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KOSOVO

Kosovo, a small land-locked region of the western Balkans, has become the focus of international attention as enmity between the majority ethnic-Albanian population and the Serbian authorities has burst into violence, with potential to threaten wider regional security. This paper analyses the historical background to this conflict and its more recent political origins, before discussing the strengths of the opposing sides. It then examines international diplomatic and regional reactions, including the possibility of some form of international military intervention in the region, and concludes with an overview of possible outcomes to the crisis.

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Summary

The conflict between ethnic-Albanians and Serbs in the Yugoslav province of Kosovo has become the main flash point in Europe. The ethnic-Albanian population represents around 90 per cent of the province's population, but the Serbs maintain strong emotional ties to what they see as the cradle of the Serbian nation.

Within Tito's Yugoslavia, Kosovo enjoyed extensive autonomy, but that status was revoked in 1990 by the nationalist President of Serbia, Slobodan Milosevic. In response, the Kosovar Albanian leadership adopted a policy of passive resistance and established a parallel shadow administration. The Kosovar Albanians declared independence in September 1991, but did not gain international recognition. Mounting frustration has led some Kosovars to adopt a more militant strategy of violent confrontation with the Serbian authorities, as witnessed by the rise in support for the Kosovo Liberation Army (KLA).

KLA activity has increased steadily since 1996. The current crisis arose following a crackdown by Serbian security forces on alleged KLA members and sympathisers in late February and early March 1998. The international community responded by imposing sanctions on the rump Yugoslavia and called for talks between the two sides on the restoration of Kosovo's autonomous status. Negotiations were started in April, but failed to make progress, leading NATO to consider military action to limit or resolve the crisis. The options under consideration include deploying forces to neighbouring countries to prevent the conflict from widening, and launching air strikes against Serbian forces in Kosovo itself, although opinions vary on the legality of such an operation.

Nevertheless, the violence has continued to escalate, with the KLA gaining control of large areas of central and western Kosovo. The number of refugees fleeing the crisis is increasing steadily and is currently estimated at around 80,000. In light of the continued fighting, international attention is now focused on arranging a cease-fire, which will require the establishment of reliable links with the poorly co-ordinated KLA. NATO planning is continuing in case diplomatic efforts fail to deliver a solution, and teams of international observers are to be deployed to the region to monitor the situation on the ground, as the crisis continues to develop.

I Introduction

The situation in the predominantly ethnic-Albanian Yugoslav province of Kosovo became an international crisis earlier this year when Yugoslav security forces began military operations to quell the growing power of the Kosovo Liberation Army (KLA), which stands for Kosovo's independence.¹ This followed a decade of rising political tensions in the province. Scenes of shelled and burnt villages drew emotional and political parallels with the outbreak of bloody and protracted conflicts elsewhere in the Former Yugoslavia, in Croatia in 1991 and Bosnia in 1992, which the international community, by its own admission, failed to prevent. Whereas the conflicts in Croatia and Bosnia, at least from a military perspective, were relatively contained within the boundaries of the two states, it is feared that the outbreak of conflict in Kosovo may spread more widely and pose a far greater threat to regional security. This is primarily due to the links between the ethnic-Albanian or Kosovar inhabitants of Kosovo, the neighbouring state of Albania and the sizeable Albanian minority in Macedonia.² The latter state, in turn, is also ethnically divided and the subject of latent territorial disputes with its neighbours. In the late nineteenth and early twentieth centuries the disputed boundaries in this region led to repeated wars. In short, the worst outcome of the current crisis could be a wider Balkan War, potentially involving Albania, the Federal Republic of Yugoslavia, Macedonia, Greece, Turkey and Bulgaria.

The aim of the international community is to prevent this long suggested scenario from becoming reality by diplomatic and possibly military means. A barrier to its efforts is the very complexity of the situation in the western Balkans, where relations between states and ethnic groups within them are often multidimensional and where history and myth are often hard to separate.

¹ KLA or Ushtria Çlirimtare ë Kosovës - UÇK in Albanian.

² To avoid confusion the Albanians in Kosovo are referred to as 'Kosovars' and those in other countries as ethnic-Albanians, whereas the term 'Albanian' on its own is used purely to denote inhabitants of Albania. In this paper, for convenience, the Former Yugoslav Republic of Macedonia (FYROM) is referred to as 'Macedonia' throughout.

II The Origins of Kosovar-Serb Antagonism

The antagonism within Kosovo between the predominantly Muslim ethnic-Albanians and the Eastern Orthodox Serbs has proved so intractable because both sides have strong attachments to the region and are reluctant to acknowledge the other side's point of view. The correct name for the region is also open to debate: it is known as *Kosova* to the Kosovar Albanians and as *Kosovo-Metohija*, or *Kosmet*, to the Serbs.

The reasons for the dispute are neither strategic nor economic: Kosovo is geographically small and of little geopolitical importance - while it is relatively rich in minerals³ and possesses good agricultural land, chronic overpopulation has helped make it one of the poorest areas in the former Yugoslavia.⁴ Instead, the dispute hinges on political, demographic, historical and, particularly for the Serbs, religious and emotional factors.⁵

The Serbs view Kosovo as an integral part of their nation and history and are convinced there is ample historical and cultural evidence to justify their belief that Kosovo was the cradle of the modern Serbian nation. Indeed, some Serb commentators make a comparison with the significance for Jews of Judea and Samaria in the Israeli Occupied Territories. Therefore, any move by a Serb politician to renounce Serbia's claim to Kosovo would be seen by many Serbs as tantamount to renouncing the country's national heritage.

Serb historiography maintains that Slavs first settled in Kosovo during the sixth and seventh centuries while the region was under Byzantine rule. When the region was integrated into Serbia in the late twelfth century the Serbs proceeded to establish an extensive cultural and religious presence, including a number of important Orthodox churches, monasteries and palaces at Pec, Prizren and Visoki Decani.

Serbia's rule over Kosovo came to an end following the defeat of the Serbs by the Ottoman Turks at the Battle of Kosovo Fields (Kosovo Polje) in 1389, an event that has now entered into Serb folklore. According to Serb historians, the Albanian population only settled in Kosovo during the subsequent centuries of Ottoman rule with the aim of expelling the indigenous Serb

³ Kosovo has 50 per cent of all known nickel deposits in the former Yugoslavia, 48 per cent of the lead and zinc, 47 per cent of the magnesium and 36 per cent of the lignite. Miranda Vickers, *Between Serb and Albanian: A History of Kosovo*, 1998, p xv.

⁴ The total area of Kosovo is little over 10,000 square kilometres, or 12.3 percent of the area of Serbia.

⁵ Prior to 1998 British academic interest in Kosovo was relatively sparse, although two books have appeared recently. See Noel Malcolm, *Kosovo: A Short History*, 1998 and Miranda Vickers, *Between Serb and Albanian: A History of Kosovo*, 1998.

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population. The return of Kosovo to Serbian control in 1912 was portrayed as the liberation of the region following centuries of Muslim oppression.

The process of "Albanianisation" of Kosovo is perceived by the Serbs to have continued during the twentieth century due to the high birth rate among the ethnic-Albanian population.⁶ The precise size and composition of the population in Kosovo is difficult to establish as the most recent comprehensive census was carried out in 1981. A census conducted in 1991 was boycotted by the Kosovar Albanians, but it is commonly believed that the total population numbers approximately 2,150,000 of which roughly 90 per cent are ethnic-Albanians. The remainder consists of Serbs, Montenegrins, Turks and non-Albanian Muslims.⁷ According to official Yugoslav estimates, the Albanian population in Kosovo will reach approximately 2,600,000 by the year 2001 and will continue to expand. Serb historians contend that the change in Kosovo's demographic make-up from 1912, when 48 per cent of the population was ethnic-Albanian, represents a subtle form of ethnic cleansing with the aim of expelling the Serbs from what one Serb commentator has called "a region which not only constitutes the historical cradle of the Serbian state, but is an integral and inalienable part of the territory of the Republic of Serbia and the Federal Republic of Yugoslavia."⁸

By contrast, the Kosovar Albanians believe they are the indigenous people of Kosovo and claim they are descended from the ancient Illyrians who inhabited the area from the Bronze Age through to the arrival of the Serbs in the fifth and sixth centuries. The movement of ethnic-Albanians into the region during the period of Ottoman rule is portrayed as their return to the homeland of their Illyrian ancestors. During the Italian occupation of the region in World War II, Kosovo formed part of Greater Albania, along with parts of Macedonia and Montenegro, but it was integrated into Yugoslavia in 1945.

The ethnic-Albanian population in the Balkans is thought to number slightly less than six million spread across six countries with the population in Kosovo forming the largest outside Albania itself. The breakdown is approximately: 3,080,000 in Albania proper; 1,800,000 in Kosovo; 440,000 in Macedonia; 100,000 in Italy; 50,000 in Greece (plus 300,000 Albanian migrant workers); 80,000 in Serbia outside Kosovo; 40,000 in Montenegro.⁹ The high Albanian birth rate is an important geopolitical factor, not just in Kosovo but throughout the region. However, the Albanian nation is far from homogeneous, divided as it is by tribal and religious differences. Historically speaking, the principal rivalry is between the Gëgs and the

⁶ According to UNICEF figures, Kosovo has the highest birth rate in Europe (23.1 per 1000 in 1989). Around 45 per cent of Kosovars are under the age of 18, and 70 per cent are under the age of 30. International Crisis Group website: <http://www.intl-crisis-group.org/>

⁷ International Crisis Group website: <http://www.intl-crisis-group.org/>

⁸ Bojana Adamovich, *Expulsion of Serbs and Montenegrins from Kosovo and Metohija - the most sweeping ethnic cleansing in Europe*, <http://www.yugoslavia.com>

⁹ *Transition*, Vol. 3, No. 4, 7 March 1997.

Tosks.¹⁰ Of the ethnic-Albanian population in Macedonia, Albania, Kosovo and Montenegro, 80 per cent have a Muslim background, 12 per cent an Orthodox and eight per cent a Catholic background. Within Kosovo the breakdown is believed to be approximately 95 per cent Muslim and five per cent Catholic, although in reality few Kosovar Albanians are practising Muslims. The concept of pan-Albanianism is therefore at least partially flawed on religious and tribal grounds.

The historical claims to territory by Albanians in the Balkans are also fragile and, like those of the Serbs and other ethnic groups, are open to dispute. Most of the major population groups in the Balkans have undertaken mass migrations at some stage during their history and, as Noel Malcolm comments, "it makes no sense to base claims of modern political ownership on the geography of long-gone kingdoms or empires".¹¹ Furthermore, Malcolm notes

There have been many battles and wars in Kosovo over the centuries, but until the last 100 years or so none of them had the character of an 'ethnic' conflict between Albanians and Serbs. Members of those two populations fought together as allies at the battle of Kosovo in 1389 - indeed, they probably fought as allies on both sides of that battle, some of them under Prince Lazar [of Serbia] and others under the Ottoman Sultan...[T]he Slav and Albanian mountain clans ...had long traditions of co-operation and intermarriage, and, in some cases, legends of common ancestry. And over many centuries in Kosovo the ethnic divisions between Serbs and Albanians were never entirely clear-cut.¹²

Therefore, the common perception in the West that the current conflict in Kosovo is the product of deep-seated religious and ethnic hatreds dating back many centuries is not supported by history. Only in the nineteenth century, with the rise of nationalism, did the issue become politicised and relations between the two ethnic groupings soured.

In the latter half of the twentieth century the divisions between Serbs and Albanians in Kosovo have deepened and intermarriage has become rare. As a result, the establishment of a parallel society by the Kosovar Albanians from 1990 was facilitated by the existing segregation of the two communities.

¹⁰ Within Albania itself, the Gëgs inhabit the primarily mountainous regions of northern Albania, while the Tosks inhabit the low-lying southern regions.

¹¹ Noel Malcolm, *Kosovo: A Short History*, 1998, p xxxi.

¹² *ibid*, p xxix.

