FROM DAYTON TO ALLIED FORCE:
A DIPLOMATIC HISTORY OF THE
1998–99 KOSOVO CONFLICT

by

Christian Novak

A thesis

submitted in fulfilment of the requirements for the degree of Master of Philosophy
Faculty of Arts and Social Sciences
University of Sydney
2017
I declare that the research presented here is my own original work and has not been submitted to any other institution for the award of a degree.
Abstract

This thesis reconstructs the diplomatic response of the international community to the Kosovo conflict of 1998–99. It outlines the process which resulted in the failure of negotiations involving outside agencies and individuals as well as the recourse to air strikes against the Federal Republic of Yugoslavia. Using primary sourced material from the International Criminal Tribunal for the Former Yugoslavia, personal interviews and other carefully selected primary sources, this thesis explores why international attempts to find a negotiated solution failed.
Acknowledgements

Numerous people have assisted in the completion of this thesis. I would firstly like to acknowledge my research supervisor, Professor Glenda Sluga, for her guidance over the years. My gratitude is also extended to John Drewienkiewicz, Josef Janning, Richard Miles, Klaus Naumann, and Lord David Owen, all of whom took out time from their busy schedules to answer my questions. In particular, I wish to thank Wolfgang Petritsch. His accessibility and willingness to explain the events of 1998–99 considerably enhanced my own understanding of the crisis. Special thanks is reserved for my parents, Anne and David, who have gone above and beyond to support me. To them, I hope the end product makes all those years of study seem worth it.
Author’s Note

Kosovo gained independence in 2008. To this day, Serbia refuses to acknowledge this. In Kosovo’s politically charged atmosphere, the spelling of names and places is a contentious issue. For consistency’s sake, and the fact that I refer to many archives from the time of the conflict, place names follow pre-war nomenclature (Kosovo rather than Kosova, Uroševac not Ferizaj and Račak not Reçak). The absence of accessible scholarly works in English is another factor I took into account when making this decision. As far as the term ‘Kosovar’ is concerned, I follow common usage. ‘Kosovar’ refers to the country’s ethnic Albanian inhabitants. I, alone, am responsible for the opinions and errors in this study. Out of respect to those interviewed, no part of the appendix may be reproduced, or transmitted in any form, without the author’s prior permission.
# Table of Contents

Abstract ............................................................................................................................ iii
Acknowledgements ........................................................................................................ iv
Author’s Note .................................................................................................................. v
Table of Contents .......................................................................................................... vi
List of Figures ................................................................................................................ viii
Abbreviations ............................................................................................................... ix
Dramatis Personae ........................................................................................................ xi
Introduction .................................................................................................................... 17

Chapter I: The International Community ................................................................. 23
   The Breakup of Yugoslavia ....................................................................................... 23
   International Institutions ......................................................................................... 24
   Emergence of the Contact Group .......................................................................... 30
   Conclusion .............................................................................................................. 34

Chapter II: The Historical Setting ............................................................................. 35
   The Rise of Slobodan Milošević ............................................................................ 38
   The Kosovars’ Parallel State .................................................................................. 40
   Disappointment at Dayton and ‘Track Two’ Talks ............................................... 50
   Conclusion ............................................................................................................. 53

Chapter III: The Escalating Crisis ............................................................................ 56
   NATO’s Show of Force and the Arrival of KDOM ............................................... 65
   UN Security Council Resolution 1199 and the ‘October Agreements’ ................ 73
   Conclusion ............................................................................................................. 80

Chapter IV: Račak to Rambouillet .......................................................................... 82
   The Die is Cast ....................................................................................................... 92
   Rambouillet ......................................................................................................... 93
   Conclusion ............................................................................................................. 97

Bibliography .................................................................................................................. 99

Appendix ...................................................................................................................... 112
   John Drewienkiewicz ............................................................................................ 113
   Richard Miles ......................................................................................................... 116
   Klaus Naumann .................................................................................................... 117
Lord Owen .......................................................................................................................... 119
Wolfgang Petritsch ........................................................................................................... 121
Josef Janning ................................................................................................................... 130
List of Figures


Figure 3: International Affairs and Defence Section. "Kosovo." Dodd, Tom, and Tim Youngs. Research Paper 98/73. House of Commons: 7 July 1998. 50. ...........................................xv


Figure 5: Reuters Pictures, “Serbian President Milošević at Rally in Kosovo,” Reuters, 25 June 1997. ..............................................................................................................55

Figure 6: Reuters Pictures, “Riot Police Block Ethnic Albanian Demonstrators,” Reuters, 2 March 1998. ...........................................................................................................81

Figure 7: Reuters Pictures, “Contact Group Members at News Conference in Bonn,” Reuters, 25 March 1998. ...........................................................................................................81

Figure 8: Barney Kelly. "Crime Scene Photographs of Račak." 1999. United Nations ICTY Court Records (Trial No. IT-02-54, Exhibit P156. 7, 21 May 2002). ..................................................85

Figure 9: Finnish Defence Force Topographic Service. "Aerial Photography of Štimlje/Račak" 2000. United Nations ICTY Court Records (Trial No. IT-02-54: Exhibit P156.4, 21 May 2002) ........ 86
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTORD</td>
<td>Activation Order – the third and final stage in the NATO authorisation procedure for military action</td>
</tr>
<tr>
<td>ACTWARN</td>
<td>Activation Warning—first stage in the three stage NATO authorisation</td>
</tr>
<tr>
<td>BST/CAP</td>
<td>Bertelsmann Science Foundation and Centre for Applied Policy Research at the University of Munich</td>
</tr>
<tr>
<td>CK SKS</td>
<td>Central Committee of the League of Communists of Serbia</td>
</tr>
<tr>
<td>CSCE</td>
<td>Conference for Security and Co-operation in Europe (renamed the OSCE in 1995)</td>
</tr>
<tr>
<td>EC</td>
<td>European Community (renamed the European Union in November 1993)</td>
</tr>
<tr>
<td>EPC</td>
<td>European Political Co-operation</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FRY</td>
<td>Federal Republic of Yugoslavia</td>
</tr>
<tr>
<td>HOM</td>
<td>Head of Mission</td>
</tr>
<tr>
<td>ICFY</td>
<td>International Conference on Former Yugoslavia</td>
</tr>
<tr>
<td>JNA</td>
<td>Yugoslav National Army of the Socialist Federal Republic of Yugoslavia</td>
</tr>
<tr>
<td>KDOM</td>
<td>Kosovo Diplomatic Observer Mission</td>
</tr>
<tr>
<td>KLA</td>
<td>Kosovo Liberation Army</td>
</tr>
<tr>
<td>KVM</td>
<td>Kosovo Verification Mission</td>
</tr>
<tr>
<td>LCK</td>
<td>League of Communists of Kosovo</td>
</tr>
<tr>
<td>LCS</td>
<td>League of Communists of Serbia</td>
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<tr>
<td>LDK</td>
<td>League for a Democratic Kosovo</td>
</tr>
<tr>
<td>MUP</td>
<td>Yugoslav Ministry of Internal Affairs</td>
</tr>
<tr>
<td>NAC</td>
<td>North Atlantic Council—NATO’s decision-making body</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
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<tr>
<td>NGO</td>
<td>Non-Government Organisation</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organisation for Security and Co-operation in Europe</td>
</tr>
<tr>
<td>PfP</td>
<td>Partnership for Peace</td>
</tr>
<tr>
<td>PPK</td>
<td>Parliamentary Party of Kosovo</td>
</tr>
<tr>
<td>SACEUR</td>
<td>Supreme Allied Commander, Europe</td>
</tr>
<tr>
<td>SKS</td>
<td>The League of Communists of Serbia</td>
</tr>
<tr>
<td>SFRY</td>
<td>Socialist Federal Republic of Yugoslavia</td>
</tr>
<tr>
<td>SOFA</td>
<td>Status-of-Forces-Agreement</td>
</tr>
<tr>
<td>U.K.</td>
<td>United Kingdom</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>U.S.</td>
<td>United States</td>
</tr>
<tr>
<td>USKDOM</td>
<td>United States Kosovo Diplomatic Observer Mission.</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>UNPROFOR</td>
<td>United Nations Protection Force</td>
</tr>
<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
</tr>
<tr>
<td>VJ</td>
<td>Yugoslav Peoples’ Army</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>---------</td>
<td>----------------------------------</td>
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<tr>
<td>VOPP</td>
<td>Vance-Owen Peace Plan</td>
</tr>
<tr>
<td>WEU</td>
<td>Western European Union</td>
</tr>
</tbody>
</table>
Dramatis Personae

AHRENS, GEERT: German Ambassador; International Conference for the Former Yugoslavia (ICFY) Chairman of Nationalities and Minorities Working Group, 1992–95


BUSH, GEORGE H. W: President of the United States, 1989–1993

CARRINGTON, LORD PETER: British Foreign Secretary, 1979–1982; European Community (EC) Peace Envoy to Yugoslavia, 1991–92

CHRISTOPHER, WARREN: U.S. Secretary of State, 1993–97


COOK, ROBIN: British Foreign Secretary, 1997–2001

DEMAÇI, ADEM: Kosovar human rights activist; Chairman of the Parliamentary Party of Kosovo, 1996-98; Kosovo Liberation Army (KLA) Spokesperson, 1998–99

DOBBINS, JAMES: U.S. Ambassador to the European Union, 1991-93; Special Advisor to the President and Secretary of State for the Balkans, 1999–2001

DREWNIKIEWICZ, JOHN: Major-General of the British Army; Kosovo Verification Mission (KVM) Deputy Head of Mission, 1998–99

EAGLEBURGER, LAWRENCE: U.S. Secretary of State 1992–93

FRASURE, ROBERT C.: U.S. Deputy Assistant Secretary of State for European and Canadian Affairs, 1994–95; U.S. Representative to the Contact Group, 1994–95

HILL, CHRISTOPHER: U.S. Special Envoy to Kosovo 1998–99

HOLBROOKE, RICHARD C: Assistant U.S. Secretary of State for European Affairs, 1994–96; ‘Consultant’ to the U.S. Department of State, 1996–99


GELBARD, ROBERT: U.S. President’s Special Representative for Dayton Implementation, 1996–99

IZETBEGOVIĆ, ALIJA: President of the Republic of Bosnia-Herzegovina, 1992–96

JANNING, JOSEF: German Political Scientist; Deputy Director of the Centre for Applied Policy Research at Munich University, 1995–2007

JOVIĆ, BORISAV: Serbian politician; President of the Presidency of Yugoslavia, 1990–91

KARADŽIĆ, RADOVAN: ‘President’ of Republika Srpska (Serb Republic), 1992–96

KELLER, GABRIEL: French Ambassador; Principal Deputy Head of Mission for the KVM, 1998–99

KRASNIIQI, JAKUP: Political ‘Spokesman’ for the KLA, 1998–99
MILOŠEVIĆ, SLOBODAN: Eleventh Chairman of the League of Communists of Serbia, 1986–89; President of Serbia, 1990–97; President of the Federal Republic of Yugoslavia (FRY), 1997–2000
MILUTINOVIĆ, MILAN: Foreign Minister of the FRY, 1995-98; President of the FRY, 1997–2000
MLADIĆ, RATKO: Commander of the Bosnian Serb Army, 1992–96
NAUMANN, KLAUS: German General; Chairman of the NATO Military Committee, 1996–99
OWEN, LORD DAVID: British Foreign Secretary, 1977–79; Co-Chairman of ICFY Steering Committee, 1992–95
PANIĆ, MILAN: Serbian-born American businessman; Prime Minister of the FRY, 1992–93
PETRITSCH, WOLFGANG: Austrian Ambassador to the FRY, 1997–99; EU Special Envoy for Kosovo, 1998–99
QOSJA, REXHEP: Kosovar writer and academic; inaugural president of United Democratic Movement founded in June 1998
ŠAINOVIĆ, NIKOLA: Deputy Prime Minister of the FRY, 1994–2000
ŠEŠELJ, VOJISLAV: Deputy Prime Minister of Serbia, 1998–2000
STAMBOLIĆ, IVAN: President of the Presidency of the League of Communists of Serbia, 1985–86
THAÇI, HASHIM: Kosovar Politician; Spokesperson for the KLA, 1999
TITO, JOSIP BROIZ: President of Yugoslavia, 1953–1980
VANCE, CYRUS: U.S. Secretary of State, 1977–1980; Co-Chairman of ICFY Steering Committee, 1992–93
VÉDRINE, HUBERT: French Minister of Foreign Affairs, 1997–2002
YELTSIN, BORIS: President of the Russian Federation, 1991–99
Table 3. Population of Kosovo by ethnicity according to censuses 1948-1991

<table>
<thead>
<tr>
<th>Year</th>
<th>Albanians</th>
<th>Serbs</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>498,242</td>
<td>171,911</td>
<td>57,667</td>
<td>727,820</td>
</tr>
<tr>
<td>1953</td>
<td>524,559</td>
<td>199,869</td>
<td>93,713</td>
<td>808,141</td>
</tr>
<tr>
<td>1961</td>
<td>646,605</td>
<td>227,016</td>
<td>90,367</td>
<td>963,988</td>
</tr>
<tr>
<td>1971</td>
<td>616,168</td>
<td>228,264</td>
<td>99,261</td>
<td>1,226,736</td>
</tr>
<tr>
<td>1981</td>
<td>1,226,736</td>
<td>209,497</td>
<td>148,207</td>
<td>1,596,072</td>
</tr>
<tr>
<td>1991</td>
<td>1,596,072</td>
<td>194,190</td>
<td>165,934</td>
<td>1,956,196</td>
</tr>
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</table>

Annual population growth since previous census

<table>
<thead>
<tr>
<th>Year</th>
<th>2.1%</th>
<th>2.2%</th>
<th>2.5%</th>
<th>2.4%</th>
<th>2.1%</th>
</tr>
</thead>
</table>

Per cent distribution

<table>
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<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Albanians</td>
<td>68.5%</td>
<td>64.9%</td>
<td>67.1%</td>
<td>73.7%</td>
<td>77.4%</td>
<td>81.6%</td>
</tr>
<tr>
<td>Serbs</td>
<td>23.6%</td>
<td>23.5%</td>
<td>23.5%</td>
<td>18.4%</td>
<td>13.2%</td>
<td>9.9%</td>
</tr>
<tr>
<td>Others</td>
<td>7.9%</td>
<td>11.6%</td>
<td>9.4%</td>
<td>8.0%</td>
<td>9.4%</td>
<td>8.5%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>


Figure 4: Brunborg, Helge. "Report on the Size and Ethnic Composition of the Population of Kosovo."
Introduction

On 24 March 1999, the North Atlantic Treaty Organisation (NATO) commenced air strikes against the Federal Republic of Yugoslavia (FRY). ‘Operation Allied Force’, NATO’s seventy-eight-day air campaign, was instituted to compel the president of the FRY, Slobodan Milošević, to end his campaign of repression in the Southern Serbian province of Kosovo. The decision to apply force followed months of failed negotiations with both Belgrade and Kosovar representatives. More specifically, it was as a result of Milošević’s refusal to honour the commitments he had made to the international community.¹ In March 1998, the attention of the international community turned towards Kosovo after Serbian Interior Ministry special police (MUP) conducted a series of military actions aimed at flushing out known guerrilla fighters of the separatist Kosovo Liberation Army (KLA). Over the course of the year, Belgrade’s forces—which were vastly superior to the KLA—adopted a scorched-earth policy to counter the separatist movement’s advances, destroying towns and villages through well-planned tank and artillery fire. The impact of the fighting on Kosovo’s civilian population was severe. At the beginning of 1999, the reported number of displaced persons in Kosovo was estimated to be 180,000, with another 80,000 displaced persons or refugees outside the province.²

Kosovo, both before and after the implosion of the old Yugoslav Federation, had long been considered one of the Balkans’ most dangerous flashpoints. When simmering tensions between the Kosovars and Serbian regime gave way to all-out war in 1998, it seemed to be the final chapter in a series of particularly brutal conflicts. As the consequences of ethnic violence threatened to spill beyond the province’s borders, the international community would no longer accept Belgrade’s claims that Kosovo was merely an internal matter. Yet, from the outset, international envoys employed to facilitate a compromise solution, faced a dilemma. If the international community recognised Kosovo as part of Serbia—meaning that it was an internal affair of the FRY—any ‘help’ required Belgrade’s approval. On the other hand, any approbation which could be interpreted as recognising Kosovo’s independence and, in turn, the redrawning of international borders, endangered the internal stability of neighbouring Albania and Macedonia.

This thesis contributes to the present English language studies on the war by reconstructing the efforts of the relevant international players and negotiators. Starting with the MUP’s crackdown in March 1998, my particular focus will be on the international community’s ensuing response through to 18 March 1999. This was the point at which Serbian President, Milan Milutinović, rejected the interim settlement proposed by the Contact Group. There are two overriding questions that this thesis

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seeks to address: Why did conflict prevention fail? and, Is it possible to conclude that a diplomatic solution could have ended the internal struggle over Kosovo’s future?

Eighteen years after the war ended, there is a plethora of English language publications that seek to make sense of the Kosovo conflict. The fundamental reason why the Kosovo intervention is so divisive is that NATO’s campaign was launched without any explicit authorisation from the United Nations (UN) Security Council. For this reason, it continues to raise questions about the concept of ‘humanitarian intervention’.

In terms of theoretical orientation, a complete overview of the different interpretations that have emerged is beyond the realms of this thesis. There are, however, some worth mentioning. International law scholars, for instance, are divided as to whether the Alliance’s use of force was legitimate. They continue to disagree as to when, and how, military action should be used to protect people. Meanwhile, in the field of international relations, neo-realists argue that NATO’s involvement was driven by the United States (U.S.) and a desire to increase its power and influence.

Broader trends related to globalisation, the sanctity of international law and U.S. hegemony post-Cold War, are all valid themes when assessing the events of 1998–99. This thesis, on the other hand, looks at specific phenomena, such as the trajectory of Kosovar-Serb relations in the twentieth century, the depth and tone of international involvement throughout the 1990s and, finally, the process which resulted in the deterioration of negotiations in March 1999. Without giving such factors due diligence, there can be a tendency to oversimplify this complex conflict.

This thesis purports that, without understanding the historical narrative of the war in Kosovo, it is not possible to make an informed assessment of why attempts to avert the crisis failed. Ted Galen Carpenter’s edited volume, NATO’s Empty Victory, and George Szamuely’s, Bombs for Peace: NATO’s Humanitarian War on Yugoslavia, are two publications which highlight why it is appropriate to reconstruct such a narrative. Layne and Szamuely, while highly critical of the arguments NATO used to justify air strikes, rightly point out the conflict’s complex historical background. The problem,

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4 For a comprehensive literature review that covers the scholarly disagreements about the Kosovo intervention, see Sean Richmond, “Why is humanitarian intervention so divisive? Revisiting the debate over the 1999 Kosovo intervention,” Journal on the Use of Force and International Law 3, no. 2 (2016).

however, is that they then proceed to ignore certain most basic facts, therefore undermining the validity of their conclusions. On the Kosovars’ parallel state structures, Layne simply states that, ‘in the early 1990s the ethnic Albanian movement was led by Ibrahim Rugova and his League for a Democratic Kosovo’. A well-rounded analysis would note, for instance, how Milošević’s exploitation of the Kosovo dispute enabled him to rise to power in Serbia. In 1989, he rode a wave of nationalist sentiment to remove the province’s constitutional autonomy. While the diplomatic strategies pursued by Contact Group and NATO hardly proved worthwhile, there can be little doubt that ‘Operation Allied Force’ came after a decade of international engagement in Kosovo. Not so claims George Szamuely, who argues, ‘there was a much more plausible explanation for NATO’s intensified bombing; NATO was trying to help the KLA take over Kosovo’. While the efficacy of NATO’s air campaign is beyond the realms of this thesis, such a statement needs to be put into perspective. A more reasoned account, for instance, would recall NATO’s reluctance to use force in the previous year. It would also note the diplomatic efforts of the Contact Group; of the clear signals sent to Milošević of the benefits that the FRY stood to receive if it met the Group’s demands in Kosovo.

Methodology

This study has used documentation from the International Criminal Tribunal for the Former Yugoslavia (ICTY) and other carefully selected primary sources. In the eighteen years since the failed proximity talks in Rambouillet, the international community has endeavoured to help the people of Kosovo and Serbia move beyond the war. The ICTY has led the process through investigating and exposing criminal acts committed by both sides. All public filings of the Tribunal’s court records are available in a searchable database. For those engaged in academic historical interpretation, this provides a solid empirical base upon which judgements of responsibility can be determined. From items that document the strategy of the Yugoslav Army in Kosovo, to written testimonies from foreign officials, the evidence acts as a basis upon which a broadly accepted historical narrative can be established. Alongside personally sourced material and ICTY documents, the study has drawn upon a variety of reports made available by government departments, non-government agencies and international organisations. In this respect, the author has tried, where possible, to locate articles from news outlets in the region such as Vreme and Transitions Online. Regarding the selection of Western-based sources, preference is given to international news agencies such as Associated Press, BBC Monitoring Service and Reuters.

6 Layne, “Miscalculations and Blunders Lead to War,” in NATO’s Empty Victory: A Post-mortem on the Balkan War, 12.
Of great value are the insights gained from some of the key protagonists. Skype interviews were conducted with Josef Janning and Wolfgang Petritsch. Written questions were presented to John Drewienkiewicz, Richard Miles, Klaus Naumann and Lord David Owen. Adhering to the University of Sydney Ethics Committee guidelines, the participants shared their experiences in a frank and open manner and readily obliged to being cited in this study.\footnote{Appendix: Project No. 2015/791. Approved by the University of Sydney’s Research Integrity and Ethics Administration.} A transcript from one of the discussions with Mr. Petritsch and notes from Mr. Janning’s skype interview, are included in the appendix—as are the written questions and answers received from the latter four. Wolfgang Petritsch, John Drewienkiewicz and Klaus Naumann, all testified in trials against Milošević and other senior figures in his government. In order to ask informed questions, I read these testimonies—all of which are open to view on the ICTY’s website.\footnote{For a list of the extensive materials available, see http://www.icty.org/en/action/cases/4.} For the questions presented to Lord Owen, I read the relevant sections of\textit{Balkan Odyssey}, a personal chronicle of his time as a peace negotiator in the former Yugoslavia.

As Deputy Director of the Centre for Applied Policy Research at Munich University, Josef Janning oversaw a ‘Track Two’ initiative between Kosovar and Serbian intellectuals in 1996–97.\footnote{‘Track two’ talks are discussions held by non-state actors outside official government channels.} The initiative saw both sets of intellectuals exploring ways to improve the quality of life, as well brainstorming future scenarios for the status of Kosovo. Much like the questions posed to Lord Owen, the objective was to establish whether a window of opportunity for conflict prevention existed. In Janning’s case, questions revolved around whether confidence-building measures could have helped to prevent the outbreak of violence in early 1998.

Three skype conversations were conducted with Wolfgang Petritsch, the EU’s Special Envoy to Kosovo from October 1998 to March 1999. He was also the EU’s chief negotiator in the peace negotiations between the FRY and Kosovar representatives in Rambouillet in February 1999 and Paris in March 1999. Those talks were the international community’s last-ditch attempt to defuse the crisis. In the course of his diplomatic engagements, Petritsch worked closely with a number of leading figures, including Slobodan Milošević and Kosovar leader Ibrahim Rugova.

John Drewienkiewicz, a Major General in the British Army, was Deputy Head of Mission and Chief of Operations of the OSCE Kosovo Verification Mission (KVM). The KVM was a group of unarmed observers, sent into Kosovo in October 1998 to oversee the UN-mandated ceasefire regime. The decision to contact Mr. Drewienkiewicz was made as he was in a position where he could offer unique insight into how the Mission operated. He was also present at the town of Račak on 16 January 1999. This was a critical turning point at the time as forty-five Kosovars were reportedly murdered by Serbian police.

For the period that this thesis centres on, German General Klaus Naumann served as Chairman of NATO’s Military Committee. The Chairman, who is NATO’s highest ranking military officer, acts as a conduit between the military and political decision making process. Not only did Mr. Naumann
answer directly to NATO's political representatives, he was also a member of delegations which tried to persuade the Yugoslav president to reduce the military and police presence in Kosovo. It made sense to contact Mr Naumann as he was in high-level position where he could explain NATO’s attempts in managing the crisis.

Lord David Owen, the former British Foreign Secretary, co-chaired the International Conference on the former Yugoslavia (ICFY) from 1992-95. During his time as co-chairman, Lord Owen had numerous interactions with Milošević. While the ICFY largely dealt with brokering a peace deal to end the war in Bosnia and Herzegovina, it kept the situation in Kosovo under review. What prompted me to contact Lord Owen, therefore, was to ascertain whether there was a clear opportunity for conflict prevention.

**Chapter Summary**

Chapter I provides a basic summary of Tito’s Yugoslavia and its subsequent fragmentation. It details how the collapse of Soviet hegemony in Eastern Europe prompted a re-appraisal of the Federation’s previous position of importance. The notion of an ‘international community’ evokes a collective will to act. How it came together in the course of the Kosovo crisis, is of importance in itself. This chapter discusses the broader institutional reforms of some of the organisations that sought to address the conflict come 1998, in particular the EU and the Organisation for Security and Co-operation in Europe (OSCE). Despite newfound optimism brought about by the end of the Cold War, both institutions failed in their attempt to broker a comprehensive peace settlement involving the republics in the Socialist Federal Republic of Yugoslavia (SFRY). It also examines the failure of the Vance-Owen Peace Plan (VOPP), a mediation initiative undertaken through the EC and UN to end the war in Bosnia. In the context of the diplomatic response to the Kosovo War, the demise of the VOPP highlights the indispensable role of the U.S. in international affairs. The chapter concludes by analysing the origins of a great-power cabal known as the ‘Contact Group’, an informal forum that would direct international diplomacy in Kosovo.

Central to any consideration of the events in 1998 and 1999, is an understanding of the relationship between Kosovo’s Serb and ethnic Albanian inhabitants. Chapter II, following a brief review of their interaction in the SFRY, outlines the political trajectory of Slobodan Milošević. In 1987, Milošević transformed Serbian politics when he openly embraced the plight of the Serb population. It charts the politics of the Democratic League of Kosovo (LDK) and its leader, Ibrahim Rugova, who oversaw a long-running Kosovar campaign of non-violent resistance to Serbian rule in Kosovo. Against the backdrop of the war in Bosnia, the international community’s approach to Kosovo is considered, as is its omission from the Dayton agenda. Amid growing dissatisfaction with Rugova’s policies, chapter II concludes by discussing how his political dominance was gradually eroded by an armed resistance group called the Kosovo Liberation Army (KLA).

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Chapter III traces the gradual escalation of the fighting in Kosovo and the involvement of the international community in 1998. The deaths of eighty-three Kosovars at the hands of Serbian security forces in early March was a watershed, drawing an immediate response from the Contact Group nations. The chapter examines how the Contact Group’s threat of economic sanctions, in conjunction with the efforts of U.S. diplomats, was unable to force Milošević into compliance. As the prospect of reaching a compromise peace settlement between Belgrade and the Kosovars diminished, U.S. diplomats would reassess the policy of no contact with the KLA. This chapter examines the growth of the insurgent group and how their refusal to back down from demands for independence, nullified a NATO threat of force. This worked in Milošević’s favour. In light of the events in Bosnia, the methods employed by Belgrade’s forces continued to draw international ire. The second half of Chapter III discusses the bilateral deal reached between Milošević, and the U.S. negotiator, Richard Holbrooke. It concentrates on the military and political arrangements agreed to by the FRY in October 1998 to avert NATO airstrikes.

To close, Chapter IV examines the period before ‘Operation Allied Force’, NATO’s air campaign. The chapter explores in detail the circumstances surrounding the deaths of forty-five Kosovars at Račak on 15 January 1999, a crucial turning point in the political interpretation of the conflict. It not only crystallised the resolve of the international community to find a solution, but was the clearest illustration yet of why unarmed verifiers lacked the ability to force compliance. Račak horrified the international community and, under the threat of NATO action, the Contact Group quickly organised a final peace conference in Rambouillet, France, in February and March 1999. The second half of Chapter IV considers these proximity talks.

The conclusion aims to address the two key questions posed at the beginning of the thesis: Why did conflict prevention fail? and, Is it possible to conclude that a diplomatic solution could have ended the internal struggle over Kosovo’s future?
Chapter I: The International Community

The Breakup of Yugoslavia

Josip Broz Tito’s death on 4 May 1980 was a great loss to the Socialist Federal Republic of Yugoslavia (SFRY). Not only had he ruled the country for thirty-seven years, he had been the unifying force in keeping its federal system intact. Yugoslavia had been created in 1919 under the control of the Serb royal family. However, it was an ill fit due the great variance of ethnicities, languages, religions and cultures. Upon assuming the presidency in 1953, Tito’s solution to the ethnic mosaic was to create a federal system whereby national minorities were represented within constituent republics and provinces.¹ In the SFRY, there were six republics: Serbia, Croatia, Slovenia, Montenegro, Macedonia and Bosnia-Herzegovina. There were also Serbia’s two autonomous provinces: Vojvodina and Kosovo. These regions, in turn, assumed the leadership at federal level, under guidelines that essentially guaranteed each republic certain powers. Kosovo’s predominantly ethnic Albanian population, like the Hungarians of Vojvodina, were afforded a lesser status. They were deemed to be a ‘nationality’ as the Albanians had their own state in Albania. Initially, the framework would be little more than a façade for oligarchical rule by Tito and his trusted lieutenants, who were drawn from Yugoslavia’s major ethnic groups (Serbs, Croats and Slovenes).² As pressure for greater autonomy grew, they changed tact, bowing to the demands of regional leaders by adopting a more decentralised model. It was in this setting, that the difficulties inherent in governing Kosovo surfaced.

In his final years, Tito, with no imminent successor, phased in a system of collective political rule. Unfortunately, it provided no orderly mechanism for transferring power. Collective responsibility, it was hoped, would preclude an autocracy and ensure that none of the republics could challenge the integrity of the Yugoslav state. Tito’s system required the President of the Presidium—the Communist party’s top official—to hold office for one year only and that the position rotate among the parties of the six republics and two provinces.³ The President was prohibited from making decisions without the agreement of the other twenty-two Presidium members. The very principles designed to prevent any one republic dominating the government, in fact led to the gradual decline of federal institutions.⁴ Frequent political stalemates resulted from such consensus decision-making. There was also the added weakness that, once laws or legislation had been passed, the regions themselves were responsible for implementation. Despite opposition from federal leaders, the regions came to regularly block laws and enact substitute policies.

