

**Conflict in Kosovo: Failure of Prevention?**  
***An Analytical Documentation, 1992-1998***

Stefan Troebst

ECMI Working Paper # 1

**European Centre for Minority Issues (ECMI)**

**Director:** Stefan Troebst

*In memoriam Alexander Langer (1946-1995)*

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Flensburg 1998**

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## PREFACE AND ACKNOWLEDGEMENTS

The fact that the South-western corner of the Republic of Serbia within today's Federal Republic of Yugoslavia is inhabited predominantly by ethnic Albanians became a pressing political problem immediately after the death of Tito in May 1980: Kosovo Albanians demanded an upgrade of their autonomous province to the seventh Yugoslav republic. Not only was this demand rejected, but in 1989 Serbian President Slobodan Milošević sacked what was left of Kosovo's political autonomy. Since then, the Albanian majority of the region has been under virtual siege by Serbian security forces.

Up to the Dayton Peace Accord of November 1995, the Kosovo Albanian response to Belgrade's apartheid-like regime was non-violent. However, a radicalisation process among the younger generation of Kosovo Albanians produced a massive student movement as well as a small, but efficient, militant underground. Since the fall of 1997, inter-ethnic tensions in Kosovo have been increasing at a rapid pace, and by March 1998, the situation in Kosovo has become particularly volatile: from 28 February to 7 March, the Special Anti-Terror Units of the Ministry of the Interior of the Republic of Serbia cracked down on the Kosovo Albanian guerrilla movement in the central Kosovo region of Drenica. During this massacre, more than 80 Albanians, among them women, children, and elderly persons, were killed. In addition, on 2 March Serbian riot police brutally dispersed a crowd of several tens of thousands of Albanian demonstrators in Prishtina. The Drenica massacre caused intergovernmental organisations and international NGOs alike to step up their efforts in facilitating a non-violent solution to the Kosovo conflict.

The first attempts for such an internationalisation of the Kosovo problem go back into the spring of 1992 when the war in Bosnia-Herzegovina began. Yet when Belgrade stopped this initial wave of third-party engagement concerning Kosovo in mid-1993, the problem was dropped from the agenda of the international community. Accordingly, the Dayton Peace Accord did not deal with Kosovo. The Kosovo Albanian tactics of non-violent resistance to Serbian oppression were interpreted by Europeans and Americans alike as a guarantee against escalation into armed conflict. From early 1996 on the »Forgotten of Dayton,» i.e., the Kosovo Albanians leaders, laboured hard to put their problem back onto the international agenda. As soon as some of them called for more activist tactics (»intifada») and others even turned to violence, the Kosovo issue figured again prominently on the agenda of international organisations.

From the fall of 1997 on, virtually all international players voiced their »deep concern» over what was going on in Kosovo and stressed the urgency of the matter. This revitalised interest in Kosovo in the diplomatic sphere was paralleled by an intensification of NGO activities. The result was a considerable number of policy recommendations and a comparatively high degree of co-ordination among international players in tracks 1 and 2. Nevertheless, the outbreak of inter-ethnic warfare of March 1998 in Kosovo was not prevented. Since then, on the threshold of low-level but permanent war in Kosovo spilling over into adjacent countries and regions, prospects for the prevention of further violence and even more so for a sustainable peace process in Kosovo became even bleaker.

The collective memory of international actors dealing with the Kosovo issue is habitually weak. Therefore, this brochure—number one in the series *ECMI Working Papers* of the newly founded Danish-German »European Centre for Minority Issues”—attempts to document previous efforts by international organisations and NGOs to mediate in the Kosovo conflict from 1992 up to the Drenica events. Particular attention is

paid to recommendations by diplomatic actors and other third parties seeking to improve the present situation, to find interim solutions or to achieve a resolution of the conflict. Not included are recommendations focusing exclusively on improvements of the human rights situation in Kosovo.

The editorial deadline for this documentation was 9 March 1998--the day the Contact Group on Bosnia-Herzegovina emerged as the main international forum to deal with the Kosovo problem in its »new” and much more pressing form.

The term *Kosovo* refers to the administrative unit in the South-western corner of the Republic of Serbia within the Federal Republic of Yugoslavia (FRY) – a territory of 10,887 square kilometres called *Kosova* or *Kosova dhe Rrafshi i Dukagjinit* in Albanian and *Kosovo* or *Kosovo-Metohija* (abbreviated *Kosmet*) in Serbian.

The author is indebted to colleagues in three institutions and networks dealing with the Kosovo conflict he has been or is part of: (1) The »International Commission on the Balkans,” founded in 1995 by the Carnegie Endowment for International Peace and the Aspen Institute Berlin; (2) a group of contributors to a »Kosovo Policy Study” in the framework of the Conflict Prevention Network of Directorate General 1A of the European Commission at Brussels set up in 1997; and (3), a group of intellectuals from Prishtina and Belgrade as well as external experts brought together for the first time in 1996 by the Bertelsmann Science Foundation and the Research Group on European Affairs at the Centre for Applied Politics of the Ludwig-Maximilian University of Munich.

Farimah Daftary, Kinga Gál, Priit Järve, and William McKinney of ECMI have been supportive—and creative--in searching for documents and materials.

**Stefan Troebst**  
Director of ECMI

**Flensburg, April 1998**

## **MAP 1: The Central Balkans**



## MAP 2: Kosovo

Reproduced with permission by the general editor from *Kosovo – Kosova: Confrontation or Coexistence*, eds. Ger Duijzings, Duñan Janjiç and Shkëlzen Maliqi (Nijmegen: Peace Research Institute, University of Nijmegen, 1997), p. xvi.

*I should like to make it quite clear that I believe that the ethnic Albanians in Kosovo should realize that the province is – and will almost certainly continue to be – part of Serbia. Any attempt to achieve full independence would not have the support of the European Union and [...] would encounter fierce opposition from Serbia.*

Peter Koijmans (Minister of Foreign Affairs of the Netherlands), »The sole solution: restoration of autonomy and respect for human rights,» Opening speech at the 1994 Conference *Kosovo/a: Confrontation or Coexistence*, Kosovo – Kosova: *Confrontation or Coexistence*, eds. Ger Duijzings, Duāan Janjiḡ and Shkēlzen Maliqi (Nijmegen: Peace Research Institute, University of Nijmegen, 1997), p. 212.

*We think that the international community should adopt a more prominent role in solving the Kosova question. It should not only supervise and mediate, but also provide the guarantees for a future agreement, thereby upholding its own self-declared principles, of which the right to self-determination is only one. It should show due respect and solidarity for, and do justice to, the peaceful policy of the Albanian majority of Kosova. It should stop applying double standards: on the one hand advocating high principles, while on the other hand tacitly rewarding dark, evil and demonic policies. It should acknowledge that after more than ten years of discrimination and terror against the Albanians, and after the violent dissolution of Yugoslavia, Serbia has finally lost its mandate over Kosova.*

Fehmi Agani (Vice-President of the »Democratic League of Kosovo»), »Is a peaceful solution of the Kosova crisis possible?» *ibid.*, p. 205.

*Whatever happens, we will have to negotiate, but I'm afraid – knowing our mentality – that this will occur only after major bloodshed, which would make all talks useless: in the cemetery, to the best of my knowledge, there is no dialogue.*

Milenko Karan (Serbian *homme de lettres* and psychologist from Prishtina), »Kosovo: from tomorrow to yesterday,» *ibid.*, p. 176.



# INTRODUCTION

## March 1998: Rubicon Crossed?

Not too much of inside knowledge of the Balkans was needed to realise that the winter of 1997/98 turned the formerly autonomous Yugoslav province of Kosovo inhabited predominantly by Albanians<sup>1</sup> into one of the most violent-prone crisis zones in Europe. In September 1997, a massive protest movement of Albanian students gained momentum; from November 1997 on, an underground »Liberation Army of Kosovo» (UÇK) with an estimated strength of several hundred fighters increased the number of attacks on and assassinations of Serbian officials and police officers; and the regime retaliated first by police violence, show trials, long-term sentences, and nationalist tirades, then by bringing more and more security forces into the central part of Kosovo.<sup>2</sup> In January 1998, *The Economist* depicted Kosovo as »Europe's roughest neighbourhood»:

»You cross no border to get from Belgrade to Pristina, yet as you approach the city a flakjacketed policeman will inspect your passport. If you arrive on a windy day, the uncollected rubbish will swirl about you. There are no rubbish collectors in evidence, only police, who spend their days flagging down cars at random, extracting 'fines' for offences they invent on the spot. In the villages around Pristina it is worse: policemen routinely harass and occasionally torture inhabitants, who answer with smouldering hatred. This, surely, is the grimmest spot in Europe, the crucible, some fear, of its next war.»<sup>3</sup>

The activities of the UÇK guerrillas<sup>4</sup> who claimed to have »liberated» parts of Kosovo and in an IRA style made public appearances at funerals<sup>5</sup> and were openly applauded by

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<sup>1</sup> There are no reliable statistical data on the current number, structure, and mobility of the population of Kosovo. The last census taken in the FRY in 1991 was boycotted by Kosovo Albanians. According to incomplete official Serbian statistics, out of 1,954,747 inhabitants of Kosovo 1,607,690 (82.2 per cent) were Albanians, 195,301 (10.0 per cent) Serbs, 57,408 (2.9 per cent) Muslims (*goranci*), 42,806 (2.2 per cent) Roma, 20,045 (1.0 per cent) Montenegrins, 10,838 (0.6 per cent) Turks, and 8,161 (0.4 per cent) Croats. Cf. tables 14, »The number and ethnic structure of the population of Kosova according to municipalities in 1991 (the number of Albanians is according to estimates),» and 15, »The ethnic structure of the population of Kosova according to municipalities in 1991,» in Aslan Pushka, *Kosova and Its Ethnic Albanian Background: An Historical-Geographical Atlas*, trans. Muhamet Hamiti (Prishtina: Qendra për Informim e Kosovës, 1996), pp. 21-22.-- Since the 1991 census, up to 500,000 Kosovo Albanians have left Kosovo for Turkey, Macedonia, Austria, Switzerland, and EU countries. By the end of 1995, 340,700 Kosovo Albanians had sought political asylum outside the FRY. Cf. Parliamentary Assembly of the Council of Europe, 1996 Ordinary Session, 5<sup>th</sup> Sitting, Resolution 1077 (1996) on Albanian asylum-seekers from Kosovo, Strasbourg, 24 January 1996, paragraph 3 (see full text below), and *Der Fischer Weltatmanach 1998*, ed. Mario von Baratta (Frankfurt/M.: Fischer Taschenbuchverlag, 1997), col. 395, where for the years 1990 to 1994 a figure of 400,000 Kosovo Albanians émigrés to Western Europe is given.

<sup>2</sup> Yvonne Terlingen, »Kosovo: Show Trials in Pristina,» *WarReport*, no. 55, October 1997, p. 6; Shkëlzen Maliqi, »Protest and Survive,» *ibid.*, p. 7.

<sup>3</sup> »Europe's roughest neighbourhood,» in »A ghost of chance: A Survey of the Balkans,» p. 4, *The Economist*, 24 January 1998.

<sup>4</sup> Stefan Lipsius, »Bewaffneter Widerstand formiert sich: Untergrundorganisationen stellen sich der serbischen Staatsmacht im Kosovo entgegen,» *Frankfurter Allgemeine Zeitung*, 4 March 1998, pp. 10-11, and idem, »Untergrundorganisationen im Kosovo. Ein Überblick,» *Südosteuropa* 47 (1998), pp. 75-82.—Estimates on the number of UÇK fighters vary from 350 (according to Western source) to 1.500 (according to Serbian sources). See Marie-Janine Calic, »Kosovo vor der Katastrophe?,» *Blätter für deutsche und internationale Politik* 1998, no. 4 (April), p. 405, and Zoran Kusovac, »Another Balkans bloodbath?,» *Jane's Intelligence Review* 1998, no. 2, pp. 13-16.

<sup>5</sup> On the »liberated territories» and on the public appearance of UÇK fighters at the funeral of the teacher Halit Gecaj on 28 November 1997 cf. Guy Dinmore, »Kosovo's Albanian rebels take up arms,» *Financial Times*, 20-21 December 1998, p. 2; Dejan Anastasijević, »Sahrana svake nade: Reporter 'Vremena' u Srbici, na 'slobodnoj teritoriji Kosova,» *Vreme*, 4 December 1997, pp. 6-8; Dejan Anastasijević, Tuhina Gjeračina and Tihomir Loza, »Kosovo Hits Back,» *WarReport*, no. 57, December 1997 – January 1998, pp. 4-5; Matthias Rüb, »Auf dem Amsfeld gehört die Nacht den verummten Kämpfern mit ihren Kalaschnikows: Ist ein neuer Kampf zwischen Serben und Kosovo-Albanern unvermeidlich?» *Frankfurter Allgemeine Zeitung*, 23 January 1998, p. 4; Dragoljub Petrović, »Srbija se brani u Srbici,» *Naša borba*, 26 January 1998, p. 10; and Bahri Cani, »Skenderaj nije slobodna teritorija,» *ibid.*, p. 11. See also Chris Hedges, »In Kosovo, War by Night: Ethnic Albanian Insurgents Battle the Serbs,» *International Herald Tribune*, 20 October 1997, p. 5.

Kosovo Albanian youngsters and other radicals unsatisfied with the non-violent methods of protest of students and political parties in Kosovo—»the movement that has made no move.”<sup>6</sup> »Prishtina’s cafes are now full of excitable young men eager to take up arms to set Kosovo free,”<sup>7</sup> so again *The Economist* on a province where at least half of the Albanian population is under the age of 25. And the lost generation without a proper education and without any career chances was growing at a fast pace—with 4.32 per cent, birth rates in Kosovo in 1985 were at European record height, and with 2.31 per cent today they still are.<sup>8</sup>

On the other side of the barricade, the Chief of the General Staff of the FRY’s »Army of Yugoslavia,” Colonel-General Momilo Periaj, detected »on the horizon an overture of a general rebellion of Albanians against the organs of the Serbian state.” He and his two colleagues in the Supreme Defense Council decided in December 1997 »to set an absolute priority on Kosovo” and, accordingly to further strengthen the three army corps in the South of Serbia at Prishtina, Leskovac, and Niš.<sup>9</sup> In January 1998, increased activities of Serbian security forces and army were noted in and around Prishtina as well as in the stronghold of the UÇK, the Drenica region of Central Kosovo.<sup>10</sup> This area of some 1,200 square kilometres situated 45 kilometres to the West of Prishtina with the two municipalities of Skenderaj (Srbica) and Glogovci (Glogovac) as its centre, has a population of 110,000—almost exclusively Albanians (98.4 and 99.9 percent in 1991). Drenica is strategically important, since the main road connecting Prishtina with Eastern Kosovo and Montenegro runs right through it. Also in January 1998, the paramilitary Serbian Volunteer Guard—better known as the »Tigers” (*Tigrovi*)—led by Veljko Rašatović-»Arkan” were said to have returned to Kosovo.<sup>11</sup>

Compared to the rapid escalation and militarisation of the Kosovo conflict, positive signs and signals were few and not very significant. On 1 January 1998, the Serb Christian-Orthodox Patriarch Pavle sent a letter to the Student Union of the Albanian underground university condemning a crackdown of Serbian security forces on student demonstrators on 30 December 1997.<sup>12</sup> Later in January, a »Pan-Serbian Church and People Assembly” at Prishtina called on the political representatives of Kosovo Albanians and Serbs to enter immediately into negotiations. »Only by dialogue can a solution be found, since a war would be a catastrophe for Serbs and Albanians alike,” the final

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<sup>6</sup> Quoted by Denisa Kostović, »Turning Point in Kosovo” *WarReport*, no. 57, December 1997 – January 1998, p. 4.

<sup>7</sup> »Serbia: Turning-point?” *The Economist*, 13 December 1997, pp. 35-36. See also »Serbiens Polizei treibt Kosovo-Studenten in Pristina auseinander: Einsatz von Schlagstöcken und Wasserwerfern,” *Der Tagesspiegel*, 31 December 1997/1 January 1998, p. 7.

<sup>8</sup> Branko Horvat, *Kosovsko pitanje* (Zagreb: Globus, 1988), pp. 129-130. Interestingly enough, the birth rates of the Serbs in Kosovo (2.24 per cent) were almost twice as high as the ones in inner Serbia (1.44 per cent).—For Albanian and Serbian views on demographic development in Kosovo cf. Hivzi Islami, »Demographic Reality of Kosovo,” *Conflict or Dialogue. Serbian-Albanian Relations and Integration of the Balkans*, ed. Dušan Janjić and Shkëlzen Maliqi (Subotica: Open University, 1994), pp. 30-53, and Bivorad Igić, »Kosovo-Metohija - a Demographic Bomb in Southern Serbia,” *Kosovo and Metohija: An Integral Part of the Republic of Serbia and FR of Yugoslavia. Documents and Facts* (Belgrade: Review of International Affairs, 1995), pp. 99-103.

<sup>9</sup> Vladimir Jovanović, »Kosovo prioritet VJ” *Naša borba*, 13 January 1998, p. 2.

<sup>10</sup> Vladimir Jovanović, »Aduť za kasnije pregovore. Priprema li se ograničen udar na Drenicu?” *Nedeljna naša borba*, 31 January/1 February 1998, p. 2.

<sup>11</sup> Cf. »Arkan, perhaps sighted, surely wanted,” *The Economist*, 31 January 1998, p. 30.—The other prominent Serbian paramilitary formation, the »White Eagles” (*Beli orlovi*) commanded by the chairman of the militantly nationalist Serbian Radical Party and major of Zemun, Vojislav Šešelj, seems not to be active in Kosovo for several years now.

<sup>12</sup> For the text of the letter see »Tuđi i hapsiti studente je ograđenje ođast zemlje: Pismo patriarha Pavla studentskom pokretu za ’albanski univerzitet na Kosovu’ u Prištini,” *Naša borba*, 5 January 1998, p. 3, and for the answer by the chairman of the Independent Union of Students Bujar Dugolli »Naš univerzitet je realnost: Pismo albanskih studenata patrijarhu Pavlu,” *Naša borba*, 6 January 1998, p. 1.

document of the meeting demanded.<sup>13</sup> And in mid-February 1998 so-called 3+3 Group of representatives of Serbian and Kosovo Albanian educational authorities met under the auspices of the Catholic NGO *Comunità di Sant'Egidio* to discuss curricula, textbooks and other highly controversial topics related to the implementation of the education agreement.<sup>14</sup>

On the weekend of 27 February to 1 March a battle-like clash between UÇK fighters on the one side and heavily armed SAJ units on the other, equipped with 20 helicopter gunships and 30 armoured personnel carriers, took place near the Drenica village of Likoshan (Likošan). At least four Serbian police officers and an unknown number of Albanians guerrillas were killed. According to Albanian sources, the security forces staged a revenge attack on the civilian Albanian population of the Drenica village of Qirez (qirez), killing more than two dozens of women, children and elderly persons. Then, on 2 March, Serbian riot police equipped with armoured vehicles, water canons, tear gas and batons cracked down on a large crowd of Albanian demonstrators in Prishtina and injured at least 289 persons--among them Veton Surroi, editor of the Prishtina daily *KOHA Ditore* and a key figure for several informal fora for Kosovo Albanian-Serbian dialogue. And from 4 to 7 March, the Serbian side directed a second blow against the Drenica villages of Prekaz i Ulët (Donji Prekaz) and Llausha (Lauša) where whole families and clans were killed.<sup>15</sup>

### From Kuchuk Kainarji to Dayton: Historical Legacies

Almost half of a total number of 7 million Albanians live as minorities outside Albania in neighbouring Montenegro, Serbia (including Kosovo), Macedonia, Greece, and Italy, or as labour migrants and political émigrés in Western and Northern Europe, particularly in Germany, Switzerland, Sweden, and Norway.<sup>16</sup> The situation is only partly the result of

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<sup>13</sup> Matthias Rüb, »Aufruf zum Dialog in Kosovo: Panserbische Kirchen- und Volksversammlung gegen Gewalt,« *Frankfurter Allgemeine Zeitung*, 27 January 1998, p. 6.

<sup>14</sup> Cf. »Albanski ðaci u drpavnim zgradama,« *Naša borba*, 17 February 1998, p. 1; »Serbian-Albanian Talks Begin,« *RFE/RL Newline*, vol. 2, no. 36, pt. II, 23 February 1998; and Matthias Rüb, »Washington kündigt Lockerung der Sanktionen gegen Belgrad an,« *Frankfurter Allgemeine Zeitung*, 25 February 1998, p. 2.—From 1996 on, members of the 3+3 Group on the Albanian side were Fehmi Agani, Vice-President of LDK, Abdyl Ramaj, Member of the LDK Presidency, and Rexhep Osmani, Minister of Education in the »shadow government« and Member of the Board of LDK, as a replacement for Xhavit Ahmeti, also Member of the LDK Presidency, who died in 1997 in a car accident. The Serbian side was represented by Goran Perëvić, Vice-Chairman of Milošević's Socialist Party of Serbia, Ratomir Vico, Minister without Portfolio in the Government of the Republic of Serbia, and Jovo Todorović, Minister of Education of the Republic of Serbia, who in 1998 was replaced by Dobroslav Bjeletić, director of the Serbian Textbook Publishers. Cf. Humanitarian Law Center, »Education of Kosovo Albanians,« *Spotlight Report* no. 24, 16 October 1997, pp. 5-7; and »Measures Agreed on Implementation of Educational Accord,« *Kosova Daily Report* #1380, 23 March 1998, item 1, at <http://www.hri.org/news/balkans/kosova>.

<sup>15</sup> »The Kosovo cauldron,« *The Economist*, 14 March 1998, pp. 33-34; Chris Hedges, »Bodies Attest to Fury Of Serb Attack on Town,« *International Herald Tribune*, 10 March 1998, p. 6; Humanitarian Law Center, »Investigations in Drenica,« 8 March 1998, at **ÓÙËíá! Ááí Ý÷áé ïñéóóáß óáééáíäáßéôçò**. Anthony Robinson, »Alarm bell sounds over Kosovo,« *Financial Times*, 4 March 1998, p. 2; Matthias Rüb, »Bewunderung für die Befreiungsarmee der Kosovo-Albaner: Wachsener Haß gegen serbische Milizen,« *Frankfurter Allgemeine Zeitung*, 4 March 1998, p. 5; Guy Dinmore, »Serbian forces accused of slaughter,« *Financial Times*, 3 March 1998, p. 2; »Policija rasterala demonstrante vodenim topovima i suzavcem,« *Naša borba*, 3 March 1998, p. 1; Guy Dinmore, »30 killed in Serb clashes with Albanian rebels,« *Financial Times*, 2 March 1998, p. 1 and p. 20. See also Map of Drenica Massacre, *KD-arta*, 2 March 1998, at **ÓÙËíá! Ááí Ý÷áé ïñéóóáß óáééáíäáßéôçò**, and for other internet sources on recent escalation in Kosovo the »INCORE guide to Internet sources on conflict and ethnicity in Kosovo« compiled by the Initiative on Conflict Resolution & Ethnicity at <http://www.incore.ulst.ac.uk/cds/countries/kosovo.html>.

<sup>16</sup> Karl-Josef Schukalla, »Nationale Minderheiten in Albanien und Albaner im Ausland,« *Albanien* (Südosteuropa-Handbuch, VIII), ed. Klaus-Detlev Grothusen (Göttingen: Vandenhoeck & Ruprecht, 1993), pp. 505-528; figure »Ethnic Albanians in Southeastern Europe,« *Transitions*, vol. 3, no. 4, 7 March 1997, p. 25.

post-World War II migration processes caused by urbanisation, industrialisation and political repression. It is at the same time part of the omnipresent Ottoman heritage in the Balkans. In the 19th century the Empire of the Sultans crumbled due to severe pressure by its new Christian neighbour states as well as by some of the Great Powers. »Turkey in Europe,» and particularly »the Three Provinces» of Selânik (Salonica), Monastır (Bitola), and Kosova (Kosovo, the Sancak of Yeni Pazar and the Northern parts of Macedonia), became the target of territorial aspirations of Greece, Serbia, and Bulgaria. Thus, within the overall »Eastern Question,» a »Macedonian Question,» an »Aromunian Question» and others arose.<sup>17</sup> Finally, in 1912, the newly founded Albania immediately raised the »Albanian Question.» The core of this question was, and still is, the fact that the new kingdom was far from including all areas inhabited by Albanians at that time.<sup>18</sup> In particular, the traditional center of the Albanian national movement, Kosovo with its cultural centre Prizren, went to Serbia, not to Albania.<sup>19</sup> The same was true for other Albanian populated or claimed towns like Kalkandelen (today Tetovo), Gostivar, and Prishtina, whereas Ulcinj (Ulqin) on the Adriatic became Montenegrin.<sup>20</sup>

In the decades to come, the Southern Balkans witnessed a profound change of paradigm in internal and international relations: first, the notorious »Macedonian Question» had been answered by a full-blown Macedonian nationalism culminating in the erection of a Macedonian nation-state in 1991. Thus, in this core region not only the power vacuum of Ottoman times, but also the ethnopolitical vacuum which had magnetically attracted the micro-imperialisms of Serbs, Greeks, and Bulgarians had been

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<sup>17</sup> Cf. M. S. Anderson, *The Eastern Question, 1774-1923: A Study in International Relations* (London, New York, NY: Cambridge University Press, 1966); Fikret Adanır, »The Macedonians in the Ottoman Empire, 1878-1912,» *The Formation of National Elites*, eds. Andreas Kappeler, Fikret Adanır and Alan O'Day (Aldershot: Dartmouth, 1992), pp. 161-191; and Max Demeter Peyfuss, *Die Aromunische Frage. Ihre Entwicklung von den Ursprüngen bis zum Frieden von Bukarest (1913) und die Haltung Österreich-Ungarns* (Vienna, Köln, Graz: Böhlau, 1974).

<sup>18</sup> No concise history of the »Albanian Question» has been published to this day. For the Albanian national movement see Stavro Skendi, *The Albanian National Awakening, 1878-1912* (Princeton, NJ: Princeton University Press, 1967); Johannes Faensen, *Die albanische Nationalbewegung* (Wiesbaden: Harrassowitz, 1980); and Peter Bartl, *Die albanischen Muslime zur Zeit der nationalen Unabhängigkeitsbewegung (1878-1912)* (Wiesbaden: Harrassowitz, 1968).

<sup>19</sup> A concise history of the Kosovo problem is still lacking. For two partly successful attempts cf. Marco Dogo, *Kosovo: Albanesi e Serbi: le radici del conflitto* (Lungro di Cosenza: C. Marco Editore, 1992); and Christine von Kohl and Wolfgang Libal, *Kosovo: Gordischer Knoten des Balkans* (Wien, Zürich: Europaverlag, 1992). For 1998, the publication of two monographs has been announced: (1) Noel Malcolm, *Kosovo: A Short History* (London, New York, NY: Macmillan and New York University Press); and (2) Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (London, New York, NY: C. Hurst and Columbia University Press). Cf. a review of the two histories by Tim Judah, »Will There Be a War in Kosovo?,» *The New York Review of Books*, vol. XLV, no. 8, 14 May 1998, pp. 35-38. For an excellent recent and up-to-date bibliography on Kosovo see [Peter Bartl,] »Kosovo» *Bibliographisches Handbuch der ethnischen Gruppen Südosteuropas*, eds. Gerhard Seewann and Péter Dippold (München: R. Oldenbourg, 1997), vol. 2, pp. 1117-1158. For more background studies see Duāan Janjiṭ, »National Identity, Movement and Nationalism of Serbs and Albanians,» *Kosovo – Kosova: Confrontation or Coexistence*, eds. Ger Duijzings, Duāan Janjiṭ and Shkëlzen Maliqi (Nijmegen: Peace Research Institute, University of Nijmegen, 1997), pp. 117-176 (reprinted in *Balkan Forum* 3 [1995], no. 1, pp. 19-84); George Gavrilis, »The Making of a Greater Albania?» *State and Nation Building in East Central Europe: Contemporary Perspectives*, ed. John S. Micgiel (New York, NY: Institute on East Central Europe, Columbia University, 1996), pp. 279-295; Norbert Placzek, *Der Kosovo-Konflikt. Genese und Perspektive* (Hamburg: Universität Hamburg, 1996); Hugh Poulton, »The Albanian Question in the Balkans,» *Kosovo – Kosova: Confrontation or Coexistence*, eds. Ger Duijzings, Duāan Janjiṭ and Shkëlzen Maliqi (Nijmegen: Peace Research Institute, University of Nijmegen, 1997), pp. 104-114; H. T. Norris, »Kosova, and the Kosovans: past, present and future as seen through Serb, Albanian and Muslim eyes,» *The Changing Shape of the Balkans*, eds. F.W. Carter and H. T. Norris (London: UCL Press, 1996), pp. 9-23; and Peter Schubert, *Zündstoff im Konfliktfeld des Balkan: Die albanische Frage* (Baden-Baden: Nomos, 1997).

<sup>20</sup> Cf. Michel Roux, *Les Albanais en Yougoslavie. Minorité nationale, territoire et développement* (Paris: Editions de la maison des sciences de l'homme, 1992); and Fabian Schmidt, »Albaner ausserhalb Albanien,» *Nationalismen im Umbruch. Ethnizität, Staat und Politik im neuen Osteuropa*, eds. Magarditsch A. Hatschikjan and Peter R. Weilemann (Köln: Wissenschaft & Politik, 1995), pp. 139-152.

filled.<sup>21</sup> Secondly, the »Albanian Question» with its demographic, territorial, religious, and political implications got out of the control of the neighbouring states. The Albanian Diaspora of Montenegro, Kosovo, and Western Macedonia started a process of slow but steady migration eastwards. At the same time, birth rates of Montenegrin, Macedonian, and Serbian Albanians skyrocketed.

Only once, from 1941 to 1944, when Albania proper, Western Macedonia and the larger part of Kosovo were under a single regime of occupation--first by Italy, then by Germany--has the Greater Albania propagated by Albanian nationalism ever been united. The Cold War then pushed the Albanian territorial question into the background once again.

Yet, soon after Tito's death on 5 May 1980, the complicated political and constitutional construction the man from Kumrovec had found for the Kosovo Albanians and the Serbs inside and outside Kosovo collapsed. In 1981, Kosovo Albanian demonstrators openly demanded a »Kosova Republika," that is republican status like Serbia, Croatia, Slovenia, Macedonia, and Bosnia-Herzegovina inside the Socialist Federal Republic of Yugoslavia—instead of their republic-like Socialist Autonomous Province of Kosovo (*Krahina Socialiste Autonome e Kosovës*) according to the 1974 constitution.<sup>22</sup> During the following years of rapidly increasing inter-ethnic tension in Kosovo, the non-Serbian republics of Yugoslavia granted Serbia a free hand to resolve the matter by way of police repression. That caused Kosovo Albanian radicals to turn to a new interpretation of the slogan »Kosova Republika"—an independent Kosovo Albanian state.

The accession of Slobodan Milošević to power in September 1987 then brought a new stage of escalation to the conflict. In the summer of 1988, he pushed through a bill declaring Serbian the official language of Kosovo, thereby disallowing the use of Albanian for official business. At the same time, the first mass rallies of Serbs demanding the abrogation of the autonomy of Kosovo and Vojvodina took place. And in November 1988, Milošević engineered the resignation of the popular Azem Vllasi from the leadership of the League of Communists of Kosovo and installed Rahman Morina as his puppet. Protests and demonstrations on behalf of Kosovo Albanians culminated in February 1989 in a hunger strike of more than one thousand miners at the Trepča lead and zinc mining and processing complex. Belgrade sent in the army and federal police and imposed emergency measures.<sup>23</sup> Already on 24 January 1989, a demonstration for »Kosova Republika" had taken place in Prishtina. In March 1989, the Serbian Parliament adopted amendments to the Serbian constitution in order to change the status of Kosovo. With

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<sup>21</sup> Stefan Troebst, »Macedonia: Powder Keg Defused?" *RFE/RL Research Report*, vol. 3, no. 4, 28 January 1994, pp. 33-41; and idem, »An Ethnic War That Did Not Take Place: Macedonia, Its Minorities and Its Neighbors in the 1990s," *War and Ethnicity: Global Connections and Local Violence*, ed. David Turton (Rochester: University of Rochester Press, 1997), pp. 77-103.

<sup>22</sup> On the 1981 crisis in Kosovo cf. Jens Reuter, *Die Albaner in Jugoslawien* (München: R. Oldenbourg, 1982), pp. 79-101; on the 1980s in general see Kjell Magnusson, »The Serbian Reaction: Kosovo and Ethnic Mobilization among the Serbs," *Nordic Journal of Soviet and East European Studies* 4 (1987), no. 3, pp. 3-30; Fabian Schmidt and Patrick Moore, »Die Albaner im ehemaligen Jugoslawien als Sicherheitsfaktor," *Minderheiten als Konfliktpotential in Ostmittel und Südosteuropa*, ed. Gerhard Seewann (München: R. Oldenbourg, 1995), pp. 70-139; Zoran Lutovac, »Serbisch-albanische Beziehungen in Kosovo-Metohija," *ibid.*, S. 140-153; Nevenka Tromp-Vrkić, »Kosovo and the Disintegration of Yugoslavia," *Kosovo – Kosovo: Confrontation or Coexistence*, pp. 48-55; and Muhamedin Kullashi, »The Production of Hatred in Kosovo (1981-91)," *ibid.*, pp. 56-69.

<sup>23</sup> Sabrina P. Ramet, *Whose Democracy? Nationalism, Religion, and the Doctrine of Collective Rights in Post-1989 Eastern Europe* (Lanham [etc.]: Rowman & Littlefield, 1997), p. 147.

what Belgrade has called »the 1989 Reform»<sup>24</sup> a fake autonomy was decreed. Under great intimidation by secret police and severe political pressure by Belgrade, the Kosovo Assembly voted on 23 March with 168 to 10 in favour of these amendments (two abstentions). This triggered off mass demonstrations by Albanian protesters which were brutally answered by the security forces and by paramilitary units from Serbia resulting in an unknown number of casualties. On 28 June 1989, the traditional Serbian St. Vitus Day (*Vidovdan*) and the 600<sup>th</sup> anniversary of the Ottoman-Serbian Battle of Kosovo, Milošević gave his famous »No one is allowed to beat you!» speech at a rally of almost one million Serbs at Gazimestan near Prishtina. Mass demonstrations of Albanians and violent clashes with the police went on for all of 1989 and the spring of 1990 culminating in late January with a death toll of at least 27 Albanians.<sup>25</sup>

In the meantime, the Kosovo Albanian political elite was searching for new forms of organisation and resistance. On 24 December 1989, the LDK was founded by the Chairman of the Writers' Union of Kosovo Ibrahim Rugova, who rallied the majority of the 180 members of the Kosovo Assembly behind him. On 2 July 1990, 114 ethnic Albanian delegates of the Assembly met and declared Kosovo an »independent and equal entity within the framework of the Yugoslav federation (confederation) and as an equal subject with its counterparts in Yugoslavia»<sup>26</sup>—*de facto* a secession from Serbia. Already on 26 June 1990, however, the Assembly of the Republic of Serbia had decided to close down temporarily the Kosovo Assembly and to proclaim the state of emergency over Kosovo. On 5 July 1990, this decision was made a permanent one, and simultaneously a »special administration» for the province was set up. Milošević even managed to intimidate the member of the Collective State Presidency of the SFRY to such a degree that they »condemned» the declaration of independence by the disbanded Kosovo Assembly.<sup>27</sup>

The dismissal of some 15,000 Kosovo Albanians from their jobs resulted on 3 September 1990 in a general strike with a participation of up to 200,000 people. Serbian authorities retaliated by preventing the return of the strikers to their work places. On 7 September, 111 Albanian, Turkish and Muslim delegates of the disbanded Kosovo Assembly convened secretly in Kaçanik and promulgated on 13 September the Constitution of the Republic of Kosovo. The Serbian parliament adopted, on 28 September 1990, a new constitution which definitely abolished the previous territorial autonomy of Kosovo and Vojvodina by formally granting a fake-autonomy to the »Autonomous Province Kosovo and Metohija» and the »Autonomous Province Vojvodina» (paragraphs 6 and 108 to 112). These moves by Milošević were accompanied by an unparalleled cleansing of Albanians from virtually all major public and economic spheres in Kosovo. At least 100,000 Albanians were fired from factories, mines, schools, hospitals, the judiciary, cultural institutions, media, public services, municipal and regional authorities etc., and replaced by Serbs, Montenegrins, or pro-Serbian Albanians. At the same time, all Albanian political organisations as well as all cultural and sports

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<sup>24</sup> Radošin Rajović, »Constitutional Development from Autonomy to the 1989 Reform,» *Kosovo. Past and Present*, ed. Ranko Petković (Belgrade: Review of International Affairs, [1989?]), pp. 161-174.

<sup>25</sup> »The conflict in Yugoslavia – a chronology,» *The 'Yugoslav' Crisis in International Law: General Issues* (Cambridge International Document Series, vol. 5). Part I, eds. Daniel Bethlehem and Marc Weller (Cambridge: Cambridge University Press, 1997), p. xxi.

<sup>26</sup> »Constitutional Declaration of the Assembly of Kosova, Prishtina, 2 July 1992,» *The Truth On Kosova*, ed. Academy of Sciences of the Republic of Albania, Institute of History, (Tirana: Encyclopaedia Publishing House, 1993), p. 329.

<sup>27</sup> »The conflict in Yugoslavia – a chronology,» p. xxii.

associations were forbidden and most Albanian print and other media closed down.<sup>28</sup>

By the summer of 1991, the Kosovo Albanian leadership had firmly organised a multi-level non-violent resistance movement aiming at the establishment of a »parallel» Kosovo Albanian state on the territory of what now again was Serbia. From 26 to 30 September 1991, an underground referendum on this »sovereign and independent state of Kosovo» was held. 87.01 per cent of the voters, i.e., 1,051,000 inhabitants of Kosovo, were said to have participated, out of which 99.87 per cent were said to have voted »Yes.» On 19 October 1991, the Republic of Kosovo was proclaimed as an independent and sovereign state, and on 23 October, a provisional coalition government under the leadership of LDK was formed with the gynaecologist Bujar Bukoshi as Prime Minister. On 24 May 1992, elections for the Parliament of the »Republic Kosova» were held under conspirative circumstances. With a turnout of 89.32 per cent, 96 seats went to LDK, 29 to other Kosovo Albanian parties, and 5 to »people of Muslim ethnicity,» i.e., the Serbian-speaking *goranci* in the municipality of Dragaã in the Gora region, the Southernmost tip of Kosovo. 14 seats remained vacant; they were reserved for Montenegrins and Serbs from Kosovo should they decide to take them. On the same day, elections for the President of the »Republic of Kosova» took place. In addition to 766,069 voters in Kosovo, also 105,300 Kosovo Albanians abroad participated. With 99.56 per cent Rugova, the only candidate, was elected. It was him who now organised the non-violent resistance to the Serbian policy of de-Albanisation and occupation since 1989.<sup>29</sup>

Neither in 1989 and 1990, nor during the critical year of 1991 or later did Rugova tolerate or even undertake steps to a militarily backed secession or called on neighbouring Albania to support (re-)unification by force. Thus, he gained an immense amount of political goodwill in the West, where, however, LDK's ultimate goal—a sovereign, independent »Kosova Republika» *outside* the FRY—was deliberately ignored. Yet Rugova had no success in reversing Belgrade's apartheid policies in Kosovo itself. Instead, the official Serbian regime of occupation and the institutions built up by the Kosovo Albanians developed into two completely separate »states» on one and the same territory. Since 1992, in Kosovo has existed an Albanian »shadow state» with its own parliament, government, and president as well as its own financial, educational and health care systems, all financed by a fiscal system based on a three-percent tax on the monthly incomes of the Kosovo Albanian labour emigration in Western Europe. In addition, Kosovo Albanian print media, news agencies, publishing houses etc. were re-established, and a purely Albanian second-class economy of petty businesses emerged.<sup>30</sup> The authorities at Belgrade tolerated most of the parallel structures built up by the Kosovo Albanians. Neither did they enforce the collection of taxes nor insist on the

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<sup>28</sup> Cf. Fabian Schmidt, »Kosovo: The Time Bomb That Has Not Gone Off,» *RFE/RL Research Report*, vol. 2, no. 39, 1 October 1993, pp. 21-29; and Jens Reuter, »Die politische Entwicklung in Kosovo 1992/93. Andauernde serbische Repressionspolitik,» *Südosteuropa* 43 (1994), pp. 18-30.

<sup>29</sup> On his political programme see Ibrahim Rugova, *La question du Kosovo: Entretiens avec Marie-Françoise Allain et Xavier Galmiche* (Paris: Fayard, 1994).

<sup>30</sup> Cf. Denisa Kostovičová, *Parallel Worlds: Response of Kosovo Albanians to Loss of Autonomy in Serbia, 1986-1996* (Keele European Research Centre Research Papers: Southeast Europe Series, 2) (Keele: Keele University, 1997); Hans-Joachim Hoppe, »Die Albaner auf dem Balkan - Probleme, Realitäten und Lösungen,» *Südosteuropa-Mitteilungen* 33 (1993), no. 3, pp. 233-241; Human Rights Watch/Helsinki (Formerly Helsinki Watch), *Yugoslavia: Human Rights Abuses in Kosovo 1990-1992* (New York, NY: Human Rights Watch, 1992) [author Ivana Nizich]; Human Rights Watch/Helsinki (Formerly Helsinki Watch), *Open Wounds: Human Rights Abuses in Kosovo* (New York, NY: Human Rights Watch, 1993) [author Julie Mertus]; Human Rights Watch/Helsinki (Formerly Helsinki Watch), *Yugoslavia (Serbia and Montenegro): Persecution Persists, Human Rights Violations in Kosovo* (New York, NY: Human Rights Watch, December 1996); and International Helsinki Federation for Human Rights, *From Autonomy to Colonization: Human Rights in Kosovo 1989-1993* (Vienna: IHF, November 1993) [author Paula Tscherne-Lempiäinen].

recruitment of Albanians for the army. This far-reaching separation of Serbian and Albanian societies and »states” contributed to the low degree of political friction. Sensitive issues, however, remained—the issuing of birth certificates, passports, or drivers’ licences and other legal matter like selling, buying and inheriting of landed property and real estate.