III Modern Kosovo

A. Kosovo under the 1974 Yugoslav Constitution

Prior to 1989 the Socialist Federal Republic of Yugoslavia consisted of six republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia) with Kosovo and Vojvodina attaining the status of autonomous provinces within the Serbian Republic from 1974. In the post-war period Kosovo and Vojvodina were simply regions within Serbia, but initial revisions were made to the Yugoslav constitution in 1967 before a new constitution was introduced in 1974, expanding the powers of the republics and establishing the autonomous provinces. Kosovo remained part of the Serbian Republic, but was elevated to a full constitutive element of the Federation with its own constitution and assembly. It was also given a separate representation in the Federal Chamber of the Yugoslav Assembly, a separate seat on the Yugoslav collective presidency, and equal status in most areas of economic decision-making. In addition, Kosovo was granted its own education system, national bank and supreme court, and the right to observe Islamic holy days. The new constitution also gave equal status to the Albanian language, enabling Albanian literature and culture to flourish.

A policy of positive discrimination in favour of the Kosovar Albanian population was adopted to ensure that ethnic representation in the public sector reflected the ethnic balance in the republic. However, the 1974 constitution was essentially unsatisfactory to both communities in Kosovo as it failed to satisfy the Kosovar Albanians' demand for a separate republic and fostered a sense of insecurity and separation from Serbia among the Kosovo Serbs.

Despite the extensive autonomy granted under the constitution, Kosovo was not given the legal status of a fully-fledged Republic. The reason for this rests with the nature of the Yugoslav federal system, which differentiated between nations and nationalities. Malcolm defines the difference in the following way:

A nation [in Serbian: *narod*] was potentially a state-forming unit...and therefore retained some ultimate right of secession when it formed a republic in a federation. A nationality [in Serbian: *narodnost*], on the other hand, was a displaced bit of a nation, the main part of which lived elsewhere: it could not be a constituent nation in a federation, and could not have a federal unit of its own. The Kosovo Albanians were a nationality, because the 'nation' of Albanians had its own state in Albania.¹³

¹³ Noel Malcolm, *Kosovo: A Short History*, 1998, pp 327-8.

There was also a fear within the Yugoslav leadership that granting Kosovo republican status could provoke unrest in Serbia and among the Serb population in Kosovo itself.¹⁴

Following the death of Tito in May 1980, growing dissatisfaction with the status quo among the Kosovar Albanians led to popular unrest during March 1981 that started in Pristina and soon spread to the other main towns. In response the Federal authorities imposed a curfew and deployed tanks on the streets, prompting Kosovar Albanians to denounce the move as a military occupation. Mutual recrimination between the two communities in Kosovo increased in the aftermath of the violence and the poor economic situation only served to increase the tension. In the early 1980s there were an estimated 250,000 unemployed people in the province out of a total population of 1.5 million.¹⁵

B. The Removal of Kosovo's Autonomy

The situation in the province remained tense but relatively peaceful until the rise to prominence during 1987 of the then head of the Serbian communist party, Slobodan Milosevic. By successfully manipulating the fears and prejudices of the Serb population, Milosevic won wide popular backing culminating in his victory in the Serbian presidential elections of 1989.

One of the central planks of Milosevic's political platform was a call for Serbia to reassert its authority by ending the autonomy granted to Kosovo under the 1974 constitution and subjugating the region to Serbian control. During a speech in April 1987 to commemorate the Battle of Kosovo Fields, Milosevic called on the Serb population in Kosovo to stand up to the perceived repression inflicted by the Kosovar Albanians: "You shouldn't abandon your land just because it's difficult to live, because you are pressured by injustice and degradation...No one should dare to beat you."¹⁶

Regular demonstrations organised by Milosevic and his supporters were held in Serbia, calling for amendments to the Serbian Constitution, and a petition was prepared by over 60,000 Kosovo Serbs warning that they were no longer prepared to endure the "genocide" being inflicted on their community by Albanian nationalists. In November 1988 it was announced that Milosevic had dismissed two members of the Kosovar Albanian leadership and replaced them with his own supporters. The Kosovar Albanian population responded with widespread demonstrations, culminating in a general strike in February 1989.

¹⁴ This remains an issue in the current situation with some commentators suggesting that Kosovo be granted republican status. However, such a move would be unacceptable to the Serbs, as it would thereby grant Kosovo the *de facto* right to follow the example of Bosnia and Herzegovina, Croatia, Macedonia and Slovenia by seceding from Yugoslavia.

¹⁵ Noel Malcolm, *Kosovo: A Short History*, 1998, p 337.

¹⁶ Laura Silber and Allan Little, *The Death of Yugoslavia*, 1995, p 37.

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Serbian steps to remove Kosovo's autonomy began in March 1989 with a series of amendments to the Serbian constitution that undermined the province's position as one of Yugoslavia's eight federal units. The province was renamed Kosovo-Metohija, the traditional Serb name for the region, prompting widespread rioting by Kosovar Albanians and further police repression by the Serbian authorities.

Tension increased during early 1990 when further demonstrations by Kosovar Albanians degenerated into violence, leading to a crackdown by the security forces. 31 people died as a result and hundreds were injured.¹⁷ In an attempt to defuse the situation, the Serbian authorities released Adem Demaçi, the leader of a group advocating unification with Albania, who was jailed in 1964. Following his release in April 1990, Demaçi continually stressed the need for a non-violent approach to the crisis, marking a shift by the Kosovar Albanian leadership to a strategy of passive resistance.

The crisis took a decisive turn on 5 July 1990 when the Serbian government dissolved the provincial government and assembly in Kosovo. Direct rule over the province was imposed from Belgrade and on 28 September 1990 a new Serbian constitution was adopted, giving Kosovo-Metohija and Vojvodina the status of regions within Serbia. According to Vickers:

The provinces were given the usual characteristics of territorial and political autonomy with their own statutes, parliaments elected in general elections, and executive and administrative bodies (Articles 108-112). Members of ethnic minorities were guaranteed the following collective rights: official use of their mother-tongue (Article 1, Para.2); to be educated in their mother-tongue (Article 32, Para.3); and freedom of religion (Article 41).¹⁸

In practice, though, the right to Albanian language education was all but nullified by the decision of the Serbian authorities to introduce a new school curriculum in Kosovo, including a significant reduction in the teaching of the Albanian language, history and literature. Ethnic-Albanian children were not allowed to enter secondary education unless they passed Serbian language and literature exams.¹⁹

Therefore, the new constitution fell a long way short of satisfying the demands of the ethnic-Albanians for self-determination and demonstrations continued. The Kosovar Albanian government and assembly elected to go underground, with the aim of establishing a covert parallel political system funded by a network within the Albanian community in Germany, Switzerland, Albania and Macedonia. On 7 September 1990 the legislature met in secret to

¹⁷ Miranda Vickers, *Between Serb and Albanian: A History of Kosovo*, 1998, p 242.

¹⁸ *ibid*, p 245.

¹⁹ *ibid*, p 247.

proclaim a new constitutional law elevating Kosovo to the status of a republic within the framework of Yugoslavia. The new law provided for an assembly and an elected presidency, and stated that any laws emanating from Serbia and Yugoslavia would have to conform to the republic's new constitution. Serbia responded by introducing 'emergency measures' in Kosovo including the mass dismissal of Kosovar Albanians from their jobs and the closing down of Albanian-language print and broadcast media.

C. Kosovo After the Collapse of the Former Yugoslavia

The decision by Slovenia and Croatia in June 1991 to declare independence from Yugoslavia radically altered the stance of the Kosovar Albanian leadership in favour of full independence. On 22 September 1991 the Kosovar Albanian parliament adopted a 'Resolution on Independence and Sovereignty of Kosovo', which was put to the population in a covert referendum between 26 and 30 September. The result was 99.87 per cent in favour of independence with 87.01 per cent of the registered voters in Kosovo participating.²⁰ Independence was declared by the shadow Kosovar parliament on 19 October 1991. On 23 December 1991 Kosovo appealed to the European Community to extend recognition but was rejected on the grounds that Kosovo's lack of status as a constituent Yugoslav republic meant it was not eligible for consideration as an independent state.

During the autumn of 1991 the fighting in Croatia threatened to spread to Bosnia, leading some Kosovar Albanians to call for the opening of a southern front against the Serbs in Kosovo. The cost of maintaining a strong security presence in Kosovo was proving to be a serious drain on Serbia's weakened economy. Over one-fifth of the 1991 Serbian budget was swallowed up by the costs of policing the province and bringing in Montenegrin and Serb workers to replace sacked Kosovar Albanians.²¹

On 24 May 1992 clandestine elections were held as part of the Kosovar Albanians' non-violent strategy aimed at establishing unofficial, but representative, institutions in Kosovo and at gaining international support and recognition. The election, declared illegal by the Serbian authorities, was for a parliament with 130 seats and for a president. Of the 130 seats, divided among 29 constituencies, 30 had been set aside for representatives of ethnic minorities and minor parties.

The election was dominated by the Democratic League of Kosovo (LDK) under its pacifist leader, Dr Ibrahim Rugova. Born in 1944, Rugova became a professor of Albanian literature and a writer before moving into politics in the late 1980's. He was elected leader of the LDK, the first non-communist party in Kosovo, in December 1989. His party's strategy of non-violence against

²⁰ Miranda Vickers, *Between Serb and Albanian: A History of Kosovo*, 1998, p 251.

²¹ *ibid*, p 253-254.

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the Serbian authorities won widespread backing from the Kosovar Albanian population with 96 seats in the parliament. Rugova was the only candidate for the presidency and is reported to have received 99.5% of votes cast.²² It is believed that the Serbian authorities tolerate Rugova's activities partly because of his immense popularity among the Kosovar Albanian population and partly out of fear that his removal would clear the way for more hard-line advocates of violent means.

Whatever the political developments Kosovo, remained largely peaceful whilst the old Yugoslavia disintegrated and war broke out first in Croatia, in 1991, and then in Bosnia in the following year. During the period 1992-1995 there were very few armed incidents between the Kosovar Albanians and the Serbian authorities in Kosovo and those that did occur could often be attributed to traditional local feuding and a suspicion of authority of any kind. Yet the international community was acutely aware of the potential explosiveness of the situation in Kosovo and the implications of any conflict there for regional security. This perceived threat prompted President Bush to issue his Christmas warning to President Milosevic in December 1992 to the effect that the US government would take unspecified military action against Belgrade if a crackdown were ordered in Kosovo.²³ Yet, whilst Serbia was engaged militarily and politically in Bosnia and Croatia, Milosevic perhaps did not have the resources to support a policy of military repression in Kosovo. In any case, there may have been no particular reason; prior to 1996 the Kosovar Albanians pursued a non-violent political campaign and were largely passive.

In a separate development in 1992, the international community sought to shore up the fledgling state of Macedonia by dispatching a small contingent of peacekeepers to serve along its border with the rump Yugoslavia. This represented the first case of UN forces being deployed in a preventative manner prior to any outbreak of fighting. Although the shadow Kosovar government had hopes for a similar deployment to Kosovo, these were quickly dashed; the UN had no mandate for sending forces to Kosovo as it was constitutionally part of Serbia and the Government in Belgrade had refused to accept any foreign intervention on Serbian soil.

International mediators did have a limited role to play in the long-running dispute over Albanian-language education at the university in Pristina that threatened to boil over into violence. In 1991 the Serbian authorities decreed that no Albanian students would be permitted to register at the university from the start of the 1991/1992 academic year, provoking violent demonstrations among the Kosovar student community. In November 1991 the students and staff decided to establish a parallel Albanian-language university, resulting in total segregation. During 1996, however, the Belgrade Government agreed to permit representatives of the Catholic Sant'Egidio community to begin negotiations on finding a solution and in September 1996 an agreement was reached between the Serbian President Milosevic, and Rugova, allowing

²² *Summary of World Broadcasts*, 28 December 1991.

²³ *Reuters*, 5 March 1998.

for the return of Albanian students to schools and universities.²⁴ However, the agreement met with strong resistance from Serb students and staff and its implementation was suspended. Vincenzo Paglia from the Sant 'Egidio community succeeded in reviving the agreement on 23 March 1998, but was met with further demonstrations by tens of thousands of Serbs, who denounced the agreement as a betrayal of the Serbs in Kosovo and a concession to "separatist terrorists".²⁵

D. The Emergence of the KLA

By early 1996 increasing disillusionment among the Kosovar Albanian population at the lack of real progress towards independence began to translate into support for a more aggressive policy of armed resistance to the Serbian authorities. The strategy of passive resistance pursued by the shadow Kosovar administration was further damaged in April 1996 by the decision of the EU member states to extend recognition to the Federal Republic of Yugoslavia. Prior to that point the Federal Republic of Yugoslavia had failed to secure international recognition as the legal successor to Yugoslavia and the right to occupy its seat at the United Nations. UN Security Council Resolution 777 of September 1992 stipulated that the former Yugoslav federation had ceased to exist and that the Federal Republic of Yugoslavia had no automatic succession rights. On 9 April 1996 the United Kingdom announced that it was recognising the Federal Republic of Yugoslavia as a "sovereign independent state" and that it would be upgrading its diplomatic representation in Belgrade to ambassador. The move was interpreted by the Kosovar Albanians as tantamount to extending recognition to Serbia's 'occupation' of Kosovo.