¹ “Yugoslavia: The Federal Leadership in Crisis,” (CIA Directorate of Intelligence, 1 September 1990), 1.
² Ibid.
³ “Yugoslavia: The Strains Being to Tell,” (CIA Directorate of Intelligence, 1 December 1982), 1.
⁴ Ibid., 1–2.
Without a leader of Tito’s clout to impose solutions which first and foremost served federal interests, there was a great variance in the way the republics handled their own affairs. In the economic sphere, Tito defused potential rivalries by permitting foreign borrowing without paying sufficient attention to improving overall productivity. The republics grew increasingly protectionist, building a series of redundant enterprises, blocking competition on the ‘unified market’ and granting unrealistic subsidies to favoured industries.\(^5\) In the early 1980s, for example, a series of expensive refineries were built even though other republics had excess refining capacity. Amidst the ongoing effects of democratisation in Eastern Europe, in the spring of 1990 the first ever multi-party elections sealed the Federation’s fate. For the new, westward looking governments of Slovenia and Croatia, they saw their future as being abroad.\(^6\) Both concluded that their chances of inclusion in Europe were better as autonomous entities rather than in association with the more backward parts of the Yugoslav state. In contrast, Serbia’s communists, who overwhelmingly opposed confederation, won the vast majority of seats in that republic’s legislature. Competing interests, as well as starkly different ideas about what a future Yugoslav state should look like, would culminate in Croatia and Slovenia declaring their formal independence in June 1991.

**International Institutions**

From 1945 to 1991, the European continent as we know it today, was dominated by two superpowers—the U.S. and the Soviet Union. Established in 1949 as a counterweight to the Soviet Union’s military might, NATO formed the backbone of Western European security. By 1991, sixteen Western European states had integrated their defence and military competencies into the North Atlantic framework. The strength of the alliance in repelling the Soviet threat, rested primarily with the military commitment of the U.S. The disintegration of Soviet political control over the Warsaw Pact states in 1989–1990, however, brought into question NATO’s primary function as well as the commitment of the U.S. Seeing its strategy was one based on a clearly identifiable threat, the Alliance had to find a new strategic concept that adapted NATO to the new Europe.

In order to understand how the international community came to approach the Kosovo issue, one must examine the general course of international diplomacy towards Yugoslavia in the late 1980s and early 1990s. When the United States’ (U.S.) last Ambassador to Yugoslavia, Warren Zimmerman, arrived in Belgrade on 9 March 1989, in his introductory calls to the republican capitals, he was instructed to deliver a new message: ‘Yugoslavia no longer enjoyed the geopolitical importance it once had’.\(^7\) Following Tito’s expulsion from the ‘Cominform’ by Stalin in 1948, successive U.S. administrations chose to support the country as a way of depriving the Soviets of a sphere of

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influence. Sporting a long coastline on the Adriatic, the root of Yugoslavia’s geopolitical importance, was the result of how it bordered on Italy and Greece, who were both members of the North Atlantic Treaty Organisation (NATO). While the defence of Yugoslavia was never a formal commitment, it was used as a possible magnet for other East European countries eager to defect from the Soviet bloc. Tito’s unique brand of communism, one that was more open politically and less centralised economically, made the Federation a model of independence. Therefore, due to occupying an important place in the East-West balance, the U.S. and its European allies continued to support Federation’s territorial integrity.

The collapse of Soviet hegemony in Eastern Europe, and a thawing of the East-West divide, prompted a re-appraisal of Yugoslavia’s previous position of importance. No longer was it vital to U.S. security interests. The traditional mantra of U.S. policy—its continued support for Yugoslavia’s unity and independence—shifted too. In an environment of growing economic and political openness, the U.S. now supported unity in the context of democracy. Unity through force was unacceptable. As for Moscow, it was in no position to support a fractured Yugoslavia. In a climate of uncertainty, the predominant view was to discourage the disintegration of states whose collapse did not promise greater stability. Given the sharp rise in nationalistic fervour following the 1990 elections, complete dissolution could only take place along ethnic lines, which at that point meant violently. Therefore, prior to the July 1991 declarations of independence by Croatia and Slovenia, the general consensus was to uphold Yugoslavia’s unity.

In a gesture designed to demonstrate its ability to act decisively in international affairs, the European Community (EC), rather than NATO, endeavoured to solve the Yugoslav crisis. The U.S. then headed by President George H.W. Bush, welcomed a more active European role. Like NATO, it too was ‘groping toward a policy’ over how to deal with the democratic transformation of the former Soviet bloc states. While Washington had a policy of assisting the democratic transformation of these countries, it was unsure as to whether they formed a separate bloc of their own or applied to join the EC and NATO. At a time of strategic realignment, the crisis in Yugoslavia came to be regarded as a litmus test for the EC and its efforts to develop a common foreign policy.

**European Political Cooperation and the CSCE**

Signed by the six members of what was then called the European Coal and Steel Community (ECSC), the 1957 Treaty of Rome was a first step towards creating a common market. As a customs
union, its objective was to eliminate existing trade restrictions between one another, meaning ‘obstacles to the free movement of goods, persons and services’. Progress came quickly. Institutional changes, such as setting up a single Council—bringing together the different communities—came into force in 1967 and a year later, legislation was passed to complete the customs union. With naturally different political and cultural inclinations, a common EC line in the area of foreign policy proved more difficult. In other words, members retained full control of their defence and diplomatic policies. The issue was that, as the EC grew, a member state could not expect to develop relations with another country without broaching the subject of trade, which was a competence of the Community. Moreover, by the beginning of the 1970s, external events outside the continent started to push the EC foreign ministers together. The Vietnam War and Arab-Israeli wars in 1967 and 1973, for instance, led to the realisation that economic integration had to include a degree of convergence in foreign policy.

As an initial step towards developing its external relations, the EC’s twelve member states christened the European Political Co-operation (EPC) in 1970. Under the EPC, the twelve states agreed on the need to, ‘consult together on all important foreign policy questions’ before fixing their positions. Underpinned by a political committee of senior diplomats who prepared these meetings within the EPC framework, foreign ministers from every state met on average six times a year to consider such issues. One of the distinctive features of the EPC was its intergovernmental, voluntary basis. That is, it was set up, not by treaty, but by a series of decisions which carried no legally binding character. Therefore, outside of producing common declarations, the efficacy of its diplomacy remained largely symbolic. Indeed, only with the Single European Act (SEA) of 1986 did it finally receive a legal framework. Whereas the EPC had focused on simply making policy, the SEA committed the EC, for the first time, to the goal of formulating and implementing a common foreign policy. From then on, members were expected to refrain from action or positions contrary to the external policies of the Community and EPC. Nevertheless, the commitment was weakened by the fact that common positions were to be only a ‘point of reference’ for member states’ national policy. In reality, outside of trade measures and aid packages, foreign and security policy continued to be in the hands of national governments.

15 Deputy Secretary General of Commission Christopher Audland, The Development of the Community’s External Relations (Notes for Talk at Columbia University on 24 September), (Columbia University: 1980).
16 Ibid., 9.
Within Western Europe, the end of the Cold War had brought a newfound optimism on the development of a uniquely European security identity. In Yugoslavia, the ambition of the Community and its member states was to demonstrate that, before achieving a foreign policy goal, it could play the role of peacemaker. With the Federation in crisis following Croatia and Slovenia’s declarations of independence, the EC heads of state dispatched the Troika, a traditional instrument of EPC diplomacy, to secure agreement on two key points: a ceasefire, and the standstill on declarations of independence, pending negotiations. Initially the focus was on Slovenia, which, after seeking to assert control of its border crossings, had clashed with the Yugoslav National Army (JNA). The primary weapon in the Community’s arsenal was the threat of economic sanctions. Any threat to freeze or cancel the aid was also a potent diplomatic lever over Belgrade. A day earlier, the EC had in fact signed a five-year loan agreement, European Currency Unit (ecu) 730 million, with the federal government, to shore up its deteriorating transport infrastructure. Conditional on the republics seeking a peaceful resolution of the impending crisis, this was a huge economic incentive.

At first, a mixture of diplomacy and discrete economic pressure appeared to be successful. The result of the Troika’s first mediation was the Brioni Declaration of 7 July where, significantly, it succeeded in getting all parties to agree that a ‘new situation has arisen in Yugoslavia that requires close monitoring.’ The ceasefire plan called for a three-month freeze on independence declarations, provided for the withdrawal of JNA forces from Slovenia to their barracks and the disarming of Slovenian militia. To give weight to its demands, the twelve foreign ministers had earlier decided to ban arms exports and suspend nearly ecu 900 million in economic aid intended for Yugoslavia. The accord also provided for the deployment of fifty unarmed ceasefire observers to Slovenia. While Western diplomats and Yugoslav observers welcomed the Community’s efforts thus far, the fear of violence immediately shifted to Croatia where some of the 600,000-strong Serb minority had taken up arms to oppose the republic’s move toward independence. Because Slovenia’s population was homogenous, its war, unlike the two ethnic-based wars that followed it in Croatia and Bosnia, would prove to be the easiest of Yugoslavia’s problems to address.

Against the backdrop of escalating fighting in Croatia, and Serbian resistance towards binding mediation on the part of the EC, the Community was placed under increasing pressure. When an Observer Mission (OM) was established on 10 July, it was approved by the Federal government and

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19 The Troika, which rotated every six months, comprised of the past, present and coming foreign ministers of the Presidency of the Council of Ministers.
20 From 1945 to 1991, Belgrade was home to Yugoslavia’s federal organs.
dealt specifically with Slovenia. On the whole, there turned out to be not much of a ceasefire to hold once the JNA, in the absence of Serbian backing, was withdrawn by the Federal Presidency on 18 July. Though the Brioni Declaration contemplated the possibility of extending the OM to Croatia, the Serbian bloc vetoed any involvement in that republic. Throughout July and into August the situation deteriorated and fighting increased between Serb paramilitaries—supported by the JNA—and Croat forces loyal to the government of Croatia. As attention focused on the practicalities of the ceasefire observer force, divergences soon arose among the twelve over its size and functioning.

During July, the idea was mooted as to whether the Community should send a military force to interpose itself between the parties. However, there was neither a consensus nor a force available to send one. Both domestically and at ministerial level, the subject of an outside force exacerbated the tension between the Atlantic and European tendencies on defence. For instance, in the transition from a bipolar to multipolar world, the British were not overly enthusiastic about the pace of European integration into security matters. In the Cold War international order, Britain saw itself as the ‘pivot of the West,’ an essential partner of the U.S. in providing security guarantees to Western Europe. Whitehall’s primary interest, therefore, was to strengthen NATO while maintaining its ‘special relationship’ with Washington. France, on the other hand, did not share Britain’s fondness for NATO. Instead, Paris called for a deepening of Western European integration. In addition to maximising its national independence, the French supported greater integration as a way of binding the growing power of a newly unified Germany.

In the case of Croatia, strongly voiced judgements over coercive measures—clouded by the cost they might have—left the Troika stripped of a key element in its diplomatic arsenal. Coercion, as a process, involves finding a bargain in which one’s adversary will be better off doing what one wants—and worse off, given the penalty, should one’s will be resisted. Stonewalled by Milošević and pro-Serbian forces in Croatia who refused to sign a truce, the Troika left Yugoslavia on August 4, announcing that it could do no more. In this context, the coercive measures implemented by the EC were not sufficient to stop the fighting.

**CSCE to the OSCE**

The Yugoslav crisis also tested the abilities of the Conference on Security and Co-operation in Europe (CSCE). Conceived at the height of the Cold War, the first CSCE summit, held in 1975 in Helsinki, was driven by a desire to improve relations between East (Warsaw Pact) and West (NATO). The thirty-five heads of state who signed the Helsinki Final Act, settled on promoting common norms and standards of conduct throughout the Euro-Atlantic area. They included respecting a country’s

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29 Steinberg, *The Role of European Institutions in Security after the Cold War*, 16.
sovereignty and territorial integrity as well as the inviolability of its borders. The Paris Charter for a New Europe, adopted by the thirty-five nations on 21 November 1990, was a landmark document. Not only was it the second ever summit, codifying the Final Act’s commitments to sovereignty and territorial integrity, it also reinstated the will of Conference members to continue the dialogue forum for détente after the Cold War’s end. The significance of the charter, moreover, was that it gave the CSCE an institutional framework. Up to this point, it had neither permanent staff nor even a mailing address. In general terms, there was now a secretariat based in Prague—a permanent administrative body—to support regularised political consultations by participating states.

Despite its formed infrastructure and regular meetings, the CSCE did not have the operational capacity to address a conflict on the scale of the Yugoslav crisis. Besides facing tough institutional competition from the EC and NATO, it was still largely an intergovernmental organisation without any binding authority. Under the Paris Charter, the heads of state agreed to promote, ‘a new quality of political dialogue’, intensifying consultation at all levels. Though breaking new ground due to its sheer size, the vision of the CSCE somehow meeting the needs of a ‘new Europe’ was more myth than reality. In the area of conflict resolution, the crisis raised a delicate dilemma: the inherent tension between the principle of self-determination and the idea of inviolable national borders. For countries like the U.K. (United Kingdom) and Russia, which were facing their own separatist movements, they feared that support for independence could have repercussions back home. Germany, on the other hand, saw the dilemma differently. Having achieved the right to determine its own destiny that previous year, public sympathy for the Slovenian and Croatian cause remained strong. Such conflicting interests became evident when, in early 1991, the Committee of Senior Officials (CSO) attempted to create a dispute settlement mechanism which, according to Section V, provided a list of CSCE mediators, chosen by agreement between the parties, to facilitate the resolution of a dispute peacefully. Because of a reluctance to assign the CSCE with sovereign powers, the mechanism was undermined by how it excluded disputes involving vital interests such as territorial integrity, national defence and issues of territorial sovereignty. In short, some delegations made sure that the instrument could not be used against its creators. Given that CSCE resolutions, much like the EPC, required unanimous consent, the requirement for consensus precluded the development of stronger enforcement powers.

32 Ibid.
33 Steinberg, The Role of European Institutions in Security after the Cold War, 28–29.
The CSCE Heads of State crowned the transformation of the conference process in December 1994, renaming the CSCE as the Organisation for Security and Co-operation in Europe (OSCE). Although the OSCE still remained a body without a formal legal personality, the states agreed to strengthen a number of its institutions. A key component of this change led to the OSCE having a permanent Council in Vienna, where each country had a representative. The Council’s Chairperson, otherwise known as the Chairman in Office, was the foreign minister of a country selected by consensus on a rotating annual basis.\textsuperscript{35} As far as conflict prevention went, the OSCE’s latitude to investigate potential hotspots was enhanced; the participating states authorising the launch of an autonomous body known as the High Commissioner on National Authorities. Empowered by the CSO, the Commissioner had the authority to independently investigate national minority problems before they reached crisis point.

Due its large membership, the OSCE was never going to be involved in the use of force to resist aggression or to act as an instrument for peace enforcement. Despite these apparent obstacles, the organisation oversaw the civilian implementation side of the Dayton Peace Agreement that ended the war in Bosnia-Herzegovina. Indeed, it was at the request of parties to the agreement, that the OSCE agreed to supervise elections and to monitor the human rights situation.\textsuperscript{36} Furthermore, it was able to intervene in places such as Chechnya where no other international organisation was present. An OSCE operation could carry out such activities for two primary reasons. First of all, its observers had to have no enforcement capabilities that could render them a threat. Rather than offering any security guarantees, the OSCE’s conflict prevention inventory focused on facilitating processes aimed at preventing or settling conflicts. Secondly, the mandate of each OSCE mission was negotiated by the host government and determined by the Permanent Council in Vienna. For host governments, perhaps the most appealing aspect of these missions was that, provided the Council was informed, they could, in theory, be terminated at any time.

**Emergence of the Contact Group**

In the context of the diplomatic response to the Kosovo War, the demise of the Vance-Owen Peace Plan (VOPP) illustrates the importance of the U.S. in international affairs. Simply put, it underpinned the difficulty in building a consensus without its support. The VOPP was the product of the International Conference for the Former Yugoslavia (ICFY) that combined the principal mediators in the crisis, the EC and the United Nations (UN). Their primary objective was to reach a negotiated settlement to the inter-ethnic conflict in Bosnia and Herzegovina, where fighting had broken out.


following a republic-wide referendum in March 1992 (the Bosnian Serbs boycotted the vote). While Croats and Muslims were responsible for atrocities against each other and ethnic Serbs, the ethnic cleansing actions of Bosnian Serb forces were unrivalled in scale. An ambitious undertaking, the Conference brought together the foreign ministers of the twelve EC countries, the five permanent members of the Security Council, and six countries bordering Yugoslavia. Established as a permanent body for the crisis in question, the ICFY’s high-level Steering Committee was headed by Cyrus Vance, a former U.S. Secretary of State, who represented the UN, and former British Foreign Secretary, Lord Owen, representing the rotating Presidency of the EC. Steering Committee meetings were used by the co-chairman to keep the participating governments informed of developments on the ground.

Presented to the parties in January 1993, the VOPP was the first attempt by outside mediators to find a compromise solution. In short, Vance and Owen had tried to find the middle ground between the Bosnian government’s insistence on a unitary state, and Croatian and Serbian ambitions to split the republic into three ethnically defined areas. With none of the major Western nations willing to use air strikes to quell what they saw as Serbian aggression, the idea was to narrow the differences between the parties, region by region, town by town. As a result, their plan did not reflect the position of any one party over the other, which later proved to be an issue. Indeed, the Serbs, who at the time controlled roughly seventy percent of Bosnia, stood to receive roughly forty-five percent of the country’s territory, while the Muslims and Croats were to divide up the rest. The plan established a highly decentralised state where most of the governmental functions rested with ten administrative provinces that, apart from a multi-ethnic Sarajevo, all contained a dominant majority from one of the three warring parties. Under the Vance-Owen model, a central government would operate from Sarajevo, overseeing competences in areas such as foreign policy and taxation. In a point sometimes forgotten, implementation of the VOPP in January 1993 did not involve NATO troops, but foresaw a deployment of UN troops upwards of 25,000. What was needed from the U.S., moreover, was a firm commitment to logistical support and assistance from the air.

Implementation of the VOPP, however, was tempered by the transition from the administration of George H.W. Bush to Bill Clinton in January 1993. Whereas the Bush administration had aligned

39 The UN Secretary-General was responsible for translating the policies dictated by the UN Security Council, in particular the five permanent members who held the right to veto resolutions (China, France, Great Britain, Russia and the United States).
42 Atiyas, "Mediating Regional Conflicts and Negotiating Flexibility,"193–94.
itself with international efforts, Clinton entered office advocating a strategy that would become a source of contention between Washington and European capitals. During his election campaign the previous year, Clinton had clearly indicated that the U.S. should support the Bosnian Muslim population, saying that, “they are in no way in a fair fight with a heavily armed opponent bent on ethnic cleansing”. Yet for all the campaign rhetoric, there was no enthusiasm for any direct involvement. Torn between the urge to intervene and a rational policy to keep out, the new administration would gravitate towards a series of low-risk options, eventually settling on the use of air strikes alone.

Despite the VOPP receiving the backing of the EC and Russia, the U.S. was unwilling to give the plan its full support. The view advanced by President Clinton was that it condoned Bosnian Serb conquests and, by implication, their policy of ethnic cleansing. The U.S., instead, pressed for ‘lift and strike’—removing an existing arms embargo and using air strikes—in defence of the embattled Bosnian government. Advocates of the policy argued that a large-scale American air campaign against Serb forces, combined with arming the Bosnian government, would sufficiently shift the balance of power to allow for a quick settlement. For France and the U.K., both of which maintained the largest troop contingents serving with a UN peacekeeping force, the American proposal was a nightmarish prospect. They feared that a lifting of the arms embargo, would lead to an unrestrained influx of military equipment, and intensify the fighting. In addition, the launch of air strikes made the peacekeeping troops potential targets for the warring factions. It abolished their neutrality, leaving them vulnerable to retaliatory attacks.

When one considers the fall-out from the failure of the VOPP, as well as continuous questions regarding Washington’s ongoing commitment to European security, the NATO Ministerial Meeting of January 1994 was a significant turning point. The most worthy development to arise from this meeting was the Partnership for Peace (PfP) initiative. In essence, the summit provided a path for Central and Eastern European countries that wished to join NATO. As a consequence, they had to have democratic leadership, parliamentary oversight of defence budgets, and civilian defence ministries that exercised control over the military. Not only did the summit assert Washington’s leadership, which had been sorely lacking, but it also reflected a commitment to stay permanently involved in the future of Europe. The Alliance Heads of State also addressed the building of a European defence identity, introducing the concept of the so-called, Combined Joint Task Force. This Task Force essentially provided the flexibility that would allow NATO and non-NATO forces, to work collaboratively. In the event of the U.S. having no desire to take part in a particular operation,

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the idea was to enable the European allies to use NATO capabilities in areas concerning communications, intelligence and, perhaps most important of all, air power.48

The Contact Group and the Role of the U.S. and Russia

At a time of disunity, the Contact Group was used as a vehicle to foster greater co-ordination among the major international players. Established in April 1994, it brought together diplomatic representatives from the U.S., Russia, and the three key Western powers: the U.K., France and Germany. At the behest ICFY Co-Chairman, David Owen, the ad-hoc arrangement emerged in response to the institutional deficiencies inherent in existing organisations like the CSCE and EU. Unlike previous attempts at mediation, the Group operated in a deliberately informal manner. While there were limitations as to what the ICFY could achieve, the pursuit of independent initiatives by Washington and Moscow not only complicated all efforts, but worked to the advantage of the warring parties. Perhaps the clearest example of the need for improved co-ordination, was the Russian decision in February 1994 to move its UN peacekeeping contingent from Croatia to Sarajevo. In exchange, Moscow called for a Bosnian Serb withdrawal from these positions.49 Irritated by the decision-making process that led to NATO’s threat to bomb Serb positions around Sarajevo, Russia used the deployment of its troops to inhibit the possibility of air strikes being launched. The creation of the Contact Group, therefore, was based on the realisation that nothing could be achieved while these two powers pursued contradictory policies.

Rather than dealing with the twelve governments of what was now the European Union, Washington preferred to deal bilaterally with the states it saw as the most influential. The EU’s rotating presidency was then headed by Greece, whose government followed a Balkan policy totally at odds with that of the U.S. In February 1994, Greece had been the only EU nation within NATO to vote against the U.S.-led ultimatum that had called for the Bosnian Serbs to withdraw their artillery surrounding Sarajevo.50 The U.K. and France, both of whom had peacekeeping troops on the ground, were permanent members of the UN Security Council. The Germans, meanwhile, were among the most actively involved in negotiations. The attractiveness of a Contact Group structure, therefore, lay in its ability to bypass existing institutional channels.

Russian policy towards the breakup of Yugoslavia, as well as its inclusion in the Contact Group, needs to be seen within the framework of the Russian Federation’s adjustment to the post-Cold War international environment. During the initial stages of Yugoslavia’s collapse (1991–92), Russian leaders paid little attention to events. The leadership was preoccupied with the problems stemming from the collapse of Russia’s controlled economy, and the power struggle between Mikhail

48 "Interview with Ambassador Thomas M. T. Niles, 5 June 1998." Ibid.
Gorbachev, the Soviet President and Boris Yeltsin, the Russian President. However, once the UN became involved, and the use of force required authorisation from the Security Council, Moscow used the forum to offset its weakness and influence the international community’s approach. The prevailing Russian view was that NATO sought to contain Russia’s political influence and prevent it from re-emerging as a strong regional power. Russian diplomacy subsequently followed two broad trends. Realising their country’s economic weakness, Russian diplomats first tried to preserve the possibility of cooperation with the West. Secondly, under political pressure from ultra-nationalist adversaries at home, they emphasised that Russia’s status as a great power had not changed and that it was still able to wield military influence beyond its borders.

**Conclusion**

At a time of such uncertainty, the Contact Group effectively consolidated the United States’ position of dominance in Europe. In both practice and principle, it operated as a forum to legitimise U.S. policy. Under the patronage of the Contact Group, U.S. negotiators formulated the principles for a peace settlement and managed the distribution of tasks when it came to implementing the Bosnia peace accords, otherwise known as the Dayton Peace Agreement. The U.S. team kept the other Contact Group members informed but, for the most part, they negotiated first and consulted later. Even though the U.S. used its position to ensure that the Agreement’s military aspects were overseen by NATO, the other concert powers had their interests taken into consideration. The European members had Washington conceded that the civilian administrator was to be a European, while Moscow’s fear of losing face was offset by its involvement in the implementation force itself.

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55 Ibid.


Chapter II: The Historical Setting

Kosovo is vital to the national patrimony of its ethnic Albanian and Serbian communities. Their respective claims are at the heart of the disharmony between the two. The Serbian perspective rests on how Kosovo was once the former centre of a short-lived Serbian Empire, whose fragments were destroyed by the Ottoman armies in 1389 at the Battle of Kosovo. The myth, and legends about the defeat, have been passed down from generation to generation. The city of Peć, in Western Kosovo, is home to sites of significance to the country’s modern national identity, including the Patriarchate of the Serbian Orthodox Church established in 1346. According to Serb historiography, the ethnic Albanian population only settled in Kosovo during the subsequent centuries of Ottoman rule. The ethnic Albanians, however, are equally convinced that they are the region’s indigenous people. They claim that they are descended from the ancient Illyrians who are said to have inhabited the region for several centuries before the arrival of the Slavic Serbs.

Throughout the twentieth century, intercommunal relations within Kosovo were embittered by periods of regional instability, where ethnic markers often determined who was the dominant group. Moreover, after the Balkans Wars of 1912–13 and the formation of the Kingdom of Yugoslavia in 1918, the Serbs held power. This changed in World War II when Kosovo became part of Greater Albania under Italian sponsorship between the years 1941 and 1945. The balance of power turned in the Serbs’ favour in 1945, albeit under the auspices of communist Yugoslavia. Once Kosovo became an autonomous province in 1974, the political influence of the Kosovars grew. Under Slobodan Milošević, the Serbs emerged as the dominant status group for the third time in the twentieth century. The process of status reversal, and the negative historical memories it carried, is particularly appropriate in an analysis of the diplomatic response to the Kosovo War. The status reversal idea is a useful way to look at ethnic relations in Kosovo. During the twentieth century, the Kosovars never held sole state power, nor did they have a monopoly on violence. It would also be wrong to evaluate Serb and ethnic Albanian relations as a never-ending conflict. With each national group’s claim to Kosovo highly provocative of the other, Tito’s death opened space for various groups to lobby officials and initiate debate about their concerns outside the province.

Though Tito’s version of self-management socialism began in the late 1960s, the 1974 Constitution of the Socialist Federal Republic of Yugoslavia (SFRY) codified the process. The document holds a central place in any discussion on the Serbian-ethnic Albanian conflict over Kosovo and the evolution of Serbian critiques of ‘Titoist’ Yugoslavia. The new model devolved to the

Kosovars broad legislative, administrative and judicial competencies where, with few exceptions, it was equal to the six republics. A constitutional paradox developed regarding Kosovo’s participation in Serbia’s legislative process, accompanied by no binding obligation on the Kosovars’ part to implement those laws. As a portent of things to come, the vast majority of Serbian intellectuals and politicians were united in the belief that the provincial legislative chambers needed to be changed to restore Serbia’s central organs. Focusing on the need for greater coordination between Serbia and its autonomous provinces, critics lamented how the country had been divided into three separate entities.

The Constitution of 1974 reflected the changes that had been taking place within Kosovo. Fundamental shifts in how the province was governed first appeared in July 1966 when Alexander Ranković, the Vice-President of Yugoslavia and long-time head of the state security service, was dismissed from the Central Committee of the League of Communists of Yugoslavia. The Party’s highest-ranking Serb, Ranković was denounced for the way he illegally used police powers to maintain order. On the eve of the Vice-President’s dismissal, Serbs made up the majority of the province’s bureaucracy. Despite comprising only twenty-three percent of the population, together, Serbs and Montenegrins made up ninety percent of all Interior Ministry posts while accounting for seventy percent of all police employees. The fall of Ranković and his cadres heralded the beginning of an era in which the Yugoslav authorities sought to appease the ethnic grievances of the Kosovars. Committed to ethnic parity, a number of affirmative actions were implemented: Albanian became the province’s official language and a separate university was created in Kosovo’s capital, Pristina. Paradoxically, the large number of ethnic Albanians in the League of Communists of Kosovo (LCK) grew increasingly dissatisfied with level of Serbian influence.

In the spring of 1981, eleven months after Tito’s death, violent protests erupted throughout Kosovo. Although the origins of the demonstrations largely stemmed from Kosovo’s deficient economy and mass youth unemployment rates, the demands of the demonstrators expanded to include calls for independence. Despite Kosovo being the most undeveloped region in Yugoslavia, its university was enormous: the province’s ratio of students was 274.7 per 1,000 inhabitants, compared to the Yugoslav national average of 194.9. In what serves as a clear illustration of the region’s volatility, the riots swelled out of a minor protest against the poor food in Pristina University’s student

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6 Ibid.
8 Veljko M. Vujačić, "Communism and Nationalism in Russia and Serbia" (Ph.D., University of California, Berkeley, 1995), 208.
canteen. Their dissatisfaction towards the state showed that by the turn of the decade, Tito’s ‘Brotherhood and Unity’ slogan increasingly required the application of force against the Kosovars, to keep them in check. Not surprisingly, the brutal suppression of the student riots and accompanying purges in the LCK leadership, did little to alleviate the situation.

