

The Events in Kosova Leading to its Formal Independence from Serbia and Former Yugoslavia

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1. Formal Acts of Kosova's Bodies

1.1. *The Constitutional Declaration (2 July 1990)*

The decomposition of SFRY, and the prevailing of new circumstances within the territory space of the former Yugoslavia were the most convenient political moments for the articulation and realization of historic and legitimate aspirations of Kosova Albanians.

On 2 July 1990, on the plateau of the Kosova Parliament Building, 111 delegates of the Parliament of Kosova approved and publicly proclaimed the "Constitutional Declaration on Kosova as an Independent and Equal unit within the Yugoslav federation or Confederation".

With this Constitutional Declaration, the will of the majority population was taken into consideration. The Republic of Kosova first of all realized the historic intentions and aspirations of the Albanian population for freedom and independence, and its democratic determination to live independently and with its own laws and political organizations.

The Constitution Declaration advanced the position of Kosova from an autonomous unit to an independent and equal unit with the other federal units of the former Yugoslavia.

The text of the Declaration is very short, and apart from its short preamble, it contains six articles. The first part of the Declaration confirmed, "Through an authentic constitutional will, the population of Kosova, and its Parliament, expressed an act of political self-determination within Yugoslavia". Under a second Article, on the basis of authentic democratic principle on respecting the will of the people and human and national communities, the Parliament of Kosova expected an inclusion of this constructive act in the Constitution of Yugoslavia, and its recognition by the Yugoslav

and international democratic opinion. This Article of the Declaration marks an advancement for the position of the Albanian people, as a majority population, among the largest in former Yugoslavia, from a nationality position to that of a nation equal to the other nations in former Yugoslavia.

The revocation or annulment of the decision of the Parliament of Kosova to give its consent to the constitutional amendments in the Constitution of SR Serbia in 1989 was made under Article Four of the Declaration, emphasizing that the Parliament and state bodies in Kosova will base their relations in constitutional regulation of Yugoslavia to the final legal implementation of this Declaration, on the Constitution of SFRY of 1974. The Declaration derogated ipso jure all the acts, which linked legally Kosova to Serbia according to the legal ex posterior, derogate lex prior. Under Article 5, the Parliament of Kosova expressed its disagreement with the Serbian name of Kosova and Metohija and its determination to communicate publicly only by the name Kosova. And, finally, Article 6 of the Declaration stated that the Declaration was put into effect on the day of its approval.

This Declaration was adopted at a time when Yugoslavia still existed, and none of the federal units had expressed their will for separation from Yugoslavia. As a result, the position of Kosova, according to the Declaration was envisaged within the Yugoslav Federation. The procedure of voting was not entirely valid; as it had been made on the stairs of the Parliament Building, as the Serbian regime did not allow Albanian delegates enter the Parliament hall. Yet, it sent out an unexpectedly strong symbolic signal for the future relations between Kosova and Serbia.

1.2. *The Constitution of the Republic of Kosova (7 September 1990)*

In view of putting into life the Constitutional Declaration of 2 July, 1990, the Parliament of Kosova approved and proclaimed the Constitution of the Republic of Kosova, with all the required documents, in the city of Ka9anik, on 7 September 1990, and passed the Law on Political Association of Citizens, Law on Elections, and other required decisions for the momentary work of the Parliament of Kosova in its relations with the Parliament of SFRY.

The Constitution of the Republic of Kosova represents a historic act in which the Albanian people realized their historic aspirations which they had been deprived of and discriminated for five decades in the past by Serbian and Yugoslavia regimes. The approval of the Constitution marked the realization of their legitimate requests that began to be articulated on the political request to constitute Kosova a republic with equal rights to the other republics in the former Yugoslavia.

Unlike the Constitution of SAP Kosova of 1974, the Constitution of the Republic of Kosova of 7 September 1990 contained quite a short text (introduction and nine chapters) that defined an organization of Kosova as politically and constitutionally completely independent from Serbia. Using positive and constitutional solutions and the experience of democratic states in Europe and the world, the Constitution of the Republic of Kosova constituted a form of state regulation based on the sovereignty of peoples and citizens, freedom of organization and political action of citizens, plurality of forms of property, free market economy, and legislature as basis of its constitutional and political system.

The general provisions of the First Chapter determine the Republic of Kosova as a democratic state of the Albanian nation and of members of other nations and national minorities of Serbs, Turks, Moslems, Montenegrins, Croats, Romas and others living in Kosova. The Republic of Kosova was conceived as a parliamentary Republic. A direct election of the President by the electoral body does not renege this character. There have been cases when the head a of Parliamentary Republic was elected by the people. Such was the case with the German Republic, Austrian Republic, etc.

Article 75 guarantees the freedom of expressing one's national origin, alongside with freedom of expression of one's national culture

and the use of language and its scripture. Besides, the question of minorities is treated in Article 68. It sees to it that from the elementary to the superior education conditions are ensured to guarantee education in one's mother tongue, or in Albanian, Serbo-Croatian and Turkish languages respectively. Article 67, Paragraph 3 points out: "In the publicly financed schools, education is free of charge". The Constitution of the Republic of Kosova recognizes for the national minorities the right to use national symbols, based on conditions and manner arranged by the law.

The adoption of the Resolution for the Republic of Kosova as an Independent and Sovereign State brought about a new constitutional situation that requested adequate changes and supplements to the Constitution of the Republic of Kosova of 7 September 1990. In this, the Parliament of Kosova passed Amendment I and Amendment II-VI on 19 October 1991, which made due provisions of the Constitution of the Republic of Kosova.

Since these amendments define new constitutional solutions, Amendment I proclaims the Republic of Kosova as a sovereign and independent state. With this definition, Article 2 of the Constitution of the Republic of Kosova was changed. Just prior, it had envisaged Kosova to be within the Yugoslav community. Amendment II applied the institution of the President of the Republic as an individual head of state, with all the competencies defined by the Constitution for a collective Presidency of Kosova. Amendment III determines the functions of the President of the Republic.

