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## Kosovo: War, Peace and Intervention in a Nutshell

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## KOSOVO: WAR, PEACE AND INTERVENTION IN A NUTSHELL

Enika Abazi\*

The Kosovo conflict is one of those outspoken events due not only to the dimension of the case itself but mostly to the challenges it brought to the revision of the main principles, structures and institutions established during the Cold War. Meanwhile, the particularity of such conflict stems from its idiosyncratic nature, and the difficulties involved in finding commonalities with other similar cases. Although some common features can be defined, a solution remains individualistic. The paper aims to comment on war and peace dimensions of the Kosovo case as such, it is not looking to provide straight an answer to the matrix of dilemmas that are generated in the domain of international relations from the case. The paper is not aimed to reveal the large-extended problematic, enumerate all circumstances and effecting factors relevant to the case, neither detail all means and strategies that can be used to resolve the cases. These limitations are done with the intention of avoiding bulky, whilst preserving cohesion and consistency within the limits of a paper.

### INTERNAL DIMENSION OF KOSOVO CONFLICTS

After the dissolution of the Socialist Federal Republic of Yugoslavia, Kosovo remained a province of Serbia, having lost its autonomous status in 1991. The fragile internal equilibrium that existed before the conflict is now in total jeopardy and the parallel administration that existed as a *de facto* partition has created ground for a *de jure* partition, and the conflict that since long ago existed among the Serbian and Albanian community turned into a real war. The causes that lead to this situation are attributed to many factors. They are of a historical nature related with the drawing of the borders, of an ethnic nature regarding the definition of nationality and citizenship and thus the status of minorities and the status of autonomy, or of the internal changes that are particular to multinational, multiethnic or multi-religious states in the period of transition from a communist regime that suppressed by force such conflicts without finding a real solution to them.

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Kosovo technically is a province within the legal framework of the Republic of Serbia and the Federal republic of Yugoslavia. Albanians and Serbs have divergent historical perceptions, each side claiming the primacy of its historic and cultural rights. The Albanians trace their origins back to the Illyrians that descended in the Balkans long before the Slavic populations. For the Serbs, Kosovo is the historical cradle of the Serbian nation and the center of the medieval Nemanja Empire. With the defeat of the Serb and other Balkan forces including the Albanians, by the Ottomans at the battle of Kosovo Polje in 1389, the Serbian independence was lost.

With the crumbling of the Ottoman Empire due to severe pressure by its new Christian neighbor states and as well as by some of the Great powers, the European domination's of the Empire in particular the three provinces of Selanik, Monastir and Kosova that included Kosovo, the sandjack of Yeni Pazar and the Northern part of Macedonia) became the target of territorial aspirations of Greece, Serbia and Bulgaria. (Andersen, 1966).

The Balkan wars 1912-1913 were successful in over-throwing the Ottoman Empire almost completely from the Balkans. Serbia by wining the war against Bulgaria expanded its territory to the east including all of present day Macedonia and Kosova (Skendi 1967: 36-39). The conference of ambassadors of the Great Powers (Britain, Germany, Russia, Austria-Hungary, France, and Italy) convened in London in December 1912 to settle the outstanding issues raised by the conflict. With support given to the Albanians by Austria-Hungary and Italy, the conference agreed to create an independent state of Albania. But, in drawing the borders of the new state, owing to strong pressure from Albania's neighbors, the Great Powers largely ignored demographic realities and ceded the vast region of Kosovo to Serbia, while, in the south, Greece was given the greater part of Çamria, a part of the old region of Epirus centered on the Thamis River. Many observers doubted whether the new state would be viable with about one-half of Albanian lands and population left outside its borders, especially since these lands were the most productive in food grains and livestock. Since 1912 to the present day, Kosovo and its Albanian majority have been living under the harsh Serbian rule that can be compared with that of an apartheid regime (Roux, 1992). This configuration continued later in the successive Yugoslav entities. In retrospect, cultural differences that emerged from various religions proved to be an effective marker of national or ethnic identity, which in turn, created distinctive customs, rituals and beliefs that shaped the every day life of the citizens. This social variety would be later one of the incentives to encourage and revive Serbian nationalism, particularly after the eighties (Ledrer, 1963: 3-80). In fact, the deterioration in interethnic relations is also due to political, economic and social imbalances between the two communities.

Compared with other nations in Yugoslavia, the Albanians had a very different position. Little attempt was made to integrate Albanians into the Yugoslav society. Kosovo remained the poorest region of former Yugoslavia, and has one of the highest birth rates in Europe (nearly 3 percent) and a prevails very traditional social and familial pattern. Albanians had a second class position

in the framework of the Republic of Serbia and Yugoslavia (Malcolm, 1998: 66). Poor living conditions, repression and the second-class position of the Albanians led to the street demonstrations in the capital of Kosovo, Prishtina in the 1960s. After harsh repression of the Albanian demonstrations in the 1960s by the Yugoslav government, Kosovo was given the status of the autonomous province in 1969. Eventually under the terms of the 1974 Constitution it was given the status of autonomous region with its own institutions.

