague. The next prime minister was Agim Ceku, another KLA leader, who was suspected of war

crimes, but there was not enough evidence to process a case at the Hague. The present prime minister is Hashim Thaci, another terrorist and KLA leader. It is not difficult to imagine how the Serbs who remained in Kosovo feel about all these KLA leaders as prime ministers. The only thing that the Serbs could do was avoid participating in this political life. Obeying official Belgrade, Serbs decided not to participate in elections (except for a small number of those who were used by ethnic Albanians as an ornament). The international community was very disappointed with the decision. It is another example of a double standard because Albanians from Kosovo have never (since the first democratic elections in 1990) participated in elections in FRY or Serbia, but the international community has said it was their democratic right not to vote, even if they could take around 35 seats out of 250 in the Serbian parliament, which would have given them an opportunity to, along with the Serbian opposition, overthrow Milošević's regime much earlier and possibly avoid the war. More than that, when invited to participate in elections for the Serbian parliament, ethnic Albanians would cynically respond that they did not want to interfere in the domestic affairs of a neighboring country.¹¹⁹

How really fragile the whole situation in Kosovo was, especially with regards to interethnic relationships, became clear on March 17, 2004, when thousands of Kosovo's Albanians rampaged across the territory of the province. Well prepared and coordinated actions took place over the whole territory populated by the Serbian minority. Initiated by the death of three Albanian boys who drowned in the Ibar River the day before, a boy appeared suddenly in Kosovo's media who gave a statement that he and his friends were chased by Serbs with a dog. Although UNMIK tried to explain that there was no

evidence for the claim and it was most likely not the truth, the next day statements by the members of the Council for the Defense of Human Rights (Fitim Veselli and Halit Berani) appeared across Kosovo's media and claimed that a group of Serbian bandits with a dog hunted the kids and made them run into the river where three of them were drowned. Riots started all over Kosovo and lasted five days. UNMIK and KFOR were not ready for such brutal and violent riots that included the use of arms. They could merely protect themselves and make a buffer zone between the Albanian mob and Serbs in the bigger settlements. The efforts of peacekeepers from 37 countries, thousands of experienced civilian engineers, police, jurists, economists and administrators, billions of dollars in reconstruction aid, and hopes that the world could turn Kosovo into a society in which all its members could live in security had gone up in smoke. The result was disastrous: more than 700 Serb homes were damaged or destroyed; 36 Serbian Orthodox churches or cultural sites that were centuries old were damaged or destroyed; 19 people died; 900 people were beaten and injured; and more than 4,000 Serbs and other non-Albanians were forced to flee.¹²⁰

These murderous riots strained the relationship between the Serbian government, UNMIK, and Kosovo's government. Negotiations were completely frozen. The international community was not satisfied with the stabilization results and decided to take measures to accelerate the process. In these conditions, the UN sent Martti Ahtisaari to solve the problem. Very soon he came to the conclusion that the international community should support Kosovo independence. There were some rumors in Serbia that he received 40 million Euros for this decision and that this information came from the BND (German Intelligence Service),¹²¹ but this story never

reached the press. Naturally, the Serbian government strongly opposed this idea and the UN decided to send the *Troika* (from number three, representing negotiators from the United States, EU, and Russia) to start new negotiations. The Albanians never took these negotiations seriously because they knew that if the *Troika* did not manage to find a better solution in 120 days then Ahtisaari's proposal would be implemented. So the Albanians had a simple task, just to travel around the world with the *Troika* and pretend that they are willing to negotiate. Serbs, Albanians, and the *Troika* had a due date of December 10, 2007. Even before this date, their negotiations were finished because a compromise was impossible. The Albanians wanted only independence while the Serbs could offer anything but independence. It is understandable that Serbia strongly disagreed with the dismemberment of 15 percent of its territory.¹²²

However, the reality is that 1.8 million Albanians in Kosovo do not want to live under Serbian authority. For this reason, the Serbs suggested a couple of solutions during talks with the *Troika*. The Serbs offered a system that exists in China regarding Hong Kong: that is, Hong Kong is part of China but has a parallel system. The Albanians rejected this because Hong Kong and Kosovo have completely different positions.¹²³ After this idea, Serbia came up with another solution that mirrored the Oland's islands in Finland which has a Swedish majority.¹²⁴ Again, the Albanians said no. All that the Albanians wanted to talk about was the future relations between Serbia and Kosovo as two neighboring countries.

Just a couple of months after the end of talks regarding the final solution for Kosovo, on February 17, 2008, the Albanians unilaterally declared independence. Interestingly, to avoid Russian intervention in the UN, separatists chose Sunday to

declare independence. This declaration was immediately recognized by the United States, Germany, the United Kingdom, France, Italy, and other countries that had attacked Serbia nine years before. Also, as expected, many countries with a Muslim majority also recognized Kosovo as an independent country.

