INTERNATIONAL ENGAGEMENT, TRANSFORMATION OF THE KOSOVA QUESTION AND ITS IMPLICATIONS

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ABSTRACT

The Kosovo question is not simply an ethnic problem between the Albanians of Kosovo and the Serbs. It cannot be separated from the broader neo-liberal restructuring at the global level. This paper shows that the dialectical relationship between the two, demands of parties involved and international engagement, helped reshape the question. Indeed, this dialectical relationship played an important role in the redefinition and reproduction of forms of international engagement as well as the principles and concepts in the system of international relations from the early 1990s onwards. The international engagement in Kosovo transformed the question rather than providing a settlement for it. It created precedents with the ‘assertive multilateral’ military ‘humanitarian intervention’ of 1999, turning Kosovo into a protectorate of the international community by retrospectively legalizing the intervention through UNSC Resolution 1244. This paper argues that the Ahtisaari Plan that forms the basis of ‘independence under international supervision’ transforms the context of the Kosovo question once more and creates further precedents rather than resolving the question through negotiated settlement.

KEYWORDS

Kosova, Western Balkans, International Engagement, Neo-Liberal Restructuring, NATO, UN Resolution 1244, Ahtisaari Plan, EULEX.
The question of Kosova cannot be separated from the neo-liberal international engagement in the region. International engagement in Kosova may well be examined in four phases. First, a broader socio-economic transformation from mid-1970s onwards has prepared an overall framework within which regional and local restructuring has taken place. Second, it came through ‘assertive multilateral’ military engagement in the name of ‘humanitarian intervention’. Third, the process of construction of a bunch of new institutions upheld international engagement as the old structure faded away. However, this current form of existing international engagement in Kosova has become extremely difficult to sustain for at least two reasons. It exhausted its potentiality to meet the demands of Albanians. An equally significant reason is that the international community wants to see a legal and capable governmental body which can shoulder its own responsibilities. The current form of protectorateship seems unsatisfactory to anyone. The 17 March 2004 events had alarmed the international community as the whole process could totally be derailed. The Albanian aspiration for independence could no longer be postponed.

With these questions in mind, the international community launched, in 2005, a series of meetings between the representatives of Serbia and Albanians of Kosova. Since 2005, several meetings were held in Vienna with no concluding agreement. This process, however, led to the production of a report that would come to be known as the Ahtisaari ‘Plan’, which was handed over to Secretary-General of the UN on 26 March 2007. As will be detailed below, this report has proposed independence for Kosova under supervision of the international community. This was rejected by Serbs while Albanians gave their consent hoping that this will eventually lead to full independence. Thus, submission of the Ahtisaari report to the UN Secretary General itself became a factor that transformed the question of Kosova, hence marking the end of the third phase. The fourth phase starts with the formation of a troika of US, EU and Russia which further searched for an avenue to settle the problem, yet in vain. Nevertheless, the context of the question has radically changed after the submission of Ahtisaari report and a clear-cut division within the troika came about. The troika, rather, turned into a platform of competition; US and EU on the one hand and Russia on the other intending to assert their hegemony or position in the international system.
Arguments for and against independence of Kosova cover a vast spectrum of positions among the parties involved. It is beyond the scope of this paper to address the question of independence per se and all details of other historical roots of the Kosova question. Instead, this paper begins with a brief analysis of neo-liberal restructuring at the global level which had various implications for states of Central and Eastern Europe (CEE), including Yugoslavia. The neo-liberal restructuring provided a framework for transformation in CEE countries within which the study attempts to explore international engagements in Kosova.

Global Restructuring and Its Implications on Yugoslavia

The collapse of the communist party rule in Central and Eastern Europe and the change that followed in the region coincided with the larger systemic change at the global level, the neo-liberal restructuring process. The integration of the Central and Eastern European countries into the capitalist global economy and the Euro-Atlantic institutions were important aspects of the extension of the neo-liberal restructuring process to the region. As the CEE countries defined their transformation processes by the strategic aim of integration with the West for political, economic and security reasons, the processes were very much entangled with strategic objectives of the West having deep reaching connotations for the societies of the region. Thus, integration and incorporation of the countries in the region cannot be dissociated from material, political and ideological changes that have been taking place at the global level.

Structural change at the global political economy since the 1970s led to a restructuring of power relations. In this respect, the Reagan-Thatcher neo-liberal drive in the 1980s is an important instance in the restructuring of power relations at the global level which had important implications for CEE as well. The changes led to an increasingly transnationalised system of production signified in the increasing volumes of trade and capital flows. The emergence of such a transnational formation was accompanied by the increasing acceptance of free trade and foreign direct investment as important instruments of development along with the neo-liberal rationality.
This shift towards a neo-liberal perspective is reflected, first, in the role that international financial institutions assume from early 1980s onwards. These institutions served two purposes; first as structures within which the neo-liberal project was legitimised and secured, and second as agents that backed up opening of markets for global finance. Their role was reconfigured in the 1980s and enriched with conditionality, especially after the debt crisis in Mexico, to promote, first, structural adjustment in economic policy and then, thorough restructuring of state-society relations in the capitalist global economy. Thus, they became significant actors in promoting the primacy of private economic activity and disseminating the neo-liberal strategy of restructuring. Their role was further enhanced in the 1990s with the collapse of the communist party rules in Central and Eastern Europe through presenting the neo-liberal approach as the only alternative for radical system transformation. The increase in the number and content of conditionality used by the international financial institutions in the 1990s was remarkable which helped the institutions promote a thorough systemic transformation and assert the market as the self-organising principle of the society in Central and Eastern Europe.

The evolution and formation of the Western policy toward CEE suggests that it aimed to consolidate the emerging transnational nature of the global political economy. The context of changes had various implications on the CEE societies and global processes of change can be seen as important constituents of the transformation processes within a social totality.¹ The nature of neo-liberal hegemony involves complex and dialectical relationship that is reflected between neo-liberalism as process and neo-liberalism as project of global restructuring. This process involves a simultaneous process of disintegrating embedded structures of political and socioeconomic organisation and the process of integrating material, political, social and cultural life at the global level, a process driven by the process of global restructuring of production and finance.² In

this respect, the increasingly interventionist character of international institutions and organisations was instrumental in extending this process of restructuring to the CEE. International institutions intended to influence aiming to reshape the region and also to determine the terms of transformation processes. Yet, this is not to emphasise an ‘externally determined’ process but rather to elaborate on a dialectical relationship between the external and the internal.

As such, we should move beyond the internal, that is nationalism or the failure of political leaders as the main aspects in understanding the plight of Yugoslavia. In other words, the Kosova question is not simply a conflict between the Albanians of Kosova and the Serbs. What we need to provide is the dialectical relationship between the global and the local and to consider change in Yugoslavia vis-à-vis the international context and try to provide an understanding of the political, economic and societal implications and circumstances which tilted the fragile balance in Yugoslavia. In this sense, reforms that were initiated in Yugoslavia as part and parcel of the global restructuring process led to changes at the socio-economic level aggravating the conditions and circumstances (inequalities among the republics) within which ethnic nationalism was elevated.