The constitution of 1974 gave more power to the units by decentralizing and delegating the power from the central authority of the federation to the republics, where republics were identified with the majority nation. This was the first step towards the new nationalism that resulted in a "constitutional nationalism" and later on completed the process of "ethnification" of communist policies that had started during the 1970s (Hayden, 1992: 654-673). The system prevented the discussion the national issues, suppressing the national question by appeals for unification based on communist ideology and dogmas, without taking into consideration all the differences between the nations and cultural traditions, the level of economic development and patterns of social organization. The granting of the autonomy created tensions being considered inadequate by both the Albanians and the Serbs.

Another important factor that arose from the tensions between the two communities was the economic crisis that swept the over-all structure of the Yugoslav self-management system during the 1980s and 1990s. This deepened the already existing gap in the relations among the republics. In theory self-management was perceived as an appropriate instrument considering that the economic response was going to abate the political crises (Sekelj, 1993). Economic problems affected different regions and nations in different ways, providing a fertile soil for extremist movements. To sum up, the disintegration process was fueled by economic disparities between the regions, self-management, decentralization reform and economic crises induced regional economic nationalism within Yugoslavia (Pleskovic and Dolenc, 1982). These features became exacerbated in the framework of the Serb republic, because to the economic crises was added a large increase in the Albanian population. The growing dissent as a result of the economic difficulties led to a massive exodus of the Serbs and Montenegrins. In 1981, large demonstrations of Albanians aimed at obtaining the status of Republic for Kosovo. In 1989, the demonstrations ended in the annulment of the status of the autonomy and *de facto* imposition to the Albanians of Serbian direct rule. This decision was followed by the proclamation of an Independent Republic of Kosovo in September 1991 succeeding a referendum in which 90 percent of the population voted. The proclamation of the independence gave life to the shadow government of Ibrahim Rugova. Rugova with his Gandhian-type policy, encouraged the parallel life, and created an Albanian society with separate political, cultural, educational, health and media structures. This political move aimed to avoid violent conflict with Serb authorities and gain support for the international recognition of independence.

Close analysis of the internal situation reveals that the perceptions in the Serbian side were affected not only by nostalgic considerations that perceive Kosovo as the heartland of Serb nationalism, but also by fears that Kosovo could be the first step of a long chain of secessions. The secession of Kosovo could precipitate similar claims in Vojvodina and Sandjak by Hungary and Muslim minorities respectively (Clement, 1997). This situation puts the question of Kosovo and Serbian perceptions in broader context, relating it with fears for the future of the Serbian State and perspectives that would shrink it to ethnic borders, leaving Serbs alone within their national state.

The case of Kosovo obviously is not developed in vacuum. Conflict and related security issues are contingent concepts and as such they cannot be understood out of the patterns of regional and international environment in which they are embedded. While both sides to the conflict, Serbs and Albanians, take into account outside political factors in their calculations, a further analysis of the external dimensions would be helpful in better understanding the case.

## THE REGIONAL CONTEXT

The correlation between internal conflicts, their regional dimensions and immediate environment is consequently an important variable that should not be neglected in the case of Kosovo conflict assessment. In an amalgamate region as the Balkans, neighborhood has a particular importance due to the historic circumstances and sensibility towards minorities.

Historically, the relations in the Balkans have been conflictual, shaped by historical border disputes, religious and ethnic differences. This situation is mostly due to the peculiarities of Balkan history. For a long period the Balkan nations were under imperial occupation that in time replaced each other. The long time of being under swapping occupations, made identity, culture and territoriality blurred realities, thus making the Balkans a colorful and interesting region full of surprises, diversities and high fragmentation. No hard and fast geographical lines could be drawn between the nations living in the Balkans.

The nations of the Balkans were not 'natural', in the sense that no nation was created by God on the sixth day. They were 'man-made' — invented, constructed, imagined at different times and in different circumstances. They evolved, they were imposed, they were rejected, they were discarded, they were lost, and they were revived. As they were difficult to define, they did all they could to become more readily definable. They resorted to accelerate cultural assimilation; they also resettled, expelled and eliminated. They needed roots; they relied myths; they sought territorial justifications in the past; historical rights clashed with self-determination (Pavlowitch, 1999: 333).