### Turning of the Tide: The Dayton Shock

For several years the rather low degree of friction and the apparent stability of the Serbian-Albanian dualism in Kosovo stunned outside observers and analysts.<sup>31</sup> Yet, the Peace Agreement achieved at the Wright-Patterson Air Force Base in Dayton, Ohio, on 21 November 1995 and signed in Paris on 14 December, has made the volatility of this unique model of hostile coexistence more than obvious. The LDK was not present at the negotiation table in Ohio and the Kosovo problem was mentioned in the final treaty only once, in connection with preconditions for lifting the »outer wall of sanctions” against the FRY.<sup>32</sup> This »outer wall of sanctions” relates to full diplomatic recognition of the FRY; full membership of the FRY in international organisations like UN and OSCE and in international financial institutions like the World Bank and the IMF as well as to the release of contested assets to the FRY. And despite Kosovo Albanian protests, the EU unconditionally recognised the FRY while Germany decided to begin to »repatriate” 130,000 Kosovo Albanian émigrés to Serbia. Almost instantly the united front of political forces of Kosovo split up. From early 1996 on, influential intellectuals like the leading literary historian and outspoken nationalist Rexhep Qosja challenged Rugova’s tactics of non-violent resistance by opting for an *intifada*-type of action,<sup>33</sup> whereas Kosovo’s »Nelson Mandela” Adem Demaçi refuted even LDK’s goal of »Kosova Republika” by favouring a solution within a confederated or at least re-federalised FRY. His »Balkania” (*Ballkania*), a »confederation or association of sovereign states consisting of Kosova, Montenegro and Serbia” plus, maybe, the Hungarian-populated Vojvodina to the North of Belgrade and the Muslim-populated Sandžak straddling Serbia and Montenegro, in several regards resembled the post-1974 Yugoslav federation.<sup>34</sup> In November 1997,

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<sup>31</sup> Aryeh Neier, »Kosovo Survives!,” *The New York Review of Books* 41 (1994), no. 3, 3 February 1994, pp. 26-28; and idem, »Impasse in Kosovo,” *The New York Review of Books* 44 (1997), no. 14, 25 September 1997, pp. 51-53.

<sup>32</sup> Fabian Schmidt, »Teaching the Wrong Lesson in Kosovo,” *Transitions*, vol. 2, no. 14, 12 July 1996, pp. 37-39. For the original text see »The General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto,” U. N. Doc. 5/1995/999 (1995).

<sup>33</sup> Cf. Leo Tindemans *et al.*, *Unfinished Peace. Report of the International Commission on the Balkans*, (Washington, D. C.: Carnegie Endowment for International Peace, 1996), p. 116; and Ismije Beshiri, »Kosovar Independence Lacks International Backing,” *Transitions*, vol. 2, no. 6, 22 March 1996, p. 54.--It was, however, not the first time that a prominent Kosovar had used the term *intifada*. Cf. Shkëlzen Maliqi, »The Albanian Intifada,” *The Destruction of Yugoslavia: Tracking the Break-up 1980-92*, ed. Branka Magaš (London, New York, NY, 1993). See also Michael Salla, »Kosovo, Non-Violence and the Break-up of Yugoslavia,” *Security Dialogue* 26 (1995), pp. 427-438.

<sup>34</sup> Adem Demaçi, »Balkania. A Confederation or an Association of Sovereign States consisted [sic] of KOSOVA; MONTENEGRO and SERBIA,” Prishtina, 14 March 1997. An indicator for the seriousness of Demaçi’s proposal might be the last of the 15 paragraphs of the future Balkania’s »Charter”: »The flag of BALKANIA is composed of silk of bluish colour, with dimensions one with one. In the centre of square there is a white bicephalous eagle, while in the lower part of the flag, in an arch form, there are three yellow stars.” *Ibid.* p. 3.--See also »Kosovo: Welcome to Balkania,” *The Economist*, 7 September 1996, pp. 28-29, and a collection of interviews with Kosovo Albanian politicians by Momčilo Petrovič, *Pitao sam albance šta zele, a oni su rekli: republiku ... ako može* (Beograd: Radio B 92, 1996); and similar interviews in *Kosovo: In the Heart of the Powder Keg*, compiled and ed. by Robert Elsie (Boulder, CO: East European Monographs, 1997), pp. 465-513, as well as Timothy Garton Ash, »In the Serbian Soup,” *The New York Review of Books*, vol. 44, no. 7, 24 April 1997, pp. 25-

Demaçi and Qosja together with the Trade Unions' League of Kosovo and several political parties closed ranks by founding a »Democratic Forum» as a counterweight to »the monopoly and the omnipotence» of LDK.<sup>35</sup> These Dayton-triggered changes in the tectonics of »parallel» power in Kosovo have led the three main political currents, the pacifists, the activists and the militants, to intensify their respective endeavours.<sup>36</sup> Since April 1996, the UÇK carried out assassinations of Serbian police and army officers; Rugova tried to regain lost political ground by negotiating improvements in the educational sector with the Serbian leadership; and the Demaçi-Qosja camp has announced its intention to turn to »active civil resistance» against Serbian repression.<sup>37</sup>

The inner-Albanian power struggle is further complicated by a parallel intra-Serbian rivalry over Kosovo: Milošević's »reconciliatory gesture» of signing (but not implementing) an agreement on the Albanian-language education system in Kosovo with Rugova on 1 September 1996<sup>38</sup> provoked the reappearance of Greater Serbian nationalists in Kosovo. The fact that the whole spectrum of Serbian political opposition to Milošević was even more nationalistic than »Slobo» himself, is the reason for the silence of the Kosovo Albanian elite during the mass demonstrations of the winter of 1996/97 in Belgrade and other Serbian towns.<sup>39</sup> On the one hand, prominent Kosovo Albanian leaders like Demaçi criticised Milošević's election fraud and sympathised with the demands of the Serbian opposition.<sup>40</sup> But on the other hand, they knew that the ideas of Vojislav Ćerčević, Vuk Drašković and Zoran Đinđić on Kosovo were much more radical than Milošević's comparatively flexible approach<sup>41</sup>—even Vesna Pešić was no longer an exception among the opposition.<sup>42</sup> And a public opinion survey on the »Readiness of Serbia's citizens to solve ethnic conflicts» of November 1997 brought about equally discouraging results:

»An independent Kosovo, or the Republic of Kosovo within FRY, is admissible in the view of only a negligible number of our respondents. Likewise, very few respondents would accept a division of Kosovo. A vast percentage (41.8%) believes that the solution is to be looked for in the forcible or 'peaceful' expulsion of the Albanians. On the other hand, 27.2% of those manifesting 'democratic

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<sup>35</sup> Cf. »Kosovar Parties Form Alliance», *RFE/RL Newswire*, vol. 1, no. 165, pt. II, 21 November 1997; and Matthias Rüb, »Neues Bündnis der Kosovo-Albaner: Gegenkraft zu Rugova», *Frankfurter Allgemeine Zeitung*, 22 November 1997, p. 8.

<sup>36</sup> On these changes see the analysis by Gazmend Pula, »Modalities of Self-Determination - The Case of Kosova as a Structural Issue for Lasting Stability in the Balkans», *Südosteuropa* 45 (1996), pp. 380-410; a special feature »The Albanian National Question: The Post-Dayton Pay-off», *WarReport*, no. 41, May 1996, pp. 25-50; and Theo Sommer, »Wie Fremde im eigenen Land - Zwischen ohnmächtigem Zorn und offener Konfrontation: Serbiens Politik nährt unter den Kosovo-Albanern die Bereitschaft zum Aufstand», *Die Zeit*, 9 February 1996.

<sup>37</sup> For the diverging Kosovo Albanian views of LDK, radicals and pragmatists see *pars pro toto* Rexhep Ismajli, *Die Albaner im ehemaligen Jugoslawien* (Osnabrück, Münster: LIT, 1993); Rexhep Qosja, *La Question Albanaise* (Paris: Fayard, 1995); and Veton Surroi, »Mehrheit und Minderheit in Kosovo: Albaner contra Serben», *Internationale Politik* 52 (1997), no. 10, pp. 49-52.

<sup>38</sup> For the text of the agreement see below.

<sup>39</sup> Matthias Rüb, »Für 'Zajedno' ist das Festlegen auf eine minderheitenfreundliche Politik das wichtigste strategische Ziel», *Frankfurter Allgemeine Zeitung*, 10 December 1996, p. 3.

<sup>40</sup> Cf. Staša Zajović, »Kosovo: Nightmare of the 'Serbian Dream'», *Peace News*, March 1997, pp. 11 and 14; Fabian Schmidt, »Protests in Serbia Raise Hopes of Reconciliation in Kosovo», *Transitions*, vol. 3, no. 4, 7 March 1997, 16-18; and Anna Husarska, »Closing the Circle in Kosovo», *ibid.*, pp. 22-23.

<sup>41</sup> Cf. »Die Tücke des Systems begreifen: Interview mit Vuk Drašković», *Der Spiegel*, no. 4, 20 January 1997, p. 120; »Djindjić warnt die Kosovo-Albaner», *Frankfurter Allgemeine Zeitung*, 29 January 1997, p. 7; Konrad Clewing, »Die radikale Kosovopolitik der politischen Opposition in Serbien: Noch ein Grund für eine Internationalisierung des serbisch-albanischen Dialoges», *Südosteuropa* 44 (1995), S. 513-522.

<sup>42</sup> Cf. »Gelbard meets Serbian, Kosovar Opposition», *RFE/RL Newswire*, vol. 1, no. 133, pt. II, 7 October 1997; and »Vesna Pešić, predsednica Građanskog Saveza Srbije: Vladavina prava integriše Kosovo. Za početak je potrebno da albanska strana osudi terorizam, a srpski režim odbaci represivnu borbu», 4 March 1998, p. 2.

tolerance' would be willing, at best, to grant the Albanians their cultural autonomy. [...] In other words, in the case of Kosovo is the Serbian public opinion neither willing to search for a compromise nor even for a minimum democratic solution."<sup>43</sup>

The process of differentiation among the Kosovo Albanian elite was not stopping at party lines, to the contrary: both Rugova's LDK and Demaçi's PPK were affected by fragmentation. Having announced in late 1997 that parliamentary and presidential elections to the »shadow structures" would be held on 22 March 1998<sup>44</sup>, Rugova had to face open opposition at LDK's third party convention in Prishtina on 25 February. While the convention re-elected him as party leader and nominated him once more as its candidate for the presidency, Rugova was severely criticised by leading party members for his attempt to strengthen his position as party leader by a change of LDK's statutes. Under protest fifteen members of the party leadership, among them LDK vice-chairman and founding member Hydayet Hyseini, left the convention and announced their decision to leave the party.<sup>45</sup> Ambivalent was the position of another former vice-chairman, the respected Professor Agani. Although he did not openly criticise Rugova, LDK's Main Board on 15 March 1998 did not reelect him as vice-chairman and not even as a member of the fifteen-member LDK Presidency. He kept, however, playing an important role as LDK's chief negotiator with Belgrade.<sup>46</sup>

Also in the PPK dissent was gaining ground. After having been nominated a candidate for the presidency, party leader Demaçi refused to run for the post since he »did not want to play around with the fate of his people" and »did not want to cheat the Albanians with illusions."<sup>47</sup>

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<sup>43</sup> »Readiness of Serbia's Citizens to Solve Ethnic Conflicts (A Public Opinion Survey)," November 1997, at <http://helsinki.opennet.org/eivz4.htm>.

<sup>44</sup> »New Parliamentary and Presidential Elections in Kosova on March 22, 1998," *Kosova Daily Report* #1307, 24 December 1997, item 1, at <http://www.hri.org/news/agencies/kosovo>.

<sup>45</sup> Cf. Matthias Rüb, »Führungsstreit in Kosovo-Partei," *Frankfurter Allgemeine Zeitung*, 27 February 1998, p. 7; Bernhard Küppers, »Einen Kompaß für Kosovo," *Süddeutsche Zeitung*, 2 March 1998, p. 4; »LDK Convention Adopts Amendments to the Party Statute, Some Delegates Disagree," *Kosova Daily Report* #1355, 26 February 1998, item 3, at **ÓöÜëíá! Äáí Ý÷áé ïñéóôáß óáëëääääßéôçò.** and »New General Council of the LDK Elected," *ibid.*, item 4.

<sup>46</sup> Cf. »Dr. Ibrahim Rugova Re-elected LDK Leader, Nominated Presidential Candidate," *ibid.*, item 1, and »Fehmi Agani: Zašto sa se povukao sa funkcije u DSK," *Naša borba*, 11 March 1998, p. 10.

<sup>47</sup> R. Bajraktarević, »Ljuljeta Pulja Bećiri prvi kandidat," *Blic*, 9 February 1998, at <http://www.aimpress.ch/dyn/bal/archive/data/1998/80220-033-bals-pri.htm>.

## PRISHTINA AND BELGRADE: SIX PROGRAMMES

Since 1991, Serbian and Kosovo Albanian politicians and intellectuals have come up with a number of projects and proposals for the future status of Kosovo. While the ideas propagated by radicals and extremists in Belgrade and Prishtina are not surprisingly incompatible, there are some proposals on both sides that indeed have the potential to be used as a starting point once a negotiation process develops.

### »1974 (Plus)»

One of these is the Kosovo autonomy statute of the 1974-1989 period, when Kosovo and Vojvodina were subjects of the Yugoslav federation as well as autonomous provinces inside the Yugoslav Republic of Serbia with a status *de facto* equal to that of the six »regular» republics of Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro, and Macedonia. Today, however, all political groupings in Kosovo agree that a simple return to the 1974 autonomy is unacceptable, since in their view the two-republic FRY of 1997 is a construction fundamentally different from Tito's six-republic SFRY. Still, an offer for 1974-type autonomy by either Milošević or the opposition could be the starting point for substantial Serbian-Albanian dialogue. If, in particular, Belgrade would wrap such a proposal into a post-Titoist gift paper to make it look different from the 1974 predecessor,<sup>48</sup> the restoration of the constitutional *status quo ante* of 1989 would most probably not be flatly turned down by Prishtina. Here, the Spanish model of a »State of Autonomies»--an extended autonomy for Kosovo in concert with other autonomous units like Vojvodina and/or Sandžak as proposed by a Greek research project on conflict prevention in Kosovo<sup>49</sup>--could make sense. So far, neither the Serbian regime nor the opposition have seriously tackled the issue: both fear that they will have Serbian nationalist sentiment against them, while both obviously consider the Western goodwill to be gained by such a move of lesser importance.

### »Kosova Republika»

»No 'special status', no third republic, but only independence!» has been the official

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<sup>48</sup> For a proposal aiming in this direction put forward by a Serbian political scientist cf. Predrag Simić, »The Autonomy Statute of Trentino-South Tyrol--a European Model for the Kosovo Crisis?» *Exploring Futures for Kosovo: Kosovo Albanians and Serbs in Dialogue - Project Report* (Forschungsgruppe Europa, Arbeitspapier Nr. 4), eds. Josef Janning and Martin Brusi (München: Research Group on European Affairs, August 1997), pp. 39-48. See similar proposals by Hans-Joachim Heintze, »Überlegungen zur Lösung des Kosovo-Problems aus der Sicht des Völkerrechts: Möglichkeiten und Grenzen der Gewährung von Autonomie,» *Friedensbericht 1995*, eds. Günther Baechler, Reiner Steinweg and Arno Truger (Chur, Zürich: Rüegger, 1995), pp. 236-247; Alexander Langer, »Einige bescheidene Vorschläge für positive Schritte auf dem Weg zu einer Lösung des Kosovo-Konflikts,» *Die Mehrheit der Minderheiten. Warum wird unsere Welt vom ethnischen Sauberkeitsswahn und vom grundlosen Vertrauen in Mehrheiten beherrscht?* (Berlin: Verlag Klaus Wagenbach, 1996), pp.119-121; and Stefan Böckler and Rita Grisenti, *Lo Statuto di Autonomia del Trentino-Alto Adige: un modello di pacificazione etnica per l'area centrale danubiana?/Das Autonomiestatut für Trentino-Südtirol: ein Modell für die Befriedung ethnischer Konflikte im mittleren Donaauraum?* (Milano, Berlin: Franco Angeli, Duncker & Humblot, 1996), pp. 63-71 and 226-234. For a lucid critical treatment of the Trentino-South Tyrolean issues cf. Ruth Lapidoth, *Autonomy - Flexible Solutions to Ethnic Conflicts* (Washington, D. C.: United States Institute of Peace Press, 1997), pp. 100-112.

<sup>49</sup> Cf. for the results Thanos Veremis, »Avoiding Another Balkan War: Strategy on Conflict Prevention in Kosovo,» *Review of International Affairs* 48 (1997), pp. 5-8.

programme of the LDK since the referendum of 1991<sup>50</sup> and is by now the sole interpretation of »Kosova Republika.” However, »Albanians would accept a transitional period of two years under an international protectorate during which a referendum on its status will be organised,” Rugova underlined once again on 2 February 1998.<sup>51</sup> While Rugova’s non-violent tactics have been welcomed by the international community, his maximalist programme was—and still is--decidedly detested.

### »Balkania”

A compromise solution in-between independence and 1974 autonomy is Demaçi's March 1997 proposal of a confederation on the territory of today's FRY.<sup>52</sup> His »Balkania” would profoundly reduce Belgrade's position while leaving international borders intact. By strengthening the position of Kosovo and Montenegro, probably also of Vojvodina and Sandžak, Serbian predominance over the FRY would be balanced. Whether the Serbian political elite is prepared for such a profound restructuring based not on nationalism but on *raison d'état* is as unlikely as the willingness of most Kosovo Albanians to remain under the same roof with the present oppressor.<sup>53</sup>

### Partition

While for Kosovo Albanians the status of a republic inside a new »Balkania” is at the most a second-best solution, the Serbian political class has started to discuss its own second best option--a partition of Kosovo either along ethnic, religious, »historical” or geo-economic lines or, even more likely, along a maximalist combination of all of them. By the constant redrawing of municipality borders and by the creation of new municipalities in Kosovo before 1974 and again from 1987 on, Belgrade has already carved out as many as Serbian-dominated municipalities as possible. Today there are six municipalities with an absolute non-Albanian majority—Zvečan/Zvečan, Zubinpotok/Zubin Potok, Leposaviqi/Leposavič, Novobërdë/Novo Brdo, Shtërpçe/Ātrpçe, and Gora—instead of one in 1981.<sup>54</sup> When presented to the Serbian public by the president of the Serbian Academy of Sciences and Fine Arts Aleksandar Despič in July 1996, the partition

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<sup>50</sup> Cf. the Serbian translation of an interview with Rugova, »Ni 'specijalni status,' ni treća republika, samo nezavisnost! Intervju sa dr. Ibrahim Rugovom,” *Zëri*, 27 December 1997, at <http://www.aimpress.ch/dyn/bal/archive/data/1998/80102-002-bals-pri.htm>.

<sup>51</sup> »Rugova Calls for International Protectorate” *RFE/RL Newslines*, vol. 2, no. 21, pt. II, 2 February 1998.

<sup>52</sup> Cf. Gazmend Pula, »Kosova – Republic in a New (Con-)Federation Via Re-Federalization of Yugoslavia. General Considerations, Preconditions, Processes and Relevant Features,” *Südosteuropa* 46 (1997), pp. 184-196. See also Janusz Bugajski, »The Kosovar Volcano,” *Transitions*, vol. 4, no. 5, October 1997, pp. 66-71; and Matthias Rüb, »'Balkania' statt 'Kosova'? Ein Oppositionsmodell zur Lösung der Krise auf dem Amselfeld,” *Frankfurter Allgemeine Zeitung*, 26 March 1998, p. 8.

<sup>53</sup> Cf. Stefan Troebst, »How to Realize an Extended Autonomy for Kosovo? Results of a Discussion with Gazmend Pula, Prishtinë, and Predrag Simič, Beograd,” *Exploring Futures for Kosovo*, pp. 49-51, summarising the session of a working group a conference »Strategies and Option for Kosovo,” held by the Bertelsmann Science Foundation and the Research Group on European Affairs in Munich, Germany, 21-22 January 1997.

<sup>54</sup> In seven other municipalities, Serbs and Montenegrins number more than 20 percent and are in a position to veto whatever decisions. Cf. Eggert Hardten, »Administrative Units and Municipal Reforms in Kosovo (1959-92),” *Kosovo – Kosova. Confrontation or Coexistence*, p. 167, and figure 40, »Modifications du maillage communal au Kosovo, 1961-1988”, in the book by Roux, *Les Albanais en Yougoslavie*, p. 400.

proposal came as a shock to Serbian nationalists of all shades.<sup>55</sup> The idea to hand over parts of the »Serbian Jerusalem» to »infidels» was perceived as treason and national shame; the »advantage» of getting rid of a 30 per cent share of a minority population of Muslim, Albanian-speaking non-Serbs which the architects of the partition project had in mind did not convince the Serbian political class. For the Kosovo Albanians on the other hand, partition was equally out of the question.

## Regionalisation

In early 1997, Milošević's coalition partner, the New Democracy Party (*Nova Demokracija*), propagated a »Project for the Settlement of the Serbian-Albanian Issue in Kosovo and Metohija (Kosovo)» aiming at a devolution of centralist rule. By a »'step-by-step' formula» a »basic political agreement between Serbs and ethnic Albanians from Kosovo concerning basic principles and regulations regarding life in common within Serbia and FR Yugoslavia» was to be achieved:

»As part of the regionalization of Serbia, each of the regions should be enabled to express its own specific characteristics, with broad autonomy for Kosovo and Metohija (Kosovo) as a region within Serbia and consequently within FR Yugoslavia as well.»<sup>56</sup>

Similar projects were presented to the Serbian public by the oppositional Social-Democratic Party—»a Kosovo Region, within a decentralized and democratic Serbia,<sup>57</sup> and most recently in January 1998 by the Democratic Party of Serbia in its »Proposal for a Democratic Solution to the Question of Kosovo and Metohija.»<sup>58</sup>

Another variety of the concept of regionalisation, yet with elements of the partition plan, has been put forward by the nationalist Serbian Resistance Movement (*Srpski pokret otpora*) of Montenegrins and Serbs from Kosovo led by Momčilo Trajković: Kosovo should be split into a Serbian and an Albanian part both of which should, however, remain inside Serbia. In this view, »Kosovo and Metochia should be divided in two regions [...] on the basis of geographic, economic, and historical criteria. Each region should consist of

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<sup>55</sup> Cf. Gazmend Pula, »The Serbian Proposal for the Partitioning of Kosova - Accents of Albanian Reaction,» *Südosteuropa* 45 (1996), pp. 639-642.--In a protest reaction to the Despić Plan, in August 1996, Račnatović-»Arkan» and his paramilitary publicly paraded in two towns of Kosovo. Cf. [Victor Gomez,] »Kosovo: Arkan Bares His Teeth,» *Transitions*, vol. 2, no. 18, 6 September 1996, p. 2. This negative reaction in Serbia was somewhat of a surprise because already in 1994 Milošević's coalition partner, the New Democracy Party (*Nova Demokracija*), had come up with a similar proposal for partition. Moreover, the Greater Serbian Memorandum of the Serbian Academy of Sciences and Fine Arts of 1986 had included a map with a partition plan for Kosovo. Cf. »Memorandum SANU,» *Naše teme* [Zagreb] 33 (1989), nos. 1-2, pp. 128-163. See also the map reproduced by Branislav Olujić, »Kosovo/a: Blueprints for Division,» *Balkan WarReport*, no. 26, May 1994, pp. 12-13; and for the academic background Branislav Krstić, *Kosovo između istorijskog i etničkog prava* (Beograd: Kuća Vid, 1994). A stunningly positive Western reaction to the partition scheme is Ekavi Athanassopoulou, »Hoping for the Best, Planning for the Worst Conflict in Kosovo,» *The World Today* 58 (1996), no. 8 (August/September), pp. 226-229.

<sup>56</sup> Ratomir Tanić, »Project for the Settlement of the Serbian-Albanian Issue in Kosovo and Metohija (Kosovo),» *Exploring Futures for Kosovo*, pp. 68-71. This project was also presented at a Serb-Albanian Roundtable »Toward Peaceful Accommodation in Kosovo,» held by the Project on Ethnic Relations in Washington, D. C., in April 1997 (cf. below).

<sup>57</sup> Dušan Janjić, »Serbs and Albanians Between War and Dialogue,» *Kosovo – Kosova. Confrontation or Coexistence*, p. 195.

<sup>58</sup> »Regionalizacija – izlaz iz kosovske krize. Demokratska Stranka Srbije predstavila deklaraciju o Kosovu i Metohiji,» *Nedeljna naša borba*, 31 January/1 February 1998, p. 2.

500,000 – 1,000,000 population.”<sup>59</sup> Obviously, the economically more important northern half of Kosovo should become a Serbian stronghold, while the weaker South would be dominated by Albanians.

### Ethnic Cleansing

Although not proclaimed publicly even by militant Serbian nationalists, the project of cleansing parts or even all of Kosovo of its Albanian population is on the hidden agenda of the regime and the nationalist opposition alike. In the view of the Drenica massacre which caused among else the long-term displacement of at least 17,000 people,<sup>60</sup> the project of expelling up to 2 million people from their homes and of driving them into neighbouring Albania and Macedonia seems less much less utopic than it did before. The explanation of the Drenica events by the Kosovo Albanian Presidency as aiming at driving the Albanians out of Kosovo<sup>61</sup>, cannot be rejected offhand. The same goes for the plan of a »resettlement of the population” of Kosovo ascribed to Milošević even by moderate Kosovo Albanian observers. The journalist Surroi suspects that »between 700,000 and 1 million people would have to be moved from the north-east toward the south-west” of Kosovo in case the Serbian regime tried to stage a partition of the region.<sup>62</sup> The risk for Belgrade seems to be manageable: As the reaction of the international community to the Drenica massacre has demonstrated, swift and robust Western intervention in Kosovo is unlikely. Also, a partial or complete cleansing of Kosovo would probably not take more than several weeks. It would be followed or paralleled by a more drawn-out and only partly voluntary process of »resettlement” by Montenegrins and Serbs who since the 1970s had left the region for the urban centres of Serbia, and by Serbian refugees from the Krajina, Eastern Slavonia and other parts of Croatia as well as from Bosnia and Herzegovina. Equally, a return to the system of military colonist settlement practised with considerable success in interwar Yugoslavia can be thought of. It can be assumed that the Turkish minority in Kosovo, the Roma (including the so-called »Egyptians”) and the Serbian-speaking Muslims in the Gora region would be cleansed together with the Albanians.

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<sup>59</sup> »Serbian Resistance Movement – Movement for Democracy (Political Organization of the Serbs from Kosovo and Metochia),” *Proposal for a Democratic Solution of the Kosovo and Metochia Question*, Belgrade, September 1997. See also »Demokratizacija do zajedničkog pivota: Vašingtonska platforma kosovskih srba,” *Nedeljna naāa borba*, 14-15 February 1998, p. 2.—The copyright for the regionalisation of Serbia lies with Miodrag Jović, an expert in constitutional law and member of the Serbian Academy of Sciences and Fine Arts, who presented it in a series of articles in January 1994 in the Belgrade daily *Borba*. Cf. Reuter, *Die politische Entwicklung in Kosovo 1992/93*, pp. 29-30.

<sup>60</sup> According to the UNHCR Office in Belgrade, 14,000 people have fled from the Drenica region into other parts of Kosovo, while the Prishtina-based Council for the Defence of Human Rights and Freedoms informed that 3,500 Kosovo Albanians have found shelter in neighboring Montenegro. Cf. »UNHCR Briefing Notes”, 27 March 1998, at <http://www.hri.org/news/balkans/kosova/1998/98-03-09.ksv.html>.

<sup>61</sup> Cf. »Rugova wirft Belgrad 'ethnische Säuberungen' vor,” *Frankfurter Allgemeine Zeitung*, 14 March 1998, p. 1; and »Kosovars Say Serbian Goal is Ethnic Cleansing,” *FE/RL Newline*, vol. 2, no. 59, pt. II, 26 March 1998.

<sup>62</sup> »Disrupting the Balance of Fear. Interview with Veton Surroi,” *Transitions*, vol. 5, no. 4, April 1998, p. 5

## BELGRADE AND PRISHTINA: FOUR SCENARIOS

Since none of the programmes outlined above is acceptable to both sides, four other scenarios can claim various degrees of likelihood.

### Full-fledged Armed Conflict in Kosovo

From the spring of 1996 on, the danger of warfare between Albanian insurgents and Serbian security forces has been increasing; in late 1997 it became imminent; and by March 1998 it materialised if not for all of Kosovo, then at least on the regional level. While the military results of fighting between security forces and guerrilla-type formations are difficult to predict, its ethnodemographic outcome is easier to forecast. Undoubtedly, the number of ethnic Albanians actually living in Kosovo will be severely reduced due to refugee movements into other parts of the FRY, Macedonia, Albania, and, via Macedonia, overseas—no longer to Pakistan and New Zealand, as an UNHCR contingency plan from late 1992 had foreseen,<sup>63</sup> but through »corridors» via Skopje-Gevgelija, Tetovo-Debar and Kukës-Shkodër into the EU countries Greece and Italy. For several years, Macedonia and since more recently also Albania are preparing for the arrival of several hundreds of thousands of Kosovo Albanian refugees.<sup>64</sup> In such a case, not only women, children, and elderly persons will try to flee Kosovo, but also large portions of its adult male population will be forced to seek shelter abroad. Independently from what the final outcome of an Albanian-Serbian military confrontation in Kosovo will be, the ethnodemographic balance sheet of Kosovo will be changed to the disadvantage of the Albanian majority. Equally destructive will be the effects of military confrontation for the Serbian side: to control the Kosovo Albanians during the phase of non-violent resistance by permanently stationing a minimum of 20,000 security forces in and around Kosovo was difficult and expensive,<sup>65</sup> but it did not lead to high casualty figures among

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<sup>63</sup> Cf. Stefan Troebst, »Spillover Risks of Ethnic Conflict in the Balkans,» paper given at a conference »The 'Albanian Question' in the Balkans» held by the Bertelsmann Science Foundation and the Research Group on European Affairs in Rhodes, Greece, 5-6 September 1996.

<sup>64</sup> Cf. »Gligorov Says Macedonia Ready for Refugees,» *RFE/RL Newline*, vol. 2, no 46, pt. II, 9 March 1998; and »Albania Prepares for Refugees,» *ibid*.

<sup>65</sup> The number of regular police, riot police forces, and Special Anti-Terror Units of the Ministry of the Interior of the Republic of Serbia as well as of regular units of the federal Army of Yugoslavia, volunteer brigades, paramilitary formations, and armed Serbian civilians in Kosovo can only be estimated. On 1 March 1998, the Prishtina daily *KOHA Ditore* reported, »Kosova has 13,000 Serb police forces – 25,000 reinforcement units can be transferred from central Serbia within 72 hours.» The same source put the strength of the Army of Yugoslavia in Kosovo at 6,500 and mentioned in addition emergency plans for the deployment of 10,000 troops from Niš, Leskovac and Upice in the interior of Serbia. The figure of army reservists ready for action in Kosovo was given as 4,000; that of the paramilitary »Tigers» as 400. See *KD-arta*, 2 March 1998, at <http://www.koha.net/ARTA/drenica.htm>. In late February 1998, a Belgrade paper reported, »in Kosovo there are permanently between 30,000 and 40,000 policemen», i.e. SAJ members. See Dragoljub Petrovič, »Koliko ima pripadnika MUP u južnoj granici? Na Kosovu stalno između 30 i 40 hiljada policajaca», *Naša borba*, 23 February 1998, p. 9. In January 1998, an unidentified OSCE source was quoted as putting the mobile components of the Kosovo Army Corps commanded by Major-General Nebojša Pavković at 140 tanks and 150 armored vehicles. Cf. Vladimir Jovanović, »'Aduť za kasnije pregovore: Priprema li se ogranĩ'en udar na Drenicu?'» *Nedeljna naša borba*, 31 January/1 February 1998, p. 2. The most recent Western estimates of spring 1997 arrived at 10,000 police, 20,000 regular army, and 30,000 local Serbs militarily trained and armed. Cf. Stan Markotich, »Serbia's Security Forces: The 'Albanian Question' on Hold,» paper for the Conflict Prevention Network of the European Commission's Kosovo Meeting: An Assessment of Potential Conflict, Ebenhausen, Germany, 7 April 1997, p. 2. Much higher recent Western figures of 35,000 police and 40,000 regular troops seem to be based on information by international and Kosovo Albanians NGOs distributed in 1993. Cf. Sophia Clément, *Conflict Prevention in the Balkans: Case Studies of Kosovo and the FRY of Macedonia* (Paris: Institute for Security Studies,

the occupation troops. Full-fledged guerrilla war, however, will demand a considerably higher blood toll also on the side of the Serbs. Whether Serbian society, war-torn and politically divided as it is, can shoulder another protracted military conflict is to be doubted. Thus, the worst-case scenario of ethnic war in Kosovo would have detrimental effects for everybody concerned--for the Kosovo Albanian majority, for the Serbian minority there, for heartland Serbia, for all of the FRY, and, not the least, for the Southern Balkans as a whole.

### Montenegrin Uncertainties

In addition to the tension between Kosovo Albanians and Serbs in the FRY, this asymmetric federation is confronted with another and potentially equally disruptive problem—the Serbian-Montenegrin rift. Since Milošević's election fraud of end-1996, the strained relations between the two unequal Yugoslav republics of Serbia and Montenegro have become obvious. In particular, the Serbian president's coup of being »elected» president of the FRY by the Federal Parliament on 15 July 1997 was vehemently resented in Podgorica.<sup>66</sup> Subsequently, on 19 October 1997, Milošević's Montenegrin ally Momir Bulatović lost the Montenegrin presidential election to Milošević's strongest critic Milo Đukanović. Following Montenegrin political tradition, Đukanović's pragmatic relationship to the Albanians of Montenegro was substantially different from Milošević's attitude. And with regard to the FRY's return to the international community *and* economic reconstruction, he was calling upon Belgrade to stop repression in Kosovo, to start a dialogue with the Kosovo Albanian leadership, to prepare a comprehensive program for the economic development of Kosovo, and to grant »a certain degree of autonomy." In his view, »without a dialogue in Kosovo, Yugoslavia cannot return to membership in the international community."<sup>67</sup> In more concrete terms, the political elite of Montenegro reached a consensus that unless Belgrade implements the education agreement with Rugova and enters into a dialogue with the Kosovo Albanians, Montenegrin recruits to the Army of Yugoslavia should no longer be sent to Kosovo.<sup>68</sup> In the Serbian perspective, all this was part of a dangerous scenario--the political emancipation of Montenegro and the newly emerging Montenegrin nation from Serbia and the Serbs. And indeed, in Podgorica, awareness of the fact is growing that the alignment with Serbia inside the FRY is »a troubled marriage between an elephant and a mouse."<sup>69</sup> Thus, to shrink the size of the elephant by increasing the number of mice is of vital interest to Montenegro, and here

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Western European Union, 1997), p. 35. For the situation in 1992/93 see in particular *Open Wounds: Human Rights Abuses in Kosovo*, p. 95 (Human Rights Watch/Helsinki Watch); and *From Autonomy to Colonization: Human Rights in Kosovo*, p. 67 (IHF). According to information of the General Staff of the Army of Macedonia of spring 1993, regular forces of the Kosovo-based 52<sup>nd</sup> Army Corps of the Army of Yugoslavia consisted of two tank brigades, three mechanised infantry brigades, each with one tank battalion, three artillery regiments, one anti-tank battalion, and one air defence regiment. In addition, three volunteer brigades with 1,000 to 1,200 men comprising of Serbs and Montenegrins living in Kosovo were said to have been organised. Cf. a Report on Possible Uprising in Kosovo at the End of March of 20 February 1993 to the Headquarter of the United Nations Protection Force by Brigadier-General Finn Saermark-Thomsen, commander-in-chief of UNPROFOR Macedonia Command at Skopje.

<sup>66</sup> Matthias Rüb, »Auf dem Weg der Entzweiung. Führt der Machtkampf in Montenegro zum Zerfall der Bundesrepublik Jugoslawien?" *Frankfurter Allgemeine Zeitung*, 26 August 1997, p. 10; Nebojša Ćorović, »Conflicting Constitutions in Serbia and Montenegro," *Transitions*, vol. 3, no. 4, 7 March 1997, pp. 28-31.

<sup>67</sup> »Montenegro Calls for Kosovo Autonomy," *RFE/RL Newswire*, vol. 2, no. 38, pt. II, 25 February 1998.

<sup>68</sup> D. Suković, »Crna Gora ne da regrute za Kosovo?" *Nedeljni Telegraf*, 25 February 1998, at <http://www.dtelegraf.co.yu/98-02-25/clanci/1.1.html>.

<sup>69</sup> Ćorović, »Conflicting Constitutions in Serbia and Montenegro," p. 28.

for good reason not Sandžak and Vojvodina,<sup>70</sup> but first of all Kosovo comes into the picture.

There is, however, another and even more dangerous scenario of Montenegrin-Serbian differences: secession by Montenegro. If Podgorica splits away from the FRY, then the *raison d'être* of the FRY would be gone. No Kosovo Albanian leadership would miss such an opportunity for seceding from Belgrade.

### **Tense status quo Continued**

In looking at the various scenarios of change also stagnation should not be ruled out—»Kosovo could return to its former state of suppressed rage punctuated by weekly assassinations.»<sup>71</sup> While in Kosovo signs of changes for the better and, in particular, for the worse alike can be identified, neither improvement nor escalation seem to be the only possible developments. Non-development or stagnation seems to be another likely course of events. In 1995, a Western observer described Kosovo as »stable and explosive,»<sup>72</sup> and what may appear to be a contradictory statement has indeed proved to be an apt description of the situation during the last years there. While inter-ethnic relations in Kosovo are certainly strained and Serbian authorities have undoubtedly adopted a colonialist, even apartheid-like attitude towards the Albanian majority population, the official Serbian state and the Albanian »parallel» state structures until recently got along with each other with a comparatively low degree of friction. Moreover, the recent wave of political violence against Serbian security forces by the UÇK has not yet set the spiral of full-fledged escalation in motion. Thus, the peculiar and highly volatile *modus vivendi* found in Kosovo under the difficult circumstances of the early 1990s could be viable even for some time to come. At the same time, it is clear that due to the demographic pressure this is definitely not a long-term solution.

### **Dialogue, Negotiations, Compromise**

This last scenario is undoubtedly the most promising though not necessarily the most likely one. Since the summer of 1992 there have been attempts by both sides to enter into a dialogue. There have been several series of talks between politicians and meetings of intellectuals from Prishtina and Belgrade. In the summer of 1996 a negotiation-type process on educational issues was initiated by the Catholic NGO *Comunità di Sant'Egidio*. Although it resulted in an agreement signed by Rugova and Milošević on 1 September 1996, it had no practical consequences. Seen from both the Serbian and the Kosovo Albanian perspective, the gap between the programmes outlined above is still far too wide to be bridged by a compromise solution. At the same time, the deep fragmentation of the political elites in Belgrade—regime, nationalist opposition, democratic opposition—and Prishtina—doves, falcons, UÇK—is an impediment to any dialogue, not to mention any lasting solution. To overcome this deadlock, the Kosovo

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<sup>70</sup> For Podgorica, the question of Sandžak was potentially disruptive one since the Southern half of this region is part of Montenegro. And the Hungarian-speaking elite of Vojvodina currently is the object of political overtures by Milošević. Cf. Matthias Rüb, »Eine Affäre im Norden gegen den Ärger im Süden: Milošević sucht den Ausgleich mit der ungarischen Minderheit in Serbien,» *Frankfurter Allgemeine Zeitung*, 10 February 1998, p. 14.

<sup>71</sup> »Catastrophic Kosovo: The West must get tougher with Slobodan Milosevic,» *The Economist*, 7 March 1998, p. 18.

<sup>72</sup> Franklin De Vrieze, »Kosovo: Stable and Explosive,» *Helsinki Monitor* 6 (1995), no. 2, pp. 43-51.

Albanian leadership has called upon the international community to mediate. And despite insistence on the principle of non-interference into what is called by Belgrade the internal affairs of the FRY, third-party mediation in track 2, i.e., by NGOs, has been *de facto* accepted by Milošević and his Serbian opponents alike. There is, however, no formal acceptance of any track 1 mediation, i.e., by international organisations or other diplomatic actors. The same goes for monitoring activities.

## TRYING TO INTERNATIONALISE THE KOSOVO CRISIS

On 26 May 1992, in a situation of extreme inter-ethnic tension in Kosovo, the government of the Republic of Serbia summoned representatives of the newly elected »parallel« Kosovo Albanian parliament for talks to Belgrade. The Kosovo Albanian leaders, however, ignored both this invitation and a subsequent one issued on 10 June. Speaking for the parliament as a whole, the Social Democratic Party of Kosova (*Partia Socialdemokrate e Kosovës*) explained the joint position, saying that the Albanians would consider only a meeting on neutral soil led by international mediators.<sup>73</sup> Since then, the Kosovo Albanian leadership with the LDK as its spearhead has developed an intensive diplomatic, political and public relations activity to bring about the internationalisation of the Kosovo problem. Official negotiations between the FRY and the Kosovo Albanian »shadow state,« mediated by an international organisation—preferably by the UN or the EU—and taking place in Western Europe or Northern America, became for Prishtina a precondition for all formal meetings with the Serbian side and an important goal for Kosovo Albanian diplomacy.

While in this regard Rugova and his foreign policy expert Agani have not been successful so far, they have had more success in raising the awareness of Europeans and Americans of the Kosovo problem and even managed to keep up this interest during all of the war in Bosnia-Herzegovina from 1992 to 1995. By stressing the non-violent tactics of their anti-Serbian resistance, they gained a considerable amount of goodwill in Washington, Brussels and elsewhere.<sup>74</sup> Yet it was the possibility of a flare-up of violence in Kosovo which in the winter of 1995/96 significantly increased the awareness of international actors.<sup>75</sup> And from the fall of 1997 it has become ultimately clear that the tense situation in Kosovo demands the whole range of preventive diplomacy, early action, conflict mediation, good offices, and crisis management that the international community is able to offer.