Amendment IV defines the conditions and procedures for electing the President of the Republic in free and direct elections with secret votes. (Amendment IV, Article 1). Amendments V and VI are mainly of technical character as they define a special constitutional law that would be passed for the implementation of Amendments II and VI. The main goal of these amendments was to declare Kosova a sovereign and independent state, and to change the leadership of Kosova from Presidencies to President, individual leadership.

The Constitutional Declaration of Kosova, of 2 July 1990 and the Constitution of the Republic of Kosova have expressed the will of the Albanian people in Yugoslavia and were out of any ideological influence of the Communist Party.

1.3. The Referendum on Independence (26-30 September, 1991)

In the territory of the former Yugoslavia, as a consequence of political discussions on the definition of the Federation, the process of its disintegration began and was carried out through the proclamation of independence of the federal units that passed declarations on their sovereignty, through referendums.

Being included in these democratic processes, the Parliament of Kosova in September 1991 passed a decision to organize a national referendum on the Republic of Kosova as an Independent and Sovereign state. This referendum was held in Kosova between the 26th and 30th of September 1991, and the great majority of people (over 99% of eligible voters voted at this referendum) opted for Kosova as a sovereign and independent state.

The National Referendum on Kosova as an Independent and Sovereign state presents an act of democratic and political self-determination of the Albanian people with the view of defining the constitutional and political status of Kosova after the dissolution of the former Yugoslavia.

Supporting the concept of the Republic of Kosova as an independent and sovereign state, the Albanian people opted, in a democratic way, in favor of full freedom, independence and sovereignty from Serbia.¹⁴⁹ Accordingly, it may be concluded that this Referendum presented a legitimate political act of the Albanian people, who together with other peoples of former Yugoslavia was incorporated into the new

democratic processes, that every people, including Albanians, should be given an opportunity to realize their right to self-determination.

Based on the results of the Referendum, the Parliament of Kosova proclaimed the Resolution of the Republic of Kosova as an Independent and Sovereign state on 18 October 1991. This Resolution confirmed the positive declaration of the Albanian people for full sovereignty and independence of Kosova. The approval of this Resolution was a logical consequence to the process of dissolution of the Yugoslav Federation, and creation of new states on its soil. Other republics, such as Slovenia, Croatia, Bosnia-Herzegovina and Macedonia previously approved similar resolutions.

This option has become all the more an indivisible part of national conscience of the Albanian population, which attached all its political will to the full sovereignty, and independence of Kosova.

On December 1991, the Government of Kosova in exile, headed by the Prime Minister Bujar Bukoshi, handed over to the EC its request for an international recognition of Kosova as an independent and sovereign state. Yet, the political will of the Albanians of Kosova, expressed by the Referendum on a sovereign and independent state, has so far been recognized only by Albania.

1.4. Parliamentary and Presidential Elections (May 24th 1992, and March 22nd 1998)

With the approval of constitutional amendments to the Constitution of the Republic of Kosova (October 1991), a constitutional basis for organizing the first free and multiparty democratic elections for the Parliament and the President of the Republic, had been established.

The old one-party Parliament of Kosova announced on 2 May 1992 the multiparty, general and presidential elections, to be held on 24 May 1992. In these elections the people of Kosova had for the first time the opportunity to vote freely themselves for the election of the main bodies of the Republic of Kosova. The voting attendance was massive.

At these elections, in conformity with the Constitution and Law on Elections, 100 deputies were elected for the Parliament of Kosova and

the President of the Republic. In conformity with the Law on Elections, political parties proposed their candidates to the Parliament of Kosova, as well as other political movements, civic associations, and other subjects as anticipated by the law. As this law combined the majority and proportional principles, out of 130 deputies of the Parliament of Kosova, 100 of them were elected directly, while other 30 were elected later on the principle of proportional representation of political parties that won a certain percentage of the votes, including an adequate representation of the political parties that gathered national minorities living in the Republic of Kosova. The President of the Republic was also elected in a democratic way, by secret balloting.

The Democratic League of Kosova (LDK) won 76.4% of the votes and got 96 seats, and the Parliamentary Party of Kosova (PPK) got 4.86 % with 13 seats. Other successful parties were the Peasants' Party of Kosova (7 seats), and the Albanian Christian Democratic Party (7 seats). In the Presidential election, Ibrahim Rugova, the popular and charismatic leader of the LDK, won by an overwhelming majority.

In the voting process, together with Albanians participated also Turks, Muslims, etc. Serbs did not participate as they considered the voting illegal. The Parliament made a single attempt, on 24 June 1992, to meet, but was not barred by the Serb forces. After that day, the Parliament worked through Parliamentary Commissions, which was more or less an improvisation rather than an effective work.

Until May of 1998 elections were postponed several times between 1996 and 1998, three times for the Parliament (which had a four-year term), and twice for the President, whose term was five years.¹⁵² On December 24, 1997, when the mandate of the shadow Parliament and Presidency were about to expire once again, Rugova announced new elections on 22 March 1998. Despite the elections of 1992, when all political factors of Kosova had supported the elections, for the 1998 elections the electorate was divided.

2. The parallel life in Kosova and Serbia's response to it

Following the abolition of the Kosova autonomy in 1989, Albanians refused to accept the legitimacy of Serbian rule, proclaimed Kosova as an Independent Republic, and strongly advocated for a peaceful strategy to resolve the Albanian-Serbian conflict.¹⁵⁵ Since the early 1990s, the Albanians were able to make decisions over a wide range of political, economic, social and cultural issues without interferences from Serbia.

