

**Political Change in Kosovo: Serbian Connection, NATO Intervention, and Nationhood Potential**

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### *Introduction*

“Over there...One can find, they say, Miloš’s tomb!...Over there!...My soul will receive its rest  
When the Serb will no longer will be a slave” (quoted in Banac, 1984, p. 274). “(The) sovereignty and  
territorial integrity (of Kosovo)...is intact, inalienable, indivisible and protected by all means provided in  
this Constitution and the law” (*Constitution of the Republic of Kosovo*, 2008, Article 2 [Sovereignty].”  
What a contrast in aspirations explodes in those two statements. The first was a song that  
Montenegrin Prince Nikola sang in the nineteenth century as he anticipated the re-conquest of Kosovo  
from Ottoman rule, some day in the future. The second was a key definition of the Kosovo nation that  
was contained in the new Constitution written in 2008. Whereas the first reflects the special historical  
place that Kosovo symbolized in the heart of Serbs, the second represents the advent to power in  
Kosovo of the Albanian majority. Embedded within those two sets of aspirations is a deep and long-  
lasting struggle for the very meaning and identity of the place known as Kosovo.

After more than six centuries of subordination to more powerful units, how did Kosovo finally  
achieve independent nation-hood? Several observers credit the North Atlantic Treaty Organization  
(NATO) intervention in 1999 as the critical step that led to the declaration of independence nine years  
later. At the time of the NATO operation, some saw its inevitable result as being the “secession of  
Kosovo from Serbia (Pease, 2008, p. 155).” Charles King (2008, p. 1) puts it even in even stronger tones.  
From the vantage point of later spring, 2008, he remarks in striking terms that the “independent Kosovo  
was fated from the moment the first U.S. fighter-bombers took off from the NATO air base in Aviano,  
Italy.” Both the 1999 attack and the ensuing U.N. sponsored peacekeeping mission in Kosovo  
strengthened the Albanian minority within the Yugoslav federation. In fact, this support was also

unusual because Kosovo had not even been one of the “major administrative constituents” of Yugoslavia.

The central hypothesis of this paper is that the NATO intervention of 1999 was one important causative factor in Kosovo’s decision in 2008, to declare independence from Serbia. The initial portion of the paper will outline the historical connections of Kosovo to both Serbia and the larger Yugoslav federation. It is a matter of critical importance that two historically important sites to Serbia are located on Kosovo territory. This historical section will also outline in brief the experience of Kosovo during the Yugoslav period of 1918-91. The second part of the paper will include analysis of the reasons for NATO’s intervention in 1999, as well as the impact of that bombing campaign on the shrunken Yugoslav state. A third section will focus on management of Kosovo after 1999. The United Nations was the overall administrator, but NATO and the European Union (EU) played critical roles as well. NATO, in particular, played a critical role, and a number of the new alliance partners took on special roles in this KFOR peacekeeping mission. Further, during this period Montenegro made its decision to separate from Yugoslavia and become an independent state on its own. The example of Montenegrin independence, when coupled with the physical NATO presence, encouraged both leaders and citizens in Kosovo to anticipate eventual independence from Serbia. The fourth section of the paper will include analysis of the new Kosovo Constitution in light of all these historical threads. To what extent does the Constitution encapsulate joint Serbian-Albanian needs as well as the imperatives of an independent state? The conclusion will return to the hypothesis and interpret the extent to which the NATO action and presence made possible the independence declaration. It is also necessary to pay attention to the impact of Kosovo independence on other potential break-away units in the region.

### *Key Historical Themes and the Kosovo-Serbian Tie*

Serbia and Kosovo have been inextricably linked for over six centuries. In 1389, Serbia lost its last battle to the Ottoman Empire on Kosovo Field. Both experienced the shared history of being part of that large empire until early in the twentieth century. After the fall of that empire, and after a decade of negotiations, both became joint members of the South Slav federation known as Yugoslavia. Through the end of World War II, the experience of both was roughly a common one in the pre-communist era. The communist victory near the end of World War II resulted in a new political experience for this federation, but it was one in which Serbs and Kosovars again were confined within the same territorial state. Following the collapse of communist controls as well as the Yugoslav Federation, the Serb-Kosovo connection continued for nearly two more decades, with a startling end to it all in early 2008.

#### Battle of Kosovo

In 1389, the Serbian conflict with the Ottoman Empire ended in defeat during the Battle of Kosovo. Ironically, that battle occurred in a geographic area that contained a large Albanian population (Seton-Watson, 1962, pp. 7, 270). From that time on, Kosovo possessed a double historical meaning. For the majority of inhabitants, Kosovo symbolized the “cradle of modern Albanian nationalism” (Remington, 1992, p. 555). For Serbs the day itself acquired a symbolic significance that echoed through later centuries. In fact, the 1389 defeat had occurred on an important feast day in the Serbian Orthodox Church. That day was the one devoted to the memory of St. Vitus and was itself called Vidovdan. Ironically, the assassination of Franz Ferdinand occurred on the same calendar date in 1914. Of course, that assassination was the trip wire event that set off World War I, and the ensuing war then led to the birth of Yugoslavia as a modern state. Importantly, the architects of Yugoslavia saw fit to adopt their Constitution on June 28, and that document was called the Vidovdan Constitution (Banac, 1984, p. 403).