Yet, for the time being, any internationalisation—be it an International Conference on Kosovo, official mediation by an international actor in bilateral negotiations, or just active facilitation of dialogue—is vetoed by the FRY. In Belgrade's view, the Kosovo issue is a purely internal affair of the Republic of Serbia which does not allow interference by international organisations or other governments. So far, the international community has not been able to overcome this intransigent stand of Milošević. While the US has adopted a policy of the stick—the »outer wall of sanctions«—, the Europeans are betting on the carrot of financial aid to Belgrade in return for »decent« behaviour. Interestingly enough, neither part of the international community has instrumentalised the fact that there are 32,000 heavily armed NATO-led SFOR combat troops stationed just some 150 kilometres away from Kosovo, another 530 UNPREDEP Blue Helmets in the immediate

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<sup>73</sup> Cf. Schmidt, »Kosovo: The Time Bomb That Has Not Gone Off,« p. 23.

<sup>74</sup> Although the Kosovo Albanians are predominantly Muslims, there is no religious element in Prishtina's »foreign policy.« To the contrary, LDK officials are eager to stress how »unimportant« a factor Islam is in Kosovo. Accordingly, before March 1998 neither individual governments in the Muslim world nor the Organisation of the Islamic Conference did show any prominent interest in the Kosovo issue. See Wolfgang Köhler, »Nun der zweite Akt. Die arabische Welt reagiert auf die Krise im Kosovo ähnlich wie im Bosnien-Krieg.« *Frankfurter Allgemeine Zeitung*, 20 March 1998, p. 16.

<sup>75</sup> Stefan Troebst, »Still Looking for an Answer to the 'Albanian Question,« *Transitions*, vol. 3, no. 4, 7 March 1997, pp. 24-27. See also Mark Salter, »Balkan Endgame: The Kosovo Conflict in a Southern Balkan Context,« *Contributing to Preventive Action. Conflict Prevention Network Yearbook 1997/98*, ed. Peter Cross (Ebenhausen: Stiftung Wissenschaft und Politik 1998), pp. 229-250.

vicinity, on the Macedonian side of the border with Kosovo, plus blue helmets as well as US, Italian and Turkish military advisers in the northern parts of Albania.

Despite the differences in tactics, there is much US-EU common ground concerning the ultimate resolution of the Kosovo conflict: no unilateral change of international borders, no violence, but also no continuation of the volatile status quo with its human rights violations; instead, a solution within the FRY in the form of internal self-determination for the Kosovo Albanians, the exact degree of which the parties to the conflict should define by way of dialogue and negotiations. Since late 1997, the Contact Group on Bosnia-Herzegovina, the United States, Germany and France, the OSCE as well as the EU have taken—or announced—new initiatives, and the European Parliament and the Parliamentary Assemblies of the Council of Europe and the OSCE are demanding more active involvement. In doing so, virtually the whole international community agreed that the difficult topic of education should be the first item on the agenda of Kosovo Albanian-Serbian talks. Yet by March 1998, none of the international actors mentioned above had formulated a concise policy aiming at bringing about such a direct dialogue. »International mediation efforts,» thus the result of a recent analysis, »are incoherent, fragmentary and lacking a concept. They are primarily declaratory and take place only after an escalation.»<sup>76</sup>

In trying to evaluate recent initiatives and their outcomes, a look back at what has—and has not—been achieved since 1992 seems appropriate. The manifold frustrating experiences of international actors from the outbreak of the war in Bosnia and Herzegovina on in trying to mediate between Belgrade and Prishtina provide a realistic background for an evaluation of the chances of current mediation efforts. Moreover, such an analysis can help to identify the more complicated issues in the Kosovo knot of problems and the less complicated—and thus more promising for third-party involvement—ones. The key problem of primary, secondary and higher education as well as the notorious status questions seem to belong to the first category, issues like health care and even media access to the latter.

## United Nations

From mid-1992 on, the United Nations have been closely monitoring the human rights situation in Kosovo. On the basis of the reports by Tadeusz Mazowiecki, former Prime Minister of Poland and first Special Rapporteur on the Situation of Human Rights in the Territory of the Former Yugoslavia of the United Nations Commission on Human Rights, and his successor Elisabeth Rehn, former Minister of Defence of Finland, the United Nations General Assembly has kept reiterating five basic demands concerning the situation of human rights in Kosovo:

»The General Assembly [...]

Noting with regret that a memorandum of understanding on the education system in Kosovo signed in 1996 has not yet been implemented, and calling for full and immediate implementation of that memorandum,

Noting with concern the use of force by Serbian police against peaceful Kosovo Albanian student

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<sup>76</sup> Hans-Georg Ehrhart, Matthias Z. Karádi, »Wann brennt der Balkan? Plädoyer für eine komplexe Präventionspolitik im Kosovo-Konflikt,» *Frankfurter Rundschau*, 25 March 1998, p. 9.

protesters on 1 October 1997, and the failure of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to make reasonable accommodation to address the students' legitimate grievances,

1. Expresses its deep concern about all violations of human rights and fundamental freedoms in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against it, as well as acts of violence in Kosovo;
2. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):
  - (a) To take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;
  - (b) To release all political prisoners, and cease the persecution of political leaders and members of local human rights organizations;
  - (c) To allow the return in safety and dignity of Albanian refugees from Kosovo to their homes;
  - (d) To allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;
  - (e) To allow the reopening of educational, cultural and scientific institutions of the ethnic Albanians;
3. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue constructive dialogue with the representatives of ethnic Albanians of Kosovo.
4. Welcomes the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights in the Territory of former Yugoslavia and her relevant report, and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to that matter in her reporting;
5. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo [...].<sup>77</sup>

In 1996, Elisabeth Rehn added that she »believes that international monitors in Kosovo [...] could have a beneficial impact,<sup>78</sup> and in December 1997 she considered »a much

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<sup>77</sup> »Situation of human rights in Kosovo, General Assembly draft resolution no. A/C.3/52/L.61" of 20 November 1997. See also UN General Assembly resolutions 51/111 of 5 March 1997, no. 50/190 of 22 December 1995 and no. 49/204 of 23 December 1994 as well as »Situation of human rights in Kosovo, Sub-Commission resolution 1996/2," 19<sup>th</sup> meeting, 19 August 1996. The text of resolution no. 50/190 of 1995 is published in »Documents. Selected UN General Assembly Resolutions on Human Rights Situations – 50<sup>th</sup> Session", *International Journal of Refugee Law* 8 (1996), no. 4, pp. 659-662. See also David L. Phillips, »Comprehensive Peace in the Balkans: The Kosovo Question," *Human Rights Quarterly* 18 (1996), pp. 821-832.

<sup>78</sup> »Situation of human rights in the territory of the former Yugoslavia, Special report on minorities," Periodic report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 45 of Commission resolution 1996/71, paragraph 149 (E/CN.4/1997/8 25 October 1996), UNESCO Commission on Human Rights. On Elisabeth Rehn's other activities on and recommendations concerning Kosovo see »Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives, Situation of Human Rights in Kosovo, Report of the Secretary-General," United Nations General Assembly (A/52/502 17 October 1997; A/51/556 25 October 1996; and A/50/767 20 November 1995) and »Situation of human rights in the territory of the former Yugoslavia, Two trials of Kosovo Albanians charged with offences against the State in the Federal Republic of Yugoslavia in 1997," Report submitted by the Special Rapporteur, Ms. Elisabeth Rehn, pursuant to paragraph 42 (c) of Commission resolution 1997/57 (Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, UNESCO Commission on Human Rights) (E/CN.4/1998/9 10 September 1997).

stronger international presence necessary," since »the situation in Kosovo is alarming."<sup>79</sup> This assessment was shared by the UN High Commissioner for Human Rights, Mary Robinson, who in January 1998 expressed her »deep concern on the recent increase of violence" in Kosovo<sup>80</sup>--a view she repeated in early March in the light the Drenica events. »This is very, very worrying and could have a wider impact in the whole region," she observed, and added: »We keep talking, both at the U. N. and at the international level, about lessons learned—but we don't learn the lessons!<sup>81</sup>

Less intense has been the interest of the UN Security Council in the Kosovo issue. In the framework of the division of labour between the UN and the CSCE concerning the post-Yugoslav imbroglio, Kosovo ended up within the sphere of responsibility of the latter organisation. However, when CSCE was forced out of the FRY in the summer of 1993, the UN Security Council on 9 August at its 3262<sup>nd</sup> meeting chaired by US Ambassador at the UN Madeleine K. Albright dealt with the problem of Kosovo. Albeit the representative for China underlined the importance of »the principle of non-interference in the internal affairs of sovereign States" and labelled accordingly »the issue of Kosovo [...] an internal affair of the Federal Republic of Yugoslavia"<sup>82</sup> the Council with 14 votes in favour—including the Russian Federation--, none against and only China abstaining adopted a Resolution calling for a return of the CSCE to Prishtina:

»The Security Council [...],

Bearing in mind that the CSCE missions of long duration are an example of preventive diplomacy undertaken within the framework of the CSCE, and have greatly contributed to promoting stability and counteracting the risk of violence in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

Reaffirming its relevant resolutions aimed at putting an end to conflict in the former Yugoslavia,

Determined to avoid any extension of the conflict in the former Yugoslavia and, in this context, attaching great importance to the work of the CSCE missions and to the continued ability of the international community to monitor the situation in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

Stressing its commitment to the territorial integrity and political independence of all States in the region,

1. Endorses the efforts of the CSCE [...];

2. Calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the CSCE by taking the practical steps needed for the resumption of the activities of these missions and to agree to an increase in the number of monitors as decided by the CSCE;

3. Further calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to assure the monitors' safety and security, and to allow them free and unimpeded access necessary to

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<sup>79</sup> »Stanje na Kosovu alarmantno. Izlaganje Elizabeta Rena na Bonskoj konferenciji," *Naša borba*, 10 December 1997, p. 22.

<sup>80</sup> »Kosovo: Albaner bezichtigen Serben des Mordes," *Frankfurter Rundschau*, 30 January 1998, p. 2.

<sup>81</sup> »U. N. Human Rights Chief Urges Action on Kosovo," *Kosovo Daily Report* #1365, 8 March 1998, item 13, at **ÓóÜëíá! Ááí Ý÷áé ìñéóóáß óáëëáíááßéóçò**.. See also »Problemi se ne rešavaju oružjem i nasiljem. Meri Robinson, visoki komesar UN za ljudska prava, povodom događaja na Kosovu," *Naša borba*, 5 March 1998, p. 3.

<sup>82</sup> »Security Council Provisional Verbatim Record, 9 August 1993 (S/PV.3662, 9 August 1993," *The 'Yugoslav' Crisis in International Law*, p. 341.

accomplish their mission in full;

4. Decides to remain seized of the matter.”<sup>83</sup>

In the years to come, the UN Special Envoy to Yugoslavia and UN Co-Chairman of the ICFY Steering Committee—until May 1993 Cyrus R. Vance, then Thorvald Stoltenberg—regularly informed the Security Council on developments in Kosovo.<sup>84</sup>

According to Serbian and Albanian sources, in September 1993, UNESCO initiated in Geneva the mediation of an educational agreement for the Kosovo Albanians—an attempt that within days came to nothing since the FRY insisted on Belgrade as location for such talks.<sup>85</sup>

More successful was a joint initiative of UNESCO and WHO of 1996 aiming at a vaccination program against polio to be carried out via cooperation with both the governmental and the »parallel” health care systems in Kosovo.<sup>86</sup>

### Organisation for Security and Co-operation in Europe

Among the first international bodies to deal with the Kosovo issues was the Conference on Security and Co-operation in Europe (CSCE—since 1 January 1995: OSCE). At the CSCE Meeting of Experts on National Minorities which took place in Geneva from 1 to 19 July 1991, i.e., parallel to the military events in Slovenia, Serbia was heavily criticised for its Kosovo policy.<sup>87</sup> In early May 1992, a rapporteur mission under the Swiss legal expert Thomas Fleiner-Gerster had visited Serbia and recommended the sending of monitors to Kosovo, Sandžak and Vojvodina. The discussion of the mission’s »reports of the grave situation of ethnic Albanians in Kosovo and the denial of fundamental freedoms to them” as well as of »the military situation in Kosovo” in the CSCE’s Committee of Senior Officials on 18-20 May 1992 caused heated exchanges with representatives from Belgrade.<sup>88</sup> The Fleiner-Gerster Mission was followed by a fact-finding mission under Canadian Ambassador David Peel in late May. On 10 June 1992, the Committee of Senior Officials installed a task force on the former Yugoslavia which was ordered to »prepare recommendations [...] on the role that further CSCE missions, of either short or long duration, might play in promoting peace, averting violence and restoring respect for human rights and fundamental freedoms in Kosovo, Vojvodina and Sanjak.”<sup>89</sup>

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<sup>83</sup> »Security Council Resolution 855 (1993) (S/RES/855, 9 August 1993)*ibid.*, p. 49.

<sup>84</sup> See, e.g., »Security Council Provisional Verbatim Record, 13 November 1993 (SCPV.3134, 13 November 1993),” *ibid.*, pp. 122-136

<sup>85</sup> Cf. Fabian Schmidt, »Has the Kosovo Crisis Been Internationalized?” *RFE/RL Research Reports*, vol. 2, no. 44, 5 November 1993, p. 37, and Veton Surroi, »Kosova and the Constitutional Solutions,” in *Kosovo: Avoiding Another Balkan War*, eds. Thanos Veremis and Evangelos Kofos (Athens: ELIAMEP and University of Athens 1998), pp.164-165.

<sup>86</sup> International Helsinki Federation for Human Rights, *Annual Report 1997: Human Rights Developments in 1996* (Vienna: IHF, 1997), p. 296.

<sup>87</sup> For the reaction of the Serbian delegation see Miodrag Perić, »On the State of Affairs in Kosovo and Metohija,” CSCE/91-07-17.DOC/3, reprinted in Von Kohl, Libal, *Kosovo: Gordischer Knoten des Balkans*, appendix 4. The »Report of the CSCE Meeting of Experts on National Minorities” of 19 July 1991 is published in *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, ed. Arie Bloed (Dordrecht, Boston, London: Kluwer Academic Publishers, 1993), pp. 593-602. *Ibid.*, p. 604, also the »Interpretative Statement by Yugoslavia” on »the separatist behaviour of a part of one national minority” in Serbia and »its claim to the right of self-determination” is reprinted.

<sup>88</sup> »Eleventh CSO Meeting, Helsinki, 18-21 May 1992. Statement on the Former Yugoslavia, Interpretative statement by Yugoslavia,” *The Conference on Security and Co-operation in Europe, 1972-1993* , pp. 942-945.

<sup>89</sup> »Twelfth CSO Meeting, Helsinki, 8-11 June 1992, Decisions of the Committee of Senior Officials, paragraph 7 (b),” *ibid.*, p. 948.—While the CSCE headquarters at Vienna used the form *Sanjak*, the missions themselves used *Sandžak*.

At its Helsinki Summit in July 1992, the CSCE not only adopted a Declaration on the Yugoslav Crisis calling for »immediate preventive action” in Kosovo and urging »the authorities in Belgrade to refrain from further repression and to engage in serious dialogue with representatives from Kosovo, in the presence of a third party,”<sup>90</sup> but also provided the diplomatic tools to do so. At the same time, on 8 July CSCE temporarily suspended the membership of the fallen apart SFRY which since May 1992 was claimed by the newly proclaimed FRY.

Another CSCE exploratory mission under Swedish Ambassador Jan af Sillén was sent to Kosovo, Sandžak and Vojvodina in early August, and on 14 August 1992, following the strong advice of the USA, the Committee of Senior Officials decided »to establish, in co-operation with the relevant authorities, a continuous presence in Kosovo, Sanjak and Vojvodina, in the form of missions of long duration”:

»The missions will:

- promote dialogues between the authorities concerned and representatives of the populations and communities in the three regions;
- collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems;
- establish contact points for solving problems that might be identified;
- assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.<sup>91</sup>

From 2 to 8 September 1992, the Head of Mission, Norwegian diplomat Tore Bøgh and his personal advisor Kåre Eltervag, also Norway, carried out a reconnaissance trip and on 9 September negotiated with authorities at Belgrade to set up a mission coordination centre there. On 11 and 12 September the two diplomats proceeded to Kosovo.<sup>92</sup> On 17 September 1992, the Committee of Senior Officials requested Bøgh to »begin immediately with the establishment of a continuous presence in the three regions.”<sup>93</sup> Accordingly, outposts in Prishtina under Canadian diplomat Philipp Hahn (from early February 1993 on with a permanent presence in the Kosovo towns of Peja/Peç and Prizren), in Novi Pazar (with a branch in Prijepolje), and in Subotica were set up and manned by 12 mission members.<sup>94</sup> Close coordination with ICFY’s Kosovo activities was ensured. At the same time as the CSCE Mission of Long Duration to Kosovo, Sanjak and Vojvodina, a CSCE Spillover Monitor Mission to the former Yugoslav Republic of Macedonia was sent under US diplomat Robert Frowick to Skopje.<sup>95</sup>

The decision to let the missions into the FRY was made by US-American businessman of Serbian origin Milan Panić, who as the candidate of the newly elected FRY President Dobrica Ćosić on 14 July 1992 took over the office of Federal Prime Minister. In August, Panić had met with Rugova in London. He promised the restoration

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Recently, OSCE has been using the form *Sandjak*. The actual Serbian spelling is *Sandžak*, derived from Turkish *sancak*: »Banner,” meaning an administrative unit in the Ottoman Empire.

<sup>90</sup> »Declaration on the Yugoslav Crisis, Adopted by the CSCE Summit, Helsinki, 10 July 1992,” *Yugoslavia Through Documents. From Its Creation to Its Dissolution*, ed. Snezana Trifunovska (Dordrecht, Boston, London: Martinus Nijhoff, 1994), doc. no. 225, p. 648.

<sup>91</sup> »Fifteenth CSO Meeting, Prague, 13-14 August 1992, Decision on Missions of Long Duration,” *The Conference on Security and Co-operation in Europe, 1972-1993*, p. 959.

<sup>92</sup> Tore Bøgh, »Interim report from Head of Mission to Kosovo, Sandžak and Vojvodina,” Belgrade, 27 September 1992.

<sup>93</sup> »Sixteenth CSO Meeting, Prague, 16-18 September 1992, Decision on missions of long duration,” *ibid.*, p. 968.

<sup>94</sup> »The CSCE Missions to Kosovo, Sandžak and Vojvodina” *Fortnightly Report* no. 1/93, Belgrade, 7 January 1993.

<sup>95</sup> Cf. Stefan Troebst, *Die KSZE-Spillover-Monitormission in Makedonien, 1992-1993: Präventive Friedenssicherung durch internationale Beobachtermissionen?* SWP-AP 2830 (Ebenhausen: Stiftung Wissenschaft und Politik, 1994).

of self-rule for the Kosovo Albanians, the readmittance of Albanians to Prishtina University, the reinstatement of Albanians professors, freedom for the Albanian press and free elections.<sup>96</sup>

During the so-called »Paniþ Interlude,» conditions for CSCE mediation in Kosovo looked rather promising. On 26 September 1992 mission members Robert Norman and Peter Mulrean, both from the US, reported to Bøgh on a trip to Prishtina:

»On September 24-25, members of the CSCE Mission of long duration met in Prishtina, Kosovo, with leaders of the Albanian opposition and the Serbian Republic Government in Kosovo.

Both sides expressed a willingness to engage in dialogue. It was clear, however, that for now they are entrenched in diametrically opposed positions on the fundamental political questions of the status of Kosovo in Serbia.

There is some hope as to developing dialogue on the current stand-off in the education system. Teaching of an Albanian curriculum with Albanian as the language of instruction has been outlawed by Belgrade and has been replaced by a Serbian curriculum. This is unacceptable to the Albanian students who are boycotting the school system at all levels.

The federal government last week proposed a 14-point plan to the Albanians to resolve the educational crisis. Albanian leaders told us the political framework of the proposal was unacceptable—it includes a statement that Kosovo is an integral part of Serbia and refers to Albanians as a minority population—but indicated some of the points left room for discussion. We urged them to respond to these points. They promised to prepare either a response to the federal proposal or a counter-proposal, which we offered to communicate to the federal government.

The Serbian Republic officials promised full cooperation with the CSCE mission, offering an open invitation to visit prisons, hospitals, police facilities, factories, etc.

The visit of the Mission to Kosovo was reported in the local and national media, as well as in the Albanian opposition newspaper.<sup>97</sup>

On 28 October 1992, Ambassador Bøgh signed a Memorandum of Understanding with the Federal Government in Belgrade regulating mission activities and prerogatives. Although the »Paniþ Interlude» had ended in December 1992, in a Protocol of 29 April 1993 the FRY still under the þosiþ Presidency agreed to extend the missions' initial six-month mandate until 28 June 1993. Already in early 1993, the Kosovo branch of the missions had been enlarged by eight more members.

In July 1992, Vienna and Belgrade had agreed that the question of the suspended participation of the FRY in the CSCE would be reconsidered in case the missions did not report major human rights violation during the first twelve months of its operation. In the light of Belgrade's support for the Bosnian Serbs' ethnic cleansing campaign, the CSCE considered re-admittance of the FRY to be a wrong political signal—despite the fact that the missions of long duration indeed did not report gross violations by Serbian authorities in Kosovo, Vojvodina, and Sandþak. Having succeeded in forcing the Federal Assembly on 1 June 1993 to remove the independently minded FRY President þosiþ and to replace him by the yes-man Zoran Liliþ, Miloãeviþ had free hands to use the CSCE's intransigent stance as a pretext to get rid of the missions of long duration. On 2 July he interdicted the prolonging the visas of mission members, and by 28 July the missions had to leave the country.<sup>98</sup>

In his last report of 29 June, the Head of Mission gave a gloomy picture of the

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<sup>96</sup> Schmidt, »Kosovo: The Time Bomb That Has Not Gone Off,» p. 24.

<sup>97</sup> »Special report by mission members on visits to regions, Kosovo, Annex 1 to Tore Bøgh, Interim report from Head of Mission to Kosovo, Sandzak and Vojvodina,» Belgrade, 27 September 1992.

<sup>98</sup> Cf. »Helsinki Declaration of the CSCE Parliamentary Assembly, Helsinki, 9 July 1993, CSCE Missions in Kosovo, Vojvodina and Sandjak,» *The Conference on Security and Co-operation in Europe, 1972-1993* , p. 1062.

achievements and failures of the Kosovo branch of the missions:

»It is abundantly clear that Belgrade has not been able to cope with the crisis in Kosovo, a long-standing problem which it has exacerbated with its own actions. In the circumstances some government circles, after initial hesitations, have expressed increasing satisfaction with the presence and activities of the CSCE Missions of Long Duration there. Its mandate to promote dialogue with recalcitrant Albanians provides another avenue to influence more moderate Albanians and to pursue opportunities for an eventual accommodation under a regime of increased autonomy. [...] Albanian leaders have not been greatly concerned about CSCE efforts to promote dialogue with Serbia. In drawn-out educational talks and more recently in the negotiations to retain an independent press, they have been less flexible than their Serbian counterparts. The latter have offered significant concessions but asked in return for some form of acknowledgement of Serbian law and order. The former rejected all conditions that in the narrow and at times inconsistent perception of their people could be interpreted as acceptance of Serbian sovereignty over Kosovo. They perceive their benefit from the CSCE presence in terms of exposing and ameliorating human rights violations committed by the Serbian administration. Albanians see some benefit in the Missions' work but not nearly enough in terms of their needs. Sustained police criminality as well as numerous other instances of Serbian discrimination and disrespect of law and order at Albanian expense, have become nothing but proofs that Serbia has lost all claim to their province.

It is clear of course, that Serbian authorities face a dilemma. If they eliminate police repression the separatist opposition will quickly get out of hand by mounting unpalatable initiatives such as convoking the parallel assembly that is waiting in the wings. If they continue human rights violations their claim along with their capacity to govern the province will continue to erode. Albanian leaders doubt the long term prospects of Serbian rule and welcome any CSCE contribution helping them to expose internationally the incapacity of Serbia to fulfil minimum obligations towards its Albanian citizens in Kosovo. Thus some Serbians and many Albanians, each for very different reasons, perceive important benefits from CSCE missions and welcome their presence in Kosovo.<sup>99</sup>

The leaving of the Kosovo branch of the missions had an immediate and negative impact on the human rights situation in the region: Former local staff of the mission and other Kosovo Albanians who had been in contact with the mission were interrogated, detained, and beaten.<sup>100</sup>

Without being formally withdrawn, the missions' activities since the summer of 1993 are at least formally carried out on a provisional basis by the ambassadors of CSCE participating States in Belgrade, in particular by those of the CSCE Troika. Information thus submitted to an *ad hoc* Working Group on Kosovo is reported weekly to the CSCE »Vienna Group» (now OSCE Permanent Council). Since then, the CSCE/OSCE Chairman-in-Office is formally Head of the CSCE Missions of Long Duration to Kosovo, Sanjak and Vojvodina.<sup>101</sup> During the years 1993 to 1996, at CSCE/OSCE Summits and other high-ranking meetings »the unconditional return of the CSCE Mission of Long Duration to Kosovo, Sandjak and Vojvodina» was routinely demanded.<sup>102</sup> In addition, the CSCE/OSCE Parliamentary Assembly kept monitoring the situation in Kosovo by dispatching almost annually delegations there.<sup>103</sup> And at the OSCE Lisbon Summit of

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<sup>99</sup> CSCE Missions to Kosovo, Sandzak and Vojvodina, Special Report: Kosovo – Problems and Prospects, Belgrade, 29 June 1993.

<sup>100</sup> »The conflict in Yugoslavia – a chronology,» p. xlix.

<sup>101</sup> Cf. »Mission to Kosovo, Sandjak and Vojvodina, Annual Report of Secretary-General 1995,» *The Conference on Security and Co-operation in Europe: Basic Documents, 1993-1995*, ed. Arie Bloed (The Hague, London, Boston: Martinus Nijhoff Publishers, 1997), p. 57.

<sup>102</sup> »Budapest Summit 1994, Annex 2: Draft, Bosnia-Herzegovina, Croatia, Yugoslavia (Serbia and Montenegro) and the situation in the region,» *Ibid.*, p. 142. See also »Twenty-Third CSO Meeting, Prague, 21-23 September 1993, Annex 2: Decision on former Yugoslavia (Missions of Long Duration)»*Ibid.*, p. 237.

<sup>103</sup> See, for example, »CSCE Parliamentary Assembly Delegation to Zagreb, Belgrade and Pristina 14-17 June 1994, Report to the Third Annual Session Vienna 5-8 June 1994,» at <http://osceprag.cz/inst/parlamen/yugo94.htm>.

December 1996 heads of states and governments of the participating States declared:

»19. We welcome the OSCE's continuing focus on the Federal Republic of Yugoslavia. We express our expectation that the OSCE Mission of Long Duration to Kosovo, Sandjak and Vojvodina will be able to resume its work as soon as possible. In fulfilling its mandate, such a Mission should actively contribute, among other thing, to following developments and fostering dialogue with a view to overcoming the existing difficulties. Other forms of OSCE involvement would also be desirable. They should include efforts to accelerate democratization, promote independent media and ensure free and fair elections. Recalling our previous declarations, we call for the development of a substantial dialogue between the Federal Authorities and the Albanian representatives of Kosovo in order to solve all pending problems there.»<sup>104</sup>

Yet on 6 February 1997, the Danish OSCE Chairmanship nominated former Dutch Foreign Minister Mr Max van der Stoel as Personal Representative of the Chairman-in-Office for Kosovo »to closely examine the situation in Kosovo and to explore the possibilities for ways and means of reducing existing tensions as well as preventing potential tensions from building up.» In addition, he was asked »to explore the possibilities for a constructive dialogue on these issues between the authorities of the Federal Republic of Yugoslavia and representatives of Albanians in Kosovo.»<sup>105</sup> He was, however, handicapped by the fact that Belgrade did not allow him to visit Kosovo. Also in Prishtina there had been reservations against him: his additional function of OSCE High Commissioner on National Minorities provoked criticism among the Kosovo Albanians who explicitly consider themselves not a national minority but the majority.<sup>106</sup>

In October 1997 Van der Stoel had a first meeting with Kosovo Albanian experts and politicians from Prishtina and—separately--with Serbian experts from Belgrade in Dürnstein, Austria:

»The consultations were designed as a purely informal and confidential forum. They covered a wide range of issues including the increase of tensions in Kosovo and the possibilities of reaching agreement on confidence-building measures that could serve as stepping stones towards a definitive solution of the Kosovo problem. Various formulas for the future status of Kosovo were extensively discussed.»<sup>107</sup>

Based on the results of these meetings the Personal Representative made several observations:

»Regarding the question of a possible status of Kosovo, I note that the Kosovo Albanian claim for independence finds no international support and that it is strongly rejected by all political forces in Serbia and the FRY. At the same time, I draw the attention to the fact that no peaceful solution for the Kosovo problem can be achieved on the basis of the status quo (a limited autonomy). In this connection, I note ideas put carefully forward by some Kosovo Albanian politicians and intellectuals on Kosovo as a federal unit in a re-structured federation. One can see advantages of such a solution, but

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<sup>104</sup> »Lisbon Document 1996, Lisbon Summit Declaration, Lisbon, 3 December 1996,» *OSCE Decisions 1996, Reference Manual* (Vienna: OSCE, 1997), p. 16.

<sup>105</sup> »Chairman-in-Office Appoints Personal Representative for Kosovo,» *OSCE Newsletter*, vol. 4, no. 2, February 1997, p. 2.

<sup>106</sup> Cf. Matthias Rüb and Oliver Hoischen, »Wut und Enttäuschung auf dem Amselfeld,» *Frankfurter Allgemeine Zeitung*, 15 August 1997, p. 6.

<sup>107</sup> »In Brief,» *OSCE Newsletter*, vol. 4, no. 10, October 1997, p. 9.--The participants on the Kosovo Albanian side were Fehmi Agani, Mahmut Bakalli, Shkëlzen Maliqi, Gazmend Pula and Veton Surroi, and on the Serbian side Vojin Dimitrijević, Duāan Janjić and Predrag Simić.--In September 1997, Van der Stoel had also discussed the Kosovo issue with authorities at Tirana. Cf. »Personal Representative of the Chairman-in-Office Discusses Kosovo,» *OSCE Newsletter*, vol. 4, no. 9, September 1997, p. 7.

also enormous difficulties within the framework of efforts to convince both sides to accept it.”<sup>108</sup>

The Sixth OSCE Ministerial Council Meeting in Copenhagen on 18 and 19 December 1997 expressed its »profound concern over the rising tensions in Kosovo” and urged the parties to engage in a »constructive dialogue” in order to find political solutions. The Ministers called on Milošević to cooperate with Van der Stoel and deplored Belgrade’s failure to grant him a visa thus far.<sup>109</sup>

The way Serbian police dispersed a student demonstration at Prishtina on 30 December 1997 caused Van der Stoel for the first time to issue a public statement on the Kosovo problem. It consisted of the following three sentences:

»The brutal way in which the police dispersed a peaceful student demonstration in Kosovo yesterday gives rise to deep concern. The police actions have led to a further escalation of tensions, which could have been avoided.

These events demonstrate once more the urgent need to insure the implementation of the education agreement on which the two sides agreed on 1 September 1996.”<sup>110</sup>

Having expressed its »serious concern [...] over the rising tension in Kosovo” at a meeting in Warsaw on 21 January 1998<sup>111</sup>, the OSCE Ministerial Troika led by the new Polish Chairmanship sent its Belgrade-based ambassadors on 2 and 3 February for a fact-finding mission to Prishtina. The Polish, Danish, and Norwegian diplomats led by OSCE veteran Ambassador Stanisław Dąbrowski were, however, not received by Serbian officials there. The wish to solve the difficult legal problem of FRY’s participation in the OSCE and thus to become a regular member of at least one pan-European organisation, seems soon after to have led Belgrade to grant a visa to Van der Stoel for what was called »a private visit” to Kosovo. On 19 February 1998, the OSCE official arrived at Prishtina for talks with Rugova, other LDK officials, and representatives of human rights organisations. Due to the character of his visit, Van der Stoel did not try to meet the Serbian authorities. But the PPK headed by Demaçi also refused to meet the Personal Representative of the OSCE Chairman-in-Office, the reason being once more Van der Stoel’s other function as OSCE High Commissioner on National Minorities.<sup>112</sup>

On 2 March, a press release »OSCE Chairman-in-Office Deeply Concerned over Armed Clashes in Kosovo” was published:

»The Chairman-in-Office of the OSCE, Polish Foreign Minister Bronisław Geremek, is deeply shocked and disturbed by the most recent unrest in Kosovo, and strongly condemns the violence that has led to

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<sup>108</sup> Letter to the author by the Personal Representative of the OSCE Chairman-in-Office for Kosovo, The Hague, 9 January 1998. See also »Demonstracije da, nasilje – ne. Maks van der Aat, visoki komesar OEBS, o problemu Kosova,” *Naša borba*, 10 December 1997, p. 4.

<sup>109</sup> »Ministerial Council Meets in Copenhagen,” *OSCE Newsletter*, vol. 4, no. 12, December 1997, pp. 2-3.

<sup>110</sup> »Statement of the Personal Representative of the OSCE Chairman-in-Office for Kosovo,” The Hague, 31 December 1997. See also »In Brief,” *OSCE Newsletter*, vol. 4, no. 12, December 1997, p. 3. On the clash between Serbian riot police and some 2,000 student demonstrators see »Serb Police Break Up Ethnic Albanian Protest,” *International Herald Tribune*, 31 December 1997/1 January 1998, p. 7.

<sup>111</sup> »OSCE Ministerial Troika Meets in Warsaw,” OSCE Press Release No. 06/98, at <http://194.108.154.175/inst/secret/presrel/pr06-98.htm>.

<sup>112</sup> »OSCE High Commissioner on Minorities in Kosovo,” *RFE/RL Newslines*, vol. 2, no. 35, pt. II, 20 February 1998. See also »President Rugova Discusses Kosova with Max Van der Stoel, and PKK Refuses to Meet with Stoel, ‘OSCE’s Minorities Commissioner,” *Kosova Daily Report* #1349, 19 February 1998, items 2 and 3, at [www.kosovadailyreport.com](http://www.kosovadailyreport.com).—However, another Kosovo Albanian intellectual, the Chairman of the Kosovo Helsinki Committee Gazmend Pula, explicitly opted for OSCE mediation. See Sonja Biserko, Gazmend Pula, Slobodan Franović and Aaron Rhodes, »Open Letter to Mr. Geremek,” 12 February 1998, at [www.kosovadailyreport.com](http://www.kosovadailyreport.com). See below section »International Helsinki Federation for Human Rights” for the text of this appeal.

so many casualties. Such violence, whether it be the result of repression or terrorism is equally unacceptable and goes against basic, commonly accepted standards of prevention and solution of conflicts. Continued lack of dialogue and understanding can only lead to a further deterioration of the situation.

Therefore, the OSCE Chairman-in-Office urges all sides to refrain from any further acts of violence and to start a meaningful dialogue. The OSCE is ready to assist in this process. It will also continue its active involvement related to the full and unrestricted observance of all OSCE principles and commitments.

Consequently, the Chairman-in-Office has instructed his Personal Representative for Kosovo, Mr. Max van der Stoel, to further increase his efforts. He has also drawn the attention of the Permanent Council to the gravity of the present situation.

The Chairman-in-Office remains convinced that the solution of the Kosovo problem constitutes a crucial element in normalising the relations of the Federal Republic of Yugoslavia with the international community. In this connection, the willingness on the part of the Federal Republic of Yugoslavia's authorities to accept the re-establishment of the OSCE Mission of long duration to Kosovo would be a positive step.<sup>113</sup>

Although Geremek in his statement explicitly had named Van der Stoel in the capacity of his Personal Representative for Kosovo, soon after he nominated the former Spanish Prime Minister as Felipe González as the »Personal Representative of the Chairman-in-Office for the FRY" and underlined that this »would include a mandate for addressing the problems in Kosovo."<sup>114</sup> On 9 March, the Contact Group welcomed Geremek's nomination of González, and on 11 March the OSCE Permanent Council in a special session supported the decision.<sup>115</sup> Geremek's move was co-ordinated with the EU which on 13 March supplied González with an additional EU mandate to mediate in the Kosovo conflict.<sup>116</sup>

### **Parliamentary Assembly of the Council of Europe**

With the FRY as the only successor state of Tito's Yugoslavia not being a member of the Council of Europe, this international organisation for several years did not deal with the Kosovo issue. However, the Council's Parliamentary Assembly in its 5<sup>th</sup> Sitting on 24 January 1996 discussed in depth a report of its Committee on Migration, Refugees and Demography focusing on political refugees from Kosovo in the Council's member states. As a result, the Assembly adopted »Resolution 1077 (1996) on Albanian asylum-seekers from Kosovo:"

»1. The Assembly is seriously concerned by persistent reports from many reliable sources of continuing systematic human rights violations against the Albanian population in Kosovo, including torture, police brutality, violent house searches, arbitrary arrests, political trials and irregularities in legal proceedings.

2. The Assembly deplores the ethnic persecution and discrimination which appears to be directed mainly at those Kosovo Albanians engaged in passive resistance to the Serb authorities, which suppressed Kosovo's autonomous status within the former Socialist Federated Republic of Yugoslavia in 1989, and at those active in the 'parallel' Kosovo Albanian Assembly, Government, education, health and welfare systems. Such discrimination has also resulted in the dismissal of over a hundred thousand

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<sup>113</sup> OSCE Press Release No. 15/98, 2 March 1998, at <http://www.osceprag.cz/inst/secret/presrel/pr15-98.htm>.

<sup>114</sup> »OSCE Urges FRY to Cooperate Fully with Gonzales," OSCE Press Release No. 18/98, 11 March 1998, at <http://www.osceprag.cz/inst/secret/presrel/pr18-98.htm>.

<sup>115</sup> *Ibid.* See also the Contact Group statement of 9 March 1998 below.

<sup>116</sup> »Ministarski Savet EU odredio posrednika za Kosovo. Felipe Gonzales zavni'no imenovan," *Nedeljna naãa borba*, 14-15 March 1998, p. 1.

Kosovo Albanians from their jobs and the ejection of hundreds from their homes.

3. Invoking such persecutions, some 340,700 Kosovo Albanians have sought asylum in several Council of Europe member states in recent years, for example 230,000 [*recte*: 130,00—S. T.] in Germany and 60,000 in Sweden. Between 3 and 15 per cent of these, depending on the country, have been given refugee status under the 1951 Geneva Convention and its 1967 Protocol. The remainder, considered to have migrated mainly for economic reasons, are subject to voluntary or forced repatriation.

4. When international sanctions interrupted air travel to the Federal Republic of Yugoslavia (Serbia and Montenegro), some Council of Europe countries organised the forced mass repatriation of rejected asylum-seekers from Kosovo via Bulgaria, Hungary and 'the former Yugoslav Republic of Macedonia.' However, the restoration of air travel has not permitted direct mass deportations since the federal Yugoslav authorities refuse readmission of rejected asylum-seekers unless certain conditions are met. These conditions, relating mainly to the validity of identity documents, financial assistance and the lifting of sanctions, are the subject of bilateral negotiations with the countries concerned, which have out of necessity postponed planned mass repatriation pending their outcome.

3. Consequently, the Assembly [...]:

i. calls on the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Serbia:

- a. to strictly respect and safeguard human rights in Kosovo;
- b. to allow the International Committee of the Red Cross immediate access to all detainees;
- c. to guarantee the return to their homes of rejected Kosovo Albanian asylum-seekers in safety and dignity;
- d. to renounce their plans for the systematic mass resettlement of Serbs in Kosovo and to respect the principle of proportionality in deciding where to locate Serb refugees so as to avoid aggravating tensions between the Serbs and the Albanian majority in Kosovo;
- e. to accept the good offices of the Council of Europe and the European Union in the organisation of a population census in Kosovo;
- f. to resume negotiations with the representatives of the Kosovo Albanians with a view to finding a suitable framework for co-existence based on full recognition of, and respect for, the political, national, cultural, social and economic rights of the Kosovo Albanians in accordance with Council of Europe principles and instruments;

ii. urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) allow the establishment of genuine democratic institutions in Kosovo, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict in the region;

iii. calls on the Federal Republic of Yugoslavia (Serbia and Montenegro):

- a. to adopt an amnesty for deserters and draft evaders;
- b. to fulfil its obligations to readmit rejected asylum-seekers from Kosovo in accordance with international law;

iii. calls on the representatives of the Kosovo Albanians to explore every opportunity to find a suitable framework for co-existence between the Serbian and Kosovo Albanian populations based on full recognition of, and respect for, their political, national, cultural, social and economic rights in accordance with Council of Europe principles and instruments;

iv. invites the governments of the member states of the Council of Europe:

- a. to renounce their intention to forcibly return rejected Albanian asylum-seekers from Kosovo, and to grant them temporary protection until such time as the human rights situation in

- Kosovo allows them to return in safety and dignity;
- b. to organise any voluntary returns in groups under the aegis of the International Organisation for Migration (IOM) directly to Priština airport, after informing local human rights organisations;
  - c. to discuss the problems of the Kosovo Albanian asylum-seekers and refugees directly with the representatives of these groups;
  - d. to exert pressure on the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Serbia to respect and safeguard the human, political and national rights of the Kosovo Albanians;
  - e. to promote the resumption of dialogue between the representatives of the Kosovo Albanians and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Serbia under the aegis of the high representative responsible for the civilian aspects of the implementation of peace, referred to in the Dayton Agreement, with a view to agreeing on confidence-building measures and to reaching a mutually acceptable political settlement;
- vi. invites the Organisation for Security and Co-operation in Europe (OSCE) to allow the Federal Republic of Yugoslavia (Serbia and Montenegro) to resume participation in its work with a view to fostering dialogue between the Serb authorities and the Kosovo Albanians and to sending a long-term international observer mission to Kosovo in co-operation with the Council of Europe;
- vii. calls on the Governments of Bulgaria, Hungary, »the former Yugoslav Republic of Macedonia» and Romania to refuse to allow their countries to serve as transit points for the forced return of rejected Albanian asylum-seekers from Kosovo.”<sup>117</sup>

In addition, on the same day the Parliamentary Assembly adopted »Recommendation 1288 (1996) on Albanian asylum-seekers from Kosovo» to the Committee of Ministers of the Council of Europe:

- »1. Referring to its Resolution 1077 (1996) on Albanian asylum-seekers from Kosovo, the Assembly recommends that the Committee of Ministers:
- i. offer the high representative responsible for the civilian aspects of peace implementation referred to in the Dayton Agreement the good office of the Council of Europe with a view to:
  - j. proposing a full range of measures designed to build confidence between the ethnic Albanian and Serb populations in Kosovo, as well as between the representatives of the Kosovo Albanians and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Serbia, with the view to reaching a just political solution for Kosovo and with a particular focus on human rights, civil, political and cultural rights, education, sport, health and the media;
  - k. the organisation of a population census in Kosovo in co-operation with the European Union;
- ii. ensure, in any negotiations between the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Social Development Fund of the Council of Europe, that no use is made of Fund resources to alter the ethnic balance in the territory of Kosovo;
- iii. invite the Congress of Local and Regional Authorities of Europe to study the feasibility of establishing a local democracy embassy in Kosovo.”<sup>118</sup>

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<sup>117</sup> Parliamentary Assembly of the Council of Europe: 1996 Ordinary Session, 5<sup>th</sup> Sitting, »Resolution 1077 (1996) on Albanian asylum-seekers from Kosovo,» Strasbourg, 24 January 1996.