With its distinct position in the “communist” bloc Yugoslavia had close foreign and economic relations with the West. It had signed a non-preferential agreement with the European Community, followed by a five year agreement in 1973 and a cooperation agreement in 1980. By the end of the 1980s, over 50 per cent of Yugoslavia’s trade was with the West. Despite its good relations with the West, it was a target of the Reagan administration as early as 1984 which intended to bring down the communist party governments


and parties in the CEE. Yugoslavia pursued reforms from the beginning of the 1980s intending to introduce elements of the market. In 1989-90, it was one of the first CEE states, together with Poland, where the IMF supported shock therapy programme was applied, intending to enhance private economic activity and a change in the role of the state. It was also one of the first states that were included within the EC policy toward Central and Eastern Europe in the early 1990. In July 1990, Yugoslavia was included within the framework of the PHARE that was extended to Czechoslovakia, the GDR, and Bulgaria. It was expected to be one of the frontrunners in the process of integration with the West. Yet, the full engagement of Yugoslavia was interrupted with the escalation of inter-ethnic conflict.

Problems of low labour productivity, deteriorating infrastructure, black market economy, and foreign debt and servicing debt coupled with international changes and struggles were pressures that created circumstances in the 1980s suitable for attempts at reform in Yugoslavia. The reforms of the 1980s led to the disintegration of the industrial sector in Yugoslavia with massive layoff of workers, and dismantled the welfare state mechanism that was essential for preserving the balance between the republics. Drastic falls in growth rates in the second half of the 1980s and the accumulation of foreign debt along with the industrial disintegration led to a fall in the living standards. But, most importantly the reforms undermined the very basis of the Socialist Federal Republic of Yugoslavia: workers self-management, the social contract and friendship of people. At the same time, while undermining the legitimacy and authority of the federal institutions, the reforms deconstructed political and economic co-existence among the peoples of Yugoslavia.

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Background of the Kosova Question

This broader neo-liberal restructuring went hand in hand with other aspects of the international engagement. In the 1980s, the Kosova question proved to be an important case that tested and undermined the authority of the federal institutions. A very short background of the Kosova question is needed to provide a better framework with which to analyse the other phases of international engagement in Kosova in the 1990s. This may further show how the Kosova question is continually in a state of transformation.

The origin of the Kosova question can be dated as far back as 1878, to various alternative demands of the Albanians which included the demand of the Prizren League to unite the four districts under Albanian autonomy. It may well be put forward that the international system posed similar opportunities and constraints, though not identical, and that a dialectical relationship of the internal and the external were important for the realisation of national demands. The demands of the Albanians were then denied. Later during the Balkan Wars (1912-1913), Serbs occupied Kosova and then, following WWI, Kosova was granted to the Kingdom of Serbs, Croats and Slovenes. During the interwar years Kosovars did not find a suitable or a satisfactory political room and thus remained neither integrated to nor assimilated by the Serb dominated Yugoslavia.

Following WWII, the ideological stance, people’s friendship, and political promise, socialist equality, helped construction of the ‘Socialist’ and ‘Federal’ Yugoslavia. Tito’s Yugoslavia would experience economic and political reforms, which would have direct impact on Kosova. The economic decentralization policy of 1963/4 would not be in the interests of underdeveloped regions, including Kosova, because the transfer of surpluses from developed parts of Yugoslavia to needy parts became more difficult as the consent of the developed republics became essential. The second package included a constitutional reform. “Under the 1974 constitution of the Socialist Federal Republic of Yugoslavia, Kosova enjoyed the status of an

autonomous province of Yugoslavia, while being a constituent part of the Republic of Serbia." Kosova became an empowered autonomous province, almost to the extent that it functioned, for all practical purposes, as a republic. It thus exerted very extensive influence in political affairs of the Republic of Serbia as well as its relations with the other republics. Kosova would be treated as a de facto equal actor, though it was never given a de jure republic status equal with the other six republics at the federal level. This state of affairs of being in between de jure and de facto, meaning less than de jure republic more than simple autonomous region, continued until 1989. Tito did not interfere much in the domestic affairs of Kosova in return for the support given by Kosovars to Tito’s balance of power policy among the six republics. From 1987 onwards, under the leadership of Milosevic, the Serbian nationalist sentiments grew against Muslims, particularly the Albanians. The focus was on the Kosova question. Milosevic not only failed to sustain Tito’s balance of power policy, but he also deliberately applied policies to deconstruct the old structure. Expelling of Albanians from all important official posts, including the social, health care and educational sectors, appointment of officials increasingly from Serbs and formation of federal militia units composed of Serbs were parts and parcels of the deconstruction of the remaining of old Socialist structure. Finally, in 1989, Milosevic unilaterally decided to abolish Kosova’s empowered autonomous status that had been upgraded in 1974. This would not only undermine the delicate balance in the Socialist Federal Republic of Yugoslavia, but it also destroyed any hope for any possibility to regain people’s friendship, one of the bases of Yugoslav foundation. Milosevic’s move was to be responded first with a passive resistance led by Ibrahim Rugova, creating alternative health care, schooling and unofficial government offices in Kosova. In May 1990, Albanians withdrew their representatives from the provincial Kosova government. By September 1990, Albanian leadership prepared a constitution with which they claimed to participate to federal Yugoslavia as an independent republic, but


this move was not to be taken into account by Milosevic. All these suggest that Milosevic's move of cancellation of the empowered autonomous status of Kosova triggered a firm Albanian stance for independence which took stage in the following years as the disintegration process continued.

One of the clear tangible examples for early international engagement may be seen in the creation of the Arbitration Commission, set up by the Council of Ministers of the EEC on 27 August 1991. This would be called the Badinter Arbitration Committee, named after its president Robert Badinter.

The task of the Badinter Arbitration Commission was to study the Yugoslav case and provide opinions on legal questions as the dissolution of Yugoslavia was rapidly turning into reality. Both Republics of Slovenia and Croatia declared their independence on 25 June 1991. To what extent setting up of the Badinter Arbitration Commission by the EEC and Germany's early recognition of independence of Slovenia and Croatia contributed to the dismemberment of Yugoslavia are legitimate questions, which need to be examined in detail. Here we argue that the Badinter Arbitration Commission and Germany's early recognition played a precipitating role rather than a cause for the dismemberment of Yugoslavia. Here, it is a fact that the Badinter Commission did not refer to or provide clarification on the Kosova question, or Vojvodina, but provided advisory opinions about the preservation of boundaries of the republics and minorities within the republics.\textsuperscript{10} It may be argued that it was the Kosova question which was a burning issue in Yugoslavia; however, that was not addressed by the Badinter Commission.