In response, Serbia decided to protect her territory and citizens not with weapons but by the use of diplomacy (for the first time since the 1990s). The most important allies for the Serbs regarding this matter are Russia and China. Besides them, there are some other countries that are also in favor of Serbia mainly because of their own internal issues regarding separatism, or just because of their strong belief that the independence of Kosovo is in violation of international law. Examples are: Spain, Slovakia, Romania, Greece, Cyprus, Brazil, India, Argentina, South Africa, Venezuela, and Bosnia and Herzegovina (because the Serbs in that country have veto power in federal institutions). Serbian authorities commenced a huge diplomatic offensive to make sure that the number of countries that recognize Kosovo does not grow. They also lobbied at the same time in the UN to open a discussion in front of the International Court of Justice (ICJ) in the Hague. They wanted the ICJ to hear the pros and cons of the declaration of independence and announce an official opinion.¹²⁵

The trial started on December 1, 2009, and the Serbs hoped that the decision would be in their favor, but again the international community ruled against them. On July 22, 2010, the ICJ presented an advisory opinion that the unilateral declaration of independence by Kosovo did not violate international law, because no international law explicitly prohibits a declaration of independence. The fact that it was not explicitly illegal, suggested it was legal.¹²⁶

Conclusion

Serbia has rejected Kosovo's independence as illegitimate and it continues to assert its sovereignty over the province. After the ICJ advisory opinion, the EU pressed Serbia to agree to hold EU-facilitated talks with Kosovo on technical issues, rather than on the question of Kosovo's status. The talks were delayed for a couple of months, because of the collapse of the Kosovo government in 2010. After new elections, talks began on March 8, 2011. Both sides agreed to discuss technical issues, such as cadastral (land registry) records, telecommunications, energy, recognition of university diplomas, Kosovo's participation in regional initiatives (particularly the Central Europe Free Trade Agreement), trade, and freedom of movement. The talks were very tense and proceeded slowly. Even though the talks were called technical, they were always politically colored. Statements of politicians from both sides were emotional and nationalistic. The first agreement was on freedom of movement and it was signed in July 2011.¹²⁷

But, very soon, the agreement was violated by Kosovo's government. Kosovo blocked Serbia's goods from entering Kosovo and demanded customs duties. Claiming that EULEX refused to implement this new policy, on July 25, 2011, Kosovo sent a special police unit to seize control of two customs posts in the Serbian-dominated northern part of Kosovo. Local Serbs responded by erecting barricades and blocking the routes to the posts. During this operation, one of Kosovo's policemen was killed and a lot of Serbs were injured. Two days later, one of the posts was burned by a Serbian mob. KFOR, including U.S. troops, then moved to take control of the two border posts.¹²⁸

KFOR and the Kosovo government reached an agreement in August 2011 that KFOR would take formal control of the border posts through September 15th. Serbian goods (except for humanitarian deliveries) would not be allowed across the border. The agreement also contained a commitment that Kosovo's Albanian customs officers would not be deployed during this period. After this agreement, local Serbs took down the barricades around the posts. Although the relationship between Serbian and Kosovo representatives was noticeably chilled, pressed by the EU, they reached a trade agreement on September 2nd. Serbia agreed to accept Kosovo goods marked by Kosovo's Customs, but not containing symbols of Kosovo's sovereignty. They also reached an agreement on cadastral records.¹²⁹

The EU-mediated talks resumed and made progress, after a short abandonment by the Serbian side in protest against the clashes. Warned by the EU that Serbia's hopes for EU membership candidacy hung in the balance, Serbia continued with talks. In October 2011, the European Commission released a report on Serbia's qualifications to become a member of the EU. The Commission recommended that Serbia be given the status of a membership candidate as long as it continued dialogue with Kosovo and implements all agreements already reached. The Commission also recommended that Serbia be given a date to begin membership negotiations if it achieves further steps in normalizing its relations with Kosovo. Serbian EU membership was conditioned on the continuation of negotiations with Kosovo's government, and the acceptance of an agreement that includes: respecting the principles of inclusive regional cooperation; respecting the provisions of the Energy Community Treaty; finding solutions for telecommunications; the mutual acceptance of diplomas; continuing to implement all

agreements reached; and cooperating actively with EULEX in order for it to exercise its functions in all parts of Kosovo.¹³⁰

Some agreements were implemented, especially those related to freedom of movement, trade, the civil registry, and university diplomas. Under monitoring by the EU, negotiations continued, and in February 2012, the two sides reached an agreement on Kosovo's participation in regional institutions. The agreement permitted Kosovo to participate in the institutions under the name of "Kosovo,*" with the asterisk referring to both UN Security Council Resolution 1244 (it means Serbia recognizes Kosovo as part of its territory) and the 2010 International Court of Justice ruling that Kosovo's declaration of independence did not contravene international law.¹³¹

Serbia became an EU membership candidate in March 2012. However, the EU has made it clear that the granting of a date for the EU to begin negotiations with Serbia will depend upon reaching agreements on energy and telecommunications and the implementation of all agreements.