In search for borders, the Great Powers of Europe supported Balkan communities at that time that played an important role in shaping the map of the

Balkans, but the new states were a "product of geopolitics and not ethnic considerations" (Danopoulos and Messas, 1997).

The Balkans remain the only region in Europe where the borders did not consider ethnicity. (Kissinger, 1994). In every Balkan country the population is composed of various ethnic groups. The treatment of ethnic groups that often have been characterized by maltreatment, have been always an issue and an excuse for interfering in the territory of the others. A intra-conflict in the Balkans easily can turn into a catalytic war involving the whole region following the legacy that domestic political unrest often result in involvement in militarized disputes (Russett, 1990). The evolution of the situation in Tirana, Athens, Sofia or Ankara is a determining factor for regional stability, since the policy towards, or even interference in the internal affairs of a country by their neighbors could be a multi-act tragedy.

The forceful disintegration of Yugoslavia increased the fears that the conflicts will sweep through the region in waves of ethnic secessionist movements. The conflict in Kosovo was expected to have a catalytic effect, "threatening to involve Albania, fracture Macedonia, and possibly even pull Greece and Turkey into a war — not that they don't already have their hands full over a new crisis brewing in Cyprus" (Garfinkle, 1998). Furthermore, the conflict could have had other consequences. In Bill Clinton's words the Balkans is an explosive area "they touch other difficult areas and unless we can contain and ultimately defuse the ethnic hatreds in that region they can embroil us... in much larger conflicts" (Clinton, 4 Feb. 1999). Such considerations right or wrong continue to affect the policies adopted by the West, both for the Balkans and the post-war peace-building process in Kosovo.

The crisis in Kosovo opened the Albanian question in the Balkans that is not only related with the establishment of an Albanian state of all Albanians leaving in the Balkans but with the re-drawing of the geopolitics of the Balkans. Being split into different states since the creation of the Albanian state in 1912, Albanian factor has never constituted an important voice in Balkan politics. Demographically ethnic Albanians constitute a potential that can counterbalance and even overtake the Greek and Serbian influence in the Balkans. In Serbia alone where only 65 percent are Serbs, 2 million out of 10 million habitants are Albanians. Albanians have one of the highest birth rates in Europe, nearly 3 percent which is well above that of Serbs rates that increases at barely 0.15 percent. Attempts at colonization between the two World Wars failed to shift the ethnic balance in the Serbs' favor. Ethnic Albanians in Kosovo have already doubled their number twice in this century and demographic projections indicate their number would match that of Serbs by 2040 and 2050 (Kusovac, 1998) These factors and the religion followers (majority of Albanians are of Muslim faith)<sup>1</sup> have decided the alignments. It is not a surprise to see Greece,

<sup>1</sup> Milosevic used religious belonging as propaganda to gain support against the Albanians. Kosovars were considered as Islamic terrorists and their aim was assumed to be the creation of a Great Albania a bastion of Islamic fundamentalism in Europe. Historically Albanians has never been guided by religion. The only unifying factor of the Albanians as declared in the League of Prizren (1878)

Serbia and Russia in a line. Historically the rise of an important Albanian factor in the region is avoided. Turkey being aware of such configuration would like to emerge in the Balkans as a counter-balancing factor. First it is in Turkey's geostrategic interests to avoid an overwhelming Pan-orthodox axis in the Balkans, based on Greek-Serb orthodox kinship that would extricate Turkey from Europe and will bring Russia in. This concern has been part of the political debate in Turkey and the Kosovo crises reopened this debate. On the other hand there is a conception in the Turkish policy-making circles that in the Balkans "Turkey is at least as important as Russia is as a Eurasian power in Eurasia. The purpose is to prevent Russia from becoming even stronger in the Balkans region. This is what the Serbians are trying to accomplish in Kosovo today" (*Turkish Daily News*, 1 September 1998). On quest for clues in the region, Defense Minister Hikmet Sami Turk announced that Turkey's policy in the region would secure "autonomy for the ethnic Turkish minority in Kosovo within the borders of the Federal Republic of Yugoslavia" (*Turkish Daily News*, 25 March 1999). Turkish minority in Kosovo and Yugoslavia is at the minimal margins of significance. And as such, it does not seem that Turkey is expecting too much from its policy in the region or it does not want to jeopardize the economic relations with Serbia, as Turkey's gateway to Europe.

An escalation of the war in Kosovo risked involving the entire Albanian nation possibly indicating unification. The intervention of NATO prevented the spread of the conflict in the region, playing somehow Milosevic's game that was for the preservation of the *status quo* and the integrity of Yugoslavia, in contrast to the KLA (Kosovo Liberation Army) who wanted to escalate the war in search for the indisputable independence of Kosovo.