In a sense, both the existence of the federation and its life in the twentieth century represented a sort of revenge for the loss that occurred in 1389.

### 1389-1912

The long period of Ottoman rule resulted in diluting the Serbian proportion of the Kosovo population and in increasing the strength of the Albanian component. The Ottoman rulers began to punish the Serbs for their rebellion, and this resulted in an outflow of Serbs from the region throughout the sixteenth century. Many of the Serbs who remained became quite radical in their opposition to the existing political controls. The Ottomans also moved in people from Anatolia, and they combined with immigrants from the area now known as the country of Albania to diminish further the status of the Serbs. These changes combined with additional conversions to the Muslim faith to make Serb prospects even more gloomy (Banac, pp. 38, 166).

Memories of 1389 were particularly important in reminding Serbs of a better future. During the last stages of the Ottoman Empire in the early twentieth century, a number of those signs appeared. Beginning in 1904, the sculptor Ivan Meštrović began to plan a gigantic project called the Kosovo Temple. Plans included construction of a Latin cross and a five-tiered tower to remind viewers of the five centuries of slavery after 1389. Additional figures were to include heroes and widows from the time of the battle (Banac, p. 204). In fact, that huge project never came to fruition, but an artistic creation in its spirit did in 1911. In that year there was an International Exhibition in Rome, and there was a Serbian Pavilion at that show. Basically, three-fourths of the Serbian pieces of sculpture at that exhibition were those of Meštrović (Banac, p. 205). Through his sculptures, the artist became somehow a “prophet of Yugoslavism” (Banac, p. 103).

Finally, the collapse of Ottoman rule led to yet another symbolic act that reminded Serbs of the imprint of 1389. There was a huge candle in Dečani, and the tradition was that it should only be lit when

the Battle of Kosovo was avenged. When the Ottoman Empire finally collapsed in 1912, King Petar lit that candle in a public ceremony (Banac, p. 292).

#### 1912-1921

It was really the creation of two separate states in this period that continued the older problem but gave it new national dimensions. Modern Albania was created in 1912, and that state was from then on independent of the Turkish Empire. However, the Albanians in Kosovo were not attached to that state but remained under Serbian control (Biberaj, 1995, p. 247). The same fate afflicted the western Macedonians, who also might have been attached to modern Albania (Seton-Watson, p. 358). As a result, in the 1910-20 decade, many people emigrated from the Albanian populated sections of the emerging Yugoslavia either to Turkey or to Albania itself (Banac, p. 301). In this time of ferment, both Serbs and Albanians increased their aggressiveness several notches. Within northern Albania, a group called the Committee for the National Defense of Kosovo (KK) emerged with a vigorous agenda. They smuggled arms into Kosovo, organized the anti-Serb resistance, and prodded the government of Albania to adopt a more irredentist policy towards Kosovo (Banac, p. 302). At the same time King Petar Karadjordjević led the Serbs to victories in the various Balkan Wars in 1915 and 1916. His countrymen commemorated those victories and his leadership by anointing him informally as the new Lazar. The old Lazar had been the Serb general who lost the Battle of Kosovo in 1389 (Banac, p. 143). Thus, as the nation of Yugoslavia was born, Serbian and Albanian historic differences over Kosovo were particularly vivid.

#### 1921-1944

Such tensions between the two ethnic communities continued to simmer at lower intensity through the next two decades. Zogu, both a cabinet member and later premier of Albania, broke up the radical KK in the 1920s, and that took some pressure off Serbian in Kosovo (Banac, p. 305). Even though

a Serbian Radical Party became more prominent in the 1920s, it continued to bask in the glory of having avenged the Battle of Kosovo in 1912 (Banac, p. 154). However, during World War II tensions began to simmer anew. The Administration for Agrarian Reform seized some of the most fertile farmland in Kosovo and re-distributed it to Serbs in late 1940 (Banac, p. 299). Further, while the communist anti-fascist resistance forces in Yugoslavia aimed to hang on to Kosovo, a rival National Front formed in 1942. They intended to expand the fascist state of Albania set up by the Axis in 1941, by attaching Kosovo to it (Remington, 1984, p. 215). Certainly, the stage was set for renewal of tensions following the conclusion of World War II.

#### 1944-1991

Under communism the Yugoslav state was able to contain the fires of nationalism, but sparks flew and the federation smoldered. Serb-Kosovar tensions were most apparent to the outside world in the decade 1981-91. However, as early as the 1960s, Kosovo saw fit to join forces with Macedonia, Bosnia-Herzegovina, and Montenegro in opposing the reforms of the rationalizers. The more advanced Yugoslav republics in the northern part of the federation sought more autonomy. However, Kosovo and the regions in the southern sector feared a loss of the additional funds they had been receiving in order to upgrade their economic status (Remington, 1984, p. 246).

However, in 1981, Albanian nationalist riots took place in Kosovo. This provoked Serbian fears that Kosovo wanted to pull out of the Yugoslav federation (Gutteridge, 1983, pp. 11-12). In fact, what Kosovo was claiming was the right to full republic status. Along with Voivodina, they had lesser power and status than the other six republics (Remington, 1984, p. 259). The nation of Albania, of course, was quite happy to support this power bid by Kosovo (Pano, 1984, p. 235).