Meanwhile, a number of attacks were carried out on Serb targets during April 1996. The Kosovar leadership moved swiftly to deny any involvement by ethnic-Albanians, maintaining that Serbia was using the incidents as a pretext for further repression.²⁶ Belgrade, on the other hand, claimed that the violence was the work of the secretive Kosovo Liberation Army. A series of seemingly centrally co-ordinated and organised attacks followed, mainly on the security forces but also on Serb civilians and on ethnic-Albanians 'loyal' to the regime.

On 19 June 1996 the outbreak of violence prompted the prime minister of the shadow government in Pristina, Bujar Bukoshi, to call on the United States to convene an international conference, similar to the Dayton negotiations, to resolve the status of Kosovo. President Milosevic of Serbia rejected the proposal, insisting that he would not allow the Kosovo question to be "internationalised", since it was Serbia's "internal affair".²⁷

²⁴ *Summary of World Broadcasts*, 3 September 1996.

²⁵ *Financial Times*, 24 March 1998.

²⁶ *Agence France Presse International*, 21 June 1996.

²⁷ *ibid*, 21 June 1996.

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The KLA began to emerge from the shadows in early 1997 when it began to distribute press releases. A short lull followed but the KLA renewed its attacks with an increased intensity in summer 1997. By November 1997, members of an increasingly confident KLA were appearing in public for the first time. The Serbian police withdrew from posts in the Drenica region in central Kosovo in the same month. Villagers there then established roadblocks and seized control locally. The Drenica area has a reputation for ferocity: it was a centre of Kosovar Albanian resistance to the Yugoslav Army during a period of ultimately suppressed guerrilla activity in 1944-45, and also of independence efforts in the nineteenth and early twentieth centuries.²⁸

It is unclear whether the partial withdrawal from the Drenica region was the result of a failure to come to grips with strong guerrilla activity or a political tactic intended to magnify the threat from 'terrorists', aimed at the domestic scene inside Serbia. However, in January 1998, the Serbian paramilitary police returned to the Drenica area and began much larger anti-guerrilla actions, involving the use of armoured personnel carriers. These were aimed at flushing out the KLA and punishing the local population for providing them with support. Police attacks in the area increased and became more widespread at the end of February and into March. The police assaults were generally indiscriminate, with some villages being burnt to the ground. The February/March offensive was notable in involving the Yugoslav Army for the first time. The Army fired heavy weaponry, including artillery, mortars and anti-aircraft guns, at Kosovar villages and KLA strong points. Reports were later received of attack helicopters and aircraft also being used.²⁹ A notable Kosovar casualty was Adem Jashari, a local KLA commander and clan leader who was killed in his village along with 20 members of his extended family. Jashari has since become an icon of Kosovar resistance.³⁰

In an attempt to wrest back the initiative from the KLA and obtain a fresh mandate from the Kosovar population, the shadow government in Pristina organised unofficial presidential and legislative elections for 22 March 1998. The authorities in Belgrade permitted the elections to proceed although they made clear they would not recognise the results.³¹ Reflecting the lack of any alternative candidate capable of representing the Kosovar Albanian community, Ibrahim Rugova again stood as the only candidate for the presidency and received wide popular support, with 99 per cent of the vote. The turnout was reported to be 85.4 per cent.³²

²⁸ Z. Kusovac, "Another Balkan bloodbath", *Jane's Intelligence Review*, February 1998.

²⁹ *The Observer*, 5 June 1998.

³⁰ *The Financial Times*, 13 June 1998.

³¹ *The Financial Times*, 9 March 1998.

³² *Summary of World Broadcasts*, 25 March 1998.

Nonetheless, Rugova is facing a dilemma. It has become clear that since 1990 the policy of passive resistance has failed to alter the opposition of the Serbian administration to full independence for the province. Any agreement offering the Kosovar Albanians less than full independence is unlikely to be acceptable to the population and the KLA has warned that any solution that gives Kosovo autonomy within Serbia would be perceived as tantamount to surrender. Prior to June 1998 Rugova refused even to acknowledge the existence of the rebel group, claiming it was a Serbian fabrication aimed at legitimising the actions of the security forces, but circumstances have made such a claim untenable.

In April 1998, the focus of Serbian military actions shifted to the Decani region, along the western Kosovo border with Albania. Here, the Serbian security forces have sought to seal off the border and prevent the inward flow of supplies and KLA fighters. The general military aim appears to be to establish a buffer zone. This tactic necessarily involved driving out the local ethnic-Albanian population. There have also been reports of Serbian infringement of the Albanian border in pursuit of the KLA and it has been suggested that Serbian security forces have laid anti-personnel mines along their side of the Kosovo-Albanian boundary.³³

By the end of June it seems the Serbian security forces had had some success in restricting the human flow across the Albanian border, as the daily number of Kosovar refugees entering Albania was reported to have dropped dramatically.³⁴ Yet the Serbs were either unwilling or unable to retake all the Kosovar-held towns in the south-west of the province. The focus of the fighting has now moved back towards central Kosovo, where the KLA has revived in Drenica and has gradually been encroaching towards Pristina. In late June KLA fighters seized the important coal mine of Belacevac to the north-west of the city. This supplies fuel to a nearby power station, which is an important source of Yugoslav electricity.³⁵ The KLA has also interrupted the major western road between Pristina and Pec, aiming, it seems, to link up its Drenica and Decani strongholds. These steps could not be allowed to continue by the Serb authorities, who, at the time of writing, mounted a third major offensive to regain full control of the mining area north-west of Pristina and also to reopen lines of communication to western Kosovo.

Between the end of February and the end of June 1998 at least 350 people have been killed in Kosovo. This figure largely comprises Kosovar civilians but it also includes local Serbs killed by the KLA and those who have fallen in fighting between the KLA and the Serbian security forces. As Amnesty International has pointed out, the nature of the conflict makes it very difficult to quantify total casualties.³⁶ According to a local Serbian commander, 21 Serb

³³ *The International Herald Tribune*, 17 June 1998.

³⁴ *ibid*, 25 June 1998.

³⁵ The power station also supplies electricity to Macedonia and Greece. *The Guardian* 25 June 1998 and *The Financial Times* 25 June 1998.

³⁶ Amnesty International News Release: Yugoslavia: How Cheap is Life in Kosovo?, 30 June 1998.

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policemen were killed in Kosovo between January and mid-June.³⁷ By the end of June it was estimated that Belgrade had deployed up to 25,000 special police in the area. These were supported by 30,000 troops and the force was equipped with armoured personnel carriers, tanks, pieces of artillery and other heavy weapons.³⁸ By mid-June 1998, an estimated 60,000 Kosovar Albanians had become refugees within Kosovo with at least 11,000 fleeing into Albania and Montenegro.³⁹ More recent figures point to this total rising to 80,000 with some of the new displaced being local Serbs, fleeing KLA controlled areas.⁴⁰

Kosovo is now in a classic state of insurgency. Although the Serbian attacks have deprived the KLA of food and shelter, they may have achieved little else from a military perspective. Although the women, children and the elderly have fled the Drenica and Decani areas, younger males have been driven into active support of the KLA. While in March 1998 there were estimated to be only a few hundred KLA fighters, by July it was suggested that this figure had grown to 40-50,000.⁴¹ In much of the province, the Serbian security forces control the towns but, in fear of ambush, they can scarcely command the major roads in daylight. Up to 40 per cent of Kosovo may now be permanently out of Serbian control.⁴² Yet, at the same time, the KLA lacks the heavy weapons necessary to take the Serbian security forces head on.

There have also been more recent reports of the conflict entering a new, more bitter phase, with increased attacks by the KLA on Serb civilians. In turn, some Serb communities have formed their own defence forces, with official encouragement, and a patchwork of inter-communal conflict, along the lines of that seen in the early days of the Bosnian war, may have begun to emerge.⁴³

³⁷ *The Independent*, 16 June 1998.

³⁸ *The International Herald Tribune*, 13 June and 4 July 1998.

³⁹ *The Financial Times*, 13 June 1998.

⁴⁰ *The International Herald Tribune*, 30 June 1998.

⁴¹ 'KLA power rising', *Jane's Defence Weekly*, 8 July 1998.

⁴² *The Sunday Telegraph*, 10 May 1998.

⁴³ *The Financial Times*, 26 June 1998.

IV The Political Situation in the Federal Republic of Yugoslavia (FRY)

The crisis in Kosovo is complicated by the domestic balance of power within the Federal Republic of Yugoslavia. Prior to 1997 the President of Serbia, Slobodan Milosevic, was able to dominate the political scene in the rump Yugoslavia with his allies occupying the key positions in both Serbia and Montenegro. However, since late 1996 Milosevic's grip on power has slowly declined. An attempt by Milosevic in November 1996 to annul the opposition victory in local elections prompted several months of widespread popular protests that ultimately forced Belgrade to back down and reinstate the results. In July 1997 Milosevic made a decisive move to avoid a Serbian constitutional restriction of a maximum of two terms for the post of President by exchanging his position as Serbian President for the much weaker position of federal President of Yugoslavia.

His intention of transferring the levers of power from the Serbian Presidency to the Federal Presidency has met with strong resistance from the pro-democracy and pro-western President of Montenegro, Milo Djukanovic, who defeated Milosevic's ally, Momir Bulatovic, in the presidential elections of October 1997. Djukanovic's position was further strengthened by victory in the legislative elections held in late May 1998. His administration is keen to attract western investment to bolster the weak Montenegrin economy, but is restricted by the UN sanctions that remain in place on the rump Yugoslavia. Montenegro has its own Albanian minority, representing approximately seven per cent of the population.

The Serbian action in Kosovo only served to deepen Yugoslavia's international isolation, prompting the Montenegrin Government to consider holding a referendum on secession from the Federal Republic of Yugoslavia. The deputy prime minister of Montenegro, Miodrag Vukovic, warned that "If Milosevic continues like this there will be no more Yugoslavia."⁴⁴ In a further attempt to distance Montenegro from Serbia's actions in Kosovo the Montenegrin parliament passed a non-binding resolution on 17 June 1998 calling for the withdrawal of Montenegrin recruits serving with Yugoslav army units in Kosovo.⁴⁵

It appears that Milosevic is following a strategy to keep himself in power by using the highly emotive issue of Kosovo to help divert domestic attention away from his weakened position and the faltering Serbian economy. To a certain extent he is succeeding, as no politician in Serbia is willing to question his actions in Kosovo. In late March 1998 he moved to bolster the strength of the Serbian Government by forming a coalition with the ultra-nationalist Radical Party of

⁴⁴ *The Financial Times*, 2 June 1998.

⁴⁵ *Summary of World Broadcasts*, 18 June 1998.

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Vojislav Seselj, whose manifesto includes the establishment of a Greater Serbia incorporating territory from the other republics of Former Yugoslavia.

In spite of his weakened political position, Milosevic retains widespread support among the population for his policy on Kosovo. Prior to the offensive against the KLA in March 1998, an opinion poll showed that 41.8 per cent of Serbian voters believed the Kosovo problem could only be solved by the forceful or peaceful removal of its Albanian majority.⁴⁶ In a referendum held in Serbia on 23 April 1998 94.9 per cent of voters were against any international involvement in Kosovo with a turnout of 73 per cent.⁴⁷ Nonetheless, the Serbs in Kosovo remain fearful of Milosevic's intentions, believing he may decide to abandon them under international pressure, as domestically he is perceived to have done with the Serbs in Croatia and Bosnia.

⁴⁶ *The Financial Times*, 23 March 1998.

⁴⁷ *The Financial Times*, 25 April 1998.

