

July 2014

Kosovo: How (not) to unite politics and the military

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In 1998-1999, after almost a decade of non-violent resistance, Kosovo was in the middle of an uprising by the Kosovo Liberation Army (KLA) against the Serb-dominated Yugoslav government in Belgrade. The KLA, however, did not have the organizational capability or manpower for a serious liberation struggle and there was a lack of coordination between mainstream Kosovar political leaders and the KLA leadership. How could Kosovo's rebel forces work together with Kosovo's political leaders to forge a common front for securing peace and a building a future for Kosovo?

Under Serbian fire and EU-US pressure, the different Kosovar factions went through multiple phases of pre-negotiations amongst themselves before eventually beginning to negotiate, through proximity talks, with Serbia. They learned that decoupling the crisis conflict issues from the question of Kosovo's permanent status, while keeping an open avenue to it, was the formula that allowed the Kosovars to attend negotiations with the Serbs. In the end, Kosovars needed to be engaged with outsiders, but more importantly with each other. The Kosovo situation proved that it is possible to reach agreements about resolving the crisis of the 'now', but Kosovo's post-war history also highlights need to keep an eye on what efforts to escape crisis may mean for the future.

This paper tells a short version of the Kosovo story. While the crisis in Kosovo was ongoing during the 1990s, well-intentioned people from around the world provided recipes for solutions based on similarities with other crises elsewhere. But such ready recipes are of limited value. Caution is required for any potential use of ideas and similarities from this story for other situations involving civil-military relations in times of armed struggle.

Violence and nonviolence

In 1998-1999, after almost a decade of non-violent resistance, Kosovo found itself in the middle of an uprising by the Kosovo Liberation Army which led to a heavily armed response from Serbian military, police and other units (“volunteers”, i.e. organized crime in military reserve uniforms linked to the Serbian state secret police). The Kosovo Liberation Army (KLA) was not true to its name. It was not structured as an army but rather as a collection of guerilla groups that at some point established a consensual-type general command (consensus is certainly not an ideal format for any command structure). It also did not liberate any territory. In a country where 90% of the population were oppressed Albanians, merely being present in any Albanian village with a uniform and a gun was not an act of liberation. Any time that KLA units tried to establish “free territories” they would be overrun by the strength of the Serbian military and police. The KLA also lacked Kosovo-wide legitimacy. It was formed by a clandestine, émigré-based organization called the Popular Movement of Kosovo, built from an earlier organization called the Marxist-Leninist Movement for the Liberation of Kosovo.

The nonviolent resistance, led by Ibrahim Rugova, started in 1990 with a declaration that Kosovo would emerge independent from the disintegrating Yugoslav state. When confronted by a classic occupation by Serbian forces, Kosovo adopted a “parallel society” model of nonviolent resistance. When official schools and hospitals were closed, or Albanians expelled from them, the Kosovo resistance formed its own educational and health system, and organized a financial system based on a 3% tax on the income of the Kosovar Albanians in the diaspora. This translated into cohesion of the population and solidarity towards the goal of independence.

By the time a violent struggle against Serbia started, their representatives did not hide the ambition to take over the lead from Rugova and his Democratic League of Kosovo. Rugova and his prime minister in exile had made early attempts to create parallel security structures, but these were easily penetrated by Serbian intelligence. Thus, there was a sharp division between Rugova, with his incapacity to form armed units, and the more clandestine LPK with their ambitious project of the KLA. From its formation, the KLA did not want to be under the civilian control of Rugova or his government. Instead, the KLA formed its “political directorate” that would serve as the platform to fulfill the political ambitions of the LPK. As a response, Rugova and his prime minister, Bujar Bukoshi, formed the smaller, short lived Armed Forces of the Republic of Kosovo (FARK). This group was headed by Kosovo Albanians who had been Yugoslav Army officers and had deserted and/or fought for Croats and Bosnians during the Yugoslav wars. What was becoming clear in those early

days, as it likely was in every conflict of a similar nature, was that the armed people had a political agenda of their own and were not ready to share it within the wider Kosovo solidarity network.

While the KLA did not have a command structure, organizational capability or manpower for a serious liberation struggle, it did have sufficient manpower and funding (from its own “Homeland calling” fund) to present itself as a “factor” to be taken into account in the future resolution of the Kosovo crisis. The quest for a monopoly on force, i.e. on having the insurgency, was driven more by the process of “factorization” than by liberation plans.

