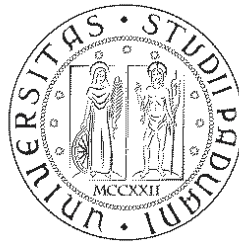


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ABSTRACT

This study examines the history of relations between Serbs and Albanians in Kosovo over a relatively long period, beginning with historical national arguments until the independence of Kosovo. It investigates the region's historical timeline as well as the impact of external actors. Although the Kosovo issue has existed for many years, it has only recently come to the attention of the international community, particularly during the disintegration of Yugoslavia. In Kosovo, where the majority of the population is Albanian, the Serbians' historical ambitions and claims for the territory prevented the two sides from reaching an agreement. After the Serbian-Albanian conflict reached a climax in 1998-1999, North Atlantic Treaty Organization (NATO) saw intervention as the only viable option for the region. The intervention of NATO in the region on March 24, 1999, marked a watershed moment in Kosovo's history. Following this, the presence of the United Nations Interim Mission in Kosovo (UNMIK) in the region, as well as the independence process, shaped the picture of Kosovo that exists today. This thesis seeks to explore the origins of the conflict, the process leading to intervention, UNMIK, and eventually the independence of Kosovo and identifies the decisive factors that influenced the development of contradicting positions of parties. This research was created to find answers to the following questions as objectively as possible; What took place in the region to create the conditions for Kosovo to be independent? And to what extent do international actors determine Kosovo's fate? The thesis analyzes the scholarly literature as well as United Nations documents on the subject.

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ABBREVIATIONS

EC: European Community
ECMM: the European Community Monitoring Mission
ESDF: European Security and Defence Policy
G-8: The Group of Eight
GCA: Greek Cypriot Administration of Southern Cyprus
ICJ: International Court of Justice
IPA: Instrument for Pre-accession Assistance
KDOM: The Kosovo Diplomatic Observer Mission
KTC: Kosovo Transitional Council
LVV: Lëvizja Vetëvendosje
NPISAA: Stabilization and Association Agreement
PIPS: Pristina Institution for Political Studies
SAA: Stabilization and Association Agreement
SRSG: Special Representative of the Secretary General
STM: Stabilization Tracking Mechanism
ACTORDs: Activation Orders
ACTWARN: Activation Warning
CFSP: Common Foreign and Security Policy
EU: European Union
EULEX: EU Legal Mission in Kosovo
FRY: Federal Republic of Yugoslavia
IFOR: Implementation Force
JNA: The Yugoslav People's Army
KFOR: Kosovo Force
KLA: The Kosovo Liberation Army (Albanian: Ushtria Çlirimtare e Kosovës (UÇK))
KVM: The Kosovo Verification Mission
LDK: the Democratic League of Kosovo (Lidhja Democratic e Kosovës)
NAC: North Atlantic Council
NATO: North Atlantic Treaty Organization
OSCE: The Organization for Security and Cooperation in Europe
SFRY: Socialist Federal Republic of Yugoslavia
U.S.: The United States of America
UN: United Nations
UNGA: General Assembly of the United Nations
UNHCR: United Nations High Commissioner for Refugees
UNMIK: United Nations Interim Administration Mission in Kosovo
UNPROFOR: United Nations Protection Force
UNSC: United Nations Security Council
YFC: Federal Republic of Yugoslavia
YSFC: Socialist Federative Republic of the former Yugoslavia

INTRODUCTION

Historically, the Balkans have been a region that has witnessed conflict that has lasted for many years. Nowadays, it has a broader field of research in international relations. Kosovo, now, the Republic of Kosovo, is the epitome of centuries of historical ethnic dispute. The Republic of Kosovo is a country with limited recognition, with no seafront, located on the territory of Southeast Europe. Kosovo's neighbors, whose capital is Pristina; Serbia, Montenegro, Albania, and North Macedonia. Serbs considered Kosovo to be the heart of the Greater Serbia ideal. They further allege that the Serbian Middle East Church's headquarters were founded in Kosovo. Albanians, on the other hand, believed they were the first to settle in the region and that their ancestors are Illyrians. Both Serbian nationalism and Albanian nationalism, as well as their national unity and identity, are shaped by Kosovo. The historical significance of the region for the parties explains the reasons for the conflict on the territory. Particularly in Josip Broz Tito's period, there had been common national unity in Yugoslavia, members of the community surrendered to a national will. To form Yugoslavia, various ethnic elements merged under the banner of the Southern Slavic Union. Albanians, Bosniaks, Serbs, Croats, Macedonians, Slovenians, Montenegrins, and other ethnic communities remained loyal to the Yugoslav state, establishing themselves as a Yugoslav nation. However, with the end of the Cold War, the situation changed, and these major ethnic groups no longer considered themselves Yugoslav nationals, and they left Yugoslavia to establish their own national, independent state. The primary problem on the issue was the ethnic groups that comprise Yugoslavia live in dispersed groups throughout the Balkans, and the Balkans are firmly committed to their nationalism. The conflict was unavoidable in the region because each nation aspired to build a state that included its ethnic groups living within its' borders. During this time, Slobodan Milošević was in charge of Serbia's government, which was one of the greatest misfortunes in Kosovo's history. Serbian nationalism revived the opposing pole, Albanian nationalism, and Kosovo Liberation Army (KLA) was born. KLA, which was founded in response to the Serbian atrocity, has shifted to armed resistance against Serbs, instead of prominent Kosovar Albanian political leader Ibrahim Rugova's pacifist policy. The conflict's fate was altered as a result of this development. Serbia, which has also lost international trust, responded more violently to the attacks. As regional tensions rose, Kosovo entered the agenda of the international community. The impact of policies that changed and evolved after the Cold War, particularly on the Russian and United States (U.S.) fronts, showed itself on the region. While Russia, a historical ally to Serbia, was supporting

Yugoslavia's sovereignty and not to intervene in any condition, the U.S. took the initiative and North Atlantic Treaty Organization (NATO) intervened in Kosovo, and it had a significant impact on the international system. The legitimacy of the operation is debated both within the framework of international treaties and in terms of international law. The United Nation's (UN) inability to resolve, NATO intervention without a UN resolution, the establishment of a post-intervention UN interim administration, and the unilateral declaration of Kosovo's Western-backed independence have all resulted in numerous controversies and studies in international law. The purpose of this thesis was to find answers to these two questions. -What took place in the region to create the conditions for Kosovo to be independent? -To what extent do international actors determine Kosovo's fate? This study aims to demonstrate Kosovo's history, in the period preceding the declaration of independence by the Republic of Kosovo, and to provide a better analysis of the path to independence. It is also to demonstrate how the legitimacy of the Kosovo intervention is perceived in international relations as a result of NATO's evolution under the influence of a differentiated international system. Another goal of the research is to look into the nationalist arguments of Albanians and Serbs who are the main actors of the Kosovo crisis, as well as the region's historical process, and to explain the role of external actors step by step, in the overall historical process. The aim of this study is not to choose a good or bad, but to objectively tell the story of Kosovo and illustrate the bigger picture. This research is meaningful for understanding the milestones in Kosovo's history within the framework of international relations, as well as evaluating the arguments advanced by the parties. It is also important for understanding the different interpretations that followed the crisis of Kosovo, the NATO intervention, and the declaration of independence, and how these periods were assessed in the discipline of international relations. Adhering to the framework created with the subject, importance, and purpose of the research, the hypothesis to be tested throughout the research is as follows. In addition to the internal dynamics of Serbia and Kosovo, the situation in the international system contributed to the independence of Kosovo. This method of analysis used in the thesis is based on relevant United Nations documents and international treaties, as well as Turkish and English articles, books, magazines, newspapers, online resources, primary and secondary sources, the information obtained, was originally compiled with the additions of the researcher. In the light of the information obtained in the conclusion section, it is planned to analyze the subject of the research. This research consists of four parts. The first chapter describes the path to internal conflict in Kosovo. To better understand

this path, nationalist arguments of Serbs and Albanians were put forward, and how the policies of the two opposing leaders, Tito and Milošević, affected the region and the KLA's role in the conflict was included. The second part describes the path to intervention. In the study, Rambouillet was taken as a turning point, so the perspectives of the two most important external actors of the period were included. Namely, Russia and United States. At the same time, it is explained how Europe evaluates the situation in general. The third part describes NATO's intervention. At the point of legitimacy, as impartially as possible, different perspectives are presented. How the intervention was interpreted first by Serbs and Albanians, then the facts, steps, and how it ended. The last part of chapter three presented the establishment and evaluation of the United Nations Interim Administration (UNMIK) in Kosovo and the differentiating opinions. In the last chapter, the path to independence is explained, where the views and actions of the two most active actors in the independence process and afterward are given to the views and responses of the U.S. and European Union (EU).

CHAPTER I: PATH TO KOSOVO CRISIS

Kosovo is located in the south of the European continent, north of the Balkan peninsula. Kosovo has an area of 10,887 sq km, with a population of about 2 million, including Montenegro, Serbia in the northeast, Macedonia in the south, and Albania in the southwest.¹ Kosovo's capital, which has a substantial location in the Balkans, is Pristina with a population of more than half a million and its largest cities are; Mitrovica, Peja, Prizren, Gjilan, Gjakova, and Ferizaj.

As a political unit, Kosovo remained dominated by the Serbs in the 13th century and the Ottomans in the second half of the 15th century. In 1170, Kosovo became the center of the medieval Serbian state, and Prizren became the capital. Kosovo was conquered by the Ottomans in 1389 and remained so until the Balkan Wars, when it was dominated by the Serbian-Croatian-Slovenian kingdom. As a result of Tito taking control of the region, the Federal Republic of Yugoslavia was formed, and its constituent republics include Serbia, Croatia, Slovenia, Montenegro, Macedonia, and Bosnia and Herzegovina. Following World War I, the region was located within the borders of the Kingdom of Yugoslavia, despite Albanian demands for Albanian unity from residents of Kosovo.²

During World War II, Kosovo was occupied by the Germans. Under Tito's leadership, the Yugoslav Partisan Forces took control of the vast majority of the country. Following the end of the war, the state of the Federal Republic of Yugoslavia was established, and the new state consisted of the Republics of Serbia, Croatia, Slovenia, Montenegro, Macedonia, and Bosnia and Herzegovina.

The territory that constituted Kosovo remained under the rule of different civilizations for centuries, bringing deep ethnic and religious differences to the region. Two separate identities, Serbian and Albanian historical claims, have clashed over Kosovo. The myths of national liberation of both Serbs and Albanians are written around the recovery of lost land by its sole and legitimate owners. Kosovo has historically been a conflict zone between Serbian nationalism and Albanian nationalism. The Kosovo issue is, above all, a problem of nationalist expansionism.³

¹ <https://www.cia.gov/the-world-factbook/countries/kosovo>

² Steiner, Z. (2005). *The Lights that Failed: European International History 1919–1933 (Oxford History of Modern Europe)*. Oxford University Press, p.267

³ Hagen, W. W. (1999). The Balkans' Lethal Nationalisms. *Foreign Affairs*, 78(4), p.52

1. Albanian's and Serbs' Arguments on Kosovo

Kosovo is the axis of the Albanian-Serb struggle. Historically, both the Albanians and Serbs have fought over Kosovo based primarily on their notions of "historical right", "homeland," and "occupation."

Albanian historians argue that their ancestors lived in Kosovo in ancient times and long before Serbs invaded the area, therefore it is their historical right, among others, because they are the first to settle in the region.⁴

For the Serbians, Kosovo refers to the birth of the Serbian nation. Serbs have established Serbian Orthodox churches and monasteries in this region for centuries. According to Serbs, the patriarchate of the Serbian Orthodox Church was established in 1219 near the Kosovo city of Pec. The Serbian Orthodox Church is headquartered in Kosovo. As a result, Serbs consider themselves to be the historical heirs of Kosovo. To Serbs, Kosovo represents the 'Serb Jerusalem,' with remarkable cultural achievements and social prosperity in medieval times that were brought to an end by the Ottoman conquerors in the First Battle of Kosovo in 1389.⁵

The battle myths of 1389 from both sides show how certain episodes in history are retroactively interpreted, presented as the "beginning" of the contemporary competition, and interpreted for nationalist propaganda.⁶

During Ottoman rule, Albanians and Serbs were constantly intensifying their ethnic thoughts and aspirations of establishing separate states, despite the fact that they were forced to coexist as two distinct ethnic groups. Furthermore, the religious divide between Albanians and Serbs widened and they grew further apart. Concurrently, since many Albanians are Muslims, Albanian nationalism has been renamed "Albanian Muslim nationalism" by Slavs and all Balkan Christians.⁷

⁴ Judah, T. (2008). *Kosovo: What Everyone Needs to Know®* (Reprint ed., Vol. 1). Oxford University Press, p.31

⁵ Perica, Vjekoslav (2017) "Serbian Jerusalem: Religious Nationalism, Globalization and the Invention of a Holy Land in Europe's Periphery, 1985-2017," *Occasional Papers on Religion in Eastern Europe*: Vol. 37: Iss.6, Article 3, p.29

⁶ Hehir, A., & Lanza, C. (2022). Mimetic rivalry in practice: The case of Kosovo. *Journal of International Political Theory*, 18(1), p.8

⁷ Edit Bregu, E. B. (2021, June). An overview of the nature and impact of the Albanian nationalism in the Balkan developments of the early 19-th century. In L. H. Hoffman (Ed.), *FIFTEENTH INTERNATIONAL*

For Kosovo, historical truth is largely on the side of the Serbian position, whilst modern demographics are strongly on the side of ethnic Albanians.⁸ The current Albanian understanding of Kosovo history was inspired not by verified scholarly conclusions, but rather by an attempt to legitimate the existing Albanian demographic superiority and project it far into ancient and medieval past in order to invalidate any claim Serbia has over Kosovo.⁹

However, in the 19th century, Balkans followed the footsteps of Europe at that period and started to revolt and declared their independence. Greece declared independence in 1830, then Serbia and Montenegro in 1878, Bulgaria in 1908, Albanians in 1912. These five nations were not only building nation-states at this point but also national consciousness.¹⁰ During World War I, the territory of Kosovo was occupied by the armies of Austria-Hungary and Bulgaria. At this time, Kosovo Albanians, acting with the idea of getting rid of Serbs, supported the Austrian occupation.¹¹ At the end of the war, the Austro-Hungarian army was defeated in the Balkans, while Bulgaria signed a ceasefire agreement with the Allies. Kosovo, on the other hand, is back under Serbian rule.¹²

Serbia gained independence from the Ottoman Empire in 1878 and its main goal was to establish a major Slavic state. The territory considered for the Southern Slavs (Yugo-Slav) was from Macedonia to Slovenia.

CONFERENCE ON: "SOCIAL AND NATURAL SCIENCES – GLOBAL CHALLENGE 2021" (ICSNS XV-2021) ,p.263

⁸ Batakovic, D. S. (2017). The Case of Kosovo: Separation vs. Integration Legacy, Identity, Nationalism. *Studia Środkowoeuropejskie i Bałkanistyczne*, 26, p.107

⁹ *ibid.*108

¹⁰ Veremis, T. V. (2015). *The Modern Balkans: A Concise Guide to Nationalism and Politics. The Rise and Decline of the Nation State*. LSEE - Research on South Eastern Europe., p.107

¹¹ Taşdemir, F. & Yürür, P. (1999). *Kosova Sorunu: Tarihi ve Hukuki Bir Değerlendirme*. Gazi Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi , 1 (3) , p.136

¹² *ibid*

From now on, Albanians and Serbs were engaged in a constant territorial struggle. Kosovo was part of the Serb-Slovenian-Croatian Kingdom established at the end of the First World War and did not have any status. King Aleksandar Karadjordjevic took power in January 1929, dissolving parliament and the 1921 Constitution. In October 1929, he transformed the state into the Kingdom of Yugoslavia with a "new constitution" in favor of Serbian sovereignty.¹³

As among the war's victors yet the only population in the Kingdom to already have their state prior to the conflict, Serbia thought it was legitimate to govern the new kingdom, inciting hostility among other nations. Serbia undertook a massive effort to settle Serbs in Kosovo in order to decrease the region's ethnic Albanian majority.¹⁴ But the Kingdom of Yugoslavia did not last long. Efforts to continue Yugoslavia after the murder of King Aleksandar in 1934 were not enough, and in the short life of first Yugoslavia, a system was not established in which problems between ethnic groups were resolved. The lack of political experience of these people, who have already lived under the rule of the Great Powers for centuries, and the lack of a spirit of unity among the three founding nations led to the unraveling of First Yugoslavia.¹⁵

During The Second World War, Kosovo, Macedonia, and Albania were under the control of Italians, Germans, and Bulgarians. Albanians, who were under Italian control, got the idea of "Greater Albania" during this period. With the end of the Second World War, Kosovo was again under Serbian control and the "Greater Albania" ideal was gone.¹⁶

¹³ Mulaj, K. (2010). Politics of Ethnic Cleansing: Nation-State Building and Provision of Insecurity in Twentieth-Century Balkans. Lexington Books. p.39

¹⁴ Woehrel, S. J. W. (1999). Kosovo: Historical Background to the Current Conflict CRS report for Congress HeinOnline: U.S. Congressional documents. Congressional Research Service, The Library of Congress, p.3

¹⁵ Dyker, D. A., & Vejvoda, I. (1996). Yugoslavia and After: A Study in Fragmentation, Despair and Rebirth. Routledge, p.10

¹⁶ Naval Postgraduate School. (1998, June). KOSOVO: THE BALKAN TIME BOMB? (Master's Dissertation). Sean P. Kelley, p.12

1.1. Serbian Nationalism and Kosovo

Kosovo is considered indispensable for Serbs in terms of politics, religion, history, and tradition. Kosovo, considered the beginning of the national identity of Serbs, has played an important role in bringing Serbian national consciousness to this day. Throughout history, Serbian national ideology has been carried to the people by different methods in the form of myths from generation to generation.

The legend of Kosovo has been used and constructed not only in folk literature but also in ancient literature. Faith to Holy Martyr Lazar is the core of the Kosovo myth. Legend has it that Prince Lazar was given a choice before the war with the Ottomans, Empire on Earth, or Empire in heaven. In the first texts of the Kosovo legend, we see that Lazar consciously chose the kingdom of the heavens and that he sacrificed himself for the Serbian people and holy Kosovo. The slain Knez was declared a holy (svetac) angel, praising his heroic death and his heroism for Kosovo.¹⁷ Serbs deserve to be a "nation of the heavens", according to this myth, they are the chosen nation. Therefore, Serbs resorted to violence against non-Serbs and saw the spread to countries in the region as a right given to them. While the Serbian Orthodox Church was the main proponent of this ideology, this story has been passed down for decades.

It was intended to ensure the people believe in these myths so that everyone will care for Kosovo. Kosovo's recent war and migration were carried out in defense of the Kosovo myth. The dream of "Greater Serbia", which refers to the idea of "a state in which Serbs will live", which forms the basis of Serbian nationalism, has been profoundly established in Serbian political culture.¹⁸ Kosovo is a living witness to this struggle, as this dream includes Kosovo, among other areas where Serbs live.

¹⁷ Djokic, D. D. (2009). Whose Myth? Which Nation? The Serbian Kosovo Myth Revisited. In *Uses and Abuses of the Middle Ages: 19th-21st Century*, Wilhelm Fink. p.221

¹⁸ Cohen, P. J. (1997). The Ideology and Historical Continuity Of Serbia's Anti-islamic Policy. *Islamic Studies*, 36(2/3), p.376

Kosovo, which was also the center of the war against the Ottoman Empire, played an important role in the formation of Serb state awareness. In fact, among all the ethnic groups in the Balkans, Serbs were the first to provide organized and continuous opposition to Turks, with Turkish rulers "creating the groundwork for the formation of the Serbian state" between 1804 and 1815.¹⁹

The libertarian and nationalist ideas spread by the French Revolution began to emerge as the Ottoman Empire's effectiveness in the Balkans decreased. When nationalist movements in the Balkans also found support from Russia and European states, the Serbs rebelled against the Ottoman Empire and sought to establish a national state. According to Noel Malcolm, the reason for the uprising was the awakening of historical and self-consciousness for Serbs in the nineteenth century with traditional folk poetry. Nation builders have achieved national ideological transformation due to the events in Europe.²⁰

After World War I, the Serbs succeeded in the uprising, and after World War I, the Kingdom of Serbs took part under the roof of Croats-Slovenes, thus completing the first phase of the ideal of "Greater Serbia". However, The Second World War prevented the Serbs from entering the second phase. At that time, the nationalist sector modeled the German unity for the establishment of a national state and supported the Germans in the war.

The war, which resulted in a great defeat, caused great damage to the Serbian National consciousness and the ideal of the national state. The new state, led by Tito, broke the Serbian rule, banned nationalist rhetoric, and adopted the concept of Brotherhood and Unity.²¹ The Yugoslav supreme identity, a significant setback to the Serbian national consciousness, is what Serbs have been focusing on most since then. The granting of autonomy by Tito to Kosovo, which Serbs have traditionally regarded as the cradle of their national security, history, religion, and culture, was perceived by Serbs as the disintegration of Serbia.

¹⁹ Norbu, D. (1999). The Serbian Hegemony, Ethnic Heterogeneity and Yugoslav Break-Up. *Economic and Political Weekly*, 34(14), p.836

²⁰ Malcolm, N. & New York, University Pres. (1999). *Kosovo: A Short History* (1st Printing ed.). Harper Perennial, p.5

²¹ Stijn Vervae. (2014). Staging the Holocaust in the Land of Brotherhood and Unity: Holocaust Drama in Socialist Yugoslavia in the 1950s and 1960s. *The Slavonic and East European Review*, 92(2), p.230

Following that, especially with the efforts of churches and academics, the Serbian national consciousness reawakened. The leaders of Serbian nationalism, who were severely bounded by the vacuum that followed Tito's death, have prepared a new plan of action on the future of Serbian national politics.

In order to fulfill the dream of the National State, it has been decided what has to be done and the game's leading role was also selected after addressing every point that needed to be made for this goal. This name was Slobodan Milošević, who has come to the forefront of Serbian public opinion with his Kosovo rhetoric. Milošević, who rose to protocol prose with his nationalist rhetoric, reached the level of Serbian national heroism with the help of the church and the intellectual sector and was described as the rebirth of Serbian Nationalism.

Milošević's rise to Serbian rule has taken on a new dimension of Serbian nationalism.

Milošević, who put the "Homogeneous Serbia" policy on his agenda as soon as he came to power, has made implementing this plan his first goal. Milošević, who created a full-scale terrorist environment throughout Yugoslavia during his rule, has not only enlarged Serbia with his policies, but rather shrunk it. At a time when Serbs are trying to heal their wounds and developing mechanisms to protect Kosovo, Serbs suffered a new defeat on 2008

February 17th, when Kosovo unilaterally declared independence with the support of Western states.²² Kosovo's independence was the final nail in the coffin of the "Greater Serbia" dream.

²² Warbrick, C. (2008). Kosovo: The Declaration of Independence. *The International and Comparative Law Quarterly*, 57(3), p.679

1.2. Albanian Nationalism and Kosovo

Albanians settled in much of the Balkan region and are considered to have roots in the Illyrians. For this reason, they were among the first residents of the Balkans. However, after Rome invaded the region, the Illyrians had to submit.²³ In other words, the Albanian thesis claims that until the Middle Ages, the region was the homeland of the Illyrians, so they were the first inhabitants of the region.

The Albanians' reign under the Ottoman Empire was after the First Kosovo War (1389). Albanian nationalism wasn't as strong as other Balkan nationalisms due to the tools that Ottoman Empire used.²⁴ Among Albanians, ideas of independence and nationalism began with the spread of enlightenment in countries in the region and acceptance among educated classes. Due to developments in the Balkans and Europe in the 19th century, the desire to recognize their cultural identity among a small number of Albanian intellectuals, if not all Albanians, has been awakened. The awareness of Albanian identity had started between Arberesh in southern Italy, they developed encouraging nationalist literature and showed an effort to construct Albanian language.²⁵

The first representatives of Albanian nationalism attributed the undeveloped national consciousness among Albanians to the monopoly of religion in the Ottoman Empire. In Russo-Turkish War, it was observed that the Russian Tsarism defeated the Ottoman Empire in the Balkans during the war between the Ottoman Empire and the Russian Tsar in 1877-1878. Treaty of San Stefano (also known as the Ayestefanos Treaty) was signed as a result, making Bulgaria autonomous and Serbia, Montenegro, and Romania independent.

²³ Hammond, N. G. L. (1968). Illyris, Rome and Macedon in 229-205 B.C. *The Journal of Roman Studies*, 58, p.6

²⁴ Fischer, B. (2014). Albanian Nationalism and Albanian Independence. *See Review* 10 (1). p.26

²⁵ *ibid* p.28

Concerned about Russian expansionism, Britain and Austria convened the Berlin Congress in June 1878, which managed to lessen the damage. The Albanians were not recognized as an "ethnographic entity" comparable to other Balkan populations during the Berlin Congress. It handed up sections of the Albanian-speaking territories and alerted the intellectuals to the uncertainties of their condition by merely recognizing them as speakers of a language that inhabited a loosely defined Albania. The Prizren League was founded in 1878 by the intelligentsia in response to the Berlin Congress, and it was the first national movement among Albanians, with the goal to give Albanians ethnic recognition.²⁶

League's first step was to express its displeasure with the situation to the Great Powers. In 1878, it proclaimed in a resolution dedicated to Congress, declaring they don't differentiate between religions and they are all Albanians.²⁷

The League of Prizren didn't just protest the decisions made by Berlin Congress, but it revolted with arms to preserve the territorial integrity of Albanians'.²⁸ However, these actions, which were mostly out of concern for maintaining the balance of state power, did not reduce future anxiety for Albanians, instead of increasing them. The Prizren Union remained active until 1881. But in 1881, the unit was abolished using army force by Ottoman Empire. The League, on the other hand, was a milestone in the emergence of Albanian national identity. Furthermore, this organization provided political validity to Albanian intentions for independence and brought the situation to the attention of the world community.²⁹

²⁶ Sohrabi, N. (2018). Reluctant Nationalists, Imperial Nation-State, and Neo-Ottomanism: Turks, Albanians, and the Antinomies of the End of Empire. *Social Science History*, 42(4), p.847

²⁷ Skendi, S. (1953). Beginnings of Albanian Nationalist and Autonomous Trends: The Albanian League, 1878-1881. *American Slavic and East European Review*, 12(2), p.220

²⁸ *ibid* 221

²⁹ Kropiak, K. (2014). Integration Concepts of The Lands Inhabited By Albanians: The Process Of Shaping Of The Albanian State Borders. *Politeja*, 30, p.60

Afterwards, Albanians rioted locally almost every year for different reasons. On 8 October 1912, the First Balkan War began when Montenegro declared war on the Ottoman Empire. Albanians, meanwhile, declared independence with Italy's support. Italy, with expansionist intentions, was scared of the potential that Albania could be held by Serbia or Greece, which were supported by Russia, France, and England. As a result, they acted with the intention to make their ground strong in Albania.³⁰ When the First Balkan War ended, the Ottomans lost all Balkan territory.³¹

Albanians, on the other hand, achieved independence by obtaining a country whose infrastructure was not developed, a large part of its population lived in villages, and whose industry was almost nonexistent. As Malešvić mentions, the Balkan states, which became independent at the beginning of the 20th century, instead of being a powerful sovereign state, turned out to be colonies that are significantly dependent on foreign countries.³²

Albanians who did not have the power to support themselves remained in the Serbian-Croatian-Slovenian kingdom but did not have legal status. During the Tito period, Albanians gained some legal rights, albeit gradually, and were finally adopted as an autonomous region by the 1974 Constitution.³³

In the post-Tito era, Albanians struggled to achieve Kosovo's status as the "Seventh Constituent Republic". In 1974, Kosovo's constitutional rights were instrumental in the formation of identity awareness of Cold War-era Albanian nationalists. The most important reason for the conflicts in the following period was the revocation of these constitutional rights. Therefore, what the Albanian nationalist movement had won with long struggles, was lost in a short time in Kosovo.