<sup>118</sup> Parliamentary Assembly of the Council of Europe: 1996 Ordinary Session, 5<sup>th</sup> Sitting, »Recommendation 1288 (1996) on Albanian asylum-seekers from Kosovo,» Strasbourg, 24 January 1996.

However, the Committee of Ministers took up none of these recommendations.<sup>119</sup> The appeals of the Parliamentary Assembly of the Council of Europe fell on equally stony ground in those two member states concerned the most: Germany and Switzerland. Both stuck to their practice of »repatriating» asylum-seekers from Kosovo to the FRY.<sup>120</sup>

Yet, the interest of the Parliamentary Assembly in the Kosovo issues soon exceeded the asylum question. On 13 January 1998, the Assembly's Political Affairs Committee approved a draft resolution on »recent developments in the Federal Republic of Yugoslavia—in particular the deterioration of the situation in Kosovo,» which on 28 January 1998 was adopted by the Parliamentary Assembly.<sup>121</sup> The core parts of this resolution prepared by the Chairman of the Political Affairs Committee, Hungarian parliamentarian András Bársony, read:

»6. The Assembly, while supporting the principle of the FRY's territorial integrity, condemns the continued repression of the ethnic Albanian population in Kosovo which has led to the appearance of armed resistance in Kosovo bringing the FRY to the brink of civil war. It calls for the instant and full restoration of human rights and fundamental freedoms of the ethnic Albanian population. The FRY Government should also enable to international community to establish a permanent presence in Kosovo and implement the agreement on education concluded between Mr Milosevic, then president of Serbia, and Mr Rugova, leader of the Albanian community in Kosovo.

7. The Assembly expects the political representatives of the Albanian community in Kosovo immediately and unconditionally to condemn and refrain from the use of violence as a means to resolve the conflict with the FRY authorities.

8. It calls on Albania to use its influence on the Albanian community in Kosovo to support a peaceful resolution of the conflict, to continue its dialogue with the FRY, and to prevent smuggling of weapons looted during the events in Albania in early 1997.

9. The Assembly is ready to assist in contact between representatives of the FRY authorities and the Albanian community in Kosovo. The Council of Europe has considerable expertise in the relevant areas, such as human rights, minority rights and education, which it could put at the disposal of the parties.»<sup>122</sup>

The declaration was strongly criticised by four deputies of the parliament of the FRY present as guests at Strasbourg. They condemned the Parliamentary Assembly's »meddling in the internal affairs of Serbia» as well as »separatism» and »organised terrorism» of Kosovo Albanians.<sup>123</sup>

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<sup>119</sup> Finally, the Parliamentary Assembly directed an »Order No. 515 (1996) on Albanian asylum-seekers from Kosovo» to its own committees dealing with the Kosovo issue: »1. Referring to its Resolution 1077 (1996) and Recommendation 1288 (1996) on Albanian asylum-seekers from Kosovo, the Assembly instructs its committees concerned to monitor the situation in Kosovo, notably with a view to promoting a mutually acceptable political settlement between the Kosovo Albanians, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Serbia and to report to the Assembly as necessary.» See Parliamentary Assembly of the Council of Europe: 1996 Ordinary Session, 5<sup>th</sup> Sitting. »Order No. 515 (1996) on Albanian asylum-seekers from Kosovo,» Strasbourg, 24 January 1996.

<sup>120</sup> Oliver Hoischen, »Sind abgeschobene Kosovo-Albaner in ihrer Heimat wirklich sicher?» *Frankfurter Allgemeine Zeitung*, 9 September 1997, p. 9; and »Forced Migration Project Urges Swiss to Suspend Kosovo Returns,» *Forced Migration Alert*, vol. II, no. 3, 20 January 1998.

<sup>121</sup> Council of Europe: Press Release »Call for dialogue and democratic reforms in the Federal Republic of Yugoslavia» at [http://stars.coe.fr/act/compress/CP98/53a\(98\).htm](http://stars.coe.fr/act/compress/CP98/53a(98).htm).

<sup>122</sup> »Draft resolution,» *Recent developments in the Federal Republic of Yugoslavia and their implications for the Balkan region*, Report to the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe, Doc. 7986, 19 January 1998, at <http://stars.coe.fr/doc/edoc98/edoc7986.htm>.

<sup>123</sup> Oliver Hoischen, »Serbische Politik im Kosovo verurteilt: Forderungen der Parlamentarischen Versammlung des Europarats,» *Frankfurter Allgemeine Zeitung*, 29 January 1998, p. 6; »Council of Europe condemns Belgrade's Kosovo policy,» *RFE/RL Newslines*, vol. 2, no. 19, pt. II, 29 January 1998.

The Drenica massacre then motivated the President of the Parliamentary Assembly Leni Fischer on 12 and 13 March 1998 to lead a delegation to Belgrade and Prishtina.<sup>124</sup>

### International Conference on the Former Yugoslavia

At the London Conference of 26-27 August 1992, the EC Conference on Yugoslavia was transformed into the International Conference on the Former Yugoslavia set up by the United Nations and the European Community in Geneva. An UN and a EC Co-Chairman presided over a Steering Committee and several working groups. After an initial focus on Kosovo, this topic was turned into a side-show dealt with along with other problems like those of Serbian-populated Krajina in Croatia, Albanian-populated Polog in Macedonia (Tetovo-Gostivar region), the Sandžak, and Vojvodina.

In the fall of 1992, ICFY's Working Group on Ethnic and National Communities and Minorities headed by German Ambassador Geert Ahrens set up a Special Group on Kosovo, and by means of silent diplomacy tried to mediate between Belgrade and Prishtina. The fact that on 14 July 1992 Paniž had become Prime Minister of the FRY provided a window of opportunity for such talks. At a meeting in August in London, Paniž had offered to Rugova to re-establish the *status quo ante* 1989 for Kosovo, and on 9 October Rexhep Osmani, the Minister of Education of the »shadow government,» was released from prison.<sup>125</sup> According to a proposal by the Kosovo Albanian side, the focus of these talks was on educational issues.<sup>126</sup> On 14 October 1992 the Serbian-speaking Ahrens succeeded in having representatives of the Kosovo Albanians and of the Federal Government agree on a common statement:

»1. Representatives of the Government of the FRY and Serbia led by the Federal Minister of Education, Mr. Iviž, and representatives of the Albanians met in Pristina on 13 and 15 October with the participation of the Geneva Conference Special Group on Kosovo, under the Chairmanship of Ambassador Ahrens. A representative of the CSCE mission was also present.

2. After detailed discussion of the problem of education in the Albanian language, the participants agreed that the present situation must be changed. They further agreed on the urgent desirability of the return to normal working conditions for school and other educational institutions.

3. It was agreed that, to achieve this, it would be necessary to adopt a pragmatic approach requiring urgent resolution, without prejudice to the positions of the parties on broader political issues.

4. The Albanian representatives agreed to provide a list of schools and other educational institutions to be covered by the measures mentioned in (2); as well [as] a list of teaching plans and programmes.

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<sup>124</sup> Matthias Rüb, »Kosovo-Albaner lehnen Gespräche ab. 'Die Serben spielen irgendein Spiel'. Delegation verläßt Prishtina,» *Frankfurter Allgemeine Zeitung*, 13 March 1998, p. 6; »Delegacija Parlamentarne Skupštine Evrope u Beogradu. Leni Fiær: Pokušamo da ubedimo Ibrahima Rugovu da prihvati dijalog,» *Nedeljna naãa borba*, 14-15 March 1998, p. 1 and 3.

<sup>125</sup> Schmidt, »Kosovo: The Time Bomb That Has Not Gone Off,» p. 24.

<sup>126</sup> Cf. »Background Briefing on 6 October 1992 by Ambassador Geert Ahrens,» *The International Conference on the Former Yugoslavia - Official Papers*, ed. B. G. Ramcharan, Vol. 2 (The Hague, London, Boston: Kluwer Law International, 1997), pp. 1603-1608. See also Geert Ahrens, »Praktische Erfahrungen bei der ausländischen Vermittlung in Minderheitenkonflikten im früheren Jugoslawien,» *Weltweite und europäische Sicherheit im Spannungsfeld von Souveränität und Minderheitenschutz*, eds. Ekkehard Hetzke and Michael Donner (Berlin, Bonn, Herford: E. S. Mittler & Sohn, 1994), pp. 77-89; Geert-Hinrich Ahrens, »'Das Augenmaß auf dem Balkan nicht verlieren': Die Albaner im Kosovo und in Mazedonien,» *Das Parlament* 46 (1996), no. 16-17, 12 April 1996, p. 11; and »Bertrand de Rossanet" [= Bertie Ramcharan?], *Peacemaking and Peacekeeping in Yugoslavia* (The Hague, London, Boston: Kluwer Law International, 1996), pp. 24-33.

5. The Group agreed to meet again in Belgrade on 22 October. At that meeting discussions will be held on all the issues mentioned with the aim of reaching the necessary decisions for immediate actions.<sup>127</sup>

On 22 October 1992, the sides even agreed that the term »education» should cover the four levels of pre-school, elementary school, secondary school and higher education. Still, »no agreement could be reached so far on conditions under which school buildings should be opened, teachers should be reinstated and entrance examinations should be handled.»<sup>128</sup> Nevertheless, the reopening of elementary and secondary schools was scheduled for 2 and 3 November.<sup>129</sup>

In late 1992, Belgrade's position on matters related to Albanian-language education hardened,<sup>130</sup> since Panić had been the subject of severe criticism by Milošević and ultimately had to leave office. When Serbian police arrested the rector of the Albanian underground university, Ejup Statovci, the dialogue collapsed.<sup>131</sup> From mid-1993 on, Milošević boycotted any mediation in this regard by the ICFY for the next two years.<sup>132</sup> In June 1995, however, Ahrens was instrumental in bringing about an informal roundtable on inter-ethnic relations in the FRY at Belgrade, which was attended by deputy chairman of Milošević's Socialist Party, Perčević, as well as by LDK Vice-Chairman Agani in Belgrade. Despite considerable willingness to compromise on the side of Agani and a certain degree of flexibility demonstrated by Perčević, no result was achieved.<sup>133</sup>

### **Peace Implementation Council and Office of the High Representative for Bosnia-Herzegovina**

The London Peace Conference of 8 to 9 December 1995 decided that »a Peace Implementation Council (PIC) composed of all those states, international organisations and agencies attending the Conference, will subsume the ICFY.»<sup>134</sup> Simultaneously, an Office of the High Representative (OHR) was set up to oversee the civilian implementation of the Bosnian Peace Agreement of 21 November 1995 according to

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<sup>127</sup> »Report of the [United Nations] Secretary-General on the International Conference on the Former Yugoslavia [11 November 1992],» *The International Conference on the Former Yugoslavia - Official Papers*, ed. B. G. Ramcharan, Vol. 1 (The Hague, London, Boston: Kluwer Law International, 1997), p. 558.

<sup>128</sup> *Ibid.*, p. 559.

<sup>129</sup> Schmidt, »Kosovo: The Time Bomb That Has Not Gone Off,» p. 24.

<sup>130</sup> »Report of the [United Nations] Secretary-General on the International Conference on the Former Yugoslavia [24 December 1992],» *ibid.*, pp. 597-599; »Report of the [United Nations] Secretary-General on the International Conference on the Former Yugoslavia: Recent Activities of the Working Groups [30 March 1993],» *ibid.*, pp. 761-762.

<sup>131</sup> Gordana Igric, »Education Is the Key in Serb-Kosovar Negotiations,» *Transitions*, vol. 3, no. 4, 7 March 1997, p. 21.

<sup>132</sup> »Chairman's Report of 14 September 1993 to the Steering Committee on the Former Yugoslav Republic of Yugoslavia,» *The International Conference on the Former Yugoslavia*, Vol. 2, pp. 1612-1614; and »Letter Dated 25 January 1994 from the [United Nations] Secretary-General Addressed to the President of the Security Council,» *ibid.*, Vol. 1, pp. 918-919; »Letter Dated 29 December 1994 from the [United Nations] Secretary-General Addressed to the President of the Security Council,» *ibid.*, Vol. 1, pp. 993-995; »Letter Dated 27 July 1995 from the [United Nations] Secretary-General Addressed to the President of the Security Council,» *ibid.*, Vol. 1, p. 1107; and »Letter Dated 2 January 1996 from the [United Nations] Secretary-General Addressed to the President of the Security Council,» *ibid.*, Vol. 1, p. 1160. Thorvald Stoltenberg, co-chairman of ICFY, reports in his memoirs, however, that »in the spring of 1995» Milošević accepted his proposal to meet Rugova in order to discuss educational, health, and cultural issues. The meeting did not take place since Milošević was not willing to accept international mediation. See Thorvald Stoltenberg and Kai Ende, *De tusen dagene: Fredsmeklere på Balkan* (Oslo: Gyldendal Norsk Forlag, 1996), pp. 325-326.

<sup>133</sup> Fabian Schmidt, »Strategic Reconciliation in Kosovo,» *Transitions*, vol. 1, no. 15, 25 August 1995, pp. 18-19.

<sup>134</sup> »Conclusions of the Peace Implementation Conference Held at Lancaster House,» London, 8-9 December 1995, paragraph 21 (OHR Documents).

## Annex 10.

Two of the ICFY Working Groups whose activities were considered as important also in the future, have been transferred to the newly created PIC:

»The border missions and working groups (notably on state succession and humanitarian issues, as well as on ethnic and national communities and minorities in Bosnia and Herzegovina and in neighbouring countries) will continue their work with their present terms of reference for as long as necessary.<sup>135</sup>

For practical reasons, the two Working Groups have been attached to the OHR, based in Brussels.<sup>136</sup> In April 1996, German Ambassador Martin Lutz succeeded Ambassador Ahrens as Head of the Working Group on Ethnic and National Communities and Minorities.

Despite the continuation of the mandate, the transfer of the Working Group from ICFY to OHR had major consequences, mainly due to the fact that PIC and OHR were Dayton follow-up institutions and clearly focused on Bosnia and Herzegovina: The Macedonian Government refused to co-operate because it did not want to be associated with the »Dayton countries,» and in Croatia the gradual establishment of a presence of UNTAES and the OSCE made the Working Group's involvement redundant.

In the FRY, the authorities recognised the mandate of the Working Group. However, they found out early that OHR had not much political leverage in matters outside Bosnia and Herzegovina: the High Representative Carl Bildt needed Milošević's cooperation in Bosnian affairs and was therefore not able to pressurise him on ethnic problems in Serbia considered by Belgrade as being an internal affair the FRY. This was also the reason why Belgrade initially prevented Ambassador Lutz from visiting Kosovo by not issuing a visa.

So Kosovo has suffered from remaining in the shadow of the Bosnian crisis, from which it started to emerge only after Dayton. This was particularly apparent when at PIC's third implementation conference »Bosnia and Herzegovina 1998: Self-sustaining Structure» at Bonn on 9 and 10 December 1997, for the first time—and with the consent of Russia<sup>137</sup>--the Kosovo issue was mentioned:

»The Council, welcoming the continuing efforts of the Chairman of the Working Group for Ethnic and National Communities and Minorities, takes note with increasing concern of escalating ethnic tension elsewhere in the region, including Kosovo and other areas. This has the potential further to destabilise the region. The Council calls upon those concerned to refrain from activities that might exacerbate existing difficulties and to strive for mutually acceptable solutions through responsible dialogue.<sup>138</sup>

In protest against this statement, the Serbian representatives from Belgrade, Pale, and Banja Luka walked out of the conference.<sup>139</sup>

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<sup>135</sup> *Ibid.* The first High Representative, Carl Bildt, had re-christened the Working Group on Ethnic and National Communities and Minorities into Working Group on Regional Issues in order to end ongoing discussions on how to define a minority. The Foreign Ministry at Belgrade, however, considered this a change of mandate and threatened not to cooperate with the Working Group any longer. For that reason, the previous name was adopted again.

<sup>136</sup> Cf. <http://www.ohr.int/info/info.htm>.

<sup>137</sup> On 10 December 1997, Russian Foreign Minister Evgenii Primakov declared in Moscow, »Russia is against any separatist tendencies which occur in Kosovo and considers this autonomous province to be the territory of Yugoslavia.» At the same time, he hoped for a democratisation of Kosovo and that »the population would have the possibility to defend its national interests.» Cf. »Jevgenij Primakov, ruski ministar spoljnih poslova: Kosovo je deo SRJ,» *Naša borba*, 10 December 1997, p. 4.

<sup>138</sup> Cf. the final document of the Bonn Peace Implementation Conference 1997 »Bosnia and Herzegovina 1998: Self-sustaining Structures,» 10 December 1997, pt. X, no. 3c, p. 27.

<sup>139</sup> »Mixed Reactions to Bonn Declaration,» *RFE/RL Newslines*, no. 177, pt. II, 11 December 1997.

## Contact Group on Bosnia-Herzegovina

Like PIC and OHR, the four-power Contact Group established on 26 April 1994 concentrated almost exclusively on Bosnia-Herzegovina. Only after its enlargement by Italy and Germany, in May 1996, did it touch upon the Kosovo issue: in response to the escalation caused by Serbian police actions against the newly emerging UÇK, the Contact Group demanded extended autonomy for the region inside the FRY. On 24 September 1997 then, during the student demonstrations at Prishtina, the Group for the first time issued a detailed statement on Kosovo:

»We, the Foreign Ministers of the Contact Group countries (France, Germany, Italy, Russian Federation, United Kingdom, and the United States) meeting at the United Nations in New York on September 24 together with representatives of the Luxembourg EU Presidency, EU Commission and the Office of the High Representative, discussed the situation in Kosovo, the Federal Republic of Yugoslavia.

We voiced our deep concern over tensions in Kosovo. We call on the authorities in Belgrade and the leadership of the Kosovar Albanian community to join in a peaceful dialogue. We urge the two sides to create the conditions necessary for refugees from Kosovo to return home. As a first step, we call on all concerned to implement the Education Agreement without delay and to follow this up with additional confidence-building measures.

We warn against any resort to violence to press political demands and urge all sides to exercise maximum restraint.

Regarding the dispute over Kosovo's status, the position of the Contact Group countries is clear; we do not support independence and we do not support maintenance of the status quo. We support an enhanced status for Kosovo within the FRY. Such a status should fully protect the rights of the Albanian population in accordance with OSCE standards and the U. N. Charter. As a first step to reduce tension, it is essential that dialogue begins."<sup>140</sup>

On the occasion of a meeting with Rugova in Hamburg at the same time, German Minister of Foreign Affairs Klaus Kinkel announced an upcoming visit on behalf of the Contact Group to Kosovo. Robert S. Gelbard, Special Representative of the US President and the US Department of State for the Implementation of the Dayton Peace Accords, and Wolfgang Ischinger, Political Director of the German Foreign Office, were said to travel to Prishtina on 21 October 1997. Their visit was, however, postponed.<sup>141</sup>

In early 1998, the interest in the Kosovo issue flared up again when Contact Group Political Directors, meeting in Washington on 8 January, indicated that they would »continue to focus on Kosovo as a matter of high priority":

»The following principles underline the Contact Group's continued interest in the situation in Kosovo:

- it is for the authorities in Belgrade and the leadership of Kosovar Albanian community to assume their responsibility to promote stability and a solution to the problems between them in order to ensure a peaceful and prosperous future for their people. The Contact Group will support a mutually agreed solution that respects democratic standards;

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<sup>140</sup> »Bosnia Contact Group Statement on Kosovo," 24 September 1997, New York, NY; File ID:97092506.GWE Gopher).—An indirect predecessor of the Contact Group in a Joint Action Programme had stated regarding Kosovo, »[w]e favour an increase in the international monitoring presence in Kosovo. International standards of human rights should be strictly respected in the formerly autonomous region of Kosovo, although we do not support declarations of independence there." Cf. »Joint Action Programme, Adopted by the Foreign Ministers of France, Spain, the Russian Federation, the United Kingdom and the United States of America," Washington, 22 May 1993, *Yugoslavia Through Documents*, doc. no. 334, p. 962.

<sup>141</sup> Matthias Rüb, »Gemeinsame Vermittlungen im Kosovo: Ischinger und Gelbard nach Prishtina/ Gewaltbereitschaft nimmt zu," *Frankfurter Allgemeine Zeitung*, 16 January 1998, p. 5.

- as a first step to reduce tensions, it is essential that a dialogue begins;
- the Contact Group supports neither independence nor the maintenance of the status quo. It supports an enhanced status for Kosovo within the FRY. Such a status should fully protect the rights of the Albanian, Serb, and other residents of Kosovo in accordance with OSCE standards, Helsinki principles and the UN Charter.
- the Contact Group condemns both violent repression of non-violent expressions of political views and terrorist actions to achieve political goals, and strongly urges all sides to seek peaceful solutions to their difficulties;
- we call on the FRY to address this question urgently. Making concrete progress to resolve the serious political and human rights issues in Kosovo is critical for Belgrade to improve its international position and relations with the international community.

To facilitate dialogue, the Contact Group has decided to consider further the Kosovo issue and, in particular, how to support existing efforts to implement the Education Agreement, which would be an important first step towards the promotion of stability. It will draw on the views of all those that have been working to resolve the problems of Kosovo.<sup>142</sup>

At the same meeting, the Contact Group set up its own Working Group on Kosovo, which met for the first time on 5 February 1998 in London.

According to a Contact Group announcement of 9 January 1998, the postponed visit of Gelbard and Ischinger to Prishtina was rescheduled for 16 January. After a four-hour meeting with Milošević in Belgrade, however, the joint US-German trip to Kosovo was cancelled »because of weather conditions at the airport.<sup>143</sup> The two diplomats sent their apologies to Rugova and

»reiterated that as a first step to reduce tensions, it is essential that the genuine dialogue begins. They emphasized that the Contact Group supports neither the independence for Kosovo nor the status quo. It supports an enhanced status for Kosovo within the FRY. Such a status should fully protect the rights of Albanian, Serb and other residents of Kosovo in accordance with OSCE standards, Helsinki principles and the U. N. Charter.<sup>144</sup>

In an interview with the independent Belgrade daily *Naša borba* on 24 January, Ischinger announced that his and Gelbard's visit to Prishtina is »delayed but not cancelled.<sup>145</sup>

At its Moscow meeting of February 25, 1998, the Contact Group confirmed its position on Kosovo expressed on 24 September 1997 and 8 January 1998. It noted that since that time, there had been little progress. The Group reiterated that it supported neither independence nor the maintenance of the *status quo*. Once more it instead opted

<sup>142</sup> »Contact Group Meeting Statement on Kosovo," Washington, D. C., 8 January 1998 (OHR Documents).

<sup>143</sup> »Press release by United States Information Service," 16 January 1998, 10:00 a. m. Quoted in »Visit of U. S. and German Delegation to Kosovo Put Off Due to Weather Conditions," *Kosova Daily Report* #1321, 16 January 1998, item 1, at **ÓöÜëiá! Áái Ý÷áé ïñéóóáß óáëëäiäáßéôçò.**--On 16 January, there was indeed fog at the airport at Kosovo Polje near Prishtina. Cf. Matthias Rüb, »Gelbard und Ischinger nicht nach Prishtina," *Frankfurter Allgemeine Zeitung*, 17 January 1998, p. 6. Nevertheless, Kosovo Albanian media were suspicious that »the 'fog' which prevented the trip of Gelbard and Ischinger to Prishtina originated from Milošević's office." See the Serbian translation of Funkcionilazijacija političke meteorologije ...? *Bujku* [Prishtina], 19 January 1998, at **ÓöÜëiá! Áái Ý÷áé ïñéóóáß óáëëäiäáßéôçò.** and Ismet Hajdari, »'Magla' najguāṭa u Drenici", *Naša borba*, 21 January 1998, p. 2.

<sup>144</sup> »Press release by United States Information Service," 16 January 1998, 10:00 a. m. Quoted in »Beginning of Dialogue is First Essential Step to Reduce Tensions in Kosovo, Gelbard and Ischinger Say," *Kosova Daily Report* #1321, 16 January 1998, item 2, at <http://www.hri.org/news/agencies/kosovo>.

<sup>145</sup> Filip Slavkovič, »Kosovo na stalnom dnevnom redu do nalaznja zadovoljavajućeg reāenja: Ekskluzivni intervju Wolfgang Iāinger, politički direktor Ministerstva Inostranih Poslova Savezne Republike Nemačke," *Nedeljna naša borba*, 24-25 January 1998, p. 2.



- requests a mission to Kosovo by the United Nations High Commissioner for Human Rights
  - urges the office of the Prosecutor of the ICTY to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction. The FRY authorities have an obligation to cooperate with the ICTY. Contact Group countries will make available to the ICTY substantiated relevant information in their possession.
  - supports the proposal for a new mission by Felipe Gonzalez as the Personal Representative of the OSCE Chairman-in-Office for the FRY that would include a new and specific mandate for addressing the problems in Kosovo
  - supports the return of the OSCE long-term missions to Kosovo, the Sandzak and Vojvodina
  - recommends that the Special Session of the OSCE Permanent Council meeting on 11 March arrange for Embassies in Belgrade of OSCE participating states to intensify their visits to Kosovo so as to provide for a continuous presence
  - will continue vigorously to support Sant'Egidio's efforts to secure implementation of the Education Agreement, and identify resources to assist a fair and acceptable arrangement
  - proposes the establishment of an international consortium including non-Governmental Organisations that would promote civil-society building in Kosovo and the distribution of humanitarian assistance
  - recognising that neighbouring countries of the FRY have legitimate security concerns stemming from violence and unrest in Kosovo, will arrange an urgent meeting of the Contact Group with representatives of governments in the region to discuss the grave consequences of an inter-ethnic conflict and its possible spillover to other parts of the region. We expect them to do all in their power to prevent support for terrorism. The meeting will in particular address:
    - the possible despatch of a short-term OSCE monitoring group to enhance the ability of the Albanian mission's Shkodra field office to monitor the FRY (Kosovo) border
    - the possible strengthening of the present OSCE mission in Skopje
  - recommends that consideration be given to adapting the current UNPREDEP mandate, and would support the maintenance of an international military presence on the ground in the former Yugoslav Republic of Macedonia when the current mandate of UNPREDEP expires
  - will monitor the situation in Kosovo by frequent joint visits to Pristina by Contact Group and other representatives
1. At the same time, it is not enough for the killing to stop; too much damage has already been done to human life and to the FRY's credibility. Because of the gravity of the situation, we endorse the following measures to be pursued immediately:
- a) UN Security Council consideration of a comprehensive arms embargo against the FRY, including Kosovo;
  - b) Refusal to supply equipment to the FRY which might be used for internal repression, or for terrorism;
  - c) Denial of visas for senior FRY and Serbian representatives responsible for repressive action by FRY security forces in Kosovo;

- d) A moratorium on government financed export credit support for trade and investment, including government financing for privatisations, in Serbia.

The Contact Group notes that the Russian Federation cannot support measures c) and d) above for immediate imposition. But if there is no progress towards the steps called for by the Contact Group, the Russian Federation will then be willing to discuss all the above measures.

We call upon President Milosevic to take rapid and effective steps to stop the violence and engage in a commitment to find a political solution to the issue of Kosovo through dialogue. Specifically, he should within 10 days:

- Withdraw the special police units and cease action by the security forces affecting the civilian population.
- Allow access to Kosovo for the ICRC and other humanitarian organisations as well as by representatives of the Contact Group and other Embassies.
- Commit himself publicly to begin a process of dialogue, along the lines in paragraph 10, with the leadership of the Kosovar Albanian community.
- Cooperate in a constructive manner with the Contact Group in the implementation of the actions specified in paragraph 6 above which require action by the FRY government.

If President Milosevic takes these steps, we will immediately reconsider the measures we have now adopted. If he fails to take these steps, and repression continues in Kosovo, the Contact Group will move to further international measures, and specifically to pursue a freeze on the funds held abroad by the FRY and Serbian governments.

The Contact Group has decided to meet again on 25 March to assess the response of the government of the FRY.

1. Belgrade's own actions have seriously set back the process of normalisation of the FRY's relations with the international community. Unless the FRY takes steps to resolve the serious political and human rights issues in Kosovo, there is no prospect of any improvement in its international standing. On the other hand, concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the FRY and prospects for normalisation of its international relationships and full rehabilitation in international institutions.
2. No one should misunderstand our position on the core issue involved. We support neither independence nor the maintenance of the status quo. As we have set out clearly, the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia, and be in accordance with OSCE standards, Helsinki principles, and the UN Charter. Such a solution also must take into account the rights of the Kosovo Albanians and all those who live in Kosovo. We support an enhanced status for Kosovo within the FRY with a substantially greater degree of autonomy would bring and recognise that this must include meaningful self-administration.
3. The way to defeat terrorism in Kosovo is for Belgrade to offer the Kosovar Albanian community a genuine political process. The authorities in Belgrade and the leadership of the Kosovar Albanian community must assume their responsibility to enter without preconditions into a meaningful dialogue on political status issues. The Contact Group stands ready to facilitate such a dialogue."<sup>148</sup>

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<sup>148</sup> »London Contact Group Meeting, 9 March 1998. Statement on Kosovo", at [http://secretary.state.gov/www/travels/980309\\_kosovo.html](http://secretary.state.gov/www/travels/980309_kosovo.html).

As this document indicated, the Contact Group was completely preoccupied by sorting out its internal difference in opinion. There was only little energy to manoeuvre left to tackle the issue preventing conflict in Kosovo.

### North Atlantic Treaty Organisation

In matters pertaining to Kosovo, the NATO seemed to follow the lead of the Contact Group without making public statements of its own on the issue. By late 1997, however, that partly changed. On 16 December 1997, the Ministerial Meeting of the North Atlantic Council at Brussels declared:

»We confirm that NATO's interest in stability extends beyond Bosnia and Herzegovina to the surrounding region. We share the concerns expressed at the PIC concerning the escalating ethnic tension in Kosovo and other areas. We call upon those concerned to refrain from activities that might exacerbate existing difficulties and to strive for mutually acceptable solutions through responsible dialogue.»<sup>149</sup>

On 7 January 1998, at a meeting in Brussels, NATO ambassadors expressed »great concern» about the situation in Kosovo,<sup>150</sup> and on 27 January 1998, an unnamed senior NATO official at the Supreme Headquarters of Allied Powers in Europe in Mons, Belgium, said that growing violence in Kosovo was fuelled by what he called »the wholesale transfer of weapons to Kosovo» from Albania—a development which in his view could lead to regional destabilisation. On the same day Reuters reported that NATO currently was considering a role for itself in preventing spillover of conflict in Kosovo to Macedonia.<sup>151</sup>

On 5 March, the North Atlantic Council issued a statement on the situation in Kosovo:

»The North Atlantic Council is profoundly concerned by the violent incidents which took place in Kosovo the last few days, and in particular the Serbian police's brutal suppression of a peaceful demonstration in Pristina on 2 March 1998. It condemns unreservedly the violent repression of non-violent expression of political views as well as terrorist acts to achieve political goals.

The North Atlantic Council calls on all sides to take immediate steps to reduce the tensions. The Federal Republic of Yugoslavia (FRY) in particular has the obligation to undertake early initiatives to avoid a deterioration of the situation. A rapid and full implementation of the Education Agreement would represent an important step forward.

The North Atlantic Council calls on the authorities in Belgrade and leaders of the Kosovar Albanian community to enter without preconditions into a serious dialogue in order to develop a mutually acceptable political solution for Kosovo within the Federal Republic of Yugoslavia (FRY) on the basis of the principles outlined by the international community, and most recently the Contact Group on 8<sup>th</sup> January and 25<sup>th</sup> February 1998. The North Atlantic Council welcomes international efforts to facilitate this process, including by the OSCE.

NATO and the international community have a legitimate interest in developments in Kosovo, inter alia because of their impact on the stability of the whole region which is of concern to the Alliance.»<sup>152</sup>

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<sup>149</sup> »Final Communiqué of the Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, on 16 December 1997, paragraph 17, at <http://www.nato.int/docu/pr/1997/p.97-155e.htm>.

<sup>150</sup> »NATO discusses Kosovo, Bosnia,» *RFE/RL Newslines on the web*, 8 January 1998, at <http://www.rferl.org/newsline/1998/91/080198.html>.

<sup>151</sup> »NATO concerned about Kosovo, Macedonia,» *RFE/RL Newslines*, vol. 2, no. 18, pt. II, 28 January 1998.

<sup>152</sup> »Council statement on the situation in Kosovo,» NATO Press Release (98)29, 5 March 1998, at <http://www.nato.int/docu/pr/1998/p98-029e.htm>.

## Western European Union

Like NATO, the WEU developed its interest in Kosovo only at the end of 1997. On 5 November, the WEU Assembly adopted a »Recommendation on Europe's Role in the Prevention and Management of Crises in the Balkans» submitted on behalf of its Defence Committee:

»The Assembly [...] recommends that the Council [...] ask the Planning Cell to follow closely developments not only in Albania [...] but also in Kosovo and FYROM where worsening inter-ethnic relations are far from reassuring, and to draw up contingency plans in coordination with NATO, including the use of combined joint task forces in order to be prepared for the deployment of a European force for crisis prevention and management on the spot.»<sup>153</sup>

And on 10 March 1998 WEU Secretary General José Cutileiro declared:

»WEU is extremely concerned by the situation in Kosovo, Federal Republic of Yugoslavia (FRY), in light of the deplorable violence in recent days.

Today the Council heard reports on recent EU and NATO activities as well as on the Contact Group meeting held in London on 9 March. WEU supports all efforts to bring an end to acts of repression in Kosovo, condemns terrorism and calls for a peaceful dialogue between the authorities in Belgrade and the leadership of the Kosovar Albanian community.

WEU will continue to monitor the situation closely.»<sup>154</sup>

## European Union

From the aggression of the Yugoslav People's Army against Slovenia and Croatia in the summer of 1991 on, the Council of Foreign Ministers and the Commission of the European Community—since 1994 European Union—directed their attention also to Kosovo. However, due to pressure from Belgrade the EC Conference on Yugoslavia in The Hague starting on 7 September 1991 did not deal directly with this matter. Later in 1991 then, the EC adopted the view of the Conference's Arbitration Commission regarding the status of Kosovo. This body under Robert Badinter did not consider the formerly autonomous provinces Kosovo and Vojvodina within the Socialist Republic of Serbia to be federating sovereigns of the Socialist Federal Republic Yugoslavia with the right to form their own state. While the Commission did not question the right of Kosovo to autonomy as a non-sovereign territorial unit with national characteristics, it equally did not recommend diplomatic recognition like it did in the case of Slovenia or Macedonia. The Kosovo Albanian leadership's argumentation that representation on the collective Federal Presidency made Kosovo a sovereign federating unit was ignored by the Badinter Commission and by the EC.<sup>155</sup> Of course, there was also a political element in

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<sup>153</sup> »Assembly of the Western European Union, Europe's Role in the Prevention and Management of Crises in the Balkans,» Report Submitted on Behalf of the Defence Committee by Mr Blaauw, Rapporteur, Document 1589, Brussels, 5 November 1997, at <http://int-serv.weu.int/assembly/eng/docu/e-1589-1.htm>.

<sup>154</sup> »Statement by Mr. José Cutileiro on the situation in Kosovo,» Western European Union Press Release, issued 10 March 1998, at <http://www.weu.int/eng/press/p980310a.htm>.

<sup>155</sup> Cf. »Letter by the Government of the Republic of Kosovo to the Extraordinary EPC Ministerial Meeting in Brussels, 21 December 1991,» *The Truth On Kosova*, pp. 341-343 (German translation in Von Kohl, Libal, *Kosovo: Gordischer Knoten des Balkans*, appendix 1).; and »EC Declaration Concerning the Conditions for Recognition of New States, Adopted at the Extraordinary EPC Ministerial Meeting, Brussels, 16 December 1991,» *Yugoslavia Through Documents*, doc. no. 144, pp.

it—the factual similarity of the positions of the Serbs in the Krajina within Croatia and of the Albanians in Kosovo within Serbia. While EC member states like Germany were afraid of an encouragement of Krajina separatism by a recognition of an independent Kosovo, they considered the Krajina issue promising in forcing Belgrade to restore autonomy to Kosovo.<sup>156</sup>

From 1992 on, the EC used to »recall that frontiers can only be changed by peaceful means and remind the inhabitants of Kosovo that their legitimate quest for autonomy should be dealt within the framework of the EC Peace Conference.»<sup>157</sup> And in its Lisbon Declaration, the European Council stated:

»With regard to Kosovo, the European Council expects the Serbian leadership to refrain from further repression and to engage in serious dialogue with representatives of this territory. The European Council reminds the inhabitants of Kosovo that their legitimate quest for autonomy should be dealt with in the framework of the Conference on Yugoslavia. It stresses the need to immediately dispatch observers to Kosovo as well as to neighbouring countries in order to prevent the use of violence and with a view to contributing to the restoration of confidence.»<sup>158</sup>

More explicit was the Council's Edinburg Declaration of December 1992, which demanded »[t]he autonomy of Kosovo within Serbia must be restored.»<sup>159</sup>

On 30 October 1995, shortly before the post-Dayton deterioration of inter-ethnic relations in Kosovo, the Council had called »with regard to the FRY [for] the granting of a large degree of autonomy within it to Kosovo,»<sup>160</sup> followed by a declaration of 9 April 1996 expressing »concern about the human and minority rights situation in the Federal Republic of Yugoslavia.»<sup>161</sup> However, EU did not take a political initiative but followed the lead of the Ahrens Working Group attached now to Carl Bildt. This became clear a year later in a »Policy Paper on Former Yugoslavia»:

»As regards Kosovo, the EU fully supports the approach pursued by the Regional Issues Working Group, which aims to establish a framework for dialogue between Pristina and Belgrade and the development of confidence building measures in Kosovo. The question of Kosovo has to be solved on the basis of both the granting of a large degree of autonomy and respect for the internationally recognized borders of the Federal Republic of Yugoslavia. In that respect, the European Union attaches

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431-432. See also James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (London: Hurst, 1997), pp. 75-77; Peter Radan, »The Badinter Arbitration Commission and the Partition of Yugoslavia,» *Nationalities Papers* 25 (1997), pp. 537-557.—For a divergent interpretation from the perspective of international law see Joseph Marko, »Perspektiven des zukünftigen politischen und rechtlichen Status Kosovos,» *Zeitschrift für Rechtspolitik* 1 (1993), pp. 20-41.

<sup>156</sup> See the autobiographic account by the German diplomat Michael Libal, *Limits of Persuasion. Germany and the Yugoslav Crisis, 1991-1992* (Westport, CT: Praeger 1997), pp. 29-30.

<sup>157</sup> »[EC] Declaration on the Situation in Yugoslavia, Brussels, 15 June 1992,» *Yugoslavia Through Documents*, doc. no. 207, p. 615.

<sup>158</sup> »European Council Declaration on the Former Yugoslavia, Lisbon, 27 June 1992,» *Yugoslavia Through Documents*, doc. no. 213, pp. 625-626.—In July 1992, also the G 7, issued a declaration urging »the Serbian leadership to respect minority rights in full, to refrain from further repression in Kosovo and to engage in serious dialogue with representatives of Kosovo with a view to defining a status of autonomy according to the draft convention of the EC Conference on Yugoslavia.» Cf. »Declaration on the Former Yugoslavia, Adopted at the summit of the Group of Seven [most industrialised countries], Munich, 6-8 July 1992,» *Yugoslavia Through Documents*, doc. no. 222, p. 645.

<sup>159</sup> »European Council Declaration on Former Yugoslavia, Edinburgh, 11-12 December 1992,» *Yugoslavia Through Documents*, doc. no. 227, p. 782.

<sup>160</sup> »Commission defines principles for Future Contractual Relations with certain countries in South East Europe,» *DG 1A: The European Union in the World. Relations with Former Yugoslavia and Albania*, at **ÓöÜëïá! Ááí Ý-áé ïñéóóáb óáëéáíááñéôçö.** Cf. also European Council report on the progress achieved by the European Union in 1995,» *Bulletin EU* 7/8-1996, at <http://europa.eu.int/search97cgi>.

<sup>161</sup> Quoted in »Council conclusions and policy paper on former Yugoslavia,» *Bulletin EU* 10-1996, at <http://europa.eu.int/search97cgi>.

importance to the establishment of a EU presence in Kosovo.”<sup>162</sup>

By that time, the EU had diplomatically recognised the FRY due to the FRY’s diplomatic recognition of Macedonia in the spring of 1996. In contrast to the US doctrine of keeping up an »outer wall of sanctions” around Belgrade, some European countries like, for instance, Germany prioritised their national interest of sending back refugees to the FRY. Here, the Kosovo issue played a particular role since among the 400,000 FRY citizens seeking asylum in Germany there were 130,000 Kosovo Albanians.<sup>163</sup>

From the spring of 1997 on, the perception that the Kosovo problem should be dealt with within the borders of the FRY became official EU doctrine. During a visit by Milan Milutinović, Foreign Minister of the FRY, to Brussels in December 1996, Commissioner Hans van den Broek underlined

»that the normalisation of relations between the Union and Belgrade cannot be dissociated from the Kosovo issue, and, in particular, from the possibility of opening a EU Information Office in the province.