The emergence of the Serb leader Milosevic in 1986 added another large ingredient of tension to this mixture. In 1987, he went into Kosovo on a fact-finding tour. He gave an electric speech on that

tour, and the Central Committee had not even approved its theme or tone. By promising Kosovo Serbs that the police would never again target them specifically, he became overnight a hero to Serb nationalists (Seroka, 1993, p. 114). Milosevic escalated his rhetoric by stressing the need to protect the Kosovar Serbs, a cry that would be echoed several years later in his concerns about Slovenia, Croatia, and Bosnia. In fact, he specifically called for reintegrating Kosovo into the Serbian Republic (Remington, 1995, p. 274). Without his strident claims, it may have been that the NATO bombing campaign in 1999, might never have taken place!

#### 1991-2008

Later sections of the paper will treat in much more detail the critical events of 1999 and its aftermath. It is enough to note here, in this chronological outline of key historical themes, that a “quasi-civil war” persisted in Kosovo throughout the entire decade of the 1990s, after the 1991 break-up of the federation (Kovrig, 1995, p. 29). In fact, the 1991 break-up was an event in which Kosovo and Voivodina finally put themselves on the same plane with Serbia and Montenegro, the remaining Yugoslav republic. All four claimed jointly that they were usurping the powers of the defunct Yugoslav parliament (Remington, 1995, p 280). However, beneath that seemingly harmonious statement lay slightly more than six decades of historic hostility between Serbs and Kosovars.

#### *NATO and Operation Allied Force (OAF), March 1999*

Following his defeats in Slovenia, Croatia, and especially Bosnia, Serb leader Slobodan Milosevic set his sights on protection of the Serb minority in Yugoslavia’s own Republic of Kosovo. He encouraged the ambitions of the Serbs in Kosovo, and their continuing atrocities against the Albanian majority provoked denunciations by the outside world through much of 1998. In September the United Nations passed Security Council Resolution 1199, and that declaration condemned the Serb atrocities in Kosovo.

However, Russian and Chinese opposition prevented the resolution from incorporating language that would call for use of force against the Serbs. In light of that resistance to the possibility of forceful U.N. action, the United States and the United Kingdom switched the discussion to NATO . NATO was willing to approve flyovers of the Serbian border in hopes that it might be a deterrent. The alliance also played a central role in organization of the Rambouillet Conference in early 1999, and that turned out to be the last diplomatic hope before the endorsement of military force (Hendrickson, 2006, pp. 94-105).

Use of NATO to force a conclusion to the crisis raised the difficult issue of the use of force to protect an ethnic group against the use of terror and violence endorsed by its own government. This fact was an additional reason for U.N. reluctance in these circumstances. In contrast, the U.N. supportive resolutions at the time of the first Persian Gulf War had been directed at pushing Iraq out of Kuwait. Defense of a nation against aggression was much more in keeping with the defined role and previous history of the United Nations. However, the Kosovo crisis did fit with President Clinton's criterion of a humanitarian crisis as a rationale for such intervention (Jentleson, 2007, pp. 288-289). Early in his administration, he had developed the theme of "Expansion and Enlargement." This foreign policy theme is understandable in light of the global situation at the conclusion of the Cold War. It called for an active role by the West in expanding and enlarging the community of nations that nurtured free market principles and protected human rights. Obviously, major human rights abuses were occurring in Kosovo. In addition, the West had basically stayed on the sidelines during the great suffering in the region during the Bosnian War of 1992-95. In order to prevent similar scale atrocities, the decision of the Clinton Administration and NATO to take action when the U.N. would not is understandable.

However, the war was a first in several respects. The alliance actually fought a war instead of defending against the prospects of one, and it was directed against a situation of ethnic cleansing within

a nation rather than against invasion of it by an outside force (Jentleson, p 442). In the end, nineteen NATO members approved the decision to take action in light of the paralysis within the United Nations (Rees, 2004, p. 210). In a number of ways, NATO had taken upon itself the role of crisis manager in Operation Allied Force (OAF) (Mahncke, 2004, p. 54).

An additional unique feature of OAF was that NATO was on the verge of including three former communist countries in the alliance. Although they would not formally join until one month after the military operation, they felt special pressure to go along in the brief war of March 1999. Thus, Poland, the Czech Republic, and Hungary granted over-flight rights and made other contributions to the intervention (Terzuolo, 2006, p. 49). Of course, the traditional alliance partners made more substantive contributions. For example, Germany and Denmark both took part in the campaign. In Denmark, the legislature had granted permission, and all the centrist political parties had been supportive.

Once the brief operation was concluded, peacekeeping forces (KFOR) replaced the bombing campaign entitled OAF. Very quickly, the participant nations began to debate the political and military lessons of the intervention. European nations had learned that U.S. leadership had been required in the Kosovo operation in part because the EU lacked such capabilities. Therefore, the EU set up in the summer the infrastructure of its pre-existing European Security and Defense Policy (ESDP). Germany considered upgrading its capabilities, and Denmark decided to modernize its Air Force. Interoperability among the various military forces had been an issue during the campaign, and a resolve developed to address that deficiency (Michta, pp. 105, 52, 65). American commanders had complained about the need for excessive coordination among the NATO partners. Some concluded that the European partners only contributed constraints on the carrying out of policy (McGuigan, 2007, p. 154). That concern was one reason that the Bush Administration decided to take the lead in the 2001 Afghanistan operation (Jentleson, p. 334). In contrast, they did not turn over a large share of the Afghan peacekeeping force to

NATO until 2006. On the other hand, a positive feature of the consultative feature of alliance planning during Kosovo was that it stoked the belief that NATO was becoming a political as well as a military alliance (Mahncke, p. 73).