³⁰ Ferro, N. (2013). The Italian Policy Towards the Albania Question". 1900-1912. *Mediterranean Journal of Social Sciences*. 4, p.292

³¹ Malešvić, S. (2012). Wars that Make States and Wars that Make Nations: Organised Violence, Nationalism and State Formation in the Balkans. *European Journal of Sociology / Archives Européennes de Sociologie / Europäisches Archiv Für Soziologie*, 53(1), p.47

³² Pavlović, M. (2009). Kosovo Under Autonomy, 1974–1990, p.15

³³ Lendvai, P., & Parcell, L. (1991). Yugoslavia without Yugoslavs: The Roots of the Crisis. *International Affairs (Royal Institute of International Affairs 1944-)*, 67(2), p.258

In the post-Cold War era, Albanian nationalism had a one-centered dimension for a while. Ibrahim Rugova and his party Democratic League of Kosovo (LDK) were the standouts during this period. However, Rugova's leadership and methods were seriously questioned after 1995, during which Albanian nationalism suffered a split, mainly after the Dayton Treaty that ended the Bosnian War, and a new generation of nationalist cadres kept the issue on the agenda, using armed methods.³⁴

Regardless of the patterns of action, Albanian nationalism, which prevents the Kosovo Question from falling off the agenda of the international community, played a great part in Kosovo's independence.

³⁴ Kadriaj, S. K. (2008). *Kosova Sorunu* (Master's Dissertation). Ankara Üniversitesi Sosyal Bilimler Enstitüsü., p.8

2. Reign Of Tito

Partisans, one of the parties to the resistance in war-raved Yugoslavia, fought under Tito's leadership and took control of much of the country. At the end of World War II, a conference was held in which three major countries - the United States, Russia, and Britain - convened. Tito was recognized as the leader of Yugoslavia at this conference held around Yalta, named after the Yalta Conference.

After the Second World War, Tito became Prime Minister of a single transitional Yugoslav government on March 7, 1945. The re-established Yugoslavia was exhausted and economically ill when the war ended. Under Tito's leadership, a serious development plan was made and implemented in the republic for the newly formed Republic of Yugoslavia.³⁵ The Republic has developed significantly. The majority of the people made a living from agriculture. In order to save the economically unarmed peasants from the economic hardship they experienced after the war, land reform was carried out, the majority of the land in the country is left to farmers. Those who do not live in agriculture have also started to migrate to cities and central places to find work. Serious steps have been taken towards industrialization for people who migrate. New factories were established and the workers in these factories managed themselves. The management of factories is in the workers' and labor councils. On the other hand, the party did not make changes in state administration, and the final word in every decision to be made continued to be at the top of the authority. In the implementation of the plan, very successful results were obtained and developments started to be seen throughout the country.

In 1946, a new constitution came into power. Kosovo and Vojvodina were given their current borders by the communist government as an autonomous province in Serbia. The region remained under Serb control until 1966, when Tito dismissed secret police commander Aleksandr Rankovic, a Serb and the principal architect of Kosovo's persecution, from office. Tito's approach toward ethnic Albanians in Kosovo then shifted from repression to conciliation.³⁶ And his regime was criticized by Serbs for not giving the highlight to the national question, and being overshadowed by more pressing matters.³⁷

³⁵ Woehrel, S. J. W. "Kosovo: Historical Background to the Current Conflict" p.4

³⁶ Macdonald, D. B. (2002). Tito's Yugoslavia and after: Communism, post-Communism, and the war in Croatia. In *Balkan Holocausts: Serbian and Croatian victim centred propaganda and the war in Yugoslavia*, Manchester University Press, p.183

³⁷ *ibid*, p.185

The structure introduced by the 1946 Yugoslav constitution has made Serbs more uncomfortable than Albanians because it is a very different structure from the Kingdom of Yugoslavia, a political structure compatible with the Serbian-dominated idea of "Yugoslavism". The fact that regions such as Kosovo and Macedonia, which are seen as historical sites of Serbian nationalism, have been removed from direct control by Serbs through new political and legal arrangements has created a sense among Serbs that they are the biggest losers in this new structure. Nearly forty years later, the extreme Serbian nationalism that rose under Milošević's leadership was fueled by the hostility created by this sense of being a losing nation, which fed against the Tito version of Yugoslavia. Yugoslavia-Albania relations became strained in 1948 when Albania took its place in the opposing bloc in the conflict between Tito and Stalin.³⁸ This tension was reflected in Kosovo and pressure began to be applied on Albanians. Tito's deputy Rankovic has oppressed Muslim Albanians in Kosovo and the region for years. This pressure lasted until Tito dismissed Rankovic in 1966.³⁹ Kosovar Albanians' aspiration for national emancipation and self-determination was at the root of the Kosovo problem in Yugoslavia's history, as were Serbian elites' efforts to control Kosovo. Following Yugoslavia's overall liberalization, Kosovo received greater autonomy and became an Autonomous Province in 1963 within Serbia, by the new constitution.⁴⁰ Even though 1963 constitution called for autonomous provinces to be managed "on the grounds of the stated choice of the people of these regions" the details of the provinces' powers and limits were left to the constitutions of individual republics.⁴¹ Consequently, Kosova was deprived of its federal fundamental feature of the Yugoslav federation in the 1963 Constitution.⁴²

³⁸ Petrović, A., & Stefanović, Đ. (2010). Kosovo, 1944-1981: The Rise and The Fall of a Communist "Nested Homeland." *Europe-asia Studies*, 62(7), p.1081

³⁹ Nation, R. C. (2003). War and Revenge in Kosovo, 1998-99. In *WAR IN THE BALKANS, 1991-2002*, Strategic Studies Institute, US Army War College, p.223

⁴⁰ Bebler, A. (2015). The Serbia-Kosovo conflict. In A. Bebler (Ed.), *"Frozen conflicts" in Europe* (1) Verlag Barbara Budrich, p.155

⁴¹ Mertus, J. A. "Operation Allied Force: Handmaiden of Independent Kosovo" p.463

⁴² Rahmani, B. R. (2014). Kosova/o and The Challenges of Recognition. *European Scientific Journal*, 2, p.250

In 1968, Tito signed an agreement with Albanian Leader Enver Hoxha, which could be seen as a concession to Albanian nationalists in Kosovo, and agreed that faculty members and textbooks to teach at the University of Pristina would come from Albania.⁴³ Later the Constitution of 1974, which stayed in force until the dissolution of second Yugoslavia, granted Kosovo de facto federal independence and the right to its constitution.⁴⁴ However, the Kosovo issue remained hotly guarded until the 1990s, as the 1974 constitutional amendments did not meet the demands of both Serbs and Albanians. Serbs have criticized the rights granted to Kosovo, while Albanians have criticized it for not giving it a republican structure. Besides the critics, these rights have almost equated the two autonomous regions to the republics. Their most significant right was to be able to veto matters that affect them. The rights granted to the regions have mostly disturbed Serbia, because it meant that the Republic of Serbia would be weakened, and it would lose its position as the main power within the federation. According to Serbian nationalists, the 1974 Constitution meant Serbs lost their war victory in peace.⁴⁵ Besides the criticism of not having enough republican structure, Kosovo gained its highest status within the Federation of Yugoslavia under the 1974 Constitution and sent its representative directly to the YSFC Federal Assembly. Since, all the years that the Federation of Yugoslavia existed, the people of Kosovo tried to declare their own republic and leave Serbia, 1974 Constitution was seen as a step towards making Kosovo a republic. Therefore, Serbian authorities have tried to convince the authorities of the Federation of Yugoslavia that Serbia and the Federation of Yugoslavia will move one step closer to separation with the development of Kosovo's status. Regardless of the efforts of Serbian authorities, with autonomy, power has largely fallen into Albanian hands, while for Serbs, the population in the region has become severely unstable. The new constitution prevents Serbia from interfering in the internal affairs of Kosovo and Vojvodina, an important step towards unity in the protection of Yugoslavia's survival. After Serbia was stripped of its authority to interfere in Kosovo's internal affairs and also due to its severe economic situation of the territory, Serbs began to leave Kosovo. After that, Serbian nationalists began to fight for the recapture of Kosovo and its access to Serbian territory, with a constant focus on the issue. Granting Kosovo autonomy directly influenced the resumption of Serbian Nationalist rhetoric and actions that became passive in Tito Yugoslavia.

In Tito's Yugoslavia, the period when Serbian nationalism lost its prescience, Serbs were forced to share the same rights with other nations, moving away from all the glory signs and activities they had gained in the historical process. The code of unity and solidarity carried by Tito for years began to take a big hit after his death in 1980. Especially in Kosovo, Albanians' dissatisfaction with the current situation and their protests against the demands of the republic have invited a swell of nationalist feelings and rhetoric within the country. As Albanian demands resonated at the borders of the whole country, other nations began to demand rights from the administration in their favor.

⁴³ Johnstone, D. (2002). *Fools' crusade: Yugoslavia, NATO, and Western delusions*. New York: Monthly Review Press.p.278

⁴⁴ Ülger, I. K. (2002). *Yugoslavya Neden Parcalandi?* (Vol. 1). Seçkin Yayıncılık, p.72

⁴⁵ Rexha, A. R. (2020, April 8). Student Demonstrations Of 1981 and Their Impact on The University of Prishtina, p.21

3. Milošević's Yugoslavia

As part of growing Albanian nationalism and economic woes since 1980, the first protest was on 11 March 1981 at the University of Pristina, the epicenter of Albanian nationalism. These protests were by Kosovar Albanian students at the University of Pristina. When these protests start, they were targeting Kosovo's poor economic situation, difficulties in the education sector, severe work conditions of employees, and a high proportion of unemployed graduates. Although the demonstration has a peaceful quality and student demands have an economic and social character, police forces intervened and arrested several demonstrators in a manner that provoked a violent reaction from the gathered students. But students at the University of Pristina re-organized demonstrations in March, April, and May, despite police forces arresting and abusing people. This time, intellectuals, members of the Communist League of Kosovo, workers, citizens from different cities, high school students also participated in the demonstrations. In other words, these demonstrations have gained a national dimension and the voices of independence for Kosovo began to be heard. Beneath the uprising, there was Yugoslav social policy's failure to confront the issues of underdevelopment and discrimination. The Kosovar Albanian response resembled a classic ethnic mobilization. The main trademark of the 1981 protests was "Kosova-Republic," showing the interest that Kosovo be raised to the situation with a seventh Yugoslav republic. In response to these developments, the Yugoslav government, the party, and the government bureaucracy in Kosovo tried to be purged of Albanian nationalists. After the demonstrations, there had been a state of emergency in Kosovo and reprisals on Albanians. In the process, the Serbian parliament enacted a series of laws that would change Kosovo's demographic, economic, and political balance.

Throughout the 1980s, the Serbian reaction to developments in Kosovo was highly explosive, as though long-repressed emotions had begun to flow out uncontrollably. Repression of 1981, created a generation of Kosovo Albanian insurgents, and Yugoslavia became the enemy.⁴⁶ The student protests had aggravated an open sore, and now that Tito was gone, Serbs were eager to obtain their due.⁴⁷

⁴⁶ Nation, R. C. "War and Revenge in Kosovo, 1998-99" p.224

⁴⁷ SANU, 1986. Memorandum of the Serbian Academy of Sciences and Arts Memorandum https://chnm.gmu.edu/1989/archive/files/sanu_memo_e3b3615076.pdf

In the following years, on 24 September 1986, the Serbian Academy of Science adopted a Memorandum that provoked a great reaction. ‘‘Memorandum of the Serbian Academy’’ reintroduced ethnic Serbia and revive national settlement and also became as well as a model for the Milošević movement and the post- Yugoslav conflicts. Memorandum states that the Serb population in Kosovo is the victim of genocide by many kinds and Albanian nationalists trying to build an ethnically pure Kosovo and that the Serbs life is at the stake. ⁴⁸

The memorandum redefined the goals of Serbian nationalism. Signed by 200 Serbian intellectuals, this memorandum is the first document to fuel the disintegration of socialist Yugoslavia. The document consists of three main items in summary. And these are Serbia's lagging compared to other regions, the lack of legal relations between Serbia and other republics and autonomous regions, and the practice of genocide against Serbs in Yugoslavia.⁴⁹ Within the framework of this memorandum, it was Slobodan Milošević who brought a new dimension to Serbian nationalism, by adopting the relevant document as a program in the following years. Milošević's rise to power in Serbia can also be referred to as the rebirth of Serbian nationalism. Serbian nationalism, which had hit rock bottom in Tito's time, had its most chauvinistic period with Milošević. It was the Kosovo issue that led Milošević to become a political leader.

Within this framework, efforts have begun to the dissolution of the autonomous administration in Kosovo. In the spring of 1987, Kosovo Serbs and Montenegrins agreed to organize a demonstration to draw attention to the plight in Kosovo. Milošević was reluctantly deployed on 24 April 1987 to calm events in Kosovo. Stanbolić stated that when Milošević was sent to deal with the Kosovo issue, Milošević did not know what he would face or the general situation. Milošević listened to the problems of Kosovo Serbs, whom he met with after meeting with Serbian officials on the Kosovo plain. Responding to a worker's complaint that "the police are beating us," Milošević said, "No one will beat you again" ⁵⁰

⁴⁸ Gagnon, V. P. (1994). Ethnic Nationalism and International Conflict: The Case of Serbia. *International Security*, 19(3), p.148

⁴⁹ Budding, A. H. (1998). Systemic Crisis and National Mobilization: The Case of the ‘‘Memorandum of the Serbian Academy.’’ *Harvard Ukrainian Studies*, 22, p.56

⁵⁰ Youth Initiative for Human Rights. (2017, September). *A Guide to Internal Dialogue, Chronology of Kosovo 1974–2017*, p.4

Milošević's stance has resonated with Kosovo and other parts of Yugoslavia. Some media, supported by the nationalist faction, have repeatedly raised Milošević's response and publicly promoted him as the protector of Kosovo Serbs. By the end of 1987, Milošević seized the leadership of both the party and the Socialist Republic of Serbia.⁵¹

Milošević's ascension to power and the accompanying political turmoil had a direct impact on the mines. In May 1988, a significant strike at the crucial Stari Trg mine broke out, followed by huge protests until November.⁵²

These demonstrations and successive developments have deepened the division between Albanian and Serb groups in Kosovo. In this context, it is seen that Serbs are turning to a more aggressive policy and taking a proactive stance when it comes to Kosovo. In addition, the findings have become clear that differences within the Yugoslavia system have deepened, and nationalism has begun to be turned into an official ideology in the context of Serbia. Early in 1989, the Serbian parliament enacted a number of constitutional amendments⁵³ which significantly increased Belgrade's jurisdiction over the region of Kosovo.⁵⁴

This has caused the balances attached to the thread to be completely severed within the federation.

Milošević's speech addressing the "Slavic Community" in the Kosovo Plain on 28 June 1989, on the 600th anniversary of the Kosovo War, is the beginning of the process that is expected to bring Kosovo to independence. He announced to the masses that he would work to ensure that Serbs existed as the main group within Yugoslavia. Milošević's rhetoric on that day can be summed up as follows: "In the heart of Serbia, in this place, 600 years ago, one of the greatest wars of that period took place. As with all major events, it contains important secrets in this regard."⁵⁵

⁵¹ Palariet, M. P. (2003, June). *Trepča, 1965–2000*. Lessons Learned and Analysis Unit of the EU Pillar of UNMIK in Kosovo. p.3

⁵² HIR | *The BBC's translation of Milošević's 1989 speech in Kosovo*. (1989). hirhome.com. http://www.hirhome.com/yugo/bbc_Milošević.htm

⁵³ Mertus, J. A. "Operation Allied Force: Handmaiden of Independent Kosovo" p.467

⁵⁴ Cohen, L. J. (1992). Post-Federalism and Judicial Change in Yugoslavia: The Rise of Ethno-Political Justice. *International Political Science Review / Revue Internationale de Science Politique*, 13(3), p.307

⁵⁵ Neggash, M.H (2013). Ethnic Identity and Conflict: Lessons From the Kosovo Crisis. *Turkish Journal of International Relations*, 12(1), pp.169-170

During his period, Milošević began to curtail the political rights of Kosovars and, with the support of Serbs in Kosovo, took steps to the Serbianisation of Kosovo. During Milošević's reign, Albanians were excluded from education. In addition, the Albanian language is banned in official institutions, and symbols and figures representing Albanians have been removed. All these developments have started to lead to inequalities between Albanians and Serbs.⁵⁶ After Serbian Constitution was ratified, as mentioned earlier, gave pace to the dissolution of Yugoslavia. In January 1990 Yugoslavia had its last congress. The Serbian Communist Party, led by Milošević and backed by the Yugoslav National Army, decided to seek to strengthen the communist regime's part in keeping Yugoslavia together, however, other republican leaders, primarily in Slovenia and Croatia, that wasn't the case. They saw a break from the communist regime as a means of separating themselves from Yugoslavia and establishing their own sovereign republics. As a result, each republic pursued its own agenda.⁵⁷ In short, the elections in the republics and the results have accelerated the process of dissolution.

The first independence flag was raised by Slovenia. Slovenia proclaimed independence from the federation on July 2, 1990. Slovenia has been a rebellious influence within Yugoslavia during the 1980s, persistently pushing for anti-federal measures in support of its own republican and nationalist goals. This tendency peaked with the election of 1990.⁵⁸ Croatia, Macedonia, and Bosna Hercegovina followed the path of Slovenia. After the independence of Slovenia and Croatia, on June 27, the central authorities' military forces (JNA) abandoned their barracks in Slovenia and assaulted the interim Slovenian militia, backed by a column of heavy equipment coming in from Croatia. Slovenian authorities declared a "state of war" and requested international help from the European Commission, the CSCE, and the United Nations.⁵⁹

⁵⁶ Pešić, V., Pesic, V., United States Institute of Peace, & United States Institute of Peace. (1996). *Serbian Nationalism and the Origins of the Yugoslav Crisis*. U.S. Institute of Peace., p.23

⁵⁷ Nation, C. R. (2004). *War in the Balkans, 1991–2002*. University Press of the Pacific, p.97

⁵⁸ Weller, M. (1992). The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia. *The American Journal of International Law*, 86(3), p.570

⁵⁹ Ramet, S. P. (1994). The Bosnian War and the Diplomacy of Accommodation. *Current History*, 93(586), p.380

Despite these calls and incontrovertible evidence of Serbian and Bosnian Serb military preparations for armed action in Bosnia, the sole Western response to increasing tensions in 1991 was to include Bosnia in the UN Security Council's September 25 comprehensive arms embargo, also known as resolution 713 on all five Yugoslav successor nations.⁶⁰

The general view for resolution 713, is that it's a failure. Ahmad explains that it took away the self-defense right from Bosnian Muslims' hands and it was illegal in the first place since the Republic of Bosnia wasn't still recognized, the resolution couldn't have applied to the region.⁶¹ Another criticism is raised by Ramet is as a result of resolution 713, the arms embargo encouraged Serb aggression in Bosnia, instead of solving the conflict.⁶²

What happened later, justified them. Between October 1990 and March 1992, illegally organized Serb militias in Bosnia and Herzegovina received a constant supply of arms from the Yugoslav army, Croat and Muslim populations in Bosnia and Herzegovina were obliged to seek out weapons for self-defense.

Meanwhile, Kosovo Albanians have withdrawn from their work in public institutions and institutions in Kosovo, establishing parallel governments within the state in Kosovo. After this protest, a full-on struggle began between Serbs and Kosovo Albanians. Kosovo Albanians, led by their moderate and peaceful leader Ibrahim Rugova, have tried to fight for democratic rights.

On 2 July 1990, just after the dissolution of the Kosovo Assembly in June 1990, Kosovo's deputies met to declare the Republic of Kosovo within the framework of the Socialist Federative Republic of the former Yugoslavia (YSFC).⁶³

Serbia and the YSFC bodies have declared the "Republic" resolution of Kosovo lawmakers illegal. In contrast, 111 Kosovo deputies met again on 7 September 1990 in the southeastern Kosovo town of Kaçanik to declare the Independent Republic of Kosovo.

⁶⁰ Weller, M. "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia" p.570

⁶¹ Ahmad, S. Z. (1998). The UN's Role in the Bosnian Crisis: A Critique. *Pakistan Horizon*, 51(2), 83–92. <http://www.jstor.org/stable/41394460>, p.84

⁶² Ramet, S. P. "The Bosnian War and the Diplomacy of Accommodation. *Current History*" p.380

⁶³ Ramet, S. P. (1996). The Albanians of Kosovo: The Potential for Destabilization. *The Brown Journal of World Affairs*, 3(1), p.359

Kosovo's independence was adopted in a referendum, and the Parliament of the Republic of Kosovo formally proclaimed the Republic of Kosovo in 1991. About 87% of voters (Ethnic Serbs boycotted the vote) participated in the referendum and the results were about 100% in favor of independence.”⁶⁴ The only country in the world that recognizes the declaration of independence is Albania, which has a high proportion of descendants within Kosovo. Neither the federal government nor Serbia recognized this independence.

The creation of a parallel society emerged in response to the pressure of Milošević's administration without a specific plan. With this structure, they offered services such as education and health within the state-like structure they created.⁶⁵

Led by Ibrahim Rugova, the Democratic League of Kosovo (Lidhja Democratic e Kosovës) LDK which was founded in 1989, the 1990s it has developed a parallel state practice.

Albanians have formed a parallel system with schools, clinics, services, a shadow government, with nonviolent resistance⁶⁶ It was nothing more than a reaction to the Serb invasion of Kosovo and a classic struggle for survival of an untrained and politically constrained society of a state that was not industrialized. During these years, the human rights and fundamental freedoms of Albanian people were systematically violated by Serbian authorities at the same time. In 1992, teachers were required to teach with the Serbian curriculum. Albanian teachers and students were banned from the school premises.⁶⁷

This parallel state, Ibrahim Rugova, has been able to stick to his ideas to the end, attracting the international community through peaceful and general civil resistance, and finally fulfilling the political demands of Kosovo Albanians. Rugova's mystique as a spiritual leader and "father of the country" was built on the back of the LDK.⁶⁸

⁶⁴ ibid 161

⁶⁵ Mertus, J. A. (2009). Operation Allied Force: Handmaiden of Independent Kosovo. *International Affairs (Royal Institute of International Affairs 1944-)*, 85(3), p.467

⁶⁶ Ingimundarson, V. (2007). The Politics of Memory and the Reconstruction of Albanian National Identity in Postwar Kosovo. *History and Memory*, 19(1), p.101

⁶⁷ Llapi, G. (2015, October 31). *ERIC - ED570511 - Education Interrupted: Kosovo 1980–1999, Commission for International Adult Education, 2015–Nov.* Eric.Ed. Gov, p.97

⁶⁸ Ingimundarson, V. “The Politics of Memory and the Reconstruction of Albanian National Identity in Postwar Kosovo” p.101

The ultimate goal was to convince the international community to recognize Kosovo's independence and sovereignty, announced in the 1990s. Simultaneously, in Bosnia, thousands of civilians lost their lives during the war and experienced the longest siege in Sarajevo's history. Systematic ethnic cleansing was carried out. Especially in Serb-dominated areas, this situation progressed quite easily, and the civilian population gathered in the camps struggled to survive through various tortures in very difficult conditions. The wars were oversimplified by the West, as "internal conflicts".⁶⁹ In 1995, on the direct orders of Croatian President Franjo Tudjman, the U.S.-backed Croatian army pushed Serb forces out of the Krajina, 'cleansing' the territory of its 200,000 residents. The Croats began by firing villages and cities, spreading fear and a chaotic mass exodus; assault soldiers then looted stores and homes, followed by the merciless paramilitaries. The battle had shifted against the Bosnian Serbs by the time NATO launched its attack on Krajina. Milošević had failed to persuade them for peace negotiations in 1993; the Bosnian Serbs believed they could get a better deal by prolonging the conflict. They eventually agreed to mediate in 1995, and Milošević functioned as a powerful conduit among both the Serb side and the West, resulting in the Dayton Accord.⁷⁰

In November 1995, at Wright-Patterson Air Base near Dayton, Ohio, U.S., talks led by U.S. Deputy Secretary of State Richard Holbrooke reached an agreement.⁸⁰ Aliya Izetbegovic represented Bosnia and Herzegovina, Franjo Tudman represented Croatia and Slobodan Milošević represented the Federation of Yugoslavia, and the treaty was signed on 14 December 1995. Dayton Treaty was a letdown for Kosovar Albanians with expectations. There wasn't any Kosovo-related issue in the Dayton Treaty. In the words of Richard Holbrooke, the architect of the Dayton Treaty, "the crisis feared in Kosovo has not been prevented, it has only been postponed."⁷¹ This disregard led Kosovo Albanians to believe that their strategy based on passive resistance had failed and led to criticism of Rugova's peaceful policies, and made them choose armed warfare over nonviolent protest.⁷²

⁶⁹ Mccgwire, M. (2000). Why did We Bomb Belgrade? *International Affairs (Royal Institute of International Affairs 1944-)*, 76(1), p.2

⁷⁰ *ibid* 3

⁷¹ Holbrooke, R. (1999). *To End a War: The Conflict in Yugoslavia--America's Inside Story--Negotiating with Milošević (Modern Library (Paperback))* (Revised ed.). Modern Library., p.357

⁷² Teran, N. S., 2007, 'Peacebuilding and Organised Crime: The Cases of Kosovo and Liberia', Swisspeace Working Paper 1/2007, Bern, p.9

The Kosovo Liberation Army (KLA), in Albanian Ushtria Çlirimtare e Kosovës (UÇK), was founded in this political environment.

4. Kosovo Liberation Army

The Kosovo Liberation Army was one of the most successful uprisings of its post-Cold War era, even if it was formed for a relatively short time within the framework of the spreading armed conflicts. This resistance strategy organized by them was essentially and strategically defensive, and their tactics were like guerrilla warfare. It depicted the apex of "Fourth Generation War," a term that refers to the merging of political and military dimensions of combat in the twentieth century.⁷³

What distinguished the KLA from other guerrillas was that it did not carry out terrorist attacks on Serb civilians. That is, they have never targeted civilians, it has not launched attacks against civilians as a policy and means of war.⁷⁴

The uprising of the organization began in 1996. Despite the fact that KLA's first action was murdering a Serbian policeman, they started to take responsibility in 1996. The first organized assassinations occurred in 1996 when four almost simultaneous strikes in separate places killed two police officers.⁷⁵

The ultimate goal of the KLA has been independence. The KLA declared that "no solution other than independence can be accepted" and aimed to bring the issue of independence to the international agenda by increasing the intensity of the attacks and later claiming credit for such activities by faxing letters to the media, which are then published on local news.⁷⁶

In 1997, the KLA attacked a Serbian police convoy in Drenica, that was intended to capture, and most possibly kill, Albanian people in order to instill terror and coerce obedience. This offensive was won by the KLA and was the first frontal confrontation between the KLA and Serbian forces.⁷⁷

⁷³ Jr., H. P. H. (2008b). *Kosovo Liberation Army: The Inside Story of an Insurgency* (Illustrated ed.). University of Illinois Press., p.2

⁷⁴ ibid

⁷⁵ Kubo, K. (2010). Why Kosovar Albanians Took Up Arms against the Serbian Regime: The Genesis and Expansion of the UÇK in Kosovo. *Europe-Asia Studies*, 62(7), p.1142

⁷⁶ Sean P.Kelley, "KOSOVO: THE BALKAN TIME BOMB? ", p.51

⁷⁷ Rama, F. R. (2018). The Liberation and Independence of Kosovo. *NCO Journal*, p.2

The Serbian army increasingly stepped up the pressure and on 28 February 1998 attacked the town of Drenitsa, which was under KLA control and was declared the first liberated area. The excessive use of force by the Serbian police and the violence that took place was described as the turning point in the crisis.⁷⁸ Following this incident, both the KLA and Yugoslav forces expanded the scope of their actions. In response to the rapidly expanding presence of the KLA, the Yugoslav army entered Kosovo and launched a large-scale operation with police and paramilitary units.