The Commissioner stressed that this initiative should not be interpreted as a wish on the part of the EU that Kosovo should become completely independent. He said that the Union believes that the province should regain a certain amount of autonomy, comparable to the situation prior to 1989.”<sup>164</sup>

For the first time the formula that Kosovo should be granted »a large degree of autonomy within the FRY”<sup>165</sup> appeared in Council conclusions of early 1997.

In the context of the 1995 principles of conditionality governing the EU’s relations to those countries of Southeastern Europe that were neither EU member states nor associated to the EU—Bosnia and Herzegovina, Croatia, FRY, Macedonia, and Albania--the Kosovo problem figured prominently. A strategy paper by the EU Commission on the »application of conditionality to the development of relations between the EU and the countries concerned by the regional approach” discussed by the Foreign Ministers at a General Affairs Council on 24 February 1997 was approved<sup>166</sup> and adopted on 29 April 1997 by the EU Council of Ministers. Closer political and economic relations between the EU and the countries in question, particularly in the field of trade, financial assistance and economic cooperation, should provide an incentive towards general democratisation, respect for and protection of minorities, and market economy reforms:

»In an effort to consolidate peace and stability in the region and to contribute to its economic renewal, the EU intends to develop bilateral relations with the countries of the region within a framework which promotes democracy, the rule of law, higher standards of human and minority rights, transformation towards market economies and greater cooperation between those countries.”<sup>167</sup>

With regard to the applicability of the EU’s PHARE programme, it was stated that »[i]n the

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<sup>162</sup> »Council conclusions and policy paper on former Yugoslavia,” *Bulletin EU* 10-1996, at <http://europa.eu.int/search97cgi>.

<sup>163</sup> Stefan Troebst, »In Dayton vergessen: Die deutsche Balkanpolitik schürt den Konflikt zwischen Serben und Albanern im Kosovo,” *Der Tagesspiegel*, 31 May 1996, p. 6;

<sup>164</sup> »Van den Broek Meets FRY Foreign Minister,” *Together in Europe - European Newsletter for Central Europe* no. 100 (December 15, 1996), at <http://europa.eu.int/search97cgi>.

<sup>165</sup> »Council Conclusion of 20 January 1997, in 1.3.87 Council conclusion on the former Yugoslavia,” *Bulletin EU* 1 / 2-1997 Mediterranean and the Middle East (9/24), at <http://europa.eu.int/search97cgi>. Cf. also »Council Conclusion of 24 February 1997,” *ibid*.

<sup>166</sup> »General Secretariat of the Council. DGE – External Economic Relations: Council Conclusions on the Application of Conditionality with a view to developing a Coherent EU-Strategy for the Relations with the Countries in the Region,” Brussels, 14 April 1997 (DS 19 rev.8, revised after meeting on 14 April 1997).

<sup>167</sup> »2.2.1. Council conclusions on the principle of conditionality governing the development of the European Union’s relations with certain countries of south-east Europe” *Bulletin EU* 4-1997, at <http://europa.eu.int/search97cgi>.

case of FRY, general assistance through this programme also requires a credible offer for a real dialogue on the status of Kosovo.”<sup>168</sup> As one of two conditions for the beginning of negotiations with Belgrade on the implementation of the PHARE programme and autonomous trade preferences, »[e]xistence of a real dialogue with the Kosovo Albanians on the status of the Kosovo within the borders of the FRY” was listed.<sup>169</sup> And before the conclusion of a cooperation agreement with the EU, Belgrade would have to prove its »readiness to cooperate and entertain open, good neighbourly relations with the countries in the region” as well as to meet a specific condition--”[e]ffective granting of a large degree of autonomy to the Kosovo.”<sup>170</sup> In a footnote, this latter condition was explained:

»The definition of what comprises ‘a large degree of autonomy for the Kosovo within the borders of the FRY’ should be decided by mutual agreement between the government and political forces in Kosovo. The parties should aim for a fair legal framework going beyond the respect of minority rights.”<sup>171</sup>

Another sign of increased EU interest in the Kosovo issue was the setting up of a *Conflict Prevention Network* (CPN) under the auspices of the European Commission’s Directorate General 1A. CPN is a network of academic institutions, NGOs and independent experts forming a part of the EU’s Analyses and Evaluation Centre.<sup>172</sup> Pilot studies on conflict in Zaire and on Kosovo were commissioned to the German think-tank *Stiftung Wissenschaft und Politik* (SWP) at Ebenhausen. On 30 June 1997, SWP presented a »Kosovo Policy Study” advocating a »three-step approach to gradually increase the involvement, presence, and visibility of the EU” in the Kosovo issue. A summary read:

»With no solution to its constitutional status the Kosovo problems remains the most intensive conflict in the South Balkans and could become violent any time soon, starting with clashes between Albanians and Serbs and spreading into neighboring countries, maybe even dragging in EU and NATO member states.

Thus, major security, economic, and humanitarian interests of the Union are affected, leaving little room for successfully continuing the Bosnia peace process and any other stabilization and development program of the region at large. In light of this background the international community could profit from a window of opportunity which will be opening after the Yugoslav and Serbian elections allowing the EU to play a forceful role in conflict prevention.

In this paper, CPN suggests a three-step approach, consisting of short-term, medium-term and long-term measures, although the different stages will not be fully distinct. The approach is embedded in the EU strategy on conditionality for the relations with the countries of the region. Each of the suggested steps aims at reaching concrete achievements by using a mixture of sanctions and incentives addressed to either the Serbian or the Albanian side. At different stages of the suggested process the plan also considers the involvement of and cooperation with other international actors, including the US and the OSCE as well as the Council of Europe. The basic idea of the three-step approach is to gradually increase the involvement, presence and visibility of the EU.

#### »Step 1: Short-term measures

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<sup>168</sup> *Ibid.*

<sup>169</sup> *Ibid.*

<sup>170</sup> *Ibid.*

<sup>171</sup> *Ibid.*—During the months to follow, Kosovo was mentioned in two more EU statements: (1) »1.4.14. Presidency statement on behalf of the European Union on the trial of 20 ethnic Albanians in Kosovo, Brussels, The Hague, 18 June 1997,” *Bulletin EU* 6-1997. Common foreign and security policy, and (2) »1.4.19. Presidency statement of behalf of the European Union concerning the Federal Republic of Yugoslavia, Brussels, Luxembourg, 31 July 1997,” *Bulletin EU* 7/8-1997. Common foreign and security policy, both at <http://europa.eu.int/search97cgi>.

<sup>172</sup> Günter Burghardt, »Taking Up the Challenge of Early Warning and Conflict Prevention”, *Contributing to Preventive Action. Conflict Prevention Network Yearbook 1997/98*, ed. Peter Cross, Ebenhausen: Stiftung Wissenschaft und Politik 1998, pp. 3-6

Short term measures should start immediately. Given the fact that international efforts to resolve the problem have run into a dead end, the priority aim at step one is simple and modest: creating an element of trust in the good-will and qualification of the European interlocutors, opening the avenue of dialogue, and finally, establishing a formalized and accepted international presence in Kosovo. The EU policy, in this early phase, should be guided by a behind-the-scenes approach which is sensible to the grievances of both sides, but extremely discrete.

*Specific measures are referred to: Group of experts, special co-ordinator for Kosovo, extended diplomatic activity, US-involvement, suspension of refugee repatriation, intelligence on internal security, cooperation with NGOs on confidence-building, and EU office in Prishtina.*

As an incentive the EU could offer to upgrade diplomatic relations with the FRY and/or to renew autonomous trade preferences.

### Step 2: Medium-term measures

The second step of the approach will have to start immediately after the establishment of the EU presence in Kosovo which will be sometime next year after the Serbian elections and the formation of the new government. In this phase, the EU could start to play a more visible, prominent, and active role, aiming at deepening the process of confidence building, with the conclusion of a Memorandum of Understanding as a final goal.

*Specific measures are referred to: Human rights monitoring, special envoy, democratization, improving living conditions, stronger US role, labour division with other international actors, regional approach, and memorandum of understanding.*

Progress in phase two could be rewarded by assistance in support of democracy through PHARE.

### Step 3: Long-term measures [...]

The primary long-term aim is talks between representatives of the two sides on the future legal status of Kosovo under the auspices of an international mediator. Trust-building will continue to be the leitmotif of the EU's efforts that, at this stage at the latest, need to show concrete results in the more sensitive areas of conflict. CPN suggests that holding an international conference is not the appropriate way of bringing the parties to the negotiating table, but rather behind-the-scenes activities and shuttle-diplomacy will pave the way for initial talks. One might expect that, due to the sensitivity of the issue, an interim solution is to be suggested, which would leave the question of a final status open.

*Specific measures are referred to: Internal security, international mediation, talks on the legal status of Kosovo, implementation commission, and intensified development cooperation.*

Starting contractual relations and intensified development cooperation would be the major incentives in this phase. This would not only encourage the parties to comply with the agreement, but also strengthen the links between democracy and development, helping the Kosovars to address some of their most urgent economic problems.

CPN suggests that the EU should profit from the window of opportunity and launch its initiative immediately. This would not only promote the development and refinement of a coherent EU-strategy for the relations with the countries in the region, but would also be a first step towards establishing a precedent-setting model for preventing, mitigating and resolving ethnic difference on the basis of justice and respect for human rights. In view of the fact that the ambivalent performance of the EU in the early phase of the Yugoslav crisis presented a serious danger to its prestige and credibility, given the rapid erosion of confidence in the EU in large parts of the European (and international) public, a vigorous role for the EU in preventing conflict escalation in the South Balkans will undoubtedly contribute to improving consistence, quality, impact and visibility of the Union's capability in conflict prevention and crisis management.<sup>173</sup>

The study neither triggered off immediate action by the EU, nor had did it have a visible impact on Brussels. For e.g., the EU Council of Foreign Ministers Meeting on 15

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<sup>173</sup> [Marie-Janine Calic,] *Kosovo Policy Study: A Three-Step Approach to Conflict Prevention in Kosovo* , 30 June 1997.

September 1997 simply repeated previous statements by deciding that the examination of relations between the EU and the FRY would focus in particular on the

»situation in Kosovo and definition of specific procedures governing a European Union presence in Pristina;

existence of real dialogue with the Albanians of Kosovo on the status of Kosovo within the borders of the FRY;

application of the agreement on education concluded by Mr Milosevic and Mr Rugova, and the possibility of EU financial support;

the question of the return of the long-term OSCE mission to FRY minority regions.”<sup>174</sup>

Yet the Central Planning Department for External Relations of the Commission’s Directorate General 1A in a draft paper on a »EU Policy Concept for Kosovo” of 17 September 1997 incorporated CPN-SWP assessments and recommendations including the »three-step approach.” The paper contained a »5 Point Action Plan” consisting of the following elements:

- »1. – Refining and Reinforcing the policy of a EU presence in Prishtina [...]
2. – Expanding and refining targeted community aid to Kosovo; The need for immediate results and longer-term consequence [...]
3. – Co-ordinating the approach of the EU with other actors in the region (USA; OHR; OSCE: The issue of a Special EU Co-ordinator [...]
4. – Memorandum of Understanding as outcome of confidence building measures paralleling the status talks [...]
5. – Creating the base for longer-term measures and a constitutional agreement [...].”<sup>175</sup>

Aware of the fact that a »moderating role” of the EU »is anathema for Belgrade,” the paper suggested close coordination between Brussels, Washington, OSCE and OHR, brought about, if need be, by a »EU Special Envoy.” The paper also underlined the necessity of equally close internal coordination of all EU activities by a »Special EU Co-ordinator.”<sup>176</sup> As a medium-term aim, a »Memorandum of Understanding between Serbian and Albanian representatives [...] [to] prepare both parties for substantial talks” was envisaged,<sup>177</sup> while »the primary longer-term aim for a EU policy concept could be envisaged as talks between representatives of the two sides *on the future legal status of Kosovo under the auspices of an international mediator.*”<sup>178</sup> Only »at a later stage, the *holding of an international conference* is an appropriate way of bringing the parties to the

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<sup>174</sup> Quoted in »Explanatory memorandum by the Rapporteur [András Bársony], paragraph 102, Recent developments in the Federal Republic of Yugoslavia and their implications for the Balkan region, Report to the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe,” Doc. 7986, 19 January 1998, at **Οδύσειά! Άάρ Ύ:άέ ιñέόδαß óάέέαιϊάßέόçò.** Cf. also »EU to open office in Prishtina,” *RFE/RL Newslines*, vol. 1, no. 134, pt. II, 8 October 1997

<sup>175</sup> European Commission, Directorate General I A, Central Planning Department for External Relations, »EU Policy Concept for Kosovo,” Brussels, 17 September 1997, pp. 3-6.

<sup>176</sup> *Ibid.*, p. 4.

<sup>177</sup> *Ibid.*, p. 5.

<sup>178</sup> *Ibid.* (Emphasis in the original).

negotiating table.”<sup>179</sup> For good reason, the draft paper did not identify which of the many proposals for a solution of the Kosovo problem Brussels was favouring:

»It would be *highly inappropriate for third parties to prescribe what the outcome of negotiations should be*. Nevertheless, in the process towards international mediation in the negotiations the EU will have to develop a common vision and work on concrete proposals. The *Carrington Plan could form a basis*, which has been accepted by all EU-Member states. At an early stage – and in close co-ordination with OHR – *a small group of international legal experts should prepare options for constitutional texts and look into similar effects made in other parts of the world.*”<sup>180</sup>

In addition, on the official level, Brussels offered its financial support to Belgrade to bring about a solution to the educational issue in Kosovo, and an eight-point EU »Draft Declaration Concerning the FRY” of 29 October 1997 called for »good neighbourliness, and a constructive approach to solving the ethnic and minority problems of the region, including Kosovo.”<sup>181</sup> In addition, on 7 November 1997 an official request for opening a EU office in Prishtina was sent to Belgrade. Due to the FRY’s non-compliance with EU demands in general and the non-implementation of the educational agreement of 1 September 1996 mediated by the Catholic NGO mentioned above in particular, on 30 December 1997 the Secretariat of the Ministerial Council announced that trade preferences granted to Belgrade by Brussels in April 1997 would be temporarily suspended from 1 January 1998 on.<sup>182</sup>

The need for a coordination of diplomatic activities in the Kosovo issue was reiterated at a EU-US Summit in Washington, D. C., on 5 December 1997. A Senior Level Group dealing with the New Transatlantic Agenda of 1995 called for »new, coordinated efforts in Kosovo to maintain peace and to promote respect for human rights there” and stated:

»We were united in condemning violence against peaceful protesters in the Federal Republic of Yugoslavia (FRY) and in seeking respect for human and political rights in Kosovo through the opening of a comprehensive dialogue between FRY authorities and the Kosovar Albanian leadership.”<sup>183</sup>

The new British EU Presidency also focused on the Education Agreement of 1 September 1996. On 27 January 1998, British Foreign Secretary Robin Cook called upon the Serbian authorities to restore Albanian-language education in Kosovo:

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<sup>179</sup> *Ibid.* (Emphasis in the original).

<sup>180</sup> *Ibid.*, p. 6 (Emphasis in the original).—At the EC Conference on Yugoslavia in The Hague in October 1991, EC negotiator Lord Peter Carrington had proposed a plan for the reconstruction of Yugoslavia as »a loose association of sovereign and independent republics” with the possibility of special status for regions compactly inhabited by minorities. While in a first version of this plan of 18 October Kosovo was not mentioned at all, a second version of 25 October did contain the provision to re-establish the autonomy of Kosovo and Vojvodina within Serbia. As a concession to Belgrade, Carrington deleted this passage from a new draft of 1 November. Nevertheless, on 4 November Serbia rejected the Carrington Plan. Cf. »Peace Conference on Yugoslavia: Arrangements for General Settlement [the so-called Carrington Draft Convention], The Hague, 18 October 1991,” *Yugoslavia Through Documents*, doc. no. 124, pp. 357-363. See also *ibid.*, pp. 363-365, Milošević’s answer, and »Peace Conference on Yugoslavia: Treaty Provisions for the Convention, The Hague, 1 November 1991,” *ibid.*, doc. no. 127, pp. 370-378. For critical evaluations of the Carrington Plan cf. Viktor Meier, *Wie Jugoslawien verspielt wurde* (München: C. H. Beck, 1995), pp. 402-413; Libal, *Limits of Persuasion*, p. 68-69; and Gow: *Triumph of the Lack of Will* (1997), pp. 57-59.

<sup>181</sup> Draft Declaration Concerning the FRY, 29 October 1997 (16HOO).

<sup>182</sup> »Serbische Polizei löst Demonstration auf,” *Frankfurter Allgemeine Zeitung* no. 303, 31 December 1997, p. 1. Cf. also »At Last, a Right Decision – EU Suspends Trade Incentives for Belgrade,” *Kosova Daily Report* #1310, 30 December 1997, item 1, at <http://www.hri.org/news/agencies/kosovo>.

<sup>183</sup> »New Transatlantic Agenda Senior Level Group Report to the EU-U. S. Summit December 5, 1997,” at <http://europa.eu.int/search97cgi>.

»It's not just in the interest of Kosovo that the schools be reopened. It's in the interest of Belgrade. As long as the schools remain closed Belgrade is creating a breeding ground for terrorism and violence."<sup>184</sup>

And in accordance with the Contact Group statement of 8 January, Cook added that »the EU supports a high degree of autonomy but we cannot support any acts of violence or terrorism."<sup>185</sup>

On 18 February 1998, the Head of the Unit for Albania and Yugoslavia in the Directorate General 1A of the European Commission, Hansjörg Kretschmer, visited Prishtina where he discussed with the Serbian Governor's Secretary for Information, Boško Drobnjak, the possibilities for the opening of a EU office as well as issues of independent media, civic society and democracy support in Kosovo under Serbian rule.<sup>186</sup>

On 23 February 1998, the EU Council of Foreign discussed relations with Bosnia-Herzegovina and the FRY and concluded:

»Western Balkans – Kosovo

### Conclusions

The Council reiterated its deep concern at the continuing deterioration of the situation in Kosovo, and called on all parties concerned to exercise restraint and refrain from all acts of violence to achieve political goals or to suppress the legitimate democratic expression of views.

The Council called on the authorities in Belgrade and the leadership of the Kosovo Albanian community urgently to begin a full and constructive dialogue. It agreed that implementation of the Education Agreements would be an important step, which the EU would be prepared to support substantially and noted that there was scope for action and other confidence-building measures.

The EU will support any settlement reached by mutual agreement, and recalls its position in favour of the effective granting of a large degree of autonomy to Kosovo within the Federal Republic of Yugoslavia."<sup>187</sup>

The excessive use of force by the Serbian security forces in the Drenica region and in Prishtina from 27 February to 2 March 1998 caused EU External Relations Commissioner Van den Broek on 3 March to call upon Milošević to initiate a dialogue with the Kosovo Albanians and to restore their autonomy. Due to possible spillover effects, the Kosovo conflict in his view was no longer an internal affair of the FRY. The international

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<sup>184</sup> »EU calls on Belgrade to open Kosovo school," *RFE/RL Newslines*, vol. 2, no. 18, pt. II, 28 January 1998.—In late 1997, The First Secretary of the British Embassy in Belgrade, Julian Braithwaite, had paid several visits to Kosovo for talks with Rugova and other. On 13 January 1998, a Foreign Office Delegation and on 20 January the new British Ambassador to the FRY, Brian Donelley, met with Rugova in Prishtina. Cf. »President Rugova Receives British Diplomat," *Kosova Daily Report* #1296, 9 December 1997, item 1; »President Rugova Receives British Diplomats," *Kosova Daily Report* #1318, 13 January 1998, item 1; »President Rugova Receives British Ambassador," *Kosova Daily Report* #1323, 20 January 1998, item 1; and »President Rugova Receives British Diplomats," *Kosovo Daily Report* #1350, 20 February 1998, item 2, all at <http://www.hri.org/news/agencies/kosovo>.

<sup>185</sup> *Ibid.*—On 2 February 1998, Cook's deputy Tony Lloyd during a visit to the Montenegrin capital Podgorica remarked that recent violence in Kosovo and Montenegro was caused by the same (unidentified) political factors. The same day he told the FRY's new Foreign Minister Jovanović that the EU would help reintegrate the FRY back into international institutions, provided Belgrade »opens up the political process in Kosovo" by implementing the Educational Agreement of 1996. Cf. »Britain Sees Kosovo, Montenegro Link," *RFE/RL Newslines*, vol. 2, no. 22, pt. II, 3 February 1998. According to Serbian sources, Lloyd also stated that the international community »clearly accepts that the future of Kosovo is within Serbia" and that Belgrade's viewpoint of the Kosovo problem as an internal affair »is, honestly speaking, ridiculous." Cf. »Susret Lojd-Jovanović. Zamenik šefa britanske diplomatije danas u Beogradu," *Naša borba*, 2 February 1998, p. 3.

<sup>186</sup> »Delegacija Evropske Unije u Prištini," *Naša borba*, 20 February 1998, p. 3.

<sup>187</sup> »2070<sup>th</sup> Council meeting. General Affairs, Brussels, 23 February 1998," at <http://ue.eu.int/Presse/22251913.htm>.

community would not allow that the Southern Balkans »go up in flames.»<sup>188</sup> Also, on 3 March the political directors of the foreign ministries of the EU countries met in Brussels to discuss the possibility of bringing the Kosovo problem before the UN Security Council. It was also decided that British Foreign Minister Cook should travel to Belgrade as soon as possible.<sup>189</sup> On the same day, the British EU Presidency published the following declaration »concerning the upsurge of violence in Kosovo”:

»The EU is deeply concerned by the violent incidents in Kosovo over the past few days. The EU unreservedly condemns the violent repression of non-violent expressions of political views, including peaceful demonstrations as well as the use of violence and terrorism to achieve political goals. It regrets that police action led directly to civilian casualties. The EU urges all sides to exercise restraint and refrain from further violence, and calls on the Serbian law enforcement agencies to respect fully human rights and the rule of law in the pursuit of their duties. The EU reiterates its call as a matter of urgency for the authorities in Belgrade and leaders of the Kosovar Albanian community to resolve the situation peacefully through a full and constructive dialogue.»<sup>190</sup>

At the same time a meeting between Cook and Milošević took place in Belgrade on 5 March, Serbian security forces raided the Drenica village of Prekaz.<sup>191</sup> Accordingly, the British Foreign Secretary did not succeed in convince Milošević to restore autonomy for the Kosovo Albanians.<sup>192</sup> On 13 March then, the EU Council of Ministers followed the lead of OSCE and supplied the OSCE mediator for Kosovo, Felipe González, with an additional EU hat.

By early March 1998, the »carrot approach” had come to dominate EU’s policy in the Kosovo issue, while the much more elaborated »three-step approach» outlined in the CPN-SWP paper has not yet been adopted. The British EU Presidency indirectly made it clear that no major Kosovo initiative could be expected during the first half of 1998. Whether that will change in the second half of the year under the auspices of Austria remains to be seen. And the upcoming elections for the German Federal Parliament of October 1998 make predictions for the German EU Presidency from January 1999 on impossible.

## European Parliament

Since 1990, Kosovo has appeared regularly on the agenda of the European Parliament. On 11 October 1990, the parliamentarians were »deeply concerned over the situation of human rights in Kosovo,»<sup>193</sup> and on 11 June 1992, they took »the view that the continuing oppression of the Albanian population of Kosovo is unacceptable and constitutes an obstacle to normal relations between Serbia and the [European] Community.»<sup>194</sup>

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<sup>188</sup> »EU verlangt von Milošević Autonomie für den Kosovo. Konflikt mit albanischer Mehrheit 'keine interne Angelegenheit,“ *Der Tagesspiegel*, 4 March 1998, p. 2. See also »Commission condemns violence in Kosovo,“ *Midday Express*. News from the Spokesman’s midday briefing, 2 March 1998, at <http://europa.eu.int/comm/spp/me/me980302.html>.

<sup>189</sup> »EU verurteilt Gewalt im Kosovo scharf. Serbien gerät international unter Druck,“ *Süddeutsche Zeitung*, 4 March 1998, p. 6.

<sup>190</sup> »Declaration by the Presidency on behalf of the European Union concerning the upsurge of violence in Kosovo,“ Brussels, 3 March 1998, 6286/1/98 REV (en/f) (Presse 53) P 18/98, at <http://ue.eu.int/Presse/2358BD2.htm>.

<sup>191</sup> »Belgrad ignoriert Appelle und besetzt Kosovo-Dörfer“ *Der Tagesspiegel*, 6 March 1998, p. 7.

<sup>192</sup> »Cook Leaves Belgrade Empty-Handed“ *RFE/RL Newslines*, vol. 2, no. 45, pt. II, 6 March 1998.

<sup>193</sup> »Resolution on Kosovo“, 11 October 1990 (B3-1747, 1759, 1786, and 1820/90). German translation as appendix 3 in Von Kohl, Libal, *Kosovo: Gordischer Knoten des Balkans*.

<sup>194</sup> »[Resolution (A3-0208/92) on Relations between the European Community and the Republics of the Former Yugoslavia] 11 June 1992,“ *Yugoslavia Through Documents*, doc. no. 206, p. 608.

The waves of the »Dayton shock” to the Kosovo Albanians, i.e., the loss of influence of Rugova’s LDK and the increasing prominence of advocates of intifada-like tactics from early 1996, did not go unnoticed by the European Parliament. On 29 February 1996 the following resolution was adopted:

»Recommendation on the need for an early settlement of the dispute on the future of Kosovo

*The European Parliament*[...]

- A. alarmed that the persecution of the majority ethnic Albanian population of Kosovo by the Government of the new Federal Republic of Yugoslavia (Serbia and Montenegro) might unfortunately lead to an armed struggle in Kosovo in which people in neighbouring countries could become involved,
  - B. believing that a peaceful settlement of the dispute in Kosovo is still possible if Mr Milosevic is willing to enter into negotiations without preconditions with Mr Rugova and other elected representatives of the people of Kosovo,
  - C. recognizing that Mr Milosevic is at present unwilling to make any concessions to the people of Kosovo or to start negotiations with their elected representatives,
  - D. having regard to the situation in Vojvodina, where recently the minorities have been subjected to increasing pressure under a policy of altering the ethnic structure through Serbian settlement,
  - E. aware of the desire of the governments of Serbia and the Federal Republic of Yugoslavia for full diplomatic recognition and for the ending of all sanctions imposed on them by the United Nations,
  - F. having regard to the decision of the Government of the USA to open an office in Kosovo,
1. Requests the Council to resolve, as a joint action under Article J.3 of the Treaty on European Union, that full diplomatic recognition of, and the lifting of any remaining sanctions on, the new Federal Republic of Yugoslavia will only be granted if a full and satisfactory settlement is reached between Mr Milosevic and the elected representatives of the people of Kosovo;
  2. Requests the Council to instruct the Commission to open an office in Kosovo;
  3. Instructs its President to forward this recommendations to the Council and, for information, to the Commission.”<sup>195</sup>

On 18 April 1996, the European Parliament »called on the Council and on the Commission to take the initiative of holding an international conference dealing specifically with Kosovo, requesting the Commission to open an office there.”<sup>196</sup> A year later, on 13 March 1997, the next resolution followed:

»Condemning the continuous repression in Kosovo, Parliament urged the Serbian authorities to release all political prisoners, to guarantee the freedom of the media and to start negotiations with representatives of the people in Kosovo on the future of the region. It also called on the Council to make every effort to launch a strong and practical initiative to achieve the opening of negotiations between the parties and to make steady negotiations on Kosovo a condition for any further development of the EU’s relations with the Federal Republic of Yugoslavia.”<sup>197</sup>

The brutal reactions of the Serbian police to the non-violent student demonstrations at Prishtina prompted the Parliament to issue another resolution on 23 October 1997:

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<sup>195</sup> »Future of Kosovo (Rule 92) A4-0054/96, Thursday, 29 February 1996” in *Official Journal of the European Communities* No C 78, 18 March 1996, pp. 15-16. See also the summary »1.4.110. Parliament recommendation on the need for an early settlement of the dispute on the future of Kosovo (OJ C 78, 18. 3. 1996),” *Bulletin EU* 1/2-1996, Mediterranean and Middle East (21/36) at <http://europa.eu.int/search97cgi>.

<sup>196</sup> »1.4.61. Parliament resolution on the situation in former Yugoslavia (OJ C 141, 13. 5. 1996),” *Bulletin EU* 4-1996, Mediterranean and Middle East (4/14), at <http://europa.eu.int/search97cgi>.

<sup>197</sup> »1.2. 6. Parliament resolution on Kosovo (OJ C 115, 14.4.1997),” *Bulletin EU* 3-1997, at ÓöÜë! Äá Ý÷âé ïñóôâß óääëääââßéôçò. 97cgi.

»The European Parliament [...]

1. Condemns the violent actions of the Serbian police force against peaceful demonstrations in the Kosovo region and calls on the Serbian authorities to desist from further violence;
2. Urges the Serbian authorities to implement without further delay the education agreement signed in 1996 and calls on the authorities of the Federal Republic of Yugoslavia and the representatives of the people in Kosovo to start negotiations as soon as possible leading to an overall political solution for the situation in the Kosovo region;
3. Calls on the Commission and the Council to take the necessary steps to contribute actively to the conclusion of such an agreement and urges them to make it clear once more to the government of the Federal Republic of Yugoslavia that future relations with the EU are dependent on respect for human rights and positive developments in the situation in Kosovo;
4. Calls on the authorities of the Federal Republic of Yugoslavia to respond positively and promptly to the European Union's decision to open an office in Pristina;
5. Urges the authorities of the Federal Republic of Yugoslavia to grant the High Commissioner of the OSCE, Max van der Stoep, a visa to allow him to travel to Kosovo;
6. Instructs its President to forward this resolution to the Council, the Commission, the Government and the Parliament of the Federal Republic of Yugoslavia and Ibrahim Rugova.<sup>198</sup>

On 21 January 1998, the Parliament's Committee on Foreign Affairs, Security and Defence Policy together with representatives from CPN-SWP held an *ad hoc* briefing on Kosovo which resulted in a series of policy recommendations to the EU, among them the nomination of a EU Special Representative for Kosovo. The Committee's chairman Tom Spencer forwarded to the Parliament's President José María Gil-Robles a draft letter to the President in Office of the Council of the European Union, the British Foreign Minister Robin Cook, containing these recommendations:

»Ethnic tensions in Kosovo have continued to rise during the last months to the point where the danger of warfare between Albanian insurgents and Serbian security forces has become increasingly likely. Failure to find a resolution of the Kosovo crisis dangerously risks a violent conflict that might spill-over into neighbouring countries, including Macedonia, Albania, Greece, and Turkey. Large-scale bloodshed in the region would negatively affect major security, economic, and humanitarian interests of the European Union. In view of the escalatory dynamics in the region, immediate preventive action is necessary.

The urgency of a EU diplomatic action on Kosovo can be underlined by two developments which will most probably heighten tensions in Kosovo in the coming months: First, the upcoming elections in Kosovo in March 1998 and, second, the continuing power struggle between Serbia and Montenegro over the reconstruction of the Yugoslav federation.

It is our view that any EU initiative must be cautiously prepared and would need a close cooperation with other international actors, including the Contact Group.

The EU should make use of the richness of its instruments while the conflict is still manageable. The proposal of opening a EU office in Pristina, also endorsed by the European Parliament, can only be one element within a more timely, structured and comprehensive EU policy towards the Kosovo conflict.

We invite the Presidency to nominate a EU Special Representative as an appropriate means for initiating the first steps toward a more direct and active involvement and leadership of the EU in preventing a further escalation of the conflict in Kosovo.

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<sup>198</sup> »European Parliament, Resolution on Kosovo, 23 October 1997, 9(c)(c) B4-0828, 0837, 0848, 0854, 0865 and 0878/97 (G:\PV\_SEANC\PROVISO\ADOPTES\97-10-23.en);" and »1.1.6. Résolution du Parlement européen sur le Kosovo (JO C 33 du 10.11.1997), "Bulletin UE 10-1997, Droits de l'homme (6(8), at <http://europa.eu.int/search97cgi>.

The mandate of such a EU Special Representative should reflect the seriousness and the scope of the EU's commitment and should include the establishment of a specific task-force in his support."<sup>199</sup>

### **Kinkel-Védrine Initiative**

A result of the concerns of the Contact Group and of the EU over Kosovo was an initiative of November 1997 by the foreign ministers of Germany and France, Klaus Kinkel and Hubert Védrine.<sup>200</sup> In a letter to Milošević of 19 November 1997, they called on Belgrade to participate in a »peaceful dialogue» with Prishtina, to accept third-party mediation, and to grant »a special status» to Kosovo. The German text read:

»Sehr geehrter Herr Präsident!

Gemeinsam mit den anderen Außenministern der Kontaktgruppe haben wir am 24. September 1997 die Situation im Kosovo diskutiert und unsere tiefe Besorgnis über die Lage dort zum Ausdruck gebracht. Wir haben Ihre Regierung und die Führung der Kosovo-Albaner zur Aufnahme eines friedlichen Dialoges aufgerufen. Die Lage im Kosovo hat sich seitdem verschärft. Demonstrationen im Kosovo und Terroranschläge veranlassen die Kontaktgruppe, wie bereits die Europäische Union, sich intensiver mit dem Kosovo-Problem zu beschäftigen. Die Kontaktgruppe möchte damit helfen, daß die Regierung der Bundesrepublik Jugoslawien und die Vertreter der albanischen Bevölkerungsgruppe im Kosovo zu einer Lösung des Problems finden. Deutschland und Frankreich werden sich in der Kontaktgruppe von einer Reihe von Prinzipien leiten lassen, die wir Ihnen im folgenden erläutern möchten.

-- Deutschland und Frankreich gehen davon aus, daß nur eine Verhandlungslösung zwischen Vertretern der Bundesrepublik Jugoslawien, der Republik Serbien und der albanischen Bevölkerungsgruppe im Kosovo die Grundlagen für einen stabilen und dauerhaften Frieden in der Region schaffen kann. Eine für die Verhandlungspartner akzeptable dritte Seite sollte an den Verhandlungen teilnehmen.

-- Die internationale Staatengemeinschaft sollte jedes Lösungsmodell, auf das sich die Verhandlungspartner einigen können, unter der Voraussetzung, daß es sich nicht um eine Lösung zu Lasten Dritter handelt, nach Kräften unterstützen. Ein entsprechendes Angebot zur Unterstützung einer Lösung der Probleme im Erziehungsbereich hat die Europäische Union bereits gemacht. Dies muß auch für weitere vertrauensbildende Maßnahmen gelten.

-- Die internationale Staatengemeinschaft hat vielfach erklärt, daß weder eine Unabhängigkeit des Kosovo noch der status quo Grundlagen für eine langfristige friedliche Regelung sein können. Eine dauerhafte Lösung auf europäischem Niveau muß einen Sonderstatus für Kosovo vorsehen.

-- Jede Lösung muß demokratischen Prinzipien entsprechen.

Deutschland und Frankreich werden sich dafür einsetzen, daß die Europäische Union und die internationale Gemeinschaft positiv auf Fortschritte hin zu einer friedlichen Lösung des Kosovo-Problems reagieren.

-- Sie werden sich dafür einsetzen, daß eine Einigung über vertrauensbildende Maßnahmen zwischen den Verhandlungsparteien breite Unterstützung findet. Dies gilt über die angekündigte EU-Hilfe für den Erziehungsbereich hinaus. Auch weitere zwischen beiden Seiten vereinbarte Projekte zur Förderung des friedlichen Zusammenlebens der ethnischen Gemeinschaften im Kosovo sollten von der

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<sup>199</sup> Draft of a letter by José Maria Gil-Robles to Robin Cook, 21 January 1998 (DGII/POLI/NG/akö).

<sup>200</sup> The Kinkel-Védrine initiative was preceded by a similar German-French initiative in October 1995. Cf. Konrad Clewing, »Amerikanische und französische Kosovopolitik vor Dayton« *Südosteuropa* 45 (1996), p. 185.

Europäischen Union und anderen internationalen Organisationen unterstützt werden. Diese Unterstützung muß allen ethnischen Gruppen im Kosovo zugute kommen.

-- Eine Vertretung der Europäischen Union in Prishtina könnte Definition und Ausführung derartiger Projekte erleichtern und zur Vertrauensbildung beitragen. Ihre Eröffnung würde zudem den Weg für die Aufnahme normaler diplomatischer Beziehungen zwischen der Europäischen Union und der Bundesrepublik Jugoslawien bereiten.

-- Deutschland und Frankreich werden nach einer Rückkehr der Langzeitmission der OSZE in den Kosovo, den Sandzak und die Vojvodina einen Wunsch der Bundesrepublik Jugoslawien nach Mitgliedschaft in der OSZE in einer für alle Seiten akzeptablem Form zu unterstützen versuchen.

-- Die Wiedergewährung von Handelspräferenzen durch die Europäische Union zugunsten der BRJ würde durch die Aufnahme des von uns vorgeschlagenen ernsthaften Dialogs über das Kosovo-Problem erleichtert werden.

-- Fortschritte bei der Umsetzung der Empfehlungen von Felipe Gonzales würde die Bereitschaft der Bundesrepublik Jugoslawien unterstreichen, dem Lager der demokratischen Staaten beizutreten und würden die volle internationale Integration der BRJ und ihre Zusammenarbeit mit der Europäischen Union erleichtern.

Sehr geehrter Herr Präsident,

diese Überlegungen zielen darauf ab, einen Weg aufzuzeigen, wie die Probleme im Kosovo gelöst werden können und die internationale Isolation der Bundesrepublik Jugoslawien abgebaut werden kann. Beides ist im Interesse der Stabilität auf dem Balkan und in ganz Europa.

Wir stehen Ihnen gerne zur Verfügung, während unseres geplanten, aber zur Zeit aufgeschobenen Besuchs in der Bundesrepublik Jugoslawien mit Ihnen den Meinungs-austausch über diese Überlegungen zur Lösung des Kosovo-Problems fortzusetzen.<sup>201</sup>

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<sup>201</sup> »Die Situation im Kosovo, Brief von Bundesaußenminister Klaus Kinkel und Außenminister Hubert Védrine an den Präsidenten der Bundesrepublik Jugoslawien Slobodan Milosevic, Frankfurt an der Oder, 19. November 1997.«—There is no official English translation of this letter. The French text reads: »Cher Monsieur le Président, De concert avec les autres ministres des Affaires étrangères du Groupe de contact, nous avons discuté le 24 septembre 1997 de la situation au Kosovo et exprimé notre profonde préoccupation concernant la situation sur place. Nous avons appelé votre gouvernement et les responsables des Albanais du Kosovo à entamer un dialogue pacifique. La situation au Kosovo s'est depuis lors aggravée. Des manifestations au Kosovo et des attentats terroristes incitent le Groupe de contact à se saisir plus activement, comme l'Union européenne le fait déjà, du problème du Kosovo. Le Groupe de contact désirerait ainsi contribuer à ce que le gouvernement de la République fédérale de Yougoslavie et les représentants de la communauté albanaise au Kosovo parviennent à résoudre le problème. La France et l'Allemagne seront guidées au sein du Groupe de contact par une série de principes que nous souhaiterions expliciter ci-après.

-- La France et l'Allemagne partent du principe que seule une solution négociée entre les représentants de la République fédérale de Yougoslavie, la République de Serbie et la communauté albanaise au Kosovo peut jeter les bases d'une paix stable et durable dans la région. Un tiers acceptable par les partenaires de la négociation devrait prendre part aux négociations.

-- La communauté internationale devrait soutenir toute solution qui pourrait recevoir l'accord des parties à la condition que cette solution ne se fasse pas au détriment d'un tiers. L'Union européenne a déjà fait une offre de ce type pour aider à la résolution des problèmes qui se posent dans le domaine de l'éducation. Ceci doit aussi valoir pour de nouvelles mesures de confiance.

-- La communauté internationale a déclaré plusieurs fois que ni une indépendance du Kosovo ni le statut quo ne peuvent servir de bases à une règlement pacifique à long terme. Une solution durable au niveau européen doit prévoir un statut spécial pour le Kosovo.

--Toute solution doit s'appuyer sur des principes démocratiques.

La France et l'Allemagne s'engageront pour que l'Union européenne et la communauté internationale réagissent positivement aux progrès effectués en faveur d'un règlement pacifique du problème du Kosovo.

--Elles s'engageront pour qu'un accord sur des mesures de confiance entre les parties aux négociations rencontre un large soutien. Cela vaut au-delà de l'aide de l'Union européenne annoncée dans le domaine de l'éducation. De nouveaux projets acceptés par les deux parties pour encourager la cohabitation pacifique des communautés au Kosovo devraient là aussi être soutenus par l'Union européenne et d'autres organisations internationales. Ce soutien doit profiter à tous les groupes ethniques au Kosovo.

-- Une représentation de l'Union européenne à Pristina pourrait faciliter la définition et l'exécution de ce genre de projets et contribuer au renforcement de la confiance. L'ouverture de cette représentation ouvrirait la voie à l'établissement

The answer from Belgrade was negative: on 26 November 1997, the Yugoslav Minister of Foreign Affairs Milutinović declared, »Kosovo is an internal affair and nobody else's business." Besides that, so Milutinović, does the Constitution of Serbia already provide for autonomy of Kosovo and Metohija.<sup>202</sup>

Equally negative was the Serbian reaction when Kinkel used a visit to Tirana on 6 February 1998 to state with reference to Kosovo that he will »not tolerate that 90 percent of the population is maltreated and oppressed by the 10 percent." Although he added that »extended autonomy", not independence, would be the solution to the Kosovo problem,<sup>203</sup> the FRY's state news agency »Tanjug" depicted him as »a false peacemaker, whose clear aim is a new wave of instability under the cover of concern over the human rights of the Albanians."<sup>204</sup> And on 13 February 1998 the Political Director of the Foreign Ministry of the FRY, Dragomir Vučević, declared the joint French-German visit announced in the Kinkel-Védrine letter to be unwelcome.<sup>205</sup> The more surprising was the result of a meeting between Védrine and the FRY's new foreign minister Bivadin Jovanović in Paris on 18 February: now a joint visit by Védrine and Kinkel to Belgrade and probably even Prishtina was accepted and 19 March—three days before the scheduled elections for the underground Parliament of Kosovo—was fixed as a date.<sup>206</sup>

The Drenica events of early March 1998 obviously came as a shock to the German Foreign Ministry. On 2 March, a disoriented and visible helpless Klaus Kinkel declared on the recent escalation of conflict in Kosovo:

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de relations diplomatiques normales entre l'Union européenne et la République fédérale de Yougoslavie.