From the riots of 1981 to the constitutional changes of 1990, political events in Serbia came to be dominated by discussion over ways to stop the exodus of their fellow nationals from Kosovo. Serb emigration from Kosovo was arguably the most potent element in Serbian national mythology. It helped to precipitate an open battle over the Constitution of 1974 as well as Serbian proposals to roll back decentralisation. In 1983, two years after the riots, Serbian families from as many as sixty-seven villages had resettled in the central Kosovo town of Kosovo Polje, a town with a greater proportion of Serbs than in the rest of the province. The Kosovo Serb grievances were subsequently elaborated upon in a petition addressed to the Yugoslav and Serbian parliaments in January 1986. Berating the authorities for, ‘tolerating crimes and criminals’, the 212 petitioners accused the LCK’s ethnic Albanian leaders of conducting a lengthy process of ‘genocide’. The signatories to the appeal claimed that the Kosovars were: raping old (Serbian) women and nuns, building stables out of tombstones taken from Serbian cemeteries and desecrating (Orthodox) churches. It was alleged that, in the past two decades, 200,000 of their ethnic kin, in more than 700 localities, had been forced to leave.

The 1986 Memorandum of the Serbian Academy of Sciences and Arts is a document that has achieved something of a mythic status. In September of that year, a draft version was leaked to a Belgrade newspaper, which published a two-part article revealing the Memorandum’s existence as well as quoting some passages. Originally intended as an intellectual response to express the Academy’s thinking on the situation in Yugoslavia, these revelations placed into circulation a range of slogans that came to dictate internal political debate on Kosovo. Albeit a draft, the Memorandum’s authors all subscribed to one central assumption: that decentralisation was responsible for both the Yugoslav crisis and the challenges facing Serbia. In their view, the changes embodied in the 1974 Constitution had compartmentalised the Yugoslav economy, creating ‘eight economic regions with national economies as their ideological foundations’.

Such an analysis, however, was far from revolutionary. Of greater importance was the Memorandum’s second half, titled ‘the position of Serbia and the Serbian people’. The Memorandum’s authors saw the existence of the autonomous provinces as proof of a wider plot to weaken Serbia. Nowhere was this more evident than the republic’s inability to control the exodus of Serbs from Kosovo. Of all the country’s liberation wars—from the first insurrection against Ottoman

11 Radio Free Europe / Radio Liberty Research Institute, Why Are so Many Serbs Leaving Kosovo?, HU OSA 300-8-3-15197 (Budapest: Open Society Archives at Central European University, 16 November 1982), 2.
12 Borisav Jović, Book on Milošević (Draft English Translation) (Belgrade: Nikola Pašić, 2001), 35.
13 Vujačić, "Communism and Nationalism in Russia and Serbia," 220–21.
15 Vujačić, "Communism and Nationalism in Russia and Serbia," 258.
rule in 1804 to the uprising against Nazi occupation in 1941, ‘the physical, political, legal and cultural genocide perpetrated against the Serbian population’ was framed as its ‘greatest defeat’. In light of the events to follow, the hint that national alternatives to the multinational Yugoslav state might be more desirable made the Memorandum a turning point. The ultimate result was combining Serbian dissatisfaction with Yugoslav decentralisation concerning the Kosovo issue, opening the door for politicians to push confrontation with the Kosovars to the limit.

The Rise of Slobodan Milošević

By 1987, Serbia, like the other republics, faced an accumulation of problems such as declining employment rates and a severe drop in the standard of living. In the now open practice of ethnicised politics, the middle course language of Ivan Stambolić, President of the League of Communists of Serbia (LCS) and one-time Milošević mentor, became increasingly outdated. Whereas Stambolić insisted that the republic should be equal to the others, implying the reduction of provincial autonomy, he made it clear that the struggle against Serbian nationalism was one of the priority tasks of Serbian Communists. Milošević, who was then party leader, remained relatively silent.

The beginning of Milošević’s transformation from party apparatchik to national leader, occurred on 24 April 1987 when he visited Kosovo Polje. He had been sent by Stambolić to calm tensions and to put an end to the Kosovo Serbs’ frequent demonstrations. When Milošević arrived, he was confronted by a crowd of close to 15,000. The atmosphere inside the hall was emotionally charged with Serb after Serb airing their grievances about the Albanians. Halfway through the meeting, a surge of noise swept the room. Outside, the police were clubbing back people trying to enter the building. Informed of what was taking place, Milošević nervously made his way outside to address the frenzied crowd. Walking through the crowd, people called on him to protect them from police violence. It was then that he uttered the famous sentence: “no one should dare to beat you”.

With a news crew present and the Deputy Head of Belgrade Television in regular contact with Milošević, coverage of the event appeared on the network’s three main channels. The media did the rest, and the result was the creation of the Milošević legend.

In a subsequent meeting that lasted twelve hours, Milošević listened carefully to the grievances of around eighty Serbs. At the closing of discussions, he delivered a speech:

the process of emigration of Serbs and Montenegrins from Kosovo under economic, political or an ordinary physical pressure presents, probably, the last tragic exodus of European inhabitants. The last time such processions of desperate people were moving was in the Middle Ages [...]. This is your land; your houses are here, your fields, gardens and memories

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17 Vujačić, “Communism and Nationalism in Russia and Serbia,” 286.
19 Ibid.
are here [...] . It has never been a characteristic of the spirit of Serbian and Montenegrin people to back away in the face of obstacles, to demobilise when it needs to fight.\footnote{\textit{Slobodan Milošević at Meeting in Kosovo Polje 24-25 April (English Partial Translation)}, (Politika Newspaper 26 April 1987 ).}

In an environment where Serbian communists avoided open debate about Kosovo, this speech shunned the old regime. By appealing to Serbian national grievances, he departed from the trademark slogan ‘Brotherhood and Unity’. At the Eighth Session of the Central Committee of the Serbian Party in September 1987, Milošević routed his rivals in the party who had resisted his stance on Kosovo. Casting himself as a defender of the Kosovo Serbs, between October 1988 and January 1989, Milošević used his increasing power to lead the so-called anti-bureaucratic revolution, engineering a series of mass protests that toppled the leaderships of Vojvodina, Kosovo and Montenegro and replaced them with all his allies.\footnote{Budding, “Serb Intellectuals and the National Question, 1961–1991,” 357.}

At the 600\textsuperscript{th} anniversary of the Kosovo battle on 28 June 1989, Milošević’s exploitation of the battle of Kosovo reached new heights. Attended by a million people, the carefully choreographed celebrations symbolised a reassertion of Serbian control over the provinces and, most important of all, restoration of Serbian pride. In a carefully scripted speech at the end of the day’s events, Milošević pointed out how the country had finally regained its state, national and spiritual identity.\footnote{“Slobodan Milošević’s 1989 St. Vitus Day Speech: Gazimestan—June 28, 1989,” accessed 12 February 2017. \url{http://www.slobodan-milosevic.org/spch-kosovo1989.htm}.} The lack of unity, he observed, had led past leaders to make concessions at the people’s expense, “which could not be accepted historically and ethnically by any national in the world, especially because the Serbs have never in the whole of their history conquered and exploited others.”\footnote{Ibid.} “The presence of so many Serbs in Kosovo”, he added, “shows that this is no longer the case”.

The new Serbian Constitution was passed on 28 September 1990; it effectively revoked the province’s autonomy to create a new, centralised Serbia. Kosovo’s status reverted to that under the 1946 Constitution where the rights and scope of its autonomy had been determined by the Constitution of Serbia.\footnote{Constitution of the Federal People’s Republic of Yugoslavia, 31 January 1946. Reproduced in Trifunovska, ed. \textit{Yugoslavia Through Documents} , No. 83, 222.} The framework for Serbian policy toward Kosovo was laid down earlier at the First Congress of the Serbian Socialist Party in July 1990. In the name of one of its core goals—that Kosovo ‘is an inseparable part of Serbia’—the programme announced how the Party intended to ‘create conditions to stop Serb and Montenegrins from moving out of the province and secure their return’.\footnote{“Programme of the Socialist Party of Serbia (SPS) from the First Congress on 16, 17 and 18 July,” (The Socialist Party of Serbia, 1990), 12.}

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21 “Slobodan Milošević at Meeting in Kosovo Polje 24-25 April (English Partial Translation),” (Politika Newspaper 26 April 1987 ).
24 Ibid.
26 “Programme of the Socialist Party of Serbia (SPS) from the First Congress on 16, 17 and 18 July,” (The Socialist Party of Serbia, 1990), 12.
the assembly was the ability to pass a statute which, even then, still required the prior approval of the Serbian parliament.27

The Kosovars’ Parallel State

Against the backdrop of rising Serbian expansionism in the late 1980s, the Kosovars mobilised in opposition to what they considered to be an illegal regime. On a political level, the Democratic League of Kosovo (LDK), became the platform upon which most Kosovars united behind. It was established in December 1989, with prominent Pristina intellectual, Ibrahim Rugova, installed as leader. A constituent assembly, made of legislators, met in Kačanik on 7 September 1990 and approved a ‘constitution’ which turned Kosovo into a republic within the Yugoslav Federation.28 A year later, the LDK organised a referendum where the vast majority of the province’s population voted in the document’s favour. Ignoring the states’ objections, the legislative body proclaimed Kosovo’s independence on 19 October 1991. The leadership’s authority derived from how it could harness the loyalty of the traditional clan and family networks. Unlike the growing moves toward violent conflict in other parts of Yugoslavia, the LDK adopted various forms of non-violent resistance which aimed to prevent violence in Kosovo and bring about international intervention or political involvement.

The next step on the LDK’s path to delegitimise Serbian rule occurred on 24 May 1992 when the ethnic Albanian political parties in Kosovo organised a parliamentary and presidential election. With no other presidential candidate, Rugova secured an overwhelming victory receiving 99.5% of the vote.29 The LDK transferred the powers of the former autonomous organs to the self-declared republic, laying the basis for a shadow state where the Kosovars organised separate administrative institutions. Politically and economically, life in Kosovo deteriorated to the point where Kosovars and Serbs led parallel lives.30 They had separate governments, shops and schools, and even attended different theatres and out-patient clinics. The situation essentially became one of tenuous state toleration. While the authorities largely tolerated the existence of these organisations, the overwhelming power of the Serbian police—which, at 60,000-strong was then Serbia’s biggest employer—reminded the Kosovars who held the levers of power.31

The most symbolic tenet of the parallel system was in the hotly contested education sector. In August 1990, the Serbian Parliament abolished the independence of Kosovo’s educational system by instituting a unified curriculum taught exclusively in the Serbian language. Acting under the direction

31 Schmidt, "Kosovo: The Time Bomb That Has Not Gone Off," 23.
of the shadow state education minister, the Albanian language educators ignored Belgrade’s orders and maintained their curriculum.\(^{32}\) The defiant teachers stopped receiving salaries from the state in March 1991 and were subsequently fired en masse and driven out of school and university buildings. Their students soon followed, forming a parallel system of Albanian language schools funded by private donations and taxes.\(^{33}\) Despite problems such as poor teaching conditions, where classes were held in private houses and garages, the schools epitomised the peaceful resistance to Serbian rule. The segregation of the education system along ethnic lines added to the increasing polarisation of Kosovo society.

During the late 1980s and 1990s, The LDK’s internationalization strategy relied heavily on a self-financing system. When Serbian police prevented members of Kosovo’s ‘parliament’ from convening its inaugural meeting on 24 June 1992, it organised itself in clandestine ways.\(^{34}\) Bujar Bukoshi, a former general secretary of the LDK, became Kosovo’s ‘prime minister’ while Rugova and others stayed on the ground. In Germany for instance, Bukoshi set up a fund that helped finance the health and education systems.\(^{35}\) Every Kosovar worker in the diaspora was asked to contribute three percent of his salary. More was required of business owners, and they were expected to contribute up to ten percent. Similar funds headed by the LDK soon appeared in far-flung cities such as Melbourne, Toronto, Istanbul, Brussels and New York City.\(^{36}\) When international sanctions were later imposed against Serbia, the Kosovars’ taxation systems in hard currency proved beneficial, insulating them somewhat from the resulting hyperinflation of the Yugoslav dinar.

An example of the diaspora network’s influence can be seen in the case of the American branch of the LDK which was established in December 1990. The LDK’s central office in New York, for example, found House and Senate representatives who had lobbied—or were willing to lobby—on their behalf. Via its New York branch, millions of dollars received by donations helped finance the electoral campaigns of influential figures on Capitol Hill such as Senate Republican leader, Bob Dole.\(^{37}\) Although the Kosovo lobby might have been instrumental in bringing the matter to the attention of U.S. lawmakers, it needs to be considered against the background of other ethnic-based mobilisations, of which there were many. Despite the U.S. being ‘the first country to take the Kosovo problem seriously’, its representatives urged the Kosovars to pursue their goals within the Serbian


\(^{36}\) Ibid., 185.

\(^{37}\) Niam Dedushaj, "Paradiplomatic Relations Between the United States and Kosova: A Friendship Between an Elephant and a Mouse" (Master of Arts in Contemporary Diplomacy University of Malta 2006), 18.
political structure. By consistently refusing to do so, they turned down opportunities to put effective political pressure on Belgrade.

The Carrington Conference

The European Community’s (EC) Conference on Yugoslavia, under the chairmanship of former British Foreign Secretary, Lord Carrington, first convened on 7 September 1991. Overseen by the twelve foreign ministers, it was the first major conference designed to achieve a political settlement for the entire crisis. Recalling the principles of the 1990 Paris Charter, only the representatives of the six republics were invited. Since Yugoslavia’s internal levers no longer functioned, the decision was made to accept the republics as the protagonists in the crisis. Inviting the provincial leaders contravened one of the major principles of the CSCE process, which was not to recognise any border changes. Taking into account the elections of 1990 and 1991, the logical step was to respect the existing political institutions of the individual republics. At every point in the ensuing efforts of the EC—and later the International Conference on the former Yugoslavia (ICFY) — the governments of the individual republics, and only they, were accepted as the legitimate parties in the search for a political solution.

At the same time as the Conference on Yugoslavia was taking place, an arbitration commission was established to assist negotiators on the independence claims of the republics. Although it did not issue a tenet on Kosovo, Opinion No. 1, delivered on 27 November, provided two important principles on the right of minorities’ self-determination within the republics. Since the essential organs of the federation no longer met the criteria of a federal state, it first confirmed that Yugoslavia was in the process of dissolution. Moreover, the Commission referred to the principle uti possidetis (as you possess), which held that the right to self-determination must not involve changes to existing frontiers at the time of independence (except where the States concerned agree otherwise).

Lord Carrington presented his peace plan on 18 October 1991. The draft, in short, envisaged a loose association of republics which were free to have their independence and international identity if they so wanted. On the contentious issue of minority rights, Chapter II (c) provided the republics’ different national minorities, with a ‘special status’ (autonomy). It guaranteed substantial cultural rights, such as the right to use national emblems, the right to dual nationality, and an educational system which ‘respects the values and needs of that group’. Moreover, they had the right to have their own parliament and administrative structures, which included a regional police force and judiciary. The provisions laid down in the draft convention were later included in the EC’s guidelines of 16 December 1991 for the recognition of new states. Spearheaded by German diplomat, Geert Ahrens, a

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41 Ibid.
Minorities Working Group was entrusted to negotiate the special status of autonomy between the republics and national groups. Its task was to conclude agreements that enabled an international body to monitor their implementation.

Despite the five other republics accepting the arrangement, Milošević rejected it. His dismissal of the draft was closely tied to the special status formulated by the Conference. His position was that special status should only be given to the two Krâjina in Croatia. The stance Secretary Vance and Lord Carrington took, however, was that if the Serbian people were given special status in Croatia, that in fairness, Serbia should grant the same status to the ethnic Albanians in Kosovo. Considering the vow he made on 28 June 1989, Milošević stood to lose a great deal if his position on Kosovo changed.

The International Conference on the former Yugoslavia

The London Conference on Yugoslavia, organised and steered by the British EC presidency and the United Nations (UN), launched the only internationally mediated negotiations on Kosovo prior to 1998. While negotiations on Croatia and Bosnia were being conducted, an ICFY Working Group on ethnic national communities and minorities, dealt directly with Kosovo. The Minorities Working Group was the point of contact for all those who were excluded from the Carrington Conference and in the ICFY. From August 1992 to July 1993, the Conference was able to generate two major breakthroughs: a special negotiation structure and the promise of meetings between Serb and Kosovar representatives. The ICFY had continued, where possible, the work carried out by Lord Carrington. However, it devoted most of its time to brokering a peace plan for Bosnia where war had broken out in April 1992. Building on the work already carried out by Geert Ahrens’s Human Rights and Minorities Working Group, a ‘Special Group on Kosovo’ was established to mediate between Belgrade and Pristina. Before the Group’s removal in July 1993, during the period from September to December 1992, it brought together Serbian and Kosovar representatives on six separate occasions.

During this time period, international involvement was largely facilitated by Milan Panić, Prime Minister of the ‘Federal Republic of Yugoslavia’ (FRY). Milošević personally appointed the Serbian-American businessman in July 1992 to lend credibility to the new Serb-controlled FRY which was not recognised by the international community. In light of the international isolation imposed on Belgrade for its ongoing part in the Bosnian war, Milošević elected Panić, then the owner of one of the world’s largest pharmaceutical companies, thinking he would project a more moderate image for

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43 See Appendix: Lord Owen
45 Owen, Balkan Odyssey, 76.
46 Mihailo Cmibranja, The Yugoslav Drama (London: I.B. Tauris, 1994), 223. On 27 April 1992 Serbia and Montenegro proclaimed a new ‘Federal Republic of Yugoslavia’. It was hoped that the continued use of the name would place it in the position of natural successor to the previous Yugoslavia in international relations and institutions.
the new government. Besides this, it also offered a channel to establish connections with Washington and the rest of the West to help attract capital for reviving the economy. But if Milošević saw him as an easily controlled political novice, he was mistaken. Despite being handpicked by Milošević in July, Panić soon drew international attention as the only government figure who publicly disagreed with Milošević’s policies. The tensions between both men surfaced at the ICFY’s opening session in London on 26–27 August. Here, Panić commanded attention as the chief speaker for Belgrade when he presented his government's programme for peace. Determined to emerge from the shadow of his sponsor, Panić defiantly declared how the Federal government rejected Serbian territorial claims in Croatia and Bosnia. Panić had challenged long-standing Serbian views by backing the dispatch of monitors from the Conference on Security and Co-operation in Europe (CSCE) and declaring his willingness to grant the ethnic Albanians limited autonomy. Milošević was outraged by the antics of Panić. When conference Chairman, British Prime Minister John Major, called on the Serbian President to speak on Kosovo, he was swiftly cut off. “I am the only one qualified to speak for Serbia”, shouted Panić.

The tension in Kosovo eased somewhat after the appointment of Panić. In October, Geert Ahrens oversaw talks between LDK representatives and Panić’s Ministry of Education. The basic approach agreed to by both parties was to achieve a breakthrough in one important sector. The Albanians chose education. Speaking of an historical turnaround in inter-ethnic relations, Panić drafted a fourteen point plan on the reopening of secondary schools and universities in Kosovo. While the Kosovars’ reaction was at first negative, they agreed to commence dialogue. On 14 October all parties agreed to a joint statement on the need to return to normal working conditions for schools and other educational institutions. After detailed discussion on 22 October, Serbian and Federal representatives agreed to re-open all primary schools on 2 November, and all secondary schools and the university by the end of that month. The joint statement of 14 October, as well as the work that went into it, was particularly significant. It was, after all, the first time Kosovars, Federal and Serbian representatives had sat down at a table together. Despite initial progress, these talks yielded no real results as each side hardened their stance. While all parties agreed on their statement of 14 October, they held fundamentally different viewpoints on the conditions under which the buildings should be opened.

The original working group structure, of which the Kosovo group was a part, was dissolved at a Steering group meeting on 1 July 1993. At the co-chairmen’s insistence, the National Communities and Minorities Working Group were replaced by three new groups: one on Macedonia, another on the

47 Jović, _Book on Milošević (Draft English Translation)_ , 98.
51 Ahrens, _Diplomacy on the Edge_, 341.
FRY, and a third on the Serb-held Krajina. The co-chairmen continued to discuss Kosovo during their meetings, but there was never again another plenary session of the group. The decision, Lord Owen recalls, came after his deputy, Peter Hall—then British Ambassador to Yugoslavia—“stepped down as my deputy and was replaced with a French Ambassador, John-Pierre Masset”. The Frenchman, Owen added, “wanted to have a defined task. That was why it was decided he should deal with minority issues in the FRY”. This followed on from an earlier meeting the co-chairmen had in March with French President, François Mitterrand, who had devoted a whole day to the ICFY. What Owen picked up on was that the French, who were one of the largest contributors to the UN forces in Bosnia—and a president who was among the most engaged—felt they were not sufficiently represented in the conference structures.

Internal politics aside, the background to the July meeting offers further insight into why the Kosovo group was removed. Following the failure of the Vance-Owen Peace Plan (VOPP) in June 1993, the ICFY, now under the chairmanship of David Owen and Thorvald Stoltenberg—who had replaced Cyrus Vance—initiated a new round of talks. The co-chairmen were forced to revisit the proposal for a three republic solution, dictated together by Belgrade and Zágreb. The three republic solution, as explained in Chapter I, foresaw a union between the Muslims, Serbs and Croats along ethnic lines. With Panić gone and their credibility diminished, it was inevitable that in some quarters Milošević would play a greater role. Although Milošević’s thoughts on Kosovo were well known, the new working group structure was criticised because it was not something he had asked for. The co-chairmen, moreover, did not accept Milošević’s arguments on Kosovo. Both men deferred to the reality that it could potentially act as an impasse to find peace in Bosnia.

The Bush Administration’s parting Warning

The outbreak of war in Slovenia and Croatia in 1991, followed by Bosnia the next year, meant resolving the Kosovo impasse was not exactly high on the list for U.S. and European diplomats. A notable exception, however, was the démarche handed to Milošević on 25 December 1992 over intelligence reports indicating that FRY and Serbian forces were planning military operations in the province. Otherwise referred to as the ‘Christmas Warning’, the démarche warned Belgrade authorities that the U.S. was prepared to respond to a conflict in Kosovo deemed to have been caused by Serbian actions. Although the outgoing Bush administration did not specify what this reaction would be, it implied that if the line was crossed in Kosovo, Milošević might have to engage American soldiers directly.

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52 Ahrens, Diplomacy on the Edge, 74–77.
53 See Appendix: Lord David Owen. I asked what his motives were for ending the Special Group on Kosovo.
54 Ibid.
56 Ahrens, Diplomacy on the Edge, 77.
Upon entering office in January 1993, the Clinton administration quickly acted to give the ‘Christmas Warning’ credence. It did this by building on the plans laid out by the previous Bush administration to place American soldiers in Yugoslavia for the first time. The fear was that if fighting erupted in Kosovo, it could upset the fragile ethnic balance in neighbouring Macedonia. A 1994 census revealed Macedonia’s population to be 1,936,877, of which ethnic Albanians comprised twenty-three percent, making them the largest ethnic minority.58 While relations had long been problematic, the simmering antagonism between the country’s ethnic Macedonians and ethnic Albanians had surfaced in 1991 during the country’s move towards independence. Under the new constitution, ethnic Albanian leaders strongly objected to their position as a nationality—not a constituent people— which implied a lesser status to the Macedonians. Ultimately, in July 1993, the U.S. dispatched 300 American soldiers along the Serbian-Macedonia frontier to join the 700 UN peacekeepers already there.59

Alongside the threat an outbreak of violence posed to Macedonia, there was also the complicated relationship between Albania an its ethnic kin in Kosovo to consider. Given Tirana’s limited authority over the vast area of hill country on its border with Kosovo, there was the added danger that hostilities could extend to Albania proper. In March 1992, with Sali Berisha elected as the country’s first democratic president in more than fifty years, the political landscape had shifted. Broadly speaking, the Albanian language contains two distinct dialects: Tosk, predominantly spoken in southern Albania, and Gheg, the form spoken by the majority of northern Albanians and in Kosovo. As a Gheg, Berisha attached greater priority to forging close links with Kosovar leaders.60 Although there was little enthusiasm in Albania for formal unification, it was judged that Tirana would likely allow Kosovar guerrillas to use Albanian territory as a sanctuary and as a conduit for smuggling weapons.61

The CSCE and the Federal Republic of Yugoslavia

Before July 1992, Serbia repeatedly refused third-party engagement in Kosovo. However, this all changed with the arrival of the new federal government under Panić. In an attempt to improve its image and to counter the excesses of opposition extremists, on 28 October Panić signed a Memorandum of Understanding with the CSCE. This Memorandum enabled observers to set up an office in Pristina, as well as offices in Sandzak and Vojvodina. In July 1992, the Committee of Senior Officials (CSO) and Belgrade agreed to review the question of the FRY’s participation in the CSCE.62

The terms of reference adopted by the CSO on 14 August, outlined the specific tasks: promote dialogue, collect information relevant to violations of human rights, and establish contact points for solving problems. When one considers that the total number of observers in the three branches never exceeded twenty, the CSCE’s ability to restrain both sides was always in doubt. The overriding concern of the participating states, as reflected by the UN deployment to the Macedonian border, was more about ensuring that fighting did not spill over into Kosovo.

Led by Norwegian Ambassador, Tore Bøgh, the Mission in Kosovo started its work in September 1992. Based in Pristina, observers were also located in Peć and Prizren. If an ethnic Albanian village was the victim of alleged police brutality, the procedure was for those villagers to head to one of the CSCE centres. After compiling witness statements, the observers would go to the relevant police station and present an incident report. In most cases, the police were wary of the CSCE and, not wanting to draw the glare of international public opinion, either did not return or stayed away from a village. In saying that, for all the reports on the nature and scope of police brutality, Bøgh’s team did not report any gross violations by Serbian authorities. Since allegations of police brutality were sometimes overstated, the CSCE presence therefore served in the government’s interest.

Unfortunately, the CSCE Missions of Long-Duration were caught in the crossfire of the federal and republican election campaigns leading up to 20 December 1992. Immediately after the London Conference, Milošević’s coterie set about to get rid of Panić. Viciously attacked by the state-controlled media, Panić was broadcast as the enemy, ‘a tool of the West sent by the Americans to infiltrate and destroy Serbia’. Even then and, in spite of the Serbian president’s built-in advantages, polls conducted in the days prior showed the two rivals running neck-and-neck. The final results, however, confirmed Milošević the victor, gaining fifty-six percent of the vote against thirty-four percent of the votes of Panić.

The Panić government’s defeat at the elections signalled the demise of the CSCE Missions and they were forced to leave in July 1993. With the prime minister’s resignation that February and Milošević’s dominance extending to the federal level, Belgrade’s position hardened. Now it too took the position that it would not meet with the Kosovars outside the FRY since the issue was an internal one. Panić’s attempts at reaching an understanding were futile because he had limited power to enforce any agreement. In reality, Milošević enjoyed a virtual monopoly over the use of the armed forces.

According to Article 135 of The 1992 FRY Constitution, the FRY President exercised command

66 Milan Panić and Kevin C. Murphy, Prime Minister for Peace: My Struggle for Serbian Democracy (Lanham: Rowman & Littlefield, 2015), 104.
authority over the Army.\textsuperscript{68} That same article, however, stipulated that decisions had to be in accordance with the decisions of the Supreme Council, which consisted of the Presidents of Montenegro and Serbia—that is, Milošević. If the people of Kosovo turned out and voted for Panić, the results may very well have been different. With the Working Group on Kosovo no more and the CSCE ordered to leave, it forced a reduction of the level of international engagement. From then on in, the issue was raised informally by the ICFY co-chairmen and U.S. diplomats with Milošević and Rugova. In the discussions Rugova had with Owen, he made it clear that any form of autonomy was not an option.\textsuperscript{69} If this was not possible, the alternative was a kind of international administration that would lead to independence. Not surprisingly, both of these options were rejected.

**Kosovo and the Bosnian War**

The main tool at the negotiators’ disposal to end the fighting in Croatia and Bosnia, was UN sanctions. The first round of UN sanctions went into effect on 30 May 1992, introduced to punish Belgrade for supporting the Bosnian Serb war effort. On 26 April 1993, the UN Security Council passed Resolution 820, which prohibited ‘all commodities and products’—humanitarian supplies excepted—being imported or exported from the FRY.\textsuperscript{70} Together, these sanctions effectively marked the FRY as an international outcast. In a bid to avoid further economic misery, Milošević agreed to the VOPP earlier in April 1993. These plans, however, were thwarted when his Bosnian-Serb allies—under the leadership of Radovan Karadžić—rejected his personal appeal to ratify the plan.\textsuperscript{71} Frustrated by their intransigence, the Serbian leader began to work more closely with the international community to strike a favourable settlement.

Just how Milošević became a legitimate partner for peace, needs to be understood in the context of the crossroads the U.S. and its allies found themselves at in May 1995. The Bosnian Serb Army had become increasingly bold in their defiance of the UN peacekeepers stationed across Bosnia. In retaliation for NATO airstrikes in May 1995, Bosnian Serb forces took 400 peacekeepers hostage. European nations, who had deployed troops on the understanding that their involvement would be limited to a strictly humanitarian mandate, began to openly discuss the withdrawal of their troops. At the time, the looming spectre of NATO’s ‘OpPlan 40-104’, a detailed planning document that covered every aspect of NATO’s role in supporting a UN withdrawal, caused great consternation in Washington. President Clinton may have promised U.S. troops to support the effort, but he had never formally approved the plan.\textsuperscript{72} Thus, if the peacekeepers withdrew, there was the realisation that 20,000 American troops would be deployed as part of a NATO force.\textsuperscript{73} A consensus quickly emerged


\textsuperscript{71} Little and Silber, *The Death of Yugoslavia*, 276–89.

\textsuperscript{72} Richard C. Holbrooke, *To End a War* (New York: Modern Library, 1999), 66.

\textsuperscript{73} Ibid.
among the troop-contributing countries: NATO air strikes would do more harm than good. This would see UN peacekeepers return to ‘traditional peacekeeping principles’, that of impartiality and the minimum use of force. The massacre of 8,000 Bosnian Muslims at Srebrenica—a UN ‘safe zone’—unleashed after the town fell to Bosnian Serb forces in July 1995, changed everything. The West’s failure to avert what was the worst slaughter of its kind since World War II, convinced the U.S. and its allies to adopt a more robust approach. Critically, it prompted the Alliance to reject the so-called ‘dual-key’ arrangement in Bosnia, under which NATO air strikes had to be approved by both UN and NATO commanders. It would be in this context that Milošević styled himself a promoter of the peace process in Bosnia.