Another set of lessons pertained to the opposition that Russia had shown to the operation all the way from beginning to end. Russia traditionally had looked to Serbia as a smaller Slavic brother, and members of Milosevic's family had at times taken sanctuary in that protective larger brother. In addition, Russia opposed the precedent that OAF might set for other pieces of nations seeking border changes (Friedman, 2008, p. 18; Jentleson, p. 317). Russia had already fought one war in Chechnya (1994-96) and was beginning its second in 1999. In the shadows of its doubts lay the seeds that the intervention was leaving for a later bid by Kosovo for independence. Russia feared outside pressure to grant the same eventual status to Chechnya. Another factor behind Russian rejection of a plan endorsed by either the United Nations or NATO was its own renewed push for Great Power Status. Their near financial collapse in 1998 convinced them of the need to take purposeful steps to restore their lost position, a move that resonated with popular concerns and interests. Vladimir Putin had become Secretary of Russia's Security Council in the same month that OAF took place (Baev, 2008, pp. 34-35, 82). He was thus thinking ahead to future chess moves when he espoused Russian opposition to the intervention. In addition, a consequence of the 1999 Serbian defeat was that it produced more evidence for Russia of "the political humiliation of its (own) impotence" (Gower and Timmins, 2007, p. ix).

Technically, both Russia and China opposed OAF because of the conviction of their leaders that it constituted intervention in the internal problems of a sovereign state (Hendrickson, p. 94). For them the operation was an illegal use of force. Chinese anger was fueled as well by the fact that bombs hit its embassy (Pease, p. 155). The budding refugee crisis made the image of Kosovo to these nations even

more negative, especially since so many of them were Kosovo Serbs. These joint concerns about sovereignty even resonated within NATO. The alliance had discussed the possibility of a ground invasion in addition to the air campaign. However, that would have entailed even greater interference into the sovereignty of an independent state as well as potentially higher casualties.

#### *Post-Intervention Management of Kosovo, 1999-2008*

Operation Allied Force was a success in achieving protection for the Kosovo's Albanian majority in the face of Yugoslav interference in support of the Serb minority. However, it was not a panacea to the ethnic conflict that had raged since 1389. Kosovo quickly became an example of a situation in which peacekeeping forces can expect a long stay. Containing future ethnic conflict, rebuilding infrastructure, and reconstructing territorial integrity is no small matter (Rees and Mahncke, p. 3). The primary responsibilities were on the shoulders of NATO. While the United Nations took responsibility for post-operation management of Kosovo, NATO organized the 17,000 soldier KFOR contingent. A third involved group was the EU, with its 1,800 person unit that engaged in important subsidiary functions such as training of the police (Štěpanovský, 2008, pp. 18-22). Altogether, 34 nations were assisting in Kosovo by mid- 2008.

A unique feature of KFOR has been its inclusion of the troops of so many new NATO members. This inclusion helped to silence those critics who had expected European nations to do more in the 1992-95 Bosnian War. For example, the three Baltic nations all contributed after joining NATO in 2004. Estonia contributed a platoon to a police unit working in Priština (SME 2005). Both Estonia and Latvia contributed to protection of the economically significant Mitrovica area in the northeast (Ministry of Foreign Affairs of Slovakia 2005a). Lithuanian troops operated in Urosevac and aided in the transfer of law and order functions from military to civilian units (Ministry of Foreign Affairs of Slovakia 2005b).

Bulgaria and Romania performed different sorts of missions. In Prizren they assisted in protection of minority enclaves, patrimonial sites, and freedom of movement. Bulgarian engineers also worked on deactivation of mines and unexploded ordnance in the same general area (Ministry of Foreign Affairs of Slovakia 2005c). Safety of returning Serb refugees in the border areas was also important, and Lithuanians, Czechs, and Slovaks all contributed in that project (Ministry of Foreign Affairs of Slovakia 2005d). From July 2005 until December 2006, Czech troops actually had command responsibilities of the multinational brigade Střed. That unit included 1,600 troops with the responsibility of protecting the central hub of Priština (Ministry of Defense of the Czech Republic 2006). These 500 Czech troops ended up being involved in a number of unexpected missions. For example, they presented school programs on the dangers of land mines, worked to protect the forests against illegal tree cutting, and endeavored to stop drug trafficking through the region (iDNES 2006).

These new NATO members did not halt their contributions with the end of their specific missions or tours. With a certain amount of fanfare, they routinely welcomed home those who had served and those who became their replacements. In summer 2008, for instance, sixty additional Czech soldiers left to join the Czech 13th Contingent that already operated in Kosovo. Overall, that contingent included 402 military professionals. It had been operating under Irish command, but at the beginning of August it would be under the Finns. The center of its operations would be the base Šajkovac, in a region that included 130,000 citizens. Their mission included restoration of electric energy and drinkable water. The contingent was also tasked with fighting theft, domestic abuse, drug distribution, possession of illegal weapons, and illegal hauling of wood (iDNES 2008). About the same time, Slovakia sent in another rotation of its soldiers. They would be contributing both to KFOR and to the EU's Operation ALTHEA-EUFOR. Slovak support for KFOR consisted of 134 soldiers who were mainly involved in assisting humanitarian organizations, particularly in protecting the Serb minority. Slovak contributions

to ALTHEA included another 40 soldiers who were assigned to the Integrated Police Unit (SME 2008a).