It may be stated that it was the priorities of the actors involved in this international engagement that determined the nature of the engagement. As the Kosova question was not yet a priority for the EEC, early international engagement did not pay much attention to this issue. Even so, the Kosova leadership upheld its position by declaring its independence on 18 October 1991. The EEC refused to

consider it, arguing that only republics could apply for independence, but not autonomous regions.¹¹

By early 1992, it became clear that the Socialist Federal Republic of Yugoslavia was dismembered. The Federal Republic of Yugoslavia, which was declared by then, was composed of the Republic of Serbia and Republic of Montenegro, thereby ending the former Socialist Yugoslav state completely.

As explained above, the broader neo-liberal restructuring had undermined the functioning of the Socialist Federal Republic of Yugoslavia and the nationalist responses by all quarters contributed to the process of dismemberment. From the second half of 1970s onwards, the economic crisis, the neo-liberal transformation in the 1980s and nationalist polarization between the components of federal units led to the deconstruction of socialist state and the ideology of friendship of people, which thus, turned into confrontation, conflict and collapse.

Although during the first round of the disintegration of Yugoslavia the Kosova question was a burning issue, international engagement was not extended because the international community wished to postpone the Kosova question as the war in Bosnia and Herzegovina already occupied its agenda. Thus, the Badinter Commission did not deal with the legal questions on Kosova that appeared as the Socialist Federal Republic of Yugoslavia was being dismembered.

While Ibrahim Rugova, head of the unrecognized independent Kosova, tried to internationalize the Kosova question, the international community remained aloof to this issue until 1996. During this period international engagement was very limited and did not go beyond personal contact with the Kosova leadership.

Against the expectation of Albanians, the Kosova question was not referred to in the Dayton Accord of December 1995 as well. The passive resistance of Rugova faction would thus be challenged by the newly formed Kosova Liberation Army (KLA), a paramilitary group, led by Hashim Thaci. The KLA members were recruited from the “underground community” that had been formed as an alternative to passive resistance strategy of Rugova faction. The KLA had two major objectives; first, to resist against Serb military attack, and second, to prepare Albanians to take up political responsibility to rule Kosova.

The KLA was to get its weapons from Albania following the Pyramid Investment Scheme collapse in 1997 when people went into the streets breaking the doors of military storages in Albania. Those weapons were to be transferred to Kosova. Thus, it was in 1997 that political struggle swiftly turned into an armed struggle. The tacit support given to KLA by the international community, largely by the US administration, was to gain momentum in 1998.

Staging for International Military Intervention

While the Albanian strategy was based on internationalization of the Kosova question, the Serbs saw it as an entirely internal matter and worked against the internationalization of the problem. Here international engagement would play a crucial role in the internationalization of the Kosova question. It is interesting to note that there were several attempts to address the Kosova question before it turned into an international military intervention in 1999. Political solutions were debated at different quarters, including options such as “return to 1974 constitution”, “74 plus formula” and “third republic”. None were wholeheartedly backed up by international community.

It would not be wrong to say that the international community seemed to have decided to increase its pressure on the Federal Republic of Yugoslavia in 1998. Thus, the international community facilitated issue on 31 March 1998 of a UN Security Council decision S/RES/1160, that would later be more clarified on 23 September 1998 by another UN Security Council decision S/RES/1199, which called for ceasefire and political dialogue. However, the Serb and the
Albanian militias continued to attack each other. The Antalya Summit of the Southeast European Cooperation Process (SEECP) Heads of State and Government on 12-13 October 1998, in which the Federal Republic of Yugoslavia participated, and where Turkey proposed the "74 plus formula", might have been considered as a successful move as a well-balanced common regional position to encourage both sides to start a tangible negotiation on Kosova. However this regional engagement was not supported by the international community either.

The real and decisive turning point for international engagement with respect to the Kosova question took place in the second half of October 1998 when the Western allies authorized NATO to launch air strikes against Serb military targets unless Milosevic agreed to withdraw Serb troops, facilitated the return of refugees and accepted unarmed international monitors in Kosova. This was followed by a series of agreements between the international community and the Federal Republic of Yugoslavia. On 16 October 1998, an agreement between the OSCE and the Federal Republic of Yugoslavia on the Kosova Verification Mission was signed, and on 23 October 1998, a similar agreement between NATO and the Federal Republic of Yugoslavia was concluded. With these agreements the international community intended to verify compliance by both parties to ceasefire and with the UN urge for a peaceful resolution of the Kosova problem which included an enhanced status for Kosova, a substantially greater degree of autonomy, and meaningful self-administration. Accordingly, 2000 unarmed verifiers from OSCE member states were to be permitted, with field presence at various locations in Kosova, to verify maintenance of ceasefire and to assist in the implementation of a

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settlement, when agreed upon by both parties, through elections supervision, establishment of Kosova institutions and police force\textsuperscript{14}.

Milosevic decided to accept these points on 25 October 1998. However the agreement was not implemented largely because the fighting between Serb forces and the KLA did not stop despite their agreement on a ceasefire. The international community was alarmed as the Serb militia and the Albanian KLA did not keep their earlier promise and continued to fight against each other in December 1998. Massacre of some 45 Albanians from the same Yaşari Family, on 15 January 1999 and increase of daily killings further alarmed the international community.

On 22 January 1999, the “Contact Group”, composed of the US, Russia, Britain, France, Germany and Italy, called for a peace conference which would bring together representatives of the Republic of Yugoslavia and Albanians of Kosova. The first round of talks between the Kosova Albanians and Serbs took place in Rambouillet, France between 6 and 17 February 1999. Both sides seemed not to be satisfied with the so-called Rambouillet Plan; while Albanians were not satisfied because it was short of a clear promise for future independence, Serbs were not happy with the proposal that NATO would be stationed in Kosova. Albanians, however, made it public that they would sign the plan when the talks resumed. On 23 February 1999, NATO welcomed the Contact Group's plan and made it public that it fully supported Rambouillet talks and urged “…the parties to accept rapidly the Contact Group Peace Plan in its entirety, including its military aspects, and at the very latest by the time of the implementation conference in France on 15th March”\textsuperscript{15}. NATO, while referring to the October 25th, 1998 agreement between NATO and Yugoslavia, called on Yugoslavia to comply with its commitments and allow the OSCE Kosova Verification Mission to carry out its work. The statement of the organisation on 23 February 1999 showed the determination of the international community in

\textsuperscript{14}Agreement between the Organization for Security and Cooperation in Europe and the Federal Republic of Yugoslavia.

dealing with what was then called a humanitarian issue and even use force, if necessary, to bring about a solution:

...We remain ready to use whatever means are necessary to bring about a peaceful solution to the crisis in Kosova and to prevent further human suffering.