The KLA's numbers were increased by the Albanian populace. Numerous ethnic Albanians joined the organization, partly because they saw armed resistance as their only option for survival after not getting the desired result out of Rugova's pacifist policies. As a more organized popular resistance took shape, the many armed families and regional KLA units functioning in Kosovo up until that time began to combine.⁷⁹

The escalation drew worldwide notice. The so-called international community, mainly Western governments and organizations, used the phrase "avoid a second Bosnia" as their rallying cry. Since, the international community was unable to put a halt to atrocities, dubbed "ethnic cleansing," or to avert the horrific massacre at Srebrenica in July 1995, in addition, Milošević had a role in the conflict in Bosnia and Herzegovina and also Kosovo, significant segments of the international community feared a repeat of the events.⁸⁰

⁷⁸ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 1 October 2001, 2645

⁷⁹ *ibid* 31

⁸⁰ Gromes, T. (2019). Nato's Kosovo Intervention In Overview. In *a HUMANITARIAN MILESTONE?: NATO'S 1999 INTERVENTION IN KOSOVO AND TRENDS IN MILITARY RESPONSES TO MASS Violence*, Peace Research Institute Frankfurt. p.4

CHAPTER II: PATH TO INTERVENTION (1998-1999)

In 1998, the situation was moved to an armed internal conflict as the Federal Republic of Yugoslavia (FRY)ⁱ and KLA expanded the use of violence. With increasing violence in the region, Kosovo has risen to the top of NATO's political agenda, with the alliance keen to prevent the issue from rising to the degree of bloodshed seen in Croatia and, particularly, Bosnia and Herzegovina.⁸¹

The North Atlantic Council meeting was to contribute to the international community's reaction to a peaceful resolution, and to encourage safety and stability in nearby countries, with a focus on "Albania and the former Yugoslav Republic of Macedonia."⁸²

The Kosovo issue ceased to be an internal problem in 1998, with the OSCE, as well as the Contact Group, the EU, and the Council of Europe, becoming an international crisis and gaining momentum with the UN Security Council putting the issue on its agenda. With the UN Security Council addressing the issue, the issue became international. The UN Security Council has issued four resolutions, which include:

Resolution 1160, issued in 1998, condemned the Serbian government's policy towards Kosovars and warned against the KLA of its actions. At the same time, the decision was made to impose an arms embargo on the FRY and both sides have been called for negotiations. The resolution specifically stated that all member states respect the sovereignty and territorial integrity of the FRY. This was the first UN Security Council resolution on the Kosovo issue.⁸³ Russia and China, on the other hand, considered Kosovo as an internal issue of Yugoslavia and emphasized national integrity and sovereignty.⁸⁴

⁸¹Latawski, P., & Smith, M. A. (2003). The Kosovo crisis and the evolution of a post-Cold War European security: The Evolution of Post Cold War European Security. Manchester University Press, p.6

⁸² Steinke, R. R. (2015). A Look Back at NATO's 1999 Kosovo Campaign: A Questionably "Legal" but Justifiable Exception? *Connections*, 14(4), p.46

⁸³UN Security Council, *Security Council resolution 1160 (1998) [On the letters from the United Kingdom (S/1998/223) and the United States (S/1998/272)]*, 31 March 1998, S/RES/1160 (1998)

⁸⁴ United Nations Security Council (UNSC), 3868th Meeting (31 March 1998) UN Doc S/PV.3868/Corr.1

At the relevant meeting, the Security Council adopted Resolution 1160 in favor of 14 and with China's abstention. The resolution condemned the Security Council's Serbian authorities for their use of excessive force and called for the re-establishment of Kosovo's autonomy. In accordance with Resolution 1160, the Secretary-General has regularly submitted reports on the situation in Kosovo and the implementation of the resolution. In reports on the progress of the situation in Kosovo, the Secretary-General stated that tensions between the parties remain in Kosovo and that the situation is getting worse.⁸⁵ The UN Secretary-General's reports following security council resolutions highlighted the looming threat of humanitarian catastrophe, especially for Kosovo.

At its meeting 3918, the Security Council said it shared the Secretary-General's concerns about Kosovo and that with the increase of displaced people and the impending barracks, the situation could turn into a larger humanitarian catastrophe.⁸⁶ Secondly, at the UN Security Council Meeting 3930, member states took resolution 1199 on the Kosovo issue on 23 September 1998, referring to the worsening humanitarian situation.⁸⁷

The UN resolution warns that the situation is becoming direr and that a humanitarian catastrophe could occur on both sides. It is also stated that both sides should take precautions in this situation. Representatives of international organizations and states should be in the region in order to observe the situation and this should not be prevented. Based on this, the Kosovo Verification Mission (KVM) was established, and following the second decision announced, NATO also threatened to use force if FRY ignored the warnings.⁸⁸

⁸⁵ UN Documents, S/1998/608, "Report Of The Secretary-General Prepared Pursuant To Security Council Resolution 1160 (1998)"

⁸⁶ United Nations Security Council (UNSC) 3918th Meeting (24 August 1998) UN Doc S/PV.3918

⁸⁷ United Nations Security Council (UNSC), RESOLUTION 1199 (1998) (23 September 1998) UN Doc S/RES/1199 (1998)

⁸⁸ Krieger, H. (2012). *The Kosovo Conflict and International Law: An Analytical Documentation 1974–1999* (Cambridge International Documents Series, Series Number 11) (1st ed.). Cambridge University Press.

Acting under Section VII of the Council with Resolution 1199, the Council called on the Serbian police to immediately end the repression and violence on Albanians, to stop the terrorist acts of the KLA, to immediately initiate a meaningful political dialogue with Kosovo, and to take the necessary measures. Member states have been asked to refrain from any behavior that may assist terrorist acts and to maintain an arms embargo. The resolution also stated that a committee will be formed under the Security Council to oversee the implementation of the conditions and that OSCE representatives in the region should give periodic reports on the situation to the UN Secretary-General.⁸⁹

Following 1199 Resolution, NATO's first formal moves toward military participation in Kosovo were taken on September 24, when it issued an Activation Warning (ACTWARN) for both a limited air option and a phased air campaign in Kosovo.⁹⁰

By the summer of 1998, approximately 30,000 Serb interior police and army soldiers were involved in a methodical campaign to eliminate the KLA. Serb soldiers massacred 34 civilians in the village of Gornji Obrinje in late September. By early October, 450,000 Kosovar Albanians had been evicted from or abandoned their homes, accounting for 25% of the population of Kosovo. About 50,000 of them were gathered in the mountains, without food or shelter.⁹¹

⁸⁹ United Nations Security Council (UNSC), RESOLUTION 1199 (1998) (23 September 1998) UN Doc S/RES/1199 (1998)

⁹⁰ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 1 October 2001, 2645, p.37

⁹¹ Daalder, I. H., Layne, C., & Schwarz, B. (1999). NATO and Kosovo. *The National Interest*, 58, p.114

Richard Holbrooke, the U.S. ambassador, traveled to Belgrade for meetings with Milošević. Simultaneously, following the Gornje Obrinje assassinations, the Serbian police and Yugoslav army ended their summer assault in late September and began a gradual retreat from Kosovo. Milošević offered Holbrooke several concessions after the attack ended: a cease-fire, NATO air surveillance to ensure that it conforms with UN Security Council Resolution 1199, and the installation of an OSCE observer mission named the Kosovo Verification Mission (KVM). The KVM had 2,000 observers in the field by January 1999. Human rights observers were also stationed around the region to keep an eye on infractions, document them, and report them publicly. Following that, NATO mediated an agreement that limited the number of Yugoslav Army and Serbian Ministry of Internal Affairs forces that could be stationed in Kosovo. The Yugoslav administration consented just hours before the deadline for achieving these restrictions.⁹²

At council meeting 3937, members stressed that the international community is "acting to prevent a humanitarian crisis"⁹³ and expressed concern about the "worsening humanitarian situation" with the scale of the conflict reflected in civilians.⁹⁴

The President of the Council stated that the situation in Kosovo poses a threat to international peace and security and human rights in the region, is a harbinger of a humanitarian catastrophe to a greater extent than it is now, and on behalf of the UK, there will be notwithstanding the humanitarian catastrophe in Kosovo."⁹⁵ Ensuing, the provisional armistice accords, and its supervision were confirmed and verified by UN Security Council Resolution 1203 on October 24, 1998. The Organization for Security and Cooperation in Europe (OSCE) was tasked with oversight.⁹⁶

⁹² Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 1 October 2001, 2645, p.38

⁹³ United Nations Security Council (UNSC), 3937th Meeting (24 October 1998) Un Doc S/PV.3937

⁹⁴ *ibid.*

⁹⁵ *ibid.*

⁹⁶ Patomäki, H. (2002). Kosovo and the end of the United Nations? In P. van Ham & S. Medvedev (Eds.), *Mapping European security after Kosovo*, Manchester University Press, p.94

The resolution, at meeting 3937, was approved by the abstentions of China and Russia and by 13 votes in favor. Resolution 1203, taken by the Security Council on 24 October 1998, welcomed the agreements between NATO and the OSCE and Yugoslavia and demanded immediate implementation and said that the previous resolutions 1160 and 1199 were expected to be implemented. In this resolution, it was stated that the events in Kosovo pose a threat to regional peace and security and that all states should respect the territorial integrity of the FRY. OSCE Verification Mission in Kosovo and the NATO Air Verification Mission over Kosovo were approved. The Yugoslav Special Police and military forces have been obliged to show restraint and limit their intense presence in Kosovo as a result of NATO's unity and determination. The two Activation Orders (ACTORDs) for restricted air operations and the phased air campaign, though, persisted indefinitely because, as Solana put it, "the crisis is far from finished."⁹⁷ NATO's preparations were revealed that day by U.S. Secretary of State Madeleine K. Albright words "If Skopje agrees, a response force with forwarding components will be stationed in Macedonia. Its goal will be to guarantee that Alliance troops are ready to reply in the event of a crisis."⁹⁸

Despite these steps, the situation in Kosovo was rekindled in early 1999 as a result of excessive and disproportionate use of force by the Serbian army and special forces and increased provocations on both sides. Some incidents were prevented by mediator efforts by OSCE representatives, but the situation worsened in mid-January when Serbs stepped up attacks against Kosovo Albanians.

On January 15, 1999, in the massacre carried out by the Serbian forces on the Albanian village of Racak in the south of Kosovo, on the route between Pristina and Prizren, 45 people lost their lives.⁹⁹

In its report dated January 15, 1998, the KVM blamed soldiers of the Federal Republic of Yugoslavia and Serbian special police for the massacre that killed 45 Albanians in the village of Racak. The UN Security Council condemned the Racak massacre and described the events as a threat to efforts to resolve the conflict through peaceful means and negotiation.¹⁰⁰

⁹⁷ United Nations Security Council (UNSC), Resolution 1203(24 October 1998) Un Doc S/RES/1203

⁹⁸ Stefan Troebst, "Conflict in Kosovo: Failure of Prevention? An Analytical Documentation, 1992-1998", ECMI European Center for Minority Issues, 1998, p.16

⁹⁹ Médecins Sans Frontières International Movement. (1999, September). *MSF Speaking Out Case Studies - Violence against Kosovar Albanians, NATO's intervention 1998-1999*. p. 62

¹⁰⁰ *ibid* 64

The Racak massacre has accelerated diplomatic activities, with the Contact Group meeting in London on January 29th taking on a mediating role and urging the parties to negotiate. In Chairman's Conclusions, it was stated that despite International Community's efforts, it was stated that the violence continued on a daily basis in Kosovo and that people left their houses as a result of the Racak Massacre, and the violence must be stopped.¹⁰¹

¹⁰¹ Chairman's Conclusions in Contact Group – London, 29 January 1999

1. Rambouillet

This attack on Racak Village is seen as an ethnic massacre by international organizations and states. With this attack, FRY violated the treaties it signed. The number of forced confrontations grew as a result of this massacre, and NATO, which had been on standby, took steps to act. The Contact Group, which met on January 29th, summoned the warring parties to the city of Rambouillet¹⁰²¹⁰³

Regarding the administration, Kosovars were scheduled to establish their own legislative, executive and judicial bodies, but in addition to recognizing this right, the Kosovo government was tasked with working in line with the Serbian government and ensuring the representation of all ethnic minorities on a governance basis. Apart from these principles, another point determined in relation to the region is that human rights and the implementation of the agreement will be regulated and supervised by foreign representatives.¹⁰⁴ The Treaty of Rambouillet includes:

- Kosovo will be granted the right to autonomous governance under the YFC, and accordingly, the Federal Republic of Kosovo will be established.
- Indiscriminately establish a common market in this federal republic, it will have authority over issues such as federal tax, foreign policy, customs, defense, and the YFC will respect this.
- The YFC will not be able to intervene in the Kosovo administration, but Kosovo will be able to recruit members of the YFC assembly.
- Kosovo will be able to establish its court and education systems. These include the Supreme Court and the Constitutional Court.
- Kosovo will have its own police force, and Serb border police will only have duties at Kosovo's borders.
- Kosovo may have an army, but it will not have heavy weapons such as armored vehicles, tanks and air defense systems.

¹⁰³ United Nations Security Council (UNSC), Statement by the President of the Security Council (29.01.1999)
UN Doc S/PRST/1999/5

¹⁰⁴ Weller, M. (1999). The Rambouillet Conference on Kosovo. *International Affairs (Royal Institute of International Affairs 1944-)*, 75(2), p.124

Under the draft plan in Rambouillet, a three-year interim agreement would be signed and Kosovo would be granted broad autonomy within Yugoslavia. The deployment of NATO military force to Kosovo has been included in the agreement to guarantee peace.¹⁰⁵ Neither side was satisfied with the Rambouillet Treaty. The delegation of Kosovo Albanians wanted to secede from Serbia and gain independence. What at first glance looked like a peace deal was nothing more than a classic ceasefire, as it did not bring a viable solution to Kosovo's future status. Kosovo continued as a province with broad autonomy. This did not please the Kosovo delegation and did not meet the Albanian people's longstanding demands for independence. Therefore, the Albanian delegation, led by Hashim Thaci, stood for a while not to accept the treaty because it did not talk about Kosovo's much-anticipated independence. The deadline to accept the agreement was February 20, 1999. The deal was postponed for another three days because it was not accepted by the two delegations. The three-day talks took place under the supervision of U.S. Secretary of State Madeleine Albright. By mediating between adversary delegations, she attempted to persuade Kosovo Albanians to give up. Later, Serbia would be seen as an obstacle and force could be used to get them to accept the agreement."¹⁰⁶

The stubborn stance of Hashim Thaci, or the Kosovo delegation, was persuaded with diplomatic efforts. Hashim Thaci was extremely resistant to sign the agreement and he was the last one to accept the agreement among Kosovar Albanian representatives. The U.S. mediators (Madeleine Albright and James Rubin particularly) and their Contact Group members were trying all they can to persuade the Kosovo Albanians to sign the agreement.¹⁰⁷

¹⁰⁵ Warbrick, C. (2008). Kosovo: The Declaration of Independence. *The International and Comparative Law Quarterly*, 57(3), p.67

¹⁰⁶ Schwarz, P. (1999) "The Failure of the Rambouillet Conference", World Socialist Web, <https://www.wsws.org/en/articles/1999/02/kos-f26.html>

¹⁰⁷ Wille, T. (2019) "Representation and Agency in Diplomacy: How Kosovo Came to Agree to the Rambouillet Accords." *Journal of International Relations and Development* 22 (4): p.20

Following the Rambouillet meeting, the Kosovar committee went to Kosovo to persuade their communities of the agreement's prospects. Meanwhile, negotiators Christopher Hill and Wolfgang Petritsch remained in contact. Former U.S. Senator Bob Dole, a noted admirer of Kosovo Albanians, traveled to the region to persuade the KLA to sign. Joschka Fischer, the German foreign minister, came to Pristina with his government, which had the EU presidency at the time. The Kosovar and Yugoslav/Serbian delegations agreed to meet two weeks later, on March 15, 1999, in Paris, as proposed by the Contact Group. During the first day of the conference, the Kosovars publicly told the international mediators that they were ready to sign Rambouillet.¹⁰⁸

On March 18, 1999, representatives of Kosovo Albanians signed the Rambouillet Agreement, but again FRY and Serbia rejected to sign.¹⁰⁹

Serbian Delegation refused to accept the Rambouillet Treaty, considering its interference in the internal affairs of the Federal Republic of Yugoslavia, and started opposing the text of the agreement. Because Russia had a dissident voice inside the Contact Group, the Contact Group offer was mostly a NATO initiative. Rambouillet demanded Serbia to approve a 28,000- NATO-led Kosovo Force (KFOR) to monitor the process and to be permitted to use force if needed against any party that broke the agreement. Non-NATO members were to be "subject to the direction and political supervision of the North Atlantic Council (NAC) through the NATO chain of command" According to The Serbs, the agreement meant giving up their sovereignty because the objectives that underpinned, included the forces to move and take action freely not only in Kosovo but in the whole Yugoslavian Territory.¹¹⁰

Serbia has demanded that the troops be provided by the UN or a joint union between Europe and Russia. However, this proposal was strongly opposed by the United States, and the U.S. explained that their participation in this plan could only take place if NATO troops were accepted.¹¹¹ As a result, the provisions related to NATO have not been amended and representatives of the Serbian Government have refused to sign the agreement.

¹⁰⁸ *ibid* p.22

¹⁰⁹ J.Vidmar (2010) *Kosovo: Unilateral Secession and Multilateral State-Making* ,p.147

¹¹⁰ Herring, Eric. (2000). From Rambouillet to the Kosovo accords: NATO'S war against Serbia and its aftermath. *The International Journal of Human Rights*. p.6

¹¹¹ A.Gunder (1999), '*Rambouillet Steps To War*' ,

http://www.rrojasdatabank.org/agfrank/nato_kosovo/msg00123.html

Richard Holbrook, was appointed by U.S. President Bill Clinton on March 22nd and sent to Belgrade as a final diplomatic attempt to persuade Milošević to accept the Rambouillet Peace Agreement and warned that they would otherwise face NATO air campaign.¹¹²

When Yugoslavia rejected the Rambouillet Agreement, NATO launched an air campaign in the region on 24 March 1999, under the name Allied Force Operation, without a UN resolution. With NATO's intervention, the process has moved to a different dimension.

¹¹² NATO&Kosovo: Historical Overview, “NATO's role in relation to the conflict in Kosovo”, <http://www.nato.int/kosovo/history.htm>

2. A Close Look to Actors in The Path of Intervention

Faced with a continuous civil conflict that threatens to destabilize the Balkans in 1998, the international community has launched a diplomatic campaign to end the violence and bring peace to Kosovo. The Contact Group on Former Yugoslavia, U.S. Secretary of State Madeleine Albright, Russian President Boris Yeltsin, and U.S. Special Envoys Robert Galbarda and Richard Holbrooke, conducted discussions among both sides of the war.¹¹³ As the Kosovo Crisis grew, three different views emerged about intervention. These are interventionists such as the United States, Britain, and Turkey; Those who do not like the idea of intervention, such as Germany, France, Greece, and Italy, and who are completely opposed to intervention, such as Russia and China. It is possible to state that the main debate was between the United States and Russia. While the crisis in the Balkans, led to the active policy of the United States as a global power, Russia was able to adapt to the issue during the events of the transition period in the 1990s. Different dynamics were influential in determining the Balkans policy of both actors and they were in contrast to each other, as seen in the case of Kosovo.

Throughout the period, the ideas shifted for some countries but operation against Yugoslavia enraged China and Russia immensely. They saw NATO's campaign in Kosovo as a war of aggression mainly because it was a sovereign state outside of NATO's borders and for them, it was an affirmation of the unipolar world order, United States being the global hegemon since the operation was led by the U.S.¹¹⁴

¹¹³ Nowakowska-Krystman, A., & Żakowska, M. (2015). Conflict in Kosovo through the Conceptual Framework of Stakeholders. *Connections: The Quarterly Journal*, 14(4), p.73

¹¹⁴ Sakaguchi, Y. S., & Mayama, K. M. (2002). Significance of the War in Kosovo for China and Russia. *NIDS Journal of Defense and Security*, 3. p.1

2.1. United States' Perception of Kosovo

Since the re-surfacing of the Yugoslav crisis in 1989, the U.S. presence has played an important role in calming the situation in Kosovo and guiding Albanian demands.

In post-Tito era, there were three significant concerns, contrasting ethnic agendas persisted, the economy was dysfunctional, and the country's institutional system couldn't keep Yugoslavia together. After the death of Tito, who had managed to balance the separate claims of the six republics in Yugoslavia until this time, hopes of preventing the country's disintegration were gradually lost.¹¹⁵

When Milošević took power in Serbia in the late 1980s, his initial efforts were aimed at ending the province's domination by Kosovo Albanians, massive violations of the rights of Albanians began to emerge. Kosovo has become a typical human rights situation concerning the denial of minority rights. The United States Congress was originally drawn to the problem because of this element. Most of the Congress members had an unflinching lean for democracy and self-determination, and they supported Kosovo's independence. The Executive Branch, eager to keep Yugoslavia together, insisted that Kosovo remain a part of Serbia. The views of the public and lobbies reflected in the congress have been an important determinant of US policy in Yugoslavia. In particular, the Albanian Lobby has demonstrated its effectiveness in foreign policy decisions of the US Congress, especially considering the situation in Kosovo. Despite significant congressional backing for the Kosovo Albanians, neither the Congress nor the Executive Branch had any desire to protect them militarily before Yugoslavia's disintegration.¹¹⁶

The crisis in Yugoslavia has not been a priority at the beginning for the United States and the international community, which are mostly engaged in the Middle East. Other events of the period; The First Gulf War, U.S. interests in the Middle East, the dissolution of the Soviet Union, and the Somali Crisis were at the forefront.¹¹⁷

¹¹⁵ Anderson, D. A. & Parliamentary Research Service. (1995). *The Collapse of Yugoslavia : Background and Summary* (No. 14). Department of the Parliamentary Library. p.i

¹¹⁶ Azrael, J.R., & Payin, E.A. (1997). *U.S. and Russian Policymaking with Respect to the Use of Force*. Santa Monica, Calif.: RAND Corporation, CF-129-CRES, 1996 pp. 180-181

¹¹⁷ Gibbs, D. N. (2009). *First Do No Harm: Humanitarian Intervention and the Destruction of Yugoslavia* (22304th ed.). Vanderbilt University Press., p. 76

During this period, it was thought that it would be appropriate to manage the crisis in Yugoslavia by the European Union, which was trying to develop a common defense and foreign policy.

United States had two reasons for gladly staying in the background whereas the Europeans, encouraged by achievements in economic and political union, took the lead. The first reason was to enhance European morale by allowing the European Community (EC) to participate in SFRY, due to the demand from the European side to operate as a single entity and secondly, the thought of Europe can have more influence in its own backyard. ¹¹⁸

¹¹⁸ Đorđević, V. D. (2012). *Hesitant to Engage: US Intervention in the Balkans from Yugoslav Dissolution to the Kosovo Campaign* | *Středoevropské politické studie / Central European Political Studies Review*. Muni Journals, p.230

However, the failure of EU efforts to solve the problem has paved the way for the United States to focus on the region. The United States demonstrated that it was the critical nation for a region with a long history of suffering.¹¹⁹ Yet, George H.W. Bush was particularly reluctant in his policy towards the Balkans when taking the first steps towards establishing US hegemony. For various reasons, involvement in Yugoslavia was undesirable to the Bush administration: It was a European concern with insignificant economic and geopolitical relevance¹²⁰ and the criteria of American humanitarian intervention throughout the 1990s was to find a balance between the possibility of doing good and the danger of embroilment, that's why while the US invaded Panama in 1989, freed Kuwait in 1991, and committed troops to Somalia under President Bush, United States resisted to the requests to intervene in the Balkan conflict at the time of Bosnia's civil war. Explaining it as "massively tangled up in an area that is extraordinarily difficult to combat."¹²¹ After pulling back from the brink in Bosnia, President Bush, towards the end of his presidency, took an unexpected move in Kosovo.¹²² In his so-called Christmas Warning in December 1992, he warned that "in the case of unrest in Kosovo provoked by Serbian activity, the United States will be willing to use military force against Serbians in Kosovo and Serbia proper." President Bush's remarks demonstrated a more committed and concentrated approach to the issue by including the threat of action. The Christmas Warning demonstrated that the US is more concerned about and aware of the potential for the crisis to worsen than Europe and the UN.¹²³ In the election campaign of 1992, Bill Clinton harshly criticized Bush for not mentioning the bloodshed in Bosnia and urged the government of Bosnia to expect greater direct US involvement if Bush is not reelected. While Clinton kept giving promises after taking the office, his approach was quite similar to that of the Bush administration.¹²⁴

¹¹⁹ Xhambazi, V. *"The Kosovo Moment: The United States and the Post-Cold War Balkans"* (2018). Master of Arts (MA), Thesis, International Studies, Old Dominion University, p.24

¹²⁰ *ibid*

¹²¹ Dunn, D. H. (2009). Innovation and Precedent in the Kosovo War: The Impact of Operation Allied Force on US Foreign Policy. *International Affairs (Royal Institute of International Affairs 1944-)*, 85(3), pp. 532-533

¹²² Azrael, J.R., & Payin, E.A. (1997). *U.S. and Russian Policymaking with Respect to the Use of Force*. p. 193

¹²³ Skrpec, D. (2003). European and American Reactions to Kosovo: The Policy Divide Revisited in the Iraq War. *SAIS Review (1989-2003)*, 23(2), p.96

¹²⁴ Anderson, D. A. & Parliamentary Research Service. (1995). *The Collapse of Yugoslavia : Background and Summary*, p. 21

Clinton's stance on the use of force in Bosnia reflected the swings in popular opinion in the United States. In May and July of 1992, surveys revealed that the population was opposed to air attacks against Serbs. As a result, Clinton was opposed to greater US participation in Bosnia during this time. With the allegations of "ethnic cleansing" and photographs of Serb-run detention camps, the situation has become tense. In August 1992, the public was split on whether air attacks or ground forces should be used. Clinton then changed gears. During election campaigns, he criticized Bush's stance, and during Clinton's first year in office, 1993, public support dwindled. Clinton made the decision not to interfere.¹²⁵ Less than one month, Clinton reaffirmed his commitment to US participation in the Balkans. He suggested that the United States ought to be more assertive in its response to Serbian aggression. "We've got to get the big weapons out of use.... we've got to strengthen the embargo against the Serbs," Clinton added specifically. We should launch a UN war crimes investigation and strictly enforce the no-fly zone against Serbian aircraft."¹²⁶ Clinton considered that the embargo simply prevented Bosnian Muslims and Croats from self-defense while benefiting Bosnian Serbs since they were armed by the Yugoslav Army. The removal of the embargo would bring the war to a halt faster than the status quo. The U.S. tried to persuade European leaders to end the weapons embargo. Europe, particularly the United Kingdom, was adamant about not lifting the embargo. It was seen as an attempt to "level the playing field," which would only lead to further bloodshed. They also felt that easing the arms embargo would lead Bosnian Muslims and Croats to pursue a military option rather than a negotiated one.¹²⁷

¹²⁵ Carey, H. F. (2001). U.S. Domestic Politics and the Emerging Humanitarian Intervention Policy: Haiti, Bosnia, and Kosovo. *World Affairs*, 164(2), p.75

¹²⁶ Covington, J. (2015). *VISIONARY POLICY: BILL CLINTON, THE BOSNIAN WAR, AND AMERICAN FOREIGN RELATIONS IN THE POST-COLD WAR ERA, 1992-1995*. Chapel Hill, NC: University of North Carolina at Chapel Hill Graduate School., pp.45-46

¹²⁷ Ibid 59-60

In September of 1995, Holbrooke launched an intensive diplomatic campaign, backed by NATO military operations. White House's focus was on Bosnia. Holbrooke convened the three foreign ministers of Serbia, Croatia, and Bosnia and Herzegovina in New York to establish a list of principles that would serve as the foundation for a peace agreement. On October 5, a sixty-day cease-fire was agreed upon, one week later it went into force. On November 1, proximity discussions began in Dayton, Ohio, and on November 21, a peace deal was reached.¹²⁸

Accordingly, Bosnia was first recognized as a sovereign state with its existing borders. Second, Bosnia and Herzegovina would consist of two units, one with the Bosniak-Croat Federation (51 percent) and one with Republika Srpska (49 percent), with their own armies, their own parliaments, and their own heads of state. Third, Sarajevo was decided to become the indivisible capital of the Bosnian Croat Federation. Fourth, war criminals would be barred from entering public office in Bosnia. Finally, NATO would oversee the implementation of the terms of the Agreement with 60,000 troops through the IFOR (Implementation Force).¹²⁹

¹²⁸ Jane M. O. Sharp. (1997). Dayton Report Card. *International Security*, 22(3), pp.112-113

¹²⁹ United States Central Intelligence Agency. (1995) *Dayton Agreement, 24 November: Bosnia and Herzegovina*. [Washington, D.C.: Central Intelligence Agency] [Map] Retrieved from the Library of Congress, <https://www.loc.gov/item/2009584228/>.