Clearly, international assistance would continue after Kosovo's declaration of independence.

The extensive involvement of new NATO members in KFOR made sense in several respects. Like Yugoslavia, they had been under the control of larger empires prior to 1918, on their own for two decades, in the grasp of the Nazis during World War II, within the communist bloc for the next four decades, and then in the process of renewal since 1991. The post-communist states were closer to the troubled Balkans than either the West European nations or especially the United States. Many of these new alliance partners could also offer positive models of post-communist development both to Serbia and to Kosovo.

### *Independence and a New Constitution for Kosovo*

#### Independence

The Parliament in Kosovo declared independence on February 17, 2008. Just as in 1999, this new stage in Kosovo's history was not one that traveled through the United Nations. Again aware that Russia and China would veto any Security Council Resolution, the leaders of Kosovo reached out to individual nations with a request for recognition. By early October, forty-seven nations had done so. They also displayed a new flag that was bright blue, contained a golden map of Kosovo, and included six stars for each of Kosovo's principal ethnic groups. In an echo of the 1911 International Exhibit in Rome, the leaders signed their names on a large iron sculpture that spelled out "NEWBORN" (MSNBC 2008). Whereas the Rome exhibit had given Serbs a chance to celebrate their heritage and dreams, the 2008 piece provided the same opportunity for the Kosovars.

This new state was unique in a number of ways. Outside powers had given Kosovo more than a nudge towards independence, especially during OAF in 1999. A high number of nations granted it

recognition in a short space of time. Its boundaries were “something other than the internal borders of a highest-level administrative component of a pre-existing federation” (King, p. 2). A number of factors were pointers toward this event at the time that it occurred. Shortly before the independence declaration, Boris Tadić had won the elections in Serbia. His platform had been a pro-West one that contrasted with the nationalistic platform of his rival Tomislav Nikolić. Tadić would emphasize continued talks with the EU about a future relationship, and he was unlikely to agitate Kosovo Serbs in opposition to the independent Kosovo (Štěpanovský, pp. 180-22). Such intrusion into the new state would have reminded EU negotiators of Serbia’s effort to protect Serbs in Bosnia in the 1990s and the enormous bloodshed that ensued as a result. That kind of interference would surely have set back any productive discussions with the EU. Other precedents for independence existed in prior historical periods. The focus on self-determination of nations after World War I heartened the Kosovars to apply that principle to their own territory many decades later. A series of U.N. resolutions in the 1960s that supported national liberation declarations in Africa seemed to offer a parallel to the Kosovo situation as well.

At the same time, other winds prevailed against the logic of a declaration of independence. Both the Helsinki Declaration of 1975 and a resolution by the Organization of Security and Cooperation Europe (OSCE) in 1990 supported the inviolability of existing borders such as those of pre-2008 Serbia. Then in 1999, the United Nations Security Council passed Resolution 1244, a declaration that gave Serbia the right to determine questions of autonomy within its own borders (Štěpanovský, 18-22). For smaller post-communist nations that had just joined NATO, recognition of Kosovo seemed to be too much of a knee-jerk response to American interests. They had not intended to replace reflexive support for the Soviet Union with too frequent acquiescence with American preferences (Rychlík and Zrno, 2008, p. 20).

In spite of the doubts, Kosovo did continue on as an independent state throughout the year. Other related and important issues emerged about the status of that special state. First, would the outside troop presence continue into the indefinite future? American Secretary of Defense Robert Gates said that the 1,600 American troops in the international contingent would remain at least until the end of 2009 (Washington Post, October 7, 2008). Second, would international judges and prosecutors in the troubled north of Kosovo be able to continue on with their work? In fact, violence had forced their evacuation shortly after the independence declaration. By early October, U.N. justice workers returned to the courthouse in Mitrovica, the key city in the Serbian north. Those who returned first would deal exclusively with the worst criminal cases. Eventually, the EU will send 2,000 judges and prosecutors to replace the U.N. officials, and at some point in that transition justice workers would take up civil cases as well. Third, would Serbia succeed in getting the United Nations to investigate their questions and doubts about the new international entity? They had submitted a resolution asking the General Assembly to request an advisory opinion from the International Court of Justice (USATODAY, October 3, 2008). Any positive reaction by the United Nations to their requests would roil the waters even further.

#### The New Constitution of the Republic of Kosovo

In light of the above analysis, the features of the Constitution that pertain to matters of ethnic balance and relations deserve attention. Chapter I is entitled “Basic Provisions.” On the matter of official languages at the national level, both Albanian and Serbian have co-equal status as official languages (Article 5). At the municipal level, Turkish, Bosnian, and Roma also have that status. With regard to religious differences, the document simply states that Kosovo “is a secular state and is neutral in matters of religious belief” (Article 8). Chapter II on “Fundamental Rights and Freedoms” spells out more fully the possibilities for the various religions within the new state. Each religious denomination

has the right to set up its own schools and charities (Article 39), but the government may also restrict religious freedom if there is a threat to public safety, health, or individual rights (Article 33).

