

Cattedra: History of International Relations

# **The role of the United States in the Nation-Building of Kosovo After the Dayton Agreement**

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## **LIST OF ABBREVIATIONS:**

**AAK:** Alliance for the Future of Kosovo (Aleanca për Ardhmërinë e Kosovës)

**ACO:** Allied Command Operations (NATO)

**ACT:** Allied Command Transformation (NATO)

**ACTORD:** Activation Order (NATO)

**ACTWARN:** Activation Warning (NATO)

**ARBiH:** Army of the Republic of Bosnia and Herzegovina

**AVNOJ:** Anti-Fascist Council for the National Liberation of Yugoslavia

**CRS:** Congressional Research Service (U.S. Congress)

**DS:** Democratic Party (Serbia)

**EC:** European Community

**EU:** European Union

**EULEX:** European Union Rule of Law Mission in Kosovo

**FARK:** Armed Forces of the Republic of Kosovo (Forcat e Armatosura të Republikës së Kosovës)

**FRY:** Federal Republic of Yugoslavia

**FY:** Fiscal Year

**G8:** Group of Eight

**HDZ:** Croatian Democratic Union (Hrvatska demokratska zajednica)

**HVO:** Croatian Defence Council (Hrvatsko vijeće obrane)

**ICJ:** International Court of Justice

**ICO:** International Civilian Office

**ICTY:** International Criminal Tribunal for the former Yugoslavia

**IFOR:** Implementation Force (NATO-led in Bosnia)

**JIAS:** Joint Interim Administrative Structure

**JNA:** Yugoslav People's Army (Jugoslovenska narodna armija)

**KDOM:** Kosovo Diplomatic Observer Mission

**KFOR:** Kosovo Force (NATO-led international force)

**KLA:** Kosovo Liberation Army (see UÇK)

**KPC:** Kosovo Protection Corps

**KPS:** Kosovo Police Service

**KSIP:** Kosovo Standards Implementation Plan

**KTA:** Kosovo Trust Agency

**KVM:** Kosovo Verification Mission (OSCE)

**LDK:** Democratic League of Kosovo (Lidhja Demokratike e Kosovës)

**NATO:** North Atlantic Treaty Organization

**OSCE:** Organization for Security and Co-operation in Europe

**OZNA:** Department for People's Protection (Yugoslav Security Agency)

**PDK:** Democratic Party of Kosovo (Partia Demokratike e Kosovës)

**PISG:** Provisional Institutions of Self-Government

**RS:** Republika Srpska (Serb Republic of Bosnia and Herzegovina)

**SAO:** Serbian Autonomous Oblast/Region

**SDA:** Party of Democratic Action (Bosnia)

**SDS:** Serbian Democratic Party (Srpska Demokratska Stranka)

**SFRY:** Socialist Federal Republic of Yugoslavia

**SKS:** League of Communists of Serbia

**SOE:** Socially Owned Enterprises

**SRSG:** Special Representative of the Secretary-General (UN)

**TO:** Territorial Defense (Teritorijalna odbrana)

**UÇK:** Ushtria Çlirimtare e Kosovës (English: Kosovo Liberation Army - KLA)

**UDBA:** State Security Administration (Yugoslav Secret Police)

**UN:** United Nations

**UNHCR:** United Nations High Commissioner for Refugees

**UNMIK:** United Nations Interim Administration Mission in Kosovo

**UNOSEK:** United Nations Office of the Special Envoy for Kosovo

**UNPROFOR:** United Nations Protection Force

**UNSC:** United Nations Security Council

**VJ:** Army of Yugoslavia (Vojska Jugoslavije)

**VRS:** Army of Republika Srpska (Vojska Republike Srpske)

**WGI:** Worldwide Governance Indicators

## **Introduction:**

This thesis aims to analyze the historical evolution of the role of the US foreign policy in the post-war national building of Kosovo in the late 1990s-early 2000s. The time span examined for this analysis ranges from the Dayton Accords to the Kosovo Declaration of Independence of February 17, 2008, also including the Advisory Opinion of the International Court of Justice delivered on July 22, 2010. In this Advisory Opinion, the Court posited that the aforementioned Declaration of Independence did not violate international law, thus providing an international framework for Kosovo's nation-building process. The primary objective is to understand how Kosovo became an emblematic case of American state-building policy in Southeastern Europe in the aftermath of the end of the Cold War.

To achieve this objective, this thesis is structured around the following research question:

*To what extent can the US intervention in Kosovo from the Dayton Accords of 1995 until 2008 be interpreted as a strategic project of nation-building, and what were the structural limitations of this model?*

This question will allow for several developments in the investigation. First, it will allow for a reconstruction of American policy towards the region, including its priorities and mechanisms, starting with the structural change in NATO's global role, specifically with the intervention in Kosovo in 1999. This will then move on to the central role played within UNMIK and KFOR operations, as well as the support and training of the Kosovo police forces and the much broader objective of democratic transformation of Kosovo's institutions. Second, it will allow for a critical assessment of the effectiveness and legacy of US nation-building efforts, with particular attention to their reception by local actors, their internal contradictions, and their broader geopolitical implications. Ultimately, the purpose of this thesis is to historically assess the true significance of American intervention as an experiment in nation-building in a post-war, post-socialist context. Recognizing the uniqueness of the Kosovo case, and using the term “nation-building” to demonstrate the need to build a nation with its multiethnic component, this thesis ambitiously seeks to contribute to the academic literature on the study of contemporary nation-building perspectives.

To answer this question the research method employed will be historically qualitative, structured around a critical analysis of official and institutional primary sources. Among these, key considerations will include U.S. State Department documents, Congressional Research Service reports, transcripts of statements by senior American and Kosovar officials, and documentation produced by international missions in Kosovo. United Nations documents, including UN Security Council reports and resolutions, will be crucial to understanding the dynamics of the international response to the Kosovo crisis and the complex issue of its status. Finally,

analyses of contemporary journalistic reporting, Kosovo's constitutional documents, and statements from countries central to the regional dynamic, such as Russia, will broaden the scope of this research. Adding to these sources, RAND Corporation reports and analyses by historians and researchers in the field will further develop a comprehensive perspective on the ethnic, historical, and social fusion that characterized Kosovo as a whole.

To fully understand the scope of US intervention, it is essential to first understand the historical development of Kosovo, set within a complex regional context resulting from a profound multiethnic and multicultural mix.

Therefore, starting with the first chapter, this thesis will focus on the key elements of Kosovo's birth and evolution, its geostrategic importance within the Balkans, which made it a crossroads of multiethnic peoples and dynamics. This very ethnic complexity will be the “fil rouge” that characterizes a comprehensive understanding of this country's uniqueness, and will be the true “Leitmotiv” of the succession of dominations that will establish themselves as controllers of the territory. Transitioning from Serbian to Ottoman rule with the Battle of Kosovo Polje in 1389, and then again to Serbian and Nazi-Fascist presence during the Second World War, finally arriving at its incorporation into Tito's Yugoslavia. It was Tito himself, with his policy of non-alignment, who would allow the first American rapprochement in the territory, which will be extensively observed in the second chapter. The first, however, will end precisely at the twilight of Yugoslavia itself, which had allowed a containment of ethnic differences, albeit dependent solely on the charisma of Josip Broz Tito. The outbreak of the wars that would disintegrate it would generate a diplomatic breakdown of immense proportions, demonstrating the blindness of the various international bodies related to the lack of understanding of the powder keg that Yugoslavia had become.

The second chapter will then analyze the complex dynamics of the Yugoslav wars, the structure of the Dayton Accords and the subsequent Kosovo crisis. In the broader context of the Yugoslav Wars, American interference in its most military sense: NATO, would be pervasive from the very beginning. The latter, set against the broader backdrop of the end of the bipolar world with the fall of the Berlin Wall, will accelerate the mediation process undertaken by the American administration during the famous Dayton Accords. These Accords, while ending the Bosnian War excluded the issue of Kosovo, creating a precarious unbalance in the region. Therefore, the chapter will focus on the Balkan countries that were initially affected by the Dayton Accords, such as Bosnia-Herzegovina, and then move on to the final major evolution of the Yugoslav Wars, where Kosovo's identity will be the focal element. The failure of international mediation will lead to the rise of the Kosovo Liberation Army (KLA) and the subsequent collapse of the Rambouillet negotiations. Essentially, the resurgence of the conflict in the region with the last Yugoslavian War, in Kosovo, coupled with the escalation of American interference, culminating in NATO's military intervention in 1999, radically altered the region's geopolitical landscape.

Finally, the culmination of this thesis will be addressed in the third chapter, which will analyze the specific case study: American nation-building in Kosovo. The thesis will study various multilateral interventions, such as the United Nations' UNMIK missions and NATO's KFOR operations, as well as soft power tools and bilateral technical and diplomatic assistance programs that if from one side will further the nation-building process, on the other side will show its ambivalent nature. Indeed, American and international officials will find themselves building a state without being able to pronounce its name. Kosovo will formally remain an autonomous province within the Yugoslav Federation but operating under a United Nations protectorate. The limbo in which the region will exist in the aftermath of the War will create a situation in which the population will be supported in building democratic institutions, but without allowing sovereignty and ultimate responsibility to be entrusted to Kosovars.

The study will analyze how this structural contradiction, initially managed through the “Standards before Status” doctrine, proved unsustainable following the dramatic uprisings of March 2004. It will argue that this traumatic event forced a change in the peace process, forcing Washington, the United Nations, and the European Union to realize that diplomatic limbo was no longer sustainable. By examining the Eide Report, the Ahtisaari Plan, and the Vienna Negotiations, the chapter will trace the paradigm shift that led to Kosovo's 2008 declaration of independence. Consequently, the findings will suggest that the massive injection of political and financial capital created a functional paradox. It was created a state with formal institutions but characterized by a structural dependence on international support and a fragile rule of law.

Overall, the US-led nation-building process in Kosovo will prove to be a partial success, as while the intervention effectively secured the region and aligned it geopolitically with the West, the nation-building effort has struggled to generate a self-sustaining economy, demonstrating that external nation-building cannot fully replace the endogenous development of a national social contract.

# 1. The historical roots of Kosovar question

The past is never dead. It's not even past.

William Faulkner<sup>1</sup>

## 1.1. Kosovo as a multiethnic space in the Balkans

The 17<sup>th</sup> of February 2008 Kosovo unilaterally proclaimed its independency from Serbia. This groundbreaking act formally ended one of the most complex territorial and political contentious emerged from the Dissolution of Yugoslavia. After almost 20 years, in 2026, this independency is recognized by 108 out of 193 Member States of the United Nations. From a legal perspective, the declaration of independence was acknowledged by the International Court of Justice, which resulted in an advisory opinion emitted the 22<sup>nd</sup> of July 2010 under the request from the United Nations General Assembly<sup>2</sup>. In this precise occasion, the ICJ posited that the act did not violate neither the principles of general international law, neither the 1244 UN Security Council Resolution. Nevertheless, the ICJ, deliberately avoided ruling on the legal effects of Kosovo's declaration, and therefore, on the full acquisition of its statehood. This prudential line, carried on by the judges of The Hague, which was merely limited to validate the structure of the act, emerged as a half victory which had a paradoxical effect on the evolution of international recognition of the new state. Effectively, rather than closing the contentious, it had frozen it. The sentence left unaltered the fundamental political nodus, permitting Serbia, supported within the Security Council by global players such as Russia and China, to maintain Kosovo in a diplomatic limbo of contested statehood. In this complex situation the United States already involved in the region since the Tito-Stalin split, played a vital role in the Nation-building process of Kosovo, however focusing in turning the country in a geopolitical bastion for their regional influence. This convoluted multilateral paralysis, where legal legitimacy clashes with geopolitical dynamics, keeps the region in a precarious balance that international law alone appears unable to restore.

It is within this diplomatic impasse that the need to understand the true significance of the American intervention in Kosovo emerges. Therefore, the primary objective of this thesis will be to properly analyze the historical evolution of American Nation-building in Kosovo, from the 1995 Dayton Accords to the 2008 Declaration of Independence. Adopting a qualitative historical method based on the critical analysis of official primary sources, the research will aim to assess the extent to which the United States' intervention constituted a strategic Nation-building project, highlighting its successes and structural limitations.

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<sup>1</sup> Faulkner W. 1951, *Requiem for a Nun*, New York: Random House, 73.

<sup>2</sup> International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, I.C.J. Reports 2010 (The Hague: International Court of Justice, 22 luglio 2010), 403.

The act of 2008 cannot be understood if isolated from a more stratified and magnified historical context regarding the evolution of Kosovo. Indeed, Kosovo's independence represents the provisional conclusion of a path marked by centuries of ethnic conflict and power struggles in the Balkan region. In this sense, Kosovo represents an emblematic case in which political and ethnic cleavages do not emerge exclusively from contemporary events, but rather, are the products of long-lasting historical processes. Indeed, both the territorial element and the complex development of its sovereignty, intertwined with ethnic and religious claims represent an “essential reason for the enduring historical importance of Kosovo”<sup>3</sup>. Indeed, Kosovo is strategically located at the crossroads of Western Balkans, and throughout its history has represented a very beacon for the melting of different cultures and religions. In this area six major ethnic groups have lived together, their coexistence as it will be explained during the whole thesis, has not always been florid. However, Albanians, Serbs, Turks, Gorani, Roma and Bosniaks are today all represented in the symbolic six stars of the national flag. Today, the Albanian population constitutes nearly the 92% of the 2,000,000 inhabitants of Kosovo, while the Serbian minority is majorly concentrated in the northern enclaves of Leposavić, Zvečan, and Zubin Potok<sup>4</sup>. In these areas, the coexistence between the two communities emerges as a *de facto* separation, apparent in the parallel management of fundamental public services, such as the school system and a limited daily social interaction. It is properly in this scenario that Kosovo stands not only as a contested territory, but as a symbolic space in which condensates the deepest contradictions of the Balkan order. In order to understand these contradictions, it is of vital importance to acknowledge the pivotal strategic position of Kosovo. The country is situated in the Southern interior of the Balkan peninsula, bordering with Serbia to the north and east, Montenegro to the northwest, Albania to the southwest, and Macedonia to the south. It is landlocked, a plateau with an average altitude of approximately 500 meters and surrounded by mountains that, near Montenegro, reach heights of over 2,000 meters. Kosovo covers an area of 10 887 km<sup>2</sup>, mostly covered by mountains that form natural barriers<sup>5</sup>. Indeed, the northern Albanian Alps border to the west with Albania, while Sharr mountains range to the south along the border with Macedonia and eventually Gjeravica mountains cross toward the southwest with the highest peak represented by Mount Gjeravica with an elevation of 2,656 meters. As Robert Elsie observes, the territory on the western part is known geographically the Dukagjin Plateau or Metohija for the Serbs, while Rrafshi i Dukagjinit for the Albanians<sup>6</sup>. This terminological conflict is at the very bottom of the conflict on the name of Kosovo. In fact, for Serbian narration the area known as Metohija comes from the Greek “metochion” that means monastic property. This term is bound to the historical presence of important Orthodox monasteries as the basis of revindication of their own holy land. Whilst the

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<sup>3</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 4.

<sup>4</sup> Robert Elsie, *Historical Dictionary of Kosovo*, 2nd ed. (Lanham: Scarecrow Press, 2010), 3.

<sup>5</sup> *Ivi*, 2.

<sup>6</sup> *Ibidem*.

Albanians categorically refuses this term maintaining the name of an important medieval Albanian family, renaming the area Dukagjinit Plateau. Nevertheless, the major terminological issues arise when talking about the eastern part of Kosovo, which itself is historically named plateau of Kosovo or simply “Kosovo”. The origins of this toponym is strictly related with the famous battle of Kosovo Polje fought in 1389 between the Serbian dynasty and the Ottoman forces<sup>7</sup>. This battle as it will be mentioned often in this thesis represents a symbolical moment for the Serbs, who with their loss, left the region in the hands of the Ottoman domination which lasted for five centuries. Etymologically, it derives from the Serbian word *kos*, which means “blackbird”, and, when combined with the word *polje*, meaning “field”, gives rise to the translation of the site of the famous battle, which is equivalent to the English “field of blackbirds”<sup>8</sup>. This resulted in a semantic overlap in which the entire country ended up assuming the name of only one of the two macro-regions in which it is constituted. This complexity was partially solved during the Yugoslav leadership of Josip Broz Tito. Indeed, the official denomination of the whole Kosovo, became symbolically Kosovo and Metohija (often abbreviated in Kosmet). Even though the main goal of Tito was to symbolically unify the two different geographical areas, this terminological choice became a source of friction between Albanian and Serbian communities<sup>9</sup>. Therefore, in this thesis in line with the international praxis, I will use only the unitarian name Kosovo to indicate the whole territory.

Ergo, this land is historically a space continuously contested, not only on the etymological and symbolical framework but mainly on the political and territorial one. At the very core of this conflict lies a competition between historical narration aimed at demonstrating priority of settlements in the territory. In this sense, the aspirations of self-determination have always passed through this legitimization based on the monopoly of historical memory. The Albanian historiography revindicate an ethno-linguistic continuity that dates back from the antiquity. As Falaschi writes the Albanians identify themselves as the direct descendants of Illyrians, specifically, from the Dardans tribe<sup>10</sup>. The region of Dardania, was rich of resources and was progressively incorporated in the Roman and Byzantine empires. However, the historical continuity is made for supporting the idea of an autochthon and uninterrupted Albanian presence in Kosovo, prior to the arrival of the Slavic population. Meanwhile, the Serbian narration<sup>11</sup> tries to redesignate this view, sustaining that Albanians as a defined ethnic group emerged only in the medieval era. On the other side, it attributes to the Serbs, who belong to the South Slavic tribe that arrived in the Balkans between the 5<sup>th</sup> and 7<sup>th</sup> century, a prominent role in the historical and religious formation of Kosovo. Starting from the 11<sup>th</sup> century the expansion of the Serbian Principality of Raška, Kosovo became a vital political center for the Serbian Medieval state. It is apparent that, regarding both the Serbian and the Albanian community, the political use of this identity-related legitimacy

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<sup>7</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 4.

<sup>8</sup> Robert Elsie, *Historical Dictionary of Kosovo*, 2nd ed. (Lanham: Scarecrow Press, 2010), 2.

<sup>9</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 3.

<sup>10</sup> Renzo Falaschi, "Kosovo, patria dei Dardani," *Rivista di Studi Politici Internazionali* 60, no. 3 (Luglio-Settembre 1993): 331.

<sup>11</sup> *Ivi*, 333.

was aimed at instrumentalize their own historical memory to justify their state aspirations. This was, is and will be the leitmotif of relations between these ethnic groups within Kosovo, a common thread that will trace the history of the state itself, from its origins to the present day. It will be an element of great historical interest that will be analyzed here, proving to be a key to understanding the existential structure of today's Kosovo in depth.

## **1.2 Brief history of the Balkans**

The aim of reconstructing the medieval and modern history of the Balkans is central to understand the ultimate purpose of this thesis. Indeed, American nation-building in Kosovo and the challenges faced by the entire international community during the wars that shook the Balkans in the late 1990s, which would go down in history as the Yugoslav Wars, had their precursors precisely in this period. In particular, this historical reconstruction will observe how the ethnic cleavage that the United States attempted to manage through its nation-building process was not the product of sudden contemporary hatred, but the result of conflicting historical narratives that crystallized over the centuries. The use of history as a political weapon to legitimize sovereignty through control of areas of influence in Kosovo and throughout the region is a process that arises and develops precisely from the succession of dominations on Kosovar territory. Therefore, to comprehend the depth of the ethnic fracture and the intrinsic fragilities of Kosovo, one must look back to the origins of these issues, highlighting three structural dynamics.

First, the arrival of Slavic populations in a territory destined to become a fault line between empires, with the clash for hegemony with the Ottoman Empire. Second, the consolidation of the Serbian myth, due precisely to the memory of the medieval empire of Dusan the Mighty, definitively defeated in the Battle of Kosovo Polje by Sultan Murad I on June 28, 1389, and which remained a target for reconquest for centuries. Indeed, this battle would be politically exploited by the Serbian elite, particularly Slobodan Milosevic, to justify the need for control of Kosovo, fueling the nationalism of the population that would lead to the devastation of the Yugoslav Wars. Finally, the third significant point was the historical interference of the great powers, particularly Russia. The deep bond between Belgrade and Moscow, born from pan-Slavic ambitions against the Ottoman and Austro-Hungarian empires, established a geopolitical model of external protection that the United States would find itself directly confronting during the years of nation-building in Kosovo after the 1999 war. For all these reasons, it is crucial to look at this historical reconstruction with a critical eye, recalling that, as cited at the beginning of this thesis: “The past is never dead. It’s not even past”.

The first element related to the demographic alteration of the region began structurally in the VI century, with the stable settlement of Slavic populations in the Balkans. Among those, the Serbs settled progressively in areas such as the Novi Pazar region, as well as Montenegro and Bosnia-Herzegovina. These settlements organized in fragmented political structures, characterized by small territorial entities guided by the župani, were partially recognized by Byzantium. During the XII century, there was a first attempt of state consolidation, but was mainly through the role played by Stefano Nemanja, župan of the Principality of Rascia<sup>12</sup> (1151–1196), that emerged a more stable form of political organization among Serbian settlements. According to Noel Malcom Rascia will be “the nucleus of the future Serbian state”<sup>13</sup> Under its rule, the actual territories of Kosovo, Montenegro and Sandžak were unified. Under the reign of Stefan Uroš IV Dušan or Dušan the Mighty, the greatest ruler of medieval Serbia (1331–1355), the Serbian state stretched from the Danube to the Aegean and Ionian Seas<sup>14</sup>. During this period of expansionism, Kosovo obtained a symbolic relevance definitely consolidated with the battle of Kosovo Polje where prince Lazar of Serbia was defeated by the Ottoman forces of Sultane Murad I the 28<sup>th</sup> of June 1389. Precisely this event, is the second dynamic of the structural of Kosovo, considering that this element of represents the founding myth of Serbian national identity, a trauma transformed into a moral victory that, as I will later explain, the Serbian leader Milosevic would cynically exploit exactly 600 years later to ignite nationalist fervor. The dramatic vanquishment of the Serbs led by Lazar Hrebeljanović who tried to stop the advance of the Ottoman Empire in the Balkans. Although he had killed Sultan Murad I, Lazar suffered a resounding defeat opening up to the dissolution of the medieval State and signaled the Ottoman domination of the area that will last for 5 centuries<sup>15</sup>. According to Robert Elsie: “By the year 1455, all of the country was under Turkish rule and was to remain under the sway of the sultans until the early years of the 20th century”<sup>16</sup>.

During Ottoman rule, Kosovo was integrated in the imperial administrative system and gradually transformed both socially and demographically. Furthermore, Kosovo became one of four Albanian administrative units (Vilayet). The process of Islamisation of the country began in the first half of the XV century (and continued, with ups and downs, until the 18th century). It was during this period that there were significant migrations of Albanian communities from Kosovo, who, in order to escape Ottoman rule, headed for southern Italy. However, these departures were offset by new arrivals of Islamized Albanians from Albania, who initiated a significant process of Albanisation in the region. In particular, in the XV century and the first part of the XVII century, there was a strong wave of Islamic-Albanian immigration from the regions of present-day northern Albania to the fertile plains of Kosovo. However, these migrations did not cause a definitive reversal of the ethnic composition of the entire region, which continued to remain predominantly Serbian and Christian.

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<sup>12</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 43-45.

<sup>13</sup> *Ibidem*, 43.

<sup>14</sup> *Ivi*, 47-50.

<sup>15</sup> *Ivi*, 58-80.

<sup>16</sup> Robert Elsie, *Historical Dictionary of Kosovo*, 2nd ed. (Lanham: Scarecrow Press, 2010), 3.

Despite their conversion to Islam, not all of the Albanian population, like the Serbian population, willingly submitted to their status as subjects of the Ottoman Empire. When the Turks were defeated at the gates of Vienna in 1683, the Serbs of Kosovo and some of the Albanians began to hope that the Habsburg troops would liberate their territories. These hopes seemed to be realized when the soldiers of Vienna conquered Budapest and entered Belgrade in 1689. Unfortunately for the Serbs and Albanians, the Habsburg Empire, threatened in those years in the west by the political activism of Louis XIV's France, had to slow down its action against the Ottoman Empire, withdraw its armies from the Balkans and give up Belgrade. The Serbs and Albanians, who had rebelled in the belief that Turkish rule was coming to an end, ended up victims of Turkish revenge. And, in fact, from 1690 onwards, a large part of the Serbian population of Kosovo, led by Patriarch Arsenije III<sup>17</sup>, was forced to leave the country to avoid ethnic cleansing by the Turks and those Albanians who had remained loyal to Istanbul. However, not all of the Serbian population left Kosovo: after three months of looting and violence, the Sublime Porte realized that, if it continued in this way, the region would quickly become depopulated. For this reason, the sultan decided to grant amnesty and respect for property to all Serbs who remained or were willing to return. However, there were further waves of migration from the region in 1735-39, due to the war between Russia and Austria on one side and the Ottoman Empire on the other. These waves, although smaller in scale, continued until the beginning of the 20th century. These events had lasting effects on the region: it was during this period (about a century and a half) that the ethnic composition of the region changed. Gradually, Albanians replaced Serbs not only in the countryside but also in the cities.

By the second half of the 19th century, therefore, all the elements that would mark the tragic life of the region for the next 150 years were in place. In 1878, the “League of Prizren”<sup>18</sup> was founded in Prizren (southern Kosovo), a movement that soon became the hub of Albanian nationalism. The formation of the League has to be contextualized in an international scenario profoundly changed by the Treaty of San Stefano of 1878. This treaty emerged after the Russo-Turkish War of 1876-1877 and was imposed by Russia to the defeated Sublime Porte. It significantly altered the regional equilibrium, mainly because it created a large Bulgarian principality under Russian influence, that was extended from the Danube to Macedonia and Thrace. This project inflamed the opposition of the major European powers, in particular of Austria-Hungary and Great Britain, worried by the expansion of Russia’s influence on the Balkans and on the Mediterranean Sea. In this complex situation, seizing the moment and exploiting the Ottoman Empire crisis, the League started to claim the unification of the regions inhabited by Albanians. To contain the crisis, Otto von Bismarck, the German “Iron chancellor”<sup>19</sup>, convoked the Congress of Berlin, restructuring and resizing San Stefano Treaty’s dispositions. In particular, the Bulgarian principality was drastically reduced, while the European powers redistributed territories and

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<sup>17</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 139.

<sup>18</sup> *Ivi*, 221-223.

<sup>19</sup> Giovanni Sabbatucci and Vittorio Vidotto, *Storia contemporanea: Dalla Grande Guerra a oggi* (Bari: Laterza, 2019), 321, My translation of “Cancelliere di Ferro”.

spheres of influence. Great Britain obtained Cyprus and Austria-Hungary assumed the administration of Bosnia-Herzegovina also establishing a military presence in the Sanjak of Novi Pazar, while Montenegro and Serbia achieved independence and limited territorial expansion. For Serbia, the impossibility to expand toward Bosnia and Montenegro obliged the administration to try to expand towards the south, where Kosovo and Macedonia stood. In this perspective, continuing with the common thread that has always marked its history, Kosovo once again found itself caught between two fires. On the one hand, there were Serbia's expansionist ambitions; on the other, growing Albanian nationalism, both strongly fueled by the progressive weakening of the “sick man of Europe”<sup>20</sup>. Indeed, in 1880 the League of Prizren self-proclaimed “provisional government of Albania”, claiming the direct control over Kosovo and western Macedonia. The initiative was initially successful, in line with the nationalist sentiment of the population. However, in 1881, having overcome the difficult period following the defeat against the Russians, the Ottoman Empire was able to begin the operations necessary to regain control of the rebel territories. The reconquest of Kosovo and Macedonia was followed by the outlawing of the League of Prizren, which, however, continued its activities clandestinely. In fact, Ottoman rule, extremely weak and, in some ways, careless, allowed Albanian nationalist forces to grow stronger even after 1881. The new order emerged from the Congress of Berlin, revealed to be unstable. Effectively, in 1885 Bulgaria annexed Eastern Rumelia leading towards a clash between Bulgaria and Serbia. Although the armed conflict was extremely short, it signaled a groundbreaking change in the Balkan states relations. More precisely because both countries were Slavic and Christian, and despite their ethno-religious closeness, nationalist impulses had by now replaced any opposition to Ottoman rule as a scapegoat, reducing everything to a conflictual evolution of relations.

It is interesting to note that, in the subsequent years both Belgrade and Sofia underwent significant political and diplomatic upheavals. From one side, Serbia had to face the dynastic crisis that culminated in the coup d'état of 1903 and the accession to the throne of Peter I Karađorđević, event that realigned the Serbian foreign policy with Russia. From the other side, this choice triggered a harsh reaction from Austria-Hungary, which, between 1906 and 1911 imposed an economic embargo, gone down in history as the “Pig War”<sup>21</sup>. It was precisely within this complex Serbian context, at the dawn of the 20th century, that pan-Serbian movements began to flourish, aimed at creating a “Greater Serbia” that would also include Bosnia and Montenegro. These movements further pushed the Austrian Foreign Minister Alois von Aehrenthal towards the complete and definitive annexation of Bosnia-Herzegovina. The opportunity arose when the Young Turk Revolution broke out, a nationalist movement led by progressive army officers whose goal was to transform the Ottoman Empire into a modern constitutional monarchy, freeing it from its humiliating subjugation to foreign powers. In this climate of profound instability, Bulgaria proclaimed its own full independence on October 1908, which allowed Austria-Hungary to seize the opportunity to formally annex Bosnia-Herzegovina following the so-

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<sup>20</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 217–227.

<sup>21</sup> Christopher Clark, *The Sleepwalkers: How Europe Went to War in 1914* (London: Allen Lane, 2012), 25–29.

called Aehrenthal Plan. It is important then to note that the formal annexation of Bosnia-Herzegovina made by Austria-Hungary, has to be inserted in a large trialist strategy, aimed at creating a third vital Slavic pole inside the empire<sup>22</sup>. The region of Bosnia and Herzegovina had been placed under thirty-year Habsburg administration since 1878, following the Congress of Berlin, but remained *de jure* part of the Ottoman Empire<sup>23</sup>. The decision to proceed to a “*de iure*” annexation aggravated the international tensions. Indeed, this maneuver, endorsed by Berlin and not opposed by Paris and London for fear of a wider conflict, provoked a wave of indignation among the European powers, particularly Russia, which supported pan-Slavic ambitions and viewed the Habsburg move as a direct affront. Furthermore, it only exacerbated tensions between Austria and Serbia. The governments in Belgrade and St. Petersburg raised strong protests, but Austria-Hungary with the support of Kaiser Wilhelm II's Germany, managed to persuade the other powers to accept the *fait accompli*. Berlin issued an ultimatum to St. Petersburg, forcing Russia to withdraw from the dispute and suffer a heavy diplomatic defeat. However, this led Russia to further strengthen ties with Serbia and the Triple Entente.

This element of the relationship between Russia and Serbia would represent the third factor of fragility related to Kosovo throughout its history. Indeed, this relationship, based primarily on religious factors—Serbia and Russia both profess Orthodox Christian faith—would lead to continued aversion towards the Muslim Albanian community in Kosovo. These factors, combined with support for Serbian nationalist efforts to maintain control of Kosovo, which would lead to the 1999 conflict, would be one of the major problems affecting the process of Kosovo's independence, which would ultimately culminate in the non-recognition of that independence by the Serbs and Russia. All these elements will be discussed throughout the thesis as they are central to understanding American intervention, including its anti-Russian agenda, in Kosovo.

Returning to Serbia's rapprochement with Russia, this would be the turning point of the Balkan crisis. Indeed, this will aggravate the clashes between the powers and contribute to create the prodromic conditions that definitely led to the Balkan Wars and to definitive collapse of the Ottoman rule over the region. Eventually, the Bosnian crisis also had repercussions within the Triple Alliance. Italy, which received no territorial compensation for Austro-Hungarian expansion in the Balkans, developed a growing sense of marginalization. Therefore, this led Italian prime minister Giolitti to start the colonial enterprise in Libya, which began in September 1911 and resulted that has gone down in history as the Italo-Turkish conflict<sup>24</sup>, which is fundamental to understanding the disarming weakness of the Ottoman government, especially in the Balkans. Effectively, between 1911 and 1912, taking full advantage of the progressive collapse of the Sublime Porte government's authority, and thanks also to Russian diplomatic support, nationalist unrest fueled in Macedonia, Kosovo, and Albania. Furthermore, Serbia and Bulgaria concluded a military agreement that contained a future

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<sup>22</sup> Giovanni Sabbatucci and Vittorio Vidotto, *Storia contemporanea: Dalla Grande Guerra a oggi* (Bari: Laterza, 2019), 323-324.

<sup>23</sup> *Ivi*, 216.

<sup>24</sup> *Ivi*, 347.

partition of Ottoman territory in the region, followed by the signature of Greece and Montenegro that eventually gave birth to the Balkan League<sup>25</sup>. Parallely, the Albanian nationalist movement, taking advantage of the chaos in the Balkans, managed to control all of Kosovo and occupy the current capital of Macedonia, Skopje. Everything was ready to detonate the powder keg; all that was missing was a pretext to light the fuse.

### **1.3 The Balkan Wars from the crisis of the empires until the birth of Yugoslavia**

While the Balkan Wars demonstrated the unity of the Balkans against the Ottoman enemy, they also revealed the limitations of this forced aggregation, founded exclusively on a common enemy. Indeed, historical, inter-ethnic, and religious-cultural differences were some of the elements later analyzed in the Yugoslav Wars that broke out at the end of the century, demonstrating how the structural problems of the union of these countries remained present, and at times latent, throughout the whole 20th century.

The *casus belli* was provided by the Turks, who between September 23 and 24, 1912, seized shipments of French arms destined for Serbia in Thessaloniki and Skopje, then shelled several Greek ships and mobilized 100,000 men in the Adrianople Vilayet. Bulgaria responded to the threat by ordering a general mobilization on September 25, followed by Serbia and Greece on the 30th. On October 1, it was Montenegro's turn, and a week later, on October 8, it attacked Turkish positions. "The Balkan Peninsula was aflame, a conflagration that would rage for the next six years"<sup>26</sup>. The war had begun. The Balkan League, formally supported by Russia, during October 1912 destroyed the weak Ottoman forces. However, further west, the Serbs, after repelling the first attack by Turkish forces supported by Albanian irregulars, began to advance southwards towards Kosovo, Macedonia and the Albanian coast. For Serbia, reconquering Kosovo was not merely linked to the logic of territorial expansion, but as Noel Malcolm states in his text, it took on the characteristics of an eschatological mission. It was, in fact, the liberation of Old Serbia, the cradle of Orthodox spirituality and the seat of the Peć Patriarchate<sup>27</sup>. However, the irredentist question brutally faced the demographic reality of the region. Effectively, at the moment of the invasion, Kosovo was inhabited mainly by Albanian people who perceived the arrival of Belgrade's troops not as a liberation, rather as a brutal foreign invasion. The modalities in which the military occupation was developed marked the local collective memory. According to the detailed report drawn up by the International Commission to Inquire into the Causes and Conduct of the Balkan Wars,

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<sup>25</sup> Richard Hall, *The Balkan Wars 1912-1913*, (Routledge, 2002), 26-30.

<sup>26</sup> *Ivi*, 32.

<sup>27</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 252-257.

established by the Carnegie Endowment in 1913, the Serbian campaign was accompanied by systemic violence with the goal of altering the ethnic balance<sup>28</sup>. The report documents how entire villages, particularly in the Luma region and around Prizren, were burned and the civilian population subjected to summary executions, with an estimated death toll of thousands of Albanian civilians<sup>29</sup>. As also Elsie in its “Historical Dictionary of Kosovo” mentions: “village after village was razed to the ground, with the inhabitants being bayoneted or burned alive. The Serbs of Kosovo, for their part, welcomed the army of King Peter as liberators, and liberated they were<sup>30</sup>. This operation was not simply the result of the dramatic conflict, but, as the International Commission observed, appeared functional to structuring a real strategy of ethnic transformation of the territory, even before the borders were internationally ratified. The question regarding the borders was eventually finalized through the London Conference of the Ambassadors between 1912 and 1913 culminated in the London Treaty of 30 May 1913<sup>31</sup>. This Conference became vital for Kosovo’s fate because the imperial geopolitics was able to prevail over the principle of self-determination. In particular, Austria-Hungary and Italy strongly opposed Serbia’s access to the Adriatic Sea and empowered the independency of the Albanese State to contain Serbia’s enlargement aspirations towards the East<sup>32</sup>. However, to recompensate the Serbs of this maritime preclusion, and under the strenuous pressure of Russia, it was decided to assign to Serbia part of Kosovo and of Western Macedonia. Therefore, during the First Balkan War, Serbian troops, established on the territory of Kosovo due to the help of Russia and France<sup>33</sup>. Subsequently, an exodus of the Albanian population occurred, with Serbian authorities that promoted the creation of Serbian settlements in Kosovo as well as the assimilation of Kosovo Albanians inside the Serbian society. In line with the aforementioned “fil rouge” that characterizes the history of Kosovo, the Treaty of London established a political fracture destined to perdure. In fact, whilst it was recognized the independence of Albania, more than the half of the Albanian population in the Balkans was left out from the borders of the newborn state, and, forcibly incorporated in Serbia’s Reign<sup>34</sup>. Furthermore, Serbia that started to perceive itself as a regional power in the Balkans requested territorial compensations to Bulgaria regarding the territories in Macedonia. In turn, Bulgaria clashed with Greece over the division of conquered territories on the border between the two countries, particularly the city of Thessaloniki, claimed by both Sofia and Athens. Bulgaria’s intransigence pushed Greece and Serbia to sign a mutual defense treaty. The situation escalated on June 30 when the Bulgarian army attacked former allies Serbia and Greece. The Second Balkan War had begun<sup>35</sup>.

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<sup>28</sup> Carnegie Endowment for International Peace, *Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars* (Washington, D.C.: The Endowment, 1914), 148-151.

<sup>29</sup> *Ivi*, 150-151.

<sup>30</sup> Robert Elsie, *Historical Dictionary of Kosovo* (Lanham: Scarecrow Press, 2010), 3.

<sup>31</sup> Miranda Vickers, *The Albanians: A Modern History* (London: I.B. Tauris, 1999), 72.

<sup>32</sup> Richard Hall, *The Balkan Wars 1912-1913*, (Routledge, 2002), 90-92.

<sup>33</sup> Dyrstad, Karin. "Ethno-Nationalism in the Western Balkans." *Journal of Peace Research* 49, no. 6 (November 2012): 817-831.

<sup>34</sup> Richard Hall, *The Balkan Wars 1912-1913*, (Routledge, 2002), 93.

<sup>35</sup> *Ivi*, 119.

The war was rapidly resolved since Serbia and Greece resisted to the Bulgarian attack and subsequently entered in the territory of the latter. Effectively, taking advantage of Bulgarian difficulties, Romania, allied with the aforementioned powers, penetrated inside the territory of Bulgaria, almost reaching Sofia. Meanwhile the Ottoman Empire reconquered the city of Adrianople and the Eastern Thrace, definitely isolating Bulgaria, which, now with its back on the wall, requested a truce. The negotiation occurred in the capital city of Romania, and the emerged Treaty of Bucharest redesigned the borders of Bulgarian territory, while assigning Macedonia under the control of Serbia and Greece. This new regional structure after the Second Balkan War, impacted strongly on the evolution of the state of Kosovo, particularly for its intrinsic contradictions. Kosovo was transformed into an internal unredeemed province, governed by an emergency military regime that denied civil and political rights to most of the population. As Robert Elsie mentions: “Kosovo was under Serb rule for over 80 years, throughout which, from start to finish, it had a large Albanian majority population”<sup>36</sup>. This will lay the structural foundations for a century of political instability and armed resistance.

One might argue that the Balkan Wars represented the very end of the so-called Belle Époque, a period of relative peace and prosperity that began in 1870. However, applying this Western-centric category to the Balkan context may be analytically risky, if not misleading. While Western Europe enjoyed a period of relative prosperity and an illusion of peace, the Balkan Peninsula had never experienced true stability, remaining trapped in a structural cycle of imperial disintegration and ethnic recomposition. Indeed, it is more accurate that the Balkan Wars showed a prodromic dress rehearsal for what would become the First World War. Fought between the autumn of 1912 and the summer of 1913, these two brief but bloody conflicts “commonly cited as two acts of the same play, as a single event”<sup>37</sup>, led to the definitive expulsion of the Turks from Europe and the redefinition of the geopolitical balance of power in the Balkans on a national basis<sup>38</sup>. What is certainly true is that the Balkan Wars paved the way for the outbreak of the Great War a year later. Indeed, Austria-Hungary's need to structure a third national pole of Slavic origin, alongside the German and Magyar ones, already present in the aforementioned Aerenthal Plan, and with Archduke Franz Ferdinand, heir to the throne of Austria, as its main supporter, clashed with fervent Serbian and Croatian nationalism. Serbia, the real winner of the Balkan Wars, aimed by all means, including terrorism, to establish a “Great Serbia” capable of welcoming all the “South Slavs”<sup>39</sup>. Finally, the two conflicts not only exhibited all the characteristics of subsequent wars, with the use of trenches, railways, and air power, but above all, they deluded European countries into believing that a new form of warfare, blitzkrieg, was possible. It was probably based on this latter assumption that, at the end of July 1914, a month after the assassination of Archduke Franz Ferdinand in Sarajevo, the government in Vienna delivered its ultimatum to Belgrade, considering the possibility of ending the conflict within months.

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<sup>36</sup> Robert Elsie, *Historical Dictionary of Kosovo* (Lanham: Scarecrow Press, 2010), 3.

<sup>37</sup> Michail, Eugene. “Western Attitudes to War in the Balkans and the Shifting Meanings of Violence, 1912-91.” *Journal of Contemporary History* 47, no. 2 (April 2012): 225.

<sup>38</sup> *Ibidem*, 227-228.

<sup>39</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 34-37, Original version: “South Slavs”.

However, this failed strategy generated an escalation of events unprecedented until then, and with explosive force, the First World War broke out, forever changing the future of Europe and the entire world.

It is eventually, of vital importance to note that these Balkan Wars not only led to the First World War, but most prominently, they established the archetype of violence that would resurface at the end of the century. The systematic attacks on civilians, the use of irregular paramilitary groups, and the forced demographic transformation observed in 1912 constituted the original blueprint for the ethnic cleansing campaigns that the international community would confront in the 1990s following the Yugoslav Wars. Furthermore, Serbia's military success in these wars consolidated a specific geopolitical ambition, shaped by the belief that the unification of the southern slaves could only occur under the hegemonic leadership of Belgrade. It is precisely this transition from a war of liberation to a project of domination that paved the way for the next historical phase. The end of the Ottoman threat did not bring peace, but rather shifted Serbia's strategic attention towards a new, more ambitious political container, the Kingdom of Yugoslavia, where the ethnic repression of the Albanian community in Kosovo would allow for the creation of a need for independence and cohesion that would be central to the Kosovo independence project that culminated in 2008.

## **1.4 Kosovo in the Kingdom of Yugoslavia**

There is a specific moment in which the idea of Yugoslavia was concretely structured. During summer 1914, few weeks after the “Sarajevo Assassination”, Serbian prime minister Nikola Pašić articulated the Kingdom of Serbia's military objectives: the liberation of the Serbs, Croats, and Slovenes from Habsburg rule<sup>40</sup>. Formally presented as a project for the emancipation of the southern Slavic peoples, in reality Pasic, as a staunch nationalist, had a specific goal: to build a Greater Serbia, an empire similar to that of Dusan the Mighty. It was a grandiose plan, but there was another obstacle standing in its way: the Kingdom of Italy, whose ambitions toward the Balkan Adriatic side were grounded on the London Treaty of 1915. The Italian opposition aggregated the Slavic countries, and favored the birth of the Yugoslavian Committee, which, in a prodromic way, structured a unified entity comprising Serbia, Croatia, Slovenia and Bosnia-Herzegovina<sup>41</sup>.

During the First World War, Kosovo was directly involved in the military operations of Serbia. However, between 1915 and 1916, the Serbian army retired from the region, latter occupied by the Bulgarian and Austro-Hungarian armies. Only in 1918, with the defeat and collapse of the central empires, Serbian troops came back to Kosovo. In the aftermath of the conflict, the Paris Peace Accords assigned Kosovo and Macedonia to the

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<sup>40</sup> John Lampe et al., *The Routledge Handbook of Balkan and Southeast European History*, (Routledge, 2020), 149.

<sup>41</sup> *Ibidem*.

newly formed Kingdom of Serbs, Croats and Slovenes, proclaimed on 1 December 1918 and renamed Yugoslavia in 1929. The transition from world conflict to peace did not resolve the internal contradictions in the Balkans, but it restructured them within a new state framework dominated by Serbian leadership. Indeed, the birth of the new kingdom was the result of a complex diplomatic compromise between the aspirations of the Yugoslav Committee and Serbia's war aims. As Antonio Varsori posited, the Serbian government of Nikola Pašić initially conceived the conflict not from a federalist perspective, but as an opportunity for Serbia's territorial expansion, in open competition with Italy's Adriatic ambitions, enshrined in the 1915 London Pact<sup>42</sup>. Under the Karageorgevitch dynasty, with its capital in Belgrade, the first Yugoslav state was born, however, was not truly the land of the southern Slavs. Effectively, the new kingdom assumed a strongly centralist approach from the very beginning of its history. The politicians representing the Serbs, imposed a centralist constitution on the new state on 28 June 1921, the so-called Vidovdan Constitution, by out-voting the Croats and Slovenes at the constitutional assembly and in the face of their walk-out<sup>43</sup>. This left most state-power in Serbian hands, robbing the other Yugoslavs of any autonomy. Therefore, Belgrade proceeded to impose the Serbian vision to the kingdom. It deprived Muslim entrepreneurs of their lands, assimilating Macedonians and Kosovar Albanians linguistically. Between 1919 and 1940, the Albanians located in Yugoslavian territories received a harsh marginalization, in particular, the Albanian language was banned, and the Albanians were deprived of access to administrative roles. This obliteration of Albanian identity was followed by a more complex demographic strategy. Indeed, in 1929, through the proclamation of the royal dictatorship and the change of name to the Kingdom of Yugoslavia, King Alexander I redrawn the country's internal map into nine provinces (banovinas), whose borders were deliberately drawn to divide the ethnic Albanian concentration and ensure a Serb majority in each administrative unit. It is interesting to note that a similar approach will be attempted by the future Serbian leader Milosević in the 1990s. This approach had the greatest similarity in its strategic objective, as both leaders sought to neutralize the demographic weight of the Albanian population to ensure Belgrade's control over the territory. However, the approach Milosevic pursued was aimed at revoking the autonomy of the province of Kosovo in 1989 by imposing a regime of direct police coercion. Milosevic's approach was also the result of a progressive deterioration of the Yugoslav system and the growth of nationalistic ambitions that would lead directly to the Yugoslav Wars.

Following this reorganization, the territory of Kosovo was thus dismembered and divided between three different entities: the Banovina of Zeta, that of Morava and that of Vardar<sup>44</sup>. However, the most prominent aspect of Belgrade's politics was the program of agrarian colonization. As it is apparent in Noel Malcom work, on his precise analysis of the history of the region, the central government expropriated large tracts of land from Albanian landowners for the purpose of redistributing them to Serbian settlers, many of them veterans

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<sup>42</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 35-36.

<sup>43</sup> Marko Attila Hoare, "The War of Yugoslav Succession," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 107-108.

<sup>44</sup> Marko Attila Hoare, *Serbia*, (Hurst Publishers, 2024), 508.

of the Balkan Wars<sup>45</sup>. These kinds of politics, triggered the resistance Kaçak (Albanian rebels), basically transforming Kosovo into an internal powder keg. Kosovo was perceived by the Serbs a place to recolonize in its entirety and where the Albanians would disappear. Indeed, according to Elsie: “By 1939, there were about 60,000 Slav colonists in Kosovo, equivalent to 9.3 percent of the population”<sup>46</sup>. Eventually, the asymmetrical misalignment weakened the Yugoslav kingdom to such an extent that it was heavily invaded by the Axis powers in 1941. The turning point for Kosovo, was the Italian invasion of Albania. Indeed, in April 1939, a month after the Führer decided to militarily occupy Bohemia, which was then transformed into a protectorate, Italy invaded Albania. This decision was “grotesque”<sup>47</sup>, as Professor Varsori described. Albania had long been tied to Italy, and this ambition was driven in particular, Varsori continues, by Galeazzo Ciano, Foreign Minister and Mussolini's son-in-law, who attempted to demonstrate how Italian fascism was capable of carrying out “a coup along the lines of Hitler”<sup>48</sup>. The subsequent and equally complex operation in Greece, also dictated by Italy's need to wage a “parallel war”<sup>49</sup> that would prove a failure, would lead to German intervention which in turn would bring about the dismemberment of Yugoslavia in 1941 and the redrawing of its borders. After these tumultuous operations, most of Kosovo was annexed to Albania under Italian protectorate, ephemerally realizing the nationalist dream of a “Greater Albania.” Although it was just a puppet state entity under the protectorate of Rome, it concretized the political unification of most of the Albanian language populations of the Balkans, an important objective that the Albanian nationalism was pursuing since the League of Prizren of 1878. Paradoxically, it was properly during the Axis' occupation that the Albanian population of Kosovo, experienced a new form of cultural and administrative recognition previously denied. In stark contrast to the policy of forced assimilation and colonization conducted by the previous Yugoslav kingdom, the Italian authorities and later on the German administration promoted the Albanian national identity as an instrument of legitimacy for the new order established and gaining consensus against partisan resistance. Indeed, Albanian-language schools were opened, the use of the national flag was encouraged, and a local administration run by Albanian officials was established<sup>50</sup>. It is interesting the perspective of Noel Malcom, who underlines how this experience was profoundly ambivalent. From one side showing the darkness of the totalitarian control of the region exerted in deportations and reprisals of the Serbian and Montenegrin minorities. While from the other side, for the Albanian Kosovars, the period 1941-1944 was not perceived simply as a foreign occupation, but as a parenthesis of “liberation” from the yoke of Belgrade. Malcom posited: “Collaboration existed at many levels, but its driving force was neither ideological sympathy with Fascism or Nazism, nor any interest in the wider war aims of the Axis powers, but simply the desire of many Albanians

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<sup>45</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 274-281.

<sup>46</sup> Robert Elsie, *Historical Dictionary of Kosovo* (Lanham: Scarecrow Press, 2010), 5.

<sup>47</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 98, My translation of “grottesca”.

<sup>48</sup> *Ivi*, 99, My translation of “un colpo di mano sul modello hitleriano”.

<sup>49</sup> *Ivi*, 115, My translation of “guerra parallela”.

<sup>50</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 291-92.

to seize the opportunity offered by the collapse of Yugoslavia to gain more power over their own territory and reverse the colonizing and Slavicizing policies of the previous two decades”<sup>51</sup>.

What is certain is that these complex years, for the collective conscience of the Kosovar population truly represented a psychological point of no return. Eventually, the Yugoslav partisan movement led by its charismatic leader Josip Broz Tito, that will be the protagonist of post-war Yugoslavia, liberated the region from the Nazi control, and by 1944 the entire Kosovar territory was under the control of the communist. Therefore, it occurred another peculiar moment which was the Conference of Bujan between the 31<sup>st</sup> of December 1943 and the 2<sup>nd</sup> of January 1944<sup>52</sup>. During this conference Yugoslav and Albanian partisans discussed the destiny of Kosovo after the war, thus concluding an agreement in which Kosovo would have had the right to democratically decide to remain in Albania or become part of Serbia. Even though the agreement was not respected by Yugoslavia, it showed that a pacific return to the status quo ante was not even conceivable. For this reason: “Tito decided to make Kosovo and Metohija an autonomous region of the Republic of Serbia, as a sort of compromise between Serbian claims over the territory and Albanian desires for independence.”<sup>53</sup>

Overall, the Second World War demonstrated the definitive collapse of the political order crafted after the First World War. The experiences of repression and occupation, first from Yugoslavia, then from fascist Italy and Nazi Germany, and then again from Yugoslavia, profoundly impacted on the evolution of Kosovo. The ethnic cleavage was there, rampant, and yet, in this complex and apparently irremediable dimension, he himself, Josip Broz Tito, entered the scene. With his charisma, he was able, if not to heal, then certainly to reduce that fracture that only a few years earlier had seemed immeasurable.

## **1.5. Tito and the Refoundation of Yugoslavia**

### **1.5.1. From Partisan Resistance to Titoism**

The political legitimacy of the post-WWII Yugoslavia was not founded on its institutional continuity with the precedent reign, rather the other way around. Indeed, the fundamental role interplayed by the Yugoslavian Communist Party under the leadership of Josip Broz Tito, transformed the resistance against the Nazi fascist invasion in a transversal mass movement, enabling to forge interethnic relations during the People's War of Liberation (*Narodnooslobodilačka borba*). Even though the initial skeleton bone of the partisan groups was majorly constituted by Serbs fleeing persecution by the Croatian Ustashe, Tito was able to give the movement

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<sup>51</sup> Ivi, 296.

<sup>52</sup> Marie-Janin Calic, *History of Yugoslavia*, (Purdue University Press, 2018), 192.

<sup>53</sup> Ivi, 193.

a supranational character, gradually attracting Croats, Slovenes and Bosnian Muslims disillusioned by the brutality of the collaborationist regimes. Starting from 1943, Tito and the partisan movement obtained the formal recognition from Western powers, which started to deliver military and financial support, empowering the resistance. Already in 1942, in Bihać, the Anti-Fascist Council for the National Liberation of Yugoslavia (AVNOJ) was established. It was a political organism through which the communist proposed a new project for the future of Yugoslavia centered on the antifascist fight and federal and democratic values<sup>54</sup>. But it was only with the second session of the AVNOJ, on 29 November 1943, that the very idea of socialist federalism was restructured. Indeed, Tito had immediately understood the importance of preventing nationalism, particularly Serbian nationalism, from gaining the upper hand through proper territorial checks and balances. Therefore, Yugoslavia was rebuilt as a federation of six republics (Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro, and Macedonia), all with equal constitutional dignity. As Marko Attila Hoare tells us, “The territorial structure of the AVNOJ was for Serbia what the Versailles system was for Germany.”<sup>55</sup> His harsh words demonstrate the full extent of Serbia's loss of hegemony in the regime. Indeed, the subtraction of Macedonia and Montenegro by the new Yugoslavia at the expense of Serbia demoted the latter to *primus inter pares* among the republics. Nevertheless, the strength of the partisan communist power in Yugoslavia resulted difficult to maintain in the whole territory and properly Serbia received the help of the Red Army to eventually reach the liberation. This structural fragility and the fear of a national fragmentation, pushed the regime convince the Serbian insisting on the idea that a united Yugoslavia was to be considered above the territorial division, eventually compensating Serbia through a series of symbolic and political concessions. Effectively, the capital Belgrade was confirmed the federal capital, but, most prominently Kosovo and Vojvodina, liberated in 1944, started to be integrated in the Serbian Republic. As Robert Elsie mentions “Kosovo was thus incorporated into socialist Yugoslavia against its will, under the law of 3 September 1945. It was, nonetheless, recognized as an autonomous region”<sup>56</sup>. These compromises will prove to be one of the greatest weaknesses of Yugoslavia.

The end of the war in the Balkans, the 9<sup>th</sup> of May 1945, did not coincide with an immediate pacification. Indeed, a dramatic tragedy occurred. The refusal of the Croatian Ustasha forces to surrender to the partisans, and, most prominently their forced surrender by the British gave rise to the Bleiburg tragedy, which involved tens of thousands of soldiers and civilians belonging to defeated formations<sup>57</sup>. This event will have a groundbreaking symbolical importance during the nationalist Croatian narration during the 90s. After the war, Tito rapidly consolidated his power, and, notwithstanding the Yalta Conference's aim in the new structure of

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<sup>55</sup> Marko Attila Hoare, “The War of Yugoslav Succession,” in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 107.

<sup>56</sup> Robert Elsie, *Historical Dictionary of Kosovo* (Lanham: Scarecrow Press, 2010), 5.

<sup>57</sup> For a comprehensive reconstruction of these events and a detailed analysis of the casualty estimates, see: Marie-Janin Calic, *History of Yugoslavia*, Purdue University Press, 2018, p. 185.

Yugoslavia, which was to establish a phase of political pluralism, the partisan leader, convinced of incarnating the liberator of state, structured a communist regime under his direct control. Indeed, from the very beginning years of its existence, the Federal People's Republic of Yugoslavia structured a centralized model, with both the political and the economic power installed in Belgrade. Even though in March 1945 was formally established a government of national unity, the supremacy of Tito's communist, showed to whom pertained the leadership. One might argue that the genesis of socialist Yugoslavia, was not really a process of linear pacification, but more likely an operation of state engineering based on two major pillars. From one side the violent redrawing of external borders and, from the other side, the construction of a rigid internal control apparatus. Tito was immediately faced with the need to consolidate Yugoslav sovereignty against perceived threats at both ends of the federation: Italy to the northwest and Albanian irredentism to the southeast<sup>58</sup>.

I will not delve into the Italian dynamics in detail here, for the sake of maintaining a stylistic rigor focused on the ultimate objective of this thesis. However, it will be necessary to make some brief remarks to better understand the international context in which Tito's Yugoslavia took place. Indeed, on the Adriatic front, Tito's policy was marked by a decisive territorial revisionism. The forces of the People's Liberation Army occupied Istria, Fiume, and much of Dalmatia, territories previously under Italian sovereignty, initiating a policy of "preventive cleansing" against the Italian population. This strategy, which resulted in the tragedy of the Foibe and the Julian-Dalmatian exodus of approximately 250,000 people, culminated in the tensions over the race for Trieste of May 1945<sup>59</sup>. The forty-day Yugoslav occupation of the city and the subsequent Anglo-American pressure to withdraw from the city effectively marked one of the first acts of the Cold War. The Western powers' intervention was aimed less at protecting Italy's territorial integrity than at preventing such a strategically important maritime and rail hub from falling under the control of a rapidly expanding communist regime. The subsequent evolution of this controversy will have a turn in 1947 Treaty of Paris assigned to Yugoslavia almost all of the Karst and Istria, the Kvarner Gulf with Rijeka, but not Trieste, which, along with the surrounding areas, was declared an independent territory. The Free Territory of Trieste was divided into Zone A, under Anglo-American control, and Zone B, occupied by the Yugoslavs<sup>60</sup>. This solution, however, was short-lived: in 1954, albeit with some border changes, Zone A (including Trieste itself) was entrusted to Italian civil administration and Zone B to Yugoslavia. The new borders that eventually put an end to the Trieste question were finally ratified with the Treaty of Osimo on November 10, 1975<sup>61</sup>. Meanwhile, with regard to the southern border, Albania experienced a similar experience to Yugoslavia as a result of the actions of Enver Hoxha's communists<sup>62</sup>, although during this period the country appeared destined to return to a sort of Yugoslav sphere of influence, or at least that was the ambition of the communist leaders in Belgrade. However,

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<sup>58</sup> Marie-Janin Calic, *History of Yugoslavia*, (Purdue University Press, 2018), 190.

<sup>59</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 161.

<sup>60</sup> Marie-Janin Calic, *History of Yugoslavia*, (Purdue University Press, 2018), 191.

<sup>61</sup> *Treaty on the delimitation of the frontier for the part not indicated as such in the Peace Treaty of 10 February 1947*, Italy and Yugoslavia, November 10, 1975, *United Nations Treaty Series* 1466, no. 24848 (1987): 25–28.

<sup>62</sup> *Ivi*, 165.

Albania would increasingly distance itself from Belgrade, and once relations between Yugoslavia and Stalin's Russia collapsed after 1948, interethnic relations between Kosovar Albanians and the Albanian population would also collapse. As Robert Elsie posits: "The border between Albania and Kosovo was thus closed and became as impervious as any communist border could be. Even in the mid-1990s, long after the fall of communism in both countries, Kosovo Albanians still required special exit visas to visit Albania, which were usually denied"<sup>63</sup>. The Constitution of the People's Federal Republic of Yugoslavia of January 31, 1946, officially downgraded Kosovo to an autonomous region in Article 2<sup>64</sup>. This legal subordination reflected the regime's deep mistrust of the Albanian population. Between 1944 and 1945, Kosovo was placed under a special military administration led by the security services (OZNA), tasked with quelling local revolts and repressing aspirations for unification with Albania. The "Sovietization" of Yugoslavia, facilitated by the absence of a transitional coalition government (unlike other Eastern European countries), allowed Tito to apply rapid and brutal repressive methods in Kosovo<sup>65</sup>, eliminating the Albanian nationalist opposition with the same determination he had used against the Italian irredentists in Trieste.

However, the repressive approach alone could not guarantee a long-term cohesion inside a multi-ethnic and multi religious federal organism. Therefore, the ideological bond of the new State became the doctrine of "Brotherhood and Unity" (*Bratstvo i Jedinstvo*)<sup>66</sup>. This concept was not simply a propagandistic slogan but was mainly a systematic attempt to create a supranational identity, overlapping with, but not erasing, particular ethnic identities. Tito's multiculturalism was based on several key assumptions: the recognition of all cultures as historically rooted and equally legitimate; the emphasis on economic equality as a tool to prevent cultural and social inequalities; and the central role of the working class as a vehicle for common identity. Within this framework, linguistic, religious, and cultural differences were not denied, but reinterpreted as constitutive elements of Yugoslavia's richness and diversity. In this scheme, the charismatic figure of Tito with his personal history, he was Croatian, but his mother was Slovenian, acted as the supreme guarantor of balance, the only arbiter capable of mediating between the demands of the different republics. His main idea was exactly to match the different nationalities inside Yugoslavia, however the resulting equilibrium was based on other several major factors. First, the recovery of the soviet model, considering Yugoslavia as a unique country made of different federate republics. Another interesting factor was the cult of personality of Tito, very much linked to what had happened in the URRS at that time. Thirdly, the strategic autonomy from the URRS. For decades, this ideological construct succeeded in "freezing" interethnic tensions, offering a model of coexistence that, though imposed from above, ensured stability and development until the Marshal's death. However, the stability of Tito's project was based not only on internal balances, but also on an unscrupulous foreign policy that secured Yugoslavia's unique position in the Cold War. The turning point was the 1948

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<sup>63</sup> Robert Elsie, *Historical Dictionary of Kosovo* (Lanham: Scarecrow Press, 2010),6.

<sup>64</sup> *Constitution of the Federal People's Republic of Yugoslavia, January 31, 1946, art. 2.*

<sup>65</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 314.

<sup>66</sup> Geoffrey Swain, *Tito*, (I.B. Tauris, 2010), 1.

schism between Tito and Stalin. Belgrade's refusal to submit to Moscow's economic and military directives led to Yugoslavia's expulsion from the Cominform, initially isolating the country.

### **1.5.2. From the Tito-Stalin Split to the 1974 Constitution**

The internal stability of the Yugoslav federation was severely tested in 1948, when the rift between Tito and Stalin reshaped the geopolitical map of the Cold War. The Tito Schism generated an unprecedented earthquake within the Communist bloc. Indeed, Tito himself, who had appeared to be the most faithful interpreter of Stalin's policies, refused to subordinate his foreign policy to Moscow's interests, pursuing his aspiration to exert direct influence over Albania and Bulgaria through the project of a Balkan federation. Tito's challenge was rooted in a desire for sovereignty and autonomy, primarily due to the fact that Tito's partisans managed to liberate their country without the support of Stalin's Red Army. Indeed, as early as May 1945, Tito, speaking in Ljubljana, the Marshal had made it clear that Yugoslavia had no intention of becoming a pawn in the politics of spheres of influence, nor would it accept dependency on any foreign power<sup>67</sup>. When Moscow condemned this position as an act of aggression against the Soviet Union, the Yugoslav leadership firmly responded that, although the Yugoslav communists were inevitably linked to the USSR as the land of socialism, they could not, under any circumstances, love their own country less<sup>68</sup>. Despite these declarations, Belgrade initially sought a path to dialogue with Stalin, even hastily accelerating the collectivization of agriculture in April 1948, but a split was inevitable. On June 28, 1948, a date of profound historical symbolism (St. Vitus), the CPY was expelled from the Cominform on charges of capitalist leanings. After some initial disagreements, in the spring of 1948, the USSR and the various satellite countries publicly and harshly condemned Yugoslavia's deviationism. Within a few months, Yugoslavia was politically isolated, while the Yugoslav Communist Party was condemned and expelled from the Cominform<sup>69</sup>. Deprived of their ideological mentor and isolated even from neighbors such as Albania and Bulgaria, the Yugoslav people began to fear that Stalin might move from political isolation to military intervention.

Tito, however, did not lose heart. Using Stalinist methods, he eliminated the pro-Soviet elements of the party and took up the challenge from the Kremlin, which he wrongly believed would be sufficient to bring down the Belgrade regime and isolate him politically and economically. Beginning in 1949, Tito began turning to Washington and London for the military and economic aid necessary for the survival of his regime, receiving a positive response. It is therefore in this phase that the roots of US involvement in the region can be traced, as we can see, well before the NATO intervention of 1999. The Truman administration, and subsequently the

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<sup>67</sup> Marie-Janin Calic, *History of Yugoslavia*, (Purdue University Press, 2018), 202.

<sup>68</sup> *Ibidem*.

<sup>69</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 319.

Eisenhower administration, identified Tito's Yugoslavia as a key strategic asset for undermining the unity of the Soviet bloc. Beginning in 1949, and formally with the 1951 Military Assistance Agreement, the United States guaranteed Tito massive economic aid and war supplies<sup>70</sup>. This economic and strategic support permitted the regime to survive without falling decisively into the American sphere of influence, legitimizing on the international level the Yugoslavian “third way” of Non-alignment. In this complex times of Cold War, when the world was divided between the influence of the West under the guidance of the USA, and the East, under the leadership of the USSR, small nations were expected to join one or the other political block. In these circumstances, Yugoslavia among others gathered around and led the movement of Non-alignment, seeing a possibility for its own economic and social determination. Effectively, Yugoslavia joined these flows early on. It turned its attention to the African countries, supporting their movements of independence and thereby creating the foundations for future economic cooperation. Significant throughout the 1950s was the adherence to the Non-Aligned Movement, strengthened by the Bandung Conference in Indonesia in April 1955<sup>71</sup>. This idea, formed in 1954, was when the leaders of India, Pakistan, Sri Lanka, Burma, and Indonesia decided to invite the leaders of all the independent states of Asia and Africa. From the very beginning, the Non-Aligned Movement looked with greater attention and understanding towards the Communist bloc rather than the Western bloc, which it ultimately viewed as the expression of the exploitation of poor peoples. Non-alignment would find new strength in the following years thanks to decolonization in Africa, as well as leaders capable of asserting themselves on the global stage thanks to their role and charisma. Tito decided to join Nasser and Nehru in the moral leadership of Non-Alignment, first with his presence on the El Cairo Conference in 1957-58, after Bandung and then organizing a major conference in Belgrade 1-6 September 1961. The aforementioned Conference was the definitive formalization of the Non-alignment movement, because 25 countries from all around the world decided to refuse the logic of Cold War, to accelerate the process of decolonization and most importantly to improve the economic conditions of the Global South. Without renouncing economic support from the West, Belgrade thus regained ample room for maneuver and credibility in the international context, confirming that a third world, essentially socialist in nature, could exist compared to the capitalist world and the bloc firmly led by the USSR. The conference of Belgrade of 1961 was the exemplification of this new non-aligned view of Tito<sup>72</sup>.

However, with the death of Stalin, Khrushchev visited Belgrade where he attended a series of meetings with Tito, showing a partial renewal of URSS-Yugoslavia relations. A new approach, that understood the national ways to socialism, that was not entirely acquaintance by Stalin administration. One of the most valuable, and prominent moment of the Khrushchev strategy was the trip to Belgrade of the 26<sup>th</sup> of May 1955, during which both Khrushchev and Bulganin tried to restabilize the relations with Tito, after the dramatic schism of 1948.

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<sup>70</sup> John Lampe et al., *The Routledge Handbook of Balkan and Southeast European History*, (Routledge, 2020), 424-426.

<sup>71</sup> Geoffrey Swain, *Tito* (London: I.B. Tauris, 2010), 195.

<sup>72</sup> *Ibidem*.

Heal that specific political rift was a mandatory step for the USSR administration. Effectively, during his visit, Khrushchev officially recognized the Yugoslav Communist Party as an authentic Marxist-Leninist party<sup>73</sup>. The historical meeting between the two was unprecedented because for the first time Moscow accepted that two possible ways of interpreting socialism could not only coexist, but also not having a subordination rapport. When in June 1955 was the turn of Tito to go to Moscow, the rapprochement was definitively structured<sup>74</sup>. However, is important to note that this reconciliation did not mean a comeback of Belgrade under Soviet hegemony, on the contrary, Tito's ambitions to be recognized as an autonomous leader of the international communism, permitted Yugoslavia to engage in dialogue on both sides of the Iron Curtain. As mentioned before, Yugoslavia adhered and became one of the highest exponents of the Non-aligned movement, also for its role in the international scenario.

If regarding the foreign policy the intransigence of Tito was the key, regarding internal policy the latter in 1963 was adopted a new Constitution in Yugoslavia which reinforced the federal identity of the State and proposed a new official name of the Socialist Federal Republic of Yugoslavia. But the very year that signed a decisive turn regarding the small entity of Kosovo was 1966, with a specific event that changed it all, the Brioni Plenum. In this case, the fall of Aleksandar Ranković, who was the chief of UDBA, the secret services of Yugoslavia and one of the major exponents of Serbian nationalism ended the period of colonial administrative influence of the province. Therefore Tito, who already acknowledged the fact that Serbian nationalism represented the most concrete menace regarding the federal organism, started a process of decentralization which favored the return of the Albanian influence on the region. This shift was symbolically reinforced by Tito's visit to Kosovo in March 1967 and by the 1969 decision to ban the pejorative term "Šiptar" in favor of the official "Albanac" for defining the Albanese people of Kosovo. After this acts, in Kosovo, it returned the influence of Albanian language inside the administration and in 1970 was founded the university of Pristina<sup>75</sup>, which became the intellectual laboratory of Kosovar nationalism<sup>76</sup>. The apex of this reformatory process was the 1974 Constitution, the legal document which defined the prodromic element of the future Yugoslav War. The new Charter transformed Yugoslavia in a *de facto* confederation, drastically reducing Belgrade's powers. Effectively, articles 1 and 2 of the Constitution redefined the role of the socialist autonomous provinces of Kosovo and Vojvodina, giving them quasi-state prerogatives such as a central bank, a parliament, a territorial police force and, above all, a right of veto at the federal level<sup>77</sup>. It was thus created an institutional paradox. The Republic of Serbia was indeed sovereign over the entire territory, but on a constitutional level, unpowerful on the two autonomous provinces, that together could block the decisions made by the government of Serbia, through their veto power. For Kosovo Albanians, 1974 represented a

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<sup>73</sup> *Ibidem*.

<sup>74</sup> Ivi, 129.

<sup>75</sup> Robert Elsie, *Historical Dictionary of Kosovo* (Lanham: Scarecrow Press, 2010), 6.

<sup>76</sup> *Ibidem*.

<sup>77</sup> *Constitution of the Socialist Federal Republic of Yugoslavia*, 1974, Art. 1-4.

substantial conquer to empower their autonomy, giving them the perspective of a future possible structurization of the republic of Kosovo. For Serbian elites, on the contrary, it was perceived as a historical betrayal and a national "amputation" organized by Tito to weaken Serbia. Above all, the doctrine of "Brotherhood and Unity," which was supposed to cement this complex architecture, proved to be a fragile construct in the long run.

Eventually, the central control was indeed lost. The death of Tito, that occurred the 4<sup>th</sup> of May 1980, removed the only arbiter capable of managing these contradictions. For years, his charismatic figure acted as a beacon for the different ethnicities of the country, guaranteeing an internal stability that was unprecedented in the area. However, the vacuum of power that was created was not filled by the action of the collective federal Presidency, which was unable to stabilize the federation and gestion the divergencies between the various republics. Nationalists' tensions started to spread rampantly. The contrasts between Serbia, and the autonomous Republics like Slovenia and Croatia, inflated also by the economic crisis of the 80ies, fueled by a skyrocketing inflation, destroyed the weak bonds between those nations. One can argue that the system constructed by the Constitution of 1974, was already showing its fragilities. In particular, the collective presidency was not able to cope and balance with the strategic interests within the republics. But also, the regional inequalities affected dramatically this scenario. From one side the aforementioned northern republics, Croatia and Slovenia, which majorly contributed to the GDP of the nation, meanwhile, the southern block, way poorer, was accused to receive disproportionate resources in comparison with its productivity. Eventually, also the Non-Aligned Movement without the leadership of Tito, crumbled. Both the aforementioned Movement and Yugoslavia experienced a point of no return.

### **1.5.3 – The crisis of the federal system and the return of nationalism after Tito's death**

Tito's Yugoslavia survived until Tito himself survived. When the leader, who for over thirty years had embodied the political, symbolic, and institutional balance of the federation, died, all the latent contradictions of a system built around his personal charisma rather than truly stable governance mechanisms emerged forcefully. Effectively, the disintegration was inadvertently exacerbated by Tito in one of his last acts: the 1979 decrees on collective government and regional rotation were designed to prevent anyone from succeeding him and becoming a "new Tito." This collective presidency, made up of eight members, representatives of the six republics and the two autonomous provinces, with a four-year rotation of the office of president, designed to prevent new national hegemonies, soon proved ineffective<sup>78</sup>. As observed in the literature, the old communist elite was progressively substituted by a new generation of leaders whose power was not anymore

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<sup>78</sup> John Lampe et al., *The Routledge Handbook of Balkan and Southeast European History*, (Routledge, 2020), 481.

grounded in the Yugoslavian project, but rather in the respective republican realities and through strong nationalists' ways<sup>79</sup>. One of the structural limits of Tito's regime was the choice of not openly coping with the past. The crimes committed in World War II, the interethnic cleavages and the responsibilities of various dangerous groups with Yugoslavia, were eliminated by the public discourse in the name of Brotherhood and Unity. If this strategy guaranteed stability in a first period of time, it prevented a real historical reconciliation. Eventually, the central power, losing its grip, opened the possibility to nationalism to grow and radicalize within every different state entity. Already in the 70s, clear signs of a crisis in the federal model had emerged. Firstly, the movement known as Hrvatsko proljeće (Croatian Spring)<sup>80</sup>, which developed between 1970 and 1971, claimed more political and economic autonomy for Croatia within the federation. The immediate repression of the movement and the epuration of its leadership, demonstrated how Yugoslav unity was in its entirety rooted on the authority of Tito and on the party's coercive apparatus. Secondly, the aforementioned complex architectural structure emerged from the Constitution of 1974. It is interesting to consider that this configuration, that was meant to prevent the ethno-national tensions, in reality for the simple fact that corroded the cohesion of the federal apparatus, was the real starting point of the rebirth of these tensions. Thirdly, Yugoslavia entered in a profound economic crisis, generated mainly by endogenous shocks. In particular the Yom Kippur war of 1973 and the subsequent oil shock, affected dramatically the region generating a stagflation that corroded every layer of the society<sup>81</sup>. In this context, Slovenia and Croatia, already mentioned as the most advanced economies in the region, began to increasingly express their desire to break away from a federation perceived as a brake on development. Instead, Serbia erupted in a growing hostility toward the 1974 Constitution, which had fragmented and permanently weakened the Serbian people. In particular, within Serbia consolidated an heterogeneous front, made of conservative communists, nationalist intellectuals and military leaders, all united by their opposition to the autonomy of Kosovo and Vojvodina. Properly, in Kosovo itself, following the Albanian protests of 1981, the Yugoslav People's Army (JNA) intervened directly, dismantling the Kosovo Territorial Defense, and initiating a process of recentralization of military control. Overall, Serbian intellectual influence and opposition to Titoism was manifested by the Memorandum of the Serbian Academy of Sciences and Arts, excerpts of which were made public in September 1986 and which alleged that the constitutional order denied the Serbs their own state, that the western Yugoslav republics were exploiting Serbia economically, and that the regime was acquiescing in the Albanian "genocide" of Serbs in Kosovo, as well as in Croatia's assimilation of its Serb population.<sup>82</sup> The Serbian communist leadership under Ivan Štambolić, who became president of Serbia in 1986, attempted to win the support of the other Yugoslav republics for constitutional revision at the expense of Kosovo's and Vojvodina's autonomy.

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<sup>79</sup> *Ibidem*.

<sup>80</sup> *Ivi*, 481-483.

<sup>81</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 305-306.

<sup>82</sup> Marko Attila Hoare, "The War of Yugoslav Succession," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 110.

It was, however, only after Slobodan Milosevic, president of the League of Communists of Serbia (SKS) seized power from Stambolic's faction at the 8th Session of the Central Committee of the SKS on 23 September 1987 that the three aforementioned groups of Serbian malcontents: communist, nationalist, and military came together. Initially as an Orthodox communist, Slobodan Milosevic, and properly under the guise of loyalty to communism and the unity of the country, managed to harness growing local consensus around Greater Serbian claims, quickly transforming into a populist and nationalist leader. Milosevic's claims were directed primarily at Kosovo, a predominantly Albanian territory, and certain areas of Croatia with a strong Serb population. In 1987, Milosevic visited Kosovo Polje, a town near Pristina, from where a petition was launched urging the Serbian government to intervene to protect the Kosovo Serb minority, which was denouncing persecution of the Albanian community. In this place, previously mentioned as a place of great symbolic value, where, in 1389, the leader Lazar Hrebeljanovic had attempted to stop the Ottoman advance, marking the beginning of the myth of the Serbian reconquest of the territory, in front of a crowd denouncing persecution by the Albanian majority, Milosevic uttered the famous phrase: "No one has the right to beat you" (in Serbo-Croatian: *Niko ne sme da vas bije*)<sup>83</sup>. By politically exploiting history to touch upon the mythological origins of Serbian nationalist greatness, Milosevic set himself up as the protector of the Serbian minority. Between 1988 and 1989, through the "anti-bureaucratic revolution," Milosevic consolidated his power by overturning the communist leaderships of Vojvodina and Montenegro and imposing a substantial revision of Kosovo's status. Indeed, on March 23, 1989, the Kosovar assembly was forced to accept the essential abrogation of provincial autonomy under pressure from the security forces. Eventually, the apotheosis of this strategy was realized on June 28, 1989, precisely on the 600th anniversary of the Battle of Kosovo Polje<sup>84</sup>. Once returned to Pristina as Serbian President, before a huge crowd at the Gazimestan memorial, Milosevic presented a disturbing concept: the Serbs who had lost in 1389 were the same ones who were now once again in "danger." In that speech, he dramatically foreshadowed the future by stating that, although armed battles were not underway, they could not be ruled out.<sup>85</sup> Eventually, once restabilized Serbian control over the autonomous provinces, Milosevic tried to restructure a centralized Yugoslavia entirely led by Serbia.

However, this ambitious project collided head-on with the Slovenian opposition, which in 1989 initiated a constitutional reform aimed at guaranteeing the republic's sovereignty. The conflict between Belgrade and Ljubljana further escalated when the JNA (Yugoslav People's Army) began to be perceived no longer as a federal army, but as an instrument of Serbian politics. But the definitive collapse of relations among the various units of Yugoslavia occurred for endogenous reasons. Indeed, on November 9, 1989, the fall of the Berlin Wall and the subsequent end of the dualistic world accelerated a process of disintegration that was already on the verge of materializing. The six republics began to experience a moment of dazedness. The end of the

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<sup>83</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 341.

<sup>84</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 396.

<sup>85</sup> International Criminal Tribunal for the former Yugoslavia (ICTY), *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, Transcript, January 26, 2005, 35787.

communist monopoly, in fact, opened the doors to the introduction of a multiparty system, generating electoral competition that, in the absence of a strong common identity, immediately became radicalized. The 14th Extraordinary Congress of the League of Communists of Yugoslavia, in January 1990, concluded with the Slovenian and Croatian delegations walking out of the hall, marking the end of a single Yugoslav party. Subsequently, the first multiparty elections concluded in 1990, leading to the elections of candidates with nationalist programs, which undermined the unity of Yugoslavia as a whole. From that moment onward, the Serbian leadership oriented itself toward the project of reuniting all the Serbian people into one greater Serbia, with a new Constitution enacted in September 1990, which reaffirmed the sovereignty and territorial integrity of the State. Now deprived of a legitimate political hub and facing ever-deeper fragmentation, Yugoslavia had already ceased to exist as a unified entity even before the beginning of belligerent hostilities. The impossibility of negotiating a peaceful transformation of the federation transformed the political vacuum into nationalist rhetoric that made any compromise impracticable. Eventually, the political crisis had run its course, and now the most dramatic phase in Yugoslav history would unfold, a phase that would usher in Europe's bloodiest war since World War II, capable of forever changing the balance of power in the Balkans.

Overall, in this first chapter, the reconstruction of Kosovo's intricate historical trajectory aims to isolate those key precursors that would later materialize during the Yugoslav wars and the subsequent American-led nation-building process. Certainly, it is possible to understand how Kosovo's history is a succession of dominations that have stratified conflicting ethnic identities. This stratification created a system in which control of the past became a precondition for the political legitimacy of the present. In this context, I tried to highlight three structural dynamics that particularly impacted Kosovo's evolution.

First of all, the settlement of Slavic populations in a border region between empires and the ensuing struggle for hegemony with the Ottoman Empire laid the foundations for a profound ethnic fracture. In the second place, the consolidation of the Serbian national myth, centered on the memory of Dušan the Mighty's empire and the defeat of Kosovo Polje in 1389, was transformed into a powerful nationalist force. This legacy was methodically exploited by Belgrade's elites, particularly during the rise of Slobodan Milosevic during 1980s, to justify centralized control of the province and fuel the dynamics that would lead to the violent disintegration of Yugoslavia. At the same time, the third element analyzed was the historical interference of the great powers, particularly the geopolitical ties between Russia and Serbia, which structured a model of external influence in the region that ultimately clashed with American strategic interests during the post-war reconstruction phase. This complex system of tensions found an unprecedented period of stability only within the Titoist framework of the Federal People's Republic of Yugoslavia between 1945 and 1980. In this case, the doctrine of "brotherhood and unity," supported by the economic and strategic support of the United States in its anti-Soviet stance that permitted Tito to develop a third way to socialism and lead the Non-aligned movement, temporarily managed to neutralize latent conflicts. A decisive step in this balance was the 1974 Constitution, which granted

Kosovo quasi-statehood in an attempt to balance Albanian autonomist demands with Serbian hegemonic claims. However, the stability of this complex institutional architecture proved to depend exclusively on Tito's charisma. Indeed, upon his death, the power vacuum was filled by a cultural revanchism that led to the dismantling of provincial autonomies by the Serbian nationalist faction led by the aforementioned Slobodan Milosevic. The rapid deterioration of the situation exposed the international community's dramatic shortsightedness: the inability to decipher the true danger of the Balkan powder keg prevented a diplomatic collapse of global proportions. The analysis of this inadequacy and the subsequent outbreak of the Yugoslav Wars will form the core of the next chapter, providing the basis for understanding the genesis of American involvement in the region.

## 2. The Yugoslav Wars, the Dayton Agreements, and the Kosovo crisis

### 2.1 Overview of the chapter

The structure of this chapter will follow the historical evolution of the conflicts that dramatically impacted the territories of former Yugoslavia during the last decade of the 20th century. The chapter will therefore be closely intertwined with the previous one to understand the historical uniqueness of the Kosovo case. This uniqueness is primarily dictated by its strategic location in the Balkans, which made the country a crossroads of peoples, inevitably creating the multiethnic matrix that would later hinder its independence. As will be explored in this chapter and also in Chapter 3 of this thesis, Kosovo is presented as a country *sui generis*. This definition is founded on the particular context of Yugoslavia's dissolution and the systematic atrocities that necessitated an alternative to traditional sovereignty. Consequently, this exceptional status was solidified by an unprecedented period of international administration under the United Nations (UNMIK) and a comprehensive nation-building process led by the United States, ultimately resulting in Kosovo's independence in 2008.

As described in the section on the Yugoslav Wars, paragraph 2.2, the interethnic conflicts and the economic and political dynamics of the region will be extremely complex for international mediators to understand. In particular, the European Community, initially eager to demonstrate its diplomatic maturity remained paralyzed by internal divisions between Italy, Germany, France, and the United Kingdom. At the same time the United Nations, operating within the framework of the peacekeeping mandate of UNPROFOR, demonstrated strong difficulties in enforcing peace without resorting to the use of force, a necessity that would eventually be met by the United States. The latter will intervene decisively only after the prolonged failure of European diplomacy and after the escalation of atrocities has made it clear that no solution could be reached without the leadership and coercive power of the United States, culminating in the Dayton Peace Agreement. Overall, the international community has adopted an unresponsive stance towards the needs of the region's peoples. I will examine in detail the various peace plans, which, however, will fail to end this series of conflicts, which, as was discussed in Chapter One, have a long-standing origin far beyond the 1990s.

At the same time, the dramatic nature of the conflict, which was also widely reported internationally by the media, forced the US government to step in and lead the negotiations that would lead to the Dayton Agreements. Chapter 2.3 will therefore examine how these agreements, which would ultimately end the conflict in Bosnia, would contain within them the precursors to their own crisis. Indeed, in the chapter dedicated to the Kosovo War, Chapter 2.4, the lack of a specific agreement to resolve the Kosovo issue within the Dayton Agreement will be central. It will therefore be analyzed why the complex situation in Kosovo was

not mentioned in the Dayton Agreements, and why, as will be seen, it was not only exogenous but also endogenous factors that limited their scope.

These elements, combined with ethno-nationalist pressures within Serbia and Kosovo, will give rise to the final and most dramatic act of the Yugoslav wars and the definitive dissolution of Yugoslavia. Of particular importance within this conflict will be NATO's new role, described in detail in the final section of this chapter. Finally, the chapter concludes with a discussion of the key analysis of this thesis: American nation-building in Kosovo. This topic will be the fulcrum of this thesis project and would be impossible to imagine without the entire discussion pertaining to the first two chapters. Indeed, as already noted, American interest in the region was present during the Tito regime, only to definitively explode following the fall of the Berlin Wall and the end of the bipolar world. Kosovo will become the new stage for building American influence in the region, and for this reason, it is crucial here to understand all the factors that have materialized this American interference. To do this, it is therefore necessary to start from the Yugoslav Wars.

## **2.2. The Wars of Yugoslav Succession (1991–1995)**

### **2.2.1. Prologue to the Conflict**

The analysis of the Yugoslav Wars requires surpassing reductionist lectures that interpret them as mere ethnic wars or the inevitable result of ancient Balkan hatreds. As I tried to reconstruct throughout the entire chapter, the conflicts that occurred in the 1990s were the outcome of a complex historical process, one marked by ethno-religious divisions, repression, and the development of nationalism, international and economic factors. Ultimately, a process that demonstrates the region's complexity in its historical development. These complexities will be reflected in the Yugoslav wars themselves, which were therefore not a sudden breaking point, but a long-term structural crisis. As the academic literature demonstrates,

Social disenchantment and disaffection had been articulated as public dissent long before the Yugoslav union officially collapsed so destructively and spectacularly in the 1990s. That was the external, visible threshold of systemic failure that had been unspooling for decades. Short-lived protests and politicized cultural movements in the years of Yugoslav socialism had revealed the transformation of Tito's revolutionary project into a stagnant bureaucracy.<sup>86</sup>

Therefore, the difficulty international authorities faced in reestablishing the rule of law in the region, and also in understanding the intricate historical reasons underlying the conflict, led Western diplomacy to initially

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<sup>86</sup> Dragana Obradovic, *Writing the Yugoslav Wars: Literature, Postmodernism, and the Ethics of Representation*, (University of Toronto Press, 2017), 18.

underestimate the conflict, dismissing it as a resurgence of ancestral hatreds. The Western world attempted to prevent the war through flawed policies, seeking a factual economic strategy to dissuade the main Yugoslavian actors from giving in to the nationalistic pressures that would certainly have triggered the conflict<sup>87</sup>. Specifically, efforts were made to dissuade Croatia and Slovenia from declaring independence, and once this was achieved, a way was sought to heal the complex relations with the federal government. The problems that prevented this Western strategy from working properly were numerous. On the one hand, a lack of understanding of Yugoslavia's internal conflicts; Yugoslav leaders preferred to focus on their strategic security rather than accept economic support from the United States or Europe to reverse their decisions. But the biggest problem was simply one. As Touval masterfully explained: “When the Cold War was winding down, Yugoslavia lost the geopolitical importance it had had for the West. The strategic lens through which Yugoslavia had been viewed during the Cold War was discarded and it came to be perceived as just another communist country that needed to be encouraged to democratize and reform its economy”<sup>88</sup>. From the perspective of the Western World, more pressing issues arose from the collapse of the Soviet Union. In particular, the reunification of Germany, the instability of the Baltic republics, and even the Gulf War and the subsequent Maastricht Treaty<sup>89</sup>. In short, it could certainly be said that, as a matter of priorities, the Western bloc greatly underestimated the situation in Yugoslavia. The European and US proposal was clear: if the status quo in Yugoslavia remained unchanged, that is, the unity of the state was preserved, human rights respected, and economic reforms implemented, then the various republics of the federation would receive “financial assistance and trading concessions”<sup>90</sup>. However, this approach exposed a fundamental shortcoming in Western analysis. Specifically, it revealed that for post-communist elites, nationalism was not an emotional resurgence of the past to be appeased with aid, but a calculated political tool used to maintain power. Consequently, this analysis will focus on this particular dimension. The conflict was not an inevitable explosion of ancient hatreds, nor a problem solvable with economic rationalism, but rather the result of a systematic exploitation of ethnic tensions that rendered traditional diplomatic incentives completely ineffective.

Naturally, with the exit of one or more republics from the federation, this support would not have arrived. It is important, however, to note the contradiction inherent in the Western powers' plan, as in Yugoslavia the process of democratization and that of maintaining the unity of the Yugoslav state clashed sharply. Indeed, attempts to preserve unity, as in the case of Kosovo in 1989, which we will analyze later in the specific study of that country, were certainly linked to a process of repressing these separatist tendencies, and subsequently linked to the violation of human rights<sup>91</sup>.

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<sup>87</sup> Touval, Saadia. *Mediation in the Yugoslav Wars*, (Palgrave Macmillan, 2001), 31.

<sup>88</sup> Ivi, 29.

<sup>89</sup> *Ibidem*.

<sup>90</sup> Ivi, 32.

<sup>91</sup> Ivi, 34.

Precisely, the very process of democratization had opened the way for the victory, during freely held elections, of parties with strong separatist tendencies in some of the federation's key countries, such as Slovenia and Croatia. This intrinsic contradiction merely concealed the West's disarming incomprehension of the complex dynamics of Yugoslavia. In these circumstances, the view of historian Dubravka Stojanović appears extremely compelling: Were the Yugoslav wars the final European wars of the twentieth century, or should they be understood and studied as the first of the twenty-first century?<sup>92</sup> Throughout the analysis of the first part of the first chapter I will attempt to understand these conflicts by examining their historical evolution, analyzing how the underlying theme of the chapter, that of ethnic cleavage, is one of the most significant factors shaping this conflict, but not the only one. Ultimately, this chapter will conclude simply with the opening to Dayton and American interference in the region, particularly in Kosovo, which has undergone a nation-building process by the United States itself, intent on making the country a true geopolitical and strategic bastion for regional influence.

### **2.2.2. From Slovenian secession to Croatian hell**

Although the first bloodshed had already occurred in the spring of 1989 with the occupation of Kosovo by the Yugoslav People's Army (JNA), the term “War of Yugoslav Succession” properly identifies the armed conflict that took place between 1991 and 1995 in Croatia, Slovenia, and Bosnia-Herzegovina, involving all the republics except Macedonia. The term refers to the fact that the war was fought to determine the new political and territorial structure destined to succeed the now dying SFRY<sup>93</sup>. In the spring of 1990, elections in Croatia brought to power the Croatian Democratic Union (HDZ), a highly heterogeneous populist and nationalist party, whose founding program included Croatian independence. This party was led by the later Croatian president, Franjo Tuđman<sup>94</sup>. In this case, it is essential to briefly familiarize yourself with the history of this figure who would be central to the Yugoslav wars. Indeed, Franjo Tuđman, a former partisan general and JNA officer, alongside his militarist roots, founded the Institute for the History of Labor Movements, which allowed him to further develop his nationalism. This led him, during the 1970s and 1980s, to become the leading ideologist of Croatian nationalism, ultimately embodying the role of “Father of the Homeland” (Otač domovine). His rise to power with the Croatian Democratic Union (HDZ) in the 1990 elections marked a definitive break with the Titoist legacy. Unlike Milosevic’s bureaucratic apparatus, Tuđman’s political project

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<sup>92</sup> Dubravka Stojanović, “Yugoslav Wars – A Snapshot of European Past or Future?”, *Journal of Modern European History* 16, no. 2 (2018): 153.

<sup>93</sup> Marko Attila Hoare, “The War of Yugoslav Succession,” in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 106.

<sup>94</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 394-396.

was based on a rigid historiographical vision: he argued that Croatia possessed a "historical and natural right" to statehood, a thousand-year-old dream that Yugoslavia had unjustly stifled<sup>95</sup>.

Shortly after coming to power, the regime drafted a new Croatian constitution, which stripped the Croatian Serbs of their status as constituents of the nation, relegating them to a national minority. Despite Serbian objections, the constitution was officially ratified on December 22, 1990, which led to a rebellion by Croatian Serbs supported by the JNA. Although the majority of Croatian Serbs had already voted for the Social Democratic Party of Croatia, a minority entrenched around the SDS party sparked clashes. Centered in the town of Knin, the SDS structured a systematic takeover of local municipalities, replacing moderate leaderships with hardliners. This political polarization culminated in an armed insurrection on August 17, 1990, known as the "Log Revolution"<sup>96</sup>, when rebels blocked routes to Knin. Interestingly, the JNA intervened not to restore order but to support the Croatian Serb dissidents. By late 1990, this *de facto* separation was formalized with the proclamation of the "Serbian Autonomous Oblast (SAO) of Krajina" and subsequent entities in western and eastern Slavonia. These moves represented the first concrete steps in defining the borders of a "Greater Serbia" within Croatian territory. Faced with the disarmament of its Territorial Defense (TO), Croatia was forced to improvise: Defense Minister Martin Špegelj, a former JNA general, began organizing a fledgling military force through the Ministry of the Interior, relying on police equipment and smuggled weapons to counter the overwhelming superiority of the federal army.

While tensions were already beginning to flare in the cities, a parallel battle was being fought within Belgrade's federal institutions. Indeed, the Yugoslav Collective Presidency, which theoretically also held supreme command of the armed forces, remained paralyzed. In particular, Serbia, which controlled the votes of Montenegro, Vojvodina, and Kosovo, attempted to manipulate the body's work to authorize military intervention. In January 1991, the Serbian Bloc unsuccessfully requested authorization for the JNA to disarm Croatian forces, a move blocked by the representatives of Croatia, Slovenia, and Bosnia. The institutional crisis deepened in March 1991, when the JNA leadership, led by General Kadijević, attempted to secure emergency powers that would have paved the way for a "coup d'état". Following the failure of this plan, and especially due to pressure from Milošević, who threatened to bypass the federal army in favor of a separate Serbian force, the JNA definitively abandoned its role as the natural arbiter of Yugoslav unity, aligning it with the Serbian territorial expansion campaign. The definitive collapse of federal authority accelerated the secession process of the northern republics. Indeed, by the spring of 1991, Slovenia was ready to move forcefully toward its independence<sup>97</sup>. Secession was more complex and risky for Croatia due to the fact that the Croatian authorities were already in open hostility with the SDS and JNA already underway on its territory.

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<sup>95</sup> Marko Attila Hoare, "The War of Yugoslav Succession," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 113.

<sup>96</sup> *Ibidem*.

<sup>97</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 60.

For this reason, the Slovenian referendum for independence took place on December 23, 1990, while the Croatian one only on May 19, 1991. However, both overwhelming results for the abandonment of Yugoslavia resulted in the declaration of independence of both countries on June 25, 1991<sup>98</sup>. This act is defined as the straw that broke the camel's back, the true starting point of the conflict in Yugoslavia.

In this framework, before heading toward the focus of the wars, it is interesting to understand the strategic moment in which the JNA found itself. Indeed, the JNA, or Yugoslav People's Army, was one of the largest military forces in Europe after World War II. The main objective of this military force was, as Elliot explained, "making the SFRJ an invincible bastion for every aggressor"<sup>99</sup> However, with the start of the war among the different entities of Yugoslavia, it began experiencing a moment of dazedness. Indeed, the JNA, being a multinational conscript army composed not only of Serbs but also of Croats, Albanians, Kosovars, Macedonians, and Hungarians, immediately found itself faced with the immense difficulties of its own members, who, unwilling to fight, began to desert. Hoare's words in this case are interesting: "With Serbia's own war aims unclear in the eyes of its public and even leadership, whether to defend Yugoslavia, establish a Great Serbia, or protect the Croatian Serbs – even Serbs were largely unwilling to fight and die"<sup>100</sup>. Eventually, the military operations perpetrated in the first phase has explained by Baker were "A reaction to general confusion over appropriate action among the federal presidency"<sup>101</sup>.

Immediately after the declaration of independence, Slovene police took control of Slovenia's international borders from their Federal counterparts. On 27 June 1991, the JNA responded by attempting to seize control of Slovenia's international borders and the Ljubljana airport. Tudjman betrayed his military agreement with the Slovenes and refused to come to their assistance, hoping Croatia could avoid war. Yet the Slovenes had carefully prepared their resistance, and their TO forces inflicted successive defeats on the JNA, which suffered heavier casualties than the Slovenes. It is fundamental to notice that the reaction of the federal army was strong but rather unequal<sup>102</sup>. JNA operations against Slovenia lasted 10 days and ceased on July 3 when European Community negotiators sought a moratorium on independence. This agreement, signed at Brioni on 7 July, was supposed to delay Slovenian and Croatian secession for three months while the EC determined the Yugoslav republics' status under international law<sup>103</sup>. As properly explained by Rupel: Its original intention was to delay, possibly restore the situation before the Slovenian declaration of independence, but eventually led to cease-fire and peaceful life of the northernmost Yugoslav republic"<sup>104</sup>. Nevertheless, the ceasefire was

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<sup>98</sup> Ivi, 61.

<sup>99</sup> Elliot Short, *Building a Multiethnic Military in Post-Yugoslav Bosnia and Herzegovina*, (Bloomsbury Academic, 2022), 50.

<sup>100</sup> *Ibidem*.

<sup>101</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 62.

<sup>102</sup> Marko Attila Hoare, "The War of Yugoslav Succession," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 115.

<sup>103</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 62.

<sup>104</sup> Dimitrij Rupel, "Managing Yugoslav Crises: Conference on Yugoslavia in The Hague (1991) and the Challenges of Multilateral Diplomacy," *Acta Histriae* 21, no. 3 (2013): 332.

far from ending the conflict in the region. Indeed, the relative brevity of the conflict and the rapid withdrawal of federal troops can be explained by the republic's ethnic homogeneity: with no significant Serb minority to "protect" or annex, Milosevic effectively acquiesced to Ljubljana's secession, preferring to concentrate military resources where the demographic stakes were highest. Indeed, As Hoare wrote, Serbia's leadership viewed the conflict with Slovenia as a formality<sup>105</sup>.

In Croatia the situation was more complex mainly for ethnic reasons. In fact, the presence of Serbian minorities, majorly in the Krajina region, was used by Belgrade to justify the military intervention. The conflict in Croatia escalated quickly, turning into a brutal war with civil massacres and ethnic cleansing. By the summer of 1990, Serbian rebels supported by JNA forces had already seized approximately one-quarter of Croatia, primarily in the central areas of the country, while maintaining control of western and eastern Slavonia. In this difficult context, Serbia sought to increase its control over the remaining regions of Croatia. Indeed, the Serbia-JNA duo possessed enormous weaponry, logistical, and economic superiority to respond promptly to the conflict<sup>106</sup>. Unlike the Slovenes, who responded promptly to the JNA by ordering the immediate siege of enemy garrisons, Franjo Tudjman adopted a decidedly more cautious approach. He chose to avoid military confrontation, which, however, escalated into open conflict on September 14, 1991. As mentioned by Hoare, Tudjman's policy was Serbia's strongest trump-card right up to the war's end in 1995<sup>107</sup>. Serbia's second powerful trump-card was the policy of the international community, in the shape of the EC, US and UN. The Western states refused to take sides and attempted to negotiate an end to hostilities. Indeed, while France and UK tried to maintain the Yugoslavian unity, Italy and Germany promoted a more assertive approach. Berlin, as will be explored later, for strategical and historical reasons, was particularly favorable for the immediate recognition of the Slovenian and Croatian independence. At the same time, Rome, even though initially was more hesitant, slowly aligned its diplomatic approach to the one of Berlin. There were several reasons behind this evolution of the Italian perspectives, which were also influenced by the Vatican<sup>108</sup>. The main reason was that Rome did not want the conflict to generate a complex crisis in the Adriatic region. However, the evolution of the conflict no longer left room for diplomatic assumptions, definitively leading the Western powers to take sides.

In September 1991, Serbia's war of conquest became more overt, with the JNA armies preparing to invade Eastern Slavonia from Serbia. However, the invaders, precisely because of the aforementioned difficulty in aligning the Serbian objective with their own, were stopped, effectively turning the situation into a stalemate. For this reason, it was proposed to formally and definitively transform the JNA into the Serbian army, in the

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<sup>105</sup> Marko Attila Hoare, "The War of Yugoslav Succession," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 115.

<sup>106</sup> Branka Magaš and Ivo Žanić (eds.), *The War in Croatia and Bosnia-Herzegovina, 1992–1995* (London: Frank Cass, 2001), 111.

<sup>107</sup> Marko Attila Hoare, "The War of Yugoslav Succession," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 113.

<sup>108</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 396-397.

hope of motivating the still reluctant Serbian soldiers to fight. This proposal, however, was opposed by the Serbian leadership, which was convinced that doing so would make Serbia appear internationally as the aggressor in the conflict. Certainly, another motivation was the risk of alienating that segment of the Serbian electorate that still saw the regime as the defender of Yugoslav unity. On the other hand, Croatian forces had only one objective: to defend their territory at all costs. The war in eastern Slavonia culminated in the city of Vukovar, whose defenders managed to withstand three months of assaults by JNA forces, inflicting massive losses on the Serbian-led forces. Indeed, the Croatian defense forces were ultimately defeated on November 19, 1991; however, the victory proved to be a Pyrrhic victory, as the number of losses was such that it definitively shattered the JNA's offensive capabilities. Above all, Serbia and the federal army also lost ground in international propaganda. Indeed, since the beginning of hostilities, Western leaders had sought, as mentioned above, to promote the territorial unity of Yugoslavia, opposing the secession of Croatia and Slovenia. However, it was Belgrade's very conduct that brought about a radical shift in international public opinion for the reasons mentioned above, but also for two other fundamental factors. First, despite the Brioni Accords requiring Serbia to accept the Croat Mesic as president of Yugoslavia, the Serbian and Montenegrin members staged a veritable institutional coup, declaring themselves the heads of the Yugoslav presidency and, above all, of the JNA, divesting Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia of their rights as federation members. Second, at the Hague Conference on 18 October 1991, Serbia unilaterally rejected the EC's Lord Carrington's proposal for Yugoslavia's reorganization as a confederation of sovereign republics. "The conference and its President Lord Peter Carrington were quite magnanimous towards Slobodan Milosevic who could - behind the stage - continue rather successfully to implement his plans. But from the standpoint of the players who wanted to preserve Yugoslavia, or change it into some kind of economic community [...] the conference at The Hague was not successful."<sup>109</sup> Serbia was therefore viewed as destroying what was left of Yugoslav unity.

However, it is also important to acknowledge the atrocities perpetrated by the Croatian army, particularly the massacre of Serb civilians in Gospić on 16–18 October 1991, which were overshadowed on the international stage in part by the bloody Serbian actions that targeted symbolic Croatian cities such as Dubrovnik. Dubrovnik, an internationally recognized UNESCO World Heritage site, did not appear to have a central strategic importance in the Serbian operations, where, moreover, an overwhelming majority of Croatian citizens resided. Thus, the Serbian military action proved to be a veritable propaganda disaster. This very approach increasingly shifted international support towards the self-determination of various peoples within Yugoslavia. Ansgar Baums' analysis of the factors that influenced Germany, which had also recently reunified into a single state, is particularly interesting:

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<sup>109</sup> Dimitrij Rupel, "Managing Yugoslav Crises: Conference on Yugoslavia in The Hague (1991) and the Challenges of Multilateral Diplomacy," *Acta Histriae* 21, no. 3 (2013): 329.

On an empirical level, the analysis showed that Germany's reasons behind the strong support of the recognition of Slovenia and Croatia were neither strategic or geopolitical interests nor the success of lobbying attempts by Croatian pressure groups. The reason why Germany adopted a pro-recognition position and defended it persistently was a subsumption of recognition under the norm of self-determination and a successful employment of the myth of reunification as a proof that self-determination policy works<sup>110</sup>.

For these reasons and for the increasing brutality of Serbian operations, furthermore envisioning a situation that could not change through the strategic and diplomatic dialogues in a short period of time, Germany decided to generate an earthquake of immense proportions. Indeed, it unilaterally recognized the independence of Slovenia and Croatia, pushing the other European countries to follow its example. Germany on 15 November 1991 resolved in favor of recognizing Slovenia's and Croatia's independence. Internationally speaking, the reaction towards these declarations was quite cautious. The United States, to avoid a possible domino effect on the Balkans, remained in a waiting position. For different reasons, also the USSR was not so loud. The country was now at the twilight of its existence and limited itself to claim the territorial integrity of Yugoslav as a whole<sup>111</sup>. The United Nations overwhelmed by the rapidity of the escalation were not able to propose effective solution in the short run. Their intervention will become apparent only in 1992, where they will formally recognize the independence of these new States and start the peacekeeping operations. However, that was only the start. During 1991, other republics started the secession. On September 1991 Macedonia reached independence. Then on March 1992, Bosnia-Herzegovina followed.

Eventually, the involvement of international diplomacy inadvertently rescued the Serbian forces from a precarious military position. Through the Geneva Accord made the 23rd of November 1991, UN representative Cyrus Vance American politician and lawyer brokered a ceasefire that allowed the crumbling JNA to withdraw intact from Croatian territory. Crucially, under severe international pressure, Tudjman agreed to lift the siege of the JNA barracks in Zagreb. Subsequently, to conclude the first and most intense phase of the Croatian War of Independence the Vance Plan or also Sarajevo Ceasefire, was approved on 2 January 1992<sup>112</sup>. The implementation of the Vance Plan led to the establishment of three UN Protected Areas in Serbian-occupied Croatia. In this sense the UNPROFOR the United Nations Protection Force was also created, mandated to ensure that the "United Nations Protected Areas" (UNPAs) in Croatia were demilitarized and that all persons residing there were protected from fear of armed attack. The Vance Plan was accepted because it offered Milosevic a double advantage: first, it would allow the Yugoslav army to catch its breath, and second, it would recognize the territorial gains made up to that point, including the Republic of Serbian Krajina. Serbia, strengthened by these gains, would have been ready to attack Bosnia-Herzegovina.

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<sup>110</sup> Ansgar Baums, *German Foreign Policy and the Outbreak of the Yugoslav War*, (GRIN Verlag, 2005), 15.

<sup>111</sup> For a more in-depth analysis of the dissolution of the USSR, see: Jerry Hough, *Democratization and Revolution in the USSR, 1985-91* (Brookings Institution Press, 1997).

<sup>112</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 64.

### 2.2.3. The Bosnian War

If the war in Croatia had revealed the aggressiveness of Serbian nationalism, it was in Bosnia-Herzegovina that the process of Yugoslav dissolution reached its peak of brutality and complexity. Bosnia, as defined by historian Ennio di Nolfo: “it was, in the Yugoslav mosaic, the area in which the mixture of ethnic groups and religions had become perhaps at its most inextricable”<sup>113</sup>. Indeed, often referred to as a "miniature Yugoslavia" due to its mixed demographic composition (44% Bosniak Muslims, 31% Serbs, 17% Croats), it represented the antithesis of Milosevic's ethno-national project. To better understand the series of events that followed the independence referendum held in Sarajevo between February 29 and March 1, 1992, it is important to consider the country's internal dynamics. Indeed, the collapse of the one-party system in the late 1980s was primarily due to the so-called Agrokomerc scandal of 1987<sup>114</sup>. This agribusiness conglomerate, a pillar of the local economy, was at the center of a massive financial fraud that revealed the complicity and corruption of the Sarajevo-based Communist Party leadership. This scandal shattered the delicate balance of power in the country, effectively decapitating its leadership. In this power vacuum, the aforementioned free elections of 1990 led to the emergence of three parties, representing the nationalist tendencies of the various Bosnian ethnic groups: the Party of Democratic Action (SDA), led by Alija Izetbegovic and representing the Bosniak (Muslim) cause; the Serbian Democratic Party (SDS) of Radovan Karadzic, an offshoot of the eponymous Serbo-Croatian party; and the Croatian Democratic Union (HDZ), a direct offshoot of the party of Croatian President Franjo Tudjman<sup>115</sup>.

The political situation rapidly degenerated into territorial fragmentation when in November 1991, following Zagreb's directives, the HDZ leadership proclaimed the creation of the “Croatian Community of Herceg-Bosna” (Hrvatska Zajednica Herceg-Bosna)<sup>116</sup>, formally conceived as a defensive measure against Serbian aggression. This operation effectively created a Croatian enclave within Bosnian territory, but to counter the actions of the Bosnian Serbs, led by Karadzic, who, replicating the secessionist model of the Croatian Krajina, unified the “Serbian Autonomous Regions” (SAO) in the north and east of the country. This very act definitively laid the foundations for the proclamation, on 9 January 1992, of Republika Srpska, an entity openly linked to Belgrade and to Milosevic's Greater Serbian project, which would proclaim independence on 27 March 1992<sup>117</sup>. In this complex context, Bosnia and Herzegovina declared independence on March 3, 1992.

After the proclamation of independence, the Muslim leader, Alija Izetbegovic, was appointed head of government, with a rotating presidency among the three ethno-religious groups. It was Izetbegovic who took the initiative to submit

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<sup>113</sup> Ennio Di Nolfo, *Storia delle relazioni internazionali: Dal 1918 ai giorni nostri* (Roma-Bari: Laterza, 2008), 1363, My translation of “era, nel mosaico jugoslavo, l'area in cui la miscela fra etnie e religioni era divenuta forse al più inestricabile”.

<sup>114</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 210.

<sup>115</sup> *Ivi*, 216-222.

<sup>116</sup> *Ivi*, 227-230.

<sup>117</sup> Marko Attila Hoare, "The War of Yugoslav Succession," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 119.

the proclamation of independence to a referendum. Voters voted in favor by a majority of 99.4 percent, but the Serb group boycotted the elections, interpreting them as a first step to loosen its ties with Belgrade and to bind Bosnia, as had happened in 1941, to Croatia<sup>118</sup>.

Ennio di Nolfo's reconstruction is crucial to understanding how there was a leitmotif in Serbian operations, increasingly oriented toward the creation of a Greater Serbia. Indeed, once Bosnia-Herzegovina was recognized by European states on April 6, 1992, on the occasion of the forty-seventh anniversary of the liberation of Sarajevo from Nazi troops, Serbian troops used international recognition as a pretext for a full-scale invasion of Bosnia-Herzegovina. The operations took place between April 6, 1992, and September 21, 1995, during which time, as Richard Hall confirms: “over 100,000 people were killed and over 1.8 million more displaced”<sup>119</sup>.

The Serbian Bosnian forces supported by Milosevic's regime, tried to create a territorial continuity among the territories with Serbian majority, through the forced expulsion of non-Serbian populations. Effectively, the goals of this strategy were both symbolic and military because they tried to redefine Bosnian territory in a multi-ethnic key. In this sense, Bosnian Serb forces successfully launched a lightning offensive that occupied approximately 70% of Bosnian territory in just a few weeks. The military campaign immediately revealed itself as a precise synergy between JNA forces and Bosnian Serb irregular militias, who succeeded in overthrowing the strategic centers of Bijeljina and Zvornik on the country's northeastern border. At the same time, the aggression also extended to the south of the country, particularly to the city of Mostar, capital of the Croatian Community of Herzegovina. Finally, the siege of Banja Luka in the west of the country and the capture of Kupres in the southwest completed the extremely rapid Serbian operation. In this scenario, a new Serb militia emerged, called the Army of the Serb Republic of Bosnia and Herzegovina, or Vojska Republike Srpske (VRS). According to the researcher Catherine Baker:

Throughout the Bosnian conflict, the VRS, which was officially split from the JNA on 4 May 1992, used violence and terror against civilians to conquer territory, join it into one contiguous entity, remove people identified as enemy minorities from the land, and establish new state structures that could eventually unify with Serbia<sup>120</sup>.

In fact, in Hoare's text we can find some references to this militia: “The Belgrade-controlled military and paramilitary forces spearheaded the conquest”<sup>121</sup>. Subsequently, Serbian forces laid siege to the Bosnian

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<sup>118</sup> Ennio Di Nolfo, *Storia delle relazioni internazionali: Dal 1918 ai giorni nostri* (Roma-Bari: Laterza, 2008), 1364, My translation of “Dopo la proclamazione dell'indipendenza, il leader dei Musulmani, Alija Izetbegovic, venne nominato capo del governo, in previsione di una presidenza a rotazione fra i tre gruppi etnico-religiosi. Fu Izetbegovic a prendere l'iniziativa di sottoporre a referendum la proclamazione di indipendenza. I votanti si espressero a favore con una maggioranza del 99,4 per cento ma il gruppo serbo boicottò le elezioni, interpretandole come un primo passo per allentare i suoi vincoli con Belgrado e per legare la Bosnia, come era accaduto nel 1941, alla Croazia”.

<sup>119</sup> Richard Hall, *War in the Balkans*, (ABC-CLIO, 2014), *Bosnian War, 1992–1995*, 46.

<sup>120</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 73-74.

<sup>121</sup> Marko Attila Hoare, “The War of Yugoslav Succession,” in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 121.

capital Sarajevo, which, however, managed to hold out for the duration of the conflict. Some accounts from the capital show us how “the Bosnian Serbs also destroyed such cultural monuments as the National Library of Bosnia and Herzegovina, the national museum, and many of the mosques in Sarajevo”<sup>122</sup>. The resistance of the capital allowed Bosnian troops to reclaim the city of Tuzla, which became the strongest bastion of the country's eastern defenses. The devastation resulting from these clashes was immeasurable. Suffice it to say that the Serbian conquest of Vukovar had cost at least 10,000 casualties; the conquest of Sarajevo, twenty times larger than Vukovar, might have cost the entire VRS, yet the Bosnian leadership's possession of Sarajevo prevented the complete Serbian destruction of the Bosnian state<sup>123</sup>. However, the very failure of military operations to force the Bosnian government to capitulate, and the growth in the strength of the Bosnian defenses, led the VRS to acquiesced first to a ceasefire and then to the Dayton Peace Agreement<sup>124</sup>.

In the picture painted by the American professor of history, Samuel Totten, in his analysis of such devastation in the region, he tells that:

During the spring and summer of 1992, the Bosnian Serbs also established many so-called detention camps in which as many as 10,000 people were eventually killed. Often these camps were overcrowded and the inmates underfed. Beatings, torture, sexual assault against both men and women, and murder of individuals and groups of detainees occurred repeatedly. However, not only Serbs operated camps in which many atrocities were committed. Croatian and Muslim forces also killed, tortured, and otherwise abused captive Serbs and others in a number of camps<sup>125</sup>.

As Totten's study shows, while the strategy adopted by the Serbian faction, with Ratko Mladic as its military enforcer and Radovan Karadzic as its political enforcer, was based on “ethnic cleansing” (etničko čišćenje): systematic expulsion through terror and summary executions, it is important to recognize the historical presence of atrocities committed on the other side of the coin, which contributed to heightening the drama of the conflict. It is precisely in this dynamic that Paul Lowe's analysis is more crucial than ever:

The conflict that engulfed the former Yugoslavia in the last decade of the 20th century mounted a sustained and significant challenge to the international world order, and to media ethics and practices, introducing a new vocabulary of human rights abuse that included the terms ethnic cleansing and the journalism of attachment<sup>126</sup>.

The very term "ethnic cleansing"<sup>127</sup>, as highlighted in the literature, had a crucial symbolic meaning, aimed at destroying not only the community's present but also their shared past. The ultimate goal of this operation was a true cognitive rewriting of a people's historical memory. It altered the survivors' perception that the past of

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<sup>122</sup> Samuel Totten, *Genocide at the Millennium*, (Routledge, 2017), 14.

<sup>123</sup> Marko Attila Hoare, “The War of Yugoslav Succession,” in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet e Christine M. Hassenstab (Cambridge: Cambridge University Press, 2019), 121.

<sup>124</sup> Elliot Short, *Building a Multiethnic Military in Post-Yugoslav Bosnia and Herzegovina*, (Bloomsbury Academic, 2022), 74.

<sup>125</sup> Samuel Totten, *Genocide at the Millennium*, (Routledge, 2017), 15.

<sup>126</sup> Paul Lowe, *Photography, Bearing Witness and the Yugoslav Wars, 1988-2021*, (Routledge, 2022), 1.

<sup>127</sup> Ennio Di Nolfo, *Storia delle relazioni internazionali: Dal 1918 ai giorni nostri* (Roma-Bari: Laterza, 2008), 1364.

coexistence had never actually existed, but had instead been supplanted by the belief that hatred between various ethnic groups was a permanent and immutable condition<sup>128</sup>. At this point, Belgrade proclaimed the Federal Republic of Yugoslavia (SRJ) on April 27, 1992, comprising only Serbia and Montenegro.

#### **2.2.4. The failure of international mediation and the recrudescence of the conflict**

In this constantly complex situation, it is important to understand the role played by the international community as a whole, and the United Nations in particular. In this initial phase, as Ivo Daalder's study highlights:

Conspicuously lacking, however, was U.S. engagement in—let alone leadership of—the international effort in Bosnia. Having rejected the use of U.S. (and NATO) military muscle for any purpose in Bosnia, the Bush administration had effectively deferred the design and implementation of Western policy to the Europeans<sup>129</sup>.

Properly the European countries, concerned about a war on their soil, launched several mediation attempts. Among the very first peace plans to emerge, even before the actual start of military operations, were the Lisbon negotiations of February-March 1992. International mediators proposed the tripartite partition of Bosnia-Herzegovina along ethnic lines, but the agreement was rejected by leader Alija Izetbegovic. The key element of this initial plan, however, was the issue of maintaining Bosnia-Herzegovina's autonomy while dividing the territory into ethnic spheres of influence, as Catherine Baker states: “Later plans varied the number and composition of territorial units, yet the principle remained”<sup>130</sup>. Effectively, in the framework of the International Conference on the Former Yugoslavia (ICFY), established following the London Conference of August 1992, diplomats Cyrus Vance (for the UN) and David Owen (for the EC) attempted to work out a political solution that balanced recognition of the sovereignty of Bosnia and Herzegovina with the need to protect the rights of the various communities. The result of this diplomatic effort was the so-called “Vance-Owen Plan,” formally presented in January 2, 1993. Based on a complex mediation between the parties, the plan rejected both the Serb-Croatian demand to divide the country into three distinct ethnic republics and the Sarajevo government's vision of a centralized, unitary state. The proposed solution instead envisioned a reorganization of the state into ten autonomous provinces (or cantons), whose borders were drawn taking into account ethnic, geographic, economic, and communication factors<sup>131</sup>.

According to the Steven Burg and Paul Shoup's analysis, the plan aimed to create a highly decentralized state: the central government would retain minimal responsibilities, necessary to maintain international subjectivity,

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<sup>128</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 76.

<sup>129</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), 5.

<sup>130</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 80.

<sup>131</sup> *Ivi*, 81.

while most functions, including police management, would be devolved to the provinces. A cornerstone of the project was the progressive demilitarization of the country and the establishment of international oversight mechanisms, including a Human Rights Court, effectively establishing a sort of international trusteeship to ensure respect for minorities in each canton<sup>132</sup>. However, despite the initial support of the Croatian component, which saw most of its territorial aspirations fulfilled, the plan encountered strong resistance. The Bosnian Muslim government criticized the *de facto* legitimization of territorial conquests and ethnic cleansing, while the Serbian leadership rejected the plan because it denied territorial continuity between the areas under their control and prevented the creation of a state within a state<sup>133</sup>.

Eventually, as it will be seen later the failure of this complex diplomatic architecture confirmed Varsori's observation regarding the ineffectiveness of international intervention at this stage: "The UN was entrusted with the resolution of the crisis, but it proved powerless, and most of the proposed peace plans remained on paper and were thwarted by the protracted fighting"<sup>134</sup>. The United Nations intervention took shape through the extension of the mandate of UNPROFOR (United Nations Protection Force), originally created to freeze the front lines in Croatia, to Bosnian territory. However, the deployment of the "UN Peacekeepers" in Bosnia suffered from an inherent flaw from the outset: the lack of a peace-enforcement mandate under Chapter VII of the UN Charter. The international troops were deployed under extremely restrictive rules of engagement, based on Chapter VI, which permitted the use of force exclusively in self-defense and not to protect the threatened civilian population<sup>135</sup>. At the same time, the Security Council imposed an arms embargo that, paradoxically, affected the less well-armed Bosnian troops more than the Serbs. Indeed, this embargo, confirmed by UN Security Council Resolution 713<sup>136</sup>, ultimately cemented the military superiority of the Serbs, who had inherited the JNA's arsenals.

As the humanitarian situation collapsed, international diplomacy attempted to fill the political vacuum left by the failure of the Lisbon Plan; however, the United States remained reluctant to intervene. Regarding this transition, the Director for European Affairs on the US National Security Council, Ivo Daalder, offers an incisive analysis, which I report below: "When the Clinton Administration came to office in January 1993, it inherited a U.S.—indeed Western—Bosnia policy that was in complete disarray"<sup>137</sup>, and again, "Once in power, however, the Clinton administration failed to back its forceful campaign rhetoric with concrete action. Like his predecessor, President Clinton proved unwilling either to put Bosnia center stage in his foreign policy

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<sup>132</sup> Steven Burg and Paul Shoup, *The War in Bosnia-Herzegovina*, (Routledge, 2015), p. 214.

<sup>133</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 81.

<sup>134</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 397, My translation of "L'ONU venne investita della soluzione della crisi, ma si rivelò impotente e gran parte dei piani di pace proposti, restò sulla carta e venne resa vana dal protrarsi dei combattimenti",

<sup>135</sup> United Nations General Assembly, Report of the Secretary-General pursuant to General Assembly resolution 53/35: The Fall of Srebrenica, A/54/549 (November 15, 1999), 17.

<sup>136</sup> United Nations Security Council, *Resolution 713*, S/RES/713 (September 25, 1991).

<sup>137</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), 5.

or to commit the type of military capabilities that would be necessary to bring the conflict to a halt”<sup>138</sup>. However, as we will discuss in this chapter, American action changed profoundly during the conflict, leading to increasingly significant interference, culminating in the very first NATO operations and at Dayton in 1995. For this reason, the leadership of international diplomatic operations, in this initial phase, was primarily taken by the European Community and the United Nations.

In January 1993, the most ambitious and detailed peace plan ever developed up to that time was presented, following the UN and EC mediators, Cyrus Vance and David Owen. “Known as the Vance-Owen Peace Plan [...] this plan sought to balance the competing desires for ethnic autonomy and Bosnia’s territorial unity by dividing Bosnia on a geographic and ethnic basis into ten semi-autonomous districts”<sup>139</sup>. Aware that a centralized state was no longer acceptable to the Serbs, but rejecting the pure ethnic division that would have rewarded ethnic cleansing, the mediators proposed a complex decentralization of the state. Bosnia would be divided into 10 semi-autonomous provinces (or cantons), drawn not only on ethnic but also economic and geographic criteria. Sarajevo would remain a demilitarized district, and five humanitarian corridors would be created to support civilians. Furthermore, as stated by the UN Institute for Disarmament Research: “This was the first peace plan which implicitly put ethnic labels on the different provinces to be created in Bosnia-Herzegovina; it marked the beginning of what came to be known as the map game”<sup>140</sup>. The plan, however, bore the seeds of its own failure and, tragically, of new conflicts. Indeed, the plan denied the Serbs territorial continuity between eastern and western Bosnia, which would go down in history as the famous Posavina “corridor,” crucial to all subsequent negotiations. Despite pressure from Slobodan Milosevic, who wanted to close the Bosnian front to ease sanctions on Serbia, the Bosnian Serb Assembly in Pale contemptuously rejected the plan in May 1993, feeling militarily untouchable. “The Vance-Owen plan was the last plan that would have kept Bosnia-Herzegovina together as a country in any true sense. The government, although decentralized, would have had coherence and authority”<sup>141</sup>.

However, the most glaring failure of international diplomacy and the UN was the establishment of “Safe Areas” with Resolutions 819<sup>142</sup> and 824<sup>143</sup> of 1993. Cities such as Sarajevo, Gorazde, and Srebrenica were declared under UN protection, but without the UN peacekeepers being provided with the means or authorization to use force to actually defend them. The safe-area scheme marked a further step in the dismantling of Bosnia-Herzegovina.

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<sup>138</sup> *Ivi*, 7.

<sup>139</sup> *Ivi*, 10.

<sup>140</sup> Barbara Ekwall-Uebelhart, Andrei Raevsky e J.W. Potgieter, *Disarmament and Conflict Resolution Project: Managing Arms in Peace Processes: Croatia and Bosnia-Herzegovina* (Geneva: UN Institute for Disarmament Research, 1996), 71.

<sup>141</sup> *Ibidem*.

<sup>142</sup> United Nations Security Council, Resolution 819, S/RES/819 (April 16, 1993).

<sup>143</sup> United Nations Security Council, Resolution 824, S/RES/824 (May 6, 1993).

By the spring of 1993, tens of thousands of Muslims were confined in three enclaves in eastern Bosnia—Srebrenica, Gorazde, and Zepa—that were surrounded by Serb-controlled territory. Even though the United Nations Security Council declared these enclaves to be safe areas, their inhabitants were frequently exposed to Serb terror. In addition to shelling the towns and villages in the enclaves, Serb authorities often refused the United Nations permission to deliver food, medical supplies, and other humanitarian necessities. The populations of the enclaves were swollen by desperate refugees from areas that had already been cleansed by Serb forces, thus aggravating the overcrowding, hunger, and inadequacy of medical resources<sup>144</sup>.

On the other hand, the strongest international reply came with the creation of the International Criminal Tribunal for former Yugoslavia (ICTY), instituted the 25<sup>th</sup> of May 1993 by UNSC Resolution 827 and based in Aja<sup>145</sup>. That was the first judiciary organism created after the end of the Second World War. Its role was to persecute criminal war crimes, crimes against humanity and genocides committed inside the territory of former Yugoslavia starting from 1991<sup>146</sup>. The adoption of this Tribunal strongly changed the international scenario, establishing the individual criminal responsibility of leaders for the atrocities committed. In parallel with the legal process, the international community increasingly attempted to increase military pressure. Indeed, as early as October 1992, with Resolution 781<sup>147</sup>, the Security Council had imposed a “no-fly zone” over Bosnia to prevent military flights, a ban systematically violated by local forces, as Baker also describes: “Local forces (especially the VRS) often broke it”<sup>148</sup>. The lack of coercion mechanisms was only remedied between March and April 1993 with Resolution 816<sup>149</sup>: it authorized NATO, through Operation Deny Flight, to shoot down unauthorized aircraft, marking the Alliance's first real direct military intervention in the conflict.

In August 1993, international mediators issued the finalized version of the Owen–Stoltenberg Peace Plan. It is interesting to note that the Owen-Stoltenberg Plan according to the failure of the previous more complex plan, divided Bosnia-Herzegovina into three different ethnic units, however also the structure of the plan according to Baker pushed “the country on the edge of partition”<sup>150</sup>. It transformed Bosnia-Herzegovina into a loose “union” of three constituent entities, each with the right to secede. The Serbs were granted approximately 54 percent of Bosnia-Herzegovina, the Muslims 30 percent, and the Croats 16 percent, with Sarajevo placed under UN administration<sup>151</sup>. In response, on August 28, the HDZ proclaimed the Republic of Herzegovina, aiming to annex the Mostar region to Croatia. Meanwhile, northern Bosnian Muslims, led by warlord Fikret Abdic, in clear opposition to Alija Izetbegovic’s government, proclaimed the Autonomous Province of Western Bosnia. Bosnia and Herzegovina was definitively on the brink of collapse, besieged on one side by Serb forces continuing the siege of Sarajevo, and embroiled in renewed internal conflict between

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<sup>144</sup> Samuel Totten, *Genocide at the Millennium*, (Routledge, 2017), 16.

<sup>145</sup> United Nations Security Council, *Resolution 827*, S/RES/827 (May 25, 1993).

<sup>146</sup> *Ibidem*.

<sup>147</sup> United Nations Security Council, *Resolution 781*, S/RES/781 (October 9, 1992).

<sup>148</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 82.

<sup>149</sup> United Nations Security Council, *Resolution 816*, S/RES/816, (March 31, 1993).

<sup>150</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 82.

<sup>151</sup> *Ibidem*.

Croats and Bosniaks on the other. This internal conflict was characterized by particularly intense clashes in urban and mixed-use areas, including Mostar, Vitez, Prozor, and the Lašva Valley. Serious violations of international humanitarian law occurred in these areas, including forced expulsions, arbitrary detentions, and killings of civilians. Finally, the destruction of the Old Bridge in Mostar in November 1993 became one of the most powerful symbols of the war. It showed not only the material devastation but also the irreversible cleavage mentioned various times in this thesis, of Bosnia's multi-ethnic social structure.<sup>152</sup>

At this complex historical moment, in March 1994, the Washington Agreement was proclaimed<sup>153</sup>. This agreement established the Federation of Bosnia-Herzegovina, which reunited the Croats with the Muslims, putting an end to the bloody conflict that had erupted between the two sides<sup>154</sup>. However, the situation on the ground remained critical, particularly in the eastern enclave of Gorazde, where the Serbian offensive forced NATO to move from threats to action. In April 1994, in response to the bombing of civilians and UN personnel, American aircraft carried out the first close air support raids in the Alliance's history against Bosnian Serb targets<sup>155</sup>. It was precisely in the wake of the Gorazde crisis and the failure of previous European mediation attempts that the Contact Group was formally established in London on 26 April 1994<sup>156</sup>. Indeed, "To ensure their inclusion, a new negotiating forum known as the Contact Group was formed in April 1994. It consisted of representatives of the United States, Russia, Britain, France, and Germany"<sup>157</sup>. The Contact Group proposed a new peace plan: "Drawing largely on the efforts of David Owen and Thorvald Stoltenberg (who had replaced Cyrus Vance as the UN representative), the map eventually used by the Contact Group envisioned a territorial division that provided the Muslim-Croat federation 51 percent of the territory, and the Bosnian Serbs the remaining 49 percent"<sup>158</sup>. In this peculiar context, Washington gradually abandoned its earlier deference to European diplomacy and tacitly facilitated the strengthening of Bosnian and Croatian forces, while renewed diplomatic efforts through the Contact Group failed due to continued Bosnian Serb rejection. How also professor Varsori posits: "Washington's action was designed to punish Serbia and then stabilise the situation in the former Yugoslavia"<sup>159</sup>. First, through significant military support for Croatia, which managed to liberate the Krajina and Slavonia regions, not without the massacre of Serbian civilians, forcing thousands of Serb citizens to flee<sup>160</sup>. This element is important to emphasize the complexity of this conflict, and not to view it through the reductionist lens of aggressor and attacked. Furthermore, regarding the Bosnian situation, of vital importance was the involvement of NATO, profoundly linked with the military apparatus of the United States.

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<sup>152</sup> Ivi, 76.

<sup>153</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), 27.

<sup>154</sup> Barbara Ekwall-Uebelhart, Andrei Raevsky e J.W. Potgieter, *Disarmament and Conflict Resolution Project: Managing Arms in Peace Processes: Croatia and Bosnia-Herzegovina* (Geneva: UN Institute for Disarmament Research, 1996), 88.

<sup>155</sup> Ivi, 91-92.

<sup>156</sup> Ivi, 95.

<sup>157</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), 28.

<sup>158</sup> *Ibidem*.

<sup>159</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 398, My translation of "L'azione di Washington si articolò in maniera da punire la Serbia per poi stabilizzare la situazione nell'ex Jugoslavia".

<sup>160</sup> *Ibidem*.

In August, the air forces of the Atlantic alliance unleashed a harsh offensive against the military forces of the Republic of Serbia of Bosnia, inflicting heavy losses. Effectively, the decision to mobilize NATO and request its involvement in the war, was fundamental for various reasons. First of all, after the dissolution of URSS and the Warsaw Treaty, many requested to abolish the Atlantic alliance, but intervening in a specific war like the one in Bosnia, could have showed the new function of NATO, as an instrument of resolution of international crisis and aimed at maintaining peace under the guidance of the United States. I am addressing the U.S. because they were the ones with a military apparatus able to give efficiency to whatever action NATO would have been taken. Secondly, offering NATO to UN's choices would have been valuable for the U.S. to reinforce and reinstate their influence even within the United Nations. Effectively, in the case of the war in Bosnia, the NATO action was truly efficient, obliging the Serbs from Bosnia to accept a diplomatic solution<sup>161</sup>.

However, although the very structure of the war was changing with a more decisive NATO intervention, which I will address in the next paragraph, the dramatic apex of the conflict was the Srebrenica genocide in July 1995. This event was the largest massacre in the entire Bosnian conflict, and also the greatest international peacekeeping failure in the region<sup>162</sup>.

### **2.2.5: Srebrenica as the bridge between the Yugoslav Wars and Dayton**

The conquer of the safe zone Srebrenica and the helplessness of the UN was the tragic climax of the Bosnia War<sup>163</sup>.

In March 1995, the then President and Supreme Commander of the armed forces of the self-proclaimed Republika Srpska issued Directive 7. This directive commanded the Bosnian Serb forces to do something dramatic, to impose “an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica”<sup>164</sup>. Following these orders, General Ratko Mladic initiated Operation Krivaja 95 in the very first days of July, which resulted in the final fall of Srebrenica. On 11 July the VRS attacked and occupied Srebrenica, in this case “The UNPROFOR commander and UN special envoy in Bosnia-Herzegovina refused the Dutch UN battalion's request for air-strikes. The Dutch soldiers evacuated Srebrenica, taking a few locally-recruited employees with UN accreditation but leaving all others behind”<sup>165</sup>. The entry of Mladic's troops into the “protected” enclave, under the helpless gaze of the Dutch UN contingent, as indeed attested in the 1999 Report of the Secretary General (doc. A/54/549), “Dutchbat had also not fired a

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<sup>161</sup> *Ivi*, 398-399.

<sup>162</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 85-87.

<sup>163</sup> Julian Apel, *UN-peacekeeping mission in Bosnia-Herzegovina and the failure of Srebrenica. Bureaucratic Culture in International Organizations*, (GRIN Verlag, 2020), 14.

<sup>164</sup> Karadžić, Radovan. *Directive 7*. Supreme Command of the Armed Forces of Republika Srpska, March 8, 1995, 10.

<sup>165</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 86.

single shot directly at the advancing Serb forces”<sup>166</sup>, and the subsequent massacre of over 8,000 Bosniak men and boys, marked the moral and political breaking point of the West. The report recounts a tragic temporal discrepancy: while the international community was attempting to negotiate access to the prisoners, summary executions and the hiding of the dead in mass graves took place within a matter of days. The horrifying photos and statements of survivors, together with the satellite photos that will confirm everything, will demonstrate, on the one hand, the responsibility and definitive failure of UN peacekeeping and European diplomacy, and, on the other, following the work of the ICTY and the International Court of Justice, the recognition of the genocide perpetrated by Bosnian Serb forces<sup>167</sup>. “After 1995, Srebrenica became a site of memory inside and outside Bosnia-Herzegovina”<sup>168</sup>.

As mentioned by Steven Burg and Paul Shoup: “The fall of Srebrenica on July 12 and the ensuing massacre sent shock waves through the Clinton administration. It responded by attempting to restore the credibility of the Western threat to use force against the Serbs”<sup>169</sup>. It was this traumatic event that paved the way for NATO's direct intervention (Operation Deliberate Force) and the assumption of diplomatic leadership by the United States, which would drag the belligerents to Dayton Air Base to end, not with justice but with force and coercion, the bloodiest conflict in Europe since the end of World War II. Indeed, it was precisely with the American intervention that the military momentum shifted decisively. Bosnian and Croatian offensives, coordinated by US forces, succeeded in destabilizing the Serbian armies. Croatian operations against Serbian-held territories, culminating in Operation Storm in August 1995, dismantled the self-proclaimed Serbian Republic of Krajina and decisively undermined the broader “Greater Serbia”<sup>170</sup> project. It was one of the greatest Serbian defeats since the beginning of the war. Parallel advances by Bosnian government forces further eroded Serb control in western and central Bosnia. These developments were accompanied by NATO's increasingly assertive role, which gave them the possibility to launch an important air campaign known as the Deliberate Force Operation against the Serbian posts in Bosnia. This intervention was formally authorized by the Security Council of United Nations, even though there was an extensive interpretation of previous mandates. Indeed, NATO operated under the auspices of the 836 Resolution of June 1993<sup>171</sup>. This UN Resolution had authorized the use of force to protect the “safe Areas” instituted in Bosnia, among those there were Sarajevo, Srebrenica and Gorazde. Indeed, “The overt goal of Operation Deliberate Force always remained securing the safe areas from Bosnian Serb attacks”<sup>172</sup>. Thus, the operation was able to neutralize the

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<sup>166</sup> United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, A/54/549 (November 15, 1999), 71.

<sup>167</sup> *Ibidem*.

<sup>168</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 86.

<sup>169</sup> Steven Burg and Paul Shoup, *The War in Bosnia-Herzegovina*, (Routledge, 2015), 382.

<sup>170</sup> Ennio Di Nolfo, *Storia delle relazioni internazionali: Dal 1918 ai giorni nostri* (Roma-Bari: Laterza, 2008), 1364.

<sup>171</sup> United Nations Security Council, *Resolution 836 (1993)*, S/RES/836, (June 4, 1993).

<sup>172</sup> Robert C. Owen, ed., *Deliberate Force: A Case Study in Effective Air Campaigning* (Maxwell Air Force Base, AL: Air University Press, 2000), 28. For more information, including target maps and official statistics, see this report, which is the most comprehensive technical analysis of the operation.

activities of the Bosnian Serb Army (VRS) with overwhelming firepower, forcing General Ratko Mladic to withdraw heavy weapons from the Sarajevo Exclusion Zone and paving the way for the Dayton Accords.

Having concluded this overview of the Yugoslav wars of succession from 1991 to 1995, it is necessary to return to the words of Dubravka Stojanović, precisely because the historical reconstruction done until now definitely resolves the dilemma posed at the beginning of this analysis. Were these wars a snapshot of Europe's past, of world wars, of interethnic devastation, or did they represent the conflicts of the future? If Europe in the 1990s, which had received the optimistic illusion of having concluded the bipolar world phase with the definitive defeat of communism and the end of the Cold War, preferred to shelve the Yugoslav conflict, failing to understand that it was much more than an atavistic barbarity, the historical analysis conducted here suggests a far more disturbing answer. The dissolution of Yugoslavia was not a mere isolated event, but rather the forerunner of crises that would later affect the entire continent. These crises included the fragility of multiethnic societies in the face of aggressive populism, the impotence of supranational institutions, and the manipulation of democracy for authoritarian ends. The “fil rouge” that continues to run through the chapters, the centrality of ethnic cleavage, has proven not necessarily to be the primary cause of the conflict, but certainly its political instrument par excellence. The politicization of ethnic conflicts was the key tool used by nationalist elites to fill the ideological void resulting from the fall of communism. The systematic violence in these wars, fueled by nationalism, was not actually motivated solely by identity politics, but served as a mechanism for the redistribution of power and economic resources within society. It is therefore necessary to be fully aware that: “Wartime authorities monopolized employment and housing for their loyalists and denied it to their enemies, removing economic means as well as cultural and social means for victims to continue living there”<sup>173</sup>.

However, the bitterest lesson of this dramatic wars concerns the failure of collective security mechanisms. From the impotence of the “UN Blue Helmets” in Srebrenica to the failure of the several European peace plans, the Yugoslav crisis has spelled the end of the illusion that European “soft power” could, alone, guarantee peace in its own backyard. It is precisely on this diplomatic failure that a radical paradigm shift was carried out to be made, which will be the subject of the rest of this thesis. The decisive entry of the United States, central to the Dayton Accords, will mark the beginning of a new era of American interference in the Balkans. Dayton will be particularly illustrative because it will mark the transition from multilateral crisis management to unilateral American imposition. These agreements will therefore inaugurate a phase in which Washington will no longer limit itself to mediation but, will begin to adopt increasingly decisive measures to resolve subsequent crises in the region.

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<sup>173</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 77.

## 2.3. The Dayton Accords

### 2.3.1 The negotiations

The Dayton negotiations in November 1995 represented the continuation of the U.S. strategy of combining military and political pressure with key political concessions, which had emerged in July and August 1995. The United States took direct control over the peace process at Dayton, relegating other Western actors to subordinate roles<sup>174</sup>.

After 34 ceasefires that failed to produce peace in Bosnia Herzegovina, the figure of Richard Holbrooke, an American diplomat, emerged, creating the preconditions for the signing of the 35th armistice on 10 October 1995 which would then lead a month later to the creation of negotiations that in 21 days would put an end to the devastation on Yugoslav territory<sup>175</sup>. As we will see throughout this section, Dayton's primary objective which was the peacebuilding process, was successfully achieved. However, this was achieved primarily thanks to the commitment of international actors to provide a framework for peacebuilding, as well as the provision of resources and deployment of troops to prevent a recurrence of the post-1995 violence in Bosnia. Furthermore, Holbrooke's team developed a series of specific objectives to support their overall goal when they traveled to the Balkans, attempting to persuade the leaders of the warring countries to opt for diplomacy. One of the initiative's primary objectives was to persuade the warring parties to support the guidelines of the American Peace Initiative, which included issues related to Eastern Slavonia, sanctions, and borders. These objectives were refined as the process progressed; however, the key terms of peace identified at the outset set the course for the following months. Effectively, the process leading up to Dayton saw not only the use of various diplomatic actions to halt the bloodshed, but above all the aforementioned NATO Operation Deliberate Force, which ended on September 20, effectively changing the strategic positions of the various countries. "In short, by mid-September 1995 the negotiating dynamic had radically changed"<sup>176</sup>. However, hostilities continued and it was therefore necessary to reach a ceasefire between the parties in order to create the conditions for a peace conference, otherwise it would not have been possible to hold one.

A cease-fire was finally, though reluctantly, agreed to by President Izetbegovic on October 5, and announced publicly by President Clinton in the White House briefing room hours later. By the time it went into effect on October 10, virtually every territorial issue that needed to be negotiated, including, in particular, the overall division, had effectively been decided. What remained were red-button issues: the status of Sarajevo, which remained divided between the Bosnian Serbs and the Federation; Gorazde, including access from Federation territory to the town surrounded by Bosnian Serb forces; the Posavina pocket, the area where the Bosnian Croat leader, Kresimir Zubak,

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<sup>174</sup> Steven Burg and Paul Shoup, *The War in Bosnia-Herzegovina*, (Routledge, 2015), 360.

<sup>175</sup> Leon Hartwell, "Conflict Resolution: Lessons from the Dayton Peace Process," *Negotiation Journal* 35, no. 4 (October 2019): 444.

<sup>176</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), 136.

hailed from; and the width of the Posavina corridor connecting western and eastern parts of Bosnian Serb territory, including the status of the crucial town of Brcko<sup>177</sup>.

In the weeks that followed, Holbrooke's team engaged in meticulous preparation, establishing additional objectives for each round of negotiations, anticipating potential alternative scenarios. Five days before the start of the Dayton talks, a "dress rehearsal" was conducted, during which a 92-page draft of the future peace agreement, accompanied by nine annexes, was prepared. To refine their approach, Holbrooke's team conducted a review of previous negotiations. Additionally, officials from the U.S. State Department, the Pentagon, and the White House, as well as numerous legal experts, undertook extensive preparations in support of the Dayton process. These efforts were meticulously coordinated, ultimately resulting in specific strategies that Holbrooke's team employed during the negotiations.

On November 1, 1995, peace talks began, with delegations from the three warring parties participating: Tudjman, Izetbegovic and Milosevic. All three met at a US airbase at Dayton, Ohio in November 1995 to agree a constitutional and political peace settlement for Bosnia-Herzegovina (the 'Dayton Peace Agreement')<sup>178</sup>. From the very beginning, the negotiating players were forced to listen to the words of "Iron Richard," as US President Clinton dubbed Richard Holbrooke, so that they would follow the dictates of the true master of relations, the United States. As Pirjevec recounts in great detail, the three representatives "didn't even want to shake hands"<sup>179</sup>, at the inaugural session. To create an environment that could have worked properly for the parties, Holbrooke and his team's approach was very peculiar and it is interesting to focus on this with a more in-depth analysis. The Americans utilized more than carrots and sticks to facilitate the negotiations. First starting with the choice of the venue. The negotiators precisely met at the Wright- Patterson Air Base in Dayton, Ohio. Surrounded by symbols of the US' military strength, sending a clear message of power to the parties<sup>180</sup>. They also encouraged the parties to consider what Roger Fisher and William Ury called their "best alternative to a negotiated settlement," or BATNA<sup>181</sup>. Generally, each side faced three options: returning to war, negotiating directly with each other, or working with the mediator to end the conflict. At each step, Holbrooke's team reminded the adversaries of the weaknesses of their BATNAs, and that the Dayton process represented the most attractive means of ending the conflict. Holbrooke's team envisioned a mutually hurting stalemate; all adversaries could imagine a scenario in which failure to initiate the mediation process would harm them more than continuing. In doing so, the team sought to "lengthen the shadow of the future" by dramatizing the long-term costs of violence to the parties should negotiations fail.

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<sup>177</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), 127.

<sup>178</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 88.

<sup>179</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 520, My translation of "non vollero neppure stringersi la mano".

<sup>180</sup> Kathrin Wiedenbauer, *The United States' involvement in the Bosnian war*, (GRIN Verlag, 2010), 11.

<sup>181</sup> Leon Hartwell, "Conflict Resolution: Lessons from the Dayton Peace Process," *Negotiation Journal* 35, no. 4 (October 2019):454-455.

Indeed, precisely because of this strategy and of Holbrooke's iron fist, Tudjman and Milosevic soon reached an agreement to peacefully resolve the dispute over eastern Slavonia. On the other hand, it would have been far more complex to accept the four fundamental points contained in the peace plan regarding Bosnia-Herzegovina: “The recognition of the Republic as a sovereign state, but divided into two distinct entities, the Serb and the Bosnian-Croat; the development of a special statute for Sarajevo, as a common capital; the defense of human rights; and the bringing to justice of those who had been guilty of war crimes over the past three years.”<sup>182</sup>. Among them, other issues emerged, of substantial importance, such as the definition of the demarcation line between the Serbian Republic and the Muslim-Croat Federation, or, on the Serbian side, the right of their republic to constitute itself as Yugoslavia. On these issues, progress was made extremely slowly in the first week of the agreements, also and above all due to the absence of Tudjman, who returned to Croatia following the inaugural session to participate in the elections<sup>183</sup>. At the end of these elections, won by a narrow margin and under pressure from Holbrooke, Tudjman signed the agreement with Izetbegovic on November 10th on the customs union between the territories controlled by Sarajevo and those of Herceg-Bosna, with the reunification of the city of Mostar and the free movement of people within the Federation<sup>184</sup>. Subsequently, on November 12, Milan Milanovic, representing the Serbs, and Hrvoje Sarinic, representing the Croats, signed the so-called “Erdut” agreement on the reintegration of Eastern Slavonia into the Republic of Croatia, allowing for a rapprochement between the two countries, although this agreement was not presented in the 14 points of the final document<sup>185</sup>.

The Serbs in eastern Slavonia were thus forced to abandon their plan to reunite with their homeland, dreaming of a “Greater Serbia.” However, Croatia was also forced to accept a transition period, during which its territory would be administered by United Nations forces and Serb refugees from western Slavonia and Krajina would be allowed to remain in the places where they had found asylum. Indeed, UN administration of Croatian territory would begin on December 1, 1995, last for a year, and then continue until January 15, 1998<sup>186</sup>. This agreement definitively removed all obstacles preventing Bosnia and Herzegovina from achieving peace on its territory. Indeed, the agreement not only affirmed Croatia's territorial integrity, but also, and above all, implicitly demonstrated the principle of the inviolability of the borders between the republics of the former Yugoslavia. As Jože Pirjevec recounts, “The imminence of an agreement on Bosnia and Herzegovina was also evidenced by the arrival in Sarajevo [...] of 70 senior NATO officials, charged with preparing plans for the

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<sup>182</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 521, My translation of “Il riconoscimento della Repubblica come Stato sovrano, ma articolato in due entità diverse, quella serba e quella bosniaco-croata, l’elaborazione di uno statuto speciale per Sarajevo, in quanto capitale comune, la difesa dei diritti dell’uomo e la chiamata in giudizio di coloro che negli ultimi tre anni si erano macchiati di crimini di guerra”.

<sup>183</sup> *Ivi*, 522.

<sup>184</sup> Derek Chollet, *The Road to the Dayton Accords*, (Palgrave Macmillan, 2007), 154.

<sup>185</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 523.

<sup>186</sup> *Ibidem*.

deployment in Bosnia and Herzegovina of the military contingent that was to replace UNPROFOR”<sup>187</sup>. However, misunderstandings over the status of Sarajevo and the demarcation line between the Republika Srpska and the Bosnian Muslim Federation significantly slowed the decision-making process. Another destabilizing factor was the news that the Hague Tribunal had issued arrest warrants for war crimes and genocide against the Serbian (Karadzic, Mladic) and Croatian leaders<sup>188</sup>. This move angered the delegations and led Croatian President Tudjman to defy the court by promoting an indicted general. To unblock the situation, particularly regarding the connection between Sarajevo and Gorazde, the Americans resorted to technological pragmatism. Indeed, using a virtual reality system called Power Scene, they allowed Milosevic to digitally “fly over” the disputed area. This visualization demonstrated the rationality of General Wesley Clark's geographical proposal, ultimately convincing the Serbian leader to accept the compromise<sup>189</sup>. Although Milosevic was increasingly convinced to conclude the agreement, hoping to return to Belgrade with the promise of the lifting of sanctions, Izetbegovic continued to strenuously oppose it, which led American diplomats to break off negotiations on November 19. Pirjevec's accounts reveal a particularly interesting American approach, which urged the quarrelsome interlocutors “to choose between war and peace by 4 p.m. that same day, and pack their bags, as if they actually intended to abandon Dayton.”<sup>190</sup>. This was clearly a bluff, but one that nevertheless led to success. Indeed, the tension was resolved on the morning of November 21 with a decisive gesture by Milosevic. While the Bosnian delegation was ready to walk away from the table, the Serbian leader gave in on the width of the Posavina Corridor and agreed that the status of the city of Brčko would be decided by future international arbitration. Izetbegović accepted the agreement bitterly, calling it not a just peace, but necessary for the survival of his people, thus allowing Bill Clinton to announce to the world the end of the conflict<sup>191</sup>.

“The Presidents of Bosnia, Croatia, and Serbia have made a historic and heroic choice”<sup>192</sup>. Announced Clinton the 21<sup>st</sup> of November, affirming: “After nearly 4 years of 250,000 people killed, 2 million refugees, atrocities that have appalled people all over the world, the people of Bosnia finally have a chance to turn from the horror of war to the promise of peace”<sup>193</sup>.

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<sup>187</sup> Ivi, My translation of “L'imminenza di un accordo sulla Bosnia-Erzegovina era testimoniata intanto anche dall'arrivo a Sarajevo, [...] di 70 alti ufficiali della NATO, incaricati di preparare i piani per l'insediamento nella Bosnia-Erzegovina del contingente militare che avrebbe dovuto sostituire l'UNPROFOR”.

<sup>188</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), p. 128.

<sup>189</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 524.

<sup>190</sup> Ivi, 525, My translation of “di scegliere entro le 16 di quello stesso giorno fra la guerra e la pace, e facendo i bagagli, come se avessero effettivamente intenzione di abbandonare Dayton”.

<sup>191</sup> *Ibidem*, 525-526.

<sup>192</sup> William J. Clinton, “Remarks Announcing the Bosnia-Herzegovina Peace Agreement and an Exchange With Reporters” (November 21, 1995), The American Presidency Project, <https://www.presidency.ucsb.edu/documents/remarks-announcing-the-bosnia-herzegovina-peace-agreement-and-exchange-with-reporters>.

<sup>193</sup> *Ibidem*.

### 2.3.2 General Framework Agreement for Peace in Bosnia and Herzegovina

Therefore, after 21 tough days of negotiations, where a central role was played by the aforementioned US mediator Richard Holbrooke, an agreement was found. In this agreement, the borders of the republics were decided on the base of the one existing already in the former Yugoslavia. Bosnia-Herzegovina would have remained a unitary state, with its capital in Sarajevo, but it would have been formed by two different entities: the Croat-Muslim Federation representing 51% of the territory, and the Serbian Republic, with its presence on 49% of the territory. The agreement stipulated that the territorial division would be completed within 90 days of its signing. The Confederation of Bosnia-Herzegovina, formed by the Muslim-Croat Federation and the Republika Srpska, would have had some bodies in common with the other constituencies, specifically: the three-member Presidency, the Council of Ministers, the bicameral Parliament, the Constitutional Tribunal, and the National Bank. Meanwhile, the Bosnian government's sole responsibilities would have been trade and foreign policy, monetary and migration policy, and the management of customs along with air traffic<sup>194</sup>. The common bodies would be elected by universal suffrage within six months, thus allowing refugees to return to their homes and vote from there. Furthermore, citizens would enjoy freedom of movement, thanks also to the UN presence and the withdrawal of all remaining foreign forces. This clause, as outlined in Jože Pirjevec's interesting analysis, would be particularly significant because it would provide the Americans with the pretext to expel from Bosnian territory all forces linked to Islamic fundamentalism. These forces, as we will discuss later, would be the dominant factor in the international crises following the Yugoslav wars, but which would also have their precursors in those very wars. Furthermore, Washington pledged to support the reconstruction of the region with aid amounting to \$600 million, an agreement reached even before the Dayton mediation itself and which ultimately convinced Izetbegovic to accept the agreement<sup>195</sup>.

Dayton retained the previous plans' ethnic principle. The post-Dayton Bosnian state contained two units, Republika Srpska and the Federation of Bosnia-Herzegovina. The RS, a unitary entity, corresponded to the wartime Republika Srpska. The Federation, corresponding to the ARBiH/HVO alliance, contained its own federal government plus ten self-governing cantons, each conceived as Bosniak-majority, Croat-majority or mixed. Vetoes and representation guarantees were intended to stop any one ethnic group being excluded from power, and a (NATO, not UN) foreign military force would oversee the demilitarization and handover of territory<sup>196</sup>.

As Baker says, the idea behind it was a sort of federation based on the Yugoslavian model, with a complex institutional system that sought to ensure balance among the diverse ethnic and religious components. Baker's words also reveal another element of complexity in this regard. The international community committed to sending approximately 60,000 troops to replace UNPROFOR and create the IFOR (Multinational Military

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<sup>194</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 526.

<sup>195</sup> *Ibidem*.

<sup>196</sup> Catherine Baker, *The Yugoslav Wars of the 1990s*, (Red Globe Press, 2015), 88.

Implementation Force)<sup>197</sup>. The latter would not be led by the UN, but by NATO, which with this new mandate no longer took on the role of a defensive alliance but of an organization capable of promoting peace "beyond the borders of member states, as an instrument of Washington's global policy." The IFOR expeditionary force was supposed to ensure the implementation of the peace agreement, while also maintaining the truce and controlling the country's airspace. The most important provision in this regard was the explicit authorization for IFOR to take all necessary actions, "including the use of necessary force"<sup>198</sup>, to ensure compliance with the Military Annex and its own protection. This allowed NATO, which effectively led IFOR, to use force even without the control of the United Nations Security Council, strategically changing the international balance. To counterbalance this increasingly significant force that NATO was acquiring in the region, which would be the prelude to its new role in the war in Kosovo, IFOR was supported by the work of High Commissioner Carl Bildt, strongly supported by the European coalition, with extensive political and administrative expertise in managing the country. However, as Pirjevec notes, the latter "would not have had the necessary authority to truly execute his mandate effectively"<sup>199</sup>.

Overall, Dayton was a US success, while "the UN would have been tasked with ensuring the fragile peace and the European Union with the political and financial commitment to contribute to the economic reconstruction of Bosnia-Herzegovina"<sup>200</sup>. However, the American leadership was perfectly aware that the agreement would have to be followed by provisions that would have implemented the military force of IFOR for its proper success, in fact they "recognized that the effectiveness of these provisions for resolving the underlying conflict in Bosnia would depend crucially on the agreement's implementation, including what the international community would be willing to do to enforce the Accords' provisions"<sup>201</sup>. To justify this military commitment in the face of a skeptical domestic public and a hostile Congress, President Clinton had to elevate the Bosnian issue to a supreme national interest. In his November 27, 1995, address to the nation, he directly linked the stability of the Balkans to the security of the United States:

"At Dayton, the negotiators recognized that the effectiveness of these provisions for resolving the underlying conflict in Bosnia would depend crucially on the agreement's implementation, including what the international community would be willing to do to enforce the Accords' provisions"<sup>202</sup>. For this reason, American President Clinton said in his address to the nation on November 27, 1995:

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<sup>197</sup> *General Framework Agreement for Peace in Bosnia and Herzegovina*, A/50/790, S/1995/999, 30 November 1995, Annex 1-A, Article I, para. 1.

<sup>198</sup> *Ibidem*.

<sup>199</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 527. My translation of "non avrebbe avuto però l'autorità necessaria per eseguire in maniera veramente incisiva il proprio mandato".

<sup>200</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 399, My translation of "All'ONU sarebbe toccato il compito di garantire la fragile pace e all'Unione Europea l'impegno politico e finanziario di contribuire alla ricostruzione economica della Bosnia-Herzegovina".

<sup>201</sup> Ivo Daalder, *Getting to Dayton*, (Brookings Institution Press, 2014), 138.

<sup>202</sup> *Ibidem*.

Now the war is over. American leadership created the chance to build a peace and stop the suffering. Securing peace in Bosnia will also help to build a free and stable Europe. Bosnia lies at the very heart of Europe, next-door to many of its fragile new democracies and some of our closest allies. Generations of Americans have understood that Europe's freedom and Europe's stability is vital to our own national security. That's why we fought two wars in Europe. That's why we launched the Marshall plan to restore Europe. That's why we created NATO and waged the cold war. And that's why we must help the nations of Europe to end their worst nightmare since World War II, now.<sup>203</sup>

Overall, despite the triumphal rhetoric of the White House, the Dayton Accords solution immediately showed that this was a fragile compromise, where the Bosnian state was unable to function properly, as it was divided. As will be analyzed in chapter 3 comparing it with the case of Kosovo, the compromise emerging from Dayton would have had a dramatic impact on Bosnia-Herzegovina, which, as Varsori states: “would never have been able to function”<sup>204</sup>.

Furthermore, another flaw in American "realpolitik" was that, to secure the signature of Milosevic, considered the only credible Serbian interlocutor, the Kosovo issue was deliberately excluded from the agenda. This, as we will see, destroyed the hopes of the Kosovar Albanian leadership, which for years had built a strategy based on nonviolence, waiting for the end of the Bosnian conflict and the peace agreements to secure the much-needed Western support. The Dayton Accords, as will be noted in the next section, led to a stark conclusion: peaceful resistance was ineffective, and the international community's attention could only be captured through armed struggle. This very paradigm shift ultimately transformed the foreign policy of Clinton's second term. The new administration decided to maintain a priority focus on the Balkans, a signal confirmed by the appointment of Madeleine Albright as Secretary of State, a former ambassador to the United Nations and a supporter of an interventionist stance. Indeed, a terrain where the United States could experiment with NATO's new universal role would be precisely Kosovo and the war that would erupt in its territory.

In conclusion, it is useful to observe these words: “Was a castle of artifices, held together by the force of external weapons, been saved, or were the conditions for the rebirth of civil coexistence being created?”<sup>205</sup>

The interesting rhetorical question posed by historian Ennio di Nolfo captures the meaning of the General Framework Agreement for Peace in Bosnia and Herzegovina. To answer this question, it will be necessary to analyze paragraph 2.4.

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<sup>203</sup> William J. Clinton, "Address to the Nation on Implementation of the Peace Agreement in Bosnia-Herzegovina" (November 27, 1995), The American Presidency Project, <https://www.presidency.ucsb.edu/node/220919>.

<sup>204</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 399, My translation of “Non sarebbe mai stato in grado di funzionare”.

<sup>205</sup> Ennio Di Nolfo, *Storia delle relazioni internazionali: Dal 1918 ai giorni nostri* (Roma-Bari: Laterza, 2008), 1366, My translation of “Era stato salvato un castello di artifici, tenuto insieme dalla forza di armi esterne, o si ponevano le condizioni per la rinascita di una civile convivenza”

## 2.4 The War in Kosovo

### 2.4.1 Preliminary elements for the evolution of the conflict

“The ending of the war in Bosnia brought no end to the crisis in Kosovo”<sup>206</sup>. The words of the historian Noel Malcolm highlight the tragic continuity between the Dayton Peace Accords and the outbreak of the Kosovo conflict. Far from marking the end of Yugoslavia's dissolution, Ohio's diplomatic silence on Kosovo was the first step in the final chapter of the region's disintegration. Starting from this premise, this section analyzes how the diplomatic vacuum left by Dayton forced the United States to radically evolve its strategy, starting from the containment policy of the early 1990s to the direct interventionism that constitutes the core of this research. Since this thesis focuses on “The Role of the United States in the Nation-Building of Kosovo After the Dayton Agreement” it is essential to contextualize this shift.

First of all, it will be vital to understand how the United States has built its presence in the region over time. It has already been observed in the first chapter how the US presence strengthened since the Tito-Stalin split of 1948, then took shape during the Yugoslav wars and culminated with the Dayton Agreement. However, in the specific case of Kosovo, as will be discussed in the conclusion of this chapter, and more importantly in Chapter 3, the centrality of American intervention will lead to a true paradigm shift in understanding, on the one hand, the role of the American superpower, now freed from the logic of the Cold War, and, on the other, the nation-building process of the Kosovar community. To achieve this understanding, it will first be necessary to step back in time and understand what specifically happened in Kosovo when the Yugoslav wars were raging. Subsequently, it will be essential to analyze the key figures in Kosovo during the second half of the 1990s, including Rugova and the UÇK/KLA (Kosovo Liberation Army), before addressing the dramatic evolution of events that led to the war with Milosevic's Serbs. In this second part of Chapter 2, Jože Pirjevec's analyses will be particularly influential regarding the military and diplomatic process that would later allow NATO to completely transform itself during the conflict. The significant role of American diplomacy will therefore be primarily aimed at using the evolution of the conflict to strengthen the new paradigm of the Atlantic Alliance, as Ivo Daalder states: no longer a military alliance with a political foundation, but rather a political alliance with a military foundation, capable of extending its range both geographically and functionally. Both US Secretary of State Madeline Albright and US President Bill Clinton were proponents of this doctrine, escalating the conflict with Milosevic through the Rambouillet Conference. The end of the war in Kosovo culminated with United Nations Security Council Resolution 1244 of 10 June 1999<sup>207</sup>, which established the American and international presence in Kosovo. This will be discussed in detail in the next chapter.

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<sup>206</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 353.

<sup>207</sup> United Nations Security Council, *Resolution 1244 (1999)*, S/RES/1244, (June 10, 1999).

#### 2.4.2. Kosovo, prelude to the last Yugoslav war

“Every nation has a love which eternally warms its heart” Milosevic told the crowd. “For Serbia it is Kosovo”<sup>208</sup>.

Since 1913, the Albanian population of the region aspired to reunite Albania with Kosovo. However, The London Conference that occurred at the end of the Balkan Wars, assigned Kosovo to Serbia. This decision as largely explained through the whole thesis formed a latent tension that remained hidden during almost the all-20th century. I already discussed the main reasons behind both the tensions and the fact that Tito was able to deal with the different ethnicities of Yugoslavia. Therefore, after the death of the leader and the progressive disintegration of the federation, Kosovo started to become a battleground between ethnic and nationalists’ aspirations. All this culminated with the abolition of the Kosovo’s autonomous statute made by Serbian leader Milosevic. On March 23, 1989, the provincial assembly of Kosovo passed amendments to the constitution, but to no avail, as a few days later Milosevic staged a coup and changed the situation in the country.

On 28 March 1989, the parliament in Belgrade for all practical purposes rescinded the autonomy status of Kosovo. The population was once again in shock. By June, when Slobodan Milosevic fueled the nationalist sentiments of the Serb minority with his speech at Gazimestan near Prishtina to commemorate the 600th anniversary of the Battle of Kosovo, the country was on the verge of civil war. Events of 1990 made it evident to everyone that there was no turning back from the brink. In March of that year, the Serb parliament invoked the [...] - Program for the Attainment of Peace, Freedom and Prosperity in the Socialist Autonomous Province of Kosovo - which provided financial assistance to Kosovo Serbs and forced even more Kosovo Albanians to leave the country. The screws were turned and the pressure mounted<sup>209</sup>.

The reaction of the Kosovar people was immediate and strong. On election day, approximately 3,000 people protested in the center of the capital, and thousands would soon follow in nine different cities. The Kosovar response to the Serbian proposal can be attributed to the fact that Serbia's fundamental objective was to comprehensively restructure Kosovo, with a view to empowering the Serbian ethnic minority within the area. In particular, new investments were planned in areas where the majority of the population was Serb. These investments included the possibility of building new homes for Serbs and the encouragement of Albanians to move to other parts of Yugoslavia<sup>210</sup>. This profound ethnic cleavage, extensively cited in the thesis, would prove to be the strongest political factor in structuring the conflicts that would finally explode at the end of the century.

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<sup>208</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 343.

<sup>209</sup> Robert Elsie, *Historical Dictionary of Kosovo*, (Scarecrow Press, 2010), 9.

<sup>210</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 343-346.

As Pirjevec stated, “In its haste to conclude the Dayton talks, American diplomacy chose to ignore the Kosovo issue”<sup>211</sup>. As we will discuss in this chapter, the trauma of America's lack of attention to the Kosovo issue will be crucial to the subsequent nation-building process. Milosevic, who, as previously mentioned, had risen to international interlocutor in the region, had assured the Americans that Kosovo would be an internal issue for the region and therefore easily resolved. Naturally, Milosevic did nothing to improve the Kosovo issue, with relations with the Albanian side already deeply compromised after March 28, 1989, when the province's autonomy was abolished by amendments passed by the Republic of Serbia's parliament. In fact, after this act, precisely in an attempt to strengthen the Serbian province within the province, the decrees issued by the Serbs drastically limited the teaching of Albanian history and literature in schools, prohibited Albanians from buying or selling any property without the authorization of the state organs, in short they created a repressive colonial-style administration that gave the police forces unlimited powers<sup>212</sup>. Interesting in this case the words of Elsie: “Finally, in July 1990, Serb forces intervened physically by breaking up and abolishing the parliament and the government of Kosovo. They also shut down all Albanian-language media. There was no more semblance of representative government, no more radio, no more television, not even a daily newspaper”<sup>213</sup>.

In order to contest this oppressive regime:

On 2 July 1990, 114 of the 123 members of the parliament of Kosovo, meeting in the street outside their locked assembly building, declared Kosovo to be an equal and independent entity within the framework of the Yugoslav federation, in other words, a Yugoslav Republic of Kosovo. On 7 September of that year, at a secret assembly in Kaçanik, they promulgated a new constitution for the Republic of Kosovo<sup>214</sup>.

The Serbian response was harsh. On September 28, a new constitution was promulgated, effectively abolishing Kosovo's special status in the Yugoslav federal system and introducing “emergency measures” that led to a massive purge in the country. This discriminatory operation also inevitably led to the dissolution of Kosovar political and cultural organizations, costing thousands of state employees their jobs. “In the autumn of that year, the authorities then closed down virtually all Albanian-language schools and educational institutions, firing teachers and professors. Some 1,835 doctors and nurses were also expelled from hospitals and medical facilities, many of them forcibly”<sup>215</sup>. For this reason, precisely after one year “The parliament proclaimed the independence of the Republic of Kosovo. In a national referendum held on the issue on 26–30 September 1991, 99.86 percent of voters (with an 87.01 percent turnout) approved the move”<sup>216</sup>.

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<sup>211</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 553, My translation of “Nella fretta di concludere i colloqui di Dayton, la diplomazia americana decise d’ignorare la questione del Kosovo”.

<sup>212</sup> *Ivi*, 552-556.

<sup>213</sup> Robert Elsie, *Historical Dictionary of Kosovo*, (Scarecrow Press, 2010), 9.

<sup>214</sup> *Ivi*, 10.

<sup>215</sup> *Ivi*, 9.

<sup>216</sup> *Ivi*, 10.

Subsequently, Kosovo requested international recognition, but found itself in conflict not only with the European Community, but also with Albania itself, which, following American pressure and in order not to destabilize the area, promoted the inclusion of Kosovo as the Third Republic of the new Yugoslav Federation<sup>217</sup>. However, despite the lack of recognition, “An official government in exile was set up in Germany under Prime Minister Bujar Bukoshi and, in May 1992, Ibrahim Rugova, still living in Prishtina, was elected president of the unrecognized and thus essentially fictive state”<sup>218</sup>. Rugova, a professor of Albanian literature, founded the Democratic League of Kosovo in 1989, which won the aforementioned elections by a near-decisive vote. Ibrahim Rugova became the charismatic leader Kosovo needed, with his pacifist strategy aimed at avoiding armed conflict against the Serbs at all costs. His pacifist strategy was based on not provoking the Serbs and, at the same time, seeking international recognition for documenting the human rights violations perpetrated against Kosovar citizens. Finally, Rugova's approach was based on another cornerstone: boycotting the Serbian state elections, thus denying them any democratic legitimacy<sup>219</sup>. However, this strategy, implemented during the Yugoslav wars, allowed the Milosevic regime to focus on the evolving war in Serbia and Bosnia-Herzegovina without expending excessive resources to control the situation. In particular, the few Serb votes in Kosovo allowed it to elect parliamentarians capable of strengthening the country's nationalist party. It is important to remember that in their passive resistance, the Kosovars developed a methodology based on the creation of a veritable “shadow State”<sup>220</sup>. Properly the personnel dismissed by the Serbs rebuilt the essential state structures, parallel to Serbian control. Indeed, these political, cultural, social, and medical structures, despite lacking efficiency due to their clandestine nature, managed to support the population during the harsh years of the Yugoslav Wars. As Pirjevec's interesting analysis states, “Despite its shortcomings, the organization established was nevertheless significant, as it testified to a society determined to pursue its goals regardless of their cost”<sup>221</sup>.

However, while these efforts helped the Kosovar population survive, they did not dent Milosevic's strength. Indeed, he managed to maintain power precisely thanks to the Albanian minority's abstention from elections. Furthermore, Kosovo itself found itself in a sort of limbo, where the international community, precisely because of the system's inherent pacifism, felt no need to address the situation in Kosovo in a clear and decisive manner. In this stalemate, Kosovar society relied on the support of Bukoshi's government-in-exile in Stuttgart, which managed to impose a 3% income tax on its approximately 500,000 compatriots to survive. But this success was short-lived<sup>222</sup>. Indeed, the aforementioned Dayton Accords profoundly impacted the Kosovar people's attitude. Brussels' decision to recognize the Federal Republic of Yugoslavia dashed hopes for

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<sup>217</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 555-557.

<sup>218</sup> Robert Elsie, *Historical Dictionary of Kosovo*, (Scarecrow Press, 2010), 10.

<sup>219</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 556-557.

<sup>220</sup> *Ibidem*, 557, My translation of “Stato ombra”

<sup>221</sup> *Ivi*, 555, My translation of “Nonostante le sue deficienze l'organizzazione messa in piedi era però pur sempre significativa, in quanto testimonianza di una società deliberata a perseguire i suoi scopi senza badare al loro costo”.

<sup>222</sup> *Ivi*, 559.

Kosovo's autonomy, demonstrating that the tactic of nonviolence had borne no fruit. “This fact alone was a blow to Rugova's prestige: he had spent four years telling his people, in effect, that they must be patient until the international community imposed a final settlement on the former Yugoslavia, in which their interests would also be respected”<sup>223</sup>. However, no change occurred for Kosovo. As Elsie states very clearly:

Kosovo was excluded from the Dayton Agreement of November 1995, and no international mediators returned to Prishtina to fulfill their promises. Between 1993 and 1998, the level of oppression exerted on the Kosovo Albanians was unprecedented in Europe since the Nazi period. With no solution in sight, it was only a matter of time before organized armed resistance became a reality. The population realized increasingly that the long years of passive resistance under Ibrahim Rugova had led them nowhere<sup>224</sup>.

### **2.4.3. The rebellion of Kosovo Liberation Army**

The final step came in October 1997, when around 30,000 young Kosovars organised a protest against Serbian oppression in Pristina, which was not only brutally and bloodily repressed by Serbian militias, but also and above all criticised by Rugova's party, “which thus demonstrated that it had lost all contact with reality”<sup>225</sup>. Precisely in this dynamic of extreme difficulty for the population of Kosovo, the UÇK (Kosovo Liberation Army) emerged with ever greater strength as a real alternative to the peaceful but not concrete protests of Rugova<sup>226</sup>. In fact, starting from 1996 and up until mid-1998 “the underground Kosovo Liberation Army, founded in December 1993, began carrying out coordinated attacks on persons representing and collaborating with the Serb state. It made its first public appearance at a funeral in Drenica on 28 November 1997 and soon enjoyed massive support”<sup>227</sup>. Although initially a very small army, the failures of the peaceful protests quickly increased the military power of this army, which not only forced the Serb minorities in Kosovo to flee but also attacked Rugova's followers and the Roma minorities in the area. Consequently, the UÇK came to be recognized by much of the Kosovar political spectrum as the primary instrument of national defense. The organization's activities were not confined to Kosovo alone but extended into neighboring regions, particularly western Macedonia, which served as a strategic corridor for logistics, recruitment, and arms trafficking. This transnational dimension, facilitated by criminal networks and the instability following the collapse of the Albanian communist regime, significantly strengthened the UÇK's operational capacity. These actions deeply affected the Western press, in particular the statement by American Ambassador Robert Gelbard during his visit to Pristina, who defined the KLA as a “terrorist group”<sup>228</sup>. This assertion led Milosevic, buoyed by the

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<sup>223</sup> Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 353.

<sup>224</sup> Robert Elsie, *Historical Dictionary of Kosovo*, (Scarecrow Press, 2010), 10.

<sup>225</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 559, My translation of “che dimostrò in tal modo di avere perso ogni contatto con la realtà”.

<sup>226</sup> Antonio Varsori, *Storia internazionale: dal 1919 a oggi* (Bologna: Il Mulino, 2020), 401-402.

<sup>227</sup> Robert Elsie, *Historical Dictionary of Kosovo*, (Scarecrow Press, 2010), 10.

<sup>228</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 563, My translation of “gruppo terrorista”.

1997 elections that allowed him to become president of the Yugoslav Federation, to authorize a crackdown in the Drenica region, where KLA forces had taken over. “Greatly strengthened in recent months and equipped with heavy artillery, tanks, and helicopters, the Serb units carried out [...] a veritable massacre”<sup>229</sup>. Amid the devastation, Adem Jashari, the historic leader of the KLA, was killed. He and his family were eliminated and elevated to a national hero. The violence in Drenica had an enormous impact on several fronts. First, it strengthened the Kosovar army, which saw thousands of young people join it. Second, regarding international dynamics, the general prosecutor for crimes committed in the former Yugoslavia, Louise Arbour, declared that she was gathering evidence to assess the alleged perpetrators of the violence.

In the complex dynamics of Kosovo, the OSCE proposed Felipe Gonzales, former Spanish Prime Minister, as mediator, but Milosevic rejected him. On March 9, 1998, the Contact Group issued a ten-point document to safeguard the situation, including the need for international intervention on the ground, an arms embargo, and a moratorium on financial aid to Yugoslavia. The palliative measures outlined in the document were opposed by the aforementioned US Secretary of State Madeline Albright. Albright forcefully opposed the Milosevic regime, prompting the Contact Group to demand that Milosevic withdraw his special forces from Kosovo. However, even in this case, there was a lack of promptness to punish Belgrade's forces. At this point the United Nations Security Council intervened, which then issued Resolution 1160, which deplored the excessive use of force by government troops and, on the other hand, the terrorist acts of the KLA<sup>230</sup>. On March 22nd, Rugova's Democratic League, now in open opposition to the KLA military, organised clandestine elections, which, despite the large turnout, had little political significance since the KLA military forces continued to liberate key areas of the country<sup>231</sup>. Rugova, with American approval, created a new army corps, FARK: Armed Forces of the Republic of Kosovar, in an attempt to “extend his control over the entire resistance”<sup>232</sup>. However, the opposite happened: these armed forces were absorbed into the KLA. At this point, exploiting the confusion in the Kosovar ranks, on March 24, Milosevic formed a national unity government, organizing a referendum the following month to ask citizens whether or not to accept international mediation in the internal affairs of the state. The evident negative response from the people was followed by a resurgence of the conflict, during which Serbian armies attacked the town of Decani, a stronghold of the KLA, and led to the subsequent closure of connections between central Kosovo and Albania<sup>233</sup>. The Serbian authorities attacked with overwhelming force. What initially took the form of counterinsurgency operations rapidly evolved into a campaign of indiscriminate repression, disproportionately affecting the civilian population. The devastation wrought by Belgrade once again set off international alarm bells. Holbrooke, recalled to duty by the State Department, immediately met with Milosevic on May 9. Milosevic arranged a meeting between Milosevic and Rugova,

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<sup>229</sup> *Ibidem*, My translation of “Fortemente rafforzate negli ultimi mesi e dotate di artiglieria pesante, carri armati ed elicotteri, le unità serbe hanno compiuto [...] un vero e proprio massacro”.

<sup>230</sup> United Nations Security Council, *Resolution 1160*, S/RES/1160, (March 31, 1998).

<sup>231</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 566.

<sup>232</sup> *Ibidem*, My translation: “estendere il suo controllo sull'intera resistenza”.

<sup>233</sup> *Ibidem*, 566-567.

which ended prematurely for two main reasons: first, the furious Serbian offensive on Decani, and second, the leaked news that Rugova was expected at the White House for a meeting with Clinton<sup>234</sup>.

In an attempt to respond to the massacres, on June 8, 1998, the European Union Foreign Ministers, jointly with the United States, decided to cut off Serbian accounts in international banks, thereby canceling investments in Serbian territory. Furthermore, Holbrooke, on the one hand, met with KLA militants, which allowed a substantial change in the international image of the group that had been defined as terrorist by Gelbard, and on the other, promoted a diplomatic observer mission in Kosovo called the Kosovo Diplomatic Observer Mission (KDOM)<sup>235</sup>. This mission, established on July 6, aimed to become the most authoritative source of information on human rights violations in the area. As Pirjevec clearly stated, “The events that bloodied Kosovo in the late spring and summer of 1998 caused considerable apprehension in Washington, especially because of the fear that the escalation of violence could spread to Macedonia”<sup>236</sup>. Once again, the American response was always through NATO's new strategic role, ready to intervene more forcefully than any other in the international situation, also and above all due to the Russian veto that blocked the Contact Group in its actions. On July 15, the military maneuver "Determined Falcon"<sup>237</sup> was carried out in the airspace over the disputed territory, as a form of warning to Milosevic. Subsequently, on July 18, the American Senate passed a resolution urging Clinton to gather the information necessary to indict Milosevic before the Hague Tribunal for war crimes. Despite continued international action to prevent the escalation of conflict, a new Serbian offensive in the Junik bastion on August 15 brought Kosovo to the brink of structural collapse. “Kosovo was full of unburied corpses, animal carcasses, sick and starving people, threatened by famine and the spread of epidemics”<sup>238</sup>.

Faced with the worsening humanitarian emergency and the risk of regional destabilization involving Albania and Macedonia, the international community adopted a firm stance, promoted primarily by the United States, the same hard line that Madeline Albright had so eagerly sought to implement. On September 23, the UN Security Council approved Resolution 1199<sup>239</sup>, which, citing Chapter VII of the United Nations Charter, ordered Belgrade to cease hostilities and withdraw its special forces, threatening further measures. Although the text was worded with some diplomatic ambiguity to avoid a veto from Russia and China, it was interpreted by Western powers as a prelude to armed intervention; consequently, on September 24, the North Atlantic

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<sup>234</sup> *Ivi*, 568.

<sup>235</sup> U.S. Department of State, Bureau of European and Canadian Affairs, "Kosovo Diplomatic Observer Mission," Fact Sheet, July 8, 1998.

<sup>236</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 570, My translation of “Gli avvenimenti che insanguinavano il Kosovo nella tarda primavera e nell'estate del '98 suscitarono a Washington notevole apprensione, soprattutto per il timore che il crescendo della violenza potesse estendersi alla Macedonia”.

<sup>237</sup> “Determined Falcon”, Freedom Anatomy, <https://www.freedomanatomy.com/en/missioni/determined-falcon/>.

<sup>238</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 575, My translation of “Il Kosovo era pieno di cadaveri insepoliti, di carogne animali, di gente malata e affamata, minacciato dalla carestia e dal diffondersi delle epidemie”.

<sup>239</sup> United Nations Security Council, *Resolution 1244*, S/RES/1244, (June 10, 1999).

Council authorized Activation Warning (ACTWARN)<sup>240</sup> to prepare for limited air strikes. Despite such pressure, the Serbian leadership continued to deny the gravity of the situation, attributing the crisis exclusively to Albanian separatism and describing the refugee exodus as a mere propaganda construct orchestrated by the Western media. On October 2, the Contact Group promoted the Hill Plan, which would have envisioned a trilateral administration of Kosovo, involving Serbs, Albanians, and an international dimension. Just when the international community's choice seemed clear, everyone was preparing for military operations on the ground, due to Milosevic's failure to comply with UNSC Resolution 1199. Holbrooke intervened, openly contesting Madeline Albright, and seemed to be the last advocate of a diplomatic agreement with Milosevic. From October 5 to 8, Milosevic, on behalf of the Contact Group, committed himself to proposing demands in line with UNSC Resolution 1199. In particular, the request was: "The end of the offensive in Kosovo, the withdrawal of Serbian forces, freedom of access for international observers and full cooperation with the Hague War Crimes Tribunal, the safe return of refugees to their homes and the beginning of discussions for a negotiated solution to the crisis, according to the Hill Plan<sup>241</sup>. On October 12, an agreement was reached, promising to hold free elections in Kosovo within nine months. On the military front, Milosevic secretly agreed to restore troop levels to pre-war levels and accepted the deployment of 2,000 unarmed international observers, as well as authorizing the NATO air surveillance operation called "Eagle Eye"<sup>242</sup>. This agreement was met with marked skepticism by the international community, particularly by President Clinton, who recalled Belgrade's historical precedent of broken promises. Consequently, on October 15, NATO approved the Activation Order for Air Strikes (ACTORD)<sup>243</sup>, temporarily suspending its execution only to allow the formal signing of the agreements. However, faced with intelligence evidence indicating a failure to withdraw and, in fact, a reinforcement of Serbian units, Generals Wesley Clark and Klaus Naumann traveled to Belgrade on October 24 to impose a three-day ultimatum. This political move was simultaneously reinforced by the passage of UN Security Council Resolution 1203<sup>244</sup>, which for the first time explicitly recognized the Atlantic Alliance's role in managing the crisis, ultimately forcing Milosevic to comply with the demands by October 27. Holbrooke's diplomatic mission had its effect, and Milosevic withdrew the special forces from Kosovo. But the crisis was far from over. Furthermore, to verify compliance with the agreements on the ground and document the horrors of the conflict, the OSCE Kosovo Verification Mission (KVM)<sup>245</sup> was established.

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<sup>240</sup> North Atlantic Treaty Organization, *Allied Command Operations and Allied Command Transformation, ACO/ACT Public Affairs Handbook 2020* (Mons, Belgium: NATO, May 2020), 25.

<sup>241</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 578, My translation: "La fine dell'offensiva in Kosovo, il ritiro delle forze serbe, la libertà di accesso agli osservatori internazionali e la piena cooperazione con il Tribunale dell'Aja per i crimini di guerra, il ritorno sicuro per i fuggiaschi alle loro case e l'inizio delle discussioni per una soluzione negoziata della crisi, secondo il Piano Hill".

<sup>242</sup> "EAGLE EYE", *Freedom Anatomy*, <https://www.freedomanatomy.com/en/missioni/eagle-eye/>.

<sup>243</sup> North Atlantic Treaty Organization, *Allied Command Operations and Allied Command Transformation, ACO/ACT Public Affairs Handbook 2020* (Mons, Belgium: NATO, May 2020), 25.

<sup>244</sup> United Nations Security Council, *Resolution 1203*, S/RES/1203, (October 24, 1998).

<sup>245</sup> Mark Thompson, *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo: International Assistance to Media* (Vienna: Organization for Security and Co-operation in Europe (OSCE), Office of the Representative on Freedom of the Media, 2000), 61.

Formally established by the Permanent Council in October 1998, the mission was a direct result of the Holbrooke-Milosevic agreements and UN Security Council Resolution 1203. Its goal was to establish a massive and widespread international presence, indeed, approximately 2,000 observers were expected to monitor the ceasefire and the withdrawal of Serbian security forces. The first verifiers began arriving in Kosovo in early November 1998, but it was immediately clear that their chances of success would be slim. In fact, Milosevic, in clear violation of the commitments made to Holbrooke, began withdrawing Serbian forces from Kosovo. Therefore, the crisis intensified throughout the end of 1998 because the clashes between the two parties became systematized.

The Journal the Chronicle of Philanthropy of 12 August 1999, tell us the stories of the dramatic consequences of the massacre of the local population. “Long-term hatred tensions between ethnic Albanians and Serbs long predate the recent violence in Kosovo. A hatred so intense seems unlikely to soften anytime soon, especially given the Balkan tendency to cling to the past rather than look to the future. Many young people witnessed the deaths of relatives and friends, so the tales of terror will be repeated for generations<sup>246</sup>”. This dynamic further entrenched the cycle of violence, as the paramilitary actions of the UÇK and the harsh response of Belgrade mutually reinforced one another, ultimately contributing to the escalation of the Kosovo conflict. These paramilitary forces initiated military operations against Serbian forces in Belgrade and predominantly against the Serbian minorities residing in the northern region of the territory. The Serbian authorities in Belgrade effectively repressed these attacks with considerable force; as a result, the responses of the Serbian army essentially became a campaign of indiscriminate repression. Between the end of 1998 and the beginning of 1999, the activities of UCK intensified, and Milosevic started a harsh repression against them. This led to a conflict and a subsequent flight of around 800,000 inhabitants of Kosovo toward Albania and Macedonia. The massacres of Albanian civilians, in particular the one happened in Racak<sup>247</sup> on 15<sup>th</sup> of January 1999, impacted dramatically on the international community. According to the journal the Chronicle of Philanthropy: “About a million of Kosovar were forcibly expelled from the province by Yugoslav military, police, and special forces in an attempted ethnic cleansing operation”<sup>248</sup>.

The Racak massacre allowed Madeline Albright to take center stage. Since diplomatic negotiations with Milosevic had yielded no tangible results, on January 17<sup>th</sup> she convened her staff to assess the possibility of initiating NATO air strikes. However, once again the contact group sought an alternative solution. Meeting in London on January 22<sup>nd</sup>, they nevertheless decided to make a final attempt at negotiations based on unquestionable principles developed by diplomat Christopher Hill and European representative Wolfgang Petritsch, which envisioned Kosovo's administrative autonomy while reaffirming respect for the territorial

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<sup>246</sup> Miscellaneous newspaper clippings. Vanderbilt University. <https://www.jstor.org/stable/community.39156700>

<sup>247</sup> Provvissionato S. (1999), *Uck: l'armata dell'ombra. L'esercito di liberazione del Kosovo*, Roma: Gamberetti Editrice,

<sup>248</sup> Miscellaneous newspaper clippings. Vanderbilt University. <https://www.jstor.org/stable/community.39156700>

integrity of the Yugoslav Federation. Alongside this initiative, Madeleine Albright worked to neutralize possible opposition from Russia. During a meeting in Moscow on January 27 with Foreign Minister Ivanov, the US Secretary of State managed to secure a tacit agreement that the Kremlin, requiring US support to access International Monetary Fund credit, would limit itself to a public protest and not concretely impede military action. Strengthened by this diplomatic alignment, the Contact Group met again in London on January 29 and, under the emotional pressure of further reports of massacres, agreed to initiate direct talks to force the Serbs and Albanians to accept a three-year interim administration; in support of this decision, NATO issued a solemn ultimatum to Belgrade, and on January 30, Secretary General Javier Solana officially declared that the Alliance was ready to launch air strikes if diplomatic means failed<sup>249</sup>.

#### 2.4.4 The meetings in Rambouillet and Avenue Klébert

The Rambouillet Peace Conference, therefore, was designed to adopt a more effective political process associated with a threat of the use of force justified on humanitarian grounds: many Albanian civilians had been killed, and hundreds of thousands of displaced people were being threatened with a humanitarian catastrophe<sup>250</sup>.

Christopher Hill, Wolfgang Petritsch, and Boris Majovski worked extensively to prepare a new negotiating proposal, which was discussed in Rambouillet, at the retreat of the hunting lodge, the historic residence of the King of France, a venue strongly desired by the European coalition, despite the numerous technological challenges, due to the isolation from the outside world, in which the work was being carried out. Discussions began on February 6, not without challenges, as the negotiations opened in a climate of profound internal political complexity on both sides. On the Albanian side, although the historic occasion demanded unity, the delegation was fractured between Ibrahim Rugova's institutionalist faction and the emerging forces of the KLA supported by the anti-Rugovists. Indeed, despite the presence of key LDK figures, internal maneuvers and the pragmatism of international mediators favored the rise of Hashim Thaci to the head of the delegation, sanctioning a transfer of power that Rugova accepted with fatalism, convinced that Belgrade would never ratify the agreement anyway<sup>251</sup>. Specularly, the Serbian delegation was deliberately weakened by the absence of Milosevic, who, fearing the Hague Tribunal, sent second-rate officials supported by a “rainbow coalition”<sup>252</sup> of ethnic minorities, a strategy aimed at diluting the specificity of the Albanian claim and protecting Yugoslav sovereignty from what was portrayed as an external threat. It is interesting to note that the atmosphere at this meeting was even more tense than that of Dayton, as Milosevic, during the negotiations, began preparing military forces on the borders, and the Serbian and Albanian sides were present on different floors of the castle,

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<sup>249</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 582-586.

<sup>250</sup> Jakup Azemi, *The Making of Modern Kosovo*, (Bloomsbury Publishing, 2025), 143.

<sup>251</sup> *Ivi*, 144.

<sup>252</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 589, My translation of “coalizione arcobaleno”.

and contacted each other only through international mediators. This element brings to light the profound cleavage that has characterized the discussion of this thesis from the beginning, regarding relations between the Serbs and Albanians in Kosovo, and which will be the profound limit that will lead to subsequent misunderstandings regarding the political settlement<sup>253</sup>.

This element brings to light the profound cleavage that has characterized the relationship between the Serb and Albanian ethnic groups in Kosovo throughout the whole 20th century, and which will be the profound limit that will lead to subsequent misunderstandings on the political settlement. Effectively, “The implementation of the political settlement included a military annex, which stipulated a NATO-led implementation of the agreement and the withdrawal of FRY forces from Kosovo, including the establishing and deployment of an international (military) force (KFOR – the Kosovo Force) operating under the authority and political control of NATO”<sup>254</sup>. The United States sought through this agreement a sort of *casus belli* that would provide moral legitimacy for the intervention. To this end, US diplomatic forces structured the agreement by including complex clauses that the Milosevic regime would have to accept. First, Kosovo's autonomy; second, Annex B would have provided for the freedom of movement of NATO troops, not only within Kosovo but throughout the entire federal territory. It was precisely this Annex B that would unleash the fury of Serbian diplomats. However, this mechanism required the Kosovar side's accession as a prerequisite. Indeed, only once Albanian accession was achieved would responsibility for the failed negotiations fall on the Serbian leadership, and would it have allowed NATO to have a justification for its military operations before world public opinion. The final, deliberately ambiguous text was accepted in principle by the Albanians on February 23, although it took them two weeks to stabilize the internal front. This internally neutralized the radical leadership, which considered the compromise a betrayal of NATO's presence on the ground, and aligned the KLA with Washington's policy. This US policy increasingly aimed to strategically isolate Belgrade, following the lead of Madeline Albright<sup>255</sup>.

When negotiations resumed on 15 March, no longer in the isolated castle chosen for its psychological pressure on the parties, but in a more formal and institutional setting in the heart of Paris, the International Centre on Avenue Klébert. The two delegations' approaches were diametrically opposed. While the Albanian delegation signed the agreement on 18 March, taking the decisive step that American diplomacy had been waiting for to legitimise armed intervention, the Serbian delegation, on the contrary, rejected any agreement, calling the document a “fake”<sup>256</sup> aimed at destroying Serbia, thus making confrontation inevitable. Acknowledging the diplomatic failure and the imminence of hostilities, on 19 March the OSCE ordered the withdrawal of the

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<sup>253</sup> *Ivi*, 590.

<sup>254</sup> Jakup Azemi, *The Making of Modern Kosovo*, (Bloomsbury Publishing, 2025), 144.

<sup>255</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 596-598.

<sup>256</sup> *Ibidem*, 598, My translation of “falso”.

“verifiers” from Kosovo to prevent their capture, an act that marked the beginning of a massive Serbian offensive. NATO was ready to launch its offensive. Eventually, as Jakup Azemi's interesting analysis states, “The American diplomats Holbrooke and Hill flew to Belgrade on 22 March and spent hours trying to find a last-minute solution to the implementation of the Rambouillet Accords, but it was not possible”<sup>257</sup>. Overall, these two conferences marked the last resort to solve the crisis through diplomatic endeavours. The option of a referendum on self-determination, seen as inevitable due to the vast majority of the Albanian population in Kosovo, was perceived by the Serbs as an existential threat to the integrity of their own state, and this led to Belgrade's rejection and the inevitable NATO operation.

#### 2.4.5 The Allied Force Operation and the end of the conflict

Operation “Allied Force” was authorized on March 23, 1999, by NATO Secretary General Javier Solana. On this occasion, NATO not only violated the UN Charter by bypassing the latter, because its Security Council was stuck in an impasse due to the Russian Federation's veto of a military action, but it even violated its own constitution. As explained in great detail in Ennio di Nolfo's text: “the attack by NATO forces had been carried out in violation of both Articles 5 and 6 of the Treaty establishing the North Atlantic Pact, [...] and in violation of the UN Charter, since there was no authorization for the use of force from the only body competent to provide it, the Security Council (Articles 24 and 42), nor was there a threat to international peace and security (Article 1)”<sup>258</sup>.

Naturally, the very essence of the attack changed the very paradigm of NATO's existence. An entity capable of violating the international order by forcefully and decisively marginalizing the UN, yet closely intertwined with American power. The United States based its argument on the fact that UNSC Resolutions 1160 and 1190 gave legal validity to the NATO attack under Chapter VII of the UN Charter<sup>259</sup>. On the other hand, international criticism materialized in the Rambouillet “trap”<sup>260</sup>, which had forced the Serbs not to accept the American diktat, inevitably leading to war. According to Pirjevec, who reports the opinions of various critics of the NATO operation: “The Atlantic Alliance, they said, wanted to use the opportunity to test new types of weapons, extend its geostrategic control over Kosovo, and dominate an important area for legal and illicit trafficking

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<sup>257</sup> Jakup Azemi, *The Making of Modern Kosovo*, (Bloomsbury Publishing, 2025), 146.

<sup>258</sup> Ennio Di Nolfo, *Storia delle relazioni internazionali: Dal 1918 ai giorni nostri* (Roma-Bari: Laterza, 2008), 1369, My translation of “L’attacco delle forze NATO era stato compiuto in violazione sia degli artt. 5 e 6 del trattato istitutivo del Patto atlantico, [...] sia in violazione della Carta dell'ONU, poiché era mancata qualsiasi autorizzazione all'uso della forza da parte dell'unico organo competente a fornirla, il Consiglio di sicurezza (artt. 24 e 42), così come era mancata una minaccia per la pace e la sicurezza internazionali (art. 1)”.

<sup>259</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 601-603.

<sup>260</sup> *Ivi*, 602, My translation of “trappola”

between Central Asia and the Mediterranean”<sup>261</sup>. In short, as stated at the beginning of this thesis, and as the American nation-building of Kosovo would later establish, Kosovo's fundamental strategic position would have been key to American control of the region. The Russian side, an ally of Belgrade, immediately sided against the NATO action, warning that Russian territory “could also become the object of a similar intervention in the near future”<sup>262</sup>. However, it soon became clear that the Russians would not intervene militarily in the territory. But fear of this precedent set by NATO besieged various countries around the world, terrified by the Atlantic Alliance's excessive power.

The NATO “Allied Force Operation” developed into a consistent air bombing campaign that began on March 24, 1999, and lasted 78 days<sup>263</sup>. However, the operations were supposed to last much shorter. American intelligence had estimated that once Serbia's anti-aircraft system and radar had been destroyed, as well as vital strategic and economical points such as fundamental roads, factories, and train lines, Serbia would capitulate within days<sup>264</sup>. There was a belief that Milosevic would not fight a war he could not win. “However, the authors of this report had not taken into account his mentality, nor that of the Serbian people, who were convinced that they were capable of giving their best in times of danger and of resisting the enemy with epic courage, often beyond reason”<sup>265</sup>. In fact, Serbia did not capitulate, and Milosevic, exploiting the dangerous precedent that NATO had created, propagandistically incited the people: “We are fighting for the survival of all humanity”<sup>266</sup>, leading them to open a new land front against the KLA forces. As also cited in the authoritative UNHCR report: “The Serbs are not a forgive and forget nation”<sup>267</sup>. Serbian nationalism thus created a paradoxical situation: a war within a war. The Serbian massacres led to a veritable exodus of Kosovars towards Albania, Macedonia, and Montenegro, reaching unprecedented proportions. Indeed, according to official estimates by the United Nations High Commissioner for Refugees, a total of 848,100 ethnic Albanians were forced to flee or be expelled. Specifically, the humanitarian emergency saw the influx of 444,600 refugees into Albania, 244,500 into the Republic of Macedonia, and 69,900 into Montenegro, effectively emptying entire regions of Kosovo in a matter of weeks<sup>268</sup>.

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<sup>261</sup> *Ivi*, 603, My translation of “L’Alleanza atlantica, a loro dire, voleva sfruttare l’occasione per sperimentare nuovi tipi di armi, estendere il proprio controllo geostrategico sul Kosovo e dominare un’area importante per i traffici leciti e illeciti fra l’Asia centrale e il Mediterraneo”.

<sup>262</sup> *Ivi*, 606, My translation of “in un prossimo futuro sarebbe potuto diventare oggetto di un simile intervento”.

<sup>263</sup> Mark Thompson, *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo: International Assistance to Media* (Vienna: Organization for Security and Co-operation in Europe (OSCE), Office of the Representative on Freedom of the Media, 2000), 62.

<sup>264</sup> Miscellaneous Newspaper Clippings. Vanderbilt University. <https://www.jstor.org/stable/community.39156882>

<sup>265</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 603, My translation of “Gli estensori di questo rapporto non avevano però fatto i conti con la sua mentalità, né con quella peculiare del popolo serbo, convinto di essere capaci di dare il meglio di sé nei momenti di pericolo, e di saper resistere al nemico con epico coraggio, spesso al di là della ragione”.

<sup>266</sup> *Ivi*, 607, My translation of “stiamo lottando per la sopravvivenza di tutta l’umanità”.

<sup>267</sup> United Nations High Commissioner for Refugees, “Kosovo: One Last Chance,” *Refugees*, vol. 3, no. 116 (1999): 9.

<sup>268</sup> *Ivi*, 11.

In Macedonia, defined as the “Achilles' heel of NATO's entire strategic project”<sup>269</sup> due to its strong Serbian presence, Milosevic managed to organize a series of protests on March 25th that led to the attack on the American embassy, but above all to the closure of the borders, effectively trapping Kosovar refugees in their territory at the mercy of Serbian militias. To overcome this emergency, NATO decided to carry out a relief operation called “Allied Harbour”<sup>270</sup> on April 13, 1999. The American Secretary of Defense asked Congress for significant resources to cover the costs of the operation and, above all, to end the war. “From that moment on, more aircraft were used in the theater of operations, increasing both the frequency of flights and their duration: from the initial eight-hour night raids, the campaign moved to a non-stop, twenty-four-hour campaign”<sup>271</sup>. The goal was to permanently undermine the population's morale by definitively abandoning NATO's policy of reducing civilian casualties. This dramatic change in strategy, due to various reasons, including strong criticism from both the domestic and international fronts regarding the failure of NATO's failed “blitzkrieg,” led to military errors of enormous proportions. As Jože Pirjevec recounts in his text *The Yugoslav Wars*: “On April 14, [...] two columns of Albanian refugees, moving on the Djakovica-Dečani road, were mistaken for a Serbian military convoy and attacked, causing 75 deaths and 25 injuries”<sup>272</sup>. The drama had an impact on international opinion and on the subsequent NATO Summit held in Washington between 23 and 25 April to celebrate the Alliance's 50th anniversary, an event that, in its original conception, was supposed to triumphantly mark the victory over the Soviet empire but which inevitably turned into a sober and at times controversial war council. Madeleine Albright's strategy, which had planned “to resolve”<sup>273</sup> the rise of Kosovo before the celebrations began, clashed with the reality of an ongoing conflict, bringing the summit to the brink of collapse when French President Jacques Chirac expressed his intention to leave the ceremony immediately after the inauguration. He did so to protest against NATO's decision to indiscriminately attack the civilian population, a gesture that President Clinton managed to avert with difficulty, aware that his departure would reveal NATO's disunity to the world and offer Milosevic an incentive to resist.

As the need to close ranks became clear, the Allies dutifully accepted the new, updated NATO strategic concept promoted by the Americans, which established the Alliance's roles in international affairs, even outside the Euro-Atlantic area, to resolve problems of instability and ensure a “just peace.” Despite adopting Washington's interventionist thesis, Chirac obtained a commitment from the new NATO to respect UN principles and seek their approval before deploying its troops, achieving a diplomatic victory that demonstrated that the Alliance

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<sup>269</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 615, My translation of “Tallone di Achille dell'intero progetto strategico della NATO”

<sup>270</sup> *Ivi*, 616.

<sup>271</sup> *Ivi*, 625, My translation of “Da quel momento, furono usati più aerei nel teatro delle operazioni, aumentando sia la frequenza dei voli, che la loro durata: dagli iniziali raid notturni di otto ore, si passò a una campagna ininterrotta di ventiquattr'ore su ventiquattro”.

<sup>272</sup> *Ibidem*, My translation of “Il 14 aprile, [...] due colonne di fuggiaschi albanesi, che si muovevano sulla strada Djakovica-Dečani, furono scambiate per un convoglio militare serbo e attaccate, causando 75 morti e 25 feriti”.

<sup>273</sup> *Ivi*, 627, My translation of “di liquidare”.

could not be a simple “subcontractor” of the United Nations<sup>274</sup>. A key outcome of the summit was the decision to involve Russia in the diplomatic process, a move that led Yeltsin to contact Solana by telephone on 24 April to offer his cooperation, on condition that the role of the United Nations be restored and that Germany be involved in the negotiations. It was precisely Russia's involvement that brought the foreign ministers of the world's seven most industrialized countries, plus Russia, to Mount Petersberg, near Bonn, on 6 May to reach a common agreement known as the “G8 principles”<sup>275</sup>. This agreement outlined the essential requirements for the cessation of hostilities: the immediate and verifiable withdrawal of Serbian military and police forces, the deployment of an international security presence under the auspices of the UN, the safe return of refugees and the establishment of a provisional administration for Kosovo. Furthermore, the most important element was that the elements contained in ANNEX B of the Rambouillet Agreement would not be included<sup>276</sup>. This decision to prevent NATO troops from being stationed on Serbian territory, but to allow them to be present in Kosovo, was accepted by Russia because it would allow the UNSC to play a more significant role in the crisis. Serbia had definitively lost Russia's diplomatic shield.

However, another key act would once again undermine the entire system. On May 27, the day NATO carried out the highest number of air strikes since the beginning of hostilities, precisely 741 the Hague Tribunal's General Prosecutor, Louise Arbour, issued an arrest warrant against Slobodan Milosevic and four other high-ranking regime officials, accusing them of crimes against humanity and violations of the laws of war based on documents gathered on atrocities committed in Kosovo<sup>277</sup>. This indictment was primarily aimed at preventing, during the peace talks, “the Vožd from being secretly offered a kind of amnesty in exchange for its concessions”<sup>278</sup>. This was because it was now known that underground diplomacy was speeding up the process of a definitive peace plan, and that the Americans would follow their pragmatism by continuing to engage with Milosevic despite the accusation. Realizing the possibility of a NATO ground invasion and the impossibility of defending their Serbian ally, Russia was now definitively ready to form a common front with the West. Indeed, Russian envoy Viktor Chernomyrdin and European Union mediator Martti Ahtisaari traveled to Belgrade with the aim of securing acceptance of the agreement drawn up at Petersberg. “The discussions continued intensely in the following days, leading to a solution that was certainly not the one envisaged by NATO at the beginning of its intervention, although it respected its essence”<sup>279</sup>. Eventually, on June 2, Ahtisaari, Chernomyrdin, and Talbott submitted a definitive peace plan to Milosevic that left no room for

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<sup>274</sup> *Ivi*, 628.

<sup>275</sup> G8 Foreign Ministers, “Conclusions of the Meeting of the G8 Foreign Ministers” (Cologne, June 10, 1999), G7 Information Centre, University of Toronto, <https://g7.utoronto.ca/foreign/fm9906010.htm>.

<sup>276</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 630.

<sup>277</sup> *Ivi*, 633.

<sup>278</sup> *Ivi*, 634, My translation of “Fosse offerta segretamente al vožd una specie di amnistia in cambio delle sue concessioni”. The Vozhd: “a Serbian term for “leader”, often used for Milosevic.

<sup>279</sup> *Ivi*, 635. My translation of “Le discussioni continuarono serrate nei giorni successivi, portando a una soluzione che non era certamente quella prevista dalla NATO all’inizio del suo intervento, sebbene ne rispettasse l’essenza”.

discussion or amendment. The text, which essentially mirrored the Rambouillet and G8 demands, contained several key components:

It omitted any mention of freedom of movement for NATO troops on Yugoslav territory (except for a five-kilometer strip on the border between Kosovo and Serbia) and emphasized the central role the United Nations should play in the provisional government of the province, restoring, at least symbolically, international legality. At the same time, it recognized the sovereignty and integrity of the Federal Republic of Yugoslavia, announced the demilitarization of the KLA, omitted any reference to Kosovo's independence, and presupposed, at least indirectly, a Russian military presence in the province<sup>280</sup>.

Milosevic, now with his back to the wall, accepted. On June 3, 1999, the Serbian parliament, in an extraordinary session, accepted the peace plan. Despite this, NATO continued its bombing until June 9, when an agreement was signed with the Serbian army for the liberation of Kosovo from Serbian troops within 11 days. Therefore, after the military campaign and the withdrawal of Serbian troops from Kosovo, on June 10, 1999, the UN Security Council approved Resolution 1244/1999<sup>281</sup>.

Eventually, the end of the Kosovo War was the culmination of the Yugoslav Wars, and the beginning of a new project of state reconstruction, led by the very United States that had preferred a diplomatic conclusion to the Bosnian conflict with the Dayton Accords to support the small Kosovar entity. Indeed, Dayton's silence on Kosovo did not bring peace; on the contrary, it delegitimized Rugova's pacifism and fueled the KLA's armed insurrection. This very conflict, born from the Kosovar people's intolerance of Serbian domination, proved to be the testing ground where the United States could intervene to strategically change the role of NATO, which, after the end of the Cold War, needed to find legitimacy for its existence. Indeed, for fifty years, NATO had existed as a defensive shield aimed at protecting the territorial integrity of its members, however, now, in the skies over Kosovo, Washington transformed the Alliance into a political instrument with a military foundation, capable of projecting its power not to defend its borders, but to enforce its values. Overall, the end of the conflict allows to draw several key conclusions to fully understand the next chapter and US nation-building in Kosovo. First, the military victory of Operation Allied Force, while ending the conflict, did not directly achieve Kosovo's autonomy, but rather dismantled the existing state apparatus. Second, by neutralizing the Serbian presence without immediately replacing it with a sovereign entity, the intervention created a perilous governance gap. Thirdly, this gap was formalized by UN Resolution 1244. This document represented a

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<sup>280</sup> *Ivi*, 625-626 My translation of “Ometteva qualsiasi cenno alla libertà di movimento per le truppe NATO in territorio jugoslavo (a parte una fascia di cinque chilometri sulla frontiera tra il Kosovo e la Serbia), e sottolineava il ruolo centrale che le Nazioni Unite avrebbero dovuto assumere nel governo provvisorio della provincia, ripristinando, almeno a livello simbolico, la legalità internazionale. Nello stesso tempo, riconosceva la sovranità e l'integrità della Repubblica federale jugoslava, preannunciava la smilitarizzazione dell'Uçk, tralasciava ogni riferimento all'indipendenza del Kosovo, e presupponeva, almeno indirettamente, una presenza militare russa nella provincia.”

<sup>281</sup> *Ibidem*, 638.

necessary compromise, establishing a condition of "constructive ambiguity" that placed Kosovo in a state of limbo. This limbo meant that, while Kosovo was functionally detached from Belgrade and under UN administration, it nevertheless remained legally part of the Federal Republic of Yugoslavia.

Therefore, the subsequent commitment to building a new institutional framework became central to American strategy in the region. The United States could not simply withdraw, as this would have left a dangerous vacuum in which Serbian sovereignty, supported by Russia, could once again impose itself on the fragile political reality of a liberated population recently emerged from conflict and liberated by NATO. Consequently, the nation-building process, which will be analyzed in the next chapter, emerged as the only mechanism capable of resolving this contradiction. It was not merely a matter of post-war reconstruction, but a necessary geopolitical project to transform a humanitarian emergency into a permanent outpost of the Euro-Atlantic order, validating the intervention through the construction of a democratic state.

## 3. US-Nation Building in Kosovo

### 3.1 The significance of Nation-Building

NATO's intervention in Kosovo had as its objective the creation of a NATO state in the middle of Europe all along<sup>282</sup>.

NATO's 1999 intervention in Kosovo and the subsequent international administration represent a paradigmatic case study, especially for the evolution of the concept of nation-building. Although distinct concepts in scholarly debate, within public discourse and policy-making rhetoric, terms such as peacebuilding, state-building, and nation-building are frequently misidentified or used as if they were interchangeable. However, in order to understand the profound nature of the United States' involvement in the structuring of Kosovo itself, it is essential to deconstruct this lexical knot. Indeed, although political science tends to prefer the term State-Building, referring with it strictly to the construction or strengthening of state institutions, such as security apparatuses, bureaucracy, judicial system and economic capacity, following the Weberian category of the monopoly of legitimate force<sup>283</sup>, the evolution of the Kosovo case, permitted the use of Nation-building expression. The fundamental nature of this distinction lies in the fact that while State-Building involves a technical institutional assembly process, the very essence of Nation-building targets the sociopolitical foundations of the state, specifically the creation of a shared political identity. The ambition of the process is broader, one of total transformation, due to the fact that it is not limited to the construction of the state's administrative framework, but rather, the attempt is to forge a national political identity, where previously ethnic divisions did not allow this<sup>284</sup>. The reconstruction undertaken in the previous chapters, therefore, is crucial, addressing the profound ethnic cleavage within the territory. Through the formalization of the nation-building process, the United States, together with the international community, sought to heal this cleavage. In Kosovo, the ultimate goal was therefore not simply to create a state where one was not yet contemplated, as it was still part of Yugoslav territory, but rather that the functioning of this state machinery depended on the peaceful coexistence of the parties, inevitably guided by Western concepts, structures, and, above all, values.

The reasons for this stance toward institutional reconstruction lie in Washington's changing threat perception. As Stephen Krasner argues in his memorandum, the end of bipolarism has overturned national security paradigms. If, during the Cold War, the existential threat to the West stemmed from overly strong states, with the collapse of the Soviet Union, the center of gravity shifted diametrically. The Yugoslav wars demonstrated

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<sup>282</sup> Pierre Jolicœur and Frederic Labarre, "The Kosovo Model: A (Bad) Precedent for Conflict Management in the Caucasus?", *Connections* 13, no. 3 (Summer 2014): 47.

<sup>283</sup> Stephen D. Krasner, "International Support for State Building," *Memo Prepared for the IGC State Building Workshop*, Oxford (September 27, 2010): 1.

<sup>284</sup> Wendyam Hervé Lankoandé, "Escaping the Fragility Trap: The Imperative of Nation Building in Fragile Contexts," *Swisspeace Policy Brief* 05/2019 (Berna: swisspeace, 2019), 1.

how state weakness could be exploited by nationalist elites to change the status quo. In this profoundly altered dynamic, Krasner observes how precisely nation-building, intended “to influence the domestic authority structures of other states, is arguably the central foreign policy challenge of the contemporary era”<sup>285</sup>. The rationale behind this doctrine, which guided first the Clinton administration and then the Bush administration, was based on an understanding of profound global interconnectedness. Specifically, in an increasingly globalized world, the dissolution of state capacity in a region like the Balkans would no longer remain a solely regional problem but would have international implications. For this reason, the power vacuums created by institutional weakness have the potential to directly incubate transnational threats such as international terrorism and the impact that September 11, 2001, will have on the entire world. In short, Krasner in this dimension highlights the reasons for the American change of pace in Kosovo, “the relationship between underlying capacity”<sup>286</sup> of a state “and the ability to do harm has become attenuated”<sup>287</sup>. It is not necessary to be a superpower to cause damage capable of destabilizing the world order, which is why Kosovo was central, to prevent its ruins, generated by the lack of attention after Dayton, from creating such instability that it would undermine the whole of Europe. Therefore, US nation-building in Kosovo was primarily aimed at controlling the region through a preventive security system, building a functioning state capable of maintaining the Euro-Atlantic security system. However, the model applied was not neutral.

As will be noted in the chapter, the United States did not aim to reconstruct any type of authority capable of ensuring order, such as a stable Titoist-style dictatorship, but rather sought to export the model of the “Liberal Peace”<sup>288</sup>. This model was centered on representative democracy, a market economy, and the rule of law, all requirements subsequently demanded by the international community. This dualism between security objectives and ideological goals, based on the export of democracy, created the so-called “nation-building trap”<sup>289</sup>. Washington approached Kosovo with the assumption that establishing democratic institutions was the quickest route to achieving stability and security. This is what a 2003 RAND Corporation analysis shows:

The U.S. administration wished to maximize European responsibility for Kosovo’s reconstruction and democratization. In contrast with Bosnia, therefore, where two and eventually three of the top four international positions were American, all the top spots were European in Kosovo, including both the NATO and UN commands and the leadership of all four UNMIK pillars. This allowed the United States to reduce the scale of its financial and military commitments to only 16 percent of the reconstruction funding and peacekeeping troops, while retaining

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<sup>285</sup> Stephen D. Krasner, “International Support for State Building,” *Memo Prepared for the IGC State Building Workshop*, Oxford (September 27, 2010): 1.

<sup>286</sup> *Ibidem*.

<sup>287</sup> *Ibidem*.

<sup>288</sup> Doyle, Michael W. “Three Pillars of the Liberal Peace.” *The American Political Science Review* 99, no. 3 (2005): 463.

<sup>289</sup> Wendyam Hervé Lankoandé, “Escaping the Fragility Trap: The Imperative of Nation Building in Fragile Contexts,” *Swisspeace Policy Brief* 05/2019 (Bern: swisspeace, 2019), 1-4.

adequate influence because of the U.S. positions in the NATO and UN hierarchies and its unparalleled prestige among the population of Kosovo<sup>290</sup>.

However, as I will explain by analyzing Susan Woodward's criticisms, this approach, which will materialize in a "one size fits all" approach, rather than revitalizing existing local skills, has revealed itself to be a true process of top-down social engineering, linked to governance models that will create Kosovo's structural dependence on aid and international presence. This approach has indeed had strong repercussions on the country's economic structure. The aforementioned "Liberal Peace" doctrine postulated that there could be no democratic transition without establishing a functioning market economy. Consequently, nation-building will profoundly transform Kosovo's economic system, seeking to shift the system of self-management, a socialist legacy of Yugoslavia, towards a neoliberal, free-market approach. The Socially Owned Enterprises (SOEs), which formed the backbone of employment and welfare in Kosovo such as the Trepča mining complex, were seen by American planners not as assets to be rehabilitated, but as elements to be privatized or even dismantled<sup>291</sup>. Overall, the approach of the US representatives during the nation-building process was aimed at transforming the old economic and institutional system treating "the same pre-war institutions and customs as one of the primary causes of war and thus as necessary targets of fundamental transformation"<sup>292</sup>.

This approach created structural problems within the country that were difficult to resolve. While the United States attempted to measure the nation-building process through formal indicators such as election numbers and passed laws, the very foundations of the country's economic organization were undergoing radical change. The result was an increasingly dependent Kosovo, where endemic unemployment undermined the very foundations of the cohesion-based political project that the United States aimed to create. This very political project clashed with a legal context that added even more layers of complexity to the Kosovo case. As Simon Chesterman defined it in an influential report for the International Peace Academy, this existential condition of paralysis made "Kosovo in Limbo"<sup>293</sup>. Indeed, UN Security Council Resolution 1244, which I will address later, created a unique paradox in the history of international relations: while on the ground NATO and UNMIK were dismantling every trace of the Serbian administration, the text of the resolution formally reaffirmed "the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia"<sup>294</sup>. This constructive ambiguity, necessary to secure Russian support within the Security Council, as mentioned above, and above all to definitively end the tragic war in Kosovo, paralyzed international

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<sup>290</sup> James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), 116.

<sup>291</sup> UNMIK Regulation No. 2002/12 *On the Establishment of the Kosovo Trust Agency*, 13 June 2002.

<sup>292</sup> Susan L. Woodward, "Varieties of State-Building in the Balkans: A Case for Shifting Focus," in *Advancing Conflict Transformation: The Berghof Handbook II*, edited by Beatrix Austin, Martina Fischer e Hans J. Giessmann (Opladen/Framington Hills: Barbara Budrich Publishers, 2011), 328.

<sup>293</sup> Simon Chesterman, "Kosovo in Limbo: State-Building and 'Substantial Autonomy'," *An International Peace Academy Report* (August 2001): 1.

<sup>294</sup> United Nations Security Council, *Resolution 1244, S/RES/1244*, (June 10, 1999), 2.

recognition of Kosovo. Indeed, American and international officials found themselves building a state without being able to pronounce its name. Kosovo was formally an autonomous province within the Yugoslav Federation, along with Serbia and Montenegro, yet under a UN protectorate. Consequently, the state-building process was not necessarily on the side of the international community, eschatologically aimed at achieving independence, but rather at the construction of provisional institutions of democratic self-government without the stated goal of Kosovar autonomy. The limbo in which Kosovo lived was thus a condition in which the population was supported in building democratic institutions, but without allowing sovereignty and ultimate responsibility for their decisions to be vested in the hands of the Kosovars<sup>295</sup>. This limbo resulted in the elections of the early 2000s, strongly supported by the international community to accelerate the democratization process. However, in these elections it became clear that real power remained in the hands of the Special Representative of the Secretary General (SRSG) and, for security matters, the NATO-led KFOR command.

As will be noted later, the American strategy for resolving this limbo was the doctrine of “Standards before Status”, which would have allowed for a discussion of Kosovo's possibility of achieving independence if certain benchmarks of state functionality and respect for human rights were met. However, this policy would have reversed the order of necessity for the Kosovar people; independence was not to be understood as a reward for completing the reform process, but as a precondition for the implementation of such reforms. This further limitation in understanding the complex situation of this territory did not immediately lead to the construction of a sovereign state, but rather to the management of a seemingly undefined protectorate. The risk, as Chesterman prophesied in his 2001 study, was that “the paper-thin compromise”<sup>296</sup> would become “a permanent substitute for a solution”<sup>297</sup>, freezing the conflict rather than resolving it. It was only with the outbreak of violence in 2004 that the US and the UN understood that limbo was no longer sustainable, an experience that would lead to a series of diplomatic activities that would culminate with Kosovo's independence.

## **3.2 The first years of the international administration of Kosovo**

### **3.2.1 NATO's Accession and the Power Vacuum**

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<sup>295</sup> Simon Chesterman, “Kosovo in Limbo: State-Building and 'Substantial Autonomy',” *An International Peace Academy Report* (August 2001): 13-14.

<sup>296</sup> *Ivi*, 1.

<sup>297</sup> *Ibidem*.

The entry of NATO troops into Kosovo on June 12, 1999, marked a major American victory and inaugurated the process of nation-building in the region. In particular, the military feat of the airborne operation Allied Force was “a true watershed in military history, as for the first time an adversary had been forced to surrender following an offensive conducted exclusively by air forces”<sup>298</sup>. However, this very operation, which had served the Americans to establish NATO's new role and new military strategies based on sophisticated weapons such as the Tomahawk<sup>299</sup>, was the element that threw NATO's internal alliances into crisis. Indeed, NATO Secretary-General Javier Solana announced that the use of force without an explicit UNSC mandate would be an exception to the rule in order to avoid a humanitarian catastrophe, without, however, doing so with the intention of changing the international system<sup>300</sup>. However, the structural problem that NATO had left remained, as the Rand Corporation study states: “11 weeks of NATO bombing had driven more than half of Kosovo’s population from their homes and destroyed much of the infrastructure and housing stock. Ethnic tensions were white-hot, and the potential for retributive violence was very high. All elements of the Serbian administration were discredited, and most departed with Serbian forces, leaving Kosovo without the most basic structures of governance”<sup>301</sup>. The Kumanovo military agreement, which sanctioned the withdrawal of Serbian security forces, had left a power vacuum. Before the United Nations bureaucratic machinery could deploy, American forces stepped in. The scale of American and allied commitment in this initial phase was unprecedented. According to a comparative analysis conducted by the RAND Corporation on behalf of the US government, the level of resources invested in Kosovo surpassed any historical precedent in relative terms. “The United States and its allies have put 25 times more money and 50 times more troops, on a per capita basis, into post conflict Kosovo than into post conflict Afghanistan”<sup>302</sup>. James Dobbins, special correspondent and lead author of the RAND report, emphasized how the density of the international presence was intended to suppress any possibility of a resumption of ethnic conflict through a security saturation<sup>303</sup>.

In this context was enucleated the already mentioned UN Security Council Resolution 1244/1999, which formalized the cease-fire and put Kosovo under international administration. This Resolution declared the end of military operations in the area. The withdrawal of all Serbian troops from Kosovo and the intervention of KFOR, a multinational force under NATO command. Another vital element, enshrined in the Resolution was the creation of UNMIK. This was a UN civil mission, with the aim to govern the region for a transitory period, constructing a democratic system and guaranteeing the return of refugees and protection of human rights<sup>304</sup>.

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<sup>298</sup> Jože Pirjevec, *Le guerre jugoslave, 1991-1999* (Torino: Einaudi, 2001), 641, My translation of “un vero e proprio spartiacque nella storia militare, dato che per la prima volta un avversario era stato costretto a cedere in seguito a un’offensiva condotta esclusivamente dalle forze aeree”.

<sup>299</sup> *Ibidem*.

<sup>300</sup> *Ibidem*.

<sup>301</sup> James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), 112.

<sup>302</sup> *Ivi*, Executive Summary xix.

<sup>303</sup> *Ivi*, 112-114.

<sup>304</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 32-33.

UNMIK's central role will also be reflected in the creation of a “credible, professional, and impartial Kosovo Police Service (KPS)”<sup>305</sup>. This will be particularly important in the territory due to its profoundly multiethnic component. Overall, as Perritt noted, “At the outset, UNMIK enjoyed considerable international and internal legitimacy”<sup>306</sup>..According to paragraph 10 of the UN resolution: “Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo”<sup>307</sup>. However, Resolution 1244 contained contradictions that would complicate nation-building for years to come. It authorized the UN to facilitate a political process to determine the future status of Kosovo, but simultaneously reaffirmed the sovereignty of the Federal Republic of Yugoslavia. Above all, “the resolution gave no indication as to what the final political settlement would be. Nor did it define a time frame within which a decision would be made”<sup>308</sup>.

With this provision, Serbia lost all hope of returning Kosovo to the status quo ante, that is, as a province of Serbia. The evolution of the conflict, with NATO intervention and now the international protectorate, signified a paradigm shift for Kosovo. There was a clear sense that all these steps were a “prelude to independence”<sup>309</sup>. Certainly, for the Kosovars, it was now “the only acceptable goal”<sup>310</sup>.

### 3.2.3 The failure of integration

The complexity of the mandate of UNMIK, which encompassed humanitarian relief, economic reconstruction, and civil administration, obliged the operation to adopt a “Four Pillars” operational structure<sup>311</sup>. This model, described by Reshat Nurboja as an attempt to divide the financial and political burden of nation-building among several international organizations. Pillar I (Humanitarian Assistance) was entrusted to the UNHCR; Pillar II (Civil Administration) directly to the UN; and Pillar IV (Economic Reconstruction) to the European Union, to which the primary financial burden of physical reconstruction was delegated<sup>312</sup>. However, it was

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<sup>305</sup> Human Rights Watch, *Failure to Protect: Anti-Minority Violence in Kosovo, March 2004*, Vol. 16, No. 6 (D) (New York: Human Rights Watch, July 2004), 14.

<sup>306</sup> Henry H. Perritt Jr. “Final Status for Kosovo.” *Chicago-Kent Law Review* 80, no. 1 (2005): 10.

<sup>307</sup> United Nations Security Council, *Resolution 1244*, S/RES/1244, (June 10, 1999).

<sup>308</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 33.

<sup>309</sup> *Ibidem*.

<sup>310</sup> *Ibidem*.

<sup>311</sup> Reshat Nurboja, “International Civil Administration and State Building Process in Kosovo,” *European Scientific Journal* 11, no. 13 (2015): 343-344.

<sup>312</sup> *Ivi*, 344.

Pillar III (Democratization and Institution-Building), entrusted to the Organization for Security and Co-operation in Europe (OSCE), that the United States' strategic focus shifted. The OSCE, traditionally focused on promoting political dialogue and conflict prevention, became the central agency for managing the political system in Kosovo. Indeed, just thinking about the fact that: “In Kosovo, during the period 2000- 010 were held four (4) first local elections and four (4) first general elections, which mean that over a period of 10 years, were held 8 with different systems and election rules”<sup>313</sup>. The United States, which wielded dominant influence over the OSCE, was able to influence the electoral process to achieve a transition to free elections that would legitimize the new ruling class. However, this strategy soon had to contend with the parallel structures that wielded power in Kosovo.

In the summer of 1999, Kosovo was governed by two entities not recognized by Resolution 1244: on the one hand, the self-proclaimed "interim government" of the KLA under the leadership of Hashim Thaçi, and on the other, the Republic of Kosovo led by Ibrahim Rugova. The Clinton administration's approach, supported by Secretary of State Madeline Albright, was to transform the very structure of the KLA, demilitarizing it and converting it into the KPC, or Kosovo Protection Corps. Although demilitarization was enshrined in UNSC Resolution 1244, paragraph 9(b)<sup>314</sup>, the American strategy was to maintain the KLA's chain of command and hierarchical structure intact, under NATO supervision, without however sparking an internal revolt among Serbs and Albanians. The ultimate goal would have been to form the founding nucleus of the future army of independent Kosovo<sup>315</sup>. Naturally, this led to a gradual distancing of the Serbian contingent from the military, but in general, while the co-opting of the Albanian majority was successful, nation-building failed from the outset in creating a multi-ethnic society. The Americans were perfectly aware of this and, although they did not formally support Kosovo's demands for independence, they were in fact implementing a state structure that would allow this to happen, with the aim of subsequently restoring relations between the parties. As hundreds of Albanians returned to Kosovo after years away from their country, other ethnic minorities began to suffer repeated attacks from the Albanian ethnic group, which was predominant in the territory. KFOR immediately found itself having to manage the complex return of refugees in its entirety, but, as James Ker-Lindsay states, it was “powerless” to prevent these repeated attacks. The dramatic result was a process that led the Serbs of Kosovo to flee to Serbia, while those who remained found themselves in enclaves where UNMIK could support and help them. Among these enclaves, Mitrovica certainly stands out. Located on the line dividing the Serbian and Albanian parts of Kosovo, the Ibar River, it became a veritable Serbian stronghold, leading to inevitable clashes with the ethnic Albanian population in the area. “In the years that followed, the town became a flashpoint for inter-ethnic hostility”<sup>316</sup>. After all this, in January 2000, in an attempt to smooth

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<sup>313</sup> *Ivi*, 345.

<sup>314</sup> United Nations Security Council, *Resolution 1244*, S/RES/1244, (June 10, 1999).

<sup>315</sup> James Dobbins et al., *America's Role in Nation-Building*, 118-119.

<sup>316</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 34.

over these hostilities and unify the centrifugal forces, UNMIK established the Joint Interim Administrative Structure (JIAS)<sup>317</sup>. This body was based on the concept of shared governance, forcing local leaders to co-manage administrative departments with UN officials. However, as will be noted in the next section, power remained in the hands of the Special Representative, forcing a natural evolution towards forms of provisional self-government.

Starting from October 2000, a series of domestic political leadership changes radically altered the situation in the region. An alliance of democratic opposition parties defeated Milosevic, who was replaced by the leader of the Democratic Party of Serbia, Vojislav Kostunica. Kostunica was still considered a nationalist ready to sacrifice himself for the Serbian cause in Kosovo; however, his moderate stance, combined with the results of the parliamentary elections in December of that year, impacted Serbia's new strategy. Zoran Djindjic, the leader of the Democratic Party (DS), became Serbia's prime minister. His clear liberal and pro-Western leanings led Serbia to focus on issues other than Kosovo, particularly the country's economic development<sup>318</sup>. Despite the easing of Serbian pressure, the Kosovar leadership announced that the new regime had no substantial differences from the previous regime. Furthermore, tensions escalated to such an extent in the region that a series of violent clashes erupted in early 2001 in Macedonia, especially in the Preševo Valley in southern Serbia, where there was a large Albanian majority. At this point, in May 2001, and after four months of negotiations, “the UN unveiled a Constitutional Framework establishing the Provisional Self-Government in Kosovo. Under the agreement, a full range of powers governing a wide range of areas, including economic policy, were set out for the assembly, the presidency, the executive and the judiciary – the Provisional Institutions of Self-Government (PISG)”<sup>319</sup>. Essentially, these provisional institutions were designed to give the Kosovar people more and more room for maneuver in self-government. The constitutional framework, however, was not a true constitution but functioned as such, establishing a Legislative Assembly, a President of Kosovo, and a Government led by a Prime Minister. “Considering that gradual transfer of responsibilities to Provisional Institutions of Self-Government will, through parliamentary democracy, enhance democratic governance and respect for the rule of law in Kosovo”<sup>320</sup>, these institutions would then serve to govern Kosovo's democratic transition period until the final status resolution. At the heart of the system was the Kosovo Assembly, elected by universal suffrage for a three-year term. To prevent the Albanian “tyranny of the majority,” at the insistence of the United States and the European Union, a purely proportional electoral system was adopted, complemented by a generous set-aside seat mechanism: out of 120 total seats, 100 were allocated based on votes, while 20 were reserved for non-majority communities, specifically 10 for Kosovo Serbs and

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<sup>317</sup> OSCE Mission in Kosovo e UNMIK, *JIAS Employment Survey: Results Report* (Pristina: OSCE/UNMIK, 12 novembre 2001).

<sup>318</sup> *Ibidem*.

<sup>319</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 34.

<sup>320</sup> UNMIK Regulation No. 2001/9, *On a Constitutional Framework for Provisional Self-Government in Kosovo*, 15 May 2001, Preamble.

10 for other ethnic minorities<sup>321</sup>. The institutional framework provided for the Assembly to elect the President of Kosovo by secret ballot with a qualified two-thirds majority. The President, the guarantor of the provisional democratic order, was responsible for appointing the Prime Minister in consultation with the parliamentary groups. The Government, accountable to the Assembly, formally held executive power and legislative initiative on a wide range of domestic matters, from healthcare to education<sup>322</sup>. However, the true master of the relationship remained UNMIK, as evidenced by Riccardo Alcaro's dossier from that time: "In essence, UNMIK has authority over the entire spectrum of administrative functions in the province, monitors the democracy and effective functioning of the provisional administration, and works towards the political process that will give Kosovo a definitive structure"<sup>323</sup>. Despite the Kosovar perception, increasingly convinced that these steps were fundamental for subsequent independence, UNMIK remained steadfast in its belief that Kosovo, according to the aforementioned Resolution 1244, should remain an integral part of Yugoslavia.

Exogenous and endogenous factors prevented the current democratic transition to self-governing powers. International dynamics certainly had a dramatic impact on Kosovo's status. Indeed, while the Americans began to focus on the Middle Eastern issue on September 11, 2001, the Europeans downgraded Kosovo's demands with the fact that the "independence was simply not on the agenda"<sup>324</sup>. For this reason the reaction of Kosovo brought the Assembly of Kosovo to pass a resolution annulling a border agreement between Macedonia and Yugoslavia, this event triggered the intervention of SRS, Micheal Steiner, a great supporter of NATO intervention of 1999, that could not let this resolution going ahead because it also stood against the principles enshrined in Resolution 1244. Therefore, while annulling this act by the Kosovo Assembly he also imposed a ban to Kosovo Albanian official hindering their attendance to international meetings. This situation truly created a strong division between UN administration and Kosovo Albanians. Similarly, the first general elections in November 2001<sup>325</sup>, won by Rugova's party with a relative majority, produced a deeply fragmented political landscape. This fragmentation, which led to institutional paralysis, subsequently forced the formation of a grand coalition between Rugova's LDK, Thaci's PDK, and the AAK, a grouping of six parties centered around Ramush Haradinaj. As RAND's analysis interestingly shows: "The moderate LDK party won a strong plurality of the votes, but its subsequent difficulty in forming a governing coalition was a harbinger of the long political road ahead"<sup>326</sup>. By the end of 2001, Kosovo had experienced a real process of institutional development, moving from the devastation of the conflict to what the Assistant-Secretary-General for

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<sup>321</sup> *Ibidem*, Chapter 9.

<sup>322</sup> *Ibidem*.

<sup>323</sup> Riccardo Alcaro, *Lo status futuro del Kosovo*, XIV Legislatura, Dossier (Roma: Senato della Repubblica, Servizio Studi e Servizio Affari Internazionali, ottobre 2005), 7, My translation of "In sostanza, Unmik ha autorità sull'intero spettro delle funzioni amministrative della provincia, vigila sulla democraticità e l'effettivo funzionamento dell'amministrazione provvisoria e lavora in vista del processo politico che dovrà dare un assetto definitivo al Kosovo".

<sup>324</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 35.

<sup>325</sup> European Parliament, *Report on the observation of the elections in Kosovo on 16 to 19 November 2001*, by Doris Pack (Brussels: European Parliament, Committee on Foreign Affairs, 12 March 2002), 15.

<sup>326</sup> James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), 122.

Peacekeeping, Hédi Annabi, had defined as a process of voting by the Kosovars: “in a peaceful manner and largely adhered to the electoral rules”<sup>327</sup>. In less than three years, the massive injection of American and European resources had transformed a war-torn province into an entity with an elected parliament, a Kosovo Police Service structured by UNMIK, a KPC civil defense force that, although predominantly led by the KLA, remained multiethnic, and a judicial system undergoing reform. The handover from humanitarian emergency structures to PISG self-governing institutions seemed to validate the optimistic thesis of the aforementioned liberal nation-building, where democracy could be constructed from the outside and successfully transplanted even in a context that had experienced profoundly different political forms. The 2003 Rand analysis exemplifies precisely the key points of the success of nation-building in Kosovo: “Kosovo has been the best managed of the U.S. post–Cold War ventures in nation-building. U.S. and European forces demilitarized the KLA; local and national elections took place two years after the conflict ended; and economic growth has been strong”<sup>328</sup>. The analysis continues: “One of the most significant aspects of the reconstruction effort in Kosovo was the degree of collaboration and burden-sharing among participant countries and international organizations”<sup>329</sup>.

However, this process of bureaucratic normalization actually harbored unresolved structural tensions. These would later seriously shake the very fabric of the international presence and the nation-building process in the region.

### **3.3 From “Standards before Status” to the Ahtisaari Plan**

With the first elections following the establishment of the Provisional Institutions of Self-Government, the international community faced a strategic dilemma: on the one hand, maintaining its commitment to Kosovo's democratization process, while on the other, slowing down the final status issue. The reasons for the delay were multiple, starting with the Russian and Serbian opposition, and then looking to the United States, which, after 9/11, lacked the political energy to manage an explosive diplomatic crisis like Kosovo's independence at that time. As James Ker-Lindsay's study interestingly clarifies: “the UN had to give some indication that the decision would not be put off forever, but still create an acceptable reason for further delay”<sup>330</sup>. The solution was then found in the structuring of a series of standards that were capable of radically transforming the country in order to achieve “A Kosovo where all – regardless of ethnic background, race or religion – are free

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<sup>327</sup> UN News, “Kosovo elections were - violence-free and all-inclusive,- Security Council told,” United Nations, November 27, 2001, <https://news.un.org/en/story/2001/11/21652>.

<sup>328</sup> James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), 126.

<sup>329</sup> *Ivi*, 127.

<sup>330</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 35.

to live, work and travel without fear, hostility or danger and where there is tolerance, justice and peace for everyone.”<sup>331</sup>

This doctrine, formulated in 2002 by the Secretary-General's Special Representative for Kosovo and the head of the UN Interim Administration Mission (UNMIK), Michael Steiner, gradually evolved until it became operationalized in 2003. This political doctrine aimed to establish benchmarks against which to judge the solidity and effectiveness of Kosovo's local administration. Once these benchmarks were reached, negotiations on Kosovo's status could be opened<sup>332</sup>. “Steiner’s objective was both to postpone a thorny discussion of Kosovo’s status and, at the same time, to prepare Kosovo as a functioning democracy with respect for minority rights and an operating market economy to meet future requirements for independence and for membership in the European Union (EU)”<sup>333</sup>. Indeed, it is precisely on the basis of Steiner's work that the Contact Group for the Balkans has tied the Kosovar authorities' compliance to good governance, thus following "first the respect of the standards and then the initiation of negotiations on the final status”<sup>334</sup>.

These were set out as follows: (1) the existence of effective, representative and functioning democratic institutions; (2) enforcement of the rule of law; (3) freedom of movement; (4) sustainable returns of refugees and displaced persons, and respect for the rights of communities; (5) creation of a sound basis for a market economy; (6) fair enforcement of property rights; (7) normalized dialogue with Belgrade; and (8) transformation of the Kosovo Protection Corps (KPC) in line with its mandate<sup>335</sup>.

Although the policy was supported internationally, it further inflamed the fervent spirits of the Serbs, who allowed the return of Serbian troops to the province of Kosovo and began preparations to discuss a conference on the future of Kosovo<sup>336</sup>. This particularly offensive approach was not congenial to Djindjic’s leadership, which, as already mentioned, had a particularly moderate approach. But once again the situation changed profoundly. “On 12 March, Djindjic was assassinated as he entered the Serbian Government offices in Belgrade. Apart from the devastating effect his death had on Serbian politics, it appeared to transform the course of discussions over the future of Kosovo”<sup>337</sup>. The international administration produced only few results, as conflict escalated, a dangerous complacency prevailed in Washington. Congressional documents from 2003 reveal an alarming discrepancy between the perception of stability on the ground and reality. Daniel Sewer, director of the Balkans Initiative at the US Institute of Peace, warned that Djindjic's killing required

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<sup>331</sup> UNMIK, *Standards for Kosovo*, Pristina, 10 December 2003.

<sup>332</sup> UN News, “UN sees progress in Kosovo, Security Council told,” United Nations, July 30, 2002, <https://news.un.org/en/story/2002/07/41522>.

<sup>333</sup> Robert Elsie, *Historical Dictionary of Kosovo*, (Scarecrow Press, 2010), 10.

<sup>334</sup> Riccardo Alcaro, *Lo status futuro del Kosovo*, XIV Legislatura, Dossier (Roma: Senato della Repubblica, Servizio Studi e Servizio Affari Internazionali, ottobre 2005), 9, My translation of “prima il rispetto degli standard e poi l’avvio del negoziato sullo stato finale”.

<sup>335</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 35-36.

<sup>336</sup> *Ibidem*, 36.

<sup>337</sup> *Ibidem*.

the Americans to impose “law and order” in the region<sup>338</sup>. However, during the hearings, the Bush administration defended the standards policy, arguing that Kosovo was now on the path to normalization. Congressional debate erupted over whether the time had come to set a firm date for status resolution, with 2005 being suggested as a target. Proponents of this approach, such as Democrat Eliot Engel, argued that uncertainty was fueling nationalist extremism. However, the State Department remained committed to the official line, accepting no shortcuts on standards. This diplomatic rigidity ignored warning signals from the ground, where UNMIK's legitimacy was crumbling. The UN mission, perceived as a liberator in 1999, was now seen by the Albanian population as a colonial occupying force, responsible for economic stagnation and rampant corruption. The United States' reputation also began to deteriorate. While admiration for figures like Clinton and Albright remained sacred, the Bush administration's policy of delegating management of the dossier to the UN and the EU was interpreted as abandonment. Finally, the situation was exacerbated by Russia's disengagement, which unexpectedly withdrew its peacekeeping troops from the Balkans in 2003. This withdrawal was based on the fact that Moscow no longer felt bound to cooperation on the ground, foreshadowing future diplomatic obstructionism in the Security Council. Washington thus lost a direct and pragmatic channel of communication with the only actor capable of influencing Belgrade, further isolating the decision-making process within a Western bubble increasingly detached from the Balkan reality<sup>339</sup>.

Thus, following these demonstrations of dissent, these internal clashes and above all the increasingly complex scenario that was emerging for Kosovo, on 10 December 2003, in an attempt to give substance to the aforementioned Standards before Status doctrine, UNMIK launched the document “Standards for Kosovo”<sup>340</sup>. However, this operation, which imposed increasingly complex standards for Kosovars to achieve independence, failed to halt the ongoing clashes between the Serb and Albanian forces in Kosovo. Indeed, the region was once again turning into a powder keg waiting to explode, where dissatisfaction with international governance was now prevalent. The spark that ignited the entire situation was the dramatic clashes of March 2004, which would shatter the American illusion that the nation-building process was heading in the right direction.

### 3.3.1 The drama of the 2004 riots

Whatever improvements had been made towards improving inter-ethnic relations were effectively negated in early 2004 when Kosovo suffered its worst fighting since 1999<sup>341</sup>.

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<sup>338</sup> U.S. House of Representatives, Committee on International Relations, *The Balkans: Assessing the Progress and Looking to the Future*, Hearing before the Subcommittee on Europe, 108th Cong., 1st sess., April 10, 2003 (Washington: GPO, 2003), 20-22. Testimony of Daniel Serwer.

<sup>339</sup> *Ivi*, 83-84.

<sup>340</sup> UNMIK, *Standards for Kosovo*, Pristina, 10 December 2003.

<sup>341</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 37.

On March 16, 2004, ethnic Albanian media began reporting that three young Albanian children had been chased into the Ibar River by Serbs and drowned. As the OSCE's Representative on Freedom of the Media report later clarified, the Albanian media's approach had resulted in broadcasting unconfirmed information that had nevertheless inflamed the already heated emotions of ethnic Albanians in Kosovo<sup>342</sup>. This incident marked the culmination of a series of events that had been building up to this point. Indeed:

On March 17 and 18, 2004, violent rioting by ethnic Albanians took place throughout Kosovo, spurred by sensational and ultimately inaccurate reports that Serbs had been responsible for the drowning of three young Albanian children. For nearly forty-eight hours, the security structures in Kosovo—the NATO-led Kosovo Force (KFOR), the international U.N. (UNMIK) police, and the locally recruited Kosovo Police Service (KPS)—almost completely lost control, as at least thirty-three major riots broke out across Kosovo, involving an estimated 51,000 participants<sup>343</sup>.

The impact of the riots was impressive, affecting 33 different municipalities, with a toll of 19 dead and over 900 injured, including KFOR soldiers, Orthodox churches and monasteries burned and destroyed, as well as more than 4000 Serbs, Roma and other non-Albanian minorities that resulted displaced<sup>344</sup>. “Despite the best efforts of KFOR to contain the violence, it rapidly spread across the province; aided in part by the ambivalence of local leaders. Rugova, who had forged his reputation on passive resistance, refused to condemn the violence”<sup>345</sup>.

For the Bush administration and NATO, as well as, of course, the other international organizations involved in the area, it was a complete failure. The July 2004 Human Rights Watch report demonstrated the tragedy of the 2004 uprisings, immediately prompting a subsequent call for a review of international support, citing the Contact Group and other international institutions that had spectacularly failed to manage the situation. Here are the words used in the report: “The security organizations in Kosovo—KFOR, UNMIK international police, and the KPS—failed catastrophically in their mandate to protect minority communities during the March 2004 violence”<sup>346</sup>. The problem was precisely the lack of intervention by the forces stationed in the area, which proved completely incapable of protecting the minorities. In short, the structuring of these revolts, despite five years of continuous work by diplomacy and the forces in the field, “Highlighted just how little headway had been made towards ethnic reconciliation between Serbs and Albanians. Kosovo was certainly not on the path to becoming a peaceful multiethnic democracy”<sup>347</sup>. This collapse quickly destroyed the narrative that

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<sup>342</sup> Human Rights Watch, *Failure to Protect: Anti-Minority Violence in Kosovo, March 2004*, Vol. 16, No. 6 (D) (New York: Human Rights Watch, July 2004), 19.

<sup>343</sup> *Ivi*, 1.

<sup>344</sup> *Ivi*, 2.

<sup>345</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 37.

<sup>346</sup> Human Rights Watch, *Failure to Protect: Anti-Minority Violence in Kosovo, March 2004*, Vol. 16, No. 6 (D) (New York: Human Rights Watch, July 2004), 2.

<sup>347</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 38.

Washington had built about the real possibility of Kosovo becoming a multi-ethnic democracy, and this inevitably led to a change of pace<sup>348</sup>.

Albeit the UN had unveiled a compressive 117-page Standards Implementation Plan just two weeks after the riots, the standards before status policy needed to be replaced by a priority based standards policy<sup>349</sup>. Effectively, UNMIK, following the riots that broke out on March 17 and ended on March 20, which had certainly created an international earthquake, declared that “the immediate priority”<sup>350</sup> was “the establishment of the rule of law, prosecution of perpetrators and public respect for law and order”<sup>351</sup>. And so the Kosovo Standards Implementation Plan KSIP was promulgated. This document, as already mentioned, containing 117 pages, had as its primary objective to put into practice the principles discussed in December 2003, proposing “the actions and policies to reach the standards”<sup>352</sup>. However, with the awareness that the international community needed to shed more and more light on the situation in Kosovo, the UN Secretary General Kofi Annan, “asked Ambassador Kai Eide (Norway) to conduct a comprehensive review of the policies and practices of all actors in Kosovo and to prepare recommendations as a basis for further thinking on the way forward, in accordance with Security Council resolution 1244 (1999)”<sup>353</sup>. On page 3 of his analysis Eide showed the critical issues and complexities of the situation:

Kosovo (Serbia and Montenegro) is characterized by growing dissatisfaction and frustration. Seen from the Kosovo Albanian majority, the main cause is not of an inter-ethnic nature, but stems from what is rightly seen as a serious lack of economic opportunities and an absence of a clear political perspective. As a Kosovo Albanian student said, - you gave us freedom, but not a future -. The Kosovo Serbs believe - also rightly - that they are victims of a campaign to reduce their presence in Kosovo to a scattered rural population<sup>354</sup>.

Indeed, as James Ker-Lindsay very well specified in his analysis: “Noting the growing levels of frustration and dissatisfaction, in part caused by a 60–70 per cent unemployment rate, Eide emphasised that it was now necessary to take a longer perspective on Kosovo’s future status”<sup>355</sup>.

As a greater understanding of the region's dynamics became increasingly evident, the U.S. State Department's new policy was therefore aimed at no longer waiting for Kosovo to become a perfect democracy before

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<sup>348</sup> Human Rights Watch, *Failure to Protect: Anti-Minority Violence in Kosovo, March 2004*, Vol. 16, No. 6 (D) (New York: Human Rights Watch, July 2004), 9.

<sup>349</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 38.

<sup>350</sup> UNMIK, *Kosovo Standards Implementation Plan* (Pristina: United Nations Interim Administration Mission in Kosovo, March 31, 2004), 3.

<sup>351</sup> *Ibidem*.

<sup>352</sup> *Ivi*, 2.

<sup>353</sup> United Nations Security Council, *Letter dated 17 November 2004 from the Secretary-General addressed to the President of the Security Council*, S/2004/932 (New York: United Nations, November 30, 2004), 2.

<sup>354</sup> *Ivi*, 3.

<sup>355</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 38.

discussing status. The 2004 riots, paradoxically, accelerated independence: they demonstrated to the West that the alternative to independence was not autonomy, but unmanageable chaos and the risk of a new conflict involving NATO troops. The 2004 elections would usher in a new diplomatic push, also justified by the Eide Report, which would see the United States, under the leadership of the second Bush term, force the international community's hand against Russia's resistance and the European Union's hesitations.

### 3.3.2 The 2004 Parliamentary Elections and the Eide Report

The parliamentary elections of October 2004 took place within this complex context. On the Albanian side, the results essentially confirmed the previous balance: Ibrahim Rugova's LDK obtained 45.4% of the vote (47 seats), followed by the PDK with 28.9% (30 seats) and the AAK with 8.4% (9 seats). However, the most politically significant result was the extremely low turnout of the Serbian minority, who, responding to the call for a boycott launched by Serbian Prime Minister Vojislav Kostunica in the wake of the March violence, deserted the polls en masse. Although the ten seats reserved for the Serbian community were technically assigned, the legitimacy of their representation was severely compromised<sup>356</sup>. The outcome of the vote led to the formation of a coalition government between the LDK and the AAK led by former KLA commander Ramush Haradinaj. “Haradinaj’s nomination was controversial, due to concerns of EU and other international officials that he could be indicted by the International Criminal Tribunal for the Former Yugoslavia for war crimes allegedly committed when he was a rebel leader.”<sup>357</sup> Contrary to pessimistic forecasts, the Haradinaj government significantly accelerated the technical implementation of the KSIP in the following months, precisely because it knew it was under international scrutiny, offering the international community the semblance of institutional progress necessary to justify the next step. This phase of stability ended on March 8, 2005, when Haradinaj resigned following official notification of his indictment by the Hague Tribunal, voluntarily surrendering to international justice. His orderly exit and the peaceful transition to his successor, Bajram Kosumi, were interpreted as a sign of the democratic maturity of Kosovo's institutions<sup>358</sup>.

It was in this context that UN Secretary General Kofi Annan, also following the study conducted in 2004, appointed Norwegian Kai Eide as Special Envoy of the United Nations to Kosovo in 2005. His objective was to conduct a “comprehensive review”<sup>359</sup> to determine whether the conditions for initiating the status process were ripe. Eide conducted a thorough investigation, spending ten days “travelling all around Kosovo meeting

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<sup>356</sup> Julie Kim e Steven Woehrel, *Kosovo and U.S. Policy: Background to Independence*, CRS Report RL31053 (Washington, DC: Congressional Research Service, June 20, 2008), 5-6.

<sup>357</sup> *Ibidem*, 6.

<sup>358</sup> *Ibidem*.

<sup>359</sup> United Nations Security Council, *Letter dated 7 October 2005 from the Secretary-General addressed to the President of the Security Council*, S/2005/635 (New York: United Nations, October 7, 2005), 23.

with as many people as possible in numerous towns, villages and hamlets.”<sup>360</sup> His interesting explanation continues by demonstrating that this activity of his brought to light “what meetings in Pristina could not: how people live throughout Kosovo, the hardships they face and the hopes and fears they have for their future”<sup>361</sup>. The final report was presented to the United Nations Security Council on October 24, 2005, which gathered all the information on the stagnant economy and the problematic rule of law in Kosovo. The situation of inter-ethnic relations appeared even more critical. The report noted that, despite a decrease in large-scale violent crime, the Serb minority still lived in isolation and fear, with little prospect of a sustainable return of displaced persons. However, it was clear that despite the delays, the situation on the ground made maintaining the status quo untenable. For this reason, the report mentions on page 4: “There will not be any good moment for addressing Kosovo’s future status. It will continue to be a highly sensitive political issue. Nevertheless, an overall assessment leads to the conclusion that the time has come to commence this process”<sup>362</sup>. With these premises and above all with the acceptance of the Eide Report, the definitive phase of negotiations would have begun which would then lead to the declaration of independence of Kosovo in 2008.

### **3.4 From the Ahtisaari Plan to Independence (2005–2008)**

The Washington structural reaction to the Eide Report, and above all the awareness that the region's economic stagnation could destabilize NATO's southeastern flank, was to resume a leading role in managing Kosovo's status. This occurred when, in November 2005, UN Secretary-General Kofi Annan appointed former Finnish President Martti Ahtisaari as special representative for the coordination of the political process concerning the future of Kosovo provinces.

Therefore, from 2005 onward, Martti Ahtisaari, as Special Envoy tried to ultimately define the status of Kosovo, after the Security Council had “welcomed”<sup>363</sup> this proposal. The choice of Ahtisaari, who had already negotiated an end to the bombing in 1999, was strongly supported by the United States, which saw him as a pragmatic diplomat capable of imposing difficult solutions. Furthermore, the United States used the Contact Group to define the guiding principles for future negotiations. Indeed, “Two days later after the announcement, the Contact Group met in Washington”<sup>364</sup>. In the official document, these principles excluded both a return to the pre-1999 situation and the partition of the territory, definitively directing the process towards the only

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<sup>360</sup> *Ivi*, 6.

<sup>361</sup> *Ibidem*.

<sup>362</sup> *Ivi*, 4.

<sup>363</sup> Bernhard Knoll, “The Kosovo Status Process and the Prospect of Sovereignty,” in *OSCE Yearbook 2008* (Baden-Baden: Nomos, 2009), 121.

<sup>364</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 44.

remaining solution: independence, albeit under international supervision<sup>365</sup>. This was also part of the new strategy, outlined by Under-Secretary Nicholas Burns in 2005, which was based on a pragmatic realism to promote “standards with status.”<sup>366</sup> In this same operation, U.S. Secretary of State Condoleezza Rice appointed Ambassador Wisner as the nation's special representative to the Kosovo Status Talks in 2005, where he played a crucial role in negotiating Kosovo's independence. Indeed, Wisner's role was not simply that of a special observer, but above all, he ensured that Pristina maintained a constructive and unified line during the negotiations, essential to gaining the support of European governments still skeptical of independence. Ultimately, the American objective was clear, as is evident from the words of Undersecretary Burns: “The final result should respect the basic facts of Kosovo today – 90 percent of the people are ethnic Albanians who were treated cruelly, even viciously, by the government of Slobodan Milosevic. They deserve to live in security and peace”<sup>367</sup>. The plan would have been to use the UN mediation process led by Ahtisaari to conclude the Yugoslav dissolution process, granting independence to Kosovo, which had been persistently demanding it. The major obstacle at the negotiating table would have been a meeting with Vladimir Putin's Russia and Sergey Lavrov, the Russian Foreign Minister, who openly supported the Serbian position.

### 3.4.1 The Vienna Negotiations

On February 20, 2006, negotiations on the final status of Kosovo officially opened at the Daun-Kinsky Palace in Vienna, under the auspices of UNOSEK. For the first time since the end of the war, high-level delegations from Belgrade and Pristina sat at the same table.

The initial rounds of the negotiations dealt with so-called -technical issues - that were meant to prepare the way for tackling the determination of future status. These included protecting cultural and religious sites, financial issues such as deciding Kosovo's share of Serbia's debts, and the decentralization of Kosovo's government, including redrawing the borders of Kosovo's municipalities. Ahtisaari and his deputies refrained from making specific proposals, instead permitting the Serbian and Kosovar delegations to put forth and discuss their own views. The positions of the two sides remained far apart on most issues, and little movement toward compromise solutions was reported<sup>368</sup>.

The Serbian delegation, led by Prime Minister Vojislav Kostunica's advisors, arrived in Vienna with a very specific proposal for substantive autonomy, which would certainly have given the Kosovar population greater

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<sup>365</sup> United Nations Security Council, *Letter dated 10 November 2005 from the President of the Security Council addressed to the Secretary-General*, S/2005/709, Annex: “Guiding principles of the Contact Group for a settlement of the status of Kosovo” (New York: United Nations, November 10, 2005), 1-2.

<sup>366</sup> R. Nicholas Burns, “Kosovo: Current and Future Status,” Testimony before the House Committee on International Relations (Washington, DC: U.S. Department of State, May 18, 2005), <https://2001-2009.state.gov/p/us/rm/2005/46471.htm>.

<sup>367</sup> R. Nicholas Burns, “Kosovo: A Way Forward?,” Testimony before the Senate Committee on Foreign Relations (Washington, DC: U.S. Department of State, November 8, 2005), <https://2001-2009.state.gov/p/us/rm/2005/56686.htm>.

<sup>368</sup> Julie Kim e Steven Woehrel, *Kosovo and U.S. Policy: Background to Independence*, CRS Report RL31053 (Washington, DC: Congressional Research Service, June 20, 2008), 12.

autonomy, but without granting the possibility of achieving independence. Indeed, Belgrade offered Kosovo near-full self-government, specifically including the possibility of international financial agreements. On the other hand, however, Serbia's formal sovereignty over its external borders, control of foreign policy, and its Orthodox religious heritage would remain in Serbia's hands. Meanwhile, the Kosovo Unity Team, which included former KLA commanders and moderates from the LDK, demanded only one thing: full independence. The Unity Team was created after the death of Kosovo President Ibrahim Rugova on January 21, 2006, following a long battle with cancer. In his place, in February 2006, Fatmir Sejdiu of the LDK party was elected by the Kosovo Parliament. Sejdiu immediately sought to implement the standards required by the international community and, above all, to assert himself during the negotiations thanks to the creation of the Unity Team<sup>369</sup>. Interestingly, the Kosovo Serbs, who would later have been included in the Serbian delegations, were not included in the Unity Team. However, “despite periodic tensions and inter-party rivalries”<sup>370</sup>, the ironclad support of the United States allowed the Pristina delegation to reject the possibility of returning to the colonial past in exchange for greater autonomy.

Indeed, it is very interesting to analyze the role of the United States during the negotiations, as it ensured the Kosovar delegation did not make tactical mistakes. Indeed, while Ahtisaari formally conducted the meetings, American envoy Frank Wisner and his deputy sought to demonstrate to the international community that any option other than independence was impractical. As James Ker-Lindsay interestingly points out:

Reports also emerged that Washington had made a major breakthrough on Kosovo. According to US officials, during a meeting in Washington with Lavrov, Condoleezza Rice, the US Secretary of State, had managed to persuade the Russian foreign minister that Kosovo would not set a precedent for other territories, such as Chechnya. Similarly, China had been assured that Kosovo could not be seen as laying the ground for an independent Tibet<sup>371</sup>.

This permitted: “As a result, Moscow and Beijing had apparently confirmed that they would not block a Security Council vote granting Kosovo independence. Instead, they would abstain”<sup>372</sup>.

Throughout the whole 2006, seventeen technical rounds were held, with the decentralization process becoming the main point of contention, shifting attention away from the independence process.

One of most important issue dealt with in Vienna was the decentralization of Kosovo’s government, an issue that included possible solutions to the divided northern city of Mitrovica, a key potential flashpoint. Serbs have proposed the creation of a large number of Serb-majority municipalities within Kosovo, based on the Serb population of Kosovo before most Serbs fled the province in 1999 and on the location of Serbian cultural and religious monuments. The

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<sup>369</sup> *Ivi*, 6.

<sup>370</sup> *Ibidem*.

<sup>371</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 51.

<sup>372</sup> *Ivi*, 51-52.

Serbs also sought the formal division of the northern city of Mitrovica (which is already de facto divided), separating its Serb-majority part north of the Ibar River from the ethnic Albanian-dominated southern part<sup>373</sup>.

In contrast, Kosovar Albanians proposed only a handful of Serb-majority municipalities based on current demographics and insisted on Mitrovica's nominal unity. The deadlock was absolute. A high-level meeting on 24 July 2006 between Kosovo and Serbian leadership yielded no progress, prompting Ahtisaari to lament the sides' positions were "as far apart as possible"<sup>374</sup>. In particular, as reported by the BBC, an illustrative statement by Kostunica during the commemoration of the Battle of Kosovo Polje on 28 June 2006, "that Kosovo always was and always will be part of Serbia"<sup>375</sup>. This precisely underlined the impossibility of reconciliation between the two sides, where the ethnic divide, so structured over the years, would never have allowed for an improvement in conditions.

"By this point the status discussions had been running for seven months and the UN was now publicly conceding that it was increasingly unlikely that further talks would produce results. The Group therefore authorized Ahtisaari to begin preparing a comprehensive proposal for a status settlement"<sup>376</sup>. However, its release was postponed until after Serbian parliamentary elections of January 2007 to avoid influencing the vote. This delay fueled frustration in Pristina, indeed as mentioned by Lindsay: "On 28 November, 3,000–5,000 supporters of Self-Determination gathered in Pristina to protest about the postponement of a status decision and the continued presence of international officials in Kosovo"<sup>377</sup>. During the Serbian election campaign, Kostunica intensified the nationalist rhetoric in Kosovo. "To this end, on 1 January, Koštunica entered Kosovo under armed guard to celebrate the New Year with the Kosovo Serb community. There he promised to resist any moves towards independence and announced that he had written to the new UN Secretary-General, Ban Ki-moon, asking the United Nations to protect the territorial integrity and borders of Serbia."<sup>378</sup>

Eventually, Ahtisaari presented the Comprehensive Proposal for the Kosovo Status Settlement<sup>379</sup> to the Contact Group on 26 January 2007, and then to the Serbs and Kosovar Albanian on 2 February<sup>380</sup>.

Although UNOSEK downplayed the significance of the event, and declined to issue a statement, reports quickly emerged that deep differences had arisen between the members of the Group. On the one hand, there was a major

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<sup>373</sup> *Ivi*, 13.

<sup>374</sup> *Ibidem*.

<sup>375</sup> "Serbia's PM vows to keep Kosovo". *BBC News*, 28 giugno 2006. <http://news.bbc.co.uk/2/hi/europe/5127464.stm>.

<sup>376</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 61.

<sup>377</sup> *Ivi*, 65.

<sup>378</sup> *Ivi*, 68.

<sup>379</sup> United Nations Security Council, *Report of the Special Envoy of the Secretary-General on Kosovo's Future Status*, S/2007/168 (New York: United Nations, 26 marzo 2007).

<sup>380</sup> Julie Kim e Steven Woehrel, *Kosovo and U.S. Policy: Background to Independence*, CRS Report RL31053 (Washington, DC: Congressional Research Service, 20 giugno 2008), 13.

split between Russia and Western members of the Group. As expected, the Russian Government was not only – skeptical - about the proposals, it was also concerned about the timing of any further steps. As far as it was concerned, nothing should be done until a government had been formed in Serbia<sup>381</sup>.

The document meticulously outlined provisions for a multi-ethnic, democratic Kosovo with extensive minority protections, decentralized governance, and international supervision, however “it made no explicit mention of the exact final status of the province”<sup>382</sup>. Nevertheless, its implications were clear to all. Kosovo’s Prime Minister Agim Ceku celebrated the path to statehood, while Serbian President Boris Tadic “declared that the proposals were - unacceptable - inasmuch as they paved the way for independence”<sup>383</sup>. At the same time Russia immediately distanced itself, with Foreign Minister Lavrov stating that there was no “common view”<sup>384</sup> with the US and President Vladimir Putin later publicly condemning Western attempts to structure a settlement. In particular the 43<sup>rd</sup> Munich Conference on Security Policy, an event that gathered political leaders from all over the world, was the place in which the divergencies between the United States and Russia appeared more structured. Putin criticized Washington implicitly for their attempt to impose a settlement against the need of the population, he said: “There is no need to play God and resolve all of these peoples’ problems”<sup>385</sup>. At the same time the Secretary General of NATO Jaap de Hoop Scheffer pushed on the need to support the population in particular through the new strategic role of NATO positing: “KFOR should stay there and will stay there in full strength”<sup>386</sup>. Overall, the debate was particularly tense, and this pushed Ahtisaari to reach the final step.

Eventually submitted to the UN Secretary-General on March 15, the plan was linked by a separate report in which explicitly Ahtisaari recommended independence, his words are fundamental and vital to understand at which stage of the independence process Kosovo was: “The time has come to resolve Kosovo’s status. Upon careful consideration of Kosovo’s recent history, the realities of Kosovo today and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial period by the international community. My Comprehensive Proposal for the Kosovo Status Settlement, which sets forth these international supervisory structures, provides the foundations for a future independent Kosovo that is viable, sustainable and stable, and in which all communities and their members can live a peaceful and dignified existence.”<sup>387</sup> The whole proposal and separate report were transmitted to the Security Council on March 26. This led to major debates inside the

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<sup>381</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 70.

<sup>382</sup> *Ivi*, 71.

<sup>383</sup> *Ivi*, 72.

<sup>384</sup> *Ivi*, 65.

<sup>385</sup> Vladimir Putin, “Speech and the Following Discussion at the Munich Conference on Security Policy,” President of Russia, February 10, 2007, <http://en.kremlin.ru/events/president/transcripts/24034>.

<sup>386</sup> Jaap de Hoop Scheffer, “Speech at the 43rd Munich Conference on Security Policy” (Munich, February 10, 2007), 8.

<sup>387</sup> United Nations Security Council, *Report of the Special Envoy of the Secretary-General on Kosovo’s Future Status*, S/2007/168 (New York: United Nations, 26 March 2007), 2.

Security Council that occurred the 3<sup>rd</sup> of April<sup>388</sup>. Russia demanded a fact-finding mission, a move seen by Pristina as a stalling tactic, indeed as Lindsay mentioned: “The decision provoked mixed reactions in Belgrade and Pristina, as well as from the UN. UNMIK saw little reason for the visit, arguing that it provided the Council with regular reports on the situation. Meanwhile, the Kosovo Albanian leadership viewed it as evidence that Belgrade was conspiring with the Russians to block the Ahtisaari plan and rob Kosovo of its independence”<sup>389</sup>. The U.S., however, remained resolute. “Despite having accepted the need for a mission to the region, Washington remained steadfast in its opposition to more talks. During a speech at the Council on Foreign Relations, in Washington, Burns argued that Belgrade’s proposals for autonomy were a decade too late”<sup>390</sup>. More importantly the day after he mentioned to the Committee on Foreign Affairs of the U.S. House of Representatives in April 2007: “Now, over 90 percent of the citizens of Kosovo are Kosovar Albanians. They will never accept continued rule by Serbia. They are manifestly pro-American, having been protected from slaughter and exile by our troops. They will accept nothing less than independence. In the past eight years, Kosovo has strengthened its local governing institutions, including by electing an Assembly, a President, and Prime Minister. We see no credible option for integrating these institutions with Serbia. Independence for Kosovo will mark the definitive end of the breakup of Yugoslavia, thereby allowing all the states in the region to focus on their future. It will enable Serbia, in particular, to move beyond the tragic and bitter legacy of the Milosevic era. Kosovo’s independence is a legitimate, fair and lawful outcome.”<sup>391</sup> Although it was now clear that the United States was seeking in every way to realize this independence process, it had to face the need to realize the UNSC Fact-finding mission.

“On 24 April the fifteen ambassadors to the UN Security Council began their fact-finding mission. After receiving a briefing from UN officials in New York, they travelled to Brussels”<sup>392</sup>. Upon returning, however, the mission did not change the status quo, leading to a diplomatic impasse even with the failure of the G8 Summit in June 2007. Indeed, as James Ker-Lindsay mentioned: “On 6 June leaders from Germany, France, Britain, Canada, Italy, Japan, Russia and the United States met for their annual summit in the German resort of Heiligendamm. However, as Angela Merkel, the German Chancellor, readily acknowledged, given the meeting between the foreign ministers the previous week there was little chance that there would be a breakthrough on Kosovo”<sup>393</sup>. A new format was therefore needed, one that would go down in history as the “Troika,” where mediators from the United States, Russia, and the EU made one last attempt at a negotiated solution.

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<sup>388</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 83.

<sup>389</sup> *Ivi*, 84.

<sup>390</sup> *Ivi*, 85.

<sup>391</sup> R. Nicholas Burns, “The Outlook for the Independence of Kosovo,” Statement before the House Committee on Foreign Affairs (Washington, DC: U.S. Department of State, April 17, 2007), <https://2001-2009.state.gov/p/us/rm/2007/83120.htm>.

<sup>392</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 86.

<sup>393</sup> *Ivi*, 92.

However, as will be noted in the next paragraph: “US support for independence also ensured that the Troika talks, the last chance to reach agreement between the sides, were doomed to failure even before they had begun”<sup>394</sup>.

### 3.4.2 The “Troika”

The decision by the Contact Group to hold a new round of negotiations under the auspices of a Troika of leading diplomats from Russia, the United States and the European Union, effectively marked the final chance to reach a compromise solution<sup>395</sup>.

Faced with the threat of a veto that would have humiliated the UN and divided Europe, a diplomatic “Troika” was established in August 2007. It consisted of Frank Wisner, representing the US, Wolfgang Ischinger of the EU, and Alexander Botsan-Kharchenko of Russia. The main objective was to explore, for 120 days, possible margins for diplomatic compromise in order to reach an agreement on the status of Kosovo<sup>396</sup>. During the months of their mandate, the Troika representatives scheduled a packed series of meetings to fulfill the aforementioned objective. As mentioned in the Troika's own report, which emerged on 10 December 2007: “This schedule comprised 10 sessions, six of which consisted of face-to-face dialogue, including a final intensive three-day conference in Baden, Austria, as well as two trips to the region. During the process, Belgrade was represented by President Boris Tadić, Prime Minister Vojislav Koštunica, Foreign Minister Vuk Jeremić and Minister for Kosovo Slobodan Samardžić. Pristina was represented by the “Team of Unity” composed of President Fatmir Sejdiu, Prime Minister Agim Çeku, President of the Assembly Kolë Berisha, Hashim Thaçi and Veton Surroi. The Troika appreciated the fact that both delegations were represented at the highest possible level, underlining the importance they attached to the process”<sup>397</sup>.

Interestingly, however, the United States' participation in the Troika was more about strengthening alliances with the EU than actually reaching a negotiated solution. Diplomatic cables from the time reveal that Wisner and the State Department considered the chances of success virtually nil, but accepted the process to allow the more hesitant European partners to demonstrate that they had exhausted all possible diplomatic avenues before supporting a unilateral solution. Indeed, in June 2007, before the mission even departed: “A declaration by President Bush that the United States supported independence, which was endorsed by leading EU member states and senior EU officials, effectively ensured that there was no incentive for Pristina to back down on its

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<sup>394</sup> *Ivi*, 134.

<sup>395</sup> *Ivi*, 122.

<sup>396</sup> United Nations Security Council, *Report of the European Union/United States/Russian Federation Troika on Kosovo*, S/2007/723 (New York: United Nations, December 10, 2007), 2-3.

<sup>397</sup> *Ibidem*, 3.

demands for statehood”.<sup>398</sup> Indeed, by reporting President Bush's summer words, the US political line emerges clearly, with disarming precision:

What you do is you get your diplomats working with Russian diplomats, as well as EU diplomats, to see if there is not common ground. In other words, there has to be an effort to see if we can't find a way for everybody to say, well, it's a good idea. And if you end up being in a position where you don't, at some point in time, sooner rather than later, you've got to say enough is enough, Kosovo is independent. And that's the position we've taken.<sup>399</sup>

Despite these statements, during these four months, the Troika examined alternative models for reaching an agreement. “To this end, Serbia presented a number of interesting and innovative ideas for various forms of autonomy. These included suggestions based on Hong Kong’s relationship with China and on the Åland Islands in Finland. However, these ideas were all rejected out of hand by Pristina, which remained adamant that it would not negotiate independence.”<sup>400</sup> The positions remained structurally frozen, despite Serbia offering military neutrality in exchange for maintaining formal sovereignty over Kosovar territory. “Under these circumstances it came as little surprise when after the last round of discussions, held in Austria on 26–28 November, the Troika was forced to concede defeat. Delivering their report to the UN Secretary-General on 7 December 2007, the Troika announced that their four month effort to broker an agreement, which had resulted in six face-to-face meetings between the two sides, had failed to deliver a breakthrough. As they noted, the two sides had failed to bridge their differences over the fundamental notion of sovereignty. As expected, a Security Council meeting held on 19 December to discuss the report failed to produce a last-minute compromise. After two years of effort, hopes of reaching a negotiated agreement were now over.”<sup>401</sup>

### **3.5. The declaration of Independence and the culmination of US-Nation Building**

The results of the parliamentary elections in Kosovo, gave the possibility to PDK party to partially win with a the 34% of the votes, the LDK reached 22% of the votes and they formed a coalition under which LDK leader Sejdiu continued his presidency for a five-year term. While PDK leader Hashim Thaci became Prime Minister<sup>402</sup>. As the Washington Congressional Service Report interestingly shows: “Despite some speculation that Thaci would swiftly declare Kosovo’s independence in late 2007 or early 2008, the new leadership opted

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<sup>398</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 123.

<sup>399</sup> George W. Bush and Sali Berisha, “President Bush Participates in Joint Press Availability with Prime Minister of Albania, Dr. Sali Berisha” (Tirana, Albania, June 10, 2007), <https://georgewbush-whitehouse.archives.gov/news/releases/2007/06/20070610-1.html>.

<sup>400</sup> James Ker-Lindsay, *Kosovo*, (I.B. Tauris, 2009), 123.

<sup>401</sup> *Ibidem*.

<sup>402</sup> Julie Kim e Steven Woehrel, *Kosovo and U.S. Policy: Background to Independence*, CRS Report RL31053 (Washington, DC: Congressional Research Service, June 20, 2008), 7.

for close coordination with the international community as the U.N. process played out.”<sup>403</sup> Indeed, Pristina worked closely with the US State Department and EU institutions to structure a concerted independence process. The Kosovar leadership was instructed to proclaim independence as an implementation of the Ahtisaari Plan, even in the absence of a UN resolution formally authorizing it. Naturally, this would have led Kosovo to fully accept the constraints of the Ahtisaari Plan, but at the same time, it would have allowed Kosovo to receive immediate recognition from the United States. For this reason, Pristina waited for both rounds of the presidential elections in Serbia, first on January 20 and then on February 3, before beginning the independence process. And so it happened.

At 3:39 PM on February 17, 2008, in an extraordinary session of the Kosovo Assembly broadcast live worldwide, Prime Minister Hashim Thaci read the Declaration of Independence. From this session, I quote the words of Parliament Speaker Jakup Krasniqi: “Members of Kosovo's parliament, today on February 17 2008 expressed their will, and through them the will of Kosovo's citizens, that Kosovo is a republic, an independent, democratic and sovereign state.”<sup>404</sup> The subsequent Declaration of Independence as stated here “is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement.”<sup>405</sup> Within this Declaration, the acceptance of the limitation of sovereignty through the presence of international civil and military missions is absolutely interesting, as stated in point 5 of this Declaration:

We welcome the international community's continued support of our democratic development through international presences established in Kosovo on the basis of UN Security Council resolution 1244 (1999). We invite and welcome an international civilian presence to supervise our implementation of the Ahtisaari Plan, and a European Union-led rule of law mission. We also invite and welcome the North Atlantic Treaty Organization to retain the leadership role of the international military presence in Kosovo and to implement responsibilities assigned to it under UN Security Council resolution 1244 (1999) and the Ahtisaari Plan, until such time as Kosovo institutions are capable of assuming these responsibilities. We shall cooperate fully with these presences to ensure Kosovo's future peace, prosperity and stability<sup>406</sup>.

The American direction of the event was evident in the immediate development of diplomatic recognition. Within less than a day, Secretary of State Condoleezza Rice announced formal recognition by the United States, immediately followed by Great Britain, France, and Italy<sup>407</sup>. These highly synchronized diplomatic

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<sup>403</sup> *Ibidem*.

<sup>404</sup> Jakup Krasniqi, “Declaration of Independence of Kosovo” (Pristina, February 17, 2008), broadcast by Associated Press, Video, <https://www.youtube.com/watch?v=e4eyMyQUci4>.

<sup>405</sup> Assembly of the Republic of Kosovo, “Kosovo Declaration of Independence”, February 17, 2008, <https://www.refworld.org/legal/legislation/natlegbod/2008/en/56552>.

<sup>406</sup> *Ibidem*.

<sup>407</sup> Condoleezza Rice, *Statement by Secretary of State on the Recognition of Kosovo*, U.S. Department of State, Washington DC, February 18, 2008.

recognitions inevitably led world powers to accept the fait accompli, isolating Serbia and Russia. US President Bush, speaking from Tanzania, said: “history will prove this to be a correct move, to bring peace to the Balkans.”<sup>408</sup> Subsequently, President Bush accepted the request for full diplomatic relations with the US made by Kosovo President Sejdiu’s, this led Serbia to recall its Ambassador to the United States<sup>409</sup>. In fact, with this very act, Serbia not only declared the act invalid but “sponsored a large protest rally in Belgrade on February 21, which brought hundreds of thousands of peaceful demonstrators to the streets. In the evening, a few hundred persons breached the U.S. embassy compound and set fire to the chancery building, and also attacked the missions of some other countries. Serbian riot police eventually restored order, but not before the fire had claimed the life of one protest participant”<sup>410</sup>.

It was clear that the creation of the new state would not resolve the dilemma of international legitimacy. While the aforementioned states would be followed in recognizing Kosovo by 40 other states from around the world, particularly among the EU's 27 member states, “Spain, Cyprus, Romania, Slovakia, Bulgaria, and Greece [...] expressed strong reservations.”<sup>411</sup> Precisely this lack of unity within the EU hindered the deployment of new EU missions in the country. Indeed, while UNMIK remained in place but increasingly depleted of its functions, international oversight of the territory was entrusted to the European Union through the EULEX rule of law mission and the International Civilian Office (ICO), led by Dutch diplomat Pieter Feith. At the same time, the lack of EU unity on Kosovo's status has neither prevented nor held up EU joint actions on deploying new missions to Kosovo. Peculiar is the case of the United Nations, which, maintained a strict neutral position on Kosovo's status, that was due to the fact that a substantial problem had arisen in the Kosovo dynamic. Indeed, Moscow immediately blocked Kosovo's accession to the UN, creating a permanent fracture within the UNSC. To justify Kosovo's secession, the United States and European powers promoted the doctrine of the sui generis case. A prime example of this is the statement by the Council of the European Union: “It underlines its conviction that in view of the conflict of the 1990s and the extended period of international administration under SCR 1244, Kosovo constitutes a sui generis case which does not call into question these principles and resolutions.”<sup>412</sup> In this sense, Kosovo's independence did not constitute a precedent for other secessionist regions such as Ossetia or Catalonia, but was a unique solution dictated by unrepeatable circumstances, as cited in the Declaration of Independence of Kosovo itself: “Observing that Kosovo is a special case arising from Yugoslavia's non-consensual breakup and is not a precedent for any other situation”<sup>413</sup>, where the violent

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<sup>408</sup> George W. Bush, “President Bush Discusses Kosovo” (Kilimanjaro Hotel Kempinski, Dar es Salaam, Tanzania, February 19, 2008), George W. Bush White House Archives, <https://georgewbush-whitehouse.archives.gov/news/releases/2008/02/20080219-7.html>.

<sup>409</sup> Julie Kim e Steven Woehrel, *Kosovo and U.S. Policy: Background to Independence*, CRS Report RL31053 (Washington, DC: Congressional Research Service, June 20, 2008), 21.

<sup>410</sup> *Ivi*, 17.

<sup>411</sup> *Ivi*, 16.

<sup>412</sup> Council of the European Union, *Press Release: 2851st Council Meeting, General Affairs and External Relations*, 6496/08 (Presse 33) (Brussels, February 18, 2008).

<sup>413</sup> Assembly of the Republic of Kosovo, “Kosovo Declaration of Independence”, February 17, 2008, <https://www.refworld.org/legal/legislation/natlegbod/2008/en/56552>.

dissolution of Yugoslavia, the ethnic cleansing of 1999 and prolonged international administration had created an intrinsic uniqueness.

The 2008 declaration marked the beginning of a new phase in the life of Kosovo and the entire region, but the definitive realization of its status would take place two years later. Kosovo immediately ratified a new Constitution, in accordance with the Ahtisaari Plan, which began its journey on June 15, 2008, with a particular focus on Euro-Atlantic integration<sup>414</sup>. Partial international recognition and the support of new European Union missions, however, led Serbia to shift the debate from the political to the judicial level. Indeed, in the autumn of that year, Belgrade attempted to delegitimize Kosovo's unilateral act of independence by appealing to the highest international judicial body. On October 8, 2008, welcoming Serbia's initiative, the United Nations General Assembly adopted Resolution 63/3, requesting an advisory opinion from the International Court of Justice on the issue: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"<sup>415</sup>. On 22 July 2010, the International Court of Justice issued its advisory opinion, holding by a clear majority of ten votes to four that "the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council resolution 1244 (1999) or the Constitutional Framework. Consequently, the adoption of that declaration did not violate any applicable rule of international law."<sup>416</sup>

To conclude, the historical evolution of Kosovo analyzed in this chapter, therefore structurally from the end of the Kosovo war to the 2010 Advisory Opinion of the International Court of Justice, has demonstrated the peculiarity of the US Nation-Building project in the territory. The final independence, achieved with strong US support, appeared as the apex of this Washington's strategy. The subsequent Advisory Opinion of the International Court of Justice, while legalizing this act, definitively confirming the success of the US effort, also delivered only a partial victory. Indeed, by narrowing its scope and avoiding the substance of statehood, as highlighted in the first part of the first chapter of this thesis, it created a situation where Kosovo's independence continues to clash with the *de jure* contestation of its sovereignty. A state that exists functionally and structurally thanks to enormous Western support, yet continues to exist in great precariousness due to opposition from Serbia, and especially from Russia and China. However, Kosovo's independence in 2008 would not have been achieved without the profound political, economic, and institutional changes implemented during the early 2000s through the coordinated efforts of the United States, NATO, the United Nations, and the European Union. Washington, in particular, played a leading role in nation-building, not

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<sup>414</sup> Julie Kim e Steven Woehrel, *Kosovo and U.S. Policy: Background to Independence*, CRS Report RL31053 (Washington, DC: Congressional Research Service, June 20, 2008), 16.

<sup>415</sup> International Court of Justice, *Request for Advisory Opinion transmitted to the Court pursuant to General Assembly resolution A/RES/63/3*, General List No. 141 (The Hague, October 9, 2008).

<sup>416</sup> International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, I.C.J. Reports 2010 (The Hague: International Court of Justice, July 22, 2010), 402.

simply by coordinating diplomatic efforts but by fostering the development of lasting institutional structures. The next section will therefore focus on the unique economic, political, and institutional support that made Kosovo's independence, internationally confirmed by the ICJ, possible.

### **3.5.1 Assessment of US Nation-building in Kosovo: Success or Failure?**

Nearly a decade after the 1999 NATO intervention and in the aftermath of the declaration of independence, Kosovo has represented one of the most costly and intense case studies in the history of American nation-building.

From FY1999-FY2007, the United States obligated about \$943 million in bilateral aid to Kosovo. Supplemental funding for Kosovo in FY2007 added \$189,000 in FY2007 funding. For FY2008, the United States provided an estimated \$146.8 million for Kosovo. The FY2009 request also includes over \$125 million in U.S. assistance to Kosovo to support implementation of the Ahtisaari plan<sup>417</sup>.

According to the calculations of the RAND Corporation study, carried out on the economic activities of post-conflict countries since World War II, as can be seen from the graph, “Kosovo, with the second-highest level of assistance on a per capita basis, enjoyed the most rapid recovery in levels of per capita GDP following the conflict”<sup>418</sup>.

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<sup>417</sup> Julie Kim e Steven Wehrel, *Kosovo and U.S. Policy: Background to Independence*, CRS Report RL31053 (Washington, DC: Congressional Research Service, June 20, 2008), 20.

<sup>418</sup> James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), Executive Summary xviii.

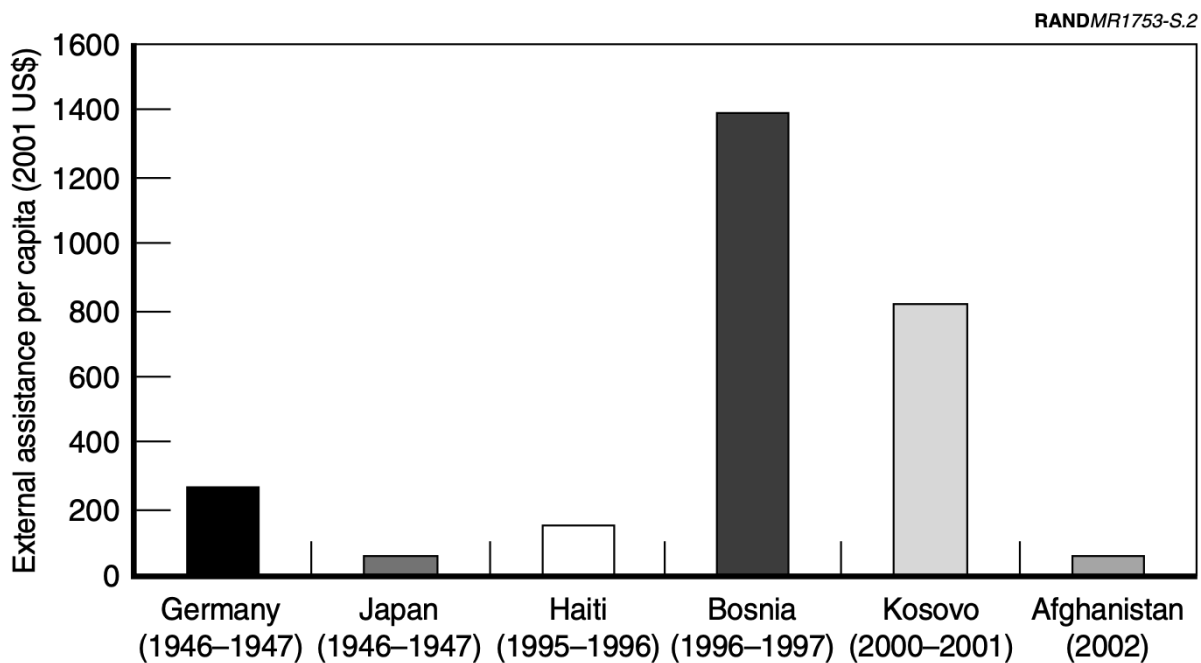


Figure 1: Per Capita External Assistance: *Source: James Dobbins et al., America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), Executive Summary: xviii <sup>419</sup>

The most unequivocal success of the US-led effort was in establishing security and building law enforcement capacity. How emerges in the study of Dilshika Jayamaha:

Overall, the U.S. involvement in Kosovo, particularly in support of developing law enforcement capacity, has been successful. As a result of the efforts of the multinational missions (all of which have had substantial U.S. involvement) and of the bilateral assistance (of which the United States has been the largest donor), Kosovo has been relatively stable and developing to the point where, with (albeit incomplete) international recognition, the province was able to declare its independence in 2008.<sup>420</sup>

The analysis continues by specifying the centrality of American action regarding the fact that: “The enforcement of law and the maintenance of order have been important in the establishment of a safe and secure environment.”<sup>421</sup> In particular, the United States played a central role in the creation of the aforementioned Kosovo Police Service (KPS), with their main commitment being precisely in the support of the OSCE Pillar III regarding the UNMIK mission in 1999. In fact, the United States emerged as “the largest contributor of police personnel to the UNMIK mission”<sup>422</sup>, and a major founder and trainer<sup>423</sup>. This effort focused on creating

<sup>419</sup>Ibidem, Executive Summary: xviii, the graph express the “Per Capita External Assistance” in postconflict countries since World War II.

<sup>420</sup>Dilshika Jayamaha et al., “Kosovo,” in *Lessons Learned from U.S. Government Law Enforcement in International Operations* (Carlisle, PA: Strategic Studies Institute, US Army War College, 2010), 95.

<sup>421</sup> *Ivi*, 96.

<sup>422</sup> *Ivi*, 100.

<sup>423</sup> *Ibidem*.

a “a multi-ethnic, effective police service (and associated institutions) that operate in accordance with democratic governance principles”<sup>424</sup>. The US achieved this through a model of shared burden and leadership. “In Kosovo, the United States achieved unity of command and broad participation on both the military and civil sides through NATO and the UN, respectively. [...] The United States ensured that the mandates and capabilities of the two functional entities, the Kosovo Force (KFOR) and the UN Interim Administration in Kosovo (UNMIK), overlapped sufficiently to prevent a gap from opening between them.”<sup>425</sup>

However, this success in structuring a functional police force, which as has been observed will still have difficulties in managing the March 2004 uprisings, starkly contrasts with the profound failure to establish the rule of law and a viable, uncorrupt economy. While the UNMIK guaranteed macroeconomic stability and adopted the euro, “in 2008 it bequeathed to Kosovo’s newly independent authorities an economy that was still small, backward and uncompetitive”<sup>426</sup>. The core problem was institutional. “The problem was not that it had wrongly designed economic institutions [...] The problem lay instead in the - enforcement characteristics - of those laws”<sup>427</sup> Eventually: “2008 Kosovo did not yet have a functioning market economy”<sup>428</sup>, because: “The institutions that emerged were extractive and inefficient, [...] Such institutions therefore misallocated resources, hampered productive entrepreneurship and discouraged investment: including foreign investment, which, given the small size of Kosovo’s GDP, *de facto* was the only source that could fund the large capital expenditure needed to decisively raise the economy’s productivity and growth potential.”<sup>429</sup> This inevitably led to very high levels of crime which impacted dramatically on the structural evolution of Kosovo.

To fully understand all these elements, it's essential to use a series of graphs I developed based on the World Bank's Worldwide Governance Indicators (WGI). These indicators are considered the gold standard for measuring the quality of a country's institutions. Specifically, based on the available data, I selected three indicators, which I will analyze below: “Voice and accountability”, “Rule of Law” and “Control of corruption”. The methodology used to study this data is interesting because none of it is generated directly by the World Bank. However, the WGI is an aggregator of data from over 30 different sources. In this specific analysis, the model used will utilize a common scale, with the x-axis representing the time span from the end of the Dayton Accords, therefore starting in 1996, to 2008, the year of Kosovo's independence. On the y-axis, there is a range of numbers where 0 is the world average, -2.5 the minimum value, and +2.5 the maximum value. Furthermore, the standard error is also present, which is exemplified by the blue confidence bands. If

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<sup>424</sup> *Ivi*, 107.

<sup>425</sup> James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), Executive Summary xxiii – xxiv.

<sup>426</sup> Andrea Lorenzo Capussela, *State-Building in Kosovo*, (I.B. Tauris, 2015), The economy of Kosovo. Page not provided, consulted on Perlego: <https://www.perlego.com/book/883631>.

<sup>427</sup> *Ibidem*.

<sup>428</sup> *Ibidem*.

<sup>429</sup> *Ibidem*.

these are very wide, it implies greater uncertainty; where they are narrower, there is less uncertainty; ultimately, one is more confident in the data. The line represents the average trend. Finally, a line graph was used because it allows us to show the annual trend for these indices and to better visualize the phenomenon's trend for these attributes.

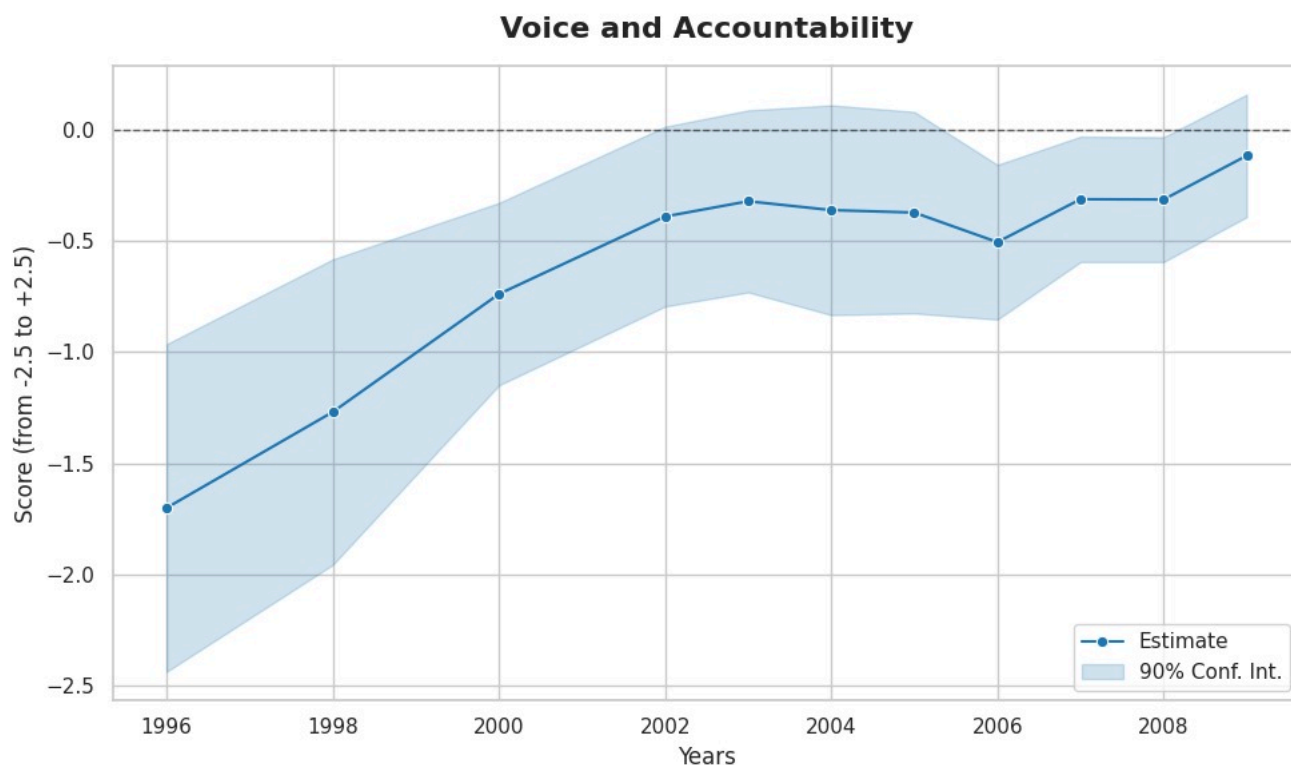


Figure 2: Voice and Accountability (1996–2008): *Source: Author's elaboration based on World Bank, Worldwide Governance Indicators (WGI)*<sup>430</sup>

In this case, it's very interesting to analyze the graph relating to "Voice and Accountability," the democracy and freedom index. Its measurement impacts the extent to which citizens can participate in choosing their government and in freedom of expression and association, as well as freedom of the press. In this case, as can be observed since the early 2000s, there has been an improvement in the state of this index, which, however, presents considerable uncertainty precisely because it has emerged from the aforementioned conflict. However, growth and stabilization since 2002 are significant, with the value reaching almost zero immediately after the declaration of independence. It's important to remember that 0 is not the maximum achievable value, but given that Kosovo is starting from a post-conflict situation, it's natural that its values haven't reached thresholds higher than the world average. Overall, the graph clearly shows that, from the perspective of the structuring of democratic institutions, the nation-building process has borne fruit. However, as we will now

<sup>430</sup> World Bank, "Voice and Accountability," *Worldwide Governance Indicators*, accessed January 20, 2026, <https://www.worldbank.org/en/publication/worldwide-governance-indicators/interactive-data-access>.

analyze in the following graphs, these institutions have remained particularly inefficient in allocating resources, keeping the “Rule of Law” and “Control of Corruption” scores well below 0.

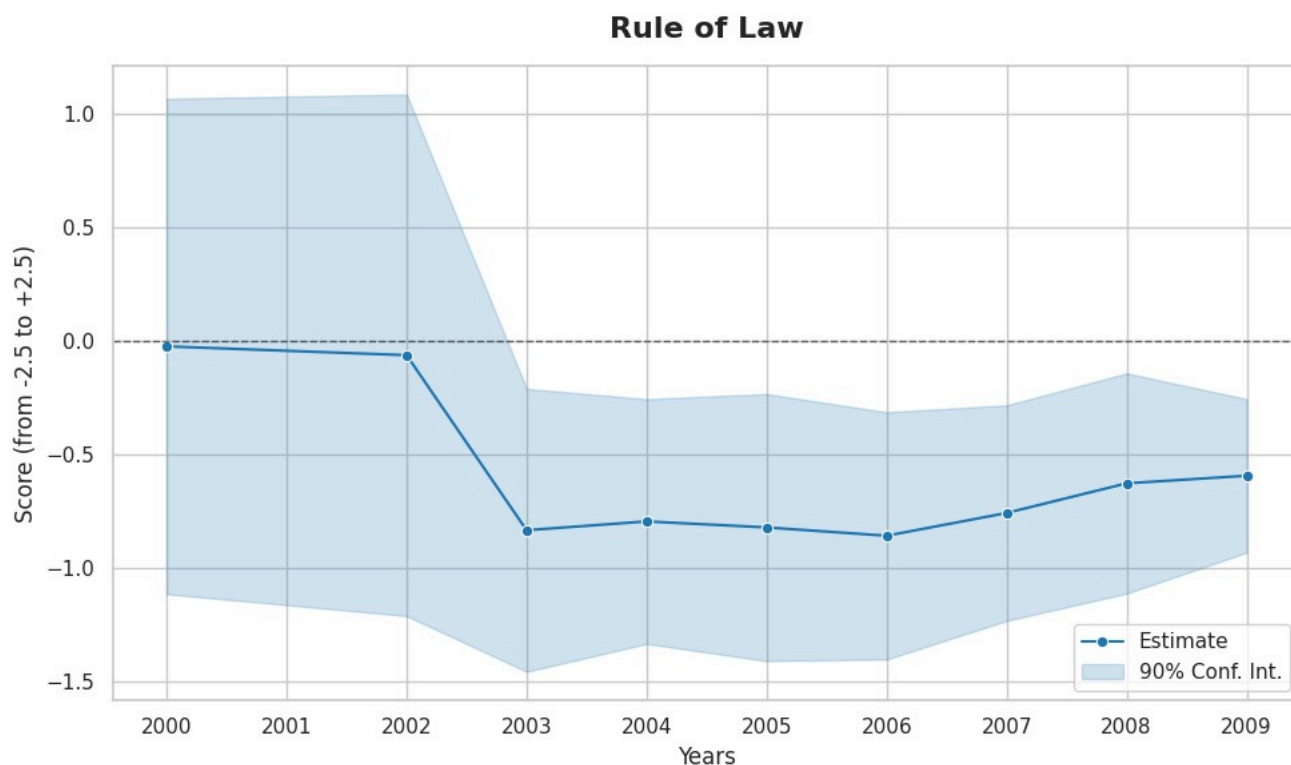


Figure 3: Rule of Law (2000–2009); Source: Author’s elaboration based on World Bank, *Worldwide Governance Indicators (WGI)*<sup>431</sup>

The substantive concept underlying the “Rule of Law” as well specified by the European Commission:

The rule of law is a well-established principle. While Member States have different national identities and traditions, the core meaning of the rule of law is the same in all of them and can be defined along six principles: legality, implying a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibition of the arbitrary exercise of executive power; effective judicial protection by independent and impartial courts with effective judicial review including respect for fundamental rights; separation of powers; and equality before the law.<sup>432</sup>

As can be seen from the graph, the standard error tends to decrease over the years, thus releasing increasingly reliable data, which, however, shows very low levels of adherence to this principle. Although in the early years of the UN protectorate, with significant US support, the “Rule of Law” values were higher, likely demonstrating greater international interest in the Kosovo issue. This decline has been due to a series of

<sup>431</sup> *Ibidem*, “Rule of Law”.

<sup>432</sup> European Commission, “What is the rule of law?,” European Commission, 2026, [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/what-rule-law\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/what-rule-law_en).

structural causes, primarily the lack of an appropriate judicial structure, as well as a progressive decline in international interest in the region, also due to 9/11 and American involvement in the Middle East. The most worrying finding is found in the following graph.

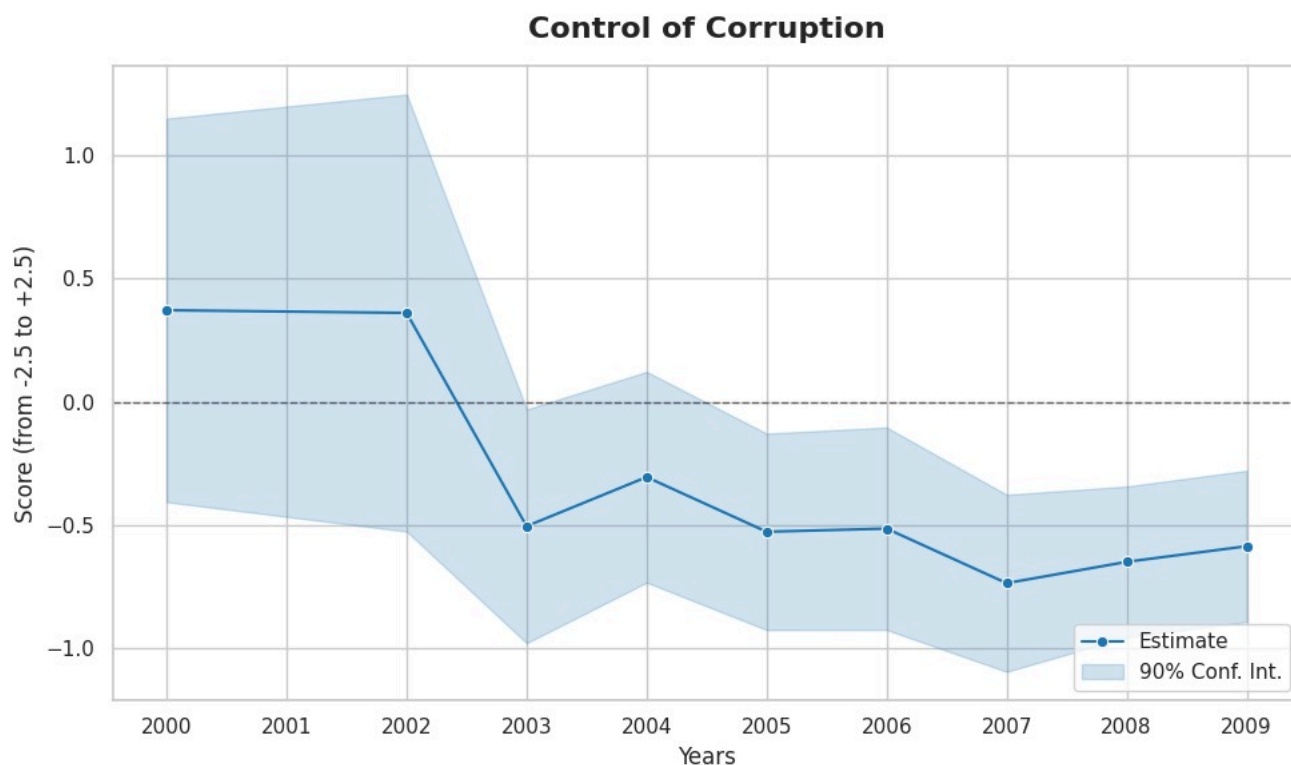


Figure 4: Control of Corruption in Kosovo (2000–2009): *Source: Author's elaboration based on World Bank, Worldwide Governance Indicators (WGI).*<sup>433</sup>

“Control of Corruption captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as – capture - of the state by elites and private interests.”<sup>434</sup> In this specific case, after a period of post-war uncertainty, for which there was little calculable data, the “control of corruption” index plummeted below zero, remaining in a constant negative trend. As also emerges from Capussela's analysis:

Corruption rose during the UN protectorate and by 2008 it was endemic in most sectors, including the judiciary. Powerful criminal groups used Kosovo as a basis or transit post for smuggling, money laundering and the trafficking of women, migrants, fuel, cigarettes, weapons and drugs: in particular, a considerable part of the narcotics that reached Western Europe from Central Asia was believed to pass through Kosovo, and large part of that trade was believed to be directly controlled by groups based there. The aggregate turnover of organized crime was estimated at between

<sup>433</sup> World Bank, "Control of Corruption," *Worldwide Governance Indicators*, accessed January 20, 2026, <https://www.worldbank.org/en/publication/worldwide-governance-indicators/interactive-data-access>.

<sup>434</sup> World Bank, "Control of Corruption: Estimate (CC.EST)," *World Bank DataBank: Metadata Glossary*.

one quarter and two thirds of GDP. Yet impunity was systematic because the judiciary and the broader law enforcement system lacked capacity, independence, accountability and therefore also integrity<sup>435</sup>.

The corruption data and the previous graphs show the inability of the institutional architecture created by the international community to address the most pressing problems of this country. For this reason, unemployment and poverty have remained dramatically high, as shown by the CRS Report of 22 July 2008:

About 45% of Kosovo's population is poor, according to the World Bank, with an income level of 43 Euro per month or less. About 15% of the population is very poor, and has trouble meeting its basic nutritional needs. Poverty is particularly severe in rural areas and among Roma and other non-Serb ethnic minorities. Unemployment in Kosovo is estimated at about 40%, according to the European Commission. Small and inefficient farms are the largest employers in Kosovo. The country has little large-scale industry and few exports, resulting in a trade deficit of close to 65% of GDP in 2007.<sup>436</sup>

It is therefore necessary to state here that the international community, in its attempt to structure concrete institutions for the democratic development of the country, has failed to make them truly effective and functional, allowing corruption to spread.

This outcome demonstrates the ambivalent nature of the American nation-building process in Kosovo. From a strictly geostrategic security perspective, this process was a success. Most notably, it halted the process of ethnic cleansing and crafted a staunchly pro-American state, further stabilizing NATO's southeastern flank. Yet, from a democratization perspective, it was a partial failure, because while institutions were built on one side, the practical development process revealed all its fragilities. Dependence on the presence and constant international aid, as was observed immediately after the Declaration of Independence, profoundly limited the country's political development. As the aforementioned CRS Report aptly describes: "Kosovo's problem is especially severe as it has had little recent experience in self-rule, having been controlled by Serbia in the 1990s and then by the international community since 1999."<sup>437</sup>

The assessment of US nation-building in Kosovo from 1999 to 2008 thus shows partial success, where the American presence allowed the creation of what I have defined as a geopolitical bastion for their regional influence. This process, culminating in independence in 2008, but profoundly marked by the fragility of vital state structures and by that strong ethnic cleavage that has always been the *fil rouge* of this thesis, has demonstrated a powerful truth. That is, international powers, even the strongest, like the United States, can

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<sup>435</sup> Andrea Lorenzo Capussela, *State-Building in Kosovo*, (I.B. Tauris, 2015), The political institutions, the judicial system and society. Page not provided, consulted on Perlego: <https://www.perlego.com/book/883631>.

<sup>436</sup> Steven Woehrel, *Kosovo's Independence and U.S. Policy*, CRS Report RS21721 (Washington, DC: Congressional Research Service, July 22, 2008), 5.

<sup>437</sup> *Ibidem*.

engage in state-building, structuring their economies and key institutions, and even training the police forces. However, they cannot rebuild the intrinsic social contract that holds an entire nation together. Kosovo has thus proven to be a country capable of functioning primarily with external support, demonstrating all the limitations of a nation-building process that has nevertheless inextricably shaped the region's fate.

Without the American foreign policy, Kosovo issue would not be a discussion topic in the international area, and it would not come to any final solution.<sup>438</sup>

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<sup>438</sup> [author missing], US Foreign Policy Interests on the Crisis and the Kosovo War, (GRIN Verlag, 2021), 11.

## Conclusion:

This thesis was written out of a need to fully understand how American nation-building impacted the structuring of the new state of Kosovo. This nation-building effort began in the late 1990s and evolved in a virtually paradoxical manner, creating a state where none formally existed, and which would only gain independence in 2008.

In order to better understand the context within which this intervention occurred, it was fundamental to undertake a thorough historical analysis of the region. This required an examination of the profound impact of ethnic complexity on the development of the distinctiveness of the Kosovar case in its entirety. The analysis conducted in the first chapter demonstrated the strong historical coexistence of different identities in the Kosovar territory, understood as a crossroads of peoples due to its geostrategic dynamics within the Balkans. On the one hand, the Serbian contingent that made the Battle of Kosovo Polje in 1389 legendary, relinquishing control of the cradle of their Orthodox Church, which had been in the hands of the Ottomans for five centuries. This cultural and historical revanchism would be politically exploited by the figure of Milosevic, who would recall the mythological origins of Serbian nationalist greatness, to establish himself as the protector of the Serbian minority after the death of Josip Broz Tito in 1980. Tito's Yugoslavia, which developed in the aftermath of World War II, had seen the co-presence of Nazis and Fascists in the region, which paradoxically had given space to Albanian cultural development at the expense of Serbian repression. This Yugoslavia would be able to guarantee an ethnic stability that was unprecedented in the area. For years, Tito's charismatic figure, also structured by the doctrine of "Brotherhood and Unity", cemented the complex architecture of the whole Yugoslavia. Furthermore, the support received from the United States guaranteed Tito massive economic and strategic support which permitted the regime to legitimize on the international scale the Yugoslavian "third way" of non-alignment. Finally, the uniqueness of Tito's approach towards Kosovo was the 1974 Constitution, that transformed Yugoslavia into a *de facto* confederation, drastically reducing Belgrade's powers, redefining the role of the socialist autonomous provinces of Kosovo with quasi-state prerogatives. However, the vacuum of power that was created with the death of Tito was not filled by the action of the central power of Yugoslavia, which was unable to stabilize the federation and manage the divergencies between the various republics. As well, the lack of understanding of the economic, ethnic, and political dynamics of the international community concerning the region led to the inevitable consequences of the Yugoslav wars.

The analysis presented in the second chapter demonstrates that these wars should not be viewed as isolated events, but rather as precursors to crises that would later affect the entire continent. These crises have been exemplified by the fragility of multi-ethnic societies in the face of ever-increasing aggressive populism, and the impotence of supranational institutions. The centrality of the ethnic cleavage has proven not necessarily to be the primary cause of the conflict, but certainly its main political instrument. The drama of the conflicts

culminating in the Srebrenica massacre of 11 July 1995, the impotence of the UN and EU mediations allowed the decisive entry of the United States in marking the beginning of a new era of American involvement in the Balkans. NATO Operation Deliberate Force will allow the process of ending the first part of the Yugoslav Wars to be realized by bringing the various parties to the conflict to the negotiating table of the Dayton Accords. These agreements will therefore inaugurate a phase in which Washington will no longer limit itself to mediation but will begin to adopt strong measures to resolve subsequent crises in the region. However, the very exclusion of the Kosovo issue from Dayton led to the Kosovar population's progressive abandonment of the peaceful protests led by Rugova and the pursuit of armed conflict against Milosevic's Serbian forces through the operations of the Kosovo Liberation Army. This was the turning point that allowed American diplomacy to utilize the Atlantic Alliance's new role in the last conflict of the Yugoslav Wars, the conflict in Kosovo. Following the failure of the Rambouillet negotiations, NATO evolved into a peace-enforcement instrument led by the United States. Intervening unilaterally with the "Allied Force Operation" during the Kosovo war, and without an explicit UN mandate, NATO used armed force through 78 days of air bombing against Milosevic's Serbian forces, not only to halt the humanitarian catastrophe but to reshape the geopolitical balance even outside its area of competence and resolve problems of instability through the establishment of the international protectorate over Kosovo.

Finally, the third chapter sought to answer the research question articulated in the introduction, demonstrating how the United States structured its nation-building project in Kosovo, with all its inevitable limitations. By examining the transition from the UNMIK interim administration with the support of KFOR operations, starting with UNSC Resolution 1244 of 1999, to the declaration of independence on February 17, 2008, it emerged how the US strategy was guided by the need to build a geopolitical bastion of Euro-Atlantic stability. However, this path has been marked by complex moments, starting with the 2001 elections, continuing through the "Standard before status" doctrine, and culminating in the dramatic March 2004 riots. This traumatic event forced a change of pace in the independence process for the state of Kosovo, still de jure within the Federal Republic of Yugoslavia. Indeed, Washington, together with the UN and the EU, understood that diplomatic limbo was no longer sustainable, and that independence should not emerge from a fully accomplished process of democratization, but rather that achieving such independence was the key prerequisite for the region's subsequent democratic development. Supporting this thesis were the Eide Report and the Ahtisaari Plan, which led to the Vienna Negotiations, which concluded with the Troika's final attempt to find a diplomatic solution to the status issue. The result of this paradigm shift ultimately led to the Declaration of Independence of February 17, 2008, and the subsequent validation by the International Court of Justice.

However, this nation-building process, as evidenced by the economic data presented in the final section of the third chapter, has been a partial American success. While the enormous injection of political, financial, and military capital has profoundly impacted Kosovo's structural development, ensuring an end to large-scale inter-

ethnic violence and geopolitical alignment with the West, the persistence of high unemployment rates and widespread corruption have limited the latter's growth. Nation-building has thus enabled the establishment of formal institutions in Kosovo, but has not afforded the autonomy and endogenous cohesion that allow the aforementioned state to avoid dependence on the continued support of the international community.

In conclusion, the full history of Kosovo has served to understand its developments up to the Declaration of Independence in 2008, developments that certainly would not have been possible without the American support. At the same time, as it has been observed, Kosovo itself appeared functional to the US because it allowed it to engage in NATO's new strategic role, starting precisely from the war on Kosovar territory. The United States has invested in the Kosovo region to establish a geopolitical counterbalance to the Serbo-Russian dualism. However, these investments have not enabled the country to develop its institutions to a sufficient extent, resulting in a significant degree of dependency on external support, both economically and politically. This nation-building process thus demonstrates all its criticisms, essentially confirming the principle that this externally driven process cannot entirely replace the overall development of a state.

For this reason, it was essential to analyze this process, to provide a real and concrete contribution to the inherent problems of external nation-building and to serve as a fundamental guide for the future development of this practice. While it can truly be functional to the recovery of a state, the interests of the powers that provide assistance in the region can profoundly impact the final outcome of nation-building.

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