Based on the Dayton agreement, Holbrooke and diplomats from the United States developed a comprehensive peace plan later to be discussed with the other members of the Contact Group. Meanwhile, both U.S. and Russian defense ministers, William Perry and Pavel Gratchev reviewed the terms of Russian involvement in a NATO-led peacekeeping mission.¹³⁰

The U.S. delegation's centralization of the negotiations was crystal clear; they raised the matter of territorial partition and other critical problems on their own and they were determined to be in control of the dissemination of information out of the Air Base by themselves. In the end, members of the Contact Group were dissatisfied.¹³¹

It can be said that the U.S. delegation focused on the territorial issues of the negotiations and ensured that choices regarding the military execution of the agreement were supported by their government. Meanwhile, European countries were focused on political and constitutional issues in order to construct long-term political frameworks.

The capabilities for peace implementation were divided in accordance with such diverse priorities: the Western nations had previously decided in advance that the US would lead the military mission, primarily coordinated within NATO. Whereas NATO and its U.S.-led command were in charge of the military operation, European countries were more concerned with two key issues of civilian implementation: the civilian administrator's responsibilities and power, along with his relationship with the military leadership.

Furthermore, American negotiators, pressed on by American NATO circles, thwarted an agreement that would have institutionalized consultations and debates between the civilian administrator and the military leadership. The US military was concerned that civilian involvement would lead to issues similar to those experienced by the UN and NATO during United Nations Protection Force (UNPROFOR) when the UN and NATO had to agree on the use of military force together, this agreement proved to be unfeasible due to the UN's lack of a permanent operational headquarters.¹³²

¹³⁰ Schwegmann, C. S. (2000). *The Contact Group and Its Impact On The European Institutional Structure* (No. 16). The Institute for Security Studies Western European Union, p. 6

¹³¹ *ibid* p.7

¹³² *ibid* p.8

The Dayton Peace has resolved the Bosnian crisis, but there is not complete stability in the Balkans. During the Bosnian War, the Kosovo issue was almost forgotten, and there was no reference to Kosovo in the Dayton Peace Treaty signed after the war, even though Kosovar Albanians were in great expectation. Milošević, who persuaded Bosnian Serbs to agree to the Dayton Treaty, was seen by Western countries as an element of stability in the Balkans; in this way, Milošević maintained the power and prevented Kosovo from leaving Serbia's territory.¹³³ As a result, the failure to handle the Kosovo issue in Dayton led to the region's instability and escalation of violence, strengthening the Kosovo Liberation Army.¹³⁴

In this environment of rising violence, Milošević permitted the United States to build an office in Pristina, which Kosovar Albanians greeted enthusiastically as a sign of expanded American participation. The office was announced earlier in February and established in July 1996.¹³⁵

In 1998, KLA assaulted police officers and, even if it was rare, Serb civilians. The Serbian Army and paramilitary forces responded, and the conflict increased its pace to target civilians. Serb forces launched a military operation in the summer of 1998 to defeat KLA and retake Drenica Valley, resulting in the first large-scale evacuation of Albanians from their settlements to the hills. KLA refused to negotiate and Western efforts to bring the Albanians and Milošević together backfired.

¹³³ Malcolm, N. “*Kosovo: A Short History*”, p. 353

¹³⁴ Behnke, A. (2002). ‘v.v.v.nato.int.’: virtuousness, virtuality and virtuosity in NATO’s representation of the Kosovo campaign. In P. van Ham & S. Medvedev (Eds.), *Mapping European security after Kosovo* (pp. 126–144). Manchester University Press, p.136

¹³⁵ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 1 October 2001, 2645, p. 27

2.1.1. Rambouillet for the United States

On October 5th the same year, U.S Envoy Richard Holbrooke return to come up with a solution to the Kosovo situation. Since NATO was threatening Milošević with airstrikes, Holbrooke used it as a political tool and was able to secure Milošević's agreement in October 1998 to retreat the majority of his forces and, more importantly, to allow 2,000 unarmed international inspectors to confirm adherence with the agreement as a "confidence-building measure" for the civilians, and this was called Kosovo Verification Mission, or KVM.¹³⁶ However, the ceasefire since October 1998 has led to the increasing strengthening of the KLA in Kosovo. As a result, Milošević restarted operations, and the ceasefire ended. The massacre in the village of Racak on 15 January 1999 was deemed to have been committed by the army or militia, bringing back accusations of ethnic cleansing and genocide. In order to find a political solution to the problem of the developments, it was proposed to organize a conference by the Contact Group. This conference, started at Rambouillet on 6 February 1999.¹³⁷ In Rambouillet, the United States promised the Kosovar Albanians three years of temporary self-government without any assurance of independence, a NATO peacekeeping force to defend them from the Serbs, and the threat of NATO airstrikes to entice Serbian cooperation.¹³⁸

February 19th is the final stage for reaching an agreement on a revised 24-page peace plan compiled by the Contact Group.¹³⁹ The plan is based on a three-year interim period. They assessed that Serbia could in reality lose all power over Kosovo (the government) and that with the granting of very large-scale autonomy to the disputed province of Kosovo, there would be only limited institutional ties with Yugoslavia.

Indeed, the process of reaching an agreement on this plan has progressed exceptionally slow, according to Secretary Cook, the Serb delegation was impeding progress.¹⁴⁰

¹³⁶ O'Neill, W. G. (2001). *Kosovo: An Unfinished Peace (International Peace Academy Occasional Paper Series)*. Lynne Rienner Pub., p. 24

¹³⁷ Kubo, K. (2010). "Why Kosovar Albanians Took Up Arms against the Serbian Regime: The Genesis and Expansion of the UÇK in Kosovo" p.1149

¹³⁸ Hooper, J. (1999). Kosovo: America's Balkan Problem. *Current History*, 98(627),p.4

¹³⁹ Balkans Watch: February 2, 1999 : <http://www.monde-diplomatique.fr/dossiers/kosovo/rambouillet.html>

¹⁴⁰ Kim, J. K. (1999). *Kosovo Conflict Chronology: September 1998 - March 1999*. Library of Congress. Congressional Research Service. p.15

The Kosovan delegation had made extensive remarks on the draft at the conclusion of the first week in Rambouillet. Rambouillet was prolonged but the Serbs refused to submit formal representations, instead of agreeing to endorse the non-negotiable principles. Since there were no specific responses from the Serb group, Ambassador Hill proceeded to Belgrade with a senior member of the Serb delegation to meet with President Milošević. This pushed the Serbs to submit a formal response on the document over two weeks after the meeting began.

¹⁴¹ The Contact Group, excluding Russia, strongly preferred NATO to be the primary military guarantor of potential peace. This desire was shared by the Kosovars but was vigorously opposed by the Serbs. ¹⁴²

¹⁴¹ Wanis-St.John, A. W. (2008). The Rambouillet Negotiations: A Precursor for Failure? *The Diplomatic Courier*, 1(2). p.42

¹⁴² *ibid*

As of February 18, 1999, tensions between Russia and Western countries have increased as they struggle for a political settlement solution in Rambouillet. The tension is due to the fact that the United States wants to deploy 51 heavy bombers in European countries for use in airstrikes against Yugoslavia in case the negotiations fail. The United States has stated that it will take such an approach, in the statements of Foreign Minister Albright, before the Rambouillet negotiations have even started. Albright mentioned a NATO air campaign, but did not comment on-ground operations. Boris Yeltsin, the leader of the Russian Federation, which has traditionally pursued a pro-Serb policy, warned against an airstrike on Yugoslavia, while sending a Russian mediator in Rambouillet to persuade Milošević to accept the NATO peacekeeping force as a separate Russian initiative.¹⁴³ When US Secretary of State Madeleine Albright came to Rambouillet on February 20 for final talks, the summit was on the point of collapsing. The Serbs, as expected, rejected the accord. Milošević even ignored the head of the U.S. delegation throughout his visit to Belgrade during the talks. Thaci, the chairman of the Kosovo Albanian delegation, refused to sign.¹⁴⁴ On February 22, Albright guaranteed Kosovar Albanians that a referendum on Kosovo's final status would be held in three years. Hence, this "peace offer" would have taken Belgrade's sovereignty in its central province of Serbia, paving the way for Kosovo's independence. As a bribe, Rambouillet assured Milošević what he knew NATO couldn't: the disarming of the KLA. Behind the scenes, a senior State Department official confessed that NATO "intentionally set the standards higher than the Serbs could accept" as a reason to attack.¹⁴⁵

¹⁴³ Seelye, K. Q. (1999, April 25). CRISIS IN THE BALKANS: THE ABSENTEES; Russia, the Nation That Isn't There, Looms Larger for Allies at the Summit. *The New York Times*

¹⁴⁴ Hooper, J. (1999). Kosovo: America's Balkan Problem. *Current History*, 98(627) p.5

¹⁴⁵ RATLIFF, W. E. (2001). "Madeleine's War" and the Costs of Intervention: The Kosovo Precedent. *Harvard International Review*, 22(4), p.72

The U.S. promptly rejected all of the Serbian delegation's requests, even though several of them were approved by other members of the Contact Group.¹⁴⁶ The Kosovar Albanian delegation conditionally approved the peace plan shortly after the Rambouillet summit deadline had passed on February 23. The delegation signed a document saying they may sign the deal after two weeks of talks in Kosovo, even though it did not sign the draft peace plan. The Albanians' last-minute assent was welcomed by U.S. authorities. The Serbian delegation released a statement calling for more talks to take place. Yugoslavia reiterated its opposition to a NATO-led military force in Kosovo, but said it would examine "the scale and type of an international presence in Kosovo for the execution of an accord."¹⁴⁷ Because it was critical that the agreement be finalized and signed in its entirety, the Contact Group announced that the parties had agreed to meet again on March 15 to discuss all issues of implementation. This new summit, it seems, would not be a mere signature gathering, nor would it be a forum for reopening conversations about a political settlement. Instead, the conversations appeared to be aimed only at implementation—the precise problems that had been proclaimed non-negotiable during the whole Rambouillet process.¹⁴⁸

The delegation representing Kosovo Albanians signed the peace agreement on March 18th, but talks ended after the Serbian delegation's rejection.¹⁴⁹ Rambouillet was seen by Serbs as paving the way for NATO intervention and Kosovo independence and was rejected by Milošević.

NATO's intervention on Yugoslavia was officially justified by Milošević's rejection to sign Rambouillet.¹⁵⁰ According to Schwarz, the approach taken to make the Serbian government sign the agreement was as an ultimatum. The secrecy surrounding its contents imply that the Rambouillet talks were intended to provide a pretext for war rather than a diplomatic solution to the Kosovo crisis.¹⁵¹

¹⁴⁶ Sørensen, J. S. S. (2013). Reconstituting Crisis: Revisiting the Dayton and Rambouillet Agreements and their impact in Kosovo. In *Mediation and Liberal Peacebuilding*, Routledge, p.52

¹⁴⁷ Kim, J. K. (1999). "Kosovo Conflict Chronology: September 1998 - March 1999" p.16

¹⁴⁸ Weller, M. (1999). "The Rambouillet Conference on Kosovo. *International Affairs*" p.234

¹⁴⁹ Kim, J. K., & Woehrel, S. W. (2008). *Kosovo and U.S. Policy: Background to Independence*. Library of Congress. Congressional Research Service. p.4

¹⁵⁰ Schwarz, P. (1999). RAMBOUILLET ACCORD PROPOSED NATO OCCUPATION OF ALL YUGOSLAVIA. *Peace Research*, 31(2)p.24

¹⁵¹ *ibid* p. 25

With remarks from spokesperson Joseph Lockhart and special advisor to Clinton, Tony Blinken, the U.S. side made the link clear. Lockhart, stating that Clinton was hoping for a trustworthy solution by giving the example of Bosnia, on 24 March and Tony Blinken supporting him on April 1999, by implying Milošević will change his opinion after “facing with NATO airplanes”, as happened in Bosnia. Nevertheless, Bosnia and Kosovo weren’t the same cases in Milošević’s eyes. When Milošević agreed to the Dayton Peace agreement, Serb forces were far from a victory and by Dayton, they became able to construct the Serb Republic within Bosnia and Herzegovina and it could even be a step for “Greater Serbia”. For Rambouillet, Serbs had a significant advantage on the battlefield in Kosovo and Rambouillet would mean undoubtedly, Serb minority rule coming to an end and the possible loss of Kosovo, which was in the heart of Serbian nationalist ideology. NATO didn’t look for the halfway point and started bombing.¹⁵²

To understand the attitude of United States in Kosovo, it is important to understand the key principles of the foreign policy in the 1990s of the country.

The "official" motivations for U.S. participation are listed as follows in President Clinton's March 24, 1999 speech: humanitarian, which is explained by the likelihood of the conflict will impact nearby countries, national interest, and preserving NATO's credibility as a united and powerful organization. Clinton declared repeatedly that he intervened in Kosovo since he couldn't wait and watch the same scenario in Kosovo that had happened in Bosnia. He added that he realized that "the United States would act where it could."¹⁵³

¹⁵² Herring, E. (2000). From Rambouillet to the Kosovo accords: NATO’S war against Serbia and its aftermath. *The International Journal of Human Rights*, 4(3–4), p,228

¹⁵³ Redd, S. B. (2005). The Influence of Advisers and Decision Strategies on Foreign Policy Choices: President Clinton’s Decision to Use Force in Kosovo. *International Studies Perspectives*, 6(1),p.131

While these are the official reasons, Heikki Patomäki summarizes it with four principles, for the case of Kosovo it would be more appropriate to consider three. First, the U.S. is the world leader and others should follow it.¹⁵⁴ Compared to the Bosnian crisis, the United States was faster to act. The reasons for this change in the U.S. approach to the Kosovo issue, we see that in general, the United States has developed a course of action in accordance with the superior state character; on the one hand, ensuring multilateralism and cooperation, on the other hand, proving the need to be a superior power has been the main goal. The discrepancy between the United States and its possible peer competitors was deemed to be so enormous by nearly every material metric that American unipolarity could be unprecedented in the contemporary period. Unipolarity brought with it both opportunities and risks. The U.S. was now in a unique position to exercise global leadership, but it was also less able to depend on other foreign players to assist in the management of security challenges. Experiences in the Balkans, the Middle East, and elsewhere reinforced these ideas, making U.S. officials more skeptical of others' ability to assist manage regional crises.¹⁵⁵ Although Kosovo and the Balkans are within the EU's sphere of influence, the Bosnian crisis has led to criticism that the EU lacks the capacity to solve political problems, and it has been shown that the crisis in Kosovo cannot be solved without U.S. intervention.

Secondly, U.S. foreign policy is constituted by Manichean myths and rituals of enemy construction. The allegation is that in post-World War II American foreign policy rhetoric, a desire is seen to envisage a morally pure ideal: "free market, human rights, and democracy." In the effort to bring the earth closer to the morally pure ideal, the United States needed to legitimize the state and its decision-making, which it did by creating enemies. Patomäki's theory at this stage is that Serbs were picked as opponents because of the need to preserve Yugoslavia's identity and the uniting Social Party. As a result, the others may be viewed as genuine liberation organizations battling against corrupted evildoers, notably Serbs who are still influenced by evil socialism.¹⁵⁶

¹⁵⁴ Patomäki, H. (2002). Kosovo and the end of the United Nations? In P. van Ham & S. Medvedev (Eds.), *Mapping European security after Kosovo*, Manchester University Press, p.83

¹⁵⁵ Aleprete, M. E. (2011). Competing Visions of the International System: Role-identity Incommensurability and U.S.-Russian Relations. *Russian History*, 38(1) p.130

¹⁵⁶ Patomäki, H. (2002). "Kosovo and the end of the United Nations?" p.83

The third principle is that U.S. foreign policy should seek to maximize popular support in the short term. The rule of quick maximization of favorable public opinion, created through composing of two connected factors: media coverage and framing, and opinion poll findings, appears to have governed US foreign policymakers.¹⁵⁷

For Kosovo, as stated before, we can clearly see this with Clinton's attitude shaping with the public polls. Later, in the process of intervention, because they had learned from prior military interventions that military triumph would not be enough on its own, the United States was more careful than any other military operation in maintaining public support.¹⁵⁸ To achieve this, they had to alleviate the concerns of the voters, but at the same time convince Milošević that NATO would do anything to win. In the case of Kosovo, public opinion was formed by television footage of the conflict and the interpretation of allied states and their citizens.¹⁵⁹

Besides Heikki's objectives, there is still a lot to say, Yugoslavia as a collapsing republic was considered as one of the most significant geostrategic areas. The Balkans have long been a battleground between the United States and the Soviet Union, although Russia's geopolitical might has waned since the end of the Cold War,¹⁶⁰ the steps taken for Kosovo would delay the resurgence of Russia, which is still a military power.

¹⁵⁷ *ibid*

¹⁵⁸ Smith, M. S. (2009). *Kosovo Conflict: U.S. Public Diplomacy and Western Public Opinion* (No. 3). Figueroa Press, p.5

¹⁵⁹ *ibid* p.7

¹⁶⁰ Xhambazi, V. (2018) "The Kosovo Moment: The United States and the Post-Cold War Balkans" p.20

One of the most important advantages of the U.S. intervention in Kosovo was that it set a precedent for future humanitarian interventions. As in President Bush's foreign policy 'punish the aggression in order to establish the new world order' ¹⁶¹ The U.S. administration has based the need to intervene in the problem on the view that the humanitarian crisis in Kosovo could create an influx of refugees to the surrounding countries, and even conflicts that would spread to the surrounding countries could lead to a regional war. ¹⁶² Although not much is mentioned, Marjorie Cohn has claimed that Caspian oil and various mineral deposits in Kosovo are one of the reasons for the intervention, with the goal of auditing energy sources also being considered in the creation of a status quo suitable for the United States in Kosovo. ¹⁶³ In addition, it has been claimed that the United States wants to settle in the reconstruction of Kosovo after the intervention. However, it has been observed over time that this is not the case. ¹⁶⁴

¹⁶¹ *ibid* p. 22

¹⁶² Schwarz, B. S., & Layne, C. L. (2015, June 29). *The Case Against Intervention in Kosovo*. The Nation.

¹⁶³ Cohn, M.C (2002). Nato Bombing of Kosovo: Humanitarian Intervention or Crime against Humanity? *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 15 (1), p.88

¹⁶⁴ Marcus, J.M (2000) Kosovo and after: American primacy in the twenty-first century, *The Washington Quarterly*, 23:1, s.87

2.2. Russian Perception of Kosovo

The Kosovo conflict had a critical role in cementing Russia's and Serbia's existing relationship. Their tight bonds began to form in the late 1990s. Following Josip Broz, Tito cut his ties with Joseph Stalin in 1948, the Kremlin's ties with communist Yugoslavia were infirm during the Soviet Union period. Russia acquired minimal impact in the region also following the Soviet Union's demise in 1991.

In the early 1990s, while Yugoslavia fell apart, the Kremlin, preoccupied with critical domestic problems, chose to walk gently in the Balkans. Moscow hesitantly collaborated with the West to bring the conflicts in Croatia and Bosnia to a stop, with the leadership of President Boris Yeltsin, actively helping to peacekeeping and mediation operations coordinated by NATO.

In the second half of the 1990s, the relationship between the United States and Russia strained because of the differences in opinion on the Balkan issue and the fourth enlargement of NATO, which included the Czech Republic, Hungary, and Poland, the first NATO enlargement in Central Europe. The foreign policy of Russia toughened afterward.¹⁶⁵ Russia was notably sensitive to these two topics, considering that it implicated Eastern Europe, revealing Russia's decreased place in the global arena. These differences tainted U.S.-Russian ties, contributing to an almost oversensitivity among Russian politicians to matters affecting Russia's international standing.¹⁶⁶ In the 1990s, it is seen that Russia has ceased to be one of the leading actors of the international system and has become a scale-down state but in the second half of the 1990s, the Kosovo issue came to the fore as a new phase in the process of the dissolution of Yugoslavia, Moscow responded more quickly with a pro-active policy.

¹⁶⁵ Samorukov, M. (2019, November 26). *A Spoiler in the Balkans? Russia and the Final Resolution of the Kosovo Conflict*. Carnegie Moscow Center, p.2

¹⁶⁶ Aleprete, M. E. (2011). "Competing Visions of the International System: Role-identity Incommensurability and U.S.-Russian Relations", p.135

The Balkans are a critical territory for Russia because it is a competitive region with other international players namely the EU, NATO, and the U.S and it provides routes to provide Europe with energy raw materials. Control of this channel is critical for determining regional economic and political connections. And the third, even though not mentioned as much as the previous two reasons in the literature, is the “Slavic Brotherhood”, Russia believes that with the historical and cultural links they have that certain unity would remain among these nations in southeast Europe.¹⁶⁷ However, as the experience of the Balkan wars reveals, NATO and the U.S were the ones that took the lead in the area.¹⁶⁸

Kosovo was first discussed in September 1997 during a special conference of Contact Group foreign ministers held on the fringes of the UN General Assembly's annual session in New York. They expressed their "deep concern" about the tensions in Kosovo and advised both Serbs and Albanians "against any recourse to violence to pursue political objectives" in a brief statement.¹⁶⁹ There were no repercussions were mentioned in the statement in the case of if any or both parties ignoring the warning. Despite this, the western nations and Russia were able to agree on their views for Kosovo's future position. 'We do not favor independence, and we do not support maintaining the status quo, within the FRY, we advocate giving Kosovo a higher status.' It was over the possibility of using pressure to impose a solution on Milošević that Russia and NATO countries started to dispute. In the midst of growing violence in Kosovo, the Contact Group debated imposing penalties during a meeting in London in March 1998. Russia stated that they cannot accept half of the application of measures but they are open to discussion.¹⁷⁰

¹⁶⁷ Jagiełło, B. (2021). The Balkan Kettle: Russia's policy toward the Balkans. *Security and Defence Quarterly*, 35(3), p.52

¹⁶⁸ *ibid*

¹⁶⁹ Latawski, P., & Smith, M. A. (2003). Kosovo, NATO and Russia. In *The Kosovo crisis and the evolution of a post-Cold War European security: The Evolution of Post-Cold War European Security*, Manchester University Press, p.92

¹⁷⁰ *ibid* 93

Same month, UN Security Council Resolution 1160 was adopted and three months later on June, Milošević arrived to Moscow to have a meeting with President Boris Yeltsin.¹⁷¹ Following the meeting, Milošević promised to have negotiations with ethnic Albanians led by Ibrahim Rugova, to be noted, Russia considered only Rugova as the official representative, and to grant unfettered access to a Diplomatic Observer Mission.¹⁷² Subsequently, the Russian Duma necessitated a diplomatic settlement to the Kosovo Crisis, expressing their distress that "the threat of airstrikes is not over yet," alerting the West that "NATO will start its own Chechen war" in the case of airstrikes are launched.¹⁷³ Meanwhile, the conflicts were gaining a new momentum. Until the NATO invasion began, the KLA carried out 559 attacks and FRY police forces almost annihilated by police forces during the end of 1998 and especially at the beginning of 1999.¹⁷⁴ In the first months of 1999, Albanians displaced from their home reached 100,000 as a result of conflicts that took the form of a civil war.¹⁷⁵ On September 23 and October 24, 1998, the Security Council took other resolutions that were very similar to the 1160 number resolution. However, there is no provision that explicitly or implicitly allows the use of military force to end the humanitarian crisis.

¹⁷¹ *Kosovo Timeline*. (2015, December 21). U.S. Department of State. <https://2009-2017.state.gov/p/eur/rls/fs/2015/250812.htm>

¹⁷² Bieber, F., & Daskalovski, Z. (2004). *Understanding the War in Kosovo*. Taylor & Francis. p.88

¹⁷³ Radeljic, B. (2017). Russia's Involvement in the Kosovo Case: Defending Serbian Interests or Securing Its Own Influence in Europe? *Region*, 6(2), p. 277

¹⁷⁴ Vuković, N. V. (2019). *David vs. Goliath: NATO war against Yugoslavia and its implications*. Institute of International Politics and Economics, Belgrade Faculty of Security Studies at the University of Belgrade. p.29

¹⁷⁵ Mandelbaum, M. (1999). A Perfect Failure: NATO's War against Yugoslavia. *Foreign Affairs*, 78(5), p.3

In these resolutions, a reference to a possible coercive action is only made in resolution 1203. This followed a NATO ultimatum to force Yugoslavia to allow a group of 2,000 unarmed OSCE observers to settle in Kosovo and allow NATO to fly in Kosovo to protect the mission. Paragraph 9 of the resolution refers only to the possibility of "action" to evacuate unarmed observers in an emergency.¹⁷⁶ Moreover, it is widely assumed that the Alliance first threatened to deploy air power to carry out the October 1998 agreements signed to implement the agreements reached between Richard Holbrooke and Slobodan Milošević in October 1998 for a cease-fire.¹⁷⁷ NATO's failure to achieve this was interpreted as the success of Russian diplomacy.¹⁷⁸

Although the Holbrooke-Milošević agreement helped to bring the combat to a halt, it did not establish any clear division between police forces and the KLA. Furthermore, the KVM lacked both the mandate and the capability to keep the sides of the conflict apart. As a result, gunfights, government bombardment, savage attacks have continued. While retreating from certain places, the FRY administration maintained control of strategic spots. In December 1998, confrontations erupted in the Podujevo region, and in January 1999, the slaughter of 45 Kosovo residents in the town of Racak exemplified that hostilities restarted. The resumption of serious violence in December 1998, particularly the Racak Massacre, resulted in huge humanitarian losses, resulting in additional displacement and dread among the public.¹⁷⁹ Russia, despite its condemnation of the Racak disaster and encouragement for a prompt inquiry, persisted to back Serbian authorities. Shortly after, during the Rambouillet summit on the condition of Kosovo, Russia's officials openly stated that any NATO intervention would be seen as a violation of Russian interests.¹⁸⁰

¹⁷⁶ United Nations Security Council (UNSC), Resolution 1203(24 October 1998) Un Doc S/RES/1203

¹⁷⁷ Vuković, N. V. (2019). "David vs. Goliath: NATO war against Yugoslavia and its implications." p.333

¹⁷⁸ Gus'kova, E. (1999) „Does Russia Have Interests in the Balkans, Review of International Affairs, Belgrade (50),p. 34

¹⁷⁹ Ogata, S. (1999). The Limits of UNHCR's Intervention in Post-Cold War Conflicts: An Analysis of the Kosovo Crisis. *The Brown Journal of World Affairs*, 6(1), p.210

¹⁸⁰ Radeljic, B. (2017). "Russia's Involvement in the Kosovo Case: Defending Serbian Interests or Securing Its Own Influence in Europe?" p.278

2.2.1. Rambouillet for Russia

Unlike previous negotiations, NATO stated that if the talks failed to produce results, they were ready to interfere. The seriousness of these statements was made clear in the declaration adopted at the NATO Council meeting on 30 January 1999.¹⁸¹ Russian representatives who attended the talks and opposed NATO's "active role" insisted that a Security Council resolution to conduct military operations was inevitable. Foreign Minister Ivanov explained Russia's perception with this statement "NATO has two options; attempting to obtain prior permission from the UN Security Council to use force or proceeding without their agreement. Russia would have blocked any approval if they choose the first one. If they choose the second, they would not have come upon anything worse than some of Moscow's historians."¹⁸² According to the prevailing opinion in Moscow, if a compromise is reached on the arrangement of a military operation, the UN should give the regional organization, the OSCE, the authority to conduct this military operation. Russia, at the very least, attempted to maintain influence over the crisis's future management. This was to be accomplished by maintaining its engagement in collective entities in which it was acknowledged and where it could impede consensus-based choices. These bodies were Contact Group itself, the OSCE and the Security Council, within which Russia has veto power.¹⁸³ It should be kept in mind that, the UN and the OSCE are maybe the only two international organizations in which Russia is one of the founders and whose membership cannot be questioned. Whereas the UN is critical as an organization that has elevated Russia to the rank of a global superpower, the OSCE was formerly thought to be fulfilling a similar function in the European environment.¹⁸⁴ In response to Russia's plan, five NATO members within the Contact Group rejected the offer, saying such an operation could not be led by the UN or the OSCE.