Albanians of Kosova refused to participate in Serbian and Yugoslav political life. They systematically boycotted the Yugoslav and Serbian elections since 1991, considering them as events happening in a foreign country.

Organizing a parallel Albanian society, their own political institutions, educational and health-care systems, cultural, and sports associations, this emerged as a hallmark of the Kosovar Albanians peaceful resistance to the Serbian rule. Kosova

After the events in the Drenica region, when an armed conflict in Kosova began, the new factor in Kosova, the Kosova Liberation Army (KLA – UCK) was categorically against the elections. In a statement published in "Koha Ditore", the KLA said that the elections should be put off "because of a state of emergency in Kosova and a state of war in Drenica". The KLA also announced that it would not recognize elections "until the country was liberated", and accused Rugova of "causing a discord among Kosova Albanians.¹⁵³ In addition, the PPK, and some minor parties refused to participate in the elections for the same reason. Because of the situation of war, the elections could not be held in the Drenica region, in the municipalities of Skenderaj, Glogoc, and Klina respectively. In other parts of Kosova the majority of people of Kosova participated in the elections.

The elections for the Parliament and President of Kosova (May 1992 and March 1998) did not have a big impact on building of the institutions of Kosova, but judging by the number of people participating, they were a sort of a reiteration of the referendum on sovereignty and independence of Kosova.¹⁵⁴ The results of the March 1998 elections were similar to the 1992 elections. The fate of the institutions was similar as well, that is their creation remained in half.

Albanians responded in 1991 by forming a shadow government, completed with a President, Parliament and a tax system. The Government of Kosova, though, had no army or police, which it could deploy, that is, it was not a government in effective control of its territory and population.² An "interim" coalition government was formed on 19 October 1991, comprised of six ministers. All but one of the ministers lived abroad. The Prime Minister, and at the same time Foreign Minister, was Bujar Bukoshi (a physician, urology specialist and former LDK Secretary). The Health Minister was the only minister who lived and functioned in Kosova. The shadow Government played an important role by collecting "taxes" abroad. All Kosovars in the Diaspora were supposed to contribute 3 percent of their income to the funds of the Republic of Kosova. This helped to finance political activity, education and health care system.

a) Education

According to the 1974 Yugoslav Constitution, as an autonomous province, Kosova had full decision-making authority over all levels of education: primary, secondary and higher education. Classes in the province's primary schools were held in Albanian, Serbian and Turkish. Lectures in the University were held both in Albanian and Serbian. At the beginning of the 1991/92, the Serbian forces prevented Kosova Albanian teachers and students from entering their school's premises. In early January, the majority of the Albanian language secondary schools started their second term (semester) in private homes. The Prishtina University soon followed on 26 November 1991.

The parallel Albanian-language education system in Kosova served a total of 266.413 primary school pupils, 58.700 secondary school students, and 16.000 university students, an undertaking on a scale that has no parallel. The work of these educational institutions was carried out according to a curriculum approved by the Kosova bodies. During this time a big number of books were published based on new developments in science and with free of the imposed Communist ideology of the former period.

b) Health Care

In July and August 1990, the health care system in Kosova came under Serbian "emergency measures" that rapidly led to a large-scale firing of the Albanian workers. The boycott of the Serbian health care system by Albanians was almost as comprehensive as that of the educational system.

The main institution within the parallel health system was the humanitarian organization of Mother Teresa. (The institution was named after the world-renown Catholic nun who, before her death, was the most famous ethnic Albanian in the world. Mother Teresa was born in Skopje. She was the winner of the Nobel Prize for Peace).

Albanians of Kosova were proud of their parallel health care system and, given the adverse conditions, they managed to set up an impressive net of health care institutions.¹⁵⁹ The parallel systems of education and health service set up by Kosova Albanians were clearly not satisfactory entirely based on modem standards.

On 1 September 1996, Rugova and Milosevic signed an agreement for a normalization of the education process in Kosova/o in a meeting mediated by San Egidio, a Rome-based church organization. This agreement – the so-called Rome Agreement – anticipated a return of the Albanian students and teachers to their premises. This agreement was never realized, and was used by the Serbian regime for political purposes. The Agreement did not deal with the curriculum, recognition of diplomas, a division of school premises or institutions in different languages, but meant to only temporarily resolve their financial situation.

Rugova used the Agreement to point out that he was being officially recognized, because Milosevic was dealing with him. But the document (signed separately in Prishtina and Belgrade respectively) carried for Milosevic his official title (President of Serbia), and for Rugova only his name. The 3+ 3 Implementation Commission met several times, but failed to register any progress. This was mostly because the Serb side interpreted it as a recognition of the Serbian education system, whereas the Kosovar side understood it as allowing Kosova's students to come back to all the school premises without preconditions.

The Radio and Television station of Prishtina (RTP) was taken over by the Serbian authorities on 5 July 1990. RTP still had some Albanian language programming, but it was only a translation of what the Serb desk officers produced, therefore Albanians generally choose not to watch it. The Albanians of Kosova usually watched the Satellite TV. It was so because as an Albanian TV program via satellite was set up. It was paid equally by the Albanian state TV and Kosova's shadow government, and it offered information, debates, round tables, talk shows, children's programs, and music. In Kosova were also published several daily and weekly newspapers, all on private funding.

Most jobs were in the service sector or commerce, with international contractors, or involved in the black-market sales of cigarettes and alcohol. Kosova had some 18.000 registered small firms. Business could not break down some of the barriers between Serbs and Albanians, as it was believed.

Internationally, despite the fact that Kosova had not been recognized, collectively or individually as a state, with the exception of Albania, it had created a solid representative capacity in international relations. Kosova had 11 offices. Only the Office of the Republic of Kosova in Tirana - Albania had a diplomatic status. On 20 December 1996, an Office of Kosova in Istanbul-Turkey was, opened. On the international side, the first international office in Kosova was the United States Information Office (USIS), opened on 5 June 1995.¹⁶² Also, meetings of the leader of Kosova, Ibrahim Rugova, and other figures with representatives of many countries, like the US President, those of Great Britain, France, Germany, Turkey, and international organizations such as UN, EU, etc. were in the function of internationalizing the Kosova issue.