The preservation of the *status quo* was much in line with the interests of the Balkan countries other than Albania that in any case its policy towards the outside Albanian ethnic population has not played an important leading role in the direction of the unification of all Albanian population under the roof of a proper state. Today, while the Albanian government has recognized Kosovo's independence, *de facto* rather than *de jure*, the question of Kosovo is not a priority for Tirana, which is too weak economically, politically and militarily, and faced with a tough period of transition (Clement, 1997:23). Indeed, the attitude of Tirana, even if it is critical towards the Serbian and Macedonian government policies regarding their Albanian minorities, towards the Albanian question it remains more moderate than the Kosovar and Macedonian Albanians (Moore, 1993). In Secretary of State Albright's evaluation "Albania is respected for its all-round support, for the efforts it is making in unison with the international community and the Contact Group, in particular to ensure that the criminal policy pursued, against the Kosovo people is condemned and denounced in the international arena, averting any act of provocation and re-establishing the Albanian governing institutions and national security in exemplary cooperation with the United States, the EU, NATO and the OSCE" (April 1998). The new

is the Albanianship (Feja e Shqiptarit eshte Shqiptaria-The Albanian faith is the Albanianship) (Skendi, 1967). Furthermore, Kosovars did not receive any help from the Islamic world that this time leaded by Saddam Huseyn was on the side of Milosevic.

Albanian Government favors a policy of non-interference and moderation, not only towards Kosovo but also FYR of Macedonia. This policy is received in different ways by the various tendencies within the Albanian movement in Kosovo and had led to divisions within each of them. According to the Albanian Socialist leader, Nano, the solution to the ethnic Albanians' problems in the Balkans is not to redraw borders but to "make them irrelevant" by "creating new ways of co-existence — first of all among [ethnic Albanians]— so that we are seen as emancipated, democratic, and a factor of stability in the Balkans... so no one will maltreat us as in the past or look down on us". The freedom of movement through the region is the best way to deflect nationalist calls for establishing a "greater Albania" (Nano, 6 December 1999).

### INTERNATIONAL DYNAMICS AND THE EVENTS IN KOSOVO

The break up of Yugoslavia and the international involvement for solutions of the Yugoslav crisis had negative implications for the independence of Kosovo. The "Conference on Yugoslavia" that was hosted by Lord Carrington in 1991 established the European Community Monitoring Mission that was embodied with the authority of negotiating solutions for Yugoslavia. The first issue to deal was the definition of the event; was it secession or dissolution? The case of the Soviet Union was dissolution, all parts recognized that the Soviet Union ceased to exist. All constituent Republics were recognized as sovereign and independent territories. This was also the case in the dissolution of Czechoslovakia. These cases based on consent do not create any problem for the present international law.

The case of Yugoslavia was different. Two of the constituent Republics of the Federation: Serbia and Montenegro were against the break up of Yugoslavia. In this case the request of the other Republics was considered to be a secession act. Secession is still a controversial issue in international law involving the issue of sovereignty and the fundamental right of states in the international system. Whilst self-determination is considered a group right looking to secede from the main body of an internationally recognized state. Secessionist movements are not justifiable under the present practices of the international law, if the aim of international law is the preservation of the state. (Aron, 1981:120). In other cases, such as the one of the Biafra war the UN has denied the request for secession.

Badinter Committee, which was created in the framework of the Conference on Yugoslavia, was set to resolve the problems emanating from the breaking up process of Yugoslavia. It decided that in case the majority of the constituent parts of the Federation wanted to withdraw from it, they had the right to do so and this was going to be considered an act of dissolution and the Republics had the right of sharing the assets. The equal distribution of assets of the dissolving state by the successor states did not apply to the Yugoslav National Army (INA), which provided the Serbs the means to fight for expansionist designs or at least to stop the dissolution process (Aybet, 2000).

The claim of the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue the membership of the Federation in the United Nations was generally rejected (Pellet, 1992). So, in 1992 the sovereignty of Slovenia and Croatia was recognized. Bosnia-Herzegovina's request was postponed since a part of its populations, were against the break away from the Federation. The independence of Bosnia-Herzegovina was recognized after the referendum that was boycotted by the Serbian population. Macedonia that was found eligible for establishing its independent state, received recognition later since its request for independence was suspended by the veto of Greece that had objections to its name. The Badinter committee rejected the request of Kosovo for independence in the same process as the other republics because it was not endowed with sovereignty.<sup>2</sup>

The other issue that was resolved by the Badinter committee was the settlement of the borders. *Uti Possidetis* was applied as principle in border definition, based on the procedures used by the UN in the case of post-colonial settlements. Accordingly, the borderlines of the Republics in the framework of the Federation were preserved. This solution brought in attention the issue of ethnic and minority groups within the Republics, including the autonomous regions, such as Krajina in Croatia, and Vojvodina and Kosovo in Serbia. The group rights were going to be guaranteed by the constitution of each Republic under the provisions of ethnic and minority rights. So, Kosovo was left under the authority of the Republic of Serbia that was going to look at its own interests and security and of its own constituents first and foremost. This sounds ironic considering the history of relations among the communities within Serbia and the authoritarian regime of Milosevic with purely nationalistic designs.