From the time the Contact Group tabled its Bosnia peace plan in August 1994, the U.S. had argued in vain with Milošević over how to engage the Bosnian Serbs in negotiations. The Serbian leader was an unlikely man for peacemaking, but, given Washington’s reluctance to use military power, he held a key to ending the fighting. Despite statements to the contrary, Milošević’s self-styled blockade of the Bosnian Serb forces had never been seriously implemented. According to U.S. intelligence assessments, they remained a de facto extension of the Yugoslav Army. By the autumn of 1995, the tables had well and truly turned in Bosnia: NATO was bombing Bosnian Serb positions and the Croatian Army, in coordination with the Bosnian army and Croat militias, was fast advancing from the West. Holbrooke confronted the Bosnian Serbs’ intransigence by persuading Milošević to use his influence over them. In an ever-changing strategic environment, Milošević ultimately recast himself as a backer of the peace process, linking his commitment to peace in exchange for the lifting of sanctions against Belgrade.

The hard truth is that the Dayton Peace Agreement would not have been possible without Milošević. Because of his central role in securing the agreement of ‘president’ Radovan Karadžić — and the military commander, General Ratko Mladić— to represent the Bosnian Serb side, he played a key part in its success. On 22 November 1995, UN Security Council Resolution 1022 suspended all sanctions against the FRY. The U.S. retained an ‘outer wall of sanctions’ against the FRY which went beyond existing Resolutions. It was not specified what exactly the ‘outer wall’ entailed, but the common understanding was it withheld U.S. support of FRY membership in international organisations like the Organisation for Security and Co-operation in Europe (OSCE), and financial institutions such as the International Monetary Fund. In concrete terms, before the normalisation of relations could take place, the FRY had to accept the conditions laid down in EC’s guidelines of 16 December 1991. The Kosovars’ hopes were soon dashed by Western European states, starting with

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France in February 1996, which moved to re-establish relations with Belgrade. Illustrating its difficulty to move as a whole, the European Union (EU) unconditionally recognised the ‘Federal Republic of Yugoslavia’ in April 1996, settling bilateral relations and exchanging diplomatic representatives at ambassadorial level.\textsuperscript{79} Despite perceived U.S. guarantees that they would be addressed in a general peace settlement, international commitment to the Kosovars’ plight proved weak.

At this point, international leverage that could bring about change was decidedly lacking. Given the EU’s lack of commitment, and how the Milošević regime—contrary to expectations—had weathered the storm of international sanctions to live on, the efficacy of an ‘outer wall’ was open to debate. This was the case with the reintroduction of OSCE monitors to Kosovo, a provision the FRY had to meet before the ‘outer wall’ of sanctions could be lifted. Two tangible benefits came with an OSCE deployment: it would improve international access to the region, something which had been lacking since the CSCE’s dismissal in 1993, and also boost the standing of Rugova and other moderates in his party. The problem, however, was that the OSCE’s operational capacity was conditioned on Belgrade permitting the monitors wider powers than afforded before—an unlikely development.

**Disappointment at Dayton and ‘Track Two’ Talks**

The Dayton Agreement had a profound impact on the political scene in Kosovo. The LDK’s abstinence from violence was firmly based on the belief that Rugova would succeed in internationalising the Kosovo problem. Regardless of the messages Rugova may or may not have received from Western officials during this period, the fundamental tenets of the international community’s policy had remained the same. The Kosovar state media fuelled unrealistic expectations by continually downplaying the many instances where their position, and those of Western governments, differed. Take, for example, the Kosovar state media’s report of a meeting between Rugova’s envoys and German diplomats in May 1996. ‘German diplomats’, the report relayed, were said to have ‘shared an interest in the situation in Kosovo, the recent developments […] and the prospects for a negotiated settlement’.\textsuperscript{80} It conveniently ignored the fact that Germany did not support their ultimate goal of independence.

The EU and the U.S. refused to support the Kosovars’ demand for independence yet both were convinced that a continuation of the status quo was untenable. Neither remained open to independence. In November 1995, U.S. Secretary of State, Warren Christopher, clarified Washington’s position before the House Committee on International Relations. “We do not share the LDK’s vision of an independent Kosovo. The only viable solution”, said Christopher, “is that


\textsuperscript{80} Schmidt, “Teaching the Wrong Lesson in Kosovo,” 37–39.
autonomy be restored in some fashion and that human rights be respected.” 

Across the Atlantic, the Council of EU Foreign Ministers stated in April 1997 that an improvement of EU-FRY relations remained contingent upon Kosovo being granted a large degree of autonomy within the borders of the FRY. The ministers, however, left the definition of autonomy to be decided by mutual agreement between the government and political forces in Kosovo.

Despite the lack of clear proposals about Kosovo’s future, post-Dayton, a window of opportunity was left for ‘Track Two’ discussions to take place. This became evident when, to everybody’s surprise, on 1 September 1996 Milošević and Rugova reached an agreement for ethnic Albanian pupils to return to regular schools. Mediators from the Italian Catholic organisation, the Community of Sant’Egidio, had helped foster the breakthrough. A year after Rugova and Milošević signed the agreement, ethnic Albanian students had still not returned to secondary school and university buildings. The deal was unable to be implemented because of the two fundamentally different interpretations that arose. Rugova understood that Kosovar teachers, pupils and students would be able to move out of their homes into the public school buildings, but still carry out their independent education system. Milošević, meanwhile, claimed that the ethnic Albanians had made the first step towards integration in the Serbian education system. The breakdown in negotiations between Rugova and Milošević over the school agreement reflected the major obstacle which prevented both parties moving forward. Neither wanted to concede anything that could be seen as a step in a direction they did not want to go.

The next significant effort in mediation between the sides was undertaken by the Bertelsmann Science Foundation and The Centre for Applied Policy Research at The University of Munich (BST/CAP). During the 1990s, the research centre, which had its own mandate and working agenda, conducted studies on the question of European membership. In the course of their work, it found that for the new states of East, Central and South East Europe, a precondition to membership required a sustainable settlement of minority issues. The Research Group, according to its then Deputy Director Josef Janning, was well accustomed to the Kosovo issue. Courtesy of its work earlier in the decade, the group had established a rapport with both sides and, in Serbia itself, had working contacts with influential groups like the Serbian Academy of Sciences.

84 Igrić, “Education is the Key in Serb-Kosovar Negotiations,” 19–23.
85 Ibid.
86 See Appendix: Notes from discussion with Josef Janning
Starting in September 1996, BST/CAP invited Kosovo Albanian and Serbian ‘intellectuals’—persons not holding public office—to think about possible future states for Kosovo. The ethnic Albanian participants included representatives from the LDK’s main factions. While the Serbian side had no formal government representative, it contained members from Milošević’s coalition partner, the New Democracy party. There were also intellectuals from the Serbian Academy of Sciences. The lack of progress on the normalisation of Albanian language education illustrated how publicly, political representatives were unable to move away from fixed positions. A public discussion, therefore, was unlikely to break the deadlock. It was for this reason that BST/CAP chose to work with intellectuals since they were likely to be amenable to discussion and open to different ideas.

Unlike the Community of Sant’Egidio, which focused on improvements in one sector, BST/CAP developed a more inclusive approach. The idea was to delink practical improvements with status implications. After an initial meeting, Josef Janning suggested three different scenarios, all to be jointly discussed by each side. How are improvements of the situation in Kosovo possible, assuming the final status of Kosovo remains the same? How could a state of autonomy be reached within the FRY? How could an independent Kosovo be achieved in a peaceful way? The reasoning behind working backwards from a fixed position was to identify, irrespective of desirability, what pre-conditions were needed to attain these states.

Ethnic Albanian and Serbian intellectuals, together with BST/CAP, eventually agreed on a document in September 1997 entitled Joint Recommendations of the Kosovo Conflict. The final document captured fifteen issues that had been on the to-do list of all three working groups. The proposed practical improvements, for example, referred to the implementation of the Education Agreement. Moreover, concerning the security situation, both sides were of the opinion that the Serbian Parliament should remove the state of emergency declared on 26 June 1990. It showed that there was a degree of common ground to be found on short term measures that did not touch on the province’s constitutional status.

Throughout 1996 and 1997, political developments in the Serbian and Kosovar political scenes removed what little opportunity there may have been for a negotiated solution. First of all, Milošević’s power base had begun to erode in 1996. The coalition alliance Zajedno, otherwise known as the ‘together movement’, won the local elections in Serbia’s main centres on 17 November 1996. When the government tried to annul the elections, an emerging student movement successfully organised a series of massive protests that called for the results to be restated and the ‘will of the

87 See Appendix: Notes from discussion with Josef Janning
89 Joint Recommendations on the Kosovo Conflict, Halki Meeting Final Version, (München: Research Group on European Affairs and Bertelsmann Science Foundation, 1997).
citizens of Serbia respected’. In October 1997, Milo Đukanović, one of Milošević’s staunchest critics, was elected President of Montenegro having advocated a programme of political and economic reform. As the president controlled half of the Federal Parliament, it directly challenged the possibility of Milošević amending the constitution to bolster his powers.

The decisive shift, however, came in the Serbian parliamentary and presidential elections of September 1997. Unable to form a government on its own, Milošević’s Socialist Party turned to the ultra-nationalist Radical Party led by Vojislav Šešelj, announcing the so-called ‘government of national unity’ in March 1998. Best-known for his role as a paramilitary leader in the wars in Croatia and Bosnia, Šešelj offered simple solutions to the province’s complicated problems. Indeed, if Kosovo was handed over to the ethnic Albanians in any form, the Radical Party spoke of their forced expulsion. For Milošević, bringing a threat like Seselj into the government arena addressed two issues: it silenced potential rivals and, in the eyes of the international community, made him appear the lesser of two evils. With the extreme right in a position of strength, and the authorities’ purging of political dissenters, there no longer existed any place for meaningful dialogue with the Kosovars.

**Conclusion**

Given the scale of repression, it was not surprising that a new separatist group emerged in the province calling itself the ‘Kosovo Liberation Army’ (KLA). While there had long been militant groups who favoured armed resistance, these groups had remained isolated. The timing of the emergence can be attributed to four factors: the feeling among many Kosovars that, after five years, Rugova’s policies had reached a dead end, the omission of Kosovo from the Dayton agenda, international recognition of the FRY within its 1992 borders, and anarchy in Albania in the spring of 1997 during which the country’s military depots were looted, giving rebel fighters an obvious source of weapons. Rugova would continue to seek international support but many felt that the strategy of nonviolence had been taken for granted.

On the political front, the rise of the KLA had much to do with deepening disputes among senior Kosovar political leaders over which strategy the shadow state should follow. The most prominent advocate for change was the newly elected leader of the Parliamentary Party of Kosovo, the former political prisoner Adem Demaçi. During the dramatic student-led protests in Belgrade and across Serbia, the LDK had largely looked the other way: to the shadow state establishment, the controversy was deemed to be ‘an internal Serbian affair’. Demaçi, the only Kosovar with the

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94. Igrić, “Education is the Key in Serb-Kosovar Negotiations,” 23.
stature to rival the LDK leader, proposed more active measures. Similar to those in Belgrade, he called for open, peaceful protests and demonstrations. The aim was to make Kosovo ungovernable for Belgrade while intensifying international attention.95 Talk of active resistance, however, tended to be more theoretical than practical. A June 1993 hunger strike Demaçi organised, to protest against the Serbian crackdown on the Albanian-language press was, in reality, the only notable form of resistance he had applied.96

For all its success in maintaining the underground health and education programmes, a number of indicators suggested that the shadow state had run its course. In terms of its legitimacy, the parliament suffered from an acute lack of authority. Five years after it was elected, the legislature was yet to hold its opening session. Indeed, on 21 May 1996—the day before the parliament’s mandate was set to expire—Rugova used powers under a presidential decree to postpone parliamentary elections for a year.97 Meanwhile, ‘prime minister-in-exile’, Bujar Bukoshi, publicly criticised Rugova for sidelining the shadow state government on the yet-to-be-implemented Education Agreement with Milošević. According to Bukoshi, the education minister had played no part in the negotiations. The problem with legislators holding irregular working groups, in which they kept contact with some local bodies, was that it delayed discussion among its own people about the province’s future.

Amid the paralysis of the shadow state’s institutions, KLA fighters filled the void. While the Liberation Army did not challenge the shadow state’s overall goals, it charged that the official strategy of non-violent resistance had failed. When the KLA first emerged as a group in 1996, victims were chosen arbitrarily; gunmen simply shot policemen or Kosovo Serbs sitting in cafes on the streets. The majority of the attacks they carried out occurred in the Drenica Valley, a remote area of hill country fifty kilometres east of Pristina which comprised mostly small villages. It was here, where the group’s 100 or so fighters were reportedly based.98 In January 1997, a bomb blast directed at the dean of the Pristina University, Radivoje Papović, was a noteworthy development.99 Although the KLA’s involvement was never proved, Papović had good reason to be singled out. It was well known that he opposed the implementation of the Education Agreement and wanted his university to remain a Serbian institution. This attack, and other selective operations against police barracks and Kosovars suspected of being collaborators, raised the rebels’ profile and attracted fresh support—especially among the province’s unemployed youth.

99 Markotich, “Kosovo Liberation Army Launches New Offensive.”
Figure 5: Reuters Pictures, “Serbian President Milošević at Rally in Kosovo,” Reuters, 25 June 1997.
Chapter III: The Escalating Crisis

By the year 1998, little insider knowledge was required to see that inter-ethnic tensions were close to boiling point. The previous year, Kosovo had witnessed the emergence of a shadowy rebel movement calling themselves the ‘Kosovo Liberation Army’ (KLA). According to the Serbian Interior Ministry, the organisation was now far more active; the rebels were said to have carried out thirty-one attacks in 1996; fifty-five in 1997; and sixty-six in the first two months of 1998.1 During this period, the insurgents were held responsible for the deaths of ten police officers as well as twenty-four civilians—both Kosovars and Serbs.2 At this point, the KLA’s existence hardly constituted a threat to Belgrade’s authority. However, having championed the cause of the province’s Serb population in his rise to power in 1987, for Milošević, any compromise on the issue was political suicide.

As tempers rose across Kosovo and hard-line stances grew in popularity, the manoeuvrability Rugova and Milošević may have once had, vanished. By refusing to compromise, Belgrade, as much as the Democratic League of Kosovo (LDK), enabled the conflict to simmer for the best part of a decade. Now with a new crisis on the horizon, the alliance between Milošević and Šešelj ensured that the Serbian parliament was in complete agreement. No concessions would be made. Fearful that the confirmed presence of armed resistance by the Kosovars would lose international sympathy, the LDK, irrespective of its peaceful orientation, remained aloof. Rugova, who by March still refused to acknowledge that an armed movement was indeed on the rise, went as far as to claim that those calling themselves the KLA were a creation of the Serbian secret service.3

Chaos in Albania, the growing presence of the KLA and the student protests in Pristina, led major international players to pay more attention to Kosovo in the second half of 1997. Following a United Nations (UN) General Assembly session on 24 September, the Contact Group’s six foreign ministers united for the first time to express their concern over tensions in the region. The decision to actively engage in the deepening crisis was linked to a change in approach by Moscow, which, before the meeting, decided to withdraw its veto on discussing Kosovo in the Contact Group and UN Security Council.4 Outlining a general framework for autonomy, the foreign ministers made it clear that they supported neither independence nor the status quo, but an ‘enhanced status’ within the Federal Republic of Yugoslavia (FRY).5 Regarding Kosovo, the Group served as the forum in which members translated decisions taken at the Contact Group level into the framework of multilateral

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2 Ibid.
institutions, in particular the UN Security Council. Staying true to its informality, the ministers would meet at varying intervals over the course of the following year.

In its subsequent declarations of 8 January and 25 February, the Contact Group’s appeals to bring about any kind of reconciliation between Belgrade and Pristina proved ineffective. With all six nations’ diplomats opposing the Kosovars’ aspirations for independence, it was a relatively straightforward exercise for the Contact Group to agree on a shared approach. On 8 January for instance, reiterating the need towards granting the Kosovars greater autonomy, the political directors pledged to help support the enactment of the Education Accord Milošević and Rugova signed over a year earlier. However, it was much harder to find an adequate set of ‘sticks’ that could bring about the desired changes. Although Washington’s outer wall of sanctions remained in place—pushing the FRY deep into international isolation—Milošević refused to budge.

Signs that diplomacy, coupled with financial threats, had little impact were evident when Robert Gelbard, the United States’ (U.S.) Special Envoy to the region, travelled to Belgrade on 15 January. Armed with an assessment made by the U.S. Treasury Department on the FRY’s economy, Gelbard made it clear that without an injection of foreign credit from financial institutions like the International Monetary Fund (IMF), the country was heading toward total financial collapse. Notwithstanding the fact that an overwhelming proportion of the population lived in virtual poverty, Milosjevic was not bothered by the assessment. The June 1997 cash sale of forty-nine percent of Telekom Serbia to Greek and Italian companies, demonstrated that in spite of U.S. sanctions, the FRY could still attract foreign investment. Not surprisingly, Gelbard failed to win from Milosjevic his principal objective: the reopening of Albanian language schools in Kosovo. This experience showed that, aside from a credible threat of force to persuade both parties to engage in meaningful talks, the Contact Group needed to agree on a common policy concerning the imposition of an effective sanction regime.

In February 1998, Kosovo, the powder keg whose explosion had so often been predicted, erupted after Special Anti-terrorist units of the Ministry of Interior police (MUP) launched a major assault on KLA strongholds in the Drenica valley. During February, and in light of the escalating violence, Gelbard had engaged in constant dialogue with Belgrade and Kosovar politicians. Speaking in Pristina on 22 February, he criticised the police for its excessive use of force, emphasising how it was leading the way to a further cycle of violence. Gelbard also condemned the attacks against the police by the KLA, saying, “I know a terrorist when I see one and these men are terrorists.” Following a meeting with Milosjevic the next day, the U.S. envoy publicly praised his government’s

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positive influence in backing Republika Srpska’s moderate, supposedly pro-Dayton government. As a way to encourage further positive movement from Milošević regarding the FRY’s bilateral relationship with the U.S., Washington approved four measures to demonstrate to the Yugoslav president ‘what can be done when the necessary acts and decisions have been taken’. Separate from the outer wall of sanctions currently in place, which prevented the FRY from entering organisations like the IMF, these were more symbolic gestures. One measure, for instance, granted U.S. landing rights to JAT Airways, Serbia’s largest airline at the time.

Whether Gelbard’s comments had any bearing on the situation is doubtful. However, within days, Serbian security forces conducted a series of brutal military actions in the Drenica region after a KLA ambush on 28 February left four officers dead. From 28 February to 5 March, the security forces, together with armoured vehicles and helicopters, sealed off between seven and ten ethnic Albanian villages in a sweep to find KLA fighters. While members of the rebel group engaged in combat during these attacks, international observers claimed that the police had fired indiscriminately at women, children and other non-combatants. In total, eighty-three people lost their lives, including well-known underground figure, Adem Jashari, and at least twenty-four women and children.

To make matters worse, on 2 March, a large crowd of ethnic Albanians—estimated to number 30,000—gathered in Pristina for a one-hour peaceful demonstration against the violence. Not long after, the police arrived to break up the crowds and, according to local reports, intervened heavily with tear gas and water cannons. As one observer poignantly noted, Kosovo had not seen so much blood spilt since 28 March 1989. On that particular day, seventy people died in riots following the revocation of the province’s autonomy. Rather than crush the separatist movement, the authorities’ determination to silence all dissent by force had the opposite effect. Instead, they elevated Adem Jashari and the Drenica victims into national heroes, generating widespread popular support for the KLA among ordinary Kosovars.

In the aftermath of the killings, Washington dispatched Gelbard to Belgrade. Perhaps influenced by his frustration at being blamed for condoning what had happened, Gelbard, who had a poor working relationship with the president, berated him. Such abrasiveness proved to be his undoing, and on 27 March, Milošević simply refused to meet him. Gelbard did join Holbrooke on his first trip to the region in May, but as he disappeared from the scene not long after, it turned out to be little more than a face-saving gesture. With this breakdown in communication, the administration

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10 Ibid.
14 Vreme, “Kosovo: A Bloody Weekend In Drenica.”
15 See Appendix: Richard Miles
had no one who could meet with Milošević. As the U.S. Ambassador to Macedonia, in early May, Secretary Albright appointed Christopher Hill as Special Envoy to Kosovo. While Hill took on Gelbard’s duties, he was also joined, on occasion, by Richard Holbrooke due to his prior experience with Milošević. However, despite being depicted as the special envoy, Holbrooke was not a full-time government employee. The missions he carried out were at the request of President Bill Clinton and Secretary of State, Madeline Albright.

Before the European Union (EU) foreign ministers’ appointment of Wolfgang Petritsch as their Special Envoy in October 1998, the primary interlocutor was Christopher Hill and, to a lesser extent, Richard Holbrooke. In March, the EU appointed former Spanish Prime Minister Felipe Gonzales—already the Organisation for Security and Co-operation in Europe’s (OSCE) designated representative—to act as their mediator. Milošević, however, on the grounds that Kosovo was an internal affair, continually refused to accept Gonzales. Aware of the power dynamics at play, Milošević sought a repeat of the Dayton constellation. What this meant was that over the course of the year, time and time again U.S. diplomats got direct access to the president while the EU remained on the outer. Similar to what transpired at Dayton with the Bosnian-Serbs, for Milošević, this meant the FRY on the one side, the United States on the other, and together, they would conduct negotiations which excluded the Kosovars.

In response to the surge in violence, the Contact Group foreign ministers met in London on 9 March to discuss Kosovo and the FRY’s unacceptable use of force. The United Kingdom (U.K.), in its position as holder of the EU’s rotating presidency, was responsible for calling the emergency meeting. Representing the EU, British Foreign Secretary, Robin Cook, had earlier flown to Belgrade on 5 March to urge Milošević to negotiate Rugova’s demands for autonomy. Rebuffing the Foreign Secretary’s appeal for restraint, his security forces launched a fresh attack on suspected KLA strongholds in Drenica, even as Cook was in Belgrade.

The brutality of the offensive, together with the diplomatic snubbing of Cook, elicited a response from the Contact Group which issued a joint statement on 9 March. Illustrative of a shared interest to avoid a repeat of the Bosnian War, the first paragraph stated that ‘the Balkans region has seen too much bloodshed in recent years for the international community to stand aside’.

17 Discussion with Wolfgang Petritsch
18 The six representatives at the ministerial level were foreign ministers Hubert Védrine (France), Yevgeny Primakov (Russia), Klaus Kinkel (Germany), Robin Cook (UK), Lamberto Dini (Italy); as well as Secretary of State Madeline Albright (U.S.). Igor Ivanov replaced Primakov as Foreign Minister of Russia in September 1998. From October, Joschka Fischer served as Germany’s Minister of Foreign Affairs.
(a) support a Security Council resolution of a comprehensive arms embargo against Yugoslavia, including Kosovo
(b) refuse to supply equipment to the FRY that might be used for internal repression, or for terrorism
(c) deny visas to senior FRY and Serbian representatives
(d) suspend credit government-financed exports to Yugoslavia

Due to a sense of pan-Slavic unity it shared with the Serbs and the fact it was the FRY’s main natural gas and oil provider, Russia refrained from supporting sanctions (c) and (d). However, the Russian government went along with the other five countries to set Milošević a deadline of 19 March to achieve the following:
- withdraw special police units and cease actions against the civilian population
- allow access to Kosovo for humanitarian organisations and representatives of the Contact Group and other embassies
- engage in a commitment to find a political solution with the Kosovo Albanian leadership

If these steps were not met, the FRY and Serbia would face an immediate freeze on funds held abroad. The ministers decided to meet in Bonn on 25 March to assess Milošević’s response. On the final day of the deadline, the Yugoslav president made a last-minute move to avoid the freeze in talks with French Foreign Minister, Hubert Vedrine, and his German counterpart, Klaus Kinkel. Firstly, Milošević told the foreign ministers that most paramilitary police had been pulled out of Kosovo. Secondly, while still rejecting Gonzales, both ministers managed to convince Belgrade to unconditionally open dialogue with Kosovar leaders on the status of the province. Although both conceded that a breakthrough had not yet been made, they saw the concessions as a substantial step toward breaking the diplomatic impasse. However, Gelbard, speaking in Pristina that same day, was less enthused by these steps since he adjudged that the Contact Group’s main demand—the removal of special police units—was yet to happen. Furthermore, there was an apparent government policy to block the efforts of diplomats and humanitarian organisations to enter parts of the province. Gelbard was perturbed by the ‘utter lack of progress’ by the government to meet the Contact Group’s demands.

Milošević failed to meet the 19 March deadline, but Russia, Italy, Germany and France found reason to be encouraged by some of the steps taken. With the U.S. and Britain compelled to forgo immediate new sanctions, the prospect of starting a political dialogue between Belgrade and Kosovar leaders remained elusive. The U.S., supported by Britain, pressed for tougher measures, specifically

21 Ibid.
25 The American Centre Pristina, "Special Representative Robert S. Gelbard Press Briefing (Unofficial Transcript)," Press Release, 18 March, 1998. That same day, U.S. diplomats were blocked from entering villages near Srbica, a municipality in Drenica.
the freezing of Serbian and Yugoslav government funds held abroad. They were met with stiff opposition from Moscow which, in short, opposed further sanctions. Moscow had a vested interest in seeing an end to sanctions considering Belgrade already owed it more than $200,000,000 million for gas supplies.  

The Italians, who had numerous public sector contracts in the FRY, also opposed attempts to impose an immediate arms embargo and severe economic sanctions. Keeping in mind the recent compromise they had secured, Kinkel and Védrine believed that positive incentives, not just punitive ones, should be used to secure Belgrade’s cooperation. To cover up their failure to adopt a joint approach and having already given Milošević a further seven days to comply, they granted Milošević an additional four-week grace period until 29 April.

Following the principles enshrined in the earlier Contact Group statements of 9 and 25 March, the UN Security Council adopted Resolution 1160 on the 31 March. Condemning in equal measure the ‘excessive force’ employed by Serbian police and the ‘acts of terrorism’ by KLA fighters, the Security Council banned the import of arms, munitions and other military material into the FRY. Since both sides were already well armed, the embargo was largely symbolic as it contained no sanction in the event of non-compliance. Russia, moreover, only voted in its favour after the Resolution’s sponsors—the U.S. and U.K.—dropped a Chapter VII reference stating that the situation posed a threat to international peace and security. Enforcement mechanisms aside, Resolution 1160 still put pressure on Belgrade to pursue political negotiations with the Kosovars. It was significant in that the international community, as represented by the Contact Group and now the Security Council, was making it quite clear to the FRY and Milošević, that it needed to deal with the Kosovo issue.

In light of Resolution 1160, it is necessary to clarify what the international community meant when it termed ‘the use of force’ by the MUP, and later the VJ (Yugoslav Army), as either disproportionate or excessive. In any balanced analysis of the security forces’ methods, one must first acknowledge the provocative acts of the KLA and the violence they committed—against both Kosovars and Serbs. In Kosovo, however, the use of heavy weapons such as tanks and artillery to directly support police operations, represented a grave departure from any pretence of ‘normal’ policing. Over the coming year, the essence of the international community’s protestations centred on how the Army was routinely sighted working alongside the MUP. Generally speaking, as is the norm in most Western countries, observers and verifiers expected to see the police operating inside Kosovo while the Army guarded the border and sealed infiltration routes. Joint MUP/VJ operations not only

29 Russia consistently refused to accept a reference to Chapter VII of the UN Charter. Under Chapter VII, the Security Council could authorise the use of force “as may be necessary to maintain or restore international peace and security.”
30 See Appendix: John Drewienkiewicz
went beyond the realm of normal policing but, more importantly, suggested some Army units were being subordinated to the Ministry of the Interior.

With half of the population unemployed and the government recently devaluing the Yugoslav dinar, Milošević played the nationalist card. Rather than meeting the Group’s key demands, the withdrawal of special police units and the participation of Gonzales, the Yugoslav president proposed a referendum on whether foreigners should mediate in talks in an open letter to Serbian officials. The hours of speeches Serbian lawmakers delivered prior to approving the request, made a resounding ‘No’ a forgone conclusion. ‘The United States’, one speaker charged, ‘has always supported our enemies and now it wants to destroy the Serbs. If we accept mediation, we would be signing our capitulation’. Such statements conveniently ignored the fact that the general international consensus opposed an independent Kosovo. On 23 April, the poll yielded the expected result: ninety-five percent of voters rejected international involvement. The referendum allowed Milošević to draw attention away from the increasing economic squeeze on Serbia. It transferred the blame for imminent sanctions onto the public, who, ultimately, voted to resist the international community’s demands.

Strengthened by the display of domestic support, Milošević bolstered the MUP’s presence in Kosovo. Beginning in April, it was a regular occurrence to see various VJ vehicles repainted from VJ colours into MUP colours—from green to blue. With that said, the Contact Group assembled in Rome on 29 April. Finding the two major conditions of 9 March unfulfilled—withdraw special police forces and begin talks with the Kosovar leadership—all of its members (except Russia) immediately placed a freeze on funds held abroad by the FRY and Serbian government. If Belgrade did not adopt a ‘stabilisation package’ by 9 May, the Contact Group (excluding Russia) promised to implement measures to stop new investment in Serbia. These were:

- cession of repression by the authorities in Belgrade (as specified in UNSCR 1160), and a strong condemnation of terrorism by the Kosovo Albanian leadership
- re-opening of the OSCE missions in the FRY, including Kosovo
- concrete intercommunal confidence-building measures (implementation of the education agreement according to the agreed timetable)

A somewhat watered-down variant of the Group’s earlier demands, the ‘stabilisation package’, placed the focus squarely on Milošević. Belgrade had already withdrawn most of its money from foreign banks, placing it in private accounts abroad. The freeze on assets, therefore, was unlikely to have an impact. The freeze was part of an approach fashioned by the U.S. and its European partners to eke

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33 Milasin Ljubomir, “Kosovo Crisis Deepens After "No" Vote,” Agence France-Presse, 24 April 1998.
34 "Statement of Witness Colonel (Ret.) John Crosland," (ICTY, 30–31 October 2006), 7. During 1998, John Crosland was stationed in Belgrade as the British government’s Defence Attaché. His role was to advise the British Ambassador there on military matters.
out concessions from the Yugoslav president.\footnote{James Foley, "U.S. Dept. of State: Daily Press Briefing," M2 Presswire, 1 May 1998.} If Belgrade did not meet the framework for talks by 9 May, the disincentive was the additional penalty of blocking new investments in Serbia. In so far as incentives were concerned, if Milošević responded positively to the above measures, the Contact Group was willing to ‘promote a clear and achievable path towards Belgrade’s full integration into the international community, including participation in the OSCE’.\footnote{Contact Group Statement, Rome, 29 April 1998. Reproduced in Krieger, ed. The Kosovo Conflict and International Law, No. 71, 140–41} Milošević now had a clear pathway in two directions.