¹⁸¹ NATO. (1999, January 30). *Statement by the North Atlantic Council on Kosovo, Press Release (99)12* [Press release]

¹⁸² Scott, C.M. (2000) "To Start a War: NATO's Failure to Pursue the Russia Option During the Kosovo Crisis" Osgoode Hall Law School of York University, p.4

¹⁸³ Weller, M. (1999). *"The Rambouillet Conference on Kosovo"* p.212

¹⁸⁴ Morozov, V. (2005). Russia's Changing Attitude toward the OSCE: Contradictions and Continuity. *Sicherheit Und Frieden (S+F) / Security and Peace*, 23(2), p.71

Thus, the Rambouillet talks were held under the threat of using force rather than diplomacy, with Russia, a member of the Contact Group, “excluded” and mostly with the “intensive participation” of NATO states.¹⁸⁵

After the failure of Rambouillet, on 24 March 1999, NATO's intervention in Yugoslavia began.

The operation was not approved by the UN due to Russia and China's vetoes, despite the fact that it was justified by humanitarian violations. Russia denounced the intervention, saying it circumvented the UN Security Council and was a breach of international law and considering Kosovo remained within its borders it was an unjust attack to sovereignty of Serbia.¹⁸⁶

Yet, Russia did not have the military capability to block NATO's actions thereupon nor did it have further political assets to prevent the use of force or enforce penalties. As a result, it could only denounce NATO's action and support a UN Security Council resolution calling for an end to the intervention but the resolution failed because the United States, the United Kingdom, and France were participating in the operation.¹⁸⁷ The intervention clearly demonstrated that Russia wasn't a major power anymore, and Western powers continued to pursue their goals in Europe and worldwide, despite Russian opposition.¹⁸⁸

Upon further analysis, in the early 1990s, Russia and the West were cooperated to bring the genocide and bloodshed in the Balkans to an end. Nearly ten years later, Russia aimed to re-establish itself as a different but major actor in the international arena. Most Western politicians believe that Moscow's position against NATO's military intervention was all an indicator that post-Soviet Russia struggled to completely adopt Western principles and have common crucial strategic goals. The intervention in Kosovo marked the end of an era for Russia and the West's post-Cold War relationship.¹⁸⁹

¹⁸⁵ Mccgwire, M. (2000). ”Why did We Bomb Belgrade?” p. 16

¹⁸⁶ Spassov, P. (2014). NATO, Russia and European Security: Lessons Learned from Conflicts in Kosovo and Libya. *Connections*, 13(3), p.27

¹⁸⁷Viceré, M. G. A. (2019). *The Future Is Back: The EU, Russia and the Kosovo—Serbia Dispute*. Istituto Affari Internazionali (IAI), p.4

¹⁸⁸ Brovkin, V. (1999) “Discourse in NATO during the Kosovo War” *Demokratizatsiya* 7(4), p.546

¹⁸⁹ Antonenko, O. (2007) “Russia and the Deadlock over Kosovo” *Survival* 49(3) pp. 99-100

2.3. European Perception of Kosovo

During the dissolution of Yugoslavia, the first problem on the European Continent after the Cold War, the European Economic Community (EEC)ⁱⁱ had little influence as an actor. Even though in the early 1990s, Europe had the idea that they were an organization that can take initiative and intervene in events both in its own geography and all over the world, not just the experience on Yugoslavia case but also Gulf and Uruguay Round has shown them otherwise.¹⁹⁰ EEC/ EU, as an unusual combination of a semi-sovereign entity functioning with sovereign states, has a challenging assignment to begin with.¹⁹¹ Since the disintegration of Yugoslavia and the issue of Bosnia and Herzegovina took place in the process of developing and restructuring the EU's common security and foreign policy, the EU has taken a very passive stance on these issues and seems far from the image of a Union. It is also clear that the EU still cannot become a homogeneous whole, and that all the nation-states that make up the EU have their own foreign policy priorities. During the dissolution of the former Yugoslavia, it was clear that the priorities of the nation-state came to the fore. The EU's lingering disagreements over Yugoslavia and some of its' partners inconsistent demands, made developing an effective Common Foreign Security Policy (CFSP) challenging.¹⁹² However, the attitude taken in the Kosovo Question after 1998 showed that a more developed EU, which realized its mistakes, emerged, albeit slowly.¹⁹³

¹⁹⁰ Hill, C. (1993), The Capability-Expectations Gap, or Conceptualizing Europe's International Role. *JCMS: Journal of Common Market Studies*, 31(3) p.306

¹⁹¹ *ibid* p.308

¹⁹² Baev, P., Dessouki, A. H., Larrabee, F. S., Sezer, D. B., & Wohlfeld, M. (1994). INTRODUCTION. In M. Jopp (Ed.), *THE IMPLICATIONS OF THE YUGOSLAV CRISIS FOR WESTERN EUROPE'S FOREIGN RELATIONS*. European Union Institute for Security Studies (EUISS), p.4

¹⁹³ Kut, Ş. K. (2005). *Balkanlar'da Kimlik ve Egemenlik* (1st ed.). İstanbul Bilgi Üniversitesi Yayınları, p.182.

Specifically, to dig deeper into the developments in Kosovo, it is known that Kosovo Albanians are one of the target populations that the EU is striving to increase their status. The Carrington Draft Treaty of October 23, 1991 calls for the republics that seceded from Yugoslavia to fully implement the provisions created before 1990 for their autonomous provinces. There was a clear reference to the autonomy of Kosovo and Vojvodina, which Serbia has renounced.¹⁹⁴ But then, to get Milošević's approval, the Kosovo-related clause was sacrificed. The EC/EU ultimately opted to recognize the FRY in April 1996, removing the criterion of a 'special status' for Kosovo Albanians entirely. This development has caused frustration in Kosovo.¹⁹⁵

A second disappointment was that the Dayton Treaty, which ended the Bosnian War, as mentioned earlier, did not include any Kosovo-related clauses. Both the EU and its strategic partner, the United States, have postponed talks on Kosovo in order to end the Bosnian Crisis and end ethnic cleansing against Bosnian people.

Another point that has to mention is the EC monitoring missions which they established in Yugoslav provinces to help manage the tensions in 1992. Unfortunately, these EC monitorings might just have exacerbated tensions because Yugoslav President Milošević publicly blamed them for meddling with Yugoslav domestic matters. Nonetheless, long into the initial phases of the Kosovo conflict in 1998, the European Community Monitoring Mission (ECMM) remained.¹⁹⁶

After 1996, cultural, political and economic pressures by Serbian Authorities in Kosovo, subsequent policies towards migration and the dismissal of ethnic Albanians working in state institutions, universities, the unresolved killings and violence of Serbian Soldiers against Albanians led EU Member states and the EU Commission to take action against Milošević. Serbian Authorities have argued that the KLA committed all of the unresolved murders and accused EU member states, of meddling in Yugoslavia's internal affairs and supporting the KLA.¹⁹⁷ From this point on, the EU, like the United States, began to defend the operation in Kosovo and began to say that it was necessary to save the region from Serbs.

¹⁹⁴ Caplan, R. (2007). *Europe and the Recognition of New States in Yugoslavia*. Cambridge University Press. p.139

¹⁹⁵ *ibid* 140

¹⁹⁶ Bátorá, J. B., Osland, K. O., & Peter, M. P. (2017, April 21). *The EU's Crisis Management in the Kosovo-Serbia crises*. EUNPACK. p.9

¹⁹⁷ Traynor, I. (2004, September 1). *Everyone to blame but me, says Milošević*. The Guardian.

In the early months of 1998, given the severity of the conflict in Kosovo, member states imposed financial penalties on Serbia. Subsequently, The Kosovo Diplomatic Observer Mission (KDOM) was established under the authority of the Contact Group, the OSCE, and the EU, with the same goal of ECMM. Furthermore, the EU passed 22 declarations and collaborative measures for the conflict in Kosovo between the years 1996 and 1999, including an arms embargo on imports of weapons and financial sanctions over Serb assets abroad.¹⁹⁸

The 15 January 1998 massacre accelerated diplomatic activities, and the Contact Group, which met in London on 29 January, acted as mediators and called on the parties to negotiate. The UN Security Council Presidency statement expressed concern about the escalating violence in Kosovo and the risk that the humanitarian situation would worsen if necessary steps were not taken. It has been announced that the decisions taken by the Contact Group are welcomed and supported.¹⁹⁹

At the Rambouillet Talks in 1999, EU member states demanded that Yugoslavia stop violent attacks in Serbia, ranging from ethnic cleansing, and supported the deployment of an international force in Kosovo, led by NATO Troops, including the EU. When Yugoslavia, led by Milošević, rejected these proposals the EU took a stand that fully supported Operation NATO. As previously mentioned, at the time, this situation showed again that the ability of an EU without the United States to solve problems is limited.

¹⁹⁸Bátora, J. B., Osland, K. O., & Peter, M. P. (2017, April 21). 'The EU's Crisis Management in the Kosovo-Serbia crises' p. 9

¹⁹⁹United Nations Security Council (UNSC)Overview of Security Council Presidential Statements (29 January 1999) UN Doc S/PRST/1999/5

In general, to see what the Kosovo crisis meant for Europe, Europe has been more alarmed about the Kosovo issue and felt the need to take responsibility for what happened in Bosnia and Herzegovina in order not to experience this incident again and has sought to be an influential international actor.²⁰⁰ Moreover, the Kosovo conflict was a pivotal turning point in the evolution of the EU's foreign security role.²⁰¹ As Alistair mentions and quotes Javier Solana, Kosovo had been a significant factor in the establishment of the European Security and Defence Policy (ESDP).²⁰² Also it highlighted the gap in the EU'S conflict management skills and showed that it requires credibility as an actor in international security. ²⁰³

²⁰⁰ Weller, M. (1999). *'The Rambouillet Conference on Kosovo'* p.212

²⁰¹Shepherd, A. J. K. (2009). "A Milestone in the History of the EU": Kosovo and the EU's International Role. *International Affairs (Royal Institute of International Affairs 1944-)*, 85(3) p.513

²⁰² *ibid* 515

²⁰³ *ibid* 516

CHAPTER III: INTERVENTION OF NATO

1. Legitimacy Perspective of External Actors During the Intervention

From the first months of 1998 to March 1999, the already existing ethnic violence and conflicts increased remarkably. Numerous civilians, particularly Kosovar Albanians were killed and displaced. Confronted with a growing humanitarian tragedy in the Balkans, NATO started the airstrikes over Yugoslavia to restore peace and stop Serbian troops from causing damage in a greater degree. This was NATO's first unauthorized operation against a nation outside of its' borders.²⁰⁴ Also known as Operation Allied Force.

The air campaign stressed five goals that Milošević was forced to comply; guarantee a clear halt to all military engagement in Kosovo, as well as the prompt cessation of violence and persecution, remove all kinds of military units from the region, accept the establishment of an international military force, accept the unrestricted return of all refugees and dislocated people, as well as humanitarian assistance organizations' complete access to them, the guarantee that he would endeavor to achieve a political setting relying on the Rambouillet Accords.²⁰⁵

The intervention was justified by NATO and United States because of the enormity of the humanitarian violence created by the determined acts of state.²⁰⁶ However, NATO, starting the airstrikes in Kosovo without receiving prior permission from the Security Council meant it circumvented the United Nations. UN eventually played a significant role in determining Kosovo's path, but only when the warfare was over.²⁰⁷

²⁰⁴ K.W. Alexander (2000) *NATO's Intervention in Kosovo: The Legal Case for Violation Yugoslavia's National Sovereignty in the Absence of Security Council Approval*, 22 HOUS. J. INT'L L. p.2

²⁰⁵ NATO (1999, April 23) Statement on Kosovo, issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C. on 23rd and 24th April 1999, Press Release (99)62 [Press release]

²⁰⁶ Freedman, L. (2000). Victims and Victors: Reflections on the Kosovo War. *Review of International Studies*, 26(3) p.336

²⁰⁷ Nanda, V. P. (2000). *Legal Implications of NATO's Armed Intervention in Kosovo*. U.S. Naval War College Digital Commons. p.314

It should be noted that, in the Kosovo crisis, the international community has demonstrated its tendency towards the use of force despite the international law, if it is necessary, in the name of defending human rights and ensuring humanitarian security.

Prior to the operation, Secretary-General Kofi Annan painted a very dramatic picture of the environment in Kosovo in his reports on the situation in Kosovo, presented on 30 January and 17 March 1999, and which included information and observations on the situation in Kosovo. The reports revealed a picture of violence spreading throughout the region, targeting civilians, and the humanitarian situation worsening, and cases of violence were reported in detail. Annan expressed deep concern about the possibility of a civil war in Kosovo that could have unexpected effects for the entire region.²⁰⁸

The day before the air campaign, NATO Secretary General Javier Solana declared that "NATO will take all necessary measures to prevent a humanitarian catastrophe" and that "there is no choice but military action" and that it is a "moral duty" to do so.²⁰⁹ His words supported his speech which was made on March 12," The international community recognizes the significance of military force in strengthening diplomacy and preventing a humanitarian catastrophe."²¹⁰ Besides Solana, also Jamie Shea, back then NATO's spokesperson had a major role in justifying the intervention. His rhetoric aimed to accuse Milošević for all the damage in the region and give the idea that NATO intervention is to bring an end to the conflict and establish peace.²¹¹

Political actors in NATO countries have kept emphasizing the uniqueness²¹² and the dreadfulness of the situation. What can be seen in the Kosovo situation, the U.S. and the EU's powerful member nations were committed to the intervention.²¹³

²⁰⁸ United Nations Security Council (UNSC) Report of the Secretary-general Prepared Pursuant to Resolutions 1160 (1998), 1199 (1998) And 1203 (1998) Of the Security Council (12 November 1998) UN Doc S/1998/1068

²⁰⁹ NATO (1999, March 23) Press Statement by Dr. Javier Solana, Secretary General of NATO, *Press Release* (99)040 [Press release]

²¹⁰ NATO (1999, March 23) Press Statement by Dr. Javier Solana, Secretary General of NATO, *Press Release* (99)040 [Press release]

²¹¹ Behnke, A. (2002). 'vww.nato.int.': *virtuousness, virtuality and virtuosity in NATO's representation of the Kosovo campaign* p.137

²¹² Schnabel, A., & Thakur, R. (2000). *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*. United Nations University Press. Part 7/25

²¹³ Moens, A. (2000). Developing a European Intervention Force: The Politics of Sequencing Autonomy, and Ready Access. *International Journal*, 55(2), p.255

At a press conference following the air campaign, U.S. Secretary of State Madeleine Albright highlighted Kosovo's "unique" situation and its sui generis structure and suggested not to draw lessons from it.²¹⁴ The UK Permanent Representative to the UN, Sir Jeremy Greenstock, described the intervention as an "exceptional tool."²¹⁵ Tony Blair, Prime Minister of UK, emphasized at Commons Debate on March 23 "Stepping back would jeopardize NATO's credibility and it will also be a betrayal of thousands of innocent people"²¹⁶ Blair's famous Chicago Speech on the same year, April, he asked urgent action to stop the "evil dictator" Milošević²¹⁷ and mentioned the necessity of dealing forcefully against tyrants who create humanitarian suffering.²¹⁸ Also, German Chancellor Gerhard Schroeder, on a press conference by Solana, has declared that NATO military action is necessary in Kosovo to save people from being killed, displaced and driven out, and to lay the groundwork for the return of refugees.²¹⁹ The opinion wasn't different in France. NATO operation also had the support of President Jacques Chirac.²²⁰ When it comes to Italy, of the five NATO states, they were the most unreceptive to the idea of the operation.²²¹ Only when the Serbs decided to reject NATO's requests in the final days of May, they increased their support to NATO. This was particularly evident in Defense Minister Carlo Scognamiglio's commitment to providing ground forces if NATO decides to attack on May 27 during a private NATO meeting. Even yet, the Italians refrained from calling for the intervention.²²²

²¹⁴ 7/26/99 Albright and Minister Ivanov press conference. (1999, June 26). U.S Department of State Archive

²¹⁵ United Nations Security Council (UNSC) 3988th Meeting (24 March 1999) UN Doc S/PV.3988

²¹⁶ HC Deb 23 March 1999.vol. 328, col.162

²¹⁷Daddow, O. (2009). "Tony's War"? Blair, Kosovo and the Interventionist Impulse in British Foreign Policy. *International Affairs (Royal Institute of International Affairs 1944-)*, 85(3), p.549

²¹⁸ Freedman, L. (2017). Force and the international community: Blair's Chicago speech and the criteria for intervention. *International Relations*, 31(2), p.117

²¹⁹ NATO (1999, May 19) *Press Conference by NATO Secretary General, Mr. Javier Solana, and German Chancellor Gerhard Schroeder*

²²⁰ Shank, G. (1999). Commentary: Not a Just War, Just a War — NATO's Humanitarian Bombing Mission. *Social Justice*, 26(1 (75)), p.32

²²¹ Auerswald, D. P. (2004). Explaining Wars of Choice: An Integrated Decision Model of NATO Policy in Kosovo. *International Studies Quarterly*, 48(3), p.652

²²² *ibid* 653

And the country that led the operation, the United States. Bill Clinton in his address to the nation on March 24, 1999, expressed intervention on the basis of his responsibility to protect innocent people. Clinton, in particular, based NATO intervention on Milošević's rejection of the Rambouillet peace agreement and stressed that NATO must show credibility as a guarantor of European security threatened by Milošević.²²³

The main opposition to the intervention, Russia, called on the UN Security Council President to hold an emergency session "to assess the extremely dangerous situation caused by NATO's multilateral military action against the Federal Republic of Yugoslavia" on March 24.²²⁴

Council then held the 3988th meeting. Russia has opposed interference on the basis of the traditional understanding of international law. Lavrov, Russia's permanent representative, stated in his speech that despite the Security Council resolution, they unconditionally reject the use of force, that those who use force against the Federal Republic of Sovereign Yugoslavia take heavy responsibility for breaking the UN Charter and the norms of international law, and that the argument for intervention to prevent humanitarian catastrophe is indefensible, also China, who was on the same side with Russia all along, that the operation constitutes a violation of the UN Charter, that Kosovo is an internal matter of the Federal Republic of Yugoslavia and that the solution must be resolved on the basis of sovereignty and respect for national integrity.²²⁵

²²³ *White House at Work - TAKING A STAND FOR PEACE IN EUROPE*. (1999, Winter). Clinton White House Archives.

²²⁴ UN Documents, S/1999/320

²²⁵ UN Security Council S/PV.3988th Meeting

During the bombing, Yugoslavia applied to the International Court of Justice (ICJ) on 29 April 1999 on the grounds that NATO countries' airstrikes were a "Legality of Use of Force". Yugoslavia filed this lawsuit against the U.S., the United Kingdom, France, Germany, the Netherlands, Belgium, Italy, Canada, Portugal, and Spain. The subject of the case is; Yugoslavia's lawsuit against the United States and other countries is a "Violation of the Obligation not to Use Force".²²⁶ However, the application was unanimously denied by the ICJ on June 2, 1999.²²⁷ The Legal Adviser to the US Department of State expressed at the ICJ that NATO countries found their justification in a variety of considerations. And other states engaged in the operation stated in their pleadings, that it was a legitimate exception to the customary standards.²²⁸

NATO defended the legitimacy of the intervention, and during the Kosovo crisis, allied leaders defended the bombing in their statements on two grounds. First, to stop human rights violations that lead to ethnic cleansing and to maintain NATO's credibility. Member states in favor of intervention based the NATO operation on humanitarian grounds and justified the intervention as an exceptional measure, pointing to extraordinary conditions. Many member states have expressed support for the operation to "prevent a humanitarian catastrophe."²²⁹ In addition, member states have based their arguments on resolutions 1199, 1160, and 1203 taken under Section VII regarding the legal legitimacy of the intervention. While the resolutions didn't specifically authorize the operation, they cleared the way to make military intervention justifiable. While NATO members persisted to bring attention to UN Security Council resolutions, the intervention seemed to be bypassing the Security Council's authority.²³⁰ In the first place, NATO was the one that construed the related resolutions in a way that invalidated some UN restrictions.²³¹

²²⁶ *Legality Of Use of Force (Yugoslavia V. United States of America)*, 29 April 1999, General List No.114, Application

²²⁷ Bekker, P. H. F. B., & Borgen, C. J. B. (1999, June 17). *World Court Rejects Yugoslav Requests to Enjoin Ten NATO Members from Bombing Yugoslavia* / *ASIL*. American Society of International Law.

²²⁸ O'Connell, M. E. (2000). The UN, NATO, and International Law after Kosovo. *Human Rights Quarterly*, 22(1), pp.80-81

²²⁹ UN Security Council S/PV.3988 Meeting

²³⁰ Shinoda, H. (2000). The Politics of Legitimacy in International Relations: A Critical Examination of NATO's Intervention in Kosovo. *Alternatives: Global, Local, Political*, 25(4), p.517

²³¹ *ibid* p.525

2. The Inside Perspective

By all means, Albanians and Serbs in Kosovo had widely separated perspectives on Operation Allied Force. For Albanians, NATO had a noble intention to safeguard them and to bring Milošević's cruel policies and the violence in the region to a halt. NATO was fighting a righteous war and it chose the one and only realistic option to handle the conflict in the region. Furthermore, weakening Serbia's material capabilities, attacks diminished the capacity of Serbia continuing to violate people, improving regional security.²³²

Following NATO's engagement in Kosovo, Albanian affection and trust in the United States surged dramatically. The U.S. reaffirmed its' position as the key actor to develop and execute the operation to rescue Albanians.²³³ And for Serbians, NATO bombings were unlawful and an offensive attack to their country, they refuse to admit that the action was carried out for humanitarian reasons, instead citing geopolitical and strategic benefits.²³⁴ Contributing to this view, Noam Chomsky, explains the intervention as, a tool for the United States to be able to maintain its dominance over the crucial Balkans area, dismissing EU measures to some extent, which was most certainly a major factor in the decision to place the intervention upon NATO's control, a US "subsidiary".²³⁵ And their goal was not to save civilians but to reinforce NATO's and eventually United States' legitimacy as a hegemon.

²³² Schnabel, A., & Thakur, R. (2000). 'Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship' p.36

²³³ Bardhaj, A. (2020). Albanian Foreign Policy Relations with United States of America after the Cold War. *European Scientific Journal ESJ*, 16(8),p.11

²³⁴ Schnabel, A., & Thakur, R. (2000). 'Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship' p.36

²³⁵ Chomsky, N. (2001). *A New Generation Draws the Line: Kosovo, East Timor and the Standards of the West*. Verso. pp.140-141

3. Reality and Consequences

During the intervention, nearly 38,000 flights were flown by NATO aircraft, involving 10,484 combat aircrafts, targeting Kosovo and Vojvodina, Serbia territory, and the Republic of Montenegro.²³⁶ In the air campaign that lasted for 78 days, NATO has targeted bridges, ministry buildings, radio and state televisions in the country during the bombardment. NATO also destroyed a quarter of the Yugoslav army's air force during the bombing, disarming great numbers of army tanks and cannons.²³⁷

Besides the goals that the air campaign emphasized, we can summarize the aims of the intervention with 7 titles, To prevent the continuation of the violence that took place in Kosovo during 1998; prevent a new ‘‘Bosnia’’; Proving the U.S.-led international community's commitment to end human rights violations; maintaining NATO's credibility after the Cold War and on the eve of its 50th anniversary; In particular, European concern of the mass migration movement that could be caused by a prolonged civil war in the region. With the previous experiences, Milošević lost all his credibility and the belief that Kosovo's autonomy can only be restored through the existence of an armed force independent of UN Security Council vetoes.²³⁸

The first item mentioned is one of the most debated topics about NATO intervention. One side of the debate claims that ethnic cleansing began after the air campaign and that NATO's operation increased the violence and civilian deaths, causing higher refugee flow.²³⁹ and it supported the permanent expulsion of Kosovo's Serbs²⁴⁰ In spite of the fact that the aim was to safeguard the Balkan nations' vulnerable political stability, the intervention made the reverse effect.²⁴¹

²³⁶ Amnesty International. (2000, June). *Federal Republic of Yugoslavia (FRY) /NATO: ‘‘Collateral damage’’ or unlawful killings? Violations of the Laws of War by NATO during Operation Allied Force* (EUR 70/018/2000). Amnesty International Publications., p.1

²³⁷ Oduncu, T. (2019). 1999 Kosova Krizi ve NATO'nun Kosova Müdahalesi. *Bucak İşletme Fakültesi Dergisi*, 2 (1) p.10

²³⁸ Çukur, S. Ç. (2019). *NATO'nun Kosova Müdahalesi*. Uluslararası Politika Akademisi.p.3

²³⁹ Layne, C., & Schwarz, B. (1999). For the Record. *The National Interest*, 57, p.12

²⁴⁰ Wise, L. (2013, June 21). *Was NATO's Intervention in Kosovo in 1999 ‘Just’?* E-International Relations, p.4

²⁴¹ Mandelbaum, M. (1999). *‘A Perfect Failure: NATO's War against Yugoslavia’*. p.3

On the other hand, the argument was that Serbs launched an ethnic cleansing effort in Kosovo before the campaign, there was the proof to assume that Milošević's regime will indeed pursue "ethnic cleansing" and it was evident as early as 1998, and was tragically proved by episodes in with Racak massacre.²⁴² There was also other evidence like the alterations in key personnel in the security system, the expanding of security forces around Kosovo.²⁴³ and even if it is not true, the ethnic cleansing was not a compelling case against the bombardment. NATO's decision to intervene suggested that any unfavorable risks associated with it, were worth incurring because unrestricted Serb dominance of the region, eventually, was more threatening.²⁴⁴

In the report published one week after the operation, it was stated that Albanians flowed out of Pristina by vehicles and trains, 3000 Albanians reached Macedonia by train, and refugees were forced to get on trains under the threat of death. UNHCR reported that more than 130,000 people left Kosovo in the last week and the number is increasing.²⁴⁵ According to the report published by UNHRC on 23 July, the number of asylum applications from the citizens of the Federal Republic of Yugoslavia, mostly Albanian Kosovars, started to rise significantly in the second quarter of 1999. In the period from April to June, 60% more asylum applications were registered than in the first quarter, with a figure of 42,290.²⁴⁶ According to the Commission, from the beginning of the NATO campaign to mid-June, fatalities, mostly Kosovar Albanians, rose to 10,000, during the same period 863,000 people crossed into neighboring countries, compelled to seek safety outside of Kosovo.²⁴⁷

²⁴² Henckaerts, J., Doswald-Beck, L., Alvermann, C., Dörmann, K., & Rolle, B. (2005). *Customary International Humanitarian Law: Volume 1, Rules*. Cambridge University Press. p.75

²⁴³ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 1 October 2001, 2645, p.76

²⁴⁴ Pharo, P. F. I. (2011, December 1). *Necessary, not perfect: NATO's war in Kosovo*. FHS Brage, p.8

²⁴⁵ United Nations High Commissioner for Refugees. (1999, March 30). *Kosovo Crisis Update*. UNHCR.