The creation of new states is a matter of fact, and not a legal issue. With its appearance, a new state became subject to international law. States can exist without international recognition. The existence of the Turkish Republic of Cyprus,

during its 27 years, despite the fact that only Turkey recognized it, proves practically that a state can exist without international recognition.

The Republic of Kosova functioned as well, under occupation, bearing the following main characteristics:

- the majority of the population of Kosova did not participate in the political and legal life of Serbia - Yugoslavia;
- Albanian political parties developed their own activity as part of the political life of the Republic of Kosova under circumstances of a foreign occupation;
- the institutions of the Republic of Kosova, according to its own Constitution, functioned, partially inside of Kosova/o and partially in exile;
- the issue as to when the institutions of Kosova could function within its territory and with full competence was an issue of the balance of forces. And, theoretically it is known that the balance of forces can change.

THE OUTBURST OF THE CONFLICT IN KOSOVA – CAUSES AND CONSEQUENCES

1. The Appearance of UCK (The Kosova Liberation Army – KLA)

In the 1990s, Kosova passed from an autonomous Province to a classical-type colony. The outburst of the conflict in Kosova was a consequence of three developments:

- First, the Serb-Yugoslav government showed little indication that it was seeking a genuine compromise with the Albanian population;
- Second, growing sectors of the Albanian population became disenchanted with the peaceful approach of their leaders;
- Third, the international community had been increasingly perceived in Kosova as unwilling to promote a peaceful solution to the crisis³.

The Albanian desire to break free from Serbia was not an aspiration born in the context of Yugoslavia's breakdown. The roots of Serbian-Albanian mistrust ran deep. Since 1912 when Kosova was occupied by Serbia after the Balkan Wars the Albanians had been striving to escape from the Serbian rule.

Rugova held hope that the conflict could be resolved by negotiations with the Serbs. He urged his fellow Albanians not to give Serbia a pretext for carrying out a campaign of ethnic cleansing. The pent-up frustration of close to a decade of

waiting without any hint of light at the end of the tunnel, and the precedents for achieving political goals by military means set up by Slovenia, Croatia, Bosnia and Republika Serpska, played into the hands of hotheads who were prepared to fight for an independent Kosova.

Peaceful policy of Kosovar Albanian leadership, save the verbal support, did not have any other support to change this situation. Under these circumstances and Serbian occupation, the majority of the Kosovar Albanians did not see any perspective, especially the youth. Albanian willingness to compromise on selected non-political issues like returning their children to schools has *founded* on Serbian intransigence. The collapse of the Rome agreement on education had a profoundly negative effect on the prospects for a situation in Kosova.

Over the last years, Milosevic never offered the Kosovar Albanians anything more than that status quo⁴. After so many years of repression people in general, naturally take encouragement from violent actions. Kosovar Albanians in the most cynical prevision of their formerly peaceful stance will learn the political value of counting the dead-if nothing else⁵.

The Kosovar Albanians had been under siege for a long time. Serbs always treated them as second-class citizens, and they lived under effective police control throughout the 1990s. Denied equal access to education, health – care, and employment, Kosova Albanians have been subject to human rights abuses.

The west allowed Milosevic considerable latitude in his repression of Kosova, Milosevic believed the West would sacrifice Kosova to keep him engaged with Bosnian peace efforts. If little international effort had been spent on resolving the Kosova dispute in this decade, it was because there was no urgent need. It takes two sides to make a proper war, and Kosovar Albanians did not engage in pursuing a disciplined strategy of nonviolence. Kosova was perceived as a problem of human rights, not of political rights or territorial status.

When the relations between two peoples are pressed, the humanitarian rights of one part, we can not accept as a case of brutal behavior of the state, but an issue of the pressure on political will of the people for independence and equality. The essence of Kosova's problem has been the pressure of the Serbian regime on the political will of Kosovar Albanians for freedom and independence. Nobody can feel that he has full humanitarian rights if, for his own fate, someone else can decide.

Unfortunately, the individual recognition of the FRY (Serbia and Montenegro) after the Dayton Peace Accords established a very bad precedent by legalizing to a certain extent, the use of force and ethnic cleansing as a means for achieving political goals. Since then, the Kosova people and its leadership showed signs of serious disillusionment regarding their peaceful policy way as a means to achieving the independent statehood.

Former president of the US, George Bush, warned the Serbian leadership in December 1992, that the United States would use force if Serbia were to extend the war into Kosova. Bush's message reportedly said that: "in the event of conflict in Kosova caused by Serbian action the United States will be prepared to employ military force against the Serbs in Kosova and in Serbia proper⁶. This threat is the repeated also by the Clinton administration. For domestic purposes, Kosovar politicians often misrepresented the US government's strong stance on human rights as support for Kosova's independence.

The explosive situation in Kosova was the concern of many analysts. Thus, a Turkish analyst in one reaction expressed that peace in Kosova was fragile and that it is being held by threats of large – scale bombing of Serbia itself and the presence of American troops in Macedonia. Without these threats, the author points out: "Lord Owen might well have had to negotiate over yet another genocide"⁷.

It is ironic that the Dayton accord of 1995, which produced the uneasy peace in Bosnia, was probably the signal event in the formation of an armed insurgency in Kosova. The leadership in the capital city of Prishtina, watched in disbelief as the fate of Kosova was never raised in Dayton, and as other Yugoslav groups that had mounted armed rebellions achieved recognition and even independence. The most serious Plan for solution of Kosova problem, until 1998, was the France-German plan. Despite of many benefits for Yugoslavia if they accept this plan, Yugoslav foreign minister Milan Milutinovic rejected the project.