If factorization was its strategic goal, then the main “raison d’être” of the KLA, as many of its leaders later recognized, was to provoke an international response against the Milosevic regime. The KLA, in the mid-1990s, agreed with the public pronouncements of Rugova calling for an international protectorate over Kosovo. It could be assumed, therefore, that they were playing from the same sheet, but this assumption is incorrect. The KLA recognized neither Rugova as president of Kosovo nor Rugova’s government in exile. It did not want to be subordinated to that government. When it formed its own political directorate, it started issuing statements in a radical language targeted at Kosovar Albanians, especially those who still believed in Rugova, rather than at the occupying force. During the first half of 1998, the basic political message of the KLA was that they were attempting to liberate Kosovo from Rugova, followed also, at some point, from Serbia.

Moving toward negotiations

In the summer of 1998, Serbian military and police conducted an offensive that almost wiped out the KLA. At the same time, it produced a wave of internally displaced people and refugees, pushing out 250,000 people from a total population of less than 2 million. This triggered a UNSC Resolution and a US-EU initiative for mediation and created the following policy challenges:

- The Kosovar Albanians could not win the war. The next best thing they could do was negotiate, with the help of the international community.
- The Serbs could not win the war against the Albanians; a cohesive society with full determination for independence could be defeated only if it were wiped out entirely.
- The mainstream Albanian leadership (Rugova) needed the KLA, because it would be much more difficult to enter a negotiation in a situation of military defeat.
- The KLA needed Rugova to bring both domestic and international legitimacy.
- The US and EU were facing another potential humanitarian disaster; after the tragedy of Bosnia, they needed to react earlier with calls for a negotiated settlement.
- The US and EU needed a Kosovar negotiating team that would be representative of both mainstream politics and armed groups.

The Kosovar Albanians were incapable of reaching a common position, let alone a joint team. Several attempts by the government in exile of Prime Minister Bukoshi to reach an accord with the LPK émigré leadership failed. During the summer of 1998, American diplomats (including Richard Holbrooke) were involved in what would result in a futile attempt to form a transitional government that would include people from the mainstream as well as former political prisoners who were close to the KLA leadership. The attempt failed, despite Rugova's half-hearted concessions, because of the ambition of the KLA political directorate to run the government, not allowing someone else to run it in their name. Within this period, the main prize sought by all parties was the "3% fund" that the Kosovo diaspora had been paying since 1991 to support the parallel system. Throughout 1998, there was a complete lack of coordination between the mainstream political leaders and the KLA leadership. Although it was a serious impediment, this did not stop the negotiations that were conducted using shuttle diplomacy by US and EU diplomats. Within this period, the mainstream negotiators (and I was among them) presented a series of demands and objections to the suggestions made by US and EU mediators.

Three conceptual achievements were made in this period. First, the Kosovo crisis became treated within a Chapter VII UNSC Resolution that created conditions for a more level playing field in the negotiations. The threat of the gun was not only on the heads of the Albanians any more. Second, a dual step approach was adopted, decoupling the question of Kosovo's status. Under this dual step approach, negotiations would deal with the need to establish functional, democratic self-rule in Kosovo that would, after a period of time, be ready to decide on its permanent status. Third, the guiding principles for the negotiations would make the issue of self-rule and international presence non-negotiable.

All of this was important because Rugova's Democratic League and the KLA had painted themselves in a corner. The Democratic League had continuously insisted that it would not negotiate unless it was about Kosovo independence. Kosovo's leader, Rugova, repeat for more than a year that the best solution was to have Kosovo recognized as an independent state, and negotiate afterwards. Understandably, nobody in the international community thought that this would be a workable solution to start with. The KLA, who was in competition with the Democratic League, stated not only that it would negotiate only about independence, but that it would participate in talks only if it led the Kosovo delegation. Whoever stated a different position was considered a traitor.

Despite these disconnects, the pre-negotiation phase of 1998 was important to set the ground for a process by which the untenable positions of the KLA and Democratic League were transformed. Not only did they eventually attend talks that were not about independence, but outright independence was discarded from the outset by Kosovo's Western backers, and by the non-negotiable guiding principles, of which the OSCE principle of inviolability of borders was the first. Decoupling the pressing present issues from the question of permanent status, while keeping an open avenue to it, was the formula that allowed the Kosovars to attend. Their attendance was also facilitated by one of the most important decisions of in the pre-negotiation period, taken by Rugova as part as a very firm policy of the mainstream leadership. Throughout the 1990s, Rugova had repeated that he would not negotiate directly with Milosevic and Serbia, but that he would be willing to negotiate under international

mediation of the US and the EU. During the pre-negotiation period in 1998, Rugova's team added the requirement that they would engage only in proximity talks, should talks happen. This took away any excuse from the Albanian side not to participate in talks, namely a possible accusation by the KLA against the Democratic League that it was willing to talk to Milosevic directly. (Under American pressure, a Kosovar delegation led by Rugova, which included myself, met Milosevic at his residence to kick-start the "shuttle negotiation" process).