On the eve of the 9 May deadline for fresh sanctions, Milošević failed to reach a compromise when he once more rejected mediation by Felipe Gonzales, the joint envoy of the EU and OSCE. At the same time, those who professed to speak for the KLA took an equally hard-nosed position. For instance, on the day of the Contact Group’s Rome declaration, the KLA released a statement to the Pristina daily Bujku declaring that the goal was, ‘the liberation of Kosovo and the unification of Albania’s occupied territories’.\footnote{BBC Monitoring Service: Central Europe and Balkans, "Kosovo Albanian Rebels Call on Albanian Politicians to Support Them," 1 May 1998.} Worryingly, up to 20,000 Albanians in Pristina—who had demonstrated for thirty days straight for independence— for the first time began voicing their support for the militant group.\footnote{Srdjan Ilic, "Police Break up 30,000-Strong Protest in Kosovo." Associated Press Newswires, 3 March 1998.} As mass support for the hard-line stance swelled and the pressure mounted for Milošević to start talks with the independence-minded Kosovars, President Clinton and Secretary Albright dispatched Richard Holbrooke to Belgrade on 9 May.

Using both threats and incentives, Holbrooke, together with Robert Gelbard and Christopher Hill, shuttled between Belgrade and Pristina. After five days of shuttle diplomacy, on 13 May Holbrooke announced that the U.S. mission had arranged a face-to-face meeting between Milošević and Rugova to take place on 15 May.\footnote{American Centre Pristina, "Statement by Ambassador Richard C. Holbrooke, Belgrade," Press Release, 13 May, 1998.} That Milošević agreed to talk to the Kosovar leader at all was considered a breakthrough: it was the first time he had met with an ethnic Albanian leader from Kosovo since 1989. The actual meeting produced no tangible breakthrough, ending only with the tacit understanding it would kickstart weekly negotiations—held in alternating sites—on the future status of the province. A delegation picked by Rugova and officials chosen by the Yugoslav President, subsequently entered into dialogue on 22 May. At that stage, a compromise appeared unlikely.

To encourage Milošević to begin a dialogue with Rugova, U.S. diplomats had reportedly carried a presidential decree which threatened sanctions much tougher than those of the Contact Group. This paper identified well-connected businessmen and top officials who would be prohibited from travelling to the West. The same document also listed a sizable portion of foreign-based property

\footnote{Groups of experts from each side met in Pristina to discuss “confidence building measures” on 22 May before the talks dissipated.}
belonging to the FRY that would be frozen should Milošević be uncooperative.\textsuperscript{41} Most important of all, Robert Gelbard sent a clear signal to Belgrade of the additional benefits if it cooperated further. In return for meeting Rugova and promising not to obstruct the talks, Gelbard pledged to recommend to the other Contact Group countries on 16 May that they lift the earlier investment ban.\textsuperscript{42}

Obtaining Rugova’s agreement to the meeting proved more of a challenge. In return for doing so, he was promised the support of Washington, which would lend him strong personal backing, and measures to stop the flow of money from foreign-based Kosovars going to the KLA.\textsuperscript{43} Nevertheless, bearing in mind that his party had split into two and that he was fast losing credibility, he had little choice but to accept Holbrooke’s terms. On the political front, the problem for Rugova was that, in meeting Milošević, he had dropped a longstanding demand that foreign mediators take part in any talks. The insurgents and hardliners to Rugova’s left KLA feared that he would bow to pressure to compromise on the demand for full independence, something which U.S. diplomats had backed Milošević in ruling beforehand. The encounter itself, and Rugova’s decision to go ahead with follow-on talks, ruptured the so-called ‘G-15’—a broad-based political advisory group to the LDK leader.\textsuperscript{44} Two members on the team, Hydajet Hyseni—a former LDK deputy— and Bujar Dugolli—the students’ representative—walked out in protest. Their departure effectively signalled the end of the G-15, because, among the others, no one else had contacts with the KLA. It made talk of a ceasefire or withdrawal of the security forces, academic at best.

On 19 May, the Contact Group cancelled the foreign investment ban, and on 26 May, the EU suspended an earlier investment ban on the FRY. When Rugova and two other members of the G-15 travelled to Washington at the end of the month, it was seen as an opportunity to increase the LDK’s credibility at home. Despite the U.S.-led peace talks, the violence continued to escalate. Units of the KLA were now mounting daily attacks on Serbian police and, at the time, had closed off one of the province’s main east-west arterial routes—the Pristina-Peć highway.\textsuperscript{45} One day after the 15 May meeting, the Serbian parliament had even passed a law imposing a food-blockade on Kosovo.\textsuperscript{46} The timing of the trip, therefore, turned out to be a public-relations disaster. Moreover, as Rugova extended his tour to include European capitals, Serbian forces began a new offensive. The trip abroad and timing of the food-blockade could not have come at a worse time for Rugova. It fuelled his critics’ argument that he was out of touch with ordinary people.


\textsuperscript{46} Ibid.
As the prospect of restarting talks between Belgrade and a unified Kosovar negotiating team diminished, U.S. diplomats would reassess the policy of no contact with the KLA. Rugova still remained the preferred interlocutor. However, it was only because of Washington’s continued support that he was not yet politically ‘dead’. Notwithstanding Gelbard’s prior description of the KLA, an effective cease-fire required the participation of those who professed to speak on the movement’s behalf. Although numerous statements were issued from a supposed KLA General Staff, denoting that in some way it possessed a coherent chain of command, these statements—more often than not—came from a group based in Switzerland known as the Peoples’ Movement of Kosova (LPK). Together with the ethnic Albanian politicians inside Kosovo, the LPK was but one of many émigré groups trying to establish its credibility in the eyes of international negotiators. On the ground, however, real power rested with local warlords or KLA area commanders.

**NATO’s Show of Force and the Arrival of KDOM**

The deteriorating situation on the ground prompted the sixteen permanent representatives of the North Atlantic Council (NAC) to consider possible military-political responses. Until this point, NATO military planning in the region had mostly focused on the 30,000-strong NATO-led stabilisation force in Bosnia—courtesy of the Dayton Agreement—and the renewal of its mandate set to end in June. The growing intensity of the acts of violence committed by both sides, particularly the scorched-earth tactics of government forces, aroused concern about the conflict’s impact on wider regional stability. As at 4 June, alongside the 42,000 internally displaced persons it reported to be inside Kosovo, the UN’s High Commissioner for Refugees (UNHCR) had registered some 6,500 refugees. That number was gradually increasing. The flow of refugees to Albania presented NATO’s Partnership for Peace (PfP) mechanism with its first real test. Fearful of the threat that the fighting posed to its borders, earlier in March Albania had become the first of the forty-four PfP member countries to request emergency consultations.

Simultaneous to these developments, the Council gathered in Luxembourg on 28 May. Believing that Milošević had a ‘special responsibility’ to achieve a political solution with the Kosovar leadership, the ministers voiced their support for a solution that preserved the FRY’s territorial integrity. In relation to Kosovo, the Alliance’s objectives were clear:

- we want to support a peaceful resolution of the crisis

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49 The North Atlantic Council is NATO’s principal political decision making body, bringing together high level representatives of all member states. All decisions are made on a consensus basis.
we want to help stabilise the security situation in the region.\footnote{North Atlantic Treaty Organisation, "Remarks to the Press by Secretary General Dr. Javier Solana," Press Release, 28 May, 1998.}

With these two objectives in mind, a series of initiatives was approved which sought to promote regional security and prevent the conflict from spreading. To enable NATO to respond quickly, the ministers called for plans to be drawn up on possible preventative deployments in Albania and Macedonia. Making it plain that no option, not even direct military intervention was being ruled out, Secretary General Javier Solana pointedly noted that NATO “will consider further deterrent measures if the violence continues; let me stress, nothing is excluded.”\footnote{"Remarks to the Press by Secretary General Dr. Javier Solana,” 28 May 1998.} In the meantime, a ‘graduated response’ was adopted. These measures included PfP military exercises in both Albania and Macedonia as well as a NATO naval force to visit the Albanian port of Durres. With 34,000 peacekeeping troops still in Bosnia, the ministers were understandably hesitant about becoming ensnared in another Balkan commitment. Therefore, to encourage Milošević’s co-operation, the threat of military action was used as a means by which he could be brought back to the negotiating table.

In an attempt to engage the KLA into some sort of dialogue, Hill and Holbrooke ventured to the Western Kosovo town of Junik on 24 June. In the guerrilla-controlled area, the two negotiators met with armed and uniformed members of the movement, one of whom portrayed himself as the group’s spokesperson. Instead of a tacit show of support for the KLA, these were exploratory contacts to see if the group was organised and, if so, whether it was possible to bring them to the negotiating table. With television cameras recording the scene, it became a standing joke throughout Kosovo when photos appeared that displayed Holbrooke, sitting down shoeless, next a man said to be a top leader.\footnote{See Appendix; Wolfgang Petritsch} Although the uninformd people they met were KLA, they had no real rank or position— one of them was a poet residing in Scandinavia. Ultimately, what Holbrooke and Hill discovered, was that for the KLA, there was no form of centralised direction or a central point of contact.

The lack of precise military structures made it difficult to assemble an ethnic Albanian negotiating team. Within the KLA itself, there were said to be three sharply confronting factions.\footnote{Belgrade BETA in English, “BETA Sees UCK ‘Seriously Shaken’,” Beta News Agency, 30 July 1998.} The first, holding the Drenica region, saw independence as the only solution to end the fighting and refused negotiations on anything else. The second, a stronger faction, located in Mališevo, wished for internationally mediated talks but declined to have Rugova as the Albanian representative. Meanwhile, a third bloc, which was the least supported option, recognised Rugova and wanted talks.

Subject to both countries’ approval, on 11 June the Military Committee (MC), with a mandate by the Council, authorised immediate demonstrative air exercises over Albania and Macedonia.\footnote{North Atlantic Treaty Organisation, “Statement on Kosovo Issued at the Meeting of the North Atlantic Council in Defence Ministers Session,” Press Release, 11 June, 1998.} As a forum where the Chiefs of Defence of all NATO countries met, the MC translated the Council’s...
political guidance into a directive for the Supreme Allied Commander. Staged as a means by which to exhibit their resolve in ending the fighting, on the morning of 15 June, eighty-five aircraft from thirteen NATO countries flew across both countries. The deployment of so many aircraft flying as close to the FRY border as possible, with only four days’ notice, sent two messages to Milošević. The first was straightforward: the President needed to stop his forces’ indiscriminate violent tactics, which were driving out the ethnic Albanian population. The second, and most important, was the message it sent: NATO possessed the ability to project overwhelming power and had the ability to do so at short notice.

When Milošević attempted to accept some of the Contact Group’s requirements, it appeared that NATO’s military posturing had produced the desired result. The day after NATO air exercises, Russian President Boris Yeltsin personally invited Milošević to Moscow to impress upon the Yugoslav president the need to meet the Group’s requirements. The Russian president’s involvement was also a carefully feigned move to scupper the plans of some states—such as the U.S. and U.K.—who called for air strikes against the FRY to force Milošević into compliance. In a joint declaration with the Russian leader on 16 June, Milošević accepted some, but not all, of the demands set out in the Contact Group’s June 12 statement. While he agreed to ensure the unimpeded return of all displaced persons and refugees and restart talks with Rugova, no mention was made of the central demand which was:

(a) cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression

Sidestepping the demand, he instead offered to reduce the security forces’ presence ‘outside areas of their permanent deployment’ once ‘terrorist activities subside’. The written declaration in Moscow between Milošević and Yeltsin contained a caveat, in particular, the offered guarantee of absolute freedom of movement in Kosovo for diplomats accredited in Belgrade. For the international community, the move was a positive step, signalling a slight change to the FRY policy of resistance to the internationalisation of the conflict. An agreement for the creation of an international observer mission, known as the Kosovo Diplomatic Observer Mission (KDOM), came about later when U.S. diplomats returned to Belgrade at the beginning of July. The possibility of bringing both sides around a table to end the violence was slim, so Hill focused on trying to convince Milošević to accept an observation mission. Initially, he refused, but Hill pointed out that he had allowed diplomats accredited to Belgrade, to visit Kosovo. Milošević replied flatly, “Yes, but they are diplomats

58 Ibid.
accredited to our country; they are not international monitors." 60 That said, Milošević did not mind if
a group of diplomats went around Kosovo reporting what they saw. With that sorted, KDOM was
born.

Milošević was a manipulative, astute politician. The decision to allow international observers
into Kosovo was indicative of how he regularly used public opinion to his advantage. The Russian
mediation effort was an important breakthrough. By convincing the Yugoslav president that a degree
of international involvement would be needed, Kosovo was no longer a strictly ‘internal’ problem.
Only two months earlier in April, he adamantly opposed the presence of international observers. As a
way to consolidate his power base, he called a referendum and the public voted overwhelmingly
against foreign involvement. Yet, when Milošević nonchalantly changed his mind, international
observers quietly arrived in July without a public uproar.

Diplomats accredited to Belgrade conducted the first monitoring mission on 6 July. Under the
vague auspices of the Contact Group countries, KDOM eventually grew to between 800 to 1000
personnel, which, to a great extent, were divided into units subordinate to their respective
ambassadors in Belgrade. 61 The free-standing organisation had three teams: one staffed by the
Russians, a second under the aegis of the EU and a third run by the U.S. KDOM participants were
unarmed which helped keep them out of trouble but also limited their ability to apply pressure to the
opposing sides. 62 In an environment where both sides lobbied the press with claims which were often
outlandish, it was difficult for the international community to have accurate, up-to-date information.
Therefore, given its limited capabilities, the core function of KDOM was to help ascertain the facts on
the ground. Travelling throughout Kosovo KDOM observers worked for the countries involved, their
reports bringing a sense of reality to what was happening. The missions were sometimes useful in
getting the two sides to back off but, in the end, they were too small, too diffuse and lacked the
resources to make a difference.

Despite the Military Committee’s 11 June authorisation, there was no consensus on any further
use of military instruments. For NATO to be effectual in crisis management, it needed clear objectives
as to what it was trying to achieve. However, as General Klaus Naumann, the then Chairman of the
Military Council recalled, the problem was that none of the member states had clearly defined
national interests in Kosovo. 63 When it came to taking the next step, each country had different
domestic political considerations to take into account. Several states, such as Spain and Turkey, were
fighting terrorists on their territories and did not want to create any precedent. For Turkey, the fear
was that the militant Kurdistan Workers’ Party might at some point gain acceptance as a legitimate

60 Christopher R. Hill, Outpost—Life on the Frontlines of American Diplomacy: A Memoir (New York: Simon
and Schuster, 2014), 131–32.
61 See Appendix: Richard Miles
62 “Interview with Ambassador Richard M. Miles, 2 February 2007.” Foreign Affairs Oral History Collection,
63 See Appendix: Klaus Naumann
movement and attract international support. Similarly, in a point often overlooked, it was on account of these concerns that NATO qualified the KLA in the Luxembourg Ministerial as a terrorist group.

The period between the Yeltsin-Milošević meeting through to the end of July saw a decline in the number of security operations by Serbian police. NATO’s actions undoubtedly had a cooling effect on FRY and Serbian forces. However, as those forces retreated, KLA fighters pressed ahead with their own military activities. At the time of the Drenica killings, the group had little popular support and could boast no more than a couple of hundred fighters. Now, according to U.S. intelligence assessments, the rebels commanded the sympathies of most Kosovars and had around 2,000 hard-core members. The surge in popularity added a dangerous new dimension to the conflict. On 25 June for instance—three days out from 1389 Battle for Kosovo Polje anniversary—the KLA struck a psychological blow when it seized the Belačevac open-cut coalmine on the outskirts of Pristina. Although there were questions as to why Belgrade allowed the guerrillas into such a strategically important area—there were two VJ bases within eight kilometres of the mine—this was the first time the rebels had overrun a major industrial asset.

Contrary to the wishes of the international community, Kosovar leaders argued that an independent Kosovo would contribute to regional security, eliminating the popular concept of Albanian irredentism among Kosovars. The fundamental problem of even considering the Kosovars’ calls for independence was that it threatened the stability of neighbouring Macedonia and Albania, both of whom rejected the Kosovar demands. The idea of promoting their calls for independence, which rested on the principle of ethnic identity, set a dangerous precedent. The overriding fear was that the ethnic Albanian population from Western Macedonia could make claims to join the new state.

As the Contact Group analysed the extent to which the government in Belgrade had respected its June demands, diplomats of the six countries turned their attention to the KLA. At a meeting in Bonn on 9 July, the diplomats announced, for the first time, that they were to present both sides with a blueprint for a peace plan. Although the exact details remained somewhat vague, the parameters were clear: full independence was ruled out but any settlement would restore the autonomy that Kosovo had prior Milošević revoking it in 1989. The resulting statement, which came as a blow to

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65 See Appendix: Klaus Naumann
Rugova’s prestige, noted that ‘the Albanian team, for all these talks, must be fully representative of its community in order to speak authoritatively’. In other words, the door was now being left open for someone who could deliver the KLA vote. Thereafter, having tasked the negotiators to start working on the terms of a final settlement, Christopher Hill’s team embarked on another round of shuttle diplomacy between Pristina and Belgrade.

While diplomats acknowledged that the responsibility for the bloodshed lay with Serbia, they were equally critical of the insurgents. To date, the demands imposed on Milošević, such as the withdrawal of his security forces, were regarded as the first step toward a political settlement. Now, asking government forces to only respect a ceasefire, the Contact Group demanded action be taken to stop Albanians abroad sending money and weapons to the KLA. There was the realisation that the growth of the KLA—left unchecked—risked a wider war across the Southern Balkans.

Having quickly established themselves as a credible fighting force, the ethnic Albanian rebels then tried to organise their swelling ranks into co-ordinated units. From a military perspective, the rebels maintained two key advantages over Serbian forces: they benefited from having intimate knowledge of the terrain, and with ninety-percent of Kosovo’s population being ethnic Albanian, they enjoyed an endless supply of manpower. The KLA’s physical control of large parts of Kosovo—said to be as much as forty percent—provided them with good reason to be bullish. In a July directive, the VJ’s Chief of the General Staff stated that the insurgents had succeeded in taking control of the general area of Drenica and Mališevo and two towns in the Suva Reka municipality. In addition, Jasić in the Đakovica district to the West, three towns in Dečani municipality and, finally, a town in Klina municipality in the Peč district had been overtaken. The decision to take their fight for independence into the province’s urban centres, however, would backfire.

In what represented a significant new phase of the fighting, KLA fighters launched an attack on the south-central Kosovo town of Orahovac. The attempt to gain a foothold in the city of 20,000—where ethnic Albanians made up eighty-percent of the population—began on 19 July and was the KLA’s first major offensive. Up until then, the insurgents had only contested small villages where it knew it had strong support among local inhabitants. During the assault, an estimated eighty-five Serbs were taken into custody. Although thirty-five of these people were released, the rest never returned. The offensive failed miserably, the government retaking the city two days later. The debris of the battle was the most obvious sign yet that the government still had access to vastly superior firepower.

On the diplomatic front, the provocative actions of the KLA and absence of a common ethnic Albanian front for negotiations, played into Milošević’s hands. Taking advantage of the goodwill

generated by KDOM, Serbian and Yugoslav forces proceeded to launch a sweeping counter-offensive aimed at destroying the insurgents’ support networks, especially those in the border region with Albania. As its declaration of 9 July indicates, the Contact Group countries did not expect Serbian forces to sit back as the KLA armed itself, trained new recruits and carried out attacks that gave it control of broad swathes of the province. NATO ministers, who, in June, warned Milošević of possible air strikes unless he met UN demands, doubled down too. U.S. Secretary of Defence, William Cohen, perhaps articulated NATO’s position best, “We do not want to see Mr. Milošević indulge in the kind of attacks upon innocent civilians and disproportionate force that has been used in the past and, by the same token, we do not want to see any action taken […] that could then be construed as lending support […] for those who are seeking independence”.

Throughout the operations, which lasted until late September, special police units and the VJ managed to reclaim much of the territory. After re-establishing control of Orahovac, government forces pushed on, capturing the KLA’s headquarters in Mališevo, as well as important strongholds in Likovac (central Kosovo) and Junik. Only in the Drenica valley, near their fallen base of Likovac, was the KLA still holding out. The speed of the reversals prompted Adem Demaçi—who KLA commanders had appointed to be their ‘political representative’—to suggest that the rebel force should no longer try and defend territory against superior Serbian firepower. The KLA, moreover, would regroup and adopt ‘the tactics of the classic guerrilla struggle’.

After a month of heavy battlefield losses, the negotiators’ focus shifted to mainstream ethnic Albanian political leaders. The strategy of the U.S. diplomats leading the peace efforts was to build momentum behind the Rugova-backed group—who remained the best bet for a negotiated compromise—and to hope that the KLA would join at a later date. The insurgents’ shift in fortunes, therefore, paved the way for Rugova to regain some of the ground he had lost. Indeed, when the Kosovar politician unveiled a five-member negotiating team for talks with Christopher Hill in early August, the group, not surprisingly, lacked any rebel representatives. Despite rebel leaders refusing to respond to an invitation to join the team, Hill’s efforts bore fruit. They produced what Hill called a ‘procedural breakthrough’—namely, an informal agreement between the Yugoslav President and Kosovar leader to postpone discussion of Kosovo’s long-term legal status.

The first formal draft of what came to be known as the ‘Hill Plan’, was presented on 1 October. Instead of granting Kosovo its own legal entity, the basic unit of government resided in what were called communes. In short, they held ‘exclusive responsibility for carrying out the typical functions

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76 International Crisis Group, Kosovo’s Long Hot Summer, 5.
78 Jeffrey Smith, "Discussion Of Kosovo’s Legal Status Postponed; Deal Reached Despite Key Issues Pending," The Washington Post, 3 September 1998.
of local and regional government’. The communes’ sphere of control lay in areas such as law enforcement, public works and town planning.\textsuperscript{80} Belgrade, meanwhile, had responsibility in relation to territorial integrity, monetary policy, as well as defence and foreign policy. There was one significant grey area: any concessions toward looser ties between republic and province could be reviewed after a three-year ‘stabilisation period’ to allow for the re-establishment of democratic institutions.\textsuperscript{81} Under the plan, the aim was to essentially deal with issues other than independence, such as, laying the ground for general elections and to give the resulting Kosovar leadership local political autonomy. Despite promising signs, there remained many obstacles, none more so than the continued presence of thousands of heavily armed Serbian and FRY forces.

The methods employed by Belgrade’s forces, especially their extensive destruction of villages, continued to draw international attention. By the middle of September, an estimated 6,000 to 7,000 buildings in 269 villages were said to have been either severely damaged or destroyed.\textsuperscript{82} During the government offensive, the fighting marked a significant shift in how Belgrade used its forces in Kosovo. The VJ routinely provided support fire with tanks and artillery before MUP units entered villages on foot.\textsuperscript{83} To anyone familiar with Serb tactics during the Bosnian War, the massive use of artillery against civilian villages was a standard Yugoslav National Army (JNA) tactic aimed at terrorising the civilian population into fleeing.\textsuperscript{84} A June memo from the General Staff sent to VJ units, instructing commanders to use their discretion when identifying terrorists in a civilian area, outlines the basic approach. Essentially, if insurgents were said to be using civilian building for observation, they too were considered terrorists and would not be treated any differently.\textsuperscript{85} This meant that if a village was suspected of harbouring KLA fighters, the whole village could be razed to the ground.

In light of the atrocities seen in Bosnia and Croatia earlier in the decade, the severity of the offensive deeply concerned Western governments. Between July and October 1998, Sadako Ogata—the UN High Commissioner for Refugees (UNHCR) — issued a number of reports on the situation in Kosovo. These reports, by and large, criticised the Belgrade authorities. While the pattern of displacement was not always clear— often complicated by those who left their homes and then returned—its causes were regarded as somewhat straightforward, namely, that the number of displaced persons had increased dramatically as the Serbian/FRY forces reversed the KLA’s gains. The UNHCR reported in July that 100,000 Albanians had been forced from their homes in July;

\textsuperscript{80} First Draft Agreement for a Settlement of the Crisis in Kosovo, 1 October 1998. Reproduced in Krieger, ed. \textit{The Kosovo Conflict and International Law}, No. 93, 155.
\textsuperscript{82} Ibid., 222.
\textsuperscript{85} Reminder for Yugoslav Army Members Engaged in Areas Affected by Sabotage and Terrorist Activities (Draft Translation),” (Yugoslav Army General Staff, June 1998), 8.
another 100,000 followed in August. Come October, Ogata would report that more than 200,000 persons remained displaced in Kosovo; of this figure, 80,000 were believed to be in neighbouring countries, in particular, Albania (20,000) and Montenegro (45,000).\(^\text{86}\) While the Commissioner consistently expressed concern for all victims of the conflict, she held the Serbian and Federal military presence as the principal cause of the violence.\(^\text{87}\)

**UN Security Council Resolution 1199 and the ‘October Agreements’**

As the situation in Kosovo affected no member state’s vital interests, major powers were split over whether the Alliance could use force—to push both sides to a settlement—without a mandate from the UN Security Council. Given opposition from China and Russia, there was considerable doubt as to whether the Council could pass a resolution supporting such an action.\(^\text{88}\) Moscow, as alluded to in Chapter I, consistently opposed any decisive role for NATO. The U.K. and France agreed with Russia on the need for a UN mandate, while both countries supported NATO’s military planning, they pledged to support a UN vote authorising NATO air strikes. Russia vehemently opposed both.\(^\text{89}\) However, U.S. Defence Secretary William Cohen, referring to the right of individual and collective self-defence enshrined in Article 51 of the UN Charter, argued that NATO could threaten force without the Security Council’s explicit authorisation.\(^\text{90}\) In Secretary Cohen’s words, this would be an act ‘consistent with defending the interest of NATO’.\(^\text{91}\)

Amid fears that, with winter fast approaching, a humanitarian crisis could be looming, the UN Security Council passed Resolution 1199 on 24 September. The immediate priority was a ceasefire which would enable the delivery of urgent aid to the 50,000 people living out in the open air. It demanded that the FRY cease all action against the civilian population and called for the withdrawal of VJ and MUP units to peacetime levels—as per UNSCR 1160.\(^\text{92}\) Approved under Chapter VII of the UN Charter, it allowed for ‘punitive measures’ in the event of non-compliance.

The most contentious part of the resolution related to whether it could be used as a basis for military action. Russia voted in favour of Resolution 1199 but did so on the understanding that the Council was introducing no measures of force. Speaking to Russian reporters in New York, new

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\(^\text{88}\) At the time, both were fighting separatist movements. China had trouble in its western regions, Tibet in particular. Russia, on the other hand, was in the midst of an ongoing struggle to contain rebels in its constituent republic of Chechnya.


Russian Foreign Minister, Igor Ivanov, had made this clear. “The use of force”, Ivanov said, “whether by NATO or any other side, will generate more severe consequences and disrupt the ongoing negotiating process”. Moscow’s position was linked to its longstanding focus on constraining the use of force by NATO. To impose its view, Russia insisted on the primacy of the Security Council. In his first speech to the General Assembly, Ivanov stated, “We cannot start a precedent of using military force in a crisis without the warrant of the UN Security Council”. NATO’s fiftieth anniversary summit in Washington in April 1999, aimed at defining a new strategic mission for NATO’s purpose in the 21st century, heightening Russian anxieties about the Alliance extending its influence into the former Soviet Union.

With a Russian veto deemed a near certainty, the compatibility of the Contact Group waned. The day after Resolution 1199 was passed in New York, the NAC issued an ACTWARN — known in NATO military jargon as an ‘activation warning’. The ACTWARN, which was not binding, took the Alliance to an increased level of military preparedness. In particular, it allowed the Supreme Allied Commander to establish formal contact with nations and, most importantly, ask what kind of assets they would put at NATO’s disposal for air operations. The case for NATO action was construed from the final passage of Resolution 1199, which read:

 [...] Should the concrete measures demanded in this Resolution and Resolution 1160 (1998) not be taken, [the Security Council will] consider further action and additional measures to maintain or restore peace and stability in the region

The implication, therefore, was that if Milošević failed to comply with Resolution 1199, his obstruction would trigger further action, including the use of force. The reported massacre of twenty-one women and children by special police units at Gornji Obrinje on 26 September, two days after the adoption of Resolution 1199, no doubt galvanised NATO member states. This incident illustrated an important parallel between events in Kosovo and the war in Bosnia. Despite assertions by Milošević that Serbian forces were targeting only separatist guerrillas, the majority of those killed were innocent civilians, caught up in a cycle of arbitrary attacks fuelled by revenge.

**ACTWARN to ACTORD**

Frustrated by how long it took for decisions to be made in the Security Council and NATO, Secretary Albright dispatched Holbrooke at the beginning of October to pursue the same objectives as NATO but on a bilateral basis. Holbrooke kept NATO informed of the various steps and hoped that it would be prepared to implement any agreement. As Milošević was well aware of the differing views in NATO, Holbrooke told the council that he could only broker a deal if he had the threat of air

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97 See Appendix: Klaus Naumann
strikes against the FRY in his pocket.\textsuperscript{98} Despite not having a specific Security Council mandate, the Council, on 12 October, authorised an ACTORD for airstrikes against Yugoslavia. This was a major point of discussion, but the following factors swayed the Council:

- the Yugoslav government's non-compliance with earlier Security Council resolutions
- the warnings from the Secretary General about the dangers of a humanitarian disaster in Kosovo
- the risk of such a catastrophe in the light of Yugoslavia's failure to seek a peaceful resolution of the crisis
- the unlikelihood that a further Security Council resolution could be passed in the near future
- and the threat to peace and security in the region\textsuperscript{99}

In negotiations with Hill and Holbrooke the following day, Milošević, as a direct result of this pressure, agreed to a two-part verification pact to monitor the FRY’s compliance with Resolution 1199.\textsuperscript{100} The first part of the pact called for 2,000 OSCE observers who, with the government’s permission, had the right to be stationed anywhere in Kosovo. The second part contained an aerial verification regime with non-combat aircraft flying over Kosovo under NATO.