²⁴⁶ United Nations High Commissioner for Refugees. (1999b, June 9). *Kosovo Crisis Update*. UNHCR.

²⁴⁷ The Independent International Commission on Kosovo. (2000) *The Kosovo Report Conflict International Response Lessons Learned*, Oxford University Press, p.2

Besides, Human Rights Watch has reported the destruction of many civilian areas in the country other than military targets.²⁴⁸ According to the Interagency Needs Assessment Mission sent to Yugoslavia by Secretary-General Kofi Annan, the operation had a "catastrophic impact" on the environment, industry, employment, critical services and agriculture.²⁴⁹

While no one is denying the casualties of 78 days, neither the fragile legitimacy of the campaign²⁵⁰ Steinke adds, while NATO bombardment led many people to leave the region, the horror and suffering imposed on Kosovar Albanians pushed the majority of them to outside of Kosovo.²⁵¹ Hideaki points out that in the long run preventing civil war was the main aim, and there was the urgent need to enhance NATO credibility by enforcing its demands on Milošević.²⁵²

Further, Freedman claims, the increased violence against the Kosovar Albanians was not initiated by NATO air attacks. Nevertheless, with the intervention violence accelerated to an extraordinary level. But this extraordinary violence doesn't directly have a link with the bombing but it is more likely to be connected to the already existing plans before the intervention and predicting that there would eventually be demands for a cease-fire, and the window to complete Milošević's policy was relatively limited²⁵³

Since we can't tell what would be the situation if the intervention never happened, the actual question may not be "good or bad", but rather how lessons can be drawn.

Naumann, emphasizes three lessons. First, Even the smallest uncertainty in the articulation of political goals might have disastrous consequences for military operations. Setting a political goal and making it obvious that the intervening party is determined and forces compliance with demands are crucial. Not only using military methods but also to achieve the specified political goal while promptly taking action is the key.²⁵⁴

²⁴⁸ Human Rights Watch, "The Crisis in Kosovo", January 2000

²⁴⁹ Nanda, V. P. (2000). 'Legal Implications of NATO's Armed Intervention in Kosovo' p.320

²⁵⁰ Shinoda, H. (2000). The Politics of Legitimacy in International Relations: A Critical Examination of NATO's Intervention in Kosovo. *Alternatives: Global, Local, Political*, 25(4)p.533

²⁵¹ Steinke, R. R. (2015). A Look Back at NATO's 1999 Kosovo Campaign: A Questionably "Legal" but Justifiable Exception? *Connections*, 14(4), p.51

²⁵² *ibid*

²⁵³ Freedman, L. (2000). 'Victims and Victors: Reflections on the Kosovo War' p.352

²⁵⁴ Naumann, K. (2002). NATO, Kosovo, and Military Intervention. *Global Governance*, 8(1) p.15

Second, for the future operations, adjusting the implementation of joint operations is critical. And some governments' unwillingness to perform casualty-prone operations is a factor that can operate as a substantial restriction, further reducing countries' ability to perform such operations. In this case Italy's reluctance can be an example.²⁵⁵ Third, expansion of the human rights concept is a mixed blessing. Based on humanitarian concerns, it was hard to rationalize the operation since it resulted in outrage and didn't stop Kosovars from leaving. The factors of; public desire for complete compliance with international humanitarian law, the close monitoring of an all-seeing media place clear limitations on the operation with humanitarian aims.²⁵⁶

Similar to Naumann's first lesson, Sean Key says, If NATO leaders do not define what they can do in terms of humanitarian war and the protection of Euro-Atlantic principles, the Alliance's survival could be in jeopardy and he adds, the challenges of the situation in Kosovo could instill a new level of realism in the political assessments of NATO leaders.²⁵⁷ And to conclude, for Pharo, the lesson from Kosovo is, NATO should remain dedicated to preventing future humanitarian disasters, but it must act with higher commitment and ready to ensure peace for all in the later stages.²⁵⁸

²⁵⁵ *ibid* p.16

²⁵⁶ *ibid*

²⁵⁷ Kay, S. (2000). After Kosovo: NATO's Credibility Dilemma. *Security Dialogue*, 31(1) p.82

²⁵⁸ Pharo, P.F.I.(2011, December 1) 'Necessary, not perfect: NATO's war in Kosovo' p.9

4. Ending the Conflict

On May 6, the conflict was still going on, as were the diplomatic efforts to find a settlement. The Group of Eight (G-8) foreign ministers settled on a list of objectives to find a settlement of the Kosovo issue during a conference in Germany. Eventually, Milošević and NATO reached an agreement to stop the airstrikes. The peace accord was adopted by the Yugoslav Parliament. G8's previous objectives were at the heart of the international plan to bring the Kosovo crisis to a halt, which Milošević agreed on June 3.²⁵⁹ Hosmer, explains why Milošević decide to agree to what he didn't before, on these arguments; If NATO's proposals were refused, Milošević predicted unrestricted bombing.²⁶⁰ and he was concerned this would threaten his authority.²⁶¹ The air attacks were increasing,²⁶² and it was creating significant damage to Serbia's infrastructure, specifically on electric lines.²⁶³ NATO has already launched attacks on civilian targets, particularly people who were shaken by the bombing of the Chinese Embassy in Belgrade.²⁶⁴ NATO's conditions, was the best Milošević might reach. Milošević agreed to terms since he believed NATO's requirements were not going to get better and it was the only option to keep his tyranny alive.²⁶⁵

The peace plan demanded the evacuation of all Yugoslav military from Kosovo, the establishment of an international peacekeeping force led by NATO, and the international administration of Kosovo until elected interim institutions are established, under which Kosovo will have broad autonomy within Yugoslavia. In addition, secure and unhindered return of all refugees, the disarmament of the Kosovo Liberation Army (KLA), and an inclusive concept to Kosovo's economic growth.²⁶⁶

²⁵⁹ Nanda, V. P. (2000). 'Legal Implications of NATO's Armed Intervention in Kosovo' pp.320-321

²⁶⁰Hosmer, S. T. H. (2001). *The Conflict Over Kosovo: Why Milošević Decided to Settle When He Did* (MR-1351-AF). RAND Corporation.p.96

²⁶¹ *ibid* 105

²⁶² *ibid* 97

²⁶³ *ibid* 98

²⁶⁴ *ibid* pp.101-102

²⁶⁵ *ibid* pp.105-106

²⁶⁶ United Nations Security Council (UNSC) Security Council, Welcoming Yugoslavia's Acceptance Of Peace Principles, Authorizes Civil, Security Presence In Kosovo (10 June 1999) UN Doc SC/6686

For most of the participants, ratification of the plan meant the UN taking back its role in international relations and it was considered as the confirmation of its' capabilities.²⁶⁷

²⁶⁷ Médecins Sans Frontières International Movement (1999, September). *MSF Speaking Out Case Studies - Violence against Kosovar Albanians, NATO's intervention 1998 -1999* p.242

5. United Nations Interim Mission in Kosovo

Although the NATO military operation was not given a clear authority by the UN, it was legitimized on a humanitarian basis as an exceptional/extraordinary measure and this process was followed by the creation of international governance under the UN umbrella. On June 9, the Federal Republic of Yugoslavia withdrew in accordance with the Military Technical Agreement with NATO. One day later, the UN Security Council adopted resolution 1244.²⁶⁸

Resolution aspired to provide Kosovo "true sovereignty and a viable independent administrative framework." The Council has decided to deploy international civilian and security services under UN management within this framework.²⁶⁹ Significance of the resolution is that it allowed the participation of the Kosovo Force (KFOR) in Kosovo.²⁷⁰ and since the resolution was functioning under Chapter VIIⁱⁱⁱ of the UN Charter, it provided the legal basis for United Nations Interim Administration. (UNMIK)²⁷¹The NATO-led Kosovo Force (KFOR) arrived in the region on 12 June 1999.²⁷² and with UNMIK resolution 1999/1, all legislative and executive powers regarding Kosovo have been concentrated in the hands of UNMIK, with the administration of the judiciary being carried out by the Special Representative.²⁷³ As anticipated, KFOR should usually side with UNMIK, but it preserves an independent relationship with UNMIK because it is a distinct entity with its own area of duty.²⁷⁴ The responsibilities of KFOR, a multinational force under the auspices of the UN, are similar to those of traditional peacekeeping forces. They include discouraging fresh conflicts, guaranteeing the secure return of refugees, and the delivery of humanitarian supplies and border surveillance. Moreover, it had a mission for peacekeeping in terms of upholding the cease-fire and demilitarization of the KLA. Establishing a safer system, not just for the people of Kosovo but also for UNMIK and other humanitarian organizations to begin to fulfill their responsibilities, which was critical in the early post-conflict context.²⁷⁵

²⁶⁸ *ibid*

²⁶⁹ United Nations Security Council (UNSC) Security Council, Resolution 1244 (10 June 1999) UN Doc S/RES/1244

²⁷⁰ Médecins Sans Frontières International Movement (1999, September). *MSF Speaking Out Case Studies - Violence against Kosovar Albanians, NATO's intervention 1998 -1999* p.242

²⁷¹ Friedrich, J. (2005). UNMIK in Kosovo: Struggling with Uncertainty. *Max Planck Yearbook of United Nations Law Online*, 9(1) p.233

²⁷² NATO's Role in Relation to the Conflict in Kosovo (2016) <http://www.nato.int/kosovo/history.htm>

²⁷³ United Nations Interim Mission in Kosovo (UNMIK) On The Authority Of The Interim Administration In Kosovo (25 July 1999) UNMIK/REG/1999/1

UNMIK's responsibilities were determined within the framework of Resolution 1244 (Article 11) as; prior to a final solution, supporting the establishment of self-government and full autonomy in Kosovo, performing basic civil administrative functions where and as long as necessary, organizing and monitoring the development of necessary institutions for democratic and self-government, including holding elections, before a political solution, and responsibilities of management in the development process. to the relevant institutions and to strengthen other peace-building activities with Kosovo's local institutions, to ensure the political process to determine the future status of Kosovo, to support economic reconstruction and basic infrastructure services, to ensure the civil and legal order, to promote human rights, humanitarian and to organize disaster relief and ensure the safe return of displaced people and asylum seekers to their homes in Kosovo.²⁷⁶

Immediately after UNMIK arrived, water, as well as electrical energy, which is important for heating and production, started to be supplied to the region, albeit with some disruptions, also post and telecommunication offices were reopened. Many schools have started re-education activities by repairing buildings and improving physical conditions in schools damaged by conflicts, all hospitals in the region have been made to provide health services again, and needs such as garbage collection and waste disposal have begun to be met.²⁷⁷

UNMIK was managed through a special representative appointed by the Secretary-General. Bernard Kouchner was appointed and became the highest-ranking civilian authority in the province.²⁷⁸ During his presence, the main goals were to create a fully operational civil administration, involving local representatives in interim administrative bodies, provide a safe atmosphere for Kosovo's Serbs, and carry out municipal elections, to create the base for the transferring of some administrative powers to locals.²⁷⁹

²⁷⁴ Friedrich, J. (2005). UNMIK in Kosovo: Struggling with Uncertainty. *Max Planck Yearbook of United Nations Law Online*, 9(1) pp.235-236

²⁷⁵ *ibid*

²⁷⁶ United Nations Security Council (UNSC) Security Council, Resolution 1244 (10 June 1999) UN Doc S/RES/1244

²⁷⁷ United Nations Security Council (UNSC) Report Of The Secretary-General on the United Nations Interim Mission in Kosovo (16 September 1999) S/1999/987

²⁷⁸ *Secretary-General appoints Bernard Kouchner of France to head UN mission in Kosovo - Serbia*. (1999, July 2). Relief Web

²⁷⁹ Yannis, A. (2004). The UN as Government in Kosovo. *Global Governance*, 10(1), p.79

UNMIK is equipped with all legislative and executive powers, separate from other peacekeeping operations. The Council has equipped UNMIK with the authority to govern the legislature, executive and judiciary. The legal regulations in force in Kosovo prior to 24 March 1999 are expected to remain in force unless they conflict with the Security Council's authority to UNMIK and the regulations established by UNMIK. UNMIK has the right to revoke or amend existing rules of law that are incompatible with its duties or purposes or Resolution 1244. All legislative and executive powers for Kosovo are approved in accordance with Regulation 1999/1, which is covered by UNMIK and is used by the Special Representative of the Secretary-General, including the management of the judiciary. The special representative has the power to appoint and dismiss those who will serve in Kosovo's civilian administration, including the judiciary.²⁸⁰ Under these conditions, the Special Representative served as the ultimate authority in Kosovo. In this case, within the structure of UNMIK, it is not possible to talk about separation of powers, the executive-legislative and judicial authority was directly linked to SRSG. His judgments weren't subject to public scrutiny and he wielded apparent authority.²⁸¹

Secretary-General Annan stated in his report on 12 July 1999 that "UNMIK will respect the laws of the Federal Yugoslav Republic and Republic of Serbia as long as it does not conflict with internationally recognized human rights standards or regulations issued by the Special Representative using the authority granted to the UN by the Security Council".²⁸²

²⁸⁰UNMIK Regulation No.1999/1 of 25 June 1999 on the Authority of the Interim Administration in Kosovo

²⁸¹ Lemay-Hébert, N. L.-H. (2009). State-building from the Outside-In: UNMIK and its Paradox. *Journal of Public and International Affairs*, 20. p. 67

²⁸² United Nations Security Council (UNSC) Report of the Secretary-general on the United Nations Interim Administration Mission in Kosovo (12 July 1999) S/1999/779

UNMIK has set out a four-pillar strategy under UN leadership: The first pillar is humanitarian assistance under the leadership of the UN High Commissioner for Refugees (UNHCR), once UNHCR accomplished its mission, in 2001, a new Pillar I was established, directed by the UN and entrusted with dealing with Police and Justice. Pillar II is responsible for constructing a civil government in Kosovo, and it is directed by the United Nations. Pillar III, overseen by the OSCE, is tasked with democratic efforts and human rights monitoring. Elections are to be held, human rights are to be developed, and court capacity is to be built. And Pillar IV, was responsible for economic development and restructuring, directed by the EU. A Principal Deputy Special Representative of the Secretary-General (DSRSG) was also assigned to conduct the Special Representative of the Secretary-General (SRSG) in overseeing the mission and maintaining communication between the pillars, each of which is led by a Deputy Representative for the SRSG.²⁸³ For the first time, four multinational organizations, worked under UN authority and with NATO's engagement. The pillar system enhanced collaboration between the territory's key international bodies. Even though NATO wasn't included in the pillar system, UNMIK has improved NATO's peacekeeping capacities along with UN-NATO collaboration. Furthermore, the mission was essential in the development of military-civilian cooperation, particularly between NATO and other international organizations.²⁸⁴

The UN Secretary-General submitted a report to the Security Council on the organization of UNMIK: According to the report, UNMIK will be headed by the Special Representative of the UN Representative General. The mission is planned to consist of four main elements.²⁸⁵ Interim civil administration, humanitarian issues, construction of institutions, and restructuring.

²⁸³ Cordial, M., & Røsandhaug, K. (2009). *Post-Conflict Property Restitution*. M. Nijhoff Pub. p.22

²⁸⁴ Oğuz, Ş. (2016). The Evolution of Peace Operations and the Kosovo Mission. *Uluslararası İlişkiler / International Relations*, 13(51) p.109

²⁸⁵United Nations Security Council (UNSC) Report of the Secretary-General Pursuant to Paragraph 10 of Security Council Resolution 1244 (12 June 1999) S/1999/672

UNMIK has broad authority and has made arrangements under these headings. In this context, five interconnected phases were carried out. The first phase is the provision of UNMIK's authority and the creation of administrative structures under UNMIK administration. Other stages include establishing local advisory units at the political and functional level to ensure participation from the outset, developing international civilian police liaison units, providing immediate support to returning refugees, and maintaining basic public services, including safety and judicial training.²⁸⁶

In this respect, UNMIK's main authority at the beginning was the execution of basic civil administration functions and the provision of civil law and order. Subsequently, it was envisaged that temporary democratic and autonomous administrative institutions would be established through elections and that an autonomous administration would be established gradually, and that UNMIK would transfer its powers to these institutions. At the same time, UNMIK has been appointed to facilitate the functioning of the political process for determining Kosovo's future status.²⁸⁷

Under UNMIK management, three main offices have been established. The Police Directorate has been given responsibility for the establishment and management of the Kosovo Police force and the establishment of an international police unit, border police unit, and policing unit to monitor civilian police operations. The responsibility of the Civil Affairs Department is "to conduct audits and, where necessary, civil affairs such as the economy, budget, and public health, and to support the restructuring of basic public services such as education, transport, and communication. The judicial affairs department was held responsible for "the management and organization of the judicial system, the provision of legal documentation and related affairs".²⁸⁸

²⁸⁶ United Nations Security Council (UNSC) Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (12 July 1999) S/1999/779

²⁸⁷ Brand, M. B. (2003). *The Development of Kosovo Institutions and the Transition of Authority from UNMIK to Local Self-government*. Centre for Applied Studies in International Negotiations (CASIN). p.9

²⁸⁸ United Nations Security Council (UNSC) Report of the Secretary-General Pursuant to Paragraph 10 of Security Council Resolution 1244 (12 June 1999) S/1999/672

Although the UN has provided administrative support in previous peacekeeping operations, in the case of Kosovo, UNMIK differs in the context of establishing a completely new system. The Secretary-General has made direct arrangements with the regulations regarding the appointment or dismissal of judges and prosecutors, the establishment of ad hoc final application courts, and the structure and registration.²⁸⁹ For the first time, the UN has temporarily taken over the administrative system of a country under a peacekeeping operation. UNMIK has suspended Serbian authority over the country with its broad powers. So much that the Secretary-General has announced that all assets registered in the Kosovo region on behalf of the Federal Republic of Yugoslavia or the Republic of Serbia, and their organs, will be managed by UNMIK, including all portable and immovable assets and bank accounts.²⁹⁰

UNMIK, the unprecedented case in the history of peacekeeping missions, highlighted a lot of difficult questions, abstractly and functionally, such as the scope of the international administration's dominance and its relationship to Yugoslavia's authority, and the types of operational structures required to carry out such a broad mandate.²⁹¹

While KFOR evicted all Yugoslav and Serbian forces functioning in Kosovo and seized all sovereign tasks formerly carried by those forces, in addition, the security force has denied Serbian personnel to return to secure patrimonial areas.²⁹²

UNMIK has also worked to eliminate or prevent any Yugoslav or Serbian sovereign practical authority with; Euro adoption as a replacement for the Dinar, rejecting to approve or conduct elections in Yugoslavia, giving OSCE identification cards that can be used instead of passports, using U.N. emblems, and the phrase "Kosovo" instead of Yugoslav or Republic of Serbia emblems and withdrawing Yugoslav and Serbian flags from the previous state premises.²⁹³

²⁸⁹ United Nations Security Council (UNSC) Report Of The Secretary-General on the United Nations Interim Mission in Kosovo (16 September 1999) S/1999/987

²⁹⁰ United Nations Security Council (UNSC) Report of The Secretary-General on The United Nations Interim Administration Mission In Kosovo (12 July 1999) S/1999/779

²⁹¹ Yannis, A. (2004). *"The UN as Government in Kosovo"*. p.69

²⁹²Williams, P. R., Avoryie, A. J., & Armstrong, C. J. (2003). Earned Sovereignty Revisited: Creating a Strategic Framework for Managing Self-Determination Based Conflicts. *SSRN Electronic Journal*, 31(3) p.409

²⁹³ *ibid* p. 410

For Russia these changes meant that UNMIK ignored Serbia's sovereignty from day one,²⁹⁴ For Lëvizja Vetëvendosje (LVV), now a social-democratic political party in Kosovo, the unilateralist position of Belgrade is the fundamental cause for Serbs' lack of integration into Kosovo society, to achieve a final condition of stability in relations with the Serb minority, Kosovo must be definitively split from Serbia, which must obtain statehood and expand its authority over the entire nation.²⁹⁵ And according to international observers adopting growing degrees of autonomy these developments, are expected to play a positive role in preserving human rights and supporting stability in Kosovo.²⁹⁶

At this point it is important to recognize UNMIK's task was challenging, arriving in a region carrying scars of a devastating conflict, 850,000 refugees turning back home, 120,000 houses ruined and 500,000 people displaced, furthermore, economic obstacles coming from Belgrade's colonialist tactics and its ethnic policies, where Albanians weren't allowed to be involved in almost any sector in life, for 10 years.²⁹⁷ Moreover, UNMIK struggled with the coexistence of many conflicting administrative-political powers for the first six months. Namely; KLA, Republic of Kosovo, later disarmament of KLA, and the deployment of Kosovo Protection Corps.²⁹⁸

²⁹⁴ WOLFF, S., & RODT, A. P. (2013). Self-Determination After Kosovo. *Europe-Asia Studies*, 65(5). p.814

²⁹⁵ Visoka, G. (2018). *Shaping Peace in Kosovo: The Politics of Peacebuilding and Statehood (Rethinking Peace and Conflict Studies)* (Softcover reprint of the original 1st ed. 2017 ed.). Palgrave Macmillan. p.128

²⁹⁶ Williams, P. R., Avoryie, A. J., & Armstrong, C. J. (2003). 'Earned Sovereignty Revisited: Creating a Strategic Framework for Managing Self-Determination Based Conflicts' p.411

²⁹⁷ Hysa, Y., Kadare, I., Simic, P., & Frckoski, L. (2001). UNMIK AND KFOR IN KOSOVA. In D. Triantaphyllou (Ed.), *THE SOUTHERN BALKANS: PERSPECTIVES FROM THE REGION*, European Union Institute for Security Studies (EUISS). p.49

²⁹⁸ Brand, M. B. (2003). *The Development of Kosovo Institutions and the Transition of Authority from UNMIK to Local Self-government*. p.11

UNMIK's solution was Kosovo Transitional Council (KTC) with the aim of providing a democratic atmosphere where there is political representation, by involving political parties and ethnic groups in the policy implementation process.²⁹⁹ However, KTC was never able to form a functional agenda and UNMIK find another solution, "Agreement on a Kosovo-UNMIK Joint Interim Administrative Structure (JIAS)".³⁰⁰ The principle was for UNMIK and officials of Kosovo's political factions to share interim administrative control.³⁰¹ Until the Provisional Institutions of Self-Government were established, by Regulation 2001/09 under Constitutional Framework, the JIAS supported the administration of Kosovo.³⁰² For some, JIAS was the end of the "UN honeymoon"³⁰³ The JIAS, stabilized the political landscape and so permitted the early stages toward the establishment of Kosovo institutions but had severe flaws that are still affecting the situation today. JIAS stayed essentially; a compromise solution instead of a foundation for effective administration.³⁰⁴

²⁹⁹ *ibid* p.12

³⁰⁰ *ibid*

³⁰¹ United Nations Security Council (UNSC) On the Kosovo Joint Interim Administrative Structure (14 January 2000) UNMIK/REG/2000/1

³⁰² Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, *Report Submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK) Pursuant to Article 2.2 of the Agreement between UNMIK and the Council of Europe Related to the Framework Convention for the Protection of National Minorities*, 2 June 2005, ACFC (2005)003

³⁰³ Fixdal, M. (2012). *Ways Out of War: Peacemakers in the Middle East and Balkans* (1st ed. 2012 ed.). Palgrave Macmillan. p.212

³⁰⁴ Brand, M. B. (2003). *The Development of Kosovo Institutions and the Transition of Authority from UNMIK to Local Self-government* p.52

Constitutional Framework for Provisional Self-Government in Kosovo, which came into force on 15 May 2001, is an important step towards the autonomy and self-government of Kosovo. In the section titled “Basic Provisions” of this framework, it has been stated that Kosovo, under international temporary administration, has its own unique historical, legal, cultural, and linguistic characteristics together with its people. According to the Constitutional Framework, municipalities are the main units of local self-government of Kosovo and these units have responsibilities specified in the UNMIK regulation. In article 1.5, the Provisional Institutions of Self-Government are determined as the Assembly, the President of Kosovo, the government, the courts, and other institutions and organizations. They are obliged to fulfill the powers granted to these institutions in accordance with the provisions of the UN Security Council resolution 1244 (1999) and the conditions of the constitutional framework, and they are tasked with promoting the rule of law, human rights and freedom, democratic principles and reconciliation.³⁰⁵

While establishing Provisional Institutions of Self-Government, these institutions were not fully empowered. Chapter 8 of the Constitutional Framework separates the powers and responsibilities of the Special Representative of the UN Secretary-General and imposes restrictions on these institutions. Accordingly, the final decision on many issues, such as the determination and approval of the budget, monetary policy, the appointment and dismissal of judges and prosecutors, and the improvement of local institutions, belonged to the Special Representative of the UN Secretary-General. In addition to these, demanding the dissolution of the parliament and declaring new elections were also under its jurisdiction. He could only exercise this authority in consultation with the President of Kosovo and with a resolution supported by two-thirds of the members of the assembly and at the request of the President of Kosovo. In addition, important political issues such as reaching agreements with states and international organizations on all issues and supervising the fulfillment of these agreements are also left to the Special Representative of the UN Secretary General.³⁰⁶

³⁰⁵UNMIK Regulation No.2001/9 of 15 May 2001 on a Constitutional Framework for Provisional Self-Government in Kosovo

³⁰⁶ *ibid*

After the Provisional Self-Government Institutions were established, the first elections were held on 17 November 2001. In the report of the UN Secretary-General, it was stated that the elections were held successfully, but since no party received the votes to form a government, negotiations on the formation of a coalition government were initiated under the supervision of UNMIK. UNMIK has also adopted a charter on municipal self-government in Kosovo, giving comprehensive powers to local governments. Although local governments continued their activities under the full control of UNMIK, they were empowered to regulate and manage a significant part of the public affairs within their area of responsibility. Areas such as urban and rural planning, primary and secondary education, health, consumer protection, tourism are left to the authority of local governments.³⁰⁷

The Provisional Self-Government Institutions established within the scope of the constitution started to work with the election of the members of the Assembly as a result of the general elections held in 2001. Comprehensive areas of responsibility in which temporary self-government bodies can exercise their legislative and executive powers to be delegated by UNMIK are set out as a catalog with a limiting enumeration in the fifth chapter of the Constitutional Framework. In this framework, the legislative power could be exercised by the Assembly and the executive power by the Government in these areas.³⁰⁸

While the UN Security Council affirmed the sovereignty of the Federal Republic of Yugoslavia in Kosovo (Resolution 1244), on the other hand, it indexed the determination of the final status to the outcome of the political process without excluding the option of independence. As a matter of fact, in the Constitutional Framework adopted by UNMIK, it is stated that "all relevant factors, including the will of the people, will be fully taken into account" in the process of determining the final status, which will begin at an appropriate stage in the future, in accordance with UN Security Council Resolution 1244 (1999).³⁰⁹

The violence that took place in Kosovo in March 2004 which lasted for 3 days is a turning point for Kosovo to enter the negotiation process. These attacks demonstrated the region's fragility and the challenge of securing international peace and security.³¹⁰

³⁰⁷ UNMIK Regulation No.2000/45 of 11 August 2000 on Self-Government of Municipalities in Kosovo

³⁰⁸ UNMIK Regulation No.2001/9 of 15 May 2001 on a Constitutional Framework for Provisional Self-Government in Kosovo

³⁰⁹ *ibid*

³¹⁰ Milena Sterio. (2010). The Case of Kosovo: Self-Determination, Secession, and Statehood Under International Law. *Proceedings of the Annual Meeting (American Society of International Law)*, 104, p.365