...Our stance in putting the threat of force at the service of diplomacy has helped to create the conditions for the Rambouillet talks to make progress. The Alliance remains ready to lead an international military force in Kosova which would guarantee the implementation of an interim political settlement. I call on both parties to build on the considerable progress that has been achieved at Rambouillet and to seize this opportunity to achieve a lasting settlement for the benefit of all the peoples of the region. NATO stands ready to help them in this endeavour.16

On 15 March 1999, talks resumed and Kosova Albanians declared that they were ready to sign the peace deal. What is clear is that the international engagement took the form of threat of force to address the Kosova question and the so-called “peace negotiation” in Rambouillet was to be carried out under the actual threat of NATO’s air strikes. Kofi Annan, United Nations Secretary General, likewise, emphasised that the threat of force was “essential” and legitimate to press both sides into a peaceful settlement.17 Equally significant is the fact that the parties were given three weeks to negotiate and conclude an agreement. It appears that while the Albanian strategy was based on not to be seen as the party who would reject a settlement, the Serbs tried to avoid signing any legally binding agreement. An interim agreement, which was worked out by the international community, was signed by the Albanian side on 18 March. However, the Serbs refused to sign any such agreement. It may well be stated that it would not be an easy task for any ‘sovereign’ state to sign the Interim Agreement, because of the last minute insertion of Appendix B. Particularly article 8 of Appendix B provides extensive rights for NATO within the sovereign territory of Yugoslavia:

16 ibid.
NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.\textsuperscript{18}

This, in fact, removed any possibility of a negotiated settlement. There are some unknown episodes in the meeting of Rambouillet, which requires a more detailed examination of the case, but for the purpose of this study, suffice it to say that the military aspect of the international engagement was paved from mid-1998 onward. It may be stated that the Rambouillet meeting was a window dressing and the Federal Republic of Yugoslavia under Milosevic was cornered and presented as a black whole which had to be either totally transformed or deconstructed. As the Serb delegation refused to sign this agreement, the talks were suspended on 19 March 1999. On 22 March 1999, Richard Holbrooke, US President Bill Clinton’s ‘special negotiator’, went to Belgrade to convince Milosevic to accept the Interim Agreement, but returned as the Serb parliament overwhelmingly rejected the demand for stationing of NATO forces in Kosova and Yugoslavia on 23 March 1999. This would open up the way for NATO air strikes on 24 March which lasted until 9 June 1999.

This “humanitarian military engagement” contributed to the rhetoric of liberal International Relations theories, though it failed to turn into a codified form. Rules and norms of such humanitarian military intervention were not determined and above all it was those who took the decision for the NATO intervention who resisted against any possibility of a process for codification of a humanitarian military intervention. It is thus, we argue, that the air strikes launched on 24 March 1999 under the name of “Operation Allied Force” was

to be a precedent for future military interventions in other parts of the world.

**Weak International Reactions against NATO Operations**

It is interesting to note that the international humanitarian military engagement in Kosova was not challenged by any power. Two major criticisms came out; one from the Rio Group and the other from the Non-Aligned Movement countries.

The countries of the Rio Group, in a communiqué issued on 25 March 1999, expressed their

...anxiety about the commencement of air strikes by the North Atlantic Treaty Organization against Serbian military targets and, in particular, their concern that no peaceful means of solving, in conformity with international law, the existing dispute among the various parties to the conflict in Kosova has been found.\(^{19}\)

Openly referring to the Charter of the United Nations the Group was mainly critical of the fact that such an action was taken without any decision of the UN Security Council:

The Rio Group also regrets the recourse to the use of force in the Balkan region in contravention of the provisions of Article 53, paragraph 1, and Article 54 of the Charter of the United Nations, which state “... no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council” and “the Security council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.”\(^{20}\)

In a similar fashion, the Non-Aligned Countries also issued a statement on 9 April 1999,


\(^{20}\)/bid.
reaffirming the Movement’s commitment to the sovereignty, territorial integrity and political independence of all States, and reaffirming the Non-Aligned Movement’s principles and the sanctity of the Charter of the United Nations, ... and reaffirms that the primary responsibility for the maintenance of international peace and security rests with the United Nations Security Council.

Thereby indirectly criticizing the role of international community and NATO’s military attacks The Non-Aligned Movement firmly emphasised the primary role the UN should play in maintaining peace and security:

The Non-Aligned Movement firmly believes that the urgent resumption of diplomatic efforts, under the auspices of the United Nations and the relevant Security Council resolutions, 1199 (1998) and 1203 (1998), constitutes the only basis for a peaceful, just and equitable solution to the conflict.21

Shaping Hegemony in Regional Context

The positions of the regional actors were interesting. Initially all expressed their sensitivities arguing that a military intervention would aggravate the problem rather than solve it. Bulgaria and Romania sounded as if they were against this military intervention, but did not hesitate to open up their air space for NATO aircrafts. It would be very difficult for them to resist the political pressure applied by the US and EU. On the other hand, the conflict provided Bulgaria and Romania, as well as the other countries of the region with certain opportunities and leverage in international relations. Their prospects for membership into NATO and candidateship for EU were important aspects, in a way, shaping their foreign policy stance towards NATO operations in Kosova. Yet, there appeared a clear division between governments and people: while people were against such military

intervention, governments supported the military intervention. Greek government, likewise, joined in the support for military intervention, while Greek people protested the intervention. The Turkish government advocated for a long time that the “74 plus formula” would be the best solution to address the Kosova question and as noted earlier had proposed this in 1998. Yet, when the US and EU pressed for military intervention, Turkey also joined in and supported the military intervention. What is clear is that, the interplay between the pressures of global actors and the desire of the countries in the region to become members of the Euro-Atlantic institutions shaped the foreign policies of regional actors, thereby shaping the hegemony in the regional context.

Initially, the Russians and the Commonwealth of Independent States protested NATO action, considering the operations as a challenge to the system of international relations and a real threat to peace and stability. But then Russia was incorporated to the process

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22For an analysis on division between government and public at large in Bulgaria see Independent, 5 May 1999. While Ivan Kostov government asked the Bulgarian parliament to approve an accord with NATO, allowing its planes to use Bulgarian air space to carry air strikes in Yugoslavia, Bulgarian public demonstrated their opposition particularly following an incident when a stray NATO rocket destroyed a house in a Sofia suburb. For an analysis on Romania and the Kosova conflict see Tom Gallagher, Theft of a Nation: Romania since Communism, London, Hurst & Company, 2005, pp. 212-221.


while NATO air strikes continued, and even became a mediator between Milosevic and the G8 countries.

**Retrospective Legalization of the International Military Intervention**

The G8 summit in May 1999 was an important platform where major powers of the global political economy decided to take the Kosova question on to the UN Security Council with an aim to legalise and institutionalise the intervention. On 6 May 1999, Foreign Ministers of the G8 countries adopted the general principles for a “peace plan”, which also laid down the basis for a UN Security Council resolution on the situation of Kosova. Most significant of these principles were the deployment of international civil and security presences and establishment of an interim administration for Kosova which were to be endorsed and decided by the UN Security Council.25 Indeed, the Rambouillet accords were not considered null and void as the establishment of an interim political framework agreement on self-government in Kosova was to be based on the accords.