When the Dayton Agreement was reached, it did not include any disposition for Kosovo. Considering Kosovo as an internal matter of Serbia, the concern for the Albanian rights was expressed at the "Outer Wall of Sanctions" document that preconditioned the lifting of the embargo with the respect of human rights in the remaining Federal Republic of Yugoslavia (UN.Doc.S/1995/999/1995). There were reasons why the Albanians were not considered as a part of the Dayton process. First, it was felt that there was simply too much to negotiate with Milosevic, and there was already an obstacle to bargain on the cooperation with the Hague tribunal and handing over of the war criminals indicted by it. Second, nobody wanted to alienate Milosevic as a peacemaker since he had forced the Bosnian Serbs to accept the compromise, and his cooperation was needed for the implementation of the Dayton Agreement. Third, there was not a war in Kosovo, so there was perceived not any urgent need to deal with the question (Kaplan, 1998:745-761).

<sup>2</sup>The Kosovo Albanian leadership argued that the representation on the collective federal Presidency made Kosovo a sovereign federal unit. Both Badinter Committee and the European Community ignored this argument. See on the argument: "Letter by the Government of the Republic of Kosovo to the Extraordinary EPC Ministerial Meeting in Brussels, 21 December 1991 in *The truth about Kosovo* (1993) edited by the Academy of the Sciences of the Republic of Albania, Institute of History, Tirana: Encyclopedia Publishing House, p. 329.

## THE DYNAMICS OF THE EVENTS IN KOSOVO

The attitude of neglect of the international community led to the radicalization of the situation in Kosovo. On one hand, radical groups in Albanian political circles believed that the peaceful policy of Ibrahim Rugova was not going to lead to independence - only violence could succeed in winning international recognition. Endless discussions of "preventive diplomacy" did not solve any thing. This was the psychological basis for the emergence of the Kosovo Liberating Army (KLA). The KLA was the fuse that led to the explosion, especially among the rural areas. (Zajovic, 1997:11-14) On the other hand, the Serb authorities found in KLA a legitimate pretext for brutally unlawful measures. It was used by Milosevic to provoke widespread Albanian uprising and then to go on with the war and justify the ethnic cleansing and genocide at terrific dimensions (Maliqi, April 1998). The massacre in Drenica, in the beginning of March 1998, where some 80 Albanians were killed, among them 25 women and children, foreordained for the seven months of open war.

The danger of war widening and the memory of Bosnia encouraged the reaction of the governments of Western countries governments and the US reaction after a 10-years "patterns of neglect" (Kaplan, 1998:747). Up to that moment neither the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU), the United Nations (UN) nor individual great powers had adopted or even formulated a strategy or policy for Kosovo. Instead they all kept repeating their deep concern for the violation of human rights and what was happening in Kosovo (Troebst, 1999:51-52).

When the situation degenerated and conflict became evident, the international community tried to react against Milosevic's regime first with negotiations and then with military intervention as a compelling mean, believing that this would stop the policy of violence, but without result. Consequently, NATO air campaign "Allied Force" began on 24 March 1999. In response to NATO intervention, the Serbian genocide and expulsion of the population from the territory of Kosovo accelerated. Only after 77 days of an air campaign and strong diplomatic pressure, Milosevic decided to withdraw Yugoslav forces from Kosovo. On 10 June the UN Security Council passed with a score of 14 in favor and one abstention (China) the resolution 1244, welcoming the acceptance by the Federal Republic of Yugoslavia of the principles on a political solution to the Kosovo crisis, including an immediate ending of the violence and an immediate withdrawal of its military, police and paramilitary forces. At the same time the Security Council decided to deploy international civil and security presence in Kosovo, under United Nations auspices. Actually, Kosovo is technically a province within the legal framework of the Republic of Serbia and the Federal Republic of Yugoslavia. "It is neither a self-governing state, nor currently being governed by the sovereign state" (Pugh, 2000: 15). The Serb and Kosovar Albanian points of view concerning the future of Kosovo seems to be too far apart to be bridged by any compromising solution. The reason for this is that ten years of repression culminating in a brutal conflict convinced virtually all Kosovars that they cannot remain in the same state with the Serbs. Moderate Kosovars, including Rugova and publisher Veton Surroi, have pointed this out

on more than one occasion. Many Serbs have drawn a similar conclusion (RFE/RL Balkan Report, 5 December 2000). However, the status of Kosovo is not explicitly defined in any international document. Its final version is still pending on the tables of world diplomacy, shadowed by the reluctance over reconciling the principle of sovereignty with that of self-determination in international practice.