Chapter III on the “Rights of Communities and their Members” is particularly meaningful to the conflictual situation in Kosovo. Article 59 enumerates twelve separate rights that each community possesses. A community has the right to education in one of the official languages of the Republic. Each has the right to use its own language and alphabet in public as well as in private. They may do the same when dealing with municipal authorities and local offices, as long as they represent a sufficient share of the population as deemed by law. If an interpreter or translator is needed, the public authorities will bear the cost. Personal names also receive attention. Citizens may register their names in the original form and script of their languages. Meaningfully, they can revert to their original names, if they had earlier been changed by force. Place names should also duly reflect the multi-national character of the particular area. Each also has the right to broadcast programming in their own language, and Serbs could license their own Kosovo-wide television channel. Finally, each community would have the right to “free and peaceful contacts” with persons of the same ethnicity in any state. All of these provisions certainly reflected the best intentions of local leaders as well as the norms of the U.N., EU, and NATO. Again, on national issues the above provisions pertain to two official communities, and on local questions they are relevant to five.

The Constitution also says much about ethnic balance in governmental institutions. At the local level, if ten per cent of the population belongs to communities that are not in the majority in that municipality, those communities have one special Vice Presidential position for themselves (Chapter III, Article 62). Article IV on the “Assembly of the Republic of Kosovo” goes into great detail on the parliament at the national level. That parliament contains 120 seats, and 20 are reserved for communities that are not in the majority. For example, the Serbs will have no fewer than 10, the

Bosnians 3, and the Turks 2. In addition, Roma, Ashkali, Egyptians, and Gorani are reserved at least 1 each (Article 64). The Assembly also selects a President and five Deputy Presidents. Basically, the dominant Albanian group controls selection of the President and three of the Deputy Presidents, while Serbs have one Deputy and the other communities collectively also have one (Article 67).

Features of the Executive Branch are outlined in Chapter VI "Government of the Republic of Kosovo." The President will propose a Prime Minister to the Assembly (Article 95), and following that the Prime Minister selects a Cabinet. If the Cabinet contains twelve or fewer positions, Serbs are guaranteed one position and the other non-majority communities a second. If the Cabinet consists of more than twelve, then all the non-majority communities select a third. A similar principle applies at the Deputy level. Cabinets numbering twelve or fewer positions will contain two Serbs and two persons from the other non-majority communities. Cabinets with more than twelve positions grant a fifth deputy position to the non-majority communities (Article 96).

Chapter VII is interesting both for what it contains about the "Justice System" and what it does not. At several levels, the non-majority communities are served by a 15% guiding rule. For the Supreme Court or for any appeals court, they will collectively be guaranteed 15% of the positions (Article 103). However, there is no mention of a guaranteed seat for a Serb, a principle that appears in the chapters on the legislature and executive. The final Chapter VIII presents a complicated formula for choosing members of the Constitutional Court. Essentially, the non-majority communities do not have a guaranteed seat of any sort. There are nine judges on the court, and the Assembly picks seven by a two-thirds vote. The Assembly then picks the other two judges by a majority vote, and the Albanian community would obviously win these as well. However, for these last two judicial positions, there is also a stipulation that a majority of legislators from the non-majority communities must also vote for the winners (Article 114). This final provision seems to make it impossible for an Albanian who is totally

unacceptable to the non-majority communities to win a position as Constitutional Court judge.

Presumably, the non-majority communities would boycott or vote for one of their own candidates, if the Albanian candidate was totally unacceptable. This provides a sort of indirect safety valve for the non-majority communities.

Overall, the document looks fair to the disparate communities within the new Republic of Kosovo. Of course, the question for future study will be the extent to which it operates as equitably as it appears on paper. Will local officials really take the time to hire translators if non-majority persons come in on public business? How much impact will the non-majority Vice Presidents actually have on policy? What will be the role of non-majority legislators in the committee and party structures of the Assembly? Will Serbs be content if they are not successful in obtaining important judicial positions, given the lack of any guaranteed positions on them? The answer to such questions will emerge in the political discussions and battles of the future. While the outside monitors are still there, they can act in an advisory capacity and perhaps give the new Constitution time to penetrate at least some roots into the soil of Kosovo.

#### Impact of Kosovo Independence on Other States

Fears mounted in many quarters about the effect of Kosovo's independence on other nations and regions. The variety of those fears paralleled the varied nature of the sources of them. The EU had a concern about the impact on Cyprus with Turkish and Greek claims, Spain with the Basque record, and Romania and Slovakia with their Hungarian minorities. Russia prophetically feared the impact on the fragile situations in Georgia and Moldova (Štěpanovský, pp. 18-22). Even though it would be Russian minorities that might rebel in those two states, Putin claimed to not want another issue that would pit Russia against both the EU and the U.S. Others were concerned about the impact on the Balkan neighborhood itself. Might the Kosovo model be emulated in Macedonia by the Albanian minority

there? Further, might it also encourage Bosnian Serbs to try for independence, and will Serbia itself move closer to Russia (Rychlík and Zrno, p. 20)? The list of concerned observers also included Metropolitan Amfilohije Radivič of the Serbian Orthodox Church. Ironically, his base was now Cetinje in the new state of Montenegro. He predicted that a new phase of conflict, battle, and war was likely in the region (SME 2008b). Others compared the Kosovo situation to the 1991 break-away by Lithuania from the Soviet Union. That separation had the ripple effect of breaking that giant state into fifteen new countries. In a similar way, might not the Kosovo precedent have similar impact on countries like China, India, Mexico, Brazil, South Africa, and Ukraine (Zachar, 2008, pp. 37-39)?