-- La France et l'Allemagne essaieront, après le retour de la mission à long terme de l'OSCE au Kosovo, au Sandjak et en Voïvodine, de répondre à un souhait de la République fédérale de Yougoslavie d'être membre de l'OSCE sous une forme acceptable par toutes les parties.

-- La reconduction par l'Union européenne des mesures commerciales au profit de la RFY serait facilitée par l'ouverture du dialogue sérieux que nous avons proposé sur le problème du Kosovo.

-- Des progrès dans la mise en oeuvre des recommandations de Felipe Gonzalez souligneraient de la disponibilité de la RFY à adhérer au camp des Etats démocratiques et faciliteraient de la pleine intégration internationale de la RFY ainsi que sa coopération avec l'Union européenne.

Cher Monsieur le Président,

Ces réflexions ont pour but de frayer un chemin visant à résoudre les problèmes au Kosovo et à mettre un terme à l'isolement international de la République fédérale de Yougoslavie. Ces deux aspects sont dans l'intérêt de la stabilité à l'échelle des Balkans et de toute l'Europe.

Pour poursuivre avec vous l'échange de vues sur ces réflexions visant à résoudre le problème du Kosovo, nous serons à votre disposition à l'occasion de notre visite programmée, et pour l'instant reportée, en République fédérale de Yougoslavie./." Cf. »Situation au Kosovo, Lettre du Ministre des Affaires Etrangères M. Hubert Védrine, et du Ministre Allemand des Affaires Etrangères, M. Klaus Kinkel, au Président de la République Fédérale de Yougoslavie, M. Slobodan Milosevic (Francfort sur l'Oder, 19 novembre 1997)," *DPIC – Bulletin quotidien*, 20 November 1997, pp. 24-25.—On 21 November 1997, during a meeting at Paris, Védrine personally handed over a copy of the letter to Rugova. Also present was the German ambassador to France, Immo Stabreit. On 22 November, Rugova had a meeting with the President Jacques Chirac's advisers David Levit and François Delater, with Prime Minister Lionel Jospin's diplomatic adviser Jacques Morris Ripper, as well as with deputies from both the Socialist and the Green groups of the National Assembly. Cf. »President Rugova Meets with French Foreign Minister Hubert Védrine," *Kosova Daily Report #1283*, 21 November 1997, item 1, at <http://www.hri.org/news/agencies/kosovo>.

<sup>202</sup> »Belgrad lehnt Sonderstatus für Kosovo ab," *Neue Zürcher Zeitung*, 27 November 1997, p. 4. Snežana Bogavac, »'Crni Petar' u rukama Miloševića. Nema'ko-francuska inicijativa za Kosovu," *Nedeljna naāa borba*, 28 November – 1 December 1997, p. VII.—On mixed reactions in Prishtina cf. Ismet Hajdari, »Pacifi'ki peā'anik curi. Kako je na Kosovu shva'ena nema'ko-francuska inicijativa/*Nedeljna naāa borba*, 13-14 December 1997, p. II.

<sup>203</sup> »Kinkel Calls for Kosovo Autonomy," *RFE/RL Newslines*, vol. 2, no. 26, pt. II, 9 February 1998.

<sup>204</sup> »Kinkel lapni mirotvorac: Tanjug o nema'koj politici na Balkanu," *Naāa borba*, 9 February 1998, p. 4. See also »'Skandalöse Äußerung Kinkels zum Kosovo': Rest-Jugoslawien reagiert gereizt," *Der Tagesspiegel*, 9 February 1998, p. 2; and »Yugoslavia Assails Germany," *International Herald Tribune*, 9 February 1998, p. 5.

<sup>205</sup> »Kosovar Leader Calls Belgrade 'Arrogant'," *RFE/RL Newslines*, vol. 2, no. 31, pt. II, 16 February 1998.

<sup>206</sup> Matthias Rüb, »Washington kündigt Lockerung der Sanktionen gegen Belgrad an," *Frankfurter Allgemeine Zeitung*, 25 February 1998, p. 2. See also »Problem Kosova u centru pažnje," *Naāa borba*, 18 February 1998, p. 2.

»Die jüngsten gewalttätigen Auseinandersetzungen zwischen serbischen Sicherheitskräften und bewaffneten Kosovo-Albanern sind außerordentlich besorgniserregend. Offenbar kam es zu zahlreichen Toten und Verletzten. Dies zeigt: Die Lage spitzt sich immer mehr zu. Die Völkergemeinschaft kann sich nun wirklich keine neue Zuspitzung der Situation im Kosovo leisten. Das wäre ganz schlimm.

Wir verurteilen Terrorismus und Gewalt, egal von welcher Seite sie ausgehen. Dem Terrorismus muß der Boden entzogen werden, der beste Weg hierzu sind Fortschritte bei der Lösung des Kosovo-Problems. Gleichzeitig müssen die Kosovo-Albaner das Recht haben, sich politisch frei zu äußern.<sup>207</sup>

On 3 March, after a meeting with US Secretary of State Albright, Kinkel described in more detail the »carrots» the EU was willing to offer to Belgrade:

»Both our countries agree that we must make it plain to the Serbs and Milosevic that if they play along, we have things to offer: You need the international assistance of the financial institutions, the IMF. You need the IMF, you need the World Bank, and first and foremost, you need Europe. We want to help you, which presupposes that you play along in Kosovo. [...] We want the Serbs to have a place in Europe, we want to cooperate with them in the European Union. We want bilateral co-operation with them, it is of crucial importance to us, too, but there are some things which we are not going to be able to relax or to take a more laid-back attitude upon, unless things improve in Kosovo.<sup>208</sup>

### United States of America

The Kinkel-Védrine Initiative was welcomed and probably politically supported by the US State Department<sup>209</sup> whose interest in the Kosovo issues has been particularly strong since 1992. On 27 December of that year, intelligence reports on a planned crackdown by Belgrade on Kosovo had prompted the outgoing administration of President George Bush in a confidential »Christmas Warning» to Milošević to threaten unilateral air-strikes against strategic targets in Serbia—a threat repeated by the new President Bill Clinton on 10 February 1993.<sup>210</sup> The statement implied that »it was the policy of U. S. governments to intervene militarily and unilaterally in protection of Kosovo if the country was attacked by Serbia.<sup>211</sup> This position was once more repeated by US Ambassador at the UN Albright in the Security Council on 9 August 1993:

»President Bush's message was specific and clear: We are prepared to respond against Serbia in the event of a conflict in Kosovo caused by Serbian action. Secretary of State Christopher has firmly reiterated this message.<sup>212</sup>

Since then, US officials have stated several times that improvement of the situation in

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<sup>207</sup> »The most recent violent clashes between Serbian security forces and armed Kosovo Albanians are extraordinarily worrying. Obviously there have been numerous people killed and wounded. This shows: the situation is escalating. The international community is really cannot afford a new escalation of the situation in Kosovo. This would be very bad. We condemn terrorism and violence, disregarding from which side they come from. The bottom of terrorism has to be knocked out; the best way to do so is progress in the resolution of the Kosovo problem. At the same time, the Kosovo Albanians must have the right to free political expression.» See »Erklärung von Bundesaußenminister Dr. Klaus Kinkel zu den anhaltenden gewaltsamen Ausschreitungen in der serbischen Provinz Kosovo», Pressereferat des Auswärtigen Amtes, Bonn, 115/98, 2 March 1998.

<sup>208</sup> Press Conference of Secretary of State Madeleine K. Albright and German Foreign Minister Klaus Kinkel, Bonn, Germany, March 8, 1998, at: <http://secretary.state.gov/www/statements/1998/980308.html>.

<sup>209</sup> Slobodan Pavlović, »Američka reagovanja na zaostavanje situacije na Kosovu: Vašingtonska podrška inicijativi Bona i Pariza», *Naša borba*, 2 December 1997, p. 2.

<sup>210</sup> Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D. C.: The Brookings Institution, 1995), pp. 306 and 500. For a critical evaluation of US Kosovo policy *ibid.*, pp. 398-399.

<sup>211</sup> Quoted by Schmidt, »Strategic Reconciliation in Kosovo», p. 18.

<sup>212</sup> Security Council Provisional Verbatim Record, 9 August 1993 (S/PV.3662, 9 August 1993), *The 'Yugoslav' Crisis in International Law*, p. 345.

Kosovo is one of the conditions for lifting the »outer wall of sanctions” imposed on the FRY. The US has conditioned the removal of the »outer wall” upon the normalisation of relations among the successor states to the former Yugoslavia and the solution of succession issues, including the division of assets; restoration of human and political rights in Kosovo; fulfilment of obligations under the Dayton Agreement; cooperation with the International Criminal Court for the former Yugoslavia at The Hague; and the process of democratisation of Serbia.<sup>213</sup>

On 11 July 1995, following a public relations trip by Rugova to the US and after heated discussions, the US House of Representatives passed a bill barring any lifting of the sanctions against Belgrade until the »excessive Serbian control” over Kosovo is ended.<sup>214</sup>

The opening of an office of the United States Information Service (USIS) in Prishtina on 5 June 1996 had a considerable symbolic impact: for the first time after the summer of 1993 when the CSCE Missions of Long Duration had to leave Kosovo, there was at least a semi-diplomatic representation in the capital of the province, and also for the first time Kosovo »President” Rugova and the Serbian Deputy Governor for Kosovo, Miloã Neãoviã, met in public, and even shook hands. In April 1997, Assistant Secretary of State John Kornblum visited Prishtina where he met Rugova and Neãoviã,<sup>215</sup> and in November 1997 US diplomacy used the stage of the OSCE Implementation Meeting in Warsaw to accuse Belgrade of »police violence” and »gross violations of human rights” in Kosovo.<sup>216</sup> From the fall of 1997 on, Special Representative Gelbard met Miloãeviã almost on a monthly basis and paid numerous visits to Prishtina. Another frequent traveller to Kosovo was the Head of the US Mission to the FRY, Richard Miles, who regularly met with Rugova and Neãoviã’s successor Veljko Odaloviã.

Although Rugova claimed to have developed a special relationship with the State Department, during his last visit to Washington in August 1997 he was told outright by Secretary of State Albright that LDK’s goal of »Kosova Republika” was not in accordance with US Balkan policy. In particular, UãK activities—labelled by Albright »terrorism”—were disapproved:

»Ethnic Albanians in Kosovo are still denied their most basic human and political rights and suffer repeated abuses at the hands of Serbian authorities, particularly the police and the courts. Real progress on improving the situation in Kosovo remains a central element of the Outer Wall of sanctions against Serbia. There will be no relief from sanctions until Belgrade has taken concrete steps to address the legitimate grievances of the Kosovo Albanian community.

At the same time, the United States does not support independence for Kosovo. The unilateral redrawing of borders would not contribute to the stability of the region. A solution to the problems of Kosovo can and must be found within the framework of Serbia and the ‘FRY.’ [...]

The United States is deeply concerned about terrorist actions in Kosovo and the political killings that have taken place there this year. The LDK should publicly condemn any such incidents. The trials in Kosovo of suspected terrorist, however, have fallen far short of Western judicial standards. Belgrade should not use concern about terrorism as an excuse to increase the pressure on the Kosovar Albanian community still further.”<sup>217</sup>

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<sup>213</sup> The »outer wall” was renewed by Washington in January 1998 because the FRY failed to make progress in implementing the Dayton Peace Agreement and to resolve problems in Kosovo. Cf. Kerin Hope and Guy Dinmore, »Athens: Greeks may link with Serb banks,*Financial Times*, 27 January 1998, at <http://www.ft.com/search97cgi/vtopic?a>.

<sup>214</sup> Schmidt, »Strategic Reconciliation in Kosovo,” p. 18.

<sup>215</sup> »Perina Says No Change in U. S. Policy on Kosovo,” 25 April 1997 (File ID: 97042503.GWE: Gopher).

<sup>216</sup> Ernst Levý, »Debatte auf dem OSZE-Treffen in Warschau über Minderheitenrechte,” *Frankfurter Allgemeine Zeitung*, 25 November 1997, p. 5.

<sup>217</sup> »Statement by James P. Rubin, Spokesman: Secretary Albright’s Meeting with Dr. Ibrahim Rugova,” 15 August 1997 (File ID: 0708153.GWE Gopher).

During several meetings of US officials with Rugova at Prishtina during February 1998, no change of this US attitude was noticeable. And on 22 February, in a press briefing following a meeting with Rugova, Special Representative Gelbard repeated the formulas of »unconditional dialogue,» »future of Kosovo within the 'Federal Republic of Yugoslavia'» and »enhanced status.»<sup>218</sup> Furthermore, he underlined that »Kosovo is right there in the center of those issues which can allow for the end of that outer wall of sanctions.»<sup>219</sup> However, after a lengthy talk with Milošević on the following day, Gelbard rewarded Belgrade's policy towards the Republika Srpska with concessions of considerable symbolic value. While the »outer wall of sanctions» would not be lifted, Gelbard announced four unilateral measures by his government: (1) eligibility of the FRY for the Southeast European Cooperative Initiative (SECI); (2) JAT charter flights to US airports; (3) opening of a FRY consulate in the US; and (4) lifting of the ceiling of personnel at the Permanent Representation of the FRY at the UN in New York. Concerning Kosovo, Gelbard stuck to the by now ritual condemnation of Serbian police violence and Kosovo Albanian terrorism alike.<sup>220</sup>

On 25 February the Special Representative gave a speech at the conference »A Dialogue on Bosnia in the Balkans: Exploring Regional Approaches to Peace» organised by the United States Institute for Peace in Washington. Here he criticised Milošević for the excessive use of force by Serbian police and for stonewalling the implementation of the Education Agreement while he again »publicly condemned terrorist actions in Kosovo to achieve political goals.»<sup>221</sup> He became much more specific during the questions-and-answers sessions following his speech:

»In some ways it's a bit ironic that now that Bosnia is going so well, everybody's able to focus on Kosovo.

I think a number of things have to be done. The United States, first of all, and I want to say this very clearly, believes quite strongly that the future of Kosovo lies within the borders of the 'Federal Republic of Yugoslavia,' and a solution must be found in that context. Clearly there need to be a process leading to much greater self-administration, no sham autonomy but real self-administration, and a process where the majority population has a much greater voice in their own lives. This includes, of course, human rights but it also includes all other aspects of daily life.

The government of the 'FRY' has, I'm afraid, been the best friend that extremist organizations have so far. They are, by their actions, by their words, diminishing the prestige and the capabilities of the moderate leadership to be able to take action, to take hold of the situation and to act responsibly. And I have urged the 'FRY' government, including President Milosevic, to work to try to find ways to strengthen the moderate leadership, to work with them, clearly, to have a dialogue that is unconditioned and one that produces an outcome which will assure that there is a significant lessening of tensions.

The first step, as I said, simply because it's right here in front of us, is the education agreement. Monsignor Paglia of the Sant'Egidio Order has done a remarkably impressive job trying to move this forward. But here we are almost two years after the agreement and it's not done yet.

I have spending a great deal of time, as have my colleagues, talking to and working with the student leaders in Kosovo. I think they have performed remarkably through their non-violent, positive demonstrations beginning on October 1<sup>st</sup>. We've told them, very frankly, peaceful demonstrations have

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<sup>218</sup> USIS Washington File - Unofficial Transcript, »Gelbard at American Center,» Pristina, 22 February 1998, at <http://198.80.36.136/current/news>

<sup>219</sup> *Ibid.* See also Ismet Hajdari, »SAD osuđuju i policijsku represiju i terorizam OAK», *Naša borba*, 23 February 1998, p. 1.

<sup>220</sup> Matthias Rüb, »Washington kündigt Lockerung der Sanktionen gegen Belgrad an,» *Frankfurter Allgemeine Zeitung*, 25 February 1998, p. 2; »Zuckerbrot für Milosevic? Amerikas Sondergesandter in Kosovo,» *Neue Zürcher Zeitung*, 24 February 1998, p. 2.

<sup>221</sup> »Amb. Gelbard Speech to U. S. Institute of Peace Feb. 25,» *USIS Washington File*, 26 February 1998, at <http://198.80.36.136/current/news/topic>.

a long tradition in the United States, long, very honorable tradition, and we were prepared to support them as long as those demonstrations continued to be positively oriented and peaceful. It was truly unfortunate that when the first one started on October 1<sup>st</sup>, a large number of them were beaten badly by the police. They've scheduled another demonstration for March 13<sup>th</sup> that will have two themes: one, the traditional one of getting the university reopened, but two, condemnation of violence on both sides. And that—I heard this in talking to them on Sunday afternoon—just reinforced to me that these are our hope, these are the hope for the future.

I am concerned that the leadership, the political leadership in Kosovo is not acting positively. It's not acting. They're sitting back passively thinking that some kind of—(word inaudible)—United States *deus ex machina* will descend and rescue them, sort of like Superman flying in and picking them up. It's not going to happen. Their fate has to be worked out with the leadership of the 'FRY,' and they have to work together to do this. [...]

We think that there is a role for the OSCE, and my government is now working to try to see what can be done to try to affect some kind of single, focused OSCE dialogue. It would be a serious mistake for President Milosevic to get into a chicken-and-egg problem here and say he'll only do that once there's OSCE membership. He's got to start now."<sup>222</sup>

Two days later Milošević started the Drenica massacre. The first US reaction to this event came on 1 March by the director of the United States Information Center in Prishtina, Richard Huckaby:

»The United States is deeply concerned by the reports of recent violence and the resulting loss of life and injuries that have occurred in the Drenica region of Kosovo. As Special Representative Gelbard said during his visits to Belgrade and Pristina last week, the situation in Kosovo is 'dangerous,' and we urge all parties to exercise restraint. Continuing violence will complicate efforts to initiate the dialogue necessary to reduce tensions and allow the province to escape the repression which characterizes the continuing unacceptable status quo. We urge Serbian authorities, in accordance with the responsibilities of states to their citizens, to spare no effort in making sure that necessary medical care is available to all of its citizens."<sup>223</sup>

Belgrade's crackdown on Albanian demonstrators in Prishtina on 2 March made State Department spokesman James P. Rubin to issue the following statement:

»The United States is appalled by the recent violent incidents in Kosovo, which only underline Belgrade's ready recourse to force to address the serious political dispute between Belgrade and Pristina. [...] The United States condemns the violence and the excessive use of force by Serbian police. [...]

We continue to call on all sides to enter into an unconditional dialogue, and for authorities in Belgrade to implement immediately the Kosovo education agreement on an effective basis as an important step to reduce tensions. We have also called on Kosovar Albanian leaders to condemn terrorist action by the so-called Kosovo Liberation Army (UCK), noting that violence does not contribute to the search for a just and durable solution to the problems of Kosovo. As the events of this weekend demonstrate, the vast majority of violence in Kosovo is due to actions of government authorities. The United States expects the Serbian police in Kosovo to act with maximum restraint and the Yugoslav army to take no action that might lead to further violence. Further state-sponsored violence would only deepen Belgrade's isolation and dim prospects for the integration of the 'FRY' into the international community.

In his meeting with President Milosevic last Monday, Special Representative Robert Gelbard previewed limited steps the U. S. was prepared to take to recognize Belgrade's constructive actions in support of Dayton implementation. Ambassador Gelbard also made very clear to Milosevic that these

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<sup>222</sup> »Robert Gelbard, Special Representative of the President and Secretary of State for Implementation of the Dayton Peace Accord, Q&A Session Following Remarks, U. S. Institute for Peace," 25 February 1998, unofficial transcript provided by Legi-State.

<sup>223</sup> »U. S. Expresses Concern over Violence and Loss of Life in Drenica," *Kosova Daily Report* #1358, 1 March 1998, item 2, at <http://www.hri.org/news/agencies/kosovo>.

limited, reversible steps were conditioned on continued cooperation and—in particular—on the situation in Kosovo. In light of Serb actions in Kosovo over the last three days, we are actively considering the question of whether it may be necessary to revoke some or all of these steps, in addition to considering further actions that might increase Belgrade's isolation."<sup>224</sup>

On 3 March then, Gelbard stated, »President Milosevic is well aware that the United States will not tolerate violence, and violence will be met by the most dire consequences imaginable. That will be the end of his government without any question."<sup>225</sup> And on the next day, he declared, »we simply won't brook any renewal of violence and yes, I do put the overwhelming onus on the government." He added, »we continue to be prepared to deal with this problem with Milosevic, with his military, and with his police using every appropriate tool we have at our command" and underlined »U. S. policy has not changed."<sup>226</sup> Yet when asked on the same day whether »America is planning to intervene militarily in Kosovo", the White House Press Secretary Mike McCurry answered:

»[T]here is no immediate discussion of any use of military force there. There are any range of options that are available for the world community and specifically for the United States to pursue with respect to the violence that has occurred in Kosovo. It has been of great concern to the United States government that we have condemned, very clearly that we have discussed in diplomatic exchanges with the government of Serbia, and we would certainly hope that a peaceful outcome to the dispute, the participation of the Kosovo Albanians, as well as the Serbian elements in Kosovo, that their discussions could lead to peaceful and amicable resolutions of the conflicts that they have."<sup>227</sup>

Finally, at the Contact Group meeting in London of 9 March 1998, Secretary of State Albright told her colleagues:

»We first acknowledge that this crisis is not an internal affair of the FRY. The violence is an affront to universal standards of human rights we are pledged to uphold. It represents precisely the sort of conduct that sparked the war in the former Yugoslavia. It is divide and rule all over again, with thugs in uniform targeting not just individuals, but whole families, clans and communities in order to sow widespread fear.

It is President Milosevic who is responsible for internationalizing this crisis—not we. The time to stop it is now, before it spreads. Otherwise, we will have to accept responsibility for the consequences to the region, to Europe, and to the values we share.

Second, we must avoid being paralyzed by the kind of artificial even-handedness that equates aggressors with their victims. We need to say clearly what is to clearly true: that responsibility for the violence lies squarely with Belgrade.

The authorities in Serbia will try to blur the picture by claiming their actions are a legitimate response to a terrorist threat. We do not deny that they face such a threat. We have no sympathy for a so-called liberation movement that judges, tries and executes the ethnic Serbs and Albanians it does not like.

But we expect governments to live up to higher standards than terrorist groups. An no provocation can possibly excuse the Serbian authorities' conduct in Kosovo. In recent days, we have received credible reports that security forces have mortared villages, burned houses, conducted extrajudicial executions, and killed pregnant women and elderly people who could not possibly have been a threat to them. Belgrade has incriminated itself further by keeping independent observers out of the region; it has even denied access to the International Red Cross.

President Milosevic would like us to accept his government as legitimate. But legitimate

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<sup>224</sup> »Violence in Kosovo. Statement by James P. Rubin, Spokesman," Washington, 2 March 1998, at <http://198.80.36.136/current/news>.

<sup>225</sup> »Gelbard Tells Milosevic Not To Use Force," *RFE/RL Newslines*, vol. 2, no. 43, pt. II, 4 March 1998. See also David Buchan, »US warns Belgrade recent concessions to Serbia may be reversed," *Financial Times*, 3 March 1998, p. 2.

<sup>226</sup> »Gelbard Warns of Military Action," *RFE/RL Newslines*, vol. 2, no. 44, pt. II, 5 March 1998.

<sup>227</sup> »Press Briefing by Mike McCurry, The White House, Office of the Press Secretary," 4 March 1998.

governments solve internal political problems with dialogue and the rule of law, not with artillery.

The only effective way to deal with this kind of violence is through action, not rhetoric—that is the most important lesson of 1991. Moral condemnation and symbolic gestures of concern alone will get us nowhere. More warnings will be meaningless: President Milosevic has already done what we have warned him to do. Diplomatic visits to the region will also fail unless we demonstrate to President Milosevic that he is losing more than he is gaining by continuing his present course of action.

We need to remember that before the recent crackdown, the United States and others began to ease international pressure against Serbia. By his conduct, President Milosevic has spurned our incentives. And he has shown us that the outer wall of sanctions is not sufficient. We need additional leverage.<sup>228</sup>

By giving the »VIP treatment» to Rugova the US expressed their approval of LDK's non-violent orientation and thus considerably enhanced the prestige of this particular leader. By rewarding Belgrade instantly for even small concessions regarding the Republika Srpska, yet more so by labelling UÇK armed resistance against Serbian oppression »terrorism» the same US provided Milošević with a strong excuse, even an incentive for his raid against Drenica. Inconsistencies like this have led political observers in the US to state that in comparison to Washington's policy towards Bosnia and Herzegovina, Macedonia, and Albania, US policy towards Kosovo is less coherent and probably not sufficient.<sup>229</sup>

### Regional Initiatives

Regional cooperation in the Balkans, once initiated by non-aligned Yugoslavia, did not survive the end of the Cold War. There is, however, a non-formalised Balkan cooperation on the level of heads of states and governments and foreign ministers. Following a Turkish initiative, on 25 November 1992 a Conference of Foreign Ministers of the Balkan and Regional Countries—including Austria, but excluding FRY—was held in Istanbul. It urged »the United Nations Security Council to examine the possibility of deploying forces in Kosovo, Vojvodina and Sandzak [...] to contain the extremely explosive situation reigning in these areas.» Specifically, the Conference

»10. *Strongly urges* all parties concerned to exercise the greatest moderation and restraint over Kosovo, and particularly federal authorities (Serbia-Montenegro) to use their influence to insure continued involvement of Serbian authorities in the Geneva Conference-brokered talks on the situation in Kosovo; the Serbian authorities, as well as the Kosovan leadership to cooperate with the Conference; and all the sides to contain extremist elements under their control.»<sup>230</sup>

It took five years until the next pan-Balkan meeting, a summit of heads of states and governments of eight Balkan countries, convened in Crete on 3-4 November 1997. Here, Albanian Prime Minister Fatos Nano and FRY President Milošević met separately to discuss the Kosovo issue—without reaching any result. The reaction in Kosovo, however, was extremely negative. Since 1990, Albania's Kosovo policy was characterised more by cautiousness than by Greater Albanian ideas. In October 1991, it is true, the Albanian Parliament had asked the government to recognise the self-proclaimed Republic of

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<sup>228</sup> »Statement by Secretary of State Madeleine K. Albright at the Contact Group Ministerial on Kosovo, London, United Kingdom, March 9, 1998,» at <http://secretary.state.gov/www/statements/1998/980309.html>.

<sup>229</sup> The New York Times, »Keep Kosovo Peaceful,» *International Herald Tribune*, 24 October 1997, p. 8.

<sup>230</sup> »Joint Declaration of the Conference of Foreign Ministers of the Balkan and Regional Countries, Istanbul, 25 November 1992,» *Yugoslavia Through Documents*, doc. no. 273, p.766.

Kosovo, but in vain.<sup>231</sup> While under President Sali Berisha Albania presented the Kosovo issue to international organisations, the new leadership under the »Southerner» Nano abstained from doing so.<sup>232</sup> In February 1998, Nano explicitly stated that Tirana is watching »Belgrade's retrograde policies in Kosovo with great concern» while at the same time it treated the Kosovo problem as an internal affair of the FRY.<sup>233</sup>

More formalised regional organisations like the US-inspired SECI or the Turkish-inspired Black Sea Economic Co-operation (BSEC) have not touched upon the Kosovo issue—not the least due to their basically economic character.

Also the Balkan policy of Greece--the only EU member state in the region—made several attempts to offer good offices and to mediate in the Kosovo conflict, the last one on 16 January 1998 when Greek Deputy Foreign Minister Iorgos Papandreu extended a mediation offer to Milošević, Rugova and Nano. While there was no reaction from Belgrade, Albania accepted the offer and LDK Vice-Chairman Agani flatly refused it.<sup>234</sup> In the Kosovo Albanian perspective, Greece is perceived as having a special relationship with Belgrade based on Christian-Orthodox values, on anti-Muslim sentiment with an anti-Albanian component, and on the strive for a common Serbian-Greek border.

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<sup>231</sup> For an official view from Tirana see Seit Hasani, »Kosova – an entity waiting for a solution according to the right of self-determination,» *Grenzen des Selbstbestimmungsrechts: Die Neuordnung Europas und das Selbstbestimmungsrecht der Völker*, ed. Erich Reiter (Graz, Wien, Köln: Styria, 1997), pp. 229-243.

<sup>232</sup> Fabian Schmidt, »Altered States. Albania's new rapprochement with Serbia offers little hope for Kosovo,» *WarReport*, no. 57, December 1997 – January 1998, p. 6.

<sup>233</sup> »Nano Urges Dialogue in Kosovo,» *RFE/RL Newslines*, vol. 2, no. 26, pt. II, 9 February 1998.

<sup>234</sup> »Greece offers to mediate in Kosovo,» *RFE/RL Newslines*, no. 11, pt. II, 19 January 1998.

## THIRD-PARTY INVOLVEMENT IN TRACK 2: NON-GOVERNMENTAL ORGANISATIONS

Currently, no foreign media and only a few humanitarian international organisations like the International Committee of the Red Cross, the International Federation of the Red Cross and the Red Crescent, UNHCR, UNICEF and the World Health Organisation are permitted permanent representation in Kosovo. Furthermore, the international NGOs permanently represented in Kosovo are almost exclusively humanitarian and medical ones—the Soros Foundation being the exception to the rule.<sup>235</sup> Where even monitoring is difficult, early warning, early action and preventive measures are hardly applicable.

Yet, quite a number of national and international NGOs as well as institutions specialising in inter-ethnic conflict management and think-tanks undertake mediation efforts on different political and societal levels and/or come up with policy recommendations on various aspects of the problem. Clearly, the Dayton Agreement has triggered off a significantly increased interest in this problem.

### Unrepresented Nations and Peoples Organizations

Among the international NGOs representing the interest of non-dominant ethnic groups it was in particular the 1990-founded UNPO which dealt with the Kosovo issue. Since UNPO's 2<sup>nd</sup> General Assembly of August 1991, also »Kosova» is a member, represented by Rugova's LDK.<sup>236</sup> Well before Dayton, on 24 January 1993, UNPO'S 3<sup>rd</sup> General Assembly had adopted the following declaration:

»RESOLUTION ON THE SITUATION IN THE REPUBLIC OF KOSOVA AND SANJAK

Considering that the war in Bosnia and Herzegovina cannot be contained despite all efforts by the international community;

Considering further that the war threatens the state of Kosova as well as Sanjak and the former Yugoslav Republic of Macedonia;

Aware that this war has the potential to lead to another Balkan war which has serious implications for the peace and stability of Europe;

1. Calls upon UNPO Secretariat to assist the leaders of Kosova and Sanjak to promote the following ends:
  - a. To stop the brutal and disastrous war in Bosnia and Herzegovina;
  - b. To promote peaceful negotiations

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<sup>235</sup> Among these NGOs are *Mercy Corps International, Islamic Relief, Médecins sans frontières, OXFAM, Doctors of the World, Norwegian Church Aid, Handicap International, Catholic Relief Service, Children Aid Direct, Pharmacies sans frontières, Save the Children* and *International Rescue Committee*. Cf. »President Rugova Hosts Reception for Kosova-based International Agencies," *Kosova Daily Report* #1319, 14 January 1998, item 1, at <http://www.hri.org/news/agencies/kosovo>.

<sup>236</sup> Cf. »Report of the UNPO 4<sup>th</sup> General Assembly, Held in the Hague, the Netherlands, January 20-26, 1995," in *Unrepresented Nations and Peoples Organization Yearbook 1995*, ed. Mary Kate Simmons (The Hague, London, Boston: Kluwer Law International, 1996), p. 168.--Other international NGOs lobbying for non-dominant ethnic groups like, e.g., the *Federal Union of European Nationalities* do not have member organisations from Kosovo—probably due to the fact that Kosovo Albanians do not consider themselves to be a minority or nationality. Yet an émigré organisation from Aurora, Illinois, by the name of »Union of Kossovars is a FUEN member.

- c. To persuade the international community to prevent the escalations of war in the Republic of Kosova, Sanjak and former Yugoslav Republic of Macedonia, by deploying peace keeping troops. To control the borders by military observers in order to stop the weapons coming from Serbia to Kosova and Sanjak; to demilitarize the whole region of former Yugoslavia under international auspices; to destroy all heavy weapons and all military facilities of former Yugoslavia; to punish all war criminals.<sup>237</sup>

The following month, UNPO prepared a report on the human rights situation in Kosovo which in its updated version of December 1993 contained the following

»CONCLUSIONS AND RECOMMENDATIONS OF THE UNPO REPORT ON THE NATIONAL AND HUMAN RIGHTS SITUATION OF THE ALBANIANS IN KOSOVA [...]

To prevent the possible outbreak of an armed conflict, and improve the human rights situation of the Albanians in Kosova, the UNPO makes the following recommendations:

- Demilitarization of the region. The heavy Serbian military movements along the border of Albania and Macedonia, and the distribution of weapons to Serbian and Montenegrin civilians are alarming factors. To reduce the threat of war the authorities should draw back their army and take steps to prevent the distribution of armaments to civilians;
- The sending of UN Peacekeeping forces. Although Serbia has not had any success yet with their provocations against the Albanians in Kosova, it could easily turn into a violent conflict. Such a conflict must be prevented by all means, since a war in this region is very likely to spread to neighbouring states such as Albania, Macedonia and Greece;
- The freedom of movement for the Albanians in Kosova and their neighbouring states. The Albanian population in Kosova is being isolated because of the 'Berlin Walls' at the border line Kosova/Albania and Kosova/Macedonia. To reduce the tense situation in this region, all Albanians should be restored freedom to travel to and from Kosova;
- The return of human rights observers. In July 1993 Serbia expelled CSCE observers from Kosova. To promote respect for human rights and prevent further escalation of human rights violations it is imperative that human rights observers return to this region.
- Kosova should be exempted from the UN sanctions against Serbia. To support the peaceful Albanian movement, the international community should exempt Kosova from the UN sanctions.
- Taking part in peace conferences. Any future peace conference on the situation in former Yugoslavia, organized by the United Nations, the European Community or the CSCE, should invite the representatives of the state of Kosova and recognize them as a separate and independent party in the conflict.
- Recognition by the international community of a sovereign and independent state of Kosova. The Albanian people in Kosova have a lawful claim of self-determination and the referendum held under the Kosova population on 26-30 September 1991 shows that an overwhelming majority wants to become an independent state. Furthermore, the government of Kosova is willing to accept all commitments and obligations defined by the European Community as preconditions for the formal recognition of Yugoslav Republics wishing to be recognized, and prepared to fully consider all future requests and obligations issued by the European Community that are deemed appropriate for the recognition of a sovereign state of Kosova.<sup>238</sup>

Another Kosovo resolution was adopted by UNPO's 4<sup>th</sup> General Assembly at the Hague in January 1995:

»RESOLUTION REGARDING KOSOVA

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<sup>237</sup> UNPO General Assembly, »Resolution on the Situation in the Republic of Kosova and Sanjak,» 24 January 1993, [UNPO]-GA/1993/RES.4.

<sup>238</sup> Unrepresented Nations and Peoples Organization, *A UNPO Report on the National and Human Rights Situation of the Albanians in Kosova*, prepared by Roeland Bos (The Hague: UNPO 1993 ([UNPO] HRC/1993/REP.1), pp. 19-20.

The General Assembly,

RECOGNISING, the right of Kosova to self-determination and independence, its right to choose and elect its own government and the illegality of the Serbian military occupation of Kosova;

APPALLED, that the Serbian regime has been quietly carrying out ethnic cleansing of Albanians in Kosova;

DEEPLY CONCERNED, with the escalation of human and political rights violations of ethnic Albanians, including:

1. Police brutality against ethnic Albanians including killings, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment, which has resulted in the deaths of Albanians while in custody;
2. The closure of schools and of the University which teach the Albanian language;
3. The banning of television, radio and newspaper in Albanian language, and the intimidation and imprisonment of Albanian journalists;
4. The dismissal of Albanian doctors from health institutions;
5. The dismissal of over 80% of ethnic Albanians (150.000) from their jobs;
6. The expulsion of Albanian judges from the courts;
7. The elimination of the Albanian language, particularly in public administration and services;

CONCERNED that Serbia is preventing the Parliament of Kosova from convening, and that Serbia has expelled the long-term mission of the OSCE from Kosova;

DEEPLY CONCERNED that the conditions in Kosova are deteriorating and that any moment, they may escalate to war which would certainly spread internationally, beyond the borders of Kosova;

NOTING that UNPO has stood behind peoples which have worked for the protection of the rights to self-determination within their ancestral territories, and which supports non-violent resolution of international disputes;

THEREFORE,

URGENTLY CALLS on Serbia to withdraw its military and police forces from Kosova.

APPEALS to the international community to prevent the escalation of war in Kosova by providing international protection by deploying international peacekeeping troops, demilitarise all the territory of Kosova, ensuring that Albanians participate equally in the discussions regarding the resolution of this conflict, and to strengthen sanctions against Serbia until the Kosova problem is solved.

APPEALS to the international community to recognise the self-determination of the Kosova people, thereby recognising the independent state of Kosova.<sup>239</sup>

### **Minnesota Advocates for Human Rights**

Also from the pre-Dayton epoch stems »The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo» of April 1993. The Minnesota Advocates for Human Rights, »an independent organisation of lawyers and other advocates committed to the impartial promotion and protection of international human rights,» called for an United Nations trusteeship system in Kosovo in case Belgrade did not re-establish the 1974 autonomy. Their Minnesota Plan contained the following concrete policy recommendations:

»Human Rights Monitoring

1. The United Nations Security Council should take all possible steps to establish a U.N. observer mission in Kosovo and ensure that the mission includes an adequate number of human rights fact-finders with the qualifications and resources necessary to document and report on human rights abuses

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<sup>239</sup> »Resolution Regarding Kosova, Fourth UNPO General Assembly, The Hague, 20-26 January 1995, General Assembly Resolution 22,» in *Unrepresented Nations and Peoples Organization Yearbook 1995* , pp. 278-279.

and to act as a deterrent to further violations. The Security Council should coordinate these efforts with the monitors from the Conference on Security and Cooperation in Europe (CSCE) who are stationed in Kosovo. In addition, the Special Rapporteur on former Yugoslavia should focus greater attention on Kosovo. The international community should support local credible human rights monitors. [...]

#### Direct Negotiations

2. A conference involving representatives of the Serbian government and representatives of the Albanian population of Kosovo should be convened as soon as possible under the auspices of the United Nations, the CSCE, or the European Community to discuss peaceful resolution of the ethnic violence and massive human rights violations taking place in Kosovo. [...]

#### Autonomy

3. The United Nations Security Council should declare its intent to refuse to recognize the Serbian government as the successor to Yugoslavia in the United Nations and should urge Member States to withhold recognition of Serbia until the province of Kosovo is granted autonomy. At a minimum, autonomy would require that the Serbian government: (1) stop human rights violations in Kosovo, including arbitrary detention, torture, inhuman treatment and arbitrary killings; (2) remove all Serbian and Yugoslav military forces, including paramilitary forces, from Kosovo; (3) restore Albanian Kosovars to their former professional and public positions; (4) stop resettling Serbs into Kosovo; (5) reopen all educational opportunities for Albanian Kosovars; and (6) rescind all facially discriminatory laws.

As a condition of autonomy, the Kosovo provincial government must agree to: (1) abide by international norms regarding minority rights, including provisions of proportional representation for ethnic Serbs in the Kosovo provincial government; (2) allow United Nations monitoring of Kosovo to ensure compliance with international standards regarding minority rights; and (3) hold free and fair elections within one year of the withdrawal of Serbian and Yugoslav forces from Kosovo.

The United Nations should provide peacekeepers to police Kosovo until elections are held. There should be no arming of Kosovars during this interim period. [...]

#### Trusteeship

4. If the Serbian government does not agree to grant autonomy of Kosovo by September 1993 as described above, or in the event of an escalating pattern of gross violations of human rights and fundamental freedoms, the United Nations Security Council should call for the Serbian government voluntarily to place Kosovo under the Trusteeship system governed by Articles 75-91 of the United Nations Charter. Designation of Kosovo as a trust territory would not predetermine a particular legal status for the region in the future. [...]

#### Additional Measures

5. The Security Council should further resolve that if the Serbian government refuses to place Kosovo under Trusteeship after failing to grant autonomy or escalating the pattern of gross human rights violations, the situation in Kosovo will be deemed a 'threat to international peace and security.' In this event, the Security Council should declare Kosovo a safe haven and provide protection for residents of the province by all necessary measures. [...]

#### Minority Rights

6. The provisional government of Kosovo must guarantee minority rights for non-Albanians in the province as set forth by the United Nations, CSCE and the Council of Europe. Each minority must be allowed effective participation in government and equal access to public services as guaranteed in Article 21 of the Universal Declaration of Human Rights. The government of Kosovo must also permit United Nations monitoring to ensure compliance with international standards regarding minority rights.

#### Communications

7. The United Nations should provide support for independent and objective media within Serbia. The international community should use radio, television and written communications to provide accurate information to the Serbian population. [...]

8. Every effort must be made to increase world attention to the situation in Kosovo and to maximize the opportunity for Kosovars to communicate with the outside world. The international community should support and consult locally based fact-finders and fact-finding organizations. [...]

#### War Crimes

9. The United Nations should aggressively pursue the investigation and prosecution of war crimes, crimes against humanity, crimes against the peace and gross human rights violations in all regions of former Yugoslavia and the compensation for victims of those crimes. Such prosecution can serve as a deterrent to the commission of similar atrocities in Kosovo.<sup>240</sup>

### Comunità di Sant'Egidio

So far, the most concrete political result of NGO activities has been a Memorandum of Understanding providing for »the return of the Albanian students and teachers back to schools» brokered by the chairman of the Catholic Laymen Organisation *Comunità di Sant'Egidio* of Rome, Monsignore Vincenzo Paglia. The Memorandum was drafted in Serbian and signed on 1 September 1996 simultaneously in Belgrade by the »President of the Republic of Serbia Slobodan Milošević» and in Prishtina by »Dr. Ibrahim Rugova.»<sup>241</sup> An English translation distributed in Belgrade on 1 September 1996 read:

»Since some years now, the educational system of Kosovo - from elementary schooling to university - does not work in a normal way.