V The Military Opponents

A. The Origins of the Kosovo Liberation Army

The exact origins of the KLA are obscure. There have been varying degrees of Kosovar resistance to Serbian rule since the end of the Second World War. The KLA may have been founded by nationalists, driven underground or abroad during the unrest of the 1980s. It has been suggested that these anti-Titoists were sponsored by the former Stalinist Albanian dictator, Enver Hoxha, who was close to China.⁴⁸ Certainly in the period 1996/97 the KLA adopted classic Maoist guerrilla tactics. Small cells of fighters mounted well-planned operations against the Serbian authorities. The leaders of these cells arrived in Kosovo to lead a small number of attacks before returning abroad. The use of violence has placed the KLA in opposition to the liberal intellectual Kosovar leadership in Pristina. The core of the KLA is pan-Albanianist, supporting the union of Albania, Kosovo and Albanian areas of Macedonia and Montenegro. It claimed responsibility for two bomb attacks in Macedonia in January 1997. These and other incidents prompted the US government in February 1998 to brand the KLA as a terrorist organisation.⁴⁹

The KLA appears ultimately to be run from Germany, with some of its funding being provided by the Kosovar émigré community. The latter numbers half a million, mainly located in Germany, but there is also a large community in Switzerland. The US community is smaller and relatively conservative. The KLA may also be drawing some money from the European drug trade; Albania and the Former Yugoslavia are a major conduit for drugs, particularly heroin, into western Europe. Of great assistance to the KLA has been a generally cheap supply of weaponry from Albania. The collapse of Albania into anarchy in 1997 was accompanied by widespread looting of arsenals. 600-800,000 weapons are still estimated to be in illegal circulation.⁵⁰ Kalashnikovs can apparently be obtained in Albania for as little as \$10 a piece.

Despite its origins, attempts to cast militant Kosovar resistance as entirely led by terrorist extremists may be misleading. Even before general conflict erupted in March, the KLA seems to have been joined by former Kosovar policemen and soldiers, purged by the Serbian government after 1989, some of whom may have fought alongside the Croats and Bosnian Moslems against the Serbs in the wars of 1991-1995. This group's incentive would seem to be purely nationalist rather than ideological.⁵¹ Since March, the KLA has become less of an

⁴⁸ *The Sunday Telegraph*, 7 June 1998.

⁴⁹ J. Pettifer, "We have been here before", *The World Today*, April 98.

⁵⁰ "Mob war continues as police struggle", *Jane's Pointer*, March 1998.

⁵¹ "Kosova", *Eastern Europe*, 10 February 1998.

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organisation than a symbol. Although the KLA may have some co-ordinating role, the bulk of resistance to the Serbs has been led by spontaneously organised village militias, joined by some returned émigrés and anti-Serb volunteers from elsewhere in the Former Yugoslavia. The fragmented and localised nature of the KLA is a source of strength as well as weakness. On the one hand, it makes guerrilla tactics easier to execute, on the other, it means that there is no central control of the organisation. There have also been some suggestions that the KLA is receiving assistance from pro-Iranian Mujahideen and other Islamist groups, but like the Muslims of Bosnia, Kosovars are more Muslim in name than in practice.⁵²

B. The Yugoslav Security Forces: Police and Army

The position of the Yugoslav Army in relation to Kosovo is an interesting one and has wider implications for an understanding of the crisis. The Yugoslav Army, formed after the collapse of the Former Yugoslavia in 1992, inherited most of the equipment and many of the personnel of the old Yugoslav National Army. The latter had been dominated by a Serb officer corps ever since the formation of the south Slav state after the First World War. Between 1991 and 1995 the army assisted, either directly or indirectly, local Serb forces in Croatia and Bosnia. However, the army leadership is essentially nationalist and conservative rather than personally supportive of Milosevic. Defeat at the hands of the Croats in Croatia in 1995 and military and perceived political reverses in Bosnia in the same year are said to have had a demoralising affect.

The Yugoslav armed forces now have a strength of about 114,000 of which the army totals 90,000.⁵³ Faced with a continuing arms embargo and a much less efficient arms smuggling operation than Croatia, for example, the army has been left with an increasingly ageing stock of Yugoslav-pattern equipment, much of it modelled on Soviet material of the 1950s.⁵⁴ Serbia's financial problems have also had an impact on the army. Although the defence budget neared 10 per cent of Yugoslav GDP in 1996, in reality it has been eroded by a high rate of inflation and the armed forces are short of money.⁵⁵

The army may also face political divisions. The pro-democracy protests in Belgrade of 1996/97 revealed extensive divisions in the armed forces between more liberal junior officers, who sympathised with the protestors, and a more rigid ex-Communist army leadership, who were and are more loyal to the Yugoslav state. There were also differences between rural and

⁵² "Radical groups 'arming Kosovo Albanians'", *The Financial Times*, 8 May 1998.

⁵³ *IISS Military Balance*, 1997/98.

⁵⁴ The UN arms embargo against the Former Yugoslavia was lifted in June 1996 but an EU arms embargo remains in place against Bosnia, Croatia and Yugoslavia, (HC Deb 15/7/96 c 358w).

⁵⁵ *IISS Military Balance* 1997/98. There have been allegations that the British Army has provided training to members of the Yugoslav armed forces in the UK (*The Sunday Telegraph*, 15 March 1998).

more traditional conscripts and their more sophisticated and liberal counterparts from the cities. Significantly, the army was not called on to suppress the reform protests, but when Milosevic felt that force was required, he turned to the police.⁵⁶

Perhaps fearful of the army, Milosevic has favoured and expanded the paramilitary police force as the prime instrument of his power. The Yugoslav police forces now number around 100,000 and are equipped with armoured cars and other heavy weapons. Now nearly as large as the armed forces, there are some tensions between the two bodies. Although Serbian security operations in Kosovo have been closely guarded from view, it seems clear that it is the paramilitary Interior Ministry police, and not the army, which continues to play the major role in attempting to suppress KLA resistance. The Interior Ministry units have been joined by local Serb police reservists and possibly members of the Serb militias, notorious for acts of ethnic cleansing during the Bosnian war. The nationalist temperament of the officer corps seem to have led it to back the use of its heavy weaponry in support of police operations, although there have been reports of opposition to this policy from Montenegrin officers. However, apart from certain elite units, Yugoslav soldiers do not appear to have been used in the front-line. There seems to be a general reluctance to use conscripts in fighting for fear of the effect that their loss might have on public opinion in Belgrade.

⁵⁶ P. Goble, 'The Yugoslav Army and Milosevic's fate', *RFE/RL Report*, 2 January 1997.

VI International Reactions

As outlined above, Kosovo did not enjoy republican status under the 1974 Yugoslav Constitution and hence, in the view of the international community, does not have the right to secede from Yugoslavia. Therefore, it would be contrary to the principles of the Organisation for Security and Co-operation in Europe (OSCE) for outside states to encourage secession. Since the withdrawal of Kosovo's autonomy in 1990, the position of the international community has been that the only solution to the crisis lies in a negotiated form of autonomy for the province within the framework of the Federal Republic of Yugoslavia.

To ensure Belgrade adhered to the Dayton Accords of December 1995 UN Sanctions imposed on Yugoslavia at the time of the conflicts in Croatia and Bosnia were only partially eased. An outer wall of sanctions (including the denial of access to IMF funds) was kept in place and the West made clear to the Yugoslav leadership that these would only be lifted if a peaceful settlement to the Kosovo crisis could also be found. By early March 1998, though, it became clear that the maintenance of sanctions had failed to have an impact on Belgrade and that additional measures would be required to prevent Kosovo from descending into full-scale conflict.

A. The Diplomatic Response

The six-nation Contact Group, consisting of the United States, Britain, France, Germany, Italy and the Russian Federation, was originally established in 1995, firstly to bring about and then to monitor a peace settlement for the conflict in the Bosnia. On 9 March 1998 in response to the swiftly deteriorating situation in Kosovo, the Contact Group held an emergency session for the first time in over two years. A joint statement was issued by the foreign ministers of the Group condemning the "large-scale police actions" and the use of terrorism by the KLA and calling for a UN arms embargo on the Federal Republic of Yugoslavia to deprive it of equipment for internal repression.⁵⁷

A review meeting was scheduled for 25 March to assess developments and consider the imposition of a series of measures, including halting government credit to Yugoslavia and denying visas to those responsible for war crimes and human rights abuses.

At the subsequent review meeting, despite Russian reluctance, it was agreed to implement these measures and to seek adoption by 31 March of a UN arms embargo on rump Yugoslavia. In

⁵⁷ *Statement on Kosovo*, London Contact Group Meeting, 9 March 1998.

addition the Contact Group threatened to freeze Yugoslav assets abroad unless Belgrade agreed to an “unconditional dialogue” with the Kosovar Albanian leadership by 25 April. According to the US Secretary of State, Madeleine Albright, it was “decided to focus all...diplomatic efforts on promoting an immediate start to dialogue.” The Secretary of State added that President Milosevic “must embrace dialogue publicly, enter it without preconditions, accept outside participation and take political responsibility for making it work.”⁵⁸

The United States had pushed for additional measures to increase the pressure on President Milosevic to comply, but met with opposition from the Russia. During the war in Bosnia Russia was often seen as more sympathetic to Serbia in view of their shared religious and cultural ties, and voiced strong opposition at NATO's decision to launch air strikes against the Bosnian Serbs in 1995. Moscow has continued to maintain relatively close relations with Belgrade and presents itself as a vital player capable of acting as an important counter-weight to what it perceives to be anti-Serbian tendencies in the West. The Russian Government has an added interest in seeing an end to sanctions on Yugoslavia as it is owed over \$200 million by Belgrade for gas supplies.⁵⁹

In spite of resistance from Russia the diplomatic pressure continued to mount on Yugoslavia. On 31 March 1998 the Security Council adopted Resolution 1160 condemning the excessive use of force by Serbian forces and imposing a comprehensive embargo on the sale of arms and related materiel of all types to the Federal Republic of Yugoslavia.

In response to the growing international pressure, the Serbian Government announced it was to hold a referendum on 23 April on whether to accept international involvement in the crisis. The vote was seen by many Serbs as a test of their patriotism, resulting in 94.43 per cent opposed to any international role.⁶⁰ Strengthened by the display of domestic support, Milosevic launched a renewed offensive against the KLA, prompting the Contact Group to enforce its threat to freeze the international assets of the Yugoslav Government. A further deadline of 9 May for Belgrade to begin talks passed without any sign of compromise, provoking a ban on foreign investment in Yugoslavia by five members of the Contact Group, although Russia again disassociated itself from the move.

On 9 May Richard Holbrooke, the US envoy largely responsible for the Dayton Peace Accords, arrived in Serbia for a series of talks in Belgrade and Pristina in an attempt to revive negotiations. After four days of talks he succeeded in persuading Rugova to back down from his prior insistence that an international mediator be present during any negotiations, but insisted the United States would continue to play a key role. Nonetheless, the fundamental positions of the two sides on the issue of Kosovo's status had not altered.

⁵⁸ *The Financial Times*, 26 March 1998.

⁵⁹ *ibid*, 23 April 1998.

⁶⁰ *ibid*, 25 April 1998.

Initial contact between the Kosovar Albanians and Belgrade was established at the first meeting on 15 May, but further negotiations on 22 May only proceeded after the Kosovar delegation made a further concession by dropping their demand that Yugoslav and not Serbian representatives be present at the talks. The demand centred on the Kosovar administration's refusal to accept Serbian jurisdiction over the province. In response to Milosevic's decision to enter negotiations the Contact Group moved on 18 May to lift the ban on investment in Yugoslavia, but Belgrade was warned that the measure would be re-imposed if the talks broke down.

B. The Threat of Military Action

Hopes that the negotiations might lead to a reduction in tension were dashed on 24 May when Serbian security forces launched a major offensive against alleged KLA strongholds in western Kosovo. The increase in violence provoked a strong reaction from the international community, including the following statement from the United Nations Secretary-General, Kofi Annan, on 5 June:

The Secretary-General is deeply disturbed by the latest reports of an intensifying campaign against the unarmed, civilian population in Kosovo. He reiterates in the strongest possible terms his condemnation of the atrocities committed by Serbian military and para-military forces. They must not be allowed to repeat the campaign of "ethnic cleansing" and indiscriminate attacks on civilians that characterized the war in Bosnia. If the world has learned anything from that dark chapter in history, it is that this kind of aggression must be confronted immediately and with determination. The Secretary-General is encouraged by the North Atlantic Treaty Organization's resolve to prevent a further escalation of the fighting and reiterates his call for a negotiated settlement that will facilitate a peaceful and democratic future for the people of Kosovo.⁶¹

At the end of May NATO foreign ministers announced that planning was to be stepped up for the possible dispatch of forces to Macedonia and Albania and warnings followed that NATO would intervene if the violence were not halted. On 6 June the Secretary of State for Defence, George Robertson, warned:

The full power of NATO is considering all options, including the most radical...military options that could, and might have to be, made available. President Milosevic should be under no illusion about this.⁶²

However, the Russian Government expressed hope that a diplomatic solution could still be found and invited President Milosevic to Moscow for talks with President Yeltsin on 16 June. Russia

⁶¹ *UN Press Release SG/SM/6583*, 5 June 1998.