At the end of 1998, the KLA and Democratic League could not agree on anything. The year ended in a futile attempt by American diplomats to help form a transitional Kosovo government or a joint negotiation team. In January 1999, after a massacre by Serb forces in the village of Racak triggered an international push for negotiations, American diplomats engaged in shuttle diplomacy between Kosovar Albanians, drawing up their own a list for a Kosovo delegation, which was then approved by both sides. The list was drawn roughly in three parts: the Democratic League, the KLA and another political grouping opposed to Rugova but not under arms. To this delegation were added two names from civil society, I being one of them. The composition was devised to give more weight to the anti-Rugova camp, in the hope that it would create greater confidence within the KLA for the negotiations. Most of the people who were in the delegation had not known the others personally. In order to create greater cohesion and confidence the following instruments were used:

- Instead of one leader of the delegation, the three branches gave their leader as representative to the group (and I joined, in a personal capacity). The KLA representative would be seen, from outside, as the main figure.
- All decisions were made by consensus of all members of the delegation.
- Three main working groups were formed (on constitutional-political, security and economic issues) in which an equal representation of all constituencies was ensured.

With these mechanisms in place and working to the advantage of the Kosovo delegation and its unity, the negotiating position of Kosovo reached a tipping point with the international balance to its favor. The mediated documents were ready to be accepted by the Kosovars, but not by Serbia. This situation, Serbia was warned, meant that it would be blamed for the continuation of war. Despite much work, the Kosovo delegation was about to fall apart at the end of the negotiation process because of the obstinacy of some KLA members who were afraid or unwilling to sign the agreement. A new mechanism for the delegation was invented in situ. I signed the agreement (as a member without constituency) in the name of the delegation, asking for two weeks of consultation until the formal signature in Paris.

The KLA signature was necessary because it was the part that would have to give up the armed struggle. This is why the other Kosovars and the international community gave this part of the delegation significance. The KLA delegation interpreted this as a signal for a power grab. It asked to head the transitional government and it dismissed any idea of cooperation with the Democratic League. It sensed that war was going to end soon, with NATO becoming its air force, and that it could go marching into the capital, immediately taking power.

On 12 June, 1999 NATO forces liberated Kosovo. Instead of a government of Kosovars of different factions, ready to assume responsibility, there was a power and security vacuum. In this vacuum, the political directorate of the KLA proclaimed itself a government, prominent members of the Democratic League were executed and a wave of retribution began against the Serb minority, who were no longer a minority that administered the majority, sweeping tens of thousands of them away from Kosovo. An international protectorate was established which, in some form, continues today. Kosovo reached its objective, and became independent, at least in the greatest part of its territory.

Conclusions

The drift into conflict in the late 1990s took place along with a disconnection between different Kosovar groups, despite the fact that they all sought the same goal: independence for Kosovo. A shared goal was insufficient for ensuring cooperation between groups with different ideas for how to reach that goal. In the end, Kosovars found that they needed to be engaged with outsiders, but more importantly with each other. The possibility of proceeding with international negotiations helped to create pressures for moving ahead with internal Kosovar discussions. Plenty of time, and repeated efforts at engagement and negotiation, were required for Kosovars to eventually form a negotiating position, a negotiating team and to forge an agreement with a Serbia under threat of continued NATO bombardment. Multiple attempts at forging internal Kosovar cooperation took place under different auspices, with each failure leading, not to despair, but to a subsequent attempt at building a common front and another redefinition of what was acceptable for eventual talks with a common enemy.

The final negotiations with Serbia were made acceptable to Kosovars by the use of proximity discussions and by a decoupling process which left Kosovo's final political status beyond the remit of the peace talks. The nature of the decoupling – removing some essential items from negotiations to allow better focus on other issues – was developed and refined only as the various rounds of talks proceeded. It was not something defined as a red line by any group beforehand. Possible avenues of discussion about how to end the conflict only opened gradually as negotiation approaches were modified and refined. The Kosovo situation proved that it is possible to reach agreements about resolving the crisis of the 'now'. Kosovo's post-war history, however, also highlights the need to keep an eye on what efforts to escape crisis may mean for the future political development of a country.

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