By mutual consent the undersigned, Mr. Slobodan Milošević, President of the Republic of Serbia, and Dr. Ibrahim Rugova have agreed to proceed to the normalization of the educational system of Kosovo for the Albanian children and youth.

On this line the agreement reached foresees the return of the Albanian students and teachers back to schools.

Because of its social and humanitarian value the present agreement is above any political debate. The concern which both undersigned feel very strongly for the future of the Albanian children and youth of Kosovo has lead them to reach such an agreement.

Both undersigned thank their joint friends of the Community of S. Eudigio [*recte*: Eugidio] for the generous commitment, help and support they have given to the dialogue.

Both undersigned are furthermore certain about the commitment of all those who are in charge in the implementation of the agreement for the normalization of the educational system. There will be a mixed group (3+3) established for the realization of this agreement.

When young people seriously commit themselves to their educational and cultural formation, so to become responsible citizens, the victory of civilization itself will prevail instead of the victory of ones over the others.

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<sup>240</sup> *The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo by Minnesota Advocates for Human Rights* (Minneapolis, Minnesota, April 1993), pp. 3-8.—»Minnesota Advocates for Human Rights» is the successor organisation to »Minnesota Lawyers International Human Rights Committee.»

<sup>241</sup> Laura Silber, »Milošević in accord to end Albanian boycott of schools,» *Financial Times*, 3 September 1996; and Gordana Igrić, »Education is the Key in Serb-Kosovar Negotiations,» *Transitions*, vol. 3, no. 4, 7 March 1997, pp. 19-23.-- On Sant'Egidio see Sergej Starcev, »OON iz Trastevere: Mirotvorcy, kotorye prosty, kak golubi, no ostoropny, kak zmei,» *Nezavisimaja gazeta* [Moscow], 27 November 1997, enclosure »NG-Religija», p. 5; and Andrea Bartoli, »A Mediation Model beyond the United Nations,» *Crosslines, Global Report*, vol. 3, no. 1 (March), 1995, at [www.ohchr.org/xlines/31/un31.html](http://www.ohchr.org/xlines/31/un31.html).

According to sources from Belgrade, there was an unpublished annex to the Memorandum called »First Measures of Normalisation of the Education System in Kosovo» or »Rome Document», »containing a list of school facilities to which Albanian students are to be given access.<sup>243</sup>

The news of the signing of the Memorandum considerably improved the atmosphere in Kosovo. It turned out soon, however, that the Memorandum was flawed with technical mistakes and political weaknesses. While an Albanian translation explicitly mentioned »pupils and students,<sup>244</sup> the Serbian original for very good reason had only »pupils» (*učenici*), not, however, »university students» (*studenti*). This allowed Belgrade to deny that the agreement provided for readmission of Albanian students to the University of Prishtina. The Kosovo Albanian side on the other hand interpreted the agreement as providing for the reopening of the *Albanian* University of Prishtina which in 1990 had been turned into a Serbian institution of higher education. Yet also regarding elementary and secondary education the Memorandum was interpreted in fundamentally different ways by the two sides. According to Belgrade the Memorandum provided for the return of the Albanian pupils to the state system of education (»re-integration»), while the Kosovo Albanians were of the opinion that state-owned school buildings would be turned over to them. A particularly dangerous source of friction was the application of the principle of double-shift teaching in state-owned school building—Serbs in the morning, Albanians in the afternoon. And a particular flaw of the agreement was that it did not include a timetable for its implementation.<sup>245</sup>

So, in practical terms, the agreement did not bring about a change in the situation: more than 270,00 Albanian primary school pupils, 60,000 secondary school pupils, 20,000 university students and 20,000 teachers were still forced into their »parallel

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<sup>242</sup> »Memorandum of Understanding,» English Translation, distributed in Belgrade on 1 September 1996. This text was reprinted by Thanos Veremis, »The Kosovo Puzzle,» in *Kosovo: Avoiding Another Balkan War*, pp. 40-41.—There is, however, another English translation in use among international actors saying »[t]he Agreement, signed by Serbian President Slobodan Milosevic and Dr. Ibrahim Rugova on 1 September 1996, is as follows:

»For several years, the educational system in Kosovo from primary school to university level has not been functioning normally.

On the basis of mutual agreement, the undersigned, President of Serbia Slobodan Milosevic and Dr. Ibrahim Rugova have agreed to commence normalisation of the educational system for Albanian children and young people in Kosovo.

This Agreement envisages the return of Albanian school children and teachers to schools.

Because of its social and humanitarian importance, this Agreement supersedes any political debate. The concern felt by the undersigned for the future of Albanian children and youth has led them to arrive at this Agreement.

They are also grateful to their mutual friends from the humanitarian community of Sant'Egidio for the assistance and support they have given to bringing about dialogue.

The undersigned are convinced of the readiness of all those responsible for implementing the Agreement on a normalisation of the educational system. A mixed group (3 and 3) will be set up to implement this Agreement.

When young people take a serious approach to their own education and cultural advancement in order to become responsible citizens, there will be a triumph of civilisation, not a triumph of one over the other.» Text, distributed by Ambassador Martin Lutz of the OHR at the Conference »Strategies and Options for Kosovo», held by the Bertelsmann Science Foundation and the Research Group on European Affairs, Thessaloniki, Greece, 20-21 April 1998.

<sup>243</sup> Humanitarian Law Center: »Education of Kosovo Albanians» *Spotlight Report* no. 24, 16 October 1997, p.5.

<sup>244</sup> »Deklarat, Prishtin, Beograd, 01. 09. 1996,» Albanian text distributed in Prishtina on 1 September 1996.

<sup>245</sup> Martin Lutz, »How to implement the school agreement?,» paper given at the Conference »Strategies and Options for Kosovo», held by the Bertelsmann Science Foundation and the Research Group on European Affairs, Thessaloniki, Greece, 20-21 April 1998.

system” in private premises, lacking adequate educational material and financing.<sup>246</sup>

The fact that Belgrade did not undertake any steps to implement the agreement led Msg. Paglia and his advisers Roberto Morozzo della Rocca and Paulo Rago to a renewal of their mediation efforts in the summer of 1997. They succeeded in making the 3+3 Group meet on 9 October 1997 in Prishtina and on 10 October in Belgrade where, however, the talks collapsed.<sup>247</sup> As mentioned above, there were announcements that the 3+3 Group was going to meet end-February 1998.<sup>248</sup> Obviously, such a meeting took place, and on 23 March both sides signed a document on measures to implement the agreement.<sup>249</sup> In the meantime, however, the Drenica massacre had completely destroyed the atmosphere for any progress in educational matters.

### Humanitarian Law Center

Since 1993, this Belgrade-based NGO chaired by Nataña Kandiç has been closely monitoring the human rights situation in Kosovo by way of intensive field research.<sup>250</sup> In September and October 1997, the Center carried out an investigation into the educational system of Kosovo in order »to establish whether there had been any change in the use of schools and university facilities following the signing of the Miloëviç-Rugova Agreement on the normalization of education in Kosovo, and the conditions under which students receive instruction in the Albanian language.»<sup>251</sup> Their report »Education of Kosovo Albanians” of 16 October 1997 contained a critical evaluation of the Memorandum plus a set of recommendations:

»The Humanitarian Law Center considers that there is no justification whatsoever for the failure to take steps to eliminate the degrading conditions in the field of Albanian-language education in Kosovo. This must be done immediately and without the setting of political preconditions, and would denote compliance with the Miloëviç-Rugova Agreement in which the signatories underscore that ‘the Agreement is above any political debate,’ and solemnly declare its humanitarian import [*recte*: impact] and their ‘concern for the future of Albanian youth in Kosovo.’

Any attempt by the Serbian authorities to make the normalization of Albanian-language education conditional on the ethnic Albanian community accepting the Serbian uniform school programs would directly politicize the problem and, consequently, be in contravention of the Agreement. For acceptance of the uniform program would mean that the Kosovo Albanians recognize the sovereignty of the Republic of Serbia over Kosovo, and that is a political issue and completely separate from the humanitarian issue of education.

The Humanitarian Law Center urges the Serbian representatives on the 3+3 Group to refrain from attempts to politically discredit the other side, and to focus their concern on the implementation of

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<sup>246</sup> International Helsinki Federation for Human Rights: *Annual Report 1997: Human Rights Developments in 1996*, Vienna: IHF, 1997, p. 295.

<sup>247</sup> »Kosovo Talks Collapse,” *RFE/RL Newslines*, no. 137, pt. II, 13 October 1997.

<sup>248</sup> Matthias Rüb, »Washington kündigt Lockerung der Sanktionen gegen Belgrad an,” *Frankfurter Allgemeine Zeitung*, 25 February 1998, p. 2.

<sup>249</sup> Matthias Rüb, »Schulabkommen unterzeichnet. Vereinbarung zwischen Kosovo-Albanern und serbischer Regierung”, *Frankfurter Allgemeine Zeitung*, 24 March 1998, p. 6. For the text of the implementation agreement see »Agreed Measures for the Implementation of the Accord on Education of September 1<sup>st</sup> 1996”, Prishtina, 23. 3. 1998, signed by Agani, Ramaj and Osmani for the Albanian side, by Vico, Perëviç and Bjeletiç for the Serbian side and by Msg. Paglia for Sant’Egidio. Cf. also »Measures Agreed on Implementation of Educational Accord”, *Kosova Daily Report* #1380, 23 March 1998, item 1, at <http://www.hri.org/news/balkans/kosova>.—The signing was followed by fierce protests by Serbian nationalists. Cf. Guy Dinmore, »Serb fury at Kosovo school deal”, *Financial Times*, 24 March 1998, p. 2.

<sup>250</sup> Cf. The Humanitarian Law Center/Fond za humanitarno pravo: »Kosovo Albanians: Police Repression and Discrimination”, *Spotlight Report* No. 6, Belgrade 1993, and »Kosovo Albanians II”, *Spotlight Report* No. 16, Belgrade, February 1995.

<sup>251</sup> Humanitarian Law Center: »Education of Kosovo Albanians”, *Spotlight Report* No. 24, 16 October 1997, p. 1.

the Agreement. In this context, the HCL draws attention to the statement made by Goran Perčević on 10 October 1997 after a meeting of the 3+3 Group and in which he accused the Kosovo Albanian negotiators of 'stark separatism.' This kind of rhetoric raises doubts as to the Serbian authorities' genuine readiness to resolve the problem of education in the Albanian language.

The Humanitarian Law Center suggests an interim solution that Albanian-language schools be financed from taxes and contributions paid by Kosovo Albanians to the Republic of Serbia.<sup>252</sup>

The Humanitarian Law Center used the opportunity of the OSCE Implementation Meeting at Warsaw on 12 to 28 November 1997 to acquaint a broad international audience with its views on the educational problems in Kosovo.<sup>253</sup>

### **International Commission on the Balkans**

As to the more academic NGO initiatives, they have resulted in a number of policy recommendations. The most prominent of these initiatives was the International Commission on the Balkans, founded in September 1995 by the Carnegie Endowment for International Peace and the Aspen Institute Berlin.<sup>254</sup> In January 1996, the Commission undertook a study mission to Prishtina and its surroundings,<sup>255</sup> and included in the 57 recommendations of its final report »Unfinished Peace» the following four on Kosovo:

»20 Serbia should lift martial law entirely, restore Kosovo's status of autonomy, and effect a gradual withdrawal of troops and police, unilaterally, before the start of negotiations.

21 The Kosovo Albanian leadership should, in return, be ready to enter negotiations without further preconditions, thus backing off from their refusal to talk about anything other than independence.

22 Although the final outcome cannot be prejudged, it would be expected to take legitimate Serb concerns into account and, at the same time, to acknowledge the right of the Kosovo Albanians to self-government, including but not limited to:

-- The right of the Albanians to control their own police and judiciary as well as health, cultural, and educational institutions.

-- Reliable guarantees of the rights of the Serbian minority in Kosovo

If no agreement can be reached within a reasonable time, say two years, the Commission feels that the future status of Kosovo should be submitted to legally binding arbitration and, if the arbitrators so recommend, a Kosovo-wide referendum on the various options. A concerted international effort should buttress this process. A long-term presence of an OSCE monitoring mission would be indispensable.

23 Along with the lifting of martial law, a coordinated effort is needed by the Albanian leadership, Western foundations and NGOs, and the Serbs, to restore a normal civil and cultural life to Kosovo. This means, above all, a unified Prishtina University, with financial aid, technical help, and academic exchange programs aimed at restoring the University as an open and pluralistic institution.<sup>256</sup>

In an update of August 1997, the Commission repeated some of these recommendations:

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<sup>252</sup> *Ibid.*, p. 7.

<sup>253</sup> Humanitarian Law Center: »Yugoslav NGO on the Education in Kosovo,» OSCE Implementation Meeting, Warsaw, 12-28 November 1997, document no. 243.

<sup>254</sup> Stefan Troebst, »Die 'International Commission on the Balkans' zur Förderung regionaler Stabilität in Südosteuropa von Carnegie Endowment for International Peace und Aspen Institute Berlin,» *Südosteuropa-Mitteilungen* 36 (1996), no. 1, pp. 69-71.

<sup>255</sup> [Stefan Troebst], »Report on a Preparatory Trip to Saloniki, Gostivar, Skopje and Prishtinë, and on a Study Mission of the International Commission on the Balkans to Kosovo, 20-27 January 1996,» Berlin, 15 February 1996, pp. 7-10.

<sup>256</sup> Cf. Tindemans *et al.*, *Unfinished Peace*, pp. 118-119.

»In Kosovo, pressure should be applied to both sides to resume talks on the basis of basic mutual concessions that the Commission urged last year. Serbia should lift martial law entirely, restore Kosovo's status of autonomy, and withdraw troops and police, unilaterally, before the start of talks. In return, the Kosovo Albanian leadership should be ready to enter negotiations without further preconditions, thus abandoning the refusal to talk about anything other than independence.<sup>257</sup>

### **Young Leaders Studies Group on the Future of the Balkans**

Also in 1997, the Aspen Institute Berlin set up a Young Leaders Studies Group consisting predominantly of Southeast Europeans to investigate »The Future of the Balkans.” At a meeting in Istanbul on 7 March 1998, this group formulated the draft an »International Call for Action” with a focus on Kosovo:

»Given the fact that Kosovo is a keystone of peace and security in the region; having in mind that the violent events of 1998 have brought the situation in Kosovo to a breaking point; due to prevailing political and economic crises in Serbia, Albania, Macedonia and Montenegro; considering that the non-violent movement of Albanians in Kosovo has so far contributed to avoiding a state of war, but is now reaching the point of exhaustion; and finally, recognizing that any delay in confronting the Kosovo issue could lead to war, most likely involving neighboring countries,

it is timely and necessary that strong and united international action be undertaken before it is too late. As the International Helsinki Federation recently quoted an expert observer in Kosovo: ‘Concern is not a policy.’

In an effort to support those ready to take ‘action’ on the Kosovo issue, our group would like to point out and endorse excellent recommendations that have been made including those in the 1996 Unfinished Peace report of the International Commission on the Balkans; in the 1996 report of the Center for Preventive Action called Towards Comprehensive Peace in Southeast Europe: Conflict Prevention in the South Balkans; in the November 1997 declaration of the European Action Council for Peace in the Balkans and the Carnegie Endowment for International Peace called ‘Kosovo: From Crisis to a Permanent Solution’; and in the January 1998 press release of the International Helsinki Federation call ‘Kosovo: Urgent Appeal for Courage, Leadership and Cooperation.’ Much work has been done to explore viable approaches to the tense situation in Kosovo, and these recommendations should not be overlooked as governments become involved at the last minute.

Building on recommendations made by the sources already cited, we recommend:

To the international community:

1. To take all the appropriate actions to end violence in Kosovo.
2. Demand the immediate restoration of full civil, political and human rights of the Kosovo Albanians.
3. Convene an international conference on Kosovo to develop a framework for transatlantic cooperation, with the purpose of coordinating external actors and not to impose an agreement on Kosovo’s final status. Any divergence of strategies will only weaken international leverage over the disputing parties.
4. The Contact Group should appoint a mediator for negotiations between the two parties to facilitate a mutually agreed solution. The Contact Group already has an international mandate for the Former Yugoslavia and has been successful in the past. The Contact Group should commit itself to deploy all means at its disposal to resolve this crisis. This process should initiate and actively promote a

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<sup>257</sup> Leo Tindemans *et al.*, »Declaration of The International Commission on the Balkans,” Washington, D. C., Berlin, 6 August 1997, p. 5.

process designed to lead to a permanent solution of the Kosovo problem. The international community can play a vital role in initiating and facilitating confidence-building measures, a political dialogue, and negotiations; as well as guaranteeing agreements between the parties.

5. All appropriate leverages should be used to encourage progress towards a solution and to ensure cooperation of both sides with the appointed mediator. Existing tools include the 'outer wall of sanctions' and conditionality concerning the development of friendly relations between the EU and its member states and the FRY and its constituent republics. The 'outer wall' should remain in place until all conditions for its removal have been fulfilled, including significant progress in the resolution of the Kosovo crisis.
6. International efforts should be geared towards demilitarization. Eventually, an international commitment, similar to that which was deployed in Eastern Slavonia should be adopted to secure the cessation of hostilities and to implement the transition.
7. The negotiation process on the future status of Kosovo should have time limitations. Any agreements reached, including those in the interest of confidence building, should have time deadlines for implementation. One of the problems with implementing the Education Accord has been the lack of any time pressure or obligation.

To Serbian leaders, in order to facilitate a fair dialogue:

1. End human rights abuses in Kosovo. This includes state terror, police repression and imprisonment of Albanians for political purposes.
2. Effect a withdrawal of troops and interior ministry personnel to barracks and ensure that they remain there.
3. Normalize the functioning of educational, cultural, information, scientific, economic and financial institutions and implement the Education Accord (signed by Milosevic and Rugova).
4. Enable the reopening of Radio-Television Pristina in Albanian and other media, banned since 1990.
5. Establish local democratic institutions including a local assembly and independent judiciary with ethnic Albanians included on the bench.
6. Allow the unconditional return of the OSCE long-term mission and opening of an EU/UN office and other international and non-governmental organizations and offices.
7. Express commitment to a dialogue without precondition.

To Kosovo leaders, in order to facilitate a fair dialogue:

1. Reaffirm a commitment to non-violence.
2. Call on international monitors to investigate all terrorist activity in Kosovo, including activities of the Kosova Liberation Army.
3. Make a commitment to the protection of human rights which directly addresses the position of Serbs living in Kosovo.
4. Work with the OSCE to assist in monitoring of human rights for Serbs living in Kosovo.
5. Express commitment to a dialogue without precondition.<sup>258</sup>

### **South Balkans Working Group**

In December 1995, a newly formed South Balkans Working Group of the US-American Council on Foreign Relations' Center for Preventive Action travelled throughout the Balkans and presented a report entitled »Towards Comprehensive Peace in Southeast Europe.<sup>259</sup> Concerning Kosovo it contained the recommendation of confidence-building measures plus dialogue and negotiations in order to reach »an interim settlement that

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<sup>258</sup> Draft »International Call for Action» by the Aspen Institute Berlin's »Young Leaders Study Group», Istanbul, 7 March 1998, at [ÖöÜëí! Ááí Ý÷áé ĩñéóóáß óääëääãßéòçò.. gr/pdf/istanbul-draft.pdf](http://www.aspeninstitute.gr/pdf/istanbul-draft.pdf).

<sup>259</sup> *Towards Comprehensive Peace in the Southeast Europe: Conflict Prevention in the Balkans - Report of the South Balkans Working Group of the Council on Foreign Relations Center for Preventive Action*, ed. Barnett R. Rubin (New York, NY: Twentieth Century Fund Press, 1996).

would relieve tension without requiring either side to renounce its firmly held positions on the final status of Kosovo.”<sup>260</sup> As the most important confidence-building measures were named:

»From Belgrade:

- Ending violations of human rights in Kosovo, including police repression, detention of political prisoners, and confiscation of passports;
- Assuring no repetition of the bans [...] on the operations of [...] independent media, which have contributed to Serbian-Kosovar dialogue [...];
- Permitting an increased international presence in Kosovo to monitor human rights, including reestablishing the missions of long duration of the Organization for Security and Cooperation in Europe (OSCE) and opening of offices by other international and non-governmental organizations, as well as by foreign governments [...].

From the Kosovar leadership:

- Reaffirmation of the commitment to nonviolence;
- Reaffirmation and clarification of guarantees of the rights of the Serbian population in Kosovo, including international monitoring;
- Quiet communication of a willingness to defer discussion of independence while talks take place on interim measures to defuse tension.

From the international community:

- Pressing the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the OSCE to reopen its missions of long duration in Serbia;
- Establishing centers of operation in Kosovo by international humanitarian organizations such as the office of the UN High Commissioner for Refugees and the International Committee of the Red Cross, which now serve the region from other offices.”<sup>261</sup>

### **Hellenic Foundation for European and Foreign Policy (ELIAMEP)**

Also in 1995, the Hellenic Foundation for European and Foreign Policy (ELIAMEP) in Athens initiated a research project »Avoiding Another Balkan War: Strategy on Conflict Prevention in Kosovo.” In September 1996, the research group lead by Thanos Veremis concluded:

»We believe that any solution will have to be the product of negotiations between the two sides, with the aid of an interlocutor who is credible to both sides.

The starting points of any negotiation will be that:

- a. The territorial integrity of the FRY is not under question. Future constitutional arrangements, however, regarding the status of Kosovo, Vojvodina will be at the centre of the settlement process.
- b. The Albanian majority of Kosovo is a constituent part of the FRY.
- c. The international community (UN, EU, OSCE, Council of Europe) guarantees the federal character of Yugoslavia, and Kosovo as a constituent part of it.

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<sup>260</sup> Steven L. Burg and Barnett R. Rubin, »Policy Recommendations<sup>ibid.</sup>, p. 8.

<sup>261</sup> <sup>ibid.</sup>, pp. 7-8. Cf. also a more detailed version<sup>ibid.</sup>, pp. 13-18.

We believe that a form of *extensive autonomy*<sup>262</sup> ought to be the aim of the negotiations. Towards that end, a) an interim restitution of the autonomous status of Kosovo must go into effect; until the arrangement is completed b) international guarantees must be given that will secure the external borders of FRY and exclude the possibility of Kosovo's independence and union with neighbouring states; c) international aid will be extended to Kosovo for financing bi-communal projects; d) the Albanians of Kosovo must agree to participate in future national elections of FRY; e) military units must be relocated from urban centers to the borders of FRY; f) all paramilitary groups must be disbanded; g) the possibility of setting-up a higher juridical body made up of two Albanians and two Serbs, presided by an independent personality chosen by the two, must be explored.

#### Confidence-building measures

- 1) Banning secessionist activities and propaganda.
- 2) Reopening of the University of Pristina as a bilingual institution as well as schools of primary and secondary education.
- 3) Establishment of bi-communal mass media.
- 4) Designation of an ombudsman.<sup>263</sup>

Also stemming from the ELIAMEP research group on Kosovo is an outline plan drafted by Evangelos Kofos in early 1998:

#### »A Non-Paper for a Long-Term Settlement of the Kosovo Dispute

A long-term settlement of the Kosovo dispute, to be durable, should try to meet the legitimate needs of the parties concerned. It should also take into consideration questions of peace and security of the wider region.

The following ideas focus on a stage-by-stage and win-win approach. The scenario seeks to accommodate the Serbian-Albanian positions, initially on 70-30 ratio in favour of the current possessors (Serbs). Subsequently, the ratio 70-30 would be progressively reversed to favour the heirs (Albanians).

Once the parties are brought to the negotiating table for meaningful talks, the stage by stage scenario would provide:

Stage A: The parties agree on the organization of the province as an Autonomous Region, composed of Albanian and Serbian cantons. The Serbs might be given roughly a 30 percent of the land which should comprise the areas with strong emotional value to them. Some minor movement of population on a voluntary basis—with strong incentives for those moving—might be necessary to ensure that the respective ethnic groups enjoy relative majority in their respective cantons. Understandably, the Albanians would enjoy majority rule in the Region.

Stage B: The Region would be admitted as a unit of the Republic of Serbia. The Autonomous Region and the cantons would enjoy extensive self-rule on all domains, including public order, except for national defense and foreign policy.

Stage C: After a mutually agreed, and internationally sanctioned, period, which might extend to roughly 10 years, the Region by plebiscite would decide to join the Yugoslav Federation as a federate republic, with equal rights with Serbia and Montenegro but not with the right of secession.

Stage D: After an additional 10-15 years, the cantons of the Republic Kosovo might decide by plebiscite to exercise the right of self-determination in order to establish an independent state. The cantons deciding against independence would join one of the other constituent states of the Yugoslav

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<sup>262</sup> It is interesting to note that the term »autonomy» was replaced by »special status» in a 1998 version of the text. Cf. »Avoiding Another Balkan War: Strategy on Conflict Prevention in Kosovo. A Policy Proposal," in *Kosovo: Avoiding Another Balkan War*, p. 15.

<sup>263</sup> Thanos Veremis, »Avoiding Another Balkan War," pp. 7-8. See also Thanos Veremis, Alex Heraclides, and Dimitris Zeggini, »Kosovo: Strategien zur Konfliktverhütung [September 1996]," *Europäische Rundschau* 25 (1997), no. 3, pp. 31-36; Thanos Veremis, »Möglicher Krisenherd: Kosovo. Die Zeitbombe tickt," *Politische Studien* 46 (1995), special issue 3/1995: Die Balkankrise, pp. 87-100; and idem, »Kosovo: The Powder Keg on Hold," *Balkan Forum* 4 (1996), no. 2 (15), pp. 27-44.--Stemming from the same research project is a paper by Alexis Heraclides, »The Kosovo Conflict and Its Resolution. In Pursuit of Ariadne's Thread," *Security Dialogue* 28 (1997), pp. 317-331. See also idem, »Konfliktlösung am Beispiel der Kosovo-Frage," *Internationale Politik* 50 (1995), no. 12, pp. 33-38.

federation. Constitutional provisions, by international (*standards?*) should guarantee that the independent state should commit itself to not opting for union with another state (*or?*) might opt to join another state only after a specified period to be decided by international treaty].

Understandably, the provisions of such an agreement would require the guarantee of an international treaty, subscribed either by the Security Council of the United Nations, or by other international bodies.

»Stage D» is presented in brackets, to be addressed according to circumstances.<sup>1264</sup>

## Transnational Foundation for Peace and Future Research

In 1996, the Transnational Foundation for Peace and Future Research in Lund, Sweden, proposed to set up what they call the »United Nations Temporary Authority for a Negotiated Settlement (UNTANS)» in Kosovo.<sup>265</sup> In particular, TFF opted for the following measures:

»-- A memorandum would be signed between Yugoslavia and the UN Security Council to the effect that the UN, for a period of three years, takes over parts of the daily administration of the area, aimed to reduce tension.

-- All troops and police in Kosovo are demilitarised during the agreed period, with the exception of what is needed for Yugoslavia's legitimate self-defence.

-- A permanent Professional Negotiation Facility is established, to help the parties achieve a timely result. The leadership of this facility must be selected from nations with no significant interest in the region.

-- The paramilitary troops and police are replaced by international civil police and monitors who co-operate with the UN administration, the Negotiation Facility and with a broad spectrum of local and international civil society organisation in the region.

-- Peacebuilding efforts, including peace education, conflict-mitigation, negotiation techniques and reconciliation and co-operative projects in local communities, are conducted throughout the area to empower people to handle their own future conflicts.

-- Some smaller groups of countries, such as the Nordic states, take the initiative to establish a 'Helsinki Process' for all of the Balkans, inviting all parties and civil society organisations to participate.

-- The Federal Republic of Yugoslavia is fully integrated into the international community and intergovernmental organisations, including the OSCE, as a prerequisite for accepting anything like a UNTANS.<sup>266</sup>

In response to the reaction of the international community to the Drenica massacre, on 6 March 1998 TFF issued a press release entitled »Kosovo – why it is serious and what not to do»<sup>267</sup>, as well as list of policy recommendations of the same day entitled »Kosovo – What Can Be Done Now?» According to TFF director Jan Öberg, »many things can still be done – but only as long as there is no, or limited, violence.» As »impartial goodwill initiatives» governments and citizens »around the world» could take, he listed the following:

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<sup>264</sup> Evangelos Kofos, »A Non-Paper for a Long-Term Settlement of the Kosovo Dispute,» distributed at the Conference »Strategies and Options for Kosovo», held by the Bertelsmann Science Foundation and the Research Group on European Affairs, Thessaloniki, Greece, 20-21 April 1998.

<sup>265</sup> Transnational Foundation for Peace and Future Research: *UNTANS. Conflict Mitigation for Kosovo. Memorandum of Understanding between the UN and the Federal Republic of Yugoslavia concerning a United Nations Temporary Authority for a Negotiated Settlement in Kosovo* (Lund: Transnationella stiftelsen för freds- och framtidsforskning, 1996).

<sup>266</sup> Jan Öberg, »Kosovo on the Agenda,» *WarReport*, no. 41, May 1996, p. 33.

<sup>267</sup> »Kosovo – why it is serious and what not to do,» *TFF PressInfo* # 34, 6 March 1998, at <http://www.transnational.org>

»A HEARING IN THE UNITED NATIONS GENERAL ASSEMBLY. We need to get the facts on the table, presented by impartial experts as well as by the parties themselves; listen actively to them for they have interesting arguments and question their positions, activities and policies.

MEETINGS all over Europe with various groups of Serbs and Albanians to discuss their problems. Governments and NGOs can provide the funds, the venues and the facilitators

SEND A HIGH-LEVEL INTERNATIONAL DELEGATION OF "CITIZEN DIPLOMATS" to Belgrade and Kosovo and have it listen and make proposals on the establishment of a permanent dialogue or negotiation process but NOT on what the solution should be.

A NON-VIOLENCE PACT. Pressure must be brought to bear on all parties to sign a document in which they solemnly declare that they will unconditionally refrain from the use of every kind of violence against human beings and property as part of their policies.

SIMULTANEOUS WITHDRAWAL of Serb police and military from the region (with the exception of what is needed for self-defence along the borders) and disarmament of the Kosovo Liberation Army. This should be combined with a "WEAPONS-BUY-BACK" PROGRAM: citizens and paramilitary units are remunerated for handing in their weapons to collection points controlled by the UN.

Monitoring of this process by UN CIVIL AFFAIRS AND CIVIL POLICE (200 or so are enough).

POSITIVE INCENTIVES. Make it known to the parties that international organisations will help them with things they need if they refrain from violence now and engage in talks. As a vital element in the conflict is underdevelopment, poverty and deepening economic crisis, there is considerable space for economic "carrots."

SHOW RESPECT. Tell the parties that any solution they reach voluntarily will be accepted by the international community. This means not treating them as helpless, clients or inferiors.

GET YUGOSLAVIA BACK INTO THE OSCE. Lift the suspension of Yugoslavia in the OSCE, it was unwise from the beginning to exclude Yugoslavia which then, naturally, did not want to continue hosting the OSCE missions on its territory.

UN CIVIL POLICE MISSION. Get perhaps 200 United Nations Civil Police on the ground to prevent incidents like those we have seen from exploding into something nobody can control.

INDEPENDENT GOVERNMENT INITIATIVES. Don't wait for the European Union to find a common policy on this issue. The Scandinavian countries and Switzerland could play a particularly active role in this conflict.

ARRANGE SEMINARS where a lot of IMAGINATIVE LONGTERM SOLUTIONS can be suggested, analysed and debated in a non-binding manner, almost like a brainstorm - such as:

- various types of autonomy,
- international presence,
- protectorate or other types of transitional administration,
- demilitarisation,
- normalisation of everyday life before an overall solution is reached,
- conditions and modalities for remaining in Serbia/Yugoslavia
- humanitarian presence and human rights monitoring,
- economic development, e.g. creation of a Kosovo Co-Prosperity Region or Economic Free Zone,
- UN or OSCE peacekeeping,
- trusteeship,
- condominium (shared control of one government by two or more states),
- "cantonisation" or a division of Kosovo,

- federalisation (i.e. Yugoslavia consisting of not only Serbia and Montenegro but also of Kosovo)
- combinations of these ideas that the parties, citizens' groups and others would accept.
- In summary, develop a multitude of options, don't narrow it all down to "Our way, or war."

ACKNOWLEDGE THAT VIOLENCE BEGINS WHEN PEOPLE SEE NO IDEAS OR WAYS OUT or when they are afraid of losing face. Violence-prevention means helping parties overcoming that feeling.

FOCUS ON INTERESTS, NOT POSITIONS. There could be governmental and nongovernmental dialogues on specific, concrete needs and interests - education, health, finance, culture, etc. - with the common understanding that the longterm status of the region will be more easily solved if the parties have found solutions to pressing issues for the millions of citizens involved, particularly youth.

ESTABLISH A TRUTH COMMISSION. The situation is already infected with prejudice, racism, hate, propaganda and media blackouts. The majority of foreign media cover the violence, not the underlying conflict; they often side with the party they sympathise with but seldom analyse the problems that must be solved.

ESTABLISH A RECONCILIATION COMMITTEE with impartial international organisations and highly respected international figures. Reconciliation is not needed only after wars: it is much easier to heal psychological wounds when 20 rather than 200 000 have been killed and no material damage has happened.

AN OSCE-LIKE PROCESS FOR THE BALKANS. There are more than enough problems in this whole region - and in its relations with the rest of Europe, the EU, NATO etc. There is poverty, animosity, misery, human rights violations. Serbia has more than 600 000 refugees, the largest number in Europe. There are international "national interests" in all the Balkans. It is time to develop a comprehensive approach through a series of conferences and dialogues. If the OSCE, the UN, small governments and NGOs cannot take such an initiative, who can? When is the time, if not now?"<sup>268</sup>

### **Bertelsmann Science Foundation and Research Group on European Affairs**

In the summer of 1996, a mediation initiative involving prominent Serbian and Kosovo Albanian intellectuals as well as experts from diplomacy and academia was started by the Bertelsmann Science Foundation at Gütersloh in cooperation with the Research Group on European Affairs of the Centre for Applied Politics at the University of Munich, both in Germany. At the five meetings held so far on »The 'Albanian Question' in the Balkans» and on »Strategies and Options for Kosovo,» a list of policy recommendations was compiled. And the results of discussions in small working groups dealing with the three questions »How to improve the given situation?,» »How to realize an extended autonomy for Kosovo?,» and »How to realize independence for Kosovo?» were published.<sup>269</sup> Not surprisingly, these exercises demonstrated that on status issues like autonomy or independence no consensus could be reached. There was, however, much more common ground than expected amongst all participants on the topic of practical improvements of the current situation. Accordingly, meetings in Athens and on the Greek island of Halki focused on short-term measures to stabilise the volatile *status quo* by

<sup>268</sup> »Kosovo – What Can Be Done Now?,» *TFF PressInfo* # 35, 6 March 1998, at <http://www.transnational.org>.

<sup>269</sup> *Exploring Futures for Kosovo: Kosovo Albanians and Serbs in Dialogue - Project Report*, eds. Josef Janning and Martin Brusic (München: Research Group on European Affairs, August 1997).—Participants from the Serbian side were Duāan Batakovič, Milan St. Protič, Predrag Simič and Ratomir Tanič; from the Kosovo Albanian side Gazmend Pula, Veton Surroi and Isa Zymeri. The working groups were led by Martin Brusic, Fabian Schmidt and Stefan Troebst.

proposing a number of unilateral and bilateral confidence building measures in order to establish in the near future a joint Serbian-Albanian interim authority. The result was a document entitled »Joint Recommendations on the Kosovo Conflict<sup>270</sup> containing 15 concrete provisions:

»Confidence Building and Practical Improvements

1. The education agreement of September 1996 should be implemented without further delay. Kosovo Albanians should be allowed to use the school and university buildings again. Curricula, standardization of exams, recognition of degrees, financing and supervision of schools should be determined jointly, by involving the Serbian Ministry of Education, the Kosova Education Authority, parents and teachers. This implies mutual recognition of the existing education systems. The Serbian State should also apply this principle with respect to the degrees obtained by Kosovo Albanian pupils and students during the last years. However, if schools decided to choose other curricula, the recognition of degrees should be linked to the fulfillment of certain standards. In principle, a higher degree of independence would entail a higher degree of responsibility for the maintenance and service quality of schools. It may be useful to implement different models with varying degrees of independence, adjusted to local preferences and needs.
2. A fundamental reform of the public health care institutions should be reached through an appropriate agreement. Institutional arrangements should guarantee an effective participation of Kosovo Albanians in the public health care system. The staff of public health care institutions should be recruited on the basis of its professional qualification exclusively. The professional medical organizations should create a codex of non-discriminating behaviour and monitor compliance with its rules. As the health system faces economic reform, privatization of practices and of health insurance organizations offers organizational forms to transform the current shadow state health care and social services into a pluralist public health system. Within such a system the state is complemented by other service providers.
3. Both Albanian and Serbian should be used as official languages in public life and institutions in Kosovo.
4. An agreement should be negotiated with respect to cultural and sport activities. All citizens should have equal access to cultural and sport facilities, which should be jointly administered in the public interest. Both sides commit themselves to develop and cultivate the identity of the Kosovo Albanian and the Serb community in Kosovo. The problem of naming streets, places and public institutions in Kosovo needs to be addressed. A commission consisting of Kosovo Albanian, Serb and international representatives should be established in order to ensure that names reflect the heritage of the object and the wishes and preferences of the local population.
5. Both sides should agree to improve the security situation in Kosovo by implementing the following interrelated measures simultaneously, wherever possible:
  - a) The Serbian Parliament should remove the state of emergency, declared on 26 June 1990, and all legal consequences derived from the act on 'special circumstances.'
  - b) In return, the Kosovo Albanian side should reaffirm not to resort to any violent means; both sides should agree with the Helsinki principles concerning the change of international borders.
  - c) The Serbian and the Kosovo Albanian authorities should create a joint council to coordinate their activities in the area of internal security. Both sides commit themselves to publicly condemn and investigate in human rights violations and politically motivated acts of violence, including terrorist acts and allegations of terrorist acts, irrespective

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<sup>270</sup> »Joint Recommendations on the Kosovo Conflict, Halki, 10 September 1997." Cf. also Matthias Rüb, »Vertrauensbildung und Statusfragen. Vorschläge für eine Annäherung zwischen Serben und Albaner im Streit um das Kosovo," *Frankfurter Allgemeine Zeitung* , 14 January 1998, p. 12.

from which source on either side they may come. Concerning the use of the term »terrorist acts”, no final consensus was reached among the participants.

- d) Kosovo Albanians should be offered civilian forms of military service or be exempted from military service for a mutually agreed interim period.
- e) Disarmament of people with registered and unregistered weapons is required in order to guarantee the long-term security in Kosovo. Possession should be restricted to registered shotguns where a reason is provided for needing them (hunting rifles etc.). Both sides should agree to set up a trilateral commission consisting of a Kosovo Albanian, Serb and international community representative, in order to disarm the local population.
- f) The Yugoslav army should support a de-escalation by avoiding public appearances in Kosovo. Army units should not get involved in police activities. The army should confine itself to controlling and defending the borders of the Federal Republic of Yugoslavia.

1. The local public administration including police should again be opened to Kosovo Albanian personnel. Public employment policy should apply equal opportunity principles, seeking to choose the best-qualified applicants, while, at the same time, aiming at reflecting the composition of the population in Kosovo.
2. Police officers and civil servants working in Kosovo should participate in mandatory conflict management and human rights training. This would facilitate empathy and improve skills in non-violent techniques to reduce tensions and settle conflicts.
3. The independence of the judiciary needs to be ensured. A judicial commission consisting of Kosovo Albanian, Serbian and international experts should be established in order to evaluate the work of courts in Kosovo and formulate recommendations.
4. The independence of public and private media should be guaranteed. Frequencies should be granted to independent radio and TV stations in Kosovo.
5. The office of an ombudsperson should be established in order to improve the legal and political means to cope with problems of human rights. The ombudsperson should be acceptable for both sides. She/he would have full access to information and the right to present cases directly to the relevant political bodies. He/She should consider alleged or apparent violations of human rights and discriminations on ethnic or other grounds. All persons should have the right to submit applications concerning alleged violations of human rights to the ombudsperson.
6. International support of economic development should be considered because it is in the interest of the international community to stabilize the present situation. This support could take place in particular in the context of the Regional Approach of the European Union. Support should also be given in the framework of special programs of the World Bank and the European Bank for Reconstruction and Development.
7. A free-trade zone with the neighbouring countries should be created. Visa regulations should be liberalized. Increasing cross-border trade and economic co-operation could enhance the importance of economic motives and interests and it could make borders more transparent.
8. The European Union should give technical assistance to programs aiming at an improvement of the co-operation between ethnic communities.
9. The international community should support the social and economic re-integration of those Kosovo Albanian refugees [who] have been repatriated.
10. The Governments of Serbia and the Federal Republic of Yugoslavia are recommended to agree with the European Union and the United Nations on the opening of offices in Kosovo. Furthermore, the Serbian and Yugoslav Governments are encouraged to agree with the Organization for Security and Cooperation in Europe (OSCE) on the presence of a mission of long duration in Kosovo and to

cooperate with the Personal Representative of the OSCE Chairman-in-Office for Kosovo and with the Office of the High Representative. The OSCE should acknowledge this step by considering it supportive for the full participation of the Federal Republic of Yugoslavia in the OSCE.<sup>271</sup>

As a second step of this mediation initiative the outlining of an interim political framework for Kosovo for a period agreed upon by Prishtina and Belgrade with the help of experts in constitutional law was envisaged.