⁶² *Independent*, 6 June 1998. See Section VII C.

remains adamant that any military action must be authorised by a UN Security Council resolution authorising the use of all necessary means, although some US sources say a resolution, whilst desirable, is not essential.⁶³

In spite of the differences of opinion between Russia and the other five members over military action, the foreign ministers of the Contact Group did reach agreement at a meeting on 12 June on a set of essential points requiring immediate action on the part of the authorities in Belgrade. These were:

- To cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;
- To enable effective and continuous international monitoring in Kosovo and allow unimpeded access for monitors;
- To facilitate, in agreement with UNHCR and ICRC, the full return to their homes of refugees and displaced persons and to allow free and unimpeded access for humanitarian organisations and supplies to Kosovo;
- To make rapid progress in the dialogue with the Kosovo Albanian leadership.⁶⁴

In addition, the members of the Group, with the exception of Russia, confirmed their decision to ban new investment in Serbia and to freeze funds held abroad by the Yugoslav and Serbian governments.

The subsequent meeting in Moscow between Yeltsin and Milosevic on 16 June resulted in a written declaration from the Yugoslav President promising that "...talks on the whole package of Kosovo problems, including forms of autonomy, will progress without a break in accordance with international standards and in line with a timetable agreed by both sides." Furthermore, Milosevic pledged not to take "any repressive measures against the peaceful population" and offered guarantees of "unimpeded access" for the ICRC, the Office of the UN High Commissioner for Refugees and other international monitors.⁶⁵

In an attempt to side-step the Contact Group's insistence that Serbian security forces be withdrawn, Milosevic offered to "reduce the presence of security forces outside their permanent stations" once "terrorist activity" had subsided.⁶⁶ He rejected calls to withdraw any Serbian

⁶³ *The Economist*, 13 June 1998.

⁶⁴ *Contact Group Joint Statement*, 12 June 1998.

⁶⁵ *Summary of World Broadcasts*, 16 June 1998.

⁶⁶ *ibid*, 16 June 1998.

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forces from the province, claiming such a move would leave a dangerous power vacuum and would be tantamount to handing over control of Kosovo to the KLA, a view that was supported by Russia.

The declaration was hailed by the Russian Foreign Minister, Yevgeny Primakov, as a major breakthrough, describing the concessions made by President Milosevic as the "maximum possible".⁶⁷ He also claimed the document had "fixed the position of Yugoslavia on issues of principle. We believe it opens a real opportunity to regulate the situation and the ball is now, to a great extent, in the court of the Kosovo Albanians."⁶⁸

Western leaders remained more cautious, stating that the real test of Belgrade's intentions would be in the implementation on the ground in Kosovo. On 21 June the US Secretary of State, Madeleine Albright, announced a fresh diplomatic mission to Belgrade, but warned President Milosevic that he must comply with all the demands of the Contact Group:

We will deliver a strong message that violence is not acceptable, that the package that the Contact Group put out is a package and not a menu. He has to pull back his forces.⁶⁹

C. The Latest Diplomatic Moves

By late June 1998 the West's strong words for President Milosevic were becoming tempered by a realisation in diplomatic circles that more pressure would have to be put on the KLA to scale back its activities. An increase in abductions and attacks targeted against Kosovo Serb civilians raised fears in the West that the KLA might be trying to provoke an over-reaction from Serbian forces in the hope that such a development would lead to a deployment by NATO.

The focus of the West's diplomatic efforts has shifted from trying to start talks between Rugova and President Milosevic to attaining a cease-fire and deploying international monitors. An effective cease-fire requires the participation of both parties, meaning some form of contact has to be established with the KLA. At the start of the crisis in February 1998 the senior US envoy to the Balkans, Richard Gelbard, described the KLA as a "terrorist organisation", but the need for a cease-fire has led the West, and the United States in particular, to reassess its policy of non-contact with the movement.

⁶⁷ *The Financial Times*, 18 June 1998.

⁶⁸ *The Guardian*, 17 June 1998.

⁶⁹ *The Independent*, 22 June 1998.

The US envoy, Richard Holbrooke, reportedly had an unplanned meeting with members of the KLA during a visit to the province and it was announced on 28 June that the first formal contacts between US officials and KLA representatives had taken place on 26 June somewhere in Western Europe.⁷⁰

The media in Belgrade reacted bitterly to the reports of contacts between the US and the KLA, denouncing Holbrooke and claiming he had "disqualified himself as a serious negotiator."⁷¹

However, Holbrooke stressed that the contact with the KLA did not indicate a shift by the US Government away from its support of Rugova:

We continue to support Doctor Rugova who is the only major leader who is seeking a non-violent solution to the problem. These contacts [with the KLA] were designed to find out if the people with whom the American officials met were in fact people who have the ability to influence and control all the people with the weapons. If they do, if they can show they actually have influence over the fighting in Kosovo, fighting which we wish to stop, then I think they have a legitimate role in the process.⁷²

Nonetheless, reports of splits within the shadow administration in Pristina over negotiations with Belgrade have served to undermine Rugova's credibility. Following negotiations in Belgrade and Pristina on 4 and 5 July alongside the Russian deputy foreign minister, Nikolai Afanasyevsky, Holbrooke said:

The ethnic-Albanian leadership is confronting this crisis of war or peace without any coherence. Right now the Albanian side cannot speak with a single voice.⁷³

Opinion within the European Union remains divided on the question of involving the KLA in negotiations. Most EU members are cautious of establishing formal contacts with the KLA, fearing such a move would seriously undermine the standing of the shadow government of Rugova and strengthen the hand of those advocating violent means.⁷⁴ However, the Foreign Secretary, Robin Cook, said on 29 June that any talks must include "those who represent all shades of Kosovo opinion."⁷⁵

⁷⁰ *Reuters*, 28 June 1998.

⁷¹ *The Financial Times*, 30 June 1998.

⁷² *Reuters*, 28 June 1998.

⁷³ *The Financial Times*, 6 July 1998.

⁷⁴ "Yugoslavia: Kosovar Leaders", *Oxford Analytica Brief*, 30 June 1998.

⁷⁵ *The Guardian*, 30 June 1998.

At the Moscow talks President Milosevic agreed to allow international monitors full access to the province, but the decision was only implemented following further talks with Holbrooke in late June. Prior to the agreement there were barely a handful of military attachés and a small EU monitoring mission operating in Kosovo and it was decided to boost the numbers by deploying around 100 observers from the US, Russia, the EU and Poland. In a symbolic gesture, an initial delegation, consisting of 20 ambassadors and senior diplomats, toured the province on 6 July. The aim of the monitoring mission is to enhance outside knowledge of the situation on the ground and to build confidence between the two communities.

D. British Reaction

The British Government has called on all sides in the crisis to refrain from violence and to commence negotiations on the future status of the province. In line with its EU partners, the UK has refused to recognise Kosovo's independence but maintains that Serbia must reinstate the autonomous status withdrawn in 1990. On 30 April, Mr Cook outlined the British Government's position on the status of Kosovo:

We do not support independence for Kosovo, but we believe that its present status must be enhanced through meaningful autonomy. We are therefore determined to promote political dialogue on an enhanced status for Kosovo between Belgrade and Pristina as the only course that is likely to produce a stable, peaceful outcome.⁷⁶

In its various capacities as a member of the Contact Group, the EU, NATO, and as a permanent member of the UN Security Council, the UK has played an active role in seeking a resolution to the crisis. On 17 June 1998 the Foreign Office Minister, Tony Lloyd, detailed the role that the UK has played thus far:

The UK has taken a leading role in coordinating international efforts to promote a peaceful resolution to the problems in Kosovo, both as a member of the Contact Group and as EU Presidency. With our European partners, we have taken a number of steps to register our concern at the gravity of the situation and to persuade the government in Belgrade to offer a meaningful political process to the Kosovar Albanian leadership, rather than to continue violent repression. Most recently, the European Council in Cardiff on 15 June agreed to take steps to impose a ban on flights by Yugoslav carriers between the FRY [Federal Republic of Yugoslavia] and EU member states. The UK has also been active in the contingency military planning taking place in NATO, and at the UN has proposed a Chapter VII resolution designed to meet the threat to regional security and stability. British aircraft also took part in a NATO exercise on 15 June designed to demonstrate NATO's ability to project airpower rapidly into the area.⁷⁷

⁷⁶ HC Deb 30 April 1998, c457.

⁷⁷ HC Deb 17 June 1998, cc247-8w.

The Government enjoys the broad support of the main opposition parties in parliament. For the Conservatives, the Shadow Foreign Secretary, Michael Howard, joined Mr Cook in condemning both "the continuing repression that has caused such suffering to the majority Albanian population in Kosovo" and "all violence...including that of the Kosovo Liberation Army."

The leader of the Liberal Democrats, Paddy Ashdown, has called on the international community to "put down its own firm plans for a solution in Kosovo, based on Kosovo's autonomy within the Federal Republic of Yugoslavia."⁷⁸ He also warned that the West "may have to use air strikes", although "there may not even be time for the UN to get a resolution from the Security Council. Any military action must have a clear aim, tied into the diplomatic campaign as part of a seamless strategy and as an ultimate sanction."⁷⁹

⁷⁸ HC Deb 1 July 1998, c351.

⁷⁹ *The Independent*, 3 July 1998.

VII Prospects for Western Military Intervention

The situation in Kosovo and the parallels that can be drawn with the war in Bosnia have led to calls for some form of western military intervention. Just as the campaign of NATO air strikes against the Bosnian Serbs were seen as the major precursor to the negotiation and acceptance of the Dayton Agreement in 1995, many Kosovars, and some western commentators, have called on NATO to act to end the conflict in Kosovo.⁸⁰

A. The Existing International Presence in Albania and Macedonia

There is a limited existing international military presence in both Albania and Macedonia. In Albania, within the framework of Partnership for Peace (PFP), NATO has been assisting the reconstruction of the Albanian armed forces after their implosion in the crisis of 1997. There are also national training missions from Greece and Italy. These are the vestiges of a large *ad hoc* European military force, which operated in Albania in spring and summer 1997. Led by Italy, the force helped to distribute aid and also provided a degree of security during elections. Although the so-called Operation Alba, in which Britain and Germany were unwilling to participate, ended in 1997, it did provide at least some NATO countries with experience of coping with the political and logistical difficulties of operating in Albania.⁸¹

Separately, a WEU Multinational Advisory Police Element (MAPE) has been training, advising and providing logistical support and equipment to the Albanian police force since May 1997.⁸² About 60 officers from 20 WEU members are involved.⁸³ The MAPE mandate was renewed for a further year, subject to a six-monthly review, at the most recent WEU Council, held in Greece in May.⁸⁴

There has also been NATO PFP activity in Macedonia, although the more important presence here is that of the United Nations Preventative Deployment Force in the Former Yugoslav Republic of Macedonia (UNPREDEP). UN peacekeepers were first placed on the border between the Federal Republic of Yugoslavia and Macedonia in early 1993 when a 1,000-

⁸⁰ There were suggestions from certain WEU members at the WEU Council, held in May 1998, that this organisation should play a possibly military role in responding to the Kosovo crisis but these were rejected by Britain and Germany, amongst others, who preferred that NATO should manage the crisis (see "Kosovo dilemma: Europe still seeks a plan", *Jane's Defence Weekly*, 27 May 1998).

⁸¹ See E. Foster, "Intervention in Albania", *RUSI International Security Review* 1998.

⁸² See Adm. R. de Morales, "The WEU's Multinational Advisory Police Element in Albania", *NATO's Sixteen Nations*, February 1998.

⁸³ WEU Website.