## HUMANITARIAN INTERVENTIONS AND THE KOSOVO CASE

The conflicts in Kosovo witnessed the complexity of the quest for security as well of the linkage between state, societal and human security. (Moller 2000:33) Accordingly human rights violations occurring within the borders of a sovereign state, "which are large enough to warrant the attention of the international society, are *a priori* large enough to represent a threat to international peace and security" (Ryan, 1997:95). The UN Secretary-General Javier Perez de Cuellar discusses this issue since 1991 in his annual report. He stated:

It is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of States cannot be regarded as a protective barrier behind which human rights could be violated systematically with impunity... the case for impinging on the sovereignty, territorial integrity, and political independence of States is by itself indubitably strong. But it would only be weakened if it were to carry the implication that sovereignty... includes the right of mass slaughter or of launching systematic campaigns of decimation or of forced exodus of civilian population in the name of controlling civil strife or insurrection (De Cuellar, 1991: 5).

The whole complexity of circumstances that accumulated in the Kosovo case, moving from broad security dilemmas to human rights infringement, made humanitarian intervention a necessity.

Humanitarian interventions can be defined as "the non consensual use of force to prevent or stop large scale killings contemplated or carried out by the government of targeted state against its own citizens or groups belonging to discernible authority in situations of near or total anarchy" (Andreopoulos, 2000). Interventions to protect civilians from acts of violence that shock the human conscience have been a subject since the ancient times. Nevertheless, such interventions are a subject of discussion attributed to the lack of well-defined criteria of legitimacy that is a reflection of the controversies between sovereignty and individuals and community rights defined in other terms as self-determination.

In the present UN Charter there is not any explicit provision that speaks out for the protection and the enforcement of the human rights. Nevertheless the UN Charter seeks to secure implicitly both the protections of "fundamental human rights" and the "equal rights" of "nations large and small." In Chapter I, Article 1(3) of the UN charter international community of states is committed for

the promotion and encouragement of human and fundamental rights. Crimes against humanity that are not condemnable at the national level, can be condemned at the international level. The Article 2(7) of the first Chapter and the Chapter VII of the Charter opens the way for international interventions of a humanitarian nature with the permission of the Security Council. In face-to-face confrontation between the individuals and the state, the state is the one that can be trusted all the time. So, the Charter clearly undertakes to protect the territorial integrity and the sovereignty of individual states, and seems to preclude interference in a nation's domestic affairs unless the Security Council declares a situation as a threat to "international peace and security" and expressly authorizes intervention. This conditional closure in most of the cases has prevented humanitarian intervention from taking place.

While the UN and its agencies expressed official concern about what went on in the Balkans, the Security Council did not authorize intervention in Kosovo by UN or NATO forces. The UN Charter nods in the direction of self-determination and non-interference, but its ambiguity regarding "fundamental human rights" undercuts this assurance. Indeed, as the NATO adventure in Kosovo suggested, it is unclear how the modern universalistic conception of human rights can coexist with national sovereignty. The lack of clear abstract principles for guidance that define the ground for actors' actions are the principal concern on such interventions. Under the present UN charter it is hard to find the justification that define intra-state conflicts as a threat to international peace and security that will allow UN to 'take all necessary measure', including the use of force, because the subject of security remain the state and the relationship between societal security threats and regional and international security are hidden under the responsibility of the state. "The reason why international society cannot cope with societal breakdown is that...it is first and foremost a society of states and not peoples. In other words when public authority collapses it is not clear with whom foreign governments should deal and on what legal or institutional basis" (Mayall, 1998: 179).

Besides legal controversial regarding the legitimacy of humanitarian interventions, once undertaken they require a strategy that should assure the accommodation of the international institutions and the cooperation of the parties directly involved in the peace building process. The cohesion of these factors is indispensable since the international community can propose but not impose, and even less substitute for them. For a successful outcome, the strategy for successful intervention warrants a balance between the goals of the parts involved in the conflict, and the requirements of the system and the means used to promote one's interests. Not rarely stabilizing processes are used as means instead of strategy. And some time they can return to strategy of corruption as the Bosnia case revealed recently. (Friedman, 2001)