### **Project on Ethnic Relations**

Due to a boycott by the ruling Serbian Socialist Party, a Serb-Albanian Roundtable »Toward Peaceful Accommodation in Kosovo» set up by the Princeton-based Project on Ethnic Relations in April 1997<sup>272</sup> and backed by the US State Department resulted only in a short declaration:

»Jointly Agreed Positions:

1. Kosovo constitutes a serious problem that requires an urgent solution. Without international encouragement and assistance the current lack of confidence between the sides cannot be overcome or a lasting settlement reached.
2. The problem can only be resolved by mutual accord reached through dialogue that is entered into with no preconditions or prejudgment of possible outcomes.
3. The agreement must be based on the principles of democratization, mutual respect between the sides, respect for human rights, both individual and collective, and promotion of regional stability through respect for Helsinki principles concerning borders. An interim solution requires a democratic Kosovo and a democratic Serbia.<sup>273</sup>

### **European Action Council for Peace in the Balkans**

On 1 November 1997, the Amsterdam-based European Action Council for Peace in the Balkans and the Public and International Law & Policy Group of the Carnegie Endowment for International Peace at Washington, D. C., published a report entitled »Kosovo: From Crisis to a Permanent Solution.» The findings and recommendations presented in this report are partially based on discussions that took place during a »Forum on Kosovo,» which these organisations held in Vienna on 18-20 April 1997. At the Forum, a group of specialists evaluated the various aspects and potential solutions to the Kosovo crisis.

The report includes background information on the situation in Kosovo, an assessment of various theoretical options for a permanent solution to the Kosovo crisis, and suggests a process towards a permanent solution. The proposed process includes

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<sup>271</sup> Final version »Joint Recommendations on the Kosovo Conflict, Halki, 10 September 1997» of 10 December 1997.

<sup>272</sup> Cf. »Serbs, Albanians Set Scene for Kosovo Talks,» *Project on Ethnic Relations Bulletin*, no. 12, Spring/Summer 1997, pp. 1+4, and »Albright empfängt Serbiens Opposition. Kosovo-Politik angeprangert,» *Der Tagesspiegel*, 6 April 1997, p. 5.

<sup>273</sup> »Concluding Statement of the Serb-Albanian Roundtable, New York, NY, 9 April 1997,» *Project on Ethnic Relations Bulletin*, no. 12, Spring/Summer 1997, p. 5. See also Project on Ethnic Relations: *The New York Roundtable: Toward Peaceful Accommodation in Kosovo. New York City, April 7-9, 1997* (Princeton, NJ: Project on Ethnic Relations, 1997), p. 12.

two steps, which are not mutually exclusive but should be pursued simultaneously: »Confidence-building between the Kosovo Albanians and Serbs” to create a climate of trust—which could be formalised as an »interim framework”—and »[p]romotion of a dialogue and negotiations between the parties.”<sup>274</sup> The report also contained the following recommendations:

- *The international community should initiate and actively promote a process designed to lead to a permanent solution of the Kosovo problem.* The international community can play a vital role in initiating and facilitating confidence-building measures, a political dialogue, and negotiations; as well as guaranteeing agreements between the parties.
- *The international community should avoid advocating any specific option for the permanent status of Kosovo and leave it up to the parties to reach agreement.* The international community should not burden the process by promoting the option it prefers—enhanced autonomy—since this option is rejected by both sides. The parties themselves should define the permanent status of Kosovo. International promotion of any specific option will also hamper the principle of ‘no preconditions’ in negotiations. Thus, the international community should aim to start the process, not define the final outcome.
- *The international community should demand the immediate and full restoration of the civil and human rights of the Kosovo Albanians.*
- *The international community should use existing leverages to encourage progress towards a solution.* An international strategy of sticks and carrots should ensure that the parties reach agreement on a permanent solution through peaceful means. Existing leverages include the ‘outer wall of sanctions’ and conditionality concerning the development of friendly relations between the EU and the FRY. The ‘outer wall of sanctions’ should remain in place until all conditions for its removal—including significant progress in the resolution of the Kosovo crisis—have been fulfilled. Implementation of the education agreement should be rewarded with financial support for education in Kosovo.
- *The international community should define a common policy and appoint a high-level special envoy.* As divergence of strategies will only weaken international leverage over the parties, the international community should adopt a comprehensive, united policy regarding the problem. A high-level special envoy should be appointed to act on behalf of the international community.
- *Additional assistance should be made available to support the democratisation process in Serbia, to strengthen civil society, and to improve the social and economic situation in Kosovo.* Although democratisation and strengthening of civil society will in themselves not solve the Kosovo crisis, they are the indispensable basis for any sustainable solution. International support—both financial and political—should be provided to the independent media, the local NGO sector, human rights projects, alternative political voices, and efforts to enhance communications between different civil groups. To normalise the social and economic situation in Kosovo, direct international assistance should be given for education, health care, income-generating activities, and the return of refugees.<sup>275</sup>

## **International Helsinki Federation for Human Rights**

The IHF is monitoring compliance with the human rights provision of the Helsinki Final Act and its follow-up documents. Among its 34 national Helsinki committees are three in

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<sup>274</sup> European Action Council for Peace in the Balkans and the Public International Law & Policy Group of the Carnegie Endowment for International Peace: *Kosovo: From crisis to a permanent solution*, Amsterdam, Washington, D. C., 1 November 1997, p. 14.—No information could be obtained on another meeting at Vienna organised by the Karl-Renner Institute on »Powder Keg Kosovo” on 31 May 1997.

<sup>275</sup> *Ibid.*, p. 3. See *ibid.*, p. 16 for a more detailed version of these recommendation. Cf. also the same text at <http://www.ceip.org/kosovo.htm>.

the FRY, a Kosovo Albanian, a Montenegrin, and a Serbian one. In November 1993, the IHF published an exhaustive report »From Autonomy to Colonization: Human Rights in Kosovo 1989-1993” based on eight fact-finding missions.<sup>276</sup> The latest of these IHF missions visited Kosovo in early 1998. Its results were incorporated into an »Urgent Appeal For Courage, Leadership, and Cooperation” issued on 21 January:

»The situation in Kosovo has reached an unprecedented danger level, which requires urgent, determined efforts to convince FRY President Slobodan Milošević to agree to a process of international mediation about the future political status of Kosovo.

A delegation of the International Helsinki Federation for Human Rights and its affiliates in Kosovo, Montenegro, Norway, and Serbia recommend an immediate initiative to convene an international ‘Dayton-like’ conference to resolve the present crisis which threatens to escalate into a bloody military confrontation.

As an expert observer in Kosovo remarked, ‘Concern is not a policy.’ Our organizations urgently call attention to the following:

- The resolve of Kosovo Albanians to deal non-violently with Serb oppression is reaching the point of exhaustion. Other ominous indications of possible forthcoming dangerous escalation of violence are the appearance of the so-called ‘Kosovo Liberation Army’ that has assumed responsibility for at least 17 killings of Serbian related targets, as well as the massive and peaceful protests of Albanian students, which have been violently broken up by Serbian police.
- The IHF held discussions with numerous observers and leaders, including President of the self-proclaimed Republic of Kosovo, Dr. Ibrahim Rugova, and other prominent figures, as well as interviews with local human rights defenders and villagers from the region of Drenica, where a Serbian police convoy was ambushed in November 1997. The IHF has been given three possible explanations for acts of armed violence in this region: acts by a coherent organization, referred to in the media as the ‘Kosovo Liberation Army’; cases of individual armed resistance by desperate groups, defending their homes and families; and acts perpetrated by Serbian secret police as a pretext for increased military intervention in Kosovo, in order to tighten their grip on the already oppressed region. In any event, the level of violence has increased dramatically, and there are areas, visited by the IHF delegation, which are now avoided by Serb police.
- The IHF delegation received numerous reports of preparations by Serbian military and police forces, including special police exercises in the D[r]enica villages of Kuchiche and Golesh, and in the vicinity of Peja and Lipjan, as well as the special police training site at Ajvalia, apparently aimed at intimidating the Albanian population, and in preparation for a large-scale military crack-down. Increased militarization of Kosovo reportedly includes arming of Serb civilians with additional weapons. Notorious Serb paramilitary leader ‘Arkan’ has also reportedly been observed in the area, an indication of possible violence against Albanians.
- Organizations of Albanian students plan more non-violent demonstrations, which the IHF commends as a brave and peaceful approach, but which must not be broken up by violent intervention of Serbian police forces.

The IHF recommends that international organizations express their solidarity with the students and their legitimate demands for release of the premises of the university. The Education Agreement must be implemented immediately as a first step toward normalization.

Furthermore, international institutions could support confidence-building measures on the level of civil society, which will facilitate implementation of an international political solution.<sup>277</sup>

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<sup>276</sup> International Helsinki Federation for Human Rights: *From Autonomy to Colonization: Human Rights in Kosovo 1989-1993* (Vienna: IHF, November 1993).

<sup>277</sup> International Helsinki Federation for Human Rights, »Kosovo: Urgent Appeal For Courage, Leadership, and Cooperation,” Belgrade, Pristine, Podgoriza, 21 January 1998, at <http://www.ihf-hr.org>. Cf. also »Warnung vor Krieg im Kosovo,” *Frankfurter Allgemeine Zeitung*, 22 January 1998, p. 2.--A week earlier, IHF Executive Director Aaron Rhodes in a strongly worded letter to the editor of the *International Herald Tribune* had criticised a view expressed in the same paper by

The appeal was followed up by an open letter to the new OSCE Chairman-in-Office, Polish Foreign Minister and former *Solidarność* activist Bronisław Geremek, calling for »a Dayton-like international conference on Kosovo» and signed by the executive director of the IHF and the chairpersons of the Serbian, Montenegrin, and Kosovo Helsinki Committees:

»Many in our organization have greeted your term as Chairman-in-Office of the OSCE with hope and expectation, based on our respect for your wisdom and integrity.

We are writing to convey our serious concerns about the politically very dangerous situation in Kosovo.

The long lasting status of peaceful and civil resistance of Albanians in Kosovo has ended. The situation seems to be sliding out of control and heading toward large-scale violence between Albanians and Serb police units. Every day, there are reports of more violent assaults and increased repression against Albanians in the form of Serbian reprisal expeditions. In addition, there are also increasing numbers of armed assaults against Serbian police and other repression-related targets, assumed to be carried out by the so-called Kosovo Liberation Army (KLA).

Having recently visited regions reportedly under the control of Albanian armed resistance movements, the IHF believes the policy of passive resistance will come to an end if Serbian repression and reprisal campaigns do not stop and if the fundamental rights and dignity of the Albanians in Kosovo are not restored.

No political solution in Kosovo can be reached without an international mediation for negotiation between Serbs and Albanians and strong outside pressure and assistance. Such an international mediation should take the form of a Dayton-like international conference on Kosovo

To call for 'dialogue' is not enough. Dialogue cannot take place between two manifestly unequal parties, in a situation in which one party is violently and systematically oppressing the other.

Suggestions about various partitioning scenarios for Kosovo, which would likely lead to ethnic cleansing and further large scale suffering for Albanians, seem to have become acceptable solutions from official Serbian viewpoint.

The initiatives of the OSCE, the UN, the Council of Europe, the Contact Group, and individual states (Germany, France, US) have an acute and strong need for much more clarity and coordination. As during the Bosnian war, conflicting interests prevent Europe, Russia and the US from making a decisive and timely contribution to the resolution of the conflict. The main beneficiaries seem to be President Milosevic and Serbian nationalists.

Strong and concerted pressure must be brought to bear on President Milosevic to agree to a process of international mediation aimed at ending Serbian oppression in Kosovo and at negotiating a just and stable future political status for Kosovo. This is why the IHF is calling for a 'Dayton-like' conference. A political solution requires a strong, internationally legitimated framework, negotiated on the basis of international standards.

In fact, under the Dayton process itself, Kosovo ought to be the subject of a Peace Implementation Council ministerial meeting.

The OSCE, as an inclusive security-framework, ought to be the context in which a plan for action is developed and given moral priority. The OSCE also provides a platform from which to mobilize political energy.

We would respectfully suggest that you, as Chairman-in-Office of the OSCE, publicly and forcefully insist on a new initiative to end what is arguably the worst human rights situation in the entire region, which threatens to degenerate into large-scale violence.

Of course, we pledge our cooperation should there be any way in which our organizations might be of assistance.

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the former British foreign service member Jonathan Clark, which »resembles Belgrade propaganda and is a grave injustice to Kosovo Albanians who have shown remarkable restraint during years of severe repression.» See Aaron Rhodes, »On Kosovo,» *International Herald Tribune*, 14 January 1998, p. 9. Clarke had depicted the US, French and German initiatives concerning Kosovo as to »encourage separatist aims of Kosovo Albanians.» Cf. Jonathan Clarke, »Don't Encourage Separatist Aims of Kosovo Albanians,» *The International Herald Tribune*, 12 January 1998, p. 8. In the tradition of British eccentricity, the author called US Special Representative Gelbard and other Balkan specialists at the State Department »self-appointed nation-builders [...] who are itching to put their pet theories to the test.»

Sonja Biserko, Chair, Serbian Helsinki Committee  
Gazmend Pula, Chair, Kosova Helsinki Committee  
Slobodan Franovič, Chair, Montenegrin Helsinki Committee  
Aaron Rhodes, Executive Director, International Helsinki Federation for Human Rights<sup>278</sup>

The Serbian Helsinki Committee was also instrumental in bringing about a meeting of Serbian and Kosovo Albanian intellectuals in Ulcinj (Ulqin) on the Montenegrin coast on 23-25 June 1997, the written results of which were presented at a follow-up meeting in Prishtina on 20 February 1998.<sup>279</sup> The Prishtina meeting issued the following »appeal to the authorities and to the public“:

»On 20 February in Pristina the promotion of the book *Albanian-Serbian Dialogue* was held, as a follow-up of the Albanian-Serbian dialogue, convened in Ulcinj in June 1997 by the Council for Human Rights and Freedoms in Pristina, the Helsinki Committee for Human Rights in Serbia and the Belgrade Circle.

This was an opportunity for the exchange of opinions on the current situation in Kosovo. It was pointed out that the dangerous aggravation of the situation threatens to get out of control with inconceivable consequences for the stability of the region and even of the Balkans.

The participants were unanimous in opting for a peaceful solution. Therefore, it was emphasized that the authorities should immediately stop all forms of repression in Kosovo, and that all kinds of violence should be given up. The use of force does not lead to a solution of the problem.

A dialogue between representatives of the current authorities in Serbia and legitimate representatives of the Albanians in Kosovo is the only way to reach any solution of the Kosovo issue. The participants of the meeting in Pristina appeal to all relevant factors to start a dialogue as soon as possible, with no preconditions, in order to reach a political solution, acceptable to both sides.

At the same time, the participants call upon the international community to become more involved in the finding of a solution for the Kosovo problem. This includes the convening of an international conference on Kosovo.

The participants agreed to continue regular dialogue.

Pajazit Nushi, Council for the Defense of Human Rights and Freedoms in Prishtina  
Sonja Biserko, Helsinki Committee for Human Rights in Serbia  
Obrad Savič, Belgrade Circle

Pristina, 20 February 1998<sup>280</sup>

On 2 March 1998, after the initial wave of police violence against the Drenica region IHF as one of the first international NGOs issued an appeal »Serb Police Terror Must End; US and EU Must Mediate.<sup>281</sup>

## Human Rights Watch

Since 1992, the New York-based US-American NGO Human Rights Watch (formerly Helsinki Watch) is closely monitoring the human rights situation in Kosovo.<sup>282</sup> A report »Open Wounds. Human Rights Abuses in Kosovo“ written by Julie Mertus and published in March 1993, contained a detailed set of recommendations to Belgrade. In particular,

<sup>278</sup> »Open Letter to Mr. Geremek, 12 February 1998,“ at <http://www.ihf-hr.org>.

<sup>279</sup> I. Kisič, »Nastavljen albansko-srpski dijalog u Prištini. 'Dejton' za Kosovo, *Nezavisna borba*, 23 February 1998, p. 3.

<sup>280</sup> »An Appeal to the Authorities and the Public“, Prishtina, 20 February 1998, at <http://helsinki.opennet.org/eaktuel5.htm>.

<sup>281</sup> »Serb Police Terror Must End; US and EU Must Mediate,“ at <http://www.greekhelsinki.gr>.

<sup>282</sup> Cf. *Yugoslavia: Human Rights Abuses in Kosovo 1990-1992* (1992); *Open Wounds: Human Rights Abuses in Kosovo* (1993); *Yugoslavia (Serbia and Montenegro): Persecution Persists, Human Rights Violations in Kosovo* (1996).

police violence and abuse in detention was demanded to be stopped immediately as well as freedom of association, speech and the press to be granted to the Kosovo Albanians. In addition, the right to monitor for local and international human rights monitors and international monitoring missions was asked for.<sup>283</sup> To the international community Human Rights Watch recommended:

»Human Rights Watch/Helsinki calls on the United Nations and the CSCE to take immediate steps to re-establish a long-term human rights monitoring mission throughout the Federal Republic of Yugoslavia, including Kosovo. The United States and all other nations concerned about protecting human rights should, visibly and vocally, support such efforts. Moreover, as a first step, the U. N. and all nations of the world should demand that Serbia abide by international human rights standards in Kosovo. If Serbia does not comply, the U. N. should immediately explore all options for a peaceful solution in Kosovo, one that stems the tide of violence without sacrificing the human rights of any ethnic or political group.<sup>284</sup>

Under the headline »Human Rights Watch Condemns Violence by Security Forces in Kosovo, Calls on International Community to Investigate”, the organisation issued a press release on the Drenica massacre. It »urges the international community to undertake an immediate investigation into the Drenica events. In addition, Kosovo should be a primary focus of the newly-appointed Special Representative of the OSCE to the Federal Republic of Yugoslavia, Felipe Gonzales.<sup>285</sup>

### **Campaign for a Non-Violent Solution of the Problem of Kosov@**

Initiated in 1992 by the social scientist Alberto L'Abate of the University of Florence, this movement combines Italian NGOs of Christian orientation, war resisters, and organisations dealing with minority issues. CSNK has organised study missions to Kosovo, held a conference in 1994, and opened a »Peace Embassy” in Kosovo which was in operation for several months during 1995. In 1997, CSNK proposed the establishment of a »European Civilian Peace Corps” in Kosovo. Its tasks were described as follows:

- »1) monitor the respect of human rights both by Serbs and by Albanians;
- 2) encourage occasions for dialogue and open confrontation between parties in conflict in order to seek for just, nonviolent solutions, not only at the top level, but also at the base; and to monitor the implementation of mutually agreed solutions;
- 3) help the recovery of economical, social, cultural life in this area, encouraging and enabling all Albanians to go back to their jobs from which they had been dismissed;
- 4) help the return to Kosovo of all the young men who emigrated in order not to perform military service – helping them to obtain the right to be exempted from military service -; help the return of people or families who emigrated because they felt threatened or because they did not have an adequate income;
- 5) help to organize elections to allow the population of the area to express their will in relations to the

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<sup>283</sup> »Recommendations”, *Open Wounds: Human Rights Abuses in Kosovo* , pp. 138-142.

<sup>284</sup> *Ibid.*, pp. 142-143.

<sup>285</sup> »Human Rights Watch Condemns Violence by Security Forces in Kosovo, Calls on International Community to Investigate,” New York, NY, 3 March 1998, at <http://www.greekhelsinki.gr>.

future of this region.”<sup>286</sup>

Other projects of CSNK are the establishment of a »European Cultural Center” in Prishtina<sup>287</sup> and an international seminar of NGOs and grassroots associations dealing with Kosovo held on 8 March 1998 in Bolzano. The meeting directed the following final document to the international community and the media:

»WE, Non Governmental Organizations and grassroots Associations, committed for many years to a peaceful and non-violent solution of the Kosovo issue, gathered in Bozen/Bolzano to examine the situation in Kosovo, very shocked by the recent violent acts causing deaths, injuries and arrests of defenceless citizens, that exacerbate the tension and provoke a real threat to regional peace

#### WANT TO STRESS THAT

1. It is not possible to justify the Serbian police and army attacks that have been taking place since the 28<sup>th</sup> of February in the Drenica area as anti-terrorism operations. The shelling of private houses, the killing of civilians, including a pregnant woman and people from 16 to 70 years old, the mutilation of corpses are patent violations of Human Rights.
2. The foreseeable effect of this operation is not the elimination of the so-called Kosovo Liberation Army (UCK), but the strengthening of the popular sympathy among the Kosovo Albanians of an armed and violent struggle. The 10 years long non-violent policy has up to now prevented the spreading of war to the Kosovo region. The lack of improvements of the situation and the recent attacks may seriously damage this non-violent option.
3. Still, there are forces that can continue the non-violent policy, but their task is impossible without a radical change in the practical attitude, support and effective help from the international community.
4. The (violently repressed) peaceful protests organized by the Independent Students' Union of the University of Prishtina (SIUUP) were a clear example of a non-violent movement to achieve their return into the educational premises. This goal is in fact the same envisaged by the Milosevic-Rugova Education agreement, of which many governments and international organisations have asked the implementation over the last 18 months.
5. It is very important that the elections in Kosovo (of the Parliament and the Presidency of the self-styled Kosova Republic) scheduled for the 22<sup>nd</sup> March take place in a peaceful way. In this critical moment where the UCK is getting more and more visibility, it is very important to leave a space for expression to the Albanian people for a democratic alternative.

#### THE KOSOVO ISSUE IS AN INTERNATIONAL ISSUE THAT RISKS TO ESCALATE TO A NEW WAR IN THE BALKANS: THE INTERNATIONAL COMMUNITY SHOULD TAKE THE FOLLOWING STEPS:

Put the strongest pressure on the FRY (Serbia and Montenegro) government to stop immediately the military operations and police repression in Kosovo, also by reimposing sanctions.

Demand in the strongest terms the withdrawal of police and military forces recently deployed in Kosovo, and the demobilization of paramilitary organizations, civilians and refugees. In the meantime Kosovo Albanian parties should call for an immediate end to any act of UCK. The perspective should be of a

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<sup>286</sup> Alberto L'Abate, »The conflict between Serbians and Albanians on the Kosov@ issue and the activities of the 'Campaign for a Nonviolent Solution' in order to prevent the explosion of the struggle, and to find a just solution (paper to be revised),” Brussels, 28-29 April 1997, p. 9. Cf. also idem, *Il Kossovo ed il conflitto serbo-albanese: attività e proposte per la mediazione e la risoluzione nonviolenta* (Firenze: Dipartimento die Studi Sociali. Università di Firenze, 1997); and Dragan Biseniþ, »Opasnosti istroaenog strpljenja. Profesor univerziteta u Firenci Alberto L'Abate o reaenijama za Kosovo,” *Naãa borba*, 12 March 1998, p. 8.

<sup>287</sup> A conference project very similar to the one proposed by CSNK was pursued by the Soros-backed and Prishtina-based youth NGO »Postpessimists” and the Kosovo Albanian review *MM*, which was founded in Prishtina in 1995. The deepening divide between the non-violent student movement in Kosovo and the political violence of the UÇK has caused »practitioners and theorists of non-violence from Kosovo” to plan an International Conference »Prospects of Non-Violent Resistance in Kosovo.” Cf. Shkëlzen Maliqi, International Conference »Prospects of Non-Violent Resistance in Kosovo,” Prishtina, 10 January 1998.

demilitarized Kosovo.

Organize the access of international humanitarian Organizations to the whole territory of Kosovo without any restraint, especially in the areas where urgent medical aid is needed.

Establish immediately an ad-hoc U. N. commission to find out the truth around the Drenica massacres, and get the Hague Tribunal to prosecute all war crimes committed in the space of former Yugoslavia.

Ensure international presence (members of democratic governments of the world, ambassadors, Members of Parliaments, international Organizations, civic associations and political parties, international media) at the scheduled Friday the 13<sup>th</sup> March Students manifestations and at the Sunday 22<sup>nd</sup> of March elections.

Urge the return of OSCE monitors, expelled in 1993, and restore their presence all over Kosovo territory.

Implement a consistent International presence in Kosovo, through the settlement of the scheduled EU office in Prishtina, and of other Governmental and Non-Governmental Organizations in Kosovo.

Choose an international High Representative to deal with the Kosovo issue, with a strong mandate to mediate for confidence building measures to be implemented: normalization in the educational, health, judiciary, media, public administration fields.

ORGANIZE AN INTERNATIONAL GOVERNMENTAL CONFERENCE TO SETTLE BALKAN REGIONAL PROBLEMS STATING COMMON SHARED PRINCIPLES AND APPLYING THEM COHERENTLY.

Society for Threatened Peoples (South Tyrol, Italy)  
Campaign for a non-violent solution in Kosovo (Italy)  
Bertelsmann Foundation, Germany  
Helsinki Citizen' Assembly  
Movement for a Non-violent Alternative – MAN (France)  
Pax Christi International  
Peaceworkers (USA)  
Friend of the Balkans and Kosovo, Belgium

Bozen/Bolzano, the 8<sup>th</sup> of March 1998<sup>288</sup>

### **International Crisis Group**

ICG is a private, multinational organisation focusing conflict prevention based in Brussels and maintaining a network of field correspondent in Kosovo. It is chaired by the former US Senate majority leader and chairman of the Stormont negotiations on Northern Ireland, George Mitchell. At a press briefing on 17 February 1998, ICG presented the findings of a study on conflict in Kosovo undertaken by Anna Husarska<sup>289</sup>, and on 24 March a report »Kosovo Spring” was released. It contained the following

»Recommendations by the International Crisis Group, 24 March 1998

Major pressure will have to be applied to Serbia if Belgrade is to act to end human rights violations in Kosovo and accept international involvement in solving the Kosovo problem. The possibilities of

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<sup>288</sup> »Appeal on Kosovo,” Bolzano, 8 March 1998, communicated by MINELRES – a forum for discussion on minorities in Central & Eastern Europe at <http://www.riga.lv/minelres/archive.htm>.

<sup>289</sup> International Crisis Group *Kosovo Briefing*, 17 February 1998, at <http://www.intl-crisis-group.org/contact/htm>.

exercising such pressure through international bodies—be they political (such as OSCE, High Commissioner for [recte: on] National Minorities, UN Subcommission on Human Rights) or financial (such as the World Bank or IMF)—is limited because the ‘outer wall of sanctions’ excludes FRY from all these organisations. The status of FRY at the UN is a so-called ‘empty seat solution’ even though UN humanitarian agencies (UNHCR, UNICEF) are operating in FRY. As of this writing the Contact Group is the main forum where the Kosovo problem is being dealt with, while NATO is refusing to take the lead.

ICG proposes the following recommendations:

## SHORT TERM MEASURES

### *Military strategy*

NATO’s involvement in helping to contain and, ultimately, defuse the crisis in Kosovo is essential. The current situation poses a serious threat to peace in South Eastern Europe and the NATO Alliance is the capable of heading off such a threat. Therefore, ICG calls for an urgent meeting of the NATO Ministers of Defence and Foreign Affairs to agree on a strategy concerning Kosovo, thereby sending a clear signal to President Milosevic that NATO is willing and ready to intervene should he continue using violence in Kosovo. Following this meeting, a senior NATO representative should visit Belgrade to convey to President Milosevic NATO’s position. Furthermore, the mission of the UN Preventive Deployment Force (UNPREDEP) in Macedonia should be extended and the number of troops increased and strengthened with NATO forces. Consideration should also be given to deployment of an international force in Albania close to the borders with Kosovo. These last two steps would help prevent the conflict in Kosovo from spreading and would facilitate rapid and effective action should an intervention become necessary. The possibility of holding military exercises in Macedonia or in Albania—which is a ‘Partnership for Peace’ member—should also be considered. To make matters perfectly clear to the Belgrade regime the ‘Christmas Warning’ (in December 1992 then president George Bush warned Milosevic in a cable that in the event of conflict in Kosovo, the US would be prepared to employ military force against the Serbs) should be restated multilaterally through NATO if possible, unilaterally by the Clinton administration if necessary.

### *Sanctions and other punitive measures*

Only the credible threat and, if necessary, the imposition of effective sanctions or other measures will persuade both parties to engage in meaningful and unconditional negotiations on the future status of Kosovo. If such an approach is to be effective, however, the international community must agree on a common policy concerning which sanctions are appropriate and under what conditions they will be enforced. The initial emphasis should be on forcing the Belgrade leadership to agree to genuine negotiations without pre-conditions. Among the measures that should be considered are the freezing of all overseas assets of the government of the Federal Republic of Yugoslavia (FRY) and its individual leaders; visa restrictions to prevent the FRY leadership from travelling beyond Yugoslavia; tougher trade sanctions; and the suspension of air links to and out of Belgrade. Given the more conciliatory approach adopted by the Montenegrin government, thought should be given to ways to soften the effects of such measures on Montenegro and its leadership. Steps may also need to be taken to exert pressure on the Kosovo Albanian leadership if it continues to rule out a compromise solution and refuse to enter into negotiations.

### *Mediation of immediate issues*

Given the diametrically opposed political objectives of the parties, the intervention of a neutral, high-level envoy is essential to initiate a genuine process of dialogue and negotiations. The appointment of former Prime Minister Felipe Gonzalez as the Personal Representative of the OSCE Chairman-in-Office and the European Union Representative in the mediation effort is a welcome development,

pending his acceptance as mediator by the two sides. To coordinate the political efforts of the international community, Mr Gonzalez should also work in close cooperation with the US government and, if appointed, a US special envoy.

### *International Presence*

The presence of international personnel on the ground—including diplomats, journalists, and human rights monitors—can play an important role in deterring acts of violence. Governments, the United Nations, the European Commission, other international organisations, and international NGOs should increase as far as possible the number of international observers based in Kosovo. NATO observer force should be introduced throughout Kosovo, initially comprised of Belgrade-based NATO member embassy attaches and diplomats. They would not only send a clear signal and help deter acts of violence, they could also assess the compliance-level by Belgrade and Pristina of any conditions or moratoriums.

## ACCOMPANYING MEASURES

### *Negotiations*

The collapse of the Rome agreement on education had a profoundly negative effect on the prospects for a solution in Kosovo. It undermined confidence in the very idea of negotiation, with both sides accusing each other of not being a worthy partner. There are now efforts to revive the Rome agreement and the prospects of its implementation may be better because of the effect of the wave of protest and the world's attention being concentrated on Kosovo. If the education agreement remains unimplemented, it will be difficult to rebuild trust in the negotiating process but it can be done.

Once the immediate mediation aimed at stopping the violence is successfully completed, secret negotiations about the status of Kosovo should be encouraged, with no media attention, no intermediaries that would like to use the event for their own promotion. This would have to be something along the lines of the Oslo Peace Process. For the participants such a modus operandi would reduce the risk of being blamed in the event that the negotiations fail, and make it easier to present and sell concessions as part of a broader package. A non-governmental organisation or a very neutral government should prepare the logistics and some minimal procedural matters.

### *Increase Contacts*

All kinds of contacts between the two ethnic communities should be encouraged. Diplomats should practice parallel diplomacy by inviting Albanians and Serbs together to events, and strengthen their Kosovo desks by bringing in people with the knowledge of Albanian. (The USIS office in Pristina and the political desk of the British Embassy are seen by the Kosovars as the best informed diplomatic mission). Non-government organisations and UN agencies should continue to explore every avenue that can bring people of the two communities together.

### *Support for Education and Health Service*

The parallel systems of education and health service set up by Kosovo Albanians are clearly not satisfactory. The Kosovars are making the best out of adverse circumstances and their effort is admirable. All of the dozen non-governmental organisations operating from Pristina and dealing with health, nutrition, education and construction direct their efforts and funds to supporting services that benefit mainly the Kosovo Albanians. Given the demographics and the discrimination practised by the Serbian regime, this is the right policy and should be continued.

Direct financial assistance to the parallel Kosovo education and health systems would, however,

contribute to further isolating the two communities and would reinforce the Kosovars' belief that their parallel system is sustainable, which it is not. Instead, the international community should use the instrument of aid conditionality—the attachment of tough conditions to the granting of financial assistance—to create links between the two systems and benefit both. For example, funding could be used to renovate schools and health institutions on the condition that they are used by both communities.

### *Civil society*

A Kosovar journalist likes to say that Kosovo is a non-governmental organisation itself, but it remains in great need to build its NGOs and its own civil society. The women's groups are strong, but other types of NGOs need strengthening. The international community should increase its support for projects in education, public health, community building, independent media, culture, and civil society building. This would have a positive impact on the quality of life of both the Albanian and Serbian populations of Kosovo. The projects themselves could have an important confidence-building effect. Such assistance would also be a decisive gesture of support for the non-violent path by demonstrating that social progress and opportunity can result from civil, rather than military, effort.

### *Media*

The group of journalists around the independent Pristina daily *Koha Ditore* offers the most balanced source of information for the Albanian-speaking population of Kosovo. They should be supported in their efforts to obtain a license and create their own television and/or radio station. It is necessary to have the most influential media in the most professional hands. *Koha Ditore* recently started a joint project with the independent Belgrade radio *B92* and with the independent wire service *Beta*, also from Belgrade. This is an example of a possible collaboration between media from Belgrade and from Pristina. More such projects should be encouraged through media-oriented NGOs.

There is a surprisingly high number of satellite dishes in Kosovo, so the audience for any satellite broadcast would be significant. To offer Kosovars world news broadcast in their language may bring them a reality check and help them realise that they need to take their fate into their own hands and come up with more realistic demands and expectations. A major international news provider, such as for example CNN, could be asked to donate the right to rebroadcast news programmes on the satellite link used by Tirana TV. (Some East European countries have a CNN-translated news service and it is always a popular broadcast).

### *Students*

Positioned between the two more extreme political alternatives (the passivity of the LDK or the violence of the UCK), the Kosovar students' movement may provide the best basis on which to build an effective, moderate opposition capable of putting forward a credible and peaceful plan of action.

Kosovo students should be encouraged to increase their contacts and take advice from students in Eastern Europe more than in the West. The modus operandi, the concrete actions undertaken by young people under totalitarian regimes are more likely to provide useful examples for the Kosovars than the more distant experiences of students in Western societies. They should also be encouraged to get in touch and collaborate with students from Belgrade. The Union of Students desperately needs help with public relations; even as the wave of protests swept through Kosovo, they failed to take the lead the way their peers did in 1968 in Paris.<sup>290</sup>

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<sup>290</sup> International Crisis Group, *Kosovo Spring* (Brussels: ICG, 1998), at [ÓöÜëíá! Äáí Ý÷áé ïñéóóâß óáëëääïãâßêøçò.](http://www.icg.org/pressfiles/005/005002b.htm) and /kosrep2b.htm.

## CONCLUSION

From 1992 to early 1998, the message from the international community to the conflict parties in Belgrade and Prishtina has been unequivocal: no violence and no unilateral change of international borders, but also no prolongation of the tense *status quo*. Instead, internal self-determination for the Albanians and the preservation of the territorial integrity of the FRY were suggested. Neither part of this message provided common ground to the parties in a conflict so asymmetric as the Kosovo one. On both sides there were and still are actors prone to using violence to achieve their political aims or to stay in control; a majority of the Kosovo Albanians is undoubtedly in favour of independence and thus of creating a new international border between Kosovo and the FRY; and a majority of Serbs favours the *status quo* in Kosovo.

Undoubtedly the most flexible positions adopted by Serbs and Kosovo Albanians on the Kosovo issue are a return to the 1974 autonomy on the one hand and a re-federalisation of the FRY on the other. At first glance, the gap between these two positions appears bridgeable. Yet a second glance reveals that the frameworks of reference of the sides in the conflict are fundamentally different: autonomy refers to the Republic of Serbia--an autonomous Kosovo would hierarchically still be subordinated to the republican government. Re-federalisation refers to the FRY--a Republic of Kosovo within a federation would be hierarchically on the same level as the Republics of Serbia and Montenegro (and probably of Vojvodina and Sandžak). To be put on an equal footing with Prishtina is unacceptable to Belgrade; and to remain under the domination of Belgrade is unacceptable to Prishtina. The same goes, of course, for the other programmes of independence, partition, regionalisation, and ethnic cleansing: they are absolutely unacceptable to one of the two sides. Thus, for the core question of a future status of Kosovo, no solution is in sight. Up to the Drenica massacre, moderate forces in Belgrade and Prishtina as well as international organisations and NGOs had opted for separating status issues from immediate measures in order to improve the volatile *status quo* and for medium-term provisional arrangements. Realising that a lasting compromise solution on the status issue will be reached only—if at all—at the end of a long process of dialogue and rapprochement, they concentrated on the short-term perspective of improving the tense situation in the province in order to prevent further escalation and the outbreak of violent conflict on a mass scale.

The Drenica massacre and the excessive use of force by the police against demonstrators have shown that Milošević is designing his Kosovo policy solely for the purpose of his preserving personal power—without taking into account negative reactions of the international community. Having been severely criticised for months in a row by Serbian nationalists for being too weak on Kosovo and having been granted concessions by the US of considerable symbolic value on 23 February, he considered the time to be ripe to ram it home to the Albanians who is the real master of Kosovo. The effect was as intended: the Serbian public, including most of the »democratic» opposition, applauded; the Albanians were terrified; and the international community once again was »deeply concerned”—though nothing more. The fatal message of »the West» was that Kosovo is no longer an internal affair of Serbia but a personal affair of Milošević's. He is the key to the Kosovo problem.

The international community's stereotypical repetition of the view that any solution to the Kosovo problem is thinkable only within the borders of the FRY--even of Serbia—was (and still is) an indirect support for Milošević's interpretation of the conflict as an »internal

affair.” Moreover, by excluding *a priori* the option of independence for Kosovo and by following Milošević in labelling violent Albanian resistance to Belgrade’s policy of oppression explicitly as »terrorism,“ the West—primarily the US and the Contact Group—legitimised Serbian police brutality and thus paved the way to Drenica.<sup>291</sup> To sum up: The international community proved to be unable to develop a promising strategy of preventing the Kosovo conflict from escalating. To make things worse, it naively, yet unintentionally contributed to such an escalation by prejudicing the outcome of Kosovo Albanian-Serbian negotiations on the future status of Kosovo and by a rash condemnation of Albanian counter-violence to Belgrade’s state terrorism-like oppression.

To take out the steam of the Kosovo conflict by a carefully orchestrated carrot-and-stick policy towards Belgrade on behalf of the international community, resulting in a joint Serbian-Kosovo Albanian search for an interim solution and paralleled by a democratisation of the FRY, is the recipe for defusing the Kosovo time bomb. Despite many negative developments recently, it still is an encouraging sign that for a significant part of the Kosovo Albanian elite—including representatives of the older »Tito generation“ and of the younger generation which got its education during the years of autonomy 1974-1989—the idea to remain in a common, yet democratised, re-federalised and preferably re-christened, state with Serbs, Montenegrins, Hungarians, Sandžakli, Roma *et al.* is not rejected offhand. It would be an irony of history if in this way the 19th century political non-starter of the Balkans--the concept of a multiethnic Balkan federation--re-emerged. However, such a diminishing of the fascination with the nation-state and the rise of the idea of supra-national integration is only one of the possible answers to the »Albanian Question.“ The other one is the example of the Serbian, Croat, and Bosnian neighbours: nationalist agitation, civil war, ethnic cleansing, and inter-state war. For Kosovo, the spring of 1998 might indeed acquire the same function as the spring of 1992 did for Bosnia-Herzegovina--»the Rubicon may have been crossed.<sup>292</sup>

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<sup>291</sup> See »The Balkans: The fire is being rekindled,“ *The Economist*, 7 March 1998, p. 41; and Martin Brusis, »Grenzen des Dialogs. Kosovo: Kontaktgruppe betreibt Politik ohne Prozeßkonzept“ *Die Tageszeitung*, 10 March 1998, p. 2.

<sup>292</sup> »Catastrophic Kosovo: The West must get tougher with Slobodan Milosevic,“ *The Economist*, 7 March 1998, p. 18.

## ABBREVIATIONS

BSEC	Black Sea Economic Co-operation
CFDHRF	Council for the Defence of Human Rights and Freedoms
CPC	Conflict Prevention Center
CPN	Conflict Prevention Network
CSCE	Conference on Security and Co-operation in Europe
CSNK	Campaign for a Non-Violent Solution of the Problem of Kosov@
CSO	Committee of Senior Officials
EPC	European Political Cooperation
EC	European Community
EU	European Union
FRY	Federal Republic of Yugoslavia
FUEN	Federal Union of European Nationalities
HCL	Humanitarian Law Center
IFRC	International Federation of Red Cross and Red Crescent Societies
ICFY	International Conference on the Former Yugoslavia
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal on the Former Yugoslavia
IHF	International Helsinki Federation for Human Rights
IMF	International Monetary Fund
INCORE	Initiative on Conflict Resolution & Ethnicity
IRA	Irish Republican Army
JAT	Jugoslovenski aviotransport ( <i>Yugoslav Airlines</i> )
JNA	Jugoslovenska narodna armija ( <i>Yugoslav People's Army</i> )
LDK	Lidhja Demokratike e Kosovës ( <i>Democratic League of Kosov@</i> )
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OHR	Office of the High Representative for Bosnia-Herzegovina
OIC	Organisation of the Islamic Conference
OSCE	Organisation for Security and Co-operation in Europe
PER	Project on Ethnic Relations
PHARE	Poland and Hungary Action for the Reconstruction of the Economy
PIC	Peace Implementation Council
PPK	Partia Parlamentare e Kosovës ( <i>Parliamentary Party of Kosov@</i> )
RFE/RL	Radio Free Europe/Radio Liberty
SAJ	Specialne antiterorističke jedinice Ministerstva unutrašnjih poslova Republike Srbije ( <i>Special Anti-Terror Units of the Ministry of the Interior of the Republic of Serbia</i> )
SECI	Southeast European Cooperative Initiative
SFOR	Stabilisation Force
SFRY	Socialist Federal Republic of Yugoslavia

SPO	Srpski pokret otpora ( <i>Serbian Resistance Movement</i> )
SWP	Stiftung Wissenschaft und Politik
TFF	Transnational Foundation for Peace and Future Research
UÇK	Ushtria Çlirimtare e Kosovës ( <i>Kosovo Liberation Army</i> )
UN	United Nations
UNESCO	United Nations Education, Science and Cultural Organisation
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNPO	Unrepresented Nations and Peoples Organization
UNPREDEP	United Nations Preventive Deployment
UNPROFOR	United Nations Protection Force
UNTAES	United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium
»UNTANS”	»United Nations Temporary Authority for a Negotiated Settlement in Kosovo”
UPS	Unioni Pavarur i Studentëve ( <i>Independent Union of Students</i> )
USA	United States of America
USIS	United States Information Service
VJ	Vojska Jugoslavije ( <i>Army of Yugoslavia</i> )
WEU	Western European Union
WHO	World Health Organisation