**NATO-FRY and OSCE-FRY Agreements**

The ‘NATO-Kosovo air verification regime’, signed on 15 October in Belgrade, was a fundamental departure from Milošević’s persistent claim that Kosovo was an internal affair. Complementing the OSCE mission under Resolution 1199, NATO and the FRY agreed to the establishment of an air surveillance system (AVA) for Kosovo to verify compliance by all parties. The AVA allowed unarmed NATO aircraft free reign over Kosovo. The FRY was also required to relinquish control of its airspace. Specifically, it established what was called a ‘Mutual Safety Zone’ comprising all of Kosovo and a twenty-five kilometre corridor extending beyond the province’s boundaries. While FRY fighter aircraft were still allowed within Kosovo, they could not operate during the period of flight operations by NATO-manned reconnaissance flights. Additionally, all FRY surface-to-air missiles and air defence weapons had to be either removed from the area or placed in declared military garrisons.\textsuperscript{101}

Based on the 13 October announcement, the OSCE Chairman at the time, Polish Foreign Minister, Bronislaw Geremek, moved quickly. To formalise the Holbrooke-Milošević oral accord, Geremek travelled to Belgrade on 16 October where he signed an agreement on the creation of an

\textsuperscript{98} See Appendix: Klaus Naumann
\textsuperscript{99} Secretary General of NATO Lord Robertson of Port Allen, *Kosovo One Year On: Achievement and Challenge*, (Brussels: North Atlantic Treaty Organisation, 21 March 2000). These were the same factors which the Alliance took into consideration the following March.
OSCE Kosovo Verification Mission. The different KDOMs were to act in place of the OSCE Mission pending its establishment. With an announced target of 2,000 personnel, the mission had four principal roles:

- to verify compliance by all parties in Kosovo with Resolution 1199
- to establish a permanent presence in as many locations throughout Kosovo as deemed necessary
- to maintain a close liaison with FRY, Serbian, and, as appropriate, other Kosovo authorities
- to report and make recommendations to the OSCE Permanent Council, the UN Security Council and other organisations covered by Resolution 1199

After days of tense negotiations, on 24 October 1998 the UN Security Council adopted Resolution 1203, authorising the OSCE and NATO verification missions. Bowing to Russian demands, who abstained on the resolution alongside China, the U.S. and U.K. yielded to their objections and removed language that explicitly referred to the use of force. An earlier draft resolution, submitted to the Council, had contained references that authorised international organisations to take ‘appropriate steps’ to ensure that Serbian and Yugoslav forces met the requirements of the 13 October accord. Approved under Chapter VII of the UN Charter, Resolution 1203 did affirm that, ‘in the event of an emergency, action may be needed to ensure their [verifiers] safety and freedom of action’. Furthermore, ‘relevant equipment for the sole use of the verification missions’ (NATO aircraft) was exempted from the arms embargo on the FRY. Despite Russian and Chinese objections, NATO now had the right to take action and ensure the monitors’ safety.

27 October: ATCORD is suspended

Given the two major concessions made by Milošević, and that the FRY was taking steps toward compliance, NATO subsequently agreed on 17 October to extend the ACTORD for an additional ten days to 27 October. The complexity of the situation on the ground, no doubt, played a part in this decision. On the day of the deadline, for instance, rebel fighters killed three police officers in central Kosovo, to which the FRY responded by sending in a battle group containing tanks and anti-aircraft guns. Forty-eight hours from the amended deadline, Milošević still refused to commit to any more withdrawals.

After sixteen hours of intense negotiations, the two NATO commanders finally persuaded Milošević to agree in writing to ‘bring down the level of presence and the equipment of security forces (MUP and VJ) to normal levels’. This meant that anything deployed to Kosovo after February 1998 had to be withdrawn. Under the 25 October deal signed by Milošević and Colonel

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103 Ibid., 3–4. The fourth requirement was to supervise elections within nine months but was not pursued.
107 Record of Meeting in Belgrade
General Momčlio Perišić—the Yugoslav Army’s Chief of Staff—Belgrade was permitted to keep around 10,000 MUP personnel in Kosovo—down from 15,000. Besides three company-sized teams, each of which comprised close to 1,000 troops, all other VJ units had to return to their barracks. For the Army, however, the real concern lay in the heavy weaponry and armaments that had been either brought into Kosovo or transferred to the police.

Following the withdrawal of the Yugoslav Army and special police, NATO officials suspended its ATCORD to launch airstrikes on 27 October. Secretary General, Javier Solana, reported that, “in the past twenty-four hours, over 4,000 members of the Special Police and military units based in Kosovo are now moving back to their barracks with their heavy weapons”. While maintaining a credible threat of force, the objective was for Milošević to fully comply with Resolutions 1199 and 1203. In light of the violence that followed, the wording of the NATO statement is often overlooked. Although Solana’s statement mentions that, ‘most police and military units are returning to the level they were at before the present crisis began’, in no way does it say that the process was complete. It was the task of Kosovo Verification Mission (KVM) to verify that this process continued.

KVM was responsible for ensuring, in the form of a 2,000-member deployment, that all parties in Kosovo complied with Resolutions 1160 and 1199. As OSCE Chairman-in-office, Bronislaw Geremek appointed U.S. ambassador, William Walker, as Head of Mission (HOM), effective from 17 October. As Mission Director, Walker’s responsibilities were to, ‘report instances of progress/non-compliance or lack of cooperation from any side to the OSCE and other organisations’. Stemming from the HOM, there were six deputies of equal status, each of which was entrusted by Walker with a liaison function. Gabriel Keller, the former French chargé d’affaires in Belgrade, was the principal deputy. British General John Drewienkiewicz, who was also assigned to liaise with the VJ, held the key role of Deputy HOM for Operations. Assigned to the Secretariat in Vienna, Drewienkiewicz headed a team which, during November, carried out the overall planning for the Mission. When it came to the day-to-day running of the Mission, General Drewienkiewicz was arguably the most influential of Walker’s deputies.

Even before deployment, the KVM was a daunting logistical challenge for the OSCE. Never before had it run a mission of this size. At the time, the largest mission assembled by the OSCE Secretariat was the team it had sent to Croatia in early 1998. There, the target was a planned ceiling of around 200 people. However, six months later, the number of international verifiers in Croatia was still well below that figure. Rather than a country sending a group together, the participating nations

110 Similarly, the Kosovars were required to comply with Resolutions 1199 and 1203.
of the OSCE provided people one at a time. Therein, after it had formulated the mission, the Secretariat demanded job descriptions for each post. In theory, this entailed writing 2,000 jobs specifications. Once these were released, member states advertised for volunteers, conducting their own interviews before sending the Secretariat a list of personnel. Once nations sent names forward, paper boards were established for the selection process. This meant that if there were five candidates for a post, the board could not choose one and take the other four. As a result, there were some posts without applicants. For instance, throughout the entirety of its deployment, the KVM desperately lacked police verifiers.\textsuperscript{113}

The OSCE’s cumbersome recruiting procedures clearly showed that the international community was unable to mobilise the necessary forces to ensure a ceasefire. In reality, the only way to have ensured that the Mission was operating earlier was to have taken formed teams of people units and lent them en masse, with their equipment and procedures, to the OSCE.\textsuperscript{114} To speed up the process, in early November, John Drewienkiewicz had proposed that some of the lead countries send the OSCE a small military unit, such as one comprising a communications unit, military police, an engineer unit, a transport unit as well as a medical team. This would have enabled units to be functioning on the ground in two weeks, forming the Mission’s nucleus, while other vacancies could be filled through the OSCE’s selection process.

Six weeks after the signing of the initial mandate, Ambassador Walker wrote to Milošević on 23 November to announce that the Mission was ready to begin implementing the OSCE-FRY agreement. Concurrently, the OSCE set up an induction centre at Breznovica, in Southern Kosovo, where verifiers went through four days’ worth of training before being sent out in the field.\textsuperscript{115} Although the number of staff at this point only numbered 290, the target was to have approximately 1,500 verifiers in the region by the middle of January. Given the ponderous nature of the process, that the Mission took only six weeks to become operational, it was incredibly fast in OSCE terms.

Commanded by a Headquarters in Pristina, KVM adopted a decentralised structure. As a result, the Mission was separated into five Regional Centres (RC) which each put out field offices where they felt they were needed. Those in charge of the respective RCs, had a deputy alongside three persons designated with the role of liaison for the MUP, VJ and KLA.\textsuperscript{116} Every evening, each RC produced a report on the comings and goings in their area; this in turn was sent back to Pristina. From here, an ‘operations’ team collated and summarised the information into a report for Vienna. Mission staff were briefed the following morning. A ‘fusion cell’ also existed where, unlike the operations team, the staff had access to classified information such as aerial reconnaissance photographs from NATO. Reporting procedures focused on making the reports as impartial as possible.

\textsuperscript{113} See Appendix: John Drewienkiewicz  
\textsuperscript{114} Ibid.  
\textsuperscript{116} See Appendix: John Drewienkiewicz
Due to delays organising the mission, KVM did not carry out its first verification inspection until 11 December. An assessment concerning FRY compliance, however, was only possible once Belgrade provided information on its forces in Kosovo. Specifically, verifiers sought a baseline statement on all FRY/Serbian forces, including weapons and equipment which they had withdrawn from Kosovo as of 28 October. Compliance could then be determined according to whether these figures were increasing or decreasing. Senior officials made multiple requests for the data. Ambassador Walker put in writing such a demand addressed to Milošević, while in late November, John Drewienkiewicz led a team to the Ministry of Defence and met the Chief of the Serbian General Staff.

The difficulties KVM faced were compounded by the omission of explicit language in the mandate. Although the OSCE-FRY agreement of 16 October bore the signatures of the Polish and FRY foreign ministers, it was essentially composed by Holbrooke and Milošević. As Holbrooke had explained to Walker at a 16 November meeting in Washington, he and the Yugoslav President had fought over every word and every phrase. Milošević’s interpretation often turned out to be at odds with the KVM’s approach. The Mission’s interpretation of Para III.1, for example, was that ‘mission personnel have full freedom of movement and access throughout Kosovo at all times’.

On the contrary, the FRY’s interpretation of the same provision was that ‘full freedom of movement and access’ only referred to the ‘investigation of ceasefire violations’.

Once Milošević had signed the agreement of 13 October, the attention of Hill, Holbrooke and newly appointed EU Representative, Wolfgang Petritsch, immediately shifted toward what the next step would be. As the Holbrooke-Milošević accord was a bilateral arrangement excluding the Kosovars, Petritsch was asked by Holbrooke, and subsequently, by the EU, to go to Rugova and try and sell him the agreement. In spite of Rugova’s criticism that the Holbrooke-Milošević accords contained many weaknesses, he embraced them as a starting point. The EU subsequently announced:

it welcomes the statement of Ibrahim Rugova […] calling on the armed Kosovo Albanian groups to refrain from action which could be used as a provocation for new attacks by Serb/Yugoslav security forces and expressing his support for the Holbrooke agreement.

The best way of achieving a compromise was through Rugova. Given the unpredictable nature of the KLA and, significantly, the profound differences between rival political groups, he became a somewhat peripheral figure. While Demaçi remained the chief critic, there were others like academic...
Rexhep Qosja, who headed an umbrella grouping known as the United Democratic Movement (LBD), now clambering to supplant him. Qosja’s LBD contained a number of disgruntled former LDK members, but what counted in its favour was the fact it could boast of having close links with the KLA. At the same time, insurgent commanders still refused to completely align themselves with any political grouping. They also made it clear that they had the right to take disciplinary measures and punish ‘traitors’ who did not work for the liberation of Kosovo. Sabri Hamiti, for instance, a close adviser of Rugova, survived an assassination attempt on 24 September 1998 having stood accused of undermining the insurgents a day earlier. The various factions of the KLA still cast a foreboding shadow over any politician brave enough to seek a deal with Belgrade.

**Conclusion**

Throughout November and December, Hill and Petritsch shuttled between Pristina and Belgrade, presenting two more updated drafts of the Hill Plan. Ultimately, the plan was too ambitious in its attempt to bridge the gap between the two sides. The Kosovars, for one, wanted the principle of independence enshrined within any settlement. Belgrade, on the other hand, refused to talk about any question exceeding the autonomy of Kosovo. The fundamental flaw of the agreements was that the insurgents were not included. Indeed, from the signing of the OSCE-FRY Agreement on 16 October, to the arrival of verifiers in late November, KLA fighters, as they had done before, moved in to regain the vacated positions. The ‘October Agreements’, in no uncertain terms, showed that the international community was unable to mobilise the necessary forces to ensure a ceasefire. As a result, it became more difficult to communicate with Milošević. Though the humanitarian situation had improved, albeit fleetingly, the UN Secretary-General reported on Christmas Eve that while 100,000 had returned to their homes, a further 200,000 still remained displaced.

When one considers the overall task of the October Agreements and KDOM, it must be seen in the context of how there were two parallel lines of diplomatic activity operating. Formally, the shuttle diplomacy of Hill and Petritsch had nothing to do with these agreements. Their sole task was to procure a formal agreement on a compromise peace deal between Belgrade and Pristina. With only a brief respite to allow time for a political solution, KDOM and the agreements signed in October, were implemented simply to contain the escalation of violence.

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125 Discussion with Wolfgang Petritsch
Figure 6: Reuters Pictures, “Riot Police Block Ethnic Albanian Demonstrators,” Reuters, 2 March 1998.

Figure 7: Reuters Pictures, “Contact Group Members at News Conference in Bonn,” Reuters, 25 March 1998.
Chapter IV: Račak to Rambouillet

The October 1998 ceasefire had succeeded in reducing the number of displaced persons and civilians. Yet by January 1999, the human rights situation remained grim. The Kosovo Liberation Army (KLA) continued to launch spasmodic attacks on the Serbian police, in particular, on police vehicles, buildings and individuals. In turn, these attacks were often met by a disproportionate level of aggression by the authorities of the Federal Republic of Yugoslavia (FRY). During the first eleven days of the year, twenty-one people were murdered—both Kosovars and Serb citizens—through random acts of violence in urban centres throughout the country. In spite of the increased threats to its security, Kosovo Verification Mission (KVM) staff, which now numbered well over 1,000, started to carry out their mandate more effectively. While the Mission’s increased visibility served to restore some confidence at a local level, its future was shrouded in uncertainty. Contrary to the pledges made by Milošević and Rugova—who admittedly held next to no power over events on the ground—KLA units had exploited the North Atlantic Treaty Organisation’s (NATO) enforced stand-off, handing the VJ (Yugoslav Army) and MUP (Ministry of Interior police) a licence to bolster their position.

There is conflicting evidence as to what happened in the village of Račak on 15 January 1999. However, by piecing together reports issued by different organisations, as well as making use of the International Criminal Tribunal for the Former Yugoslavia’s (ICTY) vast online database, it is possible to build an extremely detailed picture of the events that took place. The village of Račak is situated roughly half a kilometre from the town of Štimlje in Southern Kosovo. Prior to the outbreak of war in March 1998, approximately 2,000 people lived there, but after a major government offensive that August, most had left. It was adjudged that, before the Serbian attack on 15 January, there were between 300 and 400 people in the village. KLA fighters were there too with a base near the power plant. Those who had remained were either destitute or had no relatives elsewhere to call on. Essentially they were simple village folk tending their cattle and trying to eek out a living.

In any analysis on the events of 15 January 1999, it is important to acknowledge the events of the week prior. Two KLA actions against security forces in the week prior, almost certainly served as a precursor to the incident at Račak. On 8 January, three police officers died in a well-executed KLA ambush near the town of Dulje. Two days later, another officer near Štimlje reportedly died in similar

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2 UN High Commissioner for Refugees, UN Inter-Agency Update on Kosovo Humanitarian Situation, Report 76 (Belgrade: UNHCR, 11 January 1999).
5 Organisation for Security and Co-operation in Europe, Kosovo / Kosova: As Seen, As Told (Poland: OSCE Office for Democratic Institutions and Human Rights, 1999), 625.
circumstances. Meanwhile, in another separate incident, the KLA captured eight VJ soldiers. In Štimlje, there was considerable anger over the abduction and murder of a Serb policeman from the town earlier in December. With the situation being so volatile, a build-up of MUP and VJ forces around Štimlje ensued. This included tanks and artillery, between 12 to 15 January.

According to the accounts of Serbian police and surviving residents, the attack on Račak started at 6:30am in the morning. By 7:00am the village was surrounded. In the Štimlje police station, it was stated that there was an action underway in Račak to apprehend KLA members responsible for earlier attacks on police. No mention was made of the VJ’s direct involvement. From the surrounding heights, however, small teams from the KVM and the United States’ Kosovo Diplomatic Observer Mission (U.S. KDOM) witnessed the VJ fire artillery toward Račak prior to Serbian police entering the village. Considering there was no return fire, the verifiers who witnessed the assault, saw the use of heavy weaponry as highly inappropriate. Aside from sighting artillery shells fire towards Račak, the MUP’s approach and armoured vehicles deployed on the village’s perimeter, the verifiers only had a partial view of the scene.

Verifiers had previously tried to enter the area but had been denied access by VJ roadblocks on the approaching roads. The obstruction of KVM/KDOM from entering the area was not accidental. That very morning, the Chief of Police for the area had instructed the police in Štimlje to direct KVM inquiries about events in Račak to the nearby municipal police station in Uroševac. Furthermore, in what can only be described as a remarkable coincidence for what was considered to be a routine police operation, Vlastimir Đorđević, the Serbian Interior Minister, arrived at the Štimlje police station at around 9:00am He remained there for over an hour. A witness at the station recalled that while the Minister was there, a person who introduced himself as Nikola Šainović, the Serbian Deputy Prime Minister, telephoned twice to speak to Đorđević. While the MUP turned away KVM teams, a camera crew from Associated Press (AP) was allowed to film their entry. The decision to allow a camera crew to witness the attack was a part of a concerted effort to exclude KVM.

Throughout the morning of 15 January, the Mission received a steady stream of reports from verifiers in the area about a joint MUP/VJ operation. At the time, John Drewienkiewicz was in Peć, chairing a meeting with the Regional Centre leaders. While KVM teams may have noted the build-up of MUP/VJ forces, the MUP’s liaison officer—contrary to the claims by some authors—never notified his KVM equivalent that the operation was going ahead. Because the commander of

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7 Ibid.
8 Ibid. The significance of Šainović’s involvement was that he was generally considered by diplomats to be Milošević’s “go to man” for Kosovo. Therefore, if Šainović knew about the operation, it was somewhat unlikely that Milošević had no prior knowledge.
9 International Criminal Tribunal for the former Yugoslavia: Đorđević (IT-05-87/1) Testimony of Witness John Drewienkiewicz, 24 June 2009, 6505; Szamuely, 409. Szamuely, for instance, tries to argue that KVM were notified which is simply not true.
Regional Centre Five had yet to be appointed, Drewienkiewicz dispatched Joseph Maisonneuve, who headed the Prizren Regional Centre, to take command of the operation.

By 4:30pm, the VJ and MUP were withdrawing. This allowed a U.S. KDOM team to enter the village. On arrival, they immediately discovered one sole body. With a KVM curfew in place—vehicles could be mistaken for non-KVM units by one side or the other—and darkness falling, the evacuation of wounded persons became a priority. The wounded included one child, two women and an elderly man. When Maisonneuve arrived in Račak at around 5:30pm, it was dusk and there was little that could be done. Maisonneuve immediately organised staff to help the KDOM assist the wounded, while he arranged transport and ensured that the local hospital in Štimlje was ready to receive them.  

10 Shortly after the KDOM’s arrival at the hospital, the police arrived from the station next door and asked them to leave, which they did. As the verifiers had been unable to properly search the village, Maisonneuve instructed them to return the next morning at 7:00am.

Figure 8: Barney Kelly. "Crime Scene Photographs of Račak." 1999. United Nations ICTY Court Records (Trial No. IT-02-54: Exhibit P156. 7, 21 May 2002).
The first KVM and U.S. KDOM teams to arrive in Račak the next morning, found eleven bodies in the houses. They found twenty-three further victims—who all happened to be male—in a gully above the village. Besides noting that all the dead wore civilian clothing, none of the bodies had any weapons or ammunition to suggest that they were combatants. Following these reports, a team of KVM human rights officers made their way to Račak, entering the crime site sometime after midday. Evidence was collected and witness statements were noted. According to survivor accounts, security forces, some of whom they recognised as Serb civilians from Štimlje dressed in police uniforms, executed many residents and detained others. The crime scene was fully documented with maps, photographs and videotapes. For Ian Hendrie, the British detective tasked with filming everything he encountered, it was immediately apparent that the blood patches corresponded with where the bodies were lying.

Meanwhile, Maisonneuve had earlier arranged to meet with the Uroševać Secretariat of the Interior (SUP), Colonel Bogolub Jancijević, to find out what had happened. Unable to explain where the other bodies came from, Jancijević—producing weapons that the police were said to have captured—told Maisonneuve that fifteen ‘terrorists’ had died in the fighting. At this, and other subsequent meetings with Serbian/FRY representatives, KVM officials were repeatedly told that the events in Račak had occurred as a result of fierce fighting between the MUP and KLA.

Ambassador Walker, accompanied by Deputy Heads of Mission John Drewienkiewicz and Gabriel Keller, arrived in Račak at 1:00pm. They were led to a farmhouse on the western side of the village, where they were first shown the decapitated body of an elderly man. Moving towards the back of the village, a freshly dug trench system was observed. They continued up the hill to where twenty-three bodies were located. Like the KDOM/KVM teams who had surveyed the scene early that morning, Drewienkiewicz and Walker noted the civilian clothing on the bodies, the absence of weapons, ammunition and how many had been shot in the head or neck. There was nothing to indicate that the trench system, located some 100 metres downhill from the bodies, had been occupied. Noting that there were no visible signs of recent activity, in the form of cartridges and cigarette butts, Drewienkiewicz concluded that the trench, ‘was certainly not fought over’.

By this time, it was established that forty-five persons were murdered during the MUP/VJ offensive. With the press at the scene hounding Walker for an immediate statement, he declared that he would hold a

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13 The ‘SUP’s’ were Chief of Police in the area for which they were established. The Uroševać SUP covered the Štimlje/Račak area.
16 Ibid.
press conference in Pristina that night. KVM verifiers were to maintain a twenty-four hour presence in Račak for the immediate future.

At the press conference, Walker surprised everyone in attendance when he explicitly condemned the FRY for the events at Račak. Directly attributing the blame to the FRY, he called for the ICTY to be granted visas in the next twenty-four hours so a proper investigation could take place. As the KVM’s relationship with Belgrade deteriorated to a new low, Serbian politicians desperately tried to counter what was, without doubt, a public-relations disaster. Charged with having gone beyond the limits of the Mission’s mandate, the Federal government proclaimed Ambassador Walker ‘persona non grata’ on 18 January 1999. This meant that he was obliged to leave the territory FRY within forty-eight hours. Outlining how the deceased had been fighters of the KLA who had died in combat, Serbia’s President, Milan Milutinović, accused Walker of misleading the world public. The statement, according to Milutinović, contained nothing but, “falsehoods and personal assessments which were totally baseless. Such behaviour”, Milutinović added, “was part of an obvious attempt to divert attention from the terrorists, murderers, and kidnappers”.

Courtesy of articles carried by respected French and British newspapers, Walker soon came to learn that not everyone on his staff agreed with how he had handled the situation. For instance, the French newspaper, Le Monde, published an article on 21 January suggesting that many of the bodies had been transported from elsewhere, with clothing changed to simulate the appearance of a civilian massacre. The article referred in particular to film footage shot by AP cameramen who insisted that they saw no evidence of an execution. In light of how the AP videotape was taken near the mosque—meaning away from the fighting—and that, to date, it has never been independently verified, the film’s credibility is questionable. While Frenchman Gabriel Keller, the KVM second-in-command, emphatically denied that he was the story’s source, few in the Mission believed him. Indeed, during a 20 January interview on a French news channel, Keller, regarding the ongoing investigation, told the reporters that, “as long as we do not have absolute certainty there is obviously doubt, even if suspicions are very strong in the sense that you know”. Despite Keller later penning a letter to the Financial Times, in which he emphasised that there were, ‘no differences within the KVM leadership’, the damage was done.

Ambassador Walker and his French deputy never agreed on the activities in Kosovo. Keller was decidedly more critical of the KLA, perhaps influenced by his country’s historical inclination

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towards Serbia, and his time spent in Belgrade as the French chargé d’affaires. During his time in Kosovo, it was clear that Walker, while not necessarily anti-Serbian, saw the Kosovars as being persecuted. These views clashed when Keller, as acting Head of Mission, issued statements condemning the KLA’s role in an 8 January ambush and a separate incident where they had captured eight VJ soldiers. Walker, who was in the U.S. when the ambush took place, was furious when the following statement was released without his approval: ‘KVM considers that such terrorist attacks and breaches of the cease-fire undermine efforts to reach a political solution to the conflict’. Although Keller was legitimately in charge and had discussed the statement with Drewienkiewicz, Walker saw it as undermining NATO’s authority to pressure Belgrade.

It is not surprising that Keller, who only days earlier was condemned by Walker for not consulting him, should question Walker’s immediate statement. Keller’s concerns, which in turn spurned a number of conspiracy theories, probably had more to do with his criticism of Walker’s style of leadership. For starters, in his 16 January statement, Walker did not discuss any ensuing matters with his deputies. Indeed, they were all surprised when he referred to it as a massacre. As a senior diplomat, Walker must have realised that to describe Račak as a massacre, would have a polarising effect. Whilst privately, most believed Walker’s version, it had the effect of compromising the neutrality of the Organisation for Security and Co-operation in Europe (OSCE).

In light of the discovery of bodies the next morning, that nothing unusual was reported on the evening of 15 January 1999, reinforced the arguments of commentators who suggested that the scene had been staged by KLA fighters. The basis of such an argument casts doubt as to why the KVM patrol that entered Račak, left without being told that there were other bodies. The notion that the scene must have in some way been staged, is a misinterpretation of the facts. As mentioned previously, Maisonneuve’s priority was to get immediate medical attention for the wounded before night fell. Maisonneuve told Drewienkiewicz that he was unable to ascertain exactly what had happened from the surviving women. They were traumatised, it was dark and everyone was sheltering in their houses. The women believed that the men had been taken to Uroševać prison or the police station at Štimlje.

The day before KVM arrived, Danica Marinković, an investigative judge in Pristina, had attempted to conduct an onsite investigation immediately after the clashes. When the judge entered Račak, a little after 2:00pm, she was to observe, aside from not seeing a single villager, no bodies, no VJ tanks, no armour and no damaged houses. Escorted by police, Marinković and her team were instead shown a pile of assorted weapons, which they then proceeded to photograph and log.

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24 See Appendix: John Drewienkiewicz
25 Gordana Igrić, "Report: Milosevic Challenged by Račak Survivors."
Policemen at the site informed Marinković that they had collected all the weapons in the nearby hills. Although no one was injured, at the suggestion of the police, they soon left the village after coming under fire from the surrounding woods. Over the following two days, they tried and failed to visit the scene. On two separate occasions they were hampered by sporadic small-arms fire.

Meanwhile, the leader of the Serbian Forensic Team, Slaviša Dobričinan, started to disseminate the theory that the KLA had manipulated the corpses in Račak. According to reports made available to the Washington Post, the U.S. government had, around this time, tapped telephone conversations between Sainović and the Serbian Interior Minister, General Sreten Lukić. Concerned about the international outcry, the two officials reportedly came to agree on two steps to cover up what had taken place. The first was to seal the border with Macedonia, so as to prevent ICTY prosecutor Louise Arbour from investigating the crime; the second was for the police to regain control over the scene and to recapture the bodies. Although no hard evidence is available to substantiate the existence of these intercepts, Serbian forces did indeed launch a second assault on Račak on 17 January. By the same token, Louise Arbour was prevented from entering Kosovo two days later.

On 17 January, Serbian forces, contrary to the arrangement agreed between the OSCE Chairman-in-Office und the FRY Foreign Minister, launched a renewed attack on the village. That morning at Štimlje police station, as requested by the Yugoslav authorities, Drewienkiewicz arrived for a 9:30am meeting with Judge Marinkovic and the Urosevać SUP Commander. With around 100 people in the village at the time, including verifiers and journalists, he offered to help the judge move in under an escort of KVM staff. Drewienkiewicz then negotiated the withdrawal of the KLA on the condition that Marinković’s party be unarmed. After arguing in vain with the judge for the best part of an hour and a half, at 11.05am, Drewienkiewicz was informed of how she was going ahead with armed police. With only five minutes warning, KVM teams, joined by a convoy of journalists and locals, were forced to flee as machine gun and mortar fire erupted from a nearby hill.

On her fourth visit to the area, Marinković carried out an onsite investigation. However, what the judge saw on 18 January turned to be the polar opposite of what international observers had seen two days earlier. First of all, the clothing on the bodies, which were now laid out in the mosque, seemed different. The men all wore similar style military boots, military trousers and trouser belts for holding ammunition. Slaviša Dobričinan, the forensic expert who accompanied Marinković, observed that there were no injuries to any of the victims’ heads. From here, they were led to a house which made them believe that a KLA headquarters had been there. In the adjacent yard, they found

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weapons, propaganda material and KLA uniforms. The same scene greeted the judge at the trenches. On the other hand, Dobričinan and Marinković looked for the gully where KVM representatives saw twenty-three bodies but were unable to find it.