The gulf between Kosovar Albanians and Serbs is huge. In 1997 there had been three meetings between Albanians and Serbs, in New York (7-9 April), in Vienna (18-20 April) and Ulqin-Montenegro (23-25 June) but without any success. The crisis in Kosova erupted suddenly, but not unexpectedly. Years of international attention on the Balkans, endless discussion of "preventive diplomacy" and early warning mechanisms, may have come to nothing.

For many years the UCK was almost mythical. Its name was used at the trials of Albanians. Since evidence in these trials was often dubious, so were the references to the UCK. The first public appearance was dramatic and carefully staged; three armed men in camouflaged uniforms and black baklavas arrived suddenly at a funeral of an Albanian killed in a gunfight with Serbian police. "We are the Kosova Liberation Army, the true representatives of Kosova's struggle", they declared to enthusiastic shouts from the crowd of 15.000. The Albanian movement had "officially" gone violent. That episode, from 28 November 1997, is taken as the first direct confrontation of an armed Albanian group. Otherwise the first notable action was the ambush of a Serbian police vehicle in may 1993.

Within the political subject of Kosovar Albanians there were different stances about the appearance of KLA. Indeed as late as the end of January 1998 Rugova said that there were

indications that UCK was an organization run by Serbian secret service, and suggested that the service might be preparing wide operations likely to cause "unprecedented bloodshed in Kosova". PPK chairman Adem Demaci stole the show from Rugova by acknowledging the existence of the UCK well in advance of the three latest acts of violence. In December 1997 he said: "There is no doubt that the UCK exists. The UCK's emergence proves that the people are prepared to pay the highest price for their freedom".

They (KLA) were first concentrated into the Drenica region near Skenderaj. This was done, most probably, due to the geographic configuration of the terrain, but as well due to the widespread support of the region's population for KLA.

The KLA managed within a short time to create a free security zone and banned the entry of the Serbian forces in that area.

Against this reality, Serbia did not remain indifferent and attacked the region on 4-5 March 1998 with heavy artillery and more than 87 Kosova Albanians were killed and massacred, including women, children and elderly. This attack was directed especially against the Jashari family from the village of Prekaz, whereby its 27 members were killed and massacred including among them Adem Jashari. This name would later become a symbol of the resistance against the Serbian occupying regime and a hero for the Kosova Albanians. Adem Jashari in January 1999 was declared an honorable Commander of the KLA.

Despite of public appearance of KLA in November 1997, the direct confrontation with Serbian forces, and at the same time the beginning of an armed conflict in Kosova was considered in February and beginning of March 1998, respectively after the attack and massacres in Prekaz. The powder keg, whose explosion had so often been predicted during the past decade, appeared finally to be igniting. According to the chairman of the Political Affairs Committee of the Albanian Parliament, Sabri Godo, this marked the end of the peaceful policy in Kosova.

After this attack the police claimed to have destroyed the UCK leadership. But in reality it had only fostered massively increased support, both in terms of recruits and cash, sympathies for this resistance to the Serbian regime and for the fact that its actions were the first ones after which the international community took seriously the

Kosova issue. Within a very short period of time, the KLA gained a wide support among the Kosova Albanians and nobody denied the necessary need for its existence.

The appearance into the scene of the KLA raised the hopes among the Albanians for the liberation of Kosova from the occupying force of the Serbian regime. Yet, there were two groups in Kosova that were divided on this issue. The first one thought that it should exist in parallel to Rugova's peaceful policy, while the second group was of the opinion that it should be the only force, both political and military. The KLA was reinforced by Albanians returning from jobs in Western Europe and locally by young Albanian men who had known nothing but Serbian oppression and felt that they had nothing to lose.

In times of tension, such as in February and March 1998, Albanians from all states close the ranks and forgot any difference that they may have had. Albanians in Albania were mobilized under a slogan: "One nation, one stance", as well as Albanians in Macedonia, Montenegro, Diaspora, etc. Albanian diplomacy of those days was offensive as well. There was no historical precedent for this present level of the homogenization of Albanian people.

The current institutions of Kosova, President, Parliament, Government, etc. did not recognize formally KLA as their defense force. But the people of Kosova fully supported the KLA.

The first meeting of foreign officials with the members of the KLA was the "accidental" meeting of the American ambassador, Holbrook in Junik. This meeting was an inspiration for young Albanians to become members of the KLA because of feelings that they had the support of the US.

For a short time the KLA became a very important factor in Kosova, the most important for bringing a solution to the Kosova crisis. And, in the Conference of Rambouillet-France that is what they had been.

The KLA was a result of permanent violence of Serbian forces against the Kosovars, also a result of a long-time unsuccessful peaceful policy, and over all a will of the Kosovars, especially the youth. The dream of living free and independent from Serbia despite the sacrifices. "We learned that violence works. It is the only way in this part of the World to achieve what you want and get the attention of the international community.

INTERNATIONAL COMMUNITY REACTIONS OVER KOSOVA CRISIS 1991-MARCH, 1999

1. *Reactions of the International Community 1991-1998*

Impact of the dissolution of the former Yugoslav federation and the collapse of communism opened possibilities and new hopes for the aspirations of the occupied nations in the former communist world, including Kosova. The impact was twofold: the situation in Kosova has contributed on two directions:

- dissolution of the former Yugoslavia and
- influence on itself (Kosova) as a result of this dissolution.

There cannot be a single factor that can be considered responsible for the Kosova crisis in the last decade but most of the observers agree that Milosevic carries the main responsibility for the interference of the state of Serbia into this crisis. Dr. Jones Perry describes Milosevic as a "man who has been in the heart of the most of problems" in the region. And, as a person who "has been a part of many things which produced difficulties"⁸. In a way, this is proven by the Serb Information Center, saying, "Milosevic's instinct

was authoritarian and his actions were strong and oppressive" which led to the radicalization of the Albanian population in Kosova.