⁸⁴ WEU Rhodes Declaration, paras 19-24.

strong monitoring force was established as an outpost of UNPROFOR. UN peacekeeping operations in Macedonia became a separate mission and were renamed UNPREDEP in March 1995. In military terms the UN force, which was subsequently reduced to only 750 personnel, is almost insignificant, but politically it represents an international commitment to the integrity of Macedonia and a trip-wire in the event of any Serbian military action against its southern neighbour. The largest UNPREDEP contingent is from the USA.⁸⁵

B. NATO's Plans

Until April 1998 NATO military planning in the region focused on the position of the NATO-led Stabilisation Force in Bosnia and the possible renewal of its mandate, originally set to end in June 1998. The Serbian actions against the KLA in March and consequent political reactions in the EU and Contact Group prompted the start of NATO consideration of potential military-political and purely military responses to the crisis in Kosovo. In mid-March Albania evoked the emergency political consultation mechanism under the Partnership for Peace programme, fearing the threat of the Kosovo crisis to its borders. This led to a visit by Xavier Solana, the NATO Secretary-General, to Albania.⁸⁶ Discussion continued within NATO and options were subsequently discussed both at a NATO Foreign Ministers meeting on 28 May and at a NATO Defence Ministers meeting on 11 June. NATO could be said to have four broad options at its disposal: action within the PFP context; the deployment of a force to police or monitor the Albanian-Kosovan border; the use of air power in the Federal Republic of Yugoslavia; and the placing of a NATO force on the ground in Kosovo.

The Foreign Affairs Council concentrated on the first option: the enhancement and supplement of PFP activity in Albania and Macedonia in order to show solidarity with these countries and to signal to Belgrade NATO's willingness and ability to deploy forces in the region. Steps in Albania include the holding of joint land exercises in August, the visit of the NATO Standing Naval Force Mediterranean (STANAVFORMED) in July and measures to build up the Albanian armed forces so that they can better protect their own borders.⁸⁷ A NATO/PFP co-ordinating cell was established in Tirana at the beginning of June. A PFP exercise is to be held in Macedonia in September. An exercise area in this republic may be established as a PFP training centre.

The second option, the dispatch of a force of between 7,000 and 23,000 troops to seal the 100-mile Serbian-Albanian border, was also discussed at the Foreign Ministers' meeting. NATO Members now seem less keen on this plan due to a number of potential drawbacks. Although such a border force would act as a deterrent against incursions by Serb forces into

⁸⁵ M. Jordan, "More strife forces UN to stay in Macedonia", *Jane's Defence Weekly*, 7 January 1998.

⁸⁶ "Kosovo puts PFP to the NATO test", *Jane's Defence Weekly*, 25 March 1998.

⁸⁷ NATO Foreign Ministers Meeting, Statement on Kosovo, 28 May 1998.

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Albania, it would also encounter the poor infrastructure and mountainous terrain of the area. Albania is lawless and awash with weapons. Northern Albania, in particular, is largely out of the control of the Government of Fatos Nano in Tirana, with some local support given to Sali Berisha, the former President. NATO forces might find themselves under attack by criminals or potentially involved in internal Albanian politics. Perhaps more importantly, by sealing the border it could be argued that NATO would be denying Kosovars supplies of arms and thus be assisting Serbian repression in Kosovo. It might prove hard to distinguish between refugees fleeing into Albania for safety and Kosovar guerrillas. In retaliation, the KLA might enact reprisals for NATO's perceived partiality. It might also be difficult for a large NATO force to stand aside on the border whilst Serbian action against Kosovan towns and villages continued. The potential high cost of such a force may also be a factor.

Separately, it has also been suggested that NATO might dispatch military forces to Macedonia to support UNPREDEP or even take over its mission, but NATO appears to have rejected this prospect. The present UNPREDEP mandate, under UN Security Council Resolution 1142, is due to expire on 31 August 1998 and NATO supports its renewal.⁸⁸ However, the possibility of a PFP training centre in Macedonia could, in effect, lead to a (small) standing NATO presence in the country. Planning may also be proceeding on using Macedonia as a base to support any putative peacekeeping force in Kosovo, although it is not certain what the views of the government in Skopje would be.⁸⁹

After receiving the reports from reconnaissance teams on conditions in northern Albania, attention at the NATO Defence Ministers' Council moved to the third option, the use of air power. Plans are apparently being drawn up for air strikes against economic, military and political targets in both Kosovo and Serbia. Another possibility is the introduction of a No-Fly-Zone over Kosovo or the use of electronic warfare against civil and military communications. NATO might also threaten action against the movement of tanks, artillery and other heavy weaponry within certain areas.⁹⁰ In the meantime, Defence Ministers authorised the holding of air exercises in both Albania and Macedonia "as quickly as possible", subject to the consent of these governments. This move would demonstrate NATO's air capabilities to the Milosevic regime but would also enable a NATO military build-up in the region to take place.⁹¹ Six RAF Jaguars and an associated tanker were ordered to leave the UK for bases in Italy on 12 June.⁹² They participated in Exercise 'Determined

⁸⁸ *Statement on Kosovo*, NATO Defence Ministers' Meeting, 11 June 1998, para 3.

⁸⁹ Existing military facilities in Macedonia are apparently in better condition than those in Albania. Macedonia also offers mountain-free access to Kosovo with good land and rail communications south to the (NATO) Greek border and the port of Salonica ("*Macedonia: Kosovo Dilemma*", *Oxford Analytica Brief*, 26 June 1998).

⁹⁰ *The Financial Times*, 12 June 1998.

⁹¹ *Statement on Kosovo*, NATO Defence Ministers' Meeting, 11 June 1998, para 4.

⁹² *MOD PR*, 12 June 1998.

Falcon', held in Albanian and Macedonian airspace, together with over 80 aircraft from 12 other NATO countries on 15 June.⁹³

The fourth option would be to insert a NATO peacekeeping force into Kosovo, along the lines of the Stabilisation Force, SFOR, in Bosnia. This could monitor and patrol a cease-fire between the KLA and Serb security forces, assist with the distribution of aid and supervise possible elections as part of a transition strategy within a wider political settlement. Such a force would, however, be costly and could encounter problems both of legal authorisation and political support.

NATO military authorities are considering "a full range of options with the mission, based on the relevant legal basis, of halting and disrupting a systematic campaign of violent repression and expulsion in Kosovo; supporting international efforts to secure the agreement of the parties to a cessation of violence and disengagement; and helping to create the conditions for serious negotiations towards a political settlement."⁹⁴ Preliminary options had been considered by the end of June when the Permanent Council authorised work to proceed on contingency planning.⁹⁵ Despite this, usable plans are unlikely to be fully formulated for some weeks.

C. Legal and Political Considerations Prior to International Military Action in Kosovo

Since the UN Charter enshrines the general presumption against the threat or use of force in international relations, the use of air power or other military action by the international community for purposes consistent with the Charter has generally been thought to require a specific legal basis. Under Chapter VII of the UN Charter, the UN Security Council may authorise "action by air, sea or land forces of Members of the United Nations" "as may be necessary to maintain or restore international peace and security". In this manner, UN Security Council Resolutions were used as the authority for NATO air strikes against the Bosnian Serbs in 1995. The UK, in its position as a Permanent Member of the Security Council and (for the first half of 1998) holder of the EU Presidency, has been circulating a draft Resolution at the UN which apparently would allow NATO to take "all necessary means" to deal with the crisis in Kosovo. The ground cited is that the Kosovo crisis and its spillover effects pose a threat to regional security. This is up to the Security Council to decide, but Belgrade might legitimately argue that the conflict in Kosovo is an internal matter. Serbian forces have not crossed into Albania in any large numbers. Indeed, they could

⁹³ *The Financial Times* and *The Independent* 16 June 1998.

⁹⁴ *Ibid.*

⁹⁵ *Atlantic News*, 26 June 1998.

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claim that such incursions, in pursuit of KLA fighters, are in self-defence. Whatever the level of support it now enjoys from ordinary Kosovars, the KLA has committed acts of terrorism. Its victims, besides members of the local security forces, have included Serbian and Kosovar civilians.

There is some doubt, however, as to whether the Security Council will pass a Resolution supporting military action in Kosovo in view of opposition from China and Russia. Both wield powers of veto in the UN Security Council, and both countries are acutely aware of establishing precedents for direct international intervention in the sovereign affairs of a state. Separatists are active in China's western regions, particularly in Tibet, which exercised autonomy until the 1950s. The Russian Federation has seen unrest in some of its constituent republics, such as in Chechnya. Such considerations may lead Beijing and/or Moscow to veto a blanket resolution giving NATO *carte blanche* to intervene in Yugoslavia. Additional factors in Russian thinking may be sympathy for a fellow orthodox state and its opposition to NATO enlargement; a successful mission in Kosovo could see NATO further strengthening its position in eastern Europe. Russia has consistently opposed the use of military force to resolve the Kosovo crisis and complained about a lack of consultation over the decision to hold air exercises in Albania and Macedonia, an allegation rejected by NATO.⁹⁶

It could be argued that a UN mandate is necessary before any military intervention. It would offer not only a virtually watertight legal foundation for any such action, but also vital political support from the Permanent Five and a wide geopolitical range of states on the Security Council. Acting without UN authority might be a risky enterprise which could undermine the international consensus behind diplomatic and economic measures against Yugoslavia. Still, it remains a matter of legal debate as to whether a UN Security Council Resolution would be essential to allow NATO to take military action in Kosovo or beyond. When questioned in the House on this point Tony Lloyd, the Foreign Office Minister responsible for the Balkans, replied:

Britain has certainly been active in seeking to bring a resolution before the United Nations Security Council. However, the actions taken by the international community will depend very much on the circumstances on the ground at the time.⁹⁷

More recently the following exchange took place in the House of Lords:

Lord Moynihan: My Lords, with the conflict [in Kosovo] escalating dangerously, can the Minister inform the House specifically whether, in the Government's view, NATO military intervention in Kosovo could take place without new UN resolutions?

Lord Hoyle: My Lords, the position is that we are attempting to bring about a settlement by diplomatic means. If those means fail and Belgrade does not meet the

⁹⁶ *The Financial Times*, 16 June 1998.

⁹⁷ HC Deb 16/6/98 c 119.

demands, there will be moves for further measures, including some that may require the authorisation of a United Nations Security Council resolution. It is clear that not all the measures would require such a resolution. In any event, we will require proper legal authority for whatever we do in that area.⁹⁸

According to Brownlie, “the use of force ... otherwise than in self-defence or with the authority of an organ of the United Nations is illegal”.⁹⁹ The principle of acts justified by self-defence, including anticipatory self-defence, under Article 51 of the UN Charter, has been used to support national and international military action not specifically mandated by the UN. However, it is difficult to see how the law of self-defence could be used to sanction air strikes against Serb forces in Kosovo unless they were to mount, or be thought about to mount, major incursions into the territories of Albania and Macedonia. Even in this scenario, NATO retaliatory action on behalf of both these states, if requested, would need to be proportionate. If the UN were to mandate an air exclusion zone over Kosovo, to be carried out by NATO forces, then these aircraft would have the right of self-defence against attack from the ground. Again, however, any reaction to such attacks would also need to be proportionate and therefore would be fairly limited in scope.

A possible pretext for unilateral military action against Serb forces would be on humanitarian grounds, which is held to be an alternative customary legal justification for intervention in another state’s affairs. Such action might cite sections of Article 1 of the UN Charter which refer to “respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace” and achieving “international co-operation in solving problems of humanitarian character”. Humanitarian grounds were cited, for example, as reason for the Tanzanian invasion of Uganda in 1979, which deposed the despotic regime of Idi Amin. However, while the Tanzanian action was widely accepted by the international community, the Vietnamese intervention in Cambodia/Kampuchea in 1978/79 was not. Although also justified on humanitarian grounds and responsible for removing Pol Pot from the centre of power, the Vietnamese action was almost universally condemned. It must be said that while Tanzania’s main practical concern was perhaps the flight of refugees across its border, Vietnam had much wider strategic interests in Cambodia.

Humanitarian intervention is subject to the various *jus ad bellum* arguments of proportionality and right effect, etc. Although the crisis in Kosovo has led to 80,000 people either fleeing or being forced from their homes, the death toll has remained (remarkably) low. Some commentators have referred to Serbian actions as ‘ethnic cleansing’ but these cannot be compared to the genocidal acts committed during the Bosnian War. Both Russia, in relation to Chechnya, and Turkey, in relation to the Kurds in eastern Turkey, could be said to have conducted similar ‘police actions’ in recent years. Indeed, there is also evidence of the KLA

⁹⁸ HL Deb 2 July 1998, cc 831-832.