The situation in Kosovo has become a status quo, because neither side wants to give up on its demands. Serbia demands that Kosovo stay within its borders and Kosovo's Albanians demand to be independent from Serbia and recognized as a new European country. Some proposals for a solution to the crisis have appeared from the international community. Some observers have called for Kosovo to be formally partitioned, with part of it joining Serbia (most likely those regions of northern Kosovo already under its de facto control) and the rest recognized as an independent Kosovo. Serbia has not formally proposed partition, as it still claims that all of Kosovo belongs to it, but the leaders of some parties (such as Prime Minister Ivica Dačić and some other

leading political figures in Serbia) have supported that kind of proposal in the media.¹³²

Of course, this option is not acceptable for most Serbian citizens, because partition probably would open another burning question: the annexation of the southern parts of Serbia, which are populated with Albanians, to Kosovo (the region of Bujanovac and Preševo). This would be devastating for Serbia. Partition is likely also unacceptable to the Kosovo Albanians because they do not want to allow about 15 percent of their country to be annexed to Serbia. It would be perceived as a national defeat among the Albanians.

Presumably, the partition of Kosovo would have to include diplomatic recognition from Serbia, or some other way of ending the Kosovo-Serbia diplomatic “war.” This would allow Kosovo to join the UN and ease its cooperation with the EU and its neighbors. However, the United States and most EU countries also oppose partition. A key reason for their opposition is that they fear it could revive other efforts to redraw borders in the Balkans, such as in Bosnia and Macedonia.¹³³ The partition of Kosovo is unlikely in the foreseeable future, but Serbia will try to keep control of the Serb-majority regions through what the Kosovo government, the United States, and many other countries call “parallel institutions.”

Another possibility raised by some experts would be to stop short of a formal partition, but to grant the Serb-dominated northern areas a special status within Kosovo, perhaps going beyond that offered by the Ahtisaari Plan to other Serb-majority areas in the country (sometimes referred to as “Ahtisaari Plus”). This idea is strongly opposed by the Kosovo government, and it has so far lacked public support among the international community. The current Serbian government might support such a move, but would

likely still refuse to recognize Kosovo and its nominal sovereignty over the north. In addition to this, Serbian ex-President Boris Tadić, at the end of 2011, launched a “4 Point Plan” for the future of Kosovo. It confirms Belgrade’s policy of non-recognition of Kosovo’s declaration of independence but advocates a solution within the existing boundaries of Kosovo. The proposed solution would be based on establishing: a high level of self-government for Serbs throughout Kosovo based on decentralization; a region in North Kosovo with special rights; a special status for the Serb Orthodox monasteries; and a process for the settlement of property claims.¹³⁴

The most attractive part of the initiative, and the reason why Western officials mostly responded positively, was the fact that it explicitly abandoned the notion of partition. Since it was pronounced from the highest governmental level, it could in fact represent a major new departure. Essential to this proposal was the idea of creating a region of North Kosovo. Throughout the Ahtisaari process, Priština insisted that there should be just two levels of government, the government in Priština and those in the municipalities. Under the new initiative, decentralization would be applied equally in all parts of the country regardless of whether the respective municipalities had Albanian or Serb majorities. Albanians, however, feared that another Republika Srpska could emerge, which could block the central government and provide continued Serb dominance over Kosovo.¹³⁵

In response to Albanian fears, Serb interlocutors explained Tadić’s proposal and denied that the intention was to create another Republika Srpska. They said that they were not interested in giving the representatives of the new region the power to interfere in the business of Priština, but to minimize the interference of Priština in the business of

the North Kosovo. As with the other proposals, this one is not acceptable for the Albanian side.

Another possible solution proposed by some observers is international administration of northern Kosovo. This might be acceptable to the Kosovo government, if it led to the dismantling of the “parallel institutions.” Kosovo’s leaders could see it as a transitional state toward the establishment of full Kosovo governmental control of the north. On the other hand, the Serbian government might obstruct this proposal for the same reason. Local Serbs could react violently if forcible efforts are made to dismantle their institutions. This is also not acceptable for the Serbian side because Serbs no longer trust international administration efforts. They had agreed to the administration under UNSCR 1244 because it recognized Kosovo as inseparable from Serbia. However, this condition was subsequently violated.