The intervention in Kosovo was made in the name of human dignity. Nevertheless, the strategic goal of intervention was not clear, and there is reluctance in spelling out explicitly the future status of Kosovo. The Security Council Resolution 1244 commits all "Member States to the sovereignty and

territorial integrity of the Federal Republic of Yugoslavia" and reaffirms "substantial autonomy and meaningful self-administration for Kosovo" (1999). In first reading the resolution implies the reconstruction of Kosovo as forever being part of Yugoslavia. In fact the usage of the terms "sovereignty" and "territorial integrity" should be judged in a broader context implying the respect for human rights up to the international standards that does not take sides. The concept of sovereignty incorporates the peoples as sovereigns, which means that the state should respect the peoples rights to decide how should they be governed and from whom. This dichotomy in interpretation is reflected as a disharmony between international community policy and Kosovar Albanians aspirations. As far as the international community is concerned, the concept of national sovereignty and territorial integrity takes precedence over the right to self-determination, which is interpreted loosely because of the difficulty in determining the principle to observe when there are many allegiances and positions difficult to reconcile. The reality of the post-Dayton situation has in Bosnia weakened the credibility of solutions based on the integration of broad multi-ethnic entities in favor of the principle of the separation of the communities on ethnic or religious bases such as the cases in Cyprus and Ireland (Clement, 1997:26). This reality seems to favor fragmentation versus integration, a concept that goes partly in line with the Kosovar demands, even if in the extreme case this leads to independence.

In practical terms this confusion brings misperceptions and deadlock situations expressed in the concerns of US. Ambassador to the UN, Richard Holbrooke "In the interim, I can't imagine anybody walking away from a situation [in Kosovo] because otherwise you'd have a war again. But nobody wants to stay in the Balkans forever. We're looking for a way to phase out. We don't want another situation like Korea where 47 years later we still have 40,000 troops there." (15 December 2000).

## FUTURE PROSPECTS AND CONCLUSIONS

The end of the war in Kosovo "will not automatically give way to a positive era. Without a comprehensive and fresh policy approach the best outcome will be stalemate and stagnation, and the worst outcome a continuous descent into renewed conflict, chaos and impoverishment (Declaration adopted by "Europa South-East" on July 20, 1999). If the West fails to follow through on a multi-year, focused effort to help Balkans reap the benefits of peace and democracy, "we should not be surprised to see a new Milosevic arise, whether in Serbia or elsewhere in the region, exploiting people's fears and disappointment and unleashing yet another Balkan conflict. If that happens through our neglect, we will have only ourselves to blame" (Moore, 15 October 2000).

The aftermath conflict process in Kosovo is a mixture of different policies that at the end aim to provide a sustainable solution to the Kosovo question. First of all the international community is working for a consolidation of internal democratic balance. The philosophy behind such a policy is based on the

healing values of democracy. This is done in the belief that democracy has transformed the nature of the nation-state "giving way to a new system in which nations feel secure enough in their identities and in their neighborhoods to make a virtue out of porous borders and intertwined economies and cultures". It has well-developed mechanisms for opening borders and societies, protecting minorities, empowering regions, pursuing trans-national cooperation, and promoting the principle that differences in language and culture can be a source of strength rather than of division. In this regard it contributes to the consolidation of peace stability and prosperity based on the establishment of bonds of trust between individuals, social groups and countries in the region (Talbot, 2000:155).

On the other hand, the most important factor of success remains the willingness of the domestic factors to cooperate and be flexible towards the recommendation of the international community. Imposed frameworks have been characterized by Beatrice Pouligny (Autumn: 2000) as failing to capture, articulate or modify the routine communal and network negotiations that actually shape the societal concerns. Moreover, the international community's attention to, and investments in, "elections, repatriation and measurable macro economic stability projects on the one hand, stands in marked contrast to the limited investment in qualitative social and civil society programs on the other", as a result the concepts of political accountability and representation have made little headway (Pugh, 2000:17). Democratization is a sophisticated concept; in itself it implies the full participation of peoples and their sovereign right to choose their representatives. Elections are the first step towards democratization a necessary condition but not sufficient condition. Not necessarily elections outcome move relationships towards cooperation, understanding and national unity, as such elections would not contribute on the building of sustainable democratic institutions. The elections would not resolve the societal security challenges and push from egocentric to cooperative relations. In torn societies elections do not address societal security challenges and consequently in most of the cases nationalistic parties win the elections. Elections legitimized the institutions of self-governance that each ethnic group tried to monopolize as an expression of improving its own security.