With Serbian police now having seemingly secured the village, on 19 January the corpses were brought to the Serbian Forensic Institute in Pristina. Here, a Serbian-Belorussian forensic team, evidently in a great hurry, carried out autopsies in the presence of OSCE employees. When a team of EU-appointed Finnish pathologists arrived in Pristina on 21 January, post-mortems had been carried out on sixteen bodies. With autopsies completed on these bodies, Dobričinan confidently announced that, “not a single body bears any sign of execution; the bodies were not massacred”. The fundamental problem with Dobričinan’s pronouncement—which most independent sources saw as premature—was that no x-rays had been taken before the autopsies. Helena Ranta, the Finnish pathologist who headed the EU Forensic Team, was critical of such statements since the local authorities had no access to x-ray facilities. They had asked the Serbians to wait until equipment arrived. For whatever reason, they chose not to. Under internationally-recognised procedures, the taking of x-rays is the first step in any autopsy and, the, “only way of detecting bullets”.

On 10 March Serbian public prosecutor Dragisa Krsmanović reinforced the ‘official version’ of events when she reported on the findings of Judge Marinković’s investigation. Krsmanović found that the facts ‘undoubtedly show’ it was the repulsion of a KLA attack on 15 January. Forty terrorists, who either took part in the attack or ‘worked for its successful execution’, were killed. A paraffin test, used to confirm the presence of gun-shot residue on thirty-seven of the forty dead, was used as evidence to support the finding that all had fired weapons before they died. Serious questions were again raised regarding the veracity of their investigation. The paraffin test, for starters, was an antiquated method no longer in use because of its inaccuracy. An Interpol meeting in 1968 had in fact ruled that the paraffin test should no longer be used. The test’s inconclusiveness for gun residue derived from how any oxidising agents, such as urine and tobacco, could set off a positive reaction.

At a packed 17 March press conference in Pristina arranged by the EU Presidency, Ranta issued a press release that addressed some of the more controversial issues at the time. As there was no possibility of the EU Forensic Team conducting a full scene investigation, the press statement dealt almost entirely with evidence gleaned from the bodies held at the morgue. Moreover, there was also the added complication that there was no chain of custody by the EU experts from the moment of death to when they began their work on 22 January. Echoing the statements of KDOM and KVM

observers, Ranta believed that there, “were no indications of the people being other than unarmed civilians”. Based on the bullet holes, coagulated blood and photographs of the scenes taken by those who saw the bodies on 16 January, the Finish pathologist saw it as ‘highly unlikely’ that any of the clothing on the corpses had been changed or removed.

The Die is Cast

Despite Belgrade’s attempts to prove otherwise, the massacre of forty-five civilians at Račak had immediate repercussions. Because the escalation of the Kosovo conflict was viewed in light of what happened in Bosnia, the word ‘massacre’ had a decisive political dimension. Račak, with its forty-five victims, was certainly not on the scale of the July 1995 massacre of 8,000 Bosnian Muslims at Srebrenica. However, what made the events of 15 January all the more shocking was that it occurred while KVM was actively patrolling the area. Serbian security forces, in fact, started their assault on Račak by moving through KDOM positions intended to act as a buffer between the security forces and the village. Their helplessness and inability to deter the massacre, was the starkest illustration yet of why the unarmed verifiers lacked the ability to force compliance. Simply put, the OSCE and NATO could not accept having an international presence standing on the side when atrocities happened.

After Račak, NATO once again dispatched its military leaders to Belgrade as a way to demonstrate its decisiveness. The purpose of General Wesley Clark and General Klaus Naumann’s visit was to deliver a clear message: Račak, and a repetition of it, was unacceptable and could trigger military action. In October 1998, Milošević had signed the ‘October Agreements’, a series of accords in which he promised to draw down the numbers of FRY and Serbian forces in Kosovo. Yet, in spite of an NATO activation order authorising the Alliance to respond to any violations of the Agreement’s, the Belgrade authorities, like the KLA, had largely ignored such promises. At the time, there was evidence to show that were 500 excess police and VJ forces operating well above their 1,000-man ceiling, inside Kosovo.

For the U.S., the Račak massacre was the tipping point. In Washington, Walker’s statements helped to smooth over divisions in the Clinton administration over using force against the FRY. Walker’s judgement, in particular, provided ammunition for Secretary of State Madeline Albright’s view that only an explicit projection of power could solve the crisis. Since March 1998, she had tried—and failed—to ignite a debate that centred on creating a series of military options to use against Milošević. Before news of Račak broke, President Clinton’s senior foreign policy advisers had gathered to discuss the administration’s strategy for Kosovo. There, Albright had stood alone against Secretary of Defence, William Cohen, and the rest of the U.S. Defence Department in pressing for a

38 International Criminal Tribunal for the former Yugoslavia: Šainović et al. (IT-05-87), Judgement Volume 1 of 4: Prosecutor v. Milutinović et al., 26 February 2009, 144.
stronger course of action. Unlike many European diplomats—who whispered in hushed tones that Walker’s statements had set them on a collision course with Belgrade—Albright recognised the value of what had transpired and used it to her advantage. The massacre had such an impact that, within a matter of days, there was an agreement in the White House that a military reckoning with the FRY was inevitable.

**Rambouillet**

With NATO expressing a willingness to act, but, because of internal differences, not before the diplomatic option was totally exhausted, the Contact Group moved into action. Meeting in London on 29 January, the Group’s Chairman, Robin Cook, summoned the warring parties to Château de Rambouillet, France, for proximity talks on an interim settlement beginning on 6 February. The primary objective was to get a substantial NATO force into Kosovo. Once there, it would be mandated to keep the peace, supervise the withdrawal of all but 5,000 Serbian security forces, disarm the KLA and oversee a three-year transition period to an autonomously governed province. In terms of participation, both parties were to accept that the basis for a fair settlement ‘must include the principles set out by the Contact Group’. These principles were considered to be ‘non-negotiable’ and spelt out the parameters of what an interim accord would look like. Some of the principles were:
- interim agreement: a mechanism for a final settlement after an interim period of three years
- no unilateral change of interim status
- territorial integrity of the FRY and neighbouring countries
- people of Kosovo to be self-governed by democratically accountable institutions
- harmonization of Serbian and federal legal frameworks with Kosovo interim agreement
- international involvement and full co-operation by the parties on implementation

Although there was no formal demand for either side to indicate consent, acceptance was implied in their decision to attend the conference. Furthermore, warning both parties in equal measure to take the opportunity presented to them, Belgrade and the Kosovar leadership were pressed to, ‘complete negotiations on a political settlement with twenty-one days’.

Christopher Hill, Wolfgang Petritsch and Russian diplomat, Boris Mayorski, assumed the responsibility for drafting the proposals. The negotiators reported back to the Contact Group ministers who would then assess whether progress had been made. Before the Contact Group meeting of 29 January, the new German government—which had recently taken up the EU presidency—believed that their political director, Wolfgang Ischinger, would join Hill and Mayorski. Secretary Albright,

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however, caught the ministerial session off guard when she ‘suggested’ that Petritsch should take on the role, due to the fact that he had worked so well with Christopher Hill. Green Party leader Joschka Fischer, the German Foreign Minister at the time, was shocked by the move. The Foreign Minister’s office had already involved Védrine and the French Foreign Ministry. Petritsch recalled how before the meeting, he had received a call from Fischer telling him that while he was to remain the EU’s Special Envoy, Ischinger would be negotiating. Concerned about the Green party’s radicalistic tendencies and strongly pacifist policy, the American proposal was a way to circumvent the Germans. It also served as a clear message that they needed to toe the line. Just as in Bosnia, a significant U.S. military presence was considered vital to encourage the warring factions to accept the terms of any deal. This time, the NATO ultimatum was serious.

Despite this newfound sense of urgency, Rambouillet was somewhat flawed. Unlike Dayton, where he had emerged as the fulcrum for peace in the Balkans, Milošević refused to attend. Instead, the Yugoslav leader sent a delegation backed by a vote in the Serbian parliament. That vote, however, explicitly instructed the delegation to block any attempt to impose an international presence greater than the KVM already in place. What is more, the Serbian National Assembly refuted the envisaged harmonisation of the Serbian and Federal legal frameworks. In contrast, it commanded that any future agreement be co-ordinated with the constitutions of the FRY and Serbia, thereby establishing the primacy of the two over the Contact Group’s proposal. The Kosovars were not free from controversy either. During 1998, the absence of a common ethnic Albanian front for negotiations had constantly frustrated diplomatic efforts. Despite these well-known divisions, an ethnic Albanian negotiating team containing sixteen members was formed on the eve of Conference. While divisions still existed, significantly it contained the three major players in the Kosovars political scene at that point, namely the Kosovo Liberation Army (KLA) led by Hashim Thaçi, Ibrahim Rugova and the Democratic League of Kosovo (LDK), and Rexhep Qosja’s United Democratic Front (LBD).

Given that the vast majority of the political questions could be easily addressed, the tabled document was quite unremarkable. The document itself was based on the ‘Hill Plan’ — that is, the draft arrangements presented to Belgrade and Kosovar representatives by Hill and Petritsch over several months. The document would be instituted over a three-year period. Kosovo would have autonomous institutions as it did pre 1989, including its own elected assembly, its own president and constitutional court.

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45 See Appendix: Wolfgang Petritsch

46 Paul Taylor, “NATO Ministers to Clash on Future Role,” Reuters News, 6 December 1998. Replacing Klaus Kinkel as Germany’s foreign minister in October 1998, Fischer caused a stir that December when he openly pressed for NATO to declare that it would be the first to use nuclear arms—a stance Britain, France and the U.S. strongly objected to.


FRY were barred from modifying, included the levying of taxes and duties on financing Kosovo institutions. The FRY, meanwhile, had responsibility in areas such as defence and foreign policy, territorial integrity, federal taxation and the collection of customs duties at Kosovo’s international borders. The political system, while affording the Kosovars greater autonomy, was to be organised on an ethnic basis. Somewhat contentious, ‘special powers’ were preserved for ethnic groups that constituted more than five-percent of the population. The Serb ‘national community’ was presumed to meet this threshold. In the Assembly, which comprised 120 members, a majority of members from a single national community could block legislation, that is, ‘if a law or other decision adversely affected their vital interests’. The final decision on such a motion was to be made by a panel comprising three members of the Assembly. This would include one Albanian, one Serb, and a third member of a third ‘nationality’ selected by consensus by the Assembly’s ‘Presidency’—a co-ordinating body whose representative had authority to call its sessions and to chair meetings. The Presidency was obliged to grant each national community which met the five-percent threshold, a position in the Assembly. The Serb minority, however, had the power to veto nominations.

With only a few political points left to address, the negotiators called a two-week recess. As of 23 February, the common understanding was that Kosovo’s Constitution, meaning the powers of the President, the Assembly and Kosovo’s judiciary, was acceptable to Belgrade. Indeed, the leader of the Serbian delegation, Ratko Marković, confirmed this when he stated the delegation's willingness to at least ‘discuss the scope of an international presence in Kosovo’. The significance of Marković’s letter is that it illustrates how, for the Serbian delegation, a credible starting point existed. When the talks resumed in Paris on 15 March, the Serbian delegation backtracked on the compromises they had previously made. Between the Rambouillet conference and the second round of talks, there had been no parliamentary sitting to give the delegation a new mandate; any change in position had to come from Milošević himself. The Kosovars, albeit reluctantly, agreed in principle to sign the agreement, returning to Paris for the signing ceremony on 18 March. In the draft agreement’s place, the Serbian team presented a revised version. They argued that the document represented an attempt to synchronise the text with the Contact Group’s non-negotiable principles. Belgrade’s changes, which removed provisions that were said to impinge on the FRY’s sovereignty, offered visibly less self-government for the Kosovars. Under the proposal, there was no judicial system, limited local taxation powers, a continuous MUP/VJ presence, and no significant international supervision.

50 "Interim Agreement for Peace and Self-Government in Kosovo," Chapter 1, Article II, para. 7.
51 Ibid., Chapter 1, Article II, para. 8 (c)
53 Ibid., 150.
The real difficulty lay in the implementation of the agreement. For Belgrade, the question of deploying troops through the country was the provision most strongly opposed. Under the Rambouillet terms, a 30,000-member NATO ‘enabling force’ would be deployed in Kosovo to help establish a long-lasting cessation of hostilities. ‘Appendix B’ of the implementation draft, as previous authors have noted, drew the most criticism.\(^55\) NATO, moreover, was accused of delivering a set of wholly unacceptable terms. In terms of the appendix itself and the reference stipulating, ‘freedom of movement throughout the FRY’, it was a standard ‘Status-of-Forces-Agreement’ (SOFA) concerned with the logistical challenges of how the NATO-led force would operate.\(^56\) The contention that the military aspects of the interim settlement were designed to ensure failure is inaccurate. For one, Milošević not only refused to discuss the annex but, courtesy of the Dayton Accords, had previously signed a SOFA for the implementation force deployed to Bosnia in 1995.

The Rambouillet terms, which were allegedly a mandate for occupation, were considerably better than the ones Belgrade would sign following NATO air strikes in June 1999. Whereas the latter saw the complete removal of all Serbian and FRY forces, the terms posed at Rambouillet, foresaw a continuing VJ and MUP presence. This indicates that the international community was committed to preserving the FRY’s territorial integrity. VJ Border Guard forces were permitted but were limited to a structure of 1500 members, within a five kilometre border zone.\(^57\) They were backed up by an additional number of VJ logistical personnel—totalling no more than 1000—whose functions primarily related to border security. As far as the numbers of police were concerned, 2500 ordinary MUP—non special police units carrying out only ‘normal’ policing duties—would be allowed to remain.\(^58\) In a final effort to avoid bombing, U.S. Special Envoy Richard Holbrooke would fly to Belgrade to meet Milošević. He left empty-handed on March 23 and, the next day, NATO air strikes commenced.

\(^{57}\) Ibid., Chapter 7, Article IV, para. 2 (a).
\(^{58}\) Ibid., Chapter 2, Article V, para. 1.
Conclusion

Why did conflict prevention fail? and Is it possible to conclude that a diplomatic solution could have ended the internal struggle over Kosovo’s future? These were the questions I posed at the beginning of thesis and are the ones to which I return to at the end. Tensions leading up to the events of March 1998, including the rise of the KLA, had been simmering for some time. In this context, the seeds of tragedy in Kosovo can be traced back to the rise of Slobodan Milošević in 1987. The abolition of Kosovo’s consitutional autonomy in 1989–1990, was also a contributing factor in this tragedy. A stalemate then ensued whereby the vast majority of the ethnic Albanian population in Kosovo, dissatisfied with Belgrade’s leadership, created their own parallel state.

The International Conference on the former Yugoslavia (ICFY), combining the efforts of what was then the European Community (EC) and the United Nations (UN), launched the only internationally mediated negotiations on Kosovo prior to 1998. Its Badinter Commission of legal experts, referring to the principle of uti possidetis, believed that the right to self-determination must not involve changes to existing frontiers at the time of independence. This principle was used to justify the transformation of inter-republican boundaries into international borders. The Commission, however, left unanswered why it did not view the boundaries of the autonomous provinces in the same light. The U.S. in particular, was under no illusion as to how difficult it was for the Kosovars to accept the idea of remaining part of Serbia. In a multi-sided conflict, the negotiators could not insist on maintaining Croatia’s and Bosnia’s territory and then support destroying Serbia’s territory.

Unlike the differing agendas of the international community in Bosnia, the message of the international community to the key players in Kosovo had remained the same. The Contact Group nations, the North Atlantic Treaty Organisation, and the United Nations Security Council, all refused to support the Kosovars’ demand for independence.

The Organisation for Security and Co-operation in Europe (OSCE) had the potential to play a leading role on Kosovo. Through its High Commissioner on National Minorities, the OSCE was well placed to mediate between Belgrade and Pristina. While the government of Milan Panić would allow a small team of observers into Kosovo at the end of 1992, the Milošević regime refused to prolong their mandate. In respect of the Helsinki founding principles, the OSCE’s operational capacity was always conditioned on Belgrade’s acceptance and, therefore, the Milošević regime accepting a degree of international engagement in Kosovo—something it was loathe to do. Meanwhile, Kosovar representatives looked upon the OSCE indifferently because they did not want to be classified as a minority. In an ever-changing strategic environment, Milošević would cast himself as a supporter of the Bosnia peace process in 1995, linking his commitment to peace in exchange for the lifting of sanctions against Belgrade. Despite the European Union’s (EU) recognition of the ‘Federal Republic of Yugoslavia’ in April 1996, Milošević knew that overcoming international isolation would require a solution for Kosovo. Indeed, it was for this very reason that the U.S. retained an ‘outer wall of
sanctions’, withholding its support of FRY membership in financial institutions such as the International Monetary Fund.

Instead of an interim accord at Rambouillet which respected the FRY’s territorial integrity and safeguarded the Serb community in Kosovo, Milošević—even after an offer to re-start the talks—opted for war. Having dealt with Milošević for over a decade, Western officials determined that whatever Milošević said and, whatever tactical positions he may take, that he was the underlying source of instability in the region. After years of fruitless attempts at peaceful solutions in Kosovo, it was plainly obvious that only a serious consideration of force would make Milošević negotiate seriously—to which the international community eventually did.
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Appendix

Research Integrity & Ethics Administration
Human Research Ethics Committee

Wednesday, 10 August 2018

Prof Glenda Sluga
History, Faculty of Arts and Social Sciences
Email: glenda.sluga@sydney.edu.au

Dear Glenda,

Your request to modify this project, which was submitted on 8 July 2016 has been considered.
The project has been approved to proceed with the proposed amendments.
Details of the approval are as follows:

Project Title: How was NATO’s Foreign Policy in Kosovo decided?
Project No.: 2015/791
New Approved Documents:

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Please contact the Ethics Office should you require further information or clarification.

Sincerely,

Dr Fiona Gill
Chair
Deputy Chair Review Committee (DCRC 2)

The University of Sydney HRECs are constituted and operate in accordance with the National Health and Medical Research Council’s (NHMRC) National Statement on Ethical Conduct in Human Research (2007) and the NHMRC’s Australian Code for the Responsible Conduct of Research (2007).
John Drewienkiewicz

- Q: Why did the KVM never receive any information from the KDOM regarding the VJ’s baseline figures?

- A: in our first meeting in Pristina with the Serb side we asked verbally. We were told to put it in writing. We put it in writing, signed by the HoM. We were told it had been sent to Belgrade. We went to Belgrade in late November and I led a team that went to the Ministry of Defence and met the Chief of the Serbian General Staff. Again, we asked for the baseline figures. We were told that they were secret. The only outcome of the meeting was that we agreed that we would use the arms control data on heavy weapons as supplied to the OSCE. We never got any personnel data. Nor could we have checked personnel data if we had been given it as to do that we would have had to have counted every soldier and policeman.

- Did these difficulties reflect deeper problems beyond your control or was it just blatant defiance on the Yugoslav’s part?

- Answer: We understood the terms of our mandate to be that we were there to Verify, not Monitor. Verification means checking up on things that are told to you by the parties to the conflict. We therefore expected to be given details of the VJ and KLA activities, which we would verify. For instance, if we knew how many vehicles were in a camp we could then make spot checks to see they were still there, or not.. Easy if you have baseline figures, near impossible if not. Neither side cooperated with us. So it was blatant defiance on the behalf of both parties to the conflict. The media and the Western International Community was and remains far more critical of Yugoslavia than of the KLA. Neither the VJ nor the MUP, nor the KLA cooperated.

- Q: What was your overall impression of the KLA’s attitude toward the agreement considering they were no a signatory?

- A: I asked at the start what the deal with the KLA was, because it was obvious to me that both sides had to have restraints placed upon them, or none. I was assured by the OSCE (I think the Conflict Prevention Staff but possibly Amb Walker and possibly Kai Eide.) that the US were brokering a deal with the KLA and that until then the KLA would observe a ceasefire. At Podujevo the KLA were setting up new positions overlooking the main road back to Serbia. I contacted them on the windswept hill and advised them to keep a very low profile. Naturally they didn’t and soon started shooting at Serb vehicles. Naturally the Serbs responded, as they had a perfect right to do..

- Q: What effect did KLA’s non-inclusion have?
A: Had we been told that no deal with the KLA was possible at the outset, then I doubt the KVM would have been formed. When Amb Chris Hill left in December, and it was admitted that there would be no deal with the KLA, I observed to the OSCE that we probably ought to reconsider the mission. But we didn’t, we kept on building up the Mission. I certainly felt from then on that we had been badly let down by the diplomats and that we had been hung out to dry. From that moment it was clear that the mission could not succeed as it had no way of decisively influencing the KLA.

Q: How did the KVM operate?
A: There was an operations room into which reports were fed as they occurred. Each evening each RC sent a report in which the operations staff turned into a report for Vienna and which was briefed to the mission staff the next morning. The Fusion Cell was an all-source information cell which got some other material that operations did not (e.g., from NATO). The operations cell personnel were not cleared to access classified information so we put the people with the clearances into the Fusion Cell. In Military terms the Ops room was J3 and the Fusion Cell was J2.

Q: Can you perhaps explain some of the reasons why it took so long for the mission to become operational?
A: On the day that the OSCE Mission was authorized the KVM did not exist. The OSCE in Vienna started by designing the Mission and then demanded a job description for each post. These were sent to the 54 national delegations which sent them back to the capitals. The capitals advertised for volunteers who had to be interviewed before the names came back to Vienna. There was then a paper board held to agree who was selected. If we had 5 candidates for a post we could not select one and take the other 4 for other posts. Some posts had no applicants (e.g., lawyers). This was the normal OSCE way of doing things because they had never had to put a big mission together quickly before. Eventually because it was all so slow we agreed generic terms of reference for about six categories of people and then they started to arrive in significant numbers, from about mid-January onwards. The other constraints were premises, vehicles, and equipment generally. Again everything was sourced one item at a time. A lack of contracts specialists meant that we could only negotiate one contract for buildings at a time. So given the ponderous nature of the process the fact that the mission took only six weeks to become operational was very fast in OSCE terms. If you look at the rate of other missions that have to build up one person at a time, like UN CivPol, they take as long or longer. The real disgrace was that from the moment the NATO bombing began it was clear to all that the UN would be needed when the bombing ended, but they did not begin to get people together, and the 78 days of bombing was not utilised as preparation
time. The only way to get a mission operational fast is to take formed teams of people from a country and lend them en masse, with their equipment and procedures, to the OSCE. But the only such formed teams are military. My initial proposal was for a number of lead countries each to send the OSCE a small military unit; such as a brigade HQ, a communications unit, a military police unit, an engineer unit, a transport unit, a medical unit could have been the nucleus of the mission and they could have been on the ground in two weeks. Meanwhile others could have been found by the ponderous individual process.

- Q: Numbers wise, how big was the VJ/MUP contingent compared to the number of KLA meant to be in Račak?
- A: There was a permanent police station in the village on the main road, from which police patrols were mounted. We had no idea of police numbers due to no baseline but there must have been at least 30 based there but not necessarily all there at the same time. Then there was the VJ presence which I think we estimated at about a company, say 100. There were also said to be local ‘volunteers’ who were involved because of the deaths of the 2 local policemen earlier. So there were certainly as many as there may have been KLA, and of course they had heavy weapons. I was told much later that there were VJ Special Forces involved, who were concealed in the lunatic asylum; and that the KLA were not killed there, but were taken out of jails and taken to Racak where they were killed. Both these statements must count as rumour. But I never saw a nominal roll of the victims and I cannot recall the media doing much in depth coverage of widows, grieving children, so there are still many unanswered questions. It ranges from deliberate action by VJ/MUP/Locals to avenge the earlier ambush, to disposing of unwanted KLA prisoners, to a KLA feud.

KVM patrols observed the attack on the heights surrounding Račak. Here, your observers recorded VJ tanks firing toward houses. There was also apparently a television crew from Associated Press present. According to your testimony, Joseph Maisonneuve was sent to Račak, and he arrived as dusk was falling on the 15th. Nobody told him that a massacre had taken place. When you first saw the bodies on 16 January, there had been a time gap of at least 15 to 16 hours where the village was under the control of the KLA.

- Q: On the night of the 15th when Maisonneuve went down, who did he speak to? Why do you think nobody indicated there was anything to see?
- A: because it was dark, everyone was sheltering in their houses. I do not know who he spoke to, and nor does he from what I recall of the conversations I had with him. I seem to recall that he said he spoke to several women.
Q: In the subsequent meetings in the days after Račak, amongst your colleagues, was there a consensus over what happened?

A: No there never was. Amb Walker did not discuss what he was going to say with any of his deputies as I recall, and we were all surprised when he referred to it as a massacre. The atmosphere between Walker and the French and the Russian deputy was never very good. Walker was in the USA when the ambush took place and was very upset that Keller as acting Head of Mission issued a statement, which he had not cleared with Walker. I should add that Keller did discuss the statement with me and I had no problem with it. He was entirely legitimately in charge because Walker had chosen to return to the USA for consultations.

Q: In your mind, why does Belgrade’s explanation for what happened at Račak not add up?

A: As stated above, there is a spectrum of possibility for what happened. Belgrade’s line is at one end of it, a KLA feud is at the other. I am inclined to believe that it was a Belgrade ordered Special Forces operation, followed up by the local Serbs joining in, which confused the picture. So the Belgrade explanation is plausible in the absence of real evidence to the contrary.

Q: In your mind, why does Belgrade’s explanation for what happened at Račak not add up?

A: The correct force to deal with your own population is the police, ie the MUP, not the Army. If a situation is beyond the capacity of the police it is normal for the Army to provide support rather than do its own thing. That is what the British Army tried to do in Northern Ireland. Certainly in theory. In the Balkans the Police had heavier weapons and vehicles than was normal in western countries, which should have raised the threshold at which the Army got involved. Broadly we expected to see the army guarding the borders and sealing infiltration routes and the Police operating inside Kosovo. So seeing the Army routinely working with the MUP was astonishing. It suggested that the Army units were being subordinated to the ministry of the Interior. The use of heavy weapons like tanks and artillery in direct support of the police was a really grave departure from any pretence of 'normal' policing.

Richard Miles

"hindsight"

A: I doubt it. The Kosovo Albanian leadership was not united and those who professed to speak for the interests of their community were ambiguous about the use of violence by the UCK. I pressed both Rugova and Demaci to condemn the use of force. Rugova did issue one rather weak statement along those lines. Demaci refused to issue any condemnation. Milosevic's own approach was always to avoid talking to these leaders and to suppress the
use of force by the nationalist forces. We did manage to organize a meeting later between Rugova and Milosevic in Belgrade but the results were inconclusive and there was no subsequent meeting.

- Q: Do you think that this sent the wrong message (replacing Gelbard with Holbrooke) as it undermined Gelbard’s position? 
- A: Milosevic simply refused to negotiate further with Gelbard. Gelbard undermined his own position by his inability to engage Milosevic in any further diplomatic conversation. Holbrooke was appointed after this breakdown in communication.

- Q: “Holbrooke-UCK Conversations”
- A: I’m not in a position to talk about contacts with the UCK leaders outside of the FRY. In Kosovo Holbrooke was photographed sitting next to an armed UCK fighter but that did not result in any substantive conversation. Other than that, I’m not aware of any meeting between Holbrooke and UCK leaders or representatives inside the FRY.

**Klaus Naumann**

At first, the responsibility for the worsening situation in Kosovo rested with NATO. The baton was then passed on to the U.S. and Ambassador Holbrooke, followed by the OSCE and eventually the Contact Group at Rambouillet.

- Q: Can you perhaps explain the different agendas of these institutions during this period (1998-99) and why responsibility for solving the conflict did not rest solely with NATO?
- A: First, the responsibility for the worsening situation did not rest with NATO; it rested with the actors in FRY. But NATO’s attempts in managing the crisis since the Spring Foreign Ministers Meeting in Luxembourg did not achieve any improvement of the situation. The objective of NATO was throughout the crisis to reduce tensions, prevent any increase of hostilities, which could result in an armed conflict. This was the lesson learnt from the conflicts in Croatia and Bosnia-Herzegovina. As none of the NATO nations had clearly defined national interests in Kosovo, let alone identical interests, the problem was to achieve consensus in NATO on every single step of crisis management. Thus it was virtually impossible to regain the initiative, which is essential for ending a crisis. Moreover, there were differing views on the necessity of a UNSCR. Therefore, the US, prepared to act without UN authorization, confronted and frustrated with the cumbersome consensus building process, took the initiative and tasked Ambassador Holbrook to pursue the same objectives as NATO but on a bilateral basis since the US as well as NATO knew that time was of the essence. The US kept NATO informed on the various steps and hoped that NATO would be prepared to implement any agreement, which achieved the results NATO was hoping for. Holbrook learnt
that Milosevic was well informed on the differing views in NATO and he understood that he could get any agreement only if he could apply pressure on Milosevic backed by a unanimous NATO and its prepared to act. This lead to NATO's ACTORD Decision in early fall 1998. When this decision had been taken NATO was in the lead again and achieved Milosevic's agreement to withdraw excess forces from Kosovo.

The monitoring of the implementation became the task of the OSCE. As the situation deteriorated in November/December 1998 it became obvious that a new approach was needed since NATO remained split on the issue of authorization and Milosevic did not want NATO to be in the driving seat. Thus the contact group was invented and remained responsible till the end of Rambouillet. When Rambouillet failed the baton was passed back to NATO since only NATO could do what followed: The enforcement of the end of hostilities in Kosovo.

In hindsight, you mention how it was a mistake not to negotiate directly with the KLA. From what I understand, in your capacity as Chairperson of the MC, you were prohibited from speaking to them.

Q: To what extent did the KLA take advantage of the Serb withdrawal? And, given Milošević’s track-record in Kosovo, do you think it would have made any considerable difference if the insurgents had acted differently?

A: The main reason, which made it impossible for NATO officials to be in contact with the KLA, was that NATO had qualified the KLA in the Luxembourg Ministerial as a terrorist group. Thus it became impossible to contact them since some NATO countries fighting terrorist on their territories did simply not want to create any precedent. The KLA took full advantage of the Serb withdrawal, moreover, they provoked the Serbs in a way, which was unacceptable for the Serbs.

It is speculation to consider any different outcome had the KLA acted differently. Milosevic was determined to use force in order to preserve Kosovo as a Serb entity and the Kosovars on the on the hand had lost patience with the peaceful Rugova approach. Under these circumstances the Rambouillet proposal was the best hope for a relatively peaceful solution.

Your third session with Milošević occurred on 19 January 1999 after the Račak incident. Accompanied by General Clark, you made it clear to the Council beforehand your unease about military people embarking on a political mission. It appears at this moment, foreign officials who dealt with Milošević understood that he was a man who reacts only to power, not merely to sound arguments.