Reactions from the international community regarding the Kosova crisis have continuously taken place from the beginning of the nineties but differed in form and intensity. Albeit the Kosova issue entered the international arena after the Cold War and until 1998, as a result of the violation of human rights, there was no improvement of this dimension or of the Kosova issue in general. Kosova was understood as a problem of human rights and not as a problem of the political rights and the territorial status. This was a wrong approach of the international community that took insufficient steps and measures: by discouraging the Kosovar side for the resolution of the crisis in a peaceful way and by encouraging the Serb side for the repression of the (realistic) requests of the Kosovar Albanians.

1.1. *Reaction of the EU*

The EU stance was the most important at the time of dissolution of the former Yugoslavia and for the resolution of Kosova crisis in general. Unfortunately, the disregard for the crisis and the belittling of the prominence of this crisis and the denial of our rights could be seen since the beginning. Kosova representatives were not invited by the European Union in the Conference for Yugoslavia convened at Hague by Lord Carrington in September 1991. In December 1991, when the EU offered the recognition of the independence of the republics in the former Yugoslavia, the request of Kosova for independence was rejected⁹.

The EU got involved first and directly on the interpretation of the principle of self-determination and it may be said that this principle has been interpreted differently for each former communist country separately. According to the official stance of the EU, the right for self-determination, "expression of the free will" is entitled to only those who have lived in republics within the federation. Those people that lacked such a status were deprived from such a right for the "expression of the free will", which means the

right for being a state. This stance of the EU was sanctioned in the Opinions of the Commission for Arbitrage, a body which was a part of Hague Conference for Yugoslavia, known as Badinter's Commission (established in September 1991 and underlined in the Principles of the Recognition of the New States in Eastern Europe and in Soviet Union on 16 December 1991).

The EU declaration like "Declaration on Yugoslavia" approved on 16 December 1991 refused the request of the Kosovar Albanians for independence. This Declaration asked all the former states of the former Yugoslavia to recognize each other and to respect the rights of the minorities within their borders, by guaranteeing them autonomy (special status) in territories where the minorities are the majority¹⁰. In this way the EU recognized the earlier set criteria in the communist constitutions. In reality, this was said in the first meeting of the Badinter's Commission held in November 1991: "Constitutions are the only competent facts". Starting from these facts, the request of the Kosovar Albanians for self-determination was rejected. This act had a huge impact on the

orientation of the international community regarding the crisis in Kosova and has heavily damaged the legal and political status of Kosova four years in a row, with present consequences today. Thus, communist criteria were recognized in a democratic age

In April 1996, the EU member countries decided to recognize Yugoslavia, and by this they decided to ignore the principle of autonomy for the Kosovar Albanians, which earlier was the core policy of the EU upon the recognition of the new states.

At that time, the EU had silently accepted that the improving of the relations between Yugoslavia and the international community would influence, *inter alia*, on the constructive approach of Yugoslavia for guaranteeing autonomy for

Kosova.¹⁴ It seems again that gaining cooperative approach from Milosevic regarding Bosnia's crisis was a priority, even by making any eventual concession regarding Kosova.

The most serious plan that came from the EU till 1998 for the peaceful resolution of the Kosova crisis was the French-German plan revealed in September 1997. Albeit, many benefits were predicted in this plan for Yugoslavia-Serbia, the Yugoslav Foreign Minister Milan Milutinovic rejected the project¹¹.

In 1997, three Albanian-Serb meetings took place, in New York (7-9 April) in Vienna (18-20 April) and Ulqin, Montenegro (23-25 June), but without giving any result. As long as the situation was not improving, the abyss between Albanian and Serbs was deepening.

1.2. US Reactions

Both the Albanian and Serbian sides have closely watched and analyzed all the diplomatic activities of the US in relations to the Balkans by commenting and reading them very often as favorable and decisive acts.

The most serious reaction was the one in the beginning of the nineties coming from the US President, George W. Bush Senior, who warned the Serbian leadership in December 1992 that the US would use force if Serbia escalates the armed conflict in Kosova. The message from President Bush according to reporters was like this: "in case the conflict in Kosova is provoked by activities of Serbia, the US will be ready to use military force against the Serbs in Kosova and Serbia proper".

A similar threat was repeated by President Clinton's administration during his first mandate. For the sake of internal use, the Kosovar politicians have misinterpreted very often this strong determination of the American Government for human rights as support for the independence of Kosova.

The US has kept the "external wall" of sanctions, by excluding former Yugoslavia from financial institutions, but till massacre in Drenica (March 1998) happened, the US did not take any step of direct pressure for resolving the Kosova problem.

Parallel with threats, sanctions were put by the international community on Serbia in order to make pressure on it to resolve the Kosova issue. Russia has rejected these additional sanctions against Belgrade but the EU, the US, Canada and

Japan did this individually. These sanctions did not reduce the attacks of Serbia over Kosova.

These sanctions can be described as inefficient also due to the fact of the lack of unity amongst the international community. There is a general belief that even if the entire international community had imposed full sanctions on Yugoslavia, they would have not been sufficient to resolve the conflict.

The official position of Washington and Western Europe was to increase the status of Kosova within the FRY by protecting the human rights of the Albanians according to the principles of the OSCE and the UN Charters. After the massacre in Drenica, the US had asked something amid autonomy and republic of Kosova within the FRY.

Some personalities from the American administration played a special role regarding Kosova crisis. Therefore, the US Secretary of State Ms. Madeline Albright and the deputy secretary Strobe Talbot had been very open in criticizing Serbia, especially Milosevic since the beginning of the violence. Ms. Albright accused Milosevic and said that he would pay the price for this, underlining: "we will not stay and look at Milosevic do the same thing he has done in Bosnia not a very long time ago"¹².