The G8 meeting was instrumental in providing an agreement on the principles, yet there were differences on whether to stop NATO bombing and how to deal with the matter in practice. The West was ready to include Russia “the way they have participated in Bosnia”.26 Here, it was Viktor Chernomyrdin, Russian envoy, who played a mediator role between G8 countries and Yugoslav officials, together with Martti Ahtisaari representing the EU, who persuaded Yugoslavia as Belgrade signalled its readiness to accept deployment of NATO forces under a UN Security Council decision, as part of the international community.27 It appears that there were some

25The text of G8 proposal was later, on 10 June 1999, would be published as Annex 1 of the UN Security Council Resolution, S/RES/1244.
27Agreement on the principles (peace plan) to move towards a resolution of the Kosova crisis presented to the leadership of the Federal Republic of Yugoslavia by the President of Finland, Martti Ahtisaari, representing the European Union, and Viktor Chernomyrdin, Special Representative of the
negotiations over the demand of Yugoslav officials that the forms of “civil and security presence” must be determined by a direct negotiation between Yugoslavia and United Nations. The final decision on the subject in question was to be left for a UN Security Council decision. It is interesting that Ahtisaari would, much later in November 2007, say that “he regretted that final decision was left to the Security Council.”

NATO retained the option to strike during the negotiation process and actually attack continued even after the parliament of Republic of Serbia and Federal Republic of Yugoslavia endorsed the Plan on 3 June 1999. The “Military Technical Agreement between the International Security Force (KFOR) and the Governments of Federal Republic of Yugoslavia and the Republic of Serbia” was finally signed on 9 June 1999, ending the actual air strikes. It was clear from Article 1, Paragraph 1 of the agreement that forms of “civil and security presence”, as part of the military technical agreement, was to be decided under UN auspices:

The parties to this agreement reaffirm the document presented by President Ahtisaari to President Milosevic and approved by the Serb Parliament and the federal government on June 3, 1999, to include deployment in Kosova under U.N. auspices of effective international civil and security presences. The parties further note that the U.N. Security Council is prepared to adopt a resolution, which has been introduced, regarding these presences.

Clarification on the civil and security presences of the international community was done on 10 June 1999 in the UN Security Council Resolution 1244.

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Ahtisaari said this at the opening speech of European Council on Foreign Relations in Sofia on 19 November 2007.

The UN Resolution 1244 was a turning point in various respects for it legalized international community's military intervention in Kosova retrospectively. The decision for a NATO 'humanitarian intervention' had as such no legal basis: it had been decided largely by the US administration and other NATO members joined this US-led military operation. It is not a coincidence that Madeleine Albright, US Secretary of State, named the intervention as "assertive multilateralism". The decision for military intervention had been taken within the NATO framework, thus it did not seem to be unilateral, but it was not multilateral either. Above all, NATO had no such legal right to take such a decision. There is no study which did not finger on this reality; however, many argued that although it was not legal, it might well be seen legitimate because there were clear evidences for violation of human rights that had to be stopped.30

Resolution 1244 incorporated two documents accepted earlier, the general principles for a peace plan adopted by the G8 and the agreement on principles presented by Ahtisaari and Chernomyrdin to parliament of Republic of Serbia and Federal Republic of Yugoslavia and made clear references to the implementation of the Rambouillet Interim Agreement in its entirety. Thus, the civil and security presences of the international community were to be deployed in Kosova under auspices of the UN and with the agreement of the Federal Republic of Yugoslavia to such presences as set out in Article 5 of Resolution. The institutions of international presence, the United Nations Interim Administration Mission in Kosova (UNMIK) and the Kosova Force (KFOR), aimed, as previously put by other agreements, to provide an interim administration for Kosova under which the people of Kosova can enjoy substantial autonomy within the Federal Republic of Yugoslavia [emphasis added], and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosova.31

31See especially article 10, UN Security Council, Resolution 1244 (1999), S/RES/1244, 10 June 1999, available at
While envisaging substantial autonomy and self-government, and “[i]n a final stage, overseeing the transfer of authority from Kosova’s provisional institutions to institutions established under a political settlement”, the resolution was also cautiously referring to “the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region”. The aim of the international community was a negotiated settlement that would not delay or disrupt the establishment of democratic self-governing institutions in Kosova. Indeed, the quick reaction of the international community to the Kosova conflict had to do with the humanitarian dimension of the conflict as well as the fear of spillover of interethnic conflicts and possible disruption of the differentiated extension of neo-liberal restructuring toward the CEE.

Thus, it may well be stated that the international engagement came through ‘assertive multilateral’ military intervention in the name of humanitarian intervention, which was retrospectively legalized through the UN Security Council decisions. Civil and security presences were later consolidated through construction of a bunch of new institutions which upheld international engagement as the old structure faded away. One of the most important aspects of international engagement in Kosova is the emphasis of Resolution 1244 on the primacy of the UN Security Council in deciding the future of international civil and security presences.

In a way, Yugoslavia had indirectly influenced the Western policy toward and involvement in the CEE and beyond. In the mid-1990s the EU and NATO encouraged the countries in CEE to establish good relations with their neighbours, a process that was seen as an important stage for attaining security and stability in the region. This was partly a consequence of the war in the former Yugoslavia which intended on the one hand to contain it and on the other to

32 The UN Security Council reaffirmed the commitment of all member states to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other states of the region on page 2 of the Resolution. See also article 11 of UNSC Resolution 1244 and article 8 of Annex 2 to the Resolution.
prevent the spread of interethnic conflict in the region. In this respect, the ‘humanitarian intervention’ in Kosova in 1999 was an important milestone in the attempt to end sustained interethnic war in Yugoslavia which may have posed a threat to security and stability for the wider CEE region. The talks for a peaceful resolution to the Kosova question also brought with it new policy instruments to enhance the involvement of the EU, together with other international organizations, the Stability Pact for South Eastern Europe, in the transformation and economic and political development of the countries of the region. This would be transformed into a larger Stabilization and Association Process (SAP) within which the Copenhagen criteria and plus requirements became conditions for the Western Balkan countries to be able to sign the Stabilization and Association Agreement (SAA). The EU’s strategy “is neither total exclusion nor rapid integration. The Commission’s aim is to restructure the Western Balkans in line with neoliberalism to prepare the region for the “preincorporation stage.” The Commission’s major initiatives show that this neoliberal restructuring need not end in full membership but remains an open-ended process”.[33]

Following the retrospective legalization of the international engagement and given the fact that the old political and administrative structure had radically been revised since 1989 and was further deconstructed during the military intervention in 1999, the international community then turned to create new political and administrative functions and services in Kosova. Here it is significant to keep in mind that the international community did not have to restructure administrative, political and economic institutions in Kosova, instead it constructed the institutions from the scratch in line with neo-liberalism.