The success of democratization policies depends on many factors. An important incentive that works on the direction of success is the willingness of the international community to fully commit and obviously for a long time not only for the establishment of democratic institutions but also to take ahead the process of democratization, neutralizing all the impediments up to the achievement of a consolidated democracy. This is an indispensable precondition for success considering that there is hardly any experience of democracy in Kosovo and the communist ideology nipped in the bud all developments towards democracy that emerged in the pre-communist period. These deficiencies are compounded by many other factors. Democratization is a long process that in Kosovo is taking place beside other economic and social reforms towards market economy. To this processes are added the process of state building and

constructing social relationship of a post war society. If one of the processes is neglected than the success of the whole project is at risk. The democratization takes place in a fragmented and disintegrated environment. The society is worn out politically, ethnically and ruled by the local warlords rather than the rule of law. Unfortunately the required international commitment remains to be a problematic because the main problem as identified by Garton Ash "is the sheer lack of political will-that we are prepared to spend \$13 billion to fight the war in Kosovo but we haven't been prepared to spent \$2 billion to secure the peace (April 2000). Although it shouldn't be ignored that from Bosnia to Kosovo there has emerged is an increasing in responsibility on the part of the international community. In Bosnia-Herzegovina the electoral process was under the responsibility of the OSCE that had complete control over the elections while in Kosovo both UNMIK and OSCE are responsible for it. In the case of Bosnia the implementation of the election results depended on the willingness and cooperativeness of the parties as it does with the implementation of Dayton Agreement. Learning from the previous experiences, the intervention in Kosovo considered the establishment of an interim government in the responsibility of international community, guided by the UN with the support of OSCE that took the responsibility for the process of democratization in Kosovo. In this way the international community remains as the catalyst that will neutralize the negative effects of an unfriendly environment on which the elections are forced to take place. The approach is a top-down democratization process in full responsibility of the international community. This approach represents a step forward on the direction of the international community in dealing with the intra state-conflicts.

Practically, along with all those normative impediments there is not a long-term agenda of the international community for the after general elections in Kosovo or a strategy that should define where Kosovo is heading as entity. The *de facto* situation of independence looks as a predetermined prologue that shows the way to a *de jure* self-determination, supported also by the fact that actually there are not connections between Belgrade and Prishtina. In fact the interim status of the UN governance implies the ruling of Kosovo for the account of the Federal Republic of Yugoslavia territoriality of which is guaranteed by the resolution 1244 of the Security Council of the United Nations, the same resolution that gave life to the present governing structure led by the UN itself. This is not the first time that such practices are faced in the history of the Balkans. In the Congress of the Berlin in 1878, the Habsburg crone ruled Bosnia-Herzegovina on behalf of the Ottoman Empire that was recognized as suzerain. Defining future prospects is an important element for confidence and consistency of actions, a way ahead towards breaking the bounds with the past and reconciliation with the present. Grounded hope is the most out speaking force that pulls people up while dealing with the difficulties and facing the challenges of the future. International support for the future of Kosovo must be firmly anchored in Kosovo's civil society and political class to keep the peace and allow

tolerance to prevail (Sutter, 2001). While facing uncertainty, chances for creating a civil society with room for all ethnic communities remains slim, as long as the fundamental uncertainty regarding the final settlement of the status of Kosovo persist. The somber future is a source of negligence and desperation that leads to anarchy. In order to pretend for reconciliation the ethnic groups should feel safe and the political processes should add on guaranties. Until insecurity prevails, the result of the election would perpetuate the pattern of division and egocentrism that does not promise for a multi ethnic and democratic society at all. Elections continue to produce merely the formalities of democracy and the whole process remaining a peaceful continuation of war with democratic instruments.

Maybe the time has come to give more space to the neglected voices and show the political courage to absorb all we have been going through during this conflict, to recognize all that has changed and to adapt to all that is about to change again. The breach between the Albanian and Serb communities is manifested as a struggle over power and identity that in turn acts as a critical intervening variable between external factors and internal formal-institutional outcomes. The interaction between the communities within Serbia and Kosovo as part of this struggle reveals a game played according to the imposed rules by advocating certain democratic commitments and practices while also undermining many others according to the actors interests and preferences. Democracy matters when communities share the commitment to its values. Communities, Serb and Albanian, have accentuated the identity patterns of differentiation through processes and institutions. The last war accentuated ethnic identity and deepened hatred. Promoting a self-sustained democracy in such an environment is very difficult almost impossible at least in a lifetime. Democracy means the willingness to accept your group to be outvoted and have the power to go to the competing group or party. This needs trust and confidence that nothing threatening will come from a change in power. This is hard to achieve after a war of attrition (Friedman, 2001). Under these circumstances the self-determination of Kosovo would help the democratization of Serbia that is in line with the international community's objectives. In this way the Serbs will be able to establish a state without national problems, national hatreds and Serbophobia. Serbs would concentrate the country's energy on the immense tasks facing them at home and let the others do the same. This attitude would show to the nations in the Balkans that they have to learn to live side by side with each other through creating, reproducing, and changing the culture of conflict by way of learning to appreciate and respect each other in the building of a common home for everyone.

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