Despite the current lack of a viable solution, Serbia is continuing with technical dialogue with Kosovo. Serbia knows that its attitude toward Kosovo, particularly its participation in the technical dialogue facilitated by EU High Representative Catherine Ashton and its behavior with the North, will determine when negotiations for EU membership start in 2013. EU officials and representatives of member states say that Belgrade must demonstrate the clear political will to reach an agreement with Kosovo. Yet, they have not given a consistent, clear explanation of what this amounts to in practical terms. The terms have repeatedly been shifted. Germany, and to a slightly lesser degree the United Kingdom, has been the most demanding. During her visit to Belgrade in 2011, Chancellor Angela Merkel said Serbia would not be offered candidate status until it removed its parallel institutions from the North. The European Commission

(EC) recommended on October 12th, that Serbia receive candidate status for “progress achieved so far,” with the only conditions being to continue dialogue with Priština and “swiftly” implement agreements already reached.¹³⁶

The U.S. and EU roles in resolving Kosovo’s crisis are the most significant. Without their substantial influence on Kosovo, and the promises made for Serbia to become a member of the EU, there is no win-win solution to the crisis. The differences between the Serbs and Kosovo’s Albanians, accumulated during the centuries, and described in this paper, are so irreconcilable that it is unlikely that one of the confronted sides will give up its demands and aspirations. One possible scenario for resolving this crisis that might be acceptable for both sides is for Kosovo and Serbia to join a larger political entity, i.e. the European Union, simultaneously. In this scenario, Kosovo would officially remain part of Serbia but would be given the de facto autonomy of a state. Whether certain territories are officially in Serbia or Kosovo would become less important than good quality relations and a high standard of living. Municipalities would also be allowed the rights of self-determination. This would be at the same time a globalizing (unifying) and localizing (self-determination) based scenario. Both Kosovo and Serbia would have to agree to the protection of minorities and allow the free movement of people, goods, and services between the two territories, all of which would be based on EU standards. Kosovo would become “an independent” region within a broader association. After these agreements, refugees could be brought back, local groups could be engaged in various peace building processes, and the sense of a common future, based on positive neighborly relationships, might start to develop. Of course, this scenario is not a short term one – it probably could not be implemented in

the next five years – but it is the opinion of this author that it is the only one that really has a chance of solving the accumulated problems in that region of Serbia and the Balkans. If one considers the currently prevailing skepticism concerning further EU enlargement, it is remarkable that the prospect of a future within the EU is still sufficiently attractive to motivate governments in the Western Balkans to make quite painful concessions. It also confirms the idea that the remaining political and security issues in the Western Balkans can be best resolved if the EU engages actively and if it plays the enlargement card well.

The recent changes in Serbian political life, and the shifting of policy from pro-European to a more conservative or radical policy, which resulted from the elections in June 2012, when Tadić's Democratic Party lost and the radical Serbian Progressive Party of the current President of Serbia, Tomislav Nikolić, won, worried the international community which feared the further unraveling of the Kosovo question. Some thought that the new government would seek more support from Russia and that it would abandon talks with Kosovo's representatives, but fortunately this did not happen. The technical dialogue continues and the agreements signed so far have started to be implemented. The official national policy of President Nikolić and the new government is still that the only way for Serbia to achieve a better future is within the European Union, and their main goal is reaching the standards and conditions for membership in the EU.

President Nikolić, at the end of 2012, wrote a Platform for talks aimed at resolving the Kosovo question and the Serbian parliament accepted it. The Platform is not published yet, but unofficially it says that Serbia wants a peaceful resolution of the Kosovo crisis, and it will continue talks with "Priština's temporary institutions." It also

says that Serbia is ready for further concessions, but not at the cost of the state's national interests. It will never recognize the independence of Kosovo. It also stated that Serbia is aware that the dialogue with Priština is important for reaching a mutually acceptable solution, and success will have major implications for the further and rapid integration of the entire region of the Western Balkans into the European Union. The Serbian government proposed measures within the framework of the Ahtisaari Plan and it seeks wide autonomy for the areas that have a Serb majority.¹³⁷ There are disagreements among the various Serbian political parties about the importance and feasibility of this Platform. Some declare that the Platform is not realistic and it will close the door to Serbia's EU membership. Others claim that the Platform is only the president's way of removing the responsibility for a solution from himself.

This new development in Serbia might slow down the process of finding an acceptable solution for Kosovo, because if the Serbian side is not ready to make significant concessions, then the Kosovo Albanians will not either. The vision of a better life for all the citizens of Serbia and Kosovo, together and within the EU, might be the key for a solution to this wicked problem.

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