Above all, Kosova became a UN protectorate. The head of UNMIK, authorized by the UN Security Council, was the Special Representative of the Secretary-General for Kosova (SRSG). As the highest international civilian authority in Kosova, the SRSG, had

extensive powers as well as responsibilities. Other civilian executive authorities also came from the UN. The UNHCR, which dealt with humanitarian assistance, the OSCE, which dealt with democratization and institution building, and the EU which were to undertake reconstruction and economic development in Kosova also functioned under the UNMIK.

The UNMIK was successful enough to work out necessary civil registration to prepare Kosova for the first municipal elections after the international military intervention. The first municipal elections were duly held on 28 October 2000. In the following year Kosova assembly elections took place. Such democratic practices were read by the Albanians as further steps for independence, while the international community argued that standards had to be upgraded before any reconsideration of the status of Kosova.

The level of institutionalization was high enough, though those newly created institutions were largely seen as instruments for redistribution of foreign aid coming from the international community. The part time and short term jobs offered by international institutions helped the youngsters to get their pocket money and the projects offered by the UNHCR, the OSCE and the EU helped train local staff. However, the local communities did not seem to have been interested in the democratic standards. They were more interested in the status issue. There were growing divergences between the expectation of Albanians and the intention of the international community: while Albanians asked for a quick declaration of independence, the international community insisted on upgrading of democratic standards. We argue that it is not the question of the lack of institutions and multi-party elections, indeed there were the essentials of representative democracy, however, the democratic standards remained still so low. Some tend to argue that this was because of the lack of a democracy culture. We argue that at this stage it would be wrong to expect such democratization, largely because there were no definable social forces capable of entering into struggle and negotiations with its counterparts. The international community tried to create alternative media and political figures to undermine the so-called old nationalist ones, but in vain. The end result was that in each election new figures emerged, seemingly promising an alternative, but after the election they either disappeared or lost their enthusiasm as they had no power bases and solid
supporters in society. Such international community-backed political parties and figures did not help contribute to the democratization process.

The creation of political, administrative, economic and security institutions meant one thing for the international community and another for Albanians, Serbs, Turks and other minorities in Kosova. The goal for the international community was to construct necessary institutions where standards could be raised and thus the forms of incorporation into the West could be worked out. For Albanians, it meant milestones to declare independence, while for the remaining of Serbs in Kosova it was a question of survival. For the Turks and other minorities, the question was whether they would regain their earlier rights, namely the rights of 1974 constitution, or lose them.

The Ahtisaari Plan and the Transformation of the Kosova Question

The form of existing international engagement in Kosova, which turned into a UN protectorateship, has gradually become unsatisfactory for all sides. The international military intervention transformed the forms of suffering in Kosova. Before the 1999 intervention, it was Albanians who suffered under the pressure of Milosevic rule, and now it is the Serbs who are suffering because of Albanian pressure. Albanians have seen this UN protectorateship, on the one hand, as a vehicle to transform the process into declaration of independence, and on the other, as a hindrance for a quick independence. As materialization of independence was postponed, Albanians' anxiety increased. The events of 17 March 2004 showed how an incident could turn into a political catastrophe when large numbers of Serb and Roma owned houses were burnt down. This was to be read and shown by the international community as an evidence for low standard of democracy in Kosova and thus arguing that Albanians did not deserve independence yet. Such rhetoric helped in postponing independence, but did not ease the growing tension among the Albanians. The potentiality of regional spillover effect of Kosova conflict alarmed the international community. As parts and parcels of the statement of the President of the Security Council dated 24 October 2005 (S/PRST/2005/51), the Secretary General asked his Special Envoy Martti Ahtisaari to prepare a report on Kosova's future
status. Ahtisaari launched a number of direct and indirect meetings between representatives of Albanians of Kosovo and Republic of Serbia and Federal Republic of Yugoslavia. These direct or indirect meetings between Serbs and Albanians did not result in any agreement, but helped Ahtisaari to prepare a report on the subject in question. Early version of Ahtisaari’s report on Kosovo had been presented to Serbia and Kosovo leaderships and leaked to the press on 1 February 2007. It appears that some revision on wording was done before the report was presented to the UN Secretary General. Finally, on 26 March 2007, Ahtisaari presented his “Report on Kosovo’s Future Status”, together with his “Comprehensive Proposal for the Kosovo Status Settlement”, to Ban Ki-moon, UN Secretary General “to bring these documents to the attention of the members of the Security Council”.

The report of the UN Special Envoy Ahtisaari consists of two main sections: a section on the “recommendation” and an Annex where “main provisions of the Comprehensive Proposal for the Kosovo Status Settlement” were laid dawn. As Ahtisaari’s report and

Ahtisaari’s proposal for independence with international supervision is based on his conclusions, derived from meeting representatives of the both parties, that autonomy is simply not tenable and thus, reintegration into Serbia as much as continuation of a sustainable international administration. An important aspect of this conclusion is Ahtisaari’s firm view that “the negotiations’ potential to produce any mutually agreeable outcome on Kosova’s status is exhausted. No amount of additional talks, whatever the format, will overcome this impasse” due to the “categorical, diametrically opposed positions” where Belgrade was demanding autonomy within Serbia, and Albanians of Kosova accepting nothing short of independence. Ahtisaari assertively argued for the need to urgently resolve the Kosova issue as its denial or delay posed risks for security and stability within Kosova as well as the region. He claimed that “uncertainty over its future status has become a major obstacle to Kosova’s democratic development, accountability, economic recovery and inter-ethnic reconciliation” leading to further stagnation, polarization among its communities and resulting in social and political unrest with possible serious repercussions for peace and stability of the region as a whole. Indeed, transformation of international engagement in Kosova from ‘administration’ to a ‘supervisory’ role, UNMIK to EULEX, aimed to overcome uncertainty and obstacles to Kosova’s economic development. In a way, it may well be stated that this amounted to a level criticism or rather acknowledgement of failure of the international community as the situation in Kosova is described as a “state of limbo”, and UNMIK considered unable “to develop a viable economy”. As such, Ahtisaari argued, “economic development in Kosova requires the clarity and stability that only independence can provide.”

‘Independence’, in itself, will be very limited in form. As “Kosova’s capacity to tackle the challenges of minority protection, democratic development, economic recovery and social reconciliation on its own is still limited”, continuation of international engagement through assistance and supervision is considered as essential to
further develop political and legal institutions in Kosova. Indeed, the proposal redefines the nature of protectorateship in Kosova by reproducing the role of international civilian and military presences. The European Union, in this respect, is going to play a major role as the European Security and Defence Policy Mission, named European Union Rule of Law Mission in Kosova - “EULEX Kosova”, replaces UNMIK, though with a supervisory role. In fact, enhanced involvement of the EU, not only in Kosova but in the region as well, is seen as an important aspect of reform and economic development and “the most effective way to continue the vital standards implementation process”. However, no time limit is provided on the duration of international community presence. Vaguely, the international community is expected to supervise and support fulfilment by authorities in Kosova of “the obligations set forth in my Settlement proposal... extend[ing] also to institutional capacity-building” and will “come to an end only when Kosova has implemented the measures set forth in the Settlement proposal”.