Additionally, it showed that the hateful feelings between Serbs and Albanians were fresh. Other key features of this incident linked to the UN rule of Kosovo. Serbs' and Albanians' reactions expressed considerable dissatisfaction with UNMIK. Undeniably, even if the events were simply presented as an inter-ethnic conflict amongst Albanians and Serbs, they were far more complicated, including UNMIK's rule. Around this period, UNMIK's public approval rating for its Kosovo management reached its lowest point.³¹¹ Buerstedde links the violence spreading and increasing rapidly to Kosovar Albanians' disappointment by the economic and political impasse, believing that their long-held objective of independence can only be realized if the impasse is broken and some saw the protests as a chance to achieve that. The Serbs were the most accessible target.³¹²

The violence was caused by two separate incidents. First, on March 15, a Kosovar Serbian man was shot in the route, and Serbs from the region blocked the way. The next day, Kosovar Albanian demonstrators attempted to "raise" the barricade. Later, on March 16th, two Albanian boys, drowned in the Ibar River, as alleged, escaping from Serbians.³¹³

According to UNMIK, 19 civilians were killed, more than 900 injured and more than 4,000 were evacuated, Serbs particularly, in these days of violent incidents. In addition, 30 churches and monasteries, 800 houses and 150 vehicles were damaged.³¹⁴

Unusually, large percentage of Kosovo, in unanimity, regardless of their ethnicity (Serb, Albanian, or other), blamed UNMIK for the crisis in a July 2004 survey.³¹⁵

³¹¹ Lemay-Hébert, N. L.-H. (2009). *'State-building from the Outside-In: UNMIK and its Paradox'* p.71

³¹² Buerstedde, D. B. (2005). *Violence in Kosovo Calls for a Fresh Look at the Mission's Priorities. OSCE Yearbook 2004*, p.137

³¹³ Buerstedde, D. B. (2005). *'Violence in Kosovo Calls for a Fresh Look at the Mission's Priorities'* p.136

³¹⁴ Kim, J. K., & Woehrel, S. W. (2008). *Kosovo and U.S. Policy: Background to Independence*. p.9

³¹⁵ Lemay-Hébert, N. L.-H. (2009). *'State-building from the Outside-In: UNMIK and its Paradox'* p.72

It was stated the security agencies in Kosovo (UNMIK, KFOR) failed miserably in their responsibility to safeguard minorities. While what happened in March 2004 was the most devastating crisis since the UN took control, it wasn't the only one. Therefore, the international community seemed completely oblivious to its own mistakes in Kosovo and was accused of weak monitoring aggression targeting ethnic minorities.³¹⁶ Also, at the Security Council meeting, The Russian Federation's representative stated that UNMIK had to be more assertive in recognizing nationalistic behavior and eradicating extremist groups.³¹⁷

In June 2005, the UN Secretary-General appointed Kai Eide, Norway's permanent representative of NATO, as his Special Envoy for a comprehensive review of Kosovo. As a result of Kai Eide's comprehensive review report, the Security Council agreed to start the process of final status for Kosovo.³¹⁸

Between February 20 and September 8, 2006, negotiations were held between the delegations of Serbia and Kosovo, where especially the decentralization of Kosovo's state functions and administrative functions, cultural heritage and religious places, economic issues, and the rights of societies were discussed. As such, the Special Envoy of the UN Secretary-General presented to the parties on 2 February 2007 a comprehensive proposal for the determination of the status of Kosovo and invited the parties to participate in the negotiations to be held within the scope of this proposal.³¹⁹

Upon the failure to reach a consensus between the parties, the Security Council decided to establish a mission for Kosovo on its own behalf, and in the report of this mission, the disagreement of the parties on the final status of Kosovo was emphasized.³²⁰

³¹⁶ Bardos, G. N. (2004). Containing Kosovo. *Connections*, 3(4), pp.21-22

³¹⁷ United Nations Security Council (UNSC) March Violence in Kosovo 'Huge Setback' to Stabilization, Reconciliation, Under-secretary-General for Peacekeeping Tells Security Council (13 April 2004) SC/8056

³¹⁸ United Nations Security Council (UNSC) Letter dated 7 October 2005 from the Secretary-General addressed to the President of the Security Council (7 October 2005) S/2005/635

³¹⁹ United Nations Security Council (UNSC) Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (29 June 2007) S/2007/395

³²⁰ United Nations Security Council (UNSC) Report of the Security Council Mission on the Kosovo Issue (4 May 2007) S/2007/256

The European Union Rule of Law Mission in Kosovo / EULEX, which was also foreseen in the comprehensive proposal on the determination of the status of Kosovo, was established with the joint action adopted by the European Council on February 4, 2008, in the context of the common foreign and security policy of the Union.³²¹ The EULEX is the EU's largest and most determined civilian deployment, it is the first comprehensive mission, including personnel dedicated to police, rule of law, customs, and border protection. Moreover, it is the first EU mission to have executive authority over Kosovo's affairs.³²² UNMIK's presence in Kosovo still continues, as the UN Security Council has appointed UNMIK until it decides otherwise. However, on 15 June 2008, the Constitution of the Republic of Kosovo entered into force, and changes were made in the duties and structure of UNMIK due to the actual situation. In this context, UNMIK's civil administration part came to an end.³²³

³²¹ Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO

³²² Chivvis, C. S. (2010). EULEX Kosovo. In *EU Civilian Crisis Management: The Record So Far*, RAND Corporation.p.31

³²³ United Nations Security Council (UNSC) Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (12 June 2008) S/2008/354

5.1. Opinions on UNMIK

Kosovo has clearly achieved significant progress in recent years with international help. Public institutions have been formed and are being reinforced, the rule of law is more established, and the security affairs are more responsible. Nevertheless, employment rate and ethnic conflicts continue to be significant concerns in the political, economic, and social realms.³²⁴

Jessen-Petersen highlights two lessons from UNMIK. First, the pillar structure, which is at the core of UNMIK, was successful and can be used as a method of assuring regional organizations' full participation and representation in UN missions. Second, although UNMIK has been helpful on economic problems, this has been a slow and challenging process.³²⁵ It should be kept in mind that the economic problems that Kosovo is facing are not because of the inter conflict nor the NATO's operation, but because of years of underdevelopment.³²⁶

Another issue that is known as the success of UNMIK, was the return of refugees. The majority of the 848,000 people who fled the state or were deported returned following KFOR troops. KFOR measures were able to overcome initial concerns that some of them would wither due to weather conditions.³²⁷

³²⁴ Teran, N. S. (2007). 'Kosovo' p.19

³²⁵ Jessen-Petersen, S. (2006). Challenges of Peacebuilding: The Example of Kosovo. *Sicherheit Und Frieden (S+F) / Security and Peace*, 24(1), p.10

³²⁶ The Independent International Commission on Kosovo. (2000) *The Kosovo Report Conflict International Response Lessons Learned* p.125

³²⁷ *ibid*, p.119

In addition to all these achievements, there is a prevailing opinion that UNMIK failed on the political aspect. First, after the broad authority of UNMIK, there was an institutional resistance to transferring power and responsibilities to the new sovereign bodies of Kosovo.³²⁸ Second, it lost public support, therefore there had been a legitimacy obstacle. Whereas the UNMIK's administration was perceived favorable throughout the period from 1999 to 2001, it gradually began to be considered invasive and oppressive.³²⁹ UNMIK was recognized by the Kosovars in general, but it was never truly theirs. They perceived it as political, clandestine, and profoundly undemocratic to the local people. Some Kosovars have even begun to label some aspects of UNMIK as neocolonial.³³⁰ Third is the absence of preparation. It was politically problematic for the UN to make any decisions until the final stages.³³¹ Also, despite the best efforts of the UNMIK administration, the crisis between the region's two key ethnic groups didn't end. While in the 1990s, predominantly Albanians were the displaced ethnic group in Kosovo, roles changed in Kosovo after the NATO intervention in 1999, and Kosovo Serbs faced forced migration. Serbia's loss of de facto sovereignty over Kosovo played an important role in this process. In these circumstances, Serbs either had to live in enclaves, concentrated in the northern region of Kosovo, where they make up the majority or sought a life outside Kosovo.³³² In addition, the paradoxical nature of 1244, which contains both "substantial autonomy and self-government" for Kosovo and promises to Yugoslavia's sovereignty and territorial integrity, makes policymaking on a variety of subjects, including as security, currency, and commerce, extremely difficult.³³³

³²⁸ Williams, P. R., Avoryie, A. J., & Armstrong, C. J. (2003). *Earned Sovereignty Revisited: Creating a Strategic Framework for Managing Self-Determination Based Conflicts* p.424

³²⁹ Lemay-Hébert, N. L.-H. (2009). *State-building from the Outside-In: UNMIK and its Paradox* p.69

³³⁰ Muharremi, R., Peci, L., Murati, T., & Blumi, I. (2003). *ADMINISTRATION AND GOVERNANCE IN KOSOVO: LESSONS LEARNED AND LESSONS TO BE LEARNED*. Centre for Applied Studies in International Negotiations (CASIN) p.11

³³¹ *ibid*

³³² AĞIR, B. S. (2014). Güvenlik ve Göç Kavşağında Kosova Sorunu. *Ankara Üniversitesi SBF Dergisi*, 69(3) p.475

³³³ The Independent International Commission on Kosovo. (2000) *'The Kosovo Report Conflict International Response Lessons Learned'* p.8

CHAPTER IV: PATH TO INDEPENDENCE

UNMIK assisted the Kosovar Albanians in forming their own government in between 1999 and 2004. Nonetheless, it did not take on the task of defining either it would be an independent country or a province of Serbia, before 2004.³³⁴

With a temporary administration in place in 2002, UNMIK leader Michael Steiner coined the motto "Standards Before Status," which was evolved into an operational strategy in 2003-2004, including criteria for 'effective governance and inter-ethnic accommodation' However, in March 2004, Albanian uneasiness erupted showed itself as violent attacks against Serb settlements and UNMIK, this was a violation of the concept of "Standards before Status."³³⁵

In the three years afterward, substantial improvements have been made, despite the fact that the threat of further violence and the notion of deserved independence have propelled the status progression in an uncomfortable partnership. More authority transfers to the PISG and the initiation of status talks were advocated by UN Special Envoy Kai Eide in July 2004. After a year, he came to the conclusion that there was no use in delaying any longer.³³⁶

Former Finnish President Maarti Ahtisaari was chosen by UN Secretary-General Kofi Annan to lead the negotiations in the same year. The negotiating group and the parties gathered to negotiate the sensitive issues of decentralization (the establishment of municipal governments), "minority rights" (Serb communities in Kosovo), the "right of return" (Serbs' rights to come back to their homes in Kosovo), and religious site preservation.³³⁷

The most arduous discussions were over Kosovo's eventual status, which saw little substantial progress. Despite the fact that the rounds of discussions failed, it outlined the steps involved in establishing Kosovo as an independent state as well as the growth of international monitoring in the region. However, international politics, backed up by legal issues, paralyzed the Security Council by not deciding to implement the proposal.³³⁸

³³⁴ Cohen, A. C. (2011). A New State in the 21st Century: Kosovo's Path to Independence. *Denver Journal of International Law & Policy*, 39(1) p.171

³³⁵ International Crisis Group. (2007). *The Ahtisaari Plan at the UN Security Council. in Kosovo: No Good Alternatives to the Ahtisaari Plan*. International Crisis Group.p.2

³³⁶ *ibid*

³³⁷ Cohen, A. C. (2011). A New State in the 21st Century: Kosovo's Path to Independence. *Denver Journal of International Law & Policy*, 39(1) p. 172

³³⁸ *ibid*

Ahtisaari's unwavering dedication to independence from the start impacted the process. Rather than engaging in open talks with the other side to explore a range of choices for Kosovo, he concluded from the start that there was no other option except statehood. As a result, he determined that the discussions should focus on the specifics of this agreement. The conversations were, in fact, pre-loaded from the outset. Due to this, Belgrade and Russia rejected the plan drawn by Mahtisaari in early 2007. Following that, in the last half of 2007, a new round of talks was convened with the Troika (the United States, Russia, and the European Union).³³⁹

Serbs wished for the process to continue, but Kosovo Albanian delegates were skeptical that this latest round of discussions might lead to a settlement. Several meetings were held by Troika. After much intense and long negotiating process, a common ground couldn't be found between parties, as a result, the Kosovo Parliament made up mostly of Kosovar Albanians, unilaterally declared Kosovo's independence on February 17th, 2008.³⁴⁰

The independence decision was welcomed by the US and most of the EU countries. Kosovo Prime Minister Hashim Thaci stated that the United States and most EU countries only supported the declaration of independence "in exchange for the commitment of the Kosovo government to meet the conditions set out in the Ahtisaari Plan". Therefore, Kosovo's independence was only recognized on the condition that if the governance is based on the rule of law and supporting the multicultural structure.³⁴¹

³³⁹ KER-LINDSAY, J. (2013). Preventing the Emergence of Self-Determination as a Norm of Secession: An Assessment of the Kosovo "Unique Case" Argument. *Europe-Asia Studies*, 65(5), p.849

³⁴⁰ Geci, S. G. (2008, June). *Kosovo's Final Status Negotiation Process: A Way Out or Cul-de Sac* (Master's Dissertation). the Faculty of Arts in the University of Malta for the degree of Master in Contemporary Diplomacy. p.60

³⁴¹ OKTAY, E. G., & RRAPAJ, J. (2016). Sosyal İnşacılık Açısından Kosova'nın Kimliği: Bağımsızlık Sonrasında Ortak Bir "Kosovalı" Kimliği Oluşturmak Mümkün mü? *Uluslararası İlişkiler Dergisi*, 13(49)p.50

The self-declared independence might be interpreted as a deficiency of the international process, however, it was the result of a transformation that was closely followed by the international community. While reading the declaration, Kosovo Prime Minister Hashim Thaci openly stated that Kosovo is committed to Kosovo's 'peace and stability,' and that the international organizations would remain to be essential to protect the independence path. Countries was fast to officially recognize independent Kosovo.³⁴² Russia, China, Serbia, and a few other governments on the United Nations Security Council criticized the self-declared independence as a breach of international law. The EU's 27 member nations accept Kosovo's independence to a large extent, but Spain, Cyprus, Romania, Slovakia, Bulgaria, and Greece have voiced severe concerns. Meantime, the United Nations has kept a strong "status neutral" stance on Kosovo's status.³⁴³

Meanwhile, US State Department stated that, UNMIK will be more or less entirely replaced by EULEX as a crucial help for the formation of an independent Kosovo.³⁴⁴ Also, according to the Secretary-General, the unilateral proclamation of independence and the expected ratification of the Kosovo Constitution, "would essentially withdraw from UNMIK its present powers as an interim civil authority."³⁴⁵

Russia advocated that UNMIK shouldn't be allowed to transfer its responsibilities to Kosovo and EULEX without a new mandate. Although numerous EU countries believed the mission could carry on as soon as the Kosovo constitution went into effect, some countries seemed reluctant.³⁴⁶

³⁴² Mertus, J. A. (2009). "*Operation Allied Force: Handmaiden of Independent Kosovo*". p.461

³⁴³ Kim, J. K., & Woehrel, S. W. (2008). '*Kosovo and U.S. Policy: Background to Independence*' p.22

³⁴⁴ Mertus, J. A. (2009). *Operation Allied Force: Handmaiden of Independent Kosovo*". p.461

³⁴⁵ Weller, M. (2008). Independence. In *Negotiating the final status of Kosovo* European Union Institute for Security Studies (EUISS) p.75

³⁴⁶ *ibid*

Then-Spanish Foreign Minister Miguel Angel Moratinos (2004-2010) stressed that the Spanish Government would not recognize Kosovo's independence and that independence was not in line with international law. The Basque and Catalonia autonomous regions of Spain can be cited as the reasons why Spain does not recognize Kosovo's independence. Spain has also struggled with separatist pressures in Catalonia's Northeastern region. Moratinos stated that this separation in the Kosovo case should either be by an agreement between the parties or by UNSC resolution.³⁴⁷

Liu Jianchao, a spokesman for China's Foreign Ministry said "China expresses its deep concern over Kosovo's unilateral declaration of independence," said Kosovo's unilateral action will undermine peace and stability in the Balkan region. Taiwan promptly praised Kosovo, echoing some Taiwanese desires for a total political split with China. Liu Jianchao, answered that Taiwan was a region of China therefore it had no authority to give international recognition to anyone.³⁴⁸

Serbia, as in the whole process rejected the declaration of independence.³⁴⁹

Following the adoption of the declaration of independence, the Republic of Serbia informed the UN Secretary-General that it represented the forced and unilateral separation of part of Serbia's territory and that it had taken a decision declaring that it would not have legal implications in Serbia or the international legal order.³⁵⁰

³⁴⁷ Sarriá, P. V., & Demjaha, A. (2019). Kosovo-Spain Relations and the Dilemmas on the Problem of Non-Recognition. *SEEU Review*, 14(1),p.73

³⁴⁸ Bradsher, K. (2008, February 18). In Asian Reaction to Kosovo Declaration, Fears of Secession. *The New York Times*. <https://www.nytimes.com/2008/02/19/world/asia/19asia.html>

³⁴⁹ Warbrick, C. (2008). Kosovo: 'The Declaration of Independence' p.679

³⁵⁰ United Nations Security Council (UNSC) Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (28 March 2008) S/2008/211

At Serbia's request, the UN Security Council convened an extraordinary meeting on 18 February 2008; At this meeting, Serbian president Boris Tadić announced that the declaration of independence was unlawful declared invalid and void by the Serbian National Assembly³⁵¹ However, due to the differences in political approach of the permanent members of the Security Council on the Kosovo issue, no decision was taken in the Council regarding Kosovo's unilateral declaration of independence. Ultimately, acting on Serbia's initiatives, the UN General Assembly adopted a resolution asking the International Court of Justice (ICJ) for an advisory opinion on the issue. The question, which was asked for an advisory opinion from the Council, was raised by Resolution 63/3 of the UN General Assembly on 8 October 2008.³⁵²

The Court concluded that the declaration did not violate international law. The resolution avoided prioritizing either sovereignty or the principle of self-determination and did not state that Kosovo is a state, nor did it include the legal consequences of the declaration. He narrowly commented that no law in international law would prevent a unilateral declaration of independence. According to the general principles of international law, Kosovo's independence does not violate United Nations Security Council Resolution 1244 and the constitutional framework, giving a legitimate basis for independence.³⁵³

Also, Serbia staged a big protest march in Belgrade on February 21, upon Kosovo's declaration of independence. People broke into the US embassy and damaged the chancery building, as well as attacking the embassies of other nations. Serbian force ultimately brought the situation back to normal. Serbia's President and Prime Minister denounced the violence and promised to safeguard foreign embassies in Belgrade, however some authorities claimed the violence was caused by the United States' backing for Kosovo's independence.³⁵⁴

³⁵¹ United Nations Security Council (UNSC) 5839th meeting (18 February 2008) S/PV.5839

³⁵² United Nations General Assembly (UNGA) Resolution adopted by the General Assembly (8 October 2008) A/RES/63/3

³⁵³ Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, I.C.J. Reports 2010, p.403

³⁵⁴ Kim, J. K., & Woehrel, S. W. (2008). "*Kosovo and U.S. Policy: Background to Independence*" p. 23

1. Kosovo's Independence for United States

The role of the United States in directing the new Kosovo policy was undertaken by Deputy Secretary of State Nicholas Burns after 2005. Concerning Kosovo, Under-Secretary of State Burns made a new American political initiative in cooperation with the UN and the Contact Group, which included Britain, Russia, France, Germany and Italy. Burns said that “2005 is now the year of decisions for Kosovo; now this year, the United States wants to begin the process of determining the future status of Kosovo, because the current state of uncertainty is neither a sustainable nor a desirable outcome, as the current state of uncertainty threatens the successes of the United States in the Balkans over the past decade”³⁵⁵

As mentioned before, the idea of an 'Independent Kosovo' was completely excluded during the Clinton era. In the second term of George W. Bush, it was aimed to support the “Standards before Status” policy and then to reach a solution by negotiating with the parties. On the other hand, we see that the main goal of the U.S., which continues its efforts to ensure the participation of the stabilized Balkans in the Euro-Atlantic integration, has not changed and wants to play a conciliatory role in the solution of the problem. To this end, it also supported Serbia's participation in NATO's Partnership for Peace program at the end of 2006.³⁵⁶

While the U.S. openly declared that they were in favor of the independence of Kosovo in the face of this strict attitude of Serbia and Russia, in 2007 President George W. Bush began to express the idea of an independent Kosovo frequently.³⁵⁷

And when Kosovo declared independence, the United States strongly supported Kosovo's independence and has called for it to be supported in other countries.³⁵⁸ The United States Secretary of State declared the US' formal recognition of Kosovo as an independent state, a day after Kosovo proclaimed independence, and President Bush approved Kosovo President's demand for complete diplomatic relations with the United States.³⁵⁹

³⁵⁵ Woehrel, S.W. (2006) *Kosovo's Future Status and U.S. Policy*. Library of Congress. Congressional Research Service. p.2

³⁵⁶ *ibid.*p.6

³⁵⁷ Traynor, I. (2017, November 27). *Bush insists Kosovo must be independent and receives hero's welcome in Albania*. The Guardian.

³⁵⁸ Rama, F. R. (2018) 'The Liberation and Independence of Kosovo' p.4

³⁵⁹ Kim, J. K., & Woehrel, S. W. (2008). *Kosovo and U.S. Policy: Background to Independence*. pp.28-29

Secretary of State Condoleezza Rice, justified the uniqueness of Kosovo's independence, in its declaration of recognition of its decision, as follows: The disintegration of Yugoslavia, ethnic cleansing and crimes against civilians and the period under UN administration are the reasons that are not seen in any other example and make Kosovo unique and defined Kosovo as a “close friend and a partner”³⁶⁰

The U.S. also showed significant support for Kosovo in the economic sphere, with the inclusion of the Generalized System of Preferences in December 2008 for underprivileged countries. Within the framework of this program, customs and quota easements have been implemented for goods imported from Kosovo.³⁶¹ and also supported Kosovo's access to the World Bank and IMF in June 2009. Bureau of Public Affairs defined this as ‘ ‘ Kosovo's official integration into the global financial system was signified by this event, which will have a favorable impact on the country's economic and financial growth’ ’³⁶²

On the other side of the coin, by this time, Russia still has not recognized Kosovo. Serbia's outspoken complaint was echoed by Moscow. Apart from concerns about probable consequences for its own secessionist groups, Russia regarded Kosovo's independence as an American-backed attempt to destabilize an already fragile Serbia, its historical partner in the area.³⁶³

Newman and Visoka, claim that the issue of recognizing Kosovo is caught between the historical hegemonic rivalry, which has severely harmed several features of Kosovo’s desire for statehood. In obtaining recognition, the Kosovo issue exemplifies the blurring barriers among power politics and normative arguments and also illustrates the interaction of elements that shape international reaction to state recognition.³⁶⁴

³⁶⁰ U.S Recognizes Kosovo as Independent State (2008, February 18). U.S Department of State Archive. <https://2001-2009.state.gov/secretary/rm/2008/02/100973.htm>

³⁶¹ *Letter to Congressional Leaders Extending Generalized System of Preferences Benefits to Kosovo and Azerbaijan* | *The American Presidency Project*. (2008, December 19). The American Presidency Project. <https://www.presidency.ucsb.edu/documents/letter-congressional-leaders-extending-generalized-systempreferences-benefits-kosovo-and-azerbaijan>

³⁶² *Kosovo Joins the IMF and World Bank*. (2009, June 29). U.S. Department of State. <https://2009-2017.state.gov/r/pa/prs/ps/2009/06a/125489.htm>

³⁶³ Viceré, M. G. A. (2019). ‘*The Future Is Back: The EU, Russia and the Kosovo—Serbia Dispute*’ p.6

³⁶⁴ Newman, E., & Visoka, G. (2016). The Foreign Policy of State Recognition: Kosovo’s Diplomatic Strategy to Join International Society: Table 1. *Foreign Policy Analysis*, 14, p.383

2. Kosovo's Independence for European Union

EU member states could not show a common stance on the independence of Kosovo. Spain, the Greek Cypriot Administration of Southern Cyprus (GCA), Greece, Slovakia and Romania, which thought that the independence of Kosovo could set an example for similar problems within their own structure, did not recognize the independence decision.³⁶⁵

As a result of the difficulty of joint action towards the decision in the EU, the Union stated that it would be right for member states to reach a decision in line with their own political preferences in the face of this unprecedented situation.³⁶⁶

Despite the fact that five EU member states have refused to recognize Kosovo, the European Union is extremely involved in Kosovo in several capacities.³⁶⁷

In July 2008, in Brussels, The European Commission called a contributor meeting to outline Kosovo's economic plan and investment goals in support of the country's economic progress.³⁶⁸

On this aspect, it can be seen that the EU aims to meet the country's need for social and economic development and institutionalization. Under IPA II, Kosovo is eligible for two titles “Assistance for transition and institution building” and “Cross-border cooperation”³⁶⁹

And with IPA, the EU has made a considerable amount of financial support in Kosovo.³⁷⁰

³⁶⁵ Viceré, M. G. A. (2019). 'The Future Is Back: The EU, Russia and the Kosovo—Serbia Dispute' p.6

³⁶⁶ European Union, Council of European Union (2008) Press Release 2851th Council Meeting, p.7

³⁶⁷ Hoogenboom, J. H. (2011). *The EU as a Peacebuilder in Kosovo*. Civil Society Dialogue Network. p.8

³⁶⁸ Nezaj, N. N. X. (2015). *The Development of Kosovo and its Relationship with the EU* (No. 4/15). Europa-Kolleg Hamburg, Institute for European Integration. p.14

³⁶⁹ European Union, European Commission (2015) Report from the Commission to the European Parliament, The Council and The European Economic and Social Committee Annual Report on Financial Assistance for Enlargement in 2014

³⁷⁰ Nezaj, N. N. X. (2015). “The Development of Kosovo and its Relationship with the EU “ For the exact data, Nezaj added the table to his paper, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52011DC0641>, COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA)REVISED MULTI-ANNUAL INDICATIVE FINANCIAL FRAMEWORK FOR 2012-2013, p.9

At the end of 2008, with the gradual withdrawal of the UN administration from Kosovo, the units formed by the EU began to take on technical and administrative tasks. There are 2 main EU bodies working in Kosovo: EULEX (EU Legal Mission in Kosovo) and European Union Office in Kosovo / European Union Special Representative.

After the independence of Kosovo, the EU Rule of Law Mission (EULEX) was established on February 16, 2008, with the joint will of the member states, based on the UN General Assembly Resolution 1244/99. However, the resolution wasn't suitable as a legal foundation for EULEX's broad scale of activities ³⁷¹ As mentioned earlier, EULEX is the largest civilian mission launched under the European Security, in Kosovo. It is generally accepted that the EU, through these initiatives, functions as an important transformative power in Kosovo and makes significant contributions to Kosovo's European status.