She believed that the only thing that Milosevic understands is the determined and strong action of the international community.¹³

Mr. Talbot went even further by ordering Serbia to stop the brutal violence consisting of elements of ethnic cleansing, murders and massive expulsion, warning him: "Belgrade will

be held fully responsible for bringing to question the existence as well as endangering of its own country".

It is worthy of mention that in 1996, Washington opened a Representative Office in

Prishtina which helped the articulation of the requests as well as the close monitoring of the situation in Kosova and it was a signal for the level of the interest at that time.

2. The Role of the Contact Group and UN SC

The focus of this will be the role of the Contact Group of the UN SC, the EU and the USA. In this phase, these important factors carried out much more co-coordinated and collective activities. This is very unlikely compared to the period before 1998, but also shows the seriousness of the problem to all and also brought the stances of all factors closer and in this way the Kosova issue was discussed more seriously than before that time. As it has been previously mentioned, the first meeting of the Contact Group focused on the Kosova issue (consisting of France, Germany, Italy, Russia, Great Britain and USA) had been held in September 1997 at the request of Great Britain.

After the clashes and the massacre in Prekaz the pressure on the international community to take action increased. A suitable mechanism was the Contact Group, set up in 1994 for Bosnia, which was reactivated on 9 March 1998 by issuing a declaration asking, amongst other things, the Yugoslav authorities to withdraw the special police from Kosova within ten days and

to allow the presence of the international organizations and start the dialogue immediately to support the mission of Felipe Gonzales, a special envoy of the OSCE to Kosova. It also asked the Yugoslav authorities to respect the agreement for education. It also took some measures against Serbia. It put an embargo on weapons and banned the issuance of visas for some senior Serbian officials.

There were differences among the Contact Group: on one side the US and Great Britain supported these measures and on the other side, France, Russia and Italy were against these measures. But they all agreed for the OSCE mission in Kosova and in north Albania and Macedonia. 232 If one analyzes the Declaration of the Contact Group, an increase of support for the status of Kosova within the Yugoslav Federation and admission that this implied full self-administration will be seen. The Contact Group supported neither the independence nor the status quo.

2.2.1 UN SC Resolution 1160

The UN SC approved Resolution 1160 on 31 March 1998 referring to the issue of Kosova. This was the second resolution that the UN SC discussed for Kosova. The first time it discussed the Kosova issue was in 1993 when it asked for unconditional return of the OSCE monitoring mission in Kosova, Sandjack and Vojvodina. This resolution based on the stances of the Contact Group (France, Britain, Germany, Italy, Russia and the USA) extracted from the meeting on 9 and 25 March 1998 and from the OSCE Permanent Council in its meeting held on 11 March 1998 in Vienna. The main points of reference were an embargo on weapons and unconditional dialogue. The brutal interference of the Serb police was condemned and the role of Mr. Felipe Gonzales was supported.

This resolution asked the FRY to immediately take steps in order to achieve a political solution for the problem of Kosova through dialogue (Article 1 of the Resolution). It also asked for the return of the long-term OSCE

mission and the return of the EU-OSCE special representative, Mr. Felipe Gonzales (Article 7 of the Resolution). It also asked for the withdrawal of the special police units and the cessation of actions of police forces against the civilian population (Article 17, Paragraph B I of the Resolution). It also asked for the presence of international organizations, representatives of the Contact Group and other Embassies in Kosova (Article 16, Paragraph c). It also authorized the office of the Prosecutor of the International Tribunal to act in accordance with the Resolution 827 (1993) on 25 May 1993 and to begin the collection of the information on violence in Kosova, which could be under its jurisdiction. Also the resolution underlined the obligations of the FRY authorities to co-operate with the Tribunal (Article 17 of Resolution).

This resolution guaranteed the FRY authorities that in case of the evident progress in resolving the serious political issues and the human rights in Kosova, its position would

improve and its relations would be normalized as well as its participation in the international institutions. (Article 18 of the Resolution).

But at the same time, it warned the FRY that in case of failure of constructive progress towards the peaceful resolution of the situation in Kosova, additional measures would be taken into consideration. (Article 19 of the Resolution)

The UN SC Resolution 1160 had more political effect than practical. The Serbs commented the main point of the resolution regarding the weapons embargo in this way. One anonymous Serb diplomat in an interview with the Belgrade-based daily *Nasa Borba* said, "We have enough weapons to fight in Kosova" adding, "...this is the same as banning Saudi Arabia from importing oil"

On 29 April, the Contact Group held a meeting in Rome. It proposed additional measures as a result of the implementation of Resolution 1160 and set the deadline of 9 May 1998 for the creation of the elementary conditions for dialogue. Also, the Albanians were asked to distance themselves from violence.

In the UN SC another ineffective meeting was held because Russia and China especially, were against the interference. China treated the Kosova problem as an internal affair of Serbia. In the meeting held on 24 March 1998, the stances of the Contact Group split: the US and Great Britain supported additional measures and the others were insisting that progress was taking place.

Signing again the agreement for education on 23 March 1998 and the elections in Kosova on 22 March 1998, which were not impeded by Serbia, were considered as wrong political steps of the Kosovar Albanians. These activities directly influenced the decrease of the international community's focus, because they took place on the eve of meetings of the Contact Group (25 March) and the UN SC on 31 March 1998. The Albanian politicians in Kosova made efforts to meet the requests of the international community, by setting up teams for negotiation (23 March 1998), but without including the key factor of that time, the KLA. On 10 April 1998, Albanians offered their program, supporting the dialogue under international mediation.

On the other hand, the Serb side made obstructions regarding the requests for interference of the international community. On 23 April 1998, a referendum for the non-presence of the international mediation whilst resolving the issue of Kosova, was organized in Serbia.