The main provisions of the “Comprehensive Proposal for the Kosova Status Settlement”, on the other hand, is organised under three major sections and a number of subheadings, first clarifying the objectives of the proposal, second, putting forward the provisions of the settlement, and third detailing implementation. The overall aim of the proposal is “to define the provisions necessary for a future Kosova that is viable, sustainable and stable”. As such, the proposal “includes detailed measures to ensure the promotion and protection of the rights of communities and their members, the effective decentralization of government, and the preservation and protection of cultural and religious heritage in Kosova”. The second important objective of the Settlement is to prescribe “constitutional, economic and security provisions, all of which are aimed at contributing to the development of a multiethnic, democratic and prosperous Kosova”. Third, is to provide provisions for an important element of the Settlement which is the mandate for “a future international civilian and military presence in Kosova, to supervise implementation of the Settlement and assist the competent Kosova authorities in ensuring peace and stability throughout Kosova”. An important legal dimension of the Settlement is that “the provisions of the Settlement will take precedence over all other legal provisions in Kosova”.

The provisions of the settlement cover a vast area of issues including Kosovo’s governance, rights of communities, decentralization, justice system, protection and promotion of religious and cultural heritage, returns/protection of property, economy, security, future international presence, international civilian representative, ESDP mission, international military presence and OSCE mission in Kosovo. Indeed, some aspects of the provisions are open to interpretation with certain shortcomings on how they are going to be implemented in reality given the experience of the last eight years. Some of these issues of concern are brought up below.

Primarily the provisions on governance emphasise the multi-ethnic character of Kosovo: “Kosovo shall be a multi-ethnic society, governing itself democratically and with full respect for the rule of law and the highest level of internationally recognized human rights and fundamental freedoms”. Though, the Ahtisaari proposal fails to show how this is to be achieved given the experience of direct rule under UNMIK and the fact that Kosovo largely turned into an ethnic Albanian state. Not only is the Serb minority rapidly declining but other minorities are also under pressure of overwhelming Albanian majority. Adopting a constitution, enshrined in such liberal principles, is one of Ahtisaari’s objectives, however, implementation of such a liberal constitution is left to supervision of EU appointed civil administrator. Another significant point with respect to governance is the provision that gives Kosovo “the right to negotiate and conclude international agreements, including the right to seek membership in international organizations”. Whether Kosovo is entitled to sign an agreement for instance to unite with another state remains open ended. Not particularly seen as a pressing issue nowadays, still the question remains open for provocation given the dimensions of the larger Albanian question in the region.

The provision on rights of communities which “addresses key aspects to be protected, including culture, language, educations and symbols” also has the potential to provide a challenge to the vested interests of the minorities. It stipulates that “Albanian and Serbian shall be the two official languages of Kosovo, while other community languages - such as Turkish, Bosnian and Roma - shall have the status of languages in official use. ... Communities that are not in the majority in Kosovo shall continue to be guaranteed representation in the Kosova Assembly. To protect their rights in the legislative
process, the Settlement also provides that key laws of particular interest to communities may only be enacted if a majority of their representatives present and voting in the Kosova Assembly agree to their adoption.” How are the minorities to read these provisions? Are their rights upgraded or downgraded? As the Ahtisaari report is not based on a sociological study but perceptions of the team of Special Envoy, this necessarily invites the question of whether the international engagement is to lead certain impositions in the name of people in spite of people.

Given the extent of decentralization it is questionable how it would be possible to keep Albanian and Serb communities under the same sovereign state. The overall intent of the proposal is “to promote good governance, transparency, effectiveness and fiscal sustainability in public service ... focusing in particular on the specific needs and concerns of the Kosova Serb community, which shall have a high degree of control over its own affairs”. Though, policy proposals on enhanced municipal competencies for Kosova Serb majority municipalities (such as in the areas of secondary health care and higher education), extensive municipal autonomy in financial matters, including the ability to receive transparent funding from Serbia, and provisions on inter-municipal partnerships and cross-border cooperation with Serbian institutions may seem to be steps towards democratization they may further distance the already divided communities in Kosova.

The proposal on the justice system is sound enough, though depends on its healthy implementation and there are no guarantees as such. Protection and promotion of religious and cultural heritage, together with decentralization, is an area where the authorities of Kosova and the Albanian majority may use to persuade the international community that steps are being taken with an aim to encourage the multi-ethnic character of Kosova. The proposal also foresees returns and protection of property of refugees and internally displaced persons from Kosova, yet how returnees’ life guarantee are going to be ensured is not clear. Given the experience in Bosnia and Herzegovina and the experience of the last eight years in Kosova this may prove to be one of the most difficult provisions to implement.

In view of the very high rate of unemployment and a growing societal tension between townsmen and villagers, the neo-liberal
Construction of economy does not seem to be the priority for people, though it seems to be a priority for the international community. The international community is pressing for specific provisions to be adopted with an aim to promote and safeguard sustainable economic development in Kosova. Other issues with respect to economy include transparent procedures to settle disputed property claims and for a continued privatization process. Both aspects are to be carried out with substantial international involvement. The Settlement also defines mechanisms to determine Kosova's share of Serbia's external debt, which is going to be another burning issue for the population and to address the issue of property restitution. It is yet unclear who is to shoulder what amount of the external debt. Besides, the domestic debt is also becoming another pressing problem which is not properly addressed in the Ahtisaari report.

Establishment of a security professional and multiethnic Kosova Security Force will be one of the most sensitive issues of the Settlement. The proposal puts forward that a new security force, replacing the current Kosova Protection Corps, shall be established within one year after the end of the 120-day transition period with a maximum of 2,500 active members and 800 reserve members.

The proposal also redefines the role and powers of the future international civilian and military presences giving the international community a supervisory role, as has been emphasised previously and extensive powers to safeguard and support implementation. The role assigned to the International Civilian Representative, is obviously a replicate of an earlier example, the position of High Representative in Bosnia and Herzegovina. Double-hatted in his/her capacity as the European Union Special Representative and also appointed by an International Steering Group, the civilian representative holds ultimate supervisory authority over implementation of the Settlement with strong corrective powers to ensure successful implementation of the Settlement. The fact that the international civilian representative has “the ability to annul decisions or laws adopted by Kosova authorities and sanction and remove public officials whose actions he/she determines to be inconsistent with the Settlement” brings forward the question of who is going to enjoy the right to sovereignty. Some tend to argue that this is a reproduction of dependency of
Kosova.\textsuperscript{39} Within the context of the international civilian and military presence the ESDP Mission is expected to monitor and advice with “the right to investigate and prosecute independently sensitive crimes, such as organized crime, inter-ethnic crime, financial crime, and war crimes. In addition, it shall have limited executive authority to ensure Kosova’s rule of law institutions are effective and functional, such as in the areas of border control and crowd and riot control”. The NATO-led military mission to replace and continue the current task of the Kosova Force (KFOR) in providing a safe and secure environment throughout Kosova, in conjunction with the International Civilian Representative and in support of Kosova’s institutions until such time as Kosova’s institutions are capable of assuming the full range of security responsibilities” is also envisaged. Here a new linkage is to be established between NATO and EU, which requires new mandate to implement it. However, there is yet no agreement on the subject in question. The OSCE mission in Kosova, on the other hand, “with an extensive field presence in Kosova, is requested to assist in the monitoring necessary for a successful implementation of the Settlement”.