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Q: In the absence of an “effective stick” to pressure Milošević, what was the alternative to the Council sending Clark and you to Belgrade?

A: The alternative would have been to send politicians since they could negotiate a political solution. We did not have the authority to negotiate. Moreover, Milosevic was fully aware of the views of the different NATO nations. He knew exactly that NATO was way off any consensus on the way ahead in Kosovo.

Lord David Owen

I am particularly interested in hearing what you have to say about the Kosovo issue, specifically, the outcome of an ICFY Steering Group Committee meeting on 1 July 1993. Significantly, the meeting reorganised the Working Group on Ethnic and National Communities established in 1992. The Working Group structure, of which the Special Group on Kosovo was a part of, was replaced by three new ones: on Macedonia, Croatia and the FRY. Gerd Ahrens, moreover, questions the decision, explaining how the Special Group on Kosovo never met again. He goes as far to describe the sequence of events as a “coup” because, reportedly, the Conference co-chairs “were not entitled to changes structures which were the result of decisions by the London Conference.” (Diplomacy on the Edge, Ahrens 2007: 77)

As far as Kosovo in relation to the ICFY is concerned, my interpretation is as follows: It seems that with Milan Panić’s departure in early 1993 and the failure of Conference peace efforts in May/June, Milošević’s importance increased. Furthermore, it is often said that the Serb leader always reacted angrily at any mention of Kosovo. I also read how in June 1993, yourself and Stoltenberg had to revisit the proposal for a three republic solution, which had been dictated together by the Serbs and Croats.

Q: Would you possibly be able to explain your motives for ending the Special Group on Kosovo?

A: As to the question of motives this is all a long time ago, but from what I remember it was decided when Peter Hall stepped down as my deputy replace him with a French Ambassador John-Pierre Masset. This followed the feeling which Vance and I had picked up on our visit to Paris, when President Mitterrand had devoted a whole day to the ICFY, that the French felt they were not represented sufficiently and we wished to correct this feeling since they were a very large contributor to UNPROFOR and Mitterrand had been so helpful, and though ill still continued to be engaged. Masset wanted to have a defined task and that was why it was decided he should deal with minority issues in the FRY. Geert Ahrens was doing an extremely good job in Macedonia and in Croatia though progress, through no fault of anyone’s, was disappointing in the Krajina.
Q: Did Milošević specifically ask for these structural changes?
A: Milošević as far as I can remember never made any suggestions over the Workings Group. It was difficult enough to get the two Co-Chairmen to talk about what was happening in Kosovo, let alone anyone else connected with the ICFY. This was not Geert Ahrens fault it was just the attitude of Milosevic. He did not accept that we had a mandate to talk about Kosovo and objected whenever we raised it, which we did at some stage in practically every conversation we had with him and it was usually an unpleasant dialogue. Nevertheless, we persisted because it was an important part of the overall mandate.

Q: Was it plausible that the Conference might have worked towards a solution in Bosnia/Croatia while explicitly keeping Kosovo on the agenda? On a side note - Can you possibly provide a specific example(s) where Kosovo ‘could have’ or did complicate your work?
A: Everyone knew that it was going to eventually blow up. But it is a very significant historical fact -well after I left the ICFY – that priority was given to implementing the Dayton Accords and keeping on board, as far as possible, all the participants of Dayton. At Dayton Milosevic was the key negotiator with Richard Holbrooke and indeed Holbrooke records this in his book in some considerable detail. Admittedly the US and some people in Europe were critical of, first, Vance and I and then Stoltenberg and me for focussing attention on Milosevic but the reality which Holbrooke wisely accepted, was that Milosevic was the key person in getting the Bosnian Serbs to the negotiating table. The fact that he was not prepared to engage on Kosovo I assume was the reason Holbrooke and others did not push him on Kosovo until it all blew up, but you would need to study that – it is not something I have examined in detail.

There was never any chance that Milosevic would shift his attitude on Kosovo other than in direct talks with Vance, myself and Stoltenberg, Bildt and Holbrooke. It is no slight or slur on Geert Ahrens’s undoubted diplomatic skills to recognise that reality and it is worth recalling that Holbrooke was brought back from private business when Kosovo blew up as a special envoy to go and see Milosevic making the judgment, in my view perfectly correctly, that he was the only person who had any real chance of persuading him to avoid the eventual Kosovo war.
Wolfgang Petritsch
Phone Interview one of three:

00:02 Christian Novak: In September 1998, you were appointed special envoy for Kosovo by the EU foreign ministers, what did that role entail?

00:13 Ambassador Wolfgang Petritsch: Well, basically that was done because the Americans already had a special envoy, it was Chris Hill. And the Americans were quite critical of the Europeans, saying, "Well..." I mean Chris Hill once said in... It must have been in late August, early September. In Washington, one of his presentations there, "While we are working there in Europe in the Balkans on the Kosovo issue, the Europeans are toasting each other with champagne," or something like this. But this kind of dismissive, and that really energised the foreign ministers to say, "Okay, we need to do something." And the problem was actually, that there was actually a European Union and OSCE special envoy, the former Prime Minister of Spain, Gonzalez, but he was for all of Yugoslavia. But he didn't actually... For some reason, he was not active. Also he had a problem that he didn't get the Visa for then, Yugoslavia. So, the European foreign ministers, in a meeting at the UN headquarters for the general assembly, got together and said, "Okay, we have to come up with a decision on this." And since Austria at the time had a EU presidency, the rotating presidency, that played a role, because I was already involved previously in the so-called KDOM...

02:03 CN: Yeah.

02:04 AP: You know about KDOM?

02:04 CN: Yeah.

02:05 AP: And as with the Europeans, the Americans and the Russians together in KDOM, yeah?

02:12 CN: Yeah.

02:13 AP: Diplomatic Observer Mission. That was actually very important, because it was based upon an agreement between Yeltsin and Milosevic on the 17th of June 1998. And that was the first ever recognition that external actors can, or should play, a role in Kosovo. Because before this Milošević said, "This is an internal issue, domestic issue, we don't want to..."

02:39 CN: I see, I see.

02:40 AP: Yeah? That was... And KDOM was organised with the on behalf of European Union and then the American le Charge D'affaires in Belgrade and the Russian Guard. And in this way I was exposed to the other Europeans already, to the foreign ministers and so on and so they actually, although there was Italian and a French candidate, they actually said, "Well, [03:08] is already there and he's done already a good job or job there, so let's do..." That was actually a proposal by the Germans...

03:19 CN: Oh okay, I see.

03:20 AP: Not by my own foreign minister but... And that is how it happened. The Germans also thinking they are gonna be the next EU presidency and that they after couple of months, then in January of 1999, that they then in turn would take over, so they thought they could have this kind of a rotating special envoy.
03:45 CN: Yeah.

03:47 AP: But, in a mean time, obviously the other countries recognised my efforts and said, "Why change now?"

03:56 CN: Oh, I see.

03:57 AP: And this is the typically European thing, the kind of confusing and all this stuff, it's a little bit like old Yugoslavia with it's rotating stuff and presidency.

04:09 CN: I find it very complex...

04:12 AP: Yeah, so, see this is really this complex decision making in the EU but what delayed first the decision what to do and then once it was taken, it was taken actually only for a couple of three months or so to the end of 1998 and then they thought the next would be German, but it didn't happen and so the Germans had to give in and accept me as now the permanent special envoy. And in the time in this phase, there was the so-called shadow diplomacy, yeah?

04:47 CN: Yeah, yeah. That's one of the...

04:49 AP: It's already the next question, I think?

04:51 CN: Yeah.

04:52 AP: And what we did is basically... The Americans [04:56] already had sort of a blue print for a peace deal...

05:01 CN: Yeah.

05:02 AP: A text. Rather general or rather generic and I was travelling between basically between Christina and Belgrade, talking in Christina to Rugova and his people to the opposition to... And then going on to Belgrade talking to Milošević and their people, at the time it was I guess already [05:32] the appointment for Kosovo and with the foreign minister [05:38], and while we were doing this of course, actually the war or the conflict escalated. Extremely important to realise because it was not on the agenda in their term, there was a real... In the course of post-Dayton, that first two years after Dayton, it became evident to the Kosovas, our peaceful resistance, civic resistance does not work.

06:18 AP: Because the Kosovo Liberation Army just erupted in the early 1998, didn't it? With...

06:25 AP: Yeah, '97, '98, so about two years or one-and-half years after Dayton, they were... Kosovo was not on the agenda, and so that was a big, big blow to Rugova, in particular, who had a huge... He was the Gandhi of Balkans, yeah. Very unusual for the region where we all think everybody's fighting with weapons that strong. This is really historic opportunity missed by the international community to recognize here, is someone civic resistance, alternatives to the brute force of the Serbs and so on. And the younger ones decided, "Okay, this is now, enough is enough, we're gonna [07:09] weapons."

07:41 AP: But still, we tried, and tried, and tried. I remember, still, on Christmas eve, I was actually on my phone in Belgrade trying to sort of mediate a ceasefire on the border between Serbia proper
and Kosovo. So it was quite obvious that this is not gonna work the way we're doing it. And then, in mid January, Račak happened, and that was real, and [08:14] So this was... That was a little bit the line how it went, but of course, in the meantime, the October agreement where Milošević was there; and there, what is important here is... Actually, this was, as it says, an agreement between the American representative, Holbrooke, and the Yugoslav.

08:41 CN: So where were you guys?

08:45 AP: And I, at the time, October, I was just about appointed. But of course, Holbrooke and Chris Hill were together, but I was not... I was just, really, at the time, really, I took up my work, so to speak. And when Holbrooke... And after this agreement, we sat down together in order to, for me, as the representative of the EU, and we were talking now, "How do we go about this, then?" Because it was a bilateral agreement with the exclusion of the Kosovars.

09:28 CN: Yeah, there's the crucial point, isn't it?

09:30 AP: Absolutely. And then, I said, "Well, I think we need to do something now." And so, I was charged and asked by Holbrooke, and then, by the Europeans to go to Rugova and sell to him, so to speak, this agreement.

09:47 CN: Yeah.

09:48 AP: Yeah? And he was quite reluctant. He was under pressure, of course, from the KLA already, at the time. But we managed... I managed to get out of him that he embraces the agreement. But Rugova did not call the shots; it was the KLA. And while the Serb Security Forces were basically withdrawing, the KLA did not feel a responsibility. They, of course, since they were not part of this deal, they said, "Why? We couldn't care less." And so, moved into the positions where from which the Serb Security Forces had withdrawn. And so, that was, in a way, clearly, a flawed agreement, I would say.

10:51 CN: That's quite crucial, isn't it? Because...

10:53 AP: That's very crucial because then, after this... And we lost so much time, and again, it's at sea, what is happening, why should I strike a deal with you if you can't rein in the KLA, the terrorists, as you called it? And there he has a point.

11:15 CN: That is true, yeah.

11:16 AP: So we then said, "Well, let's... " And then, I really worked hard on Rugova, but I realized at the time, already, that we need to talk to the KLA. But who, actually, was the KLA?

11:33 CN: Yeah, you tell me, I... Yeah.

11:36 AP: Because there was no public figure. Holbrooke once sat down with the KLA leader and who claimed to be the top leader of the KLA. But then, when his photo appeared, Holbrooke sitting there without shoes, make stories, then there was really a laughter throughout Kosovo and say, "Why this guy is somewhat from the... " He's a regional guy. But he has no say in the overall KLA leadership, yeah?

12:08 CN: And Milosevic wouldn't have been happy with that, would he?

12:12 AP: Yeah. Of course, that was now... Milosevic said, "See, I told you we have to really fight those terrorists with... This is an armed uprising and we have to do... Diplomacy doesn't work so to
speak." Clearly he was not... In the case of Kosovo he was not a great believer in diplomacy. While in Dayton, as we know, he was crucial in fixing this deal. That didn't work in Kosovo because there were... Not all the parties involved were part of this agreement.

12:54 AP: And then of course the violence escalated after this, and then the Serb security forces moved back and they... I remember then time they really threw out all the people from Alishevo. I was there, it was really like a ghost town. There was still on the tables in these restaurants or these bars, you still had the drinks on the table. It was like a still life. And we also found some, in one of those buildings, scattered on the floor were some papers, sheets from the KLA recruitment of people and something like this. All sort of that.

13:45 AP: But you have to keep in mind the KLA which they now celebrate so much, it was a ragtag army, so to speak. They were good at attacking from behind, and making those kind of terrorist attacks, whatever you call them freedom fighters. But they were of course they had no chance against the regular Yugoslav army or the security forces, clearly.

14:11 CN: I always found that the whole international community would say that the Yugoslav army they're dealing with it too harshly or it's the overreaction. But then again what are the rules with dealing with an internal armed insurrection in your own country? What's the criteria for the way they could have acted that would've... That the international community would have said, "Okay, that was on the realms of the Geneva Convention or whatever."

14:39 AP: Yes. Clearly we were also human rights violations, and the Geneva Convention of course. But that was asymmetric conflict.

14:49 CN: True, yeah.

14:50 AP: So it was difficult to argue with the Geneva Convention. And particularly, it was actually that... Milosevic said, "This is a terrorist thing. That Geneva Convention doesn't apply, they don't apply." And then of course it was really a very critical moment when I took over. It was the Americans were considering at the time it was Gail Bert...

15:17 CN: Yeah.

15:18 AP: Yeah, who actually was already arguing in favour of putting the KLA on the list of terrorists.

15:27 CN: Yeah, yeah. Yeah, that's interesting. Isn't it?

15:30 AP: And that clearly means, you as a diplomat cannot talk to them. And I argued against it with the EU foreign ministers in Brussels. I was invited at the time to give a run down on what and what I would do, how I see it. And at the time I said, "Listen, there's one principle I deeply believe is you need to get the extremists to the table. If you want to resolve such a conflict you need to rein in the extremists. There are two options. Either they're terrorists and you have to fight and then it's the military option, or it's the diplomatic option. But you have to tell the alleged terrorists or the leadership of the KLA. And this is what I did, "Listen you cannot have it both ways. You either go on fighting, then you we will declare you a terrorist organization, and then it's over. Then the state has a right to fight against you. Or you decide to lay down the weapons and talk and we'll see, we support you on this to hammer out a compromise." Yeah?

16:39 CN: But they were neither... The KLA were neither prepared for a compromise with them.

16:40 AP: And then, at least that you accept it. And then clearly I also had to find who actually was the leader after. And in the time there was, Yugoslav soldiers were taken hostages by the KLA,
somewhere on the border to Albania. And then Belgrade asked at the time the KVM was already here. I mean KVM was the consequence of Milosevic agreement, yeah. And maybe we should talk about it then later on, I guess, you have it or no?

17:18 CN: What's that, sorry?

17:20 AP: Kosovo Verification Mission...

17:23 CN: Yeah, that's...

17:23 AP: With Bill Walker.

17:25 CN: What are your thoughts on that?

17:27 AP: Well briefly, it never...

17:28 CN: Brief, yeah.

17:30 AP: It was of course unarmed, but it was already more intrusive than the observer mission. It was verification. It was the OSCE that was charged with... And the Americans wanted to help the leadership on this, which probably the European should have done now in retrospect because...

17:55 CN: They even handed Nassau.

17:58 AP: In hindsight, because... Walker. The Americans at the time already was sort of contemplating, "Well, it's not gonna work." Of course, for the US, they have clear options. If it doesn't work diplomatically, in diplomacy, you have always the military to do the job. On many occasions, of course, a combination of the above and so on. And OECD member states did not really deliver, so it was, I guess, 2,000, but it was only at the end, only at 1,000 something. You have to check the figures of verification people there. And then clearly in mid January, the Racak happened. But to go back to, I had to find... I said, "Okay now, I have to go ahead from the European Union to talk to the KLA." But first, I have to identify who is actually, who calls the shots in this organization. Yeah.

19:06 CN: Yeah.

19:06 AP: And when, previously mentioned, the hostage taking was... And Milosevic asked whether we could be of help. Chris Hill and myself and Walker went into the woods there and... No, that was later. Before this, I tried to find out who actually is. And it was suggested to me, that there's a certain guy, a young guy named Thaci...

19:33 CN: Yeah.

19:35 AP: And then I sent out my assistant at that time to first talk to him, to see how he... And so on because I wanted to be very careful and not to be the laughing stock like [19:46] was at the time when he sat down with the wrong person.

19:49 CN: Yeah.

19:49 AP: Before I sit down. And then when we had this hostage thing and we're negotiating out there in the woods somewhere with the KLA, we were able to come up with a deal, saying, well, they wanted to have the imprisoned KLA fighters released. And Belgrade said, "Well, this cannot be an exchange of prisoners."
20:23 CN: Yeah.

20:23 AP: But then with Chaimovich, I agreed that actually, the KLA should release first Yugoslav soldiers. And then after 10 days, the Yugoslavs would seemingly unrelated let the KLA fighters go away in Belgrade. And then when this compromise was negotiated at the end, and then the KLA people there said, "Well..."

20:53 CN: This was in January, wasn't it?

20:56 AP: In January.

20:56 CN: January '99.

20:57 AP: Yeah. January '99. And then they said, "Well, whether this really is a deal, you have to talk to someone." And this was Mr. Thaci on the phone because he was not present there. And my advantage was that Thaci at the time didn't speak English but he spoke German.

21:17 CN: Yeah.

21:18 AP: So, in this way, I was the only one actually to be able to talk to him.

21:23 CN: Yeah. What was he like?

21:27 AP: So and then on the phone, I said, "Okay, Mr. Thaci, we have now hammered this out. This is would be. And now I need your decision." And he said, "Yes. Go ahead." And the others all agreed. So I knew that this is the guy who calls the shots, who has obviously a lot of influence on this, maybe the number one or whatever.

21:48 CN: 'Cause the Americans had been pushing to find the KLA, hadn't they? Or to find the leader for a while.

21:56 AP: Sorry?

21:56 CN: The Americans had been pushing to get the KLA involved more, hadn't they?

22:03 AP: Well, it was both to me... You know I had an experience, when I was a young aide to the then Prime Minister Pono Kaiski. He was very much involved in the Middle East issue. And he was the one who actually brought Arafat to the international scene.

22:27 CN: Ah, yes, I see

22:28 AP: And the PLO to be recognized so to speak in the West.

22:34 CN: Yeah.

22:34 AP: He was the first. Highly controversial. And he had the same approach. He said to Arafat, "Listen, I can help you so that you get political recognition. It's gonna be difficult but you have to abandon the armed uprising, the fight."

22:54 CN: Yeah.

22:54 AP: "You know you cannot kill and you cannot kill. You cannot terrorise Israel and the others and so on. Then I can do it. You can't have it both." That was for me the model so to speak. And
clearly, it was also the Americans, once they decided they should not... Chris Hill, in particular said, "Listen, we need to talk to them." So, in this and also Holbrooke, of course... So, Holbrooke and Hill were the ones to say, "Let's talk to them." Later on, Albright came in, who was even more pro.

23:31 CN: Yeah. She's very pro, from what I read, she's very pro 'cause of us.

23:37 AP: Yes. To tell you frankly, for me, too much. Yeah.

23:43 CN: That looks a bit odd doesn’t it.

23:44 AP: [23:44] really. They were really difficult because she was really wanting to go all the way to independence and all this stuff which the Europeans... And of course, you have to keep in mind, the Russians were on board.

24:00 CN: Yeah, yeah.

24:01 AP: They were negotiating Americans, Russians, and European, you know? So, and it was very clear that the Russians would never accept independence.

24:09 CN: True.

24:10 AP: And therefore, our negotiating basis was high degree of autonomy. Although at the time, clearly after such a long and protected from conflict, including me, I did not think that in the end that, this would be lasting compromise. But I fully supported on this that we go for it. To keep the Russians on board is very important, right?

24:46 CN: Yeah.

24:46 AP: Otherwise, you wouldn't get the security council if. Russia, at the time, of course, under Yeltsin, they were far more flexible. And they had, back in Russia, they had a huge economic crisis, yeah?

25:07 CN: Yeah.

25:07 AP: So they were actually not really this forceful as they are now or became afterwards when Putin came. That was a different time also. And also again, a historic opportunity was missed to keep Russia in a wider context, so to speak, in this, to have a... To establish a lasting and solid relationship, for global issues as we see now in Syria, without the Russians, nothing goes, yeah? At a time, that was possible, it seemed to be possible, of course, then with the NATO intervention, things changed. But in general, I was always very much with, and I was told my Russian counterpart, I said, "Listen, only the two of us can prevent NATO from taking over this issue." So put pressure on Belgrade, because the Russians were considered friends of the Serbs, clearly, yeah? And Europeans also could not have had an interest in a military, because then the Americans would take over.

26:16 CN: Yeah.

26:17 AP: And this kind of thinking was of course around. And for me, as European, it was clearly important to come as far as possible with the negotiated compromise. However, on the other hand, I knew that without a military, a peace force, you will not be able to successfully pacify Kosovo and get the autonomy. And above all, at the center of it was demilitarisation of Kosovo, including the KLA.

26:54 CN: That was a big issue, wasn't it?
So, that was part of the deal. So it could not have been done just with the civilians, of course, with OSCE. You needed... The Russians, sort of, not officially, but they consented to it, as did they did, by the way, in Bosnia.

Yeah.

So anyhow, Bosnia was a little bit of this kind of, "Okay, this is how it could work in the end." Not first and foremost to talk about the military part of the implementation, but let's talk about the Constitution, let's talk about the arrangement, let's give the Serbs a lot of influence in the... This is the European way of thinking, minorities need to be strengthened in it. In democracy, minority can never become majority.

Yeah, yeah.

So therefore, you compensate this, this was our thinking very much. Okay, let's go back to the what is...

Yeah, well then, NATO was very close to military intervention in October 1998 of course. They had this kind of act already out there. You know this kind of lingo?

Yeah, I'm following you...

This stuff was there, but it was particularly the Europeans who said, "Well, let's try and see what we can do." And so as I said, at the end of 1998, it was really escalating further, there was not a real chance. And then when Racak happened...

I find Racak very interesting.

Yes, Racak happened and there was the question of what was it, actually. Was it a civilian massacre or was it just killing KLA fighters? And unfortunately, Walker was too fast in...

He perhaps came out publicly a bit too fast.

In this massacre, and this clearly, the confrontation was there between Belgrade and the rest of the world so to speak, yeah? One should have handled this in a more diplomatic way in my opinion, bring in really independent research and all this stuff. Which I did, this was the only success that I had with Milosevich. When I proposed to him that a forensic team should come in, he had one from Ukraine, but that was of course not accepted by us. But then, we made this proposal to have this Finnish forensic team, to come, yeah?

I've read a lot of her testimony.

Huh? Sorry? Yes.

I've read a lot of her testimony.

Yes, and they're clearly very important in this context is Helen. I was asking her because the expression massacre was not included in the...
29:42 AP: So of course the Serbs were triumphant, this was not a massacre. And then, I spoke to her once on the phone, and I said, "Listen Helen, this is a huge political issue." And then she told me, she said, "Listen, the expression massacre is not part of our academic language when it comes to forensics.

30:03 CN: Well, she's a pathologist.

30:06 AP: Yes, a pathologist. This is not a medical expression.

30:11 CN: Yeah.

30:13 CN: And then, she said, "I can tell you this was a bloody massacre." But in this paper, a massacre did not... And, so of course, the issue continued to be highly controversial. And here, I come back to what I said before about Walker, he should have not used this expression at the time.

30:41 CN: Do you think it's...

30:42 AP: Understand, from a human standpoint, when you see this, 40 people killed, I mean, you're so shocked and then you say something, and the Americans, they jump to conclusions rather fast. The media were there so it was immediately, there was a... And clearly, it was already at that time, as I said before, the Americans were sort of tending already towards, there's not gonna be a solution without the military staff. And for us, Europeans, I remember when I said, "This was my argument at the time to say this is now high time that we really pressure the parties to a negotiating table."

31:22 AP: So a little bit like so to speak. So I drafted what we should do and so on and then the Americans agreed but at that time, was very difficult first of all to convince the Serbs to go outside of their country, to negotiate, to accept the other's de facto as a partner.

31:47 CN: Yeah.

31:47 AP: Yeah, the KLA. And in Kosovo itself, there was a huge... I mean, between the Hogovad, the old part, so to speak, of the leadership and the KLA was a huge, huge controversy. You know?

32:02 CN: Yeah, yeah. Yup.

32:03 AP: Because there was a fight about strategy, about leadership, who is really now representing Kosovo and so on. And actually, at that time, we already thought, "Okay, we would need first to get the Kosovos together to agree amongst each other." Then, somehow it worked out and okay, Rambouillet came about. We had a meeting in, a content group meeting in London Chatham House. There, it was decided to... At the conference, obviously, at the time, it was already decided between the French and the Brits that they would take the lead in this. But at that time, as of '99, Germany had the rotating president. So for the Germans actually a new government, social democrats as foreign minister. Of course, also, fight critically in Washington, the Greens, leftist and the government.

33:10 AP: Yeah, yeah, yeah.

33:11 CN: First and all these stuff. So they obviously wanted to circumvent the Germans in a way. Now at that time, I was the EU special envoy but it was not to negotiate that. That was something else for Rambouillet. And then, in London, it was so funny because I was sitting there, all the foreign ministers from the contact group. And then, the British foreign minister started out saying, "Well, actually, it's a conference but where do we do it?" And then, he turned to and said, "You
have such beautiful castles here. Wouldn't you be ready to provide us with... " And he said, "Yes, of course, we can offer Rambouillet. This is the seat of the hunting lodge of the French president." And then, he said, "But then, you also have to support me in chairing this," so to speak, this conference political. And who is going to do the actual negotiations?" And then, Albright said, "Well, we have Chris Hill. She should do it." And the Germans, a few days earlier, had called me up and said "Listen, you're special envoy. You're gonna remain this but the negotiator's gonna be a German." They had this former state secretary Ishiga who they have actually in mind. But the events overtook this in London. And then, Albright said, "Well, we'll offer Chris Hill... "

[background conversation]

35:13 CN: Christian, I would leave you now and to continue at another point in time. Unfortunate.

35:19 AP: Yeah. No, that's fine. You've spoken to me quite awhile.

35:23 AP: I would just tell you this because it's also, it's really, so to speak, behind-the-scene and it's very much not really [35:31] , just to illustrate how things work. And then, Albright said, "Okay, Chris [35:37] ." And Chris has worked so well with Wolfgang, I think these two should do it.

35:43 CN: Yeah.

35:45 AP: And I was sitting next to the new presidents of Germany, to the foreign [35:48] and he's political director. And Fisher was totally shocked because he was... Obviously, assuming that staff has already arranged with the French that they would be negotiating but he didn't say no, Pietrich is not gonna be, they just simply accepted it.

36:12 CN: Oh.

36:13 AP: So it was actually against the intentions of the Germans because as I started to explain to you that a few days earlier, they had called me and said okay, you are [36:25] but we are gonna have to negotiate that issue at the time. Yes, the other proposal. And then the Italian said, "Well, actually there should be also Russian and turn to four minutes that Ivanoff," and Ivanoff said, "Yes, we are going to name one." This is how this negotiating, mediating troika came about.

36:49 CN: Oh, I see. I didn't know that 'cause that's not in the script so to speak.

36:55 AP: Yeah. Clearly, that was a political message to the Germans, now be very careful if you don't play by the rules that we have then you're gonna have difficulties.

Josef Janning

Notes from Discussion with Josef Janning 2 February 2017

- The BST were not invited by anyone, but we self-mandated ourselves Independent actor with its own working agenda

- The foundation, which had its own mandate and working agenda, invited Kosovo-Albanian and Serbia “intellectuals” – persons not holding a political office, who were publicly known, represented a range of different political opinions conducive to argumentative deliberate methods

- One group work under the hypothesis that the final status of Kosovo would be the status quo. Second hypothesis was that the final status of Kosovo would be independence; and the third
hypothesis was that the final status would be a form of autonomy for the Kosovo region but within the Serbian state

- The Albanians immediately agreed to participate in the independence strand but not the other two, however, they eventually agreed. It took them longer. It took a while to get the Albanians to participate.

- Work on Kosovo in much larger context to what they were doing. It took 44m.43s.

- They managed to get both sides to agree to the working principles; that we would not discuss likelihood or desirability.

- Our working assumption was that there would be an overlap between the outcomes of all three groups and that we would use the overlaps to make the argument to both sides to say see these are things you could consider to be doing now because they do not preclude a specific status outcome.

- This final recommendation basically tries capture those issues that came up in all three groups. We were trying to put an appeal to the parties to talk to each other – put those points which we have found were on the to-do list of all of the three working groups that we have had.

- That these issues were sufficiently independent of final status to be addressed.

- Address needs that were pressing but would not signal that any of the two parties had given up on its final status claims.

- We sometimes had listeners like Johannes Haindl in the plenary parts simply listening in and he could feed that back.

- I had backstop meetings with Ischinger.

- Kosovo Albanian political same as what we see in Rambouillet.

- We had on the Kosovo Albanian side basically the leadership of the political arms. Everyone but the military guys were there – the principal factions.

- On the Serbian side there was no formal representation of the government because the government didn’t want this. In saying that, lead people from Milošević’s coalition partner the Neo Democratic they were regularly participating in this. But also we had a number of intellectuals – people from the Serbian academy of Sciences who were pretty influential.

- We did a number of studies as part of our work on what the problems were and how to deal with them because our working assumption was that there would have to be sufficiently sustainable settlement of minority issues as a precondition to membership.

- We had been holding expert workshops, conferences and published studies involving experts from essentially all parts of Yugoslavia. Basically, we had regular working contacts with people in the Serbian academy of sciences, but also these people in Serbian politics in the outer rings around the Milosevic party and the coalition parties who had spent part of their life outside and came back from the US; who were Serbian nationalists but with the exposure to different ideas.

- We suggested to the Serbians and Kosovo Albanians whether they would be interested to work with us on the particular question of Kosovo.
- We benefited because we had no leverage other than that they knew we were decent people that we would be able to offer them this space to discuss and being them together repeatedly the project funded by Bertelsmann foundation.

Although it must be considered hearsay, people tell Janning that at the time it would have been impossible for something of that nature, for a cabinet member to go there, without Milošević having explicitly accepted that. Without evidence,

We did not tell them in the beginning that our idea was that the overlap and outcome what we would then try and continue to work with.