### *Conclusion*

Many of the above-stated fears will not materialize into substantive problems. However, it is true that a key determinant in the Kosovo situation was the assistance of outside powers. King (p. 2) centers his conclusions on the fact that Kosovo came into being at least indirectly because of the actions of outside powers and alliances. He identifies four similar entities in post-communist space as the ones to watch, and he invents the term TAKO to describe them. They include Transdniestria, Abkhazia, Nagorno-Karabakh, and South Ossetia. It is the outside intervention of Armenia into Azerbaijan that is the factor for Nagorno-Karabakh, while Russia is the key external player both for the Transdniestrian sector of Moldova and for the Abkhaz and South Ossetian regions of Georgia. In a sense, King was prophetic about the two components of Georgia, for war developed in both units in August, only six months after Kosovo's independence declaration. Obviously, the situation was complicated, for the Georgia troops first hit those two pro-Russian enclaves. However, the result of the massive Russian response was that both ended up with more autonomy than they had before. The conundrum in this situation is whether the true Kosovo parallel is to the existence of Georgia with its two northern pro-

Russian communities that lie on the border with Russia, or whether the genuine parallel is between Kosovo's push for independence and the separatist tendencies in South Ossetia and Abkhazia.

The above-mentioned primacy of the outside factor permits a return to the main hypothesis of this paper. That hypothesis asserted that the 1999 protective NATO bombing campaign was the event that was most responsible for the 2008 declaration of independence by Kosovo. The preponderance of historical and political evidence does point in this direction. Outside pressures on Kosovo had made a difference since 1389. However, until 1999, they always resulted in subordination of Kosovar interests to larger forces. In the fourteenth century the Ottoman Empire became dominant. In following centuries, the only additional outside forces were provocative movements and parties based in Albania and Serbia, and their intent was to keep the pot boiling. After the collapse of the Ottoman Empire, the new Yugoslav federation subordinated Muslim interests to Slavic ones. Once Yugoslavia itself experienced the communist take-over and revolution, the Kosovars did not even enjoy the full republic status that tiny Slovenia did. During most of the 1990s, Kosovo watched as Serbia moved forcefully and through war into Slovenia, Croatia, and worst of all Bosnia. The Serb shadow in Kosovo at that time was large indeed and became a physical presence in mid-1998. None of those outside pressures promoted the interests or autonomy of Kosovo. However, Operation Allied Force was an external factor that, for the first time, repelled the invader on behalf of Kosovar rights. The ensuing management of Kosovo by the U.N., EU, and KFOR both continued that protection and directly breathed life into the dreams of those who called an independent republic into existence in early 2008.

## References

- assembly-Kosovo. 2008. "Constitution of the Republic of Kosovo." *assembly-Kosovo.org*  
October 23. Accessed October 23, 2008. Available at <http://www.assembly-kosovo.org>.
- Baev, Pavel K. 2008. *Russian Energy Policy and Military Power: Putin's Quest for Greatness*.  
New York: Routledge.
- Banac, Ivo. 1984. *The National Question in Yugoslavia: Origins, History, Politics*. Ithaca:  
Cornell University Press.
- Biberaj, Elez. 1995. "Albania." In *The Legacies of Communism in Eastern Europe*, edited by  
Zoltan Barany and Ivan Volgyes. Baltimore: The Johns Hopkins Press, 245-266.
- Friedman, George. 2008. "The Russo-Georgia War and the Balance of Power: The Russians seize  
an opportunity to flex their geopolitical muscle." *The American Legion*, October 2008:  
14-20.
- Gower, Jackie and Graham Timmins. 2007. "Introduction." In *Russia and Europe in the Twenty-First  
Century: An Uneasy Partnership*, edited by Jackie Gower and Graham Gimmins.  
New York: Anthem Press. xix-xxiv.
- Gutteridge, William F. 1983. "Summary of Discussions and Notes on Recent Developments."  
In *South-Eastern Europe After Tito: A Power Keg for the 1980s*, edited by David Carleton  
and Carlo Schaerf. New York: St. Martin's Press. 1-13.
- Hendrickson, Ryan. 2006. *Diplomacy and War at NATO: The Secretary General and Military  
Action after the Cold War*. Columbia: University of Missouri Press.
- iDNES. 2006. "Čeští vojáci kontrolují v Kosovu těžbu dřeva." *Idnes.cz*. June 5.  
Available online at <http://www.idnes.cz>. Accessed June 5, 2006.
- iDNES. 2008. "VIDEO: Do Kosova odletělo šedesat českých vojáků." *Idnes.cz*. July 18.  
Available online at <http://www.idnes.cz>. Accessed July 18, 2008.