⁹⁹ I. Brownlie, *International Law and the Use of Force by States*, (1963), p 112.

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forcibly 'clearing' and kidnapping Serb inhabitants from the areas, which it now controls. Without large-scale massacres of Kosovars by the Serbian security forces or a complete breakdown in law and order in the province of Kosovo, claims of rightful intervention on humanitarian grounds might be difficult to support.

In another possible approach to the legal problem, NATO might seek to justify military action against Serb forces under Article 52 of the UN Charter without the authorisation of the UN Security Council. Article 52 allows for "the existence of regional arrangements or agencies dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements are consistent with the Purposes and Principles of the United Nations". This approach may be behind the US position, although US public statements on this point have not been explicit. The US Defence Secretary, Richard Cohen, has stated that:

"we would like to have UN or OSCE endorsement. The United States does not feel that it is imperative – it's desirable, not imperative – but we believe that under the UN Charter itself that nations are certainly permitted to engage in self defense and even collective defense".¹⁰⁰

Still, such a position would seem fairly shaky and may be open to question, not least from NATO members such as Denmark and Norway, who might be unwilling to support the precedent of military action against a sovereign state without express UN authority. The Danish Defence minister has stated that "To participate in such action, Denmark would need the UN mandate".¹⁰¹ The German cabinet has declared that any military action in Kosovo must have the "secure legal basis of a UN mandate."¹⁰² Britain, the USA and other states could act outside the NATO framework, particularly if Italy offered the use of its airfields, or they could use aircraft from carriers in the Adriatic. However, whatever its legal basis, such action could risk imposing strains on the Atlantic Alliance and within the EU, and would also draw a particularly adverse reaction from Russia.

NATO states could also face domestic political resistance to intervention. Although the USA has participated in management of the situation in Kosovo since it became a crisis in March and has not left the issue to western European states, as it did over the disintegration of Yugoslavia in 1991/92, domestic factors may hinder any US military role. While the use of air power may face few hurdles with US public opinion, placing US troops on the ground as part of any peacekeeping mission could be far harder. The US administration has overcome considerable opposition in Congress to maintain US forces in SFOR in Bosnia for a period beyond June 1998. With Congressional elections looming in November, in which the Democrats stand a chance of recapturing control of the House of Representatives, President

¹⁰⁰ Remarks at NATO Headquarters, 11 June 1998. The US Secretary of State, Mrs Albright, supported this position during a press conference at Lancaster House on 12 June 1998.

¹⁰¹ *The Guardian*, 15 June 1998.

¹⁰² *The Financial Times*, 18 June 1998.

Clinton may find Congress unwilling to sanction a further US Balkan deployment.¹⁰³ In France there may also be doubts about any NATO ground mission, mainly out of opposition to a further mission for NATO in a non-collective defence role.

There could also be practical problems with the execution of any air campaign. Kosovo is not divided from Serbia by any natural barriers. There are no major bridges and few choke points to attack. The Yugoslav forces are widely dispersed across Kosovo and may be much harder to hit than the arms dumps and barracks attacked during the campaign against the Bosnian Serbs in 1995. The Yugoslav Army may also be better armed and more capable of retaliation against attacking aircraft.¹⁰⁴ Indeed, the Pentagon has indicated that it would wish to destroy the Yugoslav air defence system before any other attacks in Kosovo began. A Pentagon spokesman has been quoted as saying “We want to be confident that we have taken out the entire air defence system before flying around a region”.¹⁰⁵

It should also be pointed out that the 1995 air campaign was not conducted in isolation. It was followed by a Croat ground offensive in the Krajina which helped force the Serb side to the negotiating. In monitoring the Dayton Agreement, NATO was fortunate to be able to take over an existing peacekeeping mission and, more importantly, military infrastructure from UNPROFOR. If NATO were to intervene on the ground in Kosovo it might take many weeks and even months to build up the force levels required. Indeed, there could be problems in marshalling the necessary forces. Many European states only have limited contingents available for peacekeeping tasks and in many cases these are already heavily involved in SFOR or in UN peacekeeping. The NATO Permanent Council has apparently been told that it will require 80 days to bring together and insert a force of 20,000 men into the western Balkans.¹⁰⁶

NATO must also consider the purpose of any military intervention. The aim would perhaps be to end the conflict, encourage a political settlement and restore stability to the region. However, air strikes against Serb targets could also be seen as directly assisting the KLA, whose ambitions for a pan-Albanian state might threaten the security of the whole region. Indeed airstrikes could trigger off a wholesale Albanian uprising in Kosovo or encourage Albanian irredentists in Macedonia. Any precipitous departure of Serbian security forces from Kosovo, under NATO duress, could also leave Serb civilians open to retaliation from vengeful Kosovars.

¹⁰³ *The International Herald Tribune*, 12 June 1998.

¹⁰⁴ *ibid*, 13 June 1998. The Yugoslav Air Force deploys a number of hardened Surface to Air Missile sites and 240 combat aircraft, including some fairly modern MIG-29s (IISS, *The Military Balance 97/98*).

¹⁰⁵ *Atlantic News*, 19 June 1998.

¹⁰⁶ *ibid*, 26 June 1998.

VIII Regional Reaction

A. Albania

In early 1997 Albania was subjected to widespread anarchy and unrest following the collapse of a number of fraudulent pyramid investment schemes. An international force led by Italy succeeded in restoring order to most of the country, enabling parliamentary elections to be held on 29 June 1997. Widespread popular dissatisfaction with the outgoing government resulted in a victory by the opposition Socialist Party of Fatos Nano.

However, the new Government has been unable to impose full control over the whole of the country, with large areas of the north, including the crucial border area between Albania and Kosovo, remaining under the control of the supporters of former President Sali Berisha. Organised crime and arms smuggling are widespread and it is believed that the KLA is receiving large amounts of equipment and arms from across the Albanian border. There is a growing danger that Berisha and other opposition politicians are looking to use the crisis in Kosovo as a means of advancing their own political agenda by openly supporting the KLA or even calling for the establishment of a Greater Albania. Berisha has organised several pro-KLA rallies in Tirana and members of Berisha's entourage have been spotted wearing KLA uniforms.¹⁰⁷

In response to the Serb police actions in central Kosovo during February and March 1998, the Government in Tirana moved troop reinforcements to the border with Kosovo to prevent the spread of violence into Albania. However, any attempt to seal the border and prevent Serbian forces from carrying out cross-border raids in hot-pursuit of the KLA are likely to be severely hampered by the poor state of Albania's military.

In March 1998 Albania invoked its right to consultations through the forum of NATO's Partnership for Peace. As the violence in Kosovo intensified during April the Albanian Prime Minister, Fatos Nano, sent a letter to the Italian Foreign Minister, Lamberto Dini, requesting a NATO deployment to Albania:

In the light of the [current] situation and in the framework of joint cooperation, we consider the NATO presence in Albania a high necessity, which will serve as a factor for pressure and security against the conflict.¹⁰⁸

¹⁰⁷ *Economist*, 13 June 1998.

¹⁰⁸ *Summary of World Broadcasts*, 1 May 1998.

In April 1998 the Albanian Government indicated its support for a negotiated solution to the question of Kosovo's status and believes autonomy is the best option:

Albania has declared that it is for a peaceful settlement to the Kosovo question, that it is against the changing of borders and for the road of dialogue and direct Albanian-Serbian talks under the care of international community, for the treatment of Kosovo as a federal element, equal to the other Yugoslav republics, with complementary aspects of European models.¹⁰⁹

However, as the situation continued to deteriorate Prime Minister Nano warned in an interview on 25 June that Albania's northern border had already become a theatre of war and called on NATO to act, regardless of whether it obtains a UN Security Council mandate:

We must have NATO air strikes to stop the Serbs. It has to be done now, because if not, in two weeks I am afraid we will have a new Bosnia with all the consequences that could bring for Western Europe...Albania does not feel alone. It is part of the Partnership for Peace structures in NATO, and will do what it can within that. But if the United Nations cannot understand that it is in its interest to take military action, then NATO must do it itself.¹¹⁰

The Albanian Government gave unconditional support to the NATO air exercise, 'Determined Falcon' held in Albanian and Macedonian airspace on 15 June 1998.

B. Macedonia

Macedonia (full title The Former Yugoslav Republic of Macedonia or FYROM) declared independence on 21 November 1991, raising concern in Greece over the name "Macedonia", which geographically delineates an area larger than the republic itself and encompasses part of northern Greece. Athens argued that using the name "Macedonia" might foster a future claim for territorial expansion and moved to block attempts within the EU to recognise the new republic. The issue went to international arbitration and Macedonia was eventually admitted to the UN in 1993 under the temporary name of 'The Former Yugoslav Republic of Macedonia', a decision acceptable to Greece.

In spite of the dispute with Greece, Macedonia is the only republic to have seceded peacefully from the former Yugoslavia. The majority of Macedonia's population of approximately 2 million is divided between Slav Macedonians and ethnic-Albanians with smaller minorities of Turks, Roma and Serbs. The ethnic-Albanian population is concentrated in the west and north along the border with Kosovo and Albania. Official Macedonian figures place the percentage

¹⁰⁹ *BBC Monitoring*, 1 April 1998.

¹¹⁰ *International Herald Tribune*, 26 June 1998.

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of ethnic-Albanians at 22.7 per cent of the population, although some ethnic-Albanian groups claim the figure is closer to 40 per cent.¹¹¹

In spite of the ethnic mix of Slavs and Albanians, Macedonia under its 81-year-old former-Communist President, Kiro Gligorov, has remained relatively stable since it declared independence on 21 November 1991. Both the main ethnic groups supported the move to independence, although for differing reasons: the ethnic Macedonians sought independence from Serbian-dominated Yugoslavia while some ethnic-Albanian groups saw it as a stepping stone to greater autonomy or even secession from Macedonia with the aim of joining a Greater Albania.

Thus far, the two main ethnic-Albanian political parties in Macedonia have proposed the establishment of a two-part federation of ethnic Macedonians and ethnic-Albanians, but have pursued this through the existing political structures rather than by resorting to violence. Nonetheless, the possibility that the ethnic-Albanian population might ultimately seek to secede from Macedonia and link up with their neighbours in Albania and Kosovo has fuelled support among ethnic Macedonians for the Slav Macedonian nationalist party, the VRMA-DPMNE, which may become a factor in the forthcoming parliamentary elections this autumn.

¹¹²

The deployment of a small contingent of 750 United Nations troops as part of the United Nations Preventative Deployment Force (UNPREDEP) to the Republic in 1993 has helped ensure a measure of stability in Macedonia, although instances of ethnic confrontation have increased since 1996. In July 1997 a dispute over the flying of the Albanian flag prompted an outbreak of violence in Gostivar in north-west Macedonia, which left two people dead and forty injured.

The Macedonian Government is currently attempting to balance two potentially conflicting interests. On the one hand President Gligorov is aware of NATO's importance in ensuring the region's security and preventing the conflict in Kosovo from spreading. Skopje is apprehensive that an influx of Kosovar Albanian refugees into Macedonia could undermine the current state of fragile stability and provoke demands for independence from Macedonia's own ethnic-Albanian minority. On the other hand, Gligorov is wary of supporting any direct NATO action in Kosovo, which could lead to a change in the regional balance of power.

¹¹¹ *Europa World Yearbook 1997* and Karen Dawisha and Bruce Parrott (Eds), *Politics, Power, and the Struggle for Democracy in South-East Europe*, 1997, p 252.

¹¹² The full title of the VRMA-DPMNE is the Internal Macedonian Revolutionary Organisation-Democratic Party of Macedonian National Unity.