The authorities in Kosova are expected to approve “a new constitution and the legislation necessary for the implementation of the Settlement and the establishment of the new Kosova institutions it calls for” within the 120-day transition period in order for UNMIK to transfer its legislative and executive authority.

\textbf{The EU to Take Over ‘Supervised Independence’}

Ahtisaari’s recommendation of “independence, supervised by the international community” was abruptly rejected by Serbia. Russia, opposing the move as such, called for the continuation of dialogue for negotiation rather than cutting it off. This appeal for another chance for negotiations found reflection in the international community’s proposal for a EU/US/Russia negotiating Troika. The Troika met with

delegations from Belgrade and Pristina on various occasions in the second half of 2007, but was not able to foster any agreement on Kosova’s future status. In fact, while the former two members of the Troika, EU and US, argued that they saw no point in seeking for further continuation of negotiations with the conclusion of the Troika process in December 2007 as there was no window of opportunity for a negotiated settlement of this problem between the two parties. Russian envoy, on the other hand, argued that negotiation should not be broken off and international community should continue to search for a negotiated settlement of the Kosova question. With the failure of negotiation process, the way was open for declaration of independence. Taking into account the elections first in Kosova in November 2007 and then in the Republic of Serbia in January 2008, the issue of declaration of independence was postponed for a while.

The elections in Kosova and Serbia necessarily radicalized the two sides. In Kosova, Hashim Thaci, leader of Democratic Party of Kosova (PDK), secured 35 percent of total votes cast in November 2007 Kosova Assembly elections and formed a coalition government with the Democratic League of Kosova (LDK). Thaci, who was the former leader of Kosova Liberation Army (KLA), is known to represent the radical wing of Albanians that advocate a swift declaration of independence. In Serbia, on the other hand, Boris Tadic claimed his victory with the second round of presidential elections that took place on 3 February 2008 in a narrow difference against the radical nationalist Tomislav Nikolic. Following the elections, it would be impossible for any Albanian to think of any other options than independence, while even a moderate pro-Western Tadic found himself in a position of promising to his supporters that Kosova would not be given up.

It may well be stated that the form of international engagement changed once more following the developments in 2007. While the EU and US tried to create a linkage between Serbia’s future relations with EU and its stance on Kosova, Russia increased its opposition to a unilateral declaration of independence. Putin even argued that such a declaration would create a precedent in the international system and a contradiction within EU policy with a reference to the EU policy on the Cyprus question: “for 40 years northern Cyprus has practically
had independence, why aren’t you recognising that? Aren’t you ashamed, Europeans, for having these double standards?”

Russia’s argument made a clear reference to other similar cases as well; Transnistria, South Osetia, Abkhazia and some others expressing concerns that similar events might take place in these cases. Indeed, Russia wants to link the Kosova case with some, while de-linking with others, such as Chechnya. It is clear that declaration of Kosova will create a precedent for other cases, and its impact remains to be seen.

It is likely that the EU ministers may adopt a general statement on Kosova’s future, de facto recognizing the declaration of independence, but is unlikely that there will be a UN Security Council decision in the near future because of the Russian stance. It appears that Greece, Southern Cyprus, Romania, Slovakia and Spain are not going to recognize independence of Kosova because they see it as a precedent for cases that involve them as well such as the Turkish Republic of Northern Cyprus or the Bask region in Spain.

Last but not the least is the EU’s attempt for some time to replace the UNMIK by a EU Mission in Kosova. The EU has been preparing itself for this replacement, at least from April 2006 onwards, when the EU Council decided to establish an EU Planning Team (EUPT). Since then, the EUPT contributed to the preparations of the establishment of a possible international civilian mission in Kosova, including a European Union Special Representative component. On 18 December 2007, Political and Security Committee Decision EUPT/2/2007 approved the appointment of a civilian high representative for Kosova, Dutchman Pieter Feith, who will oversee the police and justice mission and the implementation by Kosova’s government of standards that are provided for in the Ahtisaari proposal.

Now, with the declaration of independence the EU is set to replace the UNMIK after 120 days of transition period stated in the proposal. Such unilateral decision and action by the EU may create some problems. This clearly means a violation of the UNSC Resolution 1244, which established UNMIK. In addition, this move

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means that a UN Security Council decision is to be revised and replaced by a European Union Council decision. This may well create a new set of precedents for the system of international relations. Could it be possible to preserve norms of international law? It remains to be seen.

Conclusion

Yugoslavia, in general, and Kosova, in particular, played an important role in the redefinition and reproduction of forms of international engagement in the system of international relations from the early 1990s onwards. The 1999 military ‘humanitarian intervention’ and its retrospective legalisation helped to redefine and enhance the role of Western international institutions as well as the basic principles and concepts of the system of international relations. In this sense, the interventions in the former Yugoslavia created precedents in terms of the military aspects of international engagement, opening the way for international military interventions at the global level against perceived threats for security and stability at the global level weakening the principles of sovereignty and territorial integrity. Resolution 1244 and the Ahtisaari Plan were effective in transforming the Kosova question as well as the civilian dimension of the international engagement. With the Ahtisaari Plan what we experience in Kosova is a change in form and transfer of international protectorateship. The ambiguity in the UN Resolution 1244, which established the protectorateship in Kosova, was effectively utilised in initiating a change in form of international engagement, both in civilian and military dimensions, and transfer of protectorateship from a UN led mission to an EU led mission.

Indeed, a global/local dialectic should be emphasised with respect to the developments in finding a settlement to the Kosova question. The establishment of substantial autonomy and self-government under the auspices of the UN with Resolution 1244 and ‘independence, supervised by the international community’ under the auspices of the EU with the Ahtisaari Plan are outcomes of local and global circumstances. The failure of the international community to achieve economic development in the eight years of UNMIK control is presented as one of the most important reasons for a call in change of status and for the desire to assign the EU a supervisory role in
Kosova. In fact, with the demands of the Albanians of Kosova for independence and the Serb opposition became a platform for EU/US on the one hand and Russia on the other intending to assert their hegemony or position in the international system. Indeed, independence of Kosova would not be possible, as in the previous declarations, without the EU and US support. However, the EU ESDP mission, EULEX takeover from UNMIK may create further precedents for the system of international relations, despite the claims to the contrary, and it remains to be seen whether the EU has the capacity to manage such a protectorateship now that its member states are divided with respect to Kosova’s independence. In addition, it remains to be seen whether it will be possible to incorporate Russia, which became, unlike the 1990s, more assertive intending to play a more effective role in global politics.