- Jentleson, Bruce W. 2007. *American Foreign Policy: The Dynamics of Choice in the 21<sup>st</sup> Century*, Third Edition. New York: W.W. Norton & Company.
- King, Charles. 2008. "The Kosovo Precedent." *News Net* 48(3): 1-3.
- Kovrig, Bennett. 1995. "Marginality Reinforced." In *The Legacies of Communism in Eastern Europe*, edited by Zoltan Barany and Ivan Volgyes. Baltimore: The Johns Hopkins University Press. 23-41.
- Mahncke, Dieter. 2004. "Transatlantic security: joint venture at risk?" In *Redefining transatlantic security relations: The challenge of change*, edited by Dieter Mahncke, Wyn Rees, and Wayne C. Thompson. New York: Manchester University Press. 15-92.
- McGuigan, Mark. 2007. "NATO and Russia: Progress or Process." In *Russia and Europe In the Twenty-First Century: An Uneasy Partnership*, edited by Jackie Gower and Graham Timmins. New York: Anthem Press. 149-168.
- Michta, Andrew W. 2006. *The Limits of Alliance: The United States, NATO, and the EU In North and Central Europe*. New York: Rowman & Littlefield Publishers, Inc.
- Ministry of Defense of the Czech Republic. 2006. "Operace NATO 'Joint Enterprise' Kosovo." *Army*. August 31. Available online at <http://www.army.cz>. Accessed August 31, 2006.
- Ministry of Foreign Affairs of Slovakia. 2005a. "Multinational Brigade North East." *MZV*. October 21. Available online at <http://www.mzv.sk>. Accessed October 21, 2005.
- , 2005b. "Multinational Brigade East." *MZV*. September 28. Available online at <http://www.mzv.sk>. Accessed September 28, 2005.
- , 2005c. "Multinational Brigade Southwest." *MZV*. September 27. Available online at <http://www.mzv.sk>. Accessed September 27, 2005.

- . 2005d. "Účast SR v operáciách na podporu vedením NATO." September 27. *MZV*. Available online at <http://www.mzv.sk>. Accessed September 27, 2005.
- MSNBC. 2008. "Kosovo declares independence." *MSNBC.com*. February 18.  
Available online at <http://msnbc.com>. Accessed October 26, 2008.
- Pano, Nicholas. 1984. "Albania." In *Communism in Eastern Europe*, edited by Teresa Rakowska-Harmstone. Bloomington: Indiana Press. 213-237.
- Pease, Kelly-Kate. 2008. *International Organizations: Perspectives on Governance in the Twenty-First Century*, Third Edition. Upper Saddle River, New Jersey: Pearson-Prentice Hall.
- Rees, Wyn. 2004. "Conclusion: the challenge of change." In *Redefining transatlantic security relations: The challenge of change*, edited by Dieter Mahncke, Wyn Rees, and Wayne C. Thompson. New York: Manchester University Press. 209-217.
- Rees, Wyn and Dieter Mahncke. 2004. "Introduction." In *Redefining transatlantic security relations: The challenge of change*, edited by Dieter Mahncke, Wyn Rees, and Wayne C. Thompson. New York: Manchester University Press. 1-14.
- Remington, Robin Alison. 1984. "Yugoslavia." In *Communism in Eastern Europe*, Second Edition, edited by Teresa Rakowska-Harmstone. Bloomington: Indiana Press. 238-280.
- . 1992. "The Federal Dilemma in Yugoslavia." In *Eastern Europe: Transformation and Revolution 1945-1991*, edited by Lyman H. Legters. Lexington, Massachusetts: D. C. Heath and Company. 553-561.
- . 1995. "The Collapse of the Yugoslav Alternative." In *The Legacies of Communism in Eastern Europe*, edited by Zoltan Barany and Ivan Volgyes. Baltimore: The Johns Hopkins Press. 267-288.
- Rychlík, Jan and Matyáš Zrno. 2008. "Má Česká republika uznat Kosovo?" *Mezinárodní Politika*. XXXII(04): 20.

- Seroka, Jim. 1993. "Yugoslavia and Its Successor States." In *Developments in East European Politics*, edited by Stephen White, Judy Batt and Paul G. Lewis. Durham: Duke University Press. 98-123.
- Seton-Watson, Hugh. 1962. *Eastern Europe Between the Wars 1918-1941*, 3<sup>rd</sup> Edition Revised. New York: Harper & Row, Publishers.
- SME. 2005. "Multinational Specialized Unit." *SME.sk*. October 20. Available online at <http://www.sme.sk>. Accessed October 20, 2006.
- SME. 2008a. "Na Balkáne sa striedajú slovenské jednotky." *SME.sk*. July 11. Available online at <http://www.sme.sk>. Accessed July 11, 2008.
- SME. 2008b. "Srbská cirkev: Očakávame na Balkáne ďalšiu vojnu." *SME.sk*. October 17. Available online at <http://www.sme.sk>. Accessed October 17, 2008.
- Štěpanovský, Jiří. 2008. "Mezinárodní aspekty nezávislosti Kosova." *Mezinárodní Politika* XXXII(03): 18-22.
- Terzuolo, Eric. 2006. *NATO and Weapons of Mass Destruction: Regional alliance, global threats*. New York: Routledge.
- USATODAY. 2008. "U.N. reopens court in Kosovo's tense north." *USATODAY.com*. October 3. Available online at <http://www.usatoday.com>. Accessed October 3, 2008.
- Washingtonpost. 2008. "Gates: To Remain In Kosovo Through Late 2009." *Washingtonpost.com*. October 7. Available online at <http://www.washingtonpost.com>. Accessed October 7, 2008.
- Zachar, Marián. 2008. "Prečo má Kosovo nárok na samostatný stat?" *Mezinárodní Politika*. XXXII(04): 37-39.