94.7 % of voters were against the international interference. The aim of Serbian officials, who were also supported by the citizens in Serbia, was to declare Kosova as an internal affair and to resolve the problem by itself. Serbia improvised some internal negotiations' teams, which were completely ignored by the Albanians. It can be concluded that the obligations from the UN SC Resolution 1160 were not completed at all by the Serb regime and at the same time spiral of violence continued.

In response, Serbia conducted activities for opening of the Albanian Institute in Prishtina, promising other actions step by step. It also offered dialogue that Albanians called farce.

At that time, different officials warned, "The time of action is now, before large scale violence makes impossible any peaceful agreement. We have lost the chance to prevent the war in Bosnia and we have paid the price in Bosnia. If we leave the sides to agree, then this means that the formula of violence is accepted", said Morton Abramovitz, a member of the Executive Committee of the Balkans Institute. The statement also said that the escalation of the Serb violence in Kosova would threaten the peace in the region. This is the largest violence in Kosova after the Second World War. This violence must end by finding a solution for Kosova. This means that the USA and NATO should get involved in the crisis.

In the meantime, in the summer months of 1998, war activities in Kosova were increasing, and on the other hand it looked that the international community was pausing. The engagement of the US representative, Christopher Hill, who was one of the members of the team of Richard Holbrook during the Dayton Peace Accords, and the US Ambassador to FYROM, presented the most serious engagement. Later on the representative of the EU, Petrich joined him.

"Kosova is the most difficult issue, the most difficult I have ever seen. I have not seen this even in Bosnia", said at that time Ambassador Hill, describing his duty as the US representative for Kosova at the beginning of September 1998. Ambassador Holbrook joined several times Ambassador Hill in his mission. They managed to organize a meeting between the Kosova delegation chaired by Mr. Rugova and Milosevic in Belgrade.

Despite statements for the continuation of talks, nothing was achieved in this meeting. The meeting was held without international mediation, which was in contradiction to the program of the

Albanians. This was the reason why some members of the Negotiation Team resigned. This meeting failed in all aspects and deepened the barriers between the decision-making factors among the Kosovar Albanians. It also harmed the authority of Rugova amongst the Albanian population because he allowed such a meeting, which obviously failed, leaving enigmas behind.

During the summer of 1998 in Kosova, a large-scale offensive of the Serb forces against the Albanian population, especially in those parts where the KLA was present took place. The attacks occurred in order to eliminate the KLA but the civilians suffered the most. Around 2 000

civilian casualties and large structural damage was reported. Surprisingly, there was not any significant activity of the international community apart from the ordinary meetings that had become routine in Kosova. Dilemmas can make someone think that it was a test of survival for the KLA or an intention to harm its positions to the extent that it does not present a force in Kosova's future discussions.

The obligations from the 1160 Resolution of SC hadn't been respect by the Serbian regime. As the spiral of conflict in Kosova continued, the process of increasing internal intervention in the crisis also gained momentum.

2.2.2. UN SC Resolution 1199

The most intense activity of the international community at that time was UN SC Resolution 1199 (in 1998)²⁴². This resolution, same as the one in March 1998, was mainly based on the stance of the Contact Group's meetings on 12 June 1998 and 8 July 1998¹⁴. Resolution 1160 did not manage to change the situation in Kosova. On the contrary, the situation grew tenser.

This resolution paid a high attention to the humanitarian situation and the position of the displaced people whom at that time had reached 250 000.

Resolution 1199 called all sides to give up hostilities and to agree on a cease-fire (Point I of the resolution). It also repeated the request for unconditional dialogue and involvement of the

international community (point 3). It exposed new obligations against the former Yugoslavia as a follow up measure proposed in Resolution 1160 (1998) in order to implement the concrete steps for achieving political solutions for the situation in Kosova as the Declaration of the Contact Group predicted on 12 June 1998.

This resolution experienced the same fate as the previous one, i.e. it had no political or legal effect. This happened because the international community did not announce any real threat in case of non-compliance with the obligations. Only such a threat could have obliged Milosevic's apparatus to accept the measures for the solution of the conflict in Kosova proposed by the international community.

NOTES

¹ Constitutional Declaration of Kosova/o of 2 July 1990, is published in "Official Gazete" of Kosova/o No.1 0-22/90.

² Michael Salla, Kosovo/a, Non-violence and the break-up of Yugoslavia, "Security Dialogue", Vol.26, N.4, Dec.1995

³ Januz Bugajski, "Close to the edge in Kosovo", *The Washington Quarterly*, Summer 1998, Vol.21, N.3

⁴ Tihomir Loza, "A Milosevic All Seasons", *Transitions*, Vol.5, N.10, Oct.1998

⁵ Anthony Borden, "Contoring Independence", *Transitions*, Vol.5, N.7, July 1998

⁶ David Binder, "Bush warns serbs now to widen war", *The New York Times*, Dec.28, 1998

⁷ Hasan Unal, "Trop de Zele", *The National Interest*, N.43, Spring 1996

⁸ British Foreign Office Report on Kosova, 2000, QC 5-6

⁹ EC Declaration Concerning the Conditions for Recognition of New States. The Extraordinary EPC Ministerial Meeting, Brussels, 16 December, 1991

¹⁰ "Declaration on Yugoslavia", an extraordinary meeting of Commission, Brussels, EPS Press Release P 129/91, 16 December 1991

¹¹ Gary Dempsey, "Kosova Crossfire". *Mediterranean Quarterly*. Vol. 9. No.3. Summer, 1998, p.100

¹² Reuters, 7 march 1998

¹³ The New York Times, 8 march 1998 203 Reuters, 18 march 1998

¹⁴ Approved in 3930 meeting on 23 September 1998 published in the International Community and Kosova *op. cit.*, p. 44.