The other body, Kosovo European Union Office/ European Union Special Representative maintains political and technical communication with EU institutions in Kosovo. While contributing to the cooperation between EU institutions in the region, the promotion of human rights is also within its scope of work. It provides consultancy support to the government of Kosovo in all these areas.³⁷²

The third element of the EU-Kosovo relationship is STM/SAA. The initial session of the Kosovo SAP Tracking Mechanism (STM) marked a significant step forward in Kosovo's transition to EU-compliant structural reforms. Ever since, the EU has stated its willingness to work with Kosovo's interim administration and has urged more changes in the areas of democracy, rule of law, human and minority rights, and market policies. This process was used to determine "how" quickly the temporary government fulfilled the "duty," and it went through numerous stages of recommendations until 2007, after "extended tracking mechanisms of the Stabilization-Association" have been developed. In 2009, The EU renamed "Tracking Mechanisms" to "Political Dialogue of Stabilization-Association" ³⁷³

³⁷¹Cadier, D. C. (2011). *Constructing Ambiguity or Constructive Disunity? Transatlantic Security Paper No. 3*. Note de la FRS p.3

³⁷² Hoogenboom, J. H. (2011). 'The EU as a Peacebuilder in Kosovo' p.10

³⁷³ Zhuja, B. (2015, February 16). *EU experiments on Kosovo's integration path. Challenges of Stabilization and Association Agreement.*, p.5

Shortly after the European Commission announced that a feasibility study would be conducted for a Stabilization and Association Agreement between the EU and Kosovo on October 10, 2012, the agreement of the parties to normalize mutual relations under the mediation of High Representative Ashton offered Kosovo an opportunity to advance on the path to the EU. The European Council, dated 27-28 June 2013, decided to start negotiations on the Stabilization and Association Agreement (SAA) with Kosovo.³⁷⁴ In April 2016, the Stabilization and Association Agreement (SAA) was implemented.³⁷⁵

The SAA's significance is that it establishes economic and political ties between Kosovo and the EU. The SAA's basis is the creation of free commerce. The free movement of products, services, people, and capital is eventually included in this mechanism. Kosovo is obligated under the SAA to align its legislation with the EU acquis.³⁷⁶ Which are the binding legal standards that apply to all member states on their territory. The adoption and execution of the Acquis are at the root of membership discussions. As a result, Kosovo, as a nation aspiring to join the EU, should accept the full Acquis and incorporate it into its legal provisions. Nonetheless, Kosovo faces legal duties as a result of the SAA's implementation, which necessitates more extensive and durable planning. As a result, the National Program for Implementation of the Stabilization and Association Agreement (NPISAA) was prepared by the Government of Kosovo with the aim to execute this agreement and all of the associated changes.³⁷⁷

³⁷⁴ (European Commission, "Enlargement Strategy and Main Challenges 2013-2014", COM (2013) 700, Brussels, 2013(a), p. 20.)

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2013:0417:FIN:EN:PDF>

³⁷⁵ Jakupi, A. J. (2019, April). *Stabilization and Association Agreement between Kosovo and The European Union*. Europe in times of change: challenges and policies in a complex political order EUI Max Weber Programme and James Madison University 12 th Graduate Symposium, Fiesole, Italy. p.6

³⁷⁶ Nežaj, N. N. X. (2015). 'The Development of Kosovo and its Relationship with the EU' p.16

³⁷⁷ Jakupi, A. J. (2019, April) 'Stabilization and Association Agreement between Kosovo and The European Union' p.7

From the Kosovars' perspective, it can be seen that they are looking to SAA positively mostly in sovereignty aspect and somehow the political benefits. Looking to the Pristina Institution for Political Studies' 2016 study (PIPS 2016), reported by Umberto Cucchi, approximately half of the participants of the Pristina Institution for Political Studies' 2016 study (PIPS 2016) said the SAA had increased Kosovo's sovereignty.³⁷⁸ And for the political aspect, while %37 of the respondents are saying it will benefit politically, %40 are neutral.³⁷⁹

Kosovo and the EU have a binding legal contract as a result of the SAA's implementation. Both Kosovo and the European Union have had difficulties in putting this agreement into effect. Kosovo's concern exists mostly related to its implementation skills, but the EU has experienced difficulties because of some member states' refusal to recognize Kosovo.³⁸⁰ The SAA continues to serve as the foundation for bilateral collaboration with the EU. This will boost Kosovo's standing in the EU as it moves closer to eventual EU membership. This will improve Kosovo's image and its relationship with the European Union.³⁸¹ To conclude, what we can draw from these developments is that the EU has moved to strengthen its capacity for conflict prevention and crisis management, which is compatible with the identity of a civilian power after the NATO intervention.

³⁷⁸Cucchi, U. C. (2017, November). *Kosovo, European Integration and the SAA: An analysis of citizens' perceptions* (No. 03/2017). Group for Legal and Political Studies, p.13, graph.13

³⁷⁹ *ibid.* p.15, graph.17

³⁸⁰ Jakupi, A. J. (2019, April). '*Stabilization and Association Agreement between Kosovo and The European Union*' p.8

³⁸¹ Nezaj, N. N. X. (2015). '*The Development of Kosovo and its Relationship with the EU*' p.15

CONCLUSION

According to the findings of the study, the role of external players is crucial in Kosovo. Even if Kosovo had declared independence without such extensive engagement by the other actors, the procedure would have resulted in further controversy and delay. This study examined the degree, type, and influence of foreign players and their policies, the internal actors' actions and events, at each phase that proceeded to the construction of a new political system in Kosovo. Kosovo's struggle has a long-lived story involving two nations, Kosovo Serbs and Albanians. The prevalence of nationalist sentiments and the determination to retain its geographical supremacy in the Balkans are the fundamental causes of this conflict. Both "Greater Serbia" and "Greater Albania" have generated major challenges for these two countries. Kosovo is at the core of the Serb-Albanian conflict. Following WWII, the new state, led by Tito, defied Serbian rule, outlawed nationalist rhetoric, and adopted the concept of peoples' brotherhood. The Yugoslav super-identity has emerged. Serbs saw Tito's grant of autonomy to Kosovo under the 1974 Constitution as a sign of Serbia's downfall. The leaders of Serbian nationalism, who made the most of the vacuum created after Tito's death, have prepared a new plan of action on the future of Serbian national politics. It has been determined what needs to be done to fulfill the Greater Serbia ideal. After debating every detail necessary to make the dream a reality, the era of Slobodan Milošević, who has come to the forefront of the Serbian public's attention with his Kosovo rhetoric, began. The unrest at the 1981 University of Pristina has taken on different dimensions, and in addition to the increasing Serb-Croat, Serb-Albanian, and Serb-Bosniak rivalries since 1988, the restriction of Vojvodina and Kosovo's autonomy has once again escalated tensions in the region. As a result, in the early 1990s, the Balkans met new states such as Croatia, Slovenia, Bosnia, Herzegovina, and Macedonia. The passive resistance, led by Rugova, leader of the Democratic League of Kosovo (LDK), and all the Kosovar Albanians expected the Kosovo issue to be addressed in the first international initiative to resolve the Yugoslav crisis, but the developments did not match the opposition's expectations. The Dayton Agreement, under the heavy influence of the US, resolved the problems between Bosnia and Herzegovina, Croatia, and Serbia, since there was an ongoing war, however, Kosovo was not mentioned in the agreement. The Kosovo opposition then switched to the Kosovo Liberation Army (KLA) instead of the LDK, and passive resistance was abandoned, escalating clashes between the Albanian opposition and Serbian forces. As attacks by Serbian forces on civilian populations

have increased, so has support for the KLA. During 1998, the Albanian population was driven out of villages and subjected to various massacres. The violence in Kosovo, which peaked in 1999, has become a humanitarian problem, with the unparalleled response of the Serbian force to KLA attacks. And the international community then began to deal with the conflict in Kosovo, acknowledging that there was a civil war in the region that could affect the entire Balkans and this problem began to take shape around the United States, the EU, and Russia and became an international problem. Since the international community has been unable to put a stop to atrocities or to avert the horrific massacre at Srebrenica in July 1995, and seeing Milošević played a role in the conflict in Bosnia and Herzegovina as well as Kosovo, significant segments of the international community fear of a repeat of the events in Bosnia and Herzegovina. Various international organizations have raised the Kosovo issue with the European Union (EU) Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), and stressed the need for greater autonomy for Kosovo to resolve the issue diplomatically. The work of the Contact Group, which consists of the United States, Britain, France, Germany, Russia, and Italy, has deepened the international dimension of the problem. Before the Kosovo intervention, the UN Security Council had four resolutions on Kosovo. The first decision is dated 31.03.1998, Resolution 1160. Which implied imposing an arms embargo on Yugoslavia, including Kosovo, at the suggestion of the contact group. The UN resolution condemned the violence against civilians by Serbian police forces on the one hand and the KLA on the other and called on Albanian leaders in Kosovo to end all acts of terrorism and to take immediate steps towards a political solution to the Federal Republic of Yugoslavia. To solve the problem, the Federal Republic of Yugoslavia has been asked to co-operate with the Contact Group and to resolve the issue through dialogue. On September 23, 1998, the UN Security Council announced Resolution 1199, calling for a ceasefire for the conflicting parties, stating its concern over the use of force by Serbian Security forces and the Yugoslav Army. This resolution stated that additional measures can be taken to ensure peace and stability and the use of force was not approved. In resolution 1199, it is stated that the necessary measures for a political solution should be taken by referring to the previously issued resolution 1160. It is also emphasized that representatives of other states and international organizations should not be prevented from coming to the region to observe the situation in the region. For this purpose, it was decided to establish the Diplomatic Monitoring Mission of Kosovo. The third resolution of the United Nations Security Council is Resolution 1203 of 24 October 1998. It highlighted

that the situation in Kosovo remains a potential threat to regional peace and security, and the OSCE has decided to establish a Kosovo Monitoring Mission (KVM). On November 17, 1998, the Security Council took its fourth resolution, Resolution 1207. This resolution referred to previous decisions and underlined the issues mentioned. The commonality of all the resolutions is that, in line with the leading role of the OSCE and the Contact Group, the territorial integrity, and sovereignty of Yugoslavia. In none of the UN Security Council resolutions on Kosovo, a state or an international organization is authorized to use force. The U.S. sent its special representative (Richard Holbrooke) to meet Milošević on October 13, 1998, Milošević made promises during the meeting, such as cutting off military operations, granting partial autonomy to Kosovo, and limiting its military presence there, but he broke his promise and maintained a policy of violence against the region. For the peace conference, Albanian and Serbian parties were summoned to France (at Rambouillet Castle) for talks, The US proposal to the parties in the Rambouillet talks, the deployment of NATO Troops to Kosovo, and the imposition of conditions such as the approval of independence at the end of the third year was not accepted by the Yugoslav administration. Rambouillet's failure resulted in the NATO intervention. Kosovo intervention in terms of the use of force against a state on humanitarian grounds without self-defense or UN Security Council authorization offered a good test of humanitarian security rhetoric. The UN Secretary-General's statements and press releases by heads of state and political leaders, UN Security Council resolutions, and statements at meetings, provided a legitimate basis for intervention by referring to human rights violations in Kosovo. Russia and China never accepted its legitimacy and saw it as an aggressive attack on sovereignty. The main emphasis has been that there is a humanitarian crisis in Kosovo, which will lead to the deterioration of security and peace in the region. Actors, particularly US president Bill Clinton, and then-NATO Secretary-General Javier Solana have called for intervention as an extraordinary measure for people who need to be protected, citing the situation in Kosovo in terms of humanitarian security. With Resolution 1244 of the Security Council after the air campaign, the UN retroactively legitimized the intervention and was actively involved in the process with the UN peacekeeping operation within the scope of the resolution. In Kosovo, rhetoric has been more about justifying the intervention as an exception than creating a new consensus within the framework of humanitarian protection in the international environment. Military intervention was based on Kosovo's unique situation and the 'No alternative solution' in the actors' statements and was considered as part of extraordinary measures. After the war, United Nations Interim Mission

in Kosovo (UNMIK) sought to improve the region's stability, security, and institutions, suspending Belgrade's administration with much broader authority than previous UN peacekeeping operations, and establishing a de facto area of sovereignty in Kosovo that would later create an independent state. UNMIK has combined international security assets such as NATO and KFOR with civilian government assets. UN peacekeepers have been deployed to besieged and divided cities after 78 days of the bombardment. In this context, the UN has tried to ensure security in Kosovo within the framework of activities based on protecting borders and ending or freezing armed conflicts. While accepting the UN's institutional success in Kosovo for further peacebuilding operations it should be kept in mind that popular support is extremely important for not facing a legitimacy challenge, and also it is clear that UNMIK, rather than solving the conflict's core problem, the discrimination, and humanitarian issues, has set its focus on stabilizing the region. All the stages covered by the thesis do not reflect a harmony of policy between the actors in Kosovo. The Balkans policy of the actors was influenced by different dynamics, and in the case of the US and Russia, those dynamics were in contrast with one another. In the post-Cold War period, the crises in the Balkans led to the disintegration of Yugoslavia, leading to the United States as a global power pursuing an active policy, while Russia was able to adapt to the issue during the transition period in the 1990s. As can be seen in Chapters II and III, the U.S., the most influential actor in Dayton, Rambouillet, and the intervention, Europe was perceived to have undertaken this role following Kosovo's independence. However, the U.S. weight continues in Kosovo's internal political balances. On the other hand, it is seen that different issues come to the forefront in determining Russia's policy on the Kosovo issue than in the United States. Russia's historical, ethnic and religious ties with Serbia have led the Moscow administration to stay close to Serbian arguments on Kosovo. Moscow, which had difficulty engaging in regional crises in the Balkans in the 1990s, pursued a more proactive policy on Kosovo, but the developments after 1999 resulted in the strengthening of the Euro-Atlantic wing in Kosovo. In this context, Kosovo's unilateral declaration of independence on 17 February 2008 made Russia the weaker actor. However, while the Moscow administration played its veto card for Kosovo's UN membership, Russia, which has pursued a policy in line with the West to end the conflict in Kosovo, has taken a contrasting approach with the West in the post-intervention period. Following Kosovo's unilateral declaration of independence in 2008, Kosovo tried to improve the state-building process, especially by making adjustments to the local government structure, to improve its stability, security, and institutions under UNMIK

after the war and the state's membership in international organizations became a priority. Unable to become a member of the UN due to a Russian and Chinese veto, Kosovo cannot become a member of either institution due to the potential to set a precedent for the internal problems of both NATO and the four EU member states (Greece, Romania, Spain, Slovakia). Although NATO's military presence in the country has pushed Kosovo's security concerns into the background, it is clear that EU membership will be on the agenda depending on the agreement with Serbia. Kosovo is struggling to become a state, while on the other hand, it has entered the process of EU integration, which is important for the establishment of peace and stability within the region. Even public administration reform in Kosovo is also subject to the process of modernization and Europeanisation. Furthermore, public administration reform for Kosovo is not only a response to the EU's demands in the integration process but above all, it is understood that public administration reform is a necessity for economic and social development. The Kosovo Question is still fragile and can resurface at any time. This should not be ignored by decision-making bodies and large states. To avoid possible conflicts, the UN, as well as other states, should follow conciliatory policies in the region. At the same time, an integrative path should be taken for the Serb and Albanian people, and policies should be established to alleviate the problems experienced by the two nations in the past.

FINAL APPENDIX

APPENDIX A. RESOLUTION 1160 (1998)

Adopted by the Security Council at its 3868th meeting, on 31 March 1998

The Security Council,

Noting with appreciation the statements of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 9 and 25 March 1998 (S/1998/223 and S/1998/272), including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision of the Special Session of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) of 11 March 1998 (S/1998/246),

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Noting the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija (S/1998/250),

Noting also the clear commitment of senior representatives of the Kosovar Albanian community to non-violence, noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,

1. Calls upon the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo through dialogue and to implement the actions indicated in the Contact Group statements of 9 and 25 March 1998;
2. Calls also upon the Kosovar Albanian leadership to condemn all terrorist action, and emphasizes that all elements in the Kosovar Albanian community should pursue their goals by peaceful means only;
3. Underlines that the way to defeat violence and terrorism in Kosovo is for the authorities in Belgrade to offer the Kosovar Albanian community a genuine political process;

4. Calls upon the authorities in Belgrade and the leadership of the Kosovar Albanian community urgently to enter without preconditions into a meaningful dialogue on political status issues, and notes the readiness of the Contact Group to facilitate such a dialogue;
5. Agrees, without prejudging the outcome of that dialogue, with the proposal in the Contact Group statements of 9 and 25 March 1998 that the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia and should be in accordance with OSCE standards, including those set out in the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovar Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo which would include a substantially greater degree of autonomy and meaningful self-administration;
6. Welcomes the signature on 23 March 1998 of an agreement on measures to implement the 1996 Education Agreement, calls upon all parties to ensure that its implementation proceeds smoothly and without delay according to the agreed timetable and expresses its readiness to consider measures if either party blocks implementation;
7. Expresses its support for the efforts of the OSCE for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who is also the Special Representative of the European Union, and the return of the OSCE long-term missions;
8. Decides that all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there;
9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:
 - (a) to seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by this resolution;

(b) to consider any information brought to its attention by any State concerning violations of the prohibitions imposed by this resolution and to recommend appropriate measures in response thereto;

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by this resolution;

(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by this resolution;

(e) to examine the reports submitted pursuant to paragraph 12 below;

10. Calls upon all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the prohibitions imposed by this resolution, and stresses in this context the importance of continuing implementation of the Agreement on Subregional Arms Control signed in Florence on 14 June 1996;

11. Requests the Secretary-General to provide all necessary assistance to the committee established by paragraph 9 above and to make the necessary arrangements in the Secretariat for this purpose;

12. Requests States to report to the committee established by paragraph 9 above within 30 days of adoption of this resolution on the steps they have taken to give effect to the prohibitions imposed by this resolution;

13. Invites the OSCE to keep the Secretary-General informed on the situation in Kosovo and on measures taken by that organization in this regard;

14. Requests the Secretary-General to keep the Council regularly informed and to report on the situation in Kosovo and the implementation of this resolution no later than 30 days following the adoption of this resolution and every 30 days thereafter;

15. Further requests that the Secretary-General, in consultation with appropriate regional organizations, include in his first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by this resolution, and calls upon all States, in particular neighbouring States, to extend full cooperation in this regard;

16. Decides to review the situation on the basis of the reports of the Secretary-General, which will take into account the assessments of, inter alia, the Contact Group, the OSCE and the European Union, and decides also to reconsider the prohibitions imposed by this resolution, including action to terminate them, following receipt of the assessment of the Secretary-General that the Government of the Federal Republic of Yugoslavia, cooperating in a constructive manner with the Contact Group, have:

- (a) begun a substantive dialogue in accordance with paragraph 4 above, including the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;
- (b) withdrawn the special police units and ceased action by the security forces affecting the civilian population;
- (c) allowed access to Kosovo by humanitarian organizations as well as representatives of Contact Group and other embassies;
- (d) accepted a mission by the Personal Representative of the OSCE Chairman-in-Office for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the OSCE long-term missions;
- (e) facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;

17. Urges the Office of the Prosecutor of the International Tribunal established pursuant to resolution 827 (1993) of 25 May 1993 to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal and that the Contact Group countries will make available to the Tribunal substantiated relevant information in their possession;

18. Affirms that concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the Federal Republic of Yugoslavia and prospects for normalization of its international relationships and full participation in international institutions;

19. Emphasizes that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;

20. Decides to remain seized of the matter.

APPENDIX B. RESOLUTION 1199 (1998)

Adopted by the Security Council at its 3930th meeting on 23 September 1998

The Security Council,

Recalling its resolution 1160 (1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to that resolution, and in particular his report of 4 September 1998 (S/1998/834 and Add.1),

Noting with appreciation the statement of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 12 June 1998 at the conclusion of the Contact Group's meeting with the Foreign Ministers of Canada and Japan (S/1998/567, annex), and the further statement of the Contact Group made in Bonn on 8 July 1998 (S/1998/657),

Noting also with appreciation the joint statement by the Presidents of the Russian Federation and the Federal Republic of Yugoslavia of 16 June 1998 (S/1998/526),

Noting further the communication by the Prosecutor of the International Tribunal for the Former Yugoslavia to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army which have resulted in numerous civilian casualties and, according to the estimate of the Secretary-General, the displacement of over 230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia, and Herzegovina, and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998), Deeply concerned by the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary-General, and emphasizing the need to prevent this from happening, Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration, Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects for a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership and reduce the risks of a humanitarian catastrophe;
2. Demands also that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;
3. Calls upon the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

4. Demands further that the Federal Republic of Yugoslavia, in addition to the measures called for under resolution 1160 (1998), implement immediately the following concrete measures towards achieving a political solution to the situation in Kosovo as contained in the Contact Group statement of 12 June 1998:

- (a) cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;
- (b) enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic missions accredited to the Federal Republic of Yugoslavia, including access and complete freedom of movement of such monitors to, from and within Kosovo unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to the monitoring;
- (c) facilitate, in agreement with the UNHCR and the International Committee of the Red Cross (ICRC), the safe return of refugees and displaced persons to their homes and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo;
- (d) make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 with the Kosovo Albanian community called for in resolution 1160 (1998), with the aim of agreeing confidence-building measures and finding a political solution to the problems of Kosovo;

5. Notes, in this connection, the commitments of the President of the Federal Republic of Yugoslavia, in his joint statement with the President of the Russian Federation of 16 June 1998:

- (a) to resolve existing problems by political means on the basis of equality for all citizens and ethnic communities in Kosovo;
- (b) not to carry out any repressive actions against the peaceful population;
- (c) to provide full freedom of movement for and ensure that there will be no restrictions on representatives of foreign States and international institutions accredited to the Federal Republic of Yugoslavia monitoring the situation in Kosovo;
- (d) to ensure full and unimpeded access for humanitarian organizations, the ICRC and the UNHCR, and delivery of humanitarian supplies;
- (e) to facilitate the unimpeded return of refugees and displaced persons under programs agreed with the UNHCR and the ICRC, providing State aid for the reconstruction of destroyed homes, and calls for the full implementation of these commitments;

6. Insists that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;
7. Recalls the obligations of all States to implement fully the prohibitions imposed by resolution 1160 (1998);
8. Endorses the steps taken to establish effective international monitoring of the situation in Kosovo, and in this connection welcomes the establishment of the Kosovo Diplomatic Observer Mission;
9. Urges States and international organizations represented in the Federal Republic of Yugoslavia to make available personnel to fulfil the responsibility of carrying out effective and continuous international monitoring in Kosovo until the objectives of this resolution and those of resolution 1160 (1998) are achieved;
10. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia and calls upon the authorities of the Federal Republic of Yugoslavia and all others concerned in the Federal Republic of Yugoslavia to take all appropriate steps to ensure that monitoring personnel performing functions under this resolution are not subject to the threat or use of force or interference of any kind;
11. Requests States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998);
12. Calls upon Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;
13. Calls upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal;
14. Underlines also the need for the authorities of the Federal Republic of Yugoslavia to bring to justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property;

15. Requests the Secretary-General to provide regular reports to the Council as necessary on his assessment of compliance with this resolution by the authorities of the Federal Republic of Yugoslavia and all elements in the Kosovo Albanian community, including through his regular reports on compliance with resolution 1160 (1998);

16. Decides, should the concrete measures demanded in this resolution and resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region;

17. Decides to remain seized of the matter.

APPENDIX C. RESOLUTION 1203 (1998)

Adopted by the Security Council at its 3937th meeting, on 24 October 1998

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998 and 1199 (1998) of 23 September 1998, and the importance of the peaceful resolution of the problem of Kosovo, Federal Republic of Yugoslavia,

Having considered the reports of the Secretary-General under those resolutions, in particular his report of 5 October 1998 (S/1998/912),

Welcoming the agreement signed in Belgrade on 16 October 1998 by the Minister of Foreign Affairs of the Federal Republic of Yugoslavia and the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) providing for the OSCE to establish a verification mission in Kosovo (S/1998/978), including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160 (1998) and 1199 (1998),
Welcoming also the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied Commander, Europe, of the North Atlantic Treaty Organization (NATO) providing for the establishment of an air verification mission over Kosovo (S/1998/991, annex), complementing the OSCE Verification Mission,

Welcoming also the decision of the Permanent Council of the OSCE of 15 October 1998 (S/1998/959, annex),

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,
Deeply alarmed and concerned at the continuing grave humanitarian situation throughout Kosovo and the impending humanitarian catastrophe, and re-emphasizing the need to prevent this from happening,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Endorses and supports the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998), and demands the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia;
2. Notes the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy (S/1998/953, annex), and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;
3. Demands that the Federal Republic of Yugoslavia comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo and the NATO Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraph 1 above;

4. Demands also that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo;
5. Stresses the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo;
6. Demands that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the OSCE Verification Mission and other international personnel;
7. Urges States and international organizations to make available personnel to the OSCE Verification Mission in Kosovo;
8. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the OSCE Verification Mission, as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugoslavia including the Kosovo Albanian leadership, to take all appropriate steps to ensure that personnel performing functions under this resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind;
9. Welcomes in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Missions as contained in the agreements referred to in paragraph 1 above, notes that, to this end, the OSCE is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement as envisaged in the agreements referred to in paragraph 1 above;
10. Insists that the Kosovo Albanian leadership condemn all terrorist actions, demands that such actions cease immediately and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;
11. Demands immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

12. Reaffirms the right of all refugees and displaced persons to return to their homes in safety, and underlines the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so;
13. Urges Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo crisis;
14. Calls for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with the International Tribunal for the former Yugoslavia, including compliance with its orders, requests for information and investigations;
15. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;
16. Requests the Secretary-General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of this resolution;
17. Decides to remain seized of the matter.

APPENDIX D. RESOLUTION 1207 (1998)

Adopted by the Security Council at its 3944th meeting, on 17 November 1998

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolution 827 (1993) of 25 May 1993,

Recalling also the statement by its President of 8 May 1996 (S/PRST/1996/23),

Recalling further the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (S/1995/999, annex), in particular its Article IX and its Annex 1-A, Article X,

Having considered the letters of the President of the International Tribunal for the Former Yugoslavia to the President of the Security Council of 8 September 1998 (S/1998/839), 22 October 1998 (S/1998/990) and 6 November 1998 (S/1998/1040),

Deploring the continued failure of the Federal Republic of Yugoslavia to cooperate fully with the Tribunal, as described in those letters,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,

1. Reiterates its decision that all States shall cooperate fully with the Tribunal and its organs in accordance with resolution 827 (1993) and the Statute of the Tribunal, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 29 of the Statute, to execute arrest warrants transmitted to them by the Tribunal, and to comply with its requests for information and investigations;
2. Calls again upon the Federal Republic of Yugoslavia, and all other States which have not already done so, to take any measures necessary under their domestic law to implement the provisions of resolution 827 (1993) and the Statute of the Tribunal, and affirms that a State may not invoke provisions of its domestic law as justification for its failure to perform binding obligations under international law;
3. Condemns the failure to date of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the Tribunal against the three individuals referred to in the letter of 8 September 1998, and demands the immediate and unconditional execution of those arrest warrants, including the transfer to the custody of the Tribunal of those individuals;

4. Reiterates its call upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor in the investigation of all possible violations within the jurisdiction of the Tribunal;
5. Requests the President of the Tribunal to keep the Council informed about the implementation of this resolution for the Council's further consideration;
6. Decides to remain seized of the matter.

APPENDIX E. RESOLUTION 1244

Adopted by the Security Council at its 4011th meeting, on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;
2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;
3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;
4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;
5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;
6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;
7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;
8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;
9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

- (a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;
- (b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;
- (c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
- (d) Ensuring public safety and order until the international civil presence can take responsibility for this task;
- (e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;
- (f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;
- (g) Conducting border monitoring duties as required;
- (h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:

- (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);
- (b) Performing basic civilian administrative functions where and as long as required
- (c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peacebuilding activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;

17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

Annex 1

Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;

- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;
- Comprehensive approach to the economic development and stabilization of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
 - Liaison with the international civil mission and the international security presence;
 - Marking/clearing minefields;
 - Maintaining a presence at Serb patrimonial sites;
 - Maintaining a presence at key border crossings.

7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.

8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of UCK.

Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.

9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.

10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below.¹

A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

Returning personnel

- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;
- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.

Notes

¹Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25-kilometre mutual safety zone within 48 hours;

- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small agreed number (hundreds, not thousands);

- Suspension of military activity will occur after the beginning of verifiable withdrawals; -

The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

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ⁱ From 1992 to 2003, the name is Federal Republic of Yugoslavia, Federal Republic of Yugoslavia was officially renamed [Serbia and Montenegro](#) in 2003.

ⁱⁱ The name "European Union" officially replaced the "European Economic Community" in 1992 with the signing of the Maastricht Treaty.

ⁱⁱⁱ Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, for further information; <https://www.un.org/en/about-us/un-charter/full-text>