In contrast to Albania's unconditional support, the Government in Skopje only granted NATO permission to use Macedonian bases and ranges for the 'Determined Falcon' air exercises on 15 June after extensive negotiations. Any future NATO deployments to Macedonia will also require prior consultations with all political parties and potentially a parliamentary vote. Furthermore, Macedonia has warned it will not permit the use of its territory for military action against Serbian forces in Kosovo. A clause in its 1996 bilateral agreement with Yugoslavia states that both parties will not use their territory for attacks on the other.¹¹³

C. Bulgaria

Bulgaria's role in the region is influenced to a certain degree by its relationship with Macedonia, which is seen in some Bulgarian nationalist circles as ethnically and linguistically part of Bulgaria. The Macedonian nationality and language are not recognised as being distinct from Bulgarian, and Sofia has sought on several occasions during the twentieth century to reclaim Macedonia by force. In the post-communist period, Bulgaria's claims to Macedonia have not been revived and the current pro-western administration of President Petar Stoyanov has stressed that Bulgaria has "no territorial or any claims whatsoever vis-à-vis the Republic of Macedonia."¹¹⁴

The current crisis in Kosovo has raised fears in Sofia over the potentially destabilising impact Kosovo may have on Bulgaria's development. In particular, the influx of large numbers of refugees could divert much needed resources from the Government's reform programme and, as a consequence, could hamper Bulgaria's moves to join the EU and NATO. According to a Bulgarian Foreign Ministry spokesman, the best solution to the conflict would be broad autonomy for Kosovo within the framework of the Federal Republic of Yugoslavia.

D. Turkey and Greece

The Greek Government's policy during the recent crisis has been to ensure minority rights by supporting autonomy for Kosovo within the Federal Republic of Yugoslavia, but Athens remains strongly opposed to any change to international boundaries in the region out of fear of setting a precedent for redrawing its borders with Turkey.

Despite difficulties in the immediate aftermath of the break-up of Yugoslavia, relations between Greece and Macedonia are relatively harmonious at present. The new administration

¹¹³ "Macedonia: Kosovo Dilemma", *Oxford Analytica Brief*, 26 June 1998.

¹¹⁴ *Summary of World Broadcasts*, 29 May 1998.

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in Athens under Prime Minister Constantine Simitis has encouraged closer economic and political relations with Macedonia. Simitis also has a strong interest in supporting the current Macedonian administration under President Gligorov, as the alternative after the autumn elections could be a government dominated by the relatively pro-Bulgarian nationalist party, the VRMA-DPMNE.¹¹⁵

Turkey supports the reintroduction of autonomy for Kosovo but remains strongly resistant to independence in view of its own internal conflict with the Kurds in south-eastern Turkey.

¹¹⁵ "Macedonia: Kosovo Dilemma", *Oxford Analytica*, 26 June 1998.

IX Possible Outcomes and Solutions to the Crisis

The general international consensus would seem to be that the best solution to the crisis would be for Kosovo's autonomy to be restored or perhaps for the region to become a third constituent republic of the Federal Republic of Yugoslavia. Perhaps under the supervision of international monitors, the Serb army and other security forces would be demobilised and return to barracks and the KLA would also be subject to some form of disarmament. Free elections could then be held. As part of a wider settlement, proper attention would be given to protecting the rights of Kosovan Serbs and sites of particular cultural importance to the Serbs, such as a number of orthodox monasteries. Whilst for many external observers this might represent an ideal scenario, it may ignore reality. Since March the Serbian offensives have radicalised the Kosovars and it is difficult to see them settling for remaining within a state which has been responsible for the widespread destruction of their towns and villages. The province enjoyed an autonomous status under the former Yugoslav constitution but due to its subordination to Serbia, that status could be, and was, easily revoked. As one commentator has remarked: "Autonomies are only meaningful in countries which respect the rule of law and order - which is precisely what Yugoslavia is not today."¹¹⁶ Comments that an independent Kosovo would be economically weak, with few natural resources, and politically unstable would seem to ignore the exigencies of nationalism.

From the Serb perspective, it may be difficult for the Milosevic regime to concede the establishment of a Kosovar government in Pristina, even if the province remained part of Yugoslavia. For a decade Milosevic has placed himself as the guardian of Serbs throughout the Former Yugoslavia. Being seen as 'giving away' Kosovo would open him to attack from the extreme nationalists and, coupled with Serbia's economic problems, could force him from power. Conversely, apart from the most extreme nationalists, most Serb leaders do not conceive of removing the majority Albanian population from Kosovo. A solution, from the Serbian perspective, might be some form of partition with northern and western Kosovo being transferred to Serbia proper. This would leave the mines of Trepca and Pec, the seat of an orthodox patriarchate amongst other religious sites, in Serbian hands.¹¹⁷ Still, much of this area contains an Albanian majority. A possible exception is the region to the north of Mitrovica. Here the population is Serb, living in villages which were part of Serbia proper until 1959. Certainly, it has been suggested that if Kosovo were to obtain independence, then these villages could be swapped for Albanian inhabited settlements in south-eastern Serbia, adjacent to Kosovo's eastern border.¹¹⁸

¹¹⁶ Jonathan Eyal in *The Irish Times*, 20 June 1998.

¹¹⁷ 'Province at stake as Milosevic considers the spoils of war', *The Guardian*, 10 June 1998.

¹¹⁸ "Kosova", *Eastern Europe Briefing*, 10 February 1998.

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It remains to be seen whether NATO, or any of its members individually, will use military force against Serbia over Kosovo, in order to force a political settlement, or whether a suitable legal basis for such action can be determined. The political and legal circumstances that facilitated the use of force in Bosnia in autumn 1995 do not exist. Certainly, for the moment, it seems as if NATO is backing away from the imminent use of military action and relying more on diplomatic initiatives and the pressure of sanctions to engender a solution to the crisis. Indeed, President Milosevic may yet call NATO's bluff. Tactically, he could also foment political difficulties in Bosnia where his support for moderate Serbs and, more generally, the Dayton Agreement, rightly or wrongly, has been seen as an important factor in preserving the peace obtained in 1995.

If both Belgrade and the KLA remain intractable, there is then the prospect of a continued and increasingly bloody conflict in Kosovo. To date, fighting has been largely confined to western and north central areas of the province. Without a general mobilisation, it is debatable whether Belgrade has sufficient manpower to control the whole province or to stop shipments of arms from Albania. Indeed, the clearing of the KLA from one region may merely see it turning up in another. In time, all the rural areas of Kosovo could be a battlefield. A NATO official commented on the Serb predicament:

They can control the roads and fixed positions, especially in daylight. But the end of the day they are surrounded by two million ethnic-Albanians who are supplied across a very porous border ... If there is no diplomatic settlement and this turns into a protracted guerrilla conflict then both sides will pay a heavy price.¹¹⁹

This would start the worst case scenario, with a wholesale conflict in Kosovo then spreading to encompass ethnic-Albanians across its borders, in particular in Macedonia, before erupting into a wider Balkan conflict.

Although much has been made of the potentially ignitable ethnic cocktail of Macedonia and those of its neighbours who see it wholly or in part as, respectively, a segment of 'Greater Albania', 'southern Serbia', 'western Bulgaria' or 'northern Greece', a new Balkan War may be avoidable. Notwithstanding external diplomatic pressure, practical and political factors may militate against a regional conflict. Both Bulgaria and Greece are headed by pragmatic leaders who have demonstrated their commitment to the integrity of Macedonia. It is notable that Greece, which has religious and political ties to Serbia, participated in and allowed its airfields to be used for Operation 'Determined Falcon'.¹²⁰ Albania, still recovering from the chaos of 1997 and where the government is not in control of much of the country, is in no position to carry out any ambitions it may have regarding Albanian-inhabited territories abroad. The Milosevic regime is beset by economic difficulties, tainted by failure to defend

¹¹⁹ *The Scotsman*, 6 May 1998.

¹²⁰ *The Independent*, 16 June 1998.

Serb interests in Croatia and Bosnia and may yet lose any control over Montenegro.¹²¹ It may not wish to overreach itself by becoming embroiled in a wider regional conflict. Indeed, Milosevic may benefit from keeping the conflict in Kosovo at a low level. On the one hand, he can appeal to Serb opinion as the defender of their 'spiritual' homeland of Kosovo from Albanian 'terrorists'. On the other, he may not wish the conflict to spin out of control and thereby fuel demands for international intervention. Perversely, the KLA may hope that Serbian repression worsens and more Kosovars are killed. Up until recent months, the Kosovars generally supported a policy of non-violent action in seeking to achieve greater recognition of their rights. With their campaign ignored by the international community, they now perceive this policy to have been a failure. "Kosovar Albanians have seen that only the use of arms wins attention".¹²²

Military factors also argue against a wider war. The armies of the most likely parties to any regional conflict, those of Albania, Macedonia and Yugoslavia, are in a poor condition. Despite remedial work by NATO and other external advisers, the Albanian armed forces have scarcely recovered from the anarchy of 1997 when they all but disintegrated.¹²³ Much of their equipment is of Chinese pattern, arising from Albania's (only) external alliance during its three-decade period of self-isolation. Larger items are in the main obsolescent and in many cases completely unserviceable.¹²⁴ Unless the Albanian government contemplated some form of *levee en masse*, Albania would seem completely incapable of mounting any military operations against Yugoslavia or Macedonia. The Macedonian Army is perhaps equally decrepit. The Yugoslav National Army was careful to remove equipment of any military utility on its withdrawal in 1992 and little was left behind.¹²⁵

Although clearly superior to the forces of both Albania and Macedonia, the Yugoslav Army is currently facing heavy commitments. There are already perhaps 30,000 soldiers tied down in operations in Kosovo, and more may be assigned there if the conflict worsens. At the same time, reserves may need to be maintained in the north to counter any potential threat from the militarily more capable Croatia, or to come to the aid of fellow Serbs in Bosnia should any conflict resume there in the future. The army, and particularly its tanks, would also prove useful in suppressing any internal dissent in Belgrade and other large cities should this prove necessary. Even if the army may prove unwilling to prop up the Milosevic regime in any domestic political crisis, the army leadership may wish to preserve sufficient forces in Serbian towns for their own political ends or simply to ensure that some form of stability is maintained if serious domestic disturbances break out.

¹²¹ J. Eyal, "Kosovo Crisis: Bad and Good News", *RUSI Newsbrief*, April 1998.

¹²² J. Pettifer, "We have been here before", *The World Today*, April 1998 and M. Woollacott, "Balkan Trilogy: the sequel", *The Guardian*, 7 March 1998.

¹²³ P. Harris, "Better Security Key to Albania's Future", *JIR Pointer*, October 1997 and N. Erik, "Albanian High Command Faces New Officer Purge", *JIR Pointer*, November 1997.

¹²⁴ A. de Lionis, "The Remains of Albania's Defences", *Jane's Intelligence Review*, July 1995.

¹²⁵ Gow and Pettifer, "Macedonia – Handle with Care", *Jane's Intelligence Review*, September 1993.

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The prospect, then, may not be of an all-out Balkan war, but rather of a guerrilla conflict spreading throughout Kosovo and then into Macedonia, with certain external parties, Albania and Serbia, providing indirect support for factions involved. Such a conflict might be containable within these countries but could cost many lives and cause much destruction. Given the uncompromising attitudes of both the Serbian authorities and the KLA, it is perhaps not surprising that comparisons have been made between Kosovo and the Israeli-Palestinian impasse. One journalist has commented:

The Balkans are simply too small and too poor to accommodate all the historic dreams of independence and restored greatness harboured by the region's politicians and nationalities. The rapid growth of the Albanian populations has further complicated the issue.¹²⁶

As the Israeli government eventually realised in its Occupied Territories, Belgrade may find it impossible to suppress Kosovar resistance in its southern province; demography is against it. Rapid Albanian population growth is also an important factor in Macedonia where ethnic-Albanians may constitute a majority in the future and then be in position, through the ballot box, to demand union with Kosovo. In this context, international calls for Kosovan autonomy within Yugoslavia, or the preservation of Macedonia's existing border, may appear unrealistic. Although it runs contrary to the precepts of the Helsinki Final Act, that Europe's frontiers may not be changed by force, a further redrawing of the boundaries of this part of the Balkans in the future may yet prove inevitable.

The difficulty may be that this could generate further problems elsewhere in south-eastern Europe. The collapse of the Former Yugoslavia, although bloody, had one advantage in that the seceding constituent republics gained sovereignty inside designated frontiers. Redrawing the map around Kosovo might undermine the Dayton settlement, with Bosnian Croats and Serbs again pressing for union with their nation states. It might also reactivate the claims of some Hungarian nationalists to parts of Romania and Slovakia with Magyar minorities. Even if the Kosovo crisis does not lead to a regional war, it could have many as yet unexpected consequences.

¹²⁶ Anthony Robinson, "Kosovo violence starts alarm bells ringing", *The Financial Times*, 4 March 1998.

Appendix 1 - Map: Albania, Federal Republic of Yugoslavia & Former Yugoslav Republic Macedonia Region

ALBANIA, FRY & FYROM REGION